

Treaty and the Poetics of Social Transformation

by

Robert Jackson

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## Abstract

*Treaty and the Poetics of Social Transformation* argues that treaties are important sites of collective, imaginative, and material social change in Canada. The Numbered Treaties are both crucial legal relationships and central political concepts in critiques of Canadian settler colonialism. I offer a historical materialist analysis of the Numbered Treaty agreements. I not only suggest that “we are all treaty people,” but, I ask: “how will the organization of Canadian social life need to change in order for non-Indigenous peoples to live treaties in meaningful ways?” By challenging colonial common-sense ways of interpreting treaty as a contract, I call into question the presumption that honoring treaty obligations is possible in the contemporary moment while also clarifying how Indigenous treaty visions are social critiques of the transactional logics of settler colonial capitalism. At the heart of the dissertation is what I term the social contradiction of treaty: on one hand treaties must be honored in accordance with their original spirit and intent; on the other the material conditions of settler colonial capitalism make this impossible. In the first half of the project, I create a framework for understanding this contradiction and then develop a method of reading able to make sense of its intricacies. The dissertation’s second half turns to works of contemporary Indigenous poetry in order to explore how this social contradiction plays out at the level of poetic form in the work of Billy-Ray Belcourt (Cree), Dallas Hunt (Cree), Emily Riddle (Cree), and Matthew Weigel (Denesuline / Métis).

Drawing from Indigenous political science, Cree and Anishinaabe intellectual traditions, and Indigenous critiques of settler colonialism, I suggest that there are two dominant ways of understanding treaty as a political concept and social form in the Canadian context: the relational and the transactional. In the first case, relational treaty visions are rooted in autonomous traditions of Indigenous governance and treaty making which are sublated into the language of sovereignty through treaty making with the settler-colonial state. In the second case, transactional treaty sensibilities are overdetermined by settler colonial capitalism’s central logics of abstraction, accumulation, and exchange. Through close readings of discourses in Indigenous studies and Marxian political economy, I elaborate the difference between relational and transactional interpretations of treaty in order to show that they are not different in a neutral way, but rather that they are animated by two fundamentally antagonistic ways of organizing social interdependence.

In my framework, treaties are social and political forms that organize and arrange the content of social life. I contend that poetry is a privileged site to analyze the limits and possibilities of treaties because it is an literary category explicitly concerned with the relationship between form and content *as well as* how social relations are mediated through language. Against the violent harnessing of treaty by the settler-colonial state and its political economy of Indigenous (dis)possession, my dissertation argues for a reading of Indigenous poetics that disrupts settler colonialism’s articulation of treaty to capitalist grammars of property and pays attention to how Indigenous poets enact resurgent and decolonial visions of treaty that refuse the insidious logics of reconciliation and recognition that undergirds dominant discourses of treaty in Canada.

Toward the horizon of decolonization.

## Acknowledgements

This dissertation came to life on the banks of the kisiskâciwanisîpiy. While writing this project, I lived in the pehonan near the very old trails that now weave through University of Alberta and across the Walterdale Bridge. In a practical way, this dissertation emerges out of my relationship to, and in, amiskowaciywâskahikan: trying to understand how to live on those territories in a good way, taking leadership from the nations that have done so since time immemorial. On my daily walks along the river with Daisy, the kisiskâciwanisîpiy taught me that the endlessness of this journey requires endurance.

This dissertation is the product of a lot of care, generosity, and elaboration by friends, comrades, and colleagues. The immensity of this cannot be put into language. But one thing the poetry teaches us, I think, is that language always falls short of what it aims to express anyway. And so, to everyone who has supported me while I've written this document, and therefore helped give it shape: I owe you everything.

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that **round** compound  
relation marker

↳ ρ||ΔΔ\

to **love** each and **one another**

-Mackenzie Ground, “breaths of love”

A commune was a pact to face the world together. It meant relying on one’s own shared powers as the source of one’s freedom. What was aimed for in this case was not an entity; *it was a qualitative bond, and a way of being in the world*. A pact, then, that couldn’t help but implode with the bourgeoisie’s monopolization all the wealth.

– The Invisible Committee, *To Our Friends*

A poem can be an uproarious reminder of the impossibility of settlement, of total conquest. As such, it is a love song to the land.

-Billy-Ray Belcourt

## Introduction

The world of the colonizer is an arm, and apparatus of the colonial state, laws, and policies. To continue applying this apparatus is to continue the assimilation and genocide of Indigenous children, families, and nations. In the spirit and intent of Indigenous sovereignty and treaty, and honouring Indigenous relationships, non-Indigenous people must begin by encouraging Indigenous laws and teachings, in every aspect, and by whatever means possible.

-Sylvia McAdam, *Nationhood Interrupted* (36)

How to express my connections in the context of my disconnections

-Christine Stewart, *Treaty 6 Deixes* (113)

*Treaty and the Poetics of Social Transformation* makes two central arguments. The first is that the Numbered Treaties between Indigenous peoples and the Canadian state express a social contradiction: they unite two oppositional ways of producing and reproducing social life based on two radically antagonistic relationships to land. The second central argument is that the shape and movement of this contradiction can be registered in the form and content of contemporary Indigenous poetics. Together, these two propositions provide the conceptual and formal architecture of the project, and I divide my dissertation into two sections to reflect this way of theorizing the contradiction of treaty. Part one, “Treaty and Social Contradiction” schematizes the contradiction of treaty; part two, “The Poetics of Social Transformation,” offers close readings of contemporary Indigenous poetry. As such, this dissertation is situated at the nexus of Indigenous political theory, Indigenous poetics, and studies of settler colonial racial capitalism.<sup>1</sup> My hope is that this dissertation clearly outlines some of the limits and possibilities

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<sup>1</sup> “Settler colonial racial capitalism,” “colonial racial capitalism,” and “settler capitalism” are three terms I have seen used with growing popularity while I have been writing this dissertation. I use the term “settler colonial racial capitalism” here to signal the specific ways the tendencies and laws of capital accumulation are inflected by racial composition and settler colonial relations of domination, with a specific focus on the role of land. The formation “settler colonial racial” builds on Cedric Robinson’s path-making arguments about “racial capitalism:” that is, the role of racial difference produced by, and productive for, the emergence of capitalism in Europe. Locating racial difference and domination at the core of the European development of capitalism *before* the emergence of the trans-Atlantic slave trade or capitalist colonial expansion, Robinson argues that race was inherently part of capitalist



of treaty as a form of anti-colonial social transformation, while also demonstrating the contributions the study of poetics might offer broader attempts to imagine and enact treaties as pathways for decolonization.

More nearly, this dissertation is my protracted attempt to think through a series of questions that have preoccupied me for the last a decade: *What does it mean to live ethically as a non-Indigenous person in treated territories? Why does this endeavor seem impossible? How will material conditions need to change in order for me to live my treaty obligations meaningfully?* I am a white person. I am a settler. The history of my English, Irish, and Scottish ancestors on Turtle Island is entangled with the history of conquest in Canada. The Canadian government continually makes decisions in my name that harm Indigenous peoples and break treaty promises. My implication in systems of settler colonial domination is a fact: it is the starting place of my dissertation, one that shapes the questions I am asking and the ways I go about asking them. These questions of how to live, and make sense of this living, in ways that honour the spirit and intent of the treaties that govern where I live are deeply personal questions as well as intellectually and materially challenging ones. They have animated my activism and my scholarship alike. In this dissertation I think through them at a certain level of theoretical abstraction, but they also emerge out of my involvement in grassroots community education projects, harm reduction and anti-poverty activism, and my attempts to practice solidarity with Indigenous sovereignty movements in amiskowacyiwâskahikan.<sup>2</sup> My embodied understanding of

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structures. See Robinson, 1983. Throughout the remainder of this dissertation, I will shorten “settler colonial racial capitalism” to “settler capitalism” for convenience of prose. My own work in this emergent field has been especially influenced by the work of Bhandar, 2018; Coulthard 2014; Day 2016; Ferreira da Silva, 2007; Harris; 1993; Karuka, 2019; Lowe, 2015; Nichols, 2019; Melamed, 2011; Pasternak, 2017; Wilson Gilmore, 2007 amidst a host of others. For a recent anthology of work in this field see Koshy, Cacho, Byrd & Jefferson, *Colonial Racial Capitalism*, 2022. <sup>2</sup> amiskowacyiwâskahikan is the nêhiyaw (Cree) name for Edmonton, roughly translating to beaver (amisk), waci (hills) wâskahikan (house). Sometimes Edmonton is also translated as amiskwaciwâskahikan, or amiskwacyi. The longer transliteration of the word is also used by nêhiyaw language instructor Reuben Quinn, who prefers it because it more accurately reflects morphemes associated with the syllabic transliteration. (Reuben Quinn, in discussion with

the stakes of treaty-based politics and ways of relating are drawn from these experiences. How I have made sense of these experiences is intractably shaped by my encounters with nêhiyaw understandings of Treaty 6.<sup>3</sup>

While living in amiskowaciywâskahikan I was invited with a tremendous amount of generosity by amiskwaciyiniwak scholar Dwayne Donald, nêhiyaw language teacher Rueben Quinn, nêhiyaw Elder Kathy Hamelin, and nêhiyaw Elder Bob Cardinal of Maskêkosihk to learn about nêhiyaw treaty traditions through community, study, ceremony, and the land. I was introduced to ways of thinking about treaty as an elemental connection between Indigenous and non-Indigenous peoples, as well as between peoples, lands, waters, and forms of more than human life. Writing a response for the series “Post-Crisis Poetics,” my friend, mentor, collaborator, and PhD supervisor Christine Stewart shares and reflects on some of Elder Cardinal’s teachings about treaty relationality. I am quoting Stewart’s at length here because her words resonate with how I have heard Elder Cardinal speak about treaties in person. Stewart writes:

I have been taught that the human-to-human Treaty 6 was founded on the original treaties, agreements that existed between the human and the non-human or more-than-human world, agreements on which important legal systems were based. That is, as nêhiyaw Elder Bob Cardinal relates it, Treaty 6 is based on *the original agreements of reciprocity that were made and that have existed since the beginning of time, agreements of reciprocation that were made between humans and animals, between humans and air, between humans and water, humans and plants, humans and rocks [and fire]*.

For Elder Bob Cardinal, this is the most important thing we can know when we begin to consider treaty. That is, that these original treaties are the basis for the survival of all life

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the author, February 2016.) nêhiyaw artist, scholar and poet Courtney Morin has also told me that she prefers using the shorter, amiskwaciy, because the omission of the wâskahikan suffix removes the reference to Fort Edmonton. (Courtney Morin, in discussion with the author, March 2016).

<sup>3</sup> Treaty No. 6 is an agreement entered into between the nêhiyaw (Cree), Îyârhe (Nakoda), nakawê (Saulteaux), and Dene nations and the British Crown in 1876. A significant adhesion was signed in 1877. Treaty 6 encompasses a significant portion of present-day Alberta and Saskatchewan. The treaty establishes a framework for the coexistence, rights, and obligations of both parties, recognizing the sovereignty of the Indigenous nations and guaranteeing provisions from the Federal government.

on this planet, and they lie at the heart of the treaty making process for the nêhiyaw people. (2017)

What I carry forward from this teaching is that Treaty 6 is not only a political relationship between Indigenous and non-Indigenous peoples. It is also an important spiritual relationship entered into with all of creation. For nêhiyaw legal scholar Sylvia McAdam, the spiritual component is crucial to Treaty 6. Sharing her knowledge of the treaty making process in her book *Nationhood Interrupted: Revitalizing nêhiyaw Legal Systems*, McAdam emphasizes the role of ceremony in preparing for and solidifying Treaty 6 as a sacred agreement.<sup>4</sup> While I know that the spiritual dimension is crucial to Treaty 6, I do not fully understand what this means. I am always need to be reminded to sit with its complexity and scale. The labour of doing so is slow and infinite. As such, I have chosen not to write explicitly about the spiritual valence of treaty in this dissertation, but I am gesturing to it here because failing to do so would be failing to honour what I have heard, read, and experienced.

This decision means that the thoughts I offer here will be limited. My intention is to characterize a political and conceptual problem at the core of the Numbered Treaties. I hope the work will be useful for Indigenous scholars of treaty and Indigenous literatures, but the primary audience I imagine is readers on the non-Indigenous left who want to think in more nuanced and critical ways about how to honour our treaty obligations collectively. In the aftermath of movements like Idle No More and #NODAPL, which put treaty relations at the centre of struggles against settler colonial capitalism in very practical ways, *Treaty and the Poetics of Social Transformation* offers a framework for thinking about treaties in, and as, the context of anti-state and anti-capitalist struggle. While these intentions are broad, Treaty 6 territory,

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<sup>4</sup> For more, see McAdam, 2015 chapters 3-4.

amiskowacywâskahikan, and even more specifically the pêhonân<sup>5</sup> on the shores of the kiskâciwani-sîpiy<sup>6</sup> near the Rosedale Flats are the ground and context of my study. These worlds are the condition of possibility for my treaty thinking. The extent to which my understanding of treaty – rooted as it is in this placed-based context – travels effectively and accurately to other contexts can only be left to the reader to decide. Any mistakes and errors, of course, are my own.

### **Valences of Treaty**

we live in a vulgar translation

-me and Mackenzie Ground, “alongside underbrush”

One of the challenges that I encountered while writing this dissertation was the problem of language. There are so many registers and genres of treaty relationships in Canada that the word “treaty” is a slippery signifier invested with competing and incommensurate meanings. *Treaty and the Poetics of Social Transformation* starts from the premise that while it is necessary to build the collective capacity of non-Indigenous people to mobilize in the spirit and intent of the original treaty negotiations, it is not practical to act as if Indigenous and non-Indigenous negotiators shared a *singular* intention. In the context of Treaty 6, for example, treaty making was an attempt to establish relationships of mutual aid, reciprocity, non-interference, and shared responsibility so that Indigenous and non-Indigenous peoples could live together peacefully (Venne 1997). But it was also an attempt to subordinate Indigenous nations to the laws and authorities of the emergent Canadian dominion by stealing land. These contradictory desires, I

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<sup>5</sup> nêhiyaw writer and scholar Mackenzie Ground describes a pêhonân a specific meeting ground: is a place to gather and trade, and is a place for ceremony ([https://readlistentell.wlupress.ca/content/download/237759/2757166/file/1\\_PoeticPehonanCollectionMackenzieGroundPDFimg.pdf](https://readlistentell.wlupress.ca/content/download/237759/2757166/file/1_PoeticPehonanCollectionMackenzieGroundPDFimg.pdf)).

<sup>6</sup> North Saskatchewan River.

argue, are baked into the structure and mythologies of Treaty 6 (and, by extension other Numbered Treaties) and they continue to reproduce treaty relations as both a possibility and limit for decolonial social transformation. In the face of this impasse, I offer the following three terms to bring some provisional clarity to which accounts of treaty I am referring to at different moments in this study: *the elemental*, *the relational*, and *the transactional*.

In my framework, the *elemental* account of treaty is grounded in the spiritual, land-based dimensions of Indigenous treaty traditions. I use the term elemental to emphasize the connection of this treaty philosophy to the land and elements that make up life. Echoing the teachings of Elder Cardinal referenced above, Stewart also writes in collaboration with Quinn stating that “according to Reuben, the numbered treaties are based on the earliest treaties that existed between humans and the elements – water, wind, grass, and earth – and Syilx scholar and poet Jeanette Armstrong reminds us that all Indigenous languages hold the relations and the rhythms of the land from which they come” (30).<sup>7</sup> In the way I’m using it, the elemental account of treaty is founded on place-based knowledge encoded in the language of nêhiyawewin, the laws of the nêhiyawak, and the ceremonial practices related to treaty making. Together, these three layers of meaning animate the treaty phrase “as long as the sun shines, the rivers flow, and the grass grows” with an importance that exceeds both the metaphorical and the literal. The following passage from McAdam’s *Nationhood Interrupted* is very helpful here:

[In preparation for the making of Treaty 6] a ceremony was conducted for four days and four nights asking the âtayôhkanak (spirit keepers) what must be done. During this time the women prayed and some fasted, as is the custom. An understanding was made and was taken to the men.

Further, during the ceremony âtayôhkanak entered the lodge of the women. There were many who entered but five made a declaration. The first âtayôhkanak that came was

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<sup>7</sup> See Armstrong’s essay “Land Speaking” (1998), Anishinaabe legal scholar John Borrows’ essay “Earth-Bound” (2019) and Chikasaw / Cheyenne scholar Sâkêj Youngblood Henderson’s *First Nations Jurisprudence* (2006) for elaborations on the connections between land and Indigenous languages.

pîsim (the sun). The sun told the women, “I will bear witness to this exchange and I will stand by it for all time.” The second and third ââyohkan was the nîpiy (water), but it was the male and female nîpiy that came in and they, too, stated, “We will bear witness to this exchange and we will stand by it for all time.” The fourth ââyohkan was the wîhkask (sweetgrass); the grass told the women, “I too, will bear witness to this exchange and I will stand by it for all time.” The final ââyohkan was the grandfather rock, who stated, “I too, will bear witness to this exchange and I will stand by it for all time.” The grandfather rock is the pipe used to seal the exchange in what is now considered a covenant. (57)

In this elemental way, Treaty 6 is infinite, ongoing, unbreakable, and written in the lands, waters, and ceremonies of Treaty 6 territory. This is a primary basis of my understanding of ante-colonial nêhiyaw treaty thought and I do not subject it to critique in this project.

Connected to the elemental account is the what I will call the *relational* vision of treaty which I see operating in critical Indigenous studies. This account is based on Indigenous traditions of treaty governance but is more focused on engaging in contemporary analysis of settler colonial treaty relations and how they need to be transformed. If I characterize the elemental as an *ante*-colonial understanding, then the relational can be thought of in an *anti*-colonial register. Relational treaty visions are, I argue, embedded in a dialectical relationship with *transactional* accounts of treaty. I will elaborate in detail on both the relational and transactional approaches to treaty interpretation later in this introduction, but for now I will define the transactional account of treaty as the dominant colonial model of interpretation premised on a settler capitalist logic that renders treaties as land contracts or transactions.

It has been helpful for me to work with this schema because there is a diversity of treaties across Turtle Island and the word “treaty” can obscure and conflate these differences. Practically, there are ante-colonial treaties between Indigenous nations, treaties between Indigenous nations and more than human ones; peace and friendship treaties between Indigenous nations and settlers; the Numbered Treaties, and so-called modern treaties like the Nisga’a Agreement. In

some regions of Canada, there are no treaties with settlers. This diversity is also present in philosophical, or conceptual approaches to what treaties *mean*. While there might be resonances between Lakota, Anishinaabe, and nêhiyaw philosophies of treaty, for example, each nation has its own distinct and sovereign way of conceiving treaty as a form of social relation depending on the context and intentions of the specific agreement. To make things more complicated, in the context of settler colonial treaties, Indigenous forms of governance encounter Western European models of treaty rooted in the logic of Westphalian sovereignty. In this context the framework of treaties between Indigenous and non-Indigenous peoples becomes freighted with these Eurocentric historical material conceptions of sovereignty as territorial exclusivity, liberal democratic nationhood, and state monopolies on law and violence.<sup>8</sup>

The range of contexts and models of treaty governance has created a host of legal perspectives and political strategies for organizing around more just treaty interpretation and implementation in Canada. It is not the aim of this dissertation to give an overview of those debates or the different ways treaty has been implemented, struggled over, defined, and redefined in the courts. However, one important thing to note is that Indigenous peoples have long organized under the sign of treaty to collectivize demands for sovereignty, recognition, and rights. Lakota historian Nick Estes, for example, points to the history the International Indian Treaty Council – an internationalist arm of the American Indian Movement – dedicated to bypassing the repressive state apparatuses of colonial governance by turning to the United Nations and countries of the Non-Aligned Movement to advocate for the *international* recognition for Indigenous peoples on Turtle Island. As Estes describes in his book *Our History Is the Future*, the UN Declaration on the Rights of Indigenous People emerged out of the

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<sup>8</sup> For a helpful study of the expansive history of treaty's role European empires around the world see Belmessous, 2014.

decades long activism of the Red Power Movement in the 1960s and 70s and the work of the Society of American Indians in the early 20<sup>th</sup> century.<sup>9</sup> “Far beyond the project of seeking equality within the colonial state,” Estes writes, “the tradition of radical Indigenous internationalism imaged a world altogether free of colonial hierarchies of race, class, and nation. This vision allowed revolutionary Indigenous organizations such as the Treaty Council to make relatives” with Third World liberations movements (204). This history of treaty internationalism is one way of linking Indigenous sovereignty struggles on Turtle Island to broader historical movements for anti-imperialist social transformation.

A second prevalent way of thinking about treaty as a vehicle of collective struggle in the arena of legal recognition and institutional reform is called Treaty Federalism. At the national level, Treaty Federalism is a constitutional way of thinking about treaties as mechanisms for ensuring shared and just political jurisdiction between Indigenous nations and the Canadian state by weaving together Indigenous and Canadian legal orders.<sup>10</sup> As Chickasaw / Cheyenne scholar James Sa’ke’j Youngblood Henderson writes:

Only through consolidation of treaty federalism and provincial federalism can the new order be empowered and the colonial regime end. To be an effective reconciliation of unity and diversity, a renewed federal system should establish a harmonious resolution between the First Nations' constitutional rights and the immigrants' perplexing colonial regime. Such a consolidation must have the explicit and clear consent of the existing Treaty First Nations as well as other First Nations. Only through an alliance of treaty and provincial federalism can a legitimate Canadian partnership begin. This partnership has long been the vision of the Canadian order, and actualizing it is long overdue. (244-5)

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<sup>9</sup> For a detailed outline of this history see Estes (2019) Chapter 6: “Internationalism.” For a more conceptual and historical context for the role of internationalist Indigenous organizing in the 1960’s and 1970’s see Shushwap leader George Manuel’s classic text *The Fourth World* (1974; 2018) as well as McFarlane and Doreen Manuel’s *From Botherhood to Nationhood: George Manuel and the Making of the Modern Indian Movement* (2020). Sharone Venne and the International Working Group for Indigenous Affairs also contextualize UNDRIP within the internationalist treaty movement in their report *In Honour Bound: Onion Lake and the Spirit of Treaty Six* (1997). For a return to the question of revolutionary Indigenous internationalism in the contemporary moment see Glen Coulthard’s “Once We Were Maoists” (2021).

<sup>10</sup> See Asch (2019), Borrows (2010; 2016), Henderson (1994), Ladner (2003), Tully (1995).



Just as provinces share jurisdiction with the centralized federal government, the premise of Treaty Federalism is that treaties provide the legal framework and imperative to constitute a similar federation between First Nations and the Canadian state.

It is clear that treaty has multiple valences: it points to a variety of Indigenous worldviews based in the fundamental interconnectedness of all life; it is a diplomatic tool for engaging in international and federal relations of shared jurisdiction; it names a set of historical relationships that provide the contemporary material basis of Indigenous-settler policy in Canada; it is international law, Canadian law, and Indigenous law. It has often been difficult while writing this dissertation to maintain a level of precision and clarity amidst these competing and layered significations.

At times I have considered using *nêhiyawewin* to make distinctions between my engagement with *nêhiyaw* treaty thought and how treaty operates more broadly as concept in settler colonial contexts. McAdam, for example, refers to Treaty 6 as *kihci-asotamâtowin nikitwâsik* (78). Working through *nêhiyaw* linguist Arok Wolvengrey's *Cree Words*, I translate this phrase to something like the big (*kihci*) promise (*asotamâtowin*) Six (*nikotwâsik*). The central verb, *asotamâtowin*, also appears to share an etymological root with the *nêhiyawewin* word for bridge – *âsokan* (*Volume 2*, 294). This resonance makes me think about treaty as a sort of vow to bridge difference, creating conditions of travel and sharing between different places and parties. Additionally, Oji-Cree writer Joshua Whitehead refers to Treaty 1 as *ostêsimâwasinahikan peyak* (51). In *Cree Words*, *ostêsimâwasinahikan* is translated directly to “constitution or treaty” (*Volume 1*, 158). Interestingly, *ostêsimâwasinahikan* appears to share etymological roots with both *ospwâkan* (pipe) and *ostêsimâwiw* (elder brother) (*ibid*). I find these resonances interesting because of how McAdam describes the importance of the pipe in the

making of Treaty 6: “nêhiyaw ceremonies were conducted throughout [the negotiations] and the pipe was utilized. The nêhiyaw understanding of bringing a pipe ceremony into the discussion is that pipe laws are the foundations of peace” (78).<sup>11</sup> Moreover, I wonder if the connotations of ostêsimâwîw may be related to narratives that nêhiyaw scholar Rob Innes connects to Elder Brother kinship laws in nêhiyaw traditions (37). Another nêhiyawewin term I have come across in reference to the Numbered Treaties is tipahamâtowin. This is one of words Freda Ahenakew and H.C. Wolfart include in their glossary to *The Counselling Speeches of Jim Kâ-Nîpihtêw* (379). In their glossary, tipahmâtowin is translated directly to “treaty,” though Wolvengrey’s dictionary glosses the word as “Indian Treaty money” and nests the term amidst a list of words related to payments (tipahamâkosîw: s/he receives pay) and measurement (tipahaskêw: s/he measure land, s/he surveys land) (*Volume 1*, 224). The qualitative connotations of these terms for me add an economic layer of complexity to the above definitions.

Each of these words offer glimpses into the galaxy of meaning contained in nêhiyawewin and provide important avenues for future study on my part. But for me, at this stage in my learning, they are *only* glimpses. I have come across these terms as the result of my scholarly research and the connotations I am suggesting are *merely my own connections* drawn from secondary sources. Unlike some other nêhiyawewin words I will use in this dissertation, I have not been introduced to these words by Elders, knowledge keepers, or language speakers. They feel removed from a relational framework that is important to me in my engagement with nêhiyawewin, and so I have decided not to use these terms in the dissertation. I have offered them here, though, to reiterate that the language and valences of treaty – both in English and in

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<sup>11</sup> In the *Counselling Speeches of Jim Kâ-Nîpihtêw*, nêhiyaw orator Jim Kâ-Nîpihtêw describes the role of the pipestem as a ceremonial and sacred testimony to the enduring and unbreakable nature of the treaty relationship (1998, 101-119).

nêhiyawewin – are multiple and complex.

### **On the Treaty Contradiction**

[Dialectics] is the notion that first recognizes that change and historical movement are dependent upon the contradictions within things and between things. [...] The dialectical notion stresses that every historical phenomenon is constantly transforming itself, owing to its own internal contradictions and to contradictions between itself and other phenomenon.

- Walter Rodney, *The Russian Revolution: An African Perspective* (25)

Governor Morris's warm heart and great interest in the Indians [sic] seems to have turned cold and disinterested as soon as they signed their land over.

-Howard Adams, *Prisons of Grass* (64)

In the first two chapters of the dissertation, I demonstrate how Indigenous and settler capitalist visions of treaty are rooted in antagonistic ways of organizing and reproducing social interdependence. The first chapter, "Contradictory Aspirations," illustrates the contradiction through an engagement with Marxian value theory and nêhiyaw and Anishinaabe treaty thought. I suggest that the relational and transactional accounts of treaty are premised on mutually exclusive models of social interdependence. The second chapter, "The Bound of the Otherwise," employs Marxist literary scholar Frederic Jameson's three-tiered model of political, social, and historical interpretation to evaluate different ways of reading the treaty contradiction. Ultimately, I suggest that treaties should be *read* as sites where two different modes of producing and reproducing life overlap and contend with each other.

When these visions of treaty making collide in the Numbered Treaties, the resulting relationship expresses a social contradiction between two irreconcilable forms of life. To put it directly, framing treaties between Indigenous peoples and colonizers as social contradictions is meant to emphasize that the treaty relationship was and continues to be built on a fundamental

opposition between capitalist and non-capitalist ways of relating to the earth and to each other: an opposition that *appears as a unity* when it takes the social form of a treaty in a colonial context. This tension is not one that can be resolved by merely ethical or epistemological attempts to learn better ways of *inhabiting* the treaty relation, because the incommensurable ways of organizing social interdependence and reproducing social life are baked into the very structures of treaties like Treaty 6. nêhiyaw writer Dallas Hunt and nêhiyaw/Saulteaux academic Gina Starblanket describe the stakes of this contradiction succinctly:

To put it simply, in order for there to be good treaty or kinship relations we need to radically restructure or dismantle things as they currently operate – to be more specific we need to address how settler colonialism currently functions and structures relations between Indigenous and non-Indigenous peoples. (110)

In light of this formation of the problem, I propose that the concept of treaty is critical for thinking about anti-colonial social transformation because it challenges us to attend to the antagonisms that shape the colonial world: antagonisms that pivot around land, propriety, ethical and economic value, and how we relate to each other and the earth.

In order to articulate treaty as a social contradiction as clearly as I can, I draw on language offered by the scholarship of Starblanket and Anishinaabe political scientist Heidi Kiiwetinepisiiniik Stark. Both independently and collaboratively, Starblanket and Stark have developed the language of “transactional” and “relational” interpretations of Numbered Treaties, indexing the difference between settler colonial and Indigenous interpretations of treaty, respectively.<sup>12</sup> Mobilizing this schema, I use the language of transaction, exchange, and contract throughout this dissertation to describe the operative theory of treaty from the perspective of settler capital; extending it, I situate the logic of transactional treaty interpretations in direct

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<sup>12</sup> See Starblanket (2019a, 2019b, 2020) Starblanket & Hunt (2020); Stark (2010; 2012; 2017); Stark & Starblanket (2018).

relationship to Marxian critiques of capital. I also use the language of “relational treaty interpretations” to describe the Indigenous treaty interpretations grounded in the continuity between ante-colonial and contemporary orientations to treaty rooted in nêhiyaw and Anishinaabe traditions of governance.

In my use of the term, the transactional model of interpretation is premised on a mode of social independence organized and mediated by capitalist exchange and the commodity form. In the “enchanted, perverted, topsy turvy” world of capital, social interdependence is not directly experienced as a relation between people and each other, communities, or the earth (Marx, *Volume 3* 969). Instead, social interdependence takes on the commodity form, and living relations appear as “relations between things,” whose ultimate exchangeability and formal equivalence is both the pre-condition and the result of commodity production (Marx, *Volume 1* 165; 950). As the Marxian scholar Moishe Postone writes: “the category ‘commodity,’ in Marx’s analysis, does not simply refer to an object, but to a historically specific, ‘objective’ form of social relation – a structuring and structured form of social practice that constitutes a radically new form of social interdependence” premised on the atomization of sociality and the abstract, impersonal character of our labouring relations to each other and the earth (139). In this context, treaties are deracinated from Indigenous forms of governance and their elemental foundations. Instead, from the standpoint of settler capital, treaty is transposed into the form of a legal and economic contract through which Indigenous nations allegedly transferred jurisdictional sovereignty of their territories to the British Crown in exchange for a bundle of rights and protections.

Both historically and formally, the transactional account of treaty obscures histories of primitive accumulation, violence, and invasion in order to give ethical and legal legitimacy to the

colonial conquest of land and the brutal dispossession of Indigenous lives and lifeways that capital accumulation requires in perpetuity.<sup>13</sup> This dialectic of accumulation and dispossession propels the transactional logic of settler capital: as treated lands are transformed into commodities Indigenous peoples are dispossessed of their territories, making collective practices of governance and social reproduction difficult or impossible to practice. In the bind of this contradiction, Indigenous peoples are absorbed into the legal regime of the Canadian state and the political force of their traditions are domesticated through the racializing framework of cultural recognition.<sup>14</sup> From this vantage, I argue that treaties must be read as mechanisms of subsumption that attempt to incorporate Indigenous peoples and territories into the totalizing matrix of capitalist exchange, equivalence, and value. Within the totalizing world of settler capital, treaty is reduced to a transaction between property holders and the earth is reduced to series of resources and property titles.

Relational accounts of treaty, on the other hand, are organized by models of social interdependence that are fundamentally antagonistic to the commodity form. From my perspective, the kernel of this antagonism is the way in which relations between people, and between people and the land, are mediated. Through land-based education, nêhiyaw language learning, ceremonial contexts, and community-based research, I have been taught that

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<sup>13</sup> The literature on primitive accumulation is vast and the debates regarding it as a concept are deeply seeded. Marxist scholar David Harvey explains primitive accumulation as a process which principally "entailed taking land, say, enclosing it, and expelling a resident population to create a landless proletariat, and then releasing the land into the privatized mainstream of capital accumulation" (149). Marx describes the enclosures of the commons in 17<sup>th</sup> century England as the classic example of primitive accumulation and, especially since the 1970's, debates about the efficacy and accuracy of applying primitive accumulation to contemporary contexts have generated a lot of debate. For a somewhat representative list of scholars who have helped me situate these debates in relation to settler colonialism see: Amin (1974); Brenner (1977); Bonefeld (2001); Coulthard (2014); De Angelis (2021); Federici (2004); Glassman (2006); Harvey (2014) Luxemburg (1919); Nichols (2015) Midnight Notes Collective (2001); Mezzandra (2011); Perelman (2000); Roberts (2020); Rosenberg (2019); Pal Singh (2016).

<sup>14</sup> For two forceful critiques of the "politics of recognition" in settler colonial contexts see Coulthard (2014) and Simpson (2014).

wâhkôhtowin and wîcehtowin are two fundamental kinship principles underwriting elemental nêhiyaw treaty sensibilities. According to Donald, wâhkôhtowin is an “ancient nêhiyaw wisdom concept” that “refers to enmeshment within kinship relations that connect all forms of life” (55). Taking an irrevocable form of spiritual, social, material, and ethical interrelation as the starting point of ethics, law, and governance, wâhkôhtowin is an overarching principle that structures obligations to human and more than human kin as well as the land, air, and water.

As I understand it, wîcehtowin, though similar, refers more specifically to the personal and collective responsibilities of people to work toward healthy, sustainable, and just relationships with each other. As nêhiyaw thinker Walter Hildebrant glosses: “[miyo-wîcehtowin] asks, directs, admonishes, or requires Cree peoples as individuals and as a nation to conduct themselves in a manner such that they create positive or good relations in all relationships, be it individually or collectively with other peoples” (14). From the root word “wîcew—” meaning to “come alongside or support,” wîcehtowin offers insight into the type of relationship the nêhiyawak imagined during the negotiations of Treaty 6 (McAdam 47). Where the transactional model of social interdependence is determined and propelled by capital’s laws of commodification and accumulation, nêhiyaw governance roots treaty in a set of Indigenous laws and forms of governance that propose an entirely different modality of social interdependence: one that is organized by the material, ethical, and spiritual interconnection and enmeshment of life. In the relational account, treaties are dynamic and living agreements based on political, economic, spiritual, and material obligations of mutual respect, responsibility, and solidarity aimed at creating the conditions in which life can thrive. From this vantage, I argue that treaties must be read as viable models for building, maintaining, and navigating relationships of non-interference and co-existence between Indigenous and non-Indigenous people: models to

which the Canadian state and its citizens have moral, constitutional, political, and economic obligations to honour.

The contradiction between transactional accounts of treaty and relational ones is not primarily a theoretical problem. It is one with material and practical outcomes. For example, describing the subsumption of Indigenous forms of governance and citizenship into the liberal democratic frameworks of Canadian governance nêhiyaw scholar Shalene Jobin writes:

Speaking as an Indigenous person, our relationships and normative practices to human and non-human relations are co-constitutive to who we are and who we will become. In contrast, the fungible character of land in a liberal economic model seems to presume that a fundamental alternation of a relationship to the land will not significantly alter the character of Indigenous peoples and the structure of our communities. [However], through its negative impacts, extractive capitalism constricts options for achieving economic self-sufficiency – thereby restricts economic options to only those embedded in capitalist markets (100).

For Jobin, because nêhiyaw self-determination is practiced through the “daily living” of the nêyihawak’s “constitutive” relationships to land, the shift to a capitalist mode of production “results in emotional and spiritual detachment” created by a material shift from “living *with* the land” to “living *off* the land” (98; 107; 105). In other words, the subjective and objective experiences of settler capitalism are interconnected as the capitalist mode of production undercuts constrains, and contradicts the practice of nêhiyaw lifeways.



## Poetics (in) (and) (of) Treaty

I pit language against itself and want nothing clean to come of it  
-Billy-Ray Belcourt, “Fragments Ending with a Requiem” (84)

elōngating doing  
-Mackenzie Ground, “breaths of love” (71)

In the second half of *Treaty and the Poetics of Social Transformation*, I turn to works of contemporary Indigenous poetry to demonstrate how the contradiction of treaty plays out at the level of poetic form. Specifically, I read works by nêyihawak poets Billy-Ray Belcourt, Dallas Hunt, Emily Riddle and Dënësųliné / Métis poet Matthew Weigel for the ways they engage questions of treaty implicitly and explicitly in their work. I have chosen these poets for a couple of reasons. The first is because they each have a connection to amiskowacyiwâskahikan and I hear strong connections to the elemental and relational treaty thought related to that place in their work. The second primary reason for writing with these poets is because their work engages the layered, complex, fraught history of the Numbered Treaties. While they employ different formal strategies and poetic moods, I see each of these poets practicing what Weigel terms a “resistance historiography” that animates “an imaginary that envisions and enacts the infinite incompleteness of treaty,” – open to change, transformation, renewal, and fundamentally opposed to the fixity of transactional models of treaty interpretation (9).

In their poems, Belcourt, Hunt, Riddle, and Weigel exemplify poetics *as a practice of study* focused on processes of change, transformation, and renewal in *language*. In their innovative uses of language, imagination, and formal experimentation, each poet opposes the authority assumed by dominant modes of representation in which treaty (as a social relation) is imbued with a set of static, fixed, hierarchical boundaries and treaties (as texts) are understood to

be composed of a strict set of fixed terms cut off from the historical conditions and social worlds in which they circulate. De-naturalizing the transactional understandings of treaty by interrupting the organizing principles of syntax and grammar, for example, these examples of treaty-based poetics produce, discipline, or multiply the meaning of words *and* the activity of social practice alike. In their introduction to *Prismatic Publics: Innovative Canadian Women's Poetry and Poetics* Eichhorn and Milne define innovative poetry as writing “that approaches language as an inherent problematic and subject of inquiry rather than a mere vehicle for representation” (9). This definition is useful for my research because it attends how the languages of treaty shape and are shaped by social relations.

Approaching language as a dynamic field of inquiry rather than just a tool of mimetic representation resonates with Métis writer Warren Cariou's revisitation the Aristotelian concept of *poesi* in relationship to Indigenous poetics:

Aristotle's dusty old Greek word is as good as any for what [Indigenous poetics] tries to do. *Poesis: to make, to create*. To be all verb. To move beyond old restrictions, making way for something new. That verbal quality of language is what is most appropriate to Indigenous ways of thinking, in which the entire world is always *doing* or *relating* rather than simply being (31-2).

Reading Cariou, I posit that Indigenous poetry has “the capacity to shake up the divisive mindset that is endemic in our class-inflected and still-colonized world” because it sets language in motion against the material processes of settler capitalist class domination *and* – in a doubled, homophonic sense – the stability of class(ification) as a method of taxonomic categorization inherent in with colonial histories of race, sexuality, and gender (33). In other words, poetry might be a useful place to study the dialectic between the *movement* of settler capitalist class conflicts over land and the *stasis* of treaty's legal categories designed to regulate the colonial divisions of both labour and territory.

Every language has its own rules of composition, standardized ways of arranging, classifying, and regulating language use. I think of poetics as a close attention to the conceptual material, and political implications of these arrangements and poems as the imprint, record, or expression of that attention. Cariou's formulation of poetics as "a *doing* and *relating*" in language that fundamentally interrogates its own authority and discursive ground resonates with trajectories in the history of anglophone experimental poetics. American modernist Gertrude Stein, for example, famously insisted that standard English arranges grammar and sentences based on nouns. Nouns function in ways that name and order the world according to distinctions between subjects and objects. At the level of the sentence, subjects act and objects are acted upon (1957).<sup>15</sup> Building on Stein's influence, the Language Poet Ron Silliman argued that the syntactical unit as a unit of thought and expression "hypotactic and complete, was and still is an index of class in society" (78). My own intellectual genealogy of experimental poetics is composed of schools of thought and poetic movements that sought to radically transform or abolish this indexical relationship between social categorization, class conflict, and grammar.<sup>16</sup>

Reading Silliman and Stein's work after first encountering M. Nourbese Philip's *Zong!* and Jordan Abel's *The Place of Scraps*, for example, meant that their structural figuration of the sentence as a site of gendered and class conflict was always already modified by my

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<sup>15</sup> The history of poetry in English from Chaucer to the present is also, in part, an interruption of this standard. My understanding of poetry's political, racial, gendered, classed, and colonial disruptions of the subject / object distinction is based on my readings of poets like Abel, 2013; Eng, 2017; Hejinian, 2000; Long Soldier, 2017; Moten, 2003; Mullen, 2002; Olson, 1950; Oppen, 1968; Philip, 2008; Stein, 1957; Stewart 2018; and Silliman 1987. This is an *inexhaustible* list.

