

European Conquest and the Rights of Indigenous Peoples: The Moral backwardness of International Society

by Paul Keal. Cambridge: Cambridge University Press, 2003. Pp ix+258; appendix, index.
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Reviewed by Andreas Krebs, Keele University, April 2004.

This book is the product of a mind attempting to reconcile two disparate and important intellectual bases: liberalism and its relativist critique. Paul Keal is unwilling to accept the relativist rejection of liberal, rights based modes of political organization; nor is he willing to wholly accept liberalism in the international, as espoused by the English School. Although this dilemma could have proved for interesting reading, the project outlined in the introduction and reiterated in the conclusion is not followed through in the substantive chapters of the book. Keal does little more than present a literature review; he 'canvasses' important issues without any real argumentation, preferring to explicate a variety of positions on international law regarding Indigenous peoples rather than expose his own opinions. This said, the book is not without value. Keal presents a good introduction for students and scholars unfamiliar with the subject by providing an in depth review of the literature on a number of Indigenous issues in international relations.

As indicated by the sub-title, the focus of Keal's study is normative. His starting point is the concept of international society. Following Martin Wight and Hedley Bull, he argues that there is a society of states whose function is to maintain order in the international. This order is taken as beneficial by Keal (almost without substantiation); it is also a basis for a possible world order, taken to be a kind of cosmopolitan ideal in which 'the welfare and rights of individuals everywhere' are upheld (p. 223). However, this ideal is impossible to attain in light of the fact that many states commit and have committed immoral acts. These acts include the near genocide of the Indigenous populations of the Anglophonic settler colonies, which are the focus of the book. Keal wants to question the legitimacy of an international society that is constituted by immoral states; he argues that it is important for international society to pressure settler colonies to reconcile their historic and continuing mistreatment of Indigenous peoples through the introduction of norms and values protecting Indigenous rights in the international. The adoption of the Draft United Nations Declaration on the Rights of Indigenous Peoples by the General Assembly would be a step towards the adoption of such norms and values by international society. If such steps are not taken, then the society of states is not a legitimate notion;

Although this is an intriguing notion, especially taken within the English School context, Keal's arguments are shaky at best. It is clear that although he constantly acknowledges the well practiced critique of liberalism made by relativists, he is unwilling to abandon the liberal tradition in both law and politics. Even while accepting that international law has historically been a justification for the conquest and murder of Indigenous people, he holds out hope that through this same system there may be a just resolution, and a world order may emerge. Indeed, Keal acknowledges that it was only through this conquest that the international society championed by the English school was able to spread. However, Keal's response to this is not to creatively challenge the potential of international society, but to attempt to shore it up against various other potential reconfigurations. Of note is the problem posed by Indigenous 'rights': since traditional political structures of Indigenous peoples are outside the 'state tradition' of Europe, it is therefore difficult to find a way to create these rights within the state. Keal skirts this issue, instead giving another exegetical account of what other liberal theorists have to say about the threat that communal rights of Indigenous peoples (as their traditional rights tend to be characterized in law) may pose to pluralism.

Perhaps the most pressing issue with the book is its consistent denial of Indigenous agency in (re)creating these rights and working for reconciliation within settler colonies. The language constantly refers to what 'we' must do for 'them' in order to solve these problems, thereby ignoring the fact that the settler societies themselves are not immutable and that settler and Indigenous cultures have become mutually constitutive. As is too often the case with studies of this kind, power is thought of as flowing only one way, from colonizer to colonized, with

Indigenous peoples having no influence over their own fate. Very few of his sources are actually taken from Indigenous peoples perspectives on international law or international relations, and his study replicates the paternalism to which settler societies have subjected Indigenous peoples.

As mentioned, these criticisms do not deny relevancy to Keal's study. The importance of Indigenous peoples' politics in the discipline of international relations is only now beginning to be acknowledged. Keal's summaries of international law as it relates to Indigenous peoples is of use, if only as a starting point for those not familiar with the topic. The most problematic part of the book is, as stated, Keal's unidirectional approach. His study replicates the paternalism to which settler societies have subjected Indigenous peoples. Denying Indigenous agency harks back to assimilationist and genocidal policies of these settler societies, not the hope for recognition that is Keal's primary intent.