

Development Ethics and the Canadian North:
A Case Study Analysis of the Churchill-Nelson Rivers
Hydro Diversion Project

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by
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Table of Contents

Abstracts. iv

Acknowledgments. ix

Chapters

Introduction 1

Chapter 1

Development Ethics: Theory and Perspective for the Canadian North

Introduction. 21

I. The Development Ethic of Amartya Sen and Martha Nussbaum. 28

II. Sen and Nussbaum on Competing Approaches in Development Ethics. 47
A. Utilitarianism. 48
B. Basic Needs Approach. 50
C. John Rawls and Principles of Justice. 51

III. Other Approaches to Development Ethics 56

IV. Religious Approaches to Development Ethics 65

Conclusion. 80

Chapter 2

Economic Development in Northern Canada and Manitoba: A Brief History of Policies and Projects

Introduction. 85

I. The Historical Context: Intervention in the Canadian North 86

II. The Grand Rapids Hydro Development Project 111

III. The Churchill-Nelson Rivers Hydro Diversion Project.	127
Conclusion.	150

Chapter 3

The Interchurch Task Force and Hydro Development in Northern Manitoba

Introduction.	153
I. The Interchurch Task Force on Northern Flooding	154
II. Theological Assumptions.	165
A. Theological Colloquium on Development in the Canadian North	165
B. The Catholics	173
C. The Mennonites.	181
III. Public Hearings on Northern Hydro Development.	190
A. Origins	190
B. Presentations to the Panel.	200
1. Aboriginal Value Systems and Economic Models.	201
2. Treaty Rights and Obligations.	220
3. Consultation and Disclosure.	230
IV. Report of the Panel of Public Enquiry Into Northern Hydro Development	236
A. Answers to the Seven Questions.	239
B. Recommendations by the Panel of Panel of Public Enquiry	246
C. Dissenting Comment on the Report.	260
Conclusion.	264

Chapter 4

The Universal and the Particular in Development Ethics

Introduction.	270
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I. Case Examples and Theoretical Issues . . .	275
II. Justice and Cultural Identity.	295
Conclusion.	301
Conclusion	304
Bibliography	310

Abstract

This thesis argues that economic development, in both theory and practice, is inevitably based on moral questions. These questions have been explored in recent years by "development ethicists," a multidisciplinary group of scholars and practitioners committed to evaluating the policy implications of economic development. Chapter 1 engages this body of literature, arguing that the capability ethic articulated by Amartya Sen and Martha Nussbaum can provide a valuable ethical framework for evaluating economic development in the Canadian north. Their approach is considered in conjunction with other ethical proposals, and, in particular, how theological insights provide an additional dimension for a more comprehensive development ethic.

Chapter 2 investigates the ethical assumptions in the theories and models of economic development proposed for the Canadian north, and how public policy based on these theories and models has infringed on the claims and aspirations of Aboriginal peoples. The chapter then shifts from the larger Canadian context to Manitoba, and explores the story of how two hydro development projects impacted

several Aboriginal communities.

This story provides the context for understanding why four church denominations became involved in defending the rights and aims of five Aboriginal communities in northern Manitoba. Chapter 3 examines the moral vision of the four Christian churches and their rationale for sponsoring four days of public hearings on the Churchill-Nelson Rivers hydro diversion project. The public hearings provide an opportunity to analyse how development affects the lives of a people group when it is thrust upon them without consideration of their economic, cultural, and social value systems.

The final chapter examines the issue of the loss of cultural identity for Aboriginal communities as economic development occurs. A major issue pertaining to the loss of cultural identity is whether a development ethic should be based on a universal ethic, or on local traditions, for example, the traditions of the five Aboriginal communities in northern Manitoba. The efforts of the Interchurch Task Force are investigated as a particular type of response to these issues.

Sommaire

Dans cette thèse, il est proposé que le développement économique, qu'on l'envisage sous sa dimension théorique ou pratique, est inéluctablement lié à des préoccupations éthiques. Ces préoccupations éthiques ont fait l'objet de recherches effectuées par les "éthiciens du développement", un groupe multidisciplinaire de chercheurs et de praticiens dont la mission consiste à évaluer les implications du développement économique pour la création de politiques gouvernementales. Le premier chapitre présente un survol de cette recherche et propose que le *Capability Ethic* développé par Amartya Sen et Martha Nussbaum est en mesure de fournir un cadre théorique pour l'évaluation des politiques de développement économique dans le Nord canadien. Leur méthodologie est mise en parallèle avec d'autres systèmes éthiques, et on explore, plus particulièrement, comment la théologie peut contribuer à l'élaboration d'une éthique du développement qui se voudra plus globale.

Le chapitre 2 porte tout d'abord sur la question des présupposés éthiques des théories et des modèles qu'on applique à la région du Nord canadien, et examine comment

les politiques gouvernementales développées à partir de ces mêmes théories et modèles ont brimé les revendications et les aspirations des peuples autochtones. De préoccupations ayant trait au contexte canadien en général, on examine, par la suite, comment deux développements hydro-électriques ont affecté plusieurs communautés autochtones au Manitoba.

Cette étude a pour but de fournir le contexte permettant de comprendre les raisons qui ont motivé quatre Églises à se lancer à la défense des droits et des aspirations de cinq communautés autochtones dans le Nord du Manitoba. Le chapitre 3 examine donc la vision éthique qui nourrit ces Églises et les raisons qui ont motivé ces Églises à parrainer quatre jours d'audiences publiques relativement au projet de la dérivation de la rivière Churchill-Nelson. L'objectif des audiences publiques consiste à fournir un contexte permettant d'analyser comment le développement affecte la vie d'un groupe précis, particulièrement lorsque ce groupe subit ces changements sans qu'on accorde quelque considération que ce soit à ses valeurs économiques, culturelles et sociales.

Le dernier chapitre porte sur la question de l'érosion de l'identité culturelle que subit les communautés autochtones, lorsque le développement économique prend

place. Déterminer si une éthique du développement devrait être fondée sur la notion de morale universelle ou sur des traditions locales, dans ce cas-ci, les traditions de cinq communautés autochtones, constitue la principale question en ce qui a trait à l'érosion de l'identité culturelle. L'initiative du Comité ad-hoc interéglise (Interchurch Task Force) constitue une étude de cas relativement à cette problématique.

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This thesis would not have been possible without the support of several research, bursary, and travel grants. I wish to thank the Social Science and Humanities Research Council of Canada for its financial support through a Doctoral Fellowship during the years 1989-1992. A bursary awarded by the Faculty of Graduate Studies and Research, the Eben Hopson Fellowship, granted by McGill's Centre of Northern Studies and Research, under the direction of Dr. Marianne Stenbaek, enabled me to pursue northern studies research for several summers. In addition, the Northern Scientific Training Grant - Summer 1992, provided the opportunity to pursue extended research in northern Manitoba. I also wish to thank Dr. Donna Runnalls, former Dean of the Faculty of Religious Studies, for her support through a teaching assistantship, a Faculty bursary, and the opportunity to teach several undergraduate courses in religious studies at McGill.

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Introduction

The government says to the people, we are going to give you vast benefits. We are going to give you light and power and all the benefits of modern civilization, but first we must destroy your way of life. We must destroy your homes, move you to someplace you may not want to go, and thrust upon you many things you do not want.¹

Twenty-five years ago, as the Churchill-Nelson Rivers hydro diversion project was about to flood their traditional hunting, fishing, and trapping grounds, five Aboriginal communities in northern Manitoba were struggling to understand their "promised" place in the Canadian ethnic and cultural mosaic.² The communities claimed that they had not been duly consulted regarding the ramifications of

¹Rev. G. H. Hambley (a minister serving in northern Manitoba) to the Panel of Public Enquiry into Northern Development; see C. Rhodes Smith, "Report of the Panel of Public Enquiry into Northern Development," vol. 2, appendix A-D, transcripts of hearings in Nelson House, Manitoba, September 29, 1975 (Winnipeg: March 29, 1976), D:3.

²A comment on terminology: No term or set of terms accurately describes the indigenous peoples of Canada. The term "peoples," with its connotation of autonomy and self-determination, is widely endorsed by Aboriginal groups, although it is often rejected by governments for precisely this reason. "People of the First Nations" is preferred by some people, whereas others prefer "Native peoples" or "Aboriginal peoples." The designation used in this thesis will be "Aboriginal people(s)," especially in consideration of the recent work by the Royal Commission on Aboriginal Peoples, where "Aboriginal" in its capitalized form is used. See James Dumont, "Justice and Aboriginal People," in Aboriginal Peoples and the Justice System: Report of the National Round Table on Aboriginal Issues (Ottawa: Minister of Supply and Services, 1993); and Augie Fleras and Jean Leonard Elliot, The Nations Within: Aboriginal-State Relations in Canada, the United States, and New Zealand (Toronto: Oxford University Press, 1992); see especially Part One.

the development project for their way of life and for their future as economically self-sustaining communities. On the other side, the government of Manitoba and its Crown corporation, Manitoba Hydro, claimed that at least limited consultation had taken place but that ultimately this consultation was less important than the economic future of all the people of Manitoba, including the people of northern Aboriginal communities. Who should decide what is best for the economic development of a northern community?

When inquiring about the economic and human development of a nation or province or group within a province, we are confronted with the reality that the very concept of "development" has evaluative dimensions.³ Who

³Some scholars question whether the term "development" adequately represents what is intended. They ask whether terms such as "progress" or "transformation" or "liberation" or "revolution" are more descriptive and provide a clearer normative assessment of the ends and means of development. What is clear is that development is both an ambiguous term and an ambiguous practice. The term is used descriptively to depict a present condition or to project a desirable alternative. Descriptive usage prevails in the growing body of academic literature in numerous disciplines and in statistical and policy reports by such international financing agencies as the World Bank and International Monetary Fund. Normative usage of the term is found in works of criticism and alternative advocacy whose authors employ value-laden language to criticize development as now conducted or to advocate a different vision deemed ethically or politically superior. Although the term "development" is wrought with difficulty, it continues to be the term of choice in the literature and, therefore, will be used here in its normative usage. For three definitional examples of the term, see Sharachandra M. Lélé, "Sustainable Development: A Critical Review," World Development 19 (1991): 607-621; Denis Goulet, "Development: Creator and Destroyer of Values," World Development 20 (1992): 467-475; and Michael Carley and

should decide what counts as "the benefits of modern civilization"? What criteria are necessary to determine whether a person or an Aboriginal group is flourishing? How should the autonomy of Aboriginal groups be treated in relation to federal or provincial economic development plans?

These questions make it evident that conflicting values and interests accompany economic development whenever it occurs. What are the ends that such development serves? Amartya Sen, standing in an ethical tradition that can be traced back to Aristotle, has argued that economic development must ultimately refer to human ends.⁴ With Aristotle in mind, Sen asserts that the relationship between modern economics and ethics rests ultimately on two foundational questions: How should one live? and How does one judge social achievement?⁵ By

Philippe Spapens, Sharing the World: Sustainable Living and Global Equity in the 21st Century (London: Earthscan Publications, 1998).

⁴Amartya Sen, On Ethics and Economics (Oxford: Basil Blackwell, 1987), 2-3.

⁵Ibid., 4-5.

positing these two foundational questions, Sen hopes to raise anew the ethical dimension of economic development.⁶

Following Sen, I argue in this thesis that economic development, in both theory and practice, is inevitably founded upon questions of ethics. Although it will become quickly evident that I cannot escape the two questions that Sen places at the foundation of economic development, I focus primarily on two slightly different and interrelated questions that are of particular relevance in the historical context of the Churchill-Nelson Rivers hydro diversion project, the case study I explore in Chapter 3: First, how can we know what changes are beneficial in the economic development process? Second, who should decide what counts as beneficial? I propose that the answer to the first question is not based simply on how many resources or commodities a person or group holds but on the ability of the person or group to be able to choose what they value and hold as essential. Such choices relate to ends, whereas resources or commodities are only means.

⁶Ibid., 7. These same themes are taken up by Sen in numerous other books and articles; for example, see "Development: Which Way Now?" in Resources, Values, and Development (Oxford: Blackwell, 1984, 1997), 485-508; and most recently, "The Living Standard," in Ethics of Consumption: The Good Life, Justice, and Global Stewardship, ed. David A. Crocker and Toby Linden (New York: Rowman & Littlefield, 1998), 287-311.

Wealth and income may have some value, but they are useful only insofar as they promote human flourishing. Sen summarizes this approach:

Individual claims are to be assessed not by the resources or primary goods the persons respectively hold, but by the freedoms they actually enjoy to choose between different ways of living that they have reason to value. It is this actual freedom that is represented by the person's capability to achieve various alternative combinations of functionings, or doings and beings.⁷

Sen's capability approach to economic development is part of an emerging academic discipline called the "ethics of development" or "development ethics."⁸ Development

⁷Amartya Sen, "Justice: Means Versus Freedoms," Philosophy and Public Affairs 19 (1990): 114. According to Sen functionings represent parts of a person: the various things they should do and be in leading a life. Capabilities are the combinations of functionings that a person can achieve and from which they can choose. This approach to development is then based on a view of the quality of life as a combination of the various "doings and beings"--or the enhancement of human functionings and the expansion of capabilities. Sen has defined what he means by capabilities and functionings in numerous publications; for example, see "Capability and Well-Being," in The Quality of Life, ed. Martha C. Nussbaum and Amartya Sen (Oxford: Clarendon Press, 1993), 30-53; "The Standard of Living: Lecture II, Lives and Capabilities," in The Standard of Living, ed. Geoffrey Hawthorn (Cambridge: Cambridge University Press, 1987), 20-38; and Commodities and Capabilities (Amsterdam: North Holland, 1985).

⁸For helpful definitional articles, see David A. Crocker, "Toward Development Ethics," World Development 19 (1991): 457-483; and Mozaffar Qizilbash, "Ethical Development," World Development 24 (1996): 1209-1221. Crocker points to Denis Goulet as one of the pioneering members of the new discipline of "development ethics." Goulet often turns to L. J. Lebrét, with whom he studied in France in the 1950s, as an inspiration for his work; see Denis Goulet, "The Search for Authentic Development," in The Logic of Solidarity, ed. Robert Ellsberg and Gregory Baum (Maryknoll: Orbis Books, 1989), 127-142.

ethics is not a uniform body of literature with a precise methodology but rather is represented by a multidisciplinary group of scholars and practitioners with diverse conceptions of the tasks and methods necessary for evaluating development. Denis Goulet defines this discipline as "the conceptual cement which binds together multiple diagnoses of problems with policy implications . . . through a study of values which lays bare the value costs of various courses of action."⁹ Although there are many research approaches and study methodologies in development ethics, there is general agreement that, as economic development occurs, pressing theoretical and practical ethical questions arise and need to be answered.¹⁰ In

Few of the scholars and practitioners who work in the field of economic development call themselves "development ethicists." There is certainly neither a formal university discipline nor a distinct body of literature; rather "development ethicist" is a loose designation for anyone who is attentive to the ethical dimensions of economic development theory and practice. In this regard, see the helpful article by Jonathan Glover, "The Research Programme of Development Ethics," in Women, Culture, and Development: A Study of Human Capabilities, ed. Martha Nussbaum and Jonathan Glover (Oxford: Clarendon Press, 1995), 116-139.

⁹Denis Goulet, "Tasks and Methods in Development Ethics," Cross Currents 38 (1988): 162.

¹⁰Crocker rightfully calls this approach, "development theory-practice." See David A. Crocker, "Functioning and Capability: The Foundation of Sen's and Nussbaum's Development Ethic," Political Theory 20 (1992): 585. Some other areas of study in the diverse field of development ethics include hunger and poverty, women in development, environmental and economic sustainability, technological transformation, and trade and industrialization.

Chapter 1 I engage this body of literature, arguing that the capability approach or ethic articulated by Amartya Sen and Martha Nussbaum can provide a valuable ethical framework for evaluating economic development in the Canadian north. I explore this capability ethic in conjunction with other ethical proposals, and, in particular, I explore how theological insights can provide an additional dimension for a more comprehensive ethic open to all human aspirations and desires.¹¹ The practical evidence for arguing that theological insight has a contribution to make in the arena of development ethics will be examined in the case study in Chapter 3. The case study, which explores the moral vision of four Christian churches committed to a biblical vision of justice in the face of the Churchill-Nelson Rivers hydro diversions project, demonstrates what Charles Taylor has called "the inclusive view" of the good and flourishing life.¹²

¹¹This is the challenge Charles Taylor makes to Martha Nussbaum in his characterization of Nussbaum's version of the good life as Aristotelian eudaimonia only, without any aspiration to transcendence. Taylor posits that the aspiration to transcendence "can turn us towards this life with a new attention and concern, as had undoubtedly been the case with the Judaeo-Christian tradition, with decisive consequences for our whole moral outlook"; see Charles Taylor, review of The Fragility of Goodness: Luck and Ethics in Greek Tragedy and Philosophy, by Martha Nussbaum, Canadian Journal of Philosophy 18 (1988): 813.

¹²Ibid.

In order to adequately examine the issues involved in the case study, I need first to investigate the ethical assumptions in the theories and models of economic development as they were implemented in the plans and policies that governed the development of the Canadian north. Hence in the first section of Chapter 2 I provide this investigation, showing that the development proposals and policies for the Canadian north lacked clarity and consistency, particularly as they infringed on the aspirations and rights of Aboriginal peoples.

In the second and third sections of the chapter I shift from the larger Canadian context to Manitoba and explore the story of the people of Chemawawin and South Indian Lake. These sections of the chapter will suggest that the flooding of homes in these two communities and the destruction of the traditional economic pursuits of the Aboriginal people there provide an illustrative historical example for the governments of Canada and Manitoba--an example that should lead these governments to develop the Canadian north with greater moral sensitivity.

Chapter 3 turns to the case study, the hydro development project on the Churchill-Nelson Rivers of northern Manitoba. I could have considered other

development projects in northern Canada, but this case study is particularly relevant for two reasons.¹³ First, there has been little ethical reflection on this development project, as compared, for example, to the James Bay hydro development projects in northern Quebec and the MacKenzie Valley pipeline project.¹⁴ Second, the case study offers an opportunity to examine the ethical perspectives on economic development of the four Christian churches (Anglican, Catholic, United, and Mennonite) that formed the Interchurch Task Force on Northern Flooding. The Interchurch Task Force was formed in January 1973 to support the people of South Indian Lake (and eventually four other Aboriginal communities affected by the diversion project). When the New Democratic Party (NDP) government of Manitoba refused to hold public hearings on the project,

¹³Chapter 3 does not focus explicitly on the political and economic controversy that often accompanies the construction of large hydro dams. There is a burgeoning body of literature on this issue; for example, see Marijke Torfs, "Critics Blast World Bank Review of Large Dams," Bank Check Quarterly 17 (1997): 1; Jan Beyea, Joyce Rosenthal, and Jennifer Hansell, "Long-Term Threats to Canada's James Bay from Hydroelectric Development," Information North 16 (1990): 1-7; Edward Goldsmith and Nicholas Hildyard, The Social and Environmental Effects of Large Dams (San Francisco: Sierra Club Books, 1984); Philip B. Williams, "Learning from the Mistakes of Large-Scale Water Development," Water Nepal 4 (1994): 36-39; and Stephen Bocking, "The Power Elite," Alternatives Journal 23 (1997): 14-19. Bocking notes the relationship between the political and ecological problems of Malaysia's Bakun dam and dam projects in northern Canada.

¹⁴A brief analysis of these two development projects is included in Chapter 2.

a stance supported by the federal government, the Interchurch Task Force sponsored four days of public hearings, chaired by C. Rhodes Smith, former Chief Justice of the Province of Manitoba.

Among the questions I explore in Chapter 3 are the following: Based upon what theological and ethical assumptions did the task force come together, and on what grounds did it make claims in support of the Aboriginal communities? Why defend the rights of five Aboriginal communities? What economic development model was presupposed in the statements and actions of the task force? Partial answers to these questions are reflected in the task force's introductory letter to the Report of the Panel:

As citizens of Manitoba, we were appalled by the process used by our provincial government in this Project to side-step public participation. We are sickened by the negligent manner in which the Federal Department of Indian Affairs carries out its constitutional obligation under the Indian Act. And while Ottawa and Winnipeg play their football, the machines of Manitoba Hydro continue their relentless attack in the North.

All this, plus the demand of our Christian faith to each live our lives in justice despite the personal costs, has brought us to our present stance. We are certain that our willingness to continue acting together upon conclusions that we have made, fully cognizant of our limitations and

the moral integrity we can draw from our faith, will work for the good.¹⁵

The involvement of the task force in northern development issues revolved around the views of its members concerning justice and government responsibility. The call to justice is evident also in both the theological and non-theological literature in development studies, but in Chapter 3 I unfold the aims of justice as they were articulated by the task force in its initial struggles to defend and represent the five Aboriginal communities.

In the first section of the chapter, I offer a brief history of the Interchurch Task Force; in the second section, I explore the specifically theological perspectives that grounded the task force's struggle for justice; I then follow this section with a longer one devoted to the presentations to the Panel of Public Enquiry. The presentations to the panel offer an opportunity both to listen to the voices of those who were most profoundly affected by the development project and to ask questions: As Aboriginal people with particular needs and wishes, how do they understand economic development?

¹⁵The letter, dated April 12, 1976, and signed by twelve members of the Interchurch Task Force is attached as one of three sections of the introduction to the panel's report; the letter is dated later than the report itself; see Smith, "Report of the Panel," iii.

What do they believe counts as economically beneficial, and who do they think should decide this issue? The public hearings resulted in a report, to which I turn in the fourth and final section of the chapter, paying particular attention to the recommendations of the panel and to a dissenting comment presented by Mel Watkins, a member of the panel.

Before I move on to outline Chapter 4, I should note that the case study in Chapter 3 is a pivotal part of my thesis. David Crocker and other development ethicists have argued that questions raised by case studies render fertile ground for theoretical analysis, which in turn provides a path for development policy and practice implementation.¹⁶ Crocker calls this approach the "theory-practice" of development, and it is this strategy that encapsulates the aim of Chapter 3.¹⁷ This thesis generally (and Chapter 3 in particular) is located within the tradition of

¹⁶Crocker, "Toward Development Ethics," 458. In addition, see Denis Goulet, "Development As Liberation: Policy Lessons from Case Studies," World Development 7 (1979): 555-566; Roger Hutchinson, Prophets, Pastors, and Public Choices (Waterloo: Wilfred Laurier University Press, 1992); and Martha Chen, A Quiet Revolution: Women in Transition in Rural Bangladesh (Cambridge: Harvard University Press, 1983). A diverse group of scholars take up Martha Chen's case study, "A Matter of Survival: Women's Right to Employment in India and Bangladesh," in Nussbaum and Glover, Women, Culture and Development, 37-57.

¹⁷Crocker, "Toward Development Ethics," 461.

casuistry, which is receiving new attention in religious ethics and philosophy. By exploring "concrete moral problems, their proper interpretation, and their reasonable resolution," casuists attempt to show, in concrete ways, how morality is put into action.¹⁸ Albert Jonsen and Stephen Toulmin, following in the tradition of Aristotle, have recently attempted to redefine casuistry and clear a historical path for a more flexible perspective toward ethics, replacing rigid, ahistorical modes of casuistical moral analysis.¹⁹ Near the end of their study, they state:

The outcome of our inquiry confirms what Aristotle taught long ago: that ethical arguments have less in common with formal analytic arguments than they do with topical or rhetorical ones. They are concerned not with theoretical relations internal to a system of concepts but with relating and applying those concepts outwardly, to the world of concrete objects and actual states of affairs.²⁰

Following the lead of Jonsen and Toulmin, the casuistical argument that I present in Chapter 3 takes the form of a rhetorical and commonsense discourse that comes

¹⁸Richard B. Miller, Casuistry and Modern Ethics (Chicago: University of Chicago Press, 1996), 5. Miller unpacks this casuistical approach, showing how it responds to several case studies facing society and the human body.

¹⁹Albert Jonsen and Stephen Toulmin, The Abuse of Casuistry: A History of Moral Reasoning (Berkeley: University of California Press, 1988).

"from the accumulation of reasons rather than from the logical validity of the arguments or the coherence of any single proof."²¹ For example, the various perspectives offered by the Aboriginal people at the public hearings were not logical, philosophical proofs for what ought to occur, but rather common sense insights rooted in their experience and their cultural traditions.²² Their experience of hunting, trapping, and fishing, accumulated across hundreds of years, offered the Panel of Public Enquiry a practised knowledge regarding future economic development that few "official" government studies could match. The special and privileged character of this knowledge, embodied as it was in centuries of cultural practice, became quite evident to the panel when it compared this Aboriginal testimony with the testimony of so-called "experts" in various fields of environmental management who also testified before the panel.

²⁰Ibid., 327.

²¹Ibid., 256.

²²In this regard, see the collection of essays by Stephen B. Brush and Doreen Stabinsky, Valuing Local Knowledge: Indigenous People and Intellectual Property Rights (Washington D.C.: Island Press, 1996).

The idea of a type of knowledge that is normative in character and rooted in cultural practice is offered by Alasdair MacIntyre, who defines a "practice" as:

any coherent and complex form of socially established cooperative activity through which goods internal to that form of activity are realized in the course of trying to achieve those standards of excellence which are appropriate to, and partially definitive of, that form of activity, with the result that human powers to achieve excellence, and human conceptions of the ends and goods involved, are systematically extended.²³

MacIntyre's understanding of the link between practices and the human pursuit of ultimate ends is an important aspect of my approach to the case study in Chapter 3, and of my thesis generally. MacIntyre's work, particularly as it has been extended by Henry Richardson, helps me document how theory and practice come together to forge a development ethic. Building upon the work of MacIntyre, Richardson provides a link between theory and case study, showing how case studies offer an opportunity for deliberating about final ends.²⁴ Richardson asks

²³Alasdair MacIntyre, After Virtue, 2d ed. (Notre Dame: Notre Dame University Press, 1984), 187.

²⁴For a helpful essay on bringing norms to bear on case studies, a procedure I test when I explore the relationship between development ethics and the case study in Chapter 3, see Henry S. Richardson, "Specifying Norms As a Way to Resolve Concrete Ethical Problems," Philosophy and Public Affairs 19 (1990): 279-310. Several other

whether there is a reasonable way to reason about final ends.²⁵ Citing numerous case studies to make his claims, Richardson argues that deliberation about final ends is ultimately a practical activity that takes place within concrete social traditions. Here he follows the Aristotelian tradition of practical reasoning, arguing insightfully that there is a relationship between practical reasoning and what ought to be accomplished.²⁶

An issue that will surface in each chapter, but that is central to the work of Chapter 4, is the loss of cultural identity experienced by "minority" groups as economic development occurs. David Crocker argues that the question of cultural identity is also a question facing development studies more generally: "Perhaps the most fundamental ethical question in development practice concerns the cultural identity of groups, populations, and

essays have also been helpful for assessing the "theory-practice" connection; for example, see Tom L. Beauchamp, "On Eliminating the Distinction Between Applied Ethics and Ethical Theory," Monist 67 (1984): 515-531; Onora O'Neill, "The Power of Example," Philosophy 61 (1986): 5-29; Michael D. Bayles, "Moral Theory and Application," Social Theory and Practice 10 (1984): 97-120; and Alan Donagan, "Moral Dilemmas, Genuine and Spurious: A Comparative Anatomy," Ethics 104 (1993): 7-21.

²⁵Henry S. Richardson, Practical Reasoning About Final Ends (Cambridge: Cambridge University Press, 1994).

²⁶Ibid., 41-46.

societies on the path toward development."²⁷ Cultural identity is a complex and sometimes heated issue that leads ultimately to questions about cultural relativism. In Chapter 4 I explore arguments concerning cultural relativism from a variety of viewpoints and show the bearing these arguments have on questions about the quality of life that occupy those who work in development studies; I also explore these issues in the context of the particularities of development in the Canadian north.

One of the major issues concerning the loss of cultural identity is whether a just and equitable development ethic can be based on a universal ethic, or must it be based on local traditions--the traditions, for example, of the five Aboriginal communities in northern Manitoba.²⁸ A development ethic based upon local traditions has the advantage of being able to articulate precisely what it is that constitutes a good human life in accord with the values and aspirations of the particular

²⁷Crocker, "Toward Development Ethics," 462.

²⁸For an insightful analysis of this issue, see Martha Nussbaum, "Human Capabilities, Female Capabilities," in Nussbaum and Glover, Women, Culture, and Development; see especially 61-72.

cultural group.²⁹ Additionally, such an ethic has the benefit of allowing room for difference, whereby the members of a cultural tradition have the opportunity and choice to carve out a quality life within the parameters of their own cultural history and tradition--and are not thereby subjected, for example, to an assimilationist policy, which usually results in the absorption of smaller cultural groups into the dominant group.³⁰

On the other hand, some cultural traditions contain elements of injustice and oppression that are deeply

²⁹How culture should be understood has engendered a lively debate in recent years in the field of anthropology. I am aware that the term "culture" is a complex and often discordant concept. For an analysis of this debate, see Bradd Shore, Culture in Mind: Cognition, Culture, and the Problem of Meaning (New York: Oxford University Press, 1996). Early in his book, Shore comments on this debate: Over the past two decades, anthropologists have sought to redress the omission of the concrete subject in culture theory by reconstituting the field of culture as a complex arena with many voices, often discordant. In this poststructuralist version, the agents of culture are no longer hypothetical or average natives but look like real individuals with specific histories, particular interests, and concrete strategies. Rather than as members of homogeneous cultures, we now are more likely to conceive of our natives as enmeshed in complex power relations. As a remedial strategy, this reconstitution of the living subject of culture has been an important corrective to the excesses of earlier theories of culture. . . . As the concrete person has been given new life in anthropology, the very concept of culture that has been at the heart of the discipline has receded from view and is all but lost to us. (55)

³⁰For example, see Will Kymlicka's argument for the protection of minority cultures in Liberalism, Community, and Culture (Oxford: Clarendon Press, 1991); see especially chapter 9; and, following the same general argument, Multicultural Citizenship: A Liberal Theory of Moral Rights (Clarendon Press, 1995).

rooted, and it is often difficult to question these inequities without some universal conception of human rights and an account of basic human needs. A general theory of development--for example, the capability ethic of Sen and Nussbaum--takes these universal conceptions into consideration, and has the advantage of being able to stand up for those whom a particular cultural tradition has oppressed or marginalized. However, a general theory of development faces the epistemological problem of adequately grounding its account and of articulating the source of its norms and the reasons that they are the best norms for the particular culture in question. In their failure to look deeply into the values of different cultural traditions, such accounts also face the ethical danger of paternalism.³¹

In the end, taking guidance in part from recent statements by the International Peoples' Tribunal, I argue for a development model that is historically and culturally sensitive but that also accounts for universal human

³¹These themes have been analysed over the past ten years through a wide range of scholarly projects by The United Nations University/World Institute for Development Economics Research (WIDER) and by the less formal network of scholars and practitioners affiliated with the International Development Ethics Association (IDEA). This thesis is heavily influenced by scholars working in these two research groups.

capabilities. Without such an account, we will not have an adequate basis for evaluating what counts as the ends and means of economic development.

Chapter 1

Development Ethics: Theory and Perspective for the Canadian North

Introduction

Just over twenty years ago, Nils Orvik expressed the need for a general theory or image of development in the Canadian north.¹ He conceded that "adapted theories" from many fields of research might be useful, but only if such conceptual models proved applicable to the particular issues that face northern development--issues, for example, like the question of the centralized versus decentralized administration of such areas as education, social services, and economic development: Should decisionmaking in these areas remain in the hands of the federal government, or should they be the responsibility of Aboriginal bands in each province or territory?² Orvik asserted that development theories would need to consider the demand for

¹Nils Orvik, "Toward a Theory of Northern Development," Queen's Quarterly 83 (1976): 93-102.

²Some scholars distinguish between the Canadian north, the Arctic, and the circumpolar north. The case study under consideration in northern Manitoba is not within the boundary known as the circumpolar north or the Arctic; however, the ethical conceptions being considered pertain to northern Canada in its broadest definition. For example, see Robert Page, Northern Development: The Canadian Dilemma (Toronto: McClelland and Stewart, 1986); Page uses the term "northern development" to include all regions of northern Canada.

equality by Aboriginal peoples, measured by the standards and values of Aboriginal societies not by values articulated in the south. He called for a decentralized approach to development because of his concern about the impact a southern, centralized, modernization model would have on Aboriginal "self-confidence, self-respect, and pride which are prerequisites for gaining equal status with white society."³ Although Orvik proposed a development model based on liberal notions of modernization, he did admit that the analytical problems confronting northern development were complex and would require further research and model building. It is the purpose of this chapter to explore some of the research and model building that have occurred in the area of development theory since Orvik identified the need for such work.

Certainly Orvik was not the first to point out the need for a theory of northern development that would take into account the values of Aboriginal peoples; nonetheless, he did articulate a need that subsequent scholars from a variety of research fields have recently contemplated.⁴

³Orvik, "Toward a Theory of Northern Development," 102.

⁴For an excellent overview of northern Canada's political and economic development history leading up to the 1990s, see Frances Abele, "Canadian Contradictions: Forty Years of Northern Political Development," Arctic 40 (1987): 310-320; and Page, Northern

For example, several scholars have argued that economic, political, and cultural development comparisons can be made between Aboriginal peoples of the Canadian north and the development concerns confronting developing countries.⁵ Other scholars have proposed that development issues facing Aboriginal peoples of northern Canada and other circumpolar nations are unique, and therefore it is imperative that development proposals and their implementation take these unique cultural and social characteristics into account. Some of these scholars designate the Aboriginal nations of the Canadian north as part of the Fourth World.⁶ In spite

Development. Although Page focusses on the Berger inquiry and the National Energy Board's hearings on northern pipeline development within the context of some of the historical, social, and economic problems of northern development, he does not explicitly address northern development from an ethical perspective.

Also, see the article by Lee Huskey and Thomas A. Morehouse, "Development in Remote Regions: What Do We Know?" Arctic 45 (1992): 128-137. Following the analysis of Norvik, Huskey and Morehouse identify the need for more explicit theorizing on northern development issues, including comparative and historical approaches.

⁵For example, see Michael Pretes, "Underdevelopment in Two Norths: The Brazilian Amazon and the Canadian Arctic," Arctic 41 (1988): 109-116; Mathew Zachariah, "The Berger Commission Inquiry Report and the Revitalization of Indigenous Cultures," Canadian Journal of Development Studies 5 (1984): 65-77; F. Griffiths, "Arctic Third World: Indigenous People and Resource Development," Cold Regions Science and Technology 7 (1985): 349-355; and T. K. Young, "The Canadian North and the Third World: Is the Analogy Appropriate?" Canadian Journal of Public Health 74 (1983): 239-241.

⁶For example, see Lee E. Weissling, "Arctic Canada and Zambia: A Comparison of Development Processes in the Fourth and Third Worlds," Arctic 42 (1989): 208-216; Ludger Müller-Willie and Peretti J. Pelto, "Political Expressions in the Northern Fourth World: Inuit, Cree, Sami," Études/Inuit/Studies 3 (1979): 3-17; George Manuel and Michael Poslums, The Fourth World: An Indian Reality (New York: Free Press,

of their differences all of these scholars agree generally that large-scale capital intensive projects, whose profits and resources tend to benefit southerners, fail to adequately consider the needs and aspirations of Aboriginal peoples who are attempting to preserve traditional values and reestablish local self-sufficiency.⁷

1974); and Ben Whitacker, ed., The Fourth World: Victims of Group Oppression (London: Sigwick & Jackson, 1972).

⁷Along with the case study under consideration, the Berger Commission inquiry is an excellent example of the confrontation between competing value systems. The inquiry was asked to weigh the economic, environmental, and cultural value of establishing a large-scale extractive industry whose energy corridor would pass through environmentally sensitive lands claimed by Aboriginal communities trying to preserve traditional values and reestablish local self-sufficiency. For these reasons, the Berger Commission recommended to the Canadian government that no pipeline should be built across the northern Yukon and the Mackenzie Delta and that a ten-year moratorium be placed on building a pipeline along the Mackenzie Valley to the Alberta border. See Thomas R. Berger, Northern Frontier, Northern Homeland: The Report of the Mackenzie Valley Pipeline Inquiry (Ottawa: Minister of Supply and Services, 1977). A number of scholars have evaluated the basis by which the Berger Commission made its judgments. For example, see Roger Hutchinson, Prophets, Pastors, and Public Choices: Canadian Churches and the Mackenzie Valley Pipeline Debate (Waterloo: Wilfred Laurier University Press, 1992).

One scholarly model, among many others, that has attempted to draw together many of the concerns about the ethics of development within the context of the Canadian north is the recently popular model of "sustainable development." Several recent examples include, Lise Lyck, "International Development, Autonomy, and Sustainable Development in the Arctic," Polar Record 26 (1990): 309-312; Frank Duerden, "A Critical Look at Sustainable Development in the Canadian North," Arctic 45 (1992): 219-225; George Wenzel, Animal Rights and Human Rights: Ecology, Economy, and Ideology in the Canadian Arctic (Toronto: University of Toronto Press, 1991); and Elaine Smith, ed., Sustainable Development Through Northern Conservation Strategies (Calgary: University Of Calgary Press, 1990).

But as Paul Streeten has stated, the concept "sustainable development" is fraught with ambiguities and has at least six different meanings, including:

1. maintenance, replacement and growth of capital assets, both physical and human;

In this chapter I engage some of this scholarship as I explore the ethical issues that confront economic development in the public policy arena, arguing that a theory of development for the Canadian north must take into account "the normative or ethical assessment of the ends and means of development."⁸ To begin, the chapter investigates the work of welfare economist and social choice theorist Amartya Sen and philosopher Martha Nussbaum, a prominent scholar of Greek thought and Aristotelian ethics. Sen and Nussbaum have collaborated on several scholarly projects, in addition to their own development proposals.⁹ Their work has been at the

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2. maintaining the physical environmental conditions for the constituents of well-being;
 3. the resilience of a system, enabling it to adjust to shocks and crises;
 4. avoiding burdening future generations with internal and external debts;
 5. fiscal, administrative and political sustainability. A policy must be credible and consent to carry it out;
 6. the ability to hand over projects to the management by citizens of the developing country in which they are carried out, so that foreign experts can withdraw without jeopardizing their success.

Cited in Denis Goulet, Development Ethics: A Guide to Theory and Practice (New York: Apex Press, 1995), 126-127.

⁸David Crocker, "Toward Development Ethics," World Development 19 (1991): 457.

⁹In the last few years, the scholarship of Sen and Nussbaum, whether separate or in collaboration, has been affiliated with the World Institute for Development Economics Research (WIDER), based in Helsinki, a research branch of the United Nations University. WIDER has sponsored a number of "quality of life" research projects, including a volume edited by Sen and Nussbaum, The Quality of Life

forefront of critical inquiry concerning economic development. Although Sen and Nussbaum have not written specifically on the Canadian context, they have argued that their proposals and critical judgments cross cultural boundaries and international borders. For example, they state that "development--whether seen from within a culture or in the stylized impersonal context of development economics--is inevitably based on a particular class of values, in terms of which progress is judged and development is measured."¹⁰

In order to evaluate the proposals of Sen and Nussbaum more fully, I consider, in the second section of this chapter, the work of theorists who have offered alternative approaches to the ethics of development. For the most part, I confine my discussion to those competing theories of development against which Sen and Nussbaum have argued. Still, it is impossible to cover all of the alternative theories that Nussbaum and Sen consider in their voluminous

(Oxford: Clarendon Press, 1993). Also, see Martha C. Nussbaum and Amartya Sen, "Internal Criticism and Indian Rationalist Traditions," in Relativism, Interpretation, and Confrontation, ed. Michael Krausz (Notre Dame: University of Notre Dame Press, 1989), 229-325. My own work in this thesis is heavily influenced by scholars working in collaboration with WIDER, and by the less formal network of scholars and practitioners affiliated with the International Development Ethics Association (IDEA).

¹⁰Nussbaum and Sen, "Internal Criticism," 299.

scholarship; hence I evaluate several of these theories in order to offer a glimpse of the range of options, and in order to then make a case for the most plausible theory, with its limitations and advantages, within the cultural context under consideration. In the end, I argue that the capability ethic that Sen and Nussbaum propose, with some revisions, is the most productive for evaluating the moral dimensions of economic development in the Canadian north.

In the third section of the chapter, I explore still other approaches to development ethics, approaches that have taken the form of various international conferences and reports, and I then seek to interpret the fruits of these reports and conferences in the context of Nussbaum's work.

In the fourth and final section of the chapter, I turn briefly to the character of the revisions I think are required in Sen and Nussbaum's capability ethic. It is not always clear what role religion plays in Sen and Nussbaum's development theory and practice; it is clear, however, that religion plays less of a role than it should. Thus I argue that the religious dimension should be granted a more significant place in their capability ethic. It is true, as Nussbaum has recently argued, that the world's major

religions have not always been respecters of basic human rights.¹¹ Although this fact cannot be glossed over or denied, it is also clear that religious traditions can promote a development ethic that is committed to human flourishing and the good life. The case study in Chapter 3 illuminates this claim, but the theoretical argument for including the theological dimension in an inclusive development ethic will be advanced here, as I argue that this "theory-practice" perspective is suggestive of a more comprehensive development ethic for evaluating economic development in the Canadian north.

I. The Development Ethic of Amartya Sen and Martha Nussbaum

For twenty-five years, Amartya Sen has been reflecting critically on the moral dimensions of economic development and policymaking.¹² In several essays, he has attempted to clarify the concept of development and its necessary

¹¹Nussbaum argues that "religious discourse in many parts of the world threatens the bodily integrity and equal dignity of persons"; see Martha Nussbaum, "Religion and Women's Human Rights," in Religion and Contemporary Liberalism, ed. Paul J. Weithman (Notre Dame: University of Notre Dame Press, 1997), 94.

¹²For example, see Amartya Sen, On Economic Inequality (Oxford: Clarendon Press, 1973, 1997). The 1997 edition, written with James Foster, is much expanded and includes an annex titled "On Economic Inequality After a Quarter Century"; see pages 107-219; see also Amartya Sen, On Ethics and Economics (Cambridge: Basil Blackwell, 1987).

valuational dimension for both theory and practice. Let me emphasize at the start three aspects of Sen's work.

