



New Histories for Old





Edited by Ted Binnema and Susan Neylan

New Histories for Old:
Changing Perspectives on Canada's
Native Pasts



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*To Arthur J. Ray, friend, colleague, and mentor,
in whose honour all of these essays were written*







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Introduction

Ted Binnema and Susan Neylan



Interpretations and perceptions of history can have an immediate and “real world” impact when it comes to Canada’s Aboriginal peoples. Whether on the pages of an academic monograph, in a report submitted to the Royal Commission on Aboriginal Peoples, or in the testimonies given during land claim litigation, interpretations of Native history have direct bearing on the present and future lives of Native peoples. Each generation of scholars has offered new histories for old – revisiting the past, revising our understanding of Native-newcomer interactions, and locating Native people in Canadian history.

This volume considers the influence of historical geographer, historian, and professor Arthur J. “Skip” Ray on the writing of Native history in Canada.¹ The original chapters in this collection explore and expand upon Ray’s work by examining topics in some of his own fields of excellence. As several of Ray’s senior colleagues have remarked, he has furthered our understanding of the relationships between Natives and newcomers and explained the code of conduct that arose from those sustained interactions, whether in the fur trade, at the treaty table, or within the foreign environment of the Canadian judicial system. All the central themes represented in the chapters in this collection are, in various degrees, ones well trodden by Ray himself: Aboriginal-newcomer interaction, Native struggles for land and resources under colonialism, “Indian” policy and treaties, mobility and migrations, disease and well-being, and questions about “doing” Native history.

The chapters appear in roughly chronological order. Selective and especially focused on western Canadian topics, they nonetheless reflect current research interests among some of Ray’s colleagues and former students. We continue Ray’s own focus not only geographically but also chronologically: the majority of chapters centre especially on the eighteenth and nineteenth centuries, when the commercial viability of the fur trade shifted from competition to monopoly and the fur trade waned in the face of the arrival of



non-Aboriginal settlers. Only time and space constraints prevented the inclusion of chapters by others whom the editors first approached. And, frankly, the fact that no one initially declined the invitation to contribute to this collection speaks volumes about Skip's professional and personal influence on the careers of scholars working on Native history in this country. The present contributors reflect a healthy mix of new and well-established scholars and, like Ray himself, reflect the geographic and historical perspectives of interdisciplinary methodologies whereby Aboriginal perspectives and actions are highlighted alongside colonial voices.

After an introductory chapter by the editors, *New Histories for Old* begins with Jennifer S.H. Brown's examination of Aboriginal and non-Aboriginal conceptions of the central and western subarctic, which became the site for centuries of Native–non-Native interactions in western Canada during the fur trade. Next, the evolution of treaty relationships and Aboriginal interactions with colonialism are taken up in chapters by Victor Lytwyn, J.R. Miller, and Jody Decker. These are followed by five more tightly focused chapters that feature BC First Nations confronting the challenges posed by newcomers arriving and staying in their homelands (Dan Marshall, Keith Carlson, Paige Raibmon, Susan Neylan, and Robert Galois). Finally, the volume concludes with fellow geographer Cole Harris' overview of Ray's contributions to Native historiography in Canada.

New Histories for Old begins with a historiographical chapter by the editors, both former doctoral students of Arthur J. Ray. Research into the pasts of Aboriginal people in Canada can only be adequately understood in the context of trends in Canadian political and legal history. Scholars in the field of Aboriginal studies need to be aware that, regardless of the detachment and disinterest they achieve or aspire to achieve, their research has political and legal significance. To a greater degree than most fields of history, the results of research in Aboriginal history are likely to directly affect the lives of people today and in the future. So, our first chapter explores the significance of Skip Ray's research in Aboriginal history, beginning in the early 1970s, but it also explains how Ray (and scholarship more generally) was affected by the growing influence of Aboriginal political movements and Aboriginal claims in Canada and elsewhere.

Like Ray, Jennifer S.H. Brown established her career by effectively using the Hudson's Bay Company Archives (when they became publicly accessible in the 1970s) and by concentrating on the active role of Native peoples in the fur trade. For this collection, Brown examines perceptions of the Hudson Bay region before Rupert's Land was "invented" and how non-Native constructions of this region compared with those of the original inhabitants. The different ways of framing knowledge of the land and, later, possession of it that inform contemporary land claims have deep historic roots that are

apparent in these early years of contact and trade between the *O mushkegowak*, or Swampy Cree, and the English and French newcomers. Her work shows how connections between the scholarly world and Native communities both inside and outside the context of litigation have enriched our understanding of Canada's past.

Brown's chapter is followed by one by Victor Lytwyn. Skip Ray and Victor Lytwyn provided historical and geographical evidence during the 1998 trial on Métis hunting rights, known as the *Regina v. Powley* case. Ray's findings provided key evidence for the Supreme Court of Canada's 2003 judgment in favour of the Métis, which ruled that the Métis at Sault Ste. Marie may be regarded as an Aboriginal community and possess the same hunting rights as other Native groups in the region. A version of Lytwyn's own research for *Powley* is presented here in "Echo of the Crane," wherein he traces the origins and termination of the Métis settlement at Sault Ste. Marie as well as the extinguishment of Aboriginal title among Ojibwa groups in the area (by 1850).

J.R. Miller, a well-known historian of Indian policy in Canada, co-authored *Bounty and Benevolence* with Skip Ray. In his contribution to this volume, Miller challenges the common perception that all treaties with First Nations in Canada have been imposed land cessions. In his chapter, Miller traces the historical diversity of "treaties" across Canada from the seventeenth century to the present, illustrating how they ranged from commercial and friendship compacts to territorial and property contracts and even to covenants of an ongoing relationship not only between Native and non-Native but also between these parties and their deities. Perceptive readers will recognize the many ways that Miller's research is influenced by, and builds upon, the work of Skip Ray.

A health care practitioner for years before becoming an academic, Jody Decker first crossed paths with Skip Ray when he served as the external examiner at her PhD defence. Decker is a geographer who shares Ray's interest in the history of disease among Aboriginal peoples. Her chapter explores the prairie borderlands' scare zone, which emerged through early twentieth-century outbreaks of smallpox, and how it affected Native and non-Native peoples in different ways. With efforts to contain the contagion through quarantine, under federal direction the provincial and territorial public health departments created inspections and restrictions that impinged on Aboriginal mobility. Decker's chapter illustrates the importance of pathogens in the creation of certain aspects of Indian policy in Canada.

Shifting the focus to the "west beyond the west," the next five chapters consider Aboriginal–Euro-Canadian encounters in British Columbia.² In "Mapping the New El Dorado," Dan Marshall, one of Ray's former graduate students, explores how the 1858 Fraser River gold rush reconceptualized space through naming and mapping practices. The ancient Aboriginal world,

which linked people to place and spirituality to spaces along the river, was, in effect, appropriated then erased by the “California world” of the miner-invaders. While not all the place names survived the rush when the miners moved on, Marshall argues that the fact that many did “may be seen as both legitimizing the colonial presence along the Fraser River and the continued occupation of Native lands and culture.”

Like Marshall, Keith Carlson, another of Ray’s former doctoral students, has focused on British Columbia’s Fraser River as a site of conflict over Aboriginal rights. Fishing rights were central to the social and economic welfare of all Coast Salish peoples living along the river. Their previous mode of resolving fishing disputes prior to the arrival of Europeans to the region involved the public bestowal and recognition of hereditary rights to particular locations along the river through potlatches. Instead of evoking the expected dichotomy used by other scholars to describe the Native battles for rights and resources in the colonial period, which pits tradition against assimilation, Carlson examines struggles over fishing sites in the lower Fraser Canyon for what they can reveal about the continuing value of “tradition” in Aboriginal adaptations to colonialism.

