

Book Reviews/Comptes rendus

ANDREW WOOLFORD, *Between Justice and Certainty: Treaty Making in British Columbia*. Vancouver: UBC Press, 2005. ix + 202 p. + references + index.

Following the slim re-election of Gordon Campbell's BC Liberal Party in May 2005, the Government of British Columbia surprised many observers by creating a new Ministry of Aboriginal Relations and Reconciliation. This move has been framed as the beginning of "a new relationship with Aboriginal peoples" – one that will "reshape our social and economic landscape and lead the way to a more inclusive and prosperous future for all British Columbians through the reconciliation of Aboriginal and Crown titles and jurisdictions." The British Columbian situation is unique in the federation in that the colonial expropriation of lands and drawing of reserves across the vast majority of the province proceeded in the absence of treaties. Thus these claims about a "new relationship" can and should be understood as the latest step in a fifteen-year-old formal effort (encompassed chiefly in the BC Treaty Process) to "set things right" through the achievement of modern treaties with BC's long-suffering Aboriginal groups.

This is the main subject of Woolford's *Between Justice and Certainty*, which advances a trenchant analysis of the disjunctures of power, meaning, and discursive leverage within the "good faith" processes and negotiations that have proceeded under the BC Treaty Process. The core argument of this volume is that the BC Treaty Process, which was intended as a means of "talking a way to consensus" about the material and moral translation of Aboriginal rights into modern treaty agreements, has in fact proceeded on a very narrow (and non-Aboriginal) conceptualization of its primary goals – namely, the achievement of justice for past wrongs, and the achievement of certainty in future rights and relationships.

As Woolford notes from the outset, justice and certainty are loaded concepts. Each evokes specific cultural meanings, interests, and discursive packages (i.e., what are justice and certainty, and how are they to be achieved?). Using participant observation and interviews with participants in the BC Treaty Process (with a specific emphasis on four Vancouver-area First Nations), Woolford outlines key disjunctures in Aboriginal and non-Aboriginal understandings of justice and certainty.

Setting the current Aboriginal rights discourse in the long historical context of assimilation and oppression in British Columbia (for instance, where it was illegal to organize in pursuit of land claims until 1951), Woolford argues that First Nation understandings of justice are chiefly “transformative” in nature, involving a moral appeal for historical reparation alongside the desire for a new relationship based on cultural recognition and material redistribution. This contrasts with the predominant understanding of justice among negotiators and representatives of the provincial and federal governments, who generally advance an “affirmative” model of justice. This understanding sees justice strictly in the future tense – as something that can be achieved through process and negotiation towards a “new cooperation” rather than being fundamentally rooted in historical legacies.

Similar disjunctures run through notions of certainty. From the perspective of senior governments, the cost of unresolved treaty issues is measured in lost investments, particularly in resource sectors. This has been a prime motivator for treaty negotiations, as there is a sense among government officials that the business community “doesn’t really care who the landlords are,” so long as there is security to investment. Woolford convincingly links this to a particular vision of “certainty” among government negotiators that understands the chief aim of the treaty process as producing final definitions of rights and jurisdictions. Again, however, certainty has a very different meaning among First Nation groups, for whom the permanent definition of rights would bring significant *uncertainty*, as the economic, legal, and cultural context in which Aboriginal groups are embedded are constantly changing. From a First Nations perspective, the certainty desired from the treaty process involves the establishment of formal but flexible and fluid relationships among Aboriginal groups, senior governments, and private actors. In other words, it is the “predictability” of Aboriginal rights rather than their strict definition that promises a degree of certainty for First Nations.

Woolford’s core thesis is that the procedures and language of the BC Treaty Process have skewed negotiations to non-Aboriginal understandings of justice and certainty, thus limiting the potential of the process to achieve comprehensive and/or long-term reconciliation. For the most part, this argument is very well made. *Between Justice and Certainty* is strongest in its presentation of a sociology of knowledge and meaning. Woolford’s work clearly demonstrates the profound gulf between Aboriginal and non-Aboriginal parties at the negotiating table – and that these disjunctures are simultaneously masked and intensified by the very procedures that were designed to bridge these distances. The book is weaker in its analysis of the strategies mobilized within the BC Treaty Process, and is occasionally guilty of too firmly drawing sociologically tricky conclusions about the deeper motivations and intentions of the parties involved. In my view, the relevance of Woolford’s analysis is actually enhanced when we consider that the difficult negotiations of the BC Treaty Process have been consistently characterized by good intentions on all sides. In this context, the steady erosion of Aboriginal understandings, meanings, and interests within this good faith process is deeply troubling.

Indeed, as the BC Treaty Process drags into its fifteenth year, attempts to re-energize negotiations are further aligning the reconciliation discourse with non-Aboriginal understandings of justice and certainty. This can clearly be seen in the language of the inaugural Service Plan for BC's new Ministry of Aboriginal Relations and Reconciliation (dated February 2006): "We are negotiating treaties in order to materially improve the lives of First Nations and to achieve greater certainty over Crown lands and resources. Treaties will stimulate investment, create jobs and expand economies in communities throughout British Columbia and provide a better quality of life for Aboriginal families." A good faith process with honest goals – perhaps; a narrow and economic understanding of reconciliation, justice, and certainty – most definitely.

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