

WEAVING OUR AUTHORITY TOGETHER:  
TRANSFORMING THE PRAIRIE INDIGENOUS POLITICAL ORDER

by

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M.A., The University of Victoria, 2010

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A DISSERTATION SUBMITTED IN PARTIAL FULFILLMENT OF  
THE REQUIREMENTS FOR THE DEGREE OF

DOCTOR OF PHILOSOPHY

in

THE FACULTY OF GRADUATE AND POSTDOCTORAL STUDIES

(Political Science)

THE UNIVERSITY OF BRITISH COLUMBIA  
(Vancouver)

April 2020

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Weaving our authority together: transforming the prairie Indigenous political order

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submitted by Matthew Caldwell Wildcat in partial fulfillment of the requirements for

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## **Abstract**

This dissertation looks at the ways settler colonization has impacted Indigenous political orders on the prairies. Settler colonization has caused a move from a previously decentralized but regionally interconnected political order to a political order where Indigenous governments hold centralized authority but without substantive forms of regional interconnectedness. Indigenous governments also have corresponding set of formal rules around citizenship that precludes any overlapping memberships. I describe the creation of discreet realms of political authority and citizenship within the prairie Indigenous political order as the rise of exclusive sovereignty. In response, I argue we need to move towards a relational sovereignty. A relational sovereignty asks us to acknowledge the pluralist forms of how Indigenous peoples create political communities and corresponding practices of relational citizenship. A pluralist understanding of communities reveals the multitude of ways Indigenous peoples political organize within, outside, and between Indigenous governments. Relational citizenship asks us to acknowledge the ways people live out obligations of kinship and care with each other between various communities. I argue one way to move toward a relational sovereignty is through a wahkohtowin movement. I discuss an example of a wahkohtowin movement within the Maskwacîs Education Schools Commission. I also outline a facilitative method I am tentatively calling relational governance that seeks to build capacity for a wahkohtowin movement. Relational governance asks Indigenous communities that are seeking to create new arrangements of governance “How do we locate responsibilities, within a relational web, based on Indigenous law?”

## Lay Summary

In the late 1800's and early 1900's non-Indigenous peoples began to settle in the southern half of the prairie provinces in great numbers. This demographic shift impacted how Indigenous peoples in these areas govern their communities and nations. The history of non-Indigenous settlement has led to a decrease in cooperative governance between Indigenous communities.

This dissertation looks at where Indigenous peoples can undertake political action to address disunity in our political orders. To this end, I argue that *wahkohtowin*, the Cree-Metis philosophy of kinship and relationships provides a foundation to improve the well-being of our communities. I demonstrate this through looking at the case study of the Maskwacîs Education Schools commission and also outlining a method called *Relational Governance*, that is meant to help Indigenous governments and organizations address issues of cooperation.

## Preface

This dissertation is the original work of the author M. Wildcat. Ethics approval was obtained for retroactive observation of my participation in the Maskwacis Education Schools Commission. The UBC ethics certificate number is H19-03109. The research was also approved by a Maskwacis Education Schools commission official motion. The motion number is 2017-18/18-02-16/48 and was approved on February 16, 2018.

A part of chapter 4 was published as M. Wildcat (2015). "Fearing social and cultural death: genocide and elimination I settler colonial Canada – an Indigenous perspective" *Journal of Genocide Research* 17.4, p. 391-409. An earlier version of Chapter 5 was published as M. Wildcat (2018). "Wahkohtowin in Action" *Constitutional Forum* 27.1, p. 13-24.

Part of chapter 5 is in a chapter submitted for publication. Snelgrove, C. & M. Wildcat, "Political Action in the time of Reconciliation" *Indigenous Resurgence in an Era of Reconciliation*. Eds. Craft, A., H. Aikau & H. Stark. Toronto: University of Toronto Press. Wildcat contributed 50% to the publication and the parts used in chapter 5 was written by me.

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## **List of Abbreviations**

MESC – Maskwacîs Education Schools Commission

NNI – Native Nations Institute

## Acknowledgements

I've benefitted greatly from many relationships that I had during this time and have learned invaluable lessons from so many people. During my time at the University of British Columbia from 2011-2016 there was an excellent community of faculty and graduate students contributing to a rich learning environment. I was lucky enough to have Indigenous professors who could provide a space to study Indigenous politics, a reality that only recently came into being. Many thanks to my supervisors Glen Coulthard and Sheryl Lightfoot who guided this dissertation to completion. Also thank you to Barbara Arneil for her help in completing the dissertation and her leadership in the Department of Political Science at UBC. The external examiners of the dissertation helped to provoke more thought about my ongoing study of Indigenous Governance, Priscilla Settee, Mark Warren, Coll Thrush and many thanks to the defence chair Paige Raibmon. Also thanks to Robert Nichols and Laura Janara who participated in my dissertation process.

The cohort of graduate students and post-docs at UBC who shaped my thinking in substantial ways. The list could easily be much longer but here I try to focus on people who were all collaborators, supports and friends during my time in Vancouver and beyond, namely Kelsey Wrightson, Daniel Voth, Corey Snelgrove, Mike Fabris, Dallas Hunt, Emily Riddle, Lindsay Lachance, Dave Gaertner, Rachel Flowers, Charlotte Kingston, Whitney Brown, Dawn Hoogeveen, Jessica Hallenbeck and Alison James. Also thank you to my former partner Kristina Hannis for her support while I lived in Vancouver. My many trips to Victoria also played allowed the great minds of Tim

Smith, Joelle Alice Michaud-Ouellet and Rob Hancock to shape my thinking on governance.

Some of my most formative experiences involve travelling to the NWT and Yukon to work with various amazing individuals who greatly helped in shifting my attention to the practical realities of Indigenous Governance. The folks at Dene Nahjo are dear to my heart, especially Mande McDonald, Kyla Kakfwi Scott and Nina Larsson. Jordan Peterson and Kluane Adamek with Our Voices helped to reignite my interest in leadership especially the role young Indigenous people play in their communities and I also Stephanie Irlbacher-Fox and Steve Ellis were a pleasure to work with.

The University of Alberta was immensely supportive to me in finishing my dissertation and have been leaders in creating a supportive environment for Indigenous scholars. Along the way Lois Harder, Catherine Kellogg, Chris Andersen, Lori Thorlakson and Michael Driscoll all played a supportive role. It is also a pleasure to have great colleagues to work with most notably Shalene Jobin, Hadley Friedland, Avery Letendre, Jen Ward, Crystal Fraser, Rachel George and Adam Gaudry. Farther away Daniel Voth and Gina Starblanket are amazing collaborators in our work to build a research network and Mary Butterfield is an amazing friend and has greatly aided my thinking for many years. Val Napoleon deserves special mention as a friend and mentor deeply committed to thinking through the practicalities of how we create functioning legal and political orders within Indigenous nations.

The people and intellectual traditions of Maskwacis lie at the root of this dissertation. Profoundly influential on my thinking are close family members. You will see the influence of my father Brian Wildcat who along with my mother Pam Cooke

have shaped my thinking about governance deeply. My aunties Clara Wildcat and Carol Wildcat along with Uncle Daniel Wildcat and cousin Colin Wildcat have greatly shaped my thinking about politics and possibility of Indigenous governance. I was also lucky to have grown up beside Grand Chief Wilton Littlechild who provided a boundless sense of ambition in believing we can respond to the political challenges our communities face. I've also been lucky to have relationships with many in Maskwacis who give me a sense of hope about the ability of Maskwacis to tirelessly confront challenges within Maskwacis, notably Mario Swampy, Sam Minde, Jon Nepoose, Jen Nepoose, Shauna Bruno, Maureen Ward, Ann Wildcat, Josh Littlechild, Tom Crier, Tarama Wildcat, Nina Makinaw, Irv Bull, Daryl Strongman and Brad Rabbit. Also worth mentioning are other key members of MESC from 2016-2018, Conor McNally, Whitney Brown, Kevin Wells, and Ryan Anderson.

I had many struggles while writing this dissertation and many people played a supportive role in pulling the dissertation into its final shape. I am greatly indebted to Will Kujala, Corey Snelgrove, Q.C. Gu, and Emily Proskiw for the help. But above all, my partner Renee Beausoliel was an endless well of support in getting me through the dissertation. She was empathetic but tough when it was needed, taught me many things that shaped the dissertation is an amazing person to think alongside of.

## **Dedication**

To my parents, Pam Cooke and Brian Wildcat.

## **Chapter 1: Introduction**

### **1.1 Wahkohtowin and Indigenous politics**

Maskwacîs is a Nehiyaw (Plains Cree) community located in central Alberta. The community is composed of four First Nations – Ermineskin, Louis Bull, Montana and Samson. Although I have not lived there for 15 years, Maskwacîs is my home.

Maskwacîs is more than a place of residence - it is an identity, a set of relationships, a history, an anchor for existing in the world for many, and a formidable site of Indigenous sovereignty. At its core, this dissertation is a commentary on the practice of Indigenous sovereignty fueled by the intellectual traditions of Maskwacîs. From this standpoint, I think of my writing as an appendage to the intellectual traditions of Maskwacîs and more specifically my relatives. The four nations have a total registered population of 17,052, of which 69% (11,751) are listed as living on-reserve. Maskwacîs is also a physical residence to approximately 17,000 people not all of whom are members of one of the four nations (Morin, 2018). I have a great sense of pride about being from Maskwacîs and like many others believe it is a place with special energies. Yet, Maskwacîs is also a place with a great deal of trauma and suffering (Morin, 2018; “In Hobbema,” 2013). This trauma and suffering are not the focus of the dissertation but it is never far from mind. Rather, the main motivation for my research is thinking about governance.

While working on my PhD I began to develop a set of ideas around a term I was calling ‘weaving our authority together’ – a political orientation that would combine the philosophical orientation of wahkohtowin and the pluralist nature of Indigenous political authority and citizenship. While wahkohtowin translates to kinship, I think we should understand the term on at least three other registers. First, wahkohtowin is a worldview,

an understanding that everything in the world is animate. Since all of existence is animate, wahkohtowin is built on an understanding that everything is interconnected. Second, wahkohtowin is the act of being related. Being related includes not only our family relationships, but also the act of being related to other beings, the land and natural world. Finally, wahkohtowin can be understood as a law that involves a set of standards around what good relationships look like and that compels us to work towards the maintenance of good relationships. Wahkohtowin also involves formal rules of conduct between different kinship roles, but here I focus on the philosophical aspects of wahkohtowin. I elaborate upon this definition further in chapter 5 and draw in other Cree and Metis writers to defend my three-part understanding of wahkohtowin (Cardinal & Hildebrant, 2000; Campbell, 2007; McAdam, 2015; Macdougall, 2010).

While the principles of wahkohtowin are still a powerful force in Plains Cree and Metis communities, the direction of my contribution was to argue that wahkohtowin needed to be placed in conversation with legal pluralism, in particular Indigenous scholars' engagements with legal pluralism. Legal pluralism was important because we could not just focus on relationships. We needed to consider how our legal and political systems would be built up to realize the philosophies behind wahkohtowin. In a plain language sense, I was interested in looking at how Indigenous peoples can create collaborative forms of governance, in the face of, as described by Daniel Voth, settler colonial modes of governance that "promote divisive, exclusionary, zero-sum political relationships between Indigenous peoples" (Voth, 2016, p. 244). "Weaving our authority together" was literature based and theoretical in nature while studying in Vancouver.

When I moved back to Alberta and found myself in a highly unique, if haphazard position of being able to apply the theoretical insights I had been working on to decisions of significant political consequence. I was asked to provide support for the Maskwacîs Education Schools Commission, now known under the acronym MESC. In 2016 the four Nations of Maskwacîs each operated their own K-12 school system. The purpose of the commission was to “explore the creation of a single Maskwacîs education authority” for the Four Nations (MESC 2016b, p. 13). What began with attending a planning meeting in an informal role morphed into a position as Director of Communications and Senior Advisor on governance.

The commission was significant in scope, looking at the creation of a new school system that would involve 11 schools, over 2300 students and 450 staff. As well, it involved generating public support within Maskwacîs and working with the four Chief and Councils of Maskwacîs involving 36 elected leaders to make decisions about the creation of a single Education system. To undertake the work the commission had a multi-million dollar budget and resulted in the largest financial transfer agreement Maskwacîs has ever concluded with the federal government.<sup>1</sup> Based on over 1300

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<sup>1</sup> The commission decided to not publish the exact financial terms of the agreement in an attempt to control the public narrative. It was felt that news coverage would focus on the dollar amount of the agreement, which would downplay the work of the community to achieve the agreement. I see this decision as operating in the spirit of Audra Simpson’s (2014) concept of refusal.

surveys administered at community information meetings, 92% of people were in favour of the proposed amalgamation, with similar levels of support among the elected leadership of Maskwacîs (MESC, 2018). I did not intend for my work with MESC to become research but the after the process the connections between my research and work with MESC were too obvious to ignore. With MESC, I found myself in the position where a set of theoretical conjectures around ‘weaving our authority together’ found a great deal of application and ultimately proved to be highly useful in thinking through and responding to the challenges that arise when undertaking a major governance initiative where multiple communities are considering a new governance arrangement with each other.

In turn, the initiative helped me to realize the power of narrative. As such, I ultimately discarded the ‘weaving our authority’ framework because it was still too clunky to communicate to others. Instead, still drawing on legal pluralism but using the experiences of the MESC as the central case study for this dissertation, I argue for a *wahkohtowin movement*. A *wahkohtowin* movement builds on the ongoing practices of *wahkohtowin* within prairie Indigenous life to create the capacities necessary to transform our political orders. By prairie Indigenous political orders, I refer to both the formal structures of First Nation and Metis governments in the prairie provinces and practices of collective organizing the Indigenous peoples undertake outside of our formal institutions.

When I use the term First Nation, I am referring to the 634 governments and their citizens in Canada (Gadacz, 2019). Metis also refers to the distinct political culture of Metis peoples on the prairies (Andersen, 2014). I use the term Indigenous in the spirit of

the practices pushed forward by the global Indigenous rights movement. Part of this practice is to avoid strict definitions of Indigenous (Lightfoot, 2016). But some common traits have been identified such as experience with colonization or oppression, continuity with a community that existed prior to colonization, distinctive from other peoples that are often politically dominant in one's traditional territories, and having a desire to preserve that distinctiveness and self-identification as being Indigenous (Henderson, 2008, p. 42-46). Therefore, when I use Indigenous I am using it in the broad sense established at the global level. When I refer to First Nation or Metis I am using it in the specific senses that they are applied within Canada.

These ongoing practices of wahkohtowin exist in two senses. First, they exist in the practices and philosophies of relationality that continue to inform prairie Indigenous life in the present (Innes, 2013; Buhler, Settee & Van Styvendale, 2014, Johnson, 2017). Second, in the proliferation of wahkohtowin as a reference point for organizing - a phenomenon I document in chapter 5. From these two ongoing practices of wahkohtowin, I conclude that in regard to the transformation of prairie Indigenous political orders, *we need to move from an exclusive sovereignty to a relational sovereignty.*

Exclusive sovereignty here is both an understanding and practice where First Nation governments work to maintain discreet boundaries over their realm of jurisdiction. Westphalian definitions of sovereignty posit the state is the exclusive and supreme source of political authority within a defined territory (Jackson, 2007). Paul Nadasdy looks at sovereignty and its associated concepts, what he calls Sovereignties entailments – territory, citizenship, nation, time (Nadasdy, 2017). Nadasdy posits that

“sovereignty today serves as a precondition for politics” and engaging with state sovereignty involves Indigenous peoples to “conform to the cultural entailments of sovereignty” as defined by the state (Nadasdy, 2017, p. 3-4). Here my examination of exclusive sovereignty is influenced by Nadasdy’s approach as I focus on how First Nations work to maintain an exclusive, discreet and bounded practice of their authority and citizenship. Importantly, I detail how exclusive sovereignty, and its related forms of political authority and citizenship, results from the establishment of a settler colonial regime and its impacts on Indigenous political orders.

The work of showing the impact of settler colonial regimes on Indigenous political orders is the focus of chapters 2 and 3 but is woven throughout the dissertation. To discuss colonialism in settler contexts we should distinguish between the various terms employed. *Settler colonialism* refers to the ideologies and discourses of a settler society. I use the terms settler colonization or *settler colonial regime* to specify the material reality of establishing a settler colonial structure. This builds on Barbara Arneil’s (2017) distinction between colonization as on the ground processes and colonialism as ideology, ethical and economic justifications, especially improvement of individuals and land through cultivation. I use the term settler colonial studies to discuss the analytic school that has emerged over the last 20 years to distinguish what is unique about colonialism and colonization in settler contexts.

I describe exclusive sovereignty to show the problems it creates for prairie Indigenous peoples. I build on James Tully and his notion of “redescription”, where we recast a taken for granted situation in a new light that shows the injustice of the situation (Tully, 2008). By destabilizing latent understandings we bring a given set of practices

and ideas into the realm of contestation and give people space for “acting otherwise” (Tully, 2008). I focus on detailing the rise and character of exclusive sovereignty with a focus on political authority and citizenship. Although I admittedly lack on this front, I have started the work of detailing how exclusive sovereignty intersects with gender and sexuality. Intersectionality is a field of study that seeks to analyze how various forms of oppression interact with each other and how the impacts born by people who experience multiple forms of oppression (Cho, Crenshaw, McCall 2013). Importantly, the work of Kimberle Crenshaw on black women in the United States demonstrates that we can’t simply add up multiple forms of oppression, but that the consequences are “compounded” when someone lies at the intersection of multiple forms of oppression (Crenshaw 1989, 2015).

Building on my problematization of exclusive sovereignty, I hope to map out how a wahkohtowin movement is capable of reconfiguring the political orders of prairie Indigenous peoples – again, to move from exclusive to relational sovereignty. Here, relational sovereignty in short is the ability to create structures of government that are reflective of relational philosophies (Moreton-Robinson, 2017; Borrows, 2010; Johnson, 2017, p. 95-97; Bastien, 2004; Friedland, 2016; Daigle, 2016; Sachs, 2011; Dudgeon and Bray, 2019; KILLSBACK, 2019; Stark, 2013; Cornthassel, 2008). The following study focuses on the configuration of political authority and citizenship. In these areas, relational sovereignty means looking at how different sites of authority, both Indigenous governments and sites of authority outside of Indigenous governments, can establish relationships of shared authority over areas of shared concern. From a citizenship standpoint, it means we need to bring our formal rules of citizenship into closer

alignment with relational practices of citizenship – the ways we maintain forms of kinship and care with each other. I explore citizenship in-depth in chapter 4.

I pursue two tasks to build on how a wahkohtowin movement can help move us toward a relational sovereignty. First, I argue that the wahkohtowin movement is already underway and look at MESC (Maskwacîs Education Schools Commission) as a case study. Second, I close with an epilogue on a facilitation method I am calling *relational governance*. Movements do not run solely on a commitment to a set of ideals or principles, they also require strategic capacity to influence outcomes (Ganz, 2009). *Relational governance* is the start of a method that can be utilized by Indigenous governments and organizations to create new institutional arrangements that will allow us to start transitioning from exclusive to relational enactments of sovereignty. The method asks people to answer the following: “how do we locate responsibility within a relational web based on Indigenous Laws.” I defend the utility of the method by looking at how relational governance can help us respond to challenges of citizenship and gender.

To summarize, this dissertation is a call for a wahkohtowin movement. I make this call through analyzing the theory and practice of wahkohtowin in two ways.

1. Showing how the impact of settler colonial regimes on Indigenous political orders has been to give rise to *exclusive sovereignty* within Indigenous governments and political organizations.
2. Investigating how we transform our current political orders from exclusive to relational sovereignty. Here I discuss the potential of a wahkohtowin

movement through looking at the case study of MESC and outlining facilitative method I hope build called *relational governance*.

Through establishing these claims, I hope to show how a wahkohtowin movement has the potential to transform the prairie Indigenous political order.

## 1.2 Methodology and theoretical approach

As Brian Wildcat summarized in news coverage of the commission “It’s hard to convey what an amazing accomplishment MESC was. It’s easy to look at it and say it’s a no-brainer ... but there were so many obstacles standing in the way” (Smith 2019). An exceptional outcome is not a research method, but it does help to explain my decisions.<sup>2</sup> The work on MESC is a retroactive self-reflection. I felt compelled to

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<sup>2</sup> If I could start over I would follow a research methodology similar to that being developed by my partner and collaborator Renée Beausoleil called *practical governance*. Within the practical governance method, a researcher works with a community where they have pre-existing relationships to co-create a governance resource or outcome. Beausoleil explains her research project, Home in the City – “Through Home in the City, our group created a concise and tangible governance resource, *The Victoria Declaration – A Statement on Governance in Housing and Support Services*. ... I term the method arising from the work of co-creating a governance resource with a community ‘Practical Governance’” (Beausoleil 2019). Practical governance provides a community-based research methodology that allows one to think about how you work within a community to *create* something. Unfortunately,

undertake a retroactive self-reflection because the case involved is exceptional. The work of the Commission results in the creation of the largest First Nation school system in Canada with 11 schools, 2300 students and 450 staff. The history of colonial settlement has created a situation where Indigenous governments typically protect the political authority they have. My retroactive observation focuses on the strategic thinking used to overcome these tendencies to create a shared school system.

The MESC has an extensive public record, including a website and information material with significant information and news coverage and I attempt to rely primarily on these sources. I received permission from the Maskwacîs Education Schools Commission to discuss their process and to use quotes that exist in notes from MESC meetings, in particular the MESC leadership summits that typically involved 40-70 individuals at a time. I also received ethics approval for retroactive secondary use of data. Finally, I sought consent from any person who I attribute individual quotes or anecdotes. These individuals will be given to option of remaining anonymous or being identified.

In large part, my methodology is primarily influenced by my training in the Indigenous governance program at University of Victoria. The Indigenous governance program asked students to pursue action with radical potential for decolonizing society. More specifically, how can one best confront colonialism and grow Indigenous freedom while grounding the work within Indigenous traditions and philosophies (Alfred 2005). I

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I cannot claim to have followed a practical governance methodology.

describe this as a research impulse because it asks students to embody a political attitude where one devotes themselves to actions and politics that strengthen Indigenous self-determination.

The Indigenous Governance program also fostered, what an environmental review of the program described as, “‘dysfunctional classroom dynamics’ ... [and] the program suffered from ‘discrimination’ and ‘hyper-masculinity’ that provided little classroom space for diverse points of view” (Barrera, 2018). Alfred’s 2005 book *Wasase* lays out the stakes of a research in stark terms – the *very survival* of Indigenous peoples as “authentic” Indigenous peoples was on the line (Alfred, 2005, 28). Alfred is very clear about his interpretive disagreement with others: “I understand that not everyone realizes or accepts that Onkwehonwe are on the verge of extinction” (ibid. 36). On such a premise, there is little room for disagreement because one cannot have amicable differences of opinion. Rather, to disagree is to diverge on what is needed to prevent the destruction of Indigenous peoples. A survey of Alfred’s first words in *Wasase* shows that Alfred describes the challenge confronting us as *survival* fourteen times in twenty pages.<sup>3</sup> A recent piece by Lightfoot has critiqued the pessimism of the Indigenous resurgence paradigm generally (Lightfoot 2020, available online).

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<sup>3</sup> These state and Settler-serving institutions are useless to the cause of our survival ... (20); ... our survival is redefined strictly in terms of the capitalist dogma (23); Survival is ... adapting and accommodating without compromising what is core to one’s being (29); The people who live on are those who have learned the lesson of survival

### 1.2.1 Indigenous methodologies

My willingness to contribute to process where the Maskwacis Cree negotiated with the state will probably raise eyebrows for many critical minded Indigenous scholars. However, the research impulse to devote oneself completely to strengthening Indigenous self-determination in Maskwacis was my primary motivation. In other words, my method was a devotion to the success of MESC. Not only did this mean I could not place myself outside of the process as a neutral observer, it also ran contrary to some

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(29); ... whether it is through self-destruction or assimilation, we will not survive (31); ... we forgot that our goal was to reconnect with our lands and to preserve our harmonious cultures and respectful ways of life. It is these things that are the true guarantee of peace, health, strength, and happiness – of survival (31); This is the kind of spiritual revolution that will ensure our survival (32); Onkwehonwe have always fought for survival against imperialism ... (35); Survival demands that we act on the love we have for this land and our people (36); It is worth repeating that survival will require not only political or cultural resurgence against state power, but positive movement ... on a personal and collective level (36); Negotiation ... is counter-productive to our survival (36); These surface reforms are being offered because they are useless to our survival as Onkwehonwe (37); Self-government and economic development are being offered precisely *because* they are useless to us in the struggle to survive as peoples ... (37); These young people are fighting raging battles for their own survival every day ... (37-38)

Indigenous research methodologies. Other Indigenous research methods focus on how to have good relationships (Wilson, 2010), how to ground research in Indigenous epistemologies (Battiste, 2016; Absolon, 2011; Hart, 2004), how research should be directed by and give back to communities (Kovach, 2009) and the importance of storytelling (Archibald, et al, 2019). While I would argue that the work of the commission was Indigenous self-determination at its best, it was also a political project with a clear aim that often did not meet the standards of Indigenous knowledge and community engagement laid out by Indigenous research methodologies.

Still, Indigenous research methodologies have shaped the work in significant ways. I focus on the work of Sheryl Lightfoot and Kim Tallbear, who provide a framework for my understanding of community based research. In Lightfoot's 2009 dissertation, she argues for the importance and utility of Indigenous methodologies, in particular "Indigenous community-based research methods and perspectives" in Political Science (Lightfoot 2009, 11). Lightfoot, argues that drawing on her own background and extensive experience working with Indigenous political organizations is consistent with Indigenous methodology for two reasons. First, because Lightfoot's experience within communities can help to integrate "Indigenous perspectives and alternate storylines" into research on "the transnational Indigenous rights movement" (ibid., 12). Second, Lightfoot brings her experience to bear on her research in order to make her research useful and relevant to Indigenous communities. She draws on Vine Deloria to drive the point home:

By using Indigenous methodologies, I also aim to keep academic research relevant to the lives of Indigenous peoples and communities, following the

path set forth by Vine Deloria, Jr., who was one of the first to call for academic research in Indigenous contexts to seek not just 'knowledge for knowledge's sake' but rather, produce outcomes that are relevant and useful to tribal communities (ibid, 13).

Lightfoot also draws our attention to the difficulty of Indigenous research having to produce results that speak to a broader academic audience while also remaining grounded in community. She outlines the various requirements of an "Indigenist research approach" where research should be conducted in a respectful way that contributes to Indigenous self-determination:

While I am asking research questions relevant to international relations theory, I am also bringing forward questions that I have heard voiced in Native American communities, questions which are relevant to Indigenous activism and politics not only in my communities but on the global level as well. ... Mine is a dual approach to research, but I am for an output that is more integrated. My findings and implications should speak simultaneously to international relations and to Indigenous politics in both theory and practice (ibid., 19).

Lightfoot's call to speak to both the academy and Indigenous communities simultaneously is a challenging one. Where I have taken up this challenge the most is attempting to avoid jargon in order to be inclusive of people without a decade of academic training. In earlier drafts the audience I had in mind was Indigenous peoples who work in communities. I attempted to avoid using the use of specialized terms like pluralism and write in a way where people could connect their situation with what I am

saying. Although in the end I've reintroduced academic terminology to string various interventions together, the exercise in plain language writing directed at communities helped me to generate ideas for a broader audience.

The research note by Kim Tallbear (2014), "Standing With and Speaking as Faith: A Feminist-Indigenous Approach to Inquiry" is a useful articulation of my relationship with Maskwacîs. The initial formulation that drew me to Tallbear was her discussion of "standing with" communities, rather than studying communities or for working on behalf of communities (2016).

She articulates her point by distinguishing her research from community based *participatory* research and its emphasis on "giving back". Participatory research is based on a method where communities set the research agenda and the researcher then creates research products on the communities' behalf (Santos, 2018; Institute for Community Research, 2004, 2001; Zuber-Skerritt, 1996; Reason and Bradbury, 2008). Tallbear (2014) comments that "Giving back,' ... sounds more akin to standing on two sides of a boundary" – that is, "researcher and researched" (p. 2). Tallbear asks us to question the boundaries we draw between researcher and researched and states "we must soften the boundary erected long ago between those who know versus those from whom the raw materials of knowledge production are extracted" (p. 2).

Dissolving the researcher/researched boundary also means that the intention of research should not be to represent or speak on behalf of research subjects or group. Nor should a researcher work from the premise that their research agenda should be guided entirely by a community. Rather, it means being someone who is "willing to be

altered, to revise her stakes in the knowledge produced”; where knowledge is produced through building relationships with “colleagues (not ‘subjects’)” (Tallbear, 2014, p. 2).

Tallbear cites three research methods that have helped her to understand what it means to work with a community: 1) Indigenous and feminist standpoint, 2) “care for the subject,” and 3) “standing with” communities.

For Tallbear, the “standpoint” method of Donna Haraway and Sandra Harding aligned with teachings from her upbringing about the importance of narratives emerging from lived experiences. A “standpoint” perspective means “hypotheses, research questions, methods, and valued outputs ... must begin from the lives, experiences, and interpretations of” the community being studied (p. 3). But for Tallbear standpoint methodology does not mean that the researcher will not bring their own views and opinions to the table. Researchers can balance the standpoints of people within a community with their own critical interpretations and reflections (Tallbear 2014). This position challenges an assumption that researchers must stand at a distance in order to achieve a standard of objectivity and neutrality in order to conduct research.

Second, “care for the subject” asks researchers to inhabit the world where research is conducted. “Care for the subject” does not ask people to avoid critique but rather to be invested in the well-being of a community that one critiques. Tallbear draws on Schuurman and Pratt (2002) whose work emphasizes “the intellectual and ethical virtues and benefits that result when one is invested in the knowledges and technologies one critiques” (Tallbear, 2014, p. 3). This means instead of conducting field work, “caring for the subject” means you see yourself as inhabiting the place where you study.

Finally, Tallbear suggests that rather than “giving back” to communities researchers can “stand with” communities. Tallbear’s description of the ways she builds on the work of Neferti Tadiar is worth quoting at length here:

Neferti Tadiar’s articulation of *sampalataya*, Tagalog for “act of faith,” helps address the outsider/insider disease of angst that results from attending too much to a non-feminist politics of objectivity and too little to the politics of research for change within communities (Tadiar, 2001). Tadiar explains the concept as referring in part to being “already caught up in the claims that others act out,” which is different from speaking on behalf of (Tadiar, 2001, p. 73). Rather, one speaks as an individual “in concert with,” not silenced by one’s inability to fully represent one’s people. I read this to be a sort of co-constitution of one’s own claims and the claims and acts of the people(s) who one speaks in concert with. *Sampalataya* involves speaking as faith—as furthering the claims of a people while refusing to be excised from that people by some imperialistic, naïve notion of perfect representation. (p. 4)

What I take from the notion of *standing with communities* is that research for change is not accomplished by seeking to provide perfect representations of community life. Being in relation to your community means you are constantly being shaped by them. At the same time your own beliefs and analysis may clash with dominant aspects of the community. Doing research responsibly means finding ways to responsibly explain your own beliefs and how they diverge from others if you believe exploring these tensions is part of creating positive community change. Thus, *standing with* means your research is *co-constituted* by how the community understands itself and how you understand the

community. As will be explained later, wahkohtowin is a self-understanding of the community but this belief in the past was not able to cut through the forms of exclusive sovereignty that I believe are a barrier to our self-determination. Through the process of working on the Maskwacîs Education Schools commission we demonstrated how wahkohtowin was able to create a dramatic institutional transformation that moved us away from exclusive sovereignty, towards relational sovereignty.

### **1.2.2 Public philosophy and acting otherwise**

This dissertation also attempts to bridge James Tully's approach to Public Philosophy and Marshall Ganz's theorization of strategic political action alongside relational thinking. The relational thinking includes John Griffiths's theory of legal pluralism and Val Napoleon's Indigenous version of legal pluralism in addition to the theory and practice of the Nehiyaw people and the principle of Wakohtowin described by such Nehiyaw and Metis authors as Harold Cardinal, Sylvia McAdam, Brenda MacDougall and Marilyn Campbell. These various theoretical scholarly concepts are used as theoretical frames for my analysis in this dissertation are thus threaded throughout it. I cover in depth relational thinking especially in chapters three, four and five so here I limit my comments to the work of Tully and Ganz.

My methodological approach has been greatly influenced by the work of James Tully (2008) and his work on "public philosophy." Tully outlines an approach for how we can come to study, understand, question and act on unjust or problematic features of society. Rather than proceeding from the premise that we can develop abstract theory to understand and create solutions to political problems such as representation,

citizenship, sovereignty/authority, the rights of individuals and so forth, political issues are best understood in their historical and ideological contexts.

Tully's approach has four characteristics:

1. Public philosophy "starts from and grants a certain primacy to practice" (p. 16).

This means looking to the ways people generate questions about and indict practices of governance that are experienced as oppressive. This also involves working on the modes of reflection that allow us to question and criticize in the first place.

2. The goal of public philosophy is to show how a set of practices are historically contingent, in other words, to understand how practices change throughout time.

Through documenting the history of how current practices emerge, we allow ourselves to have a new set of self-understandings and perspectives towards the problem at hand. Specifically, this historical research contributes to generating "practices of reflection" that allow us to continually examine and adjust not only our "practices of governance" but also our "practices of reflection" themselves. Thus, public philosophy is "a philosophical way of life oriented towards working on ourselves by working on the practices and problematizations in which we find ourselves" (p. 16) – or as I will seek to draw out later in regard to the wahkohtowin movement, an ethical orientation or critical attitude that we undertake in regard to how we can transform Indigenous political orders.

3. Public philosophy utilizes two surveys to help problematize an unjust set of practices. First, a survey of the languages and practices in the present around the issue of importance. Second a survey tracing the genealogy/history of the

ideas and practices that one is trying to highlight. The second survey should reveal further insights about our present but is also important for showing how our current practices are not natural and inevitable but rather the result of choices that have been made on an issue. This is important because the historical survey can help to open up alternate ways of approaching the problem at hand. This new field of possibilities allows for “acting otherwise,” where we highlight of alternative ways of relating to a problem at hand (p. 23).

4. Finally, Public Philosophy seeks to ‘establish an on-going mutual relation with the concrete struggles, negotiations and implementations of citizens who experiment with modifying the practices of governance on the ground’ (p. 17). In other words, even if our struggles produce a new more just set of practices, we never reach an end-point where our current set of practices are beyond critique. Rather, we must engage in the never-ending activity of evaluating, calling into question and changing practices we maintain on the ground.

Tully’s approach to public philosophy is the main approach I draw on for Chapters 2 and 3. I utilize this approach toward two primary aims. First, a historical examination that seeks to contrast the operation of First Nation governments today with the plains Indigenous political order in the late 19<sup>th</sup> century. Second, drawing on this contrast, I seek to theorize the structural dynamics of Indigenous governments on the prairies. This will place us in a better position to question the current arrangement of political authority within the prairie Indigenous political order.

### **1.2.3 Theorizing strategic action**

To advance my argument here I focus on the work of Marshall Ganz and his theorization of strategic capacity. According to Ganz, strategic capacity is a quality of groups that indicates resourcefulness, the ability to turn the resources one has into successful outcomes. For Ganz, groups with strategic capacity rely on their ability have access to salient knowledge, learn through group dialogue and have the motivation to win. The work of Ganz provides a framework to explain the success of the Maskwacîs Education Schools Commission (MESC). Building from the MESC example I advance an argument that it is possible to build a wahkohtowin movement that is capable of transforming the institutional landscape of our contemporary prairie Indigenous political order.

At the start of writing this dissertation I held little belief that a movement could be created that was capable of transforming the institutional landscape of Indigenous politics. Through my experience with the Maskwacîs Education Schools Commission I was part of a small-scale wahkohtowin movement that was capable of transforming our structures of governance in Maskwacîs toward a relational form of sovereignty. To be certain, transforming the Indigenous political landscape will not necessarily create a fundamental transformation of the colonial relationship with Canada. What I believe is that moving from exclusive to relational forms of sovereignty will increase our collective capacity and leave us in a better position to pursue decolonization. I also believe this process will have the greatest impact on families and children in the present and help to mitigate some of the worst conditions of poverty and suffering within our communities. My belief in the potential of a larger wahkohtowin movement largely comes from

witnessing the building momentum and support behind the idea of amalgamating the four school systems in Maskwacîs. Here I use the scholarship of Marshall Ganz (2000; 2009) to work through why it is important to think and talk about how we build strategic capacity within our movements.

Marshall Ganz (2009) provides a set of insights into how groups can actually accomplish tangible change. Ganz's work offered a highly compelling framework that allowed me to reflect on and explain the success of the Maskwacîs Education Schools Commission. Ganz uses the parable of David and Goliath to ask "why should one strategic team outperform another, especially when the latter enjoys an advantage in resources?" (p. 11). Stephan Sachs writes "Numerous American Indian Communities, today, remain fractured as a result of physical and cultural genocide" (Sachs, 2017). What was it that allowed MESC to put together the necessary elements to amalgamate four separate school systems administered by four separate First Nations during a time when it is notoriously difficult for First Nations to share their authority with each other over the delivery of major services (education, health care, social services and infrastructure). While it is easy to identify external factors such as the reserves boundaries of the four First Nations are contiguous, or a preexisting shared identity of Maskwacîs, these explanations do not account for why Maskwacîs has not undertaken shared services in other areas like children's services or infrastructure. Additionally, why would Maskwacîs undertake this change when there are other reserves that share borders and regions with preexisting identity have not done the same.

Ganz here develops the idea of strategic capacity. Ganz (2009) defines strategy as "how we turn what we have into what we need to get what we want" (p. 8). Strategy

has three critical elements – “targeting, tactics, and timing” (p. 9). Targeting is the process of choosing how to best utilize one’s resources to achieve goals and avoid “spreading ... resources too thinly.” Tactics allows one to maximize your own resources while diminishing the strength of your opponents. Finally, timing is the ability to recognize moments of opportunity, “moments of unusual structural fluidity” where the resources you have “acquire more value,” and take advantage of them (p. 9).

While targeting, timing and tactics define what strategy is, the main contribution of Ganz is to define strategic capacity. For Ganz strategic capacity depends on three interrelated characteristics: motivation, information and learning. Motivation is the desire to achieve your outcomes. For Ganz motivation also “enhances creativity” and “resourcefulness” (p. 12-13). Information is a group’s access to “relevant knowledge and skill” (p. 13). This includes the mix of individual *identities* or what we might call a diverse set of positionalities within a group, having access to relevant *social networks*, and finally a wide set of *tactical repertoires* that allow for the application of different methods in different settings (p. 15-17).

