

“The ties that bind”:
Indigenous Relations Specialists and the Temporal Politics of Reconciliation

by

Tiffany M. Campbell

A thesis submitted in partial fulfillment of the requirements for the degree of

Master of Arts

Department of Anthropology
University of Alberta

© Tiffany M. Campbell, 2019

ABSTRACT

Following the call, made by Canada's Truth and Reconciliation Commission (2015), for government to fully adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples* as the framework for reconciliation, those invested in Alberta's consultation with Indigenous peoples have wondered what this would mean for the future relationships between Indigenous and non-Indigenous peoples. This thesis draws on critical theory scholarship to investigate how the politics of reconciliation are entangled with the liberal politics of recognition and settler colonialism in Canada. I employ techniques of discourse analysis in order to consider a set of interviews conducted with 'Indigenous Relations Specialists'—a group of Government of Alberta colleagues working in the province's offices for Aboriginal Consultation on land and natural resource management—to develop a better understanding of reconciliation as an emerging area of both national memory and local practice. In an effort to mediate the relationship between larger structures and systems with real instances of social interaction, I implement a 'communities of practice' approach (as first developed by Lave and Wenger) to study settler discourse. I consider how the community of practice develops a shared repertoire—a crystallization of specialized knowledge and shared experiences—through which its members reflect on and organize their practice in a process of meaning-making that is continually negotiated and renegotiated. I find that the interpretive repertoires employed by this group of Indigenous Relations Specialist colleagues often rely on temporally-ordered accounts, which are used to organize responsibilities for colonialism, as well as the distribution of benefits and harms in the area of Aboriginal consultation more specifically. I advocate a feminist research ethic (following especially Haraway, Shotwell, and TallBear, and critique developed by Simpson) that works with such negotiation in more nuanced and deeply implicated relations to the tradition of knowledge that we critique—engaging in readings that amplify (by simultaneously acknowledging and unsettling) accounts of the ways in which we are involved in one another's lives. This research represents the beginnings of my exploration into what it means to be in relation with the subject of one's critique, toward the development of a conception of situatedness that recognizes not only who or what we claim to know, but also who and what claims us.

Preface

This thesis is an original work by Tiffany Campbell. The research project, of which this thesis is a part, received research ethics approval from the University of Alberta Research Ethics Board, Project Name “DISCOURSES OF RECONCILIATION AND THE RE-CONSTRUCTION OF HISTORY IN CANADA”, Pro00071128, approved May 5, 2017, renewed April 19, 2018.

Acknowledgements

I would like to extend my deepest thanks and appreciation to my supervisor, Dr. Andie Palmer, who is an amazing advocate for her students. Having begun this program with an infant and without a co-parent, it is difficult to imagine that I could have got through it so smoothly anywhere else. Andie's thoughtful care for the needs of her students and colleagues that extend far beyond the classroom and the department, is what brought me to the University of Alberta, and is certainly what helped me get through.

I would also like to thank those who directly supported the completion of this project: Dr. D'Arcy Vermette, Dr. Kim TallBear, Dr. Malinda Smith, Pamela Mayne Correia, and Sheryle Carlson—your thoughtful, generous and generative engagement with my work means more than I can say.

Thank you to all of those in my support network who provided care—both for me and my son Finn—on this journey. Thank you, also, to my friends and colleagues at the Royal Alberta Museum, who offered so much encouragement and an environment of steady intellectual stimulation.

To all of those who participated in this research by contributing interviews, I owe substantial thanks for your patience, attention, commitment, and frankness. Some of your contributions were not discussed directly in this thesis, but they cannot be left unmentioned, as they provided much to think about and I am very grateful for the time and space shared with all of this project's participants.

I would also like to acknowledge that this research benefited from the support of a grant from the Social Sciences and Humanities Research Council.

Table of Contents

PREFACE	III
ACKNOWLEDGEMENTS	IV
CHAPTER 1: INTRODUCTION	1
Outline	6
CHAPTER 2: IN THESE TIMES	8
CHAPTER 3: LITERATURE REVIEW	13
Discourse	13
Discourse Analysis: Its Permutations and Goals	15
The Social Effects of Ideology and the Objects of Discourse	19
Anthropology and “Studying Up”	21
Locating Settler Colonialism: Constructing an Object of Research	29
Communities of Practice	31
The Temporal Politics of Reconciliation	33
Liberal Recognition Politics	37
“Strategies of Difference”: Culture on Trial	40
The Jurisprudence of Reconciliation	43
The Duty to Consult and Accommodate	45
Government of Alberta’s Policy and Guidelines	51
Chapter Conclusion	57
CHAPTER 4: METHODOLOGY	59
Characterizing the Community of Practice	59
Research Procedures	64

Table 1. Transcription Key	69
Tools of Analysis	69
CHAPTER 5: ANALYSIS	74
Political Legitimization: The Ability of the State to Overcome its History; the Tendency for it Not to	74
Limiting Reconciliation: Scope and Aboriginal Consultation Policy	86
Political Temporalities: Settler Desire, “Emplacement” and the “Anthropological Imaginary”	100
Feelings “Produced and Organized by the Gap”: Expectations, Frustrations, Conflicts and Contradictions	120
Summary of Findings	133
CHAPTER 6: DISCUSSION & CONCLUSION	136
Conclusion	141
REFERENCES	144
APPENDICES	158
Appendix 1: Information Letter and Consent Form	158
Appendix 2: Recruitment Pamphlet	164
Appendix 3: Interview Schedule	169

List of Tables

Table 1. Transcription Key

69

Chapter 1: Introduction

In November of 2014, I was asked by my employer to take notes at a meeting, where several of my colleagues had volunteered to help create a new ‘Mission’ and ‘Vision’ statement for our division—at that time, loosely referred to as the Aboriginal Consultation Office—in the Government of Alberta’s (GoA) Ministry of Aboriginal Relations. The Government of Alberta’s Aboriginal Consultation Office (ACO) was created under *The Government of Alberta’s Policy on Consultation with First Nations on Land and Resource Management, 2013*. Along with (what was at that time) the Policy and Strategic Initiatives Office, the ACO provides coordinated consultation management services to meet the needs of Government of Alberta Ministries, First Nations and Metis Settlements, the Alberta Energy Regulator, and industry proponents.

The Mission and Vision Statement focus group brainstormed: which terms were our most immediate, versus our long-term, goals? To which stakeholders were we most beholden? Which concepts were at once most accurate, inclusive, and inspirational? Some of the concepts offered up included “prosperity,” “development,” “growth,” “relationships”/“relationship-building,” as well as “understanding,” “balance,” and “fairness.” At the time, I remarked to the group that it seemed as though, in a roundabout way, we were discussing some concept of ‘reconciliation.’ A few weeks later, however, when we unveiled some of our suggestions to the public servants of the ACO—some of whom had flown or driven in from operational offices across the province for the catered, two-day-long gathering held in a downtown Edmonton hotel—the room erupted into debate. Much of the contention centered on this term, “reconciliation,” which was said to be ‘too political,’ its meaning deemed ambiguous, and in any case, more a matter of national rather than provincial politics.

When I left my job in Aboriginal Consultation with the GoA, in the summer of 2015, the Truth and Reconciliation Commission of Canada (TRC)¹ was just releasing their Executive

¹ The Truth and Reconciliation Commission of Canada (TRC) was organized by the parties of the Indian Residential Schools Settlement Agreement. The Commission was officially established June 2, 2008, with the purpose of documenting the history and impacts of the Indian residential school system. It was meant to provide the survivors of the residential schools an opportunity to share their experiences during public and private meetings held across the country. The TRC officially concluded in December 2015 with the publication of a multi-volume report entitled *Honouring the Truth, Reconciling the Future*. The Commission concluded that the Indian residential school system amounted to cultural genocide.

Summary report, along with ninety-four “Calls to Action.” These included a call for the government to “fully adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples* [UNDRIP or ‘UN Declaration’] as the framework for reconciliation” (TRC 2015: 4). The TRC also called upon the Canadian corporate sector to adopt the UNDRIP as a framework for reconciliation, “and to apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources” (TRC 2015: 10). Furthermore, they stipulated that this would include “[c]ommit[ting] to meaningful consultation, building respectful relationships, and obtaining the free, prior, and informed consent of Indigenous peoples before proceeding with economic development projects” (TRC 2015: 10). The newly elected, and ostensibly progressive, New Democratic Party (NDP) Premier Rachel Notley, quickly committed to implementing the principles of the UN Declaration.² This appeared to be an encouraging political development, since many First Nations and Métis communities in Alberta³ have opposed both the province’s and the federal government’s approaches to consultation and accommodation.

However, the need to keep investment in the province that is far-and-away the largest oil and gas producer in the country seems to exceed political allegiances typically attributed to ‘left’ and ‘right.’ Three years later—at the time of my writing this—Premier Notley has declared that we are now in “a crisis,” and has demanded that the federal government appeal the decision⁴ by the Federal Court of Appeal that halted work on the Trans Mountain Pipeline expansion project. This decision by the Court of Appeal was due in very large part to the fact that the First Nations who had been opposed to the project for years and who had appealed the National Energy Board’s (NEB) approval of the project—had not been adequately consulted. In a speech she delivered the day after this ruling by the Court of Appeal, Premier Notley said that this decision represented an attack on Canadian sovereignty:

Now, more than ever, we need to come together and prove to ourselves and the world that our country works... This ruling is bad for working families. And it is bad for the economic security of our country. Albertans are angry. I'm angry. Alberta has done everything right and we have been let down... Let's not kid

² Government of Alberta. Indigenous Relations, “Renewing the Relationship: Alberta’s implementation of the principles of the United Nations Declaration on the Rights of Indigenous Peoples.”

³ As well as in British Columbia, where federal parties and private corporations sought approval for laying down pipelines to transmit Alberta crude to west coast harbors, and on to international markets.

⁴ *Tsleil-Waututh Nation v. Canada (Attorney General)* 2018 FCA 153.

ourselves. This is a threat to Canadian sovereignty and Canadian economic security. It is a crisis. Today, Alberta needs action [CBC News: August 30, 2018].

The particular project that led to the Premier's cries of "crisis," and invocation of threats to Canadian sovereignty and security, did not involve a decision made by the GoA's Aboriginal Consultation Office. However, the fact that it was *this* decision (by the Court of Appeal)—one which should precipitate bringing government and industry back to the table with First Nations to more thoroughly and meaningfully address their concerns—is noteworthy. Particularly when one of the first orders of business in the months following their election, was to "chart a path forward together with Indigenous people on this journey of reconciliation" (Notley 2015: 2).

Where does "reconciliation" fit into these politics? The term is a highly contested one, with various meanings and interpretations, situated by local and specific—if overlapping and systemic—histories. How we think and talk about reconciliation has consequences: for public policy creation, for the interpretation of Aboriginal and Treaty rights, and for the relationships between Indigenous and non-Indigenous peoples more broadly. While recognizing the different histories situating different versions of reconciliation, it is important to consider what sorts of realities, imaginaries, and futures are being advocated in its name.

Recent scholarship has questioned whether the reconciliation process in Canada can truly decolonize or transform Indigenous/non-Indigenous or Indigenous/settler⁵ relations. Critics contend that narrow framings of reconciliation are unlikely to produce larger social understandings of colonialism as a system, and instead work to "position officialdom not as *the source* of injustice but as *the agent* of nonrepetition and redemption" (James 2012: 1-2; emphasis added). Scholars emphasize that at an institutional level, the issue is not one of inadequate *closure*, but rather, of repeated and pre-emptive attempts on the part of settler institutions at reaching closure and 'cure' (Henderson and Wakeham 2009). Importantly, critics contend that narrow framings are unlikely to produce larger social understandings of colonialism as a system,

⁵ It has been argued (e.g. Eudaily 2004) that "Aboriginal," "Indian," and "Native" are convenient bureaucratic terms that do not do justice to the cultural complexity of Indigenous peoples. I use the term "Indigenous"/"Indigenous Peoples" in my own voice, but depending on the context, others will be used. Whether and when to use the term "settler" is a major discussion in settler colonial theory. Barker, for example, says that "It is not enough to simply state that Settler people are 'non-Indigenous,' as is often done; this ignores the complexity of Settler society and culture itself and normalizes non-Indigenous society, preventing much useful analysis" (Barker 2009: 328). It is true that not all settlers are created equal; this distinction will be discussed in Chapter 3.

and instead do the work of *affirmative* rather than *transformative*⁶ state repair (Woolford 2004). As political anthropologist Georges Balandier warned: “The supreme ruse of power is to allow itself to be contested *ritually* in order to consolidate itself more effectively” (1972: 41).

A primary theme in the critiques of reconciliation is a concern for what might be called its “temporal politics.” Broadly conceived, temporal politics refers to the discursive deployment of time, history, and continuity/discontinuity vis-à-vis the status of Indigenous peoples in Canada. Following the lead of a number of critical theorists, whose work I will discuss in detail below, I considered how in the Canadian context, the temporal politics of reconciliation can become part of a social technology for distributing rights and goods, harms and failures (Povinelli 2002). When deployed within settler liberal regimes of recognition—and, potentially, understandings of reconciliation—these temporal politics often get in the way of critical accounts of and accounting for the ways in which we continue to be in relations of expropriation and violence.

The purpose of this research is to investigate how Canadians make sense of reconciliation. Through guided, open-ended interviews with a group of GoA colleagues working in the province’s offices for Aboriginal Consultation on land and natural resource management, I have asked how people interpret reconciliation in their own lives: in relation to their own identities, in their work and other endeavors, and how it affects their conceptions of history and social justice. I hoped, thereby, to develop a better understanding of reconciliation as an emerging area of both national memory and local practice. Some of the questions I asked my colleagues included the following:

- Do you find that the concept of reconciliation is appropriate for the Canadian context?
- Do you think we are undergoing a period of ‘transition’?
- Who is reconciliation good for?
- How do you feel about the term ‘settler’?

⁶ Andrew Woolford describes affirmative repair as a conception of wrongdoing that is primarily concerned with more isolated conceptions of harms, rather than broader relationships, and argues that affirmative repair is “a subtle means of force through which a dominant group places assimilative pressures on a less powerful group... typically involve[ing] enrolling the group into the project of neoliberal governance to an extent that it becomes difficult for the group to assert its difference in any way contrary to the prevailing political and economic norms of local and global markets” (Woolford 2004: 430). “In short,” Woolford argues, “affirmative repair is certainty-making without justice” (2004: 430).

- What is the ‘Honour of the Crown’?
- What is ‘meaningful’ consultation?

If it is true that classification is itself “a central technology of colonialism, and colonialism is an ongoing process,” then, “we should worry about current strategies of... response that center classificatory work” (Shotwell 2016: 28). From my conversations with Indigenous Relations Specialists—my colleagues—I came to find that settler discourse is contradictory and fluid, politically promiscuous and difficult to apprehend as an object of study. This realization requires, I argue, “a refocusing of the objectives of criticism, from that of exposing error to the task of uncovering the production of truth” (Schuurman and Pratt 2002: 297). The troubling matter, however, concerned how to mediate my relationships with my colleagues to larger structures and systems, and to adequately account for the real conditions that brought us together to be talking about reconciliation in the first place.

I therefore advocate a feminist research ethic which “takes responsibility for [our] participation in circuits of power and domination,” and requires that we “negotiate a more nuanced and complicit relation to the tradition of knowledge that [we] critique” (Schuurman and Pratt 2002: 296). This research turned out to be the *beginnings* of my exploration into the labour required to be in relation with the subjects of our critique (e.g. TallBear 2017), and the development of a conception of situatedness which recognizes who ‘claims us as kin’ (Shotwell 2018).

I follow the call of feminist researchers to engage in readings that amplify accounts of the ways in which we are *involved* in one-another’s lives (Haraway 2016). I use a “communities of practice” (Lave and Wenger 1991; Wenger 1998) approach to construct and theorize an object of research in the ethnographic study of settler discourse. The problem in this part of my investigation concerned the operationalization of theoretical concepts, and tying larger theories to concrete instances of social interaction. The work that I aspire to engage in here, and in future studies, melds feminist research ethics to critical discourse analysis and ethnographic ‘studying up’ of settler colonialism and settler communities of practice. It wonders about strategies of response and response-ability to the history that “we have collectively inherited and differentially live in the present” (Shotwell 2016: 41).

Outline

This thesis is divided into six chapters. The following chapter (Chapter 2) is a short one, in which I begin the process of locating myself and my work within a web of connection, including both inherited histories and chosen paths and projects.

Chapter 3 contains several sections, each addressing an important theoretical concern. I will discuss the primary theoretical foundations for the methodological choices made in this thesis, by conducting a very brief overview of a theory of discourse, orienting my work within a particular approach to discourse analysis, and give a justification for using a “communities of practice” approach to studying settler colonialism/settler discourse. In this chapter, I will also discuss the discourse of reconciliation in Canada, specifically its capacity and propensity to “manufacture transition” (Coulthard 2014) by placing colonialism in the past. I then turn to the interplay between reconciliation discourse and the older hegemonic politics of recognition, and draw attention to several incisive critiques of liberal recognition within settler states. To understand the inseparability of reconciliation from recognition politics in Canada, I consider how Canada has uniquely developed a *jurisprudence* of reconciliation. This jurisprudence and sets of legal knowledges compose the foundation of the legal doctrine of the duty to consult and accommodate (certain Aboriginal groups). They precipitated an infrastructure for Aboriginal consultation within the province of Alberta—part of which is the institutional context for my conversations with research participants. The critical concern in this section, is with how the “anthropological imaginary” (Povinelli 2002) permeates the law, and determines the ways in which actors engage in “strategies of difference” (Henderson 2002), both to protect and to limit such difference.

In the chapter on methodology (Chapter 4), I will describe my own research procedures and tools of analysis. I will offer a description of the community of practice I identified for research, characterized by reference to my own personal experiences. This chapter considers how this community of practice develops a shared repertoire—a crystallization of specialized knowledge and shared experiences—through which its members reflect on and organize their practice through a process of meaning-making that is continually negotiated and renegotiated.

Chapter 5 presents several analyses, organized around four main themes. These themes consider my conversations with Indigenous Relations Specialists in light of the primary critiques

of reconciliation and recognition politics outlined in the literature review. Broadly, the analyses look at how the state is authorized as an agent in reconciliation (or change in a more basic sense), and how interviewees addressed questions of responsibility, accountability, and fairness. The titles I have ascribed to these are ‘Political de/legitimization: the ability of the state to overcome its history, the tendency for it not to’; ‘Limiting Reconciliation: scope and Aboriginal Consultation Policy’; ‘Political temporalities: settler desire, emplacement and the “anthropological imaginary”’; and ‘Feelings “produced and organized by the gap”’: expectations, frustrations, conflicts and contradictions.’ I will then highlight a number of further questions raised by this research, and recommend future lines of inquiry.

The discussion chapter (Chapter 6) will turn to the larger lessons learned from this research to argue that liberalism’s governance of difference and markets operates through the maintenance of the distinctions that create an incredibly “cramped space of maneuver” (Povinelli 2016: 26) for both Indigenous and non/Indigenous, subjects. I believe this will help shed light on what is really at stake when we talk about reconciliation within extreme extractive settler colonial contexts, and why it is so difficult, or indeed impossible, to do so from any politically ‘pure’ (Shotwell 2016) position. Furthermore, by considering the ethics of caring in research that ‘studies up,’ I will follow the lead of a number of feminist scholars (Haraway 1991, 2016; Schuurman and Pratt 2002; Shotwell 2016, 2018; TallBear 2017) to advocate for invested critique which accounts for the ways in which we are involved in one another’s lives—a staying in relation which carries both “ethical and intellectual benefits” (TallBear 2017: 81).

Finally, the conclusion will draw these lessons together, and suggest that reconciliation is not the only discourse/framework for transformation or de-colonization, and does not comprise the only mechanisms, for pursuing redistributive justice. Rather, I believe that it is the only ‘legitimate’ or acceptable option *available*⁷ to Indigenous peoples and their allies.

⁷ This framing is adapted from Napoleon and Friedland (2014). Discussing the limited space within which Indigenous legal traditions operate in the mainstream (often described in terms of ‘healing’), these authors say that healing is not the only Indigenous legal response to harm; “it is more accurate to say that healing is the only legal response *permitted* to Indigenous groups within most states, which monopolize the use of coercive force” (2014: 12-13, emphasis mine). I think that this is also a useful way to think about reconciliation, since it recognizes what is at its core: justice, responsibility, accountability—on a national scale, these areas are all troubling to the state in many ways, as I will discuss in this paper.

Chapter 2: In these times

My family of descent, all of whom are white settlers, can trace their time in the place now called Canada, to settlements, towns, cities and farms in Passamaquoddy, Wolastoqiyik and Penobscot territory. I grew up in the River Valley area of the Wolastoq (what is also called the Saint John River). I spent much of my childhood in St. Mary's, a Wolastoqiyik (Maliseet) First Nation community in New Brunswick, where my mother lived with my then-stepfather, one of the Nation's band councilors. At that time my mother, who is non-Indigenous, worked for the New Brunswick Aboriginal Peoples Council, which represented off-reserve and non-status Indigenous people and organizations. She used to cart my sister and me around to meetings all over the province, working, in particular, on public engagements regarding the impacts of the Marshall decision. Eventually, she was nominated by the Congress of Aboriginal Peoples' National Office (the national organization for the Aboriginal Peoples' Councils), and then appointed to the National Aboriginal Council on Species at Risk (NACOSAR), a body established to provide input to the federal Minister of Environment.

Over time, my mother moved to the Northwest Territories, where she worked as the Executive Director for the Gwich'in Renewable Resource Board (established by the Gwich'in Land Claim Act). Her second job in the Northwest Territories was as Chief Operating Officer for the Gwich'in Tribal Council itself. When she moved to Iqaluit, to work as the Chair of the Nunavut Long-term housing strategy, I followed her, and myself obtained a temporary job in Nunavut's Human Resources Department, helping to administer the Nunavut Land Claims Beneficiary Hiring Policy, and their Summer Student Employment Equity Program.

Eventually, I moved to Treaty 6 territory in Alberta, to help my mother with my two younger siblings. By this point, she had taken a job in the Ministry of Environment, and had relocated to the oil-rich province. At that time, the Ministry of Environment had an Aboriginal Consultation unit, and when the new Consultation Policy rolled out, the unit was transferred to the Aboriginal Relations Ministry, which was later renamed the Ministry of Indigenous Relations, under the NDP government.

The year I moved to Amiskwacîwâskahikan (Edmonton), in 2013, the Idle No More Movement was peaking. I soon met my son's father, who is Nêhiyaw (Plains Cree). In the early months of our relationship, we participated in marches for Missing and Murdered Indigenous

Women and Girls, and solidarity events for the Mi'kmaq warriors and Elsipogtog-led resistance to Southwestern Energy (SWN) and fracking exploration back in the territory I called home. By the time I had my son, the TRC's Final Report was being released. By the time his father and I separated, Justin Trudeau had been elected as Prime Minister of Canada, after running on a platform that, amongst other things, advocated reconciliation, and promised to renew the relationship between Indigenous peoples and the Canadian government.⁸

It was when I was pregnant for my son that I worked in Consultation for the Ministry of Aboriginal Relations. As I write this, I work for the Ministry of Culture and Tourism, operating out of the Royal Alberta Museum. I work in the repatriation of sacred ceremonial objects to the Niitsitapi (Blackfoot Confederacy), on the development and implementation of care-taking protocols for sacred ceremonial materials at the museum, and on the development of further provincial repatriation regulation under the *First Nations Sacred Ceremonial Objects Repatriation Act* (FNSCORA).⁹

I was born in July 1990—the same month that the resistance by the Mohawk of Kaneshatà:ke peaked to so-called “crisis” levels.¹⁰ The month I graduated high school, the then-Prime Minister Stephen Harper issued the formal Apology to survivors of the Indian Residential School System.¹¹ The month I gave birth to my son, the Premier of Alberta promised to implement the principles of the *United Nations Declaration on the Rights of Indigenous Peoples*. In my (relatively short) lifetime, I have seen some significant events in the history of the relationship between Indigenous and non-Indigenous people and settler colonial institutions in

⁸ The Liberal Party webpage states: “It is time for Canada to have a renewed, nation-to-nation relationship with Indigenous Peoples, based on recognition, rights, respect, co-operation, and partnership. This is both the right thing to do and a sure path to economic growth,” (Liberal Party of Canada).

⁹ This would concern Nakoda, Nêhiyawak and Anishinaabe First Nations.

¹⁰ This involved a seventy-eight-day armed ‘standoff’ beginning July 11, 1990, between the Mohawk nation of Kaneshatà:ke, the Sûreté du Québec, and the Canadian armed forces, after the Oka municipality was granted a court injunction to dismantle a barricade erected by the people of Kaneshatà:ke. The barricade was part of an effort to defend their sacred lands from further encroachment by non-Indigenous developers, for the expansion of a golf course. Corporate media overwhelmingly represented the event as a “law and order” issue and a “crisis” (see Coulthard 2014: 116).

¹¹ On June 11, 2008, the Conservative Prime Minister of Canada, Stephen Harper, issued an official Apology on behalf of the Canadian state to Indigenous survivors of the Indian residential school system Government of Canada. Notably, only about a year later, the former Prime Minister stood before a gathering of the G20 and denied Canada’s history of colonialism, and continued: “We have all of the things that many people admire about the great powers but none of the things that threaten or bother them” (Ljunggren, “Every G20 nation wants to be Canada, insists PM,” September 25, 2009).

this country. In less than (but nearly) three decades, we have seen, in particular, a proliferation of recognition-based approaches to Indigenous struggles.

Now, we are said to be in an era of “reconciliation.” Following the release of the TRC’s Final Report (2015), institutions across the public sector and across the country have been examining how to make changes within their institutions to foster Indigenous inclusion and build reconciliation. I am certainly not the only one to wonder whether this era is one signaling actual transformation and redistributive justice for Indigenous peoples, or a ‘mere’ discourse that has served to consolidate state power, like so many before. I also conduct this research in the wake of increasing public awareness of and outrage towards the injustices faced by Indigenous peoples in Canada. Whether these injustices are understood as a continuation of a system of colonization, rather than a humanitarian crisis of liberal democratic inclusion, is still very much a critical question. So too, is the question of what practical effect settler peoples knowing more about Indigenous peoples and Canada’s ongoing history of colonization, will be.

Of course, these are not quite *my* stories. I grew up hearing about “the Oka Crisis”, Burnt Church, the Marshall decision, and the Sappier case. I have been privileged to bear witness to specific Indigenous laws in practice—not as instances of cultural continuity, but as politically autonomous systems and normative traditions intrinsically connected to the land, and embedded with philosophies of accountability. I write all this not to claim a connection to Indigenous communities or struggles, or in order to distance myself from the ‘history’ and ongoing reality of settler colonialism. Like my mother, I have never been confused about who I was and what that means; unlike many of those sitting across the table from her in her many meetings with Tribal Councils and the other Indigenous organizations with which she worked, my mom could choose not to be there.

However, even if she, or I, chose not to *be there*, we would still not be *able* to disentangle ourselves from the webs of relations that we are specifically part of, and that all settler peoples inherit collectively regardless of whether they allow those relations to be—or admit that they are always—present in their lives. I do not write this to claim Indigeneity nor to disavow my responsibility for a future with less suffering than what we have now. I write this because it is important to understand how I am situated within webs of relations—including both ones that are woven from paths that I have chosen, and histories that I have inherited.

I am what you might call an ‘Indigenous Relations Specialist’—a government worker, an anthropologist, a person who thinks “about Indians”—to use Mohawk anthropologist Audra Simpson’s (2014: 69) phrasing. It is at these times that I wish to emphasize how I have been brought up amongst a network of strong women—Indigenous and non-Indigenous—working ‘within the belly of the beast,’ to enact reconciliation before that was what it was called. It is also at these times, however, that I see that there are deeply troubled and troubling structures, institutions and people, with which/whom I have kinship. It is in these moments that I realize or remember that we are responsible for more than what we ourselves claim to be, or claim to know. It is also a matter of who claims us (Shotwell 2018).

The title to this thesis, “The ties that bind,” comes from Alexis Shotwell’s 2018 lecture at McMaster University, in which she forwarded “a conception of situatedness as arising from both the histories we inherit and the webs of connection that shape the social relations within which we exist” (2018: 4). In this lecture and in her other work, Shotwell advocates the use of “critical practices for accounting for our own situatedness in histories that have shaped the conditions of possibility for our actions” (Shotwell 2016: 5). Thinking about reconciliation in terms of possibilities for collective action is necessary in times where, as Shotwell puts it:

[w]e cannot look directly at the past because we cannot imagine what it would mean to live responsibly toward it. We yearn for different futures, but we cannot imagine how to get from here. We’re hypocrites, maybe, but that derogation doesn’t encompass the nature of the problem that complexity poses for us [2016: 6-7].

The ‘problem’ of complexity and (something that I begin to probe at in this research) complicity, are, I think, necessary places to begin as settler people invoking reconciliation, in deeply compromised times. We are not equally called to respond, but if we are committed to a future with less suffering, then surely starting with the understanding of complexity and complicity “as the constitutive situation of our lives,” rather than things to be transcended, disowned or denied, will help “to shape better practices of responsibility and memory” (Shotwell 2016: 8).

Seeking to understand how we are in relation, and the connectedness of this to one’s communities, politics and land is important; whether or not we as individual citizens do, the fact is that the settler state *does* (e.g. Simpson 2016). The recognition of the connectedness between Indigenous communities, politics and land, is precisely why Indigenous children have been and continue to be, extracted from these relations, and why Indigenous women, as the primary

caretakers of these relations—are especially targeted by violence, as Simpson has discussed, along with many others.¹²

The importance of emphasizing this conception of situatedness will, I hope, become apparent by the end of this paper. It is, above all, an appeal to understand that, as Shotwell says, “it does not only matter what we claim about who we are; it matters who claims us as kin” (2018: 4). To talk about the ways in which we are connected to “relations of expropriation and violence,” (Shotwell 2018: 17) and to examine this in the context of an emerging “reconciliation” politics, is not to seek out redemptive narratives or disavow problematic relationships. It is not about seeking to sever those ties necessarily, but rather, to pull back on them (Shotwell 2018). In these times of “reconciliation,” we would do well to consider how the stories we tell about ourselves, our history (“the past”) are themselves practices that can and do shape the conditions of possibility for our actions in the present.

¹² I do not wish for my passive wording here to imply that this is a nameless, agentless *phenomenon*; the state, and those individual citizens acting on its behalf, target(s) women and children, as Audra Simpson makes clear in her essay on “the gendered biopolitical life of settler colonialism” (2016). As she says, “[t]his specificity of the Murdered and Missing Indigenous Women and Girls (MMIWG) is of a piece with the diffuse forms of violence that *constitute* a state: the intentions, the feelings, the capacities of its citizens, who can also, as we saw in the case of Loretta Saunders, and so many more, kill. States do not always have to kill, its citizens can do that for it” (2016: 5).

Chapter 3: Literature Review

Donna Haraway (2016) discusses how it matters what stories we use to tell other stories. In terms of a simplified idea of legitimization, you could say that language sanctions particular worldviews. Without analysis, there can be no full understanding of such abstractions as ‘progress’ and ‘reconciliation,’ and, writes Norman Fairclough, “no real sense of its contingency—how changing things at one level could produce different possibilities” (2003: 95). Many contemporary political discourses and policy texts can be seen as limiting options “by portraying the socio-economic order as simply given, an unquestionable and inevitable horizon...essential rather than contingent, and without time depth” (2003: 95). The theoretical question in the first section of this chapter concerns how ideological accounts are formulated linguistically to appear natural and unquestionable.

Much of this part of my research builds off previous work (Campbell 2016), and is indebted to the influence of my undergraduate supervisor, Dr. Craig Proulx, who first introduced me to critical discourse analysis. In the following sections, I will discuss some theory on discourse, in order to explain my methodological choices in this research, and orient my work within the influence of a particular approach to discourse analysis.

Discourse

I wish to use the concept of discourse put forward by Foucault (e.g. 1989), whose investigations into modern institutions were concerned not with uncovering the ‘truth’ hidden in history and obscured by ideology, but in tracing *how* statements are *made out* as ‘true.’ Discourse, as Foucault saw it, is *not* a “phenomenon of expression”—a verbal translation of a synthesized or concrete notion (1989: 60). Rather, discursive practice *produces* the objects of our knowledge, and “limits and restricts ways of talking, of conducting ourselves in relation to the topic or constructing knowledge about it (Hall 2001: 72). As Foucault writes: “discourse is not the majestically unfolding manifestation of a thinking, knowing, speaking subject, but, on the contrary, a totality, in which the dispersion of the subject and [their] discontinuity with [themselves] may be determined” (1989: 60).

In its most basic sense, discourse refers to a collection of ideas that become an accepted world-view, a powerful framework for knowledge and action in society. Thus, discourse is shaped by relations of power and invested within ideologies, as “they are a means of legitimizing existing social relations and differences of power, simply through the recurrence of ordinary, familiar ways of behaving which take these relations and power differences for granted” (Fairclough 2001: 2). Discourse is important because it joins power and knowledge together, delimiting the range of objects that can be identified within a particular domain, defines the perspective that one can legitimately regard as knowledge, constitutes certain kinds of persons, and thereby develops conceptualizations that are used to understand phenomena (Shapiro 1981). Research that focuses on discourse is therefore concerned with how particular identities, interests and representations come under certain conditions to be claimed as universal truths.

Modern power, in this perspective, is productive, working through the identification of new categories and methods of assessment. It develops through normalization, that is, defining what is usual and habitual and to be expected and, conversely, what is not usual, abnormal and not habitual, but it is a process that is emergent, fragmentary, and contested. Thus this view of discourse does not consider the state a monolithic entity, and power as negative disciplinary force, rather, the state is seen as a process, and power as more dissipated (if pervasive, nevertheless).

Structure and organization are central to this conception of discourse, and of the connection between and operations of power/knowledge. Citing Eric Wolf’s (1990) work, Nadasdy for example, describes how “the organizational and structural settings of peoples’ interactions makes some kinds of actions possible while rendering others impossible and even, sometimes, unthinkable” (2003: 10). Indeed, Foucault maintained that institutional power “arises as much from the ability to shape discourse,” as it does in the threat of coercive force (Nadasdy 2003: 10). Thus, “the maintenance of categories upholds power” (Wolf 1990: 593 in Nadasdy 2003: 10). Foucault’s notion of “governmentality” –which refers to complex forms of power constituted by, and operating through, institutions, procedures and systems of knowledge—is also an important concept for my present purposes.

Discourse Analysis: Its Permutations and Goals

Discourse as an analytic mode has proliferated since Foucault, and is now carried out within a variety of scholarly traditions that investigate the relations between language, structure and agency. In these fields, discourse has come to mean different things (Sawyer 2002), but the key feature is that language is not simply a tool neutrally transmitting meaning about the objective world from the speaker to the receiver; rather, it is through discourse that worlds are brought into being, and objects invested with particular meanings. It is also through discourse that speakers and hearers, writers and readers come to an understanding about themselves, their relationship to each other and their place in the world (Ashcroft et al. 2000).

Social theorists who philosophize about the operation of power in society and specifically about the nature of discourse/ discursive power and agency, question—among other things—who the ‘authors’ of such power are. Much of the critical theory in this area favors either (or attempts to find fruitful compromises between) Marxist/Marxian or Foucauldian approaches, and this is something I will pick up in the next section. However, ethnographies of real encounters— of ‘everyday’ conversations, institutional corporate cultures, and performances, for example— have taken discourse into new territory, across an array of disciplines.

Discourse analysis is widely used across the social sciences in particular. The difference between the various approaches to discourse analysis primarily lay at the level of social aggregation, that is, “scholars focus on different units of analysis—the ways in which individuals mentally perceive,” and the way they act, fail to act or refuse to act, “or the way social structures determine discourse” (Wodak and Meyer 2009: 21). Although they all focus on the social phenomena of power and ideology, these different approaches integrate linguistic categories into their analyses in different ways and to different degrees. Anthropologists have been among the first (of many) practitioners of what has come to be generally referred to as ‘discourse analysis,’ and have contributed much to developing theory and method in this area of investigation.

One of the clearest instances of discourse’s connection with anthropology, is in the work of anthropologist and practice theorist Pierre Bourdieu, who developed the concept of *habitus* (Bourdieu 1977, 1990). Habitus is clearly linked to discourse, as it is seen as “embodied history, internalized as a second nature and so forgotten as history—[it] is the active presence of the whole past of which it is the product” (Bourdieu 1990: 56). In his work on language and

symbolic power, Bourdieu extends his practice theory more deliberately into language: “linguistic exchanges –are also relations of symbolic power in which the power relations between speakers or their respective groups are actualized” (1991: 37).

Linguistic anthropologists in particular, have profitably combined theories of power/knowledge and discourse to *lived* experience of/with language, sometimes integrating formal linguistic analysis into their writing and teaching. Mikhail Bakhtin’s (e.g. 1981) work has been particularly influential for linguistic anthropologists. Bakhtin was among the first to insist that language not be viewed “as a system of abstract grammatical categories,” but rather, socially- and ideologically- saturated and, furthermore, as something that “develop[s] in vital connection with the process of sociopolitical and cultural centralization¹³” (Bakhtin 1981: 271). He wrote:

As a result of the work done by all these stratifying forces in language, there are no “neutral” words and forms— words and forms that can belong to “no one”; language has been completely taken over, shot through with intentions and accents. For any individual consciousness living in it...[a]ll words have the ‘taste’ of a profession, a genre, a tendency, a party, a particular work, a particular person, a generation, an age group, the day and hour. Each word tastes of the context and contexts in which it has lived its socially charged life; all words and forms are populated by intentions. Contextual overtones, (generic, tendentious, individualistic) are inevitable in the word [1981: 293].

Linguistic anthropologists are professionally and philosophically brought up with the understanding that, to use Irvine and Gal’s words, “[t]here is no ‘view from nowhere,’ no gaze that is not positioned” (2000: 36). Rather than viewing language as abstract systems, these anthropologists consider discourse as rooted in the cultural *context* of language use (Scherzer 1987). We do not *use* so much as live with(in) language.

Thus, the areas of: “socio-historical processes, discourse, and linguistic structure—are three important and interrelated sites for studying the power of language to constitute reality” (Ahearn 2012: 277), and anthropologists have combined these elements in their work in various ways. Anthropology should be a “site of encounter,” writes Greg Urban, “between discourse and

¹³ To elaborate on his use of “centralization” here: he also wrote that “discourse-in any of its forms, quotidian, rhetorical, scholarly-cannot fail to be oriented toward the ‘already uttered,’ the ‘already known,’ the ‘common opinion’ and so forth. The dialogical orientation of discourse is a phenomenon that is, of course, a property of any discourse. It is the natural orientation of any living discourse” (Bakhtin 1981: 279).

metadiscourse, between sensibility and intelligibility” (1991: 28). Indeed, paying attention to the specific contexts of social interaction by way of speech—such as in the foundation work of Dell Hymes’ ethnography of speaking (1972)—has been a fruitful path for linguistic anthropologists (e.g. Palmer 2005), who have focused on how “meaning is negotiated through language in relationship to other aspects of culture” (Palmer 2005: 16-17).

In summary, discourse analysis does not constitute a set empirical method of sociolinguistic analysis, but rather, is a broad set of approaches with theoretical similarities and like research questions and goals. Distinguishing features of discourse analysis are the assumptions made about the connection between language and society. A major difficulty in talking about discourse analysis ‘methods’ and methodology, is that discourse analysis (as a field in a broader sense) sees itself as strongly theoretical. The challenge thus comes down to the operationalization of theoretical concepts: how theoretical claims can be effectively translated “into instruments and methods of analysis” in particular, the issue becomes “the mediation between grand theories as applied to larger society and concrete instances of social interaction” (Wodak and Meyer 2009: 18). “If one assumes that discourse and the social context are entirely interpenetrated,” write Wetherell and Potter, “then the practical analysis of ideology can never be a tidy procedure” (1992: 105). As linguistic anthropologist Alessandro Duranti writes:

much of [linguistic anthropology’s] empirical work is dedicated to establishing ways to connect the micro-level phenomena analyzable through recordings and transcripts with the often invisible background of people’s relations as mediated by particular histories, including institutional ones [1997: 8- 9].

However, as he says, “[t]he fact that such connections are hard to make at times—and there is certainly room for improvement in this area—is not always a sign of theoretical weakness or political naïveté” (1997: 9). In fact, I hope that this paper is able to show the potential benefits that could spring from focusing on relations as interwoven with institutional histories and systems of knowledge, and I hope that the great pains I have taken to carefully consider these connections will also become evident.

Although it would be impossible here to do justice to the complexity and breadth of the theoretical underpinnings of critical approaches to analyzing discourse, some location of my position is needed. My toolbox for linguistic analysis—described in greater detail in Chapter 4—

is taken primarily from the critical discourse analysis (CDA)¹⁴ approach of Norman Fairclough (1995, 2001, 2003), and to a lesser extent, Theo van Leeuwen's work on legitimization (2007). Fairclough's work focuses on social conflict in a Marxian tradition, seeking "to detect its linguistic manifestations in discourses, in particular elements of dominance, difference and resistance"—oscillating between a focus on structure and a focus on action (Wodak and Meyer 2009: 22).

My approach to analyzing *conversation* is modeled after Wetherell and Potter's investigations of anti-Indigenous/anti-Black racism in Aotearoa (New Zealand). I have found a particular kinship in the theoretical perspectives between the discourse analytic approaches of Fairclough, and that of Margaret Wetherell and Jonathan Potter (1992),¹⁵ whose discussion of ideology I draw on below. While the latter two work in the field of social psychology, their use of interviews with 'every-day' Pākehā (settler New Zealander), has provided a useful example for me, alongside Fairclough's investigations of neo-liberalism in the form of mass-crafted discourse phenomena, such as news media and marketing, political speeches and policy texts. Sara Ahmed's (2012) work on power within institutions (where she also uses an 'ethnography of texts' approach) has also been very helpful, and will feature in a later point in this paper.

Fairclough argues: "[s]ettling on a methodology for a particular research project is not just a matter of selecting from an existing repertoire of methods" (2013: 225). As he says:

It is a theoretical process which *constructs* an object of *research* (a research object, a set of researchable questions) for the research topic by bringing to bear on it relevant theoretical perspectives and frameworks. Methods (e.g., of data collection and analysis) are selected according to how the research object is constructed [2013: 225].

Thus, I will now briefly delve into a few of the important tensions between Marxian and Foucauldian analyses of power, as they relate specifically to the construction of an object of research for this project.

¹⁴ CDA "is not interested in investigating a linguistic unit *per se* but in studying social phenomena which are necessarily complex and thus require a multi-disciplinary and multi-methodical approach" (Wodak and Meyer 2009: 2). It is concerned with how language is invested in ideology, and specifically with political concerns of inequality and exploitation (e.g. Proulx 2011).

¹⁵ Wetherell and Potter's influential book *Discourse and Social Psychology: Beyond Attitudes and Behaviour* (1987) was a foundational text in developing a discourse analytic approach to social psychology. They do not refer to themselves as 'critical discourse analysts.'

The Social Effects of Ideology and the Objects of Discourse

For Marx and many subsequent Marxists and Marxians, ideology is the mechanism by which unequal social relations are reproduced. The theoretical developments in Marxist studies of ideology attempt to demonstrate how it becomes implicated in the very instantiation and maintenance of social and economic relations—Althusser’s (1971, 1977, 1984)¹⁶ work and Hall’s (e.g. 1980) reworking of Gramsci (1971) being the most notable, as well as that of Williams (1977).

Hall (1980), for example, describes the advantages of a concept of ‘articulation’ over some, more simplistic, Marxist views of the effectivity or functionalism of ideology, as it helps explain the emergence of certain ideologies in different forms at different moments (Wetherell and Potter 1992: 28). Articulation is an analysis of how people or groups connect other people and groups, ideas, materials and so on, along certain interests—premised on the idea that socio-economic structures are not *deterministic*, but rather, related to by actors in complex ways. Here, Williams’ emphasis on the dynamic nature of “lived Hegemony” (1977: 112) is a useful way to consider how domination and dominant ideologies are more akin to processes, which entail active and continual negotiation. “While ideology is dominant,” write Ashcroft et al. write, “it is also contradictory, fragmentary and inconsistent and does not necessarily or inevitably blindfold the ‘interpellated’ subject to a perception of its operations” (2000: 203).

Indeed, Foucault’s disagreement with many Marxists was rooted in a possible view of dominant ideology as a monolithic, top-down power, and a matter of one class’ *will* over another. He suggested that this notion of ideology implies the possibility of a “non-ideological gaze at history” (Wetherell and Potter 1992: 80). The more appropriate task, according to Foucault, is to suspend judgment about real meanings and examine instead the knowledge formations that lead to meaning being framed in this way (Wetherell and Potter 1992).

