

Engaging Indigenous Communities:

Respect, Reciprocity, and Reconciliation

- Past, Present, and Future

PROCEEDINGS OF THE 2020 CONFERENCE THAT NEVER WAS

Edited by Karl S. Hele

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This volume is dedicated to everyone walking
the path of reconciliation.

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This is for all those who agreed to participate in a June 2020 conference that never happened. Little did we know that a virus would shut down the globe that spring, or that the spreading pandemic would force the conference's eventual cancellation. I appreciate your willingness to submit papers, which were never presented, for the proceedings of this "never was" conference. Without you, this volume would not exist.

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It is my hope that the papers in this volume will promote greater understanding and compassion for one another, and help us push forward the dual processes of decolonization and reconciliation.

Introduction

Karl S. Hele

This volume, titled *Engaging Indigenous Communities: Respect, Reciprocity, and Reconciliation – Past, Present, and Future*, is a collection of papers that reflect on historical, contemporary, and potential future relationships between Indigenous Peoples, Settlers, and states in North America. The papers in this volume began their life as proposals for a conference that was to have taken place in June 2020. That conference was first postponed and ultimately cancelled, as governments around the world banned travel and public gatherings in response to the 2020 COVID-19 pandemic—making our proposed event the “conference that never was.” Despite the conference’s cancellation, the would-be participants agreed that an edited collection of papers could contribute to the distribution and sharing of the knowledge, as well as the stories, that did not get told in June 2020. As a result, a wider call for papers was issued, which drew a number submissions from the would-be conference participants as well as from other interested academics. Each paper was reviewed by the editor and submitted to peer reviewers, whose efforts and comments resulted in this volume. Rather than a standard set of conference proceedings, the volume is a collective effort by scholars to overcome the limitations imposed by the COVID-19 pandemic on the creation and sharing of knowledge, and which reflects the importance of our shared goal of exploring the past, present, and future of reconciliation based on respect and reciprocity.

Reconciliation has come to have, in Canada at least, a variety of definitions that seek to focus on engaging Indigenous peoples, Canadians, and the Canadian state. Most of these definitions appear to agree that knowing and exploring the myriad truths of Canadian history and Canadian colonialism will lead to a greater understanding of Canada and may open doors to a collective future where Indigenous peoples are viewed and treated with respect. Other definitions seemingly reflect a desire to leave the past in the past and focus narrowly on contemporary Indigenous demands for housing, health, education, justice, rights, and a better standard of living. Often, when speaking of reconciliation, Indigenous Peoples see acknowledgement and awareness of the past as a means to improve the future. We seek to have Canadians and the Canadian state come to terms with their colonialism and privilege in an effort to overcome ongoing discrimination and the denial of rights. Indigenous dreams of reconciliation also include sovereign governments in some form, land back, respect for Aboriginal and Treaty rights, as well as becoming equal partners in resource use and overall economic development. Many of us also cast a cynical eye toward provincial and federal concepts of reconciliation. Settler politicians, bureaucrats, opinion columnists, academics, religious figures, and business leaders appear, for the most part, to consider, or utilize the notion of, reconciliation as another form of integration or to convince Indigenous Peoples to reconcile ourselves to the state's dominion over us and our lands. Within this approach, there is little room for the Indigenous dream or vision of reconciliation. Still, there are countless ordinary Canadians who seek their own form of reconciliation with Canada's colonial past and present, as well as with their own or their families' roles in perpetuating or ending colonial relationships. As such, at this moment, both in Canada and around the globe, reconciliation represents a great unknown but also a great opportunity to potentially change society. It is quite possible that the diverse ideas regarding reconciliation will combine to birth something new—something that engages with the past and opens a new way to the future. Those who aimed to attend the “conference that never was,” as well as the contributors to this volume, were asked to consider the following questions: What is reconciliation? What form should reconciliation take? How ought it to occur? Who must drive it? Moreover, the concept of reconciliation as conceived by this collection's authors is not limited to

Canada. Hence, individual papers within this collection reflect different ways of knowing, understanding, and contributing to the concept of reconciliation and its prospect of becoming the future.

Our collective journey toward reconciliation, however it is defined or envisioned, cannot move forward without respect and reciprocity. Indigenous peoples maintain that respect for differences, knowledges, communities, and rights is a key condition of reconciliation. Colonialism denies and disrespects Indigenous Peoples' ways of knowing and living. This disrespect has led to the various policies and actions of the past—such as residential schools and the Indian Act—as well as to the continued reliance upon past policy, legislation, and precedent today. The lack of respect and resultant policies has caused and continues to cause harm to Indigenous peoples, which limits and constrains our collective potentials. Hence, to respect each other, on multiple levels, is an absolutely necessary condition for moving beyond colonialism toward reconciliation.

The other key element to achieving reconciliation, for Indigenous peoples, is reciprocity. Reciprocity is often defined as an equitable give-and-take based on respect, relationships, and sharing. Yet, for Indigenous peoples, the concept of reciprocity goes further. Reciprocity is a core element for engaging in successful, well-lived lives. It is more than sharing, for it also includes acknowledging that human beings are part of an intricate web of existence that balances multiple demands, conditions, relationships, and environments within and among individuals, communities, and nations. Simply, it is more than just sharing or an equitable give-and-take. Equitable relationships inform our concept of reciprocity, but are not limited to the relationships between individuals, communities, and the state. Nonetheless, the concept of reciprocity does inform Indigenous visions of reconciliation by moving us toward an equitable relationship with Settler states and societies wherein respect and balance, as well as the inter-connectivity of the total environment, inform our lives and actions. A small part of reciprocity is seen in the recognition that no single story, history, or experience contains or delimits the “truth” with regard to past, present, or future. Only by sharing our various “truths,” in respect and reciprocity, can we move forward on the reconciliation journey.

The chapters in this volume thus represent how each author, or group of authors, engaged with the concepts of respect, reciprocity, and

reconciliation. The collective efforts of the authors herein also engage with and form part of a growing body of literature that explores decolonization and reconciliation regionally, nationally, and globally. Additionally, each contribution illustrates that there is no single, all-encompassing view of reconciliation. Yet, each paper ably shows that the process of reconciliation demands knowledge of the past to understand the present and engage with the potential future. It is within such multi-storied understandings that each chapter was created. Only by sharing our understandings and stories, with respect and reciprocity, can we begin to engage one another on the pathways to reconciliation.

The volume begins with a case-study exploration of a historical site near downtown Ka'tarohkwi/Kingston, Ontario. Dr. Terri-Lynn Brennan, Danielle Marshall, and Laura Phillips relate the story of how the history of Murney Tower, a British colonial fortification on the shore of Lake Ontario, was re-imagined and broadened by incorporating the histories of the Indigenous Peoples residing in the area prior to, and since, the tower's construction in 1846. As such, the study offers wider lessons relating to the addition of important truths and stories, long unrepresented and omitted, to a complex history. Brennan, Marshall, and Phillips explore how Settler discomfort was navigated by those seeking to offer a "new" story—telling the Indigenous histories of the site—while challenging the "white" dominance of the existing narratives. For the authors, effective and respectful engagement meant reconciling divergent and convergent stories in a manner that demanded more than merely a rewriting of the Settler colonial narrative and the removal of offensive or dated language. In its case study of Murney Tower, the book's first chapter supplies some guideposts to inform and assist other local, regional, and national historic sites as they engage in the process of respect, reciprocity, and reconciliation.

The next two chapters explore history, law, and justice as pathways to reconciliation. In Chapter 2, Dona Leigh Schofield explores how colonialist Quebec, via Settler legislative and courtroom norms and practices, criminalized Wendat economic, subsistence, and cultural practices between 1918 and 1939. Using nine case studies, of which seven had at least one Wendat defendant, Schofield examines how law and justice were formulated to emphasize white access to resources by denying the validity of, or simply disregarding, Indigenous subsistence and cultural practices.

She also shows how the Wendat continually resisted the unjust imposition of law. In Chapter 3, Marie Cristina Manzano-Mungia, Cheryl Matthew, and Marieka Sax add to this discussion by exploring how international law may be able to offer justice for Indian Residential School (IRS) survivors. In their article, the authors argue that the IRS system fits the definition of genocide and a crime against humanity under various United Nations conventions, thereby offering legal remedies to survivors at the international level. Together, these two chapters offer insights into the history of law and the potential for international justice.

With Chapter 4, by Ebba Olofsson, we encounter a shift in focus from law to identity, as delimited by Canadian colonial policies—specifically the “Sixties Scoop.” Titled “Adopted Out,” Olofsson’s chapter examines identity formation in the stories of two Indigenous persons who were fostered out during the Sixties Scoop. By foregrounding these individuals’ stories, Olofsson adeptly explores the complex nature of identity and, specifically, how their life experiences shaped their self-perceptions and identities. Interestingly, the approach that Olofsson uses to explore identity formation is echoed by that pursued by the individuals discussed in her article as they engaged with their own identities as simultaneously Indigenous and “Settler-raised.” Thus, Olofsson’s contribution illustrates how, through respect and reciprocity, individuals may arrive at self-aware identities that do not necessarily conform to dominant narratives.

In the final chapter, we turn to explorations of reconciliation and Indigenous ways of thinking. Laura Collin Harguindeguy, in Chapter 5, explores how milpa, an agricultural system or “culture” found in the Mexican state of Tlaxcala, represents an Indigenous “logic of thought,” the objective of which is to satisfy the needs of various parties while reflecting certain cultural values, such as reciprocity with all living things. Titled “Milpa: Diversity, Complementarity, and Reciprocity as a Way of Thinking and Living,” Collin Harguindeguy’s essay undertakes a re-evaluation of the milpa system as a core representation of an Indigenous epistemology. According to the author, the milpa system’s advantage rests in the density of social relations, combined with an intimacy with nature that offers an access point to understanding Indigenous ways of knowing and thinking. Overall, Collin Harguindeguy opens a pathway whereby others studying Indigenous farming systems may engage with Indigenous

ways of knowing from within their own, unique cultural contexts. Simply, Collin Harguindeguy's chapter underlines how knowledge of Indigenous Peoples' philosophies and worldviews can be used to engage respectfully with reciprocally oriented, reconciliatory ways of knowing.

Altogether, these five chapters constitute a multifaceted exploration of the many pathways toward reconciliation, undertaken through learning about the past, respecting Indigenous stories, and engaging in reciprocal behaviours. While the majority of these chapters are focused on Canada, the contribution from Mexico offer glimpses into the universality both of the colonial experience and of the ideals of reconciliation. Moreover, the Canadian and Mexican contributions illustrate that while the need for reconciliation is universal, there exist myriad pathways that must be navigated so that we do not become lost or discouraged. There are ways forward: ways to move beyond Settler discomfort to engage respectfully and reciprocally with Indigenous Peoples on their own terms. Without understanding and reciprocity, the path to reconciliation and a better future will remain blocked to us. This volume, subtitled *Respect, Reciprocity, and Reconciliation: Past, Present, and Future*, may be seen as a small light within this wider discussion of the relationships between Indigenous and non-Indigenous peoples, colonial states, and absolute need for a respectful and reciprocal movement toward reconciliation.

Murney Tower:

Indigenous Content, Truth Telling, and Settler
Discomfort in a Colonial Space. Sound Familiar?

Dr. Terri-Lynn Brennan, Danielle Marshall, Dr. Laura Phillips¹

This chapter presents a case study that is exemplary of ongoing systemic settler-colonial rigidity in modern small-town heritage circles, and considers the challenges to undoing colonial authority in the current heritage landscape. This case study explores experiences surrounding a project, guest-curated by Dr. Terri-Lynn Brennan (British and Ohnkwéhon:we/Kanien'kehá:ka,² Six Nations of the Grand River) in 2019, aimed at adding Indigenous presence and content to the otherwise entirely colonial structure of Murney Tower National Historic Site (figure 1), in Ka'tarohkwi/Kingston, Ontario. The Tower stands on what is now known as Murney Point, near downtown Kingston. This project forms the backdrop to a community conversation about Reconciliation,³ particularly in response to the Calls to Action for museums and archives contained in the 2015 report of the Truth and Reconciliation Commission of Canada;⁴ and the process of implementing the 2007 articles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP),⁵ which Canada signed in 2016 and passed into law in 2021.⁶ The project is discussed from the perspective of Terri-Lynn, together with those of the former curator of the Murney Tower Museum Danielle Marshall, the museum's director (a voluntary position) Dr. Tabitha Renaud, and Dr. Laura Phillips.



Figure 1: Murney Tower, with a glimpse of Lake Ontario through the trees to the right, July 2021. Photograph: Laura Phillips.

We will frame this conversation around the Calls to Action for museums and other heritage spaces in the report of Canada's Truth and Reconciliation Commission (TRC) and the United Nations Declaration on the Rights of Indigenous Peoples. Of all the Calls to Action in the TRC's 2015 report, sections 67, 68, and 70 are directly relevant to museums and heritage spaces:

Call to Action 67: We call upon the federal government to provide funding to the Canadian Museums Association to undertake, in collaboration with Aboriginal peoples, a national review of museum policies and best practices to determine the level of compliance with the *United Nations Declaration on the Rights of Indigenous Peoples* and to make recommendations.

Call to Action 68: We call upon the federal government, in collaboration with Aboriginal peoples, and the Canadian Museums Association to mark the 150th anniversary of Canadian Confederation in 2017 by establishing a dedicated national funding program for commemoration projects on the theme of reconciliation.

Call to Action 70: We call upon the federal government to provide funding to the Canadian Association of Archivists to undertake, in collaboration with Aboriginal peoples, a national review of archival policies and best practices to:

- i. Determine the level of compliance with the *United Nations Declaration on the Rights of Indigenous Peoples* and the *United Nations Joint-Orentlicher Principles*, as related to Aboriginal peoples' inalienable right to know the truth about what happened and why, with regard to human rights violations committed against them in the residential schools.
- ii. Produce a report with recommendations for full implementation of these international mechanisms as a reconciliation framework for Canadian archives.⁷

These need to be considered alongside Articles 11–13, 15, 19, and 31 of the United Nations Declaration on the Rights of Indigenous Peoples, which are also directly relevant to museums and heritage spaces:

Article 11.1: Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

Article 11.2: States [nation states/countries] shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 12.1: Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to

the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

Article 12.2: States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

Article 13.1: Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

Article 13.2: States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

Article 15.1: Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.

Article 15.2: States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

Article 19: States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Article 31.1: Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures,

including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

Article 31.2: In conjunction with Indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.⁸

We have written this chapter, in part, as a conversation in the vein of Indigenous storytelling, which is an important approach by Indigenous people toward restoring or reclaiming their stories. We found this style to be better suited to reflecting on our thoughts and feelings on this project, and the contexts in which it took place; more so than formal language and styles that tend to detach thoughts and feelings, perpetuating the fallacy that knowledge is “objective.”⁹ We present this project as lessons learned, to encourage the creation of spaces where settlers can collectively think through how their/our presence continues to inflict trauma and violence on the original peoples of this Land,¹⁰ and the importance of doing this in ways that challenge the last few centuries of colonial efforts to make this Land “a home” for settlers.¹¹ We seek to understand this in ourselves and aim to introduce understanding and self-awareness to settlers through museum spaces. For the purpose of Reconciliation, it is essential that we/they can articulate the ways in which we/they are responsible for ongoing colonialism, and to see how our/their ways of being are a direct continuum from the violence inflicted in the earlier days of colonial settlement from which we/they may feel detached today.

For the purposes of our discussion, we define *settler colonialism* after the late Patrick Wolfe, who articulates that the basis for this type of colonialism is the elimination of Indigenous Nations, typically through genocidal attempts in various forms:

Whatever settlers may say—and they [we] generally have a lot to say—the primary motive for elimination is not race (or religion,

ethnicity, grade of civilization, etc.) but access to territory. Territoriality is settler colonialism's specific, irreducible element.

The logic of elimination not only refers to the summary liquidation of Indigenous people, though it includes that ... settler colonialism ... strives for the dissolution of native societies ... it erects a new colonial society on the expropriated land base, as I put it, settler colonizers come to stay: invasion is a structure not an event.¹²

In case non-Indigenous readers located on Land stolen through the ongoing violence of colonialism still do not see themselves or their ancestors as complicit in the expropriation specified in Wolfe's definition, we provide Dylan Robinson's definition of "settler" as

a statement of positionality that seeks to make visible the ways by which non-Indigenous people have benefitted from colonial policy such as the Indian Act in Canada and the genocidal policies of Indian Residential Schools ... the term "settler" has been adopted as a form of self-identification by those who were not, historically, the first settlers of the already occupied Indigenous lands now known as Canada, but nevertheless understand their complicity in and benefit from ongoing colonial policies that continue to constrain Indigenous rights and resurgence.¹³

With these definitions in hand, we will move forward with our discussion, beginning with introductions explaining who we are and what we carry with us in this conversation.

Self(s) in Relation to This Chapter

Terri-Lynn

Before we get into this conversation, we must begin with an assurance that, between us as writers and you as readers, we are all coming together to hold this text and interpret its meaning in a good, honest, respectful, and humble way. For Haudenosaunee people, this request comes in the form of a question referencing the Great Law of Peace, which is the (for lack of a better translated word) constitution of the Longhouse People Confederacy (the reader may know this group better as the Iroquois/Haudenosaunee/Six Nations Confederacy). Only once you have accepted these terms can we continue to share, learn, and build a relationship with one another.

Shé:kon. Skén:nen kénhak Shewa:kékon? Wab:wena'wéyn:don.
(Hello. Do you carry the Great Peace? [to this conversation, and, if you do] Welcome to this Land.)

Let us begin.

When I am asked what it is I do, I sometimes start with answering “why” I do what I do. Why do I engage in intercultural planning work? What drives this passion in me? A term that I reference, when identifying the services I offer as a consultant, as an academic, and as a business professional, is that I engage in this work to satisfy a “cartography of memory.”¹⁴ For Indigenous peoples, the cartography of memory is about the range of how our spirit—some people refer to this as “blood memory”¹⁵—connects to the Land of our Ancestors as ... Land that sustained us, a part of our entire relationship ... with the Creator and the soil that we were born out of. But the cartography of memory also talks about the memory of trauma: the trauma of being moved forcefully off our homelands, and being lied to, and having our trust broken. And so this Land in particular ... this was

Mohawk Land that I now/again live on, on kawehnóhkwes tsi kawè:note (Long Island Standing), or Wolfe Island, which was shared Land with the Anishinaabe and Algonquin from the north. The River, Kaniatarowanenneh (Big Waterway, or the St. Lawrence), was the boundary for that duality of sharing the Land.

So, being where I live now is a coming home, even though I was born and raised down the river, closer to Tiohtià:ke tsi ionhwéntsare/Montreal [yet still on shared Mohawk and Anishinaabe Land], halfway between here and Montreal. This is all, still, ancestrally comforting. To be drawn to Wolfe Island was very spiritual ... returning to the area and being this close again to my family. When I walk out on this Land, I feel so true, so real, more so than I ever felt anywhere else. And I didn't *know* that, because I didn't grow up on [the colonially bound Six Nations] territory, it was not something that I really *knew* in my blood until I moved back here, after I had travelled the world ... and it wasn't until I came home and planted myself on this Land that I realized this is my comfort zone. This is where I need to be, this is why I need to be here. So, it's important for me just to know that legacy exists—not just historically, but it is in my blood, it is my memory. And in the work that I do as an intercultural professional, I try to ensure that the truths and stories that exist for all Indigenous Peoples, as intertwined with their blood memory, are present, prominent, and proudly heard and seen across this Land.

Danielle

At the time of this project I lived in Brockville and my relationship to Kingston/Ka'tarohkwi was pretty transient; I worked and volunteered there.¹⁶ My family is from Belleville and the Athens area. For the last century, that is historically

where my family has lived and raised their families. I personally have only lived in Ontario for the last fifteen years. Before that, I grew up in British Columbia.

My dad is what I call a British white guy farmer, eastern Ontario farmer, a mix of English, a little Irish, a little Welsh, it's pretty unclear—but I believe his family are all from Great Britain. And my mom is Irish/Scottish and Italian. My great-grandparents are the most recent immigrants here ... my great grandfather immigrated from Italy in the early 1900s, around 1909 ... only one of my great aunts was born in Italy, everyone else was born in Belleville. Although it's not super-long, my family have been in the area for over a century at this point.

I grew up in two parts of BC: Vernon, in the Okanagan Valley, and Hope, in the Fraser Valley. There are three reserves around the little town of Hope, and my high school had a large Native population. I remember, in grade 4, we learned a dialect from the Stó:lō Nation, which was the nation that was around us. I believe this was part of a pilot project. We had “Aboriginal”—this was the term people used then—Days, when we made bannock and salmon, and played games that were traditional. We visited a stone—the Three Sisters Stone—a traditional story I now forget most of, because this was twenty-plus years ago. The language and cultural awareness was there. I was also part of a group that made a traditional dress with an Indigenous Elder, and we learned traditional songs—so the culture was just around, there was a more visible presence.

I moved to Ontario when I was in grade 10. There were no visible Indigenous people at my high school in Brockville. It was pretty mind-blowing. I had gone from grades 2 to 9 with great friends who were Indigenous. Then I moved here and it was really white. Brockville is very white in general.

Laura

I am from a white settler family with Western European roots, mostly Irish/Welsh. My dad immigrated from England in the late 1960s—from Liverpool, England. My mom’s family has been in what is now Canada since the early 1800s, and came from Ireland. I am currently based in Ka’tarohkwi/Kingston, on the territory of the Anishinaabek and Haudenosaunee nations. I grew up around London, Ontario, the southwestern Ontario territories of the Oneida Nation of the Thames, the Chippewas of the Thames, and the Munsee-Delaware Nations (Treaty 2, Treaty 6, and Treaty 21). I have benefitted directly from colonialism in that my maternal grandfather was awarded a Land grant after his Second World War military service, which was then sold after two generations. The Land speculation (known as “real estate”) meant that I inherited a portion of the Land sale, which was put toward a down-payment on a house in Kingston/Ka’tarohkwi.

I lived outside of Canada for fifteen years, and my first job when I returned was coordinator of exhibitions and collections at Aanischaaukamikw Cree Cultural Institute in Ouje-Bougoumou Cree Nation, Eeyou Istchee, Quebec. After living in Ouje-Bougoumou for 3 years I relocated to Ka’tarohkwi/Kingston for my PhD, and continued to work at Aanischaaukamikw a part-time, remote basis while I trained my Eeyou replacement. I became interested in analyzing the impact of Terri-Lynn’s project at Murney Tower, as a possible case study for my PhD research into using museums as spaces for content that is expansive and inclusive, and that works to unsettle colonial assumptions for decolonizing futures.

One of the challenges in my research has been balancing the desire to turn away from re-centring settler needs against using my position as a settler, which comes with an understanding of the settler state of mind, and combining these to find strategies to reduce settler dominance and over-presence.

Part of this work necessitates a critical understanding of whiteness and the unspoken nature of white supremacy in Canada that shores up all manner of privilege—observed and felt by all, yet, until recently, widely unacknowledged by us, the main beneficiaries. I feel that documenting the ongoing power imbalance held by non-Indigenous voices and bodies will help to reveal privilege and articulate how whiteness is permitted to dominate others, with the hope that naming and defining our privilege will work to contain and, eventually, reduce this.

Decolonizing Work for Museums: Community Contexts

Until recently, museums with specific “ethnographic” or “anthropological” collections were expected to be the sites where decolonizing work such as repatriation/rematriation should be carried out,¹⁷ when in fact any collection contains this potential. As our discussion will show, *any* museum can be a space of decolonial work, in the manner discussed at the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM) conference in 2019:

Initially, decolonization referred to the process that former colonies underwent to free themselves of the colonial supremacy. Today the term has become much more than that: a philosophical, moral, social, spiritual and also activist call that points to the fact that we are still subject to the ideology of colonialism.

Decolonizing is about questioning our institutions: how and why are some forms of knowledge given priority and authority over others? How do we organize and categorize knowledge? Who determines the selection and quality criteria of collections? Who decides what is presented and represented? How do we contribute to a renewal of the canon with stories and reference frames that have been systematically erased from it?

In short: how do we change the focus, how do we alter our perspective?

Decolonizing is about difficult conversations and reflections on the meaning of cultural institutions and who these institutions are intended to serve. It is about open and true dialogue with all members of communities and society, it is about sharing power and authority.¹⁸

To think about the big picture, in regard to all that needs to be done to decolonize “everything,” can be hugely overwhelming and daunting, and would likely paralyze many of us into inaction. One of the first principles of decolonizing work is locational: learning to focus on the Land you are on, to understand how colonialism continues to be enacted in the spaces around us, even if settlers feel disconnected from the violence of the acts of Land theft and dispossession. Settler scholar Laura Murray traces her privileges and economic benefits to a 210-acre Land grant given by King George III (of England) to her matrilineal ancestor in 1796:

Not all settlers have such a traceable and quantifiable relationship to colonial dispossession, but it seems to me that *history is not usually as distant as we think or hope*. Whatever our cultural or genetic heritage, those of us with ancestors from elsewhere who live on Indigenous lands have at least an economic line of inheritance from Indigenous people as well. We benefit from what colonial administrators took, and we have received.¹⁹

Murray goes on to explain her approach to incorporating treaty-based pedagogy in an undergraduate class she teaches at Queen’s University, using a lens of critical heritage to educate students in their/our ongoing situation as “treaty people.”²⁰ Applying our roles as treaty people, for settlers, means first reading the treaties to which our/their ancestors committed us and understanding that these commitments are still applicable and valid today. For Kingston/Ka’tarohkwi, there is no treaty in place, only a single handwritten letter from Captain William Redford Crawford to Governor Frederick Haldimand in 1783:

According to your Directions I have purchas’d from the Missasaugas all the Lands from Toniata or Ouagara River to a River in the Bay of Quentie within Eight Leagues of the Bottom

of said Bay including all the Islands, extending from the Lake Back as far as a man can Travil in a day, the Chiefs Claiming the Lands at the Bottom of the Bay Could not be got together at the Present. I believe their Land can be got nearly on the same Terms I bought this when I see them.

The Consideration Demanded By the Chiefs, for the Lands granted, is that all the familys Belonging to them shall be clothed and that those that have not Fusees shall receive new ones some Powder and Ball for their Winters Hunting as much Coarse red Cloth as will make about a dozen coats and as many Laced Hats, this I have promised they should receive so soon as I could get it and hope you will send the Articles mentioned soon as convenient...

... The Missasaugues appear much satisfied, that the white people are coming to live among them, three Onondaga Chiefs lately from Montreal were present and approved much of what the Missasaugas had done, not a word was said in regard of the Mohawks if any written Obligation is wanted from them let it be sent up and I will get it executed.²¹

This transaction can be critically examined and discussed from many perspectives, but is included here to place what we see around us today, in Kingston/Ka'tarohkwi, in the truthful and specific context of a dubious Land transaction whereby material goods were exchanged for Land, with no details of exactly what this transaction meant to all parties. Rather than respect, humility, and gratitude for tolerating our/their settler presence, here, as in many other municipalities, we have seen contemporary settler attitudes of entitlement enacted daily.

Heritage spaces and museums have a unique opportunity and, we argue, a responsibility to present these truths to their visitors. This does not necessarily have to be framed within decolonizing structures, but simply as truth-telling about the ongoing colonial contexts that we are living in today. The project to include Indigenous knowledge and narratives about the Land where Murney Tower stands is an example of how this work can move these sometimes difficult conversations forward.

Context and Motivations for the Panel Project

The heritage society that acts as the “parent” organization to the Murney Tower Museum leases the interior of the Tower from Parks Canada. The society administers the hiring of a part-time curator as well as summer students to act as guides and interpreters, and has a board of directors that oversees the general operation of the Tower through its director, Tabitha, who is also the chair of the museum’s steering committee. The Tower runs more or less autonomously and independently from the heritage society, with its own website,²² programming, and strategic plan, and has clear objectives with regard to increasing diversity and inclusion.

Simge Erdogan-O’Connor, curator of Murney Tower, and, Tabitha, provided these details about recent activities and plans as of July 2021:

From 2020–2021 Murney Tower Museum has been working extensively on developing new educational programs and engaging activities that can make more aspects of the museum available to the public and share more stories of Kingston. In December 2020, we launched a photo contest entitled “Murney in Retrospect” to create a community photo archive which can reminisce the museum’s 95th year journey and capture the diverse impressions of the Tower. We’re doing an online summer camp in 2021, and an online trivia night. We’ve got an online collection series that is updated once a month and we’ve posted new virtual exhibits online. We’ve been making YouTube videos, including a new cooking series. We’ve done some live shows with The Phantoms of Yore. We participate annually in Kingston Association of Museums “March of the Museums” and the Kingston Regional Heritage Fair.

We invited the community to take part in our strategic planning process by telling us what they think about our museum and where would they like to see the museum in the next five years. We held five focus group conversations with our internal and external stakeholders and launched a comprehensive online survey which was completed by 262 people. These results determined our next five-year strategic priorities and helped

us create a community-g geared strategic plan which will be announced in August 2021.

Lastly, we created a new and improved website for the museum to address changing audience needs during the age of Covid-19 and make more resources available online. Launched in May 2021, our website includes a set of special features like online exhibits, collection highlights, blog and stories, and educational activities that make more aspects of the museum available to the public. Our stories section, in particular, features engaging stories which focus on our collections, our site as well as the broader history of Kingston that paint a vivid picture of the compelling and conflicting past of the Murney Tower as well as of Kingston.²³

One of the main points in the strategic plan was the need to formulate a new interpretative plan for Murney Tower, with a general directive to tell more diverse stories inspired by the structure and its location. Since the publication of the TRC's *Calls to Action* report in 2015, the City of Kingston and Parks Canada (which together operate Bellevue House, where former prime minister John A. MacDonald lived from 1848 to 1849) have also been looking at ways to present more truthful and expansive narratives at heritage sites across the city. In October 2017, the Ontario Museums Association conference was held in Kingston, with the theme "Strong and Successful Museums: The Road to Renewal."²⁴ Terri-Lynn, together with Hugh Ostrom, then acting National Historic Sites superintendent, Georgian Bay and Ontario East, for Parks Canada, and Dr. Jennifer Campbell, the City of Kingston's cultural heritage manager, gave a workshop titled "First Peoples Inclusion in All Things Museum."²⁵ Terri-Lynn spoke about the TRC's *Calls to Action* 67–70, which are directed at museums to start the necessary process of "Reconciliation," and asked the audience: "What calls to action have impacted or been considered in your museums or are you aware of?"²⁶ She defined "decolonization," for the audience, as:

A process that not only refers to the complete removal of the domination of non-Indigenous forces within the geographical space and different institutions of the colonized, but it also refers

to the decolonizing of the mind from the colonizers' ideas that made the colonized feel inferior.²⁷

Terri-Lynn spoke about the City of Kingston's three-phase Engage for Change (E4C) program,²⁸ which obtained federal and municipal funding following her 2015 report *Kingston First Peoples: Purposeful Dialogues – Relationship Building: Phase 2*.²⁹ The focus of the E4C program's first year, beginning in January 2017, was to hold ten community talking circles for various invested groups that wished to speak further about Reconciliation, including church groups, social service not-for-profits, arts and heritage organizations, and educational committees. These talking circles were important, because they exposed local museum professionals to an understanding of the TRC's *Calls to Action* report as well as UNDRIP. The circles also afforded multiple opportunities for conversations that reinforced the local significance of implementing the TRC's ninety-four Calls to Action. Terri-Lynn went on to discuss "Successes," "Challenges," and "Takeaways," and emphasized that "decolonization is a process that starts with acknowledging a lens of privilege; Indigenous need to do the talking."³⁰

Laura:

I read Terri-Lynn's ground-breaking report *Kingston First Peoples: Purposeful Dialogues – Relationship Building: Phase 2* soon after I arrived in Ka'tarohkwi/Kingston, in 2017. A particular quote from a local Indigenous community member specifically sparked my interest: "How come we're invisible when we're still here?" I see this "invisibility" as one of the many ongoing consequences of colonialism, or "settlerism," which is inextricably tied to the settler privilege of choosing whether or not to even acknowledge that we live in a colonial state,³¹ or whether to even think about the many ways our presence as settlers has created colonized victims in Indigenous communities. To me, this overall lack of perception by non-Indigenous populations about the

ongoing violence and trauma our settler presence contributes to, and is complicit with, is further evidence for this privilege of choice held by non-Indigenous people in settler-colonial societies.