<sup>16</sup> The Symbolists, the Left Bank writers, the Objectivists, the Black Mountain School, the Language Poets, the Berkeley Renaissance, the Beat Poets, the Kootenay School, the New Narrative movement, and Eco-poetics all contributed in important ways to my understanding of these arguments. Many Indigenous, Black, Asian American, and Latinx writers have been influenced by these communities despite their often implicit or explicit white supremacy. I think this influence is because of the extent to which the structure of the English language itself has been the focus of critique and innovation. Each of these poetic movements, to some extent, sought to dismantle how the grammar of English works on and in us: the ways grammar manifests and reinforces Euro-centric, colonial, militaristic, patriarchal, capitalist and white supremacist ideologies.

understanding of English grammar as an expression and perpetuation of a racialized and colonially inflected conception of social relations which reify and striate the world in and through language. In her poem “Revitalize Me,” Emily Riddle describes the whiteness of this particular grammar as “*the annihilation of natural law from one’s collective being*” (76). Riddle’s pairing of English and whiteness in the context of Treaty 6 evokes the racial and colonial dominations that “annihilate” living connections and ethical obligations to affirm life.

Joshua Whitehead explains that *nêhiyawewin* works in contrast to English because it is based on a grammar of animacy rooted in the ways “the non-human, the four-legged, the winged, insectoid, fungal aquatic” all hold “relevance and importance within a circular way of being in relation to each other, rather than a hierarchical model that positions humankind on the highest register” (89). “Where English would call a river, the sky, fire, a rock inanimate,” Whitehead writes, “*nêhiyawewin* considers all of these to be animate beings imbued with spirit, kin to us” (89). This linguistic animacy, and the worldview it expresses, are “naturalized in the poetics of *pimatisowin*, the registers of life / living” (90). Whitehead relates *pimatisowin* to *wâhkôtowin* and *wîcehtowin*, suggesting that “the poetics of *pimatisowin* are embodied through an engaged orality that is entirely about the wellness of the whole. Indeed, the very act of putting breath to language, of making sound, is an entry into community-based care” (ibid). *Poetics: putting breath to language; to make, to create*. The “*elōngating doing*” of relation in / through / against language (Ground 71).

Because I understand poetics to describe the dynamic and productive relationships of *organizing, composing, and arranging* language, I also refer to it as a way of thinking about the relationship between organization, composition, and arrangement more broadly. Both transactional and relational accounts of treaty posit that treaty is a legal and political form that

organizes social relations between Indigenous and non-Indigenous people. Treaty 6, for example, was entered into under a particular set of material and historical constraints which shaped its composition and formal properties. Thus, to my mind, there is a poetics to treaty: a specific way of doing and making sense of social relations is encoded in the documents, ceremonies, and language associated with the relationship. I have described the distinct valences of treaty's poetics in various ways: elemental, relational, and transactional. Each term is imbued with its own logic and movement: its own way of conceptualizing the relationship between the social form treaties take and the practical content they include – its own poetics. The elemental poetics of treaty, for example, can be read in the worldview encoded in *nêhiyawewin*. As Donald notes

I am absolutely stunned by the beautiful insights conveyed within the etymological roots of *wâhkôhtowin*. These etymologies were shared by *nêhiyaw* educator and *nêhiyawêwin* expert Rueben Quinn, and documented by Van Essen (2018, p. 86). To summarize their findings, the word *wâhkôhtowin* is comprised of multiple morphemes brought together. The first one is “*wâki*”, which refers to something that is bent or curved. The second is “*pimhotê*”, which means to walk, but can be broken down to “*pim*” (movement) and “*ohtê*” (over land). Put together, then “*pim*” and “*ohtê*” literally expresses walking as movement over land. Also included in *wâhkôhtowin* is “*ito*” which connotes reciprocity. The ending, “*win*” is a nominalizer, which I understand to mean that a verb (movement) is converted into a concept (noun). So, when the original morphemes are placed side by side—*wâki* + *pimohtê* + *ito* + *win* – what is expressed literally is a “bent-walking-over-the-land-reciprocity-movement-concept.” Van Essen (2018) further shares the etymological insight on this concept of reciprocal bent-over walking by quoting *nêhiyaw* poet Louise Halfe: “*wâhkôhtowin* is our good and in essence we walk this path in a crooked bent over manner holding hands with every stranger that we meet.” (59)

Approaching their poetic studies of treaty primarily in English, the poets I read in this dissertation find creative ways of imbuing their poetry with what Quinn and Stewart refer to as “generations of experiential knowledge and poetic brilliance [held by *nêhiyawewin*] that show us how we can organize our ethical engagements with each other and the world” (30). The result, as I will demonstrate, is a relational poetics of treaty that conjugates the elemental poetics of *ante-colonial* grammars of relation into and explicitly *anti-colonial* register. Finally, approaching the

poetics of treaty that structures and is structured by the “official” government documents of treaties like Treaty 6 is to confront the of the alienating language of title, cessation, conquest: a poetic and social arrangement with “grim futurity” (Belcourt 50).

This linguistic distinction, though, is not so simple. The poets I study mostly write in English and innovate critical ways of manipulating the grammar, meaning, and forms of English to make space to breath amidst the constrictions of colonial occupation. This is their poetic practice. In chapter 2, for example, I read for how Belcourt employs blackout poetry to turn the official document of Treaty 8 inside out, engaging in a “kind of translation, the effect of which is a refusal to be consigned to the state of the dispossessed” (50). In Belcourt’s “Treaty 8,” he reappropriates the language of colonial occupation to draw out the tension between “the limits / of / representing / Indian subjects” and to his commitment to “witness” and “honour / the terms / of the un / written” spirit and intent of treaty (51, 54). Chapter 3 thinks with how Hunt’s *CREELAND* engages in a series of digressive translations aimed at “rallying against consumption / in Indigenous literary studies.” Hunt layers landscapes of decolonial metaphor that “burst the grammars that house” Indigenous people within colonial frames of legibility (108, 9). In Chapter 4, I follow Riddle’s invocation of nêhiyaw queer and feminist visions of governance. Riddle insists and reminds that “the *rivers flowing* references the fluid of nêhiyawak who give birth / (not just women)” and how the flow of that phrase spills over the edges of literary theories of metaphor by directly connecting the world of her body to “treaty in perpetuity,” as a “demonstration of diplomacy, aqueous intentions, fluid continuity” (62-3). Finally, in Chapter 5, I follow Weigel’s collection *Whitemud Walking*, as it moves between an embodied land-based study in which “the land is living and learning and governance together,” and a poetics of archival interrogation that militates against the way “Canada warrants, collects, uses, archives,

infringes, assumes, authorizes, accepts, accesses, acts, maintains, protects, represents” treaty history (162, 28).

Ultimately, I suggest that each of these poets is engaged in the work of social transformation. Their poetry points readers beyond the official texts of colonial treaty documents and uses poetic language provoke direct engagements with questions of social form, relation, liberation, and decolonization. The questions these poems evoke for me point beyond the field of literary studies while also using the imaginative and linguistic resources of the poetic to “tiptoe / into the field of vision of the sky” (Belcourt 66) where “the Cree word for poetry is your four-year-old / niece’s crackled lips spilling out broken syllables of nêhiyawewin between / the gaps in her teeth” (Hunt 11). (T)here “studying the words allows you to / see the desecration / of the connection” (Riddle 69); “the text is not the treaty” (Weigel 62).

## **Transformation**

“Before any reconciliation can begin, the settlers need to understand that part of justice is to ‘give it back,’ which is not to say leave the lands. ‘Give it back’ means to restore the livelihood, demonstrate respect for what is shared – the land – by making things right through compensation, restoration of freedom, dignity, and livelihood.”

-Sylvia McAdam, *Nationhood Interrupted* (84)

An undercurrent of *Treaty and the Poetics of Social Transformation* is that non-Indigenous people need to think about the connections between treaty and large-scale social transformation if we are to collectively practice our treaty obligations in meaningful ways. This is not an immaterial wish or vague suggestion. *Abolishing prisons and policing. Housing for all. Healthy, affordable, and accessible food for everyone. User led harm-reduction responses to the opioid crisis. Directly defending of the lives of Queer, Trans, non-binary, and Two-Spirit people. Free transit. Treating children with autonomy, dignity, and consent. Transformative justice*

*aimed at ending gender-based and sexual violence against Indigenous women, femme, and gender non-conforming people. Dismantling economic systems premised on the exploitation of human beings and the earth. LANDBACK.* These are *some* of the ways social transformation is being continually called for and practiced by communities committed to the freedom, dignity, and livelihood of Indigenous peoples on Turtle Island. It is my view that each of these aspirations must be considered as a part of creating the conditions in which treaty can be realized: not as an idealist horizon, but as a material practice of learning how to live together in the present.

The decolonial imperatives Belcourt, Hunt, Riddle, and Weigel offer in their poetry emerge out of these concrete conditions of settler capitalism as well as relational treaty visions. Can the dialectical seed of these two experiences be cultivated to nurture a radical anti-state and anti-capitalist practice of treaty? Writing on the water protectors of the #NODAPL movement, itself rooted in Lakota treaty visions, Lenape scholar Joanne Barker's suggests that:

Indigenous movements have emphasized the *present-future tense* of a lived social alterity. In other words, the existence that Indigenous peoples claim as possible is not about the future at all; it is about life *now*. It is an insistence that things do not have to be the way they are, that another way is not only possible but already being lived out through other understandings of land and water, kin relationships, and territorial-based practices. (*emphasis mine* 23)

Barker's poetic figuration of the "present-future tense" contextualizes the poems I read in this dissertation within a continuum of lived and living "social alterity" that is present in Indigenous treaty visions. This alterity is already being practiced at the frontlines, on the land, beyond the imaginations of cops and academics alike. My hope is that the following chapters offer a small set of resources for thinking with this transformative energy.



## Chapter 1: “Contradictory Aspirations”: Treaty & Social Contradiction

In this chapter, I explain my understanding of how treaty making between Indigenous peoples and the Crown in Canada contains an intractable contradiction. My study focuses primarily on the Numbered Treaties agreed to on the western prairies of what is now called Canada. I suggest that theorizing how these treaties were built on a fundamental opposition that existed between two very different understandings of what constituted treaty making is necessary for anti-capitalist and anti-colonial treaty thought. These differing understandings of what I am terming the elemental and transactional approaches to treaty were based in the very different relationships these communities had with the earth, and the very different ways of organizing relations of social interdependence that followed from those understandings.<sup>17</sup> In my understanding, the *nêyihawak*’s relationship with the earth and more-than-human beings was predicated on the fact that the land was both relative meant to be honoured and respected and a context for a host of mutually constitutive relations of interdependence with animals and plant nations as well as the elements. The Crown, on the other hand, understood the earth to be a set of resources to be owned, exploited, and controlled.

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<sup>17</sup> In this project I develop three categories for describing different valences of treaty thought: the elemental, the relational and the transactional. I use the language of “the elemental” to refer to ante-colonial Indigenous practices of treaty relationality. These practices are grounded in generations of place-based, experiential knowledge of the interconnection between humans, the earth, more-than-human beings, and the practical and spiritual importance of the elements to life and living. In the context of the making of the Numbered Treaties, this elemental and earth-bound wisdom guided Indigenous negotiators as an expression of Indigenous law. From the standpoint of the Crown, treaty making had a very different legal and philosophical starting point rooted in European conceptions of sovereignty and private property. I refer to the colonial imperative to make treaty as a “transactional” one based on the form of the commodity. Additionally, in the context of contemporary treaty scholarship the language of “relation” is often used to distinguish between colonial and Indigenous visions of the treaty relationship. In my use of the term, “relational” accounts of treaty are connected to the elemental versions of treaty, though based more in contemporary critiques of transactional treaty thought. The language I am using to describe the different layers of treaty thought I engage with in this dissertation often feels clunky and inadequate. This problem of signification, wherein “treaty” is imbued with a range of different and contradictory meanings, is at the core of my dissertation.

I think it is useful to think about the tension between the elemental understandings of treaty and transactional understandings of treaty as a tension between ante-capitalist and capitalist worldviews. In the first case, treaty can be thought of as a spiritual, material, ethical, legal and political obligation to uphold the conditions in which all life can thrive. In the second case, treaty must be thought of as a legal, political, and economic mechanism for transforming land from a living context of social relationality into a commodity. In this chapter, I think with specific set of contemporary Indigenous scholars who develop a relational vision of treaty. I suggest that these accounts offer a framework of anti-capitalist ethics and critiques that challenges dominant settler accounts of treaty that shape treaty jurisprudence, public opinion, and policy: accounts that have come to take treaty for granted as a contractual relation in the context Canadian of settler capitalism. As a laid out in the introduction, I understand relational approaches to treaties to be deeply connected to elemental understandings of ante-colonial Indigenous treaty thought, but are more focused on contemporary analysis of how transactional accounts of treaty operate in the settler capitalist present.<sup>18</sup>

This chapter consists of three sections. In the first section, I take a Marxian understanding of property relations to illustrate how the transactional accounts of the Numbered Treaties articulated by the Crown are determined by the capitalist value form. In the second section, I turn to the work of Anishinaabe and nêhiyaw scholars to suggest that Indigenous treaty sensibilities are rooted in forms of social interdependence that are antithetical to settler colonial capitalism's

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<sup>18</sup> It is important to note that my reading of treaty scholarship is specifically invested in theorizing how treaties between Indigenous peoples and the Canadian state are imbricated with capitalist structures of private property. I approach the problem of treaty with a desire to think about anti-capitalist, anti-colonial, and anti-state ways of realizing my treaty obligations, but I do not think that there is anything *essentially* anti-capitalist about Indigeneity or Indigenous peoples. In fact, the contradictions I point to in this project are very much alive and moving; settler capitalism creates a set of material conditions in which participation in the market is, out of necessity, one of the most immediate and meaningful ways of securing autonomy and self-determination for Indigenous and non-Indigenous communities alike.

orientation to the Earth. Ultimately, I argue that relational Indigenous treaty visions are critical for theorizing anti-colonial social relations because they challenge us to attend to the antagonisms at the core of the settler colonial world – antagonisms that pivot around land, propriety, and social interdependence.

As I have learned more about elemental nêhiyaw treaty thought alongside my sustained study of the settler colonial capitalism, I have come to understand the Numbered Treaties as specific forms of relation that attempt to unite two contradictory ways of realizing social interdependence. On one hand, for example, nêhiyaw legal scholar Sylvia McAdam describes Treaty 6 in relational, kinship terms premised on the protocols and practices of nêhiyaw law (41, 78). The form of interdependence McAdam describes is one of material, spiritual, and political reciprocity informed deeply by the nêhiyawak’s relationship to territory and land. On the other hand, as Starblanket describes, the dominant colonial narrative of treaty making is a story of land transactions which brought Indigenous people and settlers together in relationships of interdependence determined by capitalist logics of abstraction, value, and exchange (446). In the first instance, McAdam describes Treaty 6 as a living, spirited relation meant to govern people’s relation to the earth and each other in mutually beneficial ways.<sup>19</sup> In the second, the colonial narrative defines treaty as a reified social form rooted in capitalist contracts of property and (dis)possession.<sup>20</sup> Drawing on the work of Starblanket and the Anishinaabe scholar Hiedi Kiiwetinepinesiik Stark, I describe these two antagonistic accounts of treaty making as

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<sup>19</sup> For detailed analysis of this positions see Borrows, “Earth Bound: Indigenous Resurgence and Environmental Reconciliation” (2018); Craft, *Breathing Life into the Stone Fort Treaty* (2013) and “Living Treaties, Breathing Research” (2014); Johnson, *Two Families: Treaties and Government* (2007); Simpson, “Looking After Gdoo-naaganinaa” (2008) and *Dancing on Our Turtles Back* (2011); Stark, “Respect, Responsibility, Renewal” (2010), “Changing the Treaty Question” (2017), and “Marked By Fire” (2012); Starblanket and Stark, “Toward a Relational Paradigm” (2018); Venne, “Understanding Treaty 6” (1997) and “Treaties Made in Good Faith” (2007).

<sup>20</sup> For the most robust account of this position see Nichols, *Theft is Property!* (2019); Snelgrove, “Treaty and the Problem of Colonial Reification” (2022); and Starblanket, “The Numbered Treaties and the Politics of Incoherency” (2019) and “Constitutionalizing (In)Justice” (2019).

transactional (colonial) and relational (Indigenous): the transactional account takes for granted that the Numbered Treaties were land contracts; the relational account insists that the scope of obligation, responsibility, and interdependence cannot be expressed in the form of a contract or within the logic of settler capital (2019).

Treaties between Indigenous people and settlers are complex social, economic, and political relationships. They are historically and territorially specific and the power dynamics between Indigenous and colonial actors have unfolded – and continue to unfold – in uneven and contingent ways. While these dynamics are contingent, however, they are not arbitrary. Because colonial practices of treaty making during the period of the Numbered Treaties were shaped and determined by the form of value inherent in settler colonial capitalism, the imperatives of accumulation, property, and exchange shaped the colonial understanding of treaties as both a concepts and processes. As settler treaty historian Sheldon Krasowski suggests, approaching the early Numbered Treaties as “an interconnected whole” rather than analyzing them in isolation is useful because it helps reveal a common strategy amongst the colonial treaty commissioners (2). Krasowski outlines this strategy as follows: “The main strategy was to discuss only the benefits of treaty and to ignore liabilities including the surrender clause. The treaty commissioners also attempted to create distance between the Indigenous negotiators and the treaty texts and carefully selected translators in favour of treaty” (3).

In this light, I find staying with the distinction between the relational and the transactional accounts of treaty interpretation within the context of the numbered treaties helpful for two primary reasons. First, the distinction offers a schema for organizing and interpreting treaty scholarship that emphasizes two different ways of theorizing interdependence and social life. This schema also helps identify a structure of opposition in the scholarly discourse that

attempts to characterize the dynamic relationships between Indigenous and settler treaty visions. That is, articulating the distinction between relational and transactional accounts of treaty helps to identify the differences between the two approaches, and, crucially, identify antagonism as a core feature of that difference. To be very direct, I use the strong language of antagonism to characterize the opposition between relational and transactional conceptions of treaty because it emphasizes that these ways of thinking about treaty as a form of social interdependence are mutually exclusive: relational accounts of treaty cannot thrive under the pressure of transactional accounts and the validity of transactional accounts is fundamentally challenged by the premises of relational treaty visions.

I emphasize the importance of antagonism between relational and transactional accounts of treaty in order to charge my analysis with a political energy – an energy imbued with a desire for large scale, collective social transformation. That is, my task here is neither just understanding different treaty visions nor determining which one is historically or objectively ‘accurate’. Instead, what interests me is how settler colonial social relations might be transformed through a collective liberation from a world ordered by settler colonial capitalist imperatives of accumulation, exploitation, and propriety. What would it mean to organize around treaty in a way that demanded not only recognition of the importance of treaty relations, but that created the conditions in which transactional, capitalist forms of social relational could be meaningfully replaced by relations of non-domination and non-exploitation? In their chapter “Toward a Relational Paradigm,” Stark and Starblanket identify the “vast range of possibilities for Indigenous philosophies of relationality to help illuminate the limits of individualistic, hierarchical, anthropocentric, and exploitative ways of being” (175). Contrasting the possibilities of the relational account of treaty with the limits of a transactional account, Stark and Starblanket

make it possible to see that these two approaches are not different in a *neutral* way. Instead, the transactional model of interpretation actively curtails the conceptual and material possibilities that relational accounts of treaty offer. Inversely, relational accounts of treaty offer an imminent critique of the limits and dangers of approaching treaty merely as a contract.

For Stark and Starblanket, the goal of analysis is not just identifying the differences between Indigenous treaty visions and colonial ones. Nor does the goal seem to be about reconciling these two visions. Instead, attending to the conceptual and material oppositions between ante-capitalist and capitalist social forms that animate settler colonial treaty relationships “focus[es] not only on the need to bring forth greater awareness and appreciation for our interconnectedness but [also] on the *transformative possibilities* of understanding and actively embodying our responsibilities within those relationships” (*emphasis mine* 177). This way of thinking about interpretation as not only an analytic practice, but also an embodied process of *learning how to live differently* is not meant to reconcile Indigenous ways of knowing and living with the structures of settler colonial capital. Indeed, Stark and Starblanket argue that “it is not enough to make space for Indigenous knowledge. We must allow for this space to be *reconfigured* by Indigenous knowledge” (182). Learning to hold the possibilities *and* limits offered by the political and social forms of the Numbered Treaties together requires settlers committed to anti-colonial social transformation work to remain open to the transformative potential of Indigenous treaty visions. I argue that transformative potential of Indigenous treaty visions resides in both the concept of treaty as a form of social interdependence *and* in the concrete struggles over the implementation of treaty plays out in the courts, in the streets, and on the land. In both cases, Indigenous treaty visions remain forms for organizing social relations

that resist the ongoing exploitation of the earth, the domination of Indigenous people, and reduction of social interdependence to impersonal relations of exchange.

Reading the concept of treaty as both a relational form of interdependence *and* a contract of dispossession folds settlers into a contradiction. On one hand, as Venne reminds us, non-Indigenous people must honour our Treaty relations in order to live ethically and lawfully on treated territories (1997). On the other hand, settler colonial capitalism makes this impossible. This is, in part, because capitalism is a system designed to reproduce itself *ad infinitum*: incorporating and then subsuming all other forms of social organization to its logic of accumulation and exchange. Marx describes capital's inherent tendency of expansion in the following way:

The *surplus value* created at one point requires the creation of surplus value at *another* point, for which it might be exchanged [...] A precondition of production based on capital is therefore the *production of a constantly widening sphere of circulation*. [...] The tendency to create the *world market* is directly given in the concept of capital itself. Every limit appears as a barrier to be overcome. Initially, to subjugate every moment of production itself to exchange and to posit production based on capital in place of earlier modes of production which appear as primitive from itself standpoint. (*Grundrisse* 407-8)

In this description of capital's tendency to expand, Marx explicates the necessity of capital's *territorial* expansion encoded in the processes of surplus value production and exchange.

Tellingly, at the end of this passage, Marx's writing takes on a colonial overtone: in order to create the conditions for the valorization of capital, modes of production – or modes of social organization aimed at producing and reproducing life – that are outside of capital's dominion must be enclosed within it, and the futures they point toward need to be foreclosed by it. To put it bluntly: capital needs to expand and will either incorporate or destroy anything that gets in its way.

In any analysis of colonial treaty relationships, this subsumption of non-capitalist forms of life into capitalist relations of exchange requires a fundamentally different way of relating to the earth. In capitalism, “for the first time,” Marx writes, “nature becomes purely an object for humankind, purely a matter of utility; ceases to be recognized as a power for itself” (410). In order to reduce land to a *resource* whose importance does not derive from spirited relations of interdependence but from its capacity to yield economic surplus, land has to be first conceived of as an abstract entity disarticulated from any concrete territory or particular set of Indigenous relations of governance. It is through this forceful disarticulation that land can be transformed into property. “Landed property,” Marx writes in *Capital Volume 3*, “receives its purely economic form by stripping away of all its former political and social embellishments and admixtures, in short all those traditional accoutrements that are denounced as uselessly and absurdly superfluous by the industrial capitalists” (755). Here, we find a foundational antagonism that structures settler colonial capital: the need to destroy “traditional” forms of Indigenous land-based social relations in order to impose the “purely economic form” of the commodity. Once land-based relations have been “transformed by the intervention of capital and the capitalist mode of production,” Marx writes, “the landowner can behave in relation to the land just as any commodity can with his commodities” (753).

This specific focus on land in Marx’s writing is crucial to an analysis of *settler colonial* capital. As critics of imperialism and settler colonialism such as Palestinian cultural theorist Edward Said remind us, “the actual geographical possession of land is what empire in the final analysis is all about” (78). In an effort to describe settler colonialism’s specific inflection of capitalism, we might say that capital’s inherent tendency toward expansion finds an expression in settler colonialism’s rapacious desire for territory (Wolfe 388). In the pursuit of this desire,



settler colonial capitalism attempts to not only acquire more territory, but also to transform land from a dynamic framework of interdependence and relationality into a commodity, or what Marx calls “land-in-general.” Here, Marx’s description of capital’s tendency to “subjugate every moment of production itself to exchange” (408) finds a corollary in Patrick Wolfe’s famous claim that “settler colonialism destroys to replace” (388). Taken together, these articulations of capital’s tendency to subsume and settler colonialism’s tendency to acquire are twinned expressions of a brutal alchemy which attempts to reconfigure Indigenous land-based relationships into proprietary ones.

In the world of settler capital, which is structured by possession, accumulation, and exploitation, Indigenous treaty visions to *share* the land in mutual, non-dominating ways have, and will, always come up against the colonial entrenchment of *possession* as the domination way of mediating social relations. According to Black’s Dictionary of Law, possession is defined as “that condition of facts under which one can exercise his power over a corporeal thing at his pleasure to the exclusion of all other persons” (1325). Settler colonial claims to political sovereignty rest on this legal premise of possession, and the economic capacity to exploit the land in the pursuit of profit and power. This deracination of the Earth into a world of “corporeal things” to be possessed and exploited is fundamentally opposed to many Indigenous forms of social organization.<sup>21</sup> Reflecting on the antagonism between capitalism and Anishinaabeg forms of life, Anishinaabeg scholar Leanne Betasamosake Simpson writes: “my Ancestors didn’t accumulate capital, they accumulated networks of meaningful, deep, fluid, intimate collective and individual relationships of trust [...] Resource and capital are fundamental mistakes within Nishinaabeg thought” (77). In Simpson’s account, Nishinaabeg social, political, and economic

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<sup>21</sup> For more on the conceptual distinction between the Earth and the world, see Moten and Harney, “Base Faith” 2017.

relations are centred around “consent, empathy, caring, sharing, and individual self-determination” rather than the imperatives of propriety and profit (77). Simpson’s emphasis on reciprocity and collectivity stands in stark contrast to the impersonal dynamics of (in)dividuation that characterize capitalist possession. This contrast poses a problem for the study of Treaty because it requires the interpretation of colonial era treaties as political-economic forms that bring together two fundamentally antagonistic ways of organizing social relations: ones that affirm life and ones that exploit life.

Scholars in the settler treaty tradition have attempted to address this problem in two primary ways. The first strategy – recuperation – suggests that colonial treaty negotiators entered into the treaty making process with a significant amount of good faith, and that recuperating these historical, ethical perspectives can provide a model for settlers looking to appropriately honour Treaty obligations today (Asch 2014). The second strategy – reconstruction – suggests that whatever the Crown’s original intentions or motivations during treaty making, we can learn from historical harms committed as well as our Indigenous treaty partners to reconstruct an understanding of Treaty that more accurately reflects the goal of meaningful co-existence (Tully 2018; Epp 2008). The recuperative strategy makes its primary intervention in the realm of ethics, casting the problem in spatial terms: *inhabiting a different perspective* will provide settlers the ethical grounds for action. The reconstructive position intervenes at the level of epistemology, casting the problem in more temporal terms: cultivating a deeper understanding of Indigenous philosophies and protocols of Treaty will *propel settlers toward a more just future*.

As I see it though, neither of these trajectories adequately addresses the problems of settler colonial domination. Among other things, treaties between Indigenous peoples and colonizers prompt questions about the nature of property law and sovereignty; the distribution of

housing, health care, and wealth; and the conditions of possibility for meaningful education and economic growth (Toews 47). These are not only ethical demands to be met through self-reckoning evaluations of the settler's failure to treat Indigenous people with dignity and respect. Nor are they merely epistemological ones which could be addressed with a more nuanced understanding of specific terms of treaties or genealogies of Indigenous political thought. Rather, these are political questions about quality of life, economic relations, and life chances. In this way, treaty interpretation demands analyses of the *forms of value* – ethical *and* economic – that structure our world. While both the recuperative and reconstructive ways of thinking about the Numbered Treaties have informed my own work, neither addresses the material contradictions at their core in satisfying ways because neither approach adequately considers how capitalism underwrites settler colonial interpretations of treaties.

Ethical and epistemological struggles over the meaning and implementation of treaties are also struggles over the ways we organize our relation to land: as either a site of collective, reciprocal relationality, or as a commodity to be possessed. The perpetual dispossession of Indigenous peoples from their territories is *required* as a condition of possibility for property ownership; decolonization *requires* land repatriation so that Indigenous lives and lifeways can flourish beyond the constraints of settler colonialism. These two requirements are mutually exclusive. As land defenders from Wet'suwet'en to 1492 Land Back Lane have made clear, reconciliatory attempts to resolve this contradiction with theoretical nuance or policy reform result in dead ends. The only demand left is Land Back. This impasse is contoured by blockades, round-dances, healing camps, ceremonies, and port closures: performances of Indigenous refusal that orient us toward the *structural relations* of Canadian social life: relations of economic,

social, and legal domination that will need to be dismantled before we can hope to honour treaties “in good faith” (Venne 1997).

### Land and the Commodity Form

Before moving into a more sustained discussion of treaty interpretation, it will be helpful to continue unpack some of the specific ways that a Marxian understanding of the commodity form can help us think about the tensions between

Indigenous and colonial treaty visions. What is at stake in an

explication of the commodity form is how we understand the shape and root of social interdependence under capitalism. As I intimated above, settler colonial capitalism attempts to transform all relations of interdependence – including people’s relationship to the land – into commodity relations. In other words, settler colonial capital is based on a social *form* of interdependence in which people are connected to one another primarily through exchange: as the *owners* of commodities. It is important to identify the commodity as the dominant social form that mediates capitalist relations not only because it clarifies what we mean when we say that land is a commodity, but also because it offers insights into how this specific form of relation to life and land shapes treaties as social forms and processes between Indigenous and non-Indigenous peoples.



Figure 1: I took this photo near the Waltherdale Bridge in p̄honan. For me, the graffiti both brings to the surfaces the colonial relations that underwrite Treaty in the framework of settler colonial capitalism, while also demonstrating the creative ways this framework is constantly being interrupted and troubled by those of us with anti-colonial and anti-capitalist commitments. (2019)

For Marx, the commodity is historically specific to capitalism. It is a social form in which an object is imbued with both a concrete use-value and an abstract exchange-value. The use-value of a commodity can be most clearly seen in its “physical body” and its utility (126). In other words, the use-value of a commodity is what makes it immediately useful to someone at any given moment. The exchange-value of a commodity, on the other hand, is what Marx describes as the commodity’s social “form of appearance” on the market (127). Exchange-value is not generated by the commodity’s useful properties, but rather through the *processes* of economic exchange that bring it *into a relation* of equivalence with other commodities. Marx brings these three components of the commodity form – use, exchange, and equivalence – together in the following (uncharacteristically succinct) description of the commodity: “a commodity must be (1) a use value, and as such, an object of need, object of consumption; (2) it must be exchanged for its equivalent – in money. The new value can only be realized through a sale.” (*Grundrisse* 404) The realization of a commodity’s value through the process of being made equivalent is what makes the commodity a social form for Marx. The commodity’s value can only be realized *in relation* to other commodities.

The key to understanding the commodity form is the dialectical relationship between use and exchange. Neither of these dimensions of a commodity are static; they are in a state of constant flux, transforming one into the other and back again. In instances of production, for example, the use-value of a commodity might appear as the dominant expression of its value; in instances of circulation, exchange-value is the dominant expression. Sometimes the commodity appears as a thing to be used; at others it appears as something to be exchanged. Beneath these different forms of appearance, though, is a unity. This unity is the value form – the form that

labour and interdependence takes under capitalism<sup>22</sup>. From the vantage point of value, then, the commodity is both use-value and exchange-value at the same time: sometimes it appears as one, sometimes it appears as the other, but it is always both.

Central to Marx's understanding of the commodity's transformation from a material object of use into a vehicle of abstract value is the distinction between abstract and concrete labour. Abstract labour, for Marx, is different than the specific characteristics of labour – weaving, or brick laying, for example – because it is measured not by its quality but by its quantity. In other words, abstract labour does not signify a specific activity, but rather the worker's capacity to labour *in general*. (133) This abstraction – labour in general – presupposes a specific form of labour in which work is not undertaken to meet the worker's direct needs, but is rather determined by a form of value in which social need is mediated by the market. In this counter intuitive temporal arrangement, the value form precedes and determines the shape that

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<sup>22</sup> While it is not possible to trace the depth and complexity of Marxist debates about value in this dissertation, we might say for now that the central point of contention in long standing debates over “value” in Marxist criticism pivot on whether or not labour is the substance of value. Traditional and orthodox accounts of Marxist political economy suggest that *value is the expression labour* congealed in the commodity. Value theoretical tendencies of Marxist thought argue instead that *labour is an expression of value*. That is, in a society dominated by commodity production, labour takes a form that is determined by the social separation of people from their capacity to reproduce themselves outside of capitalist social relations. In other words, commodity production presupposes an abstract form of universal equivalence that can overcome the fragmentation of social life under capital's dominion. Under capital, money is the universal equivalent that accomplishes this task – the third term in the use-value exchange-value nexus. Rather than presuppose a transhistorical understanding of “labour” then, value theoretical approaches to the commodity suggest that Marx's category of labour is itself already conditioned by a prior separation (of people and land, of use and exchange, of concrete and abstract labour, for example) inherent in the process of commodity production itself. This fragmentation of the production process shapes, fixes, and forms labour in specific ways. That is, labour takes a specific *form* under capitalism that is determined by the necessity of producing commodities not primarily for their usefulness, but rather for their capacity to become valorized in the process of exchange. As Amy De'ath writes, explicating Diane Elson, value-theoretical approaches “being with the universal equivalent – the money form of value – and move inward to the labour process, showing how the abstract dominates the concrete. Indeed, as Elson points out ‘Marx's argument is not that the abstract aspect of labour is the product of capitalist social relations, but that the latter are characterised by the dominance of the abstract aspect over other aspects of labour.’” (192) To put it succinctly, it is not labour that produces value, but rather value that producers labour in its capitalist form. For texts that have been crucial to my understanding of this tradition see Chris Arthur, “Dialectic of the Value Form” (2015); Amy De'ath's brilliant dissertation, *Unsociable Poetry*, specifically chapter 4 “Open Secrets: Value and Abjection in Feminized Poetry” (2017); Ingo Elbe, “Between Marx, Marxism, and Marixisms – Ways of Reading Marx's Theory” (2013); Dianne Elson, “Value Theory of Labour” (2015); Endnotes, “Communization and Value-Form Theory” (2010); Norbert Trenkle, “Manifesto Against Labour” (1999); and the edited collection *Marxism and the Critique of Value* (2014).

labour relations will take in capital. As Moishe Postone elaborates: “societies in which the commodity is the general form of the product, and hence value is the general form of wealth, is characterized by a unique form of social interdependence – people do not consume what they produce but produce and exchange commodities in order to acquire other commodities.” (148) Capitalism’s historically specific mode of social interdependence is premised on the underlying capacity of labour *in the abstract* to be made equivalent to all other commodities through act of exchange.

Importantly, the concrete conditions of labour are not erased in and through this act of exchange, but they are obscured by what Marx calls the “fetish” of the commodity (163). The confusion that the concept of the fetish identifies is that “the social character of men’s labour appears to them as an objective character stamped upon the product of that labour; because the relation of the producers to the sum total of their own labour is presented to them as a social relation, existing not between themselves, but between the products of their labour” (165). In other words, workers do not relate to each other directly, but rather seem to relate to each other only indirectly through the purchase and sale of things they have produced. It is this form of interdependence – impersonal, alienated, proprietary – that gives all capitalist relations their fundamental shape.

Commodity fetishism names the seemingly impersonal relations of interdependence that characterize social life under capitalism and the market is the arena in which these relations play out. However, “commodities cannot themselves go to market and perform exchanges in their own right.” (*Capital* 178). Private property, as a necessary condition of exchange, thus emerges as the bedrock of capitalist sociality. In the arena of the market, “guardians, who are the possessors of commodities” must “recognize each other as the owners of private property”

whose claim to ownership cannot be alienated except “through an act to which both parties consent.” (178) While it is compelled and determined by the value form, private property must be guaranteed by extra-economic forces like the legal contract. Marx’s description of the intimacy between the value form and the contract form – the economic and the juridical – turns us back toward a more focused discussion of treaty, where the fetish of the commodity casts shadows “in which persons exist for each other merely as representatives and hence owners of commodities” (179). Indigenous treaty visions, however they may vary, firmly resist an understanding of Treaty in which Indigenous and Crown negotiators appear to each other merely “owners” of the land. Indeed, as Chief Poundmaker insisted during the Treaty 6 negotiations, land was not an alienable relation that could be abstracted, divided, and traded: “This is our land, it isn't a piece of pemmican to be cut off and given in little pieces back to us” (Taylor).

In capital’s peculiar sociality, what matters more than the content of the commodity is the *form* of interdependence it reproduces – and, simultaneously, the forms of social interdependence it obscures. A Marxian analysis of commodity relations and the value form, then, helps expand the analysis of interdependence central to the study of Treaty by emphasizing the social and economic forms that determine the shape interdependence takes in the context of settler colonial capitalism. As the Endnotes Collective points out, “value is not the embodiment of labour in the commodity, nor an unmoving substance. It is rather *a relation or process which dominates those who bear it*” (*emphasis mine* 71). This emphasis on value as *a relation* and *a process* that determines the shape of social interdependence in capitalism is important to a study of treaty because it helps contextualize how treaties between Indigenous peoples and colonizers come to be determined by economic relations of property and possession even if those treaties do not, in the first instance, originate directly from the market.



What I hope that my elaboration of Marxian theories of the commodity and value form illustrate is that transactional accounts of the Numbered Treaties in which they are presented as a *contract* are underwritten by a way of thinking about social interdependence that is structured by the capitalist value form. To think about land as an abstract entity which can be bought, sold, or traded is already to think about land in a way that is form determined by capitalist social relations. As Brenna Bhandar writes in her crucial account of colonial property relations, the logic of abstraction central to the value form also informs legal forms of title, contract, and private property: “the logic of abstraction effectively transformed the idea of property (in land) as a socially embedded set of relations premised on use, political hierarchies, and exchange, to a commodity vision of land that rendered it fungible in the same way as any other commodity” (97). The stakes of refusing to accept treaty as merely a contract, then, are no less than refusing to accept the ways in which capital severely constrains social relations. Indigenous treaty visions offer an alternative theory of social interdependence in which relations take a form of reciprocity, mutual aid, and autonomy as opposed to a form of impersonal domination determined by capital’s machinations. In the next section of this chapter, I turn toward Indigenous treaty sensibilities to show how – despite the brutal force and cunning of capital – other ways of imagining and enacting interdependence persist beyond the dominion of value.

### **Treaty Sensibilities**

Understanding how transactional accounts of treaty rely on – and presuppose – the commodification of land and its transformation into private property is necessary but insufficient to a transformational analysis of treaties in a colonial context. Presenting treaties between Indigenous peoples and the state merely as contracts to dispossession only tells part of the story; to stop there would be to reduce the complexity of treaty relations to a logic of economic

determinism and flatten the history of treaty relations. Failing to contend with treaty making as a self-determining practice of Indigenous governance and diplomacy risks ceding the ground of treaty interpretation as a site of struggle while evacuating the agency of Indigenous peoples who entered into treaties with colonial governments. To deny the importance of Indigenous practices, protocols, and legal forms of treaty relationality reifies treaty and risks letting capitalism's aspiration toward totality appear as an inevitable outcome of settler colonialism rather than a tendency whose historical contingency is resisted and struggled against at every moment in its movement.<sup>23</sup>

In the previous section of this chapter, I outlined how transactional accounts of treaty can be more fully understood by attending to the central concepts in a Marxian critique of political economy – the commodity, the value form, and the contract. Each of these concepts is helpful for understanding the intimacy of settler colonial visions of treaty and capitalism: an imbrication premised on the particular ways capitalist social relations mediate interdependence. As I demonstrated, the capitalist modality of interdependence is alienated and impersonal. The laws that govern it are animated by an economic system premised on exploitation, dispossession, and accumulation.

