
July 2010

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Citation Information

Roe, Bronwyn. "No Need of a Chief for This Band: The Maritime Mi'kmaq and Federal Electoral Legislation, 1899-1951, by Martha Elizabeth Walls." Osgoode Hall Law Journal 48.3/4 (2010) : 725-726.
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NO NEED OF A CHIEF FOR THIS BAND: THE MARITIME MI'KMAQ AND FEDERAL ELECTORAL LEGISLATION, 1899-1951, by Martha Elizabeth Walls¹

BRONWYN ROE

ABORIGINAL CLAIMS TO RIGHTS OF SELF-GOVERNMENT are difficult to establish in Canadian law. Although an inherent right to Aboriginal self-government has been held to be one of the unwritten “underlying values” of the Constitution,² the Supreme Court of Canada has required Aboriginal peoples to advance claims of self-government on specific, rather than general, terms.³ Complicating the matter is the requirement to prove that a claimed Aboriginal right existed as a practice, custom, or tradition prior to contact with Europeans. Through the *Indian Act*, the Canadian government has also at various times attempted to impose a Euro-Canadian electoral system, known as the band council system, on Aboriginal groups.⁴

No Need of a Chief for This Band: The Maritime Mi'kmaq and Federal Electoral Legislation, 1899-1951 examines the attempts of the federal government, beginning in 1899, to impose the band council structure on the Mi'kmaw peoples and the various Mi'kmaw responses to this system. Over the course of five chapters, this slim book asserts that “by variously embracing, rejecting, and/or remodeling political forms, the Mi'kmaq created a syncretic system that drew on new and old political ideas and practices.”⁵ Importantly, when the Mi'kmaq did adopt the federal political policy, it was motivated not by a surrender to Ottawa's wishes, but by an ongoing commitment to Aboriginal political autonomy.⁶

1. (Vancouver: UBC Press, 2010) 216 pages.

2. *Campbell v. British Columbia (A.G.)*, [2000] 4 C.N.L.R. 1 (B.C. S.C.) at para. 81.

3. *R. v. Pamajewon*, [1996] 2 S.C.R. 821.

4. R.S.C. 1985, c. I-5.

5. *Supra* note 1 at 8.

6. *Ibid.* at 9.

The book relies on reports from the Department of Indian Affairs and written correspondence between Indian Affairs officials and agents, as well as on work of prior historians and anthropologists. Walls both draws upon and challenges the findings, assertions, and assumptions of this earlier scholarship.

Chapter one, "The Mi'kmaw World in 1900," describes the contextual background of the "complex milieu"⁷ into which the federal government introduced the band council election system in 1899 by providing a historical snapshot of Mi'kmaw population, sources of income, education, language, and religion at the turn of the century.

Chapter two, "Continuity and Change in Mi'kmaw Politics to 1899," delves into anthropological accounts and federal agent reports detailing Mi'kmaw politics prior to contact with Europeans, through the French Regime and the British North America era to post-Confederation. Evidence that the Mi'kmaw Grand Council existed prior to European contact is particularly significant for modern-day claims of self-government, given the requirement that such claims be rooted in pre-content practices, customs, and traditions.

Chapter three, "The Origins of the Triennial Band Council System," traces the evolution of the electoral rules from earlier commissions and legislation until the application of the rules to the Mi'kmaq in 1899.⁸

Chapter four, "Federal Interference and Political Persistence in Mi'kmaw Communities," details various Mi'kmaw reactions to the imposition of the triennial system. Some Mi'kmaq opposed the triennial system and refused to implement it; others adopted it, viewing the elections as providing legitimacy with respect to the Canadian government. But most commonly, Mi'kmaw groups blended the protocol of the triennial system with their own existing political practice, which Walls describes as "political syncretism."⁹

Chapter five, "The Limits of Triennial Elections," details further problems with regard to the successful implementation of the triennial system, exploring the reasons for the Department of Indian Affairs' failure to implement the system across Mi'kmaw communities.

No Need of a Chief for This Band provides an interesting historical snapshot of Mi'kmaw politics and culture during the first half of the twentieth century. It will be a valuable resource to scholars, students, and laypersons interested in Mi'kmaw history and assertions of Aboriginal self-government.

7. *Ibid.* at 33.

8. The term "triennial" refers to the system of electing *Indian Act* band councils every three years.

9. *Supra* note 1 at 90.