

NAVIGATING MI'KMAQ FISHING AFTER THE *MARSHALL* DECISION:
THE CULTURAL PRODUCTION OF IDENTITIES AND LOCAL ECONOMIES IN ATLANTIC CANADA

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ABSTRACT

GRETCHEN ELIZABETH FOX: Navigating Mi'kmaq Fishing After the *Marshall* Decision:
The Cultural Production of Identities and Local Economies in Atlantic Canada
(Under the direction of Dorothy C. Holland)

This dissertation examines how one Mi'kmaq First Nation community in Atlantic Canada was confronting the cultural and economic changes brought about by the 1999 *Marshall* decision, a legal ruling recognizing Mi'kmaq people's treaty right to fish and sell their catch for a profit. I draw on the theoretical frameworks of social practice theory, political ecology, common property theory, moral economy and the literature on the pan-Indian Traditionalism movement to understand how Mi'kmaq people were engaging discursively with their fellow community members to construct new cultural worlds of "Mi'kmaq fishing" and "Mi'kmaq culture" following the upheavals brought about by the *Marshall* decision. While some community members embraced the ruling as an opportunity to earn a living in the region's lucrative commercial lobster and snow crab fisheries, community Elders and less wealthy residents argued for the persistence of a local moral economy based on sharing and the distribution of wealth. Their discourses reflected a cultural world of fishing where close human-environment relationships were integral resources in the construction of Mi'kmaq identities. However, unlike previous generations, the community's commercial fishers did not associate their new livelihoods with Mi'kmaq culture; instead, they were increasingly turning to the pan-Indian traditionalism movement to provide the resources with which they constructed Mi'kmaq cultural identities. I also investigate how community members' divergent approaches to

fisheries management reflected their varied approaches to proper human-environment relations in the post-*Marshall* period. In this dissertation, I argue that, despite the difficulties and obstacles they faced, both within and outside the community, Mi'kmaq people were working as agents to shape local history, legacy, memory and subjectivities produced in the aftermath of the *Marshall* decision.

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Gísli Pálsson wrote that “fieldworkers usually begin their ‘trip’ on the margin of the community, nauseated by their novice status. As they become increasingly involved in and knowledgeable about the activities of others, they move toward the centre and begin to feel ‘at home’, in both their bodies and the company of others.”¹ Although I never quite got my “sea legs” out on the water, I certainly came to feel at home in Salt Harbour, thanks to the generosity, patience and good humor of the many community members who invited me into their homes, workplaces and boats. I could not have done this work without them and I hope that they are able to use it to support their ongoing work to secure Mi'kmaq rights and to build healthy, prosperous communities.

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For the people of Salt Harbour
and in memory of Donald Marshall, Jr.

“We’ve known all along that we were supposed to be in the water.”

(Salt Harbour fisher)

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1

INTRODUCTION

Ernie Peel's fishing nets were strung between the trees in his yard, drying in the warm June breeze. Later that night, the 74-year old would head down to the shore to set the nets for the summer salmon run, hoping for a good catch. Despite a federal ban on salmon fishing in the Plamu River in place for over two decades, Ernie and handful of other fishers from the community continued to take salmon, bass, trout and other river fish in season for their food, social and ceremonial needs. They did this in the middle of the night, at the risk of having their boats and gear seized and being charged with violating federal conservation regulations.

For Ernie, fishing had always been a nutritional as well as a cultural and spiritual mainstay. He learned to spear eels by watching his father and grandfather, gaining knowledge of the places along the river where fish could be caught, and learning to read the seasonal cycles of the moon, the tides, and fish migration. In 2007, Ernie and his family, which included his 20 children and their children, still depended on preserved fish to get them through the long winters. According to Ernie and other Elders I interviewed from the Salt Harbour² Mi'kmaq³ community in eastern New Brunswick, changes in community fishing practices over the past decade had thrown the respectful relationship between people and the environment out of balance, and led to fighting and "other dangerous things" among community members. "Money is no good; too much will kill you," he explained in a warning against the cultural, social and

ecological impacts of overfishing and the drive to accumulate wealth that often characterized commercial fishing. I asked Ernie why he kept fishing despite the risk of being arrested. Leaning across the backyard picnic table where we were sitting, enjoying the late summer sun, he adjusted his white cowboy hat, flashed a smile, and told me, matter-of-factly, “If I stop fishing, I’m going to die.”

The death to which Ernie alluded was not only a physical death that could come from starvation after being deprived of a key food resource, but, more significantly, the death of an identity and cultural world that he feared could result from the abandonment of traditional fishing practices. For Ernie and many of the Elders from Salt Harbour, fishing was a key practice in reproducing local social, cultural⁴, economic and political meanings and relationships. It also regulated (and was regulated by) intimate human-environment relationships. For Ernie, these enduring relationships and the practices that reproduced them defined what it meant to be Mi’kmaq.⁵ They provided the lens through which Ernie and his contemporaries made sense of the world and their place in it. Many of the other Salt Harbour Elders I spoke with between 2005 and 2007 also lamented the waning of what they considered traditional Mi’kmaq fishing and they linked this decline to the fading of local knowledge about the proper ways to interact with the natural world and with fellow community members. For instance, Elder Lea Lacave said, “I think at one time, we took care of our living things, like animals – our food... Now it’s a little bit different I find.”

Ernie’s world was changing, as worlds do. Over the past several decades, fishing and the suite of social, cultural, economic and political processes and relationships bound up with this practice have undergone significant changes, throwing many important aspects of Mi’kmaq community life into upheaval. Some of these changes, such as a decreased reliance on (and interest in) small-scale fishing were gradual, their impacts accumulating over time. Others, such

as increased state control over Atlantic salmon fishing in the Plamu River, have had more immediate, disruptive impacts, especially on fishers who relied on the sale of salmon to help meet economic needs. This dissertation considers the impacts of perhaps the most significant shift in Mi'kmaq fishing and community life in recent history. Unlike previous changes to fishing in Salt Harbour, which were characterized by tightening access to the resource, this shift opened the door to fishing on a scale not previously known in the community. The large-scale entry of Mi'kmaq people into industrial commercial fishing following a 1999 legal ruling precipitated another major shift in Mi'kmaq fishing. This ruling not only initiated the reorganization of local fishing practices, but largely mediated the reconfiguration of meanings and practices in Salt Harbour, as well as impacting the cultural production of human-environment relationships more broadly.

The *Marshall* Decision

The 1999 Supreme Court of Canada ruling in *R. v. Marshall* upheld the validity of a series of 18th century treaties made between the Mi'kmaq, Maliseet and Passamaquoddy nations and the British Crown (Regina v. Marshall 1999a). The treaties were signed at a time when Britain was seeking to solidify its empire in the region that would become New England and the Canadian Maritime Provinces (Wicken 2002). Britain, determined to break the long alliance between the Mi'kmaq and French Acadians in the region, entered into a number of treaties guaranteeing Mi'kmaq people the “free liberty of Hunting & Fishing as usual” and the “free liberty to bring for Sale to Halifax or any other Settlement within this Province, Skins, feathers, fowl, fish or any other thing they shall have to sell, where they shall have liberty to dispose thereof to the best Advantage” (Peace and Friendship Treaty 1752). In return, the treaties stipulated that the Mi'kmaq nation would the British Crown's political claim to the region.⁶ As

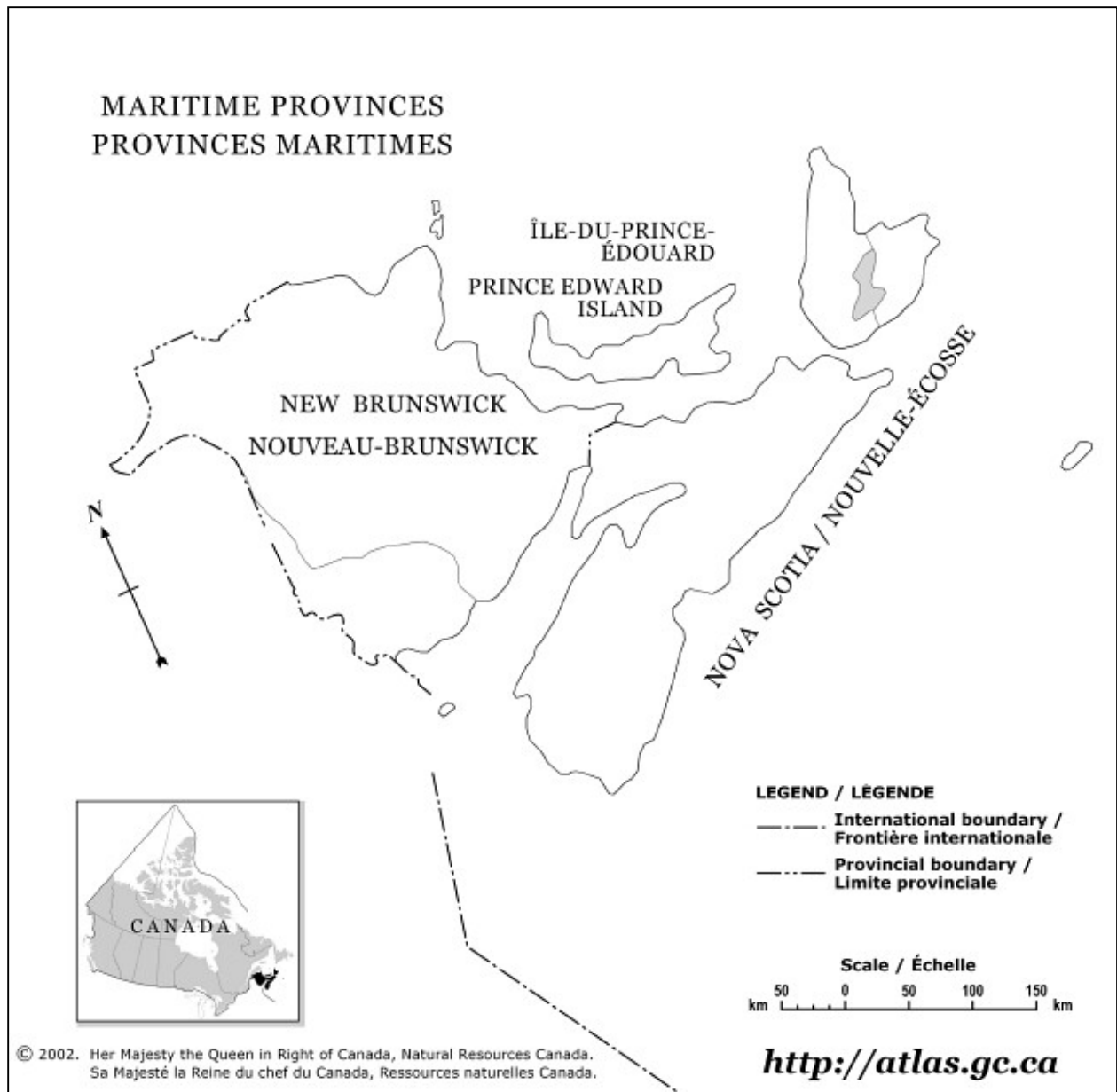
these treaties did not involve the transfer of land, money or rights, but sought to build alliances, they were referred to as Peace and Friendship Treaties (Wicken 2002). Over time, however, with the establishment of a semi-independent Canadian state, the expansion of state power over land and resource management, and the large-scale privatization of much of the Mi'kmaq traditional territory, the promises made in the treaties were all but forgotten by the state. The Mi'kmaq people remembered them, though.

In 1993, nearly 250 years after the Peace and Friendship treaties were signed, Donald Marshall, Jr., a Mi'kmaq man from the Membertou Reserve in Nova Scotia decided to make his living fishing and cast his nets into Pomquet Harbour, Nova Scotia. Marshall, along with his two companions, hauled in 463 pounds of eels, and sold them to a local buyer for \$787.10. When the fishers were questioned by DFO fisheries officers, Marshall argued that, as a descendant of the Mi'kmaq people who signed the Peace and Friendship treaties, he had the right to catch and trade or sell fish for his livelihood. Marshall's claim – and the legal case that followed from it – was based on the 1760-1761 Peace and Friendship Treaties (R. v. Marshall 1999a). The state disagreed with Marshall's assertion and charged him with fishing out of season, fishing with illegal gear and fishing without a license (Wicken 2002).⁷ Maintaining his position that enduring Mi'kmaq treaty rights authorized his actions, Marshall took his case to a number of provincial and federal appeals courts over the next six years, and the case eventually ended up before the Supreme Court, which ruled in Marshall's favor on September 17, 1999. The ruling held that the treaties of 1760-1761 did indeed affirm the rights of Mi'kmaq people to fish and sell their catch for a profit. The court found that these treaty rights had never been extinguished, and were upheld by section 35 of the *Canadian Constitution Act, 1982*, which states that “[t]he existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognised and affirmed” (Constitution Act, 1982).

As soon as the *Marshall* ruling was issued, many Mi'kmaq people, Canadian officials, non-Native fishers and scholars commented on the apparent vagueness of several aspects of the ruling. First, there were questions about whether the treaty right applied only to eels, the resource in question in this case. Did the right extend to other kinds of fish, or even to natural resources like timber and moose? Second, the ruling did not clarify how – or even if – people fishing under the treaty right were bound to follow federal fishing regulations such as holding federal licenses or fishing within state-designated seasons. Finally, the meaning of the phrase “moderate livelihood” was the subject of much debate. What exactly qualified as a moderate livelihood? Why should treaty fishers, as they were called, limit their commercial fishing efforts to a “moderate livelihood” if no such limits were placed on non-Native fishers? These questions and the heated discussions that followed led the West Nova Fishermen's Coalition, a contingent of non-Native fishers from the region, to petition the Court to clarify the ruling. In a rare move, on November 17, 1999, exactly two months after the initial ruling, the Court issued a statement, known locally as *Marshall II*, which addressed some of these lingering questions. For instance, *Marshall II* clarified that the state retained the right to regulate Mi'kmaq treaty fishing in certain circumstances. While the state and many non-Native fishers appreciated the clarification, Mi'kmaq people were furious at the Court for issuing this statement, which they viewed as a political move designed to give the state the authority to erode their treaty right, and ultimately, their right to exist as a unique nation. Salt Harbour band councilor Rudy Marchamp explained:

“Even though it's been [acknowledged] that we do have [valid] treaties, I find that, in that treaty, the treaty didn't say ‘subject to the regulation of the British Crown.’ No, it didn't say that. So, when [the Supreme Court] came back with Marshall II, I think it was wrong for them to do that. I still think it's wrong. I don't think that Canada has admitted that we're a nation [even though the treaty has been acknowledged].”

A few years after the *Marshall* ruling (and *Marshall II*), the dust had settled a bit, and many Mi'kmaq communities were working to gain access to the commercial fisheries. With its sizeable population of over 2,000 people and a strategic location on the Plamu River, close to where the river empties into the Atlantic Ocean, Salt Harbour decided to aggressively pursue the development of commercial fishing. By 2006, the band owned one of the largest fleets of in-shore commercial vessels in the region and approximately 200 community members were working as commercial fishers, deckhands and fisheries coordinators – an economic boon to a community with unemployment rates that hovered around 80%. Commercial fisher Sean Dennis described the energy in the community after the Marshall ruling: “Once the court decision went through with *Marshall* and it was in our favor, it was like, ‘Alright! We got our rights back!’ I mean, we could go out, we could go fish, we don’t need a license, we don’t need this, and we can make our own management plans and we can do whatever we’ve been wanting to do.”



Shaping the Research Problem

My first exposure to the *Marshall* decision and its aftermath was via radio reports of fishing protests and riots on the wharves and waters in northeastern New Brunswick. Mi'kmaq fishers, newly confident in their right to fish for a living, found themselves in a number of both physical and verbal clashes with local non-Native fishers and the federal government, both of whom were reluctant to accept self-managed Mi'kmaq commercial fisheries. Through radio

interviews, newspaper letters to the editor and official statements issued by the federal government and by Mi'kmaq bands, Mi'kmaq people were engaging in heated and complex dialogues with the federal government to dispute federal policies and actions, and to position themselves as legitimate members of the commercial fishing community in the region.

The following winter, I attended a regional fisheries conference in Fredericton, the New Brunswick provincial capital, where I paid close attention to the discursive processes through which the Mi'kmaq people were working against (and sometimes with) the federal government to make sense of the *Marshall* decision and their roles in the rapidly changing landscape of commercial fishing. The impassioned speeches made by Mi'kmaq conference attendees often invoked the long struggle for Mi'kmaq aboriginal and treaty rights, linking this new era of Mi'kmaq rights to the ongoing social movement. At this stage, I saw an opportunity to engage in research with Mi'kmaq people, and possibly the state, to explore the impacts of a major victory on a long-term social movement.

The summer following this fisheries conference, I approached my new acquaintances from the Salt Harbour fisheries department and the Band Council to ask their permission for me to conduct research in their community. I told them that I was interested in exploring how the community was adjusting to the changes brought in the wake of the *Marshall* decision. Based on previous conversations with them, I knew that this was a research area of interest to the community, as well. I framed this initial project as a study of how Salt Harbour was engaging with the federal Department of Fisheries and Oceans (DFO) as they worked locally to develop post-*Marshall* commercial fisheries. During the first few months of fieldwork, my research questions and suppositions focused on the changing relationship between Mi'kmaq people and the state, particularly in the context of the enduring Mi'kmaq social movement for treaty rights. People in the community – especially those who had participated in activism and advocacy

leading up to the *Marshall* decision - were gracious about sharing their experiences of the pre- and post-*Marshall* years. It was often the case, however, that while band members in positions of political authority (e.g., Band Councilors and fisheries administrators) had much to say about their post-*Marshall* relationship with the DFO, most people in the community – the Elders, fishers and their families, and others – did not have much, if any, direct exposure to state officials. The ways in which they were experiencing and negotiating post-Marshall changes were primarily local, and their discourses reflected this.

As I spent more time in the community, I began to note the variety of *local*⁸ dialogues about the role of commercial fishing in community cultural and economic life. These dialogues shone through in casual conversations among fishers, Elders and other community members, as well as in impassioned addresses at weekly Band Council meetings and in interviews I conducted. Through these local conversations and speeches, Salt Harbour residents were constructing a shared understanding of what the recent changes in fishing opportunities should mean for their community. In 2006 and 2007, though, the community did not share a single, cohesive vision of Mi'kmaq fishing or cultural identities – that was still being worked out. In fact, it was unclear if community members would (or even wanted to) work together to form a new shared vision and collective identity for Mi'kmaq fishing. Perhaps the post-Marshall period would be characterized by a diversity of Mi'kmaq identities, or perhaps a new unified, collective identity would emerge. It was clear to me that understanding these local processes of cultural production would offer powerful insights into the Mi'kmaq post-*Marshall* experience. For some residents, the ruling was interpreted as an opportunity to exercise treaty rights to engage fully in the region's lucrative market-based commercial fisheries; for others, *Marshall* provided a chance to reinvigorate a local distributive economy based on cultural-historical knowledge and meanings. Mi'kmaq people on both sides of this debate drew on the *Marshall* decision to make

claims about the proper way to construct and conduct fishing. Such internal struggles with the interpretation of court rulings are often overlooked in the more singular tendency toward anthropological narratives of power and resistance, though they are perhaps key to better understanding the post-colonial period. Accordingly, I shifted the focus of my research project to attend to these local discourses and the new knowledge, meanings and identities that they were producing within the community. This dissertation tells the story of how the people of Salt Harbour are confronting the changes in community life that followed from the *Marshall* decision by examining a number of contentious processes of local cultural production.

In particular, there were several community discourses that I took to exemplify the local cultural production of community life in the post-*Marshall* years. After seeing these patterns emerge and appear to repeat, I developed a set of preliminary assumptions, or hypotheses, about how Mi'kmaq people from Salt Harbour were engaging in local responses to the *Marshall* decision that reflected their visions of what community life should be like. I then explored each theme in depth, through interviews and participant observation, in order to clarify and understand the meanings and connections between the practices I was witnessing. I followed what, in the social sciences, is referred to as analytic induction. In this approach, initial hypotheses are modified in light of negative cases until no new negative cases can be identified (Znaniecki 1934). Analytic induction is also referred to as grounded theory – a methodology common to ethnographic research.

For instance, it became apparent early on in my fieldwork that not everyone in Salt Harbour was pleased with the way that post-*Marshall* commercial fisheries were being administrated in the community. Not all band members had access to commercial fishing vessels or licenses, and many people I interviewed commented that the Marshall decision was resulting in the widening of socioeconomic gaps in the community; rather than providing more

income and fish to the entire community, some people were benefitting, while others were becoming increasingly marginalized. The discourses of Elders and the community's poorer residents often conveyed anger and worry. They spoke about a loss of local knowledge and interest in small-scale food fishing in the Plamu River, and also about the decline of important practices like sharing food with neighbors. These discourses led me to further investigate the links between the emerging commercial fishery, declining cultural-historic fishing practices and uncertainties about food security in order to understand some community members' calls for post-*Marshall* fisheries informed by what I will refer to as a local "moral" economy. How and why, I wondered, were some community members using discourses about tradition, poverty and capitalism to promote particular "moral" economic approaches to post-*Marshall* fishing? What was at stake for band members engaging in these dialogues?

The new practices and knowledge that Salt Harbour commercial fishers were taking up following their entry into large-scale commercial fishing also appeared to be having tremendous impacts on their approaches to human-environment relationships and what they understood as "Mi'kmaq culture." In early interviews and ride-alongs with commercial fishers, I was repeatedly told that, in order to succeed in the regional fishing economy, fishers needed to adopt the technologies, economic orientations and fishing practices promoted by the commercial fishing industry. The pressures of participation in the industry were too great: they could not afford to share their catch with the community, or to "take only what they needed" to meet their personal needs, as some Elders suggested. In their discourses and their practices, these fishers made a clear distinction between commercial fishing and "cultural" fishing. Based on these interviews, I developed the preliminary assumption that commercial fishers were engaging with a new set of resources for figuring their practices and identities that was fundamentally different from local pre-*Marshall* relationships with fish, fishing and Mi'kmaq

culture. How, I questioned, were these new practices and identities contributing to the construction of a new social and economic world of Mi'kmaq fishing and community life as fishing became increasingly disassociated from what local people described as Mi'kmaq culture? My fieldwork addressed such questions about how and why fishers were refiguring the work of Mi'kmaq fishing and fisheries management, and how they were locating and engaging in different resources to construct cultural identities.

These themes articulate with broader questions in anthropology and other fields about the cultural construction of identities and practices in times and places of social and political upheaval (Holland and Lave 2001; Dombrowski 2001; Scott 2001), and about the mutually constitutive and power-laden relationships between social life and natural resources and natural resource management. They also speak to the centrality of human-environment relationships in local and supralocal political, economic and social life (Satterfield 2002; Nadasdy 2003a). To explore these questions and themes, I began from the perspective that the meanings, practices and identities associated with human and human-environment relationships are culturally produced. Not only that, but they are continually in the process of being socially negotiated, formed and reformed. This work takes place within concurrently existing fields of history, power, politics and science, to name just a few of the fields that intersected prominently with the local cultural production of post-*Marshall* Mi'kmaq fishing. The intricate, intimate and often intense work of cultural production can be seen particularly well in times and places of upheaval. Such situations allow us to see how people engage with each other, with themselves, with local and supralocal histories and forces and with other cultural resources, like technologies, to figure their own identities, and to stabilize and situate themselves in an altered world.

The Anthropological Toolkit

I drew on several bodies of social science literature in my work to make sense of how Salt Harbour residents were confronting changes in their community, and to investigate the trends I identified in these processes. Specifically, I employed theoretical and ethnographic work in social practice theory, political ecology, common property theory and conceptualizations of moral economy to help me address the research problems identified above. Though different, these bodies of literature together offer, for purposes of this case, complementary theoretical and ethnographic resources for understanding how people actively construct meanings about themselves and their place in the world. For instance, social practice theory focuses on the dialogic, always-in-practice construction and enactment of identities as a basis for action. This approach was helpful in understanding how Salt Harbour commercial fishers were engaging in new fishing practices as they attempted to re-figure their “fisher identities” after the *Marshall* decision. As they worked to *construct* new fisher identities, Salt Harbour fishers were also engaged with each other, with the state and with other stakeholders in constructing (and disputing) new “authentic” and “proper” relationships with natural resources, particularly in their use and management. To better understand these processes, I draw on literature from political ecology and especially common property, which focuses on the social, political and power-laden processes through which people and institutions legitimize meanings and values about and assert management practices related to the environment. One primary type of human-environment relationship that Salt Harbour fishers were constructing was a new economic relationship. Before the advent of large-scale commercial fishing, the fishing economy in Salt Harbour was based much less on capitalist market economics and more on low catch rates and distributive practices, however, new access to and relationships with commercial fishing were leading many Salt Harbour fishers to engage in economic practices (and

to take-up economic meanings) that reflected western paradigms of human-nature separation and the valuation of natural resources in market economic terms. Collectively, these bodies of literature are useful in helping to understand the multiple, intertwined processes of cultural and social production happening in Salt Harbour in 2006 and 2007.

An analytic thread running through this dissertation is the concept of the dialogic production and negotiation of identities and meanings in the post-Marshall period. Dialogic social production is a concept that was stimulated by Bakhtin and developed by social practice theorists to explain how individuals are continually positioning and repositioning themselves (and being positioned by others) as they navigate interconnected local and historical struggles. This process, according to these theorists (see, for example, Holland et al 1998; Holland and Lave 2001 and Satterfield 2002) is characterized by dialogues (real and perceived, internal and external) between social actors that are mediated by cultural artifacts and experiences. Bakhtin's emphases on the foundational dialogic character of social life, of being constantly "addressed" by others and "responding" to their addresses has been expanded by social practice theory to explain the ongoing, often-contested construction of individual and collective subjectivities as bases for action and agency. A dialogic "eye" trained on ethnographic research can be a powerful tool for identifying intricate, on-the-ground processes of identity-making, and for understanding what's at stake for local people who work dialogically to position themselves (and others) in certain ways (Holland, Fox and Daro 2008).

The power of a dialogic approach to understanding cultural construction is illustrated by Satterfield (2002), who considers how participants in the conflict over logging in old-growth forests in the Pacific Northwest in the 1990s employed a variety of culturally and politically-loaded dialogues to construct stable, shared identities and to position themselves (and each other) either "for" or "against" old-growth logging. "Identities," she writes, are "negotiated and

situationally constructed through dialogues of difference – dialogues aimed ultimately at rewriting the cultural landscape” (2002:9). Satterfield attended to the competing dialogues of environmentalists and loggers as they addressed and responded to each other, often drawing on discourses about science and emotion to author and claim authority for legitimate worlds of forest stewardship. An analytic approach focusing on the dialogic production of identities can be powerful, Satterfield says, because the production of cultural worlds and the actions they inspire and enable are often supported by strong collective identities. Inspired by Satterfield’s and others’ work on the dialogic production of identities and social movements, I explore several contentious, dialogic processes of cultural production happening in Salt Harbour after the *Marshall* decision.

The literature I draw on this dissertation offers complementary perspectives for investigating social and power-laden processes of cultural production. I have taken social practice theory as my primary lens for viewing and understanding the various practices and discourses about fishing that were ensuing in Salt Harbour in the first decade of the 21st century. Social practice theory helps to illuminate the on-the-ground processes of cultural production (particularly the construction of identities) and their connections to larger historical processes of struggle, triumph and change. As the theoretical framework undergirding my analysis of changes to community cultural and economic life following the *Marshall* decision, social practice theory is complemented by several other bodies of literature. Theories of moral economy, for instance, enriched my understanding of the claims made by Salt Harbour’s Elders and less wealthy residents for a need to share the profits and fish caught by the community’s commercial fishers under the Band’s communal licenses. These residents were contesting the type of fisher identities and practices being taken up by the young commercial fishers. By linking their arguments for a distributive economy to claims about community responsibility and

the proper, cultural way to fish, these Band members were invoking a local-historical moral economy of fishing, based on an assumption that access to the means of subsistence superseded the right to profit from the sale of resources. Discourses of moral economy were important cultural resources that Elders and poorer community members were using to construct and legitimize a type of Mi'kmaq fisher identity closely linked to Mi'kmaq cultural-historical meanings and practices. Theories of moral economy, particularly those developed by Scott (1976) and Thompson (1971) helped me to come to a better understanding of economies and economic relationships as negotiated social relationships that are inextricably linked to cultural identities and meanings, as well as power relationships and local and broader historical experience.

Chapter 4 describes how many of the younger Salt Harbour commercial fishers appeared to be delinking their work from their conceptions of Mi'kmaq culture and cultural identities. Many were, however, actively participating in the Traditionalism movement, which provided resources for formulating what local people described as cultural or "Native" identities. By exploring the literature on pan-Indian Traditionalism in concert with social practice theory, I was able to explore how local people were constructing new cultural identities using resources (e.g., the teachings, practices and material artifacts provided by the Traditionalism movement) that were not central to Mi'kmaq identities just a few decades ago. By understanding more about the movement, its original goals of uniting Native peoples across North America and reconnecting people with the lands and resources that had been taken from them, I was able to garner a better understanding of why these specific types of cultural resources resonated strongly with some of the commercial fishers, and how they were able to use them to construct cultural identities that were largely separate from their identities as fishers.

Likewise, I engaged with common property theory in conjunction with social practice theory to examine and explain the approaches to commercial lobster management being debated by Salt Harbour community members. Their discourses often reflected the types of post-*Marshall* fisher identities they were working to develop (and the pre-*Marshall* identities others were trying to preserve.) As fundamentally social relationships, common property management regimes are organized according to the particular meanings, practices and visions of the groups defining and enacting the regime. In this case, although Mi'kmaq people were working to become more involved in lobster management, balance of power in this regime continued to be held by the federal government. Consequently, management of the resource reflected the state approach – namely a limited-entry, licensed commercial fishery geared toward maximizing catch and profits. This approach to governing access, use and enforcement in the lobster fishery was accepted by many of Salt Harbour's new commercial lobster fishers who claimed it was the only proven way to “make it” in the world of commercial fishing. For many community Elders and other band members not able to participate in the fishery, this approach to management did not fit with their perspectives on the proper, ‘traditional’ way to fish and manage a fishery, which was more akin to a low-intensity, small-scale subsistence fishery with some lobster sold to meet household economic needs. These divergent approaches to commercial lobster management were indicative of the growing schisms within the community as some band members were developing a new figured world of Mi'kmaq fishing while others argued for the preservation of historical cultural and economic approaches to fishing and fisheries management. In this case, social practice theory's emphasis on the cultural processes through which social relationships and identities are negotiated and contested complements and strengthens common property theory's attention to the cultural aspects of resource management regimes and the fields of history and power in which they operate.

Taken together, these bodies of literature provide a powerful suite of analytic tools for understanding how relationships between and within social groups, and between people and the environment are actively reshaped following major shifts in resource availability and access. While social practice theory provided a strong basis for how I developed and addressed my research, its analytic potential became even more powerful in conversation with theories of moral economy and common property, and with literature on the pan-Indian Traditionalism movement. Each of these bodies of literature deals with specific types of social relationships and the practices they inspire. By taking the position that all of these relationships are constantly being negotiated in practice, and are embedded in larger political and historical fields, I was better able to trace the processes through which such relationships were constructed.

Figured Worlds & the Significance of the Research

Dialogues about cultural identity, economic practices and fisheries management constructed and deployed by community members in the post-*Marshall* years can be understood as efforts to construct what Holland and her colleagues refer to as “figured worlds”, as the horizon of meaning of identities.. Figured worlds, they explain are “socially produced, culturally constructed activities” read against this horizon of meaning (Holland and Lave 1998:41). These worlds reflect larger historical experiences and knowledge into which social actors are “recruited”. At the same time, they are locally and temporally situated. These worlds remain relevant, or durable as long as participants position themselves and others according to the identities or characteristics that populate the world. For social actors, figured worlds provide cultural resources that they can use to construct identities and to generally make sense of themselves and others.

The *Marshall* decision created a new space in the social fabric of community life in Salt Harbour and resulted in the availability of new cultural resources that band members could use to produce new figured worlds of Mi'kmaq fishing. This was a groundbreaking shift in a community where, for most people (and certainly for the band as a political entity) persistent poverty, the lack of economic opportunities and state control over local affairs for the past two centuries had made it exceedingly difficult to exert the agency necessary to construct and enact local understandings of Mi'kmaq cultural identity, economy and natural resource management. Within this new space, Salt Harbour community members worked with and against each other to try and produce a figured world of post-*Marshall* Mi'kmaq fishing that resonated with and was legitimized by the larger community. Central to this process of cultural production was the making of claims about how fishing should relate to Mi'kmaq culture, identity, economy and governance. At their heart, these were claims about the proper role of human-environment relationships in shaping community life. By considering the complicated and often contentious processes through which community members were negotiating the new landscape of Mi'kmaq fishing against the multiple, overlapping backdrops of poverty, consumerism, pan-Indian Traditionalism, Elder knowledge, cultural identity formation, local politics and historical conflicts with the state, I add my voice to academic and policy debates about the significance of human-environment relations and the policies and meanings that mediate them.

This research has the potential to extend anthropological knowledge about the impacts of dramatic changes to natural resource access on local processes of meaning-making, knowledge and practice. An ethnographic exploration of such processes contributes to general scientific understandings of the interrelatedness of power, knowledge, history, ecology and economy in conflicts over natural resource management, a topic which has been at the heart of debates in the fields of anthropology and political ecology for several decades (cf. Wilshusen

2003; Ferguson and Derman 2005; Escobar 1998). Specifically, this research contributes to the growing body of critical ethnographic research on First Nations' involvement in natural resource management in Canada (Spak 2005; Spaeder and Feit 2005). This body of literature is growing, in large part, as a result of sweeping political and social changes happening in Canada – and indeed throughout the world – over the last several decades. During this time, aboriginal peoples have engaged with states, corporations and the courts to assert their rights to play a meaningful role in the use, access and management of lands and resources. After centuries of dispossession from their traditional lands and livelihoods, many First Nations have experienced significant victories in their struggles. However, these processes of reconnection to land and resources also often involve changing political, economic and power relationships between aboriginal peoples and the state, as well as within aboriginal communities. Anthropologists like Nadasdy (2003) and Stevenson (2006) have explored how these changing relationships have contributed to the construction of new cultural identities that may not necessarily support traditional visions for resource management and community life for Canadian First Nations. In addition to contributing to social science understandings about changes in human-environment relationships following major changes in access and management regimes, it is also my hope that this research can be used by local communities and policy-makers to better understand local communities' dynamic approaches to resource management and to inform natural resource management policy.

Navigating the Dissertation

Chapter 2 provides context for the story told in this dissertation. It begins by introducing the contemporary landscape and trajectory of aboriginal land and resource rights in Canada and discusses how the *Marshall* decision fits into this continuum. My research focused

on how the experiences of one First Nation community, the Salt Harbour Mi'kmaq reserve, reflected and engaged with this larger landscape.⁹ This chapter also provides a brief introduction to the Mi'kmaq Nation, its people, its territory and history. Additional details about Mi'kmaq history and social/political/economic relations are provided as context throughout the dissertation. Likewise, the theoretical influences underpinning my approach to the research and data analysis are introduced in Chapter 2, and elaborated on, as needed, in subsequent chapters.

This dissertation is rooted in the assumption that identities, practices and worldviews are culturally – and continually – produced and reproduced. This is the theoretical lens through which I considered how my research participants were re-figuring their cultural identities, economic practices and management approaches after the *Marshall* decision. It is also the lens I used to reflect on my own approach to the research and my analysis of the data I collected. Davies (1999:5) calls on ethnographers to “develop forms of research that fully acknowledge and utilize subjective experience as an intrinsic part of research.” It has been my intention throughout the data collection, analysis and writing processes to be explicit about situating myself in the context of the research, and this reflexive positioning comes through at different points in each of the chapters. Chapter 2 addresses this call for ethnographic reflexivity by describing how my interest in the research project developed and how I came to this particular project.

Chapter 3 examines the historical relationship between “fish as food” and “fish as culture” in Salt Harbour and considers how changing access to fish after the *Marshall* decision was viewed by some community members as a threat not only to local subsistence but to local ideas about Mi'kmaq culture and proper economic practices. I draw on theories of moral economy to consider the intense discourses and dialogues in which some Salt Harbour

community members were engaging as they navigated the local production of a post-*Marshall* fishing economy. Like the peasant societies in Lower Burma and Vietnam that Scott (1976) studied and the 18th century English crowd that featured in Thompson's famous essay (1971), there was a strong sense among some people in Salt Harbour that their right to access fish – and the money and goods that came from selling or trading fish – to meet their basic needs trumped the right of commercial fishers, fish buyers and the state to make profits by selling fish outside the community. By and large, these arguments were championed by Elders and poorer people in the community who continued to rely on the communal distribution of fish for food. Further, for the community's Elders, fish and fishing also remained important cultural resources which they used to construct cultural identities – to position themselves as 'Mi'kmaq people' – and their sometimes-heated claims about the moral economy of fishing reflected their resistance to the new meanings, practices and identities associated with fishing that had emerged in the community over the past decade. Through intense and emotional dialogues, those who promoted a local moral economy of fishing engaged with historical experiences of resource dispossession, poverty, activism, reliance on neighbors, and contentious relationships with the state to argue for the inclusion of distributive economic practices as a centerpiece of the new economy of fishing.

Despite the passion with which some Salt Harbour residents argued for a distributive economy of post-Marshall fishing, their claims were matched by the arguments of the community's young commercial fishers who insisted that, in order to succeed, local commercial fishing must reflect the practices and values of the commercial fishing industry. **Chapter 4** considers the complicated processes through which commercial fishers were producing new identities as Mi'kmaq fishers. For these community members, fishing was a business; they did not associate it with 'Mi'kmaq culture'. Like the discourses of Elders arguing for a world of

Mi'kmaq fishing that included sharing of catch and profits, commercial fishers were also actively engaging in a number of multi-temporal and multi-scalar dialogues in order to produce a new kind Mi'kmaq fisher identity. These dialogues involved “addresses” (real and perceived) and “responses” to their fellow community members, the state, the past, and the commercial fishing industry. Chapter 4 also considers the role of new technologies, such as computers, were helping to shape the cultural construction of Mi'kmaq fishing in the post-*Marshall* years.

Chapter 5 addresses questions about the types of cultural resources that Salt Harbour residents were drawing on to help construct what they considered ‘Mi'kmaq identities’ and ‘Mi'kmaq culture’ in a period when fishing was becoming increasingly de-linked from Mi'kmaq culture. One important cultural resource being constructed and circulated in Salt Harbour in 2006 and 2007 was the Traditionalism movement. Traditionalism, a largely pan-Indian movement that grew out of the American Indian Movement of the 1960s and was based largely on teachings from western North American tribes, offered Salt Harbour community members practices, ceremonies, symbols and knowledge that they could use to form Mi'kmaq cultural identities – albeit identities not necessarily derived from historically-rooted, local historical human-environment relationships. While some people in Salt Harbour embraced Traditionalism as a resource for organizing collective Mi'kmaq culture in a time of increased separation of people from natural resources, others contested it as a “new age” fad obscuring local-historical Mi'kmaq knowledge and practices. In Chapter 5, I portray Traditionalism as an alternative cultural world where Mi'kmaq people are figuring identities, practices and spiritualities that do not rest exclusively on subsistence relationships with the environment, but rather rest on equally intense human-environment relationships based on pan-Indian spirituality and teachings.

Chapter 6 considers how the culturally constructed realms of post-*Marshall* Mi'kmaq fishing and community life were affecting Salt Harbour residents' approaches to local fisheries management. Although Mi'kmaq people have a long history as natural resource managers, since the mid-20th century, their ability to manage their own fisheries was severely limited by federal regulations. The *Marshall* decision re-opened the door to Mi'kmaq people's participation in fisheries management. Drawing on the work of Bakhtin (1981) and Holland and Lave (2001), I take a dialogic approach to understanding how Salt Harbour residents were actively debating and making claims about appropriate management strategies for the commercial lobster fishery. I suggest that local efforts to figure possibilities for Mi'kmaq involvement in post-*Marshall* fisheries management can be viewed as an ongoing process of cultural construction – of 'address' and 'response' – where Salt Harbour residents were engaging in dialogues (perceived and real) with each other, with the state, with the commercial fishing industry, with the past and with visions for the future. In Chapter 6, I will consider how community members used these dialogues to develop and bolster their own approaches to fisheries management, as well as to delegitimize opposing approaches. When I left Salt Harbour in November 2007, a durable, community-based approach to management had yet to be constructed. The final chapter reflects on the changes that have taken place in the community since the *Marshall* decision, and how, taken together, they can be viewed as series of overlapping and co-constructive processes of cultural production.

2

THE RESEARCH PROJECT

Granted Treaty Rights at Long Last

The rights of First Nations people in Canada and throughout the world to access, use and manage lands and other natural resources in their traditional territories are increasingly being recognized by the states within which these nations and groups live, and are supported by international organizations like the United Nations (United Nations 2007). Despite the reluctance of some First Peoples to recognize the legal systems of colonial states as legitimate forums for adjudicating their claims to aboriginal and treaty rights, in recent decades they have increasingly brought their claims before the courts (Coates 2000). This willingness has been bolstered in large part by a number of favorable outcomes for aboriginal peoples in state and international legal arenas since the 1970s. In Canada, for instance, landmark Supreme Court rulings often brought up in daily conversation by my research participants included the 1973 *Calder* case, which acknowledged the existence of aboriginal title to lands prior to European colonization; the 1990 *Sparrow* decision, which recognized aboriginal peoples' continued right to fish for food, social and ceremonial purposes; the 1997 *Delgamuukw* ruling, which established aboriginal oral history as a legitimate form of knowledge and testimony in the courts; and of course the 1999 *Marshall* ruling, which upheld the enduring treaty rights of

Mi'kmaq, Maliseet and Passamaquoddy¹⁰ peoples to harvest and sell fish to earn a living. Further to upholding aboriginal and treaty rights, these victories have led to sweeping changes in federal and provincial policies informing aboriginal-state relations, and in the role of aboriginal peoples in natural resource use and development. For instance, the *Sparrow* ruling decreed that the state must respect that the rights of First Nations peoples to harvest fish for food, social and ceremonial purposes takes priority over all other forms of fishing (e.g., sport and commercial fishing as well as non-Native food fishing) (*Sparrow v. R.* 1990). Needless to say, the power of aboriginal peoples in Canada to determine the role natural resources should play in local life has been significantly enhanced through recent engagements with the courts.

In addition to providing legal mechanisms for supporting aboriginal peoples in the rebuilding and strengthening of their traditional relationships with and practices on the lands and waters of their territories, these changes have resulted in new opportunities for First Nations peoples to design and participate in commercial activities related to Canada's natural resource sectors¹¹, such as commercial fishing and forestry, mining, and oil and gas exploration and extraction, to name a few. These activities have, in turn, led to dramatic changes in local experiences of community, social, economic, political and cultural life, as well as radical shifts in how people make sense of and engage with their environments – a relationship that has been a cornerstone of First Nations life for millennia (Brody 1981). For example, Dene First Nations in Canada's north are involved in oil and gas exploration projects on their territories (Gallant 2007), the Haida Nation on Canada's west coast is a leader in the region's forestry industry (Haida Climate Forest 2007), and several Mi'kmaq bands, including Salt Harbour, are now major players in the Atlantic commercial fishing industry. These shifts have rarely, if ever involved a complete change from one economic or social paradigm to another; rather they take place along a continuum (mediated by state and corporate power) wherein local, culturally-based

meanings, practices and knowledge about natural resources and human-environment relationships co-exist – often uneasily, but frequently inextricably – with state-sanctioned market practices. For aboriginal peoples in Canada, the United States, Australia and New Zealand in particular, the past two decades have witnessed concerted and sincere efforts by aboriginal nations and groups, state governments, and industry to ensure that approaches to natural resource use and management take into account the legal and cultural rights and agendas of aboriginal nations and groups as well as addressing the capitalist objectives of industry and the state (see, for example, Howitt 1998; Ross and Pickering 2002; Nadasdy 2003a; Inglis 1993.) In fact, it would be a mistake to assume that these agendas are always mutually exclusive. Nevertheless, significant power disparities remain in these co-management relationships, with scientific knowledge, capitalist economic practices and Cartesian conceptions of human-environment relationships continuing to garner mainstream legitimacy and inform resource management policy, while non-western, aboriginal approaches to resource use and management most often occupy a supporting role at best; one of my research participants characterized his role as a First Nations consultants at a recent co-management negotiation as “lip service.”

Exploring Human-Environment Relationships

The relationship between humans and the environment has been an area of interest to academics from various disciplines, including anthropology (cf. Descola and Pálsson 1996), human ecology (cf. Ellen 1982), economic ecology (cf. Hanna, et al. 1996), and history (cf. Williams 1994). Understanding the cultural complexities of human-environment relationships is central to addressing questions like: How do people construct meanings about the natural environment? How do these meanings mediate their relationships with other people? How do

ecological features of the landscape impact the construction of human-environment relations? How are these relations impacted by political and historical forces? How do local natural resource economies reflect and reproduce cultural approaches to human-environment relations? In the case of the rapidly shifting landscape of First Nations' involvement in natural resource sectors, focusing on changes in local human-environment relations can help us understand the effects of state policies and market forces in mediating processes of meaning-making, identity construction, knowledge creation and transmission in First Nations communities. These are all important social processes which help to construct and undergird shared figured worlds of "being Mi'kmaq" (Holland et al. 1998), and motivate the actions that either maintain or transform these worlds. The recent and ongoing experiences of Mi'kmaq people in Atlantic Canada figuring their new relationships with fish and fishing present a unique opportunity to examine the on-the-ground processes through which human-environment relations are being renegotiated. Such knowledge could provide aboriginal peoples through Canada and beyond with rich data about the changes that their communities are affecting and experiencing, and could be used to guide or support communities in shaping their own futures. It can also contribute to anthropological understandings of the complex production and reproduction of identities and human-environment relationships during periods of social, political and environmental change.

Who Are the Mi'kmaq People?

Before proceeding to the research, it is necessary to step back and introduce the Mi'kmaq people and some of their rich and complex history. I thought it would be most useful to introduce parts of Mi'kmaq history throughout the book, as it pertains to the story I am trying to tell, rather than to attempt a comprehensive historical account of the Mi'kmaq experience, a

task which is better left to expert Mi'kmaq historians such as Daniel Paul (2007). This brief section provides an introduction to the Mi'kmaq people and their history that is not presented elsewhere in the dissertation. In part, the aim of this section is to show some of the ways in which historians, anthropologists and Mi'kmaq people have worked to constructed "the Mi'kmaq" as a unique cultural, social and political group. Although some aspects of the narratives told about Mi'kmaq people and their history are common across accounts, much of this identity work reflects the considerable diversity of the Mi'kmaq experience. In the context of the research presented in this dissertation, it is particularly important to note the varied ways that Mi'kmaq history and cultural experiences have been interpreted and lived by Mi'kmaq people, and to understand that this work of building and defining "Mi'kmaq culture" has been an ongoing historical project.

The Mi'kmaq Creation Story

The Mi'kmaq people are the people of the east, of the rising sun. In their language, they call themselves *L'nu*, which means "the people". Their territory is called Mi'kma'ki, the Land of the Mi'kmaq, and it is divided into seven traditional districts which extend across the present-day Canadian provinces of New Brunswick, Nova Scotia and Prince Edward Island, and into parts of Newfoundland, Quebec, and the U.S. state of Maine. It is a diverse landscape of rivers, forests, marshes and ocean coastline, populated by thousands of species of plants, fish, birds and fur-bearers. Mi'kmaq people's relationships with the lands and resources on their territory are woven through their history.

The Mi'kmaq creation story begins with the Giver of Life, *Gisoolg*, who, together with Grandfather Sun (*Niskam*), Grandmother Earth (*Ogijinew*), Grandmother in the South (*Nogami*), his Nephew and his Mother in the North, created and taught the first human, *Glooscap*, about

how to live properly on and in balance with the earth, the animals and his fellow humans (Augustine 2006.) On earth, Glooscap was joined by three family members. His Grandmother in the South taught him how to use animals, plants and fire to survive, respecting the sacrifices these other living things made so that humans could survive. The nephew came from the sea and brought fish to the people. He also taught Glooscap that young people are gifts of the ancestors and will guide their people into the future, so long as they have strong leadership. Glooscap's Mother in the North came from a leaf on a tree and brought strength and understanding, teaching him about the importance of sharing. Of this first family, Mi'kmaq Hereditary Chief and anthropologist Stephen Augustine writes:

"And so they all assembled, and shared. And Glooscap's Grandmother, Nogami, was doing all the teaching that needed to be done; and the nephew was watching everything, and helping everyone. And Glooscap was there to show leadership, respecting the teachings of the Elders, and respecting the young people for their vision and their strength, and the gifts they bring from the spirits of our ancestors, and respecting his mother's teaching to love and care for others, and rely on one another. And so, in this way they lived a very good life" (Augustine 2006).

This creation story and tales about Glooscap's travels across the territory are repeated often in Mi'kmaq communities, reminding people of their roots and working to reproduce social relationships within communities and between humans and the environment.

The Prehistoric Period

Archaeological evidence supports Mi'kmaq people's assertions of their enduring history fishing, hunting and travelling extensively across the territory. Prehistoric fishing weirs (stone structures built in rivers to create pools where fish are trapped and easily taken by fishers) dating from the Archaic period (5,500-2,500 BP) placed strategically in rivers across what are today New England and the Canadian maritime provinces indicate that Mi'kmaq ancestors relied heavily on fish for their subsistence (Chute 1998). Based on artifact assemblages from different

areas of the territory and representing different activities (e.g., coastal and inland fishing and inland hunting), archaeologists have concluded that Mi'kmaq ancestors relied on a seasonal economic round (Nash 1980; Nash and Miller 1987; Burley 1983). Navigable rivers throughout the territory served as “highways” that facilitated trade among early peoples in the wider region. Chute (1998) states that, for at least a 1,000 years, Mi'kmaq people and their ancestors have used trading posts along the rivers – namely at Red Bank, New Brunswick, and Melanson and Indian Gardens in Nova Scotia to trade with each other and their neighbors. Common pre-contact trade and barter goods included fish, copper, chert and shell beads (Chute 1998; Bourque and Whitehead 1985).

