

BOOK REVIEWS

Boldt, Menno and J. Anthony Long in association with Leroy Little Bear (Editors): *The Quest For Justice: Aboriginal Peoples and Aboriginal Rights*. Toronto: University of Toronto Press, 1985, pp. viii + 406.

Some two thousand years ago on the other side of the big ocean, Roman lawyers, who tended to perceive their juristic skills as "*Are boni et equi*" (the art of good and equitable), defined natural law as that law which nature taught all living beings (*Ius naturale est quod natura omnia animalia docuit*). The same culture and profession formulated also a moral ideal of highest quality: *Honeste vivere, alterum non Ledere, et suum quique tribuere* (live honestly, do not touch others, and give everyone his due).

All of the above high moral ideals were lost in the darkness of the so-called medieval society and in the bourgeois political and economic order which emerged from its ruins. While Immanuel Kant formulated his categorical imperative, largely debated by moral philosophers and leaders of jurisprudence, the harsh realities of economic gain, conquest, war, plunder, subjugation, exploitation, and genocide became the real facts of life for North and South Americans of indigenous ancestry. And now, in the 1980% when Native people and their leaders in Canada insist upon their aboriginal rights, they too, without the slightest awareness of Roman conceptions or of Hugo Grotius (1583-1645), the Dutch historian, jurist and diplomat (the founder of international law, and a representative of the secular conceptions of natural law), invoke the ancient idea of natural law to promote their cause and struggle for justice. The new Canadian Charter of Rights has triggered a whole series of movements by minorities (women, visible minorities, homosexuals, youth, unemployed), insisting upon their rights and determined to be treated with justice.

In the above light Boldt and Long's volume is very timely. It comes at a time when Haida Indians insist upon their rights to Lyell Island in British Columbia, confronting big business, government and the judiciary in this western province. Moreover, making publicly known their moral and legal rights they lay bare the true functions of this judiciary -- the protection of business interests through a logically formal rationale of law. Once again the rule of law is stripped of its mystifying cloak and shown as ideology.

The volume contains 23 papers written by native leaders, government officials and by academics from a variety of disciplines including sociology, anthropology, political science, and the law. Among others the list of contributors - 25 with editors - includes statements by former Prime Minister Pierre Elliott Trudeau and current Prime Minister Brian Mulroney. The book is divided into five parts plus an appendix containing key constitutional documents dating back to 1763 (an excerpt from the Royal Proclamation). According to the

short preface, the origin of the anthology began at a conference on aboriginal rights held at the University of Lethbridge in 1982.

Part One is devoted to political and philosophical views on aboriginal rights by Indians, Metis, and Inuit leaders. Numerous statements are very critical of the exploitative nature and attitudes of big corporations supported by the government toward natural resources and Native people. Oren Lyons treats aboriginal rights as natural rights in his paper. "The matter of aboriginal rights is outside our jurisdiction; it is the natural law" (p. 19). Contrasted to the utilization attitude of instrumental rationality (well perceived by Marx in *Grundrisse*, and later emphasized by the critical theorists of the Frankfurt school in this century), is the aboriginal natural attitude of harmony and unity with nature and its laws. This attitude achieves a supreme significance in modern times with the growing awareness that instrumental technological rationality through the destruction of ecosystems will ultimately lead to self-destruction through nuclear holocaust. Once again, the message is clear: a great deal can be learned from aboriginal elders and their rich cultural heritage. No less significant are radically different attitudes toward possession, utilization, and control of land. Thus in Fred Plain's paper we read: "For the Europeans, the idea that land can be owned by a person or persons and exploited for profit is basic to the system" (p. 34). This statement is, however, correct so far as the capitalist idea of property is concerned. It has been promoted as a Western European conception since the 15th century. It can, however, hardly be attributed to all Europeans before the emergence of instrumental rationality and the capitalist economy, and it is almost nonexistent in the traditional Slavic household community (*zadruga*) or Russian village community (*mir*). The proprietary attitude toward land is contrasted by Plain with the Nishnawbe-Aski way of thinking and is shown to be completely its opposite (Ibid.). The same article also contains criticism of the Canadian government's attitude to aboriginal rights in terms of what could loosely be called "Khadi justice" (an inquisitory form of criminal proceeding under the Sheriat law exemplified by the saying: "The Khadi lays charges, and the Khadi also tries the case"). Thus Plain concludes: "The government makes the law defining aboriginal rights, and the government appoints judges who interpret the law dealing with aboriginal rights" (pp. 38-39). Plain's paper also contains a critique of the so-called Baker Lake case in which the Supreme Court of Canada took the stand that aboriginal rights are not proprietary rights. This particular judgement is criticized as being motivated by the exploitative attitude of business corporations protected by the highest judicial organ of the state.

