

KANATA VOL.4 WINTER 2011

# KANATA

VOLUME 4

UNDERGRADUATE JOURNAL OF THE INDIGENOUS  
STUDIES COMMUNITY OF MCGILL

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INDIGENOUS STUDIES COMMUNITY OF  
MCGILL

VOLUME 4

WINTER 2011

MCGILL UNIVERSITY  
MONTRÉAL, QUEBEC

# KANATA

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**Cover art:** Cedar-Eve Peters, *My Dad, Michael*

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## Foreward Editor's Note

Rachel Thorne

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KANATA, McGill's Indigenous Studies Community, is proud to present the fourth volume of its annual journal of the same name. KANATA, the community, is a student-run space for communication, sharing, discussion and education which grew organically from the strong interest of the McGill student body in topics and issues pertinent to the Indigenous Peoples of North America. KANATA facilitates the dissemination of knowledge and information by providing a readily available, reliable resource, and attempts to strengthen the relationship between people of Indigenous and non-Indigenous heritage. As the creation of a minor program in Indigenous studies is an ultimate goal for KANATA, an important element of this edition has been an attempt to demonstrate the relevance and importance of such a program at the University of McGill. Inclusivity and variety, therefore, provided the foundation upon which the editorial committee based their selections for this year's compilation.

Academic prose, photography, paint, sketch, and sculpture come together in this year's edition of KANATA to encourage and promote the use of multiple modes of expression and discourse. The rich interdisciplinary nature of Indigenous studies is also exemplified herein, with the inclusion of topics ranging from sexuality to language to law to media to health. Ultimately, the title of our guest editorial, "Dwelling in Comic Possibility", by Professor Catherine Desbarats, provides a perfect summation of KANATA's goals in the creation of this year's journal – to provide a platform for the discussion of issues, past and present, in a combined effort to create a positive and strong relationship between people, Indigenous and non-Indigenous, in the future.

As Editor-In-Chief, I would like to extend a heartfelt thanks to Catherine Desbarats for her generous contribution to our journal, to Pamela Fillion, KANATA's primary advisor and my guide along the journey to publication, and to the rest of the executive and editorial committees for all their time and dedication.

## Guest Editorial

Dwelling in Comic Possibility

Catherine Desbarats

---

"Milton settled on the couch. Yes, he thought to himself as he ran through the channels until he got to Space, the Indian Act is an important document. Certainly important enough to have its own holiday. And who would have guessed, Milton mused as he watched Jean-Luc Picard save another primitive civilization from destruction, that it would turn out to be the key to understanding the universe".

- Thomas King, "Where the Borg are", in *A Short History of Indians in Canada*

I've plucked this epigraph from a short story, by Thomas King, that is sharp and funny in equal measures. I hope that you will look it up. Meanwhile, with gratitude to its author, I would like to think with it here, or at least try to listen to it for a while. To my mind, it has much to say to anyone who embarks upon a course of Native studies: first, and above all, for present purposes, it helps us see, in new and delightful ways, that the journey, and its fruits, are both important and necessary. Whether you think and write on the topic of Law, say, or History, or whether you work in a scientific domain, such as epidemiology, or in a hybrid realm, such as trans-cultural psychiatry, your research can do far more than add little silos of separate knowledge, here and there. You might just transform the broad landscapes, past and present, of what we thought we knew. And who knows. A talented writer of fiction, such as Thomas King, might stumble on your findings, metabolize them merrily, and thus help them travel far more widely and deeply still via another genre. After all, the action in "Where the Borg are" begins when the young schoolboy Milton encounters a serious tome written by the (Métis) historian, Olive Dickason!

Whether or not they are read by diligent novelists hungry for telling nuggets of “reality”<sup>1</sup>, each of the papers assembled here certainly contains abundant promise. Like the previous issues of this young and vibrant Journal, each effects subtle shifts in world view, whether by meticulously picking apart Hollywood cultural stereotypes, as in Bryn Turnbull’s essay, or whether by exploring generous and generative native understanding of personhood and sexual identities, as in Lynsey Grosfield’s trenchant musings on “Queer Native identities: from anthropological appropriation to self-identification”. With the latter piece, as in those papers dealing with aspects of the law (Justin Douglas and Caryma Sa’d) or medicine (more specifically, the case of interventions in the wake of residential-school induced traumas, in Talia Bronstein’s work), of course, there’s even a chance of doing more than changing our perceptions or our understanding. There is the prospect of changing the way we live with one another today, and the way we will do so tomorrow.

Perhaps this is why First nations individuals (with some notable exceptions) seem to flock more readily to professions related to law or medicine, than to PhDs in the humanities or social sciences. Life is short, the stakes are high, and the urge to make a clear difference in one’s lifetime is strong, and if anything, grows stronger with age. Nonetheless, even in my own, slower, typically more bookish field of enquiry, the history of seventeenth and eighteenth-century North America, I have observed the disruptive potential of scholarship: once you take serious and sustained stock of the much older presence of self-governing indigenous societies, with their radically different modes of reckoning such basic things as time and their place in the universe, and when you are forced to do so against the grain of a written documentary record that erases them, just as often with gob-smacking casualness as with strategic intention, it is simply impossible to think of European settler societies, and the creole states they ultimately spawned (the United States, Mexico and Canada), and that we live in still, in quite the same way again. Very little is spared in the light of such reassessments, even when they seem at first glance only to concern distant centuries: neither our deepest sense of self, personal, or collective, nor our sense of the outward trappings of our social lives--symbols, institutions, laws, places. They simply no longer seem the same. At the very least, they

seem less inevitable. And is this not the first step to imagining different futures?

To run a bit further with the example of History, which I know best, it can be said that from at least the fifteenth century onward, transplanted Europeans and their offspring were indeed above all masters at convincing us of the naturalness of their claims to rule over their hosts, and to take possession of their land (and their people, in the case of the West Coast of Africa). And more than anyone else, students of native experience have patiently revealed the hubris, indeed the violence, of such claims. Sarah Kerr’s paper, in this volume (“Modern Mexico’s Lawless Frontier: A Portrait of The Autonomous Municipality of San Juan Copala”) takes up this theme in the context of contemporary Mexico. In some respects, however, we have hardly begun to track the corollaries of these observations. Even the historical work has hardly begun. This is good news for those who wish to publish in these pages. Once we note the hubris of European discourse, what next? We roll up our sleeves, surely. Like the young boy, Milton, in Thomas King’s story, we might even start, prosaically, in the library next door. It can still yield potent surprises. Whether we start there, or elsewhere, we have to continue to embrace the challenging task of re-writing the history of what once seemed ‘natural’, what once was taken for granted. The efforts at de-colonizing our understanding of state-formation, to take what strikes me as a critical example, is still in its infancy. To make the example more concrete still, consider the following. When we more fully understand how a piece of paper with the power to legalize native and African enslavement came to pass in a French north American colony in 1709, we will certainly understand something more about the everyday violence of state-making in New France. And perhaps then, the question, ‘could New France’s conquest by the British have been avoided?’ will cease to compel historians quite the way it still seems to today in many quarters. Indeed, for some, such contemplation might even ease the lingering sting of a two-hundred and fifty-year old military defeat and change in imperial governance. In any event, and though perhaps I’m wrong on this score too, I suspect that many of this journal’s readers would far rather learn more about the circumstances surrounding the legalization of slavery in early Canada than hear hackneyed accounts about the Plains of

Abraham, and September 1759. In this as in so much else, they are ahead of their elders. Just like Milton, in fact, who was miles ahead of his teacher, Virginia Merry. The poor woman simply couldn't catch his drift when he wondered why the passage of the Indian Act was marked by no public holiday, when so many more trivial happenings were... Is it sheer coincidence that the lad bears the name of the great blind poet, who lashed out against the constricting pieties of his day? Milton's salutary infirmity, his arm against Virginia Merry, is precisely his youthful naïveté.

If you embark upon native studies, mind you, it is not just altered perceptions and understanding that will follow. Whatever your field, whatever the aspect of indigenous experience that you study, it's wise to be prepared for strong emotions. Not just yours, but those of others. Now, or whenever, can one be, or could one have been, "native" without having experienced the bite of colonialism? The bid of Europeans to claim sovereignty where it existed already, created, among other things, new identities (Indians, for a start...), new pressures. Can anyone today take stock of this, and all of its implications, without some mix of anger, disgust, or frustration? Perhaps even despair? What do we make of the apparent finding, in the current issue of this journal, that "Anishinaabemowin, the language of the Anishinaabe (otherwise known as the Ojibway or the Chippewa)" is "retained" best in more remote communities? If true, this is as ambivalent a finding as they come. What is to be done? We can only applaud those who compile dictionaries against the clock, and invent new ways of transmitting language more generally, even as we fret about the odds.

Then again, just when you least expect it, more surprising emotions, such as gratitude, or admiration, or laughter, may also surface. Fatherless Milton, and the guileless, trekkie way in which he sticks it to his teacher, certainly makes us laugh, even as we worry: "where on earth has his father gone?" Who has not been moved by stories of resilience and persistence, however unexpected or offbeat? A dogged midwife, lobbying successfully for mobile maternity care across improbably vast swathes of territory? A residential schoolboy saved by the experience and camaraderie of being part of a travelling hockey team? These are but two of the scores of life stories that I was privileged to hear while teaching an interdisciplinary course on Quebec's native

experience. It was not hard to imagine, either, the shadow side of such stories: embittered siblings, unable to shake the pain of abuse, survivor guilt on the part of those who could and did. Feeling such emotions, or witnessing them, might get you going, as scholar, and can fuel much hard work, and lend your work necessary vitality. They can swiftly change a life course, as I now they did for several of my students.

For the long haul, beyond productive anger or inspiration, it's perhaps wise, always, to stay tuned to paradox, and alert to ironies. You'll get more of a hearing, and ultimately, you do want to be heard, as widely as possible. And this will be the final point that I sketch out here, again with the help of Thomas King. Read him, and native word-masters (or film-makers, or painters, or...) like him. Listen to their stories, watch how they craft them. Watch their astute, unflinching, alchemy. Watch how they transmute their own anger and guilt, their own wrestling with complex identities, their own occasional despair, into offerings for all. They take the occasional, delicious pot-shot at the Virginia Merrys of this world, but such playful meanness is reserved for the most pathetically self-satisfied. Where real danger may have lurked, the narrative touch is lighter, more subtly disturbing, more oblique. In barely twenty compact pages, "Where the Borg, are" will make you queasy even as it makes you laugh. Given one of its central themes, the Indian Act, and its profound shaping of identities and circumstances, this confusion of sentiments seems about right. Humour's disruptive stealth, and fiction's power to pierce obfuscation, have just what it takes to save the topic from stale near-familiarity.

So let me end these brief thoughts by moving closer still to Milton, the Borg, and to their creator, Thomas King. I'd like to whet your appetites further. Milton, as even those of among you who have never watched the series will have gleaned by now, is a Stark Trek fan. He watches with his grandfather, a companionate fan, and owner of the TV in Milton's life. Sci-fi plots and characters are firmly lodged in the boy's brain. So much so, that when reading, perhaps for the first time, a scholarly work of history, he has a flash of insight. Where did the Borg go after their defeat by the Federation? The question has bogged fans for some time now. The answer is plain as pie on page 282 of Olive Dickason's hefty tome, *Canada's First Nations*, where the evidence of time travel is there for all to see. The Borg reversed

the conventional flow of time, journeying back a century or so, in the guise of Europeans, and more precisely, as architects of the Indian Act. Connecting even more dots, Milton finally accounts for his father's troubling disappearance. Assimilation by the Borg, those whom it is futile to resist. The Borg footprints are everywhere, and that must have been his sorry fate. Milton works the theme into an essay for his teacher (minus the bits about his father), having ordered a copy of the statute via his library. (A government document, it doesn't circulate. More evidence of Borg handiwork...) Milton's teacher, a sour-puss, as you have already guessed, isn't impressed. She's scornful, too, of his "overheated imagination". His grandfather, with his Teepee and his satellite dish, is a kindred childlike soul, however, happy to muse peaceably over the significance of Milton's findings. As they pore inquisitively over the detailed clauses of the Indian Act, new possibilities emerge: perhaps the drafters of the statute and their successors were Ferengis, more brutally malevolent and more pesky than even the Borg? Then again, could anyone other than brainy, unemotional Vulcans have conceived of the plan of plucking children from their families to be schooled miles away with the thought of enhancing their lives? Milton's grandfather, finally, stumbles on a yet another hypothesis, perhaps the most troubling to date. Perhaps, in the end, it was the Federation itself—the archetypal good guys of the universe, who had caused so much disruption on grand and intimate scales. And here the deep queasiness sets in, for the reader, as for the studious fictional pair, who enjoy no guidance from the missing generation that separates them. The road to many types of hell, (what Milton's whimsical, but suddenly more vulnerable seeming grandfather, does not , or cannot, say), might just be paved with deceptively good intentions.

*Catherine Debarats is a Professor of History at McGill University.*

## Traditional Healing At the Native Friendship Center of Montréal

Anne Whitehead



### Introduction

*“O Great Spirit, who art before all else and who dwells in every object, in every person and in every place, we cry unto thee. We summon thee from the far places into our present awareness”*

I sat with Susan in The Native Friendship Center main hall, and we discussed my thesis on the traditional ways of the First Nations people in Montreal. Like others I had spoken to at the center, Susan was concerned that my approach was flawed. A person cannot learn about the healing circle by reading about it. “If you want people to understand a healing circle, tell them to go to a healing circle,” Susan



told me. The Native ways can only be learned by speaking with an elder, by listening and experiencing the rituals for one's self, and by speaking with The Creator. In the following account, I will attempt to find a middle ground between an academic writing style, and the storytelling of an Elder, so as to best let those I met speak for themselves.

Susan grew up in a white family on the Canadian east coast. As a child, she remembers a woman would come to the door selling her hand-made wicker baskets, painted brightly with red and yellow. In her early thirties, Susan met that woman again at a powwow in Halifax, held annually to mark the Oct 1, 1752 treaty between the Mi'kmaq and the sovereign crown, promising friendship and mutual respect between the people.

"What tribe are you from?" the woman asked.

"I am from no tribe," Susan replied. She is a white woman.

"You are from my tribe now," the woman said, and in the Native way, her words were true. She took Susan into her family as if she were born Mi'kmaq. In the years following that day, Susan has called Margaret her Native mother. Margaret introduced Susan to the ancient ways of the Mi'kmaq people, and together they wove a basket painted red and yellow.

When Susan moved to Toronto, she met Vern Harper, an elder and medicine man, who adopted Susan as his apprentice. Vern gave Susan the teachings, and encouraged her in following the Native path.

The Native people have been "de-feathered," Vern told Susan. The Treaties promised friendship and mutual respect between the natives and the white men, but then the Indian Acts that followed contradicted this and forced First Nations people to assimilate. The Ministry of Indian Affairs took children from their parents and sent them to residential schools, where Native children were not allowed to speak their languages, and were prevented from speaking to Elders to learn their ancient ways. Their traditions were stigmatized, and the authorities convinced the Native people that their spiritual practice was just superstition, or worse, devil worship. Indian agents would come into peoples' homes and confiscate their drums. Any traditional practice that remained was hidden, while a large proportion of the population was Christianized.

The Canadian government actively erased the peoples' cultural memory. The last residential school was closed in 1996, and their legacy continues. Older Aboriginal people are ignorant of their history, and this has left many holes in their identity. This great gap in self-understanding has been filled with shame. The public humiliation of Canadian First Nations people has decimated their self-esteem, and it is this loss of self-worth that fuels the succession of social and economic poverty among Native peoples.

Now, the young people have begun to reclaim their identity through hearing the teachings and practicing traditional healing. With a renewed sense of self-esteem, these people are able to release themselves from the abuse of drugs and alcohol, and face life's challenges with fresh resolve.

## Part 1

*"Oh Great spirit of the South, whose warm breath of compassion melts the ice that gathers round our hearts, whose fragrance speaks of distant springs and summer days, dissolve our fears, melt our hatreds, kindle our love into flames of true and living realities. Teach us that he who is truly strong is also kind, he who is wise tempers justice with mercy, he who is truly brave matches courage with compassion"*

Simon knelt down and reached into his medicine bag for his tools, placing each of them on the round animal-skin rug: A candle, shell, eagle feather, quartz stone and small wooden eagle-shaped bowl of water, two drums and the prayer stick. The three members of the circle watched over him as he meticulously prepared the ceremony. Simon pinched sage between his fingers, and closed his eyes, lifting his hand toward each shoulder and his face, and then he placed it in the shell. He did the same with sweet grass and cedar, and then he made a silent prayer on a handful of tobacco, and added it to the herbal mix in the shell. Simon turned to his left, and walked clockwise around the circle, to allow each ritual participant to make a prayer on tobacco, and add it to the mix.

“Thank-you to The Creator, for bringing everyone here safely today, and for giving us healing. Thank-you to the ancestors, and to the center, and for the people here who have come to participate.” Simon crushed more tobacco, and turned his fingers in the medicines, then lit the shell’s contents on fire. “Wela’lin.”

Simon softly blew out the fire, and smoke rose thick and alive out of the shell. With his hands, Simon wafted the smoke toward him, on his chest, and up over his face and hair. As if washing himself, he took the smoke in his hands and poured it over his entire body, and then he rose to his feet. With the shell in one hand and the eagle feather in his other, Simon wafted smoke over each of the participants, and they too dipped their hands into the stream of smoke, and washed it over their face and hair.

Simon returned to his chair in the circle, took the prayer stick in his hand, and slowly formed a sentence. He introduced himself as Simon, a Mi’kmaq; “non-status... and proud of it!” He said that he saw the teachings as a way to help people help themselves, and deal with personal trouble. “My family was pretty dysfunctional; I wasn’t taught the ways of the Mi’kmaq people.” He paused. Simon’s parents did not provide him with the oral traditional knowledge from his people, so when in his later youth Simon drifted off his path, he had no knowledge of how to heal himself. “I’m just a regular Indian, that’s all.”

## Part 2

*“O Great Spirit of the North, who gives wing to the waters of the air and rolls the thick snowstorm before thee, who covers the earth with a sparkling crystal carpet above whose deep tranquility every sound is beautiful. Temper us with strength to withstand the biting blizzards, yet make us thankful for the beauty which follows and lies deep over the warm earth in its wake”*

In 1969, Jean Chrétien – the Minister of Indian Affairs and Northern Development - published The Statement of the Government of Canada

on Indian Policy. “This review was a response to things said by the Indian people at the consultation meetings which began a year ago and culminated in a meeting in Ottawa in April” (6), and was meant to refocus the Canadian government’s approach to aboriginal socio-economic development. That is to say, by the ‘60s, the ministry had recognized a huge gap between the social life and economic activity of the Native and non-native populations of Canada (considering indicators such as literacy, employment, and quality of life). The federal plan for the development of Canadian Native peoples has been revised several times, and each time it has fallen short of resolving the debilitating problems faced by these communities. This report serves as one example of how the government has approached the issue.

“The government believes that the framework within which individual Indians and bands could achieve full participation requires: 1. that the legislative and constitutional bases of discrimination be removed; 2 that there be positive recognition by everyone of the unique contribution of Indian culture to Canadian life; 3. that services come through the same channels and from the same government agencies for all Canadians; 4 that those who are furthest behind be helped most; 5. that lawful obligations be recognized; 6 that control of Indian lands be transferred to the Indian people.” (7)

In retrospect, point 3 and 5 seem to be the only practical considerations produced by this report. The rest serve only to highlight the social ideals brought forward by those native people who were consulted by the government, but the lengthy report does not offer any practical means by which these ideals can be integrated into some organizational system.

The report does adequately address the devastating affects of the historical oppression of these people. “Not always, but too often, to be an Indian is to be without - without a job, a good house, or running water; without knowledge, training or technical skill and, above all, without those feelings of dignity and self-confidence that a man must have if he is to walk with his head held high” (2). Chrétien and his team make mention of these people’s central problem of a lack of identity: “success in life, in adapting to change, and in developing appropriate relations within the community as well as in relation to a wider world, requires a strong sense of personal worth - a real sense of

identity” (14). But again, the government agency made few changes following this report to provide services aimed toward addressing this necessity. It has only been very recently, under great pressure from aboriginal communities across Canada, that the government has begun to support the process of identity-consolidation. This support has come in the form of closing the last of the residential schools, and financing the teaching of traditional ways on reservations, at Native Friendship Centers in the cities, and in penitentiaries, where many of our aboriginal people live and learn.

The Statement of the Government of Canada on Indian Policy makes no mention of the challenges faced by Native people in Canada’s urban centers. This neglect of the needs of urban Aboriginals stems from a long-held Eurocentric perception by authorities that Native people live entirely separate, rural lives.

“With the technological change of the twentieth century, society became increasingly industrial and complex, and the separateness of the Indian people became more evident. Most Canadians moved to the growing cities, but the Indians remained largely a rural people, lacking both education and opportunity. The land was being developed rapidly, but many reserves were located in places where little development was possible. Reserves were usually excluded from development and many began to stand out as islands of poverty” (10).

The report suggests one large change in policy in order to address the socio-economic divide between Native and non-Native Canadians. The statement proposes that “the residual responsibilities of the Federal Government for programs in the field of Indian affairs would be transferred to other appropriate federal departments” (8). The intention of this program is (again) to integrate the Native population into Canada’s existing social welfare system. It boldly states: “there can be no argument about the principle of common services. It is right” (14). Unfortunately, the Ministry of Indian Affairs and Northern Development did not anticipate the bureaucratic complexities that would result from this change in policy, which have since crippled social services to Native peoples.

In June 2002, The Native Friendship Center of Montreal published a report titled Homelessness Among Montreal’s First Nations, Inuit and Métis: A Summary Report of Findings. This paper

tackled the problems faced by urban Native people, and assessed the government’s role in amplifying the scope of their challenges.

In 2002, Montreal’s total population was 3 287 645, and the aboriginal population was 9 965, which constituted 0.3% of total inhabitants (5). This was considered an insignificant number of people, and so the city council chose not to invite Native representatives to participate in policy-making decisions that would affect their community. “A disproportionate share of the funding has been allocated to northern regions with smaller population sizes while major urban centers such as Montréal and Québec have been marginalized” (14). As a consequence of the government’s marginalization of Native social policies, those services that do cater to the needs of the Native population (such as The Native Friendship Center of Montreal) have suffered acute under-funding.

Though the municipal government has largely left Native people out of the policy-making decision process, there are multiple indicators that suggest that the Native community in Montréal is a group particularly in need of government attention. “In Montreal, the aboriginal poverty rate is among the highest at 58%, more than double the rate for the non-aboriginal population” (14). The 2002 Native Friendship Center report suggests a number of causes for this high poverty rate. Unemployment among Montreal Native people is “twice the non-aboriginal average”. This is likely due to low education levels, and women’s heightened domestic responsibilities, since so many families suffer from father absenteeism. Native people also suffer from a higher rate of substance, domestic and sexual abuse, which can cause serious depression and make it much more difficult for these people to participate in society. In addition, Quebecois First Nations people are less likely to speak French than other Quebecois. Their two languages are likely to be a combination of English and a traditional language. 73% of The Native Friendship Center of Montreal’s clients are English-speaking.

Native people seem to fall through the cracks in a system that does not consider their diverse life-styles. First Nations people are mobile; they migrate in search of jobs. Now that their social services have been integrated into the mainstream, Native people have more trouble negotiating their status, and receiving governmental aid. The

CLSC"s, Le Centre Local d'Emploi and Quebecois welfare services are all based on postal code and residence information, and "a system based on place of residence is particularly ill suited for the aboriginal population given the high rate of mobility" (12). Since The Ministry of Indian Affairs and Northern Development delegated its responsibilities to the provinces, the system has become so complicated that "on average each client will experience five interruptions in their social assistance file within a given year. This is often due to misunderstandings between the agent and the client, misinformation and frequent changes of address" (22). The NFCM report recommends that the system improve the coordination of access to services between Federal and Provincial governments.

Among other recommendations (such as constructing transitional housing, funding holistic life-skills programs, improving access to and the continuum of mental health care, providing more legal aid, adult education and culturally-relevant parenting programs), the report emphasized the need to integrate traditional healing practices into daily life. "A recent study conducted by Québec Native Women on survivors of the residential school system have found that re-appropriation of one's culture and traditions is an essential element in the de-victimization process" (40). Victims need to transform themselves into agents and others need to accept this transformation to solve the problems faced by the First Nations population in Québec.

### Part 3

*"O Great Spirit of the East, the land of the rising Sun, who holds in your right hand the years of our lives and in your left the opportunities of each day. Brace us that we may not neglect our gifts nor lose in laziness the hopes of each day and the hopes of each year."*

Noel Knockwood is an elder of the Indian Brooke First Nations. Having earned a university degree, he is regarded in his community as highly accomplished. Noel was born on July 13, 1932 in the Shubenacadie Indian Reserve, and was enrolled in a residential school. He went on

to create a transitional first year at Dalhousie University for Native students, and in 1975 he was appointed the spiritual leader, Keptin, on the Grand Council of the Mi'kmaq Nation. He published Mi'kmaq Teachings and Prayers, and so through his writing, he can tell his own story here.

"In the early 50s I was a problem drinker. There was a void in my life that had to be filled. Being a residential school survivor, where I was stripped of my culture and language, I was left with a great emptiness. As a result, I suffered from low self-esteem. I was constantly reminded that I would not be successful and that I could never make anything of myself. When I drank, the feeling of low self-esteem left me. I was ready to defend myself, argue and fight." (28)

"In 1972, I was invited to a Native powwow. Being almost assimilated into mainstream society, I knew nothing about Native culture, traditions, chants, dances, ceremonies or rituals. However, I was impressed with the elders and the traditional people. The aboriginal customs made me feel pride in my heritage. When I experienced my first sacred ritual, I found God. From that time onward, I have been a traditional Indian." (28)

"The title of elder is not granted lightly. It is a highly-honoured spiritual position with many related responsibilities. Discipline by example is the major standard which is reinforced by many years of sobriety and dedication" (28). "Because I found my identity, language, culture and the Great Spirit, I have maintained my sobriety for more than twenty-five years" (29)

Noel's booklet explains the basic elements of Mi'kmaq tradition. Not all Nations' traditions are the same, but the included material is fairly universal.

Like many others I've spoken to, Noel emphasizes that "Native spirituality is not a religion; [...] it is more of a philosophy and way of life." Native spirituality includes elements of "duality: good and evil," as well as a code of ethics pertaining to "self-respect and the respect of all of God's creation" (3). Most groups have spiritual rituals for: "death, marriages, name-giving, burials, healing, prayer and worship to only one God [The Creator]" (3). Their worldview makes prolific use of the circle: "trees, wigwams, the sun, moon, stars and mother earth, are round and everything is in reference to a circle or a cycle" (6). Native

people consider all animals, plants and even rocks to have a spirit, and many elements are held sacred. “We pay much respect to the eagle and to the eagle feather because that is our way of uniting ourselves with the spirit world” (16). “When the feather is worn or carried, it establishes a bond between man and the creator.” (19)

“The Random House Unabridged Dictionary, 1987, defines religion as ‘a set of beliefs concerning the cause, nature and purpose of the universe, especially when considered as the creation of a superhuman agency, usually involving devotional and ritual observances, and often containing a moral code governing the conduct of human affairs’ [...] according to this definition, traditional aboriginal spiritual beliefs constitute a religion” (24)

Although Native traditions fit the definition of religion by Eurocentric standards, the culture lacks institutions, doctrines, sacred texts, even a name. “All teachings in native spirituality were oral and handed down from generation to generation” (24). There is no formal structure. “We learn our philosophies and our ancient ways by listening and talking to our elders” (18). There is also no administrative bureaucracy set up to delineate between leaders and followers.

“The number of years lived is not the main criterion [for being an elder]. One needs to know, understand and speak one of the Native languages. Your knowledge of your Nation’s history is crucial, and so is the wisdom of your traditional beliefs, rituals and ceremonies [...] the path of an elder is one of dedication, sobriety, and total commitment to serve God” (8). Elders do practice rites of passage, like fasting for a minimum of four days and going on vision quests, but there is no formal ceremony to ordain a spiritual leader. “Once people accept you to be a medicine person, then you are a medicine person” (18).

Once a Native person is healed and on the right path, regularly practicing purification and compassion, it is that person’s responsibility to organize traditional events like the sweat lodge. ‘Sweats’ are held in tepees, in which a fire is lit, and the heat literally makes participants sweat. “The physical extraction of your sweat going through the pores of your skin purifies you physically, and healing takes place” (19). In a sweat lodge, a person can go into a trance and speak to The Creator through visions of sacred animals in the tepee. Purification rituals like this one produce a ‘fresh start’ with a positive spirit.

In Noel’s name giving ceremony, his oldest brother called him “spirit talker, because I was able to communicate with the spirit world. This is part of the Native culture; this is part of what it is like to be an Indian” (22).

#### Part 4

*“O Great Spirit of the West, the land of the setting sun, with your soaring mountains and free, wide rolling prairies, bless us with knowledge of the peace which follows purity of striving and the freedom which follows like a flowing robe in the winds of a well-disciplined life. Teach us that the end is better than the beginning and that the setting sun glorifies not in vain”*

In his youth, Archie was not at all educated in his traditional Algonquin culture, and he suffered from a lack of personal identity and poor self-esteem. Archie was a victim of sexual abuse, and was not able to deal with the pain this caused him, and as a result, he isolated himself from his family and started drinking and using drugs. Archie was not able to understand or control his emotions, and when he was intoxicated, Archie became violent and self-destructive.

The first time Archie met a Native elder was at the reception holding, soon after he was arrested and sentenced to four years in a Canadian prison. The system moved Archie into Archambault penitentiary, where he was placed in a cell next to another Algonquin man. The man invited Archie to come to the Native people’s circle, and he accepted. The healing circle was conducted in a locked room. Guards stood outside, and within, an elder passed their prayer stick around to all the participants, and encouraged Archie to speak openly and honestly about his emotions. There, Archie was welcomed by the Native community, and given the chance to practice his Algonquin traditions.

Archie soon learned that the Native people at Archambault had their own board of directors (the Muslims also had one), and this board had a president and an administrative liaison officer to represent the cultural community. The people were allotted their own yard outside

the penitentiary, where they erected a sweat lodge, and practiced personal healing and purification. The community also came together in drum circles out in the yard, and had the opportunity to share the traditional teachings with each other.

I asked Archie how these experiences had changed him, and he told me about one particular circle he had attended, where he learned of the importance of honesty. A member of the Archambault Native community was being investigated for dealing drugs inside, and when the circle's elder asked the man if the allegations were true, he denied responsibility. Archie knew that the man had lied, because earlier on he had visited Archie in his cell and bragged of a \$1000 deal he had initiated. Archie felt disgusted by this man, a liar and user, who reminded Archie of the man he had once been. When the prayer stick reached Archie, he told the elder the truth, and in doing so, Archie abandoned not only the dealer, but also his own past. Through this truth, Archie became loyal to his traditional community; he embraced honesty, sobriety, and devotion to the creator.

Archie and I discussed how he had been changed by his experiences in the penitentiary. He recalled a time when he would identify himself as "Archie, I drink, I use", a man with no self-esteem. But now, Archie identifies himself as "grateful, happy, with self-esteem". I asked Archie to imagine his old self and his new self in competition for employment, housing, and other social challenges like overcoming poverty, and with a big-hearted smile, he affirmed me that his new self could certainly succeed in ways that his old self could not. Before learning the teachings at Archambault, Archie was too afraid to fail, so he did not face social challenges. His ego was easily bruised, so when choosing where to live or when to party, he spent more than he could afford, and was unable to construct a sustainable standard of living. Now, Archie has realistic expectations of employment and housing, and he attributes this attitude to a solid sense of self-worth. Archie is determined to stay sober and off drugs, and he is happy to contribute to his community. He believes that his new resolve is a product of the self-esteem he developed by learning the ways of his ancestors, and accepting his Native identity.

## Conclusion

*"O Great Spirit of our souls, burning in our heart's yearning and in our innermost aspirations, speak to us now and always so that we may be aware of this greatness and goodness of your gift of life and be worthy of all this priceless privilege of living"*

Susan and I sat together in the main hall of The Native Friendship Center of Montreal, and together we looked over my notes, trying to come to some conclusion on why it is that Native traditional healing is so much more effective than mainstream psychotherapy. We found that it is the collective approach of the circle, which motivates each member to actively participate, and results in generating personal self-esteem.

In contrast to the power hierarchy of the doctor-patient relationships of the Quebec mental health system, the participants of a Native healing circle are considered to be equals. Native healing circles are holistic, allowing participants to freely move from one subject to another, rather than focusing on fragments of mental health, like 'anxiety' or 'depression'. Doctors have time limits, and their hours come at a price, but in a healing circle a person can hold the prayer stick for as long as they need to speak – be it minutes, hours or days – and the value of this time is entirely spiritual. In the circle, the expression of emotions is encouraged, and considered to be an indication of healing, whereas in the medical system, emotion is seen as a symptom of illness. Native people consider seeing visions as a spiritual experience, and a person experiencing visions would likely be adopted by an elder for training, not diagnosed with schizophrenia and committed to hospital, as would happen in the provincial system. The healing circle supports open, honest speech, and the vulnerability of each member is shared and protected by the rest. Doctors, on the other hand, claim that their healing is confidential, but if a patient displays destructive behaviour, the doctor might speak to other doctors about the patient's case in order to commit the patient to hospital or advise the authorities of criminal behaviour. It is not so surprising, then, that Native people have learned to distrust the mainstream medical system, in favour of

the traditional approach.