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<sup>23</sup> In his book *The Reification of Desire*, Queer theorist and Marxist scholar Kevin Floyd suggests that it is important to read capitalism's totalizing tendencies not as inevitable or predetermined, but rather an aspirational trajectory that might be interrupted and struggled against. Drawing on Lukács' work on totality, Floyd suggests that Marxism has often attempted to match capital's desire for totality in its own analytical tendencies. Like the movement of capital, though, Marxism's attempts to generate totalizing analysis of social relations fall short: "This is the undeniable difficulty of which the various forms of skepticism about totality thinking are a necessary symptom: any given instance of this properly critical, negative practice will necessarily also omit an infinite range of other mediations, other forms of social differentiation. Efforts to think totality will necessarily posit an internally as well as externally bounded totality, a totality operating at some inevitable level of analytic abstraction, a level evident in the very exclusions that mark from the beginning the limits of that effort." (12) While it might seem like aside to the concerns on my project on Treaty, I am including it here because it emphasizes offers a way of approaching Marxism's encounter with Indigenous studies not as a revelatory solution which suggests that the problem of settler colonial violence can in the end be found in recognizing the fundamental determinations of capitalism, but rather as a necessary-yet-limited supplement to a project of understanding the relationships between settler colonialism and capitalism. What makes this project aspirational, then, is that like capitalism's unfilled desire for complete social totality, it is ongoing and incomplete.

After elaborating some of the political-economic and philosophical underpinnings of the transactional treaty accounts, in this section I engage with nêhiyaw and Anishinaabe treaty visions to outline how Indigenous practices of treaty making are animated by an entirely different framework for understanding social interdependence. What is at stake here is not primarily a more accurate or objective account of historical treaty relationships, but rather understanding how relational Indigenous treaty visions offer – and indeed compel– a radical critique of the way life chances are distributed and delimited in the settler colonial present.<sup>24</sup> As Hunt and Starblanket write, “the implementation of treaties requires a commitment to envisioning a fundamentally alternate form of relationship, one which evidently lies outside of Canada’s current political imaginary” (6). Relational Indigenous treaty visions are premised on ongoing relations of reciprocity and mutual self-determination. They offer a social, spiritual, and material theory of interdependence between humans, animals, plants, elements, and land. These relational visions are necessary for understanding the contemporary treaty politics in part because they challenge the conceptual infrastructure of settler colonial capitalism. Non-Indigenous people who are committed to challenging the violence of settler colonialism and living treaty relations in a transformative way need to let our political imagination be reconfigured by the treaty sensibilities offered in Indigenous political thought.

In order to understand the long trajectory of treaty relations in Canada we have to begin before the beginning of the Numbered Treaties, and even before settlers brought their political philosophies to bear in Indigenous territories. One common settler myth, even among settlers with a stated interest and commitment to anti-colonial politics, is that treaties were an imposition

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<sup>24</sup> For an explicit elaboration on the relationship between Indigenous studies and *critique* see Audra Simpson, “Sovereignty as Critique” (2020); For a concise articulation of the necessarily transformative position of Indigenous treaty sensibilities see Hunt and Starblanket, *Storying Violence* (2020) and “COVID-19, The Numbered Treaties, and the Politics of Life” (2020); and Stark “Changing the Treaty Question” (2017).

of European diplomatic relationships onto Indigenous people.<sup>25</sup> As Venne writes: “I have heard many people say that non-indigenous people brought treaty making to Indigenous peoples. This is totally false. It is not true because Indigenous people [...] have always had treaty-making.” (2) The myth of a benevolent colonizer bringing diplomatic frameworks to Indigenous people is not only inaccurate, but reproduces a racist belief that Indigenous people did not have robust systems of governance before settler colonialism. This subtle ideological trick limits non-Indigenous people’s engagement with treaty as a political concept and the practices of solidarity that could unfold from those interpretations.

Prior to colonialism, treaty making was a diplomatic process that many Indigenous nations participated in to ensure healthy international relationships. As Simpson writes: “these [non-colonial] ‘treaty processes’ were grounded in worldviews, language systems, and political cultures of the nations involved, and they were governed by the common Indigenous ethics of justice, peace, respect, reciprocity, and accountability” (29). These treaty making processes took place not only between human nations, but also between human and animal nations. In fact, as Stark writes:

[E]arly treaties between Indigenous people and the Animal and Star nations are perhaps the oldest recorded treaties; they are contained in stories that lay out many foundational principles of treaty making. These principles would inform Anishinaabe political thought and practice as the Anishinaabe negotiated treaties with the United States and Canada and remain pivotal to contemporary legal and political struggles. (147)

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<sup>25</sup> In 2019, I presented a paper at the Historical Materialism conference in London. The paper, co-written with Corey Snelgrove, was called “Treaty and the Critique of Political Economy.” In the paper, we were interested in staging a relationship between Indigenous theories of Treaty and Marxist analysis focused on the value form which, according to various schools of Marxist thought, comes to mark all social relations with the stamp of the commodity. The paper was well received, but after the presentation, I was asked by a number of people – all academics dedicated to the study of anti-colonial transformation in the Americas – why I was interested in Treaties, given that they were tools of legal usurpation and contracts of cessation. I responded by sharing that, from what I have heard from Indigenous communities, treaty making was a long-standing practice of Indigenous governance and diplomacy. I include this anecdote here to emphasize that there is still much work to be done to make treaty a more legible concept of Indigenous political thought for non-Indigenous people.

In her article “Respect, Responsibility, and Renewal” Stark demonstrates how Anishinaabe relationships with beavers can provide insight into the treaties Anishinaabe entered into with the settlers. Stark recounts the story of “The Woman Who Married A Beaver.” In this narrative an Anishinaabe woman who, after spiritual preparations and encouragement, married into the beaver nation and lived with them. This treaty process was literally transformational. Not only did the woman take on the beavers’ form of life, but Stark writes that “the young girl was literally transformed into a beaver” (157). In Stark’s narrative, this transformation helped the woman understand the complex and reciprocal relationship between her two families. In Stark’s interpretation, these relationships of interdependence were characterized by protocols designed to cultivate respect, responsibility, and renewal (147). In her analysis, Stark emphasizes the centrality of these three elements to Anishinaabe treaty philosophy.

Like the ideal of treaty Indigenous peoples shared with colonizers, the treaty between the beavers and the Anishinaabe was built on the principles of respect, responsibility, and renewal meant to secure the survival and flourishing of both parties (155). In contrast to transactional understandings of treaty that *fixed* agreements in a contractual and impersonal logic of exchange, the commitments that inform Stark’s analysis are dynamic. The Anishinaabe were required to practice their commitments to the beavers in perpetuity. For Stark, “The Woman Who Married a Beaver” describes treaties as generative and living relationships of social interdependence, not merely discrete transactions.

In a different context, the nêhiyaw story of “Buffalo Stone Child” illustrates how nêhiyaw treaty sensibilities also resist the reduction of treaties to discrete contractual agreements.<sup>26</sup> nêhiyaw legal scholar Darcy Lindberg recounts the story of a young nêhiyaw boy

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<sup>26</sup> Lindberg draws on Barry Ahenakew’s oral story of Buffalo Stone Child which was transcribed and published by the Saskatchewan Archeological Society in two issues of their magazine in 2009 and 2010.

who is lost on the plains. Recognizing his vulnerability, the buffalo take care of the boy and he lives with them. As Lindberg writes:

The boy experiences several hunts over the years. Seeing these hunts from the perspective of the buffalo, his anger toward humans grows so much that he begins to express it outwardly. In response, an older buffalo reveals his *nêhiyaw* origins to the boy. He also soothes the boy's anger by explaining the law between *nêhiyaw* and buffalo people: in exchange for the nourishment and shelter the buffalo peoples provide to the *nêhiyawak*, they receive gifts, humane treatment and ceremonial relationships in return. Further, the *nêhiyawak* oblige to take only the buffalo lives necessary for their survival. The elder buffalo teaches the human boy laws to ensure *miyo wicehtowin* (good relations) between humans and the buffalo peoples. ("Wahkotowin")

In a similar way to Stark, Lindberg turns to the narrative of "Buffalo Stone Child" in order to draw out central legal premises that might guide international relationships between *nêhiyawak* and non-Indigenous people in the present. For Lindberg, the narrative exemplifies the "inspired nature" of *nêhiyaw* legal orders that forms the basis for a modality of social interdependence that emphasizes the autonomy and sovereignty of all beings as well as the human obligation to "aid in the journey of others by offering opportunities for them to live humane, social and legal lives." ("Wahkotowin") Drawing on Brenna Bhandar – whose critique of "the commodity logic of abstraction" we encountered in the previous section of this chapter – Lindberg opposes this form of social interdependence to the alienating and dehumanizing sociality of capital.

The laws of *wâhkôtowin* and *wicehtowin* and are central to the *nêhiyaw* intellectual tradition Lindberg writes within.<sup>27</sup> *wâhkôtowin* is an overarching principle that structures obligations to human and more than human kin as well as the land, air, and water. *wicehtowin*, though similar, refers more specifically to the personal and collective responsibilities of people

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<sup>27</sup> I have been introduced to these concepts in primarily two ways: through the different teachings and guidance of Elder Bob Cardinal, Rueben Quinn, and Dwayne Donald; and through the published work of *nêhiyaw* scholars. In particular, Sylvia McAdam's *Nationhood Interrupted* (2015) Harold Cardinal and Walter Hildebrandt's edited collection of interviews with Elders in Saskatchewan (2000).

to work toward good relationships with each other. As nêhiyaw thinker Walter Hildebrant glosses: “[miyo-wîcêhtowin] asks, directs, admonishes, or requires Cree peoples as individuals and as a nation to conduct themselves in a manner such that they create positive or good relations in all relationships, be it individually or collectively with other peoples” (14). From the root word “wîcew—” meaning to “come alongside or support,” wîcêhtowin offers insight into the type of relationship the nêhiyawak imagined during the negotiations of Treaty 6 (McAdam 47). Unlike the singular event of a deed contract or title transfer, wîcêhtowin bundled Treaty 6 within a set of laws that designed living and dynamic relations of reciprocity and mutual respect (McAdam 50). Rather than cession, subsumption, or assimilation, nêhiyaw treaty sensibilities articulate an agreement in which Indigenous and non-Indigenous peoples are meant to come alongside and support one another. In the context of treaties between Indigenous people and non-Indigenous people, this relational vision of treaty emphasizes practices of non-interference and self-determination necessary for creating, nourishing, affirming, recreating, and renewing relationships of interdependence (Hildebrant 15).

As amiskwaciyiniwak Cree scholar Dwayne Donald explains, it is impossible to understand Treaty as a non-Indigenous person without a knowledge of the relational sensibilities these laws encompass: “You cannot understand the spirit and intent of the treaties or what it means to be a treaty person unless you understand the treaty sensibilities that the people brought to those talks. Miyo-wâhkôhtowin and miyo-wîcêhtowin are at the heart of those sensibilities”<sup>28</sup>

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<sup>28</sup> I have heard Donald talk about treaty sensibilities on many different occasions, including during a class I took with him called “Holistic Approaches to Life and Living,” as well as on many of his River Valley walks. Like all my practices of reading and research, concepts take time sediment. Over the years, layers of understanding build up like slow deposits of earth. This is the same of my understanding of treaty sensibilities. I quote Donald via Christine Stewart here to retain the precision and accuracy of his words.

(qtd. in Stewart 2018).<sup>29</sup> In nêhiyawewin, miyo is a prefix meaning good or responsible, and in conjunction with the relational nouns wâhkôhtowin and wîcehtowin provides an aspirational imperative to inhabit good kinship relations. Moving beyond an ethical imperative, though, nêhiyaw governance scholar Matt Wildcat also describes wâhkôhtowin as a “central aspect ordering *political* authority within the Plains Indigenous political orders prior to the rise of settler society.” (*emphasis mine* 15) As Wildcat goes on to illustrate in his analysis of wâhkôhtowin as guiding principle of nêhiyaw political governance during the Maskwacîs Education Schools Commission negotiations, the rise of settler society did not eclipse wâhkôhtowin as an operative political concept in contemporary nêhiyaw politics. “wâhkôhtowin,” Wildcat describes, “encompasses the act of being related, the worldview that everything is related, and a set of laws or obligations about how to conduct good relationships” (14). wâhkôhtowin characterizes nêhiyaw philosophies of social interdependence that in turn underwrite nêhiyaw political governance.

Métis Elder and intellectual Maria Campbell also articulates wâhkôhtowin as a concept that braids personal and political responsibilities to the land, water, plants, animals and other human nations. For Campbell, the principle of wâhkôhtowin offers a guide for Métis and nêhiyawak to move toward resurgent political kinship practices. Campbell writes:

Wahkotowin mean[s] honoring and respecting relationships. They are our stories, songs, ceremonies, and dances that taught us from birth to death our responsibilities and reciprocal obligations to each other. Human to human, human to plants, human to animals, to the water and especially to the earth. And in turn all of creation had responsibilities and reciprocal obligations to us.

Unlike the transactional accounts of treaty that are codified in annals of colonial governance, the

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<sup>29</sup> These concepts are at the heart of the definition of treaty that I am working with. They were present during the original negotiations for Treaty 6 and they are still present not. They do not, however, encompass all Indigenous treaty thinking at this time.



inherent laws of wâhkôhtowin and wîchetowin are elemental--written in the lands and waters of Indigenous territories and the performances of Indigenous nationhood enacted through stories, songs, and ceremonies that keep the reciprocal dynamics of Indigenous governance alive.<sup>30</sup>

Settler colonial capitalism is premised on the destruction of Indigenous forms of social, political, and economic organization. Indigenous treaty sensibilities, like the ones discussed above, refuse the inevitability, and indeed completion, of settler colonialism's genocidal project. Recognizing the inherent antagonism between colonial transactional accounts of treaty and the sensibilities that underwrite Indigenous relational visions of treaty returns us to treaty as a site of contradiction. Contests over how to interpret and enact treaty obligations, as well as to organize politically through them, continue to animate decolonial struggles in Canada.

Long before colonial conquest, treaty making was an important social, economic, and political practice amongst Indigenous people. Though Stark and Lindberg parse out the philosophical and legal implications of Anishinaabe and nêhiyaw visions to make it clear that Anishinaabe and nêhiyaw treaty sensibilities elaborate a theory of social interdependence that is not only *different* from but *antagonistic* to the forms of social interdependence determined by the capitalist value form. Stark and Lindberg's writing on ante-colonial treaties foregrounds an understanding of Treaty as a form of social organization meant to uphold mutuality, respect, self-determination, and autonomy. These forms of material, economic, spiritual, and political interdependence – both between humans and between humans and the whole spirited world – stand in opposition to the necessity of exploitation and dispossession central to settler colonial capitalism's transactional presentation of treaty. Without an understanding of the ante-colonial

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<sup>30</sup> For some detailed, and frankly quite beautiful accounts of this understanding see Sylvia McAdam's *Nationhood Interrupted* (2015); Darcy Lindberg's "Miyo-Nêhiyawewin: Ceremonial Aesthetics and Nêhiyaw Legal Pedagogy" (2016); and Leanne Betasamoke Simpson's *Dancing on our Turtle's Back* (2011).

practices of treaty making offered by scholars like Stark and Lindberg, it is impossible to understand the legal and diplomatic context of treaties made between Indigenous nations and colonial representatives. It is necessary to situate the Numbered Treaties within their Indigenous political, intellectual, and legal traditions in order to challenge the characterization of treaties juridical contracts of land cessation underwritten by the political economy of settler colonialism.

### **Contradictory Aspirations**

Reading treaties between Indigenous peoples and colonizers as social contradictions emphasizes that transactional and relational accounts of treaties are animated by oppositional tendencies, organized by oppositional logics, have oppositional effects, and begin from antagonistic philosophies of sociality. The colonial account of treaty presupposes – and reproduces – a modality of social interdependence that has already been enclosed by relations of commodity production. This transactional social field is mediated by reified, alienated, and impersonal processes of exchange. Elemental and relational visions of treaty, on the other hand, affirm mutual, respectful, and responsible relationships between human and more-than human communities that both come before and exceed settler capitalism’s attempt at enclosure. Social interdependence in this register might be best characterized by a set of reciprocal relationships which give rise to rights, obligations, and responsibilities (Craft 16).

The premise of this chapter, and this dissertation more broadly, is to suggest that we need to study both sides of this contradiction in order to analyze the work of mediation that treaties between Indigenous peoples and the Crown are tasked with. This analysis distinguishes the function treaties play in both Indigenous visions of sovereignty and the operations of settler

colonial capitalism; it also helps identify what determines those differences and what the political implications of those determinations are for anti-colonial transformation. In this sense, I posit that approaching the concept of treaty as a social contradiction emphasizes the decolonial imperative of Indigenous treaty visions: to transform the legal, economic, and political, and social structures of settler colonialism in order to create the conditions under which relational treaty possibilities might flourish (Hunt and Starblanket 110).

The value determinations of sociality that underwrite transactional accounts of treaty are continually expressed in legal judgements, policy initiatives, and political discourse. (Starblanket 2019a; 2019b) However, both transactional and relational approaches to social interdependence cohere in treaties made between Indigenous people and the Crown. This is what makes these treaties expressions of a social contradiction. As political, international, diplomatic forms, treaties between Indigenous nations and the Crown bring two oppositional ways of organizing social relations together. In this context, treaty is animated by this unity of opposites. Reading this history of treaty in this way compels a dialectical method that comprehends the historic treaties in what is now called Canada as *both* agreements to be honoured in accordance with Indigenous laws, in the spirit of decolonization *and* tactics of colonial domination that must be refused. Reading treaty dialectically does not try and resolve this tension: it identifies the material contradictions that inhere in treaty which that cannot be solved through theory alone.

The goal of reading treaty dialectically is to clarify *how* treaty functions both as an expression of Indigenous sovereignty, *and* as a material limit to its realization. This approach is necessary because, as Anishinaabe scholar Aimée Craft writes about the Treaty 1 negotiations, “we cannot assume that parties shared views of treaty or that they came to a ‘common understanding’ of it. Even if a ‘common understanding’ existed, it may have been limited to an

agreement to share the land, and it may have been that each party had a different understanding of what sharing the land actually entailed” (11). As I’ve outlined above, the differences in colonial and Indigenous understandings of land are not neutral. They are rooted in antagonistic forms of social interdependence: propriety and mutuality. Craft continues her analysis, writing that “in order to interpret and implement treaties as meaningful agreements the *different and differing* understandings need to be addressed.” (*emphasis mine* 13) The subtle shift in emphasis in this statement from the adjective – “different” – to the verb – “differing” – voices the problem of treaty interpretation in active terms.

Rather than a description of a definitional or categorical distinction that might be overcome by the settler colonial incorporation of Indigenous knowledges into policies of dispossession, Craft’s articulation of “*differing* understandings” turns on the verb. This voicing characterizes the difference at the core of the Numbered Treaties as an active tendency toward divergence that is immanent to the relationship between transactional and relational treaty philosophies. In other words, conjugating “difference” into a verb in its present participle tense allows Craft to advocate for increasing the emphasis on Indigenous treaty philosophies in contemporary treaty implementation while also suggesting that for treaty implementation to effect meaningful change there needs to be an account *of why* Indigenous and colonial treaty interpretations *differ*. Rather than describing the difference in categorical terms, terms which would represent the problem as primarily one of epistemology, Craft’s conjugation sets the problem in political terms where different interpretations of treaty are not fixed or settled: treaty relations are continuously (re)produced by histories of struggle and negotiation, and thus and subject to change.

In his foundational study of the Royal Proclamation of 1763, and the subsequent Treaty of Niagara (1794), Anishinaabe constitutional scholar John Borrows outlines the political and legal importance of attending to the contradictory and divergent visions that structure treaties between Indigenous people and the Crown. Borrows argues that without an understanding of the Indigenous legal traditions that informed treaty making practices, treaties will continue to be characterized as primarily unilateral declarations made by the Crown to assert sovereignty over Indigenous lands. In this colonial framework, Indigenous parties to treaty are continuously positioned as passive subjects in the process, rather than active parties in the negotiations who brought their own legal traditions to bear on the process.

Drawing from both the written and oral accounts of the Royal Proclamation and Treaty of Niagara, Borrows argues that these primary agreements between Indigenous nations and the British Crown serve as the historical and legal context for all subsequent treaty negotiations in Canada (169). Borrows emphasises that these early negotiations included the “promises of a preservation of sovereignty, alliance, trade, consent, and affirmations of peace, friendship, and respect” which “casts considerable doubt about the Crown’s assertion of sovereignty and jurisdiction over Aboriginal rights” (169 - 170). In the shadow of this doubt, Borrows identifies what he calls the “contradictory aspirations” that shaped negotiations at the Treaty of Niagara, and subsequently all Indigenous Crown relations that unfold from it: the desire for Indigenous autonomy on one hand, and the insatiable desire for accumulation and territorial acquisition on the other (160).

Borrows situates the Royal Proclamation and the Treaty of Niagara in a broader historical context of Indigenous treaty protocols. He reads the original texts of the Royal Proclamation and the Treaty of Niagara alongside written records of the proceedings, Indigenous documents of

treaty such as the Two Row Wampum, and oral testimonies of the agreement.<sup>31</sup> Through this reconstruction, Borrows parses out an account of the Royal Proclamation and the Treaty of Niagara as touchstone proceedings whose precedents are baked into the legal structure of settler-Indigenous relations today. According to Borrows' research, these documents and accounts of the Royal Proclamation and the Treaty of Niagara established an agreement of "mutual non-interference" (163) which "illustrates that First Nations had a perspective of [the agreements] that contradicts claims to British sovereignty found [written] in the Proclamation." (168) This contradiction not only appears through an engagement with the broader diplomatic and legal context of treaty making that Borrows outlines, but also in the text of the Royal Proclamation itself.

Borrows parses out how the written text of the Royal Proclamation is tasked with two paradoxical objectives: convincing Indigenous peoples that the British would respect their territorial sovereignty by including nominal references to Indigenous treaty protocols while simultaneously including statements that claimed British dominion over the contested territories. (159) In the space between these two orientations toward treaty making, Borrows offers a legal interpretation that challenges the normative Canadian treaty interpretation that land was ceded or surrendered in the treaty process. Put simply, Borrows makes it clear that "colonial interpretation of the Royal Proclamation should be recognized for what it is – a discourse that dispossesses First Nations people of their rights" (172). Tellingly, however, Borrows does not end his analysis with the written account of treaty presented in the Royal Proclamation.

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<sup>31</sup> Borrows uses a range of primary source material in his analysis, drawing out Anishinaabe legal protocols from speeches by Chief Minavavana (157) and Crown negotiator William Johnson (163). Central to Borrows' analysis is the role of gift giving and Wampum in the treaty making process. (163) For more on the Wampum belts as representations of treaty agreements see Alan Corbiere, "The Covenant Chain: Representing the Crown" (2014) <https://indigenoustudies.utoronto.ca/news/video-alan-corbiere-on-the-treaty-of-niagara/>; and Haas, "Wampum as Hypertext" (2007)

The final move of his essay turns toward the Treaty of Niagara (1764) which was enacted the year following the Royal Proclamation. For Borrows, it is crucial to put these two foundational agreements in dialogue because “the different objectives that First Nations and the Crown had in the formulation of the principles surrounding the Royal Proclamation is the reason for the different visions embedded in its text” (161). Borrows argues that the textual representation of the Royal Proclamation registers the contradictory aspirations of Indigenous nations and the Crown, rather than offering a formal resolution of two radically differing ways of conceiving social, political, and economic interdependence. The ambiguity evidenced in the *text* of the Royal Proclamation, Borrows insists, must be contextualized and clarified with reference to the extended negotiations that took place during the making of the Treaty at Niagara in 1764. It is through these negotiations, at which over two thousand Chiefs and representatives from at least 24 nations were present (from as far west as the Rockies) that the Royal Proclamation of 1763 was affirmed as a formal treaty relationship according to the protocols of Indigenous law. (161, 163).

The presentation of Wampum belts during the treaty making process was a crucial demonstration of Indigenous law and treaty-based governance. In addition to the text of the agreements, which privileged a transactional interpretation of treaty making, the Wampum belts were presented in order to “communicate the promises exchanged, and which would form the record of the agreement” (163). Central to the spirit and intent of this agreement was the affirmation of Indigenous sovereignty over lands and territories through a framework of “mutual non-interference.” (163) “The two-row wampum belts,” Borrows continues, “reflects a diplomatic convention that recognizes interaction and separation of settler and First Nation societies” (164). Rather than a form of political organization that subordinated Indigenous law,

governance, economy, and sociality to the laws of the emerging settler capitalist market, Borrows' emphasis on interaction *and* separation articulates treaty as a concept meant to protect Indigenous social life from incorporation and subsumption into colonial regimes of governance and exchange.

Ultimately, what Borrows' account of the Treaty at Niagara and the Royal Proclamation demonstrates for me is that treaties between Indigenous nations and the Crown have been characterized by contradiction since their earliest instantiations. I have taken the time in this chapter to outline the oppositional modes of social interdependence that structure this contradiction in the hopes that it provides a robust theoretical schema through which to read contemporary Indigenous poets whose work engages the politics of treaty. Specifically, I have argued that treaties between Indigenous nations and the Crown can be productively read as social contradictions that unite (but never resolve) two antagonistic ways of organizing and mediating social life. On one hand, the colonial, transactional interpretation of treaty is underwritten by capital's form of value that attempts to subordinate all singularity, specificity, and difference to a law of abstract equivalence operationalized through capitalist processes of abstraction and exchange. In this model of social interdependence, land is transformed from a dynamic field of ecological, socio-economic, and political relation into an alienable commodity. From the vantage point of settler capitalism, treaty – as a contract – facilitates this transformation. On the other hand, treaty is an affirmation of Indigenous autonomy, sovereignty, and relational forms of reciprocity and mutuality.

As I have argued in this chapter, relational visions of treaty that are rooted in Indigenous intellectual, political, material, literal, elemental and spiritual traditions of governance articulate an understanding of social interdependence that is elementally opposed to impersonal relations of



exchange necessary to extract surplus value from the exploitation of life, labour, and land. As I will argue in the following chapters, if transactional treaty accounts rely on the language and logic of the contract to transform land into property, the work of Billy-Ray Belcourt, Emily Riddle, Dallas Hunt, and Matthew Weigel, refuse the languages and logics of settler capital. In their place, the poets I study in this dissertation offer Indigenous treaty visions that both *critique* the operations of the settler state and *imagine* practices and processes of anti-colonial social transformation.

## Chapter 2: “The Bounds of the Otherwise”: Treaty, Form, and the Politics of Interpretation

Reading the Numbered Treaties as social contradictions identifies an opposition between the relational and transactional interpretations of treaty. Untangling the contradictory form of that interpretive antagonism explicates how the Numbered Treaties are produced by, and reproduce, a more fundamental opposition between forms of organizing social life. The interpretive problems posed by the contradictory aspirations of these treaties challenge us to read them as sites of conflict not only over their content as binding legal agreements, but also the social forms through which those obligations are either lived or foreclosed. Re-framing the Numbered Treaties as social contradictions unites the subjective and objective horizons of interpretation, revealing how the concept of treaty simultaneously enables and limits decolonial thought in a colonial situation.

I’ve chosen the verbs that animate this opening paragraph (*reading, interpreting, explicating, foregrounding, revealing*) because they highlight the contributions an explicitly literary method can offer to the analysis of treaty politics today. *The practices of reading, interpreting, explicating, foregrounding, and revealing* remind us that the meaning of a text is neither synonymous with its content nor reducible to contextual or historical explanation.<sup>32</sup> For Marxian literary scholar Raymond Williams, literary meaning is generated by posing questions about the reciprocal relationships between the content of a text, its formal properties, and the historical conditions of its production and circulation. None of these registers determine meaning independently; meaning emerges through a reader’s “*activation* of the specific relation” between

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<sup>32</sup> I’m using “text” here capaciously to refer to an object of analysis – whether that object be the official document of a treaty text, a broader set of documents including oral or written accounts of a treaty negotiation, or the sociopolitical relation of treaties. I am making this decision both for clarity of prose and to highlight the methodological insights literary study might offer to a study of social relations more generally. Reading, as I will demonstrate, is above all a social activity that attends to the role of form and mediation in meaning. It is not confined to the literary text, but “involves reading particular, historically specific collisions among generalizing political, cultural, and social forms. One could call it a ‘social close reading’” (Levine 632).

language, formal characteristics, and the material conditions that occasion the encounter between reader and text (*italics mine* 190).

Echoing Williams, and extending French philosopher Louis Althusser's theory of reading as an interested, partial, partisan and endeavour, literary theorist Ellen Rooney suggests that there is something unique about strategies of *reading* – as opposed to practices of paraphrasing, summarizing, or describing the themes that arise in a text– that catalyzes this activation.<sup>33</sup>

Because texts do not activate the same relations for every reader, or even for the same reader on every occasion, Rooney suggests that readers “can only ever hope to coax [texts] into revelations by being as explicit as possible about what we are looking for,” rather than reproducing the fetish of immediacy (124). Reading constitutes a creative act. Readers pose questions of texts in ways that “write” and shape them, rendering a particular set of meanings legible or illegible in the process (124). This social theory of reading has a critical import for my method of anti-colonial treaty politics because it clarifies that relational and transactional interpretations of treaties are not simply competing interpretations of the same social texts: in fact, my distinct readings proceed from an entirely different set of questions, intentions, and forms of life. As such, my readings “write” the texts of the Numbered Treaties in antagonistic ways.

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<sup>33</sup> In her protracted engagement with Althusser's theory of reading as it is presented in his contributions to *Reading Capital* (1968), Rooney distinguishes “reading” from other interpretive activities like paraphrasing, summarizing, and identifying themes in a text. Unlike each of these explanatory activities, reading persists as a “guilty, dynamic, flawed, open-ended, historically contingent, and wholly political practice” of posing questions to the text that shape the reader's engagement with it as much as the content of that text itself. This approach draws out the role of mediation in the production of meaning as it is generated through conflicts between the text and its reader, between different readerly interpretations, and between combined and unevenly presented positions both within the text and in reader's critical engagements with it. In this way, reading for Rooney is always “guilty” in the sense that it is interested, politically and conceptually, in what the text might make possible for specific purposes. In his opening contributions to *Reading Capital* Althusser distinguishes how one might read Marx's *Capital* as economists, historians, logicians, or philosophers, arguing that each of these readings would yield something like an entirely different set of meanings from the same object of analysis. For more on Rooney's engagements with an Althusserian theory of reading see “Better Read than Dead: Althusser and the Fetish of Ideology” (1995); “Symptomatic Reading is a Problem of Form” (2017); “Live Free or Describe The Reading Effect and the Persistence of Form” (2010). For Althusser's development of “symptomatic reading” see his collaboration with Etienne Balibar, *Reading Capital* (1968).

In relational interpretations, for example, treaties signify a form of social organization shaped by the “logic of mutual aid” where power is decentralized and the normative order of social life is premised on a network of mutually interdependent relations (Mills 212). For Anishinaabe scholar Aaron Mills, Anishinaabe political philosophy is rooted in an understanding that skills, knowledge, and wealth must be shared to ensure the flourishing of collective life. Treaties, in this tradition, are necessary forms of linking these networks of mutual aid between human and non-human communities. Because this model of governance is not based on the form of a self-possessed citizen-subject (or the collective expression of those individuating impulses in the representative forms of liberal democracy) whose rights and properties are in constant threat of violation, the goal of Anishinaabe political organization is not to maintain the equality and equivalence of individuals through the administration of “justice,” but to coordinate the maintenance of mutually beneficial relationships (236).

In the context of *nêhiyaw* treaty sensibilities I described in the previous chapter, I think the principle of *wâhkôtowin* describes this kind of social form. Both the logic of mutual aid put forward by Mills and *wâhkôtowin* propose very different forms of social organization than the ones imagined by transactional accounts of treaty which are underwritten by capital’s logics of accumulation, propriety, and exchange. From the standpoint of settler capitalism, treaties are a way of extending colonial access to the territories and resources necessary for accumulation. In this model, treaties are a liberal legal mechanism for administering and adjudicating competing claims to these commodities.

I am rehearsing this oppositional schema again to emphasize that relational and transactional *readings* of treaties *produce* two different visions of treaty as a social *form*, and that my reading of their encounter in the Numbered Treaties produces this form as a social

contradiction. My focus on reading as production raises the stakes of treaty analysis from the realm of the epistemological to the arena of the political, insisting that the horizon of critical treaty scholarship should not only be a ‘correct’ – or corrective – understandings of the content of the Numbered Treaties, Rather, reading the Numbered Treaties as sites of social contradiction situates them firmly within a conceptual *and* political field where struggles over what form social interdependence might take, and who will decide, plays out.

Anti-colonial analysis of treaties must understand how the conflict between Indigenous and colonial treaty visions is managed, repressed, and reproduced through the representations of treaties as formal transactions. To this end, the present chapter works through three different close readings. First, I offer a close reading of Starblanket’s essay “The Numbered Treaties and the Politics of Incoherency,” to demonstrate how approaching the social contradiction of treaty as merely an ethical or epistemological problem is limited by its emphasis on the content of treaties, without acknowledging how that content is shaped by the political economic form of the contract. My close engagement with Starblanket’s essay registers the limits of ethical and epistemological approaches to treaty politics while also surfacing the transformative potential of Indigenous treaty visions. In the second section, I turn to a close reading of the official colonial document, *Treaty No. 8*,<sup>34</sup> to explicate how the grammar, language, and form of that text work to make the subjection of Indigenous peoples appear inherent to treaty as a form of colonial governance. Reading the text of *Treaty 8* more for *what it does* than *what it says* I argue that it obscures the Crown’s desire for territorial sovereignty through the language of formal equality and contractual exchange.

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<sup>34</sup> In the two final sections of this chapter, I *italicize* references to the colonial document of *Treaty 8* while placing the title of Belcourt’s poem in quotations. This decision is made for clarity, to signal that *Treaty 8* was a foreign implementation of transactional modalities of relation in Treaty 8 territory, and to differentiate it clearly from Belcourt’s literary intervention.

Finally, I turn to Billy-Ray Belcourt's poem "Treaty 8." In a close reading of Belcourt's poem, I suggest that the strategies of redaction he employs reanimate the social antagonisms that *Treaty 8* attempts to repress by intervening at the level of form and mediation. The negated agency of Indigenous peoples produced by *Treaty 8* returns in "Treaty 8" to haunt, trouble, and destabilize the form of the contract. What is absented in the transactional representation of treaty is made present through a dialectical reversal in the poem that not only excavates the logic of dispossession that organizes *Treaty 8*, but also points beyond the contract to the "bounds of the otherwise" where transformational treaty relations might be imagined and enacted (84).

### **Horizons of Interpretation**

My invocation of "horizons" of interpretation is a direct reference to Marxist literary critic Fredric Jameson's theory of interpretation as a social and symbolic act (75). In *The Political Unconscious* Jameson suggests three horizons for a politicized approach to aesthetic interpretation: the symbolic horizon, the social horizon, and the historical horizon.<sup>35</sup> At the first level, a text is seen to be composed of competing systems of meaning whose antimony registers as discrete conflicts between symbolic orders. At the second level, these symbolic conflicts are "rewritten" (81) as "irreconcilable demands and positions of antagonistic classes" (85). At the

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<sup>35</sup> Jameson's explication of this method is discussed at length in the third section of the first chapter – "On Interpretation" – in *The Political Unconscious*. He outlines the schema he will develop as follows: "We will suggest that [the] semantic enrichment of the inert givens and materials of a particular text must take place within three concentric frameworks, which marks a widening out of the sense of the social ground of a text through the notions, first, of political history, in the narrow sense of punctual event and a chronicle like sequence of happenings in time; then of society, in the now already less diachronic and time-bound sense of a constitutive tension and struggle between social classes; and, ultimately, of history now conceived in the vastest sense of the sequence of modes of produce and the succession and destiny of the various human social formations . . . These distinct semantic horizons are, to be sure, also distinct moments of the process of interpretation" (75). While I take issue with Jameson's Marxist teleology (and its implicitly colonial temporality), I nevertheless find his outline of the concentric horizons of interpretation helpful, as they emphasize the aim of historical transformation as the most aspirational horizon of political transformation.

third level – the horizon to which Jameson argues every interpretation should strive – the symbolic and class conflicts of the first two horizons are supplanted by an attention to the “larger unity of the social system” in which they circulate: what Jameson calls, in a Marxian vernacular, “the mode of production” (88).

I map my study of the Numbered Treaties as social contradictions onto this schema in the following ways: 1) The symbolic horizon is constituted by the antinomy between the relational and transactional *meaning* of treaties as ideal, symbolic agreements. The goal of analysis here is to resolve this antinomy through the individual settler’s ethical recognition of their treaty obligations and the state’s narrow recognition of treaty terms as cultural rights; 2) The social horizon is constituted by the opposition between Indigenous and colonial treaty visions. The goal of this horizon is to resolve the conflict between these two social classes through a more collectively oriented redistribution of resources, and the implementation of policies that more accurately reflect the material interest of Indigenous treaty partners. I understand the second horizon to be an epistemological one because it mobilizes a more nuanced understanding of Indigenous treaty sensibilities in the interests of resolving a political antagonism; 3) The historical horizon is constituted by the contradiction between two radically different forms of organizing social interdependence, represented, for example by the incommensurability of the *nêhiyaw* social form of *wâhkôtowin* and the capitalist social form of value.

The historical horizon is the most pressing for Jameson because it describes the operation of competing social classes *within* a historical moment, while also describing how a text can prompt us to imagine social antagonisms that might *transform* the historical situation. In my work, the goal of treaty interpretation at this third level is to amplify the social contradiction between Indigenous and settler capitalist ways of organizing social interdependence to make

clear that the ethical, political, and decolonial obligations of treaty cannot be fully lived under the capitalist mode of production: the energy of Indigenous treaty visions requires decolonial social transformation.

Bringing the insights of Marxian literary criticism to bear on my study of the Numbered Treaties and Indigenous poetics is not meant to suggest that Marxism is a universal method that can be applied directly and authoritatively in every situation. Indeed, a Marxian analysis of treaty relations in Canada will always be partial, incomplete, and inadequate, especially when read alongside the many different Indigenous intellectual, political, and spiritual traditions of treaty making. Following Fanon, I think that “Marxist analysis should always be slightly stretched every time we have to deal with the colonial problem” because class struggle is not immediately legible as a solely economic phenomenon in occupied territories (40). In a colonial context, the indirect domination of the wage is always shaped by the more direct political violence of racial, territorial, and gendered domination. However, insights from Marxian literary study are useful for an anti-colonial analysis of treaties because they attend to form and mediation as social processes that underwrite competing interpretations of treaty as a political concept in the context of settler colonialism. Specifically, positing that relational and transactional interpretations offer two different *readings* of the Numbered Treaties emphasizes how they are invested in producing and reproducing two different ways of organizing and mediating social interdependence.

