

Beyond Rights: The Nisga'a Final Agreement and the Challenges of Modern Treaty Relationships. By Carole Blackburn. Vancouver: University of British Columbia Press, 2021. 191 pages. CA\$89.95 cloth; CA\$32.95 paper; CA\$32.95 e-book.

In Canada, the historic treaty period ended with the Williams Treaties of 1923. Yet not all of Canada was covered by treaty, with some provinces such as British Columbia, Newfoundland and Labrador, and Québec lacking them in general. This reality should not be confused with a lack of desire for treaty on the part of local Indigenous nations, however. Indeed, it was the demand for recognition of Aboriginal title and treaty that led to the Indian Act being amended in 1910 and 1927 to restrict the ability of status Indians to retain legal counsel, and as soon as restrictions regarding the hiring of lawyers were lifted in the 1951 amendment to the Indian Act, nations across Canada began to pursue land claim. It was the Nisga'a who were the first to have their case heard at the Supreme Court of Canada, and although the decision in 1973 was technically a defeat, it started the modern treaty period by recognizing that Aboriginal title existed and that, contrary to the earlier St. Catherine's Milling case of 1888, it was not created by the Crown. Almost immediately, the federal government would begin negotiating a treaty with the Nisga'a, and while the resistance from the provincial government caused delays, it would result in the first modern comprehensive treaty in British Columbia in 2000.

Beyond Rights: The Nisga'a Final Agreement and the Challenges of Modern Treaty Relationships examines the history of this treaty as well as the contemporary situation that emerged as a result of it through the lens of self-government, Aboriginal title, and citizenship. Author Carole Blackburn is not only an associate professor of anthropology at the University of British Columbia but also has worked with the Nisga'a Nation since 1999. The overall tone of the text is pragmatic realism. According to Blackburn, the Nisga'a approach to their treaty has been that, while they have their own government and land-tenure system that predates contact with Europeans, they have nonetheless been forced to reconceptualize both in their treaty to get any sort of recognition from the colonial state. Not ideal—but in the minds of many, better than doing nothing. As someone whose own nation has been negotiating a treaty with British Columbia and the federal government of Canada since 1993 and is now looking at writing a constitution, I can confirm that this sort of sentiment is not unusual. The same may be said about opposition to the treaty within the Nisga'a Nation. That being said, this book provides a counternarrative to views that would reduce modern treaties to “termination tables.”

It also challenges colonial and neocolonial views that Indigenous peoples had no concept of land ownership. This fact should come as no surprise: one of the arguments made by the colonial governments in what became British Columbia and the province

that followed was that, since Indigenous peoples had no concept of land ownership, treaties were meaningless goodwill at best and the product of “bleeding-heart liberals” influencing Indigenous peoples at worst. This view is not just speculation or inference but based on freely stated views. As Premier William Smithe of British Columbia told a delegation of Nisga’a and Tsimshian chiefs seeking a treaty in 1887, “When the white man first came among you, you were little better than wild beasts of the field.” That being said, Blackburn does examine the problematic noun “ownership,” both from Nisga’a and Western perspectives, and in doing so she wonderfully captures how colloquial views of land ownership do not always reflect the legal reality.

Overall, the information contained in this manuscript is accurate, especially when discussing the Nisga’a. Some readers may find this troubling in instances where the Nisga’a were involved in things that other First Nations were not and that are not socially acceptable now. For example, on page 112 Blackburn mentions traditional slavery without trying to explain it away. Similarly, when talking about how Indian status was and is determined, she understands the distinction between being *similar* to blood quantum and *actual* blood quantum (103–4). That being said, some issues arose when it came to the history of colonialism in British Columbia and Canada. For example, her summary of treaty-making in British North America moves from the pre-Confederation Peace and Friendship Treaties to the post-Confederation Numbered Treaties without a word about the Upper Canada Treaties being signed in between (64). It is an omission rather than a mistake, however, and, given the overall focus, not really significant. Indeed, I suspect none but those who work, teach, or research in this area would notice it.

For this reason, I have no qualms about recommending this book to anyone interested in learning about the Nisga’a treaty, its history, and how it has worked out since its signing. Blackburn’s writing is easy to read without being simplistic, and the only time things even come close to being unclear is when discussing reconciliation. Of course, this vagueness speaks more to ongoing debates and conversations regarding what constitutes reconciliation than it does scholarship and/or editing. A mere 146 pages long (when you exclude the front matter, notes, references, and index), it is perfect for a quick read. And given that we are fast approaching the twenty-five-year anniversary of the territory, combined with recent developments in British Columbia such as the Tsilhqot’in case, Stó:lo Xwexwilmexw memorandum of understanding, and recognition of Haida title to Haida Gwaii, I would encourage everyone to do so.

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