From many Marxist perspectives, power is best understood in ‘personal’ terms—as a commodity possessed by certain social groups. Although the actual exercise of power can take many forms, power is in this sense homogenous and authored. Indeed, this is the common-sense

¹⁶ For Althusser (1984), ideology is not a case of the powerful *imposing* their ideas on the weak, rather, it is perpetuated by state apparatuses that interpellate or ‘call people forth’ as subjects, “and which provide the conditions by which, and the contexts in which, they obtain subjectivity” (Ashcroft et al 2000: 203).

way power is spoken of. An important consequence of Foucault's epistemological position, as Wetherell and Potter lament, is the reversal of the usual sequence where the social scientist first identifies the main interest groups and looks at how these exert pressure on others: "Foucault makes power the prior term and sees how agents, objects and subjects are the effect of various rituals" (1992: 82). Thus, they write, "sociological analysis loses its familiar landscape and demography. If we are no longer to talk of groups and the power they wield, and if we can no longer define history as the story of who did what to whom and why, then what is there to say?" (1992: 86).

I wish to follow Wetherell and Potter's compromise between these theoretical differences. Following the mode of analysis described by Hall (1988), they see discourse analysis as necessarily involving a "double movement"—between what could be described as the 'established' and 'constitutive' aspects of discourse (Wetherell and Potter 1992: 86-7). This favors a theoretical approach to the study of language in which social determination means not cause and effect, "but the setting of limits and the exerting of pressures on patterns of ideas" (Wetherell and Potter 1992: 26) more or less unconsciously. The establishment, maintenance and contestation of social dominance (of certain ideas, of particular groups) is neither automatic, nor fixed, nor transparent. In analyzing discourse, I can no more say that speakers *intentionally* construct accounts that sustain oppressive structures and practices, any more than I can say that the hearer/listener unquestioningly *accept* such accounts. Furthermore, I do not suggest that there is nothing *but* discourse (Fairclough 2003) or that there is a kind of unreality to something like colonialism, or that racism is simply words (Wetherell and Potter 1992). The crucial question is "whose story will be accepted and become part of the general currency of explanation" (Wetherell and Potter 1992: 28).

Another important point relates to the object(s) of discourse. To follow some Marxist perspectives operating from the premise of 'false consciousness,' or a homogenous and blinding hegemonic force, would be to assume that ideological discourse is distinguished by its falsity. If this were the case, the task of the discourse analyst would simply be to point out the untruths, biases, or partiality of perspective, in someone's statement. However, Wetherell and Potter argue that the "specification of falsity places too great a constraint on, and actually hinders, the investigation of ideological practice" (1992: 63), since "what is assumed to be 'true' becomes in some sense non-social, beyond investigation, while falsity or error become open to study and are

seen as quintessentially social phenomena” (1992: 67; see also Potter and Wetherell 1988). Rather than follow the logic of certain positions that treat truth/falsity as the crucial question, it is more useful instead to investigate how claims are *made out* as true or factual. We can then attempt to investigate “how these facts are constructed as facts, and the consequences these particular constructions might accrue” (Wetherell and Potter 1992: 67). This perspective is clearly closer to Foucault’s (1980) prescription that the way to undermine a ‘truth’ is not to counterpose it with another ‘truth’ but to examine the discursive process by which true and false statements become distinguished.

It is crucial, therefore that the multi-referential nature of arguments and interpretive resources be acknowledged: “[a]rguments can be mobilized in many directions and the analyst needs to be able to follow these paths where they lead rather than decide in advance that some routes are closed” (Wetherell and Potter 1992: 71). Rather than approach language as an abstract system of either true or false statements about an objective ‘reality,’ it is important to stress the study of discourse in action and in context, and as a way of creating and defining social relations, including relations of power. This will become an important point when I move to my interviews later.

Anthropology and “Studying Up”

Indigenous scholars and activists have elucidated the primary features of settler colonialism’s oppressive and murderous theories and practice for a long time. There is now also a growing body of work that has become known as ‘settler colonial studies.’ Settler colonial studies, as a distinct emerging field of study (rather than a site of struggle already critiqued by Indigenous peoples), has been centrally defined by the works of Lorenzo Veracini (2010), Patrick Wolfe (1999, 2006) and more recently with articles in the *Settler Colonial Studies* journal.

Settler colonial theory owes much of its prominence to Patrick Wolfe’s (1999; 2006) theorization of what he calls settler colonialism’s “logic of elimination.” This idea highlights that settler colonialism has both “positive” (productive) and ‘negative’ (destructive) dimensions. In its negative sense, it strives for the literal elimination of native societies. Accounts of Indigenous life for over the past century and a half centered on the assumption that ‘Indians’ were, or are still, a transitory, impermanent category of person. Simpson emphasizes that it was *dispossession*

that “provided the occasion” for the dialogue between early American anthropologists or ethnologists and their Indigenous ‘subjects’ (2014: 98). “More than merely an occasion to chat,” she writes, “the process of elimination... shapes these dialogues, as it was the inevitability of the decline, of the death of Indigeneity that shaped the form that [these inquiries] would take” (2014: 98). Importantly, “historical and legal effacements of Indigeneity are predicated upon [such] accounts” (2014: 100), and rationalizations, which projected Indigenous cultures as in the past, and which helped to create a “vanishing race theory” (Henderson 2002: 21). These accounts, writes Simpson, “became histories that dialectically informed theories, which then emboldened the laws of nation-states. The traffic between theory and event moved colonies into nation-states” (2014: 100). The presumption of imminent cultural death and disappearance of Indigenous life sits squarely behind those theories, doctrines and narratives that have worked in the service of nation building in/for settler colonial states.

Thus, elimination of Indigenous life is not only destructive, but on its other side, produces “a new colonial society on the expropriated land base” (Wolfe 2006: 388). The continued existence of Indigenous life in the face of a totalizing push for territorial acquisition means that settler colonialism needs to continually re-produce itself, partly in the form of assertions of sovereignty:

On the one hand, settler society required the practical elimination of the natives in order to establish itself on their territory. On the symbolic level,¹⁷ however, settler society subsequently sought to recuperate indigeneity in order to express its difference—and, accordingly, its independence—from the mother country [Wolfe 2006: 389].

What marks the settler colonial logic of elimination, in Wolfe’s view, is that the Native “continues to structure settler-colonial society” (2006: 390). There is an important temporal character to this understanding of settler colonial power, as Wolfe says, “settler colonizers come to stay: invasion is a structure not an event” (2006: 388). Thus, whether colonialism is

¹⁷ To elaborate by way of an example: Eva Mackey examines the processes through which Canada has attempted to manufacture “the geographical space of the nation as ‘Native Land’” (2012: 310). She shows how “Aboriginal culture” is transformed into a part of our “heritage,” enabling images of Indigeneity—connected to Nature and the Canadian wilderness—“to be put into the service of building national and international identity” (Mackey 2012: 321). What is crucial here, in terms of consecrating an historical narrative and de/legitimizing claims in the present, is that “the long history of conflict over the contested space of the land is minimized and transformed” (Mackey 2012: 321).

remembered as *event*, or understood and contended with as *structure*, is an important question in investigations into settler colonialism, in its many facets.¹⁸

In Morgensen's (2011a) analysis of the biopolitics of settler colonialism, he argues that settler subjectivity constitutes itself through Indigenous replacement via containment, erasure, amalgamation and incorporation. He writes:

'Settler' literally signifies the displacement of Indigenous peoples. Yet a host of scholarship in Native studies explains that settler subjects normatively recall and perform indigeneity as a history they at once *incorporate* and *transcend, inhabit* and *defer*... All this structures how European settlers ever come to represent the West. To the extent that they do, their relationality to indigeneity through settlement also constitutes the West, even if this quality remains naturalised [2011a: 59-60 emphasis mine].

In this view, indigeneity or 'the Native' is not inherently antagonistic to western/settler civilization and subjectivity,¹⁹ on the contrary, it is what *enables* it (materially, conceptually, and perhaps psychologically).

Thus, the central problem in investigations into settler liberalism, has been the understanding, and the warning, that the modern liberal impulse is to *contain* indigenous peoples—spatially, temporally and ideologically (Snelgrove, Dhamoon and Corntassel 2014), even, and perhaps most effectively, when it styles itself as sympathetic and tolerant. These settler colonial logics mark the character of the liberal politics of recognition in Canada, working, in various ways, to tame and domesticate Indigenous peoples' claims to autonomy. Elizabeth Povinelli writes that "[o]ne of the great persuasions of liberalism has been its seeming openness, its voracious encompassment" (2002: 14), which contributes to a politically salient misreading of

¹⁸ Wolfe is certainly not the first to identify the dialectical relationship of European/non-European alterity. Edward Said's *Orientalism* (1978) stands out here in particular (see also Said's 1989 essay on anthropology in particular). Many anthropologists and critical social theorists have identified the myriad discourses whereby white and/or western subjectivity is constructed as cosmopolitan, omniscient, and self-determining—achieved largely through the asymmetrical relationality of knowledge production on 'the Other' (see for example McGrane 1989).

¹⁹ While it is no longer controversial to say that modernity is a Eurocentric ideology—and one that has been deployed discursively in the service of colonization and white supremacy—it is, more importantly one constituted in a dialectical relation with a non-European alterity (Dussel 1993). "Without 'the Rest (or its own internal 'others')," Hall argues, "the West would not have been able to recognise and represent itself as the summit of human history" (1992: 314). Knowledge production on 'the Rest,' the 'Other,' the colonized or the subaltern is therefore central to modern coloniality, though in liberal settler states, this production forms in some very particular ways.

Indigenous Peoples struggles and appeals to sovereignty and political autonomy, that depoliticizes their goals as *internal* to political liberalism (Eudaily 2004).

But this is not, of course, a foregone conclusion, rather, it is a process—one that is being continually punctured by Indigenous peoples and their allies, especially as the underbelly of Canada’s contradictory nature of settler colonialism becomes increasingly more transparent (to those for whom it had been less visible or consciously present in their lives). In order to expand and make more visible these punctures, we must ask: “[w]hat are the politics of these apparently inclusive processes?” (Mackey 2012: 311). If we are going to be involved in investigating the proliferation of ideas about a topic as complex as reconciliation or recognition, “we need to concern ourselves with the social conditions under which such ideas and knowledges become identified/defined, reproduced/distributed, or, conversely, repressed and eliminated in the struggle for legitimacy” (Cruikshank 1998: 49).

Recent developments in settler colonialism—its politics and practices—and in the field that studies them (i.e. theoretical developments in settler colonial studies), are cause for anthropologists to take notice. Anthropology, as a field “predicated on the fact of otherness and difference,” (Said 1989: 212) has historically privileged work in other places and on ‘Others,’ including an aversion (Barsh 1996) to “studying up” (Nader [1969] 1972)²⁰—a fact that has garnered serious criticism of the discipline in previous decades (e.g. Deloria 1969; Said 1989). In her paper first published in 1969, Laura Nader lamented: “[t]oday we have anthropology students who are indignant about many problems... but they are studying problems about which they have no ‘feelings.’ Some think this is the *only appropriate stance* for a science. Yet the things that students are energetic about they do not study” (Nader 1972: 2; emphasis mine).

The increased concern with the discipline’s provenance (its historic and ongoing collusion with imperialist and colonialist regimes), and undemocratic and expropriative forms of knowledge production, has led to some very valuable developments throughout anthropology. A major trend in ethnographic fieldwork in particular, has been an aspiration for reciprocity—of

²⁰ That is, studying people, populations and practices in positions of power, such as modern liberal government institutions/bureaucracies in the West in particular, and white supremacists (organized or not). As Laura Nader wrote: “Anthropologists might indeed ask themselves whether the entirety of fieldwork does not depend upon a certain power relationship in favor of the anthropologist, and whether indeed such dominant-subordinate relationships may not be affecting the kinds of theories that we are weaving. What if, in reinventing anthropology, anthropologists were to study the colonizers rather than the colonized, the culture of power rather than the culture of the powerless?” (1972: 5).

‘giving back’ to one’s research subjects/communities. There is now also even a sturdy subfield of research that ‘studies up,’ including ethnographic studies of major institutions and organizations in the West.

Despite the positive developments in some areas of anthropology, Mohawk anthropologist Audra Simpson maintains that the politics of representing Indigenous peoples *continues* to be highly contentious because Indigenous peoples still face processes of dispossession. Mindful of the kinds of accounts on her people that helped to “move colonies into nation-states,” as I quoted above, and enact relations between researcher/subject tantamount to ethnographic entrapment, Simpson coined the term “ethnographic refusal” (2014, 2007), which effectively problematizes anthropology’s *raison d’être*: ‘culture’/‘difference’²¹—and questions “anthropological need” to define and to know Indigenous peoples.

Furthermore, while it is no longer the case that the discipline as a whole ignores issues of power imbalance in the production of knowledge, I think that Nader’s point about feelings (i.e. being out of place in scientific research that privileges objectivity and neutrality), is still relevant. Sisseton Wahpeton Oyate anthropologist Kim TallBear offers insights on this that I have found helpful. TallBear (2017) writes that for those concerned with staying in relation (and here she references Indigenous researchers), the concept of reciprocity in field work seems inadequate. As she puts it:

the goal of ‘giving back’ to research subjects seems to target a key symptom of a major disease in knowledge production, but not the crippling disease itself. That is, the binary between researcher and researched—between knowing inquirer and those who are considered to be the resources or grounds for knowledge production... If what we want is democratic knowledge production that serves not only those who inquire and their institutions, but also those who are inquired upon, we must soften that boundary erected long ago between those who know and those from who the raw materials of knowledge production are extracted [TallBear 2017: 80].

²¹ Simpson writes: “I am interested in the way that cultural analysis may look when difference is not the unit of analysis, when culture is disaggregated into narratives rather than wholes, when proximity to the territory that one is engaging in is as immediate as the self, and what this then does to questions of ‘voice.’ I will argue that in such a context of anthropological accounting – an accounting I started to do above but will do more robustly below – ‘voice’ is coupled with sovereignty that is evident at the level of interlocution, at the level of method and at the level of textualisation. Within Indigenous contexts, contexts that are never properly “post-colonial,” the sovereignty of the people we speak of, when speaking for themselves, interrupt anthropological portraits of timelessness, procedure and function that dominate representations of their past and, sometimes, their present” (2007: 68).

TallBear's work (2013) turns the gaze back onto the scientific community, challenging "standard notions of objectivity" as unbiased neutrality, and instead advocates "situated knowledges"²² (Haraway 1991 in TallBear 2017: 81). I want to highlight the work of Indigenous feminist anthropologists, in particular Kim TallBear and Audra Simpson. Their work counteracts detached and undemocratic forms of knowledge production, and questions some of the fundamental ways we think about the harms and benefits of research. Crucially, they ask us to question whose needs are served most by research conducted on Indigenous peoples in settler contexts.

I can directly connect my "feelings" (the normative impulse that Nader describes as leading students to ask important questions about a phenomenon, or to define a problem in a new context [1972: 2]) in conducting this research, to the writings and influence of Simpson and TallBear. The first I came to near the beginning of my MA career, and helped me to decide to 'study up'; the other, I came to nearer the end of my research, and helped me think through why I felt so troubled in doing it.

Alexis Shotwell writes that "the world is made up of things that seem to hang together but that require work to hold in place" (2016: 14). Every day we do the work of holding things in place—tying things to other things, binding objects, affixing strands, and cutting others. If it is true that classification is itself "a central technology of colonialism, and colonialism is an ongoing process," then, as Shotwell warns, "we should worry about current strategies of... response,"—including reconciliation—"that center classificatory work" (2016: 28). In later chapters (Chapters 5 and 6), I will refer to specific instances from my conversations with Indigenous Relations Specialists to help demonstrate some of the implications of these politics of cutting and tying, in the context of real conversations between individuals and within communities of practice. But here, I want to nod to the work I aspire to do as an anthropologist—work that hopes to meld feminist research ethics to critical discourse analysis and ethnographic

²² TallBear cites her influences as including Donna Haraway and Sandra Harding, "who challenge the standard notions of objectivity that conflate it with neutrality. Rather, they advocate situated knowledges (Haraway 1991) from the 'standpoint'" of marginalized subjects—meaning that "hypotheses, research questions, methods and valued outputs—including historical accounts, sociological analyses and textual interpretations—must begin from the lives, experiences and interpretations of marginalized subjects (Harding 1991, 2008)" (TallBear 2017: 81).

‘studying up’ of settler colonialism; work that wonders about strategies of response and response-ability, in the face of the essentialist, classificatory work of colonization.

Part of this classificatory work is what Shotwell describes as “purism” and ‘purity politics’ (2016).²³ “[B]eing embodied places us in unresolvable relation to networks of other beings,” writes Shotwell (2016: 18). This reality requires “a richer conception of interdependence” that can “[allow] us to rest better with constitutive impurity than ethical approaches aiming at individual purity” (Shotwell 2016: 18). Employing a feminist research ethic (more on this later) in our work, “forces feminists to take responsibility for their participation in circuits of power and domination; [we] fall from [our] position of moral superiority and must negotiate a more nuanced and complicit relation to the tradition of knowledge that they critique” (Schuurman and Pratt 2002: 296).

We can think about this in any number of settler institutions that produce knowledge on Indigenous peoples— government offices and juridico-political institutions such as the ones I focus on in this paper, but also the institutions of academia. Both critical Indigenous studies and settler colonial studies scholars have been debating these problems. As Joanne Barker has warned, for example, the concept of to ‘settle’ itself “belongs etymologically to ‘reconcile’ or ‘reconciliation,’ which means to ‘bring together’...and to ‘make consistent’” (2011). If reconciliation is meant to be about change and transformation, and unsettling norms—and specifically: about troubling the conditions which allow colonialism to be overlooked (especially for white subjects)²⁴— then bringing these conditions to the foreground should help to stop some of the habituatedness of settler-coloniality. However, can institutions have ‘unsettling’ as a norm? Is there a paradox in the idea of institutionalizing something that should take a specific effort? In particular, is this possible in settler institutions—meant to contribute to securing settler

²³ Shotwell maintains that purity politics—as a common response to complex situations fundamentally outside of our control— “is a bad approach because it shuts down precisely the field of possibility that might allow us to take better collective action...Purism is de-collectivizing, de-mobilizing, paradoxical politics of despair” (2016: 8-9). She argues that in ideology, in theory, and in practice, purity politics “work to delineate an inside and an outside; they are practices of defining a ‘we’” (2016: 13).

²⁴ Of course, this is connected to the privilege of forgetting for settlers, and points to the fact that the effort required for me to see and habituate what is unhabituated within the institution, is very different from the efforts required, and demanded of Indigenous individuals and groups working with or within these institutions.

certainty and sovereignty? Can you be de-colonial/decolonizing,²⁵ as an Indigenous Relations Specialist, for instance, if there is the risk that it could make your role unnecessary, or some of your power obsolete?²⁶ “By resisting colonizers,” questions Brendan Hokowhitu, “do we literally give them mana (power and prestige)” (2016: 85)?²⁷ If the institution itself can be experienced as resistance (to social transformation),²⁸ we might wonder, then, whether power has a tendency to “be redone at the moment it is imagined as undone” (Ahmed 2012:13).

These are especially important question in an era, arguably, of performative commitments to “reconciliation.” If the settler institution’s way of being and staying related is also a way of keeping certain people, structures and benefits in place (Ahmed 2012), then we must recognize the effort required to unsettle this, and to be honest about our stakes in the knowledge being produced. This includes, as Macoun and Strakosch discuss, our deep interest in making or presenting ourselves as *post*-colonial without leaving our positions of control (2013). This is necessarily a question of relations.

In our relationships with our research “subjects” and communities, we would do well to locate a position from which to critique—striving to transcend the binaries of inside/outside—in favor of one that sits with the uncertainty and generative potential of that which does ‘not quite fit’ (Harvey and Haraway 1995: 51). Schuurman and Pratt follow Haraway’s suggestion, as they say, “[n]ot quite fitting can be a productive stance... our objective is not just to criticize... but to transform...through situated, knowledgeable, specific conversations about the coding and objectification of the world and about the power-laden particularities of this coding” (2002: 297).

²⁵ For example, de Leeuw, Greenwood and Lindsay, building off of Lorenzo Veracini’s (2011) invocation of Deborah Bird Rose’s (1996) concept of “deep colonizing”, suggest that we are in the midst of a moment in which non-Indigenous subjects, and by extension the institutions they/we inhabit, are making efforts to decolonize, to refute colonialism while still existing within and expanding it” (2013: 385). Veracini has pointed out that “a settler colonial formation is ‘primarily aimed at producing the conditions of its own supercession’—and thus instead of proclaiming its permanence (as historical colonial formations once did), it announces its passing” (Veracini 2011 in de Leeuw and Lindsay 2013: 385).

²⁶ These questions are inspired by Sara Ahmed’s (2012) study of diversity work in institutions. Similar or related questions are also being asked of ‘decolonizing’ and ‘Indigenizing’ endeavors in settler colonial contexts, particularly in institutions (e.g. Tuck and Yang 2012, Vermette 2012, Macoun and Strakosch 2013, Snelgrove, Dhamoon and Cornthassel 2014).

²⁷ Also, see Hokowhitu (2016, 2009) on the temporal assumptions in concepts like “decolonization”, “resistance” and “resurgence” (including the idea of the “Indigenous” itself).

²⁸ This is part of the nature of institutions. In particular, Sara Ahmed remarks on “the labor required to leave whiteness,” arguing that “in some institutional contexts, it is hard work not to reproduce the whiteness of events” and “the persistence required exists in necessary relation to the resistance encountered” (2012: 36, 26).

A major concern with settler colonial studies, for example, is that it may have the potential to obscure its location as a settler discourse itself, and “problematically empower[s] academics to speak with neutral descriptive authority over both settler and Indigenous realities” (Macoun and Strakosch 2013: 435). Studies that endeavor to disrupt the convenient separation between social scientist and research subjects, would therefore discourage sweeping assertions, and instead allow us to understand how the technologies we critique are interwoven with the production of knowledge in complex ways. As Haraway (2016) advocates, we need readings that amplify accounts of the ways in which we are *involved* in one another’s lives. For feminist researchers, “a refocusing of the objectives of criticism, from that of exposing error to the task of uncovering the production of truth” (Schuurman and Pratt 2002: 297)— carries a commitment to staying in relation, being invested, and caring for the subject of one’s critique (Schuurman and Pratt 2002; TallBear 2017).

Those social justice-minded researchers whose work attempts to critique settler colonialism can particularly benefit from these insights, because understanding how technologies of power and discourses produce truth, as Schuurman and Pratt put it: “opens opportunities to produce truth otherwise” (2002: 298). As a topic of critical inquiry, settler colonialism is achieving increasing scholarly attention, but there are still few clear ethnographic studies of settler colonialism or settler discourse as an object of research. As Fairclough says: “to ‘translate’ topics into objects, we need to theorise them” (2013: 236).

Locating Settler Colonialism: Constructing an Object of Research

Ethnographic research features a constant interplay between the substantive and the formal, or the topical and generic forms of theory (Hammersley and Atkinson 2007). Hammersley and Atkinson write that this may require one to “begin with some formal analytic notion and seek to extend or refine its range of application in the context of a particular new substantive application” (2007: 25). Beginning with the formal analytic notion of discourse, the question becomes how to extend its application into the ethnographic investigation of what could be called “settler discourse,” and what are both the theoretical and the practical implications of this? To put it simply: how do we study settler discourse? Settler colonial studies gives a good

theoretical basis, but who or what should be our units of analysis; where should we locate settler colonialism, and; what methods should we use?

Settler colonial studies/theory helped me to think through some of these issues— the tensions and connections between identity and practice, structure and experience—theoretically, by remarking on the “entwinement of settler institutions, knowledges, emotions and selves”— that is, how the underlying logics of settler colonialism are expressed at all levels of settler societies (Macoun and Strakosch 2013: 428). In particular, work in this field shows how “the settler colonial project is a social project”, “that settler societies are powerfully politicized,” and that our very lifestyles, as much as our explicit commitments to and (sometimes unconscious) investments in particular institutions, are part of the settler project (Macoun and Strakosch 2013: 432). Macoun and Strakosch, for example, discuss that, by “endlessly merg[ing] together its desires and reality”, “[i]nvariably, settler colonial political forces come to be embodied and enacted by individuals” (2013: 433-434).

Anticipating the difficulty I was likely to encounter explicitly identifying “settler research subjects”²⁹ though, I considered Matthew Wildcat’s (2015) distinction in his use of “non-Indigenous” and “settler.” He says that he often uses the term “non-Indigenous” in order to counteract the “tendency to use ‘settler’ as a transhistorical and racialized category that refers to almost all non-Indigenous populations in the Anglo-American context” (2015: 94). Instead, he says he uses “‘settler’ to refer exclusively to populations that propagate settler colonialism,” narrowing the field to focus our discussion on “processes and practices that seek to ‘eliminate’ Indigenous peoples” (2015: 94).³⁰

This distinction would need significantly more unpacking than I am able to do here (for a thoughtful conversation on this, see Snelgrove, Dhamoon and Corntassel 2014). Suffice to say that there are many complexities around the discussion of ‘who is a settler?’, the politics of solidarity with Indigenous and other marginalized peoples and communities, and the

²⁹ Principally, this difficulty has to do with assigning identities to individuals who likely do not see themselves as part of that identity (settler and/or white for example) or forming that community, along with issues relating to flattening differences (between, especially, white settlers and settler people of colour). These are important tensions to consider. Though I do not have the space to do justice to the work that is being done on these matters here, it is part of a more general issue I will return to in the final discussion of this paper.

³⁰ He says that this would “[allow] for the possibility of settler decolonization”, if “Settlers can transform their practices towards Indigenous peoples from ones based on elimination to ones based on partnership” (Wildcat 2015: 94).

(non)performativity of anti-colonialism and allyship, more specifically (e.g. Ahmed 2006, Morgensen 2011b, Smith 2013). I do not wish to side-step these questions, but I do propose to prorate or suspend them for the moment, and come at it from a practical, ground-level of my own experience. I wish to be clear, though, that in this paper, I use “settler” much more sparingly (to refer to people and populations) than I do “non-Indigenous.” This is not to suggest that the two should be conflated. I am no more satisfied using “non-Indigenous” than I am using “Indigenous,” but when making generalizations, this is the compromise. I see white supremacy, heteropatriarchy, and species-fitness logics³¹ as intrinsically tied with settler colonialism, so if you like, you can imagine that *this* is the character of power that is being critiqued. However, it is articulated in myriad ways, and is engaged with and enacted by individuals who are not necessarily fit, straight, white men.

It was this focus on *practice* that urged me to reconsider my unit of analysis. Thus, I propose that one of the ways we can investigate settler colonialism is by centering our units of analysis on the *community of practice* (Lave and Wenger 1991; Wenger 1998). A communities of practice approach, I believed, would help combat some of the issues that arise when structural processes of oppression are analyzed by way of individual perspectives and behaviours (for example, settler-as-individual framings need to be very carefully contextualized lest they be taken to imply that decolonization is simply or *only* a matter of overcoming individual prejudices).

Communities of Practice

Anthropologist Jean Lave and educational theorists Etienne Wenger first coined the term, ‘Community of Practice’, in their (1991) text, which focused on ‘situated learning’³²: a concern for learning as *situated* within the social world and as part of the “process of becoming a member of a sustained community” (Lave and Wenger 1991: 65). Rather than a handing down of facts

³¹ Here I mean, without going into too much detail, those logics and ideologies that presume what should be allowed to live and what should be killed or allowed to die, based on what constitutes a good life, and also sees existence in a hierarchy with humanity at its peak. There is a growing body of fascinating work on these themes, one that I am most familiar with his Povinelli’s *Geontologies* (2016).

³² ‘Situated learning’ arises from the work of a number of social theorists, including theories of social learning, e.g. Vygotsky 1978. I am not sure of the precise connections between situated learning and ‘situated knowledges’ (Haraway 1991), but this is something I’d like to look in to in the future.

resulting in the internalization of knowledge by the individual, this perspective sees social learning as practice(s) within a community.³³

Wenger went on to flesh out the idea of Community of Practice in later work (1998), going to great lengths to explain its intellectual context,³⁴ through the systematic exploration of the intersection of certain learning components (community, practice, meaning and identity). Wenger's work provides a conceptual framework for analyzing learning as social participation—forwarding a theory of learning in which the primary unit of analysis is neither the *individual* nor *structures* or social institutions, but communities of practice.

Wenger identifies the key structural features of communities of practice to include 'mutual engagement', 'joint enterprise' and 'shared repertoire' (Wenger 1998). Mutual engagement is "what initially motivates people to gather, with a shared concern or interest" (Merceica 2017: 10). Joint enterprise is "essentially about relationships and the particular measures and resources that "need to be set in place to ensure that this is fostered" (Merceica 2017: 10). While mutual engagement has drawn participants together, and joint enterprise has sustained their fellowship and learning, it is the shared repertoire "that crystallizes these experiences and shared knowledge" (Merceica 2017: 11). "These three defining features... are clearly linked and work together to create a dynamic learning community" (Merceica 2017: 12)—one where participants are actively involved in the process of meaning-making: negotiating and renegotiating the meaning of our experiences (Wenger 2012). I will employ these key features later (Chapter 4), to help characterize the community of practice I identified for this research.

³³ The process of learning, in this approach is less consciously directed or inculcated, and more diffuse. Wenger goes so far as to maintain that learning is inevitable, since even "failing to learn something involves learning something else" (Graven and Lerman 2003: 187).

³⁴ Graven and Lerman give a succinct discussion of these intersections: intersection of 'theories of social structure' (emphasizing institutions, norms, cultural systems, discourses and history) and 'theories of situated experience' (emphasizing agency and intentions) on the one hand, and 'theories of social practice' (focusing on the production and reproduction of ways of engaging with the world while emphasizing social systems of shared resources), and theories of identity (focusing on the social formation of the person, the creation of membership and the formation of social categories), on the other (2003: 186-187).

The Temporal Politics of Reconciliation

One will quickly find in the course of researching “reconciliation” that there is a vast body of literature on the topic, from diverse disciplines, referencing various local and global contexts. Since the 1990s when it began to gain traction in Canada, the discourse of reconciliation has come to be used in a wide array of fora. Glen Coulthard identifies three distinct yet interrelated ways in which reconciliation tends to be invoked when deployed in the context of Indigenous peoples’ struggles for self-determination:

1. Reconciliation is frequently used to refer to the diversity of individual or collective practices that Indigenous people undertake to re-establish a positive ‘relation-to-self’ in situations where this relation has been damaged or distorted by some form of symbolic or structural violence.
2. Second, “reconciliation” is also commonly referred to as the act of restoring estranged or damaged social and political relationships.
3. The third notion of “reconciliation” commonly invoked in the Canadian context refers to the process by which things are brought “to agreement, concord, or harmony; the fact of being made consistent or compatible” [2014: 106- 107].

Referencing Anishinaabe political philosopher Dale Turner (2011), Coulthard specifies that it is “this third form of reconciliation—the act of rendering things consistent... that lies at the core of Canada’s legal and political understanding of the term: namely, rendering consistent Indigenous assertions of nationhood with the state’s unilateral assertion of sovereignty over Native peoples’ lands and populations” (2014: 107). While the second notion of reconciliation (outlined above by Coulthard) is pervasive in public discourse in Canada, and therefore important to keep close at hand in our considerations of the concept— it is this third notion of reconciliation that is most relevant to my present research. It draws attention to the question of whether, or in what ways and to what extent, reconciliation between Indigenous and settler peoples in settler liberal states reinforces the insistence that Indigenous peoples “give up their difference and political autonomy” (Blackburn 2007: 622).

Coulthard’s (2014) work has set out a fruitful path for investigating the current liberal politics of recognition, and has therefore been generative of my own understandings of how

reconciliation is imbricated with settler liberal governance, of which recognition politics is a central part. Scholars like Coulthard do not begin their discussion of reconciliation with its tools, techniques, or mechanisms—such as the Apology and the TRC—nor even in the Indian Residential School System exclusively, but rather, with Indigenous resistance (‘even’ after the constitutional recognition of Aboriginal and Treaty rights was declared in 1982).³⁵ Throughout this section, I will place Coulthard in conversation with a number of critical theory scholars in this area of scholarship, including, though not limited to: Eva Mackey, Audra Simpson, Elizabeth Povinelli and Carole Blackburn. I do this in order to seek to understand the development of reconciliation discourse and mechanisms against the backdrop of various state approaches to contain and domesticate Indigenous claims to political autonomy.

Reconciliation is a concept that did not begin with the former Prime Minister’s Apology, nor with the RCAP’s recommendations³⁶ over a decade before that. Rather, it is part of a “global industry” emerging in the last several decades, promoting official apologies, forgiveness and ‘reconciliation’ as a precondition for resolving the “deleterious social impacts of intrastate violence, mass atrocity, and historical injustice” (Coulthard 2014: 106). As Coulthard puts it:

Originally, this industry was developed in state contexts that sought to undergo a formal “transition” from the violent history of openly authoritarian regimes to more democratic forms of rule—known in the literature as “transitional justice”—but more recently has been imported by somewhat stable, liberal-democratic settler polities like Canada and Australia [2014: 106].

Why it is that more stable or established liberal democratic states wish to take on the transitional justice concept of and mechanisms for reconciliation, is a puzzle that several critical scholars have taken up. Many have attributed its rise to the global spread of democratic values, the desire on the part of those in power to make amends for historical wrongdoing, and as proof of increasing respect for and enforcement of human rights (e.g. Cairns 2003; Gibney and Roxstrom 2001). Others, including anthropologists (such as Buur 2001; Gooder and Jacobs 2000; Wilson

³⁵ When Canada repatriated its constitution in 1982, Section 35(1) of the Constitution Act enshrined Aboriginal rights with the statement: “The existing Aboriginal and treaty rights of the Aboriginal peoples in Canada are hereby recognized and affirmed.”

³⁶ The Royal Commission on Aboriginal Peoples (RCAP) issued its two reports on the nature of the Crown-Aboriginal relationship in 1996. While flawed, the Commission represents one of the most comprehensive set of recommendations, informed by extensive community input (Coulthard 2014). RCAP’s vision for a reconciled relationship between Indigenous Peoples and Canada is premised on the principles of “mutual recognition, mutual respect, sharing and mutual responsibility” (RCAP 1996).

2000), however, have investigated the connections between processes and mechanisms of reconciliation and political legitimization, in various national contexts.

Some of the earliest and strongest criticism of reconciliation in Canada were scholars in Native Studies (Chrisjohn and Wasacase 2009; Chrisjohn et al. 2002; Chrisjohn and Young 2006). Much of the scholarship on reconciliation in the Canadian context has focused on the Truth and Reconciliation Commission, regarding it as an area of knowledge production, and a potential site of normative influence (e.g. James 2012; Wilson 2003). While the TRC undoubtedly meant something different for survivors and families,³⁷ many were skeptical that it would produce the kinds of transformations sought by Indigenous peoples. Some argue (e.g. Corntassel and Holder 2008) that contrasting the Canadian TRC's approaches with those of other countries undergoing a more formal transition from an openly authoritarian past, serves to expose Canada's "manifestly *nontransitional* circumstances" (James 2012: 9). Those advocating for robust investigatory powers for the Commission, warned that Canada's approach favoured symbolic, rhetorical gestures and national healing over justice-based models, and questioned how the process would "foster a sense of responsibility for social change rather than allow the sympathy felt by spectators to be sufficient proof that the world has been remedied" (Henderson and Wakeham 2009: 14).

Coulthard is one of the scholars to have particularly honed in on what I have been referring to as the 'temporal politics' of reconciliation. He argues that in settler colonial contexts, where there is no formal period marking an explicit *transition* from an authoritarian past, "state-sanctioned approaches to reconciliation tend to ideologically fabricate transition by narrowly situating the abuses of settler colonization firmly *in the past*" (2014: 22). Reconciliation thus becomes a process of "*overcoming* the harmful 'legacy'" of past abuse (Coulthard 2014: 22). Coulthard is certainly not the only one to mount this critique. Eva Mackey, for instance, argues that apologies—which were said to be part of the Canadian 'process' of reconciliation—"necessarily create pastness," a demarcation between the pre-apology past and the present in which the crime or transgression is absent" (2013: 49). Mackey argues that these are "strategic performances," working to "delineate time in a manner expedient for symbolic nation building" (2013: 52- 53). Thus, acknowledgement itself "creates or verifies a new temporal plane, a present oriented towards a future by effectively marking racialized colonial and national

³⁷ See, for example, James' 2012 discussion of the struggle and advocacy that led to the TRC.

wrongdoings as past, and sidestepping complex questions about how similar colonial structures may continue” (Mackey 2013: 49). Critical scholarship warns that reconciliation may do little to challenge the configurations of state power³⁸ that “Indigenous peoples... have historically sought to transcend” (Coulthard 2014: 3). These scholars argue, essentially, that as virtuous as many of the goals of reconciliation may be, its approaches are still articulated within relations that work to perpetuate colonialism.

Bashir and Kymlicka, writing in 2008—the same year as the conservative Canadian Prime Minister’s formal Apology—remarked on the dearth of scholarship on the *relationship* between the politics of reconciliation and the politics of recognition (what they call the politics of difference). Increasingly, however, critical thinkers within settler colonial contexts have been critiquing recognition as part of a larger modern liberal political project of containment central to settler colonial governmentality, and have grappled with the role that reconciliation might play in buttressing this political project. Coulthard suggests that we must pay attention to the *convergence* of reconciliation with recognition in the Canadian context. He cites political theorist Andrew Schaap, who explains that, for societies wishing to transform their relationships following a history of political violence, to one of civic friendship, “the discourse of recognition provides a ready frame in terms of which reconciliation might be conceived” (2004: 523 in Coulthard 2014). In order to understand the character of reconciliation discourses and practice in Canada, then, it is important to involve an analysis of the politics of recognition.

In the remainder of this chapter, I will highlight some of the main aspects of settler liberalism—drawing from, on the one hand, settler colonial theory and, on the other, critical theory on liberalism/liberal capitalism—questioning how these intersect and draw the discourse of reconciliation into its governance. Then, I will turn to the areas of the law where these articulations have been codified and legitimized, leading to the establishment of entire infrastructures based upon specific notions of recognition and reconciliation.

³⁸ This refers to Coulthard’s thesis in *Red Skins White Masks*: “I argue that instead of ushering in an era of peaceful coexistence grounded on the ideal of *reciprocity* or *mutual recognition*, the politics of recognition in its contemporary liberal form promises to reproduce the very configurations of colonialist, racist, patriarchal state power that Indigenous peoples’ demands for recognition have historically sought to transcend” (2014: 3).

Liberal Recognition Politics

What does ‘recognition’ mean in the context of Indigenous Peoples’ struggles for self-determination in the Canada? A number of scholars (including Cairns 2000, 2005; Coulthard 2014, 2007; Henderson 2008; Kymlicka 2007; Lightfoot 2008; Niezen 2003) have remarked on the proliferation of ‘recognition’-based approaches in the last few decades in this country, through efforts of inclusion, engagement, accommodation, and consultation. Coulthard uses Richard J. F. Day’s (2000) explanation of the ‘politics of recognition,’ as referring to the:

expansive range of recognition-based models of liberal pluralism that seek to ‘reconcile’ Indigenous assertions of nationhood with settler-state sovereignty via the accommodation of Indigenous identity claims in some form of renewed legal and political relationship with the Canadian state. Although these models tend to vary in both theory and practice, most call for the delegation of land, capital, and political power from the state to Indigenous communities through a combination of land claim settlements, economic development initiatives, and self-government agreements [Coulthard 2014: 3].

The intended goal of these approaches, is to improve the position of Indigenous people by granting them a say in the management of local resources and a significant role in their own governance (e.g. Nadasdy 2003), or by giving them space to contribute their voices to projects that have excluded them in the past.

The politics of difference (of which recognition is a part) came about in the second half of the twentieth century, when, although state-sponsored discrimination was said to be over, inequalities and oppression continued to persist, more or less visibly to privileged subjects (Bashir and Kymlicka 2008: 2-3). “The key questions raised by a politics of difference,” write Bashir and Kymlicka, “assume that formal discrimination in civil and political rights is now diminished, and ask what else, or what more, is needed to create genuinely inclusive democracies” (2008: 3). While I do not have the space here to deal with some of the finer points of theories of liberalism, liberal culturalism, multiculturalism, or neo-liberalism,³⁹ I would however venture to say that a common denominator is that their questions form around the theme of crisis. As Andreas Huyssen, for example has argued, it is a crisis in “the time consciousness of

³⁹ See in particular William Kymlicka (2001, 2007), Charles Taylor (1994), Nancy Fraser (1995, 2003), Richard Rorty (1991, 1998), but there are many others. Povinelli summarizes: liberal theories of recognition “pivot on the question of whether and how a multitude of modern liberal nation-states should recognize the worth of their interior ethnic and indigenous cultural traditions” (2002: 38).

“high modernity”—“with its trust in progress and development... and its unshaken belief in some telos of history” (Huysen 2000: 36; see also Povinelli 1998 and Wilson 2001). As Blackburn writes: “[l]ooking back over the twentieth century the observer is faced with a shattering history of conflict, destruction, and genocide. This history does not affirm the teleology of progress and development so much as it seriously undermines it” (2007: 625). In this view, political ideologies of liberalism center around desires⁴⁰ for certainty, optimisms regarding the future, and redemption in relation to historical injustice and genocide.

Understandably, critical Indigenous scholarship has greatly contributed to critiques of liberal politics within settler colonial contexts. In a lecture delivered by Audra Simpson, hosted by the University of Victoria’s Indigenous Governance program, she refers to political recognition as itself “a technique of settler governance” whereby:

Settler desire and inquisitiveness becomes re- routed and displaced in liberal argumentation through the trick of ‘toleration,’ of ‘recognition.’ The performance, post-conquest, of seeing people the way they ought to be seen, the way they see themselves—an impossible and also tricky beneficence that actually may *extend* forms of settlement through the language and practices of nearly impossible but seemingly attainable democratic inclusion [Simpson 2013].

Simpson says that this inclusion or juridical form of recognition is performed, however, only if the problem of cultural difference and alterity does not impose too appalling a challenge to the norms of settler society.

Anthropologist Elizabeth Povinelli works out of an Australian context where, she says, “Indigenusness” became unhinged from its specific struggles and “resituated within a complex field of national and international civil and human rights standards of acceptable and unacceptable social and cultural difference” (2002: 24). She explains the fantasy of liberal capitalist society as: “convulsive competition purged of real conflict, social difference without social consequences” (2002: 16).⁴¹ Povinelli’s work is a nearly three-decade investigation into the operation of power in (late) liberalism. In the case of recognition, she seeks to understand “how a state and public leans on a multicultural imaginary to defer the problems that capital,

⁴⁰ Settler desire is an important area of critique in settler colonial theory. See for example, Mackey (2012, 2014), Morgensen (2011a, 2011b); Simpson (2013, 2016).

⁴¹ She refers to these as “the regulatory ideals of liberal life,” that is: “decreased harm through increased mutual understanding of social and cultural differences... a liberal aspiration for a world where conflict does not exist across epistemic and deontic communities” (2002: 12).

(post)colonialism, and human diasporas pose to national identity” in the last several decades (2002: 29). Specifically, she asks:

How do these state, public, and capital multicultural discourses, apparatuses, and imaginaries defuse struggles for liberation waged against the modern liberal state and recuperate these struggles as moments in which the future of the nation and its core institutions and values are ensured rather than shaken [2002: 29]?

Povinelli analyzes how these liberal aspirations act “as a social ethics and social technology for distributing the rights and goods, harms and failures, of liberal capital democracies” (2002: 7). She questions how they direct energy away “from other political and social forms and imaginaries; how they make certain violences appear accidental to a social system rather than generated by it; and, most importantly, how they attribute and distribute failures arising from a social system to conflicts *between* social systems” (2002: 7; emphasis mine).

Several scholars in the Canadian context have identified similar liberal aspirations vis-à-vis recognition of Indigenous peoples and Canada’s history and ongoing structure of colonialism. We will see in the next section, in particular, how “the *context* of Aboriginal rights and their meaning on the ground becomes less important than the settler project of embedding Indigeneity within an (especially temporal) alterity” (Simpson 2013). This project— that is, seeking to define Indigeneity/Aboriginality as ‘tradition/traditional’, different or Other—becomes a crucial aspect of settler colonial governance in Canada. As Simpson explains, when tradition becomes externalized, Indigenous groups become viewed not as a people with a government system and a philosophical order, but as a ‘culture’ or, as she says, “a minority within an ethno-cultural mosaic of differences that speak not of *sovereignty*, but of settler manageability” (2013). We can see this at play, for example, in the very Apology by the former Prime Minister: As Mackey has pointed out, his statement did not feature words such as ‘land’, ‘territory,’ or ‘treaty’; instead, his focus was on “the *loss of culture*” (2013: 53; emphasis mine).

Turning to the law in the next section—specifically Aboriginal rights and title law—we will see that the emphasis on *difference* as an area of knowledge formation has vast implications for Indigenous peoples, “enact[ing] certain possibilities for the people they purport to represent” (Simpson 2014: 104). I will follow the arguments of several clever legal scholars to demonstrate how ‘culture’ within a liberal multicultural and recognition framework, or culture-as-difference, can be made a ‘simple’ problem of accommodation, of fitting ‘perspectives’ into certain limited authorized spaces.