In the Native healing circle, everyone is a participant and no one is a spectator. A person is perceived to be healed when he or she feels part of the community, and begins to take responsibility for social welfare. One is well when one can work to heal others. Thus, through traditional healing practice, the cycle of poverty is reversed. Each participant gains a sense of self-worth, a fresh start, and the motivation to develop the self-esteem of others.

*Anne Whitehead is a graduate of McGill's International Development Studies program, and is now working in Kampala, Uganda. She would like to dedicate this piece to community members at The Native Friendship Center of Montreal.*

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# A Cultural Approach to Healing Trauma

Talia Bronstein

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The legacy of colonization and assimilative practices by the Canadian government towards Aboriginal peoples have created deep-seated, complex intergenerational trauma in Aboriginal communities. Assimilative programs such as Indian Residential Schools (IRS) were traumatic for the individuals who attended, due to sexual, physical and emotional abuse, but also were harmful for the collective identities of the communities involved. Due to the fact that the effect of IRS is felt on multiple scales of identity, an interdisciplinary approach is necessary to understand how various Aboriginal communities in Canada engage with formal state healing programs, as well as create their own responses to conflict that are in line with traditional customary practices. Law, medicine and social work will each be discussed individually as key elements to state-sponsored healing and compensation projects for IRS victims. These mediums, however, are all limited in that they have the potential to ignore the cultural intricacies of the communities in which they are trying to help. An interdisciplinary approach can certainly be useful when trying to heal and reconcile past traumas such as IRS, but this approach must be paired with a cultural framework that recognizes the unique histories and the self-determination of Aboriginal peoples in Canada.

The Canadian government sponsored church-operated residential schools from 1879 to 1996 (Kirmayer and Tait et al. 2009: 9). These schools had the explicit aim of “assimilation through education” (Kelm 1998: 58). Residential schools are described as total institutions because of their confined nature with highly regimented social order that encompassed all aspects of life (Kirmayer and Tait et al. 2009: 9). In these schools, children were “subjected to aggressive religious proselytizing... taught to devalue their traditional spirituality, values and norms... [and] prohibited from speaking their indigenous languages,” (Boldt 1993: 168). Through these practices, it was hoped that Aboriginal children would be civilized through the abandonment of their own culture in favor of adopting the Canadian lifestyle (Boldt

1993: 169). As a result of residential schools, multiple generations lost their ability to speak their native tongue or carry out their traditional cultural practices, which denied Aboriginal communities the “basic human right to transmit their traditions and maintain their cultural identity,” (Kirmayer and Tait et al. 2009: 10).

Not only did residential schools have a deleterious effect on Aboriginal culture, but they were also places of sexual, physical and emotional abuse. Disciplinary practices including the strap, public humiliation, head shaving, and bread and water diets were used to enforce the acculturation of Aboriginal children (Haig-Brown 1988: 76). In Kahnawake, an individual named Ruth shared her experience with me of physical abuse in a residential school. She spoke of being beaten with a strap when she was only five years old because she did not know the answer to a question asked in class. Ruth was unable to speak of her traumatizing experiences in residential school for many years. She explained that the abuse she received, the abuse that she witnessed on other children, and the constant threat of punishment made her extremely withdrawn until her adult life when she was finally able to engage emotionally with other people again. Her fear of any sort of authority figure remains until today. This narrative shows that residential schools were not only places of assimilation, but of abuse and psychological harm that have remained with victims until this day.

There have been multiple reactive attempts by the Canadian government to resolve the trauma created by residential schools. These initiatives have mainly been in the legal realm where individuals and groups are primarily able to engage and challenge the state in the setting of a courtroom. Following a class-action lawsuit by IRS survivors against the government, the state issued an Alternative Dispute Resolution (ADR) program in 2003, based on tort-law. This program responded to the thirteen thousand litigation claims against the church and state for abuses that occurred in the residential school system (Regan 2007: 46). The Minister of Indian Residential Schools Resolution Canada, Anne McLellan described the ADR as, “groundbreaking, a culturally-based humane and holistic way...for students who are seeking compensation for sexual and physical abuses,” (Regan 2007: 58). As will be shown, however, some participants in the ADR held much less favorable opinions of the process.



In this settlement attempt, victims were required to give valid evidence that they were sexually or physically abused. A point system then determined the quantity of monetary compensation the victim would receive (Indian Residential Schools Independent Assessment Process 2006). Anyone who attended IRS received a lump sum and additional compensation for the number of years spent in the schools and the varying levels of abuse experienced. The rationale behind this form of legal resolution was that it would be a more efficient and a less costly way of dealing with the numerous charges against the government and church and would effectively end class action lawsuits (Kristen Anker Lecture May 10, 2010). Thus, an individual who suffered from incidents of “Repeated, persistent anal/vaginal penetration,” would receive more points and thus more compensation than someone who experienced “Repeated, persistent fondling under clothing,” (Indian Residential Schools Independent Assessment Process 2006: 3). Those claiming abuse were subject to cross-examination and those whose abuse was deemed to have been part of “acceptable standards of the day,” were not granted additional compensation.

The ADR on residential schools has been extremely controversial. Paulette Regan claims that the program “focused too narrowly on sexual and physical abuse [and] did not provide either compensation or apology for the cultural loss and social harms suffered by students,” (2007: 47). Regan writes that as of 2007 no case law exists that recognizes cultural loss as a legal cause of action (46). As discussed previously, however, one of the most devastating effects of the residential schools was the loss of language and cultural traditions, not only for the generations that attended IRS but also for the generations that followed. Furthermore, victims were required to prove their abuse through hard evidence and cross examination which can potentially lead to further psychological trauma or simply discourage victims from participating in the legal process (Kristen Anker Lecture May 10, 2010).

Another critique of this legal response to IRS was that it “reflected the dominant cultural values of Western law- neutrality, fairness, timeliness, validation of claim- as key criteria for reconciliation” (Regan 2007: 51). In fact, the ADR was designed unilaterally by non-indigenous individuals with little input from Aboriginal communities (Regan 2007: 47). While the intention behind the ADR was to provide

adequate compensation, its lack of focus or understanding of culture and the devastation of cultural loss limited its success. It is for this very reason that it is of the utmost importance to have a multidisciplinary approach in dealing with trauma that incorporates a cultural framework.

In Kahnawake, a form of ADR process, which will be referred to as Restorative Justice (RJ), is utilized on a regular basis to deal with criminal charges in attempts to restore relationships and maintain a sense of community cohesion. This process is based on traditional *Haudenosaunee* principles of conflict resolution and healing (David Montour Presentation May 17, 2010). This process has some similarities with the Canadian ADR process, but also several differences. By exploring the Mohawk RJ program as one example of a potentially pan-Aboriginal conception of justice, it is evident that perhaps the ADR could have been more successful, if it had been culturally sensitive to these differences in the understanding of crime and punishment.

According to a presentation by David Montour in Kahnawake on May 17, 2010, the Iroquois concept of justice involves four principles: reason, satisfaction, persuasion and compensation. These principles are embodied by the RJ process in Kahnawake – where anyone who is affected by a crime in any way, including the direct victim, the individual who committed the crime, and any other community members potentially impacted –are brought together in a circle to discuss possible punishments and/or solutions. The key aim of this legal practice is to restore relationships and maintain community unity and harmony in accordance with the Iroquois Great Law of Peace. The Great Law was brought by the prophet Deganawidah, who preached the principles of “righteousness, civil authority and peace” (Fenton 1975: 134). The Great Law is not a rigid law in the Western conception; the literal translation of *Kaianerenh Ko:wa* is actually great goodness, justice or path (Brian Deer Lecture May 6, 2010). Thus the Great Law is more accurately about an inner pathway that leads to social order (ibid). These principles are involved in the RJ process where the notion of restoring peace is of greater importance than doling out punishment or revenge.

As is the case with the Canadian ADR, Kahnawake’s RJ program is an out-of-court dispute management initiative. In both cases, the victim plays a strong role in telling their narrative and gaining

public acknowledgment. There is, however, a strong difference between the two processes in that in the RJ practice, those who have done the crime and those who are at the receiving end of the injustice come together to reach a solution and restore the relationship. Alternatively in the ADR, the focus is about providing monetary compensation, not building relationships. Furthermore, the restorative justice program in Kahnawake is designed and operated under the cultural practices, beliefs, and values of the Mohawk people who participate. The ADR on the other hand, while it does directly involve Aboriginal people who were the victims of IRS, is based on Canadian cultural notions with little reference to different Aboriginal customary legal practices.

Following the failure of the ADR, the Canadian government decided to launch a Truth and Reconciliation Commission (TRC) on Indian Residential Schools. The truth aspect of the commission comes from the sharing of narratives in order to compile an official record of the events that occurred and, following this, reconciliation is the desired denouement. The TRC aims to address the issue of the ADR being centered on Western values and concepts of justice by recognizing four different kinds of truth in its commission: factual or forensic, personal and narrative, social and dialogical, and healing and restorative truths (Regan 2007: 52). The form of justice of the TRC is similar to that of the Mohawk RJ program in that it “focuses attention on the needs of the victim as well as the punishment of the perpetrator and points to the future rather than the past- that is, toward reconciliation,” (Avruch 2010: 36). Both the RJ program and the TRC alike work towards the reconciliation and restoration of relationships and harmony.

This alternative legal format based on the sharing of narratives is seen to provide the “opportunity for indigenous peoples to address the culture loss associated with residential schools,” (Regan 2007: 51). By addressing the loss of culture, it is hoped that the TRC will truly be focused on reconciliation unlike its predecessor the ADR that was focused on blame and compensation (Regan 2007: 53). The ADR legal process was highly problematic in that it was based completely on a Western model of evidence and trial that was not culturally appropriate to victims of IRS and also did not recognize cultural loss as a form of trauma. By incorporating a cultural perspective into the legal process of the TRC format, it is hoped that the commission will have

greater success at bringing peace, healing and reconciliation to IRS survivors. If the government is truly trying to achieve reconciliation with the individuals it forcibly assimilated against their will, it seems counterproductive to seek a legal resolution without reference or inclusion of Aboriginal legal systems or conceptions of justice. Through the inclusion of a cultural framework into the legal system, Aboriginal peoples who have been physically, emotionally, psychologically and culturally harmed by the IRS can at once assert their sovereignty and seek meaningful compensation from the state.

One question that arises from the TRC is how individual identities are impacted by such tribunals. By encouraging all victims to come forth and share their negative experiences, the TRC risks the homogenization of experience. Each individual who participates in the TRC gets the label of a victim, and this marks his or her identity as such. Thus the voices of individuals who had relatively positive experiences in IRS are silenced as a meta-narrative emerges from the victim testimonies given. By hosting national events where Aboriginal people from all over Canada can come give testimony and participate in traditional customs such as pipe ceremonies and sweat lodges, participants are able to assert a unified, strong collective identity. This group solidarity may at once work to encourage self-expression of one’s identity and cultural beliefs, while simultaneously denying the diversity of individual experience, history and values in favor of collective homogeneity.

The ADR and the current TRC are both legal processes aimed at compensating residential school victims on an individual level, in terms of the amount of money each survivor receives, but also on a collective level in that all survivors are given a lump sum for attending IRS at any point in time. All are welcome to have their testimony recorded at the TRC. In terms of health and medicine, a similar binary exists in that there are individual, as well as collective medical problems that have occurred as a result of residential schools. On a group scale, many medical conditions repeat in IRS survivors, while it is on an individual level that these conditions manifest. As a result of residential schools, many victims have turned to “alcohol and drugs to relieve mental pain [which results] in fragmented communities and multigenerational trauma,” (Macaulay 2009: 1045). In terms of state-sponsored responses to these conditions, the Aboriginal

Healing Foundation created in 1998 provided a one-time grant to support community-based healing programs to deal with the negative physical and emotional effects of IRS (Kristen Anker Lecture May 10, 2010). This state-sponsored initiative involved community-based and controlled healing programs and thus the foundation until its end in 2010 was able to address both the communal and individual medical conditions of IRS survivors (ibid).

The medical factors described above are encompassed under the title of “Residential School Syndrome”, which is defined as “a collective psychosocial trauma among the Aboriginal population resulting from multiple forms of abuse, neglect and parental separation owing to the Residential School era,” (Gregory Brass Lecture January 29, 2010). Some of the symptoms associated with Residential School Syndrome are recurrent memories and nightmares, avoiding anything reminiscent of IRS, relationship difficulties, diminished interest in Aboriginal cultural practices, sleep difficulties, anger problems, impaired concentration and deficient parenting skills (ibid). While these recurrent medical conditions do require professional attention, there is a question of whether labeling the medical outcome of IRS as a specific syndrome risks becoming a form of mental colonization whereby individuals become defined and controlled by the disorder they are seen to possess (ibid).

Medical support is one way to lessen the long-term effects of residential school, but as is the case with state-sponsored legal responses to IRS, unless a medical approach involves a nuanced understanding of culture and identity, it is likely to be limited in effectiveness. When working with Aboriginal populations, “Non-Aboriginal health care professions need to understand how Aboriginal people interpret their illness experience...” (Macaulay 2009: 1046). Accordingly, treating anger management problems for example in the same way that one would treat anger problems in a non-native population may be ineffective because it ignores both the history of repression of Aboriginal peoples’ culture that has contributed to producing the disorder as well as the unique cultural understandings of health and healing that certain Aboriginal peoples may have. Naomi Adelson furthers this viewpoint in saying that, “Any approach which fails to consider Aboriginal people as active in response to their colonial situation rather than simply as

passive victims, will fail to comprehend not only the past changes in health status.... [but] the future direction that will be taken in these areas,” (2005: 235). Aboriginal culture, identity and sovereignty are all important elements to the physical and emotional healing of IRS victims.

The same is true for social work. Social services are important in helping victims of IRS seek the support and assistance they need to lead successful lives. Macaulay notes that survivors of IRS often lack necessary parenting skills because they were taken away from their families at a young age (2009: 1045). As explained in a presentation given by Kahnawake Shakotii’a’takehnhas Community Services (KSCS) on May 19, 2010, social work often has a negative connotation in Aboriginal communities because of its history of taking native children out of native homes for adoption in the 1960’s. While KSCS is trying to change this perception, this fact stands testament to the trouble of imposing a Western institution to deal with some of the problems occurring in Aboriginal communities. When it comes to healing the trauma of residential schools, social services has a strong role to play in terms of prevention, support, home care and assisted living. These programs however must be sensitive to the specific cultural historical background of its clients. At KSCS, they try and integrate Mohawk culture, beliefs and values into their programs as a means to provide a more appropriate model for helping clients.

One way to encourage a cultural framework within the social work practice is to utilize more Aboriginal social workers. Raven Sinclair defines Aboriginal social work as, “a practice that combines culturally relevant social work...derived from Aboriginal Epistemology that draws liberally on western social work theory and practice methods, within a decolonizing context.” (2009: 23). In this model, both Aboriginal and Canadian epistemology and practice is utilized in such a way that the history of colonialism and forced assimilation such as IRS is addressed as a means to move forward towards the decolonization of the mind (Sinclair 2009: 22). In a similar argument, Gail Baikie suggests that Indigenous-centered social work, “denotes a social work way-of-being that is distinct from, but potentially compatible with, perspectives and approaches associated with Euro-western centered social work,” (2009: 60). What these authors propose is that in order to help Aboriginal

people, IRS survivors included, help themselves, social work needs to be highly conscious and aware of the distinct history of Aboriginal people in Canada as well as understanding that there are different ways of knowing and acting that need to be represented in social services.

The traumatic experiences of IRS survivors are manifested today in multiple ways, including through medical conditions, emotional difficulties and cultural loss. All these elements are integral to an individual's identity. As stated by Louis Karontajeh Hall in the Warriors Manifesto, "The Europeans went on an all out drive to give the natives [an] inferiority complex which destroys the personality of the people," (37). What he is referring to in this quote is the effect on identity that colonization and forced assimilation has had; Aboriginal culture was constantly devalued and repressed and as a result, many individuals' cultural identity was altered. By destroying culture, one risks negatively affecting identity on an individual and collective level. The intergenerational trauma created by IRS does not only resonate on an individual and family level, but within communities across the country. By ignoring the significance of cultural identity, institutions such as law, medicine and social work are all at risk for not only being unable to provide the support they need to IRS survivors, but they also may work to further subjugate victims. As such, when trying to heal the entirety of a person, aspects such as culture and identity cannot be ignored.

An interdisciplinary approach is necessary to deal with the multiple forms of trauma created by residential schools. The state-sponsored law, social work and medicine programs to address the legacy of IRS are effective in some ways but fail in others. The ADR was viewed with contempt by some IRS victims because of its Western-centric viewpoint and inability to compensate for cultural loss. The TRC embodies some elements of Aboriginal justice such as conceptualizing multiple forms of truths, but there is still the question of how people's identities will be altered by participation in this process that may lead to the homogenization of experience and victimization of participants. Medicine and social work are both tools that can be employed to rehabilitate individuals suffering from the effects of IRS, but again, their effectiveness is limited by their inability to recognize and program for cultural differences and distinct histories. Furthermore, while state-

sponsored initiatives are an important way for Canada to participate in healing the trauma its past governments have caused, there must be further attempts to provide federal funding to community-based initiatives that support self-determination and community healing. The cultural losses created by residential schools will continue to affect Aboriginal populations in Canada for multiple generations. Only through a holistic approach that incorporates a broad notion of culture and identity that conceptualizes a person as more than just a physical body or a citizen of the state can a true reconciliation or healing process begin.

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## Soapstone Sculpture Artwork Inter-Tribal Youth Center , Photography by Sequaluit

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The Inter-Tribal Youth Center (ITYC) is a project of the Native Friendship Centre of Montreal, established since 1999. The ITYC was created to target Aboriginal youths (ages 12-29) in Montreal by providing them a safe, welcoming, and non-judgemental environment where there are a variety of activities aimed to improve their livelihood. Our First Nations, Métis, and Inuit youths come from a variety of backgrounds such as the Arctic North and urban Montreal. This population consistently faces the challenging conditions of urban environments such as hunger, homelessness, prejudice, and unemployment.

At the ITYC, not only do we aim to create a warm atmosphere where youths are comfortable to seek support, we offer opportunities to improve and maintain their physical health and spirituality, to discover and develop their artistic talents and interests, and to express and expand their traditional knowledge and culture. We collaborate with community organizations and individuals to develop diverse programs. These beautiful soapstone pieces are the result of our weekly sculpture lessons with artist Eugene Jankowski. The lessons eventually morphed into the current sculpture co-operative initiative that celebrate art, culture, and spirit of sharing.

The artworks are on display at the ITYC exhibition showroom, located at 2001 Boul. St-Laurent. (514)499-1854 x 2229.



Polar bear & Igloo / Ours polaire & Iglou

*unknown*



Ptarmigan / Lagopède

*Lava Partridge*  
Inuit, Kuujjuaq, QC



Polar Bear / Ours polaire

*Lava Partridge*  
Inuit, Kuujjuaq, QC



Abstract / Abstrait

*Rossel Bérard*  
Saskatoon, SK



Loon / Plongeon huard

*Simon Côté*  
Mi'kmaq & Abenaki, Montréal



Walrus / Morse

*Tommy Kingwatsiak*  
Inuit, Cape Dorset, NU



Mother & baby seals / Maman & bébé phoques

*Louisa Neill*  
Inuit, Iqaluit, NU



Eagle head / Tête d'aigle

*Michael Gregoire*  
Innu, QC



Bear / Ours

*Viola Day Rose*  
Ojibway, ON



Feathers / Plumes

*Rodney Jandrew*  
Ojibway, MB



# The Next Incarnation of “Trans-systemic” Legal Education at McGill Law

Justin Douglas

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## Introduction

Motivated by the belief that McGill students would benefit from experiences and interactions with indigenous communities beyond the traditional academic learning environment, Dr. Nicole Ives and Michael Loft, of McGill University’s Faculty of Social Work, and Courtney Mountour, of the First Peoples’ House, created the Aboriginal Field Course. The first of its kind at McGill, this three week, three-credit summer class, funded by Health Canada, allowed twenty students from the Faculties of Law, Anthropology, Social Work, and Psychology to spend five days in a “Cultural Immersion Camp” on Mohawk territory, at the community of Kahnawake.

The course was designed to provide a holistic approach to learning about Aboriginal culture and worldviews – with a particular connection to Iroquoian teachings, customs, traditions and values – through activities, workshops and ceremonies led by respected community members. Unlike most traditional academic courses, the Aboriginal field course aimed for, and was able to provide, learning that went beyond the intellectual focus and limitations of the classroom. In this situation, an academic approach was intertwined with “hands-on” learning, which allowed the experience to offer physical, emotional, and spiritual components. As one of the few students selected to participate in this course, I feel particularly privileged to have had this experience. For this essay I was asked to express, based on my experience in Kahnawake, what this interdisciplinary approach might bring to the study of law. I have now completed more than three years of studies at McGill law, but if it were not for this field course I would have been inadequately exposed to Aboriginal legal issues, legal traditions, and legal history. This course has forced me to re-conceive the ways in which I perceive “the law.” I now better understand that there is a historical basis for three conceptions of law in Canada – English,

French and Aboriginal. Yet the latter legal tradition is often ignored due to the dominance of the common law, the legacy of colonialism, and the assimilationist attitudes of many Canadians and Canadian institutions. Although this course, which was provided by McGill, has given me the opportunity to challenge and reshape my conceptions and understanding of law, perhaps it is also time for the McGill Law Faculty to reshape its own understanding of law and to recognize, respect and integrate indigenous teachings as part of the core legal curriculum.

McGill Law has undergone many transformations since its birth in 1948. The Law Faculty at McGill was the first law school created in Canada.<sup>1</sup> Before that time, lawyers in Québec would undertake a five-year apprenticeship in order to be called to the bar. Until 1968, when McGill created the “National Program,” degrees were focused on the Québec experience of civil law.<sup>2</sup> In 1969, the Faculty added a common law degree, which could be taken alone or jointly with the civil curriculum. In 1999, McGill Law eliminated the National Program and replaced it with the Trans-systemic Program. Originally designed and implemented by Dean Stephen Toope, every student in the program now graduates with both a Bachelor of Common Law (LL.B) and a Bachelor of Civil Law (B.C.L),<sup>3</sup> allowing its graduates the option of practicing in the Canadian common and/or civil law jurisdiction.

Given that the program focuses on two systems of law, it could be referred to as bi-systemic but it is not. The trans-systemic approach espouses the belief that all legal traditions are valid and worthy of academic exploration. The idea is not to understand the “letter of the law,” *per se*, but to engage in a theoretical discourse of the knowledge, power and authority structures in our country and beyond. The Law Faculty offers a variety of electives in foreign legal systems including, but not limited to: Public International Law, Humanitarian Law, American Constitutional Law, Talmudic Law, Islamic Law, and Asian Legal traditions. More opportunities are even starting to emerge in the context of South and Central American legal traditions. Unfortunately, McGill Law has failed to properly include Aboriginal legal traditions

1 McGill Faculty of Law, “About the Faculty, Our History” Online: <[www.mcgill.ca/law/about/history](http://www.mcgill.ca/law/about/history)> viewed on 2 June 2010

2 Ibid, “Timeline”

3 Ibid

as part of its conception of trans-systemia. Currently, Aboriginal law is taught solely as a three-credit winter elective. The core curriculum of the program otherwise tends to ignore or gloss over indigenous legal history, or, if it is addressed, it is in the context of the leading cases that have defined how non-indigenous people see Aboriginal issues.

Given that in five days I learned more about Aboriginal-Canadian issues than I did in my entire previous educational experience at McGill, I suggest that it is time for McGill Law to reconsider its approach to trans-systemia and to restructure its program so that it places indigenous legal traditions into the core curriculum. If McGill Law is truly to represent a trans-systemic, multifaceted approach to understanding legal systems, then it surely must encompass all three Canadian historic legal traditions.

### **THE IMPORTANCE OF THE FIELD COURSE AND EXPERIENTIAL-BASED LEARNING**

I found the excitement and enthusiasm displayed by the Faculty at the prospect of sending five law students to take part in this interdisciplinary course impressive and encouraging. I truly believe that there is an openness at McGill towards new and innovative ways of teaching and learning, and that this course was a great first-step in expanding the definition of legal learning. Despite the immeasurable gains of participating in a course like this, I also recognize some of the limitations of providing such opportunities. The cost of sending twenty students to a five-day event was significant. If it were not for the funding provided by Health Canada, this course might not have come to pass. Furthermore, while it is certainly great for the limited number of law students who participated, the majority of law students are still left with little indigenous legal grounding.

I would certainly advocate for the continuance of the Aboriginal field course as part of a comprehensive approach to learning First Nations' perspectives. I would, however, also suggest providing even more individual and group opportunities for law students to be exposed to Aboriginal culture. Often students are given internship and exchange opportunities in far away places, but we lack opportunities to work within local indigenous communities. For example, legal clinic

placements are offered with a variety of community organizations, so there is no reason why placements could not be expanded into local indigenous communities, such as Kahnawake. In these placements students could learn, as I did, about issues that face local communities and become more sensitized to other viewpoints through direct field experience and personal interaction.

### **THE IMPORTANCE OF INTERDISCIPLINARY LEARNING**

Often in our learning at McGill Law, students and professors get so boxed into one academic area or specialization that we lose sight of the ways in which law intersects and interacts with other disciplines. The field course helped illuminate for me how this is the case. For example, while at Kahnawake Shakotii'akehnhas Community Services Centre our group learned of the attempts by the legal and social work community to create a local child protection act. Social workers, psychologists and indigenous people are all as affected by legal regimes as are law students, and it is important to broaden the way that we, as future legal practitioners, interact with other disciplines, communities, perspectives and people.

Even within the classroom experience, there is room for more interdepartmental exchange. Law classes should be more accessible to non-law students. All students should be exposed to basic concepts of law and specifically to legal regimes relevant to their own areas of study, including, for instance, environmental, political, medical or Aboriginal law. The Law Faculty must cater to its student body, but I believe that there is also an obligation to educate, empower and exchange ideas with the greater student body and the general community.

### **THE RECOGNITION AND CONCIIOUS INCLUSION OF LOCAL ABORIGINAL COMMUNITIES**

Prior to colonization, the island of Montréal was a village named Hochelaga, where the St. Lawrence Iroquois resided before their dislocation to surrounding areas.<sup>4</sup> Although it is generally accepted that McGill is located on traditional Iroquois land, McGill has done

<sup>4</sup> Pamela Fillion, "McGill's Home and Native Land" in *The McGill Tribune* March 9, 2009. <http://media.www.mcgilltribune.com>

very little to recognize this truth. Perhaps McGill fears that making any formal recognition would open the door to demands for financial compensation. However, the University of Victoria, where I completed my first degree in political science, is on traditional Esquimalt/Songhees territory, and this fact is gratefully acknowledged at almost all university functions and ceremonies. While at UVic, I was frequently exposed to indigenous tradition, including the presence of Songhees Elders at my graduation, where they performed a traditional blessing ceremony. I believe that McGill would similarly benefit by asking Elders and respected community members to take part in its functions, and expose students to local traditional ceremonies. McGill might also consider the inclusion of local Aboriginal artwork in the school's "greenification" of its landscape.

### **IT IS TIME FOR THE FACULTY OF LAW TO DIVERSIFY**

Beyond the basic recognition of historical truths, the Faculty of Law needs to become more "indigenized" in general. While I am not totally comfortable with the idea of affirmative action, there is an obvious lack of indigenous persons at McGill Law. As far as I know, there are no professors of Aboriginal decent teaching at the Faculty. The student body is equally under-represented. Aboriginal issues have been marginalized and pushed to the periphery of study. If the Faculty were to prioritize the inclusion of Aboriginal perspectives, perhaps more Aboriginal people would be inclined to participate in the McGill experience.

### **SOME SUGGESTIONS FOR BROADENING THE ABORIGINAL CONTENT OF THE LAW FACULTY'S CURRICULUM**

Offering a major, minor, or concentration in Indigenous Law would be the most obvious step McGill could take to provide a balanced trans-systemic approach to learning. Until McGill is ready to take this (currently) radical step, based on my own experience at Kahnawake, I would like to offer the following insights into some of the legal issues that might be considered worthy of academic study and integration into the program:

#### **1. *The Indian Act*:**

The *Indian Act* is both a symbol and a tool of repression for many indigenous people. The *Act* was established in 1876 and effectively made Aboriginal Peoples wards of the Canadian state. The *Act* also defines who is "Indian" in the eyes of the law.<sup>5</sup> My first legal exposure to the *Act* was in first-year Constitutional Law, but there was no great discussion of its historical importance or its continued impact on First Nations people today. I was reintroduced to the importance of this legislation two years later in Aboriginal Law, an elective I chose to take. But it was not until I spent time at Kahnawake that I really learned the effects of the *Indian Act* on the Mohawk people.

In 1981, Band Council passed a law that bars non-status people from living on the Kahnawake Reserve.<sup>6</sup> Recently the issue has once again "heated up." In February 2010, 26 people on the Reserve were given eviction notices.<sup>7</sup> Some on the Reserve argue that this is necessary to preserve bloodlines. Yet the concept and issue of bloodlines have largely been imposed on Aboriginal communities by the *Indian Act*.

Prior to the passing of bill C-31, status Aboriginal women who married non-indigenous men lost their status and the status of their children, while children of non-indigenous women who married Aboriginal men were allowed to keep their status.<sup>8</sup> This was particularly problematic for the Longhouse tradition (a forum for consensus-based decision-making) and clan assignment of children, as Mohawk children enter the same clan as their mothers.<sup>9</sup> After 150 years or so of intermarriage, government assimilation policies, and imposed limited

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5 The *Indian Act* R.S., c. I-6, s. 2

6 "Kahnawake Issues: 2nd Eviction Notices" from CBC News Online: <<http://www.cbc.ca/canada/montreal/story/2010/02/11/kahnawake-evicts-non-native-residents.html>> Viewed on June 2, 2010

7 Ibid.

8 B. Lawrence, "Gender, Race and the Regulation of Native Identity in Canada and the United States: An Overview" (Eugene, OR: Hypatia Press, 2003) p. 3-31

9 William Fenton, "The Great Law of the Longhouse: A Political History of the Iroquois Confederacy" (Tulsa: University of Oklahoma Press, 1998) Introduction

recognition of Indian status, it is easy to understand why some people would want to protect Mohawk culture by excluding “the other.” But despite the fact that these legal issues are taking place on a Reserve only a few kilometers away from the Faculty, in my experience, these issues have received little or no in-class attention.

## 2. Residential Schools:

Most Canadians are ignorant of the horrific events that have defined generations of Aboriginal people. Church-run, government-funded Residential Schools for native children were supposed to prepare them for life in white society.<sup>10</sup> But the aims of assimilation meant devastation for those who were subjected to physical, sexual, and emotional abuse by those entrusted to protect them. Nowhere at McGill Law is the true history and impact of the residential school system discussed, beyond a passing mention of the *Truth and Reconciliation Commission*. All Canadians, especially law students, need to understand the legal, moral and social consequences of these events.

## 3. The St. Lawrence Seaway:

The St. Lawrence Seaway, constructed between 1954 and 1959, has had a significant negative impact on the Mohawk community of Kahnawake. The government at the time expropriated 1,262 acres of land from the Reserve for the construction of a canal that effectively cut off the community’s access to the river and reduced its land base.<sup>11</sup> The Seaway has become an important indicator of the intrusiveness and disregard of the Canadian government and emphasizes the necessity of resisting any further encroachment on Kahnawake’s autonomy.<sup>12</sup>

While I was on the Reserve, I was taken to a road that led directly into a patch of forest. It was explained to me that after the Seaway destroyed the river-based fishing lifestyle of the community,

10 Indian Residential Schools Independent Assessment Process (2006), Schedule “D” p. 1-6

11 Mohawk Council of Kahnawake, “Kahnawà:ke Revisited: The St. Lawrence Seaway” Online Video: <<http://www.kahnawake.com/community/revisited.asp>> Viewed in class, May 25, 2010

12 Ibid.

another group of government officials tried to construct a highway through the Reserve. After the community’s experience with the Seaway, blockades were formed and the highway was put to a stop. The Seaway is an important part of Montréal’s history and the topic of land expropriation is certainly worthy of legal discourse. I was completely unaware of the Seaway’s existence and its impact prior to the field course.

## 4. Restorative Justice:

In 1979, Kahnawake created its own courthouse. One of the first sessions of the field course was to go to the courthouse and get a sense of the legal events that take place there. While a course could be taught on the legal significance of the courthouse alone, what was of particular interest to me was a presentation on restorative justice. The Euro-Canadian legal model places a dichotomy between victim and victimizer. When one individual does harm to another, he is either guilty or not guilty of the act. There is no in-between; the answer is right or wrong, black or white. It is assumed victims can be financially compensated to correct the wrong done to them or that punishment of the offender through jail time will discourage others in society from committing the same wrongs. Additionally, the Western system makes it very difficult for victims and victimizers to escape the labels of their experiences. Once “criminals” are released, there are few support systems or formalized mechanisms to reintegrate them into society. Victims are given few tools to heal from the experience and move on.

