To be fully appreciated, both the book and the Chiricahua Apache it discusses need to be situated in a broader ethnological and historical context. To some extent this has been remedied by the excellent introduction Kaut has provided this new edition of the book. After briefly summarizing the archaeology, ethnology and recent history of the Southern Athabaskans, he goes on to discuss the place of the book in the development of Opler's work and ideas. While more work needs to be done on these issues, Kaut's statement gives researchers a very good place to start.

Of note to anyone interested in the culture and ethnohistory of the Chiricahua and other Southern Athabaskans, it is my hope that the re-publication of Opler's classic *An Apache Life Way* will also occasion a rethinking of its place in early American ethnography.

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Rotman, Leonard Ian: *Parallel Paths: Fiduciary Doctrine and the Crown-Native Relationship in Canada.* Toronto: University of Toronto Press. 1996. ISBN 0-8020-0821-6 Cloth CDN $60.00; 0-8020-7813-3 Paper CDN $24.95.

The clear message sent to Canadians by the report of the Royal Commission on Aboriginal Peoples is the need to rethink fundamentally the country's relationship with First Nations. The message has been received by the government, which is taking slow steps in that direction, such as accelerating land claims settlements and working out arrangements for Aboriginal self-government. The situation, however, is a long way from the parallel paths that Leonard Rotman sees as the ultimate political goal. In this sweeping and fascinating survey, he concentrates on the fiduciary aspect of that relationship, tracing out its development from its initiation in treaties through to on-going court cases. Despite the long process, the full ramifications of this doctrine are still being worked out.

As Rotman describes it, the governing rules of the Crown-Native fiduciary relationship are virtually identical to those of trusts, with some exceptions. It is not restricted to property interests, applying as it does to "virtually every aspect of the Crown-Native relationship." Neither is it restricted to unequals, as in parent/child or guardian/ward situations. The relationship between the Crown and Native peoples is seen as that of equals. In any event, the responsibility remains the same: the Crown is duty bound at all times to act in the best interests of its beneficiaries, including the Aboriginal peoples. The doctrine's present prominence arises out of the Musqueam case *(Guerin* v. *R,* 1984), when the Crown was found not to have acted in the best interests of Vancouver's Musqueam band in a land transaction. Since then the principle has been applied (and sometimes misapplied) with ever increasing frequency in a wide variety of cases. Rotman is at his persuasive best in tracing out these applications and their consequent effects in court case after court case.

A major turning point was the British Crown's transfer of its governing powers to the Canadian Crown at Confederation, a move that was effected without consulting or even informing Amerindians. In Rotman's view, this was a breach of the British Crown's fiduciary responsibility for which it could be assessed monetary damages if Aboriginal peoples could demonstrate losses as a consequence; punitive damages are also a possibility. He argues that according to fiduciary doctrine, the British Crown had the right to unilaterally transfer its powers, but not its obligations, which could only be done in consultation with its beneficiaries. Since this did not occur, the obligations theoretically still remain with the British Crown. Rotman admits, however, that in practice the obligation now rests with the Canadian Crown. Even so, there is ambiguity, as it has not been determined whether the provinces share in that duty. The current inclination is to hold that they do, at least in certain circumstances.

Aboriginal understanding for the most part still does not differentiate between Crowns, as has been dramatically demonstrated in several of the Native standoffs during the past few years. In the wording of the treaties, as well as in the explanations made during negotiations, no distinctions were made between the different aspects of the Crown, which left the Natives with the impression they were dealing with a unified entity, which was British. The error of not including Native people in the negotiations for Confederation is having repercussions on the Canadian political scene more than a century later.

