

**Presence, Practice, Resistance, Resurgence: Understanding Food
Sovereignty Within the Context of Skownan Anishinaabek First Nation**

by

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Abstract

One of the defining characteristics of early European colonial endeavours within the Americas is the discursive practice through which Indigenous peoples were transformed into ideological subjects whose proprietary rights and powers to be self-determining were subordinated to those of settler peoples. In this thesis, it is argued that a similar process of misrepresentation and disenfranchisement occurs when it is suggested that the material and financial poverty plaguing many rural First Nations can be eradicated through their direct and extensive involvement in natural resource extraction industries based on capital driven market economies. As is shown by the author's participatory research conducted with members of Skownan Anishinaabek First Nation involved in local food production practices, the key to overcoming cycles of dependency is not simply the monetary benefit engendered by economic development projects. Rather it is the degree to which community members recognize their own nationhood oriented value systems and governance principles within the formation and management of these initiatives. The thesis concludes with an examination of one such community led enterprise in Skownan, which ultimately coincides with the political aims of the Indigenous food sovereignty movement.

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an educator in the area of community development/community economic development, my mentor on all things related to hunting/trapping, and a dear friend. Regardless of what we discussed or what activities we were engaged in, he was always honest, dedicated, and humourous. Miigwetch Uncle!

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Table of Contents

Chapter 1: Introduction	1
Chapter 2: What Is Food Sovereignty? A Literature Review of the Political, Legal, and Economic Factors Relevant to an Understanding of this Concept	15
Chapter 3: Predetermining the Rights of Indigenous Peoples: A Critical Historical Analysis of How Eurocentric Ideology Concerning Sovereign Dominion Obscures the Recognition of Inherent Indigenous Rights	29
Chapter 4: Appreciative Inquiry: A Methodological Approach That Supports Non-Exploitative Research Relationships With Participants in Skownan Anishinaabek First Nation	58
Chapter 5: More Than Just a Means of Sustenance: The Integral Role of Local Food Production Practices in the Process of Individual and Community Oriented Decolonization	79
Chapter 6: Conclusion	105
Appendix I: Interview Participant Consent Form (Sample)	116
Works Cited	119

Chapter 1: Introduction

1.1: Initiating Fieldwork in Skownan Anishinaabek First Nation

On a cold winter evening in January of 2011, I found myself parked at the junction where Manitoba Provincial Roads 328 and 276 meet one another. When I asked the driver of the car I was in to provide some of the details of our trip, he remarked that we had covered a distance of just over 320 kilometers since leaving Winnipeg four hours earlier, and that our journey had taken us in a north westerly direction towards the foot of Waterhen Lake. I was told in detail that after leaving the northern section of the Perimeter Highway that encircles Winnipeg, we began to travel on the Provincial Trunk Highway 6 until we reached the community of St. Martin. There, we proceeded to turn left and make our way down Provincial Road 328 in a westward direction until we had arrived at our present location. The driver then indicated that we would turn right on Provincial Road 276 and drive roughly another twenty kilometers north towards the end of a peninsula at which point we would reach our final destination of Skownan Anishinaabek First Nation. Upon arriving in the community that evening, one of the first people that I met was Elder Marie Nepinak. Having spoken with Elder Nepinak on numerous occasions over the telephone in the months prior, she already knew that I was a graduate student enrolled at the University of Manitoba's Department of Native Studies, and that I had sought the permission of Chief and Council to engage in a participatory research project with members of the community. Based on our discussions, she was also aware that I wished to examine the following issues as part of my proposed research project: 1) how do local food production practices constitute a type of treaty activity between Indigenous and non-Indigenous peoples, 2) how does the dependency of community members upon the eco-

systems around them impact the type of economic activities that are pursued, and 3) how does the process of sourcing and harvesting land-based food items create a learning environment in which Elders and adults are able to transmit culturally specific knowledge and teachings to younger generations. What Elder Nepinak was particularly interested in finding out, she said, was how I had come to learn about Skownan in the first place.

I replied that a few months prior, Darrell Cole, the director and CEO of the non-profit education organization Career Trek Inc., had spoken to me about the idea of having Elders and youth from Skownan collaborate on the production of a cookbook. This project, he had suggested, would fall under the mandate of Career Trek's Apinocheck Pasaquok (Children Rising) Program, which was specifically designed to offer Aboriginal youth from rural communities across the Parkland region of Manitoba the opportunity to explore various career paths and to benefit from the hands-on instruction of professionals within their respective fields. The cookbook would be unique within Career Trek's larger programming model, he added, in that youth would not be required to travel to Winnipeg in order to take their lessons on college or university campuses. Instead, the aim of this particular project would be to celebrate the skill sets and knowledge associated with the sourcing, harvesting and preparation of food items within the traditional territory of Skownan First Nation. In addition to giving a general description of the objectives associated with the cookbook as well as the physical learning environment in which the project would be developed, I explained to Elder Nepinak that I had asked Mr. Cole whether it would be possible to become involved in this initiative as it dealt with many of the issues that I wished to examine within my graduate research. He stated that I could indeed be of assistance, especially in the early

stages of conducting research into possible sources of funding and writing the necessary grant applications or proposals. Yet, being that the cookbook was intended to provide community members with an increased leadership role in Career Trek's programming structure, he would first need to discuss my potential participation in the project with his liaison committee in Skownan, and in turn gain their approval. After a few moments of contemplation, he mentioned that perhaps the most appropriate course of action would be for me to attend the upcoming programming meeting in Skownan and introduce myself in person to the Elder (Elder Nepinak), elementary school administrators, and band council members that make up the community liaison committee (Cole:2010).

Elder Nepinak expressed her support for the cookbook and indicated that in terms of what it sought to achieve, the project closely resembled the land-school that she and several other volunteers were already operating. Based in the Chitek Lake area, this program enables youth to acquaint themselves with their people's larger ancestral territory and to gain an understanding of the seasonally dependent local food production practices that take place there. Whether it is fishing, maple tree tapping (for the collection of sap), or root harvesting, youth are not only encouraged to participate in these activities, thereby allowing them to acquire new skills and knowledge, but they are also provided the opportunity to develop closer relationships with the adult instructors, all of whom are members of the community. Spending time on the land is thus equally important for the personal development of the adults in question, she added, as they are able to exercise their roles and responsibilities as mentors and educators for younger generations (Nepinak:2011). In concluding our introductory meeting that evening, Elder Marie suggested that I return at a later date and join her, as well as members of her family, to go

maple tree tapping. Although I was not aware of it at the time, Elder Nepinak's desire to have me participate in a process of experiential learning rather than conduct a formal interview would be shared by all other members of community who agreed to participate in the research project.

1.2: A Brief Conceptual Definition of Food Sovereignty and Its Relevance to This Thesis

In 2007, representatives from various non-governmental organizations, civil society organizations and small-scale food producing communities the world over gathered in the village of Nyeleni, located in Selingue, Mali, for the Forum for Food Sovereignty. The aim of this event was to have the delegates discuss the obstacles and the successes associated with local food production practices/systems in their respective communities, and in turn to draft an official declaration outlining the general aims of the global food sovereignty movement. Another significant aspect of this document was that it featured the following updated conceptual definition of food sovereignty:

the right of peoples to healthy and culturally appropriate food produced through ecologically sound and sustainable methods, and their right to define their own food and agriculture systems. It puts the aspirations and needs of those who produce, distribute and consume food at the heart of food systems and policies rather than the demands of markets and corporations...Food sovereignty implies new social relations free of oppression and inequality between men and women, peoples, racial groups, social and economic classes and generations (Nyeleni, 2007).

What is explicitly emphasized here is a need to reform the prevailing open market economic model, which ultimately encourages the commodification of food for the sake of profit, allows for the speculation of food prices and promotes distribution according to terms within free trade agreements. It is crucial to note that this transformation does not just envision the downsizing of an economic model that operates on a global scale into

one that is primarily national, regional or local in its scope. Rather, the paradigm shift in question necessitates that food production should serve as an avenue through which individual communities assert their political and legal rights as well as continue to retain and renew any customary practices or teachings that have been passed on over the course of previous generations. As Dawn Morrison of the British Columbia Food Systems Network indicates, it is this focus on simultaneously investing energy into initiatives at the local, provincial and federal levels that makes food sovereignty such a relevant concept within the context of Indigenous struggles for self-determination in Canada. More specifically, she writes that while it is imperative for Indigenous people to involve themselves in policy development taking place in the settler society's governance institutions, this interaction and process of negotiation should first and foremost be grounded in the recognition that, "food is a gift from the Creator; we have a sacred responsibility to nurture healthy, interdependent relationships with the land, plants and animals that provide us with our food" (Morrison:2008:12). The relationships that Morrison refers to are at the root of what this thesis examines as they embody pedagogical structures and bodies of knowledge which are unique to the histories of Indigenous peoples and their respective nations. Against the historical backdrop of Canada's assimilationist agenda towards Indigenous peoples, I argue that local food production in Skownan Anishinaabek First Nation is an inherently political act, and one that plays a crucial role in the decolonization of both individuals and the community at large. For example, as part of the residential school experience, youth were forcibly removed from their communities, denied the opportunity to express or celebrate any aspect of their Indigenous heritage and subjected to Christo-Eurocentric ideology in the

form of both strict academic and religious instruction. These measures not only resulted in the prolonged physical separation of youth from their immediate and extended families, but also had the effect of causing young people to experience a profound sense of cultural dislocation. By sourcing and preparing food items within their respective ancestral territories, adult residential school survivors, therefore, are provided an avenue through which to reconnect with the bodies of knowledge they were previously denied access to, and in turn self-identify along lines of their own nationhood. While this process of reclamation has the potential to benefit these individuals in terms of their personal efforts to heal from the discrimination and loss that they faced while attending residential schools, it may also prove to be valuable for younger generations of community members as they are exposed to practices and teachings that speak to the historical relationships of their people and the territory in which they live. In gaining a comprehensive understanding of the ways in which their ancestors used the land and waterways for their survival, as well as the learning of the governance principles/codes that influenced their behaviour, youth are thus better equipped to take over the future responsibility of asserting and fighting for their inherent rights as Indigenous peoples.

1.3: The Personal Relevance of Food Sovereignty and the Research Questions Guiding My Fieldwork

The integral role that local food production plays in helping people to self-identify was evident to me long before I decided to pursue the subject as part of my graduate studies. Being that I was raised in an urban environment, my exposure to the cultivation and/or harvesting of plant and animal beings was limited to what could be done in my family's garden or kitchen. The rectangular layout of both of these spaces, particularly

that of the city lot in which the garden was located, influenced my early normative understanding of the basic nature of proprietary rights within the English common law system . In addition, it was the particular food production activities that took place within these spaces, coupled with my mother's teachings and personal stories relating to these practices, which offered me a unique lens through which I could better understand myself as a person of Germanic heritage. By acknowledging the fact that both of my parents had immigrated to Canada from continental Europe, and that they eventually decided to live in Vancouver, I was also confronted with the reality that I possessed yet another identity, that of a settler who lived within the traditional territory of the Musqueam people. While there were numerous events that helped me to self-identify as such, i.e. exhibits at the University of British Columbia's Museum of Anthropology that chronicled the history of European-Indigenous relationships within the area now referred to as the Salish Sea¹, or public debates concerning the matter of financial benefits and/or risks assumed by non-Indigenous peoples who hold 99-year leases on property owned by the Musqueam band, none were as influential as the Supreme Court decision in *R. v. Sparrow*. What I deemed to be so significant about this ruling was the Court's observation that the Musqueam did indeed possess an Aboriginal right to fish for food, that this right existed before the development and application of legislation governing fisheries in B.C., and that this right had never been legally extinguished prior to the recognition and affirmation of Aboriginal

¹ In 2009, the Province of British Columbia, the Geographical Names Board of Canada, the Washington State Geographical Names Board, and the US Board on Geographic Names unanimously agreed to use the name Salish Sea when referring to the larger area that encompasses the Puget Sound, the Juan de Fuca Strait and the Georgia Strait. Each of these names would remain in use, however, when describing the individual bodies of water they represent. Within B.C., an official recognition ceremony headed by the Provincial Government and First Nations' leaders took place in 2010 (Canadian Broadcasting Corporation:2010).

and treaty rights under s.35(1) of the Canadian Constitution Act, 1982 (R. v. Sparrow).

As a result of this case, I began to appreciate that fishing was as much a political act as it was a means of ensuring the presence of household security or promoting the transfer of culturally specific teachings from one generation to another.

While my undergraduate degree in the field of Indigenous Studies allowed me to examine academic literature that dealt with Aboriginal rights, Indigenous governance philosophies and the corresponding ontologies that supported these aforementioned political structures, what was absent in my education was the ability to contextualize these issues within the daily lives of community members. The following questions, therefore, guided the direction of my fieldwork and this thesis:

- 1) How do local food production practices constitute a type of treaty activity between Indigenous and non-Indigenous peoples?
- 2) How does the dependency of community members upon the eco-systems around them impact the type of economic activities that are pursued?
- 3) How does the process of sourcing and harvesting land-based food items create a learning environment in which Elders and adults are able to transmit culturally specific knowledge and teachings to younger generations?

1.4: Thematic Summaries of Thesis Body Chapters

The discourse around food sovereignty, outlined in the literature review (chapter two), is especially relevant to the struggles of Indigenous peoples in Canada as they seek to protect their territories from the incursion of highly destructive resource exploitation practices that threaten their very livelihoods. In detail, this chapter argues that the debate on food sovereignty is an effective means by which to draw attention to how the State

continues to deny the recognition and implementation of the type of legal pluralism inherent in the nation-to-nation treaty agreements originally ratified between the English Crown and each respective Indigenous nation. The essential aim of this chapter, therefore, is not to provide an understanding of local food production as simply an economic endeavour, but rather as an expression of territorial governance through which the presence of pre-colonial Indigenous constitutional orders are affirmed.

The second chapter in my thesis examines the origin of the Christo-European politico-legal ideological construct of sovereign dominion and its influence on the Aboriginal rights and title discourse within Canada. I begin by describing the theo-jurisprudential debates in which the Roman Catholic Church sought to differentiate the quality of natural rights possessed by Christian peoples from those belonging to non-Christians. Being that the Church viewed these rights within a comparative context, we gain an insight into how Indigenous peoples in the Americas were transformed into ideological subjects of successive European empires and in the process were stripped of their powers of self-determination. Within this patro-hierarchical relationship of colonizer versus colonized, the subjugation of the latter party by the former can only be achieved, as well as maintained, if a perceived irreconcilability between the two is said to exist. By adhering to a structural Marxist critique and engaging in a critical historical analysis that focuses on the development of the civilized/savage binary comparison, I will show that this difference is not empirically measurable, but rather is an ideological construct that serves the purpose of justifying the exclusive nature of a European or Euro-Canadian claim to sovereign dominion. Just as that claim is a device to disenfranchise Indigenous peoples, so, I argue, is the treatment of individual possession of property in the form of

title within the British colonial system. Even when it appears that mechanisms such as humanist reasoning or the Royal Proclamation of 1763 recognize and even affirm the rights of Indigenous peoples, it becomes apparent that these rights are merely delegated instead of being identified as a part of distinct Indigenous constitutional orders. This manufactured dependency is then discussed by looking at how the Canadian Courts have misconstrued the ruling of *St. Catherine's Milling and Lumber Company v. The Queen* and uncritically applied it to subsequent case law with regards to Aboriginal rights and title. Lastly, an assessment of the recent legislation affecting the Aboriginal and treaty rights discourse reveals that the paradigm of Indigenous-State relations remains fundamentally unchanged.

In posing the question of how local food production contributes to a reaffirmation of Anishinaabek identity amongst people in Skownan First Nation, the methodology chapter describes the approach that I chose in order to access and in turn disseminate the knowledge and information shared with me by community members. In detail, the analysis revolves around the framework of Appreciative Inquiry as it supports dialogue and interaction that is neither interrogative nor confrontational, and ultimately empowers the research participants by transforming their role as subjects of study to that of teachers and project directors. In drawing upon the work of Maori researcher Fiona Cram, I will show that this participatory approach to conducting community-based research notably draws from the following three tenets: 1) human socialization informs our respective realities, 2) the framing of an issue influences the response that is given, and 3) for research to be emancipatory or empowering for the research participants, it must privilege their voices as well as the knowledge and wisdom that they have accumulated

during the course of their lives. The methodology chapter will also describe how my own personal experiences as a second-generation German settler within the field of Indigenous studies led me to select the very model of Appreciative Inquiry in the first place. Furthermore, what will be discussed is how the process of conducting hands-on, experiential research alongside members of community was not only an academic exercise but also one that constituted a personal education process on my part. Towards the end of this chapter, I discuss how the underlying principles of Appreciative Inquiry, as discussed in Cram's article, were given personal meaning when I was afforded the opportunity to participate in food production activities, rather than merely observe or speak about them.

The final chapter examines the reasons why economic development strategies that focus on the intensive extraction of natural resources ultimately hinder, rather than support, the efforts of land-based Indigenous communities to engage in a process of decolonization. Being that these strategies are typically imported into the consciousness of community members and are sponsored by both the Federal and provincial governments, the power of First Nations to influence the very implementation and management of these projects is limited. While Indigenous peoples are presented as taking on a participatory role that is valuable to the success of these endeavours, the reality is that their comprehensive bodies of knowledge pertaining to land/resource management and their nationhood-oriented social protocols governing the relationships between humans and non-human beings are ignored. In contrast, this chapter suggests that the model of mixed economy lends itself to the empowerment of Indigenous communities. It does so by not only providing employment opportunities, but more

importantly by promoting the exploitation of resources in ways that are largely consistent with the philosophies, ethical standards and value systems that have allowed previous generations of Indigenous peoples to live with, and from, the land in a sustainable manner since time immemorial. In order to further develop this argument, emphasis will be placed on Glen Coulthard's theoretical analysis of what constitutes a transformative praxis. To make the argument that intergenerational knowledge transfer plays a key role in Indigenous peoples' struggles for self-determination, and in an effort to situate this discussion within the context of community development and/or community economic development, a brief examination of the Anishinaabek term Biskaabiiyang takes place. Defined as 'a type of movement in which an individual moves in one direction and then returns to where s/he was initially located,' Biskaabiiyang serves as an effective metaphor for the process of identifying the existing expertise or resources that can be utilized, which is a crucial first step in any community development or community economic development initiative. In order to further demonstrate this point, the chapter ends with a brief case study of the proposed Skownan cookbook project. Although this particular initiative has not yet been implemented, due in part to factors such as project costs, possible sources of funding, production methods and distribution arrangements, the idea has nonetheless been met with considerable enthusiasm and support from community members of various generations. Moreover, while Career Trek Inc. is an active partner in the proposed endeavour, this non-profit Winnipeg-based educational organization's involvement is focused primarily on the aforementioned issues, i.e. securing funding and assisting in production/distribution. The land-based food production practices, teachings and recipes that are to be showcased within the cookbook, as well as

the working relationships between Elders and youth that are encouraged, are all determined by community members thus placing each participant in a position of leadership.

1.5: A Note on the Limitations of This Particular Study

Many of the experiences I had while conducting my fieldwork in Skownan or the teachings that were passed on to me by community members are not discussed in the following thesis. This omission was not done in order to privilege the voices of certain research participants over others, nor was it the result of a process of selecting only that information from the interviews, which clearly supported my thesis argument. The primary reason for not including much of the information that was gathered, therefore, is that it was often embedded within personal anecdotes shared in confidence between respective community members and myself. Given that the number of featured interviews conducted with people from Skownan is limited to six, it is necessary to point out that this research project does not provide (nor does it intend to provide) a comprehensive assessment of how local food production practices benefit each household within the community. Instead, when paired with the critical analyses of politico-legal and economic literature in the previous chapters of this thesis, the findings from my fieldwork are a small contribution to the developing discourse on food sovereignty and the *emancipatory potential* that local food production practices have for Indigenous peoples. It should also be pointed out that when conducting interviews with community members I did not use an audio or video recording device. Being that the majority of discussions pertaining to my research questions took place while the interview participants and I were outdoors (in a variety of weather conditions), engaged in food production activities, and

constantly moving around, an audio recorder or video camera would have proved to be cumbersome and/or ineffective. Thus, I was forced to either take point form notes or to memorize the knowledge and information that was being shared with me. One of the foreseeable criticisms of this approach to collecting data, therefore, is that it reinforces a hierarchal relational dynamic in which the researcher speaks for the people s/he is working with rather than allowing them to speak for themselves. In other words, and as is the case with this thesis, the interview segments that are featured within the researcher's published work are more accurately a recollection of the key points within each interview than a lengthy word for word transcription of these discussions. Based on the limited number of interviews that appear in this thesis, and considering that some of them are paraphrased versions of the original conversations, one of the questions that could be raised is how the people who participated in the research process were empowered by it. The answer to this ultimately requires that we consider the quality of the relationships that were established. For instance, by engaging in a number of local food production activities with a limited number of community members over the course of two years, I was able to develop relationships that were as much personal as they were work related. Notably, due to this proximity and the willingness of all parties to trust one another to a greater degree, the standard research dynamic between the researcher and the research participant was transformed. Rather than simply providing answers to my questions, the community members who I worked with ended up fulfilling the roles of both educators and project directors.

