

## Adding Insult to Injury: Her Majesty's Loyal Anthropologist

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The Gitksan and Wet'suwet'en land claims case cost the Canadian taxpayers \$23 million, the bulk of which was spent by the Crown with the remainder being allocated to the Gitksan and Wet'suwet'en.

Like the many other large sums from the public purse expended on Aboriginal matters—and quoted with tiresome frequency and extraneous alarm by the media—little if any of this money found its way into the coffers of Aboriginal administrative bodies, and much less into the pockets of individual Aboriginal people. Almost all returned to the government through court costs, and much less ended up in the pockets of individual non-Aboriginal functionaries, lawyers, and expert witnesses.

Government money whirls *around* Aboriginal people. It's everywhere and nowhere, like a ghostly helicopter always hovering overhead just beyond reach. People in the communities can hear it. They can smell it. Sometimes they even think they have caught a glimpse of it. The phantom chopper drops the odd box of tokens, but the beast with its golden cargo rarely lands in the villages.

Much has already been written about the case of *Delgamuukw v. B.C.*, and much more will be written. Some critics have argued that in seeking a declaration of Aboriginal title and jurisdiction the lawyers asked the court for too much (Slattery, 1991). Others claim that in not seeking an acknowledgement of absolute sovereignty, the lawyers asked for too little (Clark, 1990). Some have argued that the scholarly material presented by the expert witnesses who testified on behalf of the Gitksan and Wet'suwet'en was so dense that it overwhelmed Chief Justice Allan McEachern (Tennant, 1991). Others claim that Justice McEachern's Reasons for Judgment indicate that his appreciation of scholarship was so underwhelming as to make this criticism inconsequential (Culhane, 1992).

These are important and complex questions, and the debates that *Delgamuukw v. B.C.* has initiated will no doubt rage for quite some time in a variety of forums. I will address only one facet of these proceedings: the expert anthropological evidence presented by the plaintiffs as com-

pared to that presented by the Crown concerning Gitksan and Wet'suwet'en culture. This testimony is set out in opinion reports that together amount to well over 1,000 pages of text. Examination and cross-examination of the various anthropologists took several weeks, and transcripts of this facet of the proceedings make up several more thousands of pages. A thorough analysis of these texts would require much more than the short treatment offered here.

I intend, therefore, to discuss only one issue among the many that could and should be raised about the anthropological evidence heard in *Delgamuukw v. B.C.*, and my point is this: the Gitksan and Wet'suwet'en approached the court and the proceedings with dignity, sincerity, and integrity. That is to say, once having made the decision to pursue their claims through the judicial system, they respected "the honour of the Crown" and endeavoured to present as expert witnesses to the court the most highly qualified people available according to the criteria of both aboriginal and Western cultures. They attempted to bring together, for the court's consideration, the best of both worlds in the area of specialized knowledge.

The Crown did not respond in kind.

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Thirty-five Gitksan and Wet'suwet'en hereditary chiefs brought this action to court,

alleging that from time immemorial they and their ancestors have occupied and possessed approximately 22,000 square miles in north-west British Columbia ("the territory"), and that they or the Indian people they represent are entitled, as against the province of British Columbia, to a legal judgment declaring:

- (a) that they own the territory;
- (b) that they are entitled to govern the territory by aboriginal laws which are paramount to the laws of British Columbia;
- (c) alternatively, that they have unspecified aboriginal rights to use the territory;
- (d) [that they be awarded] damages for the loss of all lands and resources transferred to third parties or for resources removed from the territory since the establishment of the colony; and
- (e) [that they receive] costs. (Reasons, vii)

The Gitksan and Wet'suwet'en claim reflects a specific instance of the fundamental position which has been consistently and repeatedly articulated by British Columbia First Nations since the arrival of European and

Euro-Canadians (see Tennant, 1990: 11-12). It is only relatively recently, however, that this rather straightforward message has been heard by either anthropologists, courts, politicians, or the general public, and deemed to have both empirical validity and legal/political legitimacy.

The emerging recognition of the "native point of view" and of the right of Aboriginal peoples to represent themselves is primarily a consequence of the ongoing struggle Aboriginal peoples have engaged in since the advent of colonialism, a struggle that has resulted in a significant increase in indigenous political power throughout the colonized world since the end of World War II (Dyck, 1985). The presentation of evidence in *Delgamuukw v. B.C.* reflected these developments, and the case can best be understood by locating it within this socio-political and historical context.

The "plaintiffs," Gitksan and Wet'suwet'en people, testified first and they were followed by professional anthropologists whose task it was to act as "cultural translators" of this evidence for the court and to present relevant evidence from their own research and that of other academics. The Gitksan and Wet'suwet'en "lay witnesses" included respected chiefs and elders and younger people with specific skills, knowledge, and experience relevant to the case.

The chiefs and elders hold the responsibility of learning and transmitting the oral tradition — including laws, legends, and histories — of their peoples. Their accounts have been publicly told and retold, witnessed, paid for, disputed, and confirmed over and over again for centuries. It is through this process that land rights are transmitted from generation to generation, both materially and philosophically. These witnesses have earned their credibility, and the respect of their communities, over the course of their lifetimes. They represent an indigenous aristocracy, gerontocracy and intelligentsia. They are also people whose life histories constitute a chronicle of Aboriginal-White relations in British Columbia over the past several decades.

Crown lawyers initially attempted to have oral tradition designated as "hearsay" and thus not suitable for presentation as evidence. Chief Justice McEachern, in a landmark ruling during the course of the trial, exempted oral tradition from the hearsay rule and allowed the testimony of the elders to proceed. However, after listening to these witnesses McEachern concluded in his Reasons for Judgment that little or no weight should be given to their evidence:

One cannot, however, disregard the 'Indianness' of these people whose culture seems to pervade everything in which they are involved. I have no doubt they are truly distinctive people with many unique qualities. For example they

have an unwritten history which they believe is literally true both in its origins and in its details. I believe the plaintiffs have a romantic view of their history which leads them to believe their remote ancestors were always in specific parts of the territory, in perfect harmony with natural forces, actually doing what the plaintiffs remember their immediate ancestors were doing in the early years of this century. (Reasons, 48)

[See Cruikshank, this volume, for a detailed analysis of the chief justice's treatment of oral tradition.]

