Kayleen M. Hazelhurst (ed.), *Popular Justice and Community Regeneration: Pathways of Indigenous Reform,* Westport, CT: Praeger, 1995, 228 pages.

Reviewer: *Bruce G. Miller*
University of British Columbia

Popular Justice is a collection of 11 essays about efforts in Australia, Canada, New Zealand and the United States to do something about "justice," broadly defined, within Indigenous communities. Hazelhurst presents an overview of three sorts of current efforts to indigenize justice: improved justice service delivery (via the development of para-professionals, family conferences and so on), crime prevention (through life skills and employment training) and the most significant, community healing approaches. The chapters themselves are of two sorts: technical discussions of new programs and hopeful ideological statements about the merits of indigenous justice concepts and practices. Among the more interesting chapters, Hylton summarizes recent research concerning social policy in Canada and efforts to reform Indigenous justice. Angelo details the history of indigenizing Tokelau law, Olsen et al. describe Maori youth justice programs, especially the influential family group-conferencing model. Yazzie and Zion describe what they call the "macrojustice," of the Navajo peacemaker court, which they say will "Slay the Monsters" (social problems) through traditional dispute resolution. O'Donnell treats mediation practices in Australia, focussing on the issues such as the neutrality of the mediator and confidentiality. The strongest chapter describes the efforts to create an Aboriginal justice system in an Ojibway community. Hoyle examines the issues in operationalizing a holistic justice system based on the idea of justice as healing, especially the problems of codifying social processes, of delineating broad value statements which guide practice and the problem of legitimacy as a consequence of the diversity of world views of community members.

A critical assumption underlying many of the chapters is that the establishment of community-based justice will lead to the thoroughgoing restoration of Indigenous communities. All of this is connected, somehow, to gaining legal jurisdiction to practice "traditional" ways, or perhaps, updated, but still traditional ways. While in many communities and among some scholars there is pessimism about the ability to change the justice system and create alternatives, there is nonetheless a messianic flavour to the current debate about restorative justice. There is bound to be disappointment for those communities which unrealistically carry out justice practices of their own choosing. Indeed, this is already the case. Scholars and communities concerned with justice might think in more modest terms about what is possible with indigenization. Instead of proposing that indigenous justice will radically transform communities and redeem individual lives, justice systems might be constructed with the simpler goals of regulating relations between families, of dampening conflict between individuals, of providing justice in a timely manner and of ensuring a measure of peace and tranquility on reserves and urban settings. Indeed, the whole emphasis on equating justice with healing overlooks the more mundane in favour of the dramatic and spectacular. What once primarily concerned practical issues of getting along is now spiritualized.

There are other problems with this volume. Some chapters either assume an edenic approach, uncritically and implicitly downplaying conflict in earlier periods; others focus exclusively on the trauma of colonialism. Both approaches move the analytic lens away from nitty-gritty issues of community relations and regulation and towards the vague and grandiose goals of community healing. The implicit and explicit use of binary models of "Euro-Canadian law and justice and Aboriginal law and justice" mistakenly assumes that Indigenous communities are uniform and that Euro-Canadian law and justice is both uniform and unchanging. Chapter 9, page 172, tells us, for example, that within Euro-Canadian culture "social order is hierarchical," but in Aboriginal culture "individuals are important and should be given freedom. Disorder is corrected through rehabilitative and restorative action." But surely major themes in the history of European and North American law are the creation of civil liberties and the efforts to rehabilitate criminals. There is some germ of insight to these binary oppositions, but they are misleading and treat the current discourses about earlier practice at face value.

Another cost of binary logic is the failure to carefully consider justice systems which seem westernized. The U.S. tribal courts, which actually have significant civil and criminal jurisdiction, are thought to be imposed, Western-style institutions, to facilitate control by the state and to emphasize individualism rather than communal values. Consequently, analysts have not looked at how various tribal courts actually approach the critical issues of how individual, family and tribal relations are balanced, and how indigenous practices are integrated into the legal processes. Only the Navajo Peacemaker Court, an alternative to the Navajo court, is carefully examined. This is a shortsighted mistake; there is something to be learned from the relatively autonomous U.S. courts that cannot be found in the various small-scale and impermanent diversionary projects reported in this volume.

Jane Fishburne Collier, *From Duty to Desire: Remaking Families in a Spanish Village,* Princeton: Princeton University Press, 1997.