Finally, learning is the ability to engage in practices of reflection and creative thinking to evaluate, devise and employ effective tactics. This includes the ability to have “regular, open, and authoritative *deliberations*” that allow groups to utilize diverse perspectives for the purpose of making effective decisions. For Ganz, maintaining “regular, open and authoritative deliberations” amongst diverse perspectives is a difficult but required if a leadership team is to make the most of its knowledge and skills (Ganz, 2003, p. 188).

Particular organizational practices are thus required to preserve diverse perspectives. For brainstorming to give way to decision-making, deliberative practices that encourage divergent thinking must also allow for convergent thinking. Although balancing divergent and convergent thinking is a difficult task, leadership teams that balance this tension place themselves in the best position to succeed by drawing knowledge from multiple relevant constituencies. These reflective processes are further improved by leadership teams that have *accountability structures* that connect them with those they act on behalf of (p. 17-19).

When all of these elements work in concert, Ganz compares a leadership team to a Jazz ensemble – “an ongoing creative process of learning to achieve a desired outcome by interacting with others to adapt to constantly changing circumstances” (p. 10-11). Ganz’s work has not only been helpful for providing me with the scholarship that allows me to reflect on the work of MESC, but has also helped me to think through the necessity of taking an explicit focus on strategic capacity within the articulation of a wahkohtowin movement. Ganz has a very telling passage in thinking about the early origins of the Farm Workers Association. He states,

The commitment to this deliberative approach was based less on democratic theory than on the fact that the leaders knew they had to learn how to accomplish the mission they had undertaken, and they knew they would have to help each other figure it out as they went along. (p. 90)

In particular, this means that a wahkohtowin movement must move beyond emphasizing good relations or simply infusing the concept within our political dialogue. Nor is the act of dialogue a sufficient prerequisite. The elevation of wahkohtowin must

also be accompanied by actions that will allow prairie Indigenous peoples to maximize our current strengths, take advantage of our motivation to decolonize settler society and build greater resiliency and self-determining capacities into the future.

### **1.3 Personal genealogy on governance**

From as far as I can remember, my intellectual energy has been preoccupied with governance. In its infancy, my focus was – “how can we imbue traditional Cree leadership values into the structures and operation of First Nation governments?” I now believe this line of questioning is flawed. Not because it focuses on tradition - the following leans heavily on *Nehiyaw* traditions and I defend the use of tradition. Nor because it focuses on First Nation Governments – these governments are flawed but also require our attention. Rather, focusing on how to imbue First Nation governments with traditional leadership was flawed for three reasons. First, the question assumes the most important site of change of transformation is change that will occur within a community. As I will argue, the most important site of change for Indigenous governance is transformation between communities. The success of any internal transformations within a First Nation government will in large part dependent upon rearranging how different sites of Indigenous collectivity relate to each other.

The second flaw revolves around how I conceptualized colonial interference. My early perception was that traditional governance had been undermined by the imposition of a foreign system of governance, specifically the *Indian Act*. The *Indian Act* is the Canadian legislation that has governed federally-recognized First Nations or

Bands and status Indians since 1876 (Hanson, 2009). In this view the solution for colonial interference rested upon removing the foreign system and reviving a traditional governance structure. The view that abolishing the *Indian Act* and reviving traditional governance will help achieve Indigenous sovereignty is lacking in at least two ways.

First, it does not properly take into account how traditional governance relied on the connections communities had with each other, not simply their internal arrangement. Many of the conditions that were present in the past – decentralized political and legal orders, economic autonomy – no longer exist in the present (Napoleon, 2009; Andersen, 2014; Tovías, 2011). Second, the problem with assuming we need a straightforward revival of traditional governance is that we have a diversity of intellectual traditions. What a revival of traditional governance looks like will depend on what aspects of tradition governance we emphasize and will be different to different people. In other words, our interpretations of traditional governance may not align and may at times even conflict with each other. We should not shy away from this conflict but embrace the ways that a revival of traditional governance will mean becoming skilled at working through our differences.

Saying that our traditional values conflict with each other does not indicate a lack of coherence within our systems of knowledge. Rather it is an indication that our systems of knowledge have a diversity of reference points and that emphasizing different reference points will lead to different outcomes. Reviving traditional governance can only occur alongside the ability to have dialogue about what we value in the present so we can work through what aspects of tradition we want to emphasize. Our traditions can even help with this task by providing us with rules for how we can

respectfully engage in dialogue, reflection and discussion in the service of making decisions (Friedland and Napoleon, 2015).

The third and final flaw with an understanding that we need to repeal the *Indian Act* and replace it with traditional structures is that this view does not fully take into account how colonial interference is not simply repressive but is also productive (Coulthard, 2007; Barker, 2011; Kauanui, 2008, Foucault, 1975; Butler, 1997, p. 83-105; Said, 1978; Stoler, 1995). A repressive view of power would conclude colonial interference operates by preventing us from doing things we would otherwise do. By productive, I am referring to the way colonialism changes how we understand and act on various problems. Colonial power has transformed the way we understand pressing issues like belonging/citizenship and authority. It transforms how we relate to various problems so removing colonial interference does not address how we have also internalized colonialism and how this internalization has transformed our communities.

At the start of writing my master's thesis I had partially come to this new set of understandings. I decided to begin my master's research with the question – "is reviving traditional governance an important pathway of self-determination?" The first step I undertook to answer this question was to think about what the term "traditional" meant. At the time, I was working in the community of Maskwacîs as the registrar of Maskwacîs Cultural College. Talk of culture and tradition is commonplace in Maskwacîs. It can be both constructive and damaging but regardless of its mixed record, "tradition" is part of how we think collectively. In thinking through how people used the term, I kept returning to asking myself why the label is so frequently applied to leaders such as Mistahi Muskwa or Big Bear.

Mistahi Muskwa had to navigate a period of great transformation where Canadian political authority was becoming ascendant on the plains, the buffalo hunting economy was nearing an end, and settlement on reserves was beginning (Dempsey, 1984; Wiebe, 2008; Christensen, 2000; Stonechild and Waiser, 1997). This area of inquiry was important because I realized that in part, the term traditional is used to reference a historical transformation instead of simply a set of values, beliefs and practices. I initially captured these dynamics by referring to this period of transformation as a shift in *de facto* sovereignty on the northern plains from Indigenous to Canadian authorities, or the shift between the pre-reserve and reserve eras that occurs in the late 1800s on the prairies (Wildcat, 2010, McNeil, 2013). When I was introduced to settler colonial studies I began to consider the utility of describing the shifts that were occurring on the Northern Plains in the late 19th century as the emergence of a settler colonial regime. Working through this settler colonial literature has helped me to focus my attention on the different forms of European colonialism (Wolfe, 1998, 2006; Veracini, 2010, 2011; Belich, 2009; Pedersen and Elkins, 2005). Thus unexpectedly, it was my contemplation of the use of tradition within the community that led me to an interest in settler colonial studies.

#### **1.4 Studying Indigenous governance: diverging approaches**

My research is motivated by a desire to give back and contribute to the collective life of Maskwacîs. Maskwacîs is a community that suffers from the same social ills that Indigenous peoples are disproportionality subject to in Canada. The focus of my early research on how to imbue traditional Cree leadership values into the structures and

operation of Cree governments was similar to one of two questions that drove the scholarship on Aboriginal self-government during the 1980's, 1990's (Boldt, Long and Littlebear, 1983; Boldt and Long, 1985, 1988; Russell, 2000; Warry, 1998; Cook and Lindau, 2000; Hylton, 1994, 1999). The first question was: how can First Nations' governments embody traditional values and practices? The second question was: how can Indigenous peoples assume greater government authority and how should this authority be situated within Canadian Federalism? The self-government scholarship most notably revolved around the work of Menno Boldt and his collaborators at the University of Lethbridge, Anthony Long and Leroy Littlebear. However, the orientation of the field did not fundamentally question or challenge the colonial relation between Indigenous and non-Indigenous people. The scholarship of Patricia Monture-Angus (1999), Taiaiake Alfred (1999), Marie Battise and Sakej Henderson (2000) shifted the field toward a decolonizing approach of studying Indigenous governance. Between 1999 and 2005 the study of Aboriginal self-government became almost non-existent and Indigenous resurgence as both practice and theory became the primary method of studying Indigenous governance in Canada.

The emergence of Indigenous resurgence as an intellectual tradition should be understood in relation to Indigenous direct action and cultural revitalization movements. Borrows and Tully characterize it as follows 'Resurgence is often used to refer to Indigenous peoples exercising powers of self-determination outside of state structures and paradigms' (Tully and Borrows, 2018, p. 4). Throughout the 1990's Indigenous peoples engaged in a large degree of direct action in defense of land and water, which became the basis for further analysis by Indigenous scholars. Some of the most well-

known defenses and the scholarship that grew out of them include the Oka crisis (1990) (Baxendale and MacLaine, 1990; Hornung, 1991; Pertusati, 1997; Ladner and Simpson, 2010; Simpson, 2014, p. 147-176; St-Amand, 2018), Clayoquot protests (1993) (Magnusson and Shaw, 2002; Braun, 2002; Goetze, 2005, p. 252-256), Gustafsen Lake standoff (1995) (Shrubsole and Lackenbauer, 2015; Shrubsole, 2011; Lambertus, 2004; Switlo, 1997; Montreal Anarchist Black Cross Federation, 2001); Ipperwash crisis (1995) (Lackenbauer and Gulewitsch, 2015; Lackenbauer, 2007, p. 115-143; Hedican, 2008; Edwards, 2003), and Burnt Church crisis (1999) (King, 2014). All of these actions involved significant responses and expenditures by Canadian governments (Simpson, 2014). It is now widely accepted these actions led to the Royal Commission on Aboriginal Peoples, the BC Treaty Process, and numerous other government studies on top of the costs associated with the initial mobilization of police and military resources against Indigenous defenders (Ipperwash Inquiry, 1995; King, 2015). Coulthard (2014) argues that direct action undergirds all situations where settler governments agree to sit at negotiation tables with Indigenous peoples.

Alongside land and water defenses a whole class of Indigenous writers, musicians and artists had emerged by the 1990's (Beavon, et al., 2005, p. 10-11). Other grassroots practices around ceremony, food harvesting and language revitalization sedimented the importance of local and grassroots movements within the overall push for Indigenous self-determination (Simpson, 2008).

Today, some label direct action and grassroots cultural revitalization as acts of Indigenous resurgence (Coulthard, 2014; Elliot, 2018; Barker, 2014; Kino-nda-niimi Collective, 2014). Some Indigenous political actors may use the term resurgence to

describe their actions, but resurgence is not a universal description of these activities. Therefore, I think it is important to conceptually separate literature that employs the term resurgence and practices of direct action and cultural revitalization. When I use the term resurgence I am speaking specifically about the body of literature and intellectual paradigm, unless I indicate otherwise.

Although these practices help to explain the rise of Indigenous resurgence literature, another failure also helps to explain the collapse of literature on Aboriginal self-government. By the late 1990s Indigenous governments were responsible for the delivery of programs and services that Indigenous peoples had fought to gain control over in previous decades. But, formal control over the delivery of programs and services did not have the kind of transformative impact that was anticipated by Indigenous peoples (Alfred 1999).

In the 2000's, many Indigenous students and writers in Canada began to articulate a vision of Indigenous self-determination under the resurgence mantle, led by scholars such as Leanne Simpson, Taiaiake Alfred, Glen Coulthard and Jeff Corntassel. Indigenous resurgence offered a paradigm for rethinking the relations between Indigenous and non-Indigenous peoples that envisioned a radical transformation of how society was structured to align with principles of non-domination found in many Indigenous knowledge systems. While the overall appeal of resurgence itself may be on the downturn, one of its key methodological pillars of focusing on organizing outside of the state remains influential and firmly in place within Indigenous scholarship. What I believe the example of education in Maskwacîs shows is that a "turn away" from the state does not require a complete break with state education systems (Coulthard 2007).

Resurgence primarily critiques the operation of the Canadian state and settler society and has argued persuasively for the power and potential of Indigenous cultural movements and direct action. As noted, resurgence has distinguished itself from earlier studies on Aboriginal self-government by focusing on Indigenous power and collective organizing that exists outside of the Canadian state. The transition from the focus on Aboriginal self-government to Indigenous resurgence has taken away from the critical study of: a) how Indigenous peoples create political institutions in our contemporary setting; and b) what we should do with the institutions that we currently have. Today the only Indigenous political scientist publishing who uses the term Aboriginal self-government in a constructive sense (rather than purely for the purpose of critique) is Rauna Koukkanen (2011). Koukkanen is, however, joined by a number of other non-Indigenous researchers who look at Indigenous governments from the perspective of multi-level governance and inter-governmental relations literature but whose scholarship overall does not sufficiently engage with how colonial power shapes the contexts they study (Alcantara and Nelles, 2014, 2016; Alcantara and Davidson, 2016; Papillon and Juneau, 2013; Papillon, 2013).

Although discussions within the academy about Indigenous governance have shifted toward resurgence, other scholars and researchers have maintained an active commentary and research program on Indigenous governing institutions. There have been other approaches for engaging with Indigenous forms of governance that both challenge the settler state and seek to use the power within it to further Indigenous self-determination. For example, Kiera Ladner has developed a set of arguments about the tensions produced over the differences between the constitutional orders of Indigenous

peoples and settler governments. Ladner argues that “It is becoming increasingly apparent in Indigenous politics that it is necessary to find a way to live together and reconcile competing stories of Canada, competing constitutional orders and contested sovereignties” (Ladner, 2014, p. 280). Ladner shows how Indigenous peoples have articulated different political understandings in the face of an obstinate Canadian state and in doing so are able to make some room for Indigenous constitutional orders.

At the international level, Sheryl Lightfoot has made a case for how Indigenous activism is subtly undermining the conventions of state sovereignty by articulating a different vision of politics. Lightfoot describes the significant barriers Indigenous activists were able to overcome in order to create the United Nations Declaration on the Rights of Indigenous peoples. Simply stated, the United Nations is a venue created by states in order to advance state interests. So, how were Indigenous peoples able to secure the passage of a Declaration on Indigenous rights that acknowledges the self-determination of Indigenous peoples as collective bodies? Lightfoot acknowledges the Declaration has been critiqued by other Indigenous scholars but shows how the principled, determined and strategic action of Indigenous activists in the UN was able to utilize “protest and collective action ... to bring attention to an unfair situation” alongside diplomacy and negotiation (Lightfoot, 2016, p. 86-87)

Both of these scholars parallel in part my story of how Maskwacîs was able to forge a path of self-determination. The story of MESC differs, though, because the primary object of transformation was not the Canadian state. Rather, the object of transformation was how the people of Maskwacîs relate to each other. While the Canadian state was involved because it was willing to negotiate a new funding

arrangement, the story is primarily about how we transformed relations with each other through the concerted efforts of educators within the community to continually improve the delivery of education. In order to build internal capacity of Maskwacîs schools, the state offered little help. Rather what was required was an indifference to the state in lieu of creating an institutional culture that was capable of slowly but surely building strategic capacity and a culture of innovation. It was this capacity that was eventually able to take advantage of opportune timing to negotiate a funding arrangement with the Federal Government. Thus, I am calling for a renewed focus on Indigenous political orders and governance that takes seriously places where Indigenous peoples have had organizational success in building conventional institutions.

Improving governance is important, but a belief in good governance does not provide a roadmap for how to get there, particularly in the case of Indigenous peoples. My research fills a significant gap in the literature by focusing on how we can transform our existing Indigenous political institutions to provide better care and support for Indigenous peoples; at the same time, moving away from the technocratic approach of many consulting firms by refocusing the question on Indigenous peoples themselves and their own form of governance.

Similarly, while I find the resurgence paradigm to be incredibly persuasive, it is not one widely used by First Nation governments who continue to access and utilize governance advice by other means. Studying Indigenous political institutions requires a move toward a contextual analysis of how settler colonial rule has impacted our political orders while at the same time leaning heavily on Indigenous political traditions to imagine alternatives. Part of what I work towards in my epilogue is the possibility of

developing an approach that incorporates the insights of Indigenous scholarship and is capable of replacing non-Indigenous approaches like John Graham or other popular research centers, like the Native Nations Institute (NNI) more colloquially referred to as the Harvard project (on economic development) that seek to provide advice to Indigenous Governments (Kalt et al., 2008; Native Nations Institute, 2019; Jorgensen, 2007; Raine et al., 2017). While NNI discusses colonization and Indigenous political traditions within their analysis, they treat existing Indigenous institutions as a given and do not consider how Indigenous peoples might transform our political systems.

As I will show in the MESC case study, we must also undertake the difficult work of identifying how relational philosophies generate a shared feeling/belief that we can act in concert with each other to transform our existing political order for the better. To do this requires reference points and discursive pillars for how people think and talk about governance. I hope to wade into this task by both analyzing and adding momentum to a wahkohtowin movement in both practice and theory.

## **1.5 Maskwacîs knowledge**

I would not claim to inhabit the world of Maskwacîs in the same way those who live in the community full-time do. My time spent visiting and working within the community means that the claims of this dissertation are an extension of larger traditions within the community, but are also not meant to be perfect representations of how people in Maskwacîs approach problems of governance. The following dissertation has been “co-constituted” through my interactions within Maskwacîs where I have been influenced

deeply by the community, but I also push back when I believe we can think about an issue in a different way.

From the standpoint of working with and within a community, it is worth detailing my main work experiences. First, I worked as the Registrar at Maskwacîs cultural college. Notably, I had individual academic counselling sessions with approximately 400 people inquiring about applying to MCC and this gave me a much different perspective on how Band membership and citizenship plays out in individuals lives. Second was experience running a referendum on behalf of Ermineskin Cree Nation.<sup>4</sup> During this I hosted ten community meetings on the issue with various stakeholders, reported to and took direction from a referendum committee and Ermineskin Chief and Council, and produced all the related information material. The referendum was over the question of whether or not to transfer our capital monies from accounts run by the federal government into an independently operated trust. At the time of the referendum our capital monies were valued at approximately \$240 million. This process was fundamental in helping me understand questions of the lack of trust and fear that exist within the community.

Third, I sat on the Board of Directors for Neyaskweyahk Group of Companies during its first three years of operation, an initiative through which Ermineskin Cree Nation consolidated various nation-owned businesses under one roof to create jobs and

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<sup>4</sup> My title was Communication Lead but I acted as an executive director in that position.

improving the financial management of our commercial enterprises. This process gave me an insight into how people conceptualized the authority of First Nation governments and the scope of authority held by Chief and Council.

Finally, I was the director of communications and senior advisor on governance for the Maskwacîs Education Schools Commission (MESCC) that merged four separately run K-12 First Nation school systems into a single system. It is this process that has shaped my understanding and potential of a wahkohtowin movement within our Indigenous political order. But more importantly, it meant that ideas that I had partially developed in abstraction while residing in Vancouver attending UBC were applied and contested through dialogue with others over how to go about communication and governance activities on behalf of MESCC. While your ideas are always changed through the act of working with others, the ideas contained within “weaving our authority together” and in a separate paper “fearing social and cultural death” stood up to the rigour of traversing through a live governance context, one of immense stakes that resulted both in the largest institutional transformation the community has undertaken, and in the most significant agreement we have signed with the federal government since Treaty Six (Wildcat, M. 2018).

All of these experiences have been further shaped by my interactions with family members and other community members who help me to reflect on and interpret the act of making decisions within the community. Importantly, these experiences are valuable not just for understanding the dynamics of authority and citizenship within the community, but have left an affective imprint on me. To work within the community is to experience anger and frustration at the way things are, the ways people sometimes

behave, and the ways people treat you. It also means exercising restraint in the face of these negative feelings and thinking deeply about how to act in a way that aligns with your values while also striving to be strategic about positively impacting the community. This does not mean fully suppressing one's emotions but requires finesse in how to stand up for yourself and ideas in a way that allows for ongoing engagement. But most importantly the deeply affective nature of working within a community means that along with the negative feelings, one also has experiences of hope that emerge when change does occur and has the potential to gain momentum. And it is this appreciation that drives chapter 5 of the dissertation.

## **1.6 Dissertation outline**

The following dissertation has two main areas of inquiry. The first area of inquiry is organized around the research question: how has the rise of a Canadian settler colonial regime on the prairies impacted Indigenous political orders? Many changes have arisen at different points in our history with Canadian settler colonial regimes. My primary starting-point is a contrast between the operation of prairie Indigenous political orders in the late 19th century with the Indigenous political order in the present. The concepts offered in this dissertation are most applicable to the Canadian prairies, but I hope the theorizing here has insights regarding how settler colonialism at large impacts Indigenous political orders.

The second area of inquiry asks: what intellectual resources can prairie Indigenous peoples draw on to respond to the effects of settler colonial regimes on our political orders? Here I focus on the concept of *wahkohtowin* – a concept that directly

translates as kinship or relationships in Nehiyawewin (Plains Cree language) and Michif (Metis Language).

My theorizing has an explicitly institutional bent, but unlike most literature directed at institutions I do not work within a prescriptive or normative tradition that seeks to describe best practices or outline what ideal institutional arrangements look like (Boldt, 1993, Boldt and Long, 1988; Hylton, 1994, 1999; Cairns, 2000; Russell, 2000; Schouls, 2004; Macklem, 2001). Rather, I seek want to look at the philosophies, practices and potential of a wahkohtowin movement that can counter some of the worst legacies of settler colonial regimes. A wahkohtowin movement is a theory and practice that is both deeply historical but also emergent.

Chapter two defends an understanding of the late 19th century northern plains as the rise of a Canadian settler colonial regime, argues that this description is better than other descriptions of that era. While I consider some of the drawbacks that scholars have identified about the orientation of settler colonial studies, I ultimately defend settler colonial studies as providing useful tools of analysis for my purposes. The remainder of the chapter then focuses on Plains Indigenous governance through an examination of the life of Mistahi Muskwa (Big Bear) culminating with the 1885 northwest resistance. The purpose of this chapter will be to outline the dynamics of the prairie Indigenous political order just prior to the onset of the Canadian settler colonial regime. The example of Big Bear is an important one because he was the leader of the largest band of Plains Indigenous people who held out from signing Treaty and moving on reserves. Recounting this narrative is important for showing the operation of political authority and citizenship on the plains during the onset of settler colonialism.

Chapter three will provide the conceptual framework for looking at how settler colonialism has impacted political authority within the prairie Indigenous political order. The chapter begins with an extended definition of community, drawing on Griffith's theory of legal pluralism. The chapter then moves on to theorize how settler colonialism has impacted the prairie Indigenous political order. I argue that the rise of centralized authority in the Band Council has resulted in a more fragmented Indigenous political order on the prairies.

In the fourth chapter I explore the connection between citizenship and gender. In this chapter I argue that our formal citizenship must become more accountable to the practices of relational citizenship if we are to address gendered injustice within our citizenship regimes. I use the work of Rauna Kuokkanen to argue that if our citizenship rules are to value our relational practices they must focus on the well-being of individuals in addition to collective well-being. I explore how reformulating our citizenship regimes in light of contemporary mobility is an important aspect of eliminating gendered injustice within our communities. This is not easy work because racist discourses have used Indigenous mobility to undermine our political claims but we must avoid defending against these discourses by propping up an exclusive form of sovereignty.

In the fifth chapter I shift focus to the case study of the Maskwacîs Education Schools Commission (MESc). Here I show how MESc leaned on the concept of *wahkohtowin* to undertake a major institutional transformation and secure a victory for Indigenous sovereignty in the precarious space of settler colonialism. I show how MESc was able to overcome aspects of the prairie Indigenous political order, stemming from

settler colonization, that prevent political cooperation between Indigenous peoples. I argue that MESC presents an example of how we can spur a wahkohtowin movement within the prairie Indigenous political order that can remake modes of political authority and citizenship to better care for Indigenous peoples.

I close with an epilogue where I begin to outline the nascent process behind Relational Governance - a facilitated method that Indigenous governments and organizations can use to create new institutional arrangements with each other. The method asks 'how do we locate responsibility within a relational web based on Indigenous laws/philosophies.' Relational Governance emerges from my work in Maskwacîs, the North and the Alberta Government but also draws from my engagement with seven other formal governance methods. Ideas don't have agency, they only work through people working in concert with each other to actualize them (Ganz 2010). With relational governance I map out a practical tool for organizations and governments seeking to create new governance arrangements capable of furthering Indigenous self-determination.

## **1.7 Conclusion**

The book *Walking a Tightrope* looks at representations of Indigenous peoples in settler society. The editors conclude that given the prevalence of powerful stereotypes, Indigenous peoples are often placed in a situation where the most they can hope for is to be "paraphrased correctly" (Lischke and McNab, 2005; p. 14). But the 'tightrope' created by settler colonialism doesn't just apply to how Indigenous representations travel in settler society. The work that happens inside Indigenous communities walks a

fine balance between criticism of structures created by settler colonization and productively working with the constraints that we find ourselves in. The following attempts to walk this balance in relation to how we create Indigenous governing institutions in the present. To do so requires a detailed analysis of the negative impacts exclusive sovereignty and the ongoing negative impacts of settler society. On the other hand, we are capable of responding to the challenges that face us in both a principled and pragmatic fashion.

Wahkohtowin has been the primary mode of reflection and guidepost that I have used throughout this study. Maskwacîs Education Schools Commission leaned primarily on wahkohtowin as the main intellectual tradition to guide the project, have deliberations with each other, and make binding decisions. Wahkohtowin was a principle that often had to assert itself in the face of other community discourses and intellectual traditions that sought to derail the process. While it was key individuals who pushed the concept of wahkohtowin, it was also clear throughout the entire process that wahkohtowin was a widely shared and deeply held belief in the community. Given the success here, I develop a plan for how to build and grow a *relational governance* method that will contribute to growing wahkohtowin movement on the prairies.

## **Chapter 2: The rise of settler colonialism on the prairies**

During the late 19th and early 20th centuries the northern plains of North America underwent a dramatic transformation that ushered in the arrival of European settlement. According to historian of Anglo settlement James Belich (2009), “[t]he four western provinces experienced one of the latest and greatest of all Anglo booms, growing tenfold to 2.5 million people between 1891 and 1921, with most of that growth between 1897 and 1913” (p. 408). These dramatic transformations have not been overlooked by scholars. Over the past 15 years alone, there has been 15 books by different authors that directly speak about this era (Andersen, 2014; Carter, 2008; Craft, 2013; Devine, 2004; Erickson, 2011; Gavigan, 2012; Graybill, 2007; Innes, 2013; McAdam, 2015; Smith, 2009; St. Germain, 2009; St-Onge, 2004; Titley, 2009; Tovías, 2011; Vrooman, 2012). This amount of scholarly production on this spatiotemporal era of Indigenous history in Canada and the United States is surpassed only by studies of the American Southwest during the period of removal in the 1830’s, and the eastern Great lakes and American northeast around the War of 1812.

What is it that attracts so much scholarly attention to these spatiotemporal eras? In each example, these eras represent key moments in the rise of settler colonial authority over Indigenous territories. In the case of the northern plains all of the studies that focus on that time period reference the momentous changes that are underway: namely, the fading of Indigenous political preeminence in the region, and the replacement of the buffalo/fur trade economy with settler agricultural capitalism.

Although studies of the late 19th century northern plains are premised on a regime change, a common terminology does not exist to describe the transformation at hand.

The following chapter will move through two tasks. First, I will put forward an argument that scholars should describe this period of the northern plains, or what becomes known as the Canadian prairies, as the rise of a Canadian settler colonial regime. In this sense, I eschew a focus on structure and permanence and ask a temporal question: what can we learn about Indigenous political orders through looking at the advent of a settler colonial regime? Second, using the case of Big Bear, I describe important aspects of how the prairie Indigenous political order operated in the face of rising settler colonial power and begin to work towards a framework for understanding the impact of settler colonialism on Indigenous political orders.

## **2.1 Settler colonial scholarship and Indigenous political orders**

Settler colonial studies provides important ways to frame and understand the colonization of the northern plains but is also problematic if not framed through and from Indigenous political perspectives. Penelope Edmonds and Jane Carey (2013) succinctly describe the impact of settler colonial studies on the academic world:

Work on settler colonialism has expanded exponentially since the 1990s, when a range of scholars began to view the singular category of 'colonialism' as too blunt a tool. They argued that colonies where 'the settlers had come to stay' presented particularly contested and often violent material and cultural dynamics which required specific scholarly as well as activist interrogation. ... we argue that the

settler colonial phenomenon, which has shaped global orders and individual lives in profound and often violent ways, demands particular analytical attention. (p. 2)

I will discuss some of the problems that have arisen within the field of settler colonial studies below, but we should not underestimate the importance of the intervention settler colonial studies made, and is still making, in contexts where it remains a struggle to convince people that countries like Canada and the United States are colonial in the present.

I was first introduced to settler colonial studies in 2011 upon beginning my PhD studies. Positioning (white) non-Indigenous peoples as settler colonizers instead of simply colonizers has helped to give additional clarity to describing shifting historical relations between non-Indigenous and Indigenous peoples as we move from fur-trade colonialism to an agricultural-capitalist economy (Wolfe, 2006; Veracini, 2011; Tough, 1997).

Settler colonial studies has undergone a period of scrutiny after its own popularization following the publication of Patrick Wolfe's (2006) now famous essay, "Settler colonialism and the elimination of the Native" (Kauanui, 2016; Day, 2015). Indigenous authors and activists have always insisted that we continue to live under colonial conditions, so why is it that the insights of settler colonial studies have had such a large impact when they are not new or unique? While "Elimination of the Native" and Veracini's (2011) introductory article to the journal *Settler Colonial Studies* provide parsimonious accounts of why settler situations should be distinguished from other colonial contexts, we should also reflect on why Wolfe and Veracini's scholarship made

the most headway in forcing the Anglo academy to regard Canada and the United States as colonial.

The proliferation of Settler colonial studies over the last decade has caused some to resist the terminology. Rowe and Tuck show one such objection.

Nancy Shoemaker (2015) writes that the analyses of settler colonialism have “taken over” the field of Native American Studies (n.p.). She writes, ‘(s)ettler colonial theory is now dogma. At my last two conference presentations, a fellow panelist was astonished I didn’t deploy it.’ (Rowe & Tuck, 2016, p. 3)

In a broader context the majority of scholars working on Indigenous peoples in the academy are non-Indigenous themselves and overwhelmingly white (Tuhwai-Smith, 2012). Even if headway has been made by Indigenous scholars in the humanities and social sciences, in the fields of health and science research on Indigenous peoples remains dominated by non-Indigenous scholars. Settler colonial studies has tried to position itself against this dynamic by sometimes making the focus of their analytic attention the ‘settler,’ but this move further obscures the debts owed to Indigenous writers, scholars and activists. As Kehaulani Kauanui (2016) states in her correction to the field of settler colonial studies, we cannot “exclusively focus on the settler colonial without any meaningful engagement with the Indigenous” (p. n. p.). Or as Kauanui states in later work “Indigeneity is a counterpart analytic to settler colonialism; any meaningful engagement with theories of settler colonialism needs to tend to the question of Indigenous People(s) of any given settler colonial context” (2018, p. 33)

A second problem with the field is that settler colonial regimes are represented as more structured than they really are. Alissa Macoun and Elizabeth Strakosch (2013) describe this problem: “emphasizing continuities in colonial relationships between the past and the present can tend to construct existing political relationships as inevitable and unchanging” (p. 427). Robert Nichols (2017) highlights this problem also, in particular the phrase settler colonialism is a “structure not an event”. For Nichols (2017) the early purpose of the field was to “distinguish settler colonialism from other forms of imperial domination and rule” (p. 1063). Yet, the task of distinguishing settler colonialism led the field to focus on a level of generality that does not lend itself to “*how* settler colonialism actually functioned in its internal complexity and variety” (p. 1063). The level of generality has meant the field continues to focus on Wolfe’s quoted and quotable phrases:

settler colonialism “is a structure not an event”;

“settler colonialism destroys to replace”;

“the irreducible element of settler colonialism is land”;

and the primary underlying drive of settler colonialism is the “logic of elimination”

(Wolfe, 2006, p. 388).

Wolfe has most often been taken up in ways that seek to demonstrate the *structural* nature of settler colonialism (Kauanui, 2016). The focus on structure always has the potential to slip into an analysis where settler domination becomes a totalizing force where “resistance is futile” (Newhouse, 2000, p. 141). When we fall into a tendency where settler colonialism overwrites all social relations, we can easily discount the ability of Indigenous strategic capacity to change the societies around us, an issue I will

discuss in regard to the Maskwacîs Education schools commission (also see Lightfoot, 2016). In contrast, this study uses Wolfe to focus on the ways in which settler colonization is, in addition to being a structure, also a rupture and is itself constantly forced to change in order to maintain colonial domination (Wolfe, 1999; Coulthard, 2014). It is in settler colonialism's need to constantly reconfigure itself that openings for Indigenous peoples sometimes arise (Tully, 2000).

Jodi Byrd (2013) puts forward a challenge that I hope to take up as a remedy to totalizing narratives of settler colonial power.

On the flipside, one of the challenges facing Indigenous studies in conversation with settler colonial studies and frontier histories is to resist the continual prioritizing of an effect for a cause, of requiring the settler and the frontier rather than the Indigenous as the structuring analytic through which to assess the consequences of colonialism. ... Such an observation depends upon a perspectival shift within these fields to center Indigenous ontologies and epistemologies such as those from the Southeast that have the priority, the right, and the responsibility to determine the frames of debate. (p. 154)

For myself, my initial preoccupation was thinking about how people deploy the concept of "tradition" as an empirical referent. In Maskwacîs, the "term" traditional is used to signify many different things, but one of the things it signifies is the era when Treaty Six is signed and the community moves onto reserves. This is a community grounded way of signifying the dramatic changes that happen during this period.

Reading the work of Wolfe, James Belich and other theorists in settler colonial studies provides a nomenclature and set of analytic tools to examine the late-19th

century and early-20th century Northern plains. Drawing on settler colonial studies connects the events on the northern plains to a broader global phenomenon. Wolfe's work has provided a powerful conceptual language that is easy to use and explain to others, and this usability has aided my research on why the arrival of settler societies has had such a significant impact on Indigenous political orders. While Rowe and Tuck caution that seeing settler colonial studies as a "new turn" obscures centuries of critique, they also summarize the utility of settler colonial studies: "By dismissing the theories of settler colonialism as the new dogma, one can miss what is so generative in the turn to analyzing settler colonialism; that is, attending to the life lived on stolen Indigenous land" (Rowe and Tuck, 2016; 6).

For my purpose here, I'm interested in additional tools settler colonial studies provides to the question "when does settler colonialism arrive in a territory?" This question requires more attention but recent work does give us some clues. Lisa Ford (2010) has argued that settler jurisdiction arrives when violence within Indigenous communities is criminalized by settler legal systems. Ford's distinction rests on the understanding that sovereignty as a concept and practice has many iterations. As settler's moved into new spaces, "All understood the spatial and juridical limits of colonial and state sovereignty in the early decades of the nineteenth century" (Ford, 2010, p. 3). Settler sovereignty transformed itself in the 1820's and 1830's to require perfect territorial jurisdiction requiring "the legal obliteration of Indigenous customary law" (ibid., p. 2).

It is worth noting that in many cases settler sovereignty continues to practice an imperfect or incomplete form of jurisdiction over Indigenous peoples. In her work with

the Algonquins of Barriere Lake Shiri Pasternak illustrated “the gap between the state’s assertion of sovereignty over Indigenous peoples and its legal authority to exercise territorial jurisdiction over Indigenous peoples and their lands” (Pasternak, 2017, p. 3). This analysis of the incomplete nature of settler sovereignty has also been explored by Kevin Bruyneel with his concept of the “third space of sovereignty,” the idea that Indigenous sovereignty rests neither wholly inside of, nor wholly outside of settler state sovereignty (2007). In a similar vein Audra Simpson’s theorization of nested sovereignty argues that “sovereignty may exist within sovereignty. One does not entirely negate the other, but they stand in terrific tension and pose serious jurisdictional and normative challenges to each other” (Simpson, 2014, p. 10). All of these works are notable because they trouble the political science maxim distinguishing between descriptions of the world *as it is* and *as it ought to be*. For all three the empirical task of showing the qualified nature of settler sovereignty is bound up with imagining a different world. In other words, we cannot examine settler jurisdiction purely from the standpoint of who holds *de facto* sovereignty or jurisdiction on the ground because this assessment requires moral and legal judgements about who should control what. As scholars like Pasternak, Bruyneel and Simpson show conclusively, these questions are not resolved and their resolution has no end in sight.

With that being said, Ford’s analysis is still correct in many ways because settler sovereignty does have an overwhelming capacity to exercise territorial jurisdiction over Indigenous lands and peoples. What I think this means is that tracking the rise of settler colonization is a more valuable analytic than studying legal agreements or ‘contact’ as a way to understand the changes to Indigenous political orders that were brought about

through interaction with non-Indigenous peoples. The key here is focusing on shifting dynamics of power on the ground.

## **2.2 Settler colonization in the northern plains**

Studies of the late 19th century northern plains describe the era as a significant transition, but no common terminology exists to describe these changes. At the most general level this process occurs between 1869-1913. In 1869 the Hudson Bay Company (HBC) sells their discovery claim over Rupert's Land to the Government of Canada. The process of negotiating numbered treaties with Indigenous peoples on the northern plains begins less than two years later and was in part driven by Indigenous peoples' displeasure upon hearing of the agreement with the HBC (Price, 1999). 1913 marks the end of massive growth in population in the prairie provinces (Belich, 2009). The Canadian census gives us a picture of the population growth at its height. From 1901-1911, the population in Alberta quadruples from 73,022 to 374,925, Saskatchewan quintuples from 91,279 to 492,432 and Manitoba, having had a population explosion earlier, almost doubles from 255,211 to 461,394 (Government of Canada, n.d.). In total, the growth in population between the three provinces more than triples from 419,512 to 1,328,751. Another significant bump happens again from 1911 to 1921 with the population growing almost 50% to 1,956,082, but future levels of growth, even during latter economic booms, does not approach the population growth during this era (Government of Canada, n.d.).

