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The last few weeks of putting this essay together were witness to unprecedented levels of involvement by indigenous peoples in the ceremonies surrounding the 2010 winter Olympics. During the same period, a federal throne speech committed Stephen Harper's Conservative government to endorse the United Nations Declaration on the Rights of Indigenous Peoples. Whether or not these public displays are indicative of an increased awareness of the significance of indigenous communities in the social, cultural, political, and economic fabric of Canada and a growing consciousness of historical and present day inequities will be up to scholars and indigenous communities of the future to determine. One thing is certain though, current activities in the courts, at negotiating tables, and on the land have ensured that popular and official attention focused on these communities is growing. Further, it is clear that this increased attention is mirrored by a concurrent growth in the diversity and depth of scholarly material concerning these issues. Taken together, the nine books reviewed here illustrate that growing diversity and depth.

While the authors of these works come at their subjects from different starting points and have varied motivations and agendas, they all speak at least in part to some aspect of the relationship between indigenous peoples and settler society. Most seek to revise or correct the cultural distortions and assumptions of older narratives that serve to downplay the importance of indigenous people to the history and current social landscape of Canada. All would likely see themselves as sympathetic to their struggles to prosper while at the same time maintain their identity.

Attorney Peggy Blair, for example, has served in a variety of capacities: from policy advisor to the Royal Commission on Aboriginal Peoples, to membership in the Canadian Human Rights Tribunal, to resolving disputes flowing from residential school abuse claims. She has

worked for a variety of clients including both indigenous groups and the Federal Government and has published both technical reports and scholarly material on indigenous resource issues and on the rights of indigenous women. In her *Lament for a First Nation: The Williams Treaties of Southern Ontario*, Blair explores the meaning and significance the 1923 Williams Treaties and the 1994 Supreme Court of Canada decision in *R. v Howard*.

In 1984 George Henry Howard of the Hiawatha First Nation, a community with a reserve at Rice Lake near Peterborough Ontario, was charged with fishing without a licence. At trial in Ontario, the case turned on whether Howard had a treaty right to fish that was protected by section 35 of the Constitution or if his right to fish was extinguished by the 1923 Williams Treaties. In the end, the court ruled against Howard not because his rights were extinguished by treaty but rather as a result of the overwhelming restrictions placed on indigenous fishers under federal legislation. In a decision that Blair describes as “misinformed” the SCC upheld Howard’s conviction.

Blair provides an impressive amount of historical detail in framing her argument that beginning in the mid-nineteenth century the federal government abdicated its constitutional and fiduciary responsibilities for those they defined as Indians by acquiescing to the demands of the settler government in Ontario, by ignoring the prohibition placed on settling unceded lands by the Royal Proclamation of 1763, and by obstructing First Nations and their lawyers at every turn. At the same time Canada’s Department of Indian Affairs, which of any federal body was said to protect the interests of Indigenous people, came to adopt the position of the federal Department of Marine and Fisheries that fishing was not protected by any existing Aboriginal or treaty rights. All the while the First Nations in this region continued to assert their right to fish, both on the

water and through whatever political and legal means they had at their disposal right through to the time of *R v. Howard*.

The author demonstrates further that the convenient mid-nineteenth century construction of indigenous people as lazy and wasteful was useful in justifying legislation that dispossessed them from the fishery, and that that this kind of cultural bias remained alive and well in the late twentieth century. Despite the overwhelming evidence that fishing was vital to their livelihood and so was steadfastly protected by them, the decision in *R v. Howard* indicates that the southern Ontario First Nation signatories to the Williams Treaties willingly gave up fishing rights.

Blair ends her study by challenging another dearly held Canadian conviction that this country continues to be far more generous in its relations with indigenous people than its neighbours to the south in the United States. In contrast to this, Blair points out that where it was assumed by the court in *Howard* and elsewhere that aboriginal rights are “granted” by the Crown, this understanding was explicitly rejected by a 1905 decision of the US Supreme Court where a treaty was described not a “grant of rights to the Indians, but a grant of rights *from* them” (*US v. Winans*, 198 U.S 371 (1905) quoted in Blair, 271). At the same time, according to Blair, American courts prioritize indigenous cultural understandings while Canadian courts emphasize Eurocentric legal traditions. As a result, indigenous people in Canada are in a much less advantageous position in court than are their counterparts in the US.