Restorative justice focuses on how to heal individuals and communities from harm. The goal is to make things right again. At camp, we were told that the Mohawk conception of the process can be understood as “how to become peaceful again,” and, to illustrate, were presented a story of how three boys were drinking one night outside a local community building. The boys thought it would be fun to graffiti the glass doors and windows of the establishment, but they were being filmed at the time by a security camera. When confronted by authorities, however, the youth and their families denied involvement. It was decided that this would be a good case for the Restorative Justice Program. The boys, their families, a police representative, the building

owner and the director of public works met and formed a sharing circle, moderated by a trained program representative. The group discussed the impact of the boys' actions on the community. Eventually, it was decided that the boys would spend a certain number of volunteer hours painting a wall on a local laundry establishment that had often been the target of graffiti. Two of the boys were able to fulfill their commitment, so charges were dropped and they received no criminal record. The third boy failed to attend and his file was returned to the criminal division where he faced traditional sanctions.

It seems to me that there are numerous situations in which Canadian jurisprudence would benefit from adopting a healing/indigenous approach. Mediation, conflict resolution and alternatives to courtroom justice are cost-effective and often allow for more desirable outcomes, such as community healing. In line with this, McGill and its students would benefit greatly from solid training in alternative justice seminars.

## 5. The Formal Recognition of Oral Testimony:

The case of *Delgamuukw v. British Columbia*, (also known as *Delgamuukw vs. the Queen*) has had important implications for the history of Canada and for the idea of history itself.<sup>13</sup> In this case, the court gave greater weight to oral evidence than to written evidence.<sup>14</sup> Sadly, despite the implication for the law of evidence, I was not made aware of this case until my third year at McGill. I believe that oral tradition, law, history and learning should be seen as interconnected, and that there are a number of ways that this interconnection can be reinforced in the university environment. There are a plethora of experienced and qualified indigenous people living near the university. McGill Law could better draw on these resources by including more guest speakers, workshops, conferences, research, and on-campus discourse. Though going to the Kahnawake Reserve was an incredibly valuable experience for me, McGill could also ask five members of the indigenous community to come to McGill, and impact the entire student body.

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13 *Delgamuukw v. British Columbia* [1997] 3 S.C.R. 1010

14 *Ibid.* at 124

## Conclusion

I learned so much in such a short period of time at Kahnawake and the experience has reshaped the way I perceive the law. Since the experience was so personally transformational, I now feel very strongly that McGill Law must be willing to re-examine the way in which it teaches Aboriginal law and culture. For me, the interdisciplinary approach to learning has solidified some of the ways in which McGill could address indigenous concerns. But, most importantly, the experience allowed me to see how trans-systemia could and should inclusively encompass the three Canadian legal traditions. It is my hope that McGill will begin to expand the trans-systemic program to include First Nations' legal perspectives in its core courses, leading eventually to the granting of specialized degrees. Ideally in the future, Canadian legal system will also more completely encompass the three traditions to manifest a *truly* Canadian approach to the law.

*Justin Douglas is in his final year of study in the Faculty of Law at McGill University. Justin previously completed a degree in political science at the University of Victoria.*

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# The Emergence of Aboriginal Jurisprudence: Decolonizing the Canadian Legal System

Caryma Sa'd

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## Introduction

The legal grounds for the recognition of Aboriginal jurisprudence in Canada are encapsulated in the Supreme Court's ruling in *Mitchell v. M.N.R.*, which affirms that "Aboriginal interests and customary laws were presumed to survive the assertion of sovereignty, and were absorbed into the common law as rights."<sup>1</sup> Despite this pronouncement, however, the role of Indigenous legal philosophy in Canadian courts remains somewhat limited. Certainly, the classification of Aboriginal rights as *sui generis*, or unique, enables the court to consult Aboriginal jurisprudence for the purposes of correctly interpreting and applying these rights. Yet it can be argued that the use of Aboriginal jurisprudence in the existing system has meaning beyond proving a framework for the interpretation of *sui generis* rights; indeed, the use of Aboriginal legal philosophy may offer a post-colonial future for the Canadian legal order.

The following paper will endeavour to prove that Aboriginal jurisprudence should play a more significant role in the Canadian legal system, in order to both better protect Aboriginal rights, and correspondingly to trigger the decolonization of the existing legal order. To begin, the paper will examine Canada's colonial history, looking specifically at how the large-scale dispossession and cultural genocide of Aboriginal peoples were legally and morally justified by the colonial legal system. The next section will provide a brief overview of the status of Aboriginal rights in Canadian society, and attempt to show how Aboriginal jurisprudence could prove instrumental in the definition and interpretation of Aboriginal rights as protected by s.35(1) of the Constitution Act, 1982. Finally, the paper will conclude with a conceptualization of Aboriginal jurisprudence in the Canadian context, and consider some of the potential issues surrounding the

application of Indigenous legal traditions into the current order. Ultimately, this paper argues that the Canadian legal and constitutional framework needs to be constructed on a broader, multi-juridical base, namely one that recognizes Aboriginal legal traditions as "giving rise to jurisdictional rights and obligations."<sup>2</sup> Indeed, the Canadian judiciary should integrate elements of Aboriginal jurisprudence into the prevailing judicial consciousness so as to bring about the decolonization of the current legal order.

## Legacy of Colonialism

In its broadest sense, colonialism refers to "a relation between two or more groups of unequal power in which one not only controls and rules the other but also endeavours to impose its cultural order onto the subordinate group[s]."<sup>3</sup> Undoubtedly, the history of the Canadian government vis-à-vis the Aboriginal population reflects a marked power imbalance in favour of the state. The *Indian Act* set the stage for the subjugation of Aboriginal peoples,<sup>4</sup> and official policy and legislation since then has oscillated from mandating the segregation of Indigenous peoples, to encouraging their assimilation and to undermining the exercise of Aboriginal rights.

It should come as no surprise that Aboriginal peoples can be hostile towards the idea of engaging with the state, given the immense suffering that has occurred at its hands. Aboriginal peoples have had to endure a variety of oppressive state-driven policies, including forced relocation, the removal of children from families, the loss of control over self-identity, disconnection from land and the natural environment, the suppression of religious practices, the containment of indigenous teachings and language, and political repression. If reconciliation is to ever be achieved, it is necessary to confront some of the prevalent stereotypes and misconceptions which hinder Canada's progress towards decolonization, and attempt to move beyond these obstacles. The following section will debunk the fundamental colonial legal fictions which belittle the value of Aboriginal jurisprudence, and critically examine the role of Eurocentrism in both the historical and

2 Borrows, *Canada's Indigenous Constitution*, 7.

3 Merry, "Law and Colonialism," 894.

4 Mallea, *Aboriginal Law: Apartheid in Canada?*, 8.

1 *Mitchell v. M.N.R.*, [2001] 1 S.C.R. 911, 2001 SCC 33, 130

contemporary context of the Canadian legal system.

## ***Legal Fictions***

### **Doctrine of Discovery**

*Terra nullis*, or the doctrine of discovery, is a legal fiction which suggests that European explorers “discovered” the vast, uninhabited wilderness known today as Canada. In truth, there was no discovery on the part of the Crown that could be used to justify the displacement of Indigenous law<sup>5</sup>; the first explorers did not come across a vacant expanse of territory, in reality the land was already occupied by prosperous and thriving Aboriginal societies. These societies were “civilized, self-governing and sophisticated,” but in ways unrecognized by the European newcomers.<sup>6</sup> Thus, in spite of the legal, moral, and factual errors contained in the doctrine of discovery, this premise has been used to defend the establishment and enforcement of European rule of law. In *R v. Guerin*, the court stated that:

...the principle of discovery which justified these claims gave the ultimate title in the land in a particular area to the nation which had discovered and claimed it. In that respect at least the Indians’ rights in the land were obviously diminished.<sup>7</sup>

While the constitutional protection afforded to Aboriginal rights can be said to supplant the colonial ideology of *terra nullis*,<sup>8</sup> this principle continues to bring about questionstregarding the legitimacy of the Canadian legal system.

### **Doctrine of Conquest**

The other principal myth used to justify the imposition of European systems of law in Canada is the notion that Aboriginal jurisprudence has been extinguished by conquest. As Borrows notes, “conquest is

5 Borrows, *Canada’s Indigenous Constitution*, 17.

6 Mallea, *Aboriginal Law: Apartheid in Canada?*, 8.

7 *Guerin v. The Queen*, [1984] 2 S.C.R. 335, p. 378.

8 Henderson, *First Nations Jurisprudence*, 6.

only justified for a ‘just cause’ as when a nation’s security or rights are threatened.”<sup>9</sup> Such circumstances evidently do not apply to the case of Canada, because a sovereignty war was never fought between Aboriginal peoples and the Crown. In fact, as the Supreme Court averred in *Haida Nation v. British Columbia*, “Canada’s Aboriginal peoples were here when Europeans came, and were never conquered.”

<sup>10</sup> Moreover, arguments suggesting that the passage of time indicates the downfall of Indigenous jurisprudence are also flawed. Decades of Aboriginal resistance to the expansion of civil and common law systems shows that Indigenous peoples “have not generally acquiesced to the...purported replacement of their laws” by European judiciaries.<sup>11</sup> Thus, the doctrine of conquest cannot justly substantiate the unilateral enforcement of European legal orders in Canada.

### **Ethnocentrism**

The discourse of colonialism is based on an ethnocentric worldview that regards dominated populations as being inherently different and inferior.<sup>12</sup> In order to justify European expansion into Canada, settlers invoked the ‘civilized-savage’ dichotomy, which served to legitimize violent acts of dispossession. Indeed, prevailing studies of the period, spanning a wide range of disciplines—including anthropology, natural science, economics, law, and philosophy<sup>13</sup>—attempted to methodically prove the supremacy of Western European religion, civilization, and knowledge.<sup>14</sup> Ultimately, in the eyes of the colonizing powers, this “racialized scientific lexicon of positivism”<sup>15</sup> provided both a moral and

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9 See *Status of Eastern Greenland Case* (1933) 3 W.C.R. 148 at 171: “[The doctrine of conquest] only operates as a cause of lack of sovereignty when there is a war between two states, and by reason of the defect of one of them sovereignty over territory passes from the loser to the victorious state.”; cited in Borrows, *Canada’s Indigenous Constitution*, 299.

10 *Haida Nation v. British Columbia (Minister of Forests)* [2004] 3 S.C.R. 511, para. 25

11 Borrows, *Canada’s Indigenous Constitution*, 26.

12 Merry, “Law and Colonialism,” 895.

13 Henderson, *First Nations Jurisprudence*, 9.

14 Williams, *American Indian in Western Legal Thought*, 19.

15 Henderson, *First Nations Jurisprudence*, 12.

legal validation for European presence in North America.

A particularly relevant manifestation of this Eurocentric vision is the positivist conception of law, which put a heavy emphasis on the supposed difference between “civilized” and “primitive” states, and thus effectively excluded the indigenous world from the realm of legality.<sup>16</sup> Legal positivism rejected the notion that Aboriginal societies had laws,<sup>17</sup> and instead argued that primitive states merely lived according to custom and tradition. According to the profoundly influential legal philosopher John Austin,

...a custom is a rule of conduct which the governed observe spontaneously, or not in pursuance of a law set by a political superior... before it is adopted by the courts and clothed with the legal sanction, it is merely a rule of positive morality.<sup>18</sup>

Due to the negative connotations associated with terms such as “primitive, savage, or barbaric,” jurists adhering to the positivist school of thought “made little attempt to acknowledge, much less engage with, Indigenous jurisprudence.”<sup>19</sup>

As a result of refusing to recognize the importance of traditional Aboriginal legal systems, the legal system reflected Eurocentric biases in verdicts. For instance, in 1852 a judge ruled against a Mohawk tribe in a land dispute because they did not have a lease for the territory in question, despite the fact that the concept of fee simple title is completely foreign to Indigenous legal thought. In his ruling, the judge found that “the common law is not part savage and part civilized,” which illustrates both contempt and disregard for the legal order that pre-dated the arrival of Europeans.<sup>20</sup> Despite its ethnocentric leanings, however, the colonial legal system was compelled to recognize the Indigenous legal system to some degree because the treaties made between imperial powers and Aboriginal societies refer to specific Aboriginal rights. However, the importance of these rights was undermined in *St. Catherine’s Milling and Lumber v The Queen*, after

16 *Ibid.*, 10.

17 *Ibid.*, 223.

18 Austin, *The Province of Jurisprudence Determined*, 176.

19 Henderson, *First Nations Jurisprudence*, 12.

20 *Sheldon v. Ramsay* (1852) 9 U.C.Q.B. 105, p. 123

the presiding judge found that Aboriginal rights were “dependent on the goodwill of the Crown.”<sup>21</sup> Although later judgements<sup>22</sup> determined that certain Aboriginal rights are inherent rather than derived from treaty or statutory law, there continues to be a discrepancy between the perceived value of European legal sources and Aboriginal legal sources.

In practice, courts continue to rely more heavily on non-Aboriginal legal sources, regardless of the fact that Aboriginal jurisprudence is now acknowledged as being valid on its own merits.<sup>23</sup> This imbalance tends to distort the meaning of Aboriginal rights, which are most accurately interpreted within an Indigenous legal framework. Similarly, customary law is said to be the least binding within Canada’s hierarchical legal structure, yet “custom was the kind of law Indigenous peoples were presumed to have, if they were regarded as having any law at all.”<sup>24</sup> In this respect, it can be argued that Canadian law is applied automatically and unthinkingly, in a manner which suggests that Aboriginal cultures are incompatible with or inferior to European law and legal institutions.<sup>25</sup>

## *Contemporary Status of Aboriginal Jurisprudence*

### **Case Law on Aboriginal Rights**

In order to reveal how courts have contended with the particular issue of Aboriginal rights, this paper will now undertake a brief review of Aboriginal case law. It has already been established that Canada’s experience with colonialism stifled the growth and development of Aboriginal legal systems by treating them as either primitive or non-existent. The impact of the doctrines of discovery and conquest, combined with a deeply-rooted sense of ethnocentrism, essentially prevented Indigenous jurisprudence from becoming a part of the national judicial consciousness. Despite these setbacks, Canadian courts have now acknowledged that there was no widespread extinguishment

21 *St. Catherine’s Milling and Lumber v. The Queen*, (1888) 14 App. Cas. 46 (J.C.P.C.), p. 443

22 See *Calder v. British Columbia*, [1973] S.C.R. 313, [1973] 4 W.W.R.

23 Borrows, *Recovering Canada*, 8.

24 Borrows, *Canada’s Indigenous Constitution*, 13.

25 Borrows, *Recovering Canada*, 4.



of Aboriginal rights, either through military conquest, occupation or legislative enactment<sup>26</sup>; it follows that, in the absence of an abrogation of customs and rights, Aboriginal law remains intact.

In this way, the doctrine of continuity, as described in *Connolly v. Woolrich*, stipulates that Aboriginal rights have remained in place since first contact<sup>27</sup>; moreover, this principle indicates that these pre-existing rights were received into the common law system. Challenging the belief that Aboriginal laws had been invalidated after tribes started to engage in commercial trade with European settlers, the judge declared “that so far from being abolished, [the laws of the Indian tribes] were left in full force, and were not even modified in the slightest degree, in regard to the civil rights of the natives.”<sup>28</sup> *R v. Adams* also affirmed the enduring nature of Aboriginal rights, claiming that “the fact that a particular practice, custom or tradition continued following the arrival of Europeans, but in the absence of the formal gloss of legal recognition from the European colonizers, should not undermine the protection accorded to aboriginal peoples.”<sup>29</sup> This established the fact that Aboriginal customary laws were presumed to survive in the face of the Crown’s assertion of sovereignty, a contention which was later confirmed in *Mitchell v. M.N.R.*<sup>30</sup> Taken as a whole, case law has avowed that “the practices, customs and traditions that defined the various Aboriginal societies as distinctive cultures continue as part of the law of Canada today.”<sup>31</sup>

### Aboriginal Jurisprudence and Sui Generis Rights

In a landmark decision in 1984, the Supreme Court acknowledged that Aboriginal rights constitute a *sui generis* form of rights.<sup>32</sup> This classification recognizes the fact that Aboriginal rights are distinct and have no comparable legal equivalent. Firstly, Aboriginal rights can be distinguished from the rights accorded to other Canadian citizens on

account of their nature and foundational values. Whereas the majority of the rights and freedoms enshrined in the *Canadian Charter of Rights and Freedoms* are rooted in Eurocentric political and philosophical ideologies and geared towards protecting individuals, Aboriginal rights reflect the broader framework and cultural influence of Indigenous culture and tend to be more collective in nature. Furthermore, owing to their origin— that is to say traditional Indigenous custom—Aboriginal rights are truly in a class of their own. Thus, the *sui generis* definition of Aboriginal rights is above all significant because the “judiciary has acknowledged that it cannot use conventional common law doctrines alone to give them meaning,” but must also consult alternative sources of law that reflect the unique historical presence of Aboriginal peoples in North America.<sup>33</sup>

Along these lines, it should be noted that Aboriginal rights are derived from long-established Indigenous “laws, governance, practices, customs and traditions.”<sup>34</sup> There is a close interrelation between Aboriginal rights and jurisprudence, whereby the two must be considered and understood alongside one another; indeed, to examine either Aboriginal rights or law in isolation is to lose a layer of depth and meaning. While there may be obstacles to incorporating elements of Aboriginal jurisprudence and legal traditions into the dominant system, such an endeavour would be valuable in terms of providing more meaning to the constitutional definition of Aboriginal rights. Furthermore, the inclusion of Indigenous sources would challenge the system to re-examine its constitutional narratives and address any remaining expressions of Canada’s colonial legacy.<sup>35</sup>

Thus far, the judiciary has been reluctant to make any dramatic changes to the way legal sources are interpreted, but this opportunity to incorporate Aboriginal legal traditions provides an opportunity for both growth and reconciliation. In addition to deepening the court’s general pool of knowledge and institutional wisdom, Indigenous jurisprudence would offer a more appropriate framework for evaluating Aboriginal rights claims.<sup>36</sup> In order to interpret cases in keeping with the spirit of s. 35(1) of the *Constitution Act, 1982*, Canadian courts must “infuse their

26 Borrows, *Aboriginal Legal Issues*, 100.

27 *Ibid.*, 99.

28 *Connolly v. Woolrich*, (1867), 17 R.J.R.Q. 75, para. 79.

29 *R. v. Adams*, [1996] 3 S.C.R. 101, para. 33

30 *Mitchell v. M.N.R.*, [2001] 1 S.C.R. 911, 2001 SCC 33

31 Borrows, *Aboriginal Legal Issues*, 100.

32 *Guerin v. The Queen*, [1984] 2 S.C.R. 335

65

33 Borrows, *Recovering Canada*, 9.

34 Borrows, *Aboriginal Legal Issues*, 93.

35 Henderson, *First Nations Jurisprudence*, x.

36 *Ibid.*, 221.

understandings of Aboriginal rights with more meaningful content that pays heed to Aboriginal perspectives and understandings.”<sup>37</sup> Ultimately, the recognition of Indigenous jurisprudence would strengthen the legal system, and serve as a restorative vantage point by representing a step towards the further decolonization of Canada.<sup>38</sup>

### Conceptualizing Aboriginal Jurisprudence

The inclusion of Aboriginal jurisprudence in Canadian law is a necessary prerequisite for the proper application of *sui generis* rights, and it is thus worthwhile to conceptualize how Indigenous legal philosophy could most effectively be fused into the dominant judicial consciousness. At the outset, it is imperative to note that there is no single, cohesive definition of Aboriginal legal theory because of the diversity among Canada’s First Nations, Métis, and Inuit. As such, any attempt to incorporate Aboriginal jurisprudence into the Canadian legal system would need to reflect the fact that “each group created its own distinctive ceremonies and formalities to renew, celebrate, transfer, or abandon their legal relationships.” These ceremonies and formalities range from Potlaches, to Sundance ceremonies and storytelling.<sup>39</sup> The resulting amalgam of Aboriginal legal traditions combined with common law and civil law conventions would create a distinctively Canadian legal order based on mutual respect and recognition, which would subsequently improve the relationship between Aboriginal peoples and the State.

In *R v. Van der Peet* the Supreme Court indicates that “the essence of [A]boriginal rights is their bridging of aboriginal and non-aboriginal cultures.”<sup>40</sup> This supports the view held by legal scholars that “the rights of Aboriginal peoples in Canada cannot be understood without looking beyond the common law.”<sup>41</sup> In effect, Aboriginal rights span the legal spectrum, and are thus defined by principles from

37 Borrows, *Aboriginal Legal Issues*, 182.

38 Henderson, *First Nations Jurisprudence*, 231.

39 Borrows, *Recovering Canada*, 3.

40 *R v. Van der Peet*, [1996] 2 S.C.R. 507, para. 42

41 Borrows, *Recovering Canada*, 6; See also Henderson, *First Nations Jurisprudence*; Borrows, *Canada’s Indigenous Constitution*; Mallea, *Aboriginal Law: Apartheid in Canada?*

both European as well as Indigenous legal thought. A truly *sui generis* approach to Aboriginal rights would balance the influence of both perspectives, and thereby reach a compromise between the cultures. The integration of Aboriginal jurisprudence is a precondition to the substantive protection of *sui generis* rights, and so it can be concluded that an innovative renewal of the existing legal system is an undertaking that deserves serious attention.

When contemplating the conceptualization of Aboriginal jurisprudence in the Canadian system, Borrows identifies several major questions to consider.<sup>42</sup> The remainder of this section will anticipate some of the potential obstacles, and brainstorm possible solutions, to the issues of the intelligibility, applicability, and accessibility of Indigenous legal philosophy with regard to the dominant legal system. The careful addition of certain aspects of Aboriginal jurisprudence into the current legal order will facilitate the progressive and dynamic application of Aboriginal rights, which in turn will set the stage for Aboriginal peoples and the Canadian state to overcome the legacy of colonialism together.

### Intelligibility

The issue of intelligibility relates to the degree that Aboriginal jurisprudence is compatible with the existing legal system, notably with regard to values, methodology, and the nature of the law. One of the key differences between common law and Aboriginal legal philosophy is the grounds on which a verdict is rendered. The common law system relies on case precedent when making decisions, while Aboriginal jurisprudence is based on a set of traditional stories. Although these two approaches may seem completely unrelated, a closer look reveals that stories and precedent have several elements in common. Stories and precedent alike are used to provide a rationale for broader societal principles; both examine justifications for deviating from generally accepted norms; and both are regarded as authoritative by citizens.<sup>43</sup> Certainly, there are also differences between the two, including the fact that stories are rooted in oral tradition, and are therefore more easily adapted to changing circumstances.

42 Borrows, *Canada’s Indigenous Constitution*, 137.

43 Borrows, *Recovering Canada*, 14

One of the most common criticisms made about Aboriginal legal traditions is their flexibility and open-endedness, especially vis-à-vis common law; ironically, this feature is considered a weakness by some, but perceived as an asset by others. This reiterates the point that whatever the differences between the two systems, all things considered, the law is a cultural phenomenon.<sup>44</sup> Ultimately, this means that issues in terms of intelligibility can be resolved by means of articulating, translating, or reinterpreting the notion in question.<sup>45</sup> In fact, this process of expression can stimulate personal insights, and in this manner promote deep cultural understanding.

### Applicability

Canada is already a bi-juridical state, given the use of both civil and common law systems, and so it is not far-fetched to imagine a multijuridical State that incorporates Aboriginal jurisprudence. The primary obstacle associated with such an integration will be to ensure that the three legal systems—common law, civil law, and Indigenous law—are all treated equally, because a genuinely pluralistic approach to law “rejects the idea that one legal system is inherently superior to another.”<sup>46</sup> In terms of its applicability, there are many principles in Aboriginal law that are analogous to elements of European law, and with regards to concepts which are not easily transferrable, there is the potential to make some constitutional space for the use of Aboriginal jurisprudence to be used in cases pertaining to Aboriginal issues. That said, however, the scope of Aboriginal law need not be limited to cases involving Aboriginal peoples. Just as judges often draw on relevant legal principles from fields of law not necessarily relevant to the case at hand, so too can principles from Aboriginal jurisprudence be applied to appropriate situations. In fact, sharing and borrowing could strengthen the Canadian legal system; indeed, “while there are always limits to this kind of exercise, developments in the common law frequently arise from cross-fertilization among its categories.”<sup>47</sup> Moreover, making Aboriginal law relevant to all Canadians would be an acknowledgement

44 Borrows, *Canada’s Indigenous Constitution*, 138.

45 *Ibid.*, 138.

46 Grammond, “Aboriginal Treaties and Canadian Law,” 59.

47 Borrows, *Recovering Canada*, 22

that the unilateral imposition of European law was unjust, which could be perceived as a move towards the decolonization of the legal system.

### Accessibility

Accessibility refers to the extent to which Indigenous legal precepts will be made available for people to read, study, and analyze. The alienation of Aboriginal peoples across Canada, a direct result of the nation’s history of colonialism, makes it difficult for Elders possessing knowledge about Indigenous legal traditions to impart their wisdom, either to members of their community or to outsiders.<sup>48</sup> On a related note, there is a pervasive (and admittedly well-justified) fear among Aboriginal peoples that their cultural knowledge will be misunderstood or appropriated, and so there is an inclination to avoid participating in similar systems. This issue can be resolved by treating shared information as the intellectual property of Aboriginal peoples, in order to keep it within the confines of community control, and to prevent it from being appropriated or abused.<sup>49</sup>

Improving accessibility to Aboriginal jurisprudential knowledge is vital if these sources are to be integrated into the mainstream system; if information is not available, then courts will be unable to refer to Indigenous legal traditions when rendering verdicts—as Borrows points out, “the reproduction of traditions and cultural norms is an achievement which can be legally enabled, but by no means granted.”<sup>50</sup> The successful partnership between the Faculty of Law at the University of Victoria and the Akitsiraw Law Society of Nunavut is an initiative geared towards delivering a culturally relevant legal education for Inuit students<sup>51</sup>; such programs are a strong safeguard for the preservation of traditional legal customs, and have the potential to develop accessibility to Indigenous sources.

As mentioned above, many Aboriginal legal traditions are oral in nature, and the lack of a complete and organized collection of Indigenous sources is an obstacle to the widespread accessibility of these sources. However, codification of these stories threatens

48 Henderson, *First Nations Jurisprudence*, 230.

49 Borrows, *Canada’s Indigenous Constitution*, 143.

50 *Ibid.*, 26.

51 Borrows, *Recovering Canada*, 26.

to undermine their flexible and adaptable nature, and some groups oppose the process of recording their sacred legal traditions.<sup>52</sup> There must be a balance struck between the opposing interests, to the extent that Indigenous legal sources must be compiled without compromising their adaptability.

## Conclusion

This paper has attempted to show how the resurgence of Aboriginal jurisprudence offers the hope of decolonization for the Canadian legal system. While the foundations of the Canadian judiciary are rooted in the legacy of colonialism, this does not preclude the legal system from gaining legitimacy by acknowledging its own shortcomings. Along these lines, it is time for courts to engage in a deeper level of legal pluralism and incorporate aspects of Aboriginal jurisdiction—which has never been legally extinguished, merely overlooked and disregarded—into the Canadian legal system. This gesture will not only enrich the Canadian inventory of legal sources, but it will also lead to a more meaningful implementation of Aboriginal rights, and bring about a gradual decolonization of the legal system.

The historical relationship between Aboriginal peoples and the Canadian state had been plagued with mistrust and hostility, but in a settler society such as Canada there can be no question of the colonizers simply going home<sup>53</sup>; indeed, as Chief Justice Lamer observed in *Delgamuukw*, “Let us face it; we are all here to stay.”<sup>54</sup> The path towards decolonization in Canada will be long and arduous, particularly in light of the fact that Canada’s legacy of colonialism is all too often concealed, ignored, or forgotten.<sup>55</sup> Although the state has made progressive strides towards acknowledging and apologizing for past wrongdoings<sup>56</sup>, there are still remnants of the former colonial order concealed within the judicial system which negatively impact the ability of Aboriginal peoples to pursue their political, social, and cultural development. The integration of Aboriginal jurisprudence

into the dominant system would address these remaining vestiges of Canada’s colonial legacy, and offer a post-colonial future beyond legal positivism.<sup>57</sup>

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52 Borrows, *Canada’s Indigenous Constitution*, 143.

53 Green, “Decolonization and Recolonization in Canada,” 53.

54 *Delgamuukw v. British Columbia* [1997] 3 S.C.R. 1010, para. 186.

55 Turner, *This is Not a Peace Pipe*, 15.

56 See Castellano, *Renewing the Relationship*, 93-104.

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57 Kulchyski, *Unjust Relations*, 23.

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## Abstract Paintings

Hannah Fletcher-Pallascio

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Hannah Fletcher-Pallascio is 3 1/2 years old and is Anishinaabe from Kettle and Stony Point First Nations, Ontario

## Portrait of Mother

Charlotte Burns

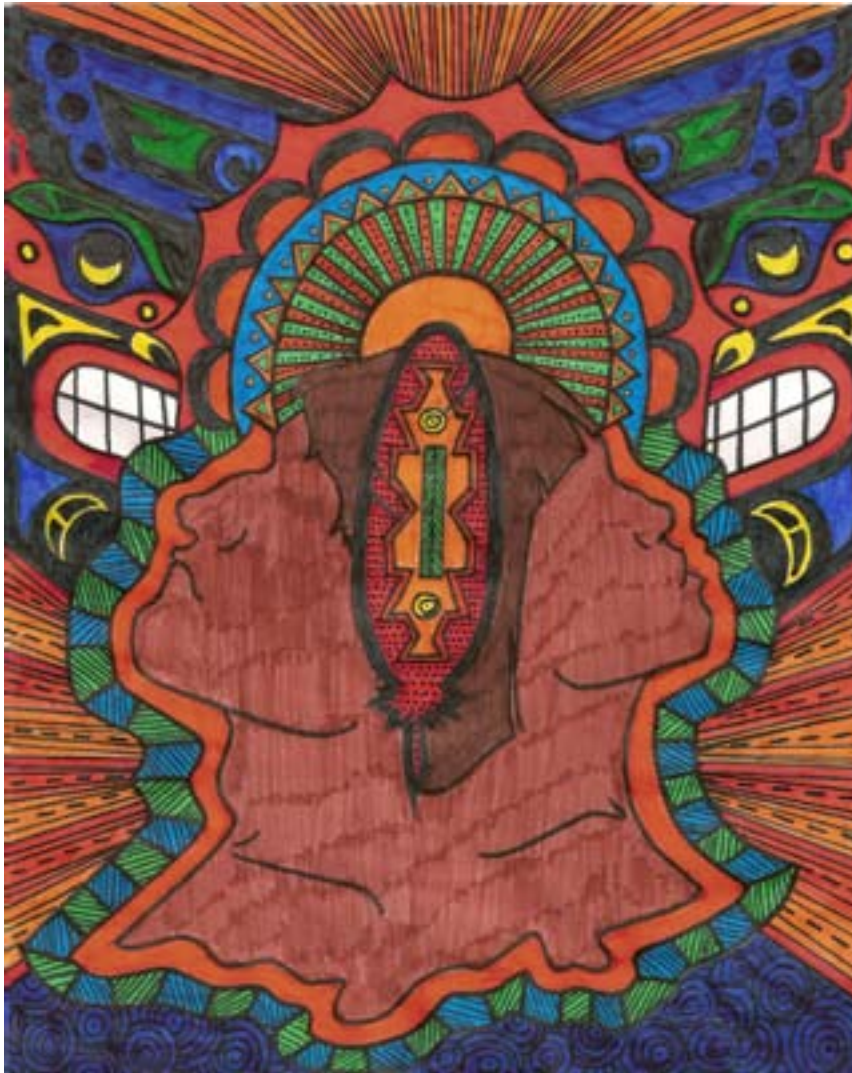
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My name is Charlotte Burns and I am a proud woman of mixed Lenni-Lenape (Delaware) Anishinaabe (Ojibway) and European ancestry. I don't define myself as an artist, but art and music have always been present in my spirit. This is a black and white pencil sketch of my mom, who is a very strong and beautiful woman that I love very much. On the same token, this portrait also represents the honour, love and respect that needs to be had of all of our sisters, mothers and daughters. We cannot disregard the fundamental and sacred role that women have as life givers, nurturers and decision makers. This one is for the ladies - chi miigwech.

## Two-Spirit Celebration (Ink and Marker Drawing)

Rachel Thorne



Growing up in Sussex, New Brunswick, a small rural town in the Maritimes, self-expression for me came largely in the form of writing, drawing and painting. Entitled “Two-Spirit Celebration”, this drawing is intended as a festive, visual representation of the journal as a whole, incorporating a variety of artistic styles from a number of traditions.

