

Out of the Same Waters: Contemporary Relations between Mi'kmaq and Settler Fishers

by

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## Chapter 1: Introduction

In 1999, the Supreme Court of Canada *Marshall* decision ruled that Mi'kmaq and Maliseet peoples have the right to hunt and fish in order to maintain a moderate livelihood. I remember soon after this, my friend and I sat in our tent arguing about what the *Marshall* decision meant for the Maritimes. Although we were not included in the discussions we heard among fishers at the wharf, their words were strong enough to grab the attention of two twelve year olds. My perspective, having grown up in a very small Settler (non-Aboriginal) community, was that Mi'kmaq fishers were given rights that were not equal to the fishers in my community, which was unfair. My friend's perspective, on the other hand, was based on her life experiences growing up in Eskasoni First Nation, which told her that these rights were not fair enough. I have remembered this conversation and it has inspired the research for this thesis.

My thesis investigates the current relationships between Mi'kmaq and Settler fishers given the post-*Marshall* decision context. Most scholarly research on the decision has either focused on how it has been legally implemented or on media representations of Mi'kmaq and Settler fishers in Atlantic Canada immediately after its announcement. Because that research largely focuses on the immediate post-*Marshall* relationship, and because it has largely not been revisited, the relationship between the two groups of fishers is still largely perceived as contentious even though almost fifteen years has passed since the court ruling and much has changed. My thesis aims to consider how years of fishing the same waters in the post-*Marshall* years has affected contemporary relationships between Mi'kmaq and Settler fishers.

Much of the existing research underestimates the complex ways of interacting and relationships that exist within and between Mi'kmaq and Settler communities and this partly accounts for why the relationship is still largely seen as Mi'kmaq versus Settler fishers. Framing the relationship this way is misleading and ignores the fact that there were a small number of Mi'kmaq fishers in the commercial fishery long before the *Marshall* decision and the fact that things have changed over time. As a result, my thesis will explore the complex ways that Mi'kmaq and Settler fishers relate one another and how interactions between the two groups play out in different contexts. The thesis will also examine how interactions in these contexts define the current relationship between Mi'kmaq and Settler fishers. To do so, it will couple rich data gained from two months of fieldwork in a rural fishing community in the Maritimes with literature that speaks to Aboriginal-Settler relations. This literature includes research done in the wake of the *Marshall* decision which proposes that close contact at the community level could help to move relations between Mi'kmaq and Settler fishers forward. My analysis will rely on Herbert Blumer's (1955, 1958) group position theory as it relates to a sense of racial prejudice. His theoretical framework has been used by others (e.g. Bobo and Tuan 2006; Denis 2012; Fleras 1990) to explain contemporary relations between Aboriginal and Settler groups.

Using this framework, this thesis will argue that it is not simply the interaction between Aboriginal peoples and Settlers that matters but instead the level and type of interaction that accounts for how the two groups perceive one another. Mi'kmaq and Settler interactions in the context of the workplace have made both groups feel comfortable saying that their relations in the commercial fishery are good. Instances of

private social interaction between the two groups, however, are against the norm. Instead both Mi'kmaq and Settlers define each other as homogeneous abstract groups based on public interaction or stereotypes rather than personal interactions and in-depth knowledge. As a result, the social conditions are set for tension and racial prejudice if future events present potential challenges to the balance struck between groups in the commercial fishery.

### *Considerations about Language*

Before engaging these issues, it is important to clarify my use of language. In this thesis, when making general statements about Canada's First Nations peoples I refer to them as Aboriginal because it is generally accepted in the Canadian context and because of its legal recognition in the Constitution. I recognize, however, that this is a contested term because of its relation to colonizing practices but use it in place of Indigenous which is emerging in the international context but is not well defined in the Canadian context. For consistency purposes, I also use Aboriginal in the context of the United States. However, I try to be as specific to each community of Aboriginal people when not speaking in general, such as reference to a the Mi'kmaq or a specific community.

Although I used Native and non-Native in my research site due to its socially accepted use there, I chose to refer to non-Natives as Settlers in the thesis writing. Non-Native describes people only in their non-inclusion in the Native group, while Settler not only includes a diversity of people who arrived to Canada throughout its' history, but also offers a reminder that settlement was on previously inhabited land and is a part of ongoing colonization. I recognise that there are socially significant diversities within and between Settler groups in Canada, such as those between perceived Settler and

Immigrant groups; however, this label is appropriate given the research site, which is a historically working class community with strong Scottish roots that has suffered hardships due to the collapse of natural resource extraction industries, including groundfish.

### *Thesis Outline*

My thesis is generally structured by an introduction of my theoretical positioning, a literature review, an introduction of methodological decisions, presentation of my data and a conclusion. More specifically, Chapter 2 provides an overview of the literature that influenced my analysis. First, Herbert Blumer's (1955, 1958) group position theory is introduced, and how it relates to racial prejudice is explained. The chapter then explores how contemporary research looks at Aboriginal and Settler relations. This is followed by a contextualisation of the Atlantic Canadian commercial fishery, of Aboriginal fishers within this industry, and of the *Marshall* decision. The chapter ends by addressing the literature as it relates to post-*Marshall* arguments for interaction between Mi'kmaq and Settler fishing communities as a way of building relations and to show how Herbert Blumer's (1955, 1958) theories are useful in explaining Mi'kmaq and Settler relations in the aftermath of the *Marshall* decision.

Chapter 3 presents the methods used in my research. The chapter outlines how observations and interviews were carried out and the literature behind the use of these methods. Ethical considerations are also included in this chapter; the chapter explains how this project considers Aboriginal methodologies in its construction and execution.

Chapter 4 explores the public interactions between Mi'kmaq and Settler fishers in the context of the commercial fishery and how those interactions have resulted in fishers

feeling comfortable saying that their relations are good at that level of interaction. The chapter will also consider whether fishers interact privately, outside of the fishing environment. Chapter 5 considers the ways in which Mi'kmaq and Settler fishers interact in more detail and questions the implications of how a lack of interaction in the private sphere affects how each group defines one another. This chapter considers how the lack of interaction affects potential reactions to future events that might change the commercial fishery. Chapter 5 will also explore the underlying private resentment that Settler fishers feel toward Mi'kmaq fishers, even though more than a decade has passed since the *Marshall* decision. Chapter 6 offers a conclusion in which the main arguments of the thesis will be summarised and suggestions on how Mi'kmaq and Settler communities might move forward in their relationships will be offered.



## Chapter 2: Literature Review and Background

Herbert Blumer's (1955, 1958) group position theory is useful when considering Mi'kmaq and Settler relations after the *Marshall* decision. Thus far his theory has not been applied to this case. For this reason, Blumer's theory will be addressed in this chapter. The chapter will also explore how relations between Aboriginal and Settler peoples in the Maritimes and in the fisheries have been addressed in existing research. An outline of the commercial fishery in Atlantic Canada, Aboriginal fishers within this industry, and a contextualization of the *Marshall* decision will be provided. The chapter will conclude by addressing research that advocates for communication and interaction as a basis for relationship building in the wake of the *Marshall* decision and will show how Herbert Blumer (1955, 1958) can be useful in this regard.

### *Group Position Theory*

Herbert Blumer's (1955, 1958) thesis is that "race prejudice exists basically in a sense of group position rather than in a set of feelings which members of one racial group have toward the members of another racial group" (Blumer, 1958, p. 3). His thesis shifts the focus away from individual experiences and puts it instead on the collective process by which one group defines and re-defines another. The process operates through the public in arenas such as the media in which spokespeople from the dominant group define the subordinate group (Blumer, 1958, p. 3-4). Therefore, "prejudice does not stem from a lack of intergroup friendships, but from a historically developed sense of (group) superiority; it is a 'defensive reaction' triggered when the dominant group's sense of entitlement to resources and privileges appears threatened by subordinate group gains or aspirations" (Denis, 2012, p. 456).

In discussing racial prejudice, Blumer explains that a number of feelings are present in the dominant group that justify their prejudice against others. The dominant group feels a sense of superiority, the subordinate race is considered inherently different, and the dominant group feels that it can claim privileges that allow them to label others. The dominant group also fears or suspects that subordinate groups will challenge their position (Blumer, 1958, p. 4). Therefore the dominant group is concerned with its' position vis-à-vis the subordinate group.

Blumer also points out that the individual experiences of people in a racialized group are more complex than the labels imposed on them; however, they feel pressure to fit into those labels for fear of losing position. He notes:

Whether the members be humane or callous, cultured or unlettered, liberal or reactionary, powerful or impotent, arrogant or humble, rich or poor, honorable or dishonourable-all are led, by virtue of sharing the sense of group position, to similar individual positions...to act contrary to it is to risk a feeling of self-alienation and to face possibility of ostracism (Blumer, 1958, p. 5).

Blumer (1958) explains that group position is formed over time and is a historical product of the conditions set at the point of contact between groups. He argues that the process of definition of "others" occurs through communication between members of the dominant group, while the subordinate group is viewed as an abstract image (Blumer, 1958, p. 5). As Bobo and Tuan (2006) argue, these processes create and institutionalise racial group differences. This is apparent in the Canadian government's defining of 'status Indian' (Ramos, 2007, p. 259). Prejudice between groups, Blumer (1958) argues, emerges when one feels their proprietary claim to resources or power and privilege is threatened. In the recognition of Aboriginal treaty rights in sections 25 and 35 in the 1982 Canadian Constitution, and in numerous Supreme Court decisions, Aboriginal

people have taken their battles for recognition to the courts (Coates, 2000). Their successes in court cases like *Marshall* and *Sparrow* have caused Settlers to perceive Aboriginal peoples as a threat to their privileged access to resources. Ramos (2007) calls this a misperception of “special plus” rights without acknowledging the negative consequences that led to their recognition.

