

# Grounded Authority

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*The Algonquins of Barriere Lake against the State*

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but who participated in the early Trilateral land-use and occupancy studies undertaken for harmonization measures with forestry companies.

But in terms of interviews conducted over the course of my research, field site visits, or through regular contact on the territory, my work proceeded quite separately from these groups. There are a number of reasons for this, but I will go into the central reason here. Over the course of Barriere Lake's struggle to see the Trilateral Agreement implemented, divisions arose in the community over the plausibility of Canada or Quebec honoring the agreement. The government's hand in sowing these doubts will be made clear in this book. But disagreements between community members and family groups made access to these aforementioned village sites difficult. This issue proved as much an academic issue as a solidarity problem. Political disagreement in the community also caused a rift between solidarity activists and those community members who resented non-Indigenous involvement by outsiders who adopted demands on the government (for example, honoring the Trilateral Agreement) that they themselves opposed. As a visible member of the solidarity network, this conflict of interest restricted my freedom to move about the community as an "objective" participant or observer. It also drew considerable contention to me from community members, other solidarity networks, and individuals from other Indigenous nations who work politically with these families. These contentions form vibrant internal activist discussions on the ethics of accountability in doing solidarity work within heterogeneous communities.

Thus, the account presented here about the Algonquins of Barriere Lake is not meant to represent the views of all Mitchikanibikok Inik. However, what cannot be contested are the actions of the Quebec and Canadian governments, which is where my attention is largely focused in this book. Too much attention in recent years has been focused on community accountability to colonial governments. Division in communities is seen as a sign of malfunction, but only the most virulent racism in our society can account for holding Indigenous communities to standards of unanimity unexpected in white communities, especially given hundreds of years of colonial oppression of Indigenous social and governance systems and on their economic bases. This book is a story about Canadian illegitimacy, above all, and the ways in which the state attempts to absolve past and ongoing appropriation through the attempted perfection of territorial jurisdiction.

## How Did Colonialism Fail to Dispossess?

In Cole Harris's excellent article "How Did Colonialism Dispossess?" he outlines with remarkable brevity key technologies of Indigenous dispossession in British Columbia.<sup>1</sup> In so doing, he introduces critical methodologies for appraising the impacts of colonialism on Indigenous peoples' territorial belonging to the land. Harris divides his account into earlier techniques of dispossession (involving direct violence, the imperial state, cultural narratives, and settler self-interest) and later techniques of dispossession (constituted by disciplinary power through the use of maps, demographics, and a reserve geography of resettlement). Although Harris delineates these strategies temporally, a mixture of nearly all these techniques has been deployed at Barriere Lake. These techniques contribute to the dynamic of forces that have shaped jurisdictional struggles over the land.

A caveat to Harris's analysis, though, is to specify what it means for colonialism to dispossess. The early history of settler incursions on Barriere Lake's land did not result in the removal of the community from their lands because people were not actually displaced. Rather, their lands were alienated and reterritorialized through competing use and jurisdictional claims. Impositions of state and private authority grossly undermine, yet do not necessarily succeed in extinguishing, Indigenous governance over their lands through literal expulsion. What do we call a process of colonization where the effect of dispossession is not removal but the perpetuation of a set of exhaustive administrative regimes that undermine, erase, and choke out the exercise of Indigenous jurisdiction, rendering Indigenous people peripheral to effective participation in land governance?

This chapter examines the steady accretion of encroachments and restrictions on Barriere Lake's lands that produce a complex space of overlapping jurisdiction. The brief history of settler accumulation presented here foregrounds two meanings of dispossession that can bring perspicuity to the term and therefore draw into relief the nature of the land struggle at Barriere Lake today. The first meaning of dispossession



defines the term by its relation to practices of social reproduction, indicating the possibility of “displacement without moving.”<sup>2</sup> This kind of dispossession constitutes what Rob Nixon calls a *slow violence* that “entails being simultaneously immobilized and moved out of one’s living knowledge as one’s place loses its life-sustaining features.”<sup>3</sup> If that which was entrusted to Barriere Lake’s care is eliminated, this impacts the terrain of their jurisdiction, and the knowledge that has been accumulated that is connected to that care is vulnerable to loss, too. Clear-cut forests, mining, undergrowth poison, overhunting, and development—these encroachments slowly eradicate that which the Algonquins depend upon to survive, physically and culturally.

The second, related sense of dispossession is connected to the specifically sited dynamics of accumulation on Barriere Lake’s lands. While their assertions of jurisdiction continued to spatialize law on the land—for example, in accordance with their tenure systems, hunting grounds, and land-management techniques—the Algonquins increasingly competed against the interests of state and private authorities. Moreover, these interests were themselves periodically at cross-purposes. Territorial logics of power incentivizing the state toward the perfection of settler sovereignty clashed with open spatial dynamics of capitalist accumulation, seen where the state’s denial of Indigenous jurisdiction led to blockades that shut down the forestry sector.<sup>4</sup> To be dispossessed of governing authority means to be subject to the governing logics of other forces. Algonquins have used the term “alienation” to describe how the community’s land and resources have been “planned, managed, used and impacted by non-Native peoples and their institutions and industries,” without signifying physical or legal dispossession.<sup>5</sup>

Nicholas Brown articulates this dynamic as *settler accumulation* or *accumulation by possession*, shifting the economic emphasis of capitalism onto the often silent processes of acquisition—the racial and legal frameworks of settler colonialism—that shape and define the development of capitalism on Indigenous lands. Settler accumulation responds “to the specific forms of anti-colonial resistance it encounters,” which are “dialectically intertwined.”<sup>6</sup> But it is not a matter simply of resistance to colonialism that has shaped the development of capitalism on Barriere Lake lands. It is the structure of Indigenous governance and the binding social center of law that creates the barriers to penetration by capitalism. The last section of this chapter more closely examines

how the boundaries of the settler state are shaped by such assertions of Indigenous jurisdiction.

### The Most Dangerous Band in Canada: Mitchikanibikok Inik

It all began with a footprint, at a point on the shore across from the original Barriere Lake settlement. That footprint belonged to a young boy. He walked around the island and saw the plants and animals and everything that grew there. He saw everything that was in the world and made it ready for the Anishnabe people. He found gifts for them—fire, water, and medicine—everything they would need. The sun would be their father, and the earth would be their mother. Because the young boy began here where he found the knowledge, this would be the center of the world.<sup>7</sup> This is where the Onakinakewin came from, the sacred constitution of the Anishnabe people.

From a watershed perspective, the Barriere Lake traditional land-use area really is located in the center of the Algonquin world, with two major rivers forming what almost looks like a heart around the traditional settlement area of the band. At the top of the heart where the two semispheres meet, the northern Gatineau River crosses southwest across the present Cabonga Reservoir and Coulonge River to meet the headwaters of the Ottawa River, which the Algonquins call Kichi Sipi, the great river. The Ottawa River flows westward, then southward, then southeastward for around 1,200 kilometers before joining the St. Lawrence River near Montreal.

Where the Anishnabe lived at their original gathering place, the river was ten feet across from one shore to the other. They put rocks across the river creating a stone weir over which they could easily scoop fish. For this technique, they became known as “the people of the stone weir”: Mitchikanibikok Inik. Mitcikinabikong is the “place of the stone fence or weir,” and inik is people; the name (pronounced Mi-jibin-ahb-kwi In-ik) marks their presence on the great river. The French translated their name literally into “Lac Barrière.” Since time immemorial, the Mitchikanibikok Inik have occupied more than forty-four thousand square kilometers of forested land in what are now the Outouais, Abitibi-Temiscaming, and Laurentide administrative regions of Quebec. Confirming oral history, the archaeological record shows human habitation of the area at least as far back as eight thousand to ten thousand





Ottawa River Watershed. First published in the *River Report of Ottawa Riverkeeper*, issue 1, *Ecology and Impacts*, May 2006. Courtesy of Ottawa Riverkeeper.

years ago. The Anishnabe on the territory tell stories of the giant beaver, which would have been part of the ecosystem at this time.<sup>8</sup>

Community members at Barriere Lake rarely refer to themselves as “Algonquin.” In their own language, people mostly call themselves Anishnabe people, which generally means “human being,” and more specifically carries the meaning of “from whence (Creator) lowered the human.”<sup>9</sup> Barriere Lake people can understand Ojicree, Cree, and other Algonquian-based languages, but theirs is the most divergent dialect of the Ojibwe language in the “Middle Tier” of the Algonquian language family.<sup>10</sup> Their language is *mitcikanâpikowinimôwin*, which is a distinct local subdialect of Algonquin and of *anishnabemowin* more generally.