First, drawing from economic data, Sen has asserted that traditional economic growth models are focussed on means rather than ends and are thus deficient, since they concentrate on income or the total number of commodities rather than on entitlements and the capabilities that entitlements generate.¹³ Economic development, according to Sen, has to do with what people can do and be. For example, how long do they live? Are they well nourished? Can they read and write? Are they free to pursue their interests?¹⁴ With these concerns Sen has followed both Marx--who, from an economic perspective, called for the replacement of the domination of circumstances and chance over individuals with the domination of individuals over chance and circumstances--and Aristotle, who approached economic well-being in the context of human flourishing.¹⁵

¹³Amartya Sen, Resources, Values, and Development (Cambridge: Harvard University Press, 1984, 1997), 496-497.

¹⁴Amartya Sen, Inequality Reexamined (Cambridge: Harvard University Press, 1992), 39-41.

¹⁵Sen often points to Marx for a definition of what economic development ought to encompass. For example, see Sen, On Ethics and Economics, 45-51; and "Food and Freedom," World Development 17 (1989): 770-771. In his most recent work, Sen has drawn on the work of Aristotle, although with some reluctance; for example, see "The Living Standard," in Ethics of Consumption: The Good life, Justice, and Global Stewardship, ed. David Crocker and Toby Linden (New York:

This definition of economic development places less stress on total income accumulation and the acquisition of goods, and more attention on what people can actually do and be with income and goods.¹⁶

Second, Sen has been at the forefront of demonstrating how empirical research is necessary for understanding what produces and deters flourishing human development. Over the years his studies have looked at development failures and gains in such areas as starvation, sexism, exploitation, famine, and poverty.¹⁷ For example, Sen has shown that perception and agency are key to achieving a better life for women in many parts of the world. Sen notes that although recent economic development literature shows the inequities between men and women on numerous development scales, including life expectancy and monetary

Rowman & Littlefield Publishers, 1998), 305-306; and Inequality Reexamined, chap. 3. With regard to Aristotle's economic and political ethics, Sen often points to the work of Martha Nussbaum for further exploration.

¹⁶Amartya Sen, "Well-Being, Agency, and Freedom: The Dewey Lectures, 1984," Journal of Philosophy 82 (1985): 200-203.

¹⁷Sen's recent work on the multiple connections between access to food and public policy is particularly illuminating; for example, see "Food and Freedom," 769-781; "Food, Economics, and Entitlements," in The Political Economy of Hunger, ed. Jean Dreze and Amartya Sen (Oxford: Clarendon Press, 1990), 35-52; "Indian Development: Lessons and Non-Lessons," Daedalus 118 (1989): 369-392; and "Africa and India: what Do We Have to Learn from Each Other?" in The Balance Between Industry and Agriculture in Economic Development, ed. Kenneth J. Arrow (New York: St. Martin's Press, 1988), 105-127.

earning power, this research, left to itself, can lead to the danger of viewing women as "patients" to be cured rather than as "agents" claiming their own political and entitlement needs and desires. Sen has documented that women in developing countries have a tendency to report their economic situation in quite different terms than men, often perceiving themselves as better off than they really are.¹⁸ These empirical studies have provided Sen with quantitative documentation to show what a life of quality should really look like and what counts as good development. His work has shown why the social sciences need ethics and why ethics needs the social sciences.

Third, Sen's redefinition of the concept of development, coupled with his empirical research, has led him to sketch out a basic ethical approach that he has called the capability perspective.¹⁹ This perspective "involves concentration on freedoms to achieve in general

¹⁸For Sen's work on women and development, see "Gender and Cooperative Conflicts," in Persistent Inequalities: Women and World Development, ed. Irene Tinker (Oxford: Oxford University Press, 1990), 123-149, especially 126-128; "Gender Inequality and Theories of Justice," in Women, Culture, and Development: A Study of Human Capabilities, ed. Martha Nussbaum and Jonathan Glover (Oxford: Clarendon Press, 1995): 259-273; and "More Than 100 Million Women Are Missing," New York Review of Books 37 (1990): 61-66.

¹⁹Sen, "Gender Inequality," 266.

and the capability to function in particular."²⁰ The capability to function can vary from basic items such as adequate food and water to complex functionings such as achieving self-respect or engaging in critical reflection about future life plans. The freedom to achieve has to do with the opportunity or freedom to live well. For example, a person may choose to starve for religious reasons, but this is a choice that a starving woman in a developing country may not command. Thus, the capability approach is concerned not only with the availability of a bundle of functionings to choose from, but also with the freedom required to be able to choose them in a rich and reflective manner.²¹

Sen has demonstrated, through his numerous studies on economic development concerns such as hunger, famine, and various forms of exploitation, that the capability approach has public policy implications. The approach provides a guideline for measuring the quality of life and for defining the goals of public policy. It focusses on the

²⁰Ibid.

²¹Sen has referred to the capability to function as "well-being freedom," or "positive freedom"; for example, see Sen, "Well-Being, Agency, and Freedom," 201-202; "The Living Standard," 302-303; and especially, "Freedom of Choice," European Economic Review 32 (1988): 269-294.

question, What are the people of a country or region actually able to do and to be? This focus on capabilities for functioning, rather than, for example, a focus on the accumulation of commodities, asks about the distribution of resources and opportunities for all the groups in a country. It asks how people are doing in comparison to others in their own country or other countries. The capability approach proposes that resources have little value in themselves apart from their role in promoting human functioning. Therefore, the goal of public policy is to inquire into the varying needs of individuals or groups within a country regarding their particular needs and aspirations, and into whether they are capable and free to choose what they require and desire.²² For example, the influence of the capability approach has been clearly felt in the construction of measures used in the United Nations Development Programme (UNDP); Sen has served as both a

²²For an illuminating study on these matters, see Jean Dreze and Amartya Sen, India: Economic Development and Social Opportunity (Oxford: Clarendon Press, 1995). The study shows a particular situation that warrants government intervention to promote human capabilities, but also criticizes certain forms of socialist and Marxist regional government intervention for excessive economic control.

writer and consultant for its annual document, the Human Development Report.²³

Martha Nussbaum, as a philosopher and Aristotelian scholar, has both collaborated with Sen on the capability perspective and advanced distinct positions of her own. Whereas Sen, as an economist, has grounded his capability perspective in current development economics research, Nussbaum has grounded her proposals for the most part in philosophy and literature, primarily in Aristotle.²⁴ Like Sen, Nussbaum also has argued that economic development has evaluative dimensions. She has called for an Aristotelian

²³The publication of these ground-breaking reports began in 1990. For example, see the most recent Human Development Report 1998 (Oxford: Oxford University Press, 1998). The report takes a clear stand on what functions of human beings are most valuable and on the attention these functions deserve for public planning around the globe; the report has tried to capture these functions and the place they hold in nations around the world in forty-eight indexes, including indexes on human development (in which Canada was ranked number one); gender related development; gender empowerment; gender comparisons of human development values; human development and economic growth; environmental degradation; human poverty; health, child survival, and development; education imbalances; and so forth.

²⁴For example, see Martha Nussbaum, "Non-Relative Virtues: An Aristotelian Approach," Midwest Studies in Philosophy 13 (1988): 32-53; "Nature, Function, and Capability: Aristotle on Political Distribution," Oxford Studies in Ancient Philosophy, suppl. vol. 1 (1988): 145-184; "Aristotelian Social Democracy," in Liberalism and the Good, ed. R. Bruce Douglas, Gerald R. Mara, and Henry S. Richardson (New York: Routledge, 1990), 203-252; Love's Knowledge: Essays on Philosophy and Literature (Oxford: Oxford University Press, 1990), especially chap. 1-2, 6-7, and 15; "Human Functioning and Social Justice: In Defense of Aristotelian Essentialism," Political Theory 20 (1992): 202-247; and "Aristotle on Human Nature and the Foundations of Ethics," in World, Mind, and Ethics: Essays on the Ethical Philosophy of Bernard Williams, ed. E. J. Altham and Ross Harrison (Cambridge: Cambridge University Press, 1995), 86-131.

view of "good human functioning"; and she has argued that the "capability to live a rich and full human life" is the aim of a just political arrangement.²⁵ Nussbaum's views can be summarized by highlighting the most prominent Aristotelian features of her ethical evaluation of economic development.

First, she speaks of the "noncommensurability of valuable things," or the notion that there are multiple kinds of values that are part of any human life. To reduce values to a single scale of comparison or ranking fails to take account of the diversity and even conflict that is evident in "human efforts to live well."²⁶ Second, she speaks of "the priority of perceptions" or "the priority of the particular,"--a reference to the human quest to "discern acutely and responsively the salient features of one's particular situation."²⁷ This Aristotelian conception argues for a practical wisdom that is achievable within concrete human experience; it is a conception that stands in contrast to "moralities based exclusively on

²⁵Nussbaum, "Aristotelian Social Democracy," 203, 217.

²⁶Nussbaum, Love's Knowledge, 36-37.

²⁷Ibid., 37.

general rules."²⁸ Third, Nussbaum says that "the ethical value of the emotions," is a crucial aspect of "how things are and what is important."²⁹ For Aristotle the affective dimension of the human person is an essential aspect of practical wisdom. Nussbaum argues that although intellectual calculations are important, emotional aspects of the human person--such as grief, jealousy, love, fear, and so forth--must also be involved in an account of what is valuable. Thus, emotions are best understood as forms of neediness and dependency and as a central concern of what is important in life; emotions and the beliefs that support them are as appropriate and rational as reason.³⁰ Fourth, Nussbaum speaks of "the ethical relevance of uncontrolled happenings," indicating that human life can be surprising and fraught with contingency and even reversal.³¹ In this mix of the unexpected and new, humans cannot rely simply on rules and principles but "require the

²⁸Ibid.

²⁹Ibid., 40-41. In a book length treatise, Nussbaum explores how literary imagination and the emotions are central ingredients for just public discourse; see Poetic Justice: The Literary Imagination and Public Life (Boston: Beacon Press, 1995), especially chap. 3, "Rational Emotions."

³⁰On the relationship between reason and moral theory, also see Virginia Held, "Feminist Transformations of Moral Theory," Philosophy and Phenomenological Research 1 (1990): 321-324.

³¹Nussbaum, Love's Knowledge, 43.

cultivation of perception and responsiveness . . . singling out what is relevant for thought and action."³²

These Aristotelian features of Nussbaum's ethical evaluation of development lead her to the broad and inclusive question: How should humans live? Nussbaum claims that her inquiry is both "empirical and practical: empirical, in that it is concerned with, takes its 'evidence' from, the experience of life; practical, in that its aim is to find a conception by which human beings can live, and live together."³³ This empirical and practical activity captures, according to Nussbaum, what humans do when they ask the most pressing ethical questions regarding how to live, what to be, and how to structure things in society.

Nussbaum has often compared this Aristotelian procedure with what she sees as the detached and external standpoint of Plato, who, speaking from a transcendent and ahistorical position, said, "Yes, this is right (or not

³²Ibid., 44. Nussbaum expands on these Aristotelian features in chapter 2 of Love's Knowledge, "The Discernment of Perception: An Aristotelian Conception of Private and Public Rationality," showing how these conceptions make sense in light of Henry James's novel, The Golden Bowl.

³³Ibid., 25

right) for humans."³⁴ From the same detached position, the policy maker looks down and recommends what values are best for the development and flourishing of a people, without including any input from the beliefs and experiences of these people themselves--without asking them about their wishes and desires, about what sorts of lives they want to live, about what sorts of lives they think would be the best to live. Thus, this external conception of development cannot adequately address the desires, feelings, and needs of people.

Following Aristotle, Nussbaum argues that in order for development to be ethical and human, it must be internal and evaluative, historically and culturally sensitive, and it must draw on a searching participatory dialogue of what it means to be human in a particular community or across international boundaries.³⁵

³⁴Nussbaum, "Aristotle on Human Nature," 96.

³⁵Nussbaum, "Human Functioning and Social Justice," 214-216. Also see Martha Nussbaum, The Fragility of Goodness: Luck and Ethics in Greek Tragedy and Philosophy (Cambridge: Cambridge University Press, 1986), 15; and see "Non-Relative Virtues," 38-39. More recently Nussbaum seems more open to the contribution of the Christian tradition for providing a powerful account of human suffering and for its prophetic claims for a good and human flourishing life for all; for example, see Martha Nussbaum, "Comparing Virtues," Journal of Religious Ethics 21 (1993): 354-367. Here Nussbaum pays special tribute to theologian David Tracy for his position of how "religious symbols play a positive and enabling role" for the demands of justice and the good (357). I will address this topic more fully in a subsequent section of this chapter.

To facilitate this Aristotelian internal and evaluative dialogue,³⁶ Nussbaum has sketched out an essentialist account of the basic human functions, or a "thick vague theory of the good."³⁷ This sketch takes the form of a list, tentative and open-ended, since dialogue within communities and with other human societies necessitates change. In her first attempt at this sketch, Nussbaum listed eight "central human functional capabilities";³⁸ her most recent list includes eleven:

1. Life. Being able to live to the end of a human life of normal length; not dying prematurely, or before one's life is so reduced as to be not worth living.
2. Bodily Health and Integrity. Being able to have good health; to be adequately nourished; to have adequate shelter; having opportunities for sexual satisfaction and for choice in matters of reproduction; being able to move from place to place; being secure against violent assault, including sexual assault, marital rape, and domestic violence.
3. Pleasure and Pain. Being able to avoid unnecessary and nonbeneficial pain, so far

³⁶Whether Nussbaum has accurately read Aristotle on these claims has raised some controversy, which is outside the purview of this thesis, but in this regard, see David Charles, "Perfectionism in Aristotle's Political Theory: Reply to Martha Nussbaum," Oxford Studies in Ancient Philosophy, supp. vol. (1988): 185-206; and Christopher Bobonich, "Internal Realism, Human Nature, Distributive Justice: A Response to Martha Nussbaum," Modern Philology 90 (1993): 74-92.

³⁷Nussbaum, "Human Functioning and Social Justice," 214.

³⁸Nussbaum, "Non-Relative Virtues," 48-49.

as possible, and to have pleasurable experiences.

4. Senses, Imagination, Thought. Being able to use the senses; being able to imagine, to think, and to reason--and to do these things in a way informed and cultivated by an adequate education, including, but by no means limited to, literacy and basic mathematical and scientific training.³⁹ Being able to use imagination and thought in connection with experiencing and events of one's own choice (religious, literary, musical, and so forth). Being able to use one's mind in ways protected by guarantees of freedom of expression with respect to both political and artistic speech, and freedom of religious exercise.
5. Emotions. Being able to have attachments to things and persons outside ourselves; to love those who love and care for us, to grieve at their absence; in general, to love, to grieve, to experience longing, gratitude, and justified anger. Supporting this capability means supporting forms of human association that can be shown to be crucial in their development.
6. Practical Reason. Being able to form a conception of the good and to engage in critical reflection about the planning of one's own life. This includes, today, being able to seek employment outside the home (in a regime protecting the free choice of

³⁹Nussbaum, in "The Good As Discipline," in Ethics of Consumption: The Good Life, Justice, and Global Stewardship, ed. David A. Crocker and Toby Linden (New York: Rowman and Littlefield, 1998), 339, and as part of her most recent capability list, cites part of Article 11 of the South African National Congress Constitution as exemplary of the goal of education: "Education shall be directed towards the development of the human personality and a sense of person dignity, and shall aim at strengthening respect for human rights and fundamental freedoms and promoting understanding, tolerance and friendship amongst South Africans and between nations." For a fuller analysis of the South African education article and for more of Nussbaum's views of "liberal education" generally, see Cultivating Humanity: A Classical Defense of Reform in Liberal Education (Cambridge: Harvard University Press, 1997).

- occupation) and to participate in political life.
7. Affiliation. Being able to live for and to others, to recognize and show concern for other human beings, to engage in various forms of social interaction; to be able to imagine the situation of another and to have compassion for that situation; to have the capability for both justice and friendship. Protecting this capability means, once again, protecting institutions that constitute such forms of affiliation, and also protecting the freedoms of assembly and political speech.
 8. Other Species. Being able to live with concern for and in relation to animals, plants, and the world of nature.
 9. Play. Being able to laugh, to play, to enjoy recreational activities.
 10. Separateness. Being able to live one's own life and nobody else's. This means having certain guarantees of noninterference with certain choices that are especially personal and definitive of selfhood, such as choices regarding marriage, childbearing, sexual expression, speech, and employment.
 - 10a. Strong Separateness. Being able to live one's own life in one's own surroundings and context. This means guarantees of freedom of unwarranted search and seizure; it also means a certain sort of guarantee of the integrity of personal property, though this guarantee may be limited in various ways by the demands of social equality, and is always up for negotiation in connection with the interpretation of the other capabilities.⁴⁰

⁴⁰Nussbaum, "The Good As Discipline," 318-320. With the exception of her attention to violence against the person, anger as a justified human response, and freedom of occupational choice, this list is close to the list Nussbaum presents in "Human Capabilities, Female Human Beings," in Women, Culture, and Development: A Study in Human Capabilities, ed. Martha Nussbaum and Jonathan Glover (Oxford: Oxford University Press, 1995), 83-85.

These are the functional capabilities that, Nussbaum argues, public policy makers should promote as quality of life indicators to measure how well their citizens are doing. These are not survival goals; rather they provide a description of what a dignified life should look like, assuming, of course, that basic human needs have been adequately met, or as Nussbaum puts it, that "a threshold of capability to function" exists.⁴¹ Nussbaum has kept the list deliberately general in order to leave room for countries and their citizens to specify priorities through ongoing negotiation based on local traditions or individual preferences. And yet, by design the list is essentialist in purpose, offering real political guidance for legislation and public planning.⁴²

Nussbaum claims that this comprehensive list of goods has cross-cultural relevance.⁴³ But is her list applicable for evaluating economic development in the Canadian north?

⁴¹Nussbaum, "Human Functioning and Social Justice," 221.

⁴²Nussbaum, "Human Capabilities," 82-86.

⁴³Nussbaum has evaluated her list of functional capabilities across international boundaries, especially in response to the work of Marty Chen. For example, see the expanded version of "Non-Relative Virtues: An Aristotelian Approach," in Sen and Nussbaum, The Quality of Life, 242-269; "Introduction," in Nussbaum and Glover, Women, Culture, and Development, 1-34; "Human Capabilities, Female Human Lives," especially 86-104, where Nussbaum tests her capability conception with the Human Development Report; and, Nussbaum and Sen, "Internal Criticism," 229-325.

From a northern Canadian perspective, should there be additional items listed, or several deleted? Does the list meet the needs and aspirations of Aboriginal peoples? I will consider these questions later in the chapter (and in subsequent chapters), but first let me return briefly to the work of Amartya Sen.

Unlike Nussbaum, Sen has been unwilling to develop an objectivist functional capability list.⁴⁴ Nussbaum has challenged Sen on this matter:

Sen needs to be more radical than he has been so far in his criticisms of utilitarian accounts of well-being, by introducing an objective normative account of human functioning and by describing a procedure of objective evaluation by which functionings can be assessed for their contribution to the good human life based on a certain reading of Aristotle.⁴⁵

Sen has responded to this criticism by claiming that his capability approach does not require such an "overspecified" list and that such lists could obstruct other plausible routes.⁴⁶ Sen wishes to keep open the possibility that quite different methods of determining a

⁴⁴David A. Crocker has shown that Sen's scattered remarks can be organized as a list of functional capabilities, although Sen does not do so. See "Functioning and Capability: The Foundations of Sen's and Nussbaum's Development Ethic, Part 2," in Nussbaum and Glover, Women, Culture, and Development, 174-176.

⁴⁵Nussbaum, "Nature, Function, and Capability," 271.

⁴⁶Sen, "The Living Standard," 304-305.

development strategy might be consistent with the capability approach, depending on the task at hand.⁴⁷ To push persistently for one exact set of capabilities or one interpretation of value fails to take into account that "there are substantive differences between different ethical theories at different levels, from the meta-ethical to the motivational."⁴⁸ To commit to the idea that these issues can be resolved before a normative list is produced seems unwise, if not impossible. Why should all questions of value be decided all at once? Additionally, if there is "agreement on the nature of the space of value-objects" then there is no need for a "completed" normative list.⁴⁹ In fact, the "incompleteness" of the approach has, as Sen puts it, "cutting power" in what it denies rather than in what it favours.⁵⁰

Sen argues for a capability ethic that judges a person's capabilities and freedoms as indicators of a living standard. Variations of taste based on

⁴⁷For example, Sen has commented on the connection between his capabilities approach and such divergent thinkers as Adam Smith and Karl Marx, see "Well-Being, Agency, and Freedom," 169-221; and The Standard of Living, particularly chap. 1.

⁴⁸Sen, "The Living Standard," 306.

⁴⁹Ibid., 305.

⁵⁰Ibid., 305-306.

sociocultural or religious choice can be accommodated easily in this perspective. For example, an Aboriginal family from South Indian Lake could live close to friends and family and visit them as they would choose, which may be an important capability for some people and perhaps corresponds to the functional capability Nussbaum identifies as "affiliation." But say they have chosen to live for long stretches of time in relative seclusion in a small cabin on the other side of the lake from the community of South Indian Lake. If all members of the family have chosen this life freely, then their secluded life does not suggest that they are deprived or have a low standard of living. According to Sen, the role of government is to ensure that a person is not forced to lead a specific type of life and that all people have genuine freedom "to do and to be."

Nussbaum would seem open to this example, given her commitment to the tentative and open-ended character of her essentialist account of functional capabilities. For Nussbaum, these capabilities are ultimately based on the cultural values of local traditions and individual preferences. Hence the preference for seclusion at the expense of affiliation may well be allowable within

Nussbaum's model. And yet, the language of essentialism does tend to suggest that in constructing an account of human functional capability, it will eventually, at least in principle, be both complete and universal. On the other hand, an intense and serious commitment to empirical investigation, deep reflection, and thorough dialogue across communities and cultures will surely mitigate against a radical essentialism that might, by some imperialistic decree, force the family to move back to South Indian Lake. Of course, the same serious investigation and dialogue would also prevent the policy maker from issuing a decree that all families should live apart from their communities because one family is flourishing and happy to do so. Rather, engaging in a project of developing an account of the human good that is open-ended and tentative gives policy makers a better understanding of the needs and goals of individuals and communities for social, political, and economic policy.

The differences between Sen and Nussbaum are important; however, a thorough analysis of these differences would take me beyond my present concerns. For my purposes it is what they share that matters; for together they articulate an overall development ethic that

clarifies certain evaluative dimensions of economic development for both theory and practice. Because Sen and Nussbaum often articulate this ethic in contrast to other positions, it will be helpful at this point to consider their capability ethic in the context of competing development models.

II. Sen and Nussbaum on Competing Approaches in Development Ethics

In forging their proposals and approaches, Sen and Nussbaum engage other possible development models. They have been particularly critical of models that measure how well people are doing by the utilities, resources, or primary goods they hold.⁵¹ In this section, I will not attempt a comprehensive analysis of these various competing economic development approaches; rather I will highlight some of their distinguishing features in order to gauge their relative strength in relation to the proposals offered by Sen and Nussbaum.

⁵¹In their voluminous writings, these tend to be the dominant perspectives that Sen and Nussbaum argue against. They also do consider other development approaches, but with less effort. For example, the rights-based approach of Henry Shue, "Mediating Duties," Ethics 98 (1988): 687-704; and Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy (Princeton: Princeton University Press, 1980); James Nickel, Making Sense of Human Rights (Berkeley: University of California Press, 1987); or the influential negative rights

A. Utilitarianism

Utilitarian moral theory has a long and complex history in development economics. This approach continues to be at the forefront of the neoclassical economics that has dominated Western economic theory in particular. In its early development, utilitarianism played a radical role in the critique of many traditional societal inequities.⁵² Although modern conceptions of utilitarianism vary, it is ultimately an efficiency oriented approach to ethics that promotes the maximum generation and sum of utilities with no regard for how the sum should be distributed.⁵³ The promotion of these utilities as either maximal pleasure, desire, or satisfaction of preferences does not accurately reflect total well-being. Human beings are not just preference satisfiers, they also evaluate, judge, and act.

perspective of Robert Nozick, Anarchy, State, and Utopia (New York: Basic Books, 1974).

⁵²See Jeremy Bentham, An Introduction to the Principles of Morals and Legislation (London: Payne, 1789; reprint, Oxford: Clarendon Press, 1907). Bentham's practical efforts were inspired by the social inequalities he saw around him.

⁵³There are a number of ways of conceptualizing current utilitarian moral theory. Three dominant features have recently included consequentialism, welfarism, and sum-ranking. For a helpful definitional collection of essays in this regard, see Amartya Sen and Bernard Williams, eds., Utilitarianism and Beyond (Cambridge: Cambridge University Press, 1982). Also, see Richard Brandt, A Theory of the Good and the Right (Oxford: Clarendon Press, 1979); James Griffin, "Modern Utilitarianism," Revue internationale de philosophie 141 (1982): 331-375; and Amartya Sen, "Plural Utility," Proceedings of the Aristotelian Society 81 (1981): 193-215.

As a result of these activities, they can revise their conception of the good, as well as satisfy their desires. To reduce the human person to a being concerned only with the pursuit of desires, disallows the possibility of human agency and freedom.⁵⁴ Human well-being cannot just be identified with preference satisfaction, since such satisfaction is only one of many possible functional capabilities.

Nussbaum, criticizing this utilitarian position from an Aristotelian posture, states:

The Aristotelian takes desire seriously as one thing we should ask about, in asking how well an arrangement enables people to live. But she insists that we must also, and more insistently, ask what the people involved are actually able to do and to be--and, indeed, to desire. We consider not only whether they are asking for education, but how they are being educated; not only whether they perceive themselves as reasonably healthy, but how long they live, how many of their children die, how, in short, their health is.⁵⁵

⁵⁴This particular argument has been taken up by Sen, "Well-Being, Agency, and Freedom."

⁵⁵Nussbaum, "Aristotelian Social Democracy," 213. Nussbaum follows this line of argument by suggesting that it is the job of government to offer conditions and resources so that people can function in these ways, but the choice to so function is left to the people. The government aims at such capabilities for its people, but the individual receiving excellent health care, for example, may choose to disregard it.

B. Basics Needs Approach

The basic needs approach (BNA), advanced primarily in the 1970s and 1980s by development economists such as Frances Stewart and Paul Streeten, has been both affirmed and criticized by Sen.⁵⁶ Sen has argued that BNA shares characteristics with the capabilities approach, specifically with its commitment to the objective of a full and flourishing life for all human beings. BNA's focus on meeting the basic essentials of human existence, such as shelter, water, food, sanitation, education, and so forth, are also shared in a direct way with the capability approach, although BNA should be understood "as just one application of the capabilities approach."⁵⁷ In addition, BNA is critical of utilitarian and commodity-based

⁵⁶For example, see Paul Streeten, with S. J. Burki, Mahbub ul Haq, N. Hicks, and Frances Stewart, First Things First: Meeting Basic Needs in Developing Countries (New York: Oxford University Press, 1981); Paul Streeten, "Basic Needs: Some Unsettled Questions," World Development 12 (1984): 973-978; "Basic Needs and Human Rights," World Development 8 (1980): 107-111; Frances Stewart, Planning to Meet Basic Needs (London: MacMillan, 1985); and "Basic Needs Strategies, Human Rights, and the Right to Development," Human Rights Quarterly 11 (1989): 347-374. For a survey of basic needs literature, see Panayiotis C. Afrentiou, "Basic Needs: A Survey of the Literature," Canadian Journal of Development Studies 11 (1990): 241-257. Sen's most thorough evaluation of BNA can be found in Sen, "Goods and People," in Resources, Values, and Development, 509-529, especially 513-516.

⁵⁷Sen, "Goods and People," 515.

approaches to economic development.⁵⁸ Although Sen considers his own capability approach an extension of BNA, he is critical of its focus on commodities only. Although Sen would agree that certain bundles of goods and services are important for human flourishing, BNA has tended to focus on the goods and services humans need rather than on the human need for goods and services. According to Sen, this focus on commodities would be minimized if BNA was more concerned with "foundational issues" rather than "strategic issues."⁵⁹

C. John Rawls and Principles of Justice

John Rawls has been at the forefront of arguing that primary goods are things that people desire and need as free and equal citizens.⁶⁰ These primary goods are "things that every rational man is presumed to want," including income, wealth, basic liberties, positions of

⁵⁸Streeten et al., First Things First, 33.

⁵⁹Ibid., 514-515.

⁶⁰John Rawls, "The Priority of Right and Ideas of the Good," Philosophy and Public Affairs 17 (1988): 257. The work of John Rawls is often linked to that of Ronald Dworkin; both philosophers extend the utilitarian ethic and BNA in sophisticated ways. Dworkin defends the equality and distribution of resources as the criterion for a good political arrangement. See Ronald Dworkin, "What Is Equality? Part 2: Equality of Resources," Philosophy and Public Affairs 10 (1981): 283-345; and A Matter of Principle (Cambridge: Harvard University Press, 1985), 181-204.

responsibility, and self-respect.⁶¹ The list of goods that Rawls offers is not intended as a normative account of what people should desire or what governments should promote; rather, this "thin theory of the good" is to be employed to offer people a choice regarding principles of justice that have emerged from behind a veil of ignorance.⁶² The primary goods tell us what people desire and what they think contributes to their rational advantage for carrying out their life plans.

In his most recent work, Rawls has disengaged from the notion that, in his early work, he was attempting to deduce principles of justice from some morally neutral notion of rationality, matched with an empirical theory about what people everywhere desire. Rawls now argues that the primary goods are to be understood in connection with peoples expression as moral agents capable of choosing what they desire. However, nowhere does Rawls state that these items provide a theory of the good, of what is most

⁶¹John Rawls, "Social Unity and Primary Goods," in Sen and Williams, Utilitarianism and Beyond, 162. On the same issues, see John Rawls, A Theory of Justice (Cambridge: Harvard University Press, 1971), 60-65; "Justice As Fairness: Political not Metaphysical," Philosophy and Public Affairs 14 (1985): 223-251; "The Idea of an Overlapping Consensus," Oxford Journal of Legal Studies 7 (1987): 1-25; and "The Domain of the Political and Overlapping Consensus," New York University Law Review 64 (1989): 233-255.

⁶²Rawls, A Theory of Justice, 395-399.

valuable in life, nor do they give governments a clear picture of what is best for their citizens.

Although Rawls's list of primary goods includes a number of items that begin to look like Nussbaum's functional capabilities, he is unwilling to consider his list a normative index of well-being.⁶³ Rawls argues that to move from primary resources to functional capabilities is to imperil the preeminence of liberty, telling people in an undesirable manner what they should value in life: "When seen as rights, liberties, and opportunities, and as general all-purpose means, primary goods are clearly not anyone's idea of the basic values of human life and must not be so understood, however essential their possession."⁶⁴

⁶³In Rawls's most recent list of primary goods, in Political Liberalism (Columbia: Columbia University Press, 1993), 181, they are specified under five headings:

- a. basic rights and liberties, also given by a list;
- b. freedom of movement and free choice of occupation against a background of diverse opportunities;
- c. powers and prerogatives of offices and positions of responsibility in the political and economic institutions of the basic structure;
- d. income and wealth; and finally,
- e. the social bases of self-respect.

Rawls does open up the possibility that the list could be expanded to include other goods. He cites leisure time and mental states such as freedom from physical distress as examples (181-182).

⁶⁴Ibid., 188.

Additionally, Rawls is unwilling to argue for the development of a particular political structure that takes a stand for what is valuable and just. Rather, the "political conception . . . hopes to satisfy neutrality of aim in the sense that basic institutions and public policy are not to be designed to favor any particular comprehensive doctrine."⁶⁵ According to Rawls, the concept of the right is, then, prior to the good, or considerations of the means are prior to considerations of the ends, because the conception of political justice chosen by citizens in the original position offers a fair framework in which people choose and pursue their own conception of the good.

Sen and Nussbaum respond to Rawls's proposals in somewhat different ways. Although Rawls has disagreed with Sen's criticism, Sen continues to argue that Rawls's list of primary goods fails to account for individual variability and that it presupposes negative freedom; it therefore reflects only a "means" approach to the good life, rather than a conception that takes seriously

⁶⁵Ibid., 193-194. Rawls structures his argument in this section of Political Liberalism around the general political principle of justice as fairness. Even certain moral virtues, such as tolerance and reasonableness, must be tested against this political principle. He wishes to make it clear that these virtues are not intended to lead to a comprehensive "perfectionist" doctrine (190-211).

positive freedom and capability. In contrast to Rawls, Sen argues that "individual claims are to be assessed not by the resources or primary goods the persons respectively hold, but by the freedoms they actually enjoy to choose between different ways of living that they can have reason to value."⁶⁶

Nussbaum is also critical of Rawls's list of primary goods, not, like Sen, because they are suggestive of a purely negative freedom but because the list is not comprehensive and prescriptive enough. Rawls's "thin theory neither shows the point of instrumental goods nor gives sufficient guidance to promote their truly human use."⁶⁷ In sum, Sen argues for capability space and freedom; and Nussbaum elaborates that space with an expanded "thick" theory of the good, for a conception of human ends across all areas of life.⁶⁸ For both Sen and Nussbaum, the issue is what persons can do or can be, not just what goods or commodities they hold, or what they earn as a means to their good.

⁶⁶Amartya Sen, "Justice: Means Versus Freedoms," Philosophy and Public Affairs 19 (1990): 114.

⁶⁷Nussbaum, "Aristotelian Social Democracy," 214.

⁶⁸Ibid., 217.

III. Other Approaches to Development Ethics

Thus far this chapter has focussed on the development ethic of Sen and Nussbaum and on several of the competing approaches they have both affirmed and criticized in the shaping of their own development ethic. Sen and Nussbaum have been internationally acclaimed for their work in development ethics; for example, Sen won the 1998 Nobel prize in economics. Nonetheless, other proposals and ideas have also been forwarded in the arena of development ethics. In this section and in the next one, I will explore some of these approaches, approaches that Sen and Nussbaum have not considered.

Although most governments and international financing agencies, such as the World Bank and the International Monetary Agency, historically have understood development as capital-intensive industrialization through maximum economic growth and mass consumption, in the past few years there has been a realization that some of these strategies simply have not worked. The problem of continued starvation, environmental destruction, and political repression have too often been aligned with aggregate economic growth models. In place of mere economic growth,

a number of development proposals have been forwarded that consider such ethical factors as respect for cultural values, ecological sustainability, and the fulfillment of basic human needs. Several of these proposals are related closely to the capability perspective that Sen and Nussbaum have forwarded, whereas others take a somewhat different direction.

A number of organizations and conferences have proposed various formulations that consider the value dimensions of economic development. For example, since 1972, the Cultural Survival Movement at Harvard University--through its journal, Cultural Survival Quarterly--has offered penetrating analysis of the destructive affects of certain forms of Western, capital-intensive economic development projects and programs on indigenous peoples and their cultures.⁶⁹

Just over ten years ago, the Marga Institute in Sri Lanka held a conference on the ethical dimensions of economic development. Those attending the conference formulated a list of ethical principles that, in their

⁶⁹For example, see the entire issue of articles authored by several indigenous scholars in "'Who's Local Here?'" The Politics of Participation in Development," Cultural Survival Quarterly 20 (1996).

view, must be considered if development is to be truly authentic:

1. an economic component dealing with the creation of wealth and improved material conditions of life;
2. a social ingredient measured as well-being in health, education, housing, and employment;
3. a political dimension embodying values such as human rights, political freedom, enfranchisement, and some forms of democracy;
4. a cultural dimension in recognition of the fact that cultures confer identity and self-worth to people;
5. a fifth dimension called the 'full-life paradigm,' which refers to the ultimate meanings in life and history as expressed in symbols and beliefs.⁷⁰

At the Second International Conference on Ethics and Development--held in Merida, Mexico, July 3-9, 1989--one hundred philosophers, social ethicists, and development practitioners from fifteen countries considered the theme, "Economic Crisis, Ethics, and Development Alternatives." The conference produced the Merida Declaration, which proposed:

1. To transform the search for and study of an alternative for social transformation, supported by at least the following ethical principles:

⁷⁰These five principles are cited in Denis Goulet, "Development Ethics and Ecological Wisdom," in J. Ronald Engel and Joan Gibb Engel, ed., Ethics of Environment and Development (Tucson: University of Arizona Press), 38.

- a) The absolute respect for the dignity of the human person, regardless of gender, ethnic group, social class, religion, age, or nationality.
 - b) The necessity of peace based on a practice of justice that gives to the great majorities access to goods and eliminates the conditions of their misery.
 - c) The affirmation of freedom, understood as self-determination, self-management, participation of peoples in local, national, and international decision processes.
 - d) The recognition of a new relation of human beings with nature, facilitating responsible use, respectful of biological cycles and the equilibrium of ecosystems--especially those in tropical forests--and in solidarity with future generations.
 - e) The stimulus to construct a rationality suited to exploited peoples, one that accords with their cultural traditions, their thought, their interests, and their needs and that involves a new valuing of self-esteem based on their being subjects rather than objects of development.
2. To strengthen IDEA's efforts to maintain an international, intercultural, and interdisciplinary dialogue that brings together intellectuals, grass-roots organizations, and decision-making groups with the purpose of constructing an ethic applicable to different "development" alternatives.⁷¹

⁷¹Crocker, "Toward Development Ethics," 475-476. David A. Crocker is president of IDEA (International Development Ethics Association) and has been at the forefront of analysing the development ethic of Sen and Nussbaum; for example, see "Functioning and Capability: The Formulation of Sen's Development Ethic," in Ethical Principles for Development: Needs, Capacities, or Rights, ed. Kenneth Aman (Montclair State: Institute of Critical Thinking, 1991), 104-172. Crocker has revised and divided this long article in two parts; see "Functioning and Capability," in Women, Culture, and

The Merida Declaration states with clear intention the importance of a development ethic that meets the needs and aspiration of "exploited peoples." The declaration envisions the dignity of all persons and their freedom to participate in their own decisionmaking regarding how they wish to live and prosper. Development scholars and practitioners associated with IDEA have attempted over the past ten years to address fundamental ethical issues that are particularly pressing for developing countries but that are also of interest for Aboriginal groups in developed nations.⁷²

A final representation of the recent work forwarded by organizations and conferences is Our Global Neighborhood, a lengthy report of the Commission on Global Governance.⁷³ The report envisions a new world order of commitment and responsibility by all world citizens. It follows in a genre of recent "world order" reports, but it also marks a

Development, 153-198; and "Functioning and Capability: The Foundations of Sen's and Nussbaum's Development Ethics," Political Theory 20 (1992): 584-612.

⁷²The third IDEA conference, held in June 1992, treated the theme, "The Ethics of Ecodevelopment: Culture, the Environment, and Dependency."

⁷³Commission on Global Governance, Our Global Neighborhood (New York: Oxford University Press, 1995).

distinctive direction by incorporating the language of values.⁷⁴ For example, it speaks of "neighborhood ethics" and "global civil ethics" that seek to foster common rights and responsibilities.⁷⁵ The report also attempts to address the complex issues of national security and the sovereignty of nations, including the right of Aboriginal peoples to claim sovereignty and security within nation-states.⁷⁶ Following Our Common Future, a report from the World Commission on Environment and Development, the Commission on Global Governance also highlights the huge sums of money spent on arms and arms sales worldwide as opposed to the value of funding peaceful enterprises.⁷⁷ Additionally, the report treats the incongruities of capitalism, corporate corruption, the reform of international lending agencies, and the inadequate

⁷⁴For example, it follows in the tradition of Olof Palme Commission on Disarmament, Common Security: A Program for Disarmament (London: Pan Books, 1982); World Commission on Environment and Development, Our Common Future (Oxford: Oxford University Press, 1987); and The South Commission, The Challenge of the South (New York: Oxford University Press, 1987).

⁷⁵Commission on Global Governance, Our Global Neighborhood, 46-48, 55-62.

⁷⁶Ibid., chap. 3.

⁷⁷Ibid., 122-131.

political and economic development programs of the United Nations.⁷⁸

A particularly relevant section of Our Global Neighborhood for my concerns speaks of an ethic of common rights and responsibilities. The list of these human obligations proposes that all people share a responsibility to:

1. contribute to the common good;
2. consider the impact of their actions on the security and welfare of others;
3. promote equity, including gender equity;
4. protect the interests of future generations by pursuing sustainable development and safeguarding the global commons;
5. preserve humanity's cultural and intellectual heritage;
6. be active participants in governance; and
7. work to eliminate corruption.⁷⁹

Although Our Global Neighborhood offers a useful descriptive account of world economic trends in the 1990s, it lacks the kind of concrete prescription that is needed in the face of the global problems it names. For example, what does it mean to "contribute to the common good"? What, exactly, constitutes this good? As Upendra Baxi notes, the report especially fails to consider the values and

⁷⁸Ibid., especially chap. 4, but economic problems and various solutions are raised throughout the text.

⁷⁹Ibid., 57.

traditions of Aboriginal peoples.⁸⁰ A failure that raises the question of how the traditions of indigenous people's contribute to the "common good."

The failure embodied in Our Global Neighborhood is a failure shared by all such reports and conferences. Notice that each of the examples above included a list of some kind. The problem with lists is that although they may engender considerable discussion, followed by additional formulations, they seem unlikely to produce the kind of lived experience they call for. If a list such as the one immediately above fails to address the specifics of how to live with the other, then it stands in danger of simply affirming the established order of industrial societies and nations, in which case nothing will change, particularly for Aboriginal peoples who, for some members of the developed world, are already considered strange and alien in their ways. Development models like those proposed by the Commission on Global Governance, with its list of clichés about the values of a global neighbourhood, may eventually, perhaps inadvertently, penetrate and plunder Aboriginal peoples.

⁸⁰Upendra Baxi, "'Global Neighborhood' and the 'Universal Otherhood': Notes on the Report of the Commission on Global Governance," Alternatives 21 (1996): 542.