## Queer Native Identities: From Anthropological Appropriation to Self- Identification

Lynsey Grosfield

In the early Fall of 2010, the twenty-second annual International Two Spirit Gathering—this year called “A Gathering of Medicine Stones”—took place in Beausejour, Manitoba. Since Minnesota’s “The Basket and the Bow” gathering in 1988, this event has been held annually all across North America, and has offered a space for healing, sharing, and strategising for Gay American Indian (GAI), gay, lesbian, transgender, transsexual, bisexual, queer, intersex, and Two Spirit individuals. Two Spirit as an identity category has ethnicity, rather than sexuality at its core, and draws primarily upon discourses of decolonisation rather than those of a politicised ‘gay rights’ agenda.<sup>1</sup> This gathering is one of many recent native-led initiatives for sexual and gender empowerment through traditional culture. Other related examples include the Native Youth Sexual Health Network, and the wellness organisation Ka Ni Kanichihk (“those who lead” in Ininew) in Manitoba. The strategic use of the term Two Spirit in creating these events and resources has definite political aims. First and foremost, the term Two Spirit claims a rich cultural heritage of gender variance on a pan-tribal level, which though problematic, is politically useful for coalition building. Even with the extensive diversity of pre-European colonisation native groups, gender variance is one of the most consistent features of oral and written accounts.<sup>2</sup> In this paper, I will be discussing the term Two Spirit and its unique relationship to processes of colonialism, linguistic violence, and cultural appropriation. In particular, I will be examining the ways in which these discussions of identity have historically been shaped by (white) ethnohistorians and anthropologists, but are being re-shaped to serve the political, spiritual, and social needs of native GAI, gay, lesbian, transgender, transsexual, bisexual, queer, intersex, and Two Spirit individuals, as exemplified by events such as

1 Sabine Lang, “Various Kinds of Two-Spirit People,” 115.

2 Will Roscoe “Strange ones, these,” *course pack* 257.



“A Gathering of Medicine Stones.” In doing so, I will compare two ethnohistorical accounts of ‘berdaches’ (an anthropological term for Two Spirit), and also draw on the contemporary work of native writers, activists, speakers, and filmmakers. It should be noted that both of the anthropological accounts use the term ‘berdache’ here, whereas the clear preference among contemporary native groups is to use the term Two Spirit because of the Eurocentric and derogatory history of the former term; therefore, ‘berdache’ will be used inasmuch as it corresponds with the texts being compared, but Two Spirit will be the preferred nomenclature where possible.

Harriet Whitehead’s 1981 article, “The bow and the burden strap: a new look at institutionalized homosexuality in native North America,” examines three ‘homosexualities’ in order to elucidate the uniqueness of the ‘native North American’ sex and gender system: implicitly that of the anthropologists’ native context (the modern West), that of tribal New Guinea, and most prominently, that of North America before and during colonization.<sup>3</sup> The author’s reliance upon a paradigm of ‘transvestic homosexuality,’<sup>4</sup> as opposed to a perhaps more accurate paradigm of social role transgenderism, is symptomatic of a radical, second-wave, essentialist feminist bias throughout the piece. Indeed, the very citing of Janice Raymond’s transphobic screed, *The Transsexual Empire*,<sup>5</sup> as a fair and balanced source on transsexuality and the reification of gender roles calls into question the motivations behind this singular focus on ‘institutionalized homosexuality.’ Homosexuality, in the sense that Whitehead frames it, is not culturally congruent with the historical emic understandings of berdache roles: in several accounts, it is clear that sexual relations with a berdache were not “same-sex” or “opposite gender”; therefore, these sexual interactions were neither homo- nor heterosexual.<sup>6</sup> Framing these sexual interactions as such presupposes only two options for sexual object choice, when it is apparent that many berdaches were in fact third or fourth genders and/or sexes.<sup>7</sup> This is not to say that anatomy of berdaches was ignored, but rather that a more holistic and fluid

definition of the mind, body and spirit—as opposed to a Cartesian mind/body split—informed many specifically indigenous paradigms for sex and sexuality that cannot be understood as ‘homosexuality.’ Tellingly, this reluctance to use a transgender framework allows for the account of male berdaches entering women’s economic and social spaces to read like a second wave feminist account of male-to-female transsexuals entering womyn-born-womyn-only spaces: Whitehead conjectures that “[i]n their anatomic aspect [women] were subtly insulted by his [the male berdache’s] vaunted superiority,”<sup>8</sup> just as some second-wave feminists, such as Janice Raymond, felt that transsexuals were “wolves in sheep’s clothing.” Further, it is implied that male berdaches were somehow failed men, looking for social prestige among women,<sup>9</sup> as opposed to individuals who may have felt naturally inclined to more feminine gender expressions.

Fittingly then, Whitehead attempts to define the historical figure of the berdache along implicit lines of male privilege: the framing of North American native gender variance here is put to service of a particular feminist discourse. The ensuing analysis of the berdache, and of the dearth of female-sexed berdaches draws on feminist theory, asserting: “[a]symmetry in the ease with which passage was made into the status of the opposite sex is consistent with the status asymmetry of the sexes in North America . . . downward mobility was more easily achieved than upward mobility.”<sup>10</sup> This claim of a pan-native North American male-female hierarchy is at odds with several accounts of egalitarian native societies with fluid gender roles and divisions of labour, such as the Innu (Montagnais-Naskapi),<sup>11</sup> and native societies with matrilineal or matrilineal traditions, such as the *Haudenosaunee* (Iroquois).<sup>12</sup> The sheer diversity and number of peoples present on the continent before colonialism would seem to indicate that such generalizations

3 Harriet Whitehead, “The bow and the burden strap,” 110.

4 Ibid., 82.

5 Ibid., 98.

6 Sabine Lang, “Various Kinds of Two-Spirit People,” 102.

7 Ibid. 114.

8 Harriet Whitehead, “The bow and the burden strap,” 108.

9 Ibid., 107.

10 Harriet Whitehead, “The bow and the burden strap,” 86.

11 Eleanor Burke Leacock, “Women in an Egalitarian Society: The Montagnais-Naskapi of Canada,” *Myths of Male Dominance: Collected Articles on Women Cross-Culturally*, 33-8, (Haymarket Books, 2008 [1981]).

12 Lewis Henry Morgan, “Social and Governmental Organisation,” *Houses and House-Life of the American Aborigines*, 17-65, (BiblioLife, 2008 [1881]).

about social structures would be unwarranted and ethnohistorically inaccurate, however, an assertion of a non-plural “American Indian culture” permeates the theoretical structure of the piece, and is indeed made explicit at points where male-female relationships are involved.<sup>13</sup> Particularly with regards to female berdaches, Whitehead presupposes a universal, unilateral oppression of women, contending, “[a]s in so many other parts of the world, in North America, menstrual and birth blood was the symbolic door at which women’s social disadvantage in relation to men was laid.”<sup>14</sup> This notion of women being tied to their wombs, however, ignores longstanding traditions of native means of birth control through celibacy, abortifacient herbs or practices, and infanticide—which are particularly necessary for the survival of small-scale, highly mobile societies (such as those of the plains). It also downplays the social and spiritual importance of cycles of birth, life and death, which are central not only to the mythos of the berdache, but also to several native cosmologies. To Whitehead, women taking on masculine roles were “transgressors,” perhaps transgressing because of husbands who were “inept”; however, it is emphasized, “. . . when women did the equivalent of what men did to become berdaches, nothing happened.”<sup>15</sup> This again fails to encapsulate the agency of native women in shaping their own communities—*Haudenosaunee* women’s extensive dominance of their confederacy’s political affairs, for example, were a primary influence for the ideas of early Suffragists in North America. Moreover, later accounts of berdache women who had many wives, were chiefs, or were warriors—such as Sabine Lang’s dissertation: “Various Kinds of Two-Spirit People”—contradict Whitehead’s account of subjection.<sup>16</sup>

Conversely, Will Roscoe’s introduction to his 2000 volume *Changing ones: Third and fourth genders in native North America*, offers a decidedly different implicit discourse about the figure of the berdache. Roscoe’s academic and activist background shows a longstanding engagement with American gay liberation and LGBT politics, particularly evident in his previous work editing a volume of the works

of Harry Hay, the “father” of the American gay liberation movement,<sup>17</sup> and his work on African and Islamic ‘homosexualities.’<sup>18,19</sup> The chapter “Strange ones, these,” appropriates the figure of the berdache into a particular queer heritage, stating: “[i]n truth, the ground American society occupies once may have been the queerest continent on the planet,”<sup>20</sup> and utilizes the symbolics of the berdache to bolster theories of social constructionism.<sup>21</sup> Roscoe makes explicit his goal of breaking a “conspiracy of silence” about gender variance in ethnohistorical accounts of native North American societies, stating: “a final goal of this book, therefore, is to demonstrate once and for all that any portrayal of native cultures in North America that fails to include gender diversity is flawed, ethnocentric, and ultimately, wishful.”<sup>22</sup> His work is explicit in having *both* ethnohistorical and politicized goals, and thus escapes much of the embedded bias present in Whitehead’s piece. Further, it offers a more nuanced approach to the diversity within the category of berdache across regional, linguistic, gender, economic and ethnic lines, documenting that at least 155 tribes had alternative gender roles for men, and a third of these groups also had alternative gender roles for women,<sup>23</sup> and that often these individuals had important spiritual roles within the community, engaged in same-sex sexual behaviour, and had specialised work roles.<sup>24</sup> Further, Roscoe emphasises the importance of using group-specific terminology wherever possible, such as the Lakota *wiŋkte* and Navajo *nádleehé*.<sup>25</sup> However, when speaking generally of gender variance in North America, he uses the term berdache; he justifies using the term ‘berdache’ as opposed to Two Spirit by asserting

- 17 Harry Hay, *Radically Gay: Gay Liberation in the Words of Its Founder*, Ed. Will Roscoe (Boston: Beacon: 1996).  
 18 *Boy Wives and Female Husbands: Studies of African Homosexualities*, ed. Murray, Stephen O., Will Roscoe. (St. Martin’s Press, 1998).  
 19 *Islamic Homosexualities: Culture, History, and Literature*, Eds. Murray Stephen O., Will Roscoe (New York: New York University Press, 1996).  
 20 Will Roscoe, “Changing Ones,” 256.  
 21 Ibid.  
 22 Ibid., 264.  
 23 Ibid.  
 24 Ibid.  
 25 Ibid., 257.

13 Harriet Whitehead, “The bow and the burden strap,” 99.

14 Ibid., 91.

15 Harriet Whitehead, “The bow and the burden strap,” 91.

16 Sabine Lang, “Various Kinds of Two Spirit People,” 102.

that it is equally inappropriate to use the term ‘gay’ to describe same-sex activities in ancient Rome, in that using a modern term transhistorically brings with it the baggage of its modern connotations.<sup>26</sup> However, the berdache is not to Two Spirit as *cineadus* is to gay. Indeed, whereas berdache has its roots in slurs that implied not only sexual but racial dominance over the colonized, deviant bodies of the natives, the word *cineadus* implied a passive gendered positionality in a same-sex sexual relation between Romans. Additionally, Two Spirit is derived directly from English translations of historical, group-specific terms for gender variant native individuals, whereas ‘gay’ has a unique history and usage in the context of the early twentieth century in the United States, and thus has no claims to such an extensive heritage. The sentiment behind the work, however, despite archaic terminology, honours the voices and diversity of berdache individuals and their contemporary Two Spirit counterparts, situating the original fading of gender variant traditions in a context of conquest and colonial domination. Indeed, Roscoe asserts that whereas the capitalist state society has a structural need to designate some of its members as disposable in order to maintain a rigid class structure, small-scale societies are functionally disposed to integrate each and every individual depending on his, her or their particular inclinations and talents.<sup>27</sup> One individual in Roscoe’s piece puts it thusly: “We don’t waste people the way white society does. Every person has their gift.”<sup>28</sup>

In the cases of the previous two ethnohistorical accounts, it becomes apparent that despite claims of cultural relativism, when it comes to the politically charged categories of sex, sexuality, and gender, it is difficult to escape either bias or appropriation as an anthropologist. In the case of Whitehead, a particular mode of feminist discourse informed the way in which the identity of the berdache was delineated along gender lines; in the case of Roscoe, a goal of finding a queer heritage in North America influenced the ways in which berdaches were socially situated in his account. Indeed, when identities like these are ‘taken up’ in the context of academia—and especially in the fields of queer, feminist, or postmodern studies—the researcher walks a fine line between appropriation and historical preservation. For example,

26 Will Roscoe, “Changing Ones,” 263.

27 Harriet Whitehead, “The bow and the burden strap,” 101.

28 Will Roscoe, “Changing Ones,” 257.

one salient criticism of queer theorist Judith Butler is her cooption of the figure of the ‘Drag Queen’ to further discourses about gender performativity, which to some is an act of appropriation.<sup>29</sup> Nonetheless, in the context of academia it is necessary to attach theory to case studies, and in this way, no work is politically neutral.

Pushing back against many of these academic discourses is a very grounded movement in native North American communities, particularly those that are urban, to re-discover what ‘berdache’ or Two Spiritness means in a contemporary context. “A Gathering of Medicine Stones” is one of many places that, since the 1970s, has interrogated what sexual and/or gender difference means for colonised native bodies, materially and symbolically.<sup>30</sup> Unlike white anthropologists and ethnohistorians, native GAI, gay, lesbian, transgender, transsexual, bisexual, queer, intersex, and Two Spirit individuals have a vested interest beyond theory in the ways in which these histories are told. As is seen in many other accounts of non-western or non-white sexualities, there is an imperative to make the ‘deviance’ of gender variance or sexuality culturally congruent—to fit into existing structures of family, history, and heritage. This runs contrary to the privileged gay narrative of running away from a backwards home into an urban chosen family. Indeed, ‘gay rights’ discourses are quick to paint ‘tradition’ and ‘family’ as sites of persecution, but to the person who exists at the intersection of multiple oppressions, these places can be seen as integral sites of empowerment, survival, and belonging. The concerns with the ways in which this identity will be taken up in the future (as it has been taken up in the past)<sup>31</sup> are many: from the possibility of whites or non-natives adopting the term for self identification, and thus stripping it of its ethnic symbolism,<sup>32</sup> to the concern that heterosexuals who

29 Julia Serano, *Whipping Girl*.

30 Diane Labelle, “Keynote Address: Two Spirit Identities,” *Ethnoculture: Dialogue and Community Conference*, November 16, 2010.

31 Jessica Yee, “Workshop on Cultural Appropriation,” McGill University and QPIRG McGill, September 24, 2010.

32 At a recent conference I attended, a young queer male, a Rwandan refugee, asked the speaker, a Two Spirit person from the Mohawk Nation at Kanawa:ke (Diane Labelle) if it was “OK to use this term for himself, because he had never heard anything more accurately describe

may have been understood as berdaches in the past will not be able to participate because of the association of Two Spirit with LGBTQI groups. Additionally, as prominent native activists such as Jessica Yee and Diane Labelle utilise the term for both their identities and organising, questions remain as to the nature of pan-tribal or pan-indigenous movements at large; a representative at the Kanien'kehá:ka Onkwawén:na Raotitiókwa Language and Cultural Centre in Kanawa:ke, indicated in an interview that such pan-tribal movements are often the province of urban aboriginals, who are too far removed from the politics and realities of reserve life—and also from traditional culture—to understand that large scale movements can be harmful to communities that are already struggling to maintain their uniqueness from Canadian culture at large, and also from other native groups.<sup>33</sup>

Two Spiritedness as an identity fundamentally challenges discourses of 'gay liberation' in its defining ethnic character; but it has also been taken up in academia as a means to advance discourses of feminism, gay liberation, and social constructionism. Though questions remain, the ways in which modern native-identified individuals instrumentalise these discourses and histories will no doubt yield new syncretic understandings of identity on the axes of race, class, gender, and sexuality.

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his embodiment and experience." Such are the complicated intersectional dilemmas in future discourses about what it means to be Two Spirit.

33 Teyosiwonte (Thomas Deer), Interview for the *Montreal Life Stories Project* (Lynsey Grosfield's fieldnotes), November 19<sup>th</sup>, 2010.

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# Preservation or Deprivation? The Institutionalization of Kwakwaka'wakw Art Objects

Emily Dolmans

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The late nineteenth and early twentieth century wrought devastation on many Native Northwest Coast communities as the ban on potlatches came into effect, forbidding the cultural performance upon which the communities' kinship relations, social structure, and material production are based. This had particular impact on the Kwakwaka'wakw<sup>1</sup> First Nations of Northern Vancouver Island because they were persecuted for their clandestine continuation of the tradition, and were the subject of a great deal of anthropological study. The potlatch ban in 1884 and its reinforcement in 1922<sup>2</sup> caused authorities, anthropologists, and collectors to take advantage of the Kwakwaka'wakw community's prolific material productivity by moving much of their ceremonial regalia and cultural objects to museums in the cities. The collecting ceased in the 1920s and many of the artefacts were then moved from anthropological museums to art museums, allowing mainstream Canadian society to become aware of the aesthetic values of First Nations artefacts<sup>3</sup>. However, the institutionalization of Native Canadian artwork, regardless of whether it is placed within an anthropological or artistic context, remains a form of oppression and exploitation as it commodifies, objectifies, and simplifies complex cultural traditions. In trying to fit Native Canadian cultural objects into the Western binaries of art and artefact, we are still imposing the colonial idea of Native people as 'Others.' Even though intentions may be honourable, we are forcing a culture that

1 Also known as the Kwakiutl, although this term was given to the community by anthropologist Franz Boas, who erroneously thought that the name for the the Kwagu'ł or Kwagyeulth tribe applied to all of the Kwakwaka'wakw

2 Ira Jacknis, *The Storage Box of Tradition* (Washington: Smithsonian Institute Press, 2002), 10.

3 Ira Jacknis, *The Storage Box of Tradition* (Washington: Smithsonian Institute Press, 2002), 111.

is not ours into the parameters of our cultural organization. In trying to understand and appreciate the Indigenous Canadian culture, we are stripping them of their traditions and furthering the injustices of colonial times, attempting to assimilate First Nations' cultures into our own.

Historically, most material production of the Kwakwaka'wakw community was centred on the potlatch ceremony. The ritual was an occasion for a noble family to invite guests to witness a display of their status, by showing great hospitality through food sharing, gift giving, and performance. Potlatches marked marriages, inheritances, assumptions of new ranks, initiations, and other significant events within the community.<sup>4</sup> Colourful button blankets, carved headdresses, settees, masks, and an assortment of sculptures depicting ancestors, animals, and chiefs were distributed among the guests. In return, other noble families would reciprocate at their own potlatches, maintaining social balance. These objects often bore sacred meanings. Mask makers, for example, had to work in secret and in direct communion with the spirit world. To see a mask maker at work was punishable by death.<sup>5</sup> Other potlatch objects, such as ornate feast dishes (fig. 1 and fig. 2), axes, (fig. 3), or crests held a more secular meaning, and so were less powerful.<sup>6</sup> Material objects in the Kwakwaka'wakw communities were very important, and their production, use, and distribution were enormous events within the culture. A large part of the Kwakwaka'wakw social system was based on the exchange of goods at potlatch ceremonies.

This meant that when ethnographers and collectors came through the region in the late nineteenth century and amassed vast numbers of cultural items, the social structure of the community began to collapse. In their efforts to record and preserve a culture that they mistakenly thought was dying, they unintentionally disrupted the delicate balance of object exchange and societal relations, and thus were implicitly responsible for a cultural breakdown. Adolph Bastian, the director of the Museum für Völkerkunde in Berlin, ordered a collection

4 Aldona Jonaitis, "Preface" in *Chieftly Feasts* (Vancouver: Douglas & McIntyre Ltd., 1991), 11.

5 George Woodcock, "Masks of the Pacific North-West Indians." *The Burlington Magazine* 96.613 (1954): 110.

6 George Woodcock, "Masks of the Pacific North-West Indians." *The Burlington Magazine* 96.613 (1954): 110.

of Indigenous Canadian art because he believed that this was the last chance to salvage the culture of a doomed people. He wrote that:

Night is drawing near for the study of primitive races; is shrouding them in darkness, with all the treasures that would shed any light upon their history and will soon bury them in the blackness of oblivion. Let there then be no delay in the fulfilment of a duty which we cannot, if we would, leave to our successors, as it must be performed now or not at all.<sup>7</sup>

The obsession for collecting Kwakwaka'wakw artefacts began in 1881 when a sailor, Johan Adrian Jacobsen, travelled to the area and began an uninformed collection of objects for Bastian.<sup>8</sup> This trend was continued throughout the late 1800s and early 1900s facilitated by a series of ethnographers, anthropologists, and collectors, including Franz Boas and George Hunt who were particularly diligent about documenting the cultural significance of each of the objects collected. This was largely due to the fact that Hunt had a Tlingit mother and grew up in Fort Rupert, so considered himself as Kwakwaka'wakw.<sup>9</sup> This removal of sacred objects from the community and their placement in museums served to increase colonial power within Canada and objectify the Indigenous peoples.

The most culturally devastating collection of objects came in 1922 during Daniel Cranmer's potlatch. The potlatch ceremony had been banned in 1884 because colonial Europeans misunderstood the ritual and were afraid of its power.<sup>10</sup> Instead, they saw it as an obstacle to the Christianization and assimilation of the Indigenous peoples, and did not understand the social importance of gift-giving. Instead, they simply perceived it as a waste of resources, and an economically

7 Adolph Bastian, *The North-West Coast of America, Being Results of Recent Ethnological Research from the Collections of the Royal Museums of Berlin*. (New York: Dodd, Mead and Co., 1884), n.p.

8 Ira Jacknis, *The Storage Box of Tradition* (Washington: Smithsonian Institute Press, 2002), 20.

9 Ira Jacknis, *The Storage Box of Tradition* (Washington: Smithsonian Institute Press, 2002), 26.

10 Douglas Cole, "The History of the Kwakiutl Potlatch" in *Chiefly Feasts* (Vancouver: Douglas & McIntyre Ltd., 1991), 140.

detrimental practice. The Indian Commissioner G.M. Sproat even called it a "mania" for property.<sup>11</sup> Despite the ban, potlatches continued, and with the introduction of a cash economy, gifts became more lavish<sup>12</sup>. One of the surviving participants of Daniel Cranmer's potlatch said that, "When one's heart is glad, he gives away gifts. It was given to us by our Creator, to be our way of things, we who are Indians. The potlatch was given to us to be our way of expressing joy. Every people on earth is given something. This was given to us."<sup>13</sup> However, Daniel Cranmer's potlatch was discovered by authorities and forty-five important community members were arrested. William Halliday, a government agent, coerced the participants into giving up their ceremonial regalia by saying that if they relinquished their prized objects they would not be arrested.<sup>14</sup> Coppers, masks, rattles, and other significant objects were confiscated. This was shameful for the community, and caused a significant economic, cultural, and social downturn.

The cornucopia of collected, stolen, and bought objects ended up in anthropological museums throughout Canada, the United States, and Europe, and could no longer be seen or used in their original contexts. This created an identity for the Kwakwaka'wakw as an 'Other'; and they became a culture that was objectified and simplified. Aside from the work done by Boas and Hunt, there was little documentation pertaining to the significance of the objects, so their meanings were often misconstrued and their culture misrepresented. Museums assume that a culture can be characterised through objects. They choose which objects from their collection to display to the public, creating a simulacrum of Native peoples that may be entirely detached from the true nature of the culture they are attempting to represent. While it is positive for the subaltern to be given a voice, rather than simply erased, the objects displayed become an object of

11 G.M. Sproat, *Sproat to MacDonald*, 27 October 1879, DIA, vol. 3669, file 10,691.

12 Ira Jacknis, *The Storage Box of Tradition* (Washington: Smithsonian Institute Press, 2002), 66.

13 Gloria Cranmer Webster, "The Contemporary Potlatch" in *Chiefly Feasts* (Vancouver: Douglas & McIntyre Ltd., 1991), 227.

14 Gloria Cranmer Webster, "The U'mista Cultural Centre" *The Massachusetts Review* 31.1/2 (1990): 133

white gaze, allowing Westerners to consume a culture without gaining a real understanding of what they are seeing. In trying to understand Native Canadian communities, beliefs, and practices, we are merely furthering their oppression and commodification, simplifying a culture that is far more complex than museums can convey. The glass cases and segregation of the objects do not accurately represent the way that the objects were used, what they were used for, with what values or even numinous significance they were imbued, and which objects worked together in order to create meaning. Photographs of potlatches (fig. 4) depict an abundance of masks and paraphernalia coming together in order to create a narrative about the cultural values of the objects, but this is lost when the items are presented in isolation or out of context in a museum setting. By establishing an ‘Other’, us as viewers engage in negative self-definition, to help us engage with our own identities. In this sense, we do not pay attention to Indigenous cultures because of genuine interest, but rather because they can teach us about ourselves. Native Canadian cultural objects become detached from their original sacred functions and instead act as a tool for the strengthening of the identity of the dominant oppressors.

In the 1920s, these artefacts were transformed into art objects as many of them were moved from anthropological displays and incorporated into art museums. The National Gallery of Canada’s 1927 *Exhibition of Canadian West Coast Art: Native and Modern*, for example, attempted to establish a connection between Native art and Euro-Canadian paintings. The aim of the exhibit was to “mingle for the first time the artwork of Canadian West tribes with that of our more sophisticated artists in an endeavour to analyse their relationships to one another, if such exist, and particularly to enable this primitive and interesting art to take a definite place as one of the most valuable of Canada’s artistic productions”<sup>15</sup>. This juxtaposition of two forms of ‘art’ was an attempt to establish a Canadian art that was holistic, and unique. Other exhibitions followed, particularly Douglas and d’Harnoncourt’s MOMA exhibit in 1941 which was based entirely on the aesthetic value of the works displayed. D’Harnoncourt claimed that “esthetics in this exhibition are [...] a means of gaining the public’s attention and of creating a better understanding of the Indian’s

15 Eric Brown in Ira Jacknis, *The Storage Box of Tradition* (Washington: Smithsonian Institute Press, 2002), 120.

problems and talents than now exists among the public at large... the exhibit must do more than show the beauty of the skillful methods of production individual Indian works of art. It must endeavor to link these objects together in a way that gives the visitor a unified picture of the people who produced them, and some conception of the future possibilities of these people.”<sup>16</sup> Aesthetic merit was supposed to speak for itself, allowing viewers to make their own judgments about the artistic skill of the producers. The meaning of the works then shift from their practical and spiritual functions to their artistic aspects, and they become detached from their original significance and are given a new interpretation by the museum and its viewership. As expressed by Carol Duncan, “To control a museum means precisely to control the representation of a community’s highest values and most authoritative truths,”<sup>17</sup> allowing biases to infiltrate the information given to visitors. This subjectivity is further emphasized by the fact that First Nations objects were often presented in temporary exhibits rather than permanent ones.<sup>18</sup> Museums could easily change their methods of display in order to reflect the changing points of view of such a volatile subject. This fact not only highlights the changing relationships to Indigenous art, but also accentuates the subjectivity of the museum’s structure and the biases inherent within institutional methods of display.

Even though it is positive that these objects are more respected and seen less as a model of the ‘Other’ and instead appreciated for their aesthetic values, it nonetheless inserts the artworks within the Western discourse where there is an art/artefact binary. Furthermore, museums attempt to label and classify art according to arbitrary notions of high art, low art, ethnographic art, commodity, and other such categories that attempt to define material production. Jacknis points out that “Kwakwaka’wakw objects now live in the art worlds created for them by whites,”<sup>19</sup> rather than being understood in their original contexts

16 René d’Harnoncourt, “North American Indian Arts” *Magazine of Art* 32.3 (1939): 164.

17 Carol Duncan, “The Art Museum as Ritual” *The Art Bulletin* 77.1 (1995): 11.

18 Ira Jacknis, *The Storage Box of Tradition* (Washington: Smithsonian Institute Press, 2002), 117.

19 Ira Jacknis, *The Storage Box of Tradition* (Washington: Smithsonian

where they were neither art nor artefacts, but important quotidian objects that served a more transcendental purpose than the objects of visual consumption.

Take, for example, one of the Transformation Masks from Alert Bay, collected by George Hunt (fig. 5 and fig. 6). This piece is both art and artefact, but at the same time falls into neither category. It is finely crafted and aesthetically beautiful, incorporating mechanics in order to convey information about the myths, beliefs, and practices surrounding its use. The way it transforms from bird to man shows that there is a bridge between the animal and human world, and the earthly and spiritual realms. It uses rich colours and anthropomorphised features in order to provoke emotion and thought, and clearly a great deal of work and attention went into its production. However, without knowledge of what it was used for, and what story it tells, it is impossible for Euro-Canadians to gain a meaningful understanding of the Kwakwaka'wakw culture, even after a conscientious examination of the object.

The problem with inserting Kwakwaka'wakw, or any Aboriginal culture's art, into institutions, whether art museums or anthropology museums, is that we are taking control of the representation of a culture that is not our own. What right have museum curators to dictate what objects mean, or how they are displayed? Who is given access to the knowledge that museums provide? Many Kwakwaka'wakw objects are normally only allowed to be seen by initiated individuals and their power lies in their secretive natures<sup>20</sup> so how can a culture be fully 'represented' if much of the information is limited to a small corpus of individuals? Gloria Cranmer Webster, a member of the Kwakwaka'wakw community and Daniel Cranmer's granddaughter, points out that "Indians don't go to museums,"<sup>21</sup> so who is benefiting from the 'preservation' of Indigenous culture? The placement of Native objects in a museum, any museum, is detrimental to the culture because it is no longer in the hands of its cultural proprietors, and can no longer be used in its traditional capacity.

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Institute Press, 2002), 111.

20 Janet Catherine Berlo and Ruth Phillips, "Our (Museum) World Turned Upside Down: Re-presenting Native American Arts" *The Art Bulletin* 77.1 (1995): 8.

21 Gloria Cranmer Webster, "The U'mista Cultural Centre" *The Massachusetts Review* 31.1/2 (1990): 135.

In the latter half of the 20<sup>th</sup> century several objects have been repatriated to their original owners or their descendants. The Kwakwaka'wakw have established their own "storage box" or "box of treasures that the old people used to have"<sup>22</sup>, the U'mista cultural centre in Alert Bay, allowing the community to represent themselves and establish a connection to their stolen past, when their "world was turned upside down"<sup>23</sup>. The items are grouped according to their place in the potlatch ceremony, objects are properly documented, and the centre is used for education and ceremonies, as well as display.

Western methods of collection, documentation, and exhibition objectify Native communities and use them in order to create an 'Other,' functioning to generate a unified, but exclusive, Canadian-Canadian identity. They create the idea of Native Canadian art, artefacts, or material objects as fully representative of a culture, perpetuating misunderstandings and stereotypes. The only way to stop objectifying Native cultures is by allowing them to represent themselves and permitting their traditions to endure instead of assuming that we have the right to control their fates. We can no longer see their objects in terms of our imposed art/artefact binary, but instead must respectfully appreciate the objects for their numerous facets and the complex purposes for which they were made.

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22 Agnes Alfred, a Kwakwaka'wakw elder, quoted in Ira Jacknis, *The Storage Box of Tradition* (Washington: Smithsonian Institute Press, 2002), n.p.

23 Gloria Cranmer Webster, "From Colonization to Repatriation" in *Indigena: Contemporary Native Perspectives*, eds. G. McMaster and L. Martin, exh. Cat., Canadian Museum of Civilization, Hull, Que., (1992), 37.



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# Plates

Figure 1



Figure 2



Figure 3



Figure 4



Figure 5



Figure 6



## Plate List

**Figure 1: Whale Dish.** Quatsino, maker unknown. Wood. 85 x 43 cm. Pre-1899. 16/6895, American Museum of Natural History, New York. Collected by George Hunt.

**Figure 2: Double-Headed Wolf Dish.** Quatsino, maker unknown. Wood. 166 x 42 cm. Pre-1898. 16/4690 AMNH, New York. Collected by George Hunt.

**Figure 3: Nałamał axe.** Fort Rupert, maker unknown. Wood and metal. 25.7 x 20.7 cm. Pre-1901. 16/8548, AMNH, New York. Collected by George Hunt.

**Figure 4: George Hunt, Alert Bay Potlatch,** c 1902 – 5. Photograph. AMNH, New York 104471.

**Figure 5 and Figure 6: Transformation Mask.** Alert Bay, maker unknown. Wood, feathers, rope. 58 x 33 cm. Pre- 1899. 16/6770AB, AMNH, New York. Collected by George Hunt.

# Interraciality: Just Around the Riverbend? A Look at the Development of Sexuality and Miscegenation in Hollywood Depictions of Native Americans

Bryn Turnbull

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Representations of Native Americans in the film industry throughout the last century have hit both high points and low ones. Taking their cue from historical biases and prejudices, the film industry from its inception has found itself fascinated by the idea of the Native American. Native Americans in film have been portrayed as the Dryden-esque “noble savage”; as the comical sidekick to the heroic white cowboy; as the hyper-sexualized “Injun”; as the bloodthirsty demon who scalps innocents; and as everything in between. Earlier American cinema dating from the 1900s to the 1950s most commonly portray Native Americans in classic “Cowboy and Indian” movies, falling back on stereotypical images such as the ones described above; later films, however, attempt to understand the nuances of First Nations culture with more finesse.

Although representations of Native Americans in Hollywood films have, as a whole, moved away from such simplistic depictions, the motif of the interracial love affair has remained seriously behind the times. Epitomized by the Pocahontas story, the “Indian Princess” – invariably beautiful, of noble birth, and eco-conscious – falls for the stoic white hero, and, while their love is true, external forces intervene to tear the two apart. While miscegenation has long been a theme of Western literature and films regarding Native Americans, it never seems to end on a note of interracial harmony: the indigenous lover is killed off, the white hero finds out he has native blood and is thus not the “other” anymore, or the lovers find that their cultural differences are too strong to overcome. Natasha and Ralph Friar have termed this tendency the “cop-out” and note its prevalence in Westerns of the 1930s and 1940s; yet miscegenation in movies from the 1990s and millennial decade is still depicted in much the same way as in films from the early 1900s. Similar to the directors of early Westerns,

modern directors still “fall back” on methods of negating the interracial love affair by introducing plot twists through which the white member of the couple can remain tied to the Aboriginal culture that he has grown to accept; or rather, he literally “becomes” part of that culture, making interraciality no longer an issue.

