

Alan Cairns  
and Tom Flanagan

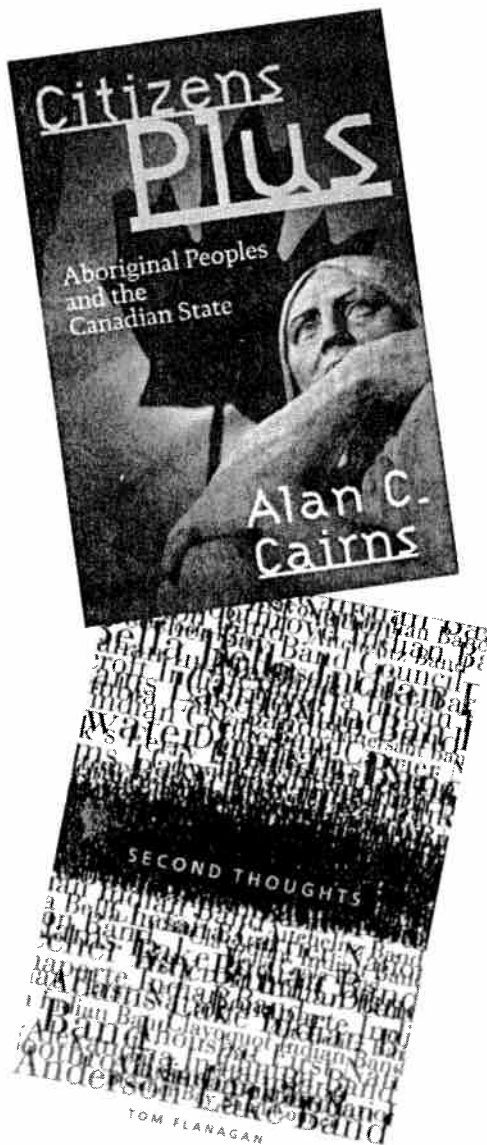
# An exchange

**L**AST YEAR, ALMOST SIMULTANEOUSLY, two important books on Aboriginal policy surfaced: *Citizens Plus* and *First Nations? Second Thoughts*.

Flanagan's book is a root-and-branch critique of what he terms "the Aboriginal orthodoxy." He criticizes the agenda of the Royal Commission on Aboriginal Peoples as an unworkable exercise in institutional segregation and a romantic belief in the potential of communalism.

Cairns agrees with Flanagan inasmuch as both draw attention to success of urban Aboriginals, relative to rural-based communities, and both stress the shared rights and obligations of Canadian citizenship – across all ethnic groups. However, Cairns insists that recognition of Aboriginal distinctness is fundamental to reconciliation: "When they emerge from the sidelines of history, people who have been demeaned, humiliated and stigmatized inevitably construct arguments and reinterpret the past in ways that enhance their dignity." Cairns summarizes his argument by rehabilitating the slogan "citizens plus" used by the Hawthorn report in the 1960s.

This spring, the two exchanged letters.



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31 January 2001

Dear Alan,

Congratulations on publication of *Citizens Plus*. It's a truly important book. When anyone asks about my book, I always say they should also read yours if they are going to read mine.

Actually, it's all part of a vast right-wing conspiracy! By publishing my more radical work at the same time as yours, I make your analysis look moderate by comparison, and thus more likely to have an impact on public policy. But by any normal standard, *Citizens Plus* is a radical demolition of today's conventional wisdom about aboriginal issues.

Your most important contribution is to demonstrate that the concept of "nation to nation" relationships between Canada and aboriginal peoples is inadequate and ultimately unworkable. No matter how many times Matthew Coon Come says, "I am not a Canadian," the Indian, Métis, and Inuit people living in Canada cannot help but be Canadians. As you show so well, the Royal Commission on Aboriginal Peoples (RCAP) did everyone a disservice by focusing so much on the separate identities of aboriginal peoples and virtually ignoring the fact that they are and will remain Canadian citizens, living under the constitutional authority of the Canadian state, and entwined in a dense network of individual and collective relationships with other Canadians.

Another important part of your book is your description of how earlier generations of progressive intellectuals favoured the assimilation of native people. In contrast, today's progressive intellectuals are almost entirely lined up in support of what you call institutionalized parallelism. Although you don't draw any particular conclusion from this development, it reinforces my skepticism about progressive intellectuals in general. A class of thinkers that changes its mind so profoundly in such a short period of time cannot be a reliable guide to public policy.

As much as I admire your book, however, I have reservations concerning your attempt to resurrect the Hawthorn Report's concept of aboriginal people as "citizens plus." Since you were part of the team that produced that report in 1966, it is not surprising that you want to resuscitate the term, but I have to express my doubts about the enterprise.

In a recent article in *Cité libre*, you describe "citizens plus" as the moderate position, lying between the parallelism espoused by aboriginal advocates, including RCAP, and the assimilationism that you attribute to the Canadian Alliance, the National Post, Preston Manning, and me.<sup>1</sup> Describing one's views as a moderate compromise between extremes is an honourable rhetorical posture; but, if we are going to judge policies intelligently, we must also have some idea of their contents.