Although these legal and demographic shifts provide a broad range, a closer documentation of when power transitions from Indigenous to settler authorities is

needed. To examine this shift, the period between 1876 and 1885 represents a dramatic transfer of effective authority from Indigenous peoples to settler authorities. In 1885, Metis and First Nations peoples lead a resistance against rising Canadian control in the area (Dempsey, 1984; Stonechild and Waiser, 1997). This resistance is put down and marks the end of ongoing attempts by Indigenous to negotiate the terms of the new order. But in 1885 we are still ten years away from a large influx of settlers so the rise of a settler colonial regimes cannot be tracked purely from a demographic standpoint. While settlers themselves may not be arriving *en masse*, settler power is able to effectively establish itself by replacing a reliance on Indigenous networks that existed during the fur trade with its own transportation, commodity, communication and legal/political networks (see Daschuk, 2013, p. 127-158; Gavigan, 2012, p. 121-155).

The changes that occur in this era are more important than changes that result from contact. When discussing the harm Indigenous peoples have experienced from the last 500 years of interactions with non-Indigenous peoples, there is a rhetorical tendency within Indigenous communities to speak of *contact* with European peoples as the major turning point through which subsequent harm and transformation of Indigenous life emanates. As was put to me at an Indigenous Laws workshop in Edmonton in 2019, “how do we revive the laws we had before contact”? Russell Means (2006) is representative of this rhetorical emphasis on contact:

All my life, I've had to listen to rhetoric about the United States being a model of freedom and democracy, ... Well, I've got a hot news flash for everybody here. It's a lie. The whole thing's a lie, and it always has been. ... there's a *little matter of genocide* that's got to be taken into account right here at home. I'm talking

about the genocide which has been perpetrated against American Indians, a genocide that began the first instant the first of Europe's boat people washed up on the beach of Turtle Island, a genocide that's continuing right now, at this moment. (p. 115)

Here, Means demonstrates to the tendency to flatten the forms of domination between Indigenous and non-Indigenous peoples. The rhetoric Means employs disavows a history that has undergone multiple changes.

There is a great deal of rhetorical and symbolic power in pointing toward contact as the moment of great change. It establishes a clear link between Indigenous suffering and European colonization. It is also foregrounds the relationship between Indigenous and white people as one driven by the logics of race and racism. Most importantly, contact sets a stark reminder of the ways European invasion has caused destruction for Indigenous peoples.

But the rise of settler colonial power, not contact, is far more valuable within the study of Indigenous political orders. When Indigenous peoples first encounter European and other non-Indigenous peoples around the continent, it typically takes 100-200 years before European colonial powers or their descendent settler societies to gain a decisive upper hand with Indigenous peoples (Saunt, 2015; DuVal, 2007). The last 10 years has seen a great deal of literature that has documented how at the beginning of the 19th century, the vast majority of the continent remained firmly in control of Indigenous peoples. According to Michael Witgen, "There are too few histories of nineteenth-century North America that tell the story of the numerically significant and politically independent Native peoples who controlled the majority of the continent's territory, and

who helped to shape the historical development of the modern American, Canadian, and Mexican nations” (Witgen, 2013, p. 16). Witgen tackles the issue of how Indigenous peoples impacted North American history in the final section of his book by detailing how Americans constituted their identity as a new country in relation to how they would engage Indigenous social formations, and how British Canada chose to ward off American power by “maintaining alliances with the autonomous peoples of the Native New World in the first half of the nineteenth century” (p. 358).

Witgen is not alone in detailing the persistence of Indigenous power well into the mid-19<sup>th</sup> century. Pekka Hämäläinen (2009) has shown how the Comanche were the dominant society in the Texas region until 1850, in the face of American, Spanish and Mexican power. Claudio Saunt (2015) also shows the extent of Indigenous political power in his wide ranging history *West of the Revolution: An Uncommon history of 1776*. Kathrine DuVal (2007) also documents the persistence of Indigenous political power well into the 1800’s in the face of expanding European and settler powers with her work *Native Ground: Indians and Colonists in the Heart of the Continent* and the list goes on (Blackhawk, 2006; Richter, 2003; Hämäläinen 2019).

The persistence of Indigenous political power is not meant to dismiss the many devastating impacts that European arrival had on Indigenous peoples, from disease to increased violence. But these changes do not help us to explain why the plains Indigenous political order looks like it does today. Namely, although many Indigenous peoples endure many difficult circumstances prior to settler colonization, Indigenous political power was able to regulate the terms of political interactions with colonial powers, as these books amply demonstrate, for many decades after contact. The parity

between Indigenous and European political, economic and military power over these early centuries of interaction limited the ability of European people to interfere with the internal operation of Indigenous political orders. With the onset of settler colonialism, non-Indigenous people begin to significantly interfere with the operation of Indigenous political orders by imposing centralized structures of representative government, eroding the ability of Indigenous peoples to have fluid citizenship and undercutting the economic autonomy of Indigenous peoples. The story of Big Bear provides an important background on the operation of prairie Indigenous political orders prior to the onset of settler colonization.

### **2.3 Indigenous political histories and gender**

In taking a focus on Big Bear this chapter reproduces a problematic tendency within literature on Cree governance and law to focus on the experiences of men (Snyder, 2018). Emily Snyder has undertaken a comprehensive study of how gender is represented within publicly available, contemporary resources on Cree Law (Snyder, 2018, p. 7). Snyder sums up her findings of how women are absent as follows:

It is not that there should never be gender-specific educational materials that deal with the particular gendered subjects. What is unsettling is just how frequently men are centered, how commonly they are depicted as authoritative, and how often their knowledge and experiences are sought out, represented, and treated as universal. That Cree women are so easily disavowed, with men

constituted as stand-ins for Cree people and politics, further entrenches patriarchal norms. (83)

Jean Barman echoes these concerns in a regard to history “[W]e have become entrapped in a partial world that represents itself as a whole world. Records almost wholly male in impetus have been used by mostly male scholars to write about Aboriginal men as if they make up the entirety of Aboriginal people” (Barman, 2006, p. 271). Shelley Gavigan examines the rise of Canadian criminal law on the Canadian prairies in the late 1800’s. She notes: “The women of the First Nations are difficult to locate, their voices almost indiscernible, in the legal history of the Plains” (Gavigan, 2012, p. 156).

Part of the issue here is I rely primarily on secondary texts to bring together the history of Big Bear. With the story of Big Bear I am mainly attempting to draw out the interconnected and decentralized nature of prairie Indigenous political authority and citizenship. In later chapters I discuss the gendered implications of the rise of exclusive sovereignty and seek to discuss how a relational sovereignty and citizenship has the potential to address gendered injustices within prairie Indigenous political orders. Here I provide an initial sketch of how changes to gender, citizenship and political authority co-constitute each other during the time of Big Bear.

Sharon Venne discusses the authority of women during the time of Big Bear her article “Understanding Treaty Six: An Indigenous Perspective”. According to Venne, women were responsible for the jurisdiction Cree people have over their territories, or in short, “it is women who own the land” (Venne, 1997, p. 191). According to Venne “One of the reasons women did not take on political roles such as Chief, or participate in the

treaty-making process, was to protect their jurisdiction and possessory rights” over the land (Venne, 1997, p. 191-192). A good deal of historical literature discusses the role of women within Indigenous histories in western Canada (Carter et al, 2005; Carter and McCormack 2011; Browlie and Korinek, 2012). These histories need to be tied to a political analysis of how changes systems of gender are imbricated within changes to citizenship and political authority and vice versa with settler colonization.

Snyder uses Emma Laroque to remind us that we should not assume gender relations prior to settler colonialism were idyllic and Snyder points out on numerous occasions that we should not idealize pre-colonial Indigenous gender relations (Snyder, 2018, p. 17). Building on this insight we should also examine the conditions that produce a situation where Indigenous peoples feel compelled to idealize gender relations in the face of a settler society that often represents non-European peoples treatment of women and other gender and sexual minorities as a sign of inferiority. I will discuss how Indigenous peoples must always think of how our representations of ourselves will be interpreted by settler society in chapter 4, with particular reference to Audra Simpson and her theorization of refusal. There is a reason Indigenous peoples attempt to counter racist narratives that degrade Indigenous societies through representing pre-colonial Indigenous societies as harmonious.

Kehaulani Kauanui provides promising methods to examine the question of the connections between settler colonization, shifting gender relations and changes to Indigenous political authority and citizenship in her book *Paradox's of Hawaiian Sovereignty*. Within Hawaii, a significant Indigenous sovereignty movement exists that seeks to restore the Hawaiian Kingdom, which was the preeminent government in

Hawai'i from the early 1800's to 1893, when the US established its de facto rule over the Hawaiian Islands. According to Kauanui, the movement to restore the Kingdom does not interrogate "the increasing pressure on the Hawaiian government to remake itself (and the desire of Hawaiian elites to remake themselves) in ways conducive to being acknowledged as civilized with the Family of Nations" in the 1800's (Kauanui, 2018, 10).

Interrogating the history of the Hawaiian kingdom as the basis for sovereignty claims today, is to enter the turbulent waters of Indigenous political critique aimed at our own nations. Here I would like to point out some of the ways Kauanui is able to navigate both advocating for the self-determination and engaging in a critique of Indigenous politics simultaneously. Kauanui details how in responding to the arrival of Europeans, Hawaiian elites sought to transform Hawaiian political orders and laws around gender and sexuality in order to hold foreign interference at bay. Kauanui surmises:

I suggest that Indigenous chiefs enacted forms of colonial biopolitics – paradoxically keeping imperialism at bay by introducing Christian edicts that likely matched what European powers would have introduced themselves if any of them had formally colonized Hawai'i (Kauanui, 2018, p. 19).

For Kauanui this means looking at how an Indigenous government transforms its own systems and laws around gender and sexuality in order to create and buttress new political forms:

Focusing specifically on the privatization of land along with the imposition of degraded gender status for women across genealogical rank and new

confining sexual norms for Kanaka Maoli, I argue that this radical restructuring of Hawaiian society as a protective measure against Western imperialism became a form of colonial biopolitics (Kauanui, 2018, p. 23).

For instance, in the 1820's the Hawai'ian kingdom passed a series of laws restricting adultery and prostitution to align with European norms because "There was a clear threat of foreign encroachment if the Hawaiian leaders did not promulgate their own laws, which had implications for the future of the kingdom's sovereignty" (Kauanui, 2018, p. 133). Kauanui shows that these laws were significant acts around a larger transformation that placed supreme authority in the hands of a centralized government, in this case the Hawai'ian monarchy.

Similarly, enacting laws that sought to impose Christian forms of marriage sought to erase previous diversity around kinship practices, gender norms and sexual practices. Marriage was a vehicle that was used to place women in a deferential role to their husbands so they could tend to domestic labour and child rearing because "this form of family was understood as a financially viable social unit" by European men Hawaiians were trading with (Kauanui, 2018, p. 137).

Kauanui's study shows that "the interrelated transformation of economies, systems of gender and sexuality, and politics" were necessary in the process of colonization and will also need to be attended to in our efforts to decolonize (Kauanui, 2018, p. 116). In the prairies, the detailed histories of linking changes to systems of gender/sexuality and political authority are still needed. For instance, Sarah Carter's study *The Importance of Being Monogamous: Marriage and Nation Building in Western Canada in 1915* demonstrates "that the imposition of the monogamous model of

marriage should be understood as a critical component in the deliberate shaping of the west as white ‘manly space’” (Carter 2008, p. 283). While this book shows in exhaustive detail changing norms around gender and sexuality that occurred in the late 1800’s and early 1900’s, it does not explain how these transformations are connected to changes in political authority within and between First Nations. Carter ends with an appendix that discusses how “the male line of descent was emphasized” for determining Band membership and provides a basis for more work that discusses the gendered nature of First Nation citizenship (Carter 2008, p. 295).

#### **2.4 Traditional Indigenous political orders – a framework**

Upon my Kokum’s passing, I was given an opportunity to help sort through her possessions. Amongst these was a copy of *Big Bear: The End of Freedom* by Hugh Dempsey. The book was a birthday present from my Father in December of 1985, a month after my second birthday. After having it in my possession for years, I eventually scanned through the book. The book’s mainly consisted of highlighting passages that focus on names, the decline of the buffalo, mentions of treaty, and the role of spirituality in Cree life. In between these other highlights there was also a focus on the forms of authority held by leaders. One of the few instances of marginalia in the book reads ‘B Bear Gov’t’. It was a notation for the following passage:

Big Bear had proven to be a good family man and a good chief. He was well liked and respected, firm in his decisions and expected to be obeyed. Meetings of his council were held as often as they were needed, and if a dispute had to be settled, the matter was brought to him. It could be the question of ownership of a

horse, the alleged theft of firewood, a dog stealing meat, or a woman who had run away from her husband in another camp and sought sanctuary with her lover in Big Bear's camp (Dempsey, 1984, p. 77).

The passage goes on to discuss how political authority could shift within a camp depending on the context. For instance, if the group was in danger authority would shift to a War Chief and when the danger was passed authority would revert back to Big Bear.

In the following section I focus on the story of Big Bear to sketch out a picture of the Indigenous political orders on the northern plains prior to the onset of a Canadian settler colonial regime. While settler colonization has ongoing effects, the initial rise of a settler colonial regime is a critical juncture for understanding the history of Indigenous political orders.

Prior to the onset of a prairie settler colonial regimes, Indigenous political authority was primarily activated on a temporary basis to pursue shared actions on behalf of a group. I take my cue from Marie Smallface Marule (1984), who succinctly described this dynamic in the following way: "In traditional societies, whether band or clan, authority was a collective right that could be temporarily delegated to a leader, under restrictive conditions, to carry out essential activities" (p. 36). By way of contrast, as I shall discuss in more detail shortly, authority is now primarily deposited in the offices and positions created by Indigenous governments, the primary form of which on the Canadian prairies are Band Councils governed by the Indian Act. The shift from pre-colonial to settler colonial Indigenous political orders is thus a movement away from what was decentralized authority to centralized authority.

Traditionally, on the Northern Plains, the local nomadic band<sup>5</sup> was the “primary political and social unit in which northern plains people organized themselves” (Innes, 2012, p. 125). Although the band was the primary unit of plains Indigenous life, in the following I argue the band can only be understood as a political unit in its relation to its interactions with other bands; annual group movements and congregations; and the freedom of political association that allowed families and individuals to choose what band they affiliated with.

Freedom of political association is central to understanding the Indigenous political landscape prior to settler colonialism. Individuals and families would have a wide range of kinship relations with various bands (Innes, 2012). These kinship relations provided people with choice over which band they associate with. Within an interconnected regional network, freedom of association quickly diffused political authority when it was exercised against the best interests of the group. Conversely, successful groups with fair and prudent leaders would attract additional followers (Binnema, 2001; Hogue, 2015). Economic autonomy maintained by individuals and families allowed people to dissent without fear of economic sanction (Barsh, 1986, p. 186). Although this provided people with a great degree of autonomy, it was balanced by an emphasis on cooperation and putting the good of the group before individual gain.

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<sup>5</sup> Band is capitalized when referring to the governments formally defined by the Indian Act, and not capitalized when referring to traditional bands.

Anishinabe historian Heidi Boahaker (2006) describes the importance of annual cycles of “aggregation and dispersal” in the great lakes region that facilitated an interconnected regional order and were central in maintaining collective legitimacy because it allowed people to leave their camp without creating unnecessary conflict. Freedom of association, widespread kinship networks and economic autonomy lay at the core of political legitimacy in pre-settler colonial plains Indigenous life. The following passage by Ted Binnema (2001) captures this:

While band leaders wielded no coercive power, they greatly influenced followers in their own bands and often in other bands, even across ethnic boundaries. A band member was remarkably free to leave one band and join another. This fluidity did not threaten but enhanced the communities’ stability. Poorly equipped to deal with conflict and division, bands used many informal means to arrive at consensus. Dissenters, for instance, were encouraged to acquiesce rather than to agitate when they disagreed with the majority of band members. If they did not accept the decision of the majority, they could vote with their feet by joining another band either temporarily or permanently. They could easily do so when several bands separated after camping together for a time. ... Unhampered movement meant that local bands could emerge, grow, wane, and disappear over time. (p. 12)

One of the best overviews of the Plains Indigenous social and political formation is found in the article, “Multicultural Bands on the Northern Plains and the Notion of “Tribal” Histories” (Innes, 2012). The main argument presented in this article is: ‘the scholarly focus on tribal affiliation ignores the importance of kinship ties as the central

unifying factor for Aboriginal groups on the northern plains. Group formation, I contend, was played out at a band level, not a tribal level” (Innes, 2012, p. 127). Innes convincingly argues that understanding Indigenous histories at the level of “the tribe” is incorrect and draws our attention instead to a multicultural Indigenous political order on the northern plains.

By the early 1800’s the Cree, Assiniboine, Saulteaux, and Metis bands were making their presence felt on the northern plains. ... All four groups operated as sets of linked bands, which were politically autonomous units lacking tribal level political organization. (Innes, 2012, p. 127)

Cohesion across cultural groups was maintained by shared practices of kinship. Yet, secondary literature has continued to study tribal groups as “culturally and politically bound entities” (Innes, 2012, p. 124).

With the remainder of this chapter I hope to focus on the story of Big Bear to tease out more lessons about traditional Indigenous political orders. I use Big Bear to demonstrate the decentralized operation of a regional political order that exists on prairies as Indigenous peoples face the rise of a Canadian settler colonial regime. Here, we also see how a relational order based on kinship does not mesh with Canadian understandings of how territorial jurisdiction should operate. The examination of Big Bear is meant to set the stage for chapter three and four where I will consider how settler colonialism impacts Indigenous political authority and citizenship.

## 2.5 Story of Big Bear

In order to understand traditional Nehiyaw political orders I will examine in detail the events surrounding Big Bear's band and the actions of Big Bear himself during the time period between the signing of Treaty Six in 1876 and the Northwest Resistance in 1885. Big Bear, having previously been viewed by the Canadian public with scorn and disdain, has in the last couple of decades undergone an image reversal. Big Bear was the only First Nations person, for example, included in a series entitled *Extraordinary Canadians* (Wiebe, 2008). While it is important to note that Big Bear would not have thought of himself as a Canadian, his inclusion on this list is indicative of the esteem Canadians now hold for one of the greatest figures in Plains history. The editor of the "Extraordinary Canadians" series, John Ralston Saul (2008), posits that Big Bear represents the "best of [Canadian] Civilization" and states: "I cannot think of another powerful leader in the history of Canada who so consciously and publicly lived by ethical decisions" (p. xii). While we should be critical of the motives and effects of claiming Big Bear as Canadian, the principled actions of Big Bear during a time of great transformation gives us a valuable reference point to discuss traditional Indigenous political orders.

While some writers, such as Nehiyaw lawyer Sharon Venne (1997) and Plains Cree Ethnographer David Mandelbaum (1979), have used the stories of Big Bear to illustrate traditional Nehiyaw values, I focus specifically on how Big Bear illustrates the operation of Nehiyaw political orders. Values are comprised of the set of principles and traits that leaders were expected to possess, and other writers have already produced ample work in this area (Venne, 1997; Makokis 2000; Botting, 2005; Christensen, 2000;

Smallface Marule, 1984). Political orders can encompass many issues, but I focus here on plains Indigenous citizenship and political authority. Focusing on political orders allows us to analyze how political collectives constitute their citizenship, how shared action is carried out, and how different sites of collective authority relate to each other. Big Bear provides insights into these key political questions.

Big Bear stands out in the historical record as the leader of the final tribe on what is now the Canadian prairies who pursued a buffalo hunting lifestyle. In 1865, upon the passing of his father, Big Bear became the political chief of a band of Nehiyaw and Anishinaabe people. Big Bear, being the son of a chief, had an upbringing where he was groomed and taught the necessary responsibilities of becoming a chief, but the fact that his father was a chief in no way entitled him to the position. In a Plains Cree tradition, the process of grooming leaders and inculcating them with the necessary leadership characteristics begins from a very young age. Traits of listening, patience, compassion and kindness would be looked for and fostered among children who displayed them (Venne, 1997; Christensen, 2000). Big Bear likely would have been given special treatment by others, especially as people began to recognize leadership qualities in him as he was brought up. Big Bear attracted further legitimacy as a leader through great deeds in warfare, hunting, demonstration of spiritual powers, and an easygoing, friendly attitude. Based on his previous record, Big Bear was a clear choice for Chief (Dempsey, 1984).

In 1865, Nehiyaw peoples were less than 20 years away from a mass movement onto reserves. This movement was driven by the duress associated with the loss of the Buffalo and the enclosures of the British dominion of Canada, that came to be known as

the Canadian state. The social cohesiveness Nehiyaw people exhibited in the face of drastic changes speaks to the social, political and spiritual fabric of Nehiyaw society.

In 1866, the Iron Stone, a 386-pound meteorite composed almost entirely of Iron, was stolen from a hill near the Battle River. In the eyes of Big Bear, and many others, this was a bad omen. The Iron Stone was considered the most venerated monument of “Old Man Buffalo” and had protective powers not only for the buffalo but also Indigenous people in the area (Dempsey, 1984, p. 37). The year following this omen, Canada was formed as a settler state. In 1869, the Government of Canada bought Rupert’s Land (the drainage basin of the Hudson’s Bay) from the Hudson’s Bay Company (Tough, 1992). Upon finding out, Big Bear and others were mystified how the Hudson’s Bay Company could sell something it did not own in the first place (Venne, 1997). That same year a smallpox epidemic spread among Plains Indigenous bands (Daschuk, 2013). In 1870, the Plains Cree and Blackfoot fought their largest and last battle near the Oldman River in present day southern Alberta that resulted in significant loss for the Cree warriors (Milloy, 1988). By 1870 it was apparent to Indigenous peoples that the buffalo on the Plains were declining and Indigenous people had to consider a future where the buffalo were no longer the mainstay of the economy (Carter, 1999). And in 1876 the Indian Act was passed by the new Canadian parliament, a piece of legislation which enshrined for many decades to come the colonial principles of both dispossession and assimilation. In these many ways, the bad omen foretold by Big Bear came to be realized amongst the Cree people and their territories.

By 1871, the Government of Canada had signed the first of seven treaties that would take place over the next seven years and stretch from the Lake of the Woods in

present day Ontario all the way to the foothills of the Rocky Mountains and from the border with the U.S. in the south, to an area just north of the Saskatchewan River basin (Talbot 2009). At this time, the lifeways of the Plains Cree were centered around the North Saskatchewan and Battle River watersheds. Treaty six covers the these two watersheds and was signed in 1876 (Mandelbaum, 1979). Over the next 30 years Canadian authorities were able to establish a settler colonial regime over Treaty six territory.

While a settler boom, or 'mass transfer' (Belich, 2009) of goods and people, did not take hold in the area until the turn of the century I suggest that the years 1876-1885 represent an important moment of acquiring settler sovereignty in Treaty Six because the Canadian state both passes legislation (the Indian Act) that defines the state's relationship to Indigenous peoples as one constituted by the twin principles of dispossession and assimilation, while also acquiring the means to enforce its legal systems in large part through coercive tactics such as starvation and military power (Daschuk 2013). The transplanting of a large settler population, establishment of local settler governments, and the transition to an economy based on agricultural capitalism were not far behind, but had not yet arrived by 1885. Yet, despite the absence of these typical markers of settler colonialism, by 1885 the ability of Indigenous peoples to derive subsistence from the land and control their political future is severely weakened and Indigenous peoples become increasingly subject to Canada's draconian assimilationist laws that arose during this period (Pettipas, 1994).

In 1875, Big Bear was told by Reverend George McDougall that a representative of the Canadian Government would arrive the following year to negotiate treaty with

chiefs in the area. Indigenous leaders on the plains had been requesting to talk with the Canadian government for a number of years by this point. One reason for these requests was the Chiefs wanted to clarify the information they had received about the Hudson's Bay Company selling the land they lived on to Canada. A second reason is that many Nehiyaw chiefs were interested in farming, and wanted to establish an agreement that would allow them to transition their economy away from the dwindling herds of buffalo in agreement for sharing the land (Price, 1999).

The negotiation of Treaty Six is incredibly helpful for illuminating the political organization in the Iron Alliance – an alliance between Plains Cree, Saulteaux, Assiniboine and Metis people. Rob Innes describes this alliance as maintained through shared understanding of kinship and a complex network of kinship connections between the various bands of the nations involved in the Iron Alliance (Innes, 2012). First, many bands were not represented at the negotiation. Plains Cree political authority was not consolidated into a single entity. Rather bands were the primary political unit of Plains political life. As such, the bands who did sign the treaty had no authority to speak on behalf of other Plains Cree people who were not present (Venne, 1997).

The negotiations took place in two locations. The first location was Fort Carlton. During the Fort Carlton negotiations, a large amount of deliberation took place between the Indigenous people who had assembled for the negotiations. Everyone was welcome to speak, and people spoke in order of legitimacy and prestige (Erasmus, 1999 [1976]). Near the end of the deliberation, Chief Atahkakoop (Starblanket) and Chief Mistawasis (Big Child) gave speeches that swung the general opinion in favour of signing the treaty. The basis of their argument was that the buffalo was dying, white

people were coming, and while they were not happy with the situation they did not know of any better options before them other than to pursue a treaty. They believed that signing the treaty would place everyone in the best position to provide for the subsistence of future generations. In their understanding, the land would be shared in return for benefits such as education, medicine, farming equipment, help transitioning to farming, and a guarantee of help in times of famine and pestilence (Erasmus, 1999 [1976]).

The second set of negotiations took place at Fort Pitt a few weeks later. The chiefs at Fort Pitt undertook a thorough review of the previous proceedings and felt that Atahkakoop and Mistawasis had negotiated the best treaty possible. The leading chief at Fort Pitt, Sweetgrass, stated: "Atahkakoop and Mistawasis, I consider, are far wiser than I; therefore if they have accepted this treaty for their people after many days of talk and careful thought, then I am prepared to accept for my people" (Erasmus, 1999, p. 259). While the Chiefs at Fort Pitt were under no obligations to follow the lead of Atahkakoop and Mistawasis, this event shows how a Chief's reputation could influence other bands.

Big Bear was not present during the treaty negotiations, as he was out hunting on the Plains and he had not been given sufficient notice to attend the Fort Pitt negotiation. Big Bear rushed to the Fort Pitt negotiation after learning of it and arrived only a day after the negotiations had concluded. Most historians believe this was done purposely as Big Bear had already established a reputation among Canadian officials as a troublemaker (Dempsey, 1984; Wiebe, 2008). Big Bear was under dual pressures in his role as a leader. First, he wanted to negotiate the treaty directly with Canadian

officials and was unwilling to sign onto the terms that had been negotiated. Second, the people he represented were unable to travel with him to Fort Pitt. Big Bear was not authorized to act on behalf of his band without consulting people first, so he could not have signed on even if Canadian officials were able to negotiate with him. Big Bear decided to revisit the issue of signing treaty the following year. With most of the major Nehiyaw chiefs signing treaty, Big Bear quickly became the leading chief who had not signed onto treaty.

The following year in 1877 Big Bear met with government officials. Believing that the terms of the treaty could be changed, Big Bear lobbied the government officials but soon learned that the government officials had no authority to change the terms of the treaty. After this encounter Big Bear suggested that the treaty payment in 1878 be held out on the plains at Sounding Lake. Knowing the large amount of influence Big Bear was accumulating amongst Indigenous peoples in the Treaty Six area, Canadian officials agreed to his request (Dempsey, 1984, p. 80).

Both treaty and non-treaty Indigenous people had gathered at Sounding Lake for the meeting. Many non-treaty people were leaving their bands to join the bands of chiefs who had taken treaty. To avoid weakening the position of Big Bear, the chiefs who had signed treaty agreed that no one would accept their treaty payments until after Big Bear and other non-Treaty Chiefs finished negotiating with government officials. Not only was this a diplomatic gesture to allow the non-treaty chiefs to carry out their political objectives in a more advantageous negotiating environment, but also spoke to the legitimacy Big Bear held in the eyes of all Indigenous people gathered, regardless of whether they had taken treaty or not (Dempsey, 1984). When Big Bear and the others

attempted to negotiate, the government officials again rebuffed Big Bear and others, stating that they had no authority to renegotiate the terms of the treaty.

Shortly after this Big Bear had a vision. Hugh Dempsey describes Big Bear's words as follows: "I saw a spring shooting up out of the ground. I covered it with my hand, trying to smother it, but it spurted up between my fingers and ran over the back of my hand. It was a spring of blood" (Dempsey, 1984, p. 85). Big Bear's interpretation of the vision was that further pressure on the Government could lead to war, so Big Bear decided to wait four years before he would again consider accepting the treaty. During this time, he would evaluate whether the Government was acting in good faith.

The size of Big Bear's band had gradually started to grow soon after Big Bear had become Chief as people were attracted by his 'dynamic and effective' leadership (Dempsey, 1984, p. 57). Now that Big Bear's band was one of the only bands that continued to follow the Buffalo, people and families who were not willing to give up their freedom as independent people were attracted to the band. The buffalo had begun to rapidly decline and by 1880 no longer existed north of the Canadian-U.S. border, although it is worth pointing out that at this time neither country had much ability to enforce the border (Hogue, 2015). Big Bear's band was already suffering from hunger when it became necessary to move into the territory known today as Montana. It had been evident for a number of years that hunting buffalo would no longer be a viable economy in the near future and they faced added pressure from the United States Army to leave Montana. Despite all these pressures Big Bear was still leading one of the largest bands on the northern plains (Dempsey, 1984).

The huge camp of Big Bear, and the camps of other plains Indigenous people who had come from the Canadian side of the border became a political embarrassment to the American Government. In the spring of 1882, the American Military mounted the Milk River expedition to drive these groups across the border. Learning of the expedition, authority in Big Bear's camp shifted to the war chief Wandering Spirit and he led the entire camp of 1000 men, women and children to successfully evade the four military scouts sent to find them. Their escape had been so effective that the commanding officer began to fear his scouts had been killed or captured because they had not returned in a reasonable amount of time. Instead, the scouts were unable to find even a single track. After further searching, the army was forced to turn back. In a sign of things to come, a journalist for *Benton Weekly Record*, gave Big Bear, instead of Wandering Spirit, credit for successfully escaping the capture of the American Army (Dempsey, 1984, p. 105).

The events of this time left Big Bear in a very difficult position. All other prominent Plains Cree Chiefs had signed on to treaty and settled on a reserve, abandoning the buffalo hunting lifestyle. Still Big Bear and other leading people around him were wary of Government promises and had no desire to depend on the government for a livelihood. The intense stress and pressure created between two undesirable options put an immense strain upon Big Bear's leadership. It was in this political context that Big Bear was increasingly challenged by Wandering Spirit, the War Chief of the band, and Big Bear's son Imasees, who was respected by many. The respect Big Bear commanded from many of his followers began to wane. Dempsey states that increasingly Big Bear was "being perceived as a stubborn old man who could

not make up his mind and who was causing needless suffering among his followers” (Dempsey, 1984, pp. 109-110). In the fall of 1882, Big Bear’s daughter<sup>6</sup> broke ranks and took treaty in Southern Alberta. This caused a mass exodus and 133 members of Big Bear’s band also took treaty at this time. A few weeks later Big Bear and the remainder of his band walked into Fort Walsh and for four straight hours Big Bear articulated the problems and grievances with the treaty before signing his name onto the document.

Despite signing treaty, Big Bear did not give up hope of advancing a vision of fairness and justice for Indigenous people of the plains. One of the first tasks he set his sight upon was establishing a single area where all bands would take their reserves side by side, an action which has been described by Sarah Carter as “a campaign for Cree consolidation.” Big Bear “hoped that a large Cree territory could be created in the Cypress Hills, where they could remain united and independent. Government officials were opposed to the idea of a Cree territory for the same reasons that the Cree favoured it; it was feared that the residents would remain autonomous and would be impossible to control” (Carter, 1999, p. 141).

According to the terms of the treaty, bands had the ability to choose their reserve wherever they wished. The last recourse Big Bear felt he held in his attempt to negotiate

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<sup>6</sup> Unfortunately the name of the first dissenter, was not available within Hugh Dempsey’s book. I did not make an effort to find this name beyond the pages of the book and Dempsey himself states “little is known of French Eater and his wife except that they choose to remain with Big Bear’s band” (p. 45).

a better future was the fact that he had not yet picked a reserve. He attempted to use this outstanding issue to rally other leaders around the idea of having everyone choose their reserves together in order to create a single Cree territory.<sup>7</sup>

During this time leaders such as Big Bear, Little Pine and Piapot attempted to organize multiple bands into grand councils. In Treaty Four, the government undermined Piapot's attempts by withholding rations, but in Treaty Six Big Bear was successful in organizing a thirst dance and grand council on Poundmaker's Reserve in June of 1884. At the council of 1884, a detailed list of treaty violations were drawn up and sent to government officials with the message that they would take whatever measures were necessary, short of war, to resolve their grievances.

In the spring of 1885 Big Bear and his band were camped around Frog Lake. For the past two and a half years, Big Bear had stalled and was perceived as being indecisive about choosing reserve land. The tensions between Big Bear and Wandering Spirit had been a long and drawn out process beginning with the signing of Treaty Six in 1876 and Wandering Spirit had now replaced Big Bear as the main authority in the camp. Big Bear's authority within the band was all but gone now, although he was still regarded as one of the leading voice articulating grievances against the government on behalf of Indigenous signatories to Treaty Six.

On March 18<sup>th</sup> 1885 Louis Riel ordered his Metis force to take over the stores at Batoche and place local traders in custody. The news from Batoche only increased the

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<sup>7</sup> At first in the Cypress Hills and later in the Battleford District.

restlessness of Wandering Spirit. On April 2, 1885 the Plains Cree people camped around Frog Lake moved into the town under the leadership of Wandering Spirit and began taking goods from the stores. As Dempsey states, in this situation “Big Bear realized that the combination of excitement and alcohol was producing a dangerous situation. Although he possessed no authority, he could still use his powers of persuasion” (Dempsey, 1984, p. 156). Wandering Spirit ordered all the non-native people in the town, who had now been taken prisoner, to move into the Cree camp. The Indian Agent Quinn asked Big Bear if the prisoners could stay at one of the houses in the town without appreciating that Big Bear was no longer a Chief within the camp. According to Dempsey “Big Bear said wearily they could remain at Delaney’s house, even though he knew his words had no authority” (Dempsey, 1984, p. 157). Soon after that, Wandering Spirit again asked Quinn to move. This request was repeated a total of four times and upon the fourth time Wandering Spirit shot Quinn setting off the Frog Lake massacre, where nine settlers were killed, and a three-month run from Canadian authorities. It is at that moment that Big Bear’s hope to negotiate a better future for Nehiyaw people ended.

### **2.5.1 Trial of Big Bear**

Big Bear was tried for treason-felony based on his involvement in four events: the massacre at Frog Lake; the capture of Fort Pitt; corresponding with Poundmaker to wage war on the Queen, and finally the Battle of Cutknife Hill. The historical record has clearly demonstrated Big Bear’s innocence and the verdict even surprised courtroom observers of the day (Stonechild and Waiser, 1997). What the trial clearly demonstrates

is how Indigenous polities were represented and how the court spatially and temporally depicts Canadian authority.

The defense based their argument on the notion that Big Bear had lost political authority within the camp. On the other side, the prosecution pointed to evidence that Big Bear was still able to exercise considerable influence during the events under examination and argued this was an indication of his authority. In regard to Big Bear's actions the prosecution states:

Now, the contention throughout of the defence in this case is that the prisoner [Big Bear] was wholly without influence in his own camp, ... [the prosecution will] show you that that influence was not such as my learned friend represents it, but that [Big Bear] had a great deal of influence in his own camp at that time and afterwards. (Government of Canada, 1886, p. 227)

What is clear is that the prosecution and the court itself erred by applying a framework of centralized political authority to understand the decentralized operation of Plains Indigenous political power, where one either holds a position of authority or does not. The transcripts reveal that the court heard testimony accurately describing the decentralized political operation of plains Indigenous polities and was also attentive to the "custom" of how leadership operated within bands and should have been able to grasp how Big Bear may still have been able to persuade and influence others without having formal authority (*ibid.*, p. 186). Despite this, the court still applies a framework of centralized political power to understand Indigenous political organizing.

One of the central concerns of the case was assessing if, and when, Big Bear lost authority within the camp (*ibid.*, 1886). Although no one bothered to ask any people

from the band, let alone Big Bear himself, such a question elides the way political power and authority operated within the prairie Indigenous political order. Centralized political power is based around designations of authority, where authority is categorical. On the other hand, power and the exercise of power is always relative and exercised by everyone (Foucault, 1994). The work of Robert Jackson articulates this distinction:

Power and authority are closely related ideas, but their relation is a contingent or conditional relation. ... Authority is usually defined by offices that people occupy. ... Either we are in a position of authority or we are not. ... Power is not categorical; it is relative, a matter of degree, or more or less. Power is capability and capacity, strength or weakness. (Jackson, 2007, p. 14-16)

Within decentralized political systems, the lack of permanent titles and positions require a contextual analysis to track political authority. Authority does not exist in a permanent or static way in decentralized political systems (as for example an elected office holder does in centralized political systems) but is fluid and arises on a temporary basis when undertaking shared action for specific purposes (Smallface-Marule, 1984). Decisions require collective legitimacy and leaders' granted authority shifts depending on the purpose, but even if one does not have a designation of authority they may still hold power that allows them to be influential with others. It is important to note that, on a couple of occasions, the court did hear testimony that revealed the decentralized operation of political power. For example: "Q: Were you present at any council when the proposition to go down to Poundmaker was discussed? A: There was no council as

to this going down, but just a general idea through the camp” (Government of Canada, 1886, p. 215).

Ironically, the testimony of W. J. Maclean, the HBC factor at Fort Pitt, stood out as particularly insightful. Not only did Maclean give an excellent account of plains Indigenous political orders because he understands their decentralized operation, but explicitly made the connection between Big Bear’s refusal to select a reserve site as leverage for negotiating the new order. Part of his testimony is worth recounting in full. The following questioning by the judge was answered by MacLean:

Q: What was the message you received? A: They sent me this message ... that the chiefs, tomorrow morning, would like to see me, that they had something to tell me.

Q: Did they mention any names? A: They did not. There was no one chief to my knowledge recognized there.

Q: You went out the following day? A: I went out the following day.

Q: And had a parley with the chiefs? A: Yes.

Q: What chiefs? A: The prisoner in the dock [Big Bear], that one was listening, although I did not speak to him nor did he speak to me, and the Long Lake chief was there, and the Frog Lake chief was there, and this chief [Big Bear].

Q: What do you call this chief? A: Big Bear.

Q: He was not chief? A: He was a sort of chief. I believe.