Early European Contact and the Fur Trade

The Mi'kmaq were one of the first aboriginal groups in North America encountered by European fishermen and explorers in the early 16th century when they established trading posts in Mi'kmaq territory (Prins 1996). At this time, Mi'kmaq people lived in fluid kin groups of 30-300 people¹² along the coasts and rivers and in the forests of their territory (Wallis and Wallis 1955; Prins 1996). They had extensive trade networks with other Mi'kmaq kin groups, as well as with neighboring aboriginal peoples¹³, and moved seasonally between coastal fishing grounds in the spring and summer and inland hunting territories in the fall and winter (Prins 1996). Proper relations between people, animals and the natural world was ordered by a belief that all living things possessed and were united by *mntu*, or the “spark of life”, which emerged anew with each next generation (RCAP 2001).¹⁴

These early trading relationships set the stage for the influx of colonial settlers and spurred the transatlantic fur trade (late 1500s—early 1700s), which significantly reordered Mi'kmaq social, economic and cultural life. This new economy led to different settlement

patterns as Mi'kmaq kin groups moved closer to French-built fur trading settlements and focused their labor on hunting and trapping (Prins 1996; Wallis and Wallis 1955; Miller 2004). This period also represented a major shift in Mi'kmaq cultural and ecological relationships with animals. Whereas before contact, animals had been viewed as relatives to the Mi'kmaq, imbued with *mntu* which bonded humans to animals in a sacred relationship, during the fur trade, animals' most important quality was their market value and they were hunted indiscriminately.¹⁵

The waning of the fur trade coincided with the final victory of Britain over France in 1759 for control of northeastern North America. By this point, the Mi'kmaq people had been decimated by disease and dispossessed of their fishing and hunting territories by colonial powers (Prins 1996). Though the Mi'kmaq fought fiercely to maintain control over their hunting and fishing territories, with their diminished numbers, they were no match for the British. The result of these British-Mi'kmaq wars was a series of treaties, described in Chapter 1, which guaranteed Mi'kmaq "the free liberty & privilege of hunting, fishing, and fowling" on their territories (Prins 1996).¹⁶ These treaties, made nearly 300 years ago have had tremendous effects on the lives of Mi'kmaq peoples in the late 20th and early 21st centuries.

Dispossession

Though treaties signed between Mi'kmaq leaders and the British Crown guaranteed Mi'kmaq people's rights to continue to pursue their traditional activities, throughout the 19th and most of the 20th centuries, the British colonial government systematically worked to dismantle Mi'kmaq governance and cultural life by dispossessing them of the resources – namely their fishing and hunting grounds – that they used to construct the meanings and relationships upon which social, economic and political organization within the nation was

based. New settlers from Europe and Loyalists fleeing New England after the American Revolution were encouraged by the British colonial government to settle in the region, and were granted land rights to a large portion of the territory, effectively cutting off access to Mi'kmaq fishing and hunting grounds.

By the early 19th century, a dozen Indian reserves had been designated in Nova Scotia and New Brunswick, and Mi'kmaq people were advised that, in order to qualify for federal aid (which they required after being dispossessed of their lands and livelihoods), they must live on these reserves. Barsh (2002:27) writes that “the Mi'kmaq land base (in the form of ‘Indian reserves’) had shrunk to less than one percent of the original territorial area of Mi'kmakis¹⁷ as a result of trespass by settlers, government neglect and score of fraudulent or questionable surrenders that remain at issue between Mi'kmaq and the federal Crown as ‘specific claims’.” Also at this time, hundreds of Mi'kmaq children were rounded up forcibly by colonial agents and sent to the Indian residential school at Shubenacadie, Nova Scotia.

Mi'kmaq Communities Today

Life over the past century has not been easy for the Mi'kmaq people. The consequences of the colonial period on Mi'kmaq governance, family life, economy, health and culture continue to linger. However, the second half of the twentieth century was also a time of rejuvenation for the nation. Conscious efforts were made – helped in large part by the American Indian Movement – to reintroduce cultural teachings and ceremonies. Aboriginal people in Canada also won a number of significant legal victories that validated their rights to access natural resources. Throughout the dissertation, I will examine more of the experiences of Mi'kmaq people over the last hundred years – particularly as they relate to work and natural resource use. In the first decade of the 21st century, there were over 29,000 Mi'kmaq people registered

as members of 25 bands in five Canadian provinces (Atlantic Policy Congress 2007; Mi'kmaq Council in Quebec 2009).

My Path to the Research

I have long been interested in the relationships people form with their environments, and how these relationships both mediate and are informed by locally-specific and historically-embedded cultural identities and worldviews. As an undergraduate student in Chicago, I became intensely interested in how the city's diverse immigrant communities constructed meanings about, shaped and situated themselves within urban spaces that had been previously fashioned by earlier waves of newcomers who had moved through the city's neighborhoods. My first efforts at fieldwork investigated how the teenaged children of Cambodian refugees were negotiating neighborhood spaces and accessing leisure space, computers, part-time jobs and other resources in ways that differed significantly from how their parents related to the neighbourhood and its inhabitants. Several years later, while travelling in Peru and Bolivia, I spent time with coca farmers whose livelihoods were in the process of being restricted by state governments whose official policies¹⁸ encouraged the farmers to take up alternative crops, like pineapple, which were much more energy intensive, significantly less lucrative, and often ill-suited to the climate and soil (Marx 1992). I was struck by the fierce opposition of these *cocaleros* to the coca eradication policy, and their insistence on the centrality of coca to maintaining social relationships, land use patterns and cultural practices and knowledge. These early sensitized me to the intense, mutually constitutive relationships that people develop with their environments – urban and rural – and to the complex, power-laden, and often contentious cultural discourses they engage in to initiate, oppose and negotiate changes in these relationships.

My interest in Mi'kmaq fishing proceeded in a similar way. In 2002 and 2003 I was living in southern New Brunswick, transitioning from full-time work in an urban planning firm to graduate school, and exploring the Maritime provinces, a region that had always fascinated me. In my travels across New Brunswick, Nova Scotia and Prince Edward Island, I encountered picturesque rocky coastlines, thriving Acadian communities, and the dynamic political and artistic contributions of Mi'kmaq and Maliseet peoples to contemporary Canadian life. I also spent time in economically struggling communities hard hit by pulp and paper mill closures and the collapse of other natural resource-related jobs like ship building, copper mining, and commercial fishing.

Much of my touring was done by car and the CBC radio was my constant travel companion. CBC is state-sponsored radio and presents a mixture of regional and national programming. In the Atlantic region, local CBC stations frequently aired programs about regional history, arts and culture, economic challenges, and First Nations issues, and my journey was enhanced by hearing local voices and learning about the issues impacting the communities I was visiting. In fact, several of the people I initially encountered through the medium of radio later became invaluable teachers and contributors to my research. During the late spring and early summer of 2003, radio news programs and call-in shows were dominated by discussions about new regulations impacting the upcoming snow crab fishing season. As I was to learn, the commercial fisheries taking place in my figurative backyard were under increasing political, economic and cultural tensions. Somewhat ironically, my education about declining fish stocks, complicated historical relationships between the federal government, non-Native fishers and Mi'kmaq people, and the determined struggles of the region's First Nations to maintain access to and control over the natural resources in their traditional territories began just as I was preparing to leave New Brunswick for graduate school in North Carolina.

In May 2003, the federal Department of Fisheries and Oceans (DFO) announced a 20% cut-back of the total allowable snow crab catch, and a redistribution of an additional 15% of the remaining quota to struggling inshore (lobster) fishers, and aboriginal beneficiaries of the *Marshall* decision (CBC 2003a.) Each day, I tuned into CBC radio to listen to irate, frustrated and scared non-Native snow crab fishers decry the DFO decision, which they estimated would result in annual income losses of around \$20,000, or one-fifth of their total income before expenses (CBC 2005). Many blamed poor management by the DFO as the reasons for the cut-backs. These types of discourses were not new; fishers have often responded angrily to federal cut-backs they feel cut into their job security. This time, however, the *Marshall* decision added a new dimension to their complaints: First Nations fishers were singled out by some angry non-Native crabbers¹⁹ as getting an unfair advantage. In a coupling that Mi'kmaq themselves would never have made, non-Native crabbers claimed that DFO and First Nations were in cahoots, unfairly depriving non-Natives of their access to fish. Opposition to federal cut-backs culminated on May 3, 2003, with riots on the wharf at Shippagan, a fishing town on northern New Brunswick's Acadian peninsula, one of the primary harbors where snow crabbers landed their catches. During the riot, 250 people shouted at assembled police (who decided not to try to subdue them, out of concern for public safety), and destroyed property²⁰, including burning over 100 crab traps, a fish processing plant (putting 1,300 people out of work), and three fishing vessels boats (CBC 2003b.) Two of the burnt boats belonged to DFO and were to be used that season by First Nations bands; the third boat belonged to the Salt Harbour Mi'kmaq Band. Though the riot lasted only a day, and the crabber's threatened boycott of the fishery lasted only 11 days before an agreement was (somewhat begrudgingly) reached between the crabbers and DFO, tensions between the non-Native crabbers, the fishers seeking new entry into the

snow crab fishery, and the DFO remained high for the rest of the season, periodically becoming enflamed again at the start of each subsequent season since 2003.

Crabbers' proprietary anger at the new rules for access to what they considered *their* livelihood was further exacerbated when some Mi'kmaq bands declared that they would not abide by a boycott of the crab fishery called by non-Native fishers after the riot (a boycott they had supported for the first 12 days after the riot). According to an influential New Brunswick Mi'kmaq Chief, the boycott was too costly for the First Nations, and the Native fishers refused to be intimidated by non-Native crabbers and their organizations. "Our collective Mi'kmaq fleet is now a part of the industry, here to stay and we will not continue to be victims to a dispute between the DFO and some members of the snow crab industry," the Chief told a CBC reporter (CBC 2003a). In another radio interview, this same Chief likened the boycotting crabbers, who had blocked other boats from exiting the harbor to get to the fishing ground, to terrorists: "It's a shame this country would allow this to happen...There's such a big fight against terrorism. To me, this is a form of terrorism." For their part, non-Native snow crabbers like Mike Gionet explained that:

"It's all politics and everybody is frustrated here...Those boats that were burned belonged to the government and they weren't doing any fishing and they got burned. It's not a surprise. It's a warning...They put lobster fishermen in with us. Cod fishermen are in with us and Indians who never fished before, they want to fish crab. We have to defend ourselves. We're tired of all the stories. The government doesn't want to listen to us" (Cox 2003).

As I listened to callers' passionate and argumentative statements about the economic, social and cultural importance of the fisheries, a number of questions came to my mind: How was the power of the state to shape access to commercial fisheries affecting local people's relationships with the resource, and with their neighbors? Were First Nations and non-Native fishers' approaches to commercial fishing mediated by different meanings they attached to fish and

fishing? How have changes in fisheries access and management impacted regional and community-level economies in the past, and what kinds of economic shifts could be anticipated by changes to snow crab access in 2003?

During the following year, I continued to monitor the volatile and precarious fishing situation in Atlantic Canada from afar, and researched the history of fishing in the region, as well as the trajectory of the *Marshall* decision. I arranged phone conversations with Mi'kmaq policy analysts supporting the bands as they moved forward with the development of commercial fishing, and the next summer I returned to New Brunswick to learn more about how Mi'kmaq people were negotiating their recent entry into several of the region's high profile and precarious commercial fisheries. One meeting in the summer of 2004 set me on the path to the work that would eventually constitute the data for this dissertation.

Jane and Emily were cousins in their 30s who were raised by their extended Mi'kmaq family in Salt Harbour and in the nearby Mi'kmaq reserve at Ash Pointe. In 2004 they were both working as policy analysts for a regional First Nations policy and advocacy group based in Halifax, Nova Scotia. By luck, they had come to New Brunswick to meet with the Salt Harbour Band Council and invited me to join them for lunch beforehand. We met for a seafood chowder lunch at a popular motor lodge in Grande L'huile, an Acadian village about an hour north of Moncton, New Brunswick. Fishing and forestry have been economic mainstays in this region for centuries – and much longer for the region's sizeable Mi'kmaq and Maliseet populations. The two women gave me some background information about how the *Marshall* decision had been administered, and how the outcomes of the decision were being experienced on-the-ground in Mi'kmaq communities. Mi'kmaq communities like Salt Harbour, they told me, where people were once ecstatic about the possibilities the ruling represented, were now struggling with

internal divisions about how the band's share of the fisheries should be managed. I shared with them my interests in how *Marshall*-affected communities were responding to upheavals in their access to and relationships with natural resources. They suggested that Salt Harbour might be an excellent community with which to work; the community had a long history of engaged politics and Native rights activism, as well as a thriving Mi'kmaq language community. As one of the largest Mi'kmaq communities with the largest commercial fishing fleet in the region, Salt Harbour was deeply invested in creating a successful local economy founded on fishing and fisheries-related work. After lunch we took a driving tour around Salt Harbour, Ash Pointe and the bustling Baie Claire wharf where most of the region's Native fishers keep their boats. Over the next two years, I maintained contact with the Salt Harbour community members to whom Jane and Emily had introduced me, and when it was time to develop a dissertation research project, I talked to them about my ideas for research, what I envisioned as the potential benefits to the community, and what types of research questions they wanted me to address. They were receptive, and so in June of 2006, I headed north to New Brunswick to begin the work.

The Primary Research Site: Salt Harbour

Population and Population Change

With nearly 3,000 enrolled members²¹, Salt Harbour was one of the largest Mi'kmaq bands in the Atlantic provinces. Located in eastern New Brunswick, the band's single reserve extended over 1,600 hectares (approximately 4,000 acres), and was home to about 2,000 band members as well as several dozen non-members. The reserve was situated along the calm waters of the Plamu River, five miles upriver from the Baie Claire harbour, which emptied into the Northumberland Strait between the mainland and the province of Prince Edward Island. The character of Salt Harbour was primarily rural and residential; much of the reserve was

undeveloped swampy or forested land. When it was designated as a federal Indian reserve at the turn of the 19th century, 12 families lived full-time at Salt Harbour. This number fluctuated a great deal over the next century and a half as Mi'kmaq families from surrounding areas were ushered onto the reserve by Indian Agents. The population was cut in half following the Spanish Flu of 1919, and then slowly increased over the next 30 years (Augustine 1994). In 1951, there was a significant influx of new residents following a federal amendment to the Indian Act stipulating that First Nations peoples must be registered as members of a single band to receive the federal services to which they were entitled. Those services, including medical services, education and the social assistance allowances that many families relied on, would only be available to people living on reserves. This led to the arrival in Salt Harbour of Mi'kmaq families who had been living outside the reserve, or who had been travelling seasonally between reserves. After substantial increases in social services funding and infrastructure improvements in the 1970s, the population experienced another growth spurt. Legal rulings (including the *Marshall* decision) in the 1990s which upheld Mi'kmaq people's aboriginal and treaty rights to hunt, fish and cut timber in their territories, meant that new sources of employment were available close to home, and consequently, the on-reserve population grew again during this period. With over half of the population under 30 years old, and an increasing trend for young people to find work close to their community, in 2006 and 2007, it was likely that the population would continue to grow.²²

Economy

Despite having one of the largest populations of any settlement in the county, Salt Harbour lacked a stable economic base (Statistics Canada 2001). From 2006-2008, businesses on the reserve were limited to two gas stations (one private, one band-owned), several take-out restaurants run out of private homes, two smoke shops, also run out of private homes, one

small grocery store, a hair salon, a pawn shop and 11 bars. Video lottery terminals (VLTs) in the bars, grocery store and pawn shop were the biggest private revenue generators in the community. The adjoining towns of Baie Claire and Wardville, with a combined population of about 2,100 residents, were Salt Harbour's closest neighbors, and the economic base of the county, with banks, restaurants, motels, a post office, a library, public schools, churches, medical offices, two grocery stores, other services such as a pharmacy and video rental shop, and a number of industrial warehouses and manufacturers (mainly related to fishing). The businesses of Baie Claire, a francophone community, and Wardville, an English-speaking community, were frequented by Salt Harbour band members – approximately 200 of whom lived “in town” in either Baie Claire or Wardville. The closest city, Moncton, was 40 minutes away, and Halifax, Nova Scotia, the nearest major urban center was three hours south.

Its proximity to the Plamu, the region's second largest river system, and to the many sheltered ocean coves and dunes along the coast, and the historically productive fishing grounds of the Southern Gulf of St. Lawrence made fishing a mainstay of Mi'kmaq life in the region for centuries. As seasonal nomadic people, the Mi'kmaq people have traditionally moved between the coasts, inland rivers and forests throughout the year, benefitting from the region's rich natural resources. A number of early European explorers and anthropologists made detailed descriptions of the subsistence activities of Mi'kmaq throughout the year, noting the relationships of these activities and movements to Mi'kmaq social and political structure, gendered division of work, and relations with neighboring First Nations (Speck 1915; Wallis and Wallis 1955). During my time in Salt Harbour, a number of Elders recalled these seasonal movement and fishing activities, which were widely practiced by community members until the 1960s.²³ In the past when the Plamu River and inshore ocean waters froze from December to April, most Mi'kmaq people lived in small family bands, usually inland, and hunted moose, bear,

caribou, beaver and other game. In the winter, they made frequent trips to the coast to fish smelts through the ice, and seals and walrus on the ice floes off-shore. In the springtime, warmer temperatures broke up the ice and Mi'kmaq people reconvened in coastal villages, where they would dig shellfish along the shores, and fish for brook trout and spring salmon in nearby rivers. During the summer months, from their coastal villages, people gathered berries, medicines, and timber. These were the most productive months for fishing: salmon, cod, mackerel, flounder, halibut, herring, gaspereau and lobster were found in abundance. In late September, Mi'kmaq people split from their coastal villages into small family bands and moved inland again. In the fall, they hunted game in the forests, and fished fall salmon, trout and eels (Native Council of Nova Scotia 1993:9). In the early 21st century, though their hunting, fishing and migratory patterns had been largely curtailed by two centuries of federal policies designed to keep aboriginal peoples sedentary and to separate them from their lands and resources, fishing and water landscapes continued to be central to Mi'kmaq narratives, identities and cultural imaginaries.

Contemporary Changes in the Community

In 2006 and 2007, changes were afoot in Salt Harbour. Community members I spoke with likened the post-*Marshall* years to other periods of significant change on the reserve, such as the institution of new membership rules by 1951 amendments to the federal Indian Act, increases in federal social assistance payments in the 1960s, the transfer of control over social services administration from the state to the band in the 1970s, and the Supreme Court ruling in the 1990 *Sparrow* case, which recognized the right of First Nations peoples across Canada to fish for food, social and ceremonial purposes without licenses (Regina v. Sparrow 1990). These past events transformed band-state power relations, and had significant and lasting impacts on local political and economic organization, as well as affecting the cultural discourses and practices

through which Mi'kmaq people constructed their contemporary relationships with fish and fishing. The *Marshall* decision has spurred yet more changes, more opportunities and more uncertainty.

Housing

During several of my early visits to Salt Harbour, gracious community members offered to show me around the reserve in their cars. As we glided through the community's streets and rumbled along the unpaved back roads, their narration, coupled with evidence of striking socioeconomic change and inequity, indicated that Salt Harbour was in the midst of transition in nearly every aspect of community life – from local governance and economy, to social and cultural practices and meaning-making. The wide spectrum of housing conditions at Salt Harbour were indicative of the history of enduring poverty, intensifying socioeconomic asymmetries, and the pervasive power of local politics prevalent in this reserve community. There were approximately 700 housing units in Salt Harbour in 2006 and 2007, and they consisted primarily of pre-fabricated single-family dwellings built since the 1980s (Statistics Canada 2006). There were also a number of two-story, motel-style apartment buildings owned and managed by several well-to-do band members. Two areas designated for trailer homes were located on the outskirts of the reserve. Housing units were mainly clustered close together along residential streets. Looking closer, it was clear that certain homes had been recently “spruced up”, with swimming pools, elaborate gardens, sun room additions, and new siding. These same houses also often had motor homes, all-terrain vehicles or motorcycles parked in the driveways alongside new cars and pick-up trucks. My hosts were usually quick to point out that these homes were inhabited by people associated with the band government, or who had well-paying jobs as a result of their associations with the band government. Since band government elections were held every two years and there was often much turn-over, cycles of

relative wealth and scarcity were common; several houses belonging to people formerly associated with the band government featured incomplete renovations. Other houses and apartment buildings in the community were falling apart, literally, patched together with plywood, tar paper or plastic tarps. Young (1991) and others have written about the overwhelmingly substandard housing conditions on First Nations reserves and in Inuit communities across Canada, and the variety of illnesses linked to such housing conditions. At more than one band council meeting that I attended, parents living in these houses beseeched the band to pay for new windows and doors, and to have mold cleaned out of the houses for the health of their asthmatic children. Another type of housing in the community also caught my eye: tired but tidy houses with commercial fishing boats parked in the front yards and lobster traps stacked neatly around back. These houses often had shiny new pick-up trucks parked in the driveways and children played on skateboards and bicycles in the street out front. The *Marshall* decision, my hosts told me, had allowed these folks to afford some material luxuries that had been unattainable before they started working in the fisheries.

Traditionalism

Other features in the community were indicative of recent change. For instance, fisheries coordinator Henry Albert drove me out to the Sundance grounds in the winter of 2005. The Sundance, he explained, was brought to Salt Harbour about a decade ago by local “traditionalists” who had travelled to the western states and provinces to learn about western tribes’ spirituality. Looking more closely, I saw that the signs and symbols of the growing Traditionalism movement, as it is called, throughout the community – in medicine wheels swinging from pine trees, in the bent birch frames of sweat lodges in backyards, and in the teepees and “sacred fire pit” behind the Healing House and health center. As I would come to learn over the course of my stay in Salt Harbour, the movement local people identified as

Traditionalism was providing community members with new ways to connect with their environment –new cultural resources to mediate what they identify as “Mi’kmaq culture,” and what I would consider the cultural practices they engaged in to construct their identities.²⁴ As we will see in Chapter 5, the popularity of Traditionalism in Salt Harbour was related to three local experiences: first, it was regarded as a coping and healing mechanism following a terrible spate of youth suicides in the community in the early 1990s; second, it was a major part of the curriculum at the on-reserve alcohol and drug treatment facility; and third, its popularity grew out of the larger North American pan-Indian movement which, since the 1960s, had sought to connect and reconnect Native peoples with cultural practices (e.g., ceremonies, kin organization, and uses of the Mi’kmaq language) and meanings (e.g., regarding human-environment relationships and other aspects of spirituality) much of which they were devastatingly and violently dispossessed by various colonial governments over the centuries. Although not all Salt Harbour residents were involved with Traditionalism, the movement had significant impacts on cultural identity construction, spirituality and the ways that people conceptualized and acted on relationships with their environment.

Food

In Native and non-Native households alike, in Atlantic Canada, family kitchens are social hubs. During the years I spent in New Brunswick – particularly during the frigid winters – I learned that there were two reasons for this: pragmatically, in many older homes, the kitchen stove was often a household’s sole heat source. Second, but of no less importance, the kitchen is where the food is, and it was while gathered around kitchen tables that I learned first-hand the social importance of food in Salt Harbour. In particular, whenever baked or fried fish, roast moose, or “boil dinner” – a thick, savory stew of root vegetables and slow-cooked moose meat – were presented to guests, attention and compliments were lavished on the chef. Not

infrequently, the gathered friends would reminisce about how their parents or grandparents used to hunt and fish, they recalled favourite family recipes for moose and deer meat, fish and *lusknikn* – a Mi'kmaq bannock bread traditionally cooked in the summer time, out on the dunes by burying the simple dough in a sand pit along with stones that have been heated in a fire. They repeated stories told to them by older generations about the environmental changes that tell people when the fall salmon are about to return or when it is time to hunt moose and beaver. If someone noticed that a family member or close friend – especially an Elder – was missing from the meal, a heaping plate of food was made up to be delivered to their house after the meal. Even when a family didn't have these delicacies to offer, a pot of strong tea with milk was passed around the table as guests socialized.

While socializing at home and sharing food had remained central to community life in Salt Harbour, people I talked to noted that, in recent years, it had become more popular for families to eat at restaurants in town, or for adults to spend their evenings playing pool or the VLTs in the bars on the reserve. On the weekends, some families travelled to Moncton to shop at the mall and go to the movie theater. When I commented on the emphasis of families “going out” to Tony, a young Salt Harbour man I had gotten to know during one of the many days I spent hobnobbing on the Bair Claire wharf, he agreed. The commercial fisheries, he said, had provided some Salt Harbour families with extra spending money – something previously unheard of.

Employment

While it was true that, since the *Marshall* decision, a significant number of band members over 16 were now making their living at commercial fishing, unemployment remained high in the community. Estimates I received from the social assistance office and members of

the band council put the unemployment rate at around 60% during the summer, and upwards of 80% during the off-seasons for fishing and forestry work. As I would come to learn, access to work – seasonal, contract or regular – was highly prized by community residents. Although job opportunities had increased over the past decade, most were associated with the band government, and thus seeking work in Salt Harbour was often a politicized exercise in frustration and uncertainty. During the time I spent at Salt Harbour, I can attest to the strong links between the local political regime of the day and employment. For example, during the first two summers I spent in Salt Harbour before beginning full-time dissertation research, the band's fisheries office was staffed by a capable group of people who were more or less supportive of the Chief and Council of the day. The 2006 election cycle saw a shift in the balance of power on the Council, and suddenly all these workers lost their jobs. They were replaced by a group of equally capable people selected by the new party in power, and although some people from the first group eventually got their jobs back (with responsibilities divided between the two groups), this process fuelled tensions and highlighted the precariousness of work in the community both to me and to these employees.

The seasonality and uncertain funding for work in the region also added tremendously to the instability of employment in Salt Harbour. Despite economic downturns in both the commercial forestry and fishing industries over the last two decades, work in those fields remained popular with people – particularly men – from Salt Harbour. In eastern New Brunswick, commercial fishing generally took place between April and October, and access to forestry (primarily logging) is possible in the summer and winter when the ground is either dry or frozen and heavy equipment won't get mired in the mud. In the summers, many families kept up an old tradition of traveling to Maine for several weeks to work in the blueberry fields of Aroostook County, work that promoted pleasant connections to the past and provided families

with money to buy school clothes and supplies for their children. At other times during the year, people worked plowing snow, building houses, collecting garbage, and in maintenance positions at the school, church and band office. Depending on funding, job security in these positions could be uncertain. The more stable employment in the community was in the finance, administration, membership and social assistance offices at the Band Hall, as well as at the community Health Centre, elementary school and economic development offices. While these higher-level positions within the band were apparently less precarious²⁵ than seasonal or lower-paying jobs, changes in Band government as well as cut-backs in federal funding made these positions unstable as well.

Governance

Amendments to the *Indian Act* in 1951 stipulated that all Mi'kmaq people must be registered with the federal government and enrolled in a single band, rather than claiming membership in two or more bands, as had been the case before this time when people frequently moved between communities, working and visiting extended family. Registration rules remained in place in the early 21st century. The Indian Act further defined a state-recognized system for band governance where each band was governed by a democratically elected chief and councillors, where the number of councillors was between two and twelve, and proportionate to the number of registered band members (e.g., one councillor elected for every 100 registered members.) Elections were held every two or three years.²⁶ As a consequence of these and other provisions in the Indian Act, by the mid-twentieth century, Mi'kmaq people had become less mobile, settling permanently in reserve communities. According to several Mi'kmaq elders and historians I interviewed, these changes strained close bonds between extended families living in different communities and weakened the traditional

governance system of the Mi'kmaq nation. They also asserted that this type of “divide and conquer” strategy was one of the primary intents of the Indian Act.

Prior to the 1951 amendment, some bands had begun to adopt the federal system of an elected chief and council, while others continued to trust local governance to traditional leadership structures. Traditional Mi'kmaq governance involved a tiered, hereditary chief system at the local, regional district and nation levels. Each local community, or band, was headed by a local chief and council of Elders. Groups of bands within each of the seven districts of the Mi'kmaq nation were governed by a district chief, who was called a Sagamore. Sagamores belonged to the Grand Council, the Mi'kmaq national governing body (McMillan 1996). The Grand Council, headed by the Grand Chief, oversaw the political and spiritual health of the nation. Despite some contemporary challenges to its authority, the Grand Council has endured and continued to be comprised of hereditary chiefs from the different Mi'kmaq communities throughout the Atlantic provinces. The influence of the Grand Council remains strong in some Mi'kmaq communities, and despite some recent efforts to reinvigorate the Grand Council's role in political decision-making, in Salt Harbour, its role was largely symbolic.

During my time in Salt Harbour, the community was governed by a Chief and twelve councillors with elections held every two years. The Chief and Council engaged with the provincial, federal and local municipal governments, as well as with private corporations to enter into agreements about the transfer and sharing of resources and services. For instance, the Chief and Council negotiated the band's *Marshall* agreement in 2001. They had also developed forestry resource-sharing agreements with the province. Salt Harbour government was also responsible for day-to-day decision-making in the community, including the allocation of resources and services such as housing, employment with the Band, water and waste

management, education, child and family services and some social assistance funding. They were also responsible for allocating funding and resources stemming from the band's *Marshall* agreement, such as fishing vessels, licenses, quotas and additional costs associated with commercial fishing. The band government became a primary dialogic partner with which community members engaged as they worked to determine the shape commercial fishing and community life would take following the *Marshall* decision.

Contrasts and Changes

In 2006 and 2007, Salt Harbour was a study of contrasts and changes: in the spring of 2007, more than 30 young people from Salt Harbour graduated from the local high school in Baie Claire – the highest ever graduation rate for Salt Harbour, and the community was intensely proud of these students. Having gotten to know a few of these exceptional young people, I joined their families and neighbors in celebrating their success and expecting great things from them. At the same time, the community was experiencing a surge of drug abuse, especially by young people on the reserve who were finding easy and cheap access to prescription drugs like oxycontin, as well as crystal meth. By many accounts, this spike in drug abuse was facilitated by outside drug dealers who heard that people on the reserve had more money to spend, largely as a result of post-*Marshall* fishing income, and had come to peddle their wares in the community. As we will see throughout this dissertation, many other areas of community life, such as local economy and cultural knowledge, and practice were increasingly – and heatedly – characterized by contrasts and change. It was abundantly clear to me and to all of the people I spoke with that the *Marshall* decision had – wittingly or not – ushered in tremendous changes in the ways that Mi'kmaq people exercised agency (and responded to how they were positioned by others) in the complex social production of local life. In the most basic

sense, there was a pervasive atmosphere of change in Salt Harbour. As my research participants described, some changes could be frustratingly slow and mired in local political struggle, while others were viewed as “too fast” and out of control. This dissertation is an attempt to understand the on-the-ground experiences of Mi’kmaq people from Salt Harbour as they worked to refigure their cultural relationships with each other, the economy and the environment in the wake of an upheaval in their access to key natural resources.

The Research: Purposeful Methods and Everyday Living

During the first few months of fieldwork, I spent time with friends in Salt Harbour whom I had met over the previous two summers of pre-dissertation fieldwork. These friends invited me to join them at pool halls, feasts, family boat rides and picnics, and also took me to work with them so that I could meet more people and understand the current issues on the reserve. During this early phase, it was especially important to me that both I and the potential research participants had a clear idea about what the research would involve, and what they anticipated outcomes would be. To this end, I met with several people considered to be leaders in the community – a fisheries administrator, and several Elders. They were most interested in knowing how my research could benefit their community. Elder Sally Atwin, who was initially skeptical of my proposal, told me, “We’ve been studied to death and nothing has ever come back to us.” I interpreted Sally’s statement as a warning, a challenge and a statement of fact. Throughout the course of my research, Sally’s concern was repeated to me at least a dozen times, and it was really the impetus for some intense conversations that ended up shaping and guiding my fieldwork. When I encountered this sentiment, I was glad, because it was a conversation starter. “What would you like to come of research?” I would ask. People wanted researchers to help them figure out how to build a sustainable local economy, and they wanted

research to help them lobby the state for improved social services and dependable access to and control over natural resources in their territories. These conversations, which continued through the entire course of my fieldwork, tremendously influenced my conception of the research, and my comportment in the community. They shaped my interview questions, and how I analyzed and engaged in conversations and other activities. Throughout the entire process, I strove to be mindful of the expectations and aspirations of research participants – an approach that was often complicated by the multiple (and sometimes conflicting) perspectives expressed by community members, but I believe that this dissertation is the richer for it.

The result of all this is a dissertation that I hope conveys the multiple ways that band members were experiencing life in Salt Harbour since the *Marshall* decision, and how these experiences were embedded in larger cultural, economic and political landscapes. A number of Band Councilors told me that this information could be helpful to them as they move toward development of a local fisheries management plan, and in their engagements with federal officials. Additionally, many community members asked if they could read my “report” when it was finished. With this in mind, in April of 2008 I returned to Salt Harbour to present the preliminary findings of my research at an open community meeting, elicit feedback (which was constructive and overwhelmingly positive), and distribute a 40-page plain-language report that I created for the community.²⁷ For me, conducting research informed by community questions and needs was a natural extension of my reasons for enrolling in graduate school in the first place: to produce data that would be useful to local communities. Of course, I also had academic interests in this research, and my methods were informed by the theories and practices described in the next section of this chapter.

With this approach to the research in mind, I went about the actual practice of fieldwork, an experience that I would describe as simultaneously methodical and messy. By messy, I mean that the methods themselves were occasionally fly-by-the-seat-of-my-pants (e.g., scrambling to figure out how to conduct an interview on a lobster boat against a roaring diesel engine), and also that the work itself was sometimes messy (e.g., hosing muck off of oysters before sorting them.) In retrospect I appreciate that the messiness of the fieldwork has added to the dissertation, and to my own identity as an anthropologist, in two important ways. First, during the seat-of-my-pants moments, community members were usually trying to tell or show me something really important that I would not have necessarily seen for myself had I insisted on following scripted interviews or expected interactions. For instance, eating moose meat at family parties may have jolted my vegetarian sensibilities, but the social act of eating moose and talking about hunting moose illuminated the centrality of food, hunting and sharing to Mi'kmaq social life. Second, while I wouldn't necessarily concede that finding myself up the elbows in various dubious substances (bait, oyster muck, eel slime) was character building, it was during these messy times that I truly learned a lot about the *practices* of fishing and of human-environment relations.

In the early days, in addition to meeting with band leaders to discuss the parameters and purpose of the research, I determined that a good strategy for meeting more people and filling up the days that I often found lonely would be to get involved in community activities. Luckily, during my first week in Salt Harbour, I was introduced to Mike Prentice, who directed the band's salmon restoration project, as well as oyster aquaculture. Mike and his family quickly became one some of my most helpful research participants and best friends in the community. Working with Mike and his crew on the salmon restoration project, I helped to write grant proposals to fund salmon monitoring and press releases to share information about the project

with band members. I accompanied the salmon crew out on the river to check their nets in the fall and Mike also invited me to volunteer with the oyster aquaculture crew in the spring, and with a healthy rivers study that took place during the spring and summer. Nearly all of the 20 band employees working on the salmon restoration and oyster aquaculture programs were from the community's less wealthy families and were not participating in the commercial fisheries. Conducting interviews with these folks and their families helped me to learn about how the asymmetrical ways that the *Marshall* decision was being experienced in the community, and also about the persistent cultural and subsistence importance of fish and fishing.

My fall arrival in Salt Harbour also proved to be a good time to meet some of the Salt Harbour commercial fishers. Lobster season in that region runs from roughly August 15 to October 15, and after some cajoling, I was able to talk my way onto several lobster boats in the fall of 2006 (and even more the following fall.) Commercial fishers, who were initially leery to have a keen anthropologist aboard all day, usually relented when I agreed to clean out the traps and stuff bait bags. Not surprisingly, this is the least savory of tasks on a lobster boat. Eventually, I developed a knack for baiting lobster traps and the fishers got over their trepidation about having me on board and I learned a lot about lobster and rock crab fishing, and about how these young commercial fishers were developing a new economic and social landscape of fishing in their community.

In addition to participant observation and interviews with salmon and oyster crews and with commercial lobster fishers, I interviewed Elders, Band leaders, food fishers, federal officials, academics, activists, and policy analysts. These methods, in concert with participant observation and just-plain-living in Salt Harbour and Baie Claire, presented a complex and multi-layered picture of contemporary life in Salt Harbour. In my daily life in Salt Harbour, when I

wasn't working with fishing crews, I ran errands – getting coffee, transporting broken engines for repair, picking up materials for the fishers at the hardware store in town, and shopping at the local grocery store. I made mini-presentations to Band Councilors who asked how the post-*Marshall* fisheries were going. I mended nets, shucked corn, played with children, drove hitchhikers into town, visited with Elders, lost miserably at bingo, drank strong tea and warm beer, and was lucky to be allowed to participate in many other activities that helped me learn about life in Salt Harbour – about the people and the environment. I learned that life in Salt Harbour revolved around children, family, land, water, animals, work, poverty, humor, politics, food, history, illness, a strong cultural narrative, weather, and hope.

Theoretical Frameworks Underpinning the Research

Several theoretical approaches guided my ethnographic research by directing my attention to the complex situations I encountered. I mention them only briefly at this point in order to situate the research within a broader frame of academic and policy work on issues of culture, conflict and change in relations to natural resources. I think about my theoretical influences on two different scales. First, there are those theories and approaches that inspire the broader types of social questions that interest me and provide the wider lens through which I viewed life in the Mi'kmaq community where I lived. Second, there are bodies of literature that I find compelling and useful for understanding particular situations. In the first category, I am interested in process, dynamism and change, and I particularly draw on some concepts from a social practice theory of identity developed by Holland and her colleagues (1998; 2001) and elaborated by others (e.g., Satterfield 2002) to understanding how Mi'kmaq people were responding and reconstructing their relationships with each other, with cultural practices and with the environment after the *Marshall* ruling.

Social Practice Theory

Social practice theory holds that personal and collective subjectivities are historically formed and, at the same time emergent, multiple and often contradictory. I extend this focus on identity to include the social construction of meanings and practices in relation to the natural environment. Through contentious dialogues and other practices, the Mi'kmaq people of Salt Harbour were renegotiating the shared social and cultural practices, meanings and knowledge they associated with fish and fishing. These types of collective (collectively-produced) practices mediated "legitimate" and "proper" human-environment relationships (and vice versa.) The new practices that emerged from the opportunities and constraints presented by the *Marshall* decision were mediating new types of human-environment relationships – relationships that were the subject of much debate among band members. Social practice theory's focus on the co-productive – and inherently complicated – relationships between multiscale processes (local and large scale; historic and contemporary) also makes social practice theory a powerful and insightful approach to asking and addressing questions about the production of meanings, knowledge and practice in times and places of cultural upheaval and struggle. Two tenets of social practice theory are particularly helpful in addressing and analyzing research questions: attention to meanings and knowledge forming *in practice*; and the importance of *dialogic processes* in the construction of identities, meanings and authorized knowledges.

Viewing practice as a condition of cultural production and thus as an indicator of constraint, control, and enablement can give us insights into the multiple, power-laden processes through which meanings and knowledge are created, contested, achieve legitimacy, and provide (or potentially overthrow) the durable structures upon which social life and subjectivities are built. The important point that social practice theory makes is that although the co-constitutive relationships between practice, meaning-making and knowledge can be

relatively stable at times with little overt negotiation; it is primarily during times of social upheaval that the practices mediating cultural meaning-making and knowledge come to our attention and remind us that social life is a continual, negotiated process. The assertion that the meanings, knowledge, and identities ordering sociocultural life and human/nature relationships are neither inborn, nor received as coherent “packages” of cultural information, but rather socially constructed and reconstructed through contentious practice has received increasing attention from theoreticians of social life (Bourdieu 1977; Holland and Lave 2001; Ingold 2000; Ingold and Kurttila 2000; and Lave and Wenger 1983). In addition, the “contextualist paradigm” proposed by the anthropologist Hornborg, a student of Mi’kmaq society, (2001) also supports the idea that meanings and knowledge are produced and reproduced in practice at the interstices of local and supralocal technologies, histories and power relations. Attention to the formulation *in practice* of human and human-environment relations is central to my dissertation; by examining the re-configuration of local practices within the community, the dynamism of shifting meanings and knowledges and new practices will be illuminated. Lave and Wenger (1991:33) succinctly describe this type of co-productive relationship in their contention that “agent, activity, and the world mutually constitute each other.”

Dialogic Approach

I view these processes through which meanings, knowledge and practices are negotiated as fundamentally dialogic in the Bakhtinian sense. By this I mean that through multiple, multi-sited and cross-scalar discursive interactions (actual and perceived) between people, environments, memories and artifacts (e.g., books and technologies), people produce and situate themselves and others in dynamic and often unequal fields of social practice (Bakhtin 1981; Holland and Lave 2001). In contentious dialogue, people and meanings are positioned in particular ways. For instance, in interviews with some Salt Harbour Elders, small-

scale food fishers were discursively positioned as “cultural fishers,” while young commercial fishers were described as “not real fishermen.” Through this discursive positioning, the Elders were working to legitimize the continued importance of food fishing to nutrition and Mi’kmaq cultural identities. Most often, those in positions of power have the upper hand in dialogically positioning those with less power. In Salt Harbour, this means that despite the efforts of some Elders to value food fishing over commercial fishing, the economic and political power of the commercial fishing industry is great and contemporary Mi’kmaq fishing is becoming synonymous with commercial lobster and snow crab fishing. In situations like this, a dialogic approach is especially useful understanding the different ways that band members are responding to the changes that characterize the post-*Marshall* era. As we will see in Chapters 3 and 4, sometimes dialogic positioning is contested and others times it is *absorbed* by subjects, influencing how they execute and make meanings about particular practices, and how, in turn, these practices and meanings mediate identities. At one time in Salt Harbour, dialogues about what it meant to “be a fisher” and what it meant to “be a cultural person” had significant areas of overlap; fishing was intimately linked to practices and meanings identified as Mi’kmaq. Today, that link is growing increasingly tenuous as young commercial fishers heed – or absorb – the discourses of the state and the commercial fishing industry that extol the economic (rather than cultural) values of fish and promote practices aimed at individual profit maximization, not communal sharing.

Political Ecology

While social practice theory can be viewed as a foundational theoretical influence on this dissertation – and indeed on my own social production as an anthropologist – several other bodies of literature have been particularly important on shaping my approach to this research. For instance, political ecology seeks to understand the roles of power and inequality in the social

construction of nature, and of human/nature relationships by elucidating the processes behind these constructions (Descola and Palsson 1996; Ingold 2000; Dove 2005; Escobar and Paulson 2005; Paulson and Gezon 2005; Rocheleau 1999). These relationships are revealed by attending to multiple geographic, biophysical and temporal scales where conflicts over resources are constructed and meanings are produced and contested. Recent work in political ecology has focused on the validation of certain knowledges about human-environment relationships through discourses embedded in multiscalar, historical power structures (cf. Berglund 2006; Hvalkof 2006). This focus is complementary to the dialogic lens through which social practice theory views the construction of meanings and knowledge (Peet and Watts 1996; Escobar 1995; Holland and Lave 2001). In addition, political ecologists like Escobar 1998, Hornborg 2001 and Gezon 2005 have considered the co-constructive relationships between global and local technologies, power structures and meaning-making, an approach which can help us understand the role of the powerful commercial fishing industry (and associated technologies and practices) in reconfiguring the ways that Mi'kmaq fishers think about and interact with fish and fishing. In Chapters 3 and 4, we will see how disagreements within Salt Harbour – and between some Salt Harbour residents and the state – are being constructed discursively through the assertion of different ideologies about the place of fish and fishing in Mi'kmaq social, cultural and economic life. A political ecological analysis reminds us that these discourses cannot be understood apart from the larger political, economic and power structures within which they have been constructed and are playing out.

Moral Economy

In Chapter 3, I consider how Salt Harbour's Elders and other band members with less access to resources are responding to the changes in their community brought about by the *Marshall* decision. To help me make sense of the immediate, tangible impacts of the changes in

access and practices that followed *Marshall*, I considered theories of moral economies, notably Scott (1976) and Thompson's (1971, 1972) writings about the moral economies of poor people. Moral economy, for both of these theorists, is a Marxist concept that revolves around the idea that the right to subsistence is a central human right, and that those in positions of power have a moral obligation to ensure that workers retain enough control over their labour and/or production goods to ensure their own subsistence. In other words, a moral economy is a contract between workers and owners where workers can expect their basic needs will be met (Scott 1976; Thompson 1971, 1972). This concept resonates loudly with the assertions of Elders and other vulnerable people I met in Salt Harbour who were not opposed to the development of a capitalist commercial fishing industry by their fellow band members, but they maintained that within this system there must be provisions for the distribution of food and/or profits to help all community members maintain food security. What I refer to as the moral economy of fishing in Salt Harbour is shaped by centuries-old communal practices of food sharing, which is central to social organization, cultural identities and nutrition. My use of moral economic theory is a bit of a departure from the explicitly Marxist approach taken by Scott and Thompson, but there are elements of their work that I find compelling and powerfully applicable to understanding poorer band members' objections to how commercial fisheries were being administered in their community. This departure is explained in greater detail in Chapter 3.

Theories of moral economy can help us to understand how these discourses are being framed. Further, rather than drawing a false distinction by defining the Mi'kmaq moral economy of fishing as something that happened in the past, as opposed to an amoral economy of contemporary commercial fishing, I hope to show how the moral economy of fishing in Salt Harbour has been reshaped since the *Marshall* decision. The meanings and practices associated with commercial fishing – and supported by the state and industry – are becoming the basis for

a new moral economy of fishing in the community. Poorer community members are working discursively to ensure that meanings and practices they consider central to fishing – namely ensuring food security and promoting sharing of food – are incorporated into post-*Marshall* fisheries.

Common Property Theory

In Chapter 6, I delve more deeply into the issue of natural resource management, considering how band members are approaching the post-*Marshall* opportunities and pressures facing them as commercial fishers and potential partners in fisheries management. In 2006 and 2007, fisheries management decisions were made by the federal government under the terms of the band's post-*Marshall* agreement. During the six year term of this agreement, the goal was for the band and the state to work together to develop a shared fisheries management plan. When the agreement expired at the end of March 2007, few solid steps had been made in this direction. During the last few months of my fieldwork (in the summer and fall of 2007), commercial fishers, local fisheries coordinators, Band Councillors and other interested community members began talking more seriously about the pressing need for a local fisheries management and what such a plan could look like. Their discourses focused on the social, cultural, economic and political implications different management schemes might have for community life. Because Salt Harbour was still in the beginning stages of thinking about a local fisheries management plan, the discussion in this chapter is largely a programmatic discussion of the multiple factors to be taken into account as the band moves into new roles as resource managers. To guide this discussion, I turn to the rich body of work dealing with common property management – particularly the literature on the social and ecological challenges of fisheries management.

Common property literature is broadly concerned with determining when and how collective management of common pool resources occurs, and why such arrangements succeed or fail (cf. Ostrom 1992; Bromley 1992). Common property denotes a type of social/political arrangement through which resources, such as fish, game, water, forests and grazing lands, can be managed. In common property arrangements, potential resource users (e.g., local communities, the state, or private entities) develop a shared management structure with rules governing authorized uses of the resource (and consequences for transgressors.) Property and access rights to the resource are held in common and users depend on one another to uphold the rules in order to ensure that everyone can continue using the resource.

Within the common property literature, there is a growing body of work exploring co-management arrangements between aboriginal peoples and states and critical inquiries into Canadian co-management arrangements are particularly strong. (cf. Nadasdy 2003a, Spaeder and Feit 2005). In this field, I am particularly inspired by the work of Nadasdy (2003a, 2003b), whose thoughtful and rigorous ethnographic examination of a co-management relationship between the Canadian state and the Kluane First Nation of the Southwest Yukon territory highlights how such arrangements are often asymmetrical, as the exercise of state power and scientific knowledge usurp the place of aboriginal local knowledge in making resource management decisions. I will keep Nadasdy's critique in mind as I consider how a future fisheries co-management arrangement in Salt Harbour might be susceptible to reproducing dominant social and political hierarchies and ideologies at the same time that Mi'kmaq people are playing a more active role in determining resource management goals and strategies. In a broader sense, it is particularly important today to consider the emergence and spread of co-management arrangements because the discourses and approaches to this type of common property management are increasingly being taken up by states, and also by local communities,

to manage natural resources in their territories. While co-management is appealing to aboriginal communities because its discourses recognize possibilities for integrating local goals and beliefs as well as state interests, this symmetrical knowledge and power sharing rarely, if ever, happens that way.

Conclusion

The background information on the research project presented in this chapter sets the stage for discussions about how Mi'kmaq people from Salt Harbour were actively engaging in processes of identity- and meaning-making in the post-*Marshall* years. The next chapter draws on social practice theory and theories of moral economy to examine how band members were working dialogically to construct local economic orientations and practices at a time when their involvement in the commercial fisheries was intensifying. Their heated and heartfelt debates and claims about what how the local fishing economy should function can be understood as responses to a complicated suite of social addresses, in the Bakhtinian sense. Through their responses to these perceived addresses, they were engaging dialogically with the past, with the commercial fishing industry, with the state, and with the particular economic circumstances of their own community. The goal of this process was the cultural production of a set of local economic practices and meanings that reflected community members' visions for a healthy, cohesive community.

3

“THE SMALLNESS OF WHAT WAS LEFT” THE MORAL ECONOMY OF FISHING IN SALT HARBOUR

“The operating assumption of the ‘right to subsistence’ is that all members of a community have a presumptive right to a living so far as local resources will allow. This subsistence claim is morally based on the common notion of a hierarchy of human needs, with the means for physical survival naturally taking priority over all other claims to village wealth” (Scott 1976:176).

Introduction

“He got a moose! Uncle Russell got a moose!” Jared burst, breathless, through the front door, shouting his news to the adults playing cards in the living room. Everyone excitedly rushed outside to gaze at the large bull moose lying on its side in the bed of Russell Lnu’s pick-up truck. It was my first month of fieldwork, and I had been invited to this gathering, a family reunion, by Russell’s sister-in-law, Iris. “Come on!” she instructed. “You ever see a moose up close?” I hadn’t. When we got to the truck, the young cousins excitedly climbed on the moose, holding onto its massive rack of antlers while their smiling parents took photos. My apprehension about the scene must have been evident, because Iris’ brother, Bradley, came up and put his arm around me, saying, “Don’t worry. This is a happy day. A moose like that means a big munch-out for everyone; everyone eats!” After declining Bradley’s teasing offer to take my photo with the moose, I watched the adults congratulate the proud hunter and offer to help him dress (clean) the moose to prepare it for butchering. The expectation was that meat from

this moose would be distributed to the hunter's family and friends. While access to subsistence fisheries has been increasingly restricted over the past 50 years, there are fewer limits on First Nations moose hunting in Atlantic Canada, making it easier for Salt Harbour hunters to access and share the bounty of their hunt with fellow community members.