As you note in your book, the Hawthorn Report “deliberately declined to spell out the ‘plus’ aspects, which it argued should appropriately be left to the political debates of the future.” Thirty-five years later, the future has arrived; but you are still not spelling out what “citizens plus” will mean in practice, except that it will recognize “the need for a strong common citizenship” as well as “the survival of a distinct modernizing Aboriginality in self-governing communities.”<sup>2</sup>

Since you do not say what policies are entailed in these verbal formulas, let me speculate a bit. The “plus” factor must mean that government will offer aboriginal people benefits, opportunities, and privileges not extended to other categories of citizens – what the American economist Thomas Sowell calls “*government*-mandated preferences for *government*-designated groups.”<sup>3</sup> Extrapolating present tendencies in Canada, such preferences are likely to include:

- monetary transfers to reserve-based governments that would otherwise not be viable;
- exemption from paying taxes on, and perhaps off, reserves;
- creation of tax-free business zones on existing or enlarged reserves;
- subsidies to reserve-based enterprises in an attempt to create “aboriginal economies”;
- special training and job-creation programs;
- aboriginal “set-asides” in government contracts;
- exemption from hunting and fishing regulations applying to other Canadians;
- non-enforcement of certain laws of general application, e.g. firearms registration;
- more extensive medical benefits and welfare services than most Canadians receive from government;
- special scholarships and concessionary admissions to institutions of higher education;
- preferential hiring under employment equity legislation;
- land-claims settlements resulting in the ongoing transfer of land, money, and resource rights to aboriginal communities; and
- special payments as compensation for residential schools and, as time goes on, perhaps for other alleged historical wrongs.

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Tom Flanagan teaches political science at the University of Calgary. In the early 1990s, he was research director for the Reform Party. He has written extensively on Aboriginals, including two books on Louis Riel.

Sowell carried out an international review of preferential policies, paying special attention to programs in India, Nigeria, Malaysia, South Africa, Sri Lanka, and the United States. Here is his description of the main patterns he discovered.

- Preferential programs, even when explicitly and repeatedly defined as “temporary,” have tended not only to persist but also to expand in scope, either embracing more groups or spreading to wider realms for the same groups, or both. Even preferential programs established with legally mandated cut-off dates, as in India and Pakistan, have continued far past those dates by subsequent extensions.
- Within the groups designated by government as recipients of preferential treatment, the benefits have usually gone disproportionately to those members already more fortunate.
- Group polarization has tended to increase in the wake of preferential programs, with non-preferred groups reacting adversely, in ways ranging from political backlash to mob violence and civil war.
- Fraudulent claims of belonging to the designated beneficiary groups have been widespread and have taken many forms in various countries.
- Both official and unofficial writings on preferential programs tend to abound in discussions of the rationales, mechanics, and resource inputs of such programs, with a dearth – or even total absence – of data on the actual outcomes.<sup>4</sup>

Even though “citizens plus” has not been the official designation, a wide range of preferential policies for aboriginal peoples in Canada has flourished in Canada for the last three decades, and the patterns that Sowell described are clearly visible in this country. Below are Canadian examples illustrating each of his five observations.

- After 25 years of rapidly escalating outlays on aboriginal programs, RCAP called for another quantum leap in expenditure. Aboriginal programming was one of the few parts of the federal budget to keep growing while almost everything else was being cut back or held constant during the 1990s.
- The average income of on-reserve Indians increased more rapidly than that of other Canadians during the 1990s, but the proportion of on-reserve Indians utilizing social assistance remained constant at about 40 per cent.<sup>5</sup> This strongly suggests that, while some Indians at the upper level are doing better economically, a very large number are caught in a welfare trap and not progressing.
- There is an obvious political backlash against contemporary treaty negotiations in British Columbia, and mob violence has made a regrettable appearance in the Atlantic fisheries disputes.
- While Sowell’s term “fraudulent” does not apply in this context, there was a rush to regain Indian status in the wake of the 1985 amendment to the Indian Act (Bill C-31). A population that had been growing at the rate of 2 to 3 per

cent a year suddenly started to grow at over 7 per cent a year. Status Indian population growth did not return to its earlier 2 to 3 per cent level until 1997.<sup>6</sup>

- Although there is a large and laudatory academic literature on aboriginal self-government in Canada, my book *First Nations? Second Thoughts* is exceptional in making a sustained attempt to analyze the patterns of patronage, waste, and corruption in aboriginal self-government reported in the media almost every day.

Sowell's research focused on preferential policies intended to bring minorities into the educational and occupational mainstream. While such programs would form part of "citizens plus," they would surely be overshadowed by self-government and economic autarky. Thus, as thought-provoking as Sowell's work is, it does not furnish a complete template for understanding the likely consequences of a Canadian version of "citizens plus," which would inevitably emphasize self-government on scattered territorial enclaves. We have to give further thought to the dynamics of preferential policies in this context.

Even if the aboriginal movement were to moderate its nationalism in favour of "citizens plus," the resulting policies could not help but have a strong territorial focus, given the existence of more than 600 Indian bands located on reserves and organized as so-called First Nations. In practice, "citizens plus" is likely to mean an ever-growing flow of money to aboriginal governments combined with economic development projects aiming at many different goals, such as job creation, employment training, reserve infrastructure, aboriginal entrepreneurship, and cultural preservation.

Assume for the moment that Indian Affairs Minister Robert Nault will be successful in obtaining parliamentary approval of the First Nations Governance Act that he is drafting, with the result that aboriginal self-government will get beyond the waste, inefficiency, patronage, and outright corruption plaguing it today. Undoubtedly, all the money spent under the heading of "citizens plus" will have some positive effects. Some aboriginal people will find jobs and careers, will become self-supporting, and will be able to inculcate their children with higher aspirations and give them greater opportunities. In short, the growth of an aboriginal middle class, already under way, may be accelerated. But in spite of that desirable development, there will be two less desirable side effects.