If we follow the lines of thinking forwarded by scholars like Coulthard and Simpson, we are called to “puzzle over a simple question,” as Povinelli puts it: “What is the nation recognizing, capital commodifying, and the court trying to save from the breach of history when difference is recognized?” (2002: 17). Not, however, the question of whether and how it *should*, but rather, a set of more fundamental questions:

What is the state and nation recognizing and finding worthy... What is it about the thing of “indigenous tradition” that produces sensations, desires, anxieties, and professional, personal, and national optimisms? ... How is this thing socially produced and politically practiced? Why must Aboriginal persons identify with it to gain access to public sympathy and state resources [Povinelli 2002: 38]?

To be clear, this line of critique is not about trying to cynically unmask (or to use Widdowson and Howard’s [2008] words, “disrobe”) Indigeness/Indigeneity as a myth or hoax. Rather, it is about considering what role it has in settler liberal governance of difference— how Indigeneity has come to be known, come to be defined—and how it bears upon systems of distribution and attribution of benefits and harms.

“Strategies of Difference”: Culture on Trial

While there seemed to be much possibility that the constitutional entrenchment of Aboriginal rights would lead to greater power and possibilities for Indigenous peoples, “Section 35(1) has seen much more activity as a judicial mechanism than it has as a revolutionary political device” (Monture-Angus 1999: 48). The 1990s in particular, saw a number of important precedent-setting cases for Aboriginal rights and title, in particular: *R. v. Van der Peet*, [1996] 2 S.C.R. 507 (hereafter “*Van der Peet*”); *R. v. Gladstone*, [1996] 2 S.C.R. 723; *R. v. N.T.C. Smokehouse Ltd.*, [1996] 2 S.C.R. 672; *R. v. Pamajewon*, [1996] 2 S.C.R. 821; *R. v. Adams*, [1996] 3 S.C.R. 101; *R. v. Côté*, [1996] 3 S.C.R. 139, and; *Delgamuukw v. British Columbia* [1997] 3 S.C.R. 1010 (hereafter “*Delgamuukw*”). Over the past decade or so in Canada, however, we have seen a shift, not only in political discourse, but also in law, toward a focus on reconciliation. This section will discuss the jurisprudence of reconciliation in Canada, briefly looking at a number of key developments in Aboriginal law in the 1990s, which set up the need for a notion of reconciliation to be articulated by the Supreme Court of Canada (SCC). I will then turn to the duty to consult

and accommodate Aboriginal peoples— which is rooted in the doctrine of reconciliation, and which was the impetus for the government of Alberta’s Consultation Policy.

We turn to Aboriginal law to see how Indigeneity and Indigenous peoples have come to be known in certain ways. Most importantly, we can look to this area of Indigenous /non-Indigenous relations to ask how liberal aspirations—such as those discussed by Simpson, Coulthard, and Povinelli in the last section—attribute their troubles “to conflicts between social systems” (Povinelli 2002: 7). Chickasaw legal scholar James (Sákéj) Youngblood Henderson explains that settler law of the past two centuries was “built on an unexamined foundation of colonization and its *strategy of difference*” (2002: 11; emphasis mine). “Enfolded in these legal decisions,” he writes, “are the normative visions that protect the colonizers’ prosperity, their system of rights, and their institutions of government and adjudication” (2002: 12). It is important to discuss the history of colonial strategies of difference⁴² in our analysis of settler colonial governance, since these were, and continue to be, at the centre of processes of knowledge production on Indigenous peoples in settler colonial contexts, and therefore fundamental to how we see reconciliation.

Looking at a cluster of Aboriginal rights and title cases occurring at the end of the twentieth century (such as those cited in the opening to this section), we can see how the sign “tradition” was figured into “a rights-bearing instrument” (Povinelli 2002: 51). Indeed, it seems that the judiciary had come to see its task in that period of Aboriginal rights litigation as “the protection of ‘Aboriginality,’” that is, “the various *essences* of diverse Aboriginal cultures expressed through their historic practices and customs” (Christie 2000: 7). Of course, “the concept of ‘culture’ is inherently cultural,” as Barsh and Henderson write, and these cases demonstrate that for the SCC, “‘culture’ has implicitly been taken to mean a fixed inventory of

⁴² Although Henderson does not explicitly define the concept, he identifies these strategies as foundational to colonization generally, and to anglocentric legal culture in particular. Colonial law, for Henderson relies upon the tradition of universality or generality, presenting itself as “all-encompassing and impartial,” based upon an ideal model of humanity and complete objectivity. The differences of Indigenous cultures that settlers perceive within the legal system, as we shall see when I turn to case law, below, is defined against the stability of a unified settler self, and, in turn, that Indigenous difference is reified through a system that settlers control (2002: 48). I’ve adopted “strategies of difference” as a way of giving name to something similar to what Povinelli has referred to, in various works/contexts (e.g. 2002, 2016) as the “anthropological imaginary,” or the disciplining and governing of Indigenous groups in settler colonialism through the imaginary of time, but I think Henderson’s concept goes farther.

traits or characteristics... something that could be observed, counted, measured and then compared” (1997: 1002).

This is particularly exemplified in the *Van der Peet* decision, in which the Supreme Court ruled that “in order to be an Aboriginal right, an activity must be an *element of tradition, custom or practice integral to the distinctive culture* of the Aboriginal group claiming the right” (*Van der Peet* 1996: para 46; emphasis mine). Legal scholars have criticized this test as situating Indigenous peoples and their practices—and therefore rights—with constant reference to the past. Reiter, for example, writes: “Since claimants must trace Aboriginal rights back either before the assertion of Crown sovereignty or before ‘contact’— that is, before ‘history’—the very conceptualization of these rights (and by extension of Aboriginal culture) is as vestigially pre-modern, and ‘Other’” (2010: 62- 63). Legal scholar Brian Slattery has pointed out that, in effect, the *Van der Peet* test “suggests that identifying Aboriginal rights is a largely descriptive matter—an exercise in historical ethnography” (2016: 102). Indigeneity or Aboriginality is in this sense treated by the courts as a cultural artifact, or a text to be translated, read, and interpreted.

It is easy to imagine how the Court’s consideration of Indigenous cultural difference could be used as a limit on the claims being made by Indigenous groups, since, in effect, the legitimacy of Indigenous peoples is determined by their ability to repeat (Povinelli 2016). That is, to *repeat* practices whose ‘authenticity’ is judged against its fidelity to past practices, in either or both appearance or substance. As Monture-Angus explains it: “If what is asserted as an Aboriginal right... appears too ‘mainstream’ then clearly it is not distinctive and not an Aboriginal right” (1999: 111),⁴³ since, in particular, the courts see irreconcilable uses of lands as ‘terminating’ the continuity of Indigenous peoples’ unique relationship with the land.⁴⁴

⁴³ We can plainly see this in *R v Pamajewon* (1996), where, although there was clear evidence that the Anishinaabe gambled prior to first contact, the Court distinguished this practice from *high stakes* gambling. The First Nations of Shawanaga and Eagle Lake made their claim as a right to self-government. By applying the *Van der Peet* test regarding ‘distinctive practices,’ the Supreme Court of Canada bypassed the issue of self-government. For the courts, no doubt the issue was that the practice of high stakes gambling was ‘too modern,’ or perhaps too commercial, which was not found to be an integral part of their distinctive cultures, despite their own First Nations laws having been passed, and referred to by the First Nations litigants.

⁴⁴ For instance, Lamer stated that “If Aboriginal Peoples wish to use their lands in a way that Aboriginal title does not permit, then they must surrender those lands and convert them into non-title lands to do so” (*Delgamuukw* 1997: para 131).

The folly of searching for “Indigenous customs and practices existing in remote historical periods,” (Slattery 2016: 128) rather than conceding the authority of Indigenous peoples themselves to articulate their own realities, is clear. The question, for the courts then became a “practical problem” (*Delgamuukw* 1997: para 3) of translating claims made by Indigenous peoples and communities. Reconciliation became the answer/justification for this work. Reconciliation was developed as a process of seeking to balance ‘the Aboriginal perspective’ and the ‘perspective’ of the common law’ (*Van der Peet* 1996: paras 49-50). The caveat, however, being that the former must be rendered “cognizable” to the Euro-Canadian legal system.⁴⁵

The Jurisprudence of Reconciliation

Reconciliation is not usually considered a legal concept, as it tends to invoke something beyond the rule of law, “in particular, ideas of repentance, forgiveness, healing, and harmony” (Walters 2008: 165). However, by the mid to late 1990s, the judiciary attempted to comprehend Aboriginal and Treaty rights as *instruments* of reconciliation (Macklem and Sanderson 2016: 5). To quote the former SCC Chief Justice Antonio Lamer in the important *Delgamuukw* decision:⁴⁶

⁴⁵ Precisely: “The definition of an aboriginal right must, if it is truly to reconcile the prior occupation of Canadian territory by aboriginal peoples with the assertion of Crown sovereignty over that territory, take into account the aboriginal perspective, yet do so in terms which are cognizable to the non-aboriginal legal system” (*Van der Peet* 1996: para 49).

⁴⁶ The *Delgamuukw* case—heard at the Supreme Court about a year following the *Van der Peet* trilogy, is a major case in the legal knowledge-production on Aboriginal rights and title. Former Chief Justice Lamer insisted that in cases involving Aboriginal rights, a special approach (one in which the common law rules of evidence are adapted) is justified, because Aboriginal rights are meant to be aimed at reconciliation. The Court acknowledged that Aboriginal rights litigation requires the courts to consider oral history, because oral history is “for many aboriginal nations... the only record of their past” (*Delgamuukw* 1997: para 84). Although much was made of this declaration by the Court that oral history was to be given as much legal weight as written history, as Monture-Angus explains, the victory had been in the fact that the rules of evidence had been ‘adapted’ to ‘accommodate’ Indigenous peoples—an approach which “sees the Indian, and not the methods of history or law, as the problem” (1999: 31). Instead of taking seriously Gitksan assertions regarding the nature of their title under their own laws, Lamer glossed all of this over as part of ‘the Aboriginal perspective.’ Indigenous systems of law, as much as they may be admitted to having existed at all, “are introduced in such a way that it would seem they are purely historical in nature” (Christie 2000: 12 at note 38). While the “sheer diversity” of Indigenous peoples means that there is no such thing as ‘the Aboriginal perspective,’ it is more important to understand, as Mohawk legal scholar Patricia Monture-Angus writes, “the idea of perspective diminishes and disappears the fact that each Aboriginal nation always had systems of knowledge and understanding, law and government... Perspective connotes something lesser and perhaps emotional. It is opinion based, [and] is an inappropriate label to apply to Aboriginal ways of understanding” (1999: 22).

I explained in *Van der Peet* that those rights are aimed at the reconciliation of the prior occupation of North America by distinctive aboriginal societies with the assertion of Crown sovereignty over Canadian territory. They attempt to achieve that reconciliation by ‘their bridging of aboriginal and non-aboriginal cultures’ (at para. 42). Accordingly, ‘a court must take into account the perspective of the aboriginal people claiming the right. . . . while at the same time taking into account the perspective of the common law’ such that ‘[t]rue reconciliation will, equally, place weight on each’(at paras. 49 and 50) [1997: para 81].

We can begin to see how the Court’s notion (which I have been calling “strategies”) of difference engender a *certain kind* of reconciliation, one which focuses on the *historical* relationship of the Crown with Indigenous peoples. This approach to reconciliation is a far cry from the one taken just a few years earlier in *Sparrow* [1990] 1 S.C.R. 1075, where reconciliation was meant to be a check on federal power in relation to federal duty (Vermette 2011).⁴⁷ In the span of less than ten years, as Métis legal scholar D’Arcy Vermette (2011) argues, the Court moves from reconciliation as a burden on government action, to one-way reconciliation demanding that Aboriginal claims be reconciled with the assertion of Crown sovereignty. Barsh and Henderson insist that this idea of reconciliation has been “pulled from thin air, in defiance of the main trends in contemporary Canadian constitutional thought” (1997: 999).

Although the courts adopt language and concepts “that appear enlightened on their face,” writes Vermette, they are in fact “limited to formalizing the process of colonization” (2011: 56). For instance, the court later provided an extensive list of activities that could justify legal government limitations or infringements of Aboriginal title (for the purpose of reconciliation), including seemingly everything, from the development of agriculture and mining to the protection of the environment, to the building of infrastructure and the settlement of foreign populations (*Delgamuukw* 1997: para 165). This does seem like “an odd approach to reconciliation” (Walters 2008: 182), but as Monture-Angus says, “[t]he courts frequently make sweeping statements that affirm Indian views, which are next abruptly diminished” (1999: 76). “This pattern of flowing Aboriginal rights language masks the colonial aspects,” which, she argues are “often one-liners” of most decisions (1999: 76).

⁴⁷ Specifically: “federal power must be reconciled with federal duty and the best way to achieve that reconciliation is to demand the justification of any government regulation that infringes upon or denies aboriginal rights” (*R. v. Sparrow* [1990] 1 SCR 1075).

Although the Supreme Court has opened the door to what could be called more ‘accommodationist’ approaches in its dealings with Indigenous peoples,⁴⁸ its interpretations of reconciliation are tempered by what is seen as the ‘fixed reality’ of Canadian sovereignty. A number of key court cases, cited above, demonstrate how certain logics and strategies of difference operate within Canadian law on Aboriginal rights and title, to engender an approach to reconciliation which threatens or works to preclude space for Indigenous notions of self-determination to flourish within the legal parameters of the state. In Aboriginal rights and title cases, the government sides have argued, in various ways,⁴⁹ that Aboriginal rights are circumscribed “by the mere existence of settlers” (Barsh and Henderson 1997: 999)—that centuries of colonial practice is a realistic and acceptable limit on Indigenous rights and political autonomies. For its part, the Supreme Court has made it clear that any recognition of Indigenous power must take place within the existing legal and constitutional framework, which gives precedence to Crown power. The former Chief Justice of the Supreme Court advised the government against proceeding to litigation where possible, since the Crown has “a *moral* if not a *legal duty* to enter into and conduct” negotiations. It would be through “negotiated settlements,” he said, “with good faith and give and take on all sides” that reconciliation would be achieved (*Delgamuukw* 1997: para. 186).

The Duty to Consult and Accommodate

The duty to consult and accommodate is an important “jurisprudential innovation,” representing, as Macklem and Sanderson say, “one of the most significant constitutional dimensions of the movement from recognition to Reconciliation” (2016: 9). In this section, I will briefly outline the origins and the content of the duty to consult Aboriginal groups, in Canadian law. I will then touch upon some of the critical literature on the duty, focusing in on two points. First, I will focus on how the duty to consult and accommodate represents a shift in legal knowledges that works to effectively though subtly redefine or “refurbish” Canadian sovereignty (Valverde

⁴⁸ From balancing “perspectives” (e.g. *Van der Peet*) and recognizing oral history (e.g. *Delgamuukw*), and in later years, to consultation and negotiation (the relevant cases here I will turn to next).

⁴⁹ For example, in the *Sparrow* case, the Crown argued that nearly a century of fishing regulations, which in some ways limited Musqueam fishing, was in-itself proof of extinguishment of the Musqueam’s Aboriginal right to fish.

2011). Second, I will touch upon some of the literature that considers how ‘Consultation’ as a discourse and procedure often *conceals* more than it reveals, specifically, regarding the balance of power of the parties involved in consultations. I will then turn to the approach to Aboriginal consultation and accommodation that the Government of Alberta has built into their regime of land and resource management for the province of Alberta.

The duty to consult and accommodate refers to an emergent Canadian constitutional obligation on the part of the government to consult with First Nations when exercising authority in ways that might interfere with an Aboriginal or Treaty right. The SCC first laid out the scope and content of the duty to consult in a trilogy of cases, decided in 2004 and 2005: *Haida Nation v. British Columbia (Minister of Forests)*, [2004] 3 SCR 511 (hereafter “*Haida*”); *Taku River Tlingit First Nation v. British Columbia (Project Assessment Director)*, [2004] 3 SCR 550 (hereafter “*Taku River*”), and; *Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage)*, [2005] 3 SCR 388 (hereafter “*Mikisew*”). This cascade of decisions, beginning with *Haida*, have been described positively (e.g. Newman 2009, 2014; Slattery 2005, 2016; Sossin 2010) as marking a “shift from a focus on static constitutional rights,” to “a dynamic proceduralism” (Sossin 2010: 101), and representing a new legal order, promising to open up new opportunities to protect both ‘proven’ and asserted rights (Slattery 2005).

The duty to consult “arises when the Crown has knowledge, real or constructive, of the potential existence of the Aboriginal right or title and contemplates conduct that might adversely affect it” (*Haida*: para 35). Consultation is conducted through a framework (structured by the courts) meant to facilitate negotiation— functioning “as a vehicle to allow Aboriginal peoples... a meaningful role in decisions that will affect their future”— thereby advancing the potential for reconciliation (Ritchie 2013: 403). Thus, although the duty is primarily concerned with the protection of Aboriginal rights, it is “really about governing the *relationship* between Aboriginal parties and the Crown (and to some extent, third parties)” (Ritchie 2013: 403).

Together, the doctrine of the ‘honour of the Crown,’ and the ‘goal of reconciliation,’ provide the “foundation” for the duty to consult, and accommodate (*Haida* 2004: para 35). In *Haida*, the former Chief Justice McLachlin held that “[t]he government’s duty to consult with Aboriginal peoples and accommodate their interests is grounded in the honour of the Crown. The honour of the Crown is always at stake in its dealings with Aboriginal peoples” (2004: para 16).

Like reconciliation, the duty to consult and accommodate “stems from the historic relationship” between European settlers and Indigenous peoples. As the former Chief Justice stated in *Haida*:

Put simply, Canada’s Aboriginal peoples were here when Europeans came, and were never conquered. Many bands reconciled their claims with the sovereignty of the Crown through negotiated treaties. Others, notably in British Columbia, have yet to do so. The potential rights embedded in these claims are protected by s. 35 of the *Constitution Act, 1982*. The honour of the Crown requires that these rights be determined, recognized and respected. This, in turn, requires the Crown, acting honourably, to participate in processes of negotiation. While this process continues, the honour of the Crown may require it to consult and, where indicated, accommodate Aboriginal interests [2004: para 25].

Thus, the duty to consult doctrine was “judicially manufactured to facilitate and address” the purpose of reconciliation, which, in general terms, “attempts to address historical wrongs suffered by Aboriginal peoples as a result of colonial imposition of sovereignty by developing a consensus for future action” (Ritchie 2013: 406). In order to be considered honourable, the state’s engagement in processes of consultation must demonstrate the Crown’s “intention of substantially addressing [Aboriginal] concerns” (Haida 2004: 41), and “good faith on both sides is required” at every stage (*Haida* 2004: para 41).

While the duty to consult is easily triggered, its scope varies— an approach that has been described by the SCC as a “spectrum” (*Haida* 2004: para 43). At one end of the spectrum, in “strong” cases, where the claim is well established and the potential infringement to rights and risk of damage is high, “deep consultation, aimed at finding a satisfactory interim solution, may be required” (*Haida* 2004: para 44). At the other end of the spectrum, “where the claim to title is weak, the Aboriginal right limited, or the potential for infringement minor... the only duty on the Crown may be to give notice, disclose information, and discuss any issues raised in response to the notice” (*Haida* 2004: para 43). In *Haida*, the Court cited legal scholars Isaac and Knox (2003), who write: “[C]onsultation’ in its least technical definition is talking together for mutual understanding” (2003: 61). Thus, the “meaningfulness” required of the consultation process, really depends upon where along the spectrum the duty lies.

Meaningful consultation must allow for the possibility for real “change [to] government plan or policy” (*Taku River* 2004: para 25). Referencing *Mikisew* (2005: para 67), Ariss, Fraser and Somani write: “[i]n order to be meaningful, consultation and accommodation must begin *before* the Crown makes decisions or allows impacting activities on the land to occur” (2017:

10). Thus, “responsiveness” is a key requirement of both consultation and accommodation (*Taku River* 2004: para 25). It is important to bear in mind, however, that accommodation is not always the outcome of consultations. The Crown’s obligation is “to ‘*demonstrably*’ accommodate the exercise of Aboriginal rights where those rights are impacted by a proposed activity” (Ariss, Fraser and Somani 2017: 10; emphasis mine). Moreover, “the commitment,” declared the Court in *Haida*, “is to a meaningful *process* of consultation” not to reach agreement (2004: para 42; emphasis mine). While prevented from “sharp dealing”, “[m]ere hard bargaining” on the part of the Crown, “will not offend an Aboriginal people’s right to be consulted” (*Haida* 2004: para 42).

On the face of it, “the duty to consult appears to be a positive legal development outlining an optimistic vision for the future of Crown-Aboriginal relations” (Ritchie 2013: 398); it allows for the protection of (even ‘unproven’) Aboriginal rights and interests, within “a procedural framework that encourages dialogue and meaningful negotiation” (Ritchie 2013: 399). However, as the body of thought in this area continues to develop in complex political contexts, the duty to consult and accommodate has generated significant critique.

Scholars have outlined the purpose, level, and scope of the duty (Newman 2009, 2014), discussed its procedural and substantive aspects (Sossin 2010; Isaac and Knox 2003; Potes 2006), promoted its possibility for developing a “a new constitutional paradigm” and “generative” role to Section 35 (Slattery 2016, 2005). Others have analyzed the relationships between consultation and different understandings of reconciliation, Aboriginal rights, Indigenous land relations and sovereignty (e.g. Walters 2008; Ladner 2009; Christie 2005, 2006). The duty to consult and accommodate is seen by some as a way to move along the path of reconciliation between Crown and Aboriginal peoples (Walters 2008), and as a way to respect the constitutional status of Aboriginal rights (Henderson 2009). Conversely, it is also seen as a process that facilitates Crown-supported resource exploitation and land development, diminishing Indigenous rights and access to the land (Christie 2005, Ritchie 2013). Others are concerned that there is a tendency, as the duty is taken up in various jurisdictions, for procedural aspects of consultation to be emphasized rather than what are meant to be and often touted as its substantive goals: reconciliation⁵⁰ (Ariss, Fraser and Somani 2017).

⁵⁰ To be clear, this is the goal in a strictly legal, constitutional sense, but may slip into lip service as it is invoked in the context of consultation undertaken by various jurisdictions and the corporate sector. This is what Ariss, Fraser and Somani (2017) argue, though they take for granted that reconciliation is truly the substantive purpose of consultation.

Although legal knowledge in the area of Aboriginal law used to center around the question of admissibility and weight of Indigenous knowledges presented in non-European formats (such as oral history in *Delgamuukw*), cases which feature and develop the duty to consult and accommodate are concerned with rather different questions. Mariana Valverde argues that in recent years, duty to consult and accommodate cases demonstrate that the courts have resorted “to medieval knowledges of ‘the Crown’ to lay the basis for a jurisprudence in which the Crown's inherent *goodness*—rather than any rights claims—becomes the source of aboriginal legal gains” (2011: 956; emphasis mine). Valverde says that in doing this, the courts engage in an exercise she calls “refurbishing the Crown for a multicultural age” (2011: 956): “these cases present, without any fanfare or any footnotes, certain truths about the powerful if elusive entity that is ‘the Crown’...do[ing] the work that might otherwise have been done through rights claims” (2011: 957). Valverde argues that litigation in Aboriginal rights and title has become an arena not only “for renegotiating the status of the knowledges that [A]boriginal nations have of themselves but also, and less visibly, a venue in which the very essence of sovereignty in Canada is being quietly redefined” (2011: 956).

By critiquing the “internal logics” of the concept of the honour of the Crown, Valverde makes an important distinction between legal knowledges in the Aboriginal rights and title cases of the 1990s (how the Supreme Court developed and deployed what I referred to above as ‘strategies of difference’), and those in the duty to consult cases of the 2000s. She points out that, what the duty to consult jurisprudence tells us about ‘the Crown’, “is not a story made up of any facts, or even of law, in the black-letter sense: it is rather a wholly magical invocation of the Crown's inherent virtues” (2011: 957). Here, she invokes John Burrows (1999), who has argued that the key legal-political effect of cases on Aboriginal rights is in performing an “alchemy” consisting of “conjuring sovereignty.” Valverde extends this by considering Crown claims to virtues and virtuous sovereignty as magical. She argues that the legal knowledges surrounding the ‘honour of the Crown,’ and by extension, cases on the duty to consult, “produce ‘grace’ more than justice” (2011: 957).

Critics have also pointed to the significant power imbalances within the framework of the duty to consult (in particular Ritchie 2013). This is exemplified in several of the duty’s procedural aspects: there is no veto power for Aboriginal groups, there is no/limited obligation to garner consent, there is no obligation to reach an agreement, and the duty does not preclude hard

bargaining on the part of the Crown. This, along with the warning from the SCC that Aboriginal claimants are not to “frustrate” the Crown’s reasonable good faith attempts” nor “take unreasonable positions to thwart government” when agreement is not reached (*Haida* 2004: para 42). Furthermore, an Aboriginal group may not remain silent during consultation in the hope of complaining about unaddressed concerns at a later stage of the proceedings (*Haida* 2004: para 36). This all means that, “more often than not, it will be First Nations who are obligated to make the most significant compromises” (Ritchie 2013: 401).⁵¹

For Ritchie, the most concerning risk with consultation, is what she refers to as its “cumulative effects” that is, “the risk that over time, Aboriginal participation in consultation and accommodation processes will lead to the erosion of the Aboriginal and treaty rights” (2013: 400). She insists that more consultations will lead to increased development, thereby reducing the land base, and resulting “in a reduced ability for First Nations to exercise their traditional rights and practices that are *tied to their land*” (2013: 401). She argues that, over time, Indigenous groups will be consulted and accommodated “out of their rights” (2013: 401). As Ariss, Fraser and Somani warn, “[a] failure to directly connect protection of aboriginal rights with the duty to consult and accommodate disrespects the constitutional standing of Aboriginal rights” (2017: 52). Thus, consultation policies which make “minimal or no reference to accommodation or to Aboriginal rights, or an overemphasis on frameworks of ‘balance’ and ‘interests’... prevent relationship-building” (2017: 52).

Promislaw believes that it is the responsibility of local government, in this case provincial, “to ensure that the duty is addressed through land use planning regimes that give an effective voice to Aboriginal parties in land and resource management” (2013: 64, 73). Rather than proactively integrating Indigenous groups at the earliest stages of planning and decision-making, however, many jurisdictions have acted reactively. Through a comparative analysis of provincial policies and guidelines on Aboriginal consultation, Ariss, Fraser and Somani (2017) question the extent to which each approach supports the work of reconciliation,⁵² analyzing three

⁵¹ Ritchie identifies three areas in particular “that pose a threat to the realization of both meaningful consultation and the ultimate goal of reconciliation; these areas are delegation, capacity (resourcing consultation), and cumulative effects of consultation” (2013: 399).

⁵² Ariss, Fraser and Somani define reconciliation as “building new nation-to-nation relationships of mutual benefit and respect between Aboriginal peoples and the Crown” (2017: 7)—an understanding rooted in the work and language of the Canadian TRC.

general areas of provincial policy guidelines: delegation, timelines, and financial support. They conclude: “most Crown policies on the duty to consult and accommodate are limited in their abilities to fundamentally change the framework of Aboriginal-Crown relations” (2017: 7).

Much more could be said about the duty to consult as a “[dimension] of the movement from recognition to Reconciliation” (Macklem and Sanderson 2016: 9) in Canadian law. A major area of concern in the critiques, briefly summarized above, seem to center on an apparent distinction between proceduralism/process and justice/reconciliation. One could ask: how, in localized contexts, are these things (potentially) in conflict with one another?; and, specifically, how does the Government of Alberta’s approach to consultation stack up against the major areas of concern just outlined?

Government of Alberta’s Policy and Guidelines

The Government of Alberta currently has five main documents on Aboriginal consultation. *The Government of Alberta’s Policy on Consultation with First Nations on Land and Natural Resource Management, 2013* (the “Policy” or “Consultation Policy”) came into force on July 28, 2014, with the release of *The Government of Alberta’s Guidelines on Consultation with First Nations on Land and Natural Resource Management, July 28, 2014*,⁵³ (the “Guidelines”) which outlines the procedures, such as a sector-specific consultation matrices and consultation timelines, and roles of various stakeholders. Alberta also introduced a specific Policy and Guidelines for consultation with Métis settlements: *The Government of Alberta’s Policy on Consultation with Metis Settlements on Land and Natural Resource Management, 2015* and *The Government of Alberta’s Guidelines on Consultation with Metis Settlements on Land and Natural Resource Management, 2015*. The Policy and Guidelines for consultation with Métis Settlements is modelled closely on the Policy and Guidelines for Consultation with First

⁵³ The previous Policy and Guidelines: *The Government of Alberta’s First Nations Consultation Policy on Land Management and Resource Management, 2005*, and the *First Nations Consultation Guidelines on Land Management and Resource Development* (2007).

Nations.⁵⁴ There is also a guide for proponents, released first in 2015,⁵⁵ and updated in 2016: *The Government of Alberta's Proponent Guide to First Nations and Metis Settlements Consultation Procedures* ("Proponent Guide"), June 6 2016.

Alberta's Policy focuses on project proponents,⁵⁶ providing oversight of the consultation process through the Aboriginal Consultation Office (ACO). The stated purpose of the ACO is to "provide consultation management services... in a way that is efficient, coordinated and consistent."⁵⁷ The ACO's role is to assess the level of consultation, to direct proponents on how to engage in consultation, to monitor the process, and to extend administrative and procedural assistance to both First Nations and proponents. Proponents are responsible for notifying and providing information to First Nations and/or Métis Settlements, for engaging with First Nations and/or Métis Settlements, for addressing concerns, for creating a consultation record to the First Nation for review, and for submitting the consultation record to the ACO. ACO staff advise throughout the process, and review the consultation record to determine whether consultation was adequate.

While time and space do not permit me to look at the Government of Alberta's Consultation Policies and Guidelines in detail, I do wish to highlight some key concepts and principles. The following come from the First Nations Consultation Policy:

- Alberta's management and development of provincial Crown lands and natural resources is subject to its legal duty to consult First Nations and, where appropriate, accommodate⁵⁸ their interests when Crown decisions may adversely impact their continued exercise of constitutionally protected Treaty rights [and traditional uses].⁵⁹

⁵⁴ For more discussion of the differences between the Metis Settlements Policy and the First Nations Policy, see Munro, Sheehan, Williams and Bray, "Alberta's Metis Consultation Policy," April 4, 2016, Bennett Jones.

⁵⁵ *Government of Alberta's Proponent Guide to First Nations Consultation Procedures for Land Dispositions*, February 3, 2015.

⁵⁶ The Policy defines a "proponent" as an "entity or person who is either applying for or seeking a Crown decision related to land and natural resource management" (2013: 6). These include industry, municipal governments, or any other organization requiring Crown approval for a project (2013: 8).

⁵⁷ Government of Alberta, Indigenous Relations, "The Aboriginal Consultation Office and Its Role."

⁵⁸ The Policy states: "the primary goal of accommodation will be to avoid, minimize, or mitigate adverse impacts of a Crown decision on Treaty rights or traditional uses" (2013: 2). It is suggested, though subtly, in this statement, that the beginning point is the *decision*, with accommodation merely seeking to (where appropriate) "avoid, minimize or mitigate" the impacts of that decision.

⁵⁹ The Policy discusses "traditional uses" in the following manner: "Alberta recognizes that First Nations may engage in customs or practices on the land that are not existing section 35 Treaty rights but are

- Alberta will seek to reconcile First Nations’ constitutionally protected rights with other societal interests [2013: 1].

Matters subject to the Policy include:

- Provincial regulations, policies, and plans that may adversely impact First Nations Treaty rights and traditional uses; and
- Decisions on projects relating to oil and gas, forestry, and other forms of natural resource development⁶⁰ that may adversely impact First Nations Treaty rights and traditional uses [2013: 3].

Matters not subject to the Policy include:

- Leasing and licensing of rights to Crown minerals;
- Accessing private lands to which First Nations do not have a right of access for exercising their Treaty rights and traditional uses;
- Crown decisions on policy matters that are unrelated to land and natural resource management; and
- Emergency situations that may impact public safety and security.

The Policy also lays out a number of “guiding principles,” many of which have been carefully selected from the SCC’s *Mikisew* decision (2013: 3-4). The first principle references reconciliation:

- Alberta will consult with honour, respect, and good faith, with a view to reconciling First Nations’ Treaty rights and traditional uses within its mandate to manage provincial Crown lands and resources for the benefit of all Albertans [2013: 3].

Although the government of Alberta consults directly with Aboriginal groups in certain cases (such as when Alberta is itself the proponent of a project, or undertakes what it calls “strategic initiatives”), its Consultation Office generally delegates “procedural aspects of consultation” to industry proponents (2013: 5-6). When the ACO’s preliminary assessment indicates that the scope of consultation is “limited”—a determination made through its operational matrices⁶¹—and will later assess the adequacy of consultation undertaken by the proponent (2013: 5-6).

Given the focus of the SCC on the procedural aspects of consultation, one might imagine that policies adopted at a provincial level would look similar to one another. However, the

nonetheless important to First Nations.” Examples of these include “burial grounds, gathering sites, and historical or ceremonial locations and do not refer to proprietary interests in the land” (2013: 1).

⁶⁰ In the Policy, “decisions relating to land and natural resource management” refers to provincial Crown decisions that directly involve the management of land, water, air, forestry, or fish and wildlife” (2013:1).

⁶¹ The matrices are meant to identify “triggers, project scope, and depth of consultation” (2013: 10).

approaches taken by the various provincial jurisdictions differ in a number of ways. Alberta's Policy has been criticized mainly for its heavy delegation of consultation activities to third party proponents. Potes, Passelac-Ross and Bankes have described Alberta's 2005 Policy (which the 2013 Policy builds off) "as representing 'stakeholder management' rather than a commitment to protect the Aboriginal and Treaty rights" in Alberta (2006: 34 in Reddekopp 2013⁶²). This could be problematic, as Reddekopp points out, if it "lead[s] to the conclusion that the rights of First Nations are on par with other stakeholders" (2013: 53). Moreover, Ariss, Fraser and Somani observe that "Alberta's approach—particularly in its "attachment of prescriptive timeframes to the various levels of consultation"—seems "to value 'certainty' and 'efficiency' in project management... favour[ing] a checklist approach to consultation rather than a substantive and collaborative" one (2017: 43).

At the center of warnings against delegation of consultation activities (to third parties such as corporations), is the concern that such delegation could "result in the deterioration of the nation-to-nation relationship between the Crown and Aboriginal peoples, which the duty to consult was meant to repair" (Ritchie 2013: 400). This is not merely symbolic, but has dire implications according to Ritchie, as "it can result in a reduction in the potential scope of consultation and accommodations that can be made with whomever may be charged with fulfilling that duty" (2013: 400). On the one hand, the up- side of consultation undertaken by project proponents (in the cases where this is industry) is that they may be able to "offer certain accommodations that government cannot, such as employment and training opportunities" (Ritchie 2013: 400). Moreover, they are closer to the project and have greater knowledge of its details, including its impacts to the local communities (Ritchie 2013: 414). On the other hand, industry proponents, as corporations, are limited in their ability to follow-up on larger issues that may be raised by Indigenous groups (Ritchie 2013: 414), and their accountability to the public is rather different to (at least in theory) that of government.

Lastly, delegation means that notices for projects are delivered (to First Nations) and dealt with in relative isolation, from a regulatory perspective. Without conducting an extensive

⁶² Reddekopp draws off of this source, but I have been unable to locate it independently (Potes, Veronica, Monique Passelac-Ross, & Nigel Bankes 2006. *Oil and Gas Development and the Crown's Duty to Consult: A Critical Analysis of Alberta's Consultation Policy and Practice*. Calgary: The Institute for Sustainable Energy, Environment and Economy).

survey of all projects in a given area, the government of Alberta, or other regulator or third-party (such as a watch-dog organization) does not have a complete picture of the cumulative *environmental* impacts of development in a certain locale. In the course of discussing a particular project with a specific company, a First Nation might raise concerns about caribou migration patterns, or air quality, for example, that would require a large-picture view of development in a whole area—not just a project’s site-specific ‘footprint.’ In the way the process is currently managed, however, these kinds of cumulative impact concerns would be deemed ‘out of scope.’⁶³

Since the *Haida* decision, government and tribunal decisions on major resource development projects have been challenged by Indigenous groups at every stage of the regulatory process (Killoran, Kolenick and Gelbman 2014: 208). When the Government of Alberta first released its Consultation Policy in 2005, it was immediately rejected by First Nations, and continues to be opposed by almost all First Nations in the province.⁶⁴

Indigenous groups have pushed for Alberta’s consultation process to provide more support for site visits or ‘ground-truthing,’⁶⁵ and to require the collection of traditional ecological knowledge and land use studies.⁶⁶ Many have also advocated for the government’s Policy to include consideration of the cumulative impacts of a project— impacts that include

⁶³ The GoA has a plan for a system, called the Integrated Resource Management System (IRMS), that is intended to oversee environmental impacts in this way, but the system has yet to be initiated (Government of Alberta, Environment and Parks. 2018. “Partnerships and Planning Linkages” October 15, 2018).

⁶⁴ I know this from my work in Consultation, but there are public accounts of this as well. See for example Calgary Chamber, “The Consultation Conundrum” (2014).

⁶⁵ “Site visits” or “ground-truthing” refers to when the footprint of a proposed project is inspected for concerns relevant to a First Nation by either: the proponent, the First Nation, or both. This is usually an important part of consultation as it actually occurs, but is not currently a requirement. Many First Nations have argued that proponents should be required to conduct, and fund, site visits. A problem is that site visits would affect consultation timelines, as they require more direct involvement by relevant parties, and also because in some cases they cannot be carried out in certain weather or seasonal conditions, such as under snow cover.

⁶⁶ This work generally refers to Indigenous groups recording and mapping aspects of their history and culture, and is often referred to as traditional land use studies (TLUS), traditional knowledge and land use studies (TKLUS), traditional land use and occupancy studies (TLUOS), and traditional use study (TUS) (see GoA, Aboriginal Affairs and Northern Development, “Best Practices Hand Book for Traditional Use Study,” 2003). Larger companies involved in natural resource development often fund or have entire branches of their corporation to undertake these studies, often referred to by practitioners as ‘Traditional Ecological Knowledge’ (TEK), or the *industry* of TEK.. The Ministry of Indigenous Relations is in the process of developing a policy on Traditional Ecological Knowledge, that would help them apply TEK to land management systems (Government of Alberta, Indigenous Relations, Traditional Ecological Knowledge Policy).

environmental damage that may continue, or not be apparent until, long after a project has ceased its operations. First Nations have identified cumulative effects as a high-level issue that cannot be addressed through isolated, project-level consultation. Some First Nations even argue that cumulative effects should *determine* the level of consultation required, arguing that the duty to consult needs to be based on impacts, considered more broadly, rather than on the physical location or ‘footprint’ of a project.

Moreover, the physical boundaries relied upon for determining the relevant Indigenous groups needing to be consulted often present issues, as they involve defining traditional lands. What constitutes traditional lands, along with traditional ‘uses,’ is often understood differently by government authorities than by Indigenous communities. The implications of this in terms of considering cumulative impacts to the environment, is that it can restrict consideration of inter- or trans- ‘boundary’ effects.

Despite the broad opposition by First Nations in Alberta to the province’s Consultation Policy, as Reddekopp points out, we have actually seen an “unprecedented expansion of resource extraction in Alberta on First Nations’ lands since the Policy was implemented” (2013: 55). Reddekopp is right to wonder what “this spectacular practical success of Alberta’s consultation” can be attributed to (2013: 55). Obviously, I cannot at present even begin to tackle the complexities involved in answering this question,⁶⁷ though, I hope that this research will contribute to conversations taking place in certain circles—ones that have been asking hard questions of the liberal ideals-turned-legal-doctrine-turned-government-and-corporate-policy: the liberal ideals of consultation, recognition, and reconciliation. My contribution comes from the opportunity I have had to talk about these matters with people intimately familiar with these topics— not to offer an authoritative account or representation of them, but to stake my ground (consider my own stakes), and leverage my own position, in order to probe these complex concepts and practices.

⁶⁷ Research on this question would involve working directly with Indigenous communities, and Métis and First Nations consultation coordinators themselves, to better understand their aspirations, and challenges (what it is like, for example, to be required to respond to hundreds of notices from proponents in the span of a year). I think it is important to emphasize that Indigenous peoples have engaged in a diversity of tactics in their struggles for self-determination, responding in complex ways to the pressures within this particularly “cramped space of maneuver” (Povinelli 2016: 26).

In Chapter 5, I will present a number of observations and analyses that directly relate to many of the critiques of Aboriginal Consultation in the province of Alberta. In particular, as you will see, those I interviewed talked about the state's reactive and avoidant attitude toward Indigenous issues, about the issue with scope (that is, what is deemed as an "out of scope concern") and proceduralism in consultation, but also, about the ways in which they struggle to make sense of or justify the ways in which harms and benefits are distributed in the current system.

Chapter Conclusion

As Audra Simpson (2013) put it in her lecture for Indigenous Governance at the University of Victoria, the 'Indian Problem' is the *continued* existence of Indigenous life in the face of a territorial desire for acquisition. The existence of Indigenous peoples troubles the capitalist settler- colonial state's totalizing push for sovereignty and exploitable resources, including land and labour. She says that in the case of Indigeneity in North America, this has become an applied question— traceable through time: "initially it was 'what do we do with their souls?', 'what do we do with their bodies?', 'what do we do with their culture?', and now 'what do we do with their difference...which is upon the land that I want and that I need?'" (Simpson 2013).

In Canada, the critique of reconciliation often comes from legal scholars, and from critical engagements with Aboriginal rights and title law, which consider the development of a Canadian jurisprudence of reconciliation. Here, as we have seen, reconciliation refers to the extent to which Canada's history can be rendered consistent with its present/future. More precisely, it is about the ability of the state to reconcile an unjust past (not to mention, according to many, illegitimate foundations), with a vision or fantasy of an exceptionally just Canada.

We must also remember, that although Aboriginal rights have been given constitutional status by being recognized and affirmed in Canada, these rights were not granted by the state or the judiciary as part of a story of ever- more- inclusive and tolerant liberal humanitarianism, nor do Indigenous groups use these constructs uncritically. As Webber points out:

Canadian institutions' claims of entitlement, and their power in Fact to decide matters however they want, has been more constrained than a simple invocation of sovereignty would suggest. The evolution of Indigenous rights over the last sixty years has been driven not by Canadian institutions but by Indigenous

peoples' insistence that the relationship be reconceived in a manner that accords substantial respect to their normative traditions. Canadian institutions have been in reactive mode, searching for a way to respond that escapes the charge of colonial domination by establishing terms that are mutually acceptable or that at least have some claim to be just [2016: 68].

While the Canadian judiciary could have extended constitutional reconciliation by recognizing the existence, authority/sovereignty/jurisdiction of a plurality of constitutional orders in Canada, they have instead placed Indigenous legal and political sovereignties in a subordinate relationship to Crown sovereignty. It has done so by effectively creating legal doctrine that stations Indigeneity and Aboriginal rights firmly in the past, helping to inscribe reconciliation with a thoroughly *historical* character. Moreover, by placing an emphasis on accommodation through settlements and negotiations, rather than constitutional justice, the courts have off-loaded the responsibility for reconciliation to governments which have historically shirked their duties to Indigenous peoples.

We must consider the “impossible demand placed” upon both Indigenous *as well as* non-Indigenous subjects “within the discursive and performative regime of settler multiculturalism” (Povinelli 2002: 32-33). The “anthropological imaginary” (Povinelli 2002) permeates the law, and determines the ways in which actors engage in strategies of difference, both to protect, and to limit difference. As the discourse of reconciliation is deployed *both* in political, as well as legal discourse, it is linked with the recognition of Aboriginal rights and difference within a liberal framework that ultimately seeks to limit that recognition in manageable ways, by invoking ‘difference’ without *necessarily* evoking commitment to de-colonial action, Indigenous self-determination, or redistributive justice.⁶⁸

⁶⁸ This is inspired by Ahmed’s (2006) discussion of Deem and Ozga’s critique of the word “diversity,” which they say “invokes difference but does not necessarily evoke commitment to action or redistributive justice” (1997: 33).

Chapter 4: Methodology

Ethnographic research features a constant interplay between the substantive and the formal, or the topical and generic forms of theory (Hammersley and Atkinson 2007). In the first part of the last chapter, I began to explore how we might extend discourse/discourse analysis' application into the ethnographic investigation of what could be called "settler discourse," and how to construct an object of research that (for political, practical and ethical reasons) focuses neither on the individual nor on structure, but on the community of practice.

As settler colonial theory shows, "the settler colonial project is a *social* project" (Macoun and Strakosch 2013: 432; emphasis added). A communities of practice approach, I argue, has theoretical, practical, as well as ethical advantages. Its theoretical advantages, more vigorously discussed in the last chapter, revolve around its apparent compromise between structural versus individual, and established versus constitutive views of discursive power and subject formation. Its practical advantage, is that its emphasis on social learning *within a community of practitioners* means that analysis can be conducted not only on 'texts' (whether they be spoken words, published documents, recorded interviews) but also on the practices, shared repertoires, common experiences, and joint enterprises that constitute such a community. Discussing these latter 'practical' advantages, will be the focus of this chapter. The ethical advantages of a communities of practice approach is a matter I will pick up in the concluding chapter.