Blumer (1958) explains that there are four implications of seeing other racial groups in only abstract terms: 1) The collective image of outside groups is not shaped through one-on-one interaction, but instead through public arenas (like assemblies, meeting, or media) via spokespeople or representatives (Blumer, 1958, p. 6); 2) because images are formed in public arenas, they occur around ‘big events’ which touch at deep sentiments and raise questions about relations; 3) people who have the most influence in public discussion are those who have authority, prestige and power, so the imaging of a subordinate group is shaped by those from the dominant group; and 4); self-interest dictates the position the dominant group defends. This explains how images of Aboriginal people are formed through media, which is dominated by Settler perspectives (Foster, 2008). Marker (2000: 404), who researched the *Bolt* decision, which granted the Lummi people fishing rights in Puget Sound, argues that traditional or tribal people struggle with authorities and the media themselves against the stereotypes imposed by the dominant society. Bobo and Tuan (2006) have argued that in “many ways Blumer’s approach to prejudice, though developed only in a very brief essay, is regarded as a classic statement” (p. 1) on the topic. Bobo and Hutchings (1996) and Bobo (1999) explain that Blumer’s group position theory offers a synthesis of other racial prejudice models, such as “the self-interest approach, the classical prejudice approach, and the

stratification belief approach” (Bobo & Hutchings, 1996, p. 955). Bogardus (1930) also offers a model for race relations which is based on the levels and types of interactions. His model, however, was used to explain relations between native-born populations and immigrants, and while informative, “bears only indirectly on the question of group competition and conflict (Bobo & Hutchings, 1996, p. 952).

Given the Canadian context in which Aboriginal peoples, who have been defined by the dominant Settler society since initial contact and the first days of colonization, are fighting to have their rights realised, Blumer’s group position theory is useful for understanding Aboriginal-Settler relations. That being noted, Blumer’s group position framework has mostly been used to account for American Black and White relations (Bobo, Kluegel & Smith, 1997) and multiracial/immigrant relation research (Bobo, 1999; Bobo & Hutchings, 2006, Quillian, 1995). Applying it to Canadian Aboriginal and Settler relations is thus an extension of his perspective.

#### *Contemporary Research on Aboriginal and Settler Relations*

Most recent scholarship has focused on Aboriginal peoples relation to the Canadian state, with a focus on either the assimilation tactics of the Canadian government, the option of a nation-to-nation relationship, or one of ‘citizens plus’ (Cairns, 2000). Assimilation has been discussed by scholars as the main determinant for the current relationship between Aboriginal peoples and Canada. *The Royal Proclamation* of 1763 recognised the existence of Aboriginal peoples before contact, and importantly, their sovereignty (Asch, 2012). Following this proclamation a series of Indian Acts and treaties were put forth to systematically eliminate the existence of sovereign Aboriginal governance (Ramos, 2007, p. 258). In terms of fishing, colonial

strategies were “designed to induce fear, foster division, create truths, and assimilate the other, [and] the Canadian state replaced indigenous fishing law with its own” (Harris, 2001, p. 4). Assimilation tactics brought about many atrocities such as the residential school system and the forced adoptions of Aboriginal children. It was atrocities such as these that motivated the federal government to offer an apology to Aboriginal communities for the lasting effects those policies have on Aboriginal communities (CBC News, Canada, 2008).

The government, in its apologetic stance, has used the language of reconciliation, which in itself has voiced to all the citizens of Canada that there is something wrong with the current relationship (Asch, 2012) between Aboriginal peoples and Settlers. As a way of resolving their current political relationship, parallelism or what others call a nation-to-nation relationship, has been explored by scholars such as Tully (2004) and Asch (2001). These scholars evoke the image of the ‘two-row-wampum’ to illustrate what relations would look like between nations. In such a picture, Aboriginal nations experience self-governance alongside the Canadian nation, between which there is a relationship of peace, friendship and sharing (Asch, 2001). Alfred (1999) explains that ideological differences are the basis for the necessity of a nation-to-nation relationship, and argues for the development of strong Aboriginal leaders in order to realise this relationship.

Other scholars, like Cairns (2000), feel that although Aboriginal peoples and Settlers differ from each other, using the language of nation-to-nation or parallelism ignores the fact that both groups share a common space. He explains that the language associated with such a relationship weakens the idea of common citizenship (Cairns,

2000, p. 7). Instead, he argues for a 'citizens plus' relationship, in which Aboriginality is recognised while stressing the moral obligation all citizens of Canada have to one another (Cairns, 2000, p. 8). For Cairns, the 'plus' in this relationship refers to the ongoing rights Aboriginal peoples have in relation to their treaties. Theoretically speaking, this kind of relationship sounds favorable; however, Ramos (2007) has shown that the recognition of special rights can result in the 'special negative' treatment of Aboriginal people due to members of the Settler society seeing this recognition as running counter to liberal democracy.

In comparison to research on Aboriginal peoples' relations to the Canadian State, there is little that focuses directly on relations between Aboriginals and Settlers of specific communities. Of the research that does, some utilise Herbert Blumer's (1955, 1958) group position theory, although most focus on American cases. Bobo and Tuan's (2006) research, for example, which focused on Chippewa and Settler relations following the 1990s fishing rights dispute in Wisconsin, used Blumer to show that racial prejudice was driven by the dominant groups' fear of losing status and power (p. 172). Denis (2012), however, extends this to Canada in his research on relations between Anishinaabe and Settler people in Northern Ontario. Denis reveals "...that despite widespread intergroup marriage and friendship, many northern Ontarians still express prejudice, particularly against Native leaders and activists" (p. 455). He goes on to argue that the conditions between Anishinaabe and Settler peoples are ripe for "a battle for group position...[because] the historically dominant whites are struggling to maintain resources and status in the face of rising economic uncertainty for them and recent gains for Natives who aspire to control more land" (p. 458).

Although Herbert Blumer's (1955, 1958) group position theory has been extended to Aboriginal cases, it has not yet been applied to relations between Mi'kmaq and Settler people in the Maritimes. In fact, this relationship has hardly been addressed by scholars at all. The research which does exist on the Mi'kmaq mainly focuses on the history of uneasy relations (Paul, 2000) and the government's disregard for Mi'kmaq customs (Chute and Speck, 1999) and legal consciousness (McMillan, 2002; Palmater, 2000) since contact. For these reasons, I will use Blumer's theory as a lens to examine contemporary Mi'kmaq and Settler relations in the Maritime fishery.

#### *Understanding Atlantic Canadian Commercial Fishery*

Following the 1977 declaration of the 200 mile coastal economic zone, the Canadian government began to regulate the fisheries by "encouraging industrialization of the harvesting and frozen fish-processing sector and upgrading and modernizing rural districts to provide for a decentralized, shore-based industry" (Apostle & Barrett, 1992, p. 61). Government programs, such as the fisheries loan board, were introduced, and while they provided fishers with the means to modernise and industrialise their fishing gears, they also "saddled individual fishers with a tremendous debt burden, the enormity of which motivated many to increase their fishing efforts dramatically" (Davis, 1991, p. 73). As a result, the groundfish stocks in Atlantic Canada began to collapse in the late 1960s into the early 1970s ultimately leading to its close in the 1990s. Stock collapse saw government subsidies offered to mainly large companies, and resulted in the government's de-emphasis on industrial development, and re-emphasis on conservation (Apostle & Barrett, 1992, p. 182).

While the government relied on fisheries science to conserve fish stocks, fishers' knowledge was treated as anecdotal (Apostle, Barrett, Holm, Jentoft, Mazany, McCay & Mikalsen, 1998; Corbin, 2002; Murray, Neis & Johnson 2006; Newell & Ommer, 1999; Rogers, 2010; Wiber, 2004). Despite their dependence on scientific data, northern cod stocks in Atlantic Canada plummeted in early 1990s, resulting in a moratorium in July of 1992, and the eventual closure of commercial groundfish stocks in Newfoundland in 1995 (Newell & Ommer, 1999, p. 321). The collapse of the groundfish industry was devastating for fishing families (Corbin, 2002; Newell & Ommer, 1999), seeing many displaced to other areas in search for work (Marshall, 2009). Family structures also changed as fish became harder to catch (Binkley, 1996), as aquaculture industries were developed (Marshall, 2009), and as other fisheries, particularly lobster, become more lucrative (Davis & Wagner, 2005; Marshall, 2009). Because fishers in the research location had an established lobster fishery before the collapse of the groundfishery, they were able to weather the hardships of the industry closure due to the fact that they were receiving more money for their lobster catches.

After witnessing the groundfishery collapse in the face of the government's conservation efforts, fisher's trust of the Department of Fisheries and Ocean's (DFO) ability to protect resources was increasingly questioned (Corbin, 2002; Stiegman, 2003; Stiegman & Pictou, 2007). Because of this many communities began advocating for community based management of their fisheries (Apostle & Barrett, 1992; Kearney, Berkes, Charles, Pinkerton & Wiber, 2007; Kennedy & Wiber, 2001; St. Martin, 2001; Wiber, 2004; Stiegman, 2003; Stiegman & Pictou, 2007). Furthermore the governments' intense efforts to privatise the industry through the introduction of individual transferable



quotas (Apostle & McCay, 2002) left fishers vulnerable to global markets (Apostle, Barrett, Holm, Jentoft, Mazany, McCay & Mikalsen, 1998), and has made fishers question their position in the future in the industry (Apostle & McCay, 2002; Marshall, 2009; Newell & Ommer, 1999; Wiber, 2002; Stiegman & Pictou, 2007). Vulnerabilities to global markets have directly affected fishers in the research location, made obvious in the fisheries strike in May of 2013.