While Blair’s account is meticulously researched and convincingly argued, she might have made her positions even stronger by considering what other authors have referred to as the “quality of consent”. While she does explore inconsistencies, errors, and ambiguities in various agreements, she does not fully examine the conditions by which agreement was gained, what pressures were applied to ensure agreement, or what arithmetic was used to qualify consent as a

collective decision. She is also apparently unwilling at times to fully interrogate her sources or to consider, for example, whether the words of the indigenous people she quotes come through translators or scribes. Nonetheless, this is a remarkable study and a must read for anyone interested in treaty making, aboriginal law, or the Canadian court system more generally.

Another legal scholar, Douglas Harris, picks up on some of these themes in his *Landing Native Fisheries: Indian Reserves & Fishing Rights in British Columbia, 1849-1925*. Harris shows that in British Columbia, too, Canada, through its Department of Indian Affairs, was unwilling to live up to its fiduciary responsibility in its relations with indigenous people, especially where the interests of the politically and economically powerful cannery operators were thought to be jeopardized. Harris demonstrates that, as a result, the aboriginal right to fish was increasingly circumscribed through the period of his study. Like Blair, Harris illustrates how the cultural assumptions held by settler society, especially the liberal model of private ownership, justified not only the increasing restrictions placed on the indigenous fishery, but also the efforts to recreate indigenous fishers as agriculturalists. Even those reserves that were assigned as “fishing stations” included no attendant and guarantee that, over time, there would be actual access to fish as the growing capacity of the industrial canneries was fed at the expense of indigenous fishers and their communities. This is an ironic point since, even more than in the rest of Canada, land set aside as reserves in BC was miniscule due to the official understanding that fishing and not land based activity was the primary economic strategy followed by First Nations communities. In BC, like Southern Ontario, First Nations never accepted the alienation of their fisheries.

Harris is clearly sympathetic to First Nations in their struggles with Canada and British Columbia over resources and this book will likely prove to be a valuable resource for them as it

will to anyone interested in aboriginal law or fisheries. Yet the author is unable to offer a satisfactory explanation of why, and on what basis, earlier more equitable legal understandings came to be virtually ignored. Similarly, the author seems unwilling to challenge a system in which Canada's sovereignty is unquestioned but that of the initial inhabitants must be continually demonstrated in court. First Nations people will undoubtedly continue to find themselves in front of judges in their attempts to defend their resource rights, and Harris might have considered why they should have trust in a system that has repeatedly been used to remove those rights.

Moving from the more specific studies of Blair and Harris, *Compact, Contract, Covenant: Aboriginal Treaty-Making in Canada* by eminent historian J.R. Miller is a broadly conceived account of treaty making in Canada from the first days of contact between Europeans and indigenous nations to the development of Nunavut and the current work of the British Columbia Treaty Commission. Like Blair and Harris, Miller confirms that in contrast to settler society's land acquisition imperative that drove it to negotiate treaties after the first part of the nineteenth century, the earliest trade and military agreements were created as confirmations of on-going amicable relationships. Miller's account is unique in its geographical and chronological breadth. He investigates the transformations in treaty making over the entire course of Canadian history from the arrival of Europeans to a time in the twenty first century where indigenous nations are seen by some to once again have more substantive input in treaty construction.