Terri-Lynn's presentation was a formative moment for Murney Tower because both Tabitha, who became the director in 2019, and her predecessor in that position,³² were present in the audience. It was this moment that inspired the panel project, as a means of realizing the desire to expand narratives at Murney Tower that included the TRC Calls to Action.

Danielle:

In my mind, the OMA workshop that Tabitha and the former director attended helped to prioritize the creation of the [new descriptive display] panels and instigated the project. They saw what had been done at Bellevue House and realized we could do this at Murney Tower, by adding additional stories to the space. When we planned the project, I knew that we had to find an Indigenous voice to tell this story, because it was not our story to tell.³³

The resulting project not only opened new lines of interpretation and opportunities for visitors to Murney Tower to learn about local Indigenous histories, but also, we feel, an unexpected learning moment and an opportunity for personal reckoning with colonialism and Reconciliation for the heritage society as well.

Murney Tower: The Site of Re-Vision

Murney Tower is a nineteenth-century colonial military installation constructed in 1846, commonly referred to as a Martello tower, imposed upon the landscape at a strategic point along the shore of Lake Ontario.³⁴ Along with Murney Tower, three other Martello towers were constructed in Kingston at this time: one at each of the locations now known as Point Frederick and Cedar Island, and one in front of City Hall, inside the harbour area. Martello towers are named after a fortification constructed

along the coast of Corsica, and which survived a British attack in 1793. The British also built such towers along Britain's southern coast, for protection against Napoleon.³⁵ Today, Murney Tower is maintained by Parks Canada (for the exterior and the grounds) and the heritage society (the interior, with interpretation and visitor services), which rents the space from Parks Canada for the purpose of presenting a museum devoted to the Tower's historical context. As of 2021, Murney Tower Museum was ninety-six years old, making it the oldest operating museum in Kingston. The museum is governed by a steering committee composed of passionate volunteers, and makes regular reports to the historical society's board.

A welcome sign (figure 2) proclaims the tower to be a "Universal Treasure," although it is unclear exactly what value would be appreciated "universally," or even among all segments of our own earthly societies. The sign demonstrates how the colonial federal government of Canada invests in maintaining a landscape of memory dedicated to colonial warfare and to glorifying the insinuated political power invoked by such structures. Indeed, even the classification "National Historic Site of Canada" relays incorrect information, since the Tower predates the formation of the current geopolitical state of Canada, thus glossing over the purposeful creation of this country through the use of force and Land theft.³⁶ The tower is part of a UNESCO World Heritage designation celebrating the imposition of the Rideau Canal complex³⁷ without regard to the damage done to Indigenous uses of or reliance upon the waterways and drainage areas it occupies.³⁸

Inside the tower, the interpretive content presents the theme of "daily life" for a fictional, "typical" Royal Canadian Rifle Regiment soldier and his family, who might have inhabited the tower in the 1880s:

The care to preserve the building, as seen everywhere in the design, was applied to its upkeep for a time after peace had been permanently secured. Small detachments of soldiers occupied the tower, and later it became successively the home of several families connected with the permanent militia, stationed at Kingston. In May, 1882, a baby girl was born in Murney Redoubt, and her parents named her Murney May in honour of the tower.³⁹



Figure 2: Welcome sign for Murney Tower, in the colonial languages of French and English, July 2021. Photograph: Laura Phillips.

The new descriptive display panels that Terri-Lynn and Danielle created for the Murney Tower project were conceived to tell some additional truths that were missing from these contexts.

A pamphlet reprint available at Murney Tower during the summer of 2019 presents a romanticized version of the Tower's history, from its construction in 1846 through to 1963, when the text was originally published in the journal *Historic Kingston*. As of 2021, the pamphlet has been discontinued and a new version is available. We share the discontinued text here to demonstrate the “received narrative” offered to the general public from 1963 until 2020, and to underscore that, prior to the panel project, no interpretation was offered on site that placed the Tower in the broader colonial, or pre-colonial, context:

Vacated by the militia when it became obsolete as a fighting unit, this pile of masonry, situated on the shore of Lake Ontario in MacDonald Park at Kingston, Ontario, was left to the mercy of a merciless enemy—neglect. Slowly, but surely, the ravages of time took their deadly effect, and on the last day of September, in 1921, an exceptionally heavy autumnal gale which swept in from the lake tore off the frame roof placed over it for protection, and

a boy was killed by falling debris as he was returning from school. It was a rude shock to Kingstonians who, for the most part, had been quite oblivious of the major struggle that had been going on before their eyes, and who had felt rather proud of the fact that Kingston's fortifications had neither fired a shot, nor spilt any blood in defence of the city. This tragedy focused their attention once more on the city's past, and renewed their active interest in it more than ever before.

Murney Redoubt was built in 1846 as part of a series of defensive works which the British Government erected about the town during the first half of the nineteenth century. The experience of the War of 1812 had demonstrated that Kingston was in need of a protection more adequate than that afforded by the blockhouses and the wartime fort on Point Henry, then in existence; and an elaborate programme of defence was planned by the British Royal Engineers, which owing to changing circumstances, was never fully carried out.... The most westerly of these outposts was to be situated on Murney's Point, which was just outside the limit of the town as it was then constituted, which was owned at one time by Henry James Murney, a master of a merchant vessel.⁴⁰

... Visitors to the top of the building may see at a glance several of its main features. Much of the defensive work of the garrison would have been carried on from this point, which is reached by a winding stair, built right into the stone wall. At the top one comes out on a gun platform, surrounded by a parapet, about six feet high, and protected, at present, by a frame roof which was designed for protection against the weather. Upon this gun platform is a thirty-two pounder cannon, mounted on a circular track, and capable of being swung to any point of the compass with comparative ease.⁴¹

By 1890 Murney Redoubt was regarded as obsolete by the militia and, as such, was looked upon as a useless extravagance to keep up. So it was evacuated, along with the other Works about the city, and left to fight its battle against time alone, which what result we have seen. Following the tragedy of 1921, however, a new roof

was placed over the building and the Kingston Historical Society secured it from the Government to serve as a museum of curios, deposited by the interested citizens of Kingston. As such it was officially opened on August 1st, 1925.⁴²

In 2018, Danielle, then the curator at Murney Tower, commissioned content from Terri-Lynn that would bring Haudenosaunee and Anishinaabe presences into the space and engage visitors with a richer understanding of the Land that the Tower currently occupies, on the shore of Lake Ontario. The funds for this project were the result of a successful grant application to the Community Foundation for Kingston & Area (CFKA).⁴³ Tabitha explains how the panels respond to the desire to expand the museum's mandate in new ways, rather than maintain the former, narrow focus on the British colonial military period:

If a museum has too narrow a mandate, it's going to lose relevance to its community, lose its authority as a storyteller in the community, and it's just not going to grow and people are not going to want to come back if it is the same panel every year.... We, as storytellers of our community, have an opportunity, if they come through the door, to change hearts and minds. We have the opportunity to influence people and educate them about things they have never thought about before.

The new panels meant that Murney Tower would now offer interpretative content that not only honoured its responsibility to the TRC Calls to Action and UNDRIP, but would also serve as an opportunity for local voices to shape the interpretative story.

Terri-Lynn:

I was interested in undertaking the panel project because it addressed multiple issues of importance for me professionally. As a continuing licensed archaeologist in Ontario, and specifically having worked within the heritage field for the bulk of my professional career, I embrace opportunities to tackle the essentially flawed and archaic visions of

many modern museums—especially when it comes to the violent, stereotypical, and illusionary (mis)interpretation of Indigenous worldviews, lived realities, and truths. The chance to present a true story of Murney Point, in an exhibit that honours oral and auditory traditions, was intentionally grabbed by me with decolonizing intent. I saw this not only as an opportunity to influence truth telling, but more of a responsibility, as a community partner, in the role of education: providing teaching and learning for all who enter these museum spaces.

Danielle:

I felt the panels made the tower more inclusive, answering my curatorial desire to share additional narratives in appropriate ways. We wanted to tell different stories—that is why we brought in the Indigenous content—because we plotted the Land use. Before the tower was there, it was an orchard, it was a farm. Before the war of 1812, it had a Block House, so there was all of this cool Kingston-specific history that was not really being told other places ... it made sense to bring in what the Land use had been even before that. The thing about Kingston—Kingstonians are very proud of their history, their memories go back years, so it was also important to highlight the community's involvement in making it a museum. It was really a community driven museum from the very beginning.

Opportunities for Multi-Nation Meanings and Teachings

Terri-Lynn carried out research and gathered information for the panel texts, which were then translated into Kanien'kehá and Ojibwe (Anishinaabemowin).⁴⁴ The project budget was adapted, treated flexibly, to honour her request that these languages be visible in addition to French and English, so that the panels would then carry all four languages spoken

on the Land of the Tower. The privileging of voices for each Indigenous language exemplifies what Métis scholar David Garneau refers to as “ir-reconcilable spaces of Aboriginality,” namely:

Indigenous intellectual spaces that exist apart from a non-Indigenous gaze and interlocution. The idea is to signal to non-Indigenous spectators the fact that intellectual activity is occurring without their knowledge; that is, “without their knowledge,” as in without their being aware, and “without their knowledge” in the sense of intellectual activities based on Native rather than Western epistemologies.⁴⁵

Not only does this return to the Land’s original languages demonstrate to non-Indigenous visitors that they are not privy to all intellectual knowledge, but, as the project is presented, non-Indigenous speakers may also not even recognize that the English translation into Kanien’kehá actually tells a different story than the translation into Anishinaabemowin. The refusal⁴⁶ implicit in Terri-Lynn’s decision not to translate the Indigenous texts identically for English and French audiences centres how the meaning and teaching of each text differs according to separate Indigenous truths about the Land. This decision lends each story a space of autonomy and self-recognition, thereby moving the conversation onward from *equality in representation* and toward *accepting difference and authority* in the use of textual methods and oral traditions.

Terri-Lynn:

Working with Indigenous Elders and Knowledge Keepers is essential to tell the true story of our (Indigenous and settler) shared past, and during the whole process, from research to presentation, opportunities came to light to learn and grow in my own understanding and knowledge of the area. One particular new teaching that I was afforded occurred during the Anishinaabemowin translation process, when the Anishinaabe Elder who was offering the translation from English disagreed with how I had characterized the description of the Dish With One Spoon wampum treaty.⁴⁷

The preamble to the interpretation of the Dish With One Spoon wampum explains my positionality and makes it clear that I am writing the individual truths shared with me:

This text is a compilation of written history and oral teachings as collected and shared by Dr. Terri-Lynn Brennan, Onkwehon:we (Mohawk) and British, who currently resides on Kawehnóhkwes tsi kawè:note (Wolfe Island) off the coast of Kingston. Dr. Brennan's interpretation does not represent the voice and opinions of all Onkwehon:we and/or Indigenous Peoples of the region as all Indigenous thinkers acquire their knowledge from the voices of their clan/grandparents, knowledge keepers, elders and/or leaders, and each voice shares stories of their truth. As a friend and sister, Knowledge Keeper Anne Taylor of Curve Lake First Nation offers "Oral accounts of our history give the viewpoint of the individual community or Nation. This is the beauty of oral history; the history must be truthful and must acknowledge where that history comes from." Therefore, to avoid appropriation and respect the process of rebuilding truthful relationships with First Nations, we ask that if you repeat anything you have learned here today about the life and history of Indigenous Peoples, please reference Dr. Brennan and/or those Indigenous voices she has referenced in her text as your source. Nya:wen'ko:wa, Thank you very much.

As I am of Kanien'kehá:ka heritage, I wrote the content according to my teachings and the oral traditions repeatedly shared with me by Kanien'kehá:ka knowledge carriers. However, in speaking to the Anishinaabe Elder, I learned of the multiple understandings of this wampum treaty and could not therefore judge or impose a Mohawk perspective on the Anishinaabemowin panel's text or interpretation.

Humility is one of the Seven Grandfather Teachings in the Anishinaabe culture, and is equally delivered through the responsibility of Righteousness in the Haudenosaunee Great Law of Peace. Knowing when to be humble is important for Indigenous Peoples, and Elder and Knowledge Keeper teachings, experience, and wisdom outweigh colonial concepts of credentials through their view of higher education.

The English and French language versions were edited to reflect both the Kanien'kehá:ka and Anishinaabe points of view. The Kanien'kehá and Anishinaabemowin texts therefore are not identical in their meaning, but rather respectfully reflect self-determining and sovereign truth afforded by the Elders, whose oral traditions have been passed down through their Elders for generations. Critically, this project placed the authority of storytelling into the autonomous hands and words of independent nations, to tell their own histories and truth.

This is the text of a wampum teaching, which is included as a handout to accompany the panels:

DISH WITH ONE SPOON *WAMPUM BELT*

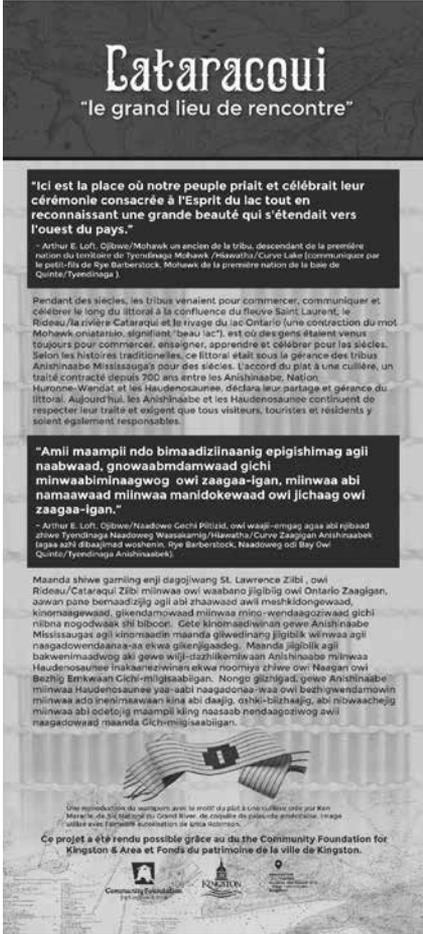
Through the ages, First Nations communities have often come up against one another for food, land for food cultivation, vegetation/trees for houses and other community structures as well as natural resources for technological invention and tools. The north shores of Lake Erie, Lake Ontario and the St. Lawrence River as shared by the Anishinaabe and Haudenosaunee is a region that saw many skirmishes in the past. But with the creation of the *League of Five Nations* and in turn the *Kayanerenkó:wa* or *The Great Law of Peace* some 700 years ago, the *Haudenosaunee* began to approach relationships with their neighbours as opportunities to forge peaceful negotiations and establish a shared stewardship of the resources on *Turtle Island* (the name the First Nations

use to describe the continent of North America). In fact, many agreements over the centuries are still considered binding contracts to this day and First Nations regularly recall the original intent of these covenants by presenting and re-reading what is called a *wampum* belt.

Most commonly made from the Quahog, a round clam shell, the word *wampum* comes from the Algonquin term for the shells. The process of making *wampum* beads is an arduous one, with a series of creating cubes out of flakes from the shell, drilling holes through the centre of the cubes, then shaping and smoothing them into beads to be strung on lengths of thread. The colour of the shell plays a significant role in revealing the information of the *wampum*, for white *wampum* signifies peace, while purple relates messages of more serious or political matters.

For the *Haudenosaunee*, *wampum* held a sacred use. Bound on strings, *wampum* beads were used to create intricate patterns on belts, and these belts are used as a guide to narrate *Haudenosaunee* history, traditions and laws. *Wampum* served as a person's credentials or a certificate of authority and are often used for official purposes and religious ceremonies including as a way to commit to peace (*Haudenosaunee*).⁴⁸ A most relevant *wampum*, especially to this shoreline region between the *Anishinaabe* and *Haudenosaunee*, is the *Dish with One Spoon Covenant Wampum Belt*, originally adopted some 700 years ago. It is a *wampum* covenant still adhered to today.

The significance of this belt is shared by Elder Doug Williams, a former Chief of Curve Lake First Nation, and through Knowledge Keeper Anne Taylor, “[Doug’s] understanding of the Dish With One Spoon is that ... it is an agreement to share [*Anishinaabe Mississauga*] hunting territory with our brothers, the *Haudenosaunee*, at certain times. The *Haudenosaunee* are welcome to hunt within our territory during the times when our Nations meet to renew and feed our friendship. This is when hunting is allowed. During other periods, permission would need to be requested and decisions would then



Figures 3-4: The interpretive panels installed in the summer of 2019.

be honoured and respected. It is our understanding that this treaty between our Nations is something that must be fed and revisited on a regular basis.⁴⁹ As a Haudenosaunee woman, I take great humility in continuing to abide by this *wampum* in sharing and renewing the friendship that began so many generations ago between my *Anishnabe* brothers and sisters to the north and my *Haudenosaunee* ancestors who occupied these shorelines.

The panels (Figures 3–4) were installed in the summer of 2019. At the reception, a presentation was given by Terri-Lynn on the Tower’s top platform, where the cannons point across Lake Ontario to what is now New York State.

A Decolonizing Analysis of the Panel Project

For museums or heritage spaces thinking of undertaking work to create and include truthful narratives, it is essential that the *doing* of this work is achieved in decolonized ways, with *full autonomy* given to the person carrying out the work. The choice of *who* does the work must reflect the voices that are to be shared. If the desire(s) is to include or centre Indigenous knowledges, it is absolutely essential that Indigenous voices are doing this work—and not just presented with requests for approval upon final drafts.

In our case study, both the *how* and the *what*, in regard to these panels, can be seen to activate the recommendations set out in UNDRIP and the TRC Calls to Action. This project shows how museums can actively initiate processes of change—not just through their exhibition and interpretive content, but in the *manner* in which these tasks are undertaken. As we have discussed, Terri-Lynn had full authority for the content of the panels, and drew on the wisdom of additional Indigenous Knowledge Keepers to tell the multiple truths required for the project.

Terri-Lynn:

The content of the panels is knowledge afforded to me through teachings, through consultation with Nations present here for countless generations. My particular expertise and experience meant I could gather information and responses to present content that told the truth of the complexity of discussing the Land in the millennia that prefaced the arrival of Europeans.

Although the text does not say so explicitly, these panels show the colonial-era construction of the Tower was an imposition on a landscape used in countless other ways by local Indigenous Nations, since time immemorial.



Figure 5: The panels in situ, summer 2019. Photograph: Nicole Mulder.

Danielle’s approach to the project, in having Terri-Lynn curate the design, exemplified how Indigenous and settler partners can work together on such projects, as Terri-Lynn trusted and relied upon Danielle’s full, authentic, and transparent disclosure to support the making of the exhibit.

Danielle:

The panels were purposefully designed to fit in with the flow of the existing interpretation panels in the exhibition space. They were not supposed to stand out as “Other.” This was intentional, to demonstrate in an embodied way that this history was just as integral to the space as the other stories around the Tower itself. There is no “introductory” text to the panels, to explain to visitors this is what the panels are for; they simply stand in the alcove, with an audio track playing the Thanksgiving Address in Kanien’kéha.

The collaborative nature of Terri-Lynn and Danielle’s working relationship took shape progressively, as when Terri-Lynn suggested the

possibility of incorporating an auditory experience to complement the panels' stories, after the project was well underway. The budget was again adapted to incorporate a motion-sensor-activated audio recording of the *Ohén:ton Karihweatéhkwen* (The Matters Before All Else) ceremony, presented in Mohawk by Emily Coon, a local language speaker. The recording would be activated after visitors read the opening panel and acted upon the request, in that text, to move into a nearby turret alcove and look out the adjacent window across Lake Ontario (see Figure 5).

Local languages are an essential part of Indigenizing content, not only in written forms but also in oral/aural methods. This imbues spaces with sounds that have been heard, understood, and shared since time immemorial, and also helps with the vital work of stabilizing Indigenous languages. Vanessa Watts, a scholar with both Anishinaabe and Mohawk ancestry, speaks of the importance of this Land continuing to hear these original languages:

As Indigenous peoples, it is not only an obligation to communicate with Place-Thought (ceremonies with land, territory, the four directions, etc.), but it ensures our continued ability to think and act according to our cosmologies.... Even amongst ourselves it can be easy to forget that our ability to speak to the land is not just an echo of a mythic tale or part of a moral code, but a reality. Whether this forgetting has been forced upon us, or our ears have become dull to the sounds of the land speaking up through our feet, it is now incumbent upon us to remember.⁵⁰

The sensory experience of the *Ohén:ton Karihweatéhkwen* (The Matters Before All Else, sometimes also referred to as the *Thanksgiving Address*) brings together the visual experience of the panels, the multi-sensory experience of being within the colonial tower structure, and the view of the lake. For the thinking visitor, open to new ways of understanding spaces as part of their own Reconciliation efforts, this project presents multiple opportunities for applying decolonizing perspectives on a personal, experiential level. To the majority of visitors to the Tower, Kanien'kéha is an unknown language; but, as one of the original languages of this Land, the stones of the Tower, and the physical landscape upon which the Tower

stands, will recognize it. The blood memory of the landscape no doubt welcomes the humbling words of thanks which the *Address* offers to the ears.

In the panel texts, the word “decolonization” is not mentioned; nor do the panels present “trauma stories” or facts about displacement and genocide. In this, they respond to Tuck and Guishard’s critique of researchers who focus on:

damage-centered research, in which researchers set about proving how individuals, tribes, schools, and communities have been impacted by deprivation, trauma, and loss. In this kind of research, there is a general belief that effectively documenting damage will convince those in power to give up power and resources and make needed change.⁵¹

Instead, Terri-Lynn presents relevant content about Indigenous uses of the Land, which answers the need, expressed in her aforementioned report, to make local Indigenous people feel more visible, using words that celebrate their presence, enduring strength, and resilience.

Beyond Tuck and Guishard’s work, studies in psychology have shown that a catalogue of facts, or of pros and cons, does little to change people’s minds or opinions, especially when personal identity is being questioned: “We often react to opinions we disagree with defensively, viewing them as threats to our identity. We also do the same with facts: when confronted with facts we disagree with, we often do not change our perceptions.”⁵² This is referred to as “confirmation bias.”⁵³ These panels show how museums can present new information that might be experienced as jarring by audiences accustomed to texts that presume consumption by settler visitors, many of which serve to “naturalize *white* settler presence.”⁵⁴

Terri-Lynn acknowledges that the word counts in her texts run longer than the “recommended” museum standards. Lord and Piacente’s *Manual of Museum Exhibitions*, a standard reference text for museums in North America and Europe, gives these word count guidelines: “Main Titles: 3–8 words; Subtitles: 10–25 words; Group Texts: 50–60 words; Detail Text: 60–80 words; Artefact Text: 10–20 words.”⁵⁵ In our view, these standards seem to have been developed for commentary on the “Other” rather than as realistic acknowledgements of the vast knowledge that people might

want to share in regard to *their own culture*—as exemplified by Terri-Lynn’s text and accompanying handouts. This reveals yet another way in which museums need to decolonize in practice: namely, through close examination of *how and what kinds* of information are privileged. If we take into account the above-referenced psychological studies, then the existing museological standards with regard to word counts ought to be reassessed.

Beyond the actual words and graphics provided to be heard or read, many types of decolonizing work can be identified throughout the project, all of which may be taken as guiding principles for other projects of this kind:

- The RFP for a consultant to undertake this project indicated a preference for a local Indigenous voice, either a consultant or a post-secondary student (and would not have proceeded without said voice leading the project);
- The full-time curator of the museum space was sufficiently humble and confident to hand over all decision-making for the project to the consultant;
- A respectful budget was set aside to compensate a professional consultant, with some flexibility in regard to both costs and time expectations;
- The entity responsible for the space/organization—in this case the board of directors, which set the project’s mandate and budget—approved of the above approach (despite perhaps not being fully versed in the project to be undertaken);
- The panels were created by a local consultant of Kanien’kehá:ka ancestry with a felt connection to this place;
- The resulting panels include Anishinaabek truths, showing that there is no “single” way of knowing this Land, but multiple truths, depending on your positionality;
- The panels present precolonial uses of the Land and do not centre the colonial structure;
- The panels do not centre the ongoing colonialism of this place by focusing on decolonization;

- The panels present content in local Indigenous languages as well as the colonial languages, and accord all languages equal weight and space; and
- The project includes a meaningful audio component, in a language otherwise not included in local spaces, especially museums, but that is an original language of the area.

Visitors may or may not appreciate all these points, but the important thing is that the panels present all this material for purposes of adding to comprehension, together with handouts that can be referred to later. Visitors may or may not connect the dots, in terms of personally understanding the implications of the panels' content; and they may or may not be equipped to place the panels within the conversation happening in Canada around issues such as Reconciliation and decolonization. Nonetheless, we feel that simply having the panels and their content be presented within the otherwise colonial space of Murney Tower comprises an opportunity for audiences to take away additional, and possibly new, information—with clear and direct examples about the strength and resilience of the Indigenous Nations that are *still present* on this Land. This content means that the space no longer forecloses upon, nor erases, the multiple millennia of peoples who lived in this place prior to the construction of the colonial city of Kingston. These components are essential in the learning, and unlearning, that needs to be done by settlers. Encountering this information within a space where it was not expected could mean, for the visitor, an even more memorable and thought-provoking museum experience.

Danielle:

I don't know if people expect decolonizing content, but they should. They should expect it when they walk into a local history museum—basically every local history museum, in my opinion, in Canada, should have something about Indigenous Peoples. I expect it. I don't know if the general public expects it. Without it, you are not telling the complete story.

We anticipate that visitors might retain and refer back to the exhibit content later on in the course of their Reconciliation journey, when they learn about some other fact or information regarding the ongoing imposition of colonial structures. Normalizing decolonial content is what all museums, of all collection types, across this Land need to be doing *now* to activate “Reconciliation” and to afford visitors an expanded understanding of truths that have gone untold for the past few hundred years.⁵⁶

Feeling Unsettled

In the summer of 2019, Laura was looking into possible case studies to study for her PhD research, which would include a community-based research component conducted through participatory interviews.

Laura:

I was interested in looking at the panel project from multiple perspectives as a case study for my PhD thesis, which was looking at ways to challenge museums as sites of colonial authority. Part of my preliminary research involved a site visit, to meet Danielle, and email discussions with the director of Murney Tower at that time: Tabitha. I visited museums in Kingston in spring and summer 2019,⁵⁷ as part of my research proposal preparation, and did not see many examples of Reconciliation or decolonizing efforts that would work for my research intentions (though most of the museum staff I met with were interested in learning more about how to approach these topics).

I found Terri-Lynn’s panels were really exciting and progressive, in an otherwise mostly colonial and conservative city. I hoped to interview members of the heritage society board to discuss their perspectives on the panel project, with a view to documenting changes of perspective and potential reckoning with personal colonial complicity. I felt this would be extremely useful to share as learning opportunities for

other settlers and similar heritage spaces, as we go through personal and institutional Reconciliation journeys.

I was invited to present my research proposal to the heritage society board in December 2019. At the meeting, I was the first item on the agenda. I launched into an explanation about my enthusiasm for the panel project at Murney Tower and explained the context of my research into ways museums can be used as sites of decolonial conversations. I explained that I saw the panels, and the project process, as really “cutting edge” and ahead of many other museums, because the content answers some of the TRC Calls to Action. When I paused for comments, questions, and what I anticipated would be discussion about the panels, I was met with an array of responses (or non-responses) ranging from silence to confused looks. I fielded a few questions around my “research methodology,” but it was immediately apparent that the board members present were unfamiliar with the details or wider context of the panels.

Tabitha passed around their recent newsletter that had details about the project, and provided some additional information, but it was clear that a decision on my proposal would not be made at that meeting. I explained it was fine if they preferred to defer the decision, and left the meeting. In February 2020, the heritage society emailed me and said that the board were not willing to speak to me about the panel project, but that I was permitted to speak to the team directly responsible for the panels. I was disappointed, but pleased they were willing to let me do part of what I had requested, even if this meant changing the trajectory of my research intentions.

After Laura’s December 2019 presentation, the board of directors discussed the proposal and the panel project in great detail, to get a better understanding of how the panels fit into the interpretation and larger

strategic planning goals at Murney Tower. The museum staff felt it was particularly important to place the Tower in a wider historical context and not focus only on the *comparatively recent* colonial history. The panels explain that the Land upon which the Tower stands today was used by, and lived upon in relationship with, Indigenous Nations for countless millennia. In hindsight, the fact that Terri-Lynn, as creator of the panel content, has not been brought into these discussions to date is perhaps, we feel, a missed opportunity. Terri-Lynn is well known to the society, has given talks for them on multiple occasions, and feels that they should have approached her, with humility, to ask her to lead them through their reckoning. In our view, not including Terri-Lynn is an example of further erasure of an Indigenous voice (and not just any voice, but the Indigenous voice most relevant to this particular discussion) and thus compounds perceptions of invisibility and the emphasis on the settler fear of challenging all that they/we have come to “know” through assimilationist “experts” to date.

We highlight this development here to suggest to all museum and heritage bodies that, to be intentionally inclusive, we need to look around at our decision-making tables and ask: “Who is not here as part of this conversation?” “Whose voice is relevant to this discussion, for providing understanding and guidance, and for reaching a responsible and equitable alternative outcome?” Not offering opportunities for Indigenous Peoples to share their stories, truths, and lived realities perpetuates acts of unconscious and unacknowledged colonial entitlements by museum/heritage decision-makers. Our purpose, here, is to “call in”⁵⁸ this behaviour for the purpose of avoiding these missteps in the future.

We share these reflections on the internal reception of the panel project because we feel it is essential to move forward, away from the paralysis-inducing fears that many settlers feel when working toward Reconciliation goals. We acknowledge that among settlers, there is confusion and worry about doing the wrong thing, with people wondering, “Is this my story to tell?” “Is this our mandate?” “Am I going to say the wrong thing? And hurt somebody?” We recognize that people might prefer to hang back and let someone else start the process. We understand that there is a mix of fear with this uncertainty, which tends to result in hesitancy and silence, along the lines of “better to say nothing than to say something problematic”

(even if an understanding of what might be “problematic” is a default excuse only in the minds of settlers). Most Indigenous Peoples have been ignored for too long to feel sparked by an attempt at communication, if the person making it begins the conversation by admitting their privilege, their ignorance, and their desire to grow a sincere relationship build on humility and trust. We prefer to encourage settlers to start this imperfect process; otherwise, it is going to take more than seven generations to make any headway in our Reconciliation goals.

We felt there was value in sharing this story as it unfolded, because, for too long, many settlers have been living their lives without ever having to think about our/their possible complicity, as we/they continue to take up space on stolen Land. *These are conversations that need to be undertaken in all communities, all societies, and all heritage spaces across Canada today.* Many settlers do not understand what the TRC Calls to Action have to do with us/them personally, because we/they are merely continuing on as our/their parents and earlier generations have done. However, the truths that are unfolding around us all, especially in relation to the recovery, in 2021, of children murdered in acts of genocide that took place at residential schools,⁵⁹ are forcibly removing this space of comfortable ignorance and insisting, instead, that settlers question our/their accepted and comfortable ways of being and thinking. Undoubtedly, this is going to be a slow process and needs to be understood as a *continuous, ongoing journey* rather than something that can be resolved or achieved quickly.