In Part Two "Aboriginal Rights in the Constitutional and Policy-making Process" we find an interesting paper by Brian Slattery entitled "The Hidden Constitution" in which the author reflects on The Royal Proclamation of 1763, at the time France ceded all her rights to territories in Canada to the British Crown. Although in this instance aboriginal people were treated according to the principle *De nobis sine nobis* (about us but without us), as pointed out, the proclamation recognized that lands possessed by Indians throughout British territories in America were reserved for their exclusive use unless pre-

viously ceded to the Crown (p. 122).

Of interest is that Professor Sally Weaver in her paper treats aboriginal rights as a political and not as a legal matter. Puzzling also is her characterization of aboriginal rights as "multivalent", and having a "multivalent quality" in the meaning that "... the symbol has many different layers of meanings depending on the speaker, the context of its use, and the time at which it is evoked" (p. 141), which "lacks any single clear referent among native groups" (*ibid.*). The statements by native leaders in this volume seem to be in clear contradiction with Weaver's position.

The emphasis placed on self-government for native people in Pierre Elliot Trudeau's 1984 statement echoes the sporadic demands by native leaders for native sovereignty. While self-government is a very desirable form of direct democracy in modern political life, the idea of sovereignty is impractical and in fact inapplicable as long as a particular group or territory is a part of a larger societal and governmental structure. Sovereignty is essentially a characteristic of state power denoting its quality as supreme within and independent from without. This is essentially consistent with the stand taken by Boldt and Long in the concluding paper devoted to tribal traditions and Western European political ideologies. The authors link the idea of sovereignty to European feudal hierarchical inequality and point out that the idea has no basis in the egalitarian tribal traditions of North American aborigines. In contradistinction to efforts by some native leaders to use this idea to fight for the realization of native rights, Boldt and Long emphasize self-government and nationhood as more viable and realistically attainable goals. This paper is very informative and should be studied carefully.

Another paper by the editors is devoted to comparing tribal cosmocentric philosophies to the predominantly individualistic conception of man and society found in western societies and in Anglo-Saxon cultures in particular. Following Michael Melody, they conclude that each society built its model of human rights on its own conception of mankind (p. 167). Melody has proposed that western liberal views defined man in terms of individualism, competition and self-interest, while traditional Indian philosophies were largely conditioned by the economic organization of their respective societies. However, it is encouraging to find that the next section points in this direction by quoting writers (Pollis and Schwab) who proposed that indigenous economic, political, social and cultural arrangements bear a direct relationship to the way human rights are conceptualized (p. 167).

Part Three is devoted to historical and contemporary legal and judicial philosophies on aboriginal rights. It contains some powerful accusations voiced both by the editors and by James Youngblood Henderson in his paper on Canadian legal philosophies. In a nutshell Henderson claims that "... the courts have not validated Indian definitions and interpretations of aboriginal rights" (p. 183). More specifically, he states that the courts of Canada, New Zealand, Australia, and the United States "... act as hand-maidens of the government"

(Ibid.). One cannot but conclude that might makes right, but also that this harsh reality is inconsistent with the ideology of the rule of law and with the idea of the lawful state. These critical accusations culminate in Henderson's conclusions when he claims that Canadian law is "radically biased" (p. 186), and that aboriginal people, who have been victims of racism, have survived "... the dehumanizing experience of genocide, despair, and poverty" (p. 216). The only other author who mentions genocide in this volume is Douglas Sanders in his paper on aboriginal rights. His statement is insightful and courageous.

Rudolph Ryser's essay: "Fourth World Wars: Indigenous Nationalism and the Emerging New International Political Order" should be commended for its originality, courage, and idealism in its plea for the political self-determination and sovereignty of small nations. However, it also deserves major criticism for a lack of sociological insight (class divisions of modern societies are neglected for example). It is also flawed by a superficial and inaccurate handling of some facts. An example is the table on ethnic groups (nations) engaged in cold wars with the states (p. S09). There Croats, Bosnians, and Slovenes are mentioned as fighting the federal state of Yugoslavia. Bosnians are neither a nation nor an ethnic group (their state includes a mixture of Serbs, Croats and Moslems), Slovenes do not want any separation from Yugoslavia, and the pro-separatist Croats are a minority among the Croats.

On the whole, this volume represents a successful collection of sufficiently varied materials extremely suitable for courses on native rights, which should be included in every serious library collection in this country.