Chapter 2: What Is Food Sovereignty? A Literature Review of the Political, Legal, and Economic Factors Relevant to an Understanding of this Concept

In 1996, the discourse pertaining to the role of food in the struggle for human rights and social justice was marked by a fundamental transformation. Pursuant to the World Food Summit in Rome, La Via Campesina (International Peasant Movement) declared that the standardized term ‘food security’ no longer coincided with the political objectives or social activism initiatives of communities of smallholder farmers, pastoralists, hunters, or fisher folk across the globe. The impetus for the shift was not arbitrary. Rather, it was borne in part out of awareness that trans-national corporations had manipulated ambiguities within this conceptual measurement to create a market in which their products could be distributed and sold under the veneer of food aid (Goita:2007).

Food security, as agreed upon by representatives of states and affiliated organizations at the summit, was defined as, “a situation that exists when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life” (FAO:2003). What La Via Campesina deemed unacceptable was that, in both an economic and a physical context, access strictly referred to (and continues to) the *possibility* that an opportunity to procure adequate food is present or exists. Absent from this statement is any mention that multi-lateral trade agreements that encourage unfettered activity within the open market economy have increasingly led to the degradation and dispossession of peoples’ lands, who for millennia have sustained themselves through their respective local food production systems. While the right to

adequate and nutritious food is referenced by the FAO, the reality on the ground is that communities are forced into a vulnerable position of financial dependency as external structures retain an inequitable control of food supply methods. This is evident in that the normative emphasis of state legislation concerning land rights and resource exploitation in industrialized, as well as developing, nations is focused towards global market competition. Determined to resist the trend that is the commodification of food, La Via Campesina declared that it was,

determined to create a rural economy which is based on respect for ourselves and the earth, on food sovereignty, and on fair trade. We are committed to ensuring rural development which recognizes and includes the important contribution women make in food production. We demand genuine agrarian reform which returns their territories to Indigenous peoples and gives landless and farming people ownership and control of the land they work (La Via Campesina:2007).

Encompassed in the aforementioned declaration are sets of unified expectations that serve an intrinsic role in current and future policy development at both a national and international level. Thus, it is crucial to recognize that any community's assertion of its food sovereignty through practice and corresponding theoretical analysis is an inherently political act. With reference to Indigenous nations in Canada, efforts toward autonomous governance and community self-organization relating to economic development re-emphasize the fact, "that native peoples had been organized societies with their own laws and system of government before the Europeans arrived" (Russell:2005:41). These clearly defined and recognized zones of politico-legal jurisdiction affiliated with each Indigenous nation need to be distinguished, however, from geographical zones in which a single sovereign power declares an inalienable right of *supreme dominion* over all inhabitants, non-human beings and the living Earth itself. Inextricable in this process is a

re-conceptualization of the dominant Eurocentric ideology concerning the primacy of the rights and title at a Federal level, in relation with those, which are inherent to Indigenous nations.

Drawing from James [Sakej] Youngblood Henderson's position on treaty federalism, Kiera Ladner notes that binding agreements signed between the Crown and Indigenous nations provide a foundation for a legal pluralism that constitutes Indigenous as well as Common Law jurisprudences. The original approach of treaty making, as negotiations between two separate nations, creates a constitutional order that is distinct from, but not secondary to, the current order of Federalism (Henderson:2004:72). In this framework, notes Henderson, Indigenous legal systems and the laws they embody are of a *sui generis* character, or of their own kind. The principles which constitute the right to food sovereignty as advocated for by La Via Campesina, are therefore an explicit condemnation of how colonial ideologies continue to permeate through state policies and dominant legal systems. Further, La Via Campesina's declaration contributes to a discourse of resistance where the suppression and destruction of Indigenous jurisprudences are brought to a forefront within national and international forums. Contributing to the dismantling of an inequitable, unilateral ideological realm, Henderson avows that,

Aboriginal jurisprudences retain their sacredness and their ecological integrity; they have not had to struggle with the Judeo-Christian separation of humans from God's Paradise or with the consequential task of generating artificial human cultures, laws, and governments distinct from nature (Henderson:2004:71).

Such a presence of multiple, active constitutions, argues Ladner, would force the Federal Government to reevaluate its obligations to Indigenous peoples and, "come to the

realization that it is just one of many nations with which power and resources must be shared” (Ladner:2003:210).

The core principles of mutual respect for, co-operation with, and non-interference in the administration of allied governance systems were not unique to the colonial occupation of the Americas (Russell:2005:44). Nor was the simultaneous existence of two or more constitutions in a shared territory a European phenomenon. For Indigenous and European nations alike, legal pluralism has long played an integral role in their respective histories. Spanish theologian and jurist Francisco de Vitoria argued in 1532 that a colonial European power’s claim of absolute dominion (sovereignty) was illegitimate insofar as it sought to extinguish the inherent rights of foreign peoples to autonomous governance within their own territories (Venne:1998:30). Yet, in accordance with the philosophical criterion guiding legal humanism, de Vitoria concluded that Indigenous nations did have an obligation, “to recognize the natural rights of others,” one of which being, “the right to trade and participate in commerce and the right to travel freely, through foreign lands” (Russell:2005:35-36). Non-interference, therefore, remains a paramount legal principle in the struggle of food producing communities to prevent ‘foreign’ governments or corporations from imposing conditions, which prevent or deny peoples from maintaining their respective customary life-ways. Where legal pluralism is concerned, the Courts do not debate its presence. Instead, it is the argument over the source from which legal codes draw their validity that reproduces an inequitable relationship between Indigenous peoples and the Canadian state.

Taiaiake Alfred clarifies that a central provision of the Kaswentha (Two Row Wampum) prohibited ratifying parties from simultaneously operating within

Rotinoshonni: onwe systems of governance and legal institutions as well as their own. Commitment on behalf of the individual to a given set of laws coinciding with specific social values was necessary to ensure, “an original and lasting peace based on co-existence of power in a context of respect for the autonomy and distinctive nature of each partner” (Alfred:1999:52). Forming the basis of Rotinoshonni: onwe foreign policy, the stipulations noted by Alfred were in fact already entrenched prior to the ratification of the Kaswentha with the Dutch in 1613 and the British in 1664. Susan Hill articulates that the Kayaneren’kowa (Great Law of Peace) informed the Mohawk, Oneida, Onondaga, Cayuga and Seneca nations as to a code of ethics inherent in the process of consensus decision-making by the Grand Council. While bound by a multi-lateral commitment of peace, each nation retained and exercised its separate constitutional jurisdiction throughout overlapping territories. This recognition of treaty federalism, which Hill refers to as the ‘Dish with One Spoon’ Wampum,

commemorated the agreement to share in the bounty of hunting grounds. In this, the Haudenosaunee agreed to never again fight over hunting (economic) resources; instead, ... all had a right to share in that harvest and none had the right to take more than nature could sustain (Hill:2009:27).

In focusing on the particular legal principles of the Rotinoshonni: onwe and the emergent treaties, it is imperative that a disclaimer be made. As has already been observed in regards to the distinct constitutions of each nation within the Grand Council, such autonomy must be further recognized in the discussion of all Indigenous nations in their political relationship with the Canadian state. However, this brief analysis indicates that the present refusal of the Courts to recognize Indigenous constitutions as separate, yet on par with that of Canada is not due to a lack of evidence concerning their existence prior to European occupation. Indeed, Michael Murphy refers to Justice Monk’s ruling on

Connolly v. Woolrich (1867) as a benchmark decision within the temporal context of the Canadian state building endeavor. Paraphrasing the ruling, Murphy writes, “existing Aboriginal laws were left in full force, and were in no way modified by the introduction of European law with regards to the civil rights of the natives” (Murphy:2001:115).

While the original language of treaty negotiation was couched in terms of ‘binding nation-to-nation agreements,’ the endeavor of European colonialism ultimately retained a fundamental economic motivation. Through a critical, historical revisionist perspective, J.M. Blaut contextualizes that the Eurocentric ideological standard of modernization,

was in fact believed in profoundly by the colonizers, who felt that their mission was, indeed, to diffuse their own civilization to the peoples who were under their “colonial tutelage,” and the fact that this mission produced wealth for their own country seemed only logical (Blaut:1993:28).

The connotation of tutelage, or a rank of superiority in any given manner within a hierarchal stratum, was embedded into the ethnocentric worldviews, which served as an ontological point of reference in the formation of British Imperial jurisprudence. Shortly after *Connolly v. Woolrich*, the economic development agenda consistent with Canadian Confederation was put forth in the decision of *St. Catherine’s Milling and Lumber Company v. The Queen (1888)*. In regards to Aboriginal rights and title, the Privy Council described them as of a usufructuary nature. Ultimate title or the equivalent of sovereign dominion, argued the Privy Council, had not been recognized by the King of France or King George III before or after (respectively) the Treaty of Paris in 1763. Crown sovereignty, therefore, was reiterated as unparalleled in that the Royal Proclamation *provided* for Aboriginal rights through the conditions of treaty negotiation (*St. Catherine’s Milling and Lumber Company v. The Queen*). By being provided for,

these rights were once again de-contextualized and de-legitimated from the ecological realms informing Indigenous jurisprudences. In this act of legal hide and seek, the Privy Council effectively employed the concept of *Lex Loci* to position these *granted* rights as, “contemporary practices that remained sufficiently widespread to form the basis of local people’s personal expectations” (Barsh:2004:103), within an overarching framework of British Imperial Law.

One of the primary barriers contributing to the decontextualization of Indigenous jurisprudences within the Courts is the European interpretation of the rule of law. As a type of guiding mantra, its intention is to promote,

adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making legal certainty, avoidance of arbitrariness and procedural and legal transparency (United Nations Security Council:2004:4).

On a broad theoretical basis, the rule of law has value in that no one person, institution or entity retains authority outside of the law. The initial question that needs to be considered is what legal framework does the rule of law operate in accordance with? Subsequently, in recognizing their non-secular tendency, how are Indigenous jurisprudences automatically discriminated against? Both of these queries are ongoing and substantial factors within the critical reconsideration and progression of the encompassing Canadian legal system. However, for such a dynamic process to occur in a manner that is both aware and respectful of multiple ontologies, genders, jurisprudences, nationalities and customs, the dominant legal system must be evaluated for the fact that the rule of law relies on the interpretation of human beings (Russell:2005:32). Deeply ingrained cultural bias, such as the dominant form of a Eurocentric objective standard of civilization,

continues to influence litigation, thereby, generating a cyclical process of inequitable evaluation of Indigenous jurisprudences.

In his article “American Multiculturalism and the ‘Nations Within,’” Will Kymlicka concedes that efforts of Indigenous nations vying for recognition of their nationhood in terms of treaty-federal constitutional orders (as described earlier) have been met with minimal success. As an alternative, he points towards self-government agreements as a workable model in which Indigenous peoples are *granted* increased decision making capacity over the implementation of sectors such as healthcare, educational programming, domestic law, on-reserve policing and resource development (Kymlicka:2000:225). Within the geo-political context of Canada, his analysis fails to draw on the correlation between the jurisprudential source of rights affiliated with self-governing “minority national” entities and the eventual aims of Indian Act legislation. Kiera Ladner and Michael McCrossan warn that the implementation of current band council political structures was premised on their administrative and operational capability to be restructured into quasi-third tier, municipal style governments (Ladner & McCrossan:2009:266). As Radha Jhappan notes, this transition is exemplified by the Sechelt Indian Band Self-Government Act of 1986. Following the model of delegated self-government capability, the Sechelt Nation was granted title to its lands in fee simple, thus unbinding it from this specific restriction of the Indian Act (Jhappan:1995:176). Jhappan cautions that the terms of this agreement do not liken it to the type of self-determination that is advocated for in the model of treaty federalism. Instead, in accordance with s.88 of the Indian Act, the Sechelt now fall under the jurisdiction of the British Columbia Provincial Government in matters not overlapping Federal treaty

provisions. Perhaps the most malignant stipulation of this particular third-tier municipal style agreement is that the Federal Government, “does not recognize the Sechelt people as Aboriginal people with historic and un-extinguished rights to land and self-government (Jhappan:1995:176). If carefully deconstructed, the Sechelt Indian Band Self-Government Act amounts to the equivalent of a cession of Aboriginal rights. Under the specific terms of this agreement, the Sechelt Government is permanently excluded from re-entering negotiations with the British Columbia Treaty Commission. Within Kymlicka’s comparison between minority nationalism and the Federal order structured around the, “accommodation of immigrant ethnicity (Kymlicka:2000:219),” the Sechelt exist as a legal anomaly within their ancestral territories. How this will impact a community based food sovereignty initiative for a nation situated in a fragile ocean-ecological context of inquiry remains to be seen.

At its core, therefore, food sovereignty is a delicate exercise in governance between human and non-human beings sharing a respective territory. As has been mentioned in the previous section, the complexity of this relationship is further compounded by the simultaneous presence of diverse, often conflicting jurisprudential frameworks. One of the distinguishing features between Indigenous fisheries, for example, and those of settler populations is the proximity of an individual (and by extension his/her family collective) to a specific ecological context of inquiry. In his research regarding distinct Indigenous fishing rights amongst nations in what is now referred to as the provincial territory of British Columbia, Douglas C. Harris confirms that, “Native people could point to a name...the holder of which had the right to fish from a particular rock, cast a net in a certain portion of a river, or direct the building of a

weir just above the rapids” (Harris:2001:208). This method of locating extends beyond an acute awareness of title by situating fishing practices in a context of individual temperance, management and accountability.

In the assessment of Aboriginal property rights, one of the frequent errors made by non-Indigenous observers is the concept of the commons. Peter Usher refers to how the perception of territory that bears no visible private property markers is manipulated into a justification for the process of colonial occupation and resource exploitation (Usher:1993:43). Within the narrow context of production and the requisite cycle of the accumulation of capital, John Stuart Mill uncritically adopts the Eurocentric construct of unoccupied land. In describing the value of government intervention in economic models that bolster the financial return on the exportation of “capital and labour” to the colonies, he advocates the Wakefield system as, “comparable to none...the plan of putting a price on all unoccupied land and devoting the proceeds to emigration” (Mill:1897:596). As has been noted in the discussion of inequitable representation between Indigenous and British Imperial jurisprudence, an underlying motivation for the degradation of Indigenous rights within a European legal framework is capital accumulation. Drawing on Karl Marx’s critique, the top-down structure of, “accumulation of capital presupposes surplus value; surplus value presupposes capitalist production; capitalist production presupposes the availability of considerable masses of capital and labour-power in the hands of commodity producers” (Marx:1990:873). Despite their distinct points of reference, or the ideological realms in which they operate, both Mill and Marx are aware that to initiate and maintain a rate of production higher than the increasing rate of demand, the foremost requirement is land itself. Usher, in his case study of the salmon fishing industry, remarks

that the adjectives often associated with lands held in common, such as “unrestrained” and “free-for-all,” are more appropriate of the plunder that corresponds with attributing a quantifiable monetary value on the life of another being (Usher:1993:43).

In its methodological form, food sovereignty incorporates localized ecological contexts of inquiry in order to guide community development initiatives. Inextricable from this discourse is how Indigenous nations choose to develop and monitor economic activity that has a direct impact on the health of individual community members as well as the collective. In assessing the value of economic endeavors at a community level, Wanda Wuttunee expands on Peter Usher’s warning of the degradation caused by unregulated capitalist practices and states, “in my view, a shift must occur away from an approach to economic development that is secular in nature, that is, considers a limited number of issues such as readily quantifiable costs in reaching decisions” (Wuttunee:2004:7). The direction she proposes is reflective of Ladner’s observation, that Indigenous jurisprudences, although being systems that are internalized and adhered to by human beings, provide for non-coercive principles that inform how human and non-human beings can maintain a mutually beneficial relationship without disproportionately impeding on one another’s ways of life (Ladner:2003:129). What this demands in an ethical sense is a revision of economic practices that are conducted on a global scale. Inherent to cross-continental importation and exportation of food is the participation of multiple actors, most of which are made unaware of one another’s presence, socio-economic concerns or localized ecological responsibilities. Moving away from the dominant secular nature of economics, as suggested by Wuttunee, re-centers economics within a holistic order characterized by continuous and dynamic interrelationships. Ngugi

Wa Thiongo'o describes why self-determination over fragmented facets of society ultimately falls short of a committed resistance to revitalizing cultural centrality within all aspects of a respective society. He notes,

[U]nder 'normal' circumstances, a given society is able to absorb whatever it borrows from other contacts, digest it and make it their own. But under conditions of external domination...the changes are not as a result of the working out of the conflicts and tensions within, and do not arise out of the organic development of that society, but are forced upon it externally (Wa Thiongo'o:1993:xvi).

Inherent to the process of adaptation in which a society fashions a practice such that it will complement the requirements of that collective, is a set of ethics that are culturally relevant and contextually specific. If partnership-based research associated with the observation/management of established food production practices within a particular ecological context of inquiry is to embody a non-domineering quality, the constant, critical evaluation of external references or ontological expectations must be incorporated as an ethic. Aware that ideological biases are pervasive as they subconsciously contribute to how a non-Indigenous researcher may position him/herself within an Indigenous community, Linda Tuhiwai Smith warns that, "research is not an innocent or distant academic exercise but an activity that has something at stake and that occurs in a set of political and social conditions" (Smith:2006:5). Participatory research, as is observed by Alicia Bell-Sheetter, is founded on the principle that community members, whose livelihood, health and autonomy revolve around their food harvesting and production systems engage with their partners on a equal footing and from a position of knowledge (Bell-Sheetter:2010:37). In doing so, reciprocity is encouraged from a position of contributing culturally relevant theories and knowledge within a larger politicized discourse. Herein is the problem for social justice initiatives and NPO/CSOs

engaged in the struggle for food sovereignty at a policy level: as the discourse exists on a multi-national level, a generalized ethical framework may have the potential to alienate collectives whose requirements are unique to the geographic environments in which they are located. As it point out by I.G. Simmonds, despite these aims through which the accountability, regulation and restructuring of current industrial-economic practices are championed, the ecologically de-contextualized ethics of the environmentalism movement often reproduce social relations representative of knowledge appropriation or gender inequity (Simmonds:2001).

While the political concept of food sovereignty is a relatively recent construct, the practice of localized food harvesting, production and ecological management by communities and national collectives dates back to time immemorial. An immersion within their respective ecological contexts of inquiry, and ultimate reliance upon it, is represented in the principles that instruct governance systems and legal institutions. With a specific focus on Indigenous nations in Canada, the degradation of inherent Indigenous rights within the dominant legal system, and by accompanying legislative bodies, is at the centre of the struggle for food sovereignty. How policy-planning proceeds is largely questionable. As food sovereignty is not a recognized right under the Canadian Charter of Rights and Freedoms, and since insignificant legal precedent exists within International Law, both the Federal and provincial governments in Canada continue to operate in accordance with entrenched policies that often mitigate the authority of Indigenous jurisprudences. It is through an informed analysis and a commitment of each individual to engage his or her own process of decolonization that the Federal constitutional order of Canada can be seen as just one of many within shared territories. Thus, reconciling

relationships founded on national co-operation, mutual respect, non-interference and sustainable participation within multiple ecologies must be re-engaged using ethics that are relevant to the place in which one lives.

Chapter 3: Predetermining the Rights of Indigenous Peoples: A Critical Historical Analysis of How Eurocentric Ideology Concerning Sovereign Dominion Obscures the Recognition of Inherent Indigenous Rights

A distinct feature of the ongoing 522-year colonial occupation of Turtle Island is the stratified environment of decision-making in which settler authorities have proclaimed supreme dominion over all beings (both animate and inanimate), as well as the land itself. Therein exists a principal source of Indigenous peoples' collective contestation of, and resistance to, structural regimes of settler hegemony and oppression. The manifestation of such an authoritarian claim to absolute sovereignty is a process by which Christo-European systems of government, pedagogy, and law are sublimated over those of respective Indigenous nations. In order to appropriately assess, and further critically deconstruct, how such a unilateral act of historical blanketing can occur, it is necessary to contextualize the institutional exercises of power within substantiating ideological frameworks. In doing so, both Empire oriented colonialism and the current form of statist neo-colonialism, are referred to by Daniel Castro as intricate phenomena, "extended beyond the definition and clarification of mere legal principles, or the interests and justifications of any single group, and even beyond the elaboration of judicial treatises produced at the request of the Crown" (Castro:2007:27). Cooperation between various colonial actors thus produces a complex web of self-serving ideology and behavior in which individual motives are ultimately bound together by the thread of a highly regimented discursive practice. In his article, "the West and the Rest: Discourse and Power," Stuart Hall explains that in speaking *about* a particular subject or object, the speaker develops a particular body of knowledge that is premised on the value systems s/he is most familiar with. While a speaker may not personally agree with the merits of a

dominant position, by using the identifying language around which the discourse is developed, s/he subsequently reproduces (either willingly or unwillingly) representations of the subject/object that legitimate the discourse's inherent power dynamic (Hall:2006:166). Applied to the contemporary relationship between the Crown and the Courts in Canada, the dominant discourse around Aboriginal rights and title confines the interpretation of Indigenous self-determination into a narrow set of acceptable parameters. It is within this space that one can observe how the theocratic and jurisprudential foundations of the medieval Roman Catholic ecclesiastical order continue to substantiate the ideological and legal construct of the Aboriginal *subject*.