It is for this reason that theoretical models are necessary for negotiating the best possible development model for policy makers to put into concrete action. This point returns me to the work of Martha Nussbaum and her description of functional capabilities as a "thick vague conception of the good."⁸¹ A conception of the good that is thick but vague is a conception that is intended to be an "ethical-political account" capable both of being shared broadly across cultures and of being open to change based on the dialogue of free and equal citizens.⁸² In this context, the examples shown above are in fact more than lists of clichés and can be seen as accounts that test ethical conceptions of economic development, including the nature and specification of the "common good," for possible policy implementation. But if the dialogue is to produce concrete policies that are fair and equitable, particularly for Aboriginal groups who have historically been underrepresented in policy formation, then the dialogue must include all people groups. This raises an important question that I will address specifically in Chapter 4; is it possible to conceptualize a development ethic that is

⁸¹Nussbaum, "Aristotelian Social Democracy," 205.

⁸²Ibid., 206.

universal or global, or should each cultural group or region within a country mark out their own development ethic based on their particular needs and aspirations?

IV. Religious Approaches to Development Ethics

The fifth principle in the Marga Institute statement listed above mentions a dimension of development that concerns "the ultimate meanings in life and history as expressed in symbols and beliefs." The notion that a comprehensive development ethic must take into account "transcendental values" has been forwarded by organizations such as the Marga Institute, by religious organizations and denominations,⁸³ and by individual theologians or development experts who believe the religious dimension

⁸³There are numerous church statements on specific economic policy issues. The following are a few general examples of statements available on economics and the Christian tradition: "The Oxford Declaration on Christian Faith and Economics," Transformation April/June (1990): 1-8. For an analysis of the Oxford Declaration, see Herbert Schlossberg, Vinay Samuel, and Ronald J. Sider, eds., Christianity and Economics in the Post-Cold War Era: The Oxford Declaration and Beyond (Grand Rapids: Wm. B. Eerdmans Publishing Co., 1994); Canadian Conference of Catholic Bishops, "A Statement on Social Policy," Dissent (Summer 1988): 314-321; United States Conference of Catholic Bishops, Economic Justice for All: Pastoral Letter in Catholic Social Teaching and the U.S. Economy (Washington: National Conference of Catholic Bishops, 1986); Presbyterian Church U.S.A., Christian Faith and Economic Justice (New York: Office of the General Assembly, 1984); and United Church of Christ, Christian Faith and Economic Life (New York: United Church Board for World Ministries, 1987). An analysis of the United Church of Christ statement can be found in Rebecca M. Blank, Do Justice: Linking Christian Faith and Modern Economic Life (Cleveland: United Church Press, 1992).

must be considered in economic theory and development.⁸⁴ Although this section will not offer a comprehensive survey or analysis of the scholarship in this area, I will argue for the inclusion of the religious dimension in a comprehensive development ethic that is sensitive to the values and aspirations of Aboriginal peoples.

As I noted at the start of this chapter, neither Sen nor Nussbaum place an emphasis on the importance of religion for an ethics of development. Although Sen's capability approach seems implicitly open to the influence of religion (if it is freely chosen), Nussbaum has tended to reject any metaphysical basis that is external to the way people think about themselves. Both Nussbaum and Sen make no sustained appeal to religion; instead they call for

⁸⁴There are a plethora of edited collections and scholarly books on this topic; for a few examples, see Gregory Baum and Duncan Cameron, Ethics and Economics: Canada's Catholic Bishops on the Economic Crisis (Toronto: James Lorimer & Company, 1984); J. Philip Wogaman, Economics and Ethics: A Christian Inquiry (Philadelphia: Fortress Press, 1986); Cranford Pratt and Roger Hutchinson, eds., Christian Faith and Economic Justice: Toward a Canadian Perspective (Burlington: Trinity Press, 1988); M. Douglas Meeks, God the Economist: The Doctrine of God and Political Economy (Philadelphia: Fortress Press, 1989); Robert Wunthow, ed., Rethinking Materialism: Perspectives on the Spiritual Dimension of Economic Behavior (Grand Rapids: Wm. B. Eerdmans Publishing Co., 1995); Michael Zweig, ed., Religion and Economic Justice (Philadelphia: Temple University Press, 1991); Bob Goudzwaard and Harry de Lange, Beyond Poverty and Affluence: Toward an Economy of Care (Geneva: WCC Publications, 1995); Nicholas Boyle, Who Are We? Christian Humanism and the Global Market from Hegel to Heaney (Notre Dame: University of Notre Dame Press, 1998); and Charles K. Wilber, ed., Economics, Ethics, and Public Policy (Oxford: Rowman & Littlefield Publishers, 1998).

a shared account of people's real needs, of what they wish to do and be and of what freedom they have to function this way. One of my purposes in this section is to suggest that religion, at its best, involves precisely such a shared account of the good. This suggestion will gain force when I turn to the case study in Chapter 3.

Let me begin by considering why Nussbaum in particular does not consider the transcendent or metaphysical dimension of development in her capability ethic. Nussbaum argues that ethical truth can be seen only from the point of view of human experience.⁸⁵ For example, as we shall hear later from the testimonies of several Aboriginal people in northern Manitoba, the wish to be able to fish in unpolluted waters so that each family and the community at large can live healthy and independent lives is not discovered on the "rim of heaven," somehow distantly apart from experiences, hopes, aspirations, pains, pleasures, and evaluations.⁸⁶ Such a wish could be found on the rim of heaven only from within a conception of things that assumes that ethical norms are independent of human ways of life.

⁸⁵Nussbaum, "Human Functioning and Social Justice," 208.

⁸⁶Martha Nussbaum, The Therapy of Desire: Theory and Practice in Hellenistic Ethics (Princeton: Princeton University Press, 1994), 17-22.

Nussbaum associates this conception with Plato and, in its Christian form, with what she calls an "Augustinian version of Christian ethics,"⁸⁷ whereby, as Nussbaum describes it:

God has set up certain ethical standards; it is our job to do what God wants. But we may or may not be endowed with the capability of seeing, or wanting, what God wants. Truth and God's grace are out there; but the ability to see ethical truth or to reach for grace is not something we can control. There is, therefore, no reliable method by which we can construct an ethical norm for the scrutiny of our deepest needs and responses and desires.⁸⁸

To construct a development ethic on the "rim of the heavens by pure souls," is to fail to consider the feelings, needs, and aspirations of human lived experience.⁸⁹ Thus for Nussbaum, the search for a development ethic will have to be internal and evaluative, conducted in and through human conceptions and beliefs and assessed according to the most important elements of human life. This evaluative process is, however, ethical in the broadest sense; that is, it is about deciding what is worthwhile and what is not, what is worth living for and what is not. These are matters to be judged and

⁸⁷Ibid., 18.

⁸⁸Ibid. Numerous times in the same text, Nussbaum criticizes the Christian tradition through her reading of Greek texts (119-120, 197-198, 200-201, 267-268).

⁸⁹Ibid., 19.

appropriated within specific communities, although, according to Nussbaum, they should also be open to cross-cultural scrutiny and comparison.

Such a comparison is particularly important when the matters in question concern theology because some traditional theological accounts may be incompatible with equal opportunity for the full human functioning that a society ought to promote.⁹⁰ Indeed, Nussbaum claims that this internal and evaluative process for human flourishing and development is for the most part foreign to theological traditions. According to Nussbaum, human beings are not a repository of extrahistorical, transcendent values formulated by the gods but are by nature political beings whose conceptions of value are defensible by practical reason.⁹¹

⁹⁰Nussbaum, "Religion and Women's Human Rights," 93-97.

⁹¹Nussbaum, "Aristotle on Human Nature," 104-107. On the matter of practical reason, or an "internal-realist" conception as Nussbaum calls it, the work of Hilary Putnam and Charles Taylor is often appropriated; for example, see Hilary Putnam, Reason, Truth, and History (Cambridge: Cambridge University Press, 1981); The Many Faces of Realism (La Salle: Open Court Publishing, 1987); Realism with a Human Face (Cambridge: Harvard University Press, 1990); and Charles Taylor, Sources of the Self: The Making of Modern Identity (Cambridge: Harvard University Press, 1988); "Explanation and Practical Reason," in Nussbaum and Sen, The Quality of Life, 208-231.

Nussbaum's grasp of the Christian ethical tradition is limited, or "untutored," as she readily admits.⁹² Nussbaum is prepared to consider the contribution that "the utopian and prophetic elements in a religious tradition" can offer as a "public function" on behalf of the marginalized and oppressed.⁹³ And she seems quite drawn to David Tracy's account of the pluralistic and evolving character of religious and cultural traditions, since this account opens the space for an internal debate on every point in which those that are traditionally excluded are given a hearing.⁹⁴ But Nussbaum is also cautious, unwilling to believe that "conservative Christians" or "Hindu fundamentalists" will accept such pluralism.⁹⁵ Near the conclusion of her article titled "Comparing Virtues," she challenges her readers to take up the issue of the political function of theology for a cross-cultural development ethic.

The case study in Chapter 3 is, in effect, an attempt to meet this challenge with recourse to a particular

⁹²Nussbaum, "Comparing Virtues," 357.

⁹³Ibid.

⁹⁴Ibid., 357-358. Here Nussbaum draws on her earlier essay with Amartya Sen, "Internal Criticism."

⁹⁵Nussbaum, "Comparing Virtues," 358.

historical context. However, in the remainder of this section let me take up Nussbaum's challenge by exploring the work of several development ethicists who have argued that "transcendental values" can offer an "inclusive" development ethic.

Denis Goulet, arguably one of the most well-known development ethicists to consider the metaphysical dimension in his proposals, asks the following question in the last chapter of his most recent book, a chapter titled "Development: Historical Task or Opening to Transcendence?"⁹⁶ He begins to answer this question by citing several development experts who lament the omission of the religious dimension from development theory. For example, Godfrey Gunatilleke, director of Sri Lanka's Centre for Development Studies, states that religious-cultural components are not kept in the field of vision" of "the development strategy itself."⁹⁷ According to Goulet, this myopic approach to development shows a "reductionist approach to knowledge that "leads most development specialists to function as 'one-eyed giants,' purveyors of

⁹⁶Denis Goulet, Development Ethics: A Guide to Theory and Practice (New York: Apex Books, 1995), 205. This is a slightly revised and updated version of his earlier article, "Development Experts: The One-Eyed Giants," World Development 8 (1980): 481-489.

⁹⁷Goulet, Development Ethics, 205.

science who are bereft of wisdom. They analyse, prescribe, and act as if humans could live by bread alone, as if human destiny could be stripped down to its material dimensions alone."⁹⁸ According to Goulet, however, human destiny cannot be so stripped; indeed, religion serves as the "meaning" function of life and may be the most basic of the human needs.

Goulet also cites the work of Richard Falk and Peter Berger, both of whom argue for the transformative character of the religious perspective. According to Falk, "the future prospects of the human species depend upon internalizing an essentially religious perspective, sufficient to transform secular outlooks that now dominate the destiny of the planet." And according to Berger, "it may be true that the reason for the recurring human outreach toward transcendence is that reality indeed includes transcendence and that reality finally reasserts itself over secularity."⁹⁹ On this same theme, Goulet cites an editorial commentary in The Economist: "It [the late twentieth-century world] therefore needs a church, Catholic, Orthodox, Protestant or whatever, prepared to

⁹⁸Ibid., 205-206.

⁹⁹Ibid., 206.

carry the banner for the non-material aspects, and to insist that some kinds of truth--the non-political kinds--are objective and permanent."¹⁰⁰

According to Goulet, the religious dimension provides a primary source of meaning that is non-material and that can provide hope in the midst of life's quandaries and tragedies.¹⁰¹ But this fact does not suggest for Goulet that religion should be used instrumentally as a tool to engineer development projects and programs; that is, religious values should not be seen as a development aid, as a means, for the achievement of certain goals or development strategies promoted by development agencies or government authorities. Rather, religious values can play a vital role in the necessary critical function of determining how development should be pursued, of determining ends consonant with the needs and aspirations

¹⁰⁰Ibid., 207.

¹⁰¹Although Goulet seems to believe that the religious dimension is relevant for all people in developed and developing countries, he is particularly concerned that indigenous religious values have been "harnessed" to promote development goals that fail to meet the real needs and aspirations of indigenous peoples in developing countries. Several other of his scholarly papers address this concern; for example, see "Culture and Traditional Values in Development," in The Ethics of Development: The Pacific in the 21st Century, ed. Susan Stratigos and Philip J. Hughes (Port Moresby: University of Papua New Guinea Press, 1987), 165-178; and "Ethics in Development Work," SEDOS 22 (1990): 53-59.

of the particular community in question.¹⁰² Goulet characterizes this approach as a "means of the means, that is, as a moral beacon illuminating the value questions buried inside instrumental means appealed to by decision-makers and problem solvers of all kinds."¹⁰³

Goulet admits that development ethics is centrally concerned with the means of human action; but he is also suggesting that ends are necessary to guide and orient decisionmaking. Yet, he is concerned that ends not be understood as a spiritual "other-worldly solace" in the midst of unjust structures. Thus, development ethics must function in praxis, reflecting critically on the meaning and value of human action.¹⁰⁴

For Nussbaum, religious or transcendental values are extrinsic, set apart from human needs and aspirations. Goulet, on the other hand, takes the opposite position,

¹⁰²Goulet, Development Ethics, 208-211.

¹⁰³Denis Goulet, "Tasks and Methods in Development Ethics," Cross Currents 38 (1988): 158.

¹⁰⁴Goulet, Development Ethics, 26-27. One of Goulet's most important epistemological contributions to the discussion of whether it is the means or the ends that are most significant for development theorists and practitioners to consider is his comment that "the closer any knowledge comes to human subjects--especially in their social context--the more difficult it becomes to sustain any real difference between the observed connections among phenomena and the organization of the ends of action." Thus, for Goulet, its not just the ends that count, nor the means, but the "means of the means" (27).

namely, that the connections between religion and human history are "intrinsic and essential, not extrinsic or accidental."¹⁰⁵ He contends that religion has at its core a commitment to human flourishing and thus a dedication to oppose those barriers that mitigate against human flourishing, a dedication to the cause of justice. "It is a mistake," he says, "to assume that development is incompatible with religion. On the contrary, mutually respectful encounters between religious values and sound development plans usually prove beneficial to both sides."¹⁰⁶ In sum, Goulet asserts that religious values will challenge development models to become more humane and, in fact, will expand the range of values for a "fuller" development ethic.¹⁰⁷

There have been others who follow in the perspective articulated by Denis Goulet. In the lead article of a

¹⁰⁵Ibid., 212.

¹⁰⁶Ibid., 213-214.

¹⁰⁷Ibid., 214. Goulet's analysis that building history and witnessing to transcendence coexist has been shaped by theologies of liberation. He has written specifically on the relationship between liberation theology and economic development; see A New Moral Order: Development Ethics and Liberation Theology (Maryknoll: Orbis Books, 1974) and a number of articles and chapters that draw on liberation theology themes; for example, see "Is Economic Justice Possible," Cross Currents 31 (1981): 35-51; and "The Search for Authentic Development," in The Logic of Solidarity, ed. Robert Ellsberg and Gregory Baum (Maryknoll: Orbis Books, 1989), 127-142.

volume dedicated to religion and development, Charles Wilber and Kenneth Jameson argue for a reevaluation of the relationship between religious values and development.¹⁰⁸ They contend that religion and development are not independent realms but are intertwined. If human action is based on the moral fabric of society, which is in turn influenced by religion, then the role of religion is significant for determining how development should occur. Following in the "growth with equity" tradition, Wilber and Jameson suggest that religion can serve as a "social limit" to development.¹⁰⁹ In their model, religion is a guiding force for determining what development policy should be undertaken. Although it is debatable whether there exists in postmodern Western culture a religious moral base that

¹⁰⁸Charles K. Wilber and Kenneth P. Jameson, "Religious Values and Social Limits to Development," World Development 8 (1980): 467-479.

¹⁰⁹Ibid., 468. This view of the social limits of economic development is often seen in Catholic social teaching. For example, in Centesimus annus, published in 1991, Pope John Paul II, reflecting on market capitalism following the collapse of the socialist alternative, explains:

In the struggle against such a system, what is being proposed as an alternative is not the socialist system, which in fact turned out to be state capitalism, but rather a society of free work, of enterprise and of participation. Such a society is not directed against the market, but demands that the market [economic development] be appropriately controlled by the forces of society and by the state, so as to guarantee that the basic needs of the whole society are satisfied.

Cited in Gregory Baum, Essays in Critical Theology (Kansas City: Sheed & Ward, 1994), 220.

could be appropriated for public policy, there is certainly evidence that this approach is important for developing cultures and societies, including Aboriginal peoples.¹¹⁰

Rather than asking how religion can limit development, Christian social ethicist Paul Steidlmeier believes that the Christian humanist tradition can provide a normative answer to the question, "What is the ultimate purpose of development?"¹¹¹ This question ultimately focusses on human values that have bearing, according to Steidlmeier, on the ends of development, including "social participation, growth, and distribution."¹¹² At the policy level, Steidlmeier's answer to the question identifies certain priorities:

When it gets down to the concrete, then, I advocate a certain qualitative orientation in development policy based on the following priorities: the liberty of the oppressed over the freedom of the more powerful, the social opportunity of the marginalized over their exclusion by certain elites, the needs of the

¹¹⁰For example, see James C. Scott, Domination and the Arts of Resistance: Hidden Transcripts (New Haven: Yale University Press, 1990), especially chap. 5; Amy Sherman, The Soul of Development: Biblical Christianity and Economic Transformation in Guatemala (New York: Oxford University Press, 1997); and Thiery G. Verhelst, No Life Without Roots, trans. Bob Cummings (London: Zed Books, 1990), especially chap. 4.

¹¹¹Paul Steidlmeier, The Paradox of Poverty: A Reappraisal of Economic Development Policy (Cambridge: Ballinger Publishing, 1987), 202.

¹¹²Ibid., 203.

poor over the mere wants of the wealthy, the duty to contribute to the common good according to ability rather than be apathetic or merely seek narrow self-interest, and the reinforcement of patterns of social justice through social incentives and sanctions rather than surrendering the determination of due process to mere group egoism or vindictiveness.¹¹³

Steidlmeier offers both a vision of what counts as good development and a plan for how development policy should proceed. He claims that both the visions and the plan are necessary and that both find guidance in what he calls "transcendental models of development."¹¹⁴

Taking a similar direction, Somen Das, argues that religious traditions have enhanced human life with their values and ideals. In the conclusion to his article on globalisation and the Christian tradition, Das admits that the religions of the world, including Christianity, have too often been unconcerned for the well-being of humanity.¹¹⁵ And he registers his concern that religious traditions have perpetuated oppression and injustice.

¹¹³Ibid., 204.

¹¹⁴Ibid., 170-171. These "transcendental" models are in tension with "secular" models of development in two areas: ultimate reality/meaning and development patterns and models. Steidlmeier plays off these tensions, or "dilemmas," as he calls them, to show how they both shape "grounding" conceptions and "policy formulation" (169, 172).

¹¹⁵Somen Das, "Globalisation from a Biblical-Theological Perspective," Religion and Society 16 (1994): 14.

Nonetheless, Das also argues that a focus on justice remains an important aspect of these traditions. In Christianity in particular, Das finds a "theological-ethical" perspective of justice that offers a critique of unjust structures, as well as guidance in the struggle for the right to live as human beings.¹¹⁶ As we will see in Chapter 3, it is Christianity in this guise that was expressed and practised by the four church groups who were committed to justice on behalf of five Aboriginal communities in northern Manitoba. It is also this Christianity that Charles Taylor speaks of when he claims that the aspiration to transcendence "can turn us towards this life with a new attention and concern."¹¹⁷

Taken together, these various accounts of the role that such aspirations to transcendence can play in development show that religious traditions contain a deep evaluative component. Indeed, it is in the nature of such traditions to ask both implicitly and explicitly which functional capabilities of a human being are so important, so central, that their absence would mean the absence of a human life. Questions about functional capabilities, about

¹¹⁶Ibid., 5.

¹¹⁷Taylor, "review of The Fragility of Goodness," 813.

a development ethic that is just and equitable, are the concern not only of philosophy (Nussbaum) and development economics (Sen) but also of religious ethics.

Conclusion

This chapter has considered several development models that might be used to assess the moral dimension of economic development in the Canadian north. I have sifted through a variety of proposals and alternative accounts of development, looking for a development ethic that will take seriously the needs and aspirations of Aboriginal peoples. The capability ethic of Sen and Nussbaum, rather than using utilities, resources, or primary goods as a measure of how well people are doing, considers what people are able to do and be, as well as the freedom they have to act on their needs and desires. This capability ethic involves both an intellectual and practical scrutiny of ends that, in turn, provides a clearer picture of what pertains to the end, that is, to the flourishing of human life.

Nussbaum has been willing to sketch out a proposed list of functional capabilities--a list open to change, as dialogue within and across communities and cultures requires change. Sen, on the other hand, does not believe

the capability approach requires a specified, objective list; such a list may cut off other valuable approaches and methods. In spite of their differences, both Sen and Nussbaum argue for an ethical inquiry that is value-relative, based on questions about living that are asked by individuals and by communities actually engaged in living and valuing. Sen and Nussbaum's capability approach, altered somewhat by a focus on aspirations toward transcendence, suggests that a development ethic applicable to the Canadian north would contain the following features.

First, a development ethic for the Canadian north must be responsive to particular cases. A student of development policy not only must understand the general principles that guide public policy toward a certain end, but also must realize that each community or each culture has numerous complexities that demand attention case by case. The concrete economic and political concerns of the Innu people of Nitassinan are different than those of the Gwich'in in Alaska, or of the Cree in northern Manitoba. A development ethic must be responsible to all the complexities and particularities of each community and culture. For the student simply to read a book concerning development policy in the Canadian and arctic north would

be a crude and irresponsible approach, as it would fail to be fully attentive to the particular features of what is actually going on for each of the three Aboriginal cultures listed above. General guiding principles do have their place, but only if they reach and respect the particulars.

As we will see in Chapter 3, this concern about particularity was raised by several individuals who made presentations to the Panel of Public Enquiry. These individuals argued that a development policy for the five Aboriginal communities must be approached with particular concern for their needs and aspirations.¹¹⁸ Thus, although a development ethic must include a general account or set of guidelines for the policy maker, the context in which the policy is implemented may necessitate flexibility and imagination, or a specific change in policy to meet the situation with responsiveness to need and aspiration. In this way, the general and particular interact, cultivating what is required for each context and situation.

Second, a development ethic for the Canadian north must have a practical goal. This second feature commits development policy to the task of making a practical

¹¹⁸The notion of authentic participation in development policy by the "powerless poor" is outlined by Denis Goulet, "Participation in Development: New Avenues," World Development 17 (1989): 165-178.

contribution to people's lives. Development policy must give people an opportunity to live out their desires and meet their needs as they choose. The choice must be left to them; the goal of policy is to enhance their abilities to do and to be. A policy that is not committed to improving the life of a particular culture or community should be ignored or struck down as a policy. Therefore, judgments concerning the worthiness of a development policy are based on the practical insight of whether individuals and communities are able to live according to their particular aspirations and needs.

Once again, we will see in Chapter 3 that this goal of a practical development ethic was particularly evident when the four church groups defended the rights of the five Aboriginal communities in northern Manitoba. The churches' theological commitments were practical and human, and so, they claimed, should be public policy. It is evident that when their theological perspective called them to actually play a role in human practice, the evaluative nature of their arguments became clearer--as theologians, church leaders, and lay persons asked themselves whether what was being undertaken constituted something of value for a human life or for the life of a particular human community, as

people encounter each other regarding their common aspirations and misgivings.

Third, a development ethic for the Canadian north must be cross-cultural. The search for a development policy that meets the practical goal of human desires and aspirations will require critical judgments and exploration. Cross-cultural study shows that there are many discrepancies between what different cultural groups, and individuals within cultural groups, believe is a flourishing life. What people want and choose must always be put under critical scrutiny. This work of critical inquiry will require sensitivity, experience, debate, and practical wisdom, if we are to discern a just and equitable public policy for the development of the Canadian north.

As the next step in the search for such a public policy, Chapter 2 explores the theories and models of economic development that have been implemented in the Canadian north. The chapter not only describes the features of these development policies but also tells the story of how these policies affected the lives of several Aboriginal communities in northern Manitoba.

Chapter 2

Economic Development in Northern Canada and Manitoba: A Brief History of Policies and Projects

Introduction

Whereas the previous chapter explored theoretical issues concerning the moral dimensions of economic development, the aim of this chapter is to focus historically and contextually on economic development policy in the Canadian north. The first section of the chapter will offer an historical analysis of the federal government's northern development policy, looking particularly at its effect on Aboriginal peoples. As will become evident, the proposals and policies handed down by the federal government have not been uniform but rather represent a confusing collection of economic interests and political aspirations. It is within this larger context that the government of Manitoba and its Crown corporation, Manitoba Hydro, proposed two hydroelectric dams that would profoundly affect the future of several Aboriginal communities.

The second section of the chapter explores the first of these two capital-intensive development projects: the Grand Rapids development project. The third section then

turns to the second project: the Churchill-Nelson Rivers diversion project. The central goal of these sections is to tell the story of how these two hydro projects affected several Aboriginal communities. This story will provide the context for understanding why four church denominations became involved in defending the rights and aspirations of five Aboriginal communities in northern Manitoba--and it is that story I take up in the next chapter.

I. The Historical Context: Intervention in the Canadian North

Throughout Canada's history, the north has provided an outlet for the imagination of southerners. Writers like Farley Mowat and Rudy Wiebe continue to foster the mysteriousness of northern raging rivers, blinding snowstorms, exotic wildlife, and heroic Aboriginal peoples. These images help to foster the perspective of Canada as a vibrant northern nation, "the true North strong and free," as the national anthem states. But there is a contradiction in these images, since successive Canadian and provincial governments, as well as public and private corporations, have for the most part treated the north with colonial paternalism in order to extract its resources.

Over the past few decades, this contradiction has been a zone of confrontation between economic development and defenders of the north as a traditional Aboriginal homeland.¹

Following confederation and before World War II, economic interest in northern Canada was sporadic. Some intervention took place in the north when there was opportunity for the extraction of a specific resource such as gold or copper, or when threats to Canadian sovereignty occurred. But after World War II, with the changes in the global political and economic map, the position of the federal government toward the north changed.²

For the United States, the north became a strategic cold war military location from which to defend the Pacific Rim against potential invasion. U.S. military activity, which included the construction of weather and radar

¹Robert Page, Northern Development: The Canadian Dilemma (Toronto: McClelland and Stewart, 1986), 22. Along with the work of Robert Page, several other scholars were particularly helpful in this section: Gurstan Dacks, A Choice of Futures: Politics in the Canadian North (Toronto: Methuen, 1981); Kenneth Coates, Canada's Colonies: A History of the Yukon and Northwest Territories (Toronto: Lorimer, 1985), particularly chap. 7; Edgar J. Dosman, The National Interest: The Politics of Northern Development (Toronto: McClelland and Stewart, 1975); Marianne Stenbaek, "Forty Years of Cultural Change Among the Inuit in Alaska, Canada, and Greenland: Some Reflections," Arctic 40 (1987): 300-309; and Frances Abele, "Canadian Contradictions: Forty Years of Northern Political Development" Arctic 40 (1987): 310-320.

²Abele, "Canadian Contradictions," 312.

stations and sustained scientific research, became incentives for Canada to adopt a new approach to northern policymaking. In response, the Department of Mines and Resources was formed in 1943 to gather information about northern geography, its resources, and its peoples.³

By the end of the war, John Diefenbaker's nationalist appeal was one of the major platforms that gave the Conservatives a victory in the House of Commons. Diefenbaker would eventually respond with his "Northern Vision," a clear economic development statement: "We will open that northland for development by improving transportation and communication and the development of power."⁴ The transportation infrastructure was Diefenbaker's "Roads to Resources" policy, which would eventually create roads and railroads for staple export commodities, while looser oil and gas regulations were instituted to promote exploration.

The northern vision articulated by Diefenbaker resulted in a pronounced internal colonial administration of the Canadian north. This administration became evident

³Ibid.

⁴Speech by John Diefenbaker, February 12, 1958, quoted in Page, Northern Development, 19.

not only in large-scale resource development projects that required extensive federal capital expenditures, but also in federal policies toward the Aboriginal peoples of the north.⁵ For example, by the early 1960s all Aboriginal and non-Aboriginal northerners were receiving the full package of social welfare transfer payments. Some scattered Aboriginal communities were forcibly relocated due to extraction projects or Canadian sovereignty concerns,⁶ whereas others were induced to relocate in order to more easily facilitate educational, medical, and social services. Low-rent housing was built; many Aboriginal children were being educated in federally built public schools in northern settlements;⁷ and many church-run hospitals were absorbed into a reformed public health care system. Aboriginal peoples were for the most part viewed

⁵John Dryzek and Oran Young, "Internal Colonialism in the Circumpolar North: The Case of Alaska," Development and Change 16 (1985): 123-145.

⁶Two examples include the relocation of several Inuit families to Davis Inlet for Canadian sovereignty reasons, and the forcible relocation of the Sayisi Dene due to a large-scale industrial development project.

⁷For a wrenching account of the choices (and their long-term implications) that Aboriginal families faced between following their traplines or educating their children in public day schools built by the federal government during the 1960s and 1970s, see Rupert Ross, Dancing with a Ghost: Exploring Indian Reality (Markham: Octopus Publishing Group, 1992), chap. 8.

as disadvantaged, requiring assistance in order to bring them up to the standards known in the south.

Sometimes emergency measures were seen as necessary to address immediate problems such as disease, but in the long term, government strategy was to ensure that indigenous peoples had every opportunity to be full and equal citizens. No doubt the colonial, top-down strategy of the government toward the north in the post-World War II years was to some extent patterned after the move west some fifty years earlier and was believed to be a rational and forward-looking human and economic development strategy for Aboriginal peoples. What is striking is the extent to which the north was developed without the consultation of the people most affected by the development.⁸

The late 1960s and the 1970s constituted a period of rapid economic and political change in the Canadian north. Although the government's intervention through social welfare programs improved the material circumstances of many Aboriginal northerners, the nonrenewable and renewable resource extraction industries only provided short-term, low-wage employment. At the same time, life in settlements

⁸For a helpful analysis of this issue, see Abele, "Canadian Contradictions," 313.

and in northern industrial towns created social problems. Relocation from traditional hunting, fishing, and trapping grounds created a sense of dislocation and a loss of local control as decisionmaking shifted away from old authority and family-based sharing patterns.

The interventionist, colonial economic and political strategy of the federal government was one of the factors in the mobilization of an Aboriginal protest.⁹ For example, Aboriginal leaders protested the assimilationist perspective of the 1969 "White Paper": the Statement of the Government of Canada on Indian Policy.¹⁰ Although the White Paper claimed to be a call for a new direction, it was ultimately consistent with much of the federal internal colonial policies over the previous twenty-five years. The

⁹Some consider the 1969 "White Paper" the single most important catalyst for raising the consciousness of Aboriginal peoples. For a brief analysis of this perspective, see "Introduction," in The Quest for Justice: Aboriginal Peoples and Aboriginal Rights, ed. Menno Boldt and J. Anthony Long (Toronto: University of Toronto Press, 1985), 3-14.

¹⁰Department of Indian Affairs and Northern Development, Statement of the Government of Canada on Indian Policy (Ottawa: Department of Indian Affairs and Northern Development, 1969); hereafter cited as the White Paper. Subsequent government documents that reflect the assimilationist perspective include, Department of Indian Affairs and Northern Development, Statement on Claims of Indian and Inuit People, (Ottawa: Department of Indian Affairs and Northern Development, August 8, 1973); Department of Indian Affairs and Northern Development, In All Fairness: A Native Claims Proposal (Ottawa: Department of Indian Affairs and Northern Development, 1981); this report was handed down as an official policy document; and Indian and Native Programs (Ottawa: Minister of Supply and Services Canada, 1986); hereafter cited as the Neilsen Report.

White Paper considered Aboriginal peoples "poor" and "underdeveloped" and argued that what was necessary to change this situation was the economic, political, and cultural assimilation of Aboriginal peoples into the mainstream of Canadian society:

To be an Indian is to be a man with all a man's needs and abilities. To be an Indian is also to be different. It is to speak different languages, draw different pictures, tell different tales and to rely on a set of values developed in a different world.¹¹

This was the neocolonial, liberal democratic vision of Canadian Prime Minister Pierre Trudeau and his government, which envisioned Canada as a single nation made up of a mosaic of many different cultures. Aboriginal peoples were expected to take their place alongside other ethnic groups in the Canadian mosaic.¹² According to social ethicist Terence Anderson, the key ethical perspective in this liberal vision was the notion of equal status with other Canadians. All the earmarks of equality were included in

¹¹White Paper, 3.

¹²This liberal perspective continues to be defended in a variety of forms. For example, Will Kymlicka, in his book Liberalism, Community, and Culture (Oxford: Clarendon Press, 1989), fails to account for the differences between the rights of Aboriginal peoples and other cultural minorities. In following Rawls and Dworkin's theory of equality, Kymlicka asserts that the only difference between these two groups is that Aboriginal peoples are more vulnerable and, therefore, require different forms of protection.

this perspective, including respect and freedom of expression of Aboriginal heritage and culture in such areas as handicrafts, language, and spirituality. It also assumed that Aboriginal peoples must be educated and trained in order to give them every economic and political opportunity to participate on an equal playing field with other Canadians. The barrier to overcome was the treatment of Aboriginal peoples "as a race apart," a barrier that included any form of special status.¹³

A few years after the release of the White Paper, the Department of Indian Affairs and Northern Development prepared a policy framework to guide northern development titled Canada's North 1970-1980.¹⁴ Although the document claimed a revised set of development priorities--for example, it placed the environment and the needs of Aboriginal peoples first--these priorities were ultimately based on the ability of Aboriginal peoples to participate in the economic and political mainstream of Canadian society. This development ethic is analogous to the White Paper in its determination to "safeguard the culture

¹³Terence Anderson, "A Fork in the Road: Native Rights and the Canadian State," in A Long and Faithful March, ed. Harold Wells and Roger Hutchinson (Toronto: United Church Publishing House, 1989), 180.

¹⁴Department of Indian Affairs and Northern Development, Canada's North 1970-1980 (Ottawa: Information Canada, 1972).

(language, arts, handicrafts, traditional pursuits) of native peoples in the course of education, training, employment and community life."¹⁵ R. A. Young and Peter McDermott have asserted that the document represented the dominant perspective of Ottawa's relationship toward northern development for the next fifteen years.¹⁶

The federal government's economic and cultural assimilationist policy found in documents such as the White Paper and Canada's North fueled Aboriginal protest across the country. This protest intensified when, in 1968, following two decades of intensive exploration, commercial quantities of oil and gas were discovered in Prudhoe Bay, Alaska. In addition, provincial governments in Quebec and Manitoba discovered the economic potential of water resources for hydroelectric dams in their northern regions. It became clear to Aboriginal groups that the political process was unable to address their economic and political interests. The courts then became the avenue to try to force the settlement of land and resource rights.

¹⁵Ibid., 36.

¹⁶R. A. Young and Peter McDermott, "Employment Training Programs and Acculturation of Native Peoples in Canada's Northwest Territories," Arctic 41 (1988): 195-202.

There were several court cases during this time period that impacted government policymaking in the future. Robert Page asserts that the most important court case involved the Nishga of northwestern British Columbia.¹⁷ This non-treaty band argued that their Aboriginal title to an extensive region in the Nass River Valley had never been extinguished. Although the Nishga lost their case in trial court and in the British Columbia court of appeal, Thomas Berger their legal counsel, carried the case to the Supreme Court of Canada. Never before had Canada's highest court considered an Aboriginal entitlement claim. In January 1973, on a legal technicality unrelated to the question of Aboriginal rights, the court ruled 4 to 3 in favour of the province. The court case proved significant because the fundamental issue of Aboriginal land claims was not resolved. In addition, the case received considerable public attention and gave increased credibility and moral impetus for Aboriginal groups to continue their lobbying efforts.

Another important court case involved the construction of the James Bay hydroelectric development project by the Quebec provincial government on traditional Aboriginal

¹⁷Page, Northern Development, 70-71.

lands. The liberal government of Robert Bourassa attempted to build the project without negotiating Aboriginal land claims. Only a few months after the Nishga of British Columbia lost their case in Ottawa, the Cree and Inuit of northern Quebec filed an injunction in provincial court to block further construction of the hydroelectric dam until land claims could be settled. The Quebec government appealed, and the court eventually ruled in favour of the province. In November 1975, after several highly publicized legal battles, the provincial government and the legal counsel for the Cree and Inuit settled. The settlement included the transfer of ownership of 1.3 per cent of traditional Cree and Inuit lands to the province, the extinction of Aboriginal title, plus \$225 million in compensation. Other Aboriginal groups inside and outside of Quebec, including the five bands represented in northern Manitoba by the Northern Flood Committee, viewed the settlement in northern Quebec as a significant loss because of its potential precedent of cash over title to land.¹⁸

¹⁸Ibid., 71-72.

These two court cases and others pending at the time,¹⁹ along with the continued political lobbying of Aboriginal groups, prompted a formal reversal of federal policy. At the end of 1973, the federal government formally renounced the White Paper and declared its willingness to negotiate Aboriginal land claims in areas of Canada not covered by treaties. Just two years later, most of the northern Aboriginal nations had submitted land claim proposals to the federal government. But their claims were for more than land; the Aboriginal nations also called for a readjustment in their relationship to the federal government, a move they interpreted as an attempt to control their own destiny.²⁰ However, as Page contends, it is not clear that the courts and the federal government defined Aboriginal rights in the same manner. In fact, the terms of the rights seemed to be understood by the government as a framework for acquiring "lands in a peaceful and orderly fashion for settlement and resource

¹⁹For example, see Page, Northern Development, 73, who cites the case of the Dene, who in 1973 filed a caveat with the registrar of land titles for the land they had historically used for hunting and trapping. The Dene eventually lost their claim.

²⁰Mel Watkins, "From Underdevelopment to Development," In Dene Nation--The Colony Within, ed. Mel Watkins (Toronto: University of Toronto Press, 1977), 84-99.

development."²¹ The perception was that Aboriginal people had much more land than they needed, and the vast lands they did use for hunting and trapping were actually underdeveloped and could be used more productively.

The development ethic represented in the federal government's White Paper and in Canada's North was based on a liberal model of each individual as an equal citizen and meaningful participant in the economy. A development ethic founded on this principle of equality and participation could not endorse special political rights to a particular group without compromising the political and philosophical ideal of equality. This political position was carried over to economic development policy, which proposed that no corporation could have its economic development policies halted while land claims for a particular group of peoples were being negotiated; and even if settled, land claims could not reverse the potential of resource extraction in an economy based on high energy needs by the south and for potential sale to the United States.

But there is another, contradictory development ethic that takes a different policy direction toward northern development and is represented in several federal

²¹Page, Northern Development, 73.

government documents, in particular: the 1966 Survey of the Contemporary Indians of Canada: A Report on Economic, Political, Educational Needs and Policies (hereafter, the Hawthorne Report); the 1977 Northern Frontier, Northern Homeland (hereafter, the Berger Report); the 1983 Indian Self-Government in Canada (hereafter, the Penner Report); the 1985 Living Treaties: Lasting Agreements Report (hereafter, the Coolican Report); and the 1993 Aboriginal Peoples and the Justice System: Report of the National Round Table on Aboriginal Justice Issues (hereafter, Report on Aboriginal Justice Issues). The general policy direction portrayed by this set of documents sees Aboriginal peoples as diverse First Nations.²² As Terrence Anderson has argued, these documents are not assimilationist but participatory, as each distinctive Aboriginal nation is to be given their right to develop

²²H. R. Hawthorne, ed., Survey of the Contemporary Indians of Canada: A Report on Economic, Political, Educational Needs and Policies (Ottawa: Indian Affairs Branch, 1966); hereafter cited as the Hawthorne Report; Thomas R. Berger, Northern Frontier, Northern Homeland: The Report of the MacKenzie Valley Pipeline Inquiry (Ottawa: Minister of Supply and Services, Canada, 1977); hereafter cited as the Berger Report; Minutes of Proceedings of the Special Committee, Indian Self-Government in Canada (Ottawa: Supply and Services Canada, 1983); hereafter cited as the Penner Report; Task Force to Review Comprehensive Claims Policy, Living Treaties: Lasting Agreements Report. Report of the Task Force to Review Comprehensive Claims Policy (Ottawa: Department of Indian Affairs and Northern Development, 1985); hereafter cited as the Coolican Report; Aboriginal Peoples and the Justice System: Report of the National Round Table on Aboriginal

their own economic, political, and cultural institutions within the constitution of Canada.²³ A key ethical issue from this perspective is respect and acceptance of Aboriginal peoples, such that they are allowed to develop as nations and to govern themselves in order to control and adjudicate the entire range of policymaking and program delivery systems. For example, already in the 1966 Hawthorne Report, there is concern for participatory democracy at the local level as an alternative to placing Aboriginal nations under provincial control.²⁴

Additionally, this second policy framework asserts that land and water resources are an essential economic base for Aboriginal peoples, if they are to free themselves from the debilitating dependency and social disorganization they experience. Land is viewed as much more than a source of profit and wealth; it is seen as "part of a spiritual relationship with the universe. . . . Indian people see themselves as caretakers of the land and its resources. Land is thus a prerequisite for and vital to self-

Justice Issues (Ottawa: Supply and Services Canada, 1993); hereafter cited as Report on Aboriginal Justice Issues.

²³Anderson, "A Fork in the Road," 183.

²⁴Hawthorne Report, 299.

government."²⁵ There is a relationship noted here between land as an economic resource and land as a sacred dwelling place.

A similar view is expressed in the more recent "Report on Aboriginal Justice Issues." James Dumont, in a discussion paper published in the report, describes the distinctive cultural value systems that have emerged historically in Aboriginal and non-Aboriginal cultures. One of the differences in the Aboriginal value system is a respect for and relationship with the land as a living, organic whole to which one is both personally and ethically responsible. The primacy of land is a central determining experience and is intricately connected to the sacred as a means to the good life.²⁶

The policy direction of land control is also viewed differently in this set of government proposals, vis-à-vis the liberal policies of such documents as the White Paper and Canada's North. For example, the Penner Report recommends that once land settlements are in place, the Aboriginal control of Aboriginal lands should be similar to

²⁵Penner Report, 105.

