

*Armed with an Eagle Feather Against the Parliamentary Mace: A Discussion of Discourse on  
Indigenous Sovereignty and Spirituality in a Settler Colonial Canada, 1990-2017*

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## *Abstract*

Canada 150, or the sesquicentennial anniversary of Confederation, celebrates a nation-state that can be described as “settler colonial” in relation to Indigenous peoples. This thesis brings a Critical Religion and Critical Discourse Analysis methodology into conversation with Settler Colonial and Indigenous Studies to ask: how is Canadian settler colonial sovereignty enacted, and how do Indigenous peoples perform challenges to that sovereignty? The parliamentary mace and the eagle feather are conceptualized as emblematic and condensed metaphors, or metonyms, that assert and represent Canadian and Indigenous sovereignties. As a settler colonial sovereignty, established and naturalized partially through discourses on religion, Canadian sovereignty requires the displacement of Indigenous sovereignty. In events from 1990 to 2017, Indigenous people wielding eagle feathers disrupt Canadian governance and challenge the legitimacy of Canadian sovereignty. Indigenous sovereignty is (re)asserted as identity-based, oppositional, and spiritualized. Discourses on Indigenous sovereignty and spirituality provide categories and concepts through which Indigenous resistance occurs within Canada.

*Keywords:* Canada, Canadian Sovereignty, Critical Discourse Analysis, Critical Religion, Eagle Feather, Elijah Harper, Elsipogtog, Identity, Idle No More, Indigenous-Canadian Relations, Indigenous Peoples, Indigenous Resistance, Indigenous Spirituality, Oka, Parliamentary Mace, Religion, Religious Studies, Settler Colonialism, Sovereignty.

## *Preface*

I would like to acknowledge that this thesis was primarily researched and written from within unceded Algonquin territory in Ottawa, Ontario. Segments were written within territory covered by Treaty Six, which was signed between the Plains and Wood Cree, Nakota, Saulteaux, and Dene peoples and the British Crown. This thesis was financially supported by the University of Ottawa and the Social Sciences and Humanities Research Council of Canada (SSHRC).

In this thesis, I perform a critical inquiry of materials from the public sphere, including news media, Internet content, and various events. Chapter three is partly comprised by an informal conversation and personal correspondence with Anishinaabe scholar Rodney Nelson of Carleton University. His guidance is sincerely appreciated, as is the belated but impactful experience of the Carleton University Institute for the Ethics of Research with Indigenous Peoples (CUIERIP) in June 2017.

Firstly, I want to thank my supervisor, Naomi R. Goldenberg, for her knowledge, encouragement, and confidence in my abilities. Naomi, your sharp intellect and wit made working with you both enjoyable and inspirational. Secondly, I want to thank Willi Braun, Russell McCutcheon, and Craig Martin amongst too many professors and academics to name, as well as junior scholars and fellow graduate students, for offering me advice, mentorship, and collegiality. And thirdly but most necessarily, I want to thank my mother, Bernadette Synyshyn-Swain. Ma, words can't express how much I appreciate your love, friendship, and faith in me—it has meant the world, wherever life has taken me.

## INTRODUCTION

### *A Number of Things and Canada 150*

From one of our nation's most beloved and iconic authors comes a lyrical 150<sup>th</sup> birthday gift to Canada. Jane Urquhart chooses fifty Canadian objects that tell us who we are in a way never done before... Urquhart composes a symphonic memory bank filled with items that resonate with the pulse of our collective experience.

-*A Number of Things*, frontispiece<sup>1</sup>

These words introduce the book that Canadian author Jane Urquhart was invited to write to mark the 150<sup>th</sup> birthday of Canada, the nation-state's sesquicentennial anniversary in 2017. The book contains a collection of written chapters and scratchboard-style illustrations, pairs of which depict objects that Urquhart considers important to the national narrative of Canada. Urquhart's book demonstrates the way in which objects and our descriptions of them represent more than simply a moment frozen in time; by inflecting objects with upcycled narratives and recent understandings, we revivify the contexts in which they are found and the people who used or encountered the objects in question. Social actors—including Urquhart and her readers—reconstruct histories and pasts around fifty objects for present purposes and anticipated futures. However, *A Number of Things* not only tells us who and what *was* in order to tell us what *is*, but also cites these objects and reconstructs their narratives in service of a royal “we.” The book not only commemorates, but (re)constructs and (re)produces the nation-state of Canada through an appeal to collective memory. *A Number of Things* also serves as a lay example of what I do within this thesis: I examine two objects, the Canadian parliamentary mace and the eagle feather, within a set of narrative connections to discuss the contexts, histories, and social relations that

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<sup>1</sup> Jane Urquhart, *A Number of Things: Stories of Canada Told through Fifty Objects* (Toronto: Patrick Crean Editions, an imprint of HarperCollins Publishers Ltd., 2016).

have led to Canada 150. More specifically, I cite the parliamentary mace and the eagle feather and discourse upon these items to discuss competing sovereignties, and the relations between the collectivities that claim and assert those sovereignties.

To mark the 150<sup>th</sup> birthday of the nation-state known as Canada, Urquhart's objects reference both important and seemingly mundane moments from the collective memory bank of the nation-state. Her collection of objects is a varied one. For example, the list of objects includes the hat of the British Major-General Isaac Brock who died in the War of 1812, a black rock that marks the graves of Irish immigrants who died in 1847-8, two ceramic dog figurines that belonged to author Lucy Maud Montgomery, painter Emily Carr's shoe, Acadian oysters, and objects described less specifically, such as canoes, ice skates, and wooden tables. Found amongst these objects is the mace that is carried into the House of Commons each sitting, which speaks to Canada's political status as a Commonwealth country and parliamentary democracy. Some objects seem to represent the values of multiculturalism and freedom of conscience and religion as found in the *Constitution Act, 1982*: the Sikh turban eventually allowed in lieu of the Royal Canadian Mounted Police (RCMP) stetson, and a prayer mat that a Muslim man describes in an interview about mosques in the province of Ontario. However, another category of objects within *A Number of Things* worth of interest to this thesis are those which reference the social group that Urquhart refers to as the "First Peoples."<sup>2</sup> The "First Peoples" were there *before* the existence of the nation-state, and continue to inhabit Canada today.

For many years, "First" or "Indigenous" peoples within Canada have been erased from and misrepresented within the nation-state's collective memory bank. With the increasing recognition of Indigenous rights that has occurred in Canada in the past few decades, however,

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<sup>2</sup> Ibid., xvi.

Urquhart would have seemed remiss had she not included some such objects in her celebratory collection. Urquhart frames her collection of objects at beginning and end with those that reference Indigenous peoples from the eastern and western ends of Canada, respectively. The first chapter describes the leg of a Beothuk woman's legging, which was used to wrap the body of a child who belonged to the decimated tribe from the Atlantic coast; the last chapter, a partially-burnt and reconstructed mask that a Haisla man attempted to destroy upon the arrival of Christianity to the Pacific coast. The placement of these chapters seems to serve as a metaphor for the European "discovery" and colonization of the Northern American continent, as foreigners made their way from east to west. These evocatively tragic objects also serve to highlight the destructive and assimilatory processes through which British and French imperialism led to the establishment of Canadian sovereignty. Although Canada 150 seems to celebrate the nation's birthday as the anniversary of Confederation, this celebration obscures those who were there first and the violence of their displacement.

Celebrating the birth of a nation-state implies yet simultaneously erases the question of pre-nascent conditions, as if "Canada" sprang into existence from the soil of an empty seedbed. In fact, the concept of *terra nullius* or "empty earth" within Catholic papal doctrine contributes to the fabrication of this fecund and supposedly empty territory, territory supposedly brought to fruition upon colonial and imperial penetration. If we consider the sesquicentennial as a birth or anniversary, we might consider those actors involved and what sort of relationship lies between them. The marriage, in the case of Confederation, was between the British colonies of Nova Scotia and New Brunswick. Although those whom are now referred to as "Indigenous peoples" were very much present, neither the birthday nor the anniversary includes them.

The celebration of Canada 150 has provided both opportunity and impetus for Indigenous articulations of resistance against the colonial, imperial, and paternalistic attitudes that have displaced and excluded them. For example, Eric Ritskes, co-founder and editor of the journal *Decolonization: Indigeneity, Education, and Society* inverted the maple leaf logo for Canada 150 and renamed it “Colonialism150”;<sup>3</sup> t-shirts and stickers have sold,<sup>4</sup> and a social media hashtag began, replacing #Canada150 with #Colonialism150. In another example, Michif (Métis) artist Christi Belcourt, Cree activist and advocate Tanya Kappo, Métis elder and author Maria Campbell and Anishinaabe traditional teacher and storyteller Isaac Murdoch began a project called #Resistance150. According to Belcourt, the project was born from a discussion of erasure, namely “how Canada 150 was being celebrated, which was ignoring basically all of the First Nations, Métis Nations and Inuit people that have been here for 15,000 years.”<sup>5</sup> Haudenosaunee writer Alicia Elliott describes #Resistance150 as, “a project intended to highlight the many ways Indigenous peoples have historically resisted, and continue to resist, what many see as discriminatory and assimilationist policies of the Canadian government.”<sup>6</sup> #Resistance150 has become a way for First Nations, Métis, and Inuit to publicize their own forms of resistance and share them with others. These examples play on imagery and words borrowed from the sesquicentennial to contest the dominant narrative of Canada 150, Canadian sovereignty, and the displacement of Indigenous peoples.

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<sup>3</sup> “What Does Canada 150 Mean for Indigenous Communities?,” *CBC Radio*, accessed June 14, 2017, <http://www.cbc.ca/radio/thecurrent/the-current-for-march-16-2017-1.4026463/what-does-canada-150-mean-for-indigenous-communities-1.4027484>.

<sup>4</sup> Several of which I’ve spotted on the streets of Ottawa, Ontario in early to mid-2017.

<sup>5</sup> Alicia Elliott, “#Resistance150: Christi Belcourt on Indigenous History, Resilience and Resurgence,” *CBC News*, February 22, 2017, <http://www.cbc.ca/2017/resistance150-christi-belcourt-on-indigenous-history-resilience-and-resurgence-1.3992226>.

<sup>6</sup> *Ibid.*

The activism of Indigenous peoples and their supporters, and their critiques of the Canada 150 concept and celebration, inspired this thesis. In the years during and since the Canadian Truth and Reconciliation Commission's inquiry into the nineteenth and twentieth-century residential school program as a system of cultural genocide, I along with many other Canadians learned an alternative history of the nation-state—a history that in my experience, was not taught in primary nor secondary school in the 1990s and early 2000s. Because of this belated education on the history and relations between Indigenous peoples and settler colonizers, I no longer take for granted nor assume that Canada is an entirely multicultural, democratic, and just society. Rather, the nation-state of “Canada” is the result of social construction, persuasive and authoritative discourses, essentialism, reification, and institutionalization—the same processes critiqued by critical scholarship from within the study of religion. Both “religion” and “Canada” are relatively modern concepts that came into being through processes of imperialism and colonialism, but which many people now take for granted as natural and necessary parts of the world. In this thesis, therefore, I apply tools and ideas from religious studies to Canada theorized as a “*settler colonial*” nation-state, a Canada that is taken for granted as here to stay. I consider the effects of settler colonialism upon Indigenous peoples, who were displaced by the “birth” of the nation-state 150 years ago, and how Indigenous peoples challenge the authority of the nation-state. Using critical discourse analysis and the subfield of “critical religion” to demystify Canadian settler colonialism, I discuss discourses on Indigenous sovereignty and spirituality in Canada.

Although divided into five chapters and a conclusion, this thesis can be split into three principal areas of focus that address questions such as: What are the narratives and discourses that construct our current context? How is Canadian sovereignty produced or enacted, and how

do Indigenous peoples perform challenges to that sovereignty? In the first, chapters one and two focus attention upon Canada and the parliamentary mace as representing settler colonial Canadian governance and sovereignty. In chapter one, I contextualize “Indigenous peoples” and “Canada,” beginning with a discussion of the terminology and key concepts used throughout this thesis. Providing a brief account of colonization through Catholic doctrine, Canadian Confederation in 1867, and the establishment of Canadian sovereignty, I suggest that a constitutive hierarchy persists within contemporary Canada. This constitutive hierarchy is taken for granted, and shapes Canada’s relationship with Indigenous peoples. In chapter two, I consider the productive power of the Canadian parliamentary mace. I provide a theoretical framework drawn from religious studies to theorize how contexts and histories produce objects as items of discourse, then suggest that a critical discourse analysis methodology can be productively applied to reveal the naturalization of settler colonial hegemony. I then parse the Canadian parliamentary mace as an item of discourse to examine how ceremony, authority, and persuasion relate to the enactment of the settler colonial nation-state, at the expense of Indigenous peoples.

In the second principal area of focus, chapters three and four discuss Indigenous challenges to Canadian sovereignty in 1990 and 1997, and the appearance of the eagle feather amidst such challenges. Chapter three examines three eagle feathers that appeared throughout the “Indian Summer” of 1990, beginning with Elijah Harper’s challenge of the Meech Lake Accord. I relate the eagle feather to the parliamentary mace, considering the term “sacred” and the role of collective representations. After characterizing the eagle feather as an Indigenous collective representation, I turn to the “Oka Crisis” that took place later in the summer of 1990. After discussing discourses on the eagle feather in relation to authority, sovereignty, and jurisdiction, I suggest that the eagle feather be theorized as more than either a “religious” or a “political” item.

In chapter four, I suggest critical religion and Naomi R. Goldenberg's "vestigial state theory"<sup>7</sup> as a productive approach to interactions between Indigenous and state actors. Using the example of a Mi'kmaq teenager who was barred entry to the Canadian House of Commons public gallery because she carried an eagle feather, I propose that the eagle feather signifies an assertion of Indigenous nations' displaced sovereignty. The eagle feather is thus understood as a threat to Canadian authority and sovereignty.

The third principal area of focus in this thesis builds upon the previous chapters to critically discuss twenty-first century discourses on Indigenous sovereignty and spirituality. In chapter five, I focus attention upon the "Indian Winter" of 2012 and 2013, including the Idle No More movement and an environmental protest near Elsipogtog First Nation, New Brunswick. These more recent examples show the development of the eagle feather into a symbol of Indigenous identity that is coupled with the assertion of an "inherent" Indigenous sovereignty. In the case in Elsipogtog, however, the use of the eagle feather is met with the violence of the settler colonial state; this brings up interesting questions as to challenging normalization and the lines of resistance available to Indigenous nations within Canada. In the conclusion, I explore the conceptualization of Indigenous spirituality in relation to the performance of dissent. In an analysis guided by vestigial state theory and Russell McCutcheon's *Religion and the Domestication of Dissent; or, How to Live in a Less than Perfect Nation*,<sup>8</sup> I discuss "spirituality" as a discursive technique of Indigenous resistance to the dominance of the settler colonial nation-state; circling back to the proposition that Indigenous identity is relational and oppositional, I

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<sup>7</sup> Naomi R. Goldenberg, "The Category of Religion in the Technology of Governance: An Argument for Understanding Religions as Vestigial States," in *Religion as a Category of Governance and Sovereignty*, ed. Naomi Goldenberg, Trevor Stack, and Timothy Fitzgerald (Brill, 2015), 280–92.

<sup>8</sup> Russell T. McCutcheon, *Religion and the Domestication of Dissent, Or, How to Live in a Less than Perfect Nation*, Religion in Culture (London: Equinox Pub, 2005).

suggest that discourses on “Indigenous spirituality” are best understood when placed against a backdrop of “religion,” settler colonialism, and Canadian sovereignty.

Like Urquhart in *A Number of Things*, this thesis places two objects—the parliamentary mace and the eagle feather—into a series of narrative connections in order to tell a story of Canada in which Indigenous peoples do appear. In this story, the terms and categories through which Indigenous peoples and the nation-state of Canada are discussed and understood are undergoing a shift. As Cree activist and Idle No More organizer Tanya Kappo states of 2012-13, “Suddenly everything that had seemed normal wasn’t anymore. People started to say, ‘Why did I even think that was normal? That’s completely wrong.’”<sup>9</sup> This quotation represents both the spirit of the times, and encapsulates a question within this thesis: why does a Canada in which Indigenous peoples *don’t* appear, or appear in circumscribed forms, seem “normal”? The resulting spirit of critique, therefore, is as Judith Butler states: critique can be understood, “as an interrogation of the terms by which life is constrained in order to open up the possibility of different modes of living.”<sup>10</sup> Focusing upon the mace enables me to examine the normalization of Canadian settler colonialism, sovereignty, and governance—the terms through which life is constrained. Focusing upon the eagle feather in challenges to the norm open up different modes of living. Contemporary discourses on Indigenous sovereignty and spirituality reveal acts of refusal and redeployments of categories, the processes and terms through which these different modes of living—and new understandings of Indigeneity, Canada, and sovereignty—may come about.

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<sup>9</sup> Tanya Kappo and Hayden King, “‘Our People Were Glowing’: An Interview with Tanya Kappo,” in *The Winter We Danced: Voices from the Past, the Future, and the Idle No More Movement*, ed. Kino-nda-niimi Collective (Winnipeg: ARP Books, 2014), 68.

<sup>10</sup> Judith Butler, *Undoing Gender* (New York: Routledge, 2004), 4.

## CHAPTER ONE

### *Contextualizing Indigenous Peoples and Canada*

That 150 years is none of my business. It never included me so why jump up and down and celebrate?

-Alex Janvier, Dene Suline and Salteaux Artist<sup>11</sup>

Celebrating Canada 150 or the sesquicentennial anniversary of the Confederation of Canada seems to imply a past and present moment worth paying tribute to. However, as the quotation above from Dene Suline and Salteaux artist Alex Janvier demonstrates, some Indigenous peoples who live within Canada see little reason to celebrate. As a child, Janvier attended the Blue Quill Residential School in St. Paul, Alberta, one out of approximately one-hundred and thirty schools in the state-sanctioned, Christian church-run program that ran from the 1870s to 1996. The Canadian Truth and Reconciliation Commission (TRC) names the residential school program a “central element” of Canada’s Aboriginal policy, which the TRC describes as a policy of “cultural genocide.”<sup>12</sup> As the Government of Canada, citizens, and visitors gear up for a half-a-billion-dollar celebration of the past 150 years,<sup>13</sup> many Indigenous peoples, like Alex Janvier, wonder what exactly about Canada they might want to celebrate.

Indigenous peoples face the legacies of the system that displaced them from their territories and

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<sup>11</sup> Alex Janvier in “Canada at 150: Many Indigenous People See Little Reason to Celebrate,” *CBC News*, accessed June 17, 2017, <http://www.cbc.ca/news/canada/edmonton/canada-at-150-many-indigenous-people-see-little-reason-to-celebrate-1.4158271>.

<sup>12</sup> Truth and Reconciliation Commission of Canada, “Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada” (Government of Canada, 2015), 1, [http://www.trc.ca/websites/trcinstitution/File/2015/Honouring\\_the\\_Truth\\_Reconciling\\_for\\_the\\_Future\\_July\\_23\\_2015.pdf](http://www.trc.ca/websites/trcinstitution/File/2015/Honouring_the_Truth_Reconciling_for_the_Future_July_23_2015.pdf).

<sup>13</sup> Chris Hannay, “Ottawa Spending Half a Billion Dollars for Canada’s 150th Anniversary,” *The Globe and Mail*, January 4, 2017, <https://www.theglobeandmail.com/news/national/canada-150/ottawa-spending-half-a-billion-dollars-for-canadas-150th-anniversary/article33508942/>.

tried to destroy their culture. This system developed into the contemporary nation-state of Canada. In Canada today, Indigenous peoples face a lack of resources for reserves to obtain clean drinking water and adequate housing, missing and murdered Indigenous women and girls along with an epidemic of youth suicides, and the over-representation of Indigenous children, adolescents, and adults in the Canadian child welfare and prison systems. Why jump up and down indeed, and why rush to celebrate a past that has developed into present conditions and inequality?

While Canada and the past 150 years might be celebrated by some, acknowledging the plight of Indigenous peoples today leads others to characterize Canada as a “settler colonial” nation-state. In the foundational article “Settler Colonialism and the Elimination of the Native,” anthropologist and genocide studies scholar Patrick Wolfe argues that the underlying logic of settler colonialism is the elimination of Indigenous peoples and their ways of life. This logic of elimination gets expressed through discourses and practices that comprise a continuum of violence, from outright physical genocide through to assimilation. As Janvier, other residential school survivors, and their descendants can attest, a settler colonial nation-state is predicated upon elimination, dispossession, regulation, and assimilation. In this chapter, I explain key concepts implicated in this contention and provide the historical context for an interrogation of the terms through which contemporary Indigenous-Canadian interactions take place. First, I discuss the term “Indigenous” as an identity category that is relational, operational, and oppositional. Then, I theorize Canada as “settler colonial” in relation to Indigenous peoples. I provide a brief historical account of the establishment of Canadian sovereignty by way of Christian doctrine, the British Crown, and Confederation, before returning to contemporary Indigenous-Canadian relations. This chapter lays the groundwork for a focused consideration of

discursive acts involving the parliamentary mace as enacting Canadian settler colonial sovereignty, and clarifies why Indigenous peoples have previously and are currently challenging the authority of the nation-state through acts involving eagle feathers.

**i. Acts of Identification: The Term “Indigenous” and its Utility**

While Alex Janvier identifies himself as Dene Suline and Salteaux in the biography section of his website, like many other First Nations, Inuit, and Métis individuals, the website also describes him as “aboriginal” and notes that he is one of the “Indian Group of Seven.”<sup>14</sup> In contemporary parlance, Janvier might also fall within the category “Indigenous.” While the biography notes that Janvier did represent Canada abroad, at no point does it identify him as a “Canadian.” In this thesis, the term “Indigenous” is used to highlight the relational, operational, and oppositional nature of the identity categories in question—“Indigenous”—as opposed and in relation to “settler” and “Canadian.” To ground and explore my use of the term “Indigenous” in this way, I draw upon the works of political theorist Jean-François Bayart, sociologist Rogers Brubaker, and historian Frederick Cooper, in addition to Ronald Niezen, Jeffrey Corntassel, and Taiaiake Alfred. In *The Illusion of Cultural Identity*, Bayart contends that there are “concrete operations by which an actor or group of actors define themselves, at a specific historical moment, in given circumstances and for a limited time.”<sup>15</sup> Given this—the operationalization of identity terms and categories by particular people, in specific times and places—he makes the claim that, “there is no such thing as identity, only operational acts of identification.”<sup>16</sup> In other words, “identities” take shape through social interactions. Reinforcing this point and tying

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<sup>14</sup> Alex Janvier, “About the Artist,” 2017, <http://www.alexjanvier.com/aa1.html>.

<sup>15</sup> Jean-François Bayart, *The Illusion of Cultural Identity* (Chicago: University of Chicago Press, 2005), 93.

<sup>16</sup> *Ibid.*, 92.

“culture” to “identity,” Bayart declares that “The production of identities, and thus also the production of cultures, is relational; it reflects a relationship to the Other as much as a relationship to the Self.”<sup>17</sup> In their article “Beyond Identity,” Brubaker and Cooper substantiate Bayart’s approach to the operational nature of “identity-talk” by suggesting several alternative idioms of analysis. Brubaker and Cooper suggest that scholars consider *identification* as, “a processual, active term, derived from a verb... [that] invites us to specify the agents that do the identifying.”<sup>18</sup> Taking these arguments in stride, one can approach both “Indigenous” and “Canadian” as identity categories; as such, identifying oneself or others as one or the other can be considered as an operational act of identification.

Acts of identification, as contingent upon contexts and actors with oft-competing interests, are mired within political processes and relations of power. Acts of identification can provide the terms through which assertions, claims, and counter-claims are made. Bayart adds that concepts such as identity and culture “[exist] only in relation to the Other, a relation that may or may not be one of conflict.”<sup>19</sup> Identities can be oppositional, as is sometimes (often) the case between those who identify as Indigenous in contrast to those who displaced them. In the geographic context in question, the relational and oppositional identity category in question is “Canadian.” In “Being Indigenous: Resurgences against Contemporary Colonialism,” Taiaiake Alfred and Jeffrey Corntassel acknowledge the relational nature of being Indigenous. As they put it, “Indigenesness is an identity constructed, shaped, and lived in the politicized context of contemporary colonialism.”<sup>20</sup> In other words, the category “Indigenous” exists in those territories

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<sup>17</sup> Bayart, *The Illusion of Cultural Identity*, 96.

<sup>18</sup> Rogers Brubaker and Frederick Cooper, “Beyond ‘identity,’” *Theory and Society* 29, no. 1 (2000): 14.

<sup>19</sup> Bayart, *The Illusion of Cultural Identity*, 96.

<sup>20</sup> Taiaiake Alfred and Jeff Corntassel, “Being Indigenous: Resurgences against Contemporary Colonialism,” *Government and Opposition* 40, no. 4 (September 2005): 597, doi:10.1111/j.1477-7053.2005.00166.x.

in which colonization has occurred or is still occurring; the category develops in opposition to that which is *not* Indigenous, which is foreign or imposed. At the same time, “Indigenous” as an identity category is relevant to the contemporary moment, and primarily the late twentieth and early twenty-first century. As anthropologist Ronald Niezen argues, “indigenous identity reveals itself to be a quintessentially modern phenomenon.”<sup>21</sup> From the 1980s onward, the concept has named a category of human society, functioned as a legal term, and is now recognized by a lay audience.<sup>22</sup> The development of the term “Indigenous” as a relational modern identity and affiliative social, political, and cultural category informs my use of the term throughout this thesis.

The development of “Indigenous” as a modern identity and cultural affiliation occurs in both global and national arenas, including within Canada. To briefly examine the term “Indigenous” on a global scale, one might consider the development of the United Nations Working Group on Indigenous Populations established in 1982, or the Permanent Forum for Indigenous Issues established in 2000. These political and activist initiatives led to the United Nations Declaration for the Rights of Indigenous Peoples, which Canada called “aspirational” and “not legally binding” in 2007, but fully endorsed the declaration in 2015.<sup>23</sup> Within the Canadian national context, three recent examples highlight the national acknowledgment and institutionalization of the category. Firstly, while Canadian legislation retains the terms “Indian” as used since 1755<sup>24</sup> and “Aboriginal” as used since 1982, in November 2015 the federal Department of Indian Affairs was renamed (again) as the Department of *Indigenous* and

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<sup>21</sup> Ronald Niezen, *The Origins of Indigenism: Human Rights and the Politics of Identity* (Berkeley, CA: University of California Press, 2003), xii.

<sup>22</sup> *Ibid.*, 3

<sup>23</sup> “Canada Now Full Supporter of UN Indigenous Rights Declaration,” *CBC News*, accessed August 11, 2017, <http://www.cbc.ca/news/indigenous/canada-adopting-implementing-un-rights-declaration-1.3575272>.