In this essay, I explore the theme of miscegenation and the depiction of Native American women in Hollywood films, beginning with an exploration of the development of Native Americans in films as a whole, before moving into a discussion of the representation of sexualized females in Disney’s *Pocahontas* (1995) and Terrence Malick’s *The New World* (2005); and will finish with a discussion of miscegenation in the contemporary Hollywood blockbusters *Dances with Wolves* (1990) and James Cameron’s *Avatar* (2009).

## The Development of Native American Portrayals in Hollywood

The problems associated with false depictions of Native Americans in film stems from far before the production of mass media. As Beverly Singer states, the misrepresentation of Native Americans has been a constant issue since the discovery of North America:

Indians have been misrepresented in art, history, science, literature, popular films, and by the press in the news, on the radio, and on television. The earliest stereotype associating Indians with being savage, naked, and heathen were established with the foundation of America and determined by two factors: religious intolerance for cultural and spiritual differences leading to the destruction of Native cultures, and the rejection of Indian cultures as a relevant subject matter by traditional historians in the writing of U.S. history (Singer, 1).

Truthful portrayals of Native Americans have been skewed throughout history. A long line of historical bias against Native Americans, combined with a lack of access to accurate historical records of Native American activities, prompted early Western films to fall back on the shocking stereotypical image of the Native American in the 1930s and 1940s as either a “savage, naked” heathen or as the “noble savage,”

worthy of admiration but ultimately sentenced to assimilation. A further problem in early depictions of Native Americans lies in the undeniably bloody history between the two races – a history that would portray the majority of movie-going audiences’ ancestry as less than commendable if shown on the silver screen:

Spanish, French, English, Dutch, Portuguese, Swedish, and Russian voyager comprised the invading European minority. They came to explore and exploit; they remained to propagate, ravish, and destroy. To insure that we may gullibly accept the historical fallacy that our predecessors came here to create a ‘free’ nation, history books, in conjunction with the makers of filmic history, have conveniently omitted telling us about the many indigenous tribes or nations exterminated on behalf of freedom. Hollywood has continued to perpetuate the myth by creating either (1) a noble red man, or (2) a vicious savage, both of whom deny the white man his proper Christian right to this continent ... Hollywood has continued to be a co-conspirator in committing cultural genocide by subverting the Native American’s various ethnic identities and retaining him as a racial scapegoat (Friar & Friar, 2).

In using Native Americans as “racial scapegoats,” Hollywood tied itself into the historical myth of the Native American as either noble or ignoble savage: the stoic, but inevitably doomed, culture attempting to bring ecological enlightenment to the white invaders; or the brutal and clear-cut enemies of white settlers heroically bringing civilization to an undomesticated west.

Early visual depictions of onscreen Native Americans parallel the directorial tendency to “whitewash” the historical relationship between whites and Native Americans : just as they presented a simplified history, directors of the 1930s and 1940s similarly homogenized the image of indigenous Americans, glossing over tribal distinctions and defaulting to a visual stereotype that aligned with character stereotypes:

Hollywood has perpetuated what can best be described as The Instant Indian Kit, suitable for any and all Indians, which consists of wig, war bonnet or headband (beaded or

otherwise), vest or shirt, breechclout, leggings or fringed pants, and moccasins. To top off the costume, include Hong Kong beadwork, plastic bear or eagle claws with plastic beads and other geegaws. Add a few streaks of paint and Voila! ... you’re an Indian too (Friar & Friar, 223).

Rather than depicting various Native American cultures such as Cherokee and Lakota as distinct, early directors would simply default to homogenization: as long as they looked stereotypically “not white,” Native Americans would adequately serve to fill background scenes. Indeed, most early Westerns used white actors for major Native American roles: even as late as the 1960s, celebrated actors, such as Elvis Presley in the 1960 film *Flaming Star*, portrayed Native American or “half-breed” characters, leaving authentic Aboriginals to take supporting and background roles.

With the progression into 1960s, through the flower child movement and civil rights, depictions of Native Americans began to focus more on white guilt, appropriation, and a fascination with Aboriginal culture as a “groovy” alternative to “white corporate greed” (*Reel Injun*). Contemporary Hollywood depictions of Native Americans likewise focus more on the benefits of the traditional Native American way of life as opposed to the corruption of mainstream culture

Recent Indian films make a point of advertising their sympathy for the Indian point of view. Generally ‘real’ Indians play all minor Indian roles and occasionally even major speaking parts. At first sight, no effort seems too great to obtain an aura of authenticity in regard to speech, music, customs, and history. Usually white guilt is admitted through the device of at least one rabid saliva-at-the-mouth racist ready to command a massacre of a sleeping village. This beast is contrasted to the dignified Indian spokesman who is invariably peace minded (Georgakas, 134).

A better depiction than the heathen savage, to be sure – but authentic? Hollywood appears to have gone in the complete opposite direction, replacing warfare with pacifism and rendering white society the irredeemable enemy. Hollywood appears to be entering an age of balance, however: in attempting to authenticate the Native American

experience, the film industry is now capable of taking on the blame assigned to white culture in their dealings with Native Americans. As Angela Aleiss, author of “Race in Contemporary American Cinema” states, Hollywood studios have “reinvented the native American genre. Finally, studios say, Indians will be portrayed as accurately as possible ... the old saying that the only good Hollywood Indian is a dead Indian will no longer be valid.” The emphasis has shifted from warfare and whitewash to pacifism and ecology, and is attempting to be more authentic in its portrayal of Native American cultures and their histories. While this emphasis is still arguably biased, Hollywood is at the very least attempting to reconcile history with film; something that early cinema rejected outright. One place that it has yet to catch up, however, is in its portrayal of Native American women.

### **The Sexualized Princess: Development and Depictions of Aboriginal Females in Hollywood Films**

For as long as there has been literature on Native Americans, there has been the eroticization of Native American women. As main characters in Hollywood films, Native American women are invariably sexualized; in supporting roles, they take on the part of wise healers, ancient matriarchs, or innocent children. In their essay entitled “The Indians in the Movies,” Michael Marsden and Jack Nachbar offer a “three part model of American Indian characterizations on film, in which men comprise the first two stereotypes, as either ‘noble anachronisms’ or ‘savage reactionaries,’ and women are presented as ‘Indian princesses’ in the third, if they are presented on-screen at all” (qtd. in Edgerton).

Friar and Friar note the longstanding Hollywood tendency to eroticize Native American women, stating “white men have lusted after Indian maids since the cranks started turning. Some early examples are, *How Tony Became a Hero* (1911), *The Half-Breed’s Daughter* (1911), *The Ancient Bow* (1912), [and] *His Punishment* (1912)” (Friar & Friar, 229). Before the “cranks” were invented, however, the eroticization of Native American women was done by European playwrights and authors, who often wrote about Pocahontas, the most famous of Indian Princesses. Alongside historical descriptions and paintings of Pocahontas stand two contemporary depictions that play

into the eroticization of Native American women: Disney’s 1995 film *Pocahontas*, and Terrence Malick’s *The New World* (2005).

### Case Study: Representations of Pocahontas

Hollywood’s Pocahontas is possibly the most well known Native American woman in popular culture, and is indeed one of the most eroticized. Hollywood’s Pocahontas fits the classic stereotype of the Native American woman as pictured by European society: resurrected as a twenty-something tanned Barbie by Disney and as a spiritual Native with a heart of gold and a deerskin miniskirt by Malick, contemporary depictions of Pocahontas represent a white male society’s idealized Native American Princess.

Due to the lack of verifiable historical information surrounding her, Pocahontas has also become one of the most fictionalized Native American women, as well as one of the most eroticized: her story has become one of choosing true love and English values over her duties to her tribal community and Native American culture. Most of the information on Pocahontas comes from “[John] Smith’s often contradictory journals and the writings of other settlers. It’s not clear whether she and Smith had a romantic or a sexual relationship ... or even that she saved his life” (Taubin). Because of the lack of information, Pocahontas is an ideal character for Hollywood – and European society – to recreate. As Asebrit Sundquist points out, the eroticization of Pocahontas has a longstanding history:

Many [18th and 19th century] novels, plays, and poems use the adjectives ‘passionate,’ ‘nude,’ ‘naked,’ ‘unrobed,’ and the like about her. These descriptions fit the erotic part of a Siren stereotype. Her ‘dusky’ color adds to the picture of a bad woman (Sundquist, 51).

The image of the erotic “Indian Princess” has survived into present day with Disney’s depiction of Pocahontas in their 1995 feature film. As an animated movie, Disney artists quite literally had the chance to create their dream Aboriginal girl; however, as Edgerton\* points out, Pocahontas is less the product of Native American influence than Caucasian ones:

Consider the redesigning of the character of Pocahontas. Supervising animator Glen Keane remembered how former studio chairman Jeffrey Katzenberg charged him with reshaping Pocahontas as ‘the finest creature the human race had to offer’ ... Keane, in turn, drew on four successive women for inspiration, beginning first with paintings of Pocahontas herself; then Native American consultant Shirley ‘Little Dove’ Custalow McGowan; then 21 year old Filipino model Dyna Taylor; and finally white supermodel Christy Turlington ... They started with Native American faces but eventually gravitated to the more familiar and Anglicized looks of the statuesque Turlington. Not surprisingly, the key decision makers and supervising artists on Pocahontas were white males. Disney and Keane’s ‘finest creature’ is clearly the result of a very conventional viewpoint.

The Indian Princess is barely Indian – she is the hyper-sexualized image desired by what Disney animators deemed as most generically attractive. Disney’s Pocahontas fits the conventional “noble savage” character type typified by European stereotypes of Native Americans. As Pauline Turner Strong notes, “the animated Pocahontas is located within the entire colonial tradition of noble savagism ... This is not to imply, to be sure, that Pocahontas is entirely a product of Western colonialism, but that we ‘know’ her only within that arena - which, after all, is tantamount to not knowing her very well at all” (Turner Strong, 412).

The image of Pocahontas put forth by Terrence Malick in *The New World* fits the same mold as that presented by Disney. This later depiction attempts to authenticate Pocahontas by making her the more youthful, teenage girl described in Smith’s journals; yet it, too, sexualizes the young actress by putting her in “thigh-high animal-skin tunics”, even in midwinter (Taubin). Malick’s Pocahontas constantly brings attention to her body, touching her lips and her hair suggestively while John Smith stutters his English lessons to the young princess. From the beginning of the movie, Pocahontas is shown as sexually desirable; the audience first sees her swimming naked in the river with John Smith: an opening image that immediately transforms the character into an

erotic object..

The most celebrated Native American woman, therefore, is not authentically Native American at all: rather than fitting the images left behind in history that show her as a rather average, even heavysset, young girl, Pocahontas has become the work of colonized history, embodying the idea of the beautiful, sexually fierce, Native American princess desired for so long by white society.

What accounts for this fascination with the Native American princess? The longstanding history of Pocahontas as a locus for European sexual fantasies is not simply on account of her beauty, although that is indeed a factor. As Edward Buscombe states in his critical review of Malick’s *The New World*, nineteenth century attitudes towards Pocahontas as the most desirable of princesses were due to her political position as well:

In the first place, emphasis is given to her noble birth. It seems that whatever misgivings the Europeans may have had about a mixed-race relationship could be at least in part assuaged if the Indian woman made up for her racial inferiority with an elevated class status. Second, her beauty is important. Sexual desirability was another factor which would mitigate racial difference. These twin characteristics constitute virtually a sine qua non in stories of relationships between white men and Native American women, whether on the nineteenth century state, or later, in the movies (Buscombe, “What’s New in the New World?”).

Noble birth and sexual desirability – the critical ingredients for one of history’s most unforgettable romances. . For what is Pocahontas without her John Smith? Indeed, the climax of the Pocahontas story is her rescue of the stoic John Smith, her mythologized love, from the hands of her father, the noble chief. As Buscombe rightly points out, throughout Hollywood’s long relationship with Native Americans, the mitigating factor allowing for relationships between white and Native characters has been beauty and power. Interracial love affairs in Hollywood films about Native Americans is practically a given; however, what is also a given is that these affairs almost invariably end in tragedy or negation of racial difference. Just as Pocahontas and

John Smith lose their happy ending, so too do many other interracial couples.

### Miscegenation in Native American Portrayals

When Hollywood depicts Native American and white characters falling in love, there is generally no doubt that the characters are truly in love. Miscegenation is indeed a reality, and a positive one; however, Hollywood portrayals of Native and white love affairs generally tend to end in a negation of the interracial aspect of the relationship.

One of the most typical motifs involved in miscegenous Native/white relationships is that of the Native woman sacrificing herself or her people for her love. This motif has been played out in “hundreds of films during the last century” (Kilpatrick), but most notably, of course, in Pocahontas stories. The intermixing of white and Native Americans is a historical fact; indeed, many white families took “pride in having a select type of Indian blood”, as Donald Kaufmann states, “the best of Wasps, horrified at having one drop of Negro blood, somehow imagined that all went well in the family tree after an illustrious male ancestor stepped off the Mayflower and mated with the first available Indian princess” (Kaufmann, 28).

The tolerance given towards miscegenation continued into Hollywood, yet stopped short of celebrating it. As Buscombe states in *Injuns! Native Americans in the Movies*, “Indian westerns [have an] almost obsessive interest in the question of mixed marriage... Fully half of the forty films viewed contain a character who engages in some sort of sexual relationship across the racial divide, but never without difficulty: that is to say, the relationships are never ‘normal’ or ‘natural’ – instead, there is always a problem of some kind” (Buscombe, 125). The “problem” that Buscombe alludes to is the inability of the director to allow a happy interracial ending – as Friar and Friar agree, “White men marrying Indian maids has long been a favorite subject in Westerns but – and there has always been a but – something must happen to prevent the couple from living happily ever after” (Friar & Friar, 238).

In Westerns from 1900 to 1960, the “problem” of miscegenous relationships was generally dealt with by killing one of the lovers – “usually the Indian” – ending the film on a note of bittersweet

resignation (Denton, 84). Such is the case in Delmer Daves’ 1950 film *Broken Arrow*, which shows Jimmy Stewart’s Apache wife, Morningstar, killed “before the last reel” of the film (Baird, 155). Citing such films as *Across the Wide Missouri*, *The Last Hunt*, *The Big Sky*, *The Indian Fighters*, *Broken Lance*, and *Duel in the Sun*, Buscombe furthers the condemnation of this phenomenon in films depicting Native Americans, stating that “it is as if the filmmakers, taken aback in their audacity in depicting such a transgressive union, need to introduce the woman’s death in order to mitigate the offense: the only good Indian wife is a dead Indian wife” (Buscombe, 127). This “Romeo and Juliet” treatment of miscegenous relationships is one that has been less prevalent in later Hollywood films, yet is still a forceful tradition in movies depicting Native American/white relationships.

An alternative to this treatment of miscegenous relationships is more acceptable, yet still far from progressive: as Friar and Friar note, “Hollywood usually cops out ... At the crucial moment the Indian man finds out he’s white or the white woman finds out she’s Indian and they can get married and live happily ever after” (Friar & Friar, 236). The director’s “problem” of an interracial ending is solved; however, the fact remains that it does not end the movie on a racially positive note: the two races remain distinct, and are given their happy ending on a technicality. The issue of interracial relationships is simply swept into the cutting room, rather than dealt with head-on.

Miscegenation in Contemporary Films: *Dances With Wolves* and *Avatar*

Clearly, constantly portraying Native American deaths in the name of love in Hollywood cinema would be an unacceptable way of dealing with interracial affairs in our contemporary, liberal world. Although there are more instances of Native American and white relationships working, in many others, such as the blockbuster hits *Dances with Wolves* and *Avatar*, the tradition of “copping out” remains strong. While both films deal with white characters who “go Native”, they both depict relationships that are simultaneously interracial and emphatically not interracial. While Kevin Costner’s character John Dunbar in *Dances with Wolves* does indeed assimilate into his adopted Sioux tribe, he marries the white female translator in the camp and they separate from the tribe to start a life of their own. *Avatar*’s main



character, Jake Sully, likewise integrates into the Omaticaya tribe through his remote-controlled “avatar” body; however, through a well-timed plot device, he is able to literally become one of the Omaticaya by transferring completely into his Avatar body and leaving his human one behind. In both cases, the films simply negate interraciality - *Dances with Wolves* by the more traditional method of finding another sympathetic white who “goes native”, and *Avatar* by the more creative method of literally transferring the protagonist into the body of a native creature.

In *Dances with Wolves*, the main character, John Dunbar, befriends a neighbouring Sioux tribe by integrating into their culture, abandoning his position as a Union First Lieutenant in favour of learning the peaceful ways of the Lakota. As Buscombe notes, while the film does include a romance, it is with the one, rather well-placed, white woman in the camp:

This being a Hollywood film, it is almost inevitable that there should be a romance. Dunbar is presented as a man without a history: therefore, he is in need of a wife. Given the decision to go for realism in the presentation of Indian language, the plot device of having a white woman captive available to act as translator is a necessary one. But there is no inevitable reason why Dunbar should choose her as his companion. The suspicion arises that those who shaped the script avoided the more complete integration of Dunbar into the Sioux nation that would have come about had he taken an Indian wife. Miscegenation, it seems, is still a step too far for Hollywood (Buscombe, 141).

While Dunbar does indeed accept the ways of the Lakota people, eventually putting aside his white identity entirely, the fact remains that he couples with Stands With a Fist, the white translator in the camp. Although he does “go Native,” he does not entirely become part of the culture that he adopts: there is no question that Dunbar accepts the Lakota way of life, but Hollywood still seems to hesitate in presenting an unproblematic miscegenous marriage.

James Cameron’s 2009 film *Avatar* finds an alternative way to negate interraciality in films dealing with Aboriginal characters –

simply by negating the issue of race. In *Avatar*, the main character, Jake Sully, interacts with the native beings of the planet Pandora through his “avatar”, or remote-controlled alien body that his mind is able to inhabit. When he is adopted into the Na’vi band called the Omaticaya, he falls in love with the princess Neytiri, who has been charged with teaching him the ways of the tribe. A classic Pocahontas story, *Avatar*’s solution to the inter-species relationship of Neytiri and Jake is to permanently transfer Jake into his avatar body, thus literally having the main character “go Native”. The writers have made it such that the interracial love affair becomes an affair between beings of one single race, and therefore is an acceptable note on which to end the movie. As a human/Na’vi couple, Neytiri and Jake are biologically incompatible – an uncomfortable metaphor for white/native relationships – that presents a new solution to the issue of miscegenation, yet still does not confront it.

## Conclusion

Although Hollywood depictions of Native Americans have clearly come a long way, the industry still has a long way to go regarding interracial relationships. While Native Americans as a whole are defined in a more positive light, miscegenous love stories are still problematized. Native American women, led by conventional depictions of Pocahontas, are still seen through a sexualized white male gaze; and while directors no longer kill off the Indian lover to negate the interracial love story, they often still do not end the story on a note of interraciality, preferring to “cop out” as their earlier counterparts did in Westerns of the golden age. An attempt to celebrate Native American cultures has been married to the tradition of keeping miscegenous couples separate; and, in light of this attempt, the film industry still has a long way to go to be considered entirely progressive in regards to depictions of Aboriginal cultures in the movies.

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## Family Portrait Series

Cedar-Eve Peters

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Growing up in Toronto, I did not have much knowledge of my family history let alone my culture. At Concordia University, I have had the opportunity to study First Nations issues through First Peoples Studies and Art History courses pertaining to Amerindian art. Through these courses I have been able to realize who I am as a First Nations student and artist; I have gained a strong sense of identity.

Recently I completed a course on First Nations Photography which exposed me to issues surrounding photography of Native People from the late 19th century to present day. This allowed me to study issues surrounding Native culture in depth such as the “vanishing” race, the commodification of people, stereotyping and contemporary issues such as reclaiming and re-appropriation. I have been exploring issues of self-identity and family history in relation to culture and have been using images of family members in collage, also drawing their alter-ego or spirit guide. By using images of my family alongside my own drawings I feel as though I am able to reclaim my ancestors’ past. By doing so, I am able to explore my family history in relation to contemporary issues dealing with re-appropriation and native identity/ mythology.

As I continue to learn more about First Nations art, the more similarities I see between my work and those of my ancestors. Seeing this connection profoundly inspires me to educate others of Native culture through the creation of art. I am currently in my third year at Concordia University, working towards my Bachelor of Fine Arts degree and major in Studio Art. Upon receiving my degree, I plan to enroll in Museum Studies at the Institute of American Indian Arts in Santé Fe, New Mexico. With my degrees, I want to secure a position curating exhibitions for aboriginal art and artists.



My Grandma, Lizzie



My Mother, Pamela



My GreatGreatGreat Grandparents  
Sam and Agatha, My uncle J.P



My Dad, Michael

## “I’m a Terrorist? You Better Go Home and Reeducate Yourselves”: Reactions to the Oka Crisis of 1990

Alex Eberlin-Timmons

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The summer of 1990 in Canada was nothing if not eventful. It was the summer during which awareness of aboriginal issues within Canada came into focus and received intense media attention. Popularly known as the Oka Crisis, the Kanehsatake Mohawk resistance, triggered by the Mayor of Oka’s plans to expand a private golf course and develop housing on Mohawk burial grounds quickly escalated to what some have dubbed a ‘national crisis’. It was a national crisis indeed, especially for the Mohawk Nation who, steeped in a history of deceit and broken promises, stood up to defend their traditional land. Images of masked Mohawk warriors carrying rifles plastered the newspapers and television screens on July 11<sup>th</sup>, 1990 and the ensuing summer. The crisis teaches us a lot about the contemporary attitudes towards indigenous issues in Canada at the time. Racism, racial tensions and ignorance of aboriginal history poured out as a result of the confrontation at Oka. The reaction of everyday citizens, the Quebec government and the Federal government will be examined in an attempt to situate their various attitudes in the continuing struggle for aboriginal land claims.

The standoff at Oka between the Mohawk warriors and first, Quebec’s provincial police force and then the Canadian Forces, lasted a stressful 78 days. This was an armed conflict between the Mohawk nation and the Quebec and Canadian governments. The reactions of the Quebec state, Canadian state, Canadian citizens and media illustrate a deep divide between the Canadian and Quebec projects of national rule and the Mohawk peoples living in Kanehsatake near the city of Oka and Kahnawake on the South Shore near Chateauguay. Loreen Pindera, a CBC reporter and co-author of “People of the Pines: The Warriors and the Legacy of Oka”, was on the scene at Kanehsatake only three hours after the initial skirmish between the *Sûreté du Québec* riot cops and Mohawk warriors who were defending their barricade of a dirt road leading to the disputed land. She commented in a recent

interview that ignorance of aboriginal history was a prevalent issue in the summer of 1990.<sup>1</sup> Pindera claimed that a lot of the racial tension that erupted as consequence of the Oka Crisis was in part due to the lack of depth of understanding of Mohawk history and their long struggle to establish their land rights dating back to over 200 years ago.<sup>2</sup> The reactions of the Quebec and Canadian governments and general citizens of Canada cannot be discussed outside of this historical illiteracy. Pindera commented that many journalists on the scene in Kanehsatake were trying to simplify the context of the tense situation in Oka.<sup>3</sup> However, Pindera admitted that at the time, she was surprised to hear some Mohawks tell her that they were not Canadian and that they were not in Canada.<sup>4</sup> The link between ignorance of the historical context and racist reactions to the Mohawk blockades must not be underestimated.

The Oka Crisis had the potential to reshape native relations in Quebec. Instead, the events triggered a negative reaction within the province, be it from typical citizens or the actual Quebec government. The purpose here is not to paint everyone with the same brush, for there were many non-aboriginal people who supported the Mohawks, but to illustrate a general theme of unequal relations. First of all, the *Sûreté du Québec* (SQ), the provincial police force, after using tear-gas and live ammunition in their initial attempt to dismantle the Mohawk barricade at Kanehsatake, brought in an additional 1000 fully-equipped officers to Oka (which had a population of 1800).<sup>5</sup> This response speaks louder than words: the Mohawks posed a real threat to the Quebec project of national rule so they would be tamed by means of force.

John Ciaccia, the Quebec Minister of Indian Affairs during the Oka Crisis, remarked that during a July 17<sup>th</sup> meeting with various bureaucrats, the option of military intervention was presented as an

optimal solution.<sup>6</sup> Ciaccia, by no means a perfect character throughout the Oka drama (but definitely one of the more open-minded QC ministers), was dedicated to reaching a peaceful resolution during the summer of 1990. Before the blockades and ensuing violence, Ciaccia had sent a letter to the mayor of Oka, Jean Ouellette, wherein he supported the Mohawk claim to the disputed land.<sup>7</sup> This was to fall on deaf ears, sadly. Ouellette and six other mayors from Quebec met for a mini-press conference where they made a general statement to the effect that actually negotiating with natives would lead to negotiations of 75% of Quebec land.<sup>8</sup> This statement is indicative of the mindset the Quebec government would take regarding the resistance, one where native land claims and sovereignty were not taken seriously.

The SQ was and is an arm of the Quebec state. It exists to enforce the political will of the province in tense situations. The way in which the SQ comported itself at Kanehsatake and Kahnawake illustrates an approach towards native issues that leaves little room for interpretation: they wanted to shut the movement down. In an official SQ evaluation of July 24<sup>th</sup>, the report for the Quebec government repeatedly stressed the words ‘terrorist’ and ‘terrorism’ when referencing the Mohawk warriors actively rebelling in Kanehsatake and Kahnawake.<sup>9</sup> The report also highlighted the importance of informing the public about Mohawk involvement in illegal bingo, casinos and the illicit cigarette trade in what seems like a bid to discredit the Mohawk’s cause in the eyes of the (white) public, or, as Ciaccia put it, to “...churn up the hatred”.<sup>10</sup> SQ director Robert Lavigne, when presenting a plan of action to the Quebec government’s Strategic Committee on July 30<sup>th</sup>, argued that the Canadian troops should be called in for a complete encirclement maneuver with the SQ in charge.<sup>11</sup> When asked about the effect this would have on the Mohawk warriors, Lavigne said they would see if the warrior were “real brave” when they caught a glimpse of the Canadian

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1 Interview with Loreen Pindera by Alex Timmons, conducted November 28<sup>th</sup> 2010

2 Interview with Loreen Pindera

3 Interview with Loreen Pindera

4 Interview with Loreen Pindera

5 Alanis Obomsawin, *Kanehsatake: 270 Years of Resistance*, National Film Board of Canada:1993

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6 John Ciaccia, *The Oka Crisis: A Mirror to the Soul*, (Dorval: Maren Publications, 2000) p.117

7 Obomsawin

8 Obomsawin

9 Ciaccia, p.132

10 Ciaccia, p.132

11 Ciaccia, p.158-160

troops arriving in armed personnel carriers.<sup>12</sup> Respect for the Mohawk land claims did not enter the SQ mentality.

One of the main grievances expressed by both Kanehsatake and Kanhawake during and after the Crisis was the part the SQ and then the Canadian army played in hampering food and medicine deliveries into the communities. The Quebec government claimed from the beginning that food and medicine would be circulated fairly on both sides of the barricades. However, Gail Stacey-Moore, Speaker for the Native Women's Association, explained how the Red Cross said they would bring in the supplies to Kanehsatake but reneged on the promise.<sup>13</sup> On top of this, when Stacey-Moore and her colleagues attempted to deliver the goods themselves, they were stopped by the SQ, searched for seven hours for weapons and ammunition and when none were found, they were still sent back the way they came.<sup>14</sup> This unfair attitude towards the Mohawks serves as yet another example of racist posturing by the SQ and by extension, the government of Quebec.

Daniel Nicholas, a Mohawk man arrested by the SQ, was treated as a native scapegoat for the death of Corporal Lemay by the police. He told the officer that he was entitled to a phone call to his lawyer for which he was rewarded with a laugh and a punch in the face while the other officer asked him which gun he used when he killed Lemay.<sup>15</sup> When Nicholas told the police that he had not killed anyone, he received a secondary blow.<sup>16</sup> "And they call us Savages" was what he said in an interview in Alanis Obomsawin's astute documentary entitled "Kanehsatake: 270 Years of Resistance". Ms. Etienne, one the Mohawk negotiators involved in talks with provincial and federal representatives, was arrested after negotiations broke off on trumped-up charges like 'intimidation' and 'being behind the barricades'.<sup>17</sup> She was detained for five hours and questioned by the SQ. When commenting about the incident in the same film which featured Nicholas, Etienne joked that the SQ should have also arrested Tom Siddon (Federal Minister of Indian Affairs in 1990), Judge Gould (charged with arranging the

talks) and John Ciaccia because they had all been on the other side of the same barricade.<sup>18</sup>

Two years after Oka, the Quebec government (and Canada, for that matter) had taken no disciplinary action against the thirty-nine SQ officers cited for misconduct during the Crisis and whose actions were being called out by human rights organizations like the International Human Rights Federation.<sup>19</sup> This lack of action by the Quebec government to adequately look into the injustices suffered by native peoples at the hands of the SQ during the summer of 1990 illustrates a lack of political will to positively change Quebec-Native relations. On the other hand, the trial of thirty-nine Mohawks involved in the resistance was not delayed at all by the authorities. When the large majority of the Mohawk defendants were acquitted, the headline of the French-language newspaper *La Presse* exclaimed its outrage: "Où est la justice?"<sup>20</sup>

In a report entitled "Oka After the Crisis", produced for the Quebec government one year after the Crisis, we can see a portion of the logic behind the Quebec government's decision-making process come to light. One of the main claims of the report speaks directly to the theme of historical illiteracy. The report states that the first disagreements regarding the property title which caused the Crisis only occurred in 1822.<sup>21</sup> This is not true. Alanis Obomsawin's film *Kanehsatake* establishes a clear historical context in which to understand the Mohawk uprising of 1990. Ever since the Mohawks were pressured to relocate from Hochelaga in the 1660's to a part of their traditional hunting grounds known as Kanehsatake, Mohawk chiefs and leaders have fought to be recognized as the legitimate owners of the land, which they knew was already theirs.<sup>22</sup> The report seeks to ignore the long legacy of Mohawk land recognition struggles: this helps

12 Ciaccia, p.160

13 Obomsawin

14 Obomsawin

15 Obomsawin

16 Obomsawin

17 Obomsawin

18 Obomsawin

19 Geoffrey York and Loreen Pindera, *People of the Pines: The Warriors and the Legacy of Oka* (Toronto: McArthur, 1999) p.430-433

20 York and Pindera, p.427

21 Maitre Guy Belisle and Helene Thibault, of the Oka Advisory Group, *Oka After the Crisis: Final Report*, submitted to Benoit Bouchard, Minister of National Health and Welfare and Minister responsible for Regional Economic Development- Quebec. Montreal, April 26, 1991.

22 Obomsawin

the colonizing power change the flow of history for its own interests, in this case Quebec.

Another claim made in the report that marginalized the legitimacy of the warriors and their cause encapsulates the 'hijack' argument. It is implied that the armed resistance at Kanehsatake and Kahnawake did not have a large base of popular support in the local and larger aboriginal population.<sup>23</sup> This theme was a popular angle in contemporary news media. A political cartoon which ran in the Montreal English-language newspaper entitled the Montreal Gazette depicted a masked and armed Mohawk warrior saying "I have plenty of support" while a more traditional looking native (with two feathers in his hair) looks the other way while saying "No you don't".<sup>24</sup> Although the Mohawks and other aboriginal peoples are not a politically monolithic group, there was no doubt in 1990 that the Mohawk barricades of Kanehsatake and Kahnawake drew widespread support not just from fellow Mohawks but indigenous peoples and non-indigenous peoples, radical and traditional, from across Canada and the United States.<sup>25</sup>

If the Quebec government's reaction was one of negative consequences for the Mohawk cause, what can be said about the Federal government's actions during the Crisis? A brief comparison of Prime Minister Mulroney and Quebec Premier Bourassa's televised statements, which were conceived to calm down the tense atmosphere of the Oka Crisis, will illustrate a key strategy employed for dealing with Native resistance movements. An important part of Bourassa's speech was his claim that "...the toughest challenge for any government in the Western world, in our world, is to defend democracy against people who do not believe in democracy".<sup>26</sup> With one fell swoop, Bourassa relegates the Mohawk people to the undesirable position of an anti-democracy movement which is akin to political murder. There is no credit given to the disputed land claims but only a divisive tactical position taken to alienate the Mohawks in the hearts and minds of the people.

Mulroney is more explicit than Bourassa in one of his

23 Belisle and Thibault, p.24

24 Real Brisson, *Oka Par la Caricature: Deux Visions Distinctes d'une Meme Crise*, (Quebec : Septentrion, 2000)

25 York and Pindera, p.272

26 Obomsawin

comments: "We are not going to concede to requests made by a group of warriors, some of whom are not even Canadian citizens and whose actions, to understate the case, have been illegal for a considerable amount of time."<sup>27</sup> This statement can be unpacked in two major ways. First, Mulroney criticizes the warriors based on the fact that a few among them are not Canadian. This is a clear indication that the Prime Minister did not want to acknowledge Mohawk sovereignty (an underlying issue of the 1990 Crisis). He purposefully sidesteps the fact that many Mohawk people do not identify with Canadian citizenship, even if they have it, and instead strongly identify as people of the Mohawk Nation.