The Papal sanctioned debates at Valladolid (1550-1551) serve as a benchmark for understanding the intellectual reasoning process by which Indigenous peoples of the Americas were to be integrated into the emerging body of International law. While the geo-political focus of this forum was unique, the question of whether non-Christian peoples possessed natural rights was one for which theo-jurisprudential precedent had already been established. As Robert A. Williams Jr. indicates, the Council of Constance (1414-1418) and the *Romanus Pontifex* (1343), in their distinct forms, provided affirmation that all peoples, regardless of their divergence from the Christian faith, possessed natural rights. Encompassed are the recognition of title (ownership of property or one's labour), relative autonomy to be self-governing over one's own affairs and freedom from unprovoked harm (Williams Jr.:1990:65,71). Reduced to a basic reading of the protections that natural rights afford, this aforementioned summary supports the idea that a universal framework guiding equitable relations between distinct peoples and their representative governing bodies does in fact exist. The problem with such an approach,

however, is that it fails to acknowledge that these rights are being recognized in a comparative context. For example, they are described as being possessed by peoples whose belief systems and normative social concepts are in *contrast* to those of Christian societies. The result of this is twofold: 1) the rights of the non-Christian person are always associated in relation to an omnipresent objective standard, rather than being spoken about as independent and truly of their own kind, and 2) the defining and distinct features of every nation of people, such as customary practices, relationality to place, and gender roles etc., are miraculously dismissed, only to be replaced with an abstract and essentialist identity. Where a single system of beliefs serves as the framework by which a discourse is measured, we cannot expect that the terms of recognition, protection and infringement will receive an equitable treatment amongst Christian and non-Christian parties. This reality is evident in how the Roman Catholic Church segregated its debate on the right of dominion. To demonstrate this point, two brief evaluations are required: 1) the Council of Constance as representative of rights belonging to members of the ecclesiastical order (internal), and 2) the *Romanus Pontifex*, as a mechanism for dealing with the rights of non-Christians (external).

While the indictment of heresy was instrumental in disenfranchising non-Christian peoples from their inherent rights to self-determination, it also proved to be relatively destabilizing to the Papacy's own legislative and governing authority. Far from operating in accordance with an unified internal mandate, Frank Welsh describes the Catholic Church as an institution marred by the contradictory and schismatic personal politics of successive Popes (Welsh:2008:103). The reality emerging from this climate of vitriolic dissent was that the legitimacy of a Pope's decree could be challenged. Further,

if the Pope, as the Earthly Vicar of Christ, could be criticized as having erred, no office held within the Church could be deemed infallible. It is precisely this line of reasoning that John Wycliffe invoked in his *Civili Dominio* (1376), which criticized the general clerical order as being lenient towards deviation from orthodox principles entrenched in scripture, and thereby allowing for abuses of power and rank. Wycliffe's polemic offers two points, which are especially relevant to our understanding of how the Council of Constance reaffirmed that title held by Christian authorities was of a more permanent kind than that held by non-Christian peoples. Welsh indicates that the first point was a qualifying statement, as all persons, regardless of their rank, were subject to an overarching divine force in the form of God's Grace. Following this, Wycliffe controversially posited that where an individual's behaviour deviated from the moral codes outlined in the Commandments, s/he no longer possessed a legitimate claim to *any* title (Welsh:2008:104). It should be mentioned that a parallel between Wycliffe's position and the reform-oriented mandate of the Council was the mutual rejection of a stratified, hierocratic Papal order. Where the two parties diverged, however, was in regards to the mechanism by which the right of dominion could be determined. Wycliffe's argument of dominion being wholly contingent on Grace was unacceptable to the Council, as it reinforced the kind of monist power dynamic that it sought to dismantle. A second consequence of such a rigid interpretation of scripture was that the charge of heresy could be used as a means of justifying what would amount to an unrestrained and arbitrary exercise of power. In part, therefore, the Council's motivation for condemning Wycliffe's theses lay in its own self-preservation. As but one organ of the larger ecclesiastical order, the Council's very decision-making capabilities were

ultimately vested in the institutional legitimacy of the Church. By defining this condemnation in terms of a defense of Christian peoples' right to dominion, the Council effectively narrowed the scope to which this newly established theo-jurisprudential precedent would apply.

In having confirmed that the right to dominion was not dependent on the presence of Grace, the Roman Catholic Church was preoccupied with generating a rubric for what it considered to be just cause for legitimate infringement of natural rights possessed by non-Christian peoples. As Robert A. Williams Jr. remarks of the methodological shift from earlier decrees legitimating foreign invasion and forced conversion, the, "*Romanus Pontifex* emphasized the more benign, paternalistic elements of papal suzerainty" (Williams Jr.:1990:72). From a superficial reading, it can be argued that the entrenchment of this document by Pope Eugenius promotes a set of legal checks and balances to ensure that flagrant violations of peoples' inherent rights are not committed. One could also direct attention towards the Pope's consultation with the canon-lawyers Antonio Minucci da Pratovecchio and Antonia Roselli as further evidence of the Papacy's willingness to abide by the legislative principle of due process. Insofar as their own substantiating logic is concerned, neither of these two examples is deemed contradictory to the exercise of power it seeks to validate. Drawing upon Antonio Minucci da Pratovecchio's jurisprudential conclusion, Williams Jr. describes how natural rights were understood as both subsumed within, and alternately a derivative of, *ius gentium* or the Roman Law of Nations (Williams Jr.:1990:71). Applying this logic to suit its intentions, the Papacy reasoned that its recognition and affirmation of these rights were equivalent to their delegation.

Conversely, if the Roman Catholic Church could provide evidence that a contravention of the moral codes in natural law had occurred by non-Christian peoples, then it would be justifiable to infringe upon their right to dominion. From this perspective, the protections that are afforded to non-Christian peoples through the recognition of their natural rights have little, if anything, to do with the practice of cooperative, bi-lateral governance between two or more parties. Rather, the emphasis on procedure, as exemplified by Pope Eugenius' legal consultation, reflects the need of a dominating party to absolve itself of any accountability relating to behavior that is likely injurious. The insidious nature of such institutionalized exoneration is that it creates a cyclical process of entrapment for non-Christian peoples. *Ius gentium* not only delivers an overarching regulatory standard to which the oppressed are held to account (laws), but it in turn provides the oppressed with the only mechanisms for appeal (the Courts) whose rulings the dominating party will recognize as legally binding. Thus far, our examination of the Papacy's discursive practice of identifying and contorting non-Christian peoples' inherent rights has been situated primarily within the context of theo-jurisprudential reasoning. Said alternatively, what has been reflected upon is the Christo-Eurocentric rationalization responsible for creating a neat ideological division between the status of rights possessed by Christians and those possessed by the entity of the 'Other.' In the transition from ideology to practice, however, there is very little that can possibly be described as neat or logical. Where human, intellectual, financial and material resources are invested into the act of encroachment and oppression, the result for all parties involved is lived experiences marred by conflict, contradiction, consumption and trauma.

In returning to the debates at Valladolid, we observe that the proto-capitalist ambitions of the Spanish Sovereign converge with theo-jurisprudential precedent in order to facilitate colonial expansion in the Indies. Despite the mutually reinforcing quality of this relationship, which Daniel Castro terms the “temporal-ecclesiastical equation,” the division of power was ultimately stratified in favour of the Church (Castro:2007:22). Castro’s formulaic reference to the dynamic between the two parties is apt, as an equation is defined by: 1) the reduction of each variable into a specific value, and 2) the reintegration of this value into the larger formula via a strict order of operation. If we follow this mathematical analogy in our assessment of the debates at Valladolid, the dominant variable to be identified is that of humanist reasoning. Emanating from Petrine doctrine, Williams Jr. indicates that this Christo-Eurocentric system of thought is steeped in the ideals of guardianship and moral imperative. When inserted into the institutional mandate of the Church, humanism takes on a more calculated and authoritarian tone. Here, Williams Jr. notes that the organization charges itself with the responsibility to elevate what it sees as the plight of peoples who are incapacitated by their own unfortunate circumstance and hopeless social morass. (Williams Jr.:1990:72). It is no surprise then, that such a method of devaluing and denying a human being of his/her personal agency and voice lends itself to furthering the assimilationist agenda of a colonial regime.

What makes humanist ideology such an effective mechanism for subjection and identity erasure is that its adversarial qualities are masked by the goal of inclusion. This reality is exemplified in Francisco de Vitoria’s theo-jurisprudential opinion that Indigenous peoples of the Americas did in fact possess the right to title, self-government

and freedom from unprovoked harm. Seemingly, this particular position can be perceived of as conciliatory and empathetic towards Indigenous peoples and their representative governance structures. The underlying motive for recognition, however, was to have the natural rights of Indigenous peoples subsumed within *ius gentium*. Peter Russell reminds us that in exchange for the tenuous legal protections granted to Indigenous peoples, they would be mutually obligated to recognize the natural rights of all parties bound to this framework. Included, therefore, was the stipulation that any party should be able to travel freely through foreign territories and, as a corollary, engage in commerce with the peoples of those respective regions (Russell:2005:36). Dressed in language of dualist recognition, this principle served as the Trojan horse through which the Spanish Sovereign was able to transport predetermined identity constructs of non-Christians into the Americas. Yet, as an agent of colonization responsible for delivering the Christianizing mission of the Church, the Crown's own authority over Indigenous peoples was confined to that of possession. In other words, where the Church had exercised its primate power to transform Indigenous peoples into ideological subjects through humanist reasoning and *ius gentium*, the Spanish Sovereign was awarded the right to engage in economic exploitation. Referring back to the "temporal-ecclesiastical equation," therefore, it is clear that the nature of Spain's governing jurisdiction in the Americas can be identified as the second, dependent variable. Let us for a moment accept, albeit cautiously, the embedded nature of this hierarchal European authoritarian regime. As well, let us also tolerate the theo-jurisprudential determination that inherent Indigenous rights were subsumed into a larger Eurocentric body of law and thereby subject to the leisure of the Papacy. How then, are we to gauge the Crown's motives in

vigorously pursuing confirmation that its claim to dominion in the Americas was legally valid? In order to proceed with said inquiry, it is appropriate to first define the term according to its Latin root word. The 4th (sic) edition of the Black's Law Dictionary describes *dominus* as, "a lord, or feudal superior," as well as, "the owner or proprietor of a thing, as distinguished from him who uses it merely ("Dominus" def. 1). Such symbolism pertaining to an omnipotent power is also mirrored in the theo-jurisprudential definition provided by Vitoria during the debates at Valladolid. Where a person or entity was recognized as possessing dominion over something, remarks Castro, it was articulated that this right was held to the exclusion of others (Castro:2007:29). For the Spanish Crown, therefore, a legitimate claim to sovereign dominion would be sufficient (from a European perspective) to entrench its jurisdictional authority over Indigenous subjects and natural resources in the Indies.

At this point, the value of each variable in the "temporal-ecclesiastical equation" has been identified and sufficiently elaborated upon. Such microanalyses are imperative, as the key tenets of humanist ideology and a sovereign claim to dominion continue to play an integral role in the following two sections of this chapter. More specifically, the Eurocentric representations of Indigenous rights to dominion expressed at Valladolid permeate throughout the respective legal frameworks of later settlement in the colonies, as well as, present relations between the Canadian state and Indigenous nations. Before proceeding with these examinations, we must first address how these constructs retain their application throughout changing political climates and the restructuring of institutional arrangements. To do so requires that we once more follow Daniel Castro's mathematical analogy and reintegrate both variables into a larger order of operation.

When contextualized in a cause and effect relationship, the interaction between humanist ideology and a sovereign claim to dominion is notably characterized by a quality of transference, or reciprocal movement. For instance, originating deep within Christo-Eurocentric thought, humanist reasoning was forcibly thrust *upon* Indigenous peoples throughout Turtle Island. Inversely, the Crown's exercise of primate authority in the Indies procured it immeasurable wealth, which was then redistributed *amongst* certain facets of Spanish society. While both examples of movement are factual in terms of what they afforded colonial authorities, the problem is that they exclude any reference towards the agency possessed by Indigenous peoples. Such an omission, however, is not merely attributable to an exercise in semantics or an academic license to reduce complex processes into manageable analytical parts. Rather, it represents the very structural discrepancy that this thesis is concerned with exposing. By separating the phenomenon of transference into insular ethnocentric categories, currency is provided to a portrayal of colonization that is ahistorical and uncritical. As Emma LaRocque avows, reimagining the terms upon which European and Indigenous peoples come to interact is synonymous with the need of the colonizer to absolve him/herself of any direct responsibility in the creation, or perpetuation, of systemic inequity (LaRocque:2010:37). Applying this observation to the previous examples, it is clear that no explicit correlation is made between the suppression of Indigenous peoples' inherent rights to self-determination (via force or 'diplomacy') and the success of colonial projects. Thus, where violence related to physical encroachment and ideological indoctrination is made invisible, colonization of the Americas is alternatively rationalized as the inevitable contact between 'superior' European nations and their 'inferior' Indigenous counterparts. At the same time that this

binary comparison serves to mitigate any possible guilt or recognition of intergenerational culpability on behalf of the colonizer, as noted by LaRocque, it also provides a strategic explanation as to the source of the marginalization wearing on the colonized. While the two parties are recognized as existing in relation to one another, the relationship itself is not one that is defined by an interaction between equal parts. Instead, they are conceived of as mutually exclusive. The resulting dynamic, therefore, is a dichotomy in which each part not only stands in contrast to the other, but in opposition as well. Albert Memmi goes on to summarize that by following this logic, “what is actually a sociological point [deprivation] becomes labeled as being biological or, preferably metaphysical. It is attached to the colonized’s basic nature” (Memmi:1965:71). In order to support Memmi’s contention that the colonial concept of irreconcilable difference is a fallacy, the following section will draw upon Louis Althusser’s structural-Marxist critique of the top-down power dynamic between ideology and subject. After teasing out the inextricable nature of the colonizer/colonized relationship, we will incorporate J.M. Blaut’s critical revisionist assessment of Eurocentric diffusionist theory to show how the colonizer’s adherence to the idea of difference is politically motivated, rather than empirically supported.

For Louis Althusser, an ideological framework functions like a fogged lens through which a person develops an understanding of human relations. Due to the lack of clarity, the individual is unable to acknowledge that the reality of interaction is based upon a convergence of diverse voices (positionality), experiences (knowledge) and responsibilities. Instead, s/he is automatically positioned against fellow human beings according to rigid and predetermined qualities that are assigned to them. Althusser refers

to this socio-communicative distortion as the, “the imaginary relation of those individuals to the real relations in which they live” (Althusser:1971:165). The manufacturing of discrepancy is of particular importance to structural-Marxist thought, as it represents the method of reproducing the interpersonal dynamics that are necessary for a given type of production or political climate to exist. From this statement, the first of two conclusions can be drawn: in that the subject, as mirrored by ideology, exists as part of a hierarchal order. By way of example, it is in ideology, which Althusser describes as the ‘superstructure,’ that difference originates. For difference, as consisting of a set of ideas, to be given meaning as something to be in opposition to, it is required to take on a tangible representation. Within the context of colonialism, the colonizer thus fulfills this function, as s/he becomes the agent through which humanist ideology is asserted vis-a-vis the colonized. Stated alternatively, humanist ideology embodies Christo-Eurocentric thought, which prescribes practices upon which colonial European institutions are founded. These practices are then turned into actions by the colonizer, thus reaffirming the ideological construct of European superiority (in juxtaposition to Indigenous inferiority). The problem with this brief formulation, as well as any other analysis which follows a top-down formulation of subjects, is that it only addresses the unilateral *production* of the relations of production (ideology). What is absent is how the relations of production (colonized/colonized) are *reproduced*.

Recognizing the limitations of a hierarchal examination, Althusser offers the second conclusion: ideology is necessarily cyclical. He observes that not only, “there is no practice except by and in an ideology [as mentioned in the previous paragraph]; there is no ideology except by the subject and for subjects” (Althusser:1971:170). The latter

half of this dictum is premised upon the notion that the subject must ultimately fulfill his/her prescribed mandate in order for the ideology governing him/her to be existent. When implemented into the context of colonialism, this double constitution, as Althusser calls it, can be explained as follows: the colonizer understands his/her purpose because of humanist ideology, however, without the colonizer acting upon the colonized, humanist ideology itself would have no basis. At this point, a crucial distinction must be made. Referring to the double constitution, Althusser does not state that the colonizer possesses the agency required to disrupt humanist ideology and dismantle the colonizer/colonized relationship. Any attempt to do so would ultimately be in vain as s/he is already a predetermined subject. Memmi further states that the paradox inherent in such a scenario is that, “to eliminate the colonized from the role of the living, it would be impossible to do so without eliminating himself [the colonizer]” (Memmi:1965:54). Thus, with his/her identity defined by specific actions, gestures and words, the colonizer only knows ‘freedom’ to the extent that s/he foregoes denial and willingly chooses to repeat the forms of communication consistent with his/her subjection (Althusser:1971:182). In either situation, it is the acquisition of privilege, and the benefit from it - whether or not s/he chooses to acknowledge so - that differentiates the colonizer from the colonized. While the condition of social inequity symbolizes that the colonizer is, “a nonlegitimate privileged person, that is, a usurper” (Memmi:1965:52), it is his/her response that ultimately reproduces the relations of production. As Althusser has already shown, for the idea of difference to take on an oppositional meaning, it must be contextualized within an oppositional dynamic consisting of two interdependent halves. Attempts on behalf of the colonizer to justify the privileges s/he has usurped, therefore, are always comparatively

framed in terms of what the colonized is not, or deficient in. Following this reasoning, the notion of irreconcilability between the two parties is a myth. There is no colonizer without a colonized and there exists no colonized without the colonizer.

As the first example of transference indicates, the dissemination of humanist reasoning throughout the Americas was an exercise unilaterally determined as well as implemented by European authorities. Being that the Spanish colonizer and the colonized Indigenous persons are conceived of as ideological products, the relational dynamic between them epitomizes what J.M. Blaut describes as a structural form of spatial elitism designed to justify acts of domination, exploitation and denigration by one party over another (Blaut:1993:2). Within the context of delivering Christian teachings, which form the basis of humanist reasoning, the colonizer is presented as a provider and the colonized is relegated to the role of a recipient². When framed in terms of a larger geo-spatial metaphor, Europe is imbued with the qualities of ingenuity, origin and refinement, whereas the Indigenous Americas are antithetically positioned as a place (and state of being) that is devoid-of/starved, silent and unregulated (Blaut:1993:14-15). In further deconstructing this oppositional dynamic, Emma LaRocque reminds us that, “the dichotomy of civilization versus savagery is the long-held belief that humankind evolved from the primitive to the most advanced, from the savage to the civilized” (LaRocque:2010:40). What Blaut and LaRocque identify in their respective examinations is that the Eurocentric conceptualization of progress is not only measured in relation to a

² By framing the relationship between the Spanish colonizer and the Indigenous person as one of provider/recipient, there is a danger that the degree of violence, trauma and dehumanization is represented as less pervasive and severe than it actually was/is. In no way, however, is it my intention to support such an exercise in distortion or denial. Rather, it is to identify the abstract roles of each party in accordance to the reductionist theory of Eurocentric diffusionism.

linear scale, but a uniform set of criteria as well. Returning once again to the debates at Valladolid, we see that Christo-European conceptions of private property became the defining element by which the colonizer's discourse on the rights of Indigenous peoples was further developed.

In his castigation of what he conceived to be the deficiencies of Incan and Aztec forms of dominion, Spanish theologian/philosopher Juan Gines de Sepulveda remarked that,

no individual is entitled to own a house or a field or to bequeath it as a testament to descendants. Everything belongs to their lords, who they improperly name kings and whose judgment they follow more than their own (Sepulveda, quoted in Dussel:1995:65).