Q: I understood this man was the Frog Lake chief? A: No, he had no reserve yet.

Q: What was that he was grumbling about? [sic] A: I don't know exactly. I think it was the reverse of that. I think the Government was grumbling that he did not go on his reserve. (ibid., 208)

Maclean, who had worked in the fur trade for 23 years, clearly had a sense of how authority operated. The comment of Maclean, "he was a sort of Chief," is oddly accurate in this circumstance. Big Bear was still able to exercise a good degree of persuasion and influence during the rebellion, but the primary political authority in camp had shifted to Wandering Spirit, acting in concert with others.

Although the court attempted to assess the nature and operation of plains Indigenous polities on a number of occasions, overall it was unsuccessful. Some examples discuss Big Bear's diminished influence: "Q: had he any control over them? A: I don't think he had"; "that old man was no more than a feather in the blast before their influence" (ibid., p. 213; 217; 223). One witness called by the defense seemingly contradicts himself during his testimony. Here, the witness responds to questioning from the defence: "Q: Now, why did you say you were Big Bear's prisoner? A: He being the chief, and I was in his camp. Q: And he is the chief recognized by the Government? A: Yes" (ibid., 182). Later the witness was asked by the defense: "Big Bear was not commanding it at all? A: No, he had no influence in this band?" (ibid., 183). In a politically decentralized system, authority only travels as far people are willing to recognize that authority to lead collective action. Many Canadian observers continued to project a designation of authority onto Big Bear. The confusion is that while Big Bear did continue to have influence he held none of his previous authority.

What we see in these transcripts is the discursive mapping of a centralized authority rooted in 'office holders' onto decentralized political orders where authority was fluid, contextual and could end abruptly depending on the circumstances. At the same time, the actual ability of the Canadian government to impose centralized authorities on plains Indigenous peoples was also rising during this time. The expansion of Canadian settler colonial rule over the northern plains, and the undermining of Indigenous economies dramatically changes the balance of power between Indigenous collectives and Canada. Today, First Nations governments rely on centralized political authority. It is thus both the imposition of centralized authority on Indigenous peoples and the expansion of a settler colonial regimes that begins the transition from decentralized political systems of traditional Indigenous communities toward First Nation Governments.

## **2.6 Conclusion**

In conclusion, the life of Big Bear and actions of his band give us an opportunity to understand the operation of Nehiyaw political organization and philosophy. The conditions of great duress they went through at the time show us the resiliency of Nehiyaw governance, but also open up an opportunity to see the shifting and fluid way authority could operate in plains society. Understanding the difference between political authority prior to settler colonialism and our contemporary situation provides a starting point for thinking about the impacts of settler colonization on Indigenous political orders.

### **Chapter 3: Theorizing the prairie Indigenous political order**

Today we often associate increasing scale with centralization. That is, centralization fuses otherwise disparate or disconnected parts together (Ranu 2004; Cohen and McCarthy 2015; Marsden and Franklin 2013; Cumbers 2015; Hurl 2016). If viewed from this perspective the relationship between scale and centralization within the history of prairie Indigenous political orders is counterintuitive. Prior to settler colonialism the prairie Indigenous political order rested on decentralized political authority that relied upon maintaining a highly interconnected regional order (Innes, 2013; Hogue, 2015; Vrooman, 2012). Today, First Nation governments operate on centralized political authority, but wield centralized authority in exclusion to other First Nation governments and other sites of Indigenous collectivity. This is evident not only in the lack of cooperation around the provision of services like education and healthcare, but is also reflected in a lack of formal processes that would allow First Nations to make decisions together and combine authority over areas of shared legal and political concern.

Thus, we should understand settler colonization as not only resulting in the move from decentralized to centralized forms of political authority, but also the movement from a regionally interconnected political order to one that upholds the independent and exclusive authority of First Nation governments. In other words, the rise of centralized authority has resulted in more fragmented Indigenous political order not one where authority is fused together into larger entities.

Therefore in this chapter, and building upon the historical example of Big Bear and the operation of decentralized political orders, will lay out theoretical tools that will help us to understand the impact of settler colonization has had on Indigenous sovereignty. I demonstrate how settler colonization has fostered an exclusive conception and practice of sovereignty— what I refer to as exclusive sovereignty. Exclusive sovereignty is a set of ideas and practices where First Nation governments envision and practice a form of authority and citizenship that is discreet and bounded. While an articulation and position exclusive sovereignty is an important stance in relation to settler governments, it becomes destructive when First Nation governments take a position of exclusive sovereignty in relation to each other and other sites of collective authority within the prairie Indigenous political order. Before I focus on how settler colonization has impacted plains Indigenous political authority, I will discuss legal pluralism and the work of Indigenous legal scholars who use legal pluralism to provide a conceptual frame to discuss Indigenous political orders. In this chapter I focus on political authority before I turn my attention to citizenship in the next chapter.

Exclusive sovereignty is a destructive influence within the prairie Indigenous political order and I argue why we should seek to replace it with a relational sovereignty. Exclusive sovereignty fundamentally gendered and on the whole negatively impacts women, queer and two spirit people more than men. Part of the work of calling for a move to relational sovereignty will be to confront gender injustice in our communities. While the ordering of political authority in Plains communities was not directly analogous to other Indigenous political systems, the main point here is that decentralized political systems do not involve a lack of connections, but rather require strong connections

across communities (Witgen, 2013; Napoleon, 2010). The consequences of having Indigenous political orders that are organized around discrete spheres of centralized authority is significant.

On reserves, First Nations governments have a significant degree of control over how resources are distributed to Band members and other residents of the reserve. Thus, the ability to dissent is compromised because those in positions of power have the ability to economically sanction people. This significantly hampers the ability to imbue legitimacy within our modes of political authority. Thus, a strict maintenance of an exclusive form of centralized authority impedes the creation of effective Indigenous legal and political orders that cut across communities. One of the main claims I want to stake out with this work is that in order for Indigenous peoples to achieve self-determining political institutions, we need to think of ways that Indigenous people can share authority in areas where it is practical and beneficial. This question itself is not straightforward because settler governments and society have created a political context where undertaking large scale transformative change within Indigenous political orders is both difficult and risky.

While the following chapter will largely focus on the internal dynamics of the prairie Indigenous political order today, we cannot critique these dynamics without considering how these critiques might be used against Indigenous peoples by settler governments and society. In other words, when critiquing Indigenous political orders we have a responsibility to think about the representational spaces these critiques will travel through within settler society and take steps to avoid pathologizing Indigenous political orders (Napoleon, 2011, p. 811; Irlbacher-Fox, 2009). The challenges of

governance Indigenous peoples face today are not internal to our cultures and societies. Rather, the challenges Indigenous political orders face today emerge from being dispossessed of our land, the destruction of our economies, and interference in our systems of governance (Lightfoot, 2016; Coulthard, 2014).

Raymond Orr argues “that writing about conflict between American Indians and settlers is more established than writing about conflict between American Indians” and suggests intra-tribal conflict is a *common secret*: “which is to mean that we know a great deal about tribal politics, but we do not write about it” (Orr, 2017, p. 27) Our response to this tricky situation should not be to avoid critique. Critique of Indigenous political orders is important because it allows us to *think otherwise*, in line with Tully’s ideas around “redescription” enabling people to “act otherwise” (Tully, 2008). Specific to this project, the purpose of critiquing how Indigenous political orders today uphold forms of exclusive sovereignty provides the basis for articulating an alternative political orientation - a *wahkohtowin* movement that is capable of moving us towards a relational sovereignty. Even if the governance challenges we face have emerged from due to the impacts of settler colonization and it is settler society who is primarily responsible for rectifying this situation, we still have a responsibility to think strategically about how we use our own “resourcefulness” to confront our political challenges (Ganz, 2000). Part of this means taking responsibility for how settler society, media and governments might interpret our critiques. It also means we have to manage our field of vision and not let a focus on the oppressive nature of settler state crowd out the space we need to think about where Indigenous peoples can be strategically resourceful in our pursuit of self-determination.

### **3.1 Legal pluralism and defining community**

Legal pluralism provides a conceptual basis for discussing the operation of Indigenous political orders in the present. I draw on legal pluralism to provide a definition of community, which I am treating as both informal and formal sites of collective authority.

The focus of this section is John Griffiths classic article, “What is Legal Pluralism?” (1986). An extended summary of Griffiths description of legal pluralism provides the conceptual work for my understanding of community or how collective political authority operates. Why focus on Griffiths when various other literatures of Indigenous governance have discussed the operation of Indigenous collective authority? The reason is purely sociological. Literature on Indigenous sovereignty and nationhood has been highly effective at powerfully asserting and normatively outlining our inherent sovereignty (Simpson, 2008; Monture-Angus, 1999; Littlebear, 2000; Alfred, 1999; Corntassel, 2008; Palmater, 2015; Martineau, 2015, p. 26-30). We also have sophisticated studies of how to organize authority in relation to a specific nation (Carroll, 2015; Dennison, 2012; Simpson, 2014; Doerfler, 2015; Innes, 2013; McAdam, 2015; The Harvard Project, 2008). But these literatures have not outlined the minutia of how state recognized sites of authority and other sites of Indigenous collective organizing operate and exist in relation to each other under a multiplicity of laws. Here, I believe Griffiths' take on legal pluralism provides the best basis for defining community, which is central to the rest of the dissertation.

While Griffiths is influential in my thinking, the inspiration I return to again and again originates outside of academic literature. It comes from thinking about the political

status of Mountain Cree Camp, more commonly known as Smallboy camp (Botting, 2005). In 1968 Robert Smallboy and a group of 150 followers left Ermineskin reserve and moved to the Kootenay plains in the foothills of the Rocky Mountains (Kostash and Burton, 2005). After a highway was built close to plains in the early 1970's they moved to their current location on the cranberry flats. I don't know of any other multi-family Indigenous groups who moved off-grid (although they eventually rejoined the grid) to establish an autonomous existence.

So why Griffiths? Griffiths helps to describe the situation of how various sites of collectivity relate to each other. Should the Mountain Cree Camp have the ability to conclude a benefit agreement with resource developers independent of Ermineskin Cree Nation? Griffiths does not provide us with answers to that question, but he helps us to avoid a situation where they exist entirely inside or outside of Ermineskin Cree Nation. How does Ermineskin Cree Nation resolve this dilemma? I don't think it is possible to apply an *a priori* set of principles to this situation. Any resolution has to begin with the dense and complicated set relationships between Ermineskin Cree Nation and Mountain Cree Camp. Our political authority is enmeshed with each other and our connections make both Ermineskin and Mountain Cree stronger.

I begin this chapter with the framing that settler colonization creates a shift from decentralized/interconnected → centralized/disaggregated authorities. Griffiths gives us the tools to see how various sites of political collectivity exist in relation to each other. In his article "What is legal pluralism?" Griffiths (1986) seeks to establish a descriptive conception of legal pluralism, defined as "the presence in a social field of more than one

legal order.” Importantly, Griffiths provides us with the tools to discuss how political communities constitute themselves internally and exist in relation to each other.

To provide a descriptive account of how legal pluralism works, Griffiths moves through a critique of four authors who provide “implicit descriptive theories of legal pluralism” (p. 2). While the work of each author is important they have key theoretical shortcomings that Griffiths highlights in order to provide his own description of legal pluralism. The order here is important because Griffiths examines their work in “increasing sophistication of their conceptions of pluralistic socio-legal structure” (p. 15).

Pospisil introduces the idea of “legal levels” to argue that “Society, be it a tribe or ‘modern’ nation, is not an undifferentiated amalgam of people. It is rather a patterned mosaic of subgroups that belong to certain usually well-defined (or definable) types with different memberships, composition, and degree of inclusiveness” (p. 125). What this looks like for Pospisil is that smaller groups such as a family network or shared interest groups have their own laws that regulate behaviour within the group. But these small groups in turn are subsumed by larger groups such as a community or regional organizations that in turn have another set of laws and hold a degree of hierarchical authority over the smaller groups. These ‘levels’ of legal authority continue upwards until the most inclusive level has been reached and the laws of this level also holds the highest legal authority. The main problem here, according to Griffiths, is Pospisil incorrectly theorizes that groups have easy to define boundaries and that we can treat “subgroups [...] as more or less inclusive building blocks” of larger groups (ibid.).

The next author is Smith (1974) who provides a theory of legal pluralism based around corporations. Smith's theory holds that society is composed of a multiplicity of "publics", what he also calls "corporations." Smith defines these groups as follows:

By a public ... I mean an enduring, presumably perpetual group with determinate boundaries and membership, having an internal organization and a unitary set of external relations, an exclusive body of common affairs, and autonomy and procedures adequate to regulate them. (Smith, 1974, p. 94)

An individual can be a part of more than one public, and some publics may 'cut across each other' or encompass small publics.

While Smith's theory is less rigid, Griffith argues that Smith treats a public as a static entity. To appreciate the operation of political communities we need to examine the processes through which political communities reproduce themselves, regulate their internal behavior, and change over time. Since publics are treated as static entities that move through time with relatively intact boundaries, Smith also under-theorizes how political communities exist in relation to each other. Griffiths (1986) asserts that a conception of how political communities operate requires a dynamic view of groups:

Competition and interaction, the room for maneuver left open for individuals and the ways in which they make use of it, the changeability and negotiability of corporate boundaries and of structural relations between corporations – all of this is left unexamined. (p. 22)

The next author Griffiths examines is Ehrlich. Ehrlich critiques legal centralism by creating a distinction between "rules for decision" and "rules for conduct." Published in 1936, Ehrlich is critiquing legal centralists, or legal positivists who studied law from the

perspective of the state and are “directed almost exclusively to the proper performance of the duties of a judge” (Griffiths, 1986, p. 24). Ehrlich refers to this type of law as “rules for decision.” But to properly understand the law Ehrlich argues that we must also understand how “we also find law everywhere, ordering and upholding every human association” (Ehrlich, 1936, p. 25).

These associations are termed “social associations” and they are defined as “a plurality of human beings who, in their relations with one another, recognize certain rules of conduct as binding, and, generally at least, actually regulate their conduct according to them” (Griffiths, 1986, p. 25). Ehrlich is distinguished from the first two scholars mentioned because his conception of political community is not based on the idea that “society is neither the homogeneous whole supposed by legal centralism nor the neat federative structure of segmentary associations supposed by ... Pospisil and Smith” (ibid., p. 27). Rather, society is defined by “a chaotic mess of competing, overlapping, constantly fluid groups, more or less inclusive, with entirely heterogeneous principles of membership social functions, etc., and in a baffling variety of structural relationships to each other and to the state” (p. 27). We need the work of Moore to provide us with the full picture of the internal and intergroup dynamics of political communities.

Moore puts forward the concept of “*semi-autonomous social fields*” (p. 29-37). Social fields are semi-autonomous because of their relationship to other political communities and larger social structures. The constitution of any given political community does not have immutable reference points. Rather, people belong to numerous social fields. These fields may overlap with each other, some fields may be

nested within larger ones, and they can shift, merge or dissolve. A semi-autonomous social field is a “locus of reglementary (sic) activity and not an entity.” By reglementary, Griffiths and Moore are referring to the rules and laws that govern relationships within a group of people. They can, but do not necessarily have stable boundaries and are the result of “struggle, negotiation, and other forms of interaction” (p. 36).

Moore is concerned with how legislation issued by state governments impacts non-state political communities. We can think of the self-generating capacity of groups to produce and change rules as synonymous with law. Moore argues that legislation can rarely have its intended effect because the self-regulatory behaviour of communities subject to legislation alters the intended impact of legislation. In other words, the legislative and executive actions of states rarely have their intended effects because they are distorted when they travel through political communities that have their own laws that manipulate, refuse, undermine, disrupt or distort the actions of states. While Moore does not draw this out herself, for Griffiths “law is the self-regulation of a ‘semi-autonomous social field’” (p. 38).

Importantly, Griffiths quotes from Moore to conceptualize how collective power and law interact between groups with unequal power relations:

in terms of its semi-autonomy – the fact that it can generate rules and customs and symbols internally, but that it is also vulnerable to the rules and decisions and other forces emanating from the larger world by which it is surrounded. The semi-autonomous social field has rule-making capacities, and the means to induce or coerce compliance; but it is simultaneously set in a larger social matrix

which can, and does, affect and invade it, sometimes at the invitation of the persons inside it, sometimes at its own instance. (p. 29)

The strength of this is that Moore is able to draw attention to the “continuously variable autonomy of ‘social fields’” and the various stances that political communities with unequal access to power take in relation to each other (p. 36).

For my purpose, when I employ the term *community* I mean a semi-autonomous social field as theorized by Griffiths and Moore, but use the term community rather than semi-autonomous social field for two reasons. First, it can be understood by a wider group of people. I don't pretend my writing is accessible to everyone but I also endeavor to create accessibility and feel that swapping community for semi-autonomous social field is a minor trade off. Second while semi-autonomous social field may better capture how groups may shift and change over time, in the actual struggles it is often helpful for groups to be able to define their political boundaries around issues of membership, authority and jurisdiction. Thus, the ability to define a collective as a community (or nation) is important for real-life struggles groups have to undertake.

This approach is also important for displacing state governments as the sole source of legal and political authority, but we should also apply these insights to Indigenous governments as well - they do not have a monopoly on lawmaking within Indigenous political orders. But we should not swing too broadly to the other side and assume Indigenous governments have no legitimacy and should have no role within our legal and political orders. This a *tight normative space* to find oneself in. On the one hand, Indigenous peoples should have sites of legitimate representative authority. But in our present context the matrix of settler colonialism has shaped and molded Indigenous

governments to serve their own interests and our current configuration of political authority and citizenship is in most instances not adequate for solving the contemporary issues Indigenous peoples face. Founded in this particular scholarship of legal pluralism, I turn to look at how scholars of Indigenous law have taken up legal pluralism.

### **3.2 Indigenous law and legal pluralism**

Legal positivism starts from the premise that law is only legitimate if it has been issued and enforced by a centralized authority, or at minimum that this is the most valid form of law (Griffiths 1986). Positivism is hostile to Indigenous legal orders because law can only flow from the sovereignty of state governments. In the worst case scenario this means that Indigenous law is non-existent. In the best case scenario it means that Indigenous law is subordinate to state law, and is only valid insofar as it receives articulation within state law. All of these propositions degrade the view that Indigenous law flows from Indigenous peoples' self-determining status as peoples and that the validity of Indigenous law both precedes and is independent of state law.

Of course, establishing the legitimacy of Indigenous law is a tenuous venture because states have the ability to establish their laws as *de facto* in the face of Indigenous legal orders and can take steps to impede the ability of Indigenous legal orders to reproduce themselves over time. The difficulty Indigenous legal orders have with reproducing themselves does not invalidate the existence or legitimacy of Indigenous law but, as Val Napoleon states: "when laws are broken with no recourse the legal order begins to break down" (2007, p. 10). A privileging of positivist law allows little space for Indigenous peoples to maintain and rebuild Indigenous legal systems.

As an alternative, pluralist visions of law allow for multiple legal orders to coexist. One use of legal pluralism by Indigenous legal scholars has been to argue that legal pluralism would allow for a just relationship to emerge between Indigenous and state law in Canada. This point has been most forcefully and comprehensively argued by John Borrows in his 2010 book *Canada's Indigenous Constitution*.

Sometimes different traditions can operate within a single state or overlap between states. This is known as legal pluralism: 'the simultaneous existence within a single legal order of different rules applying to identical situations.' In applying these insights to our country, it *could* be said that Canada is a legally pluralistic state: civil law, common law, and Indigenous legal traditions organize dispute resolution in our country in different ways (Borrows, 2010, p. 8, emphasis added).

I add an emphasis on 'could' in the above to highlight that assessing the nature of legal pluralism in Canada is contentious. As many have discussed, the doctrine of discovery continues to inform foundation of Canadian law (Miller et al., 2012; Miller, 2012; Williams, 1990; Newcomb, 2008). In Canada, Indigenous sovereignty and title to land has been recognized in limited ways, beginning with the Royal Proclamation of 1763 (Burrows 1997). This is opposed to the strict application of the Doctrine of Discovery and terra nullius that occurred in Australia (Pateman 2007). Still as Kent McNeil has argued, the Canadian courts have struggled to provide a legal explanation of how Canadian gained sovereignty (McNeil, 2013). Kevin Bruyneel studies the qualified nature of settler sovereignty in his book the *Third Space of Sovereignty* (2007). Working in the US context, Bruyneel demonstrates how Indigenous sovereignties in practice are

not entirely subsumed nor do they exist entirely outside of US sovereignty. The literature on global Indigenous politics has likewise shown how settler states continually attempt to domesticate Indigenous peoples but that Indigenous peoples activism has forced states to reconceptualize the very practice of sovereignty (Lightfoot, 2012, 2016). We can extend Bruyneel's and Lightfoot's analysis to the Canadian context to say in practice that the Canadian project of domestication has not been entirely successful, nor has it been entirely unsuccessful. Borrows presents an ambitious vision of how we can create a Canadian legal order that allows space for Indigenous law to flourish.

One of the tasks set before Indigenous legal scholars is that historically Indigenous law operates through decentralized legal systems that did not have a sovereign to issue and enforce law. Val Napoleon describes the decentralized Gitksan legal system:

For example, the Gitksan are a decentralized society made up of matrilineal kinship groups known as "Houses". The House is the basic political unit of Gitksan society, and each one is closely interrelated with other Houses through kinship, marriage, and other relationships. All the Houses are part of the four larger clans. While each Gitksan person is born into his or her mother's House, there are many reciprocal obligations to his or her father's House, spouse's House, and so on. Territories are held in trust by the House chiefs on behalf of the House members. This is a decentralized system because there is no big boss of all the Houses (2013, p. 233-234)

Unfortunately, one of the tasks that Indigenous peoples and legal scholars have had to confront is having our decentralized legal systems taken seriously as law. Legal

pluralism has helped to take Indigenous law seriously by breaking down the view that only centralized legal orders and formal rules can count as law. Law is a tool that we think with, or a *nomos*, a normative universe that a society inhabits has Robert Cover has argued (1983). As Napoleon states, “Rules are only a part of law. It is the thinking and reasoning processes that make law. Law is the intellectual process of deliberating and reasoning to apply rules according to the context” (2013, 232).

Finally, a form of legal pluralism has been employed to show how Indigenous law operates today *within* Indigenous communities. The focus is not Indigenous law within state legal systems. Rather, legal pluralism helps to show how Indigenous communities continue to draw on their own sources of law to organize social life and deal with conflict (ILRU, 2015). Researching the continuance of Indigenous law has been employed most vigorously by Hadley Friedland and Val Napoleon (2015). These efforts have recently revolved around the Indigenous Law Research Unit at the University of Victoria with Napoleon and Friedland completing the ‘Accessing Justice and Reconciliation Project’ that utilized a methodology for identifying “how Indigenous societies used their own legal traditions to successfully manage harms and conflicts between and within groups, and to identify and articulate the Indigenous legal principles that could be accessed and applied today for the work of building strong, healthy communities now and in the future” (Friedland & Napoleon, 2015).

### **3.3 Theorizing settler colonialism**

Legal pluralism and its use by Indigenous legal scholars is valuable because it provides the foundation from which to address a core question in my masters research:

do pre-reserve forms of power represent a pathway for self-determination? I believe the answer is yes, but I do not think it is helpful to answer yes to this question solely because we place an unquestioned positive value on tradition. Traditional governance is important because it opens up a pluralist and decentralized understanding political authority (and citizenship) and can teach us a great deal about the dynamics of producing political legitimacy within Indigenous political orders today. In chapter two I discussed how a decentralized regional political regime was operating on the prairies through looking at the story of Big Bear. The rise of settler colonial regimes in our territories has impacted our political orders dramatically and gaining an accurate picture of these interruptions is important acting otherwise (Tully 2008).

All political orders work within an implicit background of acceptable and non-acceptable ways of governing. People and collectives within political orders also engage in practices that reflect on and criticize existing forms of community, laws and government. Thus, what “appears to be a part of the immovable background to one generation can be called into question and become the object of struggle and modification by another, and vice versa” (Tully, 2008, p. 260). In describing the impact of settler colonization on the prairie Indigenous political order I seek to reveal why some of the taken for granted aspects of the present prairie Indigenous political order are harmful and need to be transformed. I believe undertaking this task will provide added weight to why we should undertake a wahkohtowin movement to reconfigure political authority and citizenship within prairie Indigenous political orders.

Prairie Indigenous political orders today have many pressing practical issues we are confronting. What should be done with the *Indian Act*? How do we address gender

discrimination? How do urban and reserve spaces relate to each other? How do we deliver healthcare, education and social services? How do we assert jurisdiction over our lands and the resources they hold? What is the nature of settler society and how should we relate to it? These are important questions that are never far from mind, but the primary questions I want to address here is how to distribute authority within the prairie Indigenous political order.

While my overarching question is looking at the ways settler colonization has impacted the prairie Indigenous political order, a pluralist definition of community leads to four key secondary questions:

1. How do our communities hold authority and how do different communities hold different kinds of authority?
2. How do different Indigenous communities relate to each other and settler governments?
3. Who gets to belong to a community? How do we deal with the reality that many Indigenous peoples have affiliations with more than one community and how do we deal with the gendered nature of our citizenship?
4. What kind of responsibilities do communities have to the people who belong to them?

I analyze the impact of settler colonialism on prairie Indigenous political authority, specifically, the centralization of political authority in Band Councils and disaggregation of political networks. Underpinning this issue is how settler colonialism reshapes the discursive conditions of Indigenous political authority. Settler colonization does not simply rearrange the structures of authority but also impacts our beliefs around how

authority *should* be structured. While I touch on the discursive impacts of settler colonialism, here I focus on the how authority is rearranged within Indigenous political orders.

### **3.3.1 Dispossession and erosion of economic independence**

Dispossession and erosion of economic independence should be understood as related but distinct from questions of political authority. Dispossession is significant because as Indigenous scholars have pointed out, land is more than a source of resources or material wealth. Rather a relationship with the land teaches people about their identity and guides us in understanding how to conduct proper relationships with the natural world, animals and each other. Coulthard discusses how our relationship with the land is a source of knowledge through the moniker of grounded normativity:

I also suggested that the primary experience of dispossession is what also tends to fuel the most common modes of Indigenous resistance to and criticism of the colonial relationship itself: that is, Indigenous struggles against capitalist imperialism are best understood as struggles oriented around the question of *land* - struggles not only *for* land, but also deeply *informed* by what land as a mode of reciprocal *relationship* (which is itself informed by place-based practices and associated forms of knowledge) ought to teach us about living our lives in relation to one another and our surroundings in a respectful, nondominating and nonexploitative way. The ethical framework provided by these place-based practices and associated forms of knowledge is what I call “grounded normativity” (2014, p. 60).

In the face of dispossession, it is also important to realize the ways Indigenous peoples attempt to resituate Indigenous economic practices within new economic orders. In Canada it is well documented how authorities went out of their way to stifle Indigenous economic independence. The works of Sarah Carter, Frank Tough and Douglas Harris provide detailed studies of how settler authorities went out of their way to quash Indigenous attempts to participate in early settler economies.

Sarah Carter (1990) explores this through looking at laws and policies that were implemented to stop or slow down Indigenous efforts to both produce and sell their agricultural goods. Contrary to her initial assumption that Indigenous farming was doomed to fail, Indigenous farmers on the prairies were initially successful but had their efforts stifled by government policies that sought to protect the interests of white farmers.

Similarly, Doug Harris (2001) on the Coast has documented how settlers established colonial legal orders over the economic activity of fishing to the detriment or exclusion of Indigenous peoples in British Columbia. Frank Tough's economic history of Northern Manitoba in the late 19th and early 20th century details Indigenous peoples' loss of economic power and independence. For example, Tough's book authoritatively documents of how state and church interests colluded to prevent Indigenous peoples from moving to areas where greater economic opportunities existed and actively prevented Indigenous peoples attempts to find their footing in the changing economic order (Tough, 1997).

From this standpoint, the scholarship suggests that even in the face of dispossession Indigenous peoples endeavored to set up economic opportunities within

nascent landscapes of settler colonization and likely would have succeeded if not for the interference of settler governments. But even if Indigenous peoples had been able to establish successful economic ventures in the early days of settler colonialism, it does not mean the effects of dispossession would not have been felt. If we follow Coulthard's insights on grounded normativity, dispossession from the land would have still resulted, at the minimum, in a loss of teachings about how to conduct good relationships. Adese elaborates on this point further drawing primarily on the work of Metis elders Elmer Ghostkeeper, Victoria Belcourt Callihoo and Herb Belcourt. Adese shows convincingly that the rise of 'industrialized modes of living' that included both resource extraction and mechanized farming disrupted Metis relationships to land more than simply agriculture.

Adese (2014) states:

The importance of living in balance through understanding relationality and practicing reciprocity is key to Métis ways of being in the world. Métis worldviews are resilient and many, although not all, managed to adapt themselves to and weave themselves with new modes of living. Belcourt and Ghostkeeper's narratives, however, chart for us the most aggressive challenge to the continuance of Métis ways of being and to Métis abilities to continue to adapt and persist in their relationships with the land – namely, the concretization of consumer capitalist society that is founded on the invasion of extractive economies, and its integration into Métis peoples' lives. (p. 58-59)

While dispossession has a psychic impact on how we view relations as Coulthard and others have argued (rooted in Frantz Fanon's theories), I also want to draw out how loss

of economic independence had and has particular effects on how we generate political legitimacy within the prairie Indigenous political order.

Most studies of political economy have looked at how agrarian labour and/or the resource extraction economy/capitalism structured relations between Indigenous peoples and Canada (Clement and Williams, 1989) after the original fur trade. My focus is on the internal political economy of First Nation governments themselves, particularly on the northern plains over the last century and a half. The economies of First Nation governments and reserves creates significant obstacles to the generation of legitimacy within the prairie Indigenous political order. Many scholars have commented on the connection between economic independence and political legitimacy in Indigenous societies. Russel Barsh provides us with a straightforward explanation of traditional political economies: “In Indigenous American thinking, economic independence helps preserve political freedom. Leaders are inherently powerless to deprive any family of its means of subsistence. As long as each family stays within its ancestral lands and retains its economic autonomy, the right to dissent is a practical reality” (Barsh, 1986, p. 186).

Barsh does not deal with types of oppression that could occur within a family, but Sarah Carter has discussed how the divorce practices of plains Indigenous peoples allowed women to leave unhappy or abusive unions and led to a diverse array of family arrangements (Carter, 2008). The ability to dissent maintained by freedom of movement and economic independence ensured political leaders were held to high standards. Groups could grow, wane or dissolve based on the competency of the leadership. Thus, the economic practices that fostered the autonomy of individuals/small groups

combined with freedom of movement provided for a high degree of accountability within the exercise of political authority because people could withdraw their participation if leaders no longer had legitimacy within the group.

The creation of Band Council governments on the prairies is coterminous with the decline of Buffalo hunting economies, destabilizing the major source of independent economic production. The Band Council as centralized authorities are to a significant degree held in place by external sources of funding and many members of First Nations rely in significant ways on the First Nation government to provide economic security. This dependence is not always/only the result of a lack of education or labour skills but is also dependent upon living in a racist and colonialist society that creates barriers for First Nation people. The kinship responsibilities and political commitments that people have to improve their First Nation and work in certain industries also narrow economic opportunities for Indigenous peoples.

While it is easy to associate external funds with government transfers, we should not collapse external funds and government transfers as they are not synonymous. On the one hand, many would rightly argue that government transfers are the result of treaty obligations and should therefore should not be thought of external revenues because it is the rightful money of First Nations. Similarly, while government transfers may often come with strings attached, many First Nations now generate significant revenues through businesses owned by First Nations, resource extraction on our lands and/or other types of impact/benefit agreements. When I speak of external funds, I am speaking of all these funds together: treaty monies, resource revenues and the proceeds of First Nation owned businesses.

The dynamic of central importance is that when funds flow into First Nations they must pass through the political leadership and senior bureaucracy of First Nations before they are realized by members of First Nations as jobs, services and other financial supports. Of importance, is that the central problem is not corruption or bad governance on the part of the First Nation; but rather that dissent is stifled because of the large percentage of people on reserve who rely on First Nation governments to provide economic security. The contest over the distribution of resources is further exacerbated because "Government is perceived as a source of income, rather than a service to the people" (Killsback, 2009). Cornell and Kalt (2005) have also outlined an impasse to successful governance is when elected leaders devote a large amount of their energy to distributing resource around short term expediencies (p. 8). Corruption and bad governance can make a difficult situation worse but they are not the root problem of political economies on reserve. The ability of those who hold the levers of economic distribution to sanction dissent is real and I would further argue this situation is unlikely to go away unless we assume ideal conditions where people never hold grudges, have no family and friend obligations and can receive criticism without emotion. Even if we assume the use of very strong modes of traditional governance, it is unlikely that widely held values about fairness and caring for each other would be enough to mitigate the suppression of using economic sanctions as retribution and create the room for dissent needed to generate legitimacy.

The dynamic I am describing did not arise until the 1960's, when Indigenous peoples assumed greater control over material resources from the Department of Indian Affairs. Maria Campbell's comments on the situation are representative of a well-known

hypothesis that the rise of funding increased factionalism within Indigenous political organizing:

So we had a thriving native community in Edmonton, but about the mid-1960's things started to change. Political organizations emerged and within a few years it was like something shattered. Community activities did not stop, but the politics created difference and then when government funding came in, the community was fractured. (Campbell, 2013)

The rise of external funding, particularly government money, diminished traditional sources of political power because people could gain political power by controlling the distribution of external funds. Howard Adams anticipated that Indigenous peoples gaining political and institutional control would not guarantee an increase in political effectiveness. Adams warns that the increase in funding offered to Indigenous organizations can be used to co-opt an elite to the government's agenda, corrupt people who gain access to positions of power and attract 'opportunists, drifters, hucksters, uncommitted and non-political workers – free-loaders, in other words' (1975, 161). For Adams, the drive to gain control of institutions may not achieve the outcomes Indigenous peoples had hoped for. Funding alters the internal dynamics of communities because orienting yourself toward gaining a positions of authority within a First Nation becomes an end in and of itself. This prevents the pooling of legitimate political authority that would happen in decentralized political orders where one could only gain influence due to their reputation and record of behaviour.

While the political economy of First Nations impacts internal politics, it also has significant consequences for how different sites of political authority are ordered in

relation to each other and for how citizenship operates, because it orients people toward enforcing discreet boundaries between communities. In the context of Metis-First Nation cooperation and discord, the work of Daniel Voth has shown how history, identity, government imposition and contests over resources has served to “drive a wedge between Indigenous peoples as one organization seeks to secure additional funding using the other as leverage” (Voth, 2015, p. 180).

When we combine the political economy of First Nations with a general lack of scarcity it becomes very difficult to prioritize political cooperation across communities that *may* result in long term gains, ahead of the immediate needs of your community. Paul Chartrand (2007) discusses this in a paper analyzing the lack of political cooperation between First Nations and Metis people:

There is not much cooperation because there is little direct incentive for political representatives to work for the general good of others when they are elected by their own small community. Communities with pressing local concerns are not likely to put a priority on dealing with issues that do not seem to affect them as directly as local economic, health and education issues, for example. Local representatives are also not immune from the tendency to focus on issues that are most likely to keep them in their political positions. Local representatives who believe they can advance their local agenda are not likely to favour broad political alliances where their role and influence is likely to be diluted within the different agenda of a large political coalition (p. 13).

This is a very difficult situation to address because the internal political economies of communities can undermine large scale cooperation.

### 3.3.2 Centralizing political authority

An important method of settler states' attempts to domesticate Indigenous peoples has been the requirement that Indigenous peoples organize themselves into centralized, representative forms of political authority. The creation of Indigenous governments means that former political institutions are effaced or transformed and political authority is deposited in an Indigenous government that is separate from the people it represents and holds hierarchical authority over the citizens subject to it (Alfred 1999). Other sources of Indigenous collective authority maintain their existence but they are marginalized or excluded from articulation and representation within state legal systems. For example, in the case of *Behn v. Moulton Contracting* (2013), a family from Fort Nelson First Nation established a blockade against the logging company. The company was logging territory that was part of the Behn families' trap line. Ultimately, the Supreme Court ruled that "individual members of the Fort Nelson First Nation did not have standing to allege a breach of the duty to consult without the authorization of the Fort Nelson First Nation, as they had not been authorized by the Fort Nelson First Nation" (Axmann, 2013; *Behn v. Moulton Contracting*, 2013). In other words, even if the family had Indigenous legal jurisdiction to hunt in the area, only the First Nation they were members of could bring forward their grievances in the Canadian legal system.

Funneling Indigenous political authority into centralized representative bodies provides two functions for settler states. First, these bodies become the vessels that receive collective recognition from the state on behalf of Indigenous communities and nations. Second, political assent can be extracted from these bodies to legitimate the presence and activities of settler societies over Indigenous lands. When conducting

negotiations with Indigenous governments, settler states prefer that First Nations provide precisely defined traditional territories that are (ideally) not claimed by other Indigenous governments. In areas where many Indigenous peoples used the land, states incentivize one First Nation to claim a priority above others (Boisselle, 2017). The problem of how to adjudicate overlapping claims becomes further complicated when resource extraction is at stake, because corporate and government interests can elevate the claims of one First Nation above others.

Another key characteristic of Indigenous governments is that they hold their authority in exclusion to each other. Even though Indigenous governments hold political authority independent of each other, choices over where to maintain independence and where to engage in collaboration has to be enacted by political leaders. Indigenous governments have many political organizations that facilitate externally focused relationships with settler governments, but there is far less collaboration between First Nations in relation to governmental responsibilities like education, healthcare and law.<sup>8</sup>

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<sup>8</sup> This is one of the few places where I cannot add supporting literature to an important claim. In Alberta only Maskwacis and the Kee Tas Kee Now Tribal Council operate a school system of behalf of multiple First Nations. BC has the First Nations Health Authority but in other areas its sparse. In Saskatchewan Meadow Lake Tribal Council looks to have impressive collaboration in Child Welfare but it thins out after. In Ontario the Nishnawbe Aski Nation represents 49 First Nations but doesn't deliver governmental services over the big three (Education, Health and Social/Childrens

First Nations often seek to have exclusive control over the funding of programs rather than explore how they might share or consolidate one's authority with other First Nations in the delivery of services – again this is a product of the ways settler colonization has fostered a political economy that prevents cooperation and imposed representative authority that greatly reduces the possibility of creating areas of shared jurisdiction between First Nations.