This *longue durée* approach, while providing a much needed overview of treaty making in Canada, also causes Miller's narrative to necessarily exhibit a bit of a "touch and go feel" in places that restricts the author from examining nuances or divergent interpretations. This is evident throughout the narrative but is especially the case in relation to British Columbia, where,

for example, the author delivers quite a simplified treatment of the critical McKenna-McBride Commission and has a tendency to follow the lead of single secondary sources without allowing for the possibility of alternative positions. Similarly, while Miller begins to explore some of the difficulties faced by First Nations in the BC Treaty Process regarding the slow pace and the cost of negotiations, he fails to acknowledge many of the other concerns expressed by First Nations leaders in the province. For example, the Nisga'a agreement, negotiated before the implementation of the Treaty Process, was hoped by many to be the foundation upon which more favourable agreements could be negotiated but to their consternation it has proven to be the upper limit that more recent negotiators can only hope to approximate. Other First Nations commentators assert that the treaty process itself is simply another vehicle to promote assimilation. In the end, Miller is very good at exploring government machinations and changes over time but is less successful at investigating First Nations motivations. Still, since the author is able to collect such a wide range of treaties in a single volume it will remain a valuable resource for some time to come.

Sarah Carter's new book takes us into completely different territory. *The Importance of Being Monogamous: Marriage and Nation Building in Western Canada to 1915* is a compelling account by one of Canada's most prominent historians. Like the works explored above, it investigates the cultural assumptions held by nineteenth-century Euro-Canadians and the impact of these on indigenous people and others. In this study, Carter deftly demonstrates that the heterosexual lifelong union, that is still presented by the conservative theorists and activists of today as timeless, universal and the only legitimate form of marriage and family formation, was only one of many acceptable modes until the late nineteenth century. Christian reformers, politicians, and bureaucrats among others in settler society went to great lengths in their use of

legislation, policy, the courts, and social opprobrium to impose and naturalize this form of family construction and the inequitable gender relations that it came to embrace. It was understood by these advocates that the development of an Anglo-Christian nation depended on this form of family. As a result, any other family types, and especially those of western First Nations, were either misunderstood or wilfully misrepresented as, ironically, unfair to women. Carter shows that despite an array of pressures, there was considerable resistance to the imposition of heterosexual monogamy by indigenous families and others who refused to be reformed. While I would not want to take away from this convincingly argued book, and while it is always a bit unfair to offer criticism for what an author does not include in their work, some readers might be left wondering how other elements and members of family fit into this narrative of social reordering. In what ways, for example, did the institutions and individuals who presented heterosexual monogamy as the only natural form seek to recast the roles of and responsibilities for parents, grandparents, and especially children within the family unit? With this minor quibble aside, this book will have wide appeal for anyone interested in the history of Western Canada, the relations between indigenous people and settler society, gender, the law, or imperialism more broadly.

*Home is the Hunter: The James Bay Cree and Their Land* by Hans Carlson is also an exploration of an intricate web of relationships, this time of the Cree and their traditional territory at James Bay. Here Carlson too demonstrates that the indigenous inhabitants of the region managed to maintain their relationships with their land and resources despite the pressures of outside influences and the imposition of European and later Euro-Canadian values and cultural assumptions. Certainly Carlson presents the James Bay Cree as possessing a considerable amount of agency, perhaps too much agency for some readers, but his study still

comes off as balanced and nuanced. In examining the introduction of European religion, for example, Carlson demonstrates how the Cree adapted Christianity to fit their needs, their world, and their values even if missionaries did not recognize the resiliency and flexibility of the religion they were promulgating. More recently it was minerals, timber, and hydro electricity that turned the interests of southerners to Cree territory in the James Bay region and prompted further adaption and negotiation for the area's original inhabitants. This adaption was often presented as assimilation even as late as the third quarter of the twentieth century when lawyers for Hydro-Québec insisted that the James Bay Cree "lived and thought much like any other Canadian citizen" and were unwilling to believe that Cree hunters could live on the land more comfortably without necessarily relying on recently introduced technology (Carlson, 211-13). Carlson demonstrates to the contrary that while they adapted they did not lose their identity as Cree. Certainly the author is critical of Hydro-Québec, forest companies, and governments for their wilful devastation of Cree territory but in the end he argues that this is too easy a deflection from the responsibility that all of us living in more southern climes share: to make ethical, informed and thoughtful decisions in our day to day lives concerning the commodities we purchase, use, and enjoy. Carlson's self-reflective account is also a personal journey for the author who visited the region many times over the course of more than twenty years and his passion is evident in his writing.