Articulating the antagonism between Indigenous and colonial treaty visions as class conflicts is where I see the need to stretch Jameson’s analysis most explicitly. Reading the Numbered Treaties as class antagonisms stretches the idea of class from its narrowly economic attachments in traditional Marxian theory. It does not, however, necessitate abandoning a classed analysis of treaty relations in Canada. Differentiating Marxian class analysis from the



“conventional sociological” approach to class as the description and categorization of different social groups, Jameson highlights how Marxian conceptions of class are always relational, and that the main feature of that relation is antagonism (84). This antagonism pivots on the relationship between “a dominant and a laboring class,” or more capaciously, the antagonism between those who control the means of social production, and those who, having been separated from the material conditions necessary to reproduce themselves and their communities, rely on an access to the means of social production that the dominating class controls (83). In the capitalist mode of production, this access is mediated by two dialectically related processes: inclusion into the wage relation and exclusion from it. While exploitation of waged labor under capital is most conventionally understood as the focal point of Marxian class analysis, the totalizing operations of capital equally require the racialized and gendered abjection, or what Marxist feminist Roswitha Scholz terms the “dissociation” (128), of certain laboring activities and populations from the wage relation in order to discipline the labor force and keep labor costs low.<sup>36</sup>

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<sup>36</sup> Ruth Wilson Gilmore (2007), for example, demonstrates how the Prison Industrial Complex functions to contain and manage populations who have been abjected by the labour market in ways that reproduce the anti-Blackness of capitalism. Gilmore’s attention to the racial dynamics of capital builds, in part, on Cedric Robinson’s important formation of racial capitalism that argues capitalism has been structured by racialized disassociation from the labour market since its earliest emergence (1983). In the aftermath of the 2008 financial crisis a renewed interest in the superfluity of labour in the era of financial capital has been described by the End Notes collective in key essays including “Crisis in the Class Relation” (2010), “Misery and Debt” (2010) and “An Identical Abject Subject” (2015). Rhyming with End Notes’ analysis of the importance of exclusion and immiseration as political economic categories, Michael Denning offers the following (devastating) image to emphasize the stakes of the situation: “Bare life, wasted life, disposable life, precarious life: these are among the terms used to describe the inhabitants of a plant of slums. It is not the child in the sweatshop that is our most characteristic figure, but the child in the streets” alternately criminalized for their abjection and prey to its violence (2010). In my reading, the offerings of End Notes and Denning need to be supplemented by the Marxist feminist analysis of Maya Gonzalez (2013), Sylvia Federici (2004), and Roswitha Scholz (2009) who remind us that gender, along with race, is a fundamentally constitutive abjection of capital. Finally, I think that each of the scholars I’ve cited above is elaborating Marx’s figure of the “virtual pauper” as described in the *Grundrisse* (1973). Describing the immanent potential of the worker to either be exploited or expelled by the forces of production, Marx writes that the dissolution of modes of social interdependence outside of the capital relation places individual people or “parts of the population” “outside the reproduction conditions of [capitalism], and hence posits them as overpopulation, and not only lacking in means but incapable of appropriating the necessaries” of a thriving life (604).

Transposed onto the settler colonial situation, Indigenous peoples' uneven access to the reproductive technology of the wage is coupled with land dispossession, foregrounding abjection as one of the primary ways the relationship between Indigenous peoples and capital is organized. Disproportionately high rates of incarceration, houselessness, poverty, the structural violence of infrastructural neglect, and violence against Indigenous women, queer, and Two-Spirit people are all consequences of colonial dispossession which is lived, in part, as an experience of being superfluous to the market. In other words, I would argue that forms of settler colonial institutions such as residential schools, reservations, and prisons are fields of class war where Indigenous containment is a direct weapon used against forms of Indigenous social organization and living that threaten the purely economic character of land as a form of property in settler capitalism.<sup>37</sup> Land – taken as an *essential* part of the means of production in settler capitalist economies – becomes not only a site of political conflict over sovereignty, but a political economic contestation over who control a central component of the means of producing and reproducing social life, and, as such, a class conflict.

Stretching Jameson's interpretive horizons to fit the social contradiction of treaty reminds us that the Numbered Treaties do not operate in immediately visible or transparent ways. My close engagement with Starblanket's essay on Canada's strategic invocation and dismissal of the Numbered Treaties will demonstrate that how we understand the social form of treaties shapes how we interpret their content. Transactional treaty interpretations predispose us to engage with treaties as a set of fixed contractual terms; relational interpretations require a broader understanding of treaty as a form of social interdependence that is rooted in Indigenous governance practices. The reason I began this chapter with a theory of reading as a socially

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<sup>37</sup> The argument in this paragraph is taken from my reading of Métis filmmaker Conor McNally's documentary *ôtôenaw* (2017) which was published in *JumpCut: Journal of Contemporary Media* (2022).

productive activity is because “the work of form is revealed only in the act of reading” (Rooney 38). In other words, if meaning is innervated by the dynamic movement between form and content, and the historical contingency and production of form is not immediately identifiable in advance of the work of reading, then “the very articulation of form is part of the *task* of reading; form emerges from the reading’s work, and it advances by means of the reader’s polemic” (37). In this framework, *reading, explicating, foregrounding, and revealing* are all processes in which forms – literary, social, or political – are produced in and through social relations between reader and text, between form and content, between the word and world. Ultimately, reading for form demonstrates that “form is inevitably a relationship” (Williams 187).<sup>38</sup>

Approaching questions of social relations as always already formal can demonstrate the effects a separation of form and content has on the legal and political interpretations of the Numbered Treaties. To be clear, the point of bringing the methods of literary studies to bear on my analysis of treaties is not to suggest that treaties are the same as poems, but that the study of poetic form has a robust vocabulary that is useful for “articulating the subtle shaping patterns that both reinforce and destabilize each other” in a given object of analysis (Levine 634).

Reading treaties with the eye of a literary scholar, then, can demonstrate how treaties are

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<sup>38</sup> The connection Williams draws out between form and sociality is echoed by a host of contemporary literary scholars who continue to challenge the aesthetic autonomy of literary forms while extending the insights of literary formalism to a range of social questions. In *Forms*, her incisive study of the politics of aesthetic form and the poetics of political form, Caroline Levine presents a capacious definition of form meant to expand “the usual definition of form in literary studies to include patterns of sociopolitical experience” (2). Form, Levine hazards, “always indicates an *arrangement of elements – an ordering, patterning, or shaping*. Form [refers to] all shapes and configuration, all ordering principles, all patterns of repetition and difference,” whether economic, political, or aesthetic (3). Levine’s work politicizes literary study by mobilizing the category of form as an equally apt way to theorize sociopolitical institutions and literary works. Glossing Levine’s work, Marxist literary theorist Josh Robinson writes that “in [Levine’s sense] formalism is a means not only of investigating aspects of literature, culture, and society, in a manner that considers their mutual implication, but also of theorizing the relationship between them: treating both literary work and social hierarchy as form allows them to be viewed through the same investigative lens” (4). In a similar register, Asian American Marxist scholars Colleen Lye (2008) and Chris Chen (2022) extend the work of Levine and Williams to describe race as a contented “*social form* that pivots between oppressive and affirmative conceptions of racial group belonging” (Chen 22). I find this way of socializing the problem of form evocative for a study of treaties as forms that also pivot on oppressive and affirmative analysis.

“sites where many conflicting ways of imposing order jostle on another, overlap, and collide” (ibid). In her essay “The Numbered Treaties and the Politics of Incoherency,” Starblanket describes how colonial legislative policies concerning the Numbered Treaties “shift public perception surrounding treaties away from the *nature of the relationships* between treaty partners and toward a *narrow spectrum of rights* exercised by individuals” (*emphasis mine* 7). In my reading of this formulation, Starblanket is describing how the state decouples the content of Numbered Treaties (the “spectrum of rights”) from their social form as a relationship between nations (its “nature”). As a result, collective understandings (“perceptions”) of Numbered Treaties that are rooted in land, Indigenous legal traditions, and political jurisdictions are supplanted by a liberal models of treaty interpretation in which Indigenous peoples engage with the state as individual rights holders rather than collectively as nations. As Starblanket describes:

The process of linking treaties to individual Indigenous bodies abstracts them from their purpose and intent relative to the rest of Creation. In other words, the land question and matters of political jurisdiction are obscured from treaty discussions. This process not only diminishes the status of treaties as political agreements between governments but also deterritorializes them (7).

Read with a poetic attention to the transit between language, content, and form, I argue that the process of (mis)representation Starblanket describes incorporates – in its doubled meaning as inclusion and constitution– the Indigenous body in settler colonial relations of interdependence in two ways. First, as what Dene scholar Glen Coulthard calls the “subject of empire,” subjugated by the administrative scripts of colonial policy (2007). Then again as a state identified “treaty Indian” whose individual body comes to stand in for the collective treaty partner (Starblanket 7); in other words, rather than engaging with the Numbered Treaties as nation-to-nation agreements rooted in collective power, the state writes the Indigenous body into a role as the container for treaty rights which are primarily *possessed* by individual subjects

rather than nations. When treaties become primarily associated with the biopolitics of “status” rather than political arrangements between Indigenous nations and the settler state, a racialized and gendered set of limits constraints the meaning of treaties (ibid). In both cases, transactional treaty interpretations deracinate Indigeneity and land, enclosing the former within the logics of culture, identity, and citizenship, while sublimating the latter into categories of natural resources and property.

Returning to Jameson’s three horizons of interpretation can help us amplify the stakes of the perceptive distortion, or “incoherency,” that Starblanket describes. At the beginning of her essay Starblanket calls for a “critical engagement with the discursive constructions that foreground the symbolic importance of treaties in creating nation-to-nation relationships but fail to engage with the material implications” of this position (2-3). Providing an immanent critique of the symbolic horizon of interpretation, Starblanket argues that treaties are upheld by the Canadian state as ways of ‘recognizing’ Indigenous peoples’ interpretations of treaty but evacuating those interpretations of the pressure they put on the legitimacy of the Canadian project of conquest (12). This gesture can be readily seen in Justin Trudeau’s oft cited speech to the Assembly of First Nations in 2015:

It is time for a renewed, nation-to-nation relationship with First Nations peoples: one that is based on the understanding that the constitutionally-guaranteed rights of First Nations are a sacred obligation that we carry forward. This obligation is based on respect, co-operation, and partnership; it is guided by the spirit and intent of the original treaty relationship.

Following Starblanket, Trudeau’s language of “sacred obligations” reproduces a “culturalist orientation” to treaties which renders Indigenous treaty visions “legible as only the ‘spirit and intent’ or the ‘symbolic’ version” always subordinated to the “purportedly authoritative settler record” (8). This focal shift away from reading treaties as forms of

Indigenous governance imbued with specific sets of political meanings segregates the political form of treaties from their cultural content. Constrained by the symbolic horizon, in other words, the material contradiction posed by the Numbered Treaties is resolved through a sublimation of the political implications of the Numbered Treaties into symbolic guarantees of legal and cultural rights. The limit of the symbolic horizon is that it idealizes and individuates treaty relations.

The disjuncture between symbolic and material recognition of Indigenous treaty visions allows us to see the social horizon of interpretation in Starblanket's essay. Drawing attention to the political form, or "nature," of treaty relationships stages the Numbered Treaties as sites of conflict between two social classes, implied here in the two collective treaty partners: Indigenous nations and the settler state (7). Land re-emerges in this conflict as a matter of concern indexed by the vocabularies of jurisdiction and sovereignty. Starblanket's insistence on reanimating the treaty relationship as a form of governance reterritorializes treaties as agreements about territorial authority and political power. Bringing concrete relationships of land and material power back to bear on the concepts of citizenship, subjectivity, and status also troubles the idealization of treaty as an ethical paradigm by prompting questions about the formal determinations of equality and belonging that underwrite categories of citizen and subject.

Reading from the vantage of Jameson's social horizon, Starblanket presents treaties as collective forms of political organization and characterizes conflicts over their interpretation as Indigenous class struggles over land. Attending to the state's political misrepresentation and "incoherent" implementation of treaties allows Starblanket to offer a serious critique of liberal treaty politics by suggesting that the Numbered Treaties are not only – or even primarily – places of ethical engagement, but where two antagonistic forms of sovereignty collide. This movement from a focus solely on the content of the Numbered Treaties to a focus on their political form

shifts the emphasis of engagement from symbolic recognition to collective action, but it also still relies on a theory of change that hinges on correcting misinterpretations of what the Numbered Treaties *mean*. Toward the end of her essay, for example, Starblanket writes:

Failure to understand the relationships of political nonsubordination that Indigenous peoples agreed to in taking treaties gives the impression that contemporary recognition or accommodation of treaty rights amounts to special treatment toward Indigenous peoples. This, in turn, suppresses the possibility of mobilizing the popular will to implement treaties. (13)

Linking critique, understanding, and action, Starblanket's closing move pivots on the practical importance of epistemological work to mobilize action for political change. However, I think it remains constrained by this emphasis on the role of understanding and revelation in political mobilization. While Starblanket sharply critiques the politics of recognition that produce individualizing, and symbolic interpretations of the Numbered Treaties, she also advances a social interpretation of the Numbered Treaties that mobilizes a species of recognition: understanding. The colonially classed conflicts between Indigenous peoples and the state are reinscribed within the political horizon as interventions *in the operations of the state*.<sup>39</sup> Starblanket's final argument remains limited by the proposition that more and better understandings of the Numbered Treaties as forms of Indigenous political autonomy will incite popular democratic support for Indigenous sovereignty. In this way, Starblanket's critically important project is constrained by its own emphasis of epistemological accounts of treaty even while articulating treaty as a fundamentally social antagonism.

In my reading, the transformational impulse of Starblanket's essay is most clearly expressed when she describes land as relation that undermines propriety. Synthesizing the

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<sup>39</sup> As scholars like Alfred, Cornstassel, Jobin and other note, the category of Indigeneity is immanent to the colonial relationship and highly regulated by it. In other words, "Indigeneity is a contested concept steeped in colonial history with very real political implications [...] Indigeneity comes into being only when constituted as distinct from "non-Indigenous" majorities (Jobin 96, 97). See also Alfred and Cornstassel (2005).

knowledge of Elders and Indigenous scholars, Starblanket counterposes Indigenous conceptions of land and settler capitalist ones: “in Indigenous legal systems, land is not a property that can be transferred or sold” (11). As such, “Indigenous peoples understand treaties to represent land-use arrangements that are intended to delineate frameworks of nonhierarchical co-existence between nations” (ibid). Rather than contracts meant to facilitate the distribution of land-as-property amongst Indigenous peoples and the state, Indigenous treaty visions are based on an entirely different normative framework for governing the relationship between people and the Earth. Similarly to Starblanket’s own description of land-based forms of social organization, Coulthard and Simpson describe Indigenous peoples’ various relational orientations as grounded normativities: “set[s] of practices and procedures, based on deep reciprocity, that are inherently informed by an intimate relationship to place” (254). These ways of organizing social interdependence are “profoundly nonauthoritarian, nondominating, nonexploitive,” and they inform Indigenous peoples’ varied economies as well as systems of internal governance and international diplomacy (ibid).

When Starblanket engages land as a territorial basis *for* sovereignty as well as a concept that “delineates frameworks *of* nonhierarchical co-existence” her critique moves from the social horizon of interpretation to the historical one. This shift articulates the struggle between Indigenous peoples and the settler state not only as political contestations within settler colonialism, but also antagonisms about how relations of social interdependence should be transformed and lived *otherwise*. I posit that the Numbered Treaties can be “restructured as a field of force in which the dynamics of sign systems of several distinct modes of production can be registered and apprehended” (Jameson 98). That is, the Numbered Treaties are social,



political, economic, and cultural forms that register the antagonism between two radically different modes of production.

Before continuing with my analysis, it will be necessary to define how I interpret that Marxian concept of modes of production. Following Coulthard's discussion of this concept in *Red Skin White Masks*, I think it is useful to conceptualize modes of production capaciously. Drawing on Marx and Engels' earliest explications of the concept as the expression of a mode of life that includes social, political, cultural, and economic activities, Coulthard suggests that a mode of production is comprised of two related processes: "The resources, technologies, and labour that a people deploy to produce what they need to materially sustain themselves over time, and the forms of thought, behavior, and social relationships that *both condition and are conditioned by these productive forces* (65).<sup>40</sup> Coulthard weaves the concrete and abstract dimensions of social life to illustrate how Indigenous peoples' relationships to land are socially, politically, and economically constitutive. Within the logic of grounded normativity – what I will call Indigenous modes of production – Coulthard stresses the role that "individual autonomy, collective responsibility, nonhierarchal authority, communal land tenure, and mutual aid" play in the material organization social life (ibid). These ethical, political, and material imperatives are in direct antagonism to the mechanics of capitalist accumulation.

As I outlined in the previous chapter, the capitalist mode of production mediates social relations of interdependence through a logic of commodity exchange which necessarily atomizes and fragments social life in order to reunify social relations in ways that are "form-determined by

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<sup>40</sup> Coulthard draws on the following definition from *The German Ideology*: "The mode of production must not be considered simply as being the reproduction of the physical existence of the individuals. Rather it is a definite form of activity of these individuals, a definite form of expressing their life, a definite *mode of life* on their part. As individuals express their life, so they are. What they are, therefore, coincides with their production, both with *what* they produce and with *how* they produce. Hence what individuals are depends on the material conditions of their production." (31-2)

capital and value” (Endnotes 71). In other words, the capitalist mode of production requires and reproduces two fundamental preconditions: that people be separated from autonomous ways of reproducing themselves outside of the wage relation and that individuals and communities overcome this fragmentation by participating in commodity exchange, at least partially taking on the social and political forms generated by the capitalist value form. Thought together, these preconditions create a sort of unity in separation where the primary mediation of social interdependence depends on the isolation of people from each other and the land, and where the market and the socioeconomic forms it generates are the primary ways of re-entering into social relations.

In order to facilitate the process of exchange as the primary mediation of social interdependence, commodities need to be made abstractly equivalent with each other despite their material differences and uses. As such, the capitalist form of value appears as the abstract equivalency between material incommensurable things. This process of abstracting and recalibrating all sorts of material differences can be thought of as the generalized commodification of social relations and social life. Scholars thus trace the co-emergence between the economic form of the commodity and liberal forms of sociopolitical equality like human rights, democratic citizenship, and ideologies of individual subjectivity (da Silva 2007; Melamed 2011). In this way, the social and political registers of capitalist life are constituted by the material, economic ways in which we are compelled reproduce ourselves and our communities.

nêhiyaw scholar Shalene Jobin contrasts the capitalist mode of production to the nêhiyaw concept of “pimatsowin (a good life or healthy livelihood)” which is the normative basis for Cree economic and social forms (109). Resonating with Coulthard’s definition of modes of

production, Jobin writes that in nêhiyaw traditions of political economy, relations to land are constitutive of social life: “the economic relationships we have to the land, people, and other beings creates and co-creates who we are as individuals and as peoples” (98). Relating pimatsowin to the larger concept of “pimâtisiwin (the act of living),” Jobin articulates a mode of nêhiyaw production that is based on “responsibilities and reciprocal relations with the air, water, earth, and other living creatures” (99). “In this Indigenous view,” Jobin writes, “there is a reciprocal relationship between economic interactions (relations to the land) and modes of subjectivity (relations with the land)” (ibid). Ultimately, Jobin takes the time to outline the different ways the capitalist mode of production and pimâtisiwin produce modes of subjectivity in order to demonstrate how contemporary capitalism negatively effects Indigenous peoples by attempting to transform their material, spiritual, and political conceptualization of land: “in the change to [capitalist relations of] production, land was viewed as a commodity and treated as an inanimate object as opposed to being part of a reciprocal relationship” (107). Jobin’s analysis is particularly important because it focuses on how contemporary relations of resource extraction in Cree and Métis territory attempt to change the *form* of Indigenous peoples’ relations to land, not only materially dispossess communities of their land base. This attention to the dialectical relationship between forms of economic production and forms of social and political life gives local validity to a much broader dynamic in which the twinned processes of settler colonial dispossession and capitalist subsumption are co-constituting and ongoing.<sup>41</sup>

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<sup>41</sup> Writing about the history of Treaty 6, for example, Sylvia McAdam describes how the implementation of European methods of agriculture impacted nêhiyawak’s relation to land and the shape of their economic and social relations. The making of Treaty 6 resulted in two significant developments for McAdam: “pimâcihowin (livelihood) split in two ways: the livelihood that existed prior to treaty making and the livelihood that was created by treaty making” (64). While the nêhiyawak had long standing agricultural practices before treaty making, the implementation of European technology and methods changed the ways Cree people engaged with agriculture as commodity production rather than a sustenance economy governed by nêhiyaw laws. Significantly for McAdam, this included tethering the allotment of agricultural land to a heteronormative nuclear family of five (67-71).

Considering the Numbered Treaties as conflicts over which mode of production will shape collective life, an anti-colonial analysis of the Numbered Treaties must start from the premise that Indigenous treaty visions articulate a form of life that is incommensurable with the capitalist mode of production. A historical materialist approach to this incommensurability helps render the Numbered Treaties legible as sites of symbolic, political, and historical struggle rather than stasis: historically contingent rather than transhistorical and inevitable. We can thus grasp the Numbered Treaties as sites where oppositional modes of production collide, incorporate, repel, and modify each other. For Jameson, these dynamic oppositions between various modes of production are present in every historical situation and every sociocultural “text;” the task of interpretation from the horizon of history is to make the dialectical antagonism between modes of production legible synchronically in the texts of the Numbered Treaties so that the diachronic movement between modes of production can be apprehended as the result of an ongoing struggle rather than an inevitable event (97). Glossing this element of Jameson’s theory, Neferti Tadiar writes that this unity of synchronic and diachronic analysis can account for the brutal materialisms of settler capitalism while also taking seriously the “heterogeneity of realities, or political ontologies” and forms of life making that are being produced and reproduced simultaneously (536).

Reading the Numbered Treaties as expressions of Indigenous modes of production insists that the Numbered Treaties can neither be reduced to mechanisms which entirely subsume Indigenous forms of life into settler capitalism, nor to symbolic expressions of Indigenous cultural knowledge. Reflecting on the “radical decolonizing” purchase of Jameson’s work, Tadiar writes that seeing cultural, political, and social forms like the Numbered Treaties as expressions of an antagonism between capitalist and non-capitalist modes of production allows

us to read Indigenous forms of social organization “not simply as archaic leftovers of the past but also as the consequence of and resistance to the imperialism, racism, and heterosexism that is internal to capitalism itself, through which the persistent survival of other social formations” can be transformed into an enabling conditions for social change (536, 539).

To restate the stakes of this method: reading the concept of grounded normativity within the analytic framework of Jameson’s third horizon encourages us to think about land not only as a geographical or material *content* of the Numbered Treaties, but also as an intermediary concept that offers insight into the *forms* that social relations take in competing interpretations of treaty.<sup>42</sup> Settler theorist Rob Nichols suggests reconstructing the role of land in settler colonialism as a mediation in this way in order to understand land not only as “a material object, but a mediating device, a *conceptual and legal category* that serves to relate humans to ‘nature’ and to each other in a particular, proprietary manner” (*emphasis mine* 83). What is important to me about this argument is that it recognizes that land is fundamentally a *relation* that mediates social interdependence, in both Indigenous modes of production *and* capitalism. In the first case, land encompasses a relation of reciprocal interdependence; in the second, land is relation of commodification and exploitation.

Approaching land as a material basis of social organization, one that forms and is informed by mediating abstractions such as “reciprocity” or “exchange,” highlights the stakes of treaty interpretation because it emphasizes that relational and transactional interpretations are not only about the equal distribution of land within a settler capitalist framework, but that Indigenous treaty vision pose a fundamental challenge to the organization of settler capitalism as a totalizing mode of production. In other words, if land operates under the social horizon of interpretation as

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<sup>42</sup> For an examination of land as a political ontology, critical framework, and material substance that helps render the centrality of settler colonial fraud and dispossession to capitalism, see Barker’s “Territory as Analytic” (2018).

the site of sovereignty and jurisdiction, from the vantage point of Jameson's third horizon land comes to signal a more fundamental antagonism between Indigenous and colonial forms of mediating social interdependence; or, transvaluated into a Marxian vocabulary, modes of production. What appears before the second horizon of interpretation as class conflict over how to resolve the contradictions of political power *within* the colonial order reappears before the third horizon as an antagonism between forms of life that can only be resolved by the *transformation* of the colonial order.

### **Treaty, Contract, and the Content of Form**

Indexing the Numbered Treaty agreements to conflicts between modes production reconstitutes the Numbered Treaty texts as sites of social, symbolic, and *historical* antagonism between radically different ways of organizing social interdependence. A close attention to the formal properties of the *Treaty 8* text demonstrates how colonial representations of the Numbered Treaties as contracts subordinate the relational logic of Indigenous treaty visions to the transactional logic of exchange as the dominant expression of social interdependence in settler capitalism. My reading of the ideology of form of *Treaty 8* aims to grasp how the contract form becomes a "sedimented content in [its] own right, carrying ideological messages of [its] own, distinct from the ostensible or manifest content" of the treaty text (Jameson 99). The sedimented content of the contract form, I posit, is the set of social relations produced by the capitalist mode of production and organized by relations of individuation, dispossession, and property.

Grasping the transvaluation of the treaty relationship from one rooted in grounded normativity to one rooted in exchange reveals how the content of the Numbered Treaties is

modified when they are cast in the form of the contract. Ongoing commitments to reciprocity and mutual aid are recast as discrete, unrelated, fixed terms. Political economies of sustainability and non-interference are subordinated to the capitalist law of value. Forms of social organization based on non-dominating and non-hierarchical relations between people, nations, and land are replaced by extractive forms of title and entitlement. Ultimately, when the Numbered Treaties are represented as contracts, they are subsumed within the capitalist mode of production and imbued with a particular shape that both presupposes and reproduces the conditions of possibility for Indigenous dispossession and capitalist accumulation. These objective conditions are twofold: transactional treaty visions presuppose and reproduce proprietary relations to land *and also* recast the relationship between treaty partners as exchange relations rooted in the legal and economic rights of property holders. From this vantage point, contracts come to *appear* as an inevitable and common sensical mediation of social interdependence between treaty partners while ultimately *obscuring* the material conditions of their emergence.

A contract is not a neutral mediating form. It emerges as a part of the complex totality of settler capitalist relations, carrying with it a range of assumptions about the broader social field in which Indigenous peoples and settlers meet. For example, when Treaty Commissioner Alexander Morris addressed the Indigenous negotiators in discussions for Treaty 1, he emphasized that the Queen had no intentions of “compelling” them to enter into treaty. The decision, Morris communicated, “[the Queen] leaves to your choice, and you need not live like the white man unless you can be persuaded to do so of your own free will” (28). Morris’ rhetorical emphasis on freedom and consent as strategies of enticing Indigenous negotiators betrays a broader historical material situation in which free will is rendered as merely the

freedom to participate in the market.<sup>43</sup> Not only is Morris' invitation preceded by the rejoinder that the Queen "reigns" over her territories with an "arm strong to punish the wicked man" as much as a "hand open to reward the good" (ibid.), but given the historical context in which settlers were increasingly invading Anishinaabe territory leading up to the Treaty 1 negotiations, the resulting rise in conflicts over land, Indigenous concerns about food insecurity, intensification of disease, and the shift in market relations between Anishinaabe fur traders and the Hudson's Bay Company, it seems reasonable to suggest – without diminishing the agency of Indigenous negotiators – that the signatories to Treaty 1 did not enter into treaty under the sign of freedom, but of necessity (Craft 39).

What also strikes me about Morris' characterization of the transactional engagements in treaty making as (seemingly) non-coercive projects, is that it resonates eerily with Marx's description of the impersonal domination that organizes capitalist social relations. While I am certainly not suggesting a hidden relationship between the two writers, I hear an echo of Marx's description of the "mute compulsion" of capital in the play of compulsion, freedom, and necessity that animates Morris' address:

The organization of the capitalist process of production [...] *breaks down all resistance. [T] he mute compulsion of economic relations* seals the domination of the capitalist over the worker. Extra-economic, immediate violence is still of course used, but only in exceptional cases. In the ordinary run of things [...] it is possible [for capitalists] to rely on the worker's dependence on capital, which springs from the *conditions of production themselves*, and is guaranteed in perpetuity by them. (*emphasis mine* 899)

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<sup>43</sup> I am drawing the mystifying character of freedom in this sentence from Marx's formulation that the so-called "freedom" of the capitalist labourer in *Capital Volume I*: "For the transformation of money into capital, therefore, the owner of money must find the free worker available on the market; and this worker must be free in the double sense that as a free individual he can dispose of his labour-power as his own commodity, and that, on the other hand, he has no other commodity for sale, i.e. he is rid of them, he is free of all the objects needed for the realization of his labour power" (273). Rendered as a formulation within our discussion of treaty, I might rephrase Marx's sentence in the following way: For the transformation of *treaties* into *contracts*, therefore, the *settler* must find their *Indigenous treaty partner* available on the market; and this *treaty partner* must be free in the double sense that as a *self sovereign* nation, they can dispose of their *land* as their own commodity, and that, on the other hand, they have no other commodity for sale, i.e. they are free of all the *objective conditions* needed for the realization of their *land-based* mode of life.



The transition from the direct violence of coercion to the indirect compulsion of economic relations creates the distinctly capitalist illusion that people enter into contracts of their own free will, an illusion that Morris reproduces for the Indigenous negotiators at the Stone Fort. Like the operations of primitive accumulation which create the conditions for settler capitalism through fraud, force, and violence, capital attempts to destroy means for reproducing social life outside its circuits (Marx 875). Soren Mau draws out this point in his gloss of “mute compulsion” in the following way: “Economic power addresses the subject only indirectly, by *remoulding its social and material environment* in a manner that forces it to act in accordance with the logic of valorisation. Economic power or mute compulsion is thus a form of power which is rooted in the ability to *reconfigure the material conditions of social reproduction*” (*emphasis mine* 8). Mau’s point is that the capitalist does not need to *force* the proletarian to enter into the wage relation – a labour contract in which the worker agrees to her own dispossession – because capital has already “reconfigured” the world to make alternative ways of surviving scarce.<sup>44</sup>

Without reducing the dispossession of Indigenous peoples to an analogy with the dispossession inherent in waged labour, I think this resonance is illuminating because it demonstrates how the mediating form of the contract can only appear as a neutral, non-coercive form of relation when it is disarticulated from the historical field it emerges out of. In the context of Treaty 1 negotiations, Morris can only suggest that the Queen will not “compel” Indigenous nations to

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<sup>44</sup> Indirect domination, as Marx and Mau both concede, is not entirely accurate. Brute violence still organizes social relations under capital, but these two writers take it to be a supplementary modality of capitalist compulsion rather than a primary one. Thinkers like Silvia Federici (2004), Cedric Robinson (1983), Michael Foucault (1975), Frank Wilderson III (2010), Saidiya Hartman (1997), Ruth Wilson Gilmore (2007) and many others have gone to great lengths to show how this hierarchal separation of economic compulsion from coercive force does not hold up in the face of racial, gender, and sexual difference. While I am essentially in full agreement with these critiques, I still think that this this formulation of “mute compulsion” is useful to describe how the fetish character of capitalist relations distorts freedom in the treaty making processes, transforming it into its opposite: domination.

enter treaty because conquest has already “remoulded the social and material environment” in ways that fundamentally undercut Indigenous practices of autonomy and self-determination, strengths that would have allowed them to refuse the Crown’s offer.

Both an economic and juridical form, then, the contract is underwritten by capitalist relations of private property and their dialectical pair: dispossession. While it might be tempting to allocate the former to the realm of the economy and the latter to the realm of the political, the insights of Marxism teach us that such a distinction is false. Marxist social theorist Joshua Clover describes this illusion succinctly: “really there are no such things as economics and politics. They appear as separate orientations for struggle only because they are separated in bourgeois ideology and driven apart in the practices of settler capitalism” (2020). This dynamic can be seen, perhaps most starkly, in settler colonial contexts where the very condition of possibility for property and accumulation is the dispossession of Indigenous peoples of not only their land, but of their *connections* to land as the site of economic, social, spiritual, and political sustenance. Understanding the limits of treaty interpretations which focus primary on the subjective – ethical and epistemological – valences of the Numbered Treaties requires us to parse out the dialectical relationship between the content of the Numbered Treaty agreements and the objective forms of social relation that transactional treaty interpretations simultaneously produce and require.

Following Rob Nichols’ theory of recursive dispossession, I think it is useful to read the texts of the Numbered Treaties as sites where the preconditions of capitalist accumulation are both proposed and instantiated. In his book *Theft is Property!* Nichols reconstructs the logic of colonial dispossession to account for the counterintuitive process that generates colonial property relations. Nichols’ main intervention into debates about the emergence and solidification of capitalist regimes of private property in Anglo settler colonies is to suggest that that

“dispossession’ may be coherently reconstructed to refer to a process in which new proprietary relations are generated but under the structural conditions that demand their simultaneous negation” (8). Nichols argues that in order to incorporate Indigenous nations into settler capital legal and economic mechanisms like treaty contracts were, and are, used to translate Indigenous peoples’ territorial relationships into the language and dynamics of propriety. In this first move of the recursive process the juridical and economic infrastructures of settler capitalism “transform nonproprietary relations into proprietary ones” (30). This process is creative in the sense that it generates “a new juridical and conceptual object – an abstraction – that serves to anchor relations, rights, and, ultimately power” (31). The abstraction created in and through the making of *Treaty 8* is the territory of Treaty 8 itself.

The sixth paragraph of *Treaty 8* is composed of one disorienting sentence. Each of the Numbered Treaties contains one of these very long sentences that delineate the boundaries of the treaty territory. Whenever I read these sentences in the Numbered Treaty documents I find them unnervingly weird because of how they are simultaneously hyper-focused on territory while being totally abstracted from land. In *Treaty 8*, for example, the text moves from the mouth of the Red Deer River west to the Rocky Mountains, northbound to the 60<sup>th</sup> parallel that now separates Northern Alberta from the Northwest Territories, before following a series of lakes and rivers that travel down to the northern border of Treaty 6. Grammatically, I find the sentence difficult to read because without a knowledge of the territory or a sense of the land it reads as a list of abstractions: Red Deer River; Rocky Mountains; Hay River; Great Slave Lake; Christie’s Bay; McLeod’s Bay; Fort Reliance; Lockhart’s River; Black Lake; Cree Lake; Athabasca River; Churchill River. This act of “colonial spatializing” nominalizes the land – conjugating it from living network of animate relationships to a series of nouns – and erases Indigenous presence,

concealing Indigenous life behind the possessive, “proper,” and proprietary nouns written onto the land by (and after) colonial surveyors (Goeman 296).

Ironically, for a sentence dedicated to claiming territory and jurisdiction over the land, the sentence begins with the intransitive verb “commencing,” which does not require a direct object. It is as if the sentence begins without regard for its material object – land – and rather starts from the premise of its own authority. In other words, from the opening utterance, the territory of *Treaty 8* is posited by the document itself: not as its pre-existing context, but as the result of its articulation. This logic of the contract’s self-authorization is also present in the shape of the sentence itself. The opening word of the sentence, “commencing,” finds its resolution in the closing word, “commencement,” as the movement of the sentence shifts from the verb which makes the territory to the noun which describes it. I read this movement as the instantiation of Treaty 8 Territory as a new juridical and conceptual object that anchors the transactional treaty relationship by giving it a discrete, proper, and proprietary object.

Following Nichols’ twofold schema of dispossession, the moves I’ve described above constitute the first step in the recursive process because they create the Treaty 8 territory as a proprietary object that could be individuated, quantified, and registered in colonial legal codes and mechanisms. Once this step has taken place, the control and title of this newly formed property is systematically transferred from Indigenous nations to the settler state (8). In *Treaty 8*, for example, the description of the territory is immediately preceded by the surrender clause which announces the “surrender” of Indigenous territory to the state. “In this way,” Nichols writes, “dispossession merges commodification and theft in one moment” (ibid). In other words, the Indigenous “title” to Treaty 8 territory created by the *Treaty 8* document can only be realized as a site of Indigenous sovereignty when Indigenous people extinguish their jurisdiction. In this

way, Nichols describes how “the dispossessed come to ‘have’ something they cannot use, except by alienating it to another” (31). In this logic, Indigenous peoples’ are figured as the original ‘owners’ of Treaty 8 territory but only “retroactively,” once *Treaty 8* has already transferred the title of the territory to the state (ibid).

This dispossessive logic of *Treaty 8* can also be read in its overwhelmingly passive representation of Indigenous peoples. For example, *Treaty 8* continually describes Indigenous nations as people as subjects of – and subjected to – the Crown. Phrases like “Her Indians [sic]” and “Her Indian [sic] people” present the relationship between Indigenous peoples and the Crown in a possessive register. This syntactical framing has the effect of rendering Indigenous people as affected by the treaty making process rather than participating in it; it also objectifies them as possessions of the Queen: “Her” subjects. This objectification mirrors the possessive relationship the Crown has to Indigenous territories. With the exception of the first paragraph, the specific national identities of the Indigenous people are absent from the document. Indigenous nations are stripped of their political specificity and identified as “inhabitants of a territory” or a “said tract.” This grammatical reduction of Indigenous singularity results in a conflation of Indigenous peoples with land – which is itself in this document subject to a cruel, and rather absurd, process of abstraction – rendering both Indigenous bodies and lands affectable objects in *Treaty 8*’s colonial grammar of possession. As Brenna Bhandar writes in her analysis of the colonial logic of property, “laws of property also *reflect and consolidate language*, ways of seeing, and modes of subjectivity that render Indigenous and colonized populations as outside of history, lacking the requisite cultural practice, habits of thought, and economic organization to be considered as sovereign.” (*emphasis mine* 3) The text of *Treaty 8* demonstrates this consolidation of language.

The grammar of the document subjects Indigenous people to the will of the Crown and re-arranges land based social relations in a way that delimits authority according to proprietary colonial frameworks. *Treaty 8* represents land in two primary ways, both of which fall under the logic of the colonial surveyor. As I mentioned above, the first instance where land is mentioned in detail in *Treaty 8* is in the long sentence that composes the entire sixth paragraph of the text. Formally, this sentence constantly pushes the limits of the sentence as a discrete unit of thought in a way that reflects the rapacious, unending colonial desire for territory which both relies on and pushes against its own rational and representational limits. In this section of the document, there is no mention of Indigenous people's various social and political ties these territories. The sentence lacks a concrete subject and with no subject, the language of settlement appears to be animated by its own force. In a succession of phrases beginning with the adverb "thence," the description of Treaty 8 territory moves from the "source of the Red Deer River," along the Rocky Mountains, east to Hay River, northeasterly to Great Slave Lake before turning south until it meets the only other geopolitical boundary recognized by colonial authority: the northern edge of Treaty Six. As if from an omnipotent perspective, the vibrancy and diversity of the territory in question is reduced to a series of borders delimiting the Crown's proprietary interests.

The second mention of land in the document refers to the establishment of reserves for Indigenous people. The document portrays land, again, not as a framework or ground of political, social, and economic relations, but rather as a geography to be carved up and distributed as property. In particular, the logic of reserves is wedded to the heteronormative family. Each family is given a tract of land of "one square mile." The quantitative standard for a "family" is five people in this model. This standard presumes a particular form of capitalist patriarchy as the

apex of kinship relations and then sets this ideal into economic and legal policy.<sup>45</sup> Linking property to the heteronormative institution of the nuclear family, the gendered and racializing function of colonial property logics is on full display.

A close reading of the official text of *Treaty 8* helps grasp how language was used to *figure* the treaty relationship in a way that emphasized the Crown's agency while dismissing the agency of Indigenous nations. The text, for example, is written primarily in the present perfect tense—for example, “the said Indians [sic] have been notified and informed by her Majesty's said Commission that it is Her desire to open for settlement” is in the present perfect tense. Here, the past tense of the verb ‘to be’ – “*have been*” – is paired with the verbs in the past participle – “notified and informed.” At this point, there are two things I want to say about the present perfect tense. First, it emphasizes the *result* of an action or event rather than details about the *process*; grammarians call this voicing the present perfect of result. The Indigenous nations *have been informed* of the results which has already happened: that their territory has been opened for settlement. The present perfect arrangement of this sentence takes the result of the treaty making process – dispossession and settlement – for granted, rather than staying with the contingency connoted by the phrase “it is Her desire.” Here, I understand the grammatical figuration of *Treaty 8* as an event which has happened but whose importance can primarily be seen in its results emphasizes a transactional account of treaty over a relational process of negotiation. This linguistic framing of the treaty relationship emphasizes the content of *Treaty 8* – its results – over the form *Treaty 8* takes – the process by which those results were generated and are reproduced. I take seriously the claim that social juridical, economic, and political forms are imbued with

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<sup>45</sup> For detailed accounts of the relationship between patriarchy, family formation, and early colonial policy on the prairies see Carter, *The Importance of Being Monogamous* (2008) and *Imperial Plots: Women, Land, and the Spadework of British Colonialism on the Canadian Prairies* (2016).

ideological content, and so I read the grammatical figurations of *Treaty 8* as expressions of settler capital's possessive and transactional logics.

