Spinning Violence:
Examining competing discourses of state force and Indigenous identity
in Mi'kma'ki, 2013

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Abstract

Violence features prominently in settler-colonization and Indigenous struggle, whether in brute physical manifestations or over discourses that discipline and regulate Indigenous lives. In 2013, land and water protectors on Mi'kma'ki territory stood against extractivist activities on their lands in the form of shale-gas exploration, and faced a violent early morning raid by the Royal Canadian Mounted Police. This dissertation identifies and analyzes discourses of violence that emerged from Mi'kmaq defenders and state authorities during the conflict over land and water protection in 2013, asking whose interests were/were not being served in the discourses reproduced about projects of colonization and land/water protection. Further, it asks how discourses of violence are challenged or subverted and what hope they offer to ongoing projects of land and water protection.

I rely on literature that theorizes violence within and outside of colonial contexts in order to adopt a multi-pronged analytic approach to violence that includes physical, symbolic, and systemic understandings and to explore how they manifest discursively. Further, I employ concepts of resurgence and refusal to help understand Indigenous responses to extraction activities on their territories and the discourses that emerge as a result. The methods used for this dissertation draw on Linda Tuhiwai Smith (1999) and Margaret Kovach's (2009) work, situating research with Indigenous peoples as a long-term relationship that begins before the research takes place and continues long after.

Through an examination of state documents accessed through access to information requests, a review of related news coverage, and interviews and participant observation with community members, this dissertation notes the emergence of two competing discourses of violence. One discourse recognizes state-colonial violence and the violence caused by

extractivist activities on Mi'kma'ki territory as the result of ongoing settler-colonialism. By contrast, another discourse emerges that describes Mi'kmaq reactions to extractivist activities on their ancestral territories as forms of violence against the Canadian state, and in a paternalistic turn, the Mi'kmaq peoples themselves. Following a long historical pattern, this discourse of violence describes Mi'kmaq land and water protectors as violent criminals (even terrorists), exacerbates divisions that leave little room for negotiation, and reinforces settler-colonial state governance over peaceful co-existence between sovereign peoples as outlined in treaty agreements.

Introduction

It's a lot about really protecting our Mother Nature and our treaties and our land—our unceded territory land. That's the basic thing and, you know, if you can protect your land, you're protecting your water and your air at the same time so that people that are around don't get sick. That's what basically we're doing. We do it peacefully. We're all about peace. But we won't just stand there and get pushed around. - Mi'kmaq District Warrior Chief, Jason Augustine (2017)

In October, 2013, there was a confrontation between Mi'kmaq land and water protectors and the Royal Canadian Mounted Police (RCMP) in New Brunswick, continuing a centuries-old struggle between settlers and Mi'kmaq peoples over Mi'kmaq nationhood, self-determination, and ongoing dispossession of their lands. It also continued ongoing struggles to shape public perception about the nature of settler-colonial violence and the actors involved. Land and water protectors had been voicing their concerns over shale-gas extraction on their traditional territories without consultation or consent from the community. On October 17th, 2013, the day before a court-ordered injunction against the protectors was set to expire, the RCMP conducted an early morning raid on their campground next to Highway 134 in Rexton, N.B. that included officers in tactical blue uniforms crawling through the ditch carrying pistols and officers in camouflage, one accompanying a short-chained German Shepherd. A tour bus and a dozen police vehicles also arrived on the scene with additional officers to carry out the raid (Howe, 2015).

The protectors adopted many tactics to express their concerns about shale-gas exploration on their territories and flawed approval processes that undercut their sovereignty and self-determination, including meetings with provincial officials, protests at the side of the road, drumming circles around shale-gas exploration equipment, and blockades (See Appendix E for a timeline of events in 2013). While they were ultimately successful in stopping shale-gas

exploration, and the Government of New Brunswick imposed a moratorium in 2014, the provincial government has recently taken steps to partially lift the moratorium (Magee, 2019).

Concerns over extractivist activities on Indigenous territories is not isolated to Mi'kma'ki; there are numerous examples where similar concerns and tactics are being used to stop or prevent hydraulic fracking and the construction of pipelines and gas plants. These include the proposed Dakota Access Pipeline running under Lake Oahe, which supplies drinking water to the people of Standing Rock, and more recently opposition from the Wet'suwet'en people concerning the Coastal GasLink pipeline going through their territories. Similarly, we see the same policing tactics of RCMP blockades and the threat of imminent injunction enforcement used against protectors (Crosby & Monaghan, 2018; Boynton, 2020). More generally, the anti-fracking movement gained momentum and increased public attention starting in 2010 as North American governments increasingly focused on fracking methods of energy extraction. The 2010 release of the documentary film *Gasland* and highly visible oil spills like the offshore Deepwater Horizon disaster in April, 2010, also drew significant attention to the issue (Mazur, 2014).

Kent County, New Brunswick, which includes Rexton, is located 14 kilometers away from Elsipogtog First Nation and is situated on traditional Mi'kmaq territory (Sikniktuk). Following the raid, members of the Elsipogtog First Nation placed symbolic signage on land throughout the country, reclaiming the land as theirs (CBC News. "*Shale gas protesters stake claims on Crown land*", 2013) and in 2019, Elsipogtog Chief Aaron Sock signed a memorandum of understanding with the federal government to discuss Aboriginal title to the land, citing the 2013 conflict as evidence of the need to resolve the land claim. His community, he said, should not have to go through something like that again when it comes to decisions about their land (Pohl, 2019).

Throughout my conversations with land and water protectors involved in opposing shale gas exploration on ancestral Mi'kmaq territory, what becomes apparent is a tension in having to reconcile the motivations behind their actions, to protect their people and community from ongoing settler-colonial violence, with the perception that they, themselves, are violent criminals and/or terrorists. These perceptions have been renewed since September 11th, 2001 and the passing of so-called anti-terrorism laws that cast many forms of legitimate dissent as potential terrorist acts, including blockades and threats to Canada's infrastructure—tactics that Indigenous activists have used in response to colonization (Adese, 2009; Borrows, 2013). From the point of view of the protectors, and as is discussed in detail in Chapter 4, their resistance is intended to prevent the violence of settler-colonial incursions on their lands, of extractivist activities supported by the state that would generate wealth for others at their expense, leaving their communities without jobs and grappling with polluted lands, water, and air, and would continue to erode their claims to sovereignty and practices of self-determination (Augustine, 2017; Levi-Peters, 2017). Additionally, the specific actions that protectors took in response to the arrival of heavy equipment by SWN Resources Ltd., the private corporation permitted to conduct shale-gas testing in New Brunswick, including temporarily seizing thumper trucks and standing at the side of the highway in Rexton, New Brunswick, constituted non-violent means of resistance, rooted in their traditions; they were also meant to be educational for non-Indigenous peoples, illustrating Indigenous sovereignty over their territories.

Nevertheless, their fears of being described as violent criminals were confirmed as it became clear that the police attempted to provoke violent responses from protesters, well aware of the pervasiveness of the angry-warrior and violent criminal activist frames, and their ability to cast protectors in a negative light. Documents obtained by the Ontario Public Interest Research

Group (Mackinnon, 2016) and through my own Access to Information and Privacy Act requests as a doctoral candidate at Carleton University detail pervasive state surveillance and document the categorization of many Indigenous activists as violent extremists. The protectors that I spoke with were concerned that their actions were being framed as violent, criminal, and/or a form of terrorism, as I note in Chapters 4 and 5. They reminded me over the course of our conversations that the Mi'kmaq people are a peace and friendship nation, referring to the Peace and Friendship Treaties between Indigenous nations in Acadia and New England (including the Mi'kmaq people) and Britain (Augustine, 2016b; Levi-Peters, 2017). Reference to the treaties are also meant to contrast their actions of dissent, actions that the protectors described as rooted in non-violence with the purpose of maintaining the principles of their treaty relationship to Canada, against those of the settler-colonial state which included brute, systemic, and symbolic violence accompanying unequal recognition of sovereignty and self-determination. Rather than being terrorists, they were advocating for many of the same things as non-Mi'kmaq people and were doing so by protecting, rather than challenging, the treaty relationship with the Canadian state.

The tension between these varying discourses of violence that circulated about the circumstances of the actions as well as the October 17th, 2013 raid by the RCMP was captured in an image taken by former APTN News journalist Ossie Michelin (Inuk); it has since become an iconic representation of the struggle of Indigenous land and water protectors resisting unwanted settler-colonial incursions on ancestral territories and is now part of a national exhibit at the Canadian Museum for Human Rights in Winnipeg [see Figure 1]. The image is of Amanda Polchies, a woman from nearby Elsipogtog First Nation praying, kneeling on the asphalt in the middle of the highway, holding a single eagle feather in the air. In front of her, a wall of over two dozen RCMP officers in matching uniforms, some armed with guns and others with zip tie

restraints. The image raises a number of questions about the state's use of violence in the face of Indigenous dissent and the discourses that justify and challenge its use as well as the use of blockades, not only by Indigenous land and water protectors, but by the state who have historically used these tactics to prevent Indigenous peoples from accessing their lands (Borrows, 2013). In Chapter 4, I discuss how the RCMP closed access to the highway while news coverage primarily described a blockade set up by the protectors. Michelin's image flips the popular news frame, shooting the photograph from the side of the peaceful land protectors being confronted by police standing in their way and blocking the road.

This dissertation identifies, explains, and analyzes discourses of violence that emerged from Mi'kmaq defenders and state authorities during the conflict and land and water protection actions at Rexton, N.B. in 2013. I examine the discourses of violence that have long mediated the relationship between Indigenous peoples and the settler-colonial state, using the historical context of settler-colonialism to situate the conflict over shale gas exploration activities on traditional Mi'kma'ki territory in 2013. The research is guided by the following questions: what discourses of violence emerge from the conflict at Rexton, N.B.? What and whose interests are/are not being mobilized in relation to projects of colonization and land & water protection? How are discourses of violence challenged or subverted? And what hope do they offer to projects of land and water protection?

Figure 1: Amanda Polchies faces a line of Royal Canadian Mounted Police officers the morning of October 17th, 2013. This iconic photo depicts Polchies praying, holding up a single eagle feather. (Photo: Ossie Michelin/APTN)

As Glen Coulthard (Dene) (2014), Aileen Moreton-Robinson (Goenpul) (2015), Sarah Hunt (Kwagiulth) (2014) and others have noted, violence features prominently in settler-colonization and Indigenous struggle, whether in brute physical manifestations (i.e. when the RCMP descended on land defenders at Rexton in October 2013) or over discourses that discipline and regulate Indigenous lives (i.e. when Indigenous dispossession from their lands are justified with discourses of security and prosperity protecting the interests of the settler-colonial

state). I rely on literature that theorizes violence within and outside of colonial contexts in order to adopt a multi-pronged analytic approach to violence that includes physical, symbolic, and systemic understandings and to explore how they manifest discursively.

My theoretical framework helps to situate the (in)security that permeates much of the settler-colonial state's responses to Indigenous land and water protection in Canada. I rely on the concepts of resurgence and refusal to help understand Indigenous responses to extraction activities on their territories and the discourse that emerges as a result. Both are important to understand resistance to ongoing colonization rooted, as Leanne Betasamosake Simpson (Mississauga Nishnaabeg) (2011) says, in the contemporary well-being of Indigenous peoples by reclaiming the fluidity of Indigenous traditions. The counter discourses identified herein rely on traditions that are applied to shale-gas exploration in 2013 and identify moments when protectors turn away completely from the state, refusing to give legitimacy to institutions of settler-colonialism.

Following Indigenous scholars like Coulthard (Dene) (2014) and Moreton-Robinson (Goenpul) (2015), I employ Foucauldian thought, including Stuart Hall's (1992) seminal work examining the genealogy of the West and Rest discursive formations, in order to grapple with issues of power, knowledge, and discourse, putting it in conversation with Indigenous works highlighting Indigenous ontologies and epistemologies. Together, they complement one another and help me to explore the discourses that traverse Indigenous and non-Indigenous thinking. Coulthard's (2014) characterization of colonial domination as both discursive and non-discursive is also useful, elevating the importance of land dispossession with the discourses that justify colonial domination.

In this dissertation, I note the emergence of two discourses of violence: one recognizes ongoing state-colonial violence and the violence caused by extractivist activities on Mi'kma'ki territory as the result of ongoing settler-colonialism. It is a discourse of Indigenous resurgence and refusal (Simpson, 2011; Simpson, 2014); herein discursive aspects are underpinned by Mi'kmaq culture and traditions and reassert the importance of Mi'kmaq governance and decision-making while also rejecting the settler-colonial state's claims to superior authority in governing Indigenous affairs. It stands alone but also in contrast to pervasive discourses that undermine Indigenous nationhood, sovereignty, and self-governance. By contrast, another discourse emerges that describes Mi'kmaq concerns with extractivist activities on their ancestral territories as forms of violence against the best interests of the Canadian state, of all Canadians, and the Mi'kmaq peoples themselves. This discourse of violence describes Mi'kmaq land and water protectors as violent criminals, exacerbates divisions that leave little room for negotiation, and reinforces settler-colonial state governance over peaceful co-existence between sovereign peoples. I describe this as a discourse of Indigenous violence and note the way it pervades press coverage of the actions in Rexton, N.B. and state-produced documents concerning Indigenous dissent.

In 2013, the Truth and Reconciliation Commission of Canada (TRC) was heavily and publicly involved in information gathering activities, hosting a series of national events and calling on the federal government to release records within its control. While this dissertation does not directly address the topic of reconciliation, the timing of the TRC's work and broader discourses of reconciliation provide relevant context for understanding land and water protection in Mi'kma'ki. There are important parallels, for example, about the way dominant discourses of violence about land and water protection echo those of reconciliation. James (2017) writes about

the release of the TRC's report, observing that dominant media discourse "promote[d] a relatively quiescent notion of reconciliation that in fact displaced more substantive connotation of the return of land, jurisdiction, and resources" (362). Dominant discourses of violence related to the highly visible RCMP raid on land and water protectors in Rexton also displaced substantial discussions about settler-colonialism with those oriented toward order, security, and hypothetical economic benefits to Indigenous peoples.

Jennifer Llewellyn (2008) notes how the TRC was tasked with providing a clear picture detailing the events and the impact of the residential school system. She suggests the need to focus on the harms to people and relationships caused by wrongdoing as a useful way to approach next steps in the reconciliation process. Similarly, the discourse of ongoing settler-colonial violence that I observe also focuses our attention on the wrongdoing of colonialism and the need to heal. My conversation transcripts with land and water protectors make no mention of reconciliation nor the work of the TRC. Nevertheless, the context of the TRC's work in 2013 as well as some of the scholarship about reconciliation is useful to consider as a backdrop of this project.

The methods used for this dissertation draw on Linda Tuhiwai Smith (Maori) (1999) and Margaret Kovach (Cree / Saulteaux) (2009), situating research with Indigenous peoples as neither apolitical nor acultural. As I will detail later in *Chapter 3: Methods*, Indigenous peoples are some of the most researched peoples, and much of the Western academy's legacy has been harmful. Within many Indigenous communities, there is research exhaustion and mistrust of academics dropping into the community, taking information, and using it only for their benefit. It was important, therefore, for the research direction of this dissertation to be informed by the land and water protectors who constituted the focus of this project. Before having conversations and

collecting research data in the form of documents and newspaper articles, I travelled to New Brunswick and Nova Scotia to meet in person with people who would eventually inform this dissertation, asking them what questions would be useful to them and gathering feedback on the direction I intended to take. This scoping exercise helped to shape the direction of this dissertation and I am grateful for those who took the time to speak with me.

The sequence of scoping the dissertation also posed significant challenges within the university's existing research ethics structures, in part, because I took my guidance from the community of interest (defined further in Chapter 3) on who I should or should not speak with. Carleton University's Research Ethics Board was at first reluctant to allow any of the information gathered during scoping to be used at later stages of this dissertation, even though informed consent had been given in the formal consent form. Other blind spots also emerged as the board was concerned with jeopardizing the university's relationship with the territorial government and emphasized the need to seek permission from the band council, even as their involvement caused concerns for the community of interest who expressly operated outside of these formal governing bodies, describing them as colonial institutions. The board also included in the consent form statements detailing unlikely hypotheticals that may have limited what people were willing to share. What I take from this is the importance of universities including more Indigenous perspectives and learning about Indigenous research methodologies as they consider research ethics approaches.

Finally, this dissertation has also forced me to grapple with what it means to conduct research in ways that are reciprocal as I have built and maintained strong relationships within the community. For example, some have asked for my support in helping them draft Access to Information and Privacy Act requests for other topics of advocacy apart from the shale-gas

exploration. I also helped to review a self-published book written by one of the participants about the 2013 anti-shale gas exploration events. My research took place after the events in Rexton, N.B. ended, but I am left to wonder what it means to try to observe an event neutrally, and staying true to the decolonizing methodologies that Smith (Maori) (1999) and Kovach (Cree / Saulteaux) (2009) detail. I have challenged such ideas and tools of so-called neutrality in this work.

Chapter overview

Chapter 1: Literature Review: Lived and Discursive Violence establishes violence as an analytic, reviewing literature that conceptualizes how violence manifests in Indigenous communities and the ways in which violence, in symbolic and brute forms, is employed strategically by the state to delegitimize dissent. Here, I draw on Sarah Hunt's (Kwagiulth) (2014; 2015) work linking together the micro and macro violences that Indigenous peoples experience, reminding us that what happens in Indigenous communities and even in their households are directly tied to the macro violences of settler-colonialism. I also draw on Glen Coulthard's (2014) work on the politics of resurgence, mapping out new ways that now inform how the state exerts violent domination on Indigenous bodies and in Indigenous communities. I draw on canonical thinkers such as Walter Benjamin (1921) and Franz Fanon (1960), along with scholars who have studied colonial violence like Toyin Falola (2009) and connections between violence and dissent like Stephen D'Arcy (2013) to surface important concepts that help us to understand the connections between discourses of violence and their effects.

Chapter 2: A Review of Theory grapples with the theoretical implications of what Michael Asch (2014) describes as a backwards logic where Indigenous peoples are asked to

reconcile themselves, their ways of being, and their ways of knowing the world with the settler-colonial Canadian state, rather than the other way around. Here, I rely on scholar Aileen Moreton-Robinson (Geoenpul) (2015) and others to connect colonial power with its discursive facets, exploring the ways in which it facilitates ongoing processes of settler-colonialism. I also discuss Indigenous resurgence and refusal (Simpson, 2011; Simpson, 2014) as ways of producing counter discourses challenging harmful dominant discourses and situate land, space, and place as important considerations to understanding settler-colonialism. Finally, I employ Foucauldian thought in similar ways as Moreton-Robinson, Coulthard, and others have to address the discursive elements that work to discipline and regulate Indigenous life in Canada, particularly in relation to opposing extractivist activities on Indigenous territories. Foucault's lectures at the College de France entitled *Society Must be Defended* prove useful by providing concepts helpful to understanding colonialism, even as he does not directly address settler-colonialism. Nevertheless, he talks about conflict and the way the nation state adopts a single voice in the form of a universal subject to marginalize the experience of the minority, divide the body politic as adversaries, and perpetuate conflict. Stuart Hall's (1992) work also proves to be useful, drawing on Foucauldian concepts of discourse, knowledge, and power in the construction and maintenance of colonial stereotypes. Here, I explore how the emergence of discourses of the West and the Rest continue to be relevant and help us understand the discourses of violence that emerge from the actions at Rexton, N.B.

Chapter 3: Methods: Ethics and Meshing Critical Discourse Analysis with Indigenous/Indigenist Approaches grapples with some of the ethical, institutional, and logistical challenges of conducting research with Indigenous peoples from the Western academy. Here, I draw on scholars like Linda Tuhiwai Smith (1999), Margaret Kovach (2009) and others to rely

on methods that include research *with* Indigenous peoples rather than *about* them. I further detail some of the institutional limitations that I observed throughout my application process for ethical clearance from Carleton University's research ethics board. This chapter also details the scope and research questions that define the research parameters and the use of discourse analysis drawing on both Indigenous and non-Indigenous scholars.

Chapter 4: A Struggle Infused with Traditional Teachings and Historical Context

grapples with the discourse of ongoing state-colonial violence informed by land and water protectors' relying on their traditional teachings and drawing attention to the ongoing effects of settler-colonialism to resist extractivist activities on their ancestral territories. This chapter situates the struggle as asserting Mi'kmaq sovereignty and making claims to self-determination and self-governance. In doing so, I also connect some of the tactics used by the land and water protectors with elements of the Mi'kmaq creation story as told by Elsipogtog First Nation Hereditary Chief and Dean of U'nama'ki College at the University of New Brunswick, Stephen Augustine, while also relying on conversations that I had with land and water protectors involved at Rexton, N.B. Finally, this chapter describes the history of settler-colonial land dispossession on Mi'kmaq territory.

Chapter 5: Examining Discourses of Violence Permeating Popular Press and State

Actors relies on a discourse analysis of a collection of print media articles as well as documents produced by state policing authorities such as the RCMP, the Canadian Security Intelligence Service (CSIS), and the Department of Public Safety to analyze the emergence of a discourse of Indigenous violence. I explore how this discourse describes land and water protectors as violent criminals, describes their actions as a form of violence against the best interest of Canadians and

themselves, highlights the use of symbols and language to provoke violent reactions from the protectors, and stages a violent protest in ways that attempt to delegitimize dissent.

Chapter 6: Exploring the Violence of the Administrative State Discourse looks at some of the theoretical implications of a discourse of Indigenous violence, explaining how it justifies what Foucault terms the administrative state, centres settler-colonial power, and avoids the possibility of negotiation.

The 2013 events in New Brunswick are a continuation of a historical struggle to discursively constitute Indigenous peoples in relation to violence. However, as this dissertation illustrates, it is important to listen to the peoples who were most marginalized to better understand the particular series of events that culminated in 2013. As my dissertation illustrates, the community of interest in this location was fluid and dynamic and rather than, as the state insisted, a static group of dissidents. This fluidity is important to note as minor flares of violence did erupt, mostly following the RCMP raid and when many of the initial land and water protectors were either arrested or banned from the site of protest, by newcomers (Brown, 2017; Howe, 2017). As Falola (2009) notes, the settler-colonial state, the colonizer, appears to hold the definition of violence so that resistance is characterized as violence rather than self-defense. I argue that the while longstanding micro and macro state violences surrounding the New Brunswick case were invisible to majority audiences including physical, symbolic, systemic forms, discourses of Indigenous violence were nevertheless front and centre motivating actions against Indigenous land protection and activism. At the same time, land and water protectors relied on a discourse drawing attention to the ongoing colonial state violences, refusing to adopt state discourses and instead re-inscribing with meaning spaces transformed by industry and the police into Indigenous places.

I write this dissertation as a non-Indigenous researcher whose upbringing in Northern Ontario and professional life, which included work in Treaty 9 territory, has touched on Indigenous issues. These experiences have shaped my views on Indigenous land and water protection and ongoing struggles for sovereignty and self-determination. I hope that these contributions will be helpful to the Mi'kmaq community of interest with whom I worked to write this dissertation, to Indigenous communities elsewhere who may have experienced parallel discourses of violence facing their land and water protection, and to non-Indigenous communities looking to better understand the impact of discourses of violence.

Chapter 1: Literature Review: Lived and Discursive Violence

...but this has changed me. I've never been violent. I've never thought to hit out, to strike out. But now don't look at me sideways because I know I'll never bow down to them. Because they just step on your hands. If this is civilized, I'd rather stay on this side of the barricade. ("Chicky", *Kanehsatake: 270 Years of Resistance*, 1993).

An important component of this dissertation is exploring variations in discourses of violence that emerge in the settler-colonial context. In order to better situate violence as an analytic guiding this dissertation, in this chapter I explain how violence is defined herein and review literature and theories on violence and intersections with Indigenous activism and land protection. Moreover, I outline key discourses of violence that are explored further in this dissertation that help answer key research questions: Which discourses of violence emerge, in whose interests are they being mobilized, and how are certain discourses of violence challenged or subverted? As with Coulthard (2013; 2014), I find it useful to engage with literature in Moral Philosophy among other intellectual areas as a way to operationalize violence as an analytic and object of study.

