

Henderson, James (Sákéj) Youngblood.

*The Mikmaw Concordat*. Halifax:

Fernwood Publishing, 1997.

Brady, Veronica. *Can These Bones Live?*

Annandale, Australia: The Federation Press, 1996.

MacKenzie, John M. (ed.). *Imperialism and Popular Culture*. Manchester:

Manchester University Press, 1994.

Post-colonial theory has often caused conflicting emotions for indigenous scholars. On the one hand, the process of critiquing imposed colonial structures, constructed identities, and the operation of colonial laws is fundamental to indigenous legal projects. But for many indigenous peoples, embracing the term 'post-colonial' seems to imply a political concession that is too high: in the words of poet Roberta Sykes: 'Have I missed something? ... Have they gone?' New books by indigenous scholars and historians are attempting to plot different points on this 'post-colonial' landscape: pragmatic, subjective and self-reflective approaches to the protection of indigenous rights are producing rich literature on the multifaceted approaches needed to more effectively promote and protect human rights by understanding their cultural and colonial contexts.

James (Sákéj) Youngblood Henderson embraces the term 'post-colonial' and in *The Mikmaw Concordat* attempts to get his readers to look at early contact and treaties from a different perspective: that of the indigenous person and indigenous community. He presents a context for his narrative through the contribution of Marie Batiste. Batiste provides a crash-course on Mikmaq religion, world view, law and cultural practice. But Henderson also relies on other scholars — Hegel, Unger — and original documents to make his case. Henderson's interdisciplinary approach is one of the book's great strengths.

Henderson traces Eurocentric approaches to indigenous peoples, the notions of *imperium* and *dominium*, and the 'discovery' and colonization of the Americas — from Thomas Aquinas to Columbus, Aristotle to Vitoria. He

reveals the way in which colonization and the Christianizing mission were goals that often intertwined. He notes the barbarism of the invaders but also emphasizes the cooperation and camaraderie which existed in some early contacts. Highlighted is the important role that canon law and the papal bulls played in facilitating colonization but also in protecting the rights of indigenous peoples, especially in recognizing property rights and the right to liberty. Henderson traces the tensions between canon jurists and royal absolutists. The influence of the church in the formation of laws and policy in the early stages of exploration and conquest is often underestimated, even overlooked, by contemporary scholars. *The Mikmaw Concordat* provides an informative glimpse of the church/state tensions as well as a few cooperative efforts (such as the attempts in 1512 and 1513 to develop a civil code to regulate Spanish conduct towards indigenous peoples).

Henderson evaluates the content of the Concordat — a public treaty with the Catholic Church — mapping out the way in which the Mikmaw interpreted the treaty and relied on it to protect themselves from the Christianizing mission. It is clear from the Mikmaw perspective that great weight was placed upon the treaty; it was believed to have the weight of international law, Church law and civil law. Henderson reveals that the Mikmaw had an intricate, recorded legal system and, through treaties and alliances with other Aboriginal nations, were active participants in an international law long before European contact.

This book will surprise those who believe that there was no room for consensus in early contact. Henderson shows that though the Mikmaw resisted European governance in favour of their own established legal and government institutions, they were open to listening to European philosophy and theology, embracing only what they found useful, legitimating the presence of the French while retaining their rights to self-government. For instance, Henderson notes that 'natural law' was of interest to the Mikmaw who were attracted by the notion of law as 'the accumulated wisdom of humanity that

best allows humankind to develop its potential'. Henderson asks the Catholic Church to remain supportive to the letter and spirit of the Concordat. As churches seek to reconcile their complicity in the cultural genocide of indigenous peoples all over the world, Henderson's book offers some starting points.

Henderson's embrace of the notion 'post-colonial' and his attaching of that movement's name to his work is a gift to the scholars of that school. In an intellectual movement that often fails to focus on the particular problems faced by indigenous people — when the discourse ought to treat them as central — Henderson shows how he believes that the analytical process can lead to better understanding. Throughout this book, Henderson gives weight to indigenous perspectives, practices and institutions, reminding the reader that hidden in 'otherness' are rich alternatives to our dominant approaches and structural arrangements. Henderson's cultural perspective makes his book a useful companion to other recent publications that delve into the treaty making between colonizer and colonized in North America (especially, Robert A. Williams Jr. *Linking Arms Together: American Indian Treaty Visions of Law and Peace, 1600–1800*. Oxford: Oxford University Press, 1997).

Veronica Brady's *Can These Bones Live?* is a different approach to understanding the process of colonization. Brady focuses on the Australian experience and pieces together, through colonial literature, anthropological practices and European ideologies, the interaction between identity, colonialism and popular culture. Brady's aim is to understand the preconceptions that arrivals to conquered lands bring with them. Within this cultural baggage, Brady shows how self-perception and insecurities shape the relationship with land and 'otherness'. Her aim is to understand the dynamics of the colonial legacy by deconstructing our perceptions of self. Brady shows in her flowing, conversational style how our environment forms a mirror for ourselves: our attempts to conquer, embrace, tame and change our landscape is reflective of our attempts to construct and shape our own

identity. It is against this landscape that the relationship between the colonizers and the colonized need to be viewed, telling more about the observer than the observed: 'colonisation . . . is a form of creativity, of identity, in transition, as the past must be re-appropriated or transformed into something new' (at 49).