First, the never-ending transfer of large amounts of public money to reserves will encourage more status Indians to remain or return there. This might be fine for a few reserves, such as the Tsuu T'ina Nation, which, situated on the southwest edge of Calgary, is well positioned to participate in the economy of Canada's fastest-growing city. But most

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reserves are located far from centres of employment and have few realistic prospects for economic growth. Subsidizing people to live in such locations has had and will continue to have perverse consequences for status Indians, just as it has for Atlantic Canadians. Fred McMahon's critical dissection of federal subsidies in Atlantic Canada provides many insights into the effects of analogous subsidies upon First Nations communities.<sup>7</sup>

Second, the implementation of a "citizens plus" strategy will reinforce the already overwhelming presence of government in the lives of reserve residents. The band council is the de facto owner of land, housing, and natural resources on most reserves; it is usually the largest, and sometimes the only, employer; it distributes social assistance, runs the local school, and sometimes has its own police force. Such concentration of government power is a threat to individual freedom, and it certainly is not conducive to economic efficiency.

The Russians learned the hard way that they could not build socialism in a single country, and the NDP learned that they could not build socialism in a single province. In fact, the Western world has pretty much concluded that you cannot build socialism anywhere, because a government owned and controlled economy simply does not work. I fear, however, that the practical reality of "citizens plus" will encourage the proliferation of small, quasi-socialist satrapies across Canada. On each reserve, the aboriginal elite will do well for itself by managing the cash flow of government programs and enterprises, but most people will remain mired in poverty and misery. I know, Alan, that such a version of "citizens plus" is not what you want or intend for aboriginal people, but I fear it is likely to turn out that way in practice.

Maybe I have it all wrong. Maybe there is a version of "citizens plus" that (a) will not encourage aboriginal people to remain in locations where there is little economic future; (b) will confer benefits upon them as individuals to liberate them from the governmental tutelage formerly exercised by the Indian Agent and now passed to the band council; and (c) will be genuinely temporary and transitional, resulting in an aboriginal population as self-supporting as other Canadians. If you have viable suggestions along these lines, I will be happy to support them. But I am not optimistic, given the array of entrenched veto groups and special interests constituting the policy network in aboriginal affairs.

Sincerely yours,

*Tom Flanagan*

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24 February 2001

Dear Tom,

Thank you for your thoughtful letter. We are in agreement that public policy is best served by vigorous debate. We also know that Aboriginal policy is extremely politicized, and subject to taboos which constrain both Aboriginal and non-Aboriginal participants. I am pleased, therefore, that our debate will indicate that civility and strongly differing views are not an oxymoron. As I said on the back cover of *First Nations? Second Thoughts*, Tom Flanagan's "views are controversial and, whether or not you agree with him, there is a clear need for his ideas to be publicly available and debated."

Your book is a root and branch attack on what you call the "aboriginal orthodoxy," which you sum up in eight propositions, devoting one chapter to each. Your critique in eight chapters – We Were Here First, What Ever Happened to Civilization?, The Fiction of Aboriginal Sovereignty, Bands, Tribes, or Nations?, The Inherent Problems of Aboriginal Self-Government, In Search of Property, Treaties, Agreements, and Land Surrenders, Making a Living – has the character of a blitzkrieg. You do not seek the orthodoxy's modification, but its destruction. You see it as a tight, interlocking series of mutually supporting propositions, every one of which is false.

Your analysis is an adapted contemporary version of the imperialist world view which formerly provided sustenance and justification for the overseas European empires and provided the rationale for the domestic policies of settler majorities in Canada and elsewhere to treat their local indigenous peoples as wards. You do not, of course, argue for a present-day imperialism. Instead you are arguing for a post-imperial Canada in which guilt does not motivate government policy, and an unsentimental realism and candour drives policy toward the assimilation that can be delayed, but not evaded. You argue that only some Aboriginal people were here first, and in any case, priority of arrival is a spurious justification for special rights. Hence claims based on being First Nations have no policy import. Aboriginal cultures were backward, and were insufficiently advanced to possess sovereignty. The label "nation" is misapplied. Indian tribes in the past and Indian bands now lack the attributes of what "nation" is all about. The only nation we have is the Canadian nation. The exercise of the inherent right of self-government on reserves will be a disaster, producing "wasteful, destructive, familistic factionalism"<sup>8</sup> financed by non-

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Alan Cairns, currently a visiting professor at the University of Waterloo, taught political science at UBC for over three decades. He has made significant contributions in subjects extending from national unity to Aboriginal policy.

Aboriginal Canadians. Aboriginal property rights will frustrate economic development. The possibility of significant reserve-based economic development generating a reasonable standard of living is extremely limited. Treaties are what they say: to search for a more generous liberal interpretation based on oral tradition is to search for sure footing in quicksand.

You observe that the Aboriginal orthodoxy, which is the antithesis of every one of your views expressed in the previous paragraph, is an international phenomenon, although you do not speculate on why this is so. It is worthwhile pausing to do so.

Different versions of the Aboriginal orthodoxy are found in the post-imperial era wherever indigenous peoples existing as minorities in settler societies are made aware that they are not alone, that their past treatment and future aspirations are shared by other indigenous peoples around the globe. They gain assurance and self-confidence from the recog-

nition that this time the zeitgeist is, at least in part, on their side. In the mid-20th century, Third World independence movements launched counterattacks against the former imperialist orthodoxy that had supplied the rationale for European control of much of humanity in overseas colonies. The Aboriginal orthodoxy is a later fourth world counterattack against the marginalization of indig-

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enous peoples in settler colonies, an attack against their treatment as wards placed outside the civic community. The Canadian version of wardship treatment for status Indians was brutally summed up by the anthropologist Noel Dyck: "From birth to death most Indians have been caught in a situation where they have had to listen to one unvarying and unceasing message – that they are unacceptable as they are and that to become worthwhile as individuals they must change in the particular manner advocated by their current tutelage agents."<sup>9</sup>

When they emerge from the sidelines of history, people who have been demeaned, humiliated and stigmatized inevitably construct arguments and reinterpret the past in ways that enhance their dignity. Although the orthodoxies they construct have an instrumental dimension, the psychic gratification they produce is immensely valuable to their believers. Accordingly, destruction of the orthodoxy – in the unlikely event that its believers would agree to renounce it – would not wipe the slate clean. The alienation and resentment which fuelled it would remain, possibly in an exaggerated form, for the comforting respectability and emotional support provided by the vanished orthodoxy would not be quickly replaced.