To make this distinction clear, it is useful to contrast contemporary and traditional governance structures. Prior to the onset of a settler colonial regime on the Canadian prairies in the late 1800's "bands [were] the primary political and social units in which northern plains people organized themselves" (Innes, 2013). Although bands had

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services). In the north, Territorial governments already operate the big three for the most part, although NWT health system does seem to have significant co-governance with First Nations. I do not have much sense of arrangements in Quebec and eastern Canada, except that the James Bay Cree have a self-government arrangement and the Mi'kmag have significant collaboration over their education. This of course could have been the dissertation, but this scale of work first needs analytic frames to analyze the barriers and potentials of creating organizations jointly governed by First Nations. Otherwise the analytic frames we must rely on revolve around economies of scale. People are suspicious of those reasons, as they should be. That's the point of this dissertation: to use the Cree logics that are embedded within the community to think through these larger governance challenges.

political independence, the way they exercised their authority in relation to other bands, as described earlier, shows that this independence was exercised only in consideration of how bands were linked together through shared concerns. One example would be the campaign for Cree consolidation prior to the Northwest resistance, another is the deliberations that occurred during the signings of Treaty Six or the treaty gathering at Sounding Lake in 1878 as discussed in chapter two. In these examples, local groups were able to maintain political autonomy but were also willing to make decisions together and did not default to a position where they prioritized exclusive authority.

Today, the exclusive sovereignty of individual Indigenous governments is prioritized ahead of a political orientation that emphasizes the shared interests and connections between Indigenous governments. While expressions of sovereignty are valuable and important in our relationships with the state, this posture can close off important areas of dialogue and collaboration that First Nations have with each other, often in lieu of big picture rights and title cases that tend focus on men. For example, in relation to the *Van der Peet* Aboriginal rights test Luther argues that “Practices or traditions elevated to rights under *Van der Peet* will inevitably – in large part because of colonial influence – be framed in a way that advantages the interests of Aboriginal men over those of Aboriginal women (Luther 2010, p. 47).

Allowing First Nations to maintain forms of exclusive sovereignty also leaves unchallenged the sexist of the Indian Act. In drafting the original Indian Act of 1876 the Canadian state envisioned a future in which those defined as Indians would adhere to a set of gender relations that reflected those permeating Euro-Canadian society. In Canada, women were the virtual property of their husbands

with relatively few legal rights and restricted access to public life. (Smith 2014, p. 311)

This finds its greatest expression in the legacies of the Indian Act that determined both Indian Status and membership in First Nations through patrilineal descent, where Indigenous women lost status through marrying non-Status men and non-Status women gained status through marrying Status Indian men. In particular Section 12(1)(b) of the 1951 Indian Act created more exclusions for Indigenous women that I will detail in the next chapter. In an article “Indian Women Struggle for Indian Rights”, Jenny Margettes discusses how in Alberta First Nation people sought to protect the authority of First Nations against the activism of Indigenous women who had lost status as a result of patrilineal descent rules in the Indian Act. Here the Lavell, who had lost her status after marrying a non-Status man, case argued the Indian Act was in contravention of the 1960 Canadian Bill of Rights because it discriminated against her on the basis of sex (Robinson 2006). The analysis of Jenny Margettes shows us how people sought to protect the authority of First Nations:

Mrs. Margettes said, in an interview, that status Indian people “got pretty uptight” over the Lavell case. They feared that if Jeannette Lavell won her case it would set a threatening precedent for treaty Indians. ... The non-status [Indigenous] women were told by the treaty women that “if they went along with Jeanette Lavell, their relationship would be finished”. ... In dealing with these other Indian Groups, Indian Rights for Indian Women has continually met opposition. Mrs Margettes said: “The only way to reserve all the rights for themselves as treaty

Indians. They are not interested in extending rights to other people who should have Indian Rights” (Smith 2014, 318)

Kuokkanen’s argues “that if sexism is not squarely addressed when Indigenous self-government structures and institutions are set up, gender discrimination and oppression become naturalized as part and parcel of the exercise of Indigenous self-determination” and the operation of First Nations political authority must be responsive to gender injustice (Kuokkanen 2019, 139).

Kuokkanen also demonstrates how the masculinist orientation of exclusive sovereignty also perpetuates gender violence because our political institutions do not prioritize gender violence as a prominent issue of self-determination (207). For instance, Kuokkanen recounts how in the Sami context a fear of spreading negative stereotypes about Indigenous men within the Norwegian media “played a role in the widespread inclination to conceal and ignore gender violence... . Yet this suppression was highly gendered. ... it is Sami men rather than the female victims of violence who need to be protected” (210). For Kuokkanen gender violence cannot be compartmentalized from larger struggles to enact self-determination.

The masculinist focus on big picture items like rights and title also prevent Indigenous political orders from establishing a robust and effective political presence in cities where Indigenous governments might be served well by creating authorities of shared jurisdiction to improve the delivery of education, healthcare and social services. Over half of Indigenous peoples live in cities and collaboration between governments is an issues we need to explore. On the northern plains, this gap is even more

pronounced because major cities have some of the largest populations of Indigenous peoples in the world - both in terms of overall total and percentage of the total population.

The move from a regional decentralized political order to a centralized but disconnected political order is also accompanied by shift in the relationship between legitimacy and authority within Indigenous political orders. In pre-reserve societies, authority only arose where people were pursuing shared goals (Marule, 1984). A great deal of legitimacy had to be present or else people could easily choose to act otherwise. If people did not believe in those who were leading shared actions, they could choose to associate with other people (Binnema, 2001; Hogue, 2015). Thus, leaders could only rise to positions of prominence through a long record of prudent and trustworthy behavior (Venne, 1997). Plains Indigenous societies relied on a political order that elevated individuals into leadership positions based on past behaviour. Leaders had little to no ability to enact punishments or coerce those subject to their leadership. Those who disagreed could easily stop following a leader and deprive them of any authority they temporarily held.

Today elected leaders are not bound by the same dynamic of legitimacy. Offices within the Band Council exercise authority and power primarily through the distribution of resources (Killsback, 2009). Whereas in the pre-reserve era one gained a position of authority through a long record of prudent and ethical behavior, today one gains authority by occupying a position of authority within an Indigenous government. Many people in elected positions do hold themselves to a high standard of behavior, but it is not a prerequisite.

Discussing these dynamics is made difficult because, with the exception of Clint Carroll (2015), no other authors who discuss the concept of Nationhood equate nationhood with Indigenous governments. The tendency to evoke Nationhood without precise definitions of what political authority will look like is done precisely because Indigenous governments are not viewed as legitimate, because of the problems outlined above. But, as mentioned it is also difficult to directly critique Indigenous governments because they remain the primary bodies that negotiate our relationship with Canadian governments. In many ways it is an important political move to avoid clearly defining the contours of Nationhood, but it also means the default is to Indigenous governments as the de facto site of Indigenous political authority when we talk about Indigenous sovereignty. Even if one writes off Indigenous governments as illegitimate, we still have to contend with the situation that Indigenous Governments wield the most resources and influence within Canadian society. We need to engage with Indigenous governments if we are to transform how we constitute larger political orders that can pursue self-determination today on behalf of Indigenous peoples.

### **3.4 Conclusion**

Addressing the current configuration of the Indigenous political order requires decentering the position of Indigenous Governments and other political organizations and opening up our understanding of the various ways Indigenous peoples organize collectively with each other outside of Indigenous Governments. I have used Griffiths descriptive theory of legal pluralism combined with both Borrows's and Napoleon's

Indigenous versions of legal pluralism to give us a definition of community where people manifest collective authority in various ways.

The onset of settler colonization has resulted in the rise of what I call exclusive sovereignty. In part, exclusive sovereignty has arisen from a political economy of scarcity within Indigenous communities that makes it difficult for Indigenous peoples to share resources with each other and in which funding is distributed via bands. As a result, Indigenous governments are willing to draw rigid and discreet boundaries around their realm of authority and membership/citizenship. Taking a closed and non-permeable view of authority and citizenship means exclusive sovereignty is the de facto stance of Indigenous peoples. In the next chapter I discuss these dynamics in relation to citizenship. This chapter will provide the final piece before moving onto looking at how a wahkohtowin movement can break up exclusive sovereignty as a norm and practice and replace it with a relational sovereignty that can be responsive to how Indigenous peoples might enmesh our authorities and citizenships with each other across communities.

## Chapter 4: Prairie Indigenous citizenship, mobility and gender

The following chapter theorizes contemporary First Nation citizenship with a focus on gender. While I typically try to avoid limiting my discussion to First Nations, here I will do so for analytic clarity around my definition of formal citizenship. When I speak of citizenship I mean both the formal rules of First Nation governments use to create membership lists and also the practices of belonging that First Nations and Metis peoples enact to create community. From this view citizenship has two registers: 1) *Formal citizenship* - the formal rules of membership within First Nations, 2) *Relational citizenship* - practices of belonging and kinship people enact to create Indigenous communities in various forms. A relational understanding of citizenship clearly also aligns with the analysis of legal pluralism in the previous chapter wahkohtowin in the next chapter, but here I focus on gender in relation to Indigenous citizenship.

When I think of relational citizenship I am drawing from but offer a slight modification to Audra Simpson and her concept of “feeling citizenship” (2014, p. 171-176). Simpson begins her section on feeling citizenship with a useful distinction – “there is a difference between what is *prescribed* and *what actually should be*, and that is being worked out in the *day-to-day* life of the community” (p. 171, emphasis added). When Simpson says “what is prescribed” I interpret that as referencing formal citizenship in my definition. For Simpson, feeling citizenship is “the affective sense of being a Mohawk of Kahnawà:ke,” sometimes in face of no formal recognition (p. 173). Described another way, it is both the formal and informal ways people understand their relationship to each other and their place in the larger community – “What I wish to

suggest is that these *living, primary, feeling citizenships* may not be institutionally recognized, but are socially and politically recognized in the everyday life of the community” (Simpson, 2014, p. 175). Returning to Simpson’s earlier distinction, feeling citizenship is what is worked out in the ‘day-to-day’ ways people recognize themselves and others. By working through our day-to-day relationships in the face of unjust membership rules we are alerted to “what actually should be.”

The difference is minimal between relational and feeling citizenship. With relational citizenship, I’m drawing our attention toward the glue (the values and practices) that holds families, communities and larger political identities together. Whereas ‘feeling citizenship’ is how one understands themselves (how they feel) in relation to larger political identities, prescribed rules and day-to-day relationships of being a Mohawk of Kahnawà:ke. Formal and relational citizenship are not exclusive, they overlap, sometimes in significant ways but they also diverge and these differences are important. Thus, both relational and feeling citizenship are animated by the tension that arises when formal citizenship and relational/feeling citizenship diverge, when the day-to-day acts of kinship-making rub up against our formal rules and alert us to “what actually should be.” And as Simpson shows, these divergences are highly gendered because it is women and their families who are most likely to fall in the tense space between is prescribed and what is practiced, between formal and relational citizenship.

One way we can illustrate the divergence between relational and formal citizenship and its impact on women is the tendency of Indigenous peoples to move between communities and have different sets of identities that do not map onto the formal citizenships of First Nations. As covered in chapter two, mobility was a central

feature of the pre-settler colonial prairie Indigenous political order and helped to prevent coercive and illegitimate authority because individuals could simply join another group (Hogue, 2015). According to Stats Canada, less than 50% of people registered with a First Nation live on-reserve across Canada (Stats Canada, 2011a). In Alberta, Saskatchewan and Manitoba there are close to 300,000 status Indians of whom 54% live on reserve (Stats Canada, 2011a).<sup>9</sup> Some people live (very) close to the reserve of the First Nation where they hold membership, others have moved onto reserves where they do not hold membership and others live in major urban centers that often have First Nation populations in the tens of thousands from a diversity of nations.

How do we create a citizenship regime that reflects the ways people are positioned within these patterns? Like authority, we also need pluralist Indigenous citizenship regimes. *The main argument I want to advance here is that we have to find ways to make our formal citizenship rules more accountable to our practices of relational citizenship if we are to confront gendered injustice within our citizenship regimes.* The problems with our citizenship regimes is fundamentally gendered. Accounting for our relational practices of citizenship will require us to uphold the norm of individual integrity as articulated by Rauna Kuokkanen. The norm of individual integrity builds on scholarship that illustrates why we must fundamentally account for gender in

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<sup>9</sup> Manitoba 105,815 of whom 58% (61,373) live on reserve; Saskatchewan 94,160 of whom 57% (53,671) live on reserve; Alberta 96,730 of whom 47% (45,463) live on reserve. 296,705 (160,507). 54%

our work on governance and Kuokkanen explains how individual integrity is a fundamental aspect of Indigenous self-determination.

Like political authority, our regimes of citizenship are also part of an exclusive conception of sovereignty that has come to govern the Indigenous political order. This means our formal membership rules are built around a regime where there is no space for overlapping citizenship between First Nations. Regardless of our formal rules of membership, our relational practices mean Indigenous peoples maintain various relationships with each other that cannot be contained by discreet and bounded membership rules. I use Indigenous feminist thinking to illustrate how exclusive regimes of citizenship are highly gendered.

Rather than focus on gender discrimination within the Indian Act, I focus on contemporary patterns of Indigenous mobility. Here, mobility and gender intersect to maintain exclusive regimes of citizenship. The Canadian state creates a political context that incentivizes Indigenous peoples to downplay patterns of mobility. I draw on Audra Simpson's theorization of the fear of social and political death to argue that settler society has consistently over time used Indigenous mobility to undercut our political claims within the state. The political context created by settler racism has caused Indigenous peoples to downplay mobility within our citizenship regimes to hedge against settler discourses on Indigenous mobility.

Downplaying mobility within our citizenship regimes most directly impacts women and their families who are dispossessed or move away from reserves in disproportionate numbers. As Indigenous feminists have pointed out, Indigenous women's issues have been considered secondary within sovereignty movements

(Kuokkanen, 2017). This creates a situation where colonial discourses on Indigenous mobility and gender hierarchies within Indigenous communities combine to ensure that our citizenship regimes do not respond to patterns of Indigenous mobility and the accompanying forms of relational citizenship. I use the voices of Carlson and Steinhauer (2013) to illustrate these realities but also possibilities for creating a different future. The story of Carlson and Steinhauer should illustrate why in order to address gendered injustice we will have to make our formal citizenship rules accountable to our relational practices of citizenship.

#### **4.1 Mobility definition**

When I speak of mobility, I am referring to the variety of ways people move about to choose a residence but also the ways people travel to maintain connections with each other and places. If formal rules of First Nation membership are primarily oriented around living on reserve where you hold membership (Carlson and Steinhauer, 2013), we have at least four other patterns of residence that our citizenship regimes have to consider: living in *Indigenous cities* – cities with sizable or high percentages of Indigenous peoples; living or working on a reserve where you do not hold membership; living in close proximity to the reserve where you hold membership; and living off-reserve. Mobility also includes the ways people continue to maintain a connection with Indigenous communities or their traditional territories. Indigenous peoples often travel great distances and make frequent trips to maintain their connection to a First Nation or traditional territory (Irvine, 2010; Flynn, 1995). Indigenous diversity in Indigenous cities presents other issues. In Edmonton, this means having many Indigenous peoples from

the north, a situation that makes me think about how Indigenous peoples from elsewhere are included in an urban Indigenous political order. When I was living in Vancouver, there was a considerable number of people from the prairies residing on the coast and the question shifted toward the obligations we held toward local nations and how I participate in my own community from a distance.

## **4.2 Theorizing exclusive citizenship**

We can only understand citizenship and the exercise of Indigenous political authority by understanding how these two spheres interact with one another. In other words, citizenship and authority co-constitute each other. The relationship between citizenship and political authority is heavily documented in Indigenous studies literature (Kauanui, 2008; Barker, 2011; Simpson, 2014; Cattelino, 2008; Denetdale, 2006; Sunseri, 2011). In particular, these works have pushed our understandings of how contemporary nationhood often enacts unjust citizenship regimes and how this injustice is deeply gendered in the way it negatively impacts women, queer/two-spirit Indigenous people and their families. Importantly, these works trace how citizenship and political authority operate through both formal and informal avenues.

My work will pick up on all these conversations in two ways. First, I would like to illustrate that although current scholarship does a good job of illustrating the relationship between citizenship and political authority, when it comes time to the task of addressing problems with citizenship the focus is heavily skewed in favour of transforming and changing how the citizenship regimes operate internal to an Indigenous government. It

will be difficult if not impossible to confront the issues we face around citizenship and membership without simultaneously looking at how we configure political authority. These questions have to go hand and hand with each other. The problem goes beyond individuals being excluded from a single community through gendered and/or racialized logics. It also involves how we deal with situations where parents are from different communities, people who grow up on reserves where they do not have membership, how Metis and First Nations people relate to each other, and how to enact Indigenous political authority in urban areas. All of these questions about authority will also require asking questions about citizenship and membership and in some cases questions that also requires us to ask how various nodes of Indigenous political authority exist in relation to each other. In other words, its not just about how one Indigenous government creates citizenship rules but about the larger system of how the citizenship regimes of Indigenous governments interact with each other as well.

Much like settler governments require centralized forms of political authority to provide discreet boundaries, they also require Indigenous governments to draw lines around a stable and relatively static membership. Indigenous individuals with Indian status in Canada can only hold membership in one First Nation -- a phenomenon I refer to as singular band membership. Although the membership of a First Nation is often comprised of people from many cultural groups, First Nations typically prioritize an affiliation with only one cultural group. These ideas about membership and territory can be traced to policies enacted by the settler governments. Some of the standards used by the Bureau of Indian Affairs to evaluate Indigenous communities seeking federal recognition in the United States helps to illustrate the logic of these ideas:

the membership of the tribe “comprises a distinct community” that “has existed as a community from historical times until the present.” ... its membership includes “individuals who descend from a historical Indian tribe or tribes, which combined and functioned as a single autonomous political entity.” ... [T]he membership is unique and does not include individuals who are members of other recognized tribes. (Barker, 2014, p. 35-36)

Of course most Indigenous communities have kinship relations with other communities that complicates the practice of singular band membership. As well, a large percentage of status Indians do not live on the reserve where they hold membership and many reserves also have a small but significant number of residents who have membership in other First Nations. This complicates not only questions of membership but also of how we draw boundaries around the jurisdiction held by Indigenous governments.

Whereas citizenship was fluid in the pre-settler colonial era, today people rarely change membership. First Nations have the ability to determine their membership today while the Federal Government still controls who is a status Indian through a centralized registry: “As a result, persons may possess Indian status, but not be members of a band” (Furi and Wherrett, 2003). In relation to membership, First Nations are responding to a history of government paternalism. A report from the department of Indian Affairs notes:

Band councils and aboriginal service providers resented the actions of government in imposing more numbers on limited financial and human resources and often displayed this resentment through unfair treatment of Bill C-31 registrants. In some communities the treatment was overt and took the form of

refusal to accommodate the needs of new registrants. In other communities more subtle actions made it apparent to the new registrant that he or she was simply not welcome. And in other communities bands welcomed the newly registered individuals but resented the imposition by government of new, more complicated processes (INAC, 1990, p. 3)

The practice of changing membership in the early reserve period on the plains was common. This is well documented in the biography of Ahtahkakoop. Christensen notes that Ahtahkakoop would have likely been pleased that the “band grew in size as new families and individuals were attracted by the chief’s ability to provide and care for his people” (Christensen, 2000, p. 646). Within Maskwacîs, transferring Band membership was a practice that persisted until at least the 1950’s (Cutknife, personal communication, 2010) and potentially longer. In an interview with Sharon Seright, she discusses her view of how citizenship in Maskwacîs has changed over the last 40 years:

Seright mentioned that when she was growing up she was not cognizant of the idea that people in the community belonged to four different bands, or the idea of reserve boundaries. She had family and connections that went beyond the Montana Band, where her membership lies. Seright said that there has been a “breakdown with the four nations,” and she does not know “when or how all these barriers were created.” (Wildcat, M., 2011, p. 940)

The situation of First Nations people who live on a reserve where they are *not* a band member but have been fully committed community members for years provides an important entry point for thinking about citizenship and political legitimacy. A 1998 survey that interviewed 93% of the heads of household in Maskwacîs found that 18.5%

(2,400 people) of the people living in households surveyed were not Band members on the reserve where they resided (Hobbema Indian Health Services, 1999, p. 24). The report also stated “one of every four households includes one or more non-band members” (ibid., p. 25). In a class I taught at Maskwacîs Community College I asked a group of 20 First Nation students how many people had a mother and father from the same Band. Only one student raised their hand. Although some of the students would have had a non-Native parent, my senses is that the majority had parents who were both First Nations. In March 2018, of the 17,052 people who are members of one of the four First Nations in Maskwacîs, 7% (1,192) live on a reserve where they do not hold Band membership and I suspect this number is low because these statistics are not well maintained. As a final statistic, in 2018, of the 1,000 students who attend Miyo Wahkotowin schools on Ermineskin reserve, 5% of students have a Band membership that is *not* from one of the four First Nations in Maskwacîs.

While these examples do not point toward one firm statistic, they do strongly suggest that the situation of First Nation people living on a reserve where they do not hold Band membership is not a minor phenomenon. Yet, this group has been marginalized within the Indigenous political landscape in ways the literature has not been attentive to and is inconsistent with the traditional ways in which Cree people saw themselves in relation to multiple communities for generations.<sup>10</sup>

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<sup>10</sup> Anecdotally, If a person lives on a reserve where they do not hold Band membership, they are likely to receive little to no services from the community and may

The changes to political authority means restructuring how we think about citizenship in Indigenous communities. Settler colonialism reorients citizenship from a relationship that people have with others in pursuit of building political communities, towards a model where citizenship is to be in a relationship with a governing authority created by and through the Indian Act. In a stark enforcement of this reality, in 2011 the Supreme Court ruled that individuals could not be a member of a Metis Settlement and a First Nation. The court held that not allowing dual citizenship was important for ensuring settlements could achieve their intended aim to “establish a Métis land base in order to enhance and preserve the identity of Métis” (WeirFoulds LLP, 2011, n.p.; *Alberta (Aboriginal Affairs and Northern Development) v. Cunningham*, 2011).

These forms of citizenship also make it difficult to imagine forms of citizenship capable of building robust political institutions in urban centres. Building citizenship in urban centres will be a challenge because it involves thinking about how reciprocity should operate between people who are on their traditional territories, and those whose traditional territories are elsewhere all while considering how a history of dispossession that has displaced people from their traditional territories. These various forms of bifurcated citizenship exist in an interlocking relationship with how Indigenous governments hold their political authority in exclusion to each other.

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continue to experience different forms of exclusion and micro-aggressions within the community such as a greater difficulty obtaining employment.

### 4.3 Indigenous feminisms and citizenship

Indigenous feminisms commentary on governance is now a firmly established body of literature (Deer, 2015; Barker, 2015; Stark & Starblanket, 2018; Green, 2007, 2017; Starblanket, 2017; Kuokkanen, 2011, 2017; Lawrence, 2003). Indigenous feminisms has been to illustrate how the destruction of Indigenous gender diversity and sexualities are integral to settler colonization (Hall, 2008). As such, the oppression of women and two-spirit people is not simply an effect of colonization, it was intertwined in how colonization was achieved. As such, addressing sexism and patriarchy should be interwoven into efforts to achieve Indigenous sovereignty today.

Two important considerations help to show the centrality of gender and sexuality within Indigenous sovereignty movements. The first was an argument in favour of Indigenous people using the term feminism, in particular the articulation of distinctive Indigenous feminisms. The second is to show how we cannot further Indigenous sovereignty without addressing patriarchy and all forms of injustice and violence against women.

Regarding the reclaiming of the term feminist, I first turn to Haunai Kay Trask who famously articulated why she did not consider herself a feminist in a 1996 article:

Given our nationalist context, feminism appeared as just another haole (white) intrusion into a besieged Hawaiian world. ... The feminism I had studied was just to white, too American. Only issues defined by white women as 'feminist' had structured discussions. (Trask, 1996, p. 909).

For Trask this meant a rejection of the term feminist and a position that "the specifics of women's oppression reside in our people's collective achievement of the larger goal of

Hawaiian self-government, not in an exclusive feminist agenda.” I don’t want to set up Trask her to take her down. Rather she articulates a non-misogynist analysis of why Indigenous women reject feminism in some cases.

That being said, term feminism has been an important political intervention in Indigenous communities because it indicates that issues relating to gender, sexuality, women, queer and two spirit people cannot be collapsed into the broader movement for Indigenous sovereignty or treated as secondary. Indigenous feminism and Queer/Two spirit Indigenous studies has made it clear that gender and sexuality must be central to Indigenous sovereignty movements, in addition to offering important interventions to feminism in general (Arvin et al., 2013; Davis 2014).

Secondly and following from this, Indigenous feminism has argued convincingly how it is impossible to further Indigenous sovereignty without addressing patriarchy within and outside of Indigenous communities. This has received many articulations but I will cover two recent examples. (Kuokkanen, 2011, 2017; Deer, 2015). Kuokkanen’s recent work *Restructuring relations* provides a thorough assessment of how conventional discourses have excluded women’s voices and what we miss when this occurs. If we are to overturn relations of domination within Indigenous nations and beyond, we must “analyze and expose the gendered character and structures of Indigenous self-government institutions” (Kuokkanen, 2019, p. 4). Specifically, violence against women must be addressed alongside of other efforts such as environmental destruction because these systems are intertwined. Kuokkanen is worth quoting at length here:

Relational analysis not only foregrounds what Indigenous feminists have been saying for some time- that both our lands and bodies are targets of the same colonial violence – but also calls attention to the fact that what has been suggested as a solution to that violence, namely Indigenous self-determination, cannot be conceptualized in terms of rights alone.

(Kuokkanen, 2019, p. 12)

In other words, if we act on a male-defined version of Indigenous rights we will miss part of the problem and also miss the solutions to our situation.

Sarah Deer also illustrates why confronting sexism and violence against women in Indigenous communities is an integral aspect of self-determination. Deer's *The Beginning and End of Rape* is an exceptional text in Indigenous studies for showing the horrors of violence against Indigenous women, while at the same time providing an inspirational analysis of how Indigenous communities are addressing this issue. For Deer, we cannot achieve decolonization without responding to violence against women: "Trauma truly threatens the future of tribal nations. And without an adequate system for intervention, trauma and victimization create a cyclical sense of despair and desperation, indeed, a very continuation of the colonization process" (Deer, 2015, p. 45). Deer illustrates the efforts of some tribal courts to undertake the hard work of addressing violence against women as an act of sovereignty by "seeking to address gender issues in a distinctly Indigenous way ... [and] engaging in a unique ethic of decolonization" (ibid., 30)

#### 4.4 The norm of individual integrity

Having covered done a general survey of Indigenous feminism the following section focuses on the recent book *Restructuring Relations: Indigenous Self-Determination, Governance, and Gender* by Rauna Kuokkanen. *Restructuring relations* with an epigraph posed by Val Napoleon – “Why is it so difficult to write and speak as an Indigenous women, explicitly from an Indigenous woman’s experience, about the broader political issues of self-determination, Indigenous legal orders and law, self-government, or aboriginal rights?”

Kuokkanen respond to Napoleon’s provocation through establishing three connected claims that all work towards her central thesis – that Indigenous self-determination must be premised upon gender justice. The three claims Kuokkanen advances to argue for the centrality gender justice are:

1. That we must conceive of Indigenous self-determination as a foundational value.
2. That we must analyze the gendered nature of Indigenous institutions.
3. That we must address the relationship between Indigenous self-determination and gender violence.

Each of these claims is important to expand upon. For Kuokkanen self-determination is a foundational value because relations of non-domination lie at the base of any vision of self-determination. It does not make sense to conceive of self-determination solely as a legal right held by peoples under international law. While self-determination articulated as a legal right is an important piece of self-determination, it does not have the ability to enact relations of non-domination alone. Furthermore, when

we focus on self-determination solely from a legal perspective, our relationship with the state mediates our understanding and vision of self-determination.

Relying on over 60 interviews with primarily Indigenous women, Kuokkanen finds people expressed self-determination as a foundational value that seeks to restructure all relations of domination. To achieve self-determination as a foundational values Kuokkanen articulates a process where we will be required to uphold the *norm of integrity*. The norm of integrity has many dimensions but two are focused on here “individual integrity and integrity of the land” (24). Many interviewed in the book draw multiple connections between individuals and the land. Later I will return to individual integrity to discuss its importance for thinking about gender and citizenship.

For Kuokkanen gender runs like a “discursive fault line” through Indigenous politics (21). Kuokkanen argues there is a hierarchy between gender and governance “characterized by the persistent division into self-determination/self-government issues and gender/social issues, which, as the participants in this book forcefully argue, stand in the way of implementing, realizing, and exercising Indigenous self-determination” (2). The same is true of valuing collective self-determination to the neglect of individual self-determination, which often negates a focus on violence against Indigenous women, Queer and two-spirit people. Or the division between political and social issues that often led to a neglect of issues such as healthcare and education. To this end the author suggests that “paying closer attention to the relational character of self-determination enables a more effective examination of its transformative potential in terms of restructuring relations” (36).

Kuokkanen's final claim is we cannot achieve self-determination without eliminating gender violence, similar in argument to Sarah Deer's book *The Beginning and End of Rape* that argues Indigenous nations cannot be strong if Indigenous women continue to be subject to violence (Deer 2015). But it also expands our understanding of violence by looking at the ways "existing models and structures of Indigenous self-government are, by and large, a form of structural violence in their exclusion of Indigenous women's conceptions of self-determination, which necessarily includes the norm of individual integrity and freedom from bodily harm" (181). Our institution perpetuate cycles of violence in part because it is still possible for male abusers to occupy elected and leadership positions without repercussions (198-202).

What is clear from Kuokkanen's work is that our citizenship regimes must have a focus on the well-being of individuals. We cannot maintain our current regimes of citizenship that is not responsive to and comes into conflict with our relational practices of citizenship. Here, it is worth detailing how Kuokkanen's understanding of the individual is based on a relational understanding rather than a liberal understanding of individual rights.

For Kuokkanen's research participants "Nearly all viewed individual self-determination as a prerequisite for the exercise of collective self-determination" (39). For Kuokkanen, these accounts of individual integrity such as the call to eliminate violence "bear resemblance to liberal feminist accounts" but do so within a relational analysis. Kuokkanen is worth quoting at length here:

The way in which Indigenous women typically discussed the meaning of self-determination at the individual level, however, was inseparably related to the concern for the well-being of other community members and driven by the collective objective of Indigenous self-determination. Individual self-determination was considered of utmost importance yet regarded as deeply relational rather than simply the freedom or ability to live a life of one's own choosing. Individual integrity thus encompasses the notion of integrity of the entire community and is closely linked to the norm of integrity of the land, both of which are absent from liberal feminist accounts of individual autonomy.

The people who are hurt most by the gap between our formal and relational citizenship are women and their families. The work of Kuokkanen helps to clarify two closely related issues around the frame that our formal rules of citizenship must be made accountable to our relational citizenship. First, is that our citizenship regimes can focus on how individuals are impacted and we should not fall into a trap where we focus entirely on the collective. As I will discuss in relation to Carlson and Steinhauer, they were accused of damaging the collectively held treaty rights (2013). Joyce Green has also detailed how First Nation organizations and governments scarified the rights of women in an attempt to gain political leverage with the federal government (Green 1997, p. 70-81). While Kuokkanen makes it clear we can focus on the individual and collective together, she goes a step further by detailing how an Indigenous feminist approach to individual integrity is based on Indigenous philosophies that are deeply

relational and is not “introducing alien concepts and thinking to Indigenous communities” (51). Based on Kuokkanen’s interviews she is able to show that “Indigenous conceptions of individuality are predicated on a sense of responsibility for one’s relations. This view also informs understandings of self-determination according to which self-determination is fundamentally relational and involves living responsibly within those relations” (51).

In summary, Kuokkanen shows that a focus on individual integrity in an Indigenous context is different from western liberal theories of a focus on individual rights. She does so by showing on the norm of individual integrity is grounded in a gendered analysis of Indigenous relationality. Kuokkanen’s work helps to illustrate why our relational citizenship must be accountable to our formal citizenship if we are to address gendered injustice in our communities.

#### **4.5 Fearing social and political death**

In *Mohawk interruptus: political life across the border of settler states*, Audra Simpson (2014) offers a number of important avenues for thinking about the study of genocide in Canada. Simpson advances three claims in *Mohawk Interruptus*. “First, sovereignty may exist within sovereignty” (p. 10), or, as she states elsewhere, sovereignty can be nested within other sovereignties – “nested” sovereignty (p. 12). This stands in contrast to an understanding of sovereignty as a form of authority that is supreme, exclusive and indivisible. Second, she documents and promotes ‘refusal’ as a political practice and ideological orientation. For Indigenous peoples, refusal is a practice that operates in contrast to seeking recognition. Third, she notes, “Indigenous

politics require a deep historical accounting to contextualize the processes that appear anomalous, illiberal, or illogical, and get conflated with pathology, economic desperation, and depredation ('smuggling') in the public eye" (p. 178). For Simpson, the fields of anthropology and political science have been unable to take full stock of multiple and intersecting forces that Indigenous nations and communities must respond to in the "theater of settler colonialism" (p. 186).

Simpson's concept of 'refusal' can be taken up in a number of generative. Simpson discusses refusal in two main ways. First, it includes a refusal by Mohawk and other Iroquois people to cede or relinquish their sovereignty. The most well-known form of this practice is the use of a Haudenosaunee passport when travelling across international borders. The traditional territory of the Haudenosaunee is bisected by the Canada–US border and requiring the permission of those governments to travel through traditional Haudenosaunee territory is perceived as an affront to the latter's sovereignty. For many, this practice is also marked by a refusal to use Canadian or American passports for the sake of convenience or ease. This is exemplified by the Iroquois lacrosse team's refusal to use temporary American passports to travel to the lacrosse world championship, after the host country, Britain, denied them entry on their own Haudenosaunee passports (Deer, 2018).

The other primary use of refusal is a refusal to share certain forms of information. This means that Simpson does not share certain things about the community in her writing and academic work. My initial interpretation was that Simpson engaged in this form of refusal so Indigenous social norms against sharing different types of spiritual and cultural knowledge were respected. However, I have come to understand that the

politics of refusal in academic writing extends beyond merely following protocols around sharing knowledge.

For Simpson, when we write about Indigenous peoples we are necessarily engaging in the politics of representation. The politics of representing Indigenous peoples is a highly fraught area of concern because we are still confronting settler practices of elimination. When Simpson wrote *Mohawk Interruptus*, she wrote every page with her critics and foes in mind. In particular, how might unfriendly settlers take up her words and use them against the Mohawks of Kahnawà:ke and their Indigenous neighbours or Indigenous peoples at large? According to Simpson, when writing it is vital to have an “understanding of the space through which representation moves” (Simpson, 2015, n.p.). Thus, Simpson demonstrates her own commitment to a practice of refusal with the level of care and consideration she undertakes when writing about the politics of Kahnawà:ke.

Thinking of refusal in terms of mitigating the circulation of harmful representations of Indigenous peoples in settler society helps us understand another analytic within *Mohawk Interruptus*, the fear of social and political death. Simpson discusses the fear of collective elimination within Kahnawà:ke at multiple occasions in the first two chapters but the following passage connects the fear of collective disappearance to refusal:

Membership, passports, and evictions are of a piece with each other, as they all speak of a fear of disappearance but also from a form of sovereign authority: “I know you; I know who I am.” “This is what I speak from, this treaty, this

genealogic, this archive.” “I refuse until you get it, or until I think you got it.” Or, even, “I simply refuse” (Simpson, 2014, p. 19).

It is a fear that the settler state will use any opening or opportunity to interfere in the life of the community and destroy its collective fabric and that over time the community will literally cease to exist.<sup>11</sup> As Simpson (2014) expertly articulates, the fear of social/political death is a reasonable reaction in the face of Anglo American settler colonialism:

But in my brief discussion of the loss of land, the push back on white presence, you can see the ways in which I came to understand this project as structured [by] a very sensible anxiety over a corporeal and political disappearance tied to that land loss. And this is less loss, really, than lawful theft at the hands of a (white) settler state (p. 108).

The fear takes on a life of its own within the community and impacts the way political decisions are made, namely in regard to formal membership in the community.

Gendered and racialized violence against Indigenous peoples is a constant part of life, even if it is distributed unevenly within Indigenous communities. This

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<sup>11</sup> The concept of social death has a large genealogy and has been taken up within genocide studies by scholars like Claudia Card (2003) and Mohammed Abed (2006). Yet Simpson’s concept should be read as an idea that has its own unique genealogy in reference to Kahnawà:ke. Future work is needed to place these commentaries on group death in conversation with each other.

omnipresence of violence today still poses a research challenge: how does one decide where to begin and end?<sup>12</sup> Simpson offers scholars a new analytic standpoint to understand violence against Indigenous peoples. Rather than trying to quantify the violence Indigenous peoples have experienced historically or continue to experience in an everyday sense, one can also understand violence through a study of collective affect, that is, how groups of Indigenous peoples have generated shared understandings and intersubjective knowledge to think about and respond to the violence of settler colonialism.

For myself, the “fear of social and political death” stood out because I immediately recognized it as something I’ve witnessed many times in the past. Ermineskin Cree Nation is a part of Treaty Six. Treaty Six is considered to be a sacred agreement and forms the basis of how the community understands itself in relation to the Canadian state and society today.<sup>13</sup> A significant aspect of the community’s politics is extensive contemplation about how any decision that will alter the status quo might

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<sup>12</sup> Research on Human Rights has shown that norms are more likely to be influential in world politics if the norm can be simply expressed. This presents a challenge in settler colonial situations where multiple forms of oppression are entangled with each other and the fabric of society (Finnemore & Sikkink, 1998).

<sup>13</sup> I do not have a large degree of textual evidence to support such a strong statement but references in texts by Richard Price (1999) and Roger Epp (2008) support my assertion.

lead to the loss of treaty rights and the negation of the treaty relationship. Since the community frequently confronts these decisions, the fear of damaging the treaty is often referenced within the community. For example, one commentator from Maskwacis explained MESC as follows (AFN refers to Assembly of First Nations):

I think an explanation is simple! AFN=PROVINCIALOFFLOAD=MESC=  
PROVINCIALCONTROL=MASKFIRSTNATIONINPUT=WHITEPAPEROFINDIAN  
EDUCATION & ASSIMILATION=GOODBYTREATIES (Peyak 2018, January 24).

Another commentator from outside the community also argued that MESC was eroding treaty rights. Of note, MESC was not part of the Education Partnership Program (EPP).

