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Natives need ethos of personal property and accountability: [Final Edition]

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Abstract (summary)

First, the aboriginal orthodoxy is at variance with liberal democracy because it makes the race the constitutive factor of the political order. It would establish aboriginal nations as privileged political communities with memberships defined by race and passed on through descent. It would redefine Canada as an association of racial communities rather than a polity whose members are individual human beings. The "third order" of aboriginal government would not mesh with the existing federal and provincial levels because aboriginal government would be based on a closed racial principle, whereas Canada's other governments are based on open individual and territorial principles. Because the aboriginal element is small relative to Canada's population, the third order of aboriginal self- government might not destroy the country, but it would be a continuous irritant.

The second problem is that the aboriginal orthodoxy wrongly encourages aboriginal people to see others, so called Eurocanadians, as having caused their misfortune and, therefore, as holding the key to their improvement. Most aboriginal advocates define "doing better" as succeeding not by their own efforts, but by getting something from the oppressors. They rationalize the attainment of land and natural resources, bigger budgetary appropriations, and financial compensation for residential schools as entitlements, things that Canada owes aboriginal people because they were here first.

The third problem is that the aboriginal orthodoxy encourages aboriginal people to withdraw into themselves, into their own "First Nations," under their own "self-governments," on their own "traditional lands," within their own "aboriginal economies." Yet this is the wrong direction if the goal is widespread individual independence and prosperity for the aboriginal people.

Full Text

Tom Flanagan, a professor of political science at the University of Calgary has been awarded the Donner Prize for best book on Canadian public policy. In his book, *First Nations? Second Thoughts*, Flanagan analyses the current conventional wisdom of aboriginal policy, which he calls "aboriginal orthodoxy." The following excerpt

is the conclusion of his book:

First, the aboriginal orthodoxy is at variance with liberal democracy because it makes the race the constitutive factor of the political order. It would establish aboriginal nations as privileged political communities with memberships defined by race and passed on through descent. It would redefine Canada as an association of racial communities rather than a polity whose members are individual human beings. The "third order" of aboriginal government would not mesh with the existing federal and provincial levels because aboriginal government would be based on a closed racial principle, whereas Canada's other governments are based on open individual and territorial principles. Because the aboriginal element is small relative to Canada's population, the third order of aboriginal self-government might not destroy the country, but it would be a continuous irritant.

Its very existence would also be a standing invitation to other racial or ethnic communities to demand similar corporate status.

The second problem is that the aboriginal orthodoxy wrongly encourages aboriginal people to see others, so called Eurocanadians, as having caused their misfortune and, therefore, as holding the key to their improvement. Most aboriginal advocates define "doing better" as succeeding not by their own efforts, but by getting something from the oppressors. They rationalize the attainment of land and natural resources, bigger budgetary appropriations, and financial compensation for residential schools as entitlements, things that Canada owes aboriginal people because they were here first.

But obsession with political campaigns to repair injustice, even if the injustices are real, does not produce independence and prosperity.

What Thomas Sowell has written about the United States is equally true of Canada, that "emphasis on promoting economic advancement has produced far more progress than attempts to redress past wrongs, even when those historic wrongs have been obvious, massive, and indisputable."

"Japanese-Canadians, who experienced relocation and confiscation of property during the Second World War, are today one of the most prosperous ethnic groups in Canada. So are Jewish Canadians, who had to overcome a long history of racial discrimination and exclusion. In a functioning liberal democracy, prosperity, independence and respect are like an arch, built one brick at a time. The bricks are the decisions people make as they pursue their goals of work, family, and community service. Individual effort mortars them into place.

The third problem is that the aboriginal orthodoxy encourages aboriginal people to withdraw into themselves, into their own "First Nations," under their own "self-governments," on their own "traditional lands," within their own "aboriginal economies." Yet this is the wrong direction if the goal is widespread individual independence and prosperity for the aboriginal people.

Under the policy of withdrawal, the political and professional elites will do well for themselves as they manage the aboriginal enclaves, but the majority will be worse off than ever. 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.

What, then, can be done? Let me be clear that I do not propose a magic-wand solution of abolishing the Department of Indian Affairs, dissolving all the reserves, and declaring Indians to be Canadian citizens pure and simple. There are far too many legal and political obstacles for this to happen.

Rather, we must acknowledge where history has brought us and think about making small steps in the right

direction.

A crucial fact is that a substantial majority of aboriginal people are already on their way toward integration into Canadian society. Forty two per cent of the 610,000 status Indians counted in the 1996 census lived off reserve, as did almost all of the 210,000 Metis and non-status Indians. The most important consideration that we can give those already outside the reserve system is to avoid setting up obstacles to their gradual integration into the larger society, which is of necessity a slow process.

