

# Introduction

What is the proper relationship between the Aboriginal peoples of North America and the nation-states that encompass them? This profound moral and political question has occupied European and American moral philosophers and social scientists at least since the debates of Bartolomeo de Las Casas and Juan Ginés Sepúlveda in 1550. Though the nature of Aboriginal-state relations in North America has changed significantly since the sixteenth century, the continuing realities of institutional discrimination and ongoing struggles over land and Aboriginal rights across the continent indicate that it remains a burning political and ethical issue. Aboriginal peoples and their supporters continue to criticize the United States and Canada for pursuing policies that they view as discriminatory and/or assimilationist. In some cases these policies have been intentionally and explicitly discriminatory/assimilationist; in others, well-intentioned policies have resulted in negative consequences because paternalistic government officials thought they knew what was best for Aboriginal peoples and did not bother consulting them.

Given the increasing politicization of indigenous peoples and today's climate of "enlightened" race relations, many states are seeking to restructure their relationship with the Aboriginal populations within their borders. In Canada, efforts are underway to develop processes that more fully and fairly incorporate Aboriginal peoples, *as distinct peoples*, into the Canadian state. These efforts, which include the negotiation of land-claim and self-government agreements and the cooperative management (co-management) of local resources (especially wildlife), are intended to improve the position of First Nations<sup>1</sup> peoples by granting them a significant role in their own governance and a say in the management of local land and resources. On the face of it, these efforts to redefine Aboriginal-state relations are a vast improvement over the explicitly assimilationist policies of the past. In this book, however, I argue that land claims and co-management are something of a mixed blessing for First Nations peoples. For, while such

processes do indeed provide them with real tools for protecting their lands and do give them at least some control over their own lives, the very act of participating in these processes has had an enormous impact on their way of life. The overall consequences of First Nations participation in these processes are subtle and difficult to assess.

To begin with, Aboriginal-state relations in Canada are now premised on the notion that Canada, the provinces/territories, and First Nations should interact with one another on a government-to-government basis. This has entailed a number of far-reaching changes in First Nations societies. To begin with, First Nations peoples have had to learn completely new and uncharacteristic ways of speaking and thinking. To participate with government biologists in the co-management of wildlife, for example, they have had to learn to speak the unfamiliar languages of wildlife biology and bureaucratic resource management (see Chapters 3, 4, and 5), while to participate in land claims negotiations they have had to learn to speak the Euro-North American legal language of property law (see Chapter 6). But First Nations peoples have had to do more than simply learn the Euro-American languages of wildlife management and property law and then translate their own understandings of the world into those bureaucratic/legal languages.

First Nations peoples have also had to completely restructure their societies by developing their own bureaucratic infrastructures modelled on and linked to those of the governments with which they must deal. This reorganization has included the adoption of Euro-Canadian political institutions and the creation of a bureaucratic infrastructure – both of which were prerequisites for sitting down at the table across from government wildlife managers and land claims negotiators. Indeed, land claims negotiations, co-management, and other elements of the new relationship between First Nations peoples and the state simply would not be possible without the bureaucratization of First Nations societies. This bureaucratization must be recognized for what it is: an essential aspect of the new structure of Aboriginal-state relations in Canada.

As a result, in many ways First Nations offices across Canada now resemble miniature versions of federal and provincial/territorial bureaucracies. They are staffed by fish and wildlife officers, lands coordinators, heritage officers, and a host of other First Nations employees who deal regularly with their bureaucratic counterparts in federal and provincial (or territorial) offices. This bureaucratization of First Nations societies has had a number of far-reaching effects. Most significantly, many First Nations people now have to spend their days in the office using computers, telephones, and all the trappings of contemporary bureaucracy. This necessarily takes them off the land and prevents them from engaging in many of the activities that they continue to see as vital to their way of life. Day in and day

out, they have to think, talk, and act in ways that are often incompatible with (and even serve to undermine) the very beliefs and practices that this new government-to-government relationship is supposed to be safeguarding.

### **Theoretical Context**

Many scholars have examined the relationship between modern nation states and the Aboriginal peoples within their borders. In recent years, most have described this relationship as the product of colonialist and neo-colonialist policies of exploitation and forced dependency (e.g., Dyck 1985; Fleras and Elliott 1992; Jaimes 1992; Perry 1996; White 1983). These scholars have viewed Aboriginal peoples and their lands as constituting a “Fourth World” of “internal” colonies (as opposed to the “external” colonies of the “Third World”). They argue that state policies acting in combination with market forces have gradually transformed Aboriginal societies that were once independent and self-sufficient into impoverished and disempowered populations that are now heavily dependent upon the state for their economic and cultural survival. A number of scholars (Coates 1985a; Dryzak and Young 1985) and Aboriginal people themselves (Bigjim and Ito-Adler 1974; Manuel and Posluns 1974) have made this argument explicitly for Canada and Alaska.

Convincing though they are, such accounts tend to oversimplify the situation. In the first place, despite dramatic changes in First Nations societies, First Nations peoples continue to regard themselves as quite distinct from mainstream (White) North American society and to subscribe to a whole constellation of beliefs, values, social relations, and practices that, to a large extent, do set them apart from that society. This is a testament to First Nations peoples’ successful “resistance” to the forces of the market economy and the state. But it is much more than that. First Nations peoples have not merely managed to *preserve* their culture in the face of difficult odds (indeed, as we will see, many of their beliefs and practices have in fact changed as a result of contact with Euro-Canadian society – as they must have changed before that as well); rather, they continue to *live* it. By this I mean that they continue to use the very cultural meanings and practices they are trying to “preserve” as a basis for interpreting and acting upon the world – including in their interactions with Euro-Canadian people and institutions. We cannot hope to understand Aboriginal-state relations without taking this into account.

Second, a straightforward story of colonial domination fails to take into account the complex nature of the modern nation-state itself. Though scholars have long treated “the state” as if it were a monolithic entity, some have begun to question this assumption. Following Philip Abrams (1988), they have begun to view the state as more of a process than a “thing” (e.g., Anagnost 1997, Borneman 1992, Corrigan and Sayer 1985,

Gailey 1987, Gilbert and Nugent 1994, Verdery 1995). Such work has demonstrated that what we call “the state,” far from being a unified entity capable of coherent action, is in fact an illusion, “an ideological artefact attributing unity, morality and independence to the disunited, amoral and dependent workings of the practice of government” (Abrams 1988: 81). Rather than viewing the state as a thing, then, we do better to see it as an ideological project, one that confers legitimacy upon the complex constellation of government institutions and processes that have many different (and often contradictory) agendas and interests. As it turns out, this is consistent with how people actually experience state power, since they must deal every day with the competing – sometimes contradictory – interests and agendas of various agents of the state. It is therefore more accurate to think of state power itself as emerging from the complexity of state processes and people’s day-to-day interactions with those processes rather than as a quality possessed and wielded by a monolithic state-as-entity. It is people’s interactions with these agents and their often conflicting agendas, rather than some grand design conceived of and implemented by “the state,” that gives rise to people’s ideas about the state’s legitimacy (or illegitimacy). From this perspective, it is clear that to portray Aboriginal-state relations as the result of colonialist and/or neo-colonialist policies of exploitation on the part of “the state” is to oversimplify what is in fact a much more complex situation.

