Harald E. L. Prins

PRAGMATIC IDEALISM IN CHALLENGING STRUCTURAL POWER

Reflections on the situational ethics of Advocacy Anthropology

On a cold February day in 1999, my small airplane flew from Nova Scotia across the Gulf of St. Lawrence to Newfoundland and landed at Gander on the island's north shore. A Mi'kmaq Indian friend picked me up in his truck. I had visited Newfoundland before, but never in the winter. As a special guest of the Mi'kmaq Indian community of Miawpukek at Conne River, a small fishing village at Bay d'Espoir on the island's south coast, my earlier fieldwork trip in the summer of 1996 had been a pleasure. This time, however, it was serious business as two Newfoundland Mi'kmaq Indian fishermen were on trial for having violated Section 78(a) of this Canadian province's Fisheries Act. Although this was not the first time Mi'kmaq had been arrested or fined for violating federal or provincial hunting and fishing laws, Miawpukek's headman and tribal council had determined to challenge the authority of the provincial government on this particular front. They argued that they still possessed traditional rights to hunt, fish, and trap in ancestral territories on the island. Legal advisers maintained that the Mi'kmaq's aboriginal rights are officially protected by Canada's 1982 *Constitution Act*, which explicitly states: "The existing Aboriginal and Treaty Rights of aboriginal peoples of Canada are hereby recognized and affirmed."

My own long-term historical research on Mi'kmaq cultural history led me to support the Miawpukek First Nation in its legal confrontation. I had worked on various native rights claims with bands within the Mi'kmaq tribal nation since 1981 and authored a historical ethnography titled *The Mi'kmaq: Resistance, Accommodation, and Cultural Survival* (1996). I had also presented dozens of scholarly papers at professional meetings and published scores of articles concerning Mi'kmaq culture and history. My support for the Miawpukek position was evident in a paper I presented at a 1996 conference of specialists at the University of Toronto in 1996, subsequently published as *'We Fight with Dignity': The Miawpukek Mi'kmaq Quest for Aboriginal Rights in Newfoundland* (Prins 1998). Combined with my professional status as a university professor, these scholarly credits made me a potentially valuable expert witness in court room trials such as the case formally known as *R. v. John and John*, described here. As the following excerpt from the trial's transcript suggests, the legal team representing the federal government made an effort to knock me

out, or at least weaken my credibility. This exchange took place in the Newfoundland Provincial Courtroom on the second day of my cross-examination as expert witness. The dramatis personae on this location included the Honourable R. A. Fowler; the accused Mi'kmaq fishermen, Anthony and James John; the defending legal team headed by lawyer Shayne MacDonald, formerly chief of the Miawpukek First Nation; and the federal legal team led by Crown counsel Michael Paré (this lawyer represented the plaintiff formally identified as "Her Majesty the Queen in Right of Newfoundland" – or "the Crown" as Canada is a Commonwealth Realm with Queen Elizabeth II as its official head of state).

Judge Fowler, in black robes, sat center stage, presiding over the trial. The court clerk transcribing the proceedings sat in front of him on his right side. Paré, also in black gown, sat directly opposite the judge with the rest of the federal legal team. Positioned behind him were the two black-gowned lawyers defending the Mi'kmaq fishermen who sat in the court's public section. About a dozen other Mi'kmaq Indians also sat in that section, including Miawpukek's traditional chief and spiritual leader Misel Joe, several tribal elders and council members. Finally, in the back of the court room, on the opposite side of the Mi'kmaq, sat the federal government's key expert witness, a Canadian anthropologist hired to counter and critique my findings and assist the government lawyers in their interrogation. Positioned in a wooden booth to the left of the judge, I faced the Crown counsel and a large stack of documents. Throughout the many hours of my cross-examination, Mr. Paré strategically fired a series of sharp questions at me, following a well-devised scheme for tricking me in contradictions. It was clear that he was aiming to flush out factual errors and otherwise exploit possible weaknesses in whatever evidence or arguments I put forth:

Question [Crown counsel]: On the second page of your curriculum vitae, you use the term as the heading, the middle of the page, "Action Anthropology Achievements." What do you mean by action anthropology?
Answer [Expert witness]: Action anthropology is a term that [...] was introduced by Sol Tax, who [...] was a highly distinguished professor of anthropology at the University of Chicago [and] he felt that, in accordance with the subsequently adopted [1971] code of ethics of my professional organization, the American Anthropological Association [AAA], that anthropologists should not harm the people that they study [...]. It's the rule number one of the code of ethics in my profession [...]. So, action anthropology [...] started as a term to be used in the late 40s, early 50s, in a project with the Mesquaki Indians or Fox Indians, as they're also known, [...] whereby anthropologists have tried to help tribes to recover their history, for example, but also to help them understand what kind of changes they are facing in adapting to dominant society [...]. In other words, there's an applied element whereby rather than just carrying the knowledge back to our [university] libraries and amuse or harass our students, [...] that we actually repatriate some of that knowledge back to the people from whom you have received that information.
Q. Okay. And does that notion underlie or inform the following sentence that appears in page five of your book, *The Mi'kmaq, Resistance, Accommodation, and Cultural Survival*? I'll read it to you. It says, "It is my hope that this book stirs our awareness

