

While much of the book deals with the topic of its title, it begins with two chapters which provide comparative insight, first with Canada and second with New Zealand. Nigel Bankes, Professor of Law at the University of Calgary, Canada, has written a thoughtful chapter reflecting on the themes and discussions found in the rest of the book from the perspective of a Canadian lawyer. He provides some fascinating comparisons between Scandinavia and Canada, concluding that the Scandinavian courts are more open to international and customary law in the area of indigenous rights than their Canadian counterparts and that both Canada and Scandinavia still struggle with the implications of the separation of powers between nation state and the indigenous communities, in particular in relation to reconciliation between the two communities.

Jacinta Ruru compares the experiences of the Sami people with those of the Maori people of New Zealand. Ruru is an expert in indigenous rights in New Zealand and is of Maori descent. Her chapter provides a useful, albeit necessarily brief, overview of the history of the issues faced by the Maori tribes and their interactions with the European settlers in New Zealand. She also considers the various similarities and differences between the two people groups, looking at their ways of life, in particular in relation to hunting, fishing and subsistence, their concepts of property ownership, issues relating to elections, how membership of the tribe or village is defined, and the legal recognition of indigenous laws and customs.

These introductory chapters together provide an unusual perspective, giving the reader a glimpse of the way in which the issues faced by the Sami people are mirrored by those that are being tackled by indigenous people all over the world. The only criticism is that these introductory chapters are so short that there is limited room for discussion. At times it felt like the authors were able to do little more than indicate the issue without having space to develop their arguments. The opening chapters whet the appetite of the reader and I was left wishing that space had been made available for further exposition.

The remainder of the book tackles the topic of its title. Each of the chapters deals with different aspects of law relating to the legal rights of the Sami people. The issues considered include how membership of the Sami community is defined, reindeer herders' rights, the right to fish and the international status of the Sami people. Some chapters cover the entire Sami community while others concentrate on the Sami community in one of Norway, Sweden or Finland. Space does not allow a description of each chapter but an overview of some of the chapters will give a flavour of the book as a whole.

In a fairly complex discussion, Kjell Å Modéer considers the development of Sami law in the late 20th and early 21st centuries, a period that he characterises as 'late modernity'. He argues that since the 1990s, there has been an increasing level of acceptance of Sami rights and Sami law as well as a

change in the way that social attitudes, particularly in Sweden, approach the issue of minority rights. He also considers the role of reconciliation meetings between the Swedish church and the Sami people. The chapter acknowledges that Sami culture and Sami legal culture were both suppressed by being neglected by the dominant culture in Norway, Sweden and Finland but finds that this is now changing.

An article with a contrasting style (albeit arguably, in terms of the impact of the laws of the nation state on the rights of the Sami people, much the same as Modéer) by Kristina Labba explains firstly the organisation and legislation surrounding reindeer herding and secondly the role of the *siida* or family herding group. Many customs, having developed around the *siidas* as reindeer herders, rely on cooperation given the harsh environment in which they undertake their difficult work. Labba compares the different legislative arrangements for reindeer herding in Sweden and Norway, demonstrating the ways in which a lack of understanding about Sami culture has resulted in laws being drafted that violated the Sami people's property and cultural rights. Labba argues that the customs of the *siida* need to be better understood and to be reflected more accurately in legislation so that the rights enjoyed by reindeer herders are not extinguished.

The book concludes with a chapter examining the development and future of Sami law as a field of knowledge. Eva-Maria Svensson compares the formation of the field in the late 20th century with the development of the field of gender legal scholarship, arguing that they are similar because both provide a 'critical perspective on mainstream legal culture' and they both challenge the way law is viewed by and for the majority. She acknowledges that, because legal systems are so tightly linked to the nation states that they serve, those who are excluded or have little influence within the nation state, such as the Sami people or other minorities, also find themselves unable to influence the law. Svensson argues that a pluralistic legal system with Sami law running in parallel to the national legal system may be useful for the Sami people. Svensson's novel and interesting ideas should provide food for thought for all those engaged in this field.

This book has much to recommend it. Its wide range of authors bring with them a vast array of expertise and knowledge, much of which is not readily accessible in English. The contrasting styles and the different areas of Sami law considered, as well as the treatment of the different Nordic nations and the indigenous people of Canada and New Zealand, makes it a fascinating read. It is not, however, a book for beginners: it assumes a reasonable amount of knowledge about the region and about the types of issues that affect indigenous people groups. For anyone with a background or interest in such subjects, I would recommend this book (Sarah Elizabeth Mackie, Harvard Law School, 1563 Massachusetts Avenue, Cambridge, Massachusetts, 02138, USA ([smackie@mail.law.harvard.edu](mailto:smackie@mail.law.harvard.edu))).

### Writing Arctic disaster. Authorship and exploration.

Adriana Craciun. 2016. Cambridge: Cambridge University Press. xii + 306 p, illustrated, hardcover. ISBN 978-1-107-12554-4. CAN\$120.00.

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Let me start this book review with a confession: I am not a historian. And many might think that therefore I might not be

the right person to review a book about Arctic history, Arctic exploration, to be precise, and to be more precise, the search(es) for the Northwest Passage(s). This might very well be and I am consequently not able to comment on the historic accuracy of Adriana Craciun's extremely fascinating treatise on the nature of Arctic perception. You may have noticed that I am using the word 'fascinating'. For this is what this book is, even to a scholar of different disciplines than the author herself.