<sup>24</sup> <http://www.revparl.ca/english/issue.asp?param=83&art=255>

Northern Affairs. Secondly, in September 2016, the Canadian Broadcasting Corporation (CBC) changed the digital unit “CBC Aboriginal” to “CBC Indigenous.” The CBC also capitalizes the “I” in “indigenous,” altering it from an adjectival form to a proper noun, a stylistic decision which I follow throughout this thesis.<sup>25</sup> As a related press release remarks of the capitalization, “when we use these terms [Aboriginal and Indigenous], we are talking about a distinct community, often with official representation and a regular place in the national debate.”<sup>26</sup> Most recently, on 21 June 2017, Prime Minister Justin Trudeau announced the renaming of “National Aboriginal Day” to “National Indigenous Day.”<sup>27</sup> These changes reflect a shift in terminology and acts of identification, as well as the growing use and recognition of the term “Indigenous” within national discourses.

Throughout this thesis, I utilize the term “Indigenous” to refer to a collective political culture reasserting their presence within and across the boundaries imposed by contemporary nation-states such as Canada and the USA. This being said, I primarily speak of Indigenous peoples within Canada, only occasionally drawing upon sources from across the US border. The Canadian government describes,

“Indigenous peoples” is a collective name for the original peoples of North America and their descendants. Often, “Aboriginal peoples” is also used. The Canadian Constitution recognizes three groups of Aboriginal peoples: Indians (more commonly referred to as First Nations), Inuit and Métis. These are three distinct peoples with unique histories, languages, cultural practices and spiritual beliefs.<sup>28</sup>

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<sup>25</sup> In contrast, I chose not to capitalize the “s” of “settler.” I did so to emphasize that it is the “Indigenous” identity and collectivity that is seen as distinctive against the unspoken context of colonization and settlement. The “settler” has been so naturalized and normalized as to be taken-for-granted, and going unsaid. For how adding “settler” politicizes non-Indigenous peoples’ presence upon Indigenous land, see Rachel Flowers, “Refusal to Forgive: Indigenous Women’s Love and Rage,” *Decolonization: Indigeneity, Education & Society* 4, no. 2 (December 17, 2015), <http://decolonization.org/index.php/des/article/download/22829>.

<sup>26</sup> “CBC Aboriginal Becomes CBC Indigenous,” *CBC News*, September 21, 2016, <http://www.cbc.ca/news/indigenous/cbc-aboriginal-becomes-cbc-indigenous-1.3765790>.

<sup>27</sup> “Statement by the Prime Minister of Canada on National Aboriginal Day,” *Prime Minister of Canada*, June 21, 2017, <http://pm.gc.ca/eng/news/2017/06/21/statement-prime-minister-canada-national-aboriginal-day>.

<sup>28</sup> Government of Canada; Indigenous and Northern Affairs Canada; Communications Branch, “Indigenous Peoples and Communities,” administrative page; fact sheet; resource list, (January 12, 2009), <https://www.aadnc-aandc.gc.ca/eng/1100100013785/1304467449155>.

The category “Indigenous” within Canada is far from bounded and stable, and some resist the idea that the government retains the power to define who is and is not Indigenous. For example, recent controversies such as acclaimed Canadian author Joseph Boyden’s claims to indigeneity<sup>29</sup> attest that multiple different aspects of an individual’s life and history are used to make and evaluate such claims. This debate has involved questions of official or government-granted status, blood quantum, ancestry, and association with a specific community. The events and literature that this thesis draws upon involve those who are, identify as, or can be identified as Indigenous, but more specifically relates to the First Nations of Canada. My use of the term “Indigenous” admittedly risks obscuring two forms of difference: first, distinctions between the First Nations, Inuit, and Métis peoples; and second, there are multiple and heterogeneous First Nations. Some might call this a “pan-Indigenous” approach, but the “pan-” seems redundant given the already broad usage of the term “Indigenous.” To ameliorate homogenization to some extent, I try to be specific to the degree of national affiliation (or clan, if such is provided in the literature) and to respect self-identifications when discussing the words and actions of individual actors or groups of people. Due to variation across sources, there may be some instances where the reader encounters different terms for the same peoples, or more than one spelling of the same term—Mohawk vs. Kanienkehaka vs. Kanien’kehá:ka, for example, or Metis versus Métis. While I do, to some extent, impose the category “Indigenous” upon the examples under discussion, I encourage readers with further questions around identification to consult resources such as Chelsea Vowel’s *Indigenous Writes: A Guide to First Nations, Métis, and Inuit Issues in*

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<sup>29</sup> Eric Andrew-Gee, “The Making of Joseph Boyden: Indigenous Identity and a Complicated History,” *The Globe and Mail*, accessed August 26, 2017, <https://www.theglobeandmail.com/arts/books-and-media/joseph-boyden/article35881215/>.

*Canada*<sup>30</sup> or to look up information on clans, nations, and confederacies through academic and Indigenous sources.

As might be said of all identity categories, utilizing one at the expense of others comes with costs and benefits. The events that I describe in chapters three to five have impacts beyond the immediate social, political, and geographical context in which they occur, making an inclusive category particularly useful. The term “Indigenous” differs from terms such as “Indian” and “Aboriginal” in being more inclusive, relating back to land, and having a discursive link to legal rights and political cachet. This thesis utilizes the term “Indigenous” as an operational identification that speaks to a collective social, cultural, and political movement experiencing a contemporary resurgence within and across Canadian borders, one that is defined in opposition to the second nation, Canada. As Alfred and Corntassel put it, Indigenous peoples are “Indigenous to the lands they inhabit, in contrast to and in contention with the colonial societies and states that have spread out from Europe and other centres of empire.”<sup>31</sup> This place-based conceptualization situates those who identify as or are identified as “Indigenous” in a theoretically oppositional relation to the nation-state that displaced them. The term “Indigenous” enables me to address the multiplicity of and interrelation between Indigenous articulations of resistance to Canadian sovereignty. When speaking of “Canadian sovereignty,” however, what exactly is it that Indigenous peoples articulate resistance to? Utilizing the term “Indigenous” implicitly invokes an oppositional identification to resist the second or “settler colonial” nation-state, which displaced the “First Peoples” or “First Nations,” former governing orders, and ways of life.

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<sup>30</sup> Chelsea Vowel, *Indigenous Writes: A Guide to First Nations, Métis, and Inuit Issues in Canada* (Winnipeg, MB: HighWater Press, 2016).

<sup>31</sup> Alfred and Corntassel, “Being Indigenous,” 597.

## ii. Theorizing Canada as “Settler Colonial” in relation to Indigenous Peoples

The characterization of “settler colonialism” arose to name a specific social and political condition, which co-constitutes the category of the “Indigenous.” The “settler colonial” differs temporally and structurally from the colonial and postcolonial. In a settler colonial context, those who arrived in a territory eliminated or established dominance over that territory and the peoples inhabiting it, and then never left. In short, as Patrick Wolfe contends, “Territoriality is settler colonialism’s specific, irreducible element,” and “settler colonizers came to stay.”<sup>32</sup> An example involving the Canadian government and the First Nations provides evidence of settler colonial control over territory. The Department of Indigenous and Northern Affairs (also known as INAC, or Indigenous and Northern Affairs Canada) states that they provide “land management services to more than 600 First Nations and covers more than 2,800 reserves with over 3 million hectares of reserve land across Canada.”<sup>33</sup> Three million hectares or 30,000 km<sup>2</sup> make up only approximately 0.3% of Canada’s total land area. While these figures don’t account for either Inuit or Métis territory, they are exemplary of the fact that those First Nations who remain, following the violence of colonization and settlement, are largely dispossessed of the territories that they formerly inhabited and had free range upon. This ongoing territorial dispossession, alongside cultural repression and legal regulation, enables and reproduces the modern existence of the nation-state. As Wolfe contends, “the native repressed continues to structure settler-colonial society.”<sup>34</sup> By this, Wolfe means that the settler state is not only predicated upon, but also requires that Indigenous people remain dispossessed and repressed. Further, Wolfe makes

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<sup>32</sup> Patrick Wolfe, “Settler Colonialism and the Elimination of the Native,” *Journal of Genocide Research* 8, no. 4 (2006): 388, doi:10.1080/14623520601056240.

<sup>33</sup> Government of Canada; Indigenous and Northern Affairs Canada; Communications Branch, “Land Management,” November 3, 2008, <https://www.aadnc-aandc.gc.ca/eng/1100100034737/1100100034738>.

<sup>34</sup> Wolfe, “Settler Colonialism and the Elimination of the Native,” 390.

the oft-cited statement that a settler colonial society is one in which “invasion is a structure not an event”; he argues, the “elimination [of the native] is an organizing principal of settler-colonial society rather than a one-off (and superseded) occurrence.”<sup>35</sup> The continuity from past events to present injustices—whether elimination, repression, regulation, or assimilation—does not simply consist in individual acts or moments in time, but comprises a systemic or structural phenomenon. This means that one must perform, at least to some extent, a structural consideration of settler colonialism.

If “the native repressed” continue to structure settler colonial society as Wolfe contends,<sup>36</sup> then what factors and mechanisms perpetuate that repression? While territoriality may be the irreducible element, settler colonialism consists in a hierarchical relation between those identified as settler colonizers and Indigenous peoples within that territory. As Dene political theorist Glen S. Coulthard defines it,

A settler-colonial relationship is one characterized by a particular form of *domination*; that is, it is a relationship where power... has been structured into a relatively secure or sedimented set of hierarchical social relations that continue to facilitate the *dispossession* of Indigenous peoples of their lands and self-determining authority.<sup>37</sup>

One can examine state apparatuses for how they structure this hierarchical set of relations. Building on the example of First Nations’ territory as quoted in the previous paragraph, domination can be seen in the “land management” that INAC claims to provide. Even territory reserved for occupation and use by Indigenous peoples are “managed” by an arm of the federal government. The legal title to the territory in question is held by the British Crown, while land

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<sup>35</sup> Wolfe, “Settler Colonialism and the Elimination of the Native,” 388.

<sup>36</sup> *Ibid.*, 390.

<sup>37</sup> Glen Sean Coulthard, *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition*, Indigenous Americas (Minneapolis: University of Minnesota Press, 2014), 7.

transactions must be approved by the federal government.<sup>38</sup> These factors and requirements reveal the enmeshment of settler colonial attitudes within the structures of the nation-state, which then structure Indigeneity in such a way as to perpetuate the settler colonial nation-state. As Wolfe states, the logic of elimination “that initially informed frontier killing transmutes into different modalities, discourses and institutional formations as it undergirds the historical development and complexification of settler society.”<sup>39</sup> INAC serves as one of the institutional formations that reinscribes a relation of dominance, while “land management” is one of the discourses through which this dominance is expressed. This situation serves as an example of a sedimented set of hierarchical social relations that characterizes interactions between Indigenous peoples and Canada. In the next section, I address Canadian sovereignty from around the time of Confederation and up until 2017’s celebration of that moment. To keep this discussion to a manageable scope, I focus on the relation between the papal law, the British Crown, and Canadian sovereignty; this focus enables me to highlight the constitutive hierarchies and relations of dominance that led to and characterize Canadian Confederation and settler colonialism.

### **iii. Legislative Acts and the Establishment of Canadian Dominance**

Assertions of European and specifically Christian superiority and dominance over non-Christian and Indigenous peoples underwrote settler colonialism in Canada and the establishment of Canadian sovereignty. The Doctrine of Discovery, international law formulated in the fifteenth and sixteenth centuries, legalized the assertion of European sovereignty abroad in the newly

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<sup>38</sup> Government of Canada; Indigenous and Northern Affairs Canada; Communications Branch, “Land Management,” November 3, 2008, <https://www.aadnc-aandc.gc.ca/eng/1100100034737/1100100034738>.

<sup>39</sup> Wolfe, “Settler Colonialism,” 402.

“discovered” territories that were inhabited by the ancestors of contemporary Indigenous peoples. As Robert J. Miller, Jacinta Ruru, Larissa Behrendt, and Tracey Lindberg explain in *Discovering Indigenous Lands: The Doctrine of Discovery in the English Colonies*,

When English explorers and other Europeans planted their national flags and religious symbols in “newly discovered” lands, as many paintings depict, they were not just thanking God for a safe voyage. Instead, they were undertaking a well-recognized legal procedure and ritual mandated by international law and designed to create their country’s legal claim over the “newly discovered” lands and peoples.<sup>40</sup>

As further evidenced by the aforementioned residential school program, Christian doctrines and ideas were not separate from but rather were central to European imperialism and colonialism; such doctrines and ideas worked alongside and through legal thought. Assertions of sovereignty supported by colonial law also operated through comparison between Christian and European peoples and resulting racist and ethnocentric conceptualizations of Indigenous peoples. For example, in the 1823 case *Johnson v. M’Intosh*, the US Supreme Court decided that

when a European, Christian nation discovered new lands it automatically gained sovereign and property rights over the non-Christian, non-European peoples even though Indigenous nations and peoples were already occupying and using the lands.<sup>41</sup>

Miller et al. contend that this definition of “Discovery” set a precedent for the treatment of Indigenous peoples by colonial governments in the US, New Zealand, and Australia in addition to in Canada. Assertions of sovereignty based on this interpretation assume that Indigenous peoples are inferior to colonizers and settlers; this attitude supported, enabled, and expressed settler colonialism and the formation of Canada.

The attitude that Indigenous peoples were inferior to settler colonizers and subjects of the forming nation-state is also evidenced in the constitutive hierarchy legislated upon Canadian

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<sup>40</sup> Robert J. Miller et al., “Introduction,” in *Discovering Indigenous Lands: The Doctrine of Discovery in the English Colonies* (Oxford: Oxford University Press, 2010), 2.

<sup>41</sup> *Ibid.*, 3.

Confederation in 1867. With Confederation and the *British North American Act*, also known as the *Constitution Act, 1867*, the legal Dominion of Canada and the federal level of government came into being. Despite the *Royal Proclamation of 1763* and multiple pre-existing treaties such as the 1764 Treaty of Niagara that involved dealings between the British Crown and various First Nations, Confederation was exclusively enacted by males of European descent, who are known collectively today as the “Fathers of Confederation” Section 91.24 of the *Constitution Act, 1867* placed “Indians, and Lands reserved for the Indians” under the jurisdiction of the newly-formed federal government.<sup>42</sup> In this instance, we see the utility of an identity category—“Indians”—in establishing a relation of dominance within Canadian governance. This is evidence that categories and the construction of identities can serve as mechanisms of statecraft. As continental philosopher Geraldine Finn states,

*Categories... are the products of systematic and collective reflection. They are... authorized by a heretofore exclusively male élite, returned to experience to provide the order, stability, continuity and right-thinking necessary to secure their own interests... They order selected experiences in selected ways enabling some things to happen and appear and ruling out (disabling, suppressing, repressing) others.*<sup>43</sup>

In this instance, the Fathers of Confederation operationalized the category “Indians” to establish a relation of dominance over historical Indigenous peoples and the lands that they inhabited. In doing so, the governance orders and categories of Indigenous peoples were disabled, suppressed, and repressed.

Further operationalizing “Indian” as an identity category in statecraft, the relatively new federal government enacted the race-based *Indian Act, 1876*. For “Canada” to happen and appear

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<sup>42</sup> Legislative Services Branch, “Consolidated Federal Laws of Canada, Constitution Acts 1867 to 1982,” July 30, 2015, <http://laws-lois.justice.gc.ca/eng/const/page-4.html#h-18>.

<sup>43</sup> Geraldine Finn, “Interrogating the Categories: Of Religion, Politics and the Space Between,” in *Religion as a Category of Governance and Sovereignty*, ed. Naomi Goldenberg, Trevor Stack, and Timothy Fitzgerald (Leiden: Brill, 2015), 295.

as the extension of European sovereignty, “the native” had to be eliminated or repressed according to the logic of settler colonialism. Upon Confederation, Indigenous peoples and the First Nations as “Indians,” could be placed under the jurisdiction of the newly-formed Canadian federal level of government. To relate this idea back to the hierarchical notion of “Discovery,” one of the precedents set within *Johnson v. M’Intosh* was the definition of Indigenous peoples as “domestic dependent nations” rather than as self-governing orders in themselves.<sup>44</sup> In “For Whom Sovereignty Matters” Joanne Barker argues, “The notion that indigenous peoples are *weaker than, wards, dependent, and limited* in power in relation to their colonial states has perpetuated dominant ideologies of race, culture, and identity.”<sup>45</sup> In 1876, the *Indian Act* established Status Indians as wards of the state, and the principles regulating that status; still today, Indian Status constitutes a system of repression and concessions through which a significant number of Indigenous peoples in Canada have their resources regulated by the settler colonial state.<sup>46</sup> As Wolfe states: “race cannot be taken as a given. It is made in the targeting.”<sup>47</sup> The targeting of those who were here prior to European colonization through acts of identification and race-based legislation contributed to the displacement of Indigenous peoples that was necessary for the establishment of Canadian sovereignty.

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<sup>44</sup> Joanne Barker, “For Whom Sovereignty Matters,” in *Sovereignty Matters: Locations of Contestation and Possibility in Indigenous Struggles for Self-Determination*, ed. Joanne Barker, Contemporary Indigenous Issues (Lincoln: University of Nebraska Press, 2005), 10.

<sup>45</sup> *Ibid.*, 16.

<sup>46</sup> The concept of “Indian Status” determines which Indigenous people the Canadian government does and does not have fiduciary responsibilities towards, and is a contested matter. For example, in the 2016 Supreme Court case *Daniels vs. Canada* the court ruled that the federal government does have formal duties and responsibilities not only to First Nations and Inuit peoples with Indian status, but also to Métis and non-Status Indians.

<sup>47</sup> Wolfe, “Settler Colonialism,” 388.

#### iv. Acting Sovereign: Canada and the Past 150 Years

In rethinking the past 150 years, it is useful to set out a few more details regarding Canada and the establishment of Canadian sovereignty. The *Constitution Act, 1897* that enacted Canadian Confederation defined a territory in uniting the Provinces of Canada, Nova Scotia, and New Brunswick; ensuing amendments encompassed the territory that we refer to as “Canada.” Confederation united a population of primarily British and French settlers, and as mentioned, placed “Indians” under federal jurisdiction and the new system of governance. Section 132 of the Constitution Act grants the Parliament of Canada the powers necessary to fulfill treaty obligations to foreign countries, but only insofar as treaties are made between the British Empire and those countries. Upon Confederation, Canada became an autonomous colony, or a self-governing entity within the British Empire. Skipping ahead through history, in 1931 Canada became a “Commonwealth Realm” with the British Monarch remaining the head of state. Canada gained full independence in 1982 with the signature of Queen Elizabeth II, when the Constitution Act was repatriated; this development removed the need for the Canadian government to consult the British parliament on Canadian Constitutional matters.<sup>48</sup> Despite the repatriation of the constitution, Canada remains a constitutional monarchy with the Queen as the head of state. As such, not unlike when the *Constitution Act, 1897* created the Dominion of Canada in 1867 to “conduce to the Welfare of the Provinces and promote the Interests of the British Empire,” “the Crown” is the legitimizing referent of Canadian sovereignty and jurisdiction over Indigenous peoples.

While Confederation consolidated a governing system in the name of the British Crown and excluded Indigenous peoples, the *Constitution Act, 1982* somewhat amends the situation.

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<sup>48</sup> <http://www.bac-lac.gc.ca/eng/discover/politics-government/proclamation-constitution-act-1982/Pages/proclamation-constitution-act-1982.aspx>

Section 35.1 states, “The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.”<sup>49</sup> As will be evidenced in a discussion of the Meech Lake Accord in chapter three, the set of relations that (literally) constitute Canada have not gone uncontested by Indigenous peoples. The phrasing used in sec. 35 has also been problematized for continuing race-based and state-led assimilation. For example, Alfred and Cornthassel argue that the term “Aboriginal” is

purely a state construction that is instrumental to the state’s attempt to gradually subsume Indigenous existences into its own constitutional system and body politic since Canadian independence from Great Britain—a process that started in the mid-twentieth century and culminated with the emergence of a Canadian constitution in 1982.<sup>50</sup>

The constitutive hierarchy of Confederation, in which those identified as Indian, Aboriginal, or Indigenous are perceived as wards of the state, continues to this day and will for as long as Canada subsumes Indigenous peoples within the nation-state. Operating through acts of identification and discourses on who is and is not an “Indian” or an “Aboriginal” person, Canadian exclusion and dispossession of Indigenous peoples has continued throughout the past 150 years; as Alex Janvier testifies in 2017, “That 150 years is none of my business. It never included me so why jump up and down and celebrate?”<sup>51</sup> As we will see in chapters three through five, the category “Indigenous” has developed not only in relation to settler colonialism, but also as the basis for an identity that is operationalized in articulations of resistance.

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<sup>49</sup> Branch, “Consolidated Federal Laws of Canada, Constitution Acts 1867 to 1982.”

<sup>50</sup> Taiaiake Alfred and Jeff Cornthassel, “Being Indigenous: Resurgences against Contemporary Colonialism,” *Government and Opposition* 40, no. 4 (September 2005): 598, doi:10.1111/j.1477-7053.2005.00166.x.

<sup>51</sup> Alex Janvier, Artist of Dene Suline and Saulteaux Descent in “Canada at 150: Many Indigenous People See Little Reason to Celebrate,” *CBC News*, accessed June 17, 2017, <http://www.cbc.ca/news/canada/edmonton/canada-at-150-many-indigenous-people-see-little-reason-to-celebrate-1.4158271>.

v. **Questioning the “Settler Common Sense” of Canadian Sovereignty**

With Canada characterized as settler colonial in relation *and opposition* to the ongoing presence of Indigenous peoples, what now? As was discussed in section one of this chapter, being *Indigenous* in Canada directly relates to the historical formation and ongoing existence of the *settler colonial* state. Section two theorized settler colonialism in relation to Canada, determining that a set of hierarchical relations perpetuates the elimination, dispossession, regulation, and assimilation of Indigenous peoples. In section three, I examined the ways in which the *Doctrine of Discovery*, the *Constitution Act, 1867*, and the *Indian Act, 1876* established the constitutive hierarchy of Canadian sovereignty. This constitutive hierarchy is brought to the present in section four, which characterizes twentieth and twenty-first century Canada as a constitutional monarchy and parliamentary democracy, both of which continue to exclude and repress Indigenous peoples through complex structures, discourses, and categories of identity.

With the sedimentation and security of time, the dominance of settler colonialism may seem relatively unquestionable and the ongoing trajectory of Canadian sovereignty taken for granted. Canada 150, and celebrating the sesquicentennial anniversary of Confederation, perpetuates the mystification of the constitutive hierarchy that comprises the nation’s foundation and structure. This thesis, however, aims to question the discourses, institutional frameworks, and modalities that continue to produce and express Canadian settler colonialism. To do so, I draw upon the notion of “settler common sense” as formulated by scholar Mark Rifkin. Rifkin characterizes settler common sense as an affective mode that,

suggests the ways the legal and political structures that enable non-Native access to Indigenous territories come to be lived as given, as simply the unmarked, generic conditions of possibility for occupancy, association, history, and personhood.<sup>52</sup>

In the next chapter, I intend to apply a critical discourse analysis to the notion of settler common sense, and specifically to the given-ness of Canadian sovereignty. As Titus Hjelm contends, “Because common sense naturalizes our conceptions of everyday life, it is the most effective way of sustaining hegemony - that is, an exclusive interpretation of reality.”<sup>53</sup> In this understanding, *settler* common sense helps to address the exclusive interpretation of reality that characterizes settler colonialism: that settler colonizers came not only to stay, but to stay in power. Rifkin proposes the notion of settler common sense to examine the ways in which

settler occupancy and jurisdiction are realized, regularized, and actively produced as if inert context in everyday articulations, interactions, practices, and sensations in which Native people(s) may or may not appear.<sup>54</sup>

In the next chapter, I turn to the discourse and practices involving the parliamentary mace as it realizes, regularizes, and actively produces Canadian settler occupancy and jurisdiction, and a form of sovereignty that is settler colonial.

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<sup>52</sup> Mark Rifkin, “Settler Common Sense,” *Settler Colonial Studies* 3, no. 3–4 (2013): 322–23, doi:10.1080/2201473X.2013.810702.

<sup>53</sup> Titus Hjelm, “Discourse Analysis,” in *The Routledge Handbook of Research Methods in the Study of Religion*, ed. Michael Stausberg and Steven Engler (London: Routledge, 2011), 141.

<sup>54</sup> Rifkin, “Settler Common Sense,” 327.

## CHAPTER TWO

### *Parsing the Canadian Parliamentary Mace*

The practices of dispossession central to the maintenance of settler-colonialism in liberal democratic contexts like Canada rely as much on the *productive* character of colonial power as it does on the coercive authority of the settler state.

-Glen S. Coulthard<sup>55</sup>

The pomp and ceremony with which [the parliamentary mace] is treated pays tribute to the past. And the democratic values it symbolizes, those of a representational government, are worth both honouring and protecting.

-Jane Urquhart<sup>56</sup>

There is no definitive past of which we can speak... all that we have are *histories* and contexts that are composed by actors with various practical, social interests that are all placed firmly in the present, all of whom are working with the benefit of selective hindsight to identify, prune, and thereby normalize but one particular set of relations that will help them to create settings into which they can place (i.e., make sense of) a specific present and thereby make possible an anticipated future.

-Russell McCutcheon<sup>57</sup>

Understanding the dispossession of Indigenous peoples may require, for a time, shifting critical attention to the productive character of colonial power. How has the constitutive hierarchy of settler colonialism, and the social and political repression and regulation of Indigenous ways of life, become the norm? The naturalization of this productive power constitutes the contemporary “settler common sense” of the settler colonial nation-state. With respect to settler colonialism in Canada, this thesis suggests that critical attention to the mace as

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<sup>55</sup> Glen Sean Coulthard, *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition*, Indigenous Americas (Minneapolis: University of Minnesota Press, 2014), 152.

<sup>56</sup> Jane Urquhart, *A Number of Things: Stories of Canada Told through Fifty Objects* (Toronto, ON: Patrick Crean Editions, an imprint of HarperCollins, 2016), 185.

<sup>57</sup> Russell T. McCutcheon, *Religion and the Domestication of Dissent, Or, How to Live in a Less than Perfect Nation*, Religion in Culture (London: Equinox Pub, 2005), 21.

an object of note and an item of discourse can begin to address this question. For example, the middle quotation provided above is taken from Jane Urquhart's chapter on the parliamentary mace in *A Number of Things*. Rereading Urquhart's words through the third quotation above from Russell McCutcheon, one can consider which version of the past it references, what sort of context it is being used to constitute in the present, and what sets of relations and anticipated future discourses on the mace normalize or naturalize.