Difficult Conversations in Community Contexts

Discussions that help articulate why settlers feel discomfort and how we/they can work through these feelings are extremely important, because this helps us/them to recognize their/our own feelings as we/they work through the implications of Reconciliation journeys. Prior to specific events that unsettle those norms that are taken for granted as the “status quo,” settlers enjoy the privilege of not having to think about their/our direct responsibility for and complicity with colonial benefits, as observed by Snelgrove, Dhamoon, and Corntassel:

If we do not want to, my family and I do not have to think about, let alone experience, the violent processes that condition(ed) how

we came and come to be here. Conversely, when we do choose to think about this, we are often able (and even encouraged) to think of it in terms of a celebratory, benevolent past.⁶⁰

Our intention, here, is to demonstrate that for many settlers in Canada, even six years after the release of the TRC Calls to Action, the bigger picture of what Reconciliation (or our preferred term, “perpetual conciliation,” after Garneau)⁶¹ means for us/them personally is just not getting through. There is still ignorance, among the general non-Indigenous public, about the ways that historic narratives of this Land, and the language we use every day, gloss over and conceal hard truths,⁶² which, in turn, glorify and perpetuate settlers’ ongoing feelings of entitlement to displace Indigenous Nations.

Tabitha:

I don’t meet people who are not supportive of truth and Reconciliation once they understand it; it’s bringing them to understand it. Because they are still working on the *truth* part, we haven’t got to *Reconciliation*—because they are still coming to terms with learning something, only a few years ago, that they didn’t even know happened, so they are like, “Wow!”

We feel that these conversations are not unique to Kingston/Ka’tarohkwi, but that they can play out in many communities and municipalities, especially as museums and heritage spaces begin to enact the changes indicated by the TRC Calls to Action and the UNDRIP articles. We are concerned that the fear of repercussion for incorrect actions or missteps will bloom into paranoia,⁶³ and lead to inaction and paralysis instead of to an understanding that it is natural that feelings of discomfort should emerge, given the pace of change required to shift perspectives. *Becoming comfortable with discomfort is needed now, across the heritage sector. But, just as important, settlers need to be aware of and understand that there is a fine line between embracing discomfort to achieve positive progress and displays of words and actions that only perpetuate tokenism.* Tokenism is often the result

of decisions made based on considerations of “how our organization might look” if it did not:

- Hang that multi-Indigenous-language sign;
- Recite a Land acknowledgement;⁶⁴
- Recruit an Indigenous board member; or
- Showcase Indigenous ancestors⁶⁵ (objects) on our website

Such *tokenistic responses* do nothing to invoke or enact the kind of permanent, ongoing changes that are past due. Individuals and organizations alike need to begin their journeys of self-actualization, reviewing their unconscious bias and habits of racism and privilege, and asking Indigenous—and, for that matter, Black People and People of Colour—to *lead the way* in deconstructing and decolonizing the ways in which we/they have been taught to think, act, and know the world around us. For settlers, it is important not to overburden or expect additional (free) labour from IBPOC⁶⁶ colleagues. There are huge volumes of resources available and courses on offer that can help kick-start this journey, part of which will be learning how to build humble, respectful, and reciprocal relationships. The first step is researching resources that are local to you, your organization, and the Land you are on.

These difficult conversations, with their realizations of personal accountability, form part of the mantle of what museums and heritage organizations across this Land need to adopt as the starting point for this work, *beyond but including* exhibitions and interpretation, given that the bulk of non-Indigenous people are ignorant and poorly educated in regard to the “truth” of the ongoing violence inflicted upon, and the trauma of colonialism for, Indigenous Nations. As stated earlier, it is still far too easy for non-Indigenous people to ignore their/our complicity in colonialism and the multiple ways that we/they benefit. The first steps in these conversations will leave settlers feeling unsettled and with feelings of discomfort. To quote the words of Nathan Sentance, Wiradjuri Nation, digital program manager at the Australian Museum and author of the *Archival Decolonist* blog: “change comes from being uncomfortable ... discomfort is temporary, oppression is not.”⁶⁷

Conclusion

This chapter has discussed a project, undertaken using decolonizing methods, which presents additional truths integral to the narratives required for Reconciliation, and expands the narratives regarding the otherwise colonial structure of Murney Tower. We have discussed and analyzed some of the difficult conversations that can arise in the course of such projects and provided ideas for effective communication to work through situations of settler discomfort. We appreciate that tackling truthful approaches to heritage and museum interpretation is not going to be easy, but this does not take away from the fact that this work *needs to be done* and is *long overdue*.

We will close by sharing some ideas for consideration by those developing similar projects:

- You are not alone in undertaking this work. Reach out through museum networks to find colleagues and allies who are undertaking similar projects.
- There is not one true story of this Land; multiple voices and Nations need to be consulted and taken into account. This is about adding truths, not reducing multiple voices into one story.
- This work needs to be built upon real relationships, not just relationships formed for the purpose of achieving a single outcome. Relationships must be ongoing and need to be developed with long-term intentions.
- Creating an Indigenous advisory committee at your museum would be a good way to start. Positions on such a committee should include honoraria, and the process of creating the committee needs to be thoughtful and respectful.
- Settlers will feel discomfort during this work. This is part of the truth and learning process.
- There are many people who do not want to know the truths of this Land.
 - o Discussions with other settlers, by settlers, will not necessarily be easy.
 - o The ability to find inner strength, and to make space for difficult conversations, should be taken into account in hiring processes and professional development opportunities.

- This is not just about our places of work. For settlers, this process has a personal component. You will identify that you enjoy privileges and benefits that came to exist at the expense of Indigenous Peoples and Nations. Doing nothing to move the conversation forward means you are complicit with these benefits.

To close, we share this quote from Métis scholar, curator, author, and artist David Garneau, selected because it fills us with hope for the future of our Indigenous-Settler relations:

Settlers who become unsettled—who are aware of their inheritance and implication in the colonial matrix, who comprehend their unearned privileges and seek ways past racism—are settlers no longer. It is not that these folks have “gone Native” (though intercultural adoption and honorary citizenships are traditional possibilities!), but they have become respectful guests, which in turn allows Indigenous Peoples to be graceful hosts.⁶⁸

Endnotes

- 1 Please note the names listed here are to be seen as equal contributors to this paper. We find the standard academic practice of “first author” to be extremely reductive and individualistic. Our aim is to reflect and celebrate the community of relationships that forms in the creation, production, and dissemination of a project like this. We are grateful to everyone who contributed to this paper and to the project.
- 2 Ohnkwéhon:we means “original peoples.” Kanien’kehá:ka means “the People of the Flint.” In the latter case, the externally applied ethnonym is usually “Mohawk,” but Kanien’kehá:ka is the preferred self-referent and will be used throughout, apart from when we are referencing a quote. FirstVoices, “Welcome to FirstVoices!”, home page, 2021, <https://www.firstvoices.com/home>. [AUTHOR: The longer link you supplied in the Works Cited list seemed to be inactive. Since your reference is to the home page, though, I figured it would be okay to use this link. If I am mistaken, please supply a good link.]
- 3 We purposely chose to capitalize Reconciliation to draw attention to this important and essential process.

- 4 Truth and Reconciliation Commission of Canada (TRC), *Truth and Reconciliation Commission of Canada: Calls to Action* (Winnipeg: TRC, 2015), sec. 67–70. Available at: <https://nctr.ca/records/reports/>.
- 5 United Nations, Office of the High Commissioner for Human Rights, "United Nations Declaration on the Rights of Indigenous Peoples" (UNDRIP), 2007, <http://www.ohchr.org/EN/Issues/IPeoples/Pages/Declaration.aspx>.
- 6 Canada, Department of Justice, "Implementing the United Nations Declaration on the Rights of Indigenous Peoples in Canada," accessed July 11, 2021, <https://www.justice.gc.ca/eng/declaration/index.html>.
- 7 TRC, *Calls to Action*.
- 8 United Nations, Office of the High Commissioner for Human Rights, UNDRIP.
- 9 Ranjan Datta, "Decolonizing Both Researcher and Research and Its Effectiveness in Indigenous Research," *Research Ethics* 14, no. 2 (2018): 1–24, doi: 10.1177/1747016117733296.
- 10 We purposely chose to capitalize Land when we refer to this Land that sustains us, out of love and respect for this living entity that sustains us.
- 11 Heather George (scholar of Euro-Canadian and Kanien'kehá:ka ancestry), observation made during "Decolonizing Museums in Practice," class sharing circle co-facilitated with Laura Phillips and Nathan Sentance, MuseumStudy, ONLINE VIA ZOOM, May 2021, <https://www.museumstudy.com/decolonizing-museums-in-practice-workshop>.
- 12 Patrick Wolfe, "Settler Colonialism and the Elimination of the Native," *Journal of Genocide Research* 8, no. 4 (2006): 388, doi: 10.1080/14623520601056240.
- 13 Dylan Robinson, *Hungry Listening: Resonant Theory for Indigenous Sound Studies* (Minneapolis: Minnesota University Press, 2020), 38.
- 14 "Mapping Indigenous LA," UCLA, accessed June 1, 2021, <https://mila.ss.ucla.edu/>.
- 15 For more on blood memory, see: Monique Mojica, "Stories from the Body: Blood Memory and Organic Texts," in *Native American Performance and Representation*, ed. S. E. Wilmer (Tucson: University of Arizona Press, 2009), 97–109.
- 16 As of 2023 Danielle lives and works in Fort Frances, Ontario (Treaty 3 territory).
- 17 Eve Tuck and Rubén A. Gaztambide-Fernández, "Curriculum, Replacement, and Settler Futurity," *Journal of Curriculum Theorizing* 29, no. 1 (2013): 72–89.
- 18 International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM), "Thematic Discussion: Decolonizing Heritage," ICCROM 31st General Assembly, Rome, October 24, 2019, <https://www.iccrom.org/news/decolonizing-heritage-thematic-discussion-during-31st-iccrom-general-assembly>.

- 19 Laura J. Murray, "Settler and Indigenous Stories of Kingston/Ka'tarohkwi: A Case Study in Critical Heritage Pedagogy," *Journal of Canadian Studies/Revue d'études Canadiennes* 52, no. 1 (2018): 250–51.
- 20 *Ibid.*, 252–54.
- 21 Crawford (1783), quoted in Murray, "Settler and Indigenous Stories," 260–61. See also Laura J. Murray, "'We are the Ones That Make the Treaty': Michi Saagig Lands and Islands in Southeastern Ontario," *Ethnohistory* 70, no. 3 (2023): 231–258.
- 22 Murney Tower (website), accessed July 10, 2021, <https://www.murneytower.com/>.
- 23 Simge Erdogan-O'Connor and Tabitha Renaud, personal communication by email to Laura Phillips, July 9, 2021.
- 24 See: <https://members.museumsontario.ca/programs-events/conference/2017>.
- 25 Jennifer Campbell, Hugh Ostrom, and Terri-Lynn Brennan, "First Peoples Inclusion in All Things Museum," workshop presentation slides, "Conference 2017 – Strong and Successful Museums: The Road to Renewal," Ontario Museums Association conference, Kingston, ON, October 11–13, 2017, https://members.museumsontario.ca/sites/default/files/130pm_230pm_Campbell_Brennan_Ostrom_FirstPeoplesInclusionInAllThingsMuseum_SLIDES.pdf.
- 26 Campbell, Ostrom, and Brennan, "First Peoples Inclusion," slide 5.
- 27 *Ibid.*, slide 6.
- 28 *Ibid.*, slide 9.
- 29 Terri-Lynn Brennan, *Kingston First Peoples: Purposeful Dialogues – Relationship Building: Phase 1* (Kingston, ON: Community Engagement and Education, Cultural Services, City of Kingston, 2015), <https://www.cityofkingston.ca/documents/10180/55446/Kingston+First+Peoples+-+Purposeful+Dialogues/a96d2b9c-e5a0-45c2-9098-ae94cb376ff4>.
- 30 Campbell, Ostrom, and Brennan, "First Peoples Inclusion," slides 10–12.
- 31 Corey Snelgrove, Rita Dhamoon, and Jeff Corntassel, "Unsettling Settler Colonialism: The Discourse and Politics of Settlers, and Solidarity with Indigenous Nations," *Decolonization: Indigeneity, Education & Society* 3, no. 2 (2014): 1–32.
- 32 The former director of Murney Tower declined to be contacted about the research into the panel project, so we are not naming them.
- 33 Danielle Marshall, interview by Laura Phillips, April 15, 2020.
- 34 Murney Tower (website).
- 35 W. S. Lavell, "A Story in Stone: A Few Interesting Facts about Murney Redoubt," *Historic Kingston* 11 (1963): 47–51. Reprinted with revisions (n.d.), 2.
- 36 See, for example, the creation of Rupert's Land, the British-imposed name for the Lands that surround and drain into what is now known as Hudson Bay. This Land was and is the territory of many Indigenous and

- Inuit Nations, yet, like many other areas of Canada, it was claimed (stolen) by the Crown and leased for 200 years to the Hudson's Bay Company, which then sold it in 1870 to the Dominion of Canada. Wikipedia, s.v. "Rupert's Land," accessed June 1, 2021, https://en.wikipedia.org/wiki/Rupert's_Land; David Garneau, "Imaginary Spaces of Conciliation and Reconciliation: Art, Curation, and Healing," in *Arts of Engagement: Taking Aesthetic Action In and Beyond the Truth and Reconciliation Commission of Canada*, ed. Dylan Robinson and Keavy Martin, 21–41 (Waterloo, ON: Wilfrid Laurier University Press, 2016), 30.
- 37 UNESCO, "Rideau Canal," 2007, <https://whc.unesco.org/en/list/1221>.
- 38 For a critique of how a similar canal imposition impacted Anishinaabek ways of life, please see: Madeline Whetung, "(En)Gendering Shoreline Law: Nishnaabeg Relational Politics Along the Trent Severn Waterway," *Global Environmental Politics* 19, no. 3 (2019): 16–32.
- 39 Lavell, "A Story in Stone," 4.
- 40 Ibid., 1.
- 41 Ibid., 2.
- 42 Ibid., 5.
- 43 See: <https://cfka.org/>.
- 44 *Ojibwe* is another word for Anishinaabemowin, the language of the Anishinaabe peoples. Algonquin is a third Indigenous language local to the area, but the translation costs were prohibitive. However, the flexible design of the installation would permit an additional panel to be added at a later date, should additional funding be located.
- 45 Garneau, "Imaginary Spaces," 26–27.
- 46 For more on refusal, see: Audra Simpson, "On Ethnographic Refusal: Indigeneity, 'Voice' and Colonial Citizenship," *Junctures: The Journal for Thematic Dialogue* 9, 2007: 67–80; and Audra Simpson, *Mohawk Interruptus: Political Life Across the Borders of Settler States* (Durham, NC: Duke University Press, 2014).
- 47 "Wampum," Haudenosaunee Confederacy, 2021, <https://www.haudenosauneeconfederacy.com/wampum/>.
- 48 Ibid.
- 49 Anne Taylor (Traditional Knowledge Keeper, Curve Lake First Nation), personal correspondence with Terri-Lynn Brennan, 29 May 2019.
- 50 Vanessa Watts, "Indigenous Place-Thought and Agency Amongst Humans and Non Humans (First Woman and Sky Woman Go On a European World Tour!)," *Decolonization: Indigeneity, Education & Society* 2, no. 1 (2013): 32.
- 51 Eve Tuck and M. Guishard, "Uncollapsing Ethics: Racialized Sciencism, Settler Coloniality, and an Ethical Framework of Decolonial Participatory Action Research," in *Challenging Status Quo Retrenchment: New Directions in Critical Research*, ed. Tricia M. Kress, Curry Malott, and Brad

- Porfilio, 3–27, *Critical Constructions: Studies on Education and Society* (Charlotte, NC: Information Age Publishing, 2013), 13.
- 52 Steve Rathje, "Why People Ignore Facts," *Psychology Today*, October 25, 2018, para. 10, <https://www.psychologytoday.com/blog/words-matter/201810/why-people-ignore-facts>.
- 53 Elizabeth Kolbert, "Why Facts Don't Change Our Minds," *New Yorker*, February 27, 2017, <https://www.newyorker.com/magazine/2017/02/27/why-facts-dont-change-our-minds>.
- 54 Snelgrove, Dhamoon, and Corntassel, "Unsettling Settler Colonialism," 21.
- 55 Barry Lord and Gail Dexter Lord, eds., *Manual of Museum Exhibitions* (Walnut Creek, CA: AltaMira, 2002), 398 (table 12.1).
- 56 Paulette Regan, *Unsettling the Settler Within: Indian Residential Schools, Truth Telling, and Reconciliation in Canada* (Vancouver: UBC Press, 2010); Eva Mackey, *Unsettled Expectations: Uncertainty, Land and Settler Decolonization* (Halifax: Fernwood Publishing, 2016); Pierre Bélanger, ed., *Extraction Empire: Undermining the Systems, States, and Scales of Canada's Global Resource Empire* (Cambridge, MA: MIT Press, 2018).
- 57 Laura visited the Kingston City Hall National Historic Site of Canada, Fort Henry National Historic Site of Canada, the Military Communications and Electronics Museum, the MacLachlan Woodworking Museum, the Agnes Etherington Art Centre, the Miller Museum of Geology, the Museum of Health Care at Kingston, the Pumphouse and Bath Museum. Laura met with staff at the Frontenac County Schools Museum, Murney Tower National Historic Site of Canada, the Penitentiary Museum, and the Marine Museum of the Great Lakes at Kingston.
- 58 We understand *calling in* as follows: "In social justice circles, calling in refers to 'the act of checking your peers and getting them to change problematic behaviour by explaining their misstep with compassion and patience.'" Ashley Austrew, "Is There a Difference Between 'Calling In' and 'Calling Out'?", *Dictionary.com*, March 22, 2019, <https://www.dictionary.com/e/calling-in-vs-calling-out>.
- 59 Ian Austen, "How Thousands of Indigenous Children Vanished in Canada," *New York Times*, 7 June 2021, <https://www.nytimes.com/2021/06/07/world/canada/mass-graves-residential-schools.html>; TRC, *Calls to Action*.
- 60 Snelgrove, Dhamoon, and Corntassel, "Unsettling Settler Colonialism," 5.
- 61 Garneau, "Imaginary Spaces," 30–33.
- 62 Paige Raibmon, "Provincializing Europe in Canadian History; Or, How to Talk about Relations between Indigenous Peoples and Europeans.," *ActiveHistory.ca*, October 24, 2018, <http://activehistory.ca/2018/10/provincializing-europe>.
- 63 For more on paranoia, see: Eve Kosofsky Sedgwick, *Touching Feeling: Affect, Pedagogy, Performativity* (Durham, NC: Duke University Press, 2003), especially Chapter 4, "Paranoid Reading and Reparative Reading;

or, You're So Paranoid, You Probably Think This Essay Is About You," 123–51.

- 64 Dylan Robinson et al., "Rethinking the Practice and Performance of Indigenous Land Acknowledgement," *Canadian Theatre Review* 177 (January 2019): 20–30, doi:10.3138/ctr.177.004.
- 65 Terri-Lynn identifies all items that have been made by Indigenous hands, or are linked with Indigenous lives, stories, and truths, as Ancestors. This is a way to animate and honour those lives of the past, who, being no longer able to explain intentions for themselves, may yet tell their story through the spirit and blood memory of the item.
- 66 IBPOC = Indigenous, Black, and People of Colour.
- 67 Nathan Sentance, "Engaging with the Uncomfortable," *Archival Decolonist* (blog), April 8, 2018, <https://archivaldecolonist.com/2018/04/>.
- 68 Garneau, "Imaginary Spaces," 29.

Racialization, Treaty Rights, and the Law:

The Criminalization of Wendat Practices, 1918–1939

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The idea of being arrested and charged for harvesting natural resources, such as hunting wildlife, setting traplines, or cutting down trees within the boundaries of their traditional lands, was generally a foreign concept for First Nations, who had been engaging in these activities since time immemorial. Yet, by the turn of the twentieth century, this was becoming a reality for many Indigenous peoples as the Canadian state gradually expanded its control over lands and resources, including First Nations' traditional territories. Among those affected by this was seventy-year-old Albert Sioui, of Loretteville, Quebec. On August 26, 1932, Sioui was accused of “vol de bois” (timber theft) by Patrick O’Sullivan.¹ After signing off on the plaintiff’s statement, the Honourable Judge Arthur Fitzpatrick issued a summons requesting the defendant’s presence in court for the preliminary hearing, scheduled in three days. When Sioui failed to appear, the Honourable Judge Laetare Roy issued a warrant for his arrest. Accompanied by his lawyer, Maitre Paul Lesage, Sioui appeared before the court on August 31, but no plea was entered and the judge granted him a conditional release on a promise to appear. Although the court docket contains few details on how the trial unfolded over the course of the month, each session was similar to the last; the defendant was accompanied by his lawyer, the Crown presented its evidence against the accused, the defence rebutted, and the case was adjourned. On September 27, Sioui and his

counsel presented a formal motion requesting an expedited process, which was granted by Judge Fitzpatrick. When the hearing resumed on October 4, the case proceeded, and, although a judgment was to be rendered eight days later, no decision was given. Finally, on October 19, Judge Fitzpatrick delivered his verdict, acquitting Sioui of all charges and the matter was officially resolved.²

Born in 1862, five years before Confederation, Albert Sioui came of age alongside the expansion of the Canadian state. Over the course of his life, a series of political, economic, social, and cultural policies, coupled with the creation of a legal system to uphold them, laid the groundwork for state intrusion into the lives of Indigenous peoples, thereby increasing, in turn, the likelihood of them encountering the state and its various institutions. For Sioui, this is seen most clearly in the fact that he was arrested, charged, and tried for engaging in behaviour—gathering wood from a forest—unlikely to have fallen under the purview of a court of law during his parents’ or grandparents’ lifetimes. As a result, his experiences were significantly different from those of his ancestors. Although Sioui was acquitted, his case demonstrates a certain level of continuity between the criminalization of Indigenous practices in the twentieth century and the challenges First Nations face today, seventy years later, when asserting their treaty rights. In September 2020, the “moderate livelihood” fishery of the Sipekne’katik First Nation was launched in St. Mary’s Bay, Nova Scotia.³ While non-Indigenous commercial fishermen argued that the Mi’kmaq fishery violated federal law because it was conducted outside of the regulated season, the Sipekne’katik cited the 1999 Marshall decision, in which the Supreme Court of Canada affirmed the Mi’kmaq treaty right to hunt and fish for a “moderate livelihood” whenever and wherever they want.⁴ In the weeks that followed, Mi’kmaq fishermen faced a series of racist and violent attacks by non-Indigenous fishermen. For example, the latter removed lobster traps, destroyed fishing gear, intimidated and harassed Mi’kmaq fishermen, and vandalized property by setting fire to a lobster pound.⁵ These violent incidents were not isolated events; rather, they are part of a pattern in which First Nations struggle to have their treaty rights respected. Turning to the past can help us to understand how and why this situation developed.

Prior to the nineteenth century, there was no centralized wildlife management strategy that spanned the territory that is present-day Canada. Instead, these strategies were often shaped by various local customs and approaches differed from one place to another, effectively placing wildlife management into the hands of local Indigenous and settler populations.⁶ For example, along the Pacific Coast, a significant number of fisheries were regulated by local Indigenous legal frameworks, where existing customs, guidelines, and laws worked together to monitor fishing sites.⁷ These sites and the ownership rights they entailed were often held by a clan, a family group, or an individual, and they were passed down matrilineally from one generation to the next.⁸ Alongside their Indigenous counterparts, settler communities developed their own conservation strategies. In Halifax, Nova Scotia, for instance, a group of urban sportsmen formed the Game and Inland Fishery Protection Society in 1852 with the goal of regulating access to hunting and fishing, and enforcing conservation strategies.⁹ Behind these community-led wildlife management strategies were the ideological frameworks that influenced the relationships of Indigenous and non-Indigenous communities to their surrounding environments. According to legal historian Tina Loo, early settlers in North America were influenced by William Blackstone's notion that wildlife was considered "common property" and that hunting was a "natural right."¹⁰ As such, regardless of social status, "every man from prince to peasant" was believed to be entitled to harvest these resources, subject only to limitations in the name of the public interest.¹¹ By contrast, given the diversity of Indigenous nations, there was, and is, no monolithic wildlife management strategy applicable to all communities. Nevertheless, understandings of personal and communal property and ownership rights formed the basis of many Indigenous conservation approaches. Among the Nuu-chah-nulth, for example, a combination of ownership and management strategies allowed related kin living in the same village to allocate resources and regulate access to their shared fisheries.¹² Thus, Indigenous and settler communities employed various conservation strategies.

By the mid-nineteenth century, the colonial state expanded its regulatory powers by bringing wildlife management under its jurisdiction. Officials sought to establish a centralized conservation system that would

allow them to benefit from the increasing profitability of nature retreats, tourism, and wildlife. Inspired by the burgeoning nature tourism industry in the United States, colonial officials hoped to replicate the “pristine and untouched” natural spaces south of the border.¹³ One of the ways this was done was through the creation of national parks such as the Rocky Mountains Park, established in 1887. Originally referred to as the Banff Hot Springs Reserve, the Cave and Basin mineral springs located in the Canadian Rockies came to the attention of the federal government in 1883, after several private investors tried to acquire the land for development.¹⁴ After a couple years of failed negotiations, the federal government settled the dispute by creating the twenty-six-square-kilometre Banff Hot Springs Reserve.¹⁵ Two years later, the national park was expanded to include another 647 square kilometres and was renamed Rocky Mountains Park.¹⁶ As per Claudia Notzke, the purpose of a national park is twofold: on the one hand, it allows the state to preserve a designated parcel of land by monitoring access to the space; while, on the other, it provides people with an opportunity to engage in recreational activities.¹⁷ Initially, national parks were designed to attract white middle- and upper-middle-class members of society wishing to participate in recreational hunting and fishing activities and to escape the chaos of urban living.¹⁸ The exclusionary nature of national parks was reflected in the Rocky Mountains Park Act, which allowed for the “forceful exclusion and removal of trespassers who did not adhere to the new park regulations.”¹⁹ Although Indigenous communities inhabiting the area were not consulted on the establishment of the Banff Hot Springs Reserve in 1885, they are among those most affected by it. For example, the national park encompassed part of the traditional hunting territories of the Nakoda, effectively cutting them off from this important resource.²⁰ Along with generating significant revenue for neighbouring towns, whose economies came to rely on visiting tourists, national parks and other commercialized green spaces also allowed the state to extend its jurisdiction over more land while simultaneously dispossessing Indigenous peoples of their land and resources.

After treating wildlife as a limitless resource for many years, the effects of over-hunting were becoming increasingly difficult to ignore. In 1905, a report by Ontario’s Royal Commission on Game and Fish concluded that wildlife was under severe threat by hunters, and, if nothing was done to

reverse this decline, would cease to exist in the province.²¹ Coinciding with an increase in nature tourism and the desire to protect the economic viability of the industry, the state used declining animal populations to justify establishing a centralized conservation system. Although the majority of the blame was placed on farmers, Indigenous hunters and their hunting practices were portrayed as significant threats to the future of Ontario's wildlife.²² Rooted in European folklore that depicts wolves as violent creatures that prey on livestock and compete with hunters for small game, the Commission's report compares First Nations to wolves and characterizes them as destroyers of wildlife.²³ In addition to this dehumanizing analogy, the report also portrayed wolves as an "ecological invasion, stating that only those parts of the province not *infested by Indians* saw any increase in animal populations."²⁴ This resulted in the dehumanization of Indigenous peoples and the degradation of their hunting practices.

Under the guise of wildlife protection, the state enacted legislation that would allow colonial authorities to regulate hunting and fishing practices according to European gaming standards. For example, in 1858, the Fishery Act introduced a lease-and-licence system designed to monitor access to the colony's salmon rivers.²⁵ This piece of legislation, and others like it, sought gradually to transfer wildlife management from local communities to the state. To enforce game laws, provincial governments established a surveillance system to better coordinate their conservation efforts. At the heart of this new endeavour was the practice, following Confederation in 1867, of appointing game wardens tasked with enforcing provincial game laws.²⁶ Among those hired for these positions were Indigenous men, as it was believed that their "technical knowledge, accumulated through thousands of years of study and observation, could be of immense value in helping to save from destruction Canada's wilderness country and its inhabitants."²⁷ Paradoxically, Indigenous hunters were portrayed as both threats to and protectors of wildlife. Although provincial governments relied heavily on game wardens, they were granted limited resources, which resulted in many being poorly paid and working part time, with little incentive to implement state regulations.²⁸ Even with these challenges, this new wildlife management system reflected the state's increasing powers and its growing desire to bring vast amounts of land—and resources—under federal and provincial jurisdictions.

While each province implemented its wildlife management system according to its own sets of rules and regulations, all these systems shared similar ideological underpinnings. In particular, the “concepts of liberty, property, and equality, as defined by Euro-Canadian standards” played a central role.²⁹ From the state’s perspective, citizens all had the same rights, all were equal before the law, and, although anyone could own private property, only the Crown was capable of owning natural resources such as wildlife.³⁰ In this rigid state-citizen dynamic, each side had specific roles and responsibilities, with the latter accepting the authority of the former. These concepts were in complete contrast to Indigenous ways of knowing. For example, the First Nations that signed treaties with the Crown—such as the Anishinaabeg, who signed the Robinson treaties of 1850—believed that these agreements secured their liberties by protecting their hunting and trapping rights, and the land tenure system that supported wildlife harvesting.³¹ As each province began establishing its wildlife management system, the impact of these competing worldviews was felt across the country. Similar to the other provinces, Quebec’s game laws operated under the assumption that wildlife conservation fell under provincial jurisdiction and that, as such, the province maintained exclusive rights to implement its own set of rules and strategies. Although Quebec was influenced by the same liberal principles as the other provinces, it deviated from its counterparts in the extent to which its approach centred on a collaborative partnership with groups of private citizens.³² Historian Darcy Ingram argues that the province’s strategy of granting land leases and fishing permits was characterized by a “state-administered, privately regulated system of conservation” that conceded the benefits and responsibilities of fish and game management to a limited number of protectionist clubs and sporting associations.³³ Thus, while Quebec was responsible for creating and administering a wildlife conservation strategy, the onus of enforcing state guidelines fell to small groups of men who acquired this right by purchasing land leases and fishing permits from the government.

The opportunity to collaborate with the government on conservation management was not open to everyone. Rather, Ingram maintains that the private citizens who entered into a partnership with the province were groups of like-minded men with significant political, economic, and social power, and whose desire to protect and improve the quality

of Quebec's wildlife formed an important part of their conservationist approach.³⁴ Ingram argues that this patrician culture, which sought to establish, maintain, and reinforce a specific set of beliefs and practices reflecting these men's socioeconomic status, formed the basis of Quebec's first phase of wildlife conservation.³⁵ In addition to sport hunting and fishing, patricians argued that these practices economically benefitted society as they could be consumed as food or traded for other items.³⁶ By 1880, a narrower interpretation of hunting and fishing practices developed in relation to the economic potential of the province's natural resources.³⁷ Commercial and subsistence activities, which once played a vital role in the patricians' overall plan to improve Quebec's wildlife resources, fell out of favour with the new generation of sportsmen because these activities were viewed as obstacles to the province's economic development.³⁸ As a result, commercial and subsistence hunting and fishing were no longer seen as necessary activities. Nevertheless, even though this second phase ushered in important changes, the exclusionary nature of Quebec's conservation system persisted.

Among those left out of the province's wildlife management strategy were Indigenous peoples. This approach aligned with the federal government's assimilationist policy, which sought to transform First Nations into "productive citizens" by having them abandon "primitive" economic practices in favour of "civilized modes of production" such as agriculture.³⁹ While small-scale subsistence hunting and fishing were permitted to prevent starvation, the economic and cultural practices associated with these activities were severely limited under Quebec's new conservation system.⁴⁰ Consequently, provincial game laws that prioritized private leases and sport hunting not only undermined Indigenous practices but also rendered some of them illegal.⁴¹ This had a devastating impact on communities that relied on these activities for their survival. For the Innu and the Mi'kmaq, the introduction of fishing licences in the mid-nineteenth century essentially outlawed salmon-harvesting practices along the North Shore of the St. Lawrence River and in the Gaspé Peninsula that had sustained the locals for generations.⁴² The state (federal and provincial) believed that by using the law to limit Indigenous peoples' access to Quebec's natural resources, it would eventually push them toward permanently adopting agricultural production. Yet, provincial legislation did not act as a deterrent

for Indigenous peoples such as the Wendat, who continued to hunt wildlife and harvest the province's resources. Instead, Quebec's game laws brought Wendat hunters into contact with the criminal justice system by outlawing their practices, exacerbating their territorial dispossession, and depriving them of their ability to engage in activities that had sustained their communities for generations.

