PROJECT MUSE®

Compact, Contract, Covenant: Aboriginal Treaty-Making in Canada , and: The Power of Promises: Rethinking Indian Treaties in the Pacific Northwest (review)

Jill St Germain

The Canadian Historical Review, Volume 91, Number 2, June 2010, pp. 355-359 (Review)

Published by University of Toronto Press

DOI: <https://doi.org/10.1353/can.0.0300>

➔ For additional information about this article

<https://muse.jhu.edu/article/381741>

with staples theory and the transition debate – are not entirely persuasive. I doubt, for instance, that the major economic players in New Brunswick today recognize that the world where politics determined access to resources ended nearly two centuries ago. And I am grateful that many of the local suppliers whom I relied upon to build my first house in the Maritimes did not realize that the world of credit and flexible pricing based on fair dealing was a thing of the distant past.

The strengths of Craig's study are to be found in her solid understanding of the fundamental details of rural life: soils, crops, weather, harvesting, the seasonality of work, etc. These 'details' are foundational for the construction of good rural history, and Craig's grasp of them is impressive. In this regard, *Backwoods Consumers and Home-spun Capitalists* represents a valuable contribution to the rural history of northeastern North America.

RUSTY BITTERMANN *St Thomas University*

Compact, Contract, Covenant: Aboriginal Treaty-Making in Canada. J.R. MILLER. Toronto: University of Toronto Press, 2009. Pp. 448, \$85.00 cloth, \$35.00 paper

The Power of Promises: Rethinking Indian Treaties in the Pacific Northwest. Edited by ALEXANDRA HARMON. Seattle: University of Washington Press, 2008. Pp. 384, us\$65 cloth, us\$28.95 paper

For almost four hundred years, the treaty relationship has been an important framework for Aboriginal/non-Aboriginal relations in the territories that became Canada and the United States – a fact never widely appreciated in either nation. The continued relevance of historic treaties has perhaps drawn even less regard than the agreements themselves. In different ways, two new books – one a survey of the Canadian treaty-making experience, the other a more directed study of treaties concluded in Washington State in the 1850s – address these broad challenges of awareness and appreciation of 'Indian' treaties.

'We are all treaty people.' The words are those of former governor general Adrienne Clarkson, but the statement, which appears in both the preface and as the title of the final chapter, succinctly conveys both the theme and purpose of J.R. Miller's *Compact, Contract, Covenant: Aboriginal Treaty-Making in Canada*. Miller, a Canada Research Chair and professor of history at the University of Saskatchewan, forcefully argues that 'Indian' treaties are matters of concern for all Canadians and ought to be recognized as such. Treaties, he contends, establish

rights and responsibilities for Aboriginal and non-Aboriginal alike and, where these are recognized and respected, provide a framework for mutually beneficial interaction. In *Compact, Contract, Covenant* Miller hopes to foster an awareness of the importance of Aboriginal/non-Aboriginal treaty relations among all Canadians.

Compact, Contract, Covenant is a survey of treaty-making in Canada from the era of New France to the present day. It encompasses the full range of treaties, from the commercial compacts of the fur trade and the peace and friendship alliances during the struggle for control of the continent, through the great land surrender treaties of the nineteenth century and the more comprehensive agreements of recent history. Miller has adopted an 'evolutionary' approach to the material, focusing on the experiences that best illustrate the development of the treaty-making process in Canada and those elements that continue to exercise influence today. This gives the book a sort of central Canadian bias, with its emphasis on Six Nations' diplomacy, the Covenant Chain, and William Johnson; the Royal Proclamation of 1763; and the land surrender treaties of southern Ontario and their stepchildren, the numbered treaties of the West. This may draw some criticism, but Miller's approach is a valid one. It is beyond the capacity of any one historian to assess the hundreds of treaties signed across Canada over several centuries. Treaty-making anomalies, such as the British Columbia Douglas Treaties of the 1850s for example, are readily acknowledged if not explored in detail. As it is, the structure lends itself well to the author's purpose of strengthening the arguments for continuity and the ongoing relevance of treaties by emphasizing the connections between past and present. This framework makes for a coherent and compelling narrative that supports Miller's determination to reach a more general audience.

The chronological embrace of the book is a particular strength, for Miller takes the story out of the past and brings it into the modern era. He offers a valuable assessment of those critical decades in the mid-twentieth century, when no treaties were made, which helps to explain how indifference to and ignorance of the treaty relationship became so ingrained. Equally important to his theme of the continued relevance of the treaty-making process is the final chapter on modern treaties. The stories of the James Bay Agreement (1975), the Nisga'a Treaty (2000), and the Tsawwassen Treaty (2006) highlight the present-day realities of treaty-making and the challenges and frustrations of the process. Coming to grips with such recent events makes a vital connection between past and present and obliterates the persistent perception of treaties as remnants of bygone days.

Compact, Contract, Covenant is a scholarly survey, necessarily grounded in the work of many different scholars on discrete treaty experiences. But it is also heavily informed by Miller's own familiarity with the primary sources, a reflection of his work on *Bounty and Benevolence: A History of Saskatchewan Indian Treaties* and a long career devoted to Aboriginal history. Much of the material here will be familiar to scholars of treaty history, but for this audience *Compact, Contract, Covenant* offers a useful summary and assessment of the existing research. It is a superior text for students of Aboriginal history at all levels and a valuable complement to Miller's earlier survey, *Skyscrapers Hide the Heavens*, which focused more on policy. The book is also ideally constructed for that broader audience of casual Canadian readers Miller is most anxious to reach. The clarity of structure and prose are important, but so too is the intensity of Miller's conviction of the critical importance of 'Indian' treaties to us all – 'We are all treaty people.' Two particularly effective illustrations – one a cartoon of Pierre Trudeau discovering the implications of cancelling treaty arrangements, the other an 'advertisement' for the 'Settler Treaty Card' – reiterate the message that treaties are a necessary instrument in legitimizing the continued presence of the non-Aboriginal population on this continent.

