

Representation, Authority and Relevance of Anthropology:  
A Case Study of Cultural Representation in Public Land and Resource Management in  
British Columbia

by

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## ABSTRACT

For the past few decades many anthropologists have reflected extensively on the goals, methods, products and utility of the discipline. This thesis examines the application of anthropological knowledge and methods to the resolution of non-academic social problems. It argues that while anthropologists must be seen as only one of many authorities on culture and society, they have a distinct and valuable contribution to make to wider forms of public reflection, social conflicts, or cultural differences. The first two chapters of the thesis review the general business of anthropology, and discuss the genesis and impact of anthropology's recent epistemological crisis regarding its conventional modes of representing and interpreting culture and society. Chapter 2 also reviews the growing field of applied anthropology. It is asserted that the concerns raised about representation in anthropology during the reflexive period are equally relevant when applying this knowledge in non-academic settings.

Chapters 3 and 4 explore a unique domain of application for anthropology within British Columbia. For the past century and a half, the resolution and clarification of aboriginal rights and title have been unfinished tasks. Due to a series of recent legal decisions, public governments are compelled to protect aboriginal rights and to acknowledge culturally defined aboriginal practices of land and resource exploitation. Chapter 3 reveals the historical and legal context within which these decisions were made, and also reviews various methodological approaches that have been employed to define and explain the scope and nature of aboriginal rights. Chapter 4 presents a case study wherein a collaborative research approach between the provincial government of British Columbia and a number of First Nations is being taken to help clarify aboriginal rights. In particular, the case study explores and assesses the various roles assumed by anthropologists in representing and interpreting information which will support decisions regarding aboriginal rights. The thesis concludes by reviewing how the challenges

encountered in the case study have been discussed extensively during anthropology's recent reflexive period. Recommendations are made regarding how better communication and connections between applied and academic anthropologists, and theory and methods, will help to build a more stable and vital discipline.

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## **Chapter 1: Introduction**

### **1.1 Research Overview**

During the past three decades, anthropologists have undertaken a profound re-examination of social anthropology's epistemology<sup>1</sup>, goals, and products. This intensely reflective period can, in part, be viewed as a quest to redefine the relevancy of the discipline. Within this period, the subjects of anthropological research have become more eclectic. Increasing the number of areas subject to anthropological investigation can be seen as a by-product of this process of redefinition. Some believe that anthropology has run its course as a discipline and, therefore, should be dismantled with its remaining practitioners joining other disciplines (see Hymes, 1969: 40; Giddens, 1996). An increasing number of anthropologists, however, are using the perspectives forged during this experimental time to chart a new direction for the discipline (Barrett, 1996; Geertz, 1988; Harstrup, 1996; Marcus and Fischer, 1986; Peacock, 1986). For anthropology to be relevant, in academic or applied settings, there must be a cohesive understanding of the epistemological shifts and continuing debates surrounding the acquisition of anthropological knowledge. Anthropology's identity crisis is so pervasive that whether one is conducting conventional ethnography through a university or incorporating anthropological knowledge into public policy, the anthropologist is confronted with the same issues.

An important product of anthropology's reflective period is a renewed interest in applying the perspectives, methods and results of ethnographic research to resolving practical problems (Dyck and Waldrum, 1993; Hedican, 1995; Van Willegan, 1993). By

applying research and theory gathered and interpreted from small-scale societies, anthropologists are responding to the challenge of internal and external critics to use their research for a higher common good. The process of applying research to a regional, national or global context has spawned new challenges and critiques about the discipline's theory, and methodology. Barrett (1996:xii) argues that in the last few decades a gap has emerged between theory and method in anthropology. While progress has been made in evaluating and restructuring the discipline, fresh theoretical insights and retooled methods are not always used by those who produce anthropological knowledge.

One of the objectives of this thesis is to elucidate how clarifying the connections between current theory and method will help an increasingly diverse and complex discipline find a cohesive relevancy. Another objective is to examine the value of ethnographic research in the explanation of aboriginal resource and land-use knowledge that is orally transmitted. While the potential applications of ethnographic research to contemporary issues (e.g., land use decisions, land claims, treaty negotiations, health, education, and social welfare programs) are many, the subjectivity inherent in the fieldwork process and in the retention of cultural information through a largely oral tradition has resulted in scepticism over the application of this research to non-academic problems. The third objective is to examine the use of ethnographic accounts in land use planning and resource management in British Columbia, as a result of landmark legal decisions regarding aboriginal rights. A case study of the application of ethnographic accounts is used to frame this analysis. Several legal decisions from the last decade have direct implications for using ethnographic accounts for the resolution of land use and disposition issues between First Nations and the Province of British Columbia. Although

these decisions have resulted in ethnographic information being used in land-use planning and dispute resolution, decision-makers remain sceptical about the veracity of this information. While it is generally acknowledged that information held in oral traditions is necessary to present a complete picture of land-use in British Columbia, government officials are not always comfortable with relying on ethnographic information to resolve major land-use conflicts.

In order to address the problem outlined above, this research will do the following:

- 1) isolate the key criticisms that have been levelled against the discipline by internal and external critics and discuss some of the initiatives taken by anthropologists in response;
- 2) illustrate the process of evaluation and experimentation in the discipline by presenting a case study demonstrating how recent legal decisions regarding aboriginal rights affect the application of anthropological knowledge to land-use planning;
- 3) identify the key institutional and other impediments to using ethnographic information in land-use planning and dispute resolution; and
- 4) describe some anthropologists' roles in legitimizing ethnographic information and perspectives within public planning systems.

## **2.1 *The Business of Anthropology***

As this thesis is concerned with the applications and relevance of anthropology in contemporary society, it is useful to summarize the general work of the discipline. The business of all scholarship can be seen as the production of knowledge with each discipline focusing on a different subject area. According to Scholes (1982:1) "the humanities may be defined as those disciplines primarily devoted to the study of texts...the physical sciences focus on the study of natural phenomena, and the social

sciences on the behaviour of sentient creatures.” While the neat lines between Scholes categories are often blurred in anthropology, its focus continues to be on the observation and interpretation of cultural codes and social systems against a backdrop of standard theory and method (Harstrup, 1996:48).

The practice of documenting the customs and social dynamics of cultures has its roots in Greek and Roman classical antiquity (Rowe, 1965:2). It was not until late 19th century, however, that French and British sociologists (namely, Durkheim, Frazer, and Tylor) began to use the information found in the accounts of travellers and explorers to enhance their grand theories of cultural and racial determinism (Harris, 1968:80-107). By the early twentieth century, however, ambitious theorizing was downplayed in favour of an empirical and participatory approach to the study of cultural and social systems<sup>2</sup>.

This revolutionary approach, pioneered by Bronislaw Malinowski and Franz Boas, became known as the ethnographic method (Boas, 1920; Malinowski, 1922). Malinowski and Boas believed that by controlling the process of data collection, they could use science to displace the misguided theories of nineteenth century Social Darwinists (Marcus and Fischer, 1988:55). The introduction of the scientific method to ethnographic observation provided an air of authority to ethnographic documentation -- an authority that was missing from prior anthropological research. Use of the scientific method meant that the fieldworker did not idly observe exotic events of personal interest but that, after undergoing specific training to become skilled in the science of observation, he or she developed a research objective and pragmatic method for data collection (Marcus and Fischer, 1988: 17-44).

During the first half of this century, the ethnographic method was put to use by anthropologists in the documentation of cultural similarities and diversity throughout the world. The utilization of scientific research methods improved the quality of cultural analyses and greatly expanded the scope and depth of cross-cultural research. Indeed, the establishment of universal data gathering methods, a descriptive classification system and a standard textual representation of data allowed for defensible cross-cultural analysis (Harris, 1968: 250-318). This period is notable for the production and refinement of anthropology's key attributes such as the ethnographic method; a comparative cultural framework; a standard terminology for the kinship relations, customs, manners, and social and political structures of small-scale societies; and theory about the structural dynamics of self-contained, local communities. These and other features of anthropology have been rigorously scrutinized during recent decades.

Although the other attributes continue to define the discipline, none is so central to the contemporary notion of anthropology as ethnography. Ethnography is defined as the descriptive study of the cultural systems and social structures of particular societies, using participant observation<sup>3</sup> as the primary method to observe, document, and interpret cultural behaviour, symbolic codes of meaning and social structures (Wolcott, 1995:65-121). The term ethnography also refers to the final written document of an ethnographic field study; therefore, one can *do* ethnography and one can also *read* ethnography. In order to do conventional ethnography, the ethnographer conducts participant observation by living with the group under study for an extended period. One year is generally used as the appropriate length of time to allow the ethnographer to master the language and be involved in communal life during all the society's or group's major temporal variations.<sup>4</sup>

During this period of field work, the ethnographer may employ a variety of methods to assist in interpreting observations, such as an archival and literature review, individual interviews, focused group interviews, taking genealogies, mapping fields, and psychological tests (Pelto, 1970; Wolcott, 1995:68-75).

If asked to describe the essential work of anthropology to an outsider, bearing in mind the myriad of anthropological activity, one could offer the following explanation: the anthropologist presents an idealized standard version of the behaviour or ideas of human groups, by, at a minimum, using their experience of participation in and observation of the groups' activities and events (Keesing, 1976: 138).

### **3.1 Use of the Terms 'Culture' and 'Society'**

Such abstract and dynamic constructs as 'culture' and 'society' have proven difficult to define in one standard and unchanging definition. Regardless of the often puzzling nature of these two social phenomena, both are fundamental units of analysis from which anthropological research is initiated. In anthropology, the term *culture* refers to the shared, learned and cumulative experience of a group of people. Ward Goodenough (see Keesing, 1976:138) concluded that culture refers to the explicit and implicit behaviour of a particular social group. The explicit behaviour manifests itself in patterns of residence, resource exploitation, ceremonial rituals, and other observable phenomena.<sup>5</sup> Implicit cultural behaviour refers to: "the organized system of beliefs whereby a people structure their experience and perceptions, formulate acts, and choose between alternatives. This sense of culture refers to...systems of shared ideas, to the conceptual designs and shared systems of meaning, that underlie the ways in which

people live” (Keesing, 1976:138). Anthropologists use both the explicit and implicit behaviour of a group of individuals to establish a composite portrait of that group’s culture. In attempting to define culture, the anthropologist examines patterns of behaviour (both implicit and explicit) rather than the behaviour itself (Dundes, 1968: 157-160).

Any cultural description is an idealized standard version of the synthesized knowledge of several individuals. As such, this knowledge is a generalized interpretation of individuals’ experience of their cultural codes and networks. Individuals will often deviate as much as they conform to cultural standards and as individuals do not share identical understandings of culture, “ what it described as common to all is a form of common denominator, more general --and thus abstract -- than the detailed variants of each [individual]” (Keesing, 1976:142). While a group or society of individuals may share a common language and overarching political and economic systems, not all members will have the same knowledge of the complex symbolic codes and social networks that are representative of the entire group. For example, in a peasant village a male religious leader may be a specialist in the symbolic codes governing the spiritual behaviour of a group, but may have little or no understanding of the system of beliefs and patterns of behaviour which direct women’s participation in wage labour. Many anthropologists find it useful to view culture as a network of codes of shared ideas, behaviour or meaning. This perspective allows the researcher to reveal how some elements of a cultural code are common to all or most members of a group or society, while other elements are distinctive to some members (e.g., women, children, farmers, canoe fishers, etc.) (Bossen, 1989; Burrige, 1968; Barlett, 1989; Robben, 1989).

Whether the anthropologist endeavours to describe the common code of a large cultural grouping (such as 'the Japanese) or patterns of behaviour amongst a subculture (such as street kids in urban Tokyo), is determined by the particular research problem they set out to resolve<sup>6</sup>.

While culture refers to a synthesis of what individuals from a group know or believe, *society* refers to a grouping of individuals who endure as distinct from surrounding populations despite the birth and death of its members (Keesing, 1976:143). Societies survive as aggregate groupings because their members interact with one another according to explicit rules, regulations and institutions. Anthropologists analyse the *social structures* expressed by these rules and institutions by organizing them into *social systems*<sup>7</sup>. Large, complex societies may maintain a relatively ordered set of social structures (political, economic, penal, and artistic) in spite of a great variation in the cultural codes of its member groups.

The distinction between culture and society is important for two reasons. First, the social structures found in societies can be seen to be based upon the shared ideas, beliefs and experiences of the culture or of a sub-culture within a given society. Second, in larger societies, social structures can be viewed as reflecting the cultural values and codes of a dominant group who maintains and controls the structure of power over all members. Understanding which group's cultural values and codes are reflected in a society's social structures can reveal why dysfunction amongst less powerful groups undermine the social order of the larger society. An ongoing challenge to many anthropologists is to explain how cultural patterns and social structures slip out of fit with each other, thus leading to cross-cultural conflict amongst groups within societies. For

example, as Keesing (1976:438) notes: “Under the impact of European conquest and domination, tribal peoples’ struggles to survive, adapt, and find new meaning according to existing cultural codes have heightened the complexity of the interplay between cultural knowledge and the changing world to which it is applied.”

Although anthropologists require some form of definition of culture, society, social structures and social systems, the dynamic nature of behaviour patterns and social rules and institutions of human groups renders any definition of these a somewhat inferior representation of actual conduct and events. In this thesis, **culture** refers to a composite of shared, learned ideas and meanings of a human group; **society** refers to any formal aggregate of individuals, and **social structures** refers to the explicit rules and institutions expressed in social systems.

#### ***4.1 The Crisis of Representation***

Given the intensely reflective period that anthropology has undergone during the past 30 years, it is difficult to discuss the applications or relevance of the discipline without reviewing the challenges that have been faced by anthropologists and how these have been addressed. In the seminal book *Reinventing Anthropology*, Hymes (1969) and his colleagues provide a provocative collection of essays outlining the malaise of anthropology with attendant proposals on how to address these problems. Hymes (1969:39-48) offers a tripartite strategy through which to revise the discipline where he directs anthropologists “to retrench, to let go, to relax.” The ensuing decades of debate and evaluation prove this strategy not to be as simple as it first appeared.

It is important to emphasize that the attempt to redefine intellectual and practical relevance in contemporary research is not unique to anthropology -- all the social sciences are in the same position (Giddens, 1995:272; Marcus and Fischer, 1988: 7-16). The preoccupation with reflection on what type of knowledge we produce and how we produce it is induced by three significant factors: 1) the rejection of positivism (scientism); 2) the acceleratingly complex nature of the society that social scientists study; and, 3) the resistance by those groups studied by anthropologists to being anthropological subjects (Barrett, 1996:142). Reflexivity in the social sciences has also been strongly influenced by theorists from the post-modern and feminist schools who have helped direct "our attention to important social changes and intellectual dilemmas" (Giddens, 1995: 275-276). Anthropology has weathered its critique within this stormy context. The crisis of representation within anthropology, however, goes beyond the broader concerns felt by all of the social sciences.

The historic role of the anthropologist as one who studies the 'exotic' customs and social institutions of 'non-modern' cultures for the benefit of a small, scholarly circle is no longer viable. Access to non-Western cultures, once the privileged realm of explorers, missionaries and anthropologists, is available to all as a result of twentieth century telecommunications, tourism, transportation and mass media. Further, previously fixed categories signifying cultural identity, and who is 'modern' and who is 'traditional', are now so qualified as to be rendered meaningless. The imposing list of legitimate questions posed to anthropologists about who, what, where, why and how they do anthropology has caused its practitioners to pause in the process of formulating a response.

The questions often begin with a query about the subjects of anthropological research. How do anthropologists choose the human groups they study? Why is there such a heavy representation in the ethnographic record of band-level and tribal groups? These questions inevitably lead to criticism about anthropology's dubious role in the colonization of Third and Fourth World societies. Further, if anthropologists of the early part of this century were aware of the colonizing policies of various governments and the impact of the same, why are the majority of ethnographic accounts so devoid of description of the influence of colonialism on the groups under study? Until recently, many ethnographic descriptions presented perfectly functioning, isolated social groups, unscathed by the debilitating external political and economic forces which we know to be present at the time of the research. Many tribal and band-level groups were described as though they inhabited a timeless, closed world of tradition and ritual, a world where history, unless it was legendary, had no meaning, and the future was something over which they had no control.

This last point introduces a key criticism about anthropology. Since the establishment of the fieldwork process, anthropologists have claimed that the activity of participant observation provides them with a unique insider perspective of the cultural codes and social systems of human groups. Through participant observation, an anthropologist can acquire more authority to present the native view of a culture (Harstrup, 1996:146). The establishment of the ethnographic method (which includes participant observation) provided better tools to build a holistic and detailed picture of human cultural and social systems (Hymes, 1969:23-25). As Frazer remarked on the ethnographic research of Malinowski (see Stocking, 1983:110):

Malinowski had portrayed [the Trobriand Islanders] ‘in the round and not in the flat’ not like Moliere’s ‘dummies dressed up to look very like human beings’, but like the ‘solid’ characters of Cervantes and Shakespeare, ‘drawn not from one side but from many.’

Since the pioneering stage of ethnographic methods, however, the channels of communication between tribal groups (and others studied by anthropologists) and the rest of the world have improved vastly. Not only do these groups read ethnographies, but they may also dispute the methods and conclusions arrived at by the ethnographer. Increasingly, these groups demand that they either produce or control more, if not all, knowledge about their cultures (see Ignace, Speck and Taylor, 1993).

The undermining of anthropological authority due to questions regarding ethnographic representation has created a dilemma for many who want to practise ethnography. This critique has caused some anthropologists to cease doing fieldwork and others to become uncritical advocates of the political and economic aspirations of the groups they study. Both of these extreme positions along the spectrum of anthropological research are fraught with problems. Without doing fieldwork, it is impossible to participate in the activities and social interactions of the group under study, thus, the anthropologist is relegated to being a distant observer. With no foundation of experience from which to interpret his or her observations, the researcher has less authority to defend the research conclusions. Alternatively, the uncritical advocate, whose intentions may be noble, is in danger of discrediting his or her research or recommendations due to close personal involvement with the research group. The question of authority also raises issues of the degree to which anthropologists base their analyses upon their fieldwork experiences. Living in a small village does not provide

the ethnographer with an understanding of how decisions made in distant, multinational boardrooms or stock exchanges affect the lives and choices of the people from that village (Keesing, 1976: 439).

Regardless of where anthropologists sit on the spectrum between the extreme types discussed above, they all are faced with ethical questions that are much more complex than those faced by ethnographers who practised in the first half of this century. During the past three decades, ethical questions have been reviewed extensively. This is in part a response to concerns raised about anthropology's connections with colonialism and counterinsurgency, and in part a reaction to criticism about ethnographic accounts which serve to dehumanize and objectify the peoples they study<sup>8</sup> (Wax, 1987:4-7). Both the *American Anthropological Association (AAA)* and the *Society for Applied Anthropology (SAA)* have drawn up statements regarding the professional and ethical responsibilities of anthropological researchers. Though it is essential to provide a general ethical guideline to field researchers, these documents do little to provide guidance on *how* to ethically protect the interests of those identified. For example, the applied anthropologist has responsibilities toward: 1) the human subjects being studied; 2) the communities ultimately affected by the research project, 3) the anthropological discipline; 4) the students and trainees in the field; 5) the employers and other project sponsors; and finally, 6) to society (Cassell and Jacobs, 1987: 96-103; SAA, 1986:371). It is a daunting task, indeed, to fulfil all of the obligations set out in this impressive list, particularly when the 'project sponsors' and the 'communities affected by the research' often have conflicting interests.

Though the discipline was originally peopled with researchers from the natural sciences, anthropology has always maintained close ties with the humanities. Those who chart the history of anthropology during this century reveal a closer relationship with theories and methods of the sciences during the first half of the century, with a steady migration towards the theories of knowledge advocated by the humanities during the second half (Barrett, 1996; Peacock, 1986). The move away from the sciences is not an accident, but a reaction to the criticisms levied against anthropologists for their adherence to positivism. Peacock (1986: 68) defines positivism as the following:

Put simply, positivism postulates that there exists a body of facts ‘out there,’ in the ‘real world,’ independent of our perception and interpretation. All scientific knowledge must be grounded in these facts, and the farther we get from them, the less is our knowledge to be trusted; theory and speculation are suspect. We can, however, formulate hypotheses that must be checked against the facts through rigorous, systematic procedures. Correctly followed, such procedures lead us to reject false hypotheses.

Empiricism, the practical expression of positivism, is another defining feature of conventional ethnography. While in the field, the anthropologist is meant to observe behaviour methodically and then record those observations in the purported ‘objective’ language and categories of anthropology (Harstrup, 1996:48). Because anthropology draws from the humanities as well as the sciences, ethnography has always been influenced by an interpretative viewpoint, however, the underlying philosophical framework for much of the ethnographic research conducted, to date, is reflective of the school of Logical Positivism (Peacock, 1996:68-69).

The use of positivist thinking in anthropology has been largely rejected for two reasons. First, as a methodological tool it “can’t cope with the vision of culture as an

endless complex of changing and contested individual interpretations and meanings; and by erecting abstract models of human interaction it promotes order and consistency at the expense of individual autonomy and variation” (Barrett, 1996:153). Under the influence of post-modernist critique, grand theories, holistic explanations and scientific predictions are now cast into serious doubt. Second, anthropologists have always wrestled with the interplay between their subjective and objective experiences in the course of doing ethnography. The ethnographer observes and experiences behaviour using both quantitative and qualitative methods. The characterization of ethnography as an activity where scientists objectively measure, calculate and then pragmatically fit their data into a grand hypothetical model, is a misrepresentation of how anthropologists gather and analyse information. The process of building relationships of trust and effective communication in a strange community requires that the ethnographer rely heavily on qualitative methods. Regardless of the attempts of some ethnographers to give their readers the impression that they are looking through a clear window at the structural dynamics of perfectly integrated groups of men, women and children, the use of informants in ethnographic fieldwork renders any ethnographic description an interpretation of an interpretation (Geertz, 1973: 536). Fieldwork is largely a sensory experience and the resulting ethnographic document can be difficult to defend to the uninitiated (Wolcott, 1995:160-162). Lack of understanding about the value of qualitative methods serves to further devalue anthropological knowledge outside of a narrow academic context.

The crisis of representation in anthropology has affected all corners of the discipline. We are questioning, or being questioned, about who we study, the methods

employed, the ethical guidelines within which the research is undertaken, and the manner in which the research is represented and reported. In the harsh light of this comprehensive critique, even anthropology's most cherished theoretical contributions and analytical frameworks appear to be epistemologically flawed and based upon a bank of data that is patchy and not altogether trustworthy. Under these conditions, it is impossible to do relevant research without sorting out how these issues can be addressed within the parameters of the research design. While no one expects the discipline to be revolutionized in the short term, many anthropologists are working to revise it using a wide range of experimental perspectives, theories and methods. This new band of anthropologists use the insights acquired during the period of reflection; however, they are not victims to the darker cynicism often spawned by extended self-analysis. These researchers use the critique as a sounding board against which to experiment and, ultimately, to redefine the discipline. It is in the spirit of these disciples of a revitalized anthropology that this thesis is addressed.

### ***5.1 Research Questions and Methodology***

This research will explore several questions. First, how can anthropological research make a difference in resolving social dilemmas arising from discord between the cultural codes of minority groups and the social structures of the larger society? Second, how are contemporary anthropologists addressing their 'crisis of representation'? What steps are being taken to make anthropological research relevant to and representative of the human groups being studied? Third, using the case study as an opportunity for praxis, what role have anthropologists played in institutionalizing

aboriginal land use values into a public government system of land management?

Fourth, how are the debates within academic circles of anthropology being replayed in applied settings such as the case study? Finally, what lessons does the case study provide in defining the anthropologists' professional role in non-academic settings?

In order to address the first two questions, a literature review will be conducted and presented in Chapter 2. This review examines various theoretical and methodological approaches to understanding cultural and social systems. After a survey of major epistemological shifts in the discipline since the 1960s, this chapter examines the various methods of application for anthropological research in practical settings. The third and fourth questions are introduced in Chapter 3 by a review of the historical, social and legal domain within which aboriginal land use issues are being debated. This chapter also identifies relevant anthropological approaches to similar problems addressed in the legal system and other jurisdictions. Chapter 4 investigates a case study of a provincial government program in British Columbia which was designed to gather information about aboriginal land use values in order to better inform public land use decisions. The role and effects of anthropology in the design and execution of the program will be analysed. This analysis is informed by my experience in establishing the program, the results of an independent program evaluation conducted by an outside agency and follow-up interviews conducted by myself with subsequent managers of the program. In Chapter 5, the opportunities and challenges for applying anthropological knowledge will be discussed in relation to the conclusions of the case study.

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- <sup>1</sup> Epistemology is defined as “the theory of knowledge, especially with regard to its methods and validation” (Concise Oxford Dictionary of Current English, 1990).
  - <sup>2</sup> Typically, the French and British schools of anthropology focused on studying society and social organization, while American anthropologists studied cultural patterns and systems of meaning. For an interesting critique of the limitations and contributions of the early British and American schools of anthropology, see White (1966).
  - <sup>3</sup> It should be noted that not all anthropologists do participant observation to conduct ethnographic research. Where for political or other reasons, anthropologists are unable to gain physical access to a society, they will use other available information (archival records and other documents) to conduct their analysis. Indeed, much valuable ethnographic work on historical groups and societies is being conducted by anthropologists using historical records (see Sahlins, 1992).
  - <sup>4</sup> While a one year period is still seen as an ideal length of time to conduct fieldwork, it is increasingly difficult to arrange a field stay of one year. Often, ethnographers will engage in a number of shorter field stays during which time they engage in activities, events, informal relationships and structured interviews with a target group of individuals whose specialized knowledge will assist the anthropologist to resolve his or her stated research problem.
  - <sup>5</sup> Conventional archaeological description of culture refers only to explicit cultural behaviour. As one archaeologist stated: “Culture is all those means whose forms are not under genetic control which serve to adjust individuals and groups within their ecological communities” (Binford, in Keesing, 1976:138).
  - <sup>6</sup> For example, Benedict’s (1967) wartime research on the Japanese was done to provide a national character description to help the Allied forces forecast the expected behaviour of Japanese forces. If one were to try to develop a character description of street kids in urban Tokyo, the smaller scale of description allows for a more detailed and accurate account of behaviour patterns of one subculture of Japanese. The latter account may differ markedly from the national character description, but is more useful in generating understanding about a disaffected group within the larger culture.
  - <sup>7</sup> A society is, however, only one expression of a social system. Families and factories also maintain rules and institutions.
  - <sup>8</sup> A closer examination of ethics is also in response to concerns about who anthropologists serve: their own professional aspirations; the groups which they study; or, the interested parties which may use their research.

## **Chapter 2: Theoretical Overview**

### **2.1 Introduction**

Harstrup (1996: 10) states, “there is no anthropology to recapture, because it was never at the point of vanishing.” Rather, she characterizes the crisis in the discipline as a temporary setback, due to the inability of its practitioners to reflect the reality of chaos and disorder in human groups and societies within both ethnographic description and anthropological theory. Harstrup (1996:10) argues that too often anthropological knowledge is used to represent societies as coherent wholes, and by overlooking the fact that the world is chaotic, the import of ethnographic information is weakened and either refuted or misused. A number of external influences within academia and the larger global context of human society have led many anthropologists to a similar conclusion. This chapter will review examples of how some anthropologists are experimenting with new perspectives and applications of existing anthropological theory and methods.

In charting the changes occurring in the approach to theory and methods, Barrett (1996:xi-xii) organizes the work of anthropology into three transitional phases. The first, extending from the late nineteenth century to the 1950s, centred upon building a scientific foundation for the discipline. During the second phase, in the 1960s, anthropologists occupied themselves with devising theories and refining methods to counter growing doubts about the defensibility of a scientific study of culture and social systems. The third phase (from the 1970s to the present) has involved anthropologists in critically assessing those aspects of theory and method based upon a fundamental belief in the hegemony of science. If we accept Barrett’s categories, we can conclude that a

significant catalyst for change in anthropology revolves around our level of confidence in using empirical methods and theoretical models to uncover an omnipotent scientific reality. Given anthropologists' historical reliance on quantitative methods, if we fundamentally reject the hegemony of science are the remaining qualitative tools adequate to collect and interpret information about cultural and social systems?