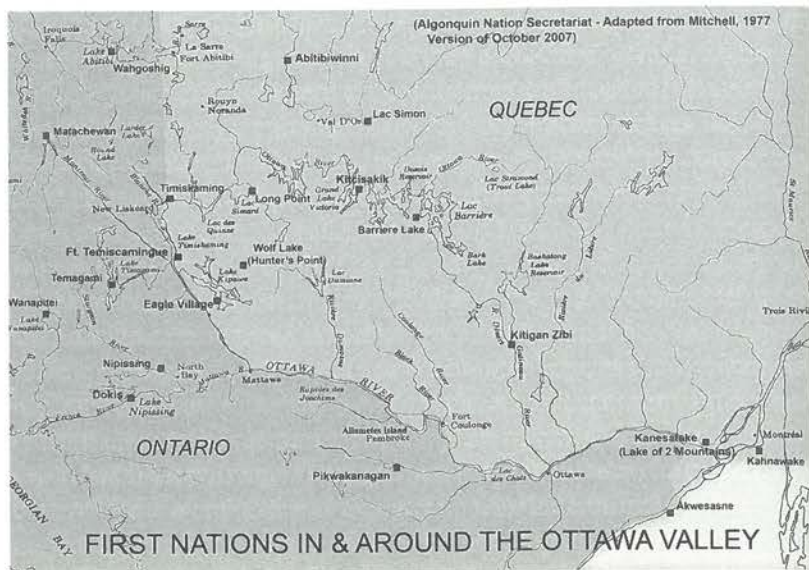
While language and local dialect convey a distinct social group, the category of “Algonquin” people is an imprecise ethnic category that emerged as a French application (“Algomquin”) designated to describe bands and sub-bands in the region of central and eastern Canada who spoke similar languages.<sup>11</sup> Later, the term was applied to a smaller subgroup of Indigenous peoples living in the Ottawa Valley, of whom Barriere Lake was included.<sup>12</sup> But it can be difficult at times to interpret the

historical record kept by colonials because of the shifting terms applied to the Mitchikanibikok Inik by a range of early explorers confused by the relationships between various societies. In early French records of contact, Barriere Lake Algonquins (as well as other Algonquin-speaking Upper Ottawa peoples) were called *kichi sipi* Anishnabe and the *nopiming daje inini* or *gens de terres*, literally, inland people or men of the woods, reflecting the location of their territory in the boreal forest. They were also referred to phrenologically as *machakandiby* or *têtes de boule*, which means round heads, but which refers—along with *gens de terres*—to a backwoods, culturally tenacious people.<sup>13</sup>

The Barriere Lake Algonquins are one of ten present-day Algonquin communities in the Ottawa River watershed that straddles the Quebec-Ontario border. As their name and surrounding band names suggest, Algonquin territorial organization and land management are based on these watersheds and waterways that serve as boundaries for family, band, and national territories. The Algonquins once traveled extensively along these watery highways, spending their winters in the bush in extended families, hunting large game like moose and deer, and trapping fur-bearing animals, particularly beaver, which were of critical socio-economic and cultural significance. The community lived relatively well by hunting, fishing, trapping, gathering plant foods and harvesting traditional medicines, with occasional subsistence gardening, as encouraged later by missionaries. The Barriere Lake Algonquins were also part of an extensive trade network with the Huron and Odawa to the south and southwest of their own territory, from whom they could obtain trade objects, such as wampum beads, and agricultural and fishing products in exchange for furs and dried fish.<sup>14</sup>

Dams have flooded many river waterways in the region today, though elders can still recall the direction of the currents that flow beneath the wide, deep lakes and reservoirs. Families maintain their summer and winter cabins, sugar bushes, medicinal harvesting sites, and traplines. Community members still build their homes and hunt without provincial permits on their territory. But most families now divide their time between the bush and the Rapid Lake Reserve. Norman Matchewan, son of longtime former customary chief Jean Maurice Matchewan, remembers his grandmother returning to the reserve, head bloodied from blows inflicted by game wardens.<sup>15</sup> She had been accosted for hunting and resisted their attempts to confiscate her moose. Game warden





*First Nations in and around the Ottawa Valley. Algonquin Nation Secretariat, 2007.*

repression is not nearly so bad today with the recognition of Aboriginal hunting and fishing rights,<sup>16</sup> though Norman explained to me that several years ago when he was out hunting, a game warden blocked him in with his jeep and upon Matchewan's return from the bush, the warden informed him that he could not hunt without a permit. Norman in turn informed him, "This is my land, I can hunt when I want." The warden checked Norman's gun for bullets and let him go because the gun was not loaded, but he told Norman he would have to keep his gun in the trunk. Norman refused: "What if I see an animal and need to shoot it?" But he was not particularly angry about the stop and search. "I just explained to him that this was my land, so that he could understand."<sup>17</sup> Nothing the government had ever said or done had persuaded him to the contrary.

In the early history of contact, the fur trade governed relations between the Algonquins, the French, and other settlers. The Algonquins of the Ottawa Valley were trading with the French as early as the second half of the 1500s through Montagnais middlemen along the Saguenay River.<sup>18</sup> The Algonquin nation formally entered into alliance with the

French in the first decade of the 1600s, along with the Montagnais, Odawa, and Huron.<sup>19</sup> The elders at Barriere Lake contend that when the French approached them to become military allies, they made an agreement that the Anishnabe nation would always "be in front" when it came to the land because the Algonquins had their own laws to follow. But the government "has not remembered this agreement," according to Toby Decoursay, and instead has gone about destroying the land.<sup>20</sup>

Barriere Lake's alliance with the French was eventually overturned by the fall of Quebec in 1760, marking a new era of diplomacy between the British and formerly French-allied nations. Known as the Seven Nations, or Seven Council Fires, these former French allies included Christianized Hurons, Iroquois, Abenakis, Algonquins, and Nippisings, and their "allies and dependents," which included non-Christianized bands such as Barriere Lake.<sup>21</sup> Barriere Lake has created a copy of the seven-diamond wampum belt symbolizing this alliance. The Algonquin nation, as part of the Seven Council Fires, signed a series of treaties with the British Crown. The Treaty of Swegatchy (1760) (now Ogdensburg, New York) ensured that the Seven Nations would remain neutral and the parties agreed to the principles of peace, protection of land rights, and freedom of religion. The Kahnawake Treaty (1760) promised peace, alliance, mutual support, free and open trade, antitrespass, protection of land rights, freedom of religion, and economic assistance.<sup>22</sup> These treaties fully incorporated the Seven Nations and allies into the long-standing Covenant Chain Treaty Alliance between the British and the Iroquois, and would have applied to Anishnabe of the Upper Ottawa Valley, including the Algonquins of Barriere Lake, whether or not members were at the 1760 treaty councils.<sup>23</sup>

The Algonquins were also included when the Covenant Chain was polished in 1764 at the Treaty of Niagara, which ensured that no Indian lands could be sold before first being ceded to the Crown.<sup>24</sup> Implicit in these assurances was that Indians owned their lands and that their British allies would protect them from exploitation. The Royal Proclamation of 1763, issued by King George III, ensured these provisions of cession and surrender a year earlier and remain enshrined in section 35 of the Constitution Act of 1982, and in section 25 of the Charter of Rights and Freedoms. However, two central differences between the Treaty of Niagara and the Royal Proclamation speak to the importance of the Niagara treaty as a founding constitutional moment of the settler



colony. While the Royal Proclamation unilaterally stated these provisions of land transfer, the Niagara treaty was a mutual agreement, made between more than two thousand chiefs from twenty-four nations and the British Crown, that followed the legal protocols of Indigenous diplomacy on these lands.<sup>25</sup> The wampum at Niagara represents the mutually affirmed relationship of peace, friendship, and noninterference set out in the two-row wampum presented there.<sup>26</sup>

The Algonquins never ceded their lands under the provisions of the Treaty of Niagara. Their lands continue to be governed under the *Mitchikanibikok Anishnabe Onakinakewin*. Although *Barriere Lake* signed treaties, none were land treaties. What *Barriere Lake* does have, however, is a wampum belt dating back to the 1760s that provides evidence of an agreement between the band and the French and British Crowns ensuring the Anishnabe control over their lands. Advisers to the community believe that the wampum was exchanged concurrently with the Articles of Capitulation—in particular Article 40, which affirmed the autonomy of Indians and Indian lands—because the content of the belt makes sense of the transition from French to British rule.<sup>27</sup> The belt was originally constructed from wampum shells, which are beads manufactured from the lining of conch and quahog clamshells, and provides a mnemonic device to record alliances.<sup>28</sup> It depicts three figures in white against a purple background: the Anishnabe in the middle, with French and British representatives on either side, and a white Christian cross to the left of the figures. No mere forgotten relic, Chief Solomon Matchewan read the belt at the 1982 First Ministers Conference to remind the governments of the sacred covenant that had been recorded through customary law. Maurice Wawatie simultaneously translated the reading:

What our Chief has mentioned is this historic agreement between the French-speaking nations, and the English-speaking nations and all the Indian nations. According to the reading of this wampum belt we have seen to today, is that there had been a negotiation dealing with this land. That the representative of the French speaking nation on one side and the representative of the English-speaking nation on the other side, and on the centre is the Indian nations. And it was agreed at this time that the Indian nations would always be leaders in their homelands. And anything

that was supposed to be negotiated upon, that they would have to negotiate with the Indian people, regarding jurisdictions and how to deal with each other, respecting equality of each nation. That the Indian people will always be the leaders of this continent. And upon finishing this agreement a representative from the Vatican, the priest, was there to bless this agreement, this historical agreement that had taken place at this time. And he pointed toward heaven when he blessed it, this agreement.<sup>29</sup>

The belt depicts an understanding, under the sign of the cross, but through an Indigenous protocol of diplomacy, that no interference would be made into the local Anishnabe ways of life. Woven into hairpins and stamped onto their letterhead, the three-figure wampum has endured to this day as a symbol of the pact between nations. The belt would also provide the interpretive framework for the Trilateral Agreement.