The second thing I want to note about the use of the present perfect tense is that it is passive. The subject of the above phrase, for example, "Indians [sics]" is affected by the verbs "notified and informed." In an active voice, the verb is set into motion by the subject. In *Treaty 8*, though, when Indigenous people are referred to, a passive voicing is used and renders Indigenous people passive subjects. This locates the Indigenous Nations as passive in the treaty making process, giving the power of action almost exclusively to the Crown. Importantly, one of the only times in the document when Indigenous people are given agency is when they are said to consent to their own dispossession: "the said Indians [sic] do hereby cede, release, surrender and yield up [...] forever, all their rights, titles and privileges to the land." This phrase is not set in the passive voice, or the past tense, giving the Indigenous treaty partners an active relationship to the verb in question – "do" – and it is conjugated in the present tense.

The forms of linguistic arrangement that structure *Treaty 8* mirror a form of reified social organization that is contradictory to many Indigenous philosophies and legal orders. Relational understandings of treaties are based on a reciprocal rather than possessive theory of social interdependence with the land. This includes the reciprocal relationship between land and language.<sup>46</sup> In his essay "Earth Bound," for example, Borrows writes that Anishinaabe "legal practice starts with understanding [the] language and drawing analogies from the earth. The word used to describe this process [is] *akinoomaagewin*. This means we learn how to live well by giving our attention to the earth and taking direction from her [sic]." (51) In Borrows' understanding, "Anishinaabe morphemes and words are drawn from the ecologies that sustain"

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<sup>46</sup> For a thorough discussion of this relationship see Armstrong (1998) and Henderson (2006).



life” (51). In Borrows’ writing, there is a dynamic and reciprocal relationship here between language, land, and law. The colonial grammar that organizes *Treaty 8* stands in direct antagonism with this linguistic representation of social interdependence. The colonial grammar of *Treaty 8* is predicated on Indigenous subjection and the objectification of land; Borrows’ description of Anishnaabemowin – which he extends to cognate Algonkian languages like nêhiyawewin – is a grammar of mutual interdependence. The antagonism between these two grammars of relation indexes *Treaty 8* as a site where one mode of production attempts to subdue and overwrite the other. In the final section of this chapter, I turn to Billy-Ray Belcourt’s poem “Treaty 8” to explore how he confronts the grammars of Indigenous dispossession that structure *Treaty 8*, demonstrating that the antagonism between settler capitalist treaty visions and Indigenous ones are neither settled nor reconcilable.

### **The Terms of the Unwritten**

In “Treaty 8,” Belcourt sculpts an alternative treaty vision out of the written language of the *Treaty 8* text. He plays with the transit between the formal constraints of *Treaty 8* and poetic language that strains against those constraints by surfacing the latent tensions between Indigenous modes of life and settler capitalist ones within the document. In his reworking of the transactional language of *Treaty 8*, Belcourt foregrounds questions of interpretation, legibility, and representation central to the project of treaty making. By confining himself to the written language of the colonial treaty, Belcourt teases out the immanent antagonism between forms of Indigenous social life that precede and exceed settler colonial discourses of confinement, and the practices of imaginative and material enclosure that characterize the official treaty text’s regulative imperative. The original imperative “to be made in the manner following” the colonial

regulation of Indigenous life on reserves for example, becomes “A PROVISIO / TO BE MADE / IN THE / APART” as Belcourt’s poem splits from its source to imagine life “apart” from the bonds of colonial enclosure (48). In this form making and form breaking poem, Belcourt ruptures and rearranges the grammar of *Treaty 8*, creating openings where treaty relations might be thought and lived otherwise.

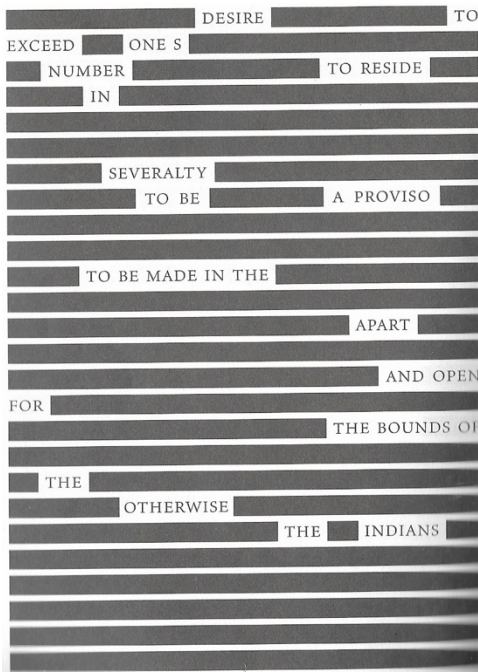


Figure 2. Page 48 of *NDN Coping Mechanisms*.

“Treaty 8” is a blackout poem. It surfaces the disavowals that instantiate the official text of *Treaty 8*. Formally, Belcourt redacts words, phrases, and sections of *Treaty 8*, re-presenting the text in order to critique the normative social, cultural, and political forces of individuation and accumulation that animate it. In Belcourt’s “Treaty 8,” the “SIGNIFIED/ FORKS,” opening into both “THE / LOCALITY” of the treated territory and the haunting abstraction of “A REAPER / GIVEN ALL THE / ENCOURAGEMENT / TO CONTINUE HUNTING / ON / BEHALF OF THE /

LAW” (50). I read the contradictory structure of the Numbered Treaties in this semantic fray. The grounded energies of “LOCALITY” emerge in a threatening and antagonistic relationship with the propertied abstractions of the “LAW,” which takes form of the “REAPER” who stalks “THE/ INDIANS” across the territory of the text (50-1). In a dialectical fashion, when “THE / SIGNIFIED / FORKS” it creates *both* the concrete locality and the violence of capitalist abstraction. The one becomes two.

As I demonstrated in my reading of *Treaty 8*, the abstracting processes of commodification that underwrite the transactional interpretation of the Numbered Treaties do not only erase Indigenous agency. They actually produce the locality of Treaty 8 territory, which did not exist as such before it was inscribed in colonial law. The contradictory unity of possession and dispossession inscribed in *Treaty 8* complicates ethical and epistemological readings of the Numbered Treaties which imagine that a return to the ‘spirit and intent’ of the agreements might make more just relations possible because it reminds us that Indigenous nations and colonizers imagined relations of treaty, land, and social interdependence in unreconcilable ways. Reflecting on the contradictory function of language in the Numbered Treaties in an interview, Belcourt rejects the liberal fantasy that the antagonism at the heart of the Numbered Treaties can be overcome by clarifying understandings or finding common grounds between settlers and Indigenous peoples:

[In the making of Treaty 8] it was not just that two languages failed to be rendered clearly to one another, but also that the ethico-philosophical tenets of the Cree language exceeded the ethico-philosophical possibilities of English. One was buoyed by a politics of generosity and futurity, the other by a desire for conquest. (50)

Following Belcourt’s own reflections, “Treaty 8” reminds me that the goal of anti-colonial treaty analysis should not be to retrench the “locality” articulated in *Treaty 8*, but to proliferate a series of interpretive situations in which we can grasp how the juridical boundaries of Treaty 8 territory, its “locality,” cannot actually be separated from political, economic, and ontological commitments of conquest that wrote the territory of Treaty 8 into existence. As the Argentinian autonomist collective *Colectivo Situaciones* writes:

*Situation* and the *locality* are not the same thing. The local is the territorial delimitation of the global. Therefore, the local is a part of the global, and every bit as abstract as it. The situational, on the other hand, refers to the fact that, based on our experience, we can

elaborate a point of view that is practical, but also theoretical, about the issues that concern us. (n.p.)

In my practice of anti-colonial treaty interpretation, then, I attempt to move beyond symbolic and epistemological horizons of interpretation which delimit the scope of treaty interpretation to merely “local” senses of political contestation within the narrow confines of settler capitalism. Instead, I offer an account of treaty as a much more totalizing conflict between two radically opposed modes of life. Reading “Treaty 8” from this vantage, I posit that Belcourt’s poem elaborates Indigenous treaty visions to offer imaginative frameworks for building worlds where futurity is imbued with generosity, not conquest.

Firmly engaging with this conflict, Belcourt’s appropriation of *Treaty 8* raise a series of questions related to the authority of representation, the absences that constitute settler colonial presence, and the role of property and priority in treaty interpretation. For settler literary theorist Sarah Dowling, poetic appropriations like Belcourt’s work by “moving a sequence of words from one location to another” and are thus “uniquely attuned to questions of place and priority: appropriation specifically consists in re-placing a text that is marked a ‘original’ and as belonging in and to a specific location” (101). Poetic appropriation tunes the reader into how literary meaning is historically produced in *time* (originality) and *space* (location); it draws our attention to the spatial-temporal situation in which the text was produced *and* the situational context of its circulation. Far from reductive theories of poetic form as either an autonomous genealogy of aesthetic practices or a merely mimetic expression of social and economic forces, Belcourt’s poetic appropriation of *Treaty 8* offers a way of reading poetic form as inherently spatial, historical, and social.

In “Treaty 8,” the formal antagonism between the ‘original’ text of *Treaty 8* and its re-presentation produces a readerly situation in which we are required to attend to the continuities between the historical situation that produced *Treaty 8* and the contemporary situation in which we encounter it today. Rather than attempting to render a romanticized form of relation from an ‘original’ treaty situation, Belcourt’s re-writing of *Treaty 8* stages a direct confrontation with the social contradiction of treaty relationality in the settler colonial present. Importantly, what Belcourt describes as his “subversive form of translation” which refuses to be “consigned to the state of the dispossessed” is an inversion of the avant-garde strategy of appropriation used by many white conceptual poets (“Rehearsal” 50). In her critique of appropriation as a dominant technique of contemporary white conceptual poetry, Dowling suggests that while the compositional strategies of appropriation mobilized by white conceptual poets like Kenneth Goldsmith appear to challenge proprietary orientations to language in an internet age of a new digital commons, their work actually reproduces a deeper Lockean commitment to property that turns on the mixture of poet’s labour and the “common” property of language to create a new, and enhanced, object.<sup>47</sup> For Dowling, poets like Goldsmith “imagine language, or at least the history of print publication, as a type of land – a commons wrongly enclosed” (99). As such, “the implication is that poets’ writerly labor improves this neglected territory and allows them to claim it justly” (99). Like the labor of the settler whose working of the land creates a new type of

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<sup>47</sup> Dowling uses Goldsmith’s poetic and theoretical writings as the focus of her critique. The racial politics of Goldsmith’s appropriative logic can perhaps best be seen in his reading of 2015 reading of “The Body of Michael Brown,” a 30 minute reading of the autopsy report of Michael Brown who was murdered by Ferguson police officers. Goldsmith’s reading was *heavily* criticized by his contemporaries both for its shallow understanding of the politics of identity and its bankrupt theory of aesthetic autonomy from the historical production of race and the libidinal economy of representation. Of particular note was the final lines of the Goldsmith’s appropriate which was hyper-focused on Brown’s genitalia. For particularly salient critiques of the white supremacist tendencies of conceptual poetry see: Park Hong, “Delusions of Whiteness in the Avant-garde” (2014); CA Conrad, “Kenneth Goldsmith Says He is an Outlaw” (2015); Chris Chen and Tim Kriener, “Free Speech, Minstrelsy, and the Avant-Garde” (2015); and Moten and Harney’s “Michael Brown” (2015).

use value and thus justifies his ownership of it, the poetic labours of conceptualism frame “language and text as *res nulli* – as objects void of prior claims of interests, and susceptible to being taken” (100) Against the (a)historical whiteness of avant-garde practices of appropriation, Dowling suggests that contemporary Indigenous poets “return appropriation to its settler colonial fundament in order to build a much deeper historical critique of the processes of dispossession” by employing “compositional processes, formal structures, and content to address the forces shaping Indigenous lives and communities” (110). In this way, Belcourt turns appropriation against itself and invites a history of antagonism and collective struggle back into treaty interpretation.

In my reading of Belcourt’s poem, this historical critique can be productively indexed to Jameson’s third horizon of interpretation – the historical horizon where modes of production confront one another. “Treaty 8” demonstrates the struggle between the capitalist mode of production – which is based on the individuation of lands and bodies – and Indigenous forms of life that reproduce the “DESIRE” to “RESIDE / IN / SEVERALTY” (48). I take this desire to “EXCEED” the inscription of capitalist subjectivity, as individuation, as an expression of “OTHERWISE” modes of organizing and producing social life that are antagonistic to capitalist accumulation (48). As Belcourt writes in “Melancholy’s Forms,” (which appears two poems later in the collection): “we concoct our own social experiment, one without / end, and umoneyed one, alive and indeterminate, / but always rebellious” (66). The negative relationship between the determining forms of value and money and the ongoing experiments of indeterminate sociality that make Indigenous worlds, I want to suggest, resonates with the antagonism between the proprietary logic of the “one” and the collective logic of “severalty” that runs through “Treaty 8.” This tension between the one who owns and the many who don’t, between propriety and its

negation, situates the Numbered Treaties within a lineage of anti-capitalist and anti-colonial struggle in *NDN* coping mechanisms; struggles to not only *defend* lands and lifeways from the dispossession of settler capital, but to inhabit and create the “not not-yet of utopia” of Indigenous life “synced to a choreography of alternatives, of revolutionary affect” (“Red Utopia” 77). As such, appropriating the original text of *Treaty 8* allows Belcourt to “approach language as an inherent problematic and subject of inquiry rather than a mere vehicle for representation,” and offers a way of reading *Treaty 8* that attends to its immanent contradictions (Eichorn and Milne 9).

The result of this formal, compositional strategy is strikingly visual. Belcourt’s chosen language radiates against the justified black blocks of redacted text that structure the page. This contrast incites a visual and linguistic intensity that undermines the fixity of the official treaty document. Notably, throughout the second section of *NDN Coping Mechanisms*, Belcourt employs visual poetry, photographs, and more explicitly experimental poetic forms to “lay bare a form of pain unhearable in the theatres of liberal redress” (“Melancholy’s Forms” 64). “Treaty 8,” for example, is preceded by two images that open the second section of the collection. The first, “Fawcett, AB,” is a photograph of a dark sky, threatening to storm above a field of prairie grasses leading to a thicket of poplars (41). In the foreground of the image, an old restaurant sign lies on the ground, upside down and discarded. The second is a visual poem which repeats the phrase “to write against the unwritability of grief” with increasing intensity as the kerning and spacing of the lines become more and more dense toward the bottom of the page (43). Both of these pieces, I think, acclimate the reader to the atmospheric pressures and density of colonial violence they will encounter in the heavy blacked-out negative space of “Treaty 8.” Each of

these visual poems also question the extent to which these pressures can be represented in language.

The opening page of “Treaty 8” raises this question, invoking the “LIMITS / OF / REPRESENTING / INDIAN SUBJECTS” and implicating the desire to do so in a colonial order “ARRANGED” by the “WILL” of conquest (45). The opening constellation of limitation, representation, and arrangement highlight *Treaty 8*’s intention to define and confine Indigenous subjects *as* subjects of, and in, the linguistic arrangements of empire. Belcourt identifies the limits of *Treaty 8* to possibly represent the terms of the agreement. Surrounded by the weight of the blacked-out lines, “THE LIMITS” sets the tone for the poem’s larger engagement with tension between the narrowing enclosures of colonial treaty visions and the expansive Indigenous visions of social interdependence that the written treaty document cannot capture. “THE LIMITS” also provokes the reader to consider the ways in which treaties have served to delimit Indigenous social worlds. One result of the treaty agreements, for example, was the enclosure of Indigenous sovereignty to reserve lands subject to Indian Act structures of governance. Through the work of Mohawk policy scholar Russ Diabo, we can better understand the trajectory and history of these imposed limits that Belcourt’s poem connotes. Diabo traces the development of Canada’s colonial policy from *An Act for the better protection of the Lands and Property of the Indians in Lower Canada* and *An Act for the protection of the Indians in Upper Canada* (1850), to the *Act for the Gradual Civilization of the Indian Tribes of the Canadas* (1857). Diabo’s list also includes the confederation policy of *The British North America Act* (1867), the *Act for the Gradual Enfranchisement of Indians* (1869) before culminating in the *Indian Act* (1876). As Diabo asserts, the objectives of this legislation were the persistent diminishment of Indigenous self-determination. However, these intentions, as Diabo



argues, directly contradict the Crown's treaty obligations. With specific reference to the *Indian Act*, Diabo writes:

The purpose of this Act was the 'gradual removal of all legal distinctions' between Indians and settlers, and it provided criteria for enfranchisement. This marked the beginning of intrusive legislative measures which began to interfere in the internal affairs of the Indian nations. At the same time, these pieces of legislation increasingly contradicted the nature and scope of the treaty relationship, and the terms of the treaties themselves. (1)

Diabo's analysis returns us to the kernel of contradiction at the heart of treaty: treaties both affirm Indigenous sovereignty and create conditions in which this sovereignty can only be practiced as abdication. Reading Belcourt's poetic re-statement of the terms of *Treaty 8* alongside Diabo's study of the shifts and adaptations of colonial policy, it is clear that the social contradiction of treaty is neither static nor inevitable. Treaties are sites of social contradiction; the products of historical forces and sites of political struggle through which social relations can be made, unmade, or made anew.

The antagonism between transactional and relational grammars of treaty plays out in "Treaty 8," whose striking visual dynamics surface this tension. Unmoored from the grammatical entrapments of the original document, Belcourt's poetry moves within, against, and beyond the language of *Treaty 8*. Visually, Belcourt's poetry composes the foreground of the poem-as-image set against the oppressive black background of the redacted text. Belcourt's poetry hovers over his redactions. Where the colonial document of *Treaty 8* is meant to fix the coordinates of the treaty relationship, Belcourt's poem destabilizes these topographical attempts.

In an analysis of Belcourt's first collection of poetry, *This Wound is a World*, Sonja Boon and Kate Lahey suggest the metaphor of drifting might be a generative way to read Belcourt's poetry as, and in, a "geography that will not be fixed, and the complexities of a wounded world that cannot be mapped" (33). The metaphor of drifting challenges the "firm coordinates" of

settler colonialism (33); in Belcourt's poetry, drifting "is necessarily about resisting containment, undoing the boundaries of colonial desire by moving across and through them." (36). Elaborating on this proposition, I want to suggest that the language of "Treaty 8" also drifts, almost hovering above the bounded locality represented by the contractual form of *Treaty 8* and exceeding the captures of colonial representation. Reflecting on grief and dispossession in the literal afterlife of treaty making, Belcourt writes that "she who / grieves out loud floats above the world" ("Melancholy's Forms" 62).

In her study of the "poetics of drift," Samia Rahimtoola suggests that the metaphor of drifting "refracts the formal difficulty of articulating a mode of inhabiting a place that resists coloniality's twin logics of possession and dispossession" (41). In the space between these twin logics, the disjuncture between the representative strategies of *Treaty 8* and the non-representative poetics of "Treaty 8" registers what Belcourt calls the "fundamental rupture from the past and [his] culture" that he lives and writes within ("Rehearsal" 53). In this "indeterminate, but always rebellious" space ("Melancholy" 66), Belcourt can "use English against itself, expose how unstable its ontological ground is" and "disidentify with the terror that my speaking English represents" in order to "imagine otherwise possibilities" ("Rehearsals" 53). Rather than try to resolve the contradictions between colonial domination and Indigenous life that structures the Numbered Treaties, Belcourt amplifies it "IN WITNESS" (51) of Indigeneity's "precarious relation to space in a social and material world fully structured by coloniality's dispossessions" (Rahimtoola 46).

Drifting "rogue, unwatched" and "astray" ("Red Utopia" 78), Belcourt's re-writing of *Treaty 8* undermines the representative enclosures of the colonial document as contractually bounded agreement. Instead, the vision of treaty readers encounter in Belcourt's poem is a

“PRIVISO / TO BE MADE IN THE / APART / AND OPEN / FOR / THE BOUNDS OF / THE / OTHERWISE.” (48) Here, in the “open,” treaty drifts into the “BOUNDS OF / THE / OTHERWISE.” Given the multiplicity of interpretations that Belcourt’s poem compels, I want to read both “open” and “bounds” simultaneously as nouns and verbs. In the first case, the “open” and “the / otherwise” are places from which to set out and to arrive at; in the second case, the act of making treaty “apart” from the limits and expectations of the colonial document “opens” treaty relations up from their fixed legal meanings, setting them “bounding” towards alternative possibilities.

Interestingly, the Latin etymology of “bounds” traces back to the root *bombus*, signaling some kind of humming or resonance (OED). What’s interesting about this etymology is that the centrality of “the / otherwise” to the final movement of Belcourt’s poem *resonates* with the work of Black Studies theorist Ashon Crawley who has theorized the extensive possibilities of “the otherwise.” In his essay “Otherwise Ferguson,” Crawley describes the otherwise as follows: To begin with the otherwise as word, as concept, is to presume that which we have is not all that is possible. Otherwise. It is a concept of internal difference, internal multiplicity.

The otherwise is the disbelief in what is current and a movement towards, and an affirmation of, imagining other modes of social organization, other ways for us to be with each other. Otherwise as plenitude. Otherwise is the enunciation and concept of irreducible possibility, irreducible capacity, to create change, to be something else, be explore, to imagine, to live fully, freely and vibrantly. Otherwise worlds. Otherwise expresses an unrest and discontent. (2018)

As a concept of internal difference and multiplicity, a simultaneous discontent with the world-as-is and affirmation of the irreducible capacity to imagine other modes of social organization, Crowley’s sense of the otherwise adds a conceptual dimension to “Treaty 8.” In and through the Belcourt’s invocation of the otherwise, we see an immanent tension within *Treaty 8*. Treaty

again appears as both a tactic of settler colonial limitations *and* an enunciation “of irreducible capacity to create change.” Rather than define what might be “otherwise,” though, Belcourt’s poem invites readers to engage with the internal multiplicity of treaty language, challenging us to explore and imagine what it might mean to live treaty relations more indeterminately: fully, freely, and vibrantly.

In “Treaty 8,” the “DESIRE TO EXCEED ONE S NUMBER” is a desire to live beyond the threshold of colonial legality; beyond the limits of a semiotic regime in which subjects, as the instantiation of the singular possessive force of politics, determine the arrangement and logic of treaty relations; to live outside of what Moten and Harney call the “settler rhythm” of “citizen and subject, of dividuality and individuation, of genocide and law” (55). Indeed, the subtle slippage of “ONE” into “ONE S” – one of the only moments in the poem when Belcourt actively modifies *Treaty 8*’s individual words – is made possible by translating the cartographic measure of “one square mile” into “one square ~~mile~~” (48). Even at the level of the word, Belcourt’s poem interrupts the relationship between the singular possessive and the logic of property. The “otherwise” practices of living beyond the matrix of individuation and possession, and the world building poetics of this living are, a motif and motive that saturate Belcourt’s work.

Belcourt works to “HONOUR / THE TERMS / OF THE UN / WRITTEN” in his analyses of treaty. Belcourt’s “terms of the un” gesture to the complexities of the “un / written” by challenging readers to think about how the prefix “un” modifies the verb “to write.” As a prefix, “un” signals a negative relation of opposition as well as reversal, release, or removal. In Belcourt’s voicing, the terms of the unwritten drift away from colonial treaty terms to a more expansive understanding of unwritten: the unwritten as a lived performance; an arrangement that is *yet to be* articulated; an impulse of relation that might well be *unwritable* in colonial

grammars; and a practice of relation that exists within but must be released from the written. As he writes in “Red Utopia,” “Un-. Un-. Un-: a prefix is a portal” (78). In each of these cases, the un/written is more than an additive meant to supplement the written. Instead, the enjambed space between the prefix and the verb is the space of the otherwise. A space which expresses a discontent and opposition but also a space that makes a release, reversal, removal, or drifts away from that opposition possible.

Read within an analysis of treaty as a social contradiction, Belcourt’s work cultivates an attention to the expansive world of Indigenous social relations. The visions that he offers exceeds a contractual understanding of treaty that is predicated on the legitimacy of possession and a narrow, colonial understanding of sovereignty. Re-presenting *Treaty 8* in ways that honours the “terms of the unwritten,” Belcourt challenges readers to think more deeply about the relational understanding of treaty relations, but also how these relational interpretations exists in a direct contradiction with the transactional account offered by *Treaty 8*. In the bind of this contradiction, scholars of treaty who are committed to anti-colonial social relations need to struggle not only with the limits of their own understandings of treaty philosophy, but also the potential of treaty to be a vehicle for a transformative politics of social interdependence.

### **Interlude: Cede / Seed**

In the first two chapters of this dissertation, I suggested that the differences between Indigenous and settler colonial treaty visions are antagonistic. Dominant settler interpretations of the Numbered Treaties are based on a transactional model of interdependence underwritten by the economic and juridical form of the contract. The representation of Numbered Treaties as contracts reifies treaty relationships, making settler colonialism appear consensual, transhistorical, and inevitable (Snelgrove 2022). Ultimately, this apparent naturalization serves to narrow the scope of treaty agreements to discrete articles of interpretation captured in colonial documents (Starblanket 2019). In the transactional model, treaties reflect modalities of social interdependence determined by capitalism's tendency to reduce all social relations to commodity relations. Indigenous treaty visions, on the other hand, might be best characterized by a relational model of social interdependence (Starblanket and Stark 2019). In the relational model, treaties generate reciprocal obligations of responsibility, autonomy, and mutual self-determination (Craft 2013). Based in ecological, spiritual, and material relations of mutual interdependence, Indigenous treaty visions offer frameworks of governance that preserve autonomy while creating the framework for successful international relationships (Borrows 2016). Against settler capital's tendency to enclose all social relations within its forms of valuation, Indigenous treaty visions sustain treaty's expansive, transformative energy (Stark 2010).

When transactional and relational philosophies of treaty are brought together in the Numbered Treaties, their apparent unity obscures a material contradiction between antagonistic ways of organizing social life. The popular phrase "we are all treaty people," for example, might first appear to challenge the colonizer's willful ignorance of settler colonial history, but, without an understanding of how contemporary operations of dispossession undercut the optimism of that

claim, it serves to depoliticize, individualize, and neutralize treaty as a political concept of Indigenous governance. As Dallas Hunt and Gina Starblanket write:

This persistent, Eurocentric mis-framing of treaties as land transactions instead of relationship frameworks deflects from unaddressed issues [...] such as outstanding land claims, jurisdictional issues, Indigenous political and legal subordination, and deeply sedimented inter-societal tensions between Indigenous and non-Indigenous people on the prairies (57).

Reading the Numbered Treaties as social contradictions means attending to the political and interpretive limits imposed on treaty relationships by settler capitalist structures of domination. Rather than assuming the unifying power of treaty as a category of identification, I attend to its decolonial kernel that haunts unifying narratives of good relations: “in order for there to be good treaty or kinship relations, the world as it is currently constructed [...] need not only change, but to be dismantled and eradicated” (Hunt & Starblanket 110). Echoing Frantz Fanon’s description of decolonization as the sustained and collective movement to completely “change the order of the world,” (36) Hunt and Starblanket insist that in order for treaty to be lived in an ethical and material way settler capitalist social relations need to be abolished. Rather than ceding the ground of treaty interpretation to the deputies of recognition or reconciliation, approaching the Numbered Treaties as social contradictions emphasizes them sites of political, material, and discursive struggle to transform colonial social relations. In this second section of my dissertation, I turn to examples of Indigenous poetry that stage the tension between transactional and relational treaty interpretations at the level of poetic form.

Questions of interpretation and form are crucial to political inquiry. They are also central questions in the practice of literary criticism. In the remaining chapters of this dissertation, I think with and through works of contemporary Indigenous poetry that engage the tension between Indigenous and settler capitalist treaty visions as an important focus for decolonial study

in Canada. The poems I read in the following chapters draw out the impasses and intensify the possibilities of mobilizing treaty as a form of anti-colonial social transformation. These poems gain their critical edge from how they interrogate the conditions of possibility for transformative treaty relations. Such critiques need not unfold in the same way twice. For instance, poet Dallas Hunt's *Creeland* interrogates how settler colonial regimes of signification, affect, and violence become vectors for transformation, where Emily Riddle's "Cree Girl Explodes the Political Project Called 'Alberta'" mobilizes poetic form to figure a vision of transformation rooted in the resurgence of nêhiyaw political forms. Additionally, in *Whitemud Walking*, Matthew Weigel works at the very limits of archival and historiographical language to communicate the breadth and depth of knowledge necessary for cultivating transformative treaty relations while offering a layered method for engaging the contradictory history of the Numbered Treaties.

In each of these examples, the antagonisms between Indigenous and settler capitalist treaty visions are registered at the level of poetic form. In this way, the internal organizing logics of each of the poems I think with in this chapter are animated by the contradictory energies that I have been tracing throughout the dissertation thus far. Moreover, these poems draw on Indigenous treaty visions to demonstrate how the material conditions of colonial domination truncate the social and political force of those traditions. Again, rather than a neutral site of belonging, treaty – in a settler colonial context – is a concept shaped by an opposition between forms of social life. My reading of the poems in the chapters that follow elaborates this opposition, positing that poetry offers imaginative spaces to not only critique the limits of transactional accounts of treaty, but more importantly, to thinking about *transformative* ones: ones that point to decolonization as the horizon of treaty struggles.



If transactional interpretations of treaty attempt to fix the meaning through the form of the contract, relational philosophies of treaty emphasize them as capacious frameworks of governance meant to grow and adapt with changing material conditions. In his collection *Whitemud Walking*, for example, Matthew Weigel refers to his poetic practice as “resistance historiography”: “an imaginary that envisions and enacts the infinite incompleteness of treaty” (8). Here, Weigel writes against transactional accounts of treaty that are anchored by a *definitional imperative* to clearly demarcate the terms and limits of the state’s obligation to Indigenous people. Disarticulated from the ceremonies and negotiations treaties emerged from, interpretations of treaties as fixed term contracts create a system in which the state can appear to fulfil its obligations and responsibilities without meaningfully addressing the ways in which their operating definitions of obligation reproduce long standing asymmetries of power. This emphasis on clearly *defining the terms* of treaty disguises treaty struggles as epistemological struggles over definition, rather than material conflicts over land, power, and life chances.<sup>48</sup>

The implicit – and always deferred – promise that accompanies the definitional imperative is that Indigenous peoples and the state might reach a shared definition of treaty that would facilitate the meaningful address of treaty disputes. The colonial fantasy of interpretation here is to establish a fixed, stable, and transhistorical definition of treaty. But, as Starblanket argues, “the implementation of treaty requires a commitment to envisioning a fundamentally

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<sup>48</sup> I borrow the phrasing of “life chances” from the work of trans activist and legal scholar, Dean Spade (2015) and Black feminist scholar Saidiya Hartman (2006). Writing about representing trans people’s experiences of the administrative violence of U.S. social services, Spade describes how his clients are “basically unfathomable to the administrative systems that govern the distribution of life chances: housing, education, health care, identity documentation and records, employment, and public facilities, to name but a few” (xii). Echoing the material (mal)distribution of material needs and necessities, Hartman characterizes the afterlife of slavery “skewed life chances, limited access to health and education, premature death, incarceration, and impoverishment” (6). In my reading, both of these indices of “life chances” to housing, healthcare, employment, education, and civic status are all related to Gilmore’s definition of racism as “the state-sanctioned or extralegal production and exploitation of group-differentiated vulnerability to premature death” (2007 28).

alternate form of relationship, one that lies *outside of Canada's past and current political imaginary*" (*emphasis mine* 2021). This is, in short, the critical import I believe the poetry I read in this dissertation brings to the conversation.

If the language of law, philosophy, and political theory aim to structure the language of the world in ways that 'make sense,' we might think of poetry as a site where formal experiments in language confront those limits, highlighting the sensuousness and indeterminacy of language, demonstrating how it is not, and cannot be, "settled" by semiotic regimes of order. In this register, Cherokee scholar Daniel Heath Justice suggests that poetry is a "particularly compelling literary form for confronting the ruptures of history and the fragmenting effects of settler colonialism (60). He writes, "poetry distills the rage, pain, and defiance of Indigenous peoples, who remain under ideological and physical assault by settler populations that so often insist that our continued existence is an affront and an impossibility" (60). Eschewing singular interpretations for a multiplicity of meanings, definitional enclosures for the movements of metaphor, and the autonomy of the word for an associative metonymic network, Justice remarks that "poetry makes intelligible a whole range of emotions and embodied understandings that we otherwise struggle to articulate" (77). While nothing about these figurative elements of poetic language is inherently emancipatory, let alone political, poetic attention to how meaning is generated through relations and difference offers imaginative spaces to think about what futures might emerge from treaty struggles today. Writing in the context of anti-colonial and anti-capitalist trans poetics, Andrea Abi-Karam and Kay Gabriel write: "poetry isn't revolutionary practice; poetry provides a way to inhabit revolutionary practice, to ground ourselves in our relations to ourselves and each other" (2). I am compelled by this formation of poetry's relation

to politics especially because of its focus on *relations* as sites of practice and inhabitation, sites of social making, or *poesis*.

Indeed, even working distinctly in the realm of Indigenous political theory and policy studies, Starblanket invokes the necessity of creativity and imagination for a critical treaty politics. “I’m arguing in favour of the imagination of alternative ways of drawing upon our traditional practices of treaty making within our contemporary political engagements,” she writes: “an important way of avoiding the frozen in time approach and engaging in a more creative and future oriented engagement with treaty implementation is to shift the character of political discourse away from a focus on the Crown’s record of treaty implantation and towards the question of what treaty means for Indigenous people” (2021). In contrast to the fixity of colonial political discourse, stable definitions of treaty terms, and the narrowly historical interpretation of treaty politics, Starblanket emphasizes creativity, imagination, futurity and alterity as resources for a transformative treaty politic.

Confronting the emphasis on cessation in the Numbered Treaty documents, Starblanket rejects transactional accounts of treaty which narrate treaty making as a process of “ceding” land; instead, she argues for a relational understanding of treaty as a practice where Indigenous negotiators were “seeding” their visions for future generations: “in taking treaty, Indigenous people were trying to create something new, something that would grow and emerge and in fact provide not just for our survival but for our people to thrive into the future. I wanted to start with that imagery of a seedling or a plant in opposition to the idea of ceding or surrendering our territory” (2021). While Starblanket does not elaborate on this line of inquiry in her talk, the poetic homophonic displacement of cessation with seeding offers many important things to think about in relation to her broader project of treaty thinking.

To start, the figurative elements of Starblanket's distinction between "cede" and "seed" evoke questions of interpretation, textuality, and orality. One of the major tensions between transactional and relational accounts of treaty is whether or not the written record adequately represents the agreement in its totality. As Venne argues, written accounts of treaty are steeped in the colonial chauvinism that privileges text over oral histories (1997, 2007). Rather than relying on the anemic accounts of the agreements offered in the written treaty documents, Venne suggests that the key to understanding treaties as they were intended by Indigenous nations is to "listen and learn" from the oral traditions. "Treaty Nations," Venne reminds us, "have also kept a record of the treaties in their oral histories, and these can provide another understanding of treaty agreements" ("Understanding" 173). With Venne's emphasis on oral records of treaty in mind, then, Starblanket's aural turn from "cede" to "seed" prompts us to hear the competing interpretations of the cessation clause which appears, in some way, in all of the Numbered Treaties. Venne attests that there was no talk of land cessation or the end of Indigenous sovereignty during original negotiations for Treaty 6: the cessation clause is a specific instance of the colonial distortion of the treaty relationship, one in which the proprietary logic of white supremacy is on full display in the language of the document itself. Starblanket's homonymic shift makes the oppositional interpretations audible for listeners, distilling the social contradiction of treaty to the level of the word.

The metaphor of seeding also prompts questions about the temporality of treaty and Indigenous sovereignty. From a colonial standpoint, cessation might be understood to mark the end of Indigenous sovereignty by transferring the legal right to territories to the Crown. Starblanket, Venne, and most other critical scholars of treaty squarely reject this interpretation. As Treaty 6 Elder Alma Kytwayhat teaches, "we are told that these treaties were to last forever"

(20). The figurative inflection of “seeding” the future, then, calls to mind a vision of treaty that is future oriented, while also rooted in the continuity of the past and present. Read metaphorically, the seed might be understood as a site of intergenerational memory – a container for the future’s designs which are passed on from one stage in a plant’s life cycle to the next. Perhaps the goal of a critical treaty politic, then, would be creating the necessary conditions to facilitate the growth and flourishing of the seed’s immanent, living potential. What if, like treaty, we understood the seed not only as a gift from previous generations, but also a responsibility to cultivate the conditions in which the seed might grow and nourish generations into the future?

These questions of aurality and temporality also raises the role of change and transformation in the metaphor of the seed. Seeds grow: transforming into young plants and then into mature ones through their life cycle. Seeds carry their past with them, but never become exact replicas of their ancestors. While the trajectory of growth and emergence is given in the seed itself, it is also contingent. Seeds require the right conditions in order to flourish. Read as a metaphor for treaty relationships, these questions of growth, change, and conditions prompt us to consider how material conditions shape treaty implementation and organization from one generation to the next.

I am drawn to the metaphor of seeding because it emphasizes this energy of transformation in relation to Indigenous treaty visions. For Cichkasaw / Cheyenne legal scholar James Sákej Younglood Henderson, “First Nation jurisprudence is preoccupied with changes. Because of their embodied spirits, life forms are always capable of overcoming all the conditions or determinations of their existence.” (153). The goal of Indigenous law, for Henderson, is to attend to how transformations are central to the living world, and to cultivate social relations that can move in harmony with these changes. For Henderson, “the sounds of [Indigenous] languages

contain this great flux, eternal transformation, and interconnected order of time, space, and events” (144). While *Starblanket* works in English, the homophonic shift from cede to seed echoes Henderson’s description of the importance to sound in Indigenous language and law, and compels me to think about what the dynamism of poetic language might offer a study of treaty as a transformative relation.

The lines of inquiry that *Starblanket*’s metaphor of the seed contains offer a way into my exploration of the poetics of treaty in the remaining chapters of this dissertation. I take up three sites of poetic engagement with treaty. In the first, I read nêhiyaw poet Dallas Hunt’s collection *CREELAND*, attending to how Hunt’s poems destabilize the violent semiotics of settler colonial domination and establish a layered territory of Indigenous freedom that refuses the regulatory demands of settler legibility. I am interested in the way that Hunt’s poetry troubles transactional treaty thought, opening treaty up as a space of tension and contingency not only between alternative meanings or understandings of treaty, but also between antagonistic ways of organizing social life. In the second, I read nêhiyaw poet Emily Riddle’s “Cree Girl Blows Up the Political Project Called Alberta,” suggesting that the poem enacts what Donald calls a “wâhkôtowin imagination” (2021), making international solidarities between the nêhiyawak, beavers, and rocks legible in the collective struggles of these nations against colonial domination.

This focus on an ethic and politic of relationality as it relates to treaty also pulses through Dënësųłině / Métis poet Matthew Weigel’s collection *Whitemud Walking*. Plumbing the government archives, the living archive of Whitemud Creek, and his own intimate family history, Weigel offers a critique of transactional accounts of treaty while inviting his readers to think with him about the complexity and necessity of relational treaty understandings. In a study

of contemporary thematics of Indigenous writing, settler Indigenous literary scholar Sophie McCall suggests that many contemporary Indigenous writers are engaged in strategies of framing, de-framing, and re-framing representations of Indigenous life, struggle, and aesthetics. For McCall, Indigenous writers employ a vast repertoire of moves in their “struggle to re-frame, de-frame, and shatter the frames of stories often in reaction against European categorization of genres and disciplines” (329). Listening for the slant rhyme between frame and form, I find this suggestion provocative because it attends to the transit between the content of literary expressions and the shapes that those expression take. The poets I study de-frame, re-frame, and dissolve current treaty interpretation. They reject the terms that appear to make treaty amenable to the reconciliatory incorporations of the Canadian state. Through my close readings, I suggest that the social contradiction of treaty plays out at the level of poetic form, and that each poet included in my study contributes to an understanding of treaty not only as a relational social form, but also as one that compels readers to consider the necessity of transforming the systemic conditions of settler colonial domination.