As discussed earlier, it is difficult to conduct ethnographic research without participating in the activities of human groups<sup>1</sup>. Without what Redfield referred to as "intimate, long-term, acquaintance" of a culture, the anthropologist has no primary source of information on which to base his or her interpretation (see Wolcott, 1995:76). Yet, without the application of standard, observational methods (i.e., the tools of science), the resulting ethnographic description of such activity will be a narrative detailing the ethnographer's personal experience of a culture; therefore, it will be indistinguishable from travellers' or explorers' accounts. As alluded to in the previous chapter, however, the subjectivity inherent in qualitative methods is also problematic. If the dynamic interplay between participation and observation are integral to the ethnographic process, then the limitations of ethnography must be addressed by critically examining the theory and methods that govern the way anthropologists participate and observe. Further, as anthropology is preoccupied with more than the practical work of documentation, we must also review the epistemological framework within which this documentation is interpreted.

In attempting to explore those common characteristics, perspectives and methods that distinguish anthropology, it is not my intent to ignore or downplay recognition that the discipline is composed of a multiplicity of diverse practices engaged in a wide variety

of social contexts (see, for example, Ahmed and Shore, 1995; Fabian, 1991; Fox, 1991; Moore, 1996; Moran, 1996). Both the American and British schools of anthropology, including the works of Boas, Benedict, Evans-Pritchard, Mead and Sapir, have a long tradition of borrowing methods and theory from other disciplines and the common well of social theory (Harris, 1968; Mertz, 1987; Poewe, 1996). Since the 1960s, many anthropologists have heeded Hymes' (1969:43-48) proposal to reinvent a general practice of anthropology according to personal talents and interests. The result is that research compendiums are no longer organized according to fixed culture areas or categories such as kinship or marriage practices, but under, perhaps, looser topics such as 'global vs. local knowledge', 'public policy and native peoples', 'semiotics and interpretation' (Dyck and Waldram, 1993; Clifford and Marcus, 1986; Moore, 1996.) To be sure, such topic areas are found in the texts of sociology, linguistics, literature and public administration. Within this eclectic range of study subjects, however, anthropological research contains insights that are unique to the discipline (Giddens, 1995:275).

## **2.2 *Major Influences on Current Theory and Methods***

A new orthodoxy is emerging in anthropology under the influence of four groups of scholars: post-modernists; feminists; Third and Fourth world scholars; and Marxists. Post-modernism (and its correlates post-structuralism and deconstructionism) is best viewed as a condition or state of existence, rather than a theoretical tradition, which recognizes the importance of reflection and relativism as an integral component of the production of knowledge (Darnell, 1990:18; Harstrup, 1996:49; Moore, 1996:2). This theoretical condition is not defined by a set of unique principles, but by its rebellion

against the theoretical traditions that preceded it, including modernism, structuralism and positivism (Marcus and Fischer, 1988:8). To demystify grand, generalizing theories, post-modernists such as Derrida scrutinize a theoretical system in meticulous detail to reveal how it is culturally constructed, and therefore how its assumptions may be misguided and its paradigms suspicious. The goal of the post-modernist is to decenter, or cast strong doubt upon, the notion that any meaning can be fully understood (Giddens and Turner, 1987:195-223). Post-modern scholarship is significant to anthropology because it refocuses anthropologists' attention on the importance of context in ethnography; meaning as experienced by individuals within the group under study; and the existence of variable and unpredictable factors and action within perceived patterns and rules. In addition, post-modernists have provided anthropologists with analytical devices to understand how authority and power are established, and sometimes abused, through the presentation of field experiences in the ethnographic text (Clifford and Marcus, 1996; Harstrup, 1996:49, Marcus and Fischer, 1988:7-8; Moore, 1996:1-2).

Feminist scholarship provides opportunities for anthropologists to better represent women, gender roles and female oppression through ethnographic research. In some respects, parallels can be drawn between feminist anthropology and post-modernism (Barrett, 1996: 163-177). Both advocate a focus on relations within local groups, as well as the significance of individual experience of cultural patterns and rules, and both tend to downplay quantitative methods and conventional distinctions between experts and laypersons. A primary vehicle for feminist anthropology recently has been the use of life histories as a way of contextualizing the local experiences of individuals over time, and to give space in the anthropological text for those studied to articulate their stories and

perspectives. Feminism clearly departs from post-modernism in its unapologetic use of theories of gender, class and power relations as a way to promote the interests of women and to eliminate oppression (Cornwall and Lindisfarne, 1995:140-145; Mascia-Lees et al, 1989:23-33). The premise of this research is that as gender underscores all social relations, knowledge of gendered social relationships should be gathered in a collaborative, dialogical fashion, by women, for the primary purpose of promoting gender equality. The blending of contextualized, local experiences that emphasize individuation and insider perspectives, with overarching, feminist theory makes this research a powerful medium for understanding the role of gender in culture and social systems. Many feminist anthropologists also assume responsibility for eliminating patriarchy and oppression in general as they see these expressed in and perpetuated by male biases in anthropological research. In this way, feminist anthropologists' objective is to transform the discipline, not to be absorbed into it (Cornwall and Lindisfarne, 1995; Mascia-Lees et al, 1989).

Another influential force within anthropology comes from the contributions of native anthropologists<sup>2</sup> (D'Amico-Samuels, 1991; Harrison, 1991; Jahan Karim, 1996; Limon, 1991; Lughod, 1991). Like the feminists, native anthropologists are concerned with questions of cultural representation and challenge anthropologists' ambitious claim of providing the 'native point of view.' Also similar to feminist views, native anthropologists allege that their experience of being a visible minority makes them more adept not only at representing their societies, but in analysing the impact of colonialism, development and other forms of oppression on indigenous peoples (Medicine, 1987: 282-296). Native anthropologists primarily conduct and use their research for the express

purpose of resolving the social, political and economic problems of their communities. The work of native anthropologists has made important contributions to the following areas of anthropological discourse and practice. First, native anthropologists have experimented in the growing field of studying at home versus abroad. Second, by examining the distance and power relations between 'us' (the anthropologist) and 'them' (the natives), these scholars have broadened the scope of theory and methods. Third, through its focus on local experience of geopolitics and neo-colonialism, native anthropology has contributed to the practice of applied research to help resolve local problems (Darnell, 1990; Medicine, 1987).

Any discussion of influences on anthropology in recent decades would be remiss without mention of the turbulent social context within which anthropologists navigate their research. The fact that anthropologists recognize that the culture of human groups cannot be classified according to definite, geographic boundaries should not be explained as solely the result of epistemological shifts. The impact of colonialism and the continuing political and economical dominance of Third and Fourth World societies by industrialized societies has engendered local and regional dependence on national and global markets. This dependence, along with communications technology, tourism and immigration, has transmogrified the cultures and social structures of societies both at home and abroad. At the same time, the politicization of indigenous peoples to promote self-determination and resistance of dependency on foreign economic markets, and their growing political solidarity through a global network, alters the way in which we perceive the historical subjects of anthropology and, more important, the power relationships between anthropologists and indigenous peoples. As Wolf (1982:18) charges,

anthropologists have too often searched for “pristine replicas of the precapitalist, pre-industrial past in the sinks and margins of the capitalist industrial world.” Global social changes, and the concomitant transformation of local cultural and social systems, leaves a formidable and puzzling landscape in which to conduct and view conventional ethnography.

In order to explain the impact and nature of these powerful forces of change, Marxism has been employed often by some anthropologists. Marxist analysis of power relations, arising from economic differentiation throughout the world economy, has many useful applications to both academic and applied anthropology. A Marxist anthropologist analyses both state and pre-state economies by examining who owns or controls the means of production (Hart, 1983; Plattner, 1989). State societies generally are associated with capitalist or tributary modes of production and are characterized by promoting the interest of the individual (or the ‘capitalist class’) over the interest of the community. Pre-state societies are associated with tributary and kin-based modes of production, and reciprocal exchanges which are governed by kinship dynamics, religion, tribal politics, etc.

In recent decades some Marxist anthropologists argue that at least since the 16th century all human societies, regardless of how isolated, have been affected by the economic systems of industrialized expansionist societies (Hart, 1983). This observation initially led to a distinction between the study of capitalism in European and colonial societies. Rather than trying to describe historic changes in the evolution of world societies, many Marxists now attempt to explain the impact of capitalist encroachment on tribal and band societies. This approach posits that no society should be viewed in

isolation, but rather must be seen as embedded within the world economy (Hart, 1993; Plattner, 1989). Further, within the world economy the differentiation caused by conflict over who controls the means of production extends beyond classes to societies and nations. In this broader application of Marxism, First World societies are defined as the capitalists because they own the resources and are able to mobilize labour. Third and Fourth World societies are viewed as the proletariat, dependent upon capitalist societies or countries to exchange the fruits of production for Third and Fourth World labour. While Marxist analysis has a tendency to reduce the complex phenomena of culture and social organization to a rather utilitarian and materialist description of the causes of cultural behaviour, it has been influential in the analysis of relations of development and underdevelopment in various parts of the world.

The emerging orthodoxy referred to earlier is a product of all these influences. Disciples of this orthodoxy focus their research on the relational over the bounded -- they seek to understand how social relations are continuously being patterned rather than merely describing the pattern of relationships at a fixed point (Darnell, 1990). They observe culture, not as an external entity, but as an interpreted construction which is in a constant state of being re-created and contested, through systems of language, economy, politics, art, etc., by both the members of that culture and by those external to it (e.g., anthropologists, state government administrators, journalists). The perpetual re-creation of culture makes one single representation of culture or its social systems impossible. The emphasis in the new research on the dialogical over the single authoritative voice, and relationships between local, regional and global social systems, is an acknowledgement of this perspective. It shares the authority for cultural representation

with those who have the most intimate knowledge, or competency, of structuring that culture -- the natives. It also acknowledges that anthropologists and other academics can contribute specialized knowledge in analysing broader cultural and social patterns within and between societies -- patterns that may not be obvious to individual members of those societies. While the groups of scholars described above are often in conflict at the level of ideology and practice, they have collectively influenced representation and method in mainstream anthropology (Peacock, 1986:34).

### **2.3 Representation: The Burden of Authorship**

As introduced earlier, anthropologists represent culture by presenting an idealized standard version of shared beliefs and ideas of the human group under study. This version of a culture is necessarily a composite description of the explicit and implicit behaviour of individuals from the study group. Anthropologists will usually focus their analysis on key social structures, rules or institutions where aspects of a cultural code or system, relevant to the research problem, are expressed.

A discussion of representation in anthropology must begin with an identification of whom anthropologists study. In other words, who are the natives? Within the discourse of anthropology, Harstrup (1996:147) defines natives as “people who at some point are studied by social anthropologists as inhabitants of a particular social space.” She goes on to assert that all of us are natives in some world as we all have a notion of being at home in the sense of knowing a social space, but that individuals do not necessarily occupy the same social space throughout their lifetime. This characterization of ‘native’ is in sharp contrast to the static portraits of ‘the native’ conveyed in much early

ethnographic description. In the late 1960s, Hymes (1969) and Nader (1969) challenged anthropologists to expand their role from one of documenting and defending the powerless (tribal, band, and peasant societies) to one which studies and confronts the powerful (the middle and upper classes in industrial societies). Nader (1969:289-301) reasoned that anthropologists cannot claim to study humankind while focusing on only one type or part of human societies. Similarly, feminists challenged societal portrayals based primarily on the actions and ideas of males. While Nader's vision of understanding the structural dynamics of corporate culture in industrialized societies has not been fully realized, the human scope of anthropological study has expanded far beyond peasant, tribal and band groups. (Darnell, 1990:5-6).

Although many contemporary anthropologists study the same types of groups as their predecessors, the emphasis of their analysis has shifted to how a culture or its social institutions are constantly being influenced by, and are influencing, larger industrialized societies. It is widely recognised that outside political and economic forces have not just intruded on tribal and band-level communities, but are intrinsic components of these communities (Barrett, 1996:184). Carrying this farther, these communities, previously considered by some to be isolated, also impact and to a degree influence larger state societies. This brings us to another important issue within cultural representation -- that of the anthropologist's role as advocate (Wright, 1988). Particularly when addressing the relationships between local systems and those of the larger state societies within which they are embedded, the anthropologist is often moved to act as an advocate for the local group they are studying. In light of the distressing historical applications of ethnographic research to support covert operations that served to oppress Third World peoples (e.g.,

Project Camelot<sup>3</sup>) and because it is often a condition of research imposed by the people under study, anthropologists usually claim their first allegiance to the local community (Wax, 1997:4-7). Few would disagree that this is an incorrect choice; however, it raises a number of questions about the implications of this allegiance.

Perhaps most challenging to anthropologists is in determining whose concerns and objectives within a community are researchers committing themselves? It is naive to assume that all individuals from any community share a common set of goals and aspirations (Ignace, Speck and Taylor, 1993:182-189). The divisions within communities make the identification of a common 'native' voice almost impossible to represent with conviction. Once the anthropologist assumes the role of the unapologetic advocate they can be accused by critics of: 1) being a 'gatekeeper', by translating the political and economic ambitions of local groups within the discourse of the researcher's epistemological and political framework instead of letting the natives speak for themselves; and 2) biasing, and undermining, the research and its conclusions towards supporting a strategy that may not have the support of either the full membership of the community or external agencies affected by the strategy. Perhaps most difficult for the anthropologist is in the instance where powerful members of the local group may wish the anthropologist to portray the community as a seamless, traditional portrait of ethnic identity -- exactly the sort of representation that anthropologists have taken great pains to reject (Harstrup, 1996:155). While refraining from discussing acute social and political problems within local communities may allow the researcher to keep working with that group, it does not serve to portray the diversity and complexity of social relationships and cultural phenomena that anthropologists claim to study (Dyck, 1993:167-192). The

questions that the contemporary ethnographer must answer, then, are: when does allegiance become advocacy; what meaningful role can I, as an anthropologist, play in representing the aspirations of the group I am studying; and what actions am I unwilling to participate in because they contradict my professional principles, ethics or political commitments (see Wright, 1988: 382-387)?

The concept of solidarity raises the issue of what anthropologists represent. The anthropological endeavour can be seen as a reconciliation between solidarity and objective observation. In this context, solidarity is established through what Richard Rorty describes as the “process of coming to see other human beings as ‘one of us’ rather than ‘them’ [through] a matter of detailed description of what unfamiliar people are like and of redescription of what we ourselves are like” (see Harstrup, 1996:5,181). The anthropologist experiences the activities and events of strange cultural codes and social systems through participant observation. Every social exchange in which the anthropologist engages in the field is influenced by the presence of the ethnographer. His or her experience of these activities is, at the same time, coloured by the analytical devices employed to order and interpret meaningful components of these experiences. The filter applied to sift out what is meaningful arises directly from the ethnographer’s personal and professional analytical framework, as well as from his or her individual sensitivity to the alienness and commonality inherent in every communicative act in which he or she participates. The constant, often simultaneous, cycle of participation, observation and reflection helps the ethnographer bridge the gap between insider and outsider knowledge. In representing his or her field research, regardless of the range of qualitative and quantitative tools used, the ethnographer is reducing the totality of that

experience into the conventions of anthropological discourse, most commonly articulated in the ethnographic text.

Anthropologists have become increasingly interested in how ethnographic texts are constructed, and how this cultural document is then interpreted by readers (Clifford and Marcus, 1986). It should be noted that the act of representation begins in the field and then is formalized in the process of writing. Ethnographic texts, like any text, are bound by a set of rules governing text production and interpretation. The perpetual challenge of ethnography is to reconcile the anthropologist's sensory experience of culture into the highly objectified structure of the ethnographic text. A number of anthropologists are experimenting with different genres in which to present the more subjective aspects of their field experience (Clifford, 1988; Clifford and Marcus, 1986; Marcus and Fischer, 1988; Van Maanen, 1988). The result is an increasingly diversified collection of cultural description in the corpus of anthropological literature.

Van Maanen (1988) has classified ethnographic writings into three genres: realist, confessional and impressionist tales. The realist ethnography is written by a single author in a largely dispassionate, third person voice (Van Maanen, 1988:47). Any personal narrative relating to the ethnographer's direct experience in the field is usually confined to the introductory chapter or the acknowledgements (Pratt, 1986). This separation is accomplished by using two distinctive voices: the first speaks through the textualized persona of the field investigator and the second speaks through the textualized persona of the scientific narrator (Rosaldo, 1986:88). The scientific voice describes the group under observation with the group noun (i.e., the tribal name) "or the masculine pronoun (he) rather than with more individuating personal names" (Rosaldo, 1986:88). By assuming

this objective voice, the ethnographer is able to refer to the group as a cohesive body conforming to a set of cultural norms (Rosaldo, 1986:94). Just as the rich description in the introductory chapter tells the reader that the anthropologist was really 'there', the objective narrative and the ordering of observations into scientific categories inspire confidence in the ethnographer's authority.

The confessional ethnography is preoccupied with the fact that extended field research in another culture is a rite of passage for the anthropologist (Van Maanen, 1988:73-100). Confessional tales humanize ethnographic description by incorporating reflective field experiences into the text. The confessional ethnography generally includes the fieldworker's personal narrative in separate chapters from the standard ethnographic text (see Brody, 1981, Shostak, 1983), or by writing these experiences into a separate text (see Maybury-Lewis, 1965; Cesara, 1982). The purpose of the confessional tale is to document the process by which the ethnographer is accepted into the community, and the subsequent development of his or her relationships with members of that community. This format reveals a great deal of information regarding the often troubled context in which the exchange of information between fieldworker and 'informants' occurs. The inclusion of subjective field experiences in ethnographic texts introduces the ethnographer's biases to the reader, as these may be illustrated in problems with procuring interviews, accepting alien customs and casting aside personal prejudices (Brody, 1981; Maybury-Lewis, 1965; Shostak, 1983).

Impressionist tales are usually embedded within the texts written by interpretive anthropologists (Van Maanen, 1988:101-124). In the manner of hermeneutics<sup>4</sup>, the interpretive anthropologist attempts to read a culture like a text -- coding human

behaviour as symbolic action which can be interpreted to signify deeper meaning (Geertz, 1973: 536). The impressionist style presents richly described field experiences that were deemed meaningful by the ethnographer. Rather than discussing the mechanics of the ethnographer's transformation from stranger to friend, the impressionist tale uses evocative words, metaphors and phrasing imagery to expose cultural symbols which are then strung together to represent meaningful systems of social relations. This genre depicts culture as a multiple complex of cultural systems with many possible interpretive layers of explanation, rather than as models of group behaviour. These stories often cast the ethnographer in the role of student to a teacher from the group. As the story unfolds, significant aspects of the culture (e.g., the Dunne Za symbolic system around dreaming) are revealed to the reader through the events and experiences that led the ethnographer to come to an understanding of them (see Ridington, 1988).

The experimental modes of confessional and impressionist text production and analysis accentuate the "limitations inherent in the conventional canons of ethnographic representation" (Harstrup, 1996:48). Critics of this experimentation charge that too often confessional and impressionist writings disintegrate into nimble scholarship, where the reflexive emphasis of the ethnographer's personal experience and use of ontological devices serves to distance the reader's attention further away from the practical relevance of the research (Poewe, 1996). The interpretive genres discussed above drive home the obvious: that knowledge is partial, and that while anthropological knowledge transcends individual experience of culture, in no way does it represent all cultural experience. As interpretive genres focus on field research, they are an excellent source from which to conduct critical, comparative analysis on theory and methods, particularly those methods

which depend upon sensory perception rather than technology. In spite of this, it is dangerous to transfer our search for cultural meaning from the context of practical experience to an endless interpretation of symbolic systems (Giddens, 1995:275; Poewe, 1996:182). Without continually basing our knowledge on lived experience we will mistakenly presume that cultural reality begins and ends within the confines of texts. On this point, Hartrup (1996:59-60) observes:

anthropological knowledge starts in the sharing of social experience and in the documentation of another definitional reality. But it does not end there. The world has to be explained in words; this always involves an element of reduction. It also implies a certain degree of distortion, because reality is lived, not talked or written. While experience cannot be spelled out, anthropological knowledge must be communicated through writing: 'the text, unlike discourse, can travel' (Clifford, 1988:39). Theories are sentences -- ensnaring silences as well as words.

The anthropological discourse is intimately linked with a reality beyond itself, about which it conveys an evocative message. If 'like' a language, anthropology remains grounded in a world of actual and shifting experiences that continually challenge the current vocabulary.

The ethnographic text is a representation of a mediated cultural experience between the individuals of one culture and the anthropologist who is usually from another<sup>5</sup>. This representation is dominated by the anthropologist's objective to make the 'exotic' ordinary and comprehensible within the discourse of anthropology. Some anthropologists argue that more effort should be made to incorporate the native voice into ethnographic texts to break the canonical mold that favours the perspectives of anthropology over local ones (Marcus and Fischer, 1988:67-71). Strongly influenced by both post-modernism and feminism, the genre of 'native voice' scholarship incorporates the verbatim dialogue<sup>6</sup> between the ethnographer and local people in either sections of the ethnographic text or as a separate volume. The collaboration between the interviewer and

the interviewee is used to both authenticate the authority of the writer (many of these texts are co-authored with the interviewee(s)) and to empower individuals from the local group (Marcus and Fischer, 1988:71-72).

The most common form of this type of ethnographic writing uses self-accounts or life histories of local individuals (Fischer, 1991:24-25; Blackman, 1982; Cruikshank, 1990). Shostak's (1983) *Nisa: The Life and Words of a !Kung Woman* is a prominent example of this genre. In *Nisa*, Shostak introduces each chapter with a relevant preface based upon commentary by other women interviewed, and then devotes the remainder of the chapter to Nisa's life story. Nisa's account of her life is firmly set within an ethnographic framework (with the chapter introductions portraying conventional descriptions about child-rearing, geography, marriage rituals, etc.); however, Nisa's words, as recorded in interviews with the ethnographer, dominate the text. An alternative to employing the life history to introduce the native voice, is to publish verbatim interviews with native individuals. An interesting example of this can be found in Dyck's (1993) *Anthropology, Public Policy and Native Peoples in Canada*. Here, Dyck et al (1993:167-190) present the edited transcripts of interviews between the anthropologist and three aboriginal individuals in a chapter intended to incorporate native views on anthropology. The account presents an insightful series of discussions about the relevance of anthropology from a native point of view. The directness and candour expressed by the interviewees provides a refreshing balance to the self-conscious reflexivity inherent in the book's non-native anthropological writings. The inclusion of other voices, however, does not serve to detract from the value of the non-native anthropological perspectives presented elsewhere in the text.

Predictably enough, proponents of admitting the native voice into the anthropological text are not without their critics. The most common concern arises in the instance where decontextualized dialogue between the ethnographer and native individuals are inserted as a way of authenticating the ethnographer's interpretations. Regardless of the length of the native commentary cited, its inclusion in an ethnographic text means that the interviews are being translated into the spoken language of the anthropologist and into the discursive tradition of anthropology. Marcus and Fischer (1988:70) applaud Kevin Dwyer for "starkly present[ing] the raw material of fieldwork [edited transcripts of field interviews with a Moroccan farmer] and challeng[ing] the reader to judge what can be done with it." Marcus and Fischer's observation raises two interrelated issues: 1) should we assume that local categories exhaust the world and tell its full story; and 2) to what degree can anthropologists transfer the burden of authorship to the people they study (Geertz, 1983:139-140; Harstrup, 1996:150; Poewe, 1986:186-188)? The assumption that local categories of culture are superior, in all circumstances, to anthropological categories presumes that everything anthropologists want to say in words about a given culture can be expressed adequately in the native language. This assumption also presumes that we can transport the fullness of native discourse into our scheme by direct quotations from field interviews. According to Geertz (1983:95-99), Dwyer's approach reduces the role of the ethnographer to producing "courtroom like transcripts" of field interviews interspersed with "annotative soul-searching" -- a collection of "quite standard, flattened even, both in form and content" interviews that are shrouded in a cloud of self-doubt to be found in the preludes, epilogues and footnotes surrounding them. So, while native voices should be included in ethnographic texts, they

should not be used as a self-conscious attempt to authenticate the text or to demonstrate equality with the locals (Geertz, 1983). In anthropology, the burden of authorship carries with it a responsibility to provide analysis and interpretation of the raw materials of fieldwork. This responsibility cannot be assumed by anyone but the individual who designed and directed the research.

Taking a step back from the internal debates regarding representation, it is useful to reflect on the practical applications of these experimentations. A bonus of conducting research during an experimental time, is that it allows the ethnographer to use whichever and however many communicative styles as are required to deliver ethnographic experience to an intended audience. This expansion of the field, however, does not mean that realist description is no longer useful. For example, the inclusion of a lengthy confessional of a researcher's personal reflections would be confusing and superfluous in a final report of an applied anthropologist to a government agency. Confessional tales, however, have much to teach the applied anthropologist about addressing similar difficulties encountered in the field, and to provide direction for applied researchers to find a way to articulate the limitations of the knowledge they produce.

Though the critical scrutiny of ethnographic representation is necessary, it should not be done to the detriment of the valid research and defensible knowledge claims of anthropology. We know that different epistemological frameworks result in alternative representations of the ethnographers' experiences of culture. Even though there is more than one method of collecting and presenting cultural data, ethnographers can still present their research with conviction to audiences outside the discipline. Those anthropologists

who insist that their methods are most appropriate overlook the fact that all forms of representation have utility and value in specific and appropriate circumstances.

#### **2.4 Interpretation: Synthesizing the Art and Science of Anthropology**

Barrett (1996:183) observes that a gap has emerged between the theory and methods literature in anthropology, and that this divergence has negative implications on conducting relevant research. Both bodies of writing are concerned with demystifying anthropology, but they approach this task from very different perspectives. The theoretical literature is consumed with tearing down the image of the anthropologist as the high priest of culture, and with it, notions that nomothetic scientific methods will lead to enlightenment. Conversely, the methods literature is engaged in demystification of anthropological methods by promoting ways to do better research that will lead to more authoritative conclusions (see Spradley, 1980; Pelto, 1970; and Wolcott, 1995). This seeming paradox strikes at the root of the discipline's unresolved dilemma between science and relativism. To transform observed implicit and explicit cultural behaviour into a definitive, composite portrait we generalize and objectify subjective experience within a logical hierarchy that is written in the discourse of social science (Harstrup, 1996:56; Mertz, 1987). While we may be more cautious about referring to the raw materials of fieldwork as an 'empirical foundation', we continue to use some degree of positivistic methods to order, understand and describe cultural and social systems.

Lost between the polemics of current theory and method is a new breed of anthropologists of which Barrett (1996:179-180) refers to as no-name anthropologists and which Peacock (1986) classifies as the clerks of anthropology. This group continues to

do conventional ethnography, without consciously following any theoretical tradition -- according to a creed which Geertz (1988) describes as “mere digging in (‘Don’t think about ethnography, just do it’) [as opposed to]...mere flying off (‘Don’t do ethnography, just think about it’).” It is unclear whether the no-name anthropologists are waiting for all the fuss to blow over, or for their more eager colleagues to chart the new theoretical direction of the discipline. What is clear, however, is that advocating ethnography according to outdated theoretical traditions (for while we may not always be conscious of our epistemology, no research is produced in a vacuum) will only perpetuate the problems within the representation of anthropological knowledge. There is a difference between acknowledging the value of the imaginative and rigorous ethnographic contributions of our predecessors, who worked within their own conceptual horizons, and simply sweeping out the corners of their past accomplishments without attempting to explore and expand these horizons in the context of contemporary society.