The Aboriginal orthodoxy confronts a counter-orthodoxy, for which you are probably the leading contemporary spokesperson, although you are not alone. The Canadian Alliance (and its predecessor, the Reform Party), Preston Manning, the National Post, the late



Mel Smith, the Fraser Institute, Gordon Gibson – this list is not exhaustive – and, presumably, many ordinary Canadians line up behind the counter-orthodoxy. That counter-orthodoxy is not new. What you describe as your radical approach was the conventional wisdom, the status quo opinion of policy elites from Confederation up to and including the 1969 White Paper. It has a long history in Canada; much of *First Nations? Second Thoughts* is simply the contemporary version of what has been reiterated time and time again by governments, by Ministers of Indian Affairs, by top bureaucrats, and by the progressives and humanitarians of fifty years ago. It received its classic expression in the 1969 White Paper. It was designed to accelerate the processes of assimilation and enfranchisement (the giving up of Indian legal status), which were proceeding at a snail's pace.

Even anthropologists, often thought to be the defenders of indigenous peoples against rapacious governments or settlers, assumed that assimilation was the way the world was going. At a 1939 University of Toronto and Yale University seminar (*The North American Indian Today*) dominated by anthropologists, Professor Charles Loram of Yale said: "In the end, of course, the civilization of the white man must prevail." Although there were differences at the conference over the rate of change, even the cautious "recognized the inevitability of this assimilation."<sup>10</sup>

This is very close to your view:

*In order to become self-supporting and get beyond the social pathologies that are ruining their communities, aboriginal people need to acquire the skills and attitudes that bring success in a liberal society, political democracy, and market economy. Call it assimilation, call it integration, call it adaptation, call it whatever you want: it has to happen.<sup>11</sup>*

In a sense, your radicalism is simply a revival of yesterday's settled understanding of where our non-Aboriginal predecessors thought we were heading. This, in itself, is not necessarily a criticism, but a reminder that it is only radical because it now attracts fewer supporters than in its heyday. Nevertheless, in the light of the decisive repudiation of the White Paper by Indian organizations, and its subsequent withdrawal, your analysis may not speak to today.

The White Paper defeat occurred before the contemporary growth of Aboriginal nationalism. The likelihood of an updated version of the White Paper triumphing in present conditions is, therefore, close to zero. The obvious reason is that the distinct Indian identity which the Canadian state did so much, admittedly inadvertently, to reinforce, has now come back in the form of Indian nationalism, which includes a desire for a cultural reinvigoration based on a synthesis, so the argument goes, of tradition and modernity. Therefore, there will be organized, self-governing, territorially bounded Indian communities in Canada for the indefinite future. You admit this, but reluctantly. You view this inescapable reality as a regrettable survival to be tolerated but certainly not encouraged. In particular, these small communities, self-described as nations, are to be deprived of the rationale for special treatment, a rationale based on the Aboriginal orthodoxy that you hope to vanquish.

You are, by contrast, positive about a second reality, the large urban Aboriginal population – overall about 50 per cent of the total, a somewhat smaller share of status Indians. Although you devote only a few pages to this reality – almost in passing – you view the urban scene positively. This is where assimilation/integration (“call it whatever you want”) is taking place. It was, however, not your task to examine the urban scene, mainly because your focus on the Aboriginal orthodoxy that justifies special rights for Aboriginal communities has limited salience for urban Aboriginals. As a consequence, the urban Aboriginal reality, which you see as the positive alternative to self-governing First Nations, is under-examined.

The urban scene provides grounds for both optimism and despair. The optimism comes from the understudied phenomenon of a developing Aboriginal middle class fed by the escalating numbers, now more than 150,000, of Aboriginal people who have completed or are in post-secondary education.<sup>12</sup> By 1990, there was a significant urban Aboriginal population earning a good income of \$40,000 or more.<sup>13</sup> Compared to the reserve situation, many of the socio-economic indicators of urban Aboriginal life are positive. The despair is the depressing reality of ghetto conditions – youth gangs, substance abuse, violence, etc. – especially in several of the major cities in the prairie provinces.<sup>14</sup> A recent publication of the National Association of Friendship Centres and the Law Commission of Canada portrayed a depressing future in major urban centres with a “very real likelihood of grim consequences for the fabric of both Aboriginal communities and Canadian society” in the absence of innovative measures directed particularly at urban Aboriginal youth.<sup>15</sup>

We may well be developing a Canadian version of the American big city phenomenon of an Afro-American middle class and an Afro-American ghetto. The Aboriginal middle class has obviously been enlarged by the astonishing increase in Aboriginal graduates of post-secondary institutions just noted, and is surely a result of “citizen plus” treatment, special state-provided financial assistance and support for Aboriginal students. Surely also, additional “plus” treatment in the form of remedial state measures will be necessary to reduce the poverty, violence and criminality of the ghetto. While your sympathy is clearly with urban Aboriginals because they have taken the path dictated by the inevitable direction of change – by what “has to happen” – the dark side of urban life is absent from your analysis. Further, your apparent antipathy to a positive state role beyond some Hayekian minimum implicitly discourages state involvement in situations of incipient crisis. “I do not present a plan for curing all the ills besetting aboriginal peoples,” you state. “I do not believe in the validity of such plans.”<sup>16</sup> Whether you believe in smaller initiatives directed to the alleviation of specific ills is not clear. I argue that we cannot stand aside.