The second aspect of Mulroney's statement is at the heart of the federal reaction to the Mohawk barricades: they are illegal and by virtue of their illegality the reasoning behind the actions ceases to matter. How convenient. Instead of acknowledging and engaging the valid claims of the Kanehsatake community, Mulroney sidestepped their concern cloaked within the "rule of law". This cloak enabled Mulroney to paint a simplistic picture wherein the army was portrayed as the 'good guys' and the law-breaking Mohawks were the 'bad Indians' once again. Tom Siddon, the Minister of Indian Affairs used the same logic as his Prime Minister at a press conference. Siddon danced around the fundamental issues which surfaced during the Crisis to proclaim that the Mohawks had blocked any possible negotiations with their guns and blockades.<sup>28</sup> The Mohawks seem to have found themselves in what's called a 'lose-lose' situation. On the one hand, they could protest peacefully through the official channels of government (which had failed over and over) or they could attempt to be heard through a show of force and resistance (which was rejected by default due to the illegality of the actions). The Federal government, with all its other unresolved Native issues in mind, wanted to apply the same inadequate policies and rules that have left Native claims unresolved.<sup>29</sup> Mulroney did not want to be the one to set a precedent to change the existing order of Canadian-Native relations. Instead, his government and Quebec's government agreed that appealing to the rule of law was enough to discredit the Mohawk actions during the summer of 1990.

27 Obomsawin

28 Ciaccia, p.123

29 Ciaccia, p.124

In a 1991 report for the Standing Committee on Aboriginal Affairs, there was a section which admitted that the Canadian government pursued a policy of ethnocentrism and paternalism towards Aboriginal peoples- in the 18<sup>th</sup> century only.<sup>30</sup> When the Canadian government offered to buy the disputed land in 1990 and hold it in trust for the Mohawks, reverberations of this “past” paternalism and ethnocentrism wae felt, especially if you were an Aboriginal person living in Canada. The barricades at Kanehsatake were not the only ones erected during the Crisis. In solidarity with their fellow Mohawks, the warriors of Kahnawake set up a blockade of the Mercier Bridge on the South Shore of Montreal near the city of Chateauguay. This blockade was an effective tool to get government elites on their toes: the Mercier bridge circulated 65, 000 cars back and forth on a daily basis.<sup>31</sup> This action drew a strong reaction from the residents of Chateauguay who, in their frustration, exhibited the clearest example of citizens involved in a racist backlash against the Mohawks. Sad scenes would unfold over the following weeks. The same day that the Mohawks, the Federal government and Quebec government began negotiations, white protestors began a riot in Chateauguay against the Mohawk bridge blockade: it is estimated that on one night, 7,000 people took part in the riots.<sup>32</sup> The hate did not stop there. Another angry mob in Chateauguay gathered near the Kahnawake reserve and burned an effigy of a Mohawk warrior while chanting “Savages, Savages”.<sup>33</sup> This outwardly racist reaction was shocking and disturbing: it pointed to a deeper riff between natives and non-natives than previously thought. It must be taken into consideration that not everybody in Quebec reacted in this way, but the fact that a sizable portion did was unnerving.

The climax of these racial tensions erupted on August 28, 1990. A young journalist working for the Montreal Gazette, Michael Orsini, was a witness to the tragic events that unfolded that day. By this point, the Mercier bridge blockade had been called off by the warriors of Kahnawake but the threat of a Canadian offensive on the Mohawks

30 Ken Hughes, M.P., Chair, *The Summer of 1990: Fifth Report of the Standing Committee on Aboriginal Affairs*, House of Commons Canada, May 1991. p.7

31 Obomsawin

32 Obomsawin

33 Obomsawin

seemed imminent. This influenced a convoy of 75 cars, mostly filled with women, children and the elderly, to leave Kahnawake until things cooled down.<sup>34</sup> Their exit would not be violence-free. The cars were attacked by an angry mob that began to throw rocks and bottles at the cars as they drove away. Orsini watched the scene in horror: as more and more rocks shattered car windows, the yells of delight from an on-looking crowd grew louder and louder.<sup>35</sup> One elderly man whose car was hit, later died of a heart attack, another elderly man of 77 was hit in the chest with a rock and was forced to go to a hospital. <sup>36</sup> This violent and racist reaction illustrated the deep cultural divide between two communities living so close to each other. Again, if Canadians had a deeper grasp of Aboriginal history, perhaps this scenario would not have happened in the same degree. Perhaps less people would have taken part in the riot and less people would have sympathized with the rock-throwers.

Reactions to the Oka Crisis are indicative of the long way Canadian-Native relations have to go. A general ignorance of Aboriginal history and culture, coupled with two governments that continue a pattern of relations reminiscent of colonialism, did not produce a welcoming environment for the Mohawk rebellions of 1990. When the siege of Kanehsatake was in full swing in August, the Oka Crisis had become a battle within a long-lasting war for Aboriginal land recognition. People like Spud Wrench, a Mohawk warrior who fell asleep in his bunker only to be viciously beaten by three or four Canadian soldiers, will not easily forget the treatment that the Mohawk Nation received when it attempted to stand up for itself.

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34 Obomsawin

35 Michael Orsini, “The Journalist and the Angry White Mob: Reflections from the Field” in *This is an Honor Song: Twenty Years Since the Blockades* Leanne Simpson and Kiera L. Lander, eds. (Winnipeg: Arbieter Ring, 2010) p.254-255

36 Obomsawin



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## Violence over the Land: Indians and Empires in the Early American West

Reviewed By Jonathon Booth

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Native Americans have generally been written out of American history. The national mythology pushes them aside, either ignoring their experience or labeling it inconsequential to the "American story". Few Native groups have been more thoroughly ignored and trivialized than the tribes of the Great Basin. In his book, *Violence over the Land*, Ned Blackhawk, a professor of History and American Studies at Yale University, attempts to rectify this situation and place these peoples in their rightful place within Western American history.

On the surface, *Violence over the Land* is a roughly chronological history of the native peoples of the Great Basin, a region which includes the modern American states of New Mexico, Utah, Nevada, and Colorado. The book focuses primarily on the interactions of Utes, Paiutes, Shoshones, and Comanches with the Spanish, British, and American empires. The narrative begins with the northward expansion of New Spain into New Mexico in the late sixteenth century, continues through the brief tenuous rule of Mexico, and ends with undisputed American control of the area in the early twentieth century. This imperial outline allows Blackhawk to put his discussion of the massive changes faced by the native peoples of the region in context. He discusses a number of themes, touching on gender, environment, geography, and politics. However, the two most important themes, which appear throughout the book, are economic changes and the indirect effects of colonialism. In addition to these themes, violence "provides the threads that weave Great Basin Indian history together," and is omnipresent in the book, directly tied to every theme and visible in every encounter (6).

Blackhawk aptly demonstrates that the effects of colonialism are not limited to the areas controlled by the colonizers. He illustrates the layered geographies of colonialism, and shows that colonialism had enormous effects, both on Natives who were not directly controlled by an imperialist power and even on those who had never encountered the Europeans. The Spanish were the first Europeans to colonize the

Southwest, and the effects of their colonialism had three levels. The first level affected Pueblo peoples, such as the Navajo, who were directly controlled by the Spanish and, to a large degree, integrated into the Spanish society. The second affected equestrian Indians, living north of the Spanish settlements, such as Utes and Comanches, who occupied a “middle ground.” They were not controlled by any nation until the late nineteenth century, but were forced to adapt and respond to the violence of Spanish colonization. The third level of colonialism affected the non-equestrian Paiutes and Shoshones who were “incorporated into the violent orbit of Spanish colonialism, not by Spanish conquistadors and soldiers, but by Utes” (57). These more distant peoples became the victims of the Ute slave trade, which captured Indians to sell to the Spanish. Blackhawk demonstrates that the Ute slave trade was a gendered trade, primarily targeting women and children who were sometimes tortured or abused by their Ute captors (47). Blackhawk draws on a great deal of evidence throughout the book to show the secondary effects of colonialism. To take an early example, the first Spaniard to encounter Paiutes, Juan Maria Antonio Rivera, noted that in contrast to nearby Ute groups, the Paiutes fled to the hills at the sight of the Spanish. It seems that the Paiute experience with equestrian Ute slavers had led them “to fear the presence of unknown horsemen in their homelands” (86).

Though colonialism forced changes on every aspect of Native life, Blackhawk sees economics as the driving force behind most of the changes. He demonstrates the centrality of trade to the Native colonial experience and the fundamental connections between trade, violence, and imperialism. Independent traders and trading companies are described as “the primary agents of empire” that “paved the way for larger imperial machinations” and led directly to increased Native poverty, desperation, and violence (158, 175). Though traders often killed natives, either by force of arms or disease, trade also had a plethora of secondary effects that led to further violence. Most importantly, trade, and its requisite imperialism, often destroyed the local ecology, usually by over-trapping or overgrazing. For example, horse traders on the Old Spanish Trail depleted “rivers of grasses, water, and game,” causing a “series of ecological and social crises” for Paiute and Shoshone peoples (147). This resource depletion led to a “spiraling destitution,” which, combined with broken American promises of annuities and

protected reservations, caused violence to become “a necessary form of social, economic, and political survival” for non-equestrian Indians (259, 265). The interplay of economics, politics, and the environment led to a cycle of native desperation and violence, which ended either with the forced removal of natives to distant reservations, or massacres, such as the Bear River Massacre.

Throughout the book, Blackhawk never loses sight of his overarching theme. Violence, or the threat of violence, is present in every interaction between Natives and Europeans, and even between native groups. His book focuses on the tangible violent effects of colonialism. The main narrative avoids the academic trap of ignoring physical violence to focus on various forms of symbolic violence. Blackhawk is quite cognizant of the reality of colonialism, in which native tribes were always under threat from disease, starvation, or extermination. He shows that by the mid-nineteenth century, many Americans openly supported extermination. For example, James Calhoun, the governor of New Mexico, believed that the Paiutes must be “elevated in the scale of human existence, or exterminated” (227). Actions to achieve these goals of extermination were carried out by many groups, from migrants and fur traders, to Mormons and the American army, all of whom “systematically deployed violence” against Indians (227). Blackhawk’s lens of violence successfully ties the different times, locations, and themes in his story together and serves to unite the histories of the Native peoples of the Great Basin into a coherent whole.

Blackhawk’s larger historiographical purpose in *Violence over the Land* is to counter the “representational violence” directed at the native peoples of the Great Basin, and the “intertwined ahistoricism and essentialism that pervade understandings” of the region (13,4). He does so by providing an effective and interesting history, which places Native peoples in their rightful place as central players at the borderlands between empires. His engaging and informative narrative is an important addition to the history of the American West and will certainly be important to future scholars who aim to discuss the place of Native Americans in American history.

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# Grand River Champion of Champions Pow Wow

Danielle Lorenz

Taken at the 2010 Grand River Champion of Champions Powwow on July 25 2010 by Danielle Lorenz an MA Candidate in the Department of Canadian Studies at Carleton University.





## Modern Mexico's Lawless Frontier:

### A Portrait of The Autonomous Municipality of San Juan Copala

Sarah Kerr

Since colonial times, ruling regimes in Mexico have openly struggled with how to entice and integrate indigenous peoples into formal participation and cooperation with the state. However, state-led efforts should be viewed critically as they were ostensibly undermined by the institutionalized corruption and exploitation that marginalized Mexico's lower classes and indigenous groups. Starting in the late 1970s, increased citizen organization, the rise of indigenous intellectuals and the weakening economic position of the state allowed for the formation of threatening opposition to the hegemonic Institutional Revolutionary Party (PRI). This shift was solidified in the form of uprisings and vocal opposition throughout the 1980s and 1990s and later confirmed with the election of an opposition candidate to the presidency in the year 2000. However, as theories of democratic transition remind us, shifts away from authoritarianism and the opening of political space typically do not disperse in a uniform manner throughout all regions and classes.<sup>1</sup>

The struggle between the Mexican state and the Trique Indians of Oaxaca, as demonstrated by the history and creation of the Autonomous Municipality of San Juan Copala, simultaneously provides evidence of an opening of political space while acting to highlight problems that remain embedded in Mexico's democracy. Relations within the region have been driven to levels of extreme violence and desperation, acting upon both old and new tensions between the Mexican government, citizens and international actors. While the Autonomous Municipality of San Juan Copala itself was only home to a few hundred people, occupying a small piece of land in a very rural area, its story and demise are indicative of contemporary disparities that challenge progress and development in Mexico.

1 Joseph S. Tulchin and Andrew D. Selee, *Mexico's Politics and Society in Transition* (Boulder, Colorado: Lynne Rienner Publishers, 2003), 5-10.

In January of 2010 the siege of the Autonomous Municipality of San Juan Copala (henceforth referred to as Copala) began. The town, located in western hills of Oaxaca, found its perimeter lurking with paramilitary guerilla groups, comprised of mostly disenfranchised Triques themselves. The paramilitaries began infringing upon the lives of the town's citizens through blocking roads and limiting resident's access to food and water by permitting only occasional trips to local markets and destroying the only clean water pipe to the community.<sup>2</sup> Paramilitaries also began open campaigns of violence, including gunfire in the streets for hours on end and rendering Copala a ghost town. Besides damaging the property of many residents, crossfire and increasing targeted attacks led to a number of civilian casualties. These dire conditions continued for months without intervention from outside actors.

On April 27<sup>th</sup> 2010, a humanitarian caravan consisting of 30 Mexican and foreign human rights observers set out from the city of Oaxaca with the intention of delivering basic aid to the people of Copala. They had asked for safe passage from the Oaxacan government and the paramilitary groups, but received no confirmation from either side. Reaching La Sabana, a town about 1.5 kilometers away from the Autonomous Municipality of San Juan Copala, the caravan came upon a makeshift road blockade and was forced to stop. Masked paramilitaries immediately ambushed the human rights observers and murdered Bety Cariño, head of an Oaxacan non-governmental human rights organization and Finnish human rights observer Jyri Jakkola. While this incident was one event in the string of killings and attacks in and around Copala, it was the participation and death of foreigners that catapulted the conflict to the global stage. The attacks were condemned by a number of actors including the European Parliament and Amnesty International. The story was picked up by many international news sources and labelled "Mexico's Gaza" by alternative press.<sup>3</sup> While there was widespread outrage in the state of Oaxaca, there was little reaction

2 Amnesty International, "Urgent Action: Human Rights Observers Attacked in Mexico." April 29<sup>th</sup> 2010.

3 Julie Webb-Pullman, "San Juan Copala, Mexico's Gaza," Scoop Independant News, June 8th 2010, <http://www.scoop.co.nz/stories/HL1006/S00050.htm>.

by the Mexican government on a federal level and the incident was downplayed and discredited at a state level.

A second caravan attempted to reach Copala on June 8<sup>th</sup> 2010. They were again forced to turn around due to the presence of paramilitaries. As the summer continued indiscriminate kidnappings, harassment and killing of Copala residents continued, bringing the total dead to over 20 for 2010. On September 13<sup>th</sup> 2010 forces from the two heavily active paramilitary groups, UBISORT and MULT (The Movement for Trique Unification and Struggle and Union for the Social Well-being of the Trique Region)(explain acronyms) stormed the town hall of San Juan Copala. The leaders of the community ordered all residents to evacuate. As they were not given any assurance of protection or provided with temporary shelter, many quietly fled to neighboring Trique villages. Upon hearing the news both within Mexico and abroad, many came to acknowledge that the Autonomous Municipality of San Juan Copala – a feat of indigenous organizing (over 30 years in the making) and a symbol of a rejection of state-sanctioned marginalization, impunity and corruption– was over.

Mexican politics have long been characterized as a monolithic and complex entity. Silvia Hernandez remarks "Politics in Mexico has two clearly demarcated faces, that of violence and that of impunity."<sup>4</sup> However, recent decades have seen promising changes towards greater entrenchment of democracy and transparency. Beginning with a paring down of state capacity due to economic troubles in the 1980s, an era of rampant discontent and weaker state control over political space allowed for the emergence of legitimate competition to challenge the PRI.

Following the end of the Cold War and into the mid-1990s, the Mexican state promulgated a series of electoral reforms at the federal level in an effort to combat fraud and corruption. It has also been widely noted that other spaces are "slowly opening" (awkward), including the media and state-society relations.<sup>5</sup> The election of National Action Party (PAN) candidate Vincente Fox Quesada to the presidency in the

4 Silvia Soriana Hernández, *Los Indígenas y su Caminar por la Autonomía* (México City : Ediciones Eón; Universidad Nacional Autónoma de México, 2009), 132.

5 Joseph S. Tulchin and Andrew D. Selee, *Mexico's Politics and Society in Transition*, 5-29.

year 2000 marked the end of 71 years of semi-authoritarian rule by the PRI at a federal level and symbolized the solidification of these changes.

While these steps have been hailed as the beginning of Mexico's democratic transition, such transitions are characteristically "uneven and contradictory" (Tulchin and Seelee, 7). Guadalupe Paz notes that democracy is often a two-stage process. This first stage is characterized by a spread of political and economic liberation, whereas the second stage can be conceptualized as the promulgation of reforms enacted to deliver the benefits of the first stage of goods. Second stage initiatives involve items such as human capital development, fiscal reforms, income inequality and unemployment.<sup>6</sup> To facilitate the progression between the stages, a nation must be united by a strong rule of law. This requires that a government protects the rights of citizens, that government officials obey the law and that there are available mechanisms for citizens to sanction public officials who exceed their authority, such as a free press, competitive political parties and a strong judicial system. However, the promulgation of an electoral democracy does not systematically instill rule of law, instead it requires the will of players in power at multiple levels of the system.

Tulchin and Seelee further democratic transition theory by detailing that:

Not all of these changes occur at the same speed or in the same way, and the new rules are not always clearly drawn. Moreover, some authoritarian political leaders and public officials who feel threatened by the changes taking place are attempting to retrench and resist. In this context increasingly competitive, transparent and democratic systems coexists with enclaves of untouchable power, violations of human rights, corruption, patronage politics and prohibitions on uncovering past wrongs.<sup>7</sup>

Oaxaca, the home of the Trique, can be identified as one of these conspicuous enclaves of sub-authoritarian rule maintained by the PRI. Thus, in examining the events leading up to the Autonomous

6 Ibid.

7 Tulchin and Seelee, *Mexico's Politics and Society in Transition*, 6-7.

Municipality of San Juan Copala and its demise, we capture a portrait of a nation stuck in between the stages of a democratic transition. While Mexico has achieved political and economic liberalization in many areas, it has yet to reach all corners of the nation. This lack of permeation has further hindered the spread of rule of law and led to stagnancy on a federal level. Hope for development and movement towards the second stage of a democratic transition rests on the state's ability and willingness to strengthen rule of law, accountability and transparency throughout all of Mexico.

In weaving an analysis of Mexico's democratic transition through the story of Copala it is important to understand the greater historical and contemporary context. While there are many contributing factors, legacies of the treatment of indigenous peoples by the state couple with ideas regarding cooperation in a pre- and post Zapatista environment formed the goals of both the residents of Copala and the state. In addition, the nature of the ruling regime in Oaxaca and the escalation of vocal opposition to their policies and practices acted to shape the timing and tactics utilized by both sides.

It is widely observed that while greater waves of democratization have permeated Mexican society, direct benefits are yet to trickle down to the most marginalized tiers of society. This category includes most indigenous communities who, as a demographic group make up 10-15 percent of the Mexican population but have remained disproportionately poor and rural. The Trique region itself spans an area of about 300 square miles in the central western portion of Oaxaca called the Mixteca Baja. The Autonomous Municipality of San Juan Copala was located in a centrally located cluster of thirty Trique towns in a region also called San Juan Copala. In the 2000 government census 20 663 Triques were counted in Mexico, with 15603 still living in Oaxaca.<sup>8</sup> Within many of these communities, life is governed by poverty. The Mixteca Baja is one of the poorest regions in Oaxaca, which itself is currently ranked the third poorest state in Mexico. Economic activities are based upon subsistence farming as well as coffee and banana production. In step with national trends within indigenous communities, literacy and education rates are low. These

8 Epifanio Díaz Sarabia, *Ni Zi Shan Ma Chuma a* (Juxtlahuaca, Oaxaca : Centro de Orientación y Asesora a Pueblos Indígenas, A.C., 2007), 31.

harsh factors have caused widespread migration and resulted in many Trique living outside of traditional homelands, primarily settling in the city of Oaxaca, Mexico City and the United States of America.<sup>9</sup>

While there have been widespread efforts at political and social organizing between and within indigenous groups in the past, many of them have experienced only modest successes in ameliorating the conditions of average citizens. Notably, within Mexico's newly expanded political space the Zapatistas National Liberation Army (EZLN) acted to escalate the combative tone of relations between indigenous organizations and the state. In response to the signing of the North American Free Trade Agreement and a perceived institutionalization of "racism, neglect, genocide and exploitation," of indigenous peoples by the Mexican government and military, the EZLN declared a "war against oblivion."<sup>10</sup> This was enacted through an effective civil war against the Mexican State beginning on January 1<sup>st</sup> 1994.<sup>11</sup> Their campaign utilized violence, well-articulated rhetoric and pockets of international support to further their legitimacy and place pressure upon the state. At this time Mexico was eager to prove its stability to attract international investment and demonstrate its equality within NAFTA. Thus, instead of extended violent confrontations, the state was anxious to negotiate and accommodate the EZLN's demands. This is one of the few examples in recent Mexican history where internal groups have benefited from external scrutiny. The Zapatista struggle challenged Mexico's new democratic reality, as it demanded dual governance and economies for the autonomous Zapatista communities. The San Andres Accords, the agreement derived from the meetings of the Mexican government and Zapatista leaders were hailed as a productive framework for future relations. Within the litigation process in the Mexican Chamber of Deputies, however, key tenets were struck from the Accords and the final version has never been formally accepted by the Zapatistas. Thus, legislation pertaining to indigenous autonomy

9 Silvia Soriana Hernández, *Los Indígenas y su Caminar por la Autonomía*, 142

10 Alex Khasnabish, *Zapatistas: Rebellion from the Grassroots to the Global*. (Black Point, Nova Scotia: Fernwood Publishing Ltd, 2010), 1.

11 Alex Khasnabish, *Zapatistas: Rebellion from the Grassroots to the Global*, 1.

and other indigenous issues has remained stagnant on the federal level, leaving the livelihoods of indigenous communities in the hands of their regional governments.

The deep entrenchment of the PRI in Oaxaca has made efforts to remove them from power difficult and drawn-out leading many to label their government a sub-national authoritarian regime. They are heavily embedded within society, as the majority of workers unions and other societal groups form a part of the PRI structure.<sup>12</sup> They have been accused of widespread corruption, intimidation and violence, including tampering with elections and the elimination of political opponents. To a lesser degree than within the federal arena, threatening opposition to the PRI has arisen within the last 20 years in the form of political parties, political organizations and other civil society actors. Current PRI governor Ulises Ruiz Ortega is one of the most unpopular and controversial figures in recent history due to his violent repression of the Oaxacan chapter of the teachers union (SNTE) in 2006. The initial incident, an armed attack on teachers on strike in the middle of the night, turned into a large scale urban uprising that lasted for six months and led to many unsuccessful calls for his resignation. In a historic gubernatorial election that took place on July 4<sup>th</sup> 2010, the PRI was ousted from power by Gabino Cué, head of a coalition of opposition parties called the Popular People's Assembly of Oaxaca (APPO). The APPO movement had organized during the uprising and sought to filter the multiplicity of dissenting voices into a unified set of principles. Their success in breaking away from 81 years of despotic rule has left many hopeful for the future despite immense challenges.

Historically the PRI regime in Oaxaca has not acted to universally protect the rights of all of its citizens. Through expressions of blatant ethnic bias, disrespect for indigenous governance, political organizing and extensive acts of physical and violent repression, the state reserved distinctly different treatment for groups like the Trique. While similar practices were frequently seen throughout Mexico in the past, their contemporary nature in Oaxaca demonstrates a lack of rule

12 Luis Hernández Navarro, "Movimiento indígena: autonomía y representación política" in *Otras Geografías: Experiencias de autonomías indígenas en México*. Ed. Giovanna Gasparello et al. (Mexico City: Universidad Autónoma Metropolitana, 2009), 34.

of law and permeation of democracy.

The Oaxacan government attributes the poor economic and political conditions experienced by the Trique to their character through reductionist arguments that paint the Trique as an inherently violent and ungovernable group. As one government official stated, “The Trique live in chaos and they have always been that way, they are a semi-savage tribe.”<sup>13</sup> In a statement echoed by Governor Ulises Ruiz himself, one deputy reasoned that the Trique were treated this way because “they live like animals, they don’t contribute economically to the development of the state.” This bias has been enacted through actions and reforms that disadvantage the Trique economically, politically and physically through the use of intimidation and force.

The Trique legacy of repression and resistance dates back to the colonial age. Since the 1940s, however, Trique relations with the state have been characterized by cycles of land divestment, fighting for the re-cooperation of property, persecution, hostage-taking and assassination of Trique leadership.<sup>14</sup> After the establishment of the modern Mexican state, the Trique region was heavily subdivided in an attempt to quell pervasive anti-state sentiment. Since then, the government has sporadically possessed and redistributed land, managing to accumulate and control large portions of Trique land.<sup>15</sup> The state has also taken the lead on economic initiatives for the better or worse of the Trique population. For example, in the 1940s the government brought coffee production into the region and dislodged the local corn-based economy. The Triques were not prepared for a rapid introduction into the market economy and correctly recognized that the business model directed large profits into the hands of a few key players. Other government-led economic activities, such as extraction of natural resources in the form of lumber, have also seen very little trickle-down to the residents of the region. Maintaining this system is the threat of violence and intimidation by state agents in exchange for non-compliance. Thus, not-surprisingly, high levels of entrenched corruption between local

13 Francisco López Barcenas, *San Juan Copala: Dominación Política y Resistencia Popular*, 303-304.

14 Silvia Soriana Hernández, *Los Indígenas y su Caminar por la Autonomía*, 136-137.

15 Silvia Soriana Hernández, *Los Indígenas y su Caminar por la Autonomía*, 137.

leaders, regional leaders and citizens exists and is fuelled by poverty, desperation and a need for physical protection.<sup>16</sup>

Similar to other indigenous groups, the communities that remain in the Mixteca Baja continue to be governed by principals of Oaxacan communalism. These ideas place the well-being of the community over that of the individual and are based on four basic principles of collective land and territory, communal power, communal assembly and communal work and celebration.<sup>17</sup> Under Mexican law, indigenous groups are allowed to govern themselves using their “normative systems” under the tenants of a policy called *Usos y Costumbres*. Within Mexico, 28% of municipalities are preponderantly indigenous and eligible for this mixed-governance system. Traditionally, the Trique are governed by a Council of Elders consisting of members of the community with a history of involvement and community service. In response to a particularly harsh wave of violence in the 1970s, the Council of Elders of San Juan Copala handed over control of the municipality of San Juan Copala to a group of younger men who promised to unite the region and maintain peace.<sup>18</sup> The group ruled peacefully for two years before one was lured in by the PRI and subsequently killed all of his rivals, then taking control of the previously cooperative formal municipal structure put in place by the state.<sup>19</sup> While the Council of Elders continued to exist as the accepted body of government by the Trique in San Juan Copala, they were forced to rule alongside a newly powerful municipal structure filled by individuals acting directly for the state. This tactic continued primarily through the ascendance of state-backed leaders to posts of government within the formal municipal structure or through encouraging the defection of non-state affiliated leaders using various types of pressure and bribes.

16 The Heads of the Autonomous Municipality of San Juan Copala, “El Municipio Autonomos de San Juan Copala” in *Otras Geografías: Experiencias de autonomías indígenas en México*, 108- 109.

17 Luis Hernández Navarro, “Movimiento indígena: autonomía y representación política” in *Otras Geografías: Experiencias de autonomías indígenas en México*, 42

18 John Gibler. *Mexico Unconquered: Chronicles of Power and Revolt* (San Francisco: City Lights Books, 2009) 225.

19 John Gibler. *Mexico Unconquered: Chronicles of Power and Revolt* (San Francisco: City Lights Books, 2009) 225.



State bias and co-optation of power and resources contributed to a strong distrust of the state. Copala scholar Francisco Lopez Barcenas argues, “With these previously occurring events, it is not difficult to understand that with the construction of the Autonomous Municipality the Triques recuperated their history which underpins their demands. For them, the manner of reclaiming their right for autonomy consisted of not breaking the structure of the mixed state and not permitting that they continued to submit to political and economic exploitation.”<sup>20</sup> In not recognizing communal systems or formulating ties between the formal state structure and these communities, alienation was eminent. The removal of goods believed to be rightfully Trique, such as their land and natural resources, acted to foster high levels of distrust. In addition, practices of corruption led by state agents ensured unrest. Thus, the lack of many democratic elements, such as accountability, transparency and rule of law, led to the derivation of a set of loose principles for the improvement of the Trique condition, which came to manifest themselves through political organizations.

In reaction to the acknowledgement of the limitations of formal government to adequately protect, advocate and provide for the Trique, the “Trique movement” was born. While its ultimate goals have evolved over time, they have consistently revolved around bringing an end to state exploitation and the realization of some form of self-governance. El Club, the first Trique political organization was formed in 1975. Its main objectives were to negotiate with middlemen for better prices for bananas and coffee and to defend Trique land. Within a year, however, the leaders of El Club had been mysteriously assassinated and the movement disbanded due to high levels of fear.<sup>21</sup>

In 1981, MULT (explain when first mentioned in paper) was created with the explicit goals of unifying the Trique of Oaxaca to fight again for the defense of their land and natural resources against overexploitation, greater rights to self-governance and the conservation of their culture. MULT also set out with the intention to secure basic

20 Francisco López Barcenas, *San Juan Copala: Dominación Política y Resistencia Popular*, 304.

21 The Heads of the Autonomous Municipality of San Juan Copala, “El Municipio Autónomo de San Juan Copala” in *Otras Geografías: Experiencias de autonomías indígenas en México*, Ed. Giovanna Gasparello et al. (México City : Universidad Autónoma Metropolitana, 2009), 106.

necessities such as education, healthcare, electricity and manners of communication for Trique communities. While MULT had some success and maintained independence from the state and other political entities for over 10 years, slowly the majority of MULT leaders were assassinated, incarcerated or exiled to other states. In the late 1990s, state sympathizers came into power within MULT and curtailed the agenda of the organization to mirror that of the state. In 2003, these actors attempted to turn MULT into a political party, the Partido Unidad Popular (The Popular Unity Party also known as MULT-PUP). This signaled to many Triques that the organization had been fully co-opted by the state and many left. It should also be noted that in 1994 the PRI formed the UBISORT. The group’s stated purpose was as a forum for the promotion of the Trique condition and distribution of state goods, but later served as a venue for PRI influence and for monitoring conditions in the region.<sup>22</sup> An official decision was made by the ‘natural leaders’ (the Council of Elders) to separate from MULT-PUP in April of 2006. During the same meeting, the most recent incarnation of the Trique movement was born under the title of the Independent Movement for Trique Unification and Struggle (MULT-I). By 2006, divisions within the Trique community had been institutionalized. Formal state institutions were filled with PRI-sympathizing Triques. MULT, MULT-PUP and UBISORT were also operating under state will. Those who were not armed in MULT and UBISORT militarized through their access to state back channels of funding and weaponry. Meanwhile, the Council of Elders and Trique citizens who subscribed to the original principles of the movement organized under the banner of MULT-I.

State co-optation of Trique political organizing demonstrates a lack of political space and is indicative of Oaxaca’s authoritarian atmosphere. The infiltration of MULT and the creation of a group for the supposed improvement of Trique conditions (UBISORT) came to pass amidst greater democratization in the rest of Mexico. Initially, the opening of space on a national level encouraged the wave of indigenous organizing that began in the 1970s and came to fruition as state power was dissipating in the 1990s. However, within Oaxaca, the state has maintained an aggressive demeanor in response to perceived internal

22 Francisco López Barcenas, *San Juan Copala: Dominación Política y Resistencia Popular*, 212-215.

dissidence and sabotaged efforts at organization and development. While there are many indicators that the PRI in Oaxaca operate in an authoritarian nature, this observation is reinforced by the party's inability to withstand competition and partake in productive dialogue with internal groups. Juxtaposed with the wave of democratization on a federal level, the overall behavior of the PRI highlights an uneven dispersion of democratic rule throughout the republic and came to spur domestic unrest in Oaxaca.

The Oaxaca Uprising of 2006 reignited discussion amongst the displeased Trique. A meeting was declared between groups in the region including the Council of Elders, members of MULT-I, UBISORT dissidents and representatives from six Trique communities. Instead of creating another political organization it was decided that the Trique would form an autonomous municipality with no economic or political ties to the state. Their mission, translated from Spanish, would be "to restore the fight for the Trique people for indigenous autonomy, for their political, economic, social and cultural rights and for their normative systems."<sup>23</sup> The town of San Juan Copala had been the ritual center of Trique life for centuries and was seen as the natural candidate for the autonomous municipality. The news of the creation of the autonomous municipality was communicated through a formal statement by Trique leaders through the Oaxacan media and posted on the Internet.