The task for the current anthropologist, then, is to seek a praxis between theory and method, a form of duality between the subjective and objective that imbues every activity in which anthropologists engage. A key to achieving this duality is for anthropologists to define (if only temporarily) the parameters of their role and the limitations of their knowledge. Definition or re-definition comes through reflection on the following questions. What problems am I setting out to resolve with this research? What theoretical framework is influencing the research? What, if any, contribution toward understanding this issue might be made through fieldwork? What other methodological tools can I borrow to better understand this issue? What is the scope of

my professional and moral obligations to the community under study and to those who fund and use my research?

As already stated, all human beings know of some social space, yet, there is a difference between knowing and fully understanding the social space we occupy. In a social world where it is more common for individuals to trace connections to two or more cultures than to one, the interpretation of cultural rules and meaning is often left up to specialists. There are many different types of specialists who explain cultural meaning such as, but not limited to, a respected elder from the local group, an artist, a shaman or a social scientist. Each type of specialist draws from a different background for commenting, and they often speak to different audiences. The anthropologist's background for commenting on culture derives from an ambitious blending of perspectives and methods from both the natural sciences and the humanities. Three general categories of methods used by anthropologists to understand and explain cultural meaning are quantitative methods, archival methods, and narrative and textual analysis.

One of the reasons why "anthropological activity is never only scientific" is that the immensely complex environment within which human interaction occurs can never resemble the controlled laboratory conditions required for scientific study (Scholte, 1969:431). In analysing phenomenon, the scientist's point of departure is stated laws or hypotheses, from which he or she conducts carefully controlled observations to either refute or support the original hypothesis (Peacock, 1987:69). This analytical process relies on the replicability of research methods and conclusions in order to build new scientific laws or to support existing ones. Scientists generate hypotheses according to the observer's analytic framework, and then generate relevant data that, to the extent

possible, control all variables except the one under investigation (Peacock, 1987:68-71). An anthropologist's point of departure is also an hypothesis, but the data is generated in collusion with the subjects they study, and this involvement with the actors may, in fact, transform the hypothesis to one that is more meaningful in the context of the local community.<sup>7</sup> While anthropologists use their data to either support or refute their original hypothesis, it is unlikely they will be able to replicate their results. Therefore, they must be extremely cautious in using this data in comparative cross-cultural analysis and in extrapolating this information into general paradigms of human social and cultural relations.

Notwithstanding the caution that must accompany the application of scientific methods to the fieldwork endeavour, ethnographers employ a variety of quantitative methods to make their observations more precise. The nature of the relations that the ethnographer describes and becomes embroiled in during fieldwork, are what Geertz (1973) refers to as "thick" in that they involve multiple individuals and roles. Ethnographers often use quantitative methods as another device through which to order the behaviour they observe in discrete social situations, and to discover the perceived cultural patterns and social structures presented within the resultant data. A cultural ecologist, for example, may employ standard quantitative methods to measure and observe how climate, geography, or wildlife patterns may influence the nature of belief systems or social institutions. Many ethnographers will apply statistical analysis on census or sociological survey data to ascertain the demographics or prevailing attitudes of the local group. Fieldworkers may also organize their data within classificatory schemes that are reminiscent of taxonomic structures. For example, they may identify cultural

patterns of observed behaviour into cultural domains (e.g., types of land-use, kinds of food preparation, types of kinship relations, etc.). These basic units of cultural meaning are then reformulated into a taxonomy revealing the relationships among all the terms included in the domain (e.g., hierarchical relationships of hunting, snaring, cash food and plant gathering to food procurement) (Spradley, 1980:85-121). In building structured interview questions, the ethnographer might incorporate standardized tests within the questions to evaluate the interviewee's depth of knowledge of a subject, to chart individual responses to normative cultural standards or to test the respondent's truthfulness.

Experienced fieldworkers discourage students from becoming more concerned with producing data than with understanding why the data is important to the research problems (Peacock, 1987:80-89; Wolcott, 1995:73-74). The ethnographer's first preoccupation, they argue, should be on what the research is attempting to explain. The methods used, discarded or acquired during the path to discovery must be continuously evaluated according to their effectiveness at clearly defining the central problem and conclusions of the research. Sampling procedures, statistical results and exploratory data analysis in the form of graphs, charts and tables help to illustrate the broad scope of social structures or patterns of group behaviour, but have a limited capacity to explain why the pattern exists and how it is in a constant state of reformation. As Seidel (see Wolcott, 1995:72) remarks, we should not trade off "resolution" of ethnographic portraits for "scope".

An important way in which anthropologists work to discern the depth and structuring of cultural patterns derives from post-modern scholarship in the areas of

linguistics, narrative analysis and history. Many anthropologists acquire a good portion of their ethnographic information through participation, observation and analysis of speech acts (whether these be oral, written or non-verbal) (Finnegan, 1992). As such, ethnographers have always valued the significance of those conversations, interviews and stories that are shared during fieldwork. The post-modernists raise convincing questions about the basis of such academic distinctions as language structure and structuring, written and oral accounts, narrative and non-narrative and myth and history. Their bold adaptation of methods originally developed in the Saussurean school of structural linguistics, though controversial, has opened up a wider theoretical space in which anthropologists can decode meaning in cultural systems and uncover processes by which this meaning is in a constant state of being redefined and reasserted. As it is impossible to do justice to this large and complex area of study here, I will highlight only two areas that have great import for interpretive methodology in anthropology.

Renewed attention to narrative analysis has proved useful in decoding the motivations and meaning of narrative occurring in everyday social situations (Pratt, 1977:38-78; Toolan, 1988:146-164). Sociolinguist William Labov described narrative as maintaining two essential functions: 1) the narrative must recapitulate experience in an ordered set of clauses that parallels the temporal sequence of the original experience; and 2) the narrative must have a point worth telling in the eyes of the teller and the addressee (Toolan, 1988:147-147). From his recordings of the ordinary narrative of ordinary speakers, Labov identified a six-part analysis for fully formed oral narratives wherein he compared the sequence of clauses in a narrative to the sequence of events as they occur in the narrative.

Pratt (1977) took this analysis one step further by illustrating (through numerous applications of Labov's structure to a broad sample of literary works) that literary narratives do not mark a radical departure from everyday narratives. She demonstrates that the structuring of the oral narrative of personal experience is similar to the development of narrative found in literature. Pratt disputes previous definitions of literariness as being based in a separate language of poetics or in a work being fictional. She goes on to explain that a number of the works she reviewed departed from the canonical narrative format, and it is this creative departure from the rules of narrative structure that indicate literariness. Perhaps most intriguing is that Pratt shows us that users of the narrative format manipulate the rules, thereby changing the standard story line, as a device to indicate and convey meaning. The utility of Pratt's analysis is not to be found in the conclusion that there are no differences between everyday and formal narrative, oral and written narrative, or between fiction and non-fiction, but, instead, in the realization that use of the narrative structure -- telling a story -- is a common and widely used communicative tool to both signify and explain cultural meaning.

These fresh insights into the use of narrative have many applications for the ethnographer. While the rules for story-telling will vary across cultures, narrative analysis is an excellent device through which to decode the basic motivation, messages and tellability of a story by deconstructing speech acts within a narrative and then reconstructing the internal messages into a model that is intelligible to an external audience. It also helps to deflect attention away from the events occurring in the story to what these events signify to the teller, and how these are ordered in relation to other events. If we accept that narratives are a fundamental instrument through which humans

process and explain the significance of events, then we can apply these analytical methods to a wide range of narrative expression (e.g., the recounting of cultural events by interviewees during field interviews) to interpret cultural meaning. Interpretive or qualitative methods provide alternate means and sources through which to interpret social behaviour. The limitations of such interpretive methods, however, must be recognized. To uncover the unconscious messages and implicit rules of a given narrative, the analyst interprets the structuring of the narrative's signs and symbols in relation to his or her degree of knowledge of the culture and according to his or her biases and assumptions about that culture. The less competent the analyst is in understanding the communicative modes and symbolic systems of a culture, the more the narrative analysis will rely on imaginative inspiration rather than on practical social experience.

Remembering this concern, use of narrative as an analytical unit gives anthropologists a greater number of sources from which to interpret cultural meaning over time and space, and thereby, to acquire competency in the communicative systems of a given culture. The location of pertinent narratives can be found in many types of documents, including the ethnographer's field notes, other ethnographic records, archival records, oral historical accounts, travellers' accounts, songs, literature and letters. All written records can be viewed as being historical, in one sense, because in the process of writing something down the writer freezes his or her account of events or phenomena at a particular moment. Due to a focus on accentuating cultural patterns that endure over time, anthropologists are often accused of producing static descriptions of fixed social systems while overlooking how political upheaval and economic change have affected these systems through time. Use of narrative analytical methods to help interpret archival

documents can bring a higher resolution to the nature and practice of cultural systems over time and space. The application of an historical perspective to this analysis can permit anthropologists to incorporate a wider historical dimension into their work, focusing both on how the world economy has affected the history of societies and on the culturally driven responses of societies to colonization and imposed external systems.

Conventional historians are often criticised for being selective in their topics of study, and for tending to record the activities of those individuals, groups and societies that hold power over others. As Voltaire once remarked, “For the last fourteen hundred years, the only Gauls, apparently, have been kings, ministers, and generals” (Sahlins, 1985:32). This tendency of writing histories that glorify the actions and ideology of powerful elites is reinforced by Western beliefs in the paramountcy of the written word. Yet, to document information about events, the recorder must be literate, and literacy is generally a privilege of the ruling elite (whether that elite be a class, a country or a group of countries). While individuals from non-literate groups and societies have equally valid methods of remembering the past, their history is rarely incorporated in formal, historical narrative due to perceived difficulties in the collection and interpretation of oral history<sup>8</sup>. Some anthropologists argue omission of oral historical accounts necessarily leaves out the activities and events of much of the world’s population (Cruikshank, 1992; Fogelson, 1989; Harkin, 1988; Mohs, 1976; Nash, 1979; Sahlins, 1985; White, 1992; Wolf, 1982). The coordinated use of methods from participant observation, history and narrative analysis has great potential to disperse erroneous notions that archival documents speak for themselves (for example, see McEachern, 1991:\*\*) . As Fogelson (1989:140-141) observes:

The components of narratives are connected series of events. Constructed narratives need not arrange events in a strict linear chronological sequence. Events can be drawn from many levels, go in divergent directions, recognize different time scales, and crisscross one another. Events do not generate the narrative, but events are selected to cohere to story lines, frameworks, or plots that result in intelligible narratives. Selection is crucial here, because events may either be restricted in number or almost infinite. The criterion for selection is how the events fit the plot. Thus, history cannot be considered a universal, singular absolute written with a capital H. Rather what we confront in narrative history are “histories of---” written from a particular perspective. The historian no longer needs to be a slavish servant to the available so-called facts but becomes a creative synthesizer who constructs texts from available “facts” and events. The historian makes histories. Histories do not exist as pre-formed narratives awaiting discovery.

Sahlins (1985) incorporates this perspective into his studies in the anthropology of history. For Sahlins, history is grounded in social structure, and the persistence of social structure though time is also historical. Sahlins (1985:151) envisions that in the realm of symbolic action “diachrony and synchrony coexist in an indissoluble synthesis.” Sahlins’ view is that striking changes to social structures represent a departure from the normative belief systems of a culture, and that these changes are classified as events. He believes that we cannot separate an event from its interpretation, and that all interpretation is embedded in cultural value systems. An event is distinguished from other social action deemed as non-eventful by the interpretations of its significance within a cultural system. Sahlins (1985:153) proposes that: “the event is a happening interpreted -- and interpretations vary.”

The interpretation of an event varies according to cultural (including different sub-cultures and classes) and temporal criteria. In other words, symbolic systems through which we order and interpret our actions and the action of others vary over time and space. Different cultural groups will generate different histories about the same event

according to what they deem significant within their symbolic systems. Two societies may perceive the same happening to be eventful for very different reasons<sup>9</sup>. Sahlins (1985:155) believes that there is a perpetual interaction between social structure, culture and history : “culture is precisely the organization of the current situation in terms of a past.” At the same time, he says that when we reproduce cultural ideas from our past, we alter them to render them relevant in the present. We interpret our past from a vantage point in the present, therefore, we embed the present in our representation of the past (Sahlins, 1985:136-156).

To illustrate Sahlins’ point, I will construct a fictional example taken from the west coast of British Columbia. Through the oral historical record, a Coast Salish elder knows of an area of forest where her great-grandmother collected cedar bark for the manufacture of household goods and clothing. Until recently, scholars may have seen this activity only to be of interest as an indicator of the more general social structure of Coast Salish culture. The action of certain individuals collecting cedar bark would not be seen as particularly eventful. Yet, recently, the elder directed government consultants to the site to record the trees used by her great-grandmother as culturally modified. Her great-grandmother’s specific actions have become eventful because they signify both to the current generation of Coast Salish and to government officials that the specific area of forest had been used to support the economy of the Coast Salish in the past. It also indicates the continued aboriginal rights to resources of the Coast Salish can be considered by all parties in deliberations over land and resource management. Here, the synthesis of past and present, and of event and structure, is strong.

Sahlins proposes that there is no beginning and end to our cultural reading of historical events. His conception of history is one of a narrative with a chronicle of events ordered and interpreted according to general cultural patterns. While written historical documents are important to Sahlins' historiography, they are not central to it. Rather, it is the synthesis between past and present, system and event, structure and history that continuously patterns a larger dialogue about who we are and whence we have come. Sahlins' method is capable of accepting origin stories and interpretations of past events which are alternative to, or in conflict with, European-based historical narrative. The notion that there is a single superior version of human history, and that this version is to be found in written documents, is rejected by Sahlins. Instead, his history incorporates many narratives using various temporal perspectives (including the legendary or mythical past) and told from a variety of cultural perspectives (Sahlins, 1985:54-72).

As with the experimental modes of representation in ethnography, critical assessment of any method (either quantitative or qualitative) is a necessary task for the ethnographer in the production of anthropological knowledge. The impetus for the interpretive program in anthropology was a reaction against the reduction of cultural representation to iron-clad definitions reflective of taxonomic descriptions found in the natural sciences. Keesing (1987) and Shankman (1983) believe, however, that the result of interpretive anthropology is an imaginative but empty discourse. One obvious limitation of interpretive methods is that the relativistic nature of this activity confines understanding of symbolic systems to the culture. These methods do not readily provide opportunities to embed our understanding of these systems within the larger context of

human society (Shankman, 1983). Further, practitioners of the interpretive agenda often fail to acknowledge political, class and economic factors in their analysis of cultural systems. By emphasizing that shared systems of beliefs and symbols dictate the form and expression of social structures, it is easy to overlook how forced changes to social structures can transform cultural systems. Keesing (1987) is also critical of the tendency of interpretive anthropologists to overlook how cultural knowledge is distributed and controlled within the local group. He postulates that different factions (possibly organized by age, sex, rank or region) will experience symbolic systems differently and any conclusion that these systems are all shared and public is an overstatement. Finally, the wider variety of potential readings allowed for by the interpretive program gives anthropologists a rather dubious freedom to depict cultures according to their own expectations and research interests.

Sahlins' (1985) historiography begins to address the limitations of interpretive anthropology by examining the dynamic relationships between historical influences, local, regional and global relations, and the embeddedness of cultural codes in social, economic and political structures. The value of Sahlins' contribution goes far beyond his intriguing reading of Hawaiian history and culture. His measured use of qualitative and quantitative methods to explain the dynamic relationship between culture, social structure and colonizing influences has relevance in understanding broader social problems initiating from historical cultural conflicts. The commonality between positivistic and interpretive analysis is that both involve pragmatic objectification of the research subject. Perhaps because of this objectification, both types of methodologies are also prone to misrepresentation by placing undue significance on one aspect of culture over another<sup>10</sup>.

Harstrup (1996:162) reflects that anthropology's historic indecisiveness around claiming allegiance to either the humanities or the sciences may be read as a token of its composure. If the discipline is to retain its composure -- and remain relevant -- its practitioners have to define the limitations of their conclusions and articulate what parts of their research are firmly grounded in direct experience and what are less defensible extrapolations from the same.

## **2.5 Praxis: Practical Applications of Anthropological Knowledge**

This chapter has reviewed aspects of the current state of representation and interpretation in anthropology, and will now discuss how the application of anthropological knowledge can make a difference in resolving practical problems. A general distinction between academic and applied research is that scholars produce knowledge and applied researchers use that knowledge to address issues in the non-academic world. Some argue that anthropological knowledge is by definition applied, due to the unavoidable involvement of the local group in defining the research and its conclusions (Peacock, 1987:103). Indeed, the history of anthropology reveals a long tradition of anthropologists producing and using their research in applied settings (Hedican, 1995:17-25; Eddy and Partidge, 1987:5-55; Van Willegan, 1993:17-38). Currently, applied anthropology is emerging as an activity that attempts to counteract the under-utilization of anthropological knowledge in the broader social arena (Wulff and Fiske, 1987:xi).

The concerns raised about representation and interpretation in anthropology during the reflexive period are equally, if not more, relevant when applying knowledge to

non-academic settings. Issues around the role of anthropologists and the limitations of their research do not disappear in the broader social context of applied research. As a result, the necessity of maintaining open communication between academic and applied researchers cannot be overemphasized (Van Willigen, 1993:236-238). The preceding discussion charts important changes in the system of anthropological knowledge as a response to internal and external critiques of the discipline. Recent adjustments made to anthropology's epistemological framework establish an appropriate foundation for applied researchers to generate and mobilize resources for solving practical problems. The cycle of maintaining and refining the patterns of discourse and adapting theory and methods in response to changing social experience can be supported by a continuing dialogue between academic and applied practitioners (Peacock, 1987: 110-113).

“Applications are in part determined by the adequacy of theory, and theory is accepted or rejected over the long run in relation to its utility in successive applications” (Eddy and Partridge, 1987: 5).

Applied anthropologists assume many roles through which to apply their skills (e.g., implementer, mediator, coordinator, administrator, evaluator, etc.) (Wulff and Fiske, 1987:1). A great number of applied anthropologists work in the general field of policy research and evaluation. This involves research, development and evaluation of policies and programs in the public and private sectors. Activities include data collection and analysis, needs assessment, prediction of effects of various courses of action for decision-makers, and planning and evaluation of projects, programs and policies. Another large area for applied research focuses on community research and development. Researchers working in this area may become an advocate for a community's self-defined goals, act as

a cultural broker between the community and external agencies, develop and deliver cross-cultural training to prepare individuals from different cultural communities to work together or be an expert witness by presenting research data or giving testimony in legal proceedings. Participants in the policy research group tend to be employees of a public or private agency, while those outside of the policy field are often retained by a client on a contractual basis (Van Willegan, 1993:3-5). Regardless of the tenure of their employment, applied researchers may report to any number of employers, including public governments, aboriginal governments and organizations, health care facilities, private corporations, non-profit organizations or private consulting agencies.

Prior to assessing the additional skills they will need to contribute effectively to the problem under review, researchers must be aware of what aspects of their training in anthropology make their contribution valuable to practical problems within contemporary social situations. For Wulff and Fiske (1993:10), the anthropological approach can make a difference at every stage of social policy and program development:

Anthropologists design programs that work because they are culturally appropriate; they correct interventions that are under way but that will be economically unfeasible because of community opposition; they conduct evaluations that contain valid indicators of program results. They provide the unique skills necessary for intercultural brokering; they collect primary and “emic” data necessary for planning and formulating policy; and they project and assess cultural and social effects of interventions.

The most striking difference provided by anthropology in applied settings is the ability of its practitioners to go beyond the confines of the standard sociological survey questionnaire to achieve an insider perspective. Anthropologists’ proficiency in charting behavioural dynamics at the level of human groups, and their ability to forward holistic explanations

of cultural patterns of behaviour is not shared by other social scientists. The existence of a large data bank of existing ethnographic knowledge and anthropological theory is also unique, though, the latter, particularly, must be applied in a critical and appropriate manner. The anthropologist's skill at rendering the foreign familiar or comprehensible is of great import in program delivery and policy settings involving user groups with conflicting cultural perspectives.

While the anthropologist may bring the perspectives and methods of anthropology to any professional research task, he or she needs to be familiar with the social domain in which the research problem exists. Applied anthropology integrates various perspectives and research techniques, depending on the problem to be addressed. Knowledge of the technical field where anthropological perspectives are integrated is as necessary as understanding the insider views of local communities is in conventional ethnography. Whether the context is health care, forest practices or drug abuse, the applied researcher must acquire knowledge of the structures of jurisdiction, internal power relations and motivations of the affected groups. He or she must sort out how programs and policies directed to these groups are structured and identify, to the extent possible, the variable factors that will challenge these to either unravel or adapt. Anthropologists may need to equip themselves with an enhanced knowledge of the legal basis for a particular area of application. In assessing the additional skills and knowledge needed by the applied researcher, the approach should be as methodical as the process of identifying the additional skills and knowledge required to prepare for any ethnographic fieldwork.

There are a number of different roles in which applied anthropologists may function during the course of their work. Applied researchers usually act as an agent for

change in an environment where there is conflict due, at least in part, to cultural differences. The anthropologist's work involves intervening in the conflict and either negotiating or recommending a solution to resolve the differences. Underlying most applied research is a goal of rendering the development activities and administrative structures of state societies or nations more sensitive to and accommodating of the values and aspirations of minority cultural groups living within. In this context, community is defined by Ward Goodenough (see Van Willegen, 1993:92), as: "referring to any social entity in a client relationship with a development agent or agency. It may be a rural village, a metropolitan government, a tribe, an industrial organization, or a nation state."

In the interventionist role, applied research is value explicit in that anthropologists use their skills and knowledge to incorporate community values in development and planning. Practitioners are directly involved in brokering understanding between agencies of power and the affected communities. The interventionist labours to bring about change that will contribute to self-determination of the communities with whom they are engaged. Differentiation between types of researchers within the interventionist group is partly reflected in the degree to which the researcher uses academic anthropology as a point of departure. For example, the action anthropology introduced by Sol Tax originates from the academic environment, and combines the goals of academic research with meaningful contributions to community-based problems (Van Willegan, 1993:57). At the other end of the spectrum are anthropologists who work as advocates for community political and economic goals. Here, the reference group may be the political arm of a community in transition, or perhaps a group within the community (such as a women's group or economic development corporation). Alternatively, the reference

group of a community development researcher working to increase community adaptability to external, negative changes may be an interagency team of various professionals.

The roles of applied anthropologists may also differ according to the level of authority they hold in the project or program under review. A situation where anthropologists may wield considerable influence is when a development project is being stalled until the activity is retooled to be more responsive to community values. Similarly, anthropologists closely involved in decision-making or program management will be more effective in influencing the decisions that set the direction for change (Van Willigan, 1993:168). Applied tasks which focus on research, though more subordinate than the previous examples, are no less relevant. The researcher may utilize anthropological knowledge to recommend changes which will make service providing systems or social marketing campaigns more meaningful to target groups. Anthropological research is also used to provide a summary of local perspectives to decision makers from government, the legal system and industry. In all of the above examples, the applied anthropologist acts as a cultural broker<sup>11</sup> between communities and outside agencies. The degree to which anthropology makes a difference in either achieving a form of cultural pluralism or community self-determination is directly related to the researcher's level of authority or influence on the decisions on projects, programs and policy that affect communities.

Employing anthropology as a broad tool for the general common good of communities is not without its darker side. Clearly, the anthropologist's ability to be an agent for social change may be strengthened by working inside the system where policies,

programs and development projects are created. Yet, as a member of the power system the anthropologist is removed from the 'community' whose goals he or she wishes to advocate. The further removed from the daily experience of the community, the greater the opportunity for the researcher to misrepresent local perspectives and aspirations. As well, as an employee of a public government or a private corporation, the anthropologist must understand and take into account his or her employers' perspectives and values. As already discussed, there is high potential in any cultural representation for analysts to masquerade their own ideological agendas as the native point of view. When anthropologists feel that they are accountable to many conflicting groups their ability to make effective and clear decisions is seriously compromised. As a discipline, anthropology has not yet achieved proficiency in resolving these murky ethical conflicts. Given that the majority of past anthropological research was centred upon the behaviour, values and concerns of small-scale societies, this is not surprising. Similar to the difficulties anthropologists encountered in responding to Nader's (1969) challenge to "study up", applied anthropologists lack confidence in defining the scope and limitations of their role in the midst of conflict between dominant state societies and minority cultural groups.

When anthropologists intervene in the path of a development activity or government program delivery, they ultimately attempt to change the policy which guides that activity. Policies are concerned with values, particularly those values which affect allocation decisions. According to Van Willegen (1993: 156) "a policy can be seen as a hypothesis between behaviour and values." In this light, anthropologists can play a meaningful role in policy development, implementation and evaluation because of their

long history of assessing how cultural values motivate social behaviour at the level of the group. The anthropological difference can be found in the unique skills and knowledge base which prepares its researchers to acknowledge the differences and similarities that, at once, set cultural communities apart and also bind them to the larger human community.

## **2.6 Summary**

This chapter has reviewed how current approaches to representation, interpretation and praxis in anthropology are encouraging its practitioners to strike out in new research directions encompassing a broad social context. Some may argue that we no longer need a discipline to administer the diverse research in which anthropologists are engaged. I have attempted to demonstrate that many anthropologists share a common analytical lens when defining and explaining culture and social systems, and that the body of anthropological theory and methods is distinct from other disciplines. Hence, anthropologists share a coherent if not always cohesive language. As such, the quest to redefine and retool the discipline must continue with the critical assessment of its strengths and weaknesses and through experimentation of the breadth and depth of our conceptual horizons. While anthropologists' authority may be of a different nature than that of early ethnographers, they still have a responsibility to take informed intellectual risks in order to explain their understanding of the social phenomenon that they study. Making relevant contributions to "confront a social world which has changed almost out of recognition in a few short years" won't occur by stubbornly using theory and methods designed for an historical social order (Giddens, 1995:277). Neither will anthropologists

achieve relevance by applying their skills and knowledge only to those cultural contexts studied by their predecessors.

The production of vital knowledge in the discourse of anthropology requires that anthropologists continue to build an epistemological framework based on practical *and* intellectual relevance. This framework should be designed to acknowledge and reflect the chaos and order inherent in all the social worlds which human groups inhabit. Academic anthropologists must continue to explore the inconsistencies within the discipline's analytical framework and discourse; those involved in academic research have greater freedom to explore fundamental problems encountered in cultural interpretation and representation. Insight gained from this reflection has great import in improving the quality and depth of applied research. Likewise, the applied anthropologist's scope of cultural experience in contemporary social worlds has much to contribute to academic questions.

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<sup>1</sup> It should be noted that not all anthropologists do ethnography in the conventional sense of fieldwork. Much valuable research has and continues to be done by anthropologists using available archival records and other documents as the primary source of information (see Barret, 1995:194-195).

<sup>2</sup> This loosely defined group is largely made up of anthropologists from Third and Fourth World societies, and may also include Black scholars from North American and European countries. The defining feature of this group is not so much that they study at 'home', but upon their identity as a visible minority within Western society.

<sup>3</sup> Project Camelot was an initiative of the United States (US) federal government and American social scientists to use academic data to protect democracy and allied countries by stabilizing friendly (anti-leftist) political regimes and inhibiting their overthrow. Anthropological research was used also in World War II to develop national character portraits of US enemies of war. Anthropological research was used as well by the US during the Vietnam War at a time when there was much less public tolerance for using academic research for military purposes, particularly when those activities involved bombing civilians (Wax, 1987:5-6).

<sup>4</sup> Hermeneutics can be described as the scholarly tradition of interpreting literary texts and Scriptures.