Some anthropologists have sought to counter these tendencies by concentrating on the historically specific ways in which different hunting peoples have been incorporated into the institutional structures of the states that encompass them (e.g., Leacock and Lee 1982; Peterson and Matsuyama 1991). Those anthropologists concerned with Aboriginal-state relations in the North American Arctic and Subarctic (e.g., Feit 1979, 1982, 1991; Langdon 1986; Scott 1984, 1988) have focused on land claims agreements and/or processes of wildlife management as the principal mechanisms of articulation between northern hunting peoples and the state. This book builds on such works by viewing land claims and co-management as aspects of a new phase in the ongoing process of state formation in Canada. As such, they are not merely redefining relations between aboriginal people and an entity known as the Canadian state; rather, they are contributing to the production of the illusion of the state, which, as Abrams (1988: 76) puts it, “is first and foremost an exercise in legitimation – and what is being legitimated is, we may assume, something which if seen directly and as itself would be illegitimate, an unacceptable domination.” Accordingly, I examine not so much land claims agreements and co-management regimes in themselves as the assumptions underlying them and the effects on First Nations people of engaging in these processes at all.

Pierre Bourdieu’s (1991) thoughts on language are a useful place from

which to begin such an inquiry. He argues that all speech acts must be understood as a product of the relationship between a person's "linguistic habitus" and the "linguistic field," or "market," that constitutes the speaker's audience. If a speaker wishes to successfully produce discourse in a particular field, then he or she must observe the forms and formalities of that field. This leads to a process of "self-censorship" in which speakers modify their linguistic production according to how they expect their utterances to be received in the particular linguistic field in which they are interacting. That is, whenever people speak, they must adapt their speech to the demands of the linguistic field that is their audience.

In addition, Bourdieu argues that some ways of speaking are suppressed while others are legitimized as "official," or "formal," solely by virtue of their relations to the institutions of state power. The legitimacy of some ways of speaking (along with the corresponding suppression of others) is produced and maintained through institutional means such as formal education. Those whose linguistic habitus is most compatible with these official linguistic fields automatically possess substantial "symbolic capital" since their particular ways of speaking are linked to and legitimated by state power. They can easily transform their linguistic competence in these official linguistic fields into concrete political action. Those who are not competent in these official fields, however, are at a distinct disadvantage. Not only is their access to state power severely limited by their relative incompetence in the official linguistic fields, but, to the extent that they even accept the "rules of the game" and participate in the official discourse at all, they also help to realize the symbolic power of the dominant classes and so tacitly comply with their own domination. Thus, every linguistic interaction both expresses and helps to reproduce a particular set of social and political relations.

Bourdieu's argument has clear implications for understanding the new structure of Aboriginal-state relations in Canada. If Aboriginal peoples wish to participate in co-management, land claims negotiations, and other processes that go along with this new relationship, then they must engage in dialogue with wildlife biologists, lawyers, and other government officials. First Nations peoples can of course speak to these officials any way they want, but if they wish to be taken seriously, then their linguistic utterances must conform to the very particular forms and formalities of the official linguistic fields of wildlife management, Canadian property law, and so forth. Only through years of schooling or informal training can First Nations people become fluent in the social and linguistic conventions of these official discourses. Those who do not do so are effectively barred from participation in these processes, condemned, as Bourdieu (1991: 138) put it, "either to silence or to shocking outspokenness." But even those who do expend the necessary time and resources to become

linguistically competent in these official fields seldom attain the same level of linguistic competence as the government officials whose habitus, arising from their middle-class Euro-North American upbringing, is more compatible with the forms and formalities of the state-sanctioned official discourse. This puts most First Nations people at an automatic disadvantage vis-à-vis lawyers and biologists in participating in land claims negotiations and co-management – processes that, as we have seen, are ostensibly about empowering First Nations peoples. By agreeing to play by the “rules of the game,” First Nations peoples tacitly acknowledge the legitimacy of that game, thus taking for granted the unequal power relations within which they are embedded.

In agreeing to play by the rules of the land claims and co-management games, however, First Nations peoples are not merely agreeing to engage with government officials in a set of linguistic fields in which they are at a disadvantage. They are also agreeing to abide by a whole set of implicit assumptions about the world, some of which are deeply antithetical to their own. For example, in Chapters 3, 4, and 5 I show that, in order to play a meaningful role in the co-management of local wildlife, First Nations peoples not only have to learn to talk the language of wildlife biology but they also have to become proficient at (and comfortable with) thinking and talking about animals as numbers. As I show in Chapter 2, this goes against many First Nations people’s most cherished assumptions about the nature of animals and animal-human relations. Similarly, I argue in Chapter 6 that to engage in land claims negotiations, First Nations peoples must not only learn the language of Euro-Canadian property law but they must also become adept at speaking and thinking about land as “property,” a notion that is incompatible with many of their assumptions about the nature of land and their relationship to it.

One would expect, however, that once First Nations peoples had become proficient in the official linguistic fields of wildlife management and property law they should be able to question the implicit assumptions of the dominant discourse and explain and defend their own assumptions. Why do they not do this? As it turns out, they do. This book contains numerous examples of First Nations people challenging the assumptions of the dominant discourse in a language that government officials can understand.<sup>2</sup> Unfortunately, nothing ever seems to come of these challenges. The question we must ask, then, is why not?

To answer this question, it will be useful to begin with Max Weber’s writings on the nature of bureaucracy. In his essay on bureaucracy, Weber (1946: 196-244) analyzed the form and function of state bureaucracies, and this book bears out many of his arguments. My analysis of the relationship between the growth of a Kluane First Nation bureaucracy and the rise of a money economy in the region (Chapter 6), for example, supports

Weber's claim that "the development of a *money economy* ... is a presupposition of bureaucracy" (204, emphasis in original). Similarly, Chapters 3 through 5 bear out his claim that bureaucracies inevitably give rise to "experts" whose "objective" intellectual authority threatens or even displaces the authority of the pre-bureaucratic "masters" (read: "elders") of "older social structures" (216). Evidence that bureaucratization may be leading to social stratification in Burwash Landing (see Chapters 3 and 5) also supports Weber's idea that there is an inherent tension between "bureaucracy" and "democracy" (224-28, 230-32). For the purposes of my present argument, however, another of his claims about the nature of bureaucracy is particularly relevant.