In her contribution, Paige Raibmon, a former student and now departmental colleague of Skip Ray, shows that many Aboriginal people in British Columbia were unable to secure their access to land and resources in the same ways as did the Salish and non-Natives. From the colonial perspective, land ownership meant permanent and continuous residence, and, through a policy of land pre-emption (something not available to First Nations people in British Columbia after 1865), non-Natives could gain title to Aboriginal land due to a narrow definition of occupancy. Sedentary lifestyles were encouraged for First Nations by missionaries and government officials alike. However, as Raibmon explains in her chapter in this volume, the tendency to restrict Aboriginal peoples to reserves, frequently on less arable pieces of land or where viable economic opportunities were limited, ironically propelled them into the capitalist marketplace, which often took them away from home. Drawing upon a variety of sources, including evocative Native testimony given before the McKenna-McBride Royal Commission, 1913-16, Raibmon illustrates the gap between indigenous and colonial understandings of mobile expressions of ownership and title to land and resources.

One of the themes emphasized in Ray’s *Indians in the Fur Trade* is how centuries of close commercial ties to Europeans prompted Native groups to move and shift their territories. These migrations not only served Aboriginal needs in the fur trade but also allowed them to respond to changes to the balance of power among Native groups. Susan Neylan, another of Ray’s former doctoral students, saw similar patterns in her own study of Protestant missionization on the Northwest Coast. In her chapter, Neylan explores the ways in which missions hastened a migration of Aboriginal peoples not to

trading posts or seasonal work sites but, rather, to a whole new permanent village site. In 1887, the majority of Tsimshian residents from the mission town of Metlakatla on British Columbia's north coast left their traditional homelands for a new location on Annette Island in southern Alaska – New Metlakatla. Neylan's chapter examines discourses about the Tsimshian relocation as they were recorded in textual and oral sources.

As with Neylan, Robert Galois, one of Ray's fellow historical geographers at the University of British Columbia, centres his analysis on a single event in northern British Columbia in the 1880s that exemplifies Aboriginal people's struggle for self-determination and the free exercise of rights and customs within their territories. Early in 1888, in the Kitwancool valley on the Upper Skeena River, a man named Neatsqua was killed by another Gitksan man, Kamalmuk (also known as Kitwancool Jim). Galois compares textual sources produced by the non-Native "settler" society in the region and by government officials who came to enforce British-Canadian presumptions about law and order. He insists that the incident itself and the differing interpretations of it must be viewed as part of the larger pattern of Native-newcomer tensions over land and resources.

The summary chapter in this volume is Cole Harris's piece on the contributions of Arthur Ray. Harris has been a colleague of Ray's for more than forty years, beginning as graduate students of Andrew Clark in the geography department of the University of Wisconsin, as collaborators on such projects as the *Historical Atlas of Canada*, and, until their retirements, as co-worker professors at the same institution (albeit in different departments), the University of British Columbia. In his chapter, Harris traces Ray's career as a historical geographer and historian of Native peoples from his early empirical impulses and originality in writing about the fur trade to his recent research projects. Throughout, Harris evaluates Ray's contributions to the field, notably in fur trade scholarship. Ray remained firmly rooted in these origins, even as he moved into the courtroom as an expert witness or engaged in a large comparative project about scholarly constructions of Native cultures and histories.

For over thirty years, Arthur J. Ray has occupied a leading position in scholarly attempts to reconstruct Canada's Native pasts. Indeed, the current trajectories of Ray's work continue to expand our understanding of Native pasts in Canada and elsewhere. Given the fact that Ray's work is destined to be influential for many more years, the editors and contributors hope that this volume allows scholars to better understand Ray's work over the past three decades, makes a contribution to various fields that have been of interest to Ray, and inspires other researchers, including those who have never met Skip Ray, to make inquiries in areas where our knowledge remains flawed and incomplete.

Notes

- 1 Always a popular undergraduate teacher, graduate advisor, and mentor and colleague to several contributors to this very volume, Ray was elected to the Royal Society of Canada in 2002 for his “outstanding contributions as a historian and historical geographer whose work reflects his broad interests in aboriginal-white relations, the fur trade, and the adaptive capacities of aboriginal peoples. He has also contributed to the understanding of disease and population decline, diet, and the impact of post-contact economic developments on the aboriginal-white relationships in Canada” (taken from the Royal Society of Canada citation). Ray was inducted as a Fellow of the Royal Society of Canada at Rideau Hall in Ottawa in December 2002. Throughout his career, Ray has received many awards, book prizes, and other honours, including, recently, a Canada Council National Killam Research Fellowship (2001-2), the Bora Laskin National Fellowship in Human Rights (2005), and a resident fellowship at the Woodrow Wilson International Center for Scholars in Washington, DC (2005-6).
- 2 “The west beyond the west” is Jean Barman’s phrase, taken from her historical profile of the province. See Jean Barman, *The West beyond the West: A History of British Columbia*, rev. ed. (Toronto: University of Toronto Press, 2004 [1996]).



New Histories for Old







1

Arthur J. Ray and the Writing of Aboriginal History

Ted Binnema and Susan Neylan

In 1977, when Arthur J. (Skip) Ray presented a paper entitled “Fur Trade History as an Aspect of Native History” at the Western Canadian Studies Conference in Calgary, and when it was published the following year, his audience recognized the argument as revolutionary.¹ But by then scholars already knew Ray as part of a relatively small group of young scholars that was transforming perceptions of the history of the fur trade in North America and challenging the way people thought about Aboriginal history. In 1982, that article was included in the first edition of what became the most widely used collection of articles in undergraduate pre-Confederation Canadian history courses.² Ray’s central argument was that “one important aspect of any new meaningful Indian history necessarily will be concerned with the involvement of the Indian peoples in the fur trade and with the impact of that participation upon their traditional cultures as well as those of the European intruders.”³ That argument quickly became so convincing, so common sense, even outside academia, that it soon became difficult to convince students that Ray had ever said anything new.⁴

Arthur J. Ray did not, of course, single-handedly change perceptions of Aboriginal people in Canada, but he emerged as a path-breaker for the “first wave” of academic Native history in the 1970s and 1980s, and he has remained a leader in the field ever since.⁵ When Ray’s career started, rapid and dramatic changes in public perceptions of Aboriginal peoples and of their roles in Western societies were well under way. Thus, Ray was thrust into a position in which his work became timely due to forces outside his control. Yet, the timeliness of his research and his empirical approach have ensured that he became not only a knowledgeable observer but also a participant in developments in Canada. As his career progressed, the applied nature of some of his research in the courtroom, along with his explorations of the applied research conducted by earlier generations of scholars interested in Aboriginal affairs, affected his research paths. In short, the

work of Arthur J. Ray has both reflected and influenced the changing milieu within which he has lived and conducted his research.