²⁶James Dumont, "Justice and Aboriginal People," in Report on Aboriginal Justice Issues, 42-85.

the control provinces have over provincial lands, namely, the control should involve public rather than private ownership.²⁷ The Coolican Report takes a similar perspective concerning the settlement of land claims for economic self-sufficiency, although it is less clear regarding the extent of Aboriginal control.²⁸ What is clear in both reports is that Aboriginal rights should not be extinguished when land claims are settled.²⁹

But the most famous and perhaps the most influential policymaking report for northern development was the Berger Report. Robert Page has stated correctly that the Berger Report is timeless in its conviction concerning the sustainability of the fragile northern ecosystem, as well as in its analysis of the social and political problems facing Aboriginal peoples when they are confronted with

²⁷Ibid., 108-109. The Penner Report has focussed the attention of several scholars and policy makers on Aboriginal rights issues such as education, health, child welfare, and economic matters. For example, see Roger Gibbins and J. Rick Ponting, "The Paradoxical Nature of the Penner Report," Canadian Public Policy 10 (1984): 221-224; Sally Weaver, "A Commentary on the Penner Report," Canadian Public Policy 10 (1984): 215-221; and Paul Tennant, "Indian Self-Government: Progress or Stalemate?" Canadian Public Policy 10 (1984): 211-215; and "Aboriginal Rights and the Penner Report on Indian Self-Government," in The Quest for Justice: Aboriginal Peoples and Aboriginal Rights, ed. Menno Boldt and J. Anthony Long (Toronto: University of Toronto Press, 1985), 321-332.

²⁸Coolican Report, 102.

²⁹Anderson, "A Fork in the Road," 186.

large-scale industrial development moving up from the south.³⁰

What was the development ethic proposed by Thomas R. Berger? He sets the context for his analysis by asserting that a "piecemeal" examination (like the one undertaken by MacKenzie Valley Pipeline) of the consequences of economic development in the north will "ignore the broad implications of the whole range of its effects" and will miss the opportunity to assess the "struggle for a new social and economic . . . and political" direction for the north.³¹ A key development question in this examination is whether the economic resources of the north should be extracted for the benefit of the people who live elsewhere. Or should the permanent residents of the north, mostly Aboriginal peoples, control and choose the type of economic, political, and cultural development they desire?

Berger's analysis of and response to this question is shaped by Harold Innis's "staples" theory and not by the "development of underdevelopment" theory, as some scholars have suggested.³² Innis warned that economic theory worked

³⁰Page, Northern Development, 117.

³¹Ibid., 51, 61, 11.

³²Mathew Zachariah, "The Berger Commission Inquiry Report and the Revitalization of Indigenous Cultures," Canadian Journal of

out in older, highly industrialized countries must be modified by the specific characteristics of the local economy in a relatively new country like Canada.³³ What was particularly relevant in this theory for economic development in the north was the stress Innis placed on the interrelationship between social, cultural, and political factors.

The danger, according to Innis, was that a region like northern Canada, with specific staple resources such as gas and oil, would become dependent on external forces for capital, technology, and markets--instead of on internal forces rooted in the lives of people who understood the dynamic of and mix between economic, political, and cultural factors in the region. Additionally, a region such as northern Canada would ultimately suffer when its entire economic and social infrastructure was dependent on a single export staple like gas.³⁴

Development Studies 5 (1984): 65-68; Lee Huskey and Thomas A. Morehouse, "Development in Remote Regions: What Do We Know?" Arctic 45 (1992): 128-130.

³³Harold A. Innis, "The Teaching of Economic History in Canada," in Essays in Canadian Economic History, ed. M. Q. Innis (Toronto: Methuen, 1956), 3.

³⁴Harold A. Innis, Empire and Communications (Toronto: Methuen, 1972), chap. 1.

Berger relied on this staple theory for his analysis of economic development in the north and followed Innis by using the concepts "metropolis" and "hinterland." He pointed out that "large-scale frontier projects tend to enrich the metropolis, not the communities on the frontier."³⁵ But Berger did not, as the White Paper proposed, view the north as backward and underdeveloped. He promoted the view that modern technological industries must be diffused into the traditional sector. In this respect, he maintained that "northern peoples have demonstrated . . . that their economy is not only a link with their past, but it is also the basis of their plans for the future. The continued viability of the native economy should be an objective of northern development, not its price."³⁶ Berger did not lament the change that would surely come to the north, nor did he romanticize a premodern way of life; rather, he placed the future of the northern economy into a broader environmental and development ethic:

No one seeks to turn back the clock, to return in some way to nature, or even to deplore, in a high-minded and sentimental manner, the real

³⁵Berger, Northern Homeland, 118.

³⁶Ibid., 122.

achievements of modern-day life. Rather the suggestion here is that wilderness constitutes an important--perhaps an invaluable--part of modern-day life; its preservation is a contribution to, not a repudiation of, the civilization upon which we depend.³⁷

According to Berger, because it is the Aboriginal peoples who would be most affected by the intrusion of large-scale industrial development projects, this ethic is dependent on the priorities and "the interests of the native people as they themselves perceive them."³⁸ In other words, a development ethic for the Canadian north must take into account environmental, cultural, and political factors, not just the economic gains of resource extraction for southern corporations and consumers.

A key feature of the Berger inquiry was the participatory model that was implemented. The testimony included both formal hearings held in Yellowknife with expert witnesses and community hearings in thirty-five settlements potentially affected by the pipeline project.³⁹

³⁷Ibid., 30.

³⁸Ibid., 120.

³⁹The expert witnesses included the corporations that spent in excess of \$150 million on the application procedure; but also included were the public interest groups such as native, environmental, and northern business organizations, funded by the Berger Commission with about \$1.8 million. The formal hearings incorporated cross-examination as a means to establish the truth regarding conflicting positions on such matters as the social and environmental impact of the proposed pipeline construction. Regarding the participatory model

The Aboriginal residents expressed their perspectives in their own comfortable surroundings, in their own language, and without fear of cross-examination. Approximately 1,000 people contributed to the community hearings. The testimony was often rambling and in story form, but it allowed Berger to hear the intense commitment northern Aboriginals had to the land, and it provided ecological insights on hunting and trapping that were unknown to the so-called expert witnesses.⁴⁰

The hearings led Berger to the conclusion that there must be a fundamental constitutional reordering of the relationship between Ottawa and the Aboriginal peoples of the north. Self-determination and rights to traditional land were foundational for this new "social contract." The contract should be based on the view that Aboriginals were "distinct peoples," with special status based historically on the British North America Act, various treaties, and the Indian Act. According to Berger, political and economic models imposed from the outside had not worked. Therefore, the adoption of Dene and Inuit forms of government, which

invoked by Berger, see Page, Northern Development, chap. 5; and Roger Hutchinson, Prophets, Pastors, and Public Choices: Canadian Churches and the MacKenzie Valley Pipeline Debate (Waterloo: Wilfred Laurier University Press, 1992), chap. 3.

⁴⁰Page, Northern Development, 111-113.

reflect their own tradition of consensus and local decisionmaking, should be granted.

Commenting specifically on the Dene proposal for self-determination, Berger noted that when they refer to themselves as a nation they are not renouncing Canada or Canada's constitution: "They want their own experience, traditions and values to occupy an honourable place in the contemporary life of our country. Seen in this light, they say their claims will lead to the enhancement of Confederation--not to its renunciation."⁴¹ Berger's recommendation for a ten-year moratorium in the MacKenzie Valley ultimately positioned land claims as a greater consequence to Canada than immediate access to gas.

An additional implication of Berger's recommendation to prohibit the building of a pipeline across northern Yukon was that mitigative measures were not enough to preserve environmental losses. Based on all evidence, disturbance in this critical ecosystem could not be tolerated. Berger ultimately accepted the views of local Aboriginal peoples, and the numerous public interest groups that supported them, regarding their own ecosystem, and he essentially rejected the environmental impact studies

⁴¹Berger Report, xxii-xxvi, 100.

conducted by the expert consultants of the applicants. The development ethic of the Berger Report placed environmental and cultural values on an equal plane with economic considerations. The development ethic articulated by the report points to the necessity of including all three of these "value" components when resource extraction projects are considered in the Canadian north.

There may be other policy options available to the federal government besides the neocolonial, liberal, assimilationist policies represented by the White Paper and Canada's North and the participatory, "First Nations" policies represented in the Berger Report and the other documents described above. Nonetheless, these options do appear to be the two most dominant development alternatives at this point. The first option treats Aboriginal peoples as ethnic minorities. This liberal perspective is based on an ethic of equal status and individual rights with all other Canadians. Land, from this ethical perspective, is seen as an economic commodity that can be bought and sold in the open marketplace. Additionally, the settlement of land claims is viewed as an exchange of economic interest that can be negotiated with cash or for the extinguishment of Aboriginal rights.

The second policy option treats Aboriginals as distinct First Nations with their own historic cultural, political, and economic institutions. Land and land claim settlements are not viewed through the lens of individual private property but as the basis for collective self-sufficiency and control over the future. In order to ensure that Aboriginals have both a place in Canadian life and control over their own cultural and economic resources, this policy option deemed that self-determination is necessary.

It is within this Canadian political and economic context that Manitoba Hydro and the government of Manitoba forwarded their proposals to dam and divert large river systems. The next two sections of this chapter explore the issues and questions surrounding two of these hydro projects: What was the development ethic of the Manitoba government and Manitoba Hydro? Given that these projects would potentially flood thousands of hectares of traditional Aboriginal hunting, trapping, and fishing grounds, what was the corporate and government response to Aboriginal land claims?

II. The Grand Rapids Hydro Development Project

Whereas the previous section explored the economic and political policy framework at the federal level, this section assesses the development issues surrounding the forced relocation of the people of Chemawawin from their reserve lands because of the construction of the Grand Rapids dam in northern Manitoba.⁴² The intent of this section is not to undertake an exhaustive ethnographic or historical study but rather to uncover the ethical issues involved in this hydro development project.⁴³

Although planning for the Grand Rapids hydro project had begun in the mid-1950s, the Manitoba legislature was not officially informed of the project until January 1960, and the people of Chemawawin were not informed that they would be relocated until the fall of that year.

A committee, officially known as the Grand Rapids Forebay Administrative Committee (hereafter, the Forebay Committee), was formed to assist the people of Chemawawin

⁴²The Grand Rapids dam project affected four Cree communities: Moose Lake; Grand Rapids; the Pas; and Chemawawin--the latter was affected the most significantly.

⁴³For a thorough ethnographic and historical study of the Swampy Cree and Metis of Chemawawin, see James Waldram, As Long As the Rivers Run: Hydroelectric Development and Native Communities in Western Canada (Winnipeg: University of Manitoba Press, 1988), chap. 4. As will be evident, several articles by Waldram on the people of Chemawawin provide much of the data for the analysis in this section.

with all of the consequences and implications of their relocation. The committee began with two members but, due to the unexpected workload, eventually grew to nine and sometimes ten members. The committee members were all senior ranking civil servants, serving on the committee on a part-time bases while maintaining their separate departments. There were no Aboriginal representatives sitting on the committee, either from Chemawawin or from other Native organizations.⁴⁴

The first meeting of the Forebay Committee with the people of Chemawawin took place in March 1962.⁴⁵ A list of commitments by the provincial government was sent to the people of Chemawawin before the actual meeting, but there were no formal negotiations before the meeting took place. Although the Forebay Committee indicated that they were open to negotiations, it was clear from the beginning that an extended time period for negotiations was problematic.⁴⁶ As one committee member stated:

⁴⁴Waldram, "Hydro-Electric Development and the Process of Negotiation," 206-207.

⁴⁵Michael J. Landa, "Easterville: A Case Study in the Relocation of a Manitoba Native Community," (Master's thesis, University of Manitoba, 1969), 45-46.

⁴⁶Minutes, Grand Rapids Forebay Administrative Committee, Chemawawin, March 22, 1962.

We did not conceive the dam. The government decided it. I would like to say this is in the public interest and affects many people, and whether or not you reach agreement, it will go on. We have spent upwards of 20 million dollars, and other projects of greater magnitude are planned for the near future and this must be dealt with before we go on to these. You will have to go along with us and reach agreement by negotiation or some other means. The job [dam] is going to be built. One final word, we all earnestly hope that we can settle this by June first and be underway and you will have to trust us.⁴⁷

Given the deadline of June 1, the people of Chemawawin were being asked to chart out their future in less than three months. Joe Keeper, the community development officer hired by the Forebay Committee, noted that the process of having to plan for the people of Chemawawin was difficult "in relation to the white man."⁴⁸ The community members needed time to more fully understand what was expected of them in the planning process, let alone the implications of what a move meant for their own futures economically and culturally.

Not only were the people of Chemawawin rushed into a move, but the process of negotiation was problematic. The communication between the Forebay Committee and the people

⁴⁷Ibid.

⁴⁸Joe Keeper, "A Short Report on Cedar Lake," Manitoba Community Development Service, 1963: 12.

of Chemawawin was splintered between various other government departments. Often before the people themselves were informed of a directive from the federal or Manitoba governments, the directive had to be relayed through several community representatives, including the community development officer, the local trader, and the Indian supervisor.⁴⁹

Additionally, James Waldram's research has shown that some information was withheld, whereas other information was shared piecemeal. Particularly in the time after the actual relocation, this poor handling of information created major divisions and often heated arguments regarding what was promised.⁵⁰

Furthermore, the language barrier obstructed the ability of local leadership to adequately participate in the negotiations. The chief understood and spoke little English. Rather than relying on professional interpreters, the Forebay Committee authorized only the use of local band members, who also understood little English. When the

⁴⁹Keeper, "A Short Report on Cedar Lake," 6-12. Also, see Waldram, "Hydro-Electric Development and the Process of Negotiation," 207-217.

⁵⁰Waldram, "Hydro-Electric Development and the Process of Negotiation," 213-214. Waldram cites correspondence to highlight this problem.

discussion became highly technical and involved engineering and ecological data, interpretation was particularly inadequate, and there were several occasions when an interpreter could not be found; still the meetings simply proceeded as scheduled with no input from the people of Chemawawin.⁵¹ Additionally, the interpretive gap was accentuated by the cultural gap when several meetings were held in Winnipeg. Chemawawin band members reported being anxious by the new experience of meeting in such a large town at meetings that, on at least one occasion, were attended by hundreds of people.⁵²

As the date of relocation neared, meetings with various government or Hydro representatives occurred almost every day. In order to show representation through attendance, Manitoba Hydro paid Chemawawin band members five dollars to attend the meetings. At the most basic level for the possibility of honest and fair negotiations, communication between parties was one-sided and misrepresented the people of Chemawawin. This tragedy is highlighted in the process of the site selection and in the

⁵¹Martin Loney, "The Construction of Dependency: The Case of the Grand Rapids Hydro Project," The Canadian Journal of Native Studies 7 (1987): 64.

⁵²Waldram, "Hydro-Electric Development and the Process of Negotiation," 215.

economic and social problems that occurred almost immediately following the relocation.

Although there is some disagreement regarding the number of possible site selections, in the end three alternatives were presented by the Forebay Committee.⁵³ To help determine the most appropriate location, representatives from the band traveled to each of the sites: Clear Bay (48 kilometres east of Chemawawin); East Mossy Portage (32 kilometres south of Chemawawin); and Easterville (51 kilometres west of Chemawawin). Easterville was eventually selected because of its location on Cedar Lake, a high priority for the people of Chemawawin, and because of the added important features of a road and electricity.⁵⁴ "With visions of a sort of Indian utopia," the government of Manitoba and Manitoba Hydro also promoted Easterville as the best choice; their vision included electricity, a highway, everyone owning cars--generally a nice little town with a store.⁵⁵

⁵³Ibid., 208.

⁵⁴The town was named Easterville after Chemawawin chief, Donald Easter.

⁵⁵Ibid., 208-209. Also, see Robert Robson, "Modernization in the Manitoba North: The Housing Initiative," The Canadian Journal of Native Studies 13 (1993): 110-111.

In April 1962 a "letter of intent" was mailed to the chief of Chemawawin. The letter listed in detail the "commitments and offers" made to the band the previous month at the first meeting with the Forebay Committee. A few changes were made by the chief in consultation with his local committee; the revisions were accepted by both parties; and the Forebay Agreement was signed on June 14, 1962. On November 15, 1962 the federal government, by Privy Council, also approved the agreement. There were twenty major items in the agreement, several of which included subsections in order to adequately explain the substance of the agreement. The ten items most relevant for my concerns are:

1. The provision of new or reconditioned homes with pit toilets and electricity.
2. The construction of a new school.
3. The establishment of a forest management unit for the exclusive use of the community.
4. The establishment of a planned community, part reserve, for treaty members of the community; and part non-reserve, for the non-treaty members.
5. The construction of a road to the community.
6. The use of local labour as much as possible in the construction of the townsite.
7. The exchange of land in the ratio of two acres of new land for each acre of reserve land taken.
8. The payment of \$20,000 into the Band's account.
9. The undertaking of scientific and engineering studies and investigations in

order to assure maximum economic development.

10. The undertaking of every step possible to maintain the income of the people of Chemawawin at the new site.⁵⁶

Based on the letter of intent, the majority of the people of Chemawawin moved to their new homes in the summer of 1964. Headed for the modern conveniences of a government-built town, they left behind a community with no electricity or roads and housing that was either self-built log or of tar-paper construction.

Controversy still abounds regarding the agreement. One of the major controversies concerns the fact that at no time in the negotiating process was legal counsel made available to the people of Chemawawin in order to inform them of their legal rights and help them understand the legal intricacies of the agreement. A few years after the people of Chemawawin moved to Easterville they hired a lawyer to look into the Forebay Agreement. At a hearing on

⁵⁶"The Forebay Agreement," S. W. Schortinghuis to Chief Donald Easter, June 7, 1962. Also referenced as: Schedule A, Order-in-Council 1566/63.

Although the intent of this section is not to analyze the legalities of the Forebay Agreement, it is immediately noticeable that the document is written inexactly. For example, item number six, "The use of local labour 'as much as possible' in the construction of the townsite." Who is meant by "local" labour? How does one define "as much as possible"? Other items can be similarly questioned, and it is, at least in part, for this reason that much legal wrangling has taken place since the signing of the agreement.

May 21, 1969, to investigate Manitoba Hydro's proposal to flood the community of South Indian Lake, the lawyer stated:

In my meetings with these people and my discussions with them, I said, "Well why didn't you get legal counsel?" The answer was, "Well, Hydro and the Government made us promises and they said they were going to do this and they were going to do that, and we took them for their word, and we didn't feel that we required legal counsel." I would have thought that at that particular time the Government and the Hydro would have taken some steps to adequately protect these people's rights. . . . You see the whole point here is that there [was] no representation for these people and this is just awful. This is the most inequitable situation I have ever come across.⁵⁷

The Forebay Committee believed the community development officer they had hired for the people of Chemawawin was capable of explaining the agreement, but explanation was simply not possible due to the ambiguous and open-ended language of the agreement, which could be interpreted in numerous ways. The officer did become an advocate for the people, but the stream of communication he sent to the Forebay Committee and other government

⁵⁷Minutes of Sitting of the Standing Committee of Public Utilities and Natural Resources, May 21, 1969, Winnipeg; quoted in Waldram, "Hydro-Electric Development and the Process of Negotiation," 212.

officials was largely ignored.⁵⁸ Overall there was little professional consultation with the people of Chemawawin on the numerous aspects that such a move involved; and certainly, given the parameters of time involved in making an informed choice, the band could not have weighed all the economic and social implications of their choice.

Following the relocation, one of the leaders of the new community lamented:

I don't see why we took this place at that time. Well, I think it was, well, we were kind of fooled by the Government people. They said this was the best place. I don't know if the Band Council agreed to this place, but they were forced to. There's a lot of better places around the lake but I can see now that the Government people, they didn't want to spend too much money moving us, you see. See, it's much cheaper here.⁵⁹

What soon became painfully evident to the people of Chemawawin was that the relocation site was a mistake. Although the new community looked modern--with all the conveniences of streetlights, gravel roads, a new school, a town hall, and new houses--the reality was significantly different. For example, because the town was built on a

⁵⁸The community development officer, Joe Keeper, produced the only pre-project study of Chemawawin. He later became executive director of the Northern Flood Committee.

⁵⁹Quoted in Waldram, "Hydro-Electric Development and the Process of Negotiation," 210.

rocky limestone ridge the modern convenience of pit latrines was impossible. Waste disposal became a serious health concern, and grey water eventually seeped into the water system, causing intestinal infections in some young babies.⁶⁰

But what was even more devastating were the economic hardships encountered by the Cree and Metis of Easterville. The traditional economic pursuits such as hunting, fishing, and trapping were almost entirely destroyed by the flooding of Cedar Lake and its surrounding lands. A number of independent researchers, as well as provincial and federal studies, portrayed the community of Chemawawin as economically diverse and strong before the relocation of its people to Easterville.⁶¹ After the relocation, over 90 per cent of the band's trapping grounds were submerged by the flooding, and mercury poisoning severely damaged the fish harvest.⁶² Several government officials suggested that band members take up farming at their new townsite,

⁶⁰Robson, "Modernization in the Manitoba North," 111.

⁶¹For an excellent summary of some of these reports, see Loney, "The Construction of Dependency," 60-63. Also, see Joe Keeper, "A Short Report on Cedar Lake."

⁶²Robson, "Modernization in the Manitoba North," 111.

but they were advised that residents would first need to be equipped with pneumatic drills.

In addition, there were devastating social implications soon after the move to Easterville. Michael Landa's research has documented family structure breakdown, including spouse and child abuse and the abandonment of children due to alcohol misuse.⁶³ A 1979 study done by Waldram also pointed to the abuse of alcohol, as well as to mental depression, that had developed since the relocation. The people of Easterville had seemingly lost their will to be healthy.⁶⁴

In retrospect the question could be asked, Why didn't the people of Chemawawin pursue a more suitable site? Part of the answer rests in the absence of legal and technical representation. Additionally, with the pressure to make a decision, the band could not adequately understand the scale of the changes that were to take place. Evidently, the Forebay Committee viewed the move like any other that an individual or family might choose to make in order to

⁶³Landa, "Easterville: A Case Study in the Relocation of a Manitoba Native Community," 68-69.

⁶⁴James B. Waldram, "Relocation and Social Change Among the Swampy Cree and Metis of Easterville," (Master's thesis, University of Manitoba, 1980), 168.

improve their housing or some other commodity. Why would the people of Chemawawin want anything different?

Furthermore, on what legitimate basis should the people of Chemawawin have known what to expect from such a move? Perhaps it would improve their lives. They had never experienced such a move, nor seen the effects of a move upon another community. In any event, as the research of Waldram and Landa has demonstrated, what was clearly unaccounted for prior to the relocation was the cultural loss that resulted from the move. The relocation negated the interdependency of the social and economic spheres that bound families and the community together.

It is apparent that the commitment and role of the Forebay Committee was to implement the wishes of Manitoba Hydro and the government of Manitoba. There is little evidence to suggest that the committee acted on behalf of the interests of the people of Chemawawin in an attempt to design an economic development plan that, with integrity and justice, would take into consideration cultural differences. This point is dramatically underscored by events that followed the band's relocation to Easterville.

As I stated earlier, after the relocation the band secured a lawyer, paid for by the Manitoba Indian

Brotherhood, to examine the legalities surrounding the signing of the Forebay Agreement. Initially legal counsel for the Forebay Committee refused to furnish the files necessary for this examination, at first citing the impracticality and expense of fulfilling the request and later arguing that the documentation was "privileged." Eventually the committee agreed to forward specific documents, if the lawyer for the band could identify them. After managing to obtain enough documentation a "Statement of Claim" was filed on August 15, 1970, which argued that the Forebay Agreement was not a legal agreement. Soon after the filing of the claim, the Forebay Committee disbanded all negotiations with the Easterville band and, through its lawyer, filed a "Statement of Defense" on October 30, 1970, refuting all claims made by the band. An interesting legal problem then emerged.

The Statement of Defense claimed that the Forebay Committee could not be taken to court for its actions or inactions because it was not a legal entity. Negotiations were conducted, an agreement was signed, and an entire community was relocated by a government-appointed committee that was not legally responsible. The Statement of Defense also argued that the band was not a legal entity and,

therefore, could not sue the government of Manitoba or, by implication, Manitoba Hydro. Only the federal government could initiate legal action on behalf of the people of Easterville.

To confound the issue, the Statement of Defense also indicated that the provincial government was not liable because it negotiated and carried out the Forebay Agreement with the advice and knowledge of the federal government. From the beginning of the negotiations a representative from the Department of Indian Affairs and Northern Development (DIAND) sat on the Forebay Committee, and it was the federal government that suggested the negotiations include a package deal with the Easterville band. Additionally, the provincial government had to obtain the consent of the federal government to be able to flood reserve land.⁶⁵

It was becoming clear in the early 1960s that federal and provincial governments were uninterested in supporting the land and treaty claims of the Aboriginal bands spotted across thousands of hectares when huge profits were to be made from the resource rich north. And though no clear

⁶⁵Waldram, "Hydro-Electric Development and the Process of Negotiation," 210-211, 215-217.

economic development policy emerged during this time period, what did surface, as the case of Chemawawin demonstrates, was the need for Aboriginal peoples to fight for their rights and rely on their own leadership in order to take charge of their own economic and cultural future through political and legal competence.⁶⁶

This call for indigenous leadership through training programs was too late for the people of Chemawawin in the early stages of their negotiations with the Forebay Committee, but in succeeding years of confrontation and negotiation, leadership has emerged. Through practical experience the leaders of Easterville have utilized modern legal tactics to negotiate both the "spirit" and intent of the Forebay Agreement. As a result, the people of Easterville have moved progressively to gain control of their own economic development, a direction they had to take when both levels of government failed to comply with various aspects of the agreement. The reasons for the relocation and the arduous negotiations are summarized from the perspective of the people of Easterville by a brief

⁶⁶For example, see the Hawthorne Report, which suggests that one of the major goals of Indian Affairs policy is to train and prepare leadership to take charge of their own affairs within the normal framework of politics. For a brief analysis of this "growing demand," see James B. Waldram, "Relocation and Political Change in a Manitoba Native Community," Canadian Journal of Anthropology 1 (1980): 177.

submitted on behalf of the people in a meeting with Manitoba Hydro ten years after their move:

We are not pointing the finger at any particular government or political party. When we look at the development of the North, we can say that all governments of whatever political stripe have been callous and indifferent to the needs of Indian people when the choice has to be made between the welfare of Indian people and the short-term benefits of a society and a system which appears to measure benefits using money as its chief standard. If it had to be a choice between money and Indians, it seems the Indian always loses.⁶⁷

The story of Chemawawin is a story about the stark choice between short-term financial gain and the future of a people. In 1966, soon after the Grand Rapids hydro project became operational, another community was about to confront this same choice, as the government of Manitoba announced its next major hydroelectric dam project.

III. The Churchill-Nelson Rivers Hydro Diversion Project

Already in 1963 the federal and Manitoba governments had cooperated in a joint effort to study the feasibility of the hydroelectric power potential of the Churchill and

⁶⁷"Easterville Brief," (presented at a meeting with Manitoba Hydro, Sept. 30, 1975), 1; quoted in Waldram, As Long As the Rivers Run, 114.

Nelson river systems.⁶⁸ The studies indicated that the Nelson River had tremendous potential for producing electricity because of its steep grade into Hudson Bay. The Churchill River did not offer such potential, but through engineering innovation, the Churchill could be harnessed by diverting its waters into the Nelson.

A diversion channel would be blasted out of the rock beginning at South Bay on Southern Indian Lake; this channel would then be linked first with the Rat River, then to the Burntwood River, and eventually to the Nelson River. In order to make the diversion work, it would be necessary to build a control structure at Missi Falls where Southern Indian Lake drains into the Churchill River, forcing most of the water to reverse its natural flow into Hudson Bay and to flow instead through the diversion channel into the Nelson River. As a result, Southern Indian Lake would become a giant reservoir for the generating facilities on the Nelson River. This original design would have raised Southern Indian Lake by ten metres, almost doubling the

⁶⁸Menno Wiebe, "A Case Study Approach to a Theology of Justice," (paper presented to the Mennonite Peace Theology Colloquium II, Bethel College, November 15, 1978), 2. Already early in the 1960s a member of the Forebay Committee stated that "other projects of greater magnitude are planned for the near future." The committee member is presumably speaking of the Churchill-Nelson Rivers hydro diversion project; minutes, Grand Rapids Forebay Administrative Committee, Chemawawin, March 22, 1962.

surface area of the lake and completely submerging the community of South Indian Lake.⁶⁹

Early in 1966, Progressive Conservative Premier Duff Roblin officially announced the Churchill-Nelson River diversion project. For the most part, the announcement was met with favour, especially in southern Manitoba. The project would offer jobs, as well as potential profits from the sale of electricity to other provinces and the United States. But there were a few individuals and groups who questioned the ecological and human implications of the project, particularly in light of the Chemawawin tragedy.

Several professors from the University of Manitoba were among the most vocal dissenters; they raised public awareness of the ecological and human implications of the project and were eventually commissioned by the government of Manitoba and Manitoba Hydro to appraise the problems and suggest areas that required further study.⁷⁰ Their report-
-Reconnaissance Study of the Effect on Human and Natural

⁶⁹C. Rhodes Smith, "Report of the Panel of Public Enquiry into Northern Development," (Winnipeg: March 29, 1976), 6-7; hereafter cited as "Report of the Panel."

⁷⁰H. E. Duckworth, Reconnaissance Study of the Effect on Human and Natural Resources of the Churchill River Diversion Plans (Winnipeg: 1967). The report became known as the Duckworth Report, named after the principle investigator from the University of Manitoba, Academic Vice President H. E. Duckworth.

Resources of the Churchill River Diversion Plans

(hereafter, the Duckworth Report), submitted early in 1967--was extremely critical of the high diversion scheme.

The report argued that Manitoba Hydro's plans failed to consider adequately both the ecological damage of such a project and the alternatives to the high-level flooding of Southern Indian Lake that should be studied. Additionally, the authors were concerned about the future of the people of South Indian Lake and argued that their culture and lifestyle would be seriously disrupted. The authors stated that the relocation of the village would be unjust to both the people of South Indian Lake and all the people of the province.⁷¹

The government and its corporation, Manitoba Hydro, rejected the report, claiming it lacked scientific rigour. They seemed to prefer a report prepared under the Manitoba Development Authority--a group under the jurisdiction of the Department of Mines and Natural Resources--and produced by the consulting firms of Van Ginkel Associates with Hedlin, Menzies, and Associates. This report considered the Aboriginal people of the north as impoverished and lacking in the skills that would enable them to transition

⁷¹Duckworth Report, 6.

into the present technological age; the report specifically described the people of South Indian Lake as "anachronisms in the present age of technology."⁷² As the negotiations proceeded over the next ten years, until the signing of the Northern Flood Agreement on December 16, 1977, the government of Manitoba and Manitoba Hydro adopted the stance stated in the cover letter to the Deputy Minister of the Manitoba Development Authority:

The consultants wish to make very specific their unqualified conclusion that the communities of native people that exist throughout Manitoba--and this is equally true of all parts of Canada--have no future and that the interests of the native people of the total community will be gravely prejudiced if those resources of money and creative thought are not dedicated to solving the problem of the remote Indian settlement and the Indian reservation.⁷³

Soon after the government's rejection of the Duckworth Report, officially an internal document, the report was leaked to the press, and other critical voices were heard. But the voices of those people that were to be most profoundly affected by the project had not yet been

⁷²Van Ginkel Associates, with Hedlin, Menzies, and Associates, Transition in the North: The Churchill River Diversion and the People of South Indian Lake (Winnipeg: Manitoba Development Authority, 1967), preface.

⁷³Cover letter, May 15, 1967, in Van Ginkel and Associates, Transition in the North.

officially consulted.⁷⁴ In January 1968 an interim license was granted to Manitoba Hydro by Harry Enns, Minister of the Department of Mines and Natural Resources, but it was not until the spring of 1968 that the community of South Indian Lake officially met with government and Hydro representatives.

What is evident from the minutes of these meetings is the lack of detailed information on the project itself to which the leadership of the community of South Indian Lake could adequately respond. For example, in a meeting held at South Indian Lake, a government official stated:

"Certainly nobody at the moment can be quite sure of what is going to happen. I think all of us that are reasonable will know that there must be some fish in the lake, and its going to be a bigger lake so it should be able to carry more fish."⁷⁵ This statement, showing a complete lack of insight into fish habitats, was repeated in subsequent

⁷⁴"Report of the Panel" stated the issue as follows: "There had been no discussions by either government or by Manitoba Hydro with Indian communities or other groups that might be affected adversely by the project. This was both surprising to learn and extremely unfortunate. The surprise was particularly sharp because, when the Grand Rapids plant was under construction, a whole community of Indians [people of Chemawawin] whose lands were to be flooded, were forced to move to another location" (6).

⁷⁵Transcript of minutes of meeting held at South Indian Lake, June 14, 1968, 5. The minutes can be found at the offices of Mennonite Central Committee (Canada), Winnipeg.

years by government officials and then by the premier himself.

Surprisingly the government failed to draw on the Grand Rapids project for information on the ecological and human implications of flooding Southern Indian Lake. Several residents of the community seemed to possess more insight than the government or Hydro officials. Angus Bonner, a retired lay minister, seemed to represent the feelings of many in the community: "This [South Indian Lake] is where an Indian found to make a living. Now this is the lake that is going to be destroyed. It is going to affect us a lot. Not only us grown up people but our children and our grand-children."⁷⁶

The initial meetings between representatives from the government of Manitoba and the community of South Indian Lake ended with little resolution concerning the human and ecological issues that were being faced by all the parties involved. The provincial government agreed that the rights of the Aboriginal peoples of South Indian Lake should be protected, but it was unclear what this protection entailed and how it should be defined. What became evident in these

⁷⁶Transcript of meeting held at South Indian Lake, April 22, 1968, 5.

early stages of negotiation was the understanding that the people of South Indian Lake were just like any other group of individuals; they were, in the end, just Manitobans. Their land and waterways were available for exploitation just like all other land and water in the province. There was no qualitative distinction between what Manitoba Hydro proposed to do in the north and what any entrepreneur could do by buying a hectare of land in southern Manitoba for development purposes.

The legal assistance needed by the people of South Indian Lake to evaluate the proposed license granted to the Water Control Branch for building the necessary control structures was paid for by the province. Although Manitoba Hydro and various government agencies failed to respond to specific requests for information, the people of South Indian Lake provided a great deal of information to the lawyers. One of the lawyers spent over a month interviewing every family in the community to ascertain their perspective on the proposed project. The people gave such detailed information on their perception of what the flooding of South Indian Lake would entail that at the subsequent public hearings Hydro's assistant general

manager questioned whether it was possible that the information had even come from the people.⁷⁷

Early in January 1969, Manitoba Hydro formally applied for a license to proceed with the Churchill-Nelson Rivers hydro diversion project. The public hearings that were held created a significant amount of public interest. The lawyers acting on behalf of the people of South Indian Lake brought forward several disturbing facts. The initial public hearing in South Indian Lake documented that Manitoba Hydro had discounted alternatives to flooding Southern Indian Lake, were unable to show the specific costs of the project, and had not engaged in environmental impact studies along the project route.⁷⁸

Before the second round of hearings were to take place in Winnipeg, the government announced that an "interim license" had been granted to Manitoba Hydro to commence with the diversion project. The lawyers for the people of South Indian Lake and other critics of the project were stunned by the news. The group of University of Manitoba professors challenged the economics of the high diversion plan, the cost of relocating an entire community, and the

⁷⁷Waldram, As Long As the Rivers Run, 131.

⁷⁸Ibid., 126.

loss of natural habitat. There were rumours of secret reports that the government was holding that documented the social and economic disaster of the project.⁷⁹ The press picked up on these issues, and subsequently the decision to issue an interim license was reversed.

These revelations sparked the interest and concern of the general public for the second round of public hearings. At the hearings, Manitoba Hydro argued that the province of Manitoba urgently needed the power for its consumption, and already in 1965 the high-level diversion had been ascertained as an economically feasible project. When specific information on the economics of the project was asked for, Hydro was again unwilling to respond forthrightly, arguing that contracts had already been tendered, and as a result such information would be inappropriate.

Several critics of the project focussed on the economic and engineering aspects of the diversion plan, whereas others spoke of the human dimension, bringing forward the painful experience of the people of Chemawawin: "It is not a matter of money and houses, it is their independence, their self-sufficiency, their self-respect

⁷⁹Waldram, "The Impact of Hydroelectric Development," 76-77.

that is at stake. . . . Change may be inevitable. . . . The changes that took place at Easterville and the changes that may be taking place at South Indian Lake are in the direction we are trying to avoid."⁸⁰

Additionally, Manitoba Hydro again offered its compensation package, unchanged from the South Indian Lake hearing. The lawyers for the community stated that the engineering, economic, and compensation package must be viable before a license to proceed with the project should be issued. Thus far the compensation package had been rejected by the community because it failed to protect the human resources of the people. Sidney Green, a member of the New Democratic Party (NDP), which sat in opposition to the current government, spoke eloquently of the denial of justice and the denial of the rights of a group of people who have little to protect themselves with in the wake of such a massive undertaking. The hearings collapsed in controversy and disagreement.

Soon after the hearings ended, the lawyers for the people of South Indian Lake filed an injunction against the granting of a license to Manitoba Hydro to begin the

⁸⁰Transcript of the minutes of the South Indian Lake hearing (Winnipeg: January 27-29, 1969), 87, 106.

project construction. The government moved quickly and introduced Bill 15--designed to supersede any previous hearings or legislation, including the Water Powers Act-- which would have allowed the government to issue a license to Manitoba Hydro without further hearings. The debate over Bill 15 was intense.

An open letter to Premier Weir was submitted by the people of South Indian Lake outlining their position.⁸¹ At

⁸¹Open letter to Premier Jack Wier from the residents of South Indian Lake, May 12, 1969:

May 12, 1969

Open Letter to Premier Weir:

Through our advisors we have followed carefully the debate in the house on Bill 15.

It is now obvious that the facts being revealed are not the same as the information given to us originally.

We were led to believe that there were no alternatives to flooding Southern Indian Lake and that if we did not agree to move, the rest of the Province would risk a shortage of power. We were led to believe that we would be standing in the way of progress.

Under these circumstances, we decided not to oppose progress and reluctantly agreed to move.

Now we discover that we were not told the truth.

First, there are alternatives to the diversion of the Churchill River, which do not involve the flooding of South Indian Lake and raising its level by 35 feet. We had been told there were no alternatives.

Second, the Minister of Finance has admitted in the House that there is no danger of "black-out," "brown-out," or even "dim-out" because power can be produced by other means.

Third, the government does not seem to have conducted the basic minimum studies on the likely losses and costs involved in flooding Southern Indian Lake.

Under these circumstances, we want to repeat that we are not going to move until the government proves conclusively and publicly that all aspects have been properly studied, all benefits and losses considered and

a special subcommittee hearing to review Bill 15, a presenter recounted the social and economic situation at Chemawawin. The lawyers for the community had yet another opportunity to represent their clients' position and stated emphatically that "the communities have been the victims of deceit, deception and manifold breaches of faith as their democratic and fundamental rights have been usurped or overridden in the anxiety to grant Hydro this license."⁸² Hydro again asserted that it had already spent millions of dollars on the design and that the diversion project was beyond the point of no return. With the intensity of the controversy, Bill 15 failed to get a second reading, and as a result the government dissolved the House and called for a general election, seeking, in part, a mandate to proceed with the high-level diversion project.⁸³

On June 25, 1969, the Conservative government was defeated by the New Democratic Party (NDP). Almost immediately following its victory, the newly elected

that flooding Southern Indian Lake is in fact necessary and is the best plan for all of the people of Manitoba.

Until the government proves this, WE WILL NOT MOVE.

⁸²Sitting of Standing Committee of Public Utilities and Natural Resources, May 22, 1969, 86; quoted in Waldram, As Long As the Rivers Run, 131.

⁸³Wiebe, "A Case Study Approach to a Theology of Justice," 4.

government canceled the high-level diversion project. Premier Schreyer spoke of the human and environmental factors that must be weighed when embarking on such a development project.⁸⁴ But the optimism of the people of South Indian Lake and of the many critics of the project was soon shattered when the government announced a new "low-level diversion" that would flood Southern Indian Lake three to five metres instead of ten. Under the new proposal about half the homes of South Indian Lake would be flooded and the ecological damage was still far from clear, particularly its effect on fishing and trapping.

In order to quell the disappointment, the governments of Canada and Manitoba formed a Study Board to examine the effects of the low-level diversion project. Results of the studies undertaken by the board were expected within two years, but the results were not published until April 1975, although other studies were made available in September 1974.⁸⁵ Meanwhile engineers continued to plan the for a

⁸⁴Waldram, "Hydro-Electric Development and the Process of Negotiation," 222.

⁸⁵The governments of Canada and Manitoba formed a Study Board to initiate approximately fifty-six studies on the effects of the Churchill-Nelson Rivers hydro diversion project. These studies became known as the Study Board reports, most of which concerned the geophysical aspects of the project. A summary of these studies is found in "Summary Report: Lake Winnipeg, Churchill and Nelson Rivers Study Board," (Canada and Manitoba, April 1975).

low-level diversion project. The new plan required the regulation of Lake Winnipeg to expand the volume of water flowing into the Nelson River--water that was no longer available from the Churchill River because of the change in the diversion plan. Finally in May 1972, Manitoba Hydro officially announced that the low-level diversion of the Churchill River was the plan of choice among the competing alternatives. A few days later, the premier announced that the people of South Indian Lake would not receive funds to contest the decision; however, funds would be available to negotiate compensation. Perhaps the government was unwilling to follow the path of the previous Conservative government, which funded several court actions against the government.⁸⁶

The people of South Indian Lake were shocked by these new revelations. Up to this point there was hope that the diversion plan would be rejected altogether by the NDP government.⁸⁷ The people of South Indian Lake were becoming much more sophisticated on the alternatives available to them. They not only were receiving legal counsel but also were in conversation with outside critics

⁸⁶Waldram, As Long As the Rivers Run, 133.

