

to showcase the changing form of settler colonialism that shapes the way in which our communities think about themselves, their locations, and their possibilities—including resistance.

Yvonne P. Sherwood  
University of California, Santa Cruz

**Report of an Inquiry into an Injustice: Begade Shutagot'ine and the Sahtu Treaty.** By Peter Kulchyski. Winnipeg: University of Manitoba Press, 2018. 176 pages. \$24.95 paper; \$20.00 electronic.

Having published extensively on Northern Aboriginal politics and hunting rights in *Like the Sound of a Drum: Aboriginal Cultural Politics in Denendeh and Nunavut*, (2005), as well as on Inuit histories and rights struggles (*Kiumajut [Talking Back]: Game Management and Inuit Rights 1900–70*, 2007), Peter Kulchyski's latest book focuses specifically on the Begade Shutagot'ine, a small community of Dene with whom Kulchyski has been personally and academically involved for decades. Originally an inquiry into "the intersections between two kinds of ethics" entitled "talking about the land: speech and environmental ethics among Begade Shutagot'ine" (83), Kulchyski reveals the book's current form was a "second best" option (86). *Report of an Inquiry into an Injustice* can still meditate on the ethical nexus of speech and the environment, however (124). *Report* is at once a legal treatise (opening and concluding briefs frame four depositions "that I, Peter Kulchyski, inscribe as witness to Begade Shutagot'ine land rights struggles over the past two decades" (2), a novelistic recounting of Dene hunting trips, and an intimate reflection on major themes of the author's career.

Throughout, Kulchyski wrestles with his status as settler academic ally: what is his role as scholar, political actor, friend? An answer: "Witness, I thought then, and still at times think now" (30). At times preferring the role of "secretary" (29) and at other times "documentarian, as recorder" (73), he offers fascinating reflections on the nature of testimony (37), the difference between the witness, the historian, and the advocate, and how their "boundaries are less rigid, more porous" when performed "on that other stage, the stage of history" (32).

As witness to the historical trauma of "the purported extinguishment of Aboriginal title of Begade Shutagot'ine through the mechanism of the Sahtu Treaty," Kulchyski testifies: "I was not an innocent bystander. I deliberately responded to the call of Begade Shutagot'ine for help" (31). The four depositions are, in fact, testimony regarding their unextinguished Aboriginal title and ownership of land, given that he asserts that Canadian "facts of law" (6) mean that they "are in position to negotiate a modern treaty that is acceptable to them if at some point they so desire." Kulchyski's hunting stories thus also serve as "depositions" that speak directly to this legal context.

Kulchyski's conclusion argues that his relationship with Begade Shutagot'ine provides "an insight into the 'certainty' policy of the federal government respecting modern treaties" (129). If the federal government's older approaches were to extinguish

and to terminate, Kulchyski seeks a third possibility, to reaffirm. In working towards reaffirmation, however, Kulchyski avoids relying upon both the well-known section 35 of the Canadian Constitution regarding Aboriginal title and treaty rights and the United Nations Declaration on the Rights of Indigenous Peoples. In his view, the latter is “basically is a document that enshrines the human rights of indigenous peoples [but is] not really a strong legal instrument for the protection of Aboriginal rights [because] Aboriginal rights are not human rights.” Instead, “the special rights that Indigenous peoples have by virtue of being the earliest occupants of a territory and practitioners of a distinct culture” are protected by the “often overlooked” section 25, “that makes our Constitution a structural improvement over the United Nations Declaration on the Rights of Indigenous Peoples” (157). Thus, his closing brief is entitled: “Love Letter to Section 25 of the Canadian Constitution.”

Kulchyski doesn't mean to imply that Canada treats its indigenous people well, but rather that under section 25, “Indigenous people in Canada have a status over and above their status as equal citizens” whereby “the Charter of Rights and Freedoms, the most powerful expression of human rights in Canada, will not be interpreted in a way that diminishes Aboriginal and treaty rights” (157–158). Although underlining section 25 is familiar to legal scholars such as Kent McNeil, Brian Slattery, and Patrick Macklem, Kulchyski is correct to emphasize it more broadly. Kulchyski's contributions to debates around Treaty 11 (1921) and the Sahtu Treaty (1994) are both illuminating and frustrating. He usefully questions their supposed extinguishments with reference to the case *Re: Paulette* (1973; Supreme Court of the Northwest Territories) and the decisions in *Calder v. British Columbia* (1973), *R. v. Sparrow* (1990), and *R. v. Sioui* (1990) (5, 25, 41–42). His citations of Justice Moreau, René Fumoleau, and Sakej Henderson further problematize the debates (5, 37–41).