We agree that the Aboriginal future is within Canada, for both Aboriginal peoples living in cities and those living in organized communities. This also means, and here we also agree, that Aboriginal peoples are not only Canadians, but are and should be thought of as such by others and by themselves. This was the argument of the Hawthorn survey a third of a century ago, restricted by its terms of reference to the legal status Indian population.<sup>17</sup> *Citizens Plus* is an attempt to revive the necessity and relevance of the citizen component, which I see as threatened by a policy discourse that pays more attention to how we can be

kept apart than to what will hold us together. My fear is that an exaggerated stress on “otherness,” on incommensurable solitudes, on a multinational definition of who we are, may lead us to treat each other as strangers with little moral obligation to help each other. I believe that this theme gives you no problems.<sup>18</sup>

As your book is devoted to undermining claims for special treatment and distinct status, I assume you favour an undifferentiated citizenship applied without distinction to Aboriginal and non-Aboriginal Canadians. My position is that simple stand-alone citizenship is not enough. To assume that it is, is implicitly to argue that the defeat and withdrawal of the 1969 White Paper was an aberration, and that it can be brought back to life. I don't think so.

The 1966 Hawthorn report – with which I was associated 35 years ago – proposed that Indian peoples be thought of as “citizens plus.” Here you and I disagree. If I understand you correctly, your analysis is hostile to any “plus” recognition – partly because, following Thomas Sowell, you think it will backfire and, more generally, as an admirer of Hayek, you share his distrust of dirigiste pursuits of social justice. Accordingly, although the legacy of history leaves us with the unfortunate reality of Aboriginal peoples whose separate identities have been reinforced

by past treatment, and many of whom live in small communities scattered across the country, our recognition of and particularistic response to these realities should not go beyond the minimally unavoidable. Wherever possible, they should be fitted into the standard framework of policy and institutions. This is, I assume, what you

mean when you say that your work is more radical than mine, and thus mine is more likely to have an impact on public policy. (Who knows?)

By more radical, I infer that you mean that your approach would dismantle much of the present policy regime, while mine is more of a reorientation, albeit a significant one. From my view, your greater radicalism – in one sense a return to the traditional goals of the Canadian state in our first post-Confederation century – is purchased at the very high price of losing contact with the reality it seeks to influence. Your argument may, of course, be similar to a minority opinion in a Supreme Court decision – a message to the future when present policies have led to the unwelcome results you anticipate.

The Hawthorn report saw the “plus” component as a positive response to two facts: priority of presence, and the fact that the majority had built a flourishing, wealthy society on the dispossession of Aboriginal, especially Indian, peoples. We argued for participation in a common citizenship on the ground that Indians had paid a high price for their past exclusion from the Canadian community of citizens. In effect, historically, Indians had been citizens minus.

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**When they emerge from the sidelines of history, people who have been demeaned, humiliated and stigmatized inevitably construct arguments and reinterpret the past in ways that enhance their dignity.**

The “plus” view is obviously controversial. It shares with the term “distinct society” the misfortune of challenging the idea of a uniform, universal citizenship. If it is thought to be redress for past injustice, it will be rejected by those who share Trudeau’s position that “we can only be just in our time.”

Both of the preceding views, however, are clearly on the defensive, in Canada and elsewhere. “Coming to terms with the past” is on more agendas than ours. It is one of the most difficult policy issues confronting numerous states, of which Germany, Japan and South Africa are only the most visible. It is on the agenda of all democratic states with indigenous minorities. It is on our agenda, and thinking of a “plus” component to Canadian citizenship for First Nations is one response.

Although the rubric “plus” was not involved, Canadians through their governments and the judicial system have been incrementally fashioning a distinct status for Aboriginal peoples in the Canadian constitutional order. An abbreviated list would include:

- state funding of Aboriginal organizations;
- recognition of Aboriginal title;
- the major breakthrough in the 1982 Constitution Act: the section 35(1) statement “The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed,” and section 35(2) defining “‘aboriginal peoples of Canada’ [as including] the Indian, Inuit and Métis peoples of Canada,” and section 25 of the Charter protecting “any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada” from abrogation or derogation by the Charter;
- a succession of Supreme Court cases from *Calder* to *Delgamuukw*;
- the establishment of Nunavut;
- the diffusion and acceptance of the “nation” label.

These are all examples of the positive recognition of difference. What they clearly suggest is that Aboriginal Canadians are not Canadians like the rest of us. This “plus” component, part of which may ultimately be recognized in a third order of government, will not go away. That is not to suggest a deterministic unfolding, or to argue that every step on the path we have taken is desirable, or that debate over where this is leading us is politically incorrect. If I believed any of the preceding, I could not have written *Citizens Plus*. It does suggest to me, however, that we have to grapple with where we are. That was what *Citizens Plus* tried to do. It was a plea that pursuit of the “plus” will be counter-productive if it is not symbiotically and inextricably linked with Canadian citizenship, coupled with the plea that an unalloyed citizenship was too thin to attract more than a weak allegiance to Canada.

I share your scepticism about the capacity of the contemporary state for fine-tuning intervention in pursuit of some generally agreed positive objective. My scepticism is, however, qualified. I cannot see a hands-off state policy for Indian peoples as either politically feasible in the contemporary climate, or morally and practically justifiable.