MESC took the EPP funds that is part of one of the old FNEA agreement to set up a school board. That's in my earlier posts. It's part of the education devolution plan that Atleo pushed. He resigned from the AFN as a result. AFN/Feds are running the same education devolution Policy – first set up boards then second take the “transforming” education dollars policy proposal. If you set up an incorporated board how is that protecting the Treaty right? (Snow, 2018, January 24)

The fear of losing treaty rights has a profound impact on the politics of the community because it orients people toward taking conservative positions that maintain the status quo, despite the fact that everyone agrees we need drastic change.

This is not to say that we should amalgamate entities for the sake of amalgamating entities. We should do so with caution and a great deal of research and discussion. But a blanket analysis that any form of rearranging our governance structures will lead to a loss of treaty is not helpful either. In particular, one of the main

arguments for creating a single system was ensuring the “Best quality of education for all Maskwacîs children” (MESC 2017c). This was because there was an unjust hierarchy in the quality of education between the different school systems in Maskwacîs, which primarily impacted people in poverty who had less ability to ensure their children were able to register at the best schools. It would have been inappropriate to name this dynamic explicitly in the process but it was the unsaid assumption that lay behind a strong emphasis on delivering the same quality of education to every child as articulated by Brian Wildcat:

The purpose of MESC is to create an organization that is focused on student success and building the best possible education program for all children here in Maskwacîs. From the beginning of the organization our effort has always been focused on students and making sure the quality of education that every child in the community receives is at the same standard. (MESC, 2017d, May 30<sup>th</sup>)

The above commentators might respond that the goal should be helping each First Nation build a school system of a similar quality, instead of amalgamating systems. But such a response prioritizes maintaining an exclusive jurisdiction with no clear path to student success, over a relational approach that builds on existing capacity within the community to create a direct path to student success.

With the fear of social and political death, Simpson articulates a concept that makes intuitive sense, she also shifted the way I understood the fear of losing treaty rights. Previously, I have often been impatient or unsympathetic toward these discourses. This is primarily because they have the effect of stifling complex discussions and reasserting the status quo. Such discourse is also framed by a

presumption that the Canadian state could cease to recognize us if we make a wrong move; whereas I argue that sovereignty is not dependent on recognition. Our status as political collectivities existed prior to the state and supersedes Canada's ability to withdraw political recognition. Reading Simpson, I realized that I have not extended nearly enough empathy toward those who articulate a fear that treaty rights will be undermined. This is because such fear is a reasonable response in the face of being dispossessed of your land base, having your self-determining capacities severely destabilized and having to work with a 'partner' who fails to recognize the original terms of the partnership that we hold to be sacred. The fear of social and political death emerges from the anxiety that any change the community undertakes will lead to a further weakening of our already weakened position. For Indigenous peoples, this is what the fear of being eliminated does: it places us on our heels and hurts the ability of our communities to have healthy relations with each other and with the society that now surround us.

#### **4.6 Settler discourses on Indigenous mobility**

Settler colonialism has created a strange amalgam of discourses around Indigenous mobility. The purpose of this section is to look at the ways settler colonialism is able to suppress dialogue on how we respond to mobility within our formal citizenship regimes. I work to establish this claim by detailing three conditions: 1) the funneling of Indigenous peoples into either/or choices; 2) settler representations of Indigenous mobility; and 3) the political incentives of Indigenous claims to rootedness in settler society. When read in relation to each other it should be clear how settler society

creates hostile conditions for Indigenous peoples to discuss mobility within our citizenship regimes. This section begins with a necessary preface of the importance of land to Indigenous sovereignty before looking at mobility.

Indigenous sovereignty rests on modes of belonging and citizenship that involve deep connections to land (Simpson, 2014; Deloria, 1972; Basso, 1996; Brody, 1992). Our connection to land and the forms of knowledge and well-being that emanates from the land are vital aspects of our societies. Glen Coulthard describes these connections through the concept *grounded normativity* - the set of ethics and insights about our connections to the natural environment, animals and other humans that emerge from relationships that occur with land and on the land. Take for example the story Coulthard provides from Dene Elder George Blondin about his brother.

Edward was hunting near a small river when he heard a raven croaking, far off to his left. Ravens can't kill animals themselves, so they depend on hunters and wolves to kill food for them. Flying high in the sky, they spot animals too far away for hunters or wolves to see. They then fly to the hunter and attract his attention by croaking loudly, then fly back to where the animals are. Edward stopped and watched the raven carefully. It made two trips back and forth in the same direction. Edward made a sharp turn and walked to where the raven was flying. There were no moose tracks, but he kept following the raven. When he got to the riverbank and looked down, Edward saw two big moose feeding on the bank. He shot them, skinned them, and covered the meat with their hides. Before he left, Edward put some fat meat out on the snow for the raven. He knew that without the bird, he wouldn't have killed any meat that day (2014, p. 61).

Coulthard uses this story to illustrate not only how relationality manifests through being on the land, but the set of ethics about sharing, interdependency and reciprocity that flows from these connections.

Another example of how knowledge is generated in relationship was told by Sylvia Plain to Kuokkanen in *Restructuring Relations*. Plain is a participant in the Mother Earth Water Walk, started by Josephine Mandamin in 2002. Kuokkanen quotes Plain as explaining the relationships with land:

People started walking around the Great Lakes as part of reintroducing themselves to the land and getting to know those waters more intimately and everything that's part of that. ... The opportunity to walk through different First Nations territories and learn about their teachings and relationships to water, ... helped me to understand how the land governs us as First Nations peoples and provides us with our identities.

Again, having a relationship with land and water is an important way to generate Indigenous knowledge but we can see the importance of movement across territories. My concern is that settler society attempts to pit Indigenous mobility and rootedness to land against each other so we must find ways to successfully theorize mobility without undercutting the importance of land and connection to territory..

#### **4.6.1 Contending with settler colonial hostility**

The *fear of social and political death* means a major aspect of Indigenous politics is considering how our words will be taken up within settler spaces. Thus, we cannot

make decisions and pursue forms of critique in our communities without attending to how they will be taken up by settler society. We must constantly be on guard.

While Indigenous peoples excel at navigating hostile external conditions, the potential also exists to fall into a situation where our navigation of external conditions inhibits our ability to address political challenges within in our communities. This is a very fine line to balance and this conundrum can be found in many areas. An analysis of this dilemma was recently provided by Lindsay Nixon (2018), in their article, “#MeToo and the secrets Indigenous women keep.” Nixon tackles the difficult subject of holding Indigenous male abusers to account, while navigating the negative stereotypes of Indigenous men in settler society with care and directness. They surmise –

Perhaps there was a fear of discovery, as well. A fear that if “they” discovered cases of unethical behaviour—“they” being Canadian settlers and administrators—it would become another reason to cast us as corrupt Indians with troubled communities who can’t, and don’t deserve the right to, manage our resources. (Nixon, 2018, n.p.)

While we need to be aware about how our words and actions will be interpreted by settler society, letting an external focus occupy too much of our field of vision can have unintended consequences. As Nixon concludes, we also must attend to injustices within Indigenous communities while navigating the hostile discursive field of settler society.

Over time, what is once done consciously to guard against the negative effects of settler colonialism can come to be internalized. Take this example from Val Napoleon (2013):

Indigenous peoples' law is also recorded in our traditions and practices. Sometimes it takes more thinking to see the usefulness and practical application of these traditions – or, for that matter, their uselessness. And sometimes looking at traditions can be a little confusing. For example, I was told the following story: A dispute arose in a school regarding the keeping of sweet grass. Some of the community members were angry at what they saw as disrespectful treatment of sweet grass because it was left out on a desk. They argued that the sweet grass was supposed to be kept in a jar and put away in an enclosed place. An old person with a long memory was consulted. This person explained that it was because of the Church and the Indian agent's disapproval that it became "wrong" to have sweet grass out in the open. In response to this, people put the sweet grass in jars so that the priests and Indian agent could not smell it, and they hid it away so the priests and Indian agent could not see it. Now it is a different time and it is no longer necessary to hide the sweet grass. So in this case, it was important to recall the original purpose of hiding the sweet grass. Traditions have to have a useful purpose, and to figure out whether this is still the case, the practices have to be discussed. If the practice no longer has a useful purpose, then people need to think about changing it. (p. 240)

What is required within our political orders is balancing a concern with how our actions travel through settler spaces while ultimately being driven by internal political decisions that focus on creating self-determining communities and families.

Colonial discourses within settler society also help to create reactionary politics within Indigenous communities in part by funneling Indigenous peoples into either/or

choices. Sarah Hunt and Cindy Holmes (2015) draw our attention to the “relationship between colonialism and the perpetuation of dichotomous and binary thinking” (p. 159). In their view, binary thinking helps to impose colonial categories that erase queer Indigenous people and other forms of Indigenous gender and sexual diversity. This “either/or” and dichotomous thinking is an essential aspect of colonial Euro-Western paradigms for Hunt and Holmes (2015; also see Waters, 2004). In responses Hunt and Holmes call for embracing a conceptual and political orientation of “both/and” (p. 160). For instance, “the term Two-Spirit has been used to reflect the identities of Indigenous people who embody *both* masculine *and* feminine spirits and qualities within Indigenous knowledge paradigms” (ibid.).

Settler society has been effective in representing tensions within Indigenous society as contradictions that disqualify Indigenous peoples from having legitimate political grievances. Paige Raibmon (2005) expertly lays out in *Authentic Indians* how settler society set up standards of authenticity that undermine Indigenous political claims. She begins her book with the overwhelming and negative public backlash against the Makah in 1999 when they conducted their first whale hunt in seventy years. The reason for the backlash – “According to the *Seattle Times*, ‘the most common reaction was disdain for a traditional hunt made with modern weaponry’” (Raibmon, 2005, p. 1). For Raibmon this reaction is informed by historical understandings of Indigenous authenticity held by white settler society where “real Indians could never be modern, and thus were (regrettably or thankfully, depending on the perspective) most certainly vanishing” (Raibmon, 2005, p. 7). While there may never have been an official policy of authenticity, these standards inform settler law in many ways:

As Frank Ettawageshik of Little Traverse Bay Band of Odawa Indians notes, policy makers consider “change in Indian culture as assimilation and ‘assimilation as obliteration.’” The Puyallup of Puget Sound were thus legally obliterated in the mid-twentieth century when, based in part on the testimony of anthropologists, a judge ruled the tribe extinct because he deemed tribal members assimilated. British Columbia First Nations were stung by similar reasonings in 1989, when Crown Counsel subjected witnesses to the so-called pizza test, implying that supposedly modern foods and conveniences undermined the Gitksan-Wet’suwet’en land claim. By this logic, modern Indians were not Indians at all, they were assimilated. (ibid., p. 9)

Settler society continues to force Indigenous political orders into reactionary positions by representing Indigenous peoples participation in modern society as contradictions in order to place Indigenous peoples in a no win situation, a dynamic others have referred to as the “double bind” of sovereignty or “repressive authenticity” (Cattelino, 2010; Bruyneel, 2007; Wolfe, 1999; Povinelli, 2002). In the next two sections I look at the ways settler colonialism has created an either/or situation where valuing our connection to land and making space for mobility within our citizenship regimes come to be in tension with each other.

#### **4.6.2 Settler representations of Indigenous mobility**

Settler society has undertaken extensive intellectual work to represent Indigenous mobility in ways that undercut our political legitimacy and I survey some of the scholarship on this issue in the following section. Mark Rifkin (2009) illustrates how

settler colonialism creates discourses of Indigenous mobility to undercut Indigenous political claims in his chapter, “Comanche Metaphors.” Rifkin demonstrates how in Texas “Anglo modes of imperial interpellation and Tejano strategies of opposition both cannot be understood outside their mutual triangulation through representations of nonsedentary native peoples” (p. 110). That is, both Anglo and Tejano authorities represent each other as mobile and not having political claims to land. He explains:

In post-1836 Texas governance, the Comanches serve as the de facto model through which to differentiate between legitimate and illegitimate forms of political identity and land tenure. ... Representing nonsedentary populations land use as movement across terrain, instead of as a sustained engagement with it that could serve as the basis for politically recognizable claims, has been a persistent feature of settler state policy. (p. 111)

Patrick Wolfe’s (2011) article “After the frontier” illustrates further how settler society creates representations of Indigenous mobility in service of elimination. Wolfe’s article revolves around analyzing the connection between removal/separatism and assimilation within US Indian policy. Previous scholarship has argued these policies contradict each other: “According to Charles Wilkinson and Eric Briggs, for instance, ‘Virtually all federal Indian policy can be analyzed in terms of the tension between assimilation and separatism’” (Wolfe, 2011, p. 21). Yet for Wolfe these strategies are not in tension, but rather, “‘two sides of the same coin’ that operate in service of eliminating Indigenous peoples from settler formations (Ibid.)”

In the previous generations, Indigenous “nomadism naturalized removal” (Wolfe, 2011, p. 18) and thus it was most useful to represent Indigenous peoples living in

proximity to settler society as having a desire to flee. Alexis de Tocqueville's writings on Indigenous peoples in America, published in the 1830's, represent Indigenous peoples as having a desire to flee in the face of settler encroachment. According to Tocqueville, "it is harder for civilization to establish its sway over hunting people than any other" (Tocqueville, 1966/2006, p. 327). For Tocqueville, Indigenous peoples are dogmatically attached to a nomadic hunting lifestyle in the face of settler society: "he scorns the means to obtain [civilization], and though he admits our ascendancy, he yet considers himself our superior" (Tocqueville, 1966/2006, p. 328). According to Tocqueville, when Indigenous people do attempt to "penetrate the social hierarchy of the white men, he can only occupy the lowest rank therein" (p. 331), thus "The independence he enjoyed among his equals contrasts with his servile position in civilized society" (p. 333). The result is that the experience of oppression in civilized society "repulses [Indigenous peoples] toward barbarism." (p. 335). Accordingly, Indigenous peoples are better off to flee westward voluntarily or should be removed in the face of an expanding settler frontier.

It was only when American enclosure in the 48 states was nearing completion in the last quarter of the 19th century that Indian policy shifted away from removal/separatism towards assimilation. Assimilation on the other hand, relies on a traverse that is metaphorical and physical, the one from savagery to civilization (Pearce, 1953). While the representation of Indigenous mobility within assimilation is less explicit than removal, it still relies on the movement from spaces of Indigenous jurisdiction to settler jurisdiction. Assimilation as physical movement was made clear in commentary from John Ibbitson, former Chief political writer for the *Globe and Mail*, who began an

opinion piece in 2006 with the following advice – “If you’re an Indian in your 20s living on a reserve, you need to leave *right now*” (Ibbitson, 2006, August 3, n.p., emphasis in original).<sup>14</sup> For Ibbitson, the reason is the difference in high school graduation for First Nation people on-reserve (42%) as opposed to those for First Nation people in cities where graduation rates doubled. While Ibbitson implicates both Canada and First Nations – “the state has failed them, the community has failed them” - it is impossible for blame to be received equally (ibid., n.p.). Implicit in a claim like this is the notion that First Nation reserves have failed as a *political jurisdiction* that one should leave. Whereas Canada may have failed Indigenous peoples, it is incapable of failing as a political jurisdiction. Instead for Ibbitson, Canadian jurisdiction is held out to be the ideal space to which one should move.

While I am tempted to respond to Ibbitson by saying more opportunities need to be provided on reserve, such a response continues to fit within and support a narrative that Indigenous movement off reserve is proof of the superiority of Canadian society. Rather, what is needed is both a challenge to Ibbitson’s assumption that Canadian jurisdiction does not need to be equally interrogated and also a political language that does not simply enable fixedness to reserves; that is a pluralist language of Indigenous citizenship where Indigenous mobility is part of and strengthens our independent

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<sup>14</sup> I also suspect it is part of a larger framework/rationale that despite any harms that Indigenous peoples have experienced as a result of colonization, we get the benefit of living within an industrialized society.

political orders. We can only undertake such a task if we begin to imagine our citizenship and political orders as expansive and being able to perforate settler orders.

Where Tocqueville embraced the idea of Indigenous peoples seeking to flee society and therefore providing a settler colonial undergirding for removal, John Locke adds a second tradition in settler colonial thought which rationalizes assimilation. For Locke, people living outside of civil society will naturally give up life in state of nature for the security of civil society. As many have argued, Indigenous peoples act as a stand in for those in the state of nature: “in the beginning all the World was *America*” (Locke, 1988, p. 301). Similar in logic to how property improves the common stock of all,<sup>15</sup> for Locke the purpose of law “is not to abolish or restrain, but to preserve and enlarge Freedom” (p. 306, para. 57). Therefore, like property, “Civil Government is the proper Remedy for the Inconveniences of the State of Nature” (p. 276, para. 13). Locke argues that all reasonable men will eventually choose to incorporate themselves into civil society and drive themselves towards property and government.

God and his Reason commanded him to subdue the Earth, i.e. improve it for the benefit of Life, and therein lay out something upon it that was his own, his labour. God having made Man such a creature, that in his own judgement, it was not good for him to be alone, put him under strong Obligations of Necessity,

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<sup>15</sup> Mixing ones labour with land and the creation of exclusive property rights “does not less but increase the common stock of mankind.”

Convenience, and Inclination to drive him into *Society*. (Locke, 1988, p. 318, para. 77).

Although those in the state of nature do not have to submit to others, they cannot enjoy freedom because the state of nature “is very uncertain, and constantly exposed to the Invasion of others, ...the enjoyment of property he has in this state is very unsafe, very unsecure” (ibid., p. 350, para. 123; also see, ibid., p. 352, para. 127). These discourses of removal and assimilation work together to give settler society the conceptual resources to represent Indigenous people and political orders as deficient whether they move away from or toward settler society.

The sentiment of settler publics also open or close political possibilities for Indigenous peoples (Asch, 2014). In these conditions, settler society often moves to represent Indigenous peoples as simply an earlier wave of settlers and not deserving of claims based on a connection to land. Within this logic, the more historic the connection the more legitimate. As a result Indigenous peoples are politically incentivized to make appeals to ‘time immemorial’ and emphasize a deep connection to land.

Representing Indigenous peoples as simply an earlier wave of settlers was a line of reasoning pursued by Thomas Flanagan in his notoriously hostile book *First Nations, Second Thoughts*, where he sets out to debunk eight propositions of an “aboriginal orthodoxy [that] are particularly dubious” (Flanagan, 2000, p. 5). The first proposition Flanagan sets out to debunk is “Aboriginals differ from other Canadians because they were here first” (ibid., p. 6). To Flanagan this makes no sense because Aboriginal peoples do not have a claim to first occupancy that is credible:

Aboriginal peoples were in almost constant motion as they contested with each other for control of land. In much of Canada, their present place of habitation postdates the arrival of European settlers. Europeans are, in effect, a new immigrant wave, taking control of land just as earlier aboriginal settlers did. To differentiate the rights of earlier and later immigrants is a form of racism. (ibid., p. 6)

The use of recent occupancy to debunk land claims even occurs in South Africa. Ernst Roets “deputy head of the Afrikaner civil-rights organization AfriForum ... recently co-produced ‘Disrupted Land,’ a documentary, in English, which argues that white colonists arrived in the Cape at the same time as Bantu-speaking black groups, giving them equal claim to the land” (Levy, 2019, p. 49). Even Stephen Harper affirms the political currency of historic occupancy but in order to benefit settler claims on the international stage rather than to debunk Indigenous claims domestically. While he was Prime Minister, Harper argues “that the long-time presence of the Inuit and other Indigenous peoples in Canada’s Arctic territories has helped establish Canada’s historic title to those lands” (Morrison and Smyth, 2018).

While Indigenous legal orders have received some mention as the basis of Aboriginal title, on the whole prior occupancy is considered to be the foundation of Aboriginal title. This doesn’t mean a deep connection does not exist – it does in profound ways as I have discussed. But we need to examine the conditions that impact our dialogue around mobility and rootedness, specifically, how the doctrine of discovery presumes the superiority of settler sovereignty (Miller et al., 2012; Miller 2012; Williams, 1992; McNeil, 2013; Newcomb, 2008).

What I have worked to do above is demonstrate three conditions that we should read in relation to each other. First, how settler society works to place Indigenous peoples in a reactionary position, in particular forcing Indigenous peoples into either or choices. Second, that settler colonialism has represented Indigenous mobility in ways that work to undercut our political claims. Finally, that settler colonialism creates incentives for Indigenous peoples to claim a deep connection to land. The undercutting of mobility combined with incentives to foreground a deep connection to land works to place mobility and rootedness in an either/or binary instead of a both/and. For these reasons, settler societies make it very difficult for Indigenous peoples to center mobility within our citizenship regimes. What is required is larger a dialogue on Indigenous citizenship that is able to balance, in the spirit of Hunt and Holmes (2015), *both* connection to territory *and* forms of mobility in the present. In the next section I discuss why it is necessary to look at how gendered dispossession from reserves means Indigenous women are disproportionately impacted and why we must make our rules of formal citizenship more accountable to our relational practices of relational citizenship.

#### **4.7 Relational citizenship and gender**

With the above I've attempted to demonstrate that settler society suppresses our ability to account for mobility within our contemporary forms of Indigenous citizenship. Yet the reality is that Indigenous people move around to live and visit. In the following I want to make the case that Indigenous political orders should feel compelled to create pluralist regimes of citizenship to address forms of gendered injustice. Here, I focus on an example from the Canadian prairies as told by Nellie Carlson and Kathleen

Steinhauer (2013) and their discussion of treaty rights and the effects of Section 12(I)(b) of the Indian Act. *Disinherited Generations* is the oral auto-biography of Nellie Carlson and Kathleen Steinhauer as told to Linda Goyette.<sup>16</sup> The book focuses on Carlson and Steinhauer's struggle to reclaim treaty rights for First Nation women who had lost status. In particular their involvement with the Indian Rights for Indian Women movement in western Canada and its connection to the national movement of Indigenous women seeking to challenge the discriminatory aspects of the Indian Act and "the male power structure of the National Indian Brotherhood ... as well as the male-dominated treaty organizations" (Steinhauer and Carlson, 2013, p. XXXVI). The book is exceptional in its ability to interweave stories of critique, joy, agitation, resilience, laughter and everyday life into a compelling narrative that discusses the challenges they faced as Indigenous women creating change.

Although minor exceptions exist, Carlson and Steinhauer are responding to how the citizenship regimes of First Nations are primarily oriented around people living on reserve or maintaining a close connection to the reserve (also see Innes, 2013).

Carlson explains this dynamic:

Yes, we're treaty Indian again, but on-reserve treaty rights are different than off-reserve treaty rights. When Bill C-31 was passed, how much money was allotted

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<sup>16</sup> The text clearly distinguishes between verbatim transcripts of Steinhauer and Carlson's words and Goyette's own writing. I have referenced their statements accordingly and included both as references.

for new housing for reinstated people in cities? How much was spent on us? Not one penny. And most of us live off-reserve. (Carlson and Steinhauer, 2013, p. 117)

Of course, First Nation people experience injustice along many axes of oppression so I do not intend to boil our politics down to living on-reserve or off-reserve, and the point is not that everyone should live on the reserve where they first gained membership. A great deal of gendered violence occurs on-reserve as well (Hunt, 2014). As Goyette notes, “Many urban women who reclaimed Indian status, including Nellie and Kathleen, had no interest in moving back to a reserve” (Goyette, XLI).

While movement happens for various reasons, the legacy of section 12(1)(b) of the Indian Act is that many woman and their descendants have been displaced from the reserve. Carlson and Steinhauer are important for adding detail to how displacement is justified by sexism within Indigenous politics and articulate an alternative vision of Indigenous politics that responds to mobility by showing how women have created Indigenous communities in urban centers. *Disinherited Generations* begins by detailing the ways Indigenous women were displaced from reserves between the 1950’s and 1980’s. While discrimination against First Nation women as articulated in the Indian Act dates back to pre-Confederation relations in the 1840’s (Simpson, 2014) and was enshrined in the Act itself when it came into effect in 1867, the effects of this discrimination intensified after amendments to the Indian Act in 1951. Indian Affairs had an internal system of classification where First Nation women who married non-status men were classified as holding a ‘red-ticket’ (Lawrence, 2004, p. XX-XX; Stratford, 2007, p. 10-13; Carlson and Steinhauer, 2013, p. 32). According to Carlson, women

who held a red ticket “could live on the reserve and receive treaty annuities, but not all treaty rights” (Carlson and Steinhauer, 2013, p. 32). After 1951, section 12(1)(b) implemented a strict system where women who had lost status could no longer live on reserve under any circumstances or receive treaty benefits of any kind.

For some, the 1951 amendments to the Indian Act were perceived as somewhat positive because they removed draconian rules such as the ban against Indigenous spiritual ceremonies. Yet, “for Indigenous women it meant a heightening of oppression” (Stratford, 2007, p. 10). The main result of section 12(1)(b) was that women could be removed from their homes on reserve and those who wished to return were denied from obtaining housing on reserve. Women’s dispossession from reserves is well documented by the activists from the Tobique women’s group whose original purpose was to “protest against inadequate housing” and whose activism eventually took them to an international stage when the case *Lovelace v. Canada* was heard by the United Nations Human Rights committee (Bear, 1987, p. 206; Silman and Tobique Women’s Group, 1987).

Linda Goyette summarizes the impacts of the 1951 amendments, writing that “It was a handful of devastating words, a legislative sting that cheated thousands of First Nations women and their descendants from their birthright. ... In practice, this arbitrary change in the law meant the forced exile from a home community, and a harsher and more difficult life” (Goyette, 2013, p. XXXIII). The stories of Carlson and Steinhauer are both instructive but I focus on Steinhauer’s because it lasts over several decades and is multifaceted.

Kathleen Steinhauer was born on the Saddle Lake reserve in 1932 to Ralph Steinhauer, a Saddle Lake Cree band member and Isabel Davidson, “an American of Scottish descent” (Steinhauer and Carlson, 2013, p. 9). Steinhauer married Allan Small Face (Blackfoot) in 1956 and had two sons with him soon after. “As was the practice at the time, Kathleen’s band membership was transferred from Saddle Lake Cree Nation to the Kainai First Nation, then known as the Blood tribe, immediately after her marriage” (Steinhauer and Carlson, 2013, p. 41). After “a short time” they separated and she returned to Saddle Lake, although she remained a member of Kainai.

In 1965 Steinhauer married Gilbert Anderson and lost her Indian Status. Of note Gilbert Anderson was Cree but did not hold status because he was from the Michel band. The entire Michel Band had been enfranchised in 1958 “dissolving its reserve and leaving treaty – under circumstances that many Michel members and descendants subsequently challenged” (Steinhauer and Carlson, 2013, p. 41, also see, p. 52). When Bill C-31 was passed in 1985 Kathleen expected to be placed on the Saddle Lake Band list when she applied to regain her status. Kathleen had lived on Saddle Lake after separating from Small Face, although she was forced to live off the reserve after her marriage to Anderson. But the response to her application was ‘a letter saying that I would be returned to the Blood Band List’ according the Indian Act policy (Steinhauer and Carlson, 2013, p. 100).

In Steinhauer’s first attempt at resolution she wrote Saddle Lake Chief and Council for a Band Council resolution restoring her membership “but they didn’t answer” (Steinhauer and Carlson, 2013, p. 102). Next, Steinhauer launched a *Charter* challenge with lawyer Jean McBean and later Dr. Dale Gibson. After launching the case in 1990 it

went to court in 1998 due to a delay in hearing the case while *Sawridge Band v. Canada* case was heard. While Saddle Lake opposed Steinhauer's request to be reinstated on the Nation's membership list, the court eventually sided with Kathleen. After it was all done, Kathleen had the following to say about the long process:

As I look back I think this situation was not really the fault of the leadership at Saddle Lake. The *Indian Act* was the federal government's way to confuse the First Nations in a certain way to cover up for the land that had been stolen. It led to an atmosphere of fear that the reinstated women would spread their influence to the community. I always thought the opposition was all about fear, and the federal government was to blame. (Steinhauer and Carlson, 2013, p. 105)

While there was a formal system of settler colonial rules that dispossessed women from reserves, there was also a male power structure on reserves that refused to work in solidarity with disenrolled women to confront formal rules of the Indian Act. One of the main interventions by Indigenous Feminism has been to refuse "the false binary between fighting for 'women's issues' and fighting for 'Native issues', which for Indigenous women are always coiled together" (Arvin, Tuck and Morill, 2013, p. 15).

In the Canadian context there is evidence to show that opposition to Indigenous women's issues has wrapped up in the language of protecting Indigenous rights and sovereignty. For Carlson and Steinhauer (2013), they *were not* asked to set their issues aside while other political battles were being fought. Rather they were directly told that they would *destroy the treaties* through pursuing rights for women and their descendants who had lost status. A great deal of this opposition was expressed as a fear that treaty rights would be damaged or lost if women were able to regain status:

- We began to hear from opponents that if we questioned Section 12(1)(b) then we would wreck the treaties and there would be no more reserves. (ibid., p. 65)
- They felt as strongly about this issue as we did, only on the other side of it. People in our own families would say: “You’re going to destroy the treaties. The reserves are going to fall apart.” (p. 67)
- Ralph Shirt said: “You and Jenny Margetts are breaking up our treaty rights.” ...
- The brother of Philomena Ross in Hobbema said “Listen to these women” and had his garage burned down... (p. 70; also see, ibid., p. 94)

The framing that First Nation women’s activism would lead to the unravelling of Indigenous communities also occurred at the national level:

Organizations such as the National Indian Brotherhood (formed in the 1950’s to represent status Indians, socially and politically) mounted a lobbying campaign against Lavalle and Bedard. Their argument was that it was necessary for the Indian Act to be kept intact for use as a bargaining lever with the federal government and any tampering – such as amending Section 12(1)(b) -- would play into the government’s 1969 White Paper plan of doing away with special Indian status and assimilating Indians into the mainstream of Canada. (Bear, 1991, p. 205-206; also see, Silman and Tobique Women’s Group, 1987, p. 13)

The history of patriarchy and sexism within prairie First Nation political orders has been downplayed in part because of the dynamic previously discussed where people feel hesitant to discuss forms of injustice within our own communities lest settler society

uses these points of tension against us. At the same time, the stories of Carlson and Steinhauer are instructive for why we need to address injustices within our own communities specifically around the question of citizenship.

To close, Carlson and Steinhauer provide two important interventions for why our citizenship, gender and mobility are tied together. First, they affirm that traditionally both men and women moved between different communities. Second, they provide an account of how Indigenous peoples maintain forms of relational citizenship both in Edmonton and across communities.

The connections between communities and the movement of people has been discussed by various authors in particular Michel Hogue engages with the historical record to provide an extensive documentation of the ways various Indigenous communities relate to each other on the northern plains from mid- to late-1800s (Hogue, 2015; also see Innes, 2013; Devine, 2004; Binnema, 2001). For Carlson and Steinhauer, “Moving from community to community was a cultural traditional of the Cree people” (Goyette, 2013, p. XXX). They make this point at a number of times throughout the book. The point is often made as a pragmatic observation: “Sometimes if a band didn’t have enough members of one gender, they would bring in new members from another reserve”. Also that it was normal for people to form intimate relations with people from other bands, “In the old days, before Alberta became a province, the Cree leader Bobtail, Kiskayo, had eight daughters. Every daughter married someone from a different reserve” (p. 109-110).

But it is part of larger principle that communities had a flexibility that allowed people to become part of a community “Under the clan system, all people were

recognized, and belonged. We were absolutely brainwashed by the *Indian Act*" (p. 109). In the *Sawridge* case, parties opposing Bill C-31 argued that there was a traditional principle that "woman follows man" in marriage (Luther, 2010). But as part of the court case for Steinhauer, Dolphus and Mary Louise of Fishing Lake provide testimony in Cree that "it was tradition that when a Cree couple married, the husband moved to live with the women's family. ... You see, men had moved from Frog Lake to Saddle Lake after marriage, and they had been accepted as band members" (Goyette, 2013, p. 104).

Insights on Indigenous community building in Edmonton should also be instructive for how we think of mobility. Maria Campbell provides the following reflection on how the challenges of making community between Indigenous people in Edmonton during the 1960s-70s. According to Campbell the community was

"Urban Aboriginal people", we say today, but back then our differences were not as important as they later became. What stands out for me when I think back was the sense of community we had and although many of us were from different parts of the country, our native roots bound us together and the differences that were important and often hurtful at home, were things that brought us together in the city. (Campbell, 2013, p. XI)

Carlson and Steinhauer were at the centre of these relations. According to Campbell, in the beginning the community was held together by "cultural events, community dances and events for kids, working closely with the 'old ladies' at the Friendship Centre" (Campbell, 2013, p. XIII). But the sense of community was altered with the rise of Native political organizations whose "politics created difference" (ibid., p. XIV). Despite these challenges Carlson and Steinhauer could still bring people together with little resources

“Their work to preserve the inheritance of their children and to begin mending wahkohtowin, was the beginning of real healing for our people. ... Their strategy was to host small meetings, spread the word, and women and some men came. They kept people informed” (ibid, p. XV).

Jenny Shirt Margetts, a key advocate fighting against sexism within what she describes as “male-dominated” political organizations, provides another example of urban based Indigenous activism across communities (Carlson, Steinhauer and Goyette, 2012, p. 79). As part of her activism Margetts helped to found the Awasis program so children could learn Cree in kindergarten. Even though it was in the city “She went to band councils all around Edmonton, and said, ‘You’ve got band members in the city. Would you like the children to go to kindergarten in Cree?’ She persuaded Enoch band council and to give her a cheque for \$1000, The Alexander band gave them \$1,000. Jenny received \$3,000 altogether” (Carlson, Steinhauer and Goyette, 2012, p. 79).

#### **4.8 Conclusion**

I have endeavored to illustrate how exclusive practices of citizenship disproportionately impact Indigenous women. As Indigenous feminism has shown conclusively, we will be unable to advance self-determination if we do not address sexism and violence against women. Specifically, Indigenous peoples’ systems of law and governance must be reworked to specifically address Indigenous women’s and two-spirit’s perspectives, and use traditional knowledge and contemporary Indigenous feminist thought to address issues of gender. One way we can address gendered

injustice is to make our formal rules of citizenship more accountable to our practices of relational citizenship. I have used contemporary practices of mobility to illustrate one area where a significant gap exists between formal and relational citizenship. This is a situation that is produced as a result of settler colonization, but we can work against this situation in the present by working against exclusive citizenship.

Relational citizenship is a key dimension of the contemporary life of Indigenous peoples and we need to make our formal citizenship more accountable to these practices if we are to address gendered dispossession. Making our formal citizenship more accountable to our relational citizenship also aligns with a pluralist perspective of law that upholds our traditional understandings and contemporary commitments to kinship. Practices of relational citizenship will always exist partially outside of formal citizenship and in cases such as ceremonial life and grassroots community building it will be preferable that relational and formal citizenship do not perfectly cohere. Yet, building from Simpson and her work on feeling citizenship, what should be done about the gap between what is *prescribed* and *what actually should be*? This is a question Indigenous political orders have to become skilled at responding to because this gap will never close. Formal citizenship will always carry its own exclusions and will be open to manipulation so reforming our formal citizenship should never be our sole concern. At the same time, we should be attentive to the ways our formal and relational citizenship diverge and come into tension with each other and how these conflicts are *worked out in the day to day*. As Carlson and Steinhauer show, in some cases we need to reform our formal citizenship to respond to injustices and harm it does. In the final section I hope to draw on our understandings of *wahkohtowin* to suggest a method for how we

can centre our understandings and practices of relational citizenship to reform how we can practice formal citizenship.

## Chapter 5: Wahkohtowin in action

In chapters two, three and four I have sought to outline some of the ways settler colonialism has facilitated an exclusive sovereignty where First Nations treat our political authority and citizenship as discreet and hermetically sealed. I also argue for the need to move to a relational conception of political authority and citizenship (relational sovereignty). In this chapter I seek to develop a starting point for the work of fostering a relational sovereignty rooted in the governing principle of wahkohtowin through an important case study, Maskwacîs Education Schools Commission (MESC).

From a Canadian legal standpoint, a common concern expressed about Indigenous law is that it is difficult to track down. As Hadley Friedland (2012) summarizes, “even people who want to engage more deeply with Indigenous legal traditions struggle to understand how to do so” (p. 3). Val Napoleon and Friedland have proposed a case law method that allows Indigenous communities and legal practitioners to access Indigenous law (2015, p. 6-7). The case law method is valuable, but I hope to provide an illustration of the operation of Indigenous law by looking at how the Cree/Metis principle of wahkohtowin was infused through the work of the Maskwacîs Education Schools Commission (MESC).

My work here does not attempt to describe in full how wahkohtowin operates as a legal principle within Maskwacîs. Rather, I focus on the central role wahkohtowin played in the largest institutional transformation the community has ever undertaken. In the following I argue that MESC is both a *wahkohtowin movement* on its own and an example of the potential for a broad base wahkohtowin movement across the prairies. I

originally put forward the description of MESC as a wahkohtowin movement in the summer of 2017 and that formulation has had significant uptake amongst others (Wildcat, B., 2019, February; Bruno, 2019, February; Berger, 2019, May).

## **5.1 Background**

The MESC was set up to explore the potential amalgamation of four separate school systems of the four nations in Maskwacîs: Montana First Nation, Louis Bull Tribe, Ermineskin Cree Nation, and Samson Cree Nation. The process also led to a discussion with the federal government for a new funding agreement and removes the schools from the authority of the *Indian Act* (RSC 1985, c I-5). These Nations are all reserve lands that border one another. From 1989 to 1996 each nation established their own school authority and until 2018 each Nation operated its own system. But from 2009-2017 an increasing degree of cooperation was built between the school authorities (MESC 2018, p. 11-12). This cooperation resulted in a community-initiated process to create a unified Maskwacîs school system.

Indigenous peoples face two large obstacles in transforming our legal and political orders. As discussed in previous chapter, the First Nation governments tend to focus on how they provide services independent of other political authorities. Displays of independence are important when positioned against Canadian authorities given the history of Canadian governments intervening and imposing their authority on First Nations. But First Nations often position their authority against each other. Rather than emphasize how different First Nations might share authority with each other in the pursuit of providing services, First Nations tend to emphasize their independence when

thinking about how to offer services. These dynamics are amplified by the conditions of settler-colonization that lead to a hardening of boundaries within the prairie Indigenous political order, as I have detailed in previous chapters.

