

lower priority than economic growth. Long-term ecological adaptations of peasant farmers in the Campeche region confront new ecological laws based in a Western model of sustainability compromised by the neoliberal agenda. Gates raises the prospect of an alternative approach to sustainable development, giving importance to “cultural as well as biological diversity, the right to democracy, and the satisfaction of basic human needs” (p. 171), similar to processes set in motion by the Zapatistas in Chiapas. Gustavo Lins Ribeiro and Paul Little take up a similar theme in their examination of Brazilian environmentalism discourse. “Environmentalism . . . has stressed . . . the value of local/global relationships for political action” (p. 186) through networks, brokerage, and local participation. Noting such dangers as co-optation of local leaders in Brazilian Amazonia, their view is that globalization offers opportunity for local populations to defend their interests against those promoted by outsiders, and potential for transformation of their agency.

This small book draws together distinct local-global interface histories, achieving thematic unity through the editor’s conceptual analysis and some cross-referencing. Absence of an index is unfortunate. Overall, the book offers a compelling contribution on the dialectical character of local-global dynamics, and complexities of cultural creativity in the economic and political realities of peoples’ lives. The essays provide accessible—sometimes vivid—reading for use in both graduate and undergraduate courses on globalization and/or Latin America.

Parnesh Sharma, *Aboriginal Fishing Rights: Laws, Courts, and Politics*, Halifax: Fernwood Publishing, 1998.

Reviewer: *Chris Hannibal Paci*
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When I first embarked on this research, I expected to reach a different conclusion. At first glance, all indications pointed to a very positive interpretation and application of the principles enunciated in *Sparrow*. There were indications that the government was doing all it could, in an expeditious manner, to respond to the Supreme Court of Canada decision . . . an initial reading of the SCC decision, with its grandiloquent statements about mistreatment of aboriginal peoples, seemed almost enlightened . . . upon further research and critical analysis, my initial opinion gave way to disappointment and outrage. (p. 92)

In 1990, the Supreme Court of Canada handed down a mixed decision in *R. v. Sparrow*. While the decision established Aboriginal rights to fish it also subsumed Aboriginal fisheries within the Crown. Parnesh Sharma (1998:12) examines this decision “as well as the ability of subordinate or disadvantaged groups to use the law to advance their causes for social progress and equality.” He examines the particular legal rights to fish before and after this decision. Sharma’s socio-legal historic analysis of recent Supreme Court deci-

sions expresses the same pessimistic view about Canadian courts as was advanced by the Royal Commission on Aboriginal Peoples. RCAP (1996:683) noted that “courts are a blunt instrument . . . legal processes and direct action can delay projects . . . it is the treaty relationship that will establish a genuine reconciliation between Aboriginal peoples and other Canadians, based on the principles of mutual respect and sharing.” The final reports and recommendations of the RCAP share divergence and convergence with *Aboriginal Fishing Rights*.

Aboriginal Fishing Rights: Laws, Courts, and Politics is plainly laid out in five chapters: “Introduction,” “Aboriginal Fishing Rights before *Sparrow*,” “The *Sparrow* Decision,” “After the *Sparrow* Decision,” and “*Sparrow*, the Law and Social Transformation.” For anthropologists this book is a too brief, but nonetheless fascinating discussion of equality and social transformation since the establishment of the Canadian *Charter of Rights and Freedoms* (1982), as expressed through a challenge to the Canadian Nation state by Aboriginal fishing rights. As a source book *Aboriginal Fishing* provides a summary discussion of the evolution of Aboriginal fishing rights in Canadian Courts. For students of cultural anthropology and environmental anthropology, the book serves to deconstruct the ideology of representative minority legal rights, laying bare the concept of ideology as central to discussions of law.

Anthropologists interested in fishing cultures, adaptations, social movements, technologies, and social-natural relationships, will find Sharma’s book insufficient to fully understand the relationship of Aboriginal fishing and Canadian courts. The book is narrowly constructed and would have better served the author by fleshing out the arguments beyond the legalistic. Much of the historical developments leading to the contemporary fisheries in British Columbia are absent. Furthermore, Aboriginal fishing rights have had profound impacts outside of British Columbia and Sharma is noticeably silent on this point.

Many would agree that fishing people are by their very definition located or situated. Since European nations degraded and overpopulated Europe and the surrounding waters—outpacing local supplies, they began to cast their nets further ashore. The impacts of doing so have been subsumed under the rubric of colonization and imperialism. Sharma notes, “the history of colonialism and imperialism is a history created by the European powers and not by the vanquished. Indeed, recorded history remains the prerogative of those who have produced it” (p. 33). This statement is misleading, for his analysis really is a narrow focus on conditions in BC and says little about history. Since the colonial processes began in North America during the 1400s, fishing has developed a duality to satisfy local and market needs. The process replicated in Canada, and elsewhere, as a form of internal colonialism saw fishing companies accessing fishing stocks under conditions of frontier economics.