In contrast with the other works discussed here Brian Titley's *The Indian Commissioners: Agents of the State and Indian Policy in Canada's Prairie West, 1873-1932* focuses on the non-indigenous bureaucrats responsible for the application of policy related to those defined as Indians rather than the relationships between settler society and the First Nations of the prairie west. This, though, seems to be precisely what this extensively published author intends and

what the title suggests. In gathering together biographical profiles of six influential prairie Indian Commissioners, and establishing the context and implications of their work, this book is a welcome addition to the literature on the administration of Indian policy. Even with the author's intent taken into account, though, where this work might cause some readers concern is with the unflattering and at times curiously Eurocentric understandings used to describe the indigenous people his commissioners were charged with supervising. Titley writes, for example, of Riel and his "henchmen" (Titley, 16), where others might describe defenders of an unceded territory that was at best HBC land not yet transferred to Canada. Similarly he adopts the curious shorthand term "nomadic" (Titley, 27 and 131) rather than recognizing the economic strategies of First Nations as seasonal rounds developed over generations of harvesting the resources of their territories. At the same time, beyond a number of places where there is no citation to indicate evidence for points made, there are instances where the author does not fully investigate the significance or implications of some of his statements. While he lists the punishments, like the suspension of annuities guaranteed by treaty, meted out to those considered disloyal as a result of their actions during the resistance of 1885, he does not examine the legal basis, or lack thereof, for these punishments nor the limited evidence used in determining disloyalty in the first place. In all of this, despite considerable research and publication in this area, Titley seems oddly cursory in his use of indigenous perspectives.

The last three books examined here are even more broadly conceived than those discussed above, though the themes of cultural assumption and legal struggle remain evident.

*Lines Drawn Upon the Water: First Nations and the Great Lakes Borders and Borderlands*

edited by indigenous anthropologist Karl S. Hele, explores the borderland experience of

Anishinabeg, and to a much lesser extent Haudenasaunee, communities. Taken as a whole, this

collection explores the impact of global forces and international rivalries on local communities of the borderland regions adjacent to the Great Lakes. It investigates how these were navigated and, where possible used to advantage of local inhabitants. While most of the twelve authors in this collection examine aspects of the Canada-US border as an artificial line that was largely ignored by local residents for centuries, the last four chapters investigate “metaphysical and epistemological borderlands”(Hele, xxi). The authors of these chapters examine indigenous responses, adaptations, and resistance to imposed ideas, philosophies, and assumptions. Like many of the studies above, the authors in this collection show indigenous communities accommodating at times, adapting at others, and offering outright resistance at still others. All the while, and in spite of the seemingly overwhelming odds against such an outcome, the Anishinabeg and their neighbours maintained their unique identities as indigenous peoples.

One of the implicit overarching arguments of this volume is that in order to understand the Great Lakes region and its resident populations, one must investigate “the border not as a barrier but as a crucible where conflicting currents of identity, history, and culture shape local and national communities”(Hele, xxiii). Still, the articles in Hele’s collection are so thoroughly diverse in specific subject matter, methodology, and perspective that the unifying borderlands theme seems a bit stretched at times. This, though, is perhaps one of the book’s strengths as well. Taken together these articles indicate the wide range of methodological approaches, intellectual foundations, and subjects that are available for future exploration.

In contrast to the diversity of the Hele collection, activist and professor of Native Studies, Peter Kulchyski is quite clear about his objective and perspective in the playfulness of the title of his *The Red Indians: An Episodic, Informal Collection of Tales from the History of Aboriginal People’s Struggles in Canada*, at least if one pauses at the homonym “red”. This book is a study

of the actions of those indigenous leaders who the author perceives to be on the left of the political spectrum “those who, in fighting for aboriginal rights, saw an affinity or similarity with the struggle against capitalism in Canada” (Kulchyski, 6). Kulchyski has chosen to write the entire text in lower case “showing in the physical look of these words that history needs to be rethought” and to demonstrate his “modest hope that my resistance to capitals parallels or marks my resistance to capital itself” (Kulchyski, 7). The stories collected in this book were originally part of newspaper columns that the author wrote for the *Native Press* of Yellowknife and Kulchyski continues the journalistic style here by refusing to include an index, table of contents, or standard academic referencing, though he does provide suggested readings at the end of many of his sections even if these are often not the most current interpretations available.