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Gough, Barry M.: *Gunboat Frontier: British Maritime Authority and Northwest Coast Indians, 1846-1890*. Vancouver: University of British Columbia Press, 1984, 256 pp., maps.

Maritime history has long been neglected in Canada. While older imperial histories viewed the oceans as grand highways of defence and commerce, nationalist writers focussed on politics, the constitution and resource development, producing works of significance and quality which were nonetheless narrow. Much of Canadian history suffers from this "vacuum bottle" approach. The post-1945 decline of the British Empire - and consequently of imperial and commonwealth studies - compounded this trend towards insularity. Frank Underhill's remark that the British Empire was doomed to disappear like the

smile on the face of *Alice in Wonderland's* Cheshire cat could have applied with equal facility to imperial and maritime history.

Happily, there are signs of a renaissance in naval and maritime history in this country. The Historical Directorate at National Defence Headquarters in Ottawa, headed by Alec Douglas, is actively pursuing aspects of our naval past. Naval history is a prime interest among several of the sub-groups in the Canadian Historical Association. Judith Fingard has dealt with the social history of east coast ports in her *Jack In Port*. The University of British Columbia Press has sponsored the Pacific Maritime Studies Series, of which *Gunboat Frontier* is the fourth volume. Appropriately enough, some of this new work is being produced by historians educated in the old imperial school who are now near the prime of their own professional careers. Professor Gough, trained under Gerald Graham at the University of London, is one such scholar. *Gunboat Frontier* is his third volume on the British naval presence in the North Pacific and the first in the trilogy to deal specifically with native-white relations.

Gunboat Frontier's fourteen chapters, divided into three larger sections, outline the role of the Royal Navy's coastal patrol vessels in the conduct of Indian-white relations from the establishment of Fort Victoria in 1843 to the end of the patrol system forty years later. The book sheds light on the nature of the west coast's colonial relationship with the United Kingdom, on British North American relations with the United States and on Indian-white interaction in British Columbia, complementing Robin Fisher's 1977 study, *Contact and Conflict*. Based on extensive use of British admiralty records, *Gunboat Frontier* is rooted in the older tradition of imperial history, but broadens the modern view of its subject.

The four chapters of Section I, "Company and Colony", describe traditional native societies and outline the course of white contact to the 1850's. The first chapter, while disjointed in places, contains an effective introduction and a good description of native seamanship. The remaining three chapters are well written and raise some interesting issues. The author's fulsome account of the Fort Rupert affair is helpful but one is left wondering if his judgment of the inexperienced Governor Blanshard is too generous. Gough's critical view of James Douglas' role in the affair, on the other hand, is a slightly revisionist one. Some of the author's other judgments need elaboration. His description of the "Battle of Seattle" (p. 58) seems to indicate that the settlers were more of a threat to Indians than the latter were to whites. It should not be surprising that the native perspective on the process of interaction was different from that of white officials (p. 66). Finally, Ottawa was more concerned than Victoria in the 1870's about compensating Indians for loss of their lands, but was frustrated in its efforts to find a settlement by British Columbia's intransigence.

The last two sections of *Gunboat Frontier* deal with west coast naval routine, first under British, then Canadian authority. Throughout these years, gunboats continued regular patrols, suppressing piracy and the Indian slave traffic, attempting unsuccessfully to control the illicit liquor trade, supporting white missionary efforts and generally keeping the peace by displaying the flag. Indians were very adept at avoiding capture, which caused the Royal Navy to

commit disproportionately large resources to pursuit of native fugitives. The threat of native confederacies caused a surprising amount of international cooperation among the British, American and Russian authorities. With the consolidation of the American presence in Alaska, the arrival of settlers in substantial numbers and the incorporation of British Columbia into an expanding Canada, the presence of the Royal Navy on the west coast gradually declined. Civil servants replaced the gunboat officers and crews of earlier generations.

Gunboat Frontier is not without its limitations. The map on page five, for example, is not titled nor are its numbered areas explained. There is some confusion over the chief village of the Newitty (pp. 40-41). The author's style, while usually very readable, sometimes lapses into vague generalities. His concluding paragraph (p. 215) though, is most effective. *Gunboat Frontier* possesses the powerful attraction of an older style of narrative maritime history which may be unsatisfying to some. This helpful book reminds its readers of British North America's place in a wider colonial world and broadens the traditional picture of Indian administration on Canada's Pacific rim.

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Norman, Howard: *Where the Chill Came From*. San Francisco: North Point Press, 1982, 129 pp.

Upickisik knew where the chill came from. The Windigo sent the chill into him. The Windigo did that (p. 92).