Moose hunting begins in mid-October in central New Brunswick, when the temperature is cool enough that a downed moose doesn't spoil on the forest floor before it can be dressed and transported for butchering. The hunting season falls between the end of the lobster fishing season and before the first big snows come. During this time of year, many people in the community are unemployed, as most seasonal work in the fisheries usually ends after the lobster season. For these folks and others without regular incomes, hunting is an opportunity to stock their freezers with food for the coming winter. Not everyone is able to hunt, however. I asked Bear George, a seasonal fisheries worker, how non-hunters access moose meat:

"They have a certain day... it's like a traditional day, and they fill markets [on-reserve convenience stores] with deer and mostly moose, and for the people who can't hunt, they [hunters] share their meat with the community. The younger guys will donate their time and hunt and have it cleaned and the band will pay for it. It's all paid for and it's put in boxes and whoever wants it, they can go ahead and take it. It's fresh meat, cleaned and cut. Nice steaks, you name it!"

The donation and distribution of moose meat in Salt Harbour indicates the persistence of local economic practices based not on accumulation of individual wealth, but on ensuring communal subsistence.

The following October (2007), I was driving around the community with Elder Len A'ltuasit on moose meat distribution day. "Stop up there by that trailer," he directed. At the intersection of the two main roads in Salt Harbour, Warren and Melinda Marchamp had parked a horse trailer plastered with a hand-lettered sign reading "Moose Meat." Five or six people had

formed a line beside the trailer and Warren yelled from inside, “What cut do you want?” Depending on the answer, he and Melinda handed out bags and boxes of ground moose, moose steaks, organ meats and any number of other cuts. The people in line complimented a beaming Warren on the color and quality of the meat. As they waited for their meat, they discussed the best ways to ensure that a moose roast stays tender: Is it better to cook it quickly over high heat, or slow-roast it all night in a 200 degree oven? When it was Len’s turn, he asked for and was given two deep pink moose steaks. On the way back to Len’s house to put the steaks in his freezer, he told me that the sharing of moose meat makes him proud of his community, but he wished that sharing food and resources was as widespread and frequent as it was when he was growing up in Salt Harbour in the 1950s.

As often happened in conversations with Len, a retired fisher, he steered the talk to fishing. Recalling his salmon fishing days in the 1960s and 70s, and the importance he and other fishers placed on sharing their catch with the community, Len told me, “Your first salmon, you build a fire at the shore, and you share it.” Although moose is still shared among neighbors in Salt Harbour, the closure of the Plamu River to salmon fishing in the 1980s dramatically curtailed practices of sharing fish. Salmon fishing restrictions were followed by restrictions on other important food fish species: striped bass, lobster, clams and oysters. These regulations, based on conservation and safety concerns²⁸, were viewed by Len and others in the community as a threat to local cultural practices, knowledge and food security. “Everything we do [related to food fishing], they’re making laws [against it] as we go along. And it’s affecting my generation; we’re used to doing all that.” Councillor Sean Dennis agreed: “The traditional part of all the fishing we have there, it’s no longer. It’s not what it used to be.” And according to retired fisher and Elder Francis Atwin, “The government has drawn a line where it doesn’t give us [access to]

the fish we're supposed to be eating...Now, we could use [that fish] to feed the Elders and the ladies with babies. They won't be able to go out there and fish."

Food Fishing

Food fishing, as it was most frequently called by Salt Harbour people, is also known in the legal realm as "food, social and ceremonial fishing", or FSC fishing, and is a topic that crops up frequently in this dissertation, thus meriting a brief explanation here. Aboriginal food fishing, I and others suggest (cf. Nesper 2002), can be as much a political statement and an expression of cultural identity as it is a subsistence activity. In Salt Harbour, food fishing was an activity that had undergone changes over the centuries, but had remained central to the reproduction of family, social and political relationships. The right of Canada's aboriginal peoples to fish for FSC purposes was recognized in the 1990 Supreme Court of Canada decision in *R. v. Sparrow*. The *Sparrow* ruling stated that, after conservation and other "valid legislative objectives", Canadian aboriginal peoples have a priority right to access fish for their FSC purposes, and that aboriginal peoples must be consulted if there are to be any federal infringements on this right (such as temporary closures of food fisheries because of conservation concerns) (*R. v. Sparrow* 1990; Fisheries and Oceans Canada 2008). Fish caught for FSC purposes are not legally allowed to be sold. The separation of food fishing from commercial fishing is considered arbitrary by many Mi'kmaq people who had never categorized fish in this way. This separation can be viewed as a bureaucratic mechanism of the state for regulating the meaning of fish and fishing practices according to a modernist logic that attempts to define, categorize and control nature as something that exists separately from social realms.

Many people in Salt Harbour understood this legal separation and regulation of food fishing as a way for the Canadian government to not only control access to fish, but to control

social and political relationships within the community. At different points throughout history, Mi'kmaq people's ability to access and determine the value of fish has been altered. By value, I mean both the locally determined value of fish as a mediator of social relationships, and the state and market-based valuation of fish as a commodity. This situation was not unique to the Mi'kmaq people; indeed similar claims could be made of many small communities in the region (cf. Sider 2003.) Through several of these changes, such as the state-led privatization of Mi'kmaq fishing grounds by the mid-1800s, and the strict regulation of river fishing in the 1960s, Mi'kmaq people were able to continue to access and provision food fish in their chosen ways. That is to say that the combination of an ability, albeit limited, to fish for food and the relative lack of market control over local economies before the 1960s allowed for the continued importance of fish as food, as well as the social reproduction of other 'proper behaviors' that accompanied fishing (e.g., valuing Elders' knowledge about ecosystem management, and affording accolades and political recognition to those deemed to be the best fishers.) By 2006, though, changes to the market economy of fishing and related changes to the cultural meanings and values placed on consumer goods, lifestyles and identities by the people of Salt Harbour (and the larger Atlantic region) had, to a large extent, outstripped local values placed on fish as a subsistence good and as a mediator of social relationships. In this chapter, we will see how changes to the local economy of fishing and associated changes in social relations within the community were being experienced, analyzed and contested by community members.

Despite the fact that the federal government retained some power to regulate food fishing in Salt Harbour, in many aboriginal communities, participation in food fishing had become a way to engage in a political dialogue with the state, saying, in essence: "We're still here; this is our right, and we're going to practice it!" Former Salt Harbour food fisheries administrator Bradley Albert said that since the *Sparrow* decision, "there's a lot more emphasis

[among people in the community] that, yes, we have a right [to food fish.] This is my inherent right. I don't want nobody messing with this right." Elder Francis Atwin was adamant that food fishing should continue to be practiced in Salt Harbour. If Mi'kmaq people were not able to continue to practice their right to fish for food, he worried that the state would swoop in and put an end to the practice. "What you have to understand," he said, is that "we have our own fishing rights here, and he [the state] wants to regulate this food fishing. By doing that, he's pulling something over you, like you're not going to be able to do that anymore." These statements support the claim articulated by Nesper in his ethnography about contemporary Ojibwe spearfishing that, through contentious, enduring encounters with the state, activities like food fishing have been revalued in aboriginal communities, taking on new meanings as practices of resistance and difference (2002:7)

Food fishing in Mi'kmaq communities is also a central way that people position themselves and others within figured worlds of Mi'kmaq cultural practice and identity. Bradley explained the scope and importance of food fishing in linking historic and contemporary Mi'kmaq identities saying,

"Presently here on the reserve, everyone's a fisherman. If you're a Native then you're a fisherman... It's part of my heritage; it's part of my culture. It's one thing that's been done here for years and years and years – further than I can count back. It's still being taught to our little kids. You can see a father taking out his little son to teach him how to fish, teaching him how to hunt, to gather with what little resources we have left."

Likewise, former Chief Luc George described the continuing relevance of fishing (and hunting) to the construction of contemporary Mi'kmaq identity: "Now, some people think we're living in the past. But we're not living in the past; that's just the way we are. Fishing and hunting, that's all we we're [about.]" Even young people I spoke with, like Toby Booker, who had never food fished, acknowledged the historical and continuing cultural relevance of this practice. "Yeah,

well, I've always seen older people fishing, setting nets or spearing eels. So, [I know] it's in our tradition for a long time," he said.

Important though it is as a cultural practice, participation in food fishing in Salt Harbour had dwindled over the decade or so. This had to do with federal conservation restrictions on food fishing in the rivers near Salt Harbour as well as the growth of interest and participation in commercial fishing. Consequently, by the late 20th century, discourses about food fishing had become more commonplace than food fishing itself. Through these discourses (which often blurred state-created boundaries separating commercial and food fishing), some band members positioned particular types of fishing knowledge and practices as legitimate (namely food fishing and sharing your catch with neighbors), while calling into question the identities and expertise of commercial fishers. As I will discuss below, community members who continued to rely on food fish for subsistence had seen their access to this type of food diminish in the post-*Marshall* period. These community members were working to discursively legitimize a moral economy of fishing based on distributive practices of wealth and food sharing. These discourses highlight the politicized landscape within which contemporary Mi'kmaq people are constructing cultural identities as Mi'kmaq people and as fishers. In the mix, it shouldn't be forgotten that for many of Salt Harbour's poorer residents, food fishing was still about *food* and about maintaining the security of the particular types of social relationships that had, for so long, been mediated by fishing and the sharing of food fish. Their food security depended in large part on having access to fish, and by association, it depended on the persistence of the types of social relationships that make this sharing possible. With fewer people engaged in food fishing, residents were concerned not only about the continued salience of fishing in reproducing local social relations and associated Mi'kmaq cultural identities, but about their own health and survival. The overlapping meanings of food fishing as a political act, a practice central of cultural

identity formation, and an activity crucial to subsistence emerged in the discourses of some community members as they worked to position themselves in the changing climate of Mi'kmaq fishing.

By the late 1990s, food fishing restrictions had coincided with a growing interest and participation by Salt Harbour community members in consumer culture and individual wealth accumulation, a trend that Len and others linked to a jump in available work in the forestry sector, and one that grew significantly after the *Marshall* ruling. In the eight years since *Marshall*, community members, especially Elders, had noted a further decrease in the already-dwindling practice of food fishing and food sharing. With few exceptions, food fishing was only permitted for lobster in the summer and late fall, and smelts in the winter.²⁹ The result is that, what I am calling the *moral economy of food fishing* – a set of practices and meanings emphasizing the subsistence rights of local people over the rights of the state and private corporations to profit from the regulation and sale of fish – was being eclipsed in Salt Harbour by the types of market-based economic practices that went hand in hand with the commercial fishing industry: individualism, maximum resource exploitation, limited access to resources, and a focus on personal wealth accumulation.

This shift had not gone unnoticed by band members, some of whom embraced the opportunities of increased access to wage labor and consumer goods, while others advocated for the continuing nutritional and cultural necessity of a local moral economy of fishing. When band members critical of large-scale commercial fishing claimed that it was a “capitalist” enterprise, they usually followed this assertion with an explanation of how younger Salt Harbour members had grown up watching television shows and attending schools and social events where values and practices associated with “white culture”, were emphasized over traditional

Mi'kmaq ways. It was widely agreed amongst the Elders that this was a shame, and largely responsible for the growth of consumer culture and individualism in the community. For instance, Ray Steeves explained that the (mostly) young commercial fishers “think like white people, because that’s how they grew up.” As we will see in Chapter 4, commercial fishers spoke of aboriginal rights, self-sufficiency, personal responsibility and hard work to construct a figured world of Mi'kmaq fishing where commercial fishing was viewed as an equally “moral” economic pursuit. At the heart of these debates were issues of socioeconomic equity, Mi'kmaq cultural identity, and meanings and practices of communalism versus capitalism. Through these dialogues, I will examine how Salt Harbour residents were negotiating the powerful, post-*Marshall* shift away from communally-oriented collective fishing practices, and the impacts that this shift was having on the community’s most vulnerable members.

Moral Economy

In his classic work, *The Moral Economy of the Peasant*, Scott (1976) offers an explanation – in the form of a sociocultural analysis – for the vehemence of peasant resistance in the face of encroaching capitalist market economies and the state processes and institutions that support them. During the Great Depression of the 1930s, Scott writes, peasant societies in Lower Burma and Vietnam – for whom food security was a struggle at the best of times – were unable to meet their minimum subsistence needs. Prevented by landlords from retaining enough of their crop for family food needs, and forced to pay prohibitively high prices for food at markets, peasant farmers rebelled. Although quickly quashed, this uprising highlighted the phenomenological meaning and power that the peasants had invested in a moral economy. Scott explains that the peasant rebellion was fuelled not only by claims to food and income, but was, at its heart an expression of “peasant conceptions of social justice, of rights and

obligations, or reciprocity” (1976: vii). In this instance, the key local practices that had once produced a relatively stable, collective moral economy were threatened by new practices based on opposing economic *and moral* values. Rather than placing the highest value on subsistence rights (and the practices that supported this value), emerging capitalist economic practices in 1930s Southeast Asia were geared toward maximum resource exploitation and private profit-making, leaving insufficient resources for peasant subsistence. The result was peasants’ anger over the violation of local socioeconomic meanings and practices, and presumably their panic at not being able to meet their basic food needs. Although many decades and thousands of miles removed from the peasant rebellions of depression-era Southeast Asia, the experiences of many of Salt Harbour’s poorer residents in the current post-*Marshall* era resonated with the cultural and subsistence threats faced by the Burmese and Vietnamese peasant farmers described by Scott.

As an analytic concept – a way of thinking about contentious economic practices surrounding fishing – *moral economy* can help us to understand the dialogues being constructed and deployed by Salt Harbour Elders and poorer community members to oppose (or offer alternatives to) the growing commercial fishing economy on the reserve. For these band members, the economic meanings and practices that had emerged along with post-*Marshall* fishing (most notably limited access to fishing, encouragement of private wealth building, and maximum allowable exploitation of resources) ran counter to the collective meanings they placed on all community members’ right to access natural resources for subsistence purposes, sharing food, and consciously limiting their catches to ensure healthy fish, animal and plant populations for their future needs. Like the Southeast Asian peasant farmers described by Scott, as well as the English “crowd” whose eighteenth century bread riots were depicted by Thompson (1971, 1972), Salt Harbour’s most economically vulnerable residents took the “right

to subsistence” (Scott 1976:6) as a basic human right, and they had long depended on practices of neighbourly reciprocity to ensure that the group’s food needs were met, even at the expense of individual profit.³⁰ This is not to say that food-sharing arrangements are strictly utilitarian; they were also culturally produced activities that reflected the unique local meanings associated with “proper” (and improper) human-environment relations, as well as producing and supporting certain types of community social relationships. In such a moral economy as this, local economic practices were mediated by a shared understanding of community life where good fishers and hunters are identified by their willingness to ensure that community members’ basic subsistence needs were taken care of before they sold the remainder of their hunt or catch for a profit. In this way, people were not expected to be communitarian purists, sharing everything they had; but they were expected to prioritize the subsistence requirements of their neighbors over individual profit.

As I alluded to in the previous chapter, my use of moral economy draws on - but also diverges from – the concept’s use by Scott, Thompson and others in the Marxist tradition. Whereas, for Thompson and Scott, moral economies are characterized by social contracts between workers (or peasants) and states where both parties are seen to be equally powerful social actors, in the case of the Mi’kmaq, relations with the state are anything but equal. While I do share Thompson and Scott’s view that the social contracts organizing moral economies recognise and prioritize the right to subsistence, I differ in my focus on the participants in such a social contract. By regulating access to the fisheries in various and ever-broadening ways, the state has been a central architect of the enduring impoverishment of Mi’kmaq communities, and the Mi’kmaq have been in no position to enter into a partnership of equals with the state when it comes to the fisheries. Instead, I choose to focus on how less wealthy band members were constructing and deploying contentious cultural claims directed at their fellow community

members to assert the moral obligation of these parties – and their fellow community members – to ensure that everyone had sufficient access to fish to help meet subsistence needs.

Moral economy has also been used to talk about how social contracts – usually relating to the provision of basic physical needs – are constructed or transgressed by groups of people in relationships characterized by power imbalances (cf. Dudley 2002; Klooster 2000). Of these, Dudley’s use of moral economy is particularly applicable to understanding the process (and effects) of decision-making by the band government about how local access to commercial fishing would be allocated. While Dudley’s use of moral economy has been critiqued as under-theorized and somewhat unrelated to Scott and Thompson’s explanation and analytical application of the concept, her attention to the processes through which decisions about work and resource allocation are made highlights the complexity and entrenched political nature of post-*Marshall* fishing in Salt Harbour. In her investigation of land loss by small-scale Midwestern farmers in the late 20th century, Dudley describes the decision-making practices of money lending institutions making loans to Midwestern U.S. farmers in the 1970s, 80s and 90s. National lending institutions that arose from the New Deal in the 1930s were gradually replaced by private lending banks and the criteria for loan eligibility changed as well. Private lenders, Dudley explains, used “institutionalized measures of moral worth” as opposed to local knowledge and values to determine which farmers would be approved for loans, and which would not. Ignoring local social conventions about the practices that constituted a good farmer (aka a farmer worthy of a loan), lenders re-shaped the cultural landscape of farming and farm loss in the region.

Like the private lending institutions Dudley describes, Band Councils were shaping the cultural landscape and figured worlds of Mi’kmaq fishing in the post-*Marshall* years. In Salt

Harbour, the Band Council held the power to determine which band members could have access to the boats, licenses, quotas, gear and other financial support that the community received as part of a compensation agreement negotiated with federal government shortly after the *Marshall* decision. Nearly a decade after the ruling, there were still bitter, ongoing discourses within the community about how these decisions were made. Council members I spoke with maintained that their resource allocation decisions were not politically motivated, and that they tried to distribute boats and equipment to people they believed would be good fishers; however, many community members argued that the beneficiaries of the resources were disproportionately political supporters of the Chief and Council, and community members with relations who held high positions in the band government and administration. In fact, I would be hard-pressed to think of a commercial captain without a family member on the Council.

This process of designating fishers and facilitating their access to resources runs counter to traditional Mi'kmaq ways of identifying fishers and managing access to the resource. Elders told me that, before the *Marshall* decision, the community recognized good fishers as those with the knowledge and skills needed to catch fish, and who understood the cultural and economic importance of sharing this fish. In this case, the band government's decisions about who would be able to fish, and thus access the potential economic and social benefits from the Marshall decision constituted a refiguring of the moral economy of fishing in the community.

A Changing Moral Economy; Not an Amoral Economy

It is also important to clarify that it is not my intention to idealize the pre-*Marshall* economy in Salt Harbour. As we will hear from Salt Harbour Elders in the following pages, life in Salt Harbour before the *Marshall* ruling was often extraordinarily difficult. Nearly all of the Elders I spoke with recalled being frequently hungry as children. It was only through the sharing

of food rations, vegetable gardening and clandestine fishing and hunting that families survived lean times. Although these practices continued to be valued for the nutritional insurance and social cohesion they fostered, in the late 20th century, no one wanted to return to the days of hardship and “dearth” (Scott 1976:vii). In large part, it was these memories of past scarcity that inspired poorer community members’ passionate discourses about the right to fish for subsistence and the continued importance of sharing.

Neither do I mean to suggest that emerging capitalist practices among the community’s commercial fishers were in any way inauthentic, illegitimate or *amoral*. By and large, band members advocating for the preservation of a local moral economy of fishing were not opposed to the development of commercial fishing in their community. They were proud of how their community had created and responded to economic, social and political changes, and they were proud of the young commercial fishers who were working hard, learning new skills and providing for their families. As the father of one commercial fisher told me, his son “paid out his truck, and he bought a lot of clothes for the kids. He’s happy that he made that hard-working money himself...He’s working hard in his community for his things.” However, despite feeling proud of the positive steps some community members have taken since the *Marshall* ruling, poorer community members expressed to me their great resentment and frustration at the administration of commercial fishing at both the band and federal levels. The current structure of Salt Harbour fishing, which was largely controlled by federal laws and administrated by band councils, did not include provisions for the communal sharing of fish or revenues from fishing – in fact, such practices are discouraged, and in some cases prohibited by the commercial fishing industry and the economic system of which it was a part. To borrow Scott’s (1976:11) description of what was at the heart of peasant rebellion in 1930s Southeast Asia, “it was the

smallness of what was left, rather than the amount taken” that inspired heated dialogues about the continuing importance of such a local economy in Salt Harbour today.

What I think was happening in Salt Harbour in 2006 and 2007 was that what was considered the moral economy (or moral logic) of fishing – the proper way that fishing and associated activities should be carried out – was undergoing a shift. The moral economy that existed before the *Marshall* decision – and was particularly strong up until the 1960s – was being replaced by new ideas about what constitutes legitimate – or moral – fishing. Whereas the “old” moral economy emphasized subsistence, sharing and moderated catches, the emerging moral economy placed importance on individual achievement, self-reliance and the ability to provide one’s family with desired commercial goods. Interest in these things did not spring up overnight; indeed I would venture to say that had access to large-scale commercial fishing been available to Mi’kmaq people before 1999, they would have jumped at the opportunity. I suggest that in both of these cases, fishing practices and meanings were mediated by the social and economic landscapes of life in the community.

Before the 20th century, the economy of Salt Harbour was, with few exceptions, a subsistence economy with little participation in the regional money economy. Fishing, hunting, gardening, and small-scale selling of baskets and handicrafts left community members with just enough food and money to get by. In the 20th century, the local economy was changed by a number of global, national and regional forces that all influenced how Mi’kmaq people made sense of and engaged in local economies. These experiences included:

- Mi’kmaq soldiers serving in both World Wars and the Korean conflict and returning home to full veterans’ benefits;
- Outmigration for work to cities like Boston and Halifax by single men and young families;

- Increasing privatization of land, which made it more difficult for Mi'kmaq hunters to access their hunting and fishing grounds;
- Federal regulations restricting fishing;
- Public education introduced Mi'kmaq youth and their parents to new cultural, social and economic meanings and practices;
- Increases in social assistance allowances resulted in a greater ability to consumer store-bought goods, and less reliance on gardening, fishing and hunting;
- Salt Harbour members participated in the local Baie Claire business community as workers and business owners; and
- The rising accessibility and saturation of popular media since the early 1970s when more homes in Salt Harbour got electricity and families bought televisions.

This is all to say that consumer culture was nothing new to most Salt Harbour residents. For decades they had engaged in practices that reflected values synonymous with Canadian consumer culture, namely the accumulation of consumer goods, like vehicles, electronics and designer clothing, in order to assert or claim a certain status, to construct identities, to produce certain types of social relationships – and even to achieve happiness. However, there was something new about the way that the local economy was operating since the *Marshall* decision. The major difference was the amount of money flowing into Salt Harbour as a result of Mi'kmaq participation in the commercial fisheries; this money, and the economic practices through which it is earned, allowed Mi'kmaq people to participate more extensively in consumer culture, and as a result Canadian consumer culture had become an increasingly important resource drawn on by Mi'kmaq people to situate themselves (and their roles and responsibilities) within their community.

Here is how this difference relates to changes in what I am calling the moral economic of Mi'kmaq fishing: before the advent of large-scale commercial fishing in Salt Harbour, Mi'kmaq people participated in Canadian consumer culture, but the enduring poverty on the reserve made it all but impossible for them to construct a thoroughly capitalist, consumer-based local economy. Although many families did have some extra spending money from time to time, they continued to rely on friends, neighbours and social assistance allowances to meet their subsistence needs, especially in seasons when fish and meat were not readily available. From a utilitarian standpoint, the persistence of a subsistence economy during this period was an insurance policy against starvation. From another perspective, these subsistence practices – what I am referring to as the moral economy of Mi'kmaq fishing – were a central means through which local Mi'kmaq culture was constructed. These practices also reproduced social relations (e.g., sharing, poverty, family) that had been mainstays in Salt Harbour for centuries.

When Mi'kmaq fishers began earning enough money to comfortably purchase enough food for themselves and their families to last throughout the year, the social and economic climate on the reserve changed. The cultural and economic meanings and practices associated with the commercial fishing industry were adopted by Mi'kmaq fishers and, in turn, affected how Salt Harbour fishers and their families engaged in the local economy. But not everyone in Salt Harbour has been able to participate in the new moral economy of fishing. Nor does everyone want to participate. Whereas before the *Marshall* decision, a high importance was placed on distributive economics, the focus had shifted to individual accumulation and success. As I will show in this chapter, this shift was met with resistance by the community's poorer residents and Elders, many of whom did not have steady incomes and continue to rely on shared food for their subsistence needs. In addition to threats to subsistence, the decreased emphasis on sharing had Elders worried about Mi'kmaq social reproduction and cultural

identity, which they closely linked to engaging in particular activities. While many people in the community supported what I am calling the new moral economy of fishing (including the band's most powerful members), other community members were disputing the legitimacy of this economy and calling for the maintenance of pre-*Marshall* social and economic practices. Following the work of Holland and Lave (2001), I believe that the *Marshall* decision opened a new "space of authoring" where Mi'kmaq people could exercise their agency to create new practices and meanings about fishing, community life and culture, and these contentious debates were occurring within this new space of authoring. Though a new moral economy of fishing was indeed being figured, it was not yet particularly stable, leaving room for negotiation, and this was exactly what band members arguing for the integration of "old" economic fishing practices into this new moral economy were attempting.

Mi'kmaq Moral Economy through Time

The roots of the pre-*Marshall* Mi'kmaq moral economy run deep. Early European explorers, missionaries, fishers and traders landing on the northeastern shore of North America were frequently struck by the generosity shown to them by the local inhabitants, and which the locals afforded to each other. The Catholic missionary Le Clercq, who spent time with Mi'kmaq people (whom he called Gaspesians) living in the present-day Gaspé region of Quebec, remarked on "the charity with which they mutually comfort each other" (1910 [1691]: 116). In spite of the boorish and ethnocentric tone Le Clercq takes throughout much of his writings about the Mi'kmaq, he clearly admired the practices of reciprocity the dominated seventeenth century life in Mi'kmaq communities.

"The strong take pleasure in supporting the feeble; and those who by their hunting procure many furs, give some in charity to those who have none, either in order to pay the debts of these, or to clothe them, or to obtain for them the necessaries of life."

Widows and orphans receive presents, and if there is any widow who is unable to support her children, the old men take charge of them, and distribute and give them to the best hunters, which whom they live, neither more nor less than if they were the actual children of the wigwam. It would be a shame, and a kind of fault worthy of eternal reproach, if it was known that an Indian when he had provisions in abundance did not make gift thereof to those whom he knew to be in want and in need” (Le Clercq 1910 [1691]:116).

Similar acts of sharing food with those in need were noted by French explorer and colonial scout Lescarbot nearly six decades before Le Clercq arrived in Quebec. During the year he spent at Port-Royal, a short-lived French colonial settlement near present-day Annapolis Royal, Nova Scotia, Lescarbot and his crew often found their provisions insufficient. Lucky for them, their settlement was near a Mi’kmaq hunting camp, and the hunters – whom Lescarbot referred to as “savages” (*les sauvages*) in the derogatory, colonial vernacular of the day – were known to share the bounty of their hunts with the French settlers. Of this arrangement, Lescarbot ([1606] 1928: 320) wrote:

“For our rations we had peas, beans, rice, prunes, raisins, dried cod, and salt meat, besides oil and butter. But whenever the savages encamped near us has made a catch of any beaver, moose, caribou, or other animals...they brought us the half thereof, and frequently put up the remained to public sale, and anyone who wished bartered bread for it.”

These two examples indicate that contact-era Mi’kmaq people produced and participated in a moral economy based on a universal right to subsistence, and, what’s more, that they extended this right to non-Mi’kmaq newcomers. However, Mi’kmaq and European economic systems were about to come into conflict, resulting in centuries of Mi’kmaq struggle and persistence.

By the time Le Clercq and Lescarbot arrived in Mi’kmaq territory, the Mi’kmaq (and neighboring First Nations) had been in contact with Europeans for well over a century, during which time they retained relative autonomy over their traditional lifeways despite changes in economic practices, including voluntary participation in the fur trade, as described in the last

chapter. However, by the end of the 18th century, Mi'kmaq people were finding it more difficult to access the fish and four-leggeds they depended on for their food, social and ceremonial needs as their lands were seized by colonial officials and allotted to the influx of British settlers flooding into the region at this time (Parnaby 2008). With the development of the federal Indian reserve system in Atlantic Canada in the early 1800s, the Mi'kmaq, along with their closest First Nation neighbors, the Maliseet (also called Wolastoqiyik), were virtually confined to small, marginal plots of land removed from their hunting and fishing grounds. Their usual economic activities stymied, Native peoples were encouraged by the colonial government to take up farming and the manufacture and sale of handicrafts (Parnaby 2008). Although the reserves lands were largely ill-suited to agriculture – Salt Harbour, for instance, is situated on a bog – many Mi'kmaq people did have vegetable gardens, and for the next century and a half, they relied on the manufacture and sale of crafts and piece-work for survival. Salt Harbour Elders like Melvin Lacave, Marcus George, Rodney Marchamp, Len A'ltuasit and Joann Prentice, remembered working with their parents and grandparents to make axe handles, woven birch and ash baskets, wooden hoops for lobster traps, Christmas wreaths and quillwork.

As a child, Joann, the manager of Salt Harbour's commercial fishing fleet, used to ride the train 40 miles into Moncton, New Brunswick to sell baskets door-to-door with her mother. They, and other Mi'kmaq women and children, walked all day with basket handles slung over their arms, and at night when they could not afford to rent a hotel room, they slept at the city jail, where they were given warm blankets, tea and toast. Len's grandfather was a skilled axe handle maker, and was on the road much of the time selling his handles to stores throughout the Atlantic provinces. Many other Mi'kmaq men, like Sibat Lacave and Adam Lnu's fathers, spent three seasons of the year in Aroostook county, Maine, working in the blueberry and potato fields and sending money to their families back in Salt Harbour. These sorts of economic

activities differed radically from pre-contact and contact-era Mi'kmaq hunting, fishing, trapping and gathering practices; however, rather than extinguishing the meanings and practices that constituted a Mi'kmaq moral economy, the particular local meanings and practices associated with lands and natural resources shifted in response to the changing political and geographic circumstances of Native peoples in the region. The scarcity that characterized daily life in Salt Harbour in the 19th and first half of the twentieth centuries made reciprocity in securing of food and other resources more important than ever. Sally Atwin's story conveys not only the nutritional, but also the social and cultural centrality of hunting and fishing for local foods – and sharing those foods with neighbors in need.

Reflective and fiercely community-oriented, Sally Atwin was a Mi'kmaq woman in her late 50s. During our first meeting at the nearby National Park where she ran educational programs teaching visitors about Mi'kmaq history and culture, I expressed my interest in learning more about the changing role of fish and fishing in Mi'kmaq communities. It took some time for Sally to agree to an interview, and when she finally did, she made it clear to me that although some people in Salt Harbour may describe “Native culture” something that can be achieved through participation in ceremonies like the sweat lodge or the Sundance, she had a different conception of “being Mi'kmaq.” As I would come to learn over a handful of meetings with Sally at the park and at her home in Salt Harbour, for her, being a Mi'kmaq person involved intimate knowledge of a system of locally- and historically-derived meanings, practices and knowledge that allow people to “survive off the land in difficult times,” including living in “day-to-day poverty.” This understanding of being Mi'kmaq” also included cultural practices like sharing with those in need, and being able to depend on neighbors to share with you when your supplies of food, firewood, clean water, lamp oil, gasoline, warm clothing or other necessities ran out. When there are tight social relations among community members, she said, it is easy to

know when someone is out of food, or if their children don't have winter boots. Sally was not equating "being Mi'kmaq" with "being poor" or "being dependant"; rather she was describing an important aspect of Mi'kmaq social relations and survival: sharing and mutual reliance. In good times and in lean times, neighbors knew that they could rely on each other. Though she did not explicitly say, it, perhaps Sally was thinking of a time in the future when the lobster stocks might fail and Mi'kmaq subsistence would once again depend on a network of neighbors sharing with each other. If these practices and ideals were to fall to the wayside in good times, how will younger people cope if the fisheries took another turn for the worse?

Sitting with Sally in her kitchen on a late summer evening in 2007, shucking corn and snapping the ends off green beans she planned to freeze for herself and her siblings' families for the upcoming the winter, she described some of the difficult times her family endured when she was a young girl growing up in Salt Harbour the 1950s and early 1960s. It was a time when Mi'kmaq social and economic life was essentially confined to the reserve: federal Indian policies restricted the areas and seasons that fish and game could be taken, and pervasive racism in the region made it difficult for Mi'kmaq people to find wage work outside the reserve. As a result, Salt Harbour families depended on federal "family allowances", which were distributed to families in the form of ration cards by the local Indian Agent. With these ration cards, Salt Harbour families could purchase certain types of "approved" groceries (including flour, lard and molasses) at several "approved" stores on the reserve and in Baie Claire. The food obtained with the ration cards was often rotten and the quantity was always inadequate. Elder Rodney Marchamp shared a childhood memory of taking a taxi into Baie Claire to buy groceries with his father. When they arrived at the only store in town where Mi'kmaq people could buy food with their ration cards, they selected some potatoes from a barrel in the main part of the store. The

proprietor refused to let them have those potatoes, instead pointing them to a barrel of rotten potatoes out back, next to the garbage.

The lack of paid work for Mi'kmaq people at this time meant that many Salt Harbour families also depended on social assistance to help make ends meet. Betty Paul recalled that her parents received \$10 per month in family allowance for their family of 14 in the 1940s. To supplement the social assistance and family allowance money in the mid-twentieth century, many people also maintained small vegetable gardens and chicken coops near their homes. Sally's mother and neighboring families frequently ran out of money and rations by the end of each month, and pooling the left-over food from their gardens to make sure that every family had a potato, some carrots, a chicken neck and a few other tidbits necessary to make soup. Rodney Marchamp, in his late 70s, recalled his mother making soup in the same way: "If a mother was preparing a soup for example—they used a soup bone—and was boiling that soup, halfway through she would take that bone out of there and give it to a neighbor, and that neighbor would make soup out of that same bone. That was how it worked." Until the late 1960s when federal social assistance was substantially increased, Sally said, sharing like this was a way of life in the community; it was a dreary way of "living off the land," and necessary for survival. For the great majority of people in Salt Harbour then and at the turn of the 21st century, this federal money was a poor consolation for severely limited access to food fish, and a direct affront to important cultural identities and activities that were given meaning and made possible through the act of food fishing. Sally's experience demonstrated that, in spite of changing Mi'kmaq economic patterns, from the contact-era to the mid twentieth century, the people of Salt Harbour continued to engage in practices of food sharing; practices that mediated (and were mediated by) collective, cultural ideas about social relationships and the right to subsistence.

During my time in Salt Harbour, fish remained an important component of many people's diets. In a survey conducted in the community in 2006, 50% of residents said that they ate "traditional foods" like moose meat and fish, and 52% said that they have had traditional foods shared with them by their neighbors (Levi 2007). This is not surprising, given that high levels of poverty on the reserve made regularly purchasing food at local grocery stores prohibitively expensive for many, especially with the added cost of transportation into town. The Canadian Association of Food Banks (2004, 2005) determined that maintaining a healthy diet (of purchased food) is virtually impossible for households depending on social assistance or minimum wage employment wages, and according to research conducted by Levi (2007) over 80% of Salt Harbour families were enrolled in social assistance programs in 2006. Two consequences of this hardship were a growth of inadequate or unhealthy diets heavy on cheap processed foods, and an enduring reliance on distribution of traditional foods. In Levi's experience and my own, younger families ate more junk food, and elders chose traditional foods when they could. However, I learned that many people in Salt Harbour – young and old – would have preferred to eat more traditional foods and had the financial option to be able to supplement those foods with other healthy foods purchased from local markets. Access to these types of food – especially fish – had been made increasingly difficult by federal conservation restrictions and waning participation of younger community members in food fishing. As one community member interviewed by Levi (2007:66) explained:

"I remember when my father used to fish down the shore. Now we are told by the DFO that the stocks are too low or unhealthy. In my opinion if we are told not to have our traditional foods there should be some compensation because our people are replacing it with less healthy foods."

Protest Fisheries

At several points in the mid-twentieth century, the separation of people from the fishing practices they depended on for food and as key mediators of cultural identities proved too much to take for the people of Salt Harbour. Fervently believing that their right to fish for food in the rivers and along the coasts of their traditional territories was “not just a treaty right, it’s a human right,” as fisher Billy Sam said, a handful of Salt Harbour residents organized what they referred to as “protest fisheries” in the late 1960 and early 1970s. These protest fisheries signalled Mi’kmaq people’s belief that by banning them from fishing in the river, the state was violating an unwritten social contract; Mi’kmaq people had more or less respected the state’s imposition of official fishing seasons, licensing and other such restrictions, but they expected to be able to continue to take enough fish to feed their families and to sell on the informal economy for money to buy other necessities (Thompson 1971). Nearly forty years later, community Elders and retired fishers enthusiastically recalled these protests, which were organized in opposition to federal prohibitions salmon fishing in the Plamu River without a license. The discourses I heard about these protest fisheries were frequently embedded in larger histories of struggle, persistence and cultural practice. The state, the argument often went, had tried for centuries to separate First Nations people from the fish – and other natural resources and practices – they relied on for food and to orient their social life, spirituality, and cultural identities. Mi’kmaq people, however, were not willing to sever those ties. Protest fisheries were one very visible way of reaffirming the cultural practices and meanings that mediated the Mi’kmaq moral economy.

The protest fishery story I encountered most often was that of Charlie Marchamp, who, in 1966 alerted the RCMP, the DFO and the local media that he was going to fish for salmon in the Plamu River, and dared them to stop him. Under the guidelines of the 1952 Federal

Fisheries Act, unlicensed netting of salmon in the Plamu was illegal (*Fisheries Act of Canada* 1952), but Charlie argued that he had a treaty right to fish for his food in the Plamu River. According to the multiple accounts I heard of Charlie's protest fishery, he waited until DFO and RCMP boats gathered in the river just off the shore in Salt Harbour, and then he confidently waded in the river and set his nets. Many people from the community came out to support him, including the Band Chief, Sam Marchamp, who was Charlie's son. Len A'ltuasit recalled a row of cars lining the entire shoreline, and women from the reserve brining food down to the shore for a community picnic while Charlie fished. Charlie's grand-niece laughed when she told me that the only thing her uncle hadn't counted on was not being able to catch a fish. After several hours with nothing in his net, someone from the community surreptitiously brought Charlie a frozen fish from their freezer to deposit in his net. He pulled this fish from his net, triumphantly displaying it to the community and to the law enforcement officers idling their boats in the river! At least three different people I interviewed proudly claimed that their fathers or grandfathers supplied the frozen fish for Charlie's protest fishery. Atoen Albert, one of the few remaining river fishers in the community, recalled "Old Charlie's protest" as a victorious community event: "We kept setting our nets in plain view. Then the wardens were supposed to come and take the nets down, but there were too many people [from the community who had showed up to protest.]" Shortly after this protest, however, once out of the media's eye, Charlie was charged with and convicted of illegal fishing. His appeal was eventually heard by the Supreme Court of Canada, which somewhat reluctantly upheld his lower court conviction, ruling that:

"Unfortunately for [Charlie Marchamp] and his associates the law is not on his side. The law does not recognize ancient treaties made in good faith by honourable men and nations prior to Confederation and this principle has been enunciated in a number of judgments which have been upheld by our Supreme Court at Ottawa. He and his associates will have to conform with our present laws or face the possibility of a fine

and imprisonment in default of payment of such fine and costs. It is wishful thinking on his part as well as that of his associates that our courts will reverse any decisions already recorded. Whether he believes that they are phrased in beautiful legal verbiage or polemics is of little concern to those whose duty it is to see that the law must be upheld. I therefore find it my painful duty to impose a fine of ten dollars on [Charlie Marchamp] and in default of payment of such fine to a term of ten days in the common gaol at [Baie Claire] (Francis v Regina).³¹

Charlie Marchamp's protest fishery was not a spontaneous event; it was a response to several difficult years for Salt Harbour families. Band Councilor Sibat Lacave was a child in the 1960s, and she recalled the impacts of federal fishing raids on Salt Harbour salmon fishers. Her father, "lost a lot at that time; he lost his livelihood" when he was told he couldn't fish salmon any longer. I asked her why, if Charlie Marchamp and other protest fishers had such widespread community support, didn't more families participate in such acts of resistance over the years? She said that while some people still fished for salmon at night, most people didn't risk it; they knew they couldn't afford to pay the fines if they were charged, nor could they afford to replace their nets if they were seized by the DFO. Charlie knew that because his son was both the Band Chief and the head of an influential regional First Nations advocacy organization, he would have access to resources for his legal defence. For Charlie, a protest fishery was a risk worth taking, and the enthusiastic retellings of the event indicated to me that although only a few people chose to actively participate in the protest fishery, Elders viewed the event as a *community* stand against federal regulations separating them from an important resource and practice.

Community support for protest fishing – and the moral economy practices it sought to protect – remained strong even after Charlie Marchamp's arrest. In 1971 another protest fishery on the Plamu River was organized by Salt Harbour residents. The Fredericton, NB *Daily Gleaner* reported that the protest "had something of a picnic atmosphere with members of the reserve parading about the banks of the river with placards protesting regulations." With

placards reading “We Eat to Live, We Fish to Eat”, “Give Us Back Our Aboriginal Rights”, “Red Power” and “Let Us Fish in Peace”, community members disputed restrictions on salmon fishing, as well as asserting their culturally-derived rights and iterating the centrality of fish to Mi’kmaq subsistence. Andrew Nicholas, who was the Vice President of the Union of New Brunswick Indians at the time, noted the cosmological relationship between salmon and Mi’kmaq people when he said, “the question goes back to the aboriginal rights. Fishing is not a sport but a way of life similar to a religion” (Daily Gleener 1971: 5).

Despite the important role these protest fisheries continued to play in Salt Harbour Elders’ discourses about proper fishing knowledge and practices, and the types of human-environment relationships that they mediate, and from which they spring, no one I spoke with could recall a protest fishery taking place after 1971. There were several reasons for this: first, it was around this time that the federal government, at First Nations’ urging, increased social assistance available to band members. With that, more people could afford to buy food at local grocery stores and did not have to rely as much on fishing, hunting and gardening to meet their subsistence needs. Second, there was a decline in the climate of overt and institutional racism in mainstream Canadian society, and consequently, more Native people were able to find work off-reserve. Salt Harbour band members found work with forestry and construction companies, with the province as truck drivers, teachers and some even took work with the federal government as park rangers and DFO fish wardens. Third, during the decades of the 1970s, 80s and 90s, many young people and young families left the reserve to live in cities like Moncton, Fredericton and Saint John in New Brunswick, Halifax in Nova Scotia, and Boston and New York in the U.S., where they had an easier time finding work. The 1999 *Marshall* decision drew some of them back home, where they hoped to work in the commercial fisheries and looked forward to raising their children in a Mi’kmaq community.

Early 21st century, retellings of protest fishing stories in the context of contemporary disagreements about the administration of post-*Marshall* fisheries highlight the continued importance of river fishing and practices of sharing for community members who struggled to access basic resources like food. These practices are part of the Mi'kmaq survival story. The fact that they had endured into the post-*Marshall* years indicated the continuing importance of moral economy within the community, and the threat that some local people believed the commercial fisheries posed to this system. The next section depicts the discursive efforts of some Salt Harbour residents to ensure that practices and meanings associated with the moral economy of fishing in the pre-*Marshall* years continued to be legitimized and practiced in the changing economy of fishing.

Post-*Marshall* Dialogues: Defining the New Fishing Economy

Ray Steeves lit the last cigarette in his pack and slid a cup of sweet, milky tea across the table to me. We were talking about economic change in the community, and from our vantage point at Ray's sister's kitchen table, we watched a steady stream of pick-up trucks driving down the road, headed to the wharf, laden with rope and crab traps. It was springtime and all around the community, commercial fishers were busy preparing their vessels and traps for the upcoming snow crab season, the first major commercial fishery of the year. No one in Ray's family fished commercially; Ray's sister and brother-in-law petitioned the band for use of a commercial boat after the *Marshall* decision, but their request was turned down. Like the great majority of people I spoke with who were not directly involved in the commercial fisheries, Ray was highly critical of how the post-*Marshall* fisheries had been administrated. Nodding his head toward a truck driving down the road, he declared, "Capitalism is a disease based on taking advantage of people. The Indian Way is sharing." This pronouncement was not a personal

indictment of the young driver of that particular truck, but a general reaction to the changes in community economy and social life since the *Marshall* decision. While this was the time of year when young commercial fishers worked hard to prepare their boats and gear, and have high hopes for a profitable fishing season, it was also the time of year when the thousands of Salt Harbour residents who did not fish commercially were most acutely aware of the divisions and inequalities the ruling had created – or exacerbated – in their community.

The *Marshall* decision did indeed provide long-deserved opportunities for Mi'kmaq communities to participate fully in commercial fishing; however the on-the-ground administration of the treaty rights was uneven to say the least, and many Mi'kmaq people were left disappointed, angry, and worried that there would not be a place in the commercial fisheries to accommodate what they considered important cultural and economic practices. To this end, those community members who had not benefitted from the *Marshall* decision were constructing and engaging in a series of complicated cultural discourses and contentious dialogues to position themselves – and the cultural practices that mediated their identities – as legitimate and crucial to the cultural survival of Mi'kmaq people. These discourses involved multiple partners, including the state, the local band government, the commercial fishing industry, commercial fishers, and Elders. They also drew from past events – namely past experiences of food scarcity and reciprocity – to make claims on proper Mi'kmaq fishing practices. The contemporary context of these contentious discourses was also significant. In 2006 and 2007, the community was still trying to develop a local (but regionally-aware)³² fisheries management plan, and community members' contentious claims should not be viewed simply as complaints about being “left out” of the commercial fisheries, but as claims about how a Salt Harbour fisheries *should* be managed.

Administrating Fishing after Marshall

A Rocky Start

For two months after the Marshall decision, there was general confusion about how, when and where Mi'kmaq commercial fishing could take place. As I described in Chapter 1, the *Marshall* ruling in September 1999 was frustratingly vague in its description of how Mi'kmaq treaty rights could be exercised. The ruling stipulated that contemporary Mi'kmaq people, the descendants of the treaty's signatories have:

"...a treaty right to continue to obtain necessities through hunting and fishing by trading the products of those traditional activities subject to restrictions that can be justified under the Badger test.³³ What is contemplated is not a right to trade generally for economic gain, but rather a right to trade for necessities. The treaty right is a regulated right and can be contained by regulation within its proper limits. Catch limits that could reasonably be expected to produce a moderate livelihood for individual Mi'kmaq families at present-day standards can be established by regulation and enforced without violating the treaty right" [R. v. Marshall 1999a].

This wording raised questions like: Just what qualifies as a "moderate livelihood?" Who has the authority to regulate Mi'kmaq commercial fisheries? Does a federal right to fisheries regulation supersede Mi'kmaq management plans, even if those plans involve strict conservation rules? Most Mi'kmaq people took this phrasing to mean that they now had a legally-recognized treaty right to manage commercial fishing outside the authority of the state, provided they had a responsible management plan. Fishers from the Burnt Church reserve in northern New Brunswick were among the first to take action, drawing up a local lobster management plan and dropping lobster traps in the lobster-rich bay off their reserve. Meanwhile, the federal government had a different interpretation of the *Marshall* ruling, insisting that all commercial fisheries in the region – Native or non-Native – fell under federal jurisdiction, which set rules for fishing seasons, fishing areas, permissible fishing gear, the amount of fish that could be taken,

and size and other requirements for “legal” fish. As we will hear more about in Chapter 6, this clash of ideas came to a violent head at Burnt Church at several points in 1999 and 2000. In response to the uncertainty, the Supreme Court of Canada took the rare step of issuing an official clarification of its initial ruling in November 1999. Known as *Marshall II*, this clarification stated that though the Mi’kmaq and Maliseet descendants of the Peace and Friendship treaty signatories did indeed have a right to fish commercially under their own management plans, their fishing could, under certain circumstances, and in consultation with the First Nations, be regulated by the state (R. v. Marshall 1999b). By and large, *Marshall II* was viewed as a victory of the state and of the non-Native fishers in Atlantic Canada, who were worried that the presence of Native fishers in the industry would push the already-precarious fisheries over the edge of collapse. In fact, most estimates place the Mi’kmaq share of the commercial lobster fishery at roughly 3% of the total fishery (CITE). Mi’kmaq people, like Band Councillor and commercial fisher Sean Dennis, viewed Marshall II as a yet another power play by the federal government to control Mi’kmaq fishing. “It was like they gave us something but yet they turn around and they take it back and add on more rules and more regulations,” Sean explained.

Cary Lacave, retired fisher, agreed:

“Marshall I gave us the right and the recognition from the Canadian federal government... But when Marshall II came out, it was that high [indicates a tall stack of papers.] There was more regulations, acts and whatnot...restrictions. Holy! It was there. Every time you turn around, you have to identify the fish that you caught, tag it, measure it. We never had that before.”

These reactions to *Marshall II* highlighted two important points that often cropped up in the discourses of non-commercial fishers³⁴ about what they took to be the unjust administration of their treaty right to fish for the profit of a few. First, despite good-faith efforts on the part of many Mi’kmaq people, state employees and private sector consultants (several of whom were

Native people) to work together on achieving economic and environmental goals, mistrust and power asymmetries continued to characterize Mi'kmaq-state relationships. Second, the federal regulations that structured Native commercial fishing not only supported the development of individualist fishing practices, but according to local people, they were also detrimental to small-scale food, social and ceremonial fishing in the community. Before moving on an exploration of these discursive reactions to post-*Marshall* fishing and management in Salt Harbour, I briefly describe how the decision has been administrated within the community.

Post-*Marshall* Agreements

Like it or not, *Marshall II* was the final word on the treaty right to fish for profit, and despite several flare-ups in tensions between Mi'kmaq people and DFO, and Mi'kmaq and non-Native fishers, by 2001, most Native communities were anxious to get down to the business of fishing. The lack of start-up capital for fishing ventures was a major obstacle, however. In response, the federal government offered to sign agreements with individual bands³⁵: in return for agreeing to abide by federal commercial fishing regulations, the state pumped millions of dollars into First Nations communities to purchase boats and gear, and to support other community social service programs and infrastructure projects. In addition, the state initiated a “buy back” program for hundreds of non-Native lobster licenses in order to make room for Native fishers in the too-crowded fishery. Most of the bands who signed post-*Marshall* agreements ended up using their “Marshall money” to buy boats from non-Native fishers who agreed to the federal buy-outs and took early retirement.³⁶ A number of training options were also made available to Mi'kmaq fishers, including courses at regional community colleges, and a mentorship program where seasoned lobster fishers rode along on Mi'kmaq boats and tutored the new fishers on running a safe, successful business.