*The three-figure wampum embroidered into Elder Toby Decoursay's jacket below the words *Mitchikanibikok Inik*. Photograph by author.*



### A Steady Accretion of Restrictions to Self-Determination

If Barriere Lake never signed land treaties and never ceded their territory according to the constitutional provisions, then on what legal and moral grounds were Barriere Lakers denied the authority to govern their lands?<sup>30</sup> Colonialism in Canada seems to present a continuum between the uncontested exercise of Indigenous jurisdiction, the steady accretion of restrictions and regulations that control the use and access of Indigenous peoples to their lands, and the perfection of state sovereignty in the form of absolute dispossession and obliteration of Indigenous law.

Advisers to the Barriere Lake Algonquins have used the term "alienation" to describe the ways in which the community's land and resources have been "planned, managed, used and impacted by non-Native peoples and their institutions and industries," without signifying physical or legal dispossession.<sup>31</sup> "Alienation" is also legal term applied to define the process by which Indigenous peoples can transfer their *sui generis* title to the land to the Crown. But formal sale or surrender was not required to introduce the severe constraints endured by Indigenous peoples on their lands by a staggering number of Crown and private authorities. Alienation can also advance through extralegal processes that remove the responsibility for the land from Indigenous governments and redistribute authority to a wide range of agents and institutions.

A complete history of alienation at Barriere Lake is beyond the scope of this work, but a survey of human-made impacts on Barriere Lake's land over the past century is key to contextualize Barriere Lake's demand for a resource comanagement agreement on the territory. The Trilateral Agreement was designed to mitigate the destructive effects of commercial lumber extraction, hydro generation, and other physical incursions that were facilitated by a dense web of federal and provincial regulatory regimes. Although Barriere Lakers continue to hunt, fish, trap, travel, settle, and gather medicines on their land, infringements on their jurisdiction have taken place through a proliferation of incursions and other microprocesses fueled by new bodies of authority populating their lands.

Settlement on Barriere Lake lands occurred relatively late, unfolding simultaneously to some of the first years of contact between the British and Salish nations on the western coast of Canada. Although

Barriere Lake had been active in the fur trade, they followed a pattern established in the north, with most of their contact with newcomers happening between handfuls of individuals at established trader forts throughout the territory. In the 1860s, as the fur trade in Barriere Lake's region waned and a period of war came to a close, logging moved to the upper reaches of the Ottawa River, along with permanent European settlement. Logging replaced the fur trade as the main economic activity in the territory, and with logging came incursions by white settlers who hunted and trapped indiscriminately, decimating wildlife populations, and ushering in waves of epidemics of smallpox, diphtheria, measles, whooping cough, and influenza.<sup>32</sup> By the 1870s, the government of Quebec had leased out much of Barriere Lake's traditional territory to timber companies—611 timber limits were licensed in the region north of the Ottawa covering an area of 15,794 square feet of cut timber.<sup>33</sup> From 1870 to 1913, an incredible 59 percent of Quebec's timber revenue came from the two regions that make up the Algonquins of Barriere Lake's traditional territory.<sup>34</sup> The province's fortunes were built on the pillage of Algonquin lands.

A log flotation dam was constructed at the outlet of Cabonga Lake in 1871, backing water up to Barriere Lake settlements and disrupting the natural currents, and therefore the transportation routes and habitats for the people, fish, and animals. Demand for squared timber was already on the decline, but was soon replaced by the sawn lumber industry, and then the infinitely more destructive pulpwood industry, a forest devourer that ushered in an era of mills and larger dams at the turn of the twentieth century.<sup>35</sup> Short-term gains had devastating effects on the long-term occupants of the territory; in Barriere Lake, the people began to starve and die. The Department of Indian Affairs reports from 1875 to 1878 show a rise in relief costs across northern Quebec owing to scarcity of game.<sup>36</sup> The adverse effects from logging were exacerbated by health epidemics brought on by increased contact with the northward migration of settlers. Meanwhile, Quebec plundered the forests for a song, exporting mostly raw materials to the United States and Britain, and engaging in only minor primary processing domestically.<sup>37</sup> The industry was badly mismanaged owing to meager attempts at reforestation, extensive foreign ownership, and volatile commodity prices.<sup>38</sup> For the Algonquins, this ambivalence meant the disappearance of a natural



pharmacy, losses of home and wildlife habitat, and diminishing heritage and social peace.

While the federal government did attempt to intervene on Barriere Lake's behalf, Quebec refused to even acknowledge the presence of the Algonquin people in the region. In 1929, no one bothered to inform the community that the Gatineau Paper Company, a subsidiary of the Canadian International Paper Company (CIP), was constructing dams to form a reservoir one hundred square miles wide on their territory with a holding capacity of 43 billion cubic feet.<sup>39</sup> The community was forced to relocate their settlement, leaving behind two cemeteries that were badly damaged and twenty-three destroyed homes.<sup>40</sup> Compensation of thirty dollars was offered to the heads of each affected family for this massive relocation and cultural damage.<sup>41</sup> A few years later and further to the south, CIP constructed more dams to provide power to their mills, this time flooding an additional 150 square miles of land in the heart of the Algonquins' traditional territory to create the Baskatong reservoir.<sup>42</sup>

Early records show that the Algonquins did what they could to stop the flooding of their territory. One incredible record describes Hugh Ray's encounter with the Algonquins of Barriere Lake—or the *gens de terre*, as he called them—as he traveled up the Ottawa River in 1932 to take charge of the Kakabonga Hudson's Bay Company post. He describes a point in the rapids where whitefish and trout tried to come up from Lac Barriere Du Nord to spawn, and “the Indians placed stones at the head of the rapids to turn the fish into the bay above the rapids when they could scoop them out with scoop nets.”<sup>43</sup> To Ray's astonishment, the Indians had cut half the dam away, likely with their bare hands or wooden instruments, in order to release the waters from the foot of Lac Barriere Du Sud. The Mitchikanibikok Inik were resolute in the persistence of their traditional harvesting techniques despite the invasive infrastructure on their lands.

Even bigger changes were to come in 1938 with construction for the Mont-Laurier–Senneterre highway (now Highway 117), which opened the region for tourism and sport hunting. Fiercely independent, the Barriere Lake Algonquins pushed deeper into the forest to escape the intrusion. Authorities did their part to encourage their disappearance: Quebec banned the community from hunting and trapping along the ten-mile corridor created on either side of the highway for tourist recreation.<sup>44</sup> The logic of prohibition was to recoup the costs of highway

construction through tourism, but the unspoken assumption was that, if sighted, the Algonquins might scare away the whites.<sup>45</sup> The racist scheme failed regardless, as the Algonquins refused to avoid the corridor, and enforcement, proving futile, was abandoned.

The highway also ran directly through the Grand Lac Victoria (GLV) Beaver Preserve, a conservation area created following a joint federal-provincial conference on Wildlife and Fisheries, where the concept of Indian-only preserves was raised. Two game preserves were created as a result: the Grand Lac Victoria Beaver Preserve (6,300 square miles) and the Abitibi Beaver Preserve (4,000 square miles), which were established in 1928 by a Quebec Order-in-Council and covered much of the hunting and trapping territory in the Algonquin communities of Grand Lac, Lac Simon, some lands from Winneway and Wolf Lake, and some lands of Barriere Lake.<sup>46</sup> The beaver preserves were conceived as the solution to the extreme exploitation by settlers that had led the province to simply “close” beaver season to everyone, including Indigenous peoples, who first suffered the privations of settler incursions and then the state's punitive measures against settler greed. At the insistence of fur supervisor Hugh Conn, traditional Algonquin adaptive management strategies regulated the preserves. Conn identified two major Algonquin conservation methods for beaver—rotation of trapping areas and managed culling of beavers in their houses—and also cautioned about the placement of the reserve on Algonquin lands, because “every square mile in the forested portion of Eastern Canada, was owned and occupied buy [*sic*] tribes, bands, families of Indians even as we divide into provinces, counties, townships and lots.”<sup>47</sup> Conn also pointed out to state authorities that the boundaries of the preserve were disruptive. But even given his sensitivity to Algonquin laws and their tenure system, the community remained skeptical. The imposed management regime angered them, especially the arbitrary boundaries drawn onto the territory that disrupted their decentralized kinship landholding system.<sup>48</sup> While the other Algonquin bands gradually eased their suspicions of Conn's efforts, Barriere Lake remained intransigent.<sup>49</sup> Then, in the 1920s and 1940s, the province set up trapline systems to regulate access to small fur-bearing animals outside the preserves, which further broke up the traditional land base and undermined the authority of the customary government. Lands were lost, despite another well-intentioned, though ultimately ineffective, conservation effort.