Thirty-one stories from various Manitoba locations tell of this evil spirit with a heart of ice. Windigo is a major figure in Cree oral narrative and the stories deal always with cold, illness and starvation, for it is in times of hunger and sickness that Windigo most frequently makes his appearance. He takes various forms - those of a giant, a wolverine or other animal, but the most fearsome form is when he is in the midst of the band - disguised as a human being! Windigo must be found and he must be killed, and there is only one way to do that - to destroy his heart of ice.

This book is unique in that few stories of the Swampy Cree have been recorded and Windigo stories, as told by the migratory hunters themselves, are even more rare.

The introduction to the book prepares the reader for the fantastic tales that

follow. In Part I Norman explains why the Windigo is such a pervasive force in the culture. "Windigo is a conspirator with starvation. Since starvation (especially in winter) in Cree regions is always a possibility, so is an encounter with Windigo" (p. 3). Most frightening is the belief that a human being can "go Windigo", that is, in times of stress a Windigo can take over a person's behavior; it is believed that the person may even turn to cannibalism. A Windigo is so frightening that not only does your heart stop in a Windigo's presence but "you forget where your heart is" (p. 4). Norman recounts his conversations with some of the story-tellers providing a great deal of background information on culture and lifestyle.

Part II of the introduction consists of an essay on the northern Cree in which Norman draws on his own observation and experience as well as other sources. Most of the Windigo tales collected by Norman were recorded during announced performances. Part III of the introduction describes an actual performance.

The thirty-one tales show a great similarity in general theme but at the same time also show a wide variety of differences in details because of the individuality of the story-tellers. Norman lived and travelled extensively with the Cree and every tale is footnoted and the story-teller is given credit. Stories were told by Jack Wawastaus near Cobham River, Joseph Badfoot Michael, Joseph Sandy, Davis Sandy and Hoyt Backward Owl from near Winisk River, John Rains near Lake Winnipegosis, Job Wells near Whitemud Lake, Alexander Little and Billy Small in Churchill, Sam Lake near Lake Winnipeg, Rosie Pekisayaw near Split Lake, William Smith Sakwasew near Nelson House, Andrew Nikumoon near Cormorant, Enoch Osebewonsaw in Winnipeg, Yamuel Makidemewabe near Hayes River, Issac Greyeyes near Island Lake, Dennis Jay near Gods Lake and Samuel Makudemewabe near Walker Lake.

The book will undoubtedly be particularly popular with residents of Northern Manitoba; the reader is mesmerized by these spine-chilling tales as the cold creeps through the walls of even the most modern building and the snow swirls past the windows in ever shifting forms. For it is on nights like this that Windigo is abroad. Though technology has revolutionized the north, humanity is safe and free of starvation only as long as technology functions as it should. Windigo has taken many shapes and forms in the past - who knows what mode of concealment he uses today?

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Petrone, Penny (Editor): *First People, First Voices*. Toronto: University of Toronto Press, 1982, ix + 221 pp., Illus.

This collection of representative Indian writing from 1630 to 1980 gives

an historical perspective as well as a contemporary sampling of Canadian Indian expression. Collected speeches, letters, diaries, journals, petitions, prayers, songs, poems, drama and short stories show Native ideas as Natives themselves expressed them, not as they were expressed on their behalf through a European cultural filter. The title, *First People, First Voices*, demonstrates the principal aim of the book which is to show the beginnings and development in Canada of an Indian literary tradition in English. The editor states in the preface that the book is also meant to teach a lot about Canadian history.

The material is organized in chronological fashion; each chapter and each section within the chapter is introduced by the editor with perceptive and judicious comments. It is an authoritative book in which all sources are meticulously documented; the illustrations consist of groups of photographs of Indian spokespersons which separate the various chapters.

The author gives the term "literature" the broadest possible interpretation by including not only imaginative creative works but other types of expression as well. The areas covered depended, of course, on the editor's choice and a logical and interesting progression has been selected. Rare passages are presented giving new insights for the knowledgeable reader but at the same time well-known passages, such as Crowfoot's immortal last speech (p. "64) are greeted as old acquaintances. The chronological organization helps the editor fulfill her objective of presenting Indian historical writing and also presenting Canadian history.

A further objective was to show the development of the use of the English language by Indians and this objective is well met in that the spelling, grammar, syntax, and punctuation of the original sources have been preserved. To refer to this as a "literature" book, however, is somewhat misleading. More accurate would be to describe it as a book of "Indian writing". In the latter the editor has succeeded very well, giving a wide representation of form, content, regional coverage and authorship.

