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Review of *Aboriginal Resource Use in Canada: Historical and Legal Aspects* by Kerry Abel and Jean Friesen

Ken Leyton-Brown
University of Regina

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BOOK REVIEWS

Aboriginal Resource Use in Canada: Historical and Legal Aspects. Kerry Abel and Jean Friesen eds. Winnipeg, Manitoba: University of Manitoba Press, 1991. vii + 343 pp. Maps, charts, and references. \$34.95 cloth.

This book, the sixth volume in the series *Manitoba Studies in Native History*, is a collection of eighteen papers presented at a conference held in 1988 at St. John's College, Winnipeg, Manitoba, Canada. That conference grew out of a recognition of the importance of historical work in some aspects of the broader question of Aboriginal rights, especially as Aboriginals and others have increasingly attempted, in recent years, to settle disputes through recourse to Canadian courts—concerns reflected in the book's structure and contents.

The first section examines Aboriginal resource use in the period before white settlers and fur traders had directly thrust themselves onto the scene, presenting an image of much more sophisticated and thorough utilization of available resources than is usual in the literature. We learn of extensive plant lore among the Mexica and Iroquois, the use of fish at an early site in Saskatchewan, and something approaching rice cultivation among the Ojibwa. Odd-man-out in this section is a fascinating piece by John Milloy which examines the ideas of territory and commercial use of resources among Plains Cree buffalo hunters in the nineteenth century.

The second section deals with the effects of the fur trade on Aboriginal resource use. Primarily concerned with the nineteenth century, the authors question the traditional view of Aboriginal dependency on white trade goods and food stuffs.

The more lengthy third section examines the role of governments and government bodies in determining the nature and extent of Aboriginal access to resources. What emerges most noticeably here is the comparative inability of Aboriginals, despite their many efforts to the contrary, to have effective policies put in place to serve community interests which they have identified themselves.

Two pieces dealing with the *St. Catherine's Milling* case make up the fourth section. This famous nineteenth century dispute pitted the federal government against the Ontario government in a jurisdictional dispute which almost coincidentally had significant and long-lasting implications for the way Canadian courts have subsequently viewed Aboriginal title to land.

The book concludes with a section titled "Courts and Claims," covering current aspects of the problem, including an account of a recent largely unsuccessful attempt to use historical research to support Aboriginal claims

before the Courts of British Columbia—courts and historians having, it is obvious, a different view of evidence.

This collection is a useful contribution to an important topic, and should be of interest both to students of the Canadian scene and to those concerned with Aboriginal history and rights in other jurisdictions. Readers should, however, be aware of some of the limitations. It is unfortunate that none of the articles dealt with the Atlantic provinces or the province of Quebec, especially since the latter has recently been the scene of some very heated battles over Aboriginal rights and will quite possibly see more. And it is also regrettable that more Aboriginals were not directly involved in producing these studies. But the biggest problem—one alluded to by the editors but over which they could have no control—is currency. The increasing involvement of the courts in matters relating to Aboriginal rights has meant that the Supreme Court of Canada has been speaking to the question much more often in recent years. Their judgment in the *Sparrow* case, for example, delivered, as the editors note, after the date of the conference, acknowledged the *evolving character* of Aboriginal rights. How this will effect the possible use of historical studies in future legal proceedings is as yet unclear. And potentially even more dramatic are changes in the political sphere, in particular a referendum which may lead to a constitutional amendment with the potential to radically alter the legal nature of Aboriginal rights in Canada. This collection, then, though certainly a positive contribution to an understanding of the past, seems of necessity rather less successful in explicating the somewhat obscure interface between current law and history. **Ken Leyton-Brown**, *Department of History, University of Regina*.