In the late 1960s, when Skip Ray entered the doctoral program in geography at the University of Wisconsin, Madison, he was not intent on researching the historical geography of the fur trade in Rupert's Land. Born and raised in southern Wisconsin, he enrolled in the PhD program still open-minded about which direction his research might take him. His supervisor was the Canadian historical geographer, Andrew H. Clark (1911-75), who, according to another of his students, Cole Harris, was, more than anyone else, "the father of modern North American historical geography."⁶ Descended from a Prince Edward Island family, Clark had been born on an Indian reserve (his father was a government surgeon) in Manitoba in 1911 and had studied at McMaster University and the University of Toronto, where he was mentored by the geographer Griffith Taylor and the economic historian Harold A. Innis. Then, following Innis' advice, he went to the University of California, Berkeley, in 1938 to complete a PhD under Carl Sauer. Although disposed towards researching Prince Edward Island, Clark took advantage of a two-year position at the University of Canterbury in New Zealand to complete a dissertation on New Zealand historical geography. The dissertation, published as a book in 1949, explored the invasion of New Zealand by Europeans and the animals and plants of Europe – an aspect of a global process now well known as "ecological imperialism."⁷ But the term "ecological imperialism" carries a considerable assumption of determinism and inevitability, and Clark's scholarship, while emphasizing environmental change, always avoided either environmental determinism or cultural determinism – a tendency also evident in the work of some of his students, including Ray. Clark did turn, after completing his dissertation, to North American historical geography, and, by the time Ray became his student in the late 1960s, most of Clark's published work focused on European settler colonialism, particularly in the Maritime provinces of Canada.

In 1951, Clark took up a position in the geography department at the University of Wisconsin, Madison. From there, he supervised many historical geographers, including several Canadian graduate students who staffed geography departments in universities across Canada. Clark earned a reputation as a demanding and rigorous supervisor of graduate students. Students found him critical yet supportive. Over the years, his graduate seminars, in which students developed, researched, and defended original projects, launched many research careers and inspired many book-length studies.⁸ Most of Clark's students pursued regional studies. In a sense, Ray's research topic was the most original among Clark's students because, rather than focusing on the colonizers, Ray examined the colonized. When it came time for Ray to decide on a dissertation topic, Clark suggested that he undertake a historical geography of the Métis of Red River.

Despite his mentor's suggestions and his own expectations, Ray's dissertation actually became a historical geography of the fur trade of the subarctic regions of Rupert's Land, southeast of Hudson Bay. But he moved beyond some of the preoccupations of scholars at the time. For example, geography and anthropology were still dominated by culture-area approaches to understanding Native peoples and their history, whereas Ray focused on a boundary zone between such areas, Aboriginal movements across that boundary, and the dynamic political-economic adaptations within various culture areas. Ray's spatial and ecological analysis warrants categorizing the book as one of the earliest efforts in Canadian environmental history – something that scholars in the discipline of history were ill-prepared to undertake at the time.

Ray also approached fur trade history in a fresh way. The fur trade had already figured prominently in Canadian historiography for many decades. In fact, the preeminent scholar of the fur trade at the time was Andrew Clark's friend and mentor, Harold A. Innis. Innis, well known for his elaboration of the famous "staples thesis," had written his major work on the history of the fur trade in the 1920s. Innis argued that the fur trade was central to the development of the country.⁹ This emphasis on the significance of the fur trade in national and imperial expansion characterizes most of the historical scholarship on the fur trade published before 1970, and it is this Eurocentric scholarly tradition from which Ray departed.¹⁰ Still, Ray admired Innis' work at a time when many seemed ready to dismiss it. On the fiftieth anniversary of the publication of *The Fur Trade in Canada*, the University of Toronto Press issued a reprint with an introductory essay by Arthur J. Ray. In that essay, Ray argues that Harold Innis' *The Fur Trade in Canada* "remains essential reading for the study of Canada."¹¹ He explained how, in his own time, Innis had also been breaking new ground in this field – with an impact that, according to Ray, is seemingly overlooked by more recent scholarship emphasizing "the deconstruction of metahistories of the very type created by Innis."¹² In many ways, Ray's defence of Innis' work can be seen as a general argument for the continued relevance of economically and geographically focused studies based on thorough and detailed archival research – exactly the kind of studies Ray himself preferred. The fact remains, however, that historians like Innis badly underestimated the role that Aboriginal peoples played in fur trade history. And Innis assumed that Aboriginal peoples must have expressed their economic motivations much like Europeans, despite their very different lifestyles and worldviews. As Bruce Trigger has written, to the extent that they did consider Aboriginal peoples, historians like Innis depicted them as "economic stereotypes only minimally disguised in feathers."¹³

Ray completed his dissertation in 1971, and the University of Toronto Press published it as a book in 1974. It may seem almost conventional today, but, when it was published, its title, *Indians in the Fur Trade: Their Role*

as *Hunters, Trappers, and Middlemen in the Lands Southwest of Hudson Bay, 1670-1870*, signalled a dramatic departure from previous scholarly preoccupations.¹⁴ The book showed very clearly that, unless the role of Indians as hunters, trappers, and intermediaries was considered, our understanding of the history of the fur trade would remain badly distorted. Indeed, as Ray himself recalls, when he first proposed looking at the Native side of the fur trade, Clark smiled and said he doubted it could be done. But only a handful of people, such as Harold Hickerson and Charles Bishop, knew the richness of the Hudson's Bay Company records, which the company had recently begun to make much more accessible to scholars.¹⁵ The Public Archives of Canada (now the Library and Archives of Canada) had begun to acquire microfilmed copies of the Hudson's Bay Company's pre-1870 records during the 1950s, greatly facilitating the use of those records by North American scholars. The subsequent relocation of the entire archives from London, England, to Winnipeg in 1970 made the Hudson's Bay Company Archives an important gathering place for emerging scholars with interests in the history of the fur trade. Ray's dissertation, together with dissertations and theses by Jennifer S.H. Brown, Sylvia Van Kirk, John E. Foster, and John S. Milloy, was transforming the scholarship in Canadian Native history between 1971 and 1976; these people put the writing on the history of the fur trade in Rupert's Land on the leading edge of Aboriginal historiography.¹⁶ This research altered the image of Aboriginal peoples from one of passive and historically unimportant participants in processes they could neither understand nor control to one of people who were willing, shrewd, sophisticated, and historically decisive partners in commercial and social relationships over which they exerted considerable influence. As Cole Harris points out in this volume, Ray's 1974 study "shifted studies of the fur trade towards Native people and the environment and, in so doing, created a framework that recontextualized the trade while exposing many understudied questions." Both Ray and those he influenced as colleagues or students not only took up these understudied questions to good effect but also placed Aboriginal peoples at the centre of the historical action. *Indians in the Fur Trade* went through several reprints and sold out three times before the University of Toronto Press reissued it in a second edition in 1998. When reflecting on the significance of its own centennial in publishing, the press listed Ray's work among the one hundred most important books it had published in the previous century.

Aboriginal peoples' economic behaviour was a focus of particular interest in the period in which Ray undertook his dissertation research. A lively debate emerged in North America after 1960, when the well-known historian of the Hudson's Bay Company (HBC), E.E. Rich, published an article that forced historians of the fur trade to confront what HBC traders had known long before Adam Smith proposed a market theory of economics