Research on Aboriginal fishing has largely not addressed their participation in the commercial fishery and has instead focused on traditional practices in Aboriginal communities (Adlam, 2002; Fox, 2009; Davis & McMillan, 2010; Davis, Hickey & Natcher, 2005; Healey, 2009; Huber, 2009; Kinnear, 2008; Menzies & Butler, 2007; Turner, Ignace & Ignace, 2000). Much of that research has focused on the west coast of Canada in relation to the salmon fishery. On the west coast, an emphasis is placed on recognizing the special rights of Aboriginal people in the salmon fisheries so that their traditional knowledge can be employed to sustain the industry (Healey, 2009; Menzies & Butler, 2007; Pinkerton, 2011; Turner, Ignace & Ignace, 2000).

In terms of the Mi'kmaq and the commercial fishery, before 1990, they “did not have any special right to the commercial fishery; which meant they were forced to buy commercial licences” (Wicken, 2001, p. 5). In 1990, with the Supreme Court's *Sparrow* decision, communal fishing licenses were distributed to Aboriginal communities in Atlantic Canada and British Columbia (Wicken, 2001, p. 5). Although the Confederacy of Mainland Mi'kmaq and the Union of Nova Scotia Indians requested more fishing licences than the amount offered, the groundfish crisis meant that their demand was met with resistance (Wicken, 2001, p. 7). This all changed with the *Marshall* decision.

When the *Marshall* decision was struck, fishers in the commercial industry questioned their place in the future in the industry, and Mi'kmaq fishers looked to increase the government's recognition of their rights in the commercial industry. This led to much tension between the two groups. The following section will detail the decision and the literature that analysed its impact on Mi'kmaq and Settler communities.

### *The Marshall Decision and Aboriginal Rights Recognition*

In 1993, Donald Marshall Junior was charged with fishing eel illegally, out of season and without a permit. After overturning two lower court decisions, on September 17, 1999 Donald Marshall was acquitted. The Supreme Court of Canada *Marshall* decision ruled, based on a 1760-1 Treaty, that Mi'kmaq and Maliseet peoples have the right to hunt and fish in order to maintain a moderate livelihood.

In terms of Aboriginal rights recognition, the Supreme Court of Canada *Calder* decision (1973) was the first to recognise that Aboriginal peoples of Canada have 'aboriginal rights' (Wicken, 2001, p. 6). These rights were formally recognised in Canada's 1982 Constitution in sections 25 and 35. However, because the process of recognition was not defined, interpretation of the Constitution has been left the courts (Wicken, 2001, p. 6). The *Marshall* decision spoke to the recognition of Mi'kmaq people's rights in the fishing industry.

Immediately following the *Marshall* decision the Mi'kmaq took to the water, seeing it as an instance of hope for economic independence in their communities (Coates, 2000; Ramos, 2007): At the time Chief Wilbur Dedam of Burnt Church said the decision was like Christmas. Ramos (2007, p 267) argues that "[it] was like Christmas because the decision offered hope for small communities plagued by 90% unemployment and a

history of exclusion from the fishery” (Ramos, 2007, p. 267). Instead of understanding the *Marshall* decision as hopeful, Settler fishers and their communities saw the recognition of ‘special rights’ of Mi’kmaq as creating two classes of fishers in the region, one with seemingly privileged access to resources that many relied on as their source of income (Ramos, 2007). Settler fishers reacted by demanding compensation, partaking in protests and violent demonstrations (Ramos, 2007, p. 271), and contributing to a shocking rhetoric of racism (Coates, 2000).

In an effort to halt the escalating violence, the government pushed for Mi’kmaq communities to stop their fishing efforts until decisions could be made on the implementation of *Marshall*. During this time media and academics alike criticised the Supreme Court for its ambiguous ruling and the Prime Minister pointed out that the federal government had the right to suspend the Supreme Court’s decision (Ramos, 2007, p. 272). As a result, on November 17, 1999 the Supreme Court offered a clarification to the *Marshall* decision that affirmed the decision was subject to government regulation and only applied to fishing (Ramos, 2007).

Following this clarification, the DFO drew up individualized *Marshall* Agreements with First Nation communities in the Maritimes. These agreements were intended to accomplish two things: to appease commercial fishers by requiring that *Marshall* fishers (Mi’kmaq fishers who take part in the fishery as a result of the *Marshall* decision) follow the same regulations as everyone in the commercial industry and to assist Mi’kmaq communities in their re-entry to the commercial fishery. The DFO met with each First Nation individually to draw up these agreements, which was a tactic that has received criticism from social scientists (Coates, 2000; Kearney, Berkes, Charles,

Pinkerton & Wiber, 2007; Kennedy & Wiber, 2001). Social scientists viewed the closed door meetings with individual communities as a way to divide and conquer First Nations and to coerce them into signing Marshall Agreements.

Thirty-two out of thirty-four Mi'kmaq communities in the Maritimes signed such agreements with the DFO (Stiegman, 2003), and in doing so agreed to fish by industry standards in return for government purchase and allocation of fishing licenses. However, these agreements have become the cause of resentment between Mi'kmaq and Settler fishers for two reasons. First, in an effort to allocate licences quickly, the government offered fishers more than their gears were worth, which then inflated the cost of entering the industry. This meant that many children of fishing families, who had planned to continue in their family business, could no longer afford the cost of entry (Davis & Wagner, 2005; Marshall, 2009). Secondly, fishers, many of whom had taken the greater part of their careers to pay for their licenses, watched as Mi'kmaq communities received theirs at what was perceived to be no cost. Marshall Agreements, coupled with the fact that Mi'kmaq people are entitled to certain tax exemptions, have been the cause of much resentment between fishers in the Maritime region.

#### *Mi'kmaq and Settler Relations in the Wake of Marshall*

Social science research looking at Mi'kmaq and Settler relations, given the context of the *Marshall* decision, has focused on areas of contention caused by the legal decision and media representation of it. Coates (2000), for instance, argued that Settler perspectives dominated the media. The *Marshall* decision was thus viewed as a problem for Maritimers as opposed to an instance of hope for economic independence for Mi'kmaq communities. Ramos (2007) found that the main reason for contention

following the *Marshall* decision was a misrepresentation of “special” rights (p. 278). Because Canadians rely heavily on mass media representation in their construction of images of other people (Foster, 2008), the media’s lack of coverage of instances where the decision was implemented amicably (Coates, 2000, p. 174) contributed to contentious relations in the aftermath of the decision.

Stiegman (2003, 2011) and Stiegman and Pictou (2007), who wrote specifically on Mi’kmaq and Settler fisher relations after the *Marshall* decision, argue that increased interactions between Settler and Aboriginal communities in the region has the power to clear misconceptions and tensions among them. Neveu (2010) argued the same. She believes that coming together in dialogue over an issue has the power to break down miscommunications and build relationships between Settler and Aboriginal communities. Coates (2000) also saw productive models at work in the aftermath of the *Marshall* decision based on close contact at the community level (p. 188).

Denis’s (2012) and Bobo and Tuan’s (2006) research, however, argues that it is not the lack of close contacts that causes racial tension, but rather the defensive reaction of the dominant group, which fears their access to resources or position is threatened by subordinate groups. Their research explains Aboriginal and Settler relations through Blumer’s (1955, 1958) group position framework. If we consider what happened in the wake of the *Marshall* using that perspective, then we can understand why tensions emerged despite individual instances where the decision was received amicably (Coates, 2000, p. 174). Defensive reactions of Settler fishers, who feared their privileged access to fish was threatened by the institutionally defined Aboriginal fishers, offers insight into why tension emerged. The perspective can also be useful in understanding relations

almost 15 years later, as will be shown in Chapters 4 and 5, as well as for assessing the potential for future tensions explored in Chapters 5 and 6. Before exploring these issues, however, my thesis will first offer an outline of the methodology used to understand Mi'kmaq and Settler relations.

### Chapter 3: Methodology

My research in this thesis is exploratory in nature, with an aim to answer three questions: 1) What does the relationship between Mi'kmaq and Settler fishers look like today, given the context of the post-*Marshall* decision context? 2) Has close contact through fishing in the same waters built relations in post-*Marshall* times? And, 3) does the tension seen in the immediate aftermath of the *Marshall* decision still exist?

In order to answer these research questions I conducted an ethnography of a Maritime fishing community. The name of the field site is not disclosed in this research to ensure the anonymity of participants, and will be referred to as a rural fishing community in the Maritimes. This rural community was chosen for two reasons: 1) It was not a site of high contention in the aftermath of the *Marshall* decision. In this way it is representative of most Mi'kmaq and Settler communities in the region because in most instances the decision was implemented amicably (Coates, 2000, p. 174), and 2) the Mi'kmaq boats that currently fish the waters off this location have signed Marshall Agreements, which is also common. Because both communities of fishers abide by the same rules and regulations, fishing during the same seasons, for the same fish, with the same gear, out of the same waters, there is much interaction and contact between the two groups. As noted in the previous chapter, many social scientists hypothesize that this experience of interaction and contact could break down the separation that Mi'kmaq and Settler communities experience on land, and could exemplify an environment in which they are potentially working together.