What is obvious in his description is that property (in the form of title) is to be associated with individual possession. This sense of ownership, therefore, is clearly recognizable as a derivative of the same ontological system responsible for producing and legitimizing the concept of sovereign dominion. For example, aside from certain legal distinctions⁴, both individual possession and sovereign dominion are premised on the idea that they are forms of title that exist to the exclusion of other parties. What is perhaps less apparent in Sepulveda's statement is how the Eurocentric concept of private property ultimately functions as the medium through which humanist ideology is transmitted. Within a linear framework of human development, remarks Enrique Dussel, the presence of subjective liberty is the primary feature distinguishing societies that have reached a state of

⁴ It should be noted that the legal difference between individual possession and a claim to sovereign dominion is a matter of subjection. Where a 'citizen' or recognized title-holder owns his/property to the exclusion of other parties, s/he is still subject to the overarching jurisdiction of the sovereign government/Crown (In the latter Canadian context, this includes municipal, provincial, and the Federal government(s)). Sovereign dominion possessed by a Crown or state, however, is immediately accountable to no other entity, thus equating its form of possession as 'supreme' dominion.

civilization from those which remain in a state of savagery or barbarism (Dussel:1995:65). Sepulveda's description of the Incas and Aztecs, as peoples wallowing under totalitarian regimes and the pangs of material destitution, therefore, immediately transforms them from self-determining peoples into candidates who are perfectly suited for forced religious conversion and the subjection to corresponding Christo-Eurocentric ideological codes, i.e. the laws of the colonizer. This act of domination, explains Dussel, is not conceived of by the colonizer as one of violence without purpose, but rather a necessary process through which the colonized is benevolently emancipated from his/her current state of self-induced bondage. Yet, and in spite of this supposed transformative process, which Dussel appropriately refers to as the 'fallacy of development' (Dussel:1995:66), the colonized remains invariably bound to the colonizer as the legitimacy and the nature of the rights possessed by the former ultimately remain dependent on their *recognition* by the latter. Notwithstanding the weakening influence of ecclesiastical orders within the latter British colonial system, therefore, the antithetical relationship between civilized versus savage continued to determine how the rights of Indigenous peoples to dominion were perceived.

Evidence of legal pluralism within the British Imperial system of governance is found in the concept of *Lex Loci*. A remnant of Roman jurisprudence, it establishes a framework of semi-decentralized rule over foreign territories acquired by conquest. Russel Lawrence Barsh explains that, where the laws and customs belonging to conquered subjects are deemed more effective for decision-making in a localized capacity, they are enacted as proxy regulatory mechanisms to those of the Sovereign (Barsh:2004:92). Based on a superficial interpretation, this premise is complimentary to

what Sharon Helen Venne describes as the Royal Proclamation's reference, "to Indigenous peoples as "Nations," as distinct societies with their own form of political organization with whom treaties had to be negotiated" (Venne:1998:8). The significance of the Proclamation cannot be understated. Not only did it constitutionally entrench the recognition of Aboriginal rights to title by the Sovereign, but as a corollary it also determined that the procedures for securing and thereby executing European settlement would need to be consistent with the rule of law. Based on the prevention of arbitrary exercises of power this principle influenced the distribution of governing authority between the Sovereign (acting under royal prerogative) and Parliament. As Barsh specifies in his analysis of *Campbell v. Hall*, where the former entity could initially alter laws of conquered nations with express provision, he could not exempt his foreign subjects from the overarching legislation of Parliament. Accordingly, and as we observe with the Proclamation, Parliament was also bound to respect the terms upon which a treaty of peace was ratified (Barsh:2004:100). From this interaction, it is clear that Parliamentary supremacy is the standard by which the rule of law is assured. Within the context of a hierarchal system of legal pluralism, however, a European conceptualization of collective assembly, i.e. Parliamentary rule, has the effect of disfiguring the nature and realization of rights possessed by Indigenous peoples.

No less a figurehead of Anglo-American political philosophy than John Locke contends that by virtue of natural law, Indigenous peoples are the rightful owners of their labour, as well as, any product that results when this labor is put towards the refinement/development of natural resources (Locke:1977:17). The basis of Locke's position echoes the very humanist reasoning we have observed in both *Romanus Pontifex*

and the arguments of Francisco de Vitoria. Yet, Locke advances the Christo-Eurocentric discourse on the rights of non-Christian peoples by focusing specifically on the role of production by scale. When paired with Judeo-Christian doctrine, this form of quantitative measurement positions the proprietary rights of peoples who (are perceived to) draw their prosperity from surface resources as more vulnerable to possible infringement than those who till and sow seeds in soil. The crux upon which this differentiation of rights is determined, therefore, is an enclosure of the commons (state of nature). For Locke, visible demarcations related to cultivation are the requisite indications of exclusive ownership and thus, the first step in preventing usurpation or denigration by another (Locke:1977:20). Valued in terms of the potential security it affords, agriculture can be further interpreted as the model of production most consistent with the prescription to, “Be fruitful, and multiply, and replenish the earth, and subdue it: and have dominion over...every living thing that moveth upon the earth” (The English Standard Version Bible, Gen.1.28).

While an individual can be credited with the transformation of the commons on the grounds of his/her labour, the action itself does not generate uncontested or relatively absolute jurisdiction over the respective tract of land. Such authority is an ideological construct, which gains weight or legal legitimacy only when it is recognized by a group of like-minded people living in community with one another. Recognition, as Venne clarifies in her examination of the Eurocentric formulation of international law, is symbolized by a tacit agreement regarding the acceptability of a particular practice. Through its prolonged repetition and general adherence to, said practice evolves into a custom, or a component of the legal fabric that binds a society together (Venne:1998:12).

The significance of this bottom-up process of political mobilization is also evidenced in the Lockean position that, the voluntary submission of the individual, to be bound by mutual obligations in the form of majority rule, is the only course of action by which a legitimate governing body comes into existence (Locke:1977:50). Government, when perceived of in this manner, localizes power to a relative degree, i.e. regionally and or nationally, and in doing so qualifies it as a representative order. With regards to settler-European agrarian communities, the social contract between multiple parties to respect private property and refrain from trespass serves as a skeleton for the larger geo-political exercise of sovereign dominion. In effect, this concept of relationality (governance) is expressed foremost in utilitarian terms. Essentialist binary comparisons based on the manipulation of Judeo-Christian ideology, such as sophisticated v. primitive or centre v. periphery, remain in force, but are no longer presented in overt, religious references. Instead, they are embedded into the legal reasoning that sovereign jurisdiction provides the greatest security against the perpetuation and/or escalation of strife between two or more individuals. As a strict reading of Locke would convey, the hallmark of this social contract is the presence of uniform laws for all persons, a general awareness of the extent to which a potential breach will be punished, and an unbiased third party evaluation of any such transgression. Combined, these features contribute to the administration of justice by a centralized governing body, which serves as the basis of interstate custom between European powers. According to Venne, this produces an inevitable inequity as the progression of an international law discourse is based on the recognition of the rights of the Sovereign instead of the rights of peoples (Venne:1998:11). As a result of this derogation, Indigenous peoples are not described as nations involved in consensus

decision-making, but rather as individuals whose rights to life, liberty and estate exist beyond the protections of positive (collective) laws. Hence, we see how Locke positions the power of the sovereign political society against that of Indigenous peoples in the Americas; in that it is immoral for the former entity, when unprovoked, to infringe upon the rights of the latter. The unacceptability of such an action, which includes the subjection of a person living in the commons to the political authority of a sovereign, thereby places a burden on the political society to protect the individual's natural rights. The institutionalization of this paternalistic approach is demonstrated in the ruling of the Privy Council on *St. Catherine's Milling and Lumber Company v. The Queen* as, "the tenure of the Indian was a personal and usufructuary right, dependent upon the good will of the Sovereign" (*St. Catherine's Milling and Lumber Company v. The Queen*). While the position articulated by Lord Watson and the Privy Council can be interpreted as honoring some semblance of legal plurality, its subsequent referral to by Canadian Courts as a precedent on Aboriginal title has been historically uncritical. Barsh indicates that the original and purposeful designation of usufructuary rights pertained to matters only in which a jurisdictional dispute *between* the Federal and provincial governments could have an adverse, collateral affect on Aboriginal hunting, fishing and harvesting practices (Barsh:2004:106). In this scenario, Aboriginal peoples represented third parties, the extent of whose title to the area in question had already been formally determined, i.e. through what the Courts deemed to be an act of surrender or cession. Putting aside for the moment the contentious debate of whether Indigenous peoples ever agreed to such forfeiture, Barsh focuses on *St. Catherine's* in order to demonstrate that usufruct was not to be applied in situations where disputes regarding Aboriginal title had not yet been

resolved. Despite the duty of the judiciary to follow due process, and in turn set upon making a distinction between the two scenarios, usufruct was thereon preemptively invoked, thus leading, “Canada... to develop its approach to First Nations as if *St. Catherine’s* had wholly settled the issues of land rights and customary land tenure” (Barsh:2004:106).

A fundamental paradigm shift in how the Courts might approach Aboriginal rights and title was made possible with the passing into law of the 1982 Constitution Act. Part and parcel of Canada’s patriation process of the Constitution, the Act both recognized and affirmed existing Aboriginal and treaty rights under s.35(1)(*Constitution Act, 1982:s.35(1)*). For Indigenous leaders, as well as scholars, committed to advancing a critical constitutional discourse, the language in s.35 was equally notable for what it did not express, i.e. *the source* of existing Aboriginal and treaty rights. The absence of any such reference or qualification, coupled with the guarantee of s.25⁵, led to a cautious, yet justifiable optimism amongst the aforementioned parties about the degree of comprehensiveness that constitutional protections could afford. For example, Kiera Ladner and Michael McCrossan argue that based on the reality of Indigenous peoples constituting pre-contact political societies, the rights that they possess derive their origin and legitimacy from the constitutional orders of their respective nations. This element of inextricability, when factored into the enshrinement of existing Aboriginal and treaty rights in s.35, amounts to what the authors describe as an implicit protection of

⁵ in detail, s.25 reads, “the guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the Aboriginal peoples of Canada including,

(a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763” (*Constitution Act, 1982:s.25(a)*).

Indigenous constitutions themselves (Ladner & McCrossan:2009:268). While the terms under which such an act of inclusion could occur are subtle, the resulting formation of a co-constitutional order is hardly a novel or untested political reality in the colonial history of Canada⁶. Within the context of Indigenous/settler relations, co-constitutionality or treaty federalism is evidenced in the politically binding nation-to-nation contracts originally ratified between the British Sovereign and Indigenous peoples. As Kiera Ladner further explains,

[T]reaties recognize and affirm a right to self government and sovereignty for each nation (alien and Indigenous) within Indigenous territories, and they do not limit such rights, except in areas of jurisdiction that are explicitly delegated or dealt with in each specific treaty (Ladner:2009:282).

Even in territories where such formalized peace and friendship agreements were, or continue to be, absent, i.e. throughout the majority of what is now the Province of British Columbia, the existence of co-constitutionalism is an underlying, albeit distorted, political reality. Returning then to Barsh's study of the *Lex Loci* in English Common Law, we are reminded that for the rights and jurisdictional authority of an Indigenous people (nation) to have been extinguished or altered, an explicit stipulation was required within the terms of treaty or the Royal Proclamation. Without the presence of any such clause or convention, "the laws and political institutions of First Nations must be presumed to have remained the same" (Barsh:2004:100).

⁶ The existence of co-constitutional orders and the corresponding exercise of treaty throughout Turtle Island have a rich history, which predate European encroachment and the expansion of colonial governments. For a study of co-constitutionality ('One Spoon Wampum') from a Haudenosaunee perspective, see, Hill, Susan M. "Traveling Down the River of Life Together in Peace and Friendship Forever": Haudenosaunee Land Ethics and Treaty Agreements as the Basis for Restructuring the Relationship with the British Crown," in: Leanne Simpson, ed., *Lighting the Eighth Fire*. Winnipeg: Arbeiter Ring Press, 2009. Pp. 23-45.

Attributing the enshrinement of Indigenous constitutional orders to the recognition and affirmation of existing Aboriginal and treaty rights under s.35 is, at its core, a way of envisioning reconciliation that is equitable. With specific reference to a treaty federal order, therefore, equity complicates the notion that peaceful and prosperous relations between Indigenous and settler peoples develop exclusively as a result of homogeneity in the legal and political institutions of both parties. To emphasize the value of co-constitutional diversity, John Borrows employs ‘Canadian sovereignty’ as the model of choice. From his perspective, sovereignty transcends the narrow interpretations of Euro-American politico-legal ideology. Supremacy of a unilateral Sovereign claim to dominion is thus replaced by a multiplicity of title, and the corresponding pluralistic exercise of autonomous self-government and jurisdictional authority. Sovereignty, as so conveyed, becomes the designation aptly describing Canada’s (early colonial) history as one of lateral governance between distinct nations. Such a dynamic warrants the greatest sense of harmony, suggests Borrows, as all parties approach one another with the knowledge that they are on equal terms. Furthermore, decisions involving overlapping jurisdictional authority are arrived at by a negotiation between tenets in English Common Law and, “the positive and customary laws of Aboriginal peoples, which preserve and embody the general principles of their ancient and normative orders” (Borrows:2002:118). Undoubtedly, the legal and political basis upon which Borrows develops his position is in support of treaty federalism. In using the term sovereignty, however, the question arises as to whether the ontological frameworks of Indigenous peoples continue to retain their influence on how rights, and the expectations of self-determination, are perceived. Alternatively phrased, is there not a danger that the distinctiveness of Indigenous

constitutional orders is somehow diluted, or worse transformed, when using foreign legal concepts to convey the meaning of inherent Indigenous rights?

As demonstrated by the post 1982 paradigm of Aboriginal rights and title cases, the Courts have elected to uphold the Crown's claim that its right to sovereign dominion is both inalienable and supreme. Unanimous support on the part of the judiciary to move in this direction has therefore signaled that the state represents the preeminent form of political organization. Not only does this position negate the idea of a treaty federal order comprised of multiple sovereignties, but as Ladner indicates, it also leads to Aboriginal rights being systematically qualified and scrutinized in relation to the interests of the broader Canadian populace⁷ (Ladner:2009:286). In response, the argument may be put forth that some measure of equity within the Courts is afforded to Aboriginal peoples on account of the *suis generis* nature of their rights under s.35. Being 'of their own kind,' these rights are to theoretically allow for Indigenous perspectives and ontologies to influence the dominant discourse on reconciliation. The problematic in this line of reasoning is that it obfuscates a more deep-seated reality; that Indigenous perspectives and ontologies are fundamentally separate from the concept of Aboriginal rights recognized by the Courts. To deconstruct the subtleties of this distinction, and to reveal how the Courts develop their understanding of an Aboriginal right post 1982, let us

⁷ Indeed, the production of qualifications such as reasonability and compatibility, as well as their usage as legal criterion, can be understood as contributing to the degeneration of the rule of law. Building on the definition of this principle from the previous section, the rule of law is designed to prevent arbitrary exercises of power by governing bodies, primarily through ensuring that the law itself is stable. Thus, and as Borrows warns, a politico-legal climate in which the Crown is able to unilaterally and justifiably infringe upon an existing Aboriginal right denies any sense of stability by forcing that right into a state of constant vulnerability, see: Borrows, John. *Recovering Canada: The Resurgence of Indigenous Law*. Toronto: University of Toronto Press, 2002. Pg. 131.

consult the Honourable Douglas Lambert's article, *Three Points About Aboriginal Title*. For the judiciary, he clarifies, what is to become an Aboriginal right is in its initial stage a customary practice, definable by characteristics unaltered from the time of contact. Based on these consistent and clearly identifiable features, a process of translation then ensues whereby the customary practice is equated with a relatively homogeneous concept already entrenched within the body of either common or civil law (Lambert:2012:356). Lambert's explication is accurate to the extent that it distinguishes the conceptual origin of an Aboriginal right, i.e. common or civil law, from the customary practices of Indigenous peoples. In setting the two apart, however, he does not proceed to identify customary practices as the physical manifestations of the inherent rights possessed by Indigenous peoples. The failure to do so not only results in the de-contextualization of these practices as temporally static exercises, but it also symbolizes how the Courts privilege the Euro-Canadian jurisprudential concept of a right as a categorical standard. To be sure of the judicial ethnocentrism at play, Lambert is explicit in his reminder that, "the aboriginal perspective describes customs and practices. The common law and the civil law deal in rights" (Lambert:2012:358).

As a result of the universalizing and integrationist oriented logic informing the development of the Aboriginal rights framework, the process of translation can effectively be deemed as one of *transformation* instead. Nowhere, for example, is the utter distortion of inherent Indigenous rights more evident, and thereby the erosion of self-determination more totalizing, than with regards to the concept of nationhood. A way of envisioning citizenship and collective (consensus-based) governance that is distinct from the dominant model of state sovereignty, Indigenous nationhood is conveyed by

Taiaiake Alfred as representative of the structural and philosophical principles relevant to, and within, respective Indigenous societies (Alfred:2005:42). This internal orientation is thus similar to the constitutional orders described by Ladner, McCrossan and Borrows. In detail, the autonomous nature of both constructs is due to the social dynamics, protocols of personal conduct and teachings that evolve from the site-specific and intergenerational relationship of a people (nation) to a place. Despite this underlying congruency, the effort of Indigenous leaders who continue to push for the recognition of Indigenous constitutional orders post 1982 represents a divergence from the community centric exercise of Indigenous nation building, as dealt with by Alfred. Contributing to this departure, therefore, is the factor of integration. While the struggle for treaty federalism purposefully incorporates and manipulates rhetoric such as constitutionality in order to dismantle a hiero-patriarchal governance relationship between Indigenous nations and the Canadian state, the practice of Indigenous nationhood is not intended to be framed in a language of conceptual commonalities. To do so, as in the case of the Aboriginal rights framework, radically alters how decolonization is perceived and the tools that are available for the implementation and adaptation of related strategies. For instance, emphasis shifts from a resurgence of political values existing beyond the purview of the Indian Act and its band council system, as well as the corresponding re-introduction of these values into the primary forums of community governance, towards wrestling back forms of authority exercised by the Canadian state. As Alfred observes, however, jurisdiction possessed by the state is inextricable from the ideology embedded in the Euro-Canadian sovereignty construct. By focusing on the origin of this power, the use of the term nationhood by Indigenous politicians in a comparative context can be

understood as little more than an act of posturing. In response, “non-Indigenous politicians recognize the inherent weakness of a position that asserts a sovereign right for peoples who do not have the cultural frame and institutional capacity to defend or sustain it” (Alfred:2005:43), and thereby delegate entitlements, i.e. self-government, which ultimately limit the capability of band council governments to serve as vehicles for comprehensive decolonization within Indigenous communities.

The purpose of this chapter has been to demonstrate that the oppression of the colonized by the colonizer is as much a discursive praxis as it is the physical act of violence and bondage. In greater detail, the marginalization of Indigenous peoples throughout the Americas is not the result of inherent deficiencies or weaknesses on their part. Rather, it stems from a continued investment of energies on behalf of the colonizer to defend the ethnocentric belief that his/her value systems, and particularly his/her individualized mode of relating persons to things, are superior to those of Indigenous societies. Notably, the antithetical relationship that is produced, which is an ideological construct, manifests itself in the representation of civilized versus savage and/or the Old World versus the New World. Beginning with a joint examination of the Council of Constance (1414-1418) and the *Romanus Pontifex* (1343), we saw how the Christo-Eurocentric concept of dominion became the determining factor by which a supposed irreconcilability between Christian and non-Christian peoples was fixed. While both the Council of Constance and the *Romanus Pontifex* recognized that Christian and non-Christian peoples possessed natural rights, of which the right to dominion was included, the difference was in the source of the determination of such rights. With regards to the Council of Constance, the right to dominion of Christian peoples was considered a divine

right, thus determinable and distinguishable only by God. In the *Romanus Pontifex*, however, the rights of non-Christians to dominion were validated not on the basis of their intrinsic infallibility, but according to their origin within *Ius Gentium* or the Roman Law of Nations. With regards to non-Christians, therefore, it was the Papacy's recognition and affirmation of these rights that constituted the equivalent of their delegation. This self-ascribed authority on the part of colonial powers to define the rights of Indigenous peoples in relation to those of Europeans repeated itself at the debates of Valladolid (1550-1551). According to Juan Gines de Sepulveda's line of reasoning, the Incas and Aztecs lacked any awareness of private property and subjective liberty, and hence, no rights to dominion or self-determination could be attributed to the people within these societies. Moreover, despite the shift from a colonial model underpinned by theo-jurisprudence to one dictated by legal pluralism, we continue to observe how Indigenous rights to dominion remained contingent upon the validation of the colonial power. As was explicitly noted in the case of *St. Catherine's Milling and Lumber Company v. The Queen* (1888), for example, the legal right of Indians to hold or occupy property was of a personal and usufructuary nature, ultimately dependent on the willingness of the Sovereign to grant the right in the first place. Even after the Constitution Act of 1982, in which the potential existed for a systemic restructuring of the relationship between Aboriginal peoples and the Federal government, the Courts have continued to base their rulings in Aboriginal rights cases - particularly those involving resource usage and the land - on the premise that the Crown's claim to sovereign dominion is both inalienable and supreme. As is evident from our examination, therefore, the very Eurocentric concept of dominion not only refers to the way in which persons exercise their control over

territory, but furthermore how one group justifies and exercises its subjection of all other beings.

Chapter 4: Appreciative Inquiry: A Methodological Approach That Supports Non-Exploitative Research Relationships With Participants In Skownan Anishinaabek First Nation

As a graduate student in the Department of Native Studies, the most important decision I had to make was in regards to the methodological framework I would adhere to when conducting my fieldwork in Skownan Anishinaabek First Nation. Being that I wished the interview participants to take a leadership role in the project, the approach would have to be able to accommodate the needs of community members where the framing of questions or the dissemination of information was concerned. In other words, not only was I searching for a methodology that would allow for the traditional hierarchal relationship between the researcher and the respondent to be deconstructed, but also one that would encourage and elicit answers that were not predetermined by the questions themselves. This chapter will argue, therefore, that within the context of my fieldwork in Skownan, the aforementioned methodological goals were best met through the application of Appreciative Inquiry. According to David L. Cooperrider and Suresh Srivastva, Appreciative Inquiry is, “more than a method or technique, the appreciative mode of inquiry is a way of living with, being with, and directly participating in the varieties of social organization we are compelled to study” (Cooperrider & Srivastva:1987:131).

