

provided impetus to dream of what has yet to be done.

But it is not all smiles and sunshine, to paraphrase one of the authors. The challenges are great and throughout the book we are continually reminded of the barriers that exist in terms of funding, and institutional resistance to change as just two examples. Still, the authors allow us to glimpse what is possible. I think the editors sum it up best in their conclusion: "This collection of case studies and research reports presents a snapshot of the complex landscape in which Aboriginal education is taking place – a landscape in which hope and possibility live side by side with constraint and frustration" (p.251). It is an inspiring collection, but with a dose of reality.

If there is any weakness with the collection, it is that some case studies appear dated several years after their initial submission to RCAP. Davis acknowledges such a limitation in her chapter on distance education as her research predated the proliferation of Internet resources and more widespread use of this medium in Aboriginal education. Valaskakis' recounting of Aboriginal broadcasting was written prior to TVNC's becoming the national APTN. Similarly, LaFrance's epilogue on the Akwesasne Science and Math Pilot Project leaves one wanting more details. The material in this collection, based on research undertaken in the early to mid-nineties, is probably as recent as it can be; yet new challenges and new resources in Aboriginal education have appeared in this short amount of time.

This is indispensable for educators and should be read by policy planners.

References

- Katherine A. Graham, Carolyn Dittburner and Frances Abele. *Soliloquy and Dialogue: The Evolution of Public Policy Discourse on Aboriginal Issues*. Ottawa: Royal Commission on Aboriginal Peoples, 1996.

Jo-Anne Fiske and Betty Patrick. *Cis Dideen Kat, When the Plumes Rise: The Way of the Lake Babine Nation*. University of British Columbia Press, 2000.

Review by Brian Thom, McGill University

Cis Dideen Kat is an important new book on indigenous customary law. It is a highly dynamic and engaging study that looks at customary law of Lake Babine First Nation who live in the central-northern region of British Columbia. At the core of the study is an investigation of the *balhats*—or potlatch—and how the cultural practices around the *balhats* form the basis of Lake Babine customary law. Throughout the book the authors link the issues surrounding tradition, *balhats* and customary law to contemporary issues, making this an excellent book for those interested in understanding how tradition can inform contemporary justice, land claims and self-government issues.

The first two chapters describe the social and political context of this study in a contemporary First Nations community and the methodological and theoretical issues that arise in a study of customary law principles. The authors describe customary law as “a continuously unfolding body of principles” (p. 18) based on fluid processes of meaningful action. As such, they are careful not to create an artificially definitive set of customary laws based on their findings. From a “traditional” point-of-view, traditional stories of the Elders are the law. The meanings and interpretations of customary law have changed with the pressures of colonialism, and are now fairly heterogeneously conceived of within the present-day community. Throughout the study, the authors are attentive to these different visions of customary law held by community members intersects with those held by the state.

Chapter two provides a discussion of Lake Babine social organization which forms the foundation for the analysis of the basic legal principles that the *balhats* govern. In chapter three the authors discuss changing local land tenure and governance practices through the voices of Elders who have observed a transformation from an orderly community 30 years ago when it was more “traditional”, and when hereditary clan chiefs managed the land and resource locations. Today, social problems in rural Babine communities are often said to stem from being too remote to receive good services, while those located in or near towns have problems which community members describe as originating in the loss of traditional lands and resources, and the false solace of readily available alcohol and drugs. The authors argue that a part of the explanation for these problems lies in the shifting social roll of hereditary *balhats* names. These names, or titles, create responsibilities under the protocol of traditional laws. Today few adults ($n = 93$ out of 700 adults & 1300 young

people) hold these names. Without having to follow the responsibilities required of named people by *balhats* law, it is difficult for customary laws to maintain their social force. Chapter four and five give a nuanced, careful description of potlatch events and their contemporary and historic significance. It is a welcome and refreshingly alive addition to the already massive literature on the potlatch, offering new insights into the relevance of this potlatch "tradition" in contemporary political and social settings. The authors review funeral *balhats*, memorial *balhats*, name-taking *balhats*, female rites of passage *balhats*, clan-transfer *balhats*, shaming *balhats*, and dispute settlement *balhats*, in order to make specific observations about the ways in which customary law is given social force. They do this by moving from historic texts (taken critically) to contemporary interviews with community members, carefully documenting continuities and changes in practice and meaning. Throughout this discussion several examples are provided of how potlatch laws conflict with Canadian law. An example of this is funeral *balhats*. Provincial laws do not recognize the mourning periods required before trap lines can be inherited, creating conflicts for Babine who uphold the customary laws. Despite the difficulties, the authors demonstrate how the *balhats* system continues to be viable in ways consistent with the social practices observed by early writers in the 19th century.