Effective on January 1<sup>st</sup> 2007, town jurisdiction was fully claimed by the Council of Elders and a group of *mayordomos* (roughly translated as "caretakers"). They elected a mayor and immediately set about forming their own institutions including a police force and a school. They attempted to improve their production of coffee and bananas, as well as encourage artesian activity. Things continued somewhat peacefully amidst sporadic violence and aggression from various factions in the region.

Following the declaration of autonomy, the state response was delayed and unfocused. Due to the recent shift in the political realm as a result of the uprising, there was some question as to whether or not the government could utilize their former methods of control.

23 The Heads of the Autonomous Municipality of San Juan Copala, "El Municipio Autonomos de San Juan Copala" in *Otras Geografías: Experiencias de autonomías indígenas en México*, 108- 109.

They briefly attempted to make concessions, such as offering the Autonomous Municipality of San Juan Copala formal status equal to one of Oaxaca's currently existing 570 municipalities, but this offer was rejected. The Trique viewed their new community as progressive, noble and non-violent. As one woman stated "The Trique have always been some of the most repressed and marginalized communities in Oaxaca and autonomy is a pacifistic manner in which the Triques can achieve peace in our territory."<sup>24</sup> Thus, state action was negligible. As violence and desperation induced by the paramilitary presence escalated, it became evident after 10 months of siege that Copala could not withstand such attrition. Without any powerful actors challenging state officials to act in their defense, by either ceasing paramilitary activity or using mechanisms to defend citizens, the fall of the Autonomous Municipality of San Juan Copala became inevitable.

Levels of unpunished violence and impunity and little state intervention in the region provide ample evidence of a disproportionate spread of rule of law. While local pockets of aggressors carry out the acts themselves, their orders typically originate within the PRI structure or its immediate vicinity. In addition, the lack of effective infrastructure organized for civilian protection demonstrates a lack of universal security for all Oaxacans. While it is unlikely to expect a predatory government to provide protection for citizens who do not serve its interests, this denotes a very low level of democracy and leads to questions regarding the absence of federal action.

The lack of federal will to intervene has been credited to greater de-centralization and a weakening of oversight between federal and state levels of government. This shift occurred slowly through transfers of power and resources from federal to state levels beginning in the 1980s. Internal policing and the mediation of conflicts were delegated to individual states. Within political environments like Oaxaca this served to further retrench the ruling regime. The only tool exercised by the state was the eventual deployment of the Mexican military after UBISORT paramilitaries requested their presence in the region directly following the attack on the first humanitarian caravan.

24 Francisco López Barcenás, *San Juan Copala: Dominación Política y Resistencia Popular*, 130-131-215.

UBISORT stated that they wished to see peace in the region, however this was likely a political move. While the military eventually arrived, they did not intervene and continued to allow paramilitary offensives. In their roots, military forces in Mexico are an institution originally designed to protect the regime. In the present day, their distance from governing regimes remains questionable. While they are under federal jurisdiction, the federal level typically does not scrutinize or overrule state policy. Thus far throughout the democratic transition the military has continued to be involved in areas of domestic security traditionally reserved for police forces. This has led many to observe that this misuse has led to the proliferation of human rights abuses by the Mexican military with little recourse. Their presence and inaction in Copala further exemplifies a lack of capacity or unwillingness on a federal level to commit to the full defense of citizens from aggressors regardless of their home state or ethnicity.<sup>25</sup>

The subsequent requirement of rule of law maintains that leaders themselves must obey the law. On a regional level, the murkiness that exists between state leaders, local officials and paramilitary groups encapsulates the characteristics of contemporary corruption and impunity. From what we know these networks of patronage are deeply entrenched and comprised of individuals long inculcated in this conflict. For the Trique involved, it is known that many are enticed by the economic benefits and promises of security. From the state side, the lack of transparency is maintained through their stronghold on institutions and these backchannel networks. Democracy and democratization have yet to provide incentives for disintegration of these systems. Their proliferation and ostensible expansion since the beginning of Ulises Ruiz's reign, again with little reaction or pressure from the federal level provides evidence of the current stagnancy of the democratic transition.

The final requirement of an effective rule of law is the presence of viable channels for citizens to sanction public officials who break the law. This category typically includes items such as an active and open media, competitive political parties and strong judicial channels to adequately address civilian claims. It is arguable whether Oaxaca

25 Joseph S. Tulchin and Andrew D. Selee, *Mexico's Politics and Society in Transition*, 13.

currently possesses all of these entities. While there are many media outlets in the state, their complete independence from the regime is difficult to affirm. Government officials have been cited for their control of media sources through direct ownership, personal influence, bribes and intimidation. Within the case of Copala, claims have surfaced that many incidents that have occurred have gone unreported or are not accurately portrayed. For example, in major newspapers paramilitaries are often depicted as quasi-peaceful observers in the situation, whereas many eyewitness accounts report that they are responsible for regular acts of violence and other human rights abuses.

In reaction to perceived levels of inaccuracy, many vigilante news sources are filtering the latest from Copala onto the Internet. This venue of communication has allowed key actors, such as the leaders of Copala to release regular statements and updates. It has also been a channel for international participation and in the struggle for peace has united communities of support all over the world. However, unregulated information also can lead to the spread of distorted information and thus many items published regarding Copala must be viewed with caution. Within Oaxaca, the lack of a responsive and free media weakens the ability of citizens to formulate education decisions and reactions, which hinders transparency and effective democratic participation.

On the long road to the creation of Copala and during its existence there was also a strong perception of a limited viable political competition for actors outside of the PRI structure. While many opposition parties have become more competitive in Oaxaca, it is still difficult to match the financial power and established networks of patronage maintained by the PRI. Thus, while there is now more contentious political campaigning, it has been historically difficult to defeat the PRI due to rampant evidence of bribery and electoral fraud. Political pressure through formal political participation was finally successful during the 2010 gubernatorial election but acted to have little effect on Copala. The ascendance of the APPO in January of 2011 could prove beneficial for peace in the Trique region and lead to greater negotiation.

Coupled with a deficiency of free press, and a longstanding lack of an adequate electoral system, Oaxacan citizens also lack

effective juridical recourse. While on a federal level it has been observed that the court systems have experienced productive reforms, these changes have yet to reach Oaxaca. Instead, the court systems are crowded and their infrastructures are teeming with individuals who harbor PRI connections. Thus, these channels are not viewed as a productive option for the implementation of impartial justice and are not utilized. Without a strong and functioning judicial system it is difficult to enforce transparency and rule of law. Currently there exist few incentives to subscribe to these norms for individuals both at the top and embedded within the judicial hierarchy. Leading up to July 2010, the inadequacy of the Oaxacan media, competitive politics and the courts left the Trique and those who simply seek change in Oaxaca with few options in exerting real pressure upon the regimes. This low level of accountability between the state and its citizens exposed a lack of cohesion between the two camps differentiated from levels of interdependence seen within functioning democracies.

The Autonomous Municipality of San Juan Copala thus presents us with many of the contemporary issues faced by the Mexican state through highlighting facets of state-society relations where the dynamic rule of law has not been strongly institutionalized. As is noted, Mexico's democratic transition has been slow. Legacies of an authoritarian past on a federal level, in conjunction with pockets of sub-authoritarianism continue to weigh heavily on the country.<sup>26</sup> Many poignant issues signaling a lack of democratic consolidation can be seen in the case of the Autonomous Municipality of San Juan Copala through analyzing the tenets of rule of law and their shortcomings in within a Oaxacan context.

To conclude, there are two other underlying elements that will continue to exacerbate the situation if not addressed. Since the failure of the San Andres Accords, critics of indigenous policies continue to note that much of the legislation within Mexico pertaining to indigenous peoples is incomplete. The state and indigenous groups have yet to outline the mechanisms using the necessary level of detail to make their enforcement effective and meaningful. There has been little attempt to outline structures through which indigenous communities

26 Stephen Haber et. Al. *México Since 1980* (New York: Cambridge University Press, 1980), 125.

can successfully govern themselves while peacefully contributing and collaborating externally in economic and political ventures with the state.<sup>27</sup> Until remedied, this presents a problem of clarity, as the collection of current legal precedents make for a problematic patchwork of ideas and interpretations.

Another immediate challenge is the inability of the Oaxacan government to address the presence of international human rights workers. As Ruiz's government has continued to pressure the Trique they have in turn faced a new challenge in the form of foreigners and the actions of external actors advocating for the Trique cause. In response, the Oaxacan government has condemned international participation in humanitarian activities in Oaxaca, citing it as illegal. To the international community federal representatives deemed the murders of the international human rights observers "an accident." They maintained that they had collected strong state evidence to prove that the foreigners were involved in a plan for violent conflict and therefore could be deemed as "individuals or forces that want to destroy this tranquility."<sup>28</sup> These new pressures and venues have highlighted the inability of the Oaxacan government to react to international pressure in a constructive, non-combative manner. This growing fear of the participation of foreigners in domestic affairs is evidence of a lack of democratic strength and consolidation and could serve to hurt the tourism-dependant economy.

As 2011 approaches there is widespread hope in Oaxaca, but serious violence continues in the Trique region. The assassination of Heriberto Pasos, leader of MULT on October 25<sup>th</sup> 2010 has angered MULT supporters and their paramilitaries. In protest they have lashed out against those who support MULT-I and taken part in many acts of civil disobedience in both Oaxaca and Mexico City. While conditions are bleak and the Autonomous Municipality of San Juan Copala has ended, there is a greater understanding that the future of the town and the Trique will have to be a product of compromise and cooperation. The story of the Trique of San Juan Copala is one of repeated undermining by a closed and consistently oppressive state. While the initial

27 Francisco López Barcenás, "La Persistencia de la Utopía Triqui : San Juan Copala" in *Otras Geografías: Experiencias de autonomías indígenas en México*, 135

28 Ibid.

opening of political space resulted in greater economic and political liberalization in parts of Mexico, these reforms did not reach places like Copala. Instead, the Trique have attempted to enact their political will in a intermediary space stuck between vestiges of authoritarianism and glimpses of democracy. Their difficulties in the absence of a strong rule of law detail the contours of the contemporary political environment in Oaxaca. The scarcity of protection or response from any level of formal government reveals room for improvement in accountability between the state and its citizenry and between state and federal levels of government. Thus, it is evident that these shortcomings will continue to hinder widespread progress unless adequately addressed.

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## The 'Risk' of defining Nitassinan's borders: Innu protest in a neocolonial geography

Scott Baker

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### The Ontology of Geography

The Innu, loosely translated to English as *the people*, have inhabited a land called Nitassinan since time immemorial. This land, if it were to be drawn on a contemporary Canadian political map, would span the northern portions of territories referred to as *Labrador* and *Quebec*. However, Nitassinan does not fit on a contemporary geographical map as it lacks the static delineations of longitude and latitude that bound it to a form familiar in Western culture: the political atlas. Alternatively, Nitassinan is defined by fluid and "experiential" conditions, such as caribou movements, landscape features and climactic rhythms (Samson, 2003). Thus, significant ontological assumptions rooted in distinct cultures and histories underlie geographic labels such as *Nitassinan* and *Quebec/Labrador*. For the past several centuries, interactions between these geographic labels and their respective cultural underpinnings have occurred within the colonial context of asymmetrical power. Negotiation between colonial and Innu nomenclatures, spatial paradigms and systems of geographical understanding have rendered a hierarchy privileging Western geographic understandings, referred to in this paper as the 'official Canadian geography'. Given that geography and politics are inextricably linked in post- confederation Canada, privileging official Canadian geographies over Innu geographies continues to have profound political implications.

On February 20th, 2010, this ontological discord erupted into political conflict when 100-150 Innu hunters from Quebec communities took part in a Caribou hunt in traditional Innu territory that spans the Quebec/Labrador border.

### Thesis:

This protest hunt, and the subsequent political rhetoric, demonstrate a rudimentary dissonance between traditional Innu and official

Canadian geographic paradigms and reveal the political tensions that emerge from two fundamentally dissimilar worldviews. In this paper, I will argue that the protest by the Quebec Innu hunters has revealed this dissonance, and is appropriate insofar as it critiques an imposed hierarchy of geographic paradigms with regards to spatial definition and relationship between ecology, culture and the notion of conservation. In my concluding paragraphs, I will briefly comment on how this protest has revealed a potential 'gap' in the normative assumptions about 'the boundaries of the Post-Colonial state and offer one way that this gap could be exploited to further unfurl the problems of the ontological assumptions of the neo-colonial paradigms that underlie the 'official' Canadian atlas.

I intend to avoid critiquing the efficacy of the caribou hunt as a political tactic, and will eschew engaging in a comparative analysis of Innu vs. 'official Canadian' approaches. Though these critiques are important and will be a productive place for further research, it is premature to critique the outcome of the protest, and beyond the scope of this paper to engage in a moralizing analysis of two immensely different world views. Furthermore, I intend to avoid critiquing the political approaches to the land claims process of either the Innu in Quebec or the Innu Nation of Newfoundland and Labrador (N.L.), so as to avoid imposing an outsider's perspective upon the internal political working of the Innu, as this has been an integral element of the colonial project. Instead, I intend to illustrate how the political tensions that stem from this incident can be partially attributed to a colonially imposed hierarchy in belief systems, and reveal how this ideological discord constitutes a persistent neo-colonial legacy that continues to undermine justice for Innu people.

### **The protest hunt:**

When 150 Innu hunters set-up camp south of Happy Valley-Goose Bay in N.L. and killed approximately 250 caribou, they contravened the Endangered Species Act and broke provincial law. This act of insubordination was a conscious and explicit protest against the exclusion of Quebec Innu from the Tshash Petapen ('New Dawn') Agreement in Principle (AIP) for a land claim negotiation occurring

between the Innu Nation of N.L., the N.L. provincial government, and the Canadian federal government.

The Tshash Petapen agreement was originally signed in September 2008 and provides compensation for damages the Innu incurred from the upper Churchill hydroelectric development in the 1960s. The deal includes \$2 million a year upon execution of the final agreement until 2041 and benefit-sharing measures for the proposed lower Churchill project (5% of net project revenue). Moreover, a new category based land regime, similar to the James Bay Northern Quebec Agreement, has also been negotiated (Executive Council & Labrador and Aboriginal Affairs, 2008). When the AIP was finalized in February 2010, it sparked protest by the Innu living in Quebec.

This hunt marks the latest manifestation of a long line of Innu protest tactics including previous unsanctioned hunts, and protest and advocacy campaigns at both the Canadian Parliament and the N.L. House of Assembly. In addition to bringing meat and other resources of 250 caribou back to the Innu communities, the hunt held a more implicit, historically embedded objective to reject the colonially imposed provincial territory definitions over Nitassinan territory, and assert an absolute right to the ancestral caribou hunt on their traditional territory. In a press release following the events, several Quebec Innu chiefs proclaimed:

*This initiative was successful and also a great victory. Above all, we bring caribou back to our communities, and secondly, governments have taken notice, specifically, the Newfoundland/Labrador government which has understood that it must take into account our future right.*

- Georges-Ernest Gregoire, Chief of Uashat Mak Mani Utenam (Boudreau-Picard, 2010a).

*For thousands of years, we have practiced the caribou hunt on a territory we call Nitassinan. No border drawn up by Euro-Canadians, upon their arrival four centuries ago, can limit Nitassinan and the inherent rights of its people. Our protest last week was clear and has sharpened our determination to*

*defend our rights against any missives from the federal and provincial government.*

- R al McKenzie, Chief of Matimekush-Lac-John (Boudreau-Picard, 2010a).

Since the protest, the Innu Strategic Alliance (ISA), a political organization comprised of Chiefs from five key Quebec Innu communities that constitute 12,000 people, or 70% of the Innu nation living in Quebec, has been actively pursuing their mandate “to defend their rights and, through convergent interests, to initiate joint actions of all kinds to achieve political, economic and judicial results” (Boudreau-Picard, 2010b). On March 19, 2010, the ISA issued a letter to the Government of Canada, Government of Newfoundland and Labrador and to the Innu Nation of N.L. demanding “an immediate cease of all discussions, meetings and communication concerning the execution of such a treaty and insists that the process be started anew to enable consultation with the Innu communities of Quebec and their participation in such treaty negotiations and the recognition of their rights in Nitassinan” (2010b).

### **Responses:**

N.L.s. Premier Danny Williams heavily criticized the hunt stating “the hunt of the Red Wine Caribou herd is completely unacceptable to our government and must be exposed as rhetoric and activity with a goal of inciting violence” (qtd in Matthews, Barron, & Nolan, 2010). Danny Williams’ administration refused to acknowledge the Quebec Innu’s grievances regarding the existence of the provincial boundary and the upcoming signing of the AIP between the N.L. Innu and N.L. provincial government, instead centering his rhetoric on caribou conservation. N.L. Minister of Justice and Attorney General, Felix Collins unambiguously stated that “killing the last of the Red Wine caribou herd is not the way to make a political point, accept our offer to sit down and work through these conservation issues as leaders do” (2010). The response of the N.L. provincial government is influenced by substantial pressure from his vocal constituents and aligns with

conventional Aboriginal/State relations of the federal and provincial governments and demonstrates legacies of colonialism embedded within both the population and administration of Canada.

In addition to employing an environmental rhetoric against the Quebec Innu, the Williams administration criticizes the Quebec Innu for becoming involved in business that is not theirs. In an announcement on the N.L. provincial government website it states that the “New Dawn Agreement [is] between the Provincial Government and Innu of Labrador which in no way binds the Innu of Quebec. That agreement was strictly between the Government of Newfoundland and Labrador and the Innu Nation of Labrador” (Matthews, et al., 2010).

Peter Penashue, the Deputy Grand Chief of the Innu Nation, criticized the Quebec Innu during a CBC interview for “sabotaging the New Dawn agreement” and further stated that “they have to do their own land claim deal in Quebec...they need to move forward with [land claims]”(CBC, 2010). Considering that, in 1997, Jos  Mailhot described the Innu as constituting “a single entity as to history, language and culture” regardless of “whether they live east or west of the Quebec-Labrador border” (1997, p. 38), this political antagonism is a remarkably new phenomenon. Penashue expresses resentment about a perceived hypocrisy of the Quebec Innu, who he claims are simultaneously trying to block the N.L. Innu’s land claims procedures, while making their own compensation deals with Hydro Quebec (2010).

This recent division within the Innu people represents the neocolonial legacy of an historically rooted official geography. I will now describe how this geography has been framed throughout history.

### **Definitions of an official geography**

Throughout history, explorers, missionaries, Hudson’s Bay Company traders, colonial authorities and later anthropologists, cartographers and geographers have participated in a process of dividing the Innu people into categories contingent upon specific geographic demarcation and controlling the religious, economic, political and social aspects of their lives.

The nomenclatures developed by French explorers in the 17th and 18th centuries reflect this colonially imposed definition. These



explorers distinguished between the ‘Montagnais’ that inhabited the mountainous terrain in closer proximity to the French and were therefore considered more civilized, and the ‘Naskapi’ groups, or ‘people of the place where it fades from sight’, that had much less contact with the French explorers and were thought to be much less civilized and enculturated (Mailhot ctd in Ryan, 1998). Recently, this colonially imposed nomenclature has been vehemently rejected and many *Naskapi* and *Montagnais* have since adopted the more overarching term Innu or ‘the people’ who inhabit Nitassinan (Mailhot, 1997).

Despite this semantic triumph, the *Naskapi/Montagnais* definition has now been replaced by a more latent and complex distinction: *Quebec vs Labrador* Innu. The comprehensive land claims process in Canada requires an agreement between the provincial government, the federal government, and the aboriginal claimant; thus requiring that the Innu appeal to one administrator in the colonially imposed system. This has manifest into a tangible schism within the Innu people along the provincial border demarcating N.L. and Quebec. While in 1997 José Mailhot observed that the distinction between Quebec and N.L. Innu was a “false issue” (1997, p. 31), in scarcely a decade, the impacts of the neo-colonial structures in the post-colonial state have become remarkably apparent.

Colonial geographic definitions predate perhaps all other forms of control, and can be traced back to 1497 when John Cabot stepped foot at some point along the 1500 kilometer long coastline of the land that would become known on official Canadian political maps as *Cape Breton, Newfoundland or southern Labrador* and claimed Nitassinan for England (Cadigan, 2009). This would mark the beginning of a long process of defining Nitassinan on the basis of Western terms of spatiality. Although this is perhaps the most blatant example, it is representative of a tradition of ‘mapping that abstract’, and as Colin Samson demonstrates defining, demarcating and asserting sovereignty over land unknown. For Colin Samson, cartography is the “science for propagating nation-states” (Samson, 2003, p. 73). As Sparke, further asserts, cartography is the act of defining abstract in that it is “decorporalized, bureaucratized, and commodified” (Sparke, 2005, p. 10), and removed from bodies, social relations, and history.

In 1763, Treaty of Paris ended European quarrelling over North America, and Britain acquired sovereignty over Nitassinan.

However, due to a hasty oversight by British cartographers and lawmakers, “the interior boundary - that is, the boundary between the ‘Coast of Labrador’ and the territory then controlled by the Hudson’s Bay Company (HBC) - was not defined” thus remaining fixed to the 1763 definition as “Indian territory” (Hiller, 1997). After conflicting claims by the province of Quebec and the Colony of Newfoundland, the Judicial Committee of the Privy Council handed down a decision in 1927 that favoured Newfoundland’s claim.

The relationship between the Innu and Nitassinan far predates European knowledge of the territory’s existence and according to Innu tradition, dates back to time immemorial. Yet, upon European arrival, Innu *sovereignty* over Nitassinan was dismissed under the ideological paradigm of *terra nullius*. Simultaneous to the denial of Innu rights and title, Innu concepts of spatiality, geographic definition and relationship to the land became subjugated by ideological hegemony of Western scientific materialism.

The Innu never ceded nor relinquished their Aboriginal Rights or title, nor were they ever legitimately taken under the British and Canadian legal provisions. However, despite the contravention of British law, expansion, settlement and colonization continued to occur throughout Canada’s history. Today, a series of verdicts handed down from Canada’s highest courts have persuaded the N.L. government to address the legal transgression of Canada’s colonial history. The government has begun negotiation of modern treaties, or ‘comprehensive land claims’. Despite such notable compromises as the Tshash Petapen AIP, there has been no avenue to address and rectify the ideological subjugation of Innu geographic understandings.

### **Cartography and the Nation-State:**

*“The provincial boundaries are those of governments, not ours. Our rights in Labrador cannot be denied simply because we live west of an imaginary line that has no meaning to us...our hunting action was not directed against our Innu brothers and sisters in Labrador, but against governments that have refused to recognize our rights and imposed absurd boundaries.”*

- Chief McKenzie representing the Innu Strategic Alliance. (Young, 2010)

According to Chief McKenzie, it is simplistic to understand the hunters' actions as solely a protest against the New Dawn agreement. He seeks to frame the issue in the broader context within which the agreement was signed.

The process of cartography is a technology of spatial abstraction that re-codifies land under the archetype of private property and fee simple ownership in order to constitute the state (Samson, 2003; Sparke, 2005). Therefore, the nation-state relies on the geographic assumptions demonstrated by cartography to relate the nation and the state. Furthermore, Sparke draws on Homi Bhaba and Benedict Anderson to assert that the cartographically defined geographies are then extended through monological nationalist teachings that transform "Territory into Tradition" (Sparke, 2005). In this way, colonial demarcation and codification of national (and territorial) boundaries, results in the coupling of one tradition with one national boundary.

However, an Innu hunter refutes this notion of a uniform identity when he tells Wadden: "we are a hunting people. It is this form of living which lies at the core of our identity as a people, which gives expression to our language, which animates our social relationships, and which for thousands of years breathed life into our people" (Wadden, 1991, pp. 94-95). For many Innu, their relationship to land through hunting frames the way in which they know the world. As Samson notes, "the knowledge of hunters emerges in immediate and direct experience with the land, the animals and their stories. The knowledge is contingent" (Samson, 2003, p. 75). Therefore, cultural traditions inform geographic paradigms.

Samson critiques the reductive nature of maps in the Innu world because they reduce the Innu's experiential geographic paradigm, or "freeze frame the Innu in a linear history" (Samson, 2003, p. 75). In this way, the mapping of a region extends beyond spatial and into the temporal realm. Samson demonstrates that mapping removes the presence of passed people on the land, and the static fixed boundaries limit the possibilities of the future. In a region that is subject to significant environmental shifts, this fluidity is what allowed the Innu to maintain their society, and has become a tremendously important element of their culture. Furthermore, changes to caribou herd migration associated with hydroelectric, mining and forestry projects in

Nitassinan, have highlighted the importance of the Innu's geographical regime based on flexible and contingent territorial definitions.

During the latter half of the 20<sup>th</sup> century, Nitassinan underwent a series of dramatic ecological changes caused by the industrial expansion of hydroelectric projects, mining operations, forestry expansion and the establishment of a NATO airbase beside caribou migratory paths (2003). These ecologically harmful industrial projects received relatively insignificant criticism compared with the backlash of the February 2010 hunt. This phenomenon can be accounted for by the official Canadian geographic paradigm that will be described in this next section.

### **Environmentally Irresponsible Innu**

The February 2010 caribou hunt immediately became a national controversy and the Innu hunters received a great deal of criticism both in the form of official condemnation and colloquial outrage. These critiques have consisted mostly of rhetoric about ecological irresponsibility, and accuse the Innu of putting an endangered animal at risk of extinction. In an official statement, the N.L. ministry of Justice, Natural Resources and Environment stated that

*"The protected Red Wine caribou herd is intermingled with the George River animals, which is why this area is closed to hunting. Animals from the two herds are not visually distinct and therefore any hunting in this area is a direct threat to the remaining Red Wine caribou... "It will be truly devastating if this action by the Quebec Innu wipes out this protected woodland herd, but those most negatively impacted by this blatant disregard for conservation principles will be future generations, for whom the Red Wine caribou will exist as nothing more than a picture in a history book."*

(Morrissey, et al., 2010)

This critique is based on conservation principles reflecting a decidedly Western assumption that culture and ecology exist in a duality.

In response, the Chief of Ekuanitshit and representative of the Innu Strategic Alliance, Jean-Charles Piétacho, proposed an Innu

perspective and argued that “it is not the caribou herd that is on the verge of extinction, but rather the Innu Nation that must fight against assimilation and extinction policies. For us, exercising our rights is a matter of survival” (Boudreau-Picard, 2010a). In this statement, Chief Jean-Charles reveals a fundamental incongruence between Innu and official Canadian geographical paradigms.

Herman traces the divergence of these worldviews and argues for the importance of recognizing and affirming the legitimacy of Indigenous geographies to contrast official Canadian paradigms. Adopting Max Weber’s analysis, Herman describes emergence of a distinct Western understanding of the human place in space as happening in three aspects: removing the spiritual aspects of the world, rendering nature as mechanistic, and creating a bifurcation between humanity and nature. Emerging from the ashes of the Protestant reformation this Western ‘disenchantment’ was developed through scientific revolution and has since become connected with colonialism, capitalism and environmental destruction (Herman, 2008).

### **The Resilience of Innu Geographies**

Until the 1960s, the Innu were permanent nomadic hunters, characterized by fluid patterns of social organization that changed according to the variable nature of Nitassinan’s environment. However, through Canadian federal government sedentarization policies during the 1960s, many Innu were relocated to sedentary communities with state imposed permanent authority structures (Samson, 2003). Despite this, the flexible, dynamic and informal leadership remained a fundamental characteristic of Innu culture, and continues to inform the Innu’s relationship with one another and with the land.

The research of Peter Armitage offers insight about how Innu religious practices demonstrate the Innu geographical paradigm. Armitage has found that Innu religions have endured the colonial imposition of Christianity, Euro-Canadian education and other assimilatory institutions and continue to be translated across generations (Armitage, 1992). From the interplay between the two religious belief systems a geographic duality has emerged, allowing them to continue to simultaneously function in their own space in Innu society. Where Catholicism has become tremendously popular within sedentary Innu

communities, traditional Innu religions are transmitted through an experiential learning element that takes place, for the most part, ‘in the bush’, with a direct connection to hunting practices (1992, p. 3).

Furthermore, Armitage argues that these religious structures fulfill what is understood by Westerners to be practical purposes. Armitage points to the fundamental tenants of respect that ensure a *sustainable* relationship with the land. Henriksen (1977), notes: “the hunter does not kill an animal against its will, but with its consent. Hunters and hunted are alike part of nature” (qtd in Armitage, 1992, p. 19). Accordingly, the Innu traditionally believe that “failure to treat the remains with respect, or to follow any of the other prescriptions, such as ensuring that animals are not overharvested, will cause the animal masters to get angry and to punish the offending person” (1992, p. 15). The broad variety of myths and stories that comprise the ‘Innu traditional religion’, are related to the bush, the animals and hunting, though often not in ways that are immediately recognizable to the rationalism of Western scientific materialism. Furthermore, men must rely on good relationships with animal masters in order to obtain *manitushiun* (power) that will allow them continued hunting success.

Here Samson’s critique must be acknowledged that the application of the English term *sustainable* to Innu practices is challenging much like the fact that we cannot qualify, define and categorize Innu understandings of the world in western notions like ‘stewardship’, ‘Traditional Ecological Knowledge’, ‘healthy Innu communities’, ‘ecologically sustainable Innu economy’ and ‘governance’. As Samson describes, the notion that there is a direct and comprehensive equivalence between scientific and Innu knowledge is a harmful pretense (Samson, 2003, p. 66).

Regardless how much meaning one can derive from descriptions of the Innu paradigm using Western vocabularies, one cannot justifiably critique the ecological merit of the actions of the Innu Caribou hunters without imposing a hegemonic ideology over the Innu, and thus implicating the power structures of colonialism. Describing the practice of applying a Western vocabulary and paradigm to an Innu world view Colin Samson claims that “the environmentalist overturns no reason; he merely renders Innu practices into the straitjacket of materialism by representing hunting in the language of environmentalism” (2003, p.

Barron expands our understanding of the distinction between Innu and official Canadian geographic paradigms by applying Cronon's 'wilderness' critique to recurring environmentalist discourse about Nitassinan. As Barron notes, the Western understanding of the 'wilderness' is profoundly different from the Innu understanding of 'the bush'. "Their concerns for the land and animals are inseparable from their concerns for their health, and their way of life — that is, life in the country, or *nutshimit*. In contrast to the discourse of wilderness, their words convey a sense of there being a place for humans in nature, not alienated from it." (Barron, 2003)

For Cronon, *wilderness* is a product of Western scientific materialism. It represents the inverse of delineation by boundaries and is defined by an emptiness of culture and preservation of ecology. "To the extent that we celebrate wilderness as the measure with which we judge civilization, we reproduce the dualism that sets humanity and nature at opposite poles. We therefore leave ourselves little hope of discovering what an ethical, sustainable, honourable place in nature might actually look like" (Barron, 2003, p. 6). The nature/culture duality implicit in the wilderness discourse restricts these functions to force Aboriginals to define their rights as belonging in the realm of ecology or culture when in truth Aboriginal rights come from the liminal position of a geographic paradigm that sees culture and nature as indistinguishable (2003). The result of this dualistic reduction of culture and ecology, is that Innu people can only claim legitimate rights over the *wilderness*, if they act 'like the fauna' and adhere to the colonial fantasy of the noble savage of "100 years ago" that simply roamed over the land eking out an existence (2003, p. 9).

This expectation of 'romantic primitivism' is exemplified by the sort of rhetoric that simultaneously criticizes the action of Innu hunters while condoning the neocolonial imposition of an official Canadian geography.

### **Performing national discourse and the ambivalence of an official geography**

To return to the discussion of cartography, I will conclude this paper by drawing from the experience of the Gitksan and Wet'suwet'en nations

during the *Delgamuukw v. the Queen* case in BC that Sparke presents, and discusses the ambivalent role of the colonial geography in regards to colonialism and anti-colonialism.

Indigenous groups in Canada are forced to modify their grievances and claims of justice into terms that of reference of the dominant discourse, and thus must take part in "the *performance* of national narration" (Bhaba qtd in Sparke, 2005, p. 19). In the *Delgamuukw* example, the Gitksan employed maps to as a tool to 'perform with difference' and thus challenge the geographical underpinnings of the colonial system. They employed this strategy to demonstrate the contradiction of colonial law and colonial policy and argued this using the Royal Proclamation of 1763. Their defense argued that The Proclamation had no effect on BC because at the moment of enunciation, the area was not properly mapped (2005, p. 35). This drew them into a contradiction of asserting superiority of European maps and their ability to claim territory, while simultaneously declaring that the same maps were insufficient to apply colonial laws (2005). Despite being unable to generate a new discourse about indigenous geographic paradigms, in this example, the Gitksan and Wet'suwet'en were able to use their unique position to reveal some significant shortcomings of the official Canadian geography.

Similar to the situation of the Gitksan and Wet'suwet'en, the Innu of Nitassinan occupy a unique position within the official geography of Canada. This potentially advantageous position results from the fact that Quebec does not recognize the 1927 definition of the Quebec/Labrador boundary (Hiller, 1997). As recently as 2001, the Quebec government has officially re-affirmed their continued refusal to recognize 1927 border between Quebec and Labrador (Accolas & Barrette, 2001). This act, typically framed as a symptom of federalism's imperfection, has the significant effect to allow for an interrogation of the assumptions of borders as a permanent and intrinsic geographical feature. Here, the Innu have the potential to destabilize the norm of colonially imposed borders to perhaps seek out the possibility of a truly post-colonial geographic paradigm that addresses not only injustice from territorial displacement, but the more deeply rooted injustices of an imposed ontology and world view.