The younger, mostly middle-aged people who testified are apprentices in the "traditional" system to these chiefs and elders, as well as being members of their own generation with its particular experiences and acquired knowledge. These people work both within their own communities and within the institutions of the majority Canadian society in the fields of political negotiation, law, education, health, welfare, and administration. They have earned the respect of their own communities and that of large sections of non-Aboriginal society. They represent an indigenous professional class, political leadership, and intelligentsia. They, too, were the most knowledgeable, experienced, and credible witnesses available.

Chief Justice McEachern commented on the Aboriginal peoples' testimony as follows:

I am satisfied that the lay witnesses honestly believed everything they said was true and accurate. It was obvious to me, however, that very often they were recounting matters of faith which have become fact to them. If I do not accept their evidence it will seldom be because I think they are untruthful, but rather because I have a different view of what is fact and what is belief. (Reasons, 49)

The chief justice, therefore, dismissed the Aboriginal account as represented by Aboriginal people themselves, and in so doing turned back the historical clock to the colonial era, aptly described by anthropologist Eric Wolf as the time when indigenous peoples were considered by Europeans to be "people without history" (Wolf, 1983; see also Fabian, 1983).

The post-war growth in Aboriginal political strength has had a significant impact on anthropology (Clifford and Marcus, 1986; Clifford, 1988; Marcus and Fisher, 1986). In this context, the contemporary generation of anthropologists have had to come to terms with indigenous critiques that have charged, and often proven by their own ethnographic endeavours, that many of the descriptions written by previous generations of ethnographers were at best limited and partial, and at worst inaccurate and wrong (Asad, 1973; Fahim, 1982). Feminist anthropologists, for example, have produced a body of literature showing that the voices of

Aboriginal women have been either absent from, or misrepresented in, the classic ethnographies written by both male and female anthropologists (Moore, 1988).

Most relevant to the case at hand, however, is the challenge to anthropology represented by the indisputable fact that aboriginal peoples have survived, *as distinct peoples*, contrary to the forecasts founded on anthropological theories which since the nineteenth century had predicted their inevitable extinction, assimilation, and acculturation. It is worth noting that research by anthropologists describing the ongoing validity of hunting cultures and ways of life in northern Canada has been instrumental in challenging these models (Asch, 1991. See also Asch, 1977; Feit, 1982; Tanner, 1979; cited in Asch, 1991).

At one time it was common in scholarly circles to refer to Aboriginal communities as "social laboratories" wherein the theories of social scientists could be tested in terms of their descriptive accuracy and their predictive reliability. Understood within the framework of this scientific paradigm, only one conclusion regarding the contemporary reality of Aboriginal existence seems valid: these anthropological theories have, quite simply, been proven wrong. And, when theories fail within their own terms in this way there is only one legitimate response on the part of a scientific community: revise hypotheses and develop new research methodologies that reflect the contemporary state of accumulated knowledge within the discipline. The fact that in 1987 the Gitksan and Wet'suwet'en launched the court action in question stands as evidence of the unreliability of historical, anthropological, and popular predictions.

Anthropologists, for the most part, have attempted to respond to these challenges by acknowledging the legitimacy of aboriginal self-representation and by developing a critique of their own theories and methodologies. They have insisted that Aboriginal peoples and cultures be understood as legitimately existing on their own terms and within the framework of their own categories of analysis. The auto-critique of their discipline that contemporary anthropologists have been engaged in has shown, in particular, the extent to which traditional anthropological theories, and research guided by them, have reflected ethnocentric ideology rather than any putative scientific objectivity, and this has led in turn to the distortion of research findings and predictions arising from them (Marcus and Fischer, 1986).

On a substantive level, anthropologists have increasingly turned their attention away from comparative speculation based on abstract models generated by "grand theories" and aimed at establishing universal laws of

social development, and concentrated instead on conducting longer and more intense periods of participant observation research, accounting for local particularities and for the centrality of indigenous categories of analysis, and experimenting with different ways of presenting their research so as to include Aboriginal voices (Clifford and Marcus, 1986; Clifford, 1988). The presentation of anthropological evidence by the plaintiffs in *Delgamuukw v. B.C.* reflected these developments in theory, methodology, and knowledge within the discipline of anthropology.

Three anthropologists testified as expert witnesses on behalf of the Gitksan and Wet'suwet'en. They were Hugh Brody, Richard Daly, and Antonia Mills. The chief justice's assessment of their testimony began as follows:

I must briefly discuss the evidence of Drs. Daly and Mills and Mr. Brody because of the importance attached to it by the plaintiffs. (Reasons, 50)

The Crown argued that Hugh Brody's testimony should be disregarded on the grounds that he was more an "advocate" than an "expert," and its lawyers interrogated him under cross-examination about whether or not he "likes Indians," a question to which Brody replied by saying he had difficulty answering something cast in such sweeping terms. The chief justice commented on this question during the course of the trial:

You can't get ready for a case like this without being closely associated with the people and of being associated with them, but the question is does it go beyond that when he says, as he said before, he likes Indians and he has an — or aboriginals, and he has a favourable disposition towards them. Does that disqualify him? (Transcripts, vol. 210:14223)

The chief justice answered his own question in the negative and ruled that Brody should not be disqualified as an expert witness. He continued:

In a perfect world I would hope that parties would confine their expert testimony to persons whose objectivity is not open to question. That may not always be possible. And, indeed, it might be a dangerous test to apply, because the person who hides his bias is no more credible than the person who makes it known. The former may be more dangerous than the latter.

(Transcripts, vol. 210:14225)

Since Brody's contribution was not mentioned at all in the Reasons for Judgment it seems logical to assume that, in the final analysis, the chief justice dismissed his evidence in its entirety. As he did in relation to the testimony of the Aboriginal witnesses, the Chief Justice allowed Brody to say his piece, and *then* paid no attention to him.

Richard Daly was also dismissed by McEachern as being "more an

advocate than a witness." The main reason given for this was that he adhered to the code of ethics of the American Anthropological Association, which states that "in research, an anthropologist's paramount responsibility is to those he studies." In other words, Daly was discredited because he followed the ethical standards of his profession. "I place little reliance on Dr. Daly's report or evidence," said the chief justice. "This is unfortunate because he is clearly a well qualified, highly intelligent anthropologist. It is always unfortunate when experts become too close to their clients, especially during litigation" (Reasons, 51).

Antonia Mills "also showed she was very much on the side of the Plaintiffs" (Reasons, 51), McEachern said, and she "was more interested in reincarnation than Wet'suwet'en culture" (Reasons, 50). Mills, too, was dismissed as an advocate. The chief justice appeared to suspect her, the plaintiffs' only female anthropologist, of presenting a romantic picture of the Wet'suwet'en. McEachern intervened in the Crown's cross-examination of Mills on the subject of her alleged biases:

Are you surprised to find so many like Ogden writing that the masses came out of their huts naked? Had their level of civilization not progressed beyond that at or just after the time of contact? (Transcripts, vol. 201:13319)

Mills replied that the Wet'suwet'en normally wore clothes. Then, said McEachern,

I've heard . . . I have an impression that I am hearing perhaps the best side of these people, which is understandable, but you haven't said anything about wars . . . Would you call them war-like? . . . the people generally?

(Transcripts, vol. 201:13320)

Mills answered that she found it difficult to respond to a question that required her to make generalizations that characterized an entire people as either "war-like" or not. The chief justice continued:

There is a suggestion of slaves. Did the Wet'suwet'en take slaves? (Ibid.)

Mills explained at length the similarities and differences between "slaves" and hostages taken in war. McEachern took up another matter:

There is even a suggestion in one of the pieces about cannibalism. Was that a feature of the Wet'suwet'en in any way?

Mills simply answered

No. (Transcripts, vol. 201:13321)

Romanticism is a criticism often justifiably made of the discipline, and there is an extensive scholarly literature on the subject in anthropology

(see, for example, Stocking, 1987). However, the chief justice's attempts to counter the romantic idea by suggesting aboriginal peoples were war-like, naked, slave-owning cannibals at the time of European contact are not based in a learned debate on romanticism. These are empirically unfounded, archaic images that arise from obsolete beliefs and bear no relation whatsoever to historical fact.

The chief justice concluded that the plaintiffs' anthropologists did not conduct their investigations in accordance with accepted scientific standards. (Reasons, 50)

... apart from urging almost total acceptance of all Gitksan and Wet'suwet'en cultural values, the anthropologists add little to the important questions that must be decided in this case. This is because . . . I am able to make the required important findings about the history of these people, sufficient for this case, without this evidence. (Reasons, 51)

On a subject as complex and controversial as this one it is as important to specify exactly what it is I am *not* saying as it is to be explicit about what I *am* saying. I am *not* suggesting that the expert anthropological evidence presented by the Gitksan and Wet'suwet'en was beyond challenge or criticism. The current situation in anthropology is not without problems and contradictions. The task of auto-critique is ongoing and far from complete. Ethical considerations present individuals with increasingly complex choices, in anthropology no less than in most other disciplines, and no less, for that matter, than in everyday life in the contemporary world.

Aboriginal communities are not homogeneous and neither are individual responses to a wide range of influences originating in the dominant society uniform, either within or between communities. There is not one "native point of view"; there are several. Evaluating how, as an anthropologist, one may develop social analyses that simultaneously respect indigenous representations and also employ the tools of the discipline to critique these explanations is difficult, to say the least. The choice, however, is not, as the chief justice seems to imply, between "total *acceptance* of all Gitksan and Wet'suwet'en cultural values" and "total *rejection*" of the same. There is a different position that I believe most anthropologists strive for. It is one that insists on beginning with *respect* for indigenous values, and proceeds to demand that criteria for criticism be more than simply an assertion that these values may be different from those of the dominant European culture (Geertz, 1984).

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Hugh Brody, Richard Daly, and Antonia Mills were not the only anthropologists who testified in this case. *Her Majesty the Queen In Right Of*



*the Province of British Columbia and the Attorney General of Canada*, and, specifically, the prestigious Vancouver law firm of Russell and DuMoulin, which represented Her in Right of Them, also proffered anthropological evidence in the form of a 29-page opinion report entitled "Protohistoric Developments in Gitksan and Wet'suwet'en Territories," prepared by Sheila Patricia Robinson, Ph.D., a cultural geographer who was accepted by the court as an expert witness in anthropology.

While the chief justice sets out in some detail his reasons for dismissing the anthropologists who testified on behalf of the Gitksan and Wet'suwet'en and for rejecting the evidence they supplied, he does not similarly comment on his evaluation of the Crown's anthropologist or her evidence.

Chief Justice McEachern mentions Robinson only once, in passing, in his Reasons for Judgment in relation to her particularly contentious claim regarding dating the beginning of the protohistoric period:

There is some conflict in the evidence about the start of this period. Dr. Robinson believes that it was as early as 100 years before actual contact, mainly because of trade goods filtering into the territory both from the east and the south as well as from known and unknown Russian (and possibly other) Asiatic travellers or traders who may have visited our coast.

Other witnesses put the start of the proto-historic period later than Dr. Robinson, possibly about the time of the start of the sea otter trade in the last few years of the 18th century or early 19th century. (Reasons, 24-25)

Of course, it would be naive in the extreme to suggest that anthropologists employed as expert witnesses do not present interpretations that offer support for their employers' legal arguments. Problems concerning the presentation of academic research in the courtroom are being addressed by scholars in a wide range of fields, including anthropology; and, again, there are no simple answers to the problems raised by the attempt to translate knowledge developed in an academic forum, where debate and revision is assumed, into the adversarial forum of a courtroom, where judges demand absolute "true or false" responses to questions scholars are often loath to answer in so categorical a way (see Harries-Jones, 1985; La Rusic, 1985; Maddock, 1989; Pryce, 1991; Ray, 1991 (b); Stanner, 1985; Wright, 1988).

Given the adversarial nature of legal struggles and the often interested role of expert witnesses for both sides, it seems even more crucial that the weight accorded to their evidence be evaluated according to their professional qualifications and experience, and by the criteria and standards obtaining in their respective disciplines. The self-evidently obvious observation that expert witnesses tend to support the parties for whom they are

testifying does not necessarily undermine the credibility of their contribution. Expert evidence can only be fairly evaluated by the criteria of the discipline in which the particular scholar is claiming expertise. A comparison of Robinson's professional qualifications and experience with that of the plaintiffs' anthropologists is therefore appropriate and instructive.

The scholars who testified on behalf of the Gitksan and Wet'suwet'en hold degrees from some of the most prestigious universities in the Western world: Brody from Oxford; Daly from Manchester and Toronto; Mills from Harvard. Each of their careers spans approximately twenty years. Each has taught university courses. Each has authored scholarly publications. Each has had extensive professional experience working among the Gitksan and Wet'suwet'en and other indigenous peoples. Each submitted lengthy, well-documented opinion reports to the court that were based in research that involved a combination of extensive participant observation, archival research, and a review of previous historical and anthropological research in the claims area. Each has a history of supporting Aboriginal land rights. None sought to hide this fact.

Hugh Brody's books about the Aboriginal peoples of the Canadian Arctic and British Columbia have become standard texts in academia (Brody, 1975, 1981, 1987). Few students have completed degrees in anthropology at Canadian universities during the past ten years, at least, without having had to come to terms, favourably or not, with Brody's work. Richard Daly has conducted research in a variety of locales including among the Iroquois in eastern Canada, has taught at the University of Toronto, and has held a research position at the Royal Ontario Museum. The Social Sciences and Humanities Research Council of Canada has supported his work as an "independent scholar." Antonia Mills received her Ph.D. in 1969, has held teaching positions at a number of universities including the University of British Columbia, Simon Fraser University, and the University of Virginia, and has conducted research as an independent scholar supported by a number of private and public foundations.

Since receiving her Ph.D. in cultural geography from the University of London in 1983, Sheila Robinson has been employed on a contract basis by Parks Canada, has held no academic positions, and has co-authored, or contributed to, two scholarly articles (Sumpter, Ian (1984); Suttles et al (1987)). She has, however, found employment with the federal government assessing the Kwakiutl First Nations Comprehensive Land Claim, and as an expert witness for the Crown in a number of court cases, including the following:

- (1) *Delgamuukw v. B.C.* (Robinson, 1987(a)).
- (2) *Reid et al v. R.* This case involved the Heiluk band of Waglisla [Bella Bella] (Robinson, 1990; see also Pryce, 1991).
- (3) *R. v. Jim.* A case involving the Wet'suwet'en (Robinson 1991).
- (4) She also attempted to supply an affidavit in *Sparrow v. R.* on behalf of the Pacific Fisherman's Defence Alliance, an organization formed specifically to oppose native fishing rights (Robinson, 1987(b)).
- (5) She appeared, as well, as an expert witness in a number of fishing rights cases involving members of various First Nations located along the Fraser River.

Currently, she is scheduled to appear as a Crown witness in other Aboriginal claims cases pending before the courts.

A review of the curriculum vitae of the plaintiffs' anthropologists thus shows a history of professional appointments by academic, public, and private institutions, as well as a consistent pattern of employment by First Nations and Aboriginal organizations to do work in support of Aboriginal rights; a parallel review of the Crown anthropologist's career history reveals a paucity of professional appointments, and a consistent pattern of employment by the state to do work in opposition to aboriginal rights.

It is interesting in this regard to note Robinson's apparent change in political sentiments during the period between 1983, when she completed her doctoral dissertation, and 1987, when she began work as an anthropologist for the Crown. In her Ph.D. thesis she argued that Aboriginal peoples on the Northwest Coast were cultivating tobacco prior to the commencement of the fur trade:

Implications of the relative neglect of prehistoric Indian agricultural practices go beyond correcting the record for academic purposes. Studies such as this one have direct relevance to modern political issues concerning aboriginal land claims. *It has often been convenient for professionals other than scholars to 'forget' that Indians were farming in many parts of the Pacific Northwest region prehistorically and in the early historic period, or that they had well-developed systems of territorial property ownership.* There is not room here to explore the unsatisfactory way most native people were treated after the mid-19th century with regards to their territorial claims: it is just mentioned in passing that when the lands the Indians had previously occupied and exploited were expropriated and then allotted to them after they had been 'adjusted' by government representatives to 'appropriately-sized' holdings for their future use, it was usually assumed that the Indians had no need for extensive acreage because they had not traditionally engaged in agricultural pursuits. *This was especially the case on the coast of B.C., where territorial*

*allocations (made without the Indians' formal agreement to allow any alienation of their lands)* were, on the average, smaller than those recommended by the Dominion Government of Canada.

(Robinson, 1983:405) (emphasis mine)

The province of British Columbia's legal argument rests principally on establishing that indigenous peoples did *NOT* have well developed systems of territorial property ownership prior to the "historic" period (i.e. European arrival); and *DID* consent, implicitly and/or explicitly, to the alienation of their lands. Robinson serves regularly as a researcher and adviser to Russell and DuMoulin. The terms of her employment in this capacity were set out in the following letter from G. Plant of Russell DuMoulin to Robinson, date 19 February 1986:

Russell and DuMoulin wishes to retain you as a consultant to assist us in the conduct of litigation relating to certain Indian land claims. We wish to retain your services for four months. We may extend this agreement from time to time thereafter. Your fee would be \$250.00 per day. . . . While we have not yet determined the nature of the assignments you will carry out, we confirm that your assistance will be in the areas related to your professional and academic experience. We anticipate this will include, for example, research and evaluation of the anthropological aspects of Indian land claims.

(Exhibit 1191-9)

Given Chief Justice McEachern's failure to comment on Robinson's role, it seems fair to suggest that while he did not consider that an anthropologist's inconsistent history of opposing the state's position in an academic forum and supporting the state's position in a legal forum provided a basis for charges of "subjectivity" and "unscientific" methodology, he did view a consistent history of supporting the Aboriginal position in a wide range of forums, as shown by Brody, Daly, and Mills, as sufficient reason for discrediting their work.

Political scientist Paul Tennant has argued that the legal position presented by the Province of British Columbia in land claims cases reflects what he calls the "founding myth" of white British Columbians:

Every self-respecting people has its own founding myths; British Columbia Whites, were, and are, no exception. The traditional white views were fully formed by the 1880s and remained little changed until the 1950s. These views belittled the worth and the claims of Indians while legitimizing the land ownership and political jurisdiction of the colonial authorities and their successors. . . . Only occasionally, and especially during the last quarter century, when the provincial government has had to defend its views in court, were attempts made to construct coherent legal or philosophic arguments in support of the old views.

The province's arguments in the Delgamuukw case provide the most comprehensive example of such an attempt. (Tennant, 1991:7)

This white myth begins with the assumption that the Aboriginal peoples of British Columbia were "too undeveloped," according to the standards of nineteenth century evolutionary theory, to have concepts of property:

One notion has been that Indians were too simple and unsophisticated before contact to be regarded as having individual or collective rights. This assumption is hostile to Indians, taking them to have been primitive creatures with no more rights than other wildlife, and it regards the land as having been essentially empty and unused until it was discovered and put to use by Whites. (Tennant, 1990:15)

A second assumption is that once Aboriginal people came into contact with Europeans they naturally attempted, successfully or not, to assimilate to this "superior" culture. Sheila Robinson's evidence can be seen as an attempt to bring anthropology to the service of legitimizing this "white myth."

Robinson promised her employers that her theoretical model was "innovative, credible, and in keeping with recent ethnohistoric, cultural-ecological and cultural-evolutionary research" (Robinson to Russell DuMoulin, Exhibit 1191-16). In the "Annual Reviews of Anthropology," prominent scholars in the discipline publish reviews of current literature and assessments of progress in the various sub-fields of anthropology. A cursory review of recent articles evaluating the three fields mentioned above by Robinson provides ample grounds to question the claims she makes about her model (Durham, 1990; Krech, 1991; Orlove, 1980).

The description of non-literate indigenous cultures is usually the subject matter of ethnohistory; and, of the three areas in which Robinson claimed expertise, her opinion report presents itself for the most part as a work of ethnohistory. Regarding ethnohistoric research on North American native peoples, Shepard Krech III, referred to by Robinson under cross-examination as a leading scholar in the field, says the following in his recent review of the field:

The best work in this category is based on comprehensive anthropological and historical research; it is marked, as well, by strong narrative style; it results not from the simple presentation of 'facts' but from judicious reflection upon them — i.e. from their careful weighing and interpretation.

(Krech, 1991:353)

I will argue in the remainder of this paper that Robinson's work does not represent a "judicious reflection" upon the facts or a "careful weighing and interpretation" of data, but rather a selection of material chosen not on the basis of scholarly criteria but to support the Crown's legal argument.

Robinson's report focuses on the "protohistoric" period in Gitksan and Wet'suwet'en history — i.e., the period after which European commodities were present in the area but preceding the arrival of European persons who, with pen and paper, brought Aboriginal peoples into the "historic" era. Her central thesis, and that of the Crown, is that the social organization and land tenure system claimed by the Gitksan and Wet'suwet'en to have been in place prior to the arrival of Europeans in fact evolved for the most part in response to participation in the fur trade. Establishing this thesis involves showing that major social changes took place, which in turn means demonstrating the existence of a base line in pre-historic Aboriginal culture from which change can be measured.

Ethnohistorians strive to reconstruct a holistic picture of specific Aboriginal cultures by carefully combining data from a number of sources, primarily: field work, historical documents, oral tradition, archaeology, and comparison with documentation from other regions and groups.

Robinson conducted no fieldwork among the Gitksan and Wet'suwet'en. To be fair, it is not likely that it would have been possible for her to do so since they, like many indigenous peoples, assert the right to grant or deny access to their communities to researchers. It is doubtful whether they would have allowed a researcher employed by the Crown to conduct studies within their communities in preparation for, or during the course of, litigation. So far as historical documents are concerned, the earliest written descriptions of the Wet'suwet'en were written by Thomas Harmon in 1810, and the first records of the Gitksan are found in the journals of Hudson's Bay trader William Brown, beginning in 1822 (Ray, 1991 (a)). Brown describes the Gitksan chiefs as "men of property" and outlines a social organization and land tenure system very similar to that described by the contemporary lay witnesses (*ibid*). Robinson claimed these Hudson's Bay records were irrelevant to her study because, she said, Brown was describing a social organization that had radically changed as a result of the introduction of European commodities into indigenous trade relations during the protohistoric period that had preceded Brown's arrival. Hence, she did not conduct any archival research in connection with her report. Oral tradition was dismissed by Robinson as unreliable:

It is important to emphasize the limitations inherent in any theory of aboriginal land use which attempts to reconstruct a 'reality' that existed before any relevant written records were kept and long before the memory of living man.

(Robinson, 1987(a):4)

Archaeological research, finally, was set aside on the basis that too little

work had been done in the claims area to yield any conclusive evidence. (Transcripts, vol. 289:21727-21730)

In rejecting data from fieldwork, oral tradition, archaeology, and historical documents, Robinson denied the validity of the methodology, and the greater part of the data base, of ethnohistory, the very discipline in which the court accepted her as an expert witness. She herself was at one point more than a little bewildering:

... this Section IV that these paragraphs are embedded in is referring to traditional, so in that sense I would be looking at or considering prehistoric to the extent that that can't be done. (Transcripts, vol. 293:22192)

Even more paradoxical, however, is the fact that since her thesis stands or falls on her ability to establish *change*, she was inevitably forced to rely on the very data base which she, theoretically, dismissed. Hence we find that forty-seven of the eighty-two sources listed in her original bibliography rely to some extent on oral tradition. Similarly, in practice, she did not reject archaeological findings in total, but rather drew on particular archaeological studies that supported her thesis, which in turn supported the Crown's legal position, while rejecting those that did not (Transcripts: vol. 293:22176-22177; and see Appendix 1).

The theoretical premises of the Crown's argument are those associated, in social theory, with economic and technological determinism. Simply put, arguments based on such determinism assert that additions to and deletions from the technological tool kit and/or alterations in the economic base of a given society determine the nature of, and changes in, culture and social relations. This is essentially a psychological theory that assumes that human behaviour is primarily motivated by the desire for individual economic gain and that it is this desire which results in the development of systems of property ownership. The Crown argued, further, that property ownership by individuals arises only when people become involved in commodity market relations and that, in the case of the Gitksan and Wet'suwet'en, this development was historically coincident with the arrival of Europeans. In support of this theory, the Crown contended that prior to engaging in trapping for the fur trade the Gitksan and Wet'suwet'en had "no reason to travel" into the hunting territories they now claim to own, since their primary subsistence resource was fish that they obtained from the rivers that ran by their village sites.

Anthropologist Charles Bishop, also mentioned by Robinson under cross-examination as a prominent scholar in the field, summarized current thinking in anthropology on this question:

... it became orthodoxy to view the European fur trade as giving rise to ... [an] individualized and privatized form of territoriality. Beginning in the 1960s, more intensive regional, ethnographic, and historical studies began to undermine some of the specific tenets of the general theory. By the 1970s, it was becoming evident to a small core of specialists that an accumulation of data pertaining to a variety of times and areas, combined with theoretical and conceptual refinement, was challenging the applicability of the general theory itself. (Bishop, 1987:7)

The Gitksan and Wet'suwet'en argued that they exploited a wide range of resources in these territories for subsistence, clothing, ceremonial use, and the production of surplus for exchange and trade prior to the arrival of Europeans, and that they had a well-developed system of property ownership. The Hudson's Bay records, which Robinson said were "virtually mute" on the subject at hand but which the chief justice accepted as "a rich source of historical information" (Reasons, 201) are replete with references to both the presence of resources in the territories and their use by and importance to the Aboriginal peoples of the region. Harmon, for example, recorded that the Wet'suwet'en captured caribou, beaver, lynx, martens, marmots, fishers, minks, swans, and hares with a variety of implements. Brown confirmed the importance of hunting in the territories for food, clothing, trade goods, and ceremonial items.

Robinson admitted, under cross-examination, that her knowledge of the ecology of the territory was limited. She could not answer questions about where various species of game were located or what their habits were. The following exchange, which took place during Robinson's cross-examination by the plaintiffs' lawyer Peter Grant, offers one illustration of Robinson's failure to provide empirical support for key arguments in her opinion report, as well as of her tendency to substitute argument for data.

Grant: You don't know what they wore, the interior Gitksan and Wet'suwet'en. You have already told us that?

Robinson: For which time period, sir?

Grant: Pre-contact?

Robinson: No. I don't think anyone knows what they wore pre-contact.

Grant: But we can assume that they wore something in the winter months?

Robinson: Yes, I think so.

Grant: And we can assume that it wasn't from fish?

Robinson: Not necessarily. I have seen reference to the use of fish skin.

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Grant: This is Harmon. You remember Harmon? You referred to him earlier, Dr. Robinson?



Robinson: Yes.

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Grant: Where he refers to "The Native of New Caledonia, we denominate Carriers" . . . You see that?

Robinson: Yes, I do.

Grant: Okay. Now, turn the page over. And then he gets into a description of them: . . .

"Their clothing consists of a covering made of the skins of the beaver, badger, muskrat, cat or hare. The last they cut into strips, about one inch broad, and then weave or lace them together, until they become of a sufficient size to cover their bodies, and to reach their knees. This garment they put over their shoulders and tie about their waistes . . ."

Now, that description by Harmon is of the eastern Carrier. You would agree that that is some indication of what the aboriginal people of the interior, the north central interior of B.C. were wearing . . . ?

Robinson: . . . I am gratified to see the reference of using the skin of fish for clothing is mentioned at the bottom of that paragraph.

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Grant: Well, let's read what is there since you pointed it out.

"The women, however, in addition to the robe of beaver or dressed moose skins, wear an apron, twelve or eighteen inches broad, which reaches nearly down to their knees. These aprons are made of a piece of deer skin, or of salmon skins, sewed together. Of the skin of this fish, they sometimes make leggins, shoes, bags, etc. but they are not durable; and therefore they prefer deer skins and cloth, which are more pliable and soft. The roughness of salmon skins, renders them particularly unpleasant for aprons."

You have to — in any of the analysis of Gitksan and Wet'suwet'en pre-contact you have to take into account that there was some resources that they relied on for clothing?

Robinson: Locally. Some resources that they relied on for clothing, yes, I would think so.

Grant: Yes. And you are not suggesting that you assumed that they wore fish skins in the winter months in the central interior of B.C.?

Robinson: I don't know. Harmon has given us a comment about the use of fish skins as part of the clothing. But there is no reference here to what seasons of year they wore the fish skins and whether or not they comprised of part or all of their clothing.

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Grant: But would it not be fair to assume that the Gitksan and Wet'suwet'en would rely upon furs from within their area for clothing pre-contact?

Robinson: I imagine that they relied on them to some extent. We have here a description of the use of other species of animals for clothing or fish.

(Transcripts, vol. 293:22177-22179)

The judge was nevertheless convinced of the validity of this key point in the Crown's case, as evidenced by the following statement in the Reasons for Judgment:

Next, it is likely, in my view, that the Indians in those early times would have searched for food and other products in the vicinity of their villages. There was no need for them to go very far for such purposes, and I know of no reason to suppose they did. (Reasons, 274)

Reviewing ecological anthropology — the second field in which Robinson claimed expertise — in 1980, Orlove classified the work of Julian Steward, upon whom Robinson relies heavily, as belonging to the “first stage of ecological anthropology” running “from about 1930 to 1960.” The main criticism which has been made of this school as a whole has been the tendency of scholars working within it to stress the decisive role of environment and economy in shaping social structure and directing social change, while underestimating the influence of culture and ideology in these processes. Of course, academics working within the field of cultural ecology are not a monolithic group, and this critique applies with varying accuracy to their respective works. This first stage, Orlove argues, has subsequently been superseded by two others: neo-evolutionism/neofunctionalism, and processual approaches. Orlove concluded:

As this work progresses, materialist and idealist approaches in anthropology are likely to find more common ground through a more thorough interpretation of culture and ideology as systems which mediate between actors and environments through the construction of behavioral alternatives. . . . Future developments in ecological anthropology thus rest on an understanding of the new common elements in processual approaches — the importance of time frame, the role of actor-based models, a clearer focus on mechanisms of change, and a more balanced position on the role of social organization, culture, and biology. (Orlove, 1980:262)

Robinson, however, excludes research based on oral history and participant observation, explicitly rejects “actor-based” models, and does not address the role of culture in social change. Her argument relies instead on simplistic economic and environmental determinism where any consideration of consciousness is ignored in favour of theoretical speculation about the operation of universal laws of social development and ungrounded comparison.

For evidence regarding changes in Gitksan and Wet'suwet'en land ownership and resource use initiated by participation in the fur trade, Robinson turns to her doctoral dissertation and to data based in research on other coastal groups.

My general understanding of the consequences of European influence is shaped by the research I carried out for my doctoral dissertation . . . [wherein I] . . . investigated ethnographic and early historic records pertaining to the Tlingit, Haida, Coast Tsimshian and neighbouring native populations.

(Robinson, 1987:3)

The comparative method is a venerable one in anthropology and, again, there are fairly well-established methodological rules and conventions for carrying out comparative work. Current work in fur trade studies, as in anthropology as a whole, stresses the importance of taking account of local variation in historical experiences. This is particularly relevant in a case where the first thirty or forty years of the fur trade are classified as the "maritime fur trade" period when European ships seeking sea otter pelts called in at coastal villages. It was only after the sea otter nearly became extinct in the early years of the nineteenth century that the land-based fur trade commenced, and with it the more intensive exploitation of land mammals for their furs. These and many other factors indicate that a good deal of caution is required in comparing the experiences of coastal groups like the Tlingit, Haida, and Coast Tsimshian to those of interior groups like the Gitksan and Wet'suwet'en.

Robinson herself made the following statement in her Ph.D. dissertation:

It must also be stressed that the variability in each aspect of information involved in assessing the impact of early European contact on Northwest Coast Indians should be taken into consideration. *Generalizations about the many different cultural contact situations often simplify, assuming cultural stereotypes and draw broad conclusions from isolated incidents.* These fail to do justice to the variety of Indians and Europeans involved, transactions or conflicts which occurred, or relationships which developed through the fifty-odd year period of maritime fur trade activity.

(Robinson, 1983:376) (emphasis mine)

According to evidence subsequently accepted by the judge, the proto-historic period for the Gitksan and Wet'suwet'en began in 1778 and ended in 1822. Based on extrapolation from Tlingit, Haida, and Coast Tsimshian data, Robinson argued that the land tenure system and clan social structure of the Gitksan, as described by William Brown, emerged and became consolidated in this period. McEachern concurred:

In fact, active trade was underway at the coast and spreading inland for at

least 30 years before trader Brown arrived at Babine Lake, probably converting a Gitksan and Wet'suwet'en aboriginal life into something quite different from what it had been. (Reasons, 75)

Neither the Gitksan and Wet'suwet'en witnesses nor the anthropologists who testified on their behalf denied that changes took place in Gitksan and Wet'suwet'en society during the fur-trade period, or during any other period in the thousands of years of their history, for that matter. The plaintiffs' testimony, like that of their expert witnesses, attested to the fact that the fur trade did put additional pressure on land-based resources, did exacerbate competition within Gitksan and Wet'suwet'en society and between them and their neighbours, did introduce smallpox and other diseases that reached epidemic proportions and took a heavy toll on the population, and did bring the Aboriginal peoples into a new relationship with a market economy and a foreign power. Change was not denied. It was, however, empirically described, not theoretically assumed on the basis of abstract models or the experiences of other peoples. What *was* denied was transforming from the status of "truly Aboriginal" peoples to that of ones "not truly Aboriginal."

Frequently, under cross-examination, when Robinson was unable to respond to the questions put to her with concrete data, she responded by speculating on the basis of generalizations drawn from cultural ecology theory or cultural evolution theory, suggesting that these theories offered accounts of what "most likely happened." They, however, have their limitations. Durham (1990:92) locates the central weakness of what he sees as these outdated models in their tendency to assume that changes in social structure, often externally imposed on indigenous peoples by the historical events of colonialism, necessarily produce regular and predictable changes in the consciousness, or culture, of the people themselves.

Surely, the emergence of increased social stratification in a population, to take one example, can and does have profound influence on the evolution of its religious beliefs, legal precepts, kinship and inheritance conventions, and so on. . . . But just as surely, culture and social structure are not the same thing; temporal changes in social relations— as important as they are— should not be construed as cultural evolution. (Durham, 1990:192)

Robinson, however, posits that the introduction of a few European commodities through trade with coastal groups during the early years of the fur trade catapulted the Gitksan and Wet'suwet'en from a non-territorially based form of social organization, in which trade was motivated by non-economic considerations based in kinship relations, into one which was based on ownership of delineated territories and exchange became gov-

erned by the form of "economic rationality" assumed in models of economic determinism.

In summary, several factors call Robinson's credibility as a witness into serious question. Her professional qualifications and experience are considerably less impressive than those of Hugh Brody, Richard Daly, or Antonia Mills. Her history of having been employed almost exclusively as a Crown witness opposing Native land claims suggests that she is at least as partisan a witness as they are accused of being. Her opinion report and testimony reflect neither the current state of theoretical knowledge in the fields in which she claims expertise, nor a thorough investigation of the accumulated ethnographic data on the specific peoples in question. Where the opinion reports submitted by the plaintiffs' anthropologists are based on participant observation *and* a review of archival, archaeological, linguistic, geographic, and comparative data, she relies almost entirely on simplistic speculation based on abstract theoretical models that have been undergoing substantial criticism and revision within the discipline of anthropology for some time and on generalizations from research conducted among peoples other than the Gitksan and Wet'suwet'en. She disregards the Aboriginal voice entirely and in so doing fails to address the role of consciousness in social change. Her methodology is inconsistent: on the one hand she dismisses oral tradition, historical documents, and archaeological data, and on the other draws from these same data without explaining the criteria by which she does so. Finally, in basing her opinion on examples drawn overwhelmingly from research on peoples other than the Gitksan and Wet'suwet'en, she commits two major errors: first, she ignores anthropology's stress on the importance of taking account of local variation (something she herself acknowledged the centrality of in her doctoral dissertation); and, second, she adopts a concept considered archaic in current anthropology — that the degree of diversity among different First Nations peoples is minimal and certainly not of the same order as diversity among the various nations of Europe.

Robinson was challenged under cross-examination by the Gitksan and Wet'suwet'en's lawyer, Peter Grant, about her lack of qualifications as an anthropologist; about the shortage of scholarly publications or academic appointments in her curriculum vitae; on her history of appearing as an expert witness for the Crown opposing aboriginal claims; and on the obvious shortcomings in her theoretical and methodological approaches. The references listed in her bibliography were reviewed, and she was asked to explain contradictions and inconsistencies between these sources and the conclusions she drew from them. She was not, however, queried as to

whether or not she “likes white people.” Nor was she confronted with insulting stereotypical images of her employers’ ancestors and asked to confirm or deny whether or not the early colonists and settlers were sex-starved, sodden, dishonest land-grabbers. Some would say the honour of the Crown was not well served in all this. Others would say the honour of the Crown was revealed for what it really is.

History will judge.

### *Appendix 1*

It is often difficult to follow the lines of particular arguments in verbatim transcripts of verbal interactions like court proceedings since participants frequently veer off and discuss related issues, other players interrupt with questions of clarification or tangential points, etc. The excerpt of a portion of Peter Grant’s cross-examination of Sheila Robinson on the subject of Gitksan and Wet’suwet’en use of resources for clothing quoted in the text of this paper is an edited extract. The act of editing oral testimony in this or any other forum superimposes an organizational and interpretive grid designed to answer the questions posed by the editor, to select points deemed important to the editor, and, inevitably, to assist the editor or analyst in supporting a point or argument important to their overall objectives which may or may not reflect those of the actors whose words are being quoted and manipulated. The full text of verbatim transcripts from which the quoted portion is extracted is reproduced below in its entirety to enable readers to assess the effect of my editing on the meaning of the text. Sections I omitted are italicized and enclosed within square brackets.