The research began with community engagement by taking part in the lobster fishery as a deckhand on the back of a guide's boat. Although I have experience fishing,

my experience was concentrated in an incredibly small fishing community, which is home to only three Settler boat captains. Because of this, my experience as a lobster fisher had not provided me with an environment for making acquaintances in the Mi'kmaq community and larger Settler community. This is why I utilised the opportunity to engage in the community via a guide. The guide was a Settler fisher who had good relations with both Mi'kmaq and Settler fishers in the community examined. The guide acted as a starting point for a snowball sample of fishers to whom I later interviewed. The ethnographic work took place during the herring fishery, which spanned the period from September 8<sup>th</sup> until the first week of October, 2013. While waiting for schools of herring to come in, fishers spent a lot of time at wharves, where I observed the general mood of people in their workplace and how they interacted.

There were a couple of reasons why I chose to observe the herring over the lobster fishery. During lobster season fishers spend most of their time in boats on the water. The presence of a female researcher, in a male dominated industry, on the back of an individual fishing boat would be noticeable and awkward. Furthermore, during the herring fishery, captains from different ports tie up alongside each other at wharves waiting for schools of fish to come in. In this environment there are more opportunities for interaction between larger groups of fishers and so, it offered a better opportunity to examine Mi'kmaq and Settler relations.

Observations took place at the three public wharves from which people fish in the waters off of the research site. Observation hours totaled 76.5, and took place in 1 to 13 hour increments. Because most of the interaction at the wharves happened either waiting for fish, or coming in with fish, I had to be available to observe at any hour during the



day or night. During my observations, I took field notes in three stages, resulting in pages of rich information. In the first stage, I took my cellular device into the field in which I filed jot-notes that that would later remind me of certain instances. Second, immediately following observations periods, I wrote descriptive field notes that captured all aspects of what I observed. Third, I wrote reflective field notes, which recorded what I was learning from my observations in relation to the research questions. This reflexive process helped hold me accountable for what I was learning from my observations.

The observations did not focus on traditional knowledge or practices of Mi'kmaq or Settler fishers, and I do not attempt to explain or report on traditional knowledge(s) or practices in this thesis. Instead, observations were focused on whether or not fishers interacted with one another and the general mood on the wharves.

I also interviewed 10 fishers from the Mi'kmaq fishing community, and 10 from the Settler community. The participants had between 10 and 40 years' experience fishing, with the average experience being 27 years. Approximately 18 Mi'kmaq boats and 149 Settler core licensed boats fish off the research site. Interviews with Settlers represent about 6.71% of that total population at the site and 10 interviews with Mi'kmaq fishers represent about 55.5% of that total population at the site. Saying this, my research does not claim that its sample is representative of the total population of either Mi'kmaq or Settler fishers in Maritimes. The interviews were entirely voluntary and all participants underwent an oral consent process in which they gave permission to hold the interview, to record the interview, and to use quotes from the interview.

Although some participants requested that their real names be used in the research, in order to ensure the anonymity of the others, all participants were required to

choose a pseudonym. Name choices were left up to the fishers unless they requested that I choose a name for them. Because of this, some fishers chose names that could be considered unconventional, but were of significance to that person. Bluefin Tuna, Butcher and Fisherman One are some examples of these. I did not persuade fishers to choose more conventional names because I feel that their personal choice speaks to another layer of relations between fishers and my research. It is also my paramount interest to respect their wishes.

The interview guide was semi-structured and consisted of five core questions focusing on Mi'kmaq and Settler relations. The interview guide was kept concise in order to gain only enough data necessary to address the research questions as recommended by the Tri-Council Policy Statement (2010), and by Kovach (2009) and Smith (1999), who argue that being mindful of Aboriginal methodology means that one should not be extractive. All interviews were audio-recorded and then transcribed verbatim.

Once transcribed, all transcripts were returned back to the interviewee, at which point they had two weeks to add or subtract from their interview. This part of the research is important because participants are able to ensure, through reading the written version of their interview, that what they said was recorded appropriately. One Mi'kmaq participant, (pseudonym) Andrew Murphy, was wary of the research and asked many questions about my motives. In the past he had taken part in an interview from which the meaning behind his words were altered and recorded in the research under his real name, which had a negative impact in his life in his community. A Settler fisher, (pseudonym) Shot Cord, contacted me in order to make a minor alteration to his transcript. What struck me as interesting in making this alteration was that it spoke to a part of our

interview I would previously have considered less significant than others. Talking with the Settler fisher and making the requested changes showed me that even one word can alter the meaning behind someone's experience.

Themes from interviews and observations were compared for differences and commonalities between common themes in articulations and overall group actions. They were then coded into more detailed observations. This qualitative coding was done without software. The interview guide was formatted in a way that answers broke down into three themes relating to the three research questions.

This ethnographic design addressed my research questions by providing both rich articulations of how Mi'kmaq and Settler people view their relations and how these relationships played out in the work-place. The reason the comparison between spoken articulations and day-to-day practices was important is because people often do not say what they do and these methods were used to triangulate interview data.

This process also uses Aboriginal methodologies. In anticipation of research that was to incorporate the perspectives of Mi'kmaq peoples, I educated myself on these methodologies, and have been reflexive about the colonial relationship which has existed between the researcher and the researched in anthropology's history (Smith, 1999). As suggested by Smith (1999), this type of research should be aware that its processes "are expected to be respectful, to enable people, to heal and to educate" (p. 128). In being respectful of the communities involved, I acquired community consent from the Chief of the Mi'kmaq community involved. I will also ensure that this community is provided with the research findings, and the community is welcome to utilize the findings in ways that might educate or enable their community. In addition, so as not to create a double

standard between the communities in my research, I also acquired community consent from the Settler community. This project was approved by the Dalhousie Research Ethics Board and Mi'kmaq Ethics Watch. Results will also be shared with the Atlantic Policy Congress of First Nations Chiefs Secretariat.

## **Chapter 4: Interaction**

A number of factors influence the social interactions of Mi'kmaq and Settler fishers in the rural Maritime community where I conducted my ethnography. The informal segregation of the two communities on land means that, generally speaking, members of the Mi'kmaq community and the Settler communities interact with each other mostly in the context of fishing. This public interaction in the work place has influenced how fishers characterise their relations with each other. This however leaves many questions about the nature of the private interactions between communities. This chapter will explore when, where and how Mi'kmaq and Settler fishers interact with each other, and how interaction has influenced how fishers speak about current relations in the fishing industry.

Public interactions, in a fishing context, include those occurring on land and on the water. That being said there is a vast difference between how Mi'kmaq and Settlers interact in public spaces on land and how they interact either in boats on the water, or on the wharves where their boats are docked. The geographical conditions of my research site were such that Mi'kmaq fishers lived in a community separate from the Settlers they fish around and also dock their boats at a wharf that is geographically closer to their community rather than that of the Settlers. During the herring fishery, I noticed that of the three wharves I observed, two were docking locations for almost entirely Settler boats with the exception of three Mi'kmaq boats from a First Nation community that does not have direct access to water. The remaining wharf docked only Mi'kmaq boats with the exception of two Settler boats from another community outside of the research site. The reserve system in the Maritimes has resulted in an informal segregation between

Mi'kmaq and Settler communities (Stiegman, 2011, p. 3). Public interactions in these communities take place mainly at the local grocery store or Tim Horton's, and to a lesser extent, at the local pub. The fact that the Mi'kmaq and Settler community are geographically divided means that each community frequents a different grocery stores and coffee locations. Therefore, members of one community are less likely to run into members of the other in public spaces. As a result, public interaction on land, in comparison to public interaction in the fishing environment, occurs significantly less often. Although my research involved observing and speaking with people in the context of their work environment, the time I spent living and working in this community, coupled with how fishers spoke about their interactions, helps me speak to this fact.

Much interaction between Mi'kmaq and Settler fishers in the research site occurred through participation in the commercial fishery. Such public interactions included those on the water and those on wharves. Although, for the most part, Mi'kmaq and Settler fishers dock their boats at separate wharves, the lack of a fish buyer at the wharf close to the Mi'kmaq community means that all fishers must sail in to one of the other two wharves to sell their fish. It was during these moments that I observed Mi'kmaq and Settler fishers discussing their recent fishing activities while waiting to sell their catches. Although I observed these interactions much less than I observed Settlers speaking with other Settlers at the wharves, this could be the result of the fact that most Mi'kmaq boats only spent enough time at the wharves to sell their catches. Observation showed that there was more familiarity among the Settler fishers with each other rather than with Mi'kmaq fishers.

In terms of interactions on the water, some of the interview participants spoke about them. Mark Daniel (pseudonym), a Mi'kmaq fisher, who, in response to me asking how Mi'kmaq and Settler fishers get along, said:

Some of them actually hang out together, and you know, help each other out, especially during herring season...everybody has their quota, and everybody helps each other get their fish.

Another Mi'kmaq fisher, (pseudonym) Butcher, who bought his commercial license long before the *Marshall* decision, told me, “You can hear them on the radio. You can hear Natives talking to non-Natives – yup – everyone gets along pretty good”.