Before proceeding with a further analysis of this concept, I will begin by revealing a personal experience of mine in which I sought to access knowledge that was embedded within an Indigenous language. The purpose of recounting this incident is to demonstrate, as well as emphasize, the reason for why I felt it necessary to have community members serve as instructors rather than as subjects of study. Following this

anecdote, the chapter will then examine how social constructionism theory, image theory, and grounded theory inform the practice of Appreciative Inquiry. Using the article “Appreciative Inquiry” written by the Maori researcher Fiona Cram, the basic premise of each of these theories will be examined. Social constructionism theory, for example, will be described as the idea that verbal and non-verbal communication between people influences how they relate to one another. Next, image theory will be explained as the idea that the expectations an individual has of his or her future will impact the decisions that s/he makes. Lastly, grounded theory will be defined as the idea that when conducting a community-based research project, the most valuable insights the researcher will acquire are usually derived from direct communication with the research participants themselves. In addition to analyzing Cram’s research on these three theories, each premise will be assessed in terms of its significance within my own fieldwork experience.

The decision to use Appreciative Inquiry as the primary methodological framework in my field research can largely be attributed to a single event that took place while I was enrolled in the Indigenous Governance program at the University of Victoria. At the beginning of my second semester, the professor in one of my seminar courses instructed each student to prepare a list of words, the meanings of which were to be relevant to the idea and/or exercise of self-determination. He then informed us that the only other criterion for the assignment was that English terms could not be employed. Being that the majority of the students in my cohort were Indigenous, and that the mandate of the Master’s program was to provide, “an understanding of the philosophical and political dimensions of governance in Indigenous communities, as well as a background in the theory, methods, and tools appropriate for and relevant to research

among Indigenous people” (Indigenous Governance), it only seemed logical that the emphasis of such a project would be on the engagement and celebration of Indigenous languages. Moreover, as a non-Indigenous student, and a minority within this particular academic environment, I did not view the assignment as exclusionary in its nature. In the same way that my fellow Nuuchahnulth, Wet’suwet’en, Cree and Anishinaabek students were being given the opportunity to use their ancestral languages in order to self-identify along lines of nationhood, and in turn distinguish themselves from the relatively homogenizing ‘Indigenous’ identity *construct*, I would be able to introduce myself on account of my German heritage and thereby provide a more personalized meaning to the idea of being a ‘settler’ within Turtle Island.

Upon being informed that we would be given two weeks before having to present our lists in class, I made the decision to incorporate two terms from Anishinaabemowin as well. It should be noted that this decision was not made at random as I had taken an introductory level Ojibwe language course (in the Severn dialect) as part of my undergraduate degree. Choosing to present on words from Anishinaabemowin would thus afford me the opportunity to reestablish semi-regular communication with the language speakers who had previously taught me at First Nations House at the University of Toronto. In terms of comprehension, I would be able to benefit from listening to the language being spoken while at the same time being able to practice forming sentences, however basic or grammatically flawed they might be. The process of engaging my language instructors and asking them for their knowledge/assistance would also have a significant social value, as it would reflect the idea that non-exploitative relationships

between Indigenous peoples and non-Indigenous researchers are founded upon open and continuous lines of communication.

After two weeks of intensive telephone tutorials, I was confident that I had taken the necessary measures to give the presentation in question. One of my language teachers, Elder Lillian McGregor, had even aided me in preparing a prologue in Anishinaabemowin stating that she was fully aware of my intention to present on the terms and their meanings, and that she had given her permission that I do so. Having carefully read the introductory script that lay before me, I then proceeded to write the words down on the blackboard and briefly explain the meaning of each as they had been shared with me. Once all of the presentations were complete, a question and answer period ensued. It was during this time that I found myself being chastised by two other students for choosing to present words from an Indigenous language. In detail, they argued that as a non-Indigenous person who did not have any community ties to where the language was being spoken, my decision to use words from Anishinaabemowin amounted to an act of appropriation. Due to the immediacy of the criticism, and the degree of anger that characterized it, I found myself in a slight state of shock. As I began to assess what was taking place, I could not help but think back to a particular story that had been discussed amongst the same student body in the previous semester's research methodology course. In that case, a non-Indigenous professor at another Canadian university routinely incorporated numerous Cree words and phrases into his lectures in an effort to create what he deemed to be a more inclusive learning environment for the Cree students in his class. What he had failed to consider, despite his apparent good intention, was that many of the students he was attempting to cater to did not speak their ancestral

language. When spoken about in our methodology seminar, there was a general consensus amongst both the Indigenous and non-Indigenous students that such a scenario could potentially lead to a sense of exclusion and inferiority on the part of the Cree students as well as their re-victimization. In detail, it was said that their exposure to the university system would thus be marred by many of the same negative characteristics that dominated the experiences of previous generations of young Cree people (and other Indigenous nationalities) in residential schools.

Both of these experiences ultimately remind us that research, especially where it pertains to the engagement of knowledge systems, experiences and/or languages of people who have been marginalized, is not a neutral exercise. In response to, and as result of, the historical and ongoing appropriation of the aforementioned elements by university institutions, Margaret Kovach writes that, “Indigenous researchers (and by that I mean Indigenous peoples) make research political simply by being who we are. Value-neutral research methodologies are not likely to be a part of the Indigenous researcher’s experience and as such we have a natural allegiance with emancipatory research approaches” (Kovach:2005:20-21). Building on her position, I would argue that most any research conducted by a non-Indigenous person is also inherently political, regardless of what institution the researcher is working for or the type of study that is being done. For example, in a scenario where the non-Indigenous researcher examines Supreme Court rulings in Aboriginal rights and title cases, it is inevitable that s/he will be confronted with the issue of whether or not oral testimony is to be given the same/equal value as written forms of documentation. Regardless of the researcher’s personal position on the matter, s/he will assess existing rulings by way of reading written documents, and in most

circumstances will have to provide an analysis in the form of a written argument. The very fact that the written word exists as the default mechanism for encoding and transmitting meaning within the settler society and its respective institutions has the potential to alienate community research participants from the larger research endeavour itself. In choosing an appropriate methodological approach for conducting research, therefore, the question that the non-Indigenous researcher must always ask him/herself is whether s/he is creating or eliminating space for Indigenous peoples to represent themselves, their experiences, knowledge, and/or languages.

At first glance, the methodological framework of Appreciative Inquiry appears to have very little in common with other types of critical/emancipatory methodologies, such as those associated with postmodernism, feminist or Indigenist theory. For example, in her article appearing in the MAI Review, Fiona Cram observes that since its inception in the 1980's, Appreciative Inquiry has gained considerable popularity amongst organizations (ranging from corporations to non-profits and co-operatives) as a way of generating more effective internal management structures whilst at the same time increasing productivity. Specifically, she writes that Appreciative Inquiry offers, “a change from more conventional problem-solving approaches to organizational improvement that tend to focus on what is not working, or what is wrong. Such approaches can include strategic planning, restructuring, redesigning work, and project management” (Cram:2010:2-3). Since it can be argued that a well-established correlation exists between the emphasis on organizational efficiency and scientific reasoning, an approach to conducting research that Margaret Kovach warns has traditionally lead to programs or initiatives being determined and delivered in a top down manner

(Kovach:2005:21-22), one may be weary of the potential of Appreciative Inquiry to affect change within a community of people that have experienced systemic marginalization. As is apparent from Cram's article, Appreciative Inquiry is distinct from previous approaches to organizational improvement as it is concerned with highlighting what are deemed to be successes or victories by the collective instead of singling out and dwelling upon perceived shortcomings or failures. This approach, she insists, sets a positive tone for any pursuant reorganization or restructuring strategies by recognizing that the people who are involved in the organization are responsible for its existing successes (Cram:2010:3). In other words, Appreciative Inquiry can be used to develop a vision of (or plan for) the future by drawing on the principles, ethics, ideas and practices that people have already become familiar with, or are currently implementing. For Cram, Appreciative Inquiry not only places value on the experimentation by individuals within the organization, but also turns it into a uniquely non-coercive approach for gathering and disseminating information as well. The participatory, or inclusive, quality of Appreciative Inquiry is also particularly evident in how the topics for each respective study/analysis are chosen. For instance, Cram indicates that the researcher takes on the role of a manager within the study rather than that of a director. In greater detail, she describes how the researcher(s) will initially ask people to identify what aspects of the association they are involved in which contribute to its efficiency, and/or define it as a functional work environment. As part of this process, participants are encouraged to break up into smaller groups each of which are to be comprised of a cross section of the organization at large. Once each group has considered the question and its participants have had the opportunity to engage in dialogue with one another – of which personal stories and

metaphors are particularly valuable -, the resulting observations are once again shared amongst all participants. Based on this larger presentation, reoccurring themes or topics begin to give an indication as to what the study might concentrate on.

While Cram identifies Appreciative Inquiry as an effective mechanism for developing the type of positive dialogue and constructive criticism that supports the restructuring of an organization, the question remains as to whether this approach for gathering information has any merit within a community oriented research endeavour. In order to answer this question, one must first tease out one of the primary distinguishing features between the two types of networks. Although most communities are defined by some hierarchal division of power in much the same way that organizations are, the former entity will often differ from the latter in the sense that an individual's membership is not necessarily contingent upon his/her support of, or involvement with, majority based decisions. In other words, whereas an organization is comprised of numerous people who are usually expected to conceal their personal differences in order to fulfill a particular operational mandate, communities often consist of people who openly express distinct or even divergent political, religious, ethical beliefs and social or economic aspirations..It should be noted, however, that the differing personal ambitions, principles, and expectations on the part of community research participants, or the researcher working with them, do not render Appreciative Inquiry to be ineffective within a community research setting. In fact, quite the opposite is true as the three theoretical tenets that underpin this methodological approach all place a high value on subjective interpretation and individual expression.

The first of these tenets identified by Cram is social constructionism theory, which she defines as the idea that, “social reality is constructed and maintained through language and communication” (Cram:2012:2). A similar, yet more in-depth, definition is also provided by Eva Sivan who writes that, “social constructivism can be described as socialization, a process of acquisition of skills, knowledge, and dispositions that enables the individual to participate in his or her group or society. This socialization process consists of reciprocal interactions and joint construction of meaning by the individual and others in the social context” (Sivan:1986:211). With regards to my fieldwork in Skownan, therefore, the local food production practices pursued by community members are prime examples of social constructionism in action. Although the act of sourcing, procuring, and preparing animal and plant matter is ultimately motivated by the basic human need to sustain one-self, there is a relational aspect inherent within the larger process as well. This point was elaborated upon in an early interview with Ken Catcheway, who for years has served as an instructor, community liaison and researcher in the various projects concerned with sustainable resource development in Skownan’s traditional territory⁸. “Most of the seniors and many of the adults who live in the community have a very different relationship to food than the younger generations do,” he remarked. “In earlier years, the majority of what people ate consisted of wild meat, fish, berries, and root vegetables. The only staple that was not made up of ingredients available directly from the land was bannock, which required sugar, lard, and flour that would be purchased at a general store. Today, however, most children are used to a diet

⁸ Examples of such initiatives include Career Trek’s Apinocheck Pasaquok (Children Rising) Program and the International Institute for Sustainable Development’s Integrating Aboriginal Values into Land-Use and Resource Management Project (2000-2001).

that is primarily made up of items that have been purchased in a supermarket. Many of the parents and grandparents that I have spoken to about this issue have expressed their concerns about the nutritional quality of store bought food as well as how fresh it is and how much it costs. But, they also worry that by stocking their fridge and cupboards with groceries, young people may feel less motivated to learn how to hunt, fish, trap, harvest roots, or tap maple trees for syrup.” After describing the general sentiment of fellow parents, aunts, uncles, and grandparents in the community, Mr. Catcheway stated that, “every possible effort must be made to encourage youth to participate in these practices. Aside from providing food, these activities help young people to develop a strong work ethic, to better understand the importance of managing their time and money, and to feel self-confident. Such life skills will be important regardless whether they stay in Skownan or move to a city like Winnipeg.” Being that I was aware of Mr. Catcheway’s involvement with Career Trek’s Apinocheck Pasaquok (Children Rising) Program, and that the goal of this initiative is to expose Aboriginal youth to education and employment opportunities not necessarily available in their communities, I asked him whether or not the departure of teenagers from Skownan could potentially jeopardize the intergenerational transfer of teachings and culturally relevant knowledge related to food production practices, or the continuity of the practices themselves. “As parents, mentors, and leaders,” he responded, “we need to keep an open mind and realize that our young people can maintain a close connection to the land even if they do decide to get an education or find employment off the reserve. What has lead me to believe that this is possible are the efforts that our community has made over the past two decades to prevent the development of service roads and the establishment of commercial logging

operations within the Chitek Lake region⁹. To protect the ecological integrity of this area, and to ensure that future generations will have the opportunity to make a livelihood from the land, our Chief and Council, along with traditional land-users, commissioned studies from academics at the University of Manitoba, researchers at the International Institute of Sustainable Development and various lawyers¹⁰¹¹. In watching these experts, it occurred to me that if our young people would obtain similar educations, and do the same type of work, then it would not matter if they spend the majority of their time outside the community. They would potentially continue to think about and develop the knowledge and teachings that members of their families had exposed them to as children (Catcheway:2011). Shortly after my discussion with Mr. Catcheway, I was introduced to

⁹ In a later interview with Ken Catcheway, I was informed that the Chitek Lake Park Reserve comprises an area of approximately 100,000 ha (hectares) and is located on the easterly shoreline of Lake Winnipegosis. According to Mr. Catcheway, Chitek Lake is situated roughly 30km north of Skownan and is an important site for the gathering of medicines, fishing, and hunting. Notably, Mr. Catcheway also pointed out that Chitek Lake is unique in that it is one of the few places in the central Interlake region where the cohabitation of white tailed deer, woodland caribou, elk, moose, and wood bison occurs (Catcheway:2012).

¹⁰ As Karen Stock observes in her Ph.D dissertation, the membership of Skownan Anishinaabek First Nation undertook the following measures to prevent commercial logging from taking place in the Chitek Lake area and so as to pursue the recognition of their Aboriginal and treaty rights: a traditional land-use study, archaeological surveys, the submission of a resource co-management proposal to the department of Conservation and Water Stewardship, participation in the 1997 hearings held by the Manitoba Clean Environment Commission and the submission of a request to have the Chitek Lake region designated as a 'Protected Interim Area' under the Manitoba Protected Areas Act. For more information, see: Stock, Karen S.E. *The Skownan First Nation Model for Sustainable Development and Aboriginal Stewardship*. Diss. University of Manitoba, 2005, Web. 22 Jan. 2013.

¹¹ It is of interest to note that on October 15, 2014, the Government of Manitoba officially recognized the establishment of the Chitek Lake Provincial Park. Furthermore, it was announced that, "Chitek Lake Provincial Park will also become the first land in the province to be classified and preserved as indigenous traditional use...While the park has the new classification, it will be open to licensed hunting, fishing and trapping" (Government of Manitoba:2014)

Thomas Chartrand, the son in law of Elder Nelson Contois, my language instructor and personal mentor in Skownan, This meeting was noteworthy for various reasons, the first of which was the setting in which it took place. It just so happened that Thomas, his wife Tracy and their two children had come to visit and go duck hunting on the same day that Elder Contois and I were busy skinning, quartering and processing a bull elk, which had been shot the day before. The second reason why our discussion was so timely was that it provided an example for Mr. Catcheway's observation that the departure of young people from the reserve for education and employment purposes would not necessarily prevent them from participating in land-based activities. As Mr. Chartrand told me, "Although I live and work in Dauphin, I try to return to Skownan as often as possible to visit with family, to go fishing, and to hunt. While my wife Tracy and I believe that it is good for our children to be able to eat wild meat and fish at home, we also feel that it is necessary for them to be given the chance to practice the very skills that end up supplying that food. In this way, our kids learn to have respect for the land, the water, the plants and the animals, and to understand where their family comes from" (Chartrand:2011).

The second tenet, which Cram describes as a derivative of image theory, is, "the notion that people's decisions are influenced by the images they hold of their future" (Cram:2010:2). According to Kenneth J. Dunegan, an appropriate analogy of this, and one that is recognizable to many English language speakers, is the saying that the contents of a glass can be considered either 'half full or half empty.' He explains that,

[A]t the risk of understating the significance, existing research shows that people are sensitive to the words used to present equivalent information. Presenting a glass as "half full" is an example of positively framing information about the glass's contents. Conversely, saying the glass is "half empty introduces the same information but framed in a negative manner. Decision biases emerging from this half-full-half-empty style of

framing are referred to as...*formulation effects*, that is, dissimilar preferences triggered by the use of terms that have positive or negative connotations” (Dunegan:1993:491).

Although Dunegan acknowledges that such a framing process has an inevitable effect on the final course of action that a decision maker will take, he points out that there is an equally significant issue at play, which has nonetheless received minimal attention in the body of existing research. For example, he directs our attention to the more subtle question of *how* framing influences the very cognitive processes that *precede*, and are ultimately responsible for, the final decision that is made. In detail, Dunegan remarks, “that differences in cognitive processing may be affected by the information to which people are exposed. Generally speaking, when incoming information is positive, cognitive processing tends to be less thorough and systematic. Conversely, when information is not favorable, there is a greater tendency to engage in a more deliberate and careful analysis” (Dunegan:1993:492).

Even though Dunegan’s emphasis on the latter point of inquiry provides his readers with a more comprehensive understanding of image theory, it should be mentioned that there are legitimate reasons as to why a researcher would decide not to investigate the more subtle question of how framing influences the actual decision making process itself. Within the context of my own fieldwork, for instance, I did not wish to put interview participants in a position where they felt obligated to revisit specific experiences or periods in their own lives marked by loss, discrimination and/or trauma. In order to avoid this scenario, or at the very least to ensure that if such information was shared it was done so willingly, my introductory research statements excluded any direct reference to colonialism or residential schools. Upon being introduced to potential

interview participants by a community liaison, therefore, I explained that I was interested in learning about how local food production practices, such as hunting, fishing, trapping, harvesting or maple tree tapping help to reinforce their sense of Anishinaabek identity. Although my intention of framing questions in such a relatively neutral manner was to prevent the possible re-victimization of those who chose to involve themselves in the research project, it is an issue that is also critiqued within some of the pertinent literature on Appreciative Inquiry. As Cram touches upon in her analysis, due to the general preoccupation that researchers adhering to this methodological approach have with identifying the positive elements existing in an organization or community, there is concern that they may fail to consider, or even worse, consciously ignore, the presence of structural inequities actively influencing the group dynamic. It is thus conceivable, notes the author, that such an oversight could lead participants to question the overall transformative capability of the project on the basis that the researcher is, “naïve about their reality” (Cram:2010:4). Oddly enough, Cram does not speak to the detrimental effect that over-emphasizing positive information can have on the agency of Indigenous research participants, despite the fact that her own study focuses on the application of Appreciate Inquiry within Maori communities. In detail, she foregoes any mention of how a researcher’s subjective and abstract depiction of life within a community (or organization) is ultimately a reflection of how s/he manages to manipulate his/her authority in the project and thereby gain a disproportionate degree of control over what information is compiled and in turn disseminated. By failing to make this particular point, Cram also misses a valuable opportunity to remind her audience that the behavior of a non-Indigenous researcher can be considered colonial in its nature, even if the

individual's aim is to create space within academia so that the voices of the community members s/he is working can be heard. Granted, leveling such a charge may not only seem contradictory, but also overly critical given that the majority of professors and graduate students are well intentioned and dedicate substantive amounts of time, emotion, and personal finances to the development of their respective fieldwork projects. It is thus necessary to clarify that in most instances it is not the quality of one's character that is being called into question when his/her behavior is referred to as colonial. Rather, the comment being made is that his/her way of approaching, interpreting, compartmentalizing, and reproducing new information is a manifestation of what Kovach describes as the ongoing, "epistemic privilege of the scientific paradigm" (Kovach:2005:21), within Euro-American university institutions. According to Kovach, this paradigm is ultimately based on the reasoning that, "man could understand, control, and shape the natural, social, political, and economic world. Inherent in this method is the belief in a universal truth applicable to all people and cultures" (Kovach:2005:22). It is due to this idea that knowledge is comprised of singular, objective truths that we can begin to understand how the non-Indigenous researcher may conduct him/herself in a colonial manner without being aware of it. For instance, due to his/her academic training, s/he may draw an artificial distinction between information that is relevant and permissible and that which is not. What ultimately makes this learned behavior colonial, however, is that Indigenous epistemic structures effectively appear to be non-existent. Without being granted the recognition that Indigenous societies also possess complex philosophical systems rooted in their own ontological frameworks, their respective ethical codes/laws, symbols, instruments, and languages end up being de-contextualized

and in turn studied as if they are all separate elements. As Linda Tuhiwai Smith aptly remarks, the result, “can still be seen in the disciplinary carve up of the indigenous world: bones, mummies and skulls to the museums, art work to private collectors, languages to linguistics, ‘customs’ to anthropologists, beliefs and behaviors to psychologists (Smith:1999:28).