In 1950, the ten-mile hunting corridor along the highway was expanded to become the La Vérendrye Wildlife Reserve. It created new jurisdictional conflicts between the Algonquins and provincial authorities. As an Algonquin sense of embattlement grew, so did their resistance to the loss of their lands. Throughout the late 1940s and for the next couple of decades, the Algonquins refused to abide by restrictive laws mandating permits for hunting and trapping. They further refused to be searched for "illegal" beaver pelts by police authorities after trapping had been banned; as a result, they were blackballed and refused trapping licenses.<sup>50</sup> They further resisted drawing maps of their hunting territory or to provide demographic information for government collection.<sup>51</sup> In a constant state of adaptation, the Algonquins came to rely in this period on a mixed economy to supplement their traditional livelihood, engaging in waged labor employment that included trapping, seasonal work at fur farms in the United States, cutting trees for CIP, and guiding moose hunters.<sup>52</sup>

Ten years after a substantial swath of their territory was turned into a park, Quebec finally transferred some land to the federal government to establish a reserve for the Barriere Lake Algonquins. The community had been petitioning for land since 1876 and the reserve was finally created in 1961.<sup>53</sup> But the reserve introduced a new slate of problems. They were given a measly fifty-nine-acre plot of eroded and sandy land totally insufficient for a few hundred people. In addition, no core infrastructure was built and no community development plan was established.<sup>54</sup> There was a lack of firewood nearby; dwellings were not numerous enough; no groceries were sold on-site; hunting was restricted nearby because of the overuse of strychnine by provincial authorities to kill wolves, and the poison was also fatal to beavers and small game; and mechanized forestry decimated the landscape.<sup>55</sup> The government believed that the reserve land at Rapid Lake would silence complaints and satisfy the Algonquin band's land claims: it was an accommodation of needs, rather than a recognition of rights.<sup>56</sup> However, the Algonquins of Barriere Lake never considered the reserve to be a settlement of their land claims, but simply as lands set aside from settler incursion. The reserve was sited on land called Kitiganik, which translated roughly to mean "place to be planted" or "plantation." The land was once literally a plantation, cultivated as a tree farm of *okik* (jack pines) after a natural forest fire spread across the lake and burned through the bush. But it came to have a sec-

ond meaning, according to some—that the Algonquins saw themselves as *planted* there by the government, and did not intend to stay there permanently.

That Barriere Lake did not get a reserve until 1961 meant that the community had not had reliable access to schools, medical provisions, housing, or other assistance until after this point. But it also meant a transition to a crowded life of year-round habitation as opposed to the traditional, decentralized form of socialization to which the community was accustomed. As a result, the reserve was mostly deserted for the first couple of decades after its creation. The generation born in the early 1980s, such as Norman Matchewan, still spent most of their early days in the bush. Although Barriere Lakers supported the idea of having lands set aside exclusively for their use, the shock of a measly fifty-nine acres must have been great. To get the reserve, the federal government (eager to resolve the persistent petitioning, but unable to grant provincial lands), the Hudson's Bay Company, and a Catholic order of Oblates petitioned on Barriere Lake's behalf, at first requesting four hundred acres, then, by 1946, for six hundred and fifty acres to be set aside. They were rebuffed by Quebec because the Land and Forests Act does not provide for the transfer of land to the federal government, except in the case of long-term leases, meaning that the Indian band would not get title to the land as requested.<sup>57</sup> Finally, in May 1961, the deputy minister of Lands and Forests approved the lease of fifty-nine acres and a few months later a Quebec Order-in-Council was passed.<sup>58</sup> The community was split over the decision to "plant" at this tiny Rapid Lake site—many people remained at the traditional Barriere Lake settlement and others remained permanently settled in village sites around the traditional territory, excluded even from the minimal resources offered on the reserve.

Barriere Lake was considered a priority for being allocated a reserve by the federal government because their land was so adversely affected by timber development. But conditions in the forest did not improve. In the 1970s, a meeting was held with government officials at Rapid Lake. Paul Matchewan complained about the continuing impacts of settlers on the Barriere Lake people: "The moose, the birds and the fish, things by which his people lived, were being slaughter [*sic*] by licensed hunters from outside. The government derives the benefit."<sup>59</sup> Continuing efforts were made to gain back control over resources on their territory. Several Algonquin bands passed a joint resolution in 1979, including



the Algonquin leadership of Maniwaki, Lac Simon, Grand Lac Victoria, Abitibiwinni, and Barriere Lake, "[r]esolving that the area known as Grand Lake Victoria Indian Hunting Preserve, situated within the boundaries of La Vérendrye Wildlife Reserve, be henceforth reserved for hunting, fishing and trapping exclusively by the Algonquin people."<sup>60</sup> Their resolution was ignored.

The toll of residential schooling also wore on the community. Toby Decoursay explains that people had become afraid of what God might do to them and individuals were also dealing with deep internal scars of sexual and physical abuse, as well as from being separated from their parents who had trustingly sent them away. The children attended the French Roman Catholic boarding school—Pensionat Indien de St. Marc-de-Figuery—north of the reserve in Amos, Quebec, and the English-speaking Spanish Boys' and Girls' School in Spanish, Ontario. Most of the children were sent to Amos, where the Oblates ran the school. When the children tried to tell their parents what was done to them, their families thought that they were making up stories in order to stay home. They simply could not believe the stories might be true. Other parents resisted the pressure to send their children to be educated in the white man's world and kept them in the bush hidden away from the missionaries. Jean Maurice Matchewan, Maggie Wawatie, Rose Nottaway, and others lived with their grandparents in village sites and cabins deep in the forest where they could not be found.

The sway of the church affected the community's incentive to fight back. The priests persuaded the people of a punitive cosmology that frightened the community from protecting the land and their children. Decoursay explained: "That's why the people got so weak, you know. 'You don't hurt nobody, you don't fight, love each other, even the white man . . .' So when the people first saw the white man cutting the trees there, they didn't do anything. [The priests said]: 'Let the God do something, they're going to take care of it sooner or later.' So no Indian was going to fight back, because he was afraid of their God, of making a mistake, he has to be good all the way, just to go to heaven, or somewhere. That's what the people are being told. So every night before they go to bed, they say thanks, even in the morning because you didn't die there in the night."<sup>61</sup> That is the reason, he explained, that people did not fight for their rights for a long time.

A number of events transpired to shift the political winds at Barriere Lake. A quasi-religious movement—fervently anti-Christian, based in the town of Maniwaki—convinced community members to take down the cross from the church and the cemetery.<sup>62</sup> Elders in the community were also beginning to stir on their own accord. Decoursay's grandfather, Paul Matchewan, stood up for his rights because he saw that the children did not have enough food to eat, and he saw that the white men in the territory had overhunted the marten, the lynx, and, for a long time, the beaver.<sup>63</sup> Then, around the 1980s, Decoursay took up his grandfather's cause and started talking to the people, telling them that Catholicism and Christianity were not for them. When his grandfather passed away, he inherited a drum. And in a sense, he began to beat it, and things began to change.

### Dispossession and the Boundaries of the State

This chapter surveyed some effects of state power on Barriere Lake's lands and has afforded us an early opportunity to reflect on the meeting of settler-state law in relation to Indigenous jurisdiction. The processes of dispossession that unfolded at Barriere Lake—what I identified as (1) the slow violence of losing the capacity to exercise care and (2) alienation—were crucial conditions for the constitution of the settler state. These techniques drew the boundaries of the state at the limit of its capacity to exploit Algonquin lands for its natural resources. Each time the Algonquins refused and fought back, the state attempted to redraw its lines of authority and power.

Timothy Mitchell argues that the boundary of the state "*never marks a real exterior*" because the borders between state and society are not intrinsic entities.<sup>64</sup> Social and political order is maintained rather through an internal network of institutional mechanisms. To analyze these internal methods of order that comprise the modern state, Mitchell offers a number of diagnostics, including addressing the state as "an effect of detailed processes of spatial organization, temporal arrangement, functional specification, and supervision and surveillance, which create the appearance of a world fundamentally divided into state and society."<sup>65</sup> State authority is produced and reproduced by drawing this line of difference around its shifting spheres of influence. In this light,



settler-state logic is not a hegemonic logic “out there” but a specific and active construction of authority through the limit-making practices of jurisdiction we can observe being exercised on Barriere Lake lands.