Divided into two sections, this article draws from a total of nine court cases, the records of which are housed at the Bibliothèque et Archives nationales du Québec (BAnQ). Of these, seven involved at least one Wendat defendant. The first section analyzes the legal journeys of two Wendat men, Antoine Gros Louis (also spelled GrosLouis) and Gérard Sioui, both charged with violating Quebec's game laws. This section argues that by failing to recognize the diversity of Wendat practices, the province's conservation strategy criminalized them while also trying to chip away at Wendat sovereignty. To highlight the impact upon the Wendat of Quebec's partnership with elite private citizens, Gros Louis's experience is contrasted with that of a non-Indigenous sports hunter who was also charged with violating provincial game laws around the same time. The second half of this article examines how five Wendat men—Silvio Rhéaume, Marcel Guénard, Henri Sioui, Gustave GrosLouis, and Théophile GrosLouis—navigated the Canadian criminal justice system after they were accused of stealing trees. This section explores how their criminalization reflected Quebec's desire to regulate access to natural resources. Similar to the first section, this part contrasts the legal journeys of these five men with those of three non-Indigenous defendants, to shed light on the differential treatment the Wendat experienced. The article concludes with a reflection on how the criminalization of these seven Wendat men, in the early twentieth century, mirrors the challenges First Nations continue to face today when exercising their treaty rights.

The exclusionary nature of Quebec's wildlife management system hindered the Wendats' ability to participate in the economic, subsistence, and cultural activities that formed the bedrock of their community. The impact of the province's conservation strategy is seen most clearly in the criminalization of Wendat men who, despite existing game laws, continued to engage in these practices. On October 10, 1925, Barthélemie Lirette filed a formal complaint against Antoine Gros Louis, of Loretteville, accusing

him of “chasse illégale” (illegal hunting).⁴³ According to the court docket, the incident took place on May 13 of that year; but, for reasons that are not clearly indicated in the file, it was only brought to the attention of the authorities five months later. The Honourable Judge Philippe-Auguste Choquette signed off on Lirette’s complaint and Gros Louis was escorted to the courthouse, where he was granted a conditional release on a promise to appear for his hearing on October 16. The first day of the trial marked the start of a long judicial process in which Gros Louis appeared in court on thirteen separate occasions, over the span of eleven months, without entering a plea. On May 15, 1926, the defendant pled guilty to three counts of “chasse illégale” and the judge sentenced Gros Louis to pay a five-dollar fine for the first charge, twenty dollars for the second, and fifty dollars for the third. Unable to pay the total fine of seventy-five dollars plus applicable fees, a warrant for Gros Louis’s arrest was issued and the accused was taken to the local jail to serve out a sentence of an unspecified duration.⁴⁴

Unfortunately, specific details about the case, such as Lirette’s original statement describing the circumstances of the incident, the evidence presented at trial by the Crown prosecutor, and the length of Gros Louis’s prison sentence, are not indicated. As such, the case presents unique analytical challenges. Nevertheless, it illustrates that Quebec’s game laws failed to take into consideration the Wendats’ subsistence and economic reliance on hunting, as well as its cultural significance. For generations, hunting and trapping played a crucial role in sustaining Wendat families since, toward the end of the seventeenth century, the Wendat had shifted their attention from agricultural production to hunting and trapping.⁴⁵ During the spring and fall months, several Wendat men would embark on hunting expeditions that focused on acquiring marten, mink, beaver, weasel, and big game, because, along with the economic value of their pelts, these animals represented an important food source.⁴⁶ As settlers expanded deeper into Wendat hunting territory, wildlife was gradually pushed out, or altogether eliminated, from certain areas. In turn, the Wendat, like other Indigenous nations, gradually came to depend on Western food staples such as flour, fat, tea, salt, and oatmeal, provided to them by the state as substitutes for their traditional foods.⁴⁷ Given that these goods were strictly rationed by the Department of Indian Affairs (DIA), hunting

and trapping allowed the Wendat to supplement the food they received. By criminalizing Gros Louis for engaging in these activities, the Quebec government was pushing him to rely on the state.

Aside from the use of hunting and trapping as a means of subsistence, these practices were also deeply embedded into the community's economy, as meat, hides, furs, and other animal parts could be sold for profit, exchanged for other goods, or transformed into final products such as clothes, footwear, and accessories. The importance of these practices is reflected in DIA annual reports outlining the Wendat reserve's main sources of revenue. For example, throughout the 1920s, hunting yielded an average annual income between \$1,000 and \$3,400.⁴⁸ The profits generated from other industries, such as the manufacturing sector, were significantly higher at this time; nevertheless, this illustrates the diversity and adaptability of the Wendat economy. Although the income brought in by hunters and trappers was not vital to the community's economy, it allowed families to make extra money. One of the most profitable industries for the reserve included the manufacture of leather goods. The Wendat used animal skins and furs for artisanal purposes, to create moccasins and gloves, which were then sold to Indigenous and non-Indigenous customers.⁴⁹ This practice generated significant revenue for the reserve as well as for local companies such as Bastien Bros, which specialized in the production of leather goods. While the court docket does not specify the exact circumstances of Gros Louis's arrest, the provincial game laws, by restricting his hunting access, would have severely limited his ability to participate in the community's manufacturing economy.

Along with their subsistence and economic reliance on hunting and trapping, the Wendat share a profound cultural connection to these practices, which are deeply woven into Wendat spirituality, identity, and society. According to Wendat historian Georges Sioui, at the heart of the Wendat belief system is the notion of the Sacred Circle of Life, which is founded on the interconnection between "every life, material, or immaterial" and the importance of mutual respect for keeping these relationships alive.⁵⁰ In this circular way of thinking, living creatures, including humans and animals, are made equal.⁵¹ Thus, when the Wendat engage in hunting and fishing, they recognize the inherent value of the animals they kill and appreciate them for providing the nourishment that humans need to

survive. This way of thinking differs from Euro-Canadian ideology, which is founded on a strict hierarchical pyramid that places human beings above waterways, fauna, and vegetation.⁵² The human-nonhuman relationship is often thought of in terms of ownership and the understanding that as property owners, individuals are entitled to certain rights and privileges regarding their possessions. For middle- and upper-middle-class sportsmen who wished to hunt and fish, they acquired their ability to engage in these activities through provincial land leases or permits that gave them legal title to tracts of land and bodies of water.⁵³ In the Euro-Canadian perspective, Indigenous hunting grounds were not conceptualized as private property; rather, their territories were considered Crown Lands, to be managed by the federal and provincial governments, thereby denying Indigenous peoples the same property rights and privileges as their non-Indigenous counterparts.⁵⁴ Aside from being a fundamental part of Indigenous spirituality and identity, hunting is vital to the transmission of knowledge. For instance, when sons are old enough, they join their fathers on hunting trips where they learn valuable survival skills. The knowledge conveyed from father to son in these situations is critical: not only are important skills passed to the next generation but so are the ideological frameworks that shape these activities. In other words, these opportunities allow fathers to pass their wisdom to their sons, and for their children to practice and embody these skills. Thus, in criminalizing Wendat hunting, the provincial government essentially deprived Gros Louis—and other Wendat men—of their right to practice their culture and share their traditions with future generations.

The following year, Antoine Gros Louis found himself in a Quebec courtroom. On March 30, 1926, the game warden of Loretteville, François Cloutier, filed a formal complaint against Gros Louis accusing him of three counts of “*infraction à la loi de chasse de Québec*” (violation of Quebec’s hunting statute).⁵⁵ According to Cloutier’s statement, on or around March 12, on a national park territory belonging to the Club St-Vincent, “un nommé Antoine GrosLouis ... a illégalement eu en sa possession, savoir pendant la saison de prohibition, de la viande d’original, le dit original étant une femelle.”⁵⁶ In the same statement, Cloutier also accused Gros Louis “[d’avoir] illégalement chassé, tué et pris des animaux à fourrure sur le territoire du Parc National des Laurentides, avoir eu en

sa possession des trappes ou pièges dans les limites du dit parc et s'y être établi sans licence ou permis" and "[d']avoir chassé sur les terrains loués par bail au Club St-Vincent, formant partie du terrain du Parc National des Laurentides, sans permis du locataire ou de ses représentants et pendant la saison de prohibition."⁵⁷ Based on the complaint laid out before him, the Honourable Judge Philippe-Auguste Choquette issued a warrant for Gros Louis's arrest the following day. Within two weeks, the accused was in police custody. On April 12, Gros Louis was granted a conditional release on a promise to appear in court for his preliminary hearing on April 20, at 10:00 a.m. In the meantime, Gros Louis was released into the custody of Ovide Sioui, also of Loretteville, and the defendant paid \$100 as collateral. Neither Gros Louis nor his counsel were present for the preliminary hearing and, as a result, the session was adjourned and the Honourable Judge Arthur Lachance rescheduled it for three days later. Over the next three weeks, Gros Louis and his lawyer, Maître Lavigne, failed to appear in court on four separate occasions; and it was only on May 15 that the latter appeared on behalf of his client, submitting a plea of guilty to all three charges. Judge Choquette accepted the plea and set a sentencing hearing for May 26, but neither party was present that day. A sentencing hearing finally took place on May 28, in the absence of the defendant and his counsel, at which the accused was sentenced to pay a one-hundred-dollar fine for the first offence, five dollars for the second, and twenty dollars for the third. Failure to pay the fine plus applicable fees would result in a three-month prison sentence. Shortly thereafter, Gros Louis paid the entire sum of \$143.45, and the matter was settled.⁵⁸

Similar to his last encounter with the judicial system, this case illustrates that the Quebec government's vision of wildlife conservation excluded the Wendat by not taking their land usage into consideration in developing their conservation strategy. In particular, *Cloutier v. GrosLouis* (1926) sheds light on the negative impact that the province's wildlife management policy, coupled with the increase in nature tourism, had on the Wendats' ability to continue their way of life. The idea of clearly defined open and closed hunting seasons was a staple of Quebec's game laws. This concept was enshrined in law after the province expanded its existing legislation in 1888 by explicitly forbidding the hunting, between March and September, of deer, caribou, moose, fur-bearing animals, and several game birds.⁵⁹

Over the years, various amendments to this act expanded Quebec's game laws. For example, in 1909, the province's hunting territory was divided into two main zones, stricter limits were placed on the number of animals and birds that could be hunted, the sale of game meat was permitted only during the open season, and government-issued licences and permits became mandatory.⁶⁰ Enacted as part of the government's wildlife conservation policy, these initiatives conflicted with the Wendat understanding of hunting as a nexus of interconnected activities that sustained families and communities throughout the year. Like Quebec, the Wendat also hunted according to seasons; however, their hunts took place during the spring and fall months, during which hunting parties sought to bring back enough game to allow their communities to last through the winter.⁶¹ This difference in perspective is seen most clearly in the first offence with which Gros Louis was charged, as it reveals crucial ideological discrepancies between Indigenous and non-Indigenous conservation practices. According to the case file, Gros Louis was accused of being in possession of female moose meat in mid-March. Even though Gros Louis's hunt took place during the Wendat hunting season, it contravened Quebec's game laws, which forbade spring hunting. Consequently, Gros Louis was criminalized both for participating in traditional Wendat practices and for refusing to conform to Quebec's vision of wildlife conservation.

Along with creating open and closed seasons, Quebec's 1888 game laws expanded the existing land-lease system, further restricting Wendat access to their traditional hunting grounds and exacerbating their territorial dispossession. As a pillar of Quebec's conservation strategy, this approach allowed the state to reinforce its jurisdiction over wildlife management by leasing parcels of land to groups of individuals, who were given certain property rights including the ability to hunt and fish within the leased area. This practice began in the late 1850s, after the province established a lease system on the salmon rivers of the lower St. Lawrence that coincided with the creation, in 1858 and 1859 respectively, of the Quebec City and Montreal chapters of the Fish and Game Protection Club of Lower Canada.⁶² Per the agreement, club members would pay an annual fee, enforce Quebec's game laws, and, in exchange, the government would take their interests into consideration when drafting hunting and fishing legislation, thereby creating a partnership between both parties.⁶³ In addition,

the land-leasing system worked both to legitimize and to strengthen the government's regulatory powers over wildlife management. Given that only the state was legally capable of owning wildlife and that a hunter was granted access to this property after paying a fee, possession of a license implied the hunter's acceptance of the state's regulatory system.⁶⁴ Over the years, the province continued to expand its lease system. For instance, in March 1883, Quebec passed legislation allowing the government to grant temporary leases to the province's waterways.⁶⁵ In other words, it was now possible to obtain fishing leases for all of Quebec's lakes and rivers, for those both able and willing to pay the yearly fee. Although this was done with the goal of privatizing access to natural resources in Quebec, it also allowed the government to generate revenue and prosecute offenders.⁶⁶

Two years later, in 1885, Quebec's lease system underwent another expansion. This time, the province passed legislation that officially encouraged fish and game clubs to be incorporated into its wildlife management policy.⁶⁷ Similar to the public-private partnership established in 1858, this law promoted the creation of local associations that would take on the responsibility of protecting fish and game resources, thereby alleviating some of the government's costs while recognizing, indirectly, its practical inability to supervise and manage the vast territory.⁶⁸ In turn, these clubs received exclusive hunting and fishing rights on portions of the province's land and waterways. Among the clubs' members were middle- and upper-middle-class sportsmen whose vested interests in hunting and fishing differed significantly from the protectionist values of their predecessors.⁶⁹ In particular, they were more concerned with preserving their ability to continue to practise sport hunting and fishing than with wildlife conservation.⁷⁰ To this end, government officials and sporting associations worked together to secure their interests. Like the seasonal hunting and fishing provisions introduced in Quebec's earlier game laws, the land leases and exclusive game club permits also failed to take Wendat usage of these territories into consideration. Gros Louis's case exemplifies the negative impact of this system upon Wendat hunters, who were largely excluded from these clubs. For example, Gros Louis was convicted of hunting without a license on territory leased by the Club St-Vincent.⁷¹ Consequently, his criminalization was a result of the Quebec government's failure to recognize and incorporate the Wendat into this land-lease system.

Moreover, *Cloutier v. GrosLouis* (1926) highlights the impact of Quebec's nature tourism and the conservation movement on the Wendat way of life. By the turn of the twentieth century, Canadian officials were inspired by the example of the American national parks system to create wilderness spaces for white middle- and upper-middle-class members of society to escape the dense urban centres and indulge in nature. These green spaces were less about protecting wildlife for humanitarian reasons and more about preserving game for sport hunting and tourism, which generated important revenue for the state.⁷² This is clearly seen in the establishment of the Rocky Mountains Park in 1887. Following the completion of the Canadian Pacific Railway, an increased number of sportsmen and tourists flocked to the area.⁷³ While the economy benefitted from their presence, subsistence hunters, many of whom were Indigenous, now found themselves in competition with these sportsmen for the same limited resources. Sport hunters wielded significant political and economic influence, and many pushed to limit Indigenous hunting in national parks.⁷⁴ In Quebec, the Wendat faced a similar situation in 1985, when the Parc national des Laurentides was established on a portion of their traditional hunting territory.⁷⁵ The consequence of this decision is seen in *Cloutier v. GrosLouis* (1926), when the latter was charged with hunting in the Laurentides park without a valid permit. Given the circumstances of Gros Louis's arrest, it is possible that he was hunting on traditional Wendat territory that now formed part of the park. Thus, by failing to recognize the Wendats' ownership rights over their hunting grounds, the Quebec government actively participated in their territorial dispossession.

For non-Indigenous persons charged with violating sections of Quebec's game laws, their legal experiences were significantly different compared to those of Wendat hunters. Part of this difference can be attributed to the fact that these individuals were primarily white middle- and upper-middle-class sportsmen whose political and economic influence extended throughout the province. According to historians Ted Binnema and Melanie Niemi, sportsmen were heavily involved in political activism because it was "understood to be an important responsibility."⁷⁶ As such, it was not unusual for sportsmen to be members of various clubs that reflected their interests.⁷⁷ Similar to Binnema and Niemi, Darcy Ingram explores the role of sportsmen in the political sphere. Specifically,

he focuses on how their involvement in politics expanded after their associations were formally incorporated into Quebec's game laws.⁷⁸ Their political power is evident when examining its impact on Aboriginal hunting and fishing rights. For instance, after Quebec sportsmen's associations voiced their displeasure at the government for not removing an exemption for Indigenous hunters in 1857, provincial officials quickly enacted an amendment the following year limiting Aboriginal hunting and fishing to subsistence practices.⁷⁹ Evidently, these individuals' status as prominent members of society who belonged to numerous clubs, coupled with the public-private partnership they shared with the government, gave these men direct access to state officials.

The political and socioeconomic power of these sportsmen is evident when analyzing their journeys through the legal system. On March 30, the game warden of Loretteville, François Cloutier, filed a complaint against Dermott O. Gallagher, a civil engineer from the Donacona Paper Co. Ltd., accusing him of three counts of "infraction à la loi de chasse de Québec"⁸⁰ According to his statement, Cloutier alleged that on or around March 7, on the territory leased by the Club St-Vincent in the Laurentides National Park, Gallagher "[a] illégalement, étant le chef d'une expédition pour exploration et arpentage pour la Cie. Donacona Paper Co. Ltd eu en sa possession, dans les tentes et camps servant aux opérations de la dite expédition ... de la viande d'original pour consommation, et de la peau du dit original."⁸¹ In the same statement, Cloutier also accused Gallagher "[d']avoir illégalement, savoir pendant le temps de prohibition chassé ou accompagné un autre à chasser" and "[d']avoir illégalement chassé, tué et pris un original sur le terrain du Parc National des Laurentides."⁸² Based on Cloutier's complaint, the Honourable Judge Philippe-Auguste Choquette issued a summons on April 9, which was personally delivered to the accused at his office on April 12 by Ulric Gelly, the local bailiff for Quebec City. In this document, the charges against Gallagher were restated and he was asked to appear in court on April 16, at 10 a.m. When the preliminary hearing began, Gallagher was not present and, as such, the Honourable Judge Arthur Lachance rescheduled the hearing for April 24. When the court session resumed eight days later, the accused's absence forced another adjournment to April 30. However, before the hearing could begin, Gallagher submitted a signed statement to the court on April 28, in which

he pled guilty to the first offence. The two other charges were subsequently dropped. Based on his plea, Judge Lachance sentenced Gallagher to pay the minimum one-hundred-dollar fine for his offence plus applicable fees, and, by May 3, the entire sum of \$123.65 was paid, with half going to the prosecutor and the rest given to Cloutier.⁸³

Although the cases against Gros Louis and Gallagher share some similarities—such as being accused by the same game warden for illegal possession of moose meat during the prohibited season, and for hunting without a valid permit in the Laurentides park on the Club St-Vincent’s land—there are also important differences, which shed light on the differential treatment that Indigenous and non-Indigenous hunters experienced in the judicial system. *Cloutier v. Gallagher (1926)* reveals the value which the Eurocentric sportsmen’s code of conduct placed on certain hunting practices, a predisposition also later adopted by state officials and applied unilaterally to all hunters in the province, regardless of existing traditional customs. According to the case file, out of the three charges of which Gallagher was accused, none were related to his method of hunting.⁸⁴ It can be assumed that the reason Gallagher was not charged for the way he hunted was because his approach was considered appropriate by Euro-Canadian standards. For example, like most of his fellow sportsmen, Gallagher hunted for leisure and to acquire trophies, while adhering to a hunter’s code of ethics founded on notions of fairness and restraint.⁸⁵ By contrast, Indigenous peoples’ hunting methods were viewed by Quebec—and other provincial governments across Canada—as destructive. According to the Ontario Game and Fish Commission’s 1905 report, Indigenous hunters’ use of strategies such as crust hunting and “marsh” or “jack light” hunting was considered lazy, because it failed to engage in the hunter-versus-prey contest that testified to the former’s skills.⁸⁶ The criminalization of Indigenous hunting methods is seen most clearly in the fact that Gros Louis was charged and convicted for being in possession of traps and for installing them in the Laurentides park without a valid licence.⁸⁷ In using hunting strategies considered undesirable according to Euro-Canadian standards, Gros Louis became a target of the state officials, who sought to eradicate the use of certain Indigenous hunting methods. Consequently, Gros Louis was criminalized for refusing to conform to the Euro-Canadian sportsmen’s code of conduct.

More importantly, criminalization of certain aspects of Wendat hunting went beyond seeking to eliminate traditional customs; it was part of the provincial government's refusal to accept—or even acknowledge—the existence of a Wendat hunting regime that followed traditional customs and understandings of property. Under the guise of conservation, Quebec's game laws completely ignored and dismissed Wendat hunting rights, thereby reinforcing Euro-Canadian perceptions of ownership. Moreover, as a subsistence hunter, Gros Louis represented a way of life that governments, both federal and provincial, had been trying to discourage for decades. In Ontario, for example, Edwin Tinsley, the province's chief game warden, believed the money Indigenous peoples made from selling game meat to tourists and lumber camps prevented them from ending their dependency on hunting, and that the only solution to this was for them to take on wage labour.⁸⁸ Viewing their reliance on subsistence hunting as evidence of laziness, Tinsley maintained that Indigenous peoples “should be made to either work or starve, and not be allowed to lead lazy, loafing lives, destroying valuable assets of the Province with impunity.”⁸⁹ As such, game laws were implemented to try and discourage First Nations from practising their traditional ways of life while simultaneously protecting Euro-Canadian access to wildlife.

Cloutier v. Gallagher (1926) also demonstrates that federal and provincial departments wielded significant influence over the legal process. Specifically, it reveals how political interference can affect the outcome of a case. On April 27, 1926, a day before Gallagher's preliminary hearing was scheduled to begin, L. Richard, the deputy minister in charge of the Department of Colonization, Mines, and Fisheries, sent a letter to the Crown prosecutor, Edgar Rochette, stating that “si monsieur Galla[g]her désire plaider coupable, il pourra être condamné au minimum de l'amende soit \$100.00, pour une offence, et vous êtes autorisé à demander au juge de suspendre la sentence dans les autres plaintes.”⁹⁰ Richard's decision to insert himself in this case had a direct impact on its outcome because, the following day, Gallagher submitted a signed confession pleading guilty to the first charge, while the two others were subsequently dropped. Not only does Richard's involvement demonstrate the ability of state officials to intervene in the legal process and influence the outcome, but it also shows a lack of judicial independence. Equally significant is the particular

department that chose to get involved in Gallagher's case. By the turn of the twentieth century, the Department of Colonization, Mines, and Fisheries was heavily involved in promoting the benefits of hunting for leisure. The department capitalized on the growing interconnection between hunting and colonization by pushing for "la colonization sportive" to encourage settlement and economic development in Quebec.⁹¹ Thus, Richard's decision to intervene in Gallagher's case was taken both for political and economic reasons.

A little over ten years later, Wendat hunters continued to be criminalized for engaging in their traditional practices. On June 1, 1937, Odina D. Rhéaume, of Lac-Saint-Charles, filed a complaint against "Village des Hurons" resident Gérard Sioui, accusing him of "Infrac[tion] à la Loi de Chasse."⁹² After accepting Rhéaume's complaint, the Honourable Judge Laetare Roy issued a summons requesting Sioui's presence in court on June 8 to face the charges against him. At the preliminary hearing, Sioui, accompanied by his lawyer, Maître Paul Lesage, pled not guilty and the trial was set for June 14. On the first day of the trial, all parties were present while the Crown prosecutor, Maître M. Dorion, presented evidence against Sioui. The five following court sessions unfolded similarly, and on September 14, Judge Roy found the defendant guilty of violating Quebec's game laws and sentenced him to pay a five-dollar fine plus applicable fees, or serve fifteen days in jail. That same day, Sioui was given until September 29 to pay the fine, but, according to the court docket, on September 20, an arrest warrant was issued and Sioui was taken into custody.⁹³

Unlike the two previous court cases brought forward by the local game warden, this one is missing several details. Yet, the information provided in the court docket, coupled with what we know from similar cases and the extensive coverage this case received in the local newspaper, *Le Soleil*, sheds light on Sioui's experience. The offence with which Sioui was charged provides an important starting point. According to the court docket, Sioui was accused of contravening Quebec's game laws.⁹⁴ No further details were provided, but an article published in *Le Soleil* on July 21 states that Sioui was accused of violating the province's game laws after he was found "en possession de deux peaux d'originaux [*sic*] en temps prohibé."⁹⁵ Similar to *Cloutier v. GrosLouis* (1926), Sioui's hunt took place during the Wendats' spring hunting season. Since provincial game laws failed to take Wendat

land usage into consideration when developing wildlife conservation legislation, Sioui was charged with contravening the law. Thus, like Gros Louis, Sioui was criminalized for engaging in Wendat hunting practices and for refusing to conform to Euro-Canadian gaming standards. The ramifications of this judicial process extended far beyond criminalizing certain behaviours. Indeed, the provincial government's determination to punish Wendat hunters for defying Quebec's game laws also served to dispossess them of their land base. By chipping away at the Wendats' ability to provide for themselves, the state limited their ability to maintain their independence.

Along with analyzing the offence with which Sioui was charged, it is equally important to examine the plea he entered and the legal argument he presented. As stated in the court docket, Sioui pled not guilty to one count of violating Québec's game laws, but it does not indicate whether a defence was invoked.⁹⁶ According to the same article, published in *Le Soleil* on July 21, the accused maintained that, "la nation à laquelle il appartient est régie par les seules lois fédérales. Or les lois fédérales permettent en tout temps, sans restriction, le droit de chasse aux Indiens, de sorte que M. Sioui soutient qu'il n'a pas commis d'illégalité."⁹⁷ Thus, Sioui believed he was well within his right to hunt, despite the limitations imposed by provincial game laws. To support Sioui's argument, his lawyer, Maître Lesage, wrote to the Department of Indian Affairs (DIA) requesting a copy of the 1933 House of Commons debate in which government officials discussed Bill 21, which would modify section 107 of the Indian Act that dealt with enfranchisement.⁹⁸ Under the proposed amendment, the Superintendent General of Indian Affairs would be permitted to bring together a committee of three members, consisting of two officers from the DIA and one community member, to evaluate whether a legal "Indian" merited enfranchisement.⁹⁹ In the course of the House of Commons deliberations, Senator Malcolm formally recognized the existence of a treaty protecting Aboriginal hunting and fishing rights, when he declared, "the federal government has made a treaty with them to give them certain treaty moneys, and in that treaty have agreed that Indians may fish and hunt so long as the grass grows and the water flows."¹⁰⁰ In their reply to Maître Lesage, the DIA said they were unable to locate the document Lesage had requested, and claimed to be unaware of any existing treaty that guaranteed Wendat

hunting rights.¹⁰¹ Even though the DIA's reply acknowledged implicitly that agreements existed between Indigenous peoples and the Crown, it completely dismissed the idea that such agreements protected—let alone guaranteed—Wendat hunting rights. Although it is impossible to know whether anyone at the DIA ever looked for a copy of the debate, this court case demonstrates how state institutions such as the legal system and the Department of Indian Affairs worked together to racialize the Wendat.

The treaty to which Sioui referred is neither mentioned by name in the court docket nor in the newspaper articles written about the case; nonetheless, it may be inferred that he was referencing the treaty signed between the Wendat and General James Murray in 1760. Upon realizing that their French colonial allies were close to being defeated by the English, Wendat leaders met with General Murray on September 5, 1760, to establish an agreement of neutrality.¹⁰² The resulting treaty confirms that peace was established with the English and assures that the Wendat could safely return to Lorette and maintain “free exercise of their Religion; their Customs, and Liberty of trading with the English.”¹⁰³ According to Wendat historian Marguerite Vincent Tehariolina, the agreement between her ancestors and General Murray was common knowledge among community members. For example, she maintains that the 1760 treaty was often cited by Wendat leaders when pressing government officials to protect their lands and interests.¹⁰⁴ Given how well-known it was among the Wendat, it is possible that Sioui was referring to this treaty when he invoked it as his defence. By arguing that a nation-to-nation agreement between the Wendat and the federal government exempted him from provincial game laws, Sioui was contesting the Quebec government's jurisdictional authority. The political ramifications of calling into question the province's right to manage the land—and wildlife—within its borders did not go unnoticed by the Crown prosecutor, Maître Ross Drouin. In response to Sioui's argument, Drouin immediately countered: “en s'appuyant sur les textes fédéraux [qui] déclare que lorsque l'Indien sort de sa réserve il est soumis comme les autres citoyens aux lois générales et que le statut provincial de la Chasse et Pêche s'applique à lui, comme aux autres, lorsqu'il est en dehors de sa réserve.”¹⁰⁵ Drouin's reply illustrates the state's refusal to recognize and acknowledge the existence of Indigenous hunting rights, out of fear that this would undermine their jurisdictional authority

over provincial lands and set the Wendat outside of the province's legal framework.

The judge's verdict, and the context that shaped it, are the final two aspects of this case which illustrate Sioui's racialized treatment. According to the court docket, Judge Roy found Sioui guilty of violating Quebec's game laws and sentenced him to pay a five-dollar fine plus applicable fees, or spend fifteen days in jail.¹⁰⁶ Although the reason for the judge's decision is not mentioned in the court docket, an article published in *Le Soleil* on September 14 includes an excerpt of Judge Roy's six-page report, in which he explains why he found the defendant guilty:

Un fait domine la situation de l'Indien dans ce pays. Il y a 200 ans, il avait tout et aujourd'hui il n'a presque plus rien. On lui refuse les droits de citoyens et on le parque dans des réserves. À pareille enseigne, la loi souvent prime le droit. C'est l'histoire de toutes les conquêtes et les pays vainqueurs trainent tous ce boulet. L'injustice légalisée est encore de l'injustice, mais elle porte le manteau de la loi et lui emprunte sa force. Puis, peu à peu, par l'usage, l'usure, la durée et l'habitude, la loi devient le droit.¹⁰⁷

The first few sentences of this passage indicate that Judge Roy recognized the impact of colonization upon First Nations, especially in relation to their political and social exclusion from society, which placed them at a significant disadvantage. Yet, he makes it abundantly clear that adhering to the letter of the law takes precedence over correcting perceived wrongs. In other words, Judge Roy prioritized positive law over natural law. Thus, even though he acknowledges that legalized injustice disguised as law is still injustice, he maintains that over time, it eventually comes to be considered right. This demonstrates that Judge Roy saw himself as playing an important role in this process: similar to the colonizing nations themselves, the judge simply assumed responsibility for enforcing the law until the legalized injustices become acceptable. This understanding of the law reinforces the notion that punishing the Wendat for their practices comprised an integral part of bolstering the legitimacy of federal and provincial legislation.

Scholars such as Alain Beaulieu, Stéphanie Béreau, and Jean Tanguay explore how the practice of punishing Wendat defendants through the

legal system was used to legitimize the state's gradual intrusion into their everyday lives. Initially, Wendat hunting and fishing was tolerated and dealt with primarily through the handing-out of fines; however, by the turn of the twentieth century, this approach was abandoned in favour of harsher punishments.¹⁰⁸ To deter the Wendat from engaging in these activities, the state routinely confiscated and destroyed the hunting equipment of those caught violating provincial game laws.¹⁰⁹ While it is unclear whether this happened to Sioui or Gros Louis, it is certainly possible given that this was common practice among Quebec game wardens at the time. In addition, animal parts and Wendat hunting tools could also be seized and used against the accused as courtroom evidence. For example, according to the article published in *Le Soleil* on July 21, Sioui was found in possession of two moose hides.¹¹⁰ Given that the court docket states that evidence was presented against the accused, it can be assumed that the hides—and possibly other items such as meat or hunting tools—were confiscated and later displayed as proof of his transgressions.