Second, political and legal traditions within Indigenous communities at times conflict with each other and this becomes apparent when we attempt to make decisions collectively. In particular, I will describe a conflict that emerged from our focus on wahkohtowin within the Commission that led us to emphasize working together and a discourse on Treaty rights that warns people that the large institutional transformation that MESC undertook may result in the erosion of such rights. In this situation, the obstacle is that we do not have regular venues to decide what principles we want to prioritize when conflicting principles arise during the process of making major decisions.

The above obstacles – an understandable emphasis on independence in light of ongoing settler colonialism, and a lack of venues to sort through conflicting principles – tend towards the maintenance of the status quo. However, in the face of these obstacles, the work of the Commission ends with the creation of a unified school system with widespread community support. I detail how wahkohtowin played a central role in the deliberations around whether to amalgamate the school systems – for the purpose of offering lessons for building a much broader based wahkohtowin movement within the prairie Indigenous political order. I begin by defining the concept of wahkohtowin, before offering a brief history of Early Childhood to Grade 12 education in Maskwacîs. Following that, I discuss the work of the commission in regard to reconciliation. Finally, I expand upon the two barriers that prevent the transformation of our legal and political orders described above and show how prioritizing a discourse of wahkohtowin was

integral to ensuring the process was community-driven and not just a reaction to the Federal government.

## 5.2 Wahkohtowin

*Wahkohtowin* directly translates to English as kinship or being related to each other (*Online Cree Dictionary, sub verbo “wahkohtowin”, n. p.*). But the concept encompasses a wider set of ideas about how things are related within Cree and Metis worldviews. I break down the meaning of *wahkohtowin* into three parts. First, it references the act of being related--to your human and other than human relatives. Second, it is a worldview based on the idea that all of existence is animate and full of spirit. Since everything has spirit it means we are connected to the rest of existence and live in a universe defined by relatedness. Third, there are proper ways to conduct and uphold your relationships with your relatives and other aspects of existence. Thus, *wahkohtowin* is also a law that informs the obligations and responsibilities people have around maintaining good relationships.

Other Cree and Metis writings about *wahkohtowin* delve deeper. The late Cree intellectual Harold Cardinal, writing with Walter Hildebrand, describe *wahkohtowin* as the “laws governing all relations” (2000, p. 14). Falling under *wahkohtowin* is the doctrine of *miyo-wicehtowin*, the “laws concerning good relations” (*ibid.*), which sums up this Cree way of thinking about how to live lawfully in the world:

Miyo-wicehtowin is a Cree word meaning ‘having or possessing good relations.’ . . . It asks, directs, admonishes, or requires Cree peoples as individuals and as a nation to conduct themselves in a manner such that they create positive or good

relations in all relationships, be it individually or collectively with other peoples.

(ibid.)

In Sylvia McAdam's book on Cree law, entitled *Nationhood Interrupted: Revitalizing nêhiyaw Legal Systems*, she describes wahkohtowin as "crucial in understanding how nêhiyawak regard relationships as the foundation to their ties to everything, including creation" (2015, p. 63, also p. 59-63). McAdam quotes her father Francis McAdam Saysewahum:

Long ago after the human beings were created, they were allowed to walk with the animals and talked amongst each other like relatives. Even the trees, plants, all manner of life was able to communicate with each other. That was the beginning of understanding *wâhkôtowin* and the laws surrounding it. . . . We still remember we are related to all of creation, that is still followed to this day. (ibid., p. 47)

Metis historian Brenda MacDougall also emphasizes the centrality of wahkohtowin, or wahkootowin as she spells it, within her study of Indigenous life in northwestern Saskatchewan, describing wahkohtowin as part of a "Metis worldview that privileged family above all else" and can be described as a "'style of life' that reflected a shared cultural identity across northwestern Saskatchewan" (MacDougall, 2010, p. 6). MacDougall also provides us with a description that is worth quoting at length.

"Wahkotoowin" has been translated by scholars of the Cree language as "relationship" or "relation", but such a translation misses much of the meaning and sentiment that the term and its various derivatives actually express. As much as it is a worldview based on familial – especially interfamilial – connectedness,

wahkootowin also conveys an idea about the virtues that an individual should personify as a family member. The values critical to familial relationships – such as reciprocity, mutual support, decency, and order – in turn influenced the behaviours, actions and decisions-making processes that shaped all a community's economic and political interactions. Wahkootowin contextualizes how relationships were intended to work within Metis society by defining and classifying relationships, prescribing patterns of behaviours between relatives and non-relatives, and linking people and communities in large, complex web of relationships. Just as wahkootowin mediated interactions between people, it also extended to the natural and spiritual worlds, regulating relationships between humans and non-humans, the living and the dead, and humans and the natural environment. (MacDougall, 2010, p. 8)

Finally, the Metis elder Maria Campbell's description of *wahkohtowin* provides a final confirmation of wahkohtowin as an action, worldview and law:

There is a word in my language that speaks to these issues: 'wahkotowin.' Today it is translated to mean kinship, relationship, and family as in human family. But at one time, from our place it meant the whole of creation. And our teachings taught us that all of creation is related and inter-connected to all things within it.

Wahkotowin meant honoring and respecting those relationships. They are our stories, songs, ceremonies, and dances that taught us from birth to death our responsibilities and reciprocal obligations to each other. Human to human, human to plants, human to animals, to the water and especially to the earth. And

in turn all of creation had responsibilities and reciprocal obligations to us. (2007, p. 5)

Thus, wahkohtowin encompasses the act of being related, a worldview that everything is related, and a set of laws or obligations around how to conduct good relationships (BearPaw Legal, 2016, 8 June).

References to wahkohtowin have increased recently, from both an institutional and scholarly standpoint – a phenomenon that is the foundation of my belief that the groundwork for a wahkohtowin movement is already laid. I grew up within the shadow of *Miyo Wahkohtowin Education Authority* in Ermineskin. My workplace, the University of Alberta, has various references from the wahkohtowin conference, to the wahkohtowin project and the wahkohtowin lodge at the Augustana campus and the newly created *Wakohtowin Law and Governance Lodge* created by the Faculty of Law and Native Studies (Desmarais, 2017, September 22). Various other institutional spaces also reference *wahkohtowin*, from the Wahkohtowin–Strengthening Families Program (Spence Neighbourhood Association, n.d.), Wahkohtowin Child and Family Services Inc. (Wahkohtown Child and Family Services, n.d.) to The Saddle Lake Wahkohtowin Society (Saddle Lake Cree Nation, n.d.), to the Wahkohtowin Development Corporation (Grundt, 2017, August 3).

Wahkohtowin is also used to guide and inform research projects. The most ambitious of these undertakings has been Brenda MacDougall's *One of the Family*, detailing kinship connections in the Île-à-la-Crosse region of Saskatchewan over four generations in the 18th and early 19th century (Macdougall, 2010). In Saskatoon, a group of teachers made wahkohtowin central to a class they co-taught. They comment

on the learning space they created, observing that “[t]he Wahkohtowin class embraces a commitment to healthy relationships as justice in action, and aims to enact the restoration of right relations through our pedagogy” (Buhler, Settee, and Van Styvendale, 2014, p. 186). Another group of researchers argue for the use of wahkohtowin as a research methodology:

Because we were keenly aware that our research must be accountable to the participants in our project, we wanted to develop an academic discourse that valued and respected Indigenous epistemology. As a result, we based our research methodology on the concept of wâhkôhtowin. ‘Wâhkôhtowin,’ a Cree word meaning kinship or the state of being related, is a fundamental concept for understanding Indigenous culture and traditional beliefs because it highlights the importance of community. (O’Reilly-Scanlon, Crowe, and Weenie, 2004, p. 30)

Wahkohtowin also receives mention in Indigenous Law literature. Napoleon provides a contribution to the literature based on a conversation with Wes Fineday where Wahkohtowin is also used to refer to specific obligations that occur around kinship terms: “All one has to know is where one fits, and the surrounding relationships determine what one has to do in order to fulfill their responsibilities in that society” (Napoleon, 2013, 241). In John Borrows’s review of Cree legal traditions, wahkohtowin occupies the central role “as an overarching law governing all relations” (Borrows, 2010, 84). The laws of wahkohtowin flow from natural sources including the creator but also from observing “other living things for guidance in practicing this law”, and stories (84). For regulating governmental relations “unrelated people are to apply wahkohtowin in accordance with the idea’s found in” other Cree principles (84).

Finally, Flaminio (2013) writes a Master's thesis in Law looking at how *wahkohtowin* can be operationalized within *Gladue* reports – a legal responsibility within Canadian courts to examine the background and history of Aboriginal peoples when they are being sentenced within the Canadian court system (Niman, 2018). The arc of Flaminio's thesis is to “suggest a *wahkohtowin*-inspired approach that can work to more fully operationalize *Gladue* within corrections and parole, and to envision how a *Gladue-through-wahkohtowin* approach can be applied throughout the criminal justice spectrum” (Flaminio, 2013). Flaminio is one of many studies that center or engage *wahkohtowin* within graduate work (Johnson, P., 2017; Friedland, 2016; Jobin, 2014; Gaudry, 2014; Johnson, D. 2014; Bourque, 2014; Reder, 2007; Scudeler, 2016; Wheeler, 2000).

The body of scholarship I discuss in chapter one on how the Northwestern plains were governed by “multicultural” regional political formations based around kinship also indicates the relevance of *wahkohtowin* (Binnema, 2001; Innes, 2013; MacDougall, 2006; St-Onge, Podruchny, & Macdougall, 2012; Vrooman, 2013; Witgen, 2013). This scholarship suggests that concepts and philosophies focused on kinship, such as *wahkotowin*, were a central aspect of ordering political authority within the Plains Indigenous political order prior to the rise of settler society. This scholarship only adds to the picture of what Plains Indigenous peoples already know from lessons passed down within families and communities; building and maintaining good relationships is integral to any just political community.

### 5.3 Local control of education in Maskwacîs

When the First Nations of Maskwacîs signed an adhesion to Treaty Six in 1877 at Blackfoot crossing, located today on Siksika First Nation, it stated that “Her Majesty agrees to maintain schools for instruction in such reserves hereby made as to Her Government of the Dominion of Canada may seem advisable, whenever the Indians of the reserve shall desire it” (Treaty No 6, 1876). People within Maskwacîs today refer to this clause as the *treaty right to education*.

The earliest form of schooling in Maskwacîs was the Ermineskin Residential School in 1916. As with the other residential schools created by the state in concert with religious bodies in Canada, this school was a manifestation of the profound forces of assimilation and genocide visited about Indigenous peoples throughout the 19th and 20th centuries. ‘Education’ and ‘schools’ have thus long been key instruments in settler colonial violence and control which makes the case study all the more important. In its early operation, schoolchildren were not allowed to return home during the school year even though students in Maskwacîs lived within walking distance of their parents. The residential program of the Ermineskin school closed in 1975 (MESCS, 2018). The ink spilt on the impact of residential schools has been significant for some time now (Milloy, 1999; Fournier and Krey, 1997; Regan, 2010). Within the Commission we did not focus the history of Ermineskin Residential school. The legacy of residential schools is alive in the community today. In planning the community consultation meetings we made space for people to discuss the problems facing their families, but took an equal or greater focus on gathering responses on what a merged education system needed to focus on moving forward (Nepoose, Jen, 2019). This dovetailed with a focus on the history of

strategic actions that had been taken to build effective education systems in Maskwacîs that were outlined in the presentations (MESc 2016b). Thus, we only focused on the history of residential schools for the purpose of discussing how to overcome its effects.

In 1971, parents at Blue Quills School in Saddle Lake staged a sit-in at the school. They demanded that control of the schools be handed over to Saddle Lake First Nation. This action initiated the devolution of local control to First Nation schools (McInnes, 1987). In Maskwacîs, the four Nations gained local control of their schools between 1989 and 1996. This period was also accompanied by the building of eight different schools completed between 1993 and 2006. Most importantly, the building of First Nation run school systems has resulted in the overall improvement of the schools (MESc, 2018; Bruno, 2017a, 2017b).<sup>17</sup>

The MESc originally began as the Maskwacîs Education Steering Committee in 2011. The Committee was set up to “discuss issues of concern to all of the Four Nation

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<sup>17</sup> In 2003, only 10 students graduated from High School in Maskwacîs. In 2017, 56 students graduated from high school. In addition to increased enrollment and graduation, many successful programs have been developed and implemented within the schools. Doctor Shauna Bruno details two of these programs within *Miyo Wahkohtowin Education Authority*. One that focuses on how *Miyo* implemented restorative community-based practices in order to replace punitive approaches to discipline. The other focuses on an alternative High School program developed by *Miyo* that has seen a significant improvement in outcomes for students who have personal and education difficulties.

schools and administer” (MESC, 2016b). The formal creation of the steering committee was built upon significant informal collaboration that had been occurring in the years leading up to 2011 including the administration of federal granting program on behalf of the four school systems (MESC 2015). In 2012, the Maskwacîs Outreach School was created and was administered by the Steering Committee working in collaboration with the existing school systems in Maskwacîs (MESC 2015).

In the spring of 2015, planning meetings were held to discuss the long-term future of education delivery in Maskwacîs. Different options were created for how best to move forward with the future of Early Childhood to Grade 12 education. It was determined that the best option was to explore the potential of merging the four school systems into a unified entity. This would create the largest First Nation school systems in Canada with 11 schools and approximately 2300 students. A leadership summit was held in May 2015 with Chief and Councils of all the Maskwacîs nations where the proposal was tabled.

I was related the following story about the meeting from Brian Wildcat and confirmed the story with Chief Darrell Strongman, who was the elected Chief of Montana at the meeting. The meeting began with a presentation by Brian Wildcat, superintendent of the Miyo Wahkohtowin Education Authority (Ermineskin) and Kevin Wells, superindendent of Nipsihkohpahk Education Authority (Samson). The presentation discussed the history of local control in Maskwacîs, in particular emphasizing one key statistic. In 1990, only 32% of K-12 students living in Maskwacîs went to school on reserve. By 2015, 68% of students were going to school on-reserve

(Wildcat, B. 2019). It ended with the proposal to create a unified Maskwacîs Education Authority by merging the four existing systems into one.

At the meeting, there was a great deal of hesitancy about the proposal and discussion of who would get to control what, who would benefit the most and the risk to treaty rights. Discussion revolved around skepticism of the proposal but this skepticism was eventually addressed by Chief Strongman. At the meeting, Strongman reminds everyone why they had gathered together and said the main purpose was not to argue about who was going to control the money or get what power. Rather, Strongman reminded everyone, and I paraphrase here “the main issue we should be focused on is how to provide the best possible education for children, right now, all our decisions should be focused on children” (Strongman, 2019). This moment was fundamental to the entire process and a focus on children became one of the primary modes of reflection within the process. As Strongman would remind people throughout the process “Why are we doing this? We do this because we love our children” (Strongman, 2018). A motion was passed at the end of the meeting in May 2015 that read:

Be it resolved that we, the Maskwacîs Cree Chiefs and Council, direct the Maskwacîs Education Steering Committee to investigate the possibility of developing Maskwacîs Education Authority that meet the following criteria/principals/conditions:

1. Treaty based
2. Guaranteed funding for the process
3. Adequate time frame; and further that, proper protocol be conducted to commence the process.

In early 2016, MESAC was incorporated so it could receive the necessary funds to explore the amalgamation (MESAC, 2016b). From November 2017 to February 2018 seven leadership summits and thirty-one community meetings were held. As well, the communication strategy also led to community outreach through social media, created information videos that were collectively viewed over 100,000 times, and distributed community wide mail outs and information packages (MESAC 2018). The commission also conducted school needs assessments to provide the empirical basis for a new funding formula, the creation of a Maskwacîs Declaration on Education and a Maskwacîs Education Law. In addition to these community and organizational initiatives MESAC coordinated a team of educators, political leaders, communications staff and lawyers, who were from the community or were currently working in the schools to negotiate the Maskwacîs Education Agreement and Maskwacîs funding formula with the federal government (MESAC 2017e). Chief Irvin Bull sums up how the composition of the various components working on MESAC were primarily lead by people from Maskwacîs and people who had a long standing in the community:

I thank Brian and all our experts, our board members. We directed them to do all the research to make sure that we have everything covered. And its our own people, our own lawyers, our own technicians, yes we did use some from the outside, but the majority our own people, so that gives me the confidence that we can do things ourselves. I want to thank the board and all the people that were involved in putting this agreement together, in putting our policies together, and if it wasn't for you we wouldn't be standing here. (Bull, 2018, May 18<sup>th</sup>)

I participated in six of the leadership summits and the early community meetings in my role as a senior communications and governance advisor for the MESC. In addition to coordinating the communication strategy I co-facilitated the creation of the Maskwacîs Education Board Structure with Ryan Anderson and Maskwacîs Declaration on Education with Koren Earle Lightning (MESC 2017a). During our community meetings, we administered approximately 1300 surveys about the process. Our final question asked, “Do you support the proposed amalgamation?” The positive reaction was an overwhelming 92 percent in favour of the amalgamation process (MESC, 2018, p. 14).

The Maskwacîs Education Schools Commission Resource and Development Agreement was signed with the Federal Government in the spring of 2018 (Michelin 2018, May 18). A 2013 study estimated that on average, students at First Nations schools receive 30 percent less funding per student than a comparable student at a provincial school (Drummond and Rosenbluth, 2013, p. 49). Recent steps have been taken to end the funding gap, but they are only half measures. The Maskwacîs Education Agreement ends this discrepancy by creating a funding agreement that eliminates proposal-driven funding, provides additional transition dollars to compensate for historic disadvantages experienced by schools in Maskwacîs and creates a unique Maskwacîs funding formula that borrows from comparable formula’s where appropriate and relies on formula’s unique to Maskwacîs when appropriate comparables did not exist (Wildcat, B. 2019). In short, if the agreement is fully implemented there will be no funding deficit for Maskwacîs schools (Maimann, 2018).

## 5.4 Strategic capacity in the age of reconciliation

MESC happened in the shadow of two widely condemned attempts at First Nation education reform by the federal government. First was the failed First Nations Control of First Nations Education Act in 2014 (see Rae, 2014 for analysis of the Act). The second was the initiation of the Education Partnership program in late 2017 by the Trudeau government that had the amalgamation of existing school systems as a condition for creating new education agreements (Government of Canada, 2017). Both initiatives were criticized as further examples of paternalistic government interventions that ignored First Nation treaty rights at best or sought to eliminate these treaty rights at worst. It also occurred alongside the explosion of *reconciliation* as a reference point that occurred after the release of the Final Report on the Truth and Reconciliation Commission of Canada and the election of the Trudeau Government in 2015.

In this context, some have said “Reconciliation is the new word for assimilation” (Hansen, 2016). In response to the current Trudeau’s government attempts to move away from the Indian Act, Russ Diabo penned an article, “When moving past the *Indian Act* means something worse” (Diabo, 2017, September 22). He argues the government’s announcement that it intends to move away from the Indian Act signals “Our aspirations to decolonize as Indigenous peoples will be met with ongoing federal attempts to recolonize us, all part of the centuries-old Crown goals of ‘Indian’ assimilation and the termination of collective Aboriginal and treaty rights” (Diabo, 2017). In short, any attempts to interact with federal government will result in a step backward. Given this rhetoric and analysis, it is easy to see how one might believe Maskwacîs was falling for a colonial trap represented by state attempts at reconciliation.

In the opening sentences of Ganz's book *Why David Sometimes Wins*. He asks "Why can the powerless sometimes challenge the powerful successfully? And how can strategic resourcefulness sometimes compensate for a lack of resources?" (Ganz, 2009, p. vii). What the above narratives on reconciliation miss, is that Indigenous communities are also capable of driving change – in Maskwacîs a group of educational leaders had been improving education in Maskwacîs for 30 years and had increasing collaboration over a period of 8 years. The strategic capacity they had generated was capable of capitalizing on a very small window of opportunity that became available as the Federal Government attempted to respond to reconciliation and before they closed off the field of community driven agreements through implementing the Education Partnership program (Government of Canada, 2017). Additionally, the 30 years of work by community educational leaders represent a "turning away" from the state that resulted in building strategic capacity, followed by a small moment of opportunity that required a *turning back* to take advantage of the situation (Coulthard, 2014).

Coulthard's analysis is important here and his insights on "turning away" emerge from his examination of the politics of recognition in regard to Indigenous peoples. Coulthard argues that the state maintains domination not simply through unequal power relations that allow the state to set the terms of negotiation that occur around recognition based schemes, but also how this uneven field of power works on the subjectivities of Indigenous participants so that over time they come to identify with the aspirations of the state (Coulthard, 2007, p. 452). In response Coulthard calls for a *turning away* from state sanctioned fields of negotiation to find an emancipatory praxis grounded in one's own traditions, upholding one's own self-worth as the source of

Indigenous liberation (ibid., p. 453-455). Within Coulthard's work it is clear that he imagines the turn away as describing/motivating grassroots movements and that Indigenous institutional contexts are subject to dynamics of colonial power he describes as characterizing the politics of recognition. Yet, I think his idea of turning away from the state can apply to institutional contexts as well. The history of building education systems in Maskwacîs was the result of an internal focus on the building the schools rather than an externally focused politics of looking towards the state as a source of change. In other words, it is possible to *turn away* in institutional contexts.

This is best illustrated by a story that Brian Wildcat related during the commission. The underfunding of First Nations schools is well publicized (Drummond & Rosenbluth, 2013). A major funding challenge for First Nation schools is that school budgets are determined by student enrollment. For status Indian children who attend school off-reserve, Indian Affairs sends tuition dollars to the neighboring provincial system instead of the First Nation. In most cases the majority of students who live on reserve attend schools off reserve.

The obvious strategy for First Nation schools to increase their budget was to recruit students who were attending provincial school systems or lobby the federal government for increased funding. However, Miyo Wahkohtowin Education in Maskwacîs (one of the four former school systems) did not deploy this strategy. Rather, their organizational ethic was that their resources and energy should be entirely directed to the students who were already attending their schools (Wildcat, B. 2019). While this strategy did not provide short term gains around student recruitment or funding, over the long term it meant that Miyo Wahkohtowin was able to improve its programing resulting

in greater retention rates and becoming a school of first choice for parents and students not only in Maskwacîs but in the region. The best evidence of this is that in 2016, and for the first time, the neighbouring provincial school system sent tuition payments to Miyo Wahkohtowin Education for the 20 students who were travelling from the neighbouring town of Wetaskiwin to attend Miyo Wahkohtowin schools (Wildcat, B., 2019).

The internally driven focus of the schools led to improving education outcomes, but it also created a cohort of education leaders in the schools who developed a high degree of what Marshall Ganz (2000) calls 'strategic capacity'. As described in chapter one, Ganz defines strategic capacity as a confluence of three factors – a group's access to the right information, the ability to have open inter-group dialogue that contributes to ongoing learning, and the motivation of a group to achieve their goals (Ganz, 2000, p. 1003-1007; Ganz, 2009, p. 10-21). In the work of MESC, the strategic capacity of the existing education leadership combined with various young people in the community who were skilled at communications, graphic design, governance, and law, as well as political leaders from all four Nations who threw their support behind the project and articulated a political philosophy around our sovereignty that added momentum to the work of the commission. The work of articulating a new political philosophy involved drawing from traditional and spiritual knowledge, and reinscribing a shared political identity instead of emphasizing division between the nations. As well, the leadership insisted and ensured that merging the school systems and negotiating the Maskwacîs Education Agreement was an exercise of inherent political authority and not the result of an agenda driven by the federal government (MESC, 2018, p. 4).

The result is that Maskwacîs was able to generate the strategic capacity necessary to take advantage of the federal government's attempt to reconfigure how it operated in the realm of First Nation education. By the time the Harper government initiated their reforms of First Nations education mentioned above it was clear the state of education on reserves was a national disgrace (see Rae, 2014). Yet, the federal government was unwilling to relinquish control over how this reform would take place. The Maskwacîs negotiation team was able to overcome this situation because the existing strategic capacity meant that it was easy to satisfy many of the structural readiness stipulations required by the federal government and MESC could push back on those they disagreed with – sometimes without effect, but overwhelmingly with effect (Wells, 2019). A few examples illustrate this.

As part of MESC's activities an Education Law was developed to govern the schools. Inclusion of this law in the Maskwacîs Education agreement was originally rejected by federal negotiators because Maskwacîs was not capable of creating a law. The response to the rejection, as MESC legal counsel Koren Lightning (Samson) describes it, was "that's okay, we're going to create it anyways" (Lightning, 2017). Through the course of negotiations, the federal position changed and the law was eventually included in the Maskwacîs Education agreement.

This was possible because of the team that was put together to create the needs assessments and put together a business use for the agreement. The needs assessments was primarily lead by educators and other staff who had been part of the schools for decades, Brian Wildcat, Kevin Wells, Sanila Mehal, Ryan Anderson and Ahmad Jawad, but was aided by outside support to accomplish the wide range of tasks

including Hoda Jawad, Dr. Carmen Mombourquette, Julia Burrill, Dr. Shauna Bruno and Dr. Claudine Louis.

In another example, the Federal Government and MESC were required to negotiate a joint communications agreement. During an early meeting, Indigenous Affairs provided a template for how communications would be released. The tenor of the template was that Indigenous affairs would draft all communication releases, plan communication events and consult with MESC when releasing material or planning events. For Councilor Mario Swampy this felt similar to other processes where Indigenous Affairs would show up with a fully drafted agreement with little to no room for negotiation. When this happened Mario Swampy commented “I fail to see how this is a true partnership” and criticized the government for the divergence between its rhetoric on having a Nation-to-Nation relationships and its actual practice when making agreements (Swampy, M. 2019). To follow up, our communications consultant Whitney Brown, a non-Indigenous person from Vancouver, and friend of mine was tasked with drawing up a new agreement. In my only communication with Brown on this matter my instructions were “make sure that when we release communications, this is a story about 25 years of success in Education within the community, not Indigenous Affairs patting itself on the back.”

At the next meeting, Brown was phoned in from Vancouver and flipped the nature of the communications agreement. MESC would draft the communications releases, determine what messages would be shared publicly and would plan and host the public signing of any agreement. This provided Samson Cree Nation Councilor Mario Swampy to push the agenda further. Indigenous affairs agreed to all of our

changes, and MESC was able to feel confident in taking on these responsibilities because of our excellent communications team (Swampy, M. 2019; Wildcat B. 2019). Notable on this team was Jen Nepoose, Ashley Dennehy and Tom Crier from Maskwacîs, Brown, and Conor McNally and his film crew from Edmonton who documented the signing ceremony. This team received support from the MESC Board and senior administrators Brian Wildcat and Kevin Wells.

Most importantly, because we were in control of joint communications a strategic decision was made to withhold financial details of the agreement. This was a strategic decision of Brian Wildcat based on an assessment of how the Canadian public interprets financial arrangement between Indigenous peoples and Canadian governments. In particular he was influenced by the comments section in reporting on another education agreement in Manitoba that First Nations had conducted. In his words “the story would become entirely about how much money we were receiving, and not focus on describing the incredible success story we have had here in Maskwacîs” (Wildcat, B., 2019). I viewed this strategy as a manifestation of Audra Simpson’s concept of *refusal* that I discuss in chapter 4, where Indigenous peoples need cognizant of how our words will be interpreted by settler society, or as Simpson puts it we must have an “understanding of the space through which representation moves” (Simpson, 2015, n.p.). This analysis had previously appeared in my article “Fearing Social and Cultural Death”, an article Brian Wildcat had read (Wildcat, M. 2015, p. 395-396). While he cannot specifically recall he agreed it was entirely possible Simpson’s concept of refusal had influenced his strategy here.

The Maskwacîs Education agreement provides Maskwacîs the autonomy to deliver a curriculum based on local priorities, recognizes Cree as an official language of instruction and includes budget enhancements for Cree language and culture. Proposal-driven funding that creates burdensome reporting requirements for First Nations was also eliminated and replaced with core funding. The overall operating funds will increase by 17%, a significant bump after having budget increases capped at 2% for over a decade (Smith, 2016, June 16). Even more importantly, the new school authority will have full budgetary discretion to allocate resources to community priorities. MESC will also orient all of its reporting and data collection to the priorities of the community and these will be the same reports provided to the Federal government. Finally, the agreement recognizes the Maskwacîs Education Law and Maskwacîs Board Governance structure developed independently by the community as the governing structure of the schools (Wildcat, B. 2019).

As noted above, the Maskwacîs Education Agreement is an expression of treaty and self-determination that affirms local control over education while ensuring greater funding to build on past successes. The history of education in Maskwacîs did not emerge from a history of the successful lobbying of the federal government for increased education dollars, nor is the agreement the result of finally gaining the upper hand of principled debate that First Nation schools should be funded at the same rates as provincial schools. Rather, the Maskwacîs Education agreement was the result of a turning away from the federal government, focusing instead on internal measures that promoted student success and created strategic capacity within the school systems.

For example, in my role I co-lead the creation of the board governance structure and selection process with Ryan Anderson (Figure 1 and 2 below). We began with researching other First Nation governance structures when multiple communities were involved. We submitted a survey at a leadership summit in November 2016 with various preferences based on our research. We then mocked up a board governance structure and selection process. We began to refer to our governance structure as a wahkohtowin-inspired governance model. This is because the model ensures that overarching board governance decisions on the direction of the schools are the result of multiple groups of peoples talking to each other about the future direction of education in Maskwacîs. Board governance in the wahkohtowin model involves the Chiefs Council, Elders Circle, Parent Advisory Circle, Student Leadership Program, and a yearly leadership summit with all Councils in Maskwacîs. Ensuring that a large number of people are involved in discussions about the schools will ensure venues for communication are maintained that provide a breadth and depth of relationships within the community.<sup>18</sup>

The selection process reflects a philosophy of wahkohtowin in a second sense. In August of 2018, I provided one of 18 workshops available to staff of the new education system for their inaugural Nehiyawatisiwin (Cree way of life) conference (MESCC, 2019a). One of the workshop participants asked a question that I paraphrase

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<sup>18</sup> Maskwacîs Education Schools Commission, "Report to the Community" (2018), online: <<http://www.Maskwacised.ca/communityreport/>> at 21.

here: “What happens in the future if the wrong people get on the board?” The question was very impactful for me because we had considered a dynamic in the community where people are appointed to boards because of patronage through processes that are not transparent. Rather than having each nation select their member individually, a selection committee was established so the Chiefs and a second designate would have to select the representative for each community together. The selection committee was meant to mitigate the potential for patronage appointments and create accountability between the nations such that they were selecting individuals with the best interests of children and educators. All of this was done without federal interference.

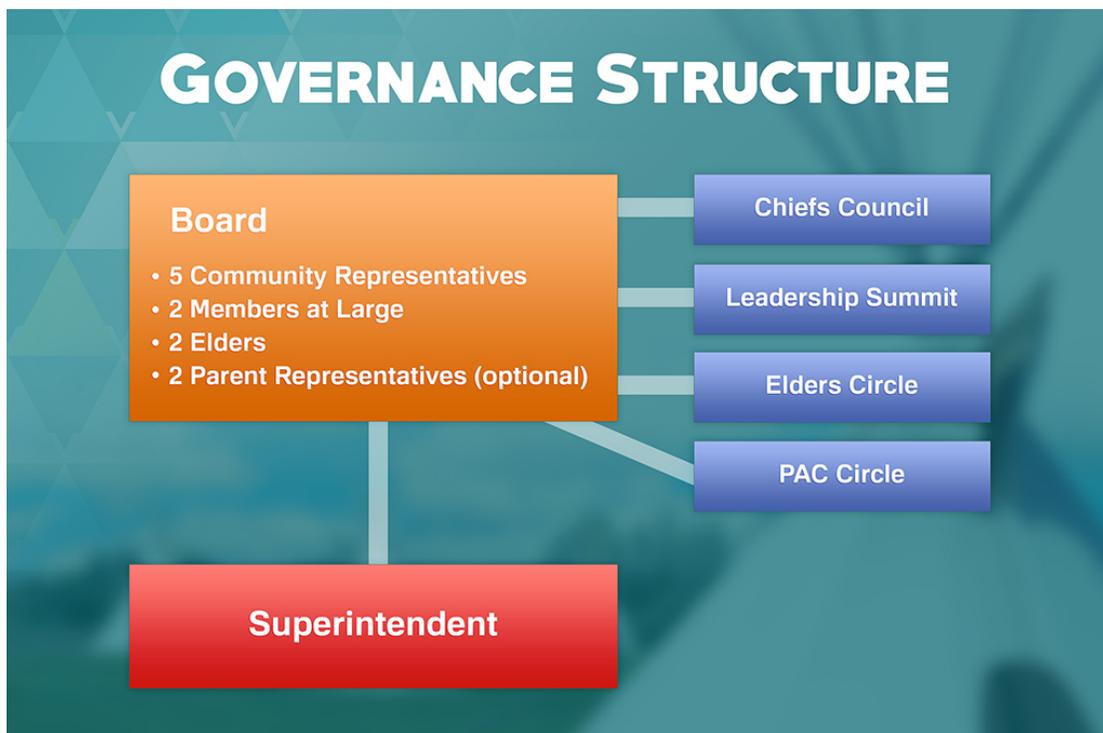
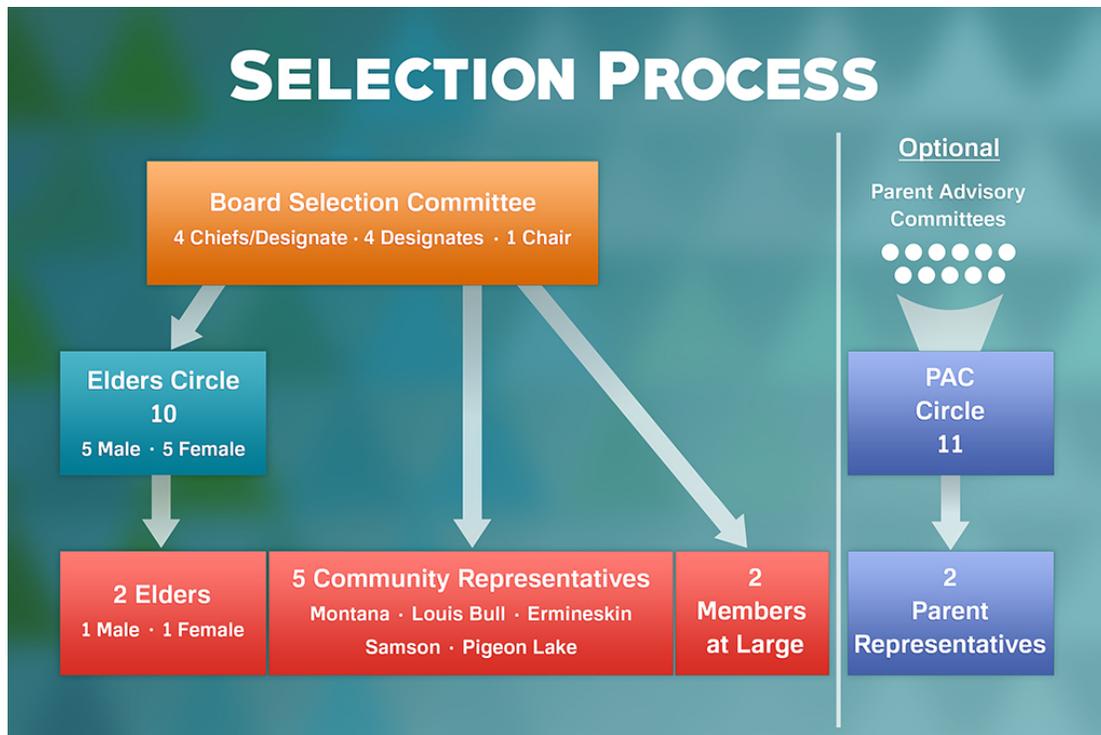


Figure 1: Board Governance Structure



**Figure 2: Board Selection Process**

While the process to create a wahkohtowin inspired board governance structure was a prime example of innovation, this innovation would have meant nothing if we did not have the ability to conduct leadership summits with all Four Chief and Councils that consistently made authoritative decisions that pushed the process forward. Notable here is the work of Nina Makinaw, who was the chair of the MESC board and also chaired all of the leadership summits. Makinaw ensured that roll calls took place at the appropriate moments to record what was typically overwhelming consensus on decisions. Her deft work was aided by many councilors who were willing to stand in firm support of a process that went against the norm of First Nations seeking to maintain exclusive authority over their services. Makinaws work was aided by vocal supporters who consistently articulated a unified vision of Maskwacis sovereignty at our leadership

summits include Mario Swampy, Chief Strongman, Chief Bull, Shannon Buffalo, Chief Brad Rabbit, Grand Chief Wilton Littlechild, Desmond Bull, Colin Wildcat, Daniel Wildcat, James Bull, Ingrid Cattleman, Danny Buffalo and Justin Strongman. This was aided by other MESC Board members and elected leaders, who undertook the hard work of steering the board of the commission namely Leanne Louis, Tamara Wildcat, Elder John Nepoose, Chief Vernon Saddleback, Chief Craig Makinaw, Chief Leonard StandingontheRoad, Allison Adams-Bull, Dale Raine, Butch French and Leslie Bull-Marquis.

A representative story of how this cohort of leaders built the resolve to undertake such a significant transformation was told during the signing ceremony of the Maskwacîs Education agreement. In the spring of 2017 Samson Cree Nation elected a new Chief and Council in the middle of the Commission. The new Chief Saddleback was working hard to determine his position on MESC. He describes the following at the signing ceremony for the new agreement about an influential conversations he had with MESC staff member, Jen Nepoose:

I really want to thank Jen Nepoose, you might ask the question how come? She was the one who sold me on MESC, I was a brand new chief I didn't understand what the MESC process was and I was trying to educate myself and one day she just pulls me into her office and says "Vern I really really need you to support this, it's a good thing" and she began to lay out how come, and I said okay I get it now, I get it, don't think about politics for Samson, think about what's good for the children of Maskwacîs, and then I finally got it and that's what we all have to do,

we all got to focus on what is good for the children of Maskwacîs (Saddleback, V., 2018, May 18).

## **5.5 Barriers to cooperation**

The work of the MESC was very successful in fostering cooperation in a political climate where cooperation is notoriously difficult due to the factors described in chapters three and four – namely the impact of settler colonialism on creating calcified boundaries around how different sites of Indigenous political authority relate to each other. The commission was able to successfully elevate wahkohtowin and more specifically doing what is right for children as the dominant political rhetoric to interpret the decisions before us. Within the prairie Indigenous political order, as it has evolved during the course of settler colonization, it is difficult for First Nations to share authority with each other around the delivery of services like education, healthcare, social services, law, housing, and infrastructure. To understand the accomplishments of MESC, we need to re-examine the conditions of settler colonization described earlier, which make cooperation in the specific case of the MESC difficult.