and what anthropologists had been discussing for a number of years: that Indian trade behaviour appeared to contradict, in several fundamental respects, expected human economic behaviour. Neither Rich nor the formalists could explain these apparent contradictions.¹⁷ The paradoxical economic behaviour of “primitive” peoples worldwide led to the emergence of a revisionist school of indigenous history known as the substantivists, or romantics. Essentially, substantivists explained the problem by arguing that Western and non-Western societies did not differ in degree, as the “formalist” historians such as Innis had assumed, but qualitatively. The roots of the substantivist school can be traced back to the Marxist economic historian of ancient economies, Karl Polanyi (1886-1964). Publishing his ideas in the 1940s and the 1950s, Polanyi argued that formal economic theory applies only to modern state economic systems, which (according to formalist and substantivist scholars) have divorced the economy from important social, political, and ideological constraints. Drawing on his own historical research as well as on anthropological literature, Polanyi suggested that non-Western human interactions needed to be studied in very different ways than Western human interactions because, in non-Western societies, humans sought merely to satisfy basic physical and social needs. In Polanyi’s conception, economics, politics, and diplomacy in non-Western societies were so intertwined as to be inseparable.¹⁸ Gone from his definition of economics was any suggestion – dominant in classical economic thought – that maximizing behaviour, unlimited wants, or the price mechanism of resource allocation naturally operated in human societies. George Dalton, a primary disciple of Polanyi, argued that “transactions of material goods in primitive society are expressions of social obligations which have neither mechanism nor meaning of their own apart from the social ties and social obligations they express.”¹⁹ Although Polanyi’s thoughts were entirely consistent with Boasian anthropology, Polanyi and his followers did much to elaborate and popularize substantivism. Anthropologist Marshall Sahlins, Polanyi’s colleague at Columbia University, introduced substantivist thought to students of Native history in North America during the 1960s. Sahlins argued that the genius of economics in primitive societies lay in the fact that primitive peoples learned to limit their wants. Thus, although they owned little, they attained “original affluence.”²⁰ Polanyi’s substantivism was applied to the fur trade in Abraham Rotstein’s ahistorical PhD dissertation in political economy, completed at the University of Toronto in 1967, and in a subsequent article.²¹ The substantivist approach has found its most extreme expression and most outspoken advocate in Calvin Martin.²²

Ray, like many people in the late 1960s, was intrigued by the economic theories of the substantivists when he undertook his dissertation, but his research convinced him that the substantivists were mistaken. His rebuttal to the substantivists came in the years after he published *Indians in the Fur*

Trade, and especially in his second book, co-authored with Donald B. Freeman, "*Give Us Good Measure*" (1978).²³ In this work, Ray and Freeman argued that, although Aboriginal economic behaviour differed from European economic behaviour – with significant implications – Aboriginal peoples were driven by similar economic motives as were other peoples. For example, wealth acquisition was a common concern for Natives and non-Natives alike, but a key difference was the way in which wealth, status, and power were linked in different societies. Like the trading captains Ray described in "*Give Us Good Measure*," most Aboriginal traders involved in economic exchange with Europeans redistributed acquired wealth in order to gain or reinforce status, but personal accumulation on its own was viewed as a highly anti-social activity. This did not mean that the Aboriginal trading captains who travelled annually to HBC posts were not concerned about the price of beaver pelts. They used competition between Europeans whenever they could to their best advantage and to garner the best quality goods for the pelts they exchanged. Thus Ray and scholars like him might be labelled rationalists in that they argue that historical Aboriginal behaviour is explicable today because, despite significant cultural differences, humans in all societies act according to rational assessments of their self-interests.²⁴

Not surprisingly, soon after Ray completed his dissertation, he found himself at a Canadian university: he took up a position in the geography department at York University in Toronto. When he undertook his study of the role of Aboriginal peoples in the fur trade, he never dreamt that his work would have particular political, legal, or social relevance. Quite the contrary. The late 1960s witnessed urban race riots in many American cities. As Ray watched fellow graduate students embark on studies of the historical and social geography of American cities, he easily understood the relevance of their studies, but his own work seemed unrelated to the major issues of the day. That changed very quickly. In fact, although Ray's study turned the scholarship on Aboriginal history towards an entirely new path, changes in Canada's relationship with its Aboriginal peoples changed even more dramatically between the time Ray began his research and published his findings. Those changes guaranteed that such research and expertise would be relevant outside academia for some time to come.

Two major developments, their significance magnified by international developments, altered the state of Aboriginal affairs dramatically in the late 1960s and early 1970s. On 25 June 1969, exactly one year after it was elected, Pierre Trudeau's Liberal government introduced its *Statement of the Government of Canada on Indian Policy, 1969*, better known as the "White Paper."²⁵ Reminiscent of the United States' policy of termination, which had been abandoned by 1969, the Canadian government's White Paper proposed to eliminate all legal and constitutional distinctions relating to Indians. This meant abolishing the Indian Act and shutting down the Department of

Indian Affairs within about five years. Indian reserves, held in trust by the government since before Confederation, were to pass to Indian ownership. With regard to Aboriginal land claims, the policy paper suggested that they were “so general and undefined that it is not realistic to think of them as specific claims capable of remedy except through a policy and program that will end injustice to Indians as members of the Canadian community.”²⁶ Perhaps the most significant legacy of the White Paper is the political organizations and activism that it encouraged. Coinciding with events such as the Indian occupation of Alcatraz, which began in November of 1969, reactions to the White Paper propelled Aboriginal issues to the front pages of Canada’s newspapers. Within two years, in the face of very vocal and adamant opposition on the part of Aboriginal leaders and groups, the government formally withdrew the paper. In the 1970s, Aboriginal peoples were displaying the kind of sophistication that Ray argued they had shown during the fur trade period.

The second pivotal event was the Canadian Supreme Court’s January 1973 decision in *Calder v. Attorney-General of British Columbia*, which arose from a demand for rights and recognition put forward by the Nisga’a of British Columbia’s north coast. Although a split decision (3:3, with one abstention), half of the judges decided there was such a thing as Aboriginal title in Canadian common law, and they made it clear that Aboriginal peoples might still be able to make legal claims based on that title. Bracketed by the Trail of Broken Treaties and the occupation of the offices of the Bureau of Indian Affairs in Washington in October and November 1972 as well as the siege at Wounded Knee in South Dakota in the spring of 1973, and occurring against the backdrop of an increasingly aggressive American Indian Movement (AIM) in the United States, the *Calder* decision induced the government of Pierre Trudeau to develop a land claims policy that acknowledged Aboriginal title.²⁷ In August 1973, Jean Chrétien, the minister of Indian affairs, introduced the new land claims policy. Nineteen seventy-four, the year *Indians in the Fur Trade* was published, was marked by many Aboriginal protests in Canada, the most prominent being the five-week occupation of Anicinabe Park in Kenora, Ontario, and the “Native Caravan” in September, which culminated in the occupation of a government building and the storming of Parliament on 30 September 1974. In the short span of about five years before Ray’s *Indians in the Fur Trade* was published, the significance of government Indian policy and, indeed, of Aboriginal grievances in Canada generally, had been transformed; in turn, academic interest in Native history was stimulated by court cases like *Calder* and those that followed.

In the early 1970s, the failed attempt by the Liberal government to abolish Indian status, the establishment of a land claims process and Aboriginal rights litigation, the emergence of vocal and assertive Aboriginal leaders and organizations, and growing public awareness of and sympathy for

Aboriginal peoples drew many historians into the field of Aboriginal history. Academics soon learned that doing Native history had real consequences for the lives of Aboriginal people. Modern Aboriginal land and rights claims drew upon academic research and/or hired academics as expert witnesses, bringing Canadian scholars into a process that, in the United States, had already been under way for two decades. In the fifteen years after the White Paper, at least five graduate students completed dissertations or theses on the history of Indian policy in Canada.²⁸ The claims process certainly drew Arthur J. Ray into new areas of research.²⁹ Curiously, however, Arthur Ray is one of the few historians who has researched both fur trade history and Indian policy history. Ray's *Indians in the Fur Trade* argues that Aboriginal peoples were not only reactive but also creative and innovative participants in the trade. His subsequent work similarly argues that Aboriginal peoples continued to be resourceful and innovative throughout their postcontact histories.³⁰