Radio conversation is significant on the water. Much herring fishing is done at night in packs of approximately 50 to 100 boats. Judging from my past experience fishing in the commercial herring fishery, it is difficult to see who is around you. Captains, moreover, are secluded to their boats with their crews. This is why the VHF radio is an important source of interaction between boat captains. Butcher spoke of the radio as being a venue for Mi'kmaq and Settler interaction. Some Settler fishers, however, noted examples of radio conversations to speak of the inherent differences between Mi'kmaq and Settler fishers. Charles Munroe explained that Mi'kmaq fishers help each other out in terms of finding fish over the radio. However, they do so more than Settler fishers. He explains that between Settler fishers there is a level of secrecy, while Mi'kmaq fishers will openly discuss where to find fish over the radio. This speaks to ideological differences between Aboriginal and Settler fishing practices in which Aboriginal practices have been described as based on an ideology of sharing, while Settler practices are dictated by the capitalistic industry (Adlam, 2002; Fox, 2009). I

asked if Charles Munroe thought Settler fishers listened to Mi'kmaq radio advice, to which he responded, "Yes. –I imagine. I have."

This public interaction in the commercial fishery matters in terms of relations between Mi'kmaq and Settler fishers. Many saw the mass integration of Mi'kmaq fishers into the commercial industry with the *Marshall* decision as being a move that could, over time, open up lines of communication between Mi'kmaq and Settler communities which could result in better relations. Stiegman (2011) writes "the dialogue around fishing the *Marshall* decision had forced open could help overcome the de-facto segregation between native and non-native communities in the Maritimes" (p. 3). Ken Coates (2000) also saw productive models at work in the aftermath of the *Marshall* decision:

The [Maritime] region is not perfect, as the violence and anger after the *Marshall* decision attest. But there are good and productive models at work here, based on close contact at the community level (p. 199).

Given how fishers spoke about their relations between groups, there is evidence that the commercial fishery has influenced how fishers feel about their relations. Saying this, previous studies have looked at this opening of the lines of communication as occurring after the *Marshall* decision, ignoring that in many communities in the Maritimes, Mi'kmaq have been participating in the commercial fishery long before the decision. Although their participation in the fishery was sufficiently stunted by the Indian Act, (Davis & Wagner, 2005), Mi'kmaq fishers were eventually able to buy their way back into the commercial fishery (Wicken, 2001, p. 5).

In my research site, approximately five Mi'kmaq boats had entered the commercial fishery before the *Marshall* decision. Their presence in the fishery in comparison to Settler fishers is very small. It has meant that interactions between



Mi'kmaq and Settler fishers in this area began before the *Marshall* decision and that influenced how both Mi'kmaq and Settler fishers think about the *Marshall* fishers.

Butcher, a Mi'kmaq fisher, spoke about the support he received from the Settler community when he purchased his commercial license:

I was out of school and the old man said, “You’ve got to do something”, so I went fishing for a non-Native. He just lived a mile up the road. He used to. He died and I bought his gear, and all I got was a coil of nylon rope... I went from location to location and I gathered traps. People were willing to help me start so I could go fishing because I had a core license.

Shot Cord, a Settler whose long-time passion for fishing resonated with me, also spoke of the core Mi'kmaq fishers that had licenses before the decision:

I don't think that it's right for me to have to work 25 years to pay for a fishing gear when someone can get it for nothing... Some Native guys own their own gear. They bought it themselves and paid for it. I know four like that. –But some of them, they get too much... Now I figure if you work for something you will appreciate it a little bit more.

Of the 10 Mi'kmaq fishers I spoke with, four had purchased their gears before the *Marshall* decision and they participated in the commercial industry for an average of 34 years. Some participants attributed the existence of these core Mi'kmaq fishers as contributing to better relations in the research site compared to other communities. Bluefin Tuna, a younger Mi'kmaq fisher who took over his father's core gear, mentioned that the existence of core fishers made relations better here than in other, not so distant, communities.

Unanimously, Mi'kmaq fishers thought that Mi'kmaq and Settler fishers get along well. When I asked Settler fishers to explain to me how Mi'kmaq and Settler fishers get along, their response considered their relationships with both core Mi'kmaq fishers and *Marshall* fishers, influencing how they thought about their relationship. Some

Settler fishers, like Shot Cord, went beyond saying that relations are good and expressed the dichotomy between those who worked for their gear, and those who ‘get too much’. Even though there are few Mi’kmaq core fishers, it seems their existence in the research site has influenced how Mi’kmaq and Settler fishers think about their relationships to the other.

Saying this, the existence of Mi’kmaq core fishers is not the only reason why fishers expressed that Mi’kmaq and Settler fishers get along “pretty well” in this location in the Maritimes. Nineteen of the 20 fishers that I spoke with mentioned the relationship between groups as being good. Of the fishers who offered reasoning for good relations outside of the presence of Mi’kmaq core fishers, two mentioned the united stance Mi’kmaq and Settler fishers took over low lobster prices in the spring of 2013. Speaking of this, (pseudonym) John Dawson, a younger Settler captain who was too young at the time of *Marshall* to have significant memories of the event, recalled, “It seems like we kind of united a little bit... Everyone stuck together, so that was pretty cool”.

(pseudonym) Bob Andrews, a Mi’kmaq fisher who started running a commercial gear as a result of the local Marshall Agreement explained, “Everyone seems to be united and all that stuff, on low prices”. As I stood on one of the wharves during the lobster season strike and looked at the crowd of fishers who had gathered at a public meeting on low lobster prices, I saw Mi’kmaq and Settler faces together, and understand how moments like these have an effect on how fishers view their relationships to each other. With everyone united on the same issue, one got the feeling that all fishers, both Mi’kmaq and Settler, are in the same boat.

Another two fishers attributed the good relations to united concerns over conservation. On this front, three fishers spoke of the elimination of the food fishery.

(pseudonym) James Cameron, a Settler fisher of thirty-seven years explained:

I guess they had the right to a food fishery in the summer. I think they took advantage of that. I think they realise now that the fishery can't sustain that type of fishing. They just fell in line and it's all good now.

Seven Settler fishers thought the fact that *Marshall* fishers had to run commercial gears (following DFO regulations) that were purchased from existing fishers in the region was the main reason that relations have been able to move forward after *Marshall*.

A Settler fisher, (pseudonym) Trevor Jamison, who has 29 years' experience on the water, reflected on this, "When it came out I was kind of scared. But when they got everything settled and they had to get a core license just like we did, it was alright". John MacDonald (pseudonym), another Settler fisher who just finished his 40<sup>th</sup> fishing season remarked, "I must admit I was a little apprehensive until the government sat down and they negotiated and the Native fishermen decided to fish the same as the non-Native fishermen". (pseudonym) George Taylor, a Mi'kmaq fisher who now oversees the running of the *Marshall* fishing gears, touched on a few sentiments felt by other fishers I had interviewed:

Today, around here, I feel we get along really good because we don't do the food fishery. –We respect conservation. Instead, we pass out lobster during lobster season, and when the season is over we don't do any other kind of fishing for lobster... and, right now we follow DFO regulations... You've got to follow something, and they keep an orderly fishery".

George spoke of the confusion in the immediate aftermath of the *Marshall* decision because *Marshall* fishers began fishing on Mi'kmaq core fisher's informally regulated fishing grounds. Fisherman One (pseudonym), a Mi'kmaq core fisher with a

passion for fishing and hunting, was one of the fishers whose grounds were intruded on. It is because of this that he felt fishers have been able to develop good relations because existing fishing gears were bought by the government and distributed to *Marshall* fishers. George argued that once the government began buying local licenses for distribution, things became less confusing, because *Marshall* fishers had respected fishing territories. Regardless of the reasoning people gave for good relations in the fisheries, all participants felt the relationship has gotten better since the *Marshall* decision.

With all that said, although interactions in public in the context of fishing matter, because they occur more frequently than in other areas of social life, this does not mean that interactions are consistent, nor does it seem that interaction between cultural groups is as natural as interaction within them. As (pseudonym) Susan McNeil, a Settler fisher who took over her husband's gear when he passed away explains, "I don't think they interact at all with each other unless they have to". (pseudonym) Steve MacDonald, a Mi'kmaq fisher of 25 years expressed:

Everybody gets along: Non-Natives help Natives out. But, I find that Natives have a hard time asking for help other than from other Natives... I think that this is all culturally based. I don't have any problems asking any other fisher if I needed assistance, but a lot of these guys always rely on their other community members.

Steve MacDonald's comments speak to unfamiliarity between Mi'kmaq and Settler fishers. Another instance during my observations of the herring fishery also reflected this unfamiliarity. One afternoon at the wharf, a group of Settler fishers were discussing how they were not familiar enough with the Mi'kmaq boats to distinguish them among the boats from up or down the shore. This lack of familiarity does not exist when I observe local Settler fisher interactions, or interactions between Mi'kmaq fishers.

Although participation in the commercial fishery over time has contributed to good relations between Mi'kmaq and Settler fishers, for a number of reasons, these relations do not come as naturally as they do within cultural groups. Whether Mi'kmaq and Settler fishers interact in private is another matter.

The examples of interaction explored thus far suggest that, for the majority of both Mi'kmaq and Settler fishers, there is a lack of private interaction between the two groups. This is not to suggest that there aren't instances of private interaction that were not shared during the interviews. However, if private interaction between fishers from the communities were the norm, then there would be a general familiarity between the two groups of fishers which would make interactions between fishers more normalised. Very few of the participants, when I questioned how they interacted, shared stories of personal and private interactions.