The Power of Promises: Rethinking Indian Treaties in the Pacific Northwest addresses a different set of treaty experiences, but explores themes similar to those advanced by Miller. This collection of essays, emerging from a conference prompted by the 150th anniversary of the signing of the 'Stevens' Treaties' in Washington State, also emphasizes the fundamental importance of 'Indian treaties' in historical and present-day contexts as the foundation for the legitimacy of the settler state.

The Stevens' Treaties – ten agreements signed between 1854 and 1856 by the United States and the several Aboriginal peoples of what is now Washington State – offer a fairly narrow foundation, but in the hands of the scholars who have contributed essays to this volume, under the editorship of historian Alexandra Harmon, the result is an important contribution to the study of treaty-making far beyond the history of that specific geographic region. This success is due in part to the multidisciplinary nature of the contributors, who hail from the fields of history, law, political science, Native studies, and anthropology. The assumption here is that no one discipline can do justice to the complexities of historical experience, legal frameworks, and cultural realities of the different peoples involved. The commitment

to a trans-border approach, an acknowledgment that artificially drawn political boundaries can obstruct an assessment of the Aboriginal peoples concerned, is equally important in broadening the impact of this volume. Contributions by both Aboriginal and non-Aboriginal authors add to the breadth of interpretation and perspective.

The Power of Promises is divided into four parts reflecting different themes: colonial assumptions, cross-border influences, Aboriginal perspectives, and power relations in a current context. A preface by John Burrows reiterates the point of the conference and subsequent volume, emphasizing the 'living context' of the treaties as the framework that defines and legitimizes Aboriginal/non-Aboriginal relations. This is followed by an overview by Harmon, introducing the Stevens' Treaties and pitching the broader context for these treaties for understanding the North American treaty relationship generally.

The casual reader will certainly come away with a very developed understanding of the contemporary and current meaning and implications of the Washington treaties. This subject in itself might have drawn only a limited readership, but the imagination, scope, and innovation of approaches in these essays should attract a larger audience. In 'Unmaking Native Space,' Paige Raibmon advances a novel framework for analysis – the idea of tracking the 'genealogy' of policy and of dispossession in colonial British Columbia to the micro-level where the individual settler or family personally displaces the Aboriginal inhabitant. In doing so, Raibmon turns attention from faceless bureaucrats and politicians to the ancestors of current residents, and argues for the acceptance of responsibility instead of the search for blame in addressing the present-day repercussions of this process. Chris Friday, in 'Performing Treaties,' investigates the celebration and commemoration of the treaty with the Lummi Nation in Washington State. He successfully re-visions treaties from an Indigenous perspective, shifting the focus from treaties exclusively as a tool of defence to a means actively employed by Aboriginals to much broader and complex ends. In separate essays, Andrew H. Fisher and Russel Lawrence Barsh show how the reorganization of Aboriginal communities as 'tribes' rather than kinship networks dramatically reshaped those entities and had a tangible impact on their treaty rights and access to resources.

Several legal scholars probe connections between the treaty experiences in Washington State and British Columbia, where the Douglas Treaties (1850–4) offer a useful counterpoint to the Stevens' Treaties, exploring a promising avenue of research. The essays by Kent McNeil

and Douglas C. Harris are notable here. An innovative approach is not always a successful one, however. Hamar Foster and Alan Grove attempt to explain why BC Governor James Douglas stopped making treaties in 1854 and argue an Oregon Supreme Court case, *United States v. Tom*, was a critical factor. It is an interesting idea, but there is more supposition here than evidence, a fact even the authors admit. Although the specific argument is weak, the more general point about looking for explanations for historical decisions outside of the usual policy or finance frameworks is a valuable one.

The final three essays, which depart from the geographical and topical focus of the other pieces, at first seem out of place. The contributions of Arthur Ray, Ravi de Costa, and Robert T. Anderson, which address treaty rights in court, the modern treaty-making process in British Columbia, and alternatives to treaties in the present-day United States, respectively, are relevant to the Pacific Northwest treaties only in a broader sense. They do, however, serve the larger purpose of the conference and this collection in connecting scholarly investigations of historic treaty relations to their implications in the hard reality of the present.

This is a book by scholars for scholars and graduate students and perhaps advanced undergraduates. Although the authors conscientiously introduce either the Stevens' or Douglas treaties so as to give the novice the necessary background, the diversity of disciplinary approaches and level of discussion in most articles requires a broader familiarity with the subject of treaty-making.

The shortcomings of this volume are few. The language employed may prove an additional obstacle to the more general reader. Raibmon's article, for example, is intellectually compelling, but only the specialist will be able to digest the jargon that cloaks her argument. Ray's indiscriminate contempt for expert witnesses for the Crown is a distraction from his overall point. A number of times the contributors refer to each other and to the other articles in the collection, giving the impression that they are really talking to each other, a result perhaps of the focused subject matter that has drawn together scholars who have naturally consulted each other's work.

The Power of Promises is a remarkably coherent collection, the result of a combination of focused subject matter and diverse methodologies. Although the reader will come away from it with a greater understanding of specific treaty experiences, the importance of the volume lies in the innovative approaches undertaken by the individual authors.

JILL ST GERMAIN *Carleton University*