The boundaries of the state are set by the limits of Indigenous jurisdiction, but international processes of accumulation also define them, and in turn bear significant agency in processes of Indigenous dispossession. A key frame through which the international dynamic of state formation has been examined in Canada is through staple theory. Canada is what some economists refer to as a “staple state” because of a bias toward its natural resource economy.<sup>66</sup> The “staple theory” of Canadian development is a model designed to account for the unique economic development of a peripheral state within the global system. Staples are minimally processed resources and they set the pace for economic growth because their underdevelopment can deprive regions of investment in complementary industrial and commercial businesses and employment. According to Harold Innis, growth is continually frustrated in Canada because the staples economy is always ensnared in a staples trap: diversification through domestic processing is blocked by producers, often foreign-owned multinational corporations, which do not invest in value-added domestic processes prior to export, thus stifling economic expansion.<sup>67</sup> This theorization of the state presents a local model of economic dynamics. Innis, the author of the staple state theory, did not present a crude core-periphery model, but rather theorized both specific forms of internal differentiation and international cycles of accumulation as crucial to understanding the domestic economy.<sup>68</sup>

Staples theory has a long history of interpretation within changing currents of intellectual thought in Canada.<sup>69</sup> Paul Kellogg’s *Escape from the Staple State* convincingly debunks the status of Canada as a staple state, arguing that as an advanced capitalist state—signaled by the organic composition of capital and other key indicators, such as membership in the G8—it is hardly a dependent, underdeveloped hinterland.<sup>70</sup> Although Canada may no longer qualify as a staple state, it is still a land-based economy. As Michael Howlett, M. Ramesh, and Anthony Perl write: “Much of Canada’s manufacturing base consists of processing resource-based commodities such as lumber, pulp and paper, and various mineral and oil-based products . . . In all, resource and resource-based activities generate as much as fifty cents out of every dollar produced in this country.”<sup>71</sup> Much of this production is destined

for export.<sup>72</sup> International trade, as well as foreign direct investment in the natural resource sector, influences state regulation, and is likewise affected by Indigenous assertions of jurisdiction against the state regulation of their lands.<sup>73</sup>

Kellogg readily concedes the centrality of settler colonialism in making sense of the Canadian economy. As he states in an interview: “The [Truth and Reconciliation Commission] report highlights the way in which the acquisition of land and the establishment of capitalist sovereignty were accomplished through racism and violence.”<sup>74</sup> But Kellogg still refers to the acquisition of Indigenous lands in the past tense. When he describes the need to go beyond a class analysis to understand the pockets of poverty and uneven development in Canada, he indexes the reserve of Akwesasne as a reminder in his youth of the violent dynamics of dispossession that underpinned industrialization in Canada, again situating dispossession as a prior stage of national economic development.<sup>75</sup> These admissions are important, as they mark a paradigmatic approach to Canadian political economy that tends to sideline the question of land, even while centering its commodification in the resource sector.<sup>76</sup> This point is one that I will develop throughout the book, especially in chapters 5 and 9, but I want to signal its significance here.

I also want to mark two further issues regarding the boundaries of the settler state in light of Indigenous assertions of jurisdiction, particularly as they pertain to the resource sector. The first regards the general absence of Indigenous jurisdiction as a key feature in theories of the Canadian political economy. The second, building on the first, considers how we can interpret Marx’s theory of primitive accumulation as an important analytic for reincorporating Indigenous lands into theories of the settler-colonial state, therefore developing a deeper sense of the meaning of “dispossession” in Canada.

The general absence of Indigenous land, sovereignty, and jurisdiction in theories of Canadian political economy is surprising, given the challenge to Canada’s underlying title to the land through Indigenous opposition to development, pipelines, mines, clear-cut logging, and oil and gas production.<sup>77</sup> One of the obstacles to addressing Indigenous jurisdiction within the field of political economy is that Indigenous peoples’ resistance to colonization has been almost completely written out of Canadian economic historiography. For example, eminent scholars such as Harold Innis and Stanley Ryerson offered a view of Indigenous



peoples with diminishing returns: as beaver were depleted, Indigenous societies were destroyed and the sun set on native life.<sup>78</sup>

Frances Abele and Daiva Stasiulis document the “white settler colony” thesis that predominates in Canadian historiography and figures into the new political economy studies of Canadian capitalist development, where scholars continued to mostly ignore Indigenous land interests and economies.<sup>79</sup> An example of such exclusion that Abele and Stasiulis provide is Marxist scholar Leo Panitch’s exclusion of the entire treaty process and Métis uprisings in his account of capitalist development in Canada throughout the nineteenth century. Although Panitch foregrounds a crucial link between the staple economy and industrialization, he never explicitly mentions Indigenous land. The irony is that he describes the importance of transportation infrastructure in linking these economic forms but fails to notice the political processes that were opening this land for development. He writes that the railway created a class of petit-bourgeois farmers on the western end of the line and an industrial proletariat on the other, in southern Ontario.<sup>80</sup> The conditions that supplied the land for small farmers to become petty capitalists would be the numbered treaties, one through seven, which dragged a shovel through the west, across the provinces. Between 1871 and 1877, these treaties were negotiated to secure a valuable circuit for industrial production, ensuring access to the fertile southern lands of the prairies and paving the way for the railroad.<sup>81</sup> Despite the eulogies, Indigenous peoples have participated and continue to play a critical role in the nation’s political economy post-fur trade and military alliance, and their lands form the literal bedrock to the nation’s fortunes.<sup>82</sup>

Theories of primitive accumulation, on the other hand, suffer from a problem of overexposure in relation to colonization. Rather than leaving Indigenous peoples out of the picture, the issue here is that colonization has been so tightly intertwined with capitalism—historically and structurally—that it becomes difficult to disentangle particular forms of settler-state dispossession from the totality of capitalism’s ostensible reach.

To take a step back, the process whereby noncapitalist societies are drawn into the market economy is what Marx called “primitive accumulation,” where he identified (and politicized) the process that separates workers from their means of production as also what enslaves them to wage labor: dispossession from land invokes people’s need to seek

paid work to survive.<sup>83</sup> This violent process of dispossession, then, is a primary, necessary feature of capitalism.<sup>84</sup> The site-specific meaning of primitive accumulation in a settler colony complicates its place as a historical stage of capitalism, where Marx locates it temporally. It also complicates primitive accumulation’s creation of a “rightless proletariat” that produces the class conflict at the heart of the capitalist system.<sup>85</sup> Marx himself saw that primitive accumulation does not usher in an immediate transformation from serf to wage laborer, but rather involves a gradual transfer of forms of entitlement from ownership based on labor to ownership based on capital.<sup>86</sup> But as Glen Coulthard notes, “when related back to the primitive accumulation thesis it appears that the history and experience of *dispossession*, not proletarianization, has been the dominant background structure shaping the character of the historical relationship between Indigenous peoples and the Canadian state.”<sup>87</sup> Further, the kind of dispossession that aims to dismantle Indigenous forms of governance and social reproduction is *ongoing* and not simply a stage in the history of capitalism.

Robert Nichols suggests that disaggregating the concept of primitive accumulation into its constitutive parts can bring clarity to the concept of dispossession.<sup>88</sup> Although the persistence of colonialism today is a convincing premise that primitive accumulation is not simply a historical stage of capitalism, given the ongoing violent attempts at Indigenous dispossession, the structure of primitive accumulation is still in question. Nichols suggests that the strain is too great on primitive accumulation to account for all capitalist expansion and reproduction. Once capitalism has been established in the colonies, he suggests that what follows is “a succession of qualitatively unique spatio-temporal waves, simultaneously linking core-periphery.”<sup>89</sup> Although these cycles of growth are not technically processes of primitive accumulation, they nonetheless establish a spatially specific movement that appropriates future forms of social reproduction, much as we have defined dispossession.

These spatial dynamics of accumulation have also provoked specific strategies of resistance and can help us to see the limit-making practices that shape the settler-colonial state through Indigenous assertions of jurisdiction. While Marx painstakingly outlines the social processes of primitive accumulation in the context of England, for example, through his attention to the New English Poor Laws (1834) that captured the



dispossessed in workhouses, the colonies were simply taken by the *force* of this necessary violence.<sup>90</sup> What are the specifics of this force? What does it matter? It matters because Indigenous resistance to the colonial state emerges not in the space between subsistence and proletarianization, but from the social and legal orders maintained through Indigenous peoples' connection to the land and to their cultures. Indigenous assertions of jurisdiction over their lands and bodies have been foundational in anticolonial struggles, which compromise the capacity of governments to sell resources on lands that were never ceded or surrendered. It matters, because the natural resource economy is pivotal to the national economy of Canada, and it is time this fact was given more serious notice.

In the Algonquin world, ecological integrity is inextricable from economic principles. George Manuel, the Secwepmec leader, summarizes the principles central to all Indigenous economies: "Our economy carried on because it was being held together by a substance much stronger than the simple list of raw materials with which we worked. The roots and berries, fish and meat, bark and moss, are a list of ingredients that cannot by themselves make a whole cloth. There is only organizing when those raw materials are brought together on the loom of social values toward which people choose to work."<sup>91</sup> What does a political economy look like that is based on Indigenous law? How does the Algonquin loom of social values weave the limits of the national economy? These are questions we need to ask to see where and how Indigenous jurisdiction confronts settler law and accumulation.

## Jurisdiction from the Ground Up

### *A Legal Order of Care*

The authority of the province of Quebec to govern Barriere Lake lands has been largely driven by logics of accumulation and transaction. In the context of Barriere Lake's lands, permanent settlement never engulfed the territory because the creation of La Vérendrye Wildlife Reserve covered most of their lands. Incursions have been largely restricted to short-term, highly exploitative, profit-driven property relations that are specific to resource-extraction-based economies. With almost no private ownership on their lands, save for scattered outfitter establishments that predated the transition of the region into a provincial park, the primary property relation is the leasehold. The owner of this right has access to fish, hunt, log, camp, or mine within the regulatory constraints. The leasehold to mine or log is governed under the jurisdiction of the province, where the Ministry of Natural Resources has operated, in Jean Maurice Matchewan's blunt terms, in the service of "raping a wildlife reserve." In the next chapter, I describe the legal and regulatory system that drives provincial relations of jurisdiction as managed to ensure *supply*. In this chapter, in contrast, I draw from a number of sources to show that a key feature of the legal order of the Mitchikanibikok Inik is to ensure a relation of *care* over their lands and people.