In fact, the parliamentary mace that Urquhart describes is a replica of the one that was used upon Confederation in 1867. As discussed in the previous chapter, Confederation not only excluded Indigenous peoples from the event itself, but was a key step in consolidating the authority of the settler colonial government as the Dominion of Canada. The legislation enacted upon Confederation, legitimized through the authority of the British monarchy, formed the federal level of government in Canada and gave it jurisdiction over the ancestors of modern Indigenous peoples. In this chapter, I outline a framework for a critical discourse analysis of the parliamentary mace. This methodology is inspired by work from within the study of religion, and because the discourse on "religion" contributed to the establishment of Canadian sovereignty, the next section addresses religion, settler colonialism, and the repression of Indigenous ceremonies. This leads to a consideration of authoritative discourse on the histories and contexts that produced the parliamentary mace as a symbol and ceremony within the constitutional monarchy that displaced and replaced Indigenous governing orders. Proposing that the mace serves as a metonym for the British Crown enables me to highlight the construction of Canadian discursive authority and the violence associated with the mace and settler colonial state. Then, I turn to an example of persuasive discourse as provided by Jane Urquhart in *A Number of Things* to relate these contentions to the celebration of Canada's sesquicentennial. In doing so, I argue that the

mace as a discursive act and item of discourse is a modality of settler common sense through which the hegemony of settler colonialism is realized, naturalized, and sustained.

**i. Making “Stuff” into “Things” and Critical Discourse Analysis**

In considering the parliamentary mace and later the eagle feather, this thesis centers upon two “objects” or “things.” In choosing these two objects, my interests include how each has been conceived, but also how each has *become* a “thing” of note amongst all the other possible “things” found in the world. As McCutcheon points out, “the present is a site cluttered with objects, only some of which will get to count as so-called artifacts... as opposed to ‘junk’ or merely the more neutral ‘stuff.’”<sup>58</sup> How then, do certain items become important objects, or artifacts? Objects gain their importance only in relation to histories and contexts: who uses them, where they come from, what pasts are ascribed to them, and so on. As McCutcheon emphatically points out, “things do not *have* a history or a context, but instead, histories and contexts *make* things!”<sup>59</sup> Not only this, but for objects to become “things” instead of “stuff” requires human ideation, activity, and interaction. As outlined by McCutcheon, “‘stuff’ becomes a relic only once it is placed by an actor within a series of specific narrative connections—insomuch as it becomes an item of discourse.”<sup>60</sup> In this thesis, I examine the parliamentary mace and the eagle feather as items of discourse. This chapter focuses upon the former and specifically upon how the mace, as an item of discourse, relates to Canadian sovereignty and governance—or, as proposed in the chapter previous, functions to realize, naturalize, and sustain settler colonial hegemony. Before

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<sup>58</sup> Ibid., 22.

<sup>59</sup> Ibid.

<sup>60</sup> Ibid.

turning to specific examples of the mace as an item of discourse, however, I briefly outline a framework for a critical discourse analysis of the mace.

To clarify the term “discourse” in relation to this project, I draw upon the work of scholars of religion Titus Hjelm and Teemu Taira. As Hjelm contends, “there are as many definitions of ‘discourse’ as there are of ‘religion’.”<sup>61</sup> Taira, however, provides a minimal definition; he defines discourse as, “a relatively coherent set of statements (action through speech) which produce a particular version of events.”<sup>62</sup> Taira clarifies this statement by adding that “a discursive study is not a study of a disembodied collection of statements, but rather a study of groupings of statements enacted within a social and cultural context,” which may also include textual and non-verbal statements.<sup>63</sup> The context under analysis within this project relates to Urquhart’s chapter and the contemporary Canadian nation-state, as well as the past that the parliamentary mace references. Broadly speaking, the past referenced is that which was described in chapter one. In the instances under discussion, the parliamentary mace relates to sovereignty, governance, nationhood, and state authority.

Here I construct a framework for “critical discourse analysis” to turn critical attention to dominance and hierarchy in political, legal, and legislative contexts. Taira and Hjelm build upon foundational scholars such as Norman Fairclough and Michel Foucault to explain the utility of critical discourse analysis. As Taira puts it, “A discursive study, at least its critical version, studies power in discourse, and power over discourse.”<sup>64</sup> Those who have power over discourse can construct particular versions of pasts, presents, and anticipated futures in reference to

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<sup>61</sup> “Theory and Method in Critical Discursive Study of Religion: An Outline,” 19.

<sup>62</sup> Teemu Taira, “Making Space for Discursive Study in Religious Studies,” *Religion* 43, no. 1 (January 2013): 28, doi:10.1080/0048721X.2013.742744.

<sup>63</sup> *Ibid.*

<sup>64</sup> *Ibid.*, 29.

“things” or items of discourse. This is because discourses do not merely represent, but realize, construct, or constitute “things.” Related to this contention but in the negative aspect, as Taira argues, “discourses are organized around practices of exclusion.” He explains,

Discourses establish one version of the world in the face of competing versions; [discourse] positions people and persuades them to perceive the world, and act in it, in a certain way. It highlights certain aspects of the world: what is said leaves something else unsaid.<sup>65</sup>

Reading Taira’s statement on “exclusion” into settler colonial contexts, I propose that the “something else left unsaid” within Canadian political, legal, and legislative contexts is Patrick Wolfe’s “native repressed [who] continues to structure settler-colonial society.”<sup>66</sup> As settler colonialism was theorized in chapter one, the version of the world established within contemporary Canada relies upon a logic of elimination, dispossession or assimilation—exclusion, or what is not allowed to appear—with respect to Indigenous peoples and their ways of life. This does not necessarily mean that Indigenous peoples do not *ever* appear within settler colonial contexts at all, but that when they do, they do so in circumscribed ways—in particular, with their sovereignty and governing authority (mostly) negated or circumscribed.

A related aspect of critical discourse analysis is to consider how discourses produce and sustain one version of the world at the expense of others. A dominant version of the world might be considered a “hegemonic” one. As Hjelm defines it, hegemony is “the point at which all alternative constructions are suppressed in favour of one dominating view.”<sup>67</sup> It is worth noting here, that to “suppress” might also be stated as “subordinate” or “disenfranchise,” in that alternative constructions may be *limited* without being *eliminated* completely. If characterizing Canada as predominantly settler colonial, then we might consider how discourses naturalize the

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<sup>65</sup> Ibid., 28.

<sup>66</sup> Wolfe, “Settler Colonialism and the Elimination of the Native,” 390.

<sup>67</sup> Hjelm, “Discourse Analysis,” 22.

hegemony of settler colonizers while limiting the authority and participation of Indigenous peoples. According to this view, hegemonic discourse is comparable to Rifkin's notion of settler common sense. "Because common sense naturalizes our conceptions of everyday life, it is the most effective way of sustaining hegemony, that is, an exclusive interpretation of reality."<sup>68</sup> Settler common sense is an interpretation of reality that primarily excludes (or eliminates) Indigenous peoples while realizing and naturalizing Canadian settler colonial hegemony. In the next section, I consider how discourses on "religion" and "civilization" have contributed to the exclusion of Indigenous peoples and practices and naturalization of settler colonial governance and sovereignty in Canada.

## ii. "Religion," "Civilization," and Settler Colonial Sovereignty

To understand the repression and exclusion of Indigenous peoples' ways of life in favour of those of the settler colonial nation-state, it is worth taking a brief historical foray into the discourses on "religion" and "civilization" that underwrite Canadian sovereignty. Christian discourses related to the modern concept of "religion" have served as ideological justifications for the legitimization, establishment, and naturalization of the settler colonial governing order in Canada. As mentioned in the introduction and chapter one, Catholic ideas and laws such as the *Doctrine of Discovery* were not separate from imperial and colonial expansion, but served as discourses that underwrote assertions of British and French sovereignty in Canada's early history. Colonization and settlement followed upon the notion of European and Christian "discovery" of *terra nullius* or "empty earth," which placed lands inhabited by non-Christian peoples under European and Euro-Canadian jurisdiction. As historians describe, "Under

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<sup>68</sup> Ibid.

Discovery, non-Christian peoples did not possess the same human and natural law rights to land, sovereignty, and self-determination as Christian peoples.”<sup>69</sup> Further, “Europeans thought that God had directed them to bring civilization, education, and religion to Indigenous peoples and to exercise paternalism and guardianship powers over them.”<sup>70</sup> While Catholic doctrine was instrumental in naturalizing Europeans’ right to rule in what would become Canada, monarchies in Europe also played an important role. As Pamela Klassen argues,

In the violent process of making the Canadian nation-state, the British and the French depended on fantasies of their own natural right to rule to achieve the displacement and disempowerment of each other, and of Indigenous peoples. Both made declarations of sovereignty with the twinned authority of God and monarch.<sup>71</sup>

Based upon the “twinned authority of God and monarch”—and not forgetting the role of the British monarch as the head of the Anglican Church—the colonial government sought to bring “education” and “religion” to the non-Christian “Indians” and therefore “civilize” them. The discourse on “religion” as essential, desirable, and beneficial was used to authorize the use of religion the object (here, Christianity) for the purposes of settler colonialism.

Concepts such as religion, civilization, and education provide the conceptual and legal categories through which the Dominion of Canada constituted a hierarchy and established authority over Indigenous peoples. Numerous scholars, including historians and anthropologists, have examined how the dispossession and repression of Indigenous peoples occurred through discourses of “religion” and related ethnocentric assumptions about the inferiority of Indigenous practices. For example, various Indigenous ceremonies and ceremonial objects were banned in amendments to the *Indian Act* in the late nineteenth century.<sup>72</sup> As Ronald Niezen recounts, “in

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<sup>69</sup> Miller et al., “Introduction,” 8.

<sup>70</sup> Ibid.

<sup>71</sup> Pamela E. Klassen, “Fantasies of Sovereignty: Civic Secularism in Canada,” *Critical Research on Religion* 3, no. 1 (April 1, 2015): 44, doi:10.1177/2050303215584230.

<sup>72</sup> This example will be elaborated upon in chapter four.

the late nineteenth century and early twentieth, native leaders were fined or arrested and imprisoned for conducting ceremonies deemed by the state to be destructive of soul and character.”<sup>73</sup> In other words, the continuation of Indigenous ways of life was perceived as a barrier to the “civilizing” efforts of both Church and state. Niezen goes on to note how campaigns against what he calls “native spiritual practices” or “religions” were intertwined with the “territorial and ideological ambitions of the state.”<sup>74</sup> Historian Katherine Pettipas substantiates these contentions in her work tracing the repression of ceremonies in the prairie. Pettipas focuses on the *Indian Act, 1876* and amendments that banned ceremonies to consider how such bans factored into Indigenous cultural genocide.<sup>75</sup> Niezen and Pettipas both detail how such repression was instrumental to the establishment of Canadian sovereignty and settler colonial hegemony. With Indigenous ceremonies—and forms of governance—ranked as “less than” in relation to European and Euro-Canadian practices, the latter became the norm. In section four, I focus critical attention upon the parliamentary mace as symbol, ceremony, and discursive practice within a constitutional monarchy. Before doing so, however, I provide a brief account of authoritative discourse on the history and context that produced today’s parliamentary mace.

### **iii. A History and Context that Produces Canada’s Parliamentary Mace**

Authoritative discourse constructs the parliamentary mace in relation to the Crown and Canadian sovereignty since the parliamentary mace came to Canada by way of British protocol. Authoritative discourse is that which is produced by hegemonic actors, and explicitly or

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<sup>73</sup> Ronald Niezen, *Spirit Wars: Native North American Religions in the Age of Nation Building* (Berkeley: University of California Press, 2000), 2.

<sup>74</sup> *Ibid.*, 5.

<sup>75</sup> Katherine Pettipas, *Severing the Ties That Bind Government Repression of Indigenous Religious Ceremonies on the Prairies*, *Manitoba Studies in Native History* ; 7 (Winnipeg Man: University of Manitoba Press, 1994).

implicitly naturalizes that to which it refers. To examine authoritative discourse on the history and context that produced the mace, I turn to parliamentary librarians, government websites, federal publications such as the (online) House of Commons Procedure and Practice Manual, and one early twentieth century British newspaper article. The mace, now largely symbolic but still a hefty object, began as a weapon. According to a 1917 British newspaper article that introduces the mace currently in use in Canada, “In the Middle Ages the mace was a weapon of offence, used by knights and warlike churchmen, and it was frequently spiked, the head being of metal and the staff of wood.”<sup>76</sup> Parliamentary Research Librarian John McDonough contends that the mace was favoured by “the martial bishops of the mediaeval period” as it enabled them to avoid shedding blood by instead caving in the skull of their opponents.<sup>77</sup> Here, it’s interesting to briefly note the mace’s association with Christian, male violence, given the object’s eventual arrival in Canada by way of the colonial project.

Long before the mace’s arrival in Canada and in approximately the twelfth century, the mace became specifically associated with the British Crown as the weapon of the king’s bodyguards. According to McDonough, “A corps of Sergeants-at-Arms were armed with maces and sworn to protect the King’s person,” and in later years the presentation of a mace became sign of royal favour.<sup>78</sup> Eventually, the mace became a “public display of power” and its use was restricted because the mace had come to symbolize “parliamentary prerogative,” the ability to arrest and jail others without a warrant.<sup>79</sup> Throughout these examples, the mace represents not

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<sup>76</sup> “London’s Gift to Ottawa: The New Mace for the New Canadian House of Commons,” *The Graphic*, March 17, 1917.

<sup>77</sup> John McDonough, “The History of the Maces of the British and Canadian Parliaments,” *Canadian Regional Review, Commonwealth Parliamentary Association* 2, no. 2 (1979), <http://www.revparl.ca/english/issue.asp?param=89&art=336>.

<sup>78</sup> *Ibid.*

<sup>79</sup> Christopher McCreery and Corinna Pike, *Canadian Symbols of Authority Maces, Chains, and Rods of Office*, Canadian Electronic Library. Canadian Publishers Collection (Toronto: Dundurn, 2011), 85.

only the sovereign and their approval, but authorizes the use of violence to defend state interests. According to McDonough, the first recorded use of the mace in Canada occurred in 1793, nearly a century before Confederation in 1867. In an unbroken tradition, however, the mace still represents the “penal jurisdiction” of the Sergeant-at-Arms, which entails much the same as parliamentary prerogative mentioned above.<sup>80</sup> While the specific mace used upon Canadian Confederation burnt in the parliamentary fire of 1916, the mace currently in use is a replica of the mace of 1867. Today’s replica was given to Canada by the British monarchy in 1917. As the headline from an article published in Britain’s *The Graphic* at the time declares, it was “London’s Gift to Ottawa.”<sup>81</sup> There is a strong sense of continuity not only in the fact that the mace *still* comes directly from the Crown, but also in that it continues to represent the protection of state interests and control over violence. In the next section, I consider how the mace and the Crown relate to Canadian sovereignty and settler colonialism.

#### **iv. Critically Analyzing Authority: The Parliamentary Mace, Metonymy, and Monarchy**

The contemporary Canadian system of governance is considered a constitutional monarchy; this means that the British monarch is the head of state within the parameters of a constitution. Within Canada, the monarch and the power associated with the monarch is referred to as the institution of the “Crown.” As a federal government source puts it, “the Crown embodies the continuity of the state and is the underlying principle of its institutional unity.”<sup>82</sup>

The parliamentary mace functions as a metonym for the Crown. The *Merriam-Webster*

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<sup>80</sup> Audrey O’Brien and Marc Bosc, eds., “The Physical and Administrative Setting,” in *House of Commons Procedure and Practice*, 2nd ed. (Ottawa: Government of Canada, 2009), <http://www.ourcommons.ca/procedure-book-livre/document.aspx?sbdid=1b08a55c-743c-47db-92e0-898d41340504&sbpidx=4>.

<sup>81</sup> “London’s Gift to Ottawa: The New Mace for the New Canadian House of Commons.”

<sup>82</sup> Canada, Senate of. “Senate of Canada - About the Senate.” *Senate of Canada*, April 25, 2016. <https://sencanada.ca/en/about/>.

*Dictionary* defines metonymy as, “a figure of speech consisting of the use of the name of one thing for that of another of which it is an attribute or with which it is associated.”<sup>83</sup> The dictionary example provided is, ironically, the same concept under discussion here: “‘crown’ [as] in ‘lands belonging to the crown’.”<sup>84</sup> Within the legislature of Canada, the mace stands in for the monarchy, symbolizing sovereign approval and the capacity to govern: “Bearing a Crown, the mace is a symbol of the legitimate right of the legislature to sit under authority of the Crown.”<sup>85</sup> That the mace functions as a metonym for the Crown grants the bearer of the mace what scholar of religion Bruce Lincoln might call “discursive authority.” In *Authority: Construction and Corrosion*, Lincoln primarily defines discursive authority with respect to speech acts and a speaker, but his work can be modified to suit a non-verbal statement such as the use of an object because Lincoln defines discursive authority as an *effect*.<sup>86</sup> This effect results from the conjuncture of several factors, including: the right speaker, delivery, staging and props, time and place, and most importantly “an audience whose historically and culturally conditioned expectations establish the parameters of what is judged ‘right’ in all these instances.”<sup>87</sup> The production of discursive authority through an object must be intelligible within a particular context, and to viewers familiar with a history and cultural repertoire; in other words, for a discursive act to produce authority, it must make sense to those witnessing the act in question.

In a slightly different but related vein of analysis, we might focus upon context rather than act. Scholar of oral tradition John Miles Foley more precisely defines a metonym as, “a

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<sup>83</sup> “Definition of Metonymy,” *Merriam-Webster Dictionary*, accessed August 15, 2017, <https://www.merriam-webster.com/dictionary/metonymy>.

<sup>84</sup> *Ibid.*

<sup>85</sup> State Ceremonial and Protocol Directorate, Department of Canadian Heritage, “A Crown of Maples: Constitutional Monarchy in Canada” (Government of Canada, 2015), 25, [http://publications.gc.ca/collections/collection\\_2015/pc-ch/CH4-129-2015-eng.pdf](http://publications.gc.ca/collections/collection_2015/pc-ch/CH4-129-2015-eng.pdf).

<sup>86</sup> Bruce Lincoln, *Authority: Construction and Corrosion* (Chicago: University of Chicago Press, 1994).

<sup>87</sup> *Ibid.*, 11.

mode of signification wherein the part stands for the whole . . . a situation in which a text or version is enriched by an unspoken context that dwarfs the . . . artifact.”<sup>88</sup> Considering the mace as a metonym for the Crown brings up an important question: what is the “unspoken context” that enriches, and perhaps creates, the parliamentary mace as an artifact? Given the focus in this thesis on re-conceptualizing Canada as “settler colonial,” I suggest that the “unspoken context” —or at least, the unacknowledged or unadmitted context—of the mace is that of colonization and settlement. The unspoken context, additionally, might be the unceded and recently (re)asserted Algonquin territory upon which Parliament Hill sits.<sup>89</sup> Placed into conversation with the notion of settler common sense, the unspoken context is that of Indigenous peoples repressed and replaced by a constitutional monarchy and associated discursive practices.

The ceremony involving the parliamentary mace is an example of a discursive practice that replaced Indigenous protocols and ceremonies, and which enacts those of the settler colonial state instead. As Judith Butler defines it, “‘enactment’ can, in general be understood as a less conscious and willed dimension of producing social and political categories.”<sup>90</sup> In this case, the category in question is governance that can be classified as “Canadian” and “settler colonial” rather than “Indigenous.” The ceremony involving the parliamentary mace is based on British protocol and history, and was established in Canada as colonization occurred and new governments formed. The Sergeant-at-Arms carries the mace into the House at the front of the

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<sup>88</sup> John Miles Foley quoted in Catherine Quick, “The Metonym: Rhetoric and Oral Tradition at the Crossroads,” *Oral Tradition* 26, no. 2 (August 1, 2012), doi:10.1353/ort.2011.0013.

<sup>89</sup> On 8 December 2016, this context became “spoken” when it was announced that the Algonquin Anishinaabe Nation “has never surrendered its title” to a significant tract of land on the Ottawa River, including that which Parliament, the Supreme Court, and the War Museum sit on. The Algonquin Anishinaabe Nation is seeking to have aboriginal title to the land recognized. I want to emphasize that simply because this claim has been spoken, does not necessarily mean that it was heard or recognized and the land reclaimed. See: The Canadian Press Service, “Ontario First Nation Lays Claim to Downtown Ottawa, Including Parliament Hill,” *The Globe and Mail*, December 8, 2016, sec. news, <https://www.theglobeandmail.com/news/national/ontario-first-nation-lays-claim-to-downtown-ottawa-including-parliament-hill/article33275568/>.

<sup>90</sup> Sara Ahmed, “Interview with Judith Butler,” *Sexualities*, 19, no. 4 (2016): 483, doi:10.1177/1363460716629607.

Speaker's Parade at the beginning of each sitting within a session of the federal House of Commons, and sets the mace down in a specific place in front of the Speaker. Throughout a sitting, strict protocols surround the mace: no one except for the Sergeant-at-Arms or the Speaker may touch the mace. As the House of Commons records, "Members have... been found in contempt of the House for touching the Mace during proceedings in the Chamber."<sup>91</sup> Through the modality of the Speaker's Parade and the protocols surrounding the mace, the mace enacts the context and institutional framework that enables Canadian governance to (continue to) *take place*, both in the temporal and territorial sense of the phrase.

Making the mace an item of discourse further contributes to the enactment and naturalization of a settler colonial set of relations in which British-Canadian ideas and practices remain hegemonic. In *Canadian Symbols of Authority: Maces, Chains, and Rods of Office* authors Corinna Pike and Christopher McCreery contend that, "the House of Commons mace—more commonly referred to as the 'Parliamentary Mace' or 'Great Mace'—is amongst the most important symbols of authority of the Canadian state," second only to the Sovereign's signature and the Great Seal of Canada.<sup>92</sup> As they put it, quite strongly: "The very governance of the country is impossible without its presence."<sup>93</sup> McCreery and Pike's discourse serves as an example of persuasive discourse, in this case establishing sympathies towards a hegemonic view: that without the parliamentary mace and associated institutions such as the Crown, the country in question would be ungoverned. This discourse implicitly supports the idea that Indigenous peoples lacked formal governance structures prior to the arrival of European settler colonizers. Rather, Indigenous governance structures existed, but went unrecognized, suppressed,

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<sup>91</sup> Audrey O'Brien and Marc Bosc, "The Physical and Administrative Setting."

<sup>92</sup> McCreery and Pike, *Canadian Symbols of Authority*, 115.

<sup>93</sup> *Ibid.*, 116.

circumscribed, and/or replaced throughout colonization and settlement. As a replica of the mace used in 1876, today's mace references a major event in the establishment of a constitutive hierarchy in which settler colonial governance became hegemonic. One-hundred and fifty years later, the ceremonial use of the mace is taken for granted—it has become “settler common sense,” a form of life governance that occurs despite and instead of Indigenous forms. In the next section, I return to Jane Urquhart's chapter on the mace in *A Number of Things* as an example of persuasive discourse that naturalizes Canadian settler colonial hegemony in 2017.

#### **v. The Mace as an Item of Discourse at Canada's Sesquicentennial**

In the 2016 book *A Number of Things* classified as “history/general” and called a “national bestseller,”<sup>94</sup> Canadian author Jane Urquhart devotes one of fifty chapters to what she titles simply as, “Mace.” Her chapter serves as an example of contemporary persuasive discourse in relation to Canada's celebration of the sesquicentennial anniversary of Confederation. As noted in the introduction to this thesis, the book overall constructs a positive valuation of “Canada.” One of the ways it does so, as the second quotation that opens this chapter attests, is to make the mace an item of discourse by placing it in a series of narrative connections. In the chapter, Urquhart tells a history of the 1916 fire in Ottawa's Centre Block on Parliament Hill. She describes the scene following the fire, “Rescued furniture and relics were piled haphazardly in the snow... but one thing that was neither rescued nor hosed down and then frozen was the mace. And this was a big problem for Parliament.”<sup>95</sup> Here, Urquhart acknowledges the aforementioned protocol that a sitting of the House of Commons cannot take place without *a*

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<sup>94</sup> World Archipelago, “A Number of Things - Jane Urquhart - Hardcover,” *HarperCollins Canada*, accessed August 15, 2017, <http://www.harpercollins.ca/9781443432061/a-number-of-things>.

<sup>95</sup> Jane Urquhart, *A Number of Things: Stories of Canada Told through Fifty Objects* (Toronto: Patrick Crean Editions, an imprint of HarperCollins Publishers Ltd., 2016), 182.

mace present. As the House of Commons Procedures and Practice manual puts it, “The Mace is integral to the functioning of the House; since the late seventeenth century it has been accepted that the Mace must be present for the House to be properly constituted.”<sup>96</sup> To emphasize this point, Urquhart makes a brief foray south; in 1965, the Bahamian parliament borrowed Canada’s post-fire temporary mace of 1916–1917 after an “enraged” member broke protocol (regarding who can touch the mace) *and* broke the mace itself by throwing it out the window.<sup>97</sup> Urquhart tells stories about the mace—she provides *a* history, conceiving of the mace in *one* particular way.

The way in which Urquhart conceives the mace makes sense of the present moment and the sesquicentennial celebration. As attested in the quotation that opens this chapter, the mace and associated “pomp and ceremony” symbolize a past *worth* paying tribute to, as well as the “democratic values” of a representational government worth “both honouring and protecting.”<sup>98</sup> In this chapter, I provide a framework for critical discourse analysis of this sort of discourse on the mace. Within this framework, as Hjelm puts it, “it is equally important for critical discourse analysis to study what is *not* said, that is, what we take for granted.”<sup>99</sup> In this example, the series of narrative connections that Urquhart makes, and her final pronouncement, cast the parliamentary mace in a positive light; it is one of many objects and symbols that contributes to the maintenance of the nation-state. In this chapter, however, I drew upon persuasive and authoritative discourse to emphasize a characterization of the mace in relation to settler colonialism, the Crown and constitutional monarchy, violence, and the displacement and

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<sup>96</sup> Robert Marleau and Camille Montpetit, eds., “The Physical and Administrative Setting,” in *House of Commons Procedure and Practice Manual*, 1st ed. (Ottawa: Government of Canada, 2000).

<sup>97</sup> Urquhart, *A Number of Things*, 182–83.

<sup>98</sup> *Ibid.*, 185.