By many accounts, Salt Harbour's post-Marshall deal was the most lucrative of all the 32 bands that signed post-Marshall agreements. Salt Harbour received over millions of dollars in federal funding to be used over six years to develop and support commercial fisheries in the community (DFO 2007c). In those six years (2001 – 2007) Salt Harbour built up a fleet of over 70 in-shore commercial vessels³⁷, and became major players in the region's two main commercial fisheries: snow crab in the spring and lobster in the late summer and early fall. Over 200 community members were employed in fishing, and others were being trained in supportive professions, like mechanics and accounting. Talk radio programs declared the *Marshall* decision a major turning point for Mi'kmaq and Maliseet communities and a major economic boon for struggling communities and a casual walk around the wharf at Baie Claire, where most Salt Harbour vessels were moored, would likely support these claims; Salt Harbour had one of the largest fleets in the region, and the shiny new pick-up trucks and fishers hard at work unloading their catches and mending their gear indicated the newfound employment – and even wealth – that the fisheries had brought to the community. However, the benefits of the *Marshall* decision had not been universally felt in Salt Harbour; if anything, social and economic divisions within the community became more pronounced in the decade following the ruling.

The post-*Marshall* agreements stipulated that local band councils could determine how the money and other resources accompanying the agreements were distributed within communities. In Salt Harbour, hundreds of people applied to receive fishing vessels, but the band council had a limited number of vessels to allocate. Captains of those vessels selected their own crew members and were entitled to manage all of the money they earn through fishing – typically dividing it between crew members, and using some to pay for vessel maintenance, fuel, ice and bait. Although it had been discussed at length, as of 2007, no management structures were yet in place for the sharing of revenues and/or fish among all

community members. This essentially meant that more than half of the community did not receive any economic benefits from commercial fishing. As I will discuss below, this approach to resource management raised the ire of community members who depended on access to fish for their food, as well as to orient their cultural identities. With the rise of commercial fishing, they had witnessed a decline in interest and support for the types of fishing practices they considered essential to Mi'kmaq cultural identities, and that served as nutritional insurance during lean times.

Discourses Disputing post-Marshall Fisheries Administration

There was a sense of urgency motivating the discourses of non-commercial fishers in 2006 and 2007. They spoke adamantly about inequalities in the present administration of commercial fisheries, and the need to preserve the right to subsistence through cultural practices like food fishing. These assertions reflected concern over the growing decline in food fishing, as well as the knowledge that the band would soon be in a position to renegotiate their fisheries management strategies. Salt Harbour's post-*Marshall* agreement expired on March 31, 2007, after which time the band would not be bound to follow the federal regulations set out in the agreement six years earlier. Although still bound by federal conservation regulations, there would now be significantly increased latitude for the band to develop a fisheries management plan responsive to local experiences, needs, and visions for the future. It was with this in mind that community members who had not benefitted from commercial fishing to this point were constructing and engaging in contentious debates about the cultural, social and spiritual importance of fish and fishing in the community. For them, a new opportunity had arisen and they were working hard to formulate and engage in cultural dialogues that legitimized the types of fishing practices that would support a contemporary Mi'kmaq moral economy. This work of discursively constructing and promoting the types of practices and meanings that mediate

“proper” Mi’kmaq identities and social relations – as well as proper human-environment relations – involved a number of contentious cultural dialogues with the state, with the local band government, and with those commercial fishers whose practices were deemed incompatible with a local economy premised on reciprocity and subsistence rights.

The State As A Dialogic Partner

Dialogue, in the Bakhtinian sense, is a fundamental (but deeply complex) social act of *becoming* (Bakhtin 1981). It is through constant back-and-forth engagements with other persons, with events, institutions, histories and artifacts that constructed understandings of the self – and perceived understandings or positioning of others – are realized. Dialogic interchanges are frequently embedded in larger asymmetrical relationships, and these power imbalances impact the way that the dialogues are executed and interpreted, and the ways that they shape action. At the same time, according to Bakhtin, people experience themselves as being addressed by others. For instance, Salt Harbour band members envisioned themselves as being addressed by the state, by the local Band government, and by less tangible dialogic partners like capitalism and greed. These latter dialogic partners were frequently associated with more concrete entities like the commercial fishing industry and the mainstream Canadian media. Community members responded in various ways to perceived acts of dialogic positioning by these ‘partners’. According to Bakhtin, the self that emerges through such complicated dialogues is always *in process*, consciously and subconsciously engaging with and responding to the discourses (actual and perceived) of multiple others. This is to say that the voices of the Elders and other non-commercial fishers related in the following pages should not be taken as spouting sour grapes or making out-of-the-blue claims on resource rights. Their cultural discourses reflected deeply-held historical and cultural worldviews, and advocate for the types of contemporary practices and knowledge that mediated those views. It is from this

perspective that I considered the dialogic engagements and positioning of Salt Harbour residents as they worked to refigure the collective practices mediating local social, economic and human-environment relationships after the *Marshall* decision.

Mi'kmaq people's long and tumultuous relationship with the Canadian state featured prominently in their discourses about the administration of post-*Marshall* commercial fisheries. Many people I interviewed claimed that, through its role in the administration of the commercial fisheries, the state continued to deliberately separate them from the practices and resources they depend on to construct their identities and mediate social relationships. As we will see below, by discursively situating present-day fishing practices and state policies along a historical trajectory of dispossession and strict regulation, those upset about declining food fishing and reciprocity were positioning the state as an oppositional force against Mi'kmaq cultural practices and identities. In this way, commercial fishing – in its present form – is also positioned as “against” Mi'kmaq culture (Dombrowski 2001). Take, for instance, the passionate discourse of Francis Atwin, a retired fisher and former coordinator of Salt Harbour food fishery programs. “Our tradition lies between our culture and our food chain,” he said. “Our food chain, it has to be salmon. It has to be all fish, really, all species. The government has drawn a line where it doesn't give us that fish that we're supposed to be eating.” Since the *Marshall* decision, he told me, DFO has stepped up their patrols on all Mi'kmaq fishing. They have created what many call an arbitrary line between “food fish” and “commercial fish” and never the two shall meet. In practice, what this means is fish caught under a food fishing license are not to be sold, and likewise, fish caught under a commercial license are generally not to be brought back to the community and used for food, social or ceremonial purposes. Francis, a self-described “traditional person,” learned first-hand about the difficulties in maintaining access to important cultural foods under this state-developed system.

Chip Atwin, Francis' middle son, was a commercial fisher. In 2007 he was 31 years old and had been fishing for eight years, and the captain of his own boat for the last five. When Chip's parents told him they were hosting a feast, and would he mind bringing them some snow crab to share with the community at the celebration, he agreed, not thinking much about DFO's food fish/commercial fish dichotomy. While motoring into the Baie Clair wharf in June of 2006 with 600 pounds of snow crab for the feast, Chip's boat was boarded by DFO officers. His fish was seized and he was charged with illegal fishing. When I asked Chip about this experience, he seemed more confused than angry.

"They [DFO] think that they own everything, even though the Marshall decision said that we can use it [fish] for food and for ceremonial. Mind you, there's no papers for food fishing.³⁸ I was out fishing at Cape Breton. I came back and left a couple traps out there. I put my [other] traps [full of snow crab] on board, and I had all the money that I wanted. I have a big family, like over 200 people in my family, and it's spreading. I brought some crab home and I was going to give it out to the people of Salt Harbour. I had everything [I wanted], money. I wasn't going to sell it. When the time came, I got to the wharf and DFO came on the boat and started taking all the crab off. The thing was, it was just for the people of Salt Harbour to eat. Then the DFO turned around and said, 'No, you can't do this, you can't do that.' I don't know where to stand. Now, I heard they're going to charge me. I don't know if I should fight it for the food of Salt Harbour, or... Sometimes they put you in the middle with a big question mark on your head. When I did it, I didn't bring in thousands and thousands of pounds. I brought in around 600 pounds for my family, to take it out and give it to everybody. But DFO took it away. So, now I'm just waiting for them to call me up and tell me to go to court...I don't know what to do. You're stuck in between and don't know who to listen to. Like, did I do a good job or did I do a bad job? So, next year I'll have to go to court I guess, and gees, I'll have to pay for all that stuff, maybe. This guy tells me one thing and another guy tells me not.

Chip was torn between answering his parents' call for fish for a community feast, and following federal snow crab fishing regulations. Was he a good Mi'kmaq son for attempting to bring the fish home? Was he a bad commercial fisher for disobeying DFO rules? Does being a good commercial fisher necessarily mean that he had to eschew communal practices of reciprocity? Like Francis and Chip, other Salt Harbour residents were confused and upset about state

regulations structuring fishing – and the power of these regulations to mediate Mi'kmaq/environment relationships in ways that conflicted with local, culturally-produced meanings and practices.

Frustration at state regulation of Mi'kmaq fishing was evident at a meeting held at the Salt Harbour Healing House in April of 2007. Six months after finishing the bulk of my field research in the community, I returned to Salt Harbour to present the preliminary findings of my research about the local impacts of the *Marshall* decision in the community, and to get band members' feedback. Len A'ltuasit, my intrepid and gregarious research assistant, helped me to secure space for the meeting, and publicized it far and wide within the community, posting flyers and making announcements during Monday night radio bingos. I had also contacted the 80-some people I had interviewed within the community. Despite six inches of heavy spring snow falling overnight, about 60 people showed up for the meeting. To my pleasant surprise – and trepidation – attendees included commercial fishers, former food fishers, Elders, traditionalists, two former chiefs, ecologists from the nearby national park, and employees of what I came to consider the band's "precarious fisheries" ventures – oyster aquaculture and salmon restoration, two projects funded by "*Marshall* money." In short, these were people whom I knew did not always get along. The fact that all of these band members with different experiences of the post-*Marshall* years (they were the proverbial "haves" and the "have-nots") had come together to talk about how the decision had impacted their community spoke to the urgency they felt about the need to re-think approaches to fishing in Salt Harbour. At that point, the band's post-*Marshall* agreement had been expired for over a year, and the band had yet to agree on or implement a management plan. Because nothing new was in place, fishers continued to follow the management plan established in their post-*Marshall* agreements. Commercial fishers were dissatisfied with this federal management structure, and some non-

commercial fishers desperately wanted to restore their access to food fishing and other culturally important fishing practices. Their discourses and dialogues reflected their deep dissatisfaction with the present state of fisheries in their community, as well as their resentment toward the state for perpetuating historical power structures that imperilled local moral economies.

In the discussion period that followed my presentation, I asked attendees what they thought of the picture I had sketched about local experiences of the *Marshall* decision. Had I missed something important? Should certain experiences or themes receive more emphasis? Was the format of the report accessible? The people gathered in the Healing House seemed to agree that I had captured the major impacts of *Marshall*, but they thought there should be more emphasis on the unequal ways that the benefits of the *Marshall* decision were distributed, and the strain this had put on local economic practices and social relations. Rather than blaming each other for what all seemed to consider the mismanagement of post-*Marshall* fishing in their community, meeting attendees' accusatory discourses were directed at the state. The first person to speak up was a man in his 40s, whom I had not met before, but I knew him peripherally as one of the community's most outspoken opponents of the federal ban on salmon food fishing in the Plamu River. This man, like many others in the community, struggled to keep food in the house. "Food fishing," he pronounced, is "not just a treaty right, it's a human right!" Further, the terms of the *Marshall* decision coupled with current DFO food fishing restrictions, dwere "human rights violations," and were resulting in more people going hungry in the community. "*Marshall* is starving people," he said with a disgusted shake of his head. Looking around I saw most people in the room nodding, and several of whom patted this fellow's back in solidarity. Clearly, he was not alone in the intense disappointment, frustration and economic panic he felt at not being able to fish for his food.

Perhaps the most poignant and eloquent discourse about state control of Mi'kmaq fishing was offered by former Chief William Thomasson. Chief William grew up in Salt Harbour as a foster child in the 1940s. His parents could not afford to feed all of their children, so when times were especially tight, William was sent to different neighbors' houses to ask for food and a place to stay. He was never turned away. Chief William left school after the third grade to fish and work odd jobs around the community. A magnetic leader and passionate speaker, he was elected Chief of Salt Harbour in 1967, a position he held until 1993. At 73, Chief William is without a doubt the most recognized figure in the community today, and despite political and family schisms, people listen when he speaks. From his chair in the Healing House, in a deep, clear voice, Chief William declared that "*Marshall* was a hidden defeat." Like other people I had spoken with during my fieldwork, he insisted that the *Marshall* decision had only affirmed what Mi'kmaq people already knew to be true: that they had a treaty right to catch fish – to eat, sell and trade – on their territories. In this sense, the *Marshall* decision was a neutral finding. It was the band's decision to enter into a post-*Marshall* agreement – at the urging of the state – which resulted in regulation of that pre-existing right, a move which, although allowed the community to build up a commercial fishing fleet, had also created and exacerbated socioeconomic inequalities in the community. Taking this argument a step further, Chief William described the contemporary mechanism of state control over Mi'kmaq fishing: the communal license. The post-*Marshall* agreements signed by Mi'kmaq bands throughout the region stipulated that all access to commercial fishing would be mediated by communal licenses held by each of the bands. Band governments could then decide how access to the limited shares of that license would be distributed among band members. This system had resulted in disputes among community members, and between bands. Chief William iterated that the communal license

was “a way for the government to control Mi’kmaq people” by inciting band members to fight amongst themselves.

Chief William also acknowledged that the signing of post-Marshall agreements came at a time when Mi’kmaq people were feeling the negative effects of federal restrictions on food fishing in the Plamu River. These rights were being “whittled away”, just as the state sought to control commercial fishing as well. The former Chief described the simultaneous restriction of Mi’kmaq food and commercial fishing as a “divide-and-conquer strategy” where arbitrary distinctions were made between food and commercial fishing, and a federal governance structure was established to legitimize and enforce this division. The result was that, for many Mi’kmaq people, it became increasingly difficult to access important food fish. Chief William and others said that lobster was about the only food fish that people could access today, and that not everyone had access to a good, sturdy boat to get them out to the lobster grounds. This was a hardship on the Elders and the “poor people”, he said, making it more difficult to pass along Mi’kmaq knowledge and culture to younger people if they could not experience fishing for themselves. Gently but deliberately tapping his walking stick on the linoleum floor of the Healing House, Chief William punctuated his claim that the restrictions that have followed from the *Marshall* decision, in conjunction with concurrent food fishing regulations³⁹, “an attack on Mi’kmaq identities.”

Incidents like Chip Albert’s arrest and Chief William’s passionate oration at the community meeting highlight the continued struggles of Mi’kmaq people against state attempts to regulate their access to fish – and, by extension, the cultural meanings that shaped their practices and identities. For the Mi’kmaq people, the meaning of state regulation went much deeper than simply telling people how to fish; it reproduced enduring unequal power and

knowledge relations between the state and First Nations peoples by mediating Mi'kmaq cultural practices in ways that were incompatible with local cultural meanings, practices and knowledge about fishing. Through contentious discourses, Mi'kmaq people – particularly those who have not benefitted from the *Marshall* decision – were disputing state regulation of their fisheries, insisting on the continuing need for communal access to fishing in order to maintain the moral economy of fishing central to their figured world of Mi'kmaq fishing. As Elder Francis Atwin proclaimed: “The government says, ‘Well, I’ve given you this and I’ve given you that. You should be satisfied.’ We ain’t going to give it up; we ain’t going to throw it away! It’s ours! And that’s been proven in court by *Marshall*.” Pronouncements like this point to the enduring frustration and worry associated with state policies. Such policies were perceived as preventing Mi'kmaq people from accessing the resources they needed for cultural construction and social reproduction.

The Band Government as Interlocutor

As we saw above, the state often emerged as the object of Mi'kmaq people's ire about the contemporary management of Mi'kmaq fisheries. Although the state policies were nearly universally blamed for the separation of Mi'kmaq people from food and economic opportunities in the fisheries, the band government was also sometimes implicated as a facilitator of this system. The five-year post-*Marshall* agreement signed in 2001 by the state and the then-Chief and Council of Salt Harbour, defined the conditions under which Salt Harbour band members would participate in the commercial fisheries, and it was these conditions that prevented a majority of band members from enjoying the fishing rights recognized in the *Marshall* agreement. Unhappy community members I spoke with equated the actions of the band in negotiating the post-Marshall agreement to “signing our rights away.” Former food fisher Doug Thomasson, 55, who worked for the precariously-funded Salt Harbour oyster aquaculture and

salmon restoration projects in 2006, explained, “Today, we don’t have no rights...because of what the Chief and Council signed about five years ago.” By this, he meant the post-*Marshall* agreement. Doug placed further blame on the band government for agreeing to abide by the federal salmon fishing ban, rather than insisting on band members’ aboriginal right to take salmon for food, social and ceremonial use. “We had more rights through the courts, but then they [DFO] closed the Plamu River [to salmon food fishing] and the Chief and Council signed an agreement [agreeing to follow DFO food fishery closures]. There’s definitely some poaching going on...[but] I don’t want to take a chance of getting caught.”

Suspicion about signing any sort of “agreement” with the Canadian government was deep-seated in Salt Harbour and in many First Nations across the country. Such suspicions were not unfounded. For centuries, provincial and federal governments signed and then systematically broke treaties and other agreements they made with First Nations peoples, offering a host of excuses. Consequently, Native peoples – particularly Elders, with living memories of the transgression of such agreements by the Canadian state – were wary of any “paper” that the state asks them to sign. For instance, Francis Atwin described the Elders’ trepidation at signing onto a post-*Marshall* agreement: “The Elders talk about this. They say, ‘Don’t sign anything. Don’t ever sign anything, because once you sign it, then the government take it. That’s their way.’” Band Councillor Cary Lacave also recounted community debates surrounding the possible pitfalls of a post-*Marshall* agreement that authorized the state to manage Mi’kmaq commercial fishing, “The Elders were not going to sign anything and the Elders were telling our Chief and Council not to sign anything, because if they did sign, they would be signing away our rights. If you do sign, then you’re signing something that’s going to kick our ass down the road.” Of course, the post-*Marshall* agreement was signed and local people who felt

that their treaty rights were signed away by their own elected Chief and Council, were directing their indignation discursively, at the band government, as well as at the state.

Another way that the band government was implicated as a dialogic partner in community dialogues about the mismanagement of post-Marshall fisheries was through community members' questioning and disputing how decisions were made about allocations of jobs, fishing vessels, and shares of the communal license. Elders and others who were widely considered to be "good fishers" or to come from "fishing families" were the most critical about the how the Chief and Council selected certain band members to captain commercial vessels. Their contentious dialogues about who was a fisher (and who was not) pointed to their struggle to influence the process through which new figured worlds of Mi'kmaq fishing were being constructed. Elders, in particular, were concerned that post-*Marshall* decision-making by the band government threatened a central tenet of Mi'kmaq community life: the role of Elders as respected advisors and decision-makers. The allocation of commercial vessels without input from Elders was viewed as an affront to Elders' knowledge and their position as mentors and knowledge-holders within the band, a role that has been steadily diminishing since the late 1960s when the federally-administrated Band council began to take over the decision-making roles that Elders had held before that point.

One incident that starkly illustrated Elders' discursive objections to the band government's decisions about commercial fishing happened during the 2007 lobster season. I was sitting with Len A'ltuasit on the back gate of a pick-up truck at the wharf. It was a beautiful late summer afternoon and we watched the wharf bustling with fishers repairing their boats and traps, unloading their catches, or just hanging out after a hard day's work. Although he worked as a salmon fisher for most of his life (until the river was closed to salmon fishing), Len had never

been on a commercial vessel. He applied for one after the *Marshall* decision, but his request was turned down by the band government of the day. At 55, Len did contract work for the band's fisheries office on projects like aquaculture and salmon restoration. A number of times, Len had told me that when he was a youngster, it was the job of the Elders to identify who would make a good fisher or hunter, and to teach those people.

On this particular day in 2007, we watched as one of the Band's lobster boats chugged in to the harbor, just meters from where we were parked. A young man in his 20s adeptly moved around the boat, securing bumpers and ropes, and cutting the engine so the boat glided perfectly into its slip. While I was impressed, Len wrinkled his nose. "Look at him," Len said, motioning at the young captain "He's not even a fisherman!" "What do you mean?" I asked. Len explained that this fellow did not come from a fishing family, and (as far as Len knew) had never fished for food or learned from the Elders before he was allocated a commercial vessel by the band. Thus, in Len's figured world of Mi'kmaq fishing, this captain was not a legitimate participant. Through his comments, Len was discursively positioning himself and his fishing experience and knowledge as legitimate, while denying this man the identity of "fisherman." Further, Len described the practices of large-scale commercial fishing as "new to us", and as practices that did not support a local moral economy of sharing food and other resources. By choosing inexperienced fishers (who are not selected or trained in "traditional" fishing practices by Elders), the band government had paved the way for the development of a new figured world of Mi'kmaq fishing – one that did not necessarily involve the types of cultural knowledge or social relations that mediate the figured world of fishing that Salt Harbour Elders were working discursively to fortify.

Discourses about Capitalism and Greed

Occasionally, commercial fishers themselves were the focus of their fellow band members' discourses disputing the cultural, social and economic legitimacy of the emerging commercial fishing economy. The fishers, as unwitting dialogic partners, were portrayed and lambasted for being "greedy" and transgressing the old moral economy of fishing. In this context, "greed" was not defined as simply accumulating personal wealth, but not sharing that wealth with other band members. In fact, I heard a number of Elders compliment young commercial fishers for being able to provide material necessities and comforts for their families in one breath, and in the next breath lament that commercial fishers are contributing to the decline of social cohesion and food security by not sharing their profits with their neighbors.

Other anthropologists who have written about the local impacts of economic upheavals in small, relatively poor and rural communities have also noted that discourses of greed are often used by community members to delegitimize the types of capitalist practices that threaten local notions of morality (Nugent 1996; Snodgrass 2002; Edelman 2005). Nugent, for example, describes the moral claims made by residents of Chachapoyas, a region in northern Peru, to decry and delegitimize the capitalist markets emerging in that region in the 1980s. Local people, Nugent says, felt threatened by capitalist practices that they felt undermined their own local moral economy based on reciprocity. By portraying capitalists as "greedy", the locals sought to defend their own moral economy. The same held true, I believe for some of Salt Harbour's poorest and most vulnerable residents.

Sally Atwin, the smart and spirited Elder who described the mid-twentieth century Salt Harbour moral economy at the beginning of this chapter, argued that though a few families on the reserve continue to share food and resources with each other, these practices were in

danger of being abandoned by younger band members. According to Sally, a growing number of people on the reserve were more interested in working to building their own private wealth to buy luxury items than making sure that their neighbors had enough food in their pantries. Sally and other older community members are worried about the future of this way of life as more and more young people oriented their lives toward individualism and consumption.

This discursive work of identifying who was and who was not a legitimate member of a cultural community by virtue of their practices cropped up in other conversations I had with Salt Harbour people. For instance, Bobby Atwin, whom I worked alongside on the Salt Harbour salmon restoration project, recounted a conversation he had recently had with his mother. His mother was upset that “things started coming apart” in Salt Harbour. Bobby explained that what his mother meant by this was that there was less giving away of food in the community in recent years. “She said, ‘that’s not the way of this community’.” I asked Bobby if he agreed with his mother’s assessment. He nodded. “Today,” he said, people “just want to get stuff for themselves. People are so greedy now.” Likewise, Rodney Marchamp, an Elder in his 70s lamented:

“Large-scale [fishing] now is more greed than anything else...the Native people fish and hunt, but fishing was always a trade to survive. But now who shows greed? It’s the people with the great big boats, refrigerated boats and all that...The market’s wide open and they take advantage of that.”

Even Joann Prentice, the manager of the Salt Harbour commercial fleet expressed concern about the attitudes of some commercial fishers: “Colonization and capitalism have taken over! It has made a different breed, a greedy breed. There’s a general blindness there now; they just see a dollar sign.” By constructing cultural discourses that position those fishers who did not share with their neighbors as greedy, people who depended on fish for their food security were attempting to position these fishers as “against culture”, to again borrow the phrase from

Dombrowski (2001). In addition to critical discourses about dispossession, local inequalities and greed, Elders and others who advocated fisheries management based on distributive economic practices also constructed and engaged in dialogues defining the types of practices and meanings that they *did* consider integral to a legitimate moral economy of fishing.

Discourses Defining Proper Moral Economy Practices: Sharing

I spent a great deal of time at the Baie Claire wharf. It was one block away from the basement apartment I rented during my fieldwork, and in the summer and fall, I would often walk to the wharf early in the morning with my dog. While the dog happily helped himself to the malodorous smorgasbord of fish odds and ends scattered along the wharf, I chatted with the fishers as they mended their gear and prepared to head out to check their traps. On one such morning, the dog indulged in a breakfast of dried starfish and I sat on the wharf drinking coffee with my friend Mike Prentice, who was manager of the Salt Harbour oyster aquaculture project. In 2007 Mike was 43, soft spoken and shy, and intensely devoted to his community. Trained as a technician in forest and fish ecosystem monitoring, Mike had worked for Parks Canada (a branch of the federal government) for years until a position as a fisheries technician became available in Salt Harbour. He jumped on the opportunity, because while he never had much interest in commercial fishing, Mike was passionate about improving Atlantic salmon habitats along the Plamu River with the goal of reopening the salmon food, social and ceremonial fishing. When I met Mike in the fall of 2006, he was happily working as the manager of the Salt Harbour Salmon Restoration Project, an initiative that combined scientific monitoring of salmon health and water quality, and restocking the Plamu with salmon. However, this project was funded by “Marshall money”, and when the money ran out in 2007, the project had to shut down because there was no way to pay the workers. Having worked with Mike and his dedicated, skilled crew during the 2006 season, I was dismayed and upset by this abrupt stoppage. Mike was

devastated and more sceptical than ever of the intentions of the federal and band governments to restore food fishing to the people of Salt Harbour. He was re-assigned to manage the oyster aquaculture project, a for-profit initiative that also emerged out of the band's *Marshall* agreement. Although he grumbled about this new posting, it provided employment in the late fall, spring and summer for Mike and his six crew members – lasting much longer than most seasonal jobs in the region. That particular morning Mike was waiting for his aquaculture crew to return after checking the oyster beds but, as usual, we were talking about the salmon. “Why are those salmon so important to you?” I asked. He told me,

“[Salmon] was the major source of food for us. That’s why we moved along the shoreline of this area. I knew a long time ago from my dad and my grandfather [that salmon was important to the Mi’kmaq]. But I didn’t really think much of it. But just recently...when you get older I guess, you tend to look at life differently... Give us a couple more years [for the restoration project] and we should be able to get [salmon] food fisheries going again, and people can start feeling proud about themselves.”

For Mike and many other Mi’kmaq people I talked with, feelings of pride and identities that they associate with “Mi’kmaq culture” continued to be mediated by practices of living off the land – even as their ability to execute these practices had declined. “What does it mean to you to be a Mi’kmaq person?” I asked him. Mike didn’t hesitate, saying, “Just two things: hunting and fishing. And besides that, sharing what they have.” Almost without fail, when people spoke about salmon fishing and the meanings of this practice to Mi’kmaq identities, these discussions were discursively linked to *sharing*. By extolling the importance of sharing – both in the past and in the present – band members who favored the incorporation of distributive economy practices into post-*Marshall* fisheries management were working to produce and legitimize a figured world of fishing characterized by this type of moral economy.

By contrasting the sharing of food and other resources in the past with contemporary trends toward individualism and maximizing resource exploitation, former Salt Harbour band

councillor Lea Lacave expressed her concern about the linked futures of natural resources and people if these trends continue:

“...we used to share a lot, you know. If a hunter goes in the woods, he would hunt moose and he would share it, because maybe next door, they might not be hunting people, or they may be elderly and can’t go hunt, and they need this food, this meat. And we would share it that way. And that’s all you’d take: just what you need. And it was plentiful. And it was the same thing in the woods, with trees. You take care of the woods, and you only cut what needs to be cut at that time. Now it’s a little bit different, I find. Sometimes, they go out hunting and killing deer, moose and sometimes they kill too much, more than what they would need.”

Lea, her husband Hubert, and many of their friends were adamant that the right to access fish for their food and to make a little money (if they wanted) was a right that extends to all band members. Lea and Hubert were also concerned that I should understand that with the right to fish comes the responsibility of the fisher to ensure that the fish is shared with those in need, and to “take only what you can handle.”⁴⁰

This position was echoed by then-Chief Ruby Thomasson, who said that a “good fisher” is one who works hard and

“...has respect for the water and respect for the fish. They have so much respect for it because they know it. And they don’t abuse it, like they won’t over-fish or they won’t fish off-season. They’re not abusing the right – they’re just using it to feed their families and to feed the Elders in the community. To me, that’s a good fisher...And nobody [tells] them ‘Come back and share it’; that’s just the responsibility we have.”

The enduring importance of food sharing in Salt Harbour was also a theme running through nutritionist Elisa Levi’s (2007) master’s thesis. The two quotes below are drawn from interviews Levi conducted with Salt Harbour Elders and highlight both the moral responsibility still felt by some band members to ensure that their neighbors had enough food to survive, as well as the belief that fish is a communally owned resource. I also met people in Salt Harbour who expressed these meanings and practices related to fishing.

“The river is closed for fishing. If you were poor before, you could always go down the shore and fish for your family. Last week a person came to my house. I knew that he had no money. He asked if he could borrow some meat, some steaks for his family. I gave it to him; I did not let him borrow it because I knew he would not give it back” (Levi 2007:80).

“When deer or moose meat used to be hunted it was given away because there were no freezers. But this was not the only reason; it was because people shared too. The same goes for fish in season like salmon, smelts and eel. When it came to fishing smelt, people always shared because the fishing hole did not belong to anyone” (Levi 2007:63).

While Levi found that discourses and practices of sharing remained integral to the narratives that formed the basis for identity construction and the production of figured worlds of Mi’kmaq fishing, she also notes that food sharing practices were limited by the closure of important food fisheries (salmon and bass), as well as by growing preferences among community members for store-bought foods (Levi 2007). Most food sharing in Salt Harbour in 2006 and 2007 took place in the context of extended family gatherings (like Sunday suppers), or community-wide ceremonies (like pow-wows, weddings and funerals.)

Although most of the discourses about sharing that I encountered – and that Levi describes – are constructed and deployed by Elders, there were also some younger community members who recognized the cultural, social and nutritional value of distributive economics. By and large, these young people were not able to participate in the post-*Marshall* commercial fisheries and had close ties with older relatives who impressed upon them the importance of sharing food and resources. One such person was Bobby Atwin, who worked with Mike Prentice on the Salmon Restoration Project. When he wasn’t working with Mike, or at his night job as a custodian at the Band Hall, Bobby liked to go medicine picking with his aunt and trapping muskrats and beavers with his uncle. They were some of the few people in the community who continued to do these activities. As a devoted single father, Bobby often struggled to buy his 11-year-old son all the things he wanted, but was adamant that that his son would speak the

Mi'kmaq language, and learn the importance of sharing what he had with others. "To me, if I get a chance to help an Elder out, I will, and I'll teach this guy to do this, too," he said, nodding toward the bedroom where his son sat engrossed in a video game. "That's the best part of fishing," he continued, "seeing how happy the Elders are. They love seafood." I then asked Bobby if sharing food fish with the Elders was still a common practice in Salt Harbour. Not many people do this, he told me, which is a shame because "it's so nice to see them happy when you share something."

Tony Dennis was another younger band member who spoke about changes he had noticed in the moral economy of fishing (and natural resource use, more broadly) since the *Marshall* decision, and questioned the economic and social directions the community was taking. Tony was working as a fish buyer at the wharf when I met him in the fall of 2006. Having grown up in Salt Harbour, he had recently returned to the community after a 5-year stint in the U.S. Army stationed in Hawaii. Upon his return, he noted a change in how families spent time together, and the larger social responsibility of community members. When he was growing up in Salt Harbour in the 1980s, Tony's family and most of his neighbors were persistently living in poverty. They depended on one another for food, warm hand-me-down clothes for children, and other necessities. "When I was growing up here," he said, "you could go into any house and they'd treat you like their own kid. They'd feed you and let you [stay over] if you wanted...And when you had [food], you gave it out; when you had enough, you gave it out." When I asked him how his grandparents explained to him about the importance of sharing, he shrugged, saying, "I don't remember if I was taught; it was more of a way of life in my experience, anyway. I used to live with my grandparents and my grandfather would always go fishing, pretty much everyday. When they brought up their kids, money was scarce. And I don't think they cared too much about money. They would plant their food, go fish their food, go hunt their food, [and

then] everybody's good. That's how it was for me growing up, you know, when you need to eat, it wasn't a matter of 'let's go grocery shopping.' It wasn't really about that." Tony had noticed changes in the Salt Harbour economy since he'd been back. Since the *Marshall* decision, nuclear families have more money to spend. Families "get to do more things together as a family instead of being...depressed. They have more money to do things together." Shopping and going to movies at the malls 40 minutes down the road in Moncton was a popular activity for Salt Harbour families. It was also not uncommon for some post-*Marshall* fishing families to take vacations at resorts in Florida, Cuba or the Dominican Republic. "It's not a bad thing, if you ask me," Tony said. He and others correlated rising incomes and opportunities to travel and spend money with happiness, security and nuclear family togetherness. However, while families working in the commercial fisheries had benefitted, Tony recognized that many families had not been able to access the employment or economic opportunities that followed from *Marshall*, and were facing heightened financial stress and social isolation as the economic practices and meanings they had depended on to sustain them over generations were becoming increasingly tenuous.

Conclusion

The impact of the changing economy of fishing on Salt Harbour's most vulnerable residents was driven home to me during the April 2007 meeting where I shared the preliminary findings of my research with community members. After talking about the employment opportunities that the *Marshall* provided to band members and the changing ways that people were relating to natural resources (from food to commodity), a man wearing a torn plaid quilted jacket and a baseball cap, and leaning against the back wall of the Healing House stepped forward. In a shy voice he asked me, "Did you talk to any of the poor people around here?" I

assured him (as did some of the other meeting attendees) that I had spoken to a wide cross-section of the community, and that I had heard their concerns about the social and economic inequities that had characterized the post-*Marshall* period in Salt Harbour. Indeed, I was aware of the growing disparities between the poor and the less poor in Salt Harbour, and had planned on discussing the issue in my dissertation in the context of challenges in the band-level administration of commercial fishing. But until this meeting, I had not fully appreciated the efforts of some community members to contest the recent economic and social shifts that they asserted were resulting in “the rich getting richer and the poor getting poorer.” This man’s comment about poor people and socioeconomic imbalances initiated an hour-long discussion among meeting attendees about how, exactly, peoples’ lives had been impacted by the recent shift away from food fishing and toward commercial fishing. After this meeting it became increasingly clear that the changing practices and meanings that followed from the *Marshall* decision were impacting more than just commercial fisheries management; they have also initiated contentious cultural discourses within the community about legitimate fishing knowledge and identities, moral and cultural economic practices, and proper relationships between people and their environment. For people who depended on access to fish and distributive economics for their food, the *Marshall* decision was viewed not as an opportunity, but as a threat to food security and cultural identities.

Following this meeting, I made a point to revisit some of my contacts in Salt Harbour to talk about how they or their neighbors were experiencing changes in their access to fish, and the collective meanings that local people were assigning to fish and fishing practices. I also went back through my fieldnotes and interview transcripts, paying close attention to events and discourses related to poverty, inequity, and the changing meanings of fish and fishing. What emerged during this reconsideration of my data was a series of contentious, multi-scalar, cross-

temporal cultural dialogues about the changing moral economy of Mi'kmaq fishing – the dialogues examined in this chapter. To be sure, these discourses had a lot to do with defending the food security of poor Band members; but more broadly, they also had to do with efforts to legitimize a figured world that not only involved fishing, but also organized and authorized particular practices, knowledges and meanings about social relations, economy, governance, and natural resource management.

As I will discuss in Chapter 4, there were concurrent, competing discourses about legitimate fishing practices, meanings and management being constructed by community members involved in commercial fishing. Less than a decade since the *Marshall* ruling, the collectively accepted figured world (and moral economy) of Mi'kmaq fishing in Salt Harbour remained unstable and under debate. And while it is premature to declare the pre-*Marshall* moral economy of Mi'kmaq fishing a thing of the past, the sweeping reordering of Mi'kmaq fishing that had taken place in Salt Harbour since the *Marshall* decision (particularly as the result of state regulation of commercial fishing, and the business practices of the commercial fishing industry) had made the realization of a local economy that included distributive practices difficult to say the least.

4

“THERE’S NO CULTURE IN THIS BUSINESS” CAPITALISM AND THE PRODUCTION OF MI’KMAQ COMMERCIAL FISHERS

Lobster season in the northern half of the Northumberland Strait ran from mid-August to mid-October, a mercifully temperate season compared to the winter lobster fishery down shore in southwest Nova Scotia. Though the pre-dawn hours on the boats were chilly, by mid-morning the sun was shining and lobster fishers were working in t-shirts, ball caps and rubber coveralls. The Northumberland Strait was a relatively protected stretch of water in the Southern Gulf of St. Lawrence running between mainland New Brunswick and Prince Edward Island). Historically, it has been one of the productive lobster fishing grounds in North America, and though landings have been down in recent years, commercial lobster fishing remained a major part of the regional economy and a mainstay of many small coastal communities. Since I arrived in Salt Harbour in the early fall, I determined that participant observation in the commercial lobster fishery would be a good and logical start to my fieldwork. Within a few days of mentioning this plan to my friend Iris, whom I had met at a fisheries conference two years earlier, I had been invited to go lobster fishing with Matthew Albert, Iris’ younger brother.

When I spoke on the phone with Matthew the night before I was to become his newest deckhand, I asked him how I should prepare for the day. Bring a lunch, he told me, or I was

welcome to share the bologna and potato chips that he and his crew usually brought for lunch. Bologna on a lobster boat? Was he serious? Yes, as it turned out. Also, Matthew continued, I should wear rain gear and rubber boots, and bring gloves I didn't mind wearing to handle bait. The forecast was for sun and calm, and I was really looking forward to this fishing trip. Then, at the end of our conversation, Matthew casually said, "Oh, and we meet at the wharf at 4am. See you then." He was serious about that, too.

The next morning, aboard Matthew's boat, Eastern Tide, I watched him use the boat's GPS and a digital map to locate his trap lines and deftly navigate through a maze of thousands of bobbing lobster trap buoys that he and other fishers described as "spaghetti." Salt Harbour lobster fishers were permitted to fish in what was known as lobster fishing area 25 (LFA 25), one of 41 federally-designated lobster fishing zones along the Atlantic coast, stretching from Labrador in the north, Newfoundland in the east, to the Nova Scotia-Maine border in the south. He capably maneuvered the 35-foot fiberglass hulled boat close to the buoys marking his traps, and instructed his two deckhands which buoys to hook in order to raise the traps. Each fisher in this zone painted their buoys in distinctive colors, stripes, polka dots or numbers, and skilled fishers can spot their buoys from 100 meters. Matthew's buoys were painted with one orange stripe and were numbered from one to 25 so he could easily keep track of which traplines he checked. Steadying myself on the boat's sideboards, I watched Matthew's deckhands glide effortlessly back and forth across the deck, hooking buoys, running the boat's hydraulic pulley system, hauling up the traps, and then balancing the five or six lobster traps on each trapline on the sideboards. I thought about the new practices – the new *habitus* – that Mi'kmaq commercial fishers like Matthew and his deckhands were developing in the years since the Marshall decision (Bourdieu 1977). Unquestionably, these were fishing practices that differed significantly from those described in the last chapter by Elders and others as "traditional" or

“cultural.” I also wondered: had Matthew found a way to incorporate notions and meanings of a pre-Marshall moral economy into his work as a commercial fisher, or was I witnessing the manifestation of a changing Mi’kmaq moral economy of fishing?

As Matthew expertly picked through lobster traps, measuring and separating larger lobsters into ice-filled coolers and dropping the smaller ones and the “berried” (egg-bearing) females back into the Atlantic, I asked him about the place of Mi’kmaq culture in the new commercial fisheries. “There’s no culture in this business,” he assured me. “This isn’t traditional: it’s just about employment.” For Matthew, 31, and many other commercial fishers from Salt Harbour, fishing commercially for lobster, snow crab, rock crab and tuna was the only fishing they had ever known; river fishing for historically important fish species like striped bass and Atlantic salmon has been prohibited since they were young children. Consequently, most of them grew up in households where food – even fish – came from primarily the grocery store in town, not from the river or ocean. When the Marshall decision paved the way for Mi’kmaq commercial fisheries, Matthew and many other young people jumped at the opportunity to work as fishers, even though they had next to no experience with either commercial or subsistence fishing.

During the federally-defined fishing seasons for snow crab and lobster, Matthew tried to catch as much as he could, and sell it to the fish buyer offering the highest price, which was always pitifully lower than what the fish sold for at restaurants and fish markets throughout the region⁴¹. Fishers relied on fish buyers stationed at the wharf to unload and buy their fish, and to supply them with ice and bait for the next day. It was not uncommon for lobster and snow crab fish buyers to advance the fishers “start-up” money several months before the start of the fishing season so that they could mend broken traps and vessels so that they were ready to fish

when the season opens. These agreements also involved understandings that the fishers would sell exclusively to the buyers who advanced them start-up money – at whatever price the buyer set. This arrangement was Matthew's his only chance to meet the high costs of running a commercial vessel. After he paid for the ice that kept his catch fresh, bait for his traps and the gas that powered his boat, Matthew was lucky if he could afford to pay his deckhands, and rarely had any money left over to pay himself. More often than not, at the end of the season, his finances were in the red. In marked contrast to the approach to fishing that we heard described by Ernie Peel at the beginning of this dissertation ("If I stop fishing, I'm going to die."), for Matthew, commercial fishing was not a "cultural" practice; it was a job, and a tough one at that.

By mid-afternoon, we had checked all 250 of Matthew's lobster traps, strung across 25 traplines. Motoring back to the wharf, Matthew seemed dejected. He had barely 100 pounds of lobster to sell – a haul estimated at \$450. Later that evening over beers with Matthew, his wife Becky, his sister Iris, and a handful of his fisher peers, Matthew dwelled on the lobster season. "I can't afford to keep doing this," he lamented. For Salt Harbour's new fishers, the Marshall decision had resulted in new opportunities to earn a living, learn new skills, and participate in new ways in regional and global economies. It also brought about new financial pressures, practice constraints, and contentious relationships with the state, with non-Native neighbors, and – perhaps most divisively – within the community.

At first, Matthew's terse dismissal of culture as a significant organizing principle in Mi'kmaq lobster fishing took me by surprise. I had been spending a considerable amount of time hanging out at the wharf in Baie Claire, where most of the Salt Harbour fleet was moored,⁴² engaging in conversation with Salt Harbour fishers as they unloaded their catches,

cleaned their boats and gear, or just sat on their boats and relaxed with friends and family. It was easy to identify what the fishers called the “Indian wharf” – a section of pier at the main Baie Claire wharf where 56 of the 70-plus Salt Harbour vessels docked. At the Indian wharf, many of the boats were either named in the Mi’kmaq language, for instance, Gi’nujing Gitpu (Proud Eagle) and Ewne’g E’bit (Blue Lady), or evoked Native imagery in their English names (e.g., *Sundancer* and *Indian Princess*) and artwork painted on the sides (feathers, ravens, eagles and dreamcatchers were common themes.) Conversations were typically held in the mixed Mi’kmaq/English dialect spoken by most people in the community under 40, and referred frequently to community and regional Mi’kmaq events like summer powwows, card games, fishing derbies hosted by other reserves, and the annual summer trip many Salt Harbour families still made to Aroostook County, Maine, to work in the blueberry fields. The prevalence of Mi’kmaq cultural references in the boat names and among Mi’kmaq fishers at the wharf led me to make an early assumption that my new Mi’kmaq acquaintances made a connection between Mi’kmaq culture and the commercial fisheries in which they participated.

In time, through interviews with Matthew and other fishers, as well as time I spent on their boats and attending fisheries management meetings, I came to understand what Matthew meant when he denied a connection between commercial lobster fishing and Mi’kmaq culture. The practice – the *business* – of commercial fishing had left little room in the commercial fisheries for practices and knowledge that Salt Harbour residents considered to be “cultural.” Demanding financial pressures, new fishing technologies, and strict federal regulations required Mi’kmaq commercial fishers to orient their fishing toward market practices of catch maximization and personal wealth building, two approaches fundamentally opposed to Mi’kmaq “cultural fishing” practices of taking only what you need for food and sharing food with family and neighbors. For the majority of Salt Harbour fishers, the stark distinctions between what

they referred to as “commercial” versus “cultural” or “food fishing” did not constitute a site of identity crisis; the differences were taken as a matter of course. As Hugh Thomasson put it, “Commercial [fishing] doesn’t compare to cultural food fisheries.” For Hugh, in his 60s and one of the oldest commercial fishers, food fishing equated to Mi’kmaq culture and cultural practice, while commercial fishing was “totally different”; that was “business.”

This chapter considers the complicated processes through which fishing practices and the cultural meanings of fishing were changing in Salt Harbour after the *Marshall* decision, and how these shifts were, in turn, leading to the production of a new kind of Mi’kmaq fisher identity. This identity, I suggest, was not merely an individual subjectivity based on a new skill set or script, but involved new collective practices of meaning-making. I further suggest that the production of post-*Marshall* fisher identities was a dialogic process that extended beyond the realm of fishing and also involved the production of new ways of living in and making sense of the world. In other words, the new practices, identities and knowledge taken up by Salt Harbour commercial fishers also influenced their orientations to Mi’kmaq culture, economics, governance, resource management, and other aspects of their daily lives. These fishers had not made a break with their community or their past; they continued to participate fully in community life on the reserve, including in “cultural” ways like participating in ceremonies and speaking the Mi’kmaq language, but their participation was mediated by the new “figured world” of Mi’kmaq fishing that they had established and inhabit outside the realm that they interpreted as “Mi’kmaq culture.”

Popular media reports about post-*Marshall* Mi’kmaq fishing often described the new educational and financial opportunities afforded by the recognition of Mi’kmaq treaty right to fish for profit. Generally unacknowledged in these discussions were the challenges that

accompanied these opportunities, the promises of which had been realized in Salt Harbour by only a handful of band members who had achieved success and stability in commercial fishing. Other, more common experiences of the post-*Marshall* years were not often featured in news reports and policy documents. For many Mi'kmaq people in Salt Harbour and elsewhere, the post-*Marshall* years presented new challenges and constraints which fishers had to address as they worked to structure their fishing practices and define themselves as fishers. Amid the opportunities and constraints which characterized this new landscape of Mi'kmaq fishing, Salt Harbour fishers were constructing new meanings and knowledges associated with fish, fishing, and community life. In particular, new commercial fishing practices in Salt Harbour were shaped by new technologies and new opportunities to participate in the market economy and in Canadian consumer culture. They were also being shaped by the financial pressures of the commercial fishing industry, as well as by regulations and reporting requirements mandated by the state and the band.

Through the rapid and oftentimes incongruous construction of new approaches to Mi'kmaq fishing, new fisher identities were also being produced. This production also reflected the intersections of opportunity and constraint. Holland and Lave (2001) refer to such places of identity formation as “spaces of authoring”, where shifts in the status quo often occur and individuals or groups find themselves with new possibilities for agency and novel ways to author themselves. For the Mi'kmaq commercial fishers of Salt Harbour, these spaces of authoring were strongly tempered by constraints and other pressures on their fishing practices and outlooks. Mi'kmaq fishers had to contend with being positioned in certain ways by the state, the media, by band members who disputed their legitimacy as fishers, and even by their fellow commercial fishers. Like pre-*Marshall* Mi'kmaq identities, commercial fishing identities rested firmly on relationships between humans and natural resources; however, in a significant shift,

the fisher identities developing in the post-*Marshall* climate were not premised on what Mi'kmaq people consider to be "Mi'kmaq cultural practices." For the commercial fishers I interviewed, Mi'kmaq cultural practices and meanings now existed outside the realm of fishing. Below, I will consider the dialogic, economic and regulatory processes, and the negotiated agency through which new Mi'kmaq fisher identities were being constructed, and what these new orientations might mean for the future of commercial fishing, Mi'kmaq culture, and community life in Salt Harbour. Rather than including a survey of all the commercial fisheries in which Mi'kmaq fishers participated, this chapter focuses mainly on the commercial lobster fishery. Several reasons informed this decision: first, most Salt Harbour commercial fishers participate in this fishery, with fewer participating in the snow crab, rock crab, tuna, herring and other fisheries. Second, along with the snow crab fishery, which takes place off-shore, lobster fishing was the most lucrative fishery in the region.⁴³ And third, as an inshore fishery conducted during the fall, it was the commercial fishery I had the most access to. As the name suggests, inshore fisheries were conducted close to shore during day trips (unlike the snow crab fishery, which was a mid-shore fishery keeping fishers at sea for 24 hours plus), thus I was able to ride along on a number of day trips with different crews. Further, the timing of my fieldwork meant that I was in Salt Harbour for the 2006 and 2007 lobster seasons, so had opportunities to interview fishers and conduct participant observation over two seasons.

Technology and New Fishing Strategies

By September, the weather in eastern New Brunswick begins to turn chilly again and it's not unheard of to wake to a hard frost. Such was a case on a late September morning as I walked the two blocks from my apartment in Baie Claire to the wharf. At 4:30am, the only lights on in the town were street lights and I could see my breath as I crossed the street and walked

out onto the “Indian wharf”, pulling a stocking cap further down over my ears and trying to identify the vessel *Angelica* in the frosty dark. Just then, Pete and Duncan Cyr, 28-year-old cousins pulled up in Pete’s new pick-up truck and trained the headlights on the *Angelica* and waved me over. Several days earlier, I had been introduced to Pete at the wharf and had arranged to ride along with him during a lobster fishing trip. Pete was the ship’s captain and Duncan his only crew member, and I could tell Pete wasn’t sure if I would be a help or a liability on the boat. I convinced him that, if nothing else, I would stuff bait bags and stay out of the way. He agreed, and so the three of us moved around silently in the dark morning, loading plastic crates and boxes full of frozen bait fish onto the boat. As Pete started the motor and powered-on the boat’s computer system and we pulled away from the wharf, I noticed several other pick-up trucks pulling onto the wharf, also getting an early start to take advantage of the calm morning waters.

It was a 20 minute ride out to Pete’s first trap line and we sat together in the cockpit clutching paper cups of hot coffee and trying to talk over the engine noise. Pete and Duncan both graduated from high school in 1998, the year before the *Marshall* decision, and went to “work in the woods” as loggers until 2000 when the Band signed a lucrative post-*Marshall* agreement and began building a fishing fleet. Both men decided to try their hand at fishing and were hired as deckhands on an older cousin’s lobster boat. When Pete was allocated a boat by the Band several years ago, Duncan joined him. Having never fished before 2000, Pete said that the learning curve for operating a commercial vessel was steep. To fish effectively, he explained, you needed to learn how to use the boat’s complex computer and GPS systems, as well as learning how to configure and take care of your traps, the boat’s engine and the hydraulic system essential for raising the trap lines. In short, commercial lobster fishing requires mechanical, engineering, electronic and carpentry expertise. And while many Salt Harbour

residents, like Pete and Duncan, had experience working as loggers and carpenters, and repairing small outboard boat engines and the engines in their own vehicles prior to *Marshall*, the types of technological practices and knowledges necessary for running a commercial fishing vessel differed significantly (as did the financial stakes.)