Of the people I interviewed, four spoke of specific personal relationships or friendships with other fishers. Settler fisher (pseudonym) John MacDonald told me about his relationship to the Mi'kmaq fishers who fish close to his lobster grounds. He recalled that "I have never had a bad word to say or a bad relationship. Actually, I know them all personally, and I get along with them fine". Another Settler fisher (pseudonym) Trevor Jamison told me about a Mi'kmaq friend of his, who would often phone him to chat about the weather conditions during lobster season. Mi'kmaq fisher Mark Daniels made reference to Mi'kmaq and Settler people hanging out together in the context of the herring fishery, while another Mi'kmaq fisher –Butcher spoke of Mi'kmaq and Settlers speaking to each other, in a friendly manner, on the VHF radio. Settler fisher Shot Cord spoke most openly about the friendships he had made with other Mi'kmaq fishers, and

told many stories of outings he and his partner had with Mi'kmaq couples. Of these four, three were examples of private interaction in relation to the fishery. Although this again speaks to the fact that the commercial fishery has opened up lines of communication and friendship between Mi'kmaq and Settler fishers, the fact that very few fishers had examples of private interactions outside the commercial fishery tells us that these interactions are against the norm.

The fact that it is against the norm for Mi'kmaq and Settler fishers to interact in private has an effect on how one group collectively thinks about and defines the members of the other group. Despite the fact that fishers almost unanimously spoke of good relations with other fishers, when asked to reflect upon the *Marshall* decision, most Settler fishers spoke of the resentment they felt toward the Mi'kmaq fishing community. In Chapter 4 we have seen how, in comparison to public interactions on land and private interactions, public interactions in the context of the commercial fishery happen more frequently and have contributed to good relations between fishers in the context of work. The following chapter will examine if and how the lack of private interaction between the groups affects how Mi'kmaq and Settler fishers feel about each other despite their amicable relations within the fishery. The chapter will also consider what affects such feelings have on the relationship in the face of potential future events that might challenge existing relationships in the commercial fishery.

## Chapter 5: Current Relations and Responses to Future Events

When asked to reflect upon the *Marshall* decision, Settler fishers express resentment toward Mi'kmaq fishers for the fact that they, as an institutionally recognised and defined group, have received government supported access to the commercial fishery through the recognition of Aboriginal treaty rights. The resentment is expressed despite the existence of amicable relations in the commercial fishery. This suggests that, one group's definition of the other is not a result of a myriad of interpersonal relationships and the dominant group still defines the subdominant as "other."

Academics who have used Blumer's (1955, 1958) group position theory as a sense of group prejudice have argued that it is not a lack in intergroup friendships that is the cause of racial prejudice (Bobo & Taun, 2006; Denis, 2012). Denis (2012) explains:

As Blumer (1955, 1958) theorized in post-World War II America, prejudice does stem from a lack of intergroup friendships, but from a historically developed sense of (group) superiority; it is a 'defensive reaction' triggered when the dominant group's sense of entitlement to resources and privileges appears threatened by subordinate group gains or aspirations (p. 456).

The defensive reactions noted by Denis (2012) as well as by Bobo and Tuan (2006) are those that follow big events that question the established positions of both groups. In Bobo and Tuan's (2006) research they analysed Settler reactions to traditional fishing practices of Chippewa people in Wisconsin. There are striking resemblances between the defensive reactions of Settler fishers in Wisconsin in the case of Chippewa fishing practices to Settler reactions to the *Marshall* decision in the Maritimes. Bobo and Tuan (2006) recall:

While attempting to fish using their traditional spearfishing methods, the Chippewa Indians faced angry crowds of whites who hurled such epithets as "Save a fish, spear an Indian,"...Numerous hostile

confrontations took place at the boat landings where the Chippewa engaged in their age-old fishing traditions (p. 1).

A Settler fisher I spoke with reflected upon the reactions of Settler fishers in the wake of the *Marshall* decision, recalling t-shirts made which read: “Save a lobster, boil a Native”. Anyone who is familiar with the *Marshall* decision will recall the violent altercations that took place on the wharf and water near Burnt Church First Nation.

Another resemblance lies in Bobo and Tuan’s (2006) observation that:

When a system is threatened symbolically – as in the treaty rights dispute – reactions by the dominant group can be strong and well out of proportion to the actual material threat, which was, in fact, minimal in this case (Winter, 2006, p. 1877).

In the aftermath of the *Marshall* decision, Ken Coates (2000) argued that few media reports paid attention to the very small cumulative size of the planned First Nation fishery, which “represented a meager 1 percent of the total east coast lobster fishery” (p. xii).

Studies like Denis’s (2012) and Bobo and Tuan’s (2006) focus on relations in the immediate aftermath of what Blumer (1955, 1958) terms ‘big events’. The difference between their analysis and mine is that my research looks at relations almost 15 years after an event. Saying this, Blumer’s (1955, 1958) theories still explain what is happening between Mi’kmaq and Settler fishers in the post-*Marshall* decision context. Despite the existence of inter-fishery interactions which have contributed to amicable relations in public, the historically defined dominant Settler group still feels entitled to resources, which are threatened by the federal government’s recognition of Mi’kmaq rights in the commercial fishery. Defensive reactions of Settler fishers have for the most part ceased, which is apparent in participant’s feedback that relations have gotten better



since the tension felt aftermath the *Marshall* decision. As (pseudonym) Mike Warren, a Mi'kmaq fisher of 22 years, explained, "It was a little bit of a rough start at the beginning, but I guess we get along, somewhat now". Settler fishers still, however, harbour resentment toward Mi'kmaq fishers for their tax exemptions, and toward *Marshall* fishers for the fact that they received what the Settler fishers perceive as "free" gears in signing Marshall Agreements.

Many of the Settler participants I interviewed expressed their resentment when discussing with me what they thought about when they recalled the *Marshall* decision.

(pseudonym) Flint Rock expressed his frustration in our interview:

You know, [the *Marshall* decision is] good for them I guess. But when is all this paying-back going to end...I was going to buy a gear, and the year I could have the Indians decided they were going to go fishing, and the gears went from \$100 000 to \$500 000. So I was bidding against the government".

He went on to speak about how Mi'kmaq tax exemptions allowed them to get ahead in the fishery faster than he has been able to. Many Settler fishers I spoke with attributed these exemptions to Mi'kmaq fishers being able to buy new boats more frequently than Settler fishers. Susan McNeil spoke of her frustration over Mi'kmaq tax exemptions by noting:

I think if the Natives want to do what they are doing now, fishing and everything, that they should be doing it the same as the White man: Paying taxes, fishing the same way, and paying the same way as the White man does.

Shot Cord spoke of his resentment due to the fact that it has taken him 25 years to pay off his fishing gear, while some Mi'kmaq fishers got theirs for what he felt was "nothing". (pseudonym) Charles Munroe touched on a few of these sentiments in saying, "People get cranky at them for getting things cheaper and not having to pay taxes". A

few of the Mi'kmaq fishers I spoke with understood this resentment and spoke about it too. (pseudonym) Don Doe, who has worked on a *Marshall* boat and whose father was a Mi'kmaq core fisherman, explained:

There is resentment toward the band because I think they [both Settler fishers & Mi'kmaq core fishers] know they [*Marshall* fishers] get grants and stuff, while everyone else has to pay for their own stuff... So, I honestly think they [the band] shouldn't be taking the money. They should be supporting themselves.

Don Doe's comment speaks to another complexity in terms of relations between Mi'kmaq core fishers and *Marshall* fishers. In an interview with another Mi'kmaq core fisher, (pseudonym) Andrew Murphy told me, "I bought my own gear, and through *Marshall* everybody got, more or less, free lobster gears, which is good. I wish they would give me a free lobster gear!" It seems the existence of core Mi'kmaq fishers in this community influences their ability to understand the resentments felt by Settler fishers. The difference between Mi'kmaq core fisher's recollections and Settler's views of the *Marshall* decision lie in the fact that Mi'kmaq core fishers understand the *Marshall* decision as positive for Mi'kmaq communities, not as preferential treatment of one group over another.

Not all fishers I spoke with had strong feelings in recalling the *Marshall* decision. (pseudonym) Nick MacDonnell and (pseudonym) John Dawson, both younger Settler fishers with 10 and 12 years' experience respectively, explained that they were too young at the time of *Marshall* to have strong memories of it, while (pseudonym) Trent Baker, a Settler lobster fisher of 27 years, said that his experience fishing around Mi'kmaq boats is so infrequent that he did not feel the decision had affected him much at all.

Resentments exist because the government has recognised Mi'kmaq rights through gear distribution and Aboriginal rights through certain tax exemptions. Despite this fact, the Settler group blames Mi'kmaq fishers, not the government, for their resentment, and because of this, define that group in terms of their resentment. For instance, Flint Rock argues, "You see them out there, they aren't participating really. They have no payments. Where's the inspiration to go fishing if there are no payments?" Charles Munroe accuses Mi'kmaq fishers of not having as much care for their fishing gears as Settler fishers. This speaks to Shot Cord's comment about appreciating something more if you have to work for it.