### Chapter 3: “a debt / you can’t escape”

Treaty is both an obligation and a limit to anti-colonial solidarity between Indigenous peoples and settlers. As an obligation, the Numbered Treaties are not only incorporated into the constitution of the settler state, but are also rooted in Indigenous laws – ceremonial and kinship relationships to Indigenous people and the land that affirm life in all of its manifestations. Within the enclosures of settler colonialism, though, the Numbered Treaties also pose a limit to anti-colonial solidarity because the machinations of colonial law, policy, and discourse tend to route treaty interpretations either through processes of state-based recognition or through individuated ethical attempts to cultivate interpersonal relationships. As I’ve argued earlier in this dissertation, both of these models of treaty-based relation obfuscate how settler colonial interpretations of the Numbered Treaties are overdetermined by capitalist forms of social interdependence organized by impersonal relations of value. As such, state-based forms of treaty implementation *and* settler’s personal commitments to live treaties ethically are limited by an overemphasis on the subjective register – how to *understand* Indigenous treaty visions and *live in accordance* with those visions – without an effective analysis of how those subjective conditions are dialectically shaped and delimited by the objective, material relations of settler colonial power.

*CREELAND* offers a thick description of this social and political context of the Numbered Treaties on the prairies. Hunt describes different registers and scales of Indigenous life that thrive despite the violence and constraints of occupation. Narratively, the collection maps the speaker’s travels through small towns, cities, reservations, and neighbourhoods from Billings, Montana to Slave Lake, Alberta; Treaty 8 territory to Pocatello, Idaho, and many others. This geographical movement is accompanied by the relational topography of the speaker’s kinship networks as well as the way those networks are informed and deformed by the



colonial architecture of prison cells, courtrooms, hospitals, and schools. Read together, these layered geographies make up the metaphorical and material terrain of *CREELAND*: both as a collection of poetry, and broader imaginative space of Indigenous freedom.

In this landscape, *CREELAND* articulates treaty as a framework for cultivating futures “whose / formation(s) / make another / one hundred and / fifty years” of settler colonial domination “impossible” (104). In the collection, these transformative treaty visions are animated by ways of cultivating relationships of interdependence rooted in Indigenous forms of social life where “freedom is a debt / you can’t escape.” (119). Starting from the premise that treaty has been shaped into a social contradiction in settler colonial contexts compels an analysis that attends to what is incommensurable between Indigenous and settler capitalist treaty visions. Hunt’s collection challenges readers to think about the debts and obligations of treaty not as transactions to be ‘settled’ according to a capitalist logic of value that would reproduce the order of settler colonial social life, but rather a mode of social relation to be renewed and inhabited in perpetuity toward Indigenous freedom.

For Stefano Harney, this alternative way of thinking about debt as sociality rather than servitude shifts an emphasis from modes of relation mediated by capital’s instantiation in the possessive individual and the capitalist state, towards ones mediated by the life affirming entanglements of anti-capitalist, anti-colonial social life:

There has to be a way in which there can be elaborations of unpayable debt that don’t always return to an individualisation through the family or an individualisation through the wage laborer, but instead the debt becomes a principle of elaboration. And therefore it’s not that you wouldn’t owe people in something like an economy, or you wouldn’t owe your mother, but that the word ‘owe’ would disappear and it would become some other word, it would be a more generative word (150).

Thinking about debt as a relation where social interdependence is generated and elaborated rather than something to be narrowly defined and individuated by forms of capitalist value,

resonates with the “unpayable debts” of treaty. It recognizes that the gifts offered in treaty, and the obligations engendered by these gifts, are antagonistic to a logic of exchange in which all singularities can be made commensurate through the abstract equivalences of the value form. In other words, the transactional account of treaty transposes the treaty relationship into an economic abstraction in which the form of the contract resolves any meaningful difference between parties. Equality, the story goes, is achieved through exchange. Treaties – as contracts – provide the legal, moral, political, and economic common ground on which to continue building the project of Empire.

This colonial ideology of treaty offers imaginative resolution to the material contradictions of settler colonialism. As Hunt’s collection shows so powerfully, treaty did not instantiate relations of equality between Indigenous and non-Indigenous people. In fact, quite the opposite. As Marx reminds us, all ideology, presents an inverted picture of the world (*German Ideology* 36). If the colonial ideology of treaty presents an inverted representation of the treaty relationship in which the contract provides a historical *common* ground through which Indigenous people and colonizers can cultivate healthy relationships toward a reconciliatory future, Hunt’s collection refuses this inversion, locating treaty within the asymmetrical relations of power that impede the realization of treaty as given space of ethical relation.

In and through a series of refusals, Hunt denies the settler reader an easy resolution of the social contradiction of treaty. By problematizing the settler desire to inhabit “good relations” amongst “structural relations” that “abdicate and ignore healthy ways of relating to one another,” Hunt insists on questions that point to the material conditions in which treaty relations are lived (86). Under the weight of colonial structures and institutions, *CREELAND* takes seriously the task of decolonization as a “radical antagonistic / project of abolition,” while also insisting on the

“original / intent / of treaties,” their “moments of possibility” that persist despite the “trailing / effects and affects” of colonial domination (102/103). In this contradictory space of the colonial present, *CREELAND* charts the overlapping scales of relational treaty politics without allowing the hard political questions about political jurisdiction, how to organize social relations of production and care, and how to rematriate land to Indigenous nations to be repressed in favour of ethical or aesthetic solutions.

I am interested in *CREELAND* as a text for thinking through treaty as a social contradiction that might be amplified toward decolonization. *CREELAND* invites this line of inquiry, I think, because Hunt refuses to separate colonial approaches to treaty that foreground epistemology or ethics from the ways those approaches obscure the material ground of settler colonial domination. As he writes in “There Are No Good Settlers,” “until these violent systems [of colonialization] are done away with, you’re the uncle at a birthday party that keeps to himself, brings no presents, and drunkenly chews out his sisters.” (86) Extending the suggestion that treaties were a process of adoption and kin-making to an uncomfortable figurative conclusion (Johnson 2007), Hunt directly addresses the settler reader’s desire for treaty based modes of belonging by incorporating them into the imaginative space of kinship – but as *bad* relations. In moments like this throughout the book, Hunt weaponizes metaphor with acerbic wit to personify the structural relations of settler colonialism.

Rather than suggest that settlers can inhabit “good relations” by merely learning more about Indigenous treaty sensibilities and incorporating that knowledge into their interpersonal relationships, Hunt remains steadfast in his articulation of settler colonialism as a structurally determining force: one that will require large scale social transformation in order for treaty to be lived according to its original intention as a political and legal relationship. As Rachel Flowers

argues, struggles for Indigenous liberation require settlers to recognize their political and legal obligations to uphold treaty relations *without* necessarily seeking personal recognition from, or over identification with, Indigenous people:

When the state interferes in our business, then it is the obligation of settler subjects to oppose the misconduct of their government. Not for *our benefit*, but because that is what it means to live lawfully in a treaty relationship. In this way, settlers are not obliged to “co-resist” with Indigenous peoples, but rather, to uphold the integrity of a nation-to-nation relationship. Until the settler can imagine alternatives to relations of domination-subordination framed as “coexistence”, put those changes into practice and sustain them, Indigenous peoples need not entertain their fantasies or sympathies. (37)

*CREELAND* is punctuated by moments that draw out the limits of colonial approaches that imagine treaties as vehicles for settlers to absolve their complicity in the reproduction of colonial violence. Beginning from the premise that ethical relations in atmospheres of colonial domination are impossible, Hunt refuses to “entertain the fantasies or sympathies” of non-Indigenous people who would uncritically mobilize their knowledge of Indigeneity in order to demonstrate their critical consciousness of settler colonialism or overstate their solidarity with Indigenous people’s movements for material decolonization. Instead, Hunt locates this tendency of empathetic identification within a libidinal economy of settler capitalism that captures Indigenous literary expressions within circuits of colonial knowledge production. In “Entry Four,” for example, Hunt’s speaker calls out the disciplinary impulse of Indigenous literary studies that reroutes Indigenous literary expression away from Indigenous liberation and toward the fulfilment of the colonizer’s own consumptive desire:

Is there such a thing as  
writing back to legibility?  
or rallying against consumption  
in Indigenous literary studies?  
Every time I write “kôhkom,”  
some settler somewhere,

cums. (108)

In this short section of the poem, the extractive demands of “legibility” and “consumption” are triangulated within the academic discipline of “Indigenous literary studies” – which in Hunt’s formation – renders Indigenous relations into vehicles for settler desire. Given the well documented, systemic violence against Indigenous women, girls, queer, trans, and 2 Spirit people, the sexual charge of this observation evokes not only the discursive violence of cultural appropriation and academic arrogance, but also the sexual economy of settler colonialism as a set of embodied and gendered relations that reduce Indigenous knowledge and people to objects of desire to be consumed for non-Indigenous people’s pleasures and use.

This critique of settler colonial demands for Indigenous legibility saturates Hunt’s collection. In the poem “Curriculum in the Wait,” for example, Hunt’s speaker identifies the colonial desire to reduce Indigenous narratives to stories of suffering and abjection, specifically with reference to what Trans NDN writer Jas Morgan terms the “culture of exploitation” surrounding reconciliation and residential schools (2020).

every ndn novel  
is about residential schools:  
did you hear, they’re opening up?  
intentions be damned  
we need to find a frame,  
hurry, to hang legibility  
on the wall (100)

What happens to the possibility of establishing or renewing “good relations” when settlers encounter the harm of residential schools as an aesthetic object to be hung on a wall, disconnected from its contemporary reverberations and made legible through objectification and historical distance? When the violence of the Indian Residential School system is “framed” in a way that disarticulates it from the totality of settler colonial dispossession? When former

residential schools become something like museums or galleries that reify Indigenous trauma, as settlers “hurry” to witness scenes of violence? In an economy of signification where “every ndn novel,” “every ndn poem,” “every ndn play,” “every ndn memoir” is about residential schools the colonial “frame” of “legibility” actively obscures the vibrancy of Indigenous worlds, as well as the depths and contours of struggles against colonial violence. What is at stake in these questions posed by Hunt’s poetry is a way of reading – in other words, a method of relation – that might refuse the fetishization of Indigenous suffering for more liberatory approaches to Indigenous aesthetics and forms of social life.

But, as Hunt makes clear, the pursuit of this method is complicated by the production and circulation of Indigeneity within the field of Indigenous literary studies. In the poem “Born Under Punches (In Billings Montana)” which describes the casual and persistent racism the speaker encounters at a “white / literary arts festival” where he is subject to the “disciplinary relegation, / circulation, / certitude” of colonial demands to be “palatable, tasty, even / legible” (105). In the poem, the circulation of Indigenous literature within sites of disciplinary knowledge production again renders Indigeneity a resource to be subsumed into the epistemological and affective logics of consumption, transparency, authenticity, and legibility: in other words, another resource to be accumulated through the dispossessions of settler capital.

When Hunt’s speaker directly addresses an academic audience, the poem expresses the social contradiction of treaty relationality. Rather than trying to resolve it by way of epistemological or ethical pursuits of “common ground” that can be disarticulated from a political struggle for decolonization. *CREELAND*’s persistent description of Indigenous life under occupation points to shared *conditions* of settler colonialism without collapsing different *experiences* of those conditions in the fantasy of a treaty relation based on an inevitably shared

future. Instead, Hunt suggests that “there’s more going on beneath / the surface” of the poems-- “whole economies of care / and relation that / are imperceptible” to the settler reader. Drawing a distinction between the surface and depth of his poems creates a boundary within *CREELAND* that spatializes the difference between Indigenous and non-Indigenous readers. This formation insists that settler colonial capitalism produces differences and antagonisms within the social field that must be named, interrogated, and articulated as precisely the premise of a political treaty relationship, not its obstacle.

Treaties, after all, are about boundaries: about negotiating different sets of obligations within a shared space, as well as demarcating sovereign territories where those responsibilities end or change. In *Nationhood Interrupted*, nêhiyaw legal scholar Sylvia McAdam describes the protocols of a Blackfoot scout entering into nêhiyaw territory. Upon approaching nêhiyaw territory, the scout offers tobacco and leaves a painted rod and a small bundle at the boundary. The scout waits until the tobacco has been accepted before they can enter the territory. The acceptance of the offering gives the scout permission to enter the land, and if it was not accepted, the scout would not enter because doing so would have broken a territorial treaty (77). I find this story relevant to keep in mind while reading Hunt’s collection because it reminds me that the practice of cultivating respectful relationships means acknowledging there are necessary protocols and limits to observe when reading across difference, especially with reference to Indigenous treaty sensibilities.

In suggesting we can read a formal boundary within *CREELAND* that marks the distance between settler readers and some dimensions of its content, I understand my task as a reader to honour that boundary rather than overcome it. As Leanne Simpson writes:

boundaries, in an Indigenous sense, are about relationships. As someone moves away from the centre of their territory – the place they have the strongest and most familiar bonds and relationships – their knowledge and relationship to the land weakens. [...] This is a place where one needs to practice good relations with neighbouring nations. (89)

Rather than try to fold all of Hunt's collection into a disciplinary "legibility" that might grasp Indigenous life as "endlessly / knowable, learnable" my hope is to read these poems aware of my relation to them (108).

As a white settler reader, I think about the boundary between surface and depth that runs through *CREELAND* as a place where I need to be thoughtful and critical about what I understand in the poems and what I do not; what I should write about and what I should not. As Métis / Michif researcher Max Liboiron reminds me:

If at some point, as you read, you think 'this isn't for me, I can't take this up,' you may be right, but that response does not foreclose the invitation to keep reading. It is an occasion to ask what is happening between yourself and the text. Reading ethically can mean refusing to read as a form of extraction, though academia has trained us to do so. (35)

This is one reason I choose to focus on the way *CREELAND* stages the problem of treaty relations within the context of settler colonialism. Rather than focus my interpretive energies on the complex and nuanced role of grandmothers, for example, in Hunt's text, I focus on the tension inherent in treaty relationships because this question directly concerns me as a white settler reader, and is also a place where I believe my analytical contribution can be the most useful. To be clear, this is not to say that the questions I am asking of, and exploring in, *CREELAND* are the most important or most central to the text; it is merely to recognize my own relationship to the collection and some of the problem it stages.

This method of reading is influenced by Eve Tuck and Wayne K. Yang's proposal that "opportunities for solidarity lie in what is incommensurable, rather than in what is common"



between Indigenous led movements for decolonization and other social justice struggles. (28) “An ethic of incommensurability,” Tuck and Yang write, “stands in contrast to aims of reconciliation, which motivate settler moves to innocence. Reconciliation is about rescuing settler normalcy, about rescuing a settler future.” (35) By focusing on the social *contradiction* of treaty, my hope is to attend to the contingent solidarities immanent in treaty as a form of social organization by describing treaty as a site where visions about how to live well together compete with each other.

What is perhaps most compelling about *CREELAND* is that its critique of settler colonialism’s affective, semiotic, and material structures of domination is paired with a deep attention to the “intimate / acts of care, of getting on in the world, / obsessively” that constitute Indigenous life worlds (109). In this way, *CREELAND*’s double movement not only depicts treaty as a central social contradiction of settler capitalism, it also resonates with Leanne Simpson’s concept of “generative refusal:” a way of organizing Indigenous political and aesthetic practice “based on a refusal of settler colonialism coupled with the embodiment of an alternative that amplifies the ground” of Indigenous futurity (177-8). Indigenous practices of generative refusal are an important response to the materiality of settler colonial dispossession not only because they turn away from the seeming inevitability of settler colonial social relations, but also because they turn *toward* ways of renewing forms of social organization grounded in Indigenous lifeways.

Attending to Indigenous movements that refuse colonialism means both critiquing the social structures that are being negated and affirming the visions of social interdependence that are able to flourish in their absence. I find this formation helpful for approaching the social contradiction of treaty because it challenges us to think dialectically about the limits and

possibilities inherent in treaty as a form of political and social organization. That is, if the Numbered Treaties are characterized both by a transactional impulse that would subsume all social relations into capital's orbit of accumulation and dispossession *and* by Indigenous visions of social interdependence that offer more life affirming ways of living in the world, it is important to read in ways that reflect this dynamic tension. Both formally and thematically, *CREELAND* invites this sort of reading by layering its refusals and critiques of settler colonialism with an attention to how Indigenous alternatives are already being lived in the present.

One of the formal strategies Hunt employs to sustain the tension between colonial domination and Indigenous liberation in his collection is a complex practice of layering scales of relation. At what I might call the grassroots level of *CREELAND*, the reader encounters a mycological world of “fungi,” “mulch, / ladybugs, / loam” with whom the speaker studies the “nascent strategies” of decolonial resistance (51). From this position, close to the earth, the speaker hears the “grammar” of sapling “roots and tentacles spreading / reaching unfolding” with energies that “could topple empires” (9) and attends to the interspecies ethics encoded in “traplines,” “hides / and dry sinew” as well as the “tender” “ache” of empathy as the speaker comes across “wolf pups” lying near the highway, “somewhere behind the thickets, / nestled between shrubs / and budding Jack pines” “wondering where their mother / had gone” (26). This elemental register of *CREELAND* is overlaid by the “fault lined / friction” of the colonial present. For Hunt, the surface of colonial social relations is “burdened by descriptors so / loaded / that they / undermine” (and overdetermine) any attempts at anti-colonial solidarity that do not materially address the “asymmetrical relations of occupation, settlement, and domination” (81, 86). It is in and through settler colonialism's concrete and semiotic regimes that settlers like

Gerald Stanley, “armed / with history, and buoyed / by popular opinion,” are licensed to kill Indigenous people (48).

But if the surface of settler colonial social relations is marked by the deadly entitlements of whiteness and colonization, these same racial dynamics make it impossible for colonizers to recognize the subterranean “economies of / care and relation that / are imperceptible, / nonsensical and, because of this / illegible” amidst the “static, / white noise” created by dispossession (108). In her work on Indigenous feminist literary mappings, Tonawanda Seneca scholar Mishuana Goeman describes how Indigenous feminist writers reject settler colonial spatiality and “remap [their] social and political lives according to cultural values and contemporary needs” (295). I think Goeman’s description of how Indigenous feminist practices of literary mapping “constitute nodes of connection,” insisting that “the way we imagine space has tangible consequences” for how we imagine intimate and political relationships, resonates with the “unimaginable” world building energies of the mothers, aunties, and grandmothers in Hunt’s collection (Goeman 301; Hunt 108).

In “Entry Four,” for example, the speaker’s mother and grandmother transform the basement of a restaurant near the “rathole, a since-demolished car tunnel” with “cockroaches skitter[ing] across basement walls,” into a space of sustenance, intimacy, love, and “rickety love” (109). Hunt does not romanticize the scene in this poem: the grandmother’s acts of care are under constant surveillance by her manager, and the women’s under waged racialized service work is indexed to speaker’s material precarity as the child of a working class single mother. Even spatially, the scene of kinship is also the scene of exploitation: the gendered economies of service work and motherhood are brought together in dialectical unity of the restaurant floor and the hidden abode of the restaurant basement. The exploitation of waged labour thoroughly

mediates the lives of the speaker's family, and yet does not foreclose the possibility for other ways of reproducing social life that, in another poem – “Woman Making Tea” – are mapped in the “cracks” that line the face of an older woman making tea, “lines that / hold / constellations” which chart alternative modes of organizing and reproducing social interdependence beyond the violence of colonial dispossession, patriarchy, and the wage. In these ways, I think, *CREELAND* offers a cartography of refusal,<sup>49</sup> that gives cover to fugitive Indigenous worlds, worlds which create “a breeding / ground for / cacophonous / and unruly / ghosts” who harbour “futures whose / formation(s) / make another / one hundred and / fifty years impossible” (97, 103-4). From this “cacophonous” and “unruly” space of Indigenous feminist freedom, Hunt offers an analysis of how settler capitalism produces the conditions of its own undoing.

Moving from the material, discursive, and temporal enclosures of Indigenous life chances, *CREELAND*'s multiscalar composition also charts a way for decolonial movement in which relations of mutual self-determination, solidarity, and support between Indigenous and non-Indigenous people might be renewed and revisited. In “Main Street and Sixth Avenue,” for example, Hunt's speaker invites readers to imagine organizing around social and ecological crises created by the fatal coupling of settler colonialism and capitalism in resource extraction industries. Hunt not only critiques the immiseration these systems produce, but proposes that their tendencies toward crisis are also opportunities to militate against the conditions that created them:

the next time a

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<sup>49</sup> Mohawk anthropologist Audra Simpson puts the concept of “cartographies of refusal” forward in her important book *Mohawk Interruptus: Political Life Across the Borders of Settler States* (2014). For Simpson, a cartography of refusal animates a methodological attention to the way in which Indigenous people(s) refuse the material, spatial, and political containment of Indigenous lives and lifeways. Along Betasamosake Simpson's work on “generative refusal” referenced above, Audra Simpson's work gave the concept of refusal a centripetal force in Indigenous studies in the aftermath of the Idle No More movement.

prairie fire threatens  
to inhale a Northern Alberta  
hamlet or  
municipality, we need  
to foreground the  
resource extraction  
industry, we need to  
kick down the doors  
of oily-haired CEOs  
and parade them through  
the wide,  
unpaved streets  
of the north,  
and dip the tops  
of their heads in  
the spiking  
flames, the wide  
maw of the inferno (73)

To be sure, this anti-colonial and anti-capitalist call to arms stands in stark contradiction with state sanctioned narratives of treaty that incorporate it as a model for a reconciliatory program meant to maintain and reproduce the status-quo of settler colonial capital. As Starblanket writes, “treaties are not immutable objects; they are iterative and cyclical and based on ongoing interaction and renewal.” (13) Given this way of understanding treaties, Hunt asks readers to consider what it might mean to think about treaty in the transformative terms of solidarity, to renew treaty politics based on the shared need to transform the conditions of settler capitalism in order to combat the devastating effects of resource extraction and affirm autonomous forms of Indigenous social organization. In posing this question, “Main Street and Sixth Avenue” refuses to think about treaty in static, transactional terms; instead, Hunt opens the question of treaty up to the transformative potential of renewing and reinhabiting treaty relationships based on an active decision to resist settler capitalism’s forms of misery and domination.

Instead of holding out hope for a future based in recognition and inclusion, Hunt’s

collection gestures to a decidedly more Fanonian tradition of decolonization where the “mental picture” of decolonization is accompanied by the organized revolution of Indigenous people who confront colonialism’s “rhythm of destruction” with an equally decisive form of world making (Fanon 39-40). Yet, even in this “seemingly / unnavigable terrain” of decolonial treaty futures there is an invitation (Hunt 102). The above stanza, for example, invokes an unspecified collectivity – “we” – who are dispossessed by colonial capital. It seems to me like this collective pronoun holds space for migrant and foreign workers drawn to the Tar Sands, workers who are conscripted to ravage the earth through their own exploitation, as well as Indigenous water and land defenders. Linking climate catastrophe to settler colonialism and the incessant accumulative drive of resource capitalism, Hunt’s speaker holds space for all those affected by the “maw of the inferno” to mobilize for more livable futures.

From the “irriguous” (9) soil of land-based relationships, to the revolutionary potential of collective organization, Hunt’s collection weaves together interpersonal, interspecies, and international relationships of visceral experience with the tightening ropes of colonial domination to form a quotidian geography of “kitchen table kinship” (67) and Indigenous vitality. *CREELAND* troubles a political schema that would segregate the personal and the political, or insist on the possibility of ethical relationships in one realm without the other. Instead, the collection insists on the unity of these spheres of social life, while demonstrating how they are differently inflected by relations of settler colonial domination. Even when not talking directly about treaty relationships, then, questions of legibility, obligation, boundaries, and the scales and sites of the political all cut through *CREELAND* in ways that make it an important collection for thinking about the complexities of a relational and transformative treaty

politic.

## Chapter 4: Resurgent Vision

In the previous chapter, I argued that Dallas Hunt's *CREELAND* describes the contemporary social context of treaty relations. Hunt's collection parses out the structural limits that impede the full enactment of treaties between Indigenous peoples and colonizers while also gesturing to the transformational energies of Indigenous treaty sensibilities that ferment below the surface of colonial legibility. Emily Riddle's poem "Cree Girl Explodes the Political Project Called 'Alberta'" emerges from the layered geographies of resistance, care, and antagonism charted by Hunt's collection to offer a transformative vision of treaty. The poem's feminist decolonial movement creates the conditions in which relational forms of governance can be revitalized and thrive. Though Riddle depicts the abolition of the Alberta Legislature building, the poem is not only preoccupied with a negative critique of settler colonial domination; as Ruth Wilson Gilmore reminds us, "abolition is not the absence of something; it's the presence of something." (292) In "Explodes," Emily Riddle shows how the abolition of settler colonial authority in *nêhiyaw* territory does not create a void, but nurtures the presence of resurgent modes of Indigenous life and governance.

I read Riddle's poem as a poetic expression of Indigenous resurgence by focusing on Indigenous treaty sensibilities as the matter of the poem's formal and thematic concerns. Within the intellectual tradition of Indigenous resurgence, revitalizing Indigenous lifeways and legal traditions in traditional territories is a prefigurative process that strengthens Indigenous self-determination outside frameworks of State recognition (Alfred 2005; Alfred and Corntassel 2005; Corntassel 2012; McAdam 2015; Simpson 2011; Simpson et al. 2008; Waziyatawin 2012) I am interested in how the intergenerational and non-linear temporality of "Explodes," as well as its insistence that Indigenous forms of governance are autonomous from transactional



understandings of treaties, make Riddle's poem a clear example of nêhiyaw poetics that imagines a resurgent political future. In my reading, Indigenous feminism is a central analytic to the process of resurgence activated by Riddle's poem. Indigenous feminism elaborates the more broadly theorized movement of Indigenous resurgence by identifying the way heteronormativity and patriarchy compound and intensify settler colonial domination. By pairing the "disintegration" of the Alberta Legislature with the resurgence of nêhiyaw women's political and legal authority, Riddle braids decolonial and feminist analyses in a vision of treaty as a form of political transformation.

At first glance, "Explodes" might not appear to be about treaty relationships. No direct mention is made of the numbered treaties, for example, and the poem reads more as a speculative vision of social transformation than a treatise on Indigenous-settler relations some readers might expect from a poem concerned with treaties. Yet, as Riddle asserts in a lecture on nêhiyaw governance and treaty feminism:

through recovering what our nation's intellectual traditions and philosophies have to say about gender and sexuality, I see expansive, caring, queer nêhiyaw worlds emerging that reflect our governance and cultural orders, even if they are not explicitly about that. The artists [...] that are writing poetry books are writing about governance, even if they are not explicitly talking about governance (2019)

Following on Riddle's own suggestion, then, I want to propose that her engagement with themes of territorial governance, jurisdiction, diplomacy, futurity, gender, and social transformation in "Explodes" address some of the most central questions posed by Indigenous treaty visions.

"Cree Girl Explodes the Political Project Called 'Alberta'" begins with a vision. "i stared at the sandstone dome of the alberta legislature so long that it started to disintegrate," Riddle's speaker remembers (45). As the poem unfolds, the reader follows the speaker's transformative gaze, witnessing the dismantling of the legislature building by an interspecies movement. The

“sedimentary grandfathers” of sandstone begin to “revolt” against the “symbol of occupation” they have been conscripted to uphold (45). Beavers join the ceremony of abolition, dismantling the wooden furniture and architecture of the building, liberating the kwagiulth totem pole from its indenture with the provincial government (45). The beavers call horses to carry the totem pole back to its home territories on the west coast, and magpies join to feast on the snacks of “overpaid political staffers” (45). In the absence of the colonial “temple of democracy,” nêhiyaw forms of governance begin to thrive as the authority of the okihcitâwiskwewak<sup>50</sup> returns to guide the process of decolonization (45).

I offer this short gloss of the poem’s plot because it helps me identify three major dynamics that foreground the relationship between poetics, treaty, and transformation. The first dynamic that I want to highlight is that the whole process of transformation in the poem is made possible by the speaker’s ability to see the animate world she is enmeshed in. Rather than perceiving the legislature merely as a “temple of democracy” or an inevitable – if slowly decaying – institution, Riddle’s speaker stares with such intention and commitment that she is able to see the animacy of the rocks that compose the building. It is as if the speaker’s vision awakens the grandfather rocks who had previously been “squished into this symbol of occupation.” Drawing on her own Anishnaabeg intellectual traditions, Leanne Simpson remarks that “many resurgence ... mobilizations within Nishnaabeg thought start with a vision or a dream” (146).<sup>51</sup> Simpson teaches us that these visions often offer a way of imagining “life or

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<sup>50</sup> I will elaborate on the importance of the okihcitâwiskwewak below, but it is important to translate the word here first. McAdam identifies the okihcitâwiskwewak as the “clan mothers / warrior women / lawkeepers” (102) writing that the role of the okihcitâwiskwewak was “to provide the legal ‘system’ of the nêhiyaw people. These women invoked the laws and provided remedies on a case-by-case basis, depending on the situation or circumstances before them” (24).

<sup>51</sup> Simpson elaborates on the concept of resurgence, vision, and emergence throughout her body of work. Notably, in this section of *Dancing on Our Turtle’s Back* (2011) Simpson draws from John Borrow’s *Drawing out Law: A Spirit Guide* (2010) and the teaching of Elders Doug and Shirley Williams. I’ve chosen to cite Simpson’s work here because of her explicit focus on Indigenous resurgence and transformation, but it is equally important to note the

social reality that is different from the one the individual or community is currently living within” (146).

The resurgent impulse here is that while the person experiencing the vision might glean important insights about how to effect change in their life, these obligations also carry the responsibility see this change through: to work to create the collective conditions in which the vision can be realized. “In terms of resurgence,” Simpson writes, “vision alone isn’t enough. Vision must be coupled with intent: intent for transformation.” (147) Simpson’s insights here also echo Starblanket’s reminder that transformative treaty politics requires “*envisioning* a fundamentally alternate form of relationship” that lies “outside of Canada’s past and current political imaginary” (*emphasis mine* 2021). Carrying these insights into the context of “Explodes” offers a way of nuancing my reading of the poem, ultimately making an explicit connection between the speaker’s own experience of witnessing the animacy of the grandfather rocks and her larger responsibility to participate in the collective, interspecies process of social change inaugurated by the grandfather’s full and open “revolt.”

We can read this awakening at a narrative level in the poem as well as at a more granular linguistic level by attending to the organizing features of grammar and phonetics. The sentence that introduces the animacy of the sandstone grandfathers, for example, reads: “but this time the sedimentary grandfathers squished into this symbol of occupation were fully revolting” (45). In the first half of the sentence, the grandfathers are subject to the oppressive force of settler colonial domination: they are “squished” into the “symbol of occupation” (45). In other words,

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role that dreaming plays as a source of knowledge and knowing in nêhiyaw philosophy. nêhiyaw scholar Margaret Kovach, for example, suggests that “energy reveals itself as knowings stored deep within a collective consciousness and surfaces through dreams, prayer, ceremonial ritual, and happenings” (2009, 57). Neal McLeod also writes about the importance of dreams to the “Cree narrative imagination” in his work *Cree Narrative Memory* (2007) and especially his dissertation (2005).

the action in this half of the sentence is *being done to* the grandfathers by the legislature building. The short “i” sound in the verb “squished” is sonically constricted, connoting the enclosures and processes of individual constriction so central to the rule of settler capital and the colonial state, as well as the more specific material and symbolic enclosure of the grandfathers within legislature building in the poem. Furthermore, the sonic compression of the short “i” vowel sound in “squished” echoes the short vowels in “legislature” – /e/, /i/, /u/ – creating a subtle but embedded slant rhyme between the verb “squished” and the absent presence of the “legislature” in this sentence. What I want to emphasize here is that the phonetic resonance between the dominating verb “squish” and the dominating institution of the “legislature” is analogous to the constraints that settler colonialism puts on Indigenous life.

By the end of the sentence these power dynamics are inverted. At a narrative level, the second verb in the sentence, “revolting,” marks a turning point in the poem where the more passively rendered “disintegration” of the legislature building is transvaluated into the active and coordinated efforts of decolonial revolution. The sonic and conceptual alignment of colonial legislation with the containment of Indigenous life is interrupted by the animation of the object against its subjection: by the end of the sentence the grandfather rocks begin to fully revolt against their confinement. The sandstone grandfathers are no longer the ones being acted upon, confined and breathless in their squished conscription; instead, they are the active subjects: revolting against their legislated domination, moving toward an insurgent and resurgent future. The first verb in the sentence – “squished” – sonically evokes the constrictions of a colonial mode of governance – the legislature, and settler legislation; the second verb – “revolting” – is echoed by the open “o” vowel sound of the ohkicitâwiskwewak’s decolonial authority that emerges toward the end of the poem. The shift in this sentence from the grandfather’s subjection

to their animate subjectivity is signalled by the shift in their relationship to the sentence's action and also echoed in the phonetic difference between the constricted vowel sound of "squished" and the sonic openness of "revolt."

This aural shift from the short vowel sound of "squished" opens into the long "o" of "revolt" in a way that also mirrors the shift from the past tense – "squished" – to the present participle – "revolting." Interestingly, "revolting" is the only verb cast in the present tense in "Explodes." In my reading, this singularity suggests that all the other action the speaker reflects on in the poem is made possible by the grandfather's sustained struggle for liberation. Without stretching this analysis too far, I want to suggest that the phonemic pairing of the open "o" vowel sound and the present participle form of revolution formally emphasizes the importance of the sandstone grandfather's full revolt. The act of revolt and its core vowel sound, "o", reverberate throughout the poem and find their most meaningful resonance in the long "o" vowel sound at the beginning of *okihcitâwiskwewak*. Importantly, both the narrative and the sonic movement of the poem leads (back) (toward) the *ohkicitâwiskwewak* and the phonemes of *nêhiyawewin* as the culmination and horizon of revolution. Attending to the co-constitutive relationship between the poem's narrative movement and the poem's poetic composition nuances the central antagonism between colonial modes of governance represented by the legislature and the resurgent leadership of the *okihcitâwiskwewak* and the sandstone grandfathers.

The resonance of the long "o" of "revolt" and "ohkicitâwiskwewak" also tunes the reader into the resonances between the resurgence of *nêhiyaw* governance structures and long vowel "o" phoneme at the centre of *wâhkôtowin*. The deep empathy, compassion, and kinship that the speaker feels for her "sandstone grandfathers" activates what Donald describes as the "wâhkôtowin imagination": a way of perceiving the world "wherein the networks of human and

more than human relations that enmesh us become vivified and apparent” (55). This observation is important to a treaty-based interpretation of “Explodes” because of wâhkôtowin’s central place in nêhiyaw treaty thought. wâhkôtowin is fundamental to nêhiyaw understandings of treaty and grounded normativity. As I have emphasized earlier in this dissertation, wâhkôtowin is not an abstract ideal: it is a material obligation that must be lived, one that Harold Cardinal and Walter Hilderbrandt identify as “the organizing conceptual framework through which the relationships created by treaty are to be understood.” (18) This philosophy of social interdependence embedded in Riddle’s “wâhkôtowin imagination” is incommensurable with the individuated and abstract compulsions of social interdependence symbolized by the Alberta legislature and its transactional treaty visions. In “Explodes,” once the speaker’s wâhkôtowin imagination is activated, the whole world of the poem is enlivened. Members of various animal communities come together in solidarity to help liberate the grandfather rocks from the legislature building. International relationships between the human and more than human nations of amiskwaciwâskahikan and the Kwagiulth nation on the west coast are honoured as the beavers “spare” the Kwagiulth totem pole and ask for help to return it to its territory.

Additionally, the speaker’s wâhkôtowin imagination also starts to transcend the conceptual and temporal boundaries of linear, colonial time.<sup>52</sup> “louise,” the poem’s matriarch, begins to write “emails from the dead to each of her descendants” as her old home is resurrected in the absence of the legislature building. Blurring the boundaries between the future and the past, generations of Louise’s descendants “who were single moms” move into her home before

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<sup>52</sup> In *The Colonial Problem: An Indigenous Perspective on Crime and Injustice in Canada*, Algonquin / Huron / Métis / Scottish scholar Lisa Monchalin describes the distinction between the shape of time in Western philosophical traditions and many Indigenous ones. (26-28) For more on this Blackfoot scholar Leroy Littlebear’s “Jagged Worldviews Colliding” (2009 77-85).

building their own, materially and symbolically proliferating Indigenous presence on the former legislature grounds, replacing the “lawn-bowling green” with Louise’s “mansion” (75). In my reading of this decolonial reversal, the bourgeoisie affluence associated with the colonial gentry’s leisure activities is replaced by the wealth of kinship signalled by the “mansion,” a home big enough to welcome all her relations.

As Riddle explains in both the note to “Explodes” and an earlier poem in *The Big Melt*, “Louise,” refers to Louise Umphreville: an incredibly important figure in the early days of Fort Edmonton and Riddle’s grandmother (36, 79).<sup>53</sup> Umphreville was a Métis matriarch during the middle decades of the late 19<sup>th</sup> century who was married to John Rowland, the chief factor of Fort Edmonton. She was considered to be an essential economic diplomat between the Indigenous nations of the Beaver Hills and the Hudson’s Bay Company (Long 2021). Given this historical context, I interpret the “mansion” identified in “Explodes” to be ‘Rowland’s Folly’ the Rowland residence once housed on the Alberta Legislature grounds, now available to visit in Fort Edmonton Park (Long, 2021). In “Louise,” the poet writes about her grandmother as powerful leader whose “wealth of descendants” was the root of her economic and political influence.

The reader’s first encounter with “Louise” in the section of *The Big Melt* titled “Big Kinship” foreshadows her revisitation with Louise in the “Explodes.” Given the speaker’s relation to Umphreville as a “grandmother” in “Louise,” I read her as one of the *okihcitâwiskwewak* readers encounter in “Explodes.” Approaching this relationship between the speaker and her ancestor as not only memory, but as an active, living relationship made possible by Louise’s “power beyond emails,” troubles the linear temporality of settler colonialism and

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<sup>53</sup> “within our kinship system, you are really my grandmother since i am descended from your sister. a matrilineal reminder” (36).

allows the poem to “move beyond dichotomous treatments of past / present or tradition / modernity.” (Starblanket & Stark 196) Activating the wâhkôtowin imagination allows Riddle’s “Cree Girl” to see the continuity of history and futurity. This continuity, in turn, imbues the poem with a relational sensibility that invites readers to practice the wâhkôtowin imagination themselves, recognizing the presence of multiple temporalities in the poem while also acknowledging the animacy of both human and non-human actors.

Formally, the organization of the poem invites this sort of dynamic and relational reading. Read normatively, the poem begins with the Alberta legislature building and ends with the authority of the okihcitâwiskwewak. This narrative reading of the poem follows a current of decolonization in which the material and symbolic architecture of settler colonialism is replaced with the relational networks of nêhiyaw governance. But the temporality of the poem also seems more complicated to me. Following Starblanket’s suggestion that treaties “seed” Indigenous futurity, it seems to me that the seeds of relational treaty visions already exist within the speaker and her territory at the beginning of the poem. In other words, the wâhkôtowin imagination is immanent in the speaker, who has “learned that the only way to survive climate upheaval is to accept the nonlinearity of time and realms.” In this survival strategy, I hear a suggestion to read the poem in multiple ways and multiple directions.

Read “backwards,” for example, the poem actually begins from a position where the okihcitâwiskwewak “and those who understand their authority” are the rule, rather than the exception. From this place of grounded nêhiyaw governance, there is no need for the patriarchal authority of “premiers” or “chief factors,” there is no need to question the possibility of intergenerational communication across the “borders” of history, there is no inevitability to settler colonial domination. In fact, the authority of the okihcitâwiskwewak poses a direct



confrontation to colonial governance. Engaging in a palindromic reading mode, Louise's "emails for the dead" seem to instruct her "descendants" to reconstruct her "fort edmonton mansion" on the legislature grounds, once the colonial buildings have been "returned to the earth." Witnessing the joy of decolonization, magpies "giggle" to themselves. In this reverse reading, the poem begins from a relational understanding of the animacy of the world and the expansiveness of relations of solidarity and interdependence. In short, this inverted reading of the narrative is less concerned with *what will have had to happen* in order for decolonial social transformation to take place, and more interested in the political structures that *are already in place* to facilitate liberation.