But whether or not the reader of this book has historic expertise or not I consider rather irrelevant, although, of course, profound knowledge of Arctic exploration is certainly a benefit. What the reader needs to engage in this book is self-criticism and the ability to question her own ways of perceiving the Arctic, its (re)presentation and the way narratives about the Arctic are produced and reproduced. Because what I find most intriguing about this book is Craciun's ability to produce a sophisticated, in essence case-study bound, criticism of the reinforcement of Arctic narratives. She directly and indirectly reminds us time and again that 'the Arctic' is a construct of specific times, cultures and political purposes, and that when dealing with the Arctic one should be cautious to avoid John Moss' claim she cites on page 20: 'When you enter Arctic narrative, you enter every narrative of the Arctic' (Moss, 1998, p. 105). This provides a true challenge for one's own contemporary thinking, particularly as an Arctic scholar. It makes me personally question the use of images and narratives in my own research that have found their way into my subconscious and which I take for granted without necessarily questioning them. In this regard I found particularly intriguing the analysis in Chapter 1 of the way the relics of Franklin's failed expedition to find the Northwest Passage – which in its singular form is a construct of imagination given the complex geography of the Canadian north – were displayed by those having found them, museums or in the *Illustrated London News*. After all, the way these relics were displayed and interpreted carried certain messages, which, in light of the absence of any documentary output by the Franklin expedition itself, save one that was found, inevitably constitutes a rather imaginary view on the expedition itself.

The first chapter was, at least for me, the most intriguing and inspiring given its extremely critical view on historical production and ultimately provided significant challenges for my own contemporary thinking. But also Chapters 2 and 3, the former dealing with the *hows* of report production and the political context in which this is embedded, the latter dealing with the role of the Hudson's Bay Company (HBC) within exploratory contexts, provided me with so much food for self-criticism that I have hardly found in any other book. It made me question what narratives about the Arctic are 'normal' and prevailing in contemporary Arctic discourse and whether or not I have embedded and reproduced them in my own scholarly work. And here lies probably the biggest asset of Craciun's work: it aims to counter narrative-based authorship trends by aiming to unravel 'a nested set of exploration cultures' (p. 22). This should make all (Arctic) scholars think! What research cultures are we part of? And can we accept those unchallenged?

With these questions in mind Craciun took me deeper and deeper into the mysteries of the 'heroic age' of Arctic explor-

ation, which, let's face it, was not that heroic after all. As the author so eloquently shows, Arctic exploration and particularly the reporting about it was marked by failures, mischief, politics and romanticisation. For instance, why has the Franklin disaster of 1845 remained so prominently in the collective memory while the Knight disaster of 1719 has not? A question ever more relevant today after the discovery of HMS *Erebus* in 2014 and HMS *Terror* two years later? Several aspects come together here. For instance, Knight worked for the HBC, which retained a strict policy of secrecy given its commercial nature regarding all its activities. Consequently, documentary output in its largest parts ended up in the depths of the HBC archives, never to be seen again. Contrarily, 19th century exploration showed an almost 'obsessive emphasis on preservation, collection, and exhibition of materials [...] associated with discovery' (p. 137) that turned Franklin as well as his equally unsuccessful predecessor by several centuries, Martin Frobisher, into polar heroes (Chapters 4 and 5). And we must furthermore understand that this 'disaster cult' (p. 32) still to this day serves deeply rooted Canadian interests: that of sovereignty in the Arctic archipelago. The difficulties of this matter have been discussed widely (see for example Griffiths, Huebert & Lackenbauer, 2011), but as Craciun shows in the *Epilogue*, the discovery of HMS *Erebus* and the cult that has arisen with it do play into the hands of the Canadian government. Although *Terror* had not been discovered at the time of Craciun's writing, it appears reasonable to assume that the vessel's discovery will be used in a similar manner.

The reader of this review may miss a critical analysis of the historical content of Adriana Craciun's book. But as a non-historian my focus was shifted to the normative role this book plays *vis-à-vis* its historical accuracy. And even though one might not be utterly interested in polar history I would urge (self-)critical scholars to engage in the literature of this fascinating work. Even though the language Craciun employs is at times slightly overly complex, its thought-provoking, sharp and encouraging content make this book essential for any Arctic scholar. And besides, especially for a non-historian, this book motivates the reader to engage more in the histories of polar exploration (Nikolas Sellheim, Polar Cooperation Research Centre, Kobe University, 2-1 Rokkodai-cho, Nada-ku, Kobe 657-8501, Japan ([nikolas.sellheim@people.kobe-u.ac.jp](mailto:nikolas.sellheim@people.kobe-u.ac.jp))).

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**Whaling in the Antarctic. Significance and implications of the ICJ judgment.** Malgosia Fitzmaurice and Dai Tamada (editors). 2016. Leiden: Brill. ix + 423 p, hardcover. ISBN 978-90-04-31364-4. €130.00.  
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It has become rather common practice to label the whale hunt in the Antarctic carried out by Japanese whaling ships as 'illegal'. The sources for this claim are manifold, and this

reviewer was witness to the application of this claim at the 66th meeting of the International Whaling Commission (IWC) in Portoroz, Slovenia, in October 2016. In other words, it is first and foremost whaling opponents that maintain that, especially after the ruling of the International Court of Justice (ICJ) in the *Whaling in the Antarctic* case in 2014, the conduct of whaling for scientific purposes in Antarctic waters is illegal. However, whaling proponents hold that, while indeed the ICJ ruled that the research carried out under the Japanese JARPA-II programme does not meet the criteria of 'scientific whaling', in principle,