Chapter six refines the discussion of Babine traditional law by drawing parallels between the principles that emerge from the *balhats* and those found in the contemporary legal and justice system. *Balhats* laws are the legal basis for succession and inheritance, territorial laws and resource management, family law (including marriage, divorce and mourning), dispute settlement, village governance, special rules of conduct for women and principles of justice taught to children. The authors recognized that it would not be possible in a book such as this one to codify all the customary laws, but they do provide a solid methodology to begin to codify customary law through the study of potlatch principles. Principles of customary law recognized in the *balhats* continue to provide community leaders a way to manage lands and resolve disputes. In areas such as rules of women's conduct, however, dramatic social changes have made these laws difficult to follow today.

Chapter seven outlines how imposed colonial legal orders, such as the Hudson Bay company, the Durieu system, the laws introduced by magistrates and Indian Agents, and contemporary legal pluralism have

provided conflicts and challenges to the traditional system of customary laws. Today, the authors argue, the community operates under a kind of "plural legalism" where different forms and visions of the customary laws provide a multitude of strategies from which people can think about the legal issues encountered in their lives. The authors give life to this abstraction of Babine legal life through descriptions of traditional and non-traditional laws to legitimate claims over disputed land. Their discussion of how plural legalism can create very different solutions to the current problem of overlapping claims in the BC Treaty Process powerfully highlights this discussion.

Contemporary justice issues are the topic of chapter eight, particularly problems of sexual and substance abuse, family violence, vandalism and conflicts with the dominant legal system. The authors pay particular attention to understanding the different strategies of articulating and striving for justice provided by women and men, and the kinds of justice solutions that these community members have suggested in improving education, health, resource allocation, and community relations. The book concludes with a look outward from the highly specific discussion of Lake Babine *balhats* to the analogous legal principles that could be articulated from potlatches and narratives in neighbouring Northwest Coast and Athapascan societies.

This is a book that would be well situated in upper undergraduate level courses on Contemporary Native Issues or Traditional First Nations Culture. The frequent framing of the material into a larger theoretical and scholarly context makes this an important study on the dynamic interplay of a traditional legal system with contemporary justice issues. The book is well informed by current post-colonial scholarship, making it theoretically engaging, while richly locally situated.

It would also serve as excellent material for those in Government or the Civil Service who are trying to grapple with how traditional laws can be envisioned. Given the importance of these laws in forming part of the basis of such constitutionally protected principles as Aboriginal title and rights, the book is a guide to how traditional laws can be conceived and written about, and the kind of careful understanding of history and contemporary community life that is needed to characterize such legal principles. Too often in the past these laws have been characterized in simplistic or a-historical terms. Fiske and Patrick's work brings the lived experience of these customary laws together with history and a well

grounded theoretical position about the importance of power relations in understanding something as complex as traditional laws in contemporary First Nations society.

Renée Fossett. *In Order To Live Untroubled: Inuit of the Central Arctic, 1550 to 1940*. University of Manitoba Press, 2001.

Reviewed by Robert MacDonald, The Arctic Institute of North America, University of Calgary

Recent years have seen a growing interest in aboriginal history. In piecing together this history, in the absence of indigenous written record (particularly for the distant past where oral history falters), scholars and others have to use European and Canadian sources, recognising the ethnocentric limits of these materials. For the Arctic, Richard Condon's *The Northern Copper Inuit: A History*, and more limited Lyle Dick's recent *Muskox Land: Ellesmere Island in the Age of Contact* are illustrative of this trend. Renée Fossett's study of the Central Arctic or Nunavut (except the Copper Inuit) fits well into this area of scholarship. Using archaeological studies on pre-contact history, and explorers' accounts from Frobisher to Schwatka, she attempts to craft a history of The Inuit. Important are the fur traders' accounts, especially those of the Hudson's Bay Company. Occasionally Inuit stories from the area and elsewhere are used to substantiate concepts. The focus of the book is the Central Arctic but while some material is drawn from the Baffin area, Labrador and Ungava, and the Hudson Strait, even Alaska and the Mackenzie Delta, the emphasis is really on the Keewatin region to King William Island, Boothia Peninsula, Melville Peninsula and Somerset Island. This is not surprising given the explorers' literature (including the search for Franklin) and HBC records. Fossett herself lived in the region for some time.

Essentially the book's thesis is that the Inuit and their predecessors adopted several means of survival and transition, in response initially to physical/environmental changes and later also to the European/Canadian presence. It tries to identify those aspects of society they chose to change, and why practices were adopted or rejected (p. xiv). Before contact, the archaeological record suggests transition to a new environment by aban-