DAH SONG OF DAH CROW: "Dey say dat Crow he travel all over dah damn country when he growed up. He travel by horse by dah car an he even travel on dah foot. Ooh he done lots of travelling dat man." Painting by Sherry Farrell Racette, from *Stories of the Road Allowance People*, translated by Maria Campbell.

Whether we like it or not, we have a series of natural experiments underway in two arenas. In addition to Nunavut, and other Inuit and Métis governments, hundreds of other experiments in First Nations self-government are taking place. We also have major Aboriginal urban populations whose long-run future is a question mark. Urban governments will undoubtedly experiment with various programs to

improve the situation of urban Aboriginal peoples, to make the city a home. In both arenas, there will be policy successes and failures. At the moment, we have inadequate data on what works and what does not in either arena. I have asked various informed colleagues what percentage of existing First Nation governments are performing in excellent, adequate, or unacceptable ways. The responses are admittedly anecdotal, but the answers vary significantly. My conclusion is that we simply don't know.

Our ignorance is, if anything, even more profound at the urban level, which has attracted much less scholarly research and political attention. Thus, I take exception to the negative portrayal of Aboriginal people in the city in the RCAP report. It does not give adequate weight to the evident successes and the opportunities that cities provide. I also demur from your thesis about the "inherent problems of aboriginal self-government," if that is intended to mean anything more than that special difficulties attend its successful practice.

Your initial letter to get our debate underway focused overwhelmingly on the "plus" component of "citizens plus." You are, to say the least, sceptical. With Sowell on your side and with the brooding figure of Hayek in the wings, your wariness should not be taken lightly. I do not do so. However, I would go beyond my competence were I to traffic in a grab bag of particular solutions in an attempt to refute your position.

The question we confront is the following: what are we to do when our ignorance is great, but the need to act cannot await the emergence of a perfect understanding of how to achieve a surplus of positive over negative outcomes in urban arenas and in the practice of self-government in small communities? A proposal I put forward in a recent paper may not satisfy you, but I think it takes us in the direction of possibly alleviating some of your concerns.

I argued:

*Sound future policy requires an evolving understanding of what is happening in two different contexts. A series of natural experiments is unfolding at this very moment. There are hundreds of nation-renewing experiments already or soon to be underway. What works and what does not, and why? Multiple experiments are also underway in urban settings, and their significance will surely deepen, and more innovations will occur as more urban governments and politicians are seized of the complexities, the dangers and the possibilities created by the urban Aboriginal population.*

*If, by constant monitoring, we were made aware of what works and what does not, we could facilitate the diffusion of successful practices among both Aboriginal and non-Aboriginal governments.... The recommendation is for two monitoring agencies. Implicitly, they*

*will be providing annual material facilitating a comparison between the urban route and the self-government route. Explicitly, they will provide ongoing commentary/analysis – in the one case on the probably hundreds of self-government experiments underway, and in the other on the developing indicators of achievements and shortfalls in urban Aboriginal life.... Those who resist the proposal should suggest alternative means by which we can profit-*

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*ably learn from the fact that we are in the early stages of major policy experiments in areas where our ignorance is vast. To reduce that ignorance is to reduce the cost it imposes on Aboriginal peoples. Some will deny that these are experiments and thus there is nothing to learn, but such claims are not believable. Others will possibly argue that if self-government is an inherent right, the manner of its exercise should be immune from public scrutiny. Such a claim will only survive if evidence of malperformance is rare and sporadic – which is implausible given the number of small nations potentially involved, and the immense problems and temptations they will encounter.<sup>19</sup>*

Both of these arenas are sites where the “plus” components of “citizens plus” are being worked out. Some “plus” component, some extra degree of attention and policy concern,

is merited because Indian peoples have paid much of the price for the emergence of the prosperous society that has passed them by, and because their situation is one of the most difficult that we face as a people. If we can view these sites for multiple experiments as analogous to the claimed virtues of federalism – as a laboratory for provincial experiments from which we all benefit – we will increase the likelihood that the “plus” will justify itself.

I do not view “citizens plus” as a compromise between assimilation and parallelism, and I did not so describe it. I reject both parallelism and assimilation as unrealistic. They simply do not fit where we are. Each is blind to a crucial reality. Parallelism is indifferent to and incapable of answering the question “what will hold us together?” Assimilation, which assumes, among other things, the monopolization of our civic identities by a common, uniform citizenship, is unresponsive to the clear and strong Aboriginal desire for a positive institutional and symbolic response to what Patrick Macklem recently called “indigenous difference.”<sup>20</sup> I believe that *First Nations? Second Thoughts* is insensitive to the need for some positive policy response to that indigenous difference. If I correctly read where we are, the choice of ignoring or overriding the Aboriginal desire for recognition is not available to us.

Let me sum up on what I see as the virtue of “citizens plus.” It is an organizing rubric for the future sharing of a country that contains both Aboriginal and non-Aboriginal peoples.

“Citizens” brings Indian peoples into the “we” community of other Canadians. Citizenship is the source of the empathy that induces us to feel responsible for each other. I do not mean the formalities of citizenship, but rather the emotional bonds of solidarity that accompany shared citizen identification. “Plus” means that there is a supplementary component – a positive recognition of difference that might be manifested in a third order of government, in special start-up education programs, in programs to reduce the incidence of fetal alcohol syndrome, in a catch-up program of support for post-secondary education, and elsewhere. The relationship between “citizens” and “plus” is symbiotic. “Citizens plus” is a package, not two separate components. Without some “plus” component, citizenship will appear inadequate to many, perhaps most, members of First Nations. On the other hand, citizenship sets limits to and shapes the plus component. At some point, the elaboration of “plus” could go so far that little is left of a common citizenship, that we have become strangers. In the long run, the “plus” component is unlikely to receive marked non-Aboriginal support if Aboriginal peoples neither see themselves nor are seen by others as Canadian citizens.