Sharma argues that, “the battle over fishing rights is really a battle over a valuable commodity and resource. It is a

battle between the powerful commercial industry and the aboriginal fishing communities who refuse to have their rights ignored and are asserting those rights with a persistence never seen before in Canada" (p. 30). Every single fishery in Canada has experienced the characteristics of: displaced Aboriginal fisheries, heavy depletions of stocks, enactment of fishing regulations, much fine-tuning, political-economic interference in fisheries management, struggles to control access to fish, excessive rates of exploitation and finally crisis. That there is anything other than salmon fisheries, harvested by First Nations, is not lost on this reader. For the uninitiated I would not recommend this book alone. In the final analysis it should be read with regional histories, such as writings by Diane Newell, Anthony Gulig, Frank Tough, Tim Holzkamm, Bonny McKay, to name a few from west to east coast.

Sharma's initial "strawman," cited in the preface of this review, needs to be questioned. With the history of Aboriginal fisheries in Canada it is no surprise that there is a struggle over Aboriginal fishing rights, a struggle that increased since Aboriginal and Treaty rights were enshrined in the Canadian Constitution (1982, [s.35(1)]). Before 1982 the federal government, through the Department of Fisheries and Oceans, and provincially through various Ministries of natural resources and fisheries, negated Aboriginal and Treaty rights to fish resources. I have spent the last five years studying Cree and Ojibwe knowledge of lake sturgeon (which they call namaew/name), and I can tell you that the historical displacement of Aboriginal fisheries occurred in Manitoba over a hundred years ago. In British Columbia, Salmonids are the main resources and the displacement of Aboriginal salmon fisheries mirrors what occurred a hundred years earlier in the east. That is until 1982.

The struggle has changed due to the Constitution. The focus on the right to fish as a cultural right to resources, a right to subsistence, and a right to commercial development, is indeed profound and misleading. The complexity of this "rights discourse" is based on a complex set of developments, including changing environmental histories, political and social developments, and a concentration of global capitalism through industrialization of fishing. The significant limit of this book is the research and analysis ends in 1996. Since then the Supreme Court has decided on the nature and test of Aboriginal title in the *Delgamuukw* decision (1997). It would be interesting to know how the analysis in this book would change when *Delgamuukw* is factored in. Does the decision further mystify and thwart Aboriginal economic and political development? Has the Supreme Court managed to integrate First Nations into the Canadian body politic? Has the establishment of Aboriginal title as a *sui generis* notion of collective title impinged further on the question of minority rights? Read *Aboriginal Fishing Rights* along with other fine books such as *Fishing Places, Fishing People: Traditions and Issues in Canadian Small-Scale Fisheries*.

References

- Diane Newell and Roesmary E. Ommer (eds.)
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Susan F. Hirsch, *Pronouncing & Persevering: Gender and the Discourses of Disputing in an African Islamic Court*, Chicago: University of Chicago Press, 1998, xiii + 360 pages.

Reviewer: Blair Rutherford
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Through carefully interweaving current thinking from linguistic and legal anthropology, feminist theorizing, and postcolonial Islamic and Africanist research into a multilayered text, Susan F. Hirsch has provided a rich, insightful and powerfully argued ethnography on the performance of disputing marital conflict in Islamic Kadhi Courts of Swahili communities in coastal Kenya. This latest book from the "Language and Legal Discourse" series from the University of Chicago Press pushes boundaries in many (sub)fields while offering an engaging understanding of current gender politics in an Islamic setting in postcolonial Africa.

Hirsch frames her ethnography around a current postcolonial feminist dilemma: how to understand, and write about, gender hierarchies without reifying nonwestern women into agentless victims or, the reverse, celebrating their "agency" in a way that whitewashes very real hierarchies and inequities. The dilemma is especially acute for Hirsch given her subject matter: Islamic women and Islamic law. A well-established academic and feminist literature, as well as common conventional understanding in North America (and elsewhere), depicts Islamic women as literally silenced by Islamic law, assuming that throughout the "Islamic world" this institution provides very few legal rights and protection for women and thus contributes to their general oppression under Islamic patriarchy (in contrast, as the established narrative goes, to the freedoms western women enjoy under liberal democracy). This image does resonate with a dominant discourse amongst Kenyan Swahilis regarding marital disputes which is summarized in the book's title: the husbands are authorized to make legal pronouncements of divorce while wives are encouraged to silently persevere through marital hardships. Yet, as Hirsch carefully and persuasively shows, alternative gender relations have been effected through this hegemonic discourse, thereby exposing its own limits as well as those of western essentializing discourses. For the catch, Hirsch's route out of this dilemma, is that since the 1970s Swahili women in Kenya have not only been initiating but also, and more importantly, been winning