Perhaps Weber's most important argument concerning the nature of bureaucracy is that it entails the institutionalization of "rationality":

Bureaucratization offers above all the optimum possibility for carrying through the principle of specializing administrative functions according to purely objective considerations. Individual performances are allocated to functionaries who have specialized training and who by constant practice learn more and more. The "objective" discharge of business primarily means a discharge of business according to *calculable rules* and "without regard for persons" ... [Bureaucracy's] specific nature, which is welcomed by capitalism, develops more perfectly, the more bureaucracy is "dehumanized," the more perfectly it succeeds in eliminating from official business love, hatred, and all purely personal, irrational, and emotional elements which escape calculation. This is the specific nature of bureaucracy and it is appraised as its special virtue. (215-16)

First Nations bureaucratization has indeed entailed the development of administrative functions and "calculable rules" for dealing with the land and animals. As Weber would have predicted, this allows First Nations bureaucracies to function "without regard for persons." The specific identities of First Nations bureaucrats are irrelevant; as long as the fish and wildlife officer, for example, performs his or her job correctly, it does not matter *who* he or she is. This "rationalization" of how First Nations peoples deal with the land and animals is essential for their participation in land claims negotiations, co-management, and other such processes because it allows federal and territorial (or provincial) bureaucrats (who are responsible for negotiating and implementing these processes on behalf of their respective governments) to interact with their First Nations counterparts according to the "calculable rules" within which they already function and "without regard for persons." In other words, it makes government-to-government relations between First Nations, Canada, and the provinces/territories possible.

Habermas (1989), Latour (1987), Marcuse (1964), and others have pointed out, and Weber himself ultimately came to realize (Tambiah 1990: 153-54), however, that, despite their adoption of a consistent set of rules and the institutionalization of purposive-rational action, modern capitalism and science, like all cultural systems, are ultimately grounded in subjective values, which themselves derive from non-rational sources. So, although modern Euro-Canadian bureaucrats pursue their objectives “rationally,” those objectives are themselves based on subjective values and non-rational assumptions about the world. Furthermore, the rationalization of bureaucratic and scientific functions serves to legitimize the assumptions underlying bureaucratic objectives. This, in turn, obscures – and in effect legitimates – the non-rational assumptions that underlie the whole system.<sup>3</sup>

Thus, by accepting and adapting to governments’ bureaucratic approach to Aboriginal-state relations, First Nations peoples also tacitly accept the assumptions about the nature of land and animals that underlie the rules and functions of that bureaucracy. Though First Nations peoples can and do voice their disagreements with these assumptions (as I show in this book), very little comes of their protests because, within the context of contemporary bureaucratic wildlife management and land claims negotiations, decisions/concessions simply *cannot* be based on anything other than Euro-North American assumptions about land and animals. As I show in Chapters 3-5, when First Nations peoples make claims about animals as intelligent social beings, they get nowhere because government biologists and resource managers, regardless of their own personal beliefs or understandings, simply cannot implement management decisions based on such alternate conceptions of animals. Similarly, I show in Chapter 6 that government negotiators cannot take negotiating positions based on any conception of land other than that of property.

It is not only government bureaucrats who are constrained by the implicit assumptions underlying the rules and forms of government bureaucracy. First Nations bureaucrats too, to the extent that they accept the rational rules and functions of Euro-Canadian style bureaucracy, must tacitly accept the underlying assumptions that accompany them (e.g., about the nature of land and animals). Like Euro-North American bureaucrats, they are constrained by the “calculable rules” of bureaucracy and the implicit non-rational assumptions about the nature of the world upon which these rules are based. So long as they accept the existing bureaucratic contexts of land claims negotiations and co-management, they cannot do otherwise. There are simply no acceptable bureaucratic rules or functions that allow First Nations peoples *as bureaucrats* to act upon the land and animals according to their own alternate conceptions of them. And, to the extent that they accept the existing bureaucratic rules and

functions of co-management and land claims, it is difficult for them to question the legitimacy of these processes or the implicit assumptions that inform them.

For this reason, I argue that the current restructuring of Aboriginal-state relations, which on the surface appears to be empowering to First Nations peoples, may in fact be having exactly the opposite effect. Although on the surface land claims and co-management seem to be giving Aboriginal peoples increased control over their lives and land, I argue that these processes may instead be acting as subtle extensions of empire, replacing local Aboriginal ways of talking, thinking, and acting with those specifically sanctioned by the state.

This is not to say that these imperialist aspects of land claims and co-management are intentional or even conscious. On the contrary, I believe that many government officials are well-meaning and genuinely interested in granting First Nations peoples a meaningful role in their own governance and the management of local resources. Instead, I argue that the processes of land claims and co-management themselves, in both conception and practice, are incompatible with certain First Nations beliefs and practices. Indeed, the negative consequences of land claims and co-management that I describe in this book are subtle enough that few scholars or government officials seem to have noted them. As a result, when bureaucrats (whether federal, provincial, territorial, or First Nations) encounter difficulties in their attempts to co-manage wildlife or negotiate/implement land claims agreements, they tend to put the blame on a lack of technical expertise (e.g., "We'll get it right when we figure out exactly how to do it") and/or selfish political interests on the part of others (e.g., bad faith in negotiations). In *Hunters and Bureaucrats*, however, I argue that many of the problems with the new relationship between First Nations peoples and the state are inherent in the structure of those relations themselves and in the assumptions underlying land claims and co-management rather than in a lack of technical expertise or in the specific individuals participating in these processes.

One theme that runs throughout most of *Hunters and Bureaucrats* involves the question of "knowledge": what is it? How is it produced and legitimized? And how do people use it in political struggles over land and resources? I focus on these questions because a great deal of the current debate surrounding efforts to restructure Aboriginal-state relations in Canada is framed explicitly in terms of "knowledge." There is widespread recognition that First Nations peoples possess what has come to be known as "traditional knowledge," a kind of knowledge about the land and animals that is distinct from that of most Euro-North Americans. Regardless of whether they are engaged in land claims negotiations or trying to jointly manage wildlife, Euro-North American "experts" are keenly interested

in appropriating and using this newly recognized (by government officials) form of knowledge. Wildlife biologists and resource managers want to tap into the knowledge of First Nations elders and hunters in the hopes that their extensive knowledge about local land and animals will help them to better manage wildlife populations. Government lawyers, on the other hand, are trying to translate First Nations peoples' land-based knowledge and practices into the European language of property so as to formally codify them in land claims agreements. It is widely believed by scholars, government officials, and First Nations alike that, by incorporating First Nations peoples' knowledge into existing processes of resource management and land claims, First Nations interests in the land and animals can be adequately and fairly addressed. Although these various processes of "knowledge-integration" seem, on the surface, to be very different from one another, it will become apparent over the course of this book that they all actually share a similar dynamic. They all take for granted existing power relations, focusing on the incorporation of First Nations cultural elements into existing Euro-Canadian institutional contexts, without ever questioning the appropriateness of such a project in the first place.