First, I will give an account of the community of practice that served as the unit of analysis for this research, contextualizing this community of practice in terms of a number of key structural features. Second, I will describe my research procedures, and data collection methods, phases and tools of analysis.

Characterizing the Community of Practice

In its broader sense, the community of practice I identified is a group I termed "Indigenous Relations Specialists." I cast the community this wide because I wanted to emphasize that there are shared aspects of being a member of this community, or within this 'industry,' regardless of whether one is employed by the Government of Alberta (GoA), the government of Nunavut,

industry, or even a First Nation. In fact, many workers in this field move quite easily between similar positions in different ministries, bodies, organizations or provinces.

However, within this broader industry of specialists, I specifically wanted to involve GoA employees in the Ministry of Indigenous Relations, who work in the field of Aboriginal Consultation on land and natural resource management. I refer to these as my “colleagues,” and sometimes as Indigenous Relations Specialists (IRS) and when discussing research procedures, sometimes as “participants” or “interviewees.”

Within this particular community, the offices dealing with Aboriginal Consultation matters are divided into the Aboriginal Consultation Office (ACO), and Stewardship & Policy Integration (SPI). As described in more detail near the end of the last chapter, the ACO oversees consultation through the management and enforcement of the Guidelines and operational procedures (including determining consultation levels, directing proponents on procedural aspects of consultation, receiving records of consultation, and making adequacy decisions). The mandate of SPI, on the other hand, is to participate in strategic consultation initiatives with cross-ministry partners, and to undertake periodic policy reviews (this would include, for example, engagement activities with First Nations and Métis Settlements and other Indigenous and industry “stakeholder” groups).

The ACO is organized (that is, its employees are assigned roles and responsibilities) corresponding to geographic regions within the province. A separate Director oversees each Region (e.g. North East), which is separated into Sub-Regions (e.g. Lower Athabasca South), managed by a Region Lead, who oversees the work of a number of Consultation Advisors and Approvals Specialists. Workers designated a geographic region therefore work repeatedly with the same First Nations and Métis Settlements (e.g. Fort McKay, Fort McMurray, Athabasca Chipewyan First Nation) regarding the same issues and/or projects. SPI is divided into Stewardship, and Policy Integration. Stewardship is comprised of three teams: Engagement and Relationships, Analysis and Issues Management, and Strategic Engagement. Each of these three teams is designated a Manager, who oversees the work of several staff in Advisor, Analyst and Coordinator positions. Policy Integration is also comprised of three teams: Strategic Initiatives, Consultation Policy and Program Evaluation, and Consultation, Capacity, Training and Outreach. These teams are similarly structured, with a Manager who oversees the work of several staff in Advisor, Analyst, Coordinator, Specialist and Officer positions.

As mentioned briefly in the literature review, Wenger identifies the key structural features of communities of practice as ‘mutual engagement’, ‘joint enterprise’ and ‘shared repertoire’ (Wenger 1998). While it would be impossible to completely outline how these apply to this particular community of practice without conducting a study on these particular organizing categories, I can speak to them from experience, from conversations with colleagues, and from research conducted using external sources over several years.

Mutual engagement is “what initially motivates people to gather, with a shared concern or interest,” and is therefore what establishes the community of practice and is “the feature...that sustains it, ensuring that members keep participating” (Merceica 2017: 10). Many of the participants or members in this community came to it because of their professional or education experience, which I would generally divide into three areas: environmental sciences,⁶⁹ business management/policy studies,⁷⁰ or other Indigenous relations.⁷¹ Due to this difference in background, interest, and experience, one could assume that the shared concern is Aboriginal consultation itself— an interest on at least one face of the multifaceted field of interest.

Because of the difference in background, one can imagine the difference in perspective that must exist from one end of the ACO to the other end of SPI. However, I consider their agency⁷² here as an important element to justifying them as being part of a collective. While they *could* take up positions in other Ministries (perhaps working on a less embroiled portfolio), with another organization (such as an industry corporation which would pay more, or a First Nation which might align better with some individuals’ values), the fact that they *remain*, means that they are engaged in *this* community, even if they retain different motivations.

⁶⁹ The ACO in particular is made up of individuals with environmental science backgrounds, perhaps owing to the fact that this consultation office was transferred out of the Ministry of Environment; its ‘old guard’ therefore includes those whose experience directly pertained to environmental regulations enforcement, land use planning, or similar roles.

⁷⁰ I would say that these are the government professionals: those who may have a special focus, but generally could work in any Ministry as a policy analyst or similar position.

⁷¹ These refer to people with a specific background in Indigenous organizations, often educated in Native Studies or related fields. In many cases, these individuals have worked either directly for a First Nation or for an ‘Indigenous Relations’ arm of a corporation or other group. There are fewer of this kind of individual than one might expect, however, in the Ministry of Indigenous Relations in Alberta.

⁷² And here I do not mean agency as some pure individual will, but as a socio-culturally meditated capacity to act. Thus, their positionality—privilege being part of that—comes to bear on this view of their membership to this particular community.

Joint enterprise is “essentially about relationships and the particular measures” and resources that “need to be set in place to ensure that this is fostered” (Merceica 2017: 10). As Wenger maintains, “[w]hatever it takes to make mutual engagement possible is an essential component of any practice’ (1998: 74)”; thus

[t]he investment of time in attending regular gatherings, and of self that comes from a genuine sharing of experiences and successes and failures... inevitably leads to a [Community of Practice] developing a particular, individual practice and collective identity. Participants develop a shared repertoire of resources: experiences, stories, tools, ways of addressing recurring problems—in short a shared practice [Wenger 2012: 2].

The most obvious set of resources that facilitate this community of practice are those that employ and support them: salaries and wages, time, infrastructure such as offices, parking, fleet vehicles, sick days and so on. Other kinds of resources are those that are meant to equip members with specific knowledge or skills, such as training and workshops. The activities that especially contribute to the creation of a “collective identity” amongst members, and the development of “a shared repertoire of resources,” include those such as the Gathering that I described in the introduction to this paper. These kinds of larger meetings are buttressed by more frequent, smaller scale ones, to discuss specific issues, or to tackle shared problems or disseminate new information amongst members, who may not otherwise see one another regularly.

While mutual engagement has drawn participants together, and joint enterprise has sustained their fellowship and learning, it is the shared repertoire “that crystallizes these experiences and shared knowledge” (Merceica 2017: 11). An important element of this is (what Wenger [1998] refers to as “reification”), is the community’s output—what it shares with the wider community, and so refers to:

the creation and distribution of stories of individual and community successes to capture best practices, opportunities for sponsored projects or encouraging the publication of articles about the community...output from a community of practice embodies its history and its perspectives on the world and begins to give it a profile in the wider... community [Merceica 2017: 11-12].

The documents making up the GoA’s Consultation Policies, Guidelines, and operating procedures are the most important pieces of the “shared repertoire” of this community of practice, as they constitute its ‘front-facing’ output. These documents are distributed and are the

focus of numerous stakeholder presentations and public engagements undertaken by members/employees, and are also housed and updated on the Indigenous Relations webpages.

Moreover, the GoA is a large network of overlapping enterprises and communities of practice, amongst which are various internal documents that speak to such “stories of individual and community successes” and attempt to capture “best practices.” From these documents, through informal conversations with colleagues, mentorship with senior staff, and from more formal training sessions (often put on by GoA lawyers, for example), members become familiar with, and even to an extent inculcated within, this shared repertoire. This is where one begins to identify with the ‘we’ of the organization, with the GoA or even with the Policy itself; one begins to celebrate its successes and regret its failures. However, this identification—as a strategic positioning—is certainly very flexible and changeable, as members might critique an element of policy or practice in one context and defend it in another.

Wenger says that engagement within social contexts “involves a dual process of meaning making,” between participation and what he calls “reification,” which literally means “making into an object” (2012: 1). Meaningful learning requires an interplay between these (participation and reification), where participants directly engage “in activities, conversations, reflections, and other forms of personal participation,” and also, engage in the production of “artifacts—words, tools, concepts, methods, stories, documents, links to resources, and other forms of reification—that reflect our shared experience and around which we organize our participation” (Wenger 2012: 1). Wenger stresses the emergent and fluid nature of this meaning- making. As he writes:

Artifacts without participation do not carry their own meaning; and participation without artifacts is fleeting, unanchored, and uncoordinated. But participation and reification are not locked into each other. At each moment of engagement in the world, we bring them together anew to negotiate and renegotiate the meaning of our experience. The process is dynamic and active. It is alive [2012: 1-2].

I find it fortuitous that Wenger would refer to the production of artifacts within a community of practice as a process of “making an object,” since that is how I have referred to the process whereby I have worked to “construct an object of research” (i.e. settler discourse). I suppose that there are parallel processes of meaning- making where subjects are actively engaged in negotiating and renegotiating the meaning of our experience in multiple, overlapping communities of practice.

As I write this, the ACO and SPI organize and reorganize, produce new artifacts, and coordinate new forms of practice and participation in response to events occurring not only *within* the community itself, but also (perhaps especially) to those events occurring ‘outside/alongside’ of its organization. For example, developments in the law, federal and provincial legislation, political messaging and posturing, and public and media attention can all lead to a change in practice and especially to changes in ‘repertoire’ amongst members.

I wanted to conduct interviews mindful of the context of shifting political landscapes, some of which were outlined in the introduction to this paper, and others will be highlighted in the conversations to follow (i.e. the selections of my interviews with Indigenous Relations Specialists). The extent to which Indigenous-settler relations are *substantially* shifting is a question; but there is no question that participants are actively negotiating and renegotiating the meaning of their experiences, and doing so in light of and by reference to, several important ‘events’ (or, structures that are now seen as and/or *made into* events) in Canada.

Research Procedures

My knowledge of the Consultation offices and of the GoA helped me to identify potential participants from the Stewardship & Policy Integration Branch as well as the Aboriginal Consultation Office. This helped, in particular, in recruitment processes, since I had a knowledge of how to gain access, in appropriate ways, to these potential participants. This also aided in the process of cultivating and developing rapport with participants, some of whom either knew me personally from previous professional working relationships, or knew of me, and felt more comfortable (presumably) sharing with me as a result of our shared repertoire, investments, and some common ground of knowledge. The fact that I am currently a colleague (within another ministry of the GoA) also placed me in a further position of trust. Those who knew my mother, and were aware of my relationship to her, may have also trusted me more as a result.

I garnered permission to approach potential participants by contacting the Director of Aboriginal Consultation Operations and the Director of Stewardship & Policy Integration by email. I explained my research, and requested their help in providing an up-to-date email list and organizational chart for their respective Branches, and to recommend me to any of their staff whom they thought would be particularly helpful or interested in participating. The Directors

both responded positively, and forwarded my introduction email and recruitment material (see appendix 1 and appendix 2) to their staff, encouraging anyone interested to participate. I made arrangements with six participants, to meet individually⁷³ (face-to-face save one individual who preferred to be interviewed over the phone, for convenience).

In-person interviews were conducted at an outdoor café, on a one-on-one basis (between the researcher and the interviewee). One interview was conducted per participant, and each interview lasted an average of approximately one hour and fifteen minutes. They were recorded with a small digital audio recorder, and the total combined recorded interview time amounted to 403 minutes, or over 6 hours, along with hand-written notes done at the time of the interview(s).

The interviews were semi-structured. I had an interview schedule prepared (see appendix 3), a sample of questions from which had been provided as part of the information package/ recruitment brochure (appendix 2). On the one hand, some structure was beneficial, so that same or similar questions were asked of the different participants, and on the other hand, the flexibility afforded by less structure meant that I could be adaptive, following conversations to productive/fruitful places, particularly important where participants' knowledge and interest differed, as their specialized area of work often did. Semi-structured interviewing also encouraged a more relaxed and friendly atmosphere, where I could focus on generative conversation rather than survey-style box-checking. On the other hand, Semi-structured interviewing also afforded me opportunities to push back on responses, questioning in a respectful manner, in order to explore some lines of thinking in a more reflexive way, probing in order to ensure that I was understanding their meaning.

The creation and maintenance of a positive interview atmosphere requires engaging in and cultivating emotional intelligence. This intelligence in interviewing depends upon the researcher developing an understanding of “the cultural ecology of interviews” (Duranti 1997: 103), which includes understanding “the extent to which the interview format fits into local practices of obtaining information or the nature of topics to be discussed” (Duranti 1997: 103). Luckily, the interview format was not at all alien to my interviewees, who are formally educated, and would have obtained their positions through extensive interview processes, and are therefore more accustomed to both formal and informal interview activities. On the other hand, the

⁷³ It was important for me to approach potential participants individually, to keep participation confidential (no public postings, and not approaching groups of people).

interview may be associated with evaluation, which is something I was mindful of during the interviews.

In keeping with the ethical concern for the interpretations and participation of respondents in the research process: interviews included sets of questions and sub-questions which described, in simple terms, some of the current academic work on topics related to reconciliation. This was done in order to encourage a more reciprocal and reflective exchange, rather than a relation structured by the researcher as privileged interpreter and critic, at the expense and respondents' own understandings and opportunities to be engaged in reflexive discussion and co-constitution of knowledge.

The kinds of questions I asked revolved around the topics of reconciliation (what it means), the terms 'settler' and 'settler-colonialism', change and transition in Canada's history and society, and Alberta's approach to Aboriginal Consultation. The strategies I employed for framing questions (see appendix 3)—though this changed somewhat in every case to fit into the flow of the conversation, and to reference earlier parts—included meta-linguistic reflections and more interpretive questions. For example, I asked about the definition of "reconciliation," what my colleagues thought of the terms "settler" and "colonialism," and their interpretation of the concepts of "honour of the Crown" and "meaningful consultation." I also framed questions so that participants might consider the historical and social significance of certain ideas and events. For example, I asked whether the concept of reconciliation is appropriate for the *Canadian* context, and whether they believed we are undergoing a period of transition (also asking how the relationships between Indigenous and non-Indigenous people have changed or not changed).

The transcription process was lengthy, occurring over several months and involving several checks—particularly challenging when interviews featured technical terminology, including acronyms and other kinds of specialized 'shop-talk.' For the first round of transcribing the digital audio conversation into text (word documents), I enlisted the help of a trusted friend.

My colleagues' names were replaced with pseudonyms when interviews were first transcribed. Out of the six participants, one was a man, the other five were women. Two of the participants were Indigenous, the others four were white (primarily by my identification). One was aged in their late twenties, the other five were aged in a range from approximately forty to sixty years. Professionally, the participants ranged from lower level salaried permanent employee (usually titled as "Advisor") to Management-level salaried employees. Two worked in

the ACO (operational side of consultations), the others worked in various areas of Stewardship & Policy Integration (Policy Integration, and Stewardship were both represented).

My insider knowledge (limited as it was by my junior status and relatively short time in the Ministry) helped me to delineate the social and professional boundaries of this section of the Ministry of Indigenous Relations, providing me with context for the conversations we would have. I found that the interviews were deep and textured—our conversations able to reference and reflect on government policies, practices, and cultures, within the complex social and economic contexts in which they are situated/articulated. My general knowledge of my colleagues' personal backgrounds and to some extent, a shared social and economic class,⁷⁴ perhaps brought me closer to understanding their statements on their own terms.⁷⁵

In writing my analyses, I tried to avoid as much as possible making generalizations (e.g. 'this is what Indigenous Relations Specialists think about x...', or 'this directly shows that settler-colonialism is like x...'). I also avoided using psychologizing words (e.g. 'so and so "believes" x' or "'feels" this way about x'), though not as a rule. Furthermore, I tried to be consistent in using past tense while writing about my conversations with participants. This is because I wanted to situate their words within the specific context of our encounter.⁷⁶

As I listened to the recordings and processed through editing/confirming the transcriptions, I was engaging in the early stages of analysis. My primary concern in this first phase of analysis was how social and political practices—in this case those practices signaled by or differentiated from "reconciliation"—become established as legitimate or de-legitimate. I asked: What are those social practices? Are they said to be new or not? Are they presented as transgressive, non-transgressive, or something else?

⁷⁴ That is, we have similar educational backgrounds, and being government professionals means that we share similar benefits. However, we of course were positioned differently—in larger society and amongst each other—in terms of race and gender, and in seniority. These things all matter very much, but were not *explicit* organizing concepts for my analysis. They were not erased, but rather, *considered* in the ways in which I dealt with them in my analysis.

⁷⁵ This was a much more justifiable assumption, of course, when I shared more with the participants—being closer in age, gender—but also, in ways that are more difficult to capture into categories, and could be described as similar political investments.

⁷⁶ Of course, this is not entirely possible, since much of the interpretation is being done by myself months later. I did, however, try to put in as many checks as I could to move away from a position of being an all-seeing analyzer of texts and interpreter of peoples' true meanings and intentions. I recognize that I am partial and limited and also that meaning-making is an ongoing process, not necessarily a hermeneutic, truth-finding mission for obscured or hidden meanings.

At this point, I selected a number of excerpts from five of the interview transcripts, in order to make the more linguistically- oriented part of the analysis more manageable for this project. It was in this second phase of analysis that I applied some of the CDA tools/categories of analysis, employed by Fairclough, and van Leeuwen, as outlined below.

In the final stage of analysis, I focused on the patterns (similarities and also dissimilarities) between what I identified in those three linguistic features. I then considered these patterns in light of the critiques of settler liberalism's politics of recognition and the more recent critiques of reconciliation—which I outlined in the literature review, and which have framed some of my thinking on the current political landscape. This helped me to shape the form of my written analysis.

To say that it was difficult to decide how to present the analysis in this paper would be an understatement. Not least of my concerns, included the difficulty in finding a way to present parts of the interview with sufficient contextualized reference to the whole conversation at that particular time and place. Although I decided to quote longer swathes of the interviews (what I call 'excerpts'), so that the reader might see some of the 'moves' in a larger conversational arch, the reader does not get a full picture of the entire arc of the interview. What was *not* included came down to choice, due to the practical limitations of space and scope for this project. However, in many cases, sections were omitted in order to protect the confidentiality of my colleagues.

Furthermore, it should be noted that transcription is itself part of analysis; it should not be thought that a transcription is data *as such*. Below, is a simple key to understanding some of the symbols that were used in transcribing interviews from audio recordings.

Table 1. Transcription Key

...	A pause of no significant length.
[...]	Indicates sections omitted from transcript.
[text]	Square brackets denote entry requiring comment/clarification, or replacement (as in the case of needing to remove names and other identifiers).
//	Double oblique denotes interruption and/or start and end of overlapping speech.
(laughter) (chuckling)	Indicates laughter.
(inaudible)	Unclear section.
<i>text</i>	Italics denotes emphasis in speech.
XYZ	Letters denote removal of identifier.

Tools of Analysis

As mentioned briefly above, my tools of analysis come from the CDA approaches of Norman Fairclough and, to a lesser extent, Theo van Leeuwen (2007), and much of my way of thinking about interpretive repertoires and multi-referential argumentation, from Wetherell and Potter (1992). The linguistic features I chose to consider when looking at the interviews with an eye to understanding ideological accounts, are: presupposition/assumption, classification (categorization), and legitimization (legitimation).

Both Fairclough and Bakhtin discuss how “[w]hat is ‘said’ in a text is ‘said’ against a background of what is ‘unsaid’, but taken as a given” (Fairclough 2003: 40). It is understandable that implicitness would be “a pervasive property of texts”—since all forms of community and solidarity depend upon certain levels of shared meanings (Fairclough 2003: 55), and this is what is known as ‘presupposition’ or ‘assumption.’ Although no form of social interaction is conceivable without it, as Fairclough argues, “the capacity to exercise social power, domination and hegemony includes the capacity to shape to some significant degree the nature and content of this ‘common ground,’ which makes implicitness and assumptions an important issue with respect to ideology” (2003: 55).

Fairclough distinguishes between existential, propositional, and value assumptions (2003: 55-8). Existential and propositional assumptions can be triggered by factive verbs, for example: “I realized”, “forgot”, “remembered that...” (Fairclough 2003: 56). Value assumptions are pervasive in text and talk; although they may include explicit evaluation, most is assumed (Fairclough 2003: 58). For example, if X is a *threat* to Y, there is an assumption that ‘X’ is undesirable and ‘Y’ is desirable. Value systems, existential and propositional assumptions can be regarded as discourse-specific (specific to, say, ‘the discourse of meritocracy’). In this perspective, a *particular discourse* will “include assumptions about what there is, what is the case, what is possible, what is necessary, what will be the case, and so forth” (Fairclough 2003: 58).

It is easy to see how assumed meanings are ideologically significant. As Fairclough writes, “one can argue that relations of power are best served by meanings which are widely taken as given” (2003: 58). However, the distinctions between, on the one hand, statement of fact and evaluations, on the other, are not always clear-cut. Statements of fact are often “pervasively evaluative, but implicitly so” (Fairclough 2003: 111). But “in the territory of assumed values,” writes Fairclough, one need only ask why certain ‘facts’ are chosen, rather than the many others, “to see that the facts are selected for the values they convey, within the particular value system that is implicit” (2003: 111).

Classification (sometimes called ‘categorization’), is also a fundamental feature of language and discourse, as “people in all social practices are continuously dividing and combining—producing (also reproducing) and subverting divisions and differences” (Fairclough 2003: 100). The key features of classification therefore involve the ‘logic of difference’ and the ‘logic of equivalence’ (see Laclou and Mouffe 1985), that is, the creation and proliferation of difference and equivalence between objects (Fairclough 2003: 101).⁷⁷

Fairclough argues that classification has crucial effects, shaping, perhaps in large part, how people comprehend and act in the world as social agents. For instance, “whether political processes and relations are predominantly represented, understood and acted upon in terms of a

⁷⁷ With respect to semantic relations between clauses and sentences, difference involves contrastive relations, (which may be marked by conjunctions “but”, “instead of” and sentence adverbials and connectors like “however” and “therefore”), while equivalence “involves additive and elaborative relations, for example making entities equivalent by including them in lists” (Fairclough 2003: 103), or drawing parallels over both short or longer stretches of text.

division between ‘left’ and ‘right’, or how diverse economic and social phenomena and changes” are figured as instances or aspects of larger ideologies and concepts such as ‘development’, ‘globalization’ (2003: 88), or, even ‘reconciliation.’ This process of meaning-making utilizes, first and foremost, a technique whereby various (in this case desirable) phenomena and (positive) expressions are made into hyponyms of a greater system or ideology (Fairclough 2003: 101). Classification is thus an important element in political processes. However, as Fairclough says, “[t]he effectivity of such hegemonic meaning-making is not guaranteed,” but rather, “takes place within a struggle over meaning, and depends for instance on how pervasively these meaning relations are repeated in various types of texts, and how successfully alternatives are excluded” (2003: 101).

Max Weber famously wrote: “[e]very system of authority attempts to establish and to cultivate the belief in its legitimacy” (1964: 325). Legitimizing discourse is an important area of analysis, as it provides the ‘explanations’ and justifications of the salient elements of institutional traditions (Berger and Luckman 1966). As Fairclough writes: “People are constantly concerned in social life, and in what they say and write, with claiming or questioning the legitimacy of actions which are taken, procedures which exist in organizations, and so forth” (2003: 88). While one of the most easy-to-spot categories of legitimization is authorization, which carries an appeal to authority (this could be in the form of personal authority, such as expert authority, as well as impersonal authority, such as the law, tradition/custom, or conformity), moral evaluations are perhaps the most important linguistic feature used by critical discourse analysts. They are made by reference to value systems, often hinted at by means of evaluative adjectives such as “healthy,” “normal,” “natural,” “useful,” and so on.

Van Leeuwen argues: “comparisons in discourse almost always have a legitimatory or deligitimatory function” (2007: 99). Though some moral evaluations are often made explicit, van Leeuwen demonstrates that in some cases the comparison is implicit, as in analogy, wherein “[a]n activity that belongs to one social practice is described by a term which, literally, refers to an activity belonging to another social practice, and the positive or negative values which, in the given socio-cultural context, are attached to that other activity” (2003: 99). The use of abstraction, and analogy, are two ways of expressing moral evaluations. In abstraction, certain practices are referred to “in abstract ways that ‘moralize’ them by distilling from them a quality that links them to discourses of moral values” (van Leeuwen 2007: 99).

Social processes are sometimes presented as noun-like entities called “nominalizations”—another form of legitimization through veiled moral evaluation. Nominalizations, or process nouns, are nouns with the verb-like quality of representing processes and relations and so forth into one high-level phenomenon (e.g. ‘modernization’). However, “[w]hen processes are nominalized or worded as process nouns, their own subjects, objects and so forth tend to be excluded” (Fairclough 2003: 132). In other words, actions in themselves are given priority over actors (e.g. ‘modernization’, ‘globalization,’ ‘progress’ or ‘cohesion’). Not only does this conceal context, but also power relations and therefore works to “reduce our sense of what is truly involved in a transaction” (Hitchings 2013). In this way, an idea or process such as ‘modernization’ might do the work of suggesting it is something mechanical or natural, and unproblematic.

Moral evaluations are “the tip of a submerged iceberg”, to quote van Leeuwen; “[t]hey trigger a moral reasoning, but are detached from the system of interpretation from which they derive, at least on a conscious level” (2007: 97-8). That is, the value system upon which the reasoning is based is usually implicit: deep-rooted and culturally- specific. He contends, therefore, that it is not possible to find an explicit, linguistically based method for identifying moral evaluations: “Only the social and cultural historian can explain the moral status of these expressions, by tracing them back to the moral discourses that underlie them,” and that allow us to treat them as commonsense values (2007: 97-8).

Before I proceed into the analyses, however, I must reiterate that ideology is not a homogenous and blinding hegemonic force, rather, meanings are actively and continually negotiated. This approach to the study of language and power should see social determination not as cause and effect, “but the setting of limits and the exerting of pressures on patterns of ideas” (Wetherell and Potter 1992: 26). Part of the question is “whose story will be accepted and become part of the general currency of explanation” (Wetherell and Potter 1992: 28). This question is perhaps most important “in the flux of changing vocabularies and shifting social practices” (Shotwell 2014: 171).

I also want to recognize the contributions of those colleagues whom I interviewed for this project. In particular, I want to express gratitude for the emotional and intellectual labour undertaken in the process of discussing some very difficult topics with me. I want to sincerely thank them all for sharing their thoughts, perspectives, and time, and for trusting that I would

carefully reflect upon their words and our shared experience. I do not take that relationship of trust lightly or for granted, and I have endeavored to approach these interactions in ways that are both caring as well as serious. I had hoped to generate, from these shared experiences and co-constituted knowledge practices, new ways of looking at the questions with which I began conceiving of this research. I believe that this was achieved, and that, furthermore, this is only the beginning of what I hope to be an ongoing effort to thinking through/with Settler and Indigenous relations in the so-called 'era of reconciliation.'

Chapter 5: Analysis

Political Legitimization: The Ability of the State to Overcome its History; the Tendency for it Not to

Indigenous peoples have advocated for reconciliation and rights recognition through various mechanisms for a long time. However, the language of reconciliation linked with politically legitimating narratives of progress is, according to anthropologist Carole Blackburn (2007), largely a non-Indigenous phenomenon.⁷⁸ Blackburn considers how Canadian reconciliation emphasizes modernist themes and a modern temporality which involving “the progressive movement away from the past into an improved future built upon enlightenment values” (2007: 622). She makes an important argument:

Reconciliation talk links political legitimacy with the state’s ability to recognize and overcome its colonial history, but leaves the exclusionary tendency at the heart of modernity’s universalizing pretensions unrecognized. In this respect it produces closure where closure is unwarranted [2007: 622].

Although I think it would be simplistic to claim that problematic forms of recognition completely foreclose reconciliation (as transformation or justice), I think we must also consider the possibility, as Blackburn warns, that “the process of reconciling [Aboriginal rights] with the presence of Canadian society does not wholly repudiate the colonial insistence that aboriginal people give up their difference and political autonomy” (2007: 622). In other words, the process of reconciliation does not necessarily run counter to the colonial genocidal project of assimilation. We should consider how the state or state actors can present itself/themselves as

⁷⁸ Blackburn builds upon “scholarly work that theorizes reconciliation as a form of political legitimation and a condition of late modernity” (and here she cites Huyssen 2000; Povinelli 1998; Wilson 2001), to contrast social reconciliation (which she sees as a form of state legitimization) with legal reconciliation. She uses the example of the Nisga’a Treaty to show how these two types are actually melded. By looking at the way the Nisga’a Treaty was often presented in political discourse as an instance of reconciliation, she questions the possibilities of reconciliation in Canada in relation to this case of modern treaty-making. She found that “While most people who worked on the treaty did not usually frame it as a form of reconciliation, by the late 1990s politicians and treaty-negotiators increasingly used reconciliation to characterize the treaty and its effects” (2007: 622). The Nisga’a Treaty was referred to, by government and Nisga’a spokespersons, as a ‘step toward reconciliation’ (Blackburn 2007: 622). However, Blackburn noted that Indigenous people were much “less willing to engage reconciliation language that emphasized closure and moral congratulation” (2007: 627).

reconciling, and even take positive steps in “renewing” relationships with Indigenous peoples, while at the same time limiting Aboriginal rights in other areas. As Blackburn points out, even when non-Indigenous people are sympathetic to Indigenous claims, “they often recoil when it comes down to the redistribution of entitlements that came from the colonization of aboriginal peoples to begin with” (2007: 633). If reconciliation (as real transformation or justice) signals a legitimacy crisis for settler liberal states, we must consider in what ways and to what extent the discourse does the work of appearing to *resolve* that crisis.

This theme—the state’s ability to recognize, to act, to overcome—was a central feature of my conversations with Indigenous Relations Specialists. However, it was juxtaposed against its tendency *not* to. In my interview with one Indigenous Relations Specialist colleague I am calling “Nancy,” she referred to the TRC and reconciliation more generally as the government’s “pacification” of Indigenous peoples. I asked if (in the context of discussing the TRC) she thought there was a tension between the need for healing, and the need to hold people and institutions accountable. She said:

Nancy: What I personally, I think the government is doing its best to not hold itself accountable, has done very little to implement um the kind of change that would help um, to improve the state of relationships between Indigenous people and the state...um but I think it’s a very, you know I work for government so I think it’s very deliberate on the part of government to um minimize their role in what occurred because they don’t want to be sued or um held further accountable for the for the mistakes of the past.

Tiffany: Mhmm.

Nancy: And that’s just how government operates. They’re, if they, if there’s a risk of something or perceived risk, they will do their best to try to avoid um that risk or try to minimize the risk and prevent further litigation.

... I absolutely think that it is a now a responsibility and the federal government should make it a requirement with all their uh cross-jurisdictional agreements or their federal/provincial agreements, that um each each provincial jurisdiction has to demonstrate to the federal government how they’re reconciling with Indigenous groups and within their own government and I believe that the federal government should adopt a a cross-ministry and ah cross-jurisdiction ah requirement to also demonstrate how they are reconciling within their own ministries the relationship with indigenous people under the areas they’re accountable and responsible for, and I think

that needs to be monitored and audited by the Auditor General and for that matter the Auditor General should also have the power and authority to audit the proposed reconciliation um ideas within other jurisdictions, um that have funding agreements with the federal government I think that that might really pound home the idea that um ah this reconciliation with First Nations people is not just a federal responsibility it's also a provincial responsibility and that should be carried out by both jurisdictions.

... I mean, even some of the, even northern governments where the majority of the population // mm, yeah// are Aboriginal um I I think, and I think it's just natural because I think government wants to have authority and jurisdiction and they're not going to relinquish it any time soon, especially to a First Nation or to any one First Nation or groups of First Nations who, even today, most federal bureaucrats feel they [i.e. First Nations] lack capacity and don't have the awareness and understanding long-term, about the decisions that ah the government thinks that um is within the government's purview to make decisions on.

So basically they [i.e. federal government and bureaucrats] continue without their understanding of First Nations' history, culture, governance structure ah and all of that. There will likely continue to be marginalization even with the um even with the the government saying that we're working directly on things I think the government is doing that, um you know, they're they're taking baby steps at that they're not ready to move forward but I guess if they have a target potentially they can work towards it over the next two or three or four generations.

Tiffany: Mhmm.

Nancy: But at least they have a target.

[...] And it all boils down to, whether you're federal government or provincial or territorial, you are always working to minimize potential legal risk for your for your province or whoever it is you're working for. So that's the that's the only motivation there. The less you're involved, the less potential you have to be brought in and judicially reviewed or held responsible so. So it's like plausible deniability. So 'let's try to stay as far away from the train wreck as possible' and so hopefully we won't be pointed out as having had any involvement.

Tiffany: Limited liability management.

Nancy: Exactly.

The primary presupposition in this excerpt is the authority of the state (government institutions, particularly provincial jurisdictions) to address the problems, contrasted against its natural

tendency not to. In Nancy's account, the state was the actor with the most agency, and authority to act, yet this power and energy is being *actively* channelled into the effort to not be accountable. She offered a truism about government power, saying: "it's just natural" since "government wants to have authority and jurisdiction and they're not going to relinquish it any time soon." Nancy was making a statement about the more 'fixed' quality of government power and authority, leading to a continuation of the structural/systemic problem of Indigenous peoples' "marginalization."

She repeatedly emphasized the passive, limited liability management approach that all levels of government take on Indigenous issues. For example, she said:

- "I think the government is doing its best not to hold itself accountable"
- "I think it's very deliberate on the part of government to minimize their role in what occurred"
- "they don't want to be sued or um held further accountable for the mistakes of the past"
- "that's just how government operates... if there's a... perceived risk, they will do their best to try to avoid... that risk or minimize that risk"
- "they're taking baby steps... I guess if they have a target potentially they can work towards it over the next two or three or four generations...at least they have a target."

This avoidant approach on the part of government, within the system of values, existential and propositional assumptions indicated by Nancy, could be seen as specific to the discourse of (risk) management. For her, state power seemed to operate in a closed loop, a complete system that should be checked and balanced—in a word: *managed* better—against what she said was its "natural" aspiration to retain authority and jurisdiction.

This painted the background for the way she presented reconciliation. In Nancy's account, reconciliation (loosely defined here as change toward improving the state of the relationship between Indigenous peoples and the state), is spoken of in terms of something to be implemented, measured and enforced. The approach within the discourse of management (you could say 'management approach') that she prescribed and presented as positive, was evident when she discussed prescribed enforcement measures and actions:

- "the federal government should make it a requirement"

- “cross-jurisdictional agreements”
- “each provincial jurisdiction has to demonstrate to the federal government”
- “the federal government should adopt a cross-ministry and cross-jurisdiction requirement to also demonstrate”
- “under the areas they’re accountable and responsible for”
- “needs to be monitored and audited by the Auditor General”
- “should be carried out by both jurisdictions”

These presuppositions were supported by the rhetorical strategy of legitimization through authorization, when she referred to the authority of different state institutions of oversight and enforcement such as the Auditor General, who “should have the power and authority to audit proposed reconciliation ideas within other jurisdictions.”

You could say that Nancy’s idea of reconciliation—while its substantive meaning is kept vague, and signalled by reference to ‘improved relationships’—is presented as prescriptive (what should exist), rather than descriptive (what does exist) or predictive (what is imagined). In my mind, this begs the question: how can something be monitored, enforced, implemented when it has not been defined? Maybe this is the purpose of enforcement: to demonstrate how they have been improving the relationship, suggesting that the meaning and substance of reconciliation is emergent.

Nancy used personal psychological statements like “I personally think”, “I would think”, “that’s just my opinion” and “I believe,” so she was sourcing this talk as her personal perspective, but one informed by her position in government (tapping into expert authority legitimization). Though she used that personal experience to authorize her account, she also distanced herself from this government entity through her pronominal choices. For example, she said “I work for government so I think it’s very deliberate on the part of government to minimize *their* role in what occurred because *they* don’t want to be sued or um held further accountable”).

I want to turn now to part of a conversation with a colleague I am calling “Tess,” who advocated the need for looking outside the box, for the answers to the troubled relationship between Indigenous and non-Indigenous people:

Tess: ...we have to decolonize ourselves too //mhmm// right?...you know, and ah... and and try to look at the problem... like the whole...mindset that got us into this mess, it’s not gonna get us out of it, you have to have a different mindset and you have to look at the *problem* in a different way...right, so...and people need to like stretch their minds to

say: ‘oh, this isn’t what I thought it was about.’ And that’s why I said ‘to me, you know, reconciliation would be a common understanding of what is the issue we’re even talking about here?’

Tiffany: Mhmm.

Tess: right, it’s not government coming with their checklist: ‘we need to fill in this’... no you need to help us, you know, you need to work with us to understand the problem in a different way //mhm// so, and in consultation... the Crown has a duty to consult. Doesn’t the Crown have a... duty to manage resources... in a way that respects these peoples’ cultural traditions, Treaty rights and their current use of the land which... people don’t... really

Tiffany: Yeah good point, like the way that the language is set up is already.. uhm... us [versus] them kind of... //exactly//...adversarial.

Tess: And I don’t see anything happening in the government... you know, despite peoples best—best efforts and their working hard and their trying to do this the government needs to... think about—we need to change the way we make decisions...

Tiffany: Mhmm.

Tess: Right?—and ask like, you know... ‘oh yes we’ve consulted with Indigenous people, check!’ but have we looked at the way we manage resources from their perspective?...

Tiffany: Right

Tess: Right?—which is not breaking everything down into its component parts, it’s actually putting it back together and looking at it in a holistic way... right?—which is, as you know the government: ‘this is my mandate this is not my department, not my department’—so it’s nobody’s department... right?

Tiffany: (laughing) That’s the way bureaucracy works, right? //yeah//... passing the buck off... [...]

Tess: Yeah, so and, you know, and and and and legal will say ‘whoa don’t do anything—never do anything’ right, they don’t want you to do anything, right, because you’re putting us at risk of something else so then you can’t move. So so it is hard but I suggest you know that there—one of the solutions is you just try to look at it in a different way.

In Tess’ account, the state is again (as with Nancy, above) presented as having power, but it is a power (perhaps more accurately, a privilege/burden) of self-reflexivity: the onus to “look at the problem in a different way,” because “the mindset that got us into this mess...it’s not gonna get us out of it.” Like Nancy, she also emphasized inaction and risk aversion on the part of government:

- “I don’t see anything happening in government... despite peoples’...best efforts and they’re working hard”

- “legal will say ‘whoa don’t do anything—never do anything’ ... because you’re putting us at risk of something else so then you can’t move”

The key point that Tess made in this part of our conversation, was a distinction in the government’s approach to consultation:

- “‘The Crown has a duty to consult.’ Doesn’t the Crown have a duty to manage resources in a way that respects peoples’ cultural traditions, Treaty rights and their current use of the land?”

Here, she questioned the *placement* of Crown responsibility in regards to land and resource management. Does the Crown have a duty to consult, or does it have a duty to manage resources respectfully?

This is an interesting distinction, because it compares a world in which there is a government responsive to the actual needs of people, rather than responsive to the needs of a bureaucratic process, or perhaps more core, the need to be risk averse. If consultation must occur because the government is *not* managing resources in a respectful way, then to Tess, this is the thing that “decolonization” (to use her word) is about. This account calls into question the state’s power to be responsible *to people*, rather than to *a process*.

The logical extension, is that the ‘problem’ is largely epistemological. If we are to imagine a future where the government is *already* doing the right thing in respect to land and natural resource management, such that they don’t necessarily need to consult, then getting from ‘here’ to ‘there’ would require knowledge of what that respectful approach is, and to give value and validation to it. I will come back to this later.

The next excerpt, from an interview with a colleague I am calling Yvette, comes out of a part of our conversation where I had asked whether she felt that there was a tension between what she had earlier indicated as her personal responsibilities in reconciliation, and her role working for government and being constricted by bureaucracy and policy lines. She said:

Yvette: Um, yah, I do feel that tension. At this current moment today, I’m very tired. I’m burnt out [...] I made a lot of personal changes to get into this area, and I don’t regret any of them, but yah, so just know I’m coming from a place of fatigue a little bit today but, yah, I have been feeling that tension a little bit more and more [...] the government has these conditions, right: implementing the TRC recommendations, and y’ know, the principles of the United Dec [i.e. UNDRIP], but not FPIC [i.e. “free prior and informed consent”]— you know: “reconciliation with Indigenous peoples”—like, I’ve

worked in marketing before; these all become sexy terms, right? And it's like, 'what the hell does that mean?' you know?

What is...so long as the Indian Act is still around where Indigenous people were completely disempowered and harmed by it, what can you really reconcile? Like if someone came along, that didn't live in my home and took away my power //mhmh// and I suffered as a result, what is ever gonna reconcile that relationship? Give it back. Make it right. Of course, I can't have it, right? So I think reconciliation in my mind today, right now, feels like a beautiful idea, but I don't think any politician will ever have the wherewithal, who is ever gonna touch the Indian Act? Who's ever going to go near that? But that's what needs to happen.

[...] but the government is running out of time and you've got a government that's really layered itself in bureaucracy as well, and a lot of things are a federal responsibility, right?

Yvette's talk about reconciliation and the role it played in her work, focused very much on issues of communicative efficacy and structures of decision-making and accountability within the government. In many parts of our conversation, she recounted the *blockages* in the process of engaging with First Nations and Métis on policy development. She framed the larger issue as a power imbalance between Indigenous peoples and Canada, where the devolution of duties to other jurisdictions (in particular, the provinces) has led to a situation in which conversations are not truly 'nation-to-nation' (more on this later). She seemed to see the 'problem' as ultimately within the federal government's purview, and expressed frustration and hopelessness (again, more on this later) at what appears to be the intractability of the situation.

Yvette seemed to see power imbalances and double-standards as the real issue when it comes to the damaged relationship between Indigenous peoples and non-Indigenous people and institutions. However, she painted a somewhat more cynical picture of the possibility of reconciliation, by making an implicit distinction between substantive and symbolic power. She said:

- "so long as the Indian Act is still around where Indigenous people were completely disempowered and harmed by it, what can you really reconcile?... if someone... took away my power and I suffered as a result, what is ever gonna reconcile that relationship? Give it back. Make it right"

- “[reconciliation] feels like a beautiful idea, but I don’t think any politician will ever have the wherewithal, who is ever gonna touch the Indian Act? Who’s ever going to go near that?”

She suggested that the language around “reconciliation” is more about lip- service, or a marketing or communications strategy. Although it is a beautiful idea, reconciliation cannot be realized because the nature of the relationship is paternalistic at root. Thus, the concept/discourse (for government) becomes merely symbolic—a sexy term for those in authority. Yvette seemed to give the state much power in her account—since, as she says, it is only with the ‘giving back’ of power— but she was skeptical that it would actually do the right thing. The state holds the ability to ‘make it right,’ but won’t. Ultimately, it is the “big things” –the nation-to-nation relationship—where the real issues lay. Where that power continues to be unbalanced, and those bigger issues fail to be addressed, is where the core of her problems (personal, professional tensions) reside as she sees it in her work as an Indigenous Relations Specialist.

In a conversation I had with a colleague I am calling ‘Barry,’ he insisted that the only kind of reconciliation we should even consider talking about is what he called “economic reconciliation,” which he operationalized as “creating meaningful partnerships” and “mutually beneficial opportunities” based on the idea of “economic prosperity.” These are all points I will discuss more extensively later in this chapter. Here, I want to draw attention to the fact that Barry’s position was unique, in that he did not locate power with the state, or at least, did not consider the state as the ultimate agent in pursuing this particular idea of reconciliation:

Barry: You have to be aware of the larger global context. It’s not just about, you know, the First Nations versus the ‘colonial’ Europeans living in Alberta. I mean, that’s old kind of, that’s kind of... you gotta think bigger— It’s way bigger than that, right?

[...] But you have to understand too, Tiffany, this is another truth that you may not be aware of, is that First Nations are basically an *industry* through which corporations and business makes a *tremendous* amount of money... Every legal firm, every good legal firm has a First Nations... wing of their office that they handle litigation. Law firms make big money off it; the government... ... the government of Alberta makes huge money off First Nations, in terms of, we have entire *branches* of government set up to hand out money to First nations. There’s a *huge*, huge industry, and the only people that aren’t benefiting off it are the First Nations people themselves.

First Nations leadership are benefiting off of it. [...] I can tell you that they’re corrupt, big time, by big money, because who *wouldn’t* be? //Yeah// Do you think, right, who wouldn’t be? We’re just, we’re *all human*.

Tiffany: Mhmm

Barry: [...] And this is what I'm saying, a lot of this is much bigger than the provincial government and even the government of Canada. Because these entities that are coming in and controlling everything through big money, are multinational corporations that have no soul and no national identity.

Tiffany: Yeah, it's a global thing.

Barry: Absolutely. So what do you want me to do about it? I'm just a guy over here trying to pay my mortgage.

Tiffany: Yeah.

Barry: And that's why when you go and meet with them, they talk about, they want to get involved in the economy. //mhm// Right, whereas the academics, and maybe this is the kind of stuff you study, right it's all about going back and learning how to make beaded moccasins and no, it isn't.