This chapter is not an ethnography of Algonquin law. An elder, Eddy Nottaway, once bristled when I asked him about a story I had heard about the Onakinakewin. "Stories," he said, "sound like fairy tales or children's books. It is history that we are teaching you." So, perhaps it is most accurate to describe this chapter as tributaries of history that were shared with me and with other trusted researchers. These narratives and concepts provide thin but robust streams through thousands of years of experience in a cherished country. Toby Decoursay explained, "We know this land—we have a language for everything that happens here. That's what the Trilateral is about—that is why Barriere Lake has this and no other nation."<sup>1</sup> The Trilateral Agreement is an expression of what it means to be Mitchikanibikok Inik. It reflects the extensive knowledge



application. This office then erroneously assigned a Physical Sciences, Engineering, and Information Technology Division person to my case because my co-supervisor Scott Prudham co-teaches in the Department of Environmental Studies.

10. See also Renee Pualani Louis, "Can You Hear Us Now? Voices from the Margin: Using Indigenous Methodologies in Geographic Research," *Geographic Research* 45:2 (June 2007): 130–39; and Jay Johnson, Garth Cant, Richard Howitt, and Evelyn Peters, "Guest Editorial: Creating Anti-Colonial Geographies: Embracing Indigenous Peoples' Knowledges and Rights," *Geographical Research* 45:2 (June 2007): 117–20.

11. Shawn Wilson, "What Is an Indigenous Methodology?" *Canadian Journal of Native Education* 25:2 (2001): 177.

12. Deborah McGregor, Walter Bayha, and Deborah Simmons, "'Our Responsibility to Keep the Land Alive': Voices of Northern Indigenous Researchers," *Pimatisiwin: A Journal of Aboriginal and Indigenous Community Health* 8:1 (2010): 111.

13. On these colonial grounds of recognition, see Glen S. Coulthard, "Subjects of Empire: Indigenous Peoples and the 'Politics of Recognition' in Canada," *Contemporary Political Theory* 6 (2007): 437–60.

14. Albert Memmi, *The Colonizer and the Colonized*, 2d ed., trans. Howard Greenfield (Boston: Beacon Press, 1967), 38.

15. Leanne Simpson, "Oshkimaadiziig, the New People," in *Lighting the Eighth Fire: The Liberation, Resurgence, and Protection of Indigenous Nations*, ed. Leanne Simpson (Winnipeg: Arbeiter Ring Press, 2008), 14.

16. Ibid.

17. See also Derek Gregory, "(Post)Colonialism and the Production of Nature," in *Social Nature: Theory, Practice and Politics*, ed. Noel Castree and Bruce Braun (Malden, Mass.: Blackwell Publishers, 2001), 1814–25. For a more contemporary critique of the nature–society binary in the context of state–Indigenous relations in Canada, see Anna Stanley, "Wasted Life: Labour, Liveliness, and the Production of Value," *Antipode* 47:3 (2015): 792–811.

18. Juanita Sundberg and Jessica Dempsey, "Culture/Natures," in *International Encyclopedia of Human Geography*, vol. 2, ed. R. Kitchin and N. Thrift (Oxford: Elsevier, 2009), 458–63.

19. Jay T. Johnson and Brian Murton, "Re/placing Native Science: Indigenous Voices in Contemporary Constructions of Nature," *Geographical Research* 45:2 (June 2007): 127.

20. Juanita Sundberg, "Decolonizing Posthumanist Geographies," *Cultural Geographies* 21:1 (2014): 35 (internal endnotes excluded).

21. Zoe Todd, "An Indigenous Feminist's Take on the Ontological Turn: 'Ontology' Is Just Another Word for Colonialism," *Journal of Historical Sociology* 29:1 (March 2016): 4–22.

22. Glen Coulthard, Vincent Dias, J. Kehaulani Kauanui, and Robert Warrior, "Settler Colonialism and the Question of Indigenous Studies: A Position Paper and Three Responses," American Studies Association, conference, Toronto, October 8, 2015.

23. Louis, "Can You Hear Us Now?" 134.

24. Sharon H. Venne, "Treaties Made in Good Faith," in *Natives and Settlers, Now and Then: Historical Issues and Current Perspectives on Treaties and Land Claims in Canada*, ed. Paul W. DePasquale (Edmonton: University of Alberta Press, 2007), 5.

25. James (Sakej) Youngblood Henderson, "Interpreting *Sui Generis* Treaties," *Alberta Law Review* 36:1 (1997): 50.

26. Michael Asch, *On Being Here to Stay* (Toronto: University of Toronto Press, 2014), 75.

27. Ibid. For a wonderful meditation on these questions, see also the excellent work of Amar Bhatia, "We Are All Here to Stay? Indigeneity, Migration, and 'Decolonizing' the Right to Be Here," *Windsor YB Access J* 31 (2013): 39–64, and "The South of the North," 131.

28. In a mediation judgment that dates back to 1997, Quebec Superior Court Judge Réjean Paul concluded that the Trilateral Agreement would likely be considered to be of treaty status if challenged in the courts.

29. Russell Diabo, "Canada's War on First Nations," presentation at Indigenous Sovereignty Week, Ottawa, Ontario, October 2009.

30. Frantz Fanon, *Black Skin, White Masks*, trans. Richard Philcox (New York: Grove Press, 2008), 72, where he approvingly cites Francis Jeanson.

31. For a lengthy discussion on this point, see Vic Satzewich and Terry Wotherspoon, *First Nations: Race, Class, Gender Relations* (Scarborough, Ontario: Nelson Canada, 1993).

32. Smith writes: "This way, our alliances would not be solely based on shared victimization, but where we are complicit in the victimization of others. These approaches might help us to develop resistance strategies that do not inadvertently keep the system in place for all of us, and keep all of us accountable. In all of these cases, we would check our aspirations against the aspirations of other communities to ensure that our model of liberation does not become the model of oppression for others" (Andrea Smith, "Heteropatriarchy and the Three Pillars of White Supremacy: Rethinking Women of Color Organizing," in *Color of Violence: The INCITE! Anthology, INCITE! Women of Color Against Violence* [Boston: South End Press, 2006], 69).

33. Memmi, *The Colonizer and the Colonized*.

## 2. How Did Colonialism Fail to Dispossess?

1. Cole Harris, "How Did Colonialism Dispossess? Comments from an Edge of Empire," *Annals of the Association of American Geographers* 94:1 (2004): 165–82.

2. Rob Nixon, *Slow Violence and the Environmentalism of the Poor* (Cambridge: Harvard University Press, 2011), 19.

3. Ibid.

4. Harvey, *The New Imperialism*, 33.

5. Aird, "Alienation of Traditional Lands through Conflicting Uses," 1.

6. Nicholas A. Brown, "The Logic of Settler Accumulation in a Landscape of Perpetual Vanishing," *Settler Colonial Studies* 4:1 (2014): 7.

7. This is the teaching of the Onakinakewin as told to me by Toby Decoursay on multiple occasions.

8. Morrison, "Algonquin History in the Ottawa River Watershed," 20.

9. Benton-Banai, *The Mishomis Book*, 3.

10. Ojibwe, Ottawa, and Salteaux belong to the Middle Tier, which is defined by linguists as a single language with mutually understandable dialects. See Carl F. Voegelin and Florence M. Voegelin "Linguistic Considerations of Northeastern North



America," in *Man in Northeastern North America, Papers of the Robert S. Peabody Foundation for Archaeology* 3, ed. Frederick Johnson (Andover: Mass. 1946): 178–94.

11. The origins of the term might derive from the Maliseet term *elakomwik*, meaning "they are our relatives (or allies)" (Morrison, "Algonquin History in the Ottawa River Watershed," 24, [www.thealgonquinway.ca/pdf/algonquin-history.pdf](http://www.thealgonquinway.ca/pdf/algonquin-history.pdf); accessed July 12, 2010).
12. *Ibid.*, 2.
13. *Ibid.*, 24. Thanks are also due here to Sue Roark-Calnek for interpreting for me the connotations of these French designations.
14. *Ibid.*
15. Michel Thusky, in telephone discussion with author, May 28, 2012.
16. See *R. v Marshall* (1999) 3 S.C.R. 456.
17. Norman Matchewan, in discussion with the author, July 13, 2010, Barriere Lake.
18. Peter Douglas Elias, *Socio-Economic Profile of the Algonquins of Barriere Lake*, January 1996 (revised August 2002), prepared for the Algonquin Nation Secretariat.
19. *Ibid.*, 10.
20. Toby Decoursay, in discussion with author, July 13, 2010, Barriere Lake.
21. Morrison, "Algonquin History in the Ottawa River Watershed," 28.
22. James Morrison, "Report on Treaties of 1760 to 1764," prepared for the Algonquin Nation Secretariat, March 2006.
23. *Ibid.*
24. John Borrows, "Wampum at Niagara: The Royal Proclamation, Canadian Legal History, and Self-Government," in *Aboriginal and Treaty Rights in Canada: Essays on Law, Equality, and Respect for Difference*, ed. Michael Asch (Vancouver: University of British Columbia Press, 1997).
25. *Ibid.*, 163.
26. *Ibid.*, 163–65.
27. Russell Diabo, in discussion with author, November 12, 2011. His point extends from the terms of Article 40 of the Articles of Capitulation, which read as follows: "The savages of Indian allies of his most Christian Majesty, shall be maintained in the lands they inhabit, if they chuse to remain there; they shall not be molested on any pretence whatsoever, for having carried arms, and served his most Christian Majesty; they shall have, as well as the French, liberty of religion, and shall keep their missionaries. The actual Vicars, General, and the Bishop, when the Episcopal See shall be filled, shall have leave to send to them new missionaries when they shall judge it necessary" (emphasis added).
28. Dickason, *Canada's First Nations*, 78.
29. Canadian Broadcasting Corporation (CBC), Transcript of wampum presentation to First Ministers Conference, television coverage of presentation of wampum belts to First Ministers Conference by Algonquin delegation, March 1987. Transcribed by Nadine Guadaur, January 26, 2004, at Timiskaming First Nation, Quebec. Edits by Peter Di Gangi, Ottawa, January 26, 2004.
30. This statement is not meant to infer that treaties actually mean land surrenders and cessions, only that this is how governments came to narrowly interpret them.
31. Aird, "Alienation of Traditional Lands through Conflicting Uses," 1.
32. Peter Di Gangi, "Algonquins of Barriere Lake: Man-Made Impacts on the Community and Fish and Wildlife, 1870–1979," prepared for the Algonquins of