<sup>99</sup> Titus Hjelm, “Discourse Analysis,” in *Critical Terms for Religious Studies*, ed. Mark C Taylor (Chicago: University of Chicago Press, 2012), 141.

replacement of Indigenous ways of life. Rather than assuming that the mace references a past *worth* paying tribute, it may be more useful to consider how the mace is deployed to construct and naturalize a past that may not be entirely unproblematic,<sup>100</sup> but that was worth it in the end; in other words, Urquhart's chapter on the mace implies that the ends justified the means. Further, as we learned in the introduction and chapter one, Indigenous movements such as #colonialism150, #resistance150 and individuals such as Alex Janvier do not consider Canada's past worth celebrating, nor the Canadian government to be representative of them or their values. Viewing the mace as an item of discourse through a critical discourse analysis of in *A Number of Things*, therefore, provides an example of how settler colonial hegemony is expressed and reinforced through persuasive discourses. While the sesquicentennial celebrations naturalize the Canadian nation-state, the celebration and related discourses can be problematized from a perspective that considers Canada's past *and* present as settler colonial.

#### **vi. Occlusion, Authority, and Anticipated Futures in Conflict**

In this chapter, I used critical discourse analysis to examine the productive power of the parliamentary mace as a modality of settler common sense. The mace is fundamental to the construction of the context in which Canadian governance *takes place*, which requires the *displacement* and *replacement* of Indigenous peoples, their ceremonies, and techniques of governance. Late nineteenth century discourses on "religion" and "civilization" contributed to such processes into and throughout the twentieth century; contemporary persuasive discourses naturalize the result of these processes, supporting the hegemony of the Canadian nation-state.

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<sup>100</sup> That Canada's past is not entirely unproblematic is shown in *A Number of Things*, for example, as mentioned in the introduction to this thesis: by the first and last chapters in the book citing objects that reference Indigenous trauma (a scrap from a Beothuk child's legging from a post-contact burial suite, and a partially destroyed Haisla mask).

As highlighted in this chapter, the parliamentary mace references not simply “democratic values,” but a history of colonization and settlement involving the Crown, Confederation, and control over violence to serve state interests. The “pomp and ceremony,” however, seems to occlude the violence associated with both the mace and the establishment of the settler colonial nation-state. To an even greater extent than Urquhart’s description, for example, Pike and McCreery portray both the mace and its imperial connection in a positive light:

The parliamentary maces used throughout Canada, like the Crown, embody continuity... They are not symbols of a foreign land imposed upon Canada, but rather they are like old friends that are part of the Canadian symbolic and ceremonial lexicon.<sup>101</sup>

Not only this, but the same authors cite an Indigenous source to support their argument: “Even our rebels, such as the Métis leader Louis Riel, were intent on retaining the Crown as the locus of power.”<sup>102</sup> True or not, the latter quotation provides an example of how persuasive discourse can cite an Indigenous source in such a way that it reinforces the dominance of European/Euro-Canadian/Canadian values, ideas, and governance. Rather, the continuity that parliamentary maces such as the one in the House of Commons embodies can be framed as the continuing authority of the settler colonial nation-state. Because of this continuity, critical attention to the mace as an item of discourse helps to demystify the way in which the mace is placed into present settings to make possible—or sustain—an anticipated future in which Canadian sovereignty, and authority over peoples and territories, continues.

Ceremonies as discursive acts, authoritative discourses, and persuasive discourses serve to produce and naturalize the discursive authority of the settler colonial nation-state. Not everyone, however, anticipates the same future; as a result, there may be challenges to the

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<sup>101</sup> McCreery and Pike, *Canadian Symbols of Authority*, 17.

<sup>102</sup> *Ibid.*

authority of the state. Indeed, according to Lincoln, “the best way to study something like authority is not when it operates smoothly and efficiently, for its success in some measures depends on naturalizing itself and obscuring the very processes of which it is the product.”<sup>103</sup> Lincoln instead proposes to study moments of crisis. In the remaining three chapters of this thesis, I turn to several moments of “crisis” for Canadian sovereignty. The moments that I cite are linked by the continuing appearance and utility of another object; this other item, I contend, enables discussions of Indigenous sovereignty, identity, and spirituality as articulated in interactions with the settler colonial state. In the instances in question, Indigenous people do appear, and they’re holding eagle feathers while they challenge Canada’s sovereignty, authority, and jurisdiction.

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<sup>103</sup> Lincoln, *Authority*, 11.

## CHAPTER THREE

### *Examining Three Eagle Feathers Amidst an “Indian Summer” of “National Crises”*

Comparison... is an active... enterprise of deconstruction and reconstitution which, kaleidoscope-like, gives the scholar a shifting set of characteristics with which to negotiate the relations between his or her theoretical interests and data stipulated as exemplary.

-Jonathan Z. Smith<sup>104</sup>

We need to let Canadians know that we have been shoved aside. We're saying that Aboriginal issues should be put on the priority list.

-Elijah Harper, 12 June 1990<sup>105</sup>

In the year 1990, two major events in Indigenous-Canadian relations took place. Because of these two events, some name that year as having an “Indian Summer” of “national crises.”<sup>106</sup> Although the events took place in Manitoba and Quebec, both events reached a national audience. At both, the eagle feather makes a notable appearance. In the chapter previous, I examined the parliamentary mace for the past that it references, the context that it constitutes, and the sets of relations that it therefore normalizes or naturalizes. In this formulation, the parliamentary mace contributes to making possible an anticipated future in which the settler colonial state continues. Similar questions might be asked of the eagle feather, the second item under consideration in this thesis. In this chapter, I begin to characterize the eagle feather so that I might afterwards deconstruct and reconstitute it to serve the theoretical interests of this thesis. Given that the latter chapters of this thesis discuss discourses on Indigenous sovereignty and spirituality in Canada, I am particularly interested in how the eagle feather appears in moments

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<sup>104</sup> Jonathan Z. Smith, *Drudgery Divine* (Chicago: University of Chicago Press, 1990), 53.

<sup>105</sup> “1990: Manitoba MLA Elijah Harper Votes against Meech Lake Accord - CBC Archives,” accessed August 16, 2017, <http://www.cbc.ca/archives/entry/manitoba-mla-elijah-harper-votes-against-meech-lake-accord>.

<sup>106</sup> Coulthard, *Red Skin, White Masks*, 115.

of crisis for Canadian authority.<sup>107</sup> When and how does the eagle feather appear wielded by Indigenous actors in such moments, and how is it characterized?

The two “Indian Summer” events that I address in this chapter are the vetoing of the Meech Lake Accord in the Manitoba Legislative Assembly, and the armed standoff of the “Oka Crisis” in Quebec. In the former, in Winnipeg, Oji-Cree politician Elijah Harper held an eagle feather while serving as a voice for Aboriginal people;<sup>108</sup> Harper’s actions then contributed to the development of the eventual “Indigenous” and nation-wide collective social and political movement. The second event took place just months later, in an area called “The Pines” in between the Quebec town of Oka and the Kanien’kéha’ka Mohawk community of Kanesatake (also referred to as Kanehsatake). A Métis activist placed a stick with an eagle feather into the barrel of a tank gun, and Mohawk spokesperson Ellen Gabriel held an eagle feather aloft as she demanded the recognition of her people and their claim to disputed territory. In this chapter, I contextualize both instances of crisis and discuss discourses on the feather and the surrounding events. I begin by introducing Elijah Harper and his eagle feather and relating the feather to the parliamentary mace. I then characterize the eagle feather as a collective representation for Indigenous peoples in Canada. Returning to Harper and turning to Oka, I examine how the eagle feather relates to authority, sovereignty, and jurisdiction. I conclude by suggesting the need for an approach to the eagle feather that accounts for its characterization as “sacred” or “spiritual” as well as the feather’s utility in Indigenous articulations of resistance to Canadian sovereignty, authority, and jurisdiction.

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<sup>107</sup> The discussion of Indigenous spirituality primarily occurs in the conclusion of this thesis.

<sup>108</sup> Throughout this chapter, using the term “Aboriginal” at times seems more appropriate when representing the discourse of the era in question. When speaking generally, however, I continue to use “Indigenous” for the reasons acknowledged in chapter one.

**i. “The Man with the Eagle Feather” Against the Meech Lake Accord**

In the summer of 1990, Oji-Cree politician and first-ever Aboriginal Member of the Manitoba Legislative Assembly Elijah Harper became known as “the man with the eagle feather.” Harper gained his title and fame when he scuttled the Meech Lake Accord, a proposed amendment to the Canadian Constitution. The amendment would have recognized Québec in an effort to, “bring Quebec ‘back in’ to the constitutional fold in the wake of the province’s refusal to accept the constitutional repatriation deal of 1981, which formed the basis of the *Constitution Act, 1982*.”<sup>109</sup> Harper vetoed the Meech Lake Accord by saying “no” a total of eight times. By withholding his assent on a vote requiring unanimity, he prevented Manitoba’s assembly from debating the accord; this delay contributed to the failure of the accord to be ratified. According to “Canada 150: When a man with an eagle feather thwarted the high and mighty,” Harper was opposed to Meech Lake, “because [Aboriginal people] weren’t included in the Constitution... We were to recognize Quebec as a distinct society, whereas we as aboriginal people were completely left out.”<sup>110</sup> Harper was speaking on behalf of aboriginal people nation-wide, and gained recognition as a result.

Harper’s refusal and grasping of the eagle feather reverberated across the nation. As *Star* columnist Jim Coyle puts it, “Elijah Harper became famous across the country. Coming from the ranks of the marginalized, he was the perfect symbol of dissent and defiance of an agreement cobbled together in private by 11 well-off white men.” He became so famous, in fact, that the Canadian Press named him the 1990 “newsmaker of the year”; in a May 2013 obituary for him in *The Globe and Mail*, his impact upon Canada was compared to that of another challenger of

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<sup>109</sup> Coulthard, *Red Skin, White Masks*, 115.

<sup>110</sup> Jim Coyle, “Canada 150: When a Man with an Eagle Feather Thwarted the High and Mighty,” *The Star*, May 27, 2017, <https://www.thestar.com/news/insight/2017/05/27/canada-150-when-a-man-with-an-eagle-feather-thwarted-the-high-and-mighty.html>.

Canadian authority: Métis leader Louis Riel.<sup>111</sup> Dene political theorist Glen S. Coulthard names Harper's actions, "a disruptive act of legislative protest,"<sup>112</sup> and Harper's refusal is considered an early assertion of Indigenous sovereignty.<sup>113</sup> As an assertion made within a legislative context, Harper's refusal directly challenged the nation-state regarding the place of Aboriginal peoples within the national social and political milieu. In fact, in doing so as part of a national debate, he contributed to the development of an Indigenous sense of nationhood at least on par with that attributed to the "founding" nations of Canada. And as Harper withheld his assent and went on to become a symbol of dissent, he became known for grasping an eagle feather while he exercised his power to refuse.

Building upon the previous chapter, I suggest that the feather can be examined through an approach like that which I used to discuss the parliamentary mace. As contended, contexts and histories *make* "stuff" into "things." In this example, the context of the Meech Lake Accord and the history of Indigenous-Canadian relations produced the feather as a noteworthy item, in addition to the man who held the feather. Although clearly used in political situations, both the mace and the eagle feather are ascribed with "spiritual" qualities. Regarding the eagle feather, the famous photo of Elijah Harper is captioned to say that he "holds an eagle feather for spiritual strength as he refused to support the accord in Winnipeg in 1990."<sup>114</sup> About the mace, John McDonough writes:

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<sup>111</sup> Allan Levine, "Native Leader Elijah Harper Helped Scuttle Meech Lake; 'We're the Very People Who Welcomed [Mulroney's] Ancestors to This Country and He Didn't Want to Recognize Us in the Constitution'," *The Globe and Mail*, May 20, 2013, <https://www.theglobeandmail.com/news/politics/native-leader-elijah-harper-helped-scuttle-meech-lake/article12033338/>.

<sup>112</sup> *Ibid.*

<sup>113</sup> For a thought-provoking and critical take on the concept of "refusal" from Indigenous actors and communities, see: Audra Simpson, *Mohawk Interruptus: Political Life across the Borders of Settler States* (Durham, NC: Duke University Press, 2014).

<sup>114</sup> "Meech Lake Accord Defeat Had Roots in Manitoba's Indigenous Community," *CBC News*, accessed August 17, 2017, <http://www.cbc.ca/news/canada/manitoba/25-years-since-elijah-harper-said-no-to-the-meech-lake-accord-1.3110439>.

From time immemorial weapons of war have been associated with positions of tribal leadership. The spiritual beliefs and rituals of ancient religions contributed a mystical significance to these symbols of authority. The sceptre and the mace... are the modern equivalents of this historical tradition.<sup>115</sup>

Of course, an eagle feather seems to contrast rather sharply with the mace in relation to violence, with the former being a weapon of war; this contrast will be addressed in chapters four and five. However, Indigenous peoples do associate the eagle feather with violence in at least one respect. When an eagle feather falls to the ground at a powwow, only a veteran or previously wounded warrior can retrieve it; this is because, “The eagle feather is the spirit of a fallen warrior and can only be matched in power by the same.”<sup>116</sup> In a related sense, some Indigenous people may not consider the eagle feather an inanimate object at all. As an extension of the eagle as a non-human being, an eagle feather may be seen as living. As one source puts it, “In Aboriginal tradition, the eagle represents the strongest of spiritual powers, and when the bird dies, these powers remain in the feathers, claws and body parts.”<sup>117</sup> This means that those who hold eagle feathers are caretakers rather than owners. As an example of what caring for an eagle feather entails, when two feathers were presented to the Ottawa Courthouse for Indigenous peoples to swear upon instead of the Bible, elders taught courthouse employees how to let the feathers “breathe.”<sup>118</sup> Like the mace, the eagle feather has strict protocols that stem from practices passed down through the years.

Like the mace, the eagle feather is created by discursive and collective practices that reference versions of the past. Discourses and discursive practices such as those above set such items apart from others, making them into “things” rather than the everyday “stuff” of the world.

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<sup>115</sup> “The History of the Maces of the British and Canadian Parliaments.”

<sup>116</sup> Boye Ladd, “When the Eagle Feather Drops,” 1987.

<sup>117</sup> Pamela Sexsmith Green, “Elders Get Last Word on Use of Eagle Feathers,” *Windspeaker*, 1999.

<sup>118</sup> Waubgeshig Rice, “Eagle Feathers Now on Hand for Oaths at Ottawa Courthouse,” *CBC News*, January 18, 2016, <http://www.cbc.ca/news/canada/ottawa/eagle-feathers-now-on-hand-for-oaths-at-ottawa-courthouse-1.3409212>.

Eagle feathers are referred to as “sacred,” requiring “traditional teachings” and an Indigenous person with authority such as an elder to present them and explain their significance.<sup>119</sup> Although set within a nationalistic framework, the rules, protocols, and practices involving the mace make it seem, in a sense, comparable. Granting a comparison that considers each object as having—through human ideation and activity—aspects that some might classify as “sacred,” I draw upon the work of religious studies scholar Timothy Fitzgerald. Fitzgerald contends that,

things are considered sacred by specific communities because those people value them in a fundamental way, or because they symbolize the values of the community, or because they provide fundamental ways of thinking about the world within the system of collective representations through which that particular society orders itself.<sup>120</sup>

In chapter two, I highlighted several ways in which the parliamentary mace might perform the above functions. As a collective representation, the parliamentary mace references control over violence for state interests, and serves as a metonym for the British monarchy and the Crown in Canada; it represents Canadian sovereignty over territory and constitutes the context in which Canadian governance takes place; and, its continuous use from (before) Confederation to 2017 references and reasserts the hegemony of the settler colonial state. If the eagle feather presents an Indigenous challenge to the authority of the settler colonial state, then might it be considered through a similar approach? Why might Indigenous peoples fundamentally value the eagle feather, what values might it symbolize for Indigenous communities, what fundamental ways of thinking about the world does the feather provide, and how does the eagle feather fit within a system of collective values that orders an “Indigenous” society? In the following section and before returning to the “Indian Summer” of 1990, I attempt to address these questions and further characterize the eagle feather.

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<sup>119</sup> Ibid.

<sup>120</sup> Timothy Fitzgerald, *The Ideology of Religious Studies* (New York: Oxford University Press, 2003), 19.

## ii. Characterizing the Eagle Feather as a Collective Representation in Indigenous Canada

Before turning to Elijah Harper's eagle feather and subsequent examples, it is helpful to recount some of what the eagle feather may represent. To do so, I rely upon accounts given to primarily non-Indigenous audiences, because I am interested in how the eagle feather is constructed within the context of Indigenous-settler interactions. At the very outset, I want to make clear that I do not claim to provide a universal or exhaustive characterization of the eagle feather in these few pages. It is also important to note, as in chapter one, that I take a broadly "Indigenous" approach. In doing so, I risk homogenizing those within the category, including those whose cultural repertoires may not include the eagle feather.<sup>121</sup> I continue to do so, however, because the use of the eagle feather *is* shared by groups from the east (e.g., the Mi'kmaq) to the west coast (e.g., the Haida) of Canada and into the United States, and because those holding eagle feathers have impacted wider audiences than their own nations. While I might count myself amongst that wider audience, I am a third-generation Canadian settler and researcher of Ukrainian, Irish, and English descent, and therefore not Indigenous as the term is used within this thesis. Because much of this thesis was researched and written from within the unceded Algonquin territory of Ottawa, Ontario, I primarily rely upon the words and observations of Algonquin and Kanien'kéha:ka (Mohawk) people. Here, I recount the general significance of the eagle feather as explained to conference attendees (including myself) and mainstream Canadian media sources.

One of the local contexts in which eagle feathers sometimes appear are academic conferences and presentations. Often, and especially when topics relate to Indigenous peoples in

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<sup>121</sup> I did not encounter literature that has surveyed all bands, nations, First Nations, Inuit, or Métis, to determine which utilize the eagle feather and how, versus those which do not. In this thesis, I identify the nation or affiliation of those whom I cite.

any way, elders are present to open and close the event, welcoming the audience to the territory in question. One particularly fortuitous example occurred in 2017 at the University of Ottawa, at the annual conference of the Canadian Anthropological Society/La Société de Canadienne D'Anthropologie (CASCA). On 6 May 2017, there was a plenary session scheduled entitled "Indigenous Movements." Rodney Nelson, an Anishinaabe anthropologist and faculty member at Carleton University, chaired the session; Nelson opened by welcoming the audience and explaining the significance of the eagle feathers in the fan that he held in his left hand. He explained that the eagle feathers in question are the "Chief Dan George Feathers" because they had been cared for by the respected leader<sup>122</sup> before being presented to Nelson's family. Nelson went on to describe the eagle feather as, "one of our most sacred objects, because the eagle flies closest to the Creator."<sup>123</sup> He added that, "If you're holding an eagle feather, you talk straight, as the feather goes."<sup>124</sup> As he explained, this idea refers to the purpose of feathers on an arrow, because an arrow's fletching causes it to fly straight. After introducing the plenary session, Nelson placed the feathers aside throughout the presentations and discussion. He picked them back up to thank the presenters and audience, and close the plenary session.

Throughout a literature survey of Canadian mainstream media from 1990–2017 and from attending other events, I learned that explanations of the eagle feather generally approximate that which is presented above. References to sacredness, the Creator, the honour of giving or receiving an eagle feather, and the responsibility to speak directly and honestly make up the bulk

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<sup>122</sup> This year on Canada Day, 1 July or "Canada 150", the Aboriginal People's Television Network recirculated Chief Dan George's 1967 speech "A Lament for Confederation," which marks (or mourns) Canada's centennial. It begins: "And today, when you celebrate your hundred years, Oh Canada, I am sad for all the Indian people throughout the land." See "A Lament for Confederation' a Speech by Chief Dan George in 1967," *APTN News*, July 1, 2017, <http://aptnnews.ca/2017/07/01/a-lament-for-confederation-a-speech-by-chief-dan-george-in-1967/>.

<sup>123</sup> Rodney Nelson, "Opening Remarks" (Canadian Anthropology Society/La Société Canadienne D'Anthropologie, University of Ottawa, May 6, 2017).

<sup>124</sup> *Ibid.*

of the explanations.<sup>125</sup> Nelson’s words, therefore, can be treated as exemplary and expanded on. As shown through the naming and care-taking of the Chief Dan George feathers, a key protocol of eagle feather is that they must be given or earned, not simply obtained and wielded indiscriminately. Although (as we’ll see) an individual may simply find an eagle feather, it is considered auspicious and must be cared for appropriately. These expectations are, for example, why some vocal Indigenous people see it as appropriative for non-Indigenous people and non-Chiefs to wear headdresses or warbonnets, which can be comprised of eagle feathers.<sup>126</sup> As Cherokee scholar of American and Ethnic Studies and author of the respected blog “Native Appropriations” Adrienne Keene explains in “But Why Can’t I wear a Hipster Headdress?”:

Eagle feathers are presented as symbols of honor and respect and have to be earned. Some communities give them to children when they become adults through special ceremonies, others present the feathers as a way of commemorating an act or event of deep significance. Warbonnets especially are reserved for respected figures of power.<sup>127</sup>

Eagle feathers are used to mark important moments and convey respect, and presented with in thanks for accountability. This significance and these expectations factor into the eagle feathers significance in a fundamentally *Indigenous* way of thinking about the world and an *Indigenous* system of collective representations.

While the giving or receiving of an eagle feathers may be most significant to those involved in such an interaction, the eagle feather gains its importance from socially constructed norms and values. As noted previously, “sacred” things, “provide fundamental ways of thinking

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<sup>125</sup> To perform this survey, I utilized the Factiva database on 21 January 2017. Keywords required all of: eagle, feather; and at least one of: indian, aboriginal, indigenous, religion, spirituality, tradition, religious, spiritual, sovereignty.

<sup>126</sup> Headdresses have famously been gifted to Canadian Prime Ministers: from the Blood Tribe in Southern Alberta to Stephen Harper in 2011, and by the Tsuut’ina First Nation near Calgary, Alberta to Justin Trudeau in 2016. See “Justin Trudeau Honoured by Tsuut’ina First Nation as ‘the One That Keeps Trying,’” CBC News, March 4, 2016, <http://www.cbc.ca/news/canada/calgary/trudeau-afn-tsuutina-headdress-ceremony-1.3475730>.

<sup>127</sup> Adrienne Keene, “But Why Can’t I Wear a Hipster Headdress?,” *Native Appropriations*, April 27, 2010, <http://nativeappropriations.com/2010/04/but-why-cant-i-wear-a-hipster-headdress.html>.

about the world within the system of collective representations through which that particular society orders itself.”<sup>128</sup> To address this idea, I return to Nelson’s explanation of the feather. According to Nelson, part of the significance of the eagle feather comes from the idea that the white part of an eagle feather represents “the ancestors,” while the whole of the feather represents the group, community, or collective.<sup>129</sup> The “ancestors” are an important and common collective representation, particularly in discussions of Indigenous cultural identity and territory. The Royal Commission on Aboriginal Peoples (RCAP), for example, acknowledges the connection between culture, ancestors, and territory:

The cultures of Aboriginal peoples are intimately linked to the land, not just to land in a generic sense but also to the particular places given to them, according to tradition, for sustenance and safekeeping. On these lands they have made their home since time immemorial, and there the bones of their ancestors are at rest.<sup>130</sup>

In a somewhat similar statement reported by the Canadian Truth and Reconciliation Commission, Anishinaabe elder Mary Delereay attests that, “The land is made up of the dust of our ancestors’ bones.”<sup>131</sup> RCAP speaks of a broadly “Aboriginal” culture and the importance of land and place; in adding the reference to time immemorial and ancestors, Aboriginal or Indigenous practices are projected backwards through time. In literally equating the land to ancestors, Delereay’s statement similarly highlights the centrality of territory and ancestry to being Indigenous.

The eagle feather’s utility lies, in part, in its connection to a system of collective representations that includes territory and ancestors. As mentioned, the white part of the feather represents ancestors, while the whole represents community. If the person holding or seeing the

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<sup>128</sup> Fitzgerald, *The Ideology of Religious Studies*, 19.

<sup>129</sup> Rodney Nelson, Informal Conversation, interview by Stacie Swain, June 12, 2017.

<sup>130</sup> Georges Erasmus and Rene Dussault, “Cultural Heritage,” in *Report of the Royal Commission on Aboriginal Peoples*, vol. 3 (Ottawa: The Commission, 1996), 549.

<sup>131</sup> Truth and Reconciliation Commission of Canada, “Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada,” 9.

eagle feather is familiar with this system of representations, then grasping the eagle feather references these ideas, concepts, those others who share them, and one's relation to them. Of course, colonization, settlement, and internal divisions have impacted the collective structural integrity of Indigenous peoples, and the communities of individuals that make up the category. Such divides, however, are also represented in the eagle feather. Nelson explains that tears between filaments in the structure of the feather are seen to represent breaks in the community; such tears can only be repaired through human activity, because the oils in the hand moisturize and repair the feather.<sup>132</sup> As the person grasping an eagle feather holds, handles, and smooths it, they should not only "speak straight," but their words should maintain and repair social relations. Grasping an eagle feather in a public setting asserts one's familiarity with thinking about the world through fundamental ideas, such as accountability to one's ancestors and territory. Not only this, but having an eagle feather relates to discursive authority, when the conjunction of the correct factors aligns: the right place, time, words, person, and so on. In 1990, Elijah Harper was one such person who was granted discursive authority in part, due to his eagle feather. Harper, however, was recognized not only by Indigenous peoples, but by mainstream media and non-Indigenous Canadians (settlers) as well. In the next section, I address characterizations of Harper's eagle feather specifically and then relate his act of refusal to the eagle feathers of Oka.

### **iii. From the Manitoba Legislative Assembly to Kanien'kéha:ka Mohawk Territory**

When Elijah Harper became famous as "the man with the eagle feather," it was not only amongst Indigenous peoples. As mentioned previously, Harper was recognized as the "newsmaker of the year" by the Canadian Press, and became known nation-wide. Despite non-

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<sup>132</sup> Nelson, Informal Conversation.