This eclectic collection of stories ranges across time from before European contact to the end of the twentieth century and covers the territory from British Columbia to Newfoundland to Grise Fiord and Resolute Bay in the high arctic, all in 158 pages. As with Miller’s far more traditionally academic work discussed above, some of the vignettes presented here are so short that important detail is missed that would further the author’s positions or might modify his interpretations. As with Miller as well, this seems to be especially the case in the sections related to British Columbia where the author has perhaps never had the opportunity to conduct primary research. Still, Kulchyski convincingly presents indigenous people as central to the construction of Canada even as their communities struggled to maintain their unique identities and prominent leaders agitated for a more significant place for their people within that construction. Probably many academics wish, though they might not admit, that they had the intestinal fortitude to write a book like this, eminently accessible but outside of the normal conventions that we all work

within. This book will offend some readers and inspire others, neither of which is probably a bad thing.

Historian John Lutz's *Makúk: A New History of Aboriginal-White Relations* is a thoroughly researched, meticulously referenced, and solidly academic work but like *Red Indians* it too defies what at least some readers might expect from a traditional monograph. This work includes side bar quotations from traditional academics, European and Euro-Canadian historical actors, and indigenous people which add richness to the volume. It also incorporates a plethora of photographs, drawings, and maps that must have taken someone countless hours to put together even if the inclusion of photos of present-day academics seems like a bit of an overkill. Nonetheless, the result is quite a striking package that is both more and less than what the title implies. *Makúk*'s primary focus is on two First Nations in British Columbia, the Lekwungen and the Tsilhqot'in and particularly their economic activities. While, there appears to be no interest in the Métis in this study, and there is little reference to Canada east of the Rockies, other indigenous communities residing in British Columbia appear sporadically. Certainly, the author implicitly uses his discussion on indigenous participation in the capitalist economy in British Columbia to illustrate the relations between First Nations and the relative newcomers to their territories more generally but anyone hoping for "A New History of Aboriginal-White Relations" that will update the earlier but more broadly conceived surveys of Arthur Ray, Olive Dickason, or J.R. Miller, for example, may be disappointed. However, this focus allows Lutz to provide an exceptionally detailed account that will cause readers to re-evaluate their understanding of the importance of indigenous people as workers in the growing capitalist economy in British Columbia.

Lutz goes to some effort to debunk the notion that indigenous people in British Columbia were simply passive victims of modernization and irrelevant to industrialization by showing that they actively participated in the industrial economy and incorporated wage work into their own array of economic strategies. He also provides an important correction to the notion of the “lazy Indian” that remains imbedded in popular discourse and assumptions about indigenous people in the present. He shows, for example, that the current difficult socio-economic situation that many indigenous communities find themselves in can be explained not by some cultural propensity for idleness, but in the geographical location of those communities, in the relative youth of their members, and in the history of relations that this book explores. While this book may not be as comprehensive a study as the title suggests, it is an important contribution to our understanding of how indigenous people navigated the introduction of a capitalist economy into their territories and the impact of all of this on the present. It should prove a welcome addition to the libraries of academics working in related fields and popular audiences alike.

Covering nine books in a short essay like this ensures that none receives the attention it deserves. At the same time, examining these works together could easily push any reader to anger and frustration in response to the inequities and injustices that are clearly evident across the entire history of Canada and that remain prevalent even today. Significantly, though, all of the authors whose works are discussed above also offer hope, not only in their descriptions of the actions that indigenous people took and continue to take to maintain their unique identities, but also in their exposition of dearly held but destructive cultural assumptions so that these can be challenged and subverted. Implicitly, perhaps this is the overarching lesson provided collectively by these works, that we each have a responsibility to carefully consider and constantly confront

those things we consider to be natural and beyond reproach. This, more than overt displays and the proclamations of politicians, would seem to be an integral component of any effort toward a just, prosperous, and harmonious future.

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