of the continuing challenges of cultural preservation faced by the Mi'kmaq and other indigenous peoples – and, thereby, supports the struggle for native rights."
A. That is correct. And if I may then draw your attention to the previous page. I'm here talking about the use of history. Sorry, it's [...] two pages later. I state here, if I may have permission from the Court to read this, on page 16.
Q. Page 16, yeah.
A. I am writing: "Actively engaged in revising and rewriting history, Mi'kmaqs have questioned the veracity of accepted accounts and challenged some as distortions or as lies. It is not surprising that in the emerging discourse of contesting histories, their own position is sometimes viewed in partisan terms as deliberate deception. It would be tragic if Mi'kmaqs and other historical revisionists, after exposing the ideological bias of establishment history, fell into the same trap of distortion [...]. If revisionist Mi'kmaq history descends to the realm of unchecked subjective interpretation, its application would rob the native rights struggle of its source of moral energy." And I think that paragraph is essential to see where I come from. That I believe that indigenous peoples, not only here [in Newfoundland] but also elsewhere, are facing very steep challenges in their quest for survival and that scholars can contribute much to that effort, but they cannot do so at the expense of their scholarly integrity. Now, that's in a nutshell what I'm arguing here.
Q. Okay, and I take it that would tie in with the quote that appears on page four of your book. Perhaps you could go to page four, if you will. I'm looking at the first full paragraph when you say, "Today, however, Mi'kmaqs are keenly aware of the ideological significance of historical information and employ this knowledge as a political instrument in their ongoing struggle for native rights [...]." This keen awareness that you refer to, of the ideological significance of historical information and the ability, I suppose, to employ the knowledge as a political instrument, is the kind of concern that you just expressed?
A. I'm very concerned, indeed, that errors of fact, and I do not really care whether they come from side A or side B, cloud our vision about what really happened in history [...]. I believe in the long run, people are not served by interesting conjectures that are not substantiated by truth, and I also recognize that truth is extremely hard to uncover when it happened four, five, six hundred years ago [...]. [Historical] reconstruction is a human enterprise and, therefore, always potentially fallible. I don't have any misconception about the limitations of my discipline [...].
Q. I take it then, and don't get this wrong, but I want to make sure we've got it on the table, I take it then you think it's possible for someone in your position, for example, to both try to assess a historical situation or an anthropological cultural situation objectively, while at the same time, being part of what, as you yourself called it, the [aboriginal] land claims team for the [Miawpukek Band of] Mi'kmaq of Conne River, who are advancing a land claim that presumably was based on the results of your research. You don't see a problem there?
A. No, I do not [...]. So the upshot is, in fairness, that I know the limitations of all the disciplines, including my own. I also know that, if we are acting in a bonafide manner conform to our scholarly standards, that our objective is the truth. And that is why I'm sitting here and agreed to take leave from my university position, to sit here and have these exchanges with you. (R. v. John and John 1999 (3): 27-35)

This abbreviated transcript of a small part of my two-day cross-examination by a Canadian federal government lawyer shows that the professional ethics of anthropologists involved in the struggle for native rights may be challenged in an adversarial setting such as a courtroom. As noted, the Mi'kmaq of Miawpukek First Nation had decided to contest the legitimacy of Newfoundland's provincial authority over the island's natural resources, including its salmon, by claiming that they possessed aboriginal rights and were consequently not

subject to the Province's hunting and fishing laws. The Canadian government, on the other hand, essentially maintains that the Mi'kmaq do not have these rights in Newfoundland because their ancestors came from Nova Scotia, New Brunswick, and Prince Edward Island across the Gulf of St. Lawrence, migrating to Newfoundland island a few hundred years ago – well after European exploration and first settlement. In contrast to the Mi'kmaq defense attorneys who argued that the two fishermen had not breached the law because they were exempt by virtue of their tribe's aboriginal rights on the island, the federal lawyers representing the Crown were responsible for arguing that the provincial authorities had the right to punish those violating the laws of the land. Since my ethnographic and historical research findings essentially supported Mi'kmaq aboriginal rights claims in parts of Newfoundland, the Crown counsel tried to limit the potential impact of my knowledge on display in the courtroom by questioning my scholarly ethics, implying I might be biased and thus less credible as a professional authority.