Indigenous Canada being largely unfamiliar with the cultural significance of the eagle feather, it clearly made an impact. In this section, I suggest that the eagle feather became associated with Indigenous actors—from various nations—challenging normative Canadian society and governance. Knowledge of and familiarity with the eagle feather is used to differentiate between the two collectives. One article from 1990, for example, reads, “The feather is not so easily explained. To the vast majority of Canadians it does not speak. No one knows where it came from.”<sup>133</sup> In this statement, however, “No one” seems to refer to “the majority of Canadians.” This is apparent because the piece goes on to contradict itself providing the source of the eagle feather: “The feather came from [Harper’s] brother Saul, who found it on his trapline. It was carried to Winnipeg by his other brother Darryl.”<sup>134</sup> Further, while the eagle feather “does not speak” to most Canadians and is thus used to set up a contrast, the narrative makes the eagle feather recognizable as a “sacred” item by placing it in the proximity of the Bible and a biblical citation. Even though Darryl is, “a non-churchgoer,” upon his arrival in Winnipeg, “he accidentally opened the hotel room Bible to Isaiah 40, verses 30–31: ‘Even the youths shall be faint and be weary, and the young men shall utterly fall. But they that wait upon the Lord shall renew their strength; they shall mount up with wings as eagles.’”<sup>135</sup> This narrative lends an air of mystery and power to Harper’s eagle feather. The article continues, “By day the feather lies on his desk where [Harper] can reach out and touch it. By night it sleeps in a Bible, in the Book of Isaiah.”<sup>136</sup> With this reference, Harper becomes a man who can, as the saying goes, walk in two worlds; he knows the idioms of Canadian politics as well as Indigenous ways. As the piece puts

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<sup>133</sup> Roy MacGregor, “The Feather, Elijah Harper, and Meech Lake,” *Windspeaker* 8, no. 8 (1990): 7.

<sup>134</sup> *Ibid.*

<sup>135</sup> It’s also important to note that while these sources only speak of one feather, other sources claim that Harper deployed two different feathers at different time. I was unable to find information on the other, whether there were two, and what the story associated with that feather might be.

<sup>136</sup> <http://www.ammsa.com/node/17819>

it, “Elijah Harper may have been educated in the missionary residential schools, but he learned from those who followed the traditional ways, what the missionaries would call ‘heathen’ ways.” Grasping an eagle feather becomes a discursive act of identification, one that that both differentiates between and is recognizable to Indigenous and Canadian audiences.

Grasping an eagle feather, deploying an object that represents a fundamental way of thinking about the world, is an act and practice that asserts discursive authority and wills an audience to recognition. This assertion of authority and will to recognition have been expressed when Indigenous people challenge the constitutive hierarchy of the settler colonial nation-state— in moments of “national crisis.” As Harper reflects on 1990, “We were just trying to be *recognized* for our rightful place in Canada [emphasis added].”<sup>137</sup> Harper’s legislative disruption occurred within the institutional framework of Canadian governance and challenged the sovereignty of the state, but not the state’s jurisdiction over territory.<sup>138</sup> In 1990, however, another “national crisis” *did* directly concern a question of jurisdiction.

The events that Canadian mainstream media branded the “Oka Crisis” occurred in the “Indian Summer” of 1990. The crisis concerned a potential expansion of a nine-hole golf course to eighteen holes, near the Quebec town of Oka. The land in question was disputed Kanien’kéha:ka Mohawk territory, and the expansion would disturb land containing a Mohawk burial ground; the dispute, therefore, concerned both ancestors and territory. As tensions rose, roads were blockaded and the Canadian Armed Forces were brought in. In *Mohawk Interruptus*,

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<sup>137</sup> Roy MacGregor, “For Elijah Harper, Saying No to Reopening the Constitution Is as Vital Now as It Was Then,” *The Globe and Mail*, June 12, 2003, Metro edition.

<sup>138</sup> Here I conceptualize “sovereignty” as somewhat distinct from effective authority or “jurisdiction over territory,” as Naomi R. Goldenberg draws on James Crawford, *The Creation of States in International Law*, 2nd ed.. (Oxford : New York: Clarendon Press ; Oxford University Press, 2006) to do within “The Category of Religion in the Technology of Governance.”

an Indigenous intervention into anthropological literature, Audra Simpson re-describes the “crisis” as a “resistance”:

The “Oka Crisis” was a seventy-eight-day armed Indigenous resistance to land expropriation. It was a spectacular event that pronounced the structure of settler colonialism in Canada, illuminating its desire for land, its propensity to consume, and its indifference to life, to will, to what is considered sacred, binding, and fair... The Oka Crisis of 1990 is the most recent act of ‘domestic warfare’ in Indian-settler relations to date.<sup>139</sup>

In this passage, we see Oka characterized as a conflict over land and the sacred. The focus is on settler colonialism, and violence between the two groups required for a settler colonial relation: the Kanien’kéha:ka Mohawk (Indian/Indigenous) and Canadians (settler colonizers). In other words, the conflict concerns a *First Nation* and Canada, which can be conceived as the *second nation*. During this conflict, the eagle feather appears and attracts significant attention.

There are two highly-publicized moments in which the eagle feather appears during the Oka Crisis/Resistance. In both, the eagle feather asserts Indigenous resistance to the settler colonial state and wills a recognition of Indigenous jurisdiction. The first instance occurred during a road blockade, and was memorialized in a photo. The photo, as described by a Canadian mainstream media source, displays “a Quebec Métis plac[ing] a stick with an eagle feather tied to one end into the barrel of a machine gun on an army vehicle.”<sup>140</sup> This photo shows the use of an Indigenous (in this case, not solely First Nations but also Métis) “sacred” object against the military violence of the Canadian state. The photo seems to cite another iconic snapshot: the 1967 photo called “Flower Power” taken by American photographer Bernie Boston at an anti-war rally in Washington, D.C., in which a young man places a carnation into the barrel of a

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<sup>139</sup> Simpson, *Mohawk Interruptus*, 147–48.

<sup>140</sup> Patty Winsa, “Pan Ams’ Waneek Horn-Miller an Oka Crisis Survivor,” *The Toronto Star*, July 10, 2015, <https://www.thestar.com/news/insight/2015/07/10/pan-ams-waneek-horn-miller-an-oka-crisis-survivor.html>.

machine gun held by a soldier.<sup>141</sup> Such moments show the power of items and imagery for political movements and challenges to authority, a theme that will be taken up in chapter five.

The second example from Oka also involves the eagle feather in another interaction between Indigenous actors and state representatives. A National Film Board documentary made by renowned Abenaki filmmaker Alanis Obomsawin titled *Kanehsatake: 270 Years of Resistance* records the moment in question. As mediation talks begin to resolve the armed standoff, Mohawk artist and activist Katsi'tsakwas Ellen Gabriel stands to speak to representatives of the Canadian State. As she does so, she holds an eagle feather in her hand. According to a biography provided by the Assembly of First Nations, Gabriel had been, “chosen by the People of the Longhouse and her community of Kanehsatà:ke to be their spokesperson.”<sup>142</sup> Gabriel begins in her own language, which is translated to English in the documentary captions: “Today, I am proud to be an Indian.”<sup>143</sup> Switching to English, she says,

I am proud, this day, that I am a Mohawk within the Mohawk Nation of the Six Nations Iroquois Confederacy. When we started this blockade, something had to come out of it, that would progress our cause and unite our people. This agreement is something that our nation has been searching for many years—recognition—of who we are as a people... not just as Mohawk people, but as the first people of this continent.<sup>144</sup>

When Gabriel speaks the word “recognition,” she holds an eagle feather aloft. With the words “of who we are as a people,” she raises the feather higher, pushing it towards the sky several times to emphasize her words. As she does so, the viewer can hear the clicks and whirrs of many camera shutters opening and closing from off-screen. The eagle feather here, like in the hands of

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<sup>141</sup> David Montgomery, “Flowers, Guns and an Iconic Snapshot,” *Washington Post*, March 18, 2007, <http://www.washingtonpost.com/wp-dyn/content/article/2007/03/17/AR2007031701300.html>.

<sup>142</sup> R. D. Brinkhurst, “Katsi'tsakwas Ellen Gabriel,” *Assembly of First Nations*, accessed July 26, 2017, <http://www.afn.ca/katsitsakwas-ellen-gabriel/>.

<sup>143</sup> Alanis Obomsawin, *Kanehsatake: 270 Years of Resistance* (National Film Board of Canada, 1993), [https://www.nfb.ca/film/kanehsatake\\_270\\_years\\_of\\_resistance/](https://www.nfb.ca/film/kanehsatake_270_years_of_resistance/).

<sup>144</sup> *Ibid.*

Elijah Harper, signifies an assertion of both identity and sovereignty, willing the audience to recognize this assertion. Oji-Cree Harper, the Métis activist, and Kanien'kéha:ka Gabriel deploy the eagle feather as members of an *Indigenous* political culture contesting the constitutive hierarchy and hegemony of the settler colonial nation-state.

Going forward from the “Indian Summer” of 1990, the eagle feather is not only a “spiritual” or “sacred” item, but a politicized one. It therefore requires an approach that can account for its multi-functionality. Such an approach would align with the idea that Indigenous cultural forms tend not to separate matters of the spirit from those of governance, much like the eagle feather relates to the Creator but also to the maintenance of social relations. As the Executive Summary of the Canadian Truth and Reconciliation Commission records,

Traditional Knowledge Keepers and Elders have long dealt with conflicts and harms using spiritual ceremonies and peacemaking practices, and by retelling oral history stories that reveal how their ancestors restored harmony to families and communities. These traditions and practices are the foundation of Indigenous law; they contain wisdom and practical guidance.<sup>145</sup>

The conflation of “spiritual ceremonies and peacemaking practices” with “Indigenous law” and “practical guidance” in this statement is relevant here. The actions of Harper, the Métis activist, and Gabriel mobilize a ceremonial and symbolic item surrounded by protocol to address practical, social, and political conflict. Placed into the settings of the Meech Lake Accord and Oka, acts involving the eagle feather challenge the constitutive hierarchy that makes up the settler colonial nation-state. The anticipated future that the eagle feather makes possible is one in which Indigenous peoples *are* recognized as sovereign nations with jurisdiction over territory.

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<sup>145</sup> Truth and Reconciliation Commission of Canada, “Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada,” 17.

#### iv. Categories and Contrasts: Different Groups and Ways of Life

When Harper, the Métis activist, and Ellen Gabriel held their eagle feathers and were photographed and recorded, they contributed to making the eagle feather recognizable beyond a First Nations or Métis context. Later discourses also do so, in the case of Harper, by ascribing the eagle feather with a “spiritual” significance. Some then, might be tempted to place the eagle feather into the category of “religion,” particularly given references to non-human beings and spirit. Doing so, however, is problematic given the distinction made between settler colonizers who, alongside missionaries, demonize Indigenous practices and call them “heathen” versus those who are familiar with “traditional” ways.<sup>146</sup> The contrast between “religion” qua Christianity and “spirituality” qua Indigenous tradition is sometimes used by Indigenous peoples to differentiate between the oppositional identities of “settlers” and “Indigenous.” Such characterizations depend on comparison with an “other”; Indigenous cultures are “holistic” as compared to “Western” (European, Canadian, American) cultures that are comparatively differentiated: not only “secular” but hegemonic. In the latter, religion, faith, spirituality, and related ideation and activity are (presumably) kept at a distance from the world of politics and governance. The seeming propriety of such an arrangement cannot be separated from questions of dominance.

In the next chapter, I propose an approach to the eagle feather that considers questions *and relations* of dominance. As stated in the TRC, “Land, language, culture, and identity are inseparable from spirituality; all are necessary elements of a whole way of being, of living on the land *as Indigenous peoples* [emphasis added].”<sup>147</sup> As such, theorizing the eagle feather further

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<sup>146</sup> MacGregor, “The Feather, Elijah Harper, and Meech Lake.”

<sup>147</sup> Truth and Reconciliation Commission of Canada, “Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada,” 225.

requires an approach that considers identity, territory, jurisdiction, and sovereignty alongside the concept of spirituality. More specifically, the eagle feather must be discussed as a performative assertion of Indigenous spirituality, sovereignty, *and* identity; grasping an eagle feather is a discursive act from the cultural repertoire of the displaced nation(s) contesting the authority of the settler colonial nation-state. In the next chapter, I provide an example that shows the eagle feather being deployed and recognized as such.

## CHAPTER FOUR

### *Armed with an Eagle Feather?*

It is surely difficult to discuss research methodology and indigenous peoples together, in the same breath, without having an analysis of imperialism, without understanding the complex ways in which the pursuit of knowledge is deeply embedded in the multiple layers of imperial and colonial practices.

-Linda Tuhiwai Smith<sup>148</sup>

We should investigate the links between such classifications as “private,” “sacred,” and “religious” and their relations to explicit disputes over socio-political turf and, hence, identity and the means to satisfy one’s interests... Learning to hear talk of religion, meaning, text, faith, experience, spirituality, intention, etc. as nothing more or less than artful social rhetorics...

-Russell McCutcheon<sup>149</sup>

On 11 March 1997, Mi’kmaq teenager Melissa Labrador was prevented from entering the public gallery of the House of Commons on Parliament Hill, in Ottawa, Ontario. According to mainstream Canadian media coverage at the time, parliamentary security forces decided that the eagle feather that Labrador held might be dangerous were she to throw it from the gallery onto the heads of Members of Parliament. One article connects the incident to Elijah Harper’s actions in 1990, emphasizing the feather rather than the man: “What was once powerful enough to stop the Meech Lake accord is also considered a dangerous weapon in the House of Commons.”<sup>150</sup> At the time, Labrador said of the feather: “It means a lot to me because the eagle flies closest to the creator, above the clouds.”<sup>151</sup> Given her connection of the eagle feather to a possibly transcendent or at least more-than-human being, some might be tempted to characterize the

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<sup>148</sup> Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples*, 2nd ed. (London: Zed Books, 2012), 31–32.

<sup>149</sup> McCutcheon, *Religion and the Domestication of Dissent*, 12–13.

<sup>150</sup> Jack Aubry, “Eagle Feather Gets Teen Barred,” *Edmonton Journal*, 1997.

<sup>151</sup> *Ibid.*

feather as a “religious” or “spiritual” item. Here, I suggest that scholarship on religion provides a way to account for such characterizations, yet go beyond them.

A critical discursive analysis of the eagle feather enables me to discuss the comparative nature of classifications of “religion” and “spirituality” and their relation to socio-political identities and interests. In the first section of this chapter, I consider how the concept of “religion” functions comparatively within knowledge production and governance. After providing a concise account of scholarship in religious studies that hinges upon acknowledging and analyzing imperialism, I suggest that the subfield of “critical religion” and “vestigial state theory” can be productively applied to interactions involving the eagle feather. Building upon a project that examines the category of religion in early Indigenous-Canadian relations, I then apply critical religion and vestigial state theory to the Meech Lake Accord, the Oka Crisis, and the incident that opens this chapter. Considering this incident and related discourse in the idiom of vestigial state theory leads me to suggest that the eagle feather has been developed as a metonym for Indigenous sovereignty or sovereignties, displaced and in relation to the settler colonial nation-state.

**i. Knowledge Production and “Religion” as a Concept and Category**

Linda Tuhiwai Smith’s landmark work *Decolonizing Methodologies* provides a corrective to a history of European and Euro-Western research and scholarship that has implicitly and explicitly justified imperialism and colonialism. In *Theorizing Native Studies*, Audra Simpson and Andrea Smith summarize and reiterate Tuhiwai’s project, stating that “any engagement with theory must take seriously the manner in which theory has been used against Native

communities.”<sup>152</sup> In this section, I pay heed to such contentions and consider the implication of scholarship on religion within imperial and colonial practices. As noted in chapters one and two of this thesis, the concept of “religion” and related discourses contributed to the establishment of Canada. These discourses are comprised by a comparison between Christian and non-Christian peoples and their ways of life, and a resulting hierarchy that placed Indigenous peoples and ways below settlers and the ways that they brought with them. As Brent Nongbri states in *Before Religion: A History of a Modern Concept*, “Christianity is not [treated as] simply one item in a class... Rather, it is the pinnacle of what religion can and should be.”<sup>153</sup> This comparison is inherent within the category of religion, in which Christianity serves as an ideal type and all else gets compared and judged according to the positioning, affiliation, and interests of the person performing the comparison.

Often, as was the case throughout the colonization and settlement of Canada, non-Christian peoples were viewed as lacking or lesser than their Christian contemporaries. The results of this hierarchy are made visible in an example from the last chapter. Elijah Harper is characterized as educated not only by missionaries, but also by those who would have been labelled “heathens.”<sup>154</sup> the category of “heathen” exists in relation to “Christian,” and this line of thinking underwrote European and early Canadian “civilizing” efforts to “kill the Indian in the child.” Similar comparisons also appear in nineteenth and early twentieth century academic work. Such scholarship is predicated upon the ethnocentric assumption that societies develop in a linear progression from “primitive” to “civilized,” with European Christians the *most* civilized. The resulting hierarchy of Christians being superior to non-Christians and Europeans to

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<sup>152</sup> Audra Simpson and Andrea Smith, eds., *Theorizing Native Studies* (Durham: Duke University Press, 2014), 6.

<sup>153</sup> Brent Nongbri, *Before Religion: A History of a Modern Concept* (New Haven: Yale University Press, 2013), 89.

<sup>154</sup> MacGregor, “The Feather, Elijah Harper.”

Indigenous peoples is visible in the work of early scholars of religion and anthropologists who claimed to study the posited existence of magic, and/or lack of religion, in “savage” or “primitive” societies.<sup>155</sup> In the words used by Tuhiwai Smith in the quotation that opens this chapter, “knowledge production” about “religion” has been comprised and been embedded within “layers of imperial and colonial practices.”<sup>156</sup> These practices must be acknowledged and scrutinized, not replicated.

Despite claiming an objective perspective, the work of early scholars of religion legitimized and reproduced ethnocentric theories that legitimized colonial and imperial expansion. Early comparative scholarship such as that which is referenced above relies upon essentialism and universalism, the idea that religion has a fundamental and definable essence that appears in all places and times, and can this be compared. Without a comparable essence of “religion” posited across eras, geographical spaces, and cultures, such work becomes incoherent. Instead, scholars might examine the processes by which “religion” became and remains a discursive and institutionalized category. As McCutcheon contends,

One of the most significant developments of the late 20<sup>th</sup> century is surely the shift in attention from merely collecting and interpreting so-called objective, religious facts to historicizing the very terms and categories by means of which we amass our collections of exotica.<sup>157</sup>

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<sup>155</sup> Classic examples includes James George Frazer, *The Golden Bough: A Study in Comparative Religion* (London: Macmillan, 1890); Edward Burnett Tylor, *Primitive Culture Researches into the Development of Mythology, Philosophy, Religion, Art, and Custom* (London: J. Murray, 1871); Rudolf Otto, *The Idea of the Holy; an Inquiry into the Non-Rational Factor in the Idea of the Divine and Its Relation to the Rational*, trans. John W. Harvey, 2nd ed. (New York: Oxford University Press, 1957); for multiple examples and prefatory remarks, see Daniel L. Pals, ed., *Introducing Religion: Readings from the Classic Theorists* (New York: Oxford University Press, 2009).

<sup>156</sup> Smith, *Decolonizing Methodologies*, 31–32.

<sup>157</sup> Russell T. McCutcheon, “The Category of ‘Religion’ and the Politics of Tolerance,” in *Defining Religion: Investigating the Boundaries between the Sacred and Secular*, ed. Arthur L. Greil and David Bromley (Amsterdam: JAI Press, 2003), 139.

For example, David Chidester and Richard King critique “comparative religion” through applications of postcolonial scholarship to “religion” in Africa and India respectively.<sup>158</sup>

Chidester and King are particularly well-known for troubling persistent but problematic theories of religion, and for demystifying the function of discourses on “religion” within imperial and colonial projects. Their work exemplifies the shift towards historicizing “religion.”

The shift towards historicization assumes that “religion” is not universal, definable, or in need of special tools of analysis. Rather, “religion” is implicated within social and political processes and thus ought to be contextualized and deconstructed. Some scholars begin at the linguistic or semantic level. Timothy Fitzgerald contends that “religion” is used “to identify so many different aspects of human experience and existence that it becomes contradictory, devoid of focused content, and consequently virtually meaningless.”<sup>159</sup> Willi Braun suggests that because the term “religion” acts as a conceptual marker or an empty semantic place-holder, it denotes differences in discursive practices rather than any essential differences or continuities between such practices. As he states,

There is no religion in-it-self apart from people who do things that either those who do them or scholars of religion (or both) call “religious,” though with different meanings of the term “religious.” In that sense, religion does not exist... all that exists for our study are people who do things that we classify as “religious” by means of various definitional criteria.<sup>160</sup>

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<sup>158</sup> David Chidester, *Savage Systems: Colonialism and Comparative Religion in Southern Africa*, Studies in Religion and Culture (Charlottesville: University Press of Virginia, 1996); David Chidester, *Empire of Religion: Imperialism and Comparative Religion* (Chicago ; London: The University of Chicago Press, 2014); Richard King, *Orientalism and Religion: Postcolonial Theory, India and “the Mystic East”* (London : New York: Routledge, 1999); For a recent and excellent overview of this type of work, see Richard King, “The Copernican Turn in the Study of Religion,” *Method & Theory in the Study of Religion* 25, no. 2 (2013): 137–59, doi:10.1163/15700682-12341280.

<sup>159</sup> Fitzgerald, *The Ideology of Religious Studies*, 15.

<sup>160</sup> Willi Braun, “Introducing Religion,” in *Introducing Religion: Essays in Honor of Jonathan Z. Smith*, ed. Willi Braun and Russell T. McCutcheon (London: Routledge, 2014), 481–82.

Here, we see the shift from the reification of *sui generis* religion to an understanding of “religion” as simply one more, although privileged, discursive genre within human ideation and activity. Building upon this line of thought, McCutcheon argues that,

*like all other aspects of human behavior*, those collections of beliefs, behaviors, and institutions we classify as “religion” can be conceptualized and then explained as thoroughly human activity, with no mysterious distillate left over [italics in original].”<sup>161</sup>

If “religion” marks or names a category of human activity, then it can be studied in the same fashion as any other social construction or item of discourse. As William Arnal states, therefore, “the academic future of religion as a concept will need to focus on deconstructing the category and analyzing its function within popular discourse, rather than assuming that the category *has* content and seeking to specify what that content is.”<sup>162</sup> Efforts to historicize and deconstruct the concept and category of religion are productive when accounting for the function of discourses on religion in colonial (and as I contend, settler colonial) governance and sovereignty.

Deconstructing the category of religion entails examining how the concept of “religion” naturalizes assumptions about how the world works or ought to be arranged. And as Wayne Proudfoot states, “Much of the best recent work in the study of religion, and in the study of culture generally, has been devoted to historicizing what had previously been naturalized.”<sup>163</sup> To this end, scholars argue that “religion” names a category of human activity created within the European social, political, and academic milieu during the colonial era.<sup>164</sup> This line of thinking presumes that the category of religion was exported to and imposed upon other areas of the

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<sup>161</sup> Ibid.

<sup>162</sup> Braun and McCutcheon, eds., *Guide to the Study of Religion*, 30.

<sup>163</sup> Proudfoot, “Pragmatism and Naturalism in the Study of Religion,” 189.

<sup>164</sup> For example, Talal Asad, *Genealogies of Religion* (Baltimore: The Johns Hopkins University Press, 1993); Chidester, *Savage Systems*; King, *Orientalism and Religion*; for a focus upon the production of “religion” in the academy, see Russell T. McCutcheon, *Manufacturing Religion: The Discourse on Sui Generis Religion and the Politics of Nostalgia* (Oxford: Oxford University Press, 2003).

world through European and American expansion, colonization, and imperialism. The category of religion, with its “ideological semantic load,”<sup>165</sup> has been “projected outward in space and backward in time with the result that religion appears now to be a natural and necessary part of our world.”<sup>166</sup> Relating “religion” and its perceived existence to power, Fitzgerald calls the imposition of categories such as religion upon non-western societies, “cognitive imperialism,” as, “an attempt to remake the world according to one’s own dominant ideological categories, not merely to understand but to force compliance.”<sup>167</sup> Re-conceptualizing the category of religion in this way elucidates issues of power and authority with respect to *who* imposes the categories in question, who does the classifying, and who recognizes which practices as what.<sup>168</sup> Discourses on religion can be used to differentiate peoples, demarcate boundaries, and naturalize dominance. As Fitzgerald states, “the very elusiveness of the definitional problem in religion is a sign of its disguised ideological function.”<sup>169</sup> Classificatory and comparative discourses on religion have been used to displace, repress, and regulate Indigenous peoples and their ways of life, including protocols and ceremonies involving eagle feathers. In the next section, I suggest that the subfield of “critical religion” and specifically Naomi R. Goldenberg’s “vestigial state theory” helps to reveal such processes within settler colonialism.

## **ii. An Introduction to Critical Religion and Vestigial State Theory**

Among others such as “ethnicity” and perhaps “gender,” the categories that we know as “religion” and “politics” provide the discursive tools and institutional frameworks with which to

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<sup>165</sup> Fitzgerald, *The Ideology of Religious Studies*, 8.

<sup>166</sup> Nongbri, *Before Religion*, 7.

<sup>167</sup> Fitzgerald, *The Ideology of Religious Studies*, 22.

<sup>168</sup> This type of approach is like that which was discussed in chapter one regarding terms such as “Indian”, “Aboriginal”, and “Indigenous”, although each system of classification has its own legitimizing referents.

<sup>169</sup> Fitzgerald, *The Ideology of Religious Studies*, 53.

construct and manage group relations, governance, and the nation-state. Distinctions between “religion” and “politics” can serve these functions. As McCutcheon contends, “the distinction between religion and politics... has been so useful for creating a certain type of social order in Europe and North America... [and] our historical amnesia allows us to ontologize these tactical distinctions.”<sup>170</sup> Like other conceptual categories, religion is constructed through acts of classification; those categories become organizing principles through discursive sedimentation and institutionalization. However, these distinctions cannot be analyzed apart from those who construct and utilize them. Scholars within the subfield of “critical religion” argue that “religion” has a regulatory function within systems of classification and categorization. The category of religion is both produced by and put to work on behalf of ideologies and interests; those who produce “religion” and put the concept to work may belong to the dominant group, marginalized peoples, or those who fall somewhere in between.

The subfield of critical religion dissolves the supposed “it” of “religion” to deconstruct how the category of religion functions within governance and sovereignty. Fitzgerald summarizes, “‘Critical religion’ is shorthand for the critical historical deconstruction of ‘religion’ and related categories.”<sup>171</sup> Naomi R. Goldenberg provides a more specific description, characterizing critical religion as,

a wide range of scholarship and critique that clarifies and interrogates binaries such as religious/secular and religion/politics... that are fundamentals of scholarship both inside the discipline of religious studies and outside it in such areas as Political Science and International Relations.<sup>172</sup>

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<sup>170</sup> Russell McCutcheon, “‘They Licked the Platter Clean’: On the Co-Dependency of the Religious and The Secular,” *Method & Theory in the Study of Religion* 19, no. 3 (October 1, 2007): 189, doi:10.1163/157006807X240109.

<sup>171</sup> Timothy Fitzgerald, “Critical Religion and Critical Research on Religion: A Response to the April 2016 Editorial,” *Critical Research on Religion* 4, no. 3 (December 1, 2016): 303–4, doi:10.1177/2050303216676524.