Aside from hunting violations, the Wendat were also penalized for continuing to harvest natural resources, including five members of the reserve charged with stealing trees. The first incident took place on March 7, 1933, when Silvio Rhéaume and Marcel Guénard, from the “village des Hurons, Lorette,” were charged with one count each of “vol d’arbres” (tree theft).¹¹¹ Appearing before the Honourable Judge G. Demers, both men pled guilty and, that same day, the judge sentenced each man either to pay a ten-dollar fine or spend ten days in prison, if they were unable to afford the fee. According to the court docket, an arrest warrant was issued and Rhéaume and Guénard were taken to the local jail. The following day, Guénard paid the fine and was released, while his co-defendant remained imprisoned. Even though the circumstances of the arrest are unknown, some inferences can be made based on what we already know about Wendat practices. First, forests played an important role in the Wendat way of life due to their versatility as an ecosystem. On the one hand, they were home to an abundance of wildlife, which provided an important source of food and economic subsistence. On the other, the trees of the forest could be used to create goods such as snowshoes, canoes, hunting cabins, traps, firewood, tools, and weapons.¹¹² These products could be used by community members to facilitate economic and subsistence activities or be sold for profit.

Therefore, it may be assumed that Rhéaume and Guénard were engaging in the same activities that had sustained their community for generations. By denying these men the ability to undertake these practices, the state effectively limited the Wendats' capacity to maintain their independence.¹¹³

Four years later, three other members of the same reserve, Henri Sioui, Gustave GrosLouis, and Théophile GrosLouis, were separately tried for stealing trees as part of an incident that took place in April 1937. In the first of these cases, on April 15, Loretteville resident Berthe O'Sullivan filed a complaint against Henri Sioui, of the "Village des Hurons," accusing him of "vol d'arbres."¹¹⁴ After formally signing off on her statement, the Honourable Judge Laetare Roy issued a warrant for Sioui's arrest and, by the following day, he was apprehended. On April 16, Sioui, accompanied by his lawyer, Maître Paul Lesage, stood before Judge Roy and, when asked to enter his plea, the accused pled not guilty. The preliminary hearing was scheduled for a week later. In the meantime, Sioui was granted a conditional release on a promise to appear in court. When the case resumed on April 23, all parties were present for the start of the preliminary hearing. The prosecutor, Maître Dorion, presented evidence of an unspecified nature against the accused. For reasons that are not clearly explained in the court docket, the matter was not settled until the new year, when, on January 20, 1938, Sioui, along with his counsel, requested an expedited process. This was approved by Judge Roy. The same day, the accused pled guilty and the judge released him "par caut[ion] de Paix" (peace bond) of twelve months.¹¹⁵

As with Sioui, Gustave GrosLouis's experience with Quebec's judicial system was similar. On the same day that O'Sullivan filed a complaint against Sioui, she also accused GrosLouis, from the "Village des Hurons," of "vol d'arbres."¹¹⁶ The Honourable Judge Hugues Fortier accepted the plaintiff's complaint and an arrest warrant was issued for GrosLouis. By the following day, GrosLouis was apprehended by a local constable before appearing in front of the Honourable Judge Laetare Roy, where he pled not guilty to one charge of stealing trees. After the preliminary hearing was scheduled for April 23, GrosLouis, like Sioui, was given a conditional release on a promise to appear in court. When the court reconvened, all parties were present, including GrosLouis, accompanied by his counsel, Maître Lesage. Over the next week, the court met on two separate

occasions in which Maître Dorion, as the Crown prosecutor, presented evidence against the accused. On April 30, GrosLouis was granted a second conditional release. For reasons that are not clearly explained in the court docket, the case resumed later that year, on October 23, when GrosLouis found himself back in a Quebec courtroom requesting an expedited process. After Judge Roy granted GrosLouis's request, the accused pled guilty and was given a suspended sentence, until the matter was resolved a year later, on November 23, after the Honourable Judge Hugues Fortier officially released him.¹¹⁷

Like Sioui and Gustave GrosLouis, "Village des Hurons" resident Théophile GrosLouis, was also charged with "vol d'arbres," following a complaint by Berthe O'Sullivan, of Loretteville, on April 15, 1937.¹¹⁸ After the Honourable Judge Hugues Fortier accepted the plaintiff's deposition, he issued a warrant for GrosLouis's arrest and, within two days, the accused was apprehended by local police. On April 17, appearing before Judge Fortier with his lawyer, Maître Lesage, GrosLouis pled not guilty and, like Sioui and Gustave GrosLouis, was granted a conditional release on a promise to appear in court. When the preliminary hearing resumed on April 26, before the Honourable Judge Laetare Roy, GrosLouis's experience was nearly identical to that of the two others charged for the same incident. During this session, and a subsequent session four days later, all parties were present as the Crown prosecutor, Maître Dorion, presented evidence against GrosLouis. On April 30, after hearing the prosecutor's arguments, the case was adjourned and Judge Roy granted another conditional release to the accused. Like those of Sioui and Gustave GrosLouis, the case did not resume until the new year, when, on January 20, 1938, GrosLouis and his lawyer requested an expedited process. Judge Roy accepted their request and, the same day, GrosLouis pled guilty to one count of stealing trees. Again, the judge released him "Par caut[ion] de Paix" and the matter was officially settled.¹¹⁹

Although the court docket does not explicitly state that all three arrests related to the same incident, the cases share important similarities. Aside from being charged on the same day, by the same plaintiff, and with the same offence, Sioui, Gustave GrosLouis, and Théophile GrosLouis's experiences in the legal system were nearly identical. First, in all three cases, the judicial process was long and stretched out over several months. For

example, in Gustave Groslouis's case, the matter was finally settled in November, seven months after his initial arrest, whereas for Sioui and Théophile Groslouis, a final verdict was only delivered the following year. Unfortunately, no information explaining the reasons for these delays is given. All three men requested an expedited process, following which, once granted, each pled guilty to the offence. This indicates, perhaps, that the three men knew that entering a formal guilty plea would expedite the judicial process. If correct, this supposition raises the question as to whether these men only pled guilty for the sake of resolving the matter. Even though Sioui, Gustave Groslouis, and Théophile Groslouis did not serve any jail time, they now had criminal records, and any future encounter with the judicial system might increase their chances of receiving a harsher punishment, being considered repeat offenders.

Furthermore, as in *Le Roi v. Rbéaume and Guénard (1933)*, the circumstances of the three men's arrests were not indicated in the court docket. An article published in *Le Soleil* on September 16, 1937, sheds light on what may have transpired. According to the article, all three men were charged with "couper et voler des arbres" (cutting and stealing trees).¹²⁰ Although very brief, this phrase implies that, like the two men arrested before them, they were most likely engaging in resource extraction by cutting and taking trees for personal or economic use, as Wendat people had done for generations. The most important theme linking all four of these cases is that the Wendats' continued harvesting of forest resources clashed with the government's desire to exploit the province's natural resources. In particular, the Wendats' actions were at odds with the interests of large companies engaged in timber, forestry, logging, and mining, which sought to maintain their undisputed jurisdiction over these resources. During the eighteenth and nineteenth centuries, the practice of granting timber licences to various industries was well established throughout the province.¹²¹ These permits essentially gave companies a monopoly over a parcel of land upon which to conduct their business, in turn generating significant revenues for Quebec. The importance of these companies to Quebec's economy increased significantly between 1880 and 1914, when the provincial government recognized, with growing interest, the profitability of Quebec's forestry, mining, and hydroelectric resources.¹²² Consequently, the Wendat—and their economic, subsistence, and

cultural practices—were perceived as obstacles. This conceptualization of the Wendat as standing in the way of Quebec’s success is reflected in all four court cases, in which each community member was arrested for making use of the province’s natural resources without prior government approval. The criminalization of these five Wendat men is significant because, similar to the game-law violations with which Antoine GrosLouis and Gérard Sioui were charged, the ability to exploit natural resources was not seen as an inherent right. Rather, it was viewed as a privilege to be granted—or denied—by the government. Aside from demonstrating how Wendat practices were seen as being at odds with Quebec’s goal of capitalizing on the province’s natural resources, these cases also illustrate the state’s continued denial of Wendat property regimes. Like Antoine Gros Louis and Gérard Sioui, the arrest and conviction of Wendat men who harvested natural resources was due to the province’s refusal to acknowledge, let alone accept, Wendat concepts of ownership. As such, the Wendat were prosecuted for exercising their property rights.

For three non-Indigenous people charged with the same crime at around the same time, their experiences in a Quebec courtroom differed significantly from those of their Wendat counterparts. On January 5, 1938, J. Omer Dion filed a complaint against Robert Robert, Paul Devarennnes, and François Savard, accusing them of “vol d’arbres.”¹²³ After accepting the plaintiff’s complaint, the Honourable Judge Laetare Roy issued an arrest warrant for the three men the same day. But, whereas Robert and Devarennnes were apprehended by a member of the local police force, Savard’s father, listed only as “Savard Sr.,” was mistakenly taken into custody and then quickly released.¹²⁴ Later that day, Robert and Devarennnes appeared in front of Judge Roy, whereupon both pled not guilty before being granted a conditional release on a promise to appear in court for the start of their preliminary hearing. When the court session resumed on January 12, Robert, Devarennnes, and Savard (who was eventually apprehended), appeared before the Honourable Judge Hugues Fortier alongside their lawyer, Maître Bourget. Unfortunately, the specific details of this hearing are not included in the court docket; but, by the end of that session, all three defendants had been given a second conditional release on a promise to appear on January 20. This began a two-week period during which the hearing reconvened on two other occasions, until the plaintiff’s

counsel, Maître Jules Royer, “présente une mot.[ion] verbale pour retirer la plainte” (presented a verbal motion to withdraw the complaint).¹²⁵ Given that all three defendants were not in court that day, the motion was adjourned and rescheduled for February 25. When the case resumed, even though Robert was the only accused present, the Honourable Judge Arthur Roy formally accepted the plaintiff’s request to withdraw the complaint and declared “qu’il met les 3 prévenus hors de cour” (that he dismissed the three defendants from court).¹²⁶

When compared to the three previous cases, *Dion v. Robert, Devarennés, and Savard* (1938) illustrates how non-Indigenous offenders charged with similar offences were treated differently by the judicial system. First, all three defendants benefitted from a quick and efficient process. For example, Dion filed his complaint against Robert, Devarennés, and Savard on January 5; and, by the following month, he had recanted his statement and the matter was settled out of court. This is significantly different from the experiences of Henri Sioui, Gustave GrosLouis, and Théophile GrosLouis, whose judicial processes carried on for months before a final verdict was reached. Based on this difference, it can be seen that for the Wendat, at least in these three cases, legal processes took much longer. Furthermore, in the case of Robert, Devarennés, and Savard, unlike in the Wendat men’s cases, the matter was settled out of court. When Dion submitted a request to withdraw his complaint, Judge Roy formally dismissed the case. Allowing the matter to be resolved out of court served to legitimize Euro-Canadian land usage and ensured that none of the three accused would have criminal records. For the five Wendat men charged with the same offence—Rhéaume, Guénard, Sioui, Gustave GrosLouis, and Théophile GrosLouis—this was not an option. As a result, their arrest, trial, and conviction not only brought them into the Canadian judicial system, it also labelled them as criminals. So, although the law was fair and impartial in theory, in practice it defined Wendat claims and land usages as illegal. Although they would not be considered dangerous offenders by any means, the existence of a criminal record could have profound consequences in any future interactions with the state. For example, such prior encounters with the law might be used as a justification for increased state intervention or surveillance.

The twentieth-century criminalization of Wendat practices contributed to their territorial dispossession while simultaneously depriving them of their ability to engage in activities that had sustained their communities since time immemorial. To support this argument, I draw from a total of nine court cases, seven of which listed at least one Wendat defendant. Among these seven cases, five concerned offenders accused of stealing wood, while the remaining two were charged with violating Quebec's game laws. These cases demonstrate that racialization did not always occur in an overt manner, such as through the use of discriminatory, dehumanizing, or derogatory language. In many ways, it was less visible; it became an integral part of the discourse of the state and its actors, and manifested itself in the types of crimes with which the Wendat were charged. In other words, by virtue of being Indigenous, accused persons were (and still are) treated differently by the court system compared to non-Indigenous peoples.

For Antoine Gros Louis, Gérard Sioui, Silvio Rhéaume, Marcel Guénard, Henri Sioui, Gustave GrosLouis, and Théophile GrosLouis, the legal ramifications of racialization are reflected in their court cases. These cases demonstrate that although a racial bias against them did exist, the inequitable treatment they experienced was also deeply embedded in the colonial structure. One way in which this racialization manifested itself was in the criminalization of Wendat practices. On the surface, the offences with which Antoine Gros Louis and Gérard Sioui were charged lend the impression that they were simply illegal poachers of natural resources. However, these cases illustrate that the criminalization of these men was a product of Quebec's wildlife management system, which failed to take into consideration the Wendats' use of the land and its resources. For example, by prioritizing sport hunting, Quebec's game laws undermined certain traditional practices while rendering others illegal,¹²⁷ thereby excluding the Wendat from participating in and benefitting from activities in which they had engaged for generations. In addition, Quebec's ideological approach to wildlife management sought to exclude the Wendat. For instance, the notion that harvesting natural resources was not an inherent right, but rather a privilege that could be granted or denied by the state, was used to justify the provincial government's decision to bring wildlife management

under its jurisdiction. In turn, this completely ignored Indigenous sovereignty and concepts of property, resulting in the criminalization of Wendat men such as Sioui, who believed that his right to hunt was protected under nation-to-nation treaties.¹²⁸

The ramifications of the approaches taken by both the federal and provincial governments in the twentieth century is felt to this day. Even though the encounters of Antoine Gros Louis, Gérard Sioui, Silvio Rhéaume, Marcel Guénard, Henri Sioui, Gustave GrosLouis, and Théophile GrosLouis with the criminal justice system happened more than seventy-five years ago, the criminalization which they, and others, experienced laid the foundation for a narrative which today is used to portray Indigenous peoples who exercise their treaty rights as opportunists who operate outside the law. This was seen most recently in the arguments advanced by non-Indigenous commercial fishermen in Nova Scotia against the Sipekne'katik First Nation's "moderate livelihood" lobster fishery, which began in September 2020. According to these fishermen, the Mi'kmaq were using their communal lobster fishery—in which selling the catch was prohibited—"as a cloak for a large-scale commercial fishery."¹²⁹ The characterization of Mi'kmaq fishermen as a conniving group of men who seek to take advantage of the system is a reflection of the exclusion of Indigenous Peoples from wildlife management strategies, the devaluation of their conceptions regarding property rights and approaches to land usage, and the criminalization of their economic, subsistence, and cultural practices. Thus, although twentieth-century court cases may seem outdated or inconsequential in the context of today's pursuit to recognize and honour treaty rights, they provide important historical insight into how and why the current situation developed as it did.

Endnotes

- 1 O'Sullivan v. Sioui (August 26, 1932), Quebec 7625 (Cour des Sessions de la Paix).
- 2 Ibid.
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- 57 Ibid. English translations: "of having illegally hunted, killed, and taken fur-bearing animals in the territory of the Laurentian National Park, of having had in his possession traps or snares within the limits of said park, and of having established himself there without a license or permit" and "of having hunted on the lands under lease to the Club St-Vincent, forming part of the lands of the Laurentian National Park, without a permit from the lessee or his representatives, and during the prohibited season."
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- 80 Cloutier v. Gallagher (April 9, 1926), Quebec 241 (Cour des Sessions de la Paix).
- 81 Ibid. English translation: "had illegally, being the leader of an exploration and surveying expedition for the Donacona Paper Co. Ltd., had in his

possession, in the tents and camps used for the operations of said expedition . . . moose meat for consumption, and hide from said moose."

82 Ibid. English translations: "of having unlawfully, and knowingly during the prohibited time, hunted or accompanied another in hunting" and "for illegally hunting, killing, and taking a moose on Laurentian National Park land."

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91 Ingram, *Wildlife, Conservation, and Conflict*, 114.

92 *Rhéaume v. Sioui* (June 1, 1937), Quebec 14402 (Cour des Sessions de la Paix).

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95 "Les Hurons et le droit de chasser: Les Indiens ont-ils le droit de chasser en temps prohibé dans la province de Québec? – Tel est le point de droit que devra régler M. le juge L. Roy – Un intéressant test-case – Jugement en août," *Le Soleil*, July 21, 1937, 7. English translation: "in possession of two moose hides during the prohibited season."

96 *Rhéaume v. Sioui*.

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- 105 "Les Hurons et le droit," 7. English translation: "We rely on the federal laws, which declare that when the Indian leaves his reserve, he is subject, like other citizens, to the general laws; and that the provincial statute on hunting and fishing applies to him, as to others, when he is outside his reserve."
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- 107 "Les Indiens sont soumis à nos lois," *Le Soleil*, September 14, 1937, 1. English translation: "One fact dominates the situation of the Indian in this country: two hundred years ago he had everything, and today he has almost nothing. He is denied the rights of citizenship and is confined to reserves. In such a situation, the law often prevails. This is the history of all conquests, and the victorious countries all carry this burden. Legalized injustice is still injustice, but it wears the cloak of the law and borrows its force. Then, little by little, through use, wear, and tear, duration and habit, the law becomes law."
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When Reconciliation Is Far and Beyond for Being Accomplished:

The Invisible Genocide Becomes Visible

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The discovery of the remains of 215 Indigenous children in May 2021, at the site of the former Kamloops Indian Residential School in Kamloops, British Columbia (on the territory of the Tk'emlúps te Secwépemc people), underlines the urgency of Beverly Jacobs's call for international criminal justice to hold Canada's residential school system to account.² An attorney, a professor at the University of Windsor, and a member of the Bear Clan Mohawk Nation of the Haudenosaunee (Iroquois) Confederacy, Jacobs calls for an international court to pursue the judiciary process against the Government of Canada and the religious institutions responsible for genocide and crimes against humanity. This should include prosecuting government authorities (local and federal) as well as the religious institutions and individuals responsible for implementing the policy and legislation related to the compulsory attendance of Indigenous children at either industrial, day, or residential schools.

In June 2021, the remains of more than 751 children were located at the site of the former Marieval Residential School in Saskatchewan, within the territory of the Cowessess First Nation. By September 2021, ground-penetrating radar surveys had identified more than 1,300 unmarked burials on the sites of former residential schools across Canada,

with several more surveys underway. This material evidence exemplifies the genocide experienced by First Nations children across Canada³ and the failure of social engineering projects designed from above.⁴ Policy and legislation regarding First Nations, Inuit, and Métis people in Canada not only provided the foundations for governing and decimating the life of First Nations but also for fiduciary responsibility on the part of the government.⁵ Consequently, we deem it necessary to explore the aforementioned experiences of genocide and the impasse for reconciliation that they represent.

Here we outline briefly the rationale for founding residential schools in Canada and the legacy of the residential school system for Indigenous peoples (see Figure 1). Then we consider the residential school system as an act of genocide and a crime against humanity, and explore international legal mechanisms to seek justice for the survivors. We argue that reconciliation is far from being achieved in light of recent findings that confirm the genocide of First Nations communities. Many generations are and have been affected psychologically, physically, mentally, and spiritually by the residential school system. The invisible genocide is now visible, and First Nations communities call for justice, healing, and restoration.⁶

Rationale for the Residential School System

European colonizers considered all of North America to be *terra nullius*: the land was neither owned by nor did it belong to particular Indigenous groups.⁷ From the colonial perspective, a settler society was required to occupy the territory and lay claim to its resources. This dispossessed Indigenous people from their lands and pushed them to the margins of inhabited areas, eventually confining them partly to reserves awaiting civilization and Christianization. These land allotments served as a means of control to produce oppressive and hierarchical spatial categories.⁸

According to the report of the Truth and Reconciliation Commission of Canada (see the section “the imperial context”),⁹ one instrument of civilization was the implementation of Indian residential schools, and the rationale for deploying them was the Christianization and civilization of Indigenous people across Canada. By 1883, Ottawa announced a policy on education for Indigenous children to attend industrial schools.¹⁰ Consequently, the Canadian government opened its first industrial



Figure 1: Locations of IRS

residential school at Battleford, in the prairies region.¹¹ Legislation over the next fifty years included not only enfranchisement as stated in the Indian Act of 1869,¹² but also the enforced attendance of children at either industrial or boarding schools.¹³ As Leslie and Maguire note, the aim was “to enfranchise the ‘more acculturated’ tribes of the older provinces and to ‘advance’ the Indians of the North-West through establishment of ‘model farms’ and industrial schools to teach agricultural techniques or mechanical trades.”¹⁴

To reduce costs to the government, missionary entities managed these schools, such as the Jesuits, Methodists, Presbyterians, Oblates, Grey Nuns, Sisters of Saint Ann, and Sisters of Charity. Residential schools taught gendered trade skills, where boys learned blacksmithing, carpentry, shoemaking, and farming. In contrast, girls learned domestic skills for managing the household.¹⁵ By the 1920s, there were eighty industrial and boarding schools throughout the country, and, by 1923, the two types of schools were blended under one roof in what became known as the residential school system.¹⁶

The vast majority of residential schools, including Shingwauk, represented a failure in teaching and learning matters, as stated in the TRC,¹⁷ as the learning process was mostly related to mere repetition (memory) rather than critical thinking. Moreover, classrooms were overcrowded,

distressing spaces for the students whose cultural heritage was being dismantled—in other words, a traumatic experience, not only in relation to school learning but also for the students' physical and mental wellbeing. With classrooms of more than seventy students, teachers were unable to exert control, let alone teach. Of the students who successfully completed school, most pursued careers within the church, government, or school positions, despite the lack of encouragement even to finish school or to pursue further education or training.¹⁸ The following excerpt provides a glimpse of the life within these confinements:

Diet and other aspects of care were inadequate, the staff were often either too few or ill-trained, the workload on children too heavy, and disease and death were ever-present dangers. The fact that the schools operated on a half-day system in which students spent half their time in the classroom and the other half in work opened the way to excessive demands for child labour, many schools harboured brutal workers who victimized the children in numerous ways. The most common problem was pervasive use of excessive corporal punishment. As well, children of tender years found no emotional support in institutions governed by rules. Finally, there were instances of sexual abuse, both of student against fellow student and of staff against the children under their care.¹⁹

This education “of the Bible and plough”²⁰ encountered resistance, both from parents and the children themselves.²¹ Indigenous Peoples across Canada resisted missionaries and residential schools by practising and teaching their traditional ways of life to children rather than allow them to attend these schools.²² In some cases, children ran away from residential schools.²³ Indigenous peoples contested the implementation of this policy and attempted to subvert it through the revival and maintenance of their Indigenous traditions and identities.²⁴ Indigenous communities across Canada continued, to various degrees, with their hunting and fishing activities, by which means they likewise resisted farming and a sedentary life.²⁵ At the same time, this strategy hindered their children's education, as hunting replaced school attendance.

In certain cases of Indigenous resistance, tribal councils “decided the degree and direction of culture change: whether schools would be allowed on the reserves, the rate and type of agricultural or resource development, and the extent to which Indian finances, composed of the annual payments received by the tribes surrendered to the Crown, would be devoted to projects of development.”²⁶

Although contested by various Indigenous groups, the civilizing initiatives and assimilative policies persisted throughout the nineteenth and twentieth centuries.²⁷ Residential school survivors not only experienced sexual, physical, and mental abuse, but were also taken from their families and denied the practice of their culture or language while in these institutions.²⁸

Legacy of the Residential School System

The last federally run residential school closed in 1997.²⁹ In 2008, the Canadian prime minister, Stephen Harper, made an official apology in the name of the government of Canada to residential school survivors and their descendants. Yet, this tidy narrative is inadequate to communicate, let alone address, the devastating effects that the residential school system has had, and continues to have, on Indigenous communities.

The residential schools became one of the greatest forces to have affected Indigenous culture and experience in Canada, as church-run schools forcibly assimilated Indigenous children into the body politic. The impacts of the physical, emotional, sexual, and mental abuse of Indigenous children attending residential schools has impacted each subsequent generation in what has been described as *historic trauma*.

The residential school system tore Indigenous communities apart. Parents were no longer able to communicate with their children, who now spoke a foreign language and did not know how to live off the land. Indigenous children who had attended residential school were left in a cultural limbo: they were not accepted by mainstream Canadian society and could not secure employment, while those who returned to and lived in their old communities often looked down upon their own people and culture. Worse, upon later having their own families, they did not know how to be parents, having been savagely wrenched from their own families

as children. Their pain and trauma manifested in self-hatred, and in the mental, physical, and sexual abuse of others around them.

The residential school system's legacy of intergenerational abuse and suffering continues today. As the residential schools were winding down in the 1950s and '60s, large numbers of Indigenous children began to be apprehended via Canada's child welfare system in a phenomenon that came to be known as the "Sixties Scoop."³⁰ This practice began in the 1950s, as the residential schools increasingly failed to serve as child-welfare institutions. During this time, Indigenous children were often neglected, given up for adoption, or sent to foster care with mainstream families.³¹ In all these circumstances, Indigenous children neither received adequate care nor were able to experience emotional well-being during childhood and adolescence. As had been the case with the residential schools, the growing number of social-welfare institutions also came to exemplify these appalling realities.³²

The familial and cultural disconnection of Indigenous people through the apprehension of their children has become a hallmark of the relationship between Indigenous people and Canada's federal and provincial governments. Although undertaken in the guise of child protection, child apprehension has failed to provide solutions to the decades of alienation, disassociation, and disconnection that Indigenous people faced as children and, later, as adults, as a result of residential school system and Sixties Scoop policies.

In addition, it should be noted that, in Canada, there are many Non-Status, Indigenous-identified, and mixed-heritage Indigenous people whose ancestors either signed no treaty or who lost their government-defined Indian status due to differential treatment of women under the Indian Act or other means (up until the 1985 amendments and reinstatements). Because of the residential schools, the Indian Act, and other government policies, a forced disconnect occurred with regard to Indigenous spirituality and ceremony:

When the Canadian government declared illegal the practice of native ceremonies.... It was a genocidal attack on our spirit that would impact up to five generations (or 100 years) of our peoples who attended residential schools. Taking away

these and other ceremonies meant taking away the ideas, values, and principles basic to community mental health. With the ceremonies went security, identity, ideology, rituals, belonging, reciprocity, and beliefs along with responsibility for actions, access to resources, time together, healing, and justice.³³

April Prosper illustrates precisely the forced sociocultural dispossession and disconnection of children from their families, tribes, and relations as they were forced to wear institutional uniforms:

Canada has marked September 30th as Orange Shirt Day. Why September 30th? September 30th falls during the time of year when Indigenous children were taken away to residential school. Why the orange shirt?

The “orange shirt” in Orange Shirt Day refers to the new shirt that Phyllis Webstad was given to her by her grandmother for her first day of school at St. Joseph’s Mission residential school in British Columbia. When Phyllis got to school, they took away her clothes, including her new shirt. It was never returned.

To Phyllis, the colour orange has always reminded her of her experiences at residential school and, as she has said, “how my feelings didn’t matter, how no one cared, and I felt like I was worth nothing. All of us little children were crying, and no one cared.”³⁴

As April Prosper further explains:

I asked my nephew, who was six, and my niece, who was four at the time, who help make a statement ... of the children that were sent to residential school and did not come home ... as there were children, young as four, sent away to residential school....

The creation of ribbon skirts or shirts were adopted into their fashion when cloth and ribbons became popular during the trading between the Indigenous people and settlers [see Figures 4 and 5]. Today, Indigenous women create their own designs and wear ribbon skirts with a sense of dignity. They are often worn during ceremony, important events, or some wear them every day.

The men wear ribbon shirts in the same sense, as well. I was told that they are important garments because, in the early days of trading, cloth did not hold too much purpose, as it was thin and did not hold much warmth in the elements of the environment. But at most times, lots of lives were lost due to trading deals not going according to plan, so not everyone got to go back home after a trade with the settlers.³⁵

Consequently, we deem it necessary to explore the residential school system as a case of genocide and a crime against humanity, rather than a mere policy or law enactment.

The Residential School System as Genocide and Crime Against Humanity

At the closing event for the Truth and Reconciliation Commission (TRC) in 2015 in Vancouver, Senator Murray Sinclair spoke of the lost and missing children from the Indian residential schools, at that time suspected to number at least three thousand. In addition to the heartbreaking stories of survivors of the residential school system, Indigenous communities were overcome by shock, disbelief, sadness, and anger in hearing about the children who never came home.

The TRC called for the federal government to release all records on the children who died, and to compel the Catholic and Protestant churches to release their residential school records as well—to no avail. There have recently been apologies from Prime Minister Justin Trudeau and from Pope Francis—but of what use is an apology when there is but little change in the conditions that led to it? In 2009, the TRC's Missing Children and Unmarked Burial Project asked for \$1.5 million to undertake the work recommended in Volume 4 of the TRC, and the corresponding Calls to Action 72–76, to begin to redress the legacy of the residential schools and to identify the children. The request fell on deaf ears and was denied. Despite the need for action regarding these burials and forensics for identification of bodies, nothing has changed, even though money was recently approved.

Civil society, Indigenous, and non-Indigenous persons, including lawyers, have called for intervention by the United Nations, through its

Expert Mechanism on the Rights of Indigenous Peoples (UNDRIP), and the appointment of a guardian entity to uphold and protect the legal interests of Indigenous peoples.³⁶ Indigenous people, Indigenous groups, lawyers, and educators are exploring the possibility and seeking a preliminary examination, on the part of the prosecutor of the International Criminal Court (Rome Statute), with regard to the Canadian government and its representatives, the churches, and the Royal Canadian Mounted Police (RCMP) for crimes against humanity and genocide, as well as for covering up and withholding evidence.

When the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG) released its final report in 2019, it established that Canada had carried out genocide under international law.³⁷ By the federal government's own statistics, crimes against Indigenous people and, in particular, against women and children are egregious. For instance, the Department of Justice found that Indigenous women were sexually assaulted three times as often as non-Indigenous women in Canada; among Indigenous young people fourteen and under, 40 percent had experienced physical and sexual abuse, compared to 29 percent of their non-Indigenous counterparts.³⁸ Young Indigenous women are five times more likely than other Canadian women of the same age to die of violence.³⁹ Canada has allowed systemic racism and genocide (e.g., forcing children to attend residential school) to run rampant in this country with no serious commitment to ending these human rights infringements. Indigenous nations are left with no choice but to appeal to international bodies. The federal government, since Confederation, has shown only apathy toward the need for seeking just remedies.

Yet, the applicability of the word *genocide* in the context of the residential school system remains a contested issue in Canada. For example, after the Canadian Historical Association published an open letter, in June 2021, titled "The History of Violence Against Indigenous Peoples Fully Warrants the Use of the Word "Genocide,"⁴⁰ a small group of historians and individuals opposed to this application of the term responded with their own open letter.⁴¹ While some questioned the National Inquiry on MMIWG's reference to genocide, Prime Minister Justin Trudeau later agreed that "what happened amounts to genocide" and that the truth of the past and present injustices perpetrated against Indigenous people

in Canada—including through the residential school system—must be faced.”⁴²

The term *genocide* was coined in 1944 by Raphaël Lemkin, in relation to his work on the Holocaust, to describe the policy and process for the dissolution and disappearance of specific groups of humans.⁴³ Lemkin worked with the United Nations Secretariat to draft an international convention on the use of this term. Since the signing of the Convention on the Prevention and Punishment of the Crime of Genocide (or Genocide Convention) in 1948, and its coming into force in 1951, the definition of *genocide* in international law has included:

Any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such:

- a) killing members of the group;
- b) causing serious bodily or mental harm to members of the group;
- c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- d) imposing measures intended to prevent births within the group;
- e) forcibly transferring children of the group to another group.⁴⁴

We should note that Canadian Policy touches on all of the above conditions as defined by the UN (see, for example, the Indian Act, 1884–1951). Moreover, the kinds of actions normally described as *cultural genocide*—as contrasted with physical and biological genocide—are specifically referenced in Article II of the Genocide Convention, and also appeared in the Rome Statute of the International Criminal Court. The TRC uses the term *cultural genocide* to refer to:

The destruction of those structures and practices that allow the group to continue as a group. States that engage in cultural genocide set out to destroy the political and social institutions of

the targeted group. Land is seized, and populations are forcibly transferred and their movement is restricted. Languages are banned. Spiritual leaders are persecuted, spiritual practices are forbidden, and objects of spiritual value are confiscated and destroyed. And, most significantly to the issue at hand, families are disrupted to prevent the transmission of cultural values and identity from one generation to the next.⁴⁵

Canada's residential school policy for Indigenous children was also a "deprivation of fundamental rights" and, thus, a case of the crime against humanity of persecution as defined by the Rome Statute.⁴⁶ Thus, an action that does not qualify as genocide (cultural or otherwise) may still qualify as a crime against humanity: a systematic attack against civilian populations punishable by international law.⁴⁷ For its part, Canada is a signatory to both the Rome Statute of the International Criminal Court and the Convention on the Prevention and Punishment of the Crime of Genocide—and, therefore, to the need to uphold and advance these mechanisms for international justice.