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- <sup>5</sup> Unless they continue to live full-time with the specific group of individuals making up the group under study, I would include native and feminist anthropologists in the category of being from another culture.
- <sup>6</sup> This form of scholarship may also incorporate the writings and analyses of native scholars.
- <sup>7</sup> Confessional ethnographies contain many examples of anthropologists going to the field with an hypothesis that, after many frustrating hours of trying to engage informants in conversation about, the anthropologist finds that the emphasis or premise of the hypothesis is ill-conceived, and must be redesigned in order to be meaningful within the culture under review.
- <sup>8</sup> It should be noted that artwork (in the form of pottery, music, sculpture and weaving) is also used to document historic events.
- <sup>9</sup> The differing representations of Captain Cook's death in British and Hawaiian historic records are an excellent example of this phenomenon.
- <sup>10</sup> For example, such misrepresentation can occur by presenting a correlative graph depicting a cause and effect relationship between climate changes and the decline of swidden horticulture without taking into account the effects of external economic factors, or by stating that all Yanomamo men are predisposed to being warlike due to their cultural value system without examining political, economic or colonizing factors which may have placed the group in a state of war.
- <sup>11</sup> A cultural broker may be involved in activities as varied as: facilitating the articulation of community goals and strategies, empowering the community to deliver their proposals or demands to appropriate decision makers, or assisting in documentation of shared ideas or practices.

## **Chapter 3: The Domain of Application: Social, Legal and Methodological Context of the Case Study**

### **3.1 Introduction**

The practice of anthropology has a long history in British Columbia<sup>1</sup>. In this context, the focus of anthropological research has been largely on the documentation of the customs, languages and practices of the peoples indigenous to this region. Relatively late colonization of the region afforded anthropologists such as Boas and Teit exposure to aboriginal groups that, while profoundly affected by colonizing policies, maintained distinctive economic, political, ritual and symbolic cultural and social systems. Tennant (1990:3) postulates that the lack of armed conquest of aboriginal peoples in British Columbia and the fact that many groups continued to reside on their ancestral sites (as opposed to the widespread displacement of aboriginal peoples elsewhere in North America), resulted in greater cultural continuity between the aboriginal past and present. The ethnographic record is also rich in description about indigeneous groups of this area, as the unique social organization and settlement patterns of the seafaring groups of the northwest coast of North America were seen to support anthropological theories regarding the genesis of ranked societies in areas with abundant resources (Suttles and Jonaitis, 1990). The marked contrast between the social structure and settlement patterns of coastal and interior groups appeared to support these theories and fueled the production of much of the ethnographic research for this region.

During the past century, however, anthropologists' roles as specialists in aboriginal cultures in British Columbia have changed dramatically. The role of the

anthropologist as objective authority on the cultures of tribal peoples has been undermined in the British Columbia context for the same reasons outlined in the previous chapter. The acknowledgement of other cultural specialists (e.g., elders, aboriginal politicians, historians, lawyers, journalists) has served to marginalize anthropologists in the field of aboriginal studies. While anthropologists are now more diligent in making their research directly useful to the groups they study, they are faced with difficult questions related to ethics, academic freedom and professional integrity. The purpose of this chapter is to illuminate the historical and current context within which the social dilemmas inherent in the case study arose. This will be accomplished by first presenting an overview of the historical and political context within which aboriginal rights and title issues originate in British Columbia. This historical summary will be followed by a review of the legal arguments which compel the provincial government to protect aboriginal rights and to acknowledge culturally defined aboriginal practices of land and resource exploitation. Finally, an identification of methodological approaches (largely borrowed from anthropology) that have been used to discern aboriginal land and resource practices in Canada will be reviewed.

### **3.2 *Historical and Political Context***

The Indian land question is as old as British Columbia itself. The question remains as critical as it has ever been, and it is today more controversial than it has been for over a century. The Indian peoples of British Columbia have constantly sought to have the question resolved; their efforts to do so have been at the heart of their modern political history (Tennant, 1990:ix).

In British Columbia the rights of aboriginal people to self-determination and, in particular, to land, sea and natural resources have never been fully determined (Mathias

and Yabsley, 1991). The region is characterized by a high degree of cultural and linguistic diversity among the indigenous peoples who have occupied the area for thousands of years. Due to the huge variation among these rich and complex cultures, any summary of 'British Columbia First Nations' will be overly simplistic and incomplete. However, one can outline some of the more obvious characteristics of these groups. There are ten major language families, within which exist a great number of dialects that are not necessarily mutually intelligible. At the time of contact, there were two broad cultural groupings: the coastal and interior peoples. The coastal groups were mariners who lived by fishing, hunting and gathering. Their stable economic base allowed for permanent villages, material wealth and a capacity to support a ranked social organization and an elaborate ceremonial life (commonly referred to as potlatching) (Kehoe, 1981; Suttles, 1990). The interior groups were characterized by egalitarian band level cultures that acquired their living through hunting, gathering and fishing (Kehoe, 1981). While the interior peoples occupied the same seasonal sites, their life was semi-nomadic as they followed a seasonal round of available resources. All groups maintained active and extensive trading networks through which goods and slaves were exchanged between distant regions of what is now British Columbia.

It is impossible to define one single date of contact with Europeans and at what point the colonization of aboriginal peoples began. European settlement did not occur in significant numbers until the 1850s and it was not until the 1890s that the jurisdiction of the colonial government extended to all of the major aboriginal groups (Tennant, 1990:3). During the preceding century, historical documents reveal that aboriginal groups (particularly along the coast) had hundreds of encounters with traders and explorers and,

by and large, incorporated the trade relationships and the goods flowing from these interactions into their existing social structures (Cole, 1985:1-5). Given the well-established and extensive trade networks among aboriginal groups in this region and beyond, prior to contact one can assume that trade goods and news of the Europeans' activities reached aboriginal communities long before the settlers themselves. Before intensive settlement, the discrete contact that marked trading encounters with Europeans produced minimal conflict; however, aboriginal cultures and societies were not left unscathed. By the middle of the nineteenth century, many aboriginal populations were decimated by the introduction of smallpox, venereal disease and pulmonary diseases (Kehoe, 1981:431). The surviving populations regrouped and continued to live in a self-sufficient and self-governing manner in their ancestral territories.

Colonization is defined in many ways. In its most basic definition, to colonize means to establish a colony or colonies in a country or area. As Thomas (1994:13-17) observes, there is a tendency in colonial discourse to portray the colonizing culture as an integrated whole, motivated by greed and racism, and as dealing a fatal blow to the indigeneous cultures in its path. This overly simplistic view of colonial culture is misleading in several ways. First, as Stoler notes, "this homogenizing vision 'accords poorly with the fact that the *quality* and *intensity* of racism vary enormously in different colonial contexts and at different historical moments" (in Thomas, 1994:14). By focusing on racism as the primary factor in colonization, we overlook less brutal and perhaps more insidious motivations for justifying the imposition of the colonizers' values on the colonized (Fabian, 1995). To varying degrees religious conversion and policies intent on 'civilizing' or assimilating indigenous peoples originated in honestly-held beliefs that

these would benefit the colonized groups. In British Columbia, these activities were mostly carried out in a peaceful manner. As Fabian (1991:155) notes, anthropologists must account for the “honest and intelligent agents of colonialism”, as well as the “crooks and brutal exploiters”. To achieve an understanding of colonization we must look beyond descriptions of its European agents as an abstract and self-evident force and examine the heterogeneity and tension among the colonizers (Fabian, 1991:169; Thomas, 1994:14).

Second, by viewing all colonizing activity as fatal to indigenous peoples, we exaggerate colonial power by presuming the colonized were all dominated and assimilated. For example, in British Columbia, introduced diseases wiped out entire villages. Yet the legacy of surviving populations reveals at once a resistance to and accommodation of colonization. Inferring that all aboriginal peoples in British Columbia experienced a fatal impact ignores how their collective action since encountering Europeans has helped to shape the course of provincial history. It also overlooks how aboriginal peoples have resisted assimilation by incorporating some of the institutions and values of the colonizing culture within their own cultural framework.

Third, the naive caricature of the brutal colonizers, as narrated in the liberal present, serves to banish the incidence and impact of colonization to a distant and unenlightened past. By disregarding the effects of the colonial period in the present, we can never hope to reconcile the fundamental differences in cultural values between colonizing and indigenous societies which generated the initial actions of omission and domination. The result is that we are doomed to perpetuate a continuing dysfunctional relationship based on power inequities and dependency. Therefore, recognizing that we cannot conceive of colonization in British Columbia as a steady force which affected all

aboriginal groups consistently over time and space, we will turn to an identification of key policies and historical events which entrenched the inequitable relationship between First Nations and public governments through to the present day (Asch, 1984:41-53).

What is particular to the colonial period in British Columbia relative to other areas in Canada, is that conquest was rare in Canada because of the *Royal Proclamation of 1763*. The British Crown followed a policy in North America that only the Crown could acquire lands from First Nations, and only by treaty (Asch, 1984:41-42). This policy was derived from the *Royal Proclamation of 1763* (BC Claims Task Force Report, 1991:6). With the exception of the Douglas treaties<sup>2</sup>, the Crown did not implement this policy in the colony of British Columbia. When British Columbia joined the rest of Confederation in 1871, the *Terms of Union* set out the respective responsibilities and powers of the provincial and federal governments (Mathias and Yabsley, 1991). The federal government assumed responsibility for Indians and for finalizing the allocation of Indian land reserves. Although the subject of aboriginal title to lands and resources was not resolved or even mentioned in the *Terms of Union*, the provincial government assumed the issue to be concluded. It would take another 120 years for the Province to acknowledge the outstanding questions regarding aboriginal rights and title. This recent policy shift was heralded when the Province joined the Government of Canada in a tripartite process to negotiate comprehensive treaties with First Nations in 1990. Prior to 1990, the various provincial governments steadfastly refused to acknowledge that aboriginal rights and title to lands and resources ever existed in British Columbia (Tennant, 1990:226).

The goal of the majority of federal legislation and policies regarding aboriginal people between Confederation and the 1960s was assimilation (Hedican, 1995:10; Mathias and Yabsley, 1991). Again, the motivations and implementation of the assimilationalist goals amongst politicians, Indian agents, law enforcers, missionaries and others varied greatly. However, the net effect of their combined activities served to undermine aboriginal political and social structures and to develop a relationship of dependency between First Nations and the federal government. In Canada, the *Royal Proclamation of 1763* formed the basis of the *Indian Act* of 1876, as well as the legal foundation on which reserves were created and aboriginal groups who did engage in treaty making ceded their rights of title to their traditional lands (Hedican, 1995:10; Tennant, 1990:46). The goal of assimilation underscores much of the federal *Indian Act* and is well-expressed in the imposition of a band administration of aboriginal government (Mathias and Yabsley, 1991:37-38). To control and administer the affairs of Indians, the federal government imposed a delegated governing model on aboriginal groups which used existing aboriginal communities as the basic unit of organization. These communities were legislated under the *Indian Act* as Indian bands. The band system ignored longstanding political alliances within larger tribal groups and it was not until the 1960s that organized tribal groups would re-emerge as political organizations and acquire recognition within the administration of the Department of Indian Affairs (Tennant, 1990:9). The political organization of the band system, with an elected council and chief subject to the jurisdiction of a power in a distant capital city, was in direct conflict with the hereditary and autonomous political systems of many aboriginal groups in British Columbia (Tennant, 1990:51).

By defining who is an Indian, the *Indian Act* served to divide aboriginal communities between status and non-status Indians. Status Indians maintained aboriginal rights to lands and resources that they retained through treaties. In British Columbia, where few treaties were signed, status Indians were loosely interpreted to mean those band members who maintained rights to band assets on established reserves. Non-status Indians included non-treaty Indians, Metis, and enfranchized aboriginals<sup>3</sup> (Hedican, 1995:10). In keeping with the assimilationalist goal, reserves were viewed as temporary homes for aboriginal people, which they would eventually leave once they had incorporated European economic and spiritual values and integrated into the colonists' society. Two influential policies were initiated by the federal government in order to break down the resistance of First Nations in British Columbia to abandoning their traditional cultural lifeways. The first of these was introduced in an amendment to the *Indian Act* in 1884, which prohibited the practice of the coastal potlatch with the penalty of imprisonment if violated (Mathias and Yabsley, 1991:37). Missionaries and Indian Agents actively lobbied to outlaw this central institution of Northwest Coast aboriginal societies as a means to weaken the authority of hereditary and clan chiefs who resisted integration into European religious, economic and political social structures. Potlatching was later more broadly defined to include any large gathering of aboriginal people and was a precursor to a further prohibiting amendment in the *Indian Act* that disallowed Indians to raise or spend money to advance land claims (Tennant, 1990:50-52). The second of these policies involved sending aboriginal children away to be educated according to European cultural values at residential schools. The period between the mid-1800s and the 1970s when this policy was in effect served to isolate aboriginal children

from their own cultural communities and place them in a foreign environment that was often abusive.<sup>4</sup> While it is impossible to fully understand the impact of residential schools and other child welfare policies on aboriginal people and their culture and social institutions, clearly these policies had a profound and debilitating effect (RCAP, 1996:24-29; Tennant, 1991:80-83).

Central to the concerns of aboriginal groups in British Columbia today are the outstanding questions related to aboriginal land title and the extent and nature of aboriginal rights. These issues are also rooted in colonial history. Unlike the situation of First Nations in the rest of Canada, in British Columbia the questions arise primarily from the lack of implementation of colonial policies regarding lands and resources. Since the early days after Confederation, First Nations have articulated two areas of contention with respect to land in British Columbia. The first, and most prominent, is that the Crown (either as a British colony or as a nation) recognized aboriginal land title and rights, but never extinguished them through treaty before or after European settlement of the province (Tennant, 1990:27-52). The second is that the size of land reserves that were originally assigned to First Nations were inadequate<sup>5</sup> and were later reduced without the consent of First Nations. While some efforts were made during the colonial period to negotiate treaties and later to enlarge the size of Indian reserves, these efforts were consistently blocked by various colonial and federal administrators.<sup>6</sup> For their part, provincial administrators argued that the *Terms of Union*, which afforded jurisdiction to the provincial government for lands and resources that were not legally reserved for Indians, had resolved the Indian land question fully and finally. By the late 1800s, the revised history of the provincial government held that prior to European settlement:

British Columbia had been in essence an empty land, devoid of society, government, or laws. This myth legitimized the denial of aboriginal title and sanctified the new white doctrine that all land in the colony was not only under British sovereignty but also directly owned by the Crown (Tennant, 1990:41).

Although violent protest on the part of First Nations in British Columbia was confined to a handful of incidents, organized political action by aboriginal groups began with the Coast Salish in the 1870s, paralleling the increasing trend to more intense settlement of Europeans (Kew, 1990:166). Organized resistance to land alienation began with diplomatic meetings between First Nations leaders and officials from the federal and provincial government. These meetings did not bring about action, however, and the flow of settlers increased, resulting in more alienation of land and new restrictions on the access of aboriginal people to resources within their territories. Growing frustration with the lack of activity led some aboriginal groups to resort to civil disobedience in the form of protest blockades and led others to establish the Allied Tribes of British Columbia to pursue demands for the recognition of title and to secure treaties (Kew, 1991:166-168). As noted above, the Canadian Parliament responded with another amendment to the *Indian Act* making it illegal for Indians to raise or spend money to advance claims, thereby effectively blocking First Nations from either political or legal avenues through which to resolve outstanding disputes (British Columbia Claims Task Force, 1991:10-11).

The first few decades of the twentieth century saw every aspect of aboriginal peoples' lives and cultural institutions become more controlled by the laws and policies of the public governments, with a concomitant decrease in the ability of First Nations to resist these forces. In 1951 a reprieve was given when Parliament repealed the provision in the *Indian Act* that outlawed the potlatch and disallowed the pursuit of land claims

(British Columbia Claims Task Force, 1991:12). As a result of the latter amendment, organized political activity amongst First Nations quickly re-emerged. Notwithstanding these positive steps, the federal government's policy of assimilation had not been abandoned, as evidenced in 1969 when the Department of Indian Affairs tabled a policy paper (known as the "white paper") which proposed, among other things: to eliminate Indian status in Canadian law, to end the fiduciary duty of the federal government to status Indians, and to transfer title of reserve lands to fee simple holdings (Elias, 1993:233; Tennant, 1990:149-150). First Nations, deeply offended by the intent of the proposed policy, rallied to oppose its implementation through political activity (Kew, 1991:167). The result was that the federal policy was dropped and, in British Columbia, First Nations acquired a greater solidarity by organizing in province-wide political organizations to promote their land claims.

The past thirty years have seen an acceleration in legal and political activity regarding aboriginal rights and title in British Columbia. While the land question remains unresolved, the scope and parameter of these outstanding issues now form part of the public discourse. Throughout this period, First Nations leaders have used civil disobedience, court action and political lobbying to raise awareness about the land question and unsatisfactory conditions on reserves (BC Task Force, 1991:13-14). The combined effect of these actions compelled the public governments to reassess their position and policies regarding the aboriginal land and rights questions and respond accordingly. The outcome of the *Calder* case launched by the Nisga'a is generally viewed as a crucial event in the land title debate. As noted in the Report of the BC Claims Task Force (1991:13):

The Supreme Court of Canada ruled that the Nisga'a had held aboriginal title in pre-colonial times, but the judges split evenly on the question of the continuing existence of that title. In the wake of the decision the federal government adopted a "comprehensive claims policy," and began negotiations with the Nisga'a in 1976. The province maintained its long standing position denying the validity of aboriginal title and did not join in these negotiations.

While the Province did not initially engage in treaty negotiations, it joined the federal government and First Nations in negotiating settlements for reserves that had been reduced in size by actions of various officials and the 1912 Royal Commission. During the 1980s, because of political activity by First Nations organizations, growing public awareness of aboriginal issues and a series of court decisions in favour of aboriginal people, the provincial government became more responsive to aboriginal concerns. In 1990, the Province entered the Nisga'a treaty negotiations and joined a tripartite task force with the First Nations Summit and the federal government to recommend a process for negotiating treaties within British Columbia. The result of the Task Force's recommendations was the establishment of the BC Treaty Commission to oversee and facilitate modern treaty negotiations in British Columbia. These treaties are being negotiated to clarify aboriginal rights and title to land and resources and address issues like self-government and the social, economic and environmental concerns of all parties (British Columbia Claims Task Force, 1996).

While aboriginal leaders in British Columbia are currently united to resolve outstanding lands questions, their communities and organizations cannot be characterized as unified and cohesive. In some ways, the lack of unity at the political level attests to the continuing cultural autonomy of the diverse cultural groups within this region. The divisions within and between aboriginal groups, however, are also representative of the

discord between aboriginal cultural codes and systems and their current and changing social structures (Dyck, 1993). While the land issue remains prominent, problems within aboriginal communities are not confined to aboriginal title and rights. The period between early non-aboriginal settlement of the province and the current day has wrought many changes to the lives of aboriginal people. Aboriginal communities have the highest rate of unemployment in Canada and have a greater incidence of social and health problems than other Canadian communities (see RCAP, 1996:v.6). Aboriginal people have lower matriculation rates than other Canadians (Atleo, 1991:104-105). Clearly, a major cause of these social problems is the effect of inconsistent and, at times, contradictory policies of public governments directed at aboriginal societies (RCAP; 1996:2). The challenge for both aboriginal people and public policy makers is to understand the many problems facing aboriginal societies, how these problems interrelate and how they are perpetuated through the underlying values and assumptions inherent in existing social policy.

Anthropologists have a role to play in taking up this challenge. Just as Boas and Sapir used their anthropological knowledge to advocate larger land reserves and the repeal of the anti-potlatch law a century ago, contemporary anthropologists can make a valuable contribution to the resolution of the current problems facing current aboriginal people in British Columbia. Although aboriginal groups remain culturally distinct, the relationships between them and non-aboriginal communities are complex and interwoven. For this reason, anthropologists have much to offer in examining how cultural systems of shared beliefs and meaning resist and adapt in the face of historic events and changing economic and political forces. The anthropologist's ability to use the tools of cross-

cultural comparative analysis is of assistance in incorporating research of indigenous groups elsewhere with similar experiences of colonization. Equally important, anthropological analysis of the interrelationships between cultural codes, social structure, colonializing forces and social discord may be of great assistance in breaking down stereotyped caricatures that contribute to intractable positions between aboriginal groups and public governments.

### **3.3 Legal Context: Aboriginal Rights and the Duty of Consultation**

By 1989 the courts had answered one of the two basic legal questions pertaining to aboriginal land title in British Columbia. The Indians did have title to their lands before colonial government was established, and aboriginal title is a pre-existing legal right. The other question, whether explicit extinguishment is necessary or whether implicit extinguishment is sufficient, was still to be answered. (Tennant, 1990: 226)

Some provisions of the *Constitution Act* of 1982 were enacted to address aboriginal demands for more explicit recognition of aboriginal rights in Canadian law (Hedican, 1995:11 Lapper, 1996; Tennant, 1990:225). Section 35 of this Act recognizes and affirms the existing aboriginal and treaty rights of the Indian, Inuit and Metis peoples of Canada. The affirmation of these rights in the *Constitution Act* (1982) has provided a significant legal foundation on which First Nations have based their claims to lands and resources in British Columbia (Asch, 1984: 1-5). In the past two decades, First Nations have used the Courts effectively to compel public governments to negotiate outstanding aboriginal rights and title issues. In order to assert their long standing grievances over lands and resources, First Nations have identified inconsistencies within the intent and application of the laws and rules of the dominant Canadian social structures. The Courts have strongly recommended that aboriginal issues, including aboriginal title, be

negotiated between public governments and First Nations. They have also provided important clarification and direction on the continued existence of aboriginal rights. Although the growing body of case law that addresses aboriginal rights to lands and resources has not resolved these outstanding questions, it has defined the general parameters of a definition of aboriginal rights and the process by which these need to be identified and protected.

In discussing aboriginal rights, it is useful to delineate them from treaty rights. Treaties afford certain rights to aboriginal peoples, and are either expressed in the text of the treaty, or in recorded promises made by the Treaty Commissioners at the time the treaty was signed (Asch, 1984: 26-40; Rath and Pflueger, 1996:6.8). Alternatively, aboriginal rights arise from the original use and occupancy of the land by aboriginal people. A treaty serves to exchange the general aboriginal rights of a First Nation over their entire traditional territory for a defined set of rights, often covering a much smaller geographical area. Treaty rights may also include rights that extend beyond the bundle of aboriginal rights arising from original use and occupancy.<sup>7</sup> Treaty rights, then, are based upon a negotiated agreement between a First Nation and the Crown which records the terms under which that First Nation exchanges ancestral rights to lands and resources for defined rights and other items (e.g., cash, trade goods, land reserves, etc.). Aboriginal rights continue to exist in Canada where they have not been extinguished by the signing of a treaty or by some other mechanism. In British Columbia, where few treaties were signed, the question put to the Courts has been whether aboriginal rights and title based on the prior occupation of aboriginal people were extinguished by the assertion of Crown

sovereignty. A review of leading case law will now be summarized to identify the legal genesis for the provincial government's reasons for consulting with First Nations around aboriginal rights to lands and resources.

### **The Sparrow Decision**

The case of *Regina v. Sparrow* was the first major court decision to analyse the meaning of the constitutional recognition and affirmation of aboriginal rights in British Columbia. A Musqueam man, Ronald Sparrow, was charged with illegally fishing in a non-treaty area of the Fraser River. The Court of Appeal ruled that the plaintiff had been exercising his aboriginal right to fish for food and, therefore, was not justifiably charged under federal fishing regulations. The Courts found that in establishing its policies designed to conserve fish stocks, the federal government had not adequately considered the aboriginal right to fish for food within traditional fishing grounds. The Supreme Court of Canada's decision on this case helped to clarify the extent and nature of the Crown's obligation regarding the infringement of aboriginal rights. While the Supreme Court decision upheld the continuing existence of aboriginal rights in Canada, and the duty of the Crown to uphold those rights, it also acknowledged that the constitutional protection of aboriginal rights had to be reconciled with the federal government's continued legislative power (Lapper, 1996). The decision held that the Crown has a duty to justify any action which infringes aboriginal rights. Instances where an aboriginal right can be justifiably infringed include: where an aboriginal group agrees to the infringement, where the conservation of the resource may be endangered if aboriginal use is allowed to continue, and where the exercise of the right were to pose a threat to public health or

safety. In all cases of justifiable infringement, however, the Crown has a fiduciary duty to consult with First Nations about the proposed infringement and to consider the concerns of First Nations in regard to the measures being implemented.

### **The *Delgamuukw* Trial Decision**

The obligation to consult with First Nations before making decisions or enacting legislation with respect to lands and resources was further entrenched in the trial decision of *Delgamuukw et al. v. Her Majesty the Queen in Right of the Province of British Columbia*. In 1984, 51 hereditary chiefs, 39 Gitksan and 12 Wet'suwet'en, filed suit in the British Columbia Supreme Court to gain legal recognition of the Gitksan and Wet'suwet'en title to and self-government of their traditional territories. The claim area encompasses about 22,000 square miles on and surrounding the Bulkley, Nechako and Skeena river systems (Gisday Wa and Delgam Uukw, 1989). The ruling at the trial level was significant for a number of reasons. First, and perhaps most important, the Supreme Court of British Columbia ruled that aboriginal rights and title to land and aboriginal sovereignty were extinguished by colonial legislation. Second, Chief Justice McEachern ruled that the Crown has a fiduciary duty to permit aboriginal sustenance use of unoccupied or vacant Crown land. Third, he elaborated on the nature of aboriginal rights as: they are non-proprietary; they involve rights of occupation for residence and aboriginal use; they may be extinguished at the pleasure of the Crown; and they do not involve ownership or jurisdiction. Fourth, Chief Justice McEachern ordered that aboriginal rights were limited to those practices engaged in by ancestors of the plaintiffs for an indefinite time before the British assertion of sovereignty. Finally, the trial judge

stated that the *Royal Proclamation of 1763* did not apply to British Columbia and, therefore, the colony had held the authority to extinguish aboriginal rights without the consent of the aboriginal people (McEachern, 1991). The Gitksan and Wet'suwet'en found this ruling unacceptable and immediately filed their appeal to the provincial Court of Appeal.

### **The Delgamuukw Court of Appeal Decision**

The decision of the Court of Appeal, while not completely overturning the trial judge's ruling, afforded more legitimacy to the Gitksan-Wet'suwet'en view of history. In regard to the claims of ownership and jurisdiction, the trial judge's decision was upheld. While the Court of Appeal also dismissed the plaintiffs' request for damages, the Court specifically left open the possibility for claims and damages resulting from infringements of specific aboriginal rights in the claim area. The most significant aspect of this decision was that the Court of Appeal found the plaintiffs' aboriginal rights were never extinguished. Further, the Court ruled that aboriginal rights and title in this case were not extinguished prior to British Columbia joining Canada, and that the Province did not have the constitutional authority to extinguish these rights unilaterally after 1871.

The Court went on to define the nature and content of an aboriginal right as being determined by what the organized aboriginal society regarded as an integral part of their distinctive culture. The judges ruled that these rights to lands and resources did not include a right of ownership or a property right and that the right must have been in effect for a sufficient length of time to become integral to the aboriginal society. A practice which became prevalent as a result of European influences does not qualify for protection

as an aboriginal right. It was acknowledged that the scope and content of aboriginal rights may vary between different aboriginal groups with distinct patterns of historical occupancy and use of land (Macfarlane, 1993:21). The precise character of aboriginal rights is seen to be bound to the nature of aboriginal cultural activities and social structures, the site at which those activities take place, and the connection of the activity to an aboriginal group's culture (Wallace, 1992:98). The Court stressed that there must be an historical element to the identification of an aboriginal right, reflecting the aboriginal society's 'traditional' way of life as expressed through the exercise of the right.

