

A Fair Country: confronting the founding myths in Nunavut

May 27th, 2009 – The CBA Nunavut Branch enjoyed a breakfast conversation with award-winning writer, activist and novelist John Ralston Saul. The focus was his book "*A Fair Country: Telling Truths about Canada*", released in 2008.

Saul argues that Canadians need to rethink our historic and current relationship with Aboriginal Canadians, to engage them with renewed respect, and to again seek policies and practices that value and respond to Aboriginal culture, concepts, language and heritage. In his view, our Canadian legal and philosophical inheritance has been deeply influenced by the necessity of dialogue and co-existence between Aboriginal and more recently arrived peoples early on and, during and after the 1800's, it has been almost as deeply blighted by colonial revisionism and the repression of that Aboriginal contribution.

"*Canada is built on three founding pillars*", he said, but despite having contributed in major ways to the Canada we know today "*the original pillar is virtually ignored*". He argued that lawyers have a responsibility and unique opportunity to build up the Aboriginal pillar and that each time we fail in this, we weaken the house as a whole.

You can view John Ralston Saul online, explaining "A Fair Country" to an Ontario audience:
www.tvo.org/TVO/WebObjects/TVO.woa?video?%20BI_Lecture_20090516_834123_JRSaul

Saul cited Thomas Berger as a powerful recent example of a lawyer, Judge and thinker who ensures the Aboriginal pillar is meaningfully heard, reflected and given its due respect. Saul also drew many links between Aboriginal ideas and realities encountered early on and Canadian approaches that reflect a respectful historic encounter, for example: multiculturalism, immigration policy and the enduring national commitment to negotiation and non-violent dispute resolution.

Saul argued movingly for an inversion of the usual direction of colonial messaging from Ottawa, Calgary, Toronto and other points south "to and over the heads" of Northerners, informing us that his body of philosophical work began when, as a young policy advisor fresh from study and early work in Europe, he accompanied Maurice Strong to Inuvik, NWT, and found all his sense of self, history, certainty and supposed expertise completely shaken after only a few short hours dialogue with "*men in parkas, and not a highschool diploma among them*". He told us that his non-fiction works reflect an ongoing mental struggle since that time, to re-construct a philosophical and historic framework capable of encompassing the true lived realities, diversity and wisdom of Canadians, including the Inuvialuit, Dene and Gwitchin he encountered in 1976.

In Iqaluit, Saul stressed the centrality of aboriginal tradition to the law and legal institutions in Canada. He was particularly eager to point out instances of Inuit and Northern influence in the legal sphere, for example, on Legal Aid. He related that John Turner visited the former Northwest Territories early in his tenure as Minister of Justice (1968 to 72). There he found the Courts operating in a very different material and socio-economic reality... "*this wasn't a cash economy... justice here was not a money business and the lawyers weren't going to be paid.*" Justice Canada first created and delivered legal aid in order to mirror and respond to this aboriginal reality of northern Canada, and the idea eventually spread across the country, but instead of being "culturally based" it took forms modified to accommodate a narrower "poverty" -based scope of delivery.

He warned that there will be pressure to replicate in Nunavut the same kind of "*self hatred*" in evidence: when education elites obscure local and Canadian thought and history in favor of the canons of Europe; when policy and media elites efface compelling Canadian realities, precedent or opinion in response to a more current perceived locus of superiority - the United States. There was an analogy made to "*Franklin thinking*" - monolithic, self-deluded, often unbelievably stubborn, always wrong and doomed.

Saul suggests we have a special advantage and duty, because of the inter-cultural encounter between Inuit and others ongoing in Nunavut today, and because of our training and practice as lawyers. After reviewing a number of recent Court decisions, such as the landmark *Delgamuuk'w* case in which our highest Court affirmed that Aboriginal oral history "*can trump what has been written*" our conversation with John Ralston Saul was drawn to a close with a reminder of the ..." *tremendous legal and philosophical work remaining to be done*".