Mechanisms for International Justice

The international treaty known as the Rome Statute of the International Criminal Court (the "Rome Statute") defines *genocide* as "the crime of carrying out certain acts with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group."⁴⁸ A second type of international crime, *crimes against humanity*, are those that are "committed in a widespread or systematic way, as part of a plan or policy" and in which the target is the civilian population in times of war or peace. Such crimes may be carried out using murder, torture, rape, slavery, and forced displacement.⁴⁹ Although Canada is a State Party to the Rome Statute, the ICC only addresses itself to crimes of mass atrocity (i.e., genocide, crimes against humanity, war crimes) that occurred after the Rome Statute came into force, on July 1, 2002.⁵⁰ However, ad hoc and hybrid courts could offer mechanisms for residential school survivors to seek justice with international oversight.

Ad hoc tribunals are international courts which, first, hold primary jurisdiction to deal with cases with or without the willing participation

of the state in question, and second, hold trials outside of the state in which the alleged crimes occurred.⁵¹ In the wake of the Second World War, the practice of holding ad hoc international tribunals for crimes of mass atrocity flourished with the Nuremberg and Tokyo tribunals (known more properly as the International Military Tribunal at Nuremberg and the International Military Tribunal for the Far East).⁵²

The hybrid tribunal is a more general category that combines national and international components to hold accountable perpetrators of mass atrocities. This model of international justice addresses mass atrocity crimes at the national level, while offering independent oversight and bolstering state resources and expertise. Hybrid tribunals are most often established in negotiation between a state and the United Nations when there is international concern for a state's judicial, legal, and institutional capacity to adequately carry out due process.⁵³

A hybrid tribunal can contribute to ending a culture of impunity, ensuring the right to justice, and advancing reconciliation.⁵⁴ The appointment of international legal professionals who sit alongside local judges and prosecutors can enhance the legitimacy and independence, in reality and in perception, of the judicial process.⁵⁵ This working relationship can help build local capacity through training and knowledge exchange, which can be further assisted through international funding.⁵⁶ The arrangement also offers opportunities for developing local norms that align with international standards in criminalizing mass atrocities.⁵⁷

Similar to the ICC model, hybrid tribunals often seek to prosecute the "most responsible" individuals in a senior position in the investigation.⁵⁸ To date, hybrid tribunals have prosecuted relatively few individuals for crimes that involved hundreds of perpetrators.⁵⁹ Nevertheless, in response to the broader scope of certain other cases, the prosecution was likewise broadened to include perpetrators in intermediate- and lower-level positions (e.g., the War Crimes Chamber of the Court of Bosnia and Herzegovina).

Some hybrid tribunals have standalone jurisdiction that operates outside the national justice system, such as the Special Court for Sierra Leone.⁶⁰ Other hybrid tribunals fully integrated the national judicial system with a planned phase-out of international involvement, such as with the War Crimes Chamber of the Court of Bosnia and Herzegovina.⁶¹

Sometimes hybrid tribunals prosecuting crimes of mass atrocity were established many years after the crimes occurred, with investigations and trials continuing for more than a decade, as, for instance, in the case of the Extraordinary Chambers in the Courts of Cambodia (ECCC) for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea. The ECCC's purpose was to prosecute senior leaders of the Khmer Rouge, under whose military rule an estimated three million people were killed, between April 17, 1975, and January 7, 1979.⁶² The ECCC operates from 2005 to December 2022, during which time a large bureaucracy and political network developed around the hybrid court as a "veritable [fixture] in the national and international justice landscape."⁶³

Conclusion

In August 2021, the Government of Canada at last made a financial commitment of \$33.8 million, over three years, to find and honour the children who died while attending Indian residential schools.⁶⁴ However, the government is reluctant to release records from the schools due to the political implications of releasing funds for this purpose near election time. The National Centre for Truth and Reconciliation has confirmed that all these records are still missing with regard to school narratives (silencing the practices within and beyond the school system) and supporting evidence of these practices, as of October 19, 2021. We still face systemic racism in Canada that cannot be overlooked. The Truth and Reconciliation Commission concluded in its final reports, published in 2015, that even though Prime Minister Trudeau and Pope Francis have apologized for the genocide committed against First Nations, the fundraising on the part of the Roman Catholic Church, along with a promise to release records, is by no means enough.

In a court settlement that same year (2015), the federal government permitted the Catholic Church to renege on its lowly \$29 million cash pledge and allowed, instead, a \$2 million legal buyout, together with an obligation to fundraise \$25 million to assist survivors.⁶⁵ But with the recent discovery of more than two hundred bodies of Indigenous children at the Kamloops Indian Residential School, it is clear that Canada cannot investigate itself for the genocide against Indigenous people, and the

continued violation of their basic human rights, which continues today. In order for Indigenous people in Canada to attain truth, justice, and reconciliation, yet another inquiry or commission will not do. In addition to calls for an inquiry and international oversight, there have been calls to establish a National Indigenous and Human Rights Ombudsperson and a Human Rights Tribunal, with both being independent of governments. But again, Canada cannot be seen as sufficiently responsible to police and regulate itself, as demonstrated by the federal government's decision to appeal in 2019 the Canadian Human Rights Tribunal (CHRT) ruling a blatant attempt to delay and deny responsibility. This was an attempt made by Canada (the State) to overrule and invalidate the order to compensate the discrimination practices experienced by First Nations children and their families harmed by Canada's enactment of First Nations Child and Family Services Program. The CHRT ordered \$40,000 Canadian dollars in compensation for First Nations Children and Families regardless of their Indian status defined by the Indian Act and or location.

As per the ruling The Tribunal can only hear complaints of discrimination filed against federally regulated employers and service providers.

The TRC's *Calls to Action* report outlines ninety-four different actions required to "redress the legacy of residential schools and advance the process of Canadian reconciliation."⁶⁶ These calls to action comprise six focus areas, including child welfare, education, language and culture, health, justice, and reconciliation. The Commission calls upon the federal, provincial, territorial, and municipal governments to "fully adopt and implement the United Nations Declaration on the Rights of Indigenous People as the framework for reconciliation,"⁶⁷ with a basis in the Royal Proclamation and treaties to affirm the nation-to-nation relationship with the Crown, to ensure that Indigenous people in Canada are full partners in Confederation.⁶⁸ Broadly, the transition from healing to reconciliation, and the holistic components proposed for a residential school resolution include:

Acknowledgement, naming the harmful acts and admitting that they were wrong; redress, taking action to compensate for harms inflicted; healing, restoring physical, mental, social/emotional, and spiritual balance in individuals, families, communities, and

nations; and reconciliation, accepting one another following injurious acts or periods of conflict and developing mutual trust.⁶⁹

In order to achieve justice for Indigenous children, families, and communities harmed through the residential school system, reconciliation is not enough. The answer lies not in a government-run Band-Aid solution of “reconciliation” but in decolonization itself. Two critical goalposts must be implemented in tandem: nation-to-nation treaty relationships and international mechanisms for justice.

Moving to nation-to-nation and treaty relationships is a key step in moving toward meaningful self-determination and decolonization. Returning to treaty relationships is relatively straightforward for most of Canada with the exceptions of British Columbia and Quebec, which did not settle treaties and where there are a long standing trilateral negotiations with the federal and provincial governments. However, even assuming a true nation-to-nation relationship, Indigenous nations are still embedded within Canada and thus tied to the Constitution. Any move toward nation-to-nation relationships would need to be renegotiated in constitutional talks. As it stands, Indigenous nations are not founding parties to Confederation, and thus lack the language and cultural protections afforded to Quebec. (Indigeneity in Canada continues to be defined through government legislation and the co-optation of vital Indigenous self-determination.

Working together with international bodies to achieve justice for specific acts of genocide and crimes against humanity, occurring from Confederation to the present, is our call to action. A national and international observatory for the enforcement of Indigenous rights, self-determination, and justice across Canada is still missing. We are beyond the time where it is possible to trust the Canadian government to regulate and police itself with regard to its treatment of Indigenous peoples—it will not. It is a conflict of interest, not to mention too politically overcharged for any level of government in Canada to attempt, whatever its political stripe. With regard to the genocide and crimes against humanity experienced by Indigenous people in Canada since Confederation, international intervention seems the only viable means to achieve justice. For this reason, to attempt at reconciliation is not even feasible in the near

term, despite the political interest in it on the part of local, provincial, and national authorities.

Endnotes

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Adopted Out: Finding Your Way Back “Home”:

Narratives of Indigenous Adoptees Reconnecting with
Their Birth Parents and Their Birth Parents' Cultures

Ebba Olofsson

Throughout my life I was always looking for a spiritual thing. I don't know what it is, but I wanted something better than me. Better than anyone on this planet. To find a purpose. And I questioned myself for a long time, because when I was abused in my second foster home really badly, that's when I started questioning, "Why am I going through this, God? Why don't you save me? Why don't you help me get out of this?"

—Anthony

Introduction

Anthony is sitting across the table, facing me. He is a handsome man in his early thirties, with brown eyes and dark brown hair. He is smiling at me with a charming grin. It is a hot summer day in 1999, and we are sitting in a coffee shop close to the Native Friendship Centre in downtown Montreal. He has answered an ad that I posted at the Centre in search of people to interview for my doctoral research in cultural anthropology. He starts telling me his story about how he was taken by the Royal Canadian Mounted Police (RCMP) in the 1960s and sent to a foster family when he was only a baby, as well as about his search for his biological parents.

During the 1960s and '70s, thousands of Indigenous (First Nations, Métis, and Inuit)¹ children in Canada were “adopted out”: taken, often

unwillingly and by force, from their biological parents and placed outside their Indigenous communities with Euro-Canadian foster/adoptive parents. Many of these children were also sent across the border to the United States, to be raised by Euro-American White families.² Known as the “Sixties Scoop”—an expression coined by a governmental employee—this practice of taking, of “scooping up” children from their birth parents, continued on into the 1980s.³ Although there is less of a formalized practice today, First Nations and Inuit children are still being taken into foster care or adoption at much higher rates than any other demographic group in Canada.⁴ This excerpt, from statistics compiled by Annie Turner at Statistics Canada, presents striking proof of this:

In 2011, there were more than 14,000 Aboriginal⁵ children aged 14 and under in foster care. Aboriginal children accounted for 7% of all children in Canada but for almost one-half (48%) of all foster children. Three-quarters (76%) of Aboriginal foster children lived in the four Western provinces, compared with 62% of Aboriginal children who were not in foster care. In Manitoba and Saskatchewan, 85% or more of foster children were Aboriginal children.⁶

I did ethnographic fieldwork in downtown Montreal at the Native Friendship Centre and the Native Women’s Shelter during the late 1990s, for my doctoral dissertation.⁷ The First Nations and Inuit children who were adopted out in the 1960s and ’70s are part of my own generation, and I met several adoptees that had grown up in Euro-Canadian homes. Anthony was one of them. His story, along with that of Sonia, also an adoptee from this period, are told in this article. Their names are assumed, to protect their identities.

In October 2017—almost twenty years after these interviews—the federal government agreed to pay compensation to individuals who had been placed in foster care or adopted out during the so-called Sixties Scoop.⁸ As a part of a class action undertaken with the law firm *Collectiva*, claimants who had been adopted out or placed in foster care reached a payout agreement, in 2018, comprising an \$875-million settlement from the federal government. Each eligible individual (survivor)⁹ will receive \$25,000. The

federal government recognized that these individuals lost their original cultural identities when placed in non-Indigenous foster care or with adoptive parents; and, with this agreement, committed to compensate them for that loss. At the moment of writing (summer 2022), not all the eligible individuals had, as yet, received compensation.¹⁰

This recent agreement illustrates that the individual stories of Indigenous adoptees are highly relevant today. We need to listen to the adoptees to understand why their removal, as children and adolescents, had such a damaging impact upon their lives, as well as upon their parents' lives.

My focus in this article is on the identities of the adoptees—their ethnic identity but also individual identity, as comprising personality, professional identity, and gender identification. In this article, I will show how these individual and ethnic identities are intertwined, and how the individual identity changes over time due to life experiences.

Theoretical Framework

This article draws on the theoretical approach that I used for my doctoral dissertation in cultural anthropology. The subject of the dissertation was the ethnic identity of individuals in Sweden who have one Sámi and one Swedish (or other European) parent, and individuals in Canada who have one First Nations or Inuit parent and one Euro-Canadian parent. The Sámi people are the Indigenous population of Sweden, Norway, Finland, and the Kola Peninsula of Russia. Their traditional subsistence was and still is, to a certain extent, based upon reindeer herding.

For the article's theoretical framework, I am using the framework that I developed for my doctoral research (see Table 1, where I have systematized the different aspects of ethnic identity). I am applying this same theoretical framework here when examining ethnic identities of Indigenous individuals who were raised outside their original Indigenous culture, with Euro-North American adoptive or foster parents.¹¹

Table 1: Different Aspects of Ethnic Identity

	Ascribed	Experienced	Aspired	Recognized
Self	A person's ethnic self-label	How a person experiences change in their ethnic identity according to cultural context and personal circumstances	A person's aspiration for recognition of their ethnic self-label	A person feels recognition of their ethnic self-label from others
Other	Others' ethnic label of that person	How others experience change in that person's ethnic identity according to the person's cultural context and personal circumstances	Others' aspirations for recognition of that person's ethnic self-label	Others recognize that person's ethnic self-label

Table drafted with the help of Dr. Hugh Beach, Stockholm, 2003. The text has been reworded slightly for gender neutrality.

There is often a tension between how a person experiences their own ethnic identity and how others experience that person's ethnic identity. Individuals may label themselves as belonging to one ethnic group, while others might label them differently. The individual can then strive to be recognized by others as member in that ethnic group.

From the perspective of the individual, it is through the self-experienced identity that the individual experiences change in their ethnic identity according to cultural context and personal circumstances, including changes to the individual's ethnic self-label. In the aspiring recognition of the ethnic self-label, the individual seeks to be accepted as a full member in the ethnic group, and sometimes has the feeling that their ethnic self-label is being recognized by others.

The perspective of others is how the individual's ethnic identity is perceived by other people in the individual's surroundings. Others can also

aspire on behalf of another individual—for example, their child—to be recognized as belonging to their ethnic group.

An individual belonging to an Indigenous group, who also has one parent from the majority population, often feels that their ethnic identity fluctuates according to the cultural context. This can also be the case for individuals whose parents are Indigenous, but who grew up in an adoptive home with White,¹² Euro-North American parents. In both cases, such persons can still position themselves in one of the two ethnic groups, typically siding with the Indigenous or Sámi group.¹³

Following Erik H. Erikson, the self strives to integrate the different sides of itself to form a fully integrated self. A person normally has many self-representations of their personal identity and sometimes these self-representations come into conflict with each other. The person is typically aware of these different, sometimes conflicting self-representations. The self changes over time; it is, however, not a new self—just a changed self. Other factors that form the identity of a person may include their profession, friends, hobbies, religious beliefs, and place in the life cycle (e.g., parenthood or adolescence). All these factors are intertwined with ethnic identity.¹⁴

Although this framework was originally developed to understand the ethnic identity of individuals of mixed Sámi or Indigenous heritage and European heritage, as we will see, this table is also applicable to Indigenous individuals who were raised outside their original Indigenous culture with White, Euro-North American adoptive or foster parents.

Method and Ethics

The research presented in this article was conducted as part of my doctoral research in cultural anthropology at Uppsala University, in Sweden. At that time, it was not required to use consent forms when doing ethnographic research. Nonetheless, I still went through an ethical approval process when applying for research grants. In my applications, I assured adjudicators that all my interviewees would remain anonymous, which is why their real names are not used in my dissertation or in this article.

Although I did not use consent forms, each interviewee went through a process of informed consent. I explained the subject of my research and

informed them that they could end the interview anytime they wanted, and that they could read the transcript of the interview and agree or disagree to have it printed in the dissertation. Few of the interviewees wanted to read either the transcripts or my dissertation drafts. One Sámi interviewee told me that she and her sister (who was also interviewed for the study) trusted me and to go ahead with the writing. However, a few did comment on my draft (more about this below) and provided useful information about their present situation, which they agreed to have included in the dissertation.

The research was a combination of interviews and participant observation. It was conducted over a longer period, beginning in 1995, in northern Sweden, and continuing in Montreal, Canada, in 1998. The dissertation was defended and published in 2004.

In Canada, I took part in day-to-day activities and assisted as a volunteer at Indigenous organizations with the intention of doing fieldwork, acquiring knowledge about the Indigenous peoples in Montreal, and finding interviewees. In Sweden, I spent a lot of time with Sámi friends and in Sámi contexts, although it was not always with the intention of gathering ethnographic information. Both in Canada and in Sweden, I collected narratives of persons with mixed parentage. I have stayed in contact with my interviewees (directly or through friends); some of them played an active part in the writing process for my dissertation, by providing feedback on the text.

Both for data gathering and analysis, I have used several different methods, all influenced by my choice of theoretical approaches and choice of theory. I pursued participant observation with the purpose of learning about the Sámi culture in Sweden as well as Indigenous cultures in Canada, but mostly to get to know persons with mixed parentage and to build trust and confidence with each individual. In retrospect, I can say that this trust was necessary to get the initial interviews and, for the interviewees, to open up to me. For the interviewees, the interview was important for different reasons: to make sense of their lives and to talk to a neutral person about sensitive issues. Other reasons could be that they found the work I was doing important or appreciated having their self-experienced identity confirmed by an anthropology student, or even simply just to be agreeable and nice.¹⁵

In the following section, before turning to the narratives of Anthony and Sonia, I outline the history of Canada's removal policy.

The Lost Children: Historical Description of the Removal of Indigenous Children

From the mid-1960s to the early 1980s, an estimated three thousand Indigenous children from Manitoba were removed from their homes and adopted by families outside the province. In most cases, the adoptive parents were White and urban. There was a strong desire to adopt, on the part of these families, so it was easy for the child welfare authorities to place these children in White homes. The First Nations and Métis¹⁶ children were thus submerged in another culture, and their Indigenous identity soon disappeared. They became a lost generation.¹⁷

It is uncertain how many Indigenous children were removed from their families. In 2016, the federal government estimated that from 1965 to 1980, a total of 11,000 Indigenous children in Canada had been removed and taken into foster care or adopted out. Researcher Raven Sinclair, at the University of Regina, claims that the number could be anywhere from 20,000 to 50,000 children.¹⁸ Already in the summer of 2022, Collectiva (the compensation claims administrator) had approved 20,495 claims, so clearly the federal government's estimate in 2016 was unrealistically low.¹⁹

According to journalist Geoffrey York, Indigenous communities had no say in the adoption matter; it was all decided by Euro-Canadian social workers. At the time, social workers believed these children would be better taken care of by someone other than their biological parents, due to stereotypes surrounding Indigenous parents and low income, alcoholism, and/or poor housing. York points out that the number of Indigenous children who were removed from their biological parents was strikingly high compared to other ethnic groups in Canada. In the beginning of the 1980s, about 40 to 60 percent of all the children removed from their homes in Western Canada were First Nations or Métis. The percentage of adopted First Nations and Métis children was lower in the rest of Canada; however, according to York, this was only because the Indigenous populations there were smaller.²⁰ Patrick Johnston, who has compiled statistics on the removal of Indigenous children in Canada, points out that in British Columbia between 1955 and 1964, the number of removed Indigenous

children went up by 34 percent. This, he states, was the case for rest of Canada as well.²¹

Johnston claims that the increased removal of Indigenous children in Canada in the 1960s was not due to more compassionate social workers; instead, it was another step in the process of colonization of the Indigenous population. This process began with the arrival of Europeans in North America, with contempt for Indigenous traditions and cultures, which led to numerous assaults on the First Nations and Inuit, including relocations and residential schooling. Indigenous children were placed in residential schools not only for educational purposes; rather, the main objective was to assimilate them into the European culture and languages (English and French). The social workers considered the poverty and poor housing and sanitary conditions on the reserves²² to be bad for the children, and deemed it best for the children to remove them. No consideration has been documented regarding what the long-term effects of the removal might be, either for the individual children or the Indigenous community.²³ Johnston points out that the one of the reasons for the high rate of removal of the Indigenous children was cultural differences in ideas about child rearing and the importance of material possessions. Many Canadian Indigenous communities place great importance on family, the definitions of which often extends to the whole community.²⁴ The social workers did not fully understand the practice in Indigenous communities whereby relatives would step in and take care of children if the parents were unable to do so. Fournier and Crey offer an example of a baby taken away and placed in foster care even though the grandmother assured the social worker that she could take care of the baby while the mother was hospitalized.²⁵ Fournier and Crey point out that social workers appeared to place more importance on material and economic conditions than the child's mental and emotional well-being.

Many children were put up for adoption for reasons other than "unfit" parents. For example, infants who needed to be close to a hospital due to illness were often placed in foster care during treatment, but were then left with the foster families permanently afterward. The biological parents knew nothing of what had happened to their children.²⁶ York points out that, in Manitoba alone during the 1960s and '70s, there were seventy-nine children who were never returned to their biological parents, after

being placed in foster care during medical treatment.²⁷ For example, Nina Segalowitz, whose biological mother was Inuit and biological father was a First Nations man, was taken away from her parents in 1973, when she was admitted to a hospital as a baby (only seven months old) for a medical condition. Her father signed his consent to have his daughter adopted by a family outside their community, even as he believed he was signing a consent form for medical treatment for his daughter. Nina's mother went to the hospital every day for many weeks after her daughter was removed, asking in vain for her baby. Nina was adopted by a Jewish couple (Euro-Canadian father and mother from the Philippines) living in Montreal, and only got to know her birth parents as an adult.²⁸

In general, according to York, the social workers did not attempt to find homes for these children within the same Indigenous community, or even in the same province, and many were sent across the border to the United States. The children grew up in Euro-American/Canadian homes, and sometimes even in Europe, many of them without knowing where they came from. Most adoptive parents, according to York, did not try to help the children learn about their Indigenous culture.²⁹

Many of the children experienced racism from their adoptive parents and their peers. They had difficulties accepting their physical appearances and experienced deep identity crises. Some of them were treated differently from the biological children of the adoptive parents, and some experienced physical and/or sexual abuse.³⁰ According to York, there were many cases of drug addiction, alcoholism, and even suicide among these adopted children. Beyond the suffering of individuals, York is of the opinion that many entire Indigenous communities in Canada were destroyed by adopting out, especially small communities, since there were few children or adolescents left in these places after so many had been taken.³¹

York points out that political leaders in First Nations communities in Manitoba, in the late 1970s and early 1980s, were beginning to take up the struggle to stop the practice of adopting out, which they labelled "cultural genocide." Judge Edwin Kimelman agreed with their argument and stated that the adopting-out procedure was comparable to the system of residential schools for Indigenous children.³² Kimelman recommended that an effort should be made to repatriate the children to their Indigenous communities.³³

In the 1980s, a process began across Canada to repatriate the “lost” children and to shift control over social services to Indigenous communities, so that children in difficult home milieus could be placed in other homes in the same community.³⁴ York points out that by then many of the adoptions had failed and the children had run away, ending up on the street and turning to drugs and crime.³⁵ York points out that for many adoptees, it has been very difficult to return to the “home” community, as they lack the local cultural knowledge and, in some cases, the language skills (i.e., where the community still speaks the Indigenous language).³⁶

Some of the “children,” many of them in their twenties and thirties by the 1990s, had started their own families by the time efforts to return them to their home communities began. Different agencies assisted individuals in finding their biological parents, but, in some cases, records were lost or had never been made. For children who had been sent outside the province, across the border to the United States, or even to Europe, these efforts proved even more complex and difficult.³⁷

Although York’s research paints a very sad and dark picture of the situation for the Indigenous adoptees, not everyone experienced a bad childhood. Some children were loved and supported by their adoptive parents. To demonstrate the variety of outcomes more readily with regard to these individuals, this paper will now turn to individual accounts, focusing on specific events and details, and how they shaped the individual’s sense of identity.³⁸

Anthony’s Story: From Vancouver to Montreal, in Search of His True Identity

Growing up, Anthony did not know until he was thirteen years old that he had an Italian father and an Indigenous mother. He met his mother for the first time when he was eighteen, and, later on, he met his father. After uncovering his true ethnic identity—Italian and Salish Nation—a lot of things started to make sense to him.

Anthony’s parents met in British Columbia. They moved around a lot within the province, and “partied”—drinking and smoking marijuana. When Anthony was very young, his father was arrested for selling marijuana. Anthony’s mother packed up and left with Anthony while his father was still in jail. When his father was released, he could not find

them. When Anthony's mother went out to a party, she would leave her son in the care of relatives. On one such night when Anthony was two, she left him with his aunt. While running across the street to the store, his aunt left him outside on the doorstep in the rain. While crossing the street, she was hit by a car and broke her leg. The RCMP (Royal Canadian Mounted Police) was called in and found Anthony on the doorstep. They questioned his aunt as to why she had left him on the doorstep, but did not get an answer. Anthony now believes that she must have been drunk; still, he would like to have a definitive answer. Sadly, she passed away before he got the chance to ask her. He also would have liked to know why his mother left him with these relatives and went out drinking instead of taking care of him.

After the incident, Anthony was removed from his mother's care and placed in foster care. He was placed in a home of an older Dutch couple, and was not told that he was not their son. He grew up speaking Dutch, and even had problems learning English so he could attend school. His foster parents were very strict. They would yell at him and often tell him how badly he behaved. Things got so bad that he ran away several times and was brought back by the police. The older couple decided that it would be better if their daughter took care of Anthony. She was married to a man from Finland, and they had three other sons.

Anthony was twelve when he was placed in foster care in that second home, and it was only a year later that he learned from a social worker that the older Dutch couple were not his biological parents. The new foster family had a farm in the countryside, with horses and other animals. Anthony had to learn to work hard—but, on the positive side, he enjoyed being in the countryside and working with animals. Sadly, his foster father was a very abusive man, and he beat not only Anthony but also his (biological) sons and his wife. Anthony tried to run away several times, but was brought back every time by social workers and the police. He became so desperate that he stole a rifle and almost shot his foster father. When the foster father found out that he had stolen a rifle, Anthony got, as he expressed it, "the beating of my life." Anthony could not take it anymore, so when he got the chance, he escaped in the middle of winter. Once again, Anthony recalled, his social worker took care of him, but wanted to send him back to his foster home:

I go to the welfare office—I didn't realize my social worker was there. He said, "come with me." And he said, "you're in trouble. You're coming back to your home." I said, "I'm not! If you try, I'll smash this gigantic window of yours with a chair and I'll leave. I'll jump out of this window"—a second-storey building. And he put me in, he said: "If I put you in a group home for one night, you're going to stay?" "Oh, yeah," I said, "if I don't go back, I'll stay. But if I go back to this home, I'll take off again. You ain't going to keep me there." What happened was—it must have been God again—the director said no problem, and I stay for one night. Ended up going to court right away and they put me in this home, a third foster home, and they were Dutch. They were from Holland, too. And I was thinking, "Oh, no." But it was a change—God was in this all along—because the people I was going to, she was president of the foster parent association of all of British Columbia. And it was totally cool, and she was the nicest lady.

Although Anthony was finally placed in a caring foster home, he was so wounded by the abuse by then that he broke down and was sent to hospital, where he was kept for weeks. In the hospital, he smoked his first marijuana joint and, at the age of fifteen, he began his use of drugs.

When Anthony was eighteen, he located his mother. She was thrilled to meet him. Anthony was also really happy finally to get to know his mother. He stayed with her for a while, but then they went their separate ways and Anthony ended up on the street. His mother was still drinking and using drugs. At that point, Anthony was also using drugs and drinking heavily. On one particularly heavy night, Anthony ended up in the hospital after blacking out. The doctors told him that if he did not stop using alcohol and drugs, he would likely die of an overdose. He was finally taken to a recovery house, where he was referred to an Indigenous treatment centre. At the centre, he received a message that his mother had died of an overdose. Anthony recalled:

When I got the phone call at the treatment centre, by one of my aunts [and then] another aunt, it was the hardest thing. For me to meet somebody, to expect to meet them, you envision what

they would look like, what they act, so you know where you come from. We were talking about coming to Montreal to meet my father and do this together. To finally meet the person that gave you life. They still loved you even though you weren't there in their life. She really missed me.... And the same for me. She was part of [the reason] for me going on, even though she overdosed on drugs. When I went to the funeral—it was an all-Native funeral, there was an Elder³⁹ there—and it was in this house, there was three tribes that was related. And one of the tribespeople, they let us use the house for an open-coffin [funeral].

At his mother's funeral, Anthony met his Indigenous relatives and learned that he had a large family. Anthony's mother had told him that his father was in Montreal. They had made plans to head east at some point, and see his father together. When Anthony's mother passed away, he felt as if he had been robbed. He did not get the chance to know his mother.

At the treatment centre, Anthony began learning about First Nations cultures and Native spirituality:⁴⁰

I started seeing what Indians are about. I learned it through myself that healing—you can do it sober, you can achieve anything—you just have to go back respecting land and respecting yourself. When you disrespect yourself, that's when you're drinking and do drugs and doing a lot of negative things.... My Native part, I learned a lot when I went to the treatment centre. I had spiritual leaders, learning about Native ways. It's not just one Native culture. I mean, they were explaining to me [about] all the Native cultures, [about the] four directions, and they still believe in the Great Spirit: God.

Anthony healed from his reliance upon drugs and alcohol, and left the recovery house at the age of twenty. Post-treatment, he made a decision to try to find his father. All he knew was his father's full name and that he probably lived in Montreal. He called directory information and got the number of everyone in Montreal with his father's last name. Luckily, there were only four persons. The first person he called was, in fact, his uncle. Moreover, it turned out that all the people on his list were related.⁴¹ His

father had told his family about Anthony—his firstborn son, who was lost. Anthony soon made the trip from Vancouver to Montreal. When he arrived, Anthony's father was there to pick him up at the bus station. As Anthony recalls, his father spotted him right away:

When I met my father, it was my second-greatest day of my life. It was like two different days—two special days in my entire life [the first was when he met his mother]. That was so great! ... It was funny somehow. I was at the bus station. My father comes directly up to me. He didn't know how I would look like or how I was dressed. He sent my half-brother to go looking for me, and my uncle, he was in the car. I'm sitting in the café with a nice jacket, tie—try to look good. He comes directly to me: "So you must be Anthony." And I go: "How did you know it was me?" "You're my son, I know," and it was just really cool. I said: "Are you Michael?" and he says yes and he goes: "You're Anthony."

Anthony learned that his father had six other children and owned his own construction company. So, Anthony worked with his father for a while.

For Anthony, when he met his father, the pieces began to fall into place. He could now understand why he had always been different and had not fit in with his foster families. Anthony felt that he could see a resemblance between his father and himself, both in how they looked and how they behaved. They both had a strong temper and ate in a similar way (cutting the spaghetti so as not to besmirch their suits). Anthony liked eating and cooking, like his father. Strangely, Anthony even found out he had some (stereotypical) Italian characteristics—he was very talkative and gestured with his hands while he spoke—even though he had not grown up in an Italian-Canadian milieu. With his father's family, Anthony felt that he fit in and could finally explain why he had felt different from his foster families.