The *Court of Appeal* decision, then, bound the Province to honour and protect the ceremonial and sustenance uses of the Gitksan and Wet'suwet'en on Crown land. Although this ruling is specific to the Gitksan and Wet'suwet'en, it set a general legal precedent for the protection of other First Nations' rights to use ceremonial and sustenance resources on Crown lands in British Columbia. The key difference between the trial and *Appeal* decisions rests upon whether aboriginal rights were extinguished by the assertion of colonial sovereignty or if they continue to exist today. The trial judge concluded that aboriginal rights had been extinguished, while the *Appeal* decision clearly rules that aboriginal rights were not extinguished and continue to exist today. In subsequent common law cases, the *Appeal* decision has been upheld (see Lapper, 1996; Guenther, 1996; Rath and Pflueger, 1996). The trial decision legally obliged the Crown to consult with First Nations about aboriginal uses on Crown land until that land is dedicated to another purpose. The *Appeal* decision does not legally oblige the Province to consult with First Nations. Instead, the *Appeal* requires that the Crown not unjustifiably infringe upon aboriginal rights through any of its decisions, policies or legislation.

Because the Crown does not know the specific location and nature of many aboriginal rights, the practical effect of the *Appeal* decision was to make consultation with First Nations' about the location and nature of their cultural land and resource practices imperative as opposed to desirable.

### **The Parameters of Consultation**

Much of the focus of recent case law and public legislation and policy development regarding the existence of aboriginal rights has been on the identification of those rights, and the process by which First Nations are involved in decisions to avoid infringement of the same. As Lapper (1996:1.1) notes, the attempt to define aboriginal rights involves reconciling "the prior occupation of Canadian land by aboriginal people, and the assertion of Crown sovereignty over that land, in terms which both take into account the perspective of aboriginal peoples, and are recognizable by the Canadian legal system." This reconciliation necessarily involves consultation with First Nations.

On the subject of providing a legal definition of aboriginal rights, the courts have remained vague. This ambiguity arises from the existence of cultural relativism -- a subject long pondered by anthropologists. Rights to use resources and occupy lands vary widely within and between cultural groups. As no culture is static, the practices which indicate aboriginal rights also change over time. Attempts to exclusively define in law specific practices and sites of significance for all aboriginal groups in British Columbia, therefore, is not practicable, if even possible. An inability to establish an inclusive definition of aboriginal rights has led lawyers and policy-makers to focus on the process of consultation whereby the nature and scope of aboriginal rights are examined on a case-

by-case basis. This process investigates: 1) the location and nature of a potential aboriginal right;

- 2) if Crown decisions or activities will vitiate the continued practice of that right; and,
- 3) whether the Crown is justified in infringing upon the right.

Precedents set in common law have helped establish the objectives and parameters of consultation. The *Sparrow* and *Delgamuukw* decisions clarified that the exercise of consultation does not entitle a First Nation to exercise a veto over the measure or activity in question (Legal Services Branch: 1996). Rather, the objective of consultation is to gather relevant information in order to facilitate the reconciliation of aboriginal and Crown interests in provincial lands and resources (Lapper, 1996). In *Van der Peet v. The Queen*, the courts provided some guidance regarding the factors to be considered in determining whether an aboriginal practice is integral to a distinctive aboriginal culture (see Appendix A). Equally important is that the obligation to reconcile competing interests does not rest solely with the Crown, but is a shared responsibility with First Nations. As the responsibility for reconciliation is a shared one, a consultation process is necessary, and First Nations have some degree of obligation to participate in an agreed upon form of consultation. There are instances where infringement of a right is justifiable, such as the conservation of a resource, public health and safety, and the diligence of the Crown in its consultation efforts. Both the Province and the First Nation must also consider justifiable infringement during any consultation process.

The provincial government has responded to legal rulings by amending legislation and developing policies to provide mechanisms for consultation regarding aboriginal rights. Provincial statute obligations that include First Nations in decision making can be

found in the *Environmental Assessment Act*, *Forest Land Reserve Act*, and the *Heritage Conservation Act* <sup>8</sup>(Lapper, 1996:1.3). The Province has also developed a number of policies to direct its line ministries on the nature and process of consultation with First Nations when making decisions with regard to grants, tenures or other authorizations or designations (Aboriginal Affairs Branch, 1995; Ministry of Aboriginal Affairs, 1995). The creation of government policies in addition to the statutory and common law obligations with respect to consultation can be seen to engage the provincial government in what is known in law as “the doctrine of legitimate expectations” (Guenther, 1996:2.2).

Within Commonwealth law, this doctrine:

is primarily that, when a public authority has promised to follow a certain procedure, it is in the interest of good administration that it should act fairly and should implement its promise, so long as implementation does not interfere with its statutory duty. The principle is also justified by the further considerations that, when the promise was made, the authority must have considered that it would be assisted in discharging its duty fairly by any representations from interested parties and as a general rule that is correct (from *Att. Gen. of Hong Kong v. Ng Yuen Shiu*, [1983] 2 All E.R. 346, at p.351 (P.C.) In: Guenther, 1996:2.2-2.3).

On a number of levels, therefore, the provincial government has publicly acknowledged its obligations to reconcile aboriginal rights within its jurisdictional authority, as set out in the Canadian *Constitution Act of 1982*. The procedures designed to meet these obligations, however, are not always clear, and the context within which the procedures are implemented often impedes effective results for both the Crown and First Nations.

### **Elements of Effective Consultation**

Although aboriginal people comprise only five percent of the population of British Columbia, they lay claim of prior occupation to a large majority of the total provincial land base. Over 95% of all land in British Columbia is classified as Crown land and most

of this is technically classified as unoccupied, although these lands are burdened with an array of leases, licenses and tenures with primarily non-aboriginal individuals and companies for various resource extraction activities. Given the extensive, historic use of lands and resources by aboriginal groups, there is a high likelihood that aboriginal rights exist throughout Crown lands in British Columbia. Conducting timely, efficient and effective consultation with First Nations about these rights has become one of the greatest challenges to provincial land and resource management in this decade. Clarification of the roles of the different parties and what constitutes meaningful consultation are issues which have not been fully resolved in practice, although some direction is emerging from court challenges<sup>9</sup>. Most of the conflicts encountered in the consultation process arise from a lack of agreement at the outset as to what each party will do to support the consultation and how First Nations concerns will be taken into consideration when making the required decision.

In exploring a possible solution to this problem, Guenther (1996) offers a number of guidelines to reduce conflict and ensure effective and timely communication with First Nations. Too often, government agents confuse genuine consultation with notification to the affected parties of a pending decision. Guenther reviews case law on the topic of consultation (both within the context of aboriginal rights and in other jurisdictions where governments promise to consult), and identifies key elements of effective consultation. This process must begin, he states, with the communication of a genuine invitation to the consulted party to give advice. Along with this invitation, “sufficient information must be supplied by the consulting to the consulted party to enable it to tender helpful advice” (Guenther, 1996: 2.11). He emphasizes that sufficient time is essential to avoid

unnecessary conflict, both to provide adequate time to the consulted party to allow them to offer helpful advice, and enough time for this advice to be considered and incorporated by the consulting party. By the end of the process, he concludes, the consulting party should be able to demonstrate how they considered the advice from the consulted -- regardless of whether the advice was adopted.

All consultation requires an exchange of information between the parties. As the *Sparrow* decision made clear, simply notifying First Nations that a measure or plan was being considered is insufficient, and notification must be accompanied by information held by the government that examines the need for and potential impacts of the proposed policy or activity. Supporting information regarding a development activity, the location of integral cultural practices and impact assessments help to inform whether or not a proposed measure or plan will infringe on aboriginal rights. As Rath and Pflueger (1996:6.7-6.8) point out, the manner in which additional information is conveyed is a determining factor in the efficiency and effectiveness of the consultation. What is unique about this particular point is that the need for clear, non-specialist language in communicating differing land and resource uses is a requirement of both the parties to the consultation. For First Nations, the task of assessing the possible infringement of aboriginal rights within their traditional territory necessitates that they understand the scope and nature of the proposed activity. As aboriginal governments have had relatively little exposure to the government's management of these activities, it is imperative that attention be paid to presenting and explaining the activity to the non-specialist. On the other hand, government agents and development proponents have little or no experience in understanding the land and resource practices of First Nations. Due to the diversity of

aboriginal cultures in British Columbia, experience with the land and resource practices of one First Nation does not necessarily assure understanding of another. It is equally imperative that all information about ceremonial and sustenance uses provided by First Nations to public servants be presented in non-specialist language. How supporting information for these decisions is collected, presented and used is a central problem of effective and efficient consultation.

There are several constraining factors which impair the quality of meaningful consultation regarding aboriginal rights. The most obvious of these arises from the magnitude of the obligation to protect aboriginal rights and the speed which the requirement to consult took effect. Prior to the *Appeal* decision, provincial management of lands and resources was structured under the assumption that aboriginal rights to lands had been extinguished and that the public governments had the sole authority to direct the business of the Province (see Tennant,1990:224-226). The *Appeal* ruling introduced, quite suddenly, a large element of uncertainty regarding the length of time required for government agents to make operational decisions, particularly in light of statutorily mandated time frames. As aboriginal rights may exist on the majority of Crown lands, the requirement to consult with First Nations affects the full and extensive range of decisions made by the Crown regarding these lands on a daily basis. The burden of consultation was placed upon those provincial employees charged with managing lands and resources for the government -- individuals who had little or no prior understanding of questions around aboriginal rights and title and no knowledge of how this consultation was to be conducted. First Nations were equally disadvantaged when it came to implementing the direction from this ruling. As already mentioned, they were unprepared

for the range and number of requests for advice on aboriginal rights. Further, even though knowledge of cultural practices and many sites of significance are known in aboriginal communities, information about these is not readily available to support consultation discussions with government representatives. As well, information about some cultural sites may be closely guarded by the holders of particular rights or knowledge. Finally, there is little incentive for First Nations to agree to any undermining or infringement of aboriginal rights on a site specific basis prior to a negotiated settlement of aboriginal title and comprehensive treaties (see Rath and Pflueger, 1996:6.14-6.15).

The *Delgamuukw Appeal* decision, and the subsequent case law supporting it, created a challenging dilemma for First Nations and government land and resource managers. How do you incorporate First Nations into public land-use planning processes, without unreasonably impairing the business of the province, the economy of which is largely based upon the extraction and development of resources from Crown lands? In a sense, both First Nations and the provincial government have taken a huge step towards common ground where the resolution of historical disputes can occur. Yet, now that they find themselves in this unfamiliar territory, the parties are poorly equipped to develop the creative solutions necessary to accommodate each others' concerns.

In order to implement the guidelines of effective consultation offered by Guenther (1996), a number of points must be addressed. Clearly, the common law and statute genesis of the duty to consult must be understood by all those involved in the process of avoiding infringement of aboriginal rights. Insufficient resources to support information gathering and meetings, are also viewed as an impediment to effective consultation. As Lapper (1996:1.16) observes: "First Nations, and the Crown often find themselves unable

to seriously engage in consultation because of a lack of financial and human resources, and expertise.” As Guenther (1996) emphasizes, provision of adequate time to the consulted and consulting party is an essential element of meaningful consultation. Unfortunately, deadlines by which Crown land decisions are needed do not always allow for the length of time recommended by Guenther. In the case where a First Nation has a backlog of requests, the problem of adequate time in which to offer considered advice is exacerbated (Rath and Pflueger, 1996:6.7). While First Nations and the provincial government have worked to build the capacity of all players in the field of consultation, the radical shift in policy brought about by the legal decisions will take many years to fully implement the institutional changes needed to refine the consultation process. Programs, such as the one described in the case study, are being developed to support this institutional transition.

### **3.4 Anthropological Methods of Application**

For the Province to avoid infringing upon aboriginal rights on Crown lands, its decision-makers must have information about the location and nature of relevant activities and places that indicate where these rights are practiced. As already stated, this information is not found in one accessible research centre. In fact, much of this information is contained within the oral histories held by First Nations’ individuals. Entrenched within these histories are the world views, kinship relationships, symbolic systems and political and economic structures of aboriginal cultures. As the operational demands of provincial land use managers dictate that they make timely decisions on development applications, the *Delgamuukw Appeal* decision created an immediate need

for models which identify the values and specific locations of ceremonial and sustenance practices.

If we view consultation as a form of participant observation, we can look to anthropological methods as a means of helping to resolve the reconciliation of aboriginal rights with other land use planning goals. Similar to the goals of effective consultation, participant observation is inclusive; it requires direct and in-depth contact with agreed upon representatives of cultural groups and it involves a pragmatic approach to documenting and interpreting other cultural values. Consultation does not begin and end with locating a site and either avoiding it or justifying infringement. Establishing how the site represents the larger world view and values of that First Nation, and how those values can be acknowledged and accommodated in public government structures is the more fundamental challenge. An examination of various efforts to incorporate aboriginal values into public land-use and heritage management programs, reveals some interesting, and potentially useful, applications of anthropological methods to the aboriginal rights issue.

### **Archaeological Site Management**

Canadian and American governments have a long-standing practice of protecting aboriginal archaeological sites. In British Columbia, archaeological sites are defined by the provincial government as:

any geographical location that contains physical evidence of past human activity for which the application of scientific methods of inquiry (i.e., site survey, excavation data analysis) are the primary source of information. These sites do not necessarily hold direct associations with living communities. Examples of archaeological sites include shell middens, lithic scatters, house pits, petroglyphs and pictographs (Aboriginal Affairs Branch, 1996:37) .

In North America, federal, provincial and state governments have enacted legislation and policies geared to the conservation of archaeological sites throughout this century (Archaeology Branch, 1990; Parker, 1993; Parker and King, 1989). These statutes and policies are designed to, wherever possible, protect the integrity of the remains of past human settlement from either looting or new development activity. In British Columbia, protection of archaeological sites is enforced through the *Heritage Conservation Act* which enables the Province to charge heavy fines to individuals or corporations who disturb or destroy an archaeological site (Archaeology Branch, 1989:34-38; 1990). As these sites are protected by statute, procedures for considering values associated with them are institutionalized in land management systems used by a broad cross-section of line ministries.

Archaeological sites are a visible symbol of prior occupation by aboriginal groups; therefore, the documentation and understanding of these can be of assistance in identifying aboriginal rights. Using archaeological methods as an exclusive tool to define the location and nature of continuing aboriginal rights, however, is not effective.

Archaeological sites in British Columbia represent thousands of years of cultural practices and human settlement -- an extensive period marked by many major social and cultural transitions within the human groups occupying this area. As such, evidence of past human settlement is not necessarily reflective of the distinct cultural practices and values of contemporary aboriginal groups. More important is that the epistemological foundation on which archaeological analysis is conducted to establish the significance of a site is rooted in scientific values, not those held by contemporary aboriginal groups (see,

for example, Archaeology Branch, 1989:8-17). While individual archaeologists working in British Columbia may involve aboriginal experts and communities in the interpretation and analysis of archeological sites, this practise does not form part of the professional requirements for receiving a legal permit to conduct archaeological site analysis from the provincial government's Archaeology Branch (Archaeology Branch, 1989:9). The decision to conserve or disturb an archaeological site is largely based upon the degree to which the site can support a scientific understanding of past human settlement of the province. Because this management system is not designed to seek out or even acknowledge the current practices and values of aboriginal groups, it is at best an ineffective, and at worst a misleading, source of information on which to exclusively base decisions about the location and nature of aboriginal rights (see also, Wickwire, 1991).

### **Aboriginal Land Claims Research**

Ethnographic and ethnohistoric<sup>10</sup> research have been used extensively in attempts to prove that aboriginal title and rights are recognizable in common law (Weinstein, 1991; 1992; 1993). Various rulings<sup>11</sup> provide standard evidentiary criteria that First Nations must meet to establish their title or rights. According to these criteria, the claimant must prove that their ancestors were part of an organized society occupying the territory over which they assert rights or title; that this occupation was exclusive to other organized societies and was an established fact when British sovereignty was asserted (Elias, 1995:238). If the claim is in regard to land title, the focus of proof must be on the exclusive occupation of a specified territory by an organized society, from which the claimants can clearly show descendance. If aboriginal rights are at issue, the plaintiff's

case must show that their ancestors constituted an organized society that exercised particular rights, according to an entrenched system of distinct social rules and customs (Elias, 1995:238). There is no obligation to demonstrate that these rights are exercised in the exact manner of ancestral groups; however, the claimant is obliged to verify that occupation or rights are embedded in the historical practices of their traditional society. In Canada, anthropologists have been very active in assisting with the compilation of evidence to either prove or disprove these claims (Hedican, 1996:68-73; Weinstein, 1993).

Elias (1993) summarizes the emerging standard methodology used by anthropologists to substantiate aboriginal title and rights claims. This research begins with a delineation and description of the territory where an existing aboriginal interest is claimed. The most common method used to identify existing interests is the map biography (Elias, 1993:241-243). This method involves conducting ethnographic interviews with the claimant group, and displaying the results on a map (often with a number of clear acetate overlays) and storing the associated information describing these maps in a relational, computer database. Associated information may include site specific data; interview transcripts; data keys; field notes; informants' biographies; and interview release forms. As Elias (1993:243) observes: "Courts and bureaucracies approve orthodox ways of doing things, and map biographies are the result of what are now standard anthropological techniques and practices."

The Courts also expect the plaintiffs to explain the significance of the current occupation of lands and use of resources (Elias, 1993:244-253). The claimant must demonstrate the degree to which the lands and resources are currently used to sustain their

economy. For example, ethnographic methods are employed to conduct harvest surveys with resource users, and to prepare household budgets identifying cash and harvesting (non-cash) income (Brody, 1981:190-213; Usher and Wenzel, 1987). The harvest surveys distinguish the extent of resources used, while the household budgets identify the gross dollar value equivalent of the harvested resources. The household budgets also explain the degree to which cash income is used to purchase tools or transport to support the traditional economy of the claimant group. As the Courts assign aboriginal rights to groups, rather than individuals, the claimants must demonstrate the grounds on which they constitute an organized society which can trace its history to the social organization of a pre-contact aboriginal group. The burden of proof of an organized society is best ascertained through documentation of kinship relations with the assumption that “kinship materializes relationships between the claimant population and the lands and resources in which they claim to have an aboriginal interest” (Elias, 1993:253). Anthropological methods of systematically documenting kin relations and the rules governing these relations offer an effective tool for this task, particularly when tracing the historic genealogies of present day groups.

The historic relationship between the claimants and those who previously occupied the lands under review must also be verified. Archival documents and past ethnographic research are included as evidence to substantiate these connections. Reliance on the written historical record, however, imposes an unfair burden of proof on groups whose histories are maintained through an oral tradition (Cruikshank, 1992; Elias, 1993:257). As a result, oral historical accounts are submitted as testimony. Oral history is often afforded insignificant weight in legal decisions, as this knowledge does not meet

culturally prescribed standards of evidence within the Canadian legal system. For example, in *Delgamuukw v. A.G.* Supreme Court Chief Justice Allan McEachern rejected the Gitksan and Wet'suwet'en oral historical submissions as evidence on the grounds that they were "not literally true", while accepting written historical documents as being "marvellous collections which largely spoke for themselves" (McEachern, 1991:49,52). For the Chief Justice, oral history as remembered and told by cultural elders cannot be legally considered as 'facts' while written history, as found in the letters and journals of early settlers, missionaries and government agents, represents the unvarnished truth of provincial history. In his Reasons for Judgement, Chief Justice McEachern dismisses the oral historical testimony given "not because the witnesses are not decent, truthful persons but because their evidence fails to meet certain standards prescribed by law" (McEachern, 1991:49). He later goes on to say that "I am unable to accept...oral traditions as reliable bases for detailed history but they could confirm findings based on other admissible evidence" (McEachern, 1991:75).

Within the legal system, whether current practices are recognized as protected rights turns upon how these practices can be proven to be consistent with past practices and the extent to which these activities can be shown as exclusive to the claimant group (Elias, 1993:259-261). If a current practice is consistent with a pre-contact practice, it constitutes a tradition. Adjudication of the consistency of aboriginal activities is generally done by comparing new ethnographic data (e.g., map biographies and associated data) with known analysis of the claimant group's sociocultural system (Weinstein, 1993). This analysis attempts to demonstrate the ties between current and past practices in the context of enduring cultural resource harvesting values and land

ethics. Such research can prove that certain activities are exclusive and integral to the claimant group, yet, it can rarely confirm that occupation of the territory and use of resources were historically exclusive to the claimant group. For thousands of years aboriginal groups shared certain territories, peaceably or otherwise, which makes the test of exclusivity an onerous burden that can pit neighbouring aboriginal groups against each other in the courts.

Litigation of aboriginal rights and title, and legal research methods, are not efficient tools for addressing the majority of aboriginal rights questions. The burden of proof required by the justice system requires a level of evidentiary data that is time-consuming and unjustifiably expensive to produce. One could also ask, 'How many times will aboriginal groups have to prove to the Courts that they form organized societies with rights that are integral to their historical social systems?' The heavy reliance on extensive amounts of hard data to prove or disprove a narrowly defined point of law, is not an efficient solution for the timely resolution of aboriginal rights issues. Further, this research is not necessarily understood by or accessible to both claimant communities and the government employees who are affected by these legal precedents. Many aboriginal rights' cases can be negotiated, as opposed to litigated, between First Nations and public governments with a reduced set of information.<sup>12</sup> While there will always be situations where conflict over aboriginal rights are referred to the Courts, a preference for negotiation makes sense in terms of building understanding and a practical means of accommodation for concerns held by First Nations and public governments.

Adopting a negotiating process for resolution of aboriginal rights provides anthropologists with additional opportunities to contribute those areas of skills and

knowledge that the justice system has ruled as inadmissible. In a negotiating environment, where the objective is to understand the parameters of a problem as a means to achieving a solution acceptable to all parties, there is greater potential to use oral history and comparative analysis. There are more opportunities for anthropologists to situate local issues within a broader sphere of social relations in negotiation, because they are not bound to tendering only evidence that pertains to the principals involved in the case (Cruikshank, 1995:141; Elias, 1993:265). Within a negotiating environment, the anthropologist is freer to advocate the goals of their aboriginal clients by assuming the role of cultural broker rather than attempting to act as a dispassionate witness.

Alternatively, anthropologists would be well served to examine some of the criticisms that various judges have voiced about anthropologists' contribution to legal proceedings. In his comments on evidence, Justice McEachern (1991:50-51) expresses concern about anthropologist Richard Daly's obvious advocacy for the plaintiff's goals; lack of written notes from his field research and inability to demonstrate verification of evidence; and for his "highly theoretical" presentation of ethnographic evidence. Anthropologists have taken legitimate exception to these comments (see Cruikshank), 1992; however, the Chief Justice identifies some key points which should be deliberated further. First, if the anthropologist is not prepared to disclose the methods and some verification<sup>13</sup> of research, he or she will not be accepted as an authoritative advisor in any applied setting. Second, anthropologists have an obligation to present their research in a clear, understandable format for the intended audience. Third, if the anthropologist views himself or herself principally as an advocate for the claimant group, they should not assume the role of a dispassionate observer in either a litigative or a negotiating context.

## **Traditional Ecological Knowledge**

Another burgeoning area of research which has potential application to aboriginal rights issues is that of Traditional Ecological Knowledge (TEK) studies. One of the results of the United Nations Earth Summit held in Rio de Janeiro in 1992 was the creation of *Agenda 21*, a comprehensive program of action designed to promote sustainability in the environment. *Agenda 21* recognizes the contribution of indigenous peoples and their knowledge to the goal of a sustainable future (Inglis, 1993:vi). The documentation of knowledge representing “experience acquired over thousands of years of direct human contact with the environment” has been the topic of anthropological study for most of this century (Berkes, 1993:1). The advent of a separate systematic study of indigenous ecological knowledge has occurred largely in the last two decades.

TEK studies are helpful in improving development planning in regions populated and used by indigenous groups. This research is particularly helpful in gathering and organizing information to support environmental impact assessment reviews (Johannes, 1993:33). The benefits of TEK to land use planning are twofold: 1) to develop more comprehensive data on the environment and natural resources through the addition of indigenous empirical observations based on trial and error and sustained use; and 2) to incorporate indigenous values into development planning and development projects (Berkes, 1993). In preparing TEK for environmental assessments, Johannes (1993) suggests using four frames of reference as a methodological point of departure in TEK studies: taxonomic, spatial, temporal and social. The ordering of existing and new ethnographic knowledge about indigenous plant and animal naming systems and their local significance helps to document the variety of species in the area, and their

importance to the group. Use of map biographies to record the spatial distribution of living and non-living resources helps to define their abundance and the degree to which individual resources are harvested by indigenous peoples. As aboriginal users have sustained exposure to natural resources and phenomena over time, they are privy to the location and timing of a host of significant environmental events. This knowledge and time perspective is valuable to outside researchers and resource managers who have limited time in the field to observe and study resources. Johannes (1993:35) stresses that “Traditional ecological knowledge cannot be used properly in isolation from the social and political structure in which it is embedded.” In other words, unless the social context within which the information is used and transmitted is understood, the knowledge itself can be easily misunderstood and misrepresented.

There is no single definition of TEK as the conservation ethics and land use values of indigenous peoples vary widely throughout the world (see Low, 1996). This variance restricts the possibility of devising a universal methodology for collecting and applying this knowledge; however, ethnographic interview and survey methods are employed to document TEK. Given that the information is usually gathered in the context of a pending development application, it is imperative that researchers be able to validate the authority and sincerity of the knowledge giver. Standard anthropological interview techniques<sup>14</sup> are used to cross-check the interviewee’s authority or truthfulness and ensure that the answers are reliable, as well as to classify information from interviews into observations and interpretations. Due to the fact that TEK is intended for use in decision making in a cross-cultural environment, the veracity of information is a central question that the researcher can be expected to be asked. As Johannes (1993:37) observes:

Many biologists...dismiss the knowledge gained by indigenous peoples during the centuries of practical experience as anecdotal and unsubstantiated. [On the other hand] some claims about the environmental wisdom of traditional cultures have been so overblown that they have provoked a backlash.

The Government of the Northwest Territories (NWT) has been very proactive in attempting to institutionalize TEK into its land use planning operations, and these actions have prompted the type of backlash to which Johannes refers. In 1993, the NWT adopted a government policy to incorporate traditional knowledge into government decisions and actions where appropriate. Here, traditional knowledge is defined as “knowledge and values which have been acquired through experience, observation, from the land or from spiritual teachings, and handed down from one generation to another” (Laghi, 1997a:D1). This policy became the subject of recent controversy when it was adopted by a federal environmental-assessment panel which directed a diamond mine developer to give traditional knowledge equal consideration with scientific research in a review of a mine it proposed to build near Yellowknife. In a strongly worded article, Widdowson(1996), a political scientist and former senior policy advisor for the territorial government, criticizes the application of this policy on the grounds that its recognition of spiritual values in government decision-making blurs the separation between church and state as directed in the *Canadian Charter of Rights and Freedoms* (Howard and Widdowson, 1996:34-36). While a number of Widdowson’s conclusions are misinformed, she expresses the frustrations experienced by some civil servants in dealing with new policies related to aboriginal values and practices with existing lands and resource management policies.

Widdowson and Howard (1996) question how public resource managers can incorporate such a foreign knowledge system, of which there is no universal definition,

into public government decisions. They charge that little attention has been paid to analysing the differences between traditional and scientific knowledge; therefore, it is difficult to objectively define the value and limitations of this knowledge in an environmental assessment process. They are also uncomfortable with the cultural relativity of traditional knowledge, as this necessitates deferring (through consultation) questions about the nature of traditional knowledge directly to aboriginal groups without a universal standard against which to measure this knowledge. They argue that as much of TEK is based on empirical observation, the only obvious difference between scientific and traditional knowledge is spiritualism, and that this spiritual element has been overstated to the point where they believe that many assume “aboriginal peoples have a better understanding of ecological processes than non-aboriginals and are therefore more suited to managing the environment” (Widdowson and Howard, 1996:35). They postulate that the lack of definition regarding “spirituality” will lead to indigenous resource users (of, for example, wildlife) becoming a self-regulating body who could use traditional knowledge to justify any enterprise, “including the over-exploitation of resources” (Widdowson and Howard, 1996:35). Public and First Nations political motivations are also scrutinized by Widdowson and Howard. They charge that public governments are willing to integrate vaguely defined spiritual beliefs into public policy as a way of appeasing aboriginal groups, and that aboriginal leaders are using this policy as a way of extracting money from governments and as a tool to resolving their outstanding treaty disputes.