<sup>172</sup> Naomi R. Goldenberg, “The Category of Religion in the Technology of Governance: An Argument for Understanding Religions as Vestigial States,” in *Religion as a Category of Governance and Sovereignty*, ed. Naomi Goldenberg, Trevor Stack, and Timothy Fitzgerald (Leiden: Brill, 2015), 280.

To interrogate binaries such as religion/politics, a critical religion approach focuses on examining the category of religion in discourse and institutional usage, and in both public and academic forums. By enabling the “critical historical deconstruction of ‘religion’ and related categories”<sup>173</sup> within the settler colonial project of Canada, critical religion is well-suited to address the politics of Indigenous “religion(s)” and “spirituality.” Within critical religion, Naomi R. Goldenberg’s “vestigial state theory” further accounts for processes of displacement and the regulatory function of categorical distinctions.

In “The Category of Religion in the Technology of Governance: An Argument for Understanding Religions as Vestigial States,” Goldenberg suggests a provisional notion of discussing modern “religions” as “vestigial” or “once and future” states. A vestigial or once and future state is the organizational structure of a social or political collective that remains following dispossession or disempowerment. As Goldenberg defines, vestigial or once and future states are “the institutional and cultural remainders of former sovereignties surviving within the jurisdictions of contemporary governments.”<sup>174</sup> They, “continue to operate with differing degrees of autonomy within present-day governmental domains [and are] composed of discursive and institutional practices similar to those of fully functioning states.”<sup>175</sup> Vestigial state terminology provides three correctives relevant to this thesis: (1) resists imagining religion and the state as “separate or separable institutions and/or spheres of human ideation and activity,” which resonates with Indigenous cultural holism; (2) “[calls] attention in specific times and places to the nuances, contradictions, and consequences of the discursively positioned distinctness of the two concepts in institutional and cultural spheres,” which highlights the myriad ways “religion”

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<sup>173</sup> Fitzgerald, “Critical Religion and Critical Research on Religion,” 303–4.

<sup>174</sup> Goldenberg, “The Category of Religion,” 280.

<sup>175</sup> *Ibid.*, 283.

and related concepts function as organizing principles of settler colonial society; and, (3) questions “how current governments use these classifications as management techniques,” which aligns with questioning “settler common sense” and the maintenance of Canadian sovereignty.<sup>176</sup> One more key aspect of vestigial state theory is that, as Goldenberg builds upon the work of Max Weber to contend, control over “legitimate violence” is a fundamental difference between contemporary states and vestigial or once and future states.<sup>177</sup> The characterization of Indigenous peoples as violent, whether physically or potentially, provides the state with yet another comparative and classificatory management technique relevant to the aims of this thesis. In the next section, I consider applications of critical religion and vestigial state theory to Indigenous-Canadian relations before turning back to the threat posed by the eagle feather.

### **iii. First Nations, Once and Future Nations, and the Second Nation**

As discussed in the previous chapters, the category of religion has been, “a tool for building a civilized society” on First Nations, Inuit, and Métis territories throughout early Canadian history.<sup>178</sup> In this section, I review an application of critical religion and vestigial state theory to the category of religion in the Canadian colonial context as a basis from which to question Canadian settler colonialism. A recent project by Michael N. Ruecker, “Dances With Religion: A Critical History of the Strategic Uses of the Category of Religion by the Government of Canada and First Nations, 1885-1951,” is an exemplary application of the theory in question. Strategically utilizing “First Nations” throughout his work to highlight that the Indigenous

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<sup>176</sup> Ibid., 281.

<sup>177</sup> Ibid., 282.

<sup>178</sup> Michael N. Ruecker, “Dances With Religion: A Critical History of the Strategic Uses of the Category of Religion by the Government of Canada and First Nations, 1885-1951” (MA Thesis, University of Ottawa, 2015), 41.

groups in question *were* politically organized and sovereign,<sup>179</sup> Ruecker argues that whether banned ceremonies were classified as “religious” or “political” was contingent upon relations between the Government of Canada and various First Nations. Ruecker consults the archives of the Department of Indian Affairs (DIA) to trace legal and popular discourse on religion regarding the anti-ceremonial law of the *Indian Act*. When the DIA saw ceremonies as promoting First Nations authority and threatening Canadian sovereignty or economic interests, they were *not* recognized as “religion” and thus not allowed or legally protected. However, if it was unhelpful to represent themselves as a competing nation, First Nations groups claimed that the ceremonies *were* religious to present them as non-threatening. When Canadian colonial powers felt that they had firm control over First Nations’ activities and governance, they came to classify the ceremonies as “religion.”<sup>180</sup> As Ruecker asserts, however, “By claiming that a group is tolerated as a religion, that their ceremonies are honoured and their traditions respected, we hide the fact that the same group is not tolerated as a nation-state.”<sup>181</sup> Canadian sovereignty is to some extent made possible by the repression of Indigenous ceremonies as “political” and subsequent redescription of them as “religious.” As is evident from First Nations use, however, the category of religion also provides a discursive and institutionalized category through which to contest settler colonial hegemony; the category of religion, therefore, enables a system of repression and concession.

While “Dances With Religion” focuses on the colonial era, what of the repression and concession of Indigenous symbols, protocols, and ceremonies in a *settler* colonial Canada? In the events of the Meech Lake Accord and the Oka Crisis, an Indigenous actor grasping an eagle

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<sup>179</sup> Michael N. Ruecker, “Dances With Religion,” 7.

<sup>180</sup> *Ibid.*, 93–94.

<sup>181</sup> *Ibid.*, 97.

feather in Canadian political, legal, and legislative contexts makes a discursive claim, an assertion and will to recognition. This begs the question not only as to who performs the act of recognition, but of what the feather is recognized as—religious, spiritual, political, or something else altogether? As a discursive statement, the eagle feather tends to appear in articulations of *Indigenous* interactions with and resistance to Canadian sovereignty and governance. The Meech Lake Accord and the Oka Crisis examples center upon individual actors from two different First Nations located within different provinces: an Oji-Cree politician from Red Sucker Lake, Manitoba, and a Mohawk activist, scholar, and artist from Kahnésatake who identifies herself as both “Mohawk” and “Indian.” At Oka, there is also the Métis individual who places the stick with the eagle feather into the army tank gun barrel. The eagle feather’s significance is broader than any one context that it appears within.<sup>182</sup> Events and discourses involving the eagle feather require an approach that attends to the displacement, repression, and resistance of once and future nations in addition to rhetorics of the “spiritual” and “sacred.”

The three examples provided in the chapter previous become clearer when considering the eagle feather as the assertion of once and future nations that challenge the second nation. Elijah Harper challenged a constitutional amendment while holding the eagle feather; at Oka, the Métis activist’s eagle feather staff challenged the encroachment of the Canadian Army onto Mohawk territory, and Ellen Gabriel’s demand for the Canadian government to recognize the Mohawk Nation is punctuated by her thrusting the eagle feather into the air. In each context, the eagle feather becomes emblematic within Canadian mainstream media discourse, showing that the eagle feather begins to be recognized beyond a solely Indigenous context. The discursive act of grasping an eagle feather within the context of Indigenous-Canadian relations seems to

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<sup>182</sup> This contention will be expanded upon in chapter five.

contribute to the materialization of Indigenous peoples within the settler colonial gaze of the second nation.

The politics of contestation and materialization relate to the concepts of enactment and performance. In chapter two, I framed the ceremonies and protocols around the parliamentary mace in terms of enactment, as a less conscious and willed production of the context in which Canadian governance takes place. By juxtaposing the taken-for-granted mace against the appearance of the eagle feather in a moment of conflict such as a “national crisis,” the processes by which the discursive authority of Canadian sovereignty and governance are naturalized become visible. This is because, rather than a relatively unremarked-upon enactment of a naturalized sovereignty, the eagle feather marks a performance and assertion of *displaced* sovereignty. As former sovereignties and displaced nations, Indigenous peoples come from what theorist Judith Butler describes as, “subject-positions... [that] have either been erased or have been caught in a constant struggle to achieve an articulatory status.”<sup>183</sup> The eagle feather, as a discursive statement that draws attention and produces authority under the right combination of factors, serves as a performative statement: a way to materialize that which it collectively represents. According to Judith Butler, however, “performativity must be understood not as a singular or deliberate ‘act,’ but, rather, as the reiterative and citational practice by which discourse produces the effects that it names.”<sup>184</sup> The performativity of the eagle feather, therefore, lies not necessarily in the act itself, but (a) in what the feather references as discussed in chapter four—ancestors, connection to territory, and an Indigenous political collectivity and culture; and (b) in the citation or reiteration of acts involving the eagle feather. The citation and reiteration of a discursive act or statement involving the eagle feather *tests* the concept of the

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<sup>183</sup> Judith Butler, *Bodies That Matter: On the Discursive Limits of “Sex”* (New York: Routledge, 1993), 74–5.

<sup>184</sup> *Ibid.*, 2.

nation and *contests* state power by asserting an alternative sovereignty. In the early to mid-1990s, actors within the settler colonial nation-state began to recognize Indigenous actors holding eagle feathers as potentially disruptive of Canadian governance and sovereignty. The events involving Melissa Labrador in 1997 provide evidence for this argument.

#### **iv. The Eagle Feather Meets the Parliamentary Mace**

One would not think that a feather, in any one person's hand or in any context, poses much of a threat. Yet, that was exactly how an eagle feather in the hand of Mi'kmaq teen Melissa Labrador was construed in March 1997, as described in the introduction to this chapter. In March of that year, seventeen-year Labrador was in Ottawa as part of a youth delegation, a group of "120 high-achieving teens" brought to the city as part of a Forum for Young Canadians.<sup>185</sup> On a visit to the House of Commons on Parliament Hill, Labrador wanted to bring an eagle feather into the public gallery with her. Parliament security guards refused to allow her entry, and "a guard told her she could injure someone by throwing it at MPs sitting below the gallery."<sup>186</sup> Yet, security only requested that the teen conceal the eagle feather within a handbag. This brings up the question of what exactly about an eagle feather, in the hands of a teenage girl, was so threatening.

An examination of discourse from the time helps to shed light on the history and context that constructed the eagle feather as a threat within the House of Commons. A news article reporting on the incident provides more information:

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<sup>185</sup> Tim Harper, "MPs Apologize to Feather-Carrier Ejected by Guard," *The Toronto Star*, March 13, 1997.

<sup>186</sup> Jack Aubry, "Soar like an Eagle, but Not in the Commons; Teen's Feather Seen as Threat by Security Guards," *The Toronto Star*, March 12, 1997.

A weeping Labrador, 17, left the Parliament buildings after refusing to follow the advice of one guard and conceal the feather. “I wanted to hold the feather to show people that I am aboriginal. I’m not going to hide who I am.”

Labrador’s grasping of the eagle feather was directed at a specific audience—in this case, the federal legislative assembly, who represent the nation and settler colonial state. Further, Labrador deploys the eagle feather to show people that she is *aboriginal*—not Mi’kmaq. In this instance and like the examples from 1990, the eagle feather becomes synonymous with the assertion of an identity that goes beyond tribal affiliation. The article goes on, “She brought the feather to feel secure in a big city and also to fight being homesick. ‘It means a lot to me because the eagle flies closest to the creator, above the clouds,’ she said.”<sup>187</sup> Labrador’s words imply that while the eagle feather helps her “to feel secure in a big city,” it does so by fighting homesickness. The feather references and maintains her connection to her own ancestors and territory. Although legally recognized in the Canadian Constitution, the place of “aboriginal” peoples and cultural forms within Canada was far from settled in 1997. The event involving Labrador reveals an instance of state repression of an item with a history of appearing in highly-visible challenges to Canadian authority, governance, and sovereignty.

In response to the somewhat embarrassing incident involving Labrador, state actors make several concessions. The incident was raised in the next day’s sitting with the House offering what media deemed a “rare apology” not once, but twice.<sup>188</sup> The first apology was delivered by Speaker of the House Gilbert Parent. Parent opened the sitting by addressing the MPs in attendance, apparently in “an unusual step.”<sup>189</sup> He begins by loosely affiliating himself with Indigenous people, saying, “Many of you are aware that my grandmother was an Ojibway Indian

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<sup>187</sup> Ibid.

<sup>188</sup> Harper, “MPs Apologize to Feather-Carrier Ejected by Guard.”

<sup>189</sup> Ibid.

and, my dad being Metis, I know I have aboriginal blood in me.”<sup>190</sup> This statement is interesting for how Parent admits his Indigenous ancestry, yet falls short of outright identifying himself as “aboriginal.” The statement does not directly link to any other elements of his speech, yet may have emphasized the assimilation of Indigenous peoples into the Canadian governing system and presence within the governing structure itself. Parent’s claim to Ojibway and Metis ancestry also adds credence to why he was “touched” by what happened to Labrador; he then apologizes to her and decrees, “Of course it is permissible for an aboriginal to bring an eagle feather into this House.”<sup>191</sup> Here, Parent’s reference to the eagle feather re-inscribes an identity-based distinction between Canadians and Indigenous people—it is permissible for *an aboriginal* to bring an eagle feather into the House of Commons. With this, the eagle feather is further associated with a broad category of those whose protocols require recognition and accommodation within Canadian governance.

The second apology to Labrador interprets the eagle feather to the mainly non-Indigenous Members of Parliament in the House of Commons. In the question period, Ron Irwin, then-Minister of Indian Affairs and Northern Development (now the Department of Indigenous and Northern Affairs), offers the second apology. Speaking of what he calls Labrador’s “sacred eagle feather,” Irwin informs the House:

Traditionally an eagle feather represents courage, strength, wisdom, vision, and is sacred. It is the closest connection to the Creator. The presentation of an eagle feather is the highest honour a person can receive. The eagle flies highest and sees the farthest. This morning I had the opportunity to offer my personal regret to Melissa Labrador for this unfortunate moment. However the hurt goes deeper.<sup>192</sup>

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<sup>190</sup> Ibid.; “Métis” appears without an accent over the “e” in the parliamentary record.

<sup>191</sup> Canada, “House of Commons Debates” (Hon. Gilbert Parent, Speaker of the House, LIB, March 12, 1997), <http://www.parl.gc.ca/HousePublications/Publication.aspx?DocId=2332683>.

<sup>192</sup> Canada, “House of Commons Debates” (Hon. Ron Irwin, Minister of Indian Affairs and Northern Development, LIB, March 12, 1997), <http://www.parl.gc.ca/HousePublications/Publication.aspx?DocId=2332683>.

Like in the account given by Anishinaabe scholar Rodney Nelson in chapter four and Labrador in her statement to the press, Irwin references “the Creator” or “creator.” Transcendent referents are not unusual in the House, although they generally resemble Christian forms of practice: after the procession of the parliamentary mace, the Speaker begins each sitting with a prayer to “Almighty God” that ends with an “Amen” before the doors are opened to the public, both in 1997 and still in 2017.<sup>193</sup> While protocols and ceremonies involving prayers and the parliamentary mace have been normalized, the eagle feather has been repressed. Irwin’s last statement references this history of repression, as he states: “the hurt goes deeper” than the incident involving Labrador. In this instance, Labrador, like Harper before her, stands in for the Indigenous population within Canada. Although speaking of different affiliative identity categories, Mayanthi Fernando draws on Frantz Fanon to name this standing-in-for-the-whole (metonymy) as a “representational burden.” As Fernando describes,

certain subjects must carry... a [representational] burden fixed in and through the moments of recognition that bring them into being as subjects... The hailed subject is both fixed and affixed to a community and a history, responsible for her body, her race, and her ancestors.<sup>194</sup>

When Labrador appeared holding her eagle feather, she was first recognized not only as “aboriginal” but as potentially disruptive to Canadian governance and sovereignty. This disruption is comprised by a politically active and resurgent community claiming rights after a history of repression, race-based displacement, and the violent and systematic attempted

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<sup>193</sup> Audrey O’Brien and Marc Bosc, eds., “Daily Proceedings,” in *House of Commons Procedure and Practice*, 2nd ed. (Ottawa: Government of Canada, 2009), <http://www.ourcommons.ca/procedure-book-livre/Document.aspx?Language=E&Mode=1&sbdid=AF057BD0-F018-4FB4-BD75-4A2200729F05&sbpid=4A09A55B-E906-41D1-BF23-35A6DBE50354#DD350E4F-FB43-4BA5-8EDC-A028D7C49BD3>. It’s also interesting to note that while the prayer is said every sitting, the Canadian national anthem is only sung on Wednesdays.

<sup>194</sup> Mayanthi L. Fernando, *The Republic Unsettled: Muslim French and the Contradictions of Secularism* (Durham: Duke University Press, 2014), 48.

elimination of ancestors—in short, agitating against settler colonialism. The eagle feather became associated with this history and context in the “Indian Summer” of national crises.

Neither Parent nor Irwin explicitly reference the eagle feather’s connection to Indigenous identity, ancestors, or territory. Their limited recognition, which emphasizes the abstract and “spiritual” aspects of the feather, depoliticize it. They utilize what McCutcheon calls an “artful technique,” that makes “a space for certain forms of marginal groups within alien and potentially hostile social environments.”<sup>195</sup> Success in this technique, however, requires making such space in “a way that does not threaten but, instead, is seen to strengthen the dominant group by enabling its members to understand themselves as pluralistic and open.”<sup>196</sup> One Member of Parliament, however, re-deploys the eagle feather in a way that performs and materializes Indigenous authority and forces the state into one further concession. Following Irwin’s statement, Elijah Harper, who in 1997 is an MP in the federal legislative assembly, addresses the House. Harper presents an eagle feather to the Speaker of the House, saying, “As we know, the Creator honours this place. I would like to present you or arm you with an eagle feather so you can have it with you in this Chamber at all times.”<sup>197</sup> The fact that Harper had to *request* to present a feather to Parent speaks to the regulatory nature of the context in question. Despite the state’s control over legitimate violence, Harper’s statement plays off the supposed security threat posed by Melissa Labrador with her eagle feather. Ironically, however, he presents the feather to the individual whose symbol of office is an actual weapon: the parliamentary mace. With this presentation, the eagle feather is placed in relation to and against the parliamentary mace, the symbol of settler colonialism qua British sovereign approval and Canadian governance.

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<sup>195</sup> McCutcheon, *Religion and the Domestication of Dissent*, 73.

<sup>196</sup> *Ibid.*

<sup>197</sup> Canada, “House of Commons Debates” (Mr. Elijah Harper, Churchill, LIB, March 12, 1997), <http://www.parl.gc.ca/HousePublications/Publication.aspx?DocId=2332683>.

v. **The Politics of Materializing Indigenous Peoples as Nations**

As Jean-Francois Bayart contends, within a society there is a “plurality of cultural repertoires” which people draw upon according to their “elective affinities,” the accumulation of which constitutes a “political culture.”<sup>198</sup> In Canada, the eagle feather signals a claim made from within the cultural repertoire of an *Indigenous* political culture. Deployments of the eagle feather are performative in that the feather claims and constitutes an anticipated future in which Indigenous assertions of sovereignty are recognized by those within the territory that the Canadian nation-state occupies. Therefore, state actors perceived the eagle feather as a potential threat to the legitimacy of Canadian governance and sovereignty: the eagle feather has become recognized as the discursive attempt of displaced, vestigial, once and future nations with (re)emerging state-like formations or governing orders, to reassert themselves in relation to the contemporary government. This recognition is shown through the attempted repression of the feather in 1997 and resulting concessions. As Harper stated of the events involving Labrador, with a reference to his own actions in 1990: “Maybe they’ve learned from the Meech ordeal that they are threatened by the eagle feather in this country.”<sup>199</sup> Whether Harper’s statement is sincerely meant or fanciful, this event demonstrated that the eagle feather placed state actors in a potentially embarrassing situation after which they had to reinforce their legitimacy. I agree that “they”—those who comprise the settler colonial nation-state—have at least somewhat grasped the potential and power of the eagle feather. When Labrador and her eagle feather were (re)recognized by state actors as permissible, that recognition served to reinforce settler colonial dominance and domesticate the eagle feather’s potential for challenging Canadian governance. If

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<sup>198</sup> Bayart, *The Illusion of Cultural Identity*, 105.

<sup>199</sup> Aubry, “Eagle Feather Gets Teen Barred.”

permission has been granted, then trespass becomes more difficult. Critical religion, vestigial state theory, and critical discourse analysis make such operations of power visible.

While in danger of being “religionized” and domesticated through distinctions between “religion” and “politics,” the eagle feather references past and ongoing challenges to Canadian authority. In Harper’s presentation of the eagle feather to the Speaker of the House, the eagle feather becomes comparable to the parliamentary mace. In the hands of an Indigenous actor, the eagle feather serves as a metonym for an asserted and collective Indigenous sovereignty, the sovereignty of the displaced and marginalized nations. As displaced and marginalized but integrated into the Canadian nation-state, Indigenous peoples are sometimes treated as minority populations *within* Canada, rather than as sovereign nations in themselves.<sup>200</sup> As McCutcheon points out, however,

minority groups have necessarily succumbed to a larger hegemony... inasmuch as they have had to rethink and retool their own group identity and sense of self, in the process privatizing and internalizing that which previously had been public and taken for granted.<sup>201</sup>

Indeed, the language of “first” nations implies that one has been superseded by a second nation. In the next chapter, I discuss the eagle feather as a collective representation that relates to a privatized and internalized version of Indigenous identity and sovereignty, one that was formerly public and taken for granted. The eagle feather and that identity, however, have more recently “gone public” in articulations of Indigenous resistance. When deployed by restive and ambitious displaced nations, the eagle feather asserts, performs, and constitutes Indigenous sovereignty in relation and opposition to the settler colonial nation-state.

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<sup>200</sup> The strategic conceptualization of Indigenous peoples and nations as “minorities” within Canadian multiculturalism is problematized in: Jodi A. Byrd, *The Transit of Empire: Indigenous Critiques of Colonialism, First Peoples* (2010) (Minneapolis: University of Minnesota Press, 2011); and Maile Arvin, Eve Tuck, and Angie Morrill, “Decolonizing Feminism: Challenging Connections between Settler Colonialism and Heteropatriarchy,” *Feminist Formations* 25, no. 1 (2013): 8–34, doi:10.1353/ff.2013.0006.

<sup>201</sup> McCutcheon, *Religion and the Domestication of Dissent*, 73.

## CHAPTER FIVE

### *Conceptualizing Twenty-First Century Indigenous Sovereignty*

...sovereignty has not in fact been eliminated. It resides in the consciousness of Indigenous peoples, in the treaties and agreements they entered into between themselves and others and is tied to practices that do not solely mean making baskets as your ancestors did a hundred years ago, or hunting with the precise instruments your great grandfather did 150 years ago, in the exact same spot he did as well, when witnessed and textualized by a white person.

-Audra Simpson<sup>202</sup>

While 1990 may have been an “Indian Summer,” a segment of 2012 and 2013 has been termed the “Native Winter” and “The Winter We Danced.”<sup>203</sup> In 2012, the grassroots and Indigenous-led movement “Idle No More” began and gathered momentum, carrying over into the next year. In late 2013, a protest near Elsipogtog, New Brunswick, gained the attention of the nation. In both instances, the eagle feather appears. In the two previous chapters, I characterized the eagle feather and deconstructed events and discourses in which the eagle feather appears. Drawing upon scholarship from the subfield of critical religion, I reconstituted the eagle feather to propose it as a recognizable collective representation and discursive act from within an Indigenous cultural repertoire. According to this reconstitution, the eagle feather cites and asserts the displaced sovereignty of Indigenous nations. To have been “displaced,” however, implies that Indigenous sovereignty existed prior to and continued after being displaced. As Audra Simpson contends above, Indigenous sovereignty “has not in fact been eliminated.”<sup>204</sup> Simpson also argues that while Indigenous sovereignty does reside in relations between Indigenous peoples

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<sup>202</sup> Simpson, *Mohawk Interruptus*, 20.

<sup>203</sup> Hayden King, “Ghosts of Indigenous Activism Past, Present, Future: #IdleNoMore’s Transformative Potential,” in *The Winter We Danced: Voices from the Past, the Future, and the Idle No More Movement*, ed. Kino-nda-niimi Collective (Winnipeg: ARP Books, 2014), 80.

<sup>204</sup> Simpson, *Mohawk Interruptus*, 20.

and settler colonizers during the colonial era, Indigenous sovereignty does not simply entail the repetition of historical practices, but is (re)constructed, practiced, and asserted in innovative ways. This begs the question of how Indigenous sovereignty *is* conceptualized and practiced in the twenty-first century, and in relation to *settler* colonialism. In this chapter, I draw upon examples involving the eagle feather to explore discourses upon Indigenous sovereignty in relation and opposition to Canadian sovereignty.

Two incidents involving eagle feathers that occurred during and after “Native Winter” enable a discussion of the interrelations between Indigenous sovereignty and settler colonialism. I begin by introducing the Idle No More movement and their logo, showing the utility of the eagle feather for a collective Indigenous movement. The work of Turtle Mountain Ojibwe political scientist Heidi Kiiwetinepinesiik Stark facilitates a consideration of the connection between Indigenous sovereignty and identity. Turning to the protest near Elsipogtog, a Mi’kmaq woman kneeling in the road holding an eagle feather, and an iconic photo, I consider how assertions of Indigenous sovereignty relate to territory, jurisdiction, and state violence. I conclude by discussing the eagle feather, Idle No More, and the events near Elsipogtog through the concepts of refusal and recognition.

**i. Idle No More and the Eagle Feather: Citing the Past to Stand Up for the Future**

The socio-political movement called “Idle No More” characterized the “Native Winter” of 2012-13. In this section, I introduce and contextualize Idle No More before discussing the significance of the Idle No More logo: a raised fist grasping an eagle feather. Idle No More exemplifies a recent and ongoing challenge to Canadian authority over Indigenous persons, nations, and lands. What began as correspondence between four women, three Indigenous and

one of settler descent, spurred a “teach-in” in Saskatchewan and developed into a protest movement. Sylvia McAdam, Jess Gordon, Nina Wilson, and Sheila McLean intended to educate Indigenous and non-Indigenous Canadians on the federal government’s proposed Bill C-45. Bill C-45 included changes to the *Indian Act* and to legislation on the environment, waterways, and treaty rights. The federal government’s propositions were perceived as an attack upon an already-existing Indigenous sovereignty. As McAdam puts it, the bills, which were “almost all” passed, “aimed at privatizing Treaty lands, extinguishing Treaty terms and promises as well as Indigenous sovereignty.”<sup>205</sup> The government’s lack of respect for Indigenous rights and values motivated further activism and protest.