Drawing closer to the *Angelica's* trap lines, Pete turned his attention to the computer screen mounted above his captain's chair. The screen showed what looked to be a nautical map with about 50 numbered points scattered randomly throughout. A digital global positioning system (GPS) readout at the bottom on the screen showed where we were, and when Pete dragged the mouse across one of the numbered points, its coordinates were also shown. Pete explained that each numbered point represented the location of a trap line, and that each location had been specially chosen because of its depth, the sedimentary make-up of the ocean floor, or its location in relation to current and temperature patterns. As Pete pulled the boat alongside each blue and yellow buoy marking a trap line, Duncan used a metal hook on the end of a pole to hook the buoy and pull it into the boat. Grabbing the rope attached to the buoy, he would run with it to the rear of the boat and tack the rope into a hydraulic pulley system, which he then would activate to raise the trap line. As the traps popped out of the water, one after the other, Duncan caught them and lined them up on the boat's fiberglass sideboard. The traps were surprisingly heavy, weighed down by cement blocks, which kept them from drifting along the seabed. Pete joined Duncan in the back of the boat and together they quickly sorted through the traps, flinging anything that was not a lobster back into the water. The most common interloper was the rock crab, a palm sized crab that instinctively pinched anything it can get a claw on. Pete and Duncan had a good laugh watching me attempt to extract rock crabs from the traps, and then from my gloved fingers, to which they would inevitably and painfully attach.

All lobsters were placed in a plastic tub where Pete first checked their underbellies to determine if any were berried females carrying clusters of black eggs on their abdomens. All berried lobsters were gently placed back into the water. Next, he used a d-shaped metal ruler issued to captains by the DFO at the beginning of each lobster season to measure lobster carapaces. The carapace is the mid-body section of the lobster, and is officially measured from the inside of the eye socket to the first accordion-like joint in the lobster's abdomen. Lobsters with a carapace longer than 70mm were keepers, and the others were thrown back.⁴⁴ Among the keepers, there was another size distinction: lobsters with a carapace larger than 80mm were called "market" lobsters, while those between 70mm and 80mm were classified as "canners." As their names imply, market lobsters were destined to remain intact and alive for sale at fish markets, while cannery lobsters were sent to be canned, bottled or used in other food products where small pieces of lobster would suffice.

The hydraulic engine was deafeningly loud, making talking next to impossible, so I focused on watching Pete and Duncan move around the boat, operate different pieces of machinery, and make decisions about how to maximize their catch. After checking two or three trap lines, Pete was unhappy with the number of lobsters they were finding in the traps, so he decided to relocate about 100 of his traps. From that point on, rather than dropping the traps back into the water after checking them, we carefully stacked them and coiled their lines (ropes) at the back of the boat. Pete had heard about an area of across the strait, near Prince Edward Island, where the currents were favorable and the water temperatures were warmer, making the area more attractive to lobsters, which move with the currents and temperatures, but do not range nearly as far as groundfish like cod or other pelagic fish like salmon. After another 15 or 20 minutes of motoring across the Northumberland Strait, Pete pulled up an ocean bottom SONAR feed on his computer screen. Amorphous, multicolored, shapes appeared on the screen,

each color representing a different geologic or plant material on the ocean bottom: rock, seaweed, mud or sand. Lobsters typically live in waters less than 50 meters deep (Observatoire du Sainte-Laurent 2008). Pete had to decide the type of ground he thought the lobsters were most likely to migrate through, and then drop his trap lines along that route and hope for the best. As Corson (2002) put it: “The lobsterman must learn the lobsters' preferred routes along the bottom and intercept the animals on their pilgrimages. To succeed at his profession, [the lobster fisher] therefore has to be an oceanographer, a sea-floor geologist, and a detective.” Through their experience with commercial lobster fishing technologies, Pete and Duncan were learning just such skills – skills they considered vital to being a successful fisher.

Motoring back to the wharf around 1pm with several crates full of canners and a small cooler with about a dozen market-sized lobsters, I asked Pete how he learned to run a commercial vessel. He told me that the learning process didn't differ substantially from how people like his grandfather learned to food fish when they were youngsters: by watching more experienced fishers, and through trial and error. This raised an interesting point: Although the technologies and techniques involved in commercial lobstering were substantially different from those of food fishing, the *mode of learning* was similar. This experience of “learning by doing” was similar for most Salt Harbour commercial fishers. Although some attended a two-day course organized by DFO about how to operate a commercial vessel, most did not. Toby Booker, an enthusiastic young deckhand explained to me how he learned to fish for lobster: “When I went out the first time, no one showed me what to do, but I just watched what everybody else did, and I did it the same way.” Though the experience of hands-on learning was equated by some fishers to learning to food fish (despite the fact that few of them had ever food fished), as we will see below, the goals, visions and meaning assigned to commercial fishing and to fish differed substantially from those of food fishing; while food fishing technologies and

practices were premised on conservative catches and distributive economics, the technologies and practices associated with commercial fishing were geared toward catch maximization (within federal conservation limits) and private wealth accumulation. I suggest that the new commercial fishing technologies that Salt Harbour fishers like Pete and Duncan learned and adopted as a result of the *Marshall* ruling were contributing to the re-orientation of what it meant to be a fisher – to identify one’s self as a fisher – in post-*Marshall* Salt Harbour.

Technology as a mediator of practice and identity

Technologies like GPS, SONAR, diesel boat engines, hydraulic pulley systems, log books, and the 250 metal traps that each lobster fisher in LFA 25 is permitted were shaping how Salt Harbour fishers practice and construct Mi’kmaq fishers identities in the *post-Marshall* years. The sorts of fishing technologies that had become prevalent in Salt Harbour and other First Nations communities since the *Marshall* decision can, I suggest, be viewed as non-human actors that contributed significantly to the reshaping of fishers’ practices and identities, and the meanings of fish. As Latour (1993), Callon (1991), Hornborg (2001) and other developers and practitioners of the burgeoning field of science and technology studies (STS) have argued, technologies are social creations and cannot be understood outside of the societies and power structures within which they operate. Produced by humans from particular cultural backgrounds, technologies are designed to interact with humans and non-human actors in certain ways, and to achieve certain results (e.g., economic results, infrastructural results, social results, or governance results.) Likewise, such human and non-human actors are *socially* and *processually* co-constructed through their ongoing engagements with each other. In this vein, the new technologies available to and used by Mi’kmaq commercial fishers can be understood as culturally meaningful tools that the fishers used to mediate their relationships with natural resources. The cultural meanings imbued in these new technologies reflected those associated

with the commercial fishing industry – namely catch maximization. By enabling fishers to catch hundreds of pounds of lobster each day, new fishing technologies were facilitating new practices and mediating the production of new identities by Mi'kmaq commercial fishers. I am convinced that attending to the mutual and negotiated social production of technologies and human identities also fits well with a dialogic view of identity production where ongoing dialogues and interactions between people, artifacts, memories, histories, and other potential partners mediated the organization and deployment of individual and collective subjectivities.

Applied to the realm of Mi'kmaq commercial lobster fishing, technology was a cultural resource - or tool - through which Salt Harbour fishers like Matthew, Pete and Duncan were reconfiguring their identities in ways that differed from pre-*Marshall* fisher identities. For instance, Duncan and Pete used the SONAR unit on their lobster fishing boat to locate the most suitable lobster habitats on the sea floor in order to maximize their catch. This approach contrasts with pre-1960s, small scale lobster fishing, which utilized technologies (wooden boats and a few traps) that reflected fishers' goals of catching enough lobsters to feed their families and to sell for necessities.

Social scientists widely agree that the production and definition of individual and collective identities has to do in large part with the particular practices, knowledges and meanings people engage with (or *envision* engaging with) (cf. Holland et al. 1998, Bourdieu 1977, and Ingold 2001) For example, before the *Marshall* decision⁴⁵, the figured world of the Salt Harbour fisher revolved primarily around practices of food fishing for Atlantic salmon, striped bass and eels in the Plamu river, and digging and diving for shellfish along the coastline of the Northumberland Strait. Though most families had at least one member who fished for food, there were a number of community members widely acknowledged and respected as

particularly skilled fishers. It was common for young children to be sent to apprentice with these skilled fishers. Len A'ltuasit was one such child in the 1950s. He told me about how a group of Elders approached his father to ask if Len could apprentice with the community's most respected fishers. Len's family was thrilled and still expressed pride in the training he received from these fishers. "I didn't choose [to fish with] them; they chose me," he reminded me often. Much of the status and respect conferred on skilled fishers came as a result of them supplying the entire community with fish for food, social and ceremonial uses. Local cultural knowledge and meanings dictated that most of the fish would be eaten fresh, used in ceremonies or social gatherings, preserved for the winter and shared with family and neighbors. A few fish might be sold on bartered the informal market to help provide fishers with other necessities (e.g., money, food, clothing or fuel.) The technologies involved in these fisheries, such as gillnets, spears and hook and line, and diving lent themselves to lower catch levels, which, according to Elders I interviewed, were sufficient to meet community members' needs. In the pre-*Marshall* era, fishing technologies supported a style of fishing that was in synch with local cultural practices of sharing and limiting catches.

In contrast, the technologies involved in commercial lobster fishing made possible – and even promoted – very different orientations to fish and fishing. These technologies were developed to allow fishers to participate in the transnational commercial fishing industry, an industry which promoted, as its central value, high catch levels and which placed value on a number of species that are not accessible close to the shore (e.g., snow crab and tuna.) As Salt Harbour fishers became increasingly involved in this industry, the construction of their identities as fisheries was mediated by, among other things, new technologies. By engaging with these technologies, Salt Harbour fishers were also engaging with the industry – and the economy – that supported these technologies. Through such interactions, Salt Harbour fishers' practices

and embodied knowledge, their *habitus*, to borrow Bourdieu's (1977) term, were being shaped to conform with the values and goals espoused by the fishing industry. In this figured world, the ideal fisher used the latest technology to maximize their catch, which they sold to a private buyer offering to pay them the highest price. In the process of acquiring knowledge about commercial fishing technologies, and engaging in practices made possible by the technologies, the meaning and value of fish was shifting away from a that of a resource caught in moderation, shared with community members and linked to a cultural-historical Mi'kmaq identities, toward a view of fish as a commodity to be sold for individual profit. Through this process of shifting orientations, fisher identities were being refigured. It appeared that, while Salt Harbour fishers continued to be active members of their community and engage in other activities that they termed "cultural", the fisher identities they were developing and inhabiting are disassociated from the Mi'kmaq cultural identities that Elders and poorer community members often implicated in their descriptions of food fishing.

It should be obvious that integration into the commercial fishing industry had not been an easy process for Salt Harbour fishers, nor was it complete. Fishers and fisheries managers in the community frequently described commercial fishing as a "learning process." One Band Councilor explained, "All of a sudden we got these boats, and it takes some time to learn, and in the beginning you probably do more losing than you do gaining." This process of learning to fish in a new way is described as "enskilment" by Pálsson (1994), who spent time on Icelandic commercial vessels observing how fishers acquired and became comfortable with new fishing technologies. For the Icelandic fishers, enskilment also meant "finding your sea legs" in two interrelated senses: becoming physically comfortable and steady working on a rocking boat; and coming to subjectify or define one's self as a fisher. He cites Polyani (1958:59) to describe the process through which technologies mediate a new way of inhabiting one's body and self:

“‘As we become skillful practitioners,’ he writes, ‘we assimilate technology as a part of our own body.’ In the process of learning, he [Polyani] suggests, ‘we shift outwards the points at which we make contact with the things that we observe as objects outside ourselves’; as tools become ‘part of ourselves, the operating persons’, we ‘pour ourselves into them and assimilate them as parts of our own existence. We accept them existentially by dwelling in them’” (Pálsson 1994:910).

In the case of Salt Harbour, neoliberal state policies encouraged commercial fishers to support the market-driven organization and practices of the commercial fishing industry (and by each other, as we will see below), to, in effect, “dwell” in commercial fishing technologies, and to author themselves *as fishers* from within this dwelling place. The notion of envisioning one’s self in a certain way, and then dialogically negotiating and taking up the types of practices, knowledge and meanings involved in achieving (or “dwelling”) in this identity corresponds with the central claim of social practice theory that identities are socially figured and practiced and, in the process, may be taken up and personalized as one’s own.

Social practice theory takes this point further by considering the role of local agency in shaping identity-making processes. Agency, Holland and her colleagues say, is achieved through the socially-negotiated ability to direct one’s activities toward a certain goal, or within a particular vision of “self-activity” (1998:40). The ability to regulate one’s self in particular ways is largely mediated by the use of collectively-produced artifacts (or cultural resources.) Accessing and controlling the use of such artifacts can be difficult, especially for those in positions of relatively little power, but possibilities sometimes exist for individuals and groups to use existing cultural artifacts to exercise agency in new or novel ways that contribute to the emergence of new identities *and* the re-signification of the cultural meanings associated with the artifacts. “Human agency may be frail,” Holland and her colleagues write, “especially among those with little power, but it happens daily and mundanely, and it deserves our attention”

(1998:5). I found that such was the case in the newly figured world of Salt Harbour commercial fishing.

In the eight years since *Marshall*, most commercial fishers from the community had become proficient at operating commercial vessels and gear, though the results of their practices were often precarious or “haphazard” according to one DFO official with whom I spoke. These observations reflected the ongoing struggles of many Mi’kmaq fishers to navigate the steep learning curve of running a commercial fishing enterprise. Most fishers experienced daily worries about being able to catch enough fish to pay their bills. In their frantic efforts to “catch up” to the decades of experience held by non-Native fishers, and the expectations of the state and the commercial fishing industry (many of whom had positioned Salt Harbour fishers as unqualified and likely to fail), the fishers themselves had not had much of a chance to develop a distinctive collective identity as commercial fishers. By this I mean that they had, for the most part, not yet articulated a unique position (or identity) for *Mi’kmaq commercial fishers* within the commercial fishing industry, separate from the figured world of fishing organized by the industry itself. This world was populated primarily by fishers and fish buyers who used the latest technologies and worked within existing state constraints to maximize catches and profits. Heeding Holland et al.’s (1998) admonition to pay attention to the potential of fragile instances of agency, I came to see acts like the preference of Mi’kmaq fishers to broadcast over marine radio stations in the Mi’kmaq language, the willingness of mechanically-inclined fishers to help the neighbors repair broken engines, and loud calls by some Mi’kmaq leaders for a separate, culturally-informed management plan for Mi’kmaq fisheries, as precursors to a time when Salt Harbour commercial fishers would confidently engage even more with the technologies of commercial fishing to construct a shared fisher identity that reflected these visions for the future of a unique Mi’kmaq commercial fishery. In the meantime, for Mi’kmaq commercial

fishers in 2006 and 2007, carving out a uniquely Mi'kmaq place in the world of commercial fishing was usually superseded by fishers' daily struggles to keep their heads above water, so to speak.

Disciplining Mi'kmaq Fishers

Ice forms on the rivers and harbors of eastern New Brunswick by mid-December and often doesn't break up until April, a stark reminder of the seasonal nature of commercial fishing. Salt Harbour was a quiet place in the winter: most people hunkered in, tried to stay warm, and enjoyed visiting with family and friends. Fishers who had qualified for Employment Insurance (EI)⁴⁶ collected their meager – but welcome – EI checks, which were usually (but not always) enough to cover the costs of food, gas and heating until they could start fishing again in the spring. Those who did not catch enough or put in enough hours on their boats to qualify for EI tried to find work “in the woods” on logging crews, and a few others found short-term contract work through the Band, for instance delivering firewood to Elders and plowing driveways. Still others enrolled in social assistance programs not premised on past employment in anticipation of not having an income over the winter. Each winter, while these fishers negotiated an economically precarious existence through the long off-season, federal officials, First Nations fisheries managers, Chiefs and Band Councilors, private sector consultants and industry representatives got together to assess the state of the commercial fisheries, to plan for the next year, and to develop new regulations and reporting procedures. I was invited to attend a number of these meetings and workshops, which frequently took place in regional cities like Moncton, Fredericton and Halifax. These off-season fisheries meetings were often convened by DFO in cooperation with the Atlantic First Nations Policy Group (AFNPG), a Nova Scotia-based policy, research and advocacy organization that has enthusiastically supported the development and integration of First Nations communities into the market economy of the commercial fishing

industry. It was during these meetings that much of the regulatory and bureaucratic groundwork for organizing and disciplining contemporary Mi'kmaq commercial fishing was laid.

One such meeting took place in February of 2007. Together, Joann Prentice, her assistant Tina Albert and I had braved treacherous road conditions on the icy, two-lane highway travelling from Salt Harbour to Moncton to attend a “training and mentoring workshop” jointly hosted DFO and AFNPG. As we trudged through the snowy parking lot, Joann expressed concern about managing Salt Harbour’s commercial fisheries after the band’s *Marshall* agreement expired that March. Unsurprisingly, many of the other First Nations in the region shared her concerns, and the meeting was packed with Chiefs, Councilors, fleet managers and a few commercial fishers wanting to know how their relationship with the federal government would change after the agreements expired. The goal of the workshop itself was to prepare the bands for the impending expiration of the post-*Marshall* agreements. As the manager of the largest fleet of First Nations-owned commercial vessels in the region, Joann garnered – and enjoyed – much attention and respect from other bands’ fisheries managers.⁴⁷ She was knowledgeable and outspoken, and I noticed that the other fleet managers often gauged her reactions to the announcement of federal fisheries programs and regulations before reacting themselves. Inside the hotel’s conference center, Joann and Tina were greeted by their colleagues and friends from the other Bands as they milled around the refreshments table sipping coffee and paging through the official workshop portfolio, which was filled with questionnaires, sample forms and policy reports. Nearly all of them also grabbed a copy of the *Navigator*, a popular trade magazine of the fishing industry prominently displayed at all of these fisheries meetings. Each band sent two or three representatives – typically their fisheries coordinators – to the workshop, and their transportation and lodging expenses were usually paid for by the AFNPG.

Over the course of fieldwork, I had come to know many of these people, mainly as a result of attending other regional fisheries meetings, and I found it interesting to learn about the very different ways their communities were experiencing the impacts of the *Marshall* decision. While Salt Harbour had chosen to go full-bore ahead with the development of commercial fisheries, other Bands had opted for small fleets (as small as one or two vessels) based at wharves far away from their reserves and negotiated for money for local social and infrastructural programs. Whatever their fishing situation, all of the representative were interested to know what would happen when the *Marshall* agreements ended: What would be expected of them in terms of reporting to DFO? What could they do to keep their commercial fisheries running profitably without regular infusions of federal money? Would the federal government continue to have responsibilities to help *Marshall*-impacted bands achieve stable, self-sustaining fisheries? If they were to develop and implement their own commercial fisheries management plans, would they receive federal support or resistance?

In addressing these questions, presenters from DFO, AFNPG and regional fisheries training programs painted a picture of successful post-*Marshall* fisheries as technologically advanced, profitable and managed according to market business principles. Workshop attendees were told that realizing this vision for the future of the fisheries would require: ongoing training for fishers in regional community college courses like vessel maintenance and bookkeeping; participation of First Nation fisheries managers in DFO's new Fisheries Operations Management Initiative (FOMI); and familiarity with and adherence to the federal *Fisheries Act* (1985). These "top down" efforts of the federal government, influential policy groups, and industry to shape – or *discipline* – First Nations fishers' practices and approaches to post-*Marshall* fisheries were instrumental in contributing to the recent and ongoing reorganization of the figured world of fishing in Mi'kmaq communities. And through their discourses and their

actions, that Salt Harbour fishers were engaging with (and in many cases absorbing) the image of the successful commercial fisher championed by the state and the capitalist market to construct their own identities as well as to discipline their fellow Mi'kmaq fishers into populating this figured world of Mi'kmaq fishing.

Discipline and Regulation from “Above”

Meetings & Workshops

Perhaps the most effective – and certainly the most prevalent – strategy for managing post-*Marshall* fishing practices and attitudes was the proliferation of acronym-happy fisheries “initiatives,” “programs,” “networks,” “strategies,” “plans” and “systems” developed and implemented by DFO, industry representatives, regional educational institutions and policy groups. Attending these post-*Marshall* meetings and workshops over the course of two years, I, along with First Nations fisheries coordinators, learned about programs including:⁴⁸ the Aboriginal Fishing Knowledge Sharing Initiative (AFKSI); the Fisheries Operations Management Initiative (FOMI); the Renewed Atlantic Fishing Strategy (RAFS); Aboriginal Aquatic Resources and Ocean Management (AAROM); the Atlantic Aboriginal Economic Development Strategy (AAEDS); the At-Sea Mentoring Initiative (ASMI); the *Marshall* Response Initiative (MRI); the Atlantic Integrated Commercial Fisheries Initiative (AICFI); and the Fisheries Practices Database (FPD). Each of these programs was designed to shape First Nations’ fishing and business practices in ways that would make them compatible with those of the dominant market. In the cases of programs like ASMI, FOMI and AICFI, First Nations were only eligible to participate (read: get access to funding) if they agreed to organize their fishing strategies and reporting techniques in accordance with federal guidelines.

At the Moncton workshop, DFO Special Programs officer, Scott Hoffman, gave a presentation on the progress of FOMI, and the directions the program would take after the

expiration of the *Marshall* agreements. Scott was there to tell them what their communities would need to do in order to qualify to participate in this program. Stepping up to the podium, Scott began his presentation by announcing to the fleet managers, who all knew him: “My name’s Scott. Don’t worry: I’m from the government and I’m here to help.” Familiar with this joke, which originated in the 1970s in the United States as a conservative reaction to big government⁴⁹, most people in the room chuckled. Scott was trying to demonstrate his recognition of the history of distrust, disenfranchisement and general federal mismanagement of aboriginal-state relationships. His delivery of this line signaled a “we’ve moved past that, right?” sentiment, and though most workshop attendees expressed amusement at this introduction, I detected an uneasiness underlying the laughter.

Over the next hour, Scott gave workshop participants an overview of FOMI, which had as its primary objectives “to strengthen community-level fishing management structures within *Marshall*-affected First Nations” and the “establishment of institutions, policies and plans to maximize and sustain benefits resulting from fisheries assets acquired by First Nations under the *Marshall* Response Initiative.” To this end, FOMI provided opportunities for First Nations communities to work with DFO and industry to access business management training and to develop “corporate models for the operation of the fishery.” In the FOMI handout distributed at this meeting, there was a vague reference to “revenue generation and *sharing*” [emphasis mine] under the heading of “Community Consultation,” but Scott did not touch on this in his presentation, nor did the fisheries coordinators raise the issue. Critiques aside, FOMI has been well-received by Mi’kmaq and Maliseet commercial fisheries coordinators who have participated in the program, and I believe that if Salt Harbour decides to continue pursuing a large market-based commercial fishing enterprise, FOMI would assist that community as well. However, despite Scott’s insistence that “this [FOMI] is not about dictating a certain approach”

to First Nations commercial fisheries, the FOMI program and others were indisputably geared toward facilitating the bands' entry into the capitalist fishing industry. It would be more accurate to say that DFO was encouraging each band to develop local fishing goals and programs that fit within the considerable constraints of federal regulations and market paradigms.

Several other presenters at the workshop also contributed to the vision of post-*Marshall* First Nations commercial fisheries as successful, profitable, efficient enterprises. To help the band achieve this success, presenters offered to train fishers and administrators in particular practices and knowledge paradigms. For instance, Jacques Legere from the fisheries program at the Maritime Technical College tried to drum up interest and enrollment in the At-Sea Mentoring Initiative (ASMI) where First Nations fishers would be trained in commercial fishing techniques, vessel maintenance and record keeping at the college, and are then certified to train commercial fishers in their own communities. In order to participate in ASMI, interested First Nations were required to submit DFO-approved "training plans." As of the end of the 2006 session, Jacques reported that fishers from just seven of the 34 communities impacted by the *Marshall* ruling had participated (representing 47 "fully certified" mentors.) Mi'kmaq fishers, he told the crowd, need to continue to "upgrade their skill levels" and "maximize efficiency" to improve their catches and bolster local economies. Of the fishers who had come through the program and were acting as mentors for others, he said, "You can rest assured that the person on the vessel providing knowledge transfer is a qualified individual." Through this statement, Jacques offers a perspective on commercial fishing knowledge that was pervasive at the workshop. In this setting, legitimate, or "certified" knowledge was linked to practices of catch maximization, methodical bookkeeping and boat mechanics. Fishers who had mastered this knowledge, he claimed, stood to make a comfortable living through their practices. I argue that

programs like FOMI and ASMI – which are highly regarded by many First Nations commercial fishers and coordinators – were powerful contributors to the dialogic refiguring of commercial fishers' identities in the post-*Marshall* years. Through their legitimization of certain types of knowledge about fishing – and the technical, economic and social practices and meanings associated with this knowledge – the state and its supporting players were contributing to the formation of the figured world of Mi'kmaq commercial fishing as one defined not by historic, 'cultural' relationships between humans and the environment, but by decidedly capitalist practices and goals of wealth accumulation and private enterprise.

Paperwork & Reporting Requirements

The conceptualization and realization of this new figured world of Mi'kmaq fishing and fisher identities was also facilitated by the stringent bookkeeping and reporting practices that the state required of the bands who signed post-*Marshall* agreements. Social scientists who study the hegemonic processes of colonial domination have demonstrated the power of recordkeeping, categorizing and reporting as tool for reorganizing local peoples' ways of understanding and acting in the world (cf. Weber 1930; Burawoy 1979; Nadasdy 2003; Freeman 2000). These processes can often involve the compulsory participation of aboriginal peoples in modern bureaucratic structures, through which they are forced to use the language, meanings and practices of the state to describe and organize not only their interactions with natural resources, but the local meanings attributed to these resources in relation to community life. For instance, in his ethnography of the politics of knowledge in a wildlife co-management arrangement between the Canadian state and the Kluane First Nation in the Southwest Yukon, Nadasdy (2003) focuses on the power of bureaucratic practices in re-organizing Kluane people's relationships to animals and land in their territory. He writes:

“This bureaucratization of First Nations societies has had a number of far-reaching effects. Most significantly, many First Nations people now have to spend their days in the office using computers, telephones, and all the trappings of contemporary bureaucracy. This necessarily takes them off the land and prevents them from engaging in many of the activities that they continue to see as vital to their way of life” (2003:2).

Through their participation in bureaucratic processes like federal workshops and programs, and recordkeeping and reporting, Nadasdy asserts that First Nations peoples are “also agreeing to abide by a whole set of implicit assumptions about the world, some of which are deeply antithetical to their own” (2003:6). Unlike the Kluane people with whom Nadasdy worked, few people in Salt Harbour had subsisted entirely off the land for a number of decades. However, Nadasdy’s arguments about the transformative power of bureaucratic practices in the construction of human-environment relations are relevant to post-*Marshall* fisheries in Salt Harbour. By requiring the bands to keep and submit reports, records and logbooks detailing their fishing practices, the state was able to control how these practices are carried out, as the bands’ access to funding depended on DFO approval of their recordkeeping. As we will see below, though some Mi’kmaq fisheries coordinators complained about these patronizing, bureaucratic requirements, most fishers I interviewed had accepted recordkeeping and reporting as a matter of course in their fishing practices.

Reporting to the state on their fisheries activities was nothing new for First Nations in Atlantic Canada. Two years after the 1990 *Sparrow* ruling recognizing Native peoples’ aboriginal right to priority access to fish for food, social and ceremonial (FSC) purposes, DFO launched the Aboriginal Fisheries Strategy (AFS), a federal program designed to increase access and capacity of First Nations’ FSC fisheries.⁵⁰ Through the AFS, First Nations were given access to fishing permits, funding and other federal supports to help them develop fishing skills and management plans after decades of being kept out of the water. However, rather than entrusting the bands to administer their own local AFS programs, DFO continued to hold the purse strings and

required First Nations to adhere to rigorous reporting procedures in order to access money and resources. During an AFS meeting I attended at DFO in September 2006, federal program officers explained to annoyed First Nations fisheries coordinators a significant change in reporting practices. My fieldnotes from that meeting highlight how, as tools of the state, paperwork and reporting requirements were used to shape First Nations fisheries in particular ways. Not insignificantly, this passage also demonstrates the Native fisheries coordinators' irritation at the state's paternalistic attempts to discipline their communities.

There was a lengthy discussion/tutorial about new AFS forms and the new types of activities that the bands can request AFS funding for...Ted, the fisheries coordinator from Rocky Pointe was exasperated with the discussion of changes in the forms, and said that although there are new time-consuming forms and templates from DFO, he suspects there will be no increases in the funding available. Funding levels haven't increased for 15-18 years, he said. The funding is not enough to carry out the band's approved AFS projects, and this new paperwork system will only complicate things further. There was a general agreement with this statement from the other First Nations attendees, and Elise, the DFO program officer admitted that this is true.

Elise explained about the new reporting requirements: every time there is a disbursement by DFO, there must be a progress report submitted by the First Nation. This announcement was not popular with the fisheries coordinators since it could mean that the Band would have to submit lengthy reports to DFO every month.

Rayna, a second DFO program officer, who seemed to have taken on the role of "bad cop" at this meeting, cautioned that if bands request funding for something not on their original AFS Program Proposals, they will have to go through an amendment process. The Program Proposal is "like your Bible", she said, "You have to stick to it."

At this point, there is constant grumbling and some loud challenges by the First Nations fisheries coordinators to the DFO presenters. For instance, Sara, the financial manager from the Gopit Banks band said that it sounds like the bands will now have to do 15 separate reports for each AFS project. Rayna responded defensively, saying that it is still one report, it just now will have 15 components, and that the new program structure is meant to give the bands greater flexibility in deciding how their AFS money should be spent. Someone else asked if this is the last time the template will change, or if First Nations should bother learning it, because it will change again. This comment was shrugged off by Elise and Rayna, who continued to go over the new reporting forms, while people around

the table shook their heads and grumbled. Elise and Rayna kept reassuring people that it is not as complicated as it may seem.

At one point, the DFO facilitators talked about a new form that would require the bands have to report to DFO every time they buy office supplies for their fisheries offices. Andrew Piel, a distinguished Elder and Chief from a Nova Scotia band, wanted to know why the Band would have to report on such purchases...This is a burden on First Nations, he said. Sara shrugged again and told him that she was "just a messenger." Chief Andrew didn't accept this; he told her to ask her "handlers" why they needed to know about every minute purchase. He called the requirement a "paternalistic" monitoring tool, and not about increasing First Nations' fiscal accountability. He said that it is reminiscent of when Indian Agents were on the reserves and people had to submit receipts to them in order to buy flour and molasses. Elise told him that she would take his concerns to her supervisor. (Fox, Fieldnotes 9/28/06)

The use of recordkeeping as a state "technology of control" (Foucault 1977) over Mi'kmaq fishing had only expanded in the post-Marshall years. As with the AFS, bands seeking to access the funding negotiated in their post-Marshall agreements were required to submit spending plans to DFO, and to account for every penny spent after funds were released. Only funds for projects or expenses included in the bands' original post-Marshall agreements were disbursed. Though it was possible to reallocate Marshall funding to different projects, bands who wanted to amend their original budgets had to wade through a lengthy bureaucratic process. Don Martin, a Mi'kmaq man working for DFO, explained, "Sometimes when they negotiate agreements, sometimes people change their route [they want to change their initial budget categories.] So we sit down with them and I usually ask them to provide me with a rationale for why they want to change their funding. Once I have that, then I go to Ottawa and request an amendment [to the band's Marshall agreement.] So I deal with Ottawa and senior management here." Don also acknowledged that some DFO requirements had been experienced as obstacles by First Nations communities:

"I find that some of the communities have a hard time following the terms and conditions of the agreements because they're not used to so much paperwork, they're not used to reporting. A lot of times, their reporting is not complete. They're losing a lot

of money because of that. Even though I'm a First Nations individual, I'm telling them 'Get your reports in so that we [can disburse] your money.'"

Sincere in his commitment to increasing the bands' commercial fishing capacity, Don told me that his role at DFO was "to be of assistance to them, so they can do what they want, and to make sure that the capacity is there to help them, so that when *Marshall* [agreements] ends, they'll be better integrated into the commercial fisheries." While everyone I spoke with in Salt Harbour liked Don and respected his work at DFO, many were irritated at the level of power DFO the able to exercise over their fisheries through the reporting procedures. For instance, lobster boat captain Chip Atwin expressed annoyance at the ever-changing DFO regulations placed on his fishing practices and reporting requirements.

"It's been changing every year and you don't know how it's going to be even next year. I know they're changing a lot of things right now and it's affecting us now. [They say], 'You have to do this and you have to do that.' It seems like they're attacking Native people [with lots of new regulations] because Native people are way out there [fishing more than ever]. Right now, it's just the tip of the iceberg. Lord knows how it's going to be in 10 years' time."

Fleet manager Joann was more matter-of-fact about the federal reporting requirements. She acknowledged that the federal reporting requirements could be excessive and time-consuming, but if that was the only way to access the band's *Marshall* agreement funding, then so be it:

"Don't forget that it's still a government, so it has its bureaucracy, and it's still got its red tape... [Since Marshall,] there's a lot more regulation, a lot more accountability...Every department [in the federal government] has their vetting forms, and you can't get a cent unless you check off 15 items. Have you got a BCR [a Band Council Resolution authorizing the fisheries department to request Marshall agreement funding]? Have you got this and this and this? You have to do all that just to get that penny. And then you get the same vetting form to account for that penny... Sometimes, I think that there is so much accountability now that they can't keep up with the demands of managing, because of the reporting that you have to do."

And that's why I demand reports from all the people who work under me. I have to demand them because, come accounting time, I want to look at [our activities] and I do a summary report. It helps me, and it shows our sponsor [DFO] that, yes, we have the

reports. And it's not because you want to be a dirty old bugger, but it's just because it is a requirement. It's required of me so I require it of them, and it makes everybody's job easier in the long run. And it's also a learning tool, because you can flip back and say 'Yes, this is what we did.'"

Whether grumbled about or accepted as a necessary evil, state-mandated reporting procedures were contributing significantly to the refiguring of Salt Harbour fishing identities. These requirements have had a major impact on the construction of Mi'kmaq fishers in the post-Marshall period. Aware that they would be required to submit reports on their activities, Salt Harbour fishers and fisheries coordinators undoubtedly audited their fishing and management practices with this in mind. For instance, during the commercial snow crab season, Mi'kmaq fishers were not allowed to report their catch as "food fish" without first reporting all of it. They must take their entire catch to be weighed by fish buyers, and recorded and submitted to DFO to ensure that they did not exceed their allocated quota. Fishers could be charged, fined and even jailed for not reporting their entire catches. Snow crab populations were carefully monitored by DFO to ensure that the fishery remained sustainable. The social importance of snow crab was not taken into account in this management plan, as was evidenced by Salt Harbour fisher Chip Atwin's experience in 2005. Chip was charged with illegal fishing when he was spotted by DFO wardens attempting to take 600 pounds of undeclared snow crab home to Salt Harbour for use in a ceremony. Snow crab was not recognized by DFO as an official food, social or ceremonial species, so Salt Harbour fishers were not permitted to catch it with a food fishing license. This meant that, even if they wanted to, Salt Harbour commercial fishers could not legally share their snow crab catch with the community, further distancing food from commercial fishing and their motivations. At the end of the snow crab season, the band had to account for every pound of snow crab its fishers caught, to whom they sold it, and at what price. Anomalies in the reports could jeopardize the band's chances of receiving an increased snow

crab quota for the next season (if available) or could hinder the further disbursement of DFO funding. The records and reports that Salt Harbour fishers and coordinators were required to file required them to categorize and frame their fishing activities in terms of market-based paradigms of fishing. For instance, Joann's end-of-season snow crab report to DFO detailed the percentage of the band's allocated quota that was caught. For the 2007 season, she encouraged all the snow crab fishers to fish their entire quotas out of concern that the fishers would be seen by DFO as not capable of achieving the industry goal of maximizing their catch. This type of self-monitoring in anticipation of report filing and allocations of funding and/or quotas has altered the practices of fishing as well as the local meaning of fish. In 2006 and 2007, very few people in Salt Harbour spoke of snow crab as a food to be shared with the community; with rare exceptions, it was referred to as a commodity, the only recognized value of which was monetary.

The reshaping of Mi'kmaq fishing practices, meanings and knowledges, and ultimately, identities through the minutiae of recordkeeping and self-auditing brings to mind Foucault's description of the hegemonic exercises of power at play in the construction of the 18th century French soldier. Through pervasive yet "subtle coercion", he writes, the soldier was subjected to "calculated manipulations of its elements, its gestures, its behaviour", resulting, eventually, in the "disassociation of power from the body" (1977:138); power, then, lay in the hands of the state, and the soldier's proscribed practices were designed to support state aims. While I am uneasy with Foucault's lack of attention to cases of personal or collective agency in this example, I appreciate his emphasis on the importance of the *processes* through which state "technologies of power" co-opt and reorganize the subjectivities of the less powerful.

Disciplining Each Other

State-based programs and recordkeeping requirements were not the only sites at which fishers' orientations were being refigured; this re-formulation was also occurring at the community level, as commercial fishers who had adopted a market-based approach to fishing worked discursively to "discipline" the practices of fellow fishers who had not yet taken up this approach. Successful commercial fishers often used discourses of "business" to describe their work and position themselves as responsible and legitimate fishers. "You have to run it like a business; you got no choice," said Tom Phillipe, one of Salt Harbour's most successful lobster fishers. "There's so much money going out, and if you're not going to run it like a business, it's going to fail." Ben Cyr agreed, describing how he taught his younger cousin, Pete, to manage a commercial vessel and a lobster license: "I'll teach him how to manage his money, keep track of his bills—it's a business, and that's how I run it." According to an informal survey I conducted in the community about the characteristics of a "good fisher", successful fishers in Salt Harbour were those who knew how to operate their boats and gear, were ready to set their traps on the first day of the season, fished their entire quota (in the case of snow crab) or had the highest poundage (in the case of lobster), and – perhaps most important – they made a profit at commercial fishing, and were able to pay their deckhands in cash as well as ensuring that all the workers on their boats could qualify for EI in the off-season. Captains who did not pay their deckhands on time and did not make sure they qualified for EI quickly earned a bad reputation within the community, and few deckhands were willing to sign on to work for them the following season. Without helpers, fishing boat captains would not be able to fill their quotas or make a profit, indicating a capitalist motivation to make sure deckhands were kept happy. At the same time, some captains spoke about family or community obligations they felt to ensure that their deckhands were paid fellow community members were taken care of. Captains who

ran their boats “like a business”, making a profit and paying their deckhands, were lauded in the monthly community newsletter, and I often heard them being praised by their families and by their fellow community members around the pool halls and bars on the reserve and in Baie Claire. This indicated to me that not only were the fishers embracing a market approach to fishing, but that this orientation – and the obstacles Mi’kmaq fishers had to overcome in the process – was legitimized by non-fishing community members – a significant boon to the construction and stabilization of a new figured world of Mi’kmaq fishing. But while “smart people who [are] business-minded [are] doing well”, according to Moin Martin, a young oyster aquaculture worker, there are still commercial fishers who had not fully embraced a market approach to fishing.

One way that “successful” fishers promoted market-based commercial fishing was to discipline and deride fellow fishers whom they felt were underperforming. Tony Dennis was working for the band as a lobster buyer when I arrived in Salt Harbour. We became friends, and I spent some time hanging out with Tony and his two co-workers at their fish buying shed on the Baie Claire wharf, learning about the market side of lobster fishing, and listening to them talk about who they considered to be “good fishers”, and who they did not. Not surprisingly, given the emphasis around them on market performance, the “good fishers” were those who brought in the most lobster. One evening over beers at a local pub, I asked Tony about the obvious divide between fishers who consistently brought in a lot of fish, and those who did not. Tony nodded and said,

“We’re not used to having a lot of money. We’re not worried about money – traditionally, that is. Now that they have boats and...[those that] don’t have payments⁵¹, they only go out when they feel like it. Like when they need money, they’ll go fishing. It’s not like, “Oh, I’m going to go get as much money as I could.” They only fish as they need, not to get as much money or fish as they can. It’s not like they have a boat payment and so they [feel compelled to] go out everyday or every second day and watch

expenses. It's not like that with the guys that I've worked with – just [with] a few... I just think they should be on the ball. You know, it's a business, and it costs money. A boat's a business. And they don't take it as seriously because they don't have a boat payment, in my opinion."

Tony's sentiments were echoed by many of the "successful" Salt Harbour fishers I spoke with, who often made discursive distinctions between successful fishers and those whom they did not consider successful. For example, commercial fisher Hugh Thomasson told me about a young fisher he had been impressed by. This fisher was "ambitious," Hugh said. He took care of himself and his equipment. He worked sober, and even when he couldn't go out, "he was at his boat, cleaning it and repairing things." In contrast, Hugh said that some of the "*Marshall* fishers" had become involved with drugs and alcohol; they were impulsive and took their boats and occupations for granted. Some of them "[didn't] realize that they [were] supposed to fish to make money" to cover their expenses. Instead, they expected the band to pay for everything, a practice that Hugh said had recently changed since there was no more money coming to the band from the *Marshall* agreement. In 2007, he said that there were about 10 lobster captains who couldn't afford to go out fishing. Hugh shook his head as he told me that the following year, he expected there will be even more fishers unable to afford to put their boats in the water. Salt Harbour and the surrounding non-Native communities have enduring historical ties, and especially among fishers, information and gossip travel fast. Salt Harbour fishers did not want to be viewed by non-Native fishers as irresponsible, unknowledgeable or, worst, as slackers. "They're making the rest of us [Native fishers] look bad!" Hugh said.

In their quest to gain the respect of their regional fishers, government and industry representatives, and at the same time chide other Salt Harbour fishers to take up a market-based approach to fishing, successful Salt Harbour fishers had taken to calling underperforming fishers "lazy" and verbally reprimanding them for refusing to "work hard." According to Tom

Phillipe, “There’s a lot of fishermen now that will never make it. People are too lazy and people don’t realize that they have to spend money to make money.” Ben Cyr also used the label to describe a wide gap he perceived in the between the fishers who are “lazy and alcoholics or pill poppers or whatever” and “the ones that are doing good.” Ben was not only critical of his peers who did not exhibit business sense, but also of the Band for financially bailing out fishers who did not make enough money fishing to pay their bills. In a clear promotion of capitalist ideals and practices, he blasted the band for “trying to run everything like communists. They don’t want anybody to get richer than the other. The laziest one and the hardest worker, they want them to make the same!” Hugh agreed that the blame for underperformance rested on “lazy” fishers and the band Council, which coddled them. Sweeping his arm in the air to indicate the material comforts of his own home, Hugh said that the *Marshall* decision and his willingness to work hard at fishing made his lifestyle possible, but his tone changed when he described other fishers who “can’t make it” because they were “not organized, or don’t want to work hard. If you work hard, you can make a good living at it.”

This contempt and frustration directed those who were not committed to maximizing their catch and profits was laid bare in the summer of 2007 whenever the *Jugej* came up in conversations with successful commercial fishers. The *Jugej* was a band-owned lobster boat that sat moored at the wharf all summer, loaded with rickety lobster traps that were never fished. According to different sources, the captain of the *Jugej* was either “lazy”, didn’t have the skills to fish lobster, or was overcome by the pressures of the industry and suffering from depression but still unwilling to relinquish his boat. To the commercial lobster fishers who arrived at the wharf every morning before dawn and fished until late in the afternoon, the sight of the *Jugej* tied to the wharf elicited eye rolls and disgusted harrumphs. The *Jugej*’s captain was making all Salt Harbour fishers look bad in the eyes of the non-Native fishers, the

harbourmaster and the fish buyers, they told me. What's more, they asserted that, by not fishing, the captain was stealing an economic opportunity to make a living at fishing from other community members who were chomping at the bit to take the *Jugej* out lobstering.

When they described their fellow fishers as “lazy” for not succeeding in the business of commercial fishing, Salt Harbour commercial fishers were using a historically and politically loaded term to legitimize their market-based fisheries orientations, and to deny space within the new figured world of Mi'kmaq fishing for practices that do not necessarily seek to maximize catch and profits. The stereotype of indigenous peoples as “lazy” was a discursive tool of 18th and 19th century British colonialism in North America to denigrate the lands' original inhabitants, their lifeways and economies, and to promote European capitalism as the only legitimate economic form (Martin 1978, Smits 2007). Smits (2007:28) writes, “For the [economically] fortunate, notoriously lazy Indian men served as a negative reference group, both to demonstrate white moral and cultural superiority, and to account for Euro-America's impressive socioeconomic progress.” That Mi'kmaq fishers themselves are hurling this insult at fellow community members while they promote fishing as a “business” activity is a strong indication of their adoption of market-based economic principles as part of their new Mi'kmaq fisher identities, and their commitment to ensuring that this would become the dominant orientation within their community.

Market Pressures and the Draw of Consumerism

In addition to the bureaucratic and discursive discipline of Salt Harbour fishers to the market, this orientation was becoming further entrenched – or practiced and internalized – by the fishers through the financial pressures of the market and the lure of consumer culture. Commercial fishing was expensive. Although their boats were band-owned, Salt Harbour

commercial fishers were responsible for buying ice, bait and fuel, and they were expected to supply their own fishing traps, either buying them (in the case of lobster fishing) or renting them (as is common in the snow crab fishery). In most cases, fishers had to pay for any repairs to their boats and gear. At the end of the fall lobster season, they had to pay to have their boats hauled out of the water, winterized and stored until the ice broke up in the spring. Starting in 2006, Salt Harbour fishers also had to pay for vessel insurance, an expense that the band had previously covered. A 2004 survey of all lobster fishers (Native and non-Native) in LFA 25 conducted by DFO found that, on average, fishers spent \$35,592 over the course of the season, and their fishing revenues were \$45,063.⁵² After paying their deckhands and figuring in depreciation and interest owed to creditors, the fishers' net income before taxes was \$7,679. In addition, on average, they were qualified to receive \$10,855 in Employment Insurance income during the off-season (Fisheries and Oceans Canada 2006).⁵³ Although I was unable to collect data on the expenditures and revenues of all the Salt Harbour fishers, these numbers fit with the figures I was quoted by the handful of Salt Harbour fishers willing to share that information with me. While an annual income of around \$18,000 is still well below Statistics Canada's Low Income Cut Off Level (LICO) for a single person (\$20,778), and woefully below the LICO of \$38,610 required to provide the necessities of life for a family of four (StatsCan LICO index), in most cases, it was more money than most Salt Harbour residents had been able to earn before the *Marshall* decision.⁵⁴ Many used their newfound incomes to buy previously unattainable luxuries for themselves and their families, include new vehicles, plasma televisions, bikes and all-terrain vehicles for their kids, and quality furniture. The precariousness of the Atlantic fisheries coupled with the newness of this type of fishing to Salt Harbour also meant that many fishers were teetering on the edge of financial collapse; repossession of vehicles and mounting credit card debt were not uncommon. The market pressures these fishers were experiencing in

2006 and 2007 were twofold: first, the high cost of operating a commercial fishing boat compelled them to try to catch as much fish as they could; and second, the draw of consumer culture was enticing to fishers and their families, and rewards capitalist business practices like commercial fishing. In this section, I will discuss how both the pressures of the market and the attraction of consumerism have had a tremendous impact on the re-shaping of Mi'kmaq fisher identities in *the post-Marshall years*.

Struggling to Meet Costs

Meeting the high costs of running a commercial fishing operation was a struggle for all Salt Harbour fishers, regardless of whether or not they were considered “successful” in market terms. As they put it, eight years out from the *Marshall* decision, Mi'kmaq fishers were still “playing catch-up” with the non-Native fishers, who had been fishing lobster and snow crab commercially for decades.⁵⁵ The lack of sufficient training and the financial pressures of commercial fishing were often the first thing fishers mentioned when I asked them about the biggest challenges of commercial fishing. Tom Phillipe and his wife, Sandra, spoke with me about the unpredictability of commercial fishing. “About a year or two after the [*Marshall*] decision came down they gave us commercial licenses. It wasn't real fun at the start because we weren't making no money, [because of expenses like] cost of fuel and bait,” Tom said. After nearly a decade of lobster fishing, Sandra, who occasionally works as a deckhand on Tom's boat, said that while they had become knowledgeable about the technological and economic processes of the fishery,

“There are some years that are good and you've got a lot of money coming in, but you've also got a lot of money going out. There's so many expenses. One break-down and you're back to point zero again. It's always a game. It's not like you're going to work and you know you've got \$500 coming to you at the end of the week and you have that security. With fishing, you don't have that security; you just take it one day at a time.”

These insecurities were exacerbated by the fishers' inexperience not only in using the technologies on their boats, but also their lack of business training. Senior Band Councillor Rudy Marchamp explained, "All of a sudden we got these boats and not everybody is a businessperson. And it takes some time to learn, and in the beginning you probably do more losing than you do gaining. It just like if someone gave you a boat today and told you 'go fishing.'" I wouldn't do well, I told him. He nodded and said he imagined it would take time, training and practice for Salt Harbour fishers to stabilize their livelihoods. "They've been denied fishing lobster and snow crab all these years, it's not as if [large-scale commercial fishing] knowledge was passed down from generation to generation."

The anthropologist Acheson (1988), who has worked for years with lobster fishing communities along the Maine coast, describes two key factors responsible for the unpredictability of the commercial lobster fishery. For one thing, he says, the market for seafood is unpredictable: prices fluctuate frequently and fishers who anticipated being able to sell their lobster for, say, \$4.50 per pound could quickly find themselves in financial trouble if a buyer is only willing to pay \$3.75. Another factor contributing to the instability of commercial lobstering is the transient nature and population fluctuation of the resource itself. Although DFO scientists are continually monitoring the status of the lobster population, it is impossible to predict exactly how much lobster is available to be caught – and how much a fisher will be able to catch – in a particular year.

Fishers in the communities where Acheson has worked addressed the insecurities of commercial fishing by forming cooperatives where members work together to negotiate a better price with the buyers, and also to provide a cushion of protection for their members if someone has a bad year. In this system, fishers agree to sell all their fish to the cooperative and the elected cooperative manager sells the fish to the highest bidder. The proceeds come back

to the cooperative and are divided among the fishers. If a fisher has a bad year, they are carried by their fellow fishers and still paid for their work, with the understanding that they may be in a position the next season to carry another fisher who falls on hard times. This is an arrangement that requires tremendous trust among fishers, as well as tight organization and knowledge of the market and the industry. The idea of a fishing cooperative was bandied around in Salt Harbour, but advocates of the idea doubted whether or not the community's commercial fishers were sufficiently confident in their own practices and the practices of their colleagues to commit to a cooperative. In other words, fishers in Salt Harbour were not in a position where they were willing to rely on their peers to consistently catch enough fish to make a cooperative solvent. Former fisheries coordinator Bradley Albert described the potential of a cooperative system where "every boat gets equal pay", but lamented that it would take some time to develop the groundwork for such an arrangement in the community:

"Some guys say, 'I don't like such-and such.' It's not a matter of who you like, I tell them. When you're in business, if you want money, business is what you want, especially in the fishing industry. If your boat breaks down, you want to be able to say, 'Hey bud, can you help me out? Tow me in, and do my fishing for me tomorrow while my boat's in dry dock?' With a cooperative like that, these guys could help each other without a problem. It's a buddy-buddy system."