This debate between the worth of subjective and objective knowledge has been examined extensively in anthropology and, therefore, anthropologists can contribute to

this discussion. The reply to Widdowson and Howard's article from the anthropologist acting as facilitator/coordinator to the traditional knowledge component of the mine project's environmental assessment was equally blunt (Stevenson, 1997; see also Berkes and Henley, 1997). As Stevenson (1997:27) asserts:

There is no universal truth or methodology of observation, interpretation, wisdom or understanding, as Howard and Widdowson imply. As gender-based dominance relations and western concepts of 'man' and nature, which derive largely from Christian ideology, are programmed into scientific knowledge, the latter may be just as value-laden and culturally scripted as [traditional knowledge]. Perhaps the crucial difference between the two is that scientific knowledge pretends to be objective and value-free, while [traditional knowledge] makes no such claim, and indeed celebrates the contrary.

Public land and resource management systems are engineered according to scientific values and methods. The imposition of a largely qualitative type of knowledge challenges government resource managers' training and epistemological foundation, forcing them to consider other resource and land management values that do not readily translate into scientific categories. No matter how subjective the application may be, government policy-makers depend upon objectified guidelines and universal definitions in order to administer programs to diverse groups as fairly as possible (Elias, 1995:243). Explicitly adopting culturally relative and value-laden criteria into government land-use planning processes (which through familiarity are often believed to be value-free) is difficult and time-consuming. As understanding by most government resource managers of aboriginal issues and values is limited, policy shifts such as the one regarding traditional knowledge makes the task of administering programs according to previously set deadlines stressful and less predictable. Adding to the responsibility to consult on traditional knowledge, a

reluctance on the part of First Nations to release this information into the public domain (as occurred in the BHP Diamond Mine review) can result in a very negative and emotional reaction by resource managers.

### **3.5 Summary**

This chapter has established the historical, social and legal reasons that oblige the provincial government to consult about aboriginal rights. It has also reviewed various initiatives taken to institutionalize aboriginal values and practices into public decision-making systems. As discussed earlier, colonialism is not an activity confined to history, and neither is it always expressed in brutal or overly exploitative forms. Historically, attempts to assimilate aboriginal people were most prevalently transmitted through policies or world views that did not acknowledge aboriginal interests and values in areas of wide common interests (e.g., lands, resources, governance). The net effect of this lack of acknowledgement is a painful legacy of social, political and economic disintegration within aboriginal groups as they were alienated from their lands and livelihoods.

Although policies, legislation and common law have become more inclusive of aboriginal interests and rights, it is important for policy makers to continue to evaluate how the implementation of liberal and well-meaning policies is disabled by lack of understanding of their origin and justification. The reconciliation of aboriginal rights with government's jurisdiction necessitates that the Province involve First Nations' interests into existing administrative systems; however, this must be done carefully. As witnessed in the NWT government example, unless the institutional structure is able to accommodate aboriginal values in program delivery, First Nations are often reluctant to

participate in any information exchange or institutional arrangements with public governments. Further, any institutional changes must also be made with the full acknowledgement that public governments are accountable to many communities other than First Nations. Changes in legislation, policy direction and program delivery must bear in mind the interests and expectations of non-aboriginal groups in order that governments are fair and accountable to all of their constituents.

In reflecting on the problems experienced by other jurisdictions and the Canadian legal system in attempting to incorporate aboriginal traditional knowledge and values into public land use planning systems, we can conclude that a major area of difficulty is in synthesizing different cultural perspectives on land and resource use. Recall, that culture was defined earlier as a shared, learned system of beliefs, symbolic codes and meanings whereby its members structure their experience and choose between alternatives. Culture is expressed in social structures through commonly held rules, legislation, policies and other social institutions. In terms of land and resource use in British Columbia, the public government planning system has not historically acknowledged the cultural values of aboriginal societies and groups. The public land use planning system and the land use system used by aboriginal groups are often in conflict with each other. By extrapolating from the NWT example, we could suggest that conflict arises from the differences between traditional and scientific knowledge systems. Yet this conflict is much larger and more complex than a difference in the way aboriginal and non-aboriginal societies observe and understand the natural world they inhabit. Political conflicts, differences in access to economic resources, and often opposing views of historical events and their interpretation all factor into the debates around aboriginal rights and title in British

Columbia. To further exacerbate the problem, while aboriginal societies were never static, the debilitating effect of assimilationist policies on aboriginal social structures makes it difficult to ascertain the nature and extent of distinct aboriginal ceremonial and sustenance practices, and to identify representative aboriginal cultural values that can be incorporated into the provincial government's planning structures. A case study in the following chapter examines a program of the provincial government that attempts to engage in a dialogue with First Nations about how to resolve problems in the identification of aboriginal rights and aboriginal involvement in land-use planning.

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<sup>1</sup> It is recognized that some aboriginal groups and individuals do not acknowledge provincial government jurisdiction of the region known as British Columbia. British Columbia is used here (and in phrases such as "the aboriginal peoples of British Columbia") for ease of reference, as only those groups residing in the contemporary borders of British Columbia will be discussed.

<sup>2</sup> Upon instructions from the British Crown, Chief Factor Sir James Douglas was instructed to purchase lands from aboriginal groups to secure land for settlers. The Douglas treaties document fourteen such land purchases from some Salish and Kwakiutl groups on Vancouver Island, and these generally refer to continued aboriginal rights to hunt, fish and occupy their village sites.

<sup>3</sup> Prior to 1951, when all aboriginal people were given the right to vote, some aboriginal individuals could acquire the right to vote by obtaining a university degree or becoming a lawyer, priest or minister (see section 99(1) of the *Indian Act* of 1880) hence, the term "enfranchized" (Mathias and Yabsley, 1991:39). Further, maintaining status was not an automatic, lifelong right. The goal of assimilation is exemplified in the way aboriginal women were treated under the *Indian Act*. Aboriginal women who married non-aboriginal men automatically lost their status under the *Indian Act*. This policy was reversed in 1985 with the passage of the amendment Bill C-31 to the *Indian Act* (see Joseph, 1991).

<sup>4</sup> For an account of the effects of sexual and emotional abuse encountered by aboriginal people in residential schools, see *Indian Residential Schools: The Nuu-chah-nulth Experience* (Nuu'chah'nulth Tribal Council, 1996).

<sup>5</sup> Indeed most reserves in British Columbia were smaller than those reserves established through treaty elsewhere in Canada, in part due to the differences in terrain between BC and the Prairies (see Tennant, 1990:26-52).

<sup>6</sup> The historical record reveals that a number of Hudson Bay staff, politicians, Indian agents, missionaries and anthropologists protested on behalf of aboriginal people both about the inadequate size of reserves and the lack of treaties (Tennant 1990:46-50). While their protest did not serve to sway the will of those in power at the time, the existence of documented protest reveals that the decisions to overlook aboriginal title, and thereby contravene Crown policies and the *Indian Act*, were not done in ignorance.

<sup>7</sup> For example, the combination of the Treaty Commissioners' promises and the text of Treaty 8 affords the descendants of Treaty 8 a commercial right to hunt. On the other hand, proving that a commercial right existed prior to contact is done on a case by case basis and must pass a rigorous evidentiary test (see *Gladstone v. The Queen*).

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- <sup>8</sup> See Section 9 *Environmental Assessment Act*, Stats. B.C. 1994, c. 35; Section 27 *Forest Land Reserve Act*, Stats. B.C. 1994, c. 40.; and Sections 3.1; 4.1; 6(4) *Heritage Conservation Act*, R.S.B.C. 1979, c. 165.
- <sup>9</sup> See *Van der Peet v. The Queen*, *Gladstone v. The Queen*, *N.T.C. Smokehouse Ltd. v. The Queen*, and *Pamajewon et al. v. The Queen* (Legal Services Branch, 1996).
- <sup>10</sup> Parker and King (1989:4) describe *ethnohistory* as: “the study of historical data, including but not necessarily limited to documentary data, pertaining to a group or community, using an ethnographic perspective.”
- <sup>11</sup> In addition to cases cited earlier, see also: *Baker Lake (Hamlet) et al. v. Minister of Indian Affairs; Province of Ontario v. The Bear Island Foundation*.
- <sup>12</sup> Interestingly, the BC Treaty Commission process has circumvented many of the legal requirements of claims research, by relaxing the standards of proof to be presented at the start of the process. This is done under the assumption that the negotiated settlement will reflect a new relationship between First Nations and governments, based on equity and respect, and which is not wholly tied to historical rights or the requirements of the legal system.
- <sup>13</sup> The issue here was not that Dr. Daly was protecting the privacy of the people he interviewed, but that he did not keep any field notes. While field notes are only one mechanism by which anthropologists order and record their observations and experiences, they do represent an important recording device of ethnographic research.
- <sup>14</sup> Examples of such techniques suggested by Johannes (1993:36) are: asking relevant questions for which the interviewer knows the answers, or asking plausible questions for which the interviewee could not know the answer.

## **Chapter 4: CASE STUDY: Traditional Use Study Program & Evaluation**

First Nations must respond to development referrals, but they need information to do so. Until recently, for the most part, First Nations have not participated in these processes for a number of reasons, among which has been limited capacity to access and present their collective knowledge of traditional use of land. The improved awareness gained through training and TUS [Traditional Use Study] involvement places them in a better position to participate (Deloitte & Touche, 1997:44).

### **4.1 *Problem and Methodology***

Over the past one hundred and fifty years, First Nations' shared systems of ideas, beliefs and practices around land and resource use have changed. Due to the imposition of external political, economic and religious systems, First Nations' societies have altered their social structures, rules and institutions for land and resources as a way of adapting to the colonial, federal and provincial government policies that were forced upon them. On the one hand, adaptation of First Nations' social structures regarding land and resources was done in a manner that was generally comprehensible within their cultural codes. On the other hand, changes to these social structures and sustained contact with the cultural and social systems of the dominant state society have also influenced and altered the cultural codes of First Nations. As such, when attempting to define and locate ceremonial and sustenance activities of First Nations, it must be understood that these activities will be defined according to contemporary cultural codes and social structures. These activities, while rooted in past cultural belief systems and institutions, will be expressed in terms of the current cultural and social context within which First Nations' societies are situated. Some of the values held by various First Nations relating to land and resource use will be shared by the dominant state society, while others will conflict with

commonly held values which underscore the public land and resource planning system in British Columbia.

A process designed to inform consultation efforts regarding the protection of aboriginal rights should address three related problems. The first challenge is to identify explicit practices (and their locations) of aboriginal land use and resource exploitation for ceremonial and sustenance purposes. Second, a system is required in which such information can be stored in a central and accessible location, and shared in a form that is comprehensible to all of the relevant parties. The third challenge is to interpret the relevance and meaning of the information in the context of a proposed development activity that is regulated through provincial legislative or policy processes. Regarding this last point, the information gathered will be used to: a) decide whether the identified practice(s) constitutes an aboriginal right; and, b) ascertain if the proposed activity will interfere with the continued practice of the right. If the proposed development activity is deemed to infringe upon the right, it is incumbent on the parties to devise a consensual solution to avoid or mitigate the impact on the right, or to agree to ignore the right altogether (Spalding, 1994:9-10). The ideal solution is one that acknowledges and accommodates the particular First Nation's culturally patterned values of the land and/or resource use.

The methodologies used in the examples cited in the previous chapter can all be employed, to help ascertain the location, nature and scope of aboriginal rights (even though the focus, goals, and procedures of the research have to be defined or refined to the specific requirements of the domain of application). Each of the applications outlined earlier relies, to a greater or lesser degree, on ethnographic research; hence, in this area

there is potential for anthropologists to apply their skills and knowledge usefully. The challenge is to employ these methods in a context which firmly situates aboriginal peoples in the process, not as passive receivers of conclusions drawn by outside experts, but as full participants in the consultation process with a direct and central role in the discussion about their rights. An equally important challenge lies in raising awareness among government employees about what is expected of them in addressing relatively new obligations to a distinctive segment of the population.

A traditional use study is a type of research where First Nations conduct archival, ethnographic and mapping research to locate and describe ceremonial and sustenance activities in their traditional territories. This chapter will examine the development and evaluation of a provincial government initiative, the Traditional Use Study (TUS) Program, designed to support the process of identifying and avoiding infringement of aboriginal rights. The TUS program provides funding to First Nations to gather information about aboriginal ceremonial and sustenance activities as a way of informing consultation processes required for land use planning and resource management. When the program was conceived, it was known that a tremendous amount of relevant research had been conducted on the culture and history of aboriginal people by various professionals and agencies. It was also known that there are huge gaps within the written record about aboriginal ceremonial and sustenance activities<sup>1</sup> -- a gap that can only be filled by knowledge held by aboriginal cultural specialists. For First Nations, the task of tracking down existing studies, launching new research and then collating this information into an accessible format for referrals was immense, particularly due to lack of funding (Aboriginal Affairs Group, 1997). As explained in the previous chapter, the

provincial government has a legal obligation to consult; however, it does not have a legal obligation to conduct traditional use studies. The program was initiated as a step towards: 1) finding a common solution to the consultation problem with the involvement of all the relevant parties; and, 2) helping fulfill the government's legal obligation to show due diligence when consulting with First Nations on aboriginal rights.

It must be emphasized that traditional<sup>2</sup> use studies examine one aspect of culture that defines contemporary aboriginal people. This research only looks at those aboriginal ceremonial and sustenance activities that are rooted in the cultures of those societies occupying this region prior to European colonization (although it is acknowledged that the expression of these activities may have changed dramatically as a result of contact with non-aboriginal societies) (Spalding, 1994:7). Contemporary aboriginal peoples maintain a host of other cultural ties (e.g., kinship, professional, religious, economic and political) that are not captured within the framework of traditional use. The TUS program is in no way meant to reduce the totality of cultural experience of aboriginal individuals. Instead, its goal is to provide a common base of information for the provincial and First Nations' governments to answer the questions posed by the legal decisions referred to in the last chapter. As the form of research conducted in traditional use studies incorporates conventional ethnographic methods, this chapter will take particular note of the role of anthropologists in developing and delivering this program.

This review of the TUS program is largely informed by my own involvement in establishing the initial policy framework, program guidelines, delivery mechanism and funding for the program. My participation in the program extended from August, 1993 to October, 1995, when I was employed as Manager, Integrated Resources for the Heritage

Conservation Branch, Ministry of Small Business, Tourism and Culture. During this period, my job involved developing and managing the Cultural Heritage Resource Inventory System (renamed the Traditional Use Study Program in 1995). I kept written notes of my observations from July, 1994 to May, 1995. My role involved developing the strategic and procedural direction for the program, and later evolved into leading a team of professionals to implement the program. During this time, my colleagues and I negotiated agreements to conduct traditional use study projects with 17 First Nations. The evolution of the TUS program is the result of the expertise and dedication of a number of individuals within and outside of government. This broad group includes: anthropologists; First Nations' cultural experts and advisors; policy directors; computer mapping and database specialists; archaeologists; foresters; and various private consultants.

While this chapter is based on my own observations and experiences of the program, in recognition of the fact that the program has evolved and been refined since my departure, I have sought additional sources on which to support this analysis. First, I used a formal evaluation of the program completed by Deloitte & Touche Tohmatsu International (Deloitte & Touche, 1997). Second, I consulted a variety of program documents (guidelines, strategic plans, project reports<sup>3</sup>, etc.) produced throughout the program's existence (Archeo Tech; 1997; Aboriginal Affairs Branch, 1996; Spalding, 1994a; 1994b; 1995a; 1995b). Third, I have kept contact with staff on the progress of the program in a professional capacity. Fourth, I conducted interviews with program staff regarding the content and conclusions of my analysis.

My approach to the interviews was as follows. I interviewed four people representing different functional roles within the program. The manager with overall responsibility for the program, Douglas Caul (Director, Aboriginal Affairs Branch of Ministry of Forests (MoF)), was the only individual interviewed separately. The remaining individuals: Shannon Gelean (TUS Coordinator, Aboriginal Affairs Branch, MoF); Heather Moon (Private Consultant and past TUS Coordinator) and Adele Parnell (TUS Project Officer, Aboriginal Affairs Branch, MoF) were interviewed as a group. I refer to the group interview as the Aboriginal Affairs' Group and all references to this interview relate to generally agreed upon observations, concerns and conclusions, rather than the views of each individual. Prior to conducting the interviews, I distributed a rough draft of the Case Study to program staff for review<sup>4</sup>. I chose to focus the interview on a draft of the Case Study as in the context of government, review and discussion of key policy issues is usually done by reviewing documents followed by a group discussion in a meeting forum. Respondents were encouraged to phone me after the interview if they wished to add any additional thoughts or concerns to their responses. Using an interview process that the respondents were familiar with helped to elicit candid and thorough responses to the questions (presented in Appendix B).

## **4.2 Players**

The TUS program began as an experimental initiative of the Heritage Conservation Branch in the provincial Ministry of Small Business, Tourism and Culture. In response to a large number of requests from staff in resource ministries for information about aboriginal ceremonial and sustenance activities, I was directed to develop a

cultural heritage resource inventory project that would form part of an inter-agency resource inventory initiative being undertaken by the provincial government to facilitate better regional and sub-regional planning (see CORE, 1993). At the same time, the Aboriginal Affairs Branch (MoF) contacted me about developing a more systematic and informed process for addressing consultation obligations with First Nations. The resulting program was a coordinated effort between staff from both ministries to build community-based, cultural inventories in collaboration with First Nations in the province. I received significant advice regarding the goals and logistics of the program from First Nations during three workshops, through the negotiation of 17 project agreements, and through less formal conversations with aboriginal people who were interested in the program. I also sought direction from staff in other ministries involved in land and resource management, who wished to acquire better information to facilitate consultation through an inter-ministerial steering committee established to evaluate project proposals. Soon after my departure, the program was transferred to the Ministry of Forests (Aboriginal Affairs Branch) where it currently resides. Perhaps because of that agency's early and integral involvement in the program, its structure and process remained the same after this transfer, although the program's materials and delivery mechanisms have been enhanced and improved since the move.

In establishing the initial strategic direction for the program I reviewed the method of applications summarized in the previous chapter, and the emerging definition of the government's obligation to consult<sup>5</sup>. From this review and advice provided by Aboriginal Affairs Branch, MoF staff and First Nations' advisors<sup>6</sup>, I concluded that a program to

collect information about aboriginal ceremonial and sustenance practices must, at a minimum, be composed of the following components:

- First Nations' and provincial government's political endorsement;
- First Nations' involvement in the gathering and management of traditional use information;
- general standards of information storage that were mutually understandable by First Nations and provincial government staff;
- program guidelines to articulate the scope and expectations of the initiative;
- identified process to consider aboriginal cultural values in land use planning; and
- training of government staff about the uses and limitations of traditional use studies and the program itself.

I also concluded that individual projects should include the following parts:

- a clear project plan of the goals, scope, process, products and players of the research;
- a literature review and summary of existing ethnographic and historical research;
- an ethnographic component to collect additional information on current and historic aboriginal uses of the area under review;
- a mapping component and database of sites of ceremonial and sustenance uses;
- local training for First Nations individuals;
- local storage of data so that the information could be used and maintained for referrals, as necessary; and
- protocol for timely exchange of information between provincial government and First Nations.

The program involves a number of parties, including: First Nations, Government and Third Parties. A summary of these groups is presented here, along with a brief explanation of their interests.

### **First Nations**

First Nations are broadly represented in the program by band and tribal council politicians, band administrators, community elders, cultural leaders, local employees, and private consultants. First Nations' politicians play a central role in the program as aboriginal rights are recognized in Canadian law as being held by groups, not by individuals. For the provincial government to be confident that it is not infringing on

aboriginal rights, it must consult with the First Nations' representatives who are accountable to all members of legally recognized communities. Bands and tribal councils are legal entities under the *Indian Act*, therefore, the political leaders of these bodies are the legal authority to whom consultation referrals must be addressed. As employees of the elected First Nations' government, band administrators are involved in coordinating, processing and accounting for contracts; hence, they play a key role in implementing contracts with the provincial government to conduct a traditional use study. An important component of traditional use research is to provide training and employment to local people to participate in the gathering of traditional use information and to manage and update this information after the initial project is complete. The emphasis on local involvement is meant to counteract the historical reliance on outside specialists to conduct, interpret and maintain information pertaining to cultural practices.

The completion of a successful traditional use study requires the contribution of specialized knowledge. Community elders and other experts in aboriginal cultural systems and ceremonial and sustenance activities are primary sources of this knowledge. As much of the information required in the traditional use study is not documented, these community experts (who are acknowledged to be contemporary cultural experts) are essential to the study. Private consultants retained by First Nations are usually required to complete or assist with components of traditional use studies. These professionals may include social anthropologists, historians, archaeologists, biologists, mapping specialists, lawyers and negotiation advisors. Private consultants can provide First Nations with technical skills and knowledge that are not held by community members. As such, the

need for outside consultants varies from project to project according to the degree of professional or technical skills available within communities.

### **Government**

In addition to the work of the program manager and project officers, the program requires the endorsement and involvement of a range of provincial officials. The program's funding and operation must be endorsed ultimately by the elected government of the day. As operational funding is approved on an annual basis, senior government administrators are involved in budget approval as well as program reviews. Policy analysts played a key role in the early stages of this program to ensure that the program would be delivered in a consistent and equitable manner. Additionally, the program affected the establishment of related policies, such as those involved in stating the Province's obligations and procedures with regard to the protection of aboriginal rights<sup>7</sup>. Staff employed in central, regional and district government offices (the users of traditional use study information) play an important role in informing the development and delivery of this program. These staff need traditional use study information to support their operational activities, and their questions and observations help define the parameters of what information is required for consultation on aboriginal rights. Finally, private consultants have been employed by the Province to develop different program components and to evaluate various aspects of the program and its materials.

### **Third Parties**

Third Parties include private industry interests, such as logging companies, mining companies, aquaculture companies, residential developers, and commercial fishers. Third party interests play a limited role in the TUS program but their interests are considered, to

a greater or lesser degree, in decision-making on aboriginal rights (Aboriginal Affairs Group, 1993). These groups do not have a legal obligation to consult with First Nations with respect to aboriginal rights; however, as their development plans may be held up during the consultation process, they have a vested interest in the timely and effective completion of a TUS. As a result, private interests will sometimes provide funding or other support to TUS projects.

#### **4.3 Process: Program Guidelines**

There are a host of procedures that must be instituted to ensure that a new public program complies with government standards of accountability and equity of program delivery. The TUS program had an added challenge of ensuring that the program guidelines and standards were sensitive to the requirements and values of First Nations. From its inception, all those involved in the program have had to balance the need to show leadership by clearly articulating the goals and expectations of the program, with a reluctance to impose government standards as imperatives on First Nations in this culturally sensitive area. Indeed, since the program's inception, many have been wary, and often critical, of the minimum requirements and standards of the program. On the one hand, when the first program guidelines were developed some (primarily First Nations individuals and their advocates) charged that they were excessively bureaucratic and forced First Nations to adopt a foreign methodology (which was primarily an ethnographic one) and narrowly defined project products. On the other hand, equally adamant critics stated that the program guidelines did not set a rigorous enough research standard, leaving too much discretion to funding recipients to establish their own

methodology and making project products difficult to evaluate. This latter group was composed of individuals with two different sets of concerns. The first were mostly anthropologists who felt that the guidelines did not explicitly call for the expertise of professionally trained anthropologists to identify and evaluate aboriginal ceremonial and sustenance activities. The second faction, having little or no experience with terms such as ethnography, participant observation, social structure, etc., were concerned that the methods outlined were too subjective and could be easily manipulated by First Nations to assert their political aspirations. A decision was made at the time to apply a set of general guidelines to some test projects, and use the experience from these to refine the guidelines and standards over time.

The program guidelines set out four recommended phases for TUS projects:

1) Project Planning; 2) Literature Review; 3) Interviewing, Ground Truthing and Data Collation; and 4) Negotiation of an Information Sharing Agreement (Aboriginal Affairs Branch, 1996) . Prior to embarking on these four phases, the applying First Nation must prepare a funding proposal according to a format presented in the program guidelines.

This format requires that the applicant identify known sources of information regarding aboriginal ceremonial and sustenance uses, and how and where this information is currently stored. The proposal must identify the need for the project, the study area and an overall project plan and budget. Program staff assist applicants in the development of proposals by explaining the minimum requirements and expectations of provincially funded TUS projects and by reviewing draft proposals. Once a proposal is deemed ready for formal review (i.e., it has met all of the minimum requirements set out in the program guidelines), it is recommended for approval.<sup>8</sup> Funding for the program is provided by two

sources. The first, and most significant source, is Forest Renewal BC, a Crown corporation with a mandate to support improved standards of forest management in the province. The second is an internal government fund called the Common Land Information Base, administered by the Land Use Coordination Office, and designed to provide information to support treaty negotiations (Aboriginal Affairs Branch, 1996:20; Spalding, 1995a:6).

Most projects follow the recommended four-phase project progression. For a composite description of various projects see Appendix C. The first phase entails that funding recipients develop a detailed project plan to establish the project infrastructure<sup>9</sup> and define the research methodology in greater detail. The project plan also sets out the specifics of the research, such as: identification of research questions; method for recording and cataloguing data; method for cross-referencing archival and interview data; and, description of the basic storage and retrieval system in which the information will be housed. This phase also allows for funding recipients to assemble their research team. Most teams are composed of a mixture of outside professional consultants, local experts and local trainees. As one of the goals of the program is to build capacity in First Nations' communities to handle land-use referrals, the training of local people is essential. A requirement of this phase is to identify the training component of the program, as well as a pilot area where training and evaluation of research methodology can occur.

The second phase consists of a review of all known documentary information regarding the aboriginal cultural and historical context of the study area. The use of background information collected from existing documents and databases will promote a

more focussed, expeditious, and less costly field portion of the study. The objectives of the literature review are to:

1. provide a cultural and historical context of the information to help better understand the resource inventory and maps to follow;
2. identify documented traditional use sites;
3. identify traditional patterns of land-use, cultural change and cultural continuity;
4. provide a contextual framework from which to prepare for and guide subsequent interviews with local cultural advisors; and
5. provide a useful comparison to contemporary land use patterns.

It is anticipated that this phase of the TUS project will identify linguistic origins; territorial occupancy over time; traditional social and political organization; traditional sites and land use patterns; traditional sustenance resources; and an historical account of cultural change and continuity that occurred through contact with European-based cultures (Spalding, 1994:6).

While the review of archival and other materials provides important contextual background, it is incomplete. The third phase of a TUS project attempts to fill the gaps in knowledge regarding traditional land and resource uses with the assistance of cultural experts from the community. The goals of this phase are to: 1) collect a full inventory of sites and areas indicating aboriginal ceremonial and sustenance practices, and, 2) organize and map this inventory into a format that will be understood by a broad audience from different cultural and professional backgrounds. The interviewing component begins with a review by local cultural advisors of the information collected during the literature review, after which interviews with selected community respondents will commence. Often interviews will be conducted and transcribed by local trainees following an interview guide and format, developed by a project's research director, for recording and

transcribing interviews. During this phase of the project, a prominent role must be played by an individual with training and experience in ethnographic methods. As such, the initial TUS research guidelines emphasized ethnographic methods in preparing for, conducting and analysing interviews and recommended that ethnographic expertise be acquired for the successful completion of this phase (Spalding, 1994:7-8,12).