⁸⁷Personal interview with Menno Wiebe, July, 1993.

of the project, including several church leaders, concerning their rights. With this support, the people of South Indian Lake were determined to resist the hydro diversion plan. They were unwilling to see the demise of their community. They realized that even the low-level diversion plan would result in the demolition of their economic base; and they knew that they did not have the financial resources and cultural means to survive the disruption that was inevitable even with the low-level diversion plan.

The community also realized that compensation meant little if their dignity and self-respect as a people was lost. Therefore, the people of South Indian Lake were determined to stop the project, but they also realized that because the present provincial government was unwilling to guarantee their right of self-determination, other avenues were needed.

The provincial government's position was that they had acted responsibly in deciding on the low-level diversion plan. Too much money had already been spent for the government to reverse the diversion plan. In the fall of 1972, when the threat of legal action was once again considered by the people of South Indian Lake, the

government, by Order-in-Council, eliminated the requirement to advertise the application for the construction of the diversion project. Next, the government changed the Water Powers Act in order to give the Minister of Mines, Resources, and Environmental Management the power to grant a license to Manitoba Hydro without public hearings or debate by the legislature. In December of the same year, lawyers on behalf of the community filed an injunction to halt the project and began looking for support from the federal government.⁸⁸

In the winter of 1973, the federal government began to express some concern over the environmental implications and the possible problems facing the people affected by the diversion project. Initially it was the federal government's position that South Indian Lake was not technically on federal reserve land; as a result, Jean Chretien, Minister of the Department of Indian Affairs and Northern Development, was cautious about entering into the controversy.⁸⁹ However, what was soon to become clear

⁸⁸Through their legal representatives the people of South Indian Lake were hoping for direct intervention on their behalf and financial assistance for legal action; see Waldram, "Hydro-Electric Development and the Process of Negotiation," 224.

⁸⁹With the signing of the adhesion to Treaty Five in 1908, the people of South Indian Lake were encouraged to settle on the newly created reservation in Nelson House. The people found the new reserve

through further investigation was that the 1966 Canada-Manitoba Treaty Agreement did not supersede Treaty Five, which required the government of Manitoba to gain authorization for public works, including flooding of lands, from the government of Canada by Order-in-Council. It was the government of Manitoba's position that if treaty lands were required for public works, these lands could be appropriated without federal Order-in-Council.

Although the federal government was unwilling at this point to provide the kind of support the people of South Indian Lake and their legal counsel had expected, support from other quarters was building. In January 1973, the Manitoba Environment Council, which served as an advisory body to the government, held an all day hearing on the diversion project and subsequently voted 26 to 1 to request that the government stop the project.⁹⁰ During the same month, a group of church representatives gathered to reflect on the issues facing the people of South Indian

economically and culturally undesirable, and soon began to drift back to their original settlement. For several months in the negotiation process, there was lack of clarity whether South Indian Lake was under the jurisdiction of Treaty Five. In this regard, see "Report of the Panel," 12-13.

⁹⁰Wiebe, "A Case Study Approach," 4.

Lake. The South Indian Lake United Church minister stated his concern as follows:

The people of Manitoba and especially the people of the Church must be made aware of the sin they are committing in destroying creation and people's lives. How many lives is the Nelson River Hydro scheme worth? . . . Once the water is allowed to rise, no power on earth can restore what God has given to the people of South Indian Lake and the people of Manitoba.⁹¹

As it turned out, January 1973 was also the month that Premier Schreyer seemed willing to abandon the "people first" slogan in his 1969 election campaign in favour of a utilitarian development ethic:

You have to weigh off the relative merits of hydro development versus ecology. Suppose, for example, a hydro project will cause \$200,000 worth of ecological damage a year, while simultaneously creating a resource value of \$80 million. In this case, I think the benefits of development outweigh the drawbacks.⁹²

The cost-benefit analysis employed by Schreyer cut off any consideration of the long-term value of the land to the people who directly benefit from it. How does one adequately account for the loss of a people's economic and

⁹¹Letter by Rev. John McFarlane to an unidentified colleague, undated; cited in Waldram, "Hydro-Electric Development and the Process of Negotiation," 225.

⁹²Speech by Premier Schreyer, January 1973; cited in Waldram, "Hydro-Electric Development and the Process of Negotiation," 225.

cultural lifestyle? Who benefits from the \$80 million project?

Although opposition to the project was increasing, the New Democratic Party was reelected in 1973. The election victory provided a renewed mandate to move ahead with the construction of the low-level diversion scheme. The people of South Indian Lake lost their injunction to stop construction because the federal government refused to provide assistance based on Chretien's position that the community was under provincial jurisdiction. As he put it, "there is no question here of Indian rights or Indian land or anything to do with people being Indian. [The people of South Indian Lake are] just people of Manitoba."⁹³

Without financial assistance from either the federal or provincial governments, and with construction underway, various members of the community of South Indian Lake were giving up hope of a collective agreement to stop the project and began accepting compensation on an individual basis from lawyers representing Manitoba Hydro. This divide-and-conquer approach in dealing with the appropriation of lands was experienced in other northern

⁹³Quoted from a letter from Jean Chretien to South Indian Lake's lawyer, April 10, 1974; cited in Waldram, As Long As the Rivers Run, 143.

communities as well. As a result, in April 1974 the affected communities of Nelson House, Norway House, Cross Lake, Split Lake, and York Factory formed the Northern Flood Committee (NFC).⁹⁴ The stated aim of the NFC was to

fight for justice in the areas of Treaty land and Treaty rights and to fight for northerners in areas which do not fall into this category but who will face disruptive and negative effects due to the Project. Our aim is to try and keep these people united in their stand against Government and Hydro encroachments because it is only through strong, uncompromising unity that gains can be made by us. We believe that our people in the North have a very real right to participate in decision-making that affects them. The purpose of the Flood Committee is to inform these people in the North as to what is happening so that they can be better prepared to take part in some of the decision-making.⁹⁵

Initially the government of Manitoba refused to acknowledge the NFC as the voice of the people affected by the diversion project. The government stated that it was the protector of rights for all the people of Manitoba, including Aboriginal peoples and, therefore, had no intention of transferring this authority to the NFC. On the other hand, in a reversal of its position, the federal government was prepared to support the NFC with financial

⁹⁴The people of South Indian Lake were "officially" considered part of the Nelson House band.

⁹⁵"Statement of Purpose," Northern Flood Committee, Thompson, Manitoba, n.d.

and technical assistance. Waldram has argued that this change of attitude may have occurred when, in 1973, the Supreme Court of Canada did not refute the Nishga's claim to Aboriginal land title in northern British Columbia.⁹⁶

While the NFC negotiated with the two governments on settling questions of jurisdiction over treaty rights and lands, the construction continued. The NFC attempted to file an injunction to stop the construction, but because the Manitoba government threatened to bring the federal government into legal action as codefendant, the federal government insisted that the NFC bargain and negotiate rather than file for an injunction.

The NFC also recognized that if they were to make a sound legal case on behalf of their people, they would require information on the impact of the diversion plan on all the affected communities. The NFC believed that many of the reports of the Study Board had been completed and that the government was withholding their release as a stalling tactic. The NFC feared that if they filed an injunction, they might lose access to the information in these reports. The government insisted that the reports would be made available; but meanwhile, with the prospect

⁹⁶Waldram, As Long As the Rivers Run, 149.

that all would be lost with water already beginning to rise, some individuals from the five bands settled various compensation claims or sold land titles to Manitoba Hydro.

On January 31, 1975, with no legal or negotiated settlement to stop the diversion project, and seemingly sensing victory for his project, Premier Schreyer sent a letter of appeasement to the "Residents of Thompson." He stated that "the final reports of the Study Board will soon be forthcoming" and that the study group "generally proceeded on the basis of making its predictions in such a way as to prepare for every conceivable change." The predictions, he continued, are based "on the worst possible consequences being foreseen in order to prepare for, or guard against, them." Schreyer then listed a number of benefits for the communities affected by diversion project: "a strong boost to the local economy, direct colour TV broadcasts, and direct telephone services." Finally, the people of northern Manitoba were assured that they would "have at least comparable options available to them after the diversion program as they had before," and if financial loss does occur, "compensation will be available."⁹⁷ A

⁹⁷Letter from the Office of the Premier to the Residents of Thompson, Jan. 31, 1975.

form, "Notice of Claim for Compensation," which asked residents to document their losses; was attached to the letter.

For most people it was unclear what quantifiable losses they would suffer, and, therefore, few people filled out the claim forms. What was of concern to the residents of the communities affected by the project was the loss of their way of life. Their economic and cultural lifestyle was being threatened, and although the government promised "comparable options," nothing tangible had been put forward except some short-term wage employment, such as clearing land and construction work.

Perhaps the most tragic aspect of this story is that the people of South Indian Lake and the other bands represented by the NFC were never involved in determining their own economic future. The choice was made for them; and in the end, all they could do was settle for damages based on economic and political assumptions that were foreign to them.

Conclusion

This chapter began by providing a historical analysis of the federal government's policies on economic

development and Aboriginal peoples in the Canadian north. The section of the chapter showed how government policy was often contradictory. On the one hand, several policy reports and papers treat Aboriginal people as ethnic minorities, like any other Canadian ethnic group, whereas other policy reports view Aboriginals as distinct First Nations with collective rights to control their own cultural and economic resources. Within this policy and historical context, the chapter has told the stories of the people of Chemawawin and South Indian Lake, stories replicated in other Aboriginal communities in Manitoba and across Canada.

As these communities have struggled to maintain their economic and cultural base in the midst of capital-intensive resource development projects, numerous groups have supported their struggles through a variety of lobbying and consultation efforts. Recall the various responses to the Churchill-Nelson Rivers hydro diversion project proposal that I mentioned above: A group of University of Manitoba professors claimed the government of Manitoba failed to adequately account for the economic and environmental costs of the project. The Manitoba Environment Council voted almost unanimously that the

project should be stopped, based on their assessment of the ecological destruction that was likely to occur. Several religious leaders, speaking on behalf of their churches were also critical of the project. The next chapter explores their rationale for supporting the five Aboriginal communities affected by the Churchill-Nelson Rivers diversion project.

Chapter 3

The Interchurch Task Force and Hydro Development in Northern Manitoba

Introduction

One of the goals of this chapter is to uncover why four church bodies, through the Interchurch Task Force on Northern Flooding, attempted to support and defend the rights of five Aboriginal communities in northern Manitoba in their quest to stop the Churchill-Nelson Rivers hydro diversion project. What was the rationale for this support? Were the motivations of the task force based on theological assumptions, or was this a strictly political activist group working under the guise of four churches? What were the moral dimensions of the churches' commitment to the five Aboriginal communities? Additionally, did the churches' commitment to social justice actually produce the results they had intended through the public hearings they organized?

In the first section of the chapter, I offer a brief history of the formation of the Interchurch Task Force, and I then turn, in the second section, to the theological assumptions that supported the work of the task force. In the third section, I turn to the public hearings sponsored

by the task force. The hearings offered church leaders an opportunity to show the public the implications of the flooding for the five Aboriginal communities; the hearings also opened up numerous ethical issues for the government, the public, and the churches to grapple with. In this section, I pay particular attention to the ethical issues that are raised by the stories of those who testified before the Panel of Public Enquiry Into Northern Hydro Development. These stories give me an opportunity to analyse how development affects the lives of real people when it is thrust upon them without consideration of their economic, cultural, and social value systems.

In the fourth and final section of the chapter, I examine several sections of the Report of the Panel, including the answers to seven questions posed by the task force, seven recommendations submitted by the report, and a dissenting comment by panel member Mel Watkins. This examination will show that the public hearings and the panel's report did indeed meet the goals of the task force.

I. The Interchurch Task Force on Northern Flooding

For several years preceding the formation of the Interchurch Task Force on Northern Flooding, a loose

coalition of Manitoba clergy and lay persons interacted on various concerns facing Aboriginal peoples in northern Manitoba. Besides clergy serving in churches in northern Aboriginal communities, several denominations also assigned professional staff to focus on Aboriginal issues. As I noted in the previous chapter, several members of this coalition attempted to support the people of South Indian Lake in their fight to stop the Churchill-Nelson Rivers hydro diversion project.

Indeed, it was at a meeting, in January 1974, about the frustrations experienced by the people of South Indian Lake that this loose coalition of church representatives came up with the idea of a task force. As the meeting came to a close, it was determined that an organized task force representing the church bodies present at the meeting was necessary for attending to the ongoing problems of dam construction and flooding facing Aboriginal peoples in northern Manitoba. The church bodies represented on the newly formed Interchurch Task Force on Northern Flooding included the United Church of Canada, the Conference of Mennonites in Canada, Mennonite Central Committee (Canada), and the Roman Catholic Church. Several months later the Anglican Church of Canada joined the task force, and the

Conference of Mennonites in Canada joined forces under the administrative umbrella of Mennonite Central Committee Canada.¹

The intention of the task force was not to speak on behalf of northern Aboriginal communities, but rather to find means to support their efforts to stop the construction of the Churchill-Nelson Rivers hydro diversion project. For example, on April 6, 1974, several members of the task force met with the chiefs and mayors of eight northern Aboriginal communities that were located along the project route to consider what legal recourse was available to stop the hydro diversion project. A few weeks later, on April 23, 1974, a subsequent meeting took place to formalize a structure by which the Aboriginal communities affected by the diversion project could organize their efforts. It was at this meeting and for this purpose that the Northern Flood Committee (NFC) was formed. The first elected chairperson of the NFC was Henry Spence, chief of the Cross Lake band.²

¹See Isaac Froese, "Northern Manitoba Hydro Development: A Concern," (unpublished pamphlet, January 30, 1975). Froese outlines the formation of both the Northern Flood Committee and the Interchurch Task Force on Northern Flooding.

²Menno Wiebe, "A Case Study Approach to a Theology of Justice," (paper presented to the Mennonite Peace Theology Colloquium II, Bethel College, Kansas, November 15, 1978), 4-5. For his case study, Wiebe

A few weeks after the formation of the NFC, the task force, together with the NFC, found itself in the middle of a political struggle to obtain studies that had been conducted by the government Study Board on the project.³ In a June 1974 press release, the task force stated that northern Aboriginal peoples have

a right to plan their own futures, or that the public has a right to information, but that some people's futures have been planned in secret and these people, as well as the public at large, have a right to the details of all such plans. Manitoba Government and Manitoba Hydro have such plans that effect the futures of the eight Northern communities and are withholding this information.⁴

The communities affected by the diversion project had not been informed of the details surrounding its construction. In a subsequent press release intended to support the NFC, the task force stated:

It is unacceptable to us that Indian lands, secured by treaty, should even be considered for

analyses the Churchill-Nelson Rivers diversion project and includes an overview of important names and dates leading up to the public hearings.

³As I noted in Chapter 2, the governments of Canada and Manitoba formed a Study Board to initiate approximately fifty-six studies on the effects of the Churchill-Nelson Rivers hydro diversion project. The reports of the Study Board are summarized in "Summary Report: Lake Winnipeg, Churchill and Nelson Rivers Study Board," (Canada and Manitoba, April 1975).

⁴Quoted in C. Rhodes Smith, "Report of the Panel of Public Enquiry into Northern Development" (Winnipeg: March 29, 1976), ii. Hereafter cited as "Report of the Panel."

flooding without any consultation with the Indian band councils. It is also unthinkable that the people most likely to be adversely affected should still not be fully informed about the effects of a project now eight years old and only two years away from completion.⁵

In September 1974, when several Study Board reports finally were made available to the NFC, the task force began searching for other ways to support the work of the NFC. In a new release in October 1974, the task force stated that they would now "find means and ways of arriving at equal negotiation procedures between the northern communities and the Government of Manitoba."⁶ The task force determined that it would support the NFC in negotiations as a communication group for gathering information, disseminating publicity, and educating the community and the church regarding northern issues.

In November, in order to accomplish this goal, the task force appointed Father Bryan Teixeira as an information resource person. Father Teixeira was to "gather and share information on the anticipated effects of Manitoba Hydro's flooding plans on Indian communities in

⁵Quoted in "Task Force Seeks Secret Hydro Data," Winnipeg Free Press, June 28, 1974.

⁶News release, Interchurch Task Force on Northern Flooding, October 30, 1974.

the northern part of the province."⁷ In addition, the news release stated more boldly than ever the purpose of gathering and sharing information:

The proposed Churchill River Diversion project of Manitoba Hydro has momentous implications on the ecology of northern Manitoba and Saskatchewan. It will annihilate much if not all of the traditional way of life for the northern hunters and trappers. There is also undue expropriation of lost land areas almost without consultation. We find it necessary to try to address ourselves prophetically to a process that re-enacts the dubious acquisition of lands and resources characteristic of the treaty-signing days 100 years ago.⁸

Several weeks after the appointment of Father Teixeira, the task force called an interchurch meeting in Winnipeg to share its concerns and its information on the diversion project with invited church leaders from a number of denominations. Although attendance at the meeting was lower than expected, the depth of response propelled the task force toward an increased definition of its mission in support of the NFC. This depth of response was particularly apparent in a poignant letter submitted to the meeting by Cass Booy, a member of the Faculty of Engineering at the University of Manitoba, and a vocal

⁷News release, Interchurch Task Force on Northern Flooding, November 12, 1974.

⁸Ibid.

faculty leader who five years earlier had already spoken against the project.⁹

Booy began his letter by asking, "What can the churches do at this late date" when the construction of the diversion project is near completion?¹⁰ He answered his own question by reflecting briefly on the biblical story of King David and Uriah as an example of the rich south robbing the Aboriginal peoples of the north of their resources. Booy saw in this story the actions taken by the government of Manitoba in its position "that [if] the diversion project is in the general interest of Manitoba as a whole, then that interest should prevail over the interest of the local people."¹¹ Booy believed that the majority of Manitobans would agree with this position and that it was only a matter of deciding how much compensation those whose lands have been expropriated deserved.

Booy continued by noting that these matters of expropriation and rights of individuals are settled by

⁹Minutes of the South Indian Lake Public Hearings, Winnipeg, January 27-29, 1969.

¹⁰Cass Booy, letter submitted to the Interchurch Meeting on Impact of the Churchill River Diversion on the Northern Communities (Saint Mary's Academy, November 25, 1974), 1. The letter was later attached as appendix 1 to the "Report of the Panel," 76-82.

¹¹Ibid., 2.

lawyers and were no longer matters for the community at large, including the churches, to settle. Nor could the church speak adequately to the complex environmental, social, and economic issues raised by the project. Nonetheless, according to Booy, the church did have a crucial role to play in questioning the "morality" of the diversion project. More specifically, the moral issue at stake was whether "the interest of the community may at times take precedence over the rights of the individual or the minority."¹²

Booy asserted that in the current circumstances three assumptions underlay this moral issue. First, a historically rooted "community of interest and mutual concern" must actually exist between Aboriginal peoples and the government that represents the people of Manitoba.¹³ Booy believed that Aboriginal peoples had never been legally recognized as equals, and he stated emphatically that they continued to be "a foreign element in our white culture";¹⁴ therefore, it was easy to extinguish their rights. If Aboriginal peoples no longer had legal

¹²Ibid.

¹³Ibid., 2-3.

¹⁴Ibid.

standing, which Booy believed could be shown historically in the extinction of their rights, then all that was left was to defend their moral standing as people.

The second assumption was that the policy decisions surrounding the hydro development schemes of Lake Winnipeg and South Indian Lake were based on the political and social power of certain interest groups. To raise the water level of Lake Winnipeg would be detrimental to cottage owners and the natural environment of the lake, but the same consideration was not given to the natural resources and peoples of South Indian Lake. The decision to raise South Indian Lake was not based on a rational judgment of mutual concern and interest but on the "marketable commodity" of one power group over another.¹⁵ The notion that all communities are dealt with equally is a fallacious assumption and requires moral consideration, a task that churches should undertake, given their expertise.

The third and final assumption was that money "is not compensation at all for the loss of a natural resource." How should compensation for expropriation be determined now that the construction of the diversion project was almost complete? Booy submitted that money can buy such things as

¹⁵Ibid.

houses and docks. But for Aboriginal peoples natural resources are not just a means for making money and buying things; rather, a natural resource "sustains a specific lifestyle and supports a community--a living entity."¹⁶ Booy found it disconcerting that the planned compensation was for loss of income only and not for resource loss. To erode the resource base of a community dependent on it for a way of life was not something that could be compensated for simply with money. Booy did not offer an alternative method of compensation, except to question the diversion project as a whole.

Based on these three assumptions, Booy asserted that the government of Manitoba may have had some legal jurisdiction to expropriate land and waterways for the diversion project, but they had no moral ground to do so. The assumption that in fact grounded the government's actions is apparent in a critical comment that Booy made concerning a preliminary social and economic impact study. The study had argued that the development project "merely accelerates the transition from a traditional to a modern lifestyle, which was inevitable in any event," and that the people of South Indian Lake need to learn problem solving,

¹⁶Ibid., 4.

decisionmaking, communication, and community life skills.¹⁷ According to Booy, comments like this merely showed, that the people of the south believed that the people of the north wished to become like southerners, and what southerners needed to do was teach them southern ways of living.

As Booy saw it, these were the moral issues that the churches could not avoid, and they must speak to them "in language that cannot be misunderstood."¹⁸ The churches had a responsibility to stand beside the communities of the north, to speak with them, not for them in this way, Booy asserted, some restoration might be possible.

The long letter by Cass Booy was one of the key documents that gave the task force renewed impetus to continue to speak prophetically against the diversion project. The moral assumptions referred to by Booy were not necessarily theological in content, even though Booy began his letter with a biblical story. Indeed, Booy implied that these moral assumptions should be claimed by the churches simply because they seemed right when defending the claims of a voiceless people. But what were

¹⁷Ibid., 5-6.

¹⁸Ibid., 7.

the theological perspectives that allowed Booy's words to have such an impact on the task force and that undergirded the role of the task force in standing beside the five Aboriginal communities in northern Manitoba? The next section will explore this question, focussing first upon a theological colloquium held in the fall of 1975, then upon a statement from the Catholic bishops that was released just a few weeks before the colloquium, and finally upon several papers written over the next several years by two Mennonite theologians.

II. Theological Assumptions

A. Theological Colloquium on Development in the Canadian North

In Winnipeg, on September 19-20, 1975, the task force sponsored the "Theological Colloquium on Development in the Canadian North," a follow-up meeting to the November 25, 1974, interchurch meeting where Cass Booy presented his letter. The intent of the colloquium was to provide the various Christian communities of Winnipeg the opportunity to reflect theologically "upon different elements and dynamics of energy development in the Canadian north."¹⁹

¹⁹Bob Haverluck, for the Interchurch Task Force on Northern Flooding, letter of announcement, "Theological Colloquium on

In addition, on behalf of the task force, Bob Haverluck stated that "theological reflection upon the political, racial, social and economic features of these 'technological' ventures would be most timely," and that these "are theological questions for praxis and theory."²⁰ After two days of presentations and discussion, those attending the colloquium generated a "statement of concern" to be submitted to the public hearings, which were scheduled to be held just two days later.

The statement began with a creative preamble that, in poetic verse, reflected on why those who attended the theological colloquium believed it was important for the churches to take a stand on development in northern Canada. The preamble commented on speaking and acting as God's children and reminded those who were willing to listen that human beings were created as part of creation not above it. The preamble suggested that this commitment to and recognition of the equality of all that is created by God not only convicts the Christian to help those whose rights are denied, but also requires the Christian to call upon

Development in the Canadian North" (Winnipeg, Manitoba: Pastoral Institute of the University of Winnipeg, September 19-20, 1975).

²⁰Ibid.

the powerful to end their destruction of community life.

Following the brief preamble, nine points were listed, representing the views of those who attended the colloquium:

Our faith in the Christ, Lord over every government, corporation, and power informs our motivation and our vision. Out of our concern we are moved to state specifically:

1. Development must not be simply pushed through by a dominant group with their offices and public relations departments, but must be made subject to all people's welfare as understood through genuine consultation with people most involved with paying the personal cost.
2. It is not acceptable that our cultural lifestyle, predicated on gain, possession and greed--with its structured ignorance of distinctions between real and false needs be perpetuated. We do not accept that every form of production and marketable commodity should be uncritically accepted as worthy of consuming our resources and our people's livelihood.
3. We reject the process that says that the northern native communities in this province should have the so-called "freedom" of having their cultural identity washed away and the material opulence and affluence be perpetuated. We reject that native people would be made to pay the cost, the high cost of "cheap power." Cheap power for whom?
4. We question the wisdom of establishing a power grid with the U.S. economic empire. We question whether Manitoba does not create (along with Canada as a whole in other resource industries) a dependence which might serve to justify

whatever intervention the powerful deem necessary.

5. We maintain that in one very real sense the so-called "minority" status of the native people is misleading. For strictly speaking the native people are not a minority, but are part of the world's 2/3 majority whose homes, whose dwellings are called hinterlands, including their renewable resources; and are "used" and exploited by concentrations of industrial, political and military strength.
6. We support the Federal Department of Indian Affairs earlier demand that Manitoba negotiate with the "Northern Flood Committee" as representing the five member communities and the three other affected communities.
7. We urge that mechanisms be established to guarantee and supervise current promises and specifications on the limits of the project, so as to avoid raising water levels even further. For in past instances the problem has not been so much one of legislation, as effective implementation.
8. We recommend that no more energy projects be initiated without PRIOR public hearings. (This should be a general principle in major developments of every kind). For it is just not good enough that officials with crocodile tears continually deny basic democratic procedures and later express regret.

Several verses from the book of Habakkuk that were pondered by members attending the colloquium were presented as a final point:

Trouble is coming to the man who grossly exploits others for the sake of his House,

to fix his nest on high and so evade the hand of misfortune. You have contrived to bring shame on your House by making an end of many peoples you have worked your own ruin.²¹

Beyond a brief theological preamble and short faith statement that introduces why members attending the theological colloquium felt justified to speak on moral issues concerning northern development, there are no specific theological inferences in the first eight statements. The last statement does include a prophetic warning by the biblical prophet Habakkuk. And it seems a fitting ending for a theologically motivated and forceful political and social statement. Indeed, it is, I think, worth reviewing the statement in some detail.

The first four items in the list rejected how economic development in the Canadian north had been conceived. The public had not been adequately informed, and, as a result, the democratic values of full participation of all peoples affected by northern development projects had been violated. There was also a rejection of a form of capitalism that accepts "every form of production and

²¹A statement from the "Theological Colloquium on Development in the Canadian North," held at the Pastoral Institute, University of Winnipeg, Winnipeg, Manitoba, September 19-20, 1975. The statement was delivered to the Panel of Public Enquiry by Rev. Bob Haverluck and is attached as appendix 2 to the "Report of the Panel," 83-85. The statement is included here in full with a few minor editorial changes for the sake of clarity.

marketable commodity" as worthy to pursue for the sake of unbridled consumption and perceived need.²² Item 3 repudiated the notion that Aboriginal peoples should pay the cost of their cultural identity for the sake of cheap power. Item 4 questioned "the wisdom of establishing a power grid with the U.S. economic empire." It asked whether this relationship will then create an economic dependency on those with the most power. Taken together the first four parts of the statement desacralized the present political and economic order. They rejected and questioned the status quo, the values and assumptions approved by the Manitoba government, and the corporations that would benefit from the capital-intensive development projects.

Task force members and other religious leaders and lay persons attending the colloquium offered a critique of capitalism with moral claims. They insisted that there are alternative models of economic development that must be pursued. This critical language is rooted in a God who speaks for those who are oppressed, for those whose cultural identity is at stake.

²²Ibid., 84.

The next four parts of the statement argued for a certain kind of political philosophy, urging the federal and Manitoba governments to represent all their people fairly and justly, particularly minorities. These four items requested that both governments follow through on general ideals concerning such things as democratic values by committing to legislation that, for example, would require public hearings where all parties affected by a development project can be heard before planning and construction begins.²³ These four aspects of the statement rejected a political philosophy that sides with the powerful and fails to implement the democratic principles of representation for all citizens.

Finally, the reference to Habbakuk at the end of the statement made plain that the mission of the church includes affirming human rights and social justice on behalf of those who are marginalized from the power base in society. The Gospel message of salvation is interconnected to the call for social justice in society. The church serves as a critic of governments and corporations and society in general, denouncing injustices and calling the

²³Ibid.

community of faith and members of society to responsible action.

For many years the church legitimized the present order, providing mission schools for the state, which tended to uproot Aboriginal peoples from their own cultural and spiritual heritage. But this functionalist approach of the church shifted in the 1960s and 1970s, when the church realized it was helping to destroy the integrity and freedom of a people. As the last item makes plain, the colloquium statement stands within this prophetic tradition of speaking against those forces that crush the human spirit and the cultural heritage of Aboriginal peoples.

The colloquium statement as a whole envisioned an alternative and reachable development model. It proposed that although the means of development are important, so, too, are the ends--and these ends demand moral reflection. By organizing several theological colloquiums on northern development like the one I have summarized here, all of which produced papers and documents, the task force served to foster this moral reflection, just as Cass Booy suggested that it should.

More importantly, the churches involved in the task force showed that the role of the church, and the goal of

moral reflection, is to exercise political and economic influence in society. In its efforts to sponsor theological colloquiums and public hearings, the task force, following biblical and ecclesiastical teaching, promoted and activated a theology of justice that criticized the political and economic status quo, rejected and questioned the method of economic development in the Canadian north, and entered into solidarity with those who suffered the most under large, capital-intensive development projects.

B. The Catholics

Just weeks before the September 1975 theological colloquium, in an expression of similar solidarity, the Canadian Catholic bishops released their statement "Northern Development: At What Cost?"--one of the important early documents that moved the Catholic Church in Canada toward a vision of social justice in the Canadian north.²⁴ Interestingly, the roots of this document lie far to the south in a 1968 meeting of the Latin American bishops in

²⁴Canadian Catholic Conference of Bishops, "Northern Development: At What Cost?" Labour Day message, 1975, reprinted in Gregory Baum and Duncan Cameron, Ethics and Economics: Canada's Catholic Bishops on the Economic Crisis (Toronto: James Lorimer & Company, 1984), appendix 1, 150-161. It is noteworthy that the Canadian bishops' message was delivered just prior to the hearings on northern hydro development sponsored by the Interchurch Task Force.

Medellin. The bishops proposed that commitment to Jesus Christ and the church demanded solidarity with the poor and disenfranchised. This liberationist commitment had been building in Latin America as Christian grassroots organizations had shown that the Latin American people were caught in oppressive political and economic structures. Two years after the meeting at Medellin, at the Second Synod of Bishops meeting in Rome, the bishops produced Justitia in Mundo, in which they stated that the church is called to struggle for justice on behalf of those who are marginalized and oppressed.²⁵

The Archbishop of Winnipeg, Cardinal Flahiff, contributed to the 1971 Synod of Bishops by arguing that justice can be met only through participation in the struggles of those who are suffering. It is not enough to write theology about justice; justice must be lived in solidarity with those who are experiencing injustice.²⁶ Thus, according to Cardinal Flahiff, the mission of the church is one of liberation: "It liberates from sin--not only from personal sin, but also and perhaps chiefly from

²⁵Gregory Baum, "The Shift in Catholic Social Teaching," in Baum and Cameron, Ethics and Economics, 23-27.

²⁶Ibid., 26.

social sin, since social sin, like original sin, creates a situation where individual sin becomes easy and acceptable."²⁷ The church is to actively witness against the social structures that create oppression and exploitation and to proclaim that the message of Jesus Christ includes engagement in the struggle for human rights and social justice. The influence of this liberationist perspective is apparent in "Northern Development: At What Cost?" .

In their statement, the bishops noted, "A cry for justice rings out today from Native Peoples who inhabit the Canadian North."²⁸ These striking words show immediately the intention of the Catholic bishops as they attempted to uncover what they called "the pressing ethical issues of northern development."²⁹ They hoped their statement would stimulate a more open public debate toward alternative policies for the north.

In the first major section of their message, "The Northern Dilemma," the bishops stated that Aboriginal peoples have over the centuries "developed social,

²⁷Quoted in Baum, "The Shift in Catholic Social Teaching," 26.

²⁸Canadian Catholic Conference of Bishops, "Northern Development: At What Cost?" 151.

²⁹Ibid., 152.

cultural, economic and religious patterns of life which were in harmony with the rhythms of the land itself." The land for the peoples of the north is "more than simply a source of food or cash," it constitutes a permanent sense of security, well-being and identity."³⁰ The bishops noted that these northern lands--and their great river systems, such as those of the Churchill and Nelson Rivers--were being sought by a consumer and energy hungry society. According to the bishops, the critical questions were, How will these energy resources be developed? Who will own them and who will benefit from their development? The bishops were especially concerned that the development of the Canadian north not be determined by colonial patterns of development, where the powerful few control both the people and the resources. The bishops feared that the development of the north would entail what they termed "a serious abuse of both the Native Peoples and the energy resources" similar to the exploitation that had occurred in developing countries.³¹

In the section, "Demands for Justice," the bishops began by listing a series of injustices to Aboriginal

³⁰Ibid.

³¹Ibid., 154.

peoples and to the natural resources of the north on which they depend.³² Large industrial projects had been planned by governments and corporations without any Aboriginal consultation or before land claim settlements had been reached. Additionally, these projects, which included the flooding of large tracks of land and the resulting relocation of whole communities of peoples who depended on this land for their way of life, had often proceeded without adequate environmental and social assessments. "A sense of justice, coming from the living God," the bishops proclaimed, "tells us there are better ways of developing the resources of the Canadian North."³³

The bishops uttered a call for all Canadians, north and south, to share in the responsibility entailed in the development of the north, but this "common program for justice" must give greater control of economic development to Aboriginal peoples.³⁴ According to the bishops, this demand for justice cannot be separated from the Christian principle of love of neighbour, since justice involves a recognition of the dignity and rights of the neighbour.

³²Ibid., 154-155.

³³Ibid., 155.

³⁴Ibid., 156.

In the section titled "Demands for Stewardship," the Canadian bishops commented on the responsible use of energy resources. Here they were concerned about the "extravagant consumption of energy" by Canadians and about the selling of northern energy resources to the industrial centres of the United States at a time when many poor nations were struggling to meet the energy requirements for basic survival.³⁵ The bishops also questioned the relationship between "a high quality of life" and the demand for energy in southern Canada. What, they asked, is the good life? And who determines what the energy needs of Canadian society should be? These issues concern the demands of stewardship and justice, the bishops argued, and "no longer simply a moral imperative," as "God calls us to a life of caring, sparing, and sharing the limited resources of this planet."³⁶

In their final section, "Northern Alternatives," the bishops lamented that the Catholic Church had also participated in the "disruptive changes" to Aboriginal culture and had been part of a system that demands wealth

³⁵Ibid., 156-157.

³⁶Ibid., 158.

and privilege at the expense of others.³⁷ In response to this participation in injustice, the church must reevaluate its work in the north and join with all churches in Canada in a prophetic calling of service.

The Canadian bishops quoted the 1971 statement by the Third Synod of Bishops to define what this prophetic task of service entails: "Action on behalf of justice and participation in the transformation of the world fully appear to us as a constitutive dimension of the preaching of the Gospel, or, in other words, of the church's mission for the redemption of the human race and its liberation from every oppressive situation."³⁸ The bishops followed this prophetic call to service by listing five conditions based on what they termed "ethical principles of social justice and responsible stewardship" that must be met before additional northern development projects were pursued.³⁹ Not surprisingly, the ethical principles they

³⁷Ibid.

³⁸Ibid., 159.

³⁹For a different interpretation of the economic ethic of the Canadian bishops, see P. Travis Kroeker, Christian Ethics and Political Economy in North America (Montreal and Kingston: McGill-Queen's University Press, 1995), chap. 3. Kroeker claims that the bishops have adopted a utilitarian ethic that is closely tied to industrial capitalism. The bishops' analysis presented here negates this direction. Additionally, Kroeker opts for a theocentric ethic that creates a split between the love of God and love of neighbour.

listed were similar to those generated by participants attending the theological colloquium.

The bishops suggested that public discussion and debate be enhanced "based on independent studies of energy needs and social costs," that land claims be settled justly and fairly, that Aboriginal peoples be allowed to participate in and control the process that would shape future northern development, that the environment be protected when development occurs, and that development be thoughtfully regulated to avert depletion of natural resources.⁴⁰

The bishops proposed that the ethical issues of economic development facing the Canadian north were both particular and universal. Economic development has a moral dimension that protects certain priorities and promotes the well-being of all people. This "stance of justice" takes into account the particular needs, obligations, and aspirations of people, including Canadians in the north and south.

Kroeker seemingly brings certain theological assumptions to his analysis when reading the bishops.

⁴⁰Canadian Catholic Conference of Bishops, "Northern Development: At What Cost?" 159-160.

The bishops called on people of all faiths and religious traditions to insist, as citizens of Canada, that northern development be based on these principles of social justice and responsible stewardship. This was a struggle for solidarity with Aboriginal peoples and the natural resources of the north. The call for justice and stewardship in the north "is the voice of the Lord among us," challenging southerners to analyse their consumptive lifestyles, confronting injustices in developing countries, and actively insisting that development in the Canadian north be based on principles of justice and stewardship.

C. The Mennonites

Although the Mennonite Church did not officially formulate a statement on economic development in the Canadian north, the church was actively engaged in the work of the task force through Mennonite Central Committee (Canada), the church's peace and justice agency. Historically, the Anabaptist-Mennonite approach to claims of injustice has been to "come alongside" those who have been marginalized and to "do" theology rather than to "write" it. Nonetheless, in the years following the theological colloquium and the subsequent public hearings,

two ministers from the Mennonite church, Daniel Zehr and Menno Wiebe, separately and collaboratively, did reflect on both the theological rationale for and the denominational commitment to support the claims of Aboriginal peoples in the Canadian north. Let me turn first to Zehr.

In an unpublished paper titled, "Theological Reflections About Northern Development," Zehr focussed on three theological considerations regarding the development of the north: human domination over creation; human justice; and the simple life modeled by Jesus.⁴¹ Zehr devoted one section of his paper to each of these three topics.

In the first section, Zehr noted God's affirmation of creation in Scripture and God's intent that humanity maintain creation's goodness. This intent was violated: "We believe that God's intention in creation with regard to humanity as well as the rest of creation was violated

⁴¹Daniel Zehr, "Theological Reflections About Northern Development," (unpublished paper, July 11, 1977), 1. Zehr's analysis was intended primarily for the Christian and Mennonite Church, to expand personal responsibility toward creation, Aboriginal peoples, and lifestyle. A similar document is MCC (Canada), "Statement to the Aboriginal Peoples of the Americas in 1992, 500 Years After Columbus 'Discovered' the Americas"; this is an apology on behalf of Mennonite churches in Canada, based on Micah 6:8, to Aboriginal peoples for the churches' compliance in conquest and domination, as well as a statement of thanks to "First Peoples" for offering an alternative view of culture and economic pursuits.

through people's disobedience. We call it sin."⁴² Zehr continued by arguing that in the redemption of Christ, God's original intent for creation is restored and the ways of the world--exploitation and selfishness--have ended. The term "shalom" signifies the wholeness of relationship between God, humankind, and creation that Christians are called to proclaim, and, therefore, Christians should be the first to be concerned about the mistreatment of creation. Zehr concluded this point by stating, "People in our nation who profess faithfulness and obedience to their Creator and Sustainer cannot ignore the ecological effects of northern development."⁴³

In the second section of his paper, Zehr argued that there are two types of morality: one for the individual and one for corporations and governments. This dual outlook causes people to be concerned only about themselves and not about the injustices executed by large power groups. Zehr documented through Scripture that God is concerned about both types of morality, as is evident particularly in the words and works of the Hebrew prophets and Jesus.

⁴²Zehr, "Theological Reflections About Northern Development." Here Zehr uses the inclusive term "we," seemingly to signify the broader denominational position on this point.

⁴³Ibid., 2, emphasis by Zehr.

Although Zehr's analysis failed to offer a critique of society's unjust structures, he did articulate clearly that when the church spiritualizes justice by handing out Bibles and at the same time supporting the state in its expropriation of lands, it has lost credibility in the eyes of Aboriginal peoples. Zehr stated emphatically that "there has probably been no greater sin of neglect than that of allowing injustice to proceed unchallenged," particularly in terms of "the just needs and interests of natives."⁴⁴

In the final section of his paper, Zehr argued that North Americans, and especially members of Christian churches, must take seriously their consumption patterns. The development of the north "is designed primarily to add to the affluence and general economic and physical comfort of southern whites, Christians included."⁴⁵ Again Zehr cited Scripture to show that the Christian life should be one of simplicity and service, not one that seeks possessions and the comforts of prosperity.⁴⁶

⁴⁴Ibid., 3.

⁴⁵Ibid., 4.

⁴⁶For a wide range of perspectives on Mennonites and economics, see Calvin Redekop, Victor A. Krahn, and Samuel J. Steiner, eds., Anabaptist/Mennonite Faith and Economics (Lanham: University Press of America, 1994).

In another unpublished paper, "Canadian Northern Development: An Account of the Churchill-Nelson River Diversion Project," Menno Wiebe--Director of Native Concerns for Mennonite Central Committee, a long-time advocate for Aboriginal peoples all across northern Canada, and a leader in the formation of the task force--explores the role of the Mennonite Church in circumstances where "the sin of oppression and suffering continues."⁴⁷ Wiebe argued that the church's role was to function as a pioneer or lead agency for needed social and economic assistance, and to make his point he offered examples of the church's involvement in the Churchill-Nelson Rivers diversion project, whereby the church, via the task force, provided emergency funding for the NFC until the government agreed to allocate funds, exposed the hidden agenda of northern developers through the public media, and sponsored public hearings when the government refused to do so.

Wiebe argued that the character of these social involvements must be crafted carefully because they have a tendency to politicize the church.⁴⁸ At the same time, the

⁴⁷Wiebe, "A Case Study Approach," 13.