In returning to Cram’s analysis, we are informed that the third tenet underpinning Appreciative Inquiry is that, “participants hold the key to understanding their reality, and that any research is also an intervention” (Cram:2010:2). This joint proposition, which not only poses a direct challenge to the positivistic notion that truth is objective and universally applicable, but that it is also derived from observable phenomena and scientifically verifiable facts, stems from grounded theory. As Rennie et al. write in their article, “Grounded Theory: A Promising Approach to Conceptualization in Psychology?” the focus of this framework, “is on the generation of theory through the inductive examination of information. This emphasis is contrasted with the more traditional approach in sociology (and psychology) of using information to verify existing theory” (Rennie et al.:1988:141).

With regards to my own fieldwork experience in Skownan, the application of grounded theory, and in particular the practice of inductive examination, proved to be the single most important factor in both the facilitation and maintenance of non-exploitative working relationships with community members. For instance, after meeting with me to discuss my research interests and fill out the necessary interview consent forms, the majority of participants suggested that we should conduct our conversations about local food production while simultaneously engaging in the practices themselves. What was

immediately noticeable about these hands-on tutorials, therefore, was the absence of any physical interaction that had an interrogative feel to it. At no point were the interview participants seated across from me or in a position where they had to make direct eye contact for extended periods of time. Rather, they usually stood next to, or knelt beside me, as they explained how to use a particular tool and what to do with the animal/plant matter that was in front of us. Interestingly enough, the act of smoking served as another example of how removing the spatial confines associated with indoor interviews helps to empower community research participants. Being that some of the interview participants were accustomed to smoking while involved in food production activities, their decision to do so in my company suggested that they did not view me as an authority figure whose presence necessitated a change in behavior on their part, nor did they view the very research project as an abstract activity.

The non-confrontational quality of our interaction was not only evident in the way in which we physically positioned our bodies. During the introduction phase described above, I informed the potential respondents that my own experience with food production activities was limited to what could be done within a kitchen, despite the fact previous generations on both sides of my family were involved in small-scale agriculture and/or hunting. In terms of academic integrity, I felt that it was necessary to make this statement as it clearly recognized that the information, knowledge and opinions that would be referred to in my thesis were the intellectual property of the community members who shared them with me. Yet, in describing the disconnect between my skills and those of my family members, I also wanted people in Skownan to be aware that my interest in land-based food production was more than just a scholarly one. As such, I expressed my

gratitude in advance for anything that they would be willing to share with me and stated that this information would be invaluable in helping me to realize my own long-term goal of becoming more self-sustaining where the allocation and harvesting of food and medicine was concerned. While my function as a representative of the Native Studies Department at the University of Manitoba carried with it its own set of rules and protocols that were distinct from my position as a personal acquaintance of people in community, both of these relationships were ultimately founded on the same underlying premise: that the interview participants were my instructors, as well as figures of authority, and that I was their student. The result of this teacher-student dynamic, therefore, could be seen in how every step of a given task was explained to me in great detail, regardless of whether it was a fairly straightforward and quick procedure, such as locating and digging up a root, or a complex and time consuming one, such as skinning and quartering an elk. The inverse of having the research participant teach in a surrounding that was familiar to him/her was that I was required to completely adjust to new ways of recording and storing information and experiences. I was encouraged to take a hands approach in the activities, which often took place in conditions that did not lend themselves to taking notes - be it due to adverse weather or poor light conditions - my memory became a valuable asset.

Whereas the non-domineering element of our interaction and dialogue was immediately recognizable, it was not until I had completed the fieldwork portion of my degree and began writing my methodology chapter that I started to realize how community members used prolonged instruction as a way of controlling the dissemination of information. For example, in addition to providing an initial response to

any one of my questions, my instructors would continually, and often unexpectedly, revisit the query over the course of hours, days and even weeks. In doing so, the information that was shared with me was far more comprehensive than what would have been achieved had they only given a single immediate answer. Moreover, by responding to a question in installments, each interview participant effectively took possession of the larger discourse on local food production. That is to say, his/her role in the interview process was no longer just that of a respondent, but someone who also exercised the authority to reshape the question in the way s/he deemed necessary. This distinction is especially important in a temporal sense because the conventional method of posing a question and receiving a relatively immediate response often benefits the researcher at the expense of the interview participant. Where the former is able to dictate the duration of the dialogue and gather the pieces of information that are relevant to his/her topic of study, the respondent may lose out on the opportunity to take the time to reflect on any personal experiences or anecdotes that may assist in the contextualization of the information s/he supplies. As a result of having the research participants take greater control of the message that was being conveyed, I was put in a position where I had to relearn what it meant to listen. In other words, due to the length of our discussions, and the fact that I had to divide my attention between the oral and hands-on portion of the interviews, I had to tell myself that I was not looking for key words or certain ideas. Instead, it was necessary to simply experience the information, in both a physical and oral sense, before I could start piecing together my observations into a coherent thesis argument.

As a description of my methodological approach to conducting research within Skownan Anishinaabek First Nation, this chapter has focused on two major points. The first is that my personal experience with accessing and disseminating information embedded in Indigenous knowledge systems or languages was just as influential in my decision to use Appreciative Inquiry as was the academic literature that I had read on the subject. The body of writing pertaining to appropriate methodological approaches for research in an Indigenous context was invaluable as it helped me to make an informed decision as to the particular framework I would employ. However, it was the response of my fellow students to my presentation on words in Anishinaabemowin, which served as an effective reminder that the non-Indigenous researcher must always consider if his/her study is extractive and further exploits members of community or whether it is participatory in its nature and empowers the participants. The next argument presented in this chapter is that community-oriented research is first and foremost an exercise in relationship building. Appreciative Inquiry is effective in this regard as it encourages the researcher to pose open-ended questions. As a result, the respondent is given the authority to determine what is that s/he wishes to share. What is said in the dialogue, therefore, ultimately depends on the level of trust that has been cultivated. Being that each relationship is unique on account of the individuals involved, the final observation is that a research method used in such non-interrogative or non-hierarchal environment must be highly flexible. Again, Appreciative Inquiry is useful in this regard as it provides the leeway for each party in the research project to shift their roll when necessary. For example, depending on the situation or activity, the researcher can become a student who ends up relying on the teachings and guidance of the respondent. While there were

various methodological frameworks that I could have chosen that would have supported a participatory research endeavour in Skownan, my time in community proved that Appreciative Inquiry was a successful approach for building trust and nurturing long-term working/personal relationships.

Chapter 5: More Than Just a Means of Sustenance: The Integral Role of Local Food Production Practices In the Process of Individual and Community Oriented Decolonization

To assess an economic order in isolated and quantifiable terms, such as mere units of production and/or units of consumption, disregards the historical factors responsible for the creation of that particular system. What is also ignored is the concept of social belonging and the role it plays in allowing that system to maintain and regenerate itself. Likewise, to view the concept of citizenship as a purely political affiliation, in the form of entitlements generated by one's representative body of government, obfuscates the reality that rights act as instructive mechanisms as to the desired methods of production, consumption and possession within a society. In a structural sense, therefore, economies can be understood as having a similar function to citizenship frameworks. Both constructs, for example, implicitly and explicitly establish protocols and criteria according to which an individual is required to adhere if s/he is to achieve inclusion amongst, and a continuing harmonious relationship with, a larger collective. Taking into account the link between the two, Isabel Altamirano-Jimenez cautions that Indigenous peoples' efforts to decolonize may be inadvertently thwarted as a result of intensive and uncritical participation in a capital-oriented market economy. It must be noted that this position, advanced in her article "North American first peoples: slipping up into market citizenship?" is contextualized within the particular experiences of communities that continue to draw varying degrees of dietary sustenance and/or economic prosperity from the land-bases in which they are situated¹². The emphasis placed on these geo-political

¹² In conjunction with her case study of the Mackenzie Valley Pipeline, Indigenous communities referred to by Altamirano-Jimenez are identifiable by their predominantly

areas, and by extension the immediacy of intersections between human and non-human ecologies occurring within them, highlights the inconsistencies between federally/provincially sponsored economic development strategies and those models consistent with nationhood-oriented Indigenous governance philosophies. In detail, it is explained that

regardless of the rhetorical recognition of Aboriginal cultural difference, *models of sustainable development inspired by neo-liberal globalism are rooted in a misunderstanding of Indigenous livelihood and identity.* More specifically, these models separate Indigenous culture and self-government from territory, undermining the legitimacy of communal ownership [emphasis added](Altamirano-Jimenez:2004:350).

As an extension of my fieldwork in Skownan Anishinaabek First Nation, this chapter will include the perspectives of community members in order to provide regionally specific insight as to the issues of Indigenous livelihood and identity. This is particularly important when speaking about individual Indigenous communities and their vision of economic development, as the entrenched and distinct relationship between people and place defines the very models of resource exploitation and management that are of relevance to them. Being that Skownan is situated on a peninsula in the southwesterly corner of Waterhen Lake, MB, one of the prominent discussion points featured below will be that of the freshwater lake fishery (in both a personal usage and commercial context). Before the voices of community members can be heard, however, we must first examine how settler government versions of economic development sever the connection between what Altamirano-Jimenez describes as Indigenous culture and territorial self-government.

non-urban location as well as the possession of, or claim to, Aboriginal and Treaty rights of their members.

In the Editorial and Comment's section of the Globe and Mail's January 5, 2013 newspaper, Jeffrey Simpson suggests that the national mobilization of the 'Idle No More' protests, as well as the accompanying hunger strike by Attawapiskat Chief Theresa Spence, can be seen as a response to the conditions of material poverty disproportionately impacting First Nations peoples living in rural areas. While the lack of community generated financial resources is discussed as a structural matter, no link is made between the current state of Indigenous peoples' marginalization and colonial policies designed to criminalize and erase Indigenous governance systems themselves. In the absence of any such consideration, the reader is left with little more than the following value judgment: for Indigenous peoples who are not fully immersed in, "a wage economy...the path lies clear to dependence on money from somewhere else, namely government, which, in turn, leads to the lassitude and pathologies that plague too many aboriginal communities." The prescription he then assigns for the alleviation of material poverty is the participation, "directly in the exploitation of natural resources near their communities," which he goes on to recommend, "should be the driving thrust of all public policy" (Simpson:2013:F9). There is a clear trajectory in Simpson's argument of which one should be aware: resources extracted are to be exported out of Indigenous territories, and in turn, portions of revenue are to be re-injected into source communities. While it can be argued that the transaction described by him represents a shift from previous colonial models of unilateral exploitation to a seemingly equitable bilateral engagement of sorts, the fact remains that Indigenous peoples are not included as partners who possess the authority to voluntarily agree with, or veto, the proposed methods or models of development in their initial stages. Consequentially, without a space in which Indigenous knowledge systems,

social protocols, and collective/individual ethics inform the direction of economic development, an inevitable shift in personal loyalties will occur.

In discussing this concept of personal loyalty, Waziyatawin identifies two interrelated components. The first, which can be understood in its basic form as of a material nature, is the routine of consumption. For example, Waziyatawin posits that it is the familiarity to ways in which we access, namely the inputs that we require for acquisition as well as the physical domains in which these acquisitions take place that determines: 1) what we will strive to protect and seek to renew, and 2) how this will be accomplished (Waziyatwin:2012:71). Loyalty, as examined by Waziyatawin, also embodies an ideological component comprised of the nexus between values governing relationality, i.e. ethical conduct with the non-human world, language, and the recognition of self. When viewed in terms of limited offers and entitlements linked to participation in resource extraction economies, as those critiqued by Altamirano-Jimenez but advocated for by Simpson, the most readily identifiable shift in loyalty is to move away from defending the integrity of the territorial ecological networks in which one is an active part of. As Waziyatawin cautions,

Individuals who participate in extractive industries become dependent on the income from their jobs in securing their own survival, and then become increasingly invested in defending the industries as a consequence. It is not that their food is any less reliant on the land, forests and waters, but it is that they are now disconnected from their direct source of food (Waziyatawin:2012:74).

This material disconnection is thus met with an ideological shift for the individual, as the value systems and judgments by which s/he comes to perceive of him/herself are products of a narrow and linear Eurocentric colonial logic. It is this reality that Glen Coulthard elaborates upon in his comparative analysis of Hegel's

Phenomenology and Charles Taylor's theory on a 'politics of recognition.' For Coulthard, a common intellectual thread is to be found in the works of the aforementioned theorists as the manner in which one comes to perceive of him/herself, that is the identity that s/he associates with and subsequently exhibits, is not an individualized or insular occurrence. Instead, and as Coulthard conveys through his citation of Taylor¹³, a recognition of 'self' is the product of a dialogue between two or more actors, be it one that is verbal and/or expressed through non-verbal, performative means (Coulthard:2007:441). The potential for ethnocentric bias and self-serving motive to taint such a dialogue, and therefore further malign the process of self-recognition amongst already marginalized groups, is evidenced in how Simpson's editorial reiterates the antithetical representation of civilized versus savage, or modernity versus antiquity. With specific reference to routines of consumption and production, i.e. an economic order, he refers to hunting, fishing and trapping as constitutive of, "“traditional” ways...noble ventures that can lead economically to something only slightly better than subsistence” (Simpson:2013:F9). Within this specific context, the word traditional serves as an ideologically pointed moniker to describe practices and corresponding systems deemed to be no longer viable in terms of the prosperity they afford. In other words, the sentiment being expressed is that such avenues do not merit an investment of personal/collective resources, be they critical mass, intellectual engagement, emotion, articulation and enactment of dreams, time or monies, for they lack any emancipatory potential in their supposedly petrified state. This dictate can thus be identified within Coulthard's analysis as the first of two phenomena, which interact with one another to produce a 'double level of subjection' on

¹³ Taylor, Charles. "The Politics of Recognition," in: A. Guttman, ed., *Re-examining the Politics of Recognition*, Princeton: Princeton University Press, 1994. Pp. 25-73.

the part of marginalized peoples. Building off the work of Franz Fanon¹⁴, Coulthard reminds us that, “the Indigenous population will...remain subjects of imperial rule insofar as they have not gone through a process of purging the psycho-existential complexes battered into them over the course of the colonial experience” (Coulthard:2007:450). The ethnocentric logic and diminutive tone of Simpson’s reference to hunting, fishing and trapping as mere “noble ventures” needs to be exposed for what it aims to achieve; that is, to portray Indigenous peoples and their efforts to minimize poverty as dependent upon Euro-Canadian society and an absolute immersion into its intensive capital market economy.

Before the second phenomena in the ‘double level of subjection’ can be discussed, and its indelible link to a liberalized politics of recognition paradigm demonstrated, a subtle but crucial caveat needs to be made. Nowhere in the specified works of Hegel or Taylor is there any advocacy for the explicit denigration of marginalized peoples or segments of society. In fact, quite the opposite is true as both theorists are shown by Coulthard to accommodate the idea of difference as a pivotal factor in the dismantling of inequitable relational dynamics between oppressor/oppressed and the working towards a greater degree of self-determination for those who are disempowered. With this being said, however, Coulthard identifies the dominant role of the state in Taylor’s vision of a liberalized politics of recognition as distinct from Hegel’s version, in which recognition is mutual and occurs directly between individual actors or groups. For instance, although Taylor’s position describes protective mechanisms such as ‘cultural distinctiveness’ or minority status as entering into the dialogue between the state

¹⁴ Fanon, Franz. *Black Skin, White Masks*. Boston: Grove Press, 1967.

and Indigenous peoples, these forms of recognition are inevitably the result of a top-down process, in which *the former entity bestows them upon the latter* (Coulthard:2007:442-443). It is precisely this issue, of where mechanisms or strategies of empowerment originate, that an analysis of the second phenomena in the ‘double level of subjection’ revolves around.

Drawing on Simpson’s article once again, and in particular his line of reasoning that commercially motivated resource exploitation is the most effective avenue for mitigating levels of dependency in land-based communities, little is said about how the decisions are made to pursue such economic endeavours. Granted, he does indicate that certain, “communities have decided collectively to integrate to varying degrees with the majority cultures, to form business arrangements (where possible) in a vital attempt to create own-source revenues” (Simpson:2013:F9). What is overlooked is the more subtle consideration as to whether communities participating in export oriented resource extraction industries do so as a result of an extensive internal evaluation of numerous interdependent factors, best embodied by consensus decision-making, or whether participation is more reactionary and stems from being placed in a position of duress. Such a question of course necessarily complicates the essentialist portrayal of Indigenous peoples’ routines of consumption as provided by Simpson. It suggests that resource extraction for the purpose of commerce, be it on a small-scale individual level or that of a larger collective, is not an unfamiliar concept in the pre-, or early, colonial histories of Indigenous societies. Barring extreme examples, one such being the relatively recent tar sands industry and the rapidity with which ecological networks in northern Alberta are being altered, the primary emphasis is thus no longer on the resource usage/extraction

activity in and of itself. Rather, it becomes the degree to which Indigenous knowledge systems and ethical codes pertaining to good governance (inclusive of the responsibilities between human and non-human beings) inform and direct the initial proposals, consultations and negotiations of said projects, as well as their continued management. By shifting the discourse in this particular direction, commerce involving varying degrees of capital investments, wage labour and participation in market economies can be evaluated not only in terms of the potential for interrupting cycles of dependence, but more importantly, contributions to sustained efforts of decolonization. With an emphasis on the latter point, mixed economies¹⁵ serve as a useful paradigm on account of their ongoing social relevance and practice within land-based communities. In other words, the mixed-economic model can be understood as an alternative system of resource exploitation, ecological management, and consumption that is not solely motivated by the accumulation of capital for capital's sake. This identifiable presence, and the fact these economic orders further mirror the nationhood-oriented governance philosophies and ecological contexts of inquiry of respective Indigenous peoples, qualifies them as a type of 'transformative praxis' (Coulthard:2007:449). For Coulthard, such engagement is imperative for Indigenous peoples if they are to prevent themselves from identifying with, "the forms of structurally limited and constrained recognition conferred to them by their colonial 'masters' *as their own*" (Coulthard:2007:450). It is this potential pitfall that

¹⁵ While the term mixed economy will be featured throughout the remainder of this chapter, it is not the only name by which this concept is referred to. "Informal economy," as made popular by the Vanier Institute of the Family, factors into the work of John Loxley who uses it to describe a system predicated upon, "[C]ooperative ties based on kinship or tribal relationships." See: Loxley, John. *Aboriginal, Northern, and Community Economic Development: Papers and Retrospectives*. Winnipeg: Arbeiter Ring Publishing, 2010. Print. Pg. 36.

he categorizes as the second phenomena in the ‘double level of subjection,’ and one that will only be avoided through an inward reflection and a corresponding resurgence of Indigenous values.

Thus far, the primary aim of the discussion on mixed economy has been to situate it as an alternative model of community development within land-based Indigenous communities. It has been presented as a viable system due to its composition of various strategies of production and consumption, some of which are complimentary to one another. In turn, this diversity allows for individual communities to set development agendas supported by the selective and simultaneous pursuit of multiple strategies. Furthermore, this supplementary engagement provides a certain degree of security against the negative impact that fluctuations in the larger marketplace (for example, falling commodity prices) may have on local incomes or employment. The selective pursuit of multiple strategies, however, also characterizes mixed economies as economic models that are site specific. In other words, a potentially beneficial strategy is one that factors in the existing connection between geographic location (especially the health of surrounding ecological networks and what they are able to provide without disrupting this balance) and human capital (local knowledge, skills and linkages). Although this type of analysis is intended to contribute to the broader discourse of decolonization, it is inevitably hampered by the use of economic jargon, which by its very design is intended to reduce complex processes into more readily manageable and independent variables. As a counter to this compartmentalization, a second interpretation of mixed economy exists whereby the concept is ultimately a metaphor for the process of treaty.