As this cross-examination excerpt suggests, questions about our professional ethics as advocacy anthropologists concern not just our moral integrity, but may also affect our intellectual status and, consequently, reduce our agency to influence or persuade decision makers in the political arena, including legislators, juries and judges. Because anthropologists are frequently consulted for their professional knowledge by indigenous groups or ethnic minorities, as well as by powerful governments, large corporations, and global institutions such as the United Nations, World Bank, and a wide range of NGO's, I have chosen to critically explore this subject.

The political playing field offers very limited space for minorities. Given their disadvantaged position in this arena and the limited resources at their disposal to effect positive change, I suggest that advocacy anthropologists committed to the human rights struggles of indigenous peoples may best be described as pragmatic idealists. Dialectically combining apparent opposites (pragmatic realism and visionary idealism), pragmatic idealism allows scholar activists like myself to mark out a political agenda based on realistically achievable human rights ideals (Melakopides 1998). However, as illustrated by my cross-examination, our commitments to human rights or native rights do not automatically provide us with ethical immunity. In fact, as I will argue here, pragmatic idealism in advocacy anthropology may even take us into an ambiguous ethical "grey zone" where choices between right and wrong can be complicated and conflicted.

Because ethics in advocacy anthropology is a complex philosophical issue with so many political, legal, cultural and historical variables, I will simplify matters here somewhat by mainly drawing on my own practical experiences with the Mi'kmaq. Although I have also been involved with other American Indian nations, this particular ethnic group is the one I have been most intensively and consistently involved with over the past quarter century. The particulars of my experiences with the Mi'kmaq shed light on why maneuvering

on the human rights front can be ethically challenging for a scholar activist interested in achieving justice for indigenous peoples (Hitchcock 1994). I begin with a brief description of this tribal nation and the hegemonic configuration within which Mi'kmaq Indians struggle against repression in their quest for physical and cultural survival. Next, I outline the bundle of native rights as a special subset within the complex of internationally recognized human rights. This is followed by a brief overview of my own long-term professional involvement with the Mi'kmaq and comments on some particular ethical challenges I encountered in doing advocacy anthropology. I conclude my essay with some observations about the virtues of situational ethics as a philosophical concept and moral guide for scholars committed to assisting besieged indigenous groups in their quest for justice.

The largest of the surviving Algonquian-speaking groups in northeast America, there are now about 35,000 Mi'kmaq tribal members organized in 29 officially recognized tribal communities known as bands (or First Nations). Their ancestral homeland is divided by an international boundary, with the majority of Mi'kmaq (or Micmac) residing in Canada. Several thousand, however, live in New England, primarily in Boston and northern Maine. Like thousands of other indigenous groups throughout the Western Hemisphere and elsewhere in the world, these Mi'kmaq Indians survive largely at the mercy of the encapsulating polities of internationally-recognized state powers. In their struggle for survival, they are forced to operate within a social field of force marked by asymmetrical power relations. The hegemonic configuration that conditions their existence began to emerge in the course of the colonial period several hundred years ago. Since the late 18th century, having lost control over their ancestral domains, remnant communities of starving tribespeople were permitted to endure on small territorial enclaves reserved for their exclusive use. Supervised by state-appointed Indian agents, those surviving on reservations faced economic shortages and became paupers dependent on government relief. Thus reduced to internal colonial status, they often could not resist being deprived of their traditional self-determination rights and were often unable to continue ancestral cultural practices. In the course of time, many Mi'kmaq Indians left their small reservations and scattered in search of seasonal wage labor, forming small unstable clusters of relatives and friends often on the outskirts of small rural towns and in urban slums along the Atlantic seaboard, from Newfoundland to Massachusetts, and even beyond.

In their ongoing struggle for cultural survival within this hegemonic configuration, Mi'kmaq fight not only for their internationally-recognized human rights, but also for their native rights. Perpetually argued and contested in the federal, state, or provincial courts and in the political domain, these native rights are difficult to sharply define in the ever-changing context of domination and resistance. Generally, they can be grouped in several categories. To begin with, each indigenous nation lays claim to its own bundle of traditional rights unique to their particular culture. Some of these rights are intrinsic to the local community and exclusively concern their internal affairs. Others,

however, affect their relations with outsiders and concern wider interests such as control over natural resources. These native rights are more likely to be controversial and were either taken away or sharply curtailed in treaties or other formal agreements with the dominant polities in Canada and the United States. However, because they were historically negotiated, albeit under pressure, this category of native rights is typically documented, officially guaranteed, and legally protected by dominant society's government.

In addition to such distinctive treaty rights, there are various native rights specifically defined and legislated by federal, provincial, or state governments. Finally, all indigenous nations still surviving in their ancestral lands claim to possess inherent rights to their ancestral lands unless these rights have been surrendered, sold, or otherwise lawfully extinguished. These inherent indigenous rights to ancestral lands are known as aboriginal title, a monumental claim which poses a formidable threat to dominant society's powerful vested interests and is therefore not only seriously contested but also enormously challenging to prove and actually obtain as a political reality. All of these native rights, of course, are potentially subject to change as the indigenous nations may seek to more broadly define or even expand them, whereas powerful forces representing dominant society either ignore these native rights, or actively seek to narrow, restrict, or abolish them when it suits their interests.