⁴⁸Here Wiebe seems particularly concerned about the Mennonite Church, which has historically articulated in its theology and practice a demarcation between the mission and role of the church and the place of the Christian in society. The involvement of the

church, through the task force, was mandated to fight for the survival of the Aboriginal communities. Sometimes this fight might involve being in the foreground by supporting organizations like the NFC, and other times it might involve retreating into the background when Aboriginal voices were asserting themselves. In conclusion, Wiebe lamented that the churches in Manitoba had not done enough to support the Aboriginal communities and that the Mennonite Church in particular had "uncritically adapted an over-individualized, over-personalized embrace of the Gospel of Jesus Christ." Wiebe asked if the churches had lost their prophetic call to look "deeper into the evils of systematic oppression" in the name of justice.⁴⁹

In their theological reflections on northern development from a Mennonite perspective, Zehr and Wiebe-- with their respective calls for the church to commit itself to biblical justice and to its prophetic role as an embodiment of God's reign on earth--provided the Mennonite Church with an explicit theological support for its

Mennonite Church on the task force was affirmed by the Executive Board of Mennonite Central Committee, which saw "the task of information, communication, and negotiation as being very close to its Christian role of peacemaking," Executive Board minutes, MCC (Canada), September 13-14, 1975.

⁴⁹Ibid., 14.

commitment to pursue justice for Aboriginal peoples "in the name of Christ."⁵⁰

In addition to working separately to articulate the theological foundations of the Mennonite commitment to Aboriginal peoples in the Canadian north, Zehr and Wiebe collaborated in drafting a northern development policy statement on behalf of Mennonite Central Committee (Canada). The statement was never formally adopted by the Mennonite Church, but it serves as a good summary of the Mennonite stance toward northern development. The statement was intended specifically to encourage the governments of Canada to:

1. uphold the Native Peoples' established hunting and fishing rights as they are described in the Indian Act;
2. recognize the non-ceded territories inhabited by Native peoples from time immemorial as belonging to the residents of such territories;
3. settle land claims before proceeding with major industrial developments;
4. encourage the development of traditional economies based on renewable resources;
5. ensure, in instances of industrialized development, that Native peoples have the opportunity to a just share in the planning of such developments, in their operation and in the benefits that might result;

⁵⁰To serve "in the name of Christ" is the motto of Mennonite Central Committee.

6. ensure that the environment will be protected before proceeding with industrial development;
7. monitor Canada's energy resources and energy needs in a way that is not dependent on private interests of commercial enterprises;
8. keep placing before the Canadian people the need for and ways by which conservation of energy can be realized.⁵¹

These are clear statements of justice, calling the governments of Canada to take a particular moral stance whenever economic development in the Canadian north occurs. Zehr and Wiebe establish economic development as a moral issue that must take into consideration the rights, freedoms, and capabilities of Aboriginal peoples; the environment; and how industrial development will be managed.

This sampling of papers and documents generated by both Mennonites and Catholics in the mid-1970s in response to the economic development of the Canadian north and, more specifically, to the Churchill-Nelson Rivers hydro diversion project shows how theological commitments to justice translated into the active assistance of the five Aboriginal communities in northern Manitoba. Although doctrinal differences may exist between the Mennonite and

⁵¹Menno Wiebe and Daniel Zehr, "A Proposed Statement on Industrial Development in Northern Canada," (unpublished statement, Mennonite Central Committee (Canada), July 11, 1977).

Catholic churches, in this case their concern for justice, broadly construed, overrode these differences and established a bridge between the two religious traditions. This theological concern for justice also brought the Mennonites and the Catholics together with other church bodies (as well as secular organizations) to form a public witness and solidarity with Aboriginal peoples and the lands they occupy.

Via various public statements and public meetings and via various types of concrete assistance, like the funding of the NFC, the churches involved in the task force attempted to promote the political and economic values that they believed were rooted in the universal moral principles derived from Scripture. However, even after the relative successes of meetings and of legal battles for information, the task force struggled to find the best way to promote justice. Eventually, the task force decided to sponsor public hearings into northern hydro development. It is to these hearings and the report they produced that I now turn.

III. Public Hearings on Northern Hydro Development

A. Origins

Soon after it was organized, the task force assumed a public role when it appointed Father Teixeira to collect and disseminate information concerning hydro projects in northern Manitoba. And meetings like the theological colloquium and the one at which Cass Booy presented his letter were opportunities for public input and discussion.⁵² The task force was also supporting the aims of the NFC by organizing meetings with government officials, providing financial support, and doing whatever seemed necessary in the quest to halt the Churchill-Nelson Rivers hydro diversion project. The public task of seeking information and offering opportunities for dialogue in order to support the work of the NFC was a dominant feature of the task force. The task force assumed this public role because of the failures of the government of Manitoba.

In their introduction to the Report of the Panel, members of the task force stated that they were "appalled by the process used by [the] Provincial Government in this

⁵²Both meetings were mentioned earlier in this chapter: "Interchurch Meeting on the Impact of the Churchill River Diversion on the Northern Communities," November 25, 1974; and "Theological Colloquium on Development in the Canadian North," September 19-20, 1975. The task force, representing four church bodies in Manitoba, also invited opinion through its church offices.

project to side-step public participation."⁵³ Members of the task force believed that it was the government's responsibility to offer opportunities for citizens to participate in their own political and economic futures, to have the freedom to listen and speak on matters that concerned their communities. But the possibility of government sponsored public hearings had been cut off when, under the Water Power Act, the Manitoba legislature passed Regulation 207-72 on December 14, 1972.

The regulation permitted the Minister of Mines, Natural Resources, and Environmental Management to issue licenses by Order-in-Council without legislative discussion or extensive publication to allow public participation. Regulation 207-72 was passed in response to mounting pressure by various interest groups on the government of Manitoba to hold hearings on government planned hydro projects. The requirement of public hearings had been established several years earlier when, on November 17, 1969, the Honourable Leonard S. Evans, Minister of Mines, Natural Resources, and Environmental Management, appointed the Manitoba Water Commission to "act as a spokesman for the people affected by the proposed developments and for

⁵³"Report of the Panel," ii.

that reason [to] hold public hearings endeavouring to incorporate the views expressed there into the planning process in as useful a manner as possible."⁵⁴

Approximately two years later, on October 17, 1971, the commission requested that public hearings convene, as was their mandate, in respect to the regulation of Lake Winnipeg. In response to the commission, the Honourable Sidney Green, the current Minister of Mines, Natural Resources, and Environmental Management, wrote to the chair of the commission:

At meetings held in April, 1971, in the Premier's office attended by yourself and Mr. Cass-Beggs [President of Manitoba Hydro], both the Premier and I clearly indicated to you that we did not wish to have hearings conducted under Section 4(1) of the Manitoba Water Commission Act and we gave our reasons for the same. At those meetings you raised the questions as to whether the Commission should be receiving legal advice and we indicated that we were asking the Commission to deal with this matter without reference to Section 4 or Section 5 of the Manitoba Water Commission Act, but merely as a body which the Government was asking to facilitate an already announced program. So that there is no difficulty about it, I would ask the Commission to accept the above position as being a request by me for it to deal with this problem, but not within Sections 4(1) and 5 of the Manitoba Water Commission Act. I would also suggest that previous terms of reference with regard to Lake Winnipeg should be held in abeyance until this

⁵⁴"A Summary History of How the Normal Process of Public Hearings in Manitoba Was Stifled," Winnipeg, April 30, 1975.

problem is dealt with. I trust that the above memorandum will be accepted as the terms of reference of the Manitoba Water Commission rejecting the matter.⁵⁵

With these words, the government essentially suspended the terms of reference for public hearings and requested that the commission see itself as a facilitator of government development projects. A year later this position was legislated by Regulation 207-72.

The task force took it upon themselves to organize public hearings when the government failed to do so. On April 3, 1975, in Winnipeg, at an all day meeting organized by the task force, the idea of public hearings began to take shape. The task force invited several national church representatives to discuss the current status of the diversion project, including the Most Reverend E. W. Scott, Primate of the Anglican Church; Rev. George Morrison, General Secretary of the United Church; Rev. W. Clarke MacDonald, Director of the Department of Mission in Canada of the United Church; Rev. Ross Nigh, Executive Director of Mennonite Central Committee (Canada); and Mr. Tony Clark, Director of Social Action for the Canadian Catholic Conference of Bishops. Also present at the meeting were

⁵⁵Ibid.

representatives and legal counsel for the Northern Flood Committee; Mr. Brian Hartley, Executive Director of Policy Planning and Research, Federal Department of Indian and Northern Affairs; and other guests.⁵⁶

The morning was spent reviewing the work of the task force, and the afternoon was a strategy session with representatives from the federal government. At the afternoon strategy session the participants discussed the negotiations between the federal and provincial governments on the legality of flooding reserve lands; the lack of participation and information forwarded to the communities specifically affected by the diversion projects; the idea of organizing a meeting and appealing directly to Judd Buchanan, Federal Minister of Indian Affairs; and, finally, the possibility of holding public hearings. The participants decided that public hearings were the most effective way of putting pressure on the federal and provincial governments to once again review the impact of the diversion project on the communities affected.

What was necessary, however, according to the caucus that met after the federal officials left, was to find a qualified person of sufficient stature to chair the

⁵⁶"Report of the Panel," ii.

hearings.⁵⁷ On May 9, 1975, at a meeting in Toronto, the task force and a number of other church leaders met to affirm the decision to proceed with public hearings. Several weeks later a chair with notable qualifications and stature was secured for the hearings; six panelists were selected; and a coordinator was hired. Retired chief justice of the Province of Manitoba, Charles Rhodes Smith, agreed to chair the Panel of Public Enquiry. Smith had years of experience as a politician and judge. He was a member of the Manitoba legislature from 1941-1952; served on the cabinet from 1946-1952 as minister of labour, minister of education, and attorney general; and in 1963, he entered the judiciary, later becoming the chief justice. Members of the panel were all male, were not members of the task force, and came from a wide range of professional backgrounds: law, engineering, resource management, anthropology, and ethics. Two of the panelists came from Aboriginal communities in northern Manitoba.⁵⁸

The hearings took place in Winnipeg on September 22-24, and in Nelson House on September 29, 1975. A Cree

⁵⁷Report to the Executive Committee, Mennonite Central Committee (Canada) on the April 3, 1975 meeting, n.d.

⁵⁸Press release, "C. Rhodes Smith to Chair Hearing on Manitoba Hydro," sponsored by Interchurch Task Force on Northern Flooding, July 2, 1975.

interpreter was available throughout the hearings. Approximately half of the fifty-two submissions to the panel came from Aboriginal people, both in written and oral form.⁵⁹ C. Rhodes Smith, on behalf of the panel, submitted the "Report of the Panel of Public Enquiry into Northern Development" to the task force on March 29, 1976.

According to the government of Manitoba, the panel had no legal authority, which was acknowledged in a letter to the task force by Sidney Green, minister of Mines, Resources, and Environmental Management:

It would of course be wrong for any one in government to acknowledge that the prerogative of initiating public enquiries can be instituted other than through the democratic process, and in this connection I regard the Inter-Church Task Force's program as being in the nature of a mock parliament which I accordingly am willing to cooperate with insofar as it is feasible for me to do so.⁶⁰

⁵⁹The submissions are included in the "Report of the Panel," vol. 2, appendix A-D, transcripts of hearings in Nelson House, Manitoba, September 22-24, 29, 1975. It should be noted that the panel elicited both oral and written presentations. Several of the written presentations were read in full before the panel and then attached to the final written report as exhibits. The oral presentations given by Aboriginal peoples at the hearings were translated from Cree to English and from English to Cree, when a presentation was made in English. The hearings were recorded, translated, typed into transcript form, and then attached as appendixes to the final report. The written report, authored on behalf of the panel by C. Rhodes Smith includes fifty-four exhibits and four appendixes.

⁶⁰"Report of the Panel," 4.

Of course, the task force intended that the panel would serve purposes much broader than those limited to judicial concerns; their hope was that social, political, and economic issues and questions might be considered. And as I suggested in the previous section, their authority was not legal but moral. And it was moral concerns that focussed for the task force the aims and objectives of the public hearings.

The hearings were a process open to the public, and anyone could speak who was concerned about the implications of hydro development in northern Canada. The panel did not have the authority to compel certain individuals to testify. No participant was put under oath or cross-examined. The panel could respond only to the issues as they were presented by those people willing to appear before the panel. As a result, there were limitations to the report that the panel submitted; a full examination of all the issues surrounding hydro development would have required the panel to question individuals and certain government employees who chose not to attend the hearings. For example, representatives from the federal government and Manitoba Hydro did not appear before the panel.

Aware of the limits that would no doubt accompany the hearings and any documents they produced, the task force nonetheless invited the panel to address itself to seven questions:

1. What are the social and environmental costs of this project to the community as a whole? To whom will go the costs and to whom will go the benefits of this project?
2. Has there been a withholding of information for the purpose of proceeding with the least impediment? Has the information as to environmental and social impact, true economic cost and realistic electricity demands been made available for public scrutiny?
3. Have the people of the northern communities most immediately affected been duly consulted?
4. Has the severe social dislocation anticipated in the north been given its deserved priority by Manitoba Hydro and the Manitoba Government? Particularly has the Canadian stance of cultural pluralism been given sufficient consideration by Manitoba Hydro and the Manitoba Government in view of the unique but also realistically progressive forms of cultural continuity of the Indian and Metis peoples?
5. Does the plan involve the flooding of Treaty lands? If so, have the authorities followed a path which recognizes the rights of the communities affected?
6. What specific problems are seen to confront each community immediately affected by the project?
7. Does the publicized 1966 agreement between the Provincial and Federal Governments give a mandate for the flooding of trapping, fishing and hunting areas, and for the interference with navigable waterways?⁶¹

⁶¹Ibid., 2.

The task of the panel was enormous. They were called upon to examine a highly complex engineering project, involving the diversion of several huge river systems and the regulation of several lakes within the context of an apparent growing demand for energy. They were asked to understand the culture and lifestyle patterns of Aboriginal peoples, who, for thousands of years, had been dependent on the natural resources the diversion project was to change forever. Ultimately they undertook to examine the interrelationships between conflicting interests and values whenever "development" occurs.⁶²

Did the hearings produce the intended results? One answer to that question came many years later when the government of Manitoba, as mandated by the Northern Flood Agreement (NFA), began paying compensation to the five Aboriginal communities affected by the diversion project. But there is another response to the question that becomes evident in the record of the hearings themselves, insofar as they provided an opportunity for a diversity of voices, including Aboriginal voices, to speak on an issue that concerned all people of Manitoba. The task force had hoped

⁶²Ibid., 3-4.

that the hearings would provide some measure of justice in the "wake" of the Churchill-Nelson Rivers hydro diversion project. And since, as Cass Booy suggested in his comments to the task force in November 1974, justice cannot be reduced to monetary compensation, a simple reference to the Northern Flood Agreement does not suffice to answer the question of whether the hearings accomplished the objectives of the task force.

In order to provide an answer this question, in the next section I examine the testimonies of individuals appearing before the panel, focussing particularly on the moral dimensions of the development project.

B. Presentations to the Panel

The oral presentations are not easily categorized for analysis. Many of the presenters expressed their views through stories or metaphors, often wandering from one issue to the next within the same story. However, there were several issues and themes that arose more frequently than others. The three dominant moral issues that arose in the presentations were (1) Aboriginal value systems and economic models; (2) legal issues related to flooding of treaty lands; and (3) the lack of consultation and

disclosure by both federal and provincial governments during the planning and building of the hydro diversion project. The primary purpose of this section is to outline each of these issues in turn (as well as other ancillary issues that arose in the course of the hearings) by listening to the voices of the Aboriginal people whose lives were to be the most directly affected by the flooding. In addition to the voices of representatives from the Aboriginal communities, I include the voices of a number of professionals who testified at the hearing, mostly in support of the Aboriginal people. For the most part, I simply allow the presenters to speak, to tell their story; I offer only minimal points of reference and connections between the various topics. The next section, in which I turn to the report that resulted from the hearing, provides an occasion for a more sustained and thorough analysis of the ideas and issues presented in this section.

1. Aboriginal Value Systems and Economic Models

The relationship between a way of life that was being destroyed because of flooding and the meeting of basic material needs was expressed repeatedly:

I want to understand what Hydro means by destroying these lands and people. . . . I hear they are making compensation of money. This amount will only last two or three years. . . . When divided up among them, some might get more and others less, but the gist of it is that it doesn't really mean anything to them. I am not educated or anything but I know my way of life and I am worrying a lot about the future. . . . Hydro's got money at heart, not children. They're not worrying about me or the next generation. . . . This is what I'm talking about, this hunting, trapping and fishing is being destroyed. . . . This food keeps us in good health, and if we don't eat it, we fail in health.⁶³

The oral presentation by Mr. Hardy was not unusual, a concern for a way of life that implicated health, future generations, and the meeting of basic physical needs. Numerous presenters tried to understand how Manitoba Hydro could actually destroy this way of life, people, and land. Listen, for example, to Mr. Wood, a counselor and trapper from Nelson House:

I just returned last night from my trapline. . . . It was the first time I had a chance to go out there all summer. . . . When I went out there I saw already how much destruction has been done around my traplines by the development at the Notigi control structure. It is the same way with a lot of other people. . . . It seems that Hydro doesn't think about other people, they are only thinking of themselves. That's the way I think of Hydro.⁶⁴

⁶³"Report of the Panel," appendix D, 8-9.

⁶⁴Ibid., 10-11.

Mr. Wood continued by talking about how life for his people was much different years ago, but then the "white man" came and suggested a different way of making a living. But that wasn't enough. Today people move away from their own way of living.⁶⁵ Mr. Wood went on to say that Hydro had failed to see both the direct damage caused to food sources for his people and the interrelated damage done to a way of life. Hydro seemed to believe that their project would not bother his people, that his people's way of life would be improved by electricity to their homes. Although electricity may be a benefit, this fails to take into account the damage done to a way of life.⁶⁶

A number of presenters brought a theological dimension to their description of how their way of life was changing because of the hydro project. For example, Mr. Young commented:

I am thinking about when God made the earth. . . .
. When He had finished all this creation, He said, "Who is going to use this?". . . . When He finished the earth and the man, He put man in the garden. He said, "All this will be for your benefit." . . . God said that we should look after it as long as the grass is green and the rivers flow and the sun shines yet. That would

⁶⁵Ibid.

⁶⁶Ibid., 12.

be the truth. And here on earth the Queen is looking after us. She applied these things to her promise. It was as though she took me in her arms to protect me and keep me. Now that I'm beginning to think about it, he's [Hydro] using these things that were promised to me to fool me with. Hydro's going to drown my generation and the generation after that. I can never equalize what God has done, the gift that God has created. . . . Now I'm thinking about this destruction of my land. If it does flood the country and spoil our way of living and economics, I will have to make a farm. . . . Where they put the dam there, that was my trapline. That bank of mine is under water now. Where am I going to get the money to support my family now? . . . The Government gave me this Reserve and told me that it was mine. It said, "We are leaving you this part of the country for you." It's just like looking at a little lump of sugar. . . . If this lump of sugar gets wet it is going to break off and dissolve. It will get smaller and smaller. This is what Hydro's doing to me.⁶⁷

In his long statement to the panel, Mr. Young expressed his theological understanding of how the land should be treated and of how people's way of life was related to this understanding of the gift of land God gave and protected through the queen. These promises had been broken, and as a result he could no longer feed his family.

Mrs. Leta MacDonald, one of the few women to speak before the panel, also invoked a theological image to make her point:

⁶⁷Ibid., 25-26.

I've got a lot of grandchildren to think about. I'm wondering if Hydro is big enough to get the best of God. We see the rainbow in the sky and this is one of God's covenants to man, that there will be no more floods. In my foolishness I believed this, that Hydro cannot go through with it on account of that. He said, when he left this earth, I'll leave you in peace. I leave you, not as the world gives. He didn't say that I'm leaving everything to Hydro.⁶⁸

Mrs. MacDonald was also concerned about the flooding of the graveyard. She stated that there were children, husbands (including her own), and wives, buried in the local graveyard. "I won't feel very good and I'll think a lot if I know that my husband and children are under water. I'd rather lose my own life than go through this."⁶⁹

The flooding of burial grounds was mentioned by several presenters, including Mr. Spence, who linked the flooding of traplines with grave sites. A way of life will be flooded, for the living and the dead.⁷⁰ And several presenters noted that a way of life that included trapping, fishing, and hunting was a concern not just for those presently living or the dead but also for future generations.

⁶⁸Ibid., 79.

⁶⁹Ibid.

⁷⁰Ibid., 73.

According to Mr. Moose, the loss of a way of life for future generations was not worth the money that Hydro was prepared to pay. "There's not enough money in the world to pay for what we've got to give up."⁷¹ Mr. Flett, an elderly member of Nelson House, wished for certain minimal comforts instead of money. He seemed resigned to the notion that the diversion project would flood their lands, and, therefore, it was time to negotiate a compensating settlement: free hydro power for himself and future generations, but no money:

These things in place of money. We don't want money.⁷² I'm in agreement with getting Hydro for nothing, free lighting for time to come. I'd be glad to get heat, house heat too, so we wouldn't have to bother with the wood. And I'd like to have running water in the house. I'd be glad to get this for the future generations. Even if I did get any amount of cash, even if I'm an old man, I'm liable to use it foolishly. I'd sooner see, as compensation, these things that I've mentioned, and that you would try and get them for me. . . . You understand, your Honour, I want these things in place of money. We don't want money.⁷³

Another Aboriginal presenter, Mr. Thomas, was particularly concerned that if hydro was going to flood lands and waterways, the least they could provide was free

⁷¹Ibid., 80.

⁷²Ibid., 74-75.

hydro power for the elderly people; then at least they could say, "I got this free for my land."⁷⁴ In the same presentation, he also lamented the destruction of his communities livelihood and stated that money cannot repay this damage:

Our game is gone. Our livelihood is destroyed. What return, what exchange is Manitoba Hydro going to give us for the damage already done? Money will never repay us, there will never be enough money to repay what is damaged, that we are losing out of Manitoba Hydro. Money is not the answer, gentlemen, believe me.⁷⁵

The Aboriginal people who made presentations said little about the destruction of the environment. Environmental concerns tended to be raised by professionals from the south who were concerned about the ecological damage to large tracks of land due to flooding. When people from the Aboriginal communities did speak about the environment, they did so most often in terms of the loss of fishing, hunting, or trapping. The environment was directly related to their economic well-being and their way of life. Yet, just like Easterville, the people of Nelson House and the other flood affected communities were

⁷³Ibid., 74.

⁷⁴Ibid., 30.

⁷⁵Ibid., 31.

beginning to experience health problems because of environmental destruction. Mr. Spence, who commented numerous times during the hearings, described the problem as follows:

Our water right now is unfit for human consumption. At times it stinks, as I said earlier. We believe that some diseases have already been attributed to the poor quality of our water, including perhaps one death.⁷⁶

Mr. Thomas commented on the same problem, saying that one of the direct affects of the flooding was water pollution:

It's the pollution of this lake, of our drinking water. I'm very clear to say this, that it is affecting the people of this community, causing diseases like hepatitis, diarrhea, jaundice, and it's been said and told us by the nurses and doctors that it's just caused by drinking water. So I feel at this moment that it is very important that we should bring this up. And I have to say this--that Indian Affairs that all at once in the past years, laid out a water line system here for the Band, for this community. But it was put up in a way that it was useless to the people. It wasn't done properly.⁷⁷

Mr. Thomas went on to describe the exact problem with the water line. When the problem was reported to the government, it took many weeks to finally fix the piping system, and then it worked only for two weeks. Mr. Thomas

⁷⁶Ibid., 46-47.

⁷⁷Ibid., 57.

showed CBC reporters the green slime floating on the water his people were drinking, explaining to them why his people were becoming ill, especially the elderly and children. People were now boiling the water in order to be sure it would be safe for drinking, and then eventually a water truck delivered clean water. But this was going too far for Mr. Thomas. In a land where water was clean and bountiful, now water would be paid for. The environment and a way of life had been destroyed; that these people now had to pay for water was the most significant signal of the flooding's affects.⁷⁸

Mr. Spence, as part of a long presentation to the panel, focussed the concerns of the Aboriginal communities when he said the following:

When you ask us if we believe in progress, we do, but we in turn will ask you, Is this progress? How can you blame us if we are opposed to Hydro development if it is going to destroy us socially and culturally, economically and physically, in the name of progress?⁷⁹

The flooding of the lands and waterways was profoundly affecting the way of life of five northern Aboriginal communities. It was unclear to them how the diversion

⁷⁸Ibid., 57-58.

⁷⁹Ibid., 47.

project would be beneficial to their way of life, to their future progress as a people. Several representatives from the government and the professional community attempted to answer the difficult ethical questions raised by the issue of progress.

The Honourable Sidney Green--minister of Mines, Natural Resources, and Environmental Management--and Mr. Steward Martin, special assistant to Premier Schreyer, were the highest ranking government officials who appeared before the panel. They presented the Manitoba government and Manitoba Hydro's position on the Churchill-Nelson Rivers diversion project and answered questions from the panel and from individuals in the audience. Mr. Green, questioned by panel chair C. Rhodes Smith on the damage caused by the construction of the diversion project to the way of life of the Aboriginal people, stated:

The social dislocations--there was no value except in terms of lost income on the social implications that the project would create. Not because there is no value in the communities or in the problem of the communities, but in my view, and this is a judgment from the study, the people of this province through their government have the responsibility to deal with those social implications in any event. And may I say sir, that up until 1969, and I do not blame any particular government, or any particular political party, it is my opinion that these people have been seriously neglected and have had serious social dislocations and have had serious

problems as a result of what was being done until that time. We would have to change that as a responsible government, whether we proceeded with the Churchill River Diversion or did not, and in my view we have a better chance of changing it by virtue of proceeding than if we did not.⁸⁰

Mr. Green developed this point further by stating that his government would "compensate for direct income loss," and would go beyond legal requirements to provide options for a "way of life which is traditional to the people, if they so desire it," even though "the people" do not own the property but have been given entitlement to it.⁸¹ Both Mr. Green and Mr. Martin agreed that Aboriginal people should be given the option to continue their traditional way of life if they wish. However, Mr. Green commented that it was his personal view that giving Aboriginal people special status a hundred years ago had been a mistake, and that the only real future for the Aboriginal people was to become totally integrated into the mainstream of Canadian life, while retaining their own cultural identities, as do many other ethnic groups in the Canadian mosaic.

⁸⁰Ibid., appendix B, 93. The study Mr. Green referred to was "The Social and Economic Impact Study of the Churchill-Nelson Rivers Hydro Development Project," prepared by the Social and Economic Impact Study Team, Planning Branch, Department of Mines, Resources, and Environmental Management of Manitoba, June, 1974; hereafter referred to as Impact Study.

⁸¹"Report of the Panel," appendix B, 93-94.

Mr. Green and Mr. Martin did not in any way concede that what Hydro was doing by constructing the diversion project was destructive to the Aboriginal way of life or the environment. Although they did admit that the project created some minor dislocations, these would be compensated. From their perspective the benefits to the north and all people of Manitoba far outweighed the detrimental costs.⁸²

As is evident from these comments, Manitoba Hydro and the government of Manitoba viewed the social and economic impact of the diversion project much differently than the Aboriginal people. The notion that cash payments compensate for income loss is a southern view of economic life; and it fails to appreciate the economic views expressed by the Aboriginal people who made presentations before the panel--views that stress the interrelationship of the cultural, social, economic, and physical as a total way of life.

There was clearly a gap in understanding and communication between the Aboriginal people the government and Hydro representatives present at the hearings. This gap was due in part to the fact that Mr. Martin based some

⁸²Ibid., 94-98, and appendix A, 81-102.

of his comments on the Impact Study that had been done on each of the northern communities to be affected by the diversion project. The Impact Study, written under the auspices of Mr. Green's office, was one of many studies that recommended to the government what action should be taken in response to the diversion project.⁸³ The study, undertaken during the construction phase of the project, was viewed with disdain by several professionals who appeared before the panel.

For example, David Young, a resource management specialist with many years of experience working in northern Manitoba, reviewed all the major documents that were made public on the diversion project. Young was a member of a team of experts called the Lombard North Group, which reviewed the many Study Board reports (including the Impact Study) on the diversion project authorized by the governments of Canada and Manitoba.⁸⁴ The Lombard North Group also prepared three reports for the Northern Flood Committee. Young was assigned to investigate the social

⁸³The majority of studies dealt with the geophysical aspects of the Churchill-Nelson Rivers diversion project, for example, there were nine studies alone on the hydrological aspects of the project.

⁸⁴All twenty-two Study Board studies were initiated after the construction of the project had begun.

and economic impact of the diversion project. Regarding the value of the Impact Study, he stated:

We found, in fact in our opinion, as a professional opinion, that the documents purporting to represent the social and economic impact of this project on the people of Nelson House and Cross Lake and the others, were most inadequately prepared and do not in fact represent any adequate calculation or representation whatever of the social and economic impact on these communities.⁸⁵

Young was one of several experienced professionals who were critical of the methodology used in the Impact Study and other Study Board reports. There was evidence that the experts writing these reports were young and failed to understand and appreciate the value system and way of life of the Aboriginal people. Additionally, the quantitative research produced by the study teams was on several occasions totally inaccurate. For example, Young and his associates discovered errors in basic economic calculations, including one calculation where food consumption exceeded income: "By running through the calculations we found out that there must be 1,200 people running naked through the bush because they used up 105% of their income on food."⁸⁶ The Report of the Panel would

⁸⁵"Report of the Panel," appendix B, 10.

⁸⁶Ibid., 20.

later quote Young at length on these concerns and would base their sixth recommendation almost entirely on his presentation to the panel. His analysis of how economic and social impact should be determined in a high quality study is worth quoting at length:

I suppose in essence, to open the subject, the difficulty that confronts any researcher, any team of researchers who are attempting to estimate social and economic impact, is that they must understand the nature of the society and the value system of the society where the impact is expected to occur. Now if in Manitoba a team of people is asked to examine the social and economic impact of a dam at Boissevain, there is very little difficulty, because the people of Boissevain are like most of us in this room of British and European ancestry, we share common cultural traditions, we live in the Judea-Christian tradition, we live within laws that have evolved over a very long period of time and which we understand more or less well, sometimes by intuition sometimes with considerable sophistication--we understand economic values and we are able to trade with one another with parity. Money equals cars equals trees, equals houses--we have values and symbols that we can attach. When a different culture is involved, one may encounter very disparate value systems, and we have here commenced the task where it starts with Manitoba Hydro and the Government of Manitoba on the one hand preferring some amount of money, a symbol of our value system as a reward and compensation for the loss of things which are not valued in monetary terms by the people of Cross Lake or Nelson House or Norway House. In coming to grips with the social and economic impact, the economic impact alone must be measured not merely in terms of the value system predominant in our culture, that is to the Euro-Canadian, but must be measured also in the value systems which are comprehensible and

accepted by people of a very different culture, the Cree culture in this case. This is further made complex by the fact that the Cree culture like all cultures is obviously changing, but perhaps is changing rather rapidly under the impact of our culture on it over the last 100 years. Now, no effort was made to come to grips with those economic problems. Furthermore, there was every evidence that there was no understanding at all on the part of the researchers of family organization, and why people built their houses in clusters here and there throughout the landscape, why this particular layout of a village seemed appropriate to the people there as opposed to a nice square grid the way we live in Tuxedo. There was no understanding that old family ties and even relationships going back to the time when some of these people drifted back and forth across the landscape in their traditional pattern of cultural organization, the pattern which was obtained for 8 or 10 thousand years. There was no recognition of that. . . . Let me say that people who have lived in the south come out and they say, "Well Indians live in very small houses." There were references to housing conditions in one of the Premier's letters. Here you have people living in the midst of a forest, surrounded by building material, and they don't build large white houses with pillars in front of them, so they must be stupid. Of course those things are not in my judgment true, and I don't think that the Indian man thinks of himself as lazy or ignorant or stupid, but he doesn't judge it important to build a large white house with pillars in front of it, even though he has the building materials around him. He places a higher value perhaps on something else, and while it may be difficult for most of us in Winnipeg to conceive of living, and our ancestors living for hundred of years in a forest, and not building large houses, equally it is difficult for the Indian to conceive of why a riverbank should be utterly destroyed in order to make electric power. And the riverbank may be a thing of great value to him . . . (and I don't profess to

understand perfectly by any means the value system of the Indian people) --I think that I have enough grey hairs now to know that when one deals with two cultures with such disparate values, one measures economic and social impact in terms of both value systems. Now the Government of Manitoba spent a lot of money investigating as they said social and economic values . . . impacts--frankly I know the people that they sent in, and most of them still shave with a washcloth, and they were probably people with the best of intentions but they lacked technical qualification, they lacked qualification in the area of anthropology to the most woeful extent. There simply was not the anthropological expertise there which would have helped to interpret to the economists and the engineers and the foresters what the riverbank was worth, what 100 miles of riverbank was worth, what a traditional hunting right was worth. None of these things are present. This Study done by the government is of no value.⁸⁷

The presentation by David Young aptly summarized the competing value systems of two distinct cultures. The government had a particular economic vision for the north that collided with the vision of northern Aboriginal people. Furthermore, if Young was correct that the experts conducting the studies failed to understand the qualitative dimensions of the Aboriginal way of life, then the technical geophysical studies had little meaning. Yet it was just these studies that had informed Mr. Martin's testimony at the hearing and that had impacted government

⁸⁷Ibid., 11-12.

policy concerning what Aboriginal economic development required.

For example, according to one government study, because Aboriginal people were not making enough cash income, large construction projects such as dams would bring much needed cash into the community through employment, as well as much needed hydro power for other industries where Aboriginals also could be employed.⁸⁸ This position was affirmed by Premier Schreyer in a letter to the people of Manitoba, which Young alluded to above. The letter was titled "Statement of General Policies--A Focus on the North," and in it Schreyer stated that "an aim of development is to give work opportunities to the people of the north, with participation of northern citizens in determining the specific opportunities which they wish to pursue."⁸⁹

Had the government actually sought the participation of northern citizens--and there is little evidence that the Aboriginal people were given the opportunity to participate in their own economic future--it would have learned that

⁸⁸"The Social and Economic Impact Study of the Churchill-Nelson Rivers Hydro Development Project," 7-9.

⁸⁹"Report of the Panel," 41.

they did not want to pursue work opportunities that would entail the destruction of their land, water, and lives.

Young also understood how historical preferences and cultural value systems are related to economic choices:

Well sir, we have within our culture a way of treating certain values. What is the value of the sacred Mosque at Mecca to a Moslem? What is the value of the Wailing Wall to a Jew? What is the value to a Christian of St. Peter's Basilica? Economic science says yes, you can treat that in economic terms. The value is infinite. The value can't be measured; it is infinite and therefore you cannot destroy it. You can do a benefit cost analysis, and the government did a benefit cost analysis there, and you have something of infinite value that is going to be destroyed, that's an infinite cost and then you must have on the other side an infinite value, and however nice the lights may be, they are not of infinite value. Now if you take our value system, the trees along the riverbank are gnarled, knotty, not very good scrub black spruce. If you take them from the point of view of our ecologists, they are somewhat more valuable, they represent an essential component in an eco-system. If you take them [trees] from the point of view of [Indian] people who (and some Indian people still believe that the land is sacred) then they are of infinite value. . . . Indian people understand the value of money, but they may place a different relationship to the goods that it can purchase than I do. They may say that my care of my house is really not worth very much, but that a patch of unspoiled forest is worth a great deal more than I as a European, or a person of European origin would think it is worth.⁹⁰

⁹⁰Ibid., appendix B, 12-13.

According to Young, the government failed to adequately account for the Aboriginal value system in which the lands and waterways had infinite value for the Aboriginal communities. Economic judgments based on a Euro-Canadian cost-benefit analysis failed to consider the value of the land and waterways according to Aboriginal calculations.

2. Treaty Rights and Obligations

As will become apparent in the testimonies I record in this section, one of the major issues that confronted the panel was whether the Manitoba government and its Crown corporation, Manitoba Hydro, had the legal right to flood treaty lands. The Aboriginal people who made presentations to the panel assumed that their lands and waterways were covered by treaty, as did legal counsel for the NFC. The government of Manitoba understood its legal obligations differently.

Several of the Aboriginal people who made presentations to the panel on this matter understood the treaty their forebears had signed to be a promise that was unrelinquishable. Their comments often seem to express frustration as they attempt to comprehend how their treaty

lands could be flooded when a promise had been made that the land was theirs for hunting, fishing, and trapping.

For example, Mr. Spence stated:

The old Queen Victoria told my grandfathers and my great-grandfathers to sign and she would look after them. She said, "I won't lose you as long as you live." It's hard to promise anything unless it's in black and white, but it's easy to break a promise. . . . Easy to say the words but hard to keep them. Whoever we approach in Ottawa or any other place, they say, "Where is it in writing?" How can we produce anything in writing when they don't give it to us? . . . Here at Nelson House they gave us a Reserve. It was surveyed. Why are they flooding it now? This is a great promise. They gave me this Reserve and now they're going to flood it.⁹¹

Mr. Dick submitted a statement on behalf of the Aboriginal community of Ilford and also questioned how a promise could be broken that had been made to the northern communities:

I was there with my dad. The white people said as long as grass will grow and the rivers run and the sun will shine, he will help the Indian people. And if anything happens, he will always help. This was a promise. The white man lies. I can't understand why Hydro is flooding these communities. . . . Just as long as they are living good themselves, they don't care for the other people. They destroy people's living community.⁹²

⁹¹"Report of the Panel," appendix D, 53.

⁹²Ibid., 5-6.

There was evidence of considerable frustration from the Aboriginal people who commented on what they believed to be their treaty rights. One presenter called the fight for their treaty rights World War III, a fight for their children and generations to come.⁹³ Although it was the intention of the NFC, with the support of the task force, to use legal means to stop the diversion project if possible, there were some members in the communities affected by flooding who were calling for violent acts against the hydro project in order to get the attention of Mr. Green and his government.⁹⁴

The frustration of apparent broken promises and destruction of a way of life was affecting the overall physical and emotional health of many band members. For example, Rev. Swarn, the United Church minister at Nelson House, reported to the panel that

we have some very serious social problems arising. Disorders that are developing in our community. And some of these, I am very certain, stem from the anxieties that people are facing

⁹³Ibid., 71.

⁹⁴"Violence Against Hydro Rejected," Winnipeg Tribune, September 25, 1975, 8. For example, Mr. Monias, president of NFC and chief of the Cross Lake community, stated that several members of his community were determined and had planned to barricade with canoes the location where a bridge was to be built by Hydro. However, as president of NFC, he was personally committed to use legal means on behalf of all five communities. See "Report of the Panel," appendix D, 15-16.

because they feel their future is so threatened and these anxieties are coming out in abnormal ways that otherwise would not.⁹⁵

Rev. Swarn noted that the chief and the council of his community were spending an inordinate amount of time with economic matters so that they were unable to deal with the social and behavioural problems that were arising. Others reported problems of being unable to sleep and of the "heartache" and the tremendous "weight" they were experiencing. "We are not contented. We sleep half-asleep. We're not even content to sleep a full night without worrying."⁹⁶ The destruction of a way of life and the loss of basic rights was becoming unbearable. The frustration was aptly summarized by Mr. Spence:

What do we have left? Our trapping, hunting and fishing so-called rights are already affected, and this is our livelihood, but as I said before, the basic issues here is treaty rights of the Indian people. . . . They are being jeopardised or in danger, and they will be violated, we believe, if the project goes through.⁹⁷

The frustration that surrounded treaty rights and obligations was also evident when the five communities affected by the hydro diversion project were negotiating as

⁹⁵Ibid., 59.

⁹⁶Ibid., 75, 80.

⁹⁷Ibid., 47.

a collective entity through the NFC. The board of directors of the NFC was made up of the chiefs and mayors of the five communities, representing treaty, non-treaty, and Metis members affected by the project. The purpose of the NFC was to present a unified front in order to centralize the efforts of the five bands. However, according to federal law, the NFC could use federal funds only for and on behalf of treaty Aboriginals. But it was the position of the NFC that all information and assistance was available for all community members. The NFC understood this position as a moral obligation to stand together as a united force.

The provincial government, recognizing the strength of a common front, attempted to undermine the NFC by negotiating with a number of individuals in the five communities. The government insisted that the NFC could not technically represent all members of the five communities affected by flooding. If the government could negotiate a cash settlement with non-treaty members or with Metis families, the NFC's strength to speak with one common voice would be undermined. With the fear that their negotiating strength would be lost once the project was

complete, there were some individuals who felt pressure to settle.

In his presentation to the panel, Mr. McCaffrey, a lawyer for the NFC, noted that not all the studies were yet available in order for the NFC to make solid judgments on behalf of the affected communities. If a trapper was led to believe that his trapline would be under water once the project was complete, he would certainly feel some pressure to settle before his negotiating strength was lost. According to the NFC, the purposeful withholding of study data and the "divide and conquer" method that the government and Hydro used created confusion and division among community members.⁹⁸ Additionally, in his statement to the panel, Mr. McCaffrey reported that he believed there was a "cover-up" of the enormous costs of the project that all taxpayers--as the owners of the Crown corporation, Manitoba Hydro--should know about.⁹⁹

McCaffrey also described the position of the NFC with respect to the flooding of reserve lands. He stated that although the government of Manitoba can expropriate most property in Manitoba, it cannot do so on reserve lands.

⁹⁸Ibid., 39-42.

⁹⁹Ibid., 41-42.