In a discussion about the commercial fishing industry operating in Skownan Anishinaabek First Nation, fisherman and community member Irwin Maud posed the following questions: 1) do people living in larger townships or cities in the southern portion of Manitoba know *where* the pickerel they purchase comes from, and 2) do consumers of this food item know *whose* labour is involved in the initial catch and following preparation process (Maud:2012). Although pickerel is spoken about in terms of a resource to which a commodity value is attached, it also becomes a symbol of the interaction, negotiation and mutual interests that connect Indigenous and non-Indigenous peoples together within a larger shared territory. Yet, Maud's inquiry is concerned with more than just the economic union in which providers and consumers are linked together, or by extension, the intermediary and institutional purchase/supply mechanisms that facilitate this relationship. Rather, what is being asked for is a greater measure of awareness on the part of non-Indigenous peoples as to the personal nature of their involvement in Canada's numbered treaties. This particular request is echoed in the work of Anishinaabe scholar Leanne Simpson, who further explains that, "treaties are not just for governments, they are for citizens as well. The people also have to act in a manner that is consistent with the relationships set out in the treaty negotiation process" (Simpson:2011:21). Because the appeals of both Maud and Simpson are intended to generate a critical historical dialogue regarding Canada's colonial past and the subsequent development of the Canadian state, they also call into question the idea that top-down political directives can automatically lead to the formation of sustainable and mutually beneficial relationships between Indigenous and non-Indigenous peoples in the present. This scenario, which Simpson describes as the dominant reconciliation paradigm

promoted and adhered to within settler society, is not theoretically wrong in what it seeks to achieve, that is healing, but rather, it remains flawed by its very design. In other words, it is the state that suddenly encourages the civic populace to support public and formal expressions of remorse, or proclamations of renewed cooperation, rather than the citizenry who holds its representative governing bodies to account. As Simpson laments, this chain of events ultimately demonstrates a continued general ignorance as to the reality of, “the historic or contemporary injustice of dispossession and occupation” (Simpson:2011:21). Without a sense of immediate and personal obligation on the part of non-Indigenous peoples to their Indigenous counterparts, what is left relatively intact is a narrative in which treaties are perceived of as antiquated contracts primarily involving the Federal (and increasingly provincial) governments and Indigenous nations. Moreover, where the concept of treaty is boiled down to an administration of entitlements by the state, it is the product or the outcome of this process that inevitably becomes the source of scrutiny, not the actual viability of the process itself. The efforts of Maud and Simpson to engage non-Indigenous peoples as partners in treaty, therefore, exemplifies the point that the sum of any functional relationship is the very act by which distinct parties reaffirm their mutual obligations to one another. It is in this context driven process, where the idea of reconciliation is consistently practiced rather than simply promised on occasion, that, “*the way* in which something is done becomes very important because it carries with it all of the meaning” (Simpson:2011:91).

The discussion of treaty so far has been framed exclusively in terms of an external relationship between the members of Skownan Anishinaabek First Nation and their non-Indigenous counterparts residing throughout Manitoba (or by extension

Canada). In this case, and as should now be apparent, the designation of external is not intended to mitigate the significant role that non-Indigenous peoples have in contributing to sustainable treaty relationships. Rather, the word external is used in order to differentiate between relationships that involve participants outside of community¹⁶ and those, which are internally oriented. Within this latter treaty paradigm, members of family (both immediate and extended) or clans are not only respectively tied to one another, but furthermore, the ancestral territories and ecological networks of which they are an inextricable part. Thus, despite the distinguishing factor of who is involved, an understanding of internal treaty revolves around the same core principles as mentioned in the previous paragraph. For example, in our conversation, Irwin Maud indicated that, “aside from the general regulatory scheme enforced by the Province of Manitoba’s Conservation and Water Stewardship¹⁷ branch, commercial fishermen in Skownan are bound by an additional quota system¹⁸ that is seasonally dependent and determined by a community council. The aim of this local regulatory mechanism,” he further described, “is to maintain a balance between the vitality of fish stocks, i.e. in the form of their regenerative capacity, and the ability of fishermen to generate an income that will sustain

¹⁶ External, in this instance, refers not only to treaties between Indigenous nations and non-Indigenous peoples, but those ratified amongst Indigenous nations themselves.

¹⁷ Provincial jurisdiction over commercial fisheries was, and is, guaranteed by the Manitoba Natural Resources Transfer Act (1930). For an updated list of the rules and regulations pertaining the inland lakes freshwater commercial fisheries, please see: Manitoba Conservation and Water Stewardship. *Manitoba 2013/2014 Commercial Fishing Guide*. [Winnipeg, MB.] Conservation and Water Stewardship, 2013. *Fish and Habitat*. Web. 15 Feb. 2013.

¹⁸ In a personal interview with community member Ron Sanderson, the local quota system for the 2012 winter fishing season was described as follows; a total of twenty-two licenses were made available for the period of November 1’st to March 31’st. For each license holder, a maximum of sixteen nets would be permissible and an income cap of \$10,000 would apply (Sanderson:2012).

them in the off-season, i.e. provide for any necessary equipment updates or repairs” (Maud:2012).

When examined purely in terms of objectives, Skownan’s quota system does not differ from the rules and regulations set forth by the Government of Manitoba, as both structures are guided by a mandate of conservation and the support of sustainable fisheries. What does set the two apart is how the former set of conventions shapes an understanding of fishing as more than an economic activity or source of employment. Maud emphasized this point by referring to the broader process of local food production as the telling of his people’s history. “Whatever the activity may be,” he remarked, “participants become involved by way of their sight, smell, hearing, taste and touch. And although each generation will associate the physical part of the practice with the various technologies that are relevant at the moment of their participation, the practice itself will always be conducted with an acute awareness of one’s dependence on the health of the land and the water.” As Maud was careful to explain further, “the act of sourcing and producing food locally is more than just a means of providing physical nourishment. For those involved, it is the manifestation of Anishinaabek value systems and teachings, such as respect for oneself and the rest of creation, which have been transmitted inter-generationally, and in a specific place, since time immemorial” (Maud:2012).

Despite not using the terms decolonization or resurgence at any point in the interview, Maud nonetheless demonstrated that these very processes are embodied in the act of producing food locally. We are made aware, for instance, that hands-on and site-specific demonstration is just as important for an effective conveyance of teachings as is verbal instruction. What this reflects is a pedagogical approach in which value is placed

on the distinct visceral experience(s) of each participant. As such, the individual is not only allowed to arrive at subjective interpretations of the given teachings, but s/he is also afforded a significant degree of personal responsibility with regards to his/her own development. Due to the self-determination that they engender, therefore, the formation of self-truths and the process of experiential learning meet one of the key criteria in Coulthard's definition of a 'transformative praxis,' which he describes in greater detail as, "the mediating force through which the colonized come to shed their colonial identities" (Coulthard:2007:449). In spite of this, we must also take into consideration Coulthard's reminder that the colonized person will only realize a state of true self-determination if the values by which s/he defines himself, or the methods s/he uses to disentangle himself from the bind of his/her colonized identity, are those of his/her own making¹⁹. This observation is of particular relevance to our assessment of self-truths and experiential learning, as these ways of acquiring and constructing knowledge are in and of themselves not exclusive to Anishinaabek society. Therefore, in order to substantiate the argument that these methods possess an inherent emancipatory potential, it is imperative that they are contextualized within a word or concept in Anishinaabemowin.

¹⁹ Here, the influence of Fanon can be seen on Coulthard's analysis of a liberalized 'politics of recognition.' Of particular relevance is Fanon's position that without a disruption of the very underlying structural dynamic of the colonizer/colonized relationship, i.e. the power of the colonizer to define and in turn act upon the colonized, freedom from oppression and subjugation will in large part be a fallacy. While the immediately recognizable and heinous physical acts of domination may cease, they will be replaced with a type of cognitive subjection in which the colonized come to adopt and self-identify with "white liberty and white justice; that is values secreted by [their] masters" (Fanon:1967:221).

In her chapter, “Gdi-nweninna: Our Sound, Our Voice,” Leanne Simpson provides the reader with two interpretations of the term Biskaabiiyang. The first is a literal translation of the word itself, which she describes as, “a verb that means to look back” (Simpson:2011:50). The second is a conceptual explanation, which states that,

within Nishnaabeg theoretical foundations, Biskaabiiyang does not literally mean returning to the past, but rather re-creating the cultural and political flourishing of the past to support the well-being of our contemporary citizens. It means reclaiming the fluidity around our traditions, not the rigidity of colonialism; *it means encouraging the self-determination of individuals within our national and community-based contexts*; and it means re-creating an artistic and intellectual renaissance within a larger political and cultural resurgence (Simpson:2011:51)[emphasis added].

What is immediately recognizable in this quote is that individualism is a highly regarded quality within Anishinaabek philosophies. This in turn supports the line of reasoning that self-truths and experiential learning, when practiced in community, represent a resurgence of pedagogical principles rooted in Anishinaabek conceptions of nationhood. Simpson’s larger conceptual analysis, however, is not only significant for what it says about the correlation between subjectivity and self-determination, but the way in which this idea is ultimately conveyed. For example, in addition to providing her own conceptual definition of Biskaabiiyang, she also refers to how other Anishinaabek academics and educational organizations are using it within their respective research projects and programs of study²⁰. As a result of this juxtaposition, the subtle differences that exist within each party’s subjective interpretation of the word are brought to the

²⁰ The Anishinaabek academic in question is Wendy Makoons Geniusz. Her assessment of Biskaabiiyang can be found in, Wendy Makoons Geniusz. *Our Knowledge Is Not Primitive: Decolonizing Botanical Anishinaabe Teachings*, Syracuse University Press, Syracuse, NY, 2009. Pp. 9-10. Print. The educational organization Simpson describes is the Seventh Generation Institute.

reader's attention. Simpson is thus able to demonstrate, rather than having to convince the reader of, the following point: that the relationships which one is a part of are instrumental in providing personal meaning to words/concepts and thereby making them relevant to one's own life experiences (Simpson:2011:52).

In consulting the late Elder Nelson Contois, a personal mentor and language teacher of mine in Skownan, Biskaabiiyang was initially described in terms of, "a round-trip, in which an individual moves towards a certain destination and then immediately returns to the point where s/he was originally located." After a few moments of contemplation, however, Elder Contois qualified the definition he had provided: "the basic principle of going back and forth will be consistent in any interpretation of Biskaabiiyang," he reiterated, "but depending on the context it is being used in, what will vary is the *type* of movement being visualized or spoken about" (Contois:2012). To elaborate on this point, Elder Contois demonstrated how the processes of community development and community economic development exemplify movement that is of a temporal nature. During the preliminary stages of any community development project, he remarked, "the priority is to do an assessment of the skills people possess, as well as their levels of formal education or vocational training. In terms of community members who are already employed on reserve, this information offers an idea as to whether or not a person is adequately qualified to fulfill the responsibilities of his/her given job description. In the case where the proficiency of the individual is in question, the results of this evaluation have an immediate benefit as they indicate the specific areas that s/he should focus on within an educational advancement or skills training program. Within Skownan," he specified, "the need for an individual to be proficient in his/her job is

especially important as it directly influences the (relative) degree to which the community is able to be self-governing. The majority of existing employment opportunities in Skownan, for example, are tied to the delivery of essential services, such as health care, education and resource management. Considering that these areas fall under the larger jurisdictional umbrella of band councils, provincial agencies and the Federal government, the greater the business and political competence of Chief and Council, the more likely that the decisions regarding the management of these services will be made through a process of negotiation between partners as opposed to a dictation on the part of non-Aboriginal governing bodies” (Contois:2012). In reiterating that C.D.²¹ initiatives play a critical role in employment, Elder Contois then demonstrated that the aforementioned assessment of peoples’ existing skills, education or vocational training influences the type of C.E.D. initiatives that are proposed for land-based First Nations communities as well. In detail, he stated that, “the assessment provides an indication of economic models that might be viable in each community. Future educational advancement or skills training programs should therefore build upon what already exists in a given community” (Contois:2012). Being that the C.E.D. projects within land-based First Nations communities are typically focused on building infrastructure around, and generating capital from, the utilization of natural resources, Elder Contois provided the example of eco-tourism as a business model that has the potential for individual and collective empowerment. Since he had previously managed an outfitters business in a predominantly Ukrainian community south of Skownan First Nation, he was acutely

²¹ For the remainder of this section, the abbreviation C.D. will be used in place of community development, and likewise, C.E.D. will be used to describe community economic development.

aware of the potential that such an enterprise could afford if it were to be developed within his community. In terms of the economic benefits, he reminded me that, “the related activities would provide an injection of capital into the community and offer employment for local guides who are familiar with the territory and the migration patterns of specific animals” (Contois:2012). He explained that, “in addition, hunters and/or fishermen who visited the community would require accommodation, regular meals, fuel for their vehicles/boats, as well as necessary provisions such as ammunition, fishing, line, and tackles. In order to fulfill these needs,” he indicated that, “employment would be generated in the form of supplementary business such as lodges, restaurants, processing facilities and gas bars” (Contois:2012). As for the non-economic benefits, however, Elder Contois stressed that, “knowledge about, and of, the land becomes a ‘commodity’ controlled by community members. Being able to share their teachings with non-Indigenous peoples would have a significant and positive effect on working towards normalizing relations between the two parties. It may also have the effect of helping to change the attitude within non-Aboriginal society that sees Indigenous knowledge as devoid of value, worthy of being ignored or simply a curiosity” (Contois:2012).

By examining C.D. and C.E.D. in conjunction with one another, it becomes clear that the concept of Biskaabiiyang remains a relevant way of thinking about empowerment on an individual and collective level due to the fluidity that it represents. Biskaabiiyang is as much a process of dreaming or envisioning²² an existence in which Anishinaabek

²² It is important to note that the act of dreaming or envisioning is distinct from a sense of nostalgia. Although both phenomena involve a reflection on elements of the past, nostalgia is temporally abstract as it expresses a desire for these elements to be replicated as they were. In doing so, it also theoretically necessitates that the various conditions supporting those elements be replicated as well. Dreaming or envisioning, on the other

values and ontologies govern all facets of daily life, as it is the interrogation of colonial ideology and relational dynamics within the social and political spaces in community. Yet, to only speak of Biskaabiiyang in terms of C.D. and C.E.D. is to ignore the agency of the individual and the critical role that s/he plays in a comprehensive praxis of decolonization. Although C.D. and C.E.D. initiatives have a residual benefit for the individual as a member of the community, the express purpose of these initiatives is not to accommodate the distinct needs of each individual. For this reason, these processes, which focus on the formal and collective avenues through which community members can exercise self-governance, are of limited overall value within this larger conceptual analysis. We are also reminded by Simpson that, “Biskaabiiyang is far from promoting an essential Nishnaabeg identity; instead, it promotes a diversity of political and cultural view-points within the Nishnaabeg worldview. There are many ways to be Nishnaabe, but those ways are constructed and exist within our knowledge and language” (Simpson:2011:53). It can be argued, therefore, that what distinguishes knowledge and language from other mechanisms of decolonization is the space in which they originate and are given meaning. Through their practice, knowledge and language empower people by reaffirming the link between their sense of identity, i.e. nationhood, and their ancestral territories. This is evidenced in that the first encounter to knowledge and/or language is often within the home, whether or not the home is physically located within one’s territory or elsewhere. C.D. and C.E.D., on the other hand, are characterized by strategies

hand, is a proactive measure whereby the elements in question are critically evaluated by community members, and then adapted in such a way that they become relevant for dealing with contemporary circumstances.

for empowering communities that are not only imported into the public consciousness, but they are also typically given substance in institutional surroundings such as band council offices, commercial facilities or educational and health care institutions. If C.D. and C.E.D. initiatives are thus carried out in public spaces, then the question remains, what does an initiative look like that is predominantly conducted in the private space of the home (or the bush camp), and is reflective of the principles of Biskaabiiyang as mentioned above by Simpson?

In January of 2011, I attended a series of meetings in Skownan in which the managers of Career Trek's Apinocheck Pasaquok (Children Rising) program and their community liaisons²³ discussed the idea of having Elders and youth collaborate in the production of a cookbook. This proposed project represented the next step in a twelve-year working relationship between Skownan and Career Trek, a Winnipeg-based non-profit organization dedicated to providing Indigenous and non-Indigenous youth (primarily those living in rural communities within the Parkland region) the opportunity to experience various career paths under the guidance of professional instructors working in each respective field. Being that the organization's director, Darrell Cole, was aware of my academic research interests, I was invited to join these programming sessions as an observer and take notes concerning the proposed initiative. From this introduction, I was able to further develop relationships with community members who then later agreed to

²³ Some members of the community liaison committee are paid employees of Career Trek, yet there are others, such as Skownan's elementary school principal and an Elder, who sit on the panel in an independent advisory capacity. The presence of the latter two people brings an additional measure of transparency to the programming meetings and thereby ensures that a single shared interest group does not make decisions in an isolated fashion on behalf of the community at large.

participate in my own Master's fieldwork project. As was described to me by the participants, there were certain parallels between what the cookbook sought to achieve and the questions concerning local food production practices and intergenerational knowledge transfer that I considered in my research proposal.

According to the managerial team, the cookbook project would fill a void that existed within the organization's current programming structure. Up until that point, none of the instructors involved were from the same rural communities as the youth participants. As such, Career Trek was not properly fulfilling its mandate, which emphasizes that the holistic personal development of Indigenous youth is as much dependent upon an exposure to Indigenous pedagogical models as it is to western Euro-Canadian systems (Career Trek:2010). Without such a project, therefore, the current educational status quo would ultimately remain fixed and unchallenged, as European ideologies, historical portrayals and value sets would continue to dominate the formal educational environments in which youth were situated. Notwithstanding that the cookbook is predicated on the knowledge and skills possessed by Indigenous peoples, the objection may be made that any educational initiative developed by a non-Indigenous organization is an example of what economist John Loxley describes as a, "*directive* approach which concentrates on persuading communities to accept decisions – and therefore expressions of need – which have been worked out *for* them and not *by* them" (Loxley:2010:26). In other words, the initiative might reflect a trend consistent with a liberal politics of recognition in which settler society continues to dictate and grant the terms of Indigenous peoples' struggles for self-empowerment. While there is understandable merit to this argument, one must consider the fact that it is Elders, and to

a lesser extent youth, who are the ones that control how, as well as what, knowledge is disseminated. This distinguishes the cookbook from other directives imposed upon the community by outside organizations, as the content is exclusive to the way people have, and continue to, self-identify through local food production. Moreover, although the development of the cookbook has not progressed past the initial proposal, by identifying how it supports the continuity of knowledge, experiential learning and subjective interpretations of teachings – all of which are prominent themes in the previous discussions of Biskaabiiyang -, it can be understood as an effective mechanism of decolonization.

What sets the idea of the cookbook apart from the majority of educational programs or projects within the public education system is that youth are not merely perceived of as recipients of information and instruction. While they undoubtedly occupy this role vis-a-vis their Elders - who are recognized in this project for their extensive knowledge of how to source/procure food items from the land and the teachings that accompany these practices – youth are also regarded as highly capable educators in their own right. For instance, Career Trek’s managerial staff were of the opinion that the computer proficiency of young people in community, namely their ability to navigate and utilize various forms of social media, would be instrumental in generating a greater awareness of the project, as well as ensuring its continued support. The obvious benefit of these online forums of communication is that they enable ideas or information pertaining to the cookbook to be immediately exchanged across a vast network of pre-existing mutual contacts. Notably then, the dialogue that ensues is distinct from, yet parallel to, the discussions about the project that take place amongst adults, i.e. Career Trek’s

managers and their community liaisons, and/or the conversations that are supposed to occur between Elders and youth. In other words, mediums such as email or Facebook create a space in which youth are able to craft the conversation without the immediate influence or direction of adults. The inevitable result of this freedom of expression is that youth take on a creative responsibility and establish themselves as partners in the initiative.

Nonetheless, in the case of the cookbook project there is a limit to what social media can offer. While youth can indeed acquire information about the project from one another, the knowledge of how to source food items directly from the land, and how to prepare them, requires that they physically engage in these processes. This hands-on approach not only constitutes experiential learning, but it also represents the notion of an internal treaty in which Elders and youth reaffirm their relationship to one another, and by extension the territory of which they are an integral part. As is contemplated by the proposed cookbook, therefore, youth are given the responsibility of accessing their Elders and requesting a recipe from them, as well as a demonstration of the various steps that are required for the implementation of the respective food item/dish. Moreover, as the demonstration and preparation of the recipes take place within the bush camp or the home, both of these spaces are actively transformed into sites of empowerment. For youth, there is a subjective element to this experience of place as they individually, and to varying degrees, self-identify with the teachings of their ancestors. Likewise, each Elder is provided the opportunity to convey both the knowledge that s/he has acquired as a result of his/her time on the land, and the teachings that have been given to him/her by previous generations.

In addition to the hands-on element, the Skownan cookbook project is also distinct from other community development initiatives or youth-oriented educational programs due to the fact that the intergenerational teaching sessions can be conducted in a variety of spaces, that they can take place at anytime, and that they do not require significant funding²⁴. I became aware of this during my last visit to Skownan at which point Agnes Contois, my host, offered to teach me how to make bannock. What had begun as a casual conversation about this particular food item, whilst enjoying a cup of tea one afternoon, quickly transformed into a situation where I was being encouraged to try my hand at mixing the flour, baking soda, sugar, lard and milk that would become the dough. Since I had never baked before, I was fairly nervous about the potential of making mistakes and the effect they would have on the consistency and taste of the final product. When I voiced these concerns to Mrs. Contois, she reminded me that, “there is nothing stopping us from preparing another batch of dough and placing it in the oven if the first loaf of bannock does not meet our expectations (Agnes Contois:2012). The unfettered access to the ingredients and instruments necessary for this particular food production activity, combined with the fact that our lesson was not governed by any set time limits, ultimately made for a learning environment that was both relaxed and attuned to my needs/wishes as a student. This hands-on instruction, however, which is one of the goals of the cookbook, not only benefits the student, but also the adult who takes on the role of the instructor. For instance, Mrs. Contois informed me that, “as a mother and a grandmother, I feel that it is my personal responsibility to create an environment for my

²⁴ Part of the criteria for this project, which has been agreed upon by the administrators at Career Trek and their community liaisons, is that Elders (or other adult instructors) participate on a volunteer basis. The costs associated with the cookbook, therefore, are primarily printing, binding and distribution.

family in which they feel safe, supported, free to speak their mind and able to learn. The act of cooking *alongside* younger generations,” she further indicated, “is an enjoyable and effective way in which these goals can be achieved, no matter if they are done inside the home or out on the land” (Agnes Contois:2012).

