

Book Reviews/Comptes rendus

CATHERINE BELL and DAVID KAHANE (eds.), *Intercultural Dispute Resolution in Aboriginal Contexts*. Vancouver: UBC Press. 2004. xi + 367 p. Index.

From colonial times through the signing of treaties, and more recently with issues in education, criminal justice systems, land claims and other resource negotiations, Canadian and other government relations with Aboriginal peoples continue to be characterized by poor intercultural communication. Directly or indirectly, the lack of appreciation of cross cultural value and belief systems has precipitated disputes that commonly place concepts of Indigenous rights as constantly in opposition to 'mainstream' public, corporate and government rights.

Such topics were highlighted in a national forum held at the University of Alberta in 1999 entitled the "Intercultural Dispute Resolution: Opportunities and Issues," which shaped the themes and focus of this book. The book effectively addresses difficulties related to intercultural communication and provides means of developing Alternative Dispute Resolution (ADR) systems, often drawing upon existing models. Case study examples from Canada, Australia, the United States and New Zealand provide grounding for discussions of a variety of Aboriginal social and cultural priorities and how these interact with those of mainstream societies. The book elaborates upon Indigenous methods of dispute resolution that are based on traditional understandings – concepts that, as several authors are careful to point out, continue to hold relevant places in Aboriginal communities.

This text effectively describes the acute need for development of culturally aware systems, while noting that no one model can be expected to provide a 'quick answer' after hundreds of years of colonization, race related injustices and associated cultural and social effects. However, as many authors emphasize, this realism should not discourage impetus towards research, design and implementation of ADR systems, as existing models demonstrably improve in effectiveness over time. On the other hand, if such systems are not very carefully designed, they can create more problems than they resolve, and this book provides a great deal of practical advice on means of developing successful ADR systems. A primary difficulty arises when Aboriginal dispute resolution systems interact with those of the dominant society in ways which lead to their neocolonial subjugation. If models are carefully designed, this intercultural interaction can turn into an advantage, as Aboriginal systems can draw upon

mainstream legal systems to make sure that their goals are realized and their decisions ratified. Similarly, Aboriginal dispute resolution processes, based upon cultural beliefs and values in small scale community contexts, hold valuable potential for problem solving within national systems that are relatively problematic in multicultural contexts, notwithstanding their having evolved for centuries in Europe.

The book is divided into four overlapping thematic sections, each with four or five chapters and a concluding discussion. Part one provides an outline of theoretical complexities and dilemmas. Chapters in this section outline difficulties in creating ADR models in relation to cultures that are fluid, historically influenced as well as politicized, and relevant in different ways in multiple contexts to members of multiple groups. Later in the book the dialectic between 'top down development' and grass roots participation is more clearly delineated in relation to long term project success, which must be a "moving consensus" (74) open to change and fine-tuning. Chapters point out the difficulties of relying on static definitions that may be couched in dominant societal misconceptions, as well as the need to create a dialogical relationship in which both Aboriginals as well as non-Aboriginals explain to each other the sociocultural contexts from which their positions arise.

This text provides a wealth of information relevant to the larger discourse involving Aboriginal rights, land claims and legal/political concerns. Some chapters benefit more than others from the use of case study data, so that the reader learns a great deal of why, why not, or to what extent specific claims negotiations or ADR processes tend to work better in practice than others. In this way the book adds invaluable information to subject areas that are often based around elaboration of a single case. In illustrating the diversity of ADR models and showing their problems and possibilities, this text manages to highlight intrinsic dilemmas of attempts at cross cultural communications, while for the most part maintaining a positive outlook. Many authors note that carefully thought out attempts are much more desirable than inaction, and likely to produce positive results if sufficient time and flexibility are built into them to allow for processes to develop over time. As is pointed out, the Euro-western legal system took centuries to develop, as did colonial and postcolonial effects to aboriginal peoples, so there is no reason to assume that collaborative efforts and discourse between Aboriginal and non-Aboriginal systems can be resolved quickly.

This book will be of interest to political and legal professionals, social scientists and others who are, or plan to be involved in any field involving culturally and socially sensitive interaction between Aboriginal and non-Aboriginal peoples or agencies. In particular it is a groundbreaking collection of papers that assists in unifying concepts and issues integral to the development of not only ADR processes, but any models bringing together Aboriginal and non-Aboriginal methods of dealing with sociocultural issues, borrowing on the strengths of each. The book is accessibly written and would be appropriate in second or third year university courses.

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