

Tangled Webs of History: Indians and the Law in Canada's Pacific Coast Fisheries

Dianne Newell

Toronto: University of Toronto Press, 1993. xiii + 303 pp. \$40.00 (cloth), \$18.95 (paper)

Anthropology, Public Policy and Native Peoples in Canada

Noel Dyck and James Waldram, eds.

Montreal and Kingston: McGill-Queen's University Press, 1993. viii + 362 pp. \$44.95 (cloth), \$19.95 (paper)

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When British Columbia entered Confederation in 1871, First Nations people (referred to then and in Newell's book as Indians) constituted a majority, yet were not consulted in negotiating the terms of union. Nowhere in the process of confederation were the institutions, governments and economies of the First Nations given serious consideration as founding principles of the new Dominion. The Fathers of Confederation thought that, with the implementation of a paternalistic *Indian Act*, Aboriginal people would eventually disappear or assimilate. They were wrong. The legacy of First Nations exclusion is very much a part of Canada's fundamental character today. Belatedly, the 1982 *Constitution Act* entrenched (but did not define) "existing aboriginal and treaty rights" (p. 9), many of which had by then been substantially eroded by more than a century of federal and provincial regulations through which governments extended their "exercise of complete dominion."

The books under review discuss the complex history of Aboriginal peoples' relations to the law and public policy. Both make it clear that Aboriginal rights will only become a reality through the continued and determined efforts of the First Nations themselves. Both explore the roles of academics (in particular, historians and anthropologists) as stewards of information relevant to the process. Newell's book is a sharply focussed account of how Canadian institutions transformed an Aboriginally managed fishery into one managed for the benefit of industrial special interests. Dyck and Waldram have assembled a collection of papers by people directly involved in "the land question," as it has been studied by anthropologists and come before the courts.

Tangled Webs is a powerful and richly documented history of fishing on the west coast of Canada. Newell's comparison of Aboriginal fishery management to that of the Canadian government reveals key differences between a system that evolved with the resource and one that has been suddenly imposed upon it. The perspective she develops is distinctively anthropological. Aboriginal people, she points out, evolved energy-efficient and sustainable techniques for taking and distributing anadromous fish from inland locations. Their social relations of production and distribution are unlike either individual private property systems or the common property that underlies the philosophy of government regulation. The Canadian government, by contrast, has encouraged a more and more costly technology in pursuit of a diminishing and ultimately endangered resource. Government policies and regulations of the fisheries resource, Newell says, "usually are responses to pressure from industry to reduce competition and frequently are not in the best interests of other user groups" (p. 6). Aboriginal

groups, in contrast, "developed highly successful fishing and fish preservation technologies and regionally based systems of resource management and distribution" (p. 45). The struggle today is a direct consequence of a conflict between these two very different historical relationships to the resource.

Newell's book succeeds in unravelling the "tangled webs of history" that have caught both the salmon and the First Nations fishers of British Columbia. At a time when Aboriginal fishers are sometimes blamed for losses caused by government mismanagement, Newell provides a carefully documented analysis of what has actually happened to the resource and its users. In particular, she points out how the 1968 Davis Plan and its successors effectively excluded most Aboriginal people from commercial fishing and Aboriginal communities from their traditional employment in the canning industry. These events shifted "the battle zone" (p. 171) to the food fishery and ultimately to the Supreme Court.

Anthropology, Public Policy and Native Peoples in Canada is national, rather than regional, in scope, and is more closely focussed on the perspective of a single discipline. The book's table of contents reads like a Who's Who of applied anthropologists in Canada. Many of the contributors to this volume initiated the post-White Paper anthropology of public policy regarding Aboriginal issues. However, there are some notable absences (such as Joan Ryan and Harvey Feit), and there are also no papers by anthropologists who were directly involved as expert witnesses in court actions.

Papers by Peter Douglas Elias, Joe Sawchuk and Peter Usher provide ethnographic views from the inside of work sponsored by Aboriginal or government agencies, rather than academic research institutions. In the chapter entitled "Native Perspectives on Anthropology and Public Policy," Dyck presents transcribed interviews with Ron Ignace, George Speck and Renée Taylor, First Nations people with experience in academic anthropology. Speck sees anthropology's role as "going into communities and being the observer and trying to understand a way of life that's essentially different from that of the anthropologist" (p. 184). Taylor points out that anthropologists still generalize the "Indian point of view" from encounters with a few individuals. Ignace says that real experts are important: "We need them because they know the court system or the bureaucracy or whatever it is that we have to confront in order to make our points known" (p. 167). Anthropologists, he says, "have to teach other disciplines" (pp. 171-172).

Derek Smith describes the emergences of Eskimos as a subject population, and the late Sally Weaver examines the role of the Hawthorn Report in making Canadian Indian policy. Papers by Julie Cruikshank and Colin Scott talk about the politics of ethnography and the ethnography of politics, respectively. The book should be required reading for anyone contemplating work relevant to Aboriginal public policy in Canada.