For this hegemonic configuration within which indigenous peoples and their allies, including advocacy anthropologists, struggle against repression and injustice, I find Eric Wolf's analytical concept of "structural power" useful (Prins 2001b: 263-64; Wolf 1999: 3-8). Although he applied structural power to regional political organizations, I recently expanded it to include the complex new cultural formations currently emerging in the globalization process (Prins 2003b). As such, it refers to a systemic form of power that organizes and orchestrates the interaction within and among societies, directing economic and political forces on the one hand and ideological forces that shape public ideas, values, and beliefs on the other. The two major interacting forces operating within this global field of force are hard power (coercive power that is backed up by economic and military force) and soft power (which is cooptive, pressing others through attraction and persuasion to change their ideas, beliefs, values, and behaviors) (Haviland et al. 2005: 442-52, Nye 2002). As internal colonies, indigenous nations possess very little hard power. To effectively challenge powerful forces opposing them within the hegemonic configuration, they have no alternative but to focus on soft power in their survival strategies, including their quest for native rights. In other words, slightly modifying Lord Acton's famous dictum, knowledge is soft power.

As a participant observer in the political arena where Mi'kmaq and other indigenous nations struggle for their native rights, I have witnessed the soft power of anthropological knowledge in action. Circulating through the corridors of academic institutions, philanthropic foundations, news media organizations, court rooms and government bureaucracies, this knowledge may turn into intellectual capital. Properly harnessed and strategically deployed, such

capital has agency potential in the uneven field of force within which indigenous peoples are condemned to survive and must operate in their ongoing quest for justice (Prins 1989c, 1990c, 1997a).

Having sketched the Mi'kmaq position within this hegemonic configuration, outlined the political challenges they face in their struggle for survival, and identified anthropological knowledge as a form of soft power potential to be deployed in the native rights struggle, I now turn to my own long-term professional involvement with this particular tribal nation.

In 1981, fresh from fieldwork among Mapuche Indians in the Argentine pampas during the final years of military dictatorship, I came to Maine where I soon found out that a regional Indian organization needed a director of research and development. A Dutchman trained in anthropology and history at various universities in the Netherlands and New York City, and with a strong interest in Marxian theory, I was eager to activate my long-standing desire to engage in an anthropology that is directly and obviously useful to those who are the subjects of our ethnographic inquiries. Serving a year-round off-reservation Indian population of about 1,500 individuals (Mi'kmaq as well as neighboring Maliseet, Passamaquoddy, and Penobscot, collectively identified as Wabanaki Indians), this organization with its all-Indian board of directors hired me to raise funds, engage in community organizing, build public support, coordinate political strategies with legal advisers, and, last but not least, produce the historical and ethnographic knowledge to launch a campaign for government recognition of the region's Mi'kmaq community.

At the time, the Mi'kmaq in Maine formed a poor and landless group of about 600 Indians without any formal organization as a bounded community with an institutionalized political leadership – unlike the 28 Mi'kmaq bands on the other side of the border in Canada. And in contrast to the other three aforementioned tribal communities in Maine (Passamaquoddy, Penobscot, and Maliseet), their Indian status was not officially recognized by the United States federal government. And without this governmental recognition of their Indian status, they were not eligible for much-needed financial assistance (health, housing, education, and child welfare) and could not apply for economic development loans available to federally recognized tribes in the United States. To make things worse, these Mi'kmaq in Maine faced a new legal obstacle in their quest for justice: In 1980, the year prior to my arrival, the US government had passed a new federal law extinguishing aboriginal title to all lands in Maine traditionally inhabited by the Mi'kmaq and neighboring tribes. In exchange for dropping their claims on wrongfully alienated ancestral territories, the Penobscot, Passamaquoddy, and Maliseet communities each acquired official Indian status as federally recognized tribes. Moreover, the US government offered these three tribes collectively a total of $ 81.5 million dollars, most of which was specially earmarked to be purchase 300,000 acres for their reservations (Prins 1994: 328, 339-40, 435-36, 441-42). In exchange for these benefits, the three tribes not only settled their own land claims but also agreed to sign the new federal law declaring that any other Indian tribe other than them-

selves, "that once may have held aboriginal title to lands within the State of Maine long ago abandoned their aboriginal holdings."

Having been excluded from the political process, and lacking the required anthropological documentation, the marginalized Mi'kmaq did not form part of these crucially important negotiations. Accordingly, they not only failed to benefit from the new federal law, but were seriously harmed as their own claims on ancestral lands were erased with the stroke of US President Jimmy Carter's eagle feather pen. And with their land claims abolished by federal law, the Mi'kmaq had lost their potential leverage to negotiate a settlement with the government that could result in the authorities being forced to compensate them for their losses and recognize their native rights.