Furthermore, some of Ray's work suggests that the fur trade left a legacy that influenced Aboriginal-government relations long after it had ended. During the 1980s, much of his research examined periods during which the significance of the fur trade waned in the broader economy but continued to be central to Native economies. For example, in two important essays Ray suggests that an understanding of the paternalistic relationship that existed between the HBC and Aboriginal people is important for understanding later Native perspectives on welfare.³¹ He focused on these very issues, and specifically on the decline of the old company paternalism during the fur trade of the late nineteenth and twentieth centuries in his 1990 book *The Fur Trade in the Industrial Age* (another sequel of sorts to his first monograph).³²

However, in general and until recently, historical scholarship on Aboriginal-newcomer relations during the fur trade contrasted sharply with the literature on Native-government relations after the fur trade. Perhaps because fur trade history and Indian policy history were distinct and separate fields of history, historians have concluded that Native-newcomer relations changed suddenly and dramatically when the fur trade ended and governments began to devise and implement Indian policies. Almost inevitably, then, as J.R. Miller argues in *Skyscrapers Hide the Heavens*, the only general history of Indian-government relations in Canada holds that, whenever and wherever the economic partnerships and military alliances waned in significance, relationships between Aboriginal peoples and newcomers quickly changed from cooperative to coercive.³³ But Miller is among those who have expressed dissatisfaction with the image of Aboriginal peoples as supine victims of Indian policy. Shortly after he published his first edition of *Skyscrapers Hide the Heavens*, he decried the fact that "discussions of nineteenth-century assimilative policies have persisted in an older tendency to treat the Indians as objects rather than agents, victims rather than creators of their history."³⁴

Miller explicitly suggests that historians of Canadian Indian policy should draw inspiration from the fur trade historiography pioneered by scholars like Arthur J. Ray and Robin Fisher during the 1970s in order to better understand relations in the subsequent periods of history. Miller then goes on to argue that Aboriginal resistance had rendered many Canadian Indian policies ineffective.³⁵ Miller was not the only historian who began to examine the historical significance of Indian resistance, or, more correctly, “creative opposition,” to government coercion. During the 1990s, Douglas Cole and Ira Chaikin and Tina Loo argued that, although there were laws that outlawed the potlatch among the Indians of the west coast, Indian interactions (running the full gamut of resistance, ignorance, and adaptation) with these laws helped ensure that they were rarely enforced.³⁶ In this way, the work of historians like Miller, Cole, and Loo has changed our perceptions of how Indian policy was developed and administered. Several of Ray’s students have since examined the history of Indian policy in similar ways. Hence, historians of Aboriginal-state relations in Canada now assume that Aboriginal resistance to policies they opposed significantly undermined the effectiveness of those policies and that an understanding of this resistance is crucial for an understanding of how government officials implemented policy.

In *Bounty and Benevolence: A History of the Saskatchewan Treaties*, Arthur Ray, J.R. Miller, and Frank Tough argue that Aboriginal understandings of the numbered treaties of the Canadian Prairies were heavily influenced by the context of the practices of the fur trade.³⁷ Ray’s contribution to the volume was strongly influenced by his involvement in the Ermineskin and Samson Cree case (*Buffalo et al. v. Regina*, 2005). His testimony at this court case led him to revisit the political dimension of the fur trade not in terms of formalist/substantivist academic debate but, rather, in terms of the implications it had for settling patterns of relations between the Crown and First Nations, especially with respect to treaty-making and interpretation.³⁸ The co-authored publication that came to include Ray’s interpretation had its origins in a research report commissioned by the Office of the Treaty Commissioner in Saskatchewan and had been intended as a contribution to a process seeking to facilitate greater understanding of treaty rights and to foster discussion between government agencies and First Nations in matters of child welfare, education, health, justice, and resource use.³⁹

Although the work was originally intended to encompass both oral and textual sources on treaties, time constraints necessitated a splitting of the two types of sources into separate projects. Thus, the study conducted by Ray, Miller, and Tough was derived exclusively from documentary, primarily non-Native, sources. Despite the uncritical government perspectives endemic to these sources, Ray and his colleagues argued that “First Nations played a more active role in initiating and shaping treaties than academic scholarship

has acknowledged in the present” and that “less praise is due the federal government and Canadians at large for the making of the treaties.”⁴⁰ They argued that the creation of treaties in Saskatchewan, and across the entire area north and west of the Great Lakes, should be understood within a larger historical continuum of different phases of the Western fur trade, earlier colonial diplomatic traditions, and the active role of Native negotiators bent on ensuring the Crown’s “bounty and benevolence” for their independence and continued survival.

Ultimately, this study illuminates the fact that, if one privileges only governmental viewpoints, one’s perspectives on the treaty process will be both incomplete and inaccurate. When written accounts are read against the grain for Native perspectives (and, indeed, some Native leaders’ speeches and oral testimonies were captured in the treaty commissioners’ reports), as the authors did, it becomes clear that “the implementation of the treaties was fraught with difficulties for First Nations communities.”⁴¹ In this way the book makes a significant contribution to our understanding of Native-newcomer relations and treaty history in Canada.

In 1981, Ray went to the history department at the University of British Columbia, a move that put him in the province in which Aboriginal land claims were most active. Soon he was researching on behalf of Native claimants in British Columbia and elsewhere. With acknowledged expertise in the fields of Native economic history and cultural ecology, Ray participated as an expert witness in several landmark cases, including *Horseman* (1990), *Delgamuukw* (1991), and *Powley* (2003). Ray’s empirical style is based on thorough research in archival sources, and his economic focus helps explain his affinity for Innis; however, in many ways it also explains why he has ended up providing expert evidence in the courts. His non-Marxist materialist emphasis meant that his research was particularly relevant to those making claims to land and hunting and fishing rights. It is also probably true that Ray’s research related to litigation reinforced his commitment to detailed research, an empirical approach, and an economic focus. Ray’s work rarely explicitly addresses theory, gender, religion and spirituality, or other themes that have become increasingly prominent in the field. Never a theoretician, Ray has been little influenced by the postmodern turn, and his experience in the courts may partially explain why this is true even in the present. While theory generalizes historical experience, in the courtroom it is the particularities that come under the microscope.⁴²

Ray’s encounters with the Canadian legal system changed him as a scholar. History in the courtroom, as he immediately discovered, is profoundly different from how historians usually practise their craft and defend their interpretations. Ray noted the negative impact of the confrontational environment of the courtroom not only upon the conceptualizations of Native peoples but also upon one’s ability to *do good history* in such a context.

"The expert witnesses, who often are academics, find themselves in the unusual circumstances of having to do ethnohistory in an adversarial environment," he explains, "where their personal credibility and that of their report are sharply challenged."⁴³

In the mid-1980s, after a relatively pleasant first experience without cross-examination in the *Horseman* case (concerning the treaty hunting rights of a Bert Horseman, a Cree man who lived in Alberta), Ray agreed to a request by a group of fifty-one hereditary chiefs in British Columbia to research the history of early European-Native contacts, notably between the Gitksan and Wet'suwet'en people and HBC officers and other company employees (who comprised the first group of Europeans to maintain sustained direct contact). His account highlighted the records of William Brown, the HBC chief trader who, in 1822, established Fort Kilmaurs on Babine Lake, a primary source that nearly all of the subsequent ethnographic studies of the region had overlooked. Brown's writings proved to be a rich source of information on Native social structures, land tenure systems, and local economies and trading networks. The information Ray highlighted was based on Brown's work and complemented Gitksan and Wet'suwe'ten oral records regarding how their "ancestors had exercised their title in the claims area" and responded to economic changes brought by the fur trade.⁴⁴

After a version of his report was submitted by the chiefs as evidence during *Delgamuukw v. Regina*, Ray was asked to appear in the courtroom as an expert witness on their behalf. The encounter proved to be an arduous one:

I faced four days of stressful cross-examination by two teams of lawyers who represented the province and the federal government. They not only challenged the evidence I presented to the court, but put my scholarly publication record on trial too. This experience, and my subsequent involvement in other treaty and Métis rights cases, sparked my interest in the history of cultural/historical research oriented to claims and other litigation, as well as the presentation of this evidence in court and in other quasi-judicial settings.⁴⁵

In the courtroom, with its oppositional approach to presenting and arguing the merits of historical evidence, there is frequently little understanding of, or appreciation for, the historian's craft. Lawyers seeking to make their case may take documents out of their historical contexts and ignore the role of the scholar as interpreter, not merely collector, of such written evidence.⁴⁶ Clinging to outmoded models of Native history, the courts have a tendency to essentialize Aboriginal cultures or portray First Nations according to simplistic and often negative stereotypes. Ray's experiences of Native history in the courtroom prompted him to write a popular history of Canada's Aboriginal Peoples – *I Have Lived Here Since the World Began* – wherein Native

economies and societies are highlighted as the complex and dynamic entities they have been in the post-Columbian context.⁴⁷

During *Delgamuukw*, Ray was especially frustrated by the Crown's portrayal of the Gitksan and Wet'suwet'en as violence-prone peoples living under lawless circumstances (something he vehemently disputed from the stand, almost to the point of anger). Sadly, this Eurocentric perspective was shared by the judge himself, Chief Justice Alan McEachern, who, in his 1991 reasons for judgment against the hereditary chiefs' claims, characterized life in their territories with the nineteenth-century Hobbesian descriptor: "nasty, brutish, and short."⁴⁸ In the end, both the British Columbia Court of Appeal (1992-93) and the Supreme Court of Canada (1997) overturned his decision. In fact, the latter went further, stating that, in the future, the Canadian judicial system must accommodate Aboriginal oral evidence on par with documentary sources and must take seriously the constitutional recognition of Aboriginal title where it has not been extinguished.

A year before the Supreme Court overruled McEachern's judgment, the nationwide Royal Commission on Aboriginal Peoples issued its report (1996), highlighting the utility of historical study and education about Native history as central to achieving social justice and reconciliation for First Nations in Canada.⁴⁹ The commissioners observed that "questions of voice, research, evidence, and the way history is used in the litigation process" have emerged as issues of direct concern to Native historiography and in the lives of contemporary First Nations.⁵⁰ While some scholars have warned of the dangers of "advocacy history," Ray and his colleagues, who have acted as expert witnesses in such cases as *Delgamuukw* and *Powley*, effectively demonstrate how history research has the potential to function as a mechanism for acknowledging and addressing the wrongs done to First Nations in this country over the last five hundred years or more.⁵¹

Aggravating as they may be, ultimately, close engagement with constructions of history in the courtroom can be stimulating to the individual scholar. Ray's work in *Powley* – the first Métis rights case to make it to the Supreme Court of Canada and whose decision is already having a major impact in legal and political circles today – brought him full circle back to hunting rights in the context of the fur trade and Métis history (the area Clark had once encouraged him to pursue and to which he had only briefly alluded to in *Indians in the Fur Trade*).⁵² Ray felt that "the *Powley* decision and subsequent emergence of Métis communities across the country is forcing us to re-think Métis history, which has had a prairie-centric focus."⁵³ In claims work, scholars talk with at least two other constituents (Aboriginal and legal), creating a greater potential for revisionist interpretations than is produced by insular academic discourses alone. Canadian Native historiography as a whole, therefore, has come to incorporate different issues and questions and to pursue diverse avenues of inquiry because of the community

concerns with which claims research has to contend. We might call this simply a “reality-check” effect of indigenous postcolonial challenges to scholarly knowledge production systems. Claims research is innovative in that one or both parties engaged in the case not only force the academics acting as expert witnesses to re-examine historical scholarship but also help determine the direction of their research inquiries (e.g., many claimants’ ancestors had not been the focus of scholarly work prior to filing claims), making the courts sometimes the *first* place to weigh new scholarship.

Most recently, Ray has shifted away from the fur trade and, inspired by his experiences as an expert witness in a number of high-profile Native land and resource rights court cases, has turned his scholarly gaze towards the history of those who, like him, have been both academics and expert witnesses.⁵⁴ In this research he has been inquiring into the relationship between people’s political and legal involvements and their academic and scholarly lives. In a large comparative research project, he is seeking to better understand how academics construct evidence in the courtroom and how pervasive their analytical models are with regard to knowledge about indigenous societies, economies, and concepts of territory, treaties, resources, and land rights in four countries (Canada, the United States, Australia, and New Zealand).⁵⁵ He found that scholars’ involvement in Native claims, particularly in the United States after the creation of the Indian Claims Commission in 1946, was more significant than he had realized. Ray’s work shows a deep and mature concern for and understanding of the construction of knowledge about Native history. His research has put him in some ironic positions. Ray, who has devoted most of his research career to studying Aboriginal peoples, now has begun to study those who study Aboriginal peoples. And many anthropologists accustomed to conducting interviews with Aboriginal people have found themselves speaking into microphones, they themselves being the subject of scholarly study, they themselves providing the oral evidence that will be analyzed by others. Many of Ray’s discoveries and arguments have yet to be reported, but what he has already published has shed new light upon how past scholars in Canada, the United States, Australia, and New Zealand have tried to conduct their research when they have had to wear the hats of dispassionate researchers and expert witnesses, on how academia has influenced the courts, and on how the courts have influenced trends in academia. Thus, Ray is studying a phenomenon that has been clearly evident in his own life and work.

Arthur J. Ray began presenting his research on Aboriginal history just as, in Canada, Aboriginal issues were thrust into the limelight. While he observed with interest the rapidly growing influence of Aboriginal peoples during the early 1970s, he must have been surprised to learn how relevant his research had become. By the 1980s, Ray had become not only an interested observer but also a participant in the processes by which Aboriginal peoples

were asserting their claims. Although even his earliest research was relevant to Aboriginal claims, Ray began to focus specifically on issues related to litigation. Eventually, that experience led him to explore the process by which the academy and the courts have influenced one another over the years. In this way, Ray was not only influenced by historical trends but also influenced them. No students of Aboriginal history today, certainly not any of Arthur J. Ray's students, can escape the reality that research into Aboriginal issues, even the most dispassionate research into ancient Aboriginal history, has direct implications for people who are alive today and whose lives have not yet begun.