Michel Foucault (1980) has argued that knowledge and power are inseparable. Referring to a single force or entity that he dubbed "power/knowledge," he maintained that institutional power arises at least as much from the ability to shape discourse as it does from the use (or threat) of coercive force. By defining what it is possible to think, powerful institutions (like state agencies) often do not need to resort to force to shape people's behaviours. In his essay on the nature of power, Eric Wolf (1990) distinguished between two forms of power that are directly relevant to an analysis of power/knowledge. The first, which he called "tactical," or "organizational," power, is the ability of an actor or "operational unit" to "circumscribe the actions of others within determinate settings" (586). Thus, the organization and structural setting of people's interactions makes some kinds of actions possible while rendering others impossible and even, sometimes, unthinkable. The second form of power that is relevant here he called "structural power." This form of power "shapes the social field of action so as to render some kinds of behaviour possible, while making others less possible or impossible" (587). Structural power not only operates within a given organizational setting (as does tactical power) but it also organizes (and makes possible) those settings themselves. Thus, he argues that structural power shapes our very ideas about how the world is organized: "The maintenance of categories upholds power, and power maintains the order of the world" (593). The knowledge-integration with which I deal in this book, occurring as it does in specific bureaucratic settings, is subject to the exercise of both tactical and structural power. Consequently, I view knowledge-integration, as it is now

occurring in land claims and co-management processes throughout the Canadian North, as a political process that cannot be understood except in relation to these forms of state power.

As we will see, many scholars have examined the role of “knowledge” in various aspects of the changing relationship between Aboriginal peoples and the state in Canada (especially in the process of co-management). Few, however, have considered the links between this knowledge and broader relations of power as described by scholars like Foucault and Wolf. To understand why, it is useful to again consider Bourdieu’s (1991) perspective on the production of linguistic knowledge. He argues that conventional approaches to the study of social relations (in his case, linguistics) tend to assume their objects/domains of study without considering the historical and political conditions of their creation, as such. As I described above, he claims that some languages, dialects, and ways of speaking are suppressed while others are legitimized as “official,” or “formal,” solely by virtue of their relation to state power. He then goes on to argue that, because of their legitimacy, these official ways of speaking become the only acceptable ways of talking about and analyzing those very languages, dialects, and ways of speaking that they marginalized or replaced in the first place. This process of linguistic knowledge-production implicitly treats its product, linguistic knowledge, as if it were objective and politically neutral, despite the preponderance of social scientific scholarship linking knowledge intimately with power. Julie Cruikshank (1998: 50) argues that Bourdieu’s concerns about the production of linguistic knowledge are equally applicable to the study of traditional/indigenous knowledge because “indigenous knowledge continues to be presented as an object for science rather than as a system of knowledge that could inform science.” As a result, she maintains that, “if we are going to be involved in investigating the proliferation of ideas about a topic as complex as indigenous knowledge ... we need to concern ourselves with the social conditions under which such knowledge becomes defined, reproduced and distributed (or repressed and eliminated) in struggles for legitimacy” (49).

As Bourdieu himself points out, such investigations cannot be carried out in the abstract. Precisely how knowledge is produced, legitimated, marginalized, and/or eliminated depends on historical factors and can only be determined empirically. Furthermore, this process can only be understood in connection with the power relations – both tactical and structural – that underlie it. In this book, I examine some of the bureaucratic processes that have been transforming the relationship between the people of the Kluane First Nation and the Canadian state (specifically the processes of co-management and land claims negotiations). I focus on the new forms and configurations of power and knowledge that are emerging from these processes, paying particular attention to how they serve to tie

Kluane people ever more tightly into the institutional structures of the state. But I do not mean to imply that the replacement of First Nations peoples' social relations, practices, beliefs, and values with those of government bureaucrats is a foregone conclusion. Indeed, as I argue throughout the book, many First Nations peoples are successfully maintaining their own distinct beliefs and values in the face of the pressures of bureaucratization; and no doubt they will continue to adapt to changing circumstances, interpreting and adapting to the contingencies of bureaucratic life in their own unique ways. In fact, Kluane people are quite determined to do so. As we shall see below, they did not originally *choose* to bureaucratize their society or to engage with government experts in the Euro-North American languages of biology and property rights. These practices were forced on them, sometimes quite brutally, by powerful outsiders who invaded their territory in the 1940s and imposed on them foreign values and institutions. Kluane people are well aware of this history and very consciously seek to maintain their beliefs and values in the face of such pressures. For this reason, I focus also on how Kluane people themselves react to, and conceive of, the changing forms and configurations of power that accompany the Kluane First Nation's new relationship with the federal and territorial governments. Before doing so, however, I briefly describe Kluane country and introduce the people who are the subject of this book. I then briefly describe the nature of the research upon which this book is based.

## **The Country and People**

### *Lù'àn Mǎn Keyi: Kluane Country*

Burwash Landing is a small village on the northwest shore of Kluane Lake in the mountainous southwest corner of Canada's Yukon Territory. Surrounded by boreal forest, the village is located on the Alaska Highway approximately 170 miles (280 kilometres) northwest of Whitehorse, the territorial capital. It has a population of about seventy people, most of whom are status Indians<sup>4</sup> and members of the Kluane First Nation (KFN). There are approximately forty-five houses in the village, along with the KFN office, a garage, fire hall, wash house, and community hall. Mail is delivered by truck three times a week to a small room in the KFN office building, which functions as the post office. There is also a small store on the highway that is generally open only in the summer. Finally, there is the Burwash Landing Resort, a motel/restaurant/bar that caters mostly to highway traffic (though many locals frequent the restaurant and bar). The resort, too, usually closes down for at least part of the winter.

Kluane Lake, the largest lake in the Yukon Territory, dominates the landscape. Nearly forty-five miles (72.5 kilometres) long, it is fed by glacial



Burwash Landing in summer, 2002.



Burwash Landing in winter, 1996.



Joe and Luke Johnson on Printers Creek above Kluane Lake, July 2000. The Kluane Range and Kluane Park are in the background.



Joe Bruneau on the Kluane River, July 1999.