Through word of mouth, media attention, and primarily social and alternative (online) medias, the movement gained momentum and support. When another teach-in was planned for Alberta on 30 October 2012, the women and their supporters began to use the hashtag #IdleNoMore on Facebook and Twitter to promote the event.<sup>206</sup> In December 2012, Chief Theresa Spence of Attawapiskat First Nation began a hunger strike on Victoria Island in Ottawa. Spence’s demands included a meeting with then-Prime Minister Stephen Harper to discuss the government’s disrespect for their treaty obligations, a demand which went unfulfilled and motivated further activism. The name and hashtag caught on, and Indigenous peoples entered the national consciousness and discourse as “Idle No More.” They did so to articulate their frustration with the place and treatment of Indigenous peoples, territories, and nations within the settler colonial nation-state.

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<sup>205</sup> Sylvia McAdam (Saysewahum), “Armed with Nothing More than a Song and a Drum: Idle No More,” in *The Winter We Danced: Voices from the Past, the Future, and the Idle No More Movement*, ed. Kino-nda-niimi Collective (Winnipeg: ARP Books, 2014), 66.

<sup>206</sup> “Living History,” *Idle No More*, accessed August 24, 2017, [http://www.idlenomore.ca/living\\_history](http://www.idlenomore.ca/living_history).

In the book *The Winter We Danced: Voices from the Past, the Future, and the Idle No More Movement*, scholars and activists characterize Idle No More.<sup>207</sup> Cree activist and law graduate Tanya Kappo describes the movement as a “round dance revolution.”<sup>208</sup> Idle No More came together across Canada not only at protests and blockades on disputed territory, but also at teach-ins, prayer circles, and flash-mob round dances in urban centers and unexpected locations.<sup>209</sup> The movement had no centralized leadership or single location, but took shape as, “an urban phenomenon, rather than one based in First Nations, Metis, or even Inuit communities.”<sup>210</sup> In “#IdleNoMore in Historical Context,” Glen S. Coulthard points out that Idle No More differs from 1990’s Oka movement mainly in that the former is “explicitly non-violent”, while the latter had a, “perceived threat of political violence that was present in the years leading to the resistance at Kanesatake.”<sup>211</sup> Coulthard opines (in late December 2012) that should Indigenous demands go unheeded, “the spectre of political violence will reemerge in Indigenous peoples’ collective conversations about what to do next.”<sup>212</sup> Coulthard was proven correct, and I return to the question of violence in sections three and four of this chapter. Additionally, however, these statements provide the history and context that produced an eagle feather grasped in a raised fist as the logo for Idle No More.

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<sup>207</sup> Kino-nda-niimi Collective, ed., *The Winter We Danced: Voices from the Past, the Future, and the Idle No More Movement* (Winnipeg: ARP Books, 2014).

<sup>208</sup> Tanya Kappo and Hayden King, “‘Our People Were Glowing’: An Interview with Tanya Kappo,” in *The Winter We Danced: Voices from the Past, the Future, and the Idle No More Movement*, ed. Kino-nda-niimi Collective (Winnipeg: ARP Books, 2014), 70.

<sup>209</sup> For example, a flash-mob round dance at West Edmonton Mall drew hundreds of people in mid-December 2012; see “Hundreds Take Part in ‘Idle No More’ Protest at West Edmonton Mall,” CBC News, December 18, 2012, <http://www.cbc.ca/news/canada/edmonton/hundreds-take-part-in-idle-no-more-protest-at-west-edmonton-mall-1.1164541>.

<sup>210</sup> Kappo and King, “‘Our People Were Glowing,’” 68–69.

<sup>211</sup> To which Coulthard adds, “The responsibility for this rests solely on the state.” Glen Coulthard, “#IdleNoMore in Historical Context,” in *The Winter We Danced: Voices from the Past, the Future, and the Idle No More Movement*, ed. Kino-nda-niimi Collective (Winnipeg: ARP Books, 2014), 36.

<sup>212</sup> Ibid.

The eagle feather as the Idle No More logo cites the past to stand up for a different and anticipated future. The events of 1990 reverberated through the years and manifested in a specifically “Indigenous” political consciousness and culture. As Anishinaabe Native Studies scholar Niigaanwewidam James Sinclair puts it, “Without Elijah Harper there’s no Idle No More, because he is the forerunner to that movement.”<sup>213</sup> Discussing Oka, Coulthard recalls how 1990’s “Indian Summer” led to the Royal Commission on Aboriginal Peoples (RCAP) in 1991.<sup>214</sup> RCAP was *supposed* to appease and pacify,

the righteous anger and resentment of the colonized transformed into an insurgent reclamation of Indigenous difference that threatened to *un-settle* settler-colonialism’s sovereign claim over Indigenous people and our lands.<sup>215</sup>

In 1997, the parliamentary security guard’s repression of Labrador’s eagle feather reveals a wariness about ongoing un-settlement within Canada. The nation-state *had* learned to be wary of what Indigenous peoples with an eagle feather in hand could mean and lead to, namely a potential questioning of the legitimacy of the Canadian nation-state. As a logo, the significance of the eagle feather within a system of collective representations becomes more general, while its utility broadens as it becomes more available. No longer does one have to find, earn, or be presented with an eagle feather to claim affiliation with the socio-political group that the eagle feather represents, or support for the system of values that the eagle feather asserts. One can simply wear a tee-shirt, hang a poster, or make a protest sign.

While the shift from a physical item to a logo enables more deployments of the eagle

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<sup>213</sup> ICMN Staff, “Elijah Harper, Iconic Aboriginal Leader Who Scuttled Meech Lake Accord, Walks On,” *Indian Country Media Network*, May 18, 2013, <https://indiancountrymedianetwork.com/news/first-nations/elijah-harper-iconic-aboriginal-leader-who-scuttled-meech-lake-accord-walks-on/>.

<sup>214</sup> Coulthard, “#IdleNoMore in Historical Context,” 36.

<sup>215</sup> *Ibid.*

feather, this shift also alters who has access and claim to the eagle feather. In fact, U.S. and Canadian law restrict access to physical eagle feathers, with the result that mainly only Indigenous peoples can obtain them. Stewardship of eagle parts and feathers is legal for enrolled Native Americans in the U.S.<sup>216</sup> and Status Indians in Canada.<sup>217</sup> In 2003, the U.S. and Canada agreed to the transport of eagle parts across the border for Indigenous peoples' "cultural and ceremonial"<sup>218</sup> or "religious and ceremonial"<sup>219</sup> purposes. This legal accommodation was, however, fought for within courts of law.<sup>220</sup> As scholar of religion Greg Johnson points out in a case study involving the White Mountain Apache Tribe, contested ceremonial items gain a "heightened metonymic function."<sup>221</sup> Citing anthropologist Richard Perry, Johnson shows that items with "a central role in ceremony" and "potent meaning... in their own right, have now become a tribal logo, appearing on... 'presentations of self' to the outside."<sup>222</sup> With Idle No More, Canada saw the eagle feather develop from a potent and contested ceremonial item into a

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<sup>216</sup> National Eagle Repository, "Possession of Eagle Feathers and Parts by Native Americans" (U.S. Fish & Wildlife Service, February 2009), <https://www.fws.gov/eaglerepository/factsheets/PossessionOfEagleFeathersFactSheet.pdf>.

<sup>217</sup> There have been reports of an eagle parts "black market" within Canada, and Indigenous people have been fined for acquiring eagle feathers illegally under Canadian law. For example, see Jen Gerson, "Growing Demand for First Nations Art, Dance Costumes Fuels Black Market Eagle Feathers Trend," National Post, January 14, 2013, <http://nationalpost.com/news/canada/growing-demand-for-first-nations-art-dance-costumes-fuels-black-market-eagle-feathers-trend>; or Kathleen Martens, "Alberta Woman Fined for Possessing Eagle Wing," APTN News, August 25, 2015, <http://aptnnews.ca/2015/08/25/alberta-woman-fined-for-possessing-eagle-wing/>.

<sup>218</sup> Government of Canada; Indigenous and Northern Affairs Canada; Communications Branch, "Transportation of Eagle Items," November 25, 2008, <https://www.aadnc-aandc.gc.ca/eng/1100100032773/1100100032774>.

<sup>219</sup> Food, Plant, and Animal Program, Border Programs Directorate, "Memorandum D19-7-1, Interpretation of the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (WAPPRIITA) and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)" (Canada Border Services Agency, October 4, 2013), <http://www.cbsa-asfc.gc.ca/publications/dm-md/d19/d19-7-1-eng.html>.

<sup>220</sup> For legal scholarship on the American First Amendment and the regulation of Eagle Feathers for Native American ceremonial purposes, see Jessica L. Fjerstad, "The First Amendment and Eagle Feathers: An Analysis of RFRA, BGEPA, and the Regulation of Indian Religious Practices," Part of the Symposium: The Twenty Year Anniversary of *Employment Division v. Smith*: Reassessing the Free Exercise Clause and the Intersection between Religion and the Law 55, no. 3 (January 3, 2010): 528–62.

<sup>221</sup> Greg Johnson, "Apache Revelation: Making Indigenous Religion in the Legal Sphere," in *Secularism and Religion-Making*, ed. Markus Dressler and Arvind-pal Singh Mandair (New York: Oxford University Press, 2011), 176.

<sup>222</sup> Richard Perry quoted in Johnson, "Apache Revelation," 176.

logo. To the outside, this logo symbolizes Indigenous peoples and their demands for the settler colonial nation-state to recognize and respect treaty rights and obligations.

Along with the demand for the recognition and respect, the Idle No More movement and their eagle feather logo demand sovereignty. As their website states, “Idle No More seeks to assert Indigenous inherent rights to sovereignty and reinstitute traditional laws and Nation to Nation Treaties by protecting the lands and waters from corporate destruction.”<sup>223</sup> According to Johnson, Indigenous peoples’ concerns about items such as the eagle feather, “are finally about their identity writ large.”<sup>224</sup> This conclusion is perhaps unsurprising, given the centuries of repression and attempted elimination and assimilation of Indigenous nations. Idle No More constructs their foundation upon a repressive history and resistance: “The impetus for the recent Idle No More events, lies in a centuries old resistance as Indigenous nations and their lands suffered the impacts of exploration, invasion and colonization.”<sup>225</sup> As discussed in chapter one, the assertion of an *Indigenous* identity occurs in opposition to those who inhabit the settler colonial nation-state: such an assertion signifies ongoing existence *despite* the state’s attempted elimination, assimilation, and repression. It makes sense that those items, symbols, and practices that *do* remain available gain a heightened importance with the reclamation of power and place. Idle No More exemplifies how the category “Indigenous” has developed into a resurgent and relational cultural, social, *and* political identity. And although the eagle feather may be more widely available as a logo, it also signifies concerns about Indigenous identity writ large and in relation to the settler colonial nation-state. In the next section, I discuss discourses that rethink

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<sup>223</sup> Idle No More, “The Story,” *Idle No More*, accessed October 19, 2016, <http://www.idlenomore.ca/story>.

<sup>224</sup> Johnson, “Apache Revelation: Making Indigenous Religion in the Legal Sphere,” 176.

<sup>225</sup> Idle No More, “The Story.”

Indigenous identity and sovereignty as *different from* the sovereignty of the Canadian nation-state.

## ii. Rethinking Indigenous Identity and Sovereignty

While “sovereignty” is admittedly a non-Indigenous term and concept,<sup>226</sup> discourses on Idle No More show that the term has some utility within Indigenous protest and activism. This does not mean, however, that “Indigenous sovereignty” must be conceptualized as identical to “Canadian sovereignty.” In this section, I examine discourses on the sovereignty ascribed to and claimed by Indigenous nations. For example, in “Nenabozho’s Smart Berries: Rethinking Tribal Sovereignty and Accountability,” Heidi Kiiwetinepinesiik Stark proposes an alternative understanding of tribal sovereignty. Drawing upon the work of John Borrows, Stark defines the exercise of tribal sovereignty as acting, “in a way that recognizes those who I am responsible for... [and thus] recognizing accountability.”<sup>227</sup> This conceptualization aligns with the characterization of the eagle feather offered in chapter three of this thesis. The act of grasping an eagle feather (whether physically or as an image) reminds an actor familiar with an Indigenous system of collective representations and cultural repertoire to be accountable to ancestors, territory, and a social, political, and cultural collective identity.

Identity and sovereignty, however, can be placed in even closer relation. Idle No More’s mission statement uses the term “inherent” to describe Indigenous sovereignty,<sup>228</sup> implying a

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<sup>226</sup> For a thorough problematization of “sovereignty” from an Indigenous governance perspective, see Taiiake Alfred, “Sovereignty,” in *A Companion to American Indian History*, ed. Philip J. Deloria and Neal Salisbury (Malden, Mass.: Wiley-Blackwell, 2004), 460–74; for a range of approaches to “sovereignty,” see Joanne Barker, *Sovereignty Matters: Locations of Contestation and Possibility in Indigenous Struggles for Self-Determination*, Contemporary Indigenous Issues (Lincoln: University of Nebraska Press, 2005).

<sup>227</sup> Heidi Stark, “Nenabozho’s Smart Berries: Rethinking Tribal Sovereignty and Accountability,” *Michigan State Law Review* 2013, no. 2 (January 1, 2013): 351.

<sup>228</sup> Idle No More, “The Story.”

quality that comes from within. Similarly, Stark further reformulates tribal sovereignty to extend “beyond [sovereignty’s] restrictive politico-legal context,” and hinge upon a group’s self-conceptualization.<sup>229</sup> Stark therefore suggests that, “at its very essence, the Anishinaabe word for sovereignty is *Anishinaabe*. Who we are as a people and how we see ourselves is the very essence of our sovereignty.”<sup>230</sup> For Stark, the connection between identity and sovereignty alters the latter from a static concept to a processual one. According to a processual conceptualization, asserting an Indigenous identity constitutes—and performs—tribal sovereignty. As discussed previously, wielding an eagle feather is a discursive practice used to signify Indigenous identity, including to non-Indigenous audiences. If this is the case and we take Stark’s connection between identity and sovereignty seriously, then a raised fist holding an eagle feather really *does* assert Indigenous sovereignty.

While Canadian sovereignty has been legitimized through mechanisms such as the Doctrine of Discovery, the British Crown, and legal thought, from whence does Indigenous sovereignty come? Stark’s Anishinaabek reconceptualization of sovereignty references “the Creator” just like Rodney Nelson, Melissa Labrador, Ron Irwin, and Elijah Harper do, as noted in previous chapters. Stark writes,

The term *Anishinaabe* references the creation of the people. It discusses how the Creator lowered our people to the earth. This act of creation was invoked again and again by Anishinaabe leaders to assert their sovereignty and land rights in treaty negotiations—rights and responsibilities inherited from the Creator.

Here Stark draws upon Anishinaabek ideation to reconceptualize sovereignty not only as a group identity, but also as granted and authorized by a non-human being. Stark’s reference to an abstract principle such as “the Creator” aligns with a key tenet of vestigial state theory. As

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<sup>229</sup> Stark, “Nenabozho’s Smart Berries,” 352.

<sup>230</sup> *Ibid.*

Goldenberg describes, displaced sovereignties as vestigial or once-and-future states, “are composed of discursive and institutional practices similar to those of fully functioning states.”<sup>231</sup> She clarifies, “They differ from the states that encompass and authorize them mainly in regard to what they are allowed to do and what abstract principles they cite to ground their authority.”<sup>232</sup> In this case, the Anishinaabe leaders’ invocations are discursive practices that attempt to constitute a context for treaty negotiations through their own forms of governance, while “the Creator” is the abstract principle that they cite to ground and legitimize Anishinaabe sovereignty. As discussed in chapter three and four, the eagle, as the bird that flies the highest and sees the farthest, is also associated with First Nations and broadly Indigenous conceptualizations of “the Creator.” The eagle feather references not only this alternative abstract principle, but in doing so also locates Indigenous sovereignty as *inherent* and *prior to* colonization and settlement; Indigenous leaders asserted sovereignty, but it went unrecognized, misrecognized, ignored, or willfully displaced. In the next section, I provide an example in which a physical eagle feather appears in a conflict over territory and jurisdiction and is used to ground a challenge to the nation-state’s authority. Then, I consider whether and how that eagle feather is recognized.

### **iii. An Eagle Feather Against the Royal Canadian Mounted Police**

Although a protest movement, the fact that Idle No More was presented and perceived as non-violent was essential to its ability to form and persist. This contention aligns with another key tenet of vestigial state theory: the idea that control over legalized violence is reserved solely for the contemporary governing order.<sup>233</sup> With the contemporary government having a monopoly

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<sup>231</sup> Goldenberg, “The Category of Religion in the Technology of Governance,” 283.

<sup>232</sup> *Ibid.*

<sup>233</sup> *Ibid.*, 281–82.

on legalized violence, state apparatuses such as the police and army become responsible for “keeping the peace.” Paradoxically, those who have the monopoly on violence are the ones most able to perpetrate it. In such instances, authoritative and persuasive discourses may construct the opposing individual or group as the ones who are unlawful and violent. For example, Coulthard describes of events in 1990,

most [non-Native Canadians] received their information about the so-called “Oka Crisis” through the corporate media, which overwhelmingly represented the event as a “law and order” issue fundamentally undermined by Indigenous peoples’ anger and resentment-fuelled criminality.<sup>234</sup>

In this section, I examine an event that was inspired by Idle No More and occurred in the winter of 2013, but that was constructed through discourses similar to that which Coulthard describes. This event, in contrast to Idle No More’s urban locations, challenged the jurisdictional powers of the nation-state.

The event in question continued the wave of un-settling the nation-state that began in the 1990s and was encouraged by Idle No More. As of 2013 near Elsipogtog First Nation, the provincial government of New Brunswick had leased unceded Mi’kmaq territory—as “Crown land”—to an American corporation to explore for shale gas deposits. While this move was reportedly opposed by the Mi’kmaq for many years,<sup>235</sup> late in 2013 members of Elsipogtog First Nation and supporters blockaded a road to prevent the passage of seismic testing equipment. If the testing were to occur and obtain positive results, the corporation would begin the controversial process of fracking the land to extract the desired resources, potentially contaminating the land and waterways in the process. Near the blockade, several unprotected Royal Canadian Mounted Police (RCMP) vehicles had been burnt. One columnist circumvents

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<sup>234</sup> Coulthard, “#IdleNoMore in Historical Context,” 33.

<sup>235</sup> Martin Lukacs, “New Brunswick Fracking Protests Are the Frontline of a Democratic Fight,” *The Guardian*, October 21, 2013, <http://www.theguardian.com/environment/2013/oct/21/new-brunswick-fracking-protests>.

the mainstream narrative told in the Canadian press, and describes how the Mi'kmaq and supporters were being represented as violent:

The image of burning police cars played endlessly on the evening news. Television and talk radio blared out reports of “clashes” between police and indigenous protestors... There was nothing about the roots of a conflict years in the making. An appeal to the stereotype of indigenous violence was enough: once again, the natives were breaking the law; the police had to be sent in.<sup>236</sup>

On 13 October 2013, the RCMP raided the blockade. While police filled the air with tear gas and rubber bullets, Indigenous women and elders on the front-lines of the blockade were “armed” with rosaries and eagle feathers.

When the RCMP raided the road blockade, a Mi'kmaq woman named Amanda Polchies deployed an eagle feather. Polchies knelt on the road while a line of officers wearing riot gear advanced towards her. Polchies may have been kneeling down rather than standing up in protest, but her arm was stretched high above her as she grasped an eagle feather in her clenched hand. She represented a real-life version of the Idle No More logo. From behind Polchies, reporter Ossie Michelin snapped a photo on his iPhone camera. Michelin posted the photo amongst others on social media website Twitter, as he attempted to keep the outside world abreast of the developing situation.<sup>237</sup> The *Al Jazeera America* documentary film *Elsipogtog: The Fire Over Water* tells the story of the circumstances leading up to the moment in the photo.<sup>238</sup> In the film, Mi'kmaq elder Doris Capoge sits at a table and holds an eagle feather in her hand. Capoge recounts how they were up against police dogs and ammunition while, she says, “the woman here have their feathers,” and she “went there with [her] rosaries.” Switching the location to

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<sup>236</sup> Ibid.

<sup>237</sup> Vincent Schilling, “Woman With Eagle Feather: The Photo ‘Heard’ Round the World,” *Indian Country Media Network*, November 21, 2013, <https://indiancountrymedianetwork.com/news/first-nations/woman-with-eagle-feather-the-photo-heard-round-the-world/>.

<sup>238</sup> Al Jazeera America, *Elsipogtog: The Fire Over Water - Fault Lines* (Elsipogtog: Al Jazeera, 2013), <https://www.youtube.com/watch?v=9fleh95UWGo>.

where the blockade and raid took place, Anishinaabe host (and eventual politician) Wab Kinew walks along the road with Polchies. They discuss what took place during the raid, and Polchies recounts her memories of the moment when Michelin took the photo of her:

I looked back at Doris, sprayed in the eyes, and all she had was a rosary... I just had this eagle feather. I didn't know what to do. And the first thought in my mind was—pray. So I kneeled down in the road and I started praying. I was praying for Doris, and I was praying for the other women that had got sprayed, and I was praying for my people, hoping that this would end peacefully, nobody would get hurt, nobody would die.

While there were no deaths that day there were at least forty arrests, including Polchies herself. While this occurred, the photo of her that Michelin had uploaded went viral. He recalls: “My producer called me and said, ‘Ossie, that picture has been shared over 160,000 times in the past four hours.’”<sup>239</sup> The image of the Indigenous woman kneeling, praying, and holding an eagle feather up against the violence of the state resonated with an audience far beyond the context of Elsipogtog First Nation and the province of New Brunswick.

The image of Polchies was not only shared via social media but like the Idle No More logo, it was reworked into artwork and posters, and sometimes accompanied by slogans and hashtags. For example, artist Gregg Deal of the Pyramid Lake Paiute Tribe reworked the image in red, black, and tan, with the crest of the Mohawk Warrior Society on two corners. The text on the poster reads, “Protecting our mother for our unborn children, stop fracking, stop drilling.”<sup>240</sup> Another example sees artist Fanny Aaisha painting the scene in multi-hued colours but adding a bird (perhaps an eagle?) flying overhead; in the painting, roots that are growing from Polchies’ knees ground her, her prayer, and her challenge into the land that she kneels upon.<sup>241</sup> In another

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<sup>239</sup> Schilling, “Woman With Eagle Feather.”

<sup>240</sup> Viewable at Vowel, Chelsea, “Resources on Elsipogtog,” *Âpihtawikosisân*, October 23, 2013, <http://apihtawikosisan.com/2013/10/resources-on-elsipogtog/>.

<sup>241</sup> *Ibid.*

example, the image has an oil derrick added behind the RCMP; this interpretation of the photo appears on the poster for an event titled “#FrackOff: Indigenous Women Leading Media Campaigns to Defend Our Climate,” at which Ellen Gabriel (of Kanehsatake and the Oka Crisis) was scheduled to speak.<sup>242</sup> Amanda Polchies’ actions with the eagle feather have been immortalized and incorporated into a system of collective representations, one that is constituted and deployed through Indigenous resurgence within Canada.

In *Elsipogtog: The Fire Over Water*, Kinew asks Polchies why she thinks that people connected with the Michelin’s photo of her. She answers, “Because, like, it’s a struggle. You can see the struggle, if you look at the picture it’s like you have all of these R.C.M.P. officers and they can do so much. And then there’s a woman kneeling down in the road with a feather.”<sup>243</sup> Capoge’s and Polchies’ emphasis upon items like rosaries and eagle feathers highlight the disparity in access to force and “legitimate” or lawful violence. And yet, it was Indigenous actors and their supporters who were labelled as “violent.” In fact, the protest at Elsipogtog served as an opportunity for the state to identify those who they perceived to be potentially violent dissidents from the winter(s) of 2012-13. Press reports,

Rattled by Idle No More and Mi’kmaq-led anti-shale gas demonstrations, the RCMP compiled a list of 89 individuals considered “threats” as part of an operation aimed at improving the federal police force’s intelligence capacity when facing Indigenous rights demonstrations.<sup>244</sup>

As in the case of Mi’kmaq Melissa Labrador with her eagle feather in 1997, one must wonder what sort of threat Amanda Polchies and her eagle feather posed to the RCMP, the nation-state,

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<sup>242</sup> “#FRACK OFF: Indigenous Women Leading Media Campaigns to Defend Our Climate,” *Idle No More*, accessed August 7, 2017, [http://www.idlenomore.ca/frack\\_off\\_indigenous\\_women\\_leading\\_media\\_campaigns\\_to\\_defend\\_our\\_climate](http://www.idlenomore.ca/frack_off_indigenous_women_leading_media_campaigns_to_defend_our_climate).

<sup>243</sup> Al Jazeera America, *Elsipogtog*.

<sup>244</sup> Jorge Barrera, “RCMP Intelligence Centre Compiled List of 89 Indigenous Rights Activists Considered ‘threats,’” *APTN National News*, November 8, 2016, <http://aptn.ca/news/2016/11/08/rcmp-intelligence-centre-compiled-list-of-89-indigenous-rights-activists-considered-threats/>.

and the extractive industry enabled by the state. The crucial difference between the two situations is what Patrick Wolfe considers the primary motivation and irreducible element of settler colonialism: access to territory.<sup>245</sup> Labrador's eagle feather asserted her Indigenous identity within the home of Canadian governance, whereas Polchies' deployment of her own feather challenged Canada's territorial jurisdiction over unceded Mi'kmaq "Crown land."

#### **iv. Events of Refusal and Acts of Recognition**

In the case of Idle No More, the eagle feather provides a representation through which grassroots Indigenous peoples can construct an identity and assert their sovereignty in opposition to the nation-state. Put another way, they materialize themselves as sovereign by performing their indigeneity. Stark's reconceptualization of tribal sovereignty clarifies the process through which this occurs: that Indigenous sovereignty consists not solely in accountability to others, but occurs through assertions of group identity. Rethinking sovereignty in this way provides an alternative and processual model of sovereignty, one in which grasping an eagle feather can be and seems to have become an assertion of both sovereignty and identity. In the quotation that opens this chapter, Simpson notes that practices that assert sovereignty do not necessarily have to be historical or "witnessed and textualized by a white person."<sup>246</sup> Because of the relational and oppositional nature of Indigenous identities, however, I suggest that conflicts with settler colonial modalities and institutional frameworks are prime opportunities to view the processes through which Indigenous sovereignty is constructed, defined, and asserted.

The actions of Mi'kmaq woman Amanda Polchies provide an example of a twenty-first century assertion of Indigenous sovereignty, and this contributes to the popularity of Ossie

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<sup>245</sup> Wolfe, "Settler Colonialism and the Elimination of the Native," 388.

<sup>246</sup> Simpson, *Mohawk Interruptus*, 20.