Whether we read the poem "beginning to end" or "end to beginning," the authority of okihcitâwiskwewak is always central. This, I want to suggest, gives the poem a spiral or circular logic rather than a linear one. The formal structure of the poem compels readers to locate resurgent forms of nêhiyaw social relation *at the centre* of the poem, both guiding social struggle and emanating from it. In this schema, the narrative action of the poem appears like ripples emanating inward or outward from the authority of the okihcitâwiskwewak. In other words, "Explodes" offers a non-linear philosophy of history that challenges teleological colonial frameworks of social change and social struggle. This way of formalizing time and historical movement in the poem transforms the speaker's relationship to the temporality of settler colonial domination because it allows her to see time not as an abstract and homogenizing concept, but rather a relational field where past, present, and future combine and recombine in the process of Indigenous resurgence.<sup>54</sup>

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<sup>54</sup> The concept of "homogenous time" here is borrowed from Walter Benjamin's famous essay "Theses on the Philosophy of History" in which he critiques orthodox Marxist conceptions of historical teleology. (1968 253-264) Benjamin thickens this philosophical intervention in *The Arcades Project*, especially in "N [On the Theory of Knowledge, Theory of Progress]" (1999 456-488). For a detailed and critical account of the way abstractions

The second dynamic I want to highlight in my reading of “Explodes” is the poem’s focus on the gendered dynamics of resurgence and decolonization. While the revolt of the sandstone grandfathers signals a shift in the poem’s narrative movement toward decolonization, it is inaugurated by the vision of a “Cree Girl” and uplifts the authority of the okihcitâwiskwewak. It seems important to me that the speaker in the poem is a nêhiyaw iskwesis (Cree girl) because of the role of nêhiyaw iskwew to nêhiyaw governance systems. In *Nationhood Interrupted*, for example, McAdam describes the role of women’s lodges and teachings as something like the core educational and legal infrastructure of the nêhiyaw nation (24). Taken together, these two responsibilities are crucial to the reproduction of nêhiyaw governance systems and sovereignty because they address territorial jurisdiction and futurity. Moreover, as Lana Whiskeyjack and Kyle Napier write “the word for woman [in nêhiyawewin], iskwêw, contains the root morpheme for fire, which is iskotêw. Together these words remind us, in nêhiyaw worldview, of the importance of women being the home fires of family, community, and nations (17).” This linguistic insight is echoed by McAdam who elaborates on these morphemic resonances connecting the nêhiyaw concept of a soul– the ahcahk (spirit) iskotêw (flame) of every nêhiyaw person – is a gift from Creation (22). For McAdam, “when [nêhiyawak] are born into our humanity, we are born into our nation’s obligations and responsibilities” (22). Tracing these connections linguistically provides a glimpse into the importance of women in nêhiyaw intellectual, political, and spiritual traditions by linking women to nationhood, nationhood to spiritual obligations, and spiritual obligations to material legal and political leadership. These connections between nationhood, spiritual commitments, and politics are central to Indigenous philosophies of treaty.

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produced by commodity society structure temporal relations of capitalism see Moishe Postone *Time, Labour, and Social Domination* (1993).

In a class on treaty, nêhiyawewin, and poetics nêhiyaw language educator Rueben Quinn translated iskwêw into “prophesier of the future” (CFRAC 2020).<sup>55</sup> One reason why this translation of iskwêw is of particular interest to me is because, as Quinn pointed out in class, it focuses on the role and activities of iskwêwak and not on a western binary conception of gender (January 25 217). James Sákéj Youngblood Henderson, John Borrows, and Jeanette teach that many Indigenous languages – including nêhiyawewin – are organized by verbs rather than nouns (2006; 2018; 1998). This linguistic arrangement is important for my exploration of poetics, transformation, and treaties, because it encodes a relational energy in the structure of nêhiyawewin – and the linguistic play of nêhiyaw poetics in English. Rather than mediating social relations linguistically through the taxonomical – and hierarchical – function of nouns, the relational dynamics of nêhiyawewin do not seem to me to emphasize gender as a static or abstract experience, so much as one rooted in someone’s role and responsibilities in their nation.<sup>56</sup> Following the resonance of the morpheme “isk” a little bit farther, I wonder if we can connect it to the root of kâ-iskonâkwahk (horizon line). This is interesting for a consideration of gender, futurity, and social transformation in Riddle’s poem because the speaker in “Explodes” offers a vision of social transformation that looks toward the horizon of decolonization and

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<sup>55</sup> Rueben Quinn taught for many years at the Centre for Race and Culture in Edmonton. I first met Quinn in a course he taught called “Treaty Poetics,” facilitated by Christine Stewart in 2017. Part of my final project for this course was developing “treaty cards”: flashcards for nêhiyawewin language learning that included translations of major concepts Quinn addressed in the course. Jenny McGrath, Kaitlyn Purcel and I created a collection of these cards for public use. The Centre for Race and Culture has since published these cards as an education tool. They can be accessed here: [https://cfrac.com/wp-content/uploads/2021/08/Nehiyaw-Language-Flash-Cards\\_-2020.pdf](https://cfrac.com/wp-content/uploads/2021/08/Nehiyaw-Language-Flash-Cards_-2020.pdf)

<sup>56</sup> To be clear, I am not making the argument that Western feminist philosophies of gender performativity map onto nêhiyaw conceptions of gender and the body; nor am I suggesting that nêhiyaw intellectual traditions and forms of social organization are inherently opposed to a cis gender binary, or to patriarchy itself. For example, Ktunaxa, Cree, Métis, English Indigenous feminist Joyce Green writes: “while colonial oppression [must be] identified, so too the oppression of women by some Indigenous men and Indigenous governance practices.” (12) The point I am trying to emphasize here is the different way that language mediates the social relation of gender in nêhiyawewin. For a critical discussion of representations of gender and Cree law see Snyder’s *Gender, Power, and Representations of Cree Law* (2018).

resurgence from her embodied position as a political visionary, or prophet/creator of the resurgent future.

Returning to “Explodes” with these glimpses into the entanglements of gender, language, jurisdiction, and futurity compels me to nuance the important connections between visions and resurgence I discussed above. To put it more directly, there’s an immanent gendered dimension to the speaker’s decolonial vision in Riddle’s poem: it should be read as a prophecy of social transformation rooted in and leading towards the rematriation of Indigenous sovereignty on the legislature grounds. By the end of the poem, for example, all of the speaker’s relatives “who were single moms” move onto the legislature grounds, replacing the colonial institution with their own homes, systems of care and community, proliferating Indigenous presence in the formerly occupied territory (45). This prioritization of Indigenous women’s needs and political leadership presents an inverted image of the patriarchal violence of settler colonialism which impacts Indigenous women at alarming rates while also targeting Indigenous peoples’ ways of embodying connections to their homelands, identities and governance (“Final Report” 19). In “Explodes,” Riddle creates an imaginative space where the dual systems of heteropatriarchy and settler colonialism are overturned in the process of Indigenous feminist resurgence.

The gendered dimension of the speaker’s vision at the beginning of the poem is one important element of the poem’s decolonial feminist energy. The role of the *okihcitâwiskwewak* that emerges at the end of the poem is another. In *Nationhood Interrupted*, McAdam describes the central role of *okihcitâwiskwewak* to *nêhiyaw* forms of governance. She acknowledges that “very little is known about the particular group of *nêhiyaw* women,” and that it is difficult to translate the term into English, but she nevertheless offers a potent description of the centrality of the *okihcitâwiskwewak* to *nêhiyaw* law, especially as it relates to treaty making. (54-59)

“nêhiyaw women are the lawkeepers as well as the knowledge keepers of the principles and customs of their people,” McAdam writes. “The women who were chosen for these roles were called okihcitâwiskwewak.” (54) These women had specific responsibilities within nêhiyaw legal orders, and one primary site of their jurisdiction was land. (55) “During and prior to treaty making,” McAdam writes, “it would have been the okihcitâwiskwewak who have been consulted regarding the land.” (55) Facing the increasing incursion of settlers into their territory, the okihcitâwiskwewak knew that making treaty with the Crown would impact their livelihood and the future of their nation. As such, they conducted ceremonies in preparation for the negotiations. (57)

According to McAdam, once the protocols of governance and deliberation had been observed and an understanding had been reached about the nêhiyaw intentions of the Treaty 6 relationship, the okihcitâwiskwewak shared their knowledge with men who acted as the political representatives in the negotiation process. (57) For both McAdam and Sharon Venne, the political relationship between the okihcitâwiskwewak and the men who represented the nêhiyawak’s interests during the treaty making process is of central importance to an accurate understanding of Treaty 6. As Venne writes:

To comprehend the role of women is to understand the limits placed upon the Chiefs in the negotiation of the treaty. The Chiefs did not go to the treaty table with unlimited authority to negotiate with the representatives of the Crown. Just as the Queen's commissioner was limited by the Crown's legislative authority, so too were the Chiefs limited. The Chiefs who entered into treaty only had the authority to share the lands, never to sell or surrender it. (191)

Read together, McAdam and Venne’s insights into the gendered dynamics of the Treaty 6 negotiations are important because they describe the central role women played in nêhiyaw political life, but also because they further clarify why transactional accounts of treaty are

intentional colonial misrepresentations. McAdam and Venne remind us not only that land was land never ceded during the treaty process, but that land *could have never been* surrendered because the nêhiyaw representatives at the negotiation did not have the political or legal authority to do so in nêhiyaw law. Unlike the colonial system of patriarchal property ownership, the nêhiyawak did not conceive of land as a commodity to be abstracted into title and sold or as the sole property of men.

This brief summary of McAdam and Venne's descriptions of the treaty making process only gestures to the complex dynamics of the political authority of nêhiyaw iskwêw at the time of treaty making. A full engagement with these questions is beyond the scope of this dissertation. Yet, it is important to provide this contextual information in my reading of "Explodes" because it informs my understanding of the poem's direct engagement with Indigenous feminist analyses of gender and nêhiyaw law in two major ways. First, it emphasizes the fact that the abolition of colonial domination in Riddle's poem does not create a political void or obscure political horizon: the "disintegration" of a settler colonial architecture of governance in "Explodes" accentuates the already existing relational forms of governance and treaty law rooted in the political leadership of the okihcitâwiskwewak can be revitalized and thrive again. The decolonial transformation that propels Riddle's poem is precisely a movement that revitalizes the resurgence of nêhiyaw legal orders intimately tied to the protection, presence, and authority of Indigenous women.

The second reason that it is important to attend to the gendered dynamics of nêhiyaw governance in Riddle's poem is because Indigenous women, 2 Spirit, ueer, trans, and gender non-conforming people have always been specifically targeted by conquest and the policies of settler states because they posed threats to commodity logics of private property and the

heteropatriarchal sexual economy of settler colonialism.<sup>57</sup> Audra Simpson describes how the apocalyptic bonding of settler colonialism and heteropatriarchy has undermined the political, spiritual, and legal authority of Indigenous women and queer folks while creating conditions in which they are exposed to a radically uneven set of life chances. The settler state, for Simpson, is propelled by a gendered death drive that “requires the death and so called ‘disappearance’ of Indigenous women in order to secure its sovereignty” (2016). Because the settler state understands the bodies of Indigenous women, 2 Spirit, queer, and trans people as symbols for autonomous political orders – symbols that in some cases can literally reproduce Indigenous political life – their presence is a threat to the settler state’s sovereignty.<sup>58</sup>

Simpson’s formulation of settler colonialism’s symbolic economy of gender resonates with the poetic or figurative role of the *okihcitâwiskwewak* in Riddle’s poem. Settler regimes of governance have always targeted Indigenous women, Queer, 2 Spirit and gender non-conforming people precisely because they both represent and embody living alternatives to settler colonial capitalism. *okihcitâwiskwewak* represent these alternatives in Riddle’s poem as do all the single mom’s living together at Louise’s, creating safe and shared spaces for collective living). In “Explodes,” the *okihcitâwiskwewak* represents *nêhiyaw* political forms and visions of relation that are directly opposed to the gender-based violence of settler colonial domination.

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<sup>57</sup> For some analyses of the centrality of queerphobia and transphobia to settler colonialism see Leanne Simpson “Indigenous Queer Normativity” in *As We Have Always Done* (2017); Billy-Ray Beclourt, “Can the Other of Native Studies Speak” (2016); Qwo-Li Driskol, “Insurrections: Indigenous Sexualities, Genders and Decolonial Resistance,” (2015); Scott Lauria Morgenson, *Spaces Between Us: Queer Settler Colonialism and Indigenous Decolonization* (2011).; Sarah Hunt, “Everyday Decolonization: Living a Decolonized Queer Politics” (2015).

<sup>58</sup> Elaborating explicitly on this material-symbolic register of Audra Simpson’s work, Leanne Simpson writes: “Indigenous bodies, particularly the bodies of 2SQ people, children, and women, *represented* the lived alternative to heteronormative constructions of gender, political systems, and rules of descent. They *are* political orders. They *represent* alternative Indigenous political systems that refuse to replicate capitalism, heteropatriarchy, and whiteness. They are the embodied *representation* in the eyes of the colonizers of land, reproduction, Indigenous governance, and political systems. (*emphasis mine* 41)”

In Riddle's poem, the okihcitâwiskwewak, Louise, and her daughters embody resurgent forms of governance and relational forms of social interdependence, care, and social reproduction that stand in stark opposition to the settler colonial modes of governance represented by the synecdoche of the legislature. In my reading, this "symbol of occupation" stands in for a host of colonial legislation and policies that simultaneously works to destroy Indigenous worlds while enforcing heteronormative social relations necessary for the reproduction of commodity society (45). As Indigenous feminists Arvin, Tuck, and Morill write, "settler colonialism has been and continues to be a gendered process." (9) In Canada, one important site of this process has been the *Indian Act* (1876) which has "sought to disappear Indigenous peoples' complex structures of government and kinship" through "the management of Indigenous peoples' gender roles and sexuality." (15) Signed in the same year as the making of Treaty 6, the *Indian Act* "regulated the marriage of Indigenous peoples to confer lines of descent, property, and landholding to men." (15) Wedding state recognition of Indigeneity to *Indian Act* status, and historically repealing the status of any women who married non-status men, the *Indian Act* dispossessed many Indigenous women of their land, political roles in their nations, and limited their self-determination.<sup>59</sup>

Propelled by the settler-patriarchal nexus of property, marriage, and citizenship, the *Indian Act* institutionalized heteronormativity as a 'proper' (and proprietary) obligation for Indigenous women, queer, 2 Spirit and gender non-conforming people, while simultaneously

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<sup>59</sup> For explicitly Indigenous feminist analyses of the *Indian Act*, see Bonita Lawrence, "Gender, Race, and the Regulation of Native Identity in Canada: An Overview," (2003); Joanne Barker, "Gender, Sovereignty, and the Discourse of Rights in Native Women's Activism," (2006); Mary Eberts, "Being an Indigenous Woman is a 'High-Risk Lifestyle,'" (2017); Joyce Green, "Canaries in the Mines of Citizenship: Indian Women in Canada" (2001); Pam Palmater, *Beyond Blood: Rethinking Indigenous Identity* (2011); Audra Simpson, "From White into Red: Captivity Narratives as Alchemies of Race and Citizenship" (2008). For an analysis of the gendered impact of the *Indian Act* on international relationships between the Métis and the nêhiyawak, see Riddle's short essay "mâmawiwikowin" (2020).



attempting to subsume Indigenous peoples' relationships to land into processes of capital accumulation. Informed by the state's incessant need to accumulate territory and capital, the *Indian Act* (dis)regulated Indigenous kinship structures and enforced heteronormative patriarchal regulation of Indigenous people's gender and sexuality. This regulation instantiated a gendered division of labour that excised Indigenous women, queer, and 2 Spirit people from state sanctioned positions of political authority by imposing colonial frameworks of tribal governance and alienating them from their lands through the legislation<sup>60</sup>. In this context, the final three sentences of Riddle's poem take on an added layer of significance: "there was no chief factor. there was no premier. there were only the okihcitâwiskwewak and those who understood their authority." (45) The parallelism of the first two sentences reflects the co-constitution of Indian Act structures of tribal governance in First Nations communities represented by "the chief factor," and the imposition of settler governments on Indigenous territories represented by the "premier." These short, declarative negations pave the way for the exclusive authority of the okihcitâwiskwewak that ends and begins the poem. What this movement of affirmative negation makes clear for readers is that it is not enough to dismantle the settler state while leaving colonially imposed gender relations intact.

"Explodes" figures a social transformation that not only demolishes settler institutions and returns land to Indigenous people. It also prioritizes the resurgence of Indigenous systems of governance rooted in the leadership of Indigenous women, queer, and 2 Spirit people. As Métis Cree scholar Mike Gouldhawke reminds us, "land is not a thing in itself but a social relationship between all living and non-living things" and this social relationship is antagonistic to patriarchal

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<sup>60</sup> For studies of the colonial imposition of governance structures organized around elected Chiefs and Band Councils in Indigenous nations, see Ken Coates, "The Indian Act and the Future of Aboriginal Governance in Canada" (2008); Bob Joseph, *21 Things You Didn't Know About the Indian Act* (2018); Mary-Ellen Kelm & Keith Smith, *Talking Back to the Indian Act: Critical Readings in Settler Colonial Histories* (2018).

settler colonial domination – both the explicit gender-based forms violence that Indigenous women, queer, trans, and two-spirit people face, and the subtler systemic violence instantiated in and emerging from the *Indian Act*. (12) The feminist inflection of the speaker’s vision for decolonization in “Explodes” builds on Indigenous sensibilities of treaty and traditions of governance while also intensifying the third dynamic I will now turn to in my reading of Riddle’s poem: transformation.

As I have stressed above, my reading of the poem is organized around two opposite poles of authority: the legislature and the *okihcitâwiskwewak*. I have been treating these two opposing frameworks of legal, political, and social authority as synecdoche for the larger models of governance determined by settler colonialism and Indigenous resurgence, respectively. In the first case, the legislature comes to stand in for a whole system of ordering economic and political life organized by transactional models of social interdependence inherent to patriarchy and capitalism. In the second, the *okihcitâwiskwewak* are a feminist embodiment of resurgent *nêhiyaw* social and political forms that mediate social interdependence according to Indigenous relational principles like *wâhkôhtowin*. The animating conflict in the poem is between these two ways of organizing social life.

This tension between settler colonial governance and Indigenous resurgence expresses the social contradiction at the core of treaty relationships between Indigenous and non-Indigenous people. Specifically, I’ve been arguing that Riddle’s poem demonstrates the mutually exclusive character of these forms of social organization at the level of poetic form. The negation of the social contradiction of treaty in the poem does not come by way of negotiation or mutual recognition between Indigenous people and the state. Instead, it is inaugurated by the speaker’s vision of material decolonization and the animate revolution of the sandstone grandfathers

against their material and symbolic subjugation in and by the architecture of colonial legislation and the enduring authority of the okihcitâwiskwewak. Narratively, “Explodes” withholds a reconciliatory moment that would attempt to reduce treaty interpretation to an epistemological or ethical problem. The transformation of the legislature grounds into the *former* legislature grounds is not motivated by members of the legislature learning more about the state’s treaty obligations; nor is the decolonization of social space made possible by settlers’ individual ethical attempts to practice better relations. In other words, the transformation in the poem is not a transformation *of* the settler colonial state into a more ethical set of institutions, nor a transformation *within* settler colonial regimes of governance prompted by a more informed administration of treaty obligations. Instead, the transformation in the poem is one that destroys settler colonialism altogether creating the conditions for nêhiyaw resurgence.

The transformative trajectory of “Explodes” resists what Starblanket terms the “repressive nature” of transactional treaty thought by refusing to depoliticize treaty because it is rooted in visions of Indigenous autonomy, self-determination, and gender relations meant to guarantee the rematriation of jurisdiction, social relations, and land (2019, 6). Further, Starblanket and Stark argue that decentering transactional accounts of treaties in this way not only emphasizes the autonomy of Indigenous treaty visions, but also their transformative potential: “compelling visions of transformations can occur if we see the limits of Western conceptions of freedom and begin to understanding ourselves as inhabiting relations of interdependence with one another and with the world we live in.” (176) Like the animus of Riddle’s poem, this suggestion is not focused on whether or not transactional accounts of treaty can be corrected or nuanced through the official avenues of legal challenge, policy reform, or pedagogical projects aimed at helping settlers more fully understand their treaty obligations.

Instead, Starblanket and Stark remind us that treaties require all parties to recognize the fundamental interdependence of social life, but also commit to treaty's material and "*transformative possibilities* of understanding and *actively embodying* our responsibilities within those relationships" (emphasis mine, 177). Stark and Starblanket's formulation of the "transformative possibilities" of relational treaty politics attends to the incommensurable gap between ethical or epistemological recognitions of social interdependence and the active, material practice of creating the conditions in which those understandings can be meaningfully practiced. "There is thus an important difference," they write, "between *understanding* our place in the world as situated within relations of interdependence with all of creation and *living* in a way that carries out our responsibility within these relationships" (177).

Settler capitalism attempts to subsume all relations of social interdependence into forms of exchange that mirror the economic form of the commodity. This way of organizing social relations is incommensurable with the forms of social organization enacted by Indigenous treaty sensibilities and resurgent models of governance. "Explodes" does an excellent job of drawing out this incommensurability and offering a vision of how it might be overcome through feminist decolonial direct action. That is, the social transformation in Riddle's poem is animated by the dual movement of Indigenous resurgence and colonial "disintegration." Riddle's presentation of these movements as formally and conceptually entwined stages the social contradiction of treaty at the level of poetic form. *nêhiyaw* legal orders, for example, only have the space to thrive once the Alberta Legislature building has "returned to the earth" in a process of "disintegration." The legislature's "return to the earth," echoes Fanonian descriptions of decolonization as the burial of colonial institutions in the earth and the expulsion of settler colonial governance from decolonized territories. (41). In Riddle's resurgent vision of a decolonial future, Indigenous life

and social relations begin to flourish in the space opened up by the “non-existence” of the legislature buildings. The territory of the legislature grounds – the site where Riddle’s ancestors signed an adhesion to Treaty 6 in 1877 – is rematriated to house Indigenous women and their kin, while international relationships within Indigenous nations and between Indigenous nations and animal nations are nurtured.

It is important to reiterate that the transformation that Riddle describes in “Explodes” is active. As the title suggests the vision of transformation Riddle forwards in this poem is direct, even militant. While the Legislature *appeared* to falling apart on its own, “covered in tarps during maintenance” most of the time, it is the active kinship relationship between the speaker and the sandstone grandfathers that innervates the decolonial movement. The energy of transformation in “Explodes” does not come from gradual improvements to the legislature building and the legislative modes of governance it represents. Pausing for a moment on Riddle’s image of the Legislature building covered in tarps during maintenance, I want to propose that the tarps are a metaphor for the empty promises of colonial reform and the state’s hollow acknowledgements of treaty obligations. The implicit suggestion in calls for reform and recognition is that the authority of state power is both natural and inevitable. This (mis)perception compels people seeking transformation to commit to improving structures of domination rather than overthrowing them. Like tarps, this philosophy of social change actually *conceals* the fact that the institutions requiring “maintenance,” reform, and improvement are actually operating effectively for the settler state: continually undermining the lifeways of Indigenous peoples in Indigenous territories.

In my work as an activist, I have heard many Indigenous treaty descendants remark that while the Crown promised land and housing for its treaty partners, Indigenous descendants of

treaty still experience the indignity and vicissitudes of houselessness and dispossession in their own territories.<sup>61</sup> In one instance of what I consider brilliant direct treaty action, unhoused treaty descendants in literally repurposed maintenance tarps from the legislature grounds to build shelter at the nearby Camp Pekiwewin (2020), an Indigenous led prayer and relief camp for people experiencing houselessness. This prefigurative act of creating shelter from the materials of settler colonial dispossession is an act of social poesis – collective making – that stands in direct contrast to the obfuscating operations of settler colonial recognition that authorizes reformist visions of change. Ultimately, Riddle’s commitment to a resurgent nêhiyaw poetics that centres Indigenous women and those most constrained by settler colonial legislation imbues “Explodes” with a transformative treaty politic that centres questions of jurisdiction, interpretation, law, and futurity in practices of Indigenous autonomy.

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<sup>61</sup> Sylvia McAdam’s current resurgence project, “One House, Many Nations” uses tiny homes to house Indigenous people and draw attention to the First Nations housing crisis. For McAdam "housing is a treaty term — and promise for Indigenous people — that shelter is one of the promises." (Deerchild 2015) In 2021, Treaty 6 Grand Chief Vernon Watchmaker also echoed this sentiment about housing being a treaty promise (Shari Narine 2021).

## Chapter 5: “Parallel and Contrary Motions”



Figure 3: Image of page 102 of Weigel's collection.

Of all the poetry I engage with in this dissertation, Matthew Weigel's *Whitemud Walking* deals most explicitly with the history of the Numbered Treaties. I am interested in Weigel's collection because it clearly animates the social contradiction of treaty at the level of poetic form. *Whitemud Walking* juxtaposes impersonal, bureaucratic, colonial accounts of the Numbered Treaties with a focus on the personal and collective implications of treaty as a living form of Indigenous governance. The contrapuntal movement between histories of dispossession and

histories of resistance courses through *Whitemud Walking*, as the poems in the collection oscillate between a poetics of interrogation that subject colonial documents to the pressures of Weigel's "resistance historiography" (9) and a more intimate poetics in which the speaker becomes a "fleshbound manuscript" that connects his territory to "how family made the treaties, live them, love the land / this place this creek this river" (46).<sup>62</sup>

<sup>62</sup> In *Culture and Imperialism* (1993), Edward Said offers what he calls a "contrapuntal" method of reading the intertwined histories of global imperialism and colonization. For Said, the contrapuntal method "must take into account both processes, that of imperialism and that of resistance to it" (66). Given Weigel's commitment to staying with the contradictory unity of settler colonial violence and Indigenous persistence in the wake of that violence, I think Said's method is apt.

One of the most striking examples of how Weigel weaves these two poetic modes together can be seen in Figure 9. This visual poem begins a sequence that traces the disappearance of lakes in the Edmonton region. On this page, Weigel superimposes a historical map of two important Métis neighbourhoods in Edmonton, Garneau and Strathcona, onto selected pages from Alexander Morris's *The Treaties of Canada*, with a specific emphasis on how lakes within the city shrunk with development. What I find really interesting about this page is how the faint topographical lines of the lake in the bottom left corner of the page appear almost like fingerprints: as if the poet leaves his mark on the archival documents as he thumbs through them. In its refusal to honour the separation between the colonial archive and its embodied impacts on Indigenous peoples, or the material way in which processes of colonial abstraction changed the ecological composition of Indigenous territories, this image distills *Whitemud Walking*'s dialectical engagement with the objective and subjective histories of dispossession. "I have gotten, on occasion, too close to the materials I study," Weigel writes in "List of Rules I Have Broken in the Archive." "I am the materials I study" (23).

As the poet's fingerprints leave their marks on the "materials" he studies, refusing the objective historical distinction between himself and the land, Weigel registers the tensions between the understandings of treaty drawn from his own kinship relations and narratives of treaty reproduced by colonial institutions of knowledge production like the archive and the library. Formally, *Whitemud Walking* holds the dispossessive operations of Métis scrip, treaty fraud, and colonial development together with the intellectual political, and ethical practices of relation learned from his father's family. The result is a collection that challenges readers to consider the social transformations that Indigenous visions of treaties harbour in an era of climate catastrophe.



As a collection, *Whitemud Walking* is animated by the tension between transactional and relational ways of interpreting, living, and organizing treaty relationships. Against the twinned logics of propriety and dispossession that underwrite transactional treaty frameworks, *Whitemud Walking* articulates the transformational stakes of Indigenous treaty visions by continuously rooting his poetic study of treaty in land-based ecologies of relation. As Weigel writes in the collection's prefatory note:

This book began as thoughts on treaty and my obligations to the land in this time. But it spiralled outward into a journey of understanding all my relations. [...] This journey extends in every direction outward and inward. To the mountains. To all the ocean. To the stories told and yet to be told in the sky and stars. To the little bits of everything inside me. To all of time and to my ancestors and my descendants. (8)

The topology of treaty invoked in this passage moves from the personal to the collective, from the geological to the celestial, from the atmospheric to the historical, and out toward the future. Weigel writes from within this expansive network, and his poetry resists the state's ongoing attempts to neutralize and reduce treaty agreements to discrete articles that can be divorced from meaningful material commitments to Indigenous self-determination and sovereignty. Instead, his collection reminds me that taking treaties seriously as relational obligations challenges the economic, ontological, and epistemological premises of settler colonialism.

This challenge is more than merely intellectual or ethical: it is political. The "rigorous negotiations" Weigel's ancestors participated in at the time of treaty making were "in *defence* of a different expectation of the treaty-making process" than the one characterized by the "systematic fraud and white supremacy" of the Crown's weaponization treaty as a method of extinguishing Indigenous title. (emphasis mine 9) Weigel's invocation of "defence" in this passage resonates with the contemporary vocabulary of "land defenders" and "water protectors" that describe the most militant and transformational instances of anticolonial resistance today.

Situating the negotiations of the Numbered Treaties within this genealogy of political activity and self-defence emphasizes treaties as articulations of political autonomy rather than merely ethical or epistemological orientations toward reconciliatory relations between Indigenous peoples and colonizers. Throughout *Whitemud Walking*, Weigel builds on this fundamentally sovereign history of treaty by simultaneously *critiquing* how treaty making was operationalized by colonial administrators to facilitate the structured dispossession of Indigenous people and *imagining* the possibilities for social transformation that Indigenous visions of treaty offer. Ultimately, *Whitemud Walking* holds these colonial and Indigenous modes of interdependence and intimacy together, illustrating how the Numbered Treaties are underwritten by two fundamentally contradictory ways of relating to land.

Many of the scenes in the book, for example, take place in institutions of colonial governance and administration. These institutions literally constrain treaty history, politics, and territories. The Library (14), the Archive (23), the University (21), the Nature Sanctuary (26), the Department of Indian Affairs (107), the National Park (147), the Railway (140) and the Company (19), all feature in *Whitemud Walking* as institutions that enclose social relations within the impersonal dominations of settler colonial capitalism.<sup>63</sup> Conceptually, each of these institutions represent modalities of governance that shape memory, knowledge production, capital accumulation, territory, and citizenship. Narratively, they offer the setting for many of the poems in the collection. Throughout *Whitemud Walking*, the speaker works within and against

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<sup>63</sup> Weigel gives a specificity to each of these institutions: Library and Archives Canada, the University of Alberta, The University of Alberta Library and Archives, the Mactaggart Sanctuary, Banff National Park, the Canadian Pacific Railway, and the Hudson's Bay Company. I have chosen to both capitalize and generalize these terms here to emphasize their function as synecdoche in the symbolic economy of *Whitemud Walking*. In my reading, each institution is both a concrete manifestation of settler colonial administration and an abstract method for organizing and controlling memory, knowledge, territory, resources, and social interdependence. Capitalizing these institutions also creates a sense of the nightmarish, Kafkaesque violence of bureaucracy which repeatedly interrupts the speaker's dreams throughout the collection.

these institutions in order to breathe life into his kinship relationships and treaty obligations. Where the “library accepts no responsibility, bears no / responsibility, shall not be liable, shall face no consequence” for its regulation and administration of colonial history (28), the poet’s responsibilities to honour the visions of his ancestors come to him in dreams and intensely embodied experiences: “I wake up at 6am to a weight on my chest. / I massage it until it says the word ‘treaty’” (51); “My lungs are full of spruce trees / but otherwise I am empty / I am here to witness,” “Dream I was a library again / it is an all-or-nothing calling” (125). Under the pressure of the alienating impacts of colonial bureaucracy, the poet challenges himself to remain radically connected to the expanded networks of interdependence that constitute Indigenous visions of Numbered Treaties 6 (51) and 11 (125), so much so that he becomes them:

I have bones  
but otherwise I am formless before the 7am alarm  
held loose on birdsong, briefly,  
between the low notes on their way to the water.

I am bounded by the geese,  
And punctuated by the dwindling of the caribou. (125)

Existing between the low notes of birdsong, bounded by the collective movements of geese, and marked by ecocide, the poet is held by and the forms of social interdependence that give him life.

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 of the northern portion of the Coppermine River and west of the northern Yukon bord  
 and white seal with "RG 10 series 4, vol. 18" "Record Group 10 Series 4, Vol(s) 18" T-99

Figure 4: "[Access 90 Open]" is the second page of the collection proper. In my reading, it represents the absurdity of engaging the history of the Numbered Treaties as mere data to be archived and managed.

The intensity of ecological and embodied interdependence that the poet experiences “before” the alarm wakes him to head to the archives is powerfully juxtaposed to his experiences within them. The opening page of the collection’s first section, for example, “Whether They Took Treaty or Not, They Were Subject to the Laws of the Dominion,” represents how alienating “de-reciprocal programming” of the institutional archives can be (15). This poem (seen left, Figure 10) is composed of a wall of mostly grey text punctuated by the black refrain of “[Access 90 Open]” (13). In the language of the archive,

this access code is Canada’s digital operator for archival materials that are unrestricted and directly available to the public. In contrast to this foregrounded text, the grey font builds a paratactical list of archival reference numbers, access codes, item call numbers, retrieval dates, and descriptive language outlining the shape and physical characteristics of the documents.

These paratextual descriptions are interspersed with fragments of text from the documents the poet is searching through. While some of these fragments describe the material properties of the documents – “one red wax seal one wide blue ribbon Two straight parallel holes are in each sheet” (13) – most of the legible text repeats variations on the most contentious clause of the Numbered Treaties: the surrender clause. The line “surrender of land in

consideration of reserves” is repeated throughout the poem, as the basic semantic unit and theme of its visual background. Counterposed with the foregrounded refrain of “[Access 90 Open]”, the repetition of the surrender clause in the poem creates a fugue-like structure, drawing out the different tones and expectations of treaty making enunciated by transactional and relational treaty visions.

Further engaging Said’s anti-colonial contrapuntal method of analysis, I also consider his use of the fugue here—as a way of understanding the specific movements of Weigel’s work.<sup>64</sup> Drawing on Said’s own description: “A fugue can contain two, three, four, or five voices: they’re all part of the same composition, but they’re each distinct. They operate together, and it’s a question of how you conceive of that togetherness: if you think it’s got to be this *or* that, then you’re paralysed [sic]” (qtd. in Symes 310). Said’s theory of contrapuntal, fugal reading as a strategy of apprehending the irreducible tensions, subjects, and struggles of history in ways that are not subservient to the narratives of empire gives a methodological and theoretical substance to my invocation of the fugue here. My use of the concept is also heavily indebted to the work of Fred Moten, whose continuous playful movement between the poetics of fugue, fugitivity, refugee, centrifuge, and refusal has deeply shaped my own thinking in general.<sup>65</sup>

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<sup>64</sup> Said drew much inspiration pianist Glenn Gould’s interpretation of Bach’s fugues for his interpretive method. Colin Symes (2006) writes of Said’s interest in musical counterpoint as a model for historical critique: for Said “history is a giant fugue of interweaving themes and voices, of subject and reply” that cannot be subsumed into a single dominant melody or narrative (317).

<sup>65</sup> My use of the concept is also heavily indebted to the work of Fred Moten, whose continuous playful movement between the poetics of fugue, fugitivity, refugee, centrifuge, and refusal has deeply shaped my own thinking in general. For Moten, opens the “fugal palimpsest. Fugued amnesia. Cetrifugitive motet” are the “irreducible motifs of black study (160). While there’s *much* to say about the complicated relationship between Indigeneity and black study in Moten’s work (especially with Stefano Harney), I think that they draw out a generative connection between the movements of Indigeneity and Blackness: “Indigenous movement is black movement, too. For us, those movements are both entangled in and as the defense of territory from the physicality of settlement but also of the earth from the metaphysicality of settlement (2018). Leanne Betasamosake Simpson has a generous and extended reflection on this proposal in *Rehearsal’s For Living* (2022). Playing, but not identically, with Said, I think that Moten offers a capacious reading of the fugue as a structure of thought and composition that can stay with the constant movements and counter movements animated by Indigeneity and Blackness.

The fugue is a composition constructed on one or two short melodic themes which are brought together by contrapuntal play (“OED”). Musically, these two primary themes are expressed into two different keys and their sustained modulations modify each other as the composition unfolds (“Concise Oxford Dictionary of Music”). In the context of Indigenous aesthetics, Diné composer Ravon Chacon describes how his works are in (distant) conversation with 16<sup>th</sup> century studies of fugal counterpoint in Western classical music. In an interview with settler poet Michael Nardone, Chacon talks about how the overlapping dynamics of complexity, multiplicity, layered space, and “social trajectories” are all related to his understanding of compositional counterpoint:

An interesting aspect of Baroque studies in counterpoint is resolution. Composers experimented with progression toward a resolution. It’s why you have these cadences that move through episodes of dissonance and consonance; the contrary motion has to resolve itself by coming back to some kind of parallel motion, ultimately arriving at a resolution that culminates the phrase and the composition. There is some hope in that complexity. I’m not saying it’s trying to wrap everything up in a nice bow. The resolution could, in fact, be continued conflict, or the recognition of conflict. [...] The work arrives at a position, or a position comes into focus where the players are, where the audience is, and where anybody else involved in that musical situation is as well. (2023)

In Chacon’s description of the fugue’s complex relationships of parallel and contrary movements that tend toward a resolution which might open up into an intensified conflict, I hear an articulation of the fugue as a productive form through which to read the formal construction of this opening visual poem in *Whitemud Walking*. The two fundamental themes of this visual poem – surrender and access – are in a constant play of harmony and dissonance, similarity and difference. The parallel and contrary motions of surrender and access stage the relationship between dispossession and accumulation inherent in treaty as a technique of domination. By this I mean that transactional treaty interpretations assumed (and enforced) a “surrender” of land

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which in turn granted colonizers “access” to Indigenous territories only then to regulate and discipline the ways Indigenous peoples could, like the speaker of this poem, access their own territories. On first read, the foreground of “[Access 90 Open]” might signal an invitation to study the treaty texts and related documents. However, the illegible, floating signifiers, along with the repetition of “surrender,” modifies “access.” That is, “access” is transposed into a more colonial key that echoes the force implied in the title of this section: “Whether They Took Treaty or Not, They Were Subject to the Laws of the Dominion” (11). In short, the formal repetition and contrapuntal dynamic between the two central refrains of this poem animates the affectively flat page with an energy of tension, dissonance, and contrary movement, offering a way to consider this opening passage from *Whitemud Walking* as it foreshadows the formal innovations and “contrary movements” Weigel uses throughout the collection to address competing visions of treaty.

Fugue also has a secondary meaning that is generative for my thematic analysis of Weigel’s collection. This secondary meaning has its roots in psychology, where a fugue refers to a “form of disassociation characterized by apparently purposeful travel outside one’s normal range of movement, with amnesia during the period of travel” (“A Dictionary of Psychology”). Within the context of Weigel’s poetry, this second definition evokes the poet’s experience of dissociation and the psychological harm of colonial dispossession as he moves in and out of settler colonial institutions that hold his kin in prison or morgue like “metal boxes in stacks / in rows of other metal boxes, / all inside this concrete box” (14).

In the poem directly following “[Access 90]”, “Inside the Pop-Up Box,” the poet enters archives and libraries Canada. The poem starts with the poet’s memories of his parent’s libraries of tapes, books, shelves, drawers, fossils, and stories (14). These intimate and somatic archives

are juxtaposed to the brutal architecture of the colonial buildings, where the history of the “thing called canada” is kept in a series of inaccessible vaults. As the narrative of the poem progresses, the poet is required to dissociate and separate himself from his name which he must write on a clipboard in order to access photos of his family:

I am warm, holding my coat and my sweater and my bag  
and all the other things that aren't my name.  
That, I write on the clipboard,  
and it is not lost on me that I am here to see  
my great-great-grandfather's signature,  
and that I must offer mine to the library first. (14)

As the poet trades his signature for access to his ancestral material, the poem shifts in tone. The warmth of poet's favourite songs and stories, his childhood memories, and the connection of these memories to the “layers in the earth of stories” (14), is replaced by the “de-reciprocal programming” of archival automation (15). The dissociation of the poet's name from his body when he offers his signature to the library inaugurates this shift. As he moves deeper into the belly of the beast, where “no one will see [his] kin” he also encounters his own “layers” “splayed (*pro pelle cutem*) on a table / and numbered” (15). The motto of the Hudson's Bay Company, the Latin phrase “*pro pelle cutem*” translates to “a pelt for skin” or “skin for skin,” signalling the deadly economy of exchange on which settler capital is founded and echoing the poet's trade of his signature for a glimpse of his great-great-grandfathers. By the end of the poem, the poet encounters the treaty text as document haunted violence which “cuts through the centre” of him: “see me, my layers” he calls, “A PROCLAMATION. By the KING,” echoes back in the empty depths of the library (15). The disjuncture between the speaker's memories as “a layer in the earth of stories,” in the first movement of the poem, is echoed by the refrain “this layer is the treaty” in the poem's final stanza where the “red ink” of the treaty document “cuts” “measures” “marks” and bifurcates the poet as it does the text: “I am the materials I study” (23). In this fugue



state of dissociation, the treaty is dissociated from the earth as the treaty contract seems to alienate the poet from himself.