These comments reflect a trend that has been picked up in literature related to Mi'kmaq integration in the commercial fishery following the *Marshall* decision. Marshall (2009) explains that Settler fishers on Grand Manan felt that Mi'kmaq fishers were inferior at fishing because they did not come from communities of work, and that they "would not last since 'they're too lazy'" (p. 136). In one of my discussions with a Settler fisher, he told me a story about speaking with a Mi'kmaq captain. The Settler fisher was questioning why the Mi'kmaq captain could not motivate his crew, to which the captain responded, "This is what happens when you come from fifteen years of welfare." Ken Coates (2000) spoke of the dependency culture the government has created between the Mi'kmaq and itself (p. 59), which Mi'kmaq Elder Daniel Paul (2000) illustrates with historical examples beginning when the government reluctantly took the destitute Mi'kmaq population as a burden onto itself, after tactics to eradicate them failed. Coates (2000) goes on to speak of how ironic it was the Settler fishers went from accusing Mi'kmaq fishers of being lazy to fishing too strongly in the immediate

aftermath of the *Marshall* decision (Coates, 2000, p. 59). Denis (2012), in his work on Aboriginal-Settler relations explains this relationship by arguing that:

The message Native's historically received from whites was: 'You must be like us, but you can never be like us.' Consequently, they fight two battles: one, to demonstrate their equal worth and be fully accepted in mainstream society; the other, to practice self-determination and sustain their unique identities and rights (p. 454).

What lies in the resentment felt by Settler fishers are the four basic types of feeling that Blumer (1958) argues are present in racial prejudice in the dominant group:

- 1) a feeling of superiority, which is shown by asserting debasing traits to the subordinate group. In my interviews this was expressed as either laziness or carelessness.
- 2) Blumer argues that the dominant group believes that the subordinate group is not of the dominant group's kind. An example of this is seen in Charles Munroe's classification of Mi'kmaq fishers as inherently different because they are less secretive than Settler fishers. This 'othering' of Mi'kmaq fishers was something I observed during the herring fishery as well. More than once I overheard Settler fishers at the wharves speaking of examples that would suggest that Mi'kmaq fishers either do not fish as well as Settler fishers, or go about fishing in a different way. These examples usually related to Mi'kmaq fishers not 'running their nets' appropriately, or that Mi'kmaq fishers do not take the fishery as seriously as Settler fishers. Blumer (1958) argues that this way of feeling is significant, as it justifies the social exclusion of the subordinate group (p. 4).
- 3) There is a feeling of proprietary claim to resources by the dominant group. Settler fishers interviewed expressed this when they argued that the fact that they have worked for their fishing gears mean they are more deserving fishers. This argument came up more than once in my discussions with Settler fishers. Often they would argue that if Mi'kmaq fishers

wanted to participate in the commercial fishery, they should have bought their gear just like everyone else, or they should “go back to fishing their old ways”. 4) The last feeling identified by Blumer is that the dominant group feels their position is threatened by the subordinate group. As Blumer (1958) puts it, “The dominant group is not concerned with the subordinate group as such but is deeply concerned with its position vis-à-vis the subordinate group” (p. 4). Through court decisions like *Sparrow* and *Marshall*, the Mi’kmaq have sufficiently challenged their group position vis-à-vis the dominant Settler group. Through the realisation of their rights in the commercial industry, Mi’kmaq communities have managed to shift their group position in relation to the fisheries to the point where Settler fishers view the Mi’kmaq as having preferential access to the industry. This sentiment came across clearly in my interview with Shot Cord. As he put it, “The government and the fisheries seem to go out of their way to give them more than the rest...The government seems to be scared of bucking the Natives”. Even though Shot Cord also shared stories of his personal relationships with Mi’kmaq fishers, he still defined Mi’kmaq fishers collectively in such resentment.

As Blumer (1958) theorises, there are important aspects of the process in which the dominant group defines the Settler group. One aspect is that it is a process that occurs over time through interaction and communication in the dominant group (p. 6). In the case of Aboriginals and Settlers in Canada this has been an ongoing process since contact, in which the dominant group has defined and re-defined who is and is not an Indian. This was later entrenched institutionally through Indian “status.” Interestingly enough, although “status” was originally intended to take power away from Aboriginal peoples of Canada, recognition “effectively provided legal grounds for Aboriginal

peoples to base their fights against government policies” of colonization (Ramos, 2007, p. 259). Another aspect in the process of definition is one that is concerned with an abstract and stereotypical image of the subordinate group (Blumer, 1958, p. 6). There are implications of this that speak directly to how relations between Mi’kmaq and Settler fishers have developed in the Maritimes.

Blumer explains that the collective image of an abstract group grows not through first hand contacts, but through asserting transcending characteristics, which occurs in public arenas through spokespeople for the dominant group, and through the extended public arena through the media. The definitions that are forged in the public arenas happen around major events that touch at deep sentiments “that seem to raise fundamental questions about relations” (Blumer, 1958, p. 6). The major influence in public discussion over such events usually comes from those who are in power –the dominant group (Blumer, 1958, p. 6). If we consider this using the context of the *Marshall* decision, the decision itself was the big event that touched deep sentiments of fishers raising questions about their relations. Instead of defining Mi’kmaq fishers through firsthand encounters and experiences, the abstract image of Mi’kmaq fishers was molded by the government and expressed through the media in such a way that ignored Mi’kmaq perspectives and pertinent history. Because media is most often delivered by Settler journalists (Coates, 2000; Foster, 2008), it was these perspectives that reached the public’s ear.

The Settler fishers I spoke with still view Mi’kmaq fishers as an abstract group which receives preferential treatment in the commercial fishery, and the resentment that is a result of this lies just below the surface of Settler relations to Mi’kmaq people.

Because of this, conditions are ripe for defensive reactions by the dominant group in the face of future big events. As I write, hints of this can be seen with the anti-fracking protests in Elsipogtog First Nation in New Brunswick. The Elsipogtog First Nation, along with other communities across the Maritimes, has been protesting proposed hydraulic fracturing, also known as fracking. On October 17<sup>th</sup>, 2013 the RCMP began enforcing an injunction that ended a blockade between Richibucto and Sainte-Anne-de-Kent, New Brunswick. The enforcement was met with resistance leading to five police cruisers being set on fire (Canadian Press, 2013). The media immediately focused on the violence the Elsipogtog community inflicted on the RCMP, rather than considering the substance of their long-standing grievance and the protest that began months earlier. The fact that this Mi'kmaq community, along with many Settler communities in the Maritimes, was protesting in the name of the region's water, was forgotten. One of my interview participants reflected on this event, saying, "Take a look at what's going on in New Brunswick over fracking. If I went out and burnt two or three cop cars, where would I be? I wouldn't be sitting here interviewing with you!"

The event is largely not being defined as anti-fracking protestors against plans to frack in New Brunswick, but as Elsipogtog First Nation against RCMP officers. Other instances of peaceful Mi'kmaq demonstrations, such as the one I ran into on my drive to the Cape Breton Highlands in November of 2013 have been ignored. Given how Elsipogtog is already being represented by the dominant media, coupled with the underlying resentment that is felt by Settlers in the region pertaining to the recognition of Mi'kmaq treaty rights, the conditions in the region are set for tension, despite the existence of inter-group friendships. At this point it is unclear whether the Elsipogtog

protest will lead to wide-spread and prolonged violence but it is certain that it has re-kindled underlying ill-sentiments.



## Chapter 6: Conclusion

The massive re-introduction of Mi'kmaq fishers into the commercial fishery through the *Marshall* decision, has over time contributed to more amicable relations between Mi'kmaq and Settler fishers in the context of public interactions within the fishery. To a degree, Martha Stiegman (2003, 2011), Stiegman and Pictou (2007) and Ken Coates (2000) were right to see productive models at work in the aftermath of the *Marshall* decision. However, instead of close contact at the community level developing, close contact has remained between fishers in the context of work and not at home. Furthermore, although contact increased with the *Marshall* decision due to the re-entry of many Mi'kmaq fishers in the region, it is important to remember that close contacts between fishers predates the *Marshall* decision in many Maritime communities –a fact often forgotten or ignored.

Something else to consider is that fact that although public contact has contributed to the development of some intergroup friendships between Mi'kmaq and Settler fishers, such relations are the exception rather than the norm. As a result, although interactions matter, the depth of interactions also matter. Public interactions in the fishery have contributed to good relations, but the lack of private interactions means that Settler fishers still define Mi'kmaq fishers in terms of the resentment they feel toward them in relation to the recognition of Aboriginal treaty rights. As such, Herbert Blumer (1955, 1958) was right. It is not a lack of intergroup friendships that causes racial prejudice, but rather defensive reactions of dominant groups who feel that their access to scarce resources is threatened by subordinate groups. This interpretation comes as a result of my perspective which has been shaped by the relevant literature and the research data. I

understand that some people who do not interpret social dynamics in terms of social construction may not have interpreted what could be perceived as a contradiction between amicable relations and resentment in the same ways I have. Saying this, I am confident in this interpretation of the research data.

The resentment that Settlers harbour is relation to what they see as preferential treatment of Mi'kmaq fishers in the commercial fishery is a factor that sets the conditions for racial tension in the wake of future events. We see ingredients of this in the media coverage of the resistance RCMP faced from the Elsipogtog anti-fracking protestors and dominant group reaction. This speaks to current relations between Mi'kmaq and Settlers in the Maritimes and how the historically dominant group still defines the subordinate group. This particular altercation does not involve a fishing dispute, which leaves one only to imagine what might come as a result of future fishing related events which challenge Mi'kmaq and Settlers' amicable but social relations.

After almost 15 years of fishing on the same waters, misconceptions pertaining to why Mi'kmaq fishers received government support in their re-entry to the commercial fishery still exist. If private interactions between Mi'kmaq and Settler communities were more common, such misconceptions could be challenged and resentments could be forgotten. As it stands, the lack of private interaction means that Settler fishers still see the recognition of Mi'kmaq fisher's rights as unfair.