Michelin's photo. Like Elijah Harper, the Métis activist, Ellen Gabriel, Melissa Labrador, and Idle No More, Amanda Polchies provides an example not simply of Indigenous resistance, but of Indigenous *refusal* to be eliminated or assimilated. Audra Simpson theorizes acts of refusal in *Mohawk Interruptus*, arguing that

Refusal comes with the requirement of having one's *political* sovereignty acknowledged and upheld, and raises the question of legitimacy for those who are usually in the position of recognizing: What is their authority to do so? Where does it come from? Who are they to do so?<sup>247</sup>

Simpson argues that while there are “contesting systems of legitimacy and acknowledgment,”<sup>248</sup> what she terms “events of refusal... *enunciate* several processes. Most evident among these processes and accounts is their ability to signal Indigeneity and couple it with sovereignty.”<sup>249</sup> As evidenced in events of refusal involving the eagle feather, its ability to signal Indigenous identity *and* sovereignty contribute to its heightened metonymic function. Importantly, however, whether the eagle feather appears and materializes Indigenous identity and sovereignty—and whether and how the eagle feather is recognized—depends upon which actors are wielding it and the context in which they attempt to do. In the road near Elsipogtog, Amanda Polchies was “recognized” as a potentially violent threat by state actors, rather than being recognized as a sovereign actor. She was arrested, despite simply kneeling in a road armed with an eagle feather. She was arrested because she was (and is) Indigenous and she was contesting the state's sovereignty *and* territorial jurisdiction. The photo of her became iconic because those opposed to settler colonial dominance, violence, and hegemony saw her struggle and recognized her thusly. There is one additional aspect of Polchies' articulation of resistance that I have not yet addressed—her use of

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<sup>247</sup> Ibid., 11.

<sup>248</sup> For example, contemporary references to “the Creator” may be viewed as a system of legitimacy that contests that of Canada.

<sup>249</sup> Simpson, *Mohawk Interruptus*, 22–23.

the eagle feather with a prayer. Bringing this thesis full circle, I conclude it with a discussion of Indigenous spirituality and the performance of dissent in a settler colonial nation-state.

## CONCLUSION

### *Indigenous Spirituality and the Performance of Dissent within a Settler Colonial Nation-State*

So long as their self-identity is tied to some non-empirical characteristic – such as their ethnicity, their faith, or their culture – it can only be felt and periodically manifested in politically innocuous displays of regional cuisines, singing styles, dancing, colorful clothing, etc., all of which are no threat to the gatekeepers of the wider material and physical environment.

-Russell McCutcheon<sup>250</sup>

Our spirit can not be broken.

This was the one recurring message that stood out to me throughout the public hearings, the essential step of returning to spirituality through our languages, cultures and land.

Over seven generations spent in [residential] schools, they tried to destroy our culture. Our cultural events and ceremonies were prohibited...

If we are to heal, we must return to our spirituality.

-Chief Wilton Littlechild, 2 June 2015<sup>251</sup>

On 4 November 2015, Carolyn Bennett—a non-Indigenous Canadian—carried an eagle feather in hand as she was sworn in as the new Minister of Indigenous and Northern Affairs. She did so in ceremony alongside newly-elected Prime Minister Justin Trudeau and the Liberal Party, whose platform addressed Indigenous rights and promised a nation-to-nation relationship.<sup>252</sup> The

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<sup>250</sup> Russell T. McCutcheon, “The Category of ‘Religion’ and the Politics of Tolerance,” in *Defining Religion: Investigating the Boundaries between the Sacred and Secular*, ed. Arthur L. Greil and David Bromley (Amsterdam: JAI Press, 2003), 144–45.

<sup>251</sup> Chief Wilton Littlechild, “For the Record: Release of the Ninety-Four Recommendations of the Canadian Truth and Reconciliation Commission,” *Macleans*, June 2, 2015, <http://www.macleans.ca/politics/for-the-record-justice-murray-sinclair-on-residential-schools/>.

<sup>252</sup> “A New Nation-to-Nation Process,” *Liberal Party of Canada*, accessed August 29, 2017, <https://www.liberal.ca/realchange/a-new-nation-to-nation-process/>.

swearing-in ceremony itself conspicuously emphasized the inclusion of Indigenous peoples throughout. As the Canadian Broadcasting Corporation (CBC) recounts, “the ceremony featured two young Inuit throat singers, a First Nations drum dance and wrapped up with a lively Métis Prairie fire dance.”<sup>253</sup> It thus began, was punctuated by, and ended with performances originating from Indigenous groups. In her hands, Bennett carried the eagle feather, a small stone Inukshuk, and a Métis patterned sash. These items respectively represent the First Nations, Inuit, and the Métis Nation. Reportedly, Bennett was “given an eagle feather by Claudette Commanda, the grand-daughter of the renowned late Algonquin Elder William Commanda... Commanda also put sage in both of Bennett’s boots ‘to make sure that [she] would be able to go forward in a good way.’”<sup>254</sup> Here, we see the inclusion of Indigenous elements within the swearing-in ceremony to signal the Liberal government’s renewed approach to Indigenous peoples.

Just a few months later, the eagle feather made its way toward another context in which it normally does not appear. In a special ceremony at the Odawa Native Friendship Centre on 18 January 2016, Commanda presented two eagle feathers to representatives of the Ottawa provincial courthouse. An Indigenous person previously in court had asked, “to swear on a feather instead of a Bible, before testifying, only to be told there was none,”<sup>255</sup> while the “residential school and religion have left a ‘sour taste’ with indigenous people, and the feathers provide them with a new option.”<sup>256</sup> Commanda provided traditional teachings about the feather,

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<sup>253</sup> Kathleen Harris, “Nov. 4 Cabinet Swearing-In,” CBC News, *ScribbleLive Embed*, (November 4, 2015), <http://www.cbc.ca/m/touch/politics/story/1.3302743>.

<sup>254</sup> Jorge Barrera, “New Indigenous Affairs Minister Speaks Reconciliation with Sage in Her Boots, Loaned Eagle Feather in Hand,” *APTN National News*, November 5, 2015, <http://aptn.ca/news/2015/11/05/new-indigenous-affairs-minister-speaks-reconciliation-with-sage-in-her-boots-loaned-eagle-feather-in-hand/>.

<sup>255</sup> Waubgeshig Rice, “Eagle Feathers Now on Hand for Oaths at Ottawa Courthouse,” *CBC News*, January 18, 2016, <http://www.cbc.ca/news/canada/ottawa/eagle-feathers-now-on-hand-for-oaths-at-ottawa-courthouse-1.3409212>.

<sup>256</sup> Jesse Ferreras, “Aboriginals Can Swear Court Oaths On This Instead Of Bibles Now,” *The Huffington Post*, accessed May 24, 2016, [http://www.huffingtonpost.ca/2016/01/26/aboriginal-court-oath-eagle-feather\\_n\\_9074136.html](http://www.huffingtonpost.ca/2016/01/26/aboriginal-court-oath-eagle-feather_n_9074136.html).

and afterwards noted of the inclusion: “It's validating the importance of our culture, our spirituality... I think it's important that our aboriginal clients have access to reconciliation elements, to elements of healing, but also to our own indigenous legal traditions.”<sup>257</sup> Actually, eagle feather affirmations have been permitted in Ontario since 2012 following a protocol developed in Brantford.<sup>258</sup> The courthouse event involving Commanda in Ottawa, however, followed closely upon the election of the Liberal government in October 2015 and the release of the final report of the Canadian Truth and Reconciliation Commission in December 2015. Given the Liberal platform of Indigenous rights and a nation-to-nation relationship, it is reasonable to surmise that the increased media attention resulted from the political climate at the time. Both the swearing-in ceremony and the courthouse presentation provide interesting examples of the incorporation of the eagle feather into state institutions.

The songs and dances of the swearing-in ceremony, and the eagle feather and other token items, could be “politically innocuous displays” of Indigenous self-identity that offer “no threat to the gatekeepers of the wider material and physical environment,” if re-described through the quotation that opens this chapter.<sup>259</sup> In this thesis, however, I have argued that the eagle feather signifies an assertion of Indigenous sovereignty. What does it mean then, for the eagle feather to be conspicuously included within state contexts? The inclusion of the eagle feather further substantiates Elijah Harper’s suggestion that perhaps the nation-state *has* learned that they’re “threatened by the eagle feather,” since the Meech ordeal.<sup>260</sup> In these instances, the eagle

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<sup>257</sup> Rice, “Eagle Feathers Now on Hand for Oaths at Ottawa Courthouse.”

<sup>258</sup> Michelle Ruby, “Witnesses Can Affirm with Eagle Feather,” *Brantford Expositor*, August 4, 2012, Final edition, <http://www.brantfordexpositor.ca/2012/08/03/now-you-can-swear-on-an-eagle-feather>.

<sup>259</sup> McCutcheon, “The Category of ‘Religion’ and the Politics of Tolerance,” 144–45.

<sup>260</sup> Aubry, “Eagle Feather Gets Teen Barred.”

feather's assertion of difference and power has been domesticated; its potential to cite and perform radical *dissent* instead symbolizes *assent* to inclusion within Canadian governance.

The swearing-in ceremony sees the eagle feather make a sanctioned appearance within a context in which the parliamentary mace would not be out of place—a space *normally* dominated by the symbols and ceremonies of the British Crown and Canadian sovereignty. In the courthouse example, the eagle feather becomes comparable to a Christian object yet also associated with law, throwing into relief the way in which Indigenous items are being made recognizable to the settler colonial nation-state. This leads one to wonder about the interplay between the various terms and categories that constrain Indigenous lives within Canada as a settler colonial nation-state. In this concluding chapter, I briefly summarize my argument regarding the parliamentary mace, Canadian sovereignty, the eagle feather, and Indigenous sovereignty. In the second quotation that opens this chapter, Chief Wilton Littlechild contends that for Indigenous peoples “to heal,” they “must return to... spirituality.”<sup>261</sup> I therefore consider Indigenous sovereignty in relation to spirituality, drawing upon critical religious studies scholarship. I conclude by suggesting that “spirituality” is a key term and category through which Indigenous peoples perform dissent, materializing themselves as sovereign in opposition to the settler colonial nation-state.

Celebrating 150 years since Canadian Confederation, or Canada 150, entails celebrating 150 years of Canadian sovereignty and governance. The first chapter of this thesis characterized Canada as settler colonial, or predicated upon the dispossession and elimination of Indigenous peoples, and perhaps particularly of Indigenous *nations*. Terms such as “Indian,” “Aboriginal,” and “Indigenous” serve as relational and oppositional identity categories, which have the

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<sup>261</sup> Littlechild, “For the Record: Release of the Ninety-Four Recommendations of the Canadian Truth and Reconciliation Commission.”

potential to be operationalized; this may be to regulate a population, as in the *Indian Act, 1867*, or to form a social, cultural, and political collective group with a claim to rights and recognition, as in the modern use of the term “Indigenous.” The second chapter of this thesis contends that Canadian hegemony over Indigenous peoples has been naturalized and normalized. This has taken place, in part, through discourses on “religion” and “civilization” as well as being enacted through ceremonies and protocols such as those involving the parliamentary mace. When symbolically and physically “taking place,” the parliamentary mace creates continuity between Confederation and the celebration of Canada 150, thus naturalizing and reproducing the constitutive hierarchy that undergirds settler colonialism in Canada. The taken-for-granted-ness of such symbols and ceremonies can be described as “settler common sense.” In chapters three and four, I presented the examples of Elijah Harper, a Métis activist, Ellen Gabriel, and Melissa Labrador wielding eagle feathers to articulate an Indigenous identity and challenge settler common sense. As a discursive act that references an *Indigenous* system of collective representations and cites past deployments, wielding an eagle feather materializes Indigenous actors within the settler colonial gaze. Acts of refusal are therefore accompanied by acts of recognition, although the state may (mis)recognize the eagle feather as violent or threatening; this is more likely to happen in conflicts over jurisdiction, and is because the nation-state *has* learned to be wary of Indigenous peoples holding eagle feathers. In the case of Amanda Polchies, the RCMP willfully ignore her eagle feather as an assertion of sovereignty, while the iconic photo of her speaks to those who recognize her act, which embodies the logo of Idle No More, as within an Indigenous cultural repertoire. The RCMP see Idle No More, Polchies, and her feather as potentially disrupting the jurisdictional power of the nation-state; Polchies is arrested even though she was *kneeling* in the road and *praying* with the eagle feather. The RCMP in the case of

her arrest appear to maintain “law and order” and the “normal” state of things, which entails Canadian jurisdiction over Crown lands regardless of whether that land was ever ceded to the Crown *or* Canada.

The latter chapters of this thesis center upon what happens when the “taken for granted” or “normal” state of settler colonialism is challenged by Indigenous peoples armed with eagle feathers. Postcolonial theorist Arvind-Pal S. Mandair asks a pertinent question: “What if... in fact, the ‘normal’ state of things simply hides the reality of objective violence that constitutes the state?”<sup>262</sup> Like Goldenberg within vestigial state theory, Mandair highlights the centrality of violence; he notes that “a key principle of the democratic state,” is that the state alone has, “a legal mandate to deploy violence for the protection of the peaceful majority.”<sup>263</sup> Indigenous peoples form not only an identity-based and legally-recognized (and regulated, to some extent through “Status”) minority population groups, but also vestigial, displaced, or once and future nations with governing orders. Movements such as Idle No More and the events at Elsipogtog reveal restive and ambitious Indigenous once and future nations. As mentioned, both were opportunities in which the RCMP identified “potentially violent dissidents” despite declarations of non-violent protest. In terms of identity and governance, however, the state is taken to be the objective arbiter of difference within the broader nation, while those affiliated with legally-recognized identity categories are presumed to be subjectively motivated. Mandair therefore characterizes violence as, “an either/or scenario,” where there is the objective and state-sanctioned violence of the putatively neutral state—or the subjective violence of ethno-

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<sup>262</sup> Mandair, Arvind-pal Singh, “Translations of Violence: Secularism and Religion-Making in the Discourses of Sikh Nationalism,” in *Secularism and Religion-Making*, ed. Markus Dressler and Arvind-pal Singh Mandair (New York: Oxford University Press, 2011), 64.

<sup>263</sup> *Ibid.*, 73.

nationalism, including groups articulated as religious or spiritual.<sup>264</sup> Canadian nationalism and the contemporary governing order—associated with the parliamentary mace—constitutes itself as neutral, normal, and objective, while constituting Indigenous peoples as a “spiritualized ethno-nationalism.” This distinction is particularly well-represented in literature that spiritualizes Indigenous peoples through the language of “holism,” as was examined in chapters two and three of this thesis.

The examples of the eagle feather that open this chapter and the words of Chief Wilton Littlechild provide evidence that Indigenous peoples are materializing as a “spiritualized ethno-nationalism.” The relevant question to be asked then, is what purposes it may serve to deploy and describe the eagle feather and Indigenous peoples as “spiritualized”? According to Russell McCutcheon, the separation of categories such as religion from politics, along with rhetorics of authenticity and tradition, create a depoliticized space into which to place and contain dissent.<sup>265</sup> One might consider “Indigenous spirituality” in this way, as the articulation of an identity that entails depoliticized and contained dissent. According to McCutcheon, these separations are, “the socio-rhetorical conditions that help to make possible the largest social formation that—for good or ill—we have so far come up with, this thing we have come to know as the modern, liberal, nation-state.”<sup>266</sup> This very well may be the case in some instances, particularly those examples that do not concern jurisdiction. In another way to approach the question, however, as Teemu Taira puts it: “It is important to analyse the complex and changing game in which discourse can be a tool for power, but also as something that hinders power, as a point of resistance or a starting

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<sup>264</sup> Ibid., 64.

<sup>265</sup> Russell T. McCutcheon, *Religion and the Domestication of Dissent, Or, How to Live in a Less than Perfect Nation*, Religion in Culture (London: Equinox Pub, 2005).

<sup>266</sup> Ibid., 14.

point for an opposite strategy.”<sup>267</sup> However, if contemporary Indigenous peoples associate the category of religion with the violence of the settler colonial nation-state—if residential schools and religion left a “sour taste,” so to speak<sup>268</sup>—then contestation of the nation-state must not only be non-violent, but also either “non-religious” *or* “religious” in a different but recognizable way—perhaps then, “spiritual.” At Elsipogtog, Doris Capoge’s comparison of the eagle feather to the rosary and Polchies kneeling and using the discursive strategy of prayer<sup>269</sup> is comparable to how references to Christianity *and* to Indigenous traditions repressed by missionaries were used to make Elijah Harper’s use of the eagle feather intelligible.<sup>270</sup> When the eagle feather is described and portrayed as “sacred” or “spiritual,” it not only approximates the discursive techniques of legitimization used by the contemporary nation-state, but may become the starting point for an articulation of resistance. “Indigenous spirituality” can be deployed as a strategy to oppose and resist settler colonial power and hegemony.

The eagle feather’s political potential and potency are therefore intricately tied to its “spiritual” aspect *when considered alongside rhetorics of religion and spirituality that further differentiate Indigenous identities, practices, ideas, and peoples from the settler colonial nation-state*. As addressed in chapters one, two, and four, the hegemony of the settler colonial state has been naturalized through discourses on “religion,” amongst others such as “civilization” and “education.” When the settler colonial nation-state is constituted through discourses on religion, “religion” can be conceptualized as a foreign imposition, and associated with the violence of state power. In contrast, “spirituality” has been constructed in relation to ancestors and

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<sup>267</sup> Teemu Taira, “Making Space for Discursive Study in Religious Studies,” *Religion* 43, no. 1 (January 2013): 32, doi:10.1080/0048721X.2013.742744.

<sup>268</sup> Ferreras, “Aboriginals Can Swear Court Oaths On This Instead Of Bibles Now.”

<sup>269</sup> Al Jazeera America, *Elsipogtog: The Fire Over Water - Fault Lines* (Elsipogtog: Al Jazeera, 2013), <https://www.youtube.com/watch?v=9fleh95UWGo>.

<sup>270</sup> Roy MacGregor, “The Feather, Elijah Harper, and Meech Lake,” *Windspeaker* 8, no. 8 (1990): 7.

territory—and thus is “Indigenous” and “indigenous”—as well as non-violent. This performative distinction is apparent, for example, in *Honouring the Truth, Reconciling for the Future*:

*Summary of the Final Report of the Truth and Reconciliation Commission of Canada*:

“Aboriginal children were taught to reject the *spiritual* ways of their *parents and ancestors* in favour of the *religions* that predominated among *settler* societies [Emphasis added].”<sup>271</sup> The TRC also identifies “spiritual violence” as resulting from the imposition of “religious beliefs.”<sup>272</sup>

Discourses on spirituality enable Indigenous peoples to materialize themselves as *comparable to yet different from* the contemporary nation-state; “spirituality” can thus become a discursive technique of Indigenous resistance.

The utility of “spirituality” can be coupled with “sovereignty” in an act of refusal. In doing so, Indigenous peoples redeploy the terms, concepts, and discourses that structure the nation-state. Regarding such redeployments, Glen S. Coulthard considers

the emancipatory potential... [of] a politics that is less oriented around attaining an affirmative form of recognition from the settler-state and society, and more about critically reevaluating, reconstructing, and redeploying culture and tradition in ways that seek to prefigure... a radical alternative to the structural and psycho-affective facets of colonial domination.<sup>273</sup>

This statement shows an awareness of the socio-rhetorical utility that such terms and concepts have; like “culture” and “tradition,” “religion” and “spirituality” can be used to differentiate between two collectives, but also demarcate a relation of similitude from which to move forward

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<sup>271</sup> The text continues, “As their traditional ways of worshipping the Creator were disparaged and rejected, so too were the children devalued.” Truth and Reconciliation Commission of Canada, “Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada” (Government of Canada, 2015), 220, [http://www.trc.ca/websites/trcinstitution/File/2015/Honouring\\_the\\_Truth\\_Reconciling\\_for\\_the\\_Future\\_July\\_23\\_2015.pdf](http://www.trc.ca/websites/trcinstitution/File/2015/Honouring_the_Truth_Reconciling_for_the_Future_July_23_2015.pdf).

<sup>272</sup> Ibid.

<sup>273</sup> Glen S. Coulthard, “Subjects of Empire: Indigenous Peoples and the ‘Politics of Recognition’ in Canada,” *Contemporary Political Theory* 6, no. 4 (November 2007): 456, doi:<http://dx.doi.org.proxy.bib.uottawa.ca/10.1057/palgrave.cpt.9300307>.

from—such terms can “make space” for materialization to occur. In this sense, while terms such as “religion” and “spirituality” are contestable and contingent, the instrumentalization of them in particular contexts enables and mediates performances of Indigeneity to the state—as spiritual, as holistic, or as religious when serves the interests of those instrumentalizing the category or concept in question.

Distinctions between religion, spirituality, law, politics, and related categories contribute to the discursive constitution of and differentiation between the multiple sovereignties within the Canadian nation-state. The categories of religion and spirituality (or posited lack or rejection thereof) are key socio-rhetorical strategies in differentiating Indigenous from non-Indigenous. For example, as Linda Tuhiwai Smith states, “The values, attitudes, concepts, and language embedded in beliefs about spirituality represent, in many cases, the clearest contrast and mark of difference between indigenous peoples and the West.”<sup>274</sup> The discourse on Indigenous spirituality depends upon comparison with the other. Scholars might therefore examine, “A widely accepted set of oppositions... as a site where generally undisclosed social work is taking place.”<sup>275</sup> While some of the oppositions discussed in this thesis *may* be “widely-accepted,” I suggest that the discourses under discussion reflect *changing* understandings and *developing* sets of oppositions; that which has been naturalized and taken for granted is being exposed to new questions and challenges, including through discourses on Indigenous sovereignty and spirituality.

These new questions and challenges are developing each day across Canada, and in other contexts in which Indigenous peoples attempt to materialize as sovereign nations. As Taiaiake Alfred and Jeffrey Corntassel contend,

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<sup>274</sup> Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples*, Second edition (London: Zed Books, 2012), 142.

<sup>275</sup> McCutcheon, *Religion and the Domestication of Dissent, Or, How to Live in a Less than Perfect Nation*, 13.

The challenge of “being Indigenous”... forms the crucial question facing Indigenous peoples today in the era of contemporary colonialism—a form of post-modern imperialism in which domination is still the Settler imperative but where colonizers have designed and practise more subtle means (in contrast to the earlier forms of missionary and militaristic colonial enterprises) of accomplishing their objectives.<sup>276</sup>

Because the category of religion has been intricately tied to missionary and militaristic means of establishing dominance, scholarship that critiques “religion” as a (colonial and settler colonial) category of governance and sovereignty offers new avenues for research. Indigenous peoples are “arming” themselves with eagle feathers, amongst other “traditional” and “sacred” items and rhetorics. Through such discursive acts, they assert an identity coupled with an inherent form of sovereignty, thus refusing the hegemony of the nation-state. For example, one might examine “It is Sacred,” a movement in Ottawa that operationalizes the term “sacred” and the *United Nations Declaration on the Rights of Indigenous Peoples* to campaign for the government to return Akikodjiwan/Asinabka/Chaudière Falls and Islands to Anishinaabe jurisdiction.<sup>277</sup> Further abroad and perhaps more famous, the “protestors” or “water protectors” of Standing Rock in North Dakota utilized the idioms of “prayer” and “ceremony,” while “Water is Sacred” became a rallying cry. As media describes, “By staying on message and advancing through prayer and ceremony, Standing Rock’s pipeline protesters, or water protectors, have offered the world a template for resistance.”<sup>278</sup> In a final and particularly pertinent example, in direct opposition to Canada 150 and in the days leading up to 1 July 2017, Indigenous activists and supporters erected a tee-pee to “re-occupy” Ottawa’s Parliament Hill. In doing so, they claimed a “sacred space” of “ceremony” upon the unceded land and home of the parliamentary mace; as organizer

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<sup>276</sup> Taiaiake Alfred and Jeff Corntassel, “Being Indigenous: Resurgences against Contemporary Colonialism,” *Government and Opposition* 40, no. 4 (September 2005): 597–98, doi:10.1111/j.1477-7053.2005.00166.x.

<sup>277</sup> “About The Issue,” *It Is Sacred*, accessed August 28, 2017, <http://www.itissacred.ca/about-issue/>.

<sup>278</sup> Louise Erdrich, “Holy Rage: Lessons from Standing Rock,” *The New Yorker*, December 22, 2016, <https://www.newyorker.com/news/news-desk/holy-rage-lessons-from-standing-rock>.

Frederick Stonepoint describes, “All that transpired was an attempt to have a peaceful ceremony on Parliament, but we were met with great resistance. And what I think that conveyed was a broader anxiety from the settler colonial state of Canada about Indigenous jurisdiction.”<sup>279</sup> These examples show the utility and use of Indigenous spirituality and ceremony, coupled with sovereignty, in articulations of resistance to settler colonialism. These are just three of many Indigenous-led movements happening in settler colonial contexts worldwide to which the framework offered within this thesis might be productively applied.

In a conversation about “unsettling settler colonialism,” scholars Corey Snelgrove, Rita Dhamoon, and Jeffrey Cornassel ask, “What good is it to analyze settler colonialism if that analysis does not shed light on sites of contradiction and weakness, the conditions for its reproduction, or the spaces and practices of resistance to it?”<sup>280</sup> Discussing discourses on Indigenous sovereignty and spirituality, especially when challenging the norms of the settler colonial nation-state, provide a way to highlight contradictions and weaknesses, the conditions for the reproduction of settler colonial hegemony, and spaces and practices of resistance to it. Affiliative identity categories such as “Indian,” “Aboriginal,” and “Indigenous” and conceptual categories such as “religion” and “spirituality” provide the terms through which life is constrained; they can be refused and redeployed, conversely, to open up the possibility of different modes of living. First, however, settler colonialism must no longer seem normal. In critiquing the parliamentary mace and the eagle feather, I am to historicize and denaturalize settler common sense: Canadian governance and sovereignty, and hegemony over Indigenous

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<sup>279</sup> “‘A State of Crisis’: Indigenous Group Calls for Change as Canada Day Nears,” *CBC News*, accessed August 28, 2017, <http://www.cbc.ca/news/canada/ottawa/parliament-hill-indigenous-ceremony-june-29-1.4180411>.

<sup>280</sup> Corey Snelgrove, Rita Dhamoon, and Jeffrey Cornassel, “Unsettling Settler Colonialism: The Discourse and Politics of Settlers, and Solidarity with Indigenous Nations,” *Decolonization: Indigeneity, Education & Society* 3, no. 2 (September 29, 2014): 27, <http://decolonization.org/index.php/des/article/download/21166>.

peoples. From this, productive possibilities arise to consider the ways in which Indigenous peoples perform dissent within the settler colonial nation-state—not only dissent regarding the past 150 years, but that which refuses a future in which Indigenous sovereignties remain unmaterialized.

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