When I arrived in northern Maine, many Mi'kmaq families still lived in shacks and suffered poor health. Most survived on a mixture of pauper relief and seasonal wage labor cutting timber in the woods, working on potato farms, and picking blueberries. Some supplemented their income with craft production, especially weaving sturdy wooden splint baskets for local potato farmers (Prins1996b: 45-65). As a small and powerless ethnic minority in these rural backlands on the Canadian border, these Indians not only faced poverty, but also racial discrimination and cultural repression. Not surprisingly, many families were devastated by alcoholism and average life expectancies were low. In short, it was a dismal situation.

As research and development director[1], one of my first tasks was to help this widely scattered Mi'kmaq community formally incorporate under the name of the Aroostook Band of Micmacs, indicating that they inhabit the Aroostook River area in northern Maine. During a decade of intensive political activism as an advocacy anthropologist, I provided ongoing assistance as the group defined and refined its political strategies. In coordination with Indian community leaders and outside legal advisers, we determined several major objectives (Prins 1985b: 108-44; Prins and McBride 1982a, 1982b). The most important was gaining official recognition of their tribal status, as this would make them eligible for the same federal benefits recently made available to Maine's other three tribal groups. In addition, we aimed to secure traditional rights to hunt, trap and fish in the region's vast wilderness, as well as the right to freely cut black ash trees (fraxinus negra) on public lands to obtain the wood needed for basketry. And notwithstanding the new federal law that had abolished their aboriginal title in Maine, we worked hard to develop the documentation and strategy for a successful land claim so that the Aroostook Band of Micmacs would possess a territorial base in the ancestral homeland of its members.

Although many Mi'kmaq and other individuals inspired by human rights idealism collaborated in this effort, I focus here on my own contributions as a

1 I shared the director of research and development position with my life partner Bunny McBride, a fellow traveler in advocacy anthropology. I thank her for editorial help in this essay.

producer of the knowledge essential in our strategic enterprise. To be successful, a federal recognition and land claims case required an established body of scholarly anthropological, historical, and archaeological evidence showing long-term Mi'kmaq Indian presence as a cultural group in northern Maine – an area typically represented as falling outside the traditional territorial boundaries of the Mi'kmaq. To address this problem, I effectively challenged established anthropological ideas about the region's ethnic and territorial boundaries in a host of scholarly lectures, papers, and publications. Wrestling with the problem of overlapping tribal territorial claims to ancestral lands in northern Maine, I combined concepts from cultural ecology and political economy and worked within a theoretical framework known as political ecology (Prins 1982, 1983, 1986, 1988). This allowed me to better capture the dynamic flows of human and natural resources in tribal territories in the aftermath of European invasion in the 16th and 17th centuries. Importantly, it provided me with the intellectual framework to effectively describe and explain the historically shifting and fluid nature of ethnicity and territoriality in the area jointly occupied by the Mi'kmaq and the aforementioned neighboring tribes (Prins 1985a, 1986, 1988,1992: 55-72).

In the course of several years, I gradually helped bring about a new understanding of Maine's indigenous cultural landscape, past and present, and thereby generated the intellectual capital necessary to achieve our quest for justice (Prins 1986: 263-78, 1988, 1990b: 174-87, 1992: 55-72; Prins and Bourque 1987: 137-58). These anthropological data were also used to construct the textual narratives of our many successful grant proposals and thus were instrumental in raising many hundreds of thousands of dollars for the community. Likewise, our lawyers made selective use of the information to formulate and test their various legal arguments for an exceptional case based on historical evidence of indigenous "joint-use" of certain territories by the Mi'kmaq and neighboring tribal nations historically allied as the Wabanaki Confederacy in their struggle against British colonial expansionism (Prins 1989a: 226-34).

In addition to generating academic support and substantiating legal arguments, my anthropological findings were strategically deployed in numerous lectures at libraries, museums, and schools, as well through newspaper, radio, and television interviews. In these instances the aim was to inform the public about the legitimacy of the Mi'kmaq quest for native rights and, as needed, to change misconceptions about this indigenous group and their historical ties to Maine. Having been professionally trained in 16-mm filmmaking, I also directed a documentary film project featuring the Aroostook Band of Micmacs. With the active support of the tribal community, we marked out several objectives. In addition to documenting and preserving traditional Mi'kmaq arts and crafts, in particular basketry, the film aimed to inform the general public of their existence and, indirectly, their legitimate struggle for native rights in Maine (Prins 1989b: 80-90, 1997b: 243-66, 2002: 58-74). This resulted in a 50-minute documentary film *Our Lives in Our Hands* (1986). Sponsored by

the Mi'kmaq community itself, it premiered at the Native American Film Festival in New York City, followed by many other public screenings, and, importantly, several television airings. Importantly, it was also favorably reviewed in the leading academic journal for American anthropologists (Turnbaugh and Turnbaugh 1988: 234-35). To rally support for their native rights cause, Mi'kmaq spokespeople (including myself as the tribe's resident anthropologist) almost always accompanied the film at live showings.