Brady relies on colonial fiction and a contemporary novel, Peter Carey's *Oscar and Lucinda*, to show these struggles (her points are made without the need of the reader's first-hand familiarity with her chosen texts). Brady's conclusions do not just grapple with the introspective process of finding ourselves. She links her observations and conclusions to a powerful thesis about the lessons of history and the important role of guilt. She strongly counters the claim that a truthful recognition of past colonial atrocities and an understanding of their complicity in leaving a painful socio-economic and cultural legacy to indigenous peoples is merely designed to make people feel 'guilty' and that present-day occupants of colonized countries should reject these feelings. Brady asserts that it is only through the recognition and embrace of this guilt that present generations will be released from their colonial legacies; embracing and accepting is the way to move towards a 'post' colonial society and a 'post' colonial mentality. Her aim is twofold: 1) to show that '[e]vil does not lie outside ourselves, embodied in those who are different or who threaten us. It lies within us and we are accomplices until we recognise that fact'; and, 2) to liberate through the understanding that '[t]he space of nature, properly understood, may be dangerous but it is also creative' (at 145). Brady's process and project are essential aspects of indigenous rights protection: understanding the colonial 'self' and the way this has impacted on the 'other'. Brady's critique of popular culture is insightful, intuitive and revealing; her conclusions will leave many readers feeling provoked and uncomfortable.

Another contextual plane is offered by *Imperialism and Popular Culture*, edited by John M. MacKenzie. The existence of imperialist ideology cannot be denied, but scholars still

struggle to identify its impact on general populations. Is imperialism a sentiment inherent in the colonizing community or is it created by government propaganda to promote an expansionist agenda? This book seeks to investigate the impact of imperialism on the psyche of the British populace covering a period from 1870 to the 1950s.

Most fascinating is Ben Shepard's look at the exhibitions of Africans, displayed in their native garb, by enterprising Brits who understood the curiosity with, and attraction to, the 'savage'. Much is revealed about the British view of the African 'other' in the experiences of one man, Prince Lobengula, whose stage career and experiences are reflectively traced by Shepard. Similarly, 'Boys Own Empire: Feature Films and Imperialism in the 1930s', a piece by Jeffrey Richards, is a critical assessment of the images of frontier and conquest prevalent in film. Richards links those images generated by film-makers in the United States with ideological strains in Britain, revealing much about the power of images and the appetite of the populace. Other contributions explore images and messages of Empire and imperialism contained in juvenile fiction, art and music hall entertainment. The dissemination of imperialist propaganda designed to garner support for foreign policy through two 'official' avenues — the Empire Marketing Board and the BBC — is also considered.

The difficulty of assessing the impact of official policies and popularist representations of imperialist ideology is most clearly explored by Alan Warren in his investigation of imperialism and the Scouting movement, 'Citizens of the Empire: Baden-Powell, Scouts and Guides, and an Imperial Ideal'. Warren looks at the philosophical bases for the Scouting movement and explores various reasons for the success and rapid growth of Scouting throughout the Empire. Warren concludes that the universal growth of Scouting is due to mainly localized factors: the popularity is as easily attributed to love of the great outdoors as it is to love of Queen and Empire; as attractive because it embodied the principles of personal service and brotherhood as for its support of imperialist ideals.

*Imperialism and Popular Culture* is challenging because it attempts to navigate the line between the imperial mind-set and popular icons — between politics and culture — and concludes that those lines are a greyish blur. The reader is left with a smorgasbord of examples that support the proposition that the notion of imperialism was orchestrated by the British government to gain popular support for overseas policies. But there is as much evidence to support the idea that the populace has agency in assessing and creating popular self-perceptions and understanding when such imagery is imposed upon them. These blurred lines illustrate that any role played by imperialist ideology is far from simple and this indicates that there is much to be gained from a better understanding of the psychology behind imperialism and the effects of propaganda. More generally, MacKenzie's collection raises issues about the interaction between state-generated propaganda, the collective values and beliefs of the populace, and the agency of the individual. Although written as a historical text, *Imperialism and Popular Culture* provides an important context for human rights lawyers: understanding imperial self-perceptions and imperial government policies provides a stepping stone from which to assess the ideology of imperialism and its impact on the colonized. In this way, *Imperialism and Popular Culture* can provide a useful analytical exercise for human rights advocates.

These three books reflect upon psyche, self-image and context, providing an important background against which to assess, protect and promote human rights. Any pragmatic approach to rights protection needs to be constructed with a clear understanding of 'self' and 'otherness': in this way, the protection of human rights (especially indigenous rights) involves a holistic approach, blending theory and practice. It is only within this comprehensive, multidisciplinary and multifaceted approach that effective programmes and strategies for rights protection will be established. All three titles make a valuable contribution towards that end.

Harvard Law School

Larissa Behrendt