The Discourse of Law
Sally Humphreys, ed.
New York: Harwood Academic Publishers, 1985. 224 pp. (Volume 1, Part 2 in the History and Anthropology Series, pp. 241-465). $62.00 (paper), $19.50 for 10 or more copies

Reviewer: E. Adamson Hoebel
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History and Anthropology is a new (1985) international publishing venture which "aims to bring together scholars from both disciplines in a way that will cause both groups to view their scholarly ideas in a new light" (inside cover). Bound in softcover, it has the appearance of a periodical, although it is in fact an intermittent series of which each issue is a discrete volume focussed on a single theme and intended "to include a broad survey of the state-of-the-art as well as samples of significant work in progress" (ibid.).

The contents of this issue are grouped in four parts: an Introduction; Law and Local Knowledge; Law and Local Power; and the Legal Discourse: Speech and Silences.

As volume editor, Sally Humphreys undertakes to provide a background setting with a sketchy essay on the development of legal anthropology and what is meant by the concept of law as discourse. The historical sketch, however, is unfortunately too thin to be of much value. It is poorly integrated and often misleading in its emphases, especially with respect to legal realism, in which Roscoe Pound was hardly a major figure, as implied; nor was a search for analogues between Anglo-American legal practices and those of small-scale communities a significant characteristic in its application to anthropology. Legal realism's application of the case method and its attention to behaviour and inductive determination of legal regularities are two of Humphreys' egregious silences.

The critical issue is, however, just how useful as a research concept is the idea of law as discourse. Discourse has a number of meanings, and it is never made really clear as to which is evoked as an organizing principle. The editor describes it "as a combination of speech and action which is inherently historical and political" (pp. 254 and 257). But this is true of all sociocultural phenomena, and it is too fuzzy to serve as an effective analytical tool. All but three of the eight contributing authors simply ignore it in the organization of their presentations.

On the other hand, what does make most of the studies which are offered as significant work in progress interesting and informative is their solid ethnographic quality along with their special attention to the social and political milieu that influenced the actors of the particular time and place.

The range of the papers is wide: Sir Henry Maine (Adam Kuper); Classical Athens (S. Humphreys); Medieval Islam in the Middle East (A. Udovitch); Ninth-Century Brittany (W. Davies); 18th-Century England (W. Nipple); 19th-Century British India (E. Whitcombe); 19th-Century Brazil (M.C. da Cunha); and 19th- and 20th-Century North Lebanon. Some of the papers are brief and unpretentious, as is Whitcombe's paper on the British attempt to establish a proprietary system of land law in India. It says a lot in seven pages, and with little supporting evidence (only

two buttressing footnotes and references). At the other extreme is Humphreys' mini-monograph, on the role and character of witnesses in Classical Athens, which consumes one-third of the entire volume (66 pages with hundreds of intra text references, plus 101 footnotes and a five-page bibliography)!

Captured Heritage: The Scramble for Northwest Coast Artifacts
Douglas Cole
Vancouver: Douglas and McIntyre, 1985. xiii + 373 pp. $24.95 (cloth)

Reviewer: Karen Duffek
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Canadians visiting museums on this continent and abroad must often wonder how Northwest Coast native artifacts found their way from British Columbia into collections as far distant as New York, Berlin and Leningrad. Historian Douglas Cole has scoured the records of 25 museums, collector's papers and museum monographs to uncover a story of intense rivalry among museums for possession of aboriginal material.

The heyday of organized anthropological collecting on the Northwest Coast, by men commissioned by museums, began in 1875 and continued with compelling urgency for 50 years. "The scramble for skulls and skeletons, for poles and paddles, for baskets and bowls, for masks and mummies, was pursued sometimes with respect, occasionally with rapacity, often with avarice. By the time it ended there was more Kwakiutl material in Milwaukee than in Mamalillikulla . . . and New York City probably housed more British Columbia material than British Columbia herself" (p. 286).

Cole's narrative begins with James G. Swan, whose 1875-76 expedition for the United States Centennial Exposition in Philadelphia was the first major collecting to be commissioned on the Northwest Coast. The encroaching activities of French and German collectors prompted others to compete. Director Adolf Bastian of the Royal Ethnology Museum in Berlin had proclaimed the urgent need for museums to salvage what could still be saved of Northwest Coast material culture for the sake of ethnological science. In 1881, Bastian sent J. Adrian Jacobsen to the British Columbia coast to collect what amounted to at least 2400 pieces. The race against time became a race among North American institutions as well. Museums in Washington, New York and Chicago extended their rivalries into the field, and were later joined by Canadian museums. Cole chronicles the sometimes fair, sometimes foul collecting methods of George Emmons, Franz Boas, Charles Newcombe and others, including the native collectors George Hunt and Louis Shotridge. Each lamented the impending destruction of native tribes, but also feared that the other collectors might beat him there.

In the final two chapters of the book, Cole draws together the themes and patterns that emerge from his narrative. He does not attempt to mask the truth that "on the coast the impact of western culture was simultaneous with the collector's work and in great measure assisted it" (p. 295). While recognizing the inequalities of the trading relationship and the dearth of traditional objects now in native hands, Cole takes a firm though debatable stand in his conclusion: museums are now the