As I will note, Indigenous peoples in Canada face unique forms of physical and state violence that come from ongoing dispossession of their lands, intergenerational trauma caused by state policies entrenched in a history of colonization, and continued economic and socio-cultural marginalization (Hunt, 2014; Razack, 2015). Even more, the discourses of violence that emerge in political struggle between the state and Indigenous land protectors can also take unique forms as the state defends its interests against threats to the existing settler-colonial order, characterizing dissent as forms of violence. In the next section, I adopt a multi-pronged approach to violence that includes physical, symbolic, and systemic understandings and explore how they manifest in discursive formations. I look to the ways in which each of these are mobilized for colonial oppression and trace out implications for Indigenous activism in Canada.

Violence: Definitions

As I detail further in the findings chapters, violence manifests itself in ways that are systemic (eg. harm caused by the smooth function of state institutions), physical (e.g. brute physical force) and symbolic (e.g. violent words); they are present and historical in Indigenous communities like Elsipogtog First Nation. In other terms, historical legacies of the past continue to have very real and material impacts for Indigenous communities. My conversations with community members and findings about what happened in Rexton, N.B. in 2013 make it clear that any research focused on violence must comprehensively include these aspects and adopt a definition capable of addressing, as Sarah Hunt (2014; 2015) notes, both the micro (household) and macro (state/institutions) scales of political struggle given the dialectical relationship between the two.

Coulthard's (2014) book *Red Skin, White Masks* shows the complexity and nuance in evaluating existing manifestations of violence within settler-colonial contexts. He argues that a politics of recognition now defines relationships between the settler-Canadian state and Indigenous peoples in Canada, and he makes a distinction between the brute physical violence that he says once overwhelmingly defined colonial domination and imposed colonial logics on Indigenous peoples and communities, and the symbolic mechanisms that now characterize domination. He argues instead that colonial relations are now maintained through symbolic forms of violence in the form of "asymmetrical [exchanges] of mediated forms of state recognition and accommodation" (Coulthard, 2014: 15) that reject Indigenous demands for peaceful co-existence, reciprocity, and mutual recognition and continue to serve settler-colonial interests. An obvious example is the elevation of discourses about the economic benefits of energy extraction to justify failed consultation and consent processes with affected Indigenous communities. What he is arguing is that the state no longer uses billy clubs to sustain colonial

domination, but instead adopts other forms of violence to achieve the same outcomes. In Elsipogtog, protectors were concerned about asymmetrical recognition as the provincial government and SWN Resources Ltd consulted and accommodated colonial governing institutions in the form of band council to the detriment of the interests of the community. As Levi-Peters said, “if the land was to be discussed, then all treaty beneficiaries needed to be consulted and accommodated” (Levi-Peters, 2017).

Pointing to this shift in the state’s approach, he asks “what are we to make of contexts where state violence no longer constitutes the regulative norm governing the process of colonial dispossession, as appears to be the case in ostensibly tolerant, multinational, liberal settler policies such as Canada?” (15). While this argument does not highlight some of the ways in which physical violence is perpetuated through institutions like prisons, where Indigenous people are grossly over-represented in Canada (Comack, 2012; Crosby & Monaghan, 2018), it raises important points about what we can consider violence and the ways in which it is rationalized.

Coulthard’s question is useful in that it directs attention to the resentments that fuel Indigenous resistance against symbolic and structural violence, whether that of extractivist activities by industry and supported by the state that promotes the logics of displacement in search of energy sources or misapplications of nation-to-nation relationships that mis-recognize Indigenous peoples and further erode Indigenous sovereignty and self-governance. The prevalence of these discourses continue as the 2019 federal election demonstrates, with the Conservative Party of Canada making energy transportation a major theme of its campaign and arguing that Indigenous communities should not hold veto powers on pipeline construction through their territories. This focus on macro struggle is important, but, as he notes in his conclusion, it is not enough. The micro violences that occur in Indigenous communities and

households are equally troubling and merit our attention, challenging his own assertion that current contexts of colonial domination do not just primarily involve tactics of brute, physical violence, or sovereign power in Foucault's (2003) terms. While the state may not primarily rely on its military to dispossess Indigenous peoples of their lands, the violence in some Indigenous homes and communities are directly linked to the policies of the state that support the settler-colonial order. The lasting impacts from the abuse and cultural genocide from Indian Residential Schools is a salient example, where many Indigenous children were emotionally, physically, and sexually abused, stripped of their language, culture and identity in order for them to be assimilated (Regan, 2010; Truth and Reconciliation Commission of Canada, 2015). Although the state may not be in Indigenous households directly inflicting violence, the conditions created by their misrecognition (Coulthard, 2014b; 2014, referencing Taylor's Moral Philosophy) and misaccommodation, sometimes believed to be well-intentioned by policy makers, are nevertheless present.

On the other hand, some Indigenous scholars, such as Patricia Monture-Angus (1999) argue a need to separate physical from systemic violence in our definitions, and more specifically, the physical gendered violence uniquely faced by Indigenous women, as a means of bringing to the surface a discourse that isolates and draws attention to gendered violence as an important political priority. Hunt argues (2014; 2015) instead that highlighting the connections between micro and macro violences experienced by Indigenous peoples allows for more effective definitions of violence capable of achieving the same goal, understanding the dialectical relationship between the two. The two are inseparable, and addressing them requires an expansive definition.

In her work on violence and Canadian legal systems, Hunt (2014; 2015) notes that Indigenous struggle against the colonial state at the macro level often results in violence at home and in Indigenous communities at the micro level, adding that the relentless forms of physical and material violence that Indigenous peoples experience daily are directly related to the violence of dehumanization and erasure enacted by the settler-colonial state. She writes:

For Indigenous people, settlement brings specific processes of violent displacement, discipline and marginality made possible through their dehumanization and through being rendered incapable of formulating their own law. These violences—ideological, material, ongoing, relentless, primary—underpin how other forms of violence unfold on a daily basis upon the territories and bodies of Indigenous peoples in settler societies like Canada (Hunt, 2014: 22).

Hunt's definition of violence is useful as it considers the unique features that make up settler-colonial violence and colonial domination, focusing on the interconnectedness of violent social structures and experiences of Indigenous life, of brute force, control, and ongoing humiliation, and of land dispossession

In addition, what distinguishes violence from non-violence is not always clear. Fanon (1960), Žižek (2009), Blomley (2003) and Coulthard (2014) note that a lack of physical violence does not mean the violence is less real. Colonial violence operates much in the same way through overt acts as well as threats of violence. Even more, it exists with the very presence of settler-colonial power systems and institutions. Slavoj Žižek's (2009) observations on objective violence are also useful, reminding us to look beyond the brute and most visible sense of the term. He says that we must pay attention to the violence rooted in the smooth functioning of our institutions, weaved into systems and institutions that do not manifest as brute force. Rather, these violences result from systems and institutions working exactly as they should. Take, for example, the institutions of capitalism that require objective forms of violence to sustain

themselves, violences that manifest as poverty, social and economic inequality, reduced life expectancy, and adverse health effects (Zizek, 2009).

The same is true for institutions that support settler-colonialism that require discourses of violence to sustain themselves, whether degrading narratives about Indigenous cultures or the elevation of Western tropes of progress and modernity to justify cultural genocide. Violence becomes an integral part of settler-colonial institutions that require subjugation of Indigenous peoples, marginalization of Indigenous cultures, histories, and knowledges, and introducing patriarchal mechanisms to exist alongside the subjective violences of land dispossession and the horrors of the residential school program. Evidence of settler-colonial objective violence are found in lower life expectancies than the larger society, community poverty, inequality, intergenerational trauma, and disconnection from the land (Coulthard, 2014; Reagan, 2005; Angel, 2012).

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), to which Canada is a signatory but has not yet ratified, similarly adopts an expansive perspective in its reference to violence, drawing attention to the violences Indigenous peoples face in Articles 7 and 8, that affirm the rights of Indigenous individuals to “security of the person” free from violence against their bodies (UNDRIP, Article 7, 1) and Indigenous peoples as a collective who “shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group or another group” (UNDRIP, Article 7, 1) nor “subjected to forced assimilation or destruction of their culture” (UNDRIP, Article 8, 1). The declaration aims to guarantee protections at the macro and micro level, citing both the experiences of individuals and collectives who experience systemic violence and everyday violence that result from, in large part, ongoing colonial logics.

This dissertation is focused on the concept of violence as a concept because it is such a significant component of what happened at Rexton—situated historically within settler-colonialism and its associated symbolic and institutional violence, in the moment a so called physically violent confrontation erupted, and in the aftermath as community members struggled to heal emotionally and physically from the confrontation. While Coulthard (2014; 2014b) asks us to consider settler-colonial violence as symbolic (a politics of recognition), the experience of Rexton reminds us that the state continues to use physical brute violence to achieve its goals with long-lasting impacts on the individuals and communities involved. It also forwarded this macro aggression with micro-aggression (misrecognition of the community as violent). Comack (2012), Crosby and Monaghan (2018), and Razack (2015) similarly remind us that heightened surveillance and policing also lead to physical violence for Indigenous peoples as they do for other people of colour (Browne, 2015). These are often justified through a rationalization that sees some populations as more violent and dangerous.

Toyin Falola (2009) argues that the colonizer often appears to hold the definition of violence in their hands, doing so in ways that disparages acts of dissent as violence. As I will expand further in later chapters, this manifests in a number of ways as the state prioritizes the supremacy of law, order, and security against disruption. It considers the impacts of disruption to be universal among peoples, regardless of different harms experience by colonizing and colonized peoples as the result of certain actions of dissent. It is important, then, to remember the limitations of a dictionary definition of violence, what the Oxford Dictionary defines as, “behaviour involving physical force intended to hurt, damage, or kill someone or something” (Oxford Dictionary). When acts of brute violence do occur, we should consider broadly the cause, their effects, and who is most directly affected. Is a general worker strike, as Falola asks, a

form of violence if it negatively interrupts the economic well-being of some? Is a blockade a violent action if it disrupts supply chains for others who are then unable to access certain products and supplies? What about when they are used to prevent Indigenous peoples from visiting their lands? Whose interest does it serve to consider these acts of dissent forms of violence?

Discourses of violence manifested in very specific and identifiable ways that influenced understandings of the relationship between Indigenous land and water protectors and the state as well as Indigenous land protection more broadly (eg. through media coverage, police responses, and materials produced by authorities examined in later chapters). As Carol Anderson (2014), who in discussing 2014 protests in Ferguson, Missouri against police brutality aimed at African Americans points out, while some expressions of rage or indignation are considered illegitimate and threatening (eg. land protectors, protestors), expressions of white rage that maintain a veneer of respectability and happen in places like boardrooms or offices are not understood as violence as such. She states, “the real rage smolders in meetings where officials redraw precincts to dilute African American voting strength or seek to slash the government payrolls that have long served as sources of black employment. It goes virtually unnoticed, however, because white rage doesn’t have to take to the streets and face rubber bullets to be heard” (para. 2). However, this white rage can also be read more overtly in examples like the many white defenses of the “not-guilty” verdict of Gerald Stanley following the white farmer’s trial for shooting Colton Boushie in the back of the head as they assumed the perspective that the Indigenous 22-year-old was trespassing on Stanley’s land, and it was therefore warranted (Jago, 10 Feb 2018).

Similarly, colonial violence in all its forms (physical, symbolic, systemic) is front and centre motivating complaints against Indigenous land protection and activism. Discourses of

violence, tapping into tried and true identity constructs of the ignoble, ‘blood thirsty savage,’ were used by the state to justify its own very physical and forceful raid on land protectors and to delegitimize support for them through (dis)information campaigns. By extension, it remains important, however, not to lose sight of the importance of everyday experiences of physical violence and the discourses that result, especially as participants shared stories about Post Traumatic Stress Disorder, suicidal ideation, and other manifestations of violence that were a direct response to their interactions with the state. These are violences that individuals in the community continue to experience, that can be traced to settler-colonialism, and from which colonizing discourses emerge to justify ongoing dispossessions. Defining violence expansively to consider ways that it re-enforces settler-colonial domination, the next section looks at discourses of violence emerging to discredit responses from Indigenous peoples, who literally put their bodies on the line to protect the land with little other recourse available to them. I also explore the ways in which physical violence is discursively justified philosophically as a last resort or appropriate response to settler-colonial oppression.

Violence and strategic discourse

A widely cited cannon of literature from both non-Indigenous and Indigenous thinkers provides multiple avenues for examining discourses of violence within the colonial context. As with Coulthard (2014; 2014b), I find it useful to engage with literature in Moral Philosophy among other areas as a way to operationalize violence as an analytic and object of study. Each of the works cited below contain implications for Communication and Media Studies research looking at how certain discourses are elevated or marginalized, therefore privileging or challenging existing colonial orders. Violence acts as a tool in the disciplining of Indigenous peoples within the colonial order. Here, I discuss how the literature helps us understand the ways physical

violence and discourses of violence intervene to reinforce or challenge dominant discourses through counter-discourses. Violence discourse can be thought of as a tool where its utility can be wielded to speak certain subjective truths. Colonial domination is consistent in the way it dichotomizes legitimate versus illegitimate forms of violence in ways that elevate the state's ability to use force and questions the actions of those who dissent. It produces these categories in order to police the boundaries of what is violence and what is not. Violence elevates as an option of non-negotiation, avoiding the middle ground and forcing responses that push actors to the margins. Finally, state actors employ space and place, as a performative stage to generate violent images, to assert sovereignty and control dissent similar to what Browne describes as "security theatre" (2015).

Violence discourse and utility

I find it useful to consider the utility of violence since understanding violence as a tool can help us explain and identify how it operates to discipline Indigenous life within the settler-colonial context. Political theorist Hannah Arendt (1970) advances this idea as she grapples with the ways that violence is too often conflated with other concepts, like power and strength. Rather, she says, violence is fundamentally a tool that interacts with these other concepts in ways that, for example, can amplify or reduce strength or can reinforce certain power relations.

Arendt's contributions to an instrumentalist perspective on violence helps us understand how its presence can be oppressive or constructive. She notes that the presence of violence can strengthen or challenge the domination of individuals, groups and/or institutions since the power behind state and non-state institutions is underpinned by violence as a tool for domination and/or resistance. She says "[e]verything depends on the power behind the violence. The sudden dramatic breakdown of power that ushers in revolutions reveals in a flash how civil obedience is

but the outward manifestation of support and consent” (Arendt, 1970, p. 49). For democratic and authoritarian institutions alike, she argues that power can only be exercised for as long as the many consent either through outright support or by unquestioned obedience. Violence can be used against individuals who refuse to submit to the will of the state or by those who refuse to be overpowered by the majority consensus (p. 51). When used as a last resort once other means of disciplining individuals or groups have failed, violence can indicate a breakdown or shifts in power.

Writing about the Algerian colonial experience, Toyin Falola (2009) similarly argues that violence is a tool. Not only is it a tool, he emphasizes the ways violence is deployed with purpose, used as a weapon to maintain, promote, or challenge colonialism. Violence always has a political purpose, he says, and is constantly ascribing, re-ascribing, or challenging institutions of power. In its most basic form, he defines it as “the use of force to damage people and objects; the use of force to maintain control; and the use of humiliating words to generate violent reactions” (Falola, 2009, p. IX). His work also contributes to an understanding of violence as a form of psychological warfare by colonizers intended to provoke violent responses. He notes, for example, how the British used humiliation and disrespect to provoke certain kinds of reactions in their colonies. As I discussed earlier in this chapter, these provoked reactions are then characterized as violence against the state or against themselves, framing the colonized as violent antagonists rather than the colonizers. Falola’s work is useful because it helps us understand how discursive formations of violence can be used as communicative tools, whether explicit or hidden, in mediating the relationship between the Canadian state and Indigenous peoples. Once deployed, they elevate certain voices and mobilize certain interests over others in ways that can

be strategic. As I will note in Chapter 2, such mediation exemplifies the subjective truths, as Foucault (2003) calls them, found in discourse about violence.

Within a society that, as Foucault (2003) suggests, “must be defended,” we can see how the presence of violence instrumentally elevates certain discourses over others and speaks subjective truths that interact and shape other concepts such as power, strength, force, and authority. If power is everywhere, as he argues, understanding violence’s utility also helps us observe how it operates and which discourses are elevated or are being challenged. It informs how groups speak their subjective truth. It is worth also noting that discourses of violence are not necessarily deployed with intention. And while I observe repeated incidents of intentionality in the way that discourses of violence are deployed, this is not always the case. There are instances where naturalized discourses of violence emerge unintentionally and implicitly and as a result of other circulating discourses as well as informed by structures of colonial power or counter-power.

Dichotomies of legitimacy

The literature cited here highlights the way discourses of violence produce dichotomies of legitimacy, categorizing actions as either legitimate or illegitimate. In Western liberal democracies, where the state attempts to retain a monopoly over the use of force, violence is often viewed as an illegitimate tool to achieve political or social change (D’Arcy, 2013). In authoritarian and colonial regimes, many forms of dissent, but especially those that include traces of violence, are also considered to lack legitimacy (Falola, 2009). For canonical thinkers such as Fanon (1960) and Benjamin (1921), however, violence is a necessary element in struggles against oppression. The dichotomization of violence’s legitimacy shows how

discursive formations of violence are contested, are not neutral, and shape how oppression and resistance are understood.

In Western liberal societies, the presence, or even the perceived presence of violence in activism or dissent will cause a decrease in public support, even if the public continues to support the cause, people or grievances being articulated (D'Arcy, 2013). As Paul Chaat Smith and Robert Warrior (1997) note, support for the American Indian Movement (AIM) and Red Power movement dropped as public narratives turned to acts of violence. This occurred, they say, following an influx of more aggressive outsiders during the occupation of Alcatraz Island in the late 1960s and early 1970s. Similarly, public support dropped for AIM during the 1973 Occupation of Wounded Knee, South Dakota on the Pine Ridge Indian Reservation following confrontations with the Federal Bureau of Investigation and other American police agencies which led to gun violence (two activists were killed by police snipers) (Brady, 2003).

Similarly, D'Arcy (2013) outlines both the conservative and liberal objections to violence in dissent. The conservative objection to violent militancy privileges, above all, law and order. The conservative objection is not necessarily about disagreement or antipathy towards protesters or their grievances, but rather, the fear that violence will disrupt the social order upon which democracy's fragile traditions and institutions rest. The liberal objection, however, positions violence as counterintuitive, believing that violence reproduces the oppressive practices that most activists are trying to oppose. Rather than elevating order, the liberal objective elevates "the value or public autonomy through inclusive, reason-guided discussion" (D'Arcy, 2013: 38). What this means is that violence is a subversion of democracy, which requires ongoing dialogue and an assumption that dialogue is a good in and of itself (Peters, 1999). These arguments are pervasive as the settler-colonial state denies Indigenous sovereignty, considering Indigenous

nations instead as part of the Canadian nation state. These objections also give rise to discourses that blame actors of dissent as their own worst enemies who are hurting themselves and their own causes.

For example, during the protests in Ferguson, Missouri that followed the police killing of teenager Michael Brown in 2014, Tyler Reinhard (2014) termed these objections as “riot shaming,” where proponents of violence were seen to be undercutting their own message, destroying their own communities, subscribing to criminal activity over dialogue; critics subscribed to the myth that violence is necessarily immoral and universally condemned, and a distraction from reforming oppressive institutions. But as Reinhard notes, these objections miss the mark for a population that is consistently denied access to decision making institutions and live within a socio-economic environment that denies them voice. Again, dissent is often characterized as forms of violence that does more harm to impacted communities than good, and shaming is used to restore the dominant order of oppression. Further, acts of violence that do emerge are often the result of provocation, and meant to justify further oppression (Falola, 2009). These objections reflect the elevation of subjective truths, whether conservative or liberal, that work to preserve existing institutions—institutions that are largely oppressive. Both categorize violence as an illegitimate tool for change.

Benjamin (1921) and Fanon (1960) draw a different distinction, shifting the dichotomy from legitimate or illegitimate to just or unjust violence. Fanon views violence as a necessary component to overcoming colonial domination since colonialism is maintained through various forms of violence—violence meant to destabilize subordinate groups into submission. Domination emerges in overt exhibitions such as brute force just as equally as it is found in ways that are cultural, economic, and psychological. Ripping one’s culture away and imposing

something else, for example, is a form of violence similar to extracting a person from their community and imprisoning them in a concentration camp. In this sense, violence goes beyond its utilitarianism as tool of oppression to also include its utility in land protection. The dominating impact on the psyche of colonized populations, subjecting colonized peoples into accepting their position in a colonial system makes it correctable, Fanon argues, only through violence. In other words, while colonialism is necessarily sustained through violence, so too must it be challenged with violence according to Fanon. Domination and power relations are both maintained and challenged through the instability created by violence, on the colonized and the colonizer, respectively.

Fanon's work reflects Benjamin's understanding of violence as he distinguishes between mythic violence and divine violence. Benjamin explores in great length the various facets of violence in relation to justice, beginning with a repudiation of those who focus too heavily on violence's relationship to the law. Benjamin argues that violent acts can be law preserving, in that they operate in ways that maintain historical laws, or they can be law making by either challenging existing laws or in creating new ones to take the place of others. Taken in context of power and domination, and understood as a tool as Arendt outlines, both law preserving and law-making violence bias instability in working to re-assert laws under threat or impose new ones where existing laws no longer enjoy explicit or implicit consent by individuals or groups. Benjamin recognizes the importance of this distinction, but goes even further to address the question of justice that neither law making or law-preserving relationality to violence explores adequately.

Benjamin draws a different dichotomy, between mythic and divine violence. For him, the concept of divine violence brings forward the notion of justice, one seen through the eyes of

God, and not concerned with the realm of what he calls mythic violence. Justice, for him, emerges from the divinity, exercised through the actions of man. Such violence is just since it is pure and reflective of the wishes set out by the divine. For him, such violence is emancipatory by exercising God's will rather than unjust wills of mankind, but in such a way that he defines with a vague set of criteria. Benjamin does not elaborate beyond a final call for revolution against tyranny and can be historically contextualized as he saw first-hand the rise of the Nazi regime and took his own life while fleeing it.

Questions of legitimacy and illegitimacy, therefore, reflect subjective truths and evoke certain discourses of violence. Such discourses speak to the Foucauldian universal subject assuming that many peoples and individuals have equal access to state decision-making institutions and self-governance. In settler-colonial societies, this is not the case as Indigenous peoples continue to grapple with the settler-colonial patriarchal state subverting treaties and misrecognizing Indigenous identity and subjugation. Questions of legitimacy are also complicated by the way objective violence can operate in ways that appear to be part of the smooth functioning of existing power infrastructures.

Violence as non-negotiation

Journalist Miles Howe (2017) observes that police rhetoric and actions throughout the protests at Rexton, N.B. were an attempt at negotiating a non-negotiable situation. He argues that there is no possible negotiated outcome to continued colonial incursion on Indigenous lands. Settler-colonialism requires the violence of dispossession to function and to sustain itself. The question of whether negotiation is possible is an important one, especially as I observed, the state introduces discourses of violence throughout their involvement—whether implying acts of violence by land protectors when there were none or by orchestrating violent clashes on October

17th, 2013. The acts characterized as violence along with the discourses of violence the state introduces are in opposition and contrast to negotiation, as I will note in Chapter 5.

The presence of violence and violence discourse would seem to imperil any possibility, even slim, of negotiation. Similarly, Falola concludes his study of colonial violence in Nigeria with this passage: “If politics is about the ability to define the middle ground and make compromises, violence may be about the ability to avoid the middle ground in order to establish one’s power and make one’s opinion the new hegemony” (p. 171). The existence of violence, whether physical, threat, or symbolic elevates certain discourses that then interact with and shape our understanding of power, authority, strength, and other things. He is speaking to violence’s ability to reinforce or destabilize existing dominations by elevating or suppressing certain discourses.