Tiffany: Right... Ah

Barry: As a matter of fact, that's, that's the *trap*. The nanny state, the nanny state wants to keep propagating. And this is how the government institutes control over things. They want they want 'cheap.' Do you understand that? So the worst thing they could ever do is have their own schools on reserve and stuff like that that teach all sorts of weird stuff. If you want to get involved in the economy, you got to learn the *latest* stuff. // Mhmm//... Cause time marches on.

Barry was making several truth claims here, revolving around 'the First Nations industry' trope⁷⁹ (or what has been called by other people in other contexts, the 'Aboriginal Industry' or the 'Indigenous Industry'). The main players that he identified include: multinational corporations (their interests and corrupting influence), First Nations leadership (who are corrupted by multinational corporate influence), the government (with its "nanny state" policies and approaches), academics (which help propagate nanny state policies and approaches), lawyers and law firms (who also propagate nanny state policies and approaches though maybe for more cynical, self-serving reasons than the ideological academics). Finally, there are the people caught in the fray of this power play: the other First Nation community members (who are presumably duped or caught in the "trap" of traditionalism), and the individual Canadian citizen and/or public servant ('just trying to pay their mortgage').

⁷⁹ See Widdowson and Howard's (2008) *Disrobing the Aboriginal Industry: The Deception Behind Indigenous Cultural Preservation*, and Flanagan's (2000) *First Nations? Second Thoughts*.

In Barry's case, although his account gives authority to the state in a technical, jurisdictional and juridical sense, he suggested that we would be missing the larger picture entirely if we were to focus on domestic politics and government power. He said:

- "You have to be aware of the larger global context. It's not just about, you know, the First Nations versus the 'colonial' Europeans living in Alberta... you gotta think bigger."
- "And this is what I'm saying, a lot of this is much bigger than the provincial government and even the government of Canada. Because these entities that are coming in and controlling everything through big money, are multinational corporations that have no soul and no national identity."
- "the government of Alberta makes huge money off First Nations, in terms of, we have entire branches of government set up to hand out money to First Nations."

Thus, Barry seemed not very concerned with whether the state was seeking to overcome its colonial history. In his account, it seemed as though the state—in the form of the provincial government at least—does nothing but stand in the way of Indigenous peoples' freedom (seen as economic freedom). In fact, he said at another point, which you will see later, that "the government isn't the solution to First Nations' problems; the government is the problem"—here he alludes to this "problem" by referencing the "trap" propagated by "the nanny state," which, ultimately, wants it all for "cheap."

Barry also made a claim regarding human nature. While Nancy and Yvette, above, had made claims (implicitly and explicitly) regarding the *naturalness* of government to want to retain power, Barry made similar ones regarding the *allure* of power (or at least money) to First Nations leadership, though he explicitly connected this to what it is to be *human*:

- First Nations leadership are benefiting off of it...they're corrupt... because who wouldn't be? ...We're just, we're all human.

What is important to note here, is that Barry could have engaged in any number of explanations about First Nations governance, economic pressures, or accountability and morality of those in leadership positions (I am not saying that any of these are the 'right' explanation, just examples), but instead, he invoked 'the human'—that it is just human, just natural.

As Barry said, he was telling me this as a way of demonstrating that the issue is much greater in scale than the provincial government or federal government; it is bigger than colonized versus colonizer; it is bigger than Canada. Again, here, the positions of morality and justice seem

to have been vacated, since these actors operate by exerting control through “big money” and “have no soul and no national identity.” This is an ominous warning from Barry.

When this image of a corporate behemoth steamrolling national boundaries, is placed against a caricature of Indigenous people ‘making beaded moccasins,’ then the latter is certainly made to look not only powerless, but ridiculous. This point about the Aboriginal Industry was an important juncture in our conversation—a point I will consider more later.

In Barry’s account, it is multinational corporations that have the real power. Rather than being able to tap into this power, however, Indigenous peoples (specifically he says First Nations) are displaced through the government’s regulatory processes (a claim he made later), and manipulated through the ideology of the Aboriginal Industry. He also referenced entire branches of government who take advantage of this gap, for Indigenous peoples (that Barry has constructed in this account), between the reality of global economics, and the state’s promise of liberal recognition.

Reconciliation “‘goes beyond politics as usual’ [Philpott 2006]—and to the extent that it does, it is in tension with liberalism” (VanAntwerpen 2008: 44). Of course, the extent to which reconciliation fails to ‘go beyond politics as usual,’ it is likely *not* in tension with liberalism. Nancy, Tess, and Yvette all discussed the ability of the state to make some kind of change, though each cast a negative view on the probability that it would make such change, or at least make it without being forced to. These three were already engaging in critiques of liberalism, without necessarily using that language, since they questioned whether the state would be able to hold itself accountable, instead of incorporating the critique (captured in various forms under the sign ‘reconciliation’) into its governance.

In fact, you could say that a dominant form of reconciliation discourse in Canada has been “administrative”—“connected with specific plans of action,” working simultaneously to confirm “the state’s power to act upon the knowledge that it produces” (Weiss 2015: 37). In various ways, each (but especially Nancy and Yvette) suggested that the state is taking advantage of reconciliation discourse, to ascribe meaning or interpret something it is already doing, and/or its initiatives and plans of action for the future.

This point was made most explicitly by Yvette, who remarked on how reconciliation has become a sexy term, but without fundamental changes to the relationship of paternalism, no actual change could take place. With Nancy, the state was presented as nearly incapable of

making such change on its own—it is antithetical to state power to undermine itself—thus reconciliation requires third-party enforcement by certain institutions of oversight (the ones she refers to are still state authorities, but she does not discuss whether or to what extent this may prove problematic). For Nancy and Yvette, then, you could cynically say, that the required transformation is in an inverse correlation with the likelihood that it will occur.

For Tess, on the other hand, the difficulty posed by reconciliation is not about the state reconciling its interests or power with the interests and power of Indigenous peoples. It seemed that she believes the state should shift its paradigm and approach, such that those interests are aligned. This perspective might be appreciated by liberal progressives, looking not only to be tolerant of and accommodating to, different worldviews, but perhaps even to *incorporate* some of those views, philosophies and practices into their work (or even identities). However, I am concerned, when I consider the warning that the liberal impulse is to contain what it deems to be a threat. I wonder, if there was no duty to consult, or we had moved past the need to, how would dissenting views be posed? Would the conflict be over, and the state authorized further to speak for Indigenous peoples along with non-Indigenous? Is this not itself the very fantasy of settler liberalism?

Limiting Reconciliation: Scope and Aboriginal Consultation Policy

If reconciliation does signal a crisis of legitimacy, seemingly already *resolved*, for settler liberal democratic states, we might ask whether, in its various forms and manifestations, it is working to contribute to state affirmation (repair, risk management, settler magic) rather than transformation. In the last section, the Indigenous Relations Specialists I interviewed discussed state power in a more abstract sense, and in terms of larger state/official discourses. When we moved on to talk more concretely about the Government of Alberta's approach to Aboriginal consultation, the conversation quickly became more critical of the state's (in this case the provincial government's) moral claims to the lofty ideals of reconciliation.

In another part of my interview with Nancy, I referenced the Truth and Reconciliation Commission's 'Call to Action' number forty-three, which refers to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) as a framework for reconciliation. I asked her what her opinion was regarding the implementation of the UNDRIP— and specifically,

whether she had thoughts on the Alberta New Democratic Party (NDP) government promising to adopt the Declaration's "principles." She responded that she did not know because she has not been "involved in those conversations," but continued:

Nancy: I've often wondered what they believe the principles of it to be //yeah (chuckling)// so I would probably ask the question about what what specifically are those principles. Um, I know there are certain things that First Nations would like to see. For example, under 'consultation,' they want 'free, prior, and informed consent' for any activities, for a lot of, for a number of activities for which they're being consulted on.

And I know the *principle of consultation* is something that continues to happen as it affects resource development but, at the same time, I know, at this jurisdiction, if the provincial government wants to make changes to legislation for healthcare, I'm pretty sure they're not going to go and ask First Nations for their consent.

So, I think there's, this scope of the reconciliation or the scope of the... of what the provincial government understands of how to adhere to these new principles is still, I think it's gonna take a considerable amount of time for the government... to move that... far to the left. I don't see that happening.

Tiffany: (chuckling) Even an NDP government?

Nancy: Even an NDP government.

Here, Nancy made a subtle distinction by referring to the "principle" of consultation (in the context of resource development), versus the more full or substantial 'free, prior and informed consent' (FPIC) on any activities affecting Indigenous peoples, which she said First Nations want. She presented the likelihood of the province operating under the principle of FPIC, however, as low:

- "I know at this jurisdiction if the provincial government wants to make changes to legislation for healthcare, I'm pretty sure they're not going to go and ask First Nations for their consent"
- "I think it's gonna take a considerable amount of time for the government...to move that...far to the left. I don't see that happening"

She made an implicit connection between reconciliation and government adherence to the principles of the UNDRIP:

- “So, I think there’s, this scope of the reconciliation or the scope of the... of what the provincial government understands of how to adhere to these new principles... it’s gonna take a considerable amount of time for the government...to move that...far to the left. I don’t see that happening.”

This indicates that she sees the issue for the government in adhering to the UNDRIP, as an issue of “scope.” That is, adherence itself is not the problem, but rather, a more nuanced issue is how the government *understands* its responsibility to be vis-à-vis the UNDRIP, and to Indigenous peoples. That is, the scope of such principles as consultation and consent.

Nancy also made a number of implicit claims (presuppositions or assumptions) regarding the connection between shifts in politics, the direction of those shifts, and the passage of time. She said: “I think it’s gonna take a considerable amount of time for the government...to move that...far to the left. I don’t see that happening.” First, it seems that it is just a matter of time, though considerably long, for government to move “to the left” (a political label she seemed to be making for the province’s adherence to the principles of UNDRIP/an expanding understanding of its scope and/or reconciliation in general). However, the “I don’t see that happening,” reveals the skepticism that the government would move “that far.” I then made a snarky reference to the NDP government, which styles itself as more liberal and progressive in its policies than the opposition.

It seems as though Nancy again positioned herself outside of the government, in the role of critic or commentator, in particular when she told me that she’s “often wondered what they [i.e. government] believe the principles of [UNDRIP] to be” and so “would probably ask the question about what specifically are those principles.” There were a few times in the interview when Nancy took this approach of answering my question to her with a ‘this is what *my* question to *them* would be’ response. We can see this positioning again in the following excerpt:

Tiffany: As outlined in GoA Consultation Policy, the legal duty to consult and accommodate is grounded in “the honour of the Crown”. What in your interpretation is the honour of the Crown – why the word “honour”?

Nancy: The Crown is required to act fairly, and the Crown is required to make well-informed decisions that minimize the negative impacts of their decisions on Indigenous groups. That’s, in my view, the honour of the Crown. Does the Crown have honour?

(chuckling) Ah, absolutely not. Not in this government. I can say that from full experience.

Tiffany: In the Alberta government?

Nancy: In the Alberta government. The only thing the Crown can potentially say that they have been fair in doing is the fair implementation of the current Consultation Policy, meaning that they do not deviate from it, they follow it, they gag everybody with that garbage, and ah... but in terms of 'is the Crown acting honorably, in terms of its decisions and its findings,' I disagree [i.e. it is not].

Tiffany: Under the Policy, 'Alberta seeks to reconcile First Nations constitutionally protected rights with other societal interests with a meaningful consultation process.' What is meaningful consultation?

Nancy: Meaningful consultation would be the fair participation and involvement of Indigenous people and First Nations communities in the consultation process. The existing Consultation Policy is not meaningful. It, whether you're talking about the implementation of the Consultation Policy and Guidelines, they're not meaningful. There's very little, I mean it's limited in how we assess and evaluate the impacts to Indigenous people. Um, the current process is only interested in something that is site-specific which completely marginalizes the potential adverse impacts to a Treaty right. I mean the way in which the current Consultation Policy is being implemented um is, ah... completely limiting towards indigenous rights and it's absolutely unfair to Indigenous people and it certainly cannot be perceived as being meaningful. The only thing that's meaningful about it is that it, administratively, the way it's being, it's administratively implemented fairly. So it's really mostly an administrative exercise that is being implemented fairly and there's nothing meaningful about that.

Tiffany: So it's *managed* well, but it's not necessarily *just*.

Nancy: It's not just at all... cause it's not fair //right// I mean, it's actually stacked against First Nations. //mhmm// It's a pro-industry Policy that helps to expedite the interests of resource development.

Tiffany: In what way specifically? Is it stacked against them in terms of timelines, deadlines?

Nancy: ...um, it's stacked against First Nations in terms of timelines, it's easy enough. It//

Tiffany: the proof that it requires?

Nancy: It doesn't. The current Consultation Policy does not require the need to collect traditional knowledge or information, it doesn't allow for site visits, so First Nations can't even do a ground-truthing or an assessment. There is no requirement for companies to provide resources to be made available for technical reviews. First

Nations don't have access to the resources needed to understand the impacts. I mean I could go on and on and on. There's just, it's just stacked against First Nations.

Nancy made a strong appeal here to the distinction between administrative/procedural/technical fairness, and fairness as justice (my words). She levels a very interesting critique that the Consultation Policy and procedures are 'good' or perhaps effective in their implementation and in its management, but not just or honourable in its outcomes. The fairness is in its execution as an "administrative exercise."

The fact that "ground-truthing," as Nancy says, is not a requirement, suggests that there is a huge separation between this flexing of administrative/bureaucratic power, and the lived realities of Indigenous peoples on the ground. The narrow scope of the Consultation Policy and Guidelines (in how it considers adverse impacts), therefore, marginalizes Treaty rights. Nancy says that "meaningful consultation" would amount to the fair participation and involvement of First Nations in the decision-making process. She decries the current process as too narrow—as restrictive on First Nations due to its scope (considering only site-specific concerns), and lack of resources for First Nations to respond in time.

She uses 3-point statements, which is a common English-language strategy to add emphasis, particularly in things like policy, management, and political discourse:

- "the way its being implemented is:
 1. *completely* limiting to Indigenous rights, it's
 2. *absolutely* unfair to Indigenous people, and it
 3. *certainly* cannot be perceived as being meaningful."

When I asked her about the specific ways in which the policy is stacked against First Nations, she quickly responded with another three part list:

- "the current Consultation Policy does not:
 1. require the need for traditional knowledge or information,
 2. allow for site-visits...[no] ground-truthing or an assessment' and
 3. no requirement for companies to provide resources... for technical reviews."

The "could go on and on" is persuasive maneuver, meant to emphasize the 'stacked-ness' of the issue against First Nations. Words like "completely," "absolutely," "certainly" are also ways of adding emphasis. Overall, she was painting a 'David and Goliath' sort of picture, where First

Nations are at a structural disadvantage, in what is actually, according to Nancy, “a pro-industry policy that helps to expedite the interests of resource development.”

When I asked Nancy about the concept of the Honour of the Crown—language used in the GoA’s Consultation Policy— she engaged in some interesting classificatory work. In distinguishing between honour[able] as a verb or adverb versus honour as a noun (my metalinguistic interpretation)— she was perhaps hinting at a capital ‘H’ honour (the legal duty that is triggered) and a lowercase ‘h’ honour, the having of the quality of honour.

Nancy asked a rhetorical question (by asking herself a question that she has structurally set up for herself in such a way that we anticipate the answer) by saying, “Does the Crown have honour?” Here she shifted her stance: quoting high level definition, then moved into personal/anecdotal (frankness) talk, also shifting back and forth between “we” and “the Crown.”

Tess echoed this point regarding the government’s limited understanding of the scope of consultation, reflected and enacted through its consultation Policy. She said:

Tess: you know, and people say ‘oh you’re Indigenous Relations.’ We have no mandate to do anything except, build relationships, right? So, you know, but if you say ‘well you know we’re gonna, you know, consult with Indigenous people...they’re gonna have a very different view of what that means, as we know, right? So... and and their [i.e. the government’s idea of/approach to] consultations results in the project moving from ‘here’ to ‘here’ ... it doesn’t result in, not doing the project, or doing something else. Or, you know (laughing).

Tiffany: There’s no ‘stop’ button for First Nations.

Tess was highlighting the fact that the government and First Nations have very different ideas of what consultation means. The government’s approach means that some of the details of the project might be altered, but the project *itself* or in its entirety cannot, strictly speaking, be quashed by First Nations if that is their will. Thus, the implication is that the limited scope of consultation (or aspect of the project, rather than the project itself), means that First Nations are not likely to be meaningfully consulted.

Barry made the same assertion, yet he did so in order to make a politically alternate argument to the one posed by Nancy.

Barry: So what I would say in my experience is that, as for reconciliation, basically from my understanding of it is: creating meaningful partnerships, and uh, mutually beneficial opportunities based on economic prosperity. Right? So... [the Consultation Policy] really has to do with that, so and, and, and this prosperity approach draws from the community to inform, you know, its action towards community resilience, right.

Tiffany: Mhmm.

Barry: So what does that mean? So basically... I can, we, I had an engagement session with the X First Nation and it was on the Policy renewal. This is way back in September // yeah// and basically, what they talked about in terms of this, and I guess it all has to do with accommodation, right?—accommodations and reconciliation kind of thing // yeah// What they're looking for is they're looking for a livelihood for a livelihood, right? So they feel that First Nations have been displaced by the regulatory complex of the government of Alberta, right? So they were saying— that everyone is making a living from X First Nation land except X First Nation, right //yeah// So that's the feds, the government, the industry, but not the First Nation. [...] And they say that the dollar is taken from the local ground but is not invested locally, rather it goes out to the benefit of everyone else, it goes out to the benefit of Quebec, in transfer payments [T: right], multi-nationals siphon the money out of the country, the province, you know, takes royalties and redistributes it to the economic and population centers of Edmonton and Calgary to sort of supply, you know, public service, right?

Tiffany: Right.

Barry: So, this is kind of what my understanding of the type of reconciliation they're looking for. They're looking for... First Nations have to accommodate whether they agree with it or not and are not compensated for the *loss*. So they [i.e. First Nations] say that [they] need to make a living off of accommodation... this is what they're saying. Consultation without compensation... is pointless and a waste of time. //mhmm// Which is, which is a good point.

So they don't want to be consulted. But rather they want to be accommodated, right? So what this means is, this whole thing about Consultation Policy and the Guidelines really... has nothing to do with—when you read it 'letter of the law' it has nothing to do with *compensation* right? Y' know, we don't require industry proponents to pay for consultation or anything of the sort, right, or enter into impact benefit agreements or any of this kind of stuff, right. //mhmm// But the First Nations are saying that's what it *needs* to be, you know, consultation without compensation is a waste of time. //mhmm//

[...] What they want to do, is they want a piece of the action basically, is what it boils down to. So you want to talk about reconciliation, you want to talk about

accommodation, you want to talk about consultation. This whole thing about, you know, sitting down with the First Nations and asking them about what their site-specific concerns are based on the specific project, the footprint of this project, right //mhmm//...is really what the Consultation Policy and Guidelines' scope is, right? But they're saying that the scope should really be about *economic* reconciliation.

[...] But I'm not saying that this is what the ACO's [i.e. Aboriginal Consultation Office] view is. I'm not saying the government of Alberta's view is, but I'm telling you what First Nations are telling me. This is the kind of thing that really when you look at the records of consultation for major regulatory projects, right, that is what the conversation really centers around: impact benefit agreements, uh, you know, things like, ah y' know, contracts for work, right.

You know, cause some of the other things they say, you know, she says that, and I'm still going back to this First Nation X, she says: 'you know twenty years ago, First Nation X had no capacity but today there are 59 partnerships,' right? So they say 'there needs to be more consultation in First Nation X,' especially when there are jobs available. So they're they're looking for ah, economic opportunity. Right? They really, in the region I'm in, it really boils down to economic opportunity. [...] Even though it's not supposed to, based on Policy and Guidelines. So that's what the conversation is—so I don't know if I'm answering your question. When you talk about reconciliation, that's what it really needs to be.

Tiffany: Yeah. So, ok, that's, I mean that's what you're hearing from the First Nations with whom you work and you also think that—

Barry: —And the proponents, yeah. And I've been doing this business for like, a long time. //yeah (chuckling)// That's really what it is, right. You know.

In this part of our conversation, Barry stressed that he could not or would not speak from a Ministry-level or GoA point of view, but insisted that he accurately represented First Nations' views.⁸⁰ He could speak to what reconciliation means, by way of critiquing what consultation in Alberta is *not* doing. Specifically, his perspective on this, as he reminded me several times, is informed by the feedback he has received from the First Nations with whom he works, in his (geographically- designated) region.

⁸⁰ I am assuming here that he means First Nations with which he has experience working with, and even then, the representatives with whom he has spoken, but he might actually mean to say all First Nations or even all Indigenous peoples. I did not ask him to specify.

Barry used words like “meaningful partnerships”, “mutually beneficial opportunities”, “economic prosperity”, and “community resilience.” He rhetorically asked “What does that mean?” proceeding to strip away the ‘government-speak’ to reveal the actual context that he presents as actually mattering: that everyone is making money from First Nations’ land except for the First Nations themselves.

He said that First Nations therefore seek to *recuperate the loss*: a livelihood for a livelihood. Having been displaced by the regulatory complex of the GoA, he said, this often means that they need to make a living (monetary compensation, employment) off accommodation itself. He said, moreover, that consultation leads to accommodation which leads to compensation, and furthermore, that “consultation without compensation is a waste of time.” Again stressing that his is not necessarily the government’s position (but rather, what First Nations tell him), he reemphasized his earlier point (page 79), saying that reconciliation is all about economics, and “getting involved in the economy.”

If this is true, as Barry says, the Consultation Policy and Guidelines misses the point of the conversation *actually occurring* between First Nations and industry proponents. While the government’s Policy and enforcement of consultation centers around potential adverse impacts to Treaty rights, Barry said that First Nations are actually concerned with having “a piece of the action” in resource development. Thus, it seems that Barry was suggesting that the Consultation should focus on potential *benefits* to First Nations, of industry development, rather than on potential *harms*.

Note here the vast difference in perspectives between how Nancy and Barry each represented the limitations of the Consultation Policy. Nancy saw the Policy’s scope as limited because of its narrow interpretation of Treaty rights. She did mention capacity and resources not being available to do ‘ground-truthing’ for example, but these resources are all, in this perspective, meant to be put toward the end of determining adverse impacts to Treaty rights more fully, and in-themselves. In the perspective Barry advocated, the suggestion seemed to be that the protection of Treaty rights (in the form of accommodation) is simply a means to the end of securing compensation for the *loss* of those rights (or the loss of the things to which the rights refer). The loss itself seems to be a major assumption, in this perspective—particularly evident when he referred to First Nations pursuing “a livelihood for a livelihood.” Continuing with my conversation with Barry:

Tiffany: Right. Um, so, I mean, having a pretty limited understanding of the operational side to the work that you do, or the work that the Ministry does in this area, I'm wondering: what do you think are—and you don't have to say specific things but sort of, maybe a general statement about what are... the limits of that accommodation when you're working under the purview of the Alberta government? I mean you know, if there are world views that are//

Barry: Okay, so basically here's what our Policy says about accommodation; it says this: "Accommodation efforts should include: modify the design of the project, modify the access to the project, modify the location of the project, modify the timing of the project, mitigating impacts to traditional uses," right. //mhmm// So those items are: design, access, location, timing, and impacts to traditional uses. What the First Nations are saying, right, *that* totally missing the bull, where they're saying 'accommodation equals compensation' //mhmm//

So when you look at what the Policy and Guidelines state regarding what accommodation efforts should include, there's nothing in there about the economic side of things, right? So the problem is this, the problem is the Policy and Guidelines set up a framework to discuss site-specific impacts, project-specific concerns, right // right// and there's nothing in there about financial arrangements, there's no requirement to enter into economic agreements, there's no, there's no requirement at all.

What is so interesting about this argument, is that it is an example of neo-liberal discourse, since it transforms an aspect of lived experience into something that can be bought and sold. If accommodation is meant to be about altering some action lest it infringe upon Indigenous and Treaty rights, then of course the Policy would outline modifications in the form of things like design, timing, access, location, and impacts. These are all very complex things to address, yet in Barry's account, these issues were simplified into one concern: *compensation* (here he means monetary or financial compensation in the form of IBAs or work contracts, for example). Barry said:

- "So when you look at what the Policy and Guidelines state regarding what accommodation efforts should include, there's nothing in there about the economic side of things, right? So the problem is this, the problem is the Policy and Guidelines set up a framework to discuss site-specific impacts, project-specific concerns, right, and there's nothing in there about financial arrangements."

If one can imagine that treaties are in part meant to protect Indigenous ways of life, and the consultation process is meant to fulfill the Crown's duty to not allow infringement on those rights, then how can one possibly not see that those ways of life include 'economics'? By categorizing 'economics' as separate from other concerns like "traditional uses," Barry is already setting up the conversation to make a (at this point more subtle) distinction between more or less 'real' or perhaps viable economic systems and uses of/connections to land and natural resources. It sounds as though a "livelihood lost" is an assumption of a foregone conclusion. We will see how Barry dealt with these temporal questions more directly, below.

Coming back to my conversation with Yvette; we continued to discuss the idea of the nation-to-nation relationship, and how it really all came down to federal power and the paternalism. But Yvette then shifted to talk about her experience in her own work:

Yvette: So, I mean, it's in those big things [i.e. the Indian Act] but sometimes what drives me crazy a little bit is in the little things. Like I really lost my patience last week with my Manager—and it wasn't his personal fault, but there was just this idea of it. So we need to engage with all of these groups, right, so we need to go and talk to the Métis Settlements General Council. So find out when the IR [i.e. Indigenous Relations] Minister is available, great, he's available September 28th. Okay, so we'll send an invitation letter, and I'm just like, 'has anyone...has it bloody occurred to anyone to pick up the phone and ask if that works for them?'

Tiffany: Right

Yvette: Like it's still that very like patriarchal relationship. [...] 'The Minister is available, it's good for us,' just making the assumption that this will be the day because the Minister's available. And I just like, gah!, like why does no one else see this? It just drives me crazy. To me it's, that's where change could happen in those little things, you know.

And if we want to have an improved one-to-one relationship with government to government, which is government to government can only be federal, right? Cause that's who their relationship is with, right? All these, like, gah, complications. Sometimes it's hard to have a proper conversation because I feel like I have to add a caveat to everything, //mhmm// but if we are, for the sake of conversation, if Alberta wants to pursue an improved government to government relationship, then treat them like an equal and it shows up in the littlest things. Don't assume a meeting is going to happen just because the IR Minister is available. Make sure it also works for the Indigenous groups, like simple things like that. You know?

And, having gone out on all of these engagements, from the policy perspective, I understand a lot more of where the frustration is coming from for First Nations, like, Alberta has a narrow interpretation of Treaty rights, well, yes, it does. But whose fault is that?—in air quotations— well, again, it's a federal responsibility, because that's the NRTA, the National Resources Transfer Act in the 1930s: it's limited to hunt, trap and fish for food. Alberta can't change that. So that delegation to the province is flawed as well. So we go out and try to have these *meaningful* policy discussions [...] in the spirit of reconciliation, whatever, and what is Alberta supposed to do about that?

Tiffany: And the First Nations get frustrated about that //yeah!// because who is at the table?

Yvette: Yeah! Like why are we even having this conversation? And furthermore, why am I, as program services staff, talking to Chief and Counsel? That's not a government to government relationship. I love the opportunity. But, like one meeting I went to was with First Nation X, right? Like we're: 'we want technical conversations,' I mean we weren't encouraging Chief and Counsel to come, but they were still showing up, right? Because this, like issues of policy and anything that has to do with their land is a critical discussion for them. It seems to me for the government, it's also politically important, and the Minister can't go to every single meeting, or he could, depending, right? So it's program services staff, it's the public service that gets sent out. So we try in our messaging to say we want to have a 'technical', 'procedural' conversation, but as a First Nation, how do they divorce that, you know? 'Okay, it's just the *procedural* stuff about our land, I guess to me as Chief, I don't need to go—of course I need to go!' right?

So you've got someone like me who's working at a program services level and not at management and I'm leading a conversation with the Chief. That's not a nation-to-nation conversation, right? And they know that and they're gracious enough and tolerant enough to put up with it. But how much do they put up with *all the time*? And it's no wonder that they just lose their minds sometimes, you know?

But as a human being, I'm going to another Nation, First Nation Y, and they were *so* hostile and so attacking and so accusatory. At a certain point, they're not (inaudible), they're being unreasonable, right, and I just sit back and say: 'mmm you're a bitch. I'm a human being too and you have no right to talk to me that way. Half of what you're saying is wrong and if you just want to sit here and yell at us, that's going to accomplish about zero and furthermore, we could just get up and walk out but we're keeping our asses in the chair.'

And so to me I thought, that's a bit like a reconciling relationship, right? Instead of just being the snotty government officials, and standing up and going, 'oh, we don't have to take this.' We sat there and we took it. You know [our Director] was like 'I wasn't gonna let it go too much further.' But ah, and he's like, 'otherwise I would have said,

okay, we're going to leave,' but we sat there and took it, right? So, that's a demonstration of maybe, you know... //reconciliation (laughing)// yeaah, the spirit and intent of trying to make things better, but again it doesn't achieve anything.

But, once the irritation of the moment is over, you understand the anger, but it's still misdirected, you know? And I just thought, the Nations have their part in reconciliation as well, right? Like, yell at the right people. Like, take up a meaningful conversation with the right people, you know? Fist pounding with the public service in Alberta about your Treaty rights?-Come on! Be smarter than that.

So sometimes I get impatient. I've gotten less, sort of, um, when I first started like in, 2013, 2014, I was all advocacy and you know... saw very little, it was all one sided from my perspective and I knew there needed to be balance and I am more balanced today.

As I said earlier, Yvette's talk about reconciliation and the role it played in her work, focused very much on issues of communication and structures of decision-making and accountability within the government. She recounted in this anecdote, as she had done in the excerpt I quoted earlier, the blockages in the process of engaging with First Nations and Métis on policy development, stemming in part from the fact that the province does not have the authority to negotiate on larger issues, and instead attempts to limit the conversation in various ways.

For example, she recounted an instance where she had to conduct "technical conversations" with a First Nation, but Chief and Council were coming:

- "“Okay, it's just the procedural stuff about our land, I guess to me as Chief, I don't need to go—of course I need to go!' right?”

While the government continues to (intentionally or unintentionally) limit the scope of what is 'on the table' for discussion, she suggested that for First Nations and Métis leadership, "anything that has to do with their land" is critical.

Yvette's account is made persuasive through her frequent use of anecdote. She had a much more conversational, personal way of discussing the issues than many of the others whom I interviewed. Although she said she understands where the frustration is coming from for the First Nations with whom her team engages, she said that the expression of that frustration and anger—onto the public service employees such as herself—is misdirected, since these government employees do not themselves have the authority to substantially alter the balance of power. Perhaps this is what leads her to suggest that it is in "the little things" that could make a

difference, such as accommodating the Indigenous group's availability for meetings, or for simply "keeping our asses in the chair" when meetings take an uncomfortable turn. Thus, she suggested that this change in attitude and approach might itself count as reconciliation. "but again," she said, "it doesn't achieve anything":

- "once the irritation of the moment is over, you understand the anger, but it's still misdirected, you know? And I just thought, the Nations have their part in reconciliation as well, right? Like, yell at the right people."

It is interesting that Yvette's discussion of the issue of scope or scale, while it could have been a critique of Alberta's narrow interpretation of its duties to Aboriginal people (and she does acknowledge this), she instead focused much more on her experience with the actions of First Nation and Métis representatives:

- "Alberta has a narrow interpretation of Treaty rights, well, yes, it does. But whose fault is that?—in air quotations— well, again, it's a federal responsibility... so that delegation to the province is flawed as well... Alberta can't change that. So that delegation to the province is flawed as well. So we go out and try to have these *meaningful* policy discussions... what is Alberta supposed to do about that?... Like, take up a meaningful conversation with the right people, you know? Fist pounding with the public service in Alberta about your Treaty rights?-Come on! Be smarter than that."

My conversation with Yvette is suggestive of some of the conflicts and frustrations faced by front-line workers in Aboriginal Consultation—both on the First Nations' and Métis Settlements' side and on the government side. I think that she offered me a great account of what it means to be in these troubled situations, characterized by frustrating compromises and barriers to accountability. It is as if those with their "asses in the chair" may be those held responsible, at least in those moments, but they are not necessarily the ones who have the most "responsibility" (Haraway 2016)—they are not in a position to explore much in the way of alternatives in these settings. Though they may have privilege, their power to follow through on what needs to be done to move toward truly transforming the relationship, is terribly limited. In these cases, as Yvette suggested, the best effort that can be made in the way of reconciliation is simply to *remain*.

Nancy and Tess focused on a critique which sees consultation in Alberta as an “administrative exercise,” as “government coming in with their checklist,” thus drawing a distinction between the flexing of administrative/bureaucratic power, and the realities of lived experience. Nancy in particular, argued that the narrow scope of the Consultation Policy and Guidelines deeply limits the consideration of potential adverse impacts to Treaty rights.

On the other hand, Barry suggested that the protection of Treaty Rights (in the form of accommodation) is simply a *means* to the end of securing compensation for the loss of those rights. The loss itself seems to be a major assumption in this perspective—particularly evident when he referred to First Nations pursuing “a livelihood for a livelihood” presented as natural or inevitable, as we will see in the next section.

Political Temporalities: Settler Desire, “Emplacement” and the “Anthropological Imaginary”

As Wetherell and Potter write, “the organization of the past produces the present” (1992: 184). Given the variety and texture of actual experience, it is significant that only so many versions become what we call “history.” The consolidation of diverse economic and social phenomena and changes over time into a limited number of accounts, which come to be salient, can tell us much about the structure of power in our society.

I wanted to find out whether my colleagues believed Canada is currently a settler-colonial nation. The work conducted by scholars cited in the literature review that focuses on the temporal politics of reconciliation, shows how the concept can work to manufacture transition where none has occurred. I hypothesized that my colleagues would similarly represent colonialism as something in/of the past. I thought that the most direct way of getting to this, was to ask whether my non-Indigenous colleagues identified with the term “settler” or would use the term “settler colonial/ism” to characterize Canada today.

Tiffany: Some scholars use the term “settler” to refer to non-indigenous people in a country such as Canada. Um, this term tends to sometimes ruffle feathers, when you bring it up in different circles. How do you feel about using the term “settler”? Do you use it to //I think// refer it to yourself?

Nancy: No, I don't because I don't know. It just, when I think of the term, I think of anything in the west. When I I was born and raised in the east coast and we were, y'know my family was in the east coast about nine generations so they were no longer considered settlers, they were more considered, ah y'know they became, y'know, after how many generations do you have to be there before you really seem to be more of a feature in the landscape? I think the idea of settler would be more about you know, maybe in the late 1800s when a lot of Europeans were coming into western Canada and settling across the prairies. So that to me seems more settler and it seems to make sense for that area. So, and that's just my education and upbringing. I can see how um you know, maybe in academia they would want everybody to adopt the language of 'the settler community,' um it sounds ah fairly um, ah ah neutral um, but if you want to get down to it, it's 'the colonizers' because even settlers were a part of the whole colonizing process, so if you're gonna call a spade a spade, then I would call everyone 'colonizers' because I think that's what they were.

Tiffany: um, yeah //

Nancy: I'm just saying, that's my opinion//

Tiffany: No no! It's fair enough, but I just want to push on this a little bit. Because you're you seem to be referring to a time of settlement that is before the present, but you moved from the east coast //mhmm//, so um I'm not sure...

Nancy: I'm not a settler out here; I'm from the east coast. I was born and raised in the east coast so I don't consider myself a settler.

Tiffany: So you don't consider yourself a settler in Alberta //nope// living on Treaty 6 land?

Nancy: No not at all.

Tiffany: Even though I mean you would be *new* to the relationships //yeah// with people on Treaty 6 or Treaty 8.

Nancy: Yah, but I wasn't involved in the settling of their land.

Tiffany: But do you not see moving around today as still part of the settling process? of colonization? I mean cause Canada's//

Nancy: No, I don't make any distinction I don't make any connection to it.

Tiffany: So when do you think the period of settlement ended?

Nancy: I think when they took up all the lands. When the lands have been taken up//

Tiffany: Are they still taking up lands?

Nancy: No the lands *have been* taken up //So// and now First Nations are slowly trying to get back their rightful recognition of their traditional lands but I think the federal, I think the Crown has already *taken up* all the land, the land has been *taken up*. Now First Nations are working to get back what was stolen from them.

[...]

Tiffany: Indigenous people often refer to treaties or the treaty relationship more broadly or to the ‘spirit and intent’ of the treaties. Why do you think that emphasis is so important to indigenous people? Why is it always ‘we are all treaty people’?

Nancy: Why is it emphasized? Because I think it’s a First Nations people way of educating non-Aboriginal communities, society that they’re and they have a mutual relationship and for whatever reason the non-Indigenous society has no idea what, they really don’t understand what a treaty means. A treaty is a binding relationship between two groups and most non-Indigenous people see treaties as, it’s almost like, a settlement of some sort //right// and First Nations see treaties as a relationship //right// which is different than how non-Indigenous people see it as a settlement, a giving up of something, that’s how we interpret it, and First Nations people were told that this treaty was a relationship. So I think there are two separate messages and there’s a reason for that //right// because otherwise they wouldn’t have had a settlement if they understood it to be a settlement ... So I think it was just a way of the treaty negotiators to mmm to... um... in a way, they’re right, First Nations are, they’re absolutely right, it’s a relationship, but for... in the history of how we’ve been educated, it was a *settlement* of something a giving up of something and that’s broadly has been part of the problem with the education system in the country.

Tiffany: When I ask this, I want you to think about yourself an individual. What do you think it means to be a treaty person?

Nancy: Okay, so I am a treaty person. I would need to be a treaty person in order to be living here. This goes back to that question; I’m not a settler, but I’m part of the treaty relationship because there was an agreement that my government at the time, might have been the British Crown, but the Canadian government was represented through them, that my government had made an agreement, agreed to this relationship so because you know I’m from the east coast, I still expect that that relationship would be the same //it holds// anywhere in the country. So if there is an agreement of something, if there’s a treaty relationship, then all of us non-Indigenous people are represented through the government through that treaty relationship.

Tiffany: Are you thinking of a treaty relationship in broad terms? Or are you saying you feel more represented by the peace and friendship treaties in the east or are you saying that you apply to yourself, the the Treaty number 6?

Nancy: No, I understand that I'm a... I'm from that colonizer group because I'm not Indigenous and that... *I* have a Treaty, even though I'm not responsible for initiatives and programs and that you know, like the medicine chest and all this other stuff I understand that I'm on that other side, and I understand that there's a treaty relationship and that we're equal partners because, I'm educated and I understand what that means.

Interestingly, Nancy's conception of Canadian history contained a strong distinction between east and west localities, attributing the latter rather than the former, with a 'settler' history. Thus, I see the contradictions arise when she urged to 'call a spade a spade' and identified herself with the 'colonizer' collective, rather than 'settler,' which she perceived as more "neutral." Yet, her time-depth distinction between eastern and western Canada clearly suggests a *naturalizing* tendency to this colonizing. She said, "after how many generations do you have to be there before you really seem to be more of a feature in the landscape?" Here, the potency of naturalizing discourses—especially when used metaphorically as nature or the natural world—is evident. Nancy described settlers as features in the landscape, like geographic landmarks, or an integrated part of an ecosystem.

It is interesting that a person who recognizes that they are represented by their government through treaty *across* the nation and *through* time, could still make such strong temporal *distinctions*—distinctions which lead them to not see themselves as a settler even when they move and settle down in the west. She ascribed herself to the "colonizer group," moreover, even though she denied that she is part of "settling" (i.e. "taking up of the lands"). Although she referred to "stolen" Native lands, and discussed Aboriginal rights recognition in much of our discussion, she seemed to draw lines in the sand regarding the apparent *completion* of the process of colonization—the past versus the present—while also recognizing the *continuity* of government approaches to the elimination of Indigenous peoples and claims to territory and sovereignty. What I interpret as a contradiction, though, may not have been conscious or intentional for Nancy; it may be part of a larger discursive trend—one that, upon further investigation, may point to particular tensions (more on this in the next section).

What might be preventing a person—who is clearly critical of Canada's colonial history, and recognizes government's continued role in dispossessing Indigenous people—from recognizing that settler colonialism is a structure, rather than an 'event' in the past? Perhaps

“settler” simply was not the right term for Nancy (since she did seem to take ownership of “colonizer”). However, even when I attempted to challenge or push back on the idea that there was a period of settlement, she persisted. There is something in this idea of Canada’s history that helps her to demarcate ‘taking up lands’ in the past, from what government and its citizens are doing today.

In Nancy’s account, although colonization was articulated as the fault of the *colonizers*, there appeared to be tension for her in where to locate responsibility for colonization in the present, and a bit of difficulty articulating obligations arising from Treaty in specific terms:

- “I am a treaty person. I would need to be a treaty person to be living here”
- “I’m not a settler but I’m part of the treaty relationship because there was an agreement ... that my government had made [agreeing] to this relationship”
- “I’m from the east coast, I still expect that that relationship would be the same anywhere in the country”
- “all of us non-indigenous people are represented through the government through that treaty relationship”
- “I understand that I’m a... I’m from that colonizer group because I’m not Indigenous”
- “I have a treaty, even though I’m not responsible for initiatives and programs and that”
- “I understand that I’m on that other side, and I understand that there’s a treaty relationship and that we’re equal partners”

Although Nancy acknowledged the governments’ role in colonialism, and their on-going obligations through (capital ‘T’) Treaty, she stopped short of discussing responsibilities and obligations on the part of individuals. However, I cannot say that this means she believes there to be none.

When I asked Barry about the term ‘settler,’ he said:

Barry: Well, a settler, a settler refers to a particular individual, say, like a cobbler, a blacksmith, a lawyer, right? A settler was a person in a particular snapshot in time, that came here, and the government gave them—my grandparents were settlers and they were given a parcel of land, you know, and they had to clear the land, right, and turn it into agricultural use. That’s a settler. But do I consider, like, you know, these days, you get a lot of East Indians immigrating to Canada and they come from all over the world, and I wouldn’t say that they’re...I would use the term settler in the context of the settlers that came here in the early part of the last century.

Tiffany: So like European settlers?

Barry: Yeah, at that time they were European settlers. Farmers, basically, the ones who sort of set up the agricultural system and remember I said eighty percent of people lived on the agricultural land right, just because they came here under the requirement that they settle the land, and break the land that was part of the deal, let's call it, right. //mhmm// So no I don't consider myself a settler, no. Because that was a particular function, right?

Tiffany: Mhmm. No, I ask just because of the resurgence in people using this term, settler, to describe non-Indigenous people, like you hear it, you hear it a lot in the academic world and and some First Nations...

Barry: Yeah, but, but, again, does it really *mean* anything to people outside the academic world, right? That's one of the things, is, you have to understand too, is the academic world is pretty small, right and pretty insular, and their ideas are pretty inbred, frankly.

Tiffany: (laughing) You really don't look highly on us academics.

Barry: No, no! It's got nothing to do with that. But but but you see what I mean? But when you get out into the larger world right, ninety nine percent of people out there don't know anything about this stuff... .. They don't... .. And you have to understand that, right? (inaudible) So whether or not you call us a 'settler,' or you call us a 'colonialist,' or you call us a 'ham sandwich' or whatever you wanna do, who cares—what does that matter? //(laughing) yeah but// Does it really matter? //well I...// Who would that matter to?

[...] So you know what I mean? So, at the end of the day, the nanny state, see this is what I'm saying (inaudible)... the government isn't the solution to First Nations' problems; the government is the problem. You wanna have freedom and economic success, stop coming to the government for stuff. You have to do it for yourself. You know this as well, you're doing something for yourself. You gotta get out there, get educated, join the mainstream economy and build a life for yourself. If you sit around and wait for you know Indian affairs to do something or the government to come up with a grant or something... you know what I mean? //yeah, I do// Or is it just some academic thing, you know, saying whether to call me a settler or ham sandwich and all this kind of thing, that doesn't mean anything to anybody, I mean, nobody cares, you understand that? This is, this is, and that's what happens in the world of academia. It's a navel-gazing session. Meanwhile out in the big world, right, where there's seven billion people milling around out there... that's what's driving the economy.

It is clear that Barry strongly resisted the idea that ‘settler’ constituted a meaningful category, identity, or critique in the present. In his account, ‘settler’ is only appropriate in reference to the specific individuals who went west to settle on ‘new’ plots of land and put them to agricultural use. It was an occupation, in his opinion, like a blacksmith or a lawyer. Moreover, it is one with an apparently rigid temporalization—“in a particular snapshot in time”—allowing him to make the distinction between European settlers at the early part of the twentieth century, who had a particular occupation or function, and (presumably everyone) today.

