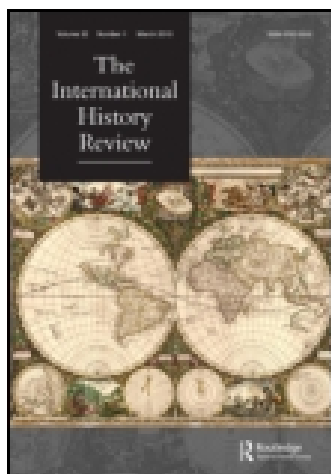


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Compact, Contract, Covenant: Aboriginal Treaty-Making in Canada

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his views on British foreign and military policies and Atlantic geopolitics, while significant, do not command universal assent. Readers of this book need to be aware of the same point.

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J.R. Miller. *Compact, Contract, Covenant: Aboriginal Treaty-Making in Canada*. Toronto: University of Toronto Press, 2009. Pp. xiv. 379.

About thirty years ago, scholars began to question the then-prevailing assumption - based on thin research - that governments in what is now Canada had always dealt honourably with unsophisticated and vulnerable aboriginal people. Today, thanks to a generation of scholarship, we understand the degrees to which astute aboriginal leaders shaped treaty relationships, and to which governments breached and neglected their treaty commitments. Those interested in the history of treaties with indigenous peoples should welcome *Compact, Contract, and Covenant*, because it ably summarises the scholarship on Canada. On the other hand, international historians are particularly likely to recognise the shortcomings of the literature, and of this book.

Miller synthesises the literature in a way intended to be more than the sum of its parts. He does so by surveying the history of treaties under the general arguments that the evolution in Canada 'from commercial compacts through treaties of alliance to territorial treaties' reflected broader patterns of aboriginal-government relations (as he previously outlined in *Skyscrapers Hide the Heavens: A History of Indian-White Relations in Canada*; 3rd ed. 2000), and that treaties 'were built on a foundation of indigenous treaty-making' (pp. 5, xi). Historians of international relations, however, will find that Miller neglects the questions that they are likely to ask about aboriginal treaties.

'Paradigms' may be essential to the coherent organisation of knowledge, but when paradigms become entrenched, scholarly communities can become reluctant to do what they ought to do - pursue research likely to challenge or complicate prevailing interpretations - preferring instead to narrow research foci towards questions likely to reinforce dominant interpretations. They tend to downplay or even ignore evidence that undermines the consensus, and become unable or unwilling to integrate the findings of scholars whose work questions it. Miller's account suggests that the community of treaty historians that have produced profoundly important understandings of the history of treaties in Canada may have reached this point.

One of the most intriguing threads in this book is the argument that Canadian treaties are rooted in aboriginal rather than European traditions. Miller argues that Europeans were convinced to conclude treaties because aboriginal diplomacy demanded them. Of the first commercial treaties, Miller argues that they were 'built on a foundation of indigenous treaty-making' (p. 5). Of land-transfer treaties, Miller implies that the Hudson's Bay Company (HBC) began to sign treaties with aboriginal people because its directors 'quickly learned that First Nations were the actual proprietors of territory' (p. 12). This allows Miller to turn popular belief on its head

by arguing that Europeans - not aboriginal people - failed at first to understand the true implications of the treaties they concluded (p. 27).

There is no serious attempt to understand the treaties from an international perspective. That means that the treaties are not considered in the context of international relations or European-driven international law. Neither are Canadian treaties placed within the context of treaty history elsewhere in the British Empire or the United States. Indeed, Miller projects Canada's current boundaries backwards in time, and writes a history of treaties within those borders. He discusses the Royal Proclamation of 1763 without mentioning that in it the British Crown claimed that aboriginal people were subjects of the British Crown. The assertion that the Royal Proclamation 'ushered in the lengthy third era of treaty-making, the age of territorial treaties' (p. 290), while perhaps strictly true for land within today's borders of Canada, neglects a tradition of land-transfer treaties in English colonies that began in the 1620s - a history that surely influenced treaty-making in Canada after 1763. When discussing the treaties signed between James Douglas and the indigenous people of Vancouver Island, Miller remarks, as if it were strange, that the Colonial Office 'provided him, not with any of the Upper Canadian treaties that had by then been negotiated, but with a sample of land agreements that the New Zealand Company had made with Maori for land in the South Pacific' (p. 147).

At times Miller neglects evidence that undermines the dominant paradigm. For example, after quoting a passage in which the directors of the HBC ordered one of its officers to make treaties, Miller writes that 'even though the Hudson's Bay Company Charter awarded the company rights to land and governance as well as trade, the directors had quickly learned that First Nations were the proprietors of territory' (p. 12) ignoring the fact that the very primary source he quotes explicitly states that the treaties were to be signed to pre-empt the 'designs of our Enemies' (the French). The argument also requires that Miller ignore the fact that the directors of the HBC happily conveyed the impression that Charles Bayly in 1670, Henry Kelsey in 1690, Samuel Hearne in 1771, Peter Dease in the 1830s, and John Rae in the 1840s had claimed territory for the HBC based on the right of discovery, and the fact that the HBC sold its territories to Canada in 1869, having purchased almost none of that land from aboriginal people.

Ideally, broad synthetic surveys serve at least two important purposes: to summarise the literature on a topic, and thereby to stimulate new research. This book should be greeted not only as an excellent presentation of a certain paradigm that has contributed much to our collective knowledge about treaties in Canada, but also as an inspiration towards research on hitherto unexamined questions in treaty history, both in Canada, and elsewhere. Students of international history are well placed to formulate and research many of those questions.

Two specific errors are worth correcting. The Lheidli T'enneh who rejected their Final Agreement in March 2007 (p. 279) are located near Prince George, British Columbia. An oblique reference to a 'Buffalo Lodge Treaty of 1855' (p. 155) must be a reference either to the Lame Bull Treaty of 1855, or the Medicine Lodge Treaty of 1867.

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