In Nigeria, the ruling British used the violence of words to privilege a discourse that framed Nigerians as primitive peoples engaged in primitive acts and practices. Such discourses further legitimated the institutional violence inflicted on the people and delegitimated any form of resistance. Falola’s study raises important examples where a violence based discursive event altered the way colonizers asserted their colonial power and the way the colonized asserted their counter-power. For instance, Falola talks about the ways such discourse leads to increased youth militancy combined with an attitude adopting traditional culture and traditional African clothes more stringently. He also discusses how resistance to colonial violence manifests into a newly invented ideology of militancy expressed using radical words and revolutionary language and presented to their audiences with anger (p. 133). As this demonstrates, language and symbolism are important for both the actors who inflict physical aggression and ideal audiences, which are

non-mutually exclusive. This also relates to the importance of symbolic considerations for sites of demonstration.

Land and Water Protection: Resisting Colonial Violence

I have noted elsewhere that Indigenous struggle is fundamentally about land as settler-colonialism is a particular form of domination that dispossesses Indigenous peoples from their lands, the effects of which are not only material displacements, but also relate to Indigenous politics and culture. Land and water protection is rooted in that struggle, resisting colonial acts that decouple them from their connections to the land and traditions, protecting elements that are sacred and fundamental to life and all existence. These struggles continue across what is now North America, including in highly visible cases such as the 2016/2017 actions against the Dakota Access Pipeline passing through Lakota territory and affecting the people living in the Standing Rock Indian Reservation (Jewett & Garravan, 2018) and the 2019 actions by the Wet'suwet'en people against the Coastal GasLink pipeline in northeastern British Columbia (Bellrichard & Ghoussoub, 2019).

Jewett & Garravan describe water protection as reasserting Indigenous relationships to everything. Jewett says about being a water protector: “We are related to everything, including water. Being a relative means being responsible. It is that simple” (Jewett & Garravan, 2018: 43). In other words, land and water protection is about revisiting the relationships that Indigenous peoples have with others, with all living and non-living things, and standing up against acts of colonization that work to interrupt those relationships. Adding to this, Whyte (2018) says that water protection is a response to the anti-Indigenous violence that disrupts human relationships with the environment. It re-ascribes interdependence with the land and water, and also reasserts Indigenous peoples’ social resilience as self-determining collectives

(Whyte, 2018). Land and water protection, therefore, is rooted in Indigenous resurgence and refusal, concepts that I elaborate upon in Chapter 2.

In an interview with the *Chronical Herald*, Mi'kmaq grandmother and academic Dorene Bernard, who organized the 650-kilometer Wabanaki Water Walk in 2019, agrees that land and water protection is about relationships, saying that “we want to make sure that people start having a relationship with water” (Campbell, 2019). She adds: “Our message is that water is sacred, all living beings need water to live. [...] It is the women’s responsibility to carry the water and bring awareness of the sacredness of water and to protect the water.” (Ibid.)

Space, Places, and Violence

As I note in the theoretical framework in a later chapter, relationship to space and place are important concepts in Indigenous world views. For Mi'kmaq people, space and place hold unique historical, cultural, and identity connections. Space and place are not only locations to inhabit, but also where they draw knowledge from which informs how they live in the world (Augustine, 2016; Tuck & McKenzie, 2015). As Inuk journalist Ossie Michelin notes from his time covering protests in New Brunswick, “In the Indigenous world place is a very, very concrete, physical thing. And place is something that you have a relationship with, and that your family has relationships with for generations” (Michelin, 2017).

The literature cited in this dissertation shows that space and place are important concepts that inform the kinds of violence Indigenous peoples face (Razack, 2015). More broadly, space and place are important considerations for social movement research, providing avenues to interrogate the complexity and performance of activism, symbolism, mobilization, and state responses (Gerbaudo, 2012; Elmer & Opel, 2008; Zick, 2005; Wood, 2014; Vitale, 2005/2007/2014). Drawing from Paulo Gerbaudo (2012) and others, I find it useful to adopt his

performative lens for understanding resistance and counter-resistance because it can help make direct links between the actions and choices of the land protectors at Rexton, N.B. and Mi'kmaq culture, history, and knowledges. At the same time, it explains the state's actions trying to control and manage space to disrupt activism and influence the discourses that circulate.

Gerbaudo asks us to think of place and space as a stage, not only infused with symbolism and meaning, but they also becomes performative in the sense that, once mobilized, activists and demonstrators construct and re-construct the meaning of space in ways that further their cause (Arendt, 1958) and engage “processes of identity building and emotional motivation... [that give] coherence to the spontaneity of protest participation” (Gerbaudo, 2012: 38). Gerbaudo gives prominence to the material participation of activists gathering in public space, infusing space with meaning, and gathering together what might have been a dispersed constituency.

From the police response, a performative perspective of space and place can help explain the state's actions. Why did the RCMP cut down trees and force the land protectors from the side of the road onto the highway? Why establish a blockade in a way that generated images of confrontation for journalists on the ground covering the protest? Mitchell (2003/2013) argues that controlling space is useful for the state to manage and control dissent as “[ways] of controlling the content of the debate without really acknowledging that is what is being done” (Mitchel, 2003; 39). In other words, by controlling space, they can change the images that define a movement and therefore control what discourses are circulated to the wider population.

Activist and writer Micah White (2016) argues that material acts of protest are increasingly ineffective as the state expects and accounts for various actions of protest in their decision-making. Notable examples where police have become effective at managing assemblages of activists and demonstrators (i.e. controlling what space activists are able to

occupy and how they occupy them) include creating free-speech zones that place activists away from decision-makers or actors with state-sanctioned legitimacy, installing fencing with barbed wire that creates distance and position activists as threats or dangers that “[assume] guilt until innocence is proven” (Mitchell, 2003: 39), or pre-emptively detaining or corralling activists in kennels as happened at the 2010 G-20 summit in Toronto, Canada (Wood, 2014; Vitale, 2015). Of course, these have also included the many ways in which state actors have pushed Indigenous peoples into relinquishing control of their ancestral territories through forced removal, allotment, encroachments, relocations, and refusing status. White argues that the success of contemporary dissent requires something further than manifestations in space. It should be accompanied by a mental shift, a changing of our collective understanding of particular issues. In that, Indigenous activism on and informed by place can effectively accomplish this.

A central point of contention of the actions in Rexton, N.B. is the nature of the material participation in the form of a blockade, and whether it constitutes violence. Allison Hargreaves and David Jefferess (2015) challenge the notion that blockades erected by Indigenous peoples are inherently violent, suggesting instead that they can serve as opportunities for cultures to confront, acknowledge, and learn from one another in ways that produce radical transformations in perspective and social relations. They say:

At sites of seemingly irreconcilable conflict between Indigenous and non-Indigenous communities, the barricade is mistaken in the mainstream as the violent embodiment of this impasse rather than an opportunity for its transcendence... [T]he barricade could provide an opening onto a different relationship to land and to one another—one that both acknowledges the violence of settlement and resource extraction, and that affirms shared obligations to care-take the land for the wellbeing of future generations (209-210).

John Borrows (Anishinabe/Ojibway) (2013) also challenges our thinking of blockades, noting their history as tools of colonization. He says that blockades were used predominantly by non-

Indigenous peoples to occupy Indigenous lands, preventing Indigenous peoples from accessing their territories. It is ahistorical to focus on the use of blockades as resistance without understanding the frequency and impact of these militant occupations to advance colonization. Borrows says that Indigenous peoples have long pursued diplomatic options to reinforce their connections with the land in the face of settler occupation, noting that “Indigenous peoples have never completely surrendered their approaches to conflict resolution” and that “non-Indigenous peoples have never achieved absolute dominance over Indigenous peoples in Canada” (Borrows, 2013: 108). Direct action tactics in the form of blockades are important tools of last resort when Indigenous rights are not recognized and when other actions grounded in Indigenous diplomacy fail. But the nuance that Borrows suggests is that blockades on behalf of Indigenous land protectors are not occupations of territory, but rather a re-occupation of their own territories, or to put it differently, corrective measures when all else fails.

Coulthard (2014) suggests there are times for turning away from the state and rejecting the violence of Indigenous-state relations that have characterized their relationship for centuries. The problem, as he expresses it, is that the struggle for decolonization takes place within the conceptual structure set up by the colonizer. Struggle about the importance of land, for example—something Indigenous people use to think and act—are translated into the language of *property*, repositioning the debate within the context and violence of Western capitalism. Self-determination is recast into the language of recognition, the parameters of which are normally determined by the dominant partner in the colonial relationship (p. 17).

Place and space are important concepts in the Indigenous world, particularly in the way they infuse mobilization with place-based meaning, gather dispersed constituencies, and facilitate social relations. Conversely, control of space is also used to advance colonization and

manage dissent, a theme which will come up throughout the next chapters. While this chapter reviewed many ways in which scholarship treats violence as useful framing for how it is constituted in this dissertation, the next chapter explores theoretical frameworks that help situate discourses of violence within settler-colonial power structures and helps us understand the discursive and non-discursive elements that sediment colonial domination and discipline and regulate Indigenous life.

Chapter 2: A Review of Theory: Settler-colonialism, discourse, resurgence and refusal

As Michael Asch (2014) notes, flourishing Indigenous societies and systems of governance existed long before the arrival of European settlers on Turtle Island. And yet, he observes, Canadian politics is informed by a backwards logic where Indigenous peoples are required to reconcile themselves and their ways of being with the supremacy of the settler-colonial Canadian state. Rather, it should be the Canadian state that is reconciled with Indigenous peoples, communities, and societies that have survived on this land since time immemorial. This contradiction, coupled with Indigenous reaffirmation of sovereignty, creates tension and conflict. Moreton-Robinson (Geoenpul) (2015) also notes that Indigenous sovereignty uniquely undermines the settler-colonial state's security by maintaining its own claims to self-governance and land claims, and by challenging the state's conception of itself as the sole guarantor of settler-colonial knowledges and ways of life.

The literature review in the previous chapter allowed us to explore violence as an analytic, noting how discourses of violence are employed to privilege settler-colonial logics over Indigenous ones. Here, I explore some of the theoretical underpinnings of settler-colonial power and discourse that help us to understand how repression and resistance manifest within settler-colonial societies. I rely on Indigenous thinkers to explain Indigenous activism as resurgence and refusal, and, like them, engage with non-Indigenous thinkers to situate these actions as forms of counter-discourse. I find it useful, as Coulthard, Moreton-Robinson, and others have done, to employ elements of Foucauldian thought on discourse, power, and subjectivity because of the very obvious inequalities of power that exist in settler-Indigenous relations that are enabled through discourse and knowledge. I also touch on Normand Fairclough's critical-dialectical

school of Critical Discourse Analysis (CDA) which has theoretical implications as well as methodological implications for the relationship between power, language, and discourse. The discourses I trace permeate and constitute both Indigenous and Western cultures, and what Homi Bhabha (1994) describes as a third space in between; therefore this combination of Indigenous and critical-settler and post-colonial theory is complementary and appropriate for the research queries pursued in this thesis. However, I also explain some of the tensions arising by putting them in conversation.

Colonial Power, Discourse and Struggle

Indigenous struggle is overwhelmingly defined by assertions and reassertions of sovereignty as well as advocating self-governance and self-determination (Coulthard, 2014; Simpson, A., 2014). This struggle stands in opposition to colonial domination, which this chapter describes as both discursive and non-discursive. As this section notes, sedimented and pervasive discourses emerging from settler-colonial societies and institutions produce challenges to be overcome as they define the parameters of struggle on terms that favour settler-colonial institutions. This struggle asks us to grapple with power regimes that pervade settler-colonial societies.

Coulthard (2014) provides a useful definition of what he terms colonial power, a regime of power that he argues facilitates the domination of Indigenous peoples and transcends the historical modalities of power that Foucault describes as disciplinary and more contemporary modes like governmentality. A Dene political theorist who is informed by thinkers from his own culture as well as Foucauldian and Marxist perspectives, he defines colonial power as:

a particular form of domination; that is, it is a relationship where power—in this case, interrelated discursive and nondiscursive facets of economics, gendered, racial, and state power—has been structured into a relatively secure or sedimented set of hierarchical social relations that continue to facilitate the

dispossession of Indigenous peoples of their lands and self-determining authority. (Coulthard, 2014, p. 7)

Here, Coulthard takes his lead from Marxist thought in the way that he understands Indigenous land and labour exploitation as a form of primitive accumulation, the nondiscursive elements of domination, but he fundamentally understands land as being tied to identity and therefore offers a move away from centering class struggle. The land, as I discuss later in this chapter, is a central feature of settler-colonialism, and the process of violently taking Indigenous lands and converting them into capitalist resources is an important consideration. The numerous grievances against extractivist activities on Mi'kma'ki, namely the ongoing exploitation of energy through dangerous fracking methods are at the heart of this research and feature prominently as a theme. At the same time, Coulthard argues that what underpins much of this domination is discursive, that is the sedimented discourses of recognition that continue to define the settler-colonial state and Indigenous relations in Canada. The politics of recognition, as he says, redefines struggle on settler-colonial terms. Extractivist activities are often justified, for example, through discourses that understand land not as fundamentally tied to ways of life, but as property to be owned and exploited for economic purposes. Indigenous communities are recognized as stakeholders to be consulted, a process that involves seeking opinions and advice, rather than recognizing sovereign governance over territories.

Moreton-Robinson similarly emphasizes the discursive elements of colonial power, writing about the possessive logics of settler-state discourses that seek to convert Indigenaety into possessions and, therefore, impeding Indigenous self-determination and self-governance. She argues that patriarchal white sovereignty, derived from “the illegal act of possession,” is a regime of power that defines the contemporary social order (2015, p. 138), focusing as Coulthard does, on the continued dispossession of Indigenous peoples from their lands. This power regime

of converting Indigeneity into possessions on settler-colonial terms, she argues, “undermines the body politic,” divides the social body by race, and operates both productively and oppressively to undermine Indigenous life (ibid.). As a result, she observes that “our capacity for self-determination lies within a counter-discourse informed by our sovereignty and ontologies, but the discursive nature of racialized discourse means we are never beyond it, even when we are resisting it,” adding that “our lives are forged through struggle” (Moreton-Robinson, 2015, p. 192). In this, she notes the way settler-colonial discourses act to privilege the state’s logic over Indigenous ones in ways that attempt to link Indigenous life to the state. Taiaiake Alfred (Mohawk) (2009) similarly points to the way colonization links Indigenous life to the settler-colonial state, saying that colonization is best understood as a deeply rooted, “multigenerational and multifaceted process of forced dispossession and attempted acculturation—a disconnection from the land, culture, and community...” The result of colonization, he says, is “political discord [...] and political dependency of First Nations upon the state” (Alfred, 2009: 43).

All three of these thinkers help us understand crucial aspects of contemporary power regimes, namely the disciplining and regulation of Indigenous life, underpinned by sedimented settler-colonial discourses that work to undermine Indigenous relationships to their land, culture, and governance systems. They understand settler-colonial power as, at least in part, discursive and socially constructed, in ways that are helpful to understanding how Indigenous life and bodies are disciplined and regulated in Canada. Taken together, I use the term “settler-colonial power” to describe a power regime that is both racial (privileging the settler nation) and settler-colonial (about land and dispossession). Both are discussed in more detail later in this chapter.

Further in this chapter, I discuss how employing Foucauldian thought helps us to think about the disciplining and regulation of Indigenous life and bodies through discourse and also

helps us understand counter-discourses that define Indigenous struggle. The next section focuses on these counter-discourses, examining work that demonstrates Indigenous resurgence and refusal.

Resisting settler-colonialism: Resurgence and Refusal

Indigenous scholarship points to two important ways that Indigenous peoples are countering colonial discourses, through resurgence and refusal. Indigenous resurgence is about rejecting the ongoing logics of dispossession and colonization inherent in settler-colonial institutions and, instead, adopting practices that reconnect Indigenous peoples with their cultures, histories, traditions, lands, and worldviews. Leanne Betasamosake Simpson defines Indigenous resurgence as:

...not literally [...] returning to the past, but rather re-creating the cultural and political flourishing of the past to support the well-being of our contemporary citizens. It means reclaiming the fluidity around our traditions, not the rigidity of colonialism; it means encouraging the self-determination of individuals within our national and community-based contexts; and it means re-creating an artistic and intellectual renaissance within a larger political and cultural resurgence (Simpson L., 2011, p. 51).

CornTassel (Cherokee Nation) (in Smith, 2013) observes the way colonization manifests through discourse, reimagining Indigeneity in its own lens and in ways that serve its purposes. He says that “one of our biggest enemies is compartmentalization, as shape-shifting colonial entities attempt to sever our relationship to the natural world and define the terrain of struggle” (in Smith, 2013). He gives an example of the way state policy makers frame economic initiatives as ‘economic development,’ ignoring completely Indigenous notions of economics that link land, culture, and community (ibid).

To counter such compartmentalization, Dale Turner (Temagami Anishinaabe) (2006) builds on the work of Gerald Vizenor (Anishnaabe) and advocates the development of an Indigenous intellectual class, word warriors, who are able to engage and challenge the discourses of the state. In doing so, he argues that the discursive practices of word warriors can act as counter-discourses capable of transforming the legal and political discourses of the state into something that more closely resembles Indigenous ones. His approach calls for a turning towards settler-colonial state institutions, hoping that counter-discourse from within may help break free from settler-colonial discourses. Coulthard similarly recognizes the importance of discursive forms of power in resisting settler-colonial logics but, concerned with the assimilative threat posed by powerful and pervasive state discourses, he argues for a turning away from the settler-colonial state, focused instead on Indigenous resurgence (Coulthard, 2008; 2014). It becomes difficult to grapple with the effects of colonization in terms Alfred (2009) describes, as “the erosion of an ethic of universal respect and responsibility that used to be the hallmark of Indigenous communities” (43) within the discursive framework of settler-colonial institutions.

Cornthassel says that “being Indigenous today means struggling to reclaim and regenerate one’s relational, place-based existence by challenging the ongoing, destructive forces of colonization” (2012: 88) and “taking emphasis away from state frameworks [...] back to re-localized, community centered actions premised on reconnecting with land, culture, and community” (ibid, 92). For him, resurgence is about everyday acts of resistance that reconnect Indigenous peoples to their nationhoods and get them closer to achieving self-governance and self-determination.

Connected to resurgence, scholar Audra Simpson (Mohawk) (2014) draws on her community’s history to think through the politics of refusal. Rather than engage in settler-

colonial political discourse, as Turner (2006,) suggests, refusal is about opting out of the institutions created by and defined by the settler-colonial state. This can take the form of refusing to participate in settler-colonial institutions of democracy, by refusing to vote, or refusing participation in governance systems imposed on Indigenous communities through the Indian Act. This could mean, as Simpson shows, refusing to travel internationally using a Canadian passport, choosing instead to use community documents.

Explaining the politics of refusal, she points to the Mohawks of Kahnawa:ke, many of whom rely heavily on Haudenosaunee (First Nations of the Iroquois Confederacy) governance systems. In so doing, many refuse to vote in elections. She writes about how the settler-colonial state attempts to link their community with the state but that the Mohawks of Kahnawa:ke view the “bestowal of settler citizenship [...] with a certain ‘awkwardness’,” choosing instead to “answer only [to Haudenosaunee] governmental authority” (Simpson, 2014: 22). Mohawk peoples cite the Two Row Wampum, referring to the Two Row Wampum Treaty between their people and the Dutch Crown in 1613, to guide their contemporary relationships with other nations where two systems of government co-exist side-by-side (Muller, 2007; Simpson, 2014). Representing the agreement is a belt where two parallel purple lines symbolize vessels traveling together down a river, continuing to coexist but never meeting (Muller, 2007). Refusal to participate in settler systems of government represent a form of refusal and an insistence on Indigenous sovereignty.

Similarly, scholar and lawyer Pam Palmater (Mi'kmaq) (2015) would agree that refusal is an important form of counter discourse, noting that some of the most transformative times in recent Indigenous history came not from participating in settler-state politics, but rather in collective actions against Canadian institutions. What refusal and resurgence show are that

Indigenous peoples adopt discourses on Indigenous terms in ways that reflect Indigenous worldviews. There are opportunities to turn away from the state and attempt to activate counter-discourses that are better aligned with Indigenous communities, that understand place, land, and community on their terms, rejecting as much as possible settler-colonial discourses that undermine their lives. Both are useful and help explain the way resistance at Rexton, N.B. was rooted in its own traditions and a refusal, at times, to engage with the settler-colonial state through negotiation or flawed consultation processes. Even more, they show how resistance is significantly informed by Indigenous connections to place and space.

Similarly, Kahente Horn-Miller (Kanien:keha'ka/Mohawk) (2016) writes about the relationship between traditional Indigenous learning, place, and survival, and how the balance between them can inform ongoing political resistance. She says the intersections between traditional teachings and “our life in actual practice that [...] provide special insights” (31) for Indigenous women resisting colonization in their communities, rising above the identities and practices imposed on them and highlighting what it means to live a life found in creation stories, traditional teachings, and place. The next section details the significance of place and space for understanding Indigenous struggles.

Place, Space, and Indigenous Struggles

An approach to power with considerations of race, class, and materiality allows us to ask a range of questions directly related to the emergence and continuation of colonial domination, particularly as it relates to Indigenous activism and the regulation of Indigenous bodies. As I have noted already, settler-colonial power is defined in large part by its focus on land and dispossession. Understanding settler-colonial power, therefore, takes seriously the materiality of power in emphasizing the control and regulation of Indigenous land since, as Tuck (Unangax) &

Yang (2012) suggest, colonization is always about the land with which Indigenous peoples hold important spiritual and culture relationships. For many of the Mi'kmaq people involved in the actions at Rexton, the land features prominently among their reasons for opposing harmful energy extraction as will be discussed in the following chapters (Michelin, 2017; Levi-Peters, 2017; Clair, 2017; Augustine; 2017).

The land, as Stephen Augustine (Mi'kmaq) (2016) notes, is inextricably linked with Mi'kmaq culture. This relates to power because the settler-colonial agenda centres on the dispossession of Indigenous territories and is forwarded by discourses that naturalize it. This agenda helps to define worldview and provides an ontological orientation for interacting with place, environment, and community. Many, if not most, elements relevant to this case study are informed by, negotiated through, and/or ingrained in how and why we need to understand land and place. For example, the struggle over resource extraction is a struggle about contested meaning of land as either property, resource, and/or culture. It is a struggle about colonial actions and survival strategies directly resulting from Indigenous dispossession of land. Place and space inform the content of Indigenous responses, tactics of resistance, and the exercise of cultures in resistance. As Coulthard similarly notes, Indigenous resistance to the settler-colonial state is fundamentally shaped by relationships with the land. He says it is:

struggle not only for land in the material sense but also deeply informed by what the land as a complex system of reciprocal relations and obligations can teach us about living our lives in relation to one another and the natural world in non-dominating and non-exploitative terms (2014b, p. 62).

Central to the idea of land-based ontologies and epistemologies is the idea of relationality, or the way bodies negotiate one another, socialize, and survive on the land. Land is also central to the state's mobilization of resources and attempts to shape and control Mi'kmaq responses as will be discussed more thoroughly in latter chapters that review strategic communications from the state.

Tuck & McKenzie (2015) and Leanne Simpson (2014) note some of the problematic ways place-based inquiry is treated in Western scholarship. Such problems range from omitting place and space, treating them as Western concepts oriented within a Western worldview, and imbuing them with geographic meaning devoid of cultural significance. More recently, Tuck & McKenzie (2015) argue the emergence of new and more welcome turns that understand land, as Styres & Zinga (2013) contend, as “a spiritually infused place grounded in interconnected and interdependent relationships, cultural positioning, and is highly contextualized” (pp. 300-301). Understanding land as having meaning is useful for exploring power and discourse in the settler-colonial context since, again, colonial repression and decolonization is always about the land and settler-colonial ways of seeing it as resource according to Coulthard (2014) and Tuck & Yang (2012). The next section provides a useful framework for understanding the discursive elements of colonial power.