He said that settlers came specifically “under the requirement that they settle the land, and break the land,” and that “that was part of the deal.” Settler as an identity and settlement was, in Barry’s view served “a particular function.” However, he really did not spend any time describing this function in any deep or analytical way. Instead, he ridiculed the idea that academics would make such distinctions, saying:

- “again, does it really *mean* anything to people outside the academic world, right? That’s one of the things, is, you have to understand too, is the academic world is pretty small, right and pretty insular, and their ideas are pretty inbred, frankly”
- “whether or not you call us a ‘settler,’ or you call us a ‘colonialist,’ or you call us a ‘ham sandwich’ or whatever you wanna do, who cares—what does that matter? —Does it really matter?—Who would that matter to?”
- “Or is it just some academic thing, you know, saying whether to call me a settler or ham sandwich and all this kind of thing, that doesn’t mean anything to anybody, I mean, nobody cares, you understand that? This is, this is, and that’s what happens in the world of academia. It’s a navel-gazing session”

Barry was quite openly engaging in some de-legitimizing work, by minimizing academics, who he seemed to think are the sole generators of these perspectives and critiques. This would not have been so problematic in itself, but Barry went on to connect the settler colonialism critique (or perhaps just academic work/ critique in general) with the Aboriginal Industry—thereby making an implicit connection between theory on settler colonialism, “the problem” of the government (which he says is *the* problem), and “the nanny state.” He elaborated on this more, in a part of our conversation that I will turn to in a moment.

When I asked Yvette about the word “settler,” and whether this was something with which she identified she responded:

Yvette: No.

Tiffany: It seems to be a bit contentious, so..

Yvette: Yah, um, I've been called a colonizer before (laughing). That really chapped my butt. I didn't like that very much. No, I just think that because I was born here and raised here, I didn't come from somewhere else but I think we think more in terms of immigration than settlers. It's a very different connotation.

Tiffany: Do you think that first generation immigrants are settlers then? Do you make that sort of distinction? //no// Or do you think, because I've heard from someone else, they consider to be a period of history that was European settlement for the purpose of agriculture that it was like a period in history...

Yvette: Yeah, and I was going to say something similar, it was kind of like you're coming to settle something, right, you were developing the land, brand new, nation you know, not even under confederacy yet, it's like, but if you were like, my mom came over from England, my grandma was a war bride, so she immigrated to Canada, she didn't come as a settler, it was already established, so, yah, I do think the term is probably outdated and I do think a lot of people would think the term colonialism is outdated. It just is what it is.

Tiffany: Do you think it's outdated?

Yvette: No, not for social scientists, but for the general population, it's whatever, it's kind of eyes glaze over, and I, like, even try to have that conversation with people that I work with in Policy. ...And in fact, my manager himself [...] he's leading this *major* initiative underpinned by Reconciliation, UN Dec or whatever—and as recent as two months ago, he said: 'is there Treaty in Saskatchewan?... knows nothing, knows nothing but is leading this and I just, lose my mind, so it's like, if we're talking that level of knowledge, how can we even talk about, you know, who's really interested in colonialism, right? Well, anthropologists, social scientists, right? Like, no one else is really thinking about it, right? I am and you are. But, um, you know, so, yah, hand the baton to someone to lead these major policy initiatives under the banner of reconciliation and don't even frickin understand where the treaties are.

Tiffany: But do you think... I mean, that's kind of Canada's fault, right? It's like, a public education system that hasn't taught that history, I mean do you think colonialism is a concept that we must drop or update?

Yvette: Um, no because it... I don't know.

Tiffany: Like it still fits the situation, I mean the Indian Act is a very colonial instrument.

Yvette: Yah, I just think we call it something else now. We call it ‘treaties’ and we call it, um, you know, I think that the term is outdated and I think it rings hollow for people and so many average people you know that maybe don’t have the personal interest themselves to understand the history or are frustrated by it, that ‘get over it’ attitude. And were like, ‘I didn’t do that.’ And even in grad school, one of my professors was very, he’s very passionate about decolonizing, and ...I was still a fresh, shiny student, and we were in India at that time and talking about post-colonial guilt, whatever, and you know, I was like tired and whatever and I was like ‘whatever, and you know what, I didn’t do anything to anyone, I don’t feel guilty at all.’ You know, ‘can we talk about something else?’ And I think a lot people think that way, but I didn’t, I didn’t colonize anyone, you know, and the girl I was going to school with who was Ojibwe and we were having a conversation, she said ‘well, I think that’s a common..’—well I made a comment, I cannot even remember what we were talking about, and she said ‘well I think that’s a common colonial viewpoint.’ And I was like, ‘did you call me a colonist? Like, colonizer?.. Like don’t ever, ever call me that again.’ Like to me it was so derogatory, because I was just like I personally wouldn’t do that to anyone. I think it becomes offensive.

Tiffany: Do you think though, I’m just going to push on this a little bit, but do you think, I mean, don’t you think that you’re still benefiting from systems that were colonial and continue to be so at the expense of Indigenous people //yeah?// or on the other side of colonialism.

Yvette: Yep. Oh, yah, totally I understand that, conceptually, but personally and I think maybe that’s where the difference is, right, is um...

Tiffany: it’s not something that you own as a person?

Yvette: Yeah, it’s like maybe that’s where reconciliation needs to come as well, right, is that we need to own that as individuals, you know and try that on for size.

Tiffany: It’s hard.

Yvette: Yeah, it’s hard, and you know, I mean our history is young as a nation, but still it’s a long time ago, I mean it’s passed most of our lifetimes and you know, it’s history that we read about in books or in diary accounts, of you know, being on the Treaty 8 trail, you know, the signings and all of that, it seems like something we read about now, as the history of our relationships with Indigenous peoples in Canada but taking it on that personal level...

In this excerpt, Yvette was talking her way through the question of whether or not it is fair or appropriate to refer to herself as a ‘settler’ or ‘colonizer.’ Generally, she resisted this category;

like Barry, she seemed to think that the term has little importance for those outside of academia, especially outside of social science.

She concurred with the assessment that ‘settler’ refers to a historical period and role in the colonial history of the past. Again, like Nancy and Barry, settler was rooted to a particular period, and to a particular function tied to the land. You will recall, for example, that Nancy had tied the period of settlement to ‘the taking up of lands’ (page 97-98) saying that this process has been completed, and asked after how many generations are settlers considered as more like “features in the landscape?” (page 97). Barry had also attributed ‘settler’ to a particular period and function tied to the land: that “they came here under the requirement that they settle the land, and break the land,” and “set up the agricultural system” (page 101). When I suggested this interpretation to Yvette, she agreed, saying that it meant you were “coming to settle something”, “you were developing the land”, “brand new nation...not even under confederacy yet.” Thus, it seems that settler colonialism, in these accounts, has a deeply temporal character in the full sense of the term: both in relation to time and space/place.

Yvette said that she thinks many people “would think the term ‘colonialism’ is outdated,” that for “the general population,” their “eyes glaze over.” She said that even in her own workplace (the common understanding here is that the level of knowledge on these matters should be better than average in this context), certain people possess a limited knowledge and understanding of colonialism, or even treaties.

Again, she made use of anecdote, which helped to explain what it felt like when she was confronted with this question in a different context. She expressed having been offended by the implication that she was a colonizer. She brushed off the idea of (post)colonial guilt, saying that *personally*, she would not do that to anyone. When I asked her about whether she could concede to the understanding that she might be benefiting from a system of colonization in the present, she said that she could understand that “conceptually,” but that it was different to “own that” as an individual. She suggested that part of reconciliation could be to “try that on for size.”

Frankly, it is difficult for settler subjects to see, let alone to admit aloud to other settlers, their privilege and their investments in systems and structures of oppression. I am aware that even presenting that critique in many circles may jeopardize my own position. I am appreciative that Yvette seemed to be honest and reflexive about her personal views on this.

I want to turn to another set of excerpts from my conversation with Barry:

Barry: So they [i.e. First Nations] want to be, to have inclusive participation. I think that's what reconciliation means for me because up 'til, you know, up 'til now I suppose, they've been excluded from pretty near everything, right?

[...] So basically what it boils down to is competition for resources and the competitions for resources are fierce all over the world. It causes a lot of global conflict. There's competition for... aah, fresh water, there's competition for oil, there's competition for fish. So I don't think it's anything *specific* between us and the First Nations, us and them thing. You know, it's the *human* condition and it's been that way for thousands of years that you know, right; there's been tribal wars over better hunting grounds, right, stuff like that. //mhmm//.

I think it's a human condition and the problem is is the reason the problems exacerbate themselves is because the root cause of most of the world's problems is that there's way too many people... right? So, you know, 300 years ago, in Canada there were very few people, there were very few conflicts between First Nations and.. caucasians, right? But as populations increase and we're further and further encroaching *on the land*, especially in Alberta for all the resource development, because there's a demand out there in the world for the resources that are located there, it creates conflict on the landscape, right, because there's huge cumulative impacts... //mhmm// ... right. Same thing with the woodland caribou, right? You know because of all the fractionalization of the land and all the development, they're on their way out. But I mean there's extinctions going on all over the world; it's nothing particular with the Canadian Indigenous population. There're extinctions, there're mass extinctions, going on all over the world. //yeah// And it's because there's just too many people competing for too little existing resources. They say 90% of the fishes, the natural fishes in the oceans have been fished out. //mhmm// Right?

Tiffany: Yeah, there's definitely like a lot of... there's a whole global phenomenon, for sure, of extinction and I mean maybe it has to do with//

Barry: Oh, exactly and competition for resources! But this is one of the sources of conflict between non-Indigenous and Indigenous hunters or fishermen and all this other kind of stuff. It's just a microcosm example of what's going on between nations internationally.

In this excerpt, Barry engaged in an argument about “root cause” of the conflict between Indigenous and non-Indigenous people—or really all people globally and through time. I would say that these values are assumed within the discourse of scarcity/competition. Here, the “root

cause” of “the world’s problems” is human overpopulation in the face of scarce resources. It does not matter so much here that Barry’s statement is true or false (i.e. the fact of overpopulation or the fact of resource scarcity— and I am not claiming these are or are not facts). What matters is the assumption that this necessarily leads to competition, that it is natural, and most importantly, that this is the root cause of colonization. Indeed, Barry explicitly states that competition is “a human condition.” His arguments *throughout* our conversation, as you will see again below, relied heavily on the idea that competition is the inherent driving force of history (a ‘survival of the fittest’ ideological position)—an idea that is rooted in notions of scarcity and White logics of possession (see Moreton-Robinson 2015).

Of course, if history is seen as a story of ‘survival of the fittest,’ and the human is perceived or presented as competitive *by nature*, then this does a lot of ideological work to pave the way to legitimize (via explicit argument and/or implicit assumption) the ideology of capitalism. This ideology is not presented as an ideology, or as historically contingent, but as *natural*. If something can be successfully accepted as natural, then it can be detached from its moral foundations and historical context. Most importantly, it conceals its contingency, that is, how things could be different or could have been.

The fact of different systems of production, different ways of life, or analytics of existence (Povinelli 2016) is obscured or implicitly denied in this account. Also absent from Barry’s account is any attribution of agency. Instead of specific people acting in certain ways, we have “populations,” instead of the problems of colonialism, we have “the world’s problems.” It is just mathematics, natural laws, not anyone’s fault, beyond responsibility or ability to act, or especially to *be otherwise*.

Barry frequently created relations of equivalence in his arguments. You can see it in the parallels he drew between competition on local scales, with competition on an international or global scale. Also, by paralleling (signaled by the word “same”) Indigenous ways of life with the threatened state of woodland Caribou (he said “they’re on their way out”) or natural ocean fish populations, he was suggesting that Indigenous ways of life are also “on their way out.” He said: “But I mean there’s extinctions going on all over the world; it’s nothing particular with the Canadian Indigenous population.” We might wonder whether Barry was suggesting that one meaning of ‘Indigenous,’ is ‘bound for extinction.’

If my conversation with Barry is interpreted in this way, you could certainly say that he was referring to ‘reconciliation’ prescriptively (in that he prescribes the solution of inclusive participation in the economy). He was also referring to it descriptively (he was directly tying the meaning of reconciliation into a description of the way things are—something Indigenous peoples must be reconciled to). He was also referring to it predictively (referring to an imagined future trajectory). This is where Barry was setting up some of the foundational logics for arguments he would make later.

The notion of modernity as a period that was superior to the past “constitutes part of the ludicrousness of attempting to ‘turn the clock backwards’”—a phrase⁸¹ that “principally serves to mock the impracticality and lack of ‘real politic’ of those who seek to remind” of historical injustice (Wetherell and Potter 1992: 184). It also “takes for granted the obvious desirability of the present” (1992: 184). In these kinds of accounts, presuppositions and moral evaluations are obscured in the presentation of events as ‘natural,’ and part of a coherent sequence of events within a grander design (usually of civilizational progress). Colonial history can therefore be easily “reconstructed as a story of clashing values, the modern against the traditional, as opposed to a story of conflicting interests, power relations and exploitation” (Wetherell and Potter 1992: 137). In accounts such as this, the events of history come to seem ‘agent-less,’ and abstracted and denatured as part of larger, ‘natural’ processes, helping to veil and deflect responsibility. As Wetherell and Potter say, “[t]here is an inevitability and acceptability in the notion of ‘culture contact’ not found in the rhetoric of annexation, conquest and oppression” (1992: 137).

In the following excerpt, I did try to interject, by signaling a critique that I thought would bring us to the heart of one of these logics:

Tiffany: I mean I think that there are quite a few, um Indigenous people that would see capitalism as being, you know, hand-in-hand with the colonial history //Barry: yeah// that subjugated their people. So I mean//

Barry: Yep, that’s true.

⁸¹ The phrase ‘turn the clock backwards’ is not always explicitly used, but is a metaphor to refer to the overall rhetorical strategy to which Wetherell and Potter are referring.

Tiffany: So... how does that work out, I guess, if you're saying that reconciliation is um, is is part of this economic or financial aspect if if//

Barry: Well, it's gone on—what you have to understand is, you have to understand, look, the world is now... the way it is. The world is basically, frankly *run* by multinational corporations. It just it just *is*. //yeah// Okay. You know. So... you know, if they're going to sort of get involved in anything, I mean, you know... it *is* capitalism, right? I mean what are you gonna do about it?

Tiffany: Mhmm.

Barry: So, you know, I'm not sure what the answer is to that, but it's the it's the *way it is*, right. So what are you going to do? You can't really... yeah!—I mean... colonialism was all about the European powers coming and going further and further afield to sort of take over countries to exploit the resources. We're still doing it to this day.

[...] So I, you know, I, ah, if you ask me: do I think that there's an answer? — it's been going on for ten thousand years. //yeah// So, I don't know... //mhmm//... ... Right, but you know, if you think about it... there's no turning back, right. //mhmm... ...So... so just— I don't think there's any turning back//

Tiffany: Which means we have to go *forward*. Which means, you know, accepting and participating in the capitalist economy as much as possible?

Barry: ... Well... If you think about it this way... most First Nations have—and I'm speaking about the ones that I know, in Alberta right, they speak English, which is a European language, they're catholic, which is a European religion; they go to shop in grocery stores and buy imported foods from all over the world.; they live in housing with central heating and plumbing; they use guns; they go to use western medicine, largely right; they wear clothes made in china; they drive trucks and off- highway vehicles made in Japan, Europe and the USA... right, you know... ; they use paper currency. //yeah//. So if you think about it, right? They already are engaged fully in the economy. If you know what I'm saying? So this whole thing about... you know... there is no going back. They already are essentially assimilated just like everybody else is because it's basically just working towards this one world government thing right...

[...] But there is this ah... so you know, some people say 'traditional way of life' and stuff like that for First Nations, well, the First Nations haven't been engaging in the traditional way of life for a long time now. //mhmm// But there's a façade... there's a façade that's being put out there by whomever that, this is the leverage... what they do is they leverage this traditional land use and traditional way of life stuff, they leverage that to sort of get industry to the table, right...to get economic benefit. //right, umm//

— But if you think about, they already are essentially assimilated. They watch TV, everything, everything, they're as assimilated as I am. Except the only difference between them and me is they're not really a part of the economy as fully as they could be because of where they live, especially in the landscape, because there's not work where they live [...] With the exception of some of the industry that's taking place with the consulting—proponents are consulting consulting with them, that's why all the conversations are about economic benefit, you see what I mean? //mhmm// –for the projects that are happening in their areas.

Tiffany: Mhmm.

Barry: ... So really, you know, to answer your question... and I can't remember what your original question was.

Tiffany: (laughing) Um, it was about—oh wait what was it? Um... ah... it had to do with... I think resistance to capitalism, or the idea that//

Barry: Oh yeah well, well, let me ask you: so how much resistance have *you* seen?; I don't see any resistance at all. I think the resistance comes in the minds of academics, right, who feel there should be resistance. But when you go out there and actually talk to them, they wanna get involved in the economy desperately.

Tiffany: Mhmm, yeah that, I mean, I think//

Barry: The rest of it really is, a lot of it is...um, the whole thing is... just you know, resistance to the capitalist system really is just 'pie in the sky.' //right// They use western currency. They use western medicine. //um, so// All all those items that I told you, those are all components of assimilation.

[...] *Those days are over.* Yeah, you can teach your grandkids, you know, to speak Cree and stuff, you can keep it alive and stuff like that you know, within the communities. There's nothing wrong with that. That's a nice thing to do. But there isn't a *future* in it. I'm just telling you the reality. There's no future in it. But you know there's nothing *wrong* with it. But there's no future in it. The future's moving ahead at lightning speed and the future is basically, ultimately and I'm telling you this for sure: out there in the cosmos, for heaven's sake, we're reaching out in the cosmos, right? //right//

[...] But you have to move forward right. You have to move forward [...] This is my view. I'm not saying... and you know what, if you talk to people one-on-one, if they're honest with you, it's everybody's view.

The major discursive work undertaken by Barry in this part of our conversation, seemed to be in constructing supports for a ‘realpolitic,’ of the kind Wetherell and Potterell (1992) describe. He was suggesting that if Indigenous people are already “essentially assimilated,” then appeals to difference (particularly different socio-economic systems, or “traditional way of life”) are quixotic.

The existential and value assumptions in this excerpt are signaled by factive verbs and driven in with emphasis. For example, he said:

- “you have to understand “, “ look, the world is now... the way it is”, “The world is basically, frankly... It just it just *is*”, “it *is* capitalism”, “it’s the *way it is*”, “You can’t really...”, “It’s just the *way it is*”, and “look at...”

Harkening back to the ‘survival of the fittest’ version of history, Barry also stated *the reason* why First Nations people: “already are essentially assimilated just like everybody else is because it’s basically just working towards this one world government thing.”

The ‘common ground’ this account assumes is that the direction of this progression is self-evident. His conjecture (and image of/prediction for the future) was supported by reference to a number of indicators, including: speaking English, shopping in grocery stores, using western medicine, wearing clothes made in china, and so on. All of these items, as he says, are “components of assimilation,” arguing that *essentially*, First Nations are “just like everybody else.”

This version works to submerge/erase difference. Though he does not say this explicitly, he suggests that *the essential features* of assimilation can be found in things like what one consumes in the market. Absent from these lists is reference to, for example, systems or structures of law, kinship, governance, education and the continuation and revitalization of original languages. This suggests that Indigenous peoples cannot have it both ways: “traditional way of life” and participation in the market.

Several of his statements reiterate the natural/naturalized part of his argument, for example:

- “what are you gonna do about it?”
- “do I think that there’s an answer? —[it’s] been going on for ten thousand years”
- “if you think about it... there’s no turning back.”

These statements work to tie his assertions regarding socio-economic change (or the indicators of change) to a natural linear progression through time, and suggest that “going back” is what the alternative to his explanation is. This effectively creates a straw man to his argument.

Statements like “if you ask me”, “if you think about it” and “if you actually talk to them”—which he used very frequently throughout our conversation—are rhetorical strategies of persuasion. They recall questions I had not asked or subtly suggest that I (or whomever he imagines his audience to be) had not thought of the issue in a certain way (a way which leads to a self-evident ‘answer’).

The classifying work done here can be seen in the striking representational act of listing of those socio economic indicators. He engaged in repetitive pattern of: having something/being something— which originates/belongs to another society. For example:

- “they speak English, which is a European language”
- “they’re catholic, which is a European religion”
- “they go to shop in grocery stores and buy imported foods from all over the world”
- “they drive trucks and off- highway vehicles made in Japan, Europe and the USA”

This sets up a way of classifying these things as *not theirs*. Because these are the things that *the rest of us* have, they become indicators that these First Nations are “assimilated just like everybody else.” This relation of equivalence was particularly stark when he referred to the homogenizing trajectory of society: “it’s basically just working towards this one world government thing.” The reader/listener can assume what this “one world government” would resemble. Barry is able to give a white supremacist, western imperialist discourse without using blatant racial slurs, or explicitly applying a value system of ‘bad’ Indigenous culture and society, to ‘good’ anglo-Canadian/Euro-Canadian/western culture and society, because the process whereby the former is annihilated by the latter is presented as simply natural.

One of the interesting ways that Barry appears to manage these assimilationist arguments is how he used inclusion multi-referentially. He argued that First Nations “already are engaged fully in the economy” to argue that they are no longer living a traditional way of life: “they’re as assimilated as I am.” However, throughout our conversation, he constantly referred to their exclusion from mainstream society, and that they especially need to become more involved in

the economy. I want to discuss the flexibility and moral ambiguity of concepts such as inclusion and exclusion later, but I will just call attention to it here.

There are two main causes that Barry cited for First Nation exclusion. One could be called a *self*-exclusion (mostly social), and the other, exclusion as or via geographic isolation. In regard to the latter, his argument takes on a place-based classificatory element, when he said:

- “the only difference between them and me is they’re not really a part of the economy as fully as they could be because of where they live, especially in the landscape, because there’s not work where they live [...] With the exception of some of the industry that’s taking place with the consulting—proponents are consulting with them, that’s why all the conversations are about economic benefit, you see what I mean?—for the projects that are happening in their areas.”

The classification occurring here is in tying isolation, and exclusion from the economy, to being out on “the landscape.” He used this to bolster his assertion that in the realm of consultation: the real importance is and should be on economic benefit conversations between First Nations and industry proponents developing on their lands.

The implication of self-exclusion had various forms in our conversation. In this excerpt above, Barry first explicitly introduced the traditional-way-of-life-as-a-façade argument into our conversation. He said:

- “But there is this ah... so you know, some people say ‘traditional way of life’ and stuff like that for First Nations, well, the First Nations haven’t been engaging in the traditional way of life for a long time now. But there’s a façade... there’s a façade that’s being put out there by whomever that, this is the leverage... what they do is they leverage this traditional land use and traditional way of life stuff, they leverage that to sort of get industry to the table, right...to get economic benefit.”

This is so interesting. There is so much nuance packed within these two sentences. Structurally, the conjunctive “but” starting the second sentence does the work of casting serious doubt on the reality—discussed in the preceding sentence—of First Nations living a ‘traditional way of life.’ This contrast also says that although “First Nations haven’t been engaging in the traditional way of life for a long time now,” this lie—or as Barry puts it, “façade”—is used to “leverage” “economic benefit.” The façade is created in Barry’s representation through the contrastive work

undertaken between the *unreality* of an actual traditional way of life, and the *reality* of its symbolic or discursive use, nevertheless, in consultation conversations. But *who* is using this lever of ‘traditional way of life’? Notice that Barry stops short here of saying precisely who, rather, he said “some people say” and “whomever.” I do not wish to read too much into this at this point, but want to note that he might have said First Nations, but did not, and there may be a reason why he left this open.

In the last part of the excerpt above, Barry came back to the exchange, saying he wanted to try to answer my question, but forgot what the question was. I nudged him back to the topic of resistance to capitalism, to which he responded:

- “Oh yeah well, well, let me ask you: so how much resistance have *you* seen?; I don’t see any resistance at all. I think the resistance comes in the minds of academics, right, who feel there should be resistance. But when you go out there and actually talk to them, they wanna get involved in the economy desperately.—The rest of it really is, a lot of it is...um, the whole thing is... just you know, resistance to the capitalist system really is just ‘pie in the sky.’”

He first asked a rhetorical question, implying that I could not possibly honestly say that I had personally seen much resistance. He thereby effectively erased any Indigenous resistance, more precisely, either the historical resistance to capitalism, and/or the historical connection between capitalism and colonialism; it is not possible to say which. Although, given how narrowly he had painted economic development (as involvement, inclusion, and assimilation— which is presented as positive and/or natural—of First Nations), the difference hardly matters, and the result is the same.

The jab that he made at academics here was about their being out of touch with the reality on the ground. For example, he said “*in the minds* of academics”, “who *feel* there *should* be resistance”, and “*just ‘pie in the sky.*” The use of this psychological phrasing (like “feel” and “in the minds”), and the use of “should” and the analogy “pie in the sky” is used to construct this perspective or critique as fanciful, and therefore not legitimate. This critique is further delegitimized when Barry contrasted that with someone (perhaps he was referring to himself?) who actually goes out there to talk with First Nations (“But when you go out there and actually

talk to them”). His argument was further intensified with the statement “they wanna get involved in the economy *desperately*” and everything else, to paraphrase, is just a fantasy.

By this point in our conversation, I had not even brought up any elements of ‘traditional’ Indigenous practices, or issues such as revitalization, resurgence or the like, which might have suggested a more temporal focus. Yet Barry made that connection himself, using ‘tradition’ or the ‘traditional way of life’ discourse as a foil against the reality of the progression (whether conceived of as positive or negative) of the capitalist system.

He then not-so-subtly inscribed traditional with ‘backward.’ I suggest that this entire excerpt is therefore a legitimizing discourse, with its continual reference to ‘backward’ versus ‘forward’ practices and social movement. The rest of the excerpt is almost entirely value statements (signaled by “nice thing to do”, “wrong” and so on), statements of opinion (signaled by “I think” and so on) and conjecture (for example, “if you talk to people one-on-one, if they’re honest with you, it’s everybody’s view”).

Here, the classificatory work is in describing the “future” as positive, forward movement, technical, scientific (and other forms of) advancement (the “future” is characterized by “moving ahead at lightning speed” and “reaching out in the cosmos”). Diverse socio-economic phenomena are thereby being categorized as the “future” and referenced to through an explicit system of values, related to on a scale of linear progress from back (past) to forth (future). In Barry’s account, the past (or “those days”) have no practical or central place in the future.

So, what is this saying about reconciliation? If we follow Barry’s argument, we may be left with the impression that agency and morality have no place in the conversation—that history is an agentless and unfeeling natural process. He repeatedly asserted that the way the world is now “just is,” and there is nothing to be done about it. This suggests that even if there is truth to the ‘traditional way of life’ claim, maintenance of a traditional way of life in ‘today’s world’ is untenable.

In summary: when asked specifically about their status as settlers or role in colonization, the Indigenous Relations Specialists I interviewed engaged in various forms of denial, usually by way of historical narratives and explanations. As Macdonald writes:

Conflicts over meaning and memory often develop when those promoting a conservative view of the nation and its founding denounce new narratives as disloyal and distorted portrayals of the past. Often there is a sense that personal identity and collective egos are threatened when the nation and its narratives seem to be under assault [2015: 412].

If this kind of reconciliation talk works to link political legitimacy with the ability of non-Indigenous individuals and authorities to recognize and overcome its history, then what is the expectation of Indigenous peoples and groups? As Yvette said, “the Nations have their part in reconciliation as well.” What happens when Indigenous peoples do not seem to ‘play’ “their part,” or perhaps not in expected ways?

Feelings “Produced and Organized by the Gap”: Expectations, Frustrations, Conflicts and Contradictions

As I discussed in the literature review chapter, the anthropological imaginary (Povinelli 2002)—which maintains a *traditionalist* construct of Indigeneity—has done much to structure the ways we think and talk about Indigenous peoples, politics, and the colonial history of our nation. Because it permeates the law, it also partly determines the ways in which actors engage in strategies of difference (both to protect, and to limit difference), and helps to make sense of the distribution of rights (in this case, Aboriginal and Treaty rights), benefits and harms. These differences are not only social or cultural differences, but temporal and spatial—a “geographical and social space and time of authentic Ab-originality” (Povinelli 2002: 49). Moreover, this is where “legal and popular questions coagulate... in the context of public debates about the allocation of resources to various Aboriginal cultural, social, and political organizations” (Povinelli 2002: 49). In this section, we should remember that the values that are ‘at stake’ in the Crown’s duty to consult Aboriginal peoples, are those values that are fundamental to Canada’s claims to sovereignty, and to Canadians’ own understanding of themselves and of the national character.

As I explained above, the purpose of reconciliation is meant to attempt to address *historical* wrongs in the relationship between Indigenous people and the Crown. Aboriginal rights are also seen as historical, pre-modern and ‘other,’ such that those practices that are traditional (Alberta refers to “traditional uses”) are those that are protected. Thus, when we talk about reconciliation, the duty to consult, and Aboriginal and Treaty rights and traditional uses, we are necessarily talking about continuity and discontinuity (of traditional Indigenous practices, and of colonialism). But what happens when the imaginary does not align with the experience?

As Povinelli argues, the gap between “the promise of a traditional presence and the actual presence of Aboriginal persons is not simply discursive;” it “also produces and organizes... feelings, expectations, desires, disappointments, and frustrations” (2002: 49). The encounter with difference/non-difference and the feelings and solidarities produced as a result, are an important area to consider in investigating the reproduction of settler-coloniality. As Povinelli writes:

in actual social worlds those who consider themselves to be liberal are confronted with instances of intractable social differences that they do not set aside... moments of fundamental and uncanny alterity: encounters with differences they consider abhorrent... or with differences they consider too hauntingly similar to themselves to warrant social entitlements—for example, land claims by indigenous people who dress, act, and sound like the suburban neighbors they are [2002: 13].

Povinelli says that it is in these moments that “subjects are prompted to calibrate the forms and modes of difference confronting them occur in large and small scales, in political and intimate settings” (2002: 13). She writes:

they startle and are long expected. Courts dismiss the juridical viability of these moments. Governments and public spokespersons denounce them as the limits of good law and good society in a multicultural framework. More important, these moments are not moments at all, but somebody’s life. They mark the site where indigenous persons struggle to inhabit the tensions and torsions of competing incitements to be and to identify differentially [2002: 13].

Of course, this marks “the impossible demand” made on Indigenous people: “that they at once orient their... identities toward the nation’s and law’s image of traditional cultural forms and national reconciliation and at the same time ghost this *being for* the nation so as not to have their desires for some economic certainty in their lives appear opportunistic” (Povinelli 2002: 8).

A number of my colleagues discussed their experience with what Povinelli describes, and seemed to struggle with it in different ways. One could read into any number of examples from my own interviews, to speculate about those feelings, expectations, desires, disappointments, and frustrations to which Povinelli refers. For instance, we might recall Barry’s insistence that “First Nations haven’t been engaging in the traditional way of life for a long time now” (page 109). He used this assertion of cultural discontinuity to argue that “traditional way of life” and “traditional land use” are strategies or in his word, a “façade” used to “leverage... industry to the table.” However, Barry did not seem to be saying that this means that Indigenous people should *not* be consulted, quite the opposite in fact; he was saying this to bolster his argument that consultation

should lead to economic benefit for First Nations. Reconciliation, in this view, should not be about protecting tradition, but rather, should be about *certain kinds* of benefits.

This is one reaction, likely influenced by or set in a particular set of political ideologies (e.g. Widdowson and Howard 2008, Flanagan 2000). But there are other kinds of reactions, influenced by other kinds of political concerns. There is one part of my conversation with Yvette that I wish to consider. I had recently asked her about the definition of “meaningful consultation,” in part of her discussion of this topic, she said:

Yvette: we’ve met one on one with every First Nation and we spent a day with industry and (inaudible) everyone, right, who was able to come that day. So um, definitely the data collection to date has been very focused on, and understanding their concerns, and I think ‘meaningful’ will be more inclusion in the consultation assessments: ‘Don’t look at a map and review a project application and decide within the ACO what level of consultation that will be on my land and tell me as such. Include me in that conversation.’ That’s meaningful, right? ‘Don’t ask me to determine if I have any site-specific concerns in a certain area when I can’t go there, like how am I supposed to know?- our territories are huge,’ right? Like I, no one living in a community knows every square inch of their traditional territory, right? And because residential schooling and everything else, people were detached from their communities. I mean sometimes they might go and do a site assessment and discover an archeological artifact for the first time. No one knew it was there. How would they because they were shipped to wherever to go to school, right?

[...] So that’s why I think there has to be that acknowledgement that you know, a lot of Indigenous people are still reconnecting with their communities, right? So just because they’re a member of XYZ band and their skin is a little bit darker than yours, don’t assume they know everything about every square inch of this—by the way—pretty like, you know, Alberta just kind of, you know, in conversation, but it’s like this is where we’re going to consult with you. Well, they consider their traditional territory the entirety of Treaty 6, right? So again, that’s not very meaningful either, right?

So, I think just being as respectful as possible, as inclusive as possible, and giving equal voice and weight is about as meaningful as it’s gonna get.

Tiffany: And I think that’s an important part, aspect of reconciliation is understanding that this idealized notion of the Indigenous person as being totally rooted to the land and da, da, da, whatever, because the courts kind of dance around this a lot: trying to define what Aboriginality is and what is the essence of it and what is the most essential aspects to cultural continuity and stuff like that. So I guess an essential part to reconciliation would be understanding the effects of, for example, Indian Residential Schools //yup//

and outlawing ceremony and //yeah// what that's had on current, you know interactions today, //mhmm// even if they're on reserve, and even if they're with an Elder, I mean they still had effects of residential schools.

Yvette: Yeah, yup, exactly and it became very clear to me very quickly when I was doing traditional knowledge studies, right because a lot of it was an employment grab, right? You got some young guys on the reserve that needed jobs and so the chief puts them forward so you know there's some of that going on, but it just kind of just made me shake my head, it's like so just because they're a member of a First Nation and they, or status, and they identify as being an Indigenous person they magically know *everything* about the land? I can just ask you anything: 'What is this tree? What is this animal?' You know, like, well, maybe their parents and their grandparents went to residential school and they didn't have a traditional upbringing, you know? So those studies are so flawed because you don't get traditional knowledge from people who weren't raised in a traditional way or were, by the residential school system, were completely ripped away from any opportunity to get, you know, that cultural transmission from their elders, right?

So it's kind of, it's it's good that that's included in consultation process, I wouldn't want say that it shouldn't be and you can't kind of tell Nations: 'Oh by the way, these are the only kind of people that are allowed to come out on a TEK study,' but on the other hand, it's a crap load of money for the proponents to pay for to get information that might not be meaningful and you don't have people out that actually do have knowledge of that land and of cultural practice and everything. You are wasting your money and I just saw money flying out the door. Helicopters costing thousands and thousands and thousands and thousands of dollars. And my favorite example is working with this young guy representing [X First Nation], which is huge, [X] is a big deal. This guy grew up on the streets of [city Y], was one of the biggest drug dealers in town, and he loved to make jokes about it and then he kind of got his life together. The extent of his knowledge of the forest is going and harvesting mushrooms so he can sell them. He didn't know anything.

And it's really an uncomfortable position because I'm standing there with my clipboard: 'oh, can you tell me about the fish here and there?' and he's like 'I don't know!'. So it's very difficult for them to be like, 'well, I don't know,' right, so you get stories that they remember or whatever, it's not a *complete* loss, but I mean to me that's not that's not meaningful for the proponent, right? And so, meaningful consultation has to be meaningful for everyone. And while I believe in site visits and while I believe in TEK [i.e. traditional ecological knowledge] and TLU [i.e. traditional land use] studies, um I do feel like the proponent gets the short end of the stick with those a lot of the time. I've seen it happen over and over and over and over.

That was my perspective, you know, but I've worked with our facilitators and they're like, well as long as we learn, you know and go into the field and learn one new plant a day, that's not a loss and I'm like, but why should they be learning that plant from you? With your guidebook written by a western biologist who like, that's not the point, they shouldn't...but I'm very idealistic (laughing).

I will come back to this excerpt, but first want to add to this another. Continuing where I left off in our conversation about settlerness and Canada's history as a nation, Yvette continued to struggle with certain questions:

Yvette: But I don't know, I know Indigenous people that work in more senior roles than me, that have more money than me, that have more status than me, so you know I don't feel like... I think it's mixed, like for people on reserve, yes I feel like I'm benefiting, but there are plenty of Indigenous people living off reserve that have a heck of a lot more wealth and power and status than I do, so who's.. like, we're same/same, no one is benefiting, like you know, I've dated a Cree lawyer, went to law school, has his own firm, you know, whatever, am I doing better than him? No. Well, how do you want to qualify better, right?

And in some ways I think that non-Indigenous Canadians might have misconstrued ideas on how Indigenous people benefit from that relationship and kind of work the system, I've heard a lot of comments like that.

Tiffany: Like they benefit more...?

Yvette: ...like status, like taxes, and you know, free education, blah, blah, blah, um, yah, they don't really care about their land, or whatever, it's all just a money grab, and I have seen these sorts of things play out before.. my eyes on TEK studies, but that's, to me it's a defense mechanism, that's how I take it. It's just a... it's um, it's a response to the whole mess.

What is interesting in the first of these two excerpts from my conversation with Yvette, is that you can see a juncture, at about the time that I began to provide a bit of a critique about the "idealized notion of the Indigenous person" used by the courts. It first seemed (from my perspective), like we were getting to the same point: recognizing the effects of colonialism (on Indigenous Peoples' ability to transfer knowledge to the next generations) means that a view of

tradition as continuity/authenticity/repetition, is unfair and profoundly limiting. However, Yvette seemed to take this a different way, implying that the issue with this view of tradition is problematic, *not* because it is colonial, but because it does not reflect her own experience. She went on to insinuate that there are many Indigenous individuals who are *disingenuously* participating in TEK and TLU studies:

- “a lot of it was an employment grab”
- “just because they’re a member of a First Nation and they, or status, and they identify as being an Indigenous person they magically know everything about the land?”
- “my favorite example is working with this young guy representing [X Nation]... This guy grew up on the streets of [city Y], was one of the biggest drug dealers in town... He didn’t know anything.”

Yvette did say that she believes in TEK and TLU Studies, and does seem to think that there are some people out there who are real traditional knowledge holders (e.g. “you don’t have people out that actually do have knowledge of that land and of cultural practice”). However, she was making an argument that was in many ways similar to Barry’s, about the ‘Aboriginal Industry,’ which is said to use the “traditional land/rights” argument merely as political leverage.

Barry and Yvette both relayed anecdotal evidence for the ways in which Indigenous people (and the Aboriginal Industry at large) are responding to pressures in strategic and ‘defensive’ ways. As Yvette said: “I have seen these sorts of things play out before... my eyes on TEK studies, but that’s, to me it’s a defense mechanism, that’s how I take it. It’s just a... it’s um, it’s a response to the whole mess.” Thus, both Yvette and Barry indicated that while they see these strategies on the part of Indigenous peoples as *understandable*, it still seemed to produce in them a sense indignation/unfairness/injustice. For example, Yvette said:

- “so you know there’s some of that going on, but it just kind of just made me shake my head, it’s like so just because they’re a member of a First Nation and they, or status, and they identify as being an Indigenous person they magically know everything about the land?”
- “it’s good that that’s included in consultation process, I wouldn’t want say that it shouldn’t be ... but on the other hand, it’s a crap load of money for the proponents to pay for to get information that might not be meaningful”

- “You are wasting your money and I just saw money flying out the door. Helicopters costing thousands and thousands and thousands and thousands of dollars.”
- “And it’s really an uncomfortable position because I’m standing there with my clipboard... it’s very difficult for them to be like, ‘well, I don’t know’”
- “you get stories that they remember or whatever, it’s not a complete loss, but I mean to me that’s not...meaningful for the proponent, right? And so, meaningful consultation has to be meaningful for everyone”
- “while I believe in site visits and while I believe in TEK and TLU studies, um I do feel like the proponent gets the short end of the stick with those a lot of the time. I’ve seen it happen over and over and over and over”
- “But I don’t know, I know Indigenous people that work in more senior roles than me, that have more money than me, that have more status than me, so... I don’t feel like... I think it’s mixed”
- “yes I feel like I’m benefiting, but there are plenty of Indigenous people living off reserve that have a heck of a lot more wealth and power and status than I do, so who’s.. like, we’re same/same, no one is benefiting”

Just in these instances, you can see that Yvette used words and expressions suggestive of some of her feelings, disappointments and frustrations that—I am arguing, by Povinelli’s influence—are produced and organized by the gap between expectations (or even liberal desire for) “a traditional presence” and the frustrations and disappointments produced by “the actual presence of Aboriginal persons” (Povinelli 2002: 49). I think that perhaps this organization is more of a *disorganization*, as Yvette seemed to struggle with this tension, trying to ‘reconcile in herself’ (something she said at another point), some of the conflicts and contradictions that arise for her in her work in this field.

Barry’s frustrations seemed to be aimed not quite at Indigenous people themselves for not having lived up to an expectation he had of them, or of some liberal desire to experience and protect an authentic Indigeneity. Rather, his frustrations were aimed at an ‘Aboriginal Industry’—particularly academics, lawyers, bureaucrats and First Nations leadership—who all make money off of the perpetuation of this “façade.”

The primary difference between Barry and Yvette is that Yvette located the source of this issue as actually within the history and ongoing effects colonialism and colonization. She seemed

to believe that there are appropriate and positive uses for TEK and TLU, but that they are often misused, largely at the expense of industry. Barry denied that ‘the traditional way of life’ even existed any longer, and presented this loss as simply natural processes of change.

This demonstrates the ways in which similar experiences and similar interpretive repertoires can be used to make very divergent arguments; how specific facts (such as socio-economic indicators, events in history) can become enlisted to do the persuasive work of explaining problems in terms of certain political ideologies and systems of value. The *fact* that industry proponents spend so much money on consultation when they are not, strictly speaking, required to do so, for instance can be used to make meaning in a variety of ways, often along diverging political lines.

One of my colleagues I interviewed was a Cree woman, who I am calling “Ruby.” In our conversation, Ruby touched on all of the four points I chose to highlight over this chapter. In the excerpts I have chose to present below, she responded to my question that asked whether transition is occurring in the relationships between Indigenous/non-Indigenous peoples in Canada. Like her colleagues, Ruby emphasized the state’s ability—but its incompetency—to undertake transformational measures. She also discussed the GoA’s limited interpretation of Treaty rights; how its approach to consultation and accommodation emphasizes “balancing” interests, at the expense of meaningfully addressing First Nations’ concerns and own understandings of their rights. She denied, therefore, that we are undergoing such a transition—saying that she feels as though reconciliation is a concept that was not designed by Indigenous peoples; and is a concept that works primarily *for* non-Indigenous society.

Ruby then talked, as you will see, about the imaginaries (what she calls “misconceptions”) of Indigenous peoples as being in the past, and their Treaty rights as historical, and of the consequences this can have for Indigenous communities. Finally, she talked about Treaty, and the importance of recognizing the integratedness of aspects of Indigenous life that are often kept separate, or made distinct.

Tiffany: Do you think we have undergone a transition or are undergoing one?

Ruby: I don’t think so. I don’t think that transition has happened yet. I feel now that Indigenous people are beginning to take space now in society which might make non-Indigenous people uncomfortable, right, because I feel a lot of times that people assume reconciliation is just going through this truth and reconciliation commission

process, right? And once that kind of ended and this whole idea of Canada's 150, right, like that, 'oh okay well, now non-Indigenous society and Indigenous society, like, we can now work together to move forward' but we haven't even begun to address like the core of the issue. Yeah, like it seems like a lot of it is on the surface, right? Without actually getting to what's the root cause. Like why are things the way they are, right? It seems to be...it seems to be a word that is losing a lot of meaning because it's just tossed around so arbitrarily now.

Tiffany: So do you think that reconciliation is useful in the Canadian context?

Ruby: I think it's useful in the Canadian context but it's depending upon, like, like I feel like reconciliation in a Canadian context wasn't designed by Indigenous people, right? It feels like it was something that was imposed. And we haven't, I don't think that they've taken into account what a lot of Indigenous communities or Indigenous people are saying about it, right? You know, a lot of people just seem to think that it's acknowledging these past colonial things that happened to us without actually seeing that they still have an effect on the current day, right? And just because you acknowledge something, that doesn't fix it, right? You're not getting to the root cause of it.

[...]

Tiffany: Who do you think reconciliation is good for?

Ruby: I think reconciliation is good for non-Indigenous society. I think it kind of allows the government this kind of like ability to step back and be like, you know, we we want reconciliation, this is what we're aiming for, you know, we want to feel like we're forgiven, it almost seems like.

[...] when we talk about like accommodation so like, you know you have a duty to consult and accommodate so you have their adverse impacts to Treaty rights or Aboriginal rights, or traditional uses that we have to find a way to mitigate that and take these interests into account, but from what we've been hearing from the Nations is that it never goes far enough, right? We'll accommodate you to the bare minimum, right? Well, if there is like an adverse impact to like a fishing right: 'well, you know, we'll figure out how we can "balance" the interests of all Albertans with your Treaty Rights or your Aboriginal rights,' you know?

Tiffany: This is ringing true to what, I think, they came up with for the Vision //(laughing) yeah//, or, I forget which one it was Mission, whatever, whichever one it was //(laughing) yeah//— I think it was the Mission one, it was like: "respecting Aboriginal rights" or something but like, "balancing" that "with the prosperity of all Albertans" //yeah!//. I think that was totally //yeah// the language that they used.