Our soft power strategy worked: In 1990, Maine's congressional delegation in Washington D. C. introduced a special legislative bill to officially acknowledge the Indian tribal status of the Aroostook Band of Micmacs and settle its land claims. When formal hearings were held in the U. S. Senate, I testified as the tribe's key expert witness (Prins 1990: 51-53, 96-104). A year later, after a decade of advocacy anthropology, the tribe finally gained federal recognition and $ 900,000 to purchase a small reservation. Since then, there have been structural changes in northern Maine's political landscape, dramatically improving the position of the local Mi'kmaq community. Today, with an annual budget of several million dollars, the Aroostook Band runs its own affairs from a new tribal administration building located on recently purchased reservation land. Several dozen Mi'kmaq families have relocated there, within easy reach of a new tribal school, museum, and health clinic. Household incomes have increased and overall living conditions are much better than before. Last but not least, they have not only rekindled some nearly-forgotten cultural traditions, including sweatlodge and other spiritual ceremonies, but also invited fluent Mi'kmaq speakers from across the Canadian border to teach the ancestral language in their community

After this successful Mi'kmaq native rights case, I returned to a full-time university position and published extensively about this tribal nation, including my ethnography titled *The Mi'kmaq: Resistance, Accommodation, and Cultural Survival* (1996). As a scholarly text, this book was not only internationally well-reviewed by fellow academics, but was also embraced by the Mi'kmaq Indian nation as a carefully researched and trustworthy text accurately documenting their culture and history. Moreover, it has been recognized by the Canadian federal and provincial authorities as an authoritative source and formally accepted as documentary evidence in several court trials, including the 1999 Newfoundland Mi'kmaq salmon fishing rights case described in this essay's opening. Coupled with numerous other publications on indigenous cultural history in Northeast America, this book affirmed my position as an internationally recognized expert with a repertoire of anthropological knowledge that could help transform the political landscape for indigenous peoples struggling for justice. Since then, I have served as an advising scholar on several Mi'kmaq native rights teams, provided documentary evidence and expert opinions on land claims, hunting and fishing rights, etc., and appeared as an expert witness, testifying and being cross-examined in several Canadian court cases, most recently in "Her Majesty versus Miawpukek First Nation," in Newfoundland's Supreme Court (2000). Meanwhile, I remain in close touch with the

Aroostook Band of Micmacs and occasionally serve as a negotiator, adviser, or expert on behalf of this tribal nation in varied venues and disputes (Prins 2001a: 283-85, 2003a).

But what about the ethical grey zone and ethical challenges mentioned early on in this essay? The preamble of the American Anthropological Association's Code of Ethics, first formalized in 1971 and modified in its current form in 1998, is interesting in this context as it affirms a cultural relativist position concerning our ethical responsibilities and moral obligations as anthropologists: "Anthropological researchers, teachers and practitioners are members of many different communities, each with its own moral rules or codes of ethics." A bit farther on this document states:

"Because anthropologists can find themselves in complex situations and subject to more than one code of ethics, the AAA Code of Ethics provides a framework, not an ironclad formula, for making decisions [...]. No code or set of guidelines can anticipate unique circumstances or direct actions in specific situations. The individual anthropologist must be willing to make carefully considered ethical choices and be prepared to make clear the assumptions, facts and issues on which those choices are based. These guidelines therefore address general contexts, priorities and relationships which should be considered in ethical decision making in anthropological work." (AAA 1998)

The code then offers a list, beginning with the "Responsibility to people and animals with whom anthropological researchers work and whose lives and cultures they study." Under this first point, it clarifies that

"These obligations can supersede the goal of seeking new knowledge, and can lead to decisions not to undertake or to discontinue a research project [...]. These ethical obligations include: To avoid harm or wrong, understanding that the development of knowledge can lead to change which may be positive or negative for the people or animals worked with or studied [...]. Anthropological researchers must do everything in their power to ensure that their research does not harm the safety, dignity, or privacy of the people with whom they work, conduct research, or perform other professional activities." (Ibid.)