Engaging Foucauldian Thought

Michel Foucault has become a touchstone for discussions of power and discourse in academic literature in North America since the 1980s when his translated work became widely available. His lectures at the College de France titled *Society Must be Defended*, in particular, provide useful concepts for a theoretical framework understanding the disciplining and regulation of Indigenous life within the settler-colonial state by drawing our attention to race and racism in discourse. While Foucault does not deal specifically with settler-colonial power or mechanisms of domination, his work is nevertheless useful as he touches on the discourses that sustain nation states, the state centric knowledges those discourses produce, and the way states manage perceived threats against itself. It is important to reiterate that this research traces discourses that permeate both Western and Indigenous cultures.

Here, I draw on Foucault's conception of power generally as well as the way he employs it in *Society Must be Defended* to highlight the pervasiveness of power that extends to every facet of life, and to help conceptualize oppression and repression differently from schools of thought that understand power as totalizing. His lectures also show how state discourses divide the body politic by race yet speak to a universal subject and generate state knowledges that prioritize the interests of the state, making itself both what is at stake in struggle and the field of struggle. Stuart Hall's (1992) work tracing the emergence of the West and the Rest discourses is also useful for understanding the genealogy of certain discourses about Indigenous peoples.

Foucauldian thought is useful as it understands power as a social relation rather than as a totalizing, tangible thing that can be possessed. It suggests that power modalities help to structure the social and set out the rules whereby it is sustained and/or altered (Foucault 1972; 1977; 1980; 2003; 1990). Power, for Foucault, is everywhere. It circulates and is both productive and oppressive. As a matter of composition, power constitutes discourse, knowledge, bodies, and subjectivities. For him, there is no universal truth nor means to gain access to universal truths. Rather, Foucault argues that it is important to analyze discursive processes, that is, the ways in which discourses are constructed and the ways in which they sediment themselves within our social psyche to become natural and accepted.

While labour and the materiality of land dispossession are central to understanding settler-colonial relations in Canada, such dominations are reproduced through a variety of other means. As Coulthard (2014a; 2014b) says, colonial relations and ongoing accumulation are mediated through asymmetrical forms of state recognition and accommodation rather than brute violence, force, or systems of labour servitude (although that still happens). While the material implications of such physical dominations continue and are important, their manifestations

continue by other means of naturalization. Foucault generally agrees with this noting that power is not secondary to the economy and materiality and suggests instead that power is everywhere and is bound with knowledge (Foucault, 1972; 1977; 1990; 2003). It is productive and constraining as it conditions the world around us and shapes possible ways for us to understand it. He says:

What makes power hold good, what makes it accepted, is simply the fact that it does not only weigh on us as a force that says no, but that it traverses and produces things, it induces pleasure, forms knowledge, produces discourse. It needs to be considered as a productive network which runs through the whole social body, much more than as a negative instance whose function is repression. (Foucault 1980: 119)

Again, Indigenous life is connected to discourses that seek to define the terrain of struggle on terms that are decidedly settler-colonial (Moreton-Robinson, 2015). Foucault would seem to agree, arguing the complexity and interconnectedness of power, that while domination may occur through material regulation by means of economic systems of distribution (e.g. dispossession in support of capitalism), it may also be motivated, influenced, or sustained by racism and racially dividing society. Regulation is just as much about regulating bodies, and even more so, certain types of bodies.

Importantly, Foucault rejects the notion that power is a primal sovereign right, which carries important implications for exploring the nature of oppression and repression. Since power is not something that we are born with nor have dominion over, an analysis of power premised on what he calls a “contract-oppression” schema proves too limited since it examines oppression as an exercise in overstepping the boundaries of a contract (i.e. a monarch and a social contract). Such an approach is too narrow in that it would focus inquiry solely on whether the sovereign/state continues to uphold the letter and spirit of negotiated treaties and land boundaries without considering the everyday relational negotiations that sustain or resist systems of

oppression. Instead, he argues that we need to understand power in terms of the “war-repression” schema where oppression/repression are not simply understood as abuses of power, but rather “the effect and the continuation of a relationship of domination.” He adds that “repression is no more than implementation within the pseudopeace that is being undermined by a continuous war, or a perpetual relationship of force” (Foucault, 2003, pp. 16-17).

A significant portion of his lectures are dedicated to tracing war discourse as a model for understanding social relations. In doing so, he inverts Prussian theorist Carl von Clausewitz’ assertion that “war is politics by other means” to instead read “politics is war by other means” (Foucault, 2003). This reorientation has multiple implications in the way we understand conflict, trace discursive struggle historically, and understand categorization of subjects, including the subjective and strategic truth each speak.

To begin, Foucault argues that discursive struggle emerges from specific conflicts, wars, and clashes that need to be traced. A genealogy of a specific discourse should trace its roots back to original struggles and conflicts to understand the trajectories of ongoing struggle, conflict, and subjugation. He says that specific and/or ongoing political struggles between peoples within the state are continuations of these original conflicts, wars, and clashes:

power relations are essentially anchored in a certain relationship of force that was established in and through war at a given historical moment that can be historically specified. The role of political power is perpetually to use a sort of silent war to reinscribe that relationship of force and to reinscribe it in institutions, economic inequalities, language, and even the bodies of individuals. It sanctions and reproduces the disequilibrium of forces manifested in war. (p16)

Foucault is right to suggest that oppression and domination go beyond the constructs of the law or a sovereign’s abuse of power. Conflict, he says, permanently divides the social body and “continues to rage within the mechanisms of power,” through disciplinary power and biopower (Foucault, 2003, p. 267). While the conflict at Rexton is consumed, in part, by the Canadian

state's breach of negotiated treaties and the rights listed therein, the grievances and power dynamics go beyond these contracts. Settler-colonial power manifests itself in discourses that regulate and discipline Indigenous peoples and bodies, that preclude Indigenous sovereignty, and that come from, as Moreton-Robinson suggests, the new *racial contract* that governs those relationships.

Rather than a social contract that operationalizes power within the state, the racial contract “[stipulates] who counts as full moral and political persons, setting the boundaries of who can ‘contract’ into the freedom and equality that the social contract promises” (Moreton-Robinson, 2015, p. 138). The racial contract, premised on the legal equality of status (i.e. all citizens are protected under the law), nevertheless delimits differences by race and determines who can fully participate in civic society, who has full standing, and who can have access to the resources and capacities needed to claim their negotiated rights (ibid.). As she and others suggest, analysis of settler-colonial power must recognize a fundamental shift in sovereign power that went from one of “to let live and die” where the state exerts its power to decide who gets to live or die, to one that has become “to let live and to make live” (Foucault, 2003; Moreton-Robinson, 2015) establishing the environment and conditions under which they live. In other words, it is an analysis of oppression and domination as repression, of regulating Indigenous bodies in ways that affects their inclusion and participation in civic life beyond the law and beyond treaties.

Racism is, itself, a system of power that operates in domains that are structural, disciplinary, cultural, and interpersonal (Hill Collins, 2009), where discourses of race “colonize” the mind and make it difficult to see beyond “white supremacist” stereotypes (hooks, 1996, p. 90). Foucault would argue that the constructions of race that emerge from conflict and

domination—constructions that continue war by other means—inform the state’s response to challenges against its sovereignty as it establishes itself as the sole guarantor of state knowledge. He argues that race and racism foment the biological disciplining and regulation of peoples whose existence challenge the state’s security and authority over knowledge. It produces discourses and truths that elevate those knowledges, rationalize regimes of authority over knowledge, and change how we understand ourselves and our subjectivities individually and collectively in relation to the state (interpellation) (Lemke, 2011). To make live and let die (biopower), therefore, refer to the mechanisms of discipline and regulation that now operate on bodies both racially and biologically, and problematize both as areas of power struggle. Foucault says:

I think that one of the greatest transformations political right underwent in the nineteenth century was precisely that, I wouldn’t say exactly sovereignty’s old right to take life or let live was replaced, but it came to be complemented by a new right which does not erase the old right but which does not penetrate it, permeate it. This is the right, or rather precisely the opposite right. It is the power to “make” live and “let” die. The right of the sovereignty was the right to take life or let live. And then this new right is established: the right to make live and to let die (Foucault, 2003: 241).

The decision from the sovereign is no longer to decide who lives or dies, but create the conditions by which we live and interact, determine the universal truths that we are forced to contend with, and engage the discourses that define our realities. This is a function of the way race is constructed. Through biopower, Foucault further suggests that the state engages in a “massifying [...] that is directed not at man-as-body but as man-as species” (243), problematizing race as both a biological struggle and power struggle. Again, we are encouraged to grapple with the idea of the universal subject regardless of the ways these constructed universal truths apply differently to bodies and race. The nation, Foucault says, speaks with one voice as if to suggest that all of its citizens and all individuals and groups within it constitute one

universal subject. But, as he points out, this universal subject is not real, and the effects of such a subjectivity are unequal.

The notion of the universal subject necessarily pits segments of the social body against each other. He says, “the subject who speaks in this discourse cannot occupy the position of the jurist or the philosopher, or in other words, the position of the universal subject.” Rather, he says “he is inevitably on one side or another. He is caught up in the battle, has adversaries, and is fighting to win” (268). Subjects continue a war by speaking strategic truths that allow each side to be victorious. The universal subject, therefore, reflects a power that is both constraining and enabling in the way it operates. As political theorist Will Kymlicka (1995) and others argue, examples like the Indian Act offer multiple citizen subjectivities and recognize the unique status of Indigenous peoples as codified into law. At the same time, such apparatuses actively work to oppress their unique status by interpellating them into the Nation States on its terms (Kymlicka, 1995; Coulthard, 2014; Turner, 2006, Simpson, 2014). All citizens, for example, have equal rights under the law and, in the Canadian context, in the Charter of Rights and Freedoms (which confers both individual and group rights). At the same time, race, class, gender, sexuality, and ableness are “markers that circumscribe the privileges conferred” by the settler-colonial sovereignty and do not confer the same resources, capacities, and opportunities to exercise all of these privileges equally (Moreton-Robinson, 2015, p. 138). Settler-colonial power operates in ways that are productive as the state confers universal rights, but are oppressive in that they are not all enjoyed equally. Many of these privileges work to support, protect, and maintain the settler-colonial state at the expense of Indigenous peoples and Indigenous appeals to sovereignty and self-determination.

Stuart Hall's (1992) seminal work tracing the emergence of the West and the Rest discourse is also useful; he observed how this binary discourse produces knowledge about certain subjects, including Indigenous peoples, and generates particular attitudes towards them. In this binary, Indigenous peoples are constructed as part of the Rest as Europeans describe them relationally to their "idealized or distorted notions of their own countries, on which they could project their own aspirations and fears, their self-confidence and guilty despair" (Hall, 1992: 307-308). The discursive strategies at play include idealization, the projection of fantasies or desire and degradation, the failure to recognize and respect difference, and the tendency to impose European categories and norms to see difference through perception and representation of the West (ibid.).

Racist discursive constructions tend to include two key features. The first is the collapsing of multiple characteristics of into one simplified stereotype. For Indigenous peoples, this meant collapsing several Indigenous nations into one discursive category, or what Berkhofer (1978) termed "the white man's Indian." It also meant defining Indigenous peoples not by what they had in common with Europeans (such as well functioning, complex societies), but by honing in on differences, then "lumping all distinctions together and suppressing [them] into one, inaccurate stereotype" (Hall, 1992: 304). Second, Hall says that every stereotype is split, divided into two mirror halves, its good and bad sides. What is innocent is also seen as barbarous. Those who are noble are also described as ignoble. Hall notes that while the dichotomies seem to negate each other, it is more accurate to think of them as mirror-images. While both are exaggerations and founded on stereotypes, each require the other. Hall also observes that as knowledge gradually gravitated away from analogy towards observation and description for understanding the world discursive formations of Indigenous peoples continued

to be problematic. Within this new regime of truth, as he terms it, the shift towards factual discourse provide no guarantees that discursive formations would break free from the West and the Rest dichotomy. Rather, they may sediment stereotypes as dominant discourse.

As with Hall's exploration of discursive effects of othering, Foucault is concerned with ongoing levels of subjugation, the level of those continuous processes which subject our bodies, govern our gestures, and dictate our behaviours. In text, discursive differences are negotiated, they are governed by the differences in power that are in part encoded in and determined by discourse. Therefore, texts are often sites of struggle that are constituted by different discourses and ideologies contending and struggling for dominance. Norman Fairclough's dialectical-relational approach to Critical Discourse Analysis becomes useful in identifying where discursive struggle emerges in text. CDA complements Foucault's description of power as social struggle, noting that power is not a constant nor permanently held by one group over another. Rather, he says "those who hold power at a particular moment have to constantly reassert their power, and those who do not hold power are always liable to make a bid for power" adding that "power at all these levels is won, exercised, sustained, and lost in the course of social struggle" (Fairclough, 1989/2015, p. 94). Power, therefore, is contested. It requires re-articulation and struggle to both hold and challenge its logics.

Since text is a site of discursive struggle, Fairclough asks us to pay attention to the power/language relationship focusing on the power *in* discourse and the power *behind* discourse. Within discourse, certain participants are able to control and constrain the contributions of others by regulating the content of the speech event (what is said or done within the speech event, i.e. police officer declaring a suspect is 'under arrest'), relations (the emergence of accepted social relations of the people involved i.e. authority), and subjects or subject positioning that people can

occupy. In addition, Fairclough argues that certain groups have the power to select discourse types (i.e. a police interview or an oral examination) that similarly apply conventions of social interaction that shape and constrain what can and cannot be said. Power behind discourse refers to access to types of discourse. For Fairclough, the question here is: “who has access to which discourses, and who has the power to impose and enforce constraints on access?” (89). The myth of free speech, he argues, means that while anyone is technically free to say what they like, there is in actuality numerous constraints on access to various sorts of speech and writing. These constraints are “part and parcel of more general constraints on social practice—on access to the more exclusive social institutions, their practices, and especially the most powerful subject positions constituted in their practices” (89).

This dissertation also examines discourses found in popular press. Power relations are not always clear given the nature of language dissemination, and Fairclough offers a framework exploring what he calls “hidden power” (Fairclough, 1989/2015, p. 78). Media producers, he argues, tend to follow production practices that privilege dominant discourses and produce content addressed at an ideal subject consumer. Both contribute to a reinforcement of strategic discourses that perpetuate conflict between the state and Indigenous land and water protectors.

Similarly, this dissertation is well served by ongoing conversations in communication scholarship about power. Foucault’s war-repression model of understanding power allows us to explore discourses that perpetuate conflict between the state and Indigenous land protectors in Canada and those that challenge them, particularly those that continue colonial conflict and privilege implementation and sedimentation of colonial power. Also influenced by Foucauldian frameworks, Fairclough’s Critical Discourse Analysis helps us understand the contestedness of

power and identifies where and how power operates in language and text, allowing us to better identify it.

State Knowledges and Discourse

If power in Foucauldian terms provides the conditions of possibility for the social, then discourse constitutes its operationalization. For Foucault, discourse constitutes collections of statements circulating within and defining epochs. He establishes that knowledge, truth, and subjects are all created within discourse, and his work, especially in *Society Must Be Defended*, provides a useful blueprint for identifying and analyzing discourses of violence.

Again, Foucauldians tend to situate knowledge, truth, and subjects as socially constructed. By extension, discourse is both productive and constricting in constituting the social world. Foucault defines discourse in the following way:

We shall call discourse a group of statements in so far as they belong to the same discursive formation [...Discourse] is made up of a limited number of statements for which a group of conditions of existence can be defined. Discourse in this sense is not an ideal, timeless form [...] it is, from beginning to end, historical—a fragment of history [...] posing its own limits, its divisions, its transformations, the specific modes of its temporality. (Foucault, 1972, p. 117)

Norman Fairclough (1995; 1989/2015) takes his lead from Foucault, echoing the idea that discourse works to normalize certain kinds of knowledge and truths and thereby setting the rules for what can and cannot be said. Discourse, he says, is a category used by theorists, analysts, and linguists to investigate the ways power operates in the social world, paying special attention to language use that is “imbricated in social relations and processes which systematically determine variations in its properties” (Fairclough, 1995, p. 58). Discourse can include spoken or written language as well as other texts such as images or non-verbal communication. To view language, and therefore discourse, as a social practice implies that discourse is a mode of action and that it

is always a socially and historically situated mode of action in a dialectical relationship of its social context (p. 92).

To subscribe to the notion that multiple discourses exist in an epoch means, for people like Fairclough, that there is a way to escape ideology. But since Foucault, and the approach I align myself to in this dissertation, rejects the Marxist notion of ideology as overdetermining, it means that there are opportunities to reshape or challenge the settler-colonial power regime, but within acceptable modes of resistance partially defined by the limits of discourse. While theoretically we are able to express an infinite number of statements, power and discourse make it so that most statements are never uttered nor even considered (Foucault, 1972). Multiple discourses interacting with one another expands the possibilities of statements that can be expressed, competing for prominence in determining the parameters of what can and cannot be said, thought, and understood. Yet, this is why resistance through refusal and resurgence are so compelling, specifically because they try to set up counter-discourses in relation to settler-colonial discourses that also operate according to their own epistemological orientations and are therefore not simple binaries.

In *Society Must Be Defended*, Foucault tries to unmask the way war discourse shapes our understanding of right, sovereignty, and race relations within nation states. Foucault argues a war discourse shifts conflict from being between nations or between peoples to one of continued and perpetual conflict within the nation state, establishing relationships of domination and repression with a discourse that divides the social body. He says of this war discourse that:

this type of discourse develops entirely within the historical dimension. It does not attempt to gauge history, unjust government and abuses and violence by the standard of the ideal principle or reason or law; on the contrary, it looks beneath the form of institutions and legislatures, and tries to revive forgotten past of real struggles, concealed defeats and victories, and the blood that has dried on the bodies. It takes as its field of reference the never-ending movement of history.

(Foucault, 2003, p. 369)

While Foucault addresses colonialism in *Society Must Be Defended* in only a limited way, the emerging discourse that he highlights nevertheless has important theoretical implications to how we understand and analyze settler-colonial discourses in Canada, including those constituting violence. In effect, three things stand out from his approach: the emergence of a discourse of war that rages beyond battles, a discourse centered around the state that creates knowledges and truths justifying its existence and centrality, and finally a discourse that institutes a civil war between groups of individuals, whereby a dominant nation seeks to rid itself of internal threats to its existence.

Foucault notes the emergence of a war discourse that sets in motion internal conflict and domination between groups within a society extended throughout the state's institutions. Foucault says that such a discourse establishes a link between "relations of force and relations of truth" (Foucault, 2003, p. 52), highlighting the constitutive violence found in the law, in truth, and that implicitly question the composition of political society. He is also linking history and struggle, showing how political conflict and historical knowledge are connected. Foucault credits sixteenth century historian Henri de Boulainvilliers for first recognizing this, noting that "the clash between the different nations that exist within a single body is of course mediated by institutions (economy, education, language, et cetera) but the use of civil institutions was [...] purely instrumental and the war was still basically a war" (Foucault, 2003, p. 224).

The theoretical implications for the present research impose a focus on domination exercised through such institutions as the law, through economics, and through language. What justifies such dominations are discourses that perpetuate war "by other means" beyond the early violent clashes between European settlers. As the Canadian nation state consolidated, war

continued, and traces remain in the way the Canadian state and Indigenous peoples relate to one another. The events at Rexton New Brunswick are a microcosm of this and highlight the discourses that reinforce colonial domination and the violence inflicted on Indigenous peoples related to economic policy, energy extraction policy, policing, judicial considerations, and more. Some of the language used by state institutions, by journalists, and in how we describe the state in broad terms unmask some of these discourses. The continued existence and reaffirmation of Indigenous knowledges and cultural practices have been a threat to the settler-colonial state. Land based resistance—that is, knowledges that speak to the land as cultural, as an instrument for interacting with the world, and embedded in everyday life—threaten knowledges that conceptualize land as property and resource. This is a helpful way of understanding the existence and circulation of the discourse of violence related to Indigenous peoples.

The second important point made by Foucault concerns discourse and the state, where new knowledges and truths emerge to justify state centralization. Two things are important here. First, we see the state rely on a new type of knowledge to sustain itself, an administrative and a historical knowledge. As Ballve (2011) put it, the nation becomes “hooked into the idea of the State” and all of its capacities. Foucault (2003) says:

what constitutes the strength of a nation is not so much its physical vigor, its military aptitudes, or, so to speak, its barbarian intensity... [...] what does constitute the strength of a nation is now something like its capacities, its potentialities, and they are all organized around the figure of the state, the greater a nation's statist capacity, or the greater its potential, the stronger it will be. Which also means that the defining characteristic of a nation is not really its dominance over nations. It is something else, its ability to administer itself, to manage, govern, and guarantee the constitution and workings of the figure of the state and of state power. [...] The nation is therefore no longer a partner in barbarous and warlike relations of domination. The nation is the active, constituent core of the state. The nation is the state, or at least an outline state. It is the state insofar as it is being born, is being shaped and is finding its historical conditions of existence in a group of individuals (223).

As Foucault suggests, these new knowledges allow the state to create its own historical discourse in a way that enables it to talk about itself, to justify its own past, and establish its own legitimacy by making itself stronger. Foucault adds that the result is a discourse on history that is more sympathetic to the state.

As Michael Ash points out, many Indigenous peoples value their relationship to the Canadian Crown since their treaties were signed with that institution, not with the Canadian state. The Mi'kmaq people entered into peace and friendship treaties with the French Crown and subsequently with the British Crown (now the Canadian Crown), holding on to the notion that the Canadian state must reconcile itself with Indigenous peoples. Foucault's point raises questions about what discourses circulate, particularly those governing and justifying the state's responses to Indigenous activism. Are they more sympathetic to the supremacy of the Canadian state, justifying its coming into being, emphasizing its administrative functions and capacities as strengths, and telling a history that erases Indigenous peoples from its core functions? How do counter discourses that privilege Indigenous originality to the territory, recognizing their pre-settler social structures as well as their treaty rights, function, circulate, and operate? These are important questions about state/Indigenous relations, particularly in how dissent and activism is viewed and responded to.

Conclusions

In summary, the theoretical framework that I have presented helps us understand Indigenous resurgence, refusal and relationship to spaces/places; moreover, it has situated the (in)security that permeates much of the settler-colonial state's responses to Indigenous activism and land/water protection in Canada because they are underpinned by Indigenous land dispossession. Foucauldian thought is useful for thinking about power, knowledge, and discourse when it is

applied in conversation with Indigenous thought and scholarship highlighting Indigenous ways of conceptualizing the world. Together, they are able to complement one another and address gaps in each line of thinking. For Foucault, the role of the universal subject “is a matter of establishing a right that is stamped with dissymmetry and that functions as a privilege that has to be either maintained or re-established; it is a matter of establishing a truth that functions as a weapon” (268). He adds that “for a subject speaking such a discourse, the universal truth and general right are illusions and traps.” (ibid). For Indigenous land protectors, especially those at Rexton, the idea of the universal subject, producing discourses of universal truth that divide the body politic, rings true and has implications on their struggle against settler-colonial subjugation. An approach that recognizes this is useful in identifying and explaining how universal truths strategically marginalize Indigenous peoples and how attempts to recognize them as distinct (treaties and the Indian Act) have actively worked to undermine their self-governance and authority in the interest of dispossessing them of land and other ‘resources’ and absorbing them into the body politic. As I have argued, this runs counter to Indigenous thinkers who maintain traditional ways of knowing and governance. This concept further helps identify and explain discourses that elevate law and order to certain peoples and not others as well as who can and cannot consent to land and resource extraction against appeals to universal principles of economic growth, shared prosperity, and Western notions of land as property.