The remaining tasks in phase three include ground truthing identified sites, collating and cross-referencing data from various interviews and the literature review, final mapping and the preparation of a final report. As stated in the TUS Program Guidelines (1996), “Ground-truthing is the process of visiting [Traditional Use] Sites and areas to verify geographic locations.” The anticipated products of this phase are maps of traditional use sites at a 1:50,000 or 1:20,000 scale, a computer database of site descriptions and information sources regarding each identified site, and a final report summarizing historical and contemporary aboriginal land use patterns and ceremonial and sustenance resources (Deloitte and Touche, 1997:3). The final maps of the project will show points, polygons or lines depicting land and resource uses, and are intended to be overlaid on various development (e.g., forest development plans) or land-use plans being considered for approval by the provincial government. Where a potential conflict between a development activity and a traditional use site appears, the site information contained in the database (as well as additional consultative meetings) will assist in informing the optional decisions, and their ramifications, that can be taken to resolve the conflict. Better information about the location and nature of aboriginal uses will assist all parties involved in the decision to come up with an agreed upon solution.

The fourth and final phase of a traditional use study consists of negotiating an information sharing agreement between the Province and the First Nation. This agreement directs the parties as to where and how the inventory will be stored, shared and distributed. Many First Nations are reluctant to provide the full resource inventory data to government for permanent storage and use. This reluctance is, in part, due to anxiety that the information will be used out of the social and cultural context in which it was gathered and, therefore, will be misunderstood and misapplied in land use decisions. First Nations are also concerned that once their traditional use information is held by the Province, resource managers will not consult directly with them about aboriginal rights. First Nations have additional concerns about the completeness and confidentiality of the database itself. While each traditional use study provides a comprehensive overview of aboriginal land and resource use, as with any research, it is never fully complete. It is anticipated that as new information becomes available, the First Nation will update their community database, so ongoing consultation with government will be necessary. Some information divulged in the course of a traditional use study is deemed to be highly confidential by community members and, therefore, should only be divulged if the resource is directly threatened with destruction. Hence, the most appropriate mechanism for ensuring the timely and efficient exchange of information during land-use decision processes is an agreement which states the roles, responsibilities and process for the parties to adhere to during this information exchange.

#### **4.4 Information Storage and Data Presentation**

Although they acknowledge that First Nations should maintain the majority of traditional use study information in local computer databases, the program guidelines also state that in order to “ensure consistency across the province and greatly simplify data storage, retrieval and exchange” a common format for storing information in computer databases is required (Aboriginal Affairs Branch, 1996:76). As such, during the first two years of the program a standard database format was developed that would: 1) allow for basic site information to be held by the Province in a central database; and 2) provide a common data model which all First Nations could use and adapt to their specific community information requirements<sup>10</sup>. The basic site information to be held by government is viewed only as an initial indication of the nature of consultation to be undertaken prior to making the decision regarding land or resource use. Essentially, this information provides an additional alert to the provincial resource manager early on that consultation in specified areas must be factored into the land use and development approval processes. The basic TUS information required for storage by the Province relates to site location, land tenure, the name of the First Nation associated with the site and the details of who should be contacted in the instance of a land use referral (Aboriginal Affairs Branch, 1996: 54).

The primary function of the common data model is to facilitate understanding of traditional use information through consistent presentation of this information across the province. Recognizing that the content of TUS information will vary between cultural groups, it is hoped that a common presentation format will assist resource managers unfamiliar with any aboriginal land and resource uses to orient themselves to TUS

information in an expeditious manner. To accommodate the fact that different aboriginal cultures maintain different traditional uses, the data model contains a number of attribute fields which are open-ended, so that sites and areas can be described according to culturally appropriate definitions. Use of a common data format helps to break down the initial barriers to communication resulting from resource managers and First Nations representatives working within different knowledge systems of resource management. The common data model provides a general definition of the types of resource and land use under review, and helps the parties orient themselves, through a common language, to the more culturally specific aspects of the consultation. Ideally, the common data presentation becomes the nexus between scientific and traditional knowledge systems, therefore, overcoming the type of problem found in the earlier cited NWT example, where government staff had difficulty in understanding how this knowledge could translate into public resource management systems.

#### **4.5 Program Results and Evaluation**

As of July, 1997, the TUS program had funded 26 projects with First Nations, with an additional 17 projects under review for funding approval (Deloitte & Touche, 1997:4). Of the 26 approved projects (either in process or recently completed), committed funding totals \$6.8 million<sup>11</sup>. The total funds requested by those projects pending review are in excess of \$5 million dollars, and new proposals continue to be submitted. In consideration of the initial hurdles the program had to overcome, not the least of which was the scepticism expressed by both First Nations and government representatives about the possibility of conducting collaborative research, the fact that the

program's budget is currently oversubscribed is perhaps an indicator of its success.

Program staff have developed an administrative framework in which to fund and monitor TUS projects according to an agreed upon process and have instituted a common storage system through which to hold and share documented traditional use information.

Notwithstanding the achievements of the program, a recent outside evaluation, contracted by the Aboriginal Affairs Branch (MoF), identifies a number of areas that require improvement (Deloitte & Touche, 1997). The purpose and parameters of the evaluation were defined by the terms of the contract between the Branch and evaluators, Deloitte & Touche (a large company which, among other activities, conducts professional evaluations of programs and businesses). The evaluators were asked to conduct a detailed examination of five selected projects and to carry out a "review of Program management and administrative policies, procedures, standards and reporting formats" (Deloitte & Touche, 1997:1). The evaluation involved interviews with 61 respondents from the provincial government, First Nations and private consulting companies (all of whom had some prior involvement in traditional use studies).

The five projects chosen for evaluation were considered by program staff to be representative of various stages of completion and different regions of the province (Aboriginal Affairs Group, 1997). To evaluate the integrity of the TUS projects, the evaluators retained the services of two anthropological consultants with extensive experience "in the fields of aboriginal ethnography, linguistic[s] and ethnohistory" (see Deloitte & Touche, 1997:8). The project evaluators set out to examine whether the products of the projects met the specifications of the original contract, whether products from these studies are "quality" or "substandard", and if the methodologies employed in

the projects were “sound”. The evaluation assessed other project qualities such as organizational effectiveness and information sharing (Deloitte & Touche, 1997:11).

Each of the five projects received an overall grade based upon a standard grading system devised by the project evaluation team. Due to the fact that the methodological standards for TUS projects are still evolving, the task of evaluating projects against a common standard is a challenge. As such, the consulting anthropologists assessed the ‘quality of products’ and ‘soundness of methodology’ for the five projects according to their own methodological standards and experience in conducting ethnographic research. Additional assessment factors used were the ability of project staff to meet agreed upon deadlines, and evidence of community participation in all phases of the project (Deloitte & Touche: 1997:12). None of the projects received the highest grade, however, two projects were given a B grade, meaning they generally met the standards of research and contract requirements with some exceptions. Two other projects graded were seen to have substantial shortcomings in some areas, particularly in the quality of deliverables. One project was assessed outside of the grading system as the project information still resided with the ethnographic consultant. (Without a community storage facility to hold traditional use study information, the First Nation has not increased its capacity to respond to consultation referrals and, therefore, a fundamental goal of the project has not been met.)

The evaluation identified a ubiquitous problem of quality control with the TUS projects. As the only methodological standard for conducting and assessing this research is very generally outlined in the TUS program guidelines, it is not surprising that the quality of methods and products are variable (see Aboriginal Affairs Branch, 1997:11-18).

The results of the evaluation and the ongoing assessment of TUS projects and the utility of their products may assist in better defining this standard. Three technical areas of the projects were identified as requiring improvement: literature reviews, preliminary mapping, and ground truthing (Deloitte & Touche, 1997:17). The annotated bibliography required in Phase 2 of a traditional use study is an integral part of the research as this activity helps to identify gaps in existing information and, more importantly, allows First Nations' researchers to consolidate a list of known research about their culture within their own community. It appears that the fundamental purpose of this phase of the research is being lost as:

In areas where professional consultants are engaged as research directors, this task is being viewed as redundant by the professionals, as they themselves are generally aware of the available information and its potential use, and they are consequently reluctant to spend their time preparing such a bibliography (Deloitte & Touche, 1997:17).

The evaluation recommends that the importance of training and ongoing guidance for First Nations' researchers in this archival and document reviews be emphasized to research directors and monitored by program staff.

In appraising the quality of mapping produced by the studies, it was found that traditional use study information was often presented in too general a form to be useful in resolving aboriginal rights issues (Aboriginal Affairs Group, 1997). Rather than using the study information to help determine the parameters of contemporary ceremonial and sustenance activities, the maps tend to depict the full extent of all possible past and present uses in large polygons (Deloitte & Touche, 1997:23). The evaluators recommend additional guidance in mapping specifications, as well as more explicit direction from program administrators about the operational needs for which the mapped information

will be employed. For the Province, the maps are not intended to function as a blanket assertion of aboriginal rights, but should provide as much detail as possible regarding the nature and scope of specific aboriginal uses of lands and resources. The detailed information about uses is then employed to inform broader discussions with the First Nation regarding the resolution of aboriginal rights (Aboriginal Affairs Group, 1997). The evaluators felt that more ground-truthing of traditional use study data would improve the quality and accountability of the mapped information. Particularly where discrepancies occur between information provided during ethnographic interviews and the literature review, physical confirmation of site locations, boundaries and uses is required.

The evaluation also examines the difficulties in establishing agreements on the sharing of traditional use study information with the provincial government. An information sharing agreement is a mandatory product of each TUS project; yet, First Nations continue to have deep concerns about how their cultural information will be represented and used by governments.<sup>12</sup> As only a limited amount of traditional use study information has been formally passed on to the Province, some government staff have equally strong concerns that First Nations will withhold this information as a means of vetoing development activities on Crown lands. First Nations are asking the provincial government to provide funding to maintain project information and to hire staff to handle consultation referrals as a condition of the information sharing agreement. This request goes beyond the scope and authority of the TUS program. Such action would commit the provincial government to a significant ongoing funding obligation, and raises larger questions as to whether the legal obligation to consult extends to this level of commitment, and if such funding obligations fall within the provincial or federal

government's jurisdiction. In the meantime, available traditional use study information is being shared with the Province on a case-by-case basis to assist in the resolution of aboriginal rights. At a minimum, participating First Nations now have better ability to state where a proposed activity will interfere with a traditional use. The program evaluation suggests that formal agreements with respect to information sharing will only be concluded when the parties establish a deeper sense of trust around the exchange of information and a clearer definition of how the traditional use study data will be used.

The evaluation makes a series of recommendations about refining the operation of program delivery<sup>13</sup>. These recommendations focus on the need for program staff to better communicate program expectations of all the parties' roles, responsibilities and conduct. The evaluation calls for improved communication between government and TUS project staff of program and contract requirements and mutual objectives (Deloitte & Touche, 1997:39). It is felt that more direct contact between program and project staff during the proposal development and project planning stages will result in a common understanding of expected products and the quality of those products. The evaluators recommend that enhanced monitoring by program staff of project plans, qualifications and performance of project staff, and interim and final products will improve the overall quality of the TUS projects. They also found there to be confusion at the project level of staff and consultants' roles and responsibilities. Some project coordinators seemed to be unclear about their responsibility to ensure that products were delivered according to the specifications and timelines set out in the project contract. Professional consultants acting as research directors were criticized for not always delivering TUS data that could be verified according to generally accepted ethnographic standards. The evaluators

recommend that a closer monitoring of the qualifications of those hired to perform designated tasks, and clearly articulated responsibilities of each project position will assist in making project team members more accountable for their work (Deloitte & Touche, 1997:27).

Written materials explaining the program's objectives and guidelines were also found to need improvement. The evaluation calls for more comprehensive support materials in the form of guidelines and training manuals. It is suggested that existing materials be expanded to articulate in detail the government's administrative requirements and its expectations of project objectives, data quality, acceptable methodology and information sharing. The evaluators suggest that the provincial government should play an active role in setting methodological standards for traditional use studies and in developing and delivering training manuals and workshops in the same (Deloitte & Touche, 1997:27-29). Existing initiatives by program staff to conduct education and awareness training about the program within government are applauded by the evaluators, and encouraged to continue. Even though program staff deliver a variety of status reports to other ministries, staff interviewed from outside of the Ministry of Forests expressed that they felt out of touch with the progress of the TUS program. The evaluators recommend that increased efforts should be directed at keeping staff in various ministries aware of a project's status and progress. They suggest that program staff are on the right track with regard to the communication of program goals and expectations. Due to the central importance of clear communication between the assorted stakeholders of the program, however, they imply that the application of additional human and financial resources to program communications is justified (Deloitte & Touche, 1997:39,42-43).

#### **4.6 *The Anthropological Difference***

Anthropologists have played a key role in developing and delivering the TUS program. The program evaluation not only supports the necessity of anthropological expertise in these studies, but also implies that anthropologists should play a more prominent role in the future of the program. In the evolution of this initiative, various anthropologists functioned at the program and project level as: research strategist and advisor, cultural broker, policy analyst, program developer and trainer. Anthropologists contribute on three different levels to the TUS program: 1) to the institutional development of the program in government; 2) to the application of various ethnographic methods and expertise to gathering traditional use data for individual projects; and, in a more limited sense 3) to the provision of anthropological expertise in the interpretation of traditional use data as this relates to the protection of aboriginal rights.

Two of the three managers of the TUS program have been anthropologists, and the third was an archaeologist with ethnographic training and experience. As a result, ethnographic methods, an acknowledgement of cultural relativism and the emphasis on community participation in the research all influence the operating policies and procedures of the program. The original typology for TUS site classification (later to become the common database standard) was designed by consulting anthropologists. Various other anthropologists provided comment on drafts of program guidelines, including the summarized standard methodological phases of TUS research. The program is designed to bring research efforts in locating and describing aboriginal ceremonial and sustenance activities under a common framework of general procedures and terminology

yet, at the same time, allows for deviation from the common framework where cultural or other reasons call for a different approach. No research proposal has ever been rejected outright because the methodology was unsound. Instead, program staff work cooperatively with applicants to build a proposal so that the project plan and methods will meet their separate and collective objectives. The program in many ways embodies, and often struggles with, the balance between commonality and difference that characterizes a great deal of anthropological knowledge and research. Had the program been designed by other professionals (e.g., lawyers, historians or archaeologists), the approach to data collection would have been different, and the program may have been less inclusive of First Nation involvement and more restrictive in terms of acceptable methodology and definitions of traditional use.

Anthropologists have tremendous potential influence at the project level. The program evaluation and program staff indicate, however, that in many of the projects anthropologists are reluctant to wield this influence and that this is resulting in a poorer quality of traditional use study data (Aboriginal Affairs Group, 1997; Deloitte & Touche, 1997:24-25). The reluctance of some anthropologists to assume a central research role in traditional use studies has its roots in the crisis of representation outlined earlier in this thesis. More specifically, unresolved issues relating to choices in the most appropriate research methods, ethics, and the degree of authority anthropologists should assume in representing aboriginal cultural values and practices all inhibit anthropologists from contributing effectively to traditional use studies. The program policy and guidelines promote First Nations control over TUS project development and information maintenance. At the same time they also encourage the hiring of research directors who

have experience in archival research, ethnographic interviewing, collation, cross-referencing and ground-truthing of document and interview data, and computer data storage and mapping. Few communities have resident experts who can adequately fill the research director role. According to the program guidelines, then, an ideal traditional use study would be initiated by and involve the local community in all phases of research, and would hire outside expertise to plan and direct the research. It is generally acknowledged that anthropologists could play a more significant role in the planning and execution of traditional use research (Aboriginal Affairs Group, 1997; Caul, 1997). Yet, the lack of definition around a standard anthropological approach to ascertaining ceremonial and sustenance activities, and the inability of anthropologists to work as a cohesive profession undermine any attempts to formalize anthropologists' role in traditional use studies. The lack of a clear role for anthropologists in this activity has led to other professionals (e.g., archaeologists, historians, biologists) who have some experience but no formal training in ethnographic methods, to take on the role of research director in some traditional use studies. Program staff indicate that the project organization, and quality of research products, particularly descriptions relating to current aboriginal uses, is reduced when anthropologists play a minor or no role in a project (Aboriginal Affairs Group, 1997). Further, the failure of anthropologists to clearly express their professional skills and limitations in the context of traditional use research serves to weaken the perception from those outside the discipline of the value of anthropologists in this area (Caul, 1997).

What difference can an anthropologist make in traditional use research? Much of the anthropological endeavour focuses on reducing the complexity of human group behaviour and activity into perceived patterns of beliefs, rules, social structures and

institutions. This knowledge is produced from researching available documents, artistic forms, and, as distinct from other disciplines, from participant observation within the target group under study. The form of participant observation taken by individual anthropologists may vary, but it will involve a pragmatic and thorough approach to obtaining information from recognized specialists who are members of the group under review. From this perspective, anthropologists have much to offer in terms of collecting and organizing information regarding current and past aboriginal ceremonial and sustenance practices. Traditional use studies should do more than identify the location and nature of these practices, however, they should also examine the value and meaning of these sites in relation to First Nations' cultural belief systems. The identification of sites is the first step. The degree to which these sites are meaningful and support the First Nations' systems of ceremony and patterns of sustenance are crucial components of the analysis needed to determine whether the site constitutes an aboriginal right and how aboriginal practices can be accommodated. Interpretative methods, such as those introduced in Chapter 2, can contribute to this form of analysis. These methods do not constitute a standard authoritative test of aboriginal individuals' experience of their culture. Rather, they provide a methodical approach to gauging commonly held views of what is culturally meaningful about lands and resources. An understanding of the extensive discourse around cultural representation in anthropology can assist researchers of traditional use qualify that the knowledge provided by their data and analysis is partial, and help to indicate where further direct consultation with aboriginal specialists is necessary.

The difficulty in formalizing the anthropologists' role in traditional use studies, is doing so in a manner that does not reduce the First Nations' involvement in all levels of the research project. The program evaluation recommends that to make research directors more accountable program staff should "ensure that qualified consultants with appropriate expertise are hired and held accountable" (Deloitte & Touche, 1997:27). If this implies that the provincial government should take on a regulating role of anthropologists' qualifications and conduct in TUS projects, this recommendation is misguided. While government should more clearly state its expectations and requirements for the research component of traditional use studies in its guidelines and contracts, the development of applied methodological procedures, the scope of the role of consulting anthropologists, guidelines for ethical conduct, professional qualifications and disciplinary action are not the responsibility of public governments. The provincial government has already imposed several methodological parameters on traditional use studies in order that the products of this research can be integrated into public land and resource planning processes.<sup>14</sup> To ensure that First Nations maintain the central role in the manner in which their cultures are represented, it is essential that they regulate the activities and work of all members of their project teams. If anthropologists are not delivering the same standard of research to community-based projects as they would to a lawyer, a government agency, or an academic journal, they should be confronted about this discrepancy by their client (the First Nation) and not by a government intermediary. Further, the problem of professional roles and accountability is one that should also be addressed by anthropologists working in this area, ideally through a professional association. As this sub-field of social anthropology in British Columbia is growing, a professional forum should be established

to promote a fuller discussion about the scope of the appropriate role, methodology and ethical conduct of anthropologists working in this area. The collaborative effort of the provincial government, First Nations and professional anthropologists working to clarify and improve the roles, standards and procedures of TUS projects has a greater chance of success than transferring the entire burden of this issue onto the provincial government.

#### **4.7 Summary and Recommendations**

The TUS program has not yet achieved all of its original goals; however, it has succeeded in attaining some of its primary objectives. The fact that government is conducting collaborative projects with First Nations as a matter of course is remarkable, given the resistance to this idea by all the parties at the program's inception. As stated in the program evaluation:

The TUS Program is a positive tool to not only facilitate the obligation of government to consult with First Nations respecting protection of aboriginal rights, but also as a process to develop better understanding of traditional land use. It promotes an improved approach to culturally-sensitive land use and resource development planning.

The First Nations see the Program as an opportunity to develop cultural pride and identity, the building of capacity to respond to and be involved with issues of land use and forest resource planning, and the utilization of their elders' knowledge. In this latter respect, the process has provided a vehicle for elders to transmit cultural heritage knowledge to younger generations. It also provides employment and training for their people, skills that can be transferred to other future opportunities. In many cases, it is useful in helping to focus on land selection and other treaty-related issues. The First Nations have also acknowledged the government-to-government relationship-building benefits that the process has encouraged (Deloitte & Touche, 1997:44).

Aboriginal traditional knowledge and values are being slowly incorporated into the institutional discourse and processes of the provincial government. Although this transition is in no way complete, staff within the provincial government are making an

effort through the TUS program to integrate aboriginal concerns and values into administrative networks without making broad assumptions about all aboriginal groups in the province. The consultative and culturally relative approach being taken by the provincial government is a marked improvement over historical public government policies which promoted assimilation of aboriginal peoples into an ill-defined 'mainstream' society.

In evaluating the effectiveness of this program, one must consider how this initiative came to be. It was instigated in an environment where a sudden and pervasive need was created for aboriginal knowledge of the location of ceremonial and sustenance activities. The program garnered support not because it was the result of a comprehensive, interagency analysis of a range of options for supporting the legal obligation to consult, but because no other government agency developed an alternative and better strategy. As the activity was considered very experimental it began as a series of test projects, from which program staff were able to build the administrative, policy and technical components of the emerging program. The program gathered momentum, in large part, because it had strong advocates at the decision making level who were able to convince senior level executives and Cabinet that the initiative was valuable and worth supporting<sup>15</sup>. The program evaluation indicates that this staged approach to program development has resulted in positive headway toward the resolution of aboriginal rights in provincial land use and resource planning. It also suggests that the program has reached a level of maturity where its future growth and operation requires more formal commitment and planning by all of the parties, including other government agencies (Caul, 1997).

As stated at the beginning of this chapter, a process designed to inform consultation efforts regarding the protection of aboriginal rights should address three related problems: identification of explicit practices and their locations; storage, maintenance and sharing of this information; and interpretation and use of the information in the context of proposed development activities. The TUS program has been more successful in addressing the first two problems. Where there are weaknesses within the current approach to identification and storage of information about aboriginal practices, actions have been identified for which these can be addressed. The next challenge to the TUS program is in interpreting and using traditional use study information. In order to maintain existing support for the program, and to justify the provincial government's substantial investment in this initiative, it is crucial that resources be applied to the creation of methods and procedures for interpreting and using this information effectively in public land and resources management decisions.

Throughout the program evaluation, the need for clarification of roles and responsibilities in this initiative and increased communication of expectations is stressed. This clarification and communication cannot occur unless all of the parties to TUS agree that this is a credible approach to resolving aboriginal rights issues and formally commit to making this strategy work. My only criticism with the program evaluation lies not with the nature and intent of the recommendations, but in that the burden of responsibility for carrying out the recommendations is placed only on the provincial government. I agree that program staff can continue to improve program delivery, and the evaluation identifies key areas where they can take effective action. My own view is that the provincial government should also formalize its coordination and communication role in traditional

use studies; however, work and commitment of all of the diverse players in this field are essential to implement these recommendations. In that spirit, I offer the following recommendations to add to those offered by the program evaluation.

**1) The relevant parties should make a more formal commitment to the initiative.**

**Provincial Government:** The provincial government has exhibited leadership in initiating this program and supporting it through its experimental stages. The program would be more stable, and perceived by First Nations as a solid commitment by government, if program funding were committed for a longer term than at present. Hence, either making the program a regular activity of government, or making a funding commitment that would allow for the program evaluation recommendations to be implemented, would achieve this goal.

**First Nations:** First Nations political organizations (First Nations Summit and the Union of BC Indian Chiefs) have been approached in the past for comment on the program, but neither group has provided a formal response. These organizations should consider their positions on the value of the TUS program and pass resolutions regarding those views. While these organizations usually decline from speaking for all First Nations in the province, their institutional structure and network would greatly assist in providing First Nations input on policy, standards, training vehicles and expectations of the program.

**2) Develop a list of ethnographic standards of research and data disposition expected by the program.**

**Provincial Government:** Program staff should expand on the explicit and implicit standards contained in their program guidelines relating to TUS methodology. These should be framed in the form of government's expectations of the quality and detail of research required to make effective land and resource decisions on Crown lands in acknowledgement of existing aboriginal rights.

**First Nations:** First Nations political organizations should review and comment on these published standards to ensure that they can be supported in principle by their memberships. Similar to the approach taken in the program evaluation, these standards should also be assessed and commented on by a selected group of First Nations who are already participating in TUS projects.

**Anthropologists:** Those applied anthropologists who are already working in this field should play a key role in developing and reviewing these standards. It would be beneficial to have the standards reviewed by academic anthropologists whose research areas are relevant to TUS. Ideally, this professional review would be

coordinated by a professional association. No such organization exists in British Columbia, but this initiative may be an opportunity for government to encourage its establishment.

**3) Develop mechanisms and materials through which community researchers can acquire skills and knowledge in TUS research.**

**Provincial Government:** The program already dedicates project funding towards training in technical aspects of the program. The provincial government should state in program materials its expectations and suggestions regarding the training components of TUS projects. The provincial government should not engage, however, in training delivery that extends beyond awareness raising of the procedures, nature of project products and expectations of the program. Program staff should play a coordinating role with other agencies and established educational and training institutions to encourage and facilitate the delivery of training that will be beneficial to individuals involved in TUS projects.

**Federal Government:** Given its existing funding responsibilities for aboriginal education, the federal government should share responsibility for education and training in this area. Coordination of TUS training activities with any existing federal programs could provide an important contribution to implementing this recommendation and should involve the federal government.

**First Nations:** First Nations political, educational and cultural organizations should play an advocacy role to encourage the development of TUS training courses in universities, colleges and technical institutions within the province.

**Post-Secondary Educational Institutions:** Many universities, colleges and technical institutes are working to develop courses and seminars that will serve the needs of the aboriginal community. TUS research is an area where there is an identified need for training delivery. Established educational institutions should consider developing training courses in this area.

**4) First Nations requests for ongoing funding support to maintain and update information should be seriously considered.**

**Provincial Government:** If, due to lack of funding, there is no one within First Nations' band or tribal council offices to maintain and bring forward TUS information and fully participate during aboriginal rights consultation, then the objective of collecting this research in this format will be lost. The consideration of ongoing funding to First Nations for this purpose, however, raises much larger issues that go beyond the scope of the TUS program. This request should be reviewed in a corporate context, taking the concerns and operational needs of all

those Ministries that are affected by the government's obligation to consult into view.

**Federal Government:** The federal government does not have a direct role in the development or delivery of the TUS program, or in the provincial government's obligation not to infringe aboriginal rights on Crown lands; however, they do have a role in addressing the needs of First Nations' governments. The federal government maintains jurisdictional responsibility for "Indians and lands reserved for Indians". Discussions regarding the ongoing resourcing (whether this be for the funding of traditional use studies or for the use and maintenance of this information) of First Nations governments to meet their responsibilities in questions of aboriginal rights, should necessarily involve the federal government.

**5) Strategic and coordinated planning is required with regard to the use of TUS information in decision making regarding aboriginal rights.**

**Provincial Government:** TUS information is required by several Ministries which have responsibilities for land and resource planning on Crown Lands. A considered and coordinated approach to how this information will be used and weighed, across government, in decisions regarding the protection of aboriginal rights is needed. A policy review of these questions should be undertaken by a central agency which will incorporate the needs and concerns of all affected agencies within government (i.e., over and above the needs of the Ministry of Forests) regarding these outstanding questions.

**First Nations:** At the provincial and band-council level, First Nations should develop their own policies for the interpretation and use of TUS information, in the context of aboriginal rights. The more clearly First Nations can express their interests in this area, the greater the possibility that the provincial government's structures and policies can be adjusted or transformed to accommodate these interests.

**Anthropologists:** If anthropologists are to play a continued role in research design and implementation of TUS projects, they should develop research strategies to address the potential uses of TUS data. Anthropologists involved in devising standard methodology for the TUS program should heavily orient these standards to the identified uses of this data. To accomplish this, anthropologists must acquire a comprehensive understanding of the operational needs of various government agencies with regard to this data.

