

At another point he states that the Selkirk settlers were told that "*the Indians would scalp them all.*"(p113) Given that Aboriginal peoples so seldom figure in the book, this kind of writing only serves to reinforce racial stereotypes.

Instead of digressing to the Pacific coast, as Bumstead does, he would have served history better by including an Indigenous perspective. The Pacific coast digressions may be interesting to some readers but they do not enhance our understanding of the so-called fur trade wars. Nor do these digressions help to explain how the fur trade "*wars*" had such a "*profound effect on the development of western Canada.*"(p34) If this statement is true, it is not explained by this book!

The book does provide some useful legal and corporate information and it includes some interesting history regarding events in England and Scotland. But it is not really enlightening on the fur trade, Indigenous peoples or the so-called fur trade "*wars*".

Indeed, this book raises the question whether the phrase "*fur trade wars*" is at all accurate or useful. The book shows clearly that the conflict was mostly commercial and legal in nature, no doubt a reflection of the sources used in its making. Most often, Bumstead only alludes to violence with very few examples offered to show that it ever amounted to a "*war*". The expulsion of the Selkirk settlers, the capture of Fort William and the ambush at Grand Rapids notwithstanding, there is little in this book to substantiate the title, *Fur Trade Wars*, and even less to support the pretentious subtitle, *The Founding of Western Canada*.

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Curtis Cook and Juan D. Lindau, eds. *Aboriginal Rights and Self-Government*. Montreal/Kingston: McGill-Queen's University Press, 2000.

Review by Sarah Pocklington, School of Native Studies, University of Alberta

The editors of *Aboriginal Rights and Self-government* state that the essays in this book, most of which were originally prepared for a colloquium held at The Colorado College, are an "exploration of the progress of the Aboriginal rights movements in Canada, Mexico and the United States." The majority of the contributors hail from the disciplines of po-

litical science and law, and many are renowned scholars in their fields. As with many works of this kind, there are a few outstanding essays, several solid to mediocre ones and at least one that ought to be avoided. In the first chapter, the editors do an admirable job of trying to present an overall comparison between the historical, socio-economic and political environments of Canada and Mexico and introduce some of the factors that have played a role in the ability of indigenous movements to affect political change. This chapter would be particularly helpful to those who are not well versed in the historical developments of these countries. Two chapters in this compilation are particularly noteworthy. James Tully's essay entitled, "A Just Relationship between Aboriginal and Non-Aboriginal Peoples of Canada" asserts that a relationship between Aboriginal and non-Aboriginal peoples "that would meet the demands of justice and utility on both sides appears to consist of the following five principles: mutual recognition, intercultural negotiation, mutual respect, sharing, and mutual responsibility (43)." Tully examines each of these principles in turn. His section entitled Mutual Recognition is especially compelling, as it is here that Tully asserts, "Canada should be seen as comprised of two confederations rather than one." The first confederation is the treaty confederation between the First Nations and the Crown (later the federal government and to some extent the provinces), and the second is the constitutional confederation of the provinces and the federal government (51). Tully further suggests that the term "Canada" be used to refer to "a political association of the two confederations." Tully's view is important because it offers another alternative to the current debate that largely centres around the implementation of Comprehensive Claims based on aboriginal rights and some element of Constitutional recognition or a quasi-municipal model of self-government. Though provocative in theory, the weakness of his argument is the lack of attention paid to how this model might work in practice. As a final note, the strong connection between what Tully has to say and the chapter written by Gustavo Esteva ought not to be overlooked.

By far the most exciting and thought-provoking piece of work in this book is "The Revolution of the New Commons" by Gustavo Esteva. A political journalist and the author of several books, Esteva describes himself as "a grassroots activist and a deprofessionalized intellectual." This man can write. His understated passion and his eloquent writing style combined with his provocative perspective engender an essay that ought

to be read by anyone interested in indigenous self-determination and self-government. Esteva asserts that:

Democratic governments could be dedicated to the common good if they linked real government with the social majorities organized in their own commons and if they were designed on a human scale so that the people could govern themselves and assume responsibility for their own behavior (208).

Indian peoples in Mexico "want to advance towards radical pluralism, to promote the harmonious coexistence of culturally differentiated peoples" (186). This would be a society where "individualized, Westernized Mexicans will coexist with people living in commonality" (*ibid*). Esteva contends that there is an alternative to industrial society that embraces localization instead of globalization; ruralization rather than urbanization, and recovery of the commons and the "present" rather than modernization and individualization. In addition, Esteva does examine how this might work in practice, and offers some moving examples of how one family and their community is "learning to limit modernity." Throughout his work Esteva examines several issues of import including the role and impact of the Zapatistas, the question of power, the process of ruralization and of peoples reclaiming the commons. He also examines the challenge of creating new structures that will make formal democracy compatible with radical democracy as he defines them.

Unfortunately, the book as a whole contains some serious weaknesses. It seems almost preposterous to claim to compare indigenous movements in both Canada and Mexico, and then include only two essays out of nine that consider developments in Mexico. The same criticism can be made of the fact that only one essay is offered to explain why there is little corresponding activity in the United States, and this essay makes no mention of Mexico at all. Though the body of work presented in this book is generally well written and scholarly, most of it has been presented before in some form or other. There isn't much new here. The chapter entitled, "Quebec's Conceptions of Aboriginal Rights" may be appropriate in a book written strictly for lawyers, but it has no place here. And finally, only the chapter by C.E.S. Franks directly deals with the question of aboriginal rights in any significant way. Though Franks acknowledges that rights are contestable and complex concepts, he devotes his paper to examining other important questions concerning the use of aboriginal rights. Thus, the critical questions concerning what a right is,

what an aboriginal right is and how these concepts relate to the situations found in Canada, Mexico and the United States are not directly examined anywhere in the book. This is a serious omission, especially for a book entitled *Aboriginal Rights and Self-government*.

Vine Deloria, Jr. and David E. Wilkins. *Tribes, Treaties, and Constitutional Tribulations*. Austin, Texas, University of Texas Press, 1999.

Reviewed by Donald A. Grinde, Jr., University of Vermont

This book is a detailed and vigorous investigation of the relationship between the U.S. Constitution and Native American Nations and peoples. Asserting that federal Indian law is an inconsistent collection of Congressional Acts, treaties, judicial opinions, executive orders and administrative rulings that are connected arbitrarily by the fact that they have been utilized in some aspects of American Indian Law in the last two centuries, the authors muster a compelling case for their interpretation of the nature of Native American law in the United States. In chronicling the baffling and contradictory applications of American Indian Law, Deloria and Wilkins develop a strong and significant argument that the U.S. Constitution provides no legal rights for Native Americans. The authors then state that the upholding of Native American sovereignty and treaty-making rights is the most effective way to better Indian-white relations in the future.

The authors use a historical approach to muster their argument. The book starts out with an examination of sixteenth century European theories and then analyzes the Articles of Confederation period, the development of the U.S. Constitution and its various clauses as well as subsequent Constitutional Amendments and recent legal developments. Throughout this process, the reader is given a host of data, precedent and law that supports the authors' thesis that U.S. Indian law is a morass of inconsistencies that serves the colonizer well but not the colonized. While this may seem obvious to Native American historians and Native people that have lived under these laws, the law has had difficulty in dealing with the maddening and destructive paternalism that has been inherent in the development and implementation of American Indian Law. Hope-