Chapter 3: Methods: Ethics and Meshing Critical Discourse Analysis With Indigenous/Indigenist Approaches

Section I: Ethical Considerations for Research *with* Indigenous peoples

In her seminal work on decolonizing methodologies, Maori scholar Linda Tuhiwai Smith (1999) highlights the contentious relationship and damaging impacts of the Western academy's research on Indigenous peoples. As some of the most researched peoples in the world, she contends that the word "research" itself is "one of the dirtiest words in the Indigenous world's vocabulary" for its link to European imperialism and colonialism (Smith L. , 1999, p. 1). Similarly, for Margaret Kovach (2009) the academy's commitment to the principles of observational neutrality misunderstand research as apolitical and acultural, privileging Western ways of knowing the world over Indigenous ones. The effects, both argue, have been devastating for many Indigenous communities as research is used to deepen colonialism, facilitate the appropriation of symbols and ceremonies, and further dispossession and socio-economic marginalization.

As a non-Indigenous researcher located in a Western institution, I am haunted by this legacy. Through every stage of this dissertation, I am continuously reminded of the tensions emerging from a dual accountability towards my academic institution on the one hand and the communities that I am working with on the other. What are my responsibilities, for instance, to uphold a position of observational neutrality expected by the university while Indigenous communities are instead demanding productive research relationships aimed at securing Indigenous sovereignty and self-determination? Simply being cognizant of this tension can be productive if researchers are aware of the rigidity of academic structures and thoughtful about opportunities for new relationships to emerge (Kovach, 2009). In this, I find myself asking what kind of relationship building is necessary for this work to move beyond the academy's legacy. I join the many non-Indigenous scholars who are working through important questions as they

collaborate with Indigenous communities and even Indigenous researchers who are from a particular community but also assume a position of insider/outsider as they are associated with the academy as discussed in Denzin & Lincoln (2008) and Simpson (2014). What methods and methodological approaches are useful for fostering mutually beneficial research outcomes? And finally, what approaches are best when the expectations appear to be incompatible?

In calling for an Indigenist approach to research, Rigney (1999) writes that research methodologies and protocols of knowledge construction are tools often used to marginalize Indigenous peoples and further entrench colonialism. Simply changing the views and attitudes of researchers, however, is an insufficient response. Rather, research should empower Indigenous peoples and contribute to their struggle for self-determination by involving them in “defining, controlling, and owning epistemologies and ontologies that value and legitimate the Indigenous experience” (Rigney, 1999:114). Indigenist research, he says, is founded on three principles that centre the Indigenous experience. First, research should be understood to be about resistance and emancipation. It should be undertaken to support Indigenous struggle for self-determination rather than under the guise of apolitical, observational research which can result in furthering colonialism. Second, it should be undertaken by Indigenous peoples or in a way that is responsible to the community and their struggles. This is an important accountability measure that calls for constantly checking in with the community to ensure their experiences reflected throughout. Finally, it must privilege Indigenous voices, relying on the “lived and historical experiences, ideas, traditions, dreams, aspirations, struggles of Indigenous peoples” (116).

This chapter considers the challenges of conducting research with Indigenous peoples and proposes an approach based on the Mi’kmaq’s concept of “Two-Eyed Seeing,” as discussed by Elder Albert Marshall (Augustine, 2016; Howe, 2015; Hogue & Bartlett, 2016). As I argue,

this approach is appropriate for my project given my focus on an event taking place on Mi'kmaq territories with Mi'kmaq people. Moreover, this event fundamentally illustrates ontological differences between Mi'kmaq and majority culture's understanding of relationship with the land and discourses.

The chapter is in two parts. The first part will grapple with some of the ethical, institutional, and logistical challenges of conducting research with Indigenous peoples as an outsider. I discuss what it means for research to emphasize the preposition '*with*' rather than '*of*,' '*about*' or '*on*' Indigenous peoples. I explain the use and appropriateness of decolonizing methodologies to this research project and the measures undertaken to move closer to that approach. Further, I explore my own subject position as a non-Indigenous researcher raised in Northern Ontario whose early professional career included some focus on Indigenous issues as an essential consideration in my research design and practice given the topics explored. The second part of this chapter is more explicit in detailing methods linking the types of information gathered, methods of information gathering, and the decolonizing approach outlined in the first section. As Shawn Wilson (2008) argues in *Research as Ceremony*, all of these elements are connected, blend together, and inform one another.

Specifically, I combine decolonizing approaches such as conversational interviews with Critical Discourse Analysis and Foucauldian Discourse Analysis as complimentary methods for systematically approaching the construction of discourses of violence in the news and institutional documents related to acts of resistance at Rexton, N.B. in 2013. I use a variety of methods including personal communication, archival research, and Access to Information and Privacy Act requests. Below, I discuss how these approaches are useful when combined mindfully in a decolonizing framework. While informed by Indigenous research methods,

including from Kovach (2009), Smith (1999), and Archibald (2008), the approach is not explicitly Indigenous.

Research *with* Indigenous Peoples: Ethical Considerations

What does it mean to conduct research *with* Indigenous peoples and communities? Indigenous organizations such as the First Nations Information Governance Centre (FNIGC) and the Mi'kmaq Ethics Watch provide useful guidelines. FNIGC outlines what it calls the OCAP principles of research, referring to ownership, control, access, and possession guidelines that ensure communities and groups own and control the way their data and intellectual property are used in research. It also provides that communities are included at all stages of research and that researchers follow appropriate protocols that make information accessible to the community at all times (FNIGC). Living up to these principles, I returned transcripts back to participants so that they could control their information, giving them an opportunity to revise their comments but also use the information for their own purposes. I maintained ongoing consultations with members of the community of interest in the scoping phase and throughout, taking their guidance on who should be consulted. As I detail later in this chapter, conversations were generative and the transcripts were used in different contexts by community members for their own purposes.

The Mi'kmaw Ethics Watch, an organization housed at Cape Breton University's Unama'ki college, holds that those who live in associated communities should be treated as participants, equal to the researcher, rather than "informants or subjects" (Mi'kmaw Ethics Watch, 2016); this reverses a power imbalance that positions the researcher as the authority and owner of knowledge. Relying on this principle and reorienting interviews as conversations (not just a method of data extraction) elevates the notions of reciprocity and dialogue central to Indigenous and decolonizing methodologies. As Kovach (2015) argues, this stands apart from an

individualist researcher approach where the researcher poses questions, determines participants, analyses data, and reports significant findings. Instead, Indigenous knowledges are both recognized and given status within the academy as important in guiding and framing the research. Such a reorientation also helps to circumvent the dangers raised by Eve Tuck & K. Wayne Yang (2012) of adopting decolonization as a metaphor where the concept is used to center research onto the experiences of the non-Indigenous researcher rather than the experiences and expectations of Indigenous peoples and communities. Researchers, they argue, tend to grapple with “excuses, distractions, and diversions from decolonization” (p. 35) focusing on their settler-colonial guilt and experience. For Tuck & Yang, “when metaphor invades decolonization, it kills the very possibility of decolonization; it re-centers whiteness, it resettles history, it extends innocence to the settler, it entertains a settler future” (p. 3). As the central question of this thesis is the settler-colonial exploitation of Mi’kmaq land and the ways in which discourses of violence work to reproduce that process; it is my hope that this systematic study will in some small way help to denaturalize that process.

The Royal Commission on Aboriginal Peoples (RCAP) set much of the trajectory of what academic institutions like universities now understand to be ethical research by highlighting in plain language the distinctiveness of Indigenous communities and the need to work collaboratively and respectfully (Royal Commission on Aboriginal Peoples, 1996). Similarly, the more recent work of the Truth and Reconciliation Commission (TRC) has sparked renewed interest in research ethics and the need for researchers to critically interrogate their own positions (Reconciliation, 2017). As a result, calls to Indigenize the academy are mounting as a means of challenging some of the pillars of Western universities by instead centering Indigenous cultures, methods, and worldviews (Alfred, 2004; McConaghy, 2000; MacDonald, 2016; Pete, 2016)

while others continue to grapple with whether this is possible (Albert, 2015; Findlay, 2000; Hill, 2012; Mihesuah & Wilson, 2004; Ottmann, 2013). As I have argued elsewhere, it remains important for communication researchers, just as much as others, to not only respect but also find ways of privileging Indigenous perspectives in their research when appropriate (Antoine, 2017). For those who are non-Indigenous like me, this also means continuously demonstrating strong allyship by supporting decolonizing research and pushing back against colonizing practices in support of self-identified Indigenous goals.

Adopting decolonizing methodologies is important for this dissertation in that it orients the research to focus on struggles over the land while also troubling some of the traditional characteristics associated with academic research and the researcher's relationship with place and community. Indigenous communities now expect researchers working with them to adopt research agendas of action rooted in Indigenous knowledges and informed by experiences of colonization. At the same time, they are also seeking research that reflects rights-based social justice, recognition of their sovereignty, and that furthers their goals of self-determination (Kovach, 2009; Smith L. , 1999; Tuck & Yang, 2012; Denzin & Lincoln, 2008). Linda Tuhiwai Smith calls this "researching back" by not only recognizing but also focusing on the struggles facing Indigenous communities and working with them to advance the goals they themselves set. This also requires the researcher to consider their 'situated knowledge' (Haraway, 1988) in relation to settler society and Indigenous communities.

Understanding research as a situated relationship instead of a linear quest for knowledge works to place both researchers and participants on an equal level. An Indigenous research paradigm is based on the idea that research is fundamentally a product of relationships—that is building appropriate relationships with the communities in question and understanding that

meaning comes from that community's relationship to objects, knowledge, and truth (Wilson, 2008). Jo-ann Archibald's (2008) work similarly emphasizes the importance of relationships, especially those between storytellers and listeners, and highlights the need for more active participation and engagement from researchers. The burden lies with the listener to be flexible with respect to incorporating culture and knowledges as well as organizing logistics.

Throughout the course of this research, I worked toward the principles of decolonization in ways that are respectful of and useful to the Indigenous communities with which I am working. I have tried to build this into every aspect of the dissertation including the guiding framework, information gathering, and analysis. It is important to remember, however, that this dissertation is only the beginning of what Kovach (2016) describes as a long-term research lifecycle where relationships are deepened, and work with the communities continues beyond the immediate scope of the project. I continue to maintain strong relationships with members of the community, as I will discuss later in this chapter.

Good intentions and a strong research design are not always enough. There are important limitations stemming from my position as a non-Indigenous outsider and from the institutional and structural constraints involved. As a non-Indigenous researcher, I am and will remain an outsider to the community of interest, as traced out further below, and the territorial communities from which these members originate. I did not gain access to all of the communities and individuals I originally invited to participate in the research. Moreover, those who did agree to participate may have understandably withheld information that they did not want shared outside of their communities or information that they may not trust me to know until further down the research lifecycle, if ever. There are other things, particular teachings for example, that are never shared with non-Indigenous people. Working without exhaustive historical or cultural

information that may have been available to a researcher from the community meant that I may have missed opportunities to prompt relevant discussion during conversations, and that may have led to information gaps. Importantly, Kovach recommends that an Indigenous research paradigm be followed by Indigenous researchers working within their own communities, and of course, I am limited by my subject position as an outsider. I discuss this and other limitations in a section further below.

Research exhaustion is also prevalent in Indigenous communities that are continuously a focus of academic research. All of this means that while I may endeavor to be an ally in support of Indigenous communities, it is difficult for me to comprehensively know and, as a result, contribute to the goals of the communities with which I interacted and to have an in depth understanding of all the dynamics of the community. This highlights the need to continue working alongside the community so that they can access and contribute to findings on an ongoing basis and use them in ways that are helpful. As the Anti-Oppression Network states, allyship is an ongoing, lifelong process based on mutual trust rather than a self-appointed identity.

Defining Community

This dissertation sought to include a range of participants involved, in some capacity, in shaping our understanding of what occurred at Rexton, New Brunswick in 2013 including land and water protectors, supporters, journalists, and state actors (including the RCMP). Participants were identified through the scoping phase of this project, through recommendations made by other participants, or given the high profile nature of their role (i.e. in the media). Here, I sought to build relationships with the Indigenous land protectors involved in the actions at Rexton, NB, particularly those who inhabit Mi'kma'ki territory. But even this characterization poses

problems. Just as Indigenous peoples from coast-to-coast-to-coast vary in their customs, beliefs, traditions, and histories, so do the land and water protectors. Their composition and crystallization differs spatially and temporally. Second, the term “activist,” like the term “protester” can be controversial and misrepresentative. The actions against the Dakota Access Pipeline in the United States, for example, highlight this tension, prompting Lakota land protector Iyuskin American Horse to write that “We are not protesters. We are protectors. We are peacefully defending our land and our ways of life. We are standing together in prayer, and fighting for what is right” (American Horse, 2016). The term protester may call to mind images of violence and resistance, which may result in discounting the nature and legitimacy of resistance, whereas the terms “protectors” and “defenders” appeal to other qualities such as a tradition of peace and rights-based action in Indigenous communities. As John Borrows (Anishinabe/Ojibway) (2013) points out, these images are unfairly applied to cases of Indigenous blockades, particularly since non-Indigenous peoples have used blockades and physical occupations to prevent indigenous access to their tribal territories. Elsipogtog land and water protector Annie Clair is similarly ambivalent about the labels, expressing both her discomfort and acceptance of the terms. She says “they call me an activist. Well, OK. I guess I’m an activist. I’ve embraced it,” adding that it was her responsibility to “speak up” and “protect the land.” Susan Levi-Peters said, “I usually call myself an activist,” qualifying that statement by saying “I’m not a terrorist. That’s one thing we’re not” (Levi-Peters, 2017).

How “community” is defined presents further tension in understanding who maintains ownership of particular types of knowledge. The *Tri-Council Policy Statement II*, Chapter 9, which focuses primarily on research with Indigenous communities, accounts for three categories of community: territorial, organizational, and interest based. Most useful to this dissertation is

the third and vaguely defined category called “communities of interest” (Canadian Institutes of Health Research, 2014). The policy says that communities of interest “can be formed by individuals or organizations who come together for a common purpose of undertaking,” are “informal communities whose boundaries and leadership may be fluid and less well defined,” and “may exist temporarily over the long-term, within or outside of territorial or organizational communities” (Canadian Institutes of Health Research, 2014: 112). The vagueness of language provides a broad category that does not limit the related community to territorial or organizational criteria yet allows for their inclusion when necessary. Cultural, historical, and traditional considerations are developed from terms set out by the “community of interest” itself and also, when appropriate, in juxtaposition with terms set by their territorial and/or organizational communities. For example, a motivation for some involved in land and water rights advocacy might stem from a specific commitment to environmentalism separate from any additional reasons that are rooted in tradition and/or Indigenous knowledges. The challenge comes from trying to determine who speaks for the community of interest. Here, I can only rely on participants who identify and are recognized as representatives.

This poses difficulties in determining who owns and controls the knowledges emerging from a diversely composed community of interest. Mi’kmaw Ethics Watch notes a prevailing guiding principle of their protocol is that the “Mi’kmaw people are the guardians and interpreters of their culture and knowledge system—past, present and future” highlighting the responsibility to include appointed community members at all stages of the research project (Mi’kmaw Ethics Watch, 2016: 2). For the purposes of this dissertation, an informal governance structure worked best based on the loose affiliation of the community of interest, preferences for some in participating confidentially, and tensions with elected officials in their communities. Participants

were informed of progress at all stages of this dissertation and were informed about my findings as they arose. Participants were provided transcripts of our conversations and had the opportunity to review and revise as they thought necessary.

Discerning which governing body applies was difficult given the nature of the research. During scoping interviews, two land protectors asserted that the Elsipogtog Band Council were separate actors from the community of interest and served as a major obstacle to their goals. Including the Band Council in future discussions, they said, would do more harm than good, making clear that seeking council's permission on research involving the community of interest was problematic. Band councils, I was reminded, are colonial institutions imposed by the federal government to undermine traditional governance. They instead provided a list of Elders from the territorial community who supported the movement and served as cultural and spiritual guides before, during, and after the actions at Rexton. The recommendation was beneficial because these elders are recognized as knowledge keepers as well as people who walk the traditional path. They are also identified as spiritual and culture guides to the land and water protectors and therefore connect the territorial community to the community of interest. They could, therefore, provide guidance on ways that fit within OCAP principles. For the most part, I worked with participants to discern questions about who would consult with Elders and members of the community on my behalf when necessary or if clarity was needed. I interacted with Elders informally, but participants acted as liaisons. There are times when direct quotations are used in this dissertation. At other times, due to the sensitive nature of some of the content, comments are de-identified or not attributed.

Western knowledges. Indigenous knowledges. Decolonization.

“The strength comes from learning to use both eyes together for the benefit of all”

In addition to the Indigenous and Indigenist methodological approaches, theory, and literature noted above, this dissertation employs Foucauldian discourse analysis and Critical Discourse Analysis (CDA). As I will discuss in the next sections, I combine Foucauldian traditions and CDA with other methods as a useful tool to help analyze and situate discursive practices. While CDA emerges from knowledges and theoretical foundations centered in Western ways of knowing the world, it remains useful so long as it is applied relationally to theory and practices emerging from Indigenous communities (Simpson & Smith, 2014). Mi'kmaw Elder Albert Marshall of Eskasoni First Nation in Unama'ki (Cape Breton) provides a useful concept to guide such a hybrid approach to research by coining the term “Two-Eyed Seeing” (cited in Howe, 2015). The term privileges a hybrid way of seeing the world based on the traditional Mi'kmaw concept of *Etuaptmumk*, the gift of multiple perspectives (Augustine, 2016; Howe, 2015; Hogue & Bartlett, 2016).¹

The concept refers to two of the seven sacred parts that make up a person—our two eyes. Through one eye, Elder Marshall argues we are able to see the world on Indigenous terms and rely on Indigenous knowledges. Through the other eye comes a mainstream (Western) understanding of the world. In both cases, we rely on the strengths of, and best in, both ways of knowing the world. The concept of Two-Eyed Seeing proves useful in defining a research approach emphasizing “with.” Its fundamentals are based on reciprocity, relationality, mutual accountability, and co-learning between the varying Indigenous communities on one side and the

¹ Homi Bhabha (1994) says that hybridity is a useful approach for articulating difference by focusing on the ‘in betweenness’ of constructed binaries. By rejecting binaries, placing a focus on more complex and interconnected elements, and ending simplistic singular classifications, the voices of the colonized are no longer silenced and are able to emerge in ways that are dynamic and complex. The hybridity of Two-Eyed Seeing similarly reflects Bhabha’s thinking.

non-Indigenous communities on the other (ex: non-Indigenous researcher, non-Indigenous research institution, etc.). It establishes a research trajectory rooted in hope and possibility. In his application, Miles Howe, who is a non-Indigenous journalist and participant in this project, notes the ways “hybrid manners of comprehension [can be] born” (Howe, 2015, p. 17).

Two Eyed Seeing means that I am able to observe while also pursuing the goals of decolonization expected from Indigenous communities. As discussed further below, Foucauldian discourse analysis and CDA are flexible enough to allow for Indigenous knowledges to be included in framing power within a settler/colonial context, challenging critical notions of subjectivity, and allowing for the inclusion of Indigenous goals and activism to inform the dissertation. For me, this means working to help support the goals of the community of interest, relying on the community to help in data analysis, and ensuring that their voices, stories, knowledges, and cultures are privileged in the final dissertation as I try to negotiate my responsibilities and accountabilities with the community to the academic institution.

In preparation, I completed a certificate from Cape Breton University titled “Learning from knowledge keepers of Mi’kma’ki” facilitated by Stephen Augustine, Dean of Unama’ki College and a hereditary chief of Elsipogtog First Nation. This course provided insight into Mi’kmaw history, culture, ways of knowing the world and was useful in helping negotiate relationships throughout the research process. I also earned a certificate of completion from Carleton University’s Institute for the Ethics of Research with Indigenous Peoples in 2016 which provided important foundational guidelines for doing research with Indigenous peoples and communities.

With this, I should echo the challenge of adopting such an approach to which Shawn Wilson alludes when he says that “in switching back and forth between worlds (Indigenous and

dominant) I sometimes forget where I am” (Wilson, 2008, p. 62). Reflexivity and constantly interrogating the path that has led me to this point remains one of the most important things I can do. Such reflexivity in combination with taking my cue from research participants is important to building and maintaining relationships that will hold me to account as “the researcher is...part of his or her research and inseparable from the subject of that research” and relational accountability relies on building and maintaining strong relationships (p. 77).

How did you come to be here?

Reflexivity is important for non-Indigenous researchers focusing on Indigenous issues, peoples, and/or communities. Such reflexivity begins with the umbrella question “how did you come to be here at the entry point of this community?” (Smith L. T., 2014, p. 17) and forces researchers to grapple first with their relationship with Indigenous communities and second with the choices that led to the research project. My own interest in Indigenous struggle relates to my upbringing in Northern Ontario and my professional work in federal politics.

Reflexivity is important since I am a cultural outsider, conducting research that involves a culture outside of my own (Zhi, 2015). As Zhi (2015) suggests, this position comes with some advantages and disadvantages. For instance, researchers may be able to consider relevant information without insider bias and, if the researcher is well informed, can bring some new understanding to a situation that may not be well known to participants. However, even a well-researched outsider brings with them bias and privilege, and their position of power, particularly if they are from a dominant culture community, may affect levels participation. As a result, researchers must recognize the assumptions underlining the research project, be cognizant of the limitations of interpretation that come from an outsider (ibid), and attempt to practice what

Weber (in. van den Hoonaard, 2018) calls sympathetic understanding in trying to understand the world through their eyes to whatever degree is possible.

I was raised in Sudbury, Ontario, located near Treaty Number 9 territory. Sudbury has a large Indigenous community and serves as a hub for many of the First Nations communities in Northern Ontario. The major industry and source of employment in the region is mining, mineral extraction, and mineral processing (smelting). The two largest mining companies, Vale (previously INCO Ltd.) and Xstrata (previously Falconbridge Ltd.) are involved in projects throughout the Sudbury region, including mining in and around First Nations communities. Because of lakes and forests in the area, outdoor living features prominently in Sudbury's lifestyles and economy with high levels of cottage ownership (known as 'camps' up North) and hunting and fishing sportsmanship. As a result, concerns about Indigenous land, hunting, and fishing rights are prevalent topics of discussion in the majority community, although rarely contextualized with treaty rights and obligations. I began learning more about these issues through university and subsequent employment in Parliament and with an Ottawa-based youth social services agency.

As legislative assistant to a federal member of Parliament between 2006 and 2009 (Algoma-Manitoulin-Kapuskasing) I worked on several files with First Nations communities in Northern Ontario calling for the inclusion of Indigenous histories into elementary and high-school curricula, struggles over land dispossession for industrial development, and grappling with colonial bureaucratic practices concerning Indigenous self-governance and wind energy production, to name a few. This experience as a liaison between local Indigenous governments in our constituency and the federal bureaucracy was a poignant and informative introduction to Indigenous/state relations in Canada. My interest in the topic resulted from a desire to understand

these dynamics and grew in the face of renewed Indigenous activism brought upon by the Idle No More movement in late 2012/early 2013.

My identity is one of a settler Canadian raised within and enjoying the privileges of the settler society. Like many non-Indigenous Canadians, my genealogy includes some Indigenous heritage at multiple points on my father's side of the family. I detail this to acknowledge the complexity of relying on one's lineage as a point of relevance to determine a researcher's positionality. While my genealogy includes Metis and Mohawk ancestry, and it was reported to me that my great grandmother Ida attended residential school in Chapleau, Ontario, this does not mean that I am Indigenous or can claim Indigenous identity. There is a popular aphorism that Indigeneity depends not on who you claim, but who claims you (Andersen, 2014). No Indigenous community claims me, and I have never sought to be claimed by Metis or Mohawk communities. My cultural upbringing places me squarely in the position of a non-Indigenous outsider who requires permission to access and speak about Indigenous community knowledges and experiences. I work to be an ally and to help amplify the voices of the community when asked and step aside when asked. Paulette Regan (2005) places a challenge to non-Indigenous researchers to go beyond traditional colonial roles and to imagine, or re-imagine, a new relationship with Indigenous peoples. I hope that my contributions prove worthy of allyship and, when welcomed and appropriate, are useful.