For the time being, Salt Harbour fishers were on their own to try and make their commercial fishing ventures stable and solvent, and all the advice received from their more successful peers, from the band, from DFO and from their teachers and mentors was pointing them in the direction of market-based practices. When I interviewed Salt Harbour's Chief, Ruby Thomasson about her visions for the future of the community, she emphasized the potential of post-*Marshall* commercial fishing to address the desperate economic situations of some families on the reserve. She acknowledged that the fisheries had not run as smoothly as she and others

initially envisioned they would, and stressed that training in business management would be the key to creating a sustainable local fishing economy:

Chief Ruby: Ok, what happened was the fishermen were not businessmen. They were given this boat and this opportunity to be a commercial fisherman and to go out and earn a moderate livelihood. But what we forgot to add in there was to train them how to run a business. So a lot of them, they can fish—and they're damn good fishermen—but the problem is they cannot run the business component of their commercial fishing.

Gretchen: Do you mean managing the money?

Chief Ruby: Exactly. And managing how the business runs and everything. And I think a lot of them, that's where they're failing now... The problem is that we need people trained...and I was thinking about training their spouses about how to run the business. I thought that would be an excellent thing for both of them, because it's a multi-billion dollar industry and we're only tapping into just a speck of it right now. We just need to line up a few more ducks here and there, and I think we'll be alright.

Likewise, indomitable fisheries coordinator Joann announced to me one day that the key to successful commercial fishing was disciplining the fishers in the ways of the market. “A lot of it is discipline, business sense and a good crew. You get nice, young, strong men and keep them disciplined, and I think you're well underway,” she said. By convincing struggling fishers that catching more fish and running their boats according to individualistic business principles was the path to success, community leaders like Ruby and Joann were mediating fishers' engagements with the market. Though these interactions, a market approach to fishing was becoming normalized, and fishers were tailoring their practices to conform to this orientation.

But Joann wasn't convinced that all of the community's fishers were cut out for the business. For fishers like the captain of the *Jugej*, the idle lobster boat described above, the new pressures of spending and earning money in the post-*Marshall* commercial fisheries had proven too much. Joann described to me how she handled the situation with the captain of the *Jugej*, and how devastating the post-*Marshall* period had been for him.

“So I took that guy aside last summer and I said ‘Why don't you call it quits? You're getting deeper and deeper in debt. Let's call it quits. This is it.’ He said, ‘No, no! I know

where they [lobsters] are!’ I said, ‘You’ve been saying that for the last five weeks, but you still haven’t brought in a pound.’ A lot of them, they weren’t meant to be fishermen... I know this fisher. He was okay before he got a boat. Now his hair is all white, he’s deeper in debt, his blood pressure is high. He’s not making a livelihood out of this. Everything is in the negative for him... I really feel sorry for the man... It’s a very, very big responsibility.”

This fellow was not alone in his failure to thrive in the realm of commercial fishing. Over the course of two years, I spoke with a handful of fishers in Salt Harbour who had been issued boats by the band after the *Marshall* agreement had been signed, and they had enthusiastically taken to the water, excited to learn the business and expecting to earn a comfortable living. However, for whatever reason, they had not “made it” in the fisheries. A few had retired and a few others had passed responsibility for the boat to relatives. As I described above, these fishers’ “failures” were generally attributed to their unwillingness to adopt a market mentality and practices. In Joann’s words, “A lot of them, they weren’t meant to be fishermen.” They were roundly and frequently criticized by their fellow fishers for taking a “traditional” approach to fishing. As Salt Harbour resident and fish buyer Toby Dennis put it, “When they need money, they’ll go fishing. [For them], it’s not like, ‘Oh, I’m going to go get as much money as I could.’ They only fish as they need; not to get as much money or fish as they can.”

The Draw of Consumer Culture

After the *Marshall* decision, for the first time in many of their lives and the lives of their families, Salt Harbour commercial fishers were making enough money to purchase “big ticket” consumer goods that had previously been out of reach. While this newfound purchasing power made some aspects of life easier for many Salt Harbour fishing families, it also raised stress levels and expectations. In the drive to accumulate consumer goods, the widely circulating image of the Mi’kmaq fisher was transformed from a poor food fisher into that of a financially comfortable commercial fisher who drives a big pick-up truck. This is the image, I found, that

Salt Harbour fishers – even those who were struggling financially – were trying to achieve with their practices. This image represented, to them, the embodiment of what a Mi'kmaq commercial fisher should be.

Driving down the main road in Salt Harbour, it was easy to spot prestige goods like new pick-up trucks, RVs, children's toys, and satellite dishes in people's yards. Likewise, in my visits to fishers' homes, most of which were modest, it was not unusual to encounter luxury consumer items. Several women described to me the pride they and their neighbors felt at being able to buy brand name foods at the grocery store in town. Shopping trips to the big mall in Moncton were a frequent weekend activity and fashionable, brand-name clothes were especially popular among community members under 30. Returning to Salt Harbour from military service, Tony Dennis described his surprise on his return at how the community had changed as a result of the post-*Marshall* fisheries:

"I noticed that when I came back, everybody's driving big trucks, everybody has [RV] trailers. I would tease them, saying 'Looks like I missed the bus! Where's the bus that you all went on?' They're all getting all this newfound income and I think that's what started it [the drive to accumulate consumer goods]. Now they like to have toys, have a big truck... They get to do more things together as a family instead of being isolated and depressed. They have more money to do things together. Like venture out a little bit, then come back and save their pennies and do it again."

The sudden buying power of Salt Harbour commercial fishers was not always the result of a large or even steady income through fishing, but was often facilitated through their newfound eligibility (as commercial fishers) for bank loans, credit cards and financing with auto dealers. At the beginning of the lobster and snow crab fishing seasons, it was common for fish buyers to "advance" funds – usually between \$5,000 and \$10,000 – to fishers in exchange for a commitment to sell their catch to that particular buyer. The advanced funds were supposed to be used to ready vessels and gear for the upcoming fishing season. That was rarely how it worked, however. More typically, fishers who received advances would use a sizeable chunk of

the money to put a down payment on a new truck or electronics for their homes, and when it came time to prepare for the fishing season, they were in debt again, and had to ask family, friends and even the Band for start-up money. Bradley Albert acknowledged the excitement circulating in the community when fishers had full bank accounts, but he questioned how some of them chose to spend their money. “Yeah, but these guys are all [spending their fishing money on]: big screen, plasma screen [TV], car, truck. Now, truck I can understand as a business investment. Plasma screen, I don’t know. Swimming pool, I don’t know. I mean, I would understand if a young person stood up and said, ‘This year, I’m going to buy a truck so that I’ll have something to haul around my traps.’ But, when you own a boat...” you should ensure that your boat costs are paid up before buying luxury items like televisions and swimming pools, according to Bradley.

Consequently, at the beginning of the lobster season, it was not unusual to see brand new pick-up trucks cruising through town while boats sat moored at the wharf. But by the winter, fewer of these shiny new trucks were parked in Salt Harbour driveways; they had been repossessed by dealers because of non-payment. This was Russell Lnu’s experience. Russell had grown up fishing for salmon with his father, one of the last Salt Harbour salmon fishers willing to risk arrest to exercise what he considered his aboriginal right. When the *Marshall* decision came out, Russell was working in the band’s maintenance department. In 2003 he was offered an opportunity by the band council to captain a commercial vessel and accepted. “It was a chance to make a moderate livelihood. I didn’t have anything. I was working in maintenance, and you never make headway. But [commercial] fishing, it was more of a good opportunity to get ahead.” Since that time, he had enjoyed being able to own a nice truck, which he considered an indicator of his success. When Russell had a bad fishing season, however, he felt the sting of dispossession. “I lost a couple vehicles already from, you know, [non-payment.] ...That’s the

downside of it [the insecurity of commercial fishing] really, to me,” Russell told me, dejectedly. Anthropologist Richard Wilk (2001) discusses the power and position of consumer goods in cultural production and change. His research with Belize’s Creole community examines how local people used consumer goods to assist them in achieving the particular futures that they envision. Wilk takes the position that the meanings associated with consumer goods reflect the creative autonomy and agency of local people *as well as* the coercion of local meanings by larger forces. Consumer goods become cultural resources – or tools – used by local people to construct – sometimes contentiously – new meanings and futures. “Without [a] concrete image of the future,” he writes, “consumption in the present loses its meaning. Goods are the vehicles of our intentionality” (Wilk 2001:42). This assessment of the role of consumer goods in cultural construction fits with the experiences of many Salt Harbour fishers since the *Marshall* decision. Like the Creole Belizeans with whom Wilk worked, Mi’kmaq people in Atlantic Canada had been enmeshed in various ways in capitalist economies for centuries; in short, the use of consumer goods to construct and express personal and collective identities was not new to them. What is notable about the situation in 2006 and 2007 was Mi’kmaq fishers were using their newfound incomes to increase their access to a wider range of consumer goods, and they were engaging with these goods in ways that reflected their ideas about the proper social and economic position of Mi’kmaq fishers (and their families). This was clear not only in many Mi’kmaq fishers’ affinities for high-end vehicles and electronics, but also in the ways (illustrated above) that they talked about these consumer goods in relation to their work as fishers.

Considering these recent changes through the analytic lens of social practice theory provides insights into the local reformulation of Mi’kmaq fisher identities through contentious dialogues and new practices, as well as having broader implications for understanding how transformations in figured worlds of identity and action can alter the course of a community’s

cultural, economic and political future. As I have discussed in this chapter, the *Marshall* decision catalyzed a transformation of the social, cultural and economic landscape of Mi'kmaq fishing and Mi'kmaq communities, and in the process, created a new and contentious space for negotiating what it means to be a Mi'kmaq fisher. At this point, it appeared that a new type of social identity was coalescing among Salt Harbour commercial fishers, and that many people from Salt Harbour had disassociated this identity from the types of cultural identities that were so inextricably linked to pre-*Marshall* food fishing practices.

This new identity has been emerging through complex (and sometimes conflicting), local and supralocal dialogic processes that had pushed and encouraged Salt Harbour fishers to embrace market-oriented fishing practices and knowledge, and to construct congruent meanings of fish as commodities that differ substantially from pre-*Marshall* meanings of “fish as food” and as important indices of “relations” in human-environment relationships. Rather than being viewed as a cultural expression and affirmation, commercial fishing was seen by its practitioners as a business opportunity. This sentiment was expressed by Ben Cyr who, when asked if he thought about or used traditional knowledge when he was out on his boat, mockingly said, “I’m not like, ‘Oh, this is my tradition to fish snow crab!’ No: it’s business for me. I don’t even think that [it’s cultural]. It never even crossed my mind to think of it that way.” Russell Lnu agreed: “It’s a different kind of business, commercial and food fishing; it’s different.” And Matthew Albert, whom we met at the beginning of this chapter, explained that though he viewed his treaty right to fish commercially as a living part of Mi'kmaq culture, the practice of “cultural fishing” was a thing of the past: “The Mi'kmaq salmon fishery? That was cultural,” according to Matthew; but the commercial fishery was “just about employment.” The significance of this dissolution of the relationship between Mi'kmaq culture and fishing has implications not only for the uncertain future of transmitting local cultural-historical Mi'kmaq

identities, but also in the approach the Band would chose to take in terms of management.

Management of Mi'kmaq commercial fisheries is the topic of Chapter 6.

Matthew's brother, Bradley, made a further distinction between the market aspects of commercial fishing and the cultural orientation of food fishing, saying "To them, it's a venture. They can't think about it [commercial fishing] as tradition or culture, cause, back then [before *Marshall*], we were not allowed to sell our catch." Here, Bradley brought up an important point: for the vast majority of the band's post-*Marshall* fishers, fishing commercially was the only type of fishing they had ever practiced. Particularly for fishers under 30 years old, food fisheries (salmon and bass) had been closed on the river since they were young children, and they had little or no memories of fishing prior to commercial fishing. They had heard stories about the "cultural fisheries", as Matthew Albert called them. But these "cultural" fisheries existed in the past, and were not necessarily linked to contemporary fishing. As we shall see in the next chapter, for commercial fishers – and a growing number of other community members, the idea of culture was either "historical" (or practiced by very few people in the community today), or it is related to pan-Indian ceremonies like the sweat lodge and pipe ceremonies common in the Traditionalism movement.

5

THE TRADITIONALISM MOVEMENT: SHAPING AND CONTESTING CONTEMPORARY HUMAN-ENVIRONMENT RELATIONSHIPS

Just as the trappings of consumer culture were easy to spot on a drive through Salt Harbour, it was also common to see artifacts and symbols of the “Traditionalism” movement. Plains-style tee-pees and a firepit for the “sacred fire” formed ceremonial grounds behind the community health center. The domed, bent wood frames of sweat lodges stood in the back yards of self-identified traditionalists, and medicine wheels were displayed on stores and office buildings. Out at the Sundance grounds, buffalo skulls and eagle feathers marked ceremonial firepits, and the cloth ends of tobacco-filled prayer bundles flapped in the breeze. Ceremonial practices like the sweat lodge, sacred fire, Shaking Tent, pipe ceremony, Sundance and sweet grass purification took place at different times throughout the year and were well-attended by Salt Harbour band members, as well as other Native and non-Native peoples, some of whom traveled great distances to attend. In this chapter, I suggest that the growing interest and participation in Traditionalism by the people of Salt Harbour over the past several decades reflected community members’ (sometimes disparate) desires to cultivate spiritual and cultural relationships with their environment, and with each other, during a period when their historical practices of living on the land (e.g., fishing) had been made more difficult by state restrictions

and voluntarily changing practices. Traditionalism, as it was called by Salt Harbour community members, offered participants practices, ceremonies, symbols, knowledge and teachings grounded in narratives about shared (or the perception of shared) pan-Indian experiences, like forced separations of people, natural resources and cultural practices, essentially downplaying (even sidestepping) local, historically-rooted, practice-based practices of fishing and hunting in the formulation of culture and identity.

This approach to figuring Mi'kmaq culture and identity took on particular importance in the period of cultural, social and economic upheaval following the *Marshall* decision, as the links between fishing and cultural practices and attitudes considered to be Mi'kmaq were growing ever-more tenuous – but as Mi'kmaq people's presence on their territory was as strong as ever. During my time in Salt Harbour, various community members engaged discursively with the Traditionalism movement to position themselves and others in relation to Mi'kmaq (or “Native”)⁵⁶ culture and identity, as they conceptualized it. While some embraced Traditionalism as a resource for organizing collective Mi'kmaq subjectivities and practices, others contested it as a fad obscuring local-historical Mi'kmaq cultural practices. In this chapter, I portray Traditionalism as an alternative cultural world where Mi'kmaq peoples were figuring identities, practices and spiritualities that did not rest exclusively on subsistence relationships with the environment, but rather rested on equally intense relationships with the environment based on pan-Indian spirituality and teachings. I also examine how competing discourses about Traditionalism, “traditional ecological knowledge” and science intersected as community members worked to achieve validation and stability of particular cultural meanings, practices and knowledges in the post-*Marshall* period.

Traditionalism, in its contemporary form, gained popularity during the height of the American Indian Movement in the 1960s, when it was touted as a way for aboriginal peoples across the United States and Canada to re-connect with cultural practices and identities after centuries of being separated from their lands and cultural traditions by violent and coercive colonial programs and policies (Prins 1996). The teachings that form the basis for contemporary Traditionalism are largely drawn from the Lakota, Sioux and Cree tribes. For the Mi'kmaq and other Native peoples for whom subsistence fishing and hunting practices had declined or even ceased, Traditionalism provided a way for them to take up and create meanings, knowledge and practices that they could use to construct cultural identities related to their own material relationships with their environments *without* necessitating the inclusion of specific local-historical practices, like food fishing, trapping or seasonal migration. In particular, in Salt Harbour, Traditionalism was attractive to younger people and others who were not directly engaged in food fishing or hunting. They drew on the resources Traditionalism offered to produce and position themselves within a figured world of Mi'kmaq culture (or Native culture, more broadly); Traditionalism provided them with a narrative and other resources for making sense of the embodied experiences they *did* have with the local environment. For example, self-described Traditionalist Joe Hall explained to me that “the traditional way of life” is about “belonging to the earth.” For Joe, belonging to the earth involved participating in ceremonies like the Sundance and sweatlodge, which facilitated intense, tangible connections to the earth. In the Sundance, participants dance continuously around a ceremonial tree for four days, their bare feet connected to the earth and their bodies connected to the tree by thin pieces of twine looped around the tree at one end and anchored into dancers’ flesh by needles or small wooden piercings on the other end. Ceremonies like this reminded participants, like Joe, that “our blood runs through the earth.”

I suggest that the Traditionalism movement in Salt Harbour was providing resources for the construction of an alternative figured world of Mi'kmaq culture that was still intimately connected to the environment. The stories shared with me, and the events in which I participated revealed the sincerity and authenticity of Traditionalism to those who practiced it, as well as its power to shape human-environment relationships. I want to be clear that the popularity of Traditionalism in Salt Harbour *did not mean that Mi'kmaq links or claims to their traditional territories or the environment were weakening*. Rather, the ways that Mi'kmaq people were interacting with the resources on their territories were changing, and Traditionalism provided a context for them to produce new collective meanings, knowledges and practices about their embodied experiences with the world around them.

Roots of the Contemporary Traditionalism Movement

The contemporary Traditionalism movement in Salt Harbour dates back to the 1960s.⁵⁷ At that time, a number of Salt Harbour residents, including the Chief, were active in the American Indian Movement (AIM) in Canada, advocating for improved social and economic conditions for their community, and protesting federal policies that separated them from their traditional lands and resources. Throughout the 1960s and 70s, AIM drew international attention to the social, cultural and economic injustices perpetrated on Native North American peoples (and Native peoples elsewhere), and encouraged a resurgence of Native pride and cultural awareness and practice (Josephy, et al. 1999). The work of AIM activists resulted in the establishment of lobbying, research and support groups at national, regional and local levels. For instance, the National Indian Brotherhood – today the Assembly of First Nations – was formed in the midst of the controversy over the 1969 White Paper, a proposal of the Canadian government of the day to repeal the Indian Act, strip Canadian aboriginal peoples of their status,

and expedite their assimilation into mainstream Canadian society. The tremendous, organized backlash against the White Paper led to its quick abandonment – a victory for the movement and a solid base from which to address other issues.

AIM set out with the intention of building its base by helping aboriginal peoples reconnect with the meanings, practices and values that had been important to them prior to European contact and influence. To this end, a handful of Salt Harbour band members travelled to the western United States and Canada and learned ceremonies and teachings from Native spiritual leaders. They then brought the teachings and ceremonies back to Salt Harbour and began teaching them there, where they took on legitimacy among many as authentic Mi'kmaq culture and tradition. None of these original Salt Harbour Traditionalists were still alive in 2007, and no one in the community was able to recall which tribes these first Traditionalists visited. However, photos from the period show the Traditionalists – and even the Chief – posing in full feather headdresses, suggesting that they visited American Indian communities from the plains region along their journey.

When I asked my historian friend, Sally Atwin, why Traditionalism gained such a following in the community in the 1960s, and why she thought it was still going strong today, she said that teaching culture was very difficult in Salt Harbour in the first half of the twentieth century. Not only had the federal Indian reserve system separated Mi'kmaq people from their hunting and fishing grounds and from their travel and trade routes, but many Mi'kmaq children throughout the Maritime provinces were forcibly made to attend the Indian Residential School at Shubenacadie, Nova Scotia from the 1930s until the school closed in the early 1960s. At the school, among other atrocities, children were not allowed to speak the Mi'kmaq language or participate in any Mi'kmaq cultural practices. Consequently, not only were cultural practices

becoming more and more restricted, but the removal of children from the community and their subsequent language and culture “loss” made cultural transmission nearly impossible for many Mi’kmaq families. According to Sally, knowledge of a great deal of Mi’kmaq ceremonies and teachings had become “faded memories” by the 1960s, and the early Traditionalism movement in the community sought to reinvigorate Mi’kmaq culture by infusing it with elements of Native teachings and spirituality “borrowed” from western peoples. The thought behind the early Traditionalism movement in Salt Harbour was positive, Sally said; people were proud to be Native people and were empowered to assert their aboriginal and treaty rights to fish and hunt. However, over the past 15 years or so, the Traditionalism movement had taken on a “new age feel” that made Sally and some other community members uneasy.

The contemporary incarnation of the Traditionalism movement in Salt Harbour coalesced around 1993, following a devastating wave of young adult suicides in the community. Over six months in 1992 and 1993, seven young people committed suicide and dozens more attempted suicide (Chenier 1995). Many people I interviewed described to me the sense of deep grief and helplessness that enveloped the community during this time. During my time in Salt Harbour, this period was frequently referenced and no family was unaffected by the loss. With the assistance of the federal government and neighboring communities, both Native and non-Native, community members participated in grief counseling, healing ceremonies and suicide prevention programs. Many people also turned to Traditionalism for comfort and a way to build positive identities and envision healthy futures. Sarah Prentice was in her early 20s in 1992 and 1993 when too many of her peers were attempting suicide, and she recalled the prominent role of Traditionalism in providing spiritual support for community members who were suffering. One family was hit particularly hard; three of their teenage sons all died by suicide within several months of each other. This family, Sarah said, attended a healing retreat

where they were taught about the Traditionalism movement. When they returned home, they did not drink alcohol anymore and were “traditional believers.” Sarah said that when other people in the community saw this family’s strategy for coping with their loss, they, too, turned to Traditionalism, and the movement gained popularity and strength. In 2007, the Traditionalism movement continued to play a prominent role in on-reserve drug and alcohol abuse treatment programs, as well as in mental health and anger management programs. In fact, Joe Hall, who ran the treatment center on the reserve, estimated that 90% of the people who participated in annual Salt Harbour Sundance had been through his substance abuse treatment program.

Pan-Indian Teachings & Traditionalism

At the turn of the 21st century, Traditionalism in Salt Harbour was still largely based on teachings and practices best described as pan-Indian, and like their predecessors, contemporary self-proclaimed Traditionalists continued to visit North American Native communities “out west” – primarily in the territories of the Cree, Ojibwe and Sioux nations – to learn ceremonies, dances, and spiritual teachings, and to introduce these to the people of Salt Harbour and other Native people in the Atlantic region (Owen 2005; Hornborg 2003). In addition to adopting or incorporating aspects of other cultures’ identities and practices into Mi’kmaq cultural life, this process of exchange reminded Mi’kmaq people of the similarities of Native experience throughout North America. Mi’kmaq Traditionalist Ray Steves played up pan-Indian cultural similarities when he announced to me that “Sioux and Mi’kmaq are practically the same!” Ray’s proclamation, and his experiences learning from “our teacher”, a Cree man from Alberta, can be situated within a growing trend of pan-Indian spiritual and cultural movements – sometimes referred to by skeptics as “new age” movements – across the world where Natives and non-

Natives alike learn about and choose to incorporate elements of what they identify as Native, aboriginal, indigenous (etc.) culture, knowledge, or spirituality into their own identities and practices.⁵⁸ Chief Ruby Thomasson occasionally took part in ceremonies led by the community's resident Traditionalists. She acknowledged that the types of practices associated with the Traditionalism movement in the community were adopted from the outside; however, she also explained that they helped local people to reconnect to the environment. "I've seen a lot of our culture and tradition being brought back. We'd never had a Sundance or sweats before and now I see a lot of that being brought back. Our powwow? That was brought back to us. We lost that." Although Chief Ruby's assertions "*we never had that before*" and "*that was brought back to us*" may appear conflicting, for her and many others active in the Traditionalism movement in Salt Harbour, the movement provided new cultural resources taken up by local people to construct and reconstruct local human and human-environment relationships that resonated with their understandings of Mi'kmaq culture.

Traditionalism in Salt Harbour

My own experiences with the Traditionalism movement in Salt Harbour coincided closely with those of Owen (2005) and Hornborg (2003) who have both written about Traditionalism in Mi'kmaq communities in Newfoundland and Nova Scotia, respectively. In each community, they characterized contemporary Traditionalism by ceremonies such as the pipe ceremony and the sweat lodge, both derived from western North American aboriginal traditions.⁵⁹ There was also an emphasis on these ceremonies and the teachings they offered as resources for people to construct *Mi'kmaq* identities. For example, one of Owen's research participants explained that the ceremonies conducted at a Mi'kmaq powwow gave attendees a "much needed opportunity to become comfortable with their identity as indigenous people"

(Owen 2005:3). At a time when the resources available for understanding one's self as a Mi'kmaq person had undergone significant changes, sometimes becoming destabilized, Traditionalism entered as an important resource – an important dialogic partner – in helping Mi'kmaq people in Salt Harbour and in other reserve communities construct personal and collective identities. Though Mi'kmaq identities that had emerged from the Traditionalism movement might not have made explicit links between local historical subsistence activities, they may indeed have served as the basis for actions and claims about how the community's collective rights and resources should be managed. In short, Traditionalist practices, with their supralocal roots were important sites for the local production of cultural knowledge, practices and identities in Salt Harbour in recent years. The following pages depict several ethnographic moments from my fieldwork that demonstrate the ways that Traditionalism was being practiced in Salt Harbour, and how the movement provided resources for the production of Mi'kmaq cultural identities.

Sundance

The power of Traditionalism in producing contemporary Mi'kmaq cultural practices and identities was driven home during a sweltering July afternoon I spent at the 2007 Salt Harbour Sundance. The Sundance had become a tradition in Salt Harbour over the past decade, and at the 2007 gathering, I met Native people from Mi'kmaq, Maliseet and Mohawk communities, as well as non-Native participants (including a handful of German tourists), some of whom traveled great distances to attend the gathering. The Sundance grounds were adjacent to the Salt Harbour substance abuse treatment center, situated on five acres of open field surrounded by forest. Many of the people who had come from away pitched tents or parked their RVs on the outskirts of the grounds. Also on the outskirts of the Sundance grounds, there were a few vendors – people from the community – selling bottles of water, pop and chips as well as

handkerchiefs for women to wear on their heads. While many of the men were topless, wearing jeans or shorts, women attending the Sundance were expected to wear long skirts, shirts with sleeves, and head coverings. With sweat running down my face and back, I couldn't imagine how the men and women Sundancers might feel after four days of dancing in the heat with no food or water.

Closer to the Sundance arena a number of sweat lodges were being prepared by teenage boys who covered the lodge frames with heavy blankets and stoked fires to heat stones that would eventually be placed in the center of the lodges during the ceremony. The entrances to the sweat lodges were protected by buffalo skulls, adorned with eagle feathers, and pointing in the four cardinal directions. The Sundance arena itself was a circular area about 50 meters in diameter, and ringed with a pine-bough-covered arbor that provided shade for spectators. Everyone entering the arena was invited to cleanse themselves with the smoke emanating from sweetgrass smoldering in tin coffee cans placed at the arena's entrance. Purification rituals involving "washing" or "smudging" with sweetgrass smoke are common in Native North American spiritual or ritual practice from coast to coast.

The Sundance began with a pipe and drumming ceremony conducted by women. Chief Ruby welcomed everyone to the Sundance, and spoke about the importance of the ceremony to building pride in the community, and reminding people of their roots. After her welcome, about 30 women and girls sat in a circle in the center of the arena and passed a pipe around, with all but the youngest girls taking a puff. When the pipe made it all the way around, Chief Ruby led the group of women in burying a buffalo heart in a large pit that had been dug in the middle of the arena. As soon as the heart was buried, a group of men carrying a large, freshly-cut ash tree entered the arena. The heart symbolized the connections between people, animals and the

earth, and would provide spiritual nourishment to the tree, the centerpiece of the arena during the Sundance. The men laid the tree on the ground in the centre of the arena and people began bustling excitedly around the tree, tying colorful prayer bundles to its branches. The bundles, each about the size of a peach pit, contained loose tobacco and the prayers and hopes of Sundance attendees and were wrapped up in blue, yellow, red and green strips of fabric. When the last prayer bundles were tied to the tree, it was time to “plant” the tree in the pit in the center of the arena. Each man tied a rope to the tree trunk and the larger branches, and after a dozen or so men lifted the tree into the pit, the others took hold of their ropes and hoisted the tree until it was tall and straight, its still-green leaves and hundreds of prayer bundles flapping in the breeze: a truly beautiful sight.

Once the tree was firmly rooted in the soil of the arena, nourished by the buffalo heart, a couple dozen men began milling around in the middle of the arena, asking each other “Are you dancing?” or sharing with others how many years they have danced the Sundance. I struck up conversations with several of these men, and they described to me the meanings and practices of the Sundance.⁶⁰ For them, the Sundance was both a sacrifice to the Creator, and a way to gain strength through suffering. Sundance participants danced to drum music for several days without food or water, a grueling practice, especially at the height of the summer. Male dancers pierced their chests with thin pieces of wood (about the size of a toothpick), driving the wood for several inches just under the surface of their skin, and then piercing it through the skin again so both ends of the wood were exposed. The wood pieces were then tied to the Sundance tree with thin pieces of string, and as the dancers danced around the tree, eventually the wood would be ripped away from their bodies. Women did not participate in the Sundance as often as men, and when they did, they pierced the skin on their upper arms, rather than that of their chests. Dancers I spoke with said that the pain of the piercing and the dancing strengthened

them, and was an important expression of their Native culture and identity. While much of the material culture and practice of the Mi'kmaq Sundance had clearly been adopted from western Native North American peoples – most strikingly the centrality of the buffalo in the ceremonies – for the dancers, the Sundance had become part of Mi'kmaq tradition and cultural practice. Significantly, though the ceremonies, discourses and teachings of the Sundance called on people to be respectful of and “at one with” nature, participants need not have participated in local-historical practices – like fishing or hunting – in order to construct a Mi'kmaq cultural identity.

A few weeks after the Sundance, I arranged to meet with Joe Hall at the substance abuse treatment center next to the Sundance grounds. Finding the facility's door locked, I walked over to the Sundance grounds and found him near the central arena where the Sundance tree still stood straight and tall, its leaves wilted and the tattered prayer bundles fluttering in the light breeze. The tree would stand there until next year's Sundance, when the prayer bundles would be burned and a new tree and bundles erected. Joe was busy preparing for the weekly sweat lodge ceremony he performed for men in the treatment center's residential rehab program. I asked him about the origins of the Sundance and the broader Traditionalism movement in Salt Harbour, and why he thought people were embracing it as their own. Joe, a thin, intense man in his 70s was one of the first community members to bring the Sundance to the community in the 1980s (though it didn't gain widespread popularity until the mid-1990s). He learned the ceremony and its teachings during visits to Western Cree territory, and was struck by how the teachings of the Sundance – respect for humans, the environment and the Creator – resonated with the values and teachings that had either been lost or were in danger of being lost among the Mi'kmaq. Joe believed that people in Salt Harbour were connecting with what he called “the Native way of life” because it offered a set of beliefs and practices based on communal living – sharing and caring for friends and

neighbors – that had survived despite colonialism, and could help to provide grounding and guidance for people “conflicted by the technological age” and unsure of what it meant to be a Native person in the contemporary world.

Teaching Young People about Traditionalism and “Being Indian”

For Jim and Cathy Johns, Traditionalism provided just such a grounding in what they called “Native culture.” Jim was born in Salt Harbour in the 1940s, but his father moved the family to Boston to find work when Jim was a young boy. Jim explained that he grew up during a time when “it was looked down on to be Native,” so his father (who eventually married a non-Native woman) did not speak Mi’kmaq at home nor did he teach Jim and his siblings about Mi’kmaq history or cultural practices. As a young man, Jim grew more curious about his Mi’kmaq roots, and the discrimination faced by Native peoples. He and Cathy, his wife, who is a non-Native woman originally from New York, became involved in the American Indian Movement (AIM) in the U.S., and travelled across the states, learning about “Native struggles.” “Back then, we didn’t call it being a ‘traditional person’”, Cathy explained, “it was being *grassroots*.” Eventually, Jim and Cathy began teaching “grassroots Native culture” – particularly sweat lodge ceremonies – to people across the U.S. and Canada. In the late 1970s, they decided to move their young family to Salt Harbour. Jim was shocked when he returned to Salt Harbour to find that people in the community did not practice what he had come to know as “Native culture.” Taking it upon themselves to share their pan-Indian cultural knowledge with their new neighbors, Jim and Cathy made presentations to children at the reserve’s elementary school. At one such presentation, Jim dressed in buckskin clothing characteristic of the Alberta Cree community where he spent time learning from his “spiritual teacher.” The children had never seen such dress before. One child pointed at him wide-eyed, and announced to her classmates: “He’s an *Indian*!” “You’re an Indian, too!” Jim told her. It took a long time, he said, for people in

the community to “learn the traditional ways,” but he estimated that in 2007, “about 50% of the community” practiced Traditionalism.

In addition to offering resources like teachings, ceremonies, historical narratives, and practices that Salt Harbour residents could use to figure contemporary Mi’kmaq identities, Traditionalism provided a broad, pan-Indian framework within which local people, like Jim and Cathy, could situate their local struggles for access to natural resources, as well as relationships with the state. Jim and Cathy’s house sat on a bluff above a picturesque bend in the Plamu River. They talked about living right on the river, but not being able to take a few salmon or bass for their food or for use in ceremonies due to federal conservation regulations. When I asked Cathy if she had seen DFO monitor boats in the river, she huffed as she explained that she saw them often, and it upset her that the federal government told First Nations people that their lands and natural resources were being held “in trust” by the state, yet many non-Native people were granted lease rights to land and forests before Native peoples were permitted to access them. I suggest that the importance of pan-Indian Traditionalism - or “grassroots Native culture” in organizing Cathy’s cultural worldview allowed her to locate local Mi’kmaq struggles for aboriginal and treaty rights within a larger context of similar struggles taking place across Native North America.

Reconciling Traditionalism with Other Doctrines and Knowledges

The flexibility of the Traditionalism movement to encompass, reconcile and explain – and perhaps gloss over – seemingly conflicting canons strengthened its presence in Salt Harbour as community members drew on a great number of disparate experiences to organize and practice cultural identities. For the Traditionalism movement was not only informed by the Sundance, sweat lodges, pipe ceremonies and other elements of Cree, Sioux and Ojibwe

cultures – though these were the movement’s primary influences – but also by local medicinal knowledge and Catholicism, which had a strong presence in the community. The power of this flexibility to broaden the resources people could use to construct Mi’kmaq identities became apparent to me during a visit with Alice Atwin, a community Elder, self-described Traditionalist, and employee in the psychology department at the Salt Harbour Health Center. Alice took me on a tour of the state-of-the-art facility. The centerpiece of the building was a Healing House, a tranquil, round room with a medicine wheel painted in the center of the floor. Around the perimeter of the room were posters detailing diverse elements of spirituality, including a painting and prayer to Blessed Kateri Tekakwitha, the Catholic “Indian Saint”⁶¹ and a yellowing piece of poster board to which were affixed about 10 small plastic baggies containing dried bits of different medicinal plants that can be found locally. Something that caught my eye was a large banner proclaiming the Seven Sacred Truths (love, respect, courage, honesty, wisdom, humility and truth.) Alice explained that this banner was used during group counseling sessions at the Health House, and that participants were instructed that they must embrace these truths in order to be “healed.” Interestingly, each Sacred Truth had a drawing of an animal beside it; I was told that each animal embodied one of the truths. Some of the beings, like the beaver (wisdom), turtle (truth), bear (courage) and eagle (love) were found locally, but others, like the buffalo (respect), sasquatch (honesty) and wolf (humility) were not part of local ecosystems or the cultural-historical experience of local people.

When I asked Alice about the seemingly disparate “traditional” teachings used in the Healing House to help Mi’kmaq people achieve mental and physical health and happiness, she smiled and shrugged, explaining that many of the teachings are similar (“After all, there are Seven Sacred Truths and seven Catholic sacraments.”) This seemingly easy reconciliation was also expressed to Hornborg (2003) by her Mi’kmaq research participants in Nova Scotia when

she inquired about contradictions in Catholic traditions and pan-Indian sweat lodge ceremonies. Alice seemed much more concerned about whether teachings were useful in healing processes, than with debating the semantics of authenticity and origin. After I left the Healing House that day, I did some research on the Seven Sacred Truths and discovered that the Truths have a wide pan-Indian following and New Age following. The Seven Sacred Teachings– “authentically” Mi’kmaq or not – were incorporated into programs at the Healing House as well as other seasonal ceremonies conducted in the community; they comprised part of the assemblage of teachings, practices and meanings that, while not originally constructed in Salt Harbour, had become a part of contemporary Mi’kmaq tradition and culture. In an eloquent explanation of the seemingly easy reconciliation of pan-Indian teachings and practices with authentic Mi’kmaq culture, Hornborg offers the following assessment:

“We must learn to distinguish between the symbols themselves and the state of mind they convey. The external vehicles might be “constructed” in our eyes; but the most salient concern is that these objects help the Mi’kmaq themselves convey important experiences and meaning for their common identity and self-esteem” (1995:174, translated).

Traditionalism’s Critics & Questions of Authenticity

Despite a strong following in the community, Traditionalism was not without its critics. Questions and debates about ‘authenticity’ and ‘legitimacy’ emerged often in my interviews with the movement’s critics. They were skeptical about the type of Native cultural meanings and identities that it promoted. A few Elders I interviewed were especially concerned that the movement might exacerbate the already substantial fading away of local, land and water-based cultural practices by locating cultural beliefs, knowledge and practice in pan-Indian cultural discourses that had little to do with the local historical particularities of practice and knowledge

along the Plamu River and in the woods around Salt Harbour. To this point, Crowfeather (2005:1) explains both the lure of Traditionalism and its dangers, as he perceives them:

“Here in Canada, many Nations lost much of their traditional knowledge thanks to the infamous government boarding schools. Now, as these Nations try to reclaim their heritage, many are adopting ceremonies and practices that rightfully belong elsewhere. This can lead to further loss of their own culture, and to a great deal of confusion caused by potentially conflicting beliefs. As an example, there is a growing circle of Mi'kmaw people who have adopted the Sundance from the plains Nations. The Sundance was originally intended to honour the buffalo, which we have never had here in the Maritimes. Because the Sundance tradition is not strongly rooted in the Mi'kmaw culture, it is also being changed by the adoption: I have heard a Mi'kmaw Sundancer claim that nobody can become a Medicine Person for the Mi'kmaq unless they have completed a full commitment to the Sundance. Apparently the Mi'kmaq have been doing it [culture] wrong for over ten thousand years. However, in the Plains culture there is no such belief attached to the Sundance. In this case, the adoption of someone else's tradition has created confusion and, worse yet, has created rifts between different segments of a Nation.”

The rifts that Crowfeather describes were also occurring to some extent between Salt Harbour band members, some of whom embraced Traditionalism as a legitimate landscape for figuring Mi'kmaq culture, identities and ways of connecting to their environment, while others, like Mi'kmaq anthropologist Melvin Lacave, criticized both the movement, and Band leaders for supporting it. Melvin explained that, as a result of the violence and coercion of European colonialism, many elements of contact-era Mi'kmaq culture were lost, and consequently, many contemporary Mi'kmaq people's notions of Native culture were drawn from popular media representations of First Nations and Native Americans – primarily in films and on television. By and large, these representations depict Native peoples of the North American western plains – often wearing elaborate feathered war bonnets, chasing buffalo astride ponies. Melvin linked this homogenization and commercialization of North American Native peoples with the “new-age” feel of the Traditionalism movement in Salt Harbour.

“Salt Harbour Mi’kmaq have been educated in that system, so they incorporate those dreams and values—the rose-colored glasses version of what culture should be rather than realizing that their own culture comes from the land that they occupy: the eels, trout, striped bass, herring, all the fish that comes up the river.”

He was also critical of moves by the Band Council and Health Center workers to encourage the use of Traditionalism in cultural teaching and healing initiatives on the reserve:

“All this kind of money that comes to the reserve, they spend it on sending people to [visit Native groups in] Florida or California or Australia or New Zealand to learn about what? Okay, you can learn about how other people have suffered, but the people in Salt Harbour that go to these [places] bring these things back as their newfound elements of [culture]. That’s my rant about Salt Harbour and the lack of cultural grounding. Everybody seems to be running everywhere else to be trained about being Indian. I mean, why send people from Salt Harbour to California to learn about Indians there?”

Melvin’s worries about the future of Mi’kmaq oral histories and embodied connections to subsistence fishing practices in Salt Harbour are also noted in the literature on contemporary Native culture and identity projects in the United States and Canada. Valaskakis (2005:215) echoes Melvin’s concern about pan-Indian Traditionalism further removing Native peoples from local-historical cultural knowledge and practice. She writes, “Through the expression of shared stories and appropriated images, pan-Indianism can reinforce, transform, or even replace the lived histories and culture of individual tribal groups.” Likewise, Perley (2000), an anthropologist and Maliseet man, describes his dismay at meeting a native “medicine woman” from eastern Canada who claimed to have been adopted into the Blackfoot tribe and taught “traditional” healing practices. She then returned to the east, where she offered workshops on native spirituality (for a fee) to both native and non-native people. Unlike most of the literature of this ilk, which marries contemporary native Traditionalism with the non-Native New Age movement (cf. Aldred 2000; Deloria 1992; and Vizenor 1999), Perley’s focus is on what he sees as the detrimental effects of Traditionalism on Native people. Perley condemns the “proselytizing of native peoples by native peoples in the diluted, popularized regurgitation of ‘authentic’ native

spiritual practices” (Perley 2000:217). Perley’s argument, like Melvin Lacave’s, is that by subscribing to a seemingly superficial Traditionalism brought in from elsewhere, Native peoples were at risk of abandoning or loosening their own place-based cultural-historic knowledge. Down the road, this could be harmful to political projects like nation building and territorial claims.

The ways in which Traditionalism played out in Salt Harbour were reflections of both the larger spiritual and political aims of pan-Indian Traditionalism since the 1960s, as well as the products of local experiences and relationships. Through local contentious dialogues that drew on large-scale and local narratives touting (and disputing) Traditionalism, Salt Harbour band members were making claims about the best, most appropriate and most enjoyable ways to behave and relate to each other and their environment. These dialogues were often constructed around the *positioning* of others in relation to Traditionalism and its tenets. Discourses of positioning frequently revolved around knowledge claims that declared particular practices as either “for” or “against” Native ways of life or particular cultural relationships with the environment. The story of the Shaking Tent and the salmon is a powerful illustration of the role of Traditionalism in figuring the special local relationships between Mi’kmaq people and fish.

The Shaking Tent and the Salmon

The contentious cultural discourses surrounding the Salt Harbour Salmon Restoration Project illustrate an ongoing debate in the community about what constituted legitimate Mi’kmaq cultural practices and identities. Salt Harbour Traditionalists questioned the legitimacy of the Salmon Project’s use of western science to achieve its goals of restocking the Plamu River with salmon. Meanwhile, Salmon Project workers insisted that their use of both western

science and (what they referred to as) traditional ecological knowledge (TEK), provided valid knowledge that could be used to restock the river and eventually open it again to salmon food fishing – a practice they insisted was central to authentic Mi'kmaq cultural identities and human-environment relationships. These discourses showcased the competing visions of Mi'kmaq culture circulating in the community, as well as the dialogic processes through which Traditionalists and Salmon Project workers positioned each other and made claims against and in favor of the project. More broadly, these discourses also pointed to the volatility of the cultural and economic politics of knowledge and identity in Salt Harbour in the post-*Marshall* years.

We were introduced to soft-spoken Mike Prentice in Chapter 3. Mike was the director of the Salmon Project, and deeply committed to restoring a healthy salmon population to the Plamu River so that Salt Harbour's children could learn about and experience the intense cultural connections that Mi'kmaq people had long had with salmon. Normally reserved, Mike became animated when he spoke about the cultural importance of salmon to the Mi'kmaq people. "It's important to not just me, but all Native people, [because of] the pride we have about the salmon." "Where does that pride come from?" I asked him. "I don't know...comes from within, I guess, just being Native. That was the major source of food for us. That's why we moved along the shoreline of this area." Mike's passion for his community, for the salmon, and for fostering the cultural-historical relationship between Mi'kmaq people and the fish were obvious when I watched him work; for Mike and his colleagues, restoring a healthy salmon population to the river was a project intimately linked to a reconnection to cultural identities that rested on food, social and ceremonial fishing practices in the local river.

Mike and his Salmon Project colleagues were among my first contacts in Salt Harbour when I arrived there in the fall of 2006, and they graciously (and bemusedly) agreed to let me ride along with them as they conducted their own fieldwork on the Plamu River. Each morning from late September until mid-November, we bailed and launched leaky wooden boats into the river and motored to the three nets that project personnel had set at the beginning of their field season. The main work of Salmon Project workers was to catch female salmon before they spawned (along with a handful of males) and transport them to a hatchery in Miramichi, New Brunswick, where both males and females were “milked” (their eggs and sperm extracted by gently squeezing the fish.) Immediately after this process, the adult fish were returned unharmed to the Plamu River, while the fertilized eggs remained in nutrient-rich, climate controlled tanks at the hatchery until approximately a year later when the resulting baby salmon reached the parr stage (9-12 cm long). At that time, they were collected from the hatchery and gently deposited into branches of the river where their survival potential was dramatically higher than if they had been born in the river. By spending their first year at the hatchery, the baby salmon were protected from predators, disease, pollutants and temperature fluctuations that would have threatened their survival. During the 2006 field season, Salmon Project personnel caught 81 adult salmon to be spawned at the hatchery, and the following fall, they released 140,000 salmon parrs into the Plamu River.

Traditional Ecological Knowledge, Science & Reviving Mi'kmaq-Salmon Relations

Len A'lutasit worked on the Salmon Project as the project's TEK Advisor, a job he took very seriously. Though Len had not fished salmon in the Plamu for several decades, he used his memories and knowledge of the river to advise the Salmon Project crew. Len had learned to read the cycles of the water, the weather, and the moon from his father and the Elders with

whom he had fished, and he drew on this knowledge to recommend where and how the Salmon Project workers should set their nets, and when they could expect to catch salmon. For instance, Len told the crew that they need not bother checking their nets the day after a full moon, because his father had told him “at the full moon, the salmon go berserk!” and cannot be caught. Sure enough, the crew never caught a salmon on the full moon.

Len was careful to distinguish TEK from the Traditionalism movement in the community, of which he was not a part. The Traditionalism movement frustrated Len, for whom Mi’kmaq knowledge and culture are learned and taken up through place-based interactions with natural resources. According to him:

“TEK is a product of generations of learning and experience with what Mother Nature has provided: lands, waters, fish, plants, wildlife and other natural resources. We were trained at an early age to be aware of and respect the community of living beings that surround [us]. We were taught to respect to what we have now or risk losing everything.”

By defining TEK in such a way, Len – and the Salmon Project workers who supported him – were defining and positioning Mi’kmaq tradition, knowledge and culture as legitimate only through historically-informed on-the-ground interactions between people and fish. Further, they were using TEK to lend credibility to their salmon restocking practices as ‘cultural.’⁶²

Another important component of the Salmon Project was the use of scientific and conventional knowledge and the participation of ecologists from Parks Canada and DFO in supportive roles. Though the Salmon Project was largely guided by Len’s TEK advice, this alone was not enough to secure “Marshall money” from the state to fund the project. Mike explained that in order to get project funding, the Salt Harbour Salmon Project had to partner with scientists from Parks Canada, whose knowledge and expertise were recognized as valid by the state, while TEK was not. “As for DFO, I don’t think that it [TEK] would hold up. They need

scientific data.” Luckily, Mike’s former colleagues from Parks Canada enthusiastically supported the project – particularly the use of both Mi’kmaq TEK and science – and taught project workers how to test and record environmental conditions along the river each day, how to take scale samples from the fish, and how to handle them gently as they were being transported to and from the hatchery. Mike, Len and their partners from the Park all told me that they considered the project richer through its use of both TEK and science.

In short, it is significant that the knowledge systems informing the Salmon Project included both place-based TEK and western scientific knowledge to achieve what Salmon Project workers refer to as a *cultural restoration*: restoration of a healthy salmon population to the river; restoration of the Mi’kmaq right to fish for salmon for food; and restoration of the cultural identity and pride that came from fishing salmon. Salmon Project workers did not see a conflict in using western scientific knowledge and monitoring practices to help them achieve their goal of reuniting Mi’kmaq people with on-the-ground cultural practices of food, social and ceremonial fishing. Mike explained to me that he wanted to use the best knowledge available, including both western science and TEK, to reconnect his people with the salmon. “Give us a couple more years and we should be able to get [salmon] food fisheries going again, and people can start feeling proud about themselves,” he said.

The Shaking Tent & Critiques of Science

While the Salmon Project enjoyed strong support from the federal government, many non-Native communities located along the Plamu River, and most of the Salt Harbour community, there were a number of people on the reserve who were vocally opposed to the project. Critics frequently drew on discourses of the Traditionalism movement to argue that by taking salmon out of the river and subjecting them to “unnatural” scientific technologies at the

hatchery, the Salmon Project was harming Mi'kmaq culture. Traditionalists' opposition to the salmon was galvanized during a ceremony called the Shaking Tent that was conducted in 2005, after the Salmon Project's first season. The Shaking Tent ceremony had recently been introduced to Salt Harbour by Traditionalists from the community who had learned about it during visits to western tribes.⁶³ The Shaking Tent was a healing ceremony conducted by a Medicine Man who mediated visits from ancestor spirits. I heard about what happened at this ceremony from Traditionalists who were there, as well as from Salmon Project workers, who found out about it after the fact. Both parties invoked the ceremony to help explain their views about appropriate cultural practices, to position themselves as cultural people, and to discredit those whose position on Mi'kmaq culture differed from their own.

According to several attendees I interviewed, at the Shaking Tent ceremony, ancestor spirits had visited and decreed that the Salmon Project was not a good idea because it was "tampering with Mother Nature." The spirits that visited the Shaking Tent apparently told the Medicine Man that it was alright to deposit hatchery-spawned parrs into the river once, but that the Salmon Project should be discontinued because artificially spawning salmon would hurt the community. Essentially, it was implied that Mother Nature was angry that the salmon were removed from the river, and could see to it that the salmon did not return to the river at all. Spawning salmon in a hatchery, one elder explained to me, is like "taking a child away from its mother"; the young salmon would not know the smell and taste of the Plamu River and would become disoriented when deposited into the river, getting lost at sea.