Barriere Lake, March 2003, 6. On the point of epidemics, Di Gangi focuses on the 1880s, citing the following archival sources: NA RG10 Vol. 2119 File 22, 639 Reel C-11—Maniwaki Reserve—Outbreak of Smallpox (1880–85): Logue to DSGIA August 10, 1880 (RN 7966); NA RG10 Vol. 2402 File 83, 709 Reel C-11, 215—Maniwaki Agency. Correspondence regarding Dr. Joseph Comeau, Physician to the River Desert Band (1888–90): Martin to SGIA, February 25, 1888 (RN 8311); Canada, "Annual Report of the Dept of Indian Affairs for the Year ended 31st December 1889" (Ottawa: Brown Chamberlin, Queen's Printer, 1890), Part 1, 34–35; James Martin to SGIA, August 15, 1889 (RN 4837). NA RG10 Vol. 2511, File 105,670, Reel C-11,232—River Desert Agency—Request of the Chiefs of the River Desert Band for a grant or loan of \$500 to pay debts incurred through sickness and death caused by various diseases during the past year (1890); Petition from Maniwaki Chiefs to Indian Affairs, April 29, 1890 (RN 7979).

33. Elias, *Socio-Economic Profile of the Algonquins of Barriere Lake*, 18.

34. Peter Di Gangi investigated contributions of the Ottawa Valley to the provincial treasury during this period. He examined Quebec's first statistical handbook, published in 1913, which, he reports, "split the province into fourteen regions for the purposes of managing the timber harvest. Two of those regions were the 'Upper Ottawa' and the 'Lower Ottawa.' Between 1870 and 1913, the Upper Ottawa generated \$16,762,745.00 in provincial government revenues—48.5% of the total. In the same period timber harvesting on the Lower Ottawa contributed \$3,624,026.00 to provincial coffers—10.5% of the total. Together, then, these two regions generated 59% of Quebec's revenues from timber for the period 1870–1913" ("Algonquins of Barriere Lake," 4). According to William Ryan, wood products were in third place among Quebec manufacturing industries between 1870 to 1900, foregrounding how definitively Barriere Lake lands underwrote a significant segment of Quebec's industrial development. See William Ryan, *The Clergy and Economic Growth in Quebec (1896–1914)* (Quebec City: Presses de l'Université Laval, 1966).

35. Paul-André Linteau, René Durocher, and Jean-Claude Robert, *Quebec: A History, 1867–1929* (Toronto: James Lorimer & Company, 1983), 111.

36. Di Gangi, "Algonquins of Barriere Lake," 5.

37. Linteau, Durocher, and Robert, *Quebec*, 114.

38. *Ibid.*, 115.

39. Leigh Ogston, "Algonquins of Barriere Lake Historical Report," prepared for the Algonquins of Barriere Lake, November 1987. At page 167 she cites Anastase Roi, *Maniwake et la vallée de la Gatineau* (Ottawa: Presses du "droit," 1933), 65.

40. *Ibid.*, 171.

41. DIA District Manager to Secretary, "Flooding at Barriere," letter, File 373/30–22–0, Vol. 1, Hudson's Bay Company, North Bay, Ontario, August 22, 1929.

42. Di Gangi, "Algonquins of Barriere Lake," 19. He cites John A. Dales, *Hydroelectricity and Industrial Development in Quebec, 1890–1940* (Cambridge: Harvard University Press, 1957), 147–48.

43. Ontario Ministry of Natural Resources, Peterborough, Land Files, Report, File 89405, "Diversion of Waters from the Ottawa River Watershed to the Gatineau River Watershed, County of Pontiac," Quebec, 1932, 1.

44. In December 1940, Quebec set aside this corridor through an Order-in-Council, designating the ten-mile strip as a "tourist reserve." This move led to bitter complaints, not only by Barriere Lake but by the Algonquins of Lac Simon and Grand Lac. See National Archives Canada, RG10 Vol. 6751, File 420–10X Pt.3, Reel



C-8106: Quebec Game Laws—Correspondence & reports re: Abitibi & Grand Lake Indian Hunting Preserves, 1938–1940, Reel C-8106–8207: Chief Nicholas Papatie, Grand Lac, to Indian Affairs, August 21, 1940 (RN 1842).

45. Chief Makakos was sent word that the community was forbidden from hunting or fishing within ten miles of the new highway owing to its designation as a tourist showcase and to help recoup costs of the highway (Di Gangi, “Algonquins of Barriere Lake”). Makakos also complained that the settlers were establishing campgrounds without consultation and without any consideration of his members’ prior use of those sites.

46. Department of Indian Affairs, Public Archives Canada, Hugh Conn, Grand Lake Victoria Indian Hunting System, 1942 Annual Report, RG10 Vol. 6751, File 420–10x 5.

47. National Archives Canada (NAC), RG10 Vol. 6752, File 420–10–1, Reel C-8107: Report on Fur Conservation Projects in the Province of Quebec & maps by Hugh Conn, circa 1943 (RN 3790).

48. NAC, Report on Fur Conservation Projects in the Province of Quebec & maps by Hugh Conn, circa 1943. In chapter 4 I go into greater detail about this management regime and Hugh Conn’s role in designing and implementing it.

49. NAC, RG10 Vol. 6752, File 420–10–1–3, Reel C-8107: Third Annual Report on Grand Lac Victoria Indian Hunting Reserve, 1943 (RN 3789).

50. Di Gangi cites at length from René Lévesque’s patrol diary from 1947 (“Algonquins of Barriere Lake,” 24).

51. Di Gangi reports that “As late as 1949 they were told by Indian Agent Baker of Maniwaki that if they did not ‘make their maps’ they would be ‘considered as poachers and if they did not act like the others they would soon be punished for trapping illegally.’” Later that year, departmental officials reported that in 1949 the Barriere Indians “rejoined the others and seems satisfied with their results” (ibid., 26, 29).

52. See DIAND QRO File 373–23–4, Vol. 2—Report & returns, Superintendent’s Semiannual Reports, Maniwaki Indian Agency (11/57–12/67): Semiannual report from Lorenzo Leclair, Superintendent, Maniwaki Indian Agency, November 30, 1957 (RN 10288); Report of June 5, 1961 (RN 10722); Semiannual report, March 28, 1967 (RN 10722).

53. Father Renaud, director general of the Commission des Œuvres Indiennes et Esquimaudes (COIE) des Pères Oblats was involved on behalf of the oblates to get land set aside for the Barriere Lake Reserve. Leigh Ogston interviewed him on the process: “No one thought about consulting the Indians there in those days. It was just a matter between the different governments. The Chiefs just wanted houses and couldn’t understand why they weren’t getting them. They did not understand the complicated politics going on between the federal and provincial governments” (“Algonquins of Barriere Lake Historical Report,” unpaginated document).

54. QRO File 373–3–8–22, Vol. 1—Complaints & Petitions, Barriere Lake, Caughnawaga District (3/70–4/71): memo to file from C. T., Blouin, Indian Affairs, March 1970 (RN 10295).

55. Ibid.

56. Hugh Shewell, “Enough to Keep Them Alive”: *Indian Welfare in Canada, 1873–1965* (Toronto: University of Toronto Press, 2004), 26–27.

57. DIAND File 373/30–22–0, Vol. 1., J. Edouard Guay to Department of Mines and Resources, Indian Affairs Branch, October 26, 1945: “The Lands and Forests Act

(section 67, chapter 93, R.S.Q. 1941) gives authority to the Lieutenant-Governor in Council to ‘reserve and set apart, for the benefit of the various Indian tribes of the Province of Quebec, the usufruct of public lands described, surveyed and classified for such purpose by the Minister of Lands and Forests.’ Said usufruct may be ‘transferred gratuitously . . . to the Government of Canada to be administered by it in trust for the said Indian tribes.’”