Reserve lands come under special jurisdiction and can be expropriated only by Order-in-Council by the federal government. It was the position of the NFC that to flood reserve lands without legal authority and then to offer compensation was not only illegal but immoral. McCaffrey stated:

You just can't take people's property and then come along and offer to pay them for it after the fact. You either make an agreement with them, you make a deal with them, whereby you are entitled to have their property, or you resort to some legal mechanism to take it. And at this stage there is no legal mechanism [that has] been invoked and there's been no deal made, so that if there is property taken, it'll be done totally illegally and improperly.¹⁰⁰

This "injustice," as McCaffrey called it, was related to another issue that the NFC was attempting to clarify on behalf of Aboriginal people, namely, the question of whether Aboriginal people had standing in court to protect their lands. There was some precedent to suggest that they may not have the right to sue or to protect their property without the full cooperation and assistance of the federal government. It was McCaffrey's position that the federal government should be co-plaintiff in any legal action against the Manitoba government and Manitoba Hydro because

¹⁰⁰Ibid., 32.

reservation lands are all in the name of the federal government. The Aboriginal people living on federal reserve lands had no title of ownership to the lands they occupied or the houses they lived in. The legal, and ultimately moral, issue, as McCaffrey presented it to the panel, was whether the Aboriginal people of the five communities actually had legal standing to stop the diversion project through the courts. If the federal government was unwilling to defend the illegal flooding of reserve land, then the Aboriginal people had no legal standing; they had no rights.¹⁰¹

According to McCaffrey's testimony to the panel, the position of the government of Manitoba was that they had a right to the reserve lands, and it was simply a matter of compensating the Aboriginal communities for it. The position of the NFC was that the provincial government had no right to take the land, and this matter required legal settlement before any negotiation for compensation could move forward.¹⁰² In his presentation to the Panel, Mr. Martin, special assistant to Premier Schreyer, seemed

¹⁰¹Ibid., 32-34.

¹⁰²Ibid., 35.

amenable to the position taken by the NFC. For example, he stated:

If this land is going to be flooded, the land will not be flooded until it is legally acquired. . . . The government is not attempting, nor is Manitoba Hydro attempting to go roughshod over the property rights of any of the citizens whether they be treaty or non-treaty. . . . The 1966 agreement between the federal and provincial governments certainly does not give a mandate for the flooding of trapping, fishing or hunting areas.¹⁰³

Responding to several questions by panel members, he reiterated:

Let me restate the position, Mr. Chairman. The Indian people in terms of their reservation land have the absolute legal right not to have their land infringed upon. The provincial government has not got the right to expropriate treaty lands. The federal government has. And the provincial government respects the legal position in terms of land title, as evidenced by treaty lands. If it turns out that the Indian people on treaty lands are not prepared to sell their land, then obviously that is their right. And the right will be respected. The position as I understand it, that has been taken by the Minister of Indian Affairs, which is a position that is subscribed to by the provincial government, is simply that the legal right that is contained in the Indian Act which would enable the Minister to transfer that land to the provincial government, will not be exercised by the federal government unless the band at Nelson House are prepared to facilitate the transfer.¹⁰⁴

¹⁰³"Report of the Panel," appendix A, 41.

¹⁰⁴Ibid., 37.

But later in his presentation, Martin, in response to a question on the veto power of the five northern communities, stated, "I don't concede that anybody has any right of veto."¹⁰⁵ Although on the one hand Martin seemed to be in agreement with the NFC on treaty land rights, he also offered statements that seemed to conflict with the NFC position (and with some of his own statements); these conflicting comments created confusion for those attending the hearings, including members of the panel.

The Report of the Panel expressed the desire of panel members that clarity on the matter of treaty land rights be achieved immediately in order to avoid confusion and the kind of anxiety that was expressed over this matter by the Aboriginal people.¹⁰⁶ It was in the midst of these negotiations and legal wranglings between all the parties concerned that Manitoba Hydro was offering cash settlements to trappers and other northern residents. It was a time of uncertainty for the five communities.

Indeed the legal question of treaty rights and government obligation required resolution, and it is shocking from a moral perspective that these matters had

¹⁰⁵Ibid., 79.

¹⁰⁶Ibid., 42-44.

not been resolved before the planning of the diversion project. Construction of the project continued unabated while these legal matters were being discussed and negotiated. Mr. Spence summarized the feelings of the Aboriginal people on this matter:

As a recommendation--I appeal to you as members of the Panel and also the sponsors, the Interchurch Task Force, is to put all the pressure you can to our Minister, Mr. Buchanan, not to expropriate our land without our permission, and to allow us to take Manitoba Hydro to Court.¹⁰⁷

3. Consultation and Disclosure

The question of whether the five Aboriginal communities affected by the diversion project were adequately consulted about the development has already been raised in the previous section on treaty rights and obligations. However, there were several presentations that focussed on the lack of consultation without specific reference to treaty rights.

Mr. Head, representing the Manitoba Metis Federation, stated the issue succinctly:

Perhaps our disordered view of democratic action is impending progress. Obviously, in the view of the present government, it is quite acceptable to deny any consultations with the citizens of this

¹⁰⁷Ibid., appendix D, 48.

province and especially the native people whose lives will be affected by this decision.¹⁰⁸

Mr. Head was also concerned that the results of several studies regarding the diversion project had not been made available. To proceed with such a massive project without adequate information "is both premature and dangerous." He lamented that "once again human and ecological conditions are being made secondary to the Manitoba power people."¹⁰⁹

Other Aboriginal presenters failed to understand how it was possible for Hydro to flood their lands without consultation. For example, Mr. McDonald stated:

Why weren't we consulted about this flooding? Even I, I'm ignorant and don't know anything, but I wouldn't for a minute think of going [and] devastating another man's property. Everybody works hard and wishes that his property be left alone, to his own use.¹¹⁰

Mr. Hardy questioned Hydro's lack of sensitivity when entering and flooding reserve lands:

By rights, white men should get permission to come in the Reserve and do what they're going to do. . . . They shouldn't come in before getting permission. . . . I would like them to ask permission to come on the Reserve, to do anything on the Reserve. This is my wish. What would the

¹⁰⁸Ibid., 51.

¹⁰⁹Ibid.

¹¹⁰Ibid., 27.

white man think if I went into his place and destroyed his property? Or maybe destroyed his garden? Hydro's going to do that very same thing with my garden here, in the Reserve.¹¹¹

Several Aboriginal presenters did state that Manitoba Hydro spoke to some of the leaders concerning the diversion project, but Hydro insisted that the communities would not be affected by flooding. "We've been told lots of times that we didn't have to worry about the water."¹¹²

Mr. Martin, in his presentation to the panel on behalf Premier Schreyer and the government of Manitoba, said that "no information has been withheld. If your commission thinks that information has been withheld then we will certainly rectify it, because we can't conceive what information has been withheld."¹¹³ Later in the hearings, Martin noted that information booklets on the diversion project and its affect on the Aboriginal communities had been submitted to community leaders. Martin confirmed, however, that these were summary booklets, written in less technical language, of some of the studies that had been completed on the project and that they had not been

¹¹¹Ibid., 68.

¹¹²Ibid., 54.

¹¹³Ibid., appendix A, 32.

translated into Cree.¹¹⁴ Furthermore, these booklets were available only after the project had been planned and construction had begun. The Aboriginal people affected by the project had not been part of the planning process, nor were they given an opportunity to offer alternative proposals.

Several Aboriginal people seized the opportunity at the hearings to publicly question Martin concerning the consultation that the government claimed had occurred concerning the diversion project. Mr. Wavey, a community leader from Split Lake, asked:

In the first place when you made this plan about diversion to Burntwood, for Churchill River to Burntwood, why didn't you at least sit down with the chief and council of each band and exactly tell them, be honest, and truthful, exactly what is going to affect them? You have engineers and technique to do all these things.

In response Martin stated:

The representatives of government, the representatives of Hydro, over many, many years have on a face to face basis spoken to representatives of the native people and attempted to point out to them what the consequences are. I personally have been involved in some of these discussions.¹¹⁵

¹¹⁴Ibid., 89, 90.

¹¹⁵Ibid., 98.

This comment was followed by an exchange between Martin and Chief Spence from Nelson House:

I would like to ask Mr. Martin to clarify himself what he just said a little while back. In regards to planning of the Hydro development in the north, you mentioned the fact that there were consultations with the people of the north in regards to the Hydro development. I as a resident of Nelson house don't know of any participation of the people of the north in the planning of the Churchill River diversion.

Mr. Martin:

Well, I would agree with you that there was no participation in the planning of the Churchill River diversion, but I hope you would agree with me that from time to time representatives from government have been prepared and wanted to meet with the various native people in order to indicate to them what consequences were going to flow from the implementation of the project.

Mr. Spence:

I understand that, Mr. Martin, but no it just doesn't seem right to say that the people were actually involved totally all along in the planning you know. I think that it's not right because they weren't.¹¹⁶

Clearly, on the matter of consultation, the testimony before the panel offered by the Aboriginal people was significantly different than that presented by Martin. No doubt part of the problem was miscommunication on the nature and extent of the impact of the diversion project on

¹¹⁶Ibid., 103-104.

the Aboriginal communities. Some of the impending issues could have been resolved if all the studies and reports had been translated into Cree. Another matter was the lack of information that was available on the implications of flooding such a vast area of land. The ecological effects of flooding the landscape in northern Manitoba was unknown until the flooding actually took place. These effects could not have been calculated by engineers before the diversion project was complete, but the government could have taken into account the social and ecological impact of the earlier Grand Rapids project. They could have done comparison studies on the implications of the Grand Rapids project for the Churchill-Nelson diversion project.

Other studies taking into account the social and ecological implications of the development also could have been executed before construction began. And the Aboriginal people should have been consulted at the planning stages of the diversion project. If they had been partners with the government of Manitoba at the earliest planning stages, perhaps their input on the potential social and ecological damage would have persuaded the government to forego the project, or at least lessen the damaging effects.

Something like the hearings sponsored by the task force should have transpired ten years earlier: studies and reports should have been available for public scrutiny, and the Aboriginal communities should have been consulted about the proposed development. Although such things should have occurred, they did not. And it was in the context of this vacuum of information that the panel listened to the voices that came before it in an attempt to foster justice. The final fruits of the panels work are contained in its report, to which I now turn.

IV. Report of the Panel of Public Enquiry Into Northern Hydro Development

The public hearings offered Aboriginal peoples, government representatives, and the general public an opportunity to listen to and speak on the issues surrounding the Churchill-Nelson Rivers hydro diversion project. As I have noted, not all voices were heard at the hearings: the federal government and Manitoba Hydro were not represented; and, as would be expected in Cree culture, most of the Aboriginal people who spoke at the hearings were older. There were younger, "white Indians," as one presenter called them, who were searching for a different

means of economic security than had been handed down from generation to generation, whose voices were not heard.¹¹⁷

But overall the hearings offered all interest groups an opportunity to speak and listen, including such organizations as the Manitoba Fly Fishers Association, who were particularly concerned about the loss of brook trout, indigenous to northern Manitoba, that might occur as a result of the ecological damage created by the diversion project. As well, there was a presentation by a group of people who represented the small farm community of Sperling. They were concerned about social justice. They were troubled that "development has taken precedent over persons and freedom is in jeopardy. What happens to one group can happen to another."¹¹⁸

After the hearings, the members of the panel attempted to incorporate all of these perspectives in a summary report. Six months after the public hearings, on March 29, 1976, C. Rhodes Smith submitted the "Report of the Panel of Public Enquiry into Northern Hydro Development" to the Interchurch Task Force on Northern Flooding.

¹¹⁷"Report of the Panel," appendix B, 14.

¹¹⁸Ibid., 2.

The seventy-page report, plus exhibits and four appendixes, begins by outlining the history of hydro development in Manitoba, including a brief review of the Grand Rapids project that I explored in the previous chapter. This historical summary is followed by a summary of some of the geophysical effects of the project; this summary draws on several studies attached as exhibits and on the presentations of several technical experts who appeared before the panel. The next three sections, approximately twenty pages of the report, consider the economic and social dislocation of northern Aboriginal communities; these sections are then followed by a section on the government's view of the project. So far in this chapter, I have explored the substance of the report up to this point.

My purpose in what follows is, then, to explore the final two sections of the report, as well a dissenting comment that is attached the report as an appendix. The sixth section of the report contains the answers to the seven questions that the task force asked the panel to consider (see page 200 above); these answers are then followed, in the last section, by seven recommendations.

The seven questions that the task force requested the panel to consider were the "terms of reference" for the panel's enquiry into northern development.¹¹⁹ The report lists each question, followed by an answer based on the oral and written submissions to the panel. The answers to the seven questions, as well as the seven recommendations that flow from them, are crucial for uncovering the development ethic endorsed by the panel.

A. Answers to the Seven Questions

In response to the first question, the report begins by asserting that the social and environmental costs of the project cannot be detached from economic costs. If the ecological balance of the region is destroyed by flooding, the Aboriginal people cannot sustain themselves economically, and, therefore, social dislocation will most likely occur. The report reviews in general terms the environmental and habitat damage that was occurring or likely to occur due to flooding and includes a brief synopsis of its affect on each of the five affected communities. The report notes that this damage not only destroys the economic viability for the Aboriginal

¹¹⁹"Report of the Panel," 50.

communities, but also unravels a view of creation that is understood as integrated into all aspects of community life. The environmental and social impact of the hydro project, the report states, is the greatest fear of the Aboriginal communities.¹²⁰

According to the report, the cost of this damage to the people affected most directly is difficult to quantify. How can the destruction of a way of life be measured monetarily? However, the report does argue that there will be direct costs for all Manitobans that can be accounted for. They will come in the form of welfare payments, expenditures in moving people and buildings, and the costs of creating new viable industries for Aboriginal peoples. The report asserts that the benefits of the hydro diversion project will be most immediately felt by the south, where the modern industrial economy requires greater amounts of electrical power. The report indicates that the north will also eventually benefit from electrical power, including the provision of light, communication, and the possibility of developing industries such as mining and forestry.

The report fails to address whether these are the kinds of industries that Aboriginal peoples would choose.

¹²⁰Ibid., 51-52, 57.

For example, industries such as mining and forestry tend not to be sustainable and often create ecological damage; these industries might conflict with the values of Aboriginal peoples. Although the report does seem to recognize the importance of people being able to choose the type of economic pursuits that are viable for them out of their own cultural and social heritage, this moral position could have been stressed more stringently.

In its answer to question four, the report does recognize the government of Manitoba's attempt to consider the cultural aspirations of Aboriginal people. If the people of the north wish to pursue their traditional way of life, this should be made available. At the same time, the government has also made available training and opportunity for those who wish to follow another course, "white man's culture," as the report states.¹²¹

Whether there is really freedom of choice to follow traditional economic patterns when flooding has destroyed "their whole way of life," is a question that the report could have pursued more vigorously.¹²² Yet the report does recognize that all government programs have been directed

¹²¹Ibid., 54-55.

¹²²Ibid., 57.

toward enhancing the Euro-Canadian skills and shaping the Euro-Canadian values of Aboriginal peoples. The report notes that in the government programs there is "nothing to indicate that we . . . might learn much of value from the Indian and Metis."¹²³ According to the report, this unwillingness to learn from Aboriginal people must be corrected in order for Canada to speak of cultural pluralism with moral integrity. Trust and goodwill are created when there is respect for the values and traditions of another culture, and this respect is particularly important as economic development continues its march northward. The report makes clear, however, that such respect was not present in the government and corporate policies that directed the development of the Churchill and Nelson Rivers.

The issue of cultural pluralism was also raised in response to question seven. Here the report cites the ethical dilemma that is often an issue for democratic societies: should the majority be allowed to pursue its goals at the expense of the minority--or, in this case, should the government be able to expropriate lands for the sake of the southern majority at the expense of the

¹²³Ibid., 55.

northern, Aboriginal minority? I will pursue this question in the next chapter, but it is worth noting at this point that there were some people who appeared before the panel and who indicated that the majority has no right to interfere with the rights of the minority. Premier Schreyer, however, believed that although every effort must be made to respect the rights of the minority, when differences cannot be resolved, the will of the majority has the right to take precedence over the will of the minority. The report concludes that putting the issue in this form is unnecessary if goodwill and trust through open and candid discussion are established from the beginning. However, the report adds that since such goodwill and trust had not been present from the beginning in this case, full and adequate compensation and restoration of lands and waterways along the project route would mitigate against "social and environmental loss," and the interests of the Aboriginal peoples could once again be restored.¹²⁴

It seems clear from the report that the panel believed that fair compensation could at this late date make amends for the economic and social disruption experienced by the Aboriginal communities. In fairness to the panel, there

¹²⁴Ibid., 58-59.

was little left for them to suggest but fair compensation; nonetheless, the suggestion tended to neutralize the question at stake.

On a question related to the subject of goodwill and trust, the Panel of Public Enquiry considered whether the government and Manitoba Hydro had withheld information and whether they had adequately consulted with the Aboriginal communities about the diversion project. The Aboriginal people and the leadership of the Northern Flood Committee who appeared before the panel claimed that information had indeed been withheld so that construction of the diversion project could proceed with little impediment. The two government representatives who appeared before the panel, Mr. Green and Mr. Martin, claimed, on the contrary, that their desire was to provide all the information available to the communities affected by the project. The report concludes that although the delay in obtaining information was regrettable, there was no evidence to suggest that this delay was purposeful. Without the legal means to subpoena documents and key figures on matters such as truth-telling, the panel could do nothing more than believe those

appearing before them, and then simply summarize the statements presented.¹²⁵

However, the panel was willing to state in its report that the Aboriginal communities were not adequately consulted regarding the diversion project. Although government and Hydro representatives did meet with Aboriginal leaders on several occasions, these meetings failed to communicate clearly what could be expected from the flooding. These meetings were not really consultations but minimal information meetings, without input from the communities most directly affected. Public hearings at the early stages of planning may have rectified this matter, but the government, through legislation, closed this option.¹²⁶

Finally, the report addresses the question of Aboriginal rights pertaining to the flooding of treaty lands. Although the report does not comment on the legality of flooding treaty lands, it does question the procedure whereby the government would purchase lands that were flooded after the fact. This strategy of flooding lands without consent, and then assuming that compensation

¹²⁵Ibid., 51-52.

¹²⁶Ibid., 53-54.

might adequately redress the problem, failed to show "proper recognition of or respect for Indian rights."¹²⁷

B. Recommendations by the Panel of Public Enquiry

Several of the seven recommendations in the report are presented in two or three sentences, whereas other recommendations list many sub-points, incorporate quotations from the public hearings, and are, thereby, much longer. In this section, I summarize the seven recommendations and then analyse briefly the moral dimensions of several of the recommendations and, by extension, of the report as a whole, as a document that outlines an ethic for northern development.¹²⁸

The first recommendation forwarded by the panel was the immediate need to resolve the matter of Aboriginal rights to their reserve lands. In addition, the panel called for legal clarification on whether Aboriginal bands can take proceedings to court in their own name or whether they must do so in cooperation with the federal government.

Second, the panel recommended continuation of part of the diversion project. The report notes that if public

¹²⁷Ibid., 56.

¹²⁸For the seven recommendations in detail see "Report of the Panel," 59-70.

hearings had been held many years before, alternatives to, or the timing of, the project might have been altered to mitigate against "fear" and against "damage to the environment, both economic and social."¹²⁹ No such hearings had been held, however, and such vast amounts of money had already been spent on the project that the project should eventually be completed. The panel asserted that if the entire project was abandoned, the "financial consequences" for the people of Manitoba would be "incalculable."¹³⁰

Additionally, following the government's opinion, the panel concluded (with qualifications that were outlined in the remainder of the recommendations) that the project could be of some benefit to the north and its Aboriginal people; the people would acquire, for example, water and road transportation systems, electric power, and new industries. At the same time, the panel disagreed with the government's position on the economic and social dislocation of Aboriginal peoples, stating that it would be "greater and of longer duration" than the government's estimates indicated.¹³¹

¹²⁹Ibid., 59.

¹³⁰Ibid., 60.

¹³¹Ibid.

Although the panel argued that the entire project should not be curtailed, they did recommend that the Churchill River section of the diversion project be postponed. The advantage of postponing this part of the project for approximately ten to fifteen years would be "to devise methods by which its deleterious impacts upon environment and people could be greatly reduced if not eliminated altogether."¹³² What methods might be devised are not outlined, but the report does hint that studies should be initiated at the outset to begin the process of understanding how negative impacts could be ameliorated. This particular recommendation demonstrates that the methodology of the numerous studies initiated by both governments failed to comprehend the pressing environment and people issues at stake in northern Manitoba.¹³³

Third, the panel recommended that compensation be negotiated quickly and fairly for economic, social, and environmental loss. According to the report, payment or settlement for loss should, first of all, be made on an interim basis until all damage following the completion of

¹³²Ibid., 61.

¹³³It is evident in this recommendation that the panel relied heavily on Mr. Young's testimony that government studies lacked precise methodology in many of the studies they initiated.

the project could be properly assessed. From this viewpoint, compensation could always be open to renegotiation if additional damage occurs.

The report also recognizes that a cash settlement for environmental loss and social dislocation seemed unsatisfactory, particularly because "items of this kind . . . are of greater significance to Indian and Metis people than to the white man."¹³⁴ Yet, the panel was realistic in its assertion that cash settlement is the method by which Canadian courts award for damage and loss. Finally, the report stresses that those involved in the negotiation process must be familiar with "the native way of discussion and decision making."¹³⁵ Although the report does not cite historic evidence, it does note that Aboriginal peoples have not been adequately represented in the past.¹³⁶

The fourth recommendation was much more case specific. The report recommends that every effort be made to preserve the Aboriginal community of Nelson House in its present location. If this was impractical, then every effort

¹³⁴Ibid.

¹³⁵Ibid., 62.

¹³⁶Ibid. The issue of the negotiations with the people of Chemawawin was raised at the public hearings and may have been part of the panel's consideration in this recommendation. See Chapter 2 for an overview of the process of negotiation with this Aboriginal band.

should be made to reestablish the community "as it has been historically in the present location."¹³⁷ The panel was also concerned that discussions with representatives from Nelson House and Manitoba Hydro be "frank and open," and that the object of compensation and "concluding arrangements" be based on the needs and desires of the people of Nelson House.¹³⁸ At this late date, the issue continued to be, Who was to decide the future of an entire community: the government or the people themselves?

Fifth, along with their concern for an adequate and ongoing compensation package, the panel was concerned that steps be taken to mitigate against the environmental damage sustained by the dam project and the rising waters--steps that would include, for example, clearing flooded timber to allow for safe navigation and the restoration of the landscape for nesting and feeding geese, and clearing rock and fill from the river systems to permit brook trout to reach their feeding and spawning grounds. The panel's concern for the environment and how damages to it would affect the traditional economic pursuits of the five Aboriginal communities was a consideration either directly

¹³⁷Ibid.

¹³⁸Ibid.

or indirectly in almost all of the its recommendations. In recommendation five, the report pointed to environmental damage in several specific locations and made general recommendations for restoration.¹³⁹

Under this same point, but on a different topic, the panel noted briefly their concern about the treatment of Aboriginal peoples as "second-class citizens in their own town" by dam diversion construction workers¹⁴⁰ The panel was attentive to the infringement and estrangement that occurs when a construction project of this magnitude brings an entire population group in contact with small Aboriginal communities. The recommendation states that the loss of "friendship and goodwill" would impoverish all people in the north.¹⁴¹ Here, although the panel raises an important issue that was presented to them on several occasions during the hearings, the report does not offer specific steps to relieve these tensions.

The sixth and seventh recommendations are significantly longer than the previous five. In recommendation six the report proposes several measures by

¹³⁹Ibid., 62-63.

¹⁴⁰Ibid., 63.

¹⁴¹Ibid.

which the government can, first, improve the viability of a traditional way of life for those Aboriginal people who wish to live this way and, second, assist Aboriginals "who desire it to fit fully into the white man's form of civilization."¹⁴² In the first scenario, the report makes several suggestions to "restore and build up" wildlife habitat for those Aboriginal people who wish to continue this form of "revenue and sustenance."¹⁴³ Evidently it was the position of the panel, although the report does not state it directly, that wildlife resources are the key ingredient to a traditional way of life for those who wish to make this choice. A traditional way of life is equated with fishing, hunting, and trapping.

According to the report, those Aboriginals choosing to join "the white man's civilization" face both "a social problem and one of education."¹⁴⁴ This section of the report focusses primarily on education, registering the difficulties Aboriginal people have experienced in the Euro-Canadian educational system. This system, the report claims, "is foreign to their whole experience and that of

¹⁴²Ibid.

¹⁴³Ibid.

¹⁴⁴Ibid., 64.

their community" because it works with "intellectual concepts" they have never heard of.¹⁴⁵ The report recommends that the government of Manitoba continue to strengthen the program for education that it had recently implemented for Aboriginal communities. But the report takes a realistic turn by suggesting that this strengthening will be a lengthy process with many setbacks and disappointments for all those involved in educating Aboriginals for "every kind of work in the white man's world, including all the arts and professions."¹⁴⁶

The final part of recommendation six calls for Aboriginals who wish to choose the Euro-Canadian way of life to be integrated into "general society" just as other ethnic groups have been historically; on the other hand, those who wish to remain in their communities should be free to do so with the resources necessary for a "viable and less hazardous life."¹⁴⁷

¹⁴⁵Ibid., 65. Here we are reminded of Martha Nussbaum's argument for the importance of education, but an education that meets the needs and aspirations of the particular culture in question. Her comments on the cross-cultural relevance of education are numerous, but see especially Martha Nussbaum, Cultivating Humanity: A Classical Defense of Reform in Liberal Education (Cambridge: Harvard University Press, 1997).

¹⁴⁶"Report of the Panel," 65.

¹⁴⁷Ibid.

The seventh and last recommendation returns to the problem of resource development and its impact on the environment and people. This recommendation is concerned not just with the development of the Churchill-Nelson Rivers hydro project but also with future hydro, nuclear, and gas and oil resource development projects. The panel was particularly troubled by reports that Manitoba Hydro was planning the development of nuclear power along several northern rivers and lakes. In regard to this concern, the report cautions:

The consequences of exposure to nuclear radiation are so tragic in terms of human life that in our opinion it would be even more important where a nuclear plant is proposed than in any of the other kinds of projects mentioned above, that prior to any decision being made to proceed, there be a thorough examination of the project from every point of view, with full consideration of the opinions, objections and suggestions of people likely to be most affected by it.¹⁴⁸

The report proposes that as Hydro studies future resource development, other options be considered, including solar and biomass energy sources. Additionally, the report suggests that the general public be involved early in the decision whether or not to pursue nuclear power in Manitoba. If huge amounts of research dollars are

¹⁴⁸Ibid., 67.

spent before the public is involved, it will be difficult to stop nuclear power development and it will not be feasible to examine alternatives. Therefore, the report calls for a permanent public advisory committee, to be appointed by Order-in-Council, that would report directly to the Executive Council of the government but be free of government control.¹⁴⁹ The function of the resource committee would be to "investigate and advise upon all projects from which it may be anticipated there will be injurious impacts upon the environment or upon persons or particular groups of people."¹⁵⁰ The panel suggests that the committee function under seven "rules," which include the more mundane reporting mechanisms of the committee but also several substantive ideas concerning its role as a liaison between all parties involved in potential resource development projects. For example, the resource committee would have the power to request studies and solicit the services of experts in various resource development fields. Additionally, in its course of investigation and study the committee could hold public hearings in order to hear from

¹⁴⁹The report calls the committee a "permanent body," with no specific title or name. For ease of language, I will call the permanent body the "resource committee."

¹⁵⁰"Report of the Panel," 68.

all persons involved in and affected by a potential resource development project. The resource committee would recommend a course of action to be submitted to the government for consideration.¹⁵¹

It was the opinion of the panel that a resource committee could ensure that negotiations between all parties would be fair and open, with full disclosure of all information and facts related to the potential resource development project under consideration. The panel's recommendation for establishing such a committee was in response to the

deplorable situation which developed in the present case, where distrust, confusion, frustration and downright anger have been very apparent, and not wholly on one side. These feelings have rendered sensible negotiations extremely difficult. All parties must do their utmost to ensure that such a situation does not arise again.¹⁵²

¹⁵¹Ibid., 69-70.

¹⁵²Ibid., 70. Although in the years that followed, a resource committee was never formed, several of the suggestions offered by the panel were taken into consideration as resource development plans were initiated. For example, see Y. George Lithman, Rick R. Riewe, Raymond E. Wiest, and Robert E. Wrigley, eds., People and Land in Northern Manitoba (Winnipeg: University of Manitoba Press, 1992). Michael Anderson, in his article "Large-Scale Projects and Local People," notes that "processes and tools now being applied to examine these issues [resource development] include, environmental assessment, mitigation and compensation, economic development programs, equity participation, joint management, and development accords, including so-called framework agreements" (167).

These seven recommendations submitted by the Panel of Public Enquiry into Northern Hydro Development offer an array of suggestions and ideas based on the public hearings initiated by the Interchurch Task Force on Northern Flooding.¹⁵³ The most substantive recommendations, with specific and informed proposals, are those that consider compensation and the future of resource development. They are, in other words, recommendations that attempt to pick up the pieces of damage already done and to mitigate the damage looming in the future. These recommendations are certainly praiseworthy, as far as they go, and given the late date of panel's work, it is not surprising that most of the substance of their report is contained in recommendations of this sort.

¹⁵³The "Summary Report: Lake Winnipeg, Churchill and Nelson Rivers Study Board," as I mentioned in an earlier note, is a distillation of several government sponsored studies on the impact of the Churchill-Nelson Rivers hydro development project. It is worth noting that this report also makes a series of recommendations that are in some instances close to those submitted by the Panel of Public Enquiry. For example, it recommends that "that the concerns of northern residents be more meaningfully recognized and considered in the planning and implementation of resource development projects" (57). There is also recognition that "local residents" who prefer to continue their traditional lifestyles be permitted to do so and that some form of mitigation or compensation be awarded for damages to wildlife resources. But most of the recommendations in this report are quite specific, such as monitoring over-ice crossing, navigation hazards, debris control and clean-up, and so forth. It is also interesting to note that the study recommendations do not use identifiable terms such as "Indian," "Cree," "Native," or "Aboriginal"; rather the report uses generic terms such as "northern residents" or "local people" to evidently identify all people living in the north, including Aboriginal people.

It is surprising (or at least instructive), however, that standing behind these recommendations and, indeed, behind the report as a whole is a series of implicit assumptions: (1) that large-scale resource projects serve the public interest, including the interests of Aboriginal peoples; (2) that a southern education will foster the "intelligence and patience" required for goodwill and trust;¹⁵⁴ (3) that the freedom of choice is a good in itself; and (4) that such freedom is defined in this case as the freedom to choose between the path of integration--a path taken by other ethnic groups in Canada--and the path of tradition, whereby Aboriginals would remain in their communities and be provided with resources necessary for a "viable and less hazardous life" (my emphasis).

The third and fourth assumptions are particularly surprising, given that the panel, working within the political tradition of the Penner Report described in the previous chapter, tended in their report to treat Aboriginal peoples as First Nations. Nonetheless, and in

¹⁵⁴On the other hand, from quite another perspective, a southern education has provided one of the resources necessary to preserve Aboriginal traditional culture from some forms of southern accommodation. Aboriginals trained as lawyers, for example, have in recent years articulated within the Euro-Canadian legal system the necessary legal means to force a reevaluation of the status of Aboriginals in Canada.

spite of their commitment to this idea, the panel succumbed in the end to a set of assumptions that undermined their own best intentions.

To be fair, the panel was caught in the immediacy of needing to make specific recommendations based on the current problem of flooding and economic survival that was facing the five communities. Placed in this situation, it was difficult to consider long-term strategies that would meet the economic and cultural aspirations of Aboriginal peoples. And, in any case, the purpose of this brief critique of the panel's recommendations is not to condemn their report (which in many respects deserves praise) but to note, rather, that on the whole the report records the panel's struggle to define the nature and scope of Aboriginal traditional culture.

It is perhaps as a record of this struggle that the report is the most noteworthy; for this is precisely the struggle that rests at the centre of development ethics and, thereby, at the centre of this thesis. In recent years, both development ethicists and Aboriginal peoples themselves have joined this struggle of definition. In the next chapter, I turn to some of the theoretical issues that emerge in the course of this struggle, but first let me

review the comment that Mel Watkins attached to the report. That the panel was in fact struggling with the issue of defining the nature and scope of Aboriginal culture is most evident in this dissenting comment. Thus a brief look at the words of Mel Watkins will prepare the way for the fourth and final chapter of this thesis.

C. Dissenting Comment on the Report

Mel Watkins calls the Report of the Panel "both humane and sensible," and suggests that the governments of Canada and Manitoba consider its recommendations seriously.¹⁵⁵ But Watkins is also critical of the report and proposes that much of the report has fallen into the trap of assuming that the common good for Manitobans should be good for Aboriginals. He points to several other recent resource development projects to show that "Indian people are having large projects pushed down their throats with government officials telling them that 'the greater good' must take precedence over the regional interest of a handful of people."¹⁵⁶

¹⁵⁵Mel Watkins as a panel member submitted his dissenting comments to the Interchurch Task Force several weeks before the "Report of the Panel" was made public. His "Dissenting Comment on Final Report" was attached as appendix 3, 86-90.

¹⁵⁶Ibid., 87.

According to Watkins, it is the rhetoric and development ethic of the common good that must be unmasked if the "rights of the majority" are not to become the "tyranny of the majority."¹⁵⁷ Watkins suggests that this historical lesson about tyranny has not been learned, and to make his case he points to numerous statements by government leaders in Manitoba, leaders who continue their populist appeals to "the needs of the Province as a whole," assuming that these needs are also the needs of Aboriginals.

Watkins questions whether the common good argument for the hydro development project really takes into account the needs and aspirations of Aboriginal peoples in northern Manitoba. He suggests, for example, that although massive energy projects offer jobs for many Manitobans, these projects may not necessarily be advantageous for Aboriginals. Temporary wage employment on a project that destroys a traditional land- and water-based economy fails to meet the needs of Aboriginals.

Watkins believes that the offer of a choice to either follow a traditional way of life or become an ethnic Canadian "appeals to the liberal sentiment that choice is a

¹⁵⁷Ibid.

good unto itself."¹⁵⁸ Although he is not repudiating choice altogether, Watkins does believe that in this particular case the matter of choice raises more questions than it answers. For example, "did the Indian people ask for such a choice" [the hydro project as a whole that offers wage labour]? Will the ecological damage of the project "coerce Indian people into the wage economy?" "Must it be the lot of the Indian, as it is the lot of the Whiteman, to define freedom as the right to toil for others?"¹⁵⁹ Watkins suggests that an alternative economic model that begins to address some of these questions for Aborigines is a model that places economic activities under their control. A large hydro development project ultimately fails on the question of alternative economic choices for Aborigines. Watkins suggests that there is little left but to "make a just and equitable settlement with Indian people," which the recommendations of the report favour.¹⁶⁰

In his dissenting comments, Watkins is also critical of how "minority rights" and "cultural pluralism" are defined for Aboriginal peoples. If these terms mean a wage

¹⁵⁸Ibid., 88.

¹⁵⁹Ibid.

¹⁶⁰Ibid., 89.

economy and a Euro-Canadian education, then integrating
Aboriginals into the mainstream of Canada, into what is
considered the "public interest" or "common good," is an
easy step. But Watkins asserts that these terms must be
defined with the understanding that Aboriginal people have
special rights as original inhabitants. This special
status is recognized in the British North America Act, and,
thus, any statement about cultural pluralism that fails to
meet this special status is erroneous. Aboriginal people
themselves must decide how they wish to be involved with
Euro-Canadian society; it is "not for us to preach the
virtues of cultural pluralism to them."¹⁶¹

Watkins, with his experience as a panel member and as
a consultant for the Dene people near Yellowknife, was able
to stand back from the Report of the Panel and offer a
short but penetrating philosophical critique of several of
the assumptions that propel the report. In this respect,
his criticisms tend to apply not to the report specifically
but to larger ethical questions that face Aboriginal people
and all Canadians as economic development advances
northward. Watkins returns to the fundamental question of

¹⁶¹Ibid.

who should decide what counts as economically beneficial for Aboriginal peoples and, for that matter, all Canadians.

The government's call for the "common good" or the "public interest" was simply an appeal to the utilitarian maxim of "the greatest good for the greatest number." This appeal, however, ran roughshod over the interests of the Aboriginal communities of northern Manitoba and was thus an affront to justice, or at least it was an affront to a conception of justice that considers the values and aspirations of minority and marginalized peoples. Watkins called for a development ethic that would be based upon just such considerations with regard to the Aboriginal people of northern Manitoba. And it was an ethic of this sort, as well, that the task force embodied in its work on behalf of the five Aboriginal communities.

Conclusion

On March 29, 1976, the Report of the Panel was submitted by C. Rhodes Smith, chair of the panel, to the Interchurch Task Force on Northern Flooding. Although the government of Manitoba seemed unmoved by both the public hearings and the report, pressure from the federal government and the general public to negotiate a meaningful

resolution was mounting. Provincial and federal authorities blamed each other for the lack of progress in negotiations with the Northern Flood Committee. Within weeks of the submission of the report, the NFC agreed to mediation, and subsequently, the provincial government, for the first time, officially recognized the NFC.¹⁶²

Up to this point, the federal government refused to support or fund litigation by the NFC against the provincial government and was insistent that the NFC continue to negotiate in good faith. Thus the NFC had few options but to agree to arbitration and negotiate an agreement. The waters were beginning to rise behind Missi Falls Dam, and water was flowing south to the Nelson River. An initial draft agreement, commonly known as the Northern Flood Agreement (NFA), was signed on July 31, 1977.¹⁶³ But

¹⁶²Leon Mitchell was the first mediator in the dispute between the provincial government and the NFC, and he reflects on this process in his article "Using Mediation to Resolve Disputes Over Aboriginal Rights: A Case Study," in The Quest for Justice: Aboriginal Peoples and Aboriginal Rights, ed. Menno Boldt and J. Anthony Long (Toronto: University of Toronto Press, 1985), 286-291.

¹⁶³It is noteworthy that on September 1, 1977, the government of Canada, the Manitoba Hydro-Electric Board, the Northern Flood Committee, and the Province of Manitoba, established an economic development program through a development corporation to be owned and controlled by the Aboriginal bands of Nelson House, Norway House, Cross Lake, Split Lake, and York Factory, with board representation from each band and minority representation from the provincial and federal governments; "Agreement to Fund a Development Corporation," (Government of Manitoba, Manitoba Hydro-Electric Board, Northern Flood Committee, Government of Canada, September 1, 1977), 1-5.

soon after the draft had been initialized, dissension arose within the Manitoba government concerning its responsibility to expedite remedial measures or pay compensation in damage claims. A few weeks later, the agreement was officially signed by the federal government and the NFC, but the provincial government refused to sign. It was not until after the defeat of the New Democratic Party in September 1977 that the newly elected Conservative government led by Sterling Lyon signed a revised and final version of the agreement on December 16, 1977.¹⁶⁴

There were ten objectives or terms of agreement listed in the five page document. The second objective was to: promote and encourage the creation, diversification or development of business, resources, properties and industries for the purpose of stimulating maximum economic opportunities for the Bands and the member(s) thereof and of contributing to their general economic well being, including, without limitation, the following:

- a) Providing funds for the establishment of business enterprises.
- b) Engaging in enterprises consistent with its objects.
- c) Acting as a financial resource and fostering and/or interacting with local financial services such as credit unions. (2)

Each government contributed \$1.6 million to the corporation, with the intent, as stated in objective eight, of creating one thousand jobs within five years. Unfortunately the corporation objectives failed, as agreement could not be reached between all the parties involved on how economic development should be pursued.

¹⁶⁴"The Agreement," as it is officially called, became known as "The Northern Flood Agreement," dated December 16, 1977, and signed by the Province of Manitoba, the Manitoba Hydro-Electric Board, the Northern Flood Committee, and the government of Canada. The seventy-four page agreement contains twenty-five articles and eight schedules.

In the decades since the signing of the NFA, the task force has monitored the implementation of the agreement, and they have also submitted a number of "intervention documents" as new hydroelectric dam projects have been proposed by Manitoba Hydro. The task force's support of Aboriginal communities has been ongoing. In this chapter, I have argued that this support is rooted in a conception of justice that rests in a God who speaks for those who are disenfranchised, for those whose cultural identity is at stake.

Justice of this sort is based not on utilitarian calculations of the greatest good for the greatest number but on a theological commitment to both God and neighbour. It is this two-fold commitment to God and neighbour, to the universal and the particular, that the task force sought to embody within history when it provided a space for the five Aboriginal communities to speak and to express their particular economic, social, and cultural needs and aspirations. By sponsoring public hearings the task force offered the five communities an opportunity to claim their rightful voice in a process that had, up to that point, largely excluded them.

Though it is probably fair, and certainly tempting, to say that the voices of the Aboriginal communities at the public hearings had a direct impact on both the signing and the content of the NFA, it would be a mistake to say that the NFA serves as proof that the hearings were a success. After all, by the time of the hearings much of the damage to these five northern communities was either already accomplished or already underway. Rather, the success of the hearings was both more subtle and more simple: The hearings gave a voice to the voiceless, and in this way more than any other the task force answered the call of justice, accomplished its goal, and provided us with something of a model for a development ethic.

This accomplishment, however, is only part of the story. The hearings themselves gave a voice to the voiceless in times of cultural loss, and in that way they were an embodiment of justice, biblically conceived. The report that flowed from the hearings, however, is more than a record of the voice of a culture threatened with destruction; the report also, as I suggested above, is the record of a struggle over the very definition of culture, cultural identity, and cultural loss. In the next chapter, I explore this struggle in more detail, not as it is

recorded in the Report of the Panel, but as we encounter it
in the field of development ethics.

Chapter 4

The Universal and the Particular in Development Ethics

Introduction

The issue of the loss of cultural identity for Aboriginal communities in northern Canada has been raised in various ways in each of the last three chapters. In this chapter I explore this issue more thoroughly, first by using several case studies to display some of the theoretical questions that are part and parcel of any discussion of cultural identity, and then by using the work of the Interchurch Task Force as an example of a particular kind of response to these questions. Before turning to the case studies, and as a way of framing the questions that I try to address in this chapter, let me turn briefly to the liberal "rights" philosophy of Michael Walzer.