Ruby: Exactly. It always has to come in a binary and I don't understand that sometimes. It's...it's, like I understand that like, you you do have to balance certain things with, I don't know, maybe the populations that's surrounding, right? But it always comes up that—well, you know, it's for the best of “all Albertans,” right? Or//

Tiffany: It's implying that respecting Treaty rights is not prosperous //exactly!// Like if Indigenous peoples were left to their own economic systems and endeavors that they would not be prospering and, no one would be prospering.

Ruby: Exactly. Yeah, and I think right now the Mission and Vision statement actually has the word “enabling” Indigenous communities... and I have like a really big issue with that because (inaudible) exactly, and so it's like, okay, so we weren't, we didn't have the ability to contribute on land and resource decisions that may affect us until the government told us that were allowed to. So right now this word “enabling” that is actually in our final Vision and Mission statement is highly problematic because it gives off this idea that we weren't allowed to do anything for ourselves until you said we could. [...] And nobody has an issue with this. [...] I was like ‘oh, god! That's the final word we settled on?!—was “enabling”?’

In this part of my conversation with Ruby, she relayed that she felt as though Canadian reconciliation was not designed by Indigenous people— that it seems imposed, because those who take up the discourse are not hearing what Indigenous communities are saying about it. She disparaged against “acknowledging these past colonial things that happened to us without actually seeing that they still have an effect on the current day.” This led her to share with me that she thinks reconciliation “is good for non-Indigenous society,” that it “allows the government the ability to step back,” recuperate, and feel redeemed.

Along with the distinction of reconciliation as good for non-Indigenous society (rather than for Indigenous peoples), Ruby was also distinguishing between balancing “certain things” with the surrounding populations. Here, she suggested that there may be a need to balance interests in a certain locale, but extrapolating the specific interests (i.e. protected rights and traditional uses) of a specific groups or groups of Indigenous peoples and placing them in *opposition* to Albertans *as a whole*, is quite a different thing. She seems therefore to place more importance on local relationships, over the whole “province of Alberta” rhetoric that, perhaps for many Indigenous people, may not hold as much importance as a unifying community, identity or jurisdictional power. In the excerpt below, she also pointed out that a one-size-fits-all approach to consultation is inappropriate (“we're not homogenous, just ‘Indigenous’ people... there are

certain groups and certain nations that, they operate individually and you can't treat them all the same").

Ruby also mentioned that the more recent iterations of the Mission and Vision statements feature the word “enabling”—as in: ‘enabling Indigenous communities to contribute to land and resource decisions...’. Is this a part of the discourse—or at least the politics, broadly conceived—of reconciliation? If it is—if reconciliation is operationalized in the context of Aboriginal consultation as “enabling” Indigenous peoples—then it does appear that it possesses the ability to ascribe positive values to what the state is already doing (the Mission), and/or to its aspirations for the future (the Vision).

Ruby continued, discussing some of the difficulty she said she faces as an Indigenous person working in the government, specifically going along with the direction of senior leadership. She said:

Ruby: Yeah. It's just, I don't know. Especially in the work that I do, it's harder... as an Indigenous person to ...kind of like go along with with, I don't know, the direction with senior leadership or with the GoA because yah, you have a job to do, but at that same time, it's... you, like I have like a pit deep down, because I feel like it's just not right, y'know, like I'm not respecting my role as a Treaty person in this relationship and so it can feel very, like it's a fine line to walk. You really have to try and balance, like you have to try and advocate for communities but at the same time, I can't push too hard where I'm pulled back, right?

[...] A lot of times though we do hear that, especially from...from industry, we do get that a lot times, that: ‘oh okay well, First Nations are leveraging the consultation process to gain economic benefits’... So what? Right? You're leveraging their traditional territory and their ability to practice and exercise rights for your economic interests. It goes both ways, right? If you're utilizing the land and you're taking somebody's ability to feed their family then you need to give them another source of income for them to feed their family, right? It's...it's giving something for taking something and I feel like industry doesn't see it that way.

It's just like oh you know, the site visits or...yeah ‘the site visits are just all about the money now, its becoming a cash grab and each nation has their own fee schedule, there should just be one fee schedule.’ Well, not all nations are the same. You know, we're not homogenous, just ‘Indigenous’ people, right? Like there are certain groups and certain nations that, they operate individually and you can't treat them all the same. And I feel like that's like the number one complaint that's coming along, it's this: ‘it's all about money,’ and it's like no, it's not all about money; you're taking

away the ability to exercise rights, right? You're you're impeding on people's ability to pass down knowledge to the younger generation by taking up this land, right? How are you gonna help that generation benefit, right? How are they supposed to grow and how are they supposed to get money, and what kind of jobs are they supposed to have? It's just, nobody's seeing it from that way though, right, they're just seeing it as 'oh they want more money.' It's, it's it's a really awful argument that seems to be really prevalent right now with industry proponents.

[...] It's like a romanticized idea of like what an Indian should be. [...] It gives us that idea that we're not allowed to grow. //right?// Right. That we're supposed to stay stagnant, and stay in the same place and use the...use the same tools, like they have this problem with like fishing, right? And so it's like, okay you're not supposed to use like angling rods now, because, you know, 'it wasn't what you used before!' and it's like people are getting charged for that and it's like... that's...//

Tiffany: If it doesn't look Indigenous, //yeah, exactly// then it's not a Treaty right (laughing)

Ruby: Exactly! The Treaty right isn't what you're *using* to fish. //(laughing)// The Treaty right is your ability to fish, right?

Tiffany: Or like, or even just broadly, to sustain yourself.

Ruby: Yeah exactly. To feed yourself.

Tiffany: To have a living, like, period.

Ruby: Yeah.

Tiffany: Umm, so yeah...Treaty, treaty. Why do you think treaties are something that aren't talked about as much as, say, reconciliation?

Ruby: I think because it gets... people have a very like skewed view of the Treaties. That's the first thing we hear in any meeting is that Alberta has the narrowest interpretation of Treaty rights and that really you can't move forward until that definition is expanded, right? So like the hunt, fish, trap for food is essentially what they view Treaties rights as. But, those aren't the only rights that we hold. Those aren't the only rights that can be impacted, right? And so like, just think about... your right to education. Like you're educated from the land, right? Like your right to, I don't know, you're right to religion, right, like your right to practice religion; that comes from the land.

[...] It's, a lot of times, I don't think...that the GoA understands how important the treaties are, right? That wasn't just an agreement we signed. It was an agreement made before the Creator. When the commissioner smoked that pipe, he agreed to the terms of it and all the oral promises that he said, not everything that was written down, and if you smoked that pipe then you broke that promise, you broke that promise in front of

the Creator, right? And I don't think people see it having that strength, you know, because the promises that we made and the promises that the commissioner made to us, right, were never kept, and people just see it as well, well you know, 'it was just a written down agreement', 'you guys just had negotiations.' That wasn't just it, it was ceremony.

When I listen to or look over the transcript of my conversation with Ruby, I am especially struck by how she does not seem to be engaged in the kinds of torsions I read from my interviews with the non-Indigenous participants. She did highlight the difficulty she faces, as she says, "respecting [her] role as a Treaty person in this relationship," which causes her to feel "a pit deep down." She implies that it is hard to be "balanced" when she wants to "advocate for communities," but, as she said, "I can't push too hard where I'm pulled back." Ruby was therefore concerned about her ability to achieve balance, and being a responsible Treaty person, but she demonstrated tremendous 'balance' in her representation of the issues. Consider how she addressed the claim, made by others such as industry proponents, that First Nations are "leveraging the consultation process to gain economic benefits" She said:

- "So what?... You're leveraging their traditional territory and their ability to practice and exercise rights for your economic interests. It goes both ways, right? If you're utilizing the land and you're taking somebody's ability to feed their family then you need to give them another source of income for them to feed their family...it's giving something for taking something and I feel like industry doesn't see it that way.

In this excerpt, Ruby discussed the common invocation of Aboriginal rights as unfair,⁸² or that Indigenous peoples and groups are insincere (i.e. 'leveraging') in their appeals to these rights *and* responsibilities. Recall how Povinelli's work analyzes how liberal aspirations act "as a social ethics and social technology for distributing the rights and goods, harms and failures, of liberal capital democracies" (2002: 7). In my interpretation, Ruby was identifying 'a gap'—such as that mentioned by Povinelli. This gap is similar to the one that I identified from my conversations with Yvette and Barry, but it is the other side to the coin.

⁸² I would argue that this argument is likely often made by people with the privilege of not having to defend their rights.

As Ruby said, the “awful argument” that appears to be prevalent among industry proponents involves a “romanticized idea of...what an Indian should be [that gives the] idea that we’re not allowed to grow.” The gap thus involves an unbalanced and unfair expectation of how Indigenous people and groups should conform to this ‘romanticized idea,’ lest they be accused of taking advantage, or of being insincere. These assumptions and expectations seem to contribute to the perception that the system by which rights and goods, harms and failures is distributed is unfair against non-Indigenous society (“all-Albertans”) and industry.

I think you could say that this is a gap between, on the one hand, expectations of how rights and goods and harms and failures *should* be distributed, and lived experiences, on the other. It is about making sense of harms/benefits in ways that simply do not make sense, because experiences always exceed the categories that seek to name them (Shotwell 2014: 171). Moreover, I would interpret that Ruby’s frustration concerns the active *organization* of gaps—gaps that are manufactured, rather than observed or found naturally—gaps between, for instance: economic sustenance from the land versus education from the land, oral treaties and promises versus written ones, and all of the baggage and assumptions involved in distinction between the spiritual and the political.

Ruby drew attention to this “awful argument” (about Indigenous people ‘leveraging’ their rights), without knowing that some of her own colleagues had said these exact kinds of statements, as I have shown in several instances, above. Whether you would classify one as a liberal progressive, and another as neo-liberal or socially conservative, makes little difference.⁸³

Summary of Findings

In summary, I found that my colleagues were highly critical of state (both federal and provincial) action and non-action toward Indigenous peoples—commenting on the structural power dynamics within Alberta’s approach to Aboriginal Consultation in particular, and in the nation-to-nation relationships more broadly. My colleagues also did not shy away from offering

⁸³ Scott Morgensen discusses how settler desires (for certainty and emplacement) are not tied to any particular politics: “[a]mong settlers, ‘conservatives,’ ‘liberals’ and ‘radicals’... share similar desires that simply express in varied ways” (2011b).

critiques of the ‘nuts and bolts’ of consultation policy and procedure, and expressed skepticism that the government would take action that might risk litigation or uncertainty.

None of my colleagues seemed particularly moved by the language of reconciliation. In relation to Aboriginal consultation and accommodation, they all had varying views of what improved relationships would mean, including:

- the implementation and enforcement of actionable initiatives (on the part of the government);
- the creation of partnerships and mutually beneficial opportunities (in the forms of IBA’s and other contracts);
- managing resources in a way that respects Treaty rights and traditional uses, (rather than a “checklist” approach to consultation);
- simply ‘keeping our asses’ in the chair, and;
- (in the broadest sense) giving something for taking something.

On first scanning this list, it may appear to the reader, as it does to me, that these are all part of what we have come to know as “reconciliation.” Yet, when we consider in more detail the context of these statements—my real conversations with my colleagues (which of course I have only selectively re-presented here), we see how divergent they actually are.

On the other hand, I found that the interpretive repertoires that my non-Indigenous colleagues used to make sense of issues relating to identity and history, tended to rely heavily on temporal accounts. These accounts suggest a strong “investment in progressive teleologies,” (Macoun and Strakosch 2013: 430) and a reliance on at least some elements of the “anthropological imaginary,” that permeates questions of Indigeneity and recognition politics in Canada. ‘How can an Indigenous person who is not a traditionalist benefit from protection of Aboriginal and Treaty rights and traditional uses?’; and ‘How can I be a settler or colonizer if I’ve always lived in Canada?—if I’m from the east coast?, or—if I’m not a pioneer or land owner?’— these are the sorts of arguments that reflect fundamental tensions for settlers in making sense of the distribution of benefits and harms (including resources) when it comes to contending with settler colonialism. The question will be, therefore, how we can talk about reconciliation outside of the anthropological imaginary—outside of the classificatory work that too often places colonialism in the past and individualizes response and responsibility.

To whom does the story of reconciliation belong? A fuller engagement would focus on the struggle of Indigenous communities and organizations who have insisted that the relationship be reconceived in a manner that accords substantial respect to Indigenous laws and sovereignties, and for Canada to come to terms with Indigenous political agency (Kulchyski 2013; Webber 2016). While I did attempt to center Indigenous critiques throughout this research, I do not pretend that the story of the struggle that led to the current proliferation of “reconciliation,” is mine to tell. Nor is the story of the *continued* caretaking work undertaken by Indigenous relatives and collectivities in spite of the propensity for settlers to get it wrong.

I can however, tell of a particular community of which I am a part, though it should be reiterated, that this is only one set of possible analyses that could be generated from this work. Thinking through my conversations with Indigenous Relations Specialists using these particular angles, helped me consider issues that have been sitting with me—situated as I am in this place—in a process of active and continual negotiation and renegotiation of meaning. As I have said above, while settler colonialism and its associated discourses and ideologies may be dominant, it is/they are also contradictory, fragmentary and inconsistent. I hope that what I have chosen to present here might resonate with others who seek to better understand the knowledges in which they are invested, and to interrogate these not from outside, but from the inside of their communities of shared investment and practice.

Chapter 6: Discussion & Conclusion

The scholars I referenced in the literature review suggest that “[t]he critique of liberalism does not begin where it fails, or where subjects know or do not know this failure, but rather where it seems to be succeeding” (Povinelli 2002: 155). This wisdom comes from considering how the politics of difference intersects with the culture of capital (Povinelli 2002), and does so in such a way that allows for the “possibility of conceptualizing the institutional, discursive, and subjective conditions of liberalism outside its own terms” (Povinelli 2002: 13). Is it that liberalism is ‘getting it right’ when Indigenous peoples are recognized (included, accommodated, consulted, reconciled and so on) and ‘getting it wrong’ when they are excluded?

In their discussion of what they refer to as “the ethical demands of settler colonial theory,” Macoun and Strakosch explain that rather than being in a temporal relationship of progress from one to the next, in settler colonialism, inclusion and exclusion “have operated as twin strategies” (2013: 429). They argue, in fact, that they work “together all the more powerfully for [their] perceived tension, trapping political resistance and energy in the continual movement between them” (2013: 429). Though these strategies are not “morally or politically equivalent...they are directed to achieving similar ends” (2013: 429). As we know, settler governmentality relies upon complex forms of power constituted by institutions, procedures and systems of knowledge, and that “the maintenance of categories upholds power” (Wolf 1990: 593 in Nadasdy 2003: 10). We should therefore consider how there may be little real difference between what we first think to be liberalism’s failures and successes. Critiquing liberalism from the outside, rather than on its *own terms*, is to allow for the possibility that we can be otherwise.

On a subjective level, however, liberalism’s “voracious encompassment” (Povinelli 2002: 14) means that there are not many roles for us to play. In the course of writing this thesis, I had an especially difficult time figuring out how to deal with my conversation with my colleague Barry. Even though I did not agree with his politics, there were parts of his argument that resonated with me, in particular, some of his claims about the Aboriginal Industry. I think that an analysis that focuses on all the racist and white supremacist claims he made would not be enough, would not cut it. After all, he advocated inclusion,⁸⁴ and was the only one with whom I

⁸⁴ Albeit a particular form with strong neo-liberal ideological aspirations.

spoke that considered issues of scale, event and circulation in terms of changing global conditions of late capitalism (my words, not his). By highlighting that the issues around consultation and accommodation connect within larger global conditions of capitalism, I think that Barry contributes to a fuller and more complex picture of settler liberal governmentality. However, I struggled with how to take up his critique without validating his politics and values.

I wish to follow Povinelli's line of thinking (2002: 52), by asking: why would we be surprised that Barry disparaged traditional culture as the trap of the nanny state and urged me to wake up from the spell cast by a materially motivated Aboriginal Industry? Just as Povinelli did about Pauline Hanson's railings against the Aboriginal Industry and the failings of liberal multiculturalism in an Australian context, I think that Barry "should make us pause, but not for the usual suspects lurking in the rhetoric: specters of racism, intolerance, and bigotry. We should pause because embedded in this racist rhetoric is a call for us to look at the real conditions of Aboriginal social life" (2002: 52). Following this thought experiment still: What if we were to do the unthinkable and agree with Barry, that "there is something fishy about the nation's enjoyment of Aboriginal traditions" (2002: 52)? About the national celebration of difference that survived "the messiness" of colonial history (2002: 52)? About the tacit silences surrounding Indigenous sovereignty, territory and Treaty in an official Apology? About consultation as an end in itself, a cult of process, and self-serving one? About how the local needs of a marginalized community crumbles in the face of global pressures of multinational corporate extraction? That the promise of liberal multiculturalism's endless pluralism is secondary to capitalism's need for "resources" and work, and settler colonialism's desire for certainty?

It is a difficult tightrope to walk, appreciating Barry's "uncanny insight while refusing [his] political or social analysis" (2002: 52). To quote Kim TallBear, the practice of "studying up" is no easier than the practice of "studying down" (2017: 82), and I certainly came to feel uneasy about the kinds of relations I was keeping and producing, in the process of producing knowledge on settler colonialism within a community of language users and practitioners. As I discussed near the top of the literature review, the Indigenous and feminist thinkers I look to foreground *caring* relations and reciprocity in their work. As part of the commitment to the democratization of academic knowledge production, these scholars emphasize a research ethic that analyzes and critiques in a manner that 'cares for the subject' (Shuurman and Pratt 2002; TallBear 2017). That is, rather than critiquing for critique's sake, as she explains, critique which

cares for the subject carries the ethical and intellectual benefits “of being *invested* in the knowledges and technologies one critiques” (TallBear 2017: 81, emphasis mine). My primary ethical, moral, and indeed methodological concern, began to surround a problem: if I am to conduct ethical research mindful of situated knowledges, the tension then, is between the commitment of anthropological investigations of language to try to understand the ‘subject’s’ words on *their own terms*, with a political commitment to exposing colonial, racist, and patriarchal practices.

When I consider the ethics of conducting my research in an *invested* and *accountable* way, a set of questions arise:

- As a settler scholar studying settler discourse, how do I engage in critique that ‘cares for my subject’?
- What is the most ethical way to re-present settler discourse without silencing, or de-centering Indigenous voices?
- How do I co-construct, along with my research subjects, knowledge of/against settler colonialism, in ways attentive to—rather than erasing—the intersections of various subjects?

Although the critical insights/ethics which prompted me to want to ‘study up,’ were in a similar vein to the ones which made me uneasy about the possibility of enacting un-democratic forms of knowledge production, they *also* led me to the understanding that I was well-positioned to do this work.

On the one hand, it necessitates taking seriously the claims made by liberal subjects that they honestly celebrate the survival and revival of Indigenous traditions. On the other hand, we must also take seriously their skepticism of reconciliation and their denial of colonialism’s continuation in the present. It necessitates taking seriously that these conflicting and at times seemingly contradictory views and values could exist and express themselves almost within the same breath.

Moreover, in the real context of our interaction—sharing of space and time—they were words, perspectives, feelings shared with me—I can assume—on the trust that they would be understood because of our shared investment. Caring for surely *also* includes challenging and critiquing—‘taking seriously’—since the alternative is trivialization that only serves to distance the critic. What is required of you, the reader, is that you set aside one of the principles of

contemporary liberalism: “that the validity of an argument stands in a negative relation to self-interest”—that “the more disinterested a position is, the more likely it is to be universally valid and rational” (Povinelli 2002: 34).

I do not think that liberal multiculturalism and settler colonialism are ideological in that they blind subjects to its operation, nor do I think that skepticism of recognition or reconciliation are simply cynical positions. As Povinelli says, when the “state, law, and public struggle to piece together a new form of national cohesion in the midst of these modes of difference, they are not acting in bad faith... Instead, [it] is a deeply optimistic liberal engagement with the democratic form under conditions of extreme torsion as social and cultural differences proliferate and as capital formations change” (2002: 25). I think that reconciliation, like recognition, can be seen as a deeply optimistic engagement under such conditions of extreme torsion.

There are no politically ‘pure’ positions, to borrow Alexis Shotwell’s idea; “Since social realities always exceed the categories that aim to represent them, we work in the flux of changing vocabularies and shifting social practices, leveraging intertwined” apparatuses and channels of both privilege and resistance (2014: 171). The arguments made by the people whom I interviewed, were multi-referential, highly textured, and socially complex. If we are to talk about “reconciliation,” how can we do so outside of the anthropological imaginary, and beyond individualized approaches to response and responsibility?

Shotwell discusses how forgetting is not just a matter for individuals; rather, it is *socially organized* (Shotwell 2016). It is true that the TRC process has “contribut[ed] to a major struggle against the social organization of forgetting” (Shotwell 2016: 40), but I agree with Shotwell that we also need a “shift away from *knowing about* particular things to *taking action* in particular ways informed by that understanding” (Shotwell 2016: 41). She promotes “critical memory practices as a way to think about how (primarily white) settlers can work with anticolonialism and decolonizing as praxis” (2016: 17). As she says, “[t]he point of reckoning with the social organization of forgetting is, if it is anything, to craft a future different from the horrific past[/present] we have collectively inherited and differentially live in the present” (Shotwell 2016: 41).

I began to consider the bigger picture. As Ahmed says, “an institutional logic can be understood as a kinship logic: a way of ‘being related’ and ‘staying related,’” (2012: 38). What is the context in which we were even sitting and discussing the politics, history and lives of

Indigenous peoples—what afforded us the time and intellectual resources to invest in this together as a joint enterprise? As Fairclough says:

A discourse can only work in so far as it achieves a high level of adequacy with respect to the realities it selectively represents, simplifies, condenses— in so far as it is capable, of being used to represent/imagine realities at different levels of abstraction, in different areas of social life, on different scales. It is only if it is a plausible imaginary that it will attract investments [...] to prepare for the imaginary future it projects [2013: 507].

This perspective holds potential, both negative and positive, but in both cases, generative. I may wish to cut ties between Barry and me— and I may wish to cut the ties that bind me to relations of expropriation and violence, to sit squarely “on the side of the angels” (Shotwell 2018: 1). Refusals are sometimes necessary, and not wrong *per se*, but “staying with the trouble” (Haraway 2016), and sometimes “claiming bad kin” (Shotwell 2018)⁸⁵ is a major and important strategy for those of us in positions of privilege.

If we are talking about the (re)production of settler colonialism and processes which seek to eliminate Indigenous peoples, then we must consider how these are learned, sustained and, conversely, how they can be un-learned; targeted and contested in thoughtful and practical ways. Reflection on this kind of learning is important, because, as Wenger points out, “We wish to *cause* learning, to take charge of it, direct it, accelerate it,” thus, our conception of learning “needs urgent attention when we choose to meddle with it on the scale which we do today” (1998: 9; emphasis mine). Reconciliation, and sometimes decolonization, is said to be about education, about learning, especially for settler Canadians (i.e. to ‘unsettle’). Thus, to wonder about reconciliation is, at least in part, to wonder about learning. To wonder about learning is to wonder about the social conditions under which certain people come to make certain meanings out of the process of learning, within a given social context. This research matters because if communities of practice are places where learning and knowledge production takes place, then this is where we might begin to learn something *otherwise*,⁸⁶ and to learn it together.

⁸⁵ Shotwell says: “any solidarity relation we can take up will have to start from our understanding of who is claiming us as kin, and from an ongoing commitment to pulling back on the ties that bind us to kinship relations of expropriation and violence” (2018: 17).

⁸⁶ We can’t be white and/or settlers alone. As Shotwell says, “our whiteness and settlerness only exist in the context of complex social relations”—thus, our knowledge, understanding and will to act in the face of this complexity, only makes sense as a collective venture (2016: 43). “Everything else” as Shotwell writes, “is a kind of conceit” (2016: 43).

The words of the Indigenous Relations Specialists whom I interviewed are only legible and persuasive within a particular cultural and political group of shared and contested active forgetting and remembering, identifying and representing. “If memory is collective in these ways,” the potential possibilities that can arise from ‘unforgetting’ together could generate energy to act, “not simply an enhanced knowledge or understanding,” (Shotwell 2016: 43) but rather, to quote Shotwell: “...toward new epistemologies, new ways of producing knowledge and transforming social relations...leveraging intertwined vectors of freedom” (2016: 171).

Being invested in the knowledges we critique means staying in relation. Often it means taking responsibility for those who claim us as kin. Reconciliation, furthermore, must be about more than just the relationship between Indigenous and non-Indigenous people. Future investigations should attend not only to the ties that bind us to kinship relations of expropriation and violence within settler colonialism—the question of *responsibility*—but also to the ones which may help us work to be better able to respond to “living and dying on a damaged earth”—what Donna Haraway (2017) calls “*response-ability*.” This view of kinship/kin-making within troubled times asks: “what must be cut and what must be tied” (Haraway 2017). Thus, an analysis that focused on Barry’s racist words really would not cut it; it *would not effectively cut* the ties that bind me, in real ways, to relations of expropriation and violence. If “reconciliation” makes us better able to respond to these damages in real ways, and to pull back on the ties that bind us to these relations, all the better. If not, then the concept may hold limited (and limiting) potential.

Conclusion

The primary critique of reconciliation in Canada has been its temporal politics—its articulation as a redemptive discourse of overcoming a *past*, rather than ongoing, history of colonization. Canada, Alberta, and settler society are but a recent and relatively short chapter in the long history of this place; it would be exceedingly difficult to overemphasize the impacts of the caretaking relations that Indigenous peoples had with this place and its other-than-human inhabitants for generations and generations. Reconciliation should not be about settling the past or redemption, but about reconceiving our understandings of the relationships both that we have (and that have us), and that we could have.

Focusing on institutional and political discourse can help us to understand how reconciliation has been conceived of, and pursued within, the framework of (liberal multicultural) recognition in ways that have been limiting to both Indigenous and non-Indigenous subjects. A communities of practice approach to critically interrogating settler discourse takes us beyond text and representation, contributing to theorizing settler colonialism that can avoid becoming tangled in tensions between individual and structure. Moreover, this approach carries the benefits of being invested in the knowledge one critiques, and affords us an opportunity to pull back on the ties that bind us to relationships of violence.

By considering how reconciliation is discursively deployed to help achieve settler certainty and emplacement, we may develop an understanding of coloniality that also takes us beyond the politics of recognition and liberal inclusion. Though it is true that Indigenous peoples continue to be excluded, silenced, and ignored—even in a post-Truth and Reconciliation Commission Canada—to pose the issue as one of mere inclusion/exclusion, would be to overlook one of the state’s most effective tools for the management of difference and dissent today. I argue that reconciliation is a discourse and political process that cannot be viewed outside of these settler liberal forms of state power.

Liberal capitalism has been and continues to be extremely persuasive as an ideology, yet it is being continually punctured. The duty to consult and accommodate Aboriginal peoples in Canada is not the teleological extension of a progressively more humanitarian concern for the inclusion of Indigenous peoples, access to resources, or protection of traditional culture. It may be all of those things, but it is more precisely the logical outcome of settler Canadian liberal multiculturalism desperately trying to maintain an unjust (many would argue unlawful) sovereignty; an untenable balance between discourses of reconciliation and recognition—rooted in real settler liberal optimism about the future—and an actual practice of facilitating rampant extraction and exploitation. A primary assumption of Alberta’s approach to Aboriginal consultation is rooted in the anthropological imaginary—an imaginary that sustains a *traditionalist* construct of Indigeneity, and which conceptualizes rights in very limited ways. This is not something the province of Alberta made up on its/their own, since reconciliation as a *juridical* concept has been developed to ascribe meaning and purpose to recognition in Canada.

Settler liberal governance works to keep certain structures and certain benefits in place—working to distribute goods and rights and attribute harms and failures. The work of

reconciliation can be critiqued as a way of keeping some things, some investments, in place—perpetuating a view of institutions of settler colonialism that allows the continuation of colonialism to be overlooked. I would suggest that reconciliation is not the only discourse/framework for transformation or de-colonization, and does not comprise the only mechanisms, for pursuing redistribution. Rather, I believe that it is the only ‘legitimate’ or acceptable option *available* to Indigenous peoples and their allies in this time. However, legitimacy is an area of constant contestation. Reconciliation may be a high-level concept, like ‘modernization,’ that seeks to represent varied processes and relations, but there are actual people responding to things, actively involved in negotiating and renegotiating the meaning of our experiences.

References

- Ahearn, Laura M. 2012. *Living Language: An Introduction to Linguistic Anthropology*. Oxford: Wiley-Blackwell.
- Ahmed, Sara. 2012. *On Being Included: Racism and Diversity in Institutional Life*. Durham: Duke University Press.
- Ahmed, Sara. 2006. "The Nonperformativity of Anti-Racism." *Meridians: Feminism, Race, Transnationalism* 7(1): 104-126.
- Ashcroft, Bill, Gareth Griffiths, and Helen Tiffin. 1998. *Key Concepts in Post-Colonial Studies*. New York: Routledge.
- Althusser, Louis. 1984. *Essays on Ideology*. London: Verso.
- Althusser, Louis. 1977. *For Marx*. London: New Left Books.
- Althusser, Louis. 1971. *Lenin and Philosophy and Other Essays*. London: New Left Books.
- Ariss, Rachel, Clara MacCallum Fraser and Diba Somani. 2017. "Crown Policies on the Duty to Consult and Accommodate: Towards Reconciliation?" *McGill Journal of Sustainable Development Law* 13(1): 3-55.
- Bakhtin, Mikhail M. 1981. "Discourse in the Novel." In *The Dialogic Imagination: Four Essays*, edited by Michael Holquist, Caryl Emerson. Translated by Michael Holquist, 269-434. Austin: University of Texas Press.
- Barker, Adam. 2009. "The Contemporary Reality of Canadian Imperialism: Settler Colonialism and the Hybrid Colonial State." *American Indian Quarterly* 33(3): 325-351.
- Barker, Joanne. 2011. "Why 'Settler Colonialism' Isn't Exactly Right." Blog post, February 13 2011. Accessed November 25, 2018. <https://tequilasovereign.com/2011/02/28/why-settler-colonialism-isnt-exactly-right/>.
- Barsh, Russel. 1996. "Anthropology and Indian-Hating." *Native Studies Review* 11(2): 3-22.
- Barsh, Russel, and James (Sakej) Youngblood Henderson. 1997. "The Supreme Court's Van der Peet Trilogy: Naïve Imperialism and Ropes of Sand." *McGill Law Journal* 42(4): 993-1009.
- Bashir Bashir and William Kymlicka. 2008. "Introduction: Struggles for Inclusion and Reconciliation in Modern Democracies." In *The Politics of Reconciliation in Multicultural Societies*, edited by William Kymlicka and Bashir Bashir, 1-24. Oxford and New York: Oxford University Press.
- Balandier, Georges. 1972. *Political Anthropology*. Translated by A.M. Sheridan Smith. Harmondsworth: Penguin.
- Berger, P. and T. Luckman. 1966. *The Social Construction of Reality*. Harmondsworth: Penguin.
- Blackburn, Carole. 2007. "Producing Legitimacy: Reconciliation and the Negotiation of Aboriginal Rights in Canada." *Journal of the Royal Anthropological Institute* 13(3): 621-638.
- Borrows, John. 1998. "Frozen Rights in Canada: Constitutional Interpretation and the Trickster." *American Indian Law Review* 22(1): 37-64.

- Borrows, John. 1999. "Sovereignty's Alchemy: An Analysis of *Delgamuukw v. British Columbia*." *Osgoode Hall Law Journal* 37(3): 537-596.
- Bourdieu, Pierre. 1990. *The Logic of Practice*. Translated by Richard Nice. Stanford: Stanford University Press.
- Bourdieu, Pierre. 1977. *Outline of a Theory of Practice*. Translated by R. Nice. Cambridge: Cambridge University Press.
- Bruno, Giorilyn. 2015. "Alberta's 'Integrated Resource Management System': Where Are We Now?" December 23, 2015, University of Calgary Faculty of Law Blog. Accessed November 12, 2018. <https://ablawg.ca/2015/12/23/albertas-integrated-resource-management-system-where-are-we-now/>.
- Buur, Lars. 2001. "The South African Truth and Reconciliation Commission: A Technique of Nation-State Formation." In *States of Imagination: Ethnographic Explorations of the Postcolonial State*, edited by T. Blom Hansen and F. Stepputat, 149-81. Durham: Duke University Press.
- Cairns, Alan. 2005. *First Nations and the Canadian State: In Search of Co-Existence*. Kingston: Institute of Intergovernmental Relations.
- Cairns, Alan. 2003. "Coming to Terms With the Past." In *Politics and the Past: On Repairing Historical Injustices*, edited by J. Torpey, 63-90. Lanham: Rowman & Littlefield.
- Cairns, Alan. 2000. *Citizens Plus: Aboriginal Peoples and the Canadian State*. Vancouver: University of British Columbia Press.
- Calgary Chamber of Commerce. 2014. "The Consultation Conundrum: Examining Aboriginal Consultation in Alberta," Accessed November 27, 2018. <https://www.calgarychamber.com/wp-content/uploads/2018/01/Calgary-Chamber-Aboriginal-Consultation-Report.pdf>.
- Campbell, Tiffany. 2016. "The 'Winter of Native Discontent': A Critical Discourse Analysis of Canadian Opinion Journalism on the Idle No More Movement." *Diversipede* 2(1): 32-46.
- CBC News Edmonton. 2018. "'Albertans are Angry': Read Rachel Notley's full address." August 30, 2018. Accessed September 12, 2018. <https://www.cbc.ca/news/canada/edmonton/rachel-notley-addresses-albertans-1.4805832>.
- Chrisjohn, Roland, Tanya Wasacase, Lisa Nussey, Andrea Smith, Marc Legault, Pierre Loiselle, and Mathieu Bourgeois. 2002. "Genocide and Indian Residential Schooling: The Past is Present." In *Canada and International Humanitarian Law: Peacekeeping and War Crimes in the Modern Era*, edited by R.D. Wiggers and A.L. Griffiths. Halifax: Dalhousie University Press. Accessed December 4, 2018. <http://caid.ca/GenIndResSch2002.pdf>
- Chrisjohn, Roland, and Tanya Wasacase. 2009. "Half-Truths and Whole Lies: Rhetoric in the 'Apology' and the Truth and Reconciliation Commission." In *Response, Responsibility, and Renewal: Canada's Truth and Reconciliation Journey, The Aboriginal Healing Foundation*, 219-229. Ottawa: Dollco Printing.

- Chrisjohn, Roland, and Sherri Young. 2006. *The Circle Game: Shadows and Substance in the Indian Residential School Experience in Canada*. Penticton: Theytus Books.
- Christie, Gordon. 2006. "Developing Case Law: the Future of Consultation and Accommodation." *UBC Law Review* 39: 139-184.
- Christie, Gordon. 2005. "A Colonial Reading of Recent Jurisprudence: Sparrow, Delgamuukw and Haida Nation." *Windsor Yearbook of Access Justice* 23(1): 17-54.
- Christie, Gordon. 2000. "Delgamuukw and Modern Treaties. Delgamuukw National Process." Accessed March 7, 2017. fngovernance.org/ncfng_research/moderntreaties.pdf
- Corntassel, Jeff and Cindy Holder. 2008. "Who's Sorry Now? Government Apologies, Truth Commissions, and Indigenous Self-Determination in Australia, Canada, Guatemala and Peru." *Human Rights Review* 9(4): 465-489.
- Coulthard, Sean Glen. 2014. *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition*. Minneapolis: University of Minnesota Press.
- Coulthard, Sean Glen. 2007. "Subjects of Empire: Indigenous Peoples and the 'Politics of Recognition' in Canada." *Contemporary Political Theory* 6: 437-460.
- Cruikshank, Julie. 1998. *The Social Life of Stories: Narrative and Knowledge in the Yukon Territory*. Lincoln: University of Nebraska Press/ Vancouver: UBC Press.
- Day, Richard J.F. 2000. *Multiculturalism and the History of Canadian Diversity*. Toronto: University of Toronto Press.
- Deem, Rosemary, and Jennifer Ozga. 1997. "Women Managing Diversity in a Postmodern World." In *Feminist Critical Policy Analysis II: A Post-Secondary Education Perspective*, edited by Catherine Marshall, 25-40. London: Falmer.
- Deloria, Jr., Vine. 1969. *Custer Died for Your Sins: An Indian Manifesto*. Norman: University of Oklahoma Press.
- de Leeuw, Sarah, Margo Greenwood, and Nicole Lindsay. 2013. "Troubling Good Intentions." *Settler Colonial Studies* 3(3-4): 381-394.
- Duranti, Alessandro. 1997. *Linguistic Anthropology*. Cambridge: Cambridge University Press.
- Dussel, Enrique. 1993. "Eurocentrism and Modernity." *boundary 2* 20(3): 65-76.
- Eudaily, Sean Patrick. 2004. *The Present Politics of the Past: Indigenous Legal Activism and Resistance to (Neo)Liberal Governmentality*. New York: Routledge.
- Fairclough, Norman. 2003. *Analyzing Discourse: Textual Analysis and Social Research*. London and New York: Routledge.
- Fairclough, Norman. 2001. *Language and Power*, 2nd Ed. Pearson Education: Harlow.
- Fairclough, Norman. 1995. *Critical Discourse Analysis*. London: Longman.
- Fairclough, Norman. 1985. "Critical and Descriptive Goals in Discourse Analysis." *Journal of Pragmatics* 9: 739-763.
- Fairclough, Norman and Ruth Wodak. 1997. "Critical Discourse Analysis." In *Discourse as Social Interaction*, edited by Teun A. van Dijk. Pp. 258-84. London: Sage Publications.
- Flanagan, Thomas. 2000. *First Nations? Second Thoughts*. Montreal: McGill-Queen's University Press.

- Foucault, Michel. 1984. "The Order of Discourse." In *The Language of Politics*, edited by M. Shapiro, 108-138. Oxford: Blackwell.
- Foucault, Michel. 1980. *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977*, edited by C. Gordon. New York: Pantheon.
- Foucault, Michel. 1972. *The Archaeology of Knowledge and the Discourse on Language*. Translated by S. S. Smith. New York: Harper.
- Fraser, Nancy. 2003. "Rethinking Recognition: Overcoming Displacement and Reification in Cultural Politics." In *Recognition Struggles and Social Movements: Identities, Agency and Power*, edited by Barbara Hobson, 21-32. Cambridge: Cambridge University Press.
- Fraser, Nancy. 1995. "From Redistribution to Recognition? Dilemmas of Justice in a 'Post-Socialist' Age." *The New Left Review* 212: 68-93.
- Gibney, Mark and Erik Roxstrom. 2001. "The Status of State Apologies." *Human Rights Quarterly* 23: 911-39.
- Goeder, H. and J. M. Jacobs, 2000. "On the Border of the Unsayable: The Apology in Postcolonizing Australia." *Interventions* 2: 229-247.
- Government of Alberta. 2016a. "The Government of Alberta's Proponent Guide to First Nations and Metis Settlements Consultations Procedures." June 6, 2016. Accessed November 27, 2018. <http://indigenous.alberta.ca/documents/Proponent-Guide-June6-2016.pdf?0.4202307305544736>.
- Government of Alberta. 2016b. "The Government of Alberta's Guidelines on Consultation with Metis Settlements on Land and Natural Resource Management, 2016." Accessed November 27, 2018. http://indigenous.alberta.ca/documents/Updated_Metis_Settlements_Consultation_Guidelines.pdf?0.9889618698719492.
- Government of Alberta. 2015. "The Government of Alberta's Policy on Consultation with Metis Settlements on Land and Natural Resource Management, 2015." Accessed November 27, 2018. <http://indigenous.alberta.ca/documents/GOA-Policy-Consultation-Metis-LandNaturalResourceManagement-2015.pdf?0.8221977701353231>.
- Government of Alberta. 2014. "The Government of Alberta's First Nations Policy on Consultation with First Nations on Land and Natural Resource Management." July 28, 2014. Accessed November 27, 2018. http://indigenous.alberta.ca/documents/First_Nations_Consultation_Guidelines_LNRD.pdf?0.7731461236852626.
- Government of Alberta. 2013. "The Government of Alberta's First Nations Policy on Consultation with First Nations on Land and Natural Resource Management, 2013." Accessed November 27, 2018. <http://indigenous.alberta.ca/documents/GOAPolicy-FNConsultation-2013.pdf>.
- Government of Alberta. 2005. "The Government of Alberta's First Nations Consultation Policy on Land Management and Resource Development, Interim approach." November 4,

2005. Accessed November 27, 2018.
<http://www.assembly.ab.ca/lao/library/egovdocs/2005/alaa/164061.pdf>
- Government of Alberta. 2007. "Alberta's First Nations Consultation Guidelines on Land Management and Resource Development." November 14, 2007. Accessed November 27, 2018. <http://www.assembly.ab.ca/lao/library/egovdocs/2007/alii/166195.pdf>
- Government of Alberta, Indigenous Relations. 2015. "Renewing the Relationship: Alberta's implementation of the principles of the United Nations Declaration on the Rights of Indigenous Peoples." Accessed October 11, 2018. <http://indigenous.alberta.ca/UN-Declaration.cfm>
- Government of Alberta, Indigenous Relations. n.d.a "The Aboriginal Consultation Office and Its Role." Accessed December 1, 2018. <http://indigenous.alberta.ca/573.cfm>.
- Government of Alberta, Indigenous Relations. n.d.b "Traditional Ecological Knowledge Policy." Accessed November 27, 2018. <http://indigenous.alberta.ca/Traditional-Ecological-Knowledge-Policy.cfm>.
- Government of Alberta, Aboriginal Affairs and Northern Development. 2003. "Best Practices Hand Book for Traditional Use Study." Accessed November 12, 2018. http://indigenous.alberta.ca/documents/tsu_BP_Internet_Handbook.pdf.
- Government of Alberta, Environment and Parks. 2018. "Partnerships and Planning Linkages" October 15, 2018. Accessed November 12, 2018. <http://aep.alberta.ca/land/programs-and-services/land-and-resource-planning/partnerships-and-planning-linkages/default.aspx>.
- Government of Canada, Indigenous and Northern Affairs Canada. 2008. "Statement of Apology to Former Students of Indian Residential Schools, June 11, 2008. Accessed July 8, 2018. <https://www.aadnc-aandc.gc.ca/eng/1100100015644/1100100015649>.
- Gramsci, Antonio. 1971. *Selections from the Prison Notebooks*, edited by Q. Hoare. Translated by G. Nowell-Smith. Lawrence & Wishart: London
- Graven, Mellony and Stephen Lerman. 2003. "Review of Wenger, E. (1998). 'Communities of Practice: Learning, Meaning and Identity.'" *Journal of Mathematics Teacher Education*, 6: 185-194.
- Hall, Stuart. 1992. "West and the Rest: Discourse and Power." In *Formations of Modernity*, edited by Stuart Hall and Bram Gieben. Pp. 184-227. Oxford: Polity in association with Open University.
- Hall, Stuart. 1988. The Toad in the Garden: Thatcherism Among the Theorists,' in *Marxism and the Interpretation of Culture*, edited by C. Nelson and L. Grossberg. Pp. 35-74. Urbana: University of Illinois Press.
- Hall, Stuart. 1980. "Race, Articulation, and Societies Structured in Dominance." In *UNESCO Sociological Theories: Race and Colonialism*, 305-345. Paris: UNESCO.
- Hammersley, Martyn and Paul Atkinson. 2007. *Ethnography: Principles in Practice, 3rd Edition*. New York: Routledge.