Wrapped up in such commentaries on the morality of the salmon project were critiques of science. For instance, Alice Atwin disapproved of the salmon project and told me that "our teachings" tell us not to "mess with" nature. Scientists, she told me, think that they know how

nature works, but she doubted this was true, stating that “we know how nature works, and that isn’t it.” Similarly, Len had an encounter with another of the Project’s critics in the grocery store parking lot. This person blasted Len and his co-workers for using science to create “fake salmon.” By discounting the validity of science by decrying it as harmful and unnatural, the Shaking Tent ceremony had become a resource that Traditionalists could engage with to organize and bolster their own notions about Mi’kmaq culture, as well as positioning themselves in debates with Salmon Project personnel.

For their part, the Salmon project workers also engaged with (their impressions of) the Shaking Tent ceremony – and Traditionalism in general – to situate themselves as legitimate and knowledgeable stewards of the resource. This was mainly accomplished by discursively positioning Traditionalists as “misinformed” and trivializing the Shaking Tent as “Mi’kmaq fortune-telling.” Mike Prentice offered me his impression of the Shaking Tent and the Traditionalism movement:

“Well there’s this guy, he’s a Medicine Man or something like that. He said it’s alright to do it [release salmon] once and only once. So people came up to me and told me that. I told them that if I just did it the first year, when I brought down less than 50,000 [salmon parrs] and the mortality rate is 96%, that’s less than 4,000 salmon making it. That’s less than they [Natives and non-Natives] catch upriver [to sell on] the black market. The Traditionalists, they’re not really educated in it [science]...like if someone says it’s no good, they just believe them...without looking it up.”

In a more pejorative commentary on Traditionalism, Moin Martin, another Salmon Project worker, likened Shaking Tent believers to gullible children when he explained, “It’s like Santa Claus: if you believe in him, he’s real to you; if not, he’s not real.” Interestingly, despite their authoritative discursive use of science to delegitimize Traditionalists’ critiques of the Salmon Project, many workers on the project, including Mike, were somewhat ambivalent about science in other situations. They identified science as the domain of the Canadian government;

a domain that had been used in the past to separate them from natural resources. However, their reactions to the Shaking Tent indicated that they were recognizing and using the authoritative power of science to advance their own culturally-inspired resource management goals. This type dialogic positioning where competing discourses of science are used to construct and contest legitimacy is also depicted by Satterfield (2002) who describes how environmentalists and loggers involved in a struggle over the management of Oregon's old growth forests drew on different scientific discourses to authorize themselves as legitimate resource managers, and to delegitimize their rivals. She writes that, "...references to science become vehicles for a critical lay dialogue about knowledge and philosophies of conduct toward the natural world" (Satterfield 2002:98).

Traditionalism in the Post-*Marshall* Years

In the post-*Marshall* years, the Traditionalism movement can be viewed as a cultural resource that participants drew on to produce cultural relationships with the environment during a time of rapid change in human-environment interactions. Just as Traditionalism played an important role in helping community members to cope and heal after the devastating suicides of 1992 and 1993, interest in the movement intensified again following the *Marshall* decision. Through multiple conversations with a diverse cross-section of Salt Harbour residents, it became apparent to me that, for many community members, strong, stable Mi'kmaq cultural identities were inextricably linked to human-environment relationships that emphasized historical use, stewardship and spiritual interdependence. When these types of "cultural" relationships were challenged by Salt Harbour fishers' new participation in the commercial fishing industry (and their adoption of the practices and meanings associated with that industry and economy) the Traditionalism movement served as resource to help ensure the continued

construction and reproduction of these relationships. By providing teachings, practices and meanings that local people understood as “Native” or “Mi’kmaq”, Traditionalism helped to mediate a figured world of Mi’kmaq culture and identity that still included relationships with natural resources that were deemed important but that were missing from the new type of human-environment interactions that emerged following the *Marshall* decision. A close look at the Traditionalism movement in Salt Harbour reveals a process of identity and meaning-making that was taking place both parallel and in relation to the refiguring (and attempted reproduction) of Mi’kmaq fishing.

The Traditionalism movement in Salt Harbour movement (and its critics) remind us of the fragility and flexibility of culture and meaning-making today. Unlike notions of Mi’kmaq culture that rested largely on the particular local ways that Salt Harbour ancestors interacted with the environment, the cultural meanings and identities promoted by Traditionalism did not necessarily come from local cultural-historical landscapes and practices, but from pan-Indian inspired discourses and practices like the sweat lodge, Sundance and Shaking Tent. This was having significant implications for the contemporary relationship between Mi’kmaq culture and natural resources. Traditionalism provided resources that rejuvenated enthusiasm about and special connections between Mi’kmaq people and the natural world, as well helping people to contextualize their own experiences with colonialism and change in a larger narrative of pan-Indian experiences. But it had also resulted in less emphasis being placed on cultural-historical knowledge about the territory where the Mi’kmaq had lived for thousands of years.

Traditionalism, as it was formulated in Salt Harbour in 2006 and 2007 can be understood as a way to facilitate cultural connections between people and the environment in response to perceived upheavals in “traditional” practices and meanings that followed from the *Marshall* decision. By designating particular knowledge, practices and meanings as “cultural” or

“traditional”, Mi’kmaq fishers need not rely on their fishing practices to constitute their cultural identities; they could fish as Mi’kmaq capitalists, and Sundance as Mi’kmaq Traditionalists.

6

MOVING TOWARD MANAGEMENT

Immediately after the *Marshall* decision was handed down, the coastal waters off First Nations reserves across the Maritime provinces churned with celebration as Mi'kmaq fishers practiced their treaty rights by setting lobster traps, fishing for eels and casting their nets for river fish. While the federal government called for calm while the details of Native fishers' entry into commercial fisheries could be worked out, many Mi'kmaq people proclaimed that they had waited long enough. In the region of northern New Brunswick known as the Acadian Peninsula, the federally regulated commercial lobster season ran from early May until late June. This was of little matter to fishers from the Esgenoôpetitj Mi'kmaq community (also called Burnt Church), who took to the waters off their community after the *Marshall* decision was handed down in September 1999. Federal fisheries officials and non-Native fishers from the region cried foul, accusing Burnt Church fishers of taking lobster out of season and without licenses. A fall commercial fishery, they argued, would deplete lobster stocks for the regular spring fishery. A statement from the Maritime Fishermen's Union, whose members were largely non-Native Acadian fishers, remarked that "One is asking a lot, indeed, to have those [non-Native] fishermen stand idly by as their next year's catch is being taken in front of their eyes [during a Mi'kmaq fall lobster fishery]" (MFU 1999). At the same time, Burnt Church leaders insisted that the treaties upheld by the *Marshall* ruling recognized Mi'kmaq people's right to manage

their own fishing, and that is what they planned to do. “It remains the position of Burnt Church,” said then-Chief Wilbur Dedam, “to fish under our own fisheries management plan” (CBC 2001).

By the next fall, Burnt Church had developed a community lobster management plan and was intent on implementing it. The plan was informed by Burnt Church members’ traditional and other local knowledge about the resource, and was designed to meet the community’s subsistence as well as moderate economic needs. However, the Burnt Church plan did not adhere to federally designated fishing zones or seasons and when fishers from the community set their traps again in late August 2000, a time scientists consider important for lobster stocks to recover, tensions with federal fisheries wardens and local non-Natives quickly escalated (Caddy 2001). For several weeks that fall, the national spotlight was focused on Burnt Church as fishers from the community clashed violently with DFO and RCMP⁶⁴ (Coates 2000, CBC 1999a). Grainy video footage from these skirmishes shows DFO boats ramming and swamping small Burnt Church fishing dinghies, forcing terrified fishers into the ocean. These images also show Burnt Church fishers throwing rocks at the DFO boats looming above them. Staunch in their insistence that they would continue to manage their own fisheries, Mi’kmaq people from Burnt Church were especially resentful at “being asked [by DFO] to limit their treaty fisheries so that non-Natives [could] continue to enjoy almost 96 per cent of the value of fish stocks that Mi’kmaq believe they never surrendered” (Barsh 2002:30).

The road to the *Marshall* decision had been a long one and Mi’kmaq people were not about to sit back on their heels while the federal government dictated how they could practice their treaty rights. *Marshall* was the culmination of years of persistent activism and advocacy by First Nations people in places like Burnt Church and Salt Harbour, and represented a key victory in the movement for Mi’kmaq aboriginal and treaty rights. The insistence of Burnt Church community members that they develop and institute their own fisheries management plan speaks to the larger visions of the movement. For the

people of Burnt Church – and Mi'kmaq people throughout the region – the *Marshall* victory was about more than gaining access to fish; it was about opening the door for Mi'kmaq people to step back into a role as natural resource managers. “To me, this is part of a larger fight for me. The fight for our resources is one step in help rebuilding Mi'kmaq nation,” said a Mi'kmaq man interviewed by the national news media in the midst of unrest at Burnt Church (CBC 2000). For Native peoples across Canada and the world, access to and management of lands and natural resources is often the centrepiece of movements for self-sufficiency and self-government (Scott 2002; Berkes 1991; Berneshawi 1997). The governance system considered “traditional” by Mi'kmaq people was inextricably linked to the use and management of land and natural resources. Leaders were selected based on their skills as fishers and hunters (or their families’ recognized skills in these areas), and decisions impacting seasonal migration, resource allocation, alliances and conflicts were all informed, in large part, by the availability (or scarcity) of natural resources and the meanings and practices associated with their management (Prins 1996). When the *Marshall* decision was rendered, some Mi'kmaq people saw it as an opportunity to reconnect with a traditional governance system and move away from the current system of Band governance, which was instituted by – and remains under the control of – the federal government. Band Councillor Gene Paul recalled, “I was having dinner with my two sons when that [*Marshall* decision] came down. And one of my sons looked up and said ‘What does that mean, Dad?’ I said, ‘Self-government. If it’s approached properly, it means self-government.’”

Despite the initial enthusiasm and promise of the *Marshall* decision with respect to positioning Mi'kmaq people as serious participants in fisheries management, eight years after the ruling, the road to meaningful involvement in fisheries management by Mi'kmaq peoples remained long and progress was slow. When I left Salt Harbour in November 2007, the community was still operating under DFO’s fisheries management structure, and no significant steps had been taken to create a local management plan or to engage with DFO to enter into a co-management arrangement. This was due in large part to a

lack of training, time and resources within the band, as well as reluctance to navigate complicated federal bureaucracy. The stalemate was also the result of ongoing debates within the community about how the economic and cultural resources associated with commercial fishing (e.g., boats, licenses, money and fish) should be allocated. Despite these obstacles – or perhaps in part because of them – conversations among fishers, fisheries administrators and the Chief and Council about possibilities for local fisheries management intensified during my time in the community. They were committed to “moving toward management,” and fulfilling the promise of the *Marshall* decision and the vision of the larger movement for Mi’kmaq rights, but were still unsure what form such a process and outcome should take.

To this point, this dissertation has examined how Salt Harbour residents were confronting the social, cultural and economic changes that had taken place in their community following the 1999 ruling, and how their responses can be understood as efforts to construct and reconstruct local relationships with fish and natural resources more generally. This chapter considers how the constructed (and reproduced) figured worlds of post-*Marshall* Mi’kmaq fishing and community life were affecting Salt Harbour people’s approaches to fisheries management. I propose that Bakhtin’s theory of the dialogic production of subjectivities and meanings, as described by Holland and Lave (2001), is a useful lens for considering how Mi’kmaq people were constructing approaches to fisheries management after the *Marshall* decision. Personal identities, or selves, are always “unfinished and in process”, according to Holland and Lave (2001:9), who engage with Bakhtin’s theory of the social production of the self to explain how individuals are continually positioning and repositioning themselves (and being positioned by others) as they navigate interconnected local and historical struggles. This process, according to Bakhtin, is characterized by constant dialogues (real and perceived, internal and external) that circulate between social actors and are mediated by cultural artifacts and experiences. Individuals are constantly being “addressed” by others and “responding” to these addresses. Holland and Skinner (2001) describe

one such process of dialogic production in Nepal, where young girls participating in the annual Tij festival used songbooks, written by others, to tell their own stories. The girls responded to Skinner's inquiries about their experiences as females in Nepal by appropriating the stories and meanings of the songs as their own, "authoring" themselves in ways they would likely have been unable to do without the songbooks. The girls were responding to the address initiated by Skinner, as well as to the address embedded by the songs' absent authors. Through this process, the girls at the Tij festival were engaging in the social production of their identities as females in that particular village, at that particular time. While these identities reflected the local social and political landscape, they also articulated with larger historical and regional worlds.

In the case of Salt Harbour, a dialogic perspective highlights the complicated processes of address and response in which band members were engaging to position themselves as fisheries managers. This approach is particularly useful in illuminating the multi-scalar aspects of the social production of Mi'kmaq approaches to fisheries management.⁶⁵ Below, I describe how Mi'kmaq people responded to perceived addresses they received from the state and the commercial fishing industry, as well as cultural-historical addresses. I consider how they drew on the cultural resources available to them to responding to these addresses, situating themselves in relation to others and authoring themselves as legitimate fisheries managers. A dialogic approach is also useful because it attends to the many concurrent dialogues and processes of social production happening in Mi'kmaq communities after the *Marshall* decision. For instance, local discourses about fisheries management also reflected community members' ongoing dialogues about how local economies and cultural identities should be valued and practiced in the post-*Marshall* years. Before beginning an in-depth exploration of the cultural production of Mi'kmaq approaches to fisheries management, it is important to present some background information about social and ecological approaches to fisheries management, and about the nature of the resource itself.

Managing Fisheries as Common Property

There are many different approaches to managing fisheries resources around the world. Management plans are shaped by the characteristics of the resources themselves (for instance, clams and mussels have a limited range, while the Atlantic salmon can travel from New Brunswick to Greenland and back (Schaffer and Elson 1975). Other factors, such as the social, economic and political values associated with the resource also impact management approaches. In 2006 and 2007, Salt Harbour held licenses from DFO authorizing them to fish over a dozen commercial species, and each license was linked to an individual management plan for that species. For the purposes of this dissertation, it is impractical to examine how Mi'kmaq people were approaching local management for all of these species. Rather, I chose to consider how they were constructing and engaging in discourses about the management of the most important commercial fishery in the region: the lobster fishery. Considering the characteristics of lobster as a valued resource to be managed, as well as Mi'kmaq people's long history as natural resource managers will help set the stage for understanding the complexities of commercial lobster management in the region today and the obstacles and possibilities Salt Harbour residents faced as they were attempting to enter into the process for the first time.

Common Pool Resources

Some natural resources, such as lobster, have characteristics that qualify them as common pool resources. Such resources are usually characterized by two features: first, their size, range and/or transient nature make it *difficult or impossible to exclude interested users*; second, they are *subtractable*, meaning that the availability and quality of the resource can be diminished through use. Range lands, water, air and fisheries are all examples of common pool resources. Aquaculture operations, like fish farms, lobster pounds and other privately-owned enclosures of fish and shellfish are exceptions since they are, by definition, enclosed. Because of their size and their close links to basic

subsistence and economic needs and activities (e.g., drinking water, food fish, livestock grazing, and clean air to breathe), sustainable management of common pool resources is a primary concern of billions of people throughout the world. This concern is not unfounded. In recent decades, privatization of land and water resources by government and corporations have enclosed or depleted common pool resources, depriving many people of access to basic needs. For instance, attempts to privatize water resources in places like Bolivia and India – and local people’s resistance to these state and corporate efforts – have garnered worldwide attention (Olivera 2004). In addition the quality and availability of many of our common pool resources is also declining because of factors like over-harvesting, pollution and climate change.

The American lobster (*Homarus Americanus*) qualifies as a common pool resource. This shellfish, called *jugej* (CHUK-ech) in the Mi’kmaq language, has a range that stretches from the Carolina shores in the south to the cold waters along the Labrador coast in the north, and migrates seasonally, searching out warmer waters. Fishers usually catch lobsters in water 1-30m deep, not far from the shore, where they live in on the rocky sea bottom. As fishers and scientists along the Atlantic Coast know all too well, lobster is a subtractable resource. Over the past several decades, lobster populations have plummeted (CBC 2004). The management of this resource was a top priority for all of the fishers and fisheries officials I met during my research, as lobster, even in its depleted state, remained an important economic mainstay for the region.

Common Property

There is no single solution for the successful management of common pool resources. They can be managed as public property (e.g., as governments may manage national parks) or privately (e.g., as a large ranching company may manage range lands.) They can be managed remotely, locally, or through a multiscalar “nested” management structure where local communities, regional or national

governments, and other stakeholders are involved in establishing access rules, and determining enforcement and punishment for transgression (Ostrom 1990). Common property regimes are often the most appropriate way to govern common pool resources. In these regimes, there is a recognition by people and institutions with an interest (cultural, financial, scientific or other) in a particular common pool resource that the resource is indeed *common property* and that management approaches must work to ensure that the actions of some do not ruin or deplete the resource for other users.

Common property arrangements are largely concerned with three issues: 1) defining resource users; 2) devising rules governing access, use and management of the resource in question; and 3) determining how and by whom the rules will be enforced. Needless to say, these decisions are imbued with cultural and economic significance, and reflect contentious cultural and ecological politics of knowledge and legitimacy. In the past, the social and cultural aspects of common property management were not often given much consideration by common property theorists. Over the decades, much literature in the fields of economics, political science, sociology and common property theory (particularly branches of these fields concerned with resource access and management) has focused instead on decision-making models for what is known as the “rational actor,” a being who makes choices geared to maximizing his or her personal short-term gain (see Coleman 1973; Homans 1961; Heath 1976). With a “rational” end in mind, his or her choices could be predicted given control over certain variables. For instance, if a rational actor wanted to maintain his or her access to lobsters but could not figure out a way to exclude others from using the lobsters, a rational course of action would be to enter into an agreement with the other users to ensure everyone’s continued access to the resource. Even though all the users would likely have to limit their catches, they would (rationally) be willing to do so because 1) they trusted that everyone else was also doing so; and 2) by ensuring that everyone was limiting their catches, the rational actor could reasonably expect to secure his or her continued access to the resource in order to maximize personal gain.

I, and others (see Ostrom 2000, Schram and Caterino 2006; Green and Shapiro 1994), take issue with the concept of the rational actor because there is an assumption made that the rational actor and all of his or her fellow resource users have, in effect, the same cultural, social and economic understandings about the value of lobsters, which spur them to act in particular, uniform ways. Neither does the story of the rational actor recognize the importance of power in deciding how access to the resource will be structured. In short, in the scenario of the rational actor, *rationality* is taken to be a natural proclivity, and not a cultural construct (in this case, a western European cultural construct.) In real life, resource users' needs, wants and behaviors are mediated by culturally-produced meanings and knowledge, and issues of power and scale are often at play in decision-making about how access to a resource will be shared among different user groups. In recent years, common property theorists like Agrawal and Gibson (2001), Berkes (2005), and Mokuia (2002), have turned their focus toward the role of culturally-embedded knowledge and power that inevitably impact resource use and management. This acknowledgement that resource use and management are inextricably bound up with the politics of culture, knowledge and power provides a richer understanding of the complexities that characterize these processes. As essentially social relationships, common property management schemes are often characterized by asymmetrical power relations, competing claims over legitimate management techniques, and political wrangling over who qualifies as an authorized resource user. In cases, such as the commercial lobster fishery, stakeholders exist across a range of scales (e.g., federal, regional and local), include individuals, communities and institutions, and have different, culturally-informed ideas about how management should be approached. As such, the task of determining – and then enacting – the roles that resource users, the state (and others) should play in management makes common property management arrangements challenging to say the least.

Despite some arguments to the contrary (most notably Hardin 1968), common property regimes have been functioning sustainably in nations and small communities throughout the world for centuries.

There are particularly good examples of successful common property regimes in fisheries management (see, for example McCay 1998; Atcheson 1988). Though successful common property regimes can take many shapes and sizes, several trends are common across this spectrum. First, common property management regimes are typically most successful when local people play a meaningful role in devising rules for management and enforcement. Rules about resource access and use must resonate with the meanings and values that local people attach to the resource; if the rules don't make sense to them, they are much less likely to follow them (Pinkerton 1989). Second, common property management schemes also work best when resource users trust each to follow the rules (and trust that violators will face consequences.) Finally, the specific rules associated with resource access and use should be simultaneously suited to the characteristics of the resource in question *and* to the particular ways that stakeholders need and want to use the resource. In the case of lobster management, each of these common property management trends is relevant. Though the federal government has made efforts over the past decade or so to involve more local fishers – including First Nations fishers – in management decisions and planning, there is still a long way to go, especially in the areas of meaningful local participation and trust amongst stakeholders.

Common Property and Lobster Management in Canada

In Canada, management of the fisheries is governed by the *Fisheries Act*, a far-reaching piece of federal legislation that provides rules and enforcement procedures for any type of fishing conducted in Canadian waters (Government of Canada 1985). Though the Act extensively outlines management rules for a number of fisheries, it does not explicitly discuss ownership of Canada's fisheries, although the Act assumes that the federal government has jurisdiction to establish and enforce fisheries management. The Supreme Court of Canada cleared up the question of property in a 1997 decision which defined fisheries as a common property resource. In this case, *Comeau's Sea Foods Ltd. v. Canada*, the Court ruled that, "Canada's fisheries are a common property resource, belonging to all the people of Canada.

Under the *Fisheries Act*, it is the Minister's duty to manage, conserve and develop the fishery on behalf of Canadians in the public interest" (Supreme Court of Canada 1997).

For nearly a century, the federal government has exercised exclusive authority to manage the commercial lobster fishery. However, over the past decade or so, new participants in the fisheries, and a growing recognition in the field of fisheries management of a need for local participation and buy-in have signalled a shift in DFO's approach to managing the lobster fishery – or at least a willingness on the part of DFO to consider options for local participation in lobster management. Just as the Salt Harbour Mi'kmaq have yet to determine the course a local Mi'kmaq-based lobster management plan will take (and how it will integrate with federal lobster management), neither has DFO devised a successful process for meaningful local participation. The trick will be for different stakeholders to agree on a management plan where each feels that their economic and social interests, knowledge, and values are respected (and protected) by the management structure. This does not necessarily mean that all the stakeholders have to agree on the particular meanings associated with the resource; but they must agree that the resource is valuable, they must acknowledge that the resource holds legitimate value for other stakeholders, and that steps must be taken to ensure that all stakeholders who rely on the resource can continue to enjoy a sustainable relationship with it.

Co-Management

Co-management has emerged as a popular mechanism for multi-party management of common property resources. Often described in common property literature as a power-sharing relationship between stakeholders, co-management can take any number of forms (see Spaeder and Feit 2005). This approach is appealing to user groups and other groups with an interest in particular natural resources because it recognizes the possibility of managing resources in ways that reflect local goals and beliefs as well as institutional and state interests. Since the 1970s, co-management has been a favored approach

of the Canadian government to managing animals like caribou, bears, seals and Dall sheep in the country's northern territories (Spaeder 2005; Nadasdy 2005; Kofinas 2005). In these situations, local management boards comprised of resource users and local leaders are formed, and work with provincial and state scientists and policy-makers to devise management plans based on scientific and local knowledge about the resource.

Co-management has many critics. In his ethnography about a co-management arrangement for Dall sheep in the southwest Yukon, Nadasdy (2003) claims that, despite their inclusive rhetoric, co-management plans usually reflect scientific knowledge and federal goals with little substantive input from local people. The dominance of state-sanctioned science knowledge in mediating human-environment relations is common, and can be understood as part of a larger process of state formation where both the state and the aboriginal peoples and nations within its borders are involved in the co-construction of themselves and each other (Nadasdy 2003a; Escobar 1998). In this sense, co-management arrangements (as state processes) are exercises in legitimacy where meanings and knowledge about the proper ways to manage lands and resources are negotiated socially between aboriginal peoples and the state.

Nadasdy is not alone in critiquing co-management as a power-laden state project destined to reproduce social, cultural, economic and political inequalities. Over the past decade, critical discourses about the role of state power in reproducing social inequalities through co-management relationships have been common (see Spaeder 2005; Allison and Badjeck 2004). However, as Nadasdy also points out (2003b), rarely, if ever, has a co-management arrangement in Canada actually *failed* outright; rather co-management undertakings are more likely to be characterized by ongoing negotiations, power struggles, and even goodwill efforts of participants to reach shared understandings. Natcher et al. (2005) suggest that critical analyses of co-management arrangements should begin from the understanding that co-

management is just as much about managing social relationships (and, I should add, *power* relationships) as it is about managing resources. The proliferation and endurance of co-management arrangements in Canada – despite the fact that many are legislated – is indicative of the changing social climate in Canada, and the willingness of many scientists and policy-makers to consider collaboration and the value of local knowledge in informing resource management decisions. Imperfect as it remains, co-management is a cultural and social process that most stakeholders believe is worth working through. After all, “institutions are hardly ever built from scratch, but are frequently developed on the basis of other institutions” (Allison and Badjeck 2004:39). For all its imperfections, I propose that, with the changing climate of aboriginal-state relations and commercial fishing in Canada today, co-management is the management approach that stands the best chance of achieving sustainable fisheries management. Indeed, when Mi’kmaq people from Salt Harbour spoke to me about possibilities for lobster management, they almost always acknowledged the need to work with non-Native fishers and with the state (e.g., DFO and Parks Canada) to develop mutually agreeable management plans. The beginnings of such an arrangement were in the works in Atlantic Canada, as DFO personnel and Mi’kmaq fishers and leaders met to discuss possibilities for Mi’kmaq people to participate in lobster management.

The Historical Production of Mi’kmaq People as Fisheries Managers

Prior to the wide-scale arrival of European settlers on their traditional territory, Mi’kmaq people had long been involved in the active management of their fisheries. Their intimate knowledge of the tides, the seasonal migrations of fish, fish life cycles, and the importance of certain river and coastal features for mating, spawning and the protection of young fish informed the practices that ensured sustainability of fish stocks – and the people who relied on those fish for their food. Even before the 1960s, when their fishing was severely restricted by federal policies, Mi’kmaq fishers employed

management tactics, such as targeting certain fish only in certain seasons, moving their nets frequently, and pulling their nets every other day to allow fish passage in order to ensure the sustainability of the resource. The loss of the ability to manage their fisheries was a tremendous blow to the cultural identities of Salt Harbour fishers; these identities were based, in large part, on the acts of fishing and fish management, as well as on knowledge and stories that had been passed down through Mi'kmaq oral history. Federal control over Mi'kmaq fisheries continued to sadden and frustrate many community members in 2006 and 2007; they believed this control made it more difficult to teach young people about Mi'kmaq cultural values and practices when Elders could not take youth out on the river to fish for salmon and bass. They also worried that federal management strategies were not achieving healthy, sustainable stocks. As discussed in the introduction to this chapter, however, many Mi'kmaq people viewed the *Marshall* decision as a renewed opportunity to be involved in fisheries management in meaningful ways. In the case of a future co-management arrangement for the Mi'kmaq lobster fishery, it seems likely that the approach that Salt Harbour band members take will reflect their recent experience as participants in the commercial lobster fishery as well as the historic experiences of Mi'kmaq people as fishers and resource managers, which younger fishers have been told about by their Elders.

Mi'kmaq Fisheries Management in the Contact Period

When French explorers, traders and missionaries arrived on the coast of Mi'kmaq territory in the 17th century, they could not believe the abundance and variety of fish in the rivers and along the coasts. The following quotations below speak to the wonder of these early French colonialists at the resources in the territory:

"In all places fish aboundeth in like manner as we ourselves have seen" (Lescarbot [1606] 1928:285).

“Any one who has not seen it could scarcely believe it. You cannot put your hand into the water, without encountering [fish]” (Biard [1616] 1897:81).

“Never had Solomon his mansion better regulated and provided with food” (Biard [1616] 1897:83).

“It can be stated that wildlife and fish are abundant, and that everything necessary for life can be found there without much effort” (Le Clercq 1910 [1691]: 492).

In their reports and journals, these new arrivals from France also detailed how the Mi'kmaq only took as much fish (or game) as they needed for immediate consumption, and they did not fish every day – only when they were in need of food (Denys 1908). For instance, in 1647, Denys wrote of the Mi'kmaq, “They did not lack animals, which they killed only in proportion as they had need of them” (1908 [1647]:403). Taking only as much fish as was needed for food, social and ceremonial was the primary Mi'kmaq resource management strategy in the era before industrial fisheries. Given the population, fishing methods and ways that fish were used, it is reasonable to assume that this management scheme was sustainable.

Although colonial constraints like the establishment of reserves, the seizure and sale of Mi'kmaq lands to European settlers, and restrictions on Mi'kmaq fishing and hunting, Mi'kmaq people continued to manage their fisheries according to the approach described above. Anthropologists Wallis and Wallis conducted ethnographic research in Mi'kmaq territory in the 1920s and again in the early 1950s, and they noted that meat and fish were not wasted, nor did the Mi'kmaq go hungry. When they asked Mi'kmaq people about their hunting and fishing strategies, they were told, “You should not bother animals that you cannot use. Leave them alone. It is wrong to kill then unless you have need of them. Let them go where they want to go” (Wallis and Wallis 1955:107).

Even though access to fish was increasingly restricted by state policies, this local approach to fisheries management more or less continued in Salt Harbour into the early 1960s. It was characterized by low levels of resource extraction, conservation techniques informed by an intimate knowledge of fish

movements and behavior, and recognition that the spiritual bonds between people and animals dictated that animals who gave their lives for human consumption and ceremony should be thanked and not disrespected by overfishing or waste. These management practices took place within a centuries-old framework often called the Mi'kmaq calendar, which mediated seasonal migration, fishing, hunting and gathering activities. For instance, according to this framework, summer is the time for shellfish and eels. Through the 1960s, it was very common for Salt Harbour families to move from their permanent settlement along the banks of the Plamu River about five miles upriver to where the river empties into the bay at Baie Claire and forms sandy dunes. Older Salt Harbour residents, like Joann Prentice and Gene Barton recalled childhood summers spent diving for clams, mussels, oysters and lobsters off the dunes running along the shorelines near Baie Claire. By September, they returned to the community to greet the salmon returning to the Plamu River. According to Joann:

“My first memory is way out in the dunes, and I was afraid to go in the water. We lived way out in the dunes around Richibucto Cape in the summer...And we fished. We had lobster, we fished at night. In the boat, I used to have a little nook way up in the front of the boat, all comfy. I'd be in there and they'd be spearing eels. There would be eels crawling all over the place! But I would be safe and comfy. Clams—we'd be digging clams and I'd be in mischief everywhere!”

Likewise, Gene recalled:

“Ever since I could remember, we'd done the same thing. All winter we'd go to school here, and just as soon as school was out, my dad would pack a boat and we'd drift out to the beach [the dunes] and we'd spend the whole summer there. I can still remember when the oysters were still plentiful. You didn't have to go far, just dive for them. There were clams, eels. We used to live off the land the whole summer. And my dad used to dig clams. I got to a point where I was about 13 or 14, and I could dig about 30-40 pails of clams per day, easy. Clams were flying all over the place. Eels, of course, eels were still marketable [back then], even if they were speared, so we'd spend a whole night with the lantern up front. My dad used to stand up front and I was the one in the back pushing the boat, pushing the boat, pushing the boat, all night long.”

Still others, like Hubert Lacave remembered their parents sending them down to the shoreline on the reserve with a basket to scoop up enough gaspereau for the family's supper:

“...here in this river right here, you would go there and fish for salmon; you would fish for gaspereau, you would fish for smelts and any kind of fish. At one time - we were little then - if we wanted to have a fried gaspereau fresh, you would just go down here, below my house here, and you would chase them and kick them onto the shore, and you would pick up a couple—what you needed—and just go home. The water was boiling with fish.”

The Dialogic Production of Management Approaches in Salt Harbour in 2006-2007

Adam Lnu was one of Salt Harbour’s oldest residents, one of the community’s most experienced river fishers, and perhaps the staunchest advocate of Mi’kmaq people’s right and responsibility to manage their natural resources. Over the years, he had participated in a number of “protest fisheries” objecting to DFO fisheries management policies that, he and others felt, not only unfairly and illegally alienated Mi’kmaq people from the resource, but were not based on sound and sustainable management practices. Adam believed that fisheries management should draw on the knowledge of local fishers and what he called “traditional conservation” approaches, passed down from older generations. When I asked him for an example of how “traditional conservation” was used to maintain stable fish stocks, he explained:

“Us, we made our own conservation. We fished four days and would take our nets out [of the water] for three days. And we...just bring them in [the water] at night around 8pm and bring them out around 5am. That way, we let the salmon go through and it’s not like we’re blocking off the river.”

But would the same type of management work for the commercial lobster fishery? We were standing in Adam’s driveway, leaning against the back of his pick-up truck, watching his grandchildren and great-grandchildren decorate Halloween pumpkins. He wrinkled his brow thought for a minute. Although he had decades of fishing experience in the Plamu River and along the coast around Baie Claire, Adam had never fished on a commercial vessel. He finally said that commercial fisheries management should continue to be informed, at least in part, by “traditional” approaches to conservation, and above all by local fishers’ knowledge of the movements and lifecycles of the fish – or

shellfish, as the case may be. The issue is complicated, though, he acknowledged. Adam had watched his son, Russell, a commercial lobster fisher, struggle to meet the costs of running his vessel, and he noted that the financial pressures on fishers like Russell to catch enough lobster to pay his deckhands and other expenses encouraged catch maximization rather than moderation. Had Mi'kmaq entry into the lobster fishery been a bad idea, then, I asked Adam. He said that it had not; that it was Mi'kmaq people's right to fish to make a living, and that unemployment in the community had dropped noticeably since the *Marshall* decision. Adam shook his head, puzzling over the predicament of management. Was there a viable way to manage the lobster fishery that incorporated both the pressures and expectations of the commercial fishing industry as well as "traditional" Mi'kmaq management approaches?

Just as Salt Harbour band members used discourses about Mi'kmaq tradition and culture to make claims about the moral economy of fishing, some of these same discourses about the need to link contemporary human-environment arrangements to historic (and perceived historic) meanings and practices also emerged in discussions about lobster management. The dilemma of reconciling "traditional" Mi'kmaq resource management with federal-industrial approaches to lobster management was the driver of many conversations and debates about the Salt Harbour lobster fishery during my time there. Although a few Elders were adamant that the lobster fishery should be scaled back and managed according to "traditional" methods, such as only using small boats and a few wooden traps, most community members declared a "traditional" approach on its own would not be an appropriate fit with the contemporary lobster fishery. They were intimately aware of the complexities of contemporary fisheries management and articulated the need for an innovative, multi-party management plan for the lobster fishery. At the same time, they still found value in the cultural knowledge and meanings that informed "traditional" fisheries management, and many people were searching for ways to incorporate these uniquely Mi'kmaq approaches into the management of their contemporary lobster fishery.

Thanks to the *Marshall* decision, for the first time in a long time, Mi'kmaq people were seeing a real opportunity to be involved in fisheries management. Discussions about the shape a Salt Harbour-informed fisheries management plan might take place were just beginning during my time in Salt Harbour. Through these discussions, local people engaged dialogically with the past, with the current social and economic challenges in their community, with scientific (and local) reports of diminishing lobster stocks, and with the state. Community members asked, and began to answer, questions like: What would a locally-appropriate management plan look like? Was DFO really interested in meaningful co-management? Was it too late for the lobsters, anyway? Was it possible to sustain the resource *and* provide for important community-based social, cultural and economic needs and wants (like profit-sharing)? Not surprisingly, in answering these questions, themes from earlier chapters re-emerged, such as the argument put forth by some community members that a successful lobster management plan should involve “traditional” Mi'kmaq management techniques, and the counter-argument that Salt Harbour fishers were better off supporting DFO's management plan. Mi'kmaq people are engaged in these (sometimes heated) discussions within their communities – and with DFO and the wider Canadian public – as a direct result of the *Marshall* decision.

When I left Salt Harbour in November 2007, the commercial lobster season had just ended. It had not been a good season for most of Salt Harbour's fishers. Fleet Manager Joann worried out loud that not all of the fishers would be able to afford to go out fishing next year: they had not earned enough to be able to put away start-up money for the 2008 season, and since the band's Marshall Agreement had expired earlier that year, the band could not afford to foot the bill, as it had in past years. This situation had not come as a surprise to Salt Harbour's fishers, Joann, or to the Chief and Council, who had known about the impending end of the Marshall Agreement for six years. It was immensely frustrating to everyone that a management strategy – including fiscal management – had not been implemented. For the past several years, DFO had been pushing for all the *Marshall*-affected

bands to develop their own fisheries management plans, but so far, only a handful had, and Salt Harbour was not one of them. Joann had attended a number of DFO meetings about creating local fisheries management plans that would dovetail with DFO's management plan, but the band had not made any significant progress toward developing a management plan. Many people in the community blamed squabbles within the Council for the lack of decision-making about fisheries management. In the face of an impending crisis in their local commercial fisheries, the future of the lobster fishery, and possibilities for its management, were the topics of lively discussions among community members.

When Salt Harbour residents talked about local management, they weren't just talking about how to ensure that stock levels would not be further depleted, they were also talking about a management plan that included a financial management component. Both aspects of lobster management (and fisheries management in general) involve negotiating social relationships and understandings about how people will moderate their behaviors so that they can keep fishing. These behaviours include the amount of fish they take (ensuring resource sustainability), and how they manage the profits from the sale of their fish (ensuring individual and/or community financial sustainability.) The social relationships that form a management plan reflect the meanings and values that community members associate with fishing; they reflect the values of the figured worlds of fishing and community life that people want to populate or create. In community dialogues about fisheries management, two themes emerged that reflected band members' differing visions for management of Mi'kmaq lobster fishing: debates about the place of "traditional" management approaches in the commercial lobster fishery; and the pros and cons of corporate versus band government management of the fisheries. These discourses and debates about fisheries management can be viewed through a Bakhtinian lens as ongoing processes of social production negotiated through address and response, and mediated by a number of cultural resources.

‘Traditional’ Management in the Commercial Lobster Fishing

In Chapters 3 and 4, we focused on commercial fishers and other band members working discursively to redefine legitimate meanings, practices, knowledge and identities associated with being a Mi’kmaq fisher. Their discourses were frequently rooted in particular cultural understandings about proper relationships between people and their environment, as well as how people should behave as members of the community. Likewise, in their discussions about how the commercial lobster fishery should be managed, community members debated whether or not there was room for “traditional” management strategies in the commercial lobster fishery, or if Salt Harbour’s approach to management should more closely mirror the market/science-based management approach taken by DFO.

Supporters of incorporating “traditional” management techniques into a modern-day fisheries management regime often asserted that stability in the fishery would only be achieved by cutting back on fishing efforts. They argued for re-envisioning lobster fishing as something that could help people to earn a little money, but more importantly, as an activity that could help to reaffirm social cohesion and food security (through sharing of profits, and food.) Unlike DFO’s current management approach to lobster fisheries, the people advocating “traditional” Mi’kmaq fisheries management did not differentiate between a lobster *commercial* fishery and a lobster *food* fishery. Before DFO regulated their lobster fishing in the 1960s, Salt Harbour fishers – and other small-scale fishers in the area – sold some of their catch, and kept the rest to feed their families and neighbors; they did not distinguish between different “types” of lobster fishing. These band members promoted the development of a local lobster management regime that included both food and commercial fishing in moderation, with an emphasis on meeting social and nutritional needs before financial wants. They imagined that such an approach to fishing would help to support a sustainable fishery and a healthy, stable community better prepared to assume more control over their own governance. The dialogues constructed and employed

by Salt Harbour members to make these claims about “traditional” management can be viewed as responses to a number of perceived dialogic addresses: they were responding to scientists’ assertions that lobster stocks were plummeting; they were responding to (and disputing) DFO’s separation of commercial fish and food fish; and they were responding to the commercial fishing industry’s “more is better” approach to fishing.

For instance, Elder Ray Steves, described capitalism as “a disease based on taking advantage of people”, and held up the Marshall Agreements as an example of a management system that was not working for the Mi’kmaq people. With its emphasis on individual wealth accumulation and aggressive exploitation of the fishery, Ray and others insisted that the fishery itself – and thus Mi’kmaq people’s ability to participate in it – was doomed until there was a dramatic change of course. How should the community have approached the fishery, I asked him. He said that, rather than agreeing to follow DFO management rules, all of the Mi’kmaq communities should have gotten together, “as a Nation”, to develop a management plan based on “Native” principles of sharing and moderation. Instead, he said, Salt Harbour commercial fishers “think like white people; they went out and caught as much as they could.” When I asked Ray if he thought the contemporary commercial lobster fishery could ever be managed in a way that reflected what he considered Mi’kmaq cultural or traditional values. He said that it could; that Mi’kmaq people *should* participate in the modern commercial fisheries; that it was important for them to exercise that right. “It isn’t that the type of fishing’s not cultural, it’s the management of it [that’s not cultural],” he said. For Ray, important management practices included the same elements that made someone a good Mi’kmaq fisher, in his estimation: sharing their catch and only taking enough fish to meet their needs.⁶⁶

Former Chief William Thomasson echoed the sentiments of Ray and a handful of (mostly) older Salt Harbour residents. Chief William followed the *Marshall* trial, its aftermath and the Marshall

Agreement process closely. He had great respect for the fishers at the Burnt Church Mi'kmaq reserve in north-eastern New Brunswick, who had initially refused to sign a post-Marshall agreement, and had instead instituted their own lobster management plan – something no other Mi'kmaq bands had done at that point, and something that few bands had done by 2006. The former Chief described the Burnt Church management plan and how it compared to the DFO approach to managing commercial lobster fishing. (When he spoke, Chief William often used the terms conservation and management interchangeably):

“[I told the federal fisheries Minister] your type of conservation is that you buy all the expensive equipment, and then we chase the fish for miles and miles and use that heavy equipment. Now, what I see at Burnt Church is the traditional way of getting fish, and the traditional way of dealing with conservation. Now, what they do, they use wooden boats – little wooden boats – with six or seven traps. Salt Harbour commercial fishers have 250 traps per boat. And they [Burnt Church] allow the fish to come to them. They set their six traps, and they get 200 pounds out of those six traps, and they're getting five dollars a pound. That's \$1,000 that they make now. They're much more satisfied than the Salt Harbour fishers who may have a thousand bucks after they have to pay their gear and their bait [and other expenses]. Now, what is conservation? Getting 200 pounds of fish, or two tons of fish?”

Chief William acknowledged that it would be difficult for the younger Salt Harbour commercial fishers to appreciate the value of moderating their catches like their ancestors did – and like the Burnt Church fishers had attempted;⁶⁷ many of them had never fished prior to being allocated a commercial vessel after the *Marshall* decision, and as Chief William put it, “the people that are teaching them to fish are having a little bit different beliefs about the fish and how to make a living.”

There have been some efforts to institute fisheries programs in the community that reflect the cultural values and practices extolled by Ray, Chief William and others. However, political and financial obstacles have meant that few of these programs have ever come to fruition. Frank Atwin and Bobby Albert, two Salt Harbour band members who worked in fisheries administration, had a plan for a community freezer. Commercial and food fishers would be able to contribute part of their catch to this

freezer program, and community members who needed or wanted fish would have access to it at no cost. Unfortunately, the freezer program only existed on paper in 2006 and 2007. A number of Elders I interviewed brought up the program and expressed frustration that it had not been instituted. One of them said, “When we had our first meeting with Bobby and them, they recommended a freezer program for the community. And I talked to everyone in the community. And the Elders still want to know what happened to that freezer program!” For these community members, advocating a lobster management plan that included what they considered “cultural” or “traditional” elements signaled an effort to organize fisheries management according to an older figured world of Mi’kmaq fishing. Such a world was characterized by sharing and moderation, and provided people with legitimizing identities, social practices and relationships that supported the food and financial security of some of the community’s most vulnerable members.

Meanwhile, other community members – namely the handful of lobster fishers who were experiencing some success in the commercial fisheries – were more likely to support a management approach similar to that of DFO. This knowledge was largely informed by state management practices like measuring lobsters, limiting traps numbers, and fishing only certain weeks of the year. After eight years of fishing, they had developed knowledge about lobster fishing that differed considerably from the fish knowledge of many Mi’kmaq Elders and retired food fishers from their community. Spending a great deal of time on the water, and with the lobsters themselves, gave these fishers local knowledge about the lobsters that likely differed from the fish knowledge of Elders who had not fished lobsters for decades. Most commercial lobster fishers I spoke with did not see a need to cut back dramatically on their fishing efforts; commercial lobster fishing was an expensive activity, and they needed to be able to catch enough lobsters to meet their operating costs. Lobster fisher Ben Cyr predicted that there would be conflicts on the water if Salt Harbour decided to institute a fisheries management plan that diverged from the DFO plan that the other fishers were bound to follow. Perhaps more than non-fishing

community members, these lobster fishers recognized the multistakeholder composition of the fishery, and were convinced that shared management administered by a central body – but informed by local knowledge – was the best management approach to this sensitive fishery.

Sharing a large portion of their profits with the community was not a priority for these fishers, either. Instead, a major theme running through their discourses about management was individual responsibility; they had to be able to trust that other fishers would uphold management rules on the water⁶⁸, and they also promoted individual responsibility for the financial management of the fisheries. Fishers like Tom Phillipe, Hugh Thomasson and Pete Cyr railed against the not-uncommon practice of using band funds to bail out fishers who could not afford to repair their boats, or to buy fuel, bait or ice. “I think they should be on the ball...They rely too much on the band and the buyers to fix their problems for them!” said Tom. Hugh agreed, lamenting that too many fishers “take their boats and their jobs for granted; they expect the Band to pay for everything!” When asked about sharing catch and profits with Elders, versus with a general band fund, a few fishers said that although they are opposed to the band “taxing” their earnings, they would be willing to contribute to a community freezer, if such a program was in place. Others said that they just could not afford to “give away” any of their catch or profits. By refuting the calls from their fellow community members for small, locally-controlled Mi’kmaq lobster fishery, and supporting management more in line with DFO’s current scheme, these commercial fishers were engaging in the dialogic production of a post-*Marshall* Mi’kmaq approach to fisheries management. The role of power in the social production of identities and meanings appears likely to be a tipping point in Mi’kmaq fisheries management down the road; because the commercial fishers’ management discourses are more in line with state policies, it is likely that their approach will gain a stronger foothold in the community.

This capitalist approach to fisheries management is more evidence of the changing relationships between people and natural resources in the years since the *Marshall* decision. The moral logic of fishing, which used to be based on moderation and sharing had shifted toward an approach to fishing that emphasized the resource as a market commodity, and rewarded fishing practices that maximized catch and income for individual fishers. These changes were having clear implications as Salt Harbour members were working to develop a local approach to fisheries management linked to a larger regional, multi-stakeholder management regime. As a social relationship, resource management regimes often involve the exertion of power to enforce or legitimize particular practices and knowledge (while silencing others.) In this case, a multi-stakeholder, state-administrated management scheme favored by commercial lobster fishers has a better chance of succeeding because the values, practices and knowledge that informed it were very similar to the current state-based management plan. A local management plan based on moderation and sharing, on the other hand, had a weaker chance of succeeding because it was informed by a different moral logic; a logic that was not supported by the politics of the current state-based management regime. It would take a major paradigm shift by the state to accommodate and legitimize “traditional” Mi’kmaq fisheries management in a state-sanctioned management plan. Such a shift would also signal a willingness on the part of the state to relinquish at least some of their power to define the values and practices that define the fisheries – something that was unlikely to happen in Atlantic Canada in the foreseeable future.

Corporate versus Band Government Administration of the Resource

Another common theme running through local dialogues about lobster management in Salt Harbour was a debate between the merits and drawbacks of band versus corporate administration of the fisheries. Administration and management are not synonymous; in this case, I use the term administration to describe how and by whom a management plan is instituted. Deciding on

administration is an important – and often heated – part of the process of developing a common property management regime. Administrators inevitably have their own ideas about how management should be carried out and enforced, and just as resource users have to trust each other, they also have to trust the management regime administrator for the plan to work. In Salt Harbour, determining the best way to administrate the fisheries was a politically charged dialogic process. At the heart of these dialogues were questions like: Who should have the authority to make decisions about local fisheries management? Who should represent the fishers and the community in co-management (and other negotiations) with the federal government and other stakeholders? Which entity would best represent the long-term interests of the community? Through the post-*Marshall* Agreement process, the federal government had decreed that the responsibility for managing money received through the agreements, and making decisions about how resources like boats and licenses would be allocated would fall to band councils. At that point, the band councils were free to make the decisions or to designate another person or entity to manage their money and the day-to-day operations of the commercial fisheries. In Salt Harbour, a commercial fisheries administrator had been hired, and each decision she made about the allocation of money and other resources was subject to approval by the Chief and Council. Not infrequently, a disgruntled fisher would appeal Joann's decisions directly to the Chief and Council. In short, the Chief and Council remained deeply involved in the day-to-day administration of the fisheries. Community members were split in their opinions about whether this sort of direct administration of the fisheries was an important part of band governance, or whether the highly partisan nature of the Band Council was bad for the morale of the fishers and detrimental to the fiscal solvency of the community's fisheries.

When I asked Russell Lnu what the Band government could do to help the fisheries become self-sustaining, he did not hesitate before saying, "Get out of it! The politics should stay out of it....I think if they stay out of it, it would work better for the fishermen." This was a relatively common sentiment

among commercial fishers who felt that many of the fisheries-related decisions made by the Band Council were politically motivated. For instance, many of the snow crab fishers were upset in 2006 that the Council reallocated some of the band's annual quota to people in the community who did not even have boats. These people would then sell or lease their quotas to fishers, profiting from the quotas without actually fishing. Chip Whitman explained:

"I don't know why they [the Band] didn't just give us [the fishermen] bigger quotas...Instead, they give quotas to people who don't even fish. They don't go out there, but they must make \$30,000 sitting at home and doing nothing [while they hire someone else to fish their quota for them.] Meanwhile, we're [the fishermen] busting our asses out there, and getting maybe \$20,000 and losing \$10,000 [to boat and gear maintenance.] If that's the case, maybe I should sit at home and do nothing, but, if I ever did that, they [the Band] would probably put me down and tell me I'm not getting a quota. There's so much politics now."

When I asked him how he would change the current band approach to fisheries administration, Chip said:

"I'd like to see more people involved in the [running of the] fisheries than the politicians. Right now, it's more or less politics. It's getting to us [the fishermen] that we can't say anything [voice opinions about how fisheries should be run], and we're the ones that brought this show out [worked hard to develop the community's fisheries], and once that show was out, the Band grabbed it away. And that show was going good. It was evolving until the Band got a hold of it, and they didn't know one thing about the fishery. They didn't even know what a crab looks like. It's like, how do you judge things if you're not in there? ...It's hard on us to see it going down like that."