I look forward to your response. Our critics are our best friends.

Sincerely yours,





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**11 March 2001**

Dear Alan,

As usual, what you have written is so densely packed with ideas that I can't begin to respond to all of them. Let me just pick out three points for further comment.

First, I was delighted that you emphasized how old-fashioned my ideas are. That's the ultimate compliment to a conservative! Not all old ideas are good ones, but most good ones are old. Constitutionalism, limited government, equality before the law, liberty, individual property rights, a market economy – nothing new here. These are foundational principles of the Canadian polity. Aboriginal policy in Canada is bound to fail unless it remains congruent with these basic principles.

Second, we – not just you and I, but all Canadians – need to revisit the concept of assimilation. It has become one of the worst pejorative terms, used over and over to shut down discussion. Those who are said to favour assimilation must be racist and intolerant, and therefore banished from the debate. But let's try to look objectively at the situation.

Except for small numbers of older people living mostly in remote locations, aboriginal people now live very much like other Canadians. Most now speak English in daily life; only a minority speak their native language with any fluency. They attend schools and universities where they study the same subjects as everyone else. Although unemployment and welfare dependency remain regrettably high, many have jobs and careers in the larger economy. They have bank accounts and charge cards. They eat the same food, wear the same clothes, listen to the same music, watch the same movies and TV shows. I am not interested in abstruse distinctions between assimilation, acculturation, and integration. Whatever we call it, the plain and simple fact is that aboriginal people now live very much like everyone else.

Of course, like many other Canadians, aboriginal people retain important subcultural characteristics. Mormons in southern Alberta, Jews in Toronto, and fishermen in Newfoundland are not identical to each other or to other Canadians in the way they think and act. Threads of religion, language, race, and ethnicity are woven together in a complex tapestry of subcultures in Canada, as in other countries; and these subcultures may sustain different identities. The real question is the extent to which these identities are to be politicized.

In the case of aboriginal peoples, the political aspect of the identity seems to have enlarged as the cultural differences have shrunk. As Indians, Métis, and Inuit have become more like other people in the way they live, they have become more insistent that they are separate nations possessing an inherent right of self-government and sweeping claims to ownership of land and resources. You and I seem to agree that this approach, if inter-



preted literally and pushed hard, is incompatible with Canadian federalism and the larger constitutional order. I don't see how we can ever come to grips with these problems unless we admit that assimilation, as I have described it, was historically inevitable, is now largely accomplished, and will remain the basis of Canadian society. Unassimilated groups, such as the Hutterites, continue to exist by walling themselves off as much as possible from the rest of Canada; but that is hardly what most aboriginal people have in mind.

Third, I agree with your view that we are in the midst of a huge set of ongoing experiments, taking place in hundreds of First Nations reserve communities as well as in Canadian cities and towns, and that we have little idea of what works well and what does not. When I was writing *First Nations? Second Thoughts*, I found some anecdotal reports but no systematic studies about the successful lives that many aboriginal people have created for themselves. What are the personal characteristics and family backgrounds of those who succeed in academia, business, and politics? Was their success significantly aided by what might be called civil society – family members, friends, churches, and other voluntary organization – or was it more a result of public policy and special government programs? These are vital questions, but I am not aware of well-founded answers.

Similarly, we lack systematic evidence about what works and does not work in the area of band government. Why do some communities seem well administered, entrepreneurial, and fiscally responsible, while others seem prone to patronage, factional in-fighting, and chronic overspending? Is it just a question of local leadership? Do cultural differences among First Nations also make a difference? Are some organizational structures more effective than others? The Hawthorn commission tried to address some of these questions in its own day, but the setting has changed radically since then.

It is not surprising that, as life-long academics, the two of us should end up agreeing on the need for more research. Really, that is all we can do in our chosen career – collect information, develop hypotheses, and challenge public opinion (if anyone is listening). That's why I subtitled my book *Second Thoughts*. It was meant to be a series of thoughts and questions (sorry, no answers) to help push public debate along. It has been a pleasure to make another small contribution to debate in this exchange with you.

Sincerely yours,

Tom Flanagan

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**I am not interested in abstruse distinctions between assimilation, acculturation, and integration. Whatever we call it, the plain and simple fact is that aboriginal people now live very much like everyone else.**



JOSEPH'S JUSTICE: "An dem soldiers dey trowed Joseph right in front of dat dancing horse. Well Joseph he tell my Uncle he jump up as far as he can. He don want to get step on." Painting by Sherry Farrell Racette, from *Stories of the Road Allowance People*, translated by Maria Campbell.

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**11 April 2001**

Dear Tom,

Thanks for the three comments in your recent letter. I will collapse your first two into a single point, and then respond. Your first comment underlined your pleasure at my observation that your ideas were “old-fashioned.” You identify them as constitutionalism, limited government, liberty, a market economy, etc. However, when I referred to your ideas as yesterday’s conventional wisdom, I did not use the phrase “old-fashioned,” and I was not referring to the list you cite, but to your support for assimilation which lies behind your support for the philosophy of the 1969 White Paper. This leads to your second comment, the need to “revisit the concept of assimilation [which] has become one of the worst pejorative terms, used over and over to shut down discussion.”

A preliminary observation: it is not difficult to assemble a battery of pro-assimilation arguments from John A. Macdonald to the Saskatchewan CCF government of Tommy Douglas, the 1969 White Paper, Mel Smith’s *Our Home or Native Land?* and your own *First Nations, Second Thoughts?* In effect, not only do you say that assimilation is desirable and inevitable, but that it has already happened: “aboriginal people now live very much like everyone else.”

