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Review of *Compact, Contract, Covenant: Aboriginal Treaty Making in Canada*. By J.R. Miller.

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Compact, Contract, Covenant: Aboriginal Treaty-Making in Canada. By J.R. Miller. Toronto: University of Toronto Press, 2009. xiv + 379 pp. Maps, illustrations, notes, bibliography, index. \$85.00 cloth, \$35.00 paper.

Indian treaties are still being negotiated in Canada, giving the treaty-making process there an immediacy far removed from the much more narrowly historical and legal significance these documents have in the United States. Indeed, Congress, in 1874, simply enacted a law ending treaty making, a highly political act, intended both to limit the power of the Senate, but also to deny implicitly that Indian nations were, in fact, nations.

Canada, for the most part, also stopped making treaties after the “numbered treaties” of the prairies in the late 19th century, but because British Columbia, the Yukon, and most of the Northwest Territories had no treaties, various First Nations land claims tied the use of much land there for decades, resulting in a renewed treaty process toward the end of the 20th century that still continues. In addition, because the Canadian north is so vast, many of the Indian peoples there were not represented at treaty meetings and claim to live on unsurrendered Aboriginal land. Even the Plains peoples, represented in the numbered treaties, are demanding a renegotiation of those treaties based on claims of fraud, corruption, or duress.

In Canada, the term First Nations explicitly recognizes a nation-to-nation relationship between the Crown and the original inhabitants of North America that requires treaty making as the primary political and legal process for the taking of Indian lands and the incorporation of Indian nations into the multinational Canadian state. There are great political difficulties embodied in this process, including the continued impoverishment and marginalization of the First Nations, and the repeated failure of successive Canadian governments to carry out their responsibilities under these treaties, but the treaty process remains the required process.

J.R. Miller, perhaps Canada’s leading scholar of Aboriginal history, takes on an ambitious project, a sweeping history of treaty making in Canada with the express goal of making this process understandable to all Canadians in order to promote interracial reconciliation. This is an ambitious book, the first history of treaty making in Canada intended for the general reader as well as for academic historians.

The complexity of the undertaking is obvious. Not only is each treaty-making situation unique to the time, place, and peoples involved, but over almost 400 years of history the social, political, cultural, and legal meaning of the process evolved. Perhaps more importantly, each treaty-making process involved at least two distinct peoples, one of European origin and the other an Indigenous people, with distinct languages, cultures, and understandings of the process. Any scholar who works with Indigenous peoples has heard many different “treaty stories” that describe a particular people’s understanding of one treaty. Miller does the best he can with this, but any history of a Euro-Canadian legal process, essentially English in law and politics, overrelies on these Euro-Canadian sources. All the standard questions are dealt with in the book: “How did Indigenous peoples understand the complex language of these treaties?” “Did the Crown induce the First Nations to sign by outside promises?” “How were the treaties translated?” “Were the Indians present representative of the people whose lands were surrendered?” But in the end, the answers are still incomplete.

Much of this “gap” between the language of the treaties and the reality of Canadian politics and law resulted from 100 years of various government efforts to force assimilation of Indigenous peoples across Canada. In this process, the Canadian government violated all of the treaties in both language and spirit. The result can be seen on any Indian reserve in Canada. The various First Nations stories of the dishonesty, incompetence, and corruption of the treaty process will not end with this book. Still, as Miller reminds his readers in the concluding chapter, “we are all treaty people” and Euro-Canadian property rights derive from the legality of the treaty process. It is the treaty process that incorporated the First Nations into Canada, and neither the Indigenous peoples nor the Euro-Canadian are going anywhere else. **Sidney L. Harring**, *School of Law, City University of New York*.