The idea of sustainable economic development with regards to Indigenous peoples in Canada is one that is highly relative. For the Federal and provincial governments, sustainability foremost implies that a steady stream of income flows into these communities, thus theoretically alleviating existing conditions of material poverty as well as gradually minimizing financial dependence. Both of these levels of government, therefore, typically proceed on the assumption that it is the immersion of Indigenous peoples within a capital-oriented market economy that will accomplish this goal. This narrow understanding of sustainability ignores the reality that for Indigenous peoples, maintaining their ancestral connections to the land is equally as important as the ongoing generation of capital. As the positions of community members in Skownan suggest, for economic development to be relevant and beneficial, the corresponding strategies must create or promote a space in which the transfer of intergenerational knowledge and the promotion of Anishinaabek values can take place. We see, therefore, that a mixed economy model not only provides for the accumulation of capital and employment, but it does so on the basis of community members being directly involved in the development, as well as, the implementation of the related strategies. This model of economic development can thus be regarded as sustainable in the sense that it promotes a partnership between Indigenous and non-Indigenous peoples (and their representative government bodies) that mirrors the type of nation-to-nation relationships originally

expressed in the wording of Canada's numbered treaties. In other words, decisions regarding the exploitation and management of resources are not dictated by the Federal government and provincial agencies, but arrived at via a process of lateral negotiation. In the same way that a mixed economy encourages a rethinking of the treaty relationship between Indigenous nations and settler governments, it also results in the active renewal of internal treaty relationships between Indigenous peoples, i.e. separate generations, and furthermore, between Indigenous peoples and the territories/ecological networks of which they are an inextricable part. For people in Skownan, this act of self-identifying in relation to the place where they are from is expressed in the concept of Biskaabiiyang. Not only does it capture the idea of self-empowerment through reclamation and adaptation, but it also provides an effective blueprint for envisioning how to go about decolonization. As is represented by the cookbook project, there is no one definite method of ensuring decolonization at the individual or collective level. However, whatever the chosen method, it is essential that it is predicated upon the resurgence of Anishinaabemowin and the knowledge, teachings and values embedded within it.

Chapter 6: Conclusion

6.1: Thematic Summary

The research questions that inform this thesis are predicated upon two topics. The first of these is the historical development of an Aboriginal rights discourse by colonial authorities that is founded on Christo-Eurocentric ideology pertaining to proprietary rights and absolute dominion. The second topic is the concept of food sovereignty. While there exists a considerable body of literature on each of these subjects within various academic disciplines, such as political sciences, law, economics and/or Indigenous studies, there appears to be no available research that combines, and evaluates, the aforementioned critical historical analysis within the contemporary discussion of Indigenous food sovereignty. Consequently, although the existing body of literature on the concept of food sovereignty clearly indicates that it is a way of thinking about how peoples who have been marginalized can reacquire a greater degree of self-determination through their control of local food production practices, it does not reference the very politico-legal instruments that allow for their disenfranchisement to occur *in the first place*. By providing an in-depth analysis of the formation and progression of legal codes and political acts that European and Euro-Canadian colonial authorities have employed in their interaction with the Indigenous peoples of the Americas, the reader gains an awareness of the manufactured dependency that characterizes this relationship. In essence, it is demonstrated that this inequity, which was and continues to be an ideological construct rather than an empirically verifiable fact, serves as a justification for the claim of sovereign dominion on the part of European colonial regimes and the latter settler state. In returning to the concept of food sovereignty, we see that it asserts the right

of peoples to determine and implement their respective food production policies and corresponding practices without the threat of interference by external parties or agencies (La Via Campesina:2007). It is telling, however, that the current working definition of this political concept does not explicitly address the issue of where such rights originate and in turn who they belong to. In the context of Indigenous peoples, identifying the origin of these entitlements is thus especially crucial as it reveals that their inherent rights are entrenched within pre-colonial constitutional orders, the legitimacy of which are not dependent upon the recognition of European or settler government bodies.

6.2: Research Questions and Findings

Although local food production affords Indigenous peoples a type of personal liberty, it does not equate into the kind of political independence that individual nations enjoyed prior to European colonial expansion. Nonetheless, the theory underlying this thesis is that the engagement of these food production activities represents an avenue through which Indigenous peoples, and in greater detail residents of Skownan First Nation, can access, (re)interpret, and in certain ways reaffirm their inherent rights. In order to see whether this theory had any merit, it was necessary for me to conduct fieldwork at the community level where the linkages between local food production practices and decolonization efforts are most evident. As such, the relationships that I developed with people in Skownan Anishinaabek First Nation afforded me an invaluable opportunity to participate in activities such as hunting, fishing, maple tree tapping and root harvesting. Notably, the hands-on tutorials not only followed from, but also exemplified, the questions that I posed to the research participants.

The first such inquiry asked community members involved in the research to consider, how do local food production practices constitute a type of treaty activity between Indigenous and non-Indigenous peoples. Irwin Maud, a commercial fisherman in Skownan, offered a particularly memorable response. He replied by asking me to dwell on my own experience and to consider whether people who live in cities typically know where the pickerel they purchase comes from, and furthermore whose labour is involved in the harvesting and production process. His question immediately made me think about the observation of the Anishinaabek scholar Leanne Simpson that treaties are as much a relationship between the citizens of different nations who live in a shared territory, as they are contracts between the representative government bodies of those respective groups (Simpson:2011:21). In this way, I no longer merely perceived of myself as an objective observer in the research relationship, but rather as precisely one of those Canadian citizens and treaty people that Maud and Simpson were speaking about. By taking my fieldwork to Skownan, and asking community members such as Elder Marie Nepinak, Elder Nelson Contois, Agnes Contois, Ken Catcheway, Irwin Maud, Ron Sanderson and Thomas Chartrand to educate me about, as well as provide meaning to, the issues dealt with in my research question, I unknowingly, at the time, initiated what was the necessary first step in any treaty relationship between Indigenous and non-Indigenous peoples. In recognizing that they had an opportunity to teach me about local food production practices and the knowledge associated with them, these community members then took the steps to involve me in the activities themselves. These hands-on experiences ultimately resulted in the formation of strong personal and working relationships between the research participants and myself that embodied the principles

of mutual recognition, respect and co-operation. During these food production practices, which constituted the bulk of the interviews that I conducted, it also became apparent that the relationships of many community members to the land are informed by the same principles that underlie the process of treaty between people of different nations.

Whereas the first question primarily dealt with the relationship of community members to their non-Indigenous counterparts that live in other areas of Manitoba, the second question considered how the ties that people in the community have to their ancestral territory influence the type of economic development projects that are pursued there. I expressed my interest in learning about whether the Anishinaabek concept of Biskaabiiyang, which I had previously encountered in my readings, had any relevance to the discussion of community development or community economic development within an Anishinaabek context. Elder Nelson Contois, who for years worked as a project manager within the aforementioned field, explained to me that an effective approach to generating relatively immediate employment within rural, land-based First Nations communities ultimately requires the utilization of skills and knowledge that people already possess. Following this initial description of what he identified as Biskaabiiyang, namely the idea that reflecting on the past will help to inform both present and future decision-making that is consistent with the ethical principles of Indigenous knowledge systems (Contois:2012), he suggested that I also experience how this concept is evident in the daily lives of community members. He therefore invited me on numerous occasions to participate in hunting and fishing trips within the traditional territory of Skownan First Nation. During these excursions, I was introduced to members of his extended family who used the skills and knowledge pertaining to land based food

production to support themselves within their current employment and/or business endeavours.

The third question that was directed to the research participants was how the process of sourcing and harvesting land-based food items creates a learning environment in which Elders and adults are able to transmit culturally specific knowledge and teachings to younger generations. With regards to the majority of the interviews, the answer to this question was embodied in the hands-on nature of the activities themselves. For example, youth who were related to the interview participants often joined us on the land. In doing so, they were not only afforded the opportunity to broaden their knowledge or acquire new skills, but importantly they were given the space in which these teachings could be given a personal meaning in terms of their individual relationship to the land and their corresponding identity as Anishinaabek people. Within the context of my fieldwork, the non-dictatorial quality of this pedagogical approach stood out for two reasons: 1) the interview participants/instructors interacted with me in a similar manner. That is to say that I was encouraged to draw upon my own experiences in order to arrive at answers to the research questions, and 2) it was an intrinsic feature of the proposed community development project, i.e. the Skownan cookbook, for which I had volunteered and which initially led to my working relationship with community members. The cookbook promoted an educational partnership specifically between Elders and youth based on intergenerational knowledge transfer pertaining to local food production, experiential learning, and family histories. As was indicated by members of Career Trek's community liaison committee, noticeable parallels existed between this project and my own research proposal, which I had described during one of our initial meetings.

As such, members of this committee expressed their support in helping to arrange my initial interviews with community members that were actively involved in various forms of local food production.

6.3: Recommendations for Future Research and Potential Research Questions

1) At the moment, the proposed Skownan Cookbook Project remains in the early stages of conceptual development. The author of this thesis, as a volunteer and later as an employee of Career Trek Inc., has already conducted a research study of the foreseeable financial costs and logistic requirements associated with various marketing, production, and distribution options. For reference purposes, this document, *Culture, Theory & Praxis: the Cookbook Case Study*, is currently being housed at Career Trek's head office in Winnipeg (at 191 Lombard Avenue, Winnipeg, MB.). In order for this project to move ahead, it is recommended that a part-time, or preferably a full-time, position be created by Career Trek to carry on with the dialogue concerning the development of this initiative through the ongoing support from interested parties in community. In the opinion of this researcher, it is imperative that a resident of Skownan Anishinaabek First Nation staff this position. Not only is this important for generating the necessary level of exposure and encouraging continued support on a daily basis, but more importantly, having a community member direct the project will contribute to a greater sense of ownership on the part of the community at large.

2) As is stated in the October 15, 2014 press release by the Manitoba Government,

Chitek Lake Provincial Park will also become the first land in the province to be classified and preserved as indigenous traditional use, [the minister said, adding] this new classification gives recognition to lands of natural or cultural significance to indigenous people and that these parks are significant traditional-use areas. While the park has the new classification, it will be open to licensed hunting, fishing and trapping (Government of

Manitoba:2014)

The following questions, therefore, call out for further inquiry:

- a) To what parties do the licensing regimes as described above apply to?
- b) If, as assumed, they apply only to First Nations peoples possessing Aboriginal and treaty rights, then, does this regulation not run contrary to the unfettered access of natural resources for personal consumption purposes as is consistent with a usufructuary right?

6.4: The Value of This Research Within the Context of Its Limitations

In drafting my original research proposal, I did not specify as to the number of interviews that I hoped to conduct while doing my fieldwork. Being that I had only briefly spoken with members of Chief and Council in order to introduce myself and to describe what the proposed topic of the study was, I was not yet aware of the level of interest that community members had in participating in the project or how the relationship building process would unfold. It should be mentioned, however, that prior to writing my thesis proposal I had already determined that I did not wish to use surveys or group discussion sessions as ways of gathering information. Although these methods would have enabled me to pose my research questions to a larger audience and to record a greater number of responses in a shorter period of time when compared with one-on-one interviews, I viewed surveys as an impersonal form of communicating with people in community and was concerned that sharing circles would not necessarily permit for long or safe discussions, especially if numerous participants were involved. Upon beginning my fieldwork in Skownan, the value of asking open-ended questions during one-on-one interviews immediately became evident. For the interview participants, their sense of

identity as Anishinaabek people was not only firmly rooted in their ancestral territory, but also in the animal and plant products that were harvested in this area and used for food. While this connection was spoken about in our conversations, it became particularly evident as I observed community members interact with the non-human world around them and demonstrate various local food production practices to me. By not predetermining the location of the interviews and not ascribing to an interview process whereby the researcher shapes questions that inevitably confine what responses are given, as well as how they are offered, my fieldwork resulted in a truly participatory learning environment. In other words, rather than being provided with a question to which they were expected to respond, the research participants were empowered in such a way that they evaluated the question itself and then provided an answer based on their evaluation of the question. Crucially, this non-dictatorial approach allowed for community members to take a leadership role in the research. Interestingly enough, this had the effect of limiting the number of interviews that could be conducted. Having the power to determine what information was relevant and would thus be shared in response to an inquiry, the interview participants were also able to influence the timeframe in which this information was disseminated.

There is merit in the argument that when a researcher decides to use his/her memory, or point form notes, in order to capture the words and/or actions that are shared by the research participant, rather than relying upon an audio or video recording device, there is potential for misrepresentation and/or distortion of information provided. Due in part to the colonial history in which Indigenous knowledge systems were systematically probed, dissected and exploited under the guise of research, the aforementioned concern

is one that is of particular relevance within my own fieldwork. While it is true that I did not employ any recording devices, other than my memory or a notepad, during my interviews and hands-on education sessions (namely food production practices taking place on the land), this decision was entirely intentional. The high degree of movement inherent in these experiential learning activities ruled out the viability of placing a recorder in front of a research participant or setting up a camera by which to record activities within a set area. More importantly, however, the level of trust that I was able to develop with the research participants was a direct consequence of the casual and organic nature of our conversations. This meant that much of the information pertaining to the research questions I had initially asked was consistently intertwined with thoughts, humour, and opinions that were highly personal to the community members and therefore not appropriate for public dissemination within my thesis. Against the background of the relationships founded on trust and mutual respect that were formed, my voice as the researcher is not privileged at the expense of the research participants. Instead, the direct quotes and paraphrased sections that are found within my thesis are a true reflection of what was said as well as demonstrated by those involved in the fieldwork. Although one may suggest that such a representation of community voices may be problematic, as the authenticity of the experiences and information relayed could conceivably be called into question, it is my honest opinion that the ongoing relationships I have with people in Skownan proves, and will continue to prove, that their voices are not misrepresented in this academic work. As an example of my commitment to engage in transparent research practices, I will meet with each interview participant in the spring of 2015 in order to

further discuss the findings contained in this thesis, and to once again participate in the very practices that lead to these findings in the first place.

6.5: The Convergence Between Theory and Praxis: Locating Myself Within the Research

By the second year of my masters program, I had been exposed to a broad spectrum of theory in the areas of Indigenous governance, Canadian Federalism, English Common Law, community economic development, critical revisionist history and phenomenology. These areas of study provided me with an insight into the reality that Canada's history is a narrative of colonization in which the rights of Indigenous peoples were, and continue to be, framed in a comparative context to that of the Sovereign. Being that the Canadian state has relied on its legal institutions, primarily the Courts, in order to reaffirm that its claim of absolute dominion over the land and all living beings falling within its designated national boundaries is inalienable, its relationship to Indigenous peoples is effectively one defined by inequity. Although this theoretical exposure allowed me to comprehend the topic of colonization in an intellectual manner, I had yet to experience what structural poverty, the disenfranchisement of peoples' rights, and/or the human toll of colonization looks like. In being afforded the opportunity to conduct community-based fieldwork within Skownan Anishinaabek First Nation, I began to realize the extent to which Canada's past as well as current policies in relation to Aboriginal peoples have disregarded the principles of mutual cooperation, respect and non-interference originally proclaimed in the numbered treaties. What also became evident, and was difficult to fully grasp based on the aforementioned bodies of writing, is the investment of time, personal energies, intergenerational knowledge, emotion, and monies that Indigenous peoples invest on a daily basis into their own processes of

decolonization. While these struggles for increased self-determination take various forms, and are simultaneously enacted in a multitude of spaces, one such path is the exercise of local food production. Only after having had the privilege of participating in the relevant practices with members of Skownan First Nation, and spending time in their ancestral territory, did I begin to better comprehend my original theory. Internalizing this theory and my lived experiences so that I could develop my thesis argument took much longer than the one and half year period I had initially allocated for. In part, the reason for this is that the marriage between theory and praxis could not have been achieved without the development and continued maintenance of both healthy working and personal relationships with members of community that continue to this day.

Appendix I: Interview Participant Consent Form

Researcher: Maximilian Aulinger, M.A. candidate, Department of Native Studies

*** This consent form, a copy of which will be left with you for your records and reference, is only part of the process of informed consent. It should give you the basic idea of what the research is about and what your participation will involve. If you would like detail about something mentioned here, or information not included here, you should feel free to ask. Please take the time to read this carefully and to understand any accompanying information.**

This study is a holistic consideration of how residents within Skownan, Anishinaabek First Nation perceive the role and value of land based, traditional foods. This includes, but is not limited to, how these foods contribute to a healthy diet, the connections between the surrounding region and collective identity, the retention, adaptation and transfer of ecological knowledge between generations, and an assertion of inherent Indigenous rights rooted in a relationship with traditional territory. In recognizing this vital relationship, the study is also concerned with understanding if, and how, the responsibilities of settler and Indigenous peoples within Treaty 2 are being honoured in such a way that local ecological networks can continue to support sustainable, community food production practices. The knowledge, experiences, or perspectives that you may share with me will be the foundation of a written thesis to be presented to the Department of Native Studies, at the University of Manitoba.

One of the central principles guiding this study is the participatory approach. If you choose to be involved, you will be asked for 30 minutes to an hour of your time for a face-to-face interview. Only you and the researcher will be present, unless you request otherwise for personal reasons. Interviews will be conducted using open-ended questions that respect the life experiences of the person interviewed. The time and location for these gatherings will be arranged according to your preferences. As the researcher, I recognize my position as both a student of and a listener to the interview participant.

There is minimal risk of physical harm or emotional trauma associated with participating in the interview process. By being asked open-ended questions, you will determine how much or how little of your perspectives you would like to share. If, during the interview, you determine that you would no longer wish to continue, you will be free to leave at any time. Anything that you have shared with me up until this point will not be included in the study in any way. Your rights as a participant surrounding self-determination of knowledge transfer, confidentiality and personal agency will not be negated if you choose to leave the interview at any point. This also means that you have the choice to determine whether or not the audio recorder should be turned off at any point(s) during the interview.

Since the study is based on knowledge and/or practices already rooted in Skownan Anishinaabek First Nation, I hope that the benefit of the interviews, final thesis and

gatherings will be to contribute to continuing community empowerment through the relationship with local, land-based foods.

How you choose to be referred to in the written report is entirely your choice. If you do not feel comfortable with having your name published, an alternative name will be assigned to represent the knowledge you have shared.

- Yes, I want my name to appear in the study report
- No, I would rather be represented by another name (alias)

During the interview, I will take notes on a pad of paper and use a tape recorder. This will allow for me to reflect on the discussion at later points and prevent any of the information in the written report from being de-contextualized or fragmented. Please indicate below if you agree or disagree to the use of an audio recorder during the interview.

- Yes, I agree to the use of a tape recorder
- No, I do not agree to the use of a tape recorder

Within 72 hours of the interview, the audio recording will be available for you to listen to. A written transcript of the interview will also be mailed to an address of your choice as a personal record. In the case where you choose not to be recorded, you will receive a written copy of my notes. If you notice that something said in the interview should be modified or removed, you will have 30 days after receiving the transcript to request changes. Once the final report has been written, a copy will be mailed to you. Both the notes and the audio recordings made during the interview will be stored in a locked cabinet at the Native Studies Department office at the University of Manitoba. I, along with Dr. Wanda Wuttunee (thesis advisor) will be the only people who will have access to any of this information. All records will be safely stored for the duration of 1 year after my thesis defence at which time, on October 1, 2012, they will be destroyed. Following protocols for working with Elders in the community, only these participants will be provided with a honourarium (compensation). All other participants will not receive any direct compensation.

Your signature on this form indicates that you have understood to your satisfaction the information regarding participation in the research project and agree to participate as a subject. In no way does this waive your legal rights nor release the researchers, sponsors, or involved institutions from their legal responsibilities. You are free to withdraw from the study at any time, and / or refrain from answering any questions you prefer to omit, without prejudice or consequence. Your continued participation should be as informed as your initial consent, so you should feel free to ask for clarification or new information throughout your participation. This research has been approved by the University of Manitoba's Research Ethics Board. If you have any concerns or complaints about this project you may contact any of the above-named persons or the Human Ethics Secretariat at 474-7122, or e-

mail: margaret_bowman@umanitoba.ca. A copy of this consent form has been given to you to keep for your records and reference.

If you have any comments, questions or concerns, the following contacts are available:

Maximilian Aulinger, M.A. candidate,
phone: (XXX) XXX-XXXX, email: XXXX

Dr. Wanda Wuttunee, Ph.D., Thesis Advisor
Phone: (XXX) XXX-XXXX, email: XXXX

Participant's Signature Date

Researcher's Signature Date

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