Just as I consider the complexities of my relationship to my research, I must also situate my participants in both a delimited but complex social web. This dissertation focuses primarily on what the *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans* (Canadian Institutes of Health Research, 2014) defines as Indigenous Communities of Interest. As mentioned previously, these are "formed by individuals or organizations who come together

for a common purpose or undertaking [...], are informal communities whose boundaries and leadership may be fluid and less well defined” and “...may exist temporarily or over the long term, within or outside of territorial or organizational communities” (ibid., pp 112). While most of the anti-shale gas exploration land and water protectors were members of the Elsipogtog First Nation, others resided more broadly in Kent County, New Brunswick (including residents of Rexton and Richibucto, NB) and supporters from neighbouring Indigenous communities. Many but not all would self-identify as Indigenous; others would identify as supportive non-Indigenous allies with ties to the communities. In addition, participants included members of local, provincial, and national Indigenous organizations. Informal discussions held during my scoping visit in 2016 included those from Elsipogtog First Nation such as women, political leaders in the community, Elders who either supported the movement or provided cultural guidance to those who sought such counsel, and teachers at the youth cultural centre. As characterises most communities, those within the territorial community or active within territorial governance were divided on this issue of shale gas exploration and fracking. Land protectors that I spoke to encouraged the research to be focused on the community of interest rather than the territorial community because of these divergent perspectives.

The case study reveals broader symptoms of discourses of violence that have and continue to circulate about Indigenous activism with respect to development, energy extraction, production, and transportation. For example, footage from Alanis Obomsawin’s documentaries *Kanesatake: 270 Years of Resistance* and *Rocks at Whiskey Trench* on the Oka Crisis both centred on a conflict over encroachment on Mohawk territories and revealed that Mohawks were called “terrorists” and “savages” and met with violence by locals and authorities while they attempted to protect their land in a government standoff (Obomsawin, 1993 & 2000).

Similarly, Idle No More emerged in part because of changes to federal laws limiting Indigenous community decision making concerning environmental protections in omnibus bill C-45, serving as a catalyst for coordinated actions from grassroots Indigenous peoples from coast-to-coast-to-coast. According to Howe (2015), residents of Elsipogtog began to participate in protest actions against Bill C-45 in solidarity with other Indigenous communities, participating in highway blockades and shutting down Highway 11 in New Brunswick. The actions at Rexton reflect a continued struggle for treaty and Aboriginal rights in the face of ongoing industrial encroachment on the lives and lands of the Mi'kmaw people. Today, we continue to see such struggles in Canada with federal and provincial governments weighing approvals and funding for a series of new oil pipelines and in the United States with the actions near Standing Rock territory in North Dakota. Canada's recent natural resources minister has called for (then retracted) to use the military to respond to potential anti-pipeline activists (Tunney, 2016; Ljunggren, 2016). This particular case exemplifies ongoing phenomena worth exploring as confirmed by Indigenous land and water protectors I interviewed in scoping, which is why I pursued these issues; this was consistent with my approach of having communities of interest help to define research questions, which are described further in the next section of this chapter.

Section II: Scope and Research Questions

The first part of this chapter discussed Indigenous research principles meant to guide this dissertation's methods in ways that are mindful of and support Indigenous sovereignty, self-governance, and self-determination. It also provided a theoretical and conceptual framework for approaching violence as an analytic. This section outlines the methods in more detail, specifying

the application of discourse analysis to discourses of violence within Indigenous activism speech events and explaining how it can help support these principles.

This dissertation is guided by the following questions:

1. What discourses of violence emerge from the conflict at Rexton, New Brunswick, particularly as they relate to state agencies and Indigenous land and water protectors?
2. What/whose interests are/are not being mobilized in relation to projects of colonization and land protection? From this:
 - a. How are discourses of violence productive and prescriptive?
 - b. What ways of knowing the world are allowed/disallowed/normalized?
 - c. What is said or what omissions occur?
3. How are discourses of violence challenged or subverted, and what hope do they offer to projects of land protection?

These questions are addressed by examining a variety of information related to the circulation of discourses of violence that are detailed below.

Discourse Analysis

I draw on Foucauldian discourse analysis to set up the methodological approach, methods that are similarly used by some Indigenous researchers examining discourses, while also borrowing from Norman Fairclough's dialectical-relational approach to Critical Discourse Analysis² which is helpful for analyzing, understanding, and explaining discourse in context. Although I

² While Norman Fairclough typically uses Critical Discourse Analysis (CDA), his work fits within a broader school of Critical Discourse Studies (CDS) as outlined by Wodak & Meyer (2016) and van Dijk (2013). This dissertation will refer to the school to acknowledge the differences within CDS. Fairclough uses CDA, which will be used when referencing his approach to CDS.

acknowledge the disjuncture between a poststructuralist approach and the Indigenous perspectives I review, a discourse analysis is appropriate and helpful because it can be used to identify knowledge systems that transcend both Indigenous and Western cultures and that work, as Moreton-Robinson (2015) notes, to discipline and regulate Indigenous life.

As this approach is fundamentally concerned with issues of settler-colonial power, it has been adapted to build on some of the contemporary and pressing questions of scholarship focused on decolonization and Indigenous activism in assuming the discursive struggle as situated within a settler-colonial context. Foucauldian discourse analysis enables a research agenda focused on socially constructed technologies of power while CDS allows for an oppositional approach to understanding semiotic dimensions of social phenomena consistent with the principles of decolonizing methodologies. Apart from a methodological approach to discourse analysis, Foucault is not specific in prescribing methods. Fairclough, on the other hand, provides prescriptive methods for analyzing speech events focused on the text, the conditions of construction, and the context.

As I have already noted in this chapter, Foucauldian discourse analysis generally falls near social constructivism as researchers try to understand how society is shaped or constructed by discourse and uncover invisible, systemic, and constitutive characteristics of society (Foucault, 1980; 1977; 1972; Wodak, 2011). Its methods offer a framework for researchers to analyze how the social world, expressed through language, is affected by various sources of power. In *Society Must be Defended*, Foucault focuses the researcher's attention on both the regulatory and disciplinary technologies of power as well as a specific framework to understand questions of oppression, repression, and resistance. The latter reorientation is especially useful when it comes to operationalizing Fairclough's methods of analysis.

The trajectory of Foucault's approach to understanding discourse and discourse analysis can be divided into his earlier work on archaeology and later writings on genealogy, overlapping as they seek to investigate the rules that determine meaning and truth within particular epochs (Foucault, 1972; Foucault, 2003). In his lectures, he draws on both archaeology and genealogy to investigate the strategic and tactical uses of power that define discursive struggle. As I have outlined previously, these lectures discuss the concepts of power, discourse, subjugation, and truth in ways that allow for CDA's methods to inform an analysis.

As I noted in the previous chapter, Foucault's lectures argue that ongoing political struggle between peoples within the state are continuations of original conflicts, extending struggle to contemporary politics. Within the settler-colonial context, both archeological and genealogical work (Foucault, 2003; Moreton-Robinson, 2015) is useful for tracing the historical struggles that define the contemporary relationship between Indigenous peoples and the settler-colonial state as well as the discourses that have sedimented in society. The chapter exploring the resurgence and refusal tactics that guided the resistance at Rexton, N.B. does some of this work.

The features of the war model are especially relevant to analyzing the discourse of violence linked to Indigenous activism, colonialism, and Indigenous/settler-colonial state relations. The genealogical histories can be traced back to specific conflicts between settler colonists and Indigenous peoples and subsequent confrontations, negotiations, and treaties. More importantly, however, they help us understand the history of violence as a discursive concept where discourses of violence are specific kinds of war constituting politics by other means. This raises relevant questions. For instance, how can we understand colonial discourses of violence, security, and order within the context of the universal subject and the binary perspectivism that emerges? What is different about discourses of violence after early conflicts ended, treaties were

signed, and the Canadian state treated Indigenous peoples as a monolithic group within the Canadian nation state³? What are the implications to Indigenous activism and claims to rights, sovereignty, and self-determination when Indigenous culture, history, ritual, and experience are weaponized by the majority settler society, speaking their subjective truth, to extend the marginalization of Indigenous peoples? Finally, what are some of the alternate and non-dominating versions that emerge and that are productive rather than oppressive? These questions have implications for how we understand rights, the strategic elements of truth, and constructions of the subject. Foucault notes that discursive trajectories change following conflict and continue until the following conflict and a new discursive order emerges (Foucault, 1971).

Foucauldian discourse analysis requires both an archaeological approach to understand what statements are considered to be true and meaningful within a particular period and a genealogical approach that is useful for identifying discourses and knowledges that emerge from particular struggles. The war-schema he details in *Society Must be Defended* proves useful to understanding the way the subject is constructed and the way discourse is strategic in disciplining and regulating Indigenous life, and how power is productive in opening new opportunities for discursive struggle, allowing for people to offer alternative articulations within discourse. These features lend themselves well to working with some of the methodological prescriptions that emerge from CDA since Foucault never explicitly establishes a step-by-step method of conducting discourse analysis.

For the most part, Fairclough's dialectic-relational approach is influenced by Foucault's work as it relates to orders of discourse, understanding power as both oppressive and productive,

³ For more on this, see Daniel Francis' (2015) *The Imaginary Indian* and Robert Berkhofer Jr.'s *The White Man's Indian*.

and viewing subjects as created within discourse (Jorgensen & Phillips, 2002; Fairclough, 1989/2015; Wodak & Meyer, 2016), making them complementary. CDS is useful for this dissertation because it provides a systematic way of identifying, explaining, and analyzing discourse in text and outlining an approach that considers at the same time the text, the conditions of production, and the context within which the speech event occurred. As Wodak (2011) and van Dijk (2014) note, CDS is primarily concerned with the semiotic dimensions of power, injustice, and political-economic, social, and/or cultural change in society, which make it appropriate for research based on identifying problematic statements that constitute discourse and finding ways to challenge those with counter-discourses. Further, it recognizes that there are many knowledge regimes that operate simultaneously and struggle to define truth. Most CDA today rejects monolithic views of knowledge/power, replacing them with more pluralistic models in which many discourses compete (Jorgensen & Phillips, 2002). For Foucault, the individual is constituted through discourse while CDS follows Barthes' trope that "people are both 'master and slaves' of language" (ibid.).

While the Marxist foundations of CDA may be concerning for some scholars studying Indigenous issues as they relate to totalizing conceptualizations of power and concern about false ideology (Coulthard, 2015), it remains important to direct attention to critical analysis that raises questions about the nature and impact of materiality and capitalist institutions on land dispossession. The concerns, however, are noteworthy. Marxism's totalizing conceptions of ideology and class, for example, appear to marginalize racial and colonial understandings of Indigenous struggles (ibid). Similarly, Marxists appear to focus too heavily on Western conceptualizations of development, on labour exploitation, and the risk that scholars may assume dangerous capitalist assumptions resisted by Indigenous scholars (Simpson & Smith, 2014;

Saldana-Portillo, 2003; Churchill, 1983). At the same time, Indigenous scholarship may benefit from increased conversations with Marxists, particularly as it may provide insight into the “how” of Indigenous revolutionary struggle (Simpson & Smith, 2014) and resurgence. Coulthard, for example, argues that there are important insights from understanding Indigenous resistance to the state’s continued “disciplining [of] Indigenous life to the cold rationality of market principles” warning that this “will remain on the federal government’s agenda for some time” (2014b, p. 62). Critical analysis linked to Indigenous scholarship can shine a light on the ways struggle and land appropriation are linked to forces of capitalism in the form of primitive accumulation and economic exploitation while also challenging the legitimacy of capitalism’s political and economic institutions (Coulthard, 2014b; Maracle, 1988). The dialectic relationship between discursive and non-discursive facets of colonization (see Coulthard’s definition above) is a central feature of Fairclough’s CDA. With Lilie Chouliaraki, Fairclough maintains that social practice is constituted by the dialectical relationship of mechanisms that are both discursive and non-discursive, such as economic, biological, physiological, and physical (Chouliaraki & Fairclough, 1999). It has also been argued that Marx and Engels were early practitioners of dialectical-relational CDS as they wrote about the social practices that internalize the logics of capitalism. Fairclough and Graham write:

Marx was a discourse theorist *avant-la-lettre* because he had a discourse view of language as one element of social life which is dialectically interconnected with others, and an element which is thoroughly present in the dialectical movement between consciousness, ‘real exchange,’ and material existence overall (Fairclough & Graham, 1995/2013, p. 340).

CDA as both an epistemology and methodology provides important avenues to explore some of these questions while acknowledging the differences and compatibilities of other approaches. Fairclough (1995; 1989/2015) draws on Foucault’s orders of discourse and the, at

times, productive nature of power and discourse. He also acknowledges that differences exist between CDA and Foucauldian discourse analysis pointing to Foucault's resistance to concepts of ideology and hegemony. He says that while CDA tends to focus on these two, not "all discourse is irredeemably ideological" or hegemonic (Fairclough, 1995, p. 67). He further says the contradictions and conflicts within discourse that allow the possibility of awareness, empowerment, and change of those who are subjugated (ibid.) giving credence, in part, to the idea that technologies of power are exercised in many non-material places of everyday life. While CDA and Foucauldian traditions have differences, they are not incongruent with one another and can work together to address questions of Indigenous discursive struggle.

The critical aspect of CDS and CDA relate to its oppositional/dissenting attitude towards understanding phenomena, and a good methodological approach is one capable of conducting analysis that reflects the research's critical goals (van Dijk, 2014; Wodak & Meyer, 2016). CDA's tools are appropriate for a research project grounded in decolonizing methodologies as it seeks to analyze, understand, and explain settler-colonial state/Indigenous relations by focusing on the semiotic dimensions of discourse that impact the relationship. This is to say, research investigating the social processes of power and what that means for projects of colonization and decolonization. Operationally, Fairclough (2016) details four steps to conducting CDA in this manner. He says methods should:

1. Focus upon the social wrong in its semiotic aspects
2. Identify obstacles to addressing the social wrong
3. Consider whether the social order needs the social wrong
4. Identify possible ways past the obstacles

For Fairclough, such critical social research "aims to contribute to addressing the social wrongs of the day by analyzing their sources and causes, resistance to them, and possibly overcoming them" (Fairclough, 2016, p. 88). He views semiosis as an element of the social process which is

dialectically related to other, but not necessarily separate, elements. For example, CDA may seek to examine the dialectical relationship between the semiotic and non-semiotic elements of the social process that may include the reproduction and change in power relations, domination, institutions, and economics. Fairclough asks us to consider this dialectical relationship because he believes linguistics are often shaped, or rather conditioned, in part, by non-linguistic parts of society. Even more, non-linguistic elements, such as economic production, “typically have a substantial, and often underestimated, language element” (Fairclough, 1989/2015, pp. 56-57). As a result, analysis must pay attention to interplay between three levels of social relations.

CDA prescribes methods that not only seek to analyze texts, the processes of text production, and the social conditions of production, but also analysis of the relationship between these three (Fairclough, 1989/2015). Chouliaraki & Fairclough (1999) define the social process as an interplay between events, social practices, and social structures where CDA is focused on the dialectical relationship between and within each level. They say that there are three ways in which language relates to other elements of social practices and of social events, including as contributors to action, as representational aspects of the world, and in the constitution of identities.

This process couples well with Foucauldian discourse analysis that seeks to identify the rules of production of discourse, the rules that delimit what is and is not sayable, the rules that create new spaces in which new statements can be said, and the rules that link discursive and material practices together (Kendall & Wickham, 1999) ensuring that we cannot think about the materiality of land and dispossession without thinking of the discursive elements that govern this.

Information, Methods of Information Gathering, and Analysis

Documents obtained through Access to Information and Privacy Act laws

Practitioners of CDS recognize that data are never theory neutral (Wodak & Meyer, 2016); this means CDS aligns well with decolonizing methodologies that recognize that research is neither apolitical nor acultural (Kovach, 2009). Further, there is no ‘CDS way of collecting data’ as many writers do not mention data sampling methods (Wodak & Meyer, 2016). The inseparability of knowledge/power for Foucauldians means that institutions like state agencies contribute to shaping discourse that defines the limits and possibilities of what can and cannot be known. The state is not a monolith but is rather a complex myriad of agencies with competing and often contradictory agendas and interests (Proulx, 2014; Nadasdy, 2003). Paul Nadasdy (2003) points to this complexity in the way Indigenous people are subjected to and challenge state power every day and through every interaction with the state. Official linguistic fields (for example legalese) are adopted and can disadvantage Indigenous communities who are not fluent in them. Those who attempt fluency gain certain advantages by means of access to state institutions while at the same time tacitly accepting the symbolic power of dominant society and therefore, to some degree, complying with their own domination.

Textual documents produced by the state can shed some light on the discursive formation under examination reflecting the many different and contradictory agendas and interests in how subjects negotiate state power through everyday interactions, adapt to state linguistic competencies to access resources, and agree to a set of assumptions about the world by adopting specific linguistic norms (Nadasdy, 2003).

Documents obtained through Canada’s Access to Information and Privacy Act laws (ATIP) provide partial but useful information in textual format capable of informing this

dissertation. Texts are central to contemporary governance in Canada as they serve as the primary means of organization and communication within and across state agencies (Larsen & Walby, 2012; Smith D. , 1999). The observable discourses within these texts provide a picture of how discourse influences state decision making processes related to Indigenous activism in Canada, carry forward elements of institutional memory guiding relationships with Indigenous peoples, and how they view Indigenous subjectivity to the state. The internal nature of these documents means that Indigenous land protectors are excluded from the organizational processes of production of the actual texts. At the same time, they remain involved in shaping all levels of the social conditions of discourse including the social conditions of production and interpretation. Counter discourses, for example, even contribute to shaping how these texts are produced.

Documents were requested from a variety of federal state departments and agencies (See Appendix F: List of Access to Information and Privacy Act Requests) and were obtained either by requesting completed and already released Access to Information and Privacy laws (ATIP) documents or through new requests. Completed ATIP releases also identified gaps in information where new requests could be made. There are several challenges involving ATIP documents and processes that should be taken into account. As Mike Larsen and Kevin Walby (2012) argue, state “information is always situated in a political context” in trying to reconcile the public’s ability to access information and the state’s powers and desires to control access (p. 5). Information requests are often viewed suspiciously as sources of uncertainty and political risks by both bureaucrats and political actors alike, often resulting in delays and/or resistance to releasing information (Larsen & Walby, 2012; Roberts, 2006). Another challenge in the ATIP process is the gatekeeping function as participants are able to exercise self-censorship in

redacting information from the documents they release (Dafnos, 2012). They are able to censor and redact, within fairly broad parameters, certain kinds of information. These challenges are particularly apparent when police agencies are involved and amplified by ATIP requests concerning research on Indigenous activism. As Dafnos (2012) further suggests, police in Canada are reluctant to cooperate with researchers who are seen as outsiders, viewing researchers suspiciously when they are not seen to be demonstrating complete objectivity or neutrality. From the documents that I received, redactions are made in white and use blank space to create ambiguity so it is not entirely clear, at times, when information is missing.

There are also issues of delay, a common tactic used to deny requests through excessive and unwarranted delay that cannot be justified by stipulated exceptions included in ATIPA. The Office of the Information Commissioner labeled the RCMP, along with only a handful of other agencies, as “poor performers” for their low rate of completed requests (Legault, 2017). My request to the RCMP, dated September 13th, 2016 for, among other documents, communication plans and strategies related to this event, was disclosed only in part on July 20th, 2017 after the Commissioner’s office formalized its investigation (a rare occurrence, according to the investigator assigned to the file), and a formal letter was submitted by the Commissioner’s office to the Minister of Public Safety, who acts as head of the institution, requesting a firm disclosure date for release of the materials. On January 30th, 2018, the Office of the Information Commissioner concluded in a letter to me that “in this case, the RCMP failed significantly in its duty to assist obligation when it took almost 300 days to respond to your request” (Garett, 2018: 2).

The challenge of cooperation can cause further problems in supplementing the information obtained through ATIP with interviews if the agency refuses to cooperate. During

the scoping phase of this project when I visited the RCMP detachment in Richibucto, N.B. asking broad questions to help frame the direction of my dissertation, my motives were questioned. I was told sarcastically that I would likely have to go ATIP to get any information, “and good luck with that.” Early overtures to the Staff Sergeant responsible for Kent County (Elsipogtog and Richibucto) were also rejected. The RCMP’s J Division (New Brunswick) strategic communications director offered to provide some information at an abstract level about communication strategies but never followed through. While ATIP documents may not provide complete pictures, they are most useful when considered in collaboration with interviews and other textual analysis. This was especially the case considering the limited nature of my sample from police due to reluctance to cooperate on behalf of authorities.

Media clippings

Craig Proulx’s (2014) definition of the Canadian oligarchic state includes corporate media and describes a state apparatus, while not monolithic in its composition, as focused on state risk reduction. By this definition, certain segments of the news media (legacy media, for example) can serve as para-state actors involved in marginalizing and making invisible Indigenous concerns while emphasizing Indigenous presence as threat or impediment. Therefore, I analyzed print and web news articles from mainstream print publications using the Factiva search engine to include all Canadian content within its search parameters and included every geographic region of Canada. Canadian publications included articles originating from newswires such as the Canadian Press that were published in several newspapers and websites, as well as original content included in Postmedia, Torstar Corporation, The Globe and Mail, and Sun News ecosystems. The search parameters also included articles that were both editorial and news. Articles from the now defunct Halifax Media Coop, which was very active in their on-the-

ground reporting of the actions were also useful in explaining alternative reporting from an organization that eschews traditional reporting practices. The Halifax Media Coop had a focus on the grassroots with an editorial bias towards “stories that emphasize the interests of those most affected by policies or events, rather than those with the most power and influence.” They add that “This approach takes the position that what is actually happening on the ground is more important than what influential people are saying about what’s going on” (Halifax Media Coop, n.d.). *The Coop* was reader funded and member run, relying on the participation of hundreds of people to provide content.

Mainstream news articles were sourced using the Factiva news search engine using the keyword “Elsipogtog” accompanied by date parameters starting on May 1st, 2013 and ending on December 31st, 2013, which included stories which would have appeared leading up to and following the standoff in New Brunswick in October, 2013. Other search criteria included all English language Canadian national news companies. In total, the search found 590 news articles within these parameters, spanning 770 pages of content when displayed in a Microsoft Word document. The same date parameters were used on the search tool available on the *Halifax Media Coop’s* website. Media clips are useful in that they demonstrate the execution and pervasiveness of state influence on media coverage, the effectiveness of the communication plans, and potential resistance to them by Indigenous land protectors. Quotes shed a light not only on who gets to speak, but by extension, what discourses of violence circulate. As previously discussed, these materials were analyzed using discourse analysis.

Conversational Interviews:

I connected with the community through a scoping visit, followed by a more formal visit in the months that followed. I maintained ongoing connections to the community, connections that I continue today. Information gathering also involved semi-structured conversations with participants. As Jackson, Gillis, & Verberg (2007) suggest, in-depth interviews can be used along with other methods to solicit people's descriptions and explanations of events in their world. The semi-structured nature of the interviews allowed the flow of the interview to be dynamic, changing with the responses of the interviewees, allowing more elaboration on particular areas when appropriate, and enabling the interviewee to contribute to the structure of the interview. Approaching these interactions as conversations is consistent with the details of Smith's (1999) decolonizing methodologies noted earlier and the work of Kovach (2009), Archibald (2008), and Wilson (2008) in that they put the researcher and participant on an equal footing in shaping and interpreting the research.

Conversations took place in person and over the telephone. In total six people agreed to participate formally. Participants can be broken down into the following categories.