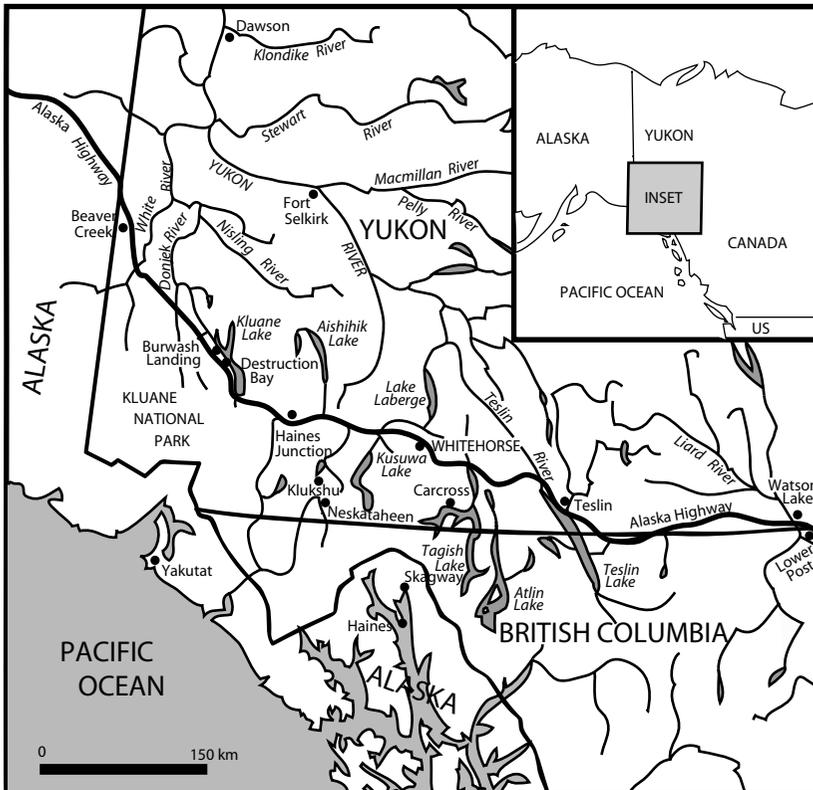
creeks, and in the summers the silt suspended in its waters turns it a striking shade of light blue. From November until early June, however, the lake is covered by a huge expanse of ice that can reach a thickness of five feet (1.5 metres) or more. To the south and west of the village is the Kluane Range, a line of 7,000- to 8,000-foot (2,100- to 2,500-metre) mountains that rise abruptly off the 2,500-foot (762-metre) floor of the Shakwak trench, a wide valley that runs from Kusawa Lake (far to the southeast) northwest to the Alaska border and beyond. Behind the Kluane Range are the even taller peaks of the Donjek Range, and behind them are the towering heights of the St. Elias Mountains, among the highest mountains in North America<sup>5</sup> and the largest non-polar ice fields on earth. To the north and east of Burwash and Kluane Lake lie the Yukon Plateau and the lower and much more gradual slopes of the Ruby and Nisling Ranges. Beneath the mountains is a vast country of muskeg and black spruce. Hundreds of small lakes dot the landscape, connected by swamps, sloughs, and icy creeks. Stands of white spruce can be found along the mineral-rich river banks, and patches of willow, cottonwood (balsam poplar), and quaking aspen cause the hillsides to glow a brilliant gold during the brief autumn of late August and early September.

The vegetation supports a rich variety of wildlife: moose, woodland caribou, mountain sheep and goats, lynx, wolves, coyotes, brown and black bears, snowshoe hares, arctic ground squirrels, and a range of other northern fur bearers.<sup>6</sup> In the lakes and creeks one can find lake trout, whitefish, grayling, northern pike, burbot, inconnu, and suckers. Most salmon found in the region make their way 2,300 miles (3,700 kilometres) from the Bering Sea up the Yukon River and its tributaries (and are in correspondingly poor shape upon their arrival). Salmon in the Alsek River drainage in the southern part of the Kluane region, however, make the much less arduous journey from the Pacific. During the summer months, the region is home to a wide variety of birds, and in the spring and fall it is a temporary stopping place for large numbers of migrating waterfowl.

A multitude of creeks and river systems carves up the mountainous landscape. Among the most important of these are the Donjek, Kluane, and Duke Rivers. The Donjek River, which has its source in the Kluane Glacier to the south, carves out a wide valley about twenty-five miles (40 kilometres) west of Burwash and continues north and west until its confluence with the White River, far to the northwest. The Kluane River begins about five miles (eight kilometres) north of Burwash. It drains Kluane Lake and flows northwest for about forty miles (sixty-five kilometres) until it meets the Donjek. The Duke River also has its source in the glaciers to the south and carves a wide valley between the Kluane and Donjek Ranges before emptying into the Kluane River just north of Burwash. These and other river valleys in the area are rich with wildlife and provide for relatively

easy travel through the otherwise rugged landscape. In addition, Kluane Lake, whose arms thrust deep into the Ruby Range, provides an easy means of travel through otherwise difficult terrain, especially in the winter (during the summer, high winds and waves can make travel on the near-freezing waters of the lake quite dangerous).

The climate in the Kluane region is one of extremes. The winters are very cold; temperatures can drop below  $-60^{\circ}$  Fahrenheit ( $-51^{\circ}$  Celsius), and the monthly mean temperature is below freezing from October through April. The coldest temperature ever recorded in North America,  $-81.4^{\circ}$  Fahrenheit ( $-63^{\circ}$  Celsius), was measured at Snag, about 84 miles (135 kilometres) northwest of Burwash Landing on 3 February 1947. By contrast, summers in the Kluane area are fairly mild. Temperatures can exceed  $86^{\circ}$  Fahrenheit ( $30^{\circ}$  Celsius), but the mean temperature in July, the warmest month, is only  $54.5^{\circ}$  Fahrenheit ( $12.5^{\circ}$  Celsius). The region is also quite dry. Shielded from the heavy precipitation of the coast by the towering St. Elias Mountains, the Kluane area receives an average of only 11.4 inches



The Kluane Region, Yukon Territory

(290 millimetres) of precipitation annually – which includes, on average, 43.5 inches (110.5 centimetres) of snowfall. The area is extremely windy, especially during the spring and fall, with gusts sometimes reaching sixty miles/hour (100 kilometres/hour) or more.<sup>7</sup>