Similarly, Anthony had always been a deeply spiritual person, something that, after meeting his mother, he attributed to his Indigenous background. Seeking comfort in God had helped him through his difficult times in the foster homes, even though there were times he felt as though God had abandoned him.

Interviewer: Your foster parents were religious too?

Anthony: No. It's funny—none of them were. And then I started seeking God's help. I didn't even know if He was listening. And He probably does. He was probably too busy, I don't know. I found, later in life, that He was there, and, a lot of the times when we don't expect it, he sends an angel.

Interviewer: So, you really felt it gave you a lot when they started to teach you about Native spirituality?

Anthony: Yeah, Native spirituality and Christianity, and being sober. And finally, all these things, it all comes back down to spirituality. And respecting God, what He has created. First of all, us—as human beings, we can make a difference. He has given us free will: we can do whatever we wish, whatever role we wanna play. In life, we gotta make the best that we can, and do it His way and do it right.

Anthony had travelled a long way before he found all the pieces he needed to be able to understand himself. For him, it was the knowledge of his Italian and Indigenous heritage that explained who he was and why:

For me, it was—I finally got the last piece of the puzzle of my life when I met my father. Because he was the last key of the big puzzle, to really know where I come from. My Native part—I learned a lot when I went to the treatment centre. I had spiritual leaders, learning about Native ways.

Anthony's story is filled with suffering but, luckily, it also has a happy ending. In the next section, I tell the story of Sonia. It is not as sad as Anthony's story, and it, too, has a happy ending.

Sonia's Story: "I was very lucky"

Sonia was adopted as a baby by a Swiss couple (at the time of the adoption they were living in Montreal) and spent part of her childhood in Switzerland. Her biological mother was from the Ojibwe nation and her biological father was Québécois. Sonia lived in Montreal and worked as a counsellor at an Indigenous organization. She had pursued a degree in

social work at university, but had not yet completed the degree. Sonia was twenty-eight years old at the time of the interview. She had a son with a Haitian man, with whom she had broken up when her son was still a baby. Sonia had always known that she had Indigenous heritage, but nothing more than that.

As an infant, Sonia moved with her adoptive parents to Switzerland, where she attended a German-speaking school until she was eleven. By that time, her mother had remarried and they moved to Montreal. Sonia kept the name of her first adoptive father (a German name). In Montreal, they lived in the West Island, one of the major English-speaking areas. Sonia went to an English-speaking school but continued to speak German at home. She had an older brother, who died young, and Sonia's mother took care of his son. Although he was Sonia's nephew, Sonia considered him as a brother.

When she was eighteen, Sonia became pregnant and had a baby. During her pregnancy, the urge to find out about her biological parents became stronger and she began to make efforts, in earnest, to find them. During this time, she did not tell her adoptive parents about her search. When her adoptive parents did find out, they felt hurt, so she decided simply to request the non-identifying information for her biological parents, such as their medical histories and ethnicities. Still, she did not yet know her biological parents' exact origins, even though she now knew that her mother was from a First Nations community.

Sonia stayed at home with her son until he started school. They lived at Sonia's adoptive parents' house. As Sonia explains, she still had a longing to see her biological parents, especially her mother:

My main thing was sort of [to] build a relationship with my birth mother ... because I'm a mother too ... all my life I had a feeling that it was not a negative experience for her. Like I always knew that she wasn't screwed in her head: she [didn't] give me up because of child protection took me away because she was an alcoholic or something. It wasn't like that. It was her choice. She could have kept me easily. She was financially secured. She [was] very educated. She could easily have hired a nanny. But that is not what she wanted.

When she was around twenty-five years old, Sonia decided she wanted to do something else with her life. Her son was in school, so she considered going back to school to get an education. At this moment in her life, she began again to search for her biological parents. This time she did not hide it from her adoptive parents and, from the first, reassured them—especially her mother—that no one could replace them, since her adoptive mother had taken care of her all her life.

Sonia contacted her birth mother through a youth agency, which helped Sonia locate her. When contacted by the youth agency, her birth mother was thrilled. They began to exchange letters and made plans to meet. As she had suspected, her mother had received a higher education and worked with Indigenous issues. Sonia felt connected to her birth mother, who inspired her to go into a helping profession and to work with First Nations and Inuit.

Interviewer: So, it changed your life when you met your birth mother?

Sonia: Yeah, it changed everything. It was really weird timing, because at that time I was making a decision about my life: what I wanted to do. I mean, I only went back to school when I was twenty-five. I waited until my son was in school before I went back to school. So I stayed home with him when he was younger. So, at the same time that I met her, and it sort of took me and pointed me in the direction of where I am right now.

After they had known one another for a year, Sonia's birth mother wanted her to meet her biological father, and so all three of them arranged to meet. Sonia felt that the meeting was kind of "weird," but found her biological father to be a nice person. However, she did not keep in regular contact with him as she did with her birth mother, with whom she felt she had much in common.

Sonia was very lucky that all had gone well in the reunion with her biological parents. Some adoptees, she told me, were rejected by their biological parents when they tried to contact them:

I've always been curious. I'm a very curious person [in] general. So, in my case, I think that my whole experience was very

positive. I'm very grateful that I ... I know a lot of other adoptees. They excavate bad things. They find out that the mother was an alcoholic, or things like that. In a lot of cases, the parents—the birth parents—didn't even know that they had a child, 'cause they were told it was dead. And taken away.... All kinds of stuff, because of that time, late sixties, Native people were not perceived to be fit. Or they were placed in foster homes. They were abused there. They are all screwed up today. You know ... I mean I was I little bit afraid of that. Through this support group that I went to, none of them were Native, but there was one woman there was looking and her mother didn't want to have anything to do with her. They give it [give away the child] and then they shut it out. They don't want to know.

Although Sonia's birth parents were happy to see her, Sonia was a "secret." Her parents had had an affair many years ago, while her father was married to another woman; at the time of the interview, he was still married to the same woman. Sonia's parents were no longer together, but they still kept in touch. At the time, her birth mother had not told her own parents about the adoption, since they were deeply Catholic. Her birth mother's parents (her grandparents) were very old and Sonia's birth mother believed that it would be too much of a shock if she told them now. Sonia had obtained her Indian status⁴² but was not a member of her birth mother's band, since her mother did not want her own parents to find out through the band. Thus, Sonia could not go visit the community and her biological grandparents, and this made her sad. Sonia noted that this secrecy as to her existence carried on to her son; she would have liked to show him the community and for him to meet his great-grandparents.

Sonia began work as a volunteer at an Indigenous organization and had a job there by the time of the interview. There she learned more about Indigenous culture and also began to get used to being an Indigenous person. As she recalled:

That was what surprised me, you know—I was addressed like I'm a Native person. I was, like, *part of them* all of a sudden. And that was a really weird feeling, because it was all new. I got the *stage*.⁴³

I got the job because I was Native. That's freaky....

Interviewer: So, did it change for you ... how you looked at yourself when you found out that you have Native family?

Sonia: It was really awkward at first. Because I felt like.... Even coming to the house, you know, like they would refer to me as a Native person. Just calling myself Native was a very weird thing. Like, now it's okay. But it was really weird at first.

Sonia felt it was important that, through her work, she could do something for First Nations and Inuit people, and also simply be accepted by them. However, Sonia did not fully "convert" to an Ojibwe or even a more general Indigenous identity. She believed that she could combine her different ethnic ties; for, even though she was learning more about Indigenous cultures, she still felt partly Swiss. Once, when we talked (before I knew her well), she told me that she was a Canadian even though she had Swiss adoptive parents. As Sonia reflected:

I think it's all in upbringing. I'm pretty much in contact with my Swiss culture too. It's my mother tongue [German]. And the way we celebrate Christmas and all the holidays. It's the food I eat—it's all the Swiss way. I just want to learn more about Native culture. Like the powwows,⁴⁴ for example, and stuff like that....

Interviewer: You feel that you're Swiss, too? You feel that your identity is not just Native?

Sonia: Yeah, but it doesn't screw me up. Like, a lot of people get confused, they don't know anything. I don't know why. Can't we just have a little bit of everything? I think, the more the better.

Sonia acknowledged the fact that she had been influenced mostly by her upbringing in Switzerland and her life in an English-speaking cultural context in Montreal. Still, she also identified with her Indigenous heritage, with her birth mother's ethnic group. She did not see any contradiction in identifying with several different ethnic groups. However, Sonia did not seem to identify with her biological father's ethnic group. It is impossible to point to one single factor to explain why Sonia identified with these

different ethnic groups. One reason for her identification with her adoptive parents' ethnic group may be the love and support they had given her, as well as the fact that she grew up in a Swiss cultural context. The reason she identified with her birth mother's ethnic group could be because both her adoptive parents had a positive attitude toward First Nations cultures and taught Sonia what they knew about First Nations.

Interviewer: You were saying that your adoptive mother, she didn't want to have a White kid. She wanted to have some kind of mix.

Sonia: Yeah, when I was younger, my parents always, they have their real romantic [idealized views]. Europeans in general are very into Native culture. They romanticize it almost. And so when I was growing up, they always told me stories about the Indians. About the bad things, too.

Another reason for her identification with Indigenous culture may be that, when meeting her birth mother, she felt a connection. Getting to know her biological mother was a turning point in her life—a time when she found out who she was and what she wanted to do with her life.

Differences and Similarities in Sonia's and Anthony's Stories

The experiences of Anthony and Sonia were very different. Sonia had supportive, loving adoptive parents while Anthony had abusive foster parents. What they do have in common is that they were both influenced by several different cultures and saw no contradiction in having more than one ethnic identity. In addition, both managed to adjust to their new-found ethnic identities. In this way, they differed from some of the cases that York presents in his book: adoptees who returned to their "home" communities but did not succeed in fitting in. Despite also being of First Nations descent, these adoptees were "different" from others in the community. During our interview, Sonia speculated, without any prompting on my part, as to the reason why she did not feel "messed up" in terms of identity. Perhaps she brought it up because it is often assumed that an Indigenous adoptee will feel "messed up" and have identity problems. She believed her lack of such problems stemmed from her good fortune

in having been placed in a supportive adoptive home. She neither suffered physical or other abuse, nor was despised for her biological ethnic heritage.

For Anthony, knowing his background and ethnic origins made it easier for him to straighten things out. When he contacted his Italian-Canadian father, and was accepted and recognized by him and his family, he did not feel disharmony. He felt he could then understand why he had always been different and had never fit in before. As Anthony recalled:

My real father, I got to know who I was and that was my main concern. I always felt like I was different from other people. Why did I act this way? Why did I act that way? Why am I not normal like other people? Why can I not fit in? I felt like I was still missing who I was and where I came from. Because, when I was growing up, I was lied to. So, it's like you're telling a child "you're this," but you're really not.

One reason why Sonia and Anthony were able to fit in with their biological relatives and ethnic groups, despite not growing up with them, could be that their biological parents lived modern, urban lives and thus already shared many things in common, such as language (English) and an urban way of life. Sonia and Anthony fitted easily into the category of "Urban Aboriginals" (which consists of a variety of different Indigenous groups), as do many First Nations and Inuit people who have either parents from different Indigenous groups, or one Indigenous and one non-Indigenous parent. Anthony and Sonia were both also open-minded toward new experiences and other cultures, and recognized that their experiences had influenced them in different ways. They felt that one does not have to have only one ethnic identity, or even only *two* ethnic identities; one may recognize several different ethnic connections, whether they reflect one's biological heritage or not, a sentiment they shared with many of the other urban, mixed Indigenous individuals.

Conclusion

In this article, I have presented the life stories of Anthony and Sonia, both of whom recognized their various biological heritages, as well as cultural influences, to be part of their self-experienced ethnic identities. This is in

line with Stephan's findings, in her study of individuals of mixed parentage. Stephan claims that not only can individuals with the same ethnic heritage(s) have different ethnic identities, but it is also possible that an individual can identify with an ethnic group without being biologically related to that ethnic group. As Stephan notes, "the data highlight some of the complexities of the process of ethnic identity formation. They demonstrate the variation in ethnic identity among individuals of the same biological and social heritages. In fact, they show that ethnic identity can take place in the absence of biological or social heritage."⁴⁵

Ethnic identity can be seen from different perspectives: from an individual's perspective or from the perspectives of others. Moreover, looking at the different aspects—*ascribed*, *experienced*, *aspired*, and *recognized*—of an individual's perspective, as well as that of outside individuals, can yield different understandings of an individual's ethnic identity. In this way, it is possible to understand how a person may have a fluid ethnic identity which changes over time; but also how a person may identify with an ethnic group even as they are not necessarily identified with that group by others.

Following Erik H. Erikson, I argue that an individual strives to develop a sense of self—an integrated identity—through life experiences. In contrast to Erikson, however, I argue that not all individuals pass through the same stages, or even experience the same steps, in ethnic identity development. Erikson explains identity development as the resolution of a life-crisis. Indeed, such a life-crisis can be one important factor in ethnic identity development; however, other experiences should also be acknowledged in terms of identity formation. Instead of focusing on the stages that individuals with multiple biological and cultural heritage go through, or do not go through, I have sought to understand, through my interviewees' narratives, how personal circumstances and cultural context influence a person's ethnic identity.

The ethnic self-label can be in disharmony with the self-experienced ethnic identity, as we saw in Anthony's case, who spoke Dutch and "believed" he was Dutch, yet still experienced a feeling of not belonging in his adoptive family. Once he found out that he was not their biological son and not of Dutch ethnic origin, he began looking for an ethnic identity that felt true to him.

In addition, an individual can take action toward harmonizing their self-experienced ethnic identity with their ethnic self-label. Both Sonia and Anthony actively sought out First Nations organizations and actively learned about First Nations cultures, especially the ones they originated from. For both of them, managing an Indigenous identity and being accepted in a First Nations community led to a better match between their ethnic self-labels and their ethnic identities. Such a harmonizing of one's self-experience of ethnic identity with one's ethnic self-label can give an individual the sense of self that is necessary to experience psychological well-being.

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Endnotes

- 1 The term *Indian* is today considered derogatory; instead, *First Nations* is preferred in Canada and *Native American* in the United States. Still, the term is used in historical documents and in Canadian legislation (e.g., the Indian Act, Indian status). The Métis people belong to the Indigenous category and today recognized as their own Nation in Canada. In the U.S. the Métis are not federally recognized as a distinct category. In the past, the Inuit peoples were referred to as *Eskimos*, also a term that is nowadays considered derogatory. In this article, I use the term *Indigenous* when referring to both First Nations and Inuit in Canada and

Native Americans in the United States, but the term may also be applied to all Indigenous (Native) peoples around the world. I have reserved the terms *Indian* and *Native* for extracts of interviews as well as for certain terms and organizations.]

- 2 Geoffrey York, *The Dispossessed: Life and Death in Native Canada* (Toronto: Little, Brown, 1990), 202.
- 3 Patrick Johnston, *Native Children and the Child Welfare System* (Toronto: James Lorimer in association with the Canadian Council on Social Development, 1983), 23, 62.
- 4 Suzanne Fournier and Ernie Crey, *Stolen from Our Embrace: The Abduction of First Nations Children and the Restoration of Aboriginal Communities* (Vancouver: Douglas & McIntyre, 1997).
- 5 *Aboriginal* is another term for First Nations and Inuit, although it has been mostly replaced by these latter terms. It is still used, however, when referring to First Nations and Inuit living in urban centres, as per the term *Urban Aboriginals*.
- 6 Annie Turner, *Living arrangements of Aboriginal children aged 14 and under*, Insights on Canadian Society (Ottawa: Statistics Canada, 2016), 1, <https://www150.statcan.gc.ca/n1/pub/75-006-x/2016001/article/14547-eng.pdf>.
- 7 Ebba Olofsson, *In Search of a Fulfilling Identity in a Modern World: Narratives of Indigenous Identities in Sweden and Canada*, Dissertations in Cultural Anthropology (Uppsala: Department of Cultural Anthropology and Ethnology, Uppsala University, 2004). For a PDF version of any of the chapters of my doctoral dissertation, please contact me via my ResearchGate profile <https://www.researchgate.net/profile/Ebba-Olofsson/research>.
- 8 Walter Strong, "Cash settlement no replacement for stolen time, says Sixties Scoop survivor born in N.W.T.," *CBC News*, October 10, 2017, <https://www.cbc.ca/news/canada/north/nina-segalowitz-anne-marie-thrasher-sixties-scoop-1.4346702>.
- 9 For more details on who is eligible for compensation, see the Sixties Scoop class-action settlement page on the Collectiva website: <https://sixtiesscoopsettlement.info/faq/>.
- 10 Karen Martens, "Court approves final payment for '60s Scoop survivors," *APTN News*, July 20, 2022, <https://www.aptnnews.ca/national-news/court-approves-final-payment-for-60s-scoop-survivors/>.
- 11 Olofsson, *In Search of a Fulfilling Identity*.
- 12 The term *Settler* has recently begun to take the place of the term *White*. I have chosen instead to use *White*, however, as it excludes more recent immigrants (who are not descended from the Europeans who colonized North America) while *Settler* may include any non-Indigenous ethnic group.
- 13 Olofsson, *In Search of a Fulfilling Identity*.

- 14 Erik H. Erikson, *Identity and the Life Cycle* (1959; New York: W.W. Norton, 1994).
- 15 Olofsson, *In Search of a Fulfilling Identity*.
- 16 In Canada, one Métis group, originating from the intermarriage of Europeans and First Nations (Indians), evolved in the first half of the nineteenth century. Their descendants developed an unique ethnic identity that consisted of both European cultures and languages (mostly French and English), as well as First Nations (Indian) cultures and languages (for example Cree). The use of which language would vary from one group to another, but even new languages were developed, for example, Michif, a combination of Cree and French language. Today, one group is recognized in Canada as the Métis Nation. Jacqueline Peterson, "Prelude to Red River: A Social Portrait of the Great Lakes Métis," *Ethnohistory* 25, no. 1 (1978): 41-67. []
- 17 York, *The Dispossessed*, 206.
- 18 Ainslie MacLellan, "Sixties Scoop still not well-recognized, aboriginal adoptees say," *CBC News*, March 17, 2016, <https://www.cbc.ca/news/canada/montreal/real-talk-on-race-sixties-scoop-not-recognized-1.3494343>.
- 19 "Class Action – Sixties Scoop Settlement," *Collectiva.ca*, accessed August 4, 2022, <https://sixtiesscoopsettlement.info/faq/>.
- 20 York, *The Dispossessed*, 201-7.
- 21 Johnston, *Native Children*, 23.
- 22 The term *reserve* is used in Canada, and *reservation* in the United States.
- 23 Johnston, *Native Children*, 23-24.
- 24 *Ibid.*, 70-76.
- 25 Fournier and Crey, *Stolen from Our Embrace*, 93-94.
- 26 York, *The Dispossessed*, 202-7.
- 27 *Ibid.*, 207.
- 28 MacLellan, "Sixties Scoop still not well-recognized"; Molly Hamilton, "Nina Segalowitz embraces her heritage on National Indigenous Peoples Day – and beyond," *Concordia University – News*, June 21, 2018, <http://www.concordia.ca/cunews/offices/vpaer/aar/2018/06/21/nina-segalowitz-embraces-her-heritage-on-national-indigenous-peoples-day.html>.
- 29 York, *The Dispossessed*, 201-27.
- 30 *Ibid.*, 205-13.
- 31 *Ibid.*, 201-27.
- 32 The residential school system was phased out in the 1970s. Today, responsibility for the schools resides with either the First Nation bands or the provincial school systems. Ronald Niezen, *Spirit Wars: Native North American Religions in the Age of Nation Building* (Berkeley: University of California Press, 2000), 74.

- 33 York, *The Dispossessed*, 215–19.
- 34 *Ibid.*, 202–27.
- 35 *Ibid.*, 297.
- 36 *Ibid.*, 201–27.
- 37 Fournier and Crey, *Stolen from Our Embrace*, 91.
- 38 York, *The Dispossessed*, 202–27.
- 39 Elders are elderly persons in a First Nations or Inuit community, often those considered to have spiritual wisdom.
- 40 The term *Native spirituality* is used in North America today to indicate a religious movement comprising a revival of traditional Indigenous beliefs and rituals that existed prior to the time of colonization, when Christianity was imposed on Indigenous peoples. It is practised, in my view, on two different levels: the local community level and the global level. At the global level, Native spirituality is often called *pan-Indianism* in literature. Åke Hultkrantz, *Native Religions of North America: The Power of Visions and Fertility* (San Francisco: Harper & Row, 1987); N. O. Lurie, "The Contemporary American Indian Scene," in *North American Indians in Historical Perspective*, ed. E. P. Leacock and N. O. Lurie (New York: Random House, 1971); James Waldram, "The Reification of Aboriginal Culture in Canadian Prison Spirituality Programs," in *Present Is Past: Some Uses of Tradition in Native Societies*, ed. Marie Mauzé (Lanham, MD: University Press of America, 1997), 141; among others.
- All those traditions that hold spiritual meaning in a small Indigenous community—such as hunting, knowledge of herbal healing and other non-Western medical methods (often called *traditional knowledge* in Western discourse), and religious beliefs—I discuss here under the label of *local spirituality*, sometimes called *tribalism* in the literature. H. A. Dempsey, "The Blackfoot Indians," in *Native People: The Canadian Experience*, ed. R. Bruce Morrison and C. Roderick Wilson (Don Mills, ON: Oxford University Press, 1997); among others.
- At the global level, those who practice Native spirituality share similar practices—for example, the powwow, inspired by the religious beliefs and traditions of various Indigenous groups across North America, but especially the Plains Native Americans. Waldram, "Reification of Aboriginal Culture"; cf. William K. Powers, "Contemporary Oglala Music and Dance: Pan-Indianism versus Pan-Tetonism," in *The Modern Sioux: Social Systems and Reservation Culture*, ed. Ethel Nurge (Lincoln: University of Nebraska Press, 1970).
- 41 In Montreal, there is a large Italian community in which some individuals still speak Italian, but most are English- and/or French-speaking too.
- 42 Indian status may be granted to a person who can prove that they have First Nations ancestry. Indian status affords some privileges, such as access to certain health services, jobs, educational possibilities, and grants. Those who have one parent who fits the criteria—for example, a mother who lost her Indian status—have the right to pass on their status

to their children, provided the other parent is a Status Indian too. Persons with two Status Indian parents may pass on their status to their children, no matter the ethnic origin of the other parent. Canada, Department of Indian Affairs and Northern Development (DIAND), "Background Notes – Bill C-31: An Act to Amend the Indian Act," information sheet, 1985.

- 43 Although *stage* is French for internship, the term is typically also used by Anglophones in the province of Quebec.
- 44 A powwow is a religious celebration originally practised among the Plains Native Americans. Today, it forms part of the wider pan-Native American religious movement known as Native spirituality (as explained in an earlier footnote).
- 45 Cookie White Stephan, "Mixed-Heritage Individuals: Ethnic Identity and Trait Characteristics," in *Racially Mixed People in America*, ed. Maria P. P. Root (London: SAGE Publications, 1992), 62.
- 46 Olofsson, *In Search of a Fulfilling Identity*.

Milpa:

Diversity, Complementarity, and Reciprocity
as a Way of Thinking and Living

Laura Collin Harguindeguy

Milpa: Efficient, Resilient, Low Entropy

*The modern being has been left adrift, devoid of a compass;
therefore, a re-enchantment of the world is necessary, a re-
connection of the individual with himself, with others and with
nature, which is nothing more than the concept of "good living"
of the Indigenous cosmovision.*

—Victor Toledo

The Mesoamerican *milpa* system, a model very similar to the Andean *chacra*, is a frequent object of study by researchers in the natural sciences as a productive system or technique, and its systematization has given rise to agroecology; or, in other words, agroecology constitutes a systematization of peasant knowledge or sciences. As Altieri acknowledges:

The knowledge and practices used by the Indigenous people and peasants of Mesoamerica, the Andes, and the humid tropics are the roots of agroecology in Latin America. In the 1970s and '80s of the last century, Steve Gliessman and his group at what was then the Superior College of Tropical Agriculture (CSAT), in Tabasco, Mexico, inspired by the work of Efraim Hernández-Xolocotzi, recognized that this empirical information, based

on observation and practice, and with strong cultural roots, constituted a source of knowledge for conceptualizing and applying agroecology.¹

The *Milpa* system cannot be limited to a systematizable technical issue; in addition to being a productive system, it presupposes a logic—or, to use the language of anthropology, a culture. Among the multiple definitions of culture, I choose that of Geertz, as a way of seeing, judging, and acting,² and of Goodenough, for whom culture does not consist in *things* but in the *way of doing things*, adding that culture is found in the mind and the heart.³ It implies, therefore, an ontology, since it conceptualizes objects in the world, and an epistemology, since it explains the relations or links between entities. The *Milpa* system implies a way of seeing, judging, and acting, and a way of doing things that, as it is inscribed in the mind and in the heart, is imposed as a framework⁴ that overlaps with other spheres of daily life; and conditions what is seen, how it is interpreted and, consequently, how people act or react.

The *Milpa* system is usually defined or characterized by agronomists—who are typically focused on the production process—as *tumba-roza y quema* (tilling, rooting, and burning), or TRQ, practices. From a production perspective, the *milpa* is a complex system based on the cultivation of corn in association with beans, squash, chilacayote, potatoes, chili peppers, and other crops, and is of strategic importance for food security.⁵ From an anthropological perspective, the *milpa* is defined as

the complex Mesoamerican system of polyculture that has been designed to take advantage of the land or plot in a diversified way, both in time and space, with a variety of cultivars, or crops, oriented chiefly toward satisfying the food self-sufficiency needs of peasant families.⁶

Garibay, as an anthropologist, incorporates the purpose of production into the definition—satisfying the needs of peasant families—as opposed to the agronomist vision, which focuses on the products obtained. In abstract terms, the *milpa* system would be characterized by diversity, complementarity and, therefore, interdependence, as well as the valuation of the mix of these things. Biologists interpret the combination in terms of

fertilization, pest control, and cross-pollination processes, which give rise to new varieties.⁷ Those who practice the *milpa* system explain diversity in terms of producing food, medicines, and other goods they need.

Milpa is efficient because, within a small area, it produces food and other goods to satisfy domestic groups' social-reproductive needs, plus a small surplus for exchange. It is resilient because the variety of crops, and of variants of the same species, enables the system to confront diverse climatic conditions—if one harvest does not survive then another one will—plus it is low-entropy because it requires little external energy, as it relied upon the recycling of its own produce and wastes.

Methodology: Different Logics

This article is based on my fieldwork experiences in Tlaxcala, as a member of Tijtoca Nemilitztlí, an organization of producers and consumers dedicated to participatory certification that allows me to work closely with peasants. To this, I add more than forty years of fieldwork with Indigenous and peasant communities, with diverse objectives. The current project aims to understand the logic that underlies the productive and reproductive processes of Mesoamerican peasants and how it differs from modern capitalist models. I intend to compare both perspectives in terms of their respective models or systems. This research is therefore an effort of interpretation, from details, comments, or explanations about why and how producers do things, to discern the meaning behind what they do and how they respond to a different understanding. The paper's central proposition is to prove that people from different cultures neither see the same things, nor value them, in the same way; that is to say, we can locate them within different ontologies and epistemologies. A different perspective does not mean the presence or absence of a desire for progress or improvement, which is how the colonial outlook has tended to interpret the behaviours of Indigenous populations, as synthesized in the binary distinction *gente de costumbre*, *gente de razón*,⁸ an erroneous presumption imputing a lack of reason to those who do not see or think according to modern instrumentalist purposes. On the contrary, I intend to argue that the Indigenous perspective comprises a different rationality, neither less logical nor less rational; and, moreover, one that exhibits better harmony

with nature and social integration than the individualistic objectivism of so-called scientific modern thought.⁹

In order to understand how the *milpa* system and the modern productive vision operate as logics, as frameworks or schemes, or, more simply, as recipes for everyday life or *habitus*,¹⁰ I will contrast both perspectives as they operate both in productive practices and in social life. Unveiling the implicit logic of an economic model implies pondering what is seen when one observes reality, how one values it and acts accordingly. In the economic sphere: *what* is produced, distributed, and consumed; *how* is it produced and, above all, *for what* it is being produced:¹¹ To obviate or to ignore the motives for production constitutes one of the tricks of concealment that Marx called *ideology*: a form of inversion of reality, in the aim of obscuring real motivations.¹² Precisely because logic is hidden but implicit in the operation of any model, and that social research is always hermeneutic and implies interpretation.¹³ Although such a statement may seem obvious, it is not; indeed, many theorists, especially those addicted to quantification, focus their attentions exclusively upon relationships, abstracting them from motives and intentions, often causing them to fall into objectivist pragmatism.¹⁴

Victim of Persecution

For years, prophets of progress and development have blamed domestic communities as being responsible for underdevelopment. Consequently, the economically central countries have often offered resources (on credit, of course) and technical assistance (included in the credits) to the marginal (backward) countries to carry out community development programs. Many such programs have employed social scientists—mainly anthropologists—to try to overcome communities' resistance to change and convince them, in a friendly manner, to accept cultural change—in other words, to convince the Native population that their rationality was, in fact, irrational and that they should change their ways of seeing, judging, and acting (i.e., change their culture). In such programs, the central concern of social science seemed to be oriented toward “trying to decipher in traditional structures the secret of this lack of entrepreneurial spirit which would come to be the root of their misery, their dependence, their underdevelopment.”¹⁵ After years of such efforts, the logic of the market seemed to

impose itself, and the tendency to depend on money for the satisfaction of needs became hegemonic.

In order to destroy self-sufficiency, first of all, policies are primarily aimed at the destruction of existing production conditions through land expropriation, forced relocations, expulsions, private ownership of land. The second step is the monetarization of relations, either through forced purchases,¹⁶ new taxes, and/or the introduction of products for which money is needed to acquire them (iron/steel instruments, alcohol, fertilizers, or even artificially generated needs). This commodification of economic exchange generates a need for money, and to obtain this, self-sufficient producers must sell either products or their own labour. Third, government programs, development agencies, and civil society organizations begin promoting, convincing, and applying pressure to bring about cultural change, modernization, and development. The goal is that local populations transition from being peasants to being farmers, adopt extensive monocultures, and begin producing for the market:

Although crushed, exploited, divided, inventoried, taxed, and recruited, the domestic community hesitates, but nevertheless resists, for the domestic relations of production have not totally disappeared. It resides below the surface, in millions of productive cells inserted in various ways into the capitalist economy, producing its materials and its energies under the crushing weight of imperialism.¹⁷

What is the vital secret of a way of life that refuses to die and that has resisted the onslaughts of colonization, developmentalism and, today, neoliberalism, and which adapts and reproduces itself even in urban contexts? The answer cannot be found if we think of it exclusively as a form of production. It is much more than that: it constitutes a way of life, a way of thinking, a way of being in the world.

Differences: What, Why, and for What Purpose?

1. The Meaning of Production

The bible of modern production clearly proposes the goal of these efforts of production: “the wealth of nations.”¹⁸ Consequently, goods are produced

to be sold, to accumulate money, and convert money into capital. Work that does not produce money is made to be invisible, as it is seen as useless. With Smith and other prophets of modernity, wealth is naturalized as the purpose of production and competition as its means. At the same time, what was once the object of efforts by previous generations (and which still remains in the *milpa* system and similar remnants of the peasantry's logic), namely to satisfy the needs of social reproduction, is denaturalized. The meaning of production in countless peasant societies is life reproduction, and this changes everything. In reality, the *milpa* and *modern* point of view are different formulas or perspectives: in one, people produce to satisfy needs; in the other, production is carried out to earn money, accumulate wealth, or, in the words of a peasant:

But now already, with modernity, they want to produce too much. It is no longer to feed one and his family. They want it to sell tons, and they say I do not want to lose the profit.¹⁹

In each culture, what is intended—what is desired—concentrates efforts and activities, and becomes the light that guides the way and lends meaning to social representations. To discern what is intended with production, it suffices to analyze what is presumed, or what the producer presents as an achievement. If the answer is the profit that is obtained via production, then merchandise is being produced. If, on the other hand, the producer refers to a product's quality, it may suggest a focus on social reproduction and the satisfaction of needs.