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<sup>1</sup> See, for example, (Young, 1993) *Researching the History of Aboriginal Peoples in British Columbia: A Guide to Resources at the British Columbia Archives and Records Service and BC Lands*.

<sup>2</sup> In this sense "traditional" is defined as "those beliefs, customs and practices pertaining to land use of a living community of people that have been passed down through the generations" (Aboriginal Affairs Branch, 1996:3).

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- <sup>3</sup> To facilitate my understanding of the function and progress of current projects, program staff allowed me to review five project reports of traditional use studies at various stages of completion. While these progress reports are public (as they do not detail site information), due to the sensitivities regarding the sharing of information between First Nations and the Province, I agreed to only refer to them generically.
- <sup>4</sup> Copies of the preceding three chapters were also made available to them, however, I advised the respondents that it was not imperative that these be reviewed
- <sup>5</sup> I also used my experience in developing a funding program for conducting community-based oral tradition projects for the Government of the Northwest Territories and in researching and writing a methodology guide for this program (Spalding, 1991).
- <sup>6</sup> I am grateful to the advice provided to me by a number of First Nations' individuals and private consultants for First Nations about this initiative during my involvement in the program. I should emphasize, however, that there is no one organization or political body that speaks on behalf of all First Nations in the province. The advice given to me was usually qualified with statements such as, "I don't speak for all First Nations, but this is how I feel..." ; or, "I'm not sure if everyone in my community would agree with this, but this is what I would do...".
- <sup>7</sup> See, for example, *Crown Land Activities and Aboriginal Rights Policy Framework* (Ministry of Aboriginal Affairs, 1995); and *Protection of Aboriginal Rights Policy* (Aboriginal Affairs Branch, 1995).
- <sup>8</sup> If a proposal is refused funding by the adjudicators, it is referred back to the First Nation to be reworked for a subsequent funding review.
- <sup>9</sup> This includes hiring staff, locating a research headquarters, and setting up accounting and administrative processes.
- <sup>10</sup> A corollary goal of building this data model was to reduce the costs for First Nations in hiring computer specialists to develop technical specifications for local databases. The technical specifications, site documentation forms, and data field definitions are provided to applicants in Section 3 of the TUS Program Guidelines (Aboriginal Affairs Branch, 1996).
- <sup>11</sup> Funds are committed to an approved project after the proposal review process, but are disbursed in installments, upon receiving agreed upon products as set out in the project contract.
- <sup>12</sup> This fear may stem, in part, from the way aboriginal cultural knowledge has been misinterpreted and devalued in the legal system. See for example, McEachern's (1991) *Reasons for Judgement*, where he finds aboriginal peoples' testimony to be interesting, but insufficient as evidence on which to base decisions. Anxiety about information also derives from the fact that the information will be housed by the Ministry of Forests. This Ministry is viewed by many First Nations individuals as promoting the interests of private logging corporations over those of First Nations or the natural environment. As such, several First Nations are reluctant to store information regarding highly valued sites with this Ministry (Aboriginal Affairs Group, 1997).
- <sup>13</sup> I have only highlighted those recommendations that are of relevance to this research.
- <sup>14</sup> These parameters are that the research should represent the commonly held beliefs and practices of the legally defined First Nation; that information be presented on maps at a specified scale with accompanying documented sources of expert knowledge of these practices; that regardless of the full scope of information provided to government about these practices, that the data is summarized according to a common classificatory system describing the nature and function of sites and areas; that a clear process is agreed upon regarding how this information is brought forward, in a timely manner, during consultation regarding the protection of aboriginal rights.
- <sup>15</sup> As Van Willegan (1993:168) notes: "Advocacy works best from inside the system. One way of personally ensuring that research is used is to become one of the decision-makers." I would add to that, of equal value to having anthropologists as decision makers within institutions is having non-anthropologist decision makers who are open to new approaches to public policy issues and who are willing to lobby for alternative approaches.

## Chapter 5: Conclusion

In a reflexive world we are all knowledge-producers and the phenomena of tribal groups making videos about their communities, or television journalists making sophisticated programmes drawing upon the same sorts of intellectual resources as academics do when they write their books, become commonplace. Can the professional academic compete in such circumstances? Is there any role for the intellectual at all where the intellectual is at most one 'expert' among many others? Academics and other intellectuals will have to get used to the fact that their claims and findings are likely to be routinely interrogated by those outside the groves of academe. They can no longer act as high priests -- the generous dispensers of arcane knowledge to a generally ignorant populace. These things, however, do not destroy the usefulness of the academic. The usual differences between academic and lay people continue to obtain...and the researches and theoretical innovations of the social sciences are necessary resources upon which wider forms of public reflection draw (Giddens, 1995:276-277).

Anthropologists' uncertainty around representation of their research and professional authority arise from broader social dilemmas about the same issues. The post-modernist passion for reflection and critique of all knowledge claims has affected several academic disciplines and professions in North America. For example, a medical doctor may still be seen as a healer, but he or she is now perceived by an increasing number of North Americans as one of many types of healers. Perhaps it is a sign of maturation of the discipline that its practitioners are wary of making broad declarations of cultural and social systems; that anthropologists admit that they do not have all the answers to questions about culture. Some may contend that we no longer need a discipline to do the type of diverse research in which anthropologists are now engaged. Indeed, any attempts to offer a synoptic characterization of the field amounts to what Geertz (1995:97) refers to as "something of an exercise in special pleading."

This thesis has argued that anthropologists have a distinct and valuable contribution to make in resolving practical problems within the realm of culture and society. The results of applied anthropology have been improved by recent reflexive debates. Still, we need to better communicate the defensible knowledge claims and methods of the discipline. Because they work largely in a professional environment with individuals from other disciplines and training backgrounds, applied anthropologists are called upon more often than academic anthropologists to offer a general characterization of the business of anthropology. When the applied researcher contributes his or her skills, as an anthropologist, in an interdisciplinary or other non-academic context, it becomes important to be able to simply articulate the scope and skill set of the discipline. The thesis has also maintained that whatever the context in which anthropology is employed, similar dilemmas arise. This assertion is supported by some of the challenges associated with conducting traditional use studies. The case study bears out that issues regarding the professional authority of anthropologists, the collection and representation of anthropological knowledge, the presentation of the native voice and native concerns about the purpose and use of research, and professional ethics are relevant and of wide concern.

For example, in the case study, the central involvement of the community in all stages of research delivery reduces the autonomy of the consulting anthropologist to design and execute the research according to his or her preferred methods. It also reduces the anthropologist's authority over the research conclusions and how these are presented. In traditional use research, the anthropologist serves to bring out the shared systems of belief regarding aboriginal land and resource use as these are expressed within local institutions and patterns of ceremonial and sustenance activities. Here, the anthropologist

uses his or her skills and knowledge to facilitate a common expression of aboriginal land and resource use by individuals and family groupings within the First Nation. Although the anthropologist has tremendous influence in the representation of research results, they do not make the final decision over research conclusions and their presentation. The fact that the results of traditional use research have tremendous political and economic implications to First Nations, and that the researcher is directly employed by the Band Council, means there is a potential for the researcher to be pressured by an individual employer to adjusting research conclusions in order to fit into the First Nations political aspirations. This is an eventuality that the anthropologist must be prepared for, not by assuming that their employer will act this way, but by knowing and communicating the limits of their personal principles and professional ethics.

The case study also exemplifies the tension between the need of aboriginal societies to express their cultural views and practices within their own systems of communication and the need for those from non-aboriginal societies to reconcile aboriginal views within the researcher's epistemological framework. In many ways, anthropologists function in traditional use studies to make aboriginal land uses comprehensible to non-aboriginal decision-makers, so these uses can be accommodated within the public land and resource management system. Recent discourse in anthropology warns us to be cautious about accepting anthropological analysis as the unvarnished truth, because all knowledge is partial. Rather the contribution of anthropologists to sort and interpret aboriginal uses within standard categories should be viewed as a tool through which to orient the uninitiated, prior to embarking on more direct consultation with the aboriginal group. Further, the stated purpose of traditional

use research is to provide a channel for aboriginal people to express their cultural views on land and resource management. The growing discourse on native voice scholarship in anthropology can be of great assistance to this endeavour.

The case study reveals that questions regarding the strength and replicability of anthropological methods are also at issue. Anthropologists have a long history of adapting and adjusting their methods according to the problems they wish to solve. Traditional use research uses ethnographic methods to gather and interpret data. These methods are employed in projects to varying degrees based on the anthropologist's and the community's preferences. Those associated with the TUS program agree that greater clarification on research methods is required. This clarification is needed partly to counter those critics who claim this research is too subjective, and partly to develop a normative standard by which to fairly measure the quality and integrity of research results. Anthropological discourse exploring the theoretical foundations and mechanics of conventional and exploratory ethnographic methods is a valuable source of knowledge to draw upon when formulating these standards.

The case study reflects the challenges associated with conducting contemporary anthropological research and, at the same time, indicates action that can be taken to assist applied anthropologists overcome these challenges. Stronger and more frequent communication between anthropologists in applied and academic fields is clearly required. Many of the problems encountered in applied fields are being discussed, and to some extent resolved, within academic discourse. Alternately, concrete examples of the manner in which these epistemological dilemmas are played out in the field can better inform the development of this discourse. Two obvious avenues wherein this

communication can occur are through academic training and the establishment of professional associations (over and above national and international associations).

In terms of academic training, greater emphasis should be placed on providing skills and knowledge to students seeking applied careers. Unless students have a very specific form of applied anthropology in mind, they should acquire a general understanding of the perspectives and commonly used methods of the discipline. As they will encounter dilemmas regarding ethics, representation and the partiality of knowledge, training in these areas should be a requirement for undergraduates. Further, if students wish to pursue a career in applied anthropology, they should be encouraged to maintain some connection to the debates and discourse of academia. Greater communication between applied and academic anthropologists will likely not occur unless it is facilitated. Forums through which dialogue can occur and ideas can be exchanged are professional associations, workshops, conferences and electronic newsletters. If more open dialogue between applied and academic anthropologists is established, opportunities could be provided to produce cooperative or complementary research in defined areas.

For example, the applied field outlined in the case study is growing in British Columbia and there are several research areas where applied and academic anthropologists could work cooperatively. First, as already identified, academic anthropologists can assist in establishing standard methods and ethical guidelines for traditional use research. Second, more analysis is needed to develop procedures on the interpretation of significance of identified sites and areas, and how different land use values can be accommodated into existing social structures of aboriginal and public governments. Third, research into the history of colonialism in British Columbia will

assist in providing a more comprehensive understanding of changing land and resource use values over time within First Nations' and the colonizing societies. Finally, more research into the influence of the global market system on land and resource management in British Columbia will help to understand what is driving the development activities which may undermine aboriginal rights.

Anthropology's reflexive period has been beneficial, at the very least, in forcing anthropologists not to be complacent about their knowledge, methods, actions or impact. At the very most, reflexivity should be viewed as an effective tool, but it should never be seen as the product of our professional efforts. It would appear that anthropologists are on the move again; attempting to forge new perspectives on culture and society that have both practical and intellectual relevance. Within this very broad area of social research, the anthropological voice is not the only voice, but it is a strong and consequential one. The darker side of reflexivity is that it can encourage a form of critical behaviour that, at once, can undermine the confidence of individuals to assert what they know and encourage other anthropologists to form groups within the discipline which pride the ascendancy of their perspectives over others. In order to take anthropology into the new millennium, this form of extreme behaviour must be abandoned so that we inhabit a discipline that is supportive of different approaches within a coherent epistemological framework. If we are to do justice to the imaginative and insightful research of the anthropologists of this century, we must ensure that we build upon their efforts to contribute anthropological knowledge to a greater understanding of the dynamic and diverse social worlds of which we are a part.

## Epilogue

Following writing this thesis, on December 11, 1997 the Supreme Court of Canada rendered another landmark decision regarding aboriginal rights and title. The case was the final appeal of the *Delgamuukw v. Her Majesty the Queen* (see pp. 77-80 for a summary of the first two decisions in this case). The claims before the Supreme Court of Canada, originally a declaration in respect of claimed aboriginal rights of ownership and jurisdiction, were changed to claims of aboriginal title and self-government. While it is premature to venture a definitive and holistic opinion on the substance and meaning of this complex decision, it is relevant to the content of this thesis, and supportive of a number of its recommendations for the following reasons.

- The Court outlined a number of new principles about aboriginal title, including that aboriginal title is a right to the land itself and, as such, is more than the right to engage in activities which may be themselves aboriginal rights. Aboriginal title confers the right to use land for a variety of activities, not all of which need be aspects of aboriginal rights. The test for aboriginal title is proof of exclusive occupancy at the time sovereignty was asserted.
- The case does not change the test for establishment of aboriginal rights, however, it outlines a different justification test and additional obligations associated with the establishment of aboriginal title. As such, present provincial government policies for addressing infringement of aboriginal rights will have to be broadened to address aboriginal title. Traditional use studies can be of assistance in ascertaining the location and veracity of a claim to aboriginal title. In light of the Supreme Court decision, the

methodological guidelines and minimum information requirements for traditional use studies will have to be adjusted. It is my opinion that these studies need to include information specifically about prior and exclusive occupation of aboriginal groups to ensure this type of information forms part of the body of traditional use databases and maps (see pp. 91-93 for an overview of research methods into aboriginal title and rights).

- The Supreme Court of Canada decision clarifies that public governments have a legal duty to consult with First Nations regarding aboriginal rights and title. The Court also clarified the meaning and scope of consultation around aboriginal title. The effect of this aspect of the decision emphasizes the need for meaningful consultation as discussed in Chapter 3 (see pp. 80-87). The decision also highlights that the nature and scope of consultation will vary according to the circumstances of the land or resource decision under review. Formal tools of consultation, such as traditional use studies, will become even more necessary to support the legal duty to consult.
- The decision reinforces the federal government's jurisdiction within this area. It acknowledges the importance of both levels of government to safeguard aboriginal interests in lands. As such, it acknowledges the role of both the federal and provincial governments in the resolution of aboriginal rights and title issues. This acknowledgement appears to support my recommendation that the federal government should become involved in the funding and development of traditional use studies and the maintenance of this research data in First Nations communities.
- The decision came out very strongly on the evidentiary use of oral histories in aboriginal rights and title litigation. It states that various kinds of oral histories are of

critical importance to establishing use and occupation to lands by aboriginal groups and must be considered by the judiciary according to the principles laid out in *Van der Peet* (See Appendix A). It would appear that the strong endorsement for oral histories given by the Supreme Court expands the potential application for traditional use studies in both a negotiation and litigation context.

- The Appellants hotly contested the fact that the trial judge refused to accept the testimony of two anthropologists who were brought in as expert witnesses (see pp. 95-96 for reference). Chief Justice Lamer concluded that decisions around the credibility of expert witnesses remain with the the trial judge, and that Justice McEachern's decisions about credibility should be treated with deference from the appellate courts. This part of the decision can be seen as supporting my assertion (see p. 96) that anthropologists should make greater efforts in the manner in which they build their credibility and represent their knowledge in the Courts.

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## **APPENDIX A: Supreme Court of Canada Guidance for Clarification of an Aboriginal Right**

Source: (Legal Services Branch, 1996:2-4)

In the Supreme Court of Canada decisions in *Van der Peet v. The Queen, N.T.C. Smokehouse Ltd. v. The Queen* and *Gladstone v. The Queen* were delivered on August 21, 1996. The decisions are largely consistent with the test for aboriginal rights adopted in the *Delgamuukw* decisions. In the *Van der Peet* decision, however, the Court provided more guidance and clarification as to how that test is to be applied.

The Court set out ten factors to be considered when applying the ‘integral to a distinctive culture’ test.

1. In the determination of the existence of an aboriginal right, the perspective of aboriginal peoples as well as the perspective of the common law must be taken into account.
2. The claim of an aboriginal right must first be characterized correctly by considering such factors as the nature of the action which the applicant is claiming was done pursuant to an aboriginal right, the nature of the governmental regulation, statute or action being impugned, and the tradition, custom or practice being relied upon to establish the right.
3. The practice, tradition or custom must be a central and significant part of the society’s distinctive culture. Aspects of aboriginal society that are true of every society such as eating to survive do not qualify as aboriginal rights nor do activities that are incidental or occasional to the aboriginal society.
4. The time period for considering whether an activity has become integral is the period prior to contact between aboriginal and European societies. It is no longer 1846, the date of the assertion of sovereignty by the Crown. It is practices, customs and traditions that can be traced back to pre-contact societies that will constitute aboriginal rights. However, there does not have to be continuity. An aboriginal group may have ceased to engage in the practice, tradition or custom which existed prior to contact and then resumed the practice, tradition or custom at a later date.
5. Courts must approach the rules of evidence and interpret the evidence in light of the evidentiary difficulties in proving a right which originates in times where there were no written records of the practices, customs and traditions engaged in.

6. The existence of an aboriginal right will depend entirely on the traditions, customs and practices of the particular aboriginal community claiming the right. Aboriginal rights are not general and universal. The scope and content of aboriginal rights must be determined on a case by case basis.
7. To qualify as an aboriginal right the practice, custom and tradition must be independently significant to the aboriginal community claiming the right. Incidental practices, customs and traditions cannot qualify as aboriginal rights through a process of piggybacking on integral practices, customs and traditions.
8. A practice, custom or tradition does not have to be unique to the aboriginal culture but it must be distinctive. In other words, it must be distinguishing or characteristic of that culture.
9. The influence of European culture is only relevant if the practice, custom or tradition solely exists because of the influence of European culture. The influence of European culture is not relevant to a determination of an aboriginal right if the practice, custom or tradition was an integral part of the aboriginal community's culture prior to contact with Europeans and adapted in response to the arrival of Europeans.
10. Aboriginal rights arise from the prior occupation of land and also from prior social organization and distinctive culture of aboriginal people on that land. The focus of inquiry must not be entirely on the relationship of aboriginal peoples with the land.

## **APPENDIX B: Questions for Interviews with TUS Program Staff**

### **A. General Comments**

Introduce the general purpose of the interview. Explain the nature of the questions to follow and encourage respondents to voice any concerns or questions they have about the draft chapter as we proceed. Time will be allotted at the end of the interview to discuss additional concerns with the draft chapter.

### **B. Overall Objectives of the Information**

2. How do you think that TUS information is valuable to aboriginal rights consultation?
3. In what ways is this type of information ineffective in supporting this type of consultation?
4. The program evaluation identified a pervasive problem with establishing formal information sharing agreements with the provincial government.
  - Is TUS information being used on a case-by-case basis, despite the fact that information sharing agreements have not been signed?
  - How does this work?
  - Is this just as effective as government holding some of the information?

### **C. Role of Anthropologists**

5. The program evaluation appears to single out the role of consulting anthropologists as being unclear and problematic. Is this true, or is the program evaluation referring to other consultants (if so, who?).
6. How do you think consulting anthropologists have performed at the project level?
7. If there are problems with anthropologists, where do these problems come from? For example, is this a result of:
  - individuals' eccentricities (specify);
  - lack of direction by either the First Nation or program staff (specify); and/or
  - problems with the methodology used by and world view of anthropologists (specify).
8. At the project level should consulting anthropologists take on a stronger role in:
  - project design (specify), and
  - data collection (specify).
9. At the project level, who do you think anthropologists are responsible to for their research?

10. I argue in this thesis that anthropologists have had an influential role in establishing the structure and procedures of this program. Do you agree?
11. Can you think of any ways in which the perspectives, methods, or practices of anthropologists inhibit the production of information to the consultation process?
12. The common data model is designed around anthropological concepts of culture and social structures. How do First Nations involved in the program react to using these categories to organize and describe their sites?

#### **D. Data Quality**

13. In an ideal world what steps do you think need to be taken to improve the quality of TUS information for its intended purpose?
14. In the real world what are the obstacles that are inhibiting implementing these ideas?

#### **E. Interpretation**

15. The TUS program has been largely focussed on developing mechanisms and procedures for gathering data. Not as much attention seems to have been paid in interpreting data (e.g., significance of sites, how aboriginal rights may be accommodated in other locations, dispute resolution between different cultural codes of land use). Whose role is it to interpret the meaning of sites, and to make decisions of how a site will or will not be accommodated?
16. Do you see anthropologists taking on a stronger role in the interpretation of data? How?

#### **F. Recommendations:**

17. What do you think of the recommendations in the draft chapter? Go through each.
18. Do you have any comments on the draft that I distributed to each of you a couple of weeks ago? Are there any statements that really jump out at you as either being wrong, or that you'd like to discuss further? If you have any additional thoughts or comments, please phone me in the next few days to discuss these.

## **APPENDIX C: Composite Examples of Traditional Use Study Projects.**

The following presents a composite description of three representative TUS projects from a review of five such projects underway in this program. The differences between the projects are largely the result of different levels of research already conducted, different community objectives for the project results and the degree of outside professional assistance used to design and execute the projects. All of the projects emphasized that these projects should not be viewed as time limited activities; that each project takes time to develop community support and expertise in order to gather and analyse information, and that they also require an ongoing commitment of funding in order to maintain, update and use the information for land-use planning. The average period required for completion of these projects is between 18 and 30 months.

### **Project 1: South Coast (in progress)**

This project is following the four-phase methodology recommended in the TUS program guidelines. The project employs a mix of outside professionals (an anthropologist/ethnohistorian, archaeologist, computer mapping specialist) community specialists (language expert, cultural land and resource use experts) and community trainees, to complete the work. The core project team consists of a Project Coordinator, a Research Director (Anthropologist), an Ethnohistorian, a Translator/Language Instructor, and 3 Research Assistants. A detailed training program has been established, with additional outside training expertise engaged, to develop local expertise in collecting, maintaining and using the information once the project is complete.

#### **Archival and Documents Review:**

A number of BC repositories and archival institutions are being utilized to examine published and unpublished anthropological and ethnographic accounts, local and regional historical documents, ethnohistorical records, government documents and maps, pertinent Hudson Bay Company records, and private journals and letters. As the sources vary greatly in type and quality of information, it is necessary for this project to supplement the documented information with focussed interviews with elders and other cultural experts. The cross referencing of various lines of information (historical, ethnographic, archaeological, interview and ground truthing) will ultimately define the reduced set of information which will be held in the computer database and on accompanying maps.

#### **Interviews:**

Project staff will interview 28 individuals (20 aboriginal, 8 non-aboriginal) who were all selected according to their level of knowledge regarding indigenous ceremonial and sustenance activities of this First Nation. Tools used to facilitate the interviews are video and audio recording, hardcopy maps, pre-designed interview form (identifying

site/activity type, location, resource type, placenames, and usufructory privileges) and an interview question guide.

### **Data Synthesis and Analysis:**

Once the collection and collation of documentary and interview data is either far advanced or completed the fieldwork stage will be initiated in order to ground truth the identified sites and areas. Collected ethnographic and ethnohistoric data will be compared to known biomass, forest cover, and archaeological information. Data will be depicted according to spatial (synchronic) and temporal (diachronic) factors, such as settlement patterns, resource procurement locales, and other activities practised by the First Nation over space and time. Attention will be paid to acknowledging how activities have changed over time.

### **Training:**

This project maintains a comprehensive training plan, which identifies qualified specialists to conduct training with local project employees in the following areas:

- Archival Methods: concepts and trends relating to document publication, referencing, searching, recognition and retrieval.
- Language: training for project team (particularly research assistants) in First Nation language.
- Interviewing: interview techniques, procedures and etiquette, recording and transcription methods, and data cross-referencing techniques.
- Computer Database: using spread sheets, word processing and graphics applications.
- Mapping: mapping field surveys, reading maps, and orientation to Geographic Information Systems (GIS).
- Report Writing and Project Management: introduction to writing and management skills through on the job practice.
- Ground Truthing: map interpretation, field survey techniques and site location and recognition

### **Project 2: North Coast (completed)**

The emphasis of this project is on compiling and organizing existing research on traditional land and resource use into a format that is controlled and accessible by the band government for consultation referrals. Since the late 1800s numerous explorers, missionaries and anthropologists have conducted historic and ethnographic research with this group. Additional extensive ethnographic and archival research on traditional uses of this group was conducted in the last two decades to support land claims litigation. The project team was composed of both outside professionals (librarian consultant, anthropologist, archaeologist, cartographer) community specialists (project coordinator, hereditary chiefs and elders) and community trainees (librarian assistant, mapping technician and researcher). The project employed 7 full and part-time employees and 6 outside consultants. The research design and project progress were guided by a 5 member

advisory board made up of project staff, community leaders and provincial government staff.

#### **Archival and Documents Review:**

Previous ethnographic and cultural research projects, similar in nature, but with different objectives, provided the foundation of information for this traditional use study. Some of these earlier projects were focussed on recording the history and cultural practices of the First Nation for youth programs, others collected information for language preservation and curriculum development projects, and the largest body of existing information was compiled to support recent land claims litigation. The team organized the material from other projects (located mostly in bankers boxes with no recognizable filing system) into a catalogued library. Two translators reviewed 97 audio cassettes to ascertain the relevancy of the taped information to the explanation of traditional uses (only half the tapes were found to be relevant and these were translated). Further analysis was conducted on the catalogued documents (previous ethnographic and ethnohistoric research, court affidavits) and transcribed interviews to identify sites and areas of ceremonial and sustenance activities.

#### **Interviews:**

Due to the comprehensive body of recent interview data on this subject, few interviews were conducted. The project team felt it more important to transcribe and use existing interviews, and do additional interviews on an as-needed basis only. A handful of interviews were done with key elders and hereditary chiefs regarding place names and territorial boundaries. The project did identify the need to conduct additional interviews with elders to fill the remaining gaps in traditional use information.

#### **Data Synthesis and Analysis:**

The combination of traditional use information gathered from tapes, archival documents, court affidavits, archaeological studies, and follow-up interviews was cross-referenced by the research team to identify conflicts and overlaps within the body of information, and then mapped onto a hard copy map. The hard copy maps were then taken out by field workers to ground truth the sites (both by physically going to the site and by showing the mapped information to various community specialists). Wherever possible, photographs were taken of the sites to be stored on file. Once the ground truthing was completed, the final entry and edit of TUS information into the database was done, and mapping of the 228 sites was completed.

#### **Training:**

Training for the project was provided to the project team in the cataloguing system and database structure designed by the Librarian Consultant. Less formal training was provided by various consultants to the researcher, coordinator, translators, librarian's assistant, and typist as the team engaged in different aspects of data synthesis and interpretation.

### **Project 3: Interior** (in progress)

This project is not following the recommended four-phase methodology, in that the project team are planning the research as they go, they have a strong preference not to hire any outside consultants, and are attempting to build local expertise in each area of the research as a means of building community ownership of and local employment from the project. The project coordinator has highlighted the need for this team to be allowed time and resourcing to build the capacity to conduct traditional use research according to their own culturally appropriate terms.

#### **Archival and Documents Review:**

To date this has consisted in reviewing archival documents and maps that are located in band and tribal council offices. There is no identified research strategy to locate additional archival documents from provincial or national libraries or archives.

#### **Interviews:**

Attempts were made to conduct formal interviews with respected elders but were found to be unsuccessful. This is likely due to the fact that no training was provided to the research team in preparing for and conducting interviews. The team has altered their approach to try and collect pertinent ceremonial and sustenance information while participating in traditional activities (hunting and camping) with elders.

#### **Training:**

While there is no training plan, the team has engaged in training in the following areas:

- Life skills;
- Audio and video recording (emphasis on storage and retrieval)
- Orientation to federal government research archives;
- Introduction to Geographic Information Systems; and
- Basic Computer Training.

## VITA

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1990 *Oral Tradition Research Guide*. Yellowknife: Government of the NWT.

1989 *A Survey of the NWT Scientific Field Research Labour Market*. Yellowknife: Northern Heritage Society.

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