### **5.5.1 Indigenous governments and shared authority**

Approaches to First Nations governments tends to focus on the internal operation of these governments. In other words, studies tend to take a unit level analysis—with the unit being an individual First Nation government (Belanger, 2008; Hylton, 1999). The creation of Indigenous governments means that former political institutions are effaced or transformed, and political authority is deposited in an Indigenous government (Pasternak, 2017, p. 161-218).

Today, Indigenous governments hold their authority in exclusion to each other. Even though Indigenous governments hold political authority independent of each other, choices over where to maintain independence and where to engage in collaboration must be made by political leaders. Indigenous governments maintain multiple national and regional organizations that advocate on behalf of First Nations to collaborate over externally focused relationships with settler governments. But few organizations exist to create structures of co-governance over areas of shared concern on pressing needs around education, healthcare, and social services. For example, in the area of education only two entities exist that provide education for multiple First Nations in Alberta – MESC and the Keetaskeenow Tribal Education Authority. Nationally there are movements to think about how Indigenous peoples create co-governance structures to deliver services, with the BC First Nations Health Authority being the most ambitious project to date. Yet, the reality is that the norm is for the province to deliver services for Indigenous peoples around core areas like Health. A wahkohtowin movement, on the other hand, should be primarily concerned with a system level analysis, or how First Nations governments are positioned in relation to one another.

Historically, the amalgamation of First Nation communities was an idea put forward by the Royal Commission on Aboriginal Peoples (RCAP), which envisioned the 633 First Nations in Canada amalgamating themselves into 50-80 Nations that would exercise self-

government (Institute on Governance, 2015).<sup>19</sup> As Belanger and Newhouse (2004) explain, “RCAP delineated self-government as a right dependent upon an Aboriginal peoples’ claim to nationhood, limiting further what peoples were able to claim this right” (p. 166). The RCAP also saw their national governments as being set up within a federated structure similar to Canadian Confederation, with the regional government holding certain authorities and community governments exercising authority in other areas. The RCAP proposal was viewed as another outside imposition defining how Indigenous peoples should exercise governmental powers. The prescriptive nature of who could exercise self-government in RCAP was also an affront because Indigenous political leaders had spent the last 25 years arguing that self-government was an inherent right that flowed from Indigenous peoples’ sovereignties, not from rights granted by Canadian law. While further work is needed, my speculation is that this episode has meant that all proposals where separate First Nations would pool or aggregate their authority are now viewed as an agenda being driven by the Federal government and not by Indigenous decision-making processes.

This plays into another difficulty of First Nation collaboration. There is still a general fear that increased collaboration will be used by Canadian governments as an indication that First Nations are not sovereign and that this will be used to undermine treaty rights –

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<sup>19</sup> The report also notes at 13 “that in some areas, the wording of the *Indian Act*, (recognizing each band as a nation) causes complexity where there could be progress by bands that are historically from the same nation/tribe” Institute on Governance, 2015).

an issue I discussed in chapter 4. Speaking about Indigenous governance in Canada requires traversing a difficult and often hostile discursive space. For Indigenous peoples, when speaking about the challenges and issues facing Indigenous governance, there is a concern that those words will be used against us by antagonistic elements of settler society. Yet, discussing the ways settler colonialism has impacted Indigenous political orders requires us to discuss some of the various ways that First Nation governments perpetuate dysfunctional dynamics today.

To do so ethically requires articulating the role settler society plays in perpetuating these dysfunctions. As I discuss in chapter four and a previous review article, Indigenous communities embody a collective effect that is literally afraid of our collective death—a phenomenon I refer to as the “fear of social and cultural death” (Wildcat, M., 2015, p. 391). Our anxieties about social death motivate us to take political positions that protect our sovereignty from dominant discourses that still do not treat Indigenous sovereignty as legitimate. Thus, any move where a First Nation might share or pool authority with another has the potential to undermine Indigenous sovereignty because it must travel through discursive fields where hostile elements of settler society can be inclined to argue that First Nations are not really sovereign if they cannot administer services on their own.

This thinking also applies to working with provincial governments, the thought being that because the provinces did not sign treaties, interacting with them will diminish treaty rights because it will absolve the federal government of its treaty responsibilities. Again, this was a policy proposal of the Federal government in the 1960s when it tried to offload responsibilities for status Indians onto the provinces (Leslie, 1999). Today, many

First Nations are hesitant to even have conversations with provincial governments over areas like education and child welfare.

Although it is important to take a long view of how Canada has attempted to undermine and limit the scope and reach of Indigenous sovereignty, creating blanket directives such as prohibiting discussions with provinces about areas of shared concern or not allowing First Nations to create shared authorities with each other shuts off potential avenues that can have real material benefits in our communities. The actions we undertake to protect our sovereignty can often have unintended and negative consequences that limit cooperation amongst First Nations and other sites of Indigenous collectivity.

### **5.5.2 Treaty rights and wahkohtowin**

When the MESC embarked on its work beginning in the summer of 2016, there was a general sense within the MESC board that people would be suspicious and hesitant about the proposal. There were two issues we thought would arise. The first was a lack of trust in Chief and Council to make decisions in the best interest of the community. Second was a concern that undertaking the amalgamation would result in a loss of the treaty right to education (Wells, 2019). The first concern was expressed at community meetings but never became a prominent concern or point of reference within the process.

Protecting treaty rights, however, played a prominent role throughout the process with some arguing that such initiatives will erode treaty rights. How we protect treaty rights was expressed in different ways, but all articulations would have required Maskwacîs to stay with the status quo. A letter released by Treaty Eight First Nations of Alberta in

response to an AFN resolution on education articulates a rhetoric that was representative of what occurred in Maskwacîs.

This resolution opened the door for a consultation process on the Treaty Right to Education. ... This process validates the off-loading of services to the provincial government through “intergovernmental transfers”, and is an implementation of the 1969 White Paper. ... The governments of the day have cushioned their Indian policy in the language of reconciliation. ... This space [schools] has been left for us through the Treaty. We are the only peoples to have this space. This is the space they are after, as it is a direct threat to their never-ending agenda of full assimilation and control. (Treaty 8 First Nations of Alberta, 2017)

There are essentially three arguments employed by those who argue against these kinds of initiatives in order to protect treaty rights. I am hesitant to attach names to representative quotes because the discourse around protecting treaty rights is helpful reminder that we continue to live in a colonial context. Judith Butler articulates my concern on this regard in to an intervention she makes over debates between structural Marxist and cultural critiques:

If I fail to give the names of those I take to hold these views, I hope that I will be forgiven. The active cultural presumption of this essay is that we utter and hear such views, that they form some part of the debates that populate the intellectual landscape within progressive circles. I presume as well that to link individuals to such views runs the risk of deflecting attention from the meaning and effect of such views to the pettier politics of who said what, and who said what back - a form of cultural politics, for the moment, I want to resist. (1997, p. 265)

In the strictest sense, the “protecting treaty rights” discourse posits that any situation where treaty Indigenous peoples trade the status quo for a different set of rights or agreements will erode treaty rights unless natural law is fully recognized and made operational within Canadian society. The second articulation deals with delegation. This articulation asserts that treaty rights are held by First Nations. Thus protection and stewardship of the treaty rights are the responsibility of the First Nation Chief and Council. Therefore, the amalgamation process would require that Chief and Council delegate their authority to an amalgamated Maskwacîs entity. The delegation to an entity that acts on behalf of multiple First Nations would mean the treaty right holder (First Nation governments) would not have exclusive control over their school systems and undermine the responsibilities they have to hold and implement treaty rights. The final articulation was that the federal government intentionally sought to initiate legislative and policy changes to erode treaty rights. Or closely related, the federal government will take advantage of any moment of flux or change to erode treaty rights in an underhanded way. This line of argumentation works in concert with Chief and Councils needing exclusive control of treaty rights in order to protect them. Any change in structure or agreement provides an opportunity for the further erosion of treaty rights.

With each of these three articulations or approaches, the idea is that we need to guard against the erosion of treaty rights by not dealing with the federal government. Instead of derailing the process, MESC also focused on two other principles that played a prominent role in all our deliberations and effectively combated those who alleged the process would lead to a loss of treaty rights – a focus on doing what is best for children

and wahkohtowin. When our discussion revolved around these issues it became clear that we needed to focus not on issues of jurisdiction or the Federal government, but on what was best for the children in the community. As well, because we have a history of success, we felt confident in our ability to create a school system focused on wahkohtowin, students, Cree knowledge, and community priorities.

As noted above, the concept of wahkohtowin played a central role throughout the work of the MESCC. Without a focus on wahkohtowin we would not have had the capacity to work against the dynamics that prevent Indigenous cooperation outlined above. Although others may disagree, my perception is that wahkohtowin remains well understood within the community as a philosophical concept. When drafting the foundational statements, the Commission stated that “MESCC operates and makes all decisions following the guiding principle of wahkohtowin based on the fact that all Maskwacîs are related and connected to each other and reside on traditional Maskwacîs territory” (MESCC, 2016a).

In an information video profiling the schools’ principals, Samson Cree Nation member and Assistant Principal, Tracy Swampy, also describes the importance of wahkohtowin:

The guiding principle for MESCC I believe is wahkohtowin, and wahkohtowin means . . . relationships and kinship. And I believe that because we are the four nations and we all have relatives on the four nations, it would be amazing for us to get together and share all of the knowledge from each community, sharing the language, the traditions, the teachings, the culture, it would strengthen our community even more, and I believe for the kids to be in a school system that

would involve all four nations, they would meet their relatives, they would learn from the communities around us, we wouldn't be seen as four nations divided, we would be one big nation together and I believe that's very important for a strong community (MESC 2017f).

Within the Commission we also created a Maskwacîs Declaration on Education. I was the facilitator at the workshop held in February 2017 that led to the declaration and helped to write the first draft that was reviewed and revised by the MESC Board, a committee of Elders, and the Maskwacîs Council. The Declaration states:

To guide our actions, we will follow cultural and traditional teachings, in particular Wahkohtowin. Wahkohtowin is the belief that all things are related and connected, that all of existence has spirit and that living in a good way requires us to maintain good relationships with each other and other aspects of existence. (MESC, 2017a)

Finally, wahkohtowin even arose unprompted within our community engagement. We held a Facebook contest asking community members to “[d]escribe a Cree word you think is important to teach in our schools.” The winner, Louisa Rain, provided a quote from her late Mom, Josephine Thompson Rain: “Wahkohtowin is a vital part of the Cree Culture. Wahkohtowin reinforces family roles and responsibilities thereby strengthening family ties and fostering a development of healthy families and good relations” (Rain, n.d.) Finally, as mentioned the team that negotiated the Maskwacîs Education Agreement with the Federal Government ensured wahkohtowin is defined in the document along with other Cree terms such as *Nehiyaw Pimatisiwin* (Cree way of Life), *Nehiyawewin* (Cree Language) and *Iyiniw Mamtohnehicikan* (Cree thinking) (MESC, 2018, p. 18-21, p. 24).

The numerous references to wahkohtowin were not the work of a single individual or small group but rather an expression of the centrality that wahkohtowin continues to play within everyday life in Maskwacîs. When wahkohtowin was combined with a political discourse that focused on the best interests of children, and a belief in a unified community it created a powerful movement for change in the community.

The discourse of protecting treaty rights continued to be brought up within our deliberations about the process. Initially we described our actions as *renewing* the treaty relationship with the Federal government over the issue of education funding. As our Maskwacîs Declaration on Education states:

Our treaty partners have not always respected the treaty relationship between us. The imposition of residential schools damaged the relationship between us. We feel that one of the primary avenues through which this relationship can be repaired is by properly funding education systems that are under our control and design. The Crown has a fiduciary duty, obligation and responsibility to provide unencumbered funding that allows Maskwacîs to educate our children in our own ways. (Maskwacîs Education Schools Commission, 2018, p. 21)

Near the end of the process, political leaders within Maskwacîs came to describe our task as *implementing* the treaty right to education. Former Chief of Montana First Nation Darrell Strongman stated that “[w]e are not giving up our treaty rights, what we are doing is figuring out how we pursue the Treaty right to education from our interpretation” (Maskwacîs Education Schools Commission, 2018, p. 4). Samson Cree Nation Councilor and MESOC Board member Shannon Buffalo asserted that “[w]e’re practicing the treaties, we’re the ones implementing the treaties based on what we need” (ibid.). Finally, Wilton

Littlechild, Grand Chief of Treaty Six stated, “[y]ou are implementing the treaty right to education as leaders. After all, our children have treaty rights too” (ibid.).

Addressing the criticism that we were going to erode our treaty rights was most eloquently addressed by Montana Chief Brad Rabbit, who drew on Nehiyaw spiritual philosophy to consider what impact the commission would have on treaty rights:

Treaty is a spirit, when our forefathers lifted the pipe at treaty time a spirit was born. A spirit never dies which is our Creator's natural law. Treaty cannot be broken. When people say we're breaking the Treaty right to Education, natural law cannot be broken. We put that pipe at the forefront ensuring we are keeping the spiritual intent of treaty alive, we've implemented the treaty right to education. (Rabbit 2017, December).

This led to a reframing of the MESC as being tasked with determining how the treaty right to education is implemented for Early Childhood to Grade 12 programs. What is most interesting to note here is that rather than solely focus on whether how treaty rights would be protected within the communication strategy of the MESC, a focus on wahkohtowin and working in the best interests of children created the political space for people to articulate how we were pursuing a treaty right to education, completely independent of the MESC staff.

## **5.6 Early results**

As the Maskwacis Education agreement has become well known, Maskwacis Education often fields requests for more information and for public speaking

engagements (Nepoose, Jen, 2019). A frequent questions is “How much funding did you receive?” or “How much dollars are you receiving per student” (Wildcat, B., 2019). As discussed, Brian Wildcat was hesitant to share that information with a wider public, but the inquiry over the funding or funding per student seemed to be missing the point but for another reason. Eventually, Brian Wildcat was able to frame the importance of adequate funding: “the point here is not how much money we get, the point is what we do with the money to build second level supports and services for students that will lead to greater success” (Wildcat, B. 2019).

Well, what does the system do with the money? An early project was to develop a “Maskwacîs Curriculum Development Guide”. The purpose of the guide is

to shift the educational opportunities and outcomes for Maskwacîsak through local control and design of education to enact the Treaty right to education. ...

The Maskwacîs Curriculum Development Guide outlines the key components for curriculum development from Early Learning to Grade 12: ‘what’ students are expected to know, understand, and demonstrate. (MESC 2019)

Prior to the creation of a unified system, the Miyo Schools had already been documented as innovation leaders in creating programs suited to the needs of their students with a clear track record of success. For instance, the Ehpewapahk school illustrates the ability of educators in Maskwacîs to devise and implement a unique program that diverged from provincial curriculum to better meet the needs of students. (Bruno, 2017b). A study of Ehpewapahk showed a significant improvement in attendance rates through creating a school environment focused on relationships:

The data show clear evidence of how Indigenous educational practices in Ehpewapahk have made a difference in the lives of learners and their families. In order to be difference making, the school created a family environment. The quality of relationships and sense of belonging became top priority. The school focuses on attending to 100% of the basic needs of the students. As the quality of relationships improved, and the school's integration of restorative practices, so did the increase in attendance and completion rates. The average daily attendance increased to 65-70% compared to past attendance numbers which were well below the 50% average. (Bruno, 2017B, p. 5)

One of the most successful programs run through the new school authority is the Nanatohk Miciwin or Universal School Food Strategy. The school food program serves every single student in the system one or two meals a day at an average cost of 75 cents per meal, a cost that is covered by the operational budget (St-Onge, 2018, Oct 28<sup>th</sup>). The Foods Director Scott Hall is able to create such a cost effective program through buying in bulk from local orchards and farms and organizing a network of preparation and delivery. Information on the program states 1200 apples are distributed every day in the schools and the program strives to "eliminate unhealthy food and beverage marketing to children and youth in all MESC schools" (MESC, 2019c). Not only does this improve student success, but "the program also helps parents who may not be able to afford healthy food" (St-Onge, 2018, Oct 28<sup>th</sup>).

Finally, results are already being seen after one year of operation. At Nipisihkopahk Secondary School, 85% of students from Grade 7-12 completed the school year compared to 45% of students the year before. Reporting on the issue

focused on how wahkohtowin was a driving force in building a school culture that encouraged student retention. According the Board Chair Shauna Bruno, “Cree values such as wahkohtowin, or kinship, are woven into every aspect of school life” (St. Onge, 2019, Oct 13<sup>th</sup>). School principle Keith MacQuarrie explains further “We’re really building that sense of connection between the people and the building, the staff, the students and community” (St. Onge, 2019, Oct 13<sup>th</sup>). And the list could go on to discuss the variety of unique special needs programming such as the Mistatim Horse Therapy program, cultural and language programming such as the fall buffalo harvest, social media outreach including a school bus app, partnerships on improving literacy with the Martin Family, and more (MESC 2019d; St. Onge, 2019, Oct 13<sup>th</sup>).

## **5.7 Conclusion**

I hope a number of lessons learned from this process are readily apparent from recounting this story. First, the *Nehiyaw* legal concept of wahkohtowin was not embedded into the background assumptions of the political process we undertook. Rather it was front and centre within our decision-making process at multiple stages throughout the process. Wahkohtowin here is crucial because it helps to foster relational and pluralist conceptions of political authority that works against the practices of exclusive sovereignty that have arisen under settler colonization. This changed the character of the process and likely played a fundamental role in creating the conditions for political cooperation in a context where cooperation is notoriously difficult. Second, rather than the concept being ill-suited for an institutionalized setting like the Early Childhood to Grade 12 schooling system,

wahkohtowin had its own discursive force that was able to alter the process within negotiations internal to Maskwacîs. These internal negotiations then allowed Maskwacîs to negotiate with the federal government from a position of strength. Key here, is that it wahkohtowin wasn't used to try to persuade the Federal Government to change its own ways, rather, wahkohtowin helped to foster strategic capacity within a community driven leadership team that was capable of dictating the terms of the negotiation and also creating a belief in the community that Maskwacîs was capable of undertaking these changes.

From the standpoint of increasing the use of Indigenous law in Canada, my hope is that further attention can be paid to some of the explicit, productive, and fruitful ways that Indigenous legal concepts are being used and can be used within institutional settings. Finally, the principle of wahkohtowin speaks to traditional governance practices where different political entities were able to negotiate and share authority with each other. Part of the trouble is that the main script for binding multiple governments together is federative systems similar to the Canadian government. Rather, a wahkohtowin movement will involve specific negotiations over the ways Indigenous governments can create shared jurisdiction. We should not be concerned with the scale of negotiation at the moment because our most pressing need is to create a political culture that fosters relational and pluralist practices. In other words, scholars of Indigenous governance should avoid prescriptive remedies that outline ideal institutional arrangements – these recommendations have little to no ability to travel productively through the dense configuration of Indigenous governance. Instead, we need to foster a culture of collaboration where Indigenous peoples can begin to negotiate the creation of political

authorities where we share jurisdiction. In the concluding chapter, I outline a method for how I believe Indigenous peoples can begin to do this.

## Chapter 6: Wahkohtowin movement and relational governance

### 6.1 Building a wahkohtowin movement

Practices of making kin and community will persist regardless of the institutional arrangement of political authority and formal citizenship. I would like to suggest that as prairie Indigenous peoples these intellectual resources within our communities give us the basis to respond to the pressing governance challenges our communities face. How can a wahkohtowin movement address injustice that emerges from our current configuration of political authority and citizenship? In particular, how can it respond to gendered injustices? A wahkohtowin movement should not focus on a vision of how things will look in some end state. Rather it is an orientation, a way of grappling with the *complex relationality* of Indigenous life on the northern plains today. We should understand the wahkohtowin movement in two senses. In the first sense, the wahkohtowin movement is simply a continuation of existing kinship practices that Indigenous peoples have on the prairies, the practices of relational citizenship. In this first sense a wahkohtowin movement holds the effects of the Indian Act partially at bay and maintains practices of relational citizenship. In the second sense, the wahkohtowin movement refers to the recent proliferation of wahkohtowin as a discursive reference point within the prairie Indigenous political order. As discussed in Chapter Five, I detailed the wahkohtowin movement in the second sense and discuss how wahkohtowin was central the Maskwacis Education Schools commission.

The success of a wahkohtowin movement will depend in large part on how it can address gendered injustice. Wahkohtowin as a political philosophy that focuses on

relationships has the potential to orient us away from exclusive understandings of membership and political authority toward a relational politics where we talk about citizenship and authority through ideas of belonging, relationships and reciprocity. The move from an exclusive to relational mode of politics is necessary, but is also insufficient to address gendered injustice. We will also be required to imbue relational politics with a cultural shift where people are willing to undertake the work of confronting patriarchy and other forms of injustice that intersect with gender (Cho, Crenshaw and McCall, 2013).

Part of the work a wahkohtowin movement will have to undertake is creating the institutional capabilities to address and respond to concerns of gender injustice and its various intersections. Right now, we require leadership teams who can translate ideas into the political action necessary to reconfigure social and political life (Ganz, 2009). Ideas, regardless of how compelling they are, only create change when people in existing relationship are willing to act on those ideas in concert with each other (Ganz, 2010). In other words, a wahkohtowin movement cannot be simply an intellectual endeavor, we need to develop the infrastructure and capacity undertake the campaigns necessary to reconfigure our formal citizenship, systems of political authority and institutions toward a relational politics. What follows is the early attempt at developing a method that can contribute to the building a wahkohtowin movement on the prairies. I call this method *relational governance*.

## 6.2 Relational governance

To this point I have sought to detail *relational sovereignty* in a theoretical sense, and related notions such as a pluralist notion of communities and relational citizenship. I want to spend the final pages of this dissertation pivoting towards what all of this work is leading towards, methods that communities can use to transform relations of governance. Here I propose a method that I intend to build as both a training program that people can enroll in, but also a framework where I can work with community partners to assess how they might rearrange their governance structures. The relational governance method asks a straightforward question for groups attempting to set up or reconfigure institutional arrangements for Indigenous peoples – “*How do we locate responsibility within a relational web based on Indigenous law?*” This question has three components to it:

1. Locating responsibility – rather than locate authority we need to locate responsibility. Locating responsibility does involve identifying where decisions are made but it involves clearly identifying how that responsibility is set within a broader matrix of relationships and reciprocal obligations.
2. Relational web – who is included in having a say in how decisions are made. For those who are included, how do we map out and account for the different relationships and forms of association that exist? What are the kinds of formal citizenship and relational citizenship that occur in this space?

3. Indigenous law – finally, what values, philosophies and ultimately laws are we drawing on to make decisions? This work is difficult because it not only involves identifying shared values and commonalities but working through conflicts that might arise when our intellectual interpretations would respond to a situation differently. Identifying laws and principles will also help us to frame the governance challenges we are facing.

I argue relational governance provides a template for using our intellectual traditions to address pressing governance challenges. Relational governance is ultimately meant to help people identify forms of authority, citizenship and law that work towards building Indigenous institutions. Additionally, relational governance provides the mechanism to help people conduct the public dialogue necessary to make decisions collectively.

### **6.2.1 Developing relational governance**

Relational governance is informed by two sources: first, a study and familiarity with seven other governance methods; and second, my experience working with Indigenous peoples and communities to tackle social and political issues.

The methods I've received training in include: Group Facilitation (Focused Conversation and Consensus Building) workshop housed within ICA Associates (ICA Associates, 2019); Policy Governance developed by John and Miriam Carver and led by Govern For Impact (Govern for Impact, 2019); principled negotiations or interest based negotiations from William Ury and Roger Fisher and currently housed in the Harvard Kennedy School Negotiation Project and captured famously in the book *Getting to Yes*

(Ury and Fisher, 1981); and the Rebuilding Indigenous Law method lead by Val Napoleon and Hadley Friedland and housed out of the Indigenous Law Research Unit at the University of Victoria (Friedland and Napoleon, 2015).

Other methods I follow but have not received formal training in include the Public Narrative method initially developed by Marshal Ganz and housed in the Leading Change Network and the Centre for Public Leadership at Harvard (Leading Change Network, 2019); Restorative Justice practices – here I focus on the International Institute for Restorative Practices (n.d.), a group that focuses on restorative methods in organizations and communities rather than their use in criminal justice systems; and finally Rebuilding Native Nations a research institution that builds from the research of the Harvard Project on American Indian Economic Development and currently housed at the Native Nations Institute at the University of Arizona (Native Nations Institute, 2019).

Relational governance is heavily informed by the following commonality across the governance methods under study - a balance between theoretical substance with a core description that explains the method in a straightforward manner. The description of the core method is often contained in some combination of a phrase, acronym, list or chart. These methods also have three other characteristics in common:

1. An active training program where people teach and learn the method.
2. A research program where the methods are refined, adapted and extended.
3. An organizational infrastructure responsible for creating a public identity and leading public engagement. In some cases these organizations explicitly define

themselves as a movement (Leading Change Network, 2019; International Institute of Restorative Practices, n.d).

These methods have influenced my understanding of collective action because people of various education levels and backgrounds can learn and apply the ideas contained within. John Carver provides us a useful explanation of his drive to find a parsimonious account of board governance by reducing boards to their core competencies. He explains:

People were saying, boards are so different - one from another – that in fact you can't find things that are true of all of them, they are all different. Well of course they are all different. But the job is finding out ... the foundation upon which all that other variety is built. ... I would get to the point of saying 'can I find anything, *anything* that is true of all governing boards?' ... Start with something simple, they should all know what their job is. Well that's kind of silly but the thing is okay that's universal, I found one. And now that I found one I know it's not impossible to find ... That's what lead to the policy governance model, is going through and reducing right down, to the point where I could not reduce it any further, and it came up with just a few basic principles with some concepts to hold them in place and that's how I got the Policy Governance model. (Carver, 2010, October 7)

While one might be suspicious of Carver's move to identify universals, I bring this example up because it demonstrates a motivation for simplicity without foregoing an overall substance. It is the balance between simplicity and substance helps to ensure all

seven methods enjoy high rates of subscription for their training programs and an ability to pass on powerful collective organizing techniques over 2-5 days.

While I am influenced heavily by these governance methods, relational governance emerges out of working with various groups in Maskwacîs, Alberta and with emerging Indigenous leaders in the North to confront the governance issues they face. What all of these experiences have taught me is that human relationships matter at a fundamental level because people cannot work well together without basic levels of trust. Marshall Ganz (2010) argues that we have seen a breakdown in successful civic associations because they were not well equipped to handle the “challenges of race, gender and generational change (most of them had been gender and race segregated)” (p. 33-34). But the use of technology and internet has not been a suitable replacement for “forging organizational commitments” necessary to create groups of motivated individuals who undertake the long hard work of pushing social transformation (34). For Ganz, we need a proliferation of collective organizing.

For myself, relational governance comes trying to find my own parsimonious account of how to explain what I might offer to organizations that approach me for governance advice where large scale transformations might be involved. The core question alone is not sufficient, but when combined with a leadership team capable of running a successful campaign I believe this method has the potential to achieve powerful results. My intention was not to condense my previous experiences into a method, but after my work with the Maskwacîs Education Schools commission I started explaining to people what components need be in place to build a campaign that can build trust and legitimacy among the people seeking to build a new governing

arrangement. Only after consolidating the foundation of relational governance – how we locate responsibility within a relational web based on Indigenous laws – did I consider its relevance to a wahkohtowin movement.

Methods in and of themselves do not do the work of governance. Rather methods help people build relationships, common understanding and trust necessary to create successful organizational cultures. To close, I work through how the law and relationship components of relational governance have the potential to address gendered injustice and transform our rules of formal citizenship.

### **6.2.2 Relational governance and citizenship**

I begin with a discussion of how *Indigenous Law* can create space for relationality and gender. A wahkohtowin movement builds upon a pre-existing commitment to kinship and relationality that Indigenous peoples have always practiced. But we must temper any expectations that an emphasis on relationships in and of itself has the ability to overcome ongoing gender injustices. Here, I want to look at the Indigenous Law Research Unit at the University of Victoria, who have provided a language for how we can overcome both exclusive notions of citizenship/authority and gendered injustice.

Bonita Lawrence (2003) illustrates the challenge in her analysis of Indigenous responses to sexist provisions within the Indian Act. On the one hand, she concurs with “Monture-Angus that we must look more deeply and in a more nuanced manner for an understanding of why certain communities have supported, for example, sexist provisions within the Indian Act,” because First Nations are hedging against continued

federal encroachment (p. 5). Yet, for Lawrence, “colonization has always been a gendered process” and this requires centering gender and implementing traditional modes of how we understand belonging and relatedness within our citizenship regimes (p. 5).

I am not dismissing people identifying legal principles that emphasize the importance of First Nations having control over their membership to guard against federal encroachment (see Luther, 2010). But this dynamic should not be elevated to the level where it is the only consideration at play and no other legal principles or processes are part of making decisions. Rather, concerns over sovereignty have to sit in relation to other values. Identifying a diversity of traditions will place people in the best position to protect Indigenous sovereignty and address issues of gendered injustice.

The Indigenous Law Research Unit (ILRU) at the University of Victoria has developed one method for identifying Indigenous legal principles and processes. Napoleon and Friedland articulate the starting point for the ILRU method as – “How do we begin to engage constructively with Indigenous legal traditions to substantively identify and articulate these Indigenous laws?” (Friedland & Napoleon, 2015, p. 17). They do so by following a case brief method that uses publicly accessible Indigenous stories to draw out Indigenous laws in relation to a research question for a nation or community. The scope of ILRU’s work is significant, working with communities across Canada (ILRU, 2019). ILRU centers questions of gender throughout their work (ILRU, 2015).

They have been able to do so effectively as a research program because they address power dynamics within Indigenous communities where cultural authenticity is sometimes marshalled to entrench male dominated politics. As they summarize, Indigenous culture exists in the “real world, where forces of power, privilege, and hierarchy mingle and compete. In these circumstances ‘culture’ can be hijacked by those in authority to create or replicate a male-dominated status quo” (Snyder, Napoleon and Borrows, 2015, p. 595). This is difficult work, because we can and should privilege certain forms of cultural, traditional, spiritual and ceremonial (CTSC) knowledge within our communities. But these knowledges are not above explanation, dialogue, debate and ultimately critique. As well, our intellectual traditions and forms of community knowledge sometimes conflict with each other and we need to think about how we work through these conflicts. The research produced by ILRU is important because it does privilege CTSC knowledge and attends to other pressures faced by Indigenous communities. But what they insist upon is moving beyond general claims to culture to consider “which specific aspects of Indigenous legal traditions can be deployed to more effectively address” gendered violence (Snyder, Napoleon and Borrows, 2015, p. 595).

Not discussing issues in an abstract way and grounding knowledge within broader explanations is an important and difficult intervention. Friedland and Napoleon (2015) are worth quoting at length

The bottom line for us is that, however we choose to engage with Indigenous legal traditions, we need to be rigorous, transparent, and consistent. This means we cite our sources, whether this is a certain elder, a ceremony, a story, a

historical account from anthropological literature, or all of the above. This means we do not simply describe behaviours or ideals or make unsupported assertions about law, and we consider actual decisions or responses. We deliberately make our own thinking explicit, including experiences, interpretation, and inferences.

(p. 26)

The Relational Governance method can build from the ILRU method, or use other facilitated processes that allow people to identify the various legal principles or intellectual traditions that could be applied to given situation. What is important is that we draw out a diversity of values, principles and processes from our intellectual traditions at play so that people can see a constellation of legal principles. A focus on diversity shifts us from using only one or a 'correct' value or practice, to seeing a range of possible values or legal principles we can apply. A diversity of legal and intellectual traditions should place us in a better position to respond to gendered injustice in our citizenship regimes. Rather than have a debate over authenticity or applying cultural practices to a situation divorced from the reasoning behind it, a diversity of options allows us to identify the forms of reasoning and priorities we may have in mind. A diversity of options is also not a guarantee to address gendered violence and injustice, but it provides the space to argue that gendered violence and injustice should be a priority we need to respond to.

In the winter of 2015 I co-taught an Indigenous laws course. One of the students was returning to school on a sabbatical year from a major NGO. Having worked with many First Nations she had regular contact with Chief and Councils. The elected

leaders she would work with were overwhelmingly men and she was troubled by the reality that her NGO dealt primarily with Indigenous men as the representative authorities of their nations. She outlined a paper that would study why Indian Act leaders were predominantly men and how these structures might change. My response was “do these nations not have any places where women collectively organize with each other? Has your NGO attempted to establish relationships with the places where women collectively organize?” While we should not abandon efforts to reform Indian Act structures of governance in the meantime we can also find ways to hold up and build other sites of collective authority.

Taking Griffiths’s lessons about legal pluralism seriously requires us look beyond formal citizenship when identifying a relational web. The work of Griffiths is valuable because he provides critique that we can break down systems into a segmentary structure where small units can be neatly federated into larger units. Rather, we must embrace the fuzzy gradients of how various communities constitute themselves and exist in relation to each other. The task of building a relational governance method is creating the space where various forms of relational citizenship can be identified. In doing so we should explicitly ask, “where are places where women and two-spirit/queer people organize together?”

With this section I focus on a preliminary method for identifying the relational webs. Three tasks have to be undertaken here. The first is identifying what I call the big boundary. We can and should draw boundaries around our communities. Here I’m informed by the political axiom popularized by Chris Andersen and Kim Tallbear – “Indigeneity is not just a matter of what you claim, but it’s a matter of who claims you”

(“Sorry, that DNA test doesn't make you Indigenous”, 2016, November 6). What I understand them to mean is that communities have the self-generating capacity to produce their own understandings of belonging and citizenship. For our purposes I set a description of that task aside. The second task is identifying the First Nations and other representative organizations that are part of the relational web. The third and final task, is identifying sites of relational citizenship, both existing communities that don't have formal articulation within the Canadian state and also forms of relational citizenship we should endeavor to build up. Here, identifying sites of relational citizenship allows an explicit focus on the collective organizing of women and two-spirit people so mapping a relational web doesn't only focus solely on sites of male dominated political authority.

One cannot control how participants will interpret a question or process. Yet, mapping a relation web lends itself to an explicit and productive focus on gender because it is based in realities and the realities people are attempting to realize (Belcourt, 2017). Where a normative focus on gender can easily be overrun by preexisting prejudices that marshal cultural authenticity, a focus on identifying relational citizenship sets discussion within a broader framework of kinship and relationships that focuses our discussion on forms of organizing that exist outside of formal Indigenous governments and the potential for creating new forms of collective organizing and power (Voth forthcoming).

### **6.3 Conclusion**

Within the final two chapters I have attempted to move from a normative analysis to a strategic analysis. Strategic analysis is not often within the purview of Political

Science but it is a demand of Indigenous politics. Bruyneel makes the case that Political Science should make space for Indigenous politics because without Indigenous politics it misses a fundamental aspect how our world works (Bruyneel, 2014). To treat Indigenous politics properly requires Political Science to open itself up to other traditions of politics that present alternative rationalities to the logics of markets, liberalism and white supremacy that dominate and increasingly polarize our current world order. Indigenous politics compels us to consider alternative visions of the political. The implication is that by ignoring Indigenous politics not only is an empirical reality missed, but we miss an opportunity to consider how we might transform the world. As such, I fall in line with observation offered by Marshall Ganz on another way to do political science: “While more traditional studies of how the environment influences actors are important, studying how actors influence the environment helps us to understand not only how the world works, but how to change it” (Ganz, 2009, 20).

Prior to settler colonization Indigenous peoples on the prairies maintained decentralized modes of political authority where band retained local decision-making control but were linked in a regional order. A pluralist form of political authority prevailed in this regional order where bands could make decisions together and exercise influence and persuasion with one another. As Rob Innes (2013) has persuasively argued, Bands were primarily linked through a similar understanding of kinship that ensured a connection between various communities. These kinship connections also allowed fluid practices of citizenship where individuals and families had the autonomy to move between different bands.

The primary impact of settler colonization on Indigenous political orders has been the rise of an exclusive conception and practice of sovereignty, or simply put, an exclusive sovereignty. I primarily consider the impact of exclusive sovereignty on our practices of political authority and citizenship. In regard to political authority, I argue that the creation of Band Councils that wield centralized authority fragmented the formerly regional character of the prairie Indigenous political order. For citizenship, I argue that our formal citizenship rules create groups of discreet and bounded people oriented around reserve boundaries. Our rules of formal citizenship diverge significantly from our contemporary practices of relational citizenship through which people live out kinship obligations, care for each other and maintain various patterns of movement in living out these responsibilities. I argue that addressing the legacy of gendered injustice in our citizenship requires our formal citizenship rules to become accountable to our practices of relational citizenship.

I have yet to draw out how this study may have a larger relevance, because my intention has been to focus on the issue of decolonization within the treaty politics of the prairie provinces in Canada – Alberta, Saskatchewan and Manitoba. Indigenous peoples in this region should and can make common cause with each other. We should also allow Indigenous peoples from elsewhere to become part of our political orders. This does not mean an implementation of liberal notions of equality, but requires very difficult conversations and decisions about how we balance the ways Indigenous peoples face injustice but also live and thrive in the present.

I have used the case study of MESC to illustrate one success story through which different First Nations were able to share authority with each other. In particular,

MESC illustrates the potential of a broader wahkohtowin movement on the prairies that can transform our current configuration of political authority and formal citizenship. Building from my work with MESC, I articulate a method for how Indigenous peoples can negotiate new governance arrangements with each other over areas of shared concern. I call this method relational governance and suggest people need to ask the following question when considering the creation of new governance arrangements: How do we locate responsibility within a relational web based on Indigenous law? It is possible for groups to work through this question in three parts: first, by identifying relevant Indigenous Laws; second, by mapping a relational web that identifies the people who will participate in the new arrangement; finally, locating responsibility for where and how decisions will be made and setting that responsibility within a broader relational web and Indigenous laws that decision makers must be accountable to.

The fragmentation of the prairie Indigenous political order is a problem that has been created from settler colonization. My hope is that others also come to see exclusive sovereignty as a problem that we must address and ultimately move away from within the prairie Indigenous political order. My work with MESC illustrates how the Nehiyaw/Metis concept of wahkohtowin is capable of igniting a collective movement to work against exclusive sovereignty. My contribution to a wahkohtowin movement will be to undertake partnerships with communities who are interested in using the relational governance method and continuing the hard but rewarding work of Indigenous governance.

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