1. Research participants from the community of interest included individuals or groups such as participants, supporters, and allies of the anti-shale gas blockade at Rexton, N.B. This group includes Indigenous peoples, non-Indigenous allies and supporters, land and water protectors, Elders and traditional knowledge keepers identified by activists, and formal Indigenous leaders when identified as appropriate, including territorial members of the band council. In total, three people from the community of interest from Elsipogtog First Nation participated formally.
2. Research participants from state institutions include:

- a. Researchers and administrators from cultural centres and universities able to provide information concerning cultural, historical, and treaty-related background. In total, two people agreed to help informally.
- b. Journalists who covered the activities. Three agreed to participate, while three others declined or were non-responsive to my requests for interviews.
- c. Authorities/representatives/spokespeople from state institutions such as the RCMP, who act as local police in the community, or a government department designated to speak on their organization's behalf. None would agree to participate.

The scoping visit to New Brunswick and Nova Scotia occurred in June, 2016. I identified people from the community of interest to speak to by first contacting Halifax Media Coop journalist Miles Howe. Howe acted as a mediator to some of his contacts, including protector Annie Clair, asking whether they were comfortable with him providing their contact information to me for research purposes. Once I arrived in the community and began meeting with people, I relied on a snowball method to meet with and speak to others. The snowball effect of my conversations were also useful in obtaining the names of people who could participate in the round of conversations at later stages of this research. The only conversation from the community of interest and the community of Elsipogtog First Nation that is on the record from this scoping phase is the one with Clair, which occurred in Parrsboro, Nova Scotia. I also met people in informal settings, including at the Tim Horton's in Richibucto, N.B.

During scoping, I identified other actors involved in the events at Rexton, N.B., and met with or communicated with representatives from the state and from the territorial community of Elsipogtog First Nation. This included the RCMP detachment in Richibucto, which coordinated

the police response to the land and water protectors, including the October 17th raid. I met with the director of the Elsipogtog Cultural Centre and received a tour of the facilities as well as the names of people who might have something to say about the research. Finally, I visited the Elsipogtog First Nation band council office to inquire about any protocols that might be relevant to my research.

In March, 2017, I travelled to New Brunswick again for formal interviews. Here, I relied on the list of individuals developed during the scoping visit as well on the snowballing method once again. I first met with Annie Clair for our conversation, followed by a car ride throughout Elsipogtog First Nation where she introduced me to people in her community for formal and informal conversations. The next day, I met with Susan Levi-Peters in her home in Rexton, N.B. Following our conversation, they brought me to Jason Augustine's house, driving in front of me so that I would find the house in Elsipogtog First Nation where we spoke in his living room.

With respect to journalists, I identified them either through the Factiva search or because they were prominent reporters on the scene. For example, Miles Howe was a trusted journalist for the community of interest who covered the protection activities in more depth than any other journalist, ultimately writing a book about what he saw (See Howe, 2015). Similarly, Laura Brown and Ossie Michelin were intimately involved in the reporting. Brown became a subject in the framing of violence as she was one of the journalists whose vehicle was seized after October 17th. Michelin took the iconic photo that defined the movement and his live Twitter feed the day of the raid informed reporting across the country. While six people officially provided informed consent to participate, several others provided background information through informal conversations, but I have not cited them directly within this dissertation.

Analyzing information

In addition to the CDS approach discussed above, all source documents and transcripts were analyzed using a combination of NVIVO software and the Microsoft Office suite of applications. The NVIVO software is a useful tool that allows the researcher to review documents, whether textual, visual, or oral, and extract or code significant findings along important categories and themes. At the same time, the rigidity of the software and some of its design features made it difficult for me to rely solely on its capabilities. The type of discourse analysis applied in this dissertation requires multiple levels of analysis and linguistic connections that are not easily mappable in NVIVO. To overcome this, I needed to rely on page margin note-making features that are not fully developed in NVIVO.

My analysis began by converting data in PDF form, including articles exported from the Factiva news database and documents obtained through ATIP request provided in PDF, into a Microsoft Word document (.docx). Once in this format, I used Microsoft Word's annotation tools, including the comments and highlighting features, to identify words and phrases constructing discourses of violence, whether related to subjectivity, contribute to the construction of certain knowledge, or represent the way a discourse of violence is deployed. The comments tool was useful for making links between annotations and noting the context of the relevant word or phrase within the article, type of article (news or editorial), and ideological tendencies of the publication.

Once annotated, I imported the documents into NVIVO for open coding of the data, grouping noted words, phrases, and my comments into themes and categories. The coding was open as I identified themes and categories as they arose, rather than relying on a pre-determined set of codes. Berg (2007) notes that there are many ways to code data, saying that open coding

can be useful if the research question remains consistent, data is analyzed minutely, coding is interrupted frequently to write theoretical notes, and rather than assume something is relevant, the data is allowed to demonstrate what is relevant. While NVIVO was useful for grouping similar words and phrases into themes, the way it exports data poses challenges for discourse analysis. For example, data is exported in thematic reports (i.e. reports that contain all words and phrases within a theme or category). These reports separate data from relevant context, including other words and phrases within the article, the name of the author or publication, type of publication, and information about how the text was produced (i.e. who is cited in the news article or why a government report was produced.) Nevertheless, I was able to use the themes and categories from the NVIVO coding exercise, but reverted back to my annotations in Microsoft Word to complete the analysis since the data was visually richer on that application. My analysis, therefore, involved a first-level analysis in Microsoft Office for notes, followed by a subsequent analysis in NVIVO for categorization and theme clustering, and reverting back to Microsoft Word for a more thorough analysis.

Transcription

All interviews were transcribed by the researcher in the language of the interview, which all happened to be in English though I had initially offered to conduct interviews in French or provide Mi'kmaq translations. For the Mi'kmaq words used and recorded in conversation, the interviewees were able to provide context and definition. I was also able to reference the English-Mi'kmaq dictionary provided to me by the Elsipogtog Cultural Centre. Confirming findings from the scoping phase of the project, neither interviews nor translations were required in the local Elsipogtog dialect of the Mi'kmaw language. I asked if they wanted translation and they declined. Participants were given the opportunity to review interview transcripts to ensure

their words were accurately reflected and that they felt comfortable with them. Once the transcripts were provided to the participant in the method of their choosing (hard copy or electronic copy), they were given two weeks or a mutually agreed upon time to review and make notes. The two week “clock” began once the researcher ensured that participants successfully received the transcripts. Revised versions with participant notes were used as the final version. If the participant did not reply with notes after the two week or agreed upon timeline, the original version counted as final. As part of our agreement, participants also had the opportunity to classify part or all of their words in the transcript as confidential, meaning that these words would be cited using a pseudonym rather than their name (e.g.: Journalist Participant A.). Participants understood that this hybrid method of simultaneously using their names at times and a pseudonym at other times provided confidentiality, but not complete anonymity.

Scoping and Institutional Limitations

Work with the community occurred in two stages, first with a scoping phase approved by Carleton University’s Research Ethics Board. In this phase, I met informally with potential participants and affected communities in New Brunswick. Through informal discussions, I sought input into the following: scope of the project, ways to make the project useful for the community of interest, ways to ensure community protocols for information collection and approaching potential participants were respected, appropriate methods for document and data exchanges, and recruiting potential participants. Conducting this scoping phase highlighted some of the institutional barriers to working with Indigenous communities, including when to approach the band council and who to approach to learn about respecting traditional research protocols. It was also useful to gain information to mitigate potential economic, social, and

psychological risks by identifying culturally appropriate elders capable of providing guidance and support when necessary.

While an appropriate approach, scoping highlighted some of the blindspots in institutional research ethics boards. For instance, the board was concerned with jeopardizing any potential relationships between the university and the territorial government and therefore emphasized the need to seek out permission from the band council before data collection, even as this may have caused tensions with the community of interest I was working with; as mentioned, they were very concerned about the involvement or need for approval by the band council. Second, the board was hesitant to allow me to use any of the information collected at scoping in future stages of the project, even if permission was given in the consent form. As I learned during the scoping phase, many of the people I met in Mi'kma'ki insist on standing by their word and want to speak publicly as compared with authorities, who were reluctant to share publicly their intentions. Finally, the restrictions informing the questions I was allowed to ask made the scoping phase unnecessarily vague (as required by my research ethics board). The result, I believe, left some participants with the feeling that I was starting from a completely blank slate in search of a research topic. (eg. The Mi'kmaq Research Centre at Cape Breton University wished me luck on finding a topic of research and provided me with a broad range of documents and resources). In other conversations, it left the impression that I was focused too much on process rather than substance just as I was trying to build relationships.

Some of the institutional and structural limitations come from bureaucratic challenges related to research ethics boards and mechanisms of sanctioning graduate research projects. As examples emerge of police agencies subpoenaing research data (Peters, 2017), coupled with Canadian universities' reluctance to support researchers within their institutions (Samson, 2014;

Canadian Association of University Teachers, 2014), potential participants are understandably reticent to volunteer exhaustive information that, despite guarantees of anonymity and/or confidentiality, may be used against them. Despite court rulings in support of researchers, Carleton University Research Ethics Board (CUREB) requested that documents presented to participants, including the letter of invitation and informed consent, include the following:

In the rare circumstance that authorities (ex: police) request research data, I may be legally obligated to turn over information. It is recommended that you not mention anything that would potentially incriminate you.

This addition contributes to the skepticism of research and stokes fears of the reach of authorities when it comes to acquiring data about individuals of interest. On one hand, this is overly alarming given the courts' favourable rulings toward researchers on this issue; the RCMP has been unsuccessful at obtaining such information at this point (Samson, 2014; Peters, 2017). Such wording may also unnecessarily limit participation in the research. On the other hand, it remains unclear whether Canadian universities will support their graduate researchers and a strong show of support from the institution, including legal protections, would go a long way towards alleviating this concern.

The CUREB's excessive caution in its approach to providing ethics clearance was also challenging and hindered attempts to build goodwill with potential participants. Clearance was granted a year and a half after the first application was made to the CUREB with several roadblocks along the way. When I spoke to land and water protectors in the community of interest, I asked them who I should and should not speak to in the course of my work, and they answered emphatically that the band council was part of the problem. During the scoping phase of my research, the CUREB was initially reluctant to provide official clearance arguing instead that all conversations should remain informal. In doing so, they were declining to guarantee the

protections and oversight provided by the institutional ethics board's clearance related to the processes of collecting, handling, and using information, whether informal or not, and restrict opportunities for remediation through the CUREB should something harmful occur. This instance reflected a kind of incommensurability between the legal orientation of the university and the concerns of the Indigenous communities with whom I worked.

My scoping conversations with other potential interviewees may be indicative of the relationships I would have later in the process. As I noted earlier, a spokesperson at the Richibucto detachment of the RCMP was skeptical about helping me scope the project. She wanted to know more about the specifics of my research and seemed uninterested in helping place additional focus on the events at Rexton. In the end, she instructed me to go through Access to Information and Privacy Act protocols to obtain information. However, my conversations with land and water protectors during the scoping phase proved to be more useful as we discussed the parameters of the project and what kinds of questions would be useful to the community of interest and others in the future. They highlighted the need to make this research available to their youth visually with an art project or video component and in ways that make them reflect on the impact of energy exploration and extraction in their community. I hope to be able to return to the community at a later date to explore options. Since I began this dissertation, circumstances in the community have changed as the province of New Brunswick has a new government that has indicated its willingness to once again allow shale-gas exploration. It may be possible to incorporate the findings of this research with a potentially renewed anti-shale gas extraction movement.

There are findings related to methods and research processes that are as equally significant as other findings in this dissertation. The tone and literature review included in this

chapter are indicative of why researchers need to devote an adequate amount of attention to findings related to process. There are considerations that can only emerge from being in the community, leaving space for participants to drive conversations, and connecting with people beyond the scope of the research project. All of this is essential but invisible labour that will never make it into the final ‘product’: the dissertation, the book, the article.

As a sign of respect for Mi’kmaq culture, I offered a tobacco tie in person, or a promise of a tobacco tie if we communicated over the telephone or online, with every request for a meeting. In each instance, the gesture was graciously accepted and appreciated. At the same time, it became clear to me that the custom did not hold the same significance it once did. Researchers, I learned through informal conversations, will often offer tobacco because it appears to be the appropriate thing to do, forgetting or being unfamiliar with the follow through on the promises that ritual symbolizes. The RCMP offered tobacco in peace and friendship the night before the October 17th raid at Rexton, considered a serious betrayal of what that exchange meant to the Mi’kmaq people who accepted the medicine. I found that barriers continue to exist between Indigenous communities and the academy even as more researchers try to adopt more culturally appropriate methods.

I have also been forced to grapple with what it means to help communities and/or participants meet their own objectives. Up to this point, the notion of decolonizing methodologies is partially about taking sides on issues between colonizers and the colonized and ensuring that the knowledge you produce through your research helps meet their goals. But what does that mean when you are asked to contribute your own talents and experiences in different ways—ways that fall outside of the scope of research? Sandra Smeltzer (2012) talks about questions of balance between scholarly production expectations and on the ground activist

commitments. Producing research that is useful to a group is one thing—and something that generally meets the parameters of academic research production. Conversely, can researchers ethically provide what she calls back-office support, that is offering your labour to help them meet certain goals? In my preliminary conversations with one community member, we talked a lot about the housing crisis facing Elsipogtog and the work they were doing to advance this issue. We also talked about my professional background working the non-profit social housing sector. I have also provided best practices to help them navigate the cumbersome Access to Information and Privacy Act request process. This back-office support, as Smeltzer suggests, helped us develop trust and a relationship beyond my own needs as a researcher. In my view, I was able to engage in more meaningful knowledge exchange as a result of this connection than what might have been possible before as we continue to stay in touch and share information. I explore these various forms of knowledge mobilization further in my Concluding chapter. The next chapters will outline my findings from the materials and research discussed above.

Chapter 4: A Struggle Infused with Traditional Teachings and Historical Context

The land protectors from Mi'kmak'i that I spoke with frequently turned to traditional teachings, treaty, and history to explain what informed the purpose and tactics of their actions. In part, the findings of this chapter detail attempts to break free from dominant discursive frameworks that undermine Indigenous sovereignty and self-determination and speak to the third research question about how dominant discourses of violence are challenged and/or subverted. This chapter details a struggle infused with culture and Indigenous resurgence (previously discussed in Chapter 2: A Review of Theory) as land protectors adopted tactics rooted in teachings from their ancestors in order to ensure their survival and resist extractivist activities on their territories. This chapter also aims to reflect on relevant Mi'kmaq history and culture, relying on documents provided to me by land protector and former Elsipogtog First Nation Chief Susan Levi-Peters, as well as research recommended to me by Cape Breton University's (CBU) Mi'kmaq Resource Centre. I also rely on 2016 public lectures given by Stephen Augustine, Dean of U'nama'ki college at Cape Breton University and hereditary chief of Elsipogtog First Nation, for an online course called *Learning from Knowledge Keepers of Mi'kma'ki*. This chapter examines how the actions of the land protectors were underpinned by their traditional teachings and how a failure to contextualize these activities historically and culturally led to certain constructions of discourses of violence in mediated texts discussed in Chapters 1: Literature Review and 2: A Review of Theory. Throughout my analysis, I note the emergence of two discourses of violence that, once deployed, mobilize different interests that are at odds with one another. Both the discourse of Indigenous violence and the discourse of ongoing settler-colonial violence produce particular ways of conceptualizing the confrontation between Mi'kmaq land protectors and the settler-colonial state at Rexton, shaping which ways of knowing the world are allowed,

disallowed, or normalized. Both of these discourses of violence diverge on how they understand the relationship between the settler-colonial state and Mi'kmaq people, notably in the way they interpret treaty obligations and conceptualize Mi'kmaq traditions, land dispossession, and settler-colonial history, resulting in diverging understandings of Mi'kmaq sovereignty, self-governance, and self-determination.

Traditional Teachings: Mi'kmaq culture and survival

In this section, I detail findings from personal conversations with those who participated in the movement and journalists who covered the events at Rexton, New Brunswick, drawing on the Mi'kmaq creation story to help contextualize important factors influencing their actions. As Stephen Augustine (2016a) notes, creation stories are central to understanding Mi'kmaq culture and survival because they describe how life for all things began and provide important teachings guiding the people living on Mi'kma'ki territory. Understanding these helps to orient the reader to a particular culture and protocols that were present during their actions, contextualizing what follows in this dissertation within a framework specific to the Mi'kmaq people and, more specifically, to the people of Elsipogtog First Nation. Negotiation and protocol are important themes for the protectors and are contested by the state's deployment of discourses of violence that characterize dissent as violence.

Creation stories are told differently across the seven Mi'kma'ki clans and even further across individual families. The version of the creation story that I draw on is the one told by Stephen Augustine (2016a) which was influenced by the version passed down to him by his grandmother. As a cultural outsider, it is not my place to reproduce the creation story in these

pages but rather to reflect on the themes that Augustine identifies as important⁴ to understanding his community and that are pertinent to the topic of this dissertation. These include teachings about the prevalence of the circle, the centrality of place and space, and the importance of negotiation as survival.

The importance of the circle, particularly in Mi'kmaq knowledge, is weaved through all seven levels of creation linking together past, present, and future. The round drum, Stephen Augustine says, is a prevalent cultural artifact and teaching aid to Mi'kmaq people. Its noise mimics the first sounds a child hears of her mother's heartbeat, to first creation, the giver of life, and the connection to Mother Earth. It also symbolizes the circle and the interconnectedness of the wisdom, teachings, and continued guidance of ancestors, the possibilities brought forth by youth and future generations, and the responsibilities of the present. At Rexton and throughout the shale-gas actions, the drum was a fixture on the frontlines used to both educate others about Mi'kmaq culture as children and non-Indigenous supporters gathered at the side of the highway (Brown, 2017; Augustine, 2017) and also as an expression of claim of Mi'kmaq place in the presence of shale-gas thumper trucks (Michelin, 2017; Levi-Peters, 2017). Women in particular would approach thumper trucks, form a circle, drum, sing, and pray before leaving one-by-one in ceremony, eventually allowing SWN Resources Ltd. and the RCMP to reclaim their vehicles (Levi-Peters, 2017). Performing this ceremony served as a reminder that these trucks were on

⁴ The version he tells on that day is available for viewing in video format at the CBU *Learning From Knowledge Keepers of Mi'kma'ki* course archives <http://www.cbu.ca/indigenous-affairs/unamaki-college/mikm-2701/> Augustine's telling is published publicly in print and video format online as resources for schools, students, or others seeking to learn more about Mi'kmaq culture. I viewed this particular telling as a student registered in the *Learning from knowledge keepers of Mi'kma'ki* online course at CBU.

traditional Mi'kmaq territory and their activities should respect the peoples of the territory, including ancestors and future generations.

Indeed, Stephen Augustine's telling gives prominence to the circle and intergenerational connectedness as Glooscap (the first human) meets his grandmother, his nephew, and his mother, who teach him, respectively, of the important role of ancestors who provide guidance and link past to place; of his responsibilities to provide future generations with guidance and pass along his traditions and the ceremonies of his people; and of the importance of nurturing, caring, and love. It is apparent that the community of Elsipogtog keenly feels disruptions to intergenerational connections via colonization and colonial institutions, which is at times described as a disruption to the circle.

Like any community, those living in Elsipogtog were divided on whether to allow exploration to proceed, and Susan Levi-Peters (2017) suggested that some community members were thinking in the present towards their immediate interests rather than seven generations ahead. Her characterization was not meant to demean those who considered immediate needs over traditional ways of community planning and decision-making, but rather to draw attention to the challenges facing many in her community, including poverty, unaffordable housing, and an inability to access basic needs for survival. Many in her community rely heavily on the state for income through social assistance and services provided through state funding. Here, we note colonization manifest as increased Indigenous dependency on the state and a form of objective violence exemplified by the harm experienced by community members by the conditions of scarcity managed by state policy and the perils that come with the promise of economic prosperity by ceding access to traditional territories. (Alfred, 2009; Zizek, 2009). This connectedness of past, present, future, and place animated both the substance and protocols of

my participant conversations. I was asked while on route to a location for a participant conversation, for instance, to walk gently over the pebble rocks that adorn the coastline of Ottawa House near Parrsboro, N.S. to respect the ancestors who once walked that land and was told that Mi'kmaq people protect their water and lands for the benefit of seven generations (Clair, 2016).

Place is similarly weaved through every level of the creation story, as with many other Mi'kmaq teachings, reminding us of the connection to and negotiation with that particular location, Earth's elements, our environments, and all of the living creatures around us. The creation story describes the three bolts of lightning that give life, first gathering all of the elements of the Earth to form the human body, forming the first human's extremities from these elements and freeing him from the land. Glooscap's relatives are similarly created from the elements of the Earth as Grandmother is made from a rock, Nephew is created from his cousin Whirlwind, and Mother is created from dew on a leaf that has fallen from a tree. The Land is where life comes from, makes up our bodies, and is part of our continued existence in that we constantly need to negotiate our survival in a particular place, with the elements that make up Mother Earth, with ancestors, and others. Place, in other words, is intricately tied to who we are.

Stephen Augustine also highlights the importance of the sacred fire in his telling of the Mi'kmaq creation story, which was ever present in an encampment near the highway at Rexton, N.B. In the story, once Glooscap and Grandmother leave the Earth, Mother and Nephew are left behind with the sacred fire from which seven sparks take flight to form the seven men and seven women whose pairings will form the seven Mi'kmaq families that spread across seven Mi'kma'qi territories. Stephen Augustine says that the sacred fire helps us understand the protocols of continued Indigenous survival as a gathering place for the seven Mi'kmaq families

(Augustine, 2016b). Treaties or other agreements are made, whether within Mi'kma'ki territory or with other nations, by gathering the collective words of the Mi'kmaq people. This is a formal step in their protocol for negotiation. He says:

our words are there until we want them changed. Then we call back the seven entities by lighting the sacred pipe and exchanging those words with the people that we gathered together—our families, friends, neighbours, even neighbouring tribes. This is part of the element of negotiation among First Nations (Augustine, 2016b).

The creation story focuses on the ceremonial protocols that assist in negotiation, either with the Earth, its elements, or its creatures. These protocols allow peoples to negotiate with each other, whether between clans or with those from other territories (ibid). Ceremonial protocols of negotiation can involve offering tobacco, one of the Mi'kmaq sacred medicines, for an animal to give up its life for food or to negotiate harvesting with the land, as examples. In the creation story, in order to survive, Glooscap negotiates with a marten (a small mammal indigenous to northern forests) to give up its life and become food. Glooscap offers tobacco to the animal, who then accepts this offering. Nothing is taken. Rather, the arrangement is negotiated and Glooscap apologizes to the marten's relatives for taking the life of their brother. Borrows (2013) reminds us that non-Indigenous peoples often abided by Indigenous laws, protocols, practices, and procedures when negotiating treaties, particularly, he says, the peace and friendship treaties between the British Crown, the Mi'kmaq people, the Maliset, and the Passamaquoddy peoples. As a result, he observes how Indigenous peoples have relied on their diplomatic traditions to prevent confrontation, noting how it is easier to overcome disputes when all parties are aware and acknowledge each other's symbols and substantive concerns from the beginning.

Negotiation is a theme that arose repeatedly during the conflict at Rexton, between different groups of citizens from Elsipogtog First Nation or between the land and water

protectors and the state. Those in the community sought to negotiate with the Province of New Brunswick as they set policy for how Indigenous communities are to be consulted and granted licenses to industry for shale-gas exploration (Howe, 2015), but their attempts for negotiation were rebuffed, met instead with an increased police presence as the state focused primarily on confronting land protectors. This is a form of asymmetrical recognition that treats the people of Elsipogtog First Nation as just another stakeholder, ignoring not only their nationhood but also their connections to their ancestral territory, then turning on them as a threat to the settler-colonial state's interests. Some in the community organized meetings to find consensus on the issue of shale-gas exploration or to deflate tensions amid strenuous events. As I will note later in Chapter 6, appeals to negotiation were undermined by the discourse of Indigenous violence that depicted Mi'kmaq land protectors as extremists and eliminating the possibility of finding a middle ground.