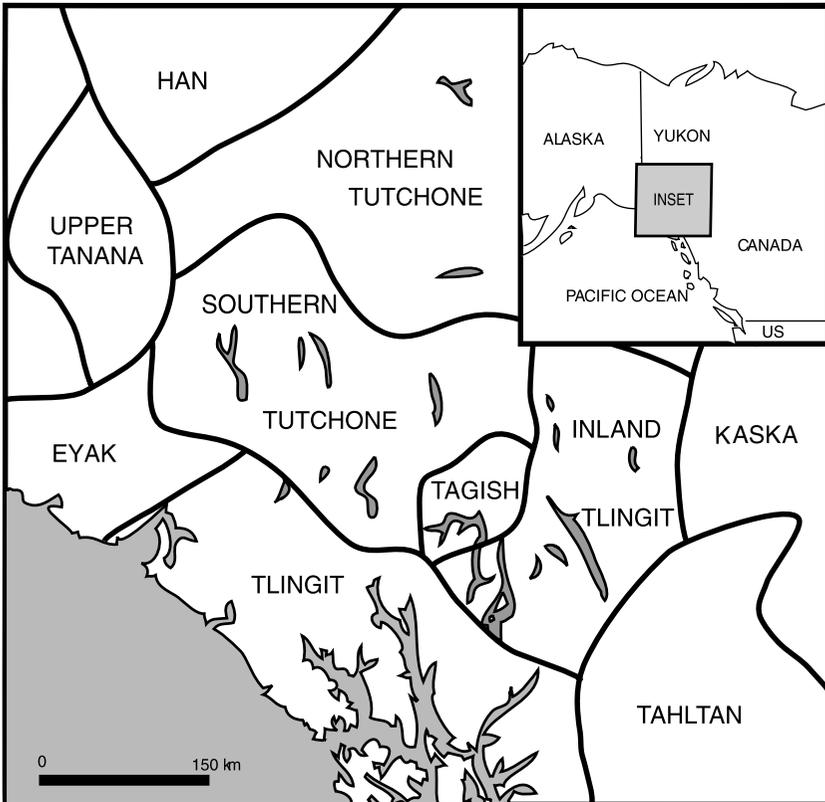
***Lù'àn Mǎn Ku Dǎn: The People of Kluane Lake***

The village of Burwash Landing was originally settled by a mix of people from different ethnic/linguistic backgrounds (including Northern Tutchone, Southern Tutchone, Upper Tanana, Tlingit, and European), but most of the descendants of these original settlers now identify themselves as Southern Tutchone people.<sup>8</sup> They do, however, recognize close kinship ties with the people of other First Nations throughout the Yukon and in Alaska.<sup>9</sup> Because of land claims, co-management, and other such processes, Kluane people have more and more reasons to distinguish themselves from those relatives who live in other villages and are members of different First Nations. In many ways, however, they continue to recognize their kinship with these people (especially as against Euro-North Americans). First Nations peoples throughout the region constantly reaffirm their common “Indianness” through practice. They hunt together, visit, and share meat with each other, and they attend and participate in one another’s potlatches. They share many common understandings about the world and their place in it, including their relationship to the land and animals. All are members of either the *Āgunda* (Wolf) or *Khanjet* (Crow) moiety, and recognize a common bond with fellow moiety-members from other villages and First Nations. Though of less importance than in the past, moiety affiliation continues to be important in certain contexts, most notably at potlatches.

Although the majority of Burwash’s population now has Indian status, this was not always the case. Until 1985 Indian women in Canada who married non-Indians (anyone who lacked Indian status as defined under the Indian Act) lost their Indian status. This had important consequences for the people of Burwash Landing because several non-Aboriginal men settled in the area around the turn of the century and married local women.<sup>10</sup> As a result, all the descendants from these marriages (who now make up perhaps half of the population of the village) lacked Indian status and all the benefits associated with it. It was not until 1985 and the passage of Bill C-31 Amendments to the Indian Act that these people gained their status as Indians and became eligible for benefits under the Indian Act. Although differences between “Bill C-31 people” and those in the village who have always had status are significant in some social contexts, for the purposes of this book they are relatively unimportant. The two groups are related to one another by virtue of their common descent as well as through subsequent intermarriage. They grew up together, live

together, and have had many similar life experiences. In most contexts, they do not even think of themselves as two distinct groups.

I make frequent use of two related, though distinct, terms: “Kluane people” and “members of the Kluane First Nation.” By “Kluane people” I mean the First Nations people who presently live part- or full-time in the Kluane area (mostly in Burwash Landing). These include all of those who are members of the First Nations community, whether they trace their ancestry to Southern Tutchone people, the Tlingit, Europeans, or any combination of these. There are good reasons for doing this; in most contexts, Kluane people think of themselves as a coherent community and seldom pay much attention to these “ethnic” differences. This is not to imply, however, that there are no tensions or differences of opinion among Kluane people. Indeed, they are a heterogeneous group, with a wide variety of personal experiences, interests, and perspectives, who frequently disagree with one another over everything from local politics to



Languages spoken in the Yukon

land claims. Some of these differences between Kluane people are significant to the issues discussed in *Hunters and Bureaucrats*. One of these is the distinction Kluane people themselves draw between “bush Indians” (those who have spent a significant part of their life on the land) and “city Indians” (those who have spent their lives in village, or even urban, settings, and who often have a considerable amount of formal education). As we shall see, this distinction is relevant to discussions of Kluane people’s involvement in both co-management (see Chapter 5) and land claims (see Chapter 6).

Any attempt to draw sharp distinctions between different “types” of Kluane people (e.g., between bush and city Indians) and their particular beliefs, practices, and values, however, runs the risk of greatly oversimplifying what are in fact extremely complex situations. Certainly, there are tensions and contradictions among various beliefs, practices, and values to which Kluane people subscribe; but there is no simple way to map any particular set of beliefs and practices onto a corresponding subset of Kluane people; rather, all subgroups – regardless of how they are constituted – are themselves heterogeneous, cross-cut by numerous other types of difference (e.g., see Chapter 6 for a discussion of how the categories of bush Indian and city Indian are cross-cut). Perhaps even more important, individual Kluane people are themselves often inconsistent – their beliefs, practices, and values depending to some extent on the social context within which they are enacted. Thus, tensions exist not only *among* individuals with different beliefs and practices but also *within* individuals. At the same time, however, there are also some cultural assumptions that are widely shared by most Kluane people in most circumstances.

In Chapter 2 I describe an elaborate constellation of beliefs, values, social relations, and practices that have their roots in Kluane people’s aboriginal land-based way of life. I ascribe these aspects of “Kluane culture” to “Kluane people” in general and show how they inform their approach to and understanding of co-management and land claims. As will become evident, however, there are certainly Kluane people who reject or otherwise fail to comply with the beliefs, values, social relations, and practices I attribute to “Kluane people.” But this does not mean that I have ignored an important subset of the population (e.g., that I talked only to bush Indians). In fact, several of those KFN members whom I cite and who are most active in the co-management and land claims processes have themselves spent very little time out on the land (indeed, some explicitly consider themselves to be city Indians). This, however, does not prevent them from espousing (and, in fact, sharing) many of the land-based values of their elders. Although not all Kluane people share these beliefs, values, and practices, all of them – regardless of their personal backgrounds – are aware of them and must take them into account when relating to others

in the village. So these land-based beliefs, values, social relations, and practices are important to *all* Kluane people – even to those who reject them in certain contexts. In fact, it is precisely this shared understanding of the terms of debate that enables Kluane people to evaluate and criticize one another's behaviour – as a number of examples that I provide demonstrate.