- Haraway, Donna. 2016. *Staying With the Trouble: Making Kin in the Chthulucene*. Durham and London: Duke University Press.
- Haraway, Donna. 1991. *Simians, Cyborgs, and Women: The Reinvention of Nature*. New York: Routledge.
- Harding, Sandra. 1991. *Whose Science? Whose Knowledge? Thinking from Women's Lives*. Ithaca: Cornell University Press.
- Harvey, David and Donna Haraway. 1995. "Nature, Politics and Possibilities: A Debate and Discussion With David Harvey and Donna Haraway." *Environment and Planning D: Society and Space*, 13: 507-528
- Henderson, James (Sákéj) Youngblood. 2009. "Dialogical Governance: A Method of Constitutional Governance." *Saskatchewan Law Review*, 72: 29-73.
- Henderson, James (Sákéj) Youngblood. 2008. *Indigenous Diplomacy and the Rights of Indigenous Peoples: Achieving UN Recognition*. Saskatoon: Purich Publishing.
- Henderson, James (Sákéj) Youngblood. 2002. "Postcolonial Indigenous Legal Consciousness." *Indigenous Law Journal*, 1: 1-56.
- Henderson, Jennifer and Pauline Wakeham. 2009. "Colonial Reckoning, National Reconciliation? First Peoples and the Culture of Redress in Canada." *English Studies in Canada* 35(1): 1-26.
- Hitchings, Henry. 2013. "The Dark Side of Verbs-as-Nouns." *The New York Times*, April 5, 2013. Accessed December 31, 2013.
http://opinionator.blogs.nytimes.com/2013/04/05/the-dark-side-of-verbs-as-nouns/?_r=0
- Hokowhitu, Brendan. 2016. "Monster: Post-Indigenous Studies." In *Critical Indigenous Studies: Engagements in First World Locations*, edited by Aileen Moreton-Robinson. Pp. 83- 101. Tuscon: The University of Arizona Press.
- Hokowhitu, Brendan. 2009. "Indigenous Existentialism and the Body." *Cultural Studies Review* 15(2): 101-118.
- Huysen, Andreas. 2000. "Present Pasts: Media, Politics, Amnesia." *Public Culture* 12(1): 21-38.
- Hymes, Dell. 1972. "Models of Interaction of Languages and Social Life." In *Directions in Sociolinguistics: The Ethnography of Communication*, edited by J.J. Gumperz and D. Hymes, New York: Holt, Rinehart and Winston.
- Irvine, Judith T. and Susan Gal. 2000. "Language Ideology and Linguistic Differentiation." In *Regimes of Language: Ideologies, Politics and Identities*, edited by P.V. Kroskrity, 35-83. Sante Fe: School of American Research Press.
- Isaac, Thomas and Anthony Knox. 2003. "The Crown's Duty to Consult Aboriginal People." *Alberta Law Review* 41(1): 49-77.
- James, Matt. 2012. "A Carnival of Truth? Knowledge, Ignorance, and the Canadian Truth and Reconciliation Commission." *The International Journal of Transitional Justice* 6(2):1-23.
- James, Matt. 2007. "Wrestling With the Past: Apologies, Quasi-Apologies, and Non-Apologies in Canada." In *The Age of Apology: The West Faces its Own Past*, edited by Mark

- Gibney, Rhoda Howard- Hassman, Jean-Marc Coicaud and Niklaus Steiner, 137-153. Tokyo: United Nations University Press.
- Justice, Daniel Heath. 2017. "Reflections on Indigenous Literary Nationalism: On Home Grounds, Singing Hogs, and Cranky Critics." In *Sources and Methods in Indigenous Studies*, edited by Chris Andersen and Jean M. O'Brien, 23-30. New York: Routledge.
- Killoran, Maureen, Dan Kolenick and Thomas Gelbman. 2014. "Navigating Murky Waters: Emerging Trends in Aboriginal Consultation and Project Approval." *Alberta Law Review* 52(2): 207-243.
- Kulchyski, Peter. 2013. *Aboriginal Rights Are Not Human Rights: In Defense of Indigenous Struggles*. Winnipeg: ARP Books.
- Kymlicka, William. 2007. *Multicultural Odysseys: Navigating the New International Politics of Diversity*. Don Mills: Oxford University Press.
- Kymlicka, William. 2001. *Politics in the Vernacular: Nationalism, Multiculturalism and Citizenship*. Oxford: Oxford University Press.
- Laclou, Ernesto and Chantal Mouffe. 1985. *Hegemony and Socialist Strategy*. London: Verso.
- Ladner, Kiera. 2009. "Take 35: Reconciling Constitutional Orders." In *First Nations, First Thoughts: The Impact of Indigenous Thought in Canada*, edited by Annis May Timpson, 279-289. Vancouver: UBC Press.
- Lave, Jean and Etienne Wenger. 1991. *Situated Learning: Legitimate Peripheral Participation*. Cambridge: Cambridge University Press.
- Liberal Party of Canada. "We will renew the relationship between Canada and Indigenous peoples." Accessed November 2018. <https://www.liberal.ca/realchange/a-new-nation-to-nation-process/>.
- Lightfoot, Sheryl. 2008. "Indigenous Rights in International Politics: The Case of 'Overcompliant' Liberal States." *Alternatives: Global Local Political* 33(1): 83-104.
- Ljunggren, David. 2009. "Every G20 nation wants to be Canada, insists PM," Reuters, September 25, 2009. Accessed November 13 2018. <https://www.reuters.com/article/columns-us-g20-canada-advantages/every-g20-nation-wants-to-be-canada-insists-pm-idUSTRE58P05Z20090926>.
- MacDonald, David B. 2015. "Canada's History Wars: Indigenous Genocide and Public Memory in the United States, Australia and Canada." *Journal of Genocide Research* 17(4): 411-431.
- Mackey, Eva. 2014. "Unsettling Expectations: (Un)Certainty, Settler States of Feeling, Law, and Decolonization." *Canadian Journal of Law & Society* 29(2): 235-252.
- Mackey, Eva. 2013. "The Apologizer's Apology." In *Reconciling Canada: Critical Perspectives on the Culture of Redress*, edited by Jennifer Henderson and Pauline Wakeham, 47-62. Toronto: University of Toronto Press.
- Mackey, Eva. 2012. "Tricky Myths: Settler Pasts and Landscapes of Innocence." In *Settling and Unsettling Memories: Essays in Canadian Public History*, edited by Nichole Neatby and Peter Hodgins, 310-339. Toronto: University of Toronto Press.

- Macklem, Patrick. 2016. "Indigenous Peoples and the Ethos of Legal Pluralism in Canada." In *From Recognition to Reconciliation: Essays on the Constitutional Entrenchment of Aboriginal & Treaty Rights*, edited by Patrick Macklem and Douglas Sanderson, 17-34. Toronto: University of Toronto Press.
- Macklem, Patrick and Doug Sanderson. 2016. "Introduction: Recognition and Reconciliation in Indigenous-Settler Societies." In *From Recognition to Reconciliation: Essays on the Constitutional Entrenchment of Aboriginal & Treaty Rights*, edited by Patrick Macklem and Douglas Sanderson, 1-14. Toronto: University of Toronto Press.
- Macoun, Alissa and Elizabeth Strakosch. 2013. "The Ethical Demands of Settler Colonial Theory." *Settler Colonial Studies* 3(2): 426-433.
- McGrane, Bernard. 1989. *Beyond Anthropology: Society and the Other*. New York: Columbia University Press.
- Merceica, Bernadette. 2017. "What is a Community of Practice?" In *Communities of Practice: Facilitating Social Learning in Higher Education*, edited by Jacquie McDonald and Aileen Cater-Steel, 3-25. Springer Singapore.
- Monture-Angus, Patricia. 1999. *Journeying Forward Dreaming First Nations' Independence*. Halifax: Fernwood Publishing.
- Moreton-Robinson, Aileen. 2015. *The White Possessive: Property, Power, and Indigenous Sovereignty*. Minneapolis: University of Minnesota Press.
- Morgensen, Scott. 2011a. "The Biopolitics of Settler Colonialism: Right Here, Right Now." *Settler Colonial Studies* 1(1): 52-76.
- Morgensen, Scott. 2011b. "Un-settling Settler Desires," Un-Settling America. Accessed December 17, 2017. <http://unsettlingamerica.wordpress.com/2011/09/08/un-settling-settler-desires/>.
- Munro, Shawn, Dierdre Sheehan, Blake Williams and Kelly Bray. 2016. "Alberta's Metis Consultation Policy," April 4, 2016, Bennett Jones. Accessed November 12, 2018. <https://www.bennettjones.com/en/Publications-Section/Updates/Albertas-Metis-Consultation-Policy>.
- Nadasdy, Paul. 2003. *Hunters and Bureaucrats: Power, Knowledge, and Aboriginal-State Relations in the Southwest Yukon*. Vancouver and Toronto: UBC Press.
- Nader, Laura. 1972 [1969]. "Up the Anthropologist: Perspectives Gained from 'studying up'" *Reinventing Anthropology*, edited by Dell Hymes. New York: Pantheon Books. Accessed November 12, 2018. <https://eric.ed.gov/?id=ED065375>.
- Napoleon, Val and Hadley Friedland. 2014. "Indigenous Legal Traditions: Roots to Renaissance." In *The Oxford Handbook of Criminal Law*, edited by Markus D. Dubber and Tatjana Hörnle, 225-247. Oxford: Oxford University Press.
- Newman, Dwight. 2014. *Revisiting the Duty to Consult*. Vancouver: UBC Press.
- Newman, Dwight. 2009. *The Duty to Consult: New Relationships with Aboriginal Peoples*. Vancouver: UBC Press.

- Niezen, Ronald. 2003. *The Origins of Indigenism: Human Rights and the Politics of Identity*. Berkeley: University of California Press.
- Notley, Rachel. 2015. Government of Alberta, Indigenous Relations. "Letter from Premier Rachel Notley to Cabinet Ministers." July 7, 2015. Accessed November 30, 2018. <http://indigenous.alberta.ca/documents/Premier-Notley-Letter-Cabinet-Ministers.pdf>.
- Palmer, Andie Diane. 2005. *Maps of Experience: The Anchoring of Land to Story in Secwepemc Discourse*. Toronto: University of Toronto Press.
- Philpott, Daniel. 2006. "Beyond Politics as Usual: Is Reconciliation Compatible with Liberalism?" In *The Politics of Past Evil: Religion, Reconciliation, and the Dilemmas of Transitional Justice*, edited by Daniel Philpott. Pp. 11-44. Notre Dame: University of Notre Dame Press.
- Potes, Verónica. 2006. "The Duty to Accommodate Aboriginal Peoples Rights: Substantive Consultation?" *Journal of Environmental Law & Practice*, 17: 27-45.
- Potes, Veronica, Monique Passelac-Ross, & Nigel Bankes. 2006. "Oil and Gas Development and the Crown's Duty to Consult: A Critical Analysis of Alberta's Consultation Policy and Practice." Calgary: The Institute for Sustainable Energy, Environment and Economy.
- Potter, Jonathan and Margaret Wetherell. 1988. "Accomplishing attitudes: Fact and Evaluation in Racist Discourse." *Text* 8: 51-68.
- Povinelli, Elizabeth. 2016. *Geontologies: A Requiem to Late Liberalism*. Durham and London: Duke University Press.
- Povinelli, Elizabeth. 2010. "Indigenous Politics in Late Liberalism." In *Culture Crisis*, edited by John Altman and Melinda Hinkson, 17-31. Sydney: UNSW Press.
- Povinelli, Elizabeth. 2002. *The Cunning of Recognition: Indigenous Alterities and the Making of Australian Multiculturalism*. Durham: Duke University Press.
- Povinelli, Elizabeth. 1998. "The State of Shame: Australian Multiculturalism and the Crisis of Indigenous Citizenship." *Critical Inquiry* 24: 575-610.
- Promislaw, Janna. 2013. "Irreconcilable: The Duty to Consult and Administrative Decision Makers." *Constitutional Forum constitutionnel* 22(1): 63-79.
- Proulx, Craig. 2011. "A Critical Discourse Analysis of John Stackhouse's 'Welcome to Harlem on the Prairies.'" In *Aboriginal Peoples in Canadian Cities: Transformations and Continuities*, edited by Heather A. Howard and Craig Proulx, 143-170. Waterloo: Wilfrid Laurier University Press.
- Reddekopp, Neil. 2013. "Theory and Practice in the Government of Alberta's Consultation Policy." *Constitutional Forum constitutionnel* 22(1): 47-62.
- Reiter, Eric. 2010. "Fact, Narrative, and the Judicial Uses of History: Delgamuukw and Beyond." *Indigenous Law Journal* 8(1): 55-96.
- Ritchie, Kaitlin. 2013. "Issues Associated With the Implementation of the Duty to Consult and Accommodate Aboriginal Peoples: Threatening the Goals of Reconciliation and Meaningful Consultation." *UBC Law Review* 46(2): 397-438.

- Rorty, Richard. 1991. *Objectivity, Relativism, and Truth: Philosophical Papers*. Cambridge: Cambridge University Press.
- Rorty, Richard. 1998. *Truth and Progress: Philosophical Papers*. Cambridge: Cambridge University Press.
- Rose, Deborah Bird. 1996. "Land Rights and Deep Colonising: The Erasure of Women." *Aboriginal Law Bulletin* 3(85): 6-13.
- Royal Commission on Aboriginal Peoples. 1996. *Report of the Royal Commission on Aboriginal Peoples, Volumes 1- 5*. Ottawa: Canada Communications Group.
- Said, Edward. 1989. "Representing the Colonized: Anthropology's Interlocutors." *Critical Inquiry* 15(2): 205-225.
- Said, Edward. 1978. *Orientalism*. Harmondsworth: Penguin.
- Sawyer, R. Keith. 2002. "A Discourse on Discourse: An Archaeological History of an Intellectual Concept." *Cultural Studies* 16(3): 433-456.
- Schaap, Andrew. 2004. "Political Reconciliation through a Struggle for Recognition?" *Social and Legal Studies* 13(4): 523-540.
- Scherzer, Joel. 1987. "A Discourse-Centered Approach to Language and Culture." *American Anthropologist* 89: 295-309.
- Schuurman, Nadine and Geraldine Pratt. 2002. "Care of the Subject: Feminism and Critiques of GIS." *Gender, Place and Culture* 9(3): 291-299.
- Shapiro, Michael J. 1988. *The Politics of Representation: Writing Practices in Biography, Photography, and Policy Analysis*. Wisconsin: University of Wisconsin Press.
- Shapiro, Michael J. 1981. *Language and Political Understanding*. New Haven: Yale University Press.
- Shotwell, Alexis. 2018. "Claiming bad kin," lecture given at The Graduate Program in Gender Studies & Feminist Research and The Department of Philosophy, McMaster University, March 1, 2018. Accessed November 27, 2018.
<https://alexisshotwell.files.wordpress.com/2018/03/claiming-bad-kin-mcmaster.pdf>.
- Shotwell, Alexis. 2016. *Against Purity: Living Ethically in Compromised Times*. Minneapolis: University of Minnesota Press.
- Simpson, Audra. 2016. "The State is a Man: Theresa Spence, Loretta Saunders and the Gender of Settler Sovereignty." *Theory & Event* 19(4). Accessed November 30, 2018.
<https://nycstandswithstandingrock.files.wordpress.com/2016/10/simpson-2016.pdf>
- Simpson, Audra. 2014. *Mohawk Interruptus: Political Life Across the Borders of Settler States*. Durham: Duke University Press.
- Simpson, Audra. 2013. IGOV Indigenous Speaker Series, University of Victoria. "Mohawk Interruptus," January 16, 2013. Accessed March 10, 2017.
<https://www.youtube.com/watch?v=FWzXHqGfH3U>.
- Simpson, Audra. 2007. "On Ethnographic Refusal: Indigeneity, 'Voice' and Colonial Citizenship." *Junctures* 9: 67-80.

- Slattery, Brian. 2016. "The Generative Structure of Aboriginal Rights." In *From Recognition to Reconciliation: Essays on the Constitutional Entrenchment of Aboriginal & Treaty Rights*, edited by Patrick Macklem and Douglas Sanderson, 100-134. Toronto: University of Toronto Press.
- Slattery, Brian. 2005. "Aboriginal Rights and the Honour of the Crown." *The Supreme Court Law Review* 29: 433-435.
- Smith, Andrea. 2013. "Unsettling the Privilege of Self-Reflexivity." In *Geographies of Privilege*, edited by F. Winndance Twine and B Gardener. Pp. 263-279. New York: Routledge.
- Snelgrove, Corey, Rita Dhamoon and Jeff Corntassel. 2014. "Unsettling Settler Colonialism: The Discourse and Politics of Settlers, and Solidarity with Indigenous Nations." *Decolonization: Indigeneity, Education & Society* 3(2): 1-32.
- Sossin, Lorne. 2010. "The Duty to Consult and Accommodate: Procedural Justice as Aboriginal Rights." *Canadian Journal of Administrative Law and Practice* 23: 93-113.
- TallBear, Kim. 2017. "Standing With and Speaking as Faith: A Feminist-Indigenous Approach to Inquiry" In *Sources and Methods in Indigenous Studies*, edited by Andersen, Chris and Jean M. O'Brien, 78-85. New York: Routledge.
- TallBear, Kim. 2013. *Native American DNA: Tribal Belonging and the False Promise of Genetic Science*. Minneapolis: University of Minnesota Press.
- Taylor, Charles. 1994. *Multiculturalism: Examining the Politics of Recognition*. Princeton: University Press.
- Truth and Reconciliation Commission of Canada. 2015. "Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada." Accessed November 25, 2018. http://www.trc.ca/websites/trcinstitution/File/2015/Honouring_the_Truth_Reconciling_for_the_Future_July_23_2015.pdf.
- Truth and Reconciliation Commission of Canada. 2015. "Calls to Action." Accessed November 30, 2018. http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Calls_to_Action_English2.pdf.
- Tuck, Eve and K. Wayne Yang. 2012. "Decolonization is not a Metaphor." *Decolonization: Indigeneity, Education & Society* 1(1): 1-40.
- Turner, Dale. 2013. "On the Idea of Reconciliation in Contemporary Aboriginal Politics." In *Reconciling Canada: Critical Perspectives on the Culture of Redress*, edited by Jennifer Henderson and Pauline Wakeham, 100-114. Toronto: University of Toronto Press.
- Turner, Dale. 2011. "Aboriginal Relations in Canada: The Importance of Political Reconciliation." Federation for the Humanities and Social Sciences, Equity Matters, May 3, 2011. Accessed November 26, 2018. <https://www.ideas-idees.ca/blog/aboriginal-relations-canada-importance-political-Reconciliation>.
- United Nations. 2007. *United Nations Declaration on the Rights of Indigenous Peoples: resolution/adopted by the General Assembly, October 2, 2007*. Accessed December 1, 2018. UN General Assembly. <https://www.refworld.org/docid/471355a82.html>.

- Valverde, Mariana. 2011. "The Honour of the Crown is at Stake: Aboriginal Land Claims Litigation and the Epistemology of Sovereignty." *UC Irvine Law Review* 1(3): 955-974.
- VanAntwerpen, Jonathan. 2008. "Reconciliation Reconceived: Religion, Secularism, and the Language of Transition." In *The Politics of Reconciliation in Multicultural Societies*, edited by William Kymlicka and Bashir Bashir, 25-47. Oxford and New York: Oxford University Press.
- van Leeuwen, Theo. 2007. "Legitimation in Discourse and Communication." *Discourse and Communication* 1(1): 91-112.
- Veracini, Lorenzo. 2013. "'Settler Colonialism': Career of a Concept." *The Journal of Imperial and Commonwealth History* 41(2): 313- 333.
- Veracini, Lorenzo. 2011. "Isopolitics, Deep Colonizing, Settler Colonialism." *Interventions: International Journal of Postcolonial Studies* 13(2) : 171-189.
- Vermette, D'Arcy. 2012. "Inclusion is Killing Us." *Teaching Perspectives*, 17: 18-19.
- Vermette, D'Arcy. 2011. Dizzying Dialogue: Canadian Courts and the Continuing Justification of the Dispossession of Aboriginal Peoples. *Windsor Yearbook of Access to Justice* 29(1): 55-72.
- Walters, Mark. 2008. "The Jurisprudence of Reconciliation: Aboriginal rights in Canada." In *The Politics of Reconciliation in Multicultural Societies*, edited by William Kymlicka and Bashir Bashir. Pp. 165-191. Oxford and New York: Oxford University Press.
- Webber, Jeremy. 2016. "We are Still in the Age of Encounter: Section 35 and a Canada Beyond Sovereignty." In *From Recognition to Reconciliation: Essays on the Constitutional Entrenchment of Aboriginal & Treaty Rights*, edited by Patrick Macklem and Douglas Sanderson, 63-99. Toronto: University of Toronto Press.
- Weber, Max. 1964. *The Theory of Social and Economic Organization*. New York: The Free Press.
- Weiss, Joseph J.Z. 2015. "Challenging Reconciliation: Indeterminacy, Disagreement, and Canada's Indian Residential Schools' Truth and Reconciliation Commission." *International Journal of Canadian Studies* 51: 27-55.
- Wenger, Etienne. 2012. "Communities of Practice and Social Learning Systems: The Career of a Concept." Wenger-Trayner. Accessed November 27, 2018. <https://wenger-trayner.com/wpcontent/uploads/2012/01/091027-CoPs-and-systems-v2.01.pdf>.
- Wenger, Etienne. 1998. *Communities of Practice: Learning, Meaning, and Identity*. Cambridge University Press.
- Wetherell, Margaret, Taylor, Stephanie and Simeon J. Yates. 2001. *Discourse as Data: A Guide for Analysis*. Sage Publications.
- Wetherell, Margaret and Jonathan Potter. 1992. *Mapping the Language of Racism: Discourse and the Legitimation of Exploitation*. New York: Columbia University Press.
- Wetherell, Margaret and Jonathan Potter. 1987. *Discourse and Social Psychology: Beyond Attitudes and Behaviour*. London: Sage Publications Ltd.

- Widdowson, Frances and Albert Howard. 2008. *Disrobing the Aboriginal Industry: The Deception Behind Indigenous Cultural Preservation*. Montreal: McGill-Queen's University Press.
- Wildcat, Matthew. 2015. "Fearing Social and Cultural Death: Genocide and Elimination in Settler Colonial Canada— An Indigenous Perspective." *Journal of Genocide Research* 17(4): 391-409.
- Williams, Raymond. 1977. *Marxism ad Literature*. Oxford: Oxford University Press.
- Wilson, Richard Ashby. 2003. "Anthropological Studies of National Reconciliation Processes." *Anthropological Theory* 3(3): 363-383.
- Wilson, Richard Ashby. 2001. *The Politics of Truth and Reconciliation in South Africa*. Cambridge: University Press.
- Wilson, Richard Ashby. 2000. "Reconciliation and Revenge in Post-Apartheid South Africa: Rethinking Legal Pluralism and Human Rights." *Current Anthropology* 41(1): 75-98.
- Wodak, Ruth and Michael Meyer. 2009. *Methods for Critical Discourse Analysis*. London: Sage Publications.
- Wolf, Eric. 1990. "Distinguished Lecture: Facing Power—Old Insights, New Questions." *American Anthropologist* 92(3): 586-596.
- Wolfe, Patrick. 2006. "Settler Colonialism and the Elimination of the Native." *Journal of Genocide Research* 8(4): 387-409.
- Wolfe, Patrick. 1999. *Settler Colonialism and the Transformation of Anthropology: The Politics and Poetics of an Ethnographic Event*. London and New York: Cassell.
- Woolford, Andrew. 2004. "The Limits of Justice: Certainty, Affirmative Repair and Aboriginality." *Journal of Human Rights* 3(4): 429-444.

LEGISLATION

Province of Alberta. *First Nations Sacred Ceremonial Objects Repatriation Act*, December 13 2016 [2000]. Alberta Queen's Printer. Available online: <http://www.qp.alberta.ca/documents/Acts/F14.pdf> (accessed December 1, 2018).

JURISPRUDENCE

- R. v. Sparrow*, [1990] 1 S.C.R. 1075
- R. v. Van der Peet*, [1996] 2 S.C.R. 507
- R. v. N.T.C. Smokehouse Ltd.*, [1996] 2 S.C.R. 672
- R. v. Gladstone*, [1996] 2 S.C.R. 723

R. v. Pamajewon, [1996] 2 S.C.R. 821

R. v. Côté, [1996] 3 S.C.R. 139

R. v. Adams, [1996] 3 S.C.R. 101

Delgamuukw v. British Columbia [1997] 3 S.C.R. 1010

Haida Nation v. British Columbia (Minister of Forests), [2004] 3 S.C.R. 511, 2004 SCC 73

Taku River Tlingit First Nation v. British Columbia (Project Assessment Director), [2004] 3 S.C.R. 550, 2004 SCC 74

Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage), [2005] 3 S.C.R. 388, 2005 SCC 69

Tsilhqot'in Nation v. British Columbia, 2014 SCC 44, [2014] 2 S.C.R. 256

Tsleil-Waututh Nation v. Canada (Attorney General), [2018] FCA 153

Appendices

Appendix 1: Information Letter and Consent Form

INFORMATION LETTER and CONSENT FORM

Study Title: *'Discourses of Reconciliation and the Re-Construction of History in Canada'*

Research Investigator:

Tiffany Campbell (B.A.)
Department of Anthropology
13-15 HM Tory Building
University of Alberta

Supervisor:

Dr. Andie Diane Palmer (Ph.D.)
Department of Anthropology
13-15 HM Tory Building
University of Alberta

Background

- You are invited to participate in a research project on reconciliation discourse in Canada, being conducted by Tiffany Campbell—a University of Alberta Masters of Arts (M.A.) student in linguistic anthropology.
- You are being asked to participate in this study because you have been identified as an Indigenous Relations specialist (that is, a person employed in the Ministry of Indigenous Relations, in the field of Aboriginal consultation operations, policy, and/or stewardship initiatives) in the Government of Alberta (GoA). As a professional employee of a body working to ensure that Aboriginal and Treaty rights, and traditional uses are respected in matters regarding land and natural resource management in Alberta, you are someone with the background to offer valuable insight into Indigenous/non-Indigenous relations in Canada.
- You were identified as a potential participant through....., and your contact information was provided by... in order to send this invitation.
- This research is funded by the Social Sciences and Humanities Research Council (SSHRC).
- The results of this study will be used in support of my M.A. thesis, in order to fulfill the requirements of the M.A. Program in the Department of Anthropology at the University of Alberta.

Purpose

- The term “reconciliation” is highly contested, with various meanings and interpretations. These representations have consequences for public policy creation, for the interpretation and preservation/fulfillment of Aboriginal and treaty rights, Indigenous self-determination, and for the relationship between Indigenous and non-Indigenous peoples in Canada.
- The purpose of my research is to investigate how Canadians make sense of reconciliation. By conducting a linguistic analysis of interviews with Indigenous Relations specialists working in the GoA, I hope to develop a better understanding of reconciliation as an emerging area of both national memory and local

practice, and specifically the role history plays in the language used to discuss the politics of reconciliation.

- There are different histories situating “reconciliation” today and very distinct connotations different uses of the word can have. The history of Alberta’s relationship with its various Indigenous communities, and how we make sense of those relationships, is an important area that needs to be investigated in the context of this new phase of reconciliation between Indigenous and non-Indigenous peoples in Canada.
- Canada’s Truth and Reconciliation Commission (TRC) ‘Calls to Action,’ urged and demanded that Canadians, in their various roles and positions both professional and personal, take stock of their responsibilities in the reconciliation process. This research is part of a response to the ‘Calls to Action,’—aiming to contribute to the project of reconciliation by critically engaging with our own understandings, knowledge and experiences.
- The data gathered from my interviews with you will link you to a larger network of scholars and community workers committed to building better relationships with Indigenous peoples and communities, sometimes by engaging with difficult questions.

Study Procedures

- The research procedures for this study include one-on-one interviews, and **may** also include a focus group interview session with **voluntary** participation (see point below on optional focus groups). As a participant, you will be asked to meet with the researcher for a brief preliminary meeting (which can be held at the same meeting of the interview itself) to go over the consent form and any other concerns or questions before commencing the study. You will be asked to answer interview questions at a one-on-one interview lasting up to 1 hour. Your participation, therefore, is likely to only take up to one hour of your time.
- The overall length of the study is 8 months from April 19 2017 to December 1 2017: data collection and validation period July-September, data analysis and drafting period September-December 2017.
- Participation includes:
 - 1 interview lasting approximately one hour will be conducted with you (or shorter interviews of up to three visits total). Interviews will be audio recorded (no video recording or photographs), and semi-structured (they will follow a general set of interview questions, but can also include more general conversation as guided by your particular insights and interests). Interviews will be held at a previously agreed upon location to allow for a private conversation. The timeline of interviews (if more than one needs to be scheduled) will be determined by your time commitments and constraints.
 - Audio recording will be collected only during the interview itself, and not at any other time. The audio recording device is a small, battery powered digital voice recorder. You may request that the audio recorder be turned off or on at any time during the interview.
- Optional focus groups: If the study develops in such a way that focus groups with your peers become a possibility, I will offer you the opportunity to participate in such a group interview. As with the individual interview, you have the opportunity to opt out, or to withdraw, in whole or in part, at any time.
- ‘Respondent validation’ (verifying the information or ‘data’ collected from you):

July 2017

- A copy of the transcription from your personal interview only will be provided to you, during the respondent validation period (September 2017). Your input will be solicited at this time, in case you feel that something you have said requires elaboration or clarification.
 - You are not required to provide feedback, this is an additional measure.
 - You are also able to withdraw your participation *at any time* during the study period up until my first draft is circulated to my thesis committee, December 1 2017.

Benefits

- I hope that the information provided by this study will help us better understand Canada's process of reconciliation. As part of a response to the TRC 'Calls to Action,' the data gathered from my interviews with you links you to a larger network of Canadians working toward better relationships between Indigenous and non-Indigenous peoples.
- The benefit of this research, generally, is to foster understanding and to advance reconciliation through the study of how people interpret and act on calls to reconciliation in their own lives.
- You will not personally benefit *directly* from this study. However, you may benefit from the identification of new cultural knowledge and information; or the satisfaction of contributing to society through research.
- Your travel and parking costs, as well as childcare costs if applicable, will be reimbursed for the time of your interviews.
- Interviews will be conducted when it is most convenient for you to meet and I will be conscious of your time commitments.

Risk

- "Reconciliation" can be a highly-contested concept, dealing with issues of race, power, economic inequality, the historical record, social exclusion, and identity. The interview(s) will include topics that you *may* find sensitive.
- Most questions will involve interpretations, definitions, and reflections on reconciliation in general, but some discussions may touch on sensitive topics involving traumatic events in history (such as the Indian Residential School system), though they do not go into these in any detail. The purpose of this study is not to test your reaction to upsetting questions, to make accusations, nor to trigger traumatic or uncomfortable thoughts or memories. Rather, the interview is designed to be an opportunity to collaboratively interpret an area of mutual interest, that is, Indigenous/non-Indigenous relations in Canada. It is meant to encourage a reciprocal and reflexive exchange of ideas.
- These reflections could cause a small degree of discomfort (for example, if you have cause to reflect on your own positions within larger systems, processes, and histories), but will be no more than you are likely to encounter in your daily life (e.g. while watching the news, having a political discussion).
- There may be risks to being in this study that are not known. If I learn anything during the research that may affect your willingness to continue being in the study, I will tell you immediately.

July 2017

Voluntary Participation

- **You are under no obligation to participate in this study;** participation is completely voluntary.
- If you do agree to participate in the study, you are not obliged to answer any specific questions.
- You may opt out of the study without penalty, and can request that any data collected from you be withdrawn from the study (i.e. even if you agree to be in the study you can change your mind and withdraw at any time during the study period). If you choose to withdraw your participation—in whole or in part—your data will be erased promptly. You are able to withdraw your data up until the end of the study period: December 1, 2017.

Confidentiality & Anonymity

- The research will be used to write my M.A. thesis. Parts of the research may also be: published in academic journals, presented at academic conferences, or used as teaching materials at the university level.
- **You will not be personally identified in any of these uses, unless you specifically indicate to me in writing that you wish to be personally identified.**
- **Data will be kept private** and will only be accessible to the researcher (myself), research assistant (transcriber) and my supervisor (Dr. Palmer). The Research Ethics Committee also has the right to review study data.
- Unless you have indicated otherwise, **you will not be personally identified in the dissemination of the research** (the public will not be able to link personal identities with individual responses). Any potentially identifiable information will be struck from the record as soon as possible after it was collected.
 - For example: names will be replaced by pseudonyms; any personal information (necessary to contact you for interviews) will be kept in a secure place and destroyed at the end of the study period; any potentially identifiable information given within the interview will be struck from the record (not transcribed nor used in the analysis or research findings).
- Due to the small sample size of this study, total anonymity cannot be guaranteed (for example, coworkers who were also contacted separately to participate may know *that* you participated if they happen to see me and you together before or after our interview, but will not be able to listen in on interviews nor be able to identify you in the research findings).
- Anonymity cannot be guaranteed in the group context. Participation in focus groups will be supplemental and voluntary. **You will not be personally identified by what you said *in* the focus group to those *outside* of the focus group** (the public will not be able to link personal identities with individual responses, unless you have specifically indicated to me in writing that you wish to be personally identified). As with one-on-one interviews, any potentially identifiable information will be struck from the record in the transcription phase. Participants in focus groups are all instructed to keep the information they hear from others in the focus groups private, but there always remains a risk that some participant might not honour this instruction.

July 2017

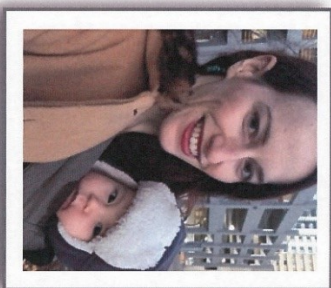
- Data are to be kept in a secure place for a minimum of 5 years following completion of the research project. There are a number of safeguards in place for security of data:
 - physical documents will be kept in a locked filing cabinet only for the minimum time period, electronic data will be password protected and/or encrypted.
 - Personal information (names and contact information) will be destroyed at the end of the study period, and in a way that ensures privacy and confidentiality.
- You will have the opportunity to indicate if you would like to receive a copy of the completed thesis research and/or a report of the research findings.

Further Information

If you have any further questions regarding this study, please do not hesitate to contact:

The plan for this study has been reviewed for its adherence to ethical guidelines by a Research Ethics Board at the University of Alberta. For questions regarding participant rights and ethical conduct of research, contact the Research Ethics Office at (780) 492-2615. *This office has no direct involvement with this project.*

Appendix 2: Recruitment Pamphlet



About the Researcher

Tiffany Campbell is currently working on her Masters research in linguistic anthropology at the University of Alberta, under the supervision of Dr. Andie Palmer (Department of Anthropology).

Her research focuses on the politics of representation as it relates to Indigenous/non-Indigenous conceptions of history and transition in Canada. Her current project investigates 'reconciliation' as an emerging area of contestation of national memory in Canada, and on various ways the discourse of reconciliation is taken up by different communities of practice, and its place in public institutions.

She has particular experience in critical discourse analysis, and is interested in the multi-referential nature of arguments and interpretive resources. Her other main research interest is

Indigenous systems of law, Plains Cree law and language, and treaty history, concepts and relationships (particularly Treaty 6).

Tiffany lives in *Amiskwaciwiskahikan* (Edmonton) on Treaty 6 territory with her partner and son.

She works at The Royal Alberta Museum, in First Nations Community Engagement. Tiffany is from the province of New Brunswick, and grew up in the Saint John River (*Wolastoq*) valley area. She received her BA from St. Thomas University in New Brunswick.

Tiffany's research is partly funded by the Social Sciences and Humanities Research Council (SSHRC). She is also a recipient of the Walter H. Johns Graduate Fellowship and the Queen Elizabeth II Scholarship, and others. The results of this study will be used in support of Tiffany's thesis, in order to fulfill the requirements of the M.A. Program in the Department of Anthropology at the University of Alberta.

Please contact Tiffany for questions or concerns, and to schedule a time for your interview, at:

Department of Anthropology
13-15 HM Tory Building
University of Alberta

Discourses of Reconciliation

YOU ARE INVITED to participate in a research project being conducted by a University of Alberta (U of A) Masters of Arts (M.A.) student, in the department of anthropology.

The focus of this research is on reconciliation discourse in Canada. The term "reconciliation" is highly contested, with various meanings and interpretations. Our understandings and approaches to reconciliation will have consequences for public policy creation, for the interpretation and preservation of Aboriginal and treaty rights, Indigenous self-determination, and for the relationship between Indigenous and non-Indigenous peoples in Canada more broadly.

The Government of Alberta has committed to "renewing and improving" the relationship with Indigenous peoples -- by promising to implement the principles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and by taking up various initiatives aimed at responding to the Truth and Reconciliation Commission's (TRC) 'Calls to Action'.

How we, as Albertans, make sense of this relationship, is an important area that needs to be investigated in the context of this new phase of reconciliation between Indigenous and non-Indigenous peoples in Canada.

2017, Discourses of Reconciliation



2017, Discourses of Reconciliation

You are being asked to participate in this study because you have been identified as an 'Indigenous Relations Specialist' within the Government of Alberta.

As a professional who works in an institution with a mandate to ensure that Aboriginal and Treaty rights, and traditional uses, are respected in matters regarding land and natural resource management in Alberta, you are someone with the background to offer valuable insight into some areas of Indigenous and non-Indigenous relations in the province, and nationally.

The purpose of this research is to investigate how Canadians make sense of reconciliation. By conducting a linguistic analysis of interviews with Indigenous Relations Specialists working in the Government of Alberta, I hope to develop a better understanding of reconciliation as an emerging area of both national memory and local practice, and specifically the role history plays in the language used to discuss the politics of reconciliation.

Since Canada's Truth and Reconciliation Commission (TRC) released its 94 'Calls to Action,' Canadians have been taking stock of their roles and responsibilities in the process of reconciliation. As these actions are taken up across the public sector, research is

needed that investigates how Canadians understand and enact reconciliation in their personal and professional lives.

This research is therefore part of a response to the 'Calls to Action,'—aiming to contribute to the project of reconciliation by critically engaging with our own understandings, knowledge and experiences.

As part of a response to the TRC 'Calls to Action,' the data gathered from my interviews with you will link you to a larger network of scholars and community workers committed to building better relationships with Indigenous peoples and communities, sometimes by engaging with difficult questions.

Study Procedures

The research procedures for this study include one-on-one interviews. As a participant, you will be asked to meet with the researcher for a brief preliminary dialogue—to review the consent form and any other concerns or questions you may have—before commencing the interview.

You will then be asked to answer questions as part of an audio-recorded interview, lasting up to 1 hour.

The overall length of the study runs from July 1 to December 1 2017; the interview sessions will be held from July through September.

The research will be used to write my M.A. thesis. Parts of the research may also be: published in academic journals, presented at academic conferences, or used as teaching materials at the university level. You will not be personally identified in any of these uses, unless you specifically indicate to me in writing that you wish to be named.

This is not the complete study information.

Please see the 'Information and Consent' form for more details on study procedures, including confidentiality and anonymity, or contact the researcher directly.



Original photography by
Tiffany Campbell

Interview

THE INTERVIEW IS SEMI-STRUCTURED. The conversation is meant to be fluid and allow for collaborative discussion between the researcher and participant, working through sometimes difficult topics together. Interviews are not meant to quiz your knowledge, be adversarial, or to attempt to expose aspects of your work.

Your participation is voluntary, including your response to any specific question. You are able to withdraw your participation at any time, up until the end of the study period, December 1st 2017.

Below are some of the topics and a sample of questions that are planned to be covered in the interviews. Since it is semi-structured, the interview will not necessarily follow in this order, or necessarily include all of these topics. Everyone has different expertise and interests, and each interview will reflect that diversity.

SAMPLE QUESTIONS

Personal background

Please, tell me about yourself (personal, professional?).

On the idea of transition, transformation in Canadian society

Do you think that the concept of reconciliation is appropriate for the Canadian context?

In your opinion, how has (or hasn't) the relationship between Indigenous and non-Indigenous peoples changed?

Reconciliation: different concepts and contexts

What comes to your mind when you think about reconciliation?

Why do you think the Canadian TRC took the approach that it did?

Has the TRC been successful?

Identities and responsibilities

Who is reconciliation good for?

What do you think are the greatest responsibilities for non-Indigenous people in the process of reconciliation?

TRCs 'Calls to Action' and the UNDRIP
In your opinion, what purpose do the 'Calls to Action' and/or the UNDRIP have as they operate in government institutions?

Aboriginal Rights and Court-driven Reconciliation

The Supreme Court of Canada has outlined its approach to determining Aboriginal rights by emphasizing the principle of *accommodation*. **Where do you see this accommodation happening (or not happening) in different areas of society?**

What, in your interpretation, is the 'Honour of the Crown'?

What do you consider to be 'meaningful' consultation?

Treaties and treaty relationships

What do you think it means to be Treaty people?

What future do you imagine between Indigenous and non-Indigenous peoples in Canada?



Appendix 3: Interview Schedule

Interview Schedule

Background questions on their career as Indigenous Relations specialists

Please, tell me a bit about yourself.

Thank you for telling me about yourself. I'd like to open up with a bit of a case study, taken from one of my own experiences:

I used to work in the ACO, in Policy and Strategic Initiatives (this was when the ACO included Policy/Operations). I remember that back in November 2014, I acted as minute-keeper at one of the 'Mission' and 'Vision' Statement creation meetings. The Mission and Vision Statement group—made up by various people within the ACO—was tasked with coming up with draft statements, to be presented at the annual Department-wide meeting in December of 2014.

We brainstormed which concepts would most appropriately comprise the department's 'Mission' and 'Vision.' Which were our most immediate, versus our long-term, goals? To which stake-holders were we most beholden? Which concepts were at once most accurate, inclusive, and inspirational? Some of the concepts thrown around the table included "prosperity," "development," "growth," "relationships" and "relationship-building," as well as "understanding," "balance," "fairness" and so on. At the time, I remarked aloud that it seemed as though, in a roundabout way, we were discussing some concept of 'reconciliation,' without actually saying it. There was a fair amount of support in the room, but when we got to the department-wide annual gathering the following month, there was a lot of debate on this word "reconciliation," as many people thought it was 'too political' or had some other objection to it.

Why do you think so many people took issue with the word "reconciliation"?

On the idea of transition, transformation

As you probably know: the concept of reconciliation is part of a global phenomenon often termed 'transitional justice'—usually used to reference situations in post-conflict areas (like South Africa, and several South American states), especially marking a formal transition from an authoritarian past to a new democratic order.

However, the fact that we are not, in this country, undergoing a radical transition in our political or constitutional structure (akin to South Africa for example), has been a central critique of the reconciliation process: in terms of its applicability to the Canadian context, or its ability or likelihood of radically restructuring the relationship between Indigenous/non-Indigenous peoples and institutions.

Do you think the concept of reconciliation is appropriate for the Canadian context? Do you think we are undergoing a period of 'transition' in Canada?

In your own opinion, how has (or hasn't) the relationship between Indigenous and non-Indigenous people changed?

Looking around at the way 'reconciliation' is used, it appears that 'reconciliation' has many different definitions. Say, for example, 'reconciliation'-as-healing, and 'reconciliation' as forgiveness.

Which definition tends to come to your mind when you think about reconciliation?

Has that changed from the first time you heard the term?

Reconciliation and the TRC

Thinking about some of the Truth Commissions in other countries, it is interesting to note that Canada's Truth and Reconciliation Commission (TRC) had no mandate to name or to prosecute offenders.

How do you think things might be different today if the TRC had had a broader mandate? (perhaps, for example, in terms of prosecuting offenders or even amnesty for offenders?)

Some critics of reconciliation have warned that the reconciliation process in Canada is unlikely to produce larger understandings of colonialism *as a system*, because there is often a focus on more interpersonal or restorative ideas like healing, forgiveness, redemption and closure.

What do you think of this critique? i.e. Do you think that in focusing on healing and forgiveness, there is a risk that "truth" could sometimes fall short of larger *social* truths about colonialism as a system?

I want us to do some social theorizing for a minute: When you consider our own national history and society, why do you think the Canadian TRC took the form it did?

Has the TRC been successful?

Identities and responsibilities

Who is reconciliation good for?

Some scholars use the term "settler" to refer to non-Indigenous people, and settler-colonial studies is one burgeoning field of study. **How do you feel about the term 'settler'?**

Who or what body/institution has the greatest responsibility for reconciliation?

TRC's 'Calls to Action'

One of the TRC Calls to Action (#43) says "We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation."

What is your opinion in regards to the implementation of the UNDRIP? Specifically, why do you think the current Alberta government has committed to its principles? **Perhaps, in other words: what purpose do the calls to action and/or the UNDRIP have as they operate in government institutions?**

- (Use example of IPSCORA as prodding).
- (reconciliation as a justification for what it was already doing: as a communications strategy)

Reconciliation requires labour: time, energy, resources, emotional labour. How these resources are directed within institutions will affect how reconciliation surfaces within them. **What forms do you think reconciliation will take within the government of Alberta (how will they 'surface' throughout the GoA), given the types of resources that are directed towards it?**

Aboriginal Rights and Court-driven Reconciliation

There is often a significant amount of backlash among non-Indigenous Canadians around Aboriginal rights cases, as well as around modern treaty and land claims negotiations.

We can think, for example, about the tensions surrounding Aboriginal rights cases in the fisheries, like Burnt Church....

What do you think is at the core of these public controversies?

Despite now being a global phenomenon: only in Canada has the idea of reconciliation been fashioned into a *legal* concept: a constitutionally-sanctioned court-driven jurisprudence (e.g. Walters 2008). The Supreme Court of Canada has incorporated a notion of reconciliation that emphasizes, primarily, the principle of accommodation, when it comes to litigation involving Indigenous peoples. **Thinking about reconciliation as the court has, in terms of accommodation (of 'the Aboriginal perspective'), where do you see accommodation happening (or maybe not happening enough) in society?**

As outlined in the Government of Alberta's Consultation Policy (2013), as you know, the legal duty to consult and accommodate is grounded in the Honour of the Crown.

What, in your interpretation, is the 'Honour of the Crown'?

Under the Policy, Alberta seeks to reconcile First Nations' constitutionally-protected rights with other societal interests... through a meaningful consultation process.

What do you consider to be 'meaningful' consultation?

Treaty Relationships

Indigenous people often refer to the Treaties as the essential grounding for the relationship between Indigenous/non-Indigenous relations. In your own understanding: why are the treaties emphasized?

What do you think it means to be Treaty people?

What future do you imagine between Indigenous and non-Indigenous peoples in Canada?