At Rexton, it appears Mi'kmaq protocols were also used by the RCMP to mislead the land and water protectors into believing that new avenues of peaceful negotiation and dialogue were available to them. The night before the raid, two RCMP sergeants offered tobacco wrapped in red cloth to the warriors. Jason Augustine (2017) describes what happened, saying:

That night, two RCMPs [...] came up to us with tobacco wrapped up in red cloth. [...] So we took their tobacco. They told us it was peace from now on. That was October 16th. I think it was 10:30, 9:30 [p.m.]. Something like that. They told us it was going to be peaceful from now on. So, okay. We say okay. We [now have] new negotiators and it's going to be peaceful. So, I go to bed around one o'clock. I slept in the tipi. So, at around 5:30, 5:54 I get a text and it says: 'RCMPs are gearing up. You're being raided.' So, I jumped up and got my boots on. Walked out and I looked out and RCMP cars are still parked, like, this way. [...] I look this way, same thing. [...] So, around 6:30, I see two cop cars right off the bat go sideways. Holy Jesus. How come they went sideways? And they have their lights on now. Okay, what's going on here?

Susan Levi-Peters (2017) makes the same point, noting that the land and water protectors felt reassured that a new period of peaceful negotiation would emerge as a direct result of the RCMP offering tobacco ties, according to their protocol, in peace and friendship. She says that when someone offers tobacco, it is a symbol of peace and friendship and a sign that you want to negotiate in good faith. They did not, then, expect the violent raid that would take place within hours of the tobacco exchange.

What is striking about this event is that the RCMP understood the community's protocols enough to perform them while simultaneously rejecting their legitimacy and undermining them. This was a movement defined by its traditions, working in part to preserve, defend, and renew Mi'kmaq protocols, and doing so in ways aimed at avoiding violent confrontations with the settler-colonial state. Conversely, the RCMP's actions aggravated tensions as they explicitly reneged on their promise of negotiation made by offering tobacco ties and rejecting the importance of the protocol to the Mi'kmaq people. It was not lost on the land and water protectors that the offering was made after the RCMP had completed their preparations for the next day's raid.

In a time where mis-recognition and mis-understanding circulates freely in settler-Canadian minds, there is value in learning about and/or revisiting stories about the beginning. Creation stories are useful in that they describe where we come from, explain a worldview, and articulate an understanding of our place on Earth. When viewed through this lens, the importance of Indigenous territories to a whole way of life and worldview is clear. Informed by this perspective, the next section explores the relevance of Indigenous land dispossession on Mi'kma'ki as well as the reaffirmation of a treaty relationship with the settler-colonial state. While settler colonization works to sever Indigenous peoples from the natural world, protectors

remembered and renewed this relationship to the land and their territories in defiance. What emerges is a discourse that reaffirms this connectedness to the land.

Dispossession and a Reaffirmation of Treaty Relationships

“So if you go back and [...] look at the history, it’ll show you that [this land in front of us] is a part of our community. All along to Rexton and Richibucto. And that is why it’s so important. It’s still part of us, [...] even though we just have a small area now.” (Clair, 2017).

The history of land dispossession in Mi’kma’ki weighed heavily on the minds of those resisting extractivist activities in New Brunswick. The promises made by the state and echoed by industry, of progress and mutual prosperity for Indigenous peoples, felt both familiar and disingenuous. As with many communities, Mi’kmaq peoples have experienced a long history of colonization and ongoing violence. Indeed, violent dispossession of land has defined much of Indigenous struggle in Canada since settler-colonial contact (King, 2014; Howe, 2015; Poliandri, 2011; Simpson, 2013; Coulthard, 2014; Alfred, 1999), and Mi’kmaq people have also had to grapple with this persistent history as the settler-colonial state continues to reduce the size of Mi’kma’ki. Here, I trace the history of dispossession and treaties affecting the people living on Mi’kma’ki, describing the way the actions at Rexton, N.B. served to reaffirm Mi’kmaq claim to their traditional territory and reassert the treaty relationship that their ancestors negotiated.

Importantly, early agreements between the Mi’kmaq people and Europeans, beginning in the mid-1600s, recognized and presupposed the sovereignty of Indigenous nations. Stephen Augustine (2016b) says these peace and friendship treaties were simple agreements with French and English fishermen wanting to build wharfs on Mi’kma’ki territory. In the 1700s, the agreements evolved with complexity as the British ventured into new territory, prompting conflict with local Indigenous peoples, and leading to subsequent renegotiations between sovereign peoples. The final treaty in 1779 was agreed to in Miramichi, N.B. following the American Revolution and is characterized as a Peace and Friendship agreement designed to prevent further conflict (ibid).

Significantly, and prior to this treaty, the British Crown unilaterally formalized their acquisition of the North American territories from the French through the Royal Proclamation of 1763. The proclamation articulated British management and guidelines for the relationship with Indigenous populations, including the compartmentalization of territory for Indigenous use (Poliandri, 2011; Conrad & Hiller, 2001). The proclamation is viewed as the formal beginning of the systematic process of land dispossession and the formation of the reserve system, replacing the previous French colonial rule based on reciprocal relations with Indigenous peoples with a dominant relationship recognizing first and foremost the supremacy of the British Crown (Prins, 1996). In the period that followed, in an attempt to retain their national identity, British colonists sought to transform the Mi'kma'ki landscape to resemble England; they divided territories into properties in the same manner as in their homeland, and imposed European-style education on Indigenous peoples, whom they supposed as their subjects (Poliandri, 2011; Axelrod, 2001). The European interventions in Mi'kma'ki territories reflected a fundamentally different relationship to and understanding of land and place, one that segmented land and strictly regulated Indigenous relationships with it.

Land displacement and alienation had a significant impact on the Mi'kmaq population as the British moved to fashion both the people and territories into something closely resembling Europe, resting heavily on European notions of civilization and progress as symbols guiding the colonization process (Reid, 1995), symbols requiring “unobstructed access to and control of the land” (Poliandri, p. 36). Off-reserve mobility was also strictly regulated through compulsory registration during the pass system (Carter, 1990; Pettipas, 1994). Segregation and forced settlement also took place through the designation of specific lands for farming use, and the

establishment of the reservation system, compromising the Mi'kmaq people's relationship with their territory through delimitation and parceling (Prins, 1996; Paul, 2000; Poliandri, 2011).

What occurred at Rexton, N.B. in 2013 challenged the historical and ongoing mechanisms by which the settler-colonial-state facilitated displacement as the land and water protectors stood their ground, staking a claim to the wider piece of land than what was granted to them through the reservation system, claiming the broader traditional territory outside of Elsipogtog First Nation. The actions at Rexton, N.B. are significant in that they disrupted the flow of unobstructed access to the land by blocking SWN Resources' access to their thumper trucks by blocking off driveways to holding compounds and circling the vehicles. Without access to these specialized vehicles, the company could not continue to collect information on shale-gas deposits and plan for potential extraction from the land. While the protectors did not initially set up a blockade on the highway at Rexton, N.B. (see discussion in Chapter 5), they stood their ground and maintained their lines on the highway in the face of heavy police presence.

Chief Aaron Sock later filed with the New Brunswick Court of Queen's Bench for Elsipogtog's claim of the Sikniktuk territory (McQuarrie, 2016), arguing that the community should be consulted on all activities that take place on traditional Mi'kmaq territory. Further, the composition of those who gathered in Rexton, N.B. included both Indigenous and non-Indigenous peoples (Augustine, 2017; Howe, 2014; 2017). Where they were once forbidden from interacting, this movement included Mi'kmaq peoples from Elsipogtog First Nation and non-Indigenous allies from neighbouring communities, acting in common cause while maintaining their distinct cultures and traditions. Jason Augustine (2017), one of the organizers on the ground at Rexton, N.B., says that everyone brought with them their cultures and ways of

standing against shale-gas exploration, learning from one another, and sharing their unique points of view.

Whereas the 2013 land protectors were responding to land dispossession and a broad view of their traditional territory that preceded it, they were also responding to other mechanisms of colonization like the Indian Act of 1867; this legal document aimed to further entrench the process of assimilation as well as social and economic marginalization into law. The law was implemented mostly by the churches and government-employed Indian Agents while traditional Indigenous governance systems were replaced by government supported and often controlled band chiefs and councils (Asch, 2014; McMillan, 1996). In the 1940s, the government of Canada continued to define their policies towards the Mi'kmaq people through the symbols of progress and civilization, pushing for more land cultivation by way of farming and introducing a policy of centralization. Centralization sought to concentrate majority members of a tribe onto selected reserve territories and simplify administrative processes encouraging agricultural work (West, 1996). The Mi'kmaq people were among the first to negotiate a treaty with the new American government following their independence, something that is reaffirmed yearly in the town of Watertown, Massachusetts and which gives Mi'kmaq peoples the right to cross the Canadian/United States border freely (Levi-Peters, 2017).

The way treaty history has informed identity construction is additionally complicated by Mi'kmaq relationship with religion. Not uncommon in many Indigenous communities, the relationship between the Catholic Church and Mi'kmaq people has been complex in the context of colonial assimilation. The Indian Residential School system, run by the Church, played a central role in what the final Truth and Reconciliation Commission of Canada report termed “cultural genocide” (The Truth and Reconciliation Commission of Canada, 2015, p. 1). Indeed,

residential schools, run by Catholic and Anglican churches among others, proved to be one of the most forceful instruments of assimilation, stripping language, culture, and identity from Indigenous children across Canada and in Mi'kma'ki (Prins, 1996; Regan, 2010; Truth and Reconciliation Commission of Canada, 2015; Clair, 2016/2017; Levi-Peters, 2017). Children were inflicted with mental, physical, and emotional abuse by those operating the facilities; many students never returned home as the schools alienated pupils from their families, and the death rate was high in many cases (Truth and Reconciliation Commission of Canada, 2015). The schools were administered by the Church to coercively “Christianize the Aboriginal people” (Knockwood, 2001[1992]), and their violence, part and parcel of the violence of colonization, continues to affect Mi'kmaq people and permeate Indigenous-settler relations (Regan, 2010; Truth and Reconciliation Commission of Canada, 2015; Maine Wabanaki-State Child Welfare).

The legacy of the Indian Residential School system weighed heavily on the land and water protectors. Annie Clair (2016) used the Mi'kmaq symbol of the circle, tattooed to the palms of her hands, to illustrate the impact of the residential school program to her community of Elsipogtog and to reflect on her community's response to shale gas exploration. The circle, she describes, consists of several layers. At the centre is the bundle consisting of all sacred medicines that need to be protected. Subsequent layers consist of the children, women, grandmothers, men, and finally the warriors at the outer layer. Community protocol follows that the warriors stand first to protect the other layers, followed by the men, the grandmothers, the women, and so on. These layers symbolize all the roles and protocols that work to protect the community from harm. The residential schools destroyed this way of thinking. She says: “they took the children away. They hurt the warriors. They abused the men.” Now, she continues, “our people are confused and they're not protecting each other. We need to start that circle again” (Clair, 2016).

In our subsequent conversations, Clair (2017) lamented the way that some of those on the frontline at Rexton did not rely enough on culture and tradition to inform their activism. The Warriors, for example, were educated and were well versed on the treaties, she said, but “you’re supposed to be following the traditional way” (Clair, 2017). Her comments indicate the importance of culture and tradition in resistance and, while present throughout the movement, even more could have been done to make these links.

Today, the dispossession of land and self-governance continue to feature heavily on Mi’qmaq/state relations in Canada. As Wolastoqiyik Clan mother Alma Brooks argues⁵ (Brooks, 2016), Indigenous rights do not come from the treaties. They preceded the treaties and come from the fact that Indigenous peoples in the area have title to the land and have never ceded their territory. Treaty rights reflect a selection of promises made on both sides, between the British Crown and Indigenous peoples in Canada. These are two sided agreements that enumerate specific protections and rights for both sides. Some of the aspects of these agreements are only now becoming clear as oral agreements are being uncovered. For example, scholar Andrea Bear Nicholas recently discovered the principles of the Maskarene treaty that were, as Brooks says, hidden from the people for years. While these treaties are connections to the past, they are not exhaustive of Indigenous rights. Other colonial forces have played a significant role in how contemporary Mi’qmaq people understand their culture.

⁵ The Wolastoqiyik, also known as the Maliset, are Algonquin speaking peoples. Brooks is a member of Woodstock (Wulastook) First Nation.

Resistance rooted in history

Throughout my conversations, land protectors told me that the anti-shale gas movement of 2012/2013 was part of a long history of resisting settler-colonialism on Mi'kma'ki. Their actions were influenced by those that occurred in the past, such as in Kahnawa:ke and Kanehsata:ke (Oka) and Esgenoopetitj (Burnt Church) as well as more contemporary events like Standing Rock in North Dakota. This section details significant events that have influenced Indigenous land protection and activism in Canada that formed a backdrop in Mi'kma'ki, particularly the wave of activism that grew out of the pan-Indigenous American Indian Movement in the United States but that took on unique local forms in Canada, as noted by Wilkes (2006). Throughout, themes of violence emerged in similar ways to the confrontation at Rexton, N.B.

In 1969, the federal Liberal government of Pierre Elliot Trudeau introduced a Statement of the Government of Canada on Indian Policy, known as the 1969 White Paper. The white paper proposed legislation that would eliminate Indian status and repeal all federal Indian legislation in order to equalize the status of all Canadian citizens, extending Trudeau's doctrine of what he coined to be a *just society* (Turner, 2006; Coulthard, 2014). The forceful condemnation of these proposals from Indigenous communities was, according to Coulthard (2014b), a monumental event that galvanized Indigenous peoples across Canada in a way that spurred a new wave of resistance against the settler-colonial state like never before. The rejection led to a surge in Indigenous nationalism across Canada and a banding together in Mi'kma'ki with the creation of organizations such as the Union of New Brunswick Indians to amplify political voice (Larsen, 1983; Miller, 2004; Coulthard, 2014a).

At the same time, the Red Power and American Indian Movements in the United States had a significant influence on Indigenous activism in Canada, most notably the Occupation of Alcatraz Island and the Occupation of Wounded Knee (Smith & Warrior, 1997; Wilkes, 2006). The events at Alcatraz enjoyed some popular support as their actions were viewed as peaceful, turning once knowledge of the occupation became more widespread, more other non-affiliated activists joined on the island, and a young girl died accidentally causing a shift in leadership (Smith & Warrior, 1997). Indigenous resistance and demands for self-determination continued throughout the 1980s and 1990s from the Algonquins of Barriere Lake and the Tamagami First Nation as well as the Kanien'keha:ka (Mohawk) of Kanehsata:ke, similarly using blockades as a tactic.

The objection to the Meech Lake Accord by Cree Manitoba MLA Elijah Harper in 1990 was a powerful rallying cry for Indigenous peoples across Canada; notably, it marked an insistence on consultation with Indigenous peoples on this constitutional amendment and other important decisions affecting Indigenous peoples. The accord would fail as Harper staged a filibuster in the Manitoba legislature, preventing the unanimous consent required from all ten provinces to move forward, but its legacy would continue as Indigenous communities across Canada would demand full consultation on activities affecting their people or territories. As Levi-Peters notes, a demand for meaningful consultation with the people of Elsipogtog First Nation, not just members of the Indian Act band council and a few select community members, was a central demand from the group (Howe, 2015; Levi-Peters, 2017).

The 1990 land dispute known as the Oka Crisis would similarly prove influential to Indigenous communities across Canada. The Mohawks of Kahnawa:ke and Kanehsata:ke continued to oppose incursions on their traditional lands as the Town of Oka sanctioned a golf

course to be built on contested territory. It is clear from each subsequent event, that they were informed by previous instances orchestrated by Indigenous protestors and land protectors. In a speech given by former Elsipogtog First Nation chief Albert Levi at Oka in 1990, a copy of which was provided to me by his daughter Susan Levi-Peters, he laments the conflict between the Mohawk Nation and the Canadian state in circumstances that are strikingly similar to those at Rexton, N.B. in 2013, highlighting the violence inflicted on Indigenous peoples by the state and describing their confrontation using a war metaphor. He tells the people of Kahnawa:ke and Kanehsata:ke that “Every Indian is seeing Canada through Mohawk eyes. We know what it is like to live in a box. Canada and Quebec are telling the Mohawks ‘you only have one right – the right to surrender’” (Levi, 1990: p.5). The 1990 events at Oka emerged throughout my conversations in Elsipogtog as I was told that everything is connected. What happened at Rexton was no different than an extension of what happened during these other conflicts, particularly Oka and Esgenoopetitj (Burnt Church). The same felt true for the land and water protectors that I spoke to, believing that the security and political arms of the state would only accept unconditional surrender, allowing the extractivist activities to continue.

The 1999-2002 confrontation near Esgenoopetitj, a Mi’kmaq First Nation just over 110 kilometers away from Elsipogtog First Nation, exemplifies the culmination of land dispossession and segregation from non-Indigenous communities on Mi’kma’ki territory. At issue were treaty fishing rights stipulated in the 1860-1861 Peace and Friendship Treaties, reaffirmed by the Supreme Court of Canada in 1999 in what is known as the Marshall decision. Immediately following the ruling, the Mi’kmaq people of Esgenoopetitj First Nation began exercising their treaty rights to harvest fish and lobster off of the coast, bucking federal fishing laws and quotas for fishermen. In what followed, the Department of Fisheries and Oceans along with the RCMP

continued to enforce these laws despite the ruling, seizing and capsizing Mi'kmaq boats, surveilling members of the First Nation, and discouraging fishing (King, 2014). Non-Indigenous people in the communities surrounding the First Nation mounted protests in the streets, seizing fishing equipment, threatened Mi'kmaq people with racially charged taunts, and burned the sacred arbor on the reservation. Non-Indigenous neighbours were upset with the perceived inequality in the application of fishing laws and regulations and resented the federal government's unwillingness and powerlessness to remedy the situation (Ibid.). The Mi'kmaq retaliated by confiscating fishing gear to replace that destroyed or stolen, intensifying tensions with surrounding neighbours. Mi'kmaq District Warrior Chief Jason Augustine was at Burnt Church as well as at Rexton, N.B. and says that all of these events are the same. He says: "nothing gets harder and nothing gets easier. You fight. You stand the way you stand all your life," adding that "by next year, we'll be guaranteed back there again [fighting the same issues]" (Augustine, 2017).

King (2014) argues that the conflict in Esgenoopetitj, like other Indigenous conflicts, was presented as an isolated event and defined narrowly as one over land development, pitting native religious values against contemporary economic interests. The Indigenous people were portrayed as lawless (ibid) following the angry warrior ignoble savage identity construct (Berkhoffer Jr., 1978) frame that so permeates discourse about Indigenous activism. As Simpson (2013) argues, it is important to understand the 2013 events at Elsipogtog as a continuum of struggle outlined above and as part of a recovery of rich Mi'kmaq traditions that understand place as being intricately tied to identity and responsibility.

Similarly, land and water defender and former Elsipogtog First Nation Chief Levi-Peters says that her people found inspiration in the Marshall Decisions⁶, a pair of Supreme Court of Canada rulings that defined the conflict in Esgenoopetitj by recognizing Mi'kmaq rights to fish. She said that the rulings emboldened her people's claims in Rexton, N.B. that, according to her interpretation, the people of her community have a first right of refusal for energy exploration and extraction projects on their territories, rights similar those stipulated in the Marshall Decisions recognizing Mi'kmaq first right of refusal for fishing (Levi-Peters, 2017). She says:

I contacted the RCMP and I told them: 'you get a hold of Fredericton, anybody you can, and you tell them that we'll sue the company. We have first rights. If any testing's gonna be done, we'll do the testing.' We're not stopping nothing. It's just like what the lawyer said. You don't stop it. You exercise your right. (Ibid.)

Notably, these were also in conversation with other instances of Indigenous activism and responses to encroachment on rights and territories.

Relying on culture, Reaffirming sovereignty

Mi'kmaq land protectors relied on their culture and pointed to the history of ongoing settler-colonialism to shift discourses of shale gas extraction activities away from focusing on capitalist economics in the form of economic growth and employment, to instead focus on Indigenous sovereignty and connect the violence of extraction to the violences of colonization. In doing so, what emerged was a discourse of ongoing state-colonial violence that understood the violence caused by extraction on Mi'kmaq peoples as part of ongoing settler-colonialism. This section details this reorientation, underpinned by Mi'kmaq culture, that reasserted the importance of

⁶ R. v. Marshall (1999)

Mi'kmaq governance and decision-making while also rejecting the settler-colonial state's claims to superior authority in governing the Indigenous nation's affairs.

Jason Augustine says that culture is and must be central to the way his people resist the settler-colonial state. His community of Elsipogtog has its own governance systems and traditional ways that, he believes, should be respected. The spirit of a treaty relationship recognizes the sovereignty of his community, but he argues that, unfortunately, the treaties are neither being honoured by the settler-colonial state nor by industry, including SWN Resources Ltd, the Province of New Brunswick, and the Government of Canada. Moreover, Augustine is concerned about the criticisms his community confronts when they affirm sovereignty and self-governance over their territories. He says "if you're not going to be using your history or your teachings, then you know, what's good about fighting this? Because the government's going to say [that] you don't even know what you're doing" (Augustine, 2017). As he tells me about the way Indigenous dissent is wrongly criticized by non-Indigenous peoples and the settler-colonial state, he describes a settler-colonial gaze that relies on misguided understandings of Indigenous ways of life, cultures, and traditions. These view Indigenous practices as relics of the past and rely on Francis' (2011) *Imaginary Indian* identity constructs. It is for this reason that he believes the presence of traditional world views and governance in Indigenous resistance is important.

Augustine's words consider how the settler-colonial state recognizes Indigeneity on terms that emerge from their subjective truth, justifying colonial actions by discursively placing Indigeneity in the past. The contestedness of economic activities on land, particularly unceded and traditional Indigenous lands, exemplify the way the state justifies its support for extractivism on such a premise, arguing that *resource* or *energy* extraction on *property* will create employment and wealth for both Indigenous and non-Indigenous peoples alike. But as the land

and water protectors who I spoke with noted, there is no universality in how these benefits will be distributed as Mi'kmaq peoples are more likely to suffer from being displaced to make way for activities that tie them to colonial governance structures and disconnect them from their territories, not to mention the violence that accompanies surviving on poisoned waters, polluted lands, and compromised wildlife (Clair, 2017; Augustine, 2017). Further, understanding the land as property rather than intricately tied to ways of life undermines the relationship that Mi'kmaq people have with the land, as something that is spiritual, cultural, historical, and communal.

As Augustine notes, adopting tactics of resistance informed by traditional worldviews and ceremony challenges the notion that Indigeneity is a thing of the past, reinforcing instead the centrality of contemporary Mi'kmaq life and demonstrating the ongoing work that reaffirms Indigenous resurgence. In our conversations, he detailed numerous examples of cultural actions that he and others took in Rexton in 2013 as well as in Shubinacadie, Nova Scotia later that year challenging Alton Gas' activities on Mi'kma'ki. In Shubinacadie, he credits their successful resistance to the connections they made with history and particular worldview as they erected a traditional Treaty Truckhouse and fishing weir to feed the land defenders. He adds that you will be more successful "...if you show them this was done back in the old days and this is what our treaties were, our treaty way of fishing and our treaty way of hunting, [and it continues to exist today, showing that] it's all right there. We're teaching" (Ibid.). In other words, their actions were more than resistance through refusal, they also consisted of educational exercises, confronting the logics that underpin industry and the settler-colonial state with Mi'kmaq ways and re-centering the debate as governed by a treaty relationship between distinctly sovereign nations. The most important lessons that emerge from relying on culture, Augustine notes, are for Mi'kmaq youth. He says: "If we teach our youths, our kids [these lessons], they're gonna

keep on doing that. That's how you're gonna protect your land and your water, by teaching the youths and the kids" (Ibid.)

At Rexton, Augustine and others from his community performed ceremony and lit a sacred fire that would serve as a gathering place for those resisting shale-gas exploration on Mi'maq territory. As I detail in the next chapter, the sacred fire became an important site of conflict when an armed security officer from Irving Security Lot (ISL