Rotman's touch is less sure when he delves into the historical background of these legal developments. Tracing the roots of the Crown/Native fiduciary relationship to the early treaties, he says they were entered into on a "nation to nation" basis, implying equality. Certainly that was (and is)

the Amerindian view, one that was encouraged by the *de facto* recognition of Amerindians as independent peoples, which in fact they were. However, these early treaties habitually included an acknowledgement that the Amerindians were subjects of the British Crown. It is doubtful that the import of that acknowledgement was explained to the Amerindians; there is plenty of evidence, even in the European accounts of the period, that they never considered themselves subject to anyone, allied or not. Although interpreters were of necessity used in negotiations, the written versions of these treaties were never translated into an Amerindian language. That may not have been considered necessary for an oral people; what it indicates, however, was the attitude of the British, who considered that by the treaties the Amerindians had accepted British suzerainty. Neither does the "nation to nation" concept necessarily imply equality; in practice, unequal treaties were (and are) legally recognized. What is more, British/Amerindian treaties have not been accorded international status. In other words, the situation is not nearly as clear-cut as Rotman makes out.

One could also ask, if the Treaty of Utrecht, 1713, recognized the independent and sovereign status of the Amerindians in Acadia as Rotman claims, then why did the British a few years later, in 1725, go to the trouble of getting the Mi'kmaq, Maliseet and Abenaki to sign Treaty No. 239, the express purpose of which was to get the Amerindians to acknowledge that the Treaty of Utrecht had made the British Crown "the rightful possessor of the Province of Nova Scotia according to ancient boundaries"? As Rotman himself later admits, the Treaty of Utrecht was concerned with France's cession of Acadia to Britain; this was a European treaty negotiated and signed without Amerindian participation. It contains no mention of Amerindian title to the lands involved. Its references to "allies and friends" when discussing trade arrangements are slim grounds upon which to base a claim of recognition of Amerindian sovereignty. In another instance, the purpose of the Proclamation of 1763 was to protect Amerindian proprietary rights against unscrupulous land deals; by its terms the British Crown reserved to itself the right to acquire Amerindian lands, thus protecting Amerindian interests in territories the British considered "ours".

That Amerindians acquitted themselves very well in armed confrontations with the European invaders is well documented. Excellent forest fighters, a relatively small number of warriors time and again defeated much larger European forces. But to use that to claim superior military strength for the Amerindians, as Rotman does on several occasions, is simply absurd. Similarly, one can only wonder at his companion claim to political superiority for the small Amerindian hunting and gathering bands over the much larger and more complex European nation-states. The direct, participatory democracy possible for the former was simply not applicable for the

latter; totally different political circumstances called for different solutions. And to attribute the mortality rate in Amerindian languages solely to residential schools is to wildly oversimplify the situation. Languages, Amerindian and otherwise, change over time, eventually so altering their characteristics as to become, in effect, different tongues. Amerindian languages were being born, were growing and transforming into new forms with some eventually disappearing, long before the arrival of Europeans. That said, the active campaign against Native languages is not to be condoned.

To cut this short, it would have been helpful if Rotman had defined his terms, such as that much abused term "nation". Using it without distinction to refer to a large complex state such as Canada as well as for small Amerindian groups in order to imply equality is, to put it simply, confusing. Playing games with words neither clarifies political issues nor does justice to Amerindian aspirations.

The strength of this work is in its exposition of Crown/Native fiduciary relations, issue by issue in court case by court case. As such it fills a gap in Canadian legal history, making an impressive contribution to a better understanding of a previously neglected aspect of the Canadian confederation. It also raises questions: if the Crown/Native fiduciary relationship is between equals, then does it work only one way? A fundamental characteristic of traditional Amerindian treaties was reciprocity. Does that apply, and if so how, to Crown/Native fiduciary doctrine?

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Silko, Leslie Marmon: *Yellow Woman and a Beauty of the Spirit: Essays on Native American Life Today*. New York: Simon & Schuster, 1996, ISBN 0-684-81153-7 Cloth CDN $31.00.

The acclaimed novels *Almanac of the Dead* and *Ceremony* have left an impression on countless admirers who can scarcely wait for new works of fiction from Arizona writer Leslie Marmon Silko. In the meantime, fans of her work should be content to trace the progression of Silko's art through this collection of essays. The material in this collection includes some previously published material, discussing topics ranging from her Laguna Pueblo upbringing and her recent run-ins with the border patrol to her