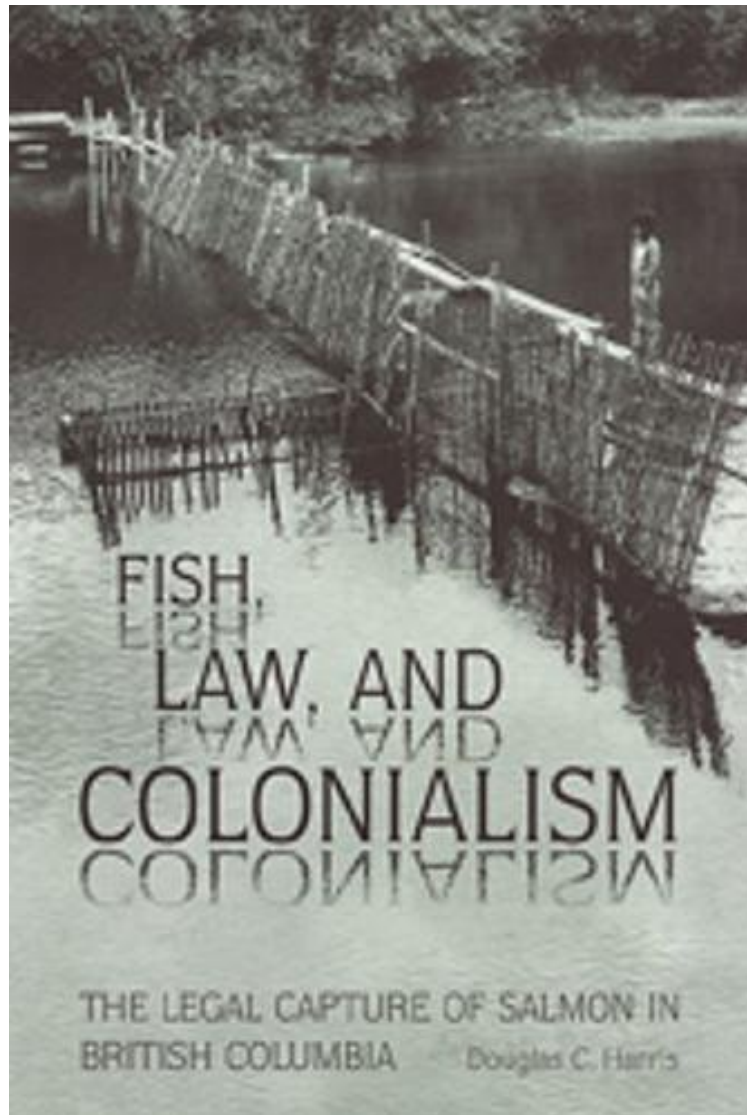


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Fish, Law, and Colonialism: The Legal Capture of Salmon in British Columbia

Douglas C. Harris

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Douglas C. Harris : Fish, Law, and Colonialism: The Legal Capture of Salmon in British Columbia before purchasing it in order to gauge whether or not it would be worth my time, and all praised Fish, Law, and Colonialism: The Legal Capture of Salmon in British Columbia:

1 of 1 people found the following review helpful. Lessons from the Babine and the Cowichan By Neil Frazer This book is about a particular form of property: the right to fish for particular species in particular places, and the right to sell

one's catch. More specifically, it is about the transfer of those property rights from aboriginals to colonial business interests in British Columbia, Canada. Aboriginal fishing was governed by an aboriginal system of property rights that was intricate and local, adapted to the resource. The colonial legal system posited an open-access fishery that had never existed, then passed laws limiting access to that fishery, laws whose nominal purpose was protection of the resource, but whose actual purpose was the transfer of property rights from aboriginals to industrial business interests in the form of cannery operators. The book examines two important examples in great detail: The Babine people lost their rights to fish in just a few years, while the Cowichan people lost theirs over a period of sixty years. The Cowichan were able to hold out for so long because many local colonists took their side and because the Cowichan successfully used the imposed colonial legal system to defend rights that followed from their own legal system. The Babine people had only a couple of priests to assist them in using the imposed colonial legal system. Local colonists helped the Cowichan in part because the Cowichan controlled access to large portions of the local river, and in part because proximity had inculcated in some colonists an understanding of aboriginal systems that led to sympathy-- colonists and aboriginals were both burdened with the centralized control of local resources by bureaucrats in distant cities. This book is important history, and it is relevant to our own time, as the BC government and Canada's federal government are still busy transferring property rights in coastal ecosystems. The transfer in our time is from coastal residents and the capture fishery to industrial salmon farmers. The methods used by the state to wrest property rights from the Babine and the Cowichan are the same methods being used today. The law gives both sides weapons with which to defend their interests, but the state ultimately controls the legal system, so law is not sufficient for success. As the Cowichan demonstrated, public opinion is essential to a successful case. The salmon farmers in British Columbia understand this, and have spent large amounts of money on public relations, quite successfully I would say. As a scientist, I found this book interesting because of the way that "science" was used to justify the transfer of property rights from the Babine and Cowichan to the cannery operators. "Science" is now being used by industrial salmon farmers to defend their industry against charges of disease transfer from their farmed fish to wild fish, and much of that "science" is paid for by the state. An ironic twist is that a significant part of the state "science" is being generated by "scientists" at Pacific Biological Station, a federal facility located in Nanaimo, not far from the Cowichan River. The role of "science" in such transfers deserves a book of its own. Meanwhile, we can thank Douglas Harris for a very fine book on the role of two legal systems in two important historical episodes that are very relevant to our own time. In British Columbia, it is slowly dawning on the descendants of colonists that now THEY are effectively the aboriginals, and that the centralized control exerted by business interests in distant cities is not always for their benefit. As a British Columbian myself, I'm very happy to see this change in consciousness take place. Readers of this book, might also wish to read "Tangled Webs of History" by Dianne Newell. For a broader context of property transfer from aboriginals to colonists in British Columbia, see "Contact and Conflict" by Robin Fisher.-Neil Frazer, PhD

An engrossing history, *Fish, Law, and Colonialism* recounts the human conflict over fish and fishing in British Columbia and of how that conflict was shaped by law. Pacific salmon fisheries, owned and managed by Aboriginal peoples, were transformed in the late nineteenth and early twentieth centuries by commercial and sport fisheries backed by the Canadian state and its law. Through detailed case studies of the conflicts over fish weirs on the Cowichan and Babine rivers, Douglas Harris describes the evolving legal apparatus that dispossessed Aboriginal peoples of their fisheries. Building upon themes developed in literatures on state law and local custom, and law and colonialism, he examines the contested nature of the colonial encounter on the scale of a river. In doing so, Harris reveals the many divisions both within and between government departments, local settler societies, and Aboriginal communities. Drawing on government records, statute books, case reports, newspapers, missionary papers and a secondary anthropological literature to explore the roots of the continuing conflict over the salmon fishery, Harris has produced a superb, and timely, legal and historical study of law as contested terrain in the legal capture of Aboriginal salmon fisheries in British Columbia.

Fish, Law, and Colonialism: The Legal Capture of Salmon in British Columbia, by Douglas C. Harris, is a work of substantial empirical rigor and broad theoretical importance. (Jeffery R. Dudas *Law Social Inquiry*) About the Author Douglas C. Harris is an assistant professor in the Faculty of Law, University of British Columbia.