When I use the term “Kluane people” I do *not* generally include the Euro-Canadian inhabitants of Burwash or Destruction Bay, a small settlement of thirty-five people or so – mostly Euro-Canadians – ten miles (sixteen kilometres) to the south of Burwash. This is because, with one or two notable exceptions, the Euro-Canadian inhabitants of the area (even the few who live in Burwash itself) keep themselves quite separate from the First Nations community and maintain a very different way of life. For the most part, they do not engage in the subsistence activities, participate in the social relations, or subscribe to the beliefs and values that I describe in Chapter 2. Nor do they, as non-members of KFN, participate in the processes of co-management and land claims with which this book deals. In fact, outside of administrative and commercial contexts (the First Nations office, store, post office, gas station) and the bar, there is surprisingly little social interaction between Euro-Canadian and First Nations inhabitants of the area.

Occasionally, I will use the term “members of the Kluane First Nation” rather than “Kluane people.” When I do so, I am referring to all those officially enrolled as members of the Kluane First Nation. Since 1985 this has included virtually all of the First Nation inhabitants of Burwash Landing, but it also includes the many relatives who have moved away from the area permanently as well as their descendants.<sup>11</sup> Thus, according to my usage, (almost) all Kluane people are members of the Kluane First Nation<sup>12</sup> but not all members of the Kluane First Nation are Kluane people. The distinction between these terms is not a local one, but I make it because there are times when I wish to speak generally about the people with whom I lived and worked without making statements about their relatives who live elsewhere and whom I never met. At other times (especially in Chapter 6, when I examine land claims), I wish to speak about members of the Kluane First Nation inclusively.

Unlike the term “Kluane people,” which is fairly loose (as I use it), membership in the Kluane First Nation is clearly and legally defined, and it is accompanied by specific rights and benefits (those currently spelled out under the Indian Act and those that will replace them when and if KFN ratifies a land claims agreement). At present, there is virtually no disagreement among Kluane people about who should qualify as a member of the Kluane First Nation and so be eligible for the special rights and benefits that accompany membership.<sup>13</sup> This unity may be a function of how recently Bill C-31 adjusted the category of membership. Under the new

amendments, very few people in the village who consider themselves Indians are excluded from membership in KFN. This may change in the future, however, with continued intermarriage between KFN members and non-First Nations members.<sup>14</sup> Under their self-government agreement, should it be ratified, KFN will gain the power to establish its own membership code.

### **The Research**

*Hunters and Bureaucrats* is based on research carried out in the Yukon between October 1995 and July 1998 (with another two-month visit during the summer of 1999). I arrived in Whitehorse at the end of October 1995 and spent approximately a month and a half familiarizing myself with the local situation and making arrangements with KFN to conduct research in Burwash Landing. Then, on 13 December, armed with a carload of groceries and a chainsaw, I headed up the highway to Burwash Landing. When I arrived, I moved into a log cabin that I rented from Joe and Sandy Johnson. Joe was then the chief of KFN and Sandy was a school teacher in Haines Junction, eighty miles (130 kilometres) to the south. Though they had raised their family in the cabin I was renting, they had recently built a new house right next to it – a house with all the modern conveniences. My cabin was large and had electricity but no running water or telephone. They had installed an oil furnace in addition to the wood stove, but, because of the high price of oil, I seldom used it (during the winter, I kept the thermostat low so that it would turn on only in the early morning to keep the cabin from freezing up once the fire in the stove had died down). It had been some years since anyone had lived in the cabin, so I had to “re-chink” it with insulation to replace what the squirrels and magpies had taken. I got water from the well in the village, cut firewood along the highway, and hauled it in my Volvo station wagon (until people began lending me their pick-up trucks). I quickly learned the tricks to using an outhouse at -40° Celsius.

Though the chief and council of Kluane First Nation had approved my research, and I had spoken with a few other people before my arrival, very few people in the village knew who I was or what I was doing when I arrived; I was just some strange Whiteman who had shown up in their village. The first couple of months were difficult. It was cold, so people either stayed in their homes or were out in the bush somewhere. There is no real public social space in the village (aside from the KFN office and the store, which is only open intermittently during the winters, if at all). The village seemed almost a ghost town.

Although at first I lamented my winter arrival (because it made it harder to meet people), I eventually came to see it in a positive light. Researchers are not at all uncommon in the villages of the North, and the Kluane area

gets more than its share. Forty miles (sixty-five kilometres) away, on the south end of Kluane Lake, is the University of Calgary's Kluane Field Station. This facility serves as the base for a significant part of all the biological and ecological research on Canada's boreal forests; during the summers it hosts a population of up to fifty researchers studying everything from the lynx-hare cycle and birds of prey to the glaciers of the St. Elias ice fields. In addition to these scientists, who seldom come into Burwash, there are a host of researchers, many working for the government, who descend on the village to find out about local wildlife use, energy consumption, diet, and a whole array of other topics. Kluane people complain that the vast majority of these researchers come in the summer, stay only a short time, and are never heard from again. Thus, in the eyes of most Kluane people, my arrival in the winter, combined with the length of my stay in the community, distinguished me from the typical researcher. Several people told me that they appreciated the time and effort that I put into trying to find out about their lives and my willingness to admit that I did not know things. This set me apart from most researchers, who arrive in the community armed with a prearranged set of questions and "think that they know everything."

Gradually, I began to get to know people. In addition to cutting wood, hauling water, and performing other necessary activities for myself, I tried to make myself useful around the village; I did everything from helping to cut and haul firewood and performing light carpentry work and equipment-repair to giving lessons on the use of a computer. In return, I received informal instruction on how to sew, snare rabbits, skin and prepare game, speak Southern Tutchone, and so on. As I became more and more a member of the community, I accompanied people out on the land as much as possible to hunt, fish, trap, and survey land selections for KFN's land claims negotiations. I began to participate regularly in social activities such as community meals, regular informal visiting, potlatches, and the nightly village poker game. Eventually, it began to feel like home, and I participated fully in the life of the village. In this way, I learned about social relations and subsistence practices. I also got a sense of Kluane people's beliefs and values as well as how they think about themselves in relation to the world.

I did conduct some formal interviews, but I found that it was more useful (and comfortable for all involved) to talk with people informally while engaging in daily activities such as visiting, hunting, driving, playing poker, cutting wood, and so on. The length of time I spent in the field afforded me the luxury of gathering information in this way, but I soon found that, by actively participating in the things I wanted to learn about, I was conforming to Kluane people's own ideas about the proper way to

learn: by watching and doing, rather than by engaging in formal research or pestering people with questions (see Chapter 2).

In addition to participating in the daily life of the village, I also attended wildlife management meetings, land claims negotiations, and other kinds of formal interactions between Kluane people and various Euro-North American “experts.” I was encouraged to actively participate in some of these management processes (by both KFN and government representatives) as a disinterested but knowledgeable observer – most notably in the meetings of the Ruby Range Sheep Steering Committee, which are the subject of Chapters 4 and 5. I helped out in these meetings by taking minutes and was able to participate in the social relations of the committee – as a committee member myself. This gave me the opportunity to observe these bureaucratic interactions up close and to have numerous informal conversations with all those participating in these processes (including both First Nations and government representatives).

