and logistical struggles around levels of rations being supplied to the Lakota under the Fort Laramie Treaty of 1868 directly contributed to the end of treaty making in 1871, demonstrating how treaty making had become government. This made no sense to the Lakota who saw the shortfall in meeting obligations as broken promises in the fulfillment of the treaty.

Both treaties produced eventual reactions to the prolonged and difficult circumstances epitomized by reserve and reservation life, inevitably fostering various forms of resistance to it. Select Indian participation in the resistance of 1885 and the US efforts to bring in the hostiles among the Lakota to the Great Sioux Reservation meant these particular treaties and their flawed implementation had not resolved the Indian problem. Legislators in both countries fundamentally demonstrated their misunderstanding of the treaties when confronted with the expenditures for food supplies, which were not seen as a means of exchange for Native title, because they were not willing to view any "apparent return for their investment of food" in the form of appropriations as anything but social welfare (183).

St. Germain has produced a stimulating and descriptive study of the two treaties and their respective contexts that will be important to anyone interested in a critical reading of the treaty dynamic. Her extensive analysis explores the motivation and interest; action and reaction; and spirit and intent of the treaties compounded by the necessary messiness and degrees of fitness surrounding the expectations of the parties to a treaty.

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**Canada's Indigenous Constitution.** By John Borrows. Toronto: University of Toronto Press, 2010. 427 pages. $80.00 cloth; $35.00.

This is a challenging book, and I think an important one. The reader of John Borrows's *Canada's Indigenous Constitution* has to be willing to accept his contention—at a minimum for the sake of argument—that contemporary Canada features three legal traditions: common law, civil law, and indigenous law. Anyone unalterably opposed to the inclusion of the third element is unlikely to spend the time required to read this dense and carefully documented work of scholarship. I read it with two bookmarks: one in the text and the other in the 129-page footnote section. Borrows calls upon evidence from a wide variety of sources and cites them meticulously and fair-mindedly; many of the footnotes have considerable intellectual content of their own.

The author's argument is that Canada needs to be constructed—in imagination and in fact—on a tripartite legal basis that includes indigenous law. The exclusion of indigenous law and custom from the Canadian legal hierarchy has generated "an incorrect and impoverished view of Canadian law," and a correct legal construction or reconstruction will connect indigenous peoples to contemporary society and will enrich and affirm the democratic rule of law for the country as a whole (15). It is difficult to compare the book to anything else. Extensive legal literature exists in Canada that deals with indigenous peoples and treaty rights; indigenous peoples and the Canadian Charter of Rights and Freedoms; and indigenous peoples and various aspects of the criminal justice system, among other topics. But almost all of that work is framed within mainstream Canadian law. Borrows writes from a different set of assumptions.

He identifies five sources of indigenous law: sacred law, which stems from the Creator, creation stories, or revered ancient teachings; natural law, developed from the observation of the physical world around us; deliberative law, formed through deliberation, discussion, and persuasion; positivistic law, found in binding rules, regulations, and proclamations; and customary law, developed through repetitive patterns of social interaction (24, 28, 35, 46, 51). He rejects the view that all indigenous law can be labeled (and denigrated) as "simply customary" and points out that civil law and common law are customary to their originating cultures (and their offshoots) too, in the one case codified by Justinian and spread from continental Europe around the world and in the other case grown out of the diverse cultures of medieval England and exported to Canada along with English settlers (56, 109, 111–12).

A fascinating chapter presents eight examples of Canadian indigenous legal traditions derived from the preceding five sources: those of the Mi'kmaq people of the Atlantic provinces and Québec; the Haudenosaunee (Iroquois Confederacy) of Ontario, Québec, New York, and Wisconsin; the Anishinabek of the upper Great Lakes; the Cree, whose territory stretches from the Rocky Mountains to James Bay; the Métis, whose communities are found throughout Canada; the Carrier people of north-central British Columbia; the Nisga'a of northwestern British Columbia; and the Inuit of the far north. Borrows examines their historical and cultural roots and describes them collectively as "a rich and complex source of guidance for regulating and resolving disputes within their various spheres" (104).

