THE MONEY OF FOOLS

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Words are wise men's counters, they do but reckon by them; but they are the money of fools...
— Thomas Hobbes, Leviathan, Part 1, Ch. 4.

The word "nation" has become a political talisman precisely because of its ambiguity. Going back to its source in the Latin *natio*, it refers to people who have something in common by birth, such as race, language, religion or culture. But it also denotes political communities that possess or aspire to sovereignty, that is, the right to self-government free from outside influences.

Since the word "nation" can mean such different things, it is perfectly suited to the rhetorical needs of politicians, whose stock in trade is calculated ambiguity. Switching back and forth between the meanings of "nation" can be a profitable strategy for building a supporting coalition and amassing power. You can always deny that you want sovereignty in the full, potentially separatist sense of the term while still demanding powers that should adhere to the talismanic status of "nation."

It is, therefore, pointless to debate whether a group of people does or does not constitute a nation; such a debate is the "money of fools," about which Hobbes wrote derisively. "Nation" is a strategic concept, used as a weapon to gain status for one's group and thus to increase political power.

When Canada was founded in 1867, it was understood to comprise a single nation in the political sense, even though it was obviously composed of diverse peoples. Sir G.E. Cartier called Canada a "political nationality," meaning that allegiance to the Crown through Canada's proposed system of self-government would hold the country together, while differences of language, religion, and race could be accommodated within the federal system.

The original understanding lasted a hundred years, until the 1967 Progressive Conservative "Thinkers Conference" and subsequent leadership race thrust the concept of *deux nations* onto the public stage. Liberal leader Pierre Trudeau, always clear-sighted in these matters, adamantly refused to use the terminology of *deux nations*. The problem, as he well understood, is that if Quebec has the status of a nation, its membership in Canada is conditional and dependent upon public opinion in Quebec. For Quebec to leave Canada would be like Canada leaving NATO —regrettable, perhaps, but ultimately a decision for the nation to make.

After the defeat of the Parti Québécois in the 2014 Quebec election, sovereignty is not much in the news, but it may come back some day. The position of the New Democratic Party, embodied in its Sherbrooke Declaration, is that Quebec has the right of self-determination, up to and including full sovereignty, and that a majority decision in a referendum would be sufficient to exercise that right. Most Francophones in Quebec appear to share that view.

The Canadian position, as enunciated in the Supreme Court's reference on separation and in Parliament's *Clarity Act*, is quite different: Quebec can separate from Canada only under constitutional procedures, which will require the approval of Parliament and the provincial legislatures. From this point of view, Quebec may be sociologically different from the rest of Canada, but is not a sovereign nation. That was the intent of the motion introduced by Prime Minister Stephen Harper and passed by the House of Commons in 2006: "That this House recognize that the Québécois form a nation within a united Canada / Que cette Chambre reconnaisse que les Québécoises et les Québécois forment une nation au sein d'un Canada uni."

So it's "all quiet on the Quebec front" for now. Most Québécois have come to think of themselves as a nation, both politically and culturally, but are not pushing the issue for the time being. Most Canadians might be willing to think of the Québécois as a cultural or sociological nation but not as a political nation that can unilaterally sunder its ties with Canada. Meanwhile, the rhetoric of nationalism, including threats of separation, has made federalism profitable for Quebec. The single most profitable prize is the equalization program, of which Quebec is the chief beneficiary. Quebec has been able to take the "money of fools" all the way to the bank.

The rhetoric of nationalism entered native affairs with the Dene Declaration of 1975: "...we insist on the right to self-determination as a distinct people and recognition of the Dene Nation .... What we seek then is independence and self-determination within the country of Canada." The inspired phrase "First Nations" first appeared in 1980, and within less than a decade it had become standard terminology. Canadian political leaders, who continued to resist calling Quebec a nation, conceded that rhetorical ground to First Nations without resistance.

But what does it actually mean to re-baptize Indian bands as First Nations? There are about 600 First Nations in Canada, more than three times the 193 members of the United Nations. The average population of a First Nation is a little over a thousand; and, since many members live off reserve, the average size of a reserve community is only six or seven hundred. Whether we call them Indian bands or First Nations, these aboriginal commun-

ities are essentially small municipalities (mainly rural, though some are now urban). Though they have many dealings with the provinces in which they are located, they are still mainly under federal jurisdiction through the Indian Act.

The rhetoric of aboriginal nationalism has had many practical consequences, however, with the word "First" being particularly lucrative. Since about 1990, the Supreme Court of Canada has been evolving a new doctrine of aboriginal rights and title, of which the most practical consequence thus far has been the "duty to consult" imposed upon governments before allowing natural resource projects to go ahead in the ill-defined "traditional territories" of First Nations. This has given native leaders enormous leverage amounting almost to a veto power *de facto*, even if it is not quite that *de jure*. On the positive side, the duty to consult has led to numerous "impact and benefit" agreements, which have given some First Nations a profitable role in resource development, including jobs and job training, service contracts, and monetary payments. On the negative side, it has made the whole resource development process much slower and has blocked major pipelines and frontier roads. Indeed, the slow pace of development, in which the duty to consult is a major factor, may yet prevent Canada from getting into the export of liquefied natural gas, despite the obvious economic and environmental benefits.

The "Nation" part of "First Nations" has accelerated the move towards self-government by transferring powers that used to be exercised by Indian agents into the hands of chief and council. But it is a limited form of self-government, because First Nations are still bound by the Canadian Constitution, Charter of Rights and Freedoms, and Criminal Code. An increasing number of First Nations raise substantial own-source revenue through their business activities, but most are still fiscally dependent on federal transfers.

Consolidation of the present First Nations into fewer but larger tribal nations as recommended by the Royal Commission on Aboriginal Peoples would make sense but has not happened. The Indian bands created by Canada in the 19th century are the First Nations of the 21st century. More than a century of history has built up so many vested interests around them that reorganization is scarcely conceivable. To take just one example, each chief of a First Nation is a member of the Assembly of the First Nations, which is the major aboriginal lobby group for all of Canada. The chiefs are entrenched, and they will not easily yield their positions as heads of nations, even if there is more myth than reality in that role.

The rhetoric of nationalism demands that Canada deal "nation to nation" with First Nations. In a literal sense this casts First Nations as sovereign entities engaging in diplomatic relations with Canada, but of course this is far from reality. In reality, it means that First Nations have come to hold a preferred position among pressure groups lobbying for the attention of the federal government. Accordingly, new Prime Minister Justin Trudeau has held special meetings with the Assembly of First Nations; promised increased funding, especially for aboriginal education; and also promised to review all legislation passed without sufficient consultation with First Nations. Other interest groups can only dream of such access.

Mr. Trudeau will find, however, that it is not so easy

to carry out this version of "nation to nation" dealings. There is a good reason why they call themselves "First Nations," not the "First Nation." They represent dozens of different tribal peoples, further subdivided by history into First Nations that are really administrative units under the Indian Act. As Harry Truman said of economists, they don't point the same way even if you line them all up end to end. There is no aboriginal "nation" that can deal with the Canadian nation (or with the English-Canadian and Québécois nations, for those who prefer that rhetorical construct). Conjuring with words can't change fundamental realities.