Two policies would be particularly damaging, the first, to create non-territorial forms of self-government for Metis and off-reserve Indians, and the second, to establish a land base for the Metis and in other ways to begin treating them like Indians, as was implied in the fortunately defeated Charlottetown Accord. Primum non nocere, "first do no harm." Let social processes proceed without creating new political entities and administrative systems to reinforce the separateness of those who are already well on the way to integration.

Also, we must be aware that dedicating additional money to reserves tends to keep people there, or even bring them back. With such a large population now off the reserves but having the right to return if they wish, much of the benefit of additional investments on reserves will quickly diluted by increasing population. Large transfers to reserves can create jobs in the local public sector, classroom aides, welfare counselors, and so on, but these are unlikely to start most families on the road to economic self- improvement. The best analogy is provided by the decades of public- sector investments and social programs that have kept the population in the Atlantic provinces artificially high while depressing the general standard of living.

However, no matter how smoothly and quickly integration proceeds, aboriginal territorial enclaves, Indian reserves, Metis colonies, and other "traditional lands" that may be allocated through land- claims settlements, will remain a fixture of the Canadian policy for decades and perhaps centuries to come. It is therefore, vital that they be governed as well as possible. Good government will have to be self-government, for the age of administration through Indian agents is past.

Here are three of the many things that need to happen:

First aboriginal self-governments need to become more accountable to the people over whom they preside, because accountability to the Department of Indian Affairs is getting weaker all the time. Better auditing would help, as would the creation of a professional, politically neutral corps of aboriginal public servants. But the introduction of "self-funding" through taxation far outweighs any other initiative. Aboriginal self-governments will never be held accountable by their own people as long as the money they spend comes from outside.

Under those circumstances, people and government collude to get as much from the public treasury as they can. The residents of aboriginal communities must feel that they are reaching into their own pockets to support the activities of their own governments.

Just for a moment imagine that the \$6.3 billion now spent every year by the federal government on aboriginal programs was simply divided up as cash grants among the 610,000 status Indians. Each man, woman, and child would receive a little over \$10,000 a year, more than enough for an ordinary Canadian family to live, if not lavishly, at least respectably. Once they had the money, the recipients would be allowed to tax themselves to support whatever collective activities they wished their aboriginal governments to undertake. Would they vote to pay heavy taxes so that their governments could own all of the housing and let people live in it for free, or would they prefer to buy houses for themselves, as most Canadians do?

Would they vote to fly their chiefs business class to Ottawa, or would they rather use the money to pay for a family visit to West Edmonton Mall? Would they vote to give large portions of their money to be invested in band enterprises that were managed by government officials, or would they prefer to buy Canada Savings

Bonds? Would they vote for schools that spent a lot of time and money trying to revive extinct languages, or would they vote for better English- language instruction in the basic subjects, reading, writing, and arithmetic?

At the present time, aboriginal people do not face these choices. They have little sense of real-world trade-offs because everything their governments do for them is paid for by other people. They never have to give up anything in order to get additional government programs. If they had to make the same choices that other Canadians routinely make, they would, I predict, take the axe to many of the governmental programs proliferating luxuriantly in their communities.

A second reform, less sweeping but still useful, would be to break up the concentrated power of elected band councils. No small group of elected politicians should have control simultaneously of people's land, housing, school, jobs, and social assistance. There should be school boards to manage the schools, housing commissions to allocate housing, boards of directors to manage band businesses, and so on. All of these bodies should be made independent of the band council, through popular election or appointment for fixed terms of office, as appropriate. Dispersion of power would help to dampen the familiar factionalism that curses aboriginal politics.

Finally, it will be essential to introduce a regime of individual property rights. Housing would be a good place to start, but there is much more that needs to be done. As long as the land and natural resources on reserves are collectively owned, they will be the de facto property of the band council. The same is true of the other economic assets that bands are beginning to acquire, everything from airlines and trust companies to shopping centres and resort hotels. Since most of these are new creations, operating where nothing existed before, they may appear for a time to be competitive and even profitable. But in the long run, private ownership is necessary if there is also to be the incentive to hire efficient management and the option to reorganize or sell companies when management fails. Aboriginal businesses will need to devise some system of tradeable shares to solve their long-term ownership problems.

Aboriginal self-government will be a failure if it means nothing more than transferring the powers of the Department of Indian Affairs to band councils. Civil society cannot thrive without containment of political power and wide dispersal of private ownership. The challenge for self-government is to "civilize" aboriginal communities in the sense of creating the conditions for civil society to emerge. Above all, that means getting government out of the way, especially the kind of "self-government" that exercises total control over community affairs.

Illustration

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