Throughout the book, Borrows anticipates that there will be counternarratives and counterarguments to his own, and his language and substance are what he calls "a stretch" for the common-law legal imagination (246). He identifies a number of concerns that the legal establishment and other stakeholders, including indigenous community members, might have about expanding the broader Canadian framework in order to learn from and

incorporate indigenous law. First, he identifies a possible lack of precision (in indigenous law) sufficient to inform individual behavior (intelligibility of law); here, he suggests the reframing of laws and guidance from those who best understand the indigenous cultural context (139–40). Second, Borrows considers accessibility of indigenous law and the ability of the people whom it is intended to affect to understand it; he suggests that the law will "become more accessible when it is conveyed in modern forms" and under circumstances in which indigenous people will not have to fear "appropriation, criticism, and extinguishment" of their legal traditions (147, 149).

Another challenge to recognition might be concerns about equality among Canadians and the possibility that indigenous law will lead to "special treatment" for some. Borrows makes it clear that he does not advocate ideas or practices contrary to the Canadian Charter of Rights and Freedoms or to international human-rights conventions (151). But, reminding the reader of existing differences and inconsistencies in Canadian law, he cites Supreme Court Justice Iacobucci's 1999 observation that true equality does not necessarily result from identical treatment (151). A further challenge lies in the applicability of indigenous laws: whom will they govern? Borrows's answer is that indigenous laws would best be administered within Canada "on a territorial basis" (162). He rejects the "racialized" nature of Indian Act definitions of *indigenous citizenship*: indigenous peoples, instead, "should apply their legal traditions as political bodies rather than as racial groups" and within their traditional territories (158, 164). However, the large percentage of Canadian indigenous people who live outside of legally constituted reserves or settlements, let alone outside of their traditional territories, does raise problems with applicability of indigenous law.

The final concern Borrows explores is the legitimacy of indigenous law. Here, although he explicitly appeals to reason throughout the book, he asks us "to pay attention to both its [indigenous law's] emotional and intellectual elements" (165). He identifies possible negative emotions on the part of other Canadians, such as "peace and order" concerns or worries about social or territorial fragmentation. He acknowledges that miscarriages of justice may occur in indigenous legal systems but adds that "no society is immune from error, miscalculation, vice, corruption, and distortion. *This is the reason all societies, including Indigenous societies, have need of law*" (author emphasis, 168). Indigenous people, on their part, may be blocked from Borrows's project by resentment regarding the injustices and trauma they have suffered in Canada rather than choosing to engage constructively with the Canadian state (169, 173). Borrows believes, nevertheless, that "there is hope in our law as it relates to Indigenous peoples" (175).

It is impossible for one review to do justice to *Canada's Indigenous Constitution*; there is simply so much here. Borrows addresses international, constitutional, and treaty laws and their harmony or disharmony with indigenous legal traditions. He thinks through indigenous bar associations and law schools. Borrows has taught at Akitsiraq Law School, a partnership between Nunavut Arctic College (Nunavut Territory) and the University of Victoria (British Columbia), and offers insights about how to ground students in both common and indigenous (Inuit, in this case) law. A repeated theme for Borrows is that indigenous law should not be viewed as frozen in time and myth; he encourages debate about the ideas he presents in order "to ensure that Indigenous legal traditions do not become withdrawn from critical inquiry or become lost in mythologies of the past" (104). He adds, "Traditions have the most relevance when each generation actively participates in their construction and application" (271). His book is a call to indigenous and nonindigenous people to remember: "Legal cultures are fluid. Law is in the process of continual transformation, and Indigenous peoples must participate in its changes" (283).

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**Cave Archaeology of the Eastern Woodlands: Essays in Honor of Patty Jo Watson.** Edited by David H. Dye. Knoxville: University of Tennessee Press, 2008. 279 pages. $42.95 cloth.

I have been in "the dark zone" of a cave once in my life. This was more than twenty years ago when I was much younger and more adventurous. The experience involved me, along with a dozen fellow geology students, crawling on our bellies through a six-inch-deep layer of guano in order to enter a living room–sized chamber containing what seemed to be an infinite number of bats. In hindsight, this was all remarkably dangerous and stupid, and I'm lucky I didn't succumb to toxoplasmosis or rabies. I have to say, all things considered, I did not care for the experience, and I've never been in a cave since.

Caves are remarkable places. People have been drawn to their depths throughout human history. The archaeology of caves has great potential to produce data on a range of interesting social practices. That said, caves, especially the deepest and darkest, are notorious for being some of the most difficult and complex locations in which to conduct archaeological survey and excavations. I am in awe of those rare individuals who can do so. One of those uncommon people is Patty Jo Watson, and this edited volume is a fitting testament to her many contributions to the field of cave archaeology.