

The making of inferences from inadequate samples produced by a disrupted group on its way to extinction has always plagued the student of Beothuck. This study is no exception. No Beothuck canoe exists. The quantity and reliability of historical sources and the efficacy of the miniature model must all be weighed.

There are a number of ways in which this work could be made more useful:

1. The shaky state of knowledge about the Beothuck would at this stage be more validly reflected in tentative statements rather than authoritative ones. One example is reference to "Algonkian-speaking Beothuk" (p.1) when their language affiliation is currently contentious among specialists.
2. Both sides of any argument should be presented. For example, the ambiguity of the shape of the keel line of the canoes is discussed only from the author's viewpoint.
3. Some erroneous statements require correction. For example, "their subsistence was largely based on marine resources, . . ." (p.2) is not at all borne out in terms of the very large, interior sites on which ninety-eight percent of the faunal remains are caribou, which was frozen as a winter staple. And, can the function of red ochre be consistently categorized as "decorative"?

Despite the above shortcomings, this work demonstrates considerable strength in the fulfilment of goal number two: to provide a repository of data. Large numbers of attributes of canoes are systematically tabulated, as well as illustrated by line drawings and some photographs. The glossary is helpful. Commendable also is the impetus the work provides toward the use of experiment as a tool for inference.

This work presents the Beothuck in black and white terms: the Beothuck however, can only be sketched in shades of gray. They remain elusive.

Aboriginal Peoples and the Law: Indian, Metis and Inuit Rights in Canada

Bradford W. Morse, ed.

Ottawa, Ontario: Carleton University Press, 1985. xlv + 800 pp. \$29.95 (paper).

Reviewer: Stuart Piddocke

Erindale College, University of Toronto

When one society and its law become dominant over another, two complementary possibilities emerge. The first is that the dominant society will recognize at least some of the subordinate society's practices as worth supporting and enforcing in the courts of the dominant society; when this happens, we have what a South African lawyer has defined as "native law" (Whitfield, *South African Native Law*, 2nd edition [1948], p. 1). The second possibility is that the dominant society will give the members of the other, now-subordinate society a special status relative to the dominant society and its members, and will develop a corresponding law regulating the relationships between the members of the two societies; when this happens, we have what we may call the "law of aboriginal status" or of "native status." It is important to distinguish between these two kinds of law: the content of "native law" comes from the subordinated traditions, although the recognition of those traditions as enforceable still depends upon the courts of the dominant society; but the content of the "law of aboriginal status" comes entirely from the dominant society.

What is sometimes called "native law" in Canada is almost wholly a "law of aboriginal status." With the recent exception of some native adoption practices (cf. page 421), the laws and customs of the aboriginal peoples are simply not recognized by Canadian courts. This was clear from Cumming and Mickenberg's now-classic reference, *Native Rights in Canada*, 2nd edition (1972), and is abundantly confirmed by the present work. Although, as the editor himself carefully notes (p. xxiii), this book "does not encompass all relevant aspects of the law" and "is not intended to be definitive" (for instance, beyond a one-line mention on page 421, relationships between criminal law and the law of aboriginal status are not discussed; one can't do everything), it nonetheless maps out thoroughly the boundaries and major relief of the law of aboriginal status in Canada. Although the book was not designed for anthropologists—it was designed as a casebook for law schools and as a practical reference work for lawyers and native organizations (p. xix)—it still sets out clearly the legal framework which today governs contact between the indigenous peoples and the other peoples of Canada, and so expresses much which has gone under the very imperfect and misleading anthropological rubric of "acculturation."

The law of aboriginal status is itself growing and changing, and this mutability is well reflected in the discussions of aboriginal title and of international law. Noel Lyon encourages the awareness of such fluidity in his overview of constitutional issues: and let us note that though aboriginal status is now established in the Canadian constitution under the rubric of "existing aboriginal and treaty rights," nobody knows clearly what this phrase will mean. The law concerning native lands occupies much of the book: besides aboriginal title, the nature of land claims, the James Bay and Northern Quebec agreements, the Dene and Inuit claims in the Northwest Territories, and the nature of reserve lands and of taxation affecting Indians, are discussed at length. Plainly, nothing is final: it will be most interesting to follow the course of the law of aboriginal status in Canada over the coming years.

An index, beyond the existing tables of cases and statutes, would have been helpful.

In summary, for persons interested in the matters mentioned in this review, this book is an excellent basic reference.

Tales of Sex and Violence: Folklore, Sacrifice and Danger in the Jaiminiya Brahmana

Wendy Doniger O'Flaherty

Chicago, Illinois: University of Chicago Press, 1985. xiv + 145 pp. \$16.95 (cloth).

Reviewer: Ronald Grimes

Wilfrid Laurier University

Wendy O'Flaherty is one of the more prolific religionists presently writing on myth and ritual in India. Her work ranges from broad thematic treatments (e.g., *Women, Androgynes, and Other Beasts*) to tightly focused ones like this volume, which consists of an introduction to, translation of, and commentary on selections from the Jaiminiya Brahmana. Her argument that the Jaiminiya is the missing link between the Rig Veda (an earlier, priestly document) and the Mahabharata (a later, bardic epic) is suggestive but probably not conclusive.