Corporate management – or more accurately, corporate administration of a (yet-to-be-developed) local management plan for the fisheries – was one alternative discussed by fishers unhappy with the status quo. They cited successful cases like the Membertou reserve in Nova Scotia, where a band-owned corporation was created to administrate the community's post-Marshall commercial fisheries. In this scenario, the corporation is still accountable to the Chief and Council, but they are at an arm's length from the day-to-day politics of the band government. Former fisheries administrator Bobby Albert insisted that a corporate model could also work for Salt Harbour, provided Chief and

Council were willing to relinquish control over fisheries administration. Qualified corporate administrators, he said, would be able to establish relationships with banks, fish buyers and fisheries equipment retailers. For Bobby and other fishers supporting a corporate model, their goal was to excel in the transnational commercial fisheries industry. At the local level, this success would manifest itself in more employment and higher incomes for band members, and additional income into the band's general fund, which could be used to provide social services to band members not profiting directly from the commercial fisheries. In other words, this is a capitalist model in which a semi-private corporation is charged with administering the management of a common resource. Fisheries administrator Joann Prentice also expressed supported for fisheries administration at an arm's length from the Chief and Council:

"It's that the Council does not know their role in governance. They're in governance, not in management. And I look to some successful fisheries operations, like in Gespepegiag⁶⁹, for example, and their Council has set rules and worked on a plan, and they agreed on it. And then they don't interfere...and they're successful. Here, one little thing [that the fishers don't like] and they all run to Council and there has to be a big meeting over it. I call them circuses or kangaroo courts. That's what they turn out to be after a while. That's the biggest challenge to management."

Others in the community were not happy with the idea of corporate management of the fisheries. One man said that such an arrangement went "against the spirit of *Marshall*." For these band members – many of whom were older and were (or had been) involved in band government – separating management of commercial fishing from band government was a threat to the band's ability to build and strengthen Mi'kmaq governance. For too long, they claimed, their band government had been "municipalized" by federal and provincial policies which took away the authority of the band to make and enforce their own laws. In contrast, the *Marshall* decision presented the opportunity for bands to assert their right to an important aspect of governance: resource management. For instance, band councilor Gene Paul said,

"I was having dinner with my two sons when that [Marshall decision] came down. And one of my sons looked up and said 'What does that mean, Dad?' I said, 'Self-government. If it's approached properly, it means self-government...' That [decision] would provide us with all of the resources. It would give us [collateral] to play with in negotiating [with the federal government], like, for some more land. That would mean some more bases to be able to work out of, meaning more access to resources."

Former Salt Harbour Chief Luc George agreed, saying, "The community's got to be in charge of management, first of all, [because] it's a communal [resource.] And the Chief and Council have to be involved because they're the authority." For these men, band control over commercial fisheries management signalled an important step toward self-government. Another former Chief, William Thomasson, who had seen great changes in the relationship between the band and the federal government in his nearly 80 years, stressed the importance of taking advantage of this opportunity to build a strong local government:

"And so the Marshall [decision], why, it did excite me and got me scared a little. But I thought, this is important; we must not let the government off the hook! They think we cannot control our own affairs. ...And so, when the Donald Marshall case [happened], I thought about that. [I thought], we need to tell the people this is an opportunity now to take advantage of the treaty. This is an opportunity for us to have our own government and our own laws."

Aboriginal Canadians have long stressed the important links between managing the natural resources on their traditional territories, and self-government (see Notzke 1995; Rusnak 1997). For instance, the 1999 creation of the Canadian territory of Nunavut was a major step in the state's recognition of the Inuit people's rights to control and manage land and resources in their traditional territory. The governance system the Inuit developed and implemented for Nunavut was premised on Inuit people's unique relationships with the land (see Freeman 1976; Nettheim et al 2002). For the Inuit and other aboriginal peoples across Canada, social life and the exercise of political power have been influenced by cultural understandings of the relationships between humans and the environment, so it is not surprising that some people in Salt Harbour were reluctant to vest control over resource

management in any entity other than their band government:⁷⁰ they viewed the opportunities stemming from the *Marshall* decision as resources they could use to establish self-government.

At the end of 2007, it was unclear how Salt Harbour would choose to administrate its commercial fisheries. The politically charged climate of the band government in recent years had made it very difficult to institute and follow through on many decisions about financial and resource management. Elections were held every two years, and it was not uncommon for incoming leaders to quickly dismantle programs and reverse decisions made by their predecessors. Undoubtedly, elections held in February 2008 would again alter the course of fisheries initiatives in Salt Harbour, and influence the dialogues through which band members produced their local approaches to fisheries management – approaches that reflected their ideas about human-environment relations, as well as community life. Salt Harbour residents were also cognizant that, whatever approach to management they ultimately choose, they would be working with the federal government – in some capacity – to shape the future of lobster management.

Moving Toward Co-management? : Working with the State

Though many aspects of Mi'kmaq-state relations continued to be characterized by enduring wariness and distrust, both parties had taken significant steps toward reconciliation in recent decades. These steps had been spurred on largely by legal and legislative decisions mandating increased roles for aboriginal peoples in the management of their lands, resources, and livelihoods (Sen and Nielsen 1996; Berkes et al. 1991; Usher 1986). In the face of lingering cynicism about state policies and their agents, Salt Harbour had established working relationships with a number of state agencies including Parks Canada, DFO and INAC. Some of their working relationships were stronger than others; for instance, there was a particularly friendly and respectful relationship between the Salt Harbour Salmon Restoration Project crew and the Acadian park ecologist at a nearby National Park. However, many of

the commercial fishers were still reluctant to participate in DFO programs designed to promote local management. Arriving at a level of comfort and trust would be essential to the success of a shared management regime for the lobster fishery.

Nadasdy (2003) and others, including Mi'kmaq anthropologist Melvin Lacave, have warned about the dangers of state power and state-sanctioned knowledge taking over co-management processes in acts of passive-aggressive silencing of local knowledge. Melvin sighed when I asked him about possibilities for Salt Harbour to join with DFO in a co-management regime. He said that he was tired of listening to state (not just DFO) discourses about the need to value traditional and local aboriginal knowledge, and to draw on both this knowledge and scientific knowledge in management plans. This enlightened rhetoric was continually betrayed by state management plans that attempt to “shove” traditional and local knowledge into scientific paradigms. The results were awkward and disrespectful, he said. Melvin wondered if the power imbalance between the state and Mi'kmaq First Nations bands precluded a truly symmetrical co-management arrangement.

Indeed this was also a concern for Salt Harbour fishers, who wanted to participate in lobster management discussions with the state as more than “token Indians”, as Matthew Albert put it. Just as the initial interpretation of the *Marshall* ruling was fuzzy, so too, was the state's approach to including aboriginal people – in meaningful ways – in co-management of the fisheries. From 1999 to 2007, DFO had developed a number of funded programs aimed at integrating aboriginal peoples into the existing commercial fisheries. At the same time, DFO had also funded programs, like the Community Aquatic Monitoring Program (CAMP), designed to elicit local people's knowledge about fish and their ecosystems. However, it was unclear to everyone I spoke with how exactly local knowledge would be used to inform fisheries management. This uncertainty had made Salt Harbour fishers reluctant to sign

on to many of the DFO initiatives. A DFO employee I interviewed acknowledged that the programs were a “tough sell” to the First Nations communities:

“We have a program, the Fisheries Operations Management Initiative (FOMI) that’s basically to assist First Nations in developing a management structure, but nobody – we’ve offered it to the communities – but nobody’s really taken us up on that offer. In fact, there’s only one community that has... We offered that to the [other] communities, but [there were] no takers.”

Joann acknowledged the efforts that DFO was making to involve First Nations fisheries and communities in management processes, but said that fishers continued to be wary of participating in these processes – either because they did not trust DFO, or because they felt intimidated meeting with DFO personnel at their offices in Moncton, a predominantly francophone city. She explained:

“In my view, I think that DFO has been sensitized; they’re much more sensitive to the issues. I noticed that this season, DFO officers, they’re doing everything in their power to assist the bands to be able to control their own fisheries.... There’s a lot more communication now. They’re encouraging First Nations to get onto their advisory committees—there’s so many of them. Some of them are [conducted] in French, and a lot of our fishers don’t want to go because of that. So then, [I’m] trying to choose some of the guys who are more mouthpieces [to sit on the DFO committees.] [I tell them] “Go listen and say something!” So, there’s a lot more communication from DFO to the fishers. There’s a lot more—I think—consultation. Now, whether or not it’s meaningful consultation or not, I’m not quite sure yet. That’s just my experience. But don’t forget that it’s still a government, so it has its bureaucracy, and it’s still got its red tape.”

The lack of a clearly articulated vision or process (from both Salt Harbour and DFO), as well as shaky trust relationships between Salt Harbour and DFO continued to be primary obstacles to initiating shared management of the lobster fishery. Still, most people I spoke with in Salt Harbour insisted that co-management was the only way to ensure the continuity of the lobster fishery. They particularly stressed the meaningful incorporation of local knowledge into a fisheries management plan. Mi’kmaq policy analyst Jamie Peel explained:

“[The lobster fishery is] definitely something that has to be co-managed. It’s not something that can be run [exclusively] by DFO, or [exclusively] by the First Nations. It’s a shared resource, and I

guess the struggle is trying to find a balanced way to manage this resource, and to be cognizant of each others' beliefs and practices, and to be respectful. I think if that whole mindset can be achieved and [if we can see] some positive implementation... And it all boils down to allowing First Nations to be part of the process. For years we haven't been."

Through my conversations with DFO personnel and Salt Harbour band members, and participant observation I conducted at numerous post-Marshall fisheries policy meetings between the two groups, it was clear to me that they shared an interest in working together to develop a management plan for the lobster fishery. In policy terms, what was missing was a model or a structure for such a co-management relationship. Lingering questions included: How would management decisions be made? Would co-managers share power equally, or would one partner retain ultimate control over the management regime? How would disputes between co-managers be handled? Would the partners have a shared vision for the future of the fishery, or could they reach agreements about management despite different values each attached to the resource and fishing practices? To put it another way, from a social practice theory perspective, DFO and Salt Harbour had not yet constructed a shared "figured world" of lobster co-management (Holland et al 1998). Each group obviously had ideas about the shape that lobster management should take, and these ideas were based on the historical and contemporary meanings they associated with the fishery, as well as on their different understandings of human-environment relationships. These visions were also doubtless influenced by the positions of power each held in relation to the other and the resource. It was likely that, at least in the short term, Mi'kmaq and the state would continue to engage in heated dialogues about how the fishery should be managed, all the while socially producing and reproducing themselves as fishers, fisheries managers, partners and adversaries. Perhaps the end result would be a mutually agreeable figured world of lobster management.

Conclusion

Paying attention to the multiple, overlapping and mutually constitutive social fields within (and across) which band members were constructing approaches to fisheries management can help us to gain a more complete understanding of how the community was responding to and engaging with the changes in and challenges to cultural resources mediating human-environment relations since the *Marshall* decision. I have shown in this chapter how local discourses about lobster management often coincided with a number of other ongoing social processes. For instance, community members' discourses about fisheries management intersected and engaged with dialogues about the opportunities the *Marshall* decision opened for Mi'kmaq self-government. Likewise, as we saw in chapters 3 and 4, many people in the community were engaging in contentious dialogues with each other, with the state and with the commercial fishing industry to make claims about the types of economic activities and identity practices that should be associated with post-*Marshall* fishing and what they described as Mi'kmaq culture. This was certainly the case at Burnt Church when band members in that community insisted that the *Marshall* decision affirmed their right to manage a culturally-informed lobster fishery without DFO involvement. More broadly, these processes highlight how, in the words of Holland and Lave (2001:18-19), "[t]he person is necessarily 'spread' over the social environment, becoming in substance a collection point of socially situated and culturally interpreted experience."

7

CONCLUSION

Legacy of a Reluctant Activist

Donald Marshall Jr. passed away in August 2009 after a long illness, just a month shy of the tenth anniversary of the Supreme Court ruling that bears his name. Tributes by his friends and family, by Native leaders and Canadian elected officials reflected on the enduring impacts of Marshall's life on the economic, social and legal landscapes of Atlantic Canada, particularly for Mi'kmaq people. "His legacy will live on and on and he will be one of the greatest icons in our history," said Elder Albert Marshall (King 2009). In his 55 years, Donald Marshall's name had become synonymous with Mi'kmaq people's campaigns for justice and recognition of treaty rights. As a teenager, Marshall was convicted of a murder he did not commit and spent 11 years in prison. He was exonerated in 1983 and a subsequent public inquiry into his wrongful conviction revealed the extent of systemic racism against Native peoples and African-Canadians in the Nova Scotia justice system. After his acquittal, Marshall returned home to Cape Breton, Nova Scotia, and set out to live a quiet life close to friends and family, fishing for his livelihood. A decade later, in 1993, he found himself in the public eye again, arrested for illegally fishing and selling eels in a case that would come to be known as the *Marshall* decision. Though many insisted that Marshall intentionally sought arrest in order to initiate a legal "test case" of

Mi'kmaq treaty rights in the courts, the fishers shrugged off such assertions, insisting that they were only doing what they needed to do to support themselves and their families.

By all accounts, Marshall, who was known by the nickname Junior, was a shy, soft-spoken man who did not seek the limelight – quite the contrary – but neither would he back down when the rights of the Mi'kmaq people were at stake. As an activist, Marshall was often described as “reluctant” and “unassuming” (MacLean 2009; Sackville Tribune Post 2009), and also as someone who steadfastly stood up for what he knew to be right. So it was with his insistence on the continuing validity of Mi'kmaq treaty rights and his willingness to pursue his case to the Supreme Court of Canada. When the court acquitted Marshall of all illegal fishing charges in 1999, affirming the validity of the 1760-1761 Peace and Friendship treaties, he was vindicated and his supporters were thrilled. Following the verdict, Marshall reflected, “This time I went to the Supreme Court for fishing. I wasn't there for myself. I was there for my people. It was more touching than anything else...I knew that I had dealt with bigger problems” (Martin 2009). Marshall seemed relieved to be able to withdraw from the spotlight once again. In a statement after the ruling, he said, “I am a Micmac⁷¹ man, a proud Micmac man and I have dealt with the Supreme Court twice already. I just hope to God I don't have to do it again. I'm just glad it's over” (Toughill and Lawton 1999). Upon her brother's death, Marshall's sister, Roseanne Sylvester, said “I think he was proud because he knew he did it for his people. He didn't do a lot of fishing after that, but he knew all the reserves would benefit from it and he was happy for that” (Auld and Toth 2009).

Indeed First Nations people throughout the Atlantic provinces overwhelmingly received the *Marshall* decision as an opportunity to re-engage with historically, culturally and economically important fishing activities. For instance, Chief Terry Paul of the Membertou

band, Marshall's home community, saw the decision as an opportunity for Mi'kmaq people to emerge from the persistent poverty that affected so many Mi'kmaq communities. "We no longer want Micmac people to go hungry," he said on the day of the ruling. "As of today, there is no more hunger and no more dependence" (Toughill and Lawton 1999). With joyful determination and relief, Mi'kmaq fishers took to the waters to fulfill what they saw as the promise of the *Marshall* decision, but no one was prepared for the violent confrontations with non-Native fishers, political wrangling with the state over the meaning of the treaty right, and friction within Mi'kmaq communities that were to follow.

The story told in this dissertation begins shortly after the *Marshall* decision and explores how one Mi'kmaq community was interpreting, shaping and responding to the aftermath of the ruling. Much of this work was done discursively, as community members engaged with multiple local and supralocal partners, memories and visions for the future to construct and legitimize the meanings and practices they used to construct figured worlds of Mi'kmaq fishing and community life. Of all the cultural resources local people drew on to create and make sense of the post-*Marshall* era, Marshall himself figured prominently. Over the course of his life, Junior Marshall and his struggles, perseverance and triumphs became important resources that Mi'kmaq peoples throughout Atlantic Canada used to give meaning to their own experiences of dispossession, injustice and commitment to practicing their treaty rights. For instance, Salt Harbour lobster fisher and band councillor Sean Dennis evoked Marshall as he excitedly related the facts and local aftermath of the legal ruling:

"Now, Donald Marshall Jr. – good friend of mine, by the way – now he got caught for selling eels to make his livelihood and survive...Now he got charged and went to court...But once the court decision went through with Marshall and it was in our favor, it was like, 'Alright! We got our rights back!'"

Salt Harbour community members viewed Marshall's victory in court as *their* victory as well, and credited the quiet man from Nova Scotia with for their ability to participate in commercial fishing. "I think that Donald Marshall opened a real big door for Salt Harbour," said fisher Ben Cyr. Likewise, former Chief William Thomasson declared, "Donald Marshall gave me the right to fish year-round, a commercial fishery." Sean, Ben, Chief William and other community members recognized the complexities and obstacles of post-*Marshall* fishing, but despite these challenges, they steadfastly gave credit to Marshall for their ability to be in a position to engage – however contentiously – with the state and with their fellow band members to improve the quality of life in their community. As far as they were concerned, Marshall's courage resolve opened what Holland et al. (1998) call a new "space of authoring" and presented some novel cultural resources for Mi'kmaq people to use to construct new figured worlds of fishing, though the shape and durability of those figured worlds were still being negotiated eight years after the decision.

The Irony of the *Marshall* Decision?

The wide-ranging impacts of the *Marshall* decision in Native communities have provoked a number of social scientists to write about the changes in post-*Marshall* fishing and other arenas of community life and band-state relations in recent years. One such investigation of the impacts of the *Marshall* decision on local cultural and economic life was undertaken by Ross (2001), in the year following the ruling. Ross examined what he calls the "irony of the *Marshall* decision" – namely that the *Marshall* decision appeared to be precipitating the collapse of important elements of Mi'kmaq cultural and economic life. Given this dissertation's focus on processes of cultural construction, it is useful to briefly turn my attention toward Ross's

assertion about cultural breakdown, considering how a focus on local cultural and economic practices after *Marshall* may actually reveal the quiet but persistent agency of Mi'kmaq people in shaping their own unique niche in the region's commercial fisheries.

Ross (2001) asserts that the *Marshall* decision led to the dissolution of the very Mi'kmaq local economies that the 1760-1761 Peace and Friendship treaties were established to protect. He argues that one of the central goals of the treaties was to recognize the right to existence of two very different economic systems: the British capitalist economy and Native economies based on principles and practices of distributive economics. As Britain's political and material hold over the colony grew stronger, her alliance with the region's Native peoples became less important to the Crown, and the treaties were blatantly disregarded as the colonial government dispossessed Native people of virtually all of their hunting and fishing grounds to bolster the growing economy of the British Empire and to make room for new settlers. Without access to these resources, practicing the traditional Mi'kmaq economy, which was based largely on sharing and communal ownership of lands and resources, became nearly impossible. "Generosity", Ross asserts (2001:38), was a "major organizing principle of aboriginal life", and Mi'kmaq people continued to share what little they had left with each other – reproducing, however precariously, a local economy that ordered social and political relationships with the community.

When the *Marshall* decision came down, it was interpreted by some as a long-awaited opportunity for Mi'kmaq people to reconnect with pre-capitalist distributive economic practices. That did not happen, and Ross asserts that in fact "the treaties [were] currently being pursued in order to enter into the capitalist mode of production. However, the treaties were not pursued [originally] to do this as the modern capitalist mode of production destroyed the very roots of Aboriginal culture" (2001:72). He further adds: "There is now the ironic possibility

that the *Marshall* case may not be liberating, but rather a further step towards the complete assimilation and dissolution of Aboriginal communal life” (2001:179). Mi’kmaq people who do try to engage in non-capitalist economy after *Marshall* were swimming upstream in their efforts to transgress “state oppression” and the “alien mode of production” being taken up by their fellow community members, according to Ross (2001:207). In short, Ross paints a dismal picture of culturally impoverished Mi’kmaq communities either duped into adopting capitalist economic practices or driven to do so out of desperation and poverty.

I suggest that while, on the surface, many Mi’kmaq communities were experiencing an upheaval in fishing economies and cultural identity formation, the situation was more complicated than Ross lets on. While there is not room here to engage in a thorough critique of Ross’s assertions, I will highlight the primary limitations of his claims and suggest that the analysis presented in this dissertation demonstrates the complexity of post-Marshall experiences. First, an analysis of the post-Marshall period as something that happened to Mi’kmaq people demonstrates a lack of attention to Mi’kmaq agency in shaping their post-*Marshall* experience; Mi’kmaq people were actively participating in shaping their post-Marshall experience in uniquely local ways. Second, Ross’s analysis consists of an overview of the impacts of the Marshall decision, and does not offer insights into ongoing local processes of cultural construction through which post-*Marshall* Mi’kmaq economies were being actively debated and re-shaped; attention to these on-the-ground processes highlights the diversity of intracommunity visions and identities, suggesting that the new economy of Mi’kmaq fishing was still being worked out. Third, a glossing over of Mi’kmaq people’s centuries of participation in capitalist economies at home and further afield detracts from claims of the Marshall decision dislodging a contact-era fishing economy. As I have argued in this dissertation, Mi’kmaq people’s responses to the *Marshall* decision reflected their ongoing relationships with the state,

with each other and with the environment – relationships that have undergone continuous change over time. Further, the ways that community members chose to engage in (or dispute) capitalist fishing practices reflected culturally-informed, locally-specific ideas about the types of economic practices that would help to build a healthy, stable community. In sum, the ways that Mi'kmaq people were confronting the changes brought about by the Marshall decision were not strictly ones of acceptance, but also reflected *deliberate local agency*.

Toward the end of his analysis, Ross alludes to efforts being made by some Mi'kmaq communities to integrate 'traditional' values and practices into commercial fisheries management, though he seems to view these attempts as last-ditch efforts, doomed to fail in the face of the powerful capitalist economy dominating the commercial fishing industry. He writes: "Sincere efforts are being made to be respectful of traditional values. However, like the other fishers on the Acadian Peninsula, [Mi'kmaq fishers] are subject to the same market pressures that make it very difficult to retain traditional harvesting practices" (2001:200). As described in Chapter 6, Salt Harbour community members were engaging in similar efforts to develop local fisheries management plans that incorporated what local people considered to be 'traditional' values and practices, such as sharing fish through a community freezer program, and distributing profits to all community members through per capita payments. I differ from Ross in my analysis of these efforts, viewing them not as evidence of crumbling Mi'kmaq culture and traditional economy, but some of the ways in which Mi'kmaq people were working as agents to shape local history, legacy, memory and subjectivities produced in the aftermath of the *Marshall* decision. While the importance of 'traditional' cultural practices and meanings in the emerging commercial fisheries did appear to be taking second place to market-based values and practices during my time in Salt Harbour, active discourses by community members arguing for the distribution of wealth and fish signalled that this debate had yet to be settled.

Beyond Fishing

During my time in Salt Harbour, the *Marshall* decision, and the man for which it was named, continued to fuel conversations about community members' relationships with each other, with the state, with the past and with natural resources. Given the historic centrality of fish and fishing to social, economic and political life in the community (and as a long-standing point of contention between Mi'kmaq people and the state) the topics of these conversations often extended beyond fishing, into the cultural production of other areas of everyday life. This dissertation has considered how community members raised and addressed questions about how new participation in commercial fishing should (and should not) shape and be shaped by local historic economies, 'traditional' Mi'kmaq identities, and the band's approach to resource management. Their discussions provide a window to the processes through which cultural practices, knowledge paradigms, identity and meaning-making were shifting.

Marshall gave Mi'kmaq people new opportunities to form and engage in economic activities and relationships that, with rare exceptions, had not been possible before the ruling. Of course, Mi'kmaq people have a long history of participation in the wage economy and some have achieved great success within this system. For the vast majority, however, a colonial legacy of dispossession, poverty and associated obstacles had left them with few durable or powerful resources for meaningful engagement in the larger regional, national and transnational market economies. In Atlantic Canada, the economy was driven primarily by the extraction and sale of natural resources, including fisheries, forest products, water and animal products (Lunn 2008). As the major economic drivers, the state had long played a central role in ensuring the continuation and growth of these sectors. As we saw in Chapters 3 and 4, the practices that supported such economies were often at odds with the take-only-what-you-need

and distributive economic practices that had long prevailed in Salt Harbour. These local practices were driven by traditional understandings of proper human-environment relationships, as well as by local scarcity of food and money directly related to Mi'kmaq people's long history of dispossession of lands and natural resources in their traditional territory. The *Marshall* decision was a notable first step in reconnecting Mi'kmaq people with these important resources. In the process, though, they entered into new relationships with the state and experiencing first-hand the power and politics inherent in industrial commercial fishing; Mi'kmaq commercial fishers quickly discovered that, in order to be successful in that sector, their practices had to conform to those supported by the industry and the state. After several seasons of this type of fishing, many Salt Harbour commercial fishers had begun to adopt these fishing practices (and the associated knowledge and meanings) as their own, constructing new identities as Mi'kmaq fishers.

While this new Mi'kmaq fisher identity gained popularity and buy-in from many of the community's young commercial fishers, it did not resonate with many of Salt Harbour's Elders and poorer community members, who had not directly benefitted from the initial promise of the *Marshall* decision. The asymmetrical administration of commercial fishing rights within Mi'kmaq communities throughout the region spurred intra-community disagreements about how access to fishing boats, gear and licenses should be allocated and – perhaps most importantly – how (or if) catch and profits should be distributed within the wider community. Inherent in these heated discussions were claims, enmeshed in local and supralocal history and experience as well as in visions about the future of community life, about how fishing practices should support and reflect particular social and economic relationships. These discourses can be understood as cultural resources; their use as cultural *processes* through which community members were working to construct new figured worlds of Mi'kmaq fishing that reflected their

understandings of meaningful human and human-environment relationships. By attending to the historic and local specificity of the discourses Salt Harbour residents employed to position themselves in the post-*Marshall* landscapes of fishing and community life, and considering how these discourses articulated with those of state-supported corporate commercial fisheries, my intention has been to move past a surface-level analysis of these community disagreements as simply a struggle between the “individual” and the “collective”. Rather, the discursive processes through which community members were negotiating their positions in relation to post-*Marshall* fishing reflected multiple intersecting experiences of power, dispossession, agency, tradition, politics and economy. Only by examining day-to-day, on-the-ground, messy, contentious and earnest processes of cultural production can we gain an understanding of how and why particular local actors were attempting to reshape local identities and local economies following the *Marshall* decision.

The Traditionalism movement in Salt Harbour provided another window into contemporary cultural construction and identity-making in Salt Harbour. Although not explicitly a product of the *Marshall* decision, Traditionalism experienced a resurgence in the community following the ruling, and emerged during my time there as an even more popular resource for figuring what local people referred to as “Mi’kmaq cultural identities”. Through ceremonies and teachings primarily derived from western First Nations and Native American tribes, Traditionalism helped Salt Harbour residents construct cultural identities that placed primacy on holistic, spiritual human-environment relationships *but* did not require local-historical knowledge about fishing, hunting or other such practices (though some Salt Harbour traditionalists did engage in those ways with the local environment.) For Salt Harbour’s young commercial fishers, these aspects of Traditionalism proved to be a “good fit”; their market-oriented fishing practices and associated knowledge and meanings did not allow them to think

about their work as a 'cultural' or 'traditional'. "There's no culture in this business," as Matthew Albert said. This separation of Mi'kmaq cultural identities from fishing was a stark contrast to the links older community members, like Sally Atwin, made between fishing and "being Mi'kmaq", and the set of associated practices, like food sharing. In this particular place and time, especially for younger community members, Traditionalism was an important resource that they could draw on to construct a figured world of Mi'kmaq culture – a world that did not necessarily coincide with the new approach to fishing that they were simultaneously working to construct. The far-reaching impacts of the *Marshall* decision on economic and cultural life in Salt Harbour are suggestive of the continuing close relationships between community members and fishing, as well as the local people's commitments to ensuring a high quality of life in their community– despite their different ideas about how those objectives should be accomplished. For some, these efforts were focused on ensuring the continuation of food fishing and distributive economic practices. For others, embracing and succeeding in the commercial fishing industry was viewed as the key to raising quality of life in the community.

Agents of Change

Much has also been written about the impacts of life- and land-changing development activities on Native communities throughout the world. For instance, Brody (1988) and Sawyer (2004) both examine how aboriginal peoples have confronted the rapid expansion of oil and gas projects in their traditional territories, in northeastern British Columbia in Brody's case, and in Ecuador in Sawyer's. Scott's (2004) edited volume contains a number of fascinating case studies examining how indigenous peoples in northern Quebec and Labrador have responded to forestry, hydroelectric and sport-hunting activities that outsiders were proposing to conduct on their lands. Dombrowski (2001) considers how development of forestry and commercial fishing

following the Alaska Native Claims Settlement Act of 1971 led to disruptions and disagreements in local understandings and practices of “contemporary native culture.” In all of these cases, the authors attend to the power-laden and politically saturated atmospheres within which the indigenous peoples, the state and development corporations were working to create (and contest) new meanings, practices and uses of land and resources. These cases also highlight the growing trend aboriginal peoples throughout the world reconnecting with and becoming involved in the management of lands and resource on their traditional territories.

Though indigenous peoples almost always lack power relative to the states and corporations seeking to appropriate their lands and resources for financial and political gains, the authors mentioned above insist that, within these asymmetrical power relationships, local people are often able to exert agency to position themselves within or against change (or, not uncommonly, within *and* against). Such agency is constrained by outside forces, but is mustered nonetheless, sometimes in surprising ways. By attending to both the local and wider historical circumstances under which relatively powerless people exert agency in the face of large-scale cultural and economic upheavals, we can come to a better understanding of the locally-specific and politically astute ways that indigenous peoples are working to construct and realize their visions for the future (Feit 2004). This was my experience in Salt Harbour, where local people worked within overlapping fields of historical and cultural experience, enduring state control and the market economy of the commercial fishing industry, and still managed to use used the new resources available to them to construct their own (sometimes opposing) approaches to contemporary Mi’kmaq fishing.

Considering Mi’kmaq people’s long history of engagement with different economic and political systems, changing access to lands, resources and work, and the enduring importance of family and community, their head-on approaches to addressing the opportunities and

challenges presented by the *Marshall* decision should not be unexpected. Mi'kmaq people have been engaged in the work of cultural construction and social reproduction in the face of change for centuries, and as a result, lifeways in Mi'kmaq communities were simultaneously enduring, flexible, resilient and creative. During periods of particular hardship, such as the first half of the twentieth century when life on Mi'kmaq reserves was characterized by extreme poverty and the appropriation and privatization of remaining Mi'kmaq fishing and hunting territories, the callous administration of local rule by a federal Indian Agent, and the seizure of Mi'kmaq children by the state to attend residential schools, local agency was difficult to marshal. At certain points, however, changes in local, regional or even national and international circumstances rejuvenated the community and presented new opportunities for Mi'kmaq people to engage in the construction of their communities and futures. The *Marshall* decision provided just such an opportunity, and in the years following the ruling, community members engaged with old and new cultural resources to construct new figured worlds of Mi'kmaq fishing and community supported by refigured Mi'kmaq identities, and that struck an acceptable balance between the capitalist commercial fisheries and distributive economic practices, and identity. In 2007, this process was far from complete and was not infrequently met with roadblocks, frustrations and differences of opinion among community members. Despite the often arduous and unbalanced process, the people of Salt Harbour continued to work to create identities, local economies – and, more generally, a community – that reflected their unique understandings and visions of what an Elder described as “a very good life.”

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¹Palsson, Gisli. 1994. "Enskilment At Sea." *Man* 29(4): 901-27.

²Personal names, organization names and place names have been changed throughout this dissertation to protect the confidentiality of research participants.

³Mi'kmaq is the generally accepted spelling. Other spellings include Migmag, Mi'kmaw and Micmac.

⁴The concept of *culture* plays an important role in refiguring practices that inform changing human-environment relations. In this dissertation, I take 'culture' to describe the product and process of ongoing, place-based (but globally- and historically situated), negotiated, social processes through which groups and individuals produce shared meanings and identities. In short, culture is an *ongoing dialogic process* of meaning-making about the world and the people in it. For the Mi'kmaq people of Salt Harbour, understandings of 'culture' focused not so much on dynamic production under changing conditions, but more on what were considered locally to be a fairly stable and coherent set of longstanding meanings and practices. In their view, culture was comprised of a shared and widely-known body of knowledge, stories, historical experiences, and spiritual meanings are used to describe Mi'kmaq lifeways and identities. For instance, Elders frequently invoked 'Mi'kmaq culture' to make claims and position themselves vis-a-vis the capitalist leanings of younger community members, the federal government, the fishing industry, and others. Not everyone in Salt Harbour agreed about the "ingredients" of Mi'kmaq culture, and intra-community debates about what it means to "be a Mi'kmaq person" or to practice "Mi'kmaq culture" frequently occurred in the context of the shifting landscape of Mi'kmaq fishing since the *Marshall* decision.

⁵Lest I fall into the trap of essentializing Ernie's approach to fishing and Mi'kmaq culture, at the end of our interview, I was reminded that cultural claims and orientations do not exist in a vacuum apart from the economic pressures of daily life in Salt Harbour (more specifically, that culture does not pay the bills) when he suggested that I should ask any Band Councilors that I interview if the Band would be willing to pay him \$1,000 per week to teach young people "traditional fishing."

⁶A number of scholars have claimed that, even at the time of treaty-making, Mi'kmaq and British signatories had very different interpretations about the content and spirit of the treaties (Wicken 2002; Paul 2007)

⁷The charges against the other two people were dropped, leaving Marshall as the sole defendant (Wicken 2002).

⁸Throughout this dissertation, unless otherwise specified, I use the term "local" to refer to the community of Salt Harbour.

⁹Salt Harbour has a long history of social and political activism in the arena of aboriginal rights. An interesting future research project could explore how local activism in Salt Harbour has shaped the development of state policies and relationships with First Nations peoples.

¹⁰ The Passamaquoddy people were included in the *Marshall* ruling because their ancestors were signatories of the treaties, however, the Canadian federal government did not recognize the Passamaquoddy as beneficiaries of the *Marshall* decision and declined to negotiate access to the post-*Marshall* commercial fisheries with them. For more on the Passamaquoddy and the *Marshall* decision, see William Wicken (2006) "Passamaquoddy Identity and the *Marshall* Decision", in Stephen J. Hornsby and John G. Reid, eds., *New England and the Maritime Provinces: Connections and Comparisons* (Montreal and Kingston), pp. 50-9.

¹¹Natural resource sectors is a common term used in Canada to describe an organized, regulated set of practices based on the commercial extraction of natural resources (e.g., mining, fishing, and oil and gas exploration.) I use the term here because of its prevalence in aboriginal and non-aboriginal communities and institutions. At the same time, it is important to acknowledge the starkly modernist paradigm within which it exists. Rather than viewing the meanings attached to natural resources as social constructed, the concept of the natural resource sector attaches monetary values to the resources, de-linking entities such as air, water, land, animals and minerals (discursively, at least) from co-constitutive human-environment meaning-making processes. Later on in the dissertation, I will return to the concept of the “natural resources sector” and consider how the relationships my research participants and I formed with this “sector” were dialogically constructed locally, and how our own discourses about fish and fishing reproduced the dichotomy between food fishing and commercial fishing.

¹²Pre-contact Mi’kmaq bands were comprised of an estimated 300 people. Marriage was exogamous, and descent was traced bilaterally. Bilocality (living with either the mother’s or father’s band) was common, and gave Mi’kmaq flexibility to live with other relative’s small kin groups when resources were scarce (Prins 1996).

¹³The Mi’kmaq are members of the Wabanaki Confederacy along with the Maliseet, Abenaki, Passamaquoddy and Penobscot peoples. At the time of contact, trade networks existed between members of the Confederacy, and wars occasionally broke out (Prins 1996).

¹⁴Roberts, et al. (2004) make similar claims about the role of Maori creation legends in explaining relations between humans, animals and inanimate objects, and regulating behavior to ensure the health continuation of life.

¹⁵Before long, Mi’kmaq recognized the folly in this strategy, and began to conscientiously manage their hunting practices to ensure that animals had time to recover in numbers (Prins 1996). Ironically, however, by this time, Mi’kmaq had lost control over much of their pre-contact hunting and fishing territories.

¹⁶At no point during the treaty making period or afterward, did the Mi’kmaq ever sell or cede any of their territories or rights.

¹⁷Mi’kmakis is one name for Mi’kmaq territory. An alternate spelling is Mi’kmaqk’i.

¹⁸For instance, *Plan Dignidad* in Peru.

¹⁹Snow crabbers who regularly fish for snow crab in Zone 12 are called “traditional crabbers”, while those who mainly fishing other species – like cod or lobster – and who sometimes fish (or want to fish) snow crab are referred to as “non-traditional” fishers.

²⁰In 2006, 28 people were arrested for their participation in the crab riot.

²¹Enrolled band members are those who fit the band’s criteria for membership – namely that they are directly descended from parents or grandparents listed on federal membership rolls in 1951 – and whose names are officially on file with the band’s Membership Office. Not all enrolled members live on the reserve, although in the case of Salt Harbour, a great majority do. Several hundred band members live in the neighboring towns of Baie Claire and Wardville.

²²According to a May 2007 population census conducted by the Salt Harbour Band Office.

²³Mandatory attendance of public or religious schools for Mi'kmaq children disrupted seasonal migration for many families. A few people in their 50s and 60s recalled going to live on the dunes with their families from Memorial Day in May until Labour Day in September, then having to return to school.

²⁴While local interest and participation in Traditionalism was on the rise, attendance at the community's Catholic Church remained strong, and many parents continued to enrol their children Catholic youth education programs taught by the reserve's resident priest and two resident nuns, all of whom were beloved by community members.

²⁵This assertion is based on the longevity of employees in these positions.

²⁶In 2007, most federally-recognized Indian bands throughout Canada continued to be governed by the provisions of the Indian Act. In recent decades, however, the federal government has worked with individual bands to develop custom election rules that deviate from the structure set forth in the Indian Act. As of 2007.

²⁷After the April 2008 community meeting, I committed to revise the plain-language report based on feedback, and forward paper and audio copies of the revised report back to the community.

²⁸Salmon, striped bass and lobster food fisheries had been restricted at various times over the past 40 years because of conservation concerns and restrictions, and temporary restrictions were periodically placed on gathering and selling shellfish because of toxic bacteria levels, which could reach unacceptable levels during the hottest weeks of the summer.

²⁹A handful of people from Salt Harbour continued to spear eels in the summer as part of a legal fishery. Some other community members defied federal regulations and fish for salmon in the Plamu River in the late summer and fall.

³⁰It should be pointed out that, as social constructions, all economies can be said to be mediated by culturally-specific defined "moral" practices and outlooks, capitalism included.

³¹Although the Supreme Court ruled in this 1966 case (and in others from across Canada) that treaties made between First Nations and the British Crown before Canadian Confederation were no longer valid, Section 35(1) of the Canadian *Constitution Act, 1982* reversed this legal stance. Section 35(1) states: "The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed" (Canadian Constitution Act, 1982).

³²The great majority of Salt Harbour fishers, Band officials and fisheries administrators that I interviewed acknowledged that managing fisheries would take a coordinated local and regional effort.

³³The "Badger test" refers to the 1996 Supreme Court of Canada case *R. v. Badger* where the court laid out a series of terms that must be satisfied before treaty rights may be infringed upon by the state, as in the imposition of conservation rules that restrict aboriginal fishing (*R. v. Badger*, [1996] 1 S.C.R. 771).

³⁴I use the term non-commercial fishers to describe those band members who were not allocated a commercial vessel and/or a license or quota by the Band following the *Marshall* decision. While most did not, some of these people continued to participate in limited river-based food fisheries, so referring to them simply as "non-fishers" would not be accurate.

³⁵The state's strategy to sign individual commercial fisheries agreements (known locally as "Marshall agreements" or, more to the point, as "Marshall money"), was viewed by many people I spoke with as a

“divide and conquer” tactic. Rather than giving Mi’kmaq bands the chance to organize and approach the state as a united nation to negotiate a single fisheries management plan, the federal government offered each band an individual deal. Nearly all of the bands accepted this offer.

³⁶ Several bands opted to use the money they received through their post-*Marshall* agreement for social, economic and infrastructural projects on their reserves, rather than for getting into large-scale commercial fishing.

³⁷ Salt Harbour’s inshore vessels averaged about 35 feet in length. Inshore fishing takes place within several kilometers of the shore.

³⁸ Snow crab is not recognized as legitimate Mi’kmaq “food fish” by DFO.

³⁹ Many people linked food fishing restrictions to the signing of the post-*Marshall* agreement. Although food fishing and commercial fishing are administered by two distinct federal programs (Marshall agreements for commercial; and the Aboriginal Fishing Strategy – AFS – for food, social and ceremonial fishing), there is a local perception that the two are linked.

⁴⁰ Discourses about conservation regularly cropped up in my conversations with Salt Harbour residents and federal scientists and administrators. Local approaches to conservation are discussed in greater detail in Chapter 6.

⁴¹ In 2007, lobster buyers at the wharf where Salt Harbour fishers moored their boats were paying between \$4.25 and \$4.50 (CAD) per pound. The fish market less than a mile from the wharf was charging \$9.00 (CAD) per pound, and 45 miles away, at a national chain supermarket in the province’s major center, lobster was being sold for \$17.99 (CAD) per pound.

⁴² A handful of the Band’s 70-plus commercial vessels chose to dock at the St-Timothée wharf, about 10 miles north of Baie Claire, during the commercial lobster season. When I asked these fishers why they would rather fish from St-Timothée, several said that it was closer to their preferred fishing sites, and they liked the fact that the wharf was less crowded. According to the Baie Claire Harbourmaster, in 2007, there were 90 vessels registered at the Baie Claire wharf, and only about 20 at the St-Timothée wharf.

⁴³ Some might argue that the tuna fishery was the most lucrative fishery in the region. In 2007, a single tuna could fetch upwards of \$20,000. However, only a few Salt Harbour fishers had tried the tuna fishery – most without success. At that time, there was by far more money involved in the lobster and snow crab fisheries.

⁴⁴ In addition, female lobsters with a carapace size over 114 mm had to be thrown back, per federal guidelines (CSAC 2007:4). No lobsters over 114 mm were caught on any of the fishing ride-alongs I participated in.

⁴⁵ By pre-*Marshall* fisher identities, I am primarily referring to fisher identities before the 1970s, when food fishing was severely restricted on the Plamu River. From the 1970s until the *Marshall* decision, a handful of Salt Harbour fishers continued to fish illegally, and many people in the community kept the memories and meanings of food fishing alive.

⁴⁶ Employment Insurance is a provincial program in which many seasonal workers in New Brunswick participated. To qualify for EI, a fisher had to first earn a certain number of “stamps” during the period when they were working. Some stamps were based on the amount of catch a fisher brought in (e.g., in the case of the commercial lobster fishery), and others were based on the number of hours a fisher worked (e.g., in the case of the Salmon Restoration Project.) When they worked, a portion of fishers’ pay

was withheld, and they were given EI stamps instead of a paycheck. In the off-season, they could take their stamps to the EI office in Baie Claire and apply to receive weekly EI checks to get them through the winter.

⁴⁷In 2007, Salt Harbour's fleet of inshore commercial fishing vessels was one of the largest fleets in the region, and at least twice as large as any other regional band's.

⁴⁸With the exception of federal programs, the names of these programs have been changed to protect the anonymity of the organizations with which they are associated.

⁴⁹There are a number of references to the use of this phrase by politicians in the 1970s and 1980s. Most famously, this phrase was described by Ronald Reagan in 1986 as "the nine most terrifying words in the English language" (Vitullo-Martin and Moskin 1994:130)

⁵⁰Although the AFS was developed in response to the *Sparrow* ruling and deals mainly with negotiating access to Native FSC fishers, Salt Harbour and some other bands had begun to negotiate commercial access to fisheries shortly before the *Marshall* ruling. When the *Marshall* decision was rendered, Salt Harbour and the state took their commercial fishing negotiations from and AFS forum into a post-*Marshall* forum.

⁵¹When Tony said that the commercial fishers "don't have payments" on their lobster boats, he was referring to the fact that over 90% of Salt Harbour's fishing fleet was owned by the band, purchased with money from the band's post-*Marshall* agreement. Because the boats were owned outright by the band – not financed – the fishers did not have to make monthly payments on them, though they had many other payments for which they were responsible (e.g., bait, ice and fuel.) Tony felt like the fishers took their "free" access to the boats for granted.

⁵²All figures are in Canadian dollars.

⁵³In 2006 and 2007, the EI premium – the amount fishers were required to pay into the system in order to receive EI payments – was approximately \$720 (Service Canada 2008).

⁵⁴In addition to EI payments during the off-season, many Salt Harbour families also supplemented their incomes with social assistance payments for low-income families. Social assistance funding was administrated by Indian and Northern Affairs Canada in conjunction with the Band Office. In the province of New Brunswick, social assistance payments for a family of one adult and one child were approximately \$827 per month. A family of six was eligible to receive approximately \$1,030 per month (Service New Brunswick 2009).

⁵⁵Prior to 1999, there were 3-5 privately held commercial lobster licenses in Salt Harbour. In three cases I know of, the sons or grandsons of these license-holders were fishing commercially on the band's post-*Marshall* communal licenses.

⁵⁶It was more common for people involved in the Traditionalism movement to refer to "Native culture" and "Native identity" than "Mi'kmaq culture" or identity. For these people, Traditionalism provided a narrative of common experience with aboriginal peoples across the United States and Canada (and beyond). Rather than a rejection of a locally-specific Mi'kmaq identity, I believe that Traditionalists were using this pan-Indian culture/identity narrative to situate and strengthen their own sense of identity.

⁵⁷One elder told me that she thought there was an "underground" Traditionalism movement in the community in 1930s with the goal of preserving Mi'kmaq oral history and ceremonies that were

discouraged and even outlawed by colonial governments of the day. However, she insisted that the contemporary Traditionalism movement is different from the 1930s movement, primarily because the types of ceremonies and stories that form the backbone of the contemporary movement are not *local*. Nonetheless, she made an interesting link between the presence of a spiritual-cultural movement in the community in the 1930s, and a present-day movement with similar intentions.

⁵⁸A number of Native authors and activists have expressed their displeasure at the unauthorized appropriation of indigenous knowledge and identities by peoples with no historical or cultural ties to particular Native tribes or communities (see, for instance, the “Declaration of War Against Exploiters of Lakota Spirituality”) (Nesteth et al. 1993).

⁵⁹Evidence of early Mi’kmaq sweat lodges exists in both the archaeological record, the writings of early European explorers, and in Mi’kmaq oral histories. However, the style of the contemporary Mi’kmaq sweat lodge and the ceremony itself was inspired by the Lakota sweat lodge (Owen 2005)

⁶⁰These were meanings and practices of the Mi’kmaq Sundance, likely variations from the Sundances of the Cree and Lakota peoples, from which the Mi’kmaq Sundance was adapted.

⁶¹Blessed Kateri Tekakwitha was an Algonquian-Mohawk woman who was born in 1656 in the territory that is present-day New York state. She converted to Catholicism in 1677 and today has a devoted following of Catholic Native Americans and Native Canadians. She has long been considered for canonization by the Vatican, but as of 2008, she had not been officially named as a saint (Holmes 2001). Regardless, she is still often referred to as St. Kateri, or Kateri, the Indian Saint. Kateri is also a popular first name for little girls in Catholic Native communities in eastern Canada.

⁶²Some anthropologists have been critical of natural resource co-management projects that purport to combine First Nations’ “traditional knowledge” and western science. For instance, Nadasdy (2003) asserts that these types of co-management arrangements often ignore historical and ongoing power inequalities between First Nations and state scientists, and try to forcibly “fit” TEK into western knowledge paradigms. Through such processes, much of the meanings and practices of TEK can be silenced or abandoned, and First Nations resource users may begin to relate to and use natural resources in new ways that may run counter to their cultural-historical relationships with the environment. I largely agree with this assessment, though I do think that more attention needs to be given to the agency of local peoples.

⁶³According to local people I spoke with, the Shaking Tent ceremony was something brought to Salt Harbour from “from out west”, but no one could (or was willing to) be more specific than that. In the anthropological and historical literature, there are many mentions of the Shaking Tent. According to different authors, the Shaking Tent can – or could – be found in the cultures of the Innu/Montagnais, Blood/Blackfoot, the Gros Ventres/A’aninin and Assiniboine/Ojibwe/Anishinaabe/Salteaux peoples (Cooper 1944; Hallowell 1942; Garro 1990); as well as among the Cree (Granzberg 1977).

⁶⁴The Royal Canadian Mounted Police (often referred to as the Mounties) is the national police force, and is charged with maintaining the peace in Canada’s rural regions, including Indian Reserves, not under the jurisdiction of municipal police departments.

⁶⁵By multi-scalar, I am referring to temporal scale (e.g., addressing and responding to the past, present and future), as well as spatial and institutional scales (e.g., engaging in dialogues within the community, and with the state.)

⁶⁶Cutting back on the number of fishers and the number of boats, and ensuring that profits from the fishery are distributed into the community was a tough pill to swallow for many of the commercial fishers, who struggled to make ends meet as it is. At a DFO meeting about next steps for management in the

Mi'kmaq and Maliseet fisheries, Danny Lawrence, an Elder and band councillor from Yellow Creek First Nation in northern New Brunswick, suggested that the First Nations communities collaborate on a "value-added" fishery product, like canned lobster that could be branded as "Native caught" and sold as tourist souvenir, in specialty groceries, or on foreign markets. This idea got people interested – one community even had a small fish processing facility where the product could be canned – but at the next such DFO meeting several months later, I asked around and no one had made a move in that direction.

⁶⁷The Burnt Church lobster management plan, which involved some fishing out of the official lobster season, resulted in a number of Burnt Church fishers being arrested and charged with illegal fishing. Eventually, in 2003, the band agreed to sign a Marshall Agreement.

⁶⁸Unfortunately, there were also a few in Salt Harbour – and in other Native and non-Native communities – who were convinced that the lobster was beyond the point of no return, and doomed to crash, and that nothing they or fellow fishers could do would bring the lobster back. Consequently, they were reluctant to follow current management rules regarding fishing seasons and legal sizing of lobsters. They were fishing lobster as if it were an open access system. I did not encounter any such fishers during my time in Salt Harbour, but heard a number of stories about individuals who approaches the lobster fishery in this way. I did, however, frequently hear about fishers who had been caught fishing out of season, with too many traps, or with undersized or egg-bearing female lobsters on their vessels.

⁶⁹Gespepegiaq is a Mi'kmaq band located in the Gaspé region of Quebec.

⁷⁰Although the current band government system was institutionalized by the Indian Act and did not accurately reflect pre-contact Mi'kmaq governance structures, it was currently the system recognized and legitimized by most people in the community. Some people advocated a re-organization of Mi'kmaq governance outside the Indian Act (for instance, a governance system headed up by the Grand Council of the Mi'kmaq), but they were in the minority.

⁷¹Micmac is an alternative spelling of Mi'kmaq rarely used today.