In Chapter 1, 'Bad meat upon our land' the excerpts were originally given in French or in an Indian language in the seventeenth and eighteenth centuries. They illustrate clearly that the Indians of Canada were not primitive, uncivilized pagans incapable of reason and metaphysical thought. Through various examples their superb eloquence and persuasive rhetoric are demonstrated. Orations full of wit, irony and sarcasm are numerous as well as orations full of graceful imagery and nature symbols. An Algonkian, well satisfied with the outcome of a conference with the French announces, "I can no longer speak; my heart is too full of joy. I have large ears and so many good words crowd in there that they drown me in pleasure" (p. 10). Unimpressed by a bearded Frenchman a Huron exclaimed, "Oh, what a ugly man! Is it possible that any woman would look favourably on such a man" (p. 4).

Chapter 2, 'Listen to our grievances, fulfil your promises' was written in the nineteenth century and contains examples of "official" writing - the letters, protests and speeches during the treaty-signing sessions. There is less rhetoric and extravagant elaboration here but the courtesy and respect of their forefathers is still evident. A rare original from the Manitoba area shows the reaction

of Grandes Oeilles, a Chippewa chief, to the Selkirk settlers. He asks who brought the "makers of gardens" who "presume on this extraordinary right [of owning the land] (p. 47). This section should dispell the misconception that Indians did not know what was happening to them. A chief of the Fort William Indians firmly told the vice-superintendent of Indian Affairs at Sault Ste. Marie, "When I am going to sell my land I will speak again and Settle Matters" (p. 58). Shinguconse, also near Sauh Ste. Marie, feared he would be dead before he saw any of the treaty promises fulfilled and chides treaty-makers gently, "I would have been better pleased if you had never made such promises to me, than that you should have made them and not performed them . . ." (p. 59). On Vancouver Island, Gilbert Malcolm Sproat was told, "We do not wish to sell oar land or our water; let your friends stay in their own country" (p. 57).

Chapter 3, 'We are yet babes in Christ' introduces the first group of Indians to write extensively in English. They were the missionaries, teachers and translators trained largely by :he Wesleyan Methodist Missionary Society. These men generally accepted the dogma of the church and encouraged the adoption of white civilization. Their writing presents a realistic approach since they recognized that Indians must adapt or perish, but extreme statements reflecting European paternalism are also found : "Good and careful Fathers are appointed to watch over our interests and attend to our wants" (p. 78) and "they never command us, but always use us like equals and brethern" (p. 79). Shrewder writers, however, made comments of a different nature. Peter Jones said of Englishmen generally, "Their close attention to business produces, I think, too much worldly-mindedness, and hence they forget to think enough of their own souls and their God" (p. 83). Beards also intrigued George Henry when he travelled in France - "it would puzzle any one of our people to find where the Frenchman's mouth is" (p. 94). These writers may have considered themselves "babes in Christ" but their perceptive descriptions and wry comments on all they saw and heard during their foreign travels show them to have been anything but "babes" in their observations of human nature.

The title of Chapter 4, 'There is a song in everything' suggests more for the student of creative expression. Some translated legends and traditional poetry are included as well as some poems by E. Pauline Johnson. Unfortunately, Petrone disregards the large body of traditional literature that has been handed down in favor of political speeches, descriptions of tribal society, habits of wild animals and even a letter regarding a bombing device for use in W.W.I. While each of these selections is interesting it does not relate to the chapter heading.

In Chapter 5, 'Walk in our moccasins' the introductory comments promise "Indian creativity" and a "greater diversification of literary genre: poetry, drama, short stories. , ." (169). And, indeed, writers such as Dan George, Duke Redbird, Jacob Nèbenegenasábe, Ben Abel, George Kenny, Wayne Keon, Rita Joe, Midnight Sun, Daniel Morris, and Basil Johnston are represented, John Snow's memorable description of his beloved mountains, Verna Kirkness' scholarly discussion of Indian education and Alanis Obamsawin's poignant recital of what it is to be an Indian do not fit a narrow description of literature

but are excellent reading.

Penny Petrone, an Education professor at Lakehead University, conceived the idea for this book because she needed material for a Native literature course. Her research led her to these early speeches and writings by Indians. She points out that the collection uses the term "literature" in the broadest possible sense, however the historical bias almost entirely overshadows the literary content, except for the last chapter.

Petrone has succeeded admirably in producing a book that can only enhance the stature of Canadian Indians; she has succeeded in presenting an understanding of Canadian history from the Indians' point of view. She has successfully traced the development of the use of the English language by Indian spokesmen over the years and provided a good sampling of contemporary creative writing by Native people. The book will be read by serious students of Native Studies and will be enjoyed equally by lay persons. But she has not produced a book that will significantly help in the development of Native literature courses.

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