In "Difficult Cases," chapter 3 of his recent book On Toleration, Michael Walzer asks the following question within the framework of what he calls "liberal limits": "Can [Aboriginal peoples in Canada] be tolerated as autonomous communities with coercive authority over their members?"¹ This question raises two further and

¹Michael Walzer, On Toleration (New Haven: Yale University Press, 1997), 46. Chapter 3 deals with four "Complicated Cases" of political

interrelated questions. First, what is the place of Aboriginal peoples within a liberal society, where, as in Canada, they are individual citizens under the authority of the law of the nation, on one hand, but, on the other hand, have legal standing as cultures with recognized institutions and leaders?² This standing is different from that of voluntary associations such as churches or immigrant groups, who sometimes form organizations to sustain their cultural identity.

The second question concerns the apparent "coercive authority" of Aboriginal nations. If Walzer is correct that Aboriginal nations, as distinct cultural traditions, have coercive authority over their people, and that they exercise this authority in contradiction to the individual rights and freedoms to be enjoyed by all Canadians, should

toleration in liberal states, of which Canada is one. In the Canadian case, Walzer also addresses the secessionist politics of Quebec, where he is sympathetic with Charles Taylor's notion of "asymmetrical federalism," whereby a people group with a different history and culture articulate their desire to preserve their own culture and be recognized within the framework of federal politics, based on current concrete differences and independent of history.

²For example, see Kymlicka, Multicultural Citizenship, especially chap. 3; and Charles Taylor, "The Politics of Recognition," in Multiculturalism and "The Politics of Recognition," ed. Amy Gutmann (Princeton: Princeton University Press, 1992), 25-73, but especially 51-61. Here Taylor explores the right of Quebec to exist as a "distinct society" within a liberal political society, a difficult undertaking in the Anglo-American world. A full exploration of the political and legal issues of collective rights versus individual rights is beyond the scope of this chapter.

this authority be challenged?³ If it should be challenged, what procedures should be adopted? And who should challenge this authority?

Of course, liberal nations themselves--as well as religious groups such as Mennonites, Buddhists, and Catholics, or immigrant groups such as Swedes and Irish--also can be internally intolerant and coercive. But in a liberal political society such as Canada, there are laws that protect individual rights and freedoms. Additionally, a Mennonite can walk away from her religious community, if

³This is not an easy question to answer. Although Aboriginal leaders claim to value collective rights over individual rights, what they are really saying is that they attach profound importance to the recognition that they are a distinct culture in relation to the larger Canadian culture. It would be wrong to suggest that there is little liberty within each Aboriginal community. In fact, some scholars have noted that Aboriginal communities tend to be quite individualistic within their own organizational structures, and indeed this is why they have, until recently, required the assistance of outside agencies and consultants for arguing their land and collective claims. For example, see Will Kymlicka, Multicultural Citizenship: A Liberal Theory of Minority Rights (Clarendon Press, 1995). It is interesting to note that Kymlicka calls Aboriginal bands "illiberal," and yet he does believe they should receive latitude to continue their form of distinctive political communities. Martha Nussbaum, citing Kymlicka's book in her essay "Religion and Women's Rights," in Religion and Contemporary Liberalism, ed. Paul J. Weithman (Notre Dame: University of Notre Dame Press, 1997), 126-128, worries about the implications of this perspective for the individual rights and liberties of Aboriginal group members, particularly women. In a rather uninformed sentence, she states, "In Kymlicka's case, by contrast, the tribal peoples are few, uninfluential, and bitterly opposed to cooperation with the former oppressor. But I fail to understand how the sad history of a group can provide a philosophical justification for the gross denial of individual rights and liberties to members of the group" (127). This comment is not surprising coming from a liberal, and yet Kymlicka's own form of liberalism covers for this kind of criticism.

she finds its religious practice too restrictive, and become a Buddhist or Catholic or atheist.

In theory, this rejection of community is also possible for an Aboriginal woman. She can leave and reject her people completely or move outside the community to campaign for a particular cause or ideal. Or she could choose to stay in her community and work for change, a choice that is available to the Mennonite woman as well. But in practice the constraints of culture and politics make it difficult for the Aboriginal woman to revise or reject coercive authority. An Aboriginal nation with its own legal standing, particularly when isolated in vast remote regions in a country such as Canada, can exercise considerable power over its members.

Some of the questions raised by Walzer's question about Aboriginal communities and coercive authority revolve around constitutional matters that go beyond the scope of this thesis.⁴ And in any case, I do not intend to fully investigate the particulars of Walzer's charge that Aboriginal nations possess coercive authority over their people. Rather, I begin with Walzer's question about the

⁴For an insightful account of constitutionalism and cultural diversity, see James Tully, Strange Multiplicity: Constitutionalism in an Age of Diversity (Cambridge: Cambridge University Press, 1995).

autonomous status of Aboriginal communities because in a provocative way it raises broad ethical issues that have bothered economic development theorists and practitioners, as well.

These issues come into focus in the question of whether public policy should be based on the needs and aspirations of local traditions or on a universal conception of good human living. The intent of this chapter is to explore the issues that such a question raises and to argue that a development model must be historically and culturally sensitive while also accounting for basic human functional capabilities. In this chapter, something else is also on my mind, however; and again Walzer helps raise the question:

Confronted with modernity, all the human tribes are endangered species; their thick cultures are subject to erosion. All of them, whether or not they possess sovereign power, have been significantly affected. We can recognize what might be called a right to resist these effects, to build walls against contemporary culture, and we can give this right more or less scope depending on constitutional structures and local circumstances; we cannot guarantee the success of the resistance.⁵

⁵Michael Walzer, Thick and Thin: Moral Argument at Home and Abroad (Notre Dame: University Of Notre Dame Press, 1994), 72.

Bound up with the question of whether public policy should be based on universal or local conceptions of needs and aspirations is the prior question of what it means, in this modern world of incessant change, to speak of a culture, of its traditions, of its identity. How do we distinguish "change" from "erosion"? And what of this right to a resistance that, lacking any guarantees--constitutional or otherwise--might fail? As the flood waters rise and erosion begins, what of this resistance, and what of justice?⁶ Though it would be unfair to suggest that I can answer any of these questions, the intent of this chapter is at least to pose them and to suggest the outline of an approach for further deliberation.

I. Case Examples and Theoretical Issues

The following six examples, both from the case study considered in the previous chapter and from other cultural settings, briefly document the complexity of the theoretical issues that arise in any discussion of cultural identity.

⁶For a detailed study of conflicting accounts of justice and of the extent to which conceptions of justice are always dependent upon the particular contexts of particular communities and particular traditions, see Alasdair MacIntyre, Whose Justice? Which Rationality? (Notre Dame: University of Notre Dame Press, 1988).

Case 1: Costa Rica

The Afro-Caribbean people of the coast do not want to return to the isolation of a past that provided fertile soil for culture but not for the economy. Neither do they want to follow blindly the classical model of development that eradicates Talamanca's unique cultural character. The Talamancans are searching for a creative alternative, in accord with their communal values, and insist that they should be the ones to establish what model to follow.

The people want to enjoy fully the rights of Costa Rican citizenship, the means of communication, the public services, and the economic development of their communities. At the same time they want to conserve the unique characteristics of their Afro-Caribbean heritage: their English and Creole languages, their West Indian identity, their cooking, music, communal life, religious and ethnic customs; in short, their way of life. They want to progress but not at the cost of their cultural identity.⁷

Case 2: Canada

Indian band councils in Canada have argued that their self-governing band councils should not be subject to judicial review under the Canadian Charter of Rights and Freedoms. They do not want their members to be able to challenge band decisions in the courts of the mainstream society.

These limits on the application of constitutional bills of rights create the possibility that individuals or subgroups within Indian communities could be oppressed in the name of group solidarity or cultural purity. For example, concern has been expressed that Indian women in the United States and Canada might be discriminated against under certain systems of self-government, if these are exempt from the

⁷Cited in David A. Crocker, "Toward Development Ethics," World Development 19 (1991): 462-463.

usual constitutional requirement of sexual equality. Indeed, the Native Women's Association of Canada, worried about the danger of sexual discrimination on their reserves, has demanded that the decisions of Aboriginal governments be subject to the Canadian Charter.

Many Indians insist that this fear of sexual oppression reflects misinformed or prejudiced stereotypes about their cultures. They argue that Indian self-government needs to be exempt from the Bill/Charter of Rights, not in order to restrict the liberty of women within Indian communities, but to defend the external protections of Indians vis-à-vis the larger society. Their special rights to land, or to hunt, or to group representation, which help reduce their vulnerability to the economic and political decisions of the larger society, could be struck down as discriminatory under the Bill/Charter of Rights.⁸

Case 3: From the Report of the Panel

[It] is important for this Panel to appreciate the fact that the Indian people themselves are in a very precarious position because here they have land and all of the rights that flow out of the land, and the right to use it, and hunt, and fish, and trap, and so on. The question is, are they in a position to protect their position in Court?

And this raises a second very nice question. Because there is a serious question in law about the status of Reserve people to bring an action in their own right. That is, they may not have the right to sue, to protect their property without the aid and assistance of the Federal government. And there is a series of cases on that very question as to whether or not Indian People have standing in Court to protect their Reserve lands. And that's a matter of some judicial difference of opinion and it's an open

⁸Excerpted from Kymlicka, Multicultural Citizenship, 39. For a similar scenario, see Tully, Strange Multiplicity, 12.

question at this point. So that from the point of view of the native people living on Reserve in northern Manitoba who are in the way of this project and who are going to be impacted, whose lands are going to be taken, they require the full cooperation and assistance of the Federal government.⁹

Case 4: From the Report of the Panel

When I went out there I saw already how much destruction has been done already around my traplines by the development at the Notigi control structure.

It is the same with a lot of other people. I've got a lot on my mind all the time, not only for myself and for the people here at Nelson House but for the other people in the other communities that are going to be affected and now we can help each other solve this problem. It seems that we will have to work together if we are going to come up with any solutions. It seems that Hydro doesn't think about other people, they are only thinking of themselves. That's the way I think of Hydro.

Looking back, I can see the time when everything was plentiful, when the people sort of went about their own business with nobody bothering them. Then the white man came and started to sort of give to the people different ways of making a living. But that wasn't enough. Now today we see that they are trying to get the people more away from their own way of living. At that time that we were free to wander not only in this area but in areas far away up north and south and some of the gentlemen sitting here today went and made their living from trapping. They said they were able to make good money from the trapping at that time. You know, the price of fur was good. There was nobody to bother us;

⁹C. Rhodes Smith, "Report of the Panel of Public Enquiry into Northern Development," September 29, 1975, Nelson House, Manitoba; transcript of hearings, appendix D: 32. A statement to the panel by Mr. McCaffrey, legal counsel for the Northern Flood Committee.

we were on our own, no worries, we went about it with nobody bothering us.¹⁰

Case 5: From the Report of the Panel

Both provincial and federal [governments] are trying to help the communities sort of develop into, you know, economic, whether it be economic or social development, and they say that they are trying to help these communities in doing so. But one thing I'd like to say is that I was a community development worker here on this Reserve for three years and it was my main job to try and help the community go into development. But no matter how much you tried, or I tried and we tried together, we always came up to a barrier. Sure, they were willing to accept our applications for grants, applications for different things that would start development on the Reserve; those applications go out and you don't hear anything else about it unless you keep harping at them and saying, "What you guys doing with these applications?" Oh, they say, "We're working on them. Don't get impatient."

But in all those three years that we tried, I didn't see anything being done, and I think that a lot of times you will hear people from the outside saying, "Well, those people are not trying to develop." But I think that through my own experience, a lot of the communities are trying but it's just that bureaucratic system that we're faced up with every day. We can't seem to break that, especially from the Reserve level. . . . And I think one of the biggest things that I myself would like to see is that

¹⁰Ibid., 11. This statement was made by Mr. Wood, a resident of Nelson House. What becomes clear in the statements made to the panel by the Aboriginal people living in Nelson House and other communities is the frustration of having once made a living off the land. When this was no longer possible because of flooding, other development projects were attempted in cooperation with the federal and provincial governments, but again frustration ensued. The next case will provide this documentation. This double-bind obstruction was defeating and ultimately led to the "welfare role" (14).

development where the Reserves can become self-sufficient and don't have to depend on anybody.¹¹

Case 6: Two Academic Conferences

At a conference on "Value and Technology," an American economist who has long been a left-wing critic of neoclassical economics delivers a paper urging the preservation of traditional ways of life in a rural area of India, now under threat of contamination from Western development projects. As evidence of the excellence of this rural way of life, he points to the fact that, whereas we Westerners experience a sharp split between the values that prevail in the workplace and the values that prevail in the home, here, by contrast, there exists what the economist calls "the embedded way of life"; the same values obtaining in both places. His example: just as in the home a menstruating woman is thought to pollute the kitchen and therefore may not enter it, so too in the workplace a menstruating woman is taken to pollute the loom and may not enter the room where looms are kept. Amartya Sen objects that this example is repellent, rather than admirable: surely such practices both degrade the women in question and inhibit their freedom. The first economist's collaborator, an elegant French anthropologist (who would, I suspect, object violently to a purity check at the seminar room door), replies to Sen. "Doesn't he realize that there is, in these matters, no privileged place to stand? This, after all, has been shown by both Derrida and Foucault. Doesn't he know that he is neglecting the otherness of Indian ideas by bringing his Western essentialist values into the picture?"

The same French anthropologist now delivers her paper. She expresses regret that the introduction of smallpox vaccination to India by the British eradicated the cult of Sittala Devi, the goddess to whom one used to pray in order to avert smallpox. Here, she says, is another

¹¹Ibid., 13.

example of Western neglect of difference. Someone . . . objects that it is surely better to be healthy rather than ill, to live rather than to die. The answer comes back: "Western essentialist medicine conceives of things in terms of binary oppositions: life is opposed to death, health to disease. But if we cast away this binary way of thinking, we will begin to comprehend the otherness of Indian traditions.

At this point Eric Hobsbawm, who has been listening to the proceedings in increasingly uneasy silence, rises to deliver a blistering indictment of the traditionalism and relativism that prevail in this group. He lists historical examples of ways in which appeals to tradition have been used to support oppression and violence.

We shift now to another conference two years later, a philosophical conference organized by Amartya Sen and [Martha Nussbaum]. Sen makes it clear that he holds the perhaps unsophisticated view that life is opposed to death in a very binary way, and that such binary oppositions can and should be used in development analysis. His paper contains much universalist talk of human functioning and capability; he begins to speak of freedom of choice as a basic human good. At this point he is interrupted by the radical economist of [the] first story, who insists that contemporary anthropology has shown that non-Western people are not especially attached to freedom of choice. His example: a new book on Japan has shown that Japanese males, when they get home from work, do not wish to choose what to eat for dinner, what to wear, etc. They wish all these choices to be taken out of their hands by their wives. A heated exchange follows about what this example really shows. . . . In the end, the confidence of the radical economist is unshaken: Sen and [Nussbaum] are both victims of bad universalist thinking, who fail to respect "difference."¹²

¹²Cited in Martha Nussbaum, "Human Capabilities, Female Human Beings," in Women, Culture, and Development: A Study of Human

I offer these six cases as a succinct summary of the difficult issues that arise when one attempts to determine if development should be based on local cultural traditions or on a universal conception of the human good. How can we make just decisions in the midst of such difficult terrain? Keeping in mind my own work with the case study of the last chapter, I think that the work of the Catholic development planner and philosopher L. J. Lebret is a good place to start.

Already in 1942, Lebret was calling for universal development planning that would consider "all in man and all men" (tout l'homme et tous les hommes).¹³ This vision of human solidarity, according to Lebret, must include all aspects of human experience, from the social, economic, political, and recreational to the religious and transcendental dimensions. Human solidarity or "the human ascent," as Lebret called it, to be effective must then supersede all else, including material welfare.¹⁴ This

Capabilities, ed. Martha Nussbaum and Jonathan Glover (Oxford: Clarendon Press, 1995), 64-66.

¹³Cited in Denis Goulet, "Development Experts: One-Eyed Giants," World Development 8 (1980): 482. Goulet was a student of Lebret's in France and has articulated his vision of development in continuity with Lebret's.

¹⁴Ibid.

"revolution in solidarity"--a cooperative binding of local groups into a world community of mutuality and cooperation, rather than domination and exploitation--would place a moral claim on humanity to ensure that all world citizens would have their needs met.¹⁵ Lebret defines this revolution in development as a

series of transitions, for a given population and all the subpopulation units which comprise it, from a less human to a more human phase of existence, at the speediest rhythm possible, at the lowest possible cost, while taking into account all the bonds of solidarity that exist (or ought to exist) among these populations and the subpopulation groups.¹⁶

According to Denis Goulet, who was a student of Lebret's and who follows in the same human and religious tradition, the universal vision of solidarity between groups and subgroups based on moral values articulated by Lebret must be understood in response to the distinction between plus avoir (to have more) and plus être (to be more).¹⁷ For Lebret, the goal of development should not be the production or possession of commodities, although this may be important to meet certain basic human needs, but

¹⁵Ibid.

¹⁶Cited in Denis Goulet, "The Search for Authentic Development," in The Logic of Solidarity, Robert Ellsburg and Gregory Baum (Maryknoll: Orbis, 1989), 134.

¹⁷Ibid.

ultimately the enhancement of and enablement to be and to do what is individually and in common desired. Soon after Goulet completed his studies under Lebret, he summarized the "Economy and Humanism" movement initiated by Lebret:

What is conventionally termed development--dynamic economic performance, modern institutions, the availability of abundant goods and services--is simply one possibility, among many, of development in a broader, more critical, sense. Authentic development aims at the full realization of human capabilities: men and women become makers of their own histories, personal and societal. . . . It follows from this view . . . that innovation can be good only if it is judged by the concerned populace to be compatible with its image of the good life and the good society. This is why open, popular debate on values must precede significant impingements, including the interference wrought by research itself, upon a society's life. Both planners, who seek to design strategies for inducing change, and researchers, who profess merely to study change, must submit their assumptions to careful public scrutiny.¹⁸

In his most recent writings, Goulet has been concerned particularly with the negative effect of development on the ability of traditional cultures to image their concept of the good life. He argues that development has a dialectical dimension: it produces gains but also losses and value contradictions, and these losses and

¹⁸Denis Goulet, "An Ethical Model for the Study of Values," Harvard Educational Review 41 (1971): 206-207. Here we are reminded of the capability perspective articulated a few years later by Sen and Nussbaum; see Chapter 1.

contradictions tend to be felt most significantly by traditional cultures.¹⁹

For example, Goulet worries that the meaning systems of cultures are being lost as economic development and consumerism push ahead unabated. As a result of this loss the "religious, philosophical, and cosmic symbols and codes providing explanations as to the significance of life and death" become insignificant, as people are caught in the pursuit of commodities and upward mobility.²⁰ When meaning systems are destroyed, concern for others and the natural world is also evacuated. But, according to Goulet, what is more significant are the value conflicts that development generates.

By "value conflicts," Goulet means the competing models of the good life that people, cultures, and nation-states espouse. Here he offers no answers about how to resolve these conflicts, only questions that require further consideration. For example:

¹⁹See especially, Denis Goulet, "Development: Creator and Destroyer of Values," World Development 20 (1992): 467-475; "International Ethics and Human Rights," Alternatives 17 (1992): 231-246; and "Culture and Traditional Values in Development," in The Ethics of Development: The Pacific in the 21st Century, ed. Susan Stratigos and Philip J. Hughes (Port Moresby: University of Papua New Guinea Press, 1987), 165-178.

²⁰Goulet, "Development: Creator and Destroyer of Values," 471.

Are civil and political rights assuring individual freedoms to enjoy primacy over collective social and economic rights having to do with needs being met and the collective good of society being pursued?

To what extent are institutions and social structures a function of the ideological preference for either individual democratic ideologies which stress political and civil rights or socialist and communitarian ideologies which stress economic and social rights in the community?²¹

According to Goulet, the framework for answering these questions should be wisdom, which "offers a larger view of the purposes of human life and of human efforts to guide the formulation of development paradigms."²² It is here that Goulet turns to Aristotle's call for political friendship and that he ultimately returns to Lebret's call for dialogue among cultures.

Wisdom can function as a grand narrative for teaching the interdependence that is required between cultures and societies in the present world, but also as something that redefines "personal and social identities."²³ A dialogue based on wisdom can both transcend the powerful forces of science and technology as they are embodied in the

²¹Ibid., 472. These are two of the more important questions that Goulet asks in this section of his essay and are of particular interest for my purposes in this chapter.

²²Ibid.

²³Ibid., 473.

developed cultures, and unite these forces with the "sacred dances, many wisdoms" of developing cultures.²⁴

Goulet suggests that when value conflicts arise between cultures concerning those values that improve quality of life, not all traditional cultural values should survive in the modern world. For example, although Gandhi, on the one hand, may be seen as a cultural traditionalist, he also attacked untouchability, the foundation of India's caste system.²⁵ At the same time, to say that not all traditional values should survive is not to suggest that a dominant group should speak or force change on a traditional culture. Political leadership must be respect the values of a traditional culture in order to avoid the trap of elitism and manipulation. According to Goulet:

To design and build development on tradition and indigenous values is to espouse a philosophy of change founded on a basic trust in the ability of people, no matter how oppressed or impoverished, to improve their lives, to understand the social forces that affect them, and eventually to

²⁴Ibid.

²⁵Goulet, "Culture and Traditional Values," 175. In this regard, also see Rajni Kothari, Rethinking Development: In Search of Humane Alternatives (New York: New Horizons Press, 1989), chapters 10 and 12. Kothari argues that "Gandhi had time and again asserted India's autonomy, by employing the devices of both a reinterpretation of tradition and a positive assertion of a futuristic present" (175).

harness these forces to processes of genuine human and societal development.²⁶

Goulet's analysis and questions seem valid, that is, traditional cultures have struggled with some success to maintain their value systems in the wake of the modern forces of economic development, and these traditional values should be respected and harnessed for a just and equitable development paradigm. But how do we know which traditional values should be respected and harnessed and which should be rejected? (Of course, this question must also be asked of modern cultures.)

Perhaps the beginning of answer can be found in the work of Gandhi. Gandhi had a vision for rethinking development that included harnessing certain traditional values but changing others. His development ethic was rooted in tradition but was also transformative, based on a normative conception of good human living for both the rich

²⁶Goulet, "Culture and Traditional Values," 176. Goulet makes a similar point in his article "Participation in Development: New Avenues," World Development 17 (1989): 165-178. Basing his analysis on two case studies, one of which is a large dam project, he concludes that:

Where the populace has a voice in defining, or diagnosing, its problems--where, in other words, it enters into the sequence of development decisions and actions early--development has a solid chance of centering on basic human needs, of attending to job creation, of offering opportunities for the consolidation of local and regional autonomy, of promoting patterns of interdependency of a horizontal type and of respecting cultural integrity and diversity. (175)

and the poor of India. Although I am not arguing that Gandhi's development ethic was the solution for India in either theory or practice, it does at least suggest the position I am attempting to forward, namely, a development ethic that takes seriously both universal conceptions of good human living and the value systems of local and traditional cultures.²⁷

In a chapter titled "Alternatives in Development: A Conceptual Framework," Rajni Kothari adds weight to Gandhi's perspective by observing:

The philosophical perspective that should guide us in such a setting [of diverse cultures] should steer clear of both imperialist claims to universality and the normless striving for relativity: it should affirm both the principle of autonomy of each entity (human as well as social) to seek out its own path to self-realisation and the principle of integration of all such entities in a common framework of interrelationship based on agreed values.²⁸

Kothari maintains that neither development model-- autonomy and integration--are fully evident today. Arguing

²⁷For example, Gandhi's development ethic failed to reach the needs and aspirations of Indian women; see Martha Chen, "A Matter of Survival: Women's Right to Employment in India and Bangladesh," in Nussbaum and Glover, Women, Culture, and Development: A Study of Human Capabilities, 37-57. The importance of Gandhi's legacy for the future of developing cultures and nations is still very much alive; for example, see Ashis Nandy, Traditions, Tyranny, and Utopias: Essays in the Politics of Awareness (New York: Oxford University Press, 1987), especially the concluding chapter, titled "From Outside the Imperium: Gandhi's Cultural Critique of the West," 127-162.

²⁸Kothari, Rethinking Development, 9.

dialectically both for and against the capabilities approach that I outlined in the Chapter 1, he proposes that the search for an alternative model of development must not be an end in itself, but rather "related to real needs."²⁹ And "real needs" must be measured against "a unifying scheme of human experience."³⁰

Additionally, a development model that takes seriously a spectrum of alternatives within both time and history must also include the principles of "choice and coherence."³¹ Both principles should be pursued together as human experience searches for solidarity of purpose while also remaining open to alternative expressions of human arrangements.

Not surprisingly, Kothari is not opposed to "Western" approaches to development. To eschew Western approaches because they are Western and, therefore, riddled with Western essentialist claims, as some development experts argue, not only can misrepresent Western approaches, but also can shut off possible alternative approaches to

²⁹Ibid., 6.

³⁰Ibid.

³¹Ibid.

development.³² At the same time, Kothari is critical of cultural relativism, which argues that each and every culture must indefinitely discover its own development model. Here Kothari is not arguing for a universal development paradigm but for the possibility that there is some unity of human experience within the diversity of cultures. Not to take advantage of development approaches limits new alternatives that might be viable.³³

In general terms, Kothari's work helps us see what it might mean to forge a development ethic that is sensitive to the fluidity of cultural traditions. Martha Nussbaum and Amartya Sen offer more specific conceptual guides. For

³²For a more recent perspective, see Rajni Kothari, "Globalization: A World Adrift," Alternatives 22 (1997): 227-267. While Kothari is still hopeful that alternative development paradigms can always emerge, he is particularly critical of the recent hegemony of the United States in its unchallenged global role as curator of liberal capitalism. He summarizes:

What is striking in this change [since Reaganomics] is that, apart from the United States remaining the only superpower in the arena, it will also be the net gainer from a radical and in some ways momentous change in economic arrangements of the world, producing over time a considerably different model of both world development and world governance, increasingly apolitical and deideologized and hence, in a world that is increasingly devoid of both vision and leadership, becoming acceptable all over the place. (239)

³³Kothari, Rethinking Development, 7. In the remainder of his essay, Kothari lays out a general theory of development, which includes a list of strategies and proposals, such as education, consumption, basic needs, participation, and so forth. For a helpful review essay of Kothari's contribution to development ethics, see Fred Dallmayr, "Global Development? Alternative Voices from Delhi," Alternatives 21 (1996): 259-282.

example, they speak of "object failure."³⁴ Object failure occurs when objects that are valued are difficult to obtain or sustain due to material changes in a culture or society.

For instance, technological and communication changes no longer require the people of South Indian Lake and the surrounding communities to trap or hunt for their clothing; these changes have led to a change in how the people of South Indian Lake acquire clothes, as they find themselves buying them in stores. Such changes in lifestyle are, in Nussbaum and Sen's terms, the result of object failure; and these changes may or may not undermine the viability of Aboriginal culture, a point that brings me to another of Nussbaum and Sen's development concepts.

Nussbaum and Sen speak of "value rejection," which occurs when the traditional values held by the Aboriginal people are themselves weakened. The value of pursuing traditional forms of living is undermined when it is no longer necessary to trap or hunt for clothes.³⁵ As is evident from the example, Nussbaum and Sen maintain that there is a relationship between object failure and value

³⁴Martha C. Nussbaum and Amartya Sen, "Internal Criticism and Indian Rationalist Traditions," in Relativism, Interpretation, and Confrontation, ed. Michael Krausz (Notre Dame: University of Notre Dame Press, 1989), 229-325.

³⁵Ibid., 300.

rejection, but they also claim that each concept raises different evaluative issues that cannot be subsumed by the other. Thus, there may be an object loss that does not necessarily result in value rejection: trapping or not trapping for personal and family clothing may or may not lead to value rejection. When it occurs, however, value rejection may cause the loss of the culture's frame of reference, since the rejection of certain values will destroy the culture.

Of course, it is possible that Aboriginal communities such as those that I considered in the last chapter might experience change that is the result of neither object failure nor value rejection. They might, for example, experience "object gain" via their encounter with novel technology like computers; indeed, computers might allow previously remote Aboriginal communities to communicate with each other concerning how to maintain values that are imperative to their cultural survival.³⁶ Such novel objects might, for example, help to preserve the Cree language or to foster educational efforts across

³⁶Nussbaum and Sen do not consider "object gain" in their article--the term is mine.

communities that would work to preserve cultural traditions.

However, decisions about object failure and object gain must rest ultimately with the community affected by change. For example, several band members from Nelson House testified before the panel about their desire to heat their homes with power supplied by Manitoba Hydro, rather than with wood they would have to gather. It seems unlikely that heat supplied by Manitoba Hydro will result in the erosion of cultural values, and so one might think of this as object gain. On the other hand, the loss of any practice because of a change in the objects required by that practice is potentially a matter of object failure. In the end, whether the replacement of wood heat with electric heat is a cultural gain or loss will have to be determined by the members of Nelson House.

Although the distinction that Nussbaum and Sen suggest between object failure and value rejection offers some help in answering the question of how to determine which traditional cultural values might be discarded and which should be sustained, it is also evident that in characterizing the values of a traditional culture difficult substantive issues remain. There is, for

instance, the problem of determining what values are regarded as central. No culture, whether Aboriginal or modern European, is monolithic. Humans take action based on a variety of value assumptions and attitudes. As Bradd Shore and other anthropologists have argued recently, there is considerable diversity within any culture, and it is impossible to suggest that a culture is fully static.³⁷ These cultural matters are not easily resolved, and it is certainly not my task to resolve them here. Rather, with these unresolved questions in mind, let me return to a complex and critical issue.

II. Justice and Cultural Identity

As should be apparent from the case study in the previous chapter, industrial development can modify and even sabotage a culture and its traditions. There can be no doubt that whatever "gains" the Churchill-Nelson Rivers project brought to the communities of northern Manitoba, it brought them at the expense of immense object failure. And the question that then faced these communities and the four

³⁷Bradd Shore, Culture in Mind: Cognition, Culture, and the Problem of Meaning (New York: Oxford University Press, 1996), 10. Shore, in his groundbreaking book, proposes that the concept of culture is really a collection of models and, as a result, a reified and rigid notion of a "shared culture" is highly suspect.

churches that came to their aid had to do with how to respond, as the flood waters rose, to this loss.

Earlier I quoted Walzer to the effect that we can recognize the right of a people to resist the erosion of their culture, but we cannot guarantee the success of this resistance. Though on their face, these words seem to utter a truth, they are in fact words that work against the kind of justice that called the task force into existence. Walzer's words are liberal words that seek to grant everyone the "right" to resist, to speak, and yet he is quick to add that such resistance, such speech, has no guarantee of success. Resistance on these terms comes with no guarantees because the very powers that create the space for this resistance--the powers of the liberal state--are themselves beyond the reach of this resistance.

Think, for example, of the insistence on the part of Manitoba Hydro and the provincial government that they had indeed consulted with the Aboriginal communities. Recall the comments of the community development director, and how applications for community development were endlessly stalled in the machinations of government bureaucracy. Recall the federal government's reluctance to join the Aboriginal communities in a lawsuit. According to Walzer's

conception of resistance, we see in these examples and others like them nothing more nor less than a resistance that is launched, beaten back, and then fails, as the flood waters rise. There are no guarantees. What Walzer does not tell us is what happens when resistance, though recognized as a "right," fails.

On the other hand, it is in response to just these conditions that the Interchurch Task Force was formed. What Walzer depicts as a "right" to resistance--limited, of course, by local conditions and constitutional structures--was for the four churches that formed the task force a call to justice, a call uttered, like that of the Israelite slaves in Egypt, from out of the depths of failure.

In the last chapter I explored the response of the Interchurch Task Force to the plight of the Aboriginal communities, and I suggested that the task force put into practice a development ethic that was based upon a fairly distinct set of theological commitments regarding justice. What seemed particularly important for the churches was to be responsive to the context at hand, that is, to the claims of human need, the strivings toward the good, and the frustrations of human capability. Had the churches paused to consider the details of the local traditions they

sought to rescue, they might never have accomplished a thing. On the other hand, had they imagined in their universal concern that what was needed was the "recognition" of a "right," their efforts would have been indistinguishable from what had gone on to that point.

Oddly enough, the churches became involved because of an understanding of justice that was at once universal and particular, and that was framed not in terms of rights but in terms of God's intentions for creation. Once involved, the churches sought to serve a universal justice that required attention to the particular details of local traditions--indeed, as I suggested in the last chapter, if justice was served it was served just to the extent that the hearings became the platform for the voice of local tradition. And if the hearings were a success, it is because their very existence transcended the options available within the liberal state--and in this transcendence they arrived at a moment of justice previously unavailable.

Somewhere in all this, it seems, is a lesson about the ethics of development--a lesson that involves a complicated mix of the universal and the particular. Martha Chen provides an additional example of this complex mix of the

universal and the particular. In her book A Quiet Revolution, Chen describes how the government of Bangladesh attempted to improve the literacy of women in a number of rural areas.³⁸ The goal of literacy was linked with other values, including self-respect, autonomy, and economic self-sufficiency. Importantly, this conviction to improve literacy did not come from the women themselves but rather from the development workers, who came from many different backgrounds and two nationalities.

In the first phase of the programme, the development workers went directly to the villages, offering literacy courses with materials borrowed from other settings. The development workers lacked knowledge of the ways of life of the rural women and had no contextual strategies for working with them. As might be expected, the first phase of the programme failed. The rural women found the literacy materials boring and irrelevant. They did not understand how literacy might help them in the rest of their lives. The agency under which Martha Chen was working decided to rethink its approach.

³⁸Martha Chen, A Quiet Revolution: Women in Transition in Rural Bangladesh (Cambridge: Schenkman Publishing Company, 1989).

The agency and the development workers did not abandon their basic conviction that literacy was important as part of a broader conception of the development of these women, but the development workers restructured their approach to literacy training. They formed local cooperative groups that included development workers and local women. The groups offered the development workers a much more complex understanding of the context in which they were working, giving them a grasp of the intricate web of relationships and the diverse dimensions associated with the poverty of the women. As a result, the rural women, with the development workers alongside, began to grasp possibilities for change in their lives and the lives of their families. The cooperative groups had no dogmatic commitment to an abstract theory of development, but rather were guided in a flexible way by the needs and aspirations of the women in their concrete historical reality. Chen's work is an example of how sensitivity to the local context can be combined with a conviction that certain central values are worth pursuing even when the particular cultural tradition has not endorsed them.³⁹

³⁹Also, see Chen, "A Matter of Survival," 37-57. Commenting on the moral dilemma for women in rural India and Bangladesh, whereby they are secluded for cultural reasons and yet find it necessary to

Conclusion

Chen's example of women's literacy in Bangladesh and my account of the work of Interchurch Task Force in Northern Manitoba begin to give us some insights on how to address the rigid relativist or contextualist who argues that women's literacy in Bangladesh and the churches commitment to the rights of Aboriginal peoples are based on Western normative ideals that have no real cross-cultural validity. As I noted briefly in Chapter 1, there are development experts who argue that any modification of tradition from external imposition is unethical, and thus unacceptable.⁴⁰ And yet if we think of women's literacy in Bangladesh or of the Aboriginal communities in Northern Manitoba in the context of the capabilities approach

feed themselves and their families, Chen states in conclusion: "The demand that women be allowed to abandon seclusion and seek gainful employment outside the home should not be seen as an outside challenge to local culture and tradition but as a local response to changes in local culture" (55).

⁴⁰For an additional example, see the collection of essays in Stephen A. Marglin and Frederique Apfell Marglin, ed., Dominating Knowledge: Development, Culture, and Resistance (Oxford: Clarendon Press, 1990). Stephen Marglin's essay in the volume, "Losing Touch: The Cultural Conditions of Worker Accommodation and Resistance," argues for the "embedded view of life," that is, the same values that prevail in the workplace prevail in the home for a menstruating women in India. The values of the West split the home and the workplace, and thus are irrelevant for India's culture and traditions (217-282).

Some scholars have questioned whether it is even possible to consider cross-cultural relativism as a real option, particularly in the area of economic development; for example, see Amitai Etzioni, "The End of Cross-Cultural Relativism," Alternatives 22 (1997): 177-189.

offered by Nussbaum and Sen, then we can see that this view is mistaken.

As I outlined in Chapter 1, Nussbaum and Sen argue that certain features of the composition of human life are shared across cultures; they call these features "functional capabilities."⁴¹ But, they note, these capabilities to be and to do are always experienced and negotiated within a specific and historically rich cultural setting. Hence public policies that govern development require both a determinate conception of the good (literacy empowers people) and a great deal of latitude for individual citizens and cultural groups to specify how the components will be realized (literacy involves more than a generic acquisition of the ability to read).

What makes the work of the Interchurch Task Force particularly compelling, I think, is the extent to which it was motivated by a universal concern that in the end expressed itself in the form of hearings that were through and through contextual and particular. And, to recall my earlier addition to Sen and Nussbaum's position, this mix of the universal and the particular, the global and the

⁴¹See Chapter 1 for Nussbaum's list of human functional capabilities.

local, was facilitated by a theological commitment to justice. Hence it appears that in this case, at least, theology was the driving force behind a development ethic.

Conclusion

In Chapter 4, I quoted Michael Walzer, who stated that when "confronted with modernity, all the human tribes are endangered species." In the Canadian north, this confrontation has often taken the form of large, capital-intensive developments, such as hydroelectric dam and river diversion projects. In the first part of Chapter 2, I summarized the history of one such early development project in the Canadian north, and then in the rest of Chapter 2 and all of Chapter 3, I focussed on the implications of a particular hydro project in northern Manitoba: the Churchill-Nelson Rivers hydro diversion project.

More specifically, I focussed upon the public hearings and the subsequent report sponsored by the Interchurch Task Force on Northern Flooding. The hearings allowed five Aboriginal communities in northern Manitoba to voice their concerns about the Churchill-Nelson Rivers project; these concerns, as well as a series of recommendations, were then recorded in the Report of the Panel of Public Enquiry into Northern Development. As a way of concluding this thesis and bringing the discussion back around to the topics of

Chapter 1, let me speak briefly about a recent event that has parallels to the events I have recorded in my case study.

Within the last year, the Innu people of Nitassinan, Canada, have presented their case of human rights abuse and the exploitation of their resources to the International Peoples' Tribunal.¹ They have chronicled how large-scale forestry projects, extensive mining and mineral extraction ventures, numerous hydroelectric dams, and low-level military flight training by NATO states (with up to 18,000 sorties per year) are destroying their culture and lands.

The Innu case was one of twelve heard by the tribunal, which, much like the public hearings in Manitoba but on a larger scale, provided a forum for Aboriginal peoples around the globe who have been victimized without a voice, as unsustainable patterns of production and consumption march forward.² Again as if following the lead of the Interchurch Task Force, the tribunal issued a statement based upon the twelve cases that were brought before it.

¹"Statement of the International Peoples' Tribunal on Human Rights and the Environment: Sustainable Development in the Context of Globalization," Alternatives 23 (1998): 109-146.

²Ibid., 130-146.

The tribunal statement points out that "the non-recognition of the rights of indigenous peoples, such as their rights to their ancestral territories and the resources found therein, to intellectual and cultural property, and to self-determination, is reinforced by the globalization process."³ The statement documents how this process of globalization tends to eliminate justice and accountability systems through deregulation and the removal of international trade barriers, a process that simultaneously creates a system of immunity and impunity that shields transnational corporations and governments from prosecution. The intention of the tribunal was not only to hear from those most victimized by the process of globalization but also to call for a "global rule of law."⁴

The salient features of the laws proposed by the tribunal's statement include the right to development as a fundamental human right; the right of self-determination and collective rights; the right to a healthy environment; economic, social, and cultural rights; the right to access science and technology; and finally the rights of those most vulnerable: Aboriginal peoples, women, children and

³Ibid., 115.

⁴Ibid., 119.

youth, minorities, and migrant workers.⁵ The remainder of the statement proposes a citizens' call to action in local communities, public policy legislation, and accountability through various national and global agencies and action groups.

The capability approach to economic development offered by Martha Nussbaum and Amartya Sen is closely related to the aims of the tribunal statement. As I outlined in Chapter 1, Nussbaum and Sen attempt to elaborate what all citizens should have in order to function capably (Nussbaum even goes as far as to provide an objective list of these functions). In Chapter 1, I showed how this capability approach focusses on a concern for assessing the quality of life in a region or nation. The approach is also suggestive of how public policy should be prioritized for meeting human needs and rights.

The cases presented before the tribunal reflect the denial or violation of economic, social, and cultural rights; for example, the right to life, food, education, speech, preservation of one's culture, health, adequate standard of living, equality and non-discrimination, property and land rights, and so forth. These are the

⁵Ibid., 119-125.

kinds of rights and obligations considered in the capability approach of Nussbaum and Sen.

As I noted in Chapter 1, the capability approach offers general quality of life indicators in order to leave room for specification within a particular country or region. It involves, in other words, a complex mix of the universal and the particular. We find this mix in the statement of the tribunal; but here the better example is in fact the work of the Interchurch Task Force. Although Sen and Nussbaum and other development ethicists have been suspicious of the role of religion in development ethics, I have argued through the case study that the commitment to justice articulated by the task force was in fact a display of how the capability approach can function. In their work, the members of the task force became creative architects of new possibilities as they established practical links between their universal concern for justice and the particular needs and aspirations of Aboriginal peoples.

We can say, I think, that in their commitment to the Aboriginal peoples of northern Manitoba, the churches of the task force were caught in a double movement: they were called both to make a difference in history and to bear

witness to transcendence. In the last section of his article "Beyond Moralism: Ethical Strategies in Global Development," Denis Goulet suggests that the Christian churches "must deliberately choose to promote genuine development for all, liberation not domestication."⁶ Goulet suggests that the Christian church, of all institutions, "has the resources to counter despair and nurture hope because it is a mystical body born of resurrection, yet made up of flesh and blood members."⁷ The Christian church is God's incarnation in human history; thus, the double movement of love of neighbour and love of God. It is this double movement, I think, this movement toward the particular and toward the universal, that enabled the members of the task force to enact a development ethic that accomplished in practice what Sen and Nussbaum have outlined in theory.

⁶Denis Goulet, "Beyond Moralism: Ethical Strategies in Global Development," in Theology Confronts a Changing World, ed. T. McFadden (West Mystic: Twenty-Third Publications, 1977), 28.

⁷Ibid., 25.

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