So much for ethics in principle, but what about ethics in action? Are the ideal standards and professional ethics of academic scholarship sufficient guideposts given the limited options and sometimes unavoidable compromises of the hegemonic configuration within which advocacy anthropologists operate in pursuit of human rights ideals? This problem presented itself soon after I began working with the Mi'kmaq in northern Maine. Our legal advisers explored a conventional strategy for filing a Federal Acknowledgment Petition, conform to United States federal regulations devised by the Bureau of Indian Affairs in Washington D. C. My task was to put forth the necessary historical and ethnographic evidence in response to a set of criteria of what federal authorities define as a tribe. Pressured to fit my data to this officially mandated framework, I protested that the ethnographic and historical facts of Mi'kmaq culture were at odds with the government's definition. Because the Aroostook Band could

not succeed in their native rights quest without my anthropological documentation, I felt challenged in my commitment to support this poor and landless Mi'kmaq in their desperate struggle for a better life and irritated about the government's federal regulations, which almost seemed designed to exclude indigenous groups whose cultures were traditionally based on migratory foraging strategies. My refusal to conform the anthropological data to the government-defined framework threatened to disappoint this desperate community, leaving them forever stranded in poverty. On the other hand, if I did produce the requested anthropological knowledge by manipulating the evidence, the Mi'kmaq would achieve their native rights objectives at the expense of a dominant society that had destroyed their traditional culture and robbed them of their ancestral possessions. Moreover, since I knew of no other scholar with my detailed knowledge about this group's culture and history, it seemed possible to deceive the government. Only a future historian or anthropologist revisiting the anthropological evidence might actually discover my truth-bendings. And although this stratagem could backfire, the landless Mi'kmaq had little or nothing to lose. What was in jeopardy, however, was my own intellectual integrity and commitment to be truthful as a scholar.

Feeling conflicted and needing advice, I called my former anthropology professor Eric Wolf at his New York home. Respecting his wisdom and aware of his leadership role in exposing the ethics scandal that rocked the AAA around 1970, I told him about my predicament. As a World War II veteran, he cautioned that one may win a battle but still lose the war. Reminding me that the American Indian struggle for native rights has been long and will continue, he counseled that my credibility as a scholar was an essential asset in advocacy anthropology. Without that credibility, I could not be effective in my role and therefore quite useless for indigenous peoples in their quest for justice. Grateful for his counsel, I returned to my work. Together with our legal advisers, we gradually reframed the Mi'kmaq case by means of the ethnohistorically correct "joint-use" argument and special federal legislation that allowed us to successfully bypass government-mandated petition regulations for federal recognition as described above. (Years later, when the Canadian government lawyer unsuccessfully tried to cast doubt on my scholarly objectivity as an advocacy anthropologist during my first cross-examination in the 1999 Mi'kmaq fishing rights case, my thoughts flashed with gratitude to Wolf. He was on his deathbed that moment, but his wise counsel was very much alive in my mind, for it had helped prepare me for that court room confrontation.)

Another ethical dilemma presented itself several years later. In this second instance, I suspected that a well-known native rights lawyer who had been actively involved in important Mi'kmaq court cases in Canada had invented historical evidence involving a traditional wampum belt in a way that sought to dramatically substantiate Mi'kmaq sovereignty claims. It was claimed that this remarkable artifact, photographed by an American anthropologist David I. Bushnell in Rome's Vatican collection in the early 1900s (and since thought to have been lost), was an early 17th-century belt presented by the Mi'kmaq

Grand Chief to a French priest in 1610 as an indigenous diplomatic equivalent to a historical treaty with the Pope, or "concordat" with the "Holy See." My doubts about the factual basis of this claim were especially troubling because the belt had become a sacred symbol for Mi'kmaq traditionalists. Images of it had even been embroidered on altar cloths in reservation churches. Further complicating my concern, the lawyer in question was married to a highly-respected Mi'kmaq woman whose brother was my friend. Because my doubts had not yet been fully substantiated, and reluctant to undermine the sincere faith of many Mi'kmaq in what had become an important spiritual symbol of cultural identity, I balanced the ethics of quietism versus disclosure and resolved that it was more harmful to go public with my doubts than keeping the problem to myself.

Thus, I did not mention this controversial wampum belt in my 1996 book on the Mi'kmaq. Soon after the book's publication in 1996, I discovered the documentary evidence that proved my scepticism correct, but my reluctance to go on record remained. A year or so later, the issue returned to haunt me when the Mi'kmaq in Newfoundland asked me to join their native rights team as a scholarly adviser and expert witness (Prins 1998: 283-305). By then, this belt had become all the more deeply imbedded in the developing Mi'kmaq oral tradition. For instance, one widely respected tribal spiritual leader now included it in his ritual repertoire. Moreover, he had offered authoritative testimony about it in his widely-lauded performance as a major witness in a Nova Scotia native rights case. Aware that the Newfoundland legal team intended to use the political historical importance of this wampum belt as key evidence in its own native rights argument, I informed them of my knowledge about the actual identity of the belt. Providing them with the damaging evidence (different tribe and later century), I urged them not to use the belt and the recently invented traditions surrounding it in our impending court case. Indeed, I specifically warned them that this wampum belt could jeopardize their native rights case as I would be forced to expose it as historically untrue under cross-examination. Accordingly, the belt was eliminated as historical evidence in the Newfoundland native rights cases. Since then, a handful of Mi'kmaq individuals have asked me about this belt and I have provided them with the information available to me, leaving it up to them how to handle this highly sensitive issue for themselves.