Reviewer: *Winnie Lem*
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Jane Fishburne Collier offers us an engagingly written and theoretically informed ethnography that explores the development of a "modern subjectivity" in an Andalusian village which has undergone dramatic socio-economic and demographic changes since 1963. Using ideas derived from both

Foucault and Giddens on the modern subject, Collier explores the contrast between the ways in which the people of "Los Olivos" explained social practices in 1963 and 1983, the years during which the author undertook field work. In essence, this is an ethnography that focusses on narratives and according to Collier, in 1963, narrative accounts of behaviour referred the social forces of rule, obligation and convention as impelling people to act in certain ways. Hence "Duty" in the title of the book. In 1983, however, villagers explained their actions by reference to individual motives and agency. Will, emotion, personal attributes became salient in narratives and the behaviour of villagers was seen as inwardly guided, so Collier argues by the knowledge of wants gleaned from self-reflection. Hence, "Desire" of the book's title and the development of a modern subjectivity which according to both Foucault and Giddens involves self-reflexivity, self-invention and self-production. Collier explores the shift from the traditional, more socially determined subject, to the modern, internally generated subject by analyzing the institutional practices through which families were made and remade in the 1960s and the 1980s and chapters on courtship, marriage, children and death form the core of the book.

The book begins, however, with a chapter on inequality which outlines the economic changes nationally and locally that led to the shift. Competition from commercial farming in other regions of Spain combined with the economic crisis in the 1970s effectively put an end to the viability of agriculture in Los Olivos and livelihoods came to be based on work for wages through migration in a national labour market. With the decline of agriculture, inherited property was replaced by occupational achievement in determining wealth and status. These changes formed the key to understanding the nature of transformations in the set of practices and explanations of practices associated with the formation of families. Writing on courtship, for example, Collier argues that romantic love came to replace "honour" as a consideration of people contemplating courtship in the 1980s. As the importance of inherited property evaporated, romantic love supplanted considerations of maintaining family honour and preserving what became valueless patrimonies as an explanation of attachments formed between people prior to marriage.

In the final chapter of the book, Collier is concerned with another shift—i.e., how people shifted their identity from villagers who were "traditional" to Andalusians who "had tradition." Here, Collier offers an explanation for why modern subjects seem to invent and borrow traditions that are not "authentic" to assert their identity. She does this by returning to a discussion begun in the introduction on the nature of tradition. Collier argues, consistent with her theses of the shift from the outwardly constrained, traditional subject to the inwardly conscious modern subject, that the "traditions" adopted by modern Andalusians are the ones which simultaneously promise pleasure rather than constraint and the suppression of desire and enable the wheels of commerce to turn, while also serving as a means for resisting modernity's impersonal rationalization of social life. The traditions that are selected are consonant with modern subjects sense of self and individual need. Here Collier presents a provocative discussion on the "modernity of tradition," undermining the convention of opposing tradition to modernity and also deftly tackles the issues of authenticity in a discussion of Andalusian nationalism in Los Olivos.

The great strengths of Collier's study are its theoretical insights on the nature of tradition and the consistency with which she expounds upon her themes and arguments. The author makes a valuable attempt to move beyond the conventional dichotomy that is often drawn between tradition and modernity and to subvert what she calls the "standard modernization story of progress from constraint to freedom" (p. 11). To do this, she takes issue with Giddens, whom she argues portrays the modern subject as faced with unconstrained choices and follows Foucault, in her efforts to grasp the social conventions the newly emerging but not yet consciously crystallized forms of social regulation that govern village life. In these respects she successfully identifies the unarticulated practices and concepts for monitoring social life in the modern world of Los Olivos in the 1980s and contrasts them with the overt and fully articulated set of conventions of the world of tradition. Indeed much of Collier's theoretical meditations centre on the notion of tradition. In the introduction she offers a very rich and systematic discussion on the nature of tradition, isolating three meanings of the term, elaborating upon them throughout the study. However, there is less of a dedicated and systematic treatment of modernity. Since the notion of modernity and modern subjectivity are so key to her arguments and analysis, a focussed discussion of theories of modernity beyond Foucault's and Giddens' interventions would have enhanced her book. In the absence of this discussion, the author runs the risk of presenting as homogenous the multiple and contested meanings of the term and its usages by different subject categories, i.e., the men of Los Olivos, the women of Los Olivos, agricultural workers, entrepreneurs, anthropologists, social theorists and so on.

As I mentioned earlier, the consistency of her arguments is one of the strengths of the book. Yet, it is also the book's weakness. Her presentation of the pervasiveness of one kind of subjectivity in one era and another in another separated only by 20 years leads to some scepticism. Indeed, Collier herself, noted in chapter 1 that many of her colleagues have suggested that some of the distinctions made between the past and the present may be overdrawn. I share this scepticism not only on the grounds that in the space of a few years an entirely new "mentality" is unlikely to emerge in such a thoroughgoing fashion but also on the basis that the social reality that we confront in the field as anthropologists is seldom as consistent as the theoretical and conceptual paradigms within which we work. Though of course we hope against hope. But these issues are really abstract points of principle. More substantively, my own concerns regarding the degree of comprehensiveness of this new single subjectivity