Despite systematic efforts to denigrate and disqualify reproductive logics oriented toward needs satisfaction over the past two hundred years, such logics persist in many peasant societies. Further, these logics have also moved into the cities, accompanying migrants whose lives are rooted in a so-called “popular economy” that reproduces domestic social units²⁰ in which, even when food is not produced, the efforts of family members are still oriented toward satisfying the group's reproductive needs.

Melliasoux argues repeatedly that reproduction is the dominant concern of domestic societies.²¹ Among the characteristics of such societies, he observes, is the understanding that land constitutes a means of work—not a commodity—and that land, water, raw materials, and whatever else is needed for self-subsistence are freely accessible. Self-subsistence does not

imply autarchy or isolation, since it excludes neither the establishment of relations with other communities nor the presence of specialists.²² These domestic societies to which Meillassoux refers are not anthropological rarities, limited to a few primitive groups found in the middle of the jungle. Domestic societies have constituted the basis of human reproduction for thousands of years, not only in “exotic” environments but even within the Western tradition: indeed, they have dominated most of the history of mankind, in time and space.²³ Although the modern vision tries to present these societies as backward and primitive to justify their destruction in the name of civilization, neither autonomous communities nor tribes nor domestic units ought to be thought of as having been poor. Communities have been reproducing for centuries, producing surpluses for infrastructure construction, ceremonial and festive needs, and tribute payment. If the community mode of production had not been efficient in terms of needs satisfaction, people would not have resisted their disappearance.

To qualify peasant societies as poor or underdeveloped is the result of an externally imposed vision. This vision becomes a fulfilled prophecy when self-sufficiency is destroyed and reproduction begins to depend on money.²⁴ If objective production is focused on needs satisfaction, there will be a tendency to produce goods for consumption. Goods are produced for local consumption (whether for food, housing, clothing, or parties), which will respond to consumer uses and tastes. A tree, for example, can produce edible fruits, flowers for shrine adornment, medicinal herbal teas, firewood, tinctures, or timber for construction; to conceive of trees not as goods valuable only for trade, but for their uses in the fulfillment of needs, results in an understanding of needs as giving meaning to things.

2. What Is Produced?

Producing goods is different from producing merchandise. A person cooking for family or friends produces the amount needed in the best way possible, consequently using the best ingredients, selecting flavours, and investing the necessary time so that the meal is both tasty and served in a timely manner. If the ingredients are self-produced, they will have the desired flavours and nutrients. Under the reproductive logic, one produces what is to be consumed, what is required to satisfy needs, and a surplus. Most societies have produced surpluses—both those that are deemed

necessary for conviviality and those demanded by masters. The same happens with *milpa*: what is necessary is produced. As expressed by former chief Francis Alexis, of the Alexis Nakota Sioux Nation in Alberta:

The economic capitalistic system started to change our people's thinking, our people's feeling and everything. Before, when we hunted, fished and trapped, we only took what we needed. After the fur trade came, some of our people started taking more than they needed, because the more they had, the more they could trade with us.²⁵

Both in backyards and in *milpa*, products are destined for the table, or to be used as medicinal plants and herbs, or used for crafts, or even for biological control. Corn is not produced in a *general* sense, nor for highest yield. Corn seeds are selected according to their uses: some are best for *atoles*,²⁶ others for *tortillas* or *tamales*.²⁷ Seeds, too, are classified and used according to their properties: for early or late planting, for their resistance to water or to drought, etc. The characteristics of seeds, sometimes contrary, are adapted to changes in weather or seasonal conditions; as such, they complement each other. It is not the yield that matters so much as the seeds' specific properties.

More than men of corn, Mesoamericans are *milpa* people. Ours is an ancestral culture based on the domestication of diverse plants such as corn, beans, chili, *tomatillo*, and squash, which are sown on plots of land surrounded by *maguey* or *nopales*,²⁸ where sometimes plum trees, guava trees, or wild *capulines* also grow and where *quelites*²⁹ are gathered. *Milpas*, together with vegetable and fruit orchards, backyard animals, hunting, fishing, and gathering, sustain the good peasant life.³⁰

Even the concept of production may be questioned because, in *milpa*, products are obtained rather than "produced." There are also those goods that result from the harvest, which, being obtained in the *milpa*, backyard, or common lands, are "common goods":³¹ "They also take advantage of plants that grow naturally, mainly herbaceous, also called *quelites*, and even species that can affect the crop, such as certain insects (corn earworm) or

the fungus known as *huitlacoche*, which proliferates in the corn grain.”³² From the forest, *milpa* peasants obtain mushrooms, firewood, timber for construction, palm for mats, baskets, and other items from the marshes, reeds, soil, earth, sand, and stones—not to mention the multiple uses of plants such as *maguey*, *nopal*, and others. The harvested products are obvious gifts; even those that are sown possess the character of gifts. By the representations of peasants, whether or not such bounty is “given” depends on the goodness of nature: land fertility, rain, and sufficient sunlight all depend on correct ritual observance, which guarantees the reciprocal relations with nature. Consequently, these goods have a symbolic value; they are not simply fixed assets, in Marx’s terms,³³ but symbolic goods: gifts of nature that are appreciated, not paid for. When a product is paid for, whether it is a good or a service (work), the debt is settled and the deal is concluded. When a gift is accepted, a relationship—which does not end—is established, as it implies a triple obligation of giving, receiving, and returning.³⁴ That is why, in the Mayan region, as in many parts of Mexico, “the *milpa* is a space of reproduction of the symbolic microcosm. Each stage of the agricultural cycle within the Mayan calendar, from sowing to harvest, is accompanied by rites and myths.”³⁵

If the harvest is “not given”—for example, in the case of a plague—it may be attributed to non-compliance with a ritual prescription: the seed was not blessed on San Isidro’s Day, the propitiatory rite was not properly performed or was omitted, or some of the abstinence practices were violated. The sacred dimension includes nature and social relations alike, so work exchange also enters into the ritual circle and non-compliance affects the results: “When one does not feed the labourers on time, the cobs do not come out well, they come out with smooth parts. That is why it is important to feed them well and on time, those who work in the *milpa*.”³⁶ A reciprocal relationship that entails a symbolization of exchange necessarily includes conviviality, which is generally accompanied by food and drink. Indeed, food and drink are even offered to the land on the part of the saints and the people:

When the harvest was about to begin, women would cook *mole*³⁷, beans, tortillas, and coffee for the guests. Wow, that was nice! Now look well: during the harvest, the one who picked the last

cob would be the godfather of the cross—“the widow,” as people say. That is when the harvest is brought home and the celebration is held; people then said “there will be a widow” in the house of whoever it was.³⁸

In many communities, it remains the custom that food cannot be sold, since it is a matter of reciprocal exchange—not necessarily barter, but reciprocity in the modality of *itacate*³⁹: the person who invites also provides more food to take away, without the expectation of immediate return.

In contrast, in modern societies, goods lack symbolic content, being treated as objects. When goods are produced, it is thus important to produce the greatest quantity at the lowest cost, to produce more with less; that is, to economize on ingredients in order to reduce costs. In addition, production is expected to be as standardized as possible. Presentation matters: form instead of content. Commercial production seems to be indifferent to quality, flavour, and nutritional value, and is concerned only in quantity, presentation, and price, not to mention the product’s addictive quality, evidence of which includes the proliferation of junk food and the resultant public health problems on the scale of a pandemic.⁴⁰

3. *A Matter of Values*

Values are not abstract or universal entities; they form part of everyday choices. Every time someone makes a choice, they in fact implement a system of hierarchies that includes objects, behaviours, attitudes, and feelings. The value attributed to an object is largely determined by what it means: the degree to which it “contains associations and meanings in our mind.”⁴¹ In this respect, confrontation is visible because, whereas the modern industrial vision privileges order, presentation, and form, the *milpa* logic values diversity and association.

Just as Adam Smith’s economic bible synthesizes the meaning of production, the modern mode of valuation is summarized as “order and progress,” a slogan that is still displayed on the Brazilian flag and has been often repeated since the nineteenth century (although in the mid-twentieth century the notion of “development” took its place).⁴² Bauman calls this mental scheme the “gardeners’ logic,” infatuated as it is with order, specialization, the separation of species—obsessions he attributes to Western societies.⁴³ The garden—ordered, cut, separated—just like the agricultural

land, whereupon each species lords over its plot, free of weeds that might compete with it, just as the human being, the *individualist* being, is presumed to be wholly autonomous and in competition with other beings. On the contrary, *milpa*, with its combination of plant and animal species, appears closer to disorder, to the state of nature—and, indeed, lacks the distinction between nature and culture. These visions are opposites, as are the cultures in which they result.

Specialized visions tend to separate reality into compartments: “Taxonomy, classification, inventory, catalogues, and statistics are the supreme strategies of modern practice. Modern mastery consists in the power to divide, classify, and distribute.”⁴⁴ Valuation of classificatory eagerness is inherent to Western thought, and is self-styled as scientific and rational, as Foucault shows.⁴⁵ The tendency was exalted by the progenitor of the Cartesian method, who proposed “clear and distinct thought” as an ideal, as opposed to confused, mixed, or obscure thought. To clarify thought, Descartes proposed to separate it into simple ideas and compartments. An idea is clear when it is evident and distinct: when it can be perfectly delimited and differentiated from all the others. Thence arises this classificatory eagerness, the “separating, segregating mania”⁴⁶ which is synthesized in a supreme value: order and its opposite, disorder. As Bauman points out, however, “the concept of disorder appeared in human consciousness only simultaneously with the problem of order”⁴⁷ and the disqualification of that which lacks it. Disorder becomes a problem when the productive system demands the rationalization of production: the Taylorist “scientific” approach to work organization whereby workers were made to adapt themselves to machine rhythms; or the inverse (to be more exact), whereby machines imposed their rhythms upon workers.⁴⁸ Disorder becomes a problem when productive logics demand order. It was not in vain that “order and progress” became one of triumphant liberalism’s favourite slogans.

In order to adopt the capitalist logic of expanded reproduction, industrialism requires ordered, disciplined workers. Since order and discipline are part of the *habitus* as a disposition of the spirit—in a formula of Aquinas’s taken up by Bourdieu⁴⁹—it was therefore necessary to discipline the body, to generate the disposition of the spirit. Hence, in order to respond to productivity’s demands, since the 1980s and ’90s various large companies

have adopted industrial re-engineering policies and Toyotist techniques,⁵⁰ a shift gradually applied to corporate and institutional service providers as well as to the government. Several of these techniques are aimed at forming habits of order.

Next to this, *Milpa* seems disorderly, untidy—but it is not: it merely responds to another logic. With *milpa*, the diversity of species and interdependence between them is valued, because these things are seen as complementary. Diversity is valued because it is necessary to obtain goods for consumption: food and other inputs. Diversity and complementarity overlap with and are applied to social relations, in which sphere complementarity and interdependence exist between life, work, religion, feasts, and people. All vital spheres collaborate in social reproduction—in life. They are intertwined, undifferentiated, embedded.⁵¹ In many traditional societies, the economy is not a distinct field but is embedded with religion, kinship, and life.

Specialized valuation generates a super-specialized seed monoculture, and the “super-seed”; just as it yields specialization in every other field, as with the heart specialist who does not attend to what happens in the lungs. The result is an exacerbated individualism that borders on solipsism—a mode of behaviour that isolates the individual via the self-sufficiency provided by money: an isolate human being who may be without family, even without love, as long as he can buy substitutes in the market.

In contrast, valuing diversity and complementarity leads to interdependence of human beings with one another, with nature, and even with the cosmos—and, finally, the collective subjects’ recognition. It is a holistic sense of a reality that cannot be divided into watertight compartments because, in reality, everything is mixed, confused, and understood as *complex systems*.⁵²

Different Ontologies: What Is Seen, When One Looks at It

A culture, as I pointed out early on, implies a way of seeing, judging, and acting, which means that things are not interpreted or valued in the same way, and therefore behaviour varies according to the view that a person projects upon reality. Some pages above, I made mention of the derogation and dismissal of the so-called “natural” economy and the supposed lack of desire for progress. It is such disapproving views that lead well-intentioned

development apostles to seek to exert influence over reality and change the indolent culture to work culture.⁵³ Although, from a critical point of view, such behaviour can be qualified as ethnocentric, to those who practice it, it appears as natural, because they really consider indolent those who only produce what they need, rather than strive to accumulate. From the opposite point of view, those obsessed with accumulating can be seen as sick individuals who do not enjoy life. In the following pages, I will try to describe, using different logics, how the *milpa* system is seen, judged, and acted upon.

Anthropology, and linguistics in particular, have pointed out the futility of objectivism because, although the same object may be observed, what is seen is conditioned by culture and language. From the gardener's point of view, the cornfield seems a mess, a chaos, the product of laziness, full of weeds and plants competing with one another, preventing the valuable species—seen as merchandise—from developing optimally. A frequent question asked by those seeing a cornfield for the first time is: “Can this be for sale?” The question makes sense from a capitalist point of view, which identifies product with merchandise and with merchandise's natural destination: the market. They see the product as a function of its commercialization. From this perspective, the same recipes are applied to agricultural production and to the production of goods in general: produce more with less, and in as standardized a form as possible. That is why, in the countryside, capitalist production takes the form of extensive monoculture, technification, and artificial stimuli incorporating agrochemicals and hormones or resorting to genetically modified products, all in the aim of increasing productivity, but to the detriment of quality and diversity. Land, in the capitalist perspective, becomes an inert element upon which production conditions—the laboratory—must be built, a means of neutralizing and domesticating for purposes of achieving mass production. *Milpa* is seen as too insignificant, a smallholding, to which machinery cannot be introduced, and which demands too much labour, making production more expensive; and too unspecialized, full of unusable weeds.

On the contrary, in the *milpa* system, the peasant sees, in the first place, different kinds of food, implying a more varied diet. The peasants also see plants, wild herbs, for healing and medicinal uses. The term *wild* is a Western concept; for traditional peasants, there are no *herbs* or *weeds*, in a

general sense, as most of them have names and functions. These plants are neither understood to reflect neglect on the part of the producer-labourer, nor a lack of herbicide. Herbs are there because they can be useful, and may end up on the plate, in the cup, or smeared on the skin. Agroecological studies have identified, in *milpa* systems, more than two hundred varieties of useful plants.⁵⁴ In the second place, farmers identify species that “get along well,” which complement each other. In traditional communities, plants that are associated in this way are interpreted as belonging to the same family—a concept of classification certainly opposite to the modern one, in which families are integrated by similarity. In the *milpa* vision, familiarity is associated with complementarity. Peasant farmers may not be able to explain, as agronomists do, that beans incorporate nitrogen, but they can claim that their experience has shown them that “they grow well together.” Moreover, peasants may identify which plant varieties combine well, and at what distances and times, through the knowledge of experience.

Additionally, experience does not imply passive observation, but also experimentation. Cross-pollination is usually deliberate: “planting a row of red corn next to the white one produces sanguine⁵⁵,” says an Otomi from Ixtenco.⁵⁶ The point of such experimentation is not, as per the gardener’s vision, to select the best practice and then to generalize and standardize it, but to value the difference. In each variety of corn, in each variety of bean, advantages and disadvantages are observed. In terms of production, plants resistant to moisture or drought, which require only a short time to grow, are sown if the first planting fails. The availability of seed varieties with differential characteristics thus minimizes the risk posed by late frosts or delayed rain, as it remains possible to resort to a second crop based on quickly growing seeds;⁵⁷ that is to say, resilience is practised. Variety and diversity are seen as a possibility, as alternative uses and differential capacities.

Between the traditional and modern perspectives, different realities are observed, beginning with the purpose of agriculture: food or commodity. In commodity production, the decision about what is to be sown depends on the price expected. The products are expected to be standardized in colour and size, without too much concern for flavour or nutritional value. If these latter things are lacking, then vitamins, flavourings, or hormones

will be added to the process: “the more logical and sophisticated the design of the order, the less adequate to the complex and varied human reality.”⁵⁸ In one point of view, Mother Nature is valued as a provider of goods, food, and shelter, but also as an active entity that may give or take away, and can be vengeful; from the other, it is seen as an unarmed but wild entity that must be tamed.

Observers from different cultures see different objects: a good, destined to satisfy a need; or an item of merchandise, destined to be sold for money. The objects that are seen and named constitute an ontology. Further, the relationships between objects are interpreted in diverse ways. In the case of *milpa*, objects are related in terms of association and complementarity, which is why admixture and diversity are valued. In the case of commodity production, typical of modern thought, specialization, identity, and individuality are valued. This concept is evident in the example of transgenics, whereby, were it up to companies such as Monsanto, only a single super-variety of a species would remain worldwide. Super-specialized seeds grow in competition for nutrients with all the other plants, which are considered eradicable weeds. In the *milpa* system, if the reference to the object is removed, the relationship remains: complementarity, association, and diversity as opposed to the specialization, identity, and competition emblematic of modern scientific thought. These differing perspectives constitute frameworks, schemes that may be applied to other cognitive spheres and social life; and, indeed, different epistemologies.

Communitarianism: *Milpa* as a Society

Communitarianism, the domestic unit, and the extended family are the results of schemes of complementarity, diversity, and association as applied to social life. On the contrary, when notions of individuality, competition, and specialization are the starting point, the result is a competitive individualism that destroys social life:

Milpa represents an interweaving of knowledge and practice where there coexists not only a diversity of crops, but also all the members of the family and of the community, based on collective forms of work organization. It is about agricultural knowledge and practices that operate under principles of reciprocity, respect

for diversity, and the sustainable management of the elements of nature and the environment.⁵⁹

The lack of separation observed between plant and animal species, and between nature and culture, in the *milpa* system, extends to the labour process itself, which is not and cannot be abstracted or conceptualized as “labour power.” Work, including economic activity, is enrooted to social relations and does not constitute a differentiated sphere of social life. It forms part of an intricate network of kinship and false kinship, *compadrazgo*,⁶⁰ which involves a set of reciprocities, such as *mano vuelta* (more on this below), *faena*⁶¹, and other institutional arrangements inherited from the various forms of *tequitil*,⁶² all of them reinforced by feast and ritual. In this complex web of kinship, ritual, and festive relationships, work does not appear as labour in an abstract sense, but as a part of life.

For example, if a couple was married and needed a house, the extended group was summoned (and still is, in some places) to build the house, in the understanding that the beneficiary would reciprocate later, with his or her own work, when another couple needed a house. Since regional materials were used for the construction, building a house did not require money or mortgage loans. Instead of paying in monthly installments, the beneficiary would pay in work. The same logic also operates for other activities that demanded additional effort: activities such as harvesting or weeding are done by exchanging work for work, which is why, in many parts of the country, this system is called *mano vuelta* (hand back).

Today, Native intellectuals have given a name to the density of social relations typical of Indigenous communities: communalism.⁶³ Previously, anthropologists had called them *indigenous forms of government*,⁶⁴ dual systems, or cargo systems.⁶⁵ Academics were mainly interested in the form and the structures, while Indigenous organic intellectuals reinforce the mandates:

The meaning of power in an Indigenous community, as opposed to what is represented in a rural or urban mestizo world, is very different. In our communities, power is a service; that is to say, it is the execution of the customs of an assembly, of a collectivity.⁶⁶

Such indicators as form and structure constitute diacritical traits, but lies beneath them is a different concept of the social subject. If the subject of modernity is the citizen as an individual, the reference for Native peoples is the community as a collective subject. In this perspective, the individual subject is not recognized; a person is a member of a family and of a community.⁶⁷ Consequently, collective interests take precedence over personal interests. What does exist, recurrently, is the idea of duty. People from different Native groups in Mexico used to say that “cargo” is something that is carried, that represents a burden, but is transformed into a model of obligatory cooperation: “In one way or another, no one escapes from community cooperation.”⁶⁸ In Gallardo Garcia’s words, the degree of participation in community tasks is valued as a condition of eligibility or prestige in the election of a husband as well as to be elected to community government positions.

Regardless of form and ritual, the cargo system’s importance rests in the fact that it consists of mechanisms of community articulation,⁶⁹ and thus serves as the backbone of the collective⁷⁰ and of the social project;⁷¹ but, above all, it is condition of community social reproduction,⁷² or, of leading a self-sufficient life “with autonomy.”

The particularities of the organization of Indigenous communities are elements that serve as the axis for articulating various informal rules that regulate their social, economic, political, and cultural life, through reciprocity and collaboration mechanisms. The importance of these mechanisms rests in their having historically constituted the traditional means for achieving community welfare and satisfying the needs of Indigenous peoples.⁷³

As cultural forms that shape behaviours, the cargo systems “express Indigenous representations of responsibility, obligation, and control”;⁷⁴ that is, the right way of doing things and of living. This scheme of association is reflected in an inclusive, pre-existing tendency to incorporate as many members as possible, as often as possible,⁷⁵ within “relations of cooperation and conflict.”⁷⁶ Nutini identified twenty-seven *padrinazgos*⁷⁷ in a community in Tlaxcala in the 1970s;⁷⁸ in the same state fifty years later, the same community, which may be categorized as mestizo, has thirty-two.

At a more restricted level than that of the community is the domestic group, which differs from the family in that it is a unit for social reproduction, which may include more than three generations. At both levels, the community and the domestic group, exchanges follow the logic of *don* (gift) and reciprocity. The *don* consists in the obligation to give, accept, and return,⁷⁹ while Polanyi defines reciprocity as movements between correlative points in a symmetrical grouping, which may not be the same or exist at the same time.⁸⁰ The emphasis on symmetrical points refers to the fact that when reciprocity is centralized upon one point, it becomes clientelism or a system of “primordial loyalties,”⁸¹ since it implies power concentration. Both forms of exchange are present in communitarian logics:

[There are] two types of mechanisms for intra-community cooperation, collaboration, and reciprocity: those that occur at the level of individuals and families, such as the *mano vuelta*; and those that occur for the benefit of the community, such as the cargo system, community work (*tequio, faena, or fajina*), and community decision-making processes through the community assembly.⁸²

The cargo system consists of concepts such as association and complementarity, applied in a complex system whose core could be interpreted in terms of *autopoiesis*, or group social self-reproduction. In abstract terms, notions such as autonomy may be used; but these fall short of encompassing the complexity of the system, because there are different types of autonomy. Modern autonomy refers to individuals—that is to say, to the autonomy of individuals—while community autonomy supposes relations of articulation, interdependence, and generalized reciprocity among its members and with nature. Reciprocity, or *don*, as an obligation is expressed at the personal level, as well as at the community level and in the relationship with nature. As a complex system, each position, each function, contributes to community reproduction as a collective subject. The networks resulting from the ritual and festive complex have direct implications, in terms of needs satisfaction, at all levels: implications related to survival, as well as to the affective, recreational, creative, and symbolic realms. The time and effort dedicated to social relations and rituals explain why the poor tend to be more satisfied with their lives than citizens in

modern industrial societies.⁸³ Reciprocal relationships and their support networks act as a palliative; or, as the name implies, as a *support*—a mechanism that is almost non-existent in individualistic models, wherein persons are blamed for their failures and discarded as “losers.” In other contexts, reciprocity networks appear as a success factor in migratory strategies.⁸⁴

In Mexico today, reciprocity and gifts continue to function as representations in a generalized manner at the level of families or domestic groups, but, with the growth of urbanization and salaried work, these tend to exist in diluted form in rural spaces. In the cities, people confine themselves to their homes. The individual, and the individualistic subject, is a result of modernity.⁸⁵ The archetype is represented by Robinson Crusoe, the isolated, self-sufficient individual. Unlike the individual abandoned upon an island, however, the loner in the urban wilderness becomes autonomous through money, which is obtained if the person is sufficiently competitive. To survive in a savage world, the more competitive and aggressive one is, the better; therefore, aggressiveness and competition are valued as qualities necessary for securing the individual autonomy that money provides. Individualism represents the result of the valuation of individual autonomy. Therefore, as a means, money is situated as the goal of production and becomes a substitute for the satisfaction of needs. The isolated individual is the product of growing specialization; human beings, like hybrid or transgenic seeds, grow in isolation, free of weeds, and highly specialized. As a result of technification and online production, productive specialization extends, as a framework, to all spheres, as knowledge becomes specialized, compartmentalized: “Modernity prides itself on the fragmentation of the world as its main realization.”⁸⁶ In fact, the automation of economic activity with respect to social life constitutes a specifically modern phenomenon, which Polanyi calls the “great transformation.”⁸⁷ The conception of abstract labour⁸⁸ had to be created to express the separation of producer from her work, and of labour from work time, at which point labour becomes a false commodity.

In Tlaxcala, where I work and live, *milpa* logic persists in many aspects of daily life, but not all. The commodification of life, a dependence on money, consumerism, and the devaluation of peasant practices have deeply affected a profoundly resistant identity, which has defended its autonomy against all odds. But if one scratches beneath the veneer of modernization

and consumption, the *milpa* logic is still there. In rural areas, where agricultural activities still exist, a division of labour by gender seems to have taken shape: while men produce merchandise for sale, it is the women, in the backyard, who continue to produce for their own consumption. In other cases, it is the farmers themselves who diversify their production: some plots are worked with the technological package and produce for sale; other plots only with improved seeds, their produce destined for animal feed; and others in the traditional way, or under agroecological norms, with their produce destined for self-consumption and sale in alternative markets. But in general, peasants agree that the really edible corn is their own, grown from native seeds and with natural fertilizers. The valuation of diversity, or the idea of diversity as a framework, reaches such a point that the same person can cultivate as an entrepreneur, as a farmer, and as a *milpero*, without any sense of contradiction. In cases where the main income comes from wage labour, people also maintain their own backyards to produce for self-consumption. Social relations remain dense, with systems of charges that in many cases involve the regulation of common goods, such as water and forest, but almost always exhibit concern for the generation of spare parts.

Conclusion: *Milpa* Can Be Thought of as a Model: Reproductive Logic and Postmodern Theories

The *milpa* system, when analyzed as a logic, as a way of thinking, can be synthesized in terms of reproductive logic—that is, oriented toward needs satisfaction of the social subject, in this case a collective subject. It implies the production of useful goods and the investment of time and effort in generating creative, festive, and affective spaces arranged for the satisfaction of the needs of consumption, as well as those of ritual and feast. Diversity and interdependence in the productive sphere are valued because they contribute to variety of diet, medicinal uses, adaptive conditions, and increased resilience. This vision is extended and applied to social life, privileging reciprocity and interdependence through dense networks of relatives and false kinship (*compadres*)⁸⁹. Consequently, individual autonomy is low. Relations of reciprocity apply both to exchanges between people and with nature, to which the humanized character is extended. The sacralization and subjectivization of nature set limits on the extraction of

resources. Because of this vision, this valuation of diversity and interdependence, time and effort are invested to strengthen social ties and ties with nature. This reproductive logic would seem to coincide with some of the goals of postmodern theory. I take the denomination of reproductive logic from Hinkelammert and Mora, who express the need to find a “criterion of rationality of human praxis” that transcends that of instrumental rationality (means and ends): an alternate rationality that refers to the “criterion of the reproduction of real and concrete human life.”⁹⁰

Quijano and Escobar coincide in pointing out that the search for another logic must be linked to a distancing from Western thought and the recovery of American thought. In Quijano’s opinion, the debate that questions the premises of modernity is a postcolonial one: “Today the foundations are being laid for a new epistemic, theoretical, ethical, aesthetic, and political debate that, starting from the critique of Eurocentrism, leads to the discovery of the *coloniality* and modernity of current power.”⁹¹ For his part, Escobar, in enumerating what he considers to be the principles of *post-development*, incorporates several attributes of the *milpa* system—as a different logic in terms of means and ends—as culture and rationality, including the system’s link with nature and its persistence in other cultures. It considers *post-development* as a change of imaginaries, but also as a series of questions and theoretical principles, and as different forms of action, and political and social practice. Escobar identifies some starting points:

Development ceases to be the central principle that organizes economic and social life.... The pre-eminence of the economic growth concept, and its status as a goal, is effectively questioned... The model of development that is based on the premise of modernization, the exploitation of nature as a non-living being, markets, exports, and individual action is gradually disarticulated in practice... A multiplicity of definitions and interests around livelihoods, social relations, and economic practices is recognized ... it proceeds from a principle of relational worldviews (such as those underlying the worldviews and practices of many Indigenous, Black, and peasant groups, and the communal forms of some urban groups, as well as ecology), rather than the dualistic

worldview that separates living from non-living, human from non-human, individual and community.... An inter-cultural dialogue is established around the conditions that could become a pluriverse of socio-natural configurations, that is to say, a multiplicity of proposals and visions.⁹²

Escobar's theory of post-development would portend a paradigmatic break, which Toledo calls a crisis of modernity, to argue emphatically that, "as long as there are no alternative proposals for scientific knowledge, the crisis cannot be overcome; knowledge will remain chained to capital."⁹³ Among his theses, he incorporates the critique of rationalism:

But the empire of reason, in turn, generated a new contradiction. Rationalism, which inescapably separates the subject from the object of its observation and analysis, profaned a vision of the world that had prevailed and operated successfully during the long past, and broke the unity that existed between the individual, society, and nature. This time the secularized, objective, and scientific vision of reality promised to mitigate the anguish through a tempting offer: the construction of a world full of satisfiers, comfortable and safe, wherein most needs would be satisfied.⁹⁴

Toledo points out that subject-object separation, incorporating the vision of the world and its relations, places and the need for alternative proposals for ontology and epistemology into the arena for discussion; that is to say: in order to elaborate alternative proposals for scientific knowledge, it is necessary to see objects and their relations in a different way. In this sense, the authors above coincide in looking critically at the premises of modernity, in order that we may reassess the kind of rationality that undergirds the practices of many ethnic groups and popular sectors.

In Europe, such concerns seem centred on the possibility of collapse. As such, they propose *degrowth* as the only alternative to this situation of collective madness, which denies the imminent collapse of ecology, economy, politics, society, and the human person. The degrowth theory, in Valencia's opinion, is akin to "the abandonment of a religion: the religion of the economy, of growth, of progress, and development; it means a

banner [degrowth] under which those who have initiated a radical critique of progress and development are grouped.”⁹⁵ For Latouche, it implies the deconstruction of economic thought and emphasizes that a different kind of economy is needed.⁹⁶ The European search, in this regard, coincides with the American one and recognizes the need for another logic: one that rejects the commodification of life and that admits, but above all internalizes, the limits to the possibilities of production imposed by both non-renewable natural resources and the rate of regeneration of renewable ones.

Starting from different concerns, or from different points of view, the search for ways out of the current model seems to be oriented toward a change of outlook, or of thinking, if we wish to overcome the inability to think beyond modern solutions to modern problems.⁹⁷ Boaventura de Souza Santos suggests that we are transcending the modernity paradigm in two senses: epistemologically and socio-politically. At the very least, there seems to be a broad group of academics and social organizations that today consider it necessary to break the modern paradigm and seek other forms of rationality.

As part of this search, I believe it is important to consider the *milpa* system, not only as a productive form but also as a way of looking at the world; and the construction of *habitus*, which implies a culture and a possibility of rationality in “an entirely different form, for the creation of biological, social, and economic life.”⁹⁸ Finally, as Toledo observes:

Modernity is the spawn of barely three hundred years: an origin that is difficult to pinpoint, but which is located at some point where industrialism, scientific thought, the market dominated by capital, and the predominant use of fossil fuels converge. In spite of this diffuse frontier, when seen against the backdrop of the history of the species, in a few decades we went from an organic metabolism to an industrial metabolism.⁹⁹

Consequently, the metabolism may change again, if we collectively turn our gaze toward the *milpa*—not living as farmers, perhaps, but in learning to see reality in terms of complementarity, partnership, diversity, and interdependence.

Endnotes

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- 15 Leibenstein, 1957: 113 Quoted in Godelier, *Antropología y economía*, 10. Harvey Leibenstein *Economic Backwardness and Economic Growth*. Studies in the theory of economic development. (Wiley, New York; Chapman & Hall, London, 1957)
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- 27 Corn bread—a kind of cornmeal patty wrapped in banana or corn leaves and then steamed or baked.
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