Although Mi'kmaq core fishers understand the resentment felt by Settler fishers because they also have spent a better part of their careers paying for their fishing gears, they also understand the *Marshall* decision as being positive for their communities. The decision has allowed Mi'kmaq communities an opportunity to become economically

independent. Furthermore, Mi'kmaq core fishers are aware of the historical factors that saw Mi'kmaq fishers pushed out of the commercial fishery and recognise why these communities have become dependent on government assistance. If the Settler community were to become entwined with the Mi'kmaq community through private interactions, then the Settler community may also come to see the *Marshall* decision as positive for Mi'kmaq communities, and their resentment could subside. Without the burden of underlying resentment, and the existence of deep and good relations, the conditions for greater harmony could be established.

Private interactions between Mi'kmaq and Settler communities can be encouraged in small ways, and is a process that must start from the ground up. As Neveu (2010) suggests in terms of relationship building between Settler and Aboriginal peoples, a “bottom-up approach has more chance of success than an imposed agreement” (p. 243). One group cannot be forced to get along with another. It does not work with children and certainly will not work with adults, not to mention entire communities. What this means is that individuals who are concerned about current relations between Mi'kmaq and Settlers in the Maritimes can have a positive influence on relations by attending public events organised by the other group's communities. For instance, if more Settlers stood alongside the Mi'kmaq in their anti-fracking protests in Elsipogtog, the media might have framed the altercation in a different way. When Mi'kmaq stood with Settler fishers against low lobster prices much respect was gained.

One can also embrace opportunities to share stories over coffee, and encourage social events that can be comfortably attended by members of both communities. For instance, in speaking of my contribution to the building of private relations, I extended an

open invitation to all of my interview participants to stop in for coffee at my private residence which is close to the research site. Because my interviews took place during deer hunting season, and because my residence was originally built as a hunting camp in prime deer territory, Settler hunters often stopped by while they were out scouting for deer. By extending this invitation to the Mi'kmaq fishers I spoke with, I hope my residence can become a location in which private interactions can take place. These are small ways an individual can start building networks. When I think back to the argument my friend and I had when we were twelve over fairness in relation to the recognition of Mi'kmaq rights in the wake of the *Marshall* decision, I remember us falling asleep and remaining as close as friends as we ever were. Although I was too young to understand her perspective until much later, our discussion could not undermine our friendship, because its' foundations were strong. It is this foundation that individuals must help to build so that harmony can exist before future challenging events which are sure to come someday.

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## Appendix I: Oral Consent

### **Out of the Same Waters: Contemporary Relations between Mi'kmaq and Settler fishers given the context of the *Marshall* decision**

*“You are invited to take part in research being done by myself, Caitlin Krause, a graduate student at Dalhousie University, as part of my Master of Arts degree. The purpose of this research is to look at the current relationships between Mi'kmaq and non-Native fishers in the [location] area. Since the Marshall decision in 1999, Mi'kmaq and non-Native fishers have been fishing the same waters in the commercial fishery for fourteen years. Through interviews with fishers, and spending time on wharves during the herring fishery in [location], I intend to see how fishing the same waters have shaped the relationships between Mi'kmaq and non-Native fishers.*

*You have been asked to take part in this project because you have participated in one or more of [location's] core fisheries. Approximately 10 Mi'kmaq and 10 non-Native fishers will be interviewed. As a participant, you are asked to answer and expand on five interview questions. This process should take around an hour in a private location of your choice. This interview will be audio recorded, and I will ask for permission to quote you in the final project.*

*Your participation in this research is entirely voluntary, and you are welcome to stop the interview at any time. If you decide to stop, you can then let me know if you want me to destroy all of your information recorded up to that point. If you decide only later that you do not want me to keep your interview data, you can contact me up until two weeks after I have provided you with a copy of your transcript, and I will delete your information. After this, it will not be possible for me to do so, as your information will already be used in the research.*

*You may feel uneasy talking with me about relations you experience in the work place. To ensure that everything you say is confidential, your name will be changed in the research. This means that any quotes I use will be attributed to your pseudonym.*

*What would you like your pseudonym to be? [Agree on a name]*

*To further protect your identity, community names will not be used in the research findings. Because 32 out of 34 Mi'kmaq communities in the region participate in the commercial fisheries, it is very unlikely that your community will be identified.*

*There will be no direct benefit in participating in this research, and you will not receive compensation. However, this research will contribute to new knowledge on Mi'kmaq and non-Native relationships, which could be used to help enable or educate communities that can relate to the findings.*

*The audio recording will be deleted from my digital recorder as soon as I upload it onto my computer following our interview. I will then write out the interview. This transcription will not include any identifying information. Once this is done, the audio recording on my computer will be deleted. You are welcome to have a copy of your written transcription, which I can deliver to you. I have no plans to destroy this transcription, as there will be nothing in it to identify you”.*

*\*Move on to Interview Guide (Appendix II) for confirmation on consent script.*

## Appendix II: Interview Guide

Pre-Interview- Present participant with oral consent.

[Turn on audio-recorder]

*“I, Caitlin Krause; on \_\_\_\_\_, have explained this research project to you, and we have agreed to call you by your pseudonym: \_\_\_\_\_. You have been given the opportunity to discuss the project and your questions have been answered to your satisfaction.*

*You hereby consent to take part in this research. However, you understand that your participation is voluntary and that you are free to withdraw from the project at any time”*

[Response: ‘Yes’ or ‘No’]

*“You give consent to audio-recording of this interview to ensure that all of what you say in the interview is considered in the project”*

[Response: ‘Yes’ or ‘No’]

*“You give consent to the use of direct quotations at any length from this interview. You understand that these quotes will be used in the research to add to the quality of the work, and that no identifying information will be included in any direct quotation”.*

[Response: ‘Yes’ or ‘No’]

### Interview Plan

1) Icebreaking Question -Tell me about your fishing history.

Possible probes:       How long have you been fishing?  
                                  How long have you been a Captain/Deckhand?  
                                  How did you learn how to fish/who taught you ‘the ropes’?  
                                  What role does fishing play in your life?

Possible clarification questions:

Can you expand on that?  
Could you give me some examples?  
Can you tell me anything else?

2) How would you describe how fishers in [location] get along with each other?

Possible clarification questions:

Can you expand on that?

Could you give me some examples?

Can you tell me anything else?

3) What comes to mind when you think back to the *Marshall* decision?

Possible probes: How did the decision affect for your community?

Possible clarification questions:

Can you expand on that?

Could you give me some examples?

Can you tell me anything else?

4) How would you describe how Native and non-Native fishers have got along with each other?

Possible probes: Have the relationships changed? -How, and in what ways?

Possible clarification questions:

Can you expand on that?

Could you give me some examples?

Can you tell me anything else?

5) Closing Question-Is there anything else you would like to share with me in relation to what we have talked about?

[At the end of the interview]

*"Now that we've completed the interview I want to confirm that you still wish the interview to be a part of my research".*

[Response: 'Yes' or 'No']

*"Do you still give consent to the use of direct quotations at any length from this interview?"*

[Response: 'Yes' or 'No']

*"Thank you for taking time to participate in this interview"*

## Appendix III: Research Ethics Board Approval Letter



### Social Sciences & Humanities Research Ethics Board Letter of Approval

July 15, 2013

Ms Caitlin S. Krause  
Arts & Social Sciences\Sociology & Anthropology

Dear Caitlin S.,

**REB #:** 2013-2979  
**Project Title:** Out of the Same Waters: Contemporary Relations between Mi'kmaq and Settler Fishers Given the Context of the Marshall Decision

**Effective Date:** July 15, 2013  
**Expiry Date:** July 15, 2014

The Social Sciences & Humanities Research Ethics Board has reviewed your application for research involving humans and found the proposed research to be in accordance with the Tri-Council Policy Statement on *Ethical Conduct for Research Involving Humans*. This approval will be in effect for 12 months as indicated above. This approval is subject to the conditions listed below which constitute your on-going responsibilities with respect to the ethical conduct of this research.

Sincerely,

Dr. Sophie Jacques, Chair

## Appendix IV: Mi'kmaq Ethics Watch Approval Letter



September 5, 2013

Caitlin Krause  
P.O. Box 322  
Pictou, NS B0K 1H0

Dr. Howard Ramos, Associate Professor  
Department Of Sociology and Social Anthropology  
Room 1117, McCain Building  
6135 University Avenue  
P.O. Box 15000  
Halifax, NS B3H 4R2

Dear Ms. Krause and Dr. Ramos,

I wish to inform you that the Mi'kmaw Ethics Watch committee has reviewed and approved *"Out of the Same Waters: Contemporary Relations between Mi'kmaq and Settler Fishers given the Context of the Marshall Decision"*.

As your project moves forward with the approval of the Mi'kmaw Ethics Watch, I must note that individual communities have their own perspective on research projects and it is your responsibility to consult them to ensure that you meet any further ethical requirements. Governments, universities, granting agencies, and the like also have ethical processes to which you might have to conform.

When your project is completed, the Mi'kmaq Resource Centre at Unama'ki College would be pleased to accept the results in a form that could be made available to students and other researchers (if it is appropriate to disseminate them). Our common goal is to foster a better understanding of the Indigenous knowledges.

If you have any questions concerning the Mi'kmaw Ethics Watch review of your project please do not hesitate to contact me and I will forward them to the committee members.

Sincerely,

Stephen J. Augustine  
Principal/Dean  
Unama'ki College  
Cape Breton University

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