In addition to the resource- (or species-) specific wildlife meetings I attended in Burwash, I also went to Whitehorse and sometimes even further afield to attend conferences, symposia, and workshops dealing with co-management and traditional knowledge, forestry, mining, and so on. Some of these meetings were attended by delegates from across the circumpolar North, from Greenland to Siberia.<sup>15</sup> These meetings gave me a sense of how co-management in the Kluane region fits into broader territorial, national, and even international contexts. This (along with my knowledge of the Kluane situation and a review of the relevant literature) allowed me to formulate a view of co-management processes and traditional knowledge more generally – a view that I present in some detail in Chapter 3.

Finally, in addition to attending wildlife management meetings, I also observed and eventually participated in KFN’s land claims negotiations. Because of the ongoing and sensitive nature of these negotiations, I was at first hesitant about getting involved with them. I began by attending community meetings that KFN negotiators held to inform KFN’s membership about the status of negotiations. Before long, however, I was given permission to observe the negotiations themselves and to attend and participate in meetings of KFN’s land claims caucus. Once again, I was encouraged to actively participate in the discussions at caucus meetings, though I kept silent during actual negotiations. Then, in the spring of 1997, the KFN Land Claims Department asked me to research, draft, and ultimately negotiate the specific provisions for a chapter of KFN’s Final Agreement (chapter 13 – Heritage). Once again, I had the opportunity to interact with and get to know the other participants (those working for KFN and government alike) in a process that is helping to define the new relationship

between KFN and the state. In this way, I not only gained a good understanding of the technical aspects of the land claim but was also able to get a sense of both KFN and government negotiators' respective approaches to and understanding of the claim. Over the course of my stay in Burwash, I also spoke with most Kluane people about their conceptions of and attitudes toward the land claim.

I focus on the cultural and political dimensions of contemporary wildlife management and land claims negotiations in Kluane country. These processes, however, cannot be understood in isolation. Because they grow out of a long history of Aboriginal-state relations in the Kluane region and in Canada more generally, they must be situated within their proper historical context. In Chapter 1, therefore, I outline the history of Aboriginal-state relations in the Kluane region and indicate how that local history intersects with territorial, national, and even continental trends. In so doing, I have two principal goals. First, I show how state wildlife management and land claims negotiations in Kluane country fit into the broader colonial history of the region. Second, I seek to show that, although state wildlife management is heavily implicated in colonial relations and land claims are a reaction to those relations (and perhaps are being subverted by them), neither can be understood as the result of Kluane people's interactions with a monolithic "state." Rather, both are complex processes arising from interactions among various agents of the state and numerous non-state actors – all of whom often have different and even opposing interests and agendas.

In Chapter 2 I examine the social relations and practices of contemporary Kluane hunting as well as the beliefs and values that inform Kluane people's view of their place in the world and their relationship to animals. This constellation of social relations, practices, beliefs, and values makes up the "way of life" that forms the basis of Kluane people's "traditional knowledge" about the land and animals. It is also that which they wish to preserve through land claims. For this reason, Chapter 2 provides the background necessary for understanding subsequent chapters dealing with co-management and land claims negotiations. While it is possible to examine these processes in isolation, one cannot appreciate their real impact on the community without some understanding of the "way of life" that underlies Kluane people's participation in these processes in the first place.

In Chapter 3 I take a critical look at the idea that traditional knowledge can and should be integrated with scientific knowledge. The notion that such integration is possible undergirds most contemporary efforts at co-management; and, as I show in Chapter 6, an analogous set of ideas

also underlies modern Canadian land claim negotiations. The idea of knowledge-integration, however, contains implicit assumptions about the nature of “knowledge.” It also takes for granted existing power relations between Aboriginal peoples and the state by assuming that traditional knowledge is simply a new form of “data” to be incorporated into existing management bureaucracies and acted upon by scientists and resource managers. As a result, Aboriginal peoples are forced to express themselves in ways that conform to the institutions and practices of state management rather than to their own beliefs, values, and practices (as described in Chapter 2). And, since it is scientists and resource managers, rather than Aboriginal hunters and trappers, who are expected to use this new integrated knowledge, the project of knowledge-integration actually serves to concentrate power in administrative centres rather than in the hands of Aboriginal peoples.

In Chapters 4 to 6 I use the theoretical arguments laid out in Chapter 3 to analyze particular cases of co-management and land claims negotiations that took place in the Kluane region during the period of my fieldwork. In Chapters 4 and 5, I take a close look at the workings of the Ruby Range Sheep Steering Committee. In 1995 KFN and the Yukon government jointly established this committee to address KFN concerns about a population of Dall sheep and to develop a set of management recommendations for addressing those concerns. I analyze the unexamined assumptions that different parties brought to the table, the politics surrounding sheep and co-management in the territory more generally, and the workings of the committee itself to show why the process failed. I argue that this failure stemmed neither from “technical” difficulties nor from bad faith on the part of the participants but, rather, from the very nature of co-management and the assumptions that underlie the project of knowledge-integration in the first place.

In Chapter 6, I turn to an examination of the Kluane First Nation’s land claim and argue that the land claim process shares many of the same dynamics evident in processes of co-management discussed in previous chapters. The very idea of land claims is based on the European concept of “property”; modern land claims in Canada grant First Nations “ownership” of certain lands and spell out the rights they possess in relation to those lands. Yet many of the relationships inherent in the notion of property are incompatible with many of the beliefs, values, social relations, and practices that constitute Kluane people’s relationship to the land, animals, and one another (as described in Chapter 2). As a result, Kluane people have had to learn to think and speak the “language of property” and to create a bureaucratic infrastructure as preconditions for engaging government officials in a dialogue over land and sovereignty. I argue that the

land claims process – because it has forced Kluane people to think, speak, and act in uncharacteristic ways – tends to undermine some of the very beliefs and practices that a land claims agreement is meant to preserve.

Taken together, these chapters illustrate the ambivalent nature of the new relationship between Aboriginal peoples and the state in the Yukon. Processes like land claims and co-management, which are the cornerstones of this new relationship, do grant First Nations peoples a measure of autonomy and control over local resources. Based as they are on the assumptions and practices of Euro-North American bureaucracy, however, these processes – by the very way in which they are conceived – are inconsistent with some important First Nations beliefs and practices. First Nations people who participate in these processes must learn to speak and act in new and uncharacteristic ways, and First Nations must construct elaborate bureaucratic systems that correspond to the federal and territorial bureaucracies with which they must interact. This not only stacks the deck against First Nations people involved in land claim negotiations and co-management, but it also serves to undermine the very way of life they hope to preserve by participating in these processes.