58. Chamber of the Executive Council, Quebec, Order-in-Council No. 1895, September 7, 1961.

59. DIAND QRO File 373/3–7–22, Vol. 1—Band Management, General, Barriere Lake Band, Montreal District (June 1964–March 1977): report on a meeting with Indian Affairs at Rapid Lake, October 20, 1970, prepared by Kermit Moore (RN 7990).

60. DIAND File E5430–31/0, Vol. 1: Joint Band Council Resolution No. 1 1b re: hunting rights in Grand Lac Preserve, April 11, 1979 (RN 3340).

61. Toby Decoursay, in discussion with author, July 23, 2009, Barriere Lake.

62. Russell Diabo, in discussion with author, November 2011.

63. Toby Decoursay, in discussion with author, July 23, 2009, Barriere Lake.

64. Timothy Mitchell, “The Limits of the State: Beyond Statist Approaches and Their Critics,” *American Political Science Review* 85:1 (March 1991): 90; emphasis in original.

65. Ibid., 95.

66. Harold Innis, *The Fur Trade in Canada* (Toronto: University of Toronto Press, 1956). See also Mel Watkins, “Comment: Staples Redux,” *Studies in Political Economy* 79 (spring 2007): 213–26.

67. Innis, *The Fur Trade in Canada*.

68. See Trevor J. Barnes, *Logics of Dislocation: Models, Metaphors, and Meanings of Economic Space* (New York: Guilford Press, 1996).

69. Two main schools of political economy have dominated the field in Canada and both owe some debt to the staples theory: the dependency tradition, often called the New Political Economy (NPE) of left-wing nationalism in the 1960s and 1970s, and the anti-imperial, or Marxist, tradition that emerged a bit later. For an overview of these schools of interpretation, see Glen Williams, “Canada in the International Economy,” in *The New Canadian Political Economy*, ed. Wallace Clement and Glen Williams (Montreal: McGill-Queen’s University, 1989); the autumn 1981 special issue of *Studies in Political Economy* 6; and Jerome Klassen, *Joining Empire: The Political Economy of the New Canadian Foreign Policy* (Toronto: University of Toronto Press, 2012).

70. Paul Kellogg, *Escape from the Staple State: Canadian Political Economy after Left Nationalism* (Toronto: University of Toronto Press, 2015).

71. Michael Howlett, M. Ramesh, and Anthony Perl, *Studying Public Policy* (Toronto: Oxford University Press, 2003), x. According to more recent statistics, this estimate might be high, though it matters how this figure is calculated. Natural Resources Canada puts the figure of Canada’s natural resource economy at one-fifth of total gross domestic product (GDP) (July 2015).

72. In terms of trade, in 2014 natural resources accounted for more than half of Canada’s merchandise exports (Natural Resources Canada, Key Facts and Figures of the Natural Resource Sector, <http://www.nrcan.gc.ca/publications/key-facts/16013>).



73. Foreign direct investment in Canada's natural resource sectors represents 37 percent of total foreign direct investment (Natural Resources Canada, Key Facts and Figures of the Natural Resource Sector, <http://www.nrcan.gc.ca/publications/key-facts/16013>). For a general overview of corporate power in Canada, see Klasen, *Joining Empire*.

74. "Canada, Left-Nationalism, and Alternatives: Paul Kellogg interviewed by Robin Chang on Escape from the Staples Trap," *The Bullet*, Socialist Project, E-Bulletin no. 1256, May 13, 2016.

75. Kellogg, *Escape from the Staple Trap*.

76. For a thorough discussion of the more general sidelining of land within critical fields of political economy, see Brett Christophers, "For Real: Land as Capital and Commodity," *Transactions* 41:2 (April 2016): 134–48.

77. Those who tend to consistently raise the alarm about the role of Indigenous peoples in the natural resource economy are often reactionary or politically conservative commentators whose ideological commitments to assimilation and marketization at least force them to acknowledge and analyze the real economic power of First Nations in Canada. See, for example, Bill Gallagher, *Resource Rulers: Fortune and Folly on Canada's Road to Resources*, self-published, 2012.

78. Although Innis believed that native people were part of highly organized societies of "primitive communism" and capable of defending their interests, in his contemporary period he ignored their presence entirely (*Problems of Staple Production in Canada* [Toronto: Ryerson Press, 1933]). See also Stanley Ryerson, *The Founding of Canada: Beginnings to 1815* (Toronto: Progress Books, 1975).

79. Frances Abele and Daiva Stasiulis, "Canada as a 'White Settler Colony': What about Natives and Immigrants?" In *The New Canadian Political Economy*, ed. W. Clement and G. Williams (Kingston, Montreal, and London: McGill-Queen's University, 1989), 240–77.

80. Leo Panitch, "Dependency and Class in Canadian Political Economy," *Special Issue: Rethinking Canadian Political Economy, Studies in Political Economy* 6 (autumn 1981): 16.

81. Brian Titley, *A Narrow Vision: Duncan Campbell Scott and the Administration of the Indian Act* (Vancouver: University of British Columbia Press, 1986).

82. There is a small but strong literature on the subject of Indigenous peoples' participation in the market economy that is interesting but not directly relevant to the argument I am making concerning the macroeconomics of Indigenous jurisdiction.

83. Karl Marx, *Capital*, Vol. 1 (New York: Penguin, 1990), chapters 26–28.

84. Roughly speaking, two schools of thought have developed regarding the historical role of primitive accumulation. Massimo de Angelis calls one the "historical primitive accumulation" or "Lenin camp" that theorizes primitive accumulation as prior to the emergence of capitalism, and the other, the "inherent-continuous primitive accumulation" or "Luxemburg camp," described in note 86 of this chapter (Massimo de Angelis, "Marx's Theory of Primitive Accumulation: A Suggested Reinterpretation," University of London, March 1999, <http://http://homepages.uel.ac.uk/M.DeAngelis/PRIMACCA.htm>; accessed July 11, 2012). The genealogy of the latter scholarship is more germane to my project of settler colonialism.

85. Marx, *Capital*, 876.

86. Michael Perleman emphasizes this gradual nature of primitive accumulation as well, and stresses that some degree of self-provisioning is always necessary

for capitalist development (*The Invention of Capitalism: Classical Political Economy and the Secret History of Primitive Accumulation* [Durham, N.C.: Duke University Press, 2000]). Rosa Luxemburg saw that a share of surplus value had to be reinvested in the expansion of production. She *spatialized* the dialectic, theorizing that the expansion of production relies on *non-capitalist spaces*, "as a market for its surplus values, as a source of supply for its means of production and a reservoir of labour for its wage system" (London and New York: Routledge, 2003), 348–49. As David Harvey explains, colonial policy, international trade, and war are the predominant methods of relations that Luxemburg identifies between capitalist and noncapitalist societies (*The New Imperialism*, 63–87). The expansionary tendency of capitalism—which included processes of primitive accumulation—was crucial to ongoing social reproduction.

87. Glen Coulthard, *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition* (Minneapolis: University of Minnesota Press, 2014), 13. Further theorization concerning this colonial economic dynamic is developed in Gillian Hart's and Giovanni Arrighi, Nicole Aschoff, and Ben Scully's work on postapartheid South Africa, where racial exclusion and alternative trajectories of accumulation complicate the role of proletarianization in the development of capitalism. See Gillian Hart, *Disabling Globalization: Places of Power in Post-Apartheid South Africa* (Berkeley and Los Angeles: University of California Press, 2002); and Giovanni Arrighi, Nicole Aschoff, and Ben Scully, "Accumulation by Dispossession and Its Limits: The Southern African Paradigm Revisited," *Studies in Comparative International Development* 45:4 (2010): 410–38.

88. Robert Nichols, "Disaggregating Primitive Accumulation," *Radical Philosophy* 194 (November/December 2015): 18–28.

89. *Ibid.*, 21–22.

90. Marx, *Capital*, Section 5; Mitchell, "One: The Stage of Modernity," 10.

91. George Manuel and Michael Posluns, *The Fourth World: An Indian Reality* (Don Mills, Ontario: Collier-Macmillan Canada, 1974), 41.

### 3. Jurisdiction from the Ground Up

1. Toby Decoursay, in discussion with author, July 22, 2009.

2. Toby Decoursay, in discussion with author, July 23, 2009.

3. *Ibid.*

4. Toby Decoursay, in discussion with author and others, translators Marylynn Poucachiche and Tony Wawatie, July 18, 2009. See also Heidi Kiiwetinepinesiiik Stark, "Marked by Fire: Anishnaabe Articulations of Nationhood in Treaty Making with the United States and Canada," *American Indian Quarterly* 36:2 (spring 2012).

5. Toby Decoursay, in discussion with author, September 28, 2009.

6. The customary code persists as an oral tradition despite the fact that the leadership laws of the Mitchikanibikok Anishnabe Onakinakewin were codified in 1996 as part of the restoration process following the reign of the Interim Band Council (IBC) facilitated by Superior Court Judge Réjean Paul.

7. Eddy Nottaway, in discussion with author, September 30, 2009.

8. I do recognize that care is not neutral or apolitical and depends on context for meaning. Here I try to connect care to a body of knowledge that is rooted in respect and mutual reciprocity.

9. Sue Roark-Calnek, "Algonquins of Barriere Lake Background Reports,