The violence of transactional treaty accounts provides one thematic line through *Whitemud Walking*. However, more relational treaty visions offer a counterpoint throughout the book. The poem cycle “Whitemud Walking,” for example, runs through the collection. This series of peripatetic reflections grounds Weigel’s poetic study of treaty in the ecological relations alive in Whitemud Ravine. In “Whitemud Walking I,” Weigel situates the ravine as a site of layered and competing political geographies. Readers are told that the ravine is a site where the Whitemud and Blackmud creek converge, near the Papaschase Cree Reserve that was legislated out of existence in 1888, on land governed by Treaty 6, in the shared territory of the Métis Nation of Alberta’s region 4, and in the “holdings” of the University of Alberta. (26) In “Whitemud Walking I” Weigel maps the contradictory ways of organizing space and governance, distilling what I see as one of *Whitemud Walking*’s central political questions: what does it mean to embody relational treaty practices under conditions of settler colonial occupation? Weigel does not offer a direct answer in the “Whitemud Walking” series, but he does contrast the transactional accounts of treaty depicted in the two poems I discussed above with a more vital account of treaty relationality.

In the ninth poem in “Whitemud Walking,” for example, Weigel’s poetic attention to the land-based dynamics of wind, sun, grass, and water exfoliates the oft repeated declaration that the Numbered Treaties are meant to last “as long as the sun shines, the grass grows, and the waters flow” (Cardinal and Hilderbrandt 54). In “Whitemud Walking IX” Weigel recovers this statement from the ways it has been reified via repetition and empty recognition in the discourse of settler colonialism. “Whitemud Walking IX” describes the material movement of wind

through grass, how the heat of the sun pressurizes the atmosphere and changes wind patterns, how plants grow toward the sun as it moves across the sky, and how the water “seems to travel as the atmosphere and the plants and the animals move across / the ground in different ways at once.” (128) In contrast to the “metal boxes in stacks / in rows of other metal boxes / inside this concrete box” of Libraries and Archives Canada (14), the dynamic movement of wind “as a changing of pressures, seems to travel as the sun heats different parts of the atmosphere at once” animating blades and stands of grass as well as the movement of the water (128). This depiction of atmospheric movement and elemental interrelation offers an animate archive of treaty that does not follow the rhythms of property and dispossession, but rather the rhythms of the earth. Instead of presenting treaty as an economic contract expressed through the *metaphors* of sun, grass, and water, “Whitemud Walking IX” offers a more elemental vision of treaty as an agreement to share the land in mutually beneficial ways: an agreement literally recorded in the material rhythms of the land and atmosphere.

This relational framework Weigel offers in his collection refuses to reduce treaties to forms of economic social interdependence that can be segregated from the political, material, spiritual context of Indigenous governance and collectivity. Against the settler state’s ongoing attempts to neutralize the material and political demands of the Numbered Treaties, Weigel’s poetic study proposes a “resistance historiography” that attends to the place of treaties within “an Indigenous imaginary that de-historicizes and de-neutralizes” the state’s treaty obligations to Indigenous peoples (9). Put another way, *Whitemud Walking* re-stories treaties as living agreements of mutual support and non-interference, restoring the centrality of Indigenous governance to contemporary discussions of treaty relationships in Canada. In the prefatory note to the collection Weigel describes how the Canadian state attempts to depoliticize its

contemporary obligations to Indigenous nations “by treating them as historical and complete,” part of the progressive narrative of Canadian nationalism (9). For Weigel, *Whitemud Walking* activates a political critique of transactional treaty accounts by rooting his analysis in the “infinite incompleteness of treaty” (9). In contrast to the contractual *event* of treaty making, Weigel contextualizes the concept of treaty as an expansive, ongoing, and enduring *framework* for organizing relationships of reciprocity and obligation. In the book, this framework extends from the digitized archival codes that regulate access to treaty documents (13), to photographs and recordings of his family that those archives contain and own (20, 163); from the calculated prices of land determining Métis scrip (34-5) to the “small yellow flowers,” “green spiders,” and “angling spruce trees” that compose the ecology of the Whitemud Ravine; from topographical maps of land surveys (104-5, 110-11, 158) to the “melting glaciers” and “modulations of mud” that register the “geology of colonialism” (151). The result of this temporal and spatial scaling is a collection that enfolds the reader in a symbolic economy where treaties index both settler colonial domination *and* autonomous forms of Indigenous social organization.

In the following close reading, I juxtapose Weigel’s scalar representation of treaty relationships with transactional accounts of treaty that *flatten* social relations of interdependence and mutuality. Under the capitalist mode of production, the value form subsumes all discrete entities into a system of abstract equivalence and exchange. Through the universalizing mediations of money and abstract labour time, one commodity becomes equivalent with all others not only at the *moment* of sale, but through the *processes* that shape the production of commodities. Commodities, in other words, are not primarily produced for their use, but rather their exchangeability. In the argument I have been developing in this dissertation, this economic model of transaction determines settler colonial social relations more generally, mediating social

interdependence through an impersonal and universalizing signifier – money – and a generalized form of relation – transaction. Weigel stages this confrontation between capitalist and non-capitalist forms of social interdependence most concisely in the following line from “The CPR Wanted to Prove the Parallel Line Theorem: “the land was now accessible without the need to touch it.” (132). This line measures the tension between the impersonal, disembodied form of social interdependence inherent to transactional models of treaty, and a relational model of interdependence in which land is a site of embodied belonging and becoming. This relational mode of social interdependence can be read concisely in the final lines of “VI”: “This is where I / learn how to live, with myself and with what I know, / with my relation in the water, on the land, in the air.” The juxtaposition of these two moments in *Whitemud Walking* draws out the social contradiction at the heart of treaties by pressurizing the political, philosophical, and material differences between settler capitalist and Indigenous treaty visions.

Formally, *Whitemud Walking* invites this kind of dialectical reading because it tracks both the “logical topology” of capitalist accumulation and the “historical cartography of the processes of primitive accumulation” (Walker 32).<sup>66</sup> In other words, Weigel’s collection is

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<sup>66</sup> This formation is borrowed from Gavin Walker’s 2020 introduction and translator’s preface to Kojin Karatani’s *Marx: Toward the Centre of Possibility*, originally published in Japanese in 1974. Karatani’s work analyzes the role of the value form in the semiotics of capital and reads Marx’s work on political economy as a way to think about the sociality of language. For Karatani, there is a metaphorical play of “concealment” in the capitalist value form which, when attended to critically, can expose the shape and structure of capitalist social relations at large (11). In the context of my work, Karatani’s argument that the value form “is an ideational form that acts in excess of human volition precisely to restrict or constrain human beings, a form into which everything is enclosed” (5) is apt because it helps me identify the economic basis of value as an ideational form that encloses and determines settler colonial relations. I employ Walker’s description of the theoretical and historical material application of Karatani’s fundamental argument because the twinned scales of “topology” and “cartography” resonate with Weigel’s own poetic strategies. Moreover, as Chris Nealon has argued, this attention to relationship between “logic” and “history” parallels the two argumentative peaks of Marx’s analysis of capital in *Capital Volume 1*. “The General Law of Capitalist Accumulation” (Chapter 25) sketches capital’s accumulative drive at an abstract level and “The Secret of Primitive Accumulation” (Chapter 26) stories the emergence of capital in “letters of blood and fire” (875). For Nealon the most innovative Marxist work in feminist theory, Black studies, and Indigenous studies does not prioritize one of these focal points over the other, but reads them together in an effort to demonstrate how processes of feminization, racialization, and colonial dispossession are not epiphenomenal to capital’s internal logic, but central to it. (Nealon. “Value,” *Red May*, 2017. [https://www.youtube.com/watch?v=OFu\\_lundiUs](https://www.youtube.com/watch?v=OFu_lundiUs))

attuned to the concrete ways the settler colonial administration of treaties interrupted Indigenous peoples' kinship and governance structures in order to create the conditions in which private property could take root. However, *Whitemud Walking* is also attuned to the more abstract philosophical and political architecture of *possession* fundamental to capitalist transactions. For the literary critic Caroline Lesjack, this type of poetic multidimensionality requires a literary methodology that can "hold together the visceral, affective, and local textures of experience and the global, virtual, derivative-driven flows of capital" (264). I think Lesjack's methodological insights are appropriate for the study of *Whitemud Walking* because Weigel's poetry refuses to isolate treaty making as a discrete historical event. Instead, Weigel experiences the "weight" (51) of treaty as a perpetual presence in his life and in his world. This visceral and hyper local experience of treaty is played against global reach of colonial dispossession, evidenced in the imperial circulation of the texts of the Numbered Treaties. As Weigel writes in "III":

I was digging through company documentation and order in council records. I had to stop. I was sobbing. All I could think about was Queen Victoria sitting in a room in Windsor Castle with a handful of lords around her as they turned a land she had never seen into lines and numbers. (44)

In this passage, the tension between the "affective, visceral, and local textures of experiences" is articulated alongside the global flows of settler colonial capitalism, as decisions made in England abstract the land of Denedeh, divvying it up into parcels of private property to be bought and sold. In contrast to an embodied and personal relationship to land and territory, the operations of global capital transform land into a set of "lines and numbers" by way of abstraction. "III" foregrounds the violence of capitalist abstraction in the settler colonial context. The poem emphasizes how transactional relations to land undermine relational ones through the textual circulation and empirical regulation inherent in settler colonial treaty relations.

In this figuration, the Numbered Treaties are shaped by settler colonialism's structures of abstraction and domination. To put it concisely, *Whitemud Walking* challenges readers to tend to how the transactional mechanisms of settler colonial bureaucracy undercut relational treaty visions. The poem "The CPR Wanted to Prove the Parallel Line Theorem," extends and intensifies this dynamic. In the poem Weigel demonstrates the material consequences of impersonal modalities of social interdependence produced by colonial logistics and capitalist empiricism that turn land into "lines" and "numbers." The poem begins with an abstract theory of mathematical parallelism: "Two lines are parallel if and only if the corresponding angles of a / line that crosses those two lines are equal." (130) Weigel then offers two primary methods of proving the existence of parallel lines: "induction," which extends the abstract mathematical principle from a single case to all subsequent cases; and "exhaustion," "whereby all cases are proven individually." (130) While they are distinct, each method subordinates the instance to the rule; in other words, the particular case to the general theory, the concrete to the abstract, the local to the global, means to the end. The method of induction operates by way of subsumption where the rule incorporates all subsequent cases, giving them *form and meaning* within a predetermined logical system. Additionally, Weigel describes how the method of exhaustion operates by way of "brute force," (130) where the rule is *(re)produced* through the activity of analysis and equation. In the first case a linear sequence is *presupposed* "(n = 0,1,2,3, ...)" (130); in the second case the formal sequence is *produced* by the coercion of particularities into a mathematical law.

The methodological differences articulated in the first three stanzas of "The CPR Wanted to Prove the Parallel Line Theorem" express a difference between idealist and materialist methods of interpretation. To put it succinctly, "induction" takes the ideal truth of its claim for

granted: ‘this *is* true.’ “Exhaustion,” on the other hand, materially produces the truth of its claim: ‘we will *make* this true.’ Weigel’s invocation of “brute force” in this poem compels me to transpose the logical stakes of the opening mathematical “lines” into the political economic register of treaty relationships. Incorporation and force were – and still are – two major strategies the Canadian state uses to enforce transactional interpretations of treaty through the infrastructures of energy and capitalist circulation. In this poem in particular, the extended metaphor of rail lines draws the reader’s attention to the “parallel” historical continuums of infrastructural development and Indigenous dispossession produced by settler colonial capital’s insatiable tendency of accumulation.

In this context of “CPR,” the methodological differences between idealism and materialism plays out through set of concepts whose interanimation draws me every more deeply into the density of treaty as a social contradiction. When the ideal mathematical functions of equation, linearity, presupposition, subordination, law, and regulation are transvaluated from mathematics onto, and through, the railway as a metaphor for settler colonial capitalist development, they take on a new set of associations which emphasize the role of colonial domination in producing the “proof” of the “law,” both mathematically and socioeconomically (130). This linguistic transposition brings the dialectic relationship between the abstract and the concrete more fully into view. Specifically, “The CPR Wanted to Prove the Parallel Line Theorem” concretizes the abstract mathematics of colonial engineering through the metaphor of the railway. In this formation, the railway cuts through Indigenous territories, laying the ground for not only the expansion of federal control, but also (re)producing its logistical armature: “geometric theorems” of “survey,” “profit,” and “war” (131). The profit motive that propels the circulation of commodities on the railway both literally and figuratively undercuts relational

practices of social interdependence on and with the land, subordinating them through the “exhaustion” of indentured labour and “brute force” to the “law” of the Dominion and the domination of capital.

Additionally, as “The CPR Wanted to Prove the Parallel Line Theorem” progresses, it moves from the abstract mathematics of the first three stanzas to ever more concrete determinations. Interestingly, the way this poem unfolds resonates with Marx’s method of political economic critique. Counteracting the dominant tendency of bourgeois economists who would begin their analysis with apparently self-evident, transhistorical existence of categories like “population” and “nation” (100), Marx attempted to illustrate how these categories were neither trans-historical nor self-evident. Instead of moving from these seemingly “real” categories of social organization to understand the totality of social relations in a given country, for example, Marx’s methodological intervention into political economy was to begin with the most abstract category of value and examine how it came to determine the concrete organization of social life. Writing in the introduction to the *Grundrisse*, Marx states:

The concrete is concrete because it is the concentration of many determinations, hence the unity of the diverse. It appears in the process of thinking, therefore, as a process of concentration, *as a result, not as a point of departure*, even though it is the point of departure in reality and hence also the point of departure for observation [...] *The method of rising from the abstract to the concrete* is the only way in which thought appropriates the concrete, *reproduces it as concrete in the mind*. (emphasis mine 101)

The analytical movement of this method is counterintuitive. Even though categories like the population, the nation, and price are the most immediately apparent to economists, they are the *result*, Marx argues, of an abstract way of thinking about social life and labour, *not* the point of departure for a deeper understanding of it. The goal of Marx’s method is to try and grapple with the abstract categories that make concrete observable phenomenon *appear* as self-evident. This



method is important to a *critique* of political economy because it refuses to take social relations of power as inevitable or natural. Instead, Marx's method asks how the categories of political economy *come to appear* self-evident in the first place.

Returning to Weigel's poem, Marx's method is evocative because it helps me identify the processes through which land, by the end of the poem, comes to appear as "empty," "available," and "ready" for settlement. (132) The motivations which produced these laws of *terra nullius* were not inevitable or natural; they were historically specific and contingent. Throughout "The CPR Wanted to Prove the Parallel Line Theorem," Weigel accounts for these layered motivations. The first motivation Weigel identifies is economic: "brute force" was needed because "mathematical induction" "was not *profitable*" (*emphasis mine* 130). The second is political: "for the federal government, it was in the *national interest* to prove things by train," using industrial technology to consolidate federal control over western territories (*emphasis mine* 131). The third motivation Weigel identifies is social: "The new math would bring tourists from the old country, *some might even stay*" (*emphasis mine* 131). The fourth motivation is expansion, *ad infinitum*: "But no matter how many lines were crossed, *there was still more to go.*" (*emphasis mine* 131) This fourth and final movement synthesizes the first three, linking capital's tendency toward expansion to the settler colonial imperative of territorial expansion personified in the figure of the settler who "comes to stay."

This declension from the mathematical "theorems" of the first stanza to the poem's final reflections on the concrete determinations of financialization (through "money" and "loans") describes the process of dispossession by which "land" is transformed into property. This movement is not only dispossessive or destructive of Indigenous life, however: it also produces the modalities of alienated social interdependence that are the basis of settler colonial capitalism.

The preeminent scholar of settler colonialism, the late Patrick Wolfe, reminds us that settler colonialism is both destructive *and* productive: “[S]ettler colonialism has both negative and positive dimensions. Negatively, it strives for the dissolution of native societies. Positively, it erects a new colonial society on the expropriated land base.” (388) In “The CPR Wanted to Prove the Parallel Line Theorem,” the transformation of land into “lines and numbers” (44) is a necessary feature of what Weigel terms the “new kind of mathematics” (131) required for settler colonial development and expansion.

In three short indented lines of the poem’s last stanza Weigel identifies the basic precepts of this colonial mathematics. These principles are expressed in three “new assumptions” about land that were produced by the “brute force” of CPR’s “exhaustive” efforts: “the land was empty – / the land was available – / the land was ready – (132)”. In the poem, these “new assumptions” are invaginated within the processes of exchange (read: “purchase”) and circulation (read: “passage money”) (132).

The proof was complete. New assumptions were now commonplace  
and available for use by the purchase by the public with *purchase*:  
the land was empty –  
the land was available –  
the land was ready –  
*passage money* advanced. (*emphasis mine* 132)

Syntactically, the three indented lines each have the rhythm of an equation. “Was” functions as the operator that produces the equation between “land,” emptiness, availability, and readiness. Contra the relatively unmeasured sentences that compose the rest of the poem, these three lines are heavily metered. Metrically, these three lines form a conventional haiku, highly regulated metrical tercets: the first and thirds lines are composed of seven syllables; the middle line is composed of five. The contrast between these strictly regulated metrical lines describing settler

colonial ideology of *terra nullius* and the rest of the poem distills the centrality of quantification, measurement, and regulation to the processes of transforming land into property. Paired with the rhythmic equation of the lines, the metrical tempo of this tercet reinforces the relationship between abstract theories of measurement and concrete practices of settler colonial enclosure. As the poem demonstrates, these “commonplace” ideas about territoriality and land were produced through dual processes: the abstract logics of equivalence which were made material with every new “postulate of iron” laid in order to secure the circulation of capital. (131)

Within the context of Weigel’s documentary poetics of treaty, however, the invocation of parallel trajectories, the geometry of relation, and formal equality also evokes an alternate interpretation of treaty. The references to parallelism in “The CPR Wanted to Prove the Parallel Line Theorem” also conjure the image of the Two Row Wampum I referenced in chapter one. The Two Row Wampum documents a treaty inaugurated by the Haudenosaunee and Dutch settlers in 1653. As Tom Keefer writes, the Dutch originally proposed a hierarchal relationship with the Haudenosaunee, with the colonizers figured as “the father” and the Haudenosaunee as “the children.” The Haudenosaunee rejected this paternalistic figuration and proposed a treaty of solidarity and non-interference instead. (2014) John Borrows describes the Two Row Wampum belt, a document of the treaty, as follows:

The belt consists of two rows of purple wampum beads on a white background. Three rows of white beads symbolizing peace, friendship, and respect separate the two purple rows. The two purple rows symbolize two paths or two vessels travelling down the same river. One row symbolizes the Haudenosaunee people with their law and customs, while the other row symbolizes European laws and customs. As nations move together side-by-side on the River of Life, they are to avoid overlapping or interfering with one another. (76)

The fundamental precepts of non-domination and autonomy take shape in the Two Row

Wampum's parallel beaded lines. These parallel trajectories are distinct yet interconnected. They are united by three rows of white beads signifying the unifying principles of the treaty: peace, friendship, and respect. Visually, what might otherwise appear as the negative space of the belt is infused with guiding protocols of governance rather than a sort of conceptual emptiness or space of *terra nullius*. Contrasted with the mathematical theory proposed by the "Parallel Line Theorem," in which the space between two lines signifies a void to be traversed by the angles of commensurability (and the iron of the railway), the space between the two lines of the Two Row Wampum is filled with political meaning and guidelines for governance that emphasize autonomy and non-interference amidst relations of mutuality and reciprocity.

This alternative reading of treaty parallelism is also evoked in the poem "parallels" that appears toward the end of *Whitemud Waking*. In its five sections, the poem offers a list of alternative meanings of parallelism derived from the language of ecology. These definitions reference the eco-poetic practices of nesting, thriving, and living in in a particular ecosystem according to "specific / behaviours." (153) Each of these definitions culminates in the poem's final line: "all my relations." (153) Read within my discussion of *Whitemud Walking*'s poetic study of treaty, I suggest that this poem's list of definitions offers an alternative way of reading parallelism as a geometry of relation. Together with the Two Row Wampum, this poem offers a set of protocols for embodying treaty relationships that are mediated by relational modalities of social interdependence, rather than a theory of social interdependence mediated by settler colonial capitalism's abstracted and impersonal logics of exchange.

What I have hoped to demonstrate in this chapter is that Weigel's rich analysis of the Numbered Treaties contrasts transactional interpretations of treaty that are underwritten by settler colonial capitalism's forms of value production with the political, social, and ecological

practice of theorizing and governing social relationships according to a relational vision of treaty rooted in the rhythms and interconnectedness of the earth. Ultimately, *Whitemud Walking* registers the Numbered Treaties as social contradiction by mobilizing formal strategies that demonstrate the antagonism between two radically different ways of ways of organizing social interdependence.

Closing Thoughts: “the infinite incompleteness of treaty”

Incomprehensible incompleteness is then not so much the name for something or a somewhere from where resistance is attempted. Against scarcity, and the juridical and ethical terms with which it has dressed up the subjects of property, sovereignty, or desire, *res imperfectum* as *res improprium* is just another name for the material capacity (the power of matter) which is perhaps what Stefano Harney and Fred Moten calls *ius generativitatis*, the one for which I propose generosity as principle.

-Denise Ferreira da Silva (6)

The idea that animates *Treaty and the Poetics of Social Transformation* is that the Numbered Treaties pose an ethically, historically, materially, conceptually, and formally complex set of problems regarding how Indigenous and non-Indigenous people *do* and *ought* to live together in occupied territories. I was motivated to write this dissertation because of my own sense of intellectual and political dissatisfaction with the vague language of “relationality” often mobilized in response to questions about Indigenous-settler relations. My disaffection with this “relational turn” in treaty scholarship and public discourse was a response to the limitations of recognition absence of transformation. I witnessed a gap between the ethical and epistemological work being done by non-Indigenous people to *understand* our own obligations, histories, and place with regard to treaty, and a political project committed to *transforming* the objective conditions of settler colonial relations in addition to their subjective register.

More directly, over the course of the last ten years, I became disillusioned by the refrain “we are all treaty people” that I heard circulating during and after the Truth and Reconciliation Commission (Epp). Whether introducing academic conference proceedings, chanted during anti-colonial marches and rallies, or invoked by friends and teachers as a governing truth, the phrase began to lose meaning. To me, it acted as a veneer that smoothed over the rough and painful edges of treaty as a historical encounter. As I learned more about the history of Treaty 6 – its failures and possibilities – the certainty of “we are all treaty people” became increasingly

untenable: the pronoun too capacious and the verb too sure. Despite the popular phrase's crucial attempt to articulate the importance of treaty as law for non-Indigenous people, the specificity of different community's treaty inheritances were seemingly conflated in the indefiniteness of "all."

In an effort to stay with the difficulty of these feelings, I rephrase it for myself: "We are all treaty people; we cannot be treaty people." In this subjunctive reformulation the statement became a problem, and its contradiction invited study rather than resistance. What does it mean to be a treaty person? Why does it feel impossible? For whom is the acceptance of treaty relations a choice and for whom is it imposed without consent? What purchase can consent have in the ongoing history of colonial violation? What does it mean "to be" under circumstances that impede that "being?" Where are these questions being pursued aesthetically and socially? How might the structures that shape our social world need to change in order for non-Indigenous people to live our treaty relations ethically and collectively? What would a political project built around this intention look like?

*Treaty and the Poetics of Social Transformation* is my sustained, imperfect, and incomplete attempt to think through these questions. Following the contradiction on which "we are all treaty people; we cannot be treaty people" pivots, I have approach the relations of treaty dialectically, situating treaty firmly within and against the logic of settler capital. The beginning of this dissertation lays out a conceptual schema for *identifying* and then *reading* treaty as a social contradiction. Working with the dominant language of contemporary treaty scholarship, I read relational treaty interpretations – interpretations rooted in what I have called elemental and ante-colonial Indigenous treaty thought – and transactional treaty interpretations – interpretations rooted in the capitalist logic of exchange and equivalence – alongside and against each other. Because this is a contradiction I have described at length throughout this dissertation, I am

offering a visual representation of the contradiction here, to put it a bit differently:

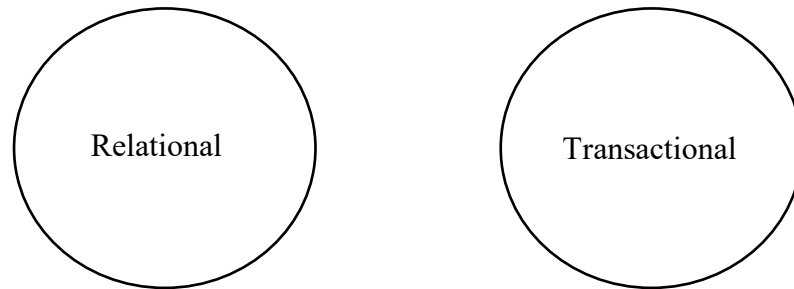


Figure 5

In the first phase of analysis, represented in Fig. 1, the relational and transactional interpretations of treaty are distinct from each other, representing a specific configuration of social interdependence premised on Indigenous modes of production and the capitalist mode of production, respectively. The relational model conceives interdependence an essential material, ethical, and spiritual relation of reciprocity and responsibility where all life is connected and interdependent. This interconnection is constitutive of Indigenous economic and political forms. On the other hand, the transactional interpretation is based on the commodity form of social interdependence where people relate to each other not as interdependent beings, but as commodity owners whose social exchange is mediated by the impersonal relations of production and value.

My contention is that these two ways of organizing social life and reproduction are not only different, but inherently antagonistic to each other. Therefore, when these ways of organizing social interdependence are brought together in the Numbered Treaty agreements, the *apparent* unity those treaties produce actually conceals a more fundamental and material



contradiction. As Fig. 2 illustrates, both relational and transactional visions of treaty are baked into the legal and political form of the Numbered Treaties.

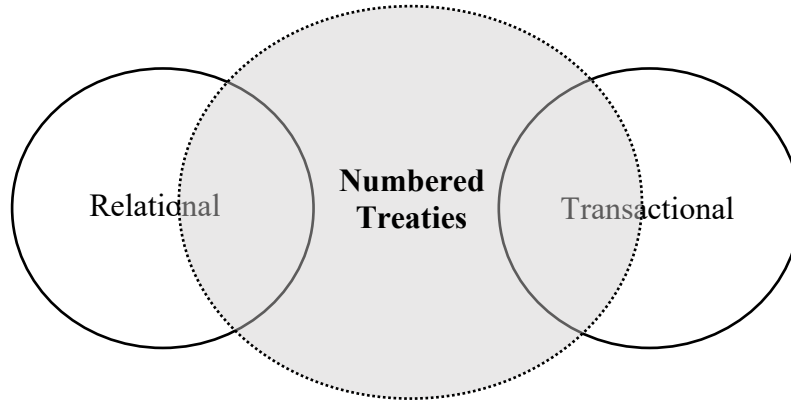


Figure 6

The first major contribution of this dissertation is to suggest that treaties between Indigenous peoples and the state must be read as sites of social contradiction. While treaties appear as forms of collectivity between Indigenous and non-Indigenous peoples, this appearance actually conceals the antagonistic relationship between relational and transactional modes of production and political organization. In this way, treaties are historical and contemporary relationships built on a fundamental opposition between capitalist and non-capitalist ways of relating to land and each other: oppositions which *appears as a unity* when they are brought together in the form of a colonial treaty. In other words, when these two modalities of social interdependence are brought together in the Numbered Treaties, Indigenous modalities of social interdependence premised on a relational understanding of land and life are subsumed into the commodity form via the brutal logics of equivalence and exchange which were, and are, operationalized through the coercive force of transactions in which land becomes a commodity like any other.

The second contribution I hope this schema offers is a way of *reading* the contradiction of treaty that *identifies the limits* of dominant models of treaty analysis and *amplifies or intensifies the contradiction* between the anti-colonial, decolonizing impulse of Indigenous treaty visions and settler colonialism’s very successful attempts to domesticate, dam, and divert those visions. In Chapter 2, I employ Jameson’s three horizons of interpretation – the political / symbolic, the social / classed, and the historical / mode of production – in order to index the limits of ethical, epistemological, and redistributive models of treaty reform to interpretive strategies.

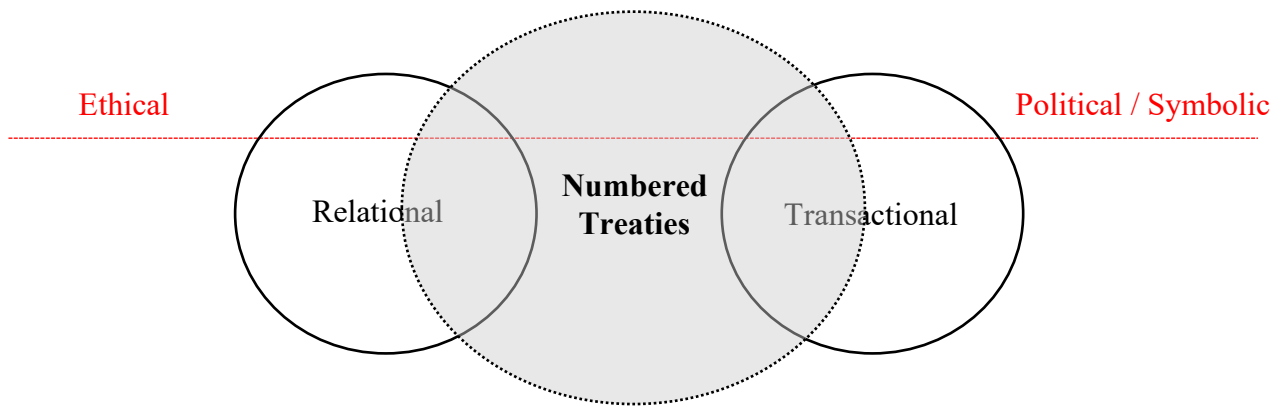


Figure 13

At the first level of interpretation (Fig. 3), treaties are understood as symbolic and ethical commitments premised on ideal(ist) visions of treaty as forms of “good relation.” The goal of interpretation here is to resolve the antinomy between relational and transaction understandings of treaty through the individual settler’s ethical recognition of their individual treaty obligations, and the state’s narrow recognition of treaty terms as cultural rights. In this instance, a social and historical contradiction becomes the private domain of citizens who might learn to live their treaty obligations more truthfully in their daily lives and hearts.

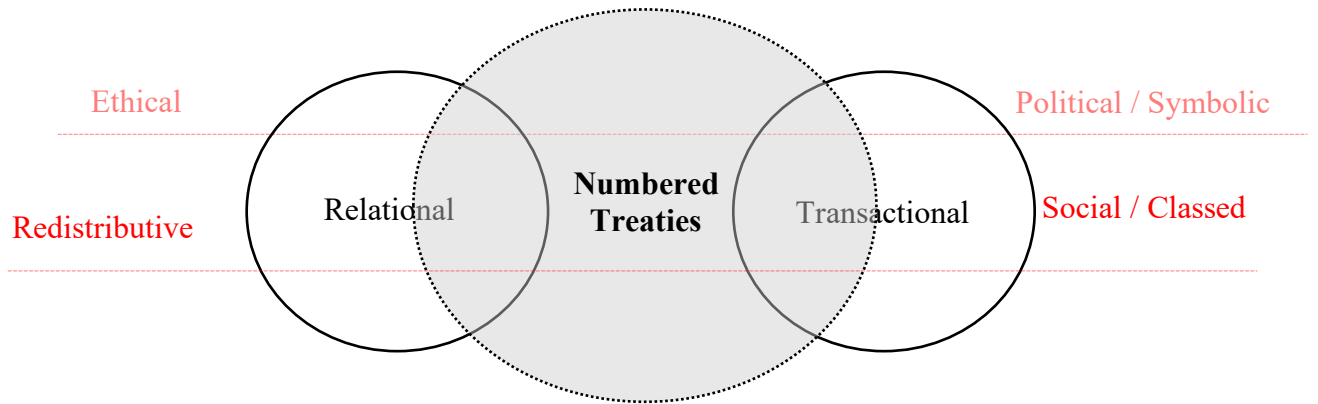


Figure 14

The second level of interpretation (Fig. 4), what Jameson terms the social horizon, is constituted by the jurisdictional and policy-based opposition between Indigenous and colonial treaty visions. The goal of interpretation that falls under this horizon is to resolve structural conflicts through a more justly oriented redistribution of resources, and the implementation of policies that more accurately reflect the material interest of Indigenous treaty partners. I understand this second horizon to be concerned with the redistribution of political authority and meagre access to capitalist profits. This is an epistemological approach to treaty interpretation in that it mobilizes a more nuanced understanding of Indigenous treaty sensibilities in the interests of resolving political antagonisms.

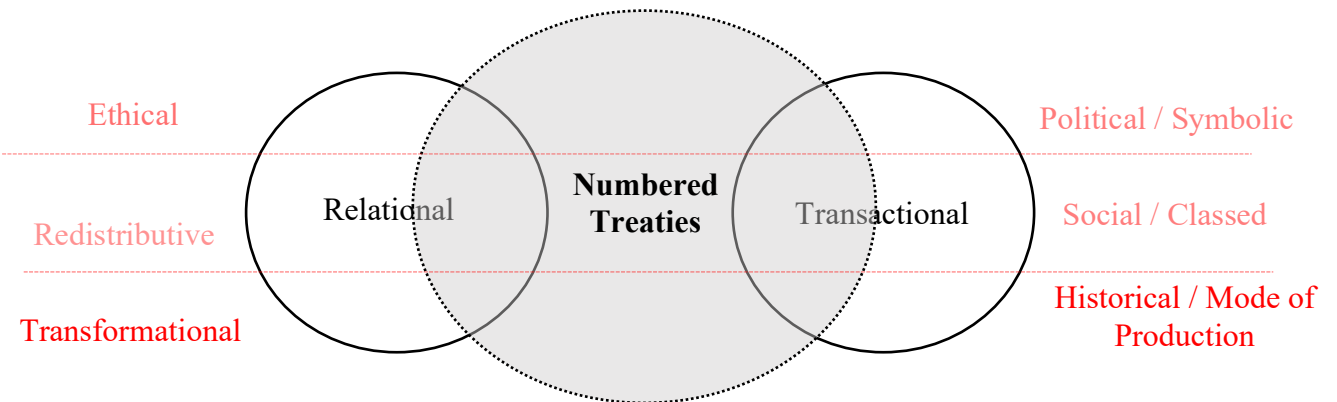


Figure 15

At the third level of interpretation (Fig. 5) the opposition between relational and transactional treaty interpretations is not seen merely as an individual ethical problem or a redistributive inequality that might be resolved through more accurate implementation of treaty terms. Instead, the antagonism can be grasped as a contradiction between two radically different forms of organizing social interdependence, or modes of production. As I have argued, the transformative horizon is the most pressing because it not only describes the operation of competing claims to distribution of political power and material wealth *within* the settler colonial social world, it also describes the necessity for imagining treaty relations that might *transform* the historical situation.

What I hope this analytical schema offers the field of treaty scholarship is a method of approaching treaty as a compact site of inquiry where settler capital pressurizes ethical, epistemological, political, and economic layers of social conflict until it can be hard to parse them out from one another. Parsing out the different strategies of analysis and tactics of interpretation is important because it can help resituate treaties as loci of social struggles on many fronts. While acknowledging that struggles for ethical engagement with treaties will remain inadequate to a radical project of decolonization, if, for example, they are not accompanied by struggles to change the mode of production; it is also true that struggles against capitalism as a mode of production will remain inadequate to a radical project of decolonization if they are disconnected from the ethical commitments to living in life sustaining ways offered by Indigenous treaty visions.

Each of the close readings included in *Treaty and the Poetics of Social Transformation* attempts to weave the ethical, epistemological, and transformational readings, though my commitment to the first two of these categories goes admittedly understated. In my reading of

Belcourt's "Treaty 8" in Chapter Two, for example, I suggest that reading is a productive activity which can stage the problem of treaty as simultaneously a problem of knowledge production, interpretation, and political form. In other words, I suggest that the formal strategies of composition, arrangement, and representation that Belcourt's poem engages (and interrupts) model ways of *reading* treaties that can be effectively utilized in analyses of political theory and policy analysis. Pairing my analysis of "Treaty 8" with sustained close readings of Gina Starblanket's academic work and the official government text of *Treaty 8*, I demonstrate how the work of *reading* – in this case, the work of literary analysis attentive to the arrangement, composition, and representation of aesthetic and social forms *in language* – is an essential and necessary process for anti-colonial thought and practice.

In Chapter Three, I continue this engagement with the ethical, epistemological, and political valences of literary analysis, exploring how treaty operates as an important concept of negative relationality in Dallas Hunt's *CREELAND*. My reading of Hunt's collection takes seriously the collection's critique of the liberal politics of recognition built into Indigenous literary studies as an academic discipline which attempts to subsume the creative capacities of Indigenous sociality into the institutions of the literary-academic market. As such, I argue that Hunt's collection requires a method of reading-in-solidarity that refuses the colonial fetishization of Indigeneity as aesthetic or epistemological object and insists on treaty as a site of encounter premised as much on what is *not* shared between treaty partners as what is. In this chapter, perhaps most forcefully, I suggest that the epistemological consumption of Indigeneity and Indigenous thought by non-Indigenous scholars risks retrenching relations of domination and limiting the transformative energies of treaty. Further, I develop a method of literary analysis and

materialist epistemology that acknowledges the epistemological interventions Hunt's collection makes.

Chapter Four takes up Emily Riddle's Indigenous feminist poetics in an effort to think with the elemental force of nêhiyaw treaty visions. Tracing the gendered dynamics between revolution and resurgence in "Cree Girl Explodes the Political Project Called Alberta," I read Riddle's poem as a theory of Indigenous feminist governance rooted in the traditions of the okitchitâwiskewak. In the temporal and spatial world of the poem, Riddle's speaker unmakes the Alberta Legislature, creating the conditions for the authority of the okitchitâwiskewak to thrive. The material transformation that "Explodes" performs activates Indigenous kinship relations in ways that undermine the repressive nature of transactional treaty thought. By offering a vision of nêhiyaw resurgence that is rooted in Indigenous autonomy, self-determination, gender-freedom, and land back, Riddle articulates these material commitments as the necessary components of a transformative treaty politics informed by, but not reducible to, Indigenous feminist ethics.

Finally, in Chapter Five, I return in a focused way to a Marxian analysis of abstraction to read Matthew Weigel's *Whitemud Walking*. In my extending reading of Weigel's poem "The CPR Wanted to Prove the Parallel Line Theorem," I illustrate the connection between the capitalist *logic* of abstract equivalence that propels accumulation and the colonial *logistics* of infrastructural development that propel settler colonial dispossession. I argue that the poem's focus on extended metaphors of mathematics and engineering brilliantly concretize the abstract presuppositions of capitalist value production that were materialized in the historical development of the railway. Throughout *Whitemud Walking*, Weigel's engagement with the antagonistic histories of treaty making as relational and transactional practice foreground the importance of institutions of knowledge production like the library, the university, the archive,

the map, the survey, and the document. Importantly, though, the transformative energy of Weigel's relational treaty visions is never fully enclosed by those institutions. Like Belcourt, Hunt, and Riddle, Weigel's poetry challenge readers to move between the word and the world.

Against the violent harnessing of treaty by the settler-colonial state and its political economy of Indigenous (dis)possession, my dissertation argues for a reading of Indigenous poetics that disrupts settler colonialism's articulation of treaty to capitalist grammars of property, propriety, and the proper; performs the ongoing renewal of Indigenous philosophies of treaty; and enacts resurgent and decolonial visions of treaty that refuse the insidious logics of reconciliation and recognition that undergirds dominant discourses of treaty in Canada.

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