is based more on the paucity of information on social structure, political and economic context, as well as cultural process. Very few of the interlocutors are identified in terms of their positions in the social structure and their occupational categories. The general absence of a systematic comparison of social, occupational structure, land tenure and livelihood activities in both the 1960s and the 1980s is problematic. This very important information would enable an understanding of the multiplicity of factors which might play a role in the production of different subjectivities in different eras or different subjectivities in the same era. For example, would an agricultural labourer or woman home worker share the same kind of modern subjectivity as a member of the landed elite or entrepreneur? By the same token, since the transformation from an economy based on agriculture to one based on wage labour was so key, some attempt to elaborate upon the larger political and economic context is also important in determining the ways in which subjects and subjectivities are produced. For example, how did the change from the repressive authoritarian state, to a relatively democratic state and their different agendas for developing the Spanish economy and agriculture exert and influence the conceptual universe and the techniques of regulating and of managing the self and others? Finally, Collier refers to the changes she notes as "shifts" between 1963 and 1983, no doubt reflecting how her own field work was structured in time. A sense of how those shifts were accomplished is absent. Were there struggles that might have ensued within families over how the family might be remade? The impression offered is that the inhabitants of Los Olivos simply left behind one conceptual universe and stepped into another, all-encompassing one. The question of process is begged and it bears directly upon the question of how totalizing is this new subjectivity. I recognize that the answers to some of these questions require the author to have engaged in a different kind of field work, one that focusses less on narratives, and this is not what she has done. Yet, without some attention to these concerns, some degree of scepticism regarding Collier's assertions can be maintained. Moreover, the questions raised here on problematizing modernity, structure, context and process need to be addressed also for the author to successfully navigate her way around her own stated desire, simply reproducing the tradition and modernity dichotomy. As it stands, the dichotomy persists, in my view and I might hazard, her own, as a reflection of the constraints of the conceptual categories used by a self-conscious modern subject (p. 10). The author, who while being engaged in an Enlightenment undertaking—the practice of anthropology—dutifully imposes it upon on the subjects of this scintillating study.

Richard Katz, Megan Biesele and Verna St. Denis, ***Healing Makes Our Hearts Happy: Spirituality and Transformation among the Kalahari Ju/'hoansi,*** Rochester, VT: Inner Traditions, 1997, 214 pages, U.S. $29.95.

Reviewer: *Mathias Guenther*
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The trance dance is a prominent feature in the anthropological literature on the Bushmen, ever since the publication, in 1982, of Richard Katz's *Boiling Energy*. As the principal author also of the present monograph, frequent reference is made to this work, which follows the same analytical path (while deviating theoretically from the previous study, in its postmodernist soundings and leanings). The primary focus of the analysis is on the form and function of the trance dance, of the Ju/'hoansi of western Botswana, and on the "moods and motivations" of the trance dancer and his or her relationships with the community as well as the people's political aspirations and actions within what has become for the Bushmen of today a largely post-foraging world. Another, more secondary consideration is the symbolic and phenomenological side of this complex ritual, the principal focus of most of the recent studies of Bushman trance dance which treat this "shamanic" healing ritual as a symbolic key to understanding other domains of Khoisan culture, most particularly rock art, myth and cosmology. This study of the trance dance thus complements existing studies and, by providing a sequel to one of the classics in the field, offers a long-term perspective on one of the key institutions of Bushman culture.

The study examines the Ju/'hoan trance dance from the conventional synchronic and diachronic perspectives of "tradition" and "change" (as well as "continuity," as a strong component of "renewed tradition" attaches to the contemporary trance dance). The first treats the healing dance as a condensed version of Ju/'hoan foraging band society, while the second presents the dance, in both its traditional and "renewed" form, as a vehicle for social change and political action on the part of post-foraging Ju/'hoansi. As an "ancient heritage," which in its *modus operandi* and its values recapitulates Ju/'hoan society; the trance dance's "structure is the same as society itself." In its intense, prolonged, widely attended performance social and gender equality, intra- and intergroup sharing, exchange and kin networking, levelling and co-operation are played out and mediated. Like storytelling—a theme explored in like analytical fashion by one of the coauthors, Megan Biesele, in her recent book on Ju/'hoan folklore—the trance dance becomes an arena for the moral, emotional and creative interplay between the individual and the community. Being so grounded in experience, and rendered real and meaningful, the trance healing dance is seen by contemporary n Ju/'hoansi as "our thing"; it is "quintessentially Ju/'hoan." The reason the dance has assumed this ethnic stamp among the Ju/'hoansi is the ever-expanding presence of the Black pastoralists on their lands, and along with it the oppressive practices and attitudes the Black power holders of the country extend toward this ethnic minority.