Yes and no: none of the past believers in and advocates of assimilation thought that assimilation, if and when it came, would be twinned with Aboriginal nationalism employing the language of colonialism to describe the past, would be accompanied by a strengthened and politicized Aboriginal identity, would be compatible with the suggestion of Mary Ellen Turpel Lafond that Aboriginal representatives in Parliament should be thought of as ambassadors, or would give birth to a royal commission report (with four out of seven Aboriginal commissioners) that could muster only lukewarm praise for Canadian citizenship. In other words, if what we now have is assimilation, it does not mean what long-time Canadian policy anticipated.

The objective of Indian policy was clearly put in 1920 by Duncan Campbell Scott, Superintendent General of Indian Affairs from 1913 to 1932: “I want to get rid of the Indian problem... Our object is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic and there is no Indian question, and no Indian Department.” In the early 1930s, Diamond Jenness, one of Canada’s leading anthropologists, asserted that “doubtless all the tribes will disappear. Some will endure only a few years longer, others like the Eskimo, may last several centuries.” Where we are now is not what Scott and Jenness had in mind. “Assimilation” has not led to the weakening of

Indian or other Aboriginal identities, to the acceptance, either bitter or enthusiastic, that there is no surviving cultural difference capable or worthy of being nourished, or to the grateful embrace of Canadian citizenship. In a sense, you don't disagree with some of the preceding, for you observe that "the political aspect of the identity seems to have enlarged as the cultural differences have shrunk." In the remaining paragraphs I offer some reflections on this unanticipated outcome of cultural convergence and identity divergence.

I do not think that the concept of assimilation is a helpful way of describing the transformation of Aboriginal culture and self-consciousness. It is resented by many (most?) Aboriginal people because it implies that the successful individual has rejected Aboriginality, whether of culture or identity, and disappeared into the majority society.

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**I do not think that the concept of assimilation is a helpful way of describing the transformation of Aboriginal culture and self-consciousness. It is resented by many (most?) Aboriginal people because it implies that the successful individual has rejected Aboriginality.**

Peoples with a distinct sense of themselves, who have long memories of past treatment when they were marginalized, and treated as wards, are unlikely to accept that definition of who they are or where they are heading. If, as you correctly say, the concept "shuts down discussion," I con-

clude that is because from an Aboriginal perspective the concept is not seen as a neutral, clinical term, but as pejorative. If it shuts down discussion, it should be avoided, for discussion is the best tool we have to make our togetherness more than geographic. An equally important reason why the concept should be rejected is that, if where we are now is assimilation, the word has a shrunken meaning when compared with its commonly understood meaning up to the 1969 White Paper. The concept sits uneasily with the contemporary nationalist realities I mentioned in the previous paragraph.

Accordingly, I prefer the phrase "a modernizing Aboriginality." It has three virtues. It alerts us to a sense of direction. The goal is not a return to some pre-Columbus yesterday, but an engagement with the world of the 21st century. Second, this engagement does not mean the end of Aboriginal difference, however defined. Modernizing and Aboriginality are not an oxymoron when joined together; and finally, unlike assimilation, which privileges the assimilator welcoming new members to the club, "modernizing" underlines the reality, even if limited, of Aboriginal choice of direction and goal.

I do not know where this will lead. The long-range outcome will depend on future events/situations of which we are necessarily ignorant. My hesitation is in part because the relationship between identity and culture is less clear than we formerly thought. The last half century has witnessed a galloping cultural convergence between francophone

Québécois and anglophone Canadians, the very period in which Québécois nationalism and a Québécois political identity have flourished. Something similar is underway with Aboriginal peoples. In some sense, cultural differences are obviously eroding, but this coincides with a stronger sense of a distinct political identity, reinforced by nationalist language, at both the local and pan-Indian, possibly even the pan-Aboriginal level. There is negligible likelihood that these identity differences will disappear in any middle-range future.

We used to believe that identity difference had to be clothed in extensive cultural differences to survive. We now know that identity difference is a sparer phenomenon that does not require the support of extensive cultural differentiation to flourish. Aboriginal identities are reinforced by constitutional recognition – doubly so when treaties are involved – sustained by favourable judicial opinions, and fostered by nationalist political elites. These reinforcements to distinct identities are supplemented by the memory of past stigmatization when Aboriginal, especially Indian, peoples were considered unworthy of full membership in the civic community. Finally, when identity differences are institutionalized in treaties that give constitutional protection to self-government, we should expect a degree of government-fostered cultural revivalism, especially in the form of symbols of differentiation from the surrounding society.

For the mid-range future, the reality is that two only seemingly contradictory forces are at play. On the one hand, the cultural pressures and inducements from the majority society coupled with the relative absence of a Hutterite-like desire to opt out, set limits to the degree of cultural divergence that is possible. On the other hand, contemporary Aboriginal nationalism strengthens distinct Aboriginal identities which, we both agree, weakens allegiance to Canadian citizenship, at least in the short run.

“Assimilation” does not help us understand the phenomena I have described in previous paragraphs. It has too much baggage from the imperial past; it leaves us intellectually helpless in the face of nationalisms it did not predict and cannot understand; it is emotionally resisted by the Aboriginal peoples whose situation and behaviour it is supposed to explain. Accordingly, when wielded in debate it is an impediment to a rapprochement between Aboriginal and non-Aboriginal peoples in Canada. “Assimilation” should be retired. We need a new language.

If our debate has been as instructive to our readers as it has been to me, and I hope to you, our exchange may clear away some of the confusions and rhetorical overkill which bedevils this emotional policy area. ■

Sincerely yours,

*Alan Cairns*

## Notes

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