Notes

- 1 Donald B. Smith, personal communication, 20 October 2006. The article was published as A.J. Ray, "Fur Trade History as an Aspect of Native History," in *One Century Later*, ed. D. Smith and I. Getty, 7-19 (Vancouver: UBC Press, 1978).
- 2 The reprinted article can be found as Arthur J. Ray, "Fur Trade History as an Aspect of Native History," in *Readings in Canadian History: Pre-Confederation*, ed. R.D. Francis and D.B. Smith, 149-60 (Toronto: Holt, Rinehart and Winston, 1982). It was also reprinted in the 2nd (1986), 3rd (1990), 4th (1994), 5th (1998), and 6th (2002) editions of the book.
- 3 Ray, "Fur Trade History," 7.
- 4 Indeed, the scholarship on the fur trade and on Aboriginal peoples has changed significantly since 1978, and so it is not surprising that Ray's article was dropped for a newer article in the most recent edition of that collection. After 1982, "First Nations" had replaced "Indian" so quickly that, by the 1990s, students found Ray's use of "Indian" jarring. Under these circumstances, it is even more difficult to convince students that Arthur J. Ray is among the most important people to present, defend, and establish scholarly arguments that they now see as given.
- 5 Kerry Abel identified Ray, along with the likes of Robin Fisher and Sylvia Van Kirk, as authors of path-breaking books on the first wave of Native historiography in Canada. See Kerry Abel, "Tangled, Lost, and Bitter? Current Directions in the Writing of Native History in Canada," *Acadiensis* 26 (1996): 92.
- 6 R. Cole Harris, "Andrew Hill Clark, 1911-1975: An Obituary," *Journal of Historical Geography* 2, 1 (1976): 16.
- 7 Andrew Hill Clark, *The Invasion of New Zealand by People, Plants and Animals* (New Brunswick, NJ: Rutgers University Press, 1949).
- 8 Cole Harris, personal communication with Theodore Binnema, 23 September 2005.
- 9 Harold A. Innis, *The Fur Trade in Canada* (Toronto: University of Toronto Press, 1930). See, especially, pp. 118 and 386-92.
- 10 Readers can also turn to E.E. Rich, *The History of the Hudson's Bay Company, 1670-1870* (London: Hudson's Bay Record Society, 1958-59); and Arthur S. Morton, *A History of the Canadian West to 1870-71* (London: T. Nelson, 1939).
- 11 Arthur J. Ray, "Introduction," in Harold A. Innis, *The Fur Trade in Canada* (Toronto: University of Toronto Press, 1999), xix.
- 12 *Ibid.*, v.
- 13 Bruce G. Trigger, *Natives and Newcomers: Canada's "Heroic Age" Reconsidered* (Montreal and Kingston: McGill-Queen's University Press, 1985), 183-84.
- 14 Arthur J. Ray, *Indians in the Fur Trade: Their Role as Hunters, Trappers, and Middlemen in the Lands Southwest of Hudson Bay 1660-1870* (Toronto: University of Toronto Press 1974).
- 15 Previously, only Arthur S. Morton and official historians for the company had had direct access to these documents. A.J. Ray, personal communication with S. Neylan, 3 December 2005, Washington, DC.

- 16 John S. Milloy, *The Plains Cree: Trade, Diplomacy and War 1790 to 1870* (Winnipeg: University of Manitoba Press, 1988) (derived from a master's thesis completed at Carleton University in 1972); John E. Foster, "The Country-Born in the Red River Settlement: 1820-1850" (PhD diss., University of Alberta, 1973); Sylvia Van Kirk, "*Many Tender Ties*": *Women in Fur Trade Society, 1670-1870* (Winnipeg: Watson and Dwyer, 1980) (based on her doctoral dissertation completed at the University of London in 1975); Jennifer S.H. Brown, *Strangers in Blood: Fur Trade Company Families in Indian Country* (Vancouver: UBC Press, 1980) (based on a doctoral dissertation completed at the University of Chicago in 1976). In the year Ray completed his dissertation, James Walker published his well-known assessment of the state of historical writing on Native history in Canada: James W. St. G. Walker, "The Indian in Canadian Historical Writing," *Canadian Historical Association, Historical Papers* (1971): 21-51. For a discussion of the historical literature of the early 1970s, see Sylvia Van Kirk, "Fur Trade Social History: Some Recent Trends," in *Old Trails and New Directions: Papers of the Third North American Fur Trade Conference*, ed. Carol Judd and Arthur J. Ray, 160-73 (Toronto: University of Toronto Press, 1980).
- 17 E.E. Rich, "Trade Habits and Economic Motivation among the Indians of North America," *Canadian Journal of Economics and Political Science* 26 (1960): 35-53. Rich's article did no more than present the apparent contradictions. An interesting but unsuccessful attempt to deal with them from within the paradigm of classical economics is found in John McManus, "An Economic Analysis of Indian Behavior in the North American Fur Trade," *Journal of Economic History* 32 (1972): 36-53.
- 18 Karl Polanyi, *The Great Transformation* (New York: Farrar and Rinehart, 1944); Karl Polanyi, Conrad M. Arensberg, and Harry W. Pearson, eds., *Trade and Market in the Early Empires* (Glencoe, IL: Free Press, 1957). For a fine study of the influence of Polanyi, see S.C. Humphreys, "History, Economics, and Anthropology: The Work of Karl Polanyi," *History and Theory* 8 (1969): 165-212.
- 19 George Dalton, "Economic Theory and Primitive Society," *American Anthropologist* 63 (1961): 21.
- 20 See Marshall D. Sahlins, *Tribesmen* (Englewood Cliffs, NJ: Prentice Hall, 1966), and his *Stone Age Economics* (Chicago: Aldine-Atherton Press, 1972), esp. chap. 1, "The Original Affluent Society." The use of the term "original affluence" is significant. It not only underscores the evolutionary assumptions that underlie the idea but also betrays the romantic notions with which Marxists and other substantivists imbue non-state societies.
- 21 Abraham Rotstein, "Fur Trade and Empire: An Institutional Analysis" (PhD diss., University of Toronto, 1967); and Abraham Rotstein, "Trade and Politics: An Institutional Approach," *Western Canadian Journal of Anthropology* 3 (1972): 1-28.
- 22 See Calvin Martin, *Keepers of the Game: Indian-Animal Relationships and the Fur Trade* (Berkeley: University of California Press, 1978); his contributions to *The American Indian and the Problem of History* (New York: Oxford University Press, 1987); and his *In the Spirit of the Earth: Rethinking History and Time* (Baltimore: Johns Hopkins University Press, 1992). In this last book, Martin argues that Western societies are so different from band societies that it would be impossible to write the history of a band society. A different but equally extreme view has been presented by Huron philosopher-historian Georges E. Sioui in *For an Amerindian Autohistory: An Essay in the Foundations of a Social Ethic*, trans. Sheila Fischman (Montreal/Kingston: McGill-Queen's University Press, 1992).
- 23 Arthur J. Ray and Donald B. Freeman, "*Give Us Good Measure*": *An Economic Analysis of Relations Between the Indians and the Hudson's Bay Company before 1763* (Toronto: University of Toronto Press, 1978). See also Arthur J. Ray, "Indians as Consumers in the Eighteenth Century," in *Old Trails and New Directions*, 255-71 (Toronto: University of Toronto Press, 1980); and Arthur J. Ray, "Competition and Conservation in the Early Subarctic Fur Trade," *Ethnohistory* 25 (1978): 347-57.
- 24 For an explicit presentation of the rationalist perspective, see Bruce G. Trigger, "Early Native North American Responses to European Contact: Romantic versus Rationalistic Interpretations," *Journal of American History* 77 (1991): 1195-215. This article disputes the conclusions of Christopher L. Miller and George R. Hamell, "A New Perspective on Indian-White