As these ethical dilemmas illustrate, judging right from wrong is not as clear cut as one might wish, for ethical decisions depend on carefully weighing and balancing multiple facts against each other. These facts, in turn, are seldom single, set, or obvious. Anthropologists may ideally subscribe to the moral responsibility and conviction to base decisions on ethical principles (Cassell and Jacobs 1996). But, beyond some abstract precepts and a brief list of generalized rules of proper conduct, we have yet to establish a real standard in our shared professional value system. Is this actually possible? If ethics are historically contingent and cross-culturally variable, can we mark out standards

by which we and those following in our footsteps can morally judge decisions made within our profession?

Early on in this essay, I noted that my idealistic commitment to native rights did not provide me with ethical immunity. As the line of questioning in my cross-examination showed, we run the risk of becoming impotent in our agency as scholar activists if our intellectual integrity is effectively compromised. Without a firm commitment to sound and truthful scholarship, which is the second responsibility listed in the AAA Code of Ethics, we may still end up doing more harm than good to the people with whom we engage in our professional activities.

Having wrestled with these questions over the years, I offer some final thoughts about ethics in advocacy anthropology – insights that help me in my own efforts to be a morally grounded scholar activist. Earlier in this essay, I sketched the hegemonic configuration within which indigenous peoples struggle for justice and seek to free themselves from the shackles of internal colonialism. I also noted that the political arena within which advocacy anthropologists operate in their committed research is a dynamic field of force that calls for pragmatic idealism. Considering the asymmetrical power relations within the political arena of internal colonialism, the actual playing field for effective action is limited. Because the field of action is complex and dynamic, ethics may seem shifty in such quicksand. Certainly, as described in this essay, ethics can be ambiguous in the grey zone of advocacy anthropology. Indeed, in this domain of the betwixt and between they can even be treacherous, as a decision to avoid harm in the short run may later turn out to be harmful, or vice versa. Moreover, communities are not homogeneous entities but are made up of different parties, each with their own particular interests, concerns and loyalties. What may be ethically responsible behavior towards one faction can actually hurt an opposing group within the community. And what about harm that is done because of some unintended consequences of our actions in pursuit of objectives to promote justice and well-being for the community in question?

One of the sobering lessons of pragmatic idealism is that ethical principles acquire their practical meaning only in the actual field of action within which we operate. Although it is important to have some general moral guidelines, their agency depends on how we interpret and actually apply them. That is to say that ethical principles do not function in a vacuum but become reality by virtue of our political actions. Thus, what matters is not only ethics in principle, but ethics in action – our ethical performances that actually help make things happen for the better or prevent things from becoming worse. In recognition of the fact that many factors unique to each particular field of force determine the quality of ethics in action, we may have to accept that what is morally right or wrong will depend on the circumstances and may vary from one situation to the next. Identified as "situational ethics," this position allows us to stay clear from dogmatic idealism with its set of absolute ethical rules while avoiding the pitfall of ethical relativism which passes no judgment on what people do other than to determine whether they truly believed their deci-

sion was right. The concept of situational ethics was developed in the 1960s by Joseph Fletcher, an Episcopalian priest who argued that the only ethical foundation is love (*agape*), on the basis of which one should determine whether a course of action is ethical or not (Fletcher 1966a). This position differs from ethical relativism, which runs the risk of becoming mere opportunism, in that it holds that there is a unifying ethical principle that applies to different situations and that we can only judge whether or not someone has acted ethically if we consider decisions according to such a standard from the perspective of the actors (Resnik 1997). In subscribing to the concept of situational ethics, advocacy anthropologists as pragmatic idealists may substitute Fletcher's unifying ethical principle of love with scholarly integrity and social justice, taking as their moral guidelines the human rights articles (especially the first five) formulated in the Universal Declaration of Human Rights (see also Fletcher 1966b: 129-143, Cox 1968: 67). Adopted by the United Nations as its magna charta for humanity in 1948, this declaration offers us a moral compass[2].

With the help of such guidelines for ethics in action, advocacy anthropologists operating within an hegemonic configuration may weigh their difficult decisions in grey zones such as described in this essay and make the necessary adjustments in their work committed to indigenous peoples in their human rights struggles. Having personally experienced challenges of moving across treacherous quicksand, I suggest that situational ethics guided by the principles of social justice and scholarly integrity provides an appropriate compass for advocacy anthropologists interested in achieving concrete outcomes beneficial to those who have to live with the results of our well-intended actions.

2 *Universal Declaration of Human Rights, First Five Articles*: *(1)* All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood; *(2)* Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty; *(3)* Everyone has the right to life, liberty and security of person; *(4)* No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms; *(5)* No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

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