## Conclusion

An analysis of the controversial hunt undertaken by 150 Innu hunters from Quebec reveals the neocolonial legacies of an official geographic paradigm. Extrapolation of this the protest and subsequent responses reveals the discord of two deeply entrenched geographic and spatial paradigms that inform distinct understandings of the nature of territory, and human relation to it. The form of protest chosen by the Innu in Quebec is appropriate insofar as it reveals the assumptions of official geography that has been privileged through colonialism.

When Mailhot observed the Innu in 1997, their trans-provincial activity led her to contend that they did not recognize the political boundary, considered themselves a united nation with strong kinship networks that spanned the border (Mailhot, 1997). However, ten years later, Innu living in Quebec and the Innu living in Labrador have become separated, politically antagonistic and fundamentally divided by the neocolonial geographic structures that remain in Nitassinan. This demonstrates the tangible implications of a neocolonial paradigm.

The complex process of colonization occurs at many levels and takes many forms. Furthermore, neocolonial legacies manifest themselves in an even more diverse and elusive way. Regarding this protest allows us to understand the geographical assumptions present in Canada's national discourse as having very real implications. Furthermore, by analyzing how these alternative anti-colonial Innu geographic paradigms play out, we can begin to see cracks in the neocolonial assumptions that permeate the Canadian discourse, and potentially exploit them to move into a post-colonial reality.

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## Retention of Indigenous Languages: Anishinaabemowin in Ontario

Jamie Ross, Karl Selm

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### Introduction

Anishinaabemowin is the language of the Anishinaabe (otherwise known as the Ojibway or the Chippewa) who are a First Nation whose traditional territory covers most of the Great Lakes. Anishinaabe people live in Ontario as well as Quebec, Manitoba, Saskatchewan, Minnesota, Wisconsin and Michigan. In Ontario they form the unquestionable majority of those of Aboriginal ancestry. Like all indigenous languages spoken in Canada, theirs is endangered to at least some degree. We will explore how variables such as latitude, which captures to some degree the isolation of communities from the centres of Euro-Canadian settler society in the South; population size of the community bear on the various indicators of the language's strength. Following Fishman's model of language decline in *Reversing Language Shift*, we want to see where the language has declined the most, to discover if sociological and geographical variables affect the retention of the native language.

### Methodology

Thirty points were selected across Ontario, an even number of which are reserves as well as Canadian cities and towns. They were selected in a random way in an attempt to maximize the geographic spread of the points across the province. Only Ojibway reserves were selected and towns in areas which were far from other First Nations reserves, to reduce the possibility that other indigenous languages, which were not distinguished in this part of the census, would be included. Toronto and Detroit represent possible points of inaccuracy, yet the other languages which might skew the investigation (the only others in southern Ontario are Iroquoian, which have incredibly few speakers – in the dozens rather than the hundreds by which Anishinaabemowin is enumerated).

The data was acquired from the 2006 Canadian Census, which

collects information about language among aboriginal people (First Nations, Inuit & Metis) in reserves the same as in towns. Fishman (2007) and Otsuka (2007) argue that isolation from the mainstream society is beneficial to the language's strength. Using the variable of latitude, we can gauge, albeit loosely, the distance from the heartland of the settler society. To see whether or not the same relationships are in play in non-reserve communities, we are studying Canadian towns too, in which Ojibway people are in the minority. To test the effect of population size on the status of the language, we have also included that variable into our investigation.

## Results

For all the communities in general, the best possible model for predicting the percentage of the population with knowledge of the language was based on reserve status and latitude. Together, this model accounted for 70% of the variability in language retention (adjusted R-squared or .7048) (Appendix 1). It was found that reserve status (encoded as a binary variable) was a very good predictor of percentage of the population with a knowledge of the language (Appendix 2), although there was some overlap between those reserves whose percentage with a knowledge of the language was smaller than some cities. One outstanding non-reserve community, Sioux Lookout, is the northerly most non-reserve settlement, which might explain its outstanding results when compared to the other settlements.

With all the data points considered together, latitude alone expresses a fairly strong predictive power on percent knowledge of the language (Appendix 3). However, this model only accounts for about half of the data, meaning there is still quite a bit of variation between points at the same latitude. The adjusted R-squared is only .4494 (Appendix 4). For the reserves alone, latitude is a very good predictor of knowledge of the language the adjusted R-squared is about the same, 0.7000, and better than the insignificant independent variable of population size of the reserve (appendix 7).

For the non-reserve settlements, the adjusted R-squared value is drastically smaller – only .2741 – as well as being less significant (although still statistically significant) with  $p > 0.025$  that the t-value

is located in the rejection region of 5% (Appendix 9). This is a very important finding, showing that the relationship between southerly cities and their relative decline in fluency is not as strong as among reserves. Something is happening and it will be discussed below.

One interesting finding, and not surprising, is that knowledge of the language and town size are slightly negatively correlated, although at a level of -.1268, this is a very small correlation. Unlike what would be suspected, that larger cities would have less of a fluent population, we see that that is not necessarily the case. Running a regression, we find that in fact there is no significant relationship between size of city to percent of the aboriginal population with knowledge of Anishinaabemowin (Appendix 10).

Strongly counter-intuitively, whether or not a person lives in a reserve is an insignificant predictor of Ojibway as the language of the home. This model accounts for an adjusted R-squared of only .1284 (Appendix 5). This is an important finding, as home language use is such an important predictor of the health of a language community. Although the insignificance may be a result of the small sample size, many reserve data points show very low percentage values for the language as the most used in the home. Among the reserves, Anishinaabemowin is used slightly more frequently the farther north one goes (Appendix 8), however, this model accounts for only a middling amount of the data. This reinforces the finding that home language is relatively even across the whole province.

In order to determine where people had lost the language since birth (a process termed *attrition* in linguistics) we subtracted from the percent of those whose mother tongue was Anishinaabemowin the percent of those who knew Anishinaabemowin. It was found that attrition is an issue across all data points, regardless of population, latitude or whether or not the community was a reserve. A stepwise regression includes only the reserve variable in the model, which accounts for a paltry, yet predictable .17 adjusted R-square (Appendix 12). The highest values for this indicator are found in M'Chigeeng, Curve Lake and Sandy Lake, which are widely geographically distributed, and all reserves (bolded in the data set appendix). The only negative value on this variable, indicating that the percentage with knowledge is greater than have it as a mother tongue, is surprisingly a town, not a reserve – Penetanguishene.

Finally the most powerful indicator we were able to find was that of knowledge of the language minus its use in the home. This is by far the most telling indicator for the long-term decline of the language. A higher value for this indicator would represent a greater percentage of the population who have knowledge of the language but are not using it in the home. Startlingly, as is shown in Appendix 11, this indicator increases on reserves as opposed to cities, and with higher latitude. It accounts for a quite high R-squared: .5167.

## Conclusion

Our findings confirmed Otsuka's (2007) reiteration of the central assumption of endangered language maintenance, that: "geographic isolation is considered favorable . . . because it presumably protects the integrity of the group, and inhibits contact with speakers of other languages" (Otsuka 2007). However, we also found a trend which was correlated with latitude among the reserves – speakers were not using the language at home in alarming numbers. Prominent Ojibway linguist Anton Treuer describes how more remote communities in Canada "are more unaware of how dire the status of the language is" when compared to the harder (linguistically) hit communities in the south (personal communication with Ross 2009). As Fishman (1991) describes with another First Nation, "Generations of passive dependence on such quickly disappearing factors as isolation or distance from Anglo[phone] influences as the primary protectors of the Navajo way of life has left its definite mark". Efforts must be made to strengthen and protect the language even in communities where the language enjoys vitality due to isolation from colonial society.

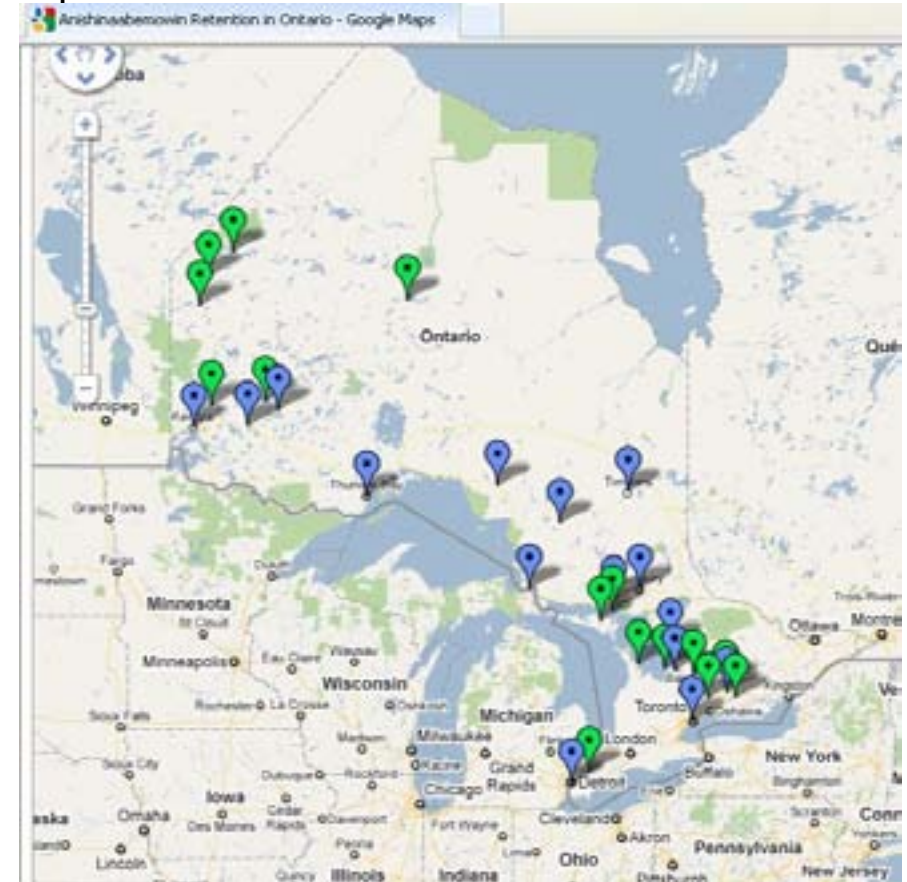
The second most important finding statistically was that while Anishinaabemowin was spoken most in very remote northern reserves, the proportion of Ojibway people in cities who speak the language is comparable to those in the central reserves. The greatest total number of speakers in one settlement was a Canadian city – Sioux Lookout (Waaninaawagaang). As Canada's native population becomes increasingly urbanized, it is these speech communities which must also become the targets for revitalization efforts and the locations of vibrant native speech communities.

## Works Cited

Otsuka, Yoku. "Making a Case for Tongan as an Endangered Language". *The Contemporary Pacific* 19.2 (2007) 446-473

Fishman, Joshua A. "Reversing Language Shift". *Multilingual Matters*: Toronto. 2007

## Map



Source: Google Maps



## Appendix 1

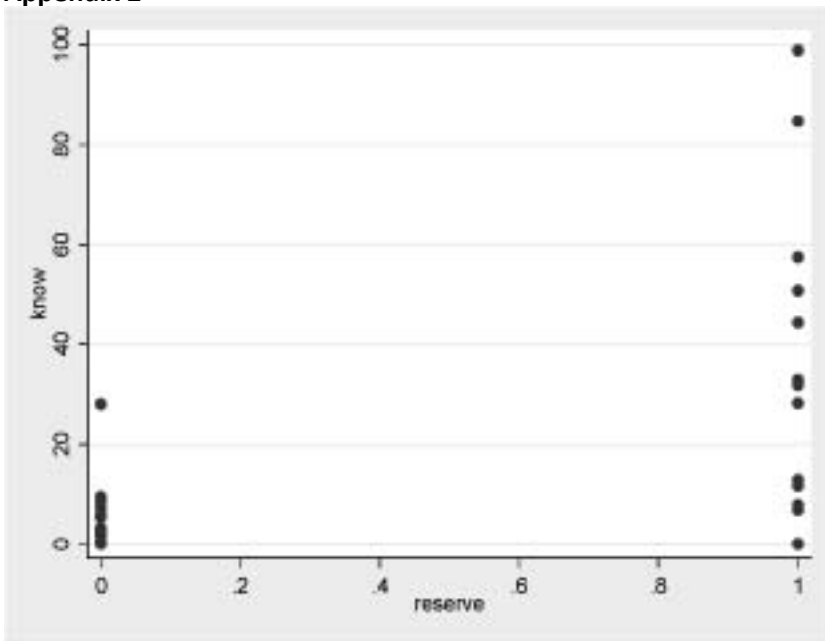
```
. sw regress know pop latitude reserve, pr(.05)
      begin with full model
p = 0.2647 >= 0.0500 removing pop
```

Source	SS	df	MS			
Model	13462.424	2	6731.21201	Number of obs = 30		
Residual	5103.54989	27	189.020366	F( 2, 27) = 35.61		
Total	18565.9739	29	640.205997	Prob > F = 0.0000		
				R-squared = 0.7251		
				Adj R-squared = 0.7048		
				Root MSE = 13.748		

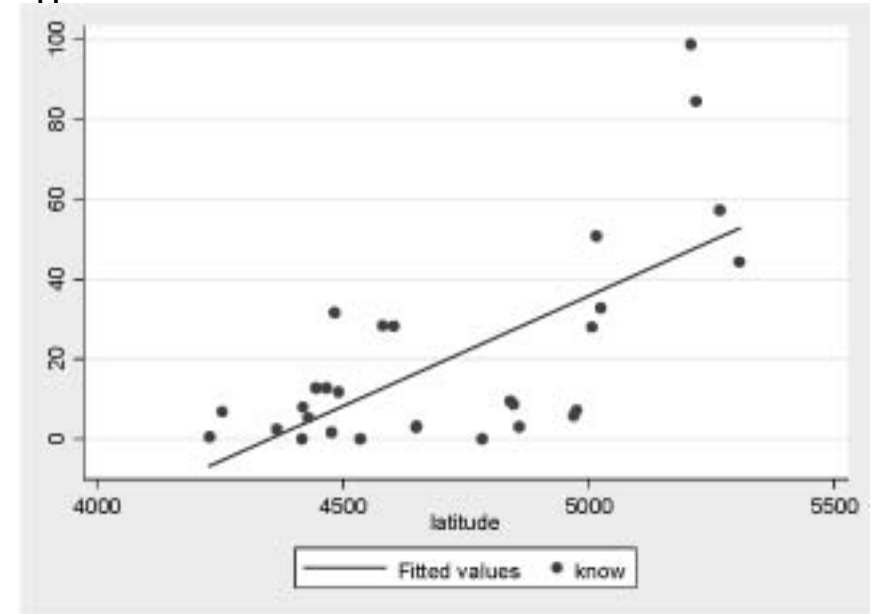
  

know	Coef.	Std. Err.	t	P> t	[ 95% Conf. Interval ]	
reserve	25.34685	5.047468	5.02	0.000	14.9903	35.7034
latitude	.051255	.0082336	6.23	0.000	.034361	.068149
_cons	-234.701	38.72331	-6.06	0.000	-314.1547	-155.2473

## Appendix 2



## Appendix 3



## Appendix 4

```
. regress know latitude
```

Source	SS	df	MS			
Model	8695.81721	1	8695.81721	Number of obs = 30		
Residual	9870.1567	28	352.505596	F( 1, 28) = 24.67		
Total	18565.9739	29	640.205997	Prob > F = 0.0000		
				R-squared = 0.4684		
				Adj R-squared = 0.4494		
				Root MSE = 18.775		

know	Coef.	Std. Err.	t	P> t	[ 95% Conf. Interval ]	
latitude	.0555446	.0111833	4.97	0.000	.0326367	.0784526
_cons	-242.2533	52.84129	-4.58	0.000	-350.4937	-134.0128

## Appendix 5

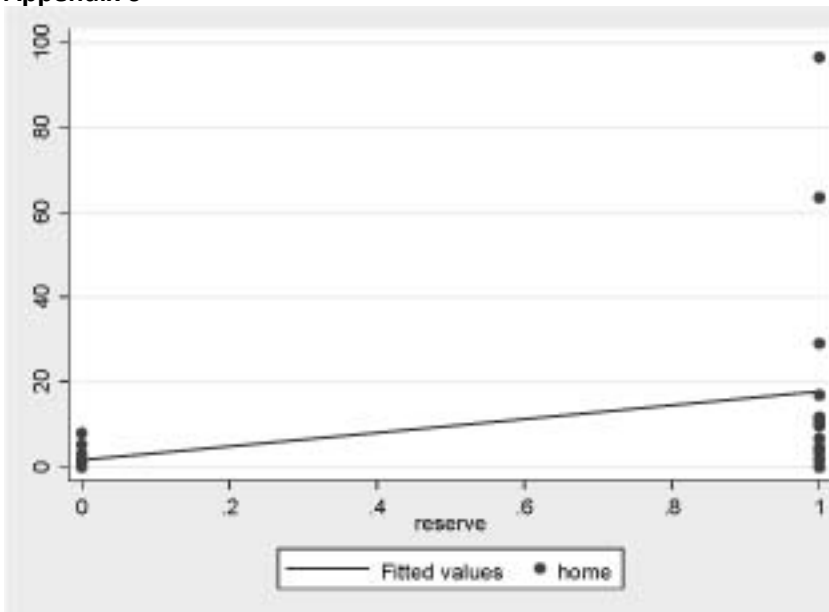
. regress home reserve

Source	SS	df	MS
Model	1952.13331	1	1952.13331
Residual	10369.1411	28	370.326468
Total	12321.2744	29	424.871531

Number of obs = 30  
 F( 1, 28) = 5.27  
 Prob > F = 0.0294  
 R-squared = 0.1584  
 Adj R-squared = 0.1284  
 Root MSE = 19.244

home	Coef.	Std. Err.	t	P> t	[95% Conf. Interval]
reserve	16.13333	7.026867	2.30	0.029	1.739448 30.52722
_cons	1.62	4.968745	0.33	0.747	-8.558014 11.79801

## Appendix 6



## Appendix 7

. sw regress know pop latitude, pr(.05)  
 begin with full model  
 p = 0.1686 >= 0.0500 removing pop

Source	SS	df	MS
Model	8481.06601	1	8481.06601
Residual	3275.07142	13	251.928571
Total	11756.1374	14	839.724102

Number of obs = 15  
 F( 1, 13) = 33.66  
 Prob > F = 0.0001  
 R-squared = 0.7214  
 Adj R-squared = 0.7000  
 Root MSE = 15.872

know	Coef.	Std. Err.	t	P> t	[95% Conf. Interval]
latitude	.0654371	.0112781	5.80	0.000	.0410722 .089802
_cons	-276.6745	53.69246	-5.15	0.000	-392.67 -160.679

## Appendix 8

. regress home latitude

Source	SS	df	MS
Model	4200.82828	1	4200.82828
Residual	6095.82882	13	468.909909
Total	10296.6571	14	735.475507

Number of obs = 15  
 F( 1, 13) = 8.96  
 Prob > F = 0.0104  
 R-squared = 0.4080  
 Adj R-squared = 0.3624  
 Root MSE = 21.654

home	Coef.	Std. Err.	t	P> t	[95% Conf. Interval]
latitude	.0460539	.0153866	2.99	0.010	.0128131 .0792947
_cons	-200.8583	73.25197	-2.74	0.017	-359.1096 -42.60705

## Appendix 9

. regress var4 var13

Source	SS	df	MS
Model	219.157356	1	219.157356
Residual	453.11864	13	34.85528
Total	672.275996	14	48.019714

Number of obs = 15  
 F( 1, 13) = 6.29  
 Prob > F = 0.0262  
 R-squared = 0.3260  
 Adj R-squared = 0.2741  
 Root MSE = 5.9038

var4	Coef.	Std. Err.	t	P> t	[95% Conf. Interval]
var13	.0164734	.0065696	2.51	0.026	.0022806 .0306661
_cons	-71.80916	30.8049	-2.33	0.036	-138.3591 -5.259213

## Appendix10

```
. regress var4 var2
```

Source	SS	df	MS			
Mdel	10.8161936	1	10.8161936	Number of obs = 15		
Residual	661.459803	13	50.8815233	F( 1, 13) = 0.21		
Total	672.275996	14	48.019714	Prob > F = 0.6524		
				R-squared = 0.0161		
				Adj R-squared = -0.0596		
				Root MSE = 7.1331		

var4	Coef.	Std. Err.	t	P> t	[95% Conf. Interval]	
var2	-6.71e-07	1.46e-06	-0.46	0.652	-3.82e-06	2.47e-06
_cons	5.602342	1.927656	2.91	0.012	1.437893	9.76679

## Appendix 11

```
. sw regress differenceknowhome latitude pop reserve, pr(.05)
begin with full model
p = 0.5988 >= 0.0500 removing pop
```

Source	SS	df	MS			
Mdel	1973.38305	2	986.691524	Number of obs = 30		
Residual	1614.23053	27	59.7863158	F( 2, 27) = 16.50		
Total	3587.61357	29	123.710813	Prob > F = 0.0000		
				R-squared = 0.5501		
				Adj R-squared = 0.5167		
				Root MSE = 7.7322		

difference~me	Coef.	Std. Err.	t	P> t	[95% Conf. Interval]	
latitude	.0170075	.0046306	3.67	0.001	.0075063	.0265087
reserve	11.39166	2.838704	4.01	0.000	5.567118	17.2162
_cons	-75.93051	21.77805	-3.49	0.002	-120.6154	-31.24563

## Appendix 12

```
. sw regress differencemotherknowledge latitude pop reserve, pr(.05)
begin with full model
p = 0.9051 >= 0.0500 removing latitude
p = 0.5349 >= 0.0500 removing pop
```

Source	SS	df	MS			
Mdel	130.625333	1	130.625333	Number of obs = 30		
Residual	511.361311	28	18.262904	F( 1, 28) = 7.15		
Total	641.986644	29	22.1374705	Prob > F = 0.0124		
				R-squared = 0.2035		
				Adj R-squared = 0.1750		
				Root MSE = 4.2735		

difference~ge	Coef.	Std. Err.	t	P> t	[95% Conf. Interval]	
reserve	4.173333	1.560466	2.67	0.012	.9768638	7.369803
_cons	3.18	1.103416	2.88	0.008	.9197547	5.440245

## Partners

### QPIRG- Quebec Public Interest Research Group



*The Quebec Public Interest Research Group at McGill is a non-profit, student-run organization that conducts research, education, and action on environmental and social justice issues at McGill University and in the Montreal community. With such a broad mandate, QPIRG brings together a wide range of activists interested in many different issues.*

*QPIRG-McGill is opposed to all forms of discrimination on the basis of: class, gender, race, sexual orientation, and disability.*

*QPIRG-McGill is run by a volunteer Board of Directors which is responsible for QPIRG management, budgeting, project development, staff, working groups and the development of the group's political vision. Every March, students are elected at the Annual General Meeting open to all QPIRG members. In addition, the Students' Society of McGill University (SSMU) and the Post-Graduate Students' Society (PGSS) each have one representative on the Board.*

Quebec Public Interest Research Group at McGill University 3647  
University, 3rd Floor, Montreal, Quebec, H3Z 2P8  
T 514-398-7432

F 514-398-8976

E [qpirmc@ssmu.mcgill.ca](mailto:qpirmc@ssmu.mcgill.ca) [qpirmc.mcgill.org/](http://qpirmc.mcgill.org/) Hours: Monday - Friday 11  
- 5 PM. We regret that our space is not wheelchair accessible

## FPH-First Peoples House



### *Mission:*

*The First Peoples' House believes that innovative partnerships should exist between McGill University and Aboriginal communities. The First Peoples' House aims to provide Aboriginal students with a "home away from home" and envisions the following:*

*To increase the admission and retention rates of Aboriginal students studying at McGill.*

*To promote and increase the accessibility of student services of McGill to Aboriginal students.*

*To meet the concerns of Aboriginal communities which include educational programming and policies that are culturally relevant to Aboriginal peoples.*

*To promote collaborative research and learning between McGill University and Aboriginal communities.*

*To raise awareness within the McGill University community regarding the past, present, and future aspirations of Aboriginal peoples through the promotion of activities that encourage personal, social, intellectual, and cultural interactions between Aboriginals and McGill students and staff.*

*To work on the creation of an Aboriginal Studies Program with the McGill Institute for the Study of Canada.*

### Contact Information:

First Peoples' House at McGill  
Peel 3505  
Montreal, Quebec H3A 1W7  
Tel.: 514-398-3217 | Fax: 514-398-816  
Email: [firstpeopleshouse@mcgill.ca](mailto:firstpeopleshouse@mcgill.ca)  
Website: [www.mcgill.ca/fph](http://www.mcgill.ca/fph)

## SEDE- Society for Equity and Diversity in Education



*The Social Equity and Diversity Education (SEDE) Office is committed to fostering a fair and inclusive environment that respects the dignity of each member of the McGill Community. By actively educating, heightening awareness, and providing opportunities for dialogue about equity and diversity-related issues, we strive to strengthen the Community in our shared responsibility toward a truly equitable society.*

### *Our Goals*

- Raise awareness and understanding by members of the University Community on matters of equity, diversity, discrimination and harassment;*
- Make connections between different members of the McGill Community, and the wider communities in Montréacuteal, Quéacutecbec, and across Canada in order to foster dialogue, networks and learning, and to develop and promote best practices;*
- Organize events and information campaigns through workshops, guest speakers, and print and electronic media;*
- Provide members of the McGill Community with help to understand the relevant policies and their implications.*
- Inform members of the McGill Community of available avenues and mechanisms to which they can direct their concerns.*

Social Equity and Diversity Education Office (SEDE)  
3610 McTavish Street  
Montreal, Quebec H3A 1Y2  
Tel.: 514-398-2039

Email: [equity.diversity@mcgill.ca](mailto:equity.diversity@mcgill.ca)  
[www.mcgill.ca/equity\\_diversity/](http://www.mcgill.ca/equity_diversity/)

## MISC- McGill Institute for the Study of Canada

*The McGill Institute for the Study of Canada was established in 1994. Its mission is to:*

- *promote a better understanding of Canada through the study of our heritage;*
- *develop a clearer understanding of Canada's social, political and economic future;*
- *identify and explore the benefits that a pluralistic society offers;*
- *support the study of Canada across the country and internationally.*

*In order to achieve these goals, the Institute:*

- *encourages a multidisciplinary approach to the study of Canada;*
- *promotes public as well as university-based education about Canada;*
- *fosters the development of networks in the areas of Canadian Studies;*
- *enhances informed discussion of public policy.*

McGill Institute for the Study of Canada (MISC)

3463 Peel Street

Montreal, Quebec H3A 1W7

Tel.: 514-398-8346 |

[www.mcgill.ca/misc](http://www.mcgill.ca/misc)

## ASA-Anthropology Student Association

*The Anthropology Students' Association represents the interests of students in the Department of Anthropology.*

Leacock Building

855 Sherbrooke Street West

Montreal, Quebec

H3A 2T7

Email: [mcgillasa@hebel.com](mailto:mcgillasa@hebel.com)



## SSMU- Student Society of McGill University

*The SSMU stands for the Students' Society of McGill University! We, in short are your student union. Every undergraduate at McGill is a member of the SSMU. We are here to speak out for you and advocate for your interests. On the local, university levels this means being your representation to the McGill administration. We work hard for fairer academic justice processes, better quality instruction, and better services for students. On the broader level, we are also strong advocates for accessible, quality, public education. We speak up and organize students for better public funding, and against unsustainable tuition fee increases. We also aim to provide you with everything you might need during your time here at McGill that isn't provided by the University itself.*

For all general inquiries, please call our front desk at (514) 398-6800

3600 rue McTavish, Suite 1200

Montreal, QC H3A 1Y2

[ssmu.mcgill.ca/](http://ssmu.mcgill.ca/)



## AUS- Arts Undergraduate Society

*The AUS is an elected student government with two aims: to represent and promote the welfare and interests of its members, and to provide activities and services to enhance the educational, cultural, environmental and social conditions of its members.*

*All undergraduates in the Faculty of Arts are members of the AUS. We are always looking for volunteers and for new ideas so please contact us! We look forward to seeing you and we wish you a fun and successful year!*

Leacock Basement, Room B-12, accessible through the Arts Lounge

Phone(514) 398-1993

Fax (514) 398-4431

McGill University

Leacock Building B-12

855 Sherbrooke Ouest, Room B-12

Montreal, QC, H3A 2T7



## Borderless World Volunteers



*Borderless World Volunteers sends student volunteers to developing countries for community-development projects. Founded in 2003, the organization seeks to foster links between communities in need and students with a capacity for leadership and support in areas of international development.*

*We assist in empowering youth to lead and be part of group ventures directed towards the implementation of development projects at the most basic level. We provide a channel through which students can cause specific, measurable and long-lasting impact in the communities in which they work. We encourage our teams to research their proposed field site, develop a viable project proposal with measurable goals and benchmarks, conduct background research, and create a financial assessment of the project. Thus we encourage youth to participate not only in the application of development ideas but also in the generation, verification and assessment of their own projects.*

*Our Mandate: Developing tomorrow's leaders in development.*

Email: [borderlessworldvolunteers@gmail.com](mailto:borderlessworldvolunteers@gmail.com)

Website: <http://WWW.BORDERLESSWORLD.ORG>

## Aboriginal Law Association of McGill

*The Aboriginal Law Association (ALA) is a group of McGill Law students committed to raising awareness about legal issues affecting Aboriginal Canadians. ALA members seek to expose students at the faculty to the legal traditions of aboriginal peoples. The ALA is a non-hierarchical club open to everyone.*

Email: [ala.law@mcgill.ca](mailto:ala.law@mcgill.ca)

## Aboriginal Health Interest Group of McGill

*We are a group based in the Faculty of Medicine at McGill, but welcome everyone interested in promoting and improving the health of aboriginal people, families and communities in Canada.*

*Our VISION: Healthy and vibrant Indigenous nations, communities, families and individuals supported by an abundance of well informed Indigenous and non-Indigenous health care practitioners working together.*

*Because... HIV, TB, diabetes and suicide rates in Canada's First Peoples are unacceptably high; there are incredible young Aboriginal leaders that would make terrific doctors and nurses if given the opportunity; a lack of sustainable health care workers for northern communities; a lack of interest among medical students in pursuing a northern career; a need to inform health care workers of traditional healing and cultural practices; environmental health impacts of climate change, Hydro development, persistent organic pollutants; Justice for all.*

*Our areas of action:*

**ADVOCACY**

*Locally= Lobbying to improve conditions in Montreal*

*Broadly= Lobbying to increase enrollment of aboriginal students in the health professions*

**AWARENESS**

*Locally= Hosting events, engaging media, reaching out to raise awareness*

**URBAN HEALTH**

*Locally= Connecting volunteers with local organizations including the Native Friendship Centre and the Native Women's Centre*

**RURAL HEALTH**

*Locally= Training medical students in cultural sensitivity and preparedness*

*Beyond= Funding options, SARROS, etc*

Contact: If you want to get more actively involved, join the googlegroup at <http://groups.google.ca/group/aboriginalhealth>

Aboriginal Health



## Indigenous Studies Seminar Series



### *Mission:*

*Our goal is to stimulate discussion and collaboration between scholars, students, community members, and others interested in Indigenous issues in an informal and collegial environment.*

*Notre objectif est de stimuler la discussion et la collaboration dans une atmosphère informelle entre chercheurs, étudiants, et membres de la société civile qui s'intéressent aux issues autochtones.*

### *Company Overview:*

*Hello/Bonjour/Kwe/She:kon*

*The Indigenous Studies Seminar Series is a collaborative venture between DIALOG (the Aboriginal Research and Knowledge Network) and McGill University's Department of History and First Peoples' House.*

*Le Séminaire d'études autochtones est organisé en collaboration avec « DIALOG » (le Réseau de recherche et de connaissances relatives aux peuples autochtones) et le Département d'histoire et la Maison des premières nations de l'université McGill.*

### *Products:*

*Seminars take place in a relaxed environment during a wine and cheese. There is no cost to attend, but an rsvp is necessary.*

*Tous les séminaires auront lieu dans une atmosphère informelle et la discussion s'ouvrira autour de vin et fromage. Il n'y a aucun frais d'y participer mais il faut confirmer votre présence.*

Become a fan of the Facebook Group to receive information about our seminars and other events relating to Indigenous issues in the Montreal area.

## IAM- Indigenous Access McGill

### **What they do**

*- provide support to students from First Nations and Inuit communities studying in the Health and Social Services disciplines at McGill (Social Work, Nursing, Occupational Therapy, Physiotherapy, Dietetics and Speech and Language Pathology)*

### **What they offer**

- a dedicated support team of advisors who will offer mentoring and tutoring on all aspects of your studies*
- a direct link to all the resources available to students at McGill from counseling to study skills, from writing skills to library research and much more*
- the use of a resource centre in the School of Social work where you can consult documentation, do on-line research, discuss with other students, talk to the tutors*
- an opportunity to get together with other First Nations and Inuit students and to support each other*
- a summer support program for First Nations and Inuit students who have been accepted into the social work program or one of the health disciplines mentioned above - two weeks of mini-courses, field placement visits, introduction to McGill support services*

Indigenous Access McGill Office McGill University School of Social Work 3506 University, Room 319 Montreal QC H3A 2A7

**For more information about our partners and various resources please consult our website at:**  
**<http://kanata.qpirgmccgill.org>**