- Contact: Cultural Symbols and Colonial Trade," *Journal of American History* 73, 2 (1986): 311-28; and George R. Hamell, "Strawberries, Floating Islands, and Rabbit Captains: Mythical Realities and European Contact in the Northeast during the Sixteenth and Seventeenth Centuries," *Journal of Canadian Studies* 21, 4 (1986-87): 72-94.
- 25 *Statement of the Government of Canada on Indian Policy, 1969* (presented to the First Session of the Twenty-Eighth Parliament by the Honourable Jean Chrétien, Minister of Indian Affairs and Northern Development) (Ottawa: Queen's Printer, 1969).
- 26 *Ibid.*, 11.
- 27 This atmosphere also influenced how academics approached their subject matter. Ray recalls the tensions in the air when he presented "The Fur Trade as an Aspect of Native History" at the Western Canadian Studies Conference in 1977 due to the presence of AIM (A.J. Ray, personal communication to S. Neylan, 3 December 2005, Washington, DC). That paper was subsequently published as "The Fur Trade as an Aspect of Native History," in *One Century Later: Western Canadian Reserve Indians since Treaty 7*, ed. Ian A.L. Getty and Donald B. Smith, 7-19 (Vancouver: UBC Press, 1978).
- 28 J.D. Leighton, "The Development of Federal Indian Policy in Canada, 1840-1890" (PhD diss., University of Western Ontario, 1975); Donald B. Smith, "The Mississaugas, Peter Jones, and the White Man" (PhD diss., University of Toronto, 1975); J.S. Milloy, "The Era of Civilization: British Policy for the Indian of Canada, 1830-1860" (D.Phil thesis, Oxford University, 1978); R.J. Surtees, "Indian Land Cessions in Ontario, 1763-1862: The Evolution of a System" (PhD diss., Carleton University, 1982); Anthony Hall, "The Red Man's Burden: Land, Law, and the Lord in the Indian Affairs of Upper Canada, 1791-1858" (PhD diss., University of Toronto, 1984). Like Ray, Robert Surtees had already been drawn to Aboriginal history before the White Paper was introduced. See R.J. Surtees, "Indian Reserve Policy in Upper Canada, 1830-1845" (MA thesis, Carleton University, 1966).
- 29 Arthur J. Ray, "Native History on Trial: Confessions of an Expert Witness," *Canadian Historical Review* 84 (2003): 253-73.
- 30 Arthur J. Ray, *I Have Lived Here since the World Began: An Illustrated History of Canada's Native People*, rev. ed. (Toronto: Lester Publishing and Key Porter Books, 2005 [1996]).
- 31 Arthur J. Ray, "Periodic Shortages, Native Welfare and the Hudson's Bay Company, 1670-1930, in *The Subarctic Fur Trade: Native Social and Economic Adaptations*, ed. S. Krech, 1-20 (Vancouver: UBC Press, 1984), and "The Decline of Paternalism in the Hudson's Bay Company Fur Trade, 1870-1945," in *Merchant Credit and Labour Strategies in Historical Perspective*, ed. Rosemary Ommer, 188-202 (Fredericton: Acadiensis Press, 1990).
- 32 Arthur J. Ray, *The Fur Trade in the Industrial Age* (Toronto: University of Toronto Press, 1990).
- 33 J.R. Miller, *Skyscrapers Hide the Heavens: A History of Indian-White Relations in Canada*, 3rd ed. (Toronto: University of Toronto Press, 2000).
- 34 J.R. Miller, "Owen Glendower, Hotspur, and Canadian Indian Policy," *Ethnohistory* 37 (1990): 386.
- 35 J.R. Miller, "Owen Glendower," 387. The work by Robin Fisher is *Contact and Conflict: Indian-European Relations in British Columbia, 1774-1890* (Vancouver: UBC Press, 1977).
- 36 Douglas Cole and Ira Chaikin, *An Iron Hand upon the People: The Law against the Potlatch on the Northwest Coast* (Vancouver: Douglas and McIntyre, 1990); Tina Loo, "Dan Cramner's Potlatch: Law as Coercion, Symbol, and Rhetoric in British Columbia, 1884-1951," *Canadian Historical Review* 73, 2 (1992): 125-65. See also J.R. Miller, *Shingwauk's Vision: A History of Native Residential Schools* (Toronto: University of Toronto Press, 1996).
- 37 Arthur J. Ray, Jim Miller, and Frank J. Tough, *Bounty and Benevolence: A History of Saskatchewan Treaties* (Montreal/Kingston: McGill-Queen's University Press, 2000).
- 38 The chapters Ray contributed to *Bounty and Benevolence* were based on the report he had submitted for the Cree during *Buffalo et al. v. Regina* (2005), again demonstrating the growing connection between Aboriginal claims litigation and academic research.
- 39 Judge David M. Arnot, Treaty Commissioner for Saskatchewan, "Foreword," in Ray, Miller, and Tough, *Bounty and Benevolence*, ix.
- 40 Ray, Miller, and Tough, *Bounty and Benevolence*, xvii.

- 41 Ibid., 204.
- 42 Nancy Shoemaker observed that the generalizing commonplace to theoretical frameworks also tends to downplay commonalities and emphasize difference, something equally true in the adversarial context of the courtroom. See Nancy Shoemaker, ed., *Clearing a Path: Theorizing the Past in Native American Studies* (New York: Routledge, 2002), x.
- 43 Arthur J. Ray, "Creating the Image of the Savage in Defence of the Crown: The Ethnohistorian in Court," *Native Studies Review* 6, 2 (1990): 13. The first scholarly publication that clearly exhibits how Ray's contract work changed the direction of his research is A.J. Ray, "Fur Trade History and the Gitksan-Wet'suwet'en Comprehensive Claim: Men of Property and the Exercise of Title," in *Aboriginal Resource Use in Canada: Historical and Legal Aspects*, ed. Kerry Abel and Jean Friesen, 301-16 (Winnipeg: University of Manitoba Press, 1991).
- 44 Ibid., 14.
- 45 Arthur J. Ray, "Native History on Trial," 254.
- 46 Ray, "Ethohistorian in Court," 25.
- 47 Ray, *I Have Lived Here since the World Began*.
- 48 Alan McEachern, Supreme Court of British Columbia, no. 0843, Smithers Registry, 8 March 1991, p. 13. Ray addressed this issue in "Creating the Image of the Savage in Defense of the Crown: The Ethnohistorian in Court," Special Issue, *Native Studies Review* 6, 2 (1993): 13-28.
- 49 Royal Commission Report on Aboriginal Peoples, 1996, is available online at http://www.ainc-inac.gc.ca/ch/rcap/index_e.html.
- 50 Ray, "Confessions of an Expert Witness," 255.
- 51 Kerry Abel laments that scholars whose interpretations unequivocally argue for recognition of Aboriginal rights have lost "an opportunity to participate more fully in the public debate they are trying to influence" by not following through as fully "activist-historians." See Abel, "Tangled, Lost, and Bitter?" 92. Ray himself decried the tendency to see scholarly expert witnesses merely as "hired guns, jackals, and whores." See Ray, "Confessions of an Expert Witness," 269. Carlson, Jetté, and Matsui identified courtroom history as having the greatest impact on the writing of Aboriginal history in the 1990s. See Keith Thor Carlson, Melinda Marie Jetté, and Kenichi Matsui, "An Annotated Bibliography of Major Writings in Aboriginal History (1990-2000)," *Canadian Historical Review* 82, 1 (2001): 122.
- 52 For example, Ray recounted some of his findings regarding Métis movements between Turtle Mountain and Red River at the annual meeting of the American Society for Ethnohistory, Williamsburg, Virginia, 3 November 2006.
- 53 A.J. Ray, personal communication with S. Neylan, 3 December 2005, Washington, DC.
- 54 The earliest evidence of this interest is found in A.J. Ray, "The Historical Geographer and the Gitksan and Wet'suwet'en Comprehensive Claim: The Role of the Expert Witness," in *Indigenous Land Rights in Commonwealth Countries: Dispossession, Negotiation and Community Action*, ed. Garth Cant, John Overton, and Eric Pawson, 81-87 (Christchurch, NZ: Dept. of Geography, University of Canterbury and the Ngai Tahu Maori Trust Board for the Commonwealth Geographical Bureau, 1993).
- 55 For example, his current project is entitled "History Wars and Human Rights: Aboriginal Rights Claims in the United States, Canada, Australia, and New Zealand."