Transcripts: Vol. 293:22176-22179

*[Sheila Robinson: I would like to make one statement about the nature of the archaeological record which relates directly to the question you just asked me there. Given that the canyon settings for most of the archaeological data that’s been recovered might skew the record of cultural activities in the pre-historic period, that’s another reason why I was not happy with using archaeological information.*

*Peter Grant: I’m not asking about archaeological information.*

*Sheila Robinson: You did before. And I just wanted to say in light of the comment about this atlas that the canyon settings where most of the archaeological information has been recovered for the claim area are similarly unusual.*

*Peter Grant: But I am not asking about archaeological. I was just asking you about climate and location of resources was relevant in relation to these factors. And you said it is and that’s fine, thank you. Paragraph 26 and you state at page 18 that I have already put to you if one — when you start saying that you*

*"envision a patchwork configuration," I think I have already asked you and you agree that is speculative. You rely in part on Garfield who is at footnote A which is located on page 67; is that right?*

**Sheila Robinson:** Yes.

**Peter Grant:** And in this quote Garfield is talking about the coastal groups, is she not?

**Sheila Robinson:** I'm not sure. Because she does in her book refer to the Tsimshian generally which includes the Gitksan.

**Peter Grant:** But, of course, the environmental considerations for the coastal Tsimshian and the Gitksan are extremely different, you will agree with that?

**Sheila Robinson:** No, I would not agree with that. We have to think in terms of the used resources rather than what's out there in terms of the natural environment. So environment as it is used is different than the environment as it exists.

**Peter Grant:** Well, the coastal Tsimshian use the sea-based resources, the interior Gitksan use the river resources, at least as far as the fish is concerned, right?

**Sheila Robinson:** Yes.]

**Peter Grant:** You don't know what they wore, the interior Gitksan and Wet'suwet'en. You have already told us that?

**Sheila Robinson:** For which time period, sir?

**Peter Grant:** Pre-contact?

**Sheila Robinson:** No. I don't think anyone knows what they wore pre-contact.

**Peter Grant:** But we can assume that they wore something in the winter months?

**Sheila Robinson:** Yes, I think so.

**Peter Grant:** And we can assume that it wasn't from fish?

**Sheila Robinson:** Not necessarily. I have seen reference to the use of fish skin.

[**Peter Grant:** This should be in as the next tab.

**THE COURT:** This one has some photocopy highlights. Well, it is side lining is what it is. It is innocuous, I think.]

**Peter Grant:** This is Harmon. You remember Harmon? You referred to him earlier, Dr. Robinson?

**Sheila Robinson:** Yes.

[**Peter Grant:** This is also Exhibit 913. And I would ask it to be 1191 capital A, tab 45.

**THE COURT:** Also 913?

(EXHIBIT 1191A-45: Sixteen Years in the Indian Country — Harmon)

**Peter Grant:** Yes, it is also Exhibit 913. And I am referring you here to Harmon at page 242, the middle paragraph.] Where he refers to "The Native of New Caledonia, we denominate Carriers" on page 242. You see that?

**Sheila Robinson:** Yes, I do.

**Peter Grant:** Okay. Now, turn the page over. And then he gets into a description of them. [*And at page 243, the middle paragraph:*] "Their clothing consists of a covering made of the skins of the beaver, badger, muskrat, cat or hare. The last they cut into strips, about one inch broad, and then weave or lace them together, until they become of a sufficient size to cover their bodies, and to reach their knees. This garment they put over their shoulders and tie about their waistes. [*Instead of the above named skins, when they can obtain them from us, they greatly prefer, and make use of blankets, capots, or Canadian coats, cloth or moose and red deer skin. They seldom use either leggings or shoes, in the summer.*"] Now, that description by Harmon is of the eastern Carrier. You would agree that that is some indication of what the aboriginal people of the interior, the north central interior of B.C. was wearing [*by a contemporary historical account?*]

**Sheila Robinson:** Well, in the historic period for the Carrier or the eastern Carrier.

**Peter Grant:** *Mh'm.*]

**Sheila Robinson:** And I am gratified to see the reference of using the skin of fish for clothing is mentioned at the bottom of that paragraph.

**Peter Grant:** [*Yes. Well I knew you would find that.*]

**Sheila Robinson:** Well, good.

**Peter Grant:** And I am going to read that.

**Sheila Robinson:** But I am not sure that it is applicable to the Gitksan for sure because if they are considered along with other groups than the Tsimshian we don't know, do we?]

**Peter Grant:** Well, let's read what is there since you pointed it out. "The women, however, in addition to the robe of beaver or dressed moose skins, wear an apron, twelve or eighteen inches broad, which reaches nearly down to their knees. These aprons are made of a piece of deer skin, or of salmon skins, sewed together. Of the skin of this fish, they sometimes make leggins, shoes, bags, etc. but they are not durable; and therefore they prefer deer skins and cloth, which are more pliable and soft. The roughness of salmon skins, renders the particularly unpleasant for aprons."

You have to — in any of the analysis of Gitksan and Wet'suwet'en pre-contact you have to take into account that there was some resource that they relied on for clothing?

**Sheila Robinson:** Locally. Some resources that they relied on for clothing, yes, I would think so.

**Peter Grant:** Yes. And you are not suggesting that you assumed that they wore fish skins in the winter months in the central interior of B.C.?

**Sheila Robinson:** I don't know. Harmon has given us a comment about the use of fish skins as part of the clothing. But there is no reference here to what seasons of year they wore the fish skins and whether or not they comprised all or part or all of their clothing.



[*Peter Grant: Well, he says what they were used for?*

*Sheila Robinson: Yes. They also wore Canadian coats, blankets, capots and so on.*

*Peter Grant: Yes, after contact that's what he says?*

*Sheila Robinson: Yes. And this is pretty early after contact, too.*

*Peter Grant: This is 1811. Yes, 1812.*

*Sheila Robinson: Yes.]*

**Peter Grant:** But would it not be fair to assume that the Gitksan and Wet'suwet'en would rely upon furs from within their area for clothing pre-contact?

**Sheila Robinson:** I imagine that they relied on them to some extent. We have here a description of the use of other species of animals for clothing or fish.

[*THE COURT: What do you understand is a Canadian coat?*

*Sheila Robinson: A grey coat made out of a cloth blanket, blanket cloth. I'm not sure if I'm correct on that, but that's my understanding.]*

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