Kulchyski's principal contribution, however, is his testimony on “the oral history of Paul Wright concerning his uncle Albert Wright's signature on the treaty [which] offers a particular challenge to the validity of Treaty 11” (5). Yet as witness to oral history, Kulchyski is less than forceful. Instead of explicitly advocating an oral tradition that recounts fraudulence of Treaty 11, Kulchyski writes that “Albert Wright's name is on Treaty 11. But there is some question as to whether it belongs there” (43). Kulchyski's conclusion testifies that Wright “may or may not have signed a treaty but put up posts on his land to mark what belonged to his people” (162). Likewise, Kulchyski's oblique report that “Treaty 11, which purported to have [Wright's] signature on it and purported to surrender Begade Shutagot'ine title to their lands” begs a more forceful account (44); or, even more indirectly, he writes, “a chief probably did not sign the document that bears an X purporting to be his signature” (45). Even if these statements are meant to introduce and emphasize the importance of the physical ownership markings, they should be more direct and explicit. If the *Paulette* and *Delgamuukw v. British Columbia* (1997) cases have held that oral histories carry legal weight, and the oral tradition reports that Begade Shutagot'ine Chief Albert Wright didn't sign Treaty 11 and his name appears by federal fraud, Kulchyski had best make his novel contribution and testimonial advocacy forcefully.

Will the Begade Shutagot'ine have an opportunity to negotiate a modern treaty of reaffirmation? If they do, Kulchyski's book will provide scholarly and intimate witness to the strength of their position. In the meantime, given its accessible style, *Report of an Inquiry into an Injustice* will be of interest to both academics and readers more generally for its reflections on academic allyship, its insights into Canadian legal institutions, and its heartfelt documenting of the words and lives of contemporary Begade Shutagot'ine.

A. W. A. Gemmell  
Carleton University

**Residential Schools and Reconciliation: Canada Confronts Its History.** By J. R. Miller. Toronto: University of Toronto Press, 2017. 368 pages. CND \$39.95 cloth and electronic.

More than twenty years have passed since J. R. Miller published *Shingwauk's Vision* (1996), a ground-breaking history of residential schools. In many respects, *Residential Schools and Reconciliation: Canada Confronts Its History* can be viewed as a companion volume that examines the residential school legacy from the 1996 Royal Commission on Aboriginal Peoples (RCAP) to the 2015 Report of the Truth and Reconciliation Commission (TRC). In his conclusion to *Shingwauk's Vision*, Miller addressed the question of culpability, which at the time was under discussion among school survivors, the courts, churches, and government. While he ultimately concluded that the federal government and Canadians as a whole bore this responsibility, beginning in 1996 it was actually the United, Anglican, and Roman Catholic churches that first offered apologies for their complicity in operating the schools. From that point onward, Miller argues in *Residential Schools and Reconciliation*, Canada "has moved haltingly towards reconciliation between Indigenous and Immigrant peoples" (5).

Using archival documents, interviews, and literature produced by government, churches, and other institutional bodies, Miller takes us on a compelling but frustratingly bureaucratic journey, tracing the evolution of the reconciliation process through major policy statements and actions which include the apologies, RCAP, major class-action lawsuits, the Indian Residential Schools Settlement Act (IRSSA), and the TRC. In doing so, it becomes apparent that apologies represent only one part of the survivors' quest for justice. The other part—the process of reconciliation—not only requires public acceptance of the "truth" as told by historians and survivors, but the political will to implement actionable policies that will effect genuine change. On this last point Miller remains cautiously optimistic.

Organized into three sections, part 1 is a brief introduction to the changing role of churches from educators to advocates, the indigenous rights movement, and the dismantling of the residential school system. A number of tense standoffs led to the creation of the RCAP: the largest inquiry into the history and conditions of indigenous peoples in Canada and, in Miller's view, a pivotal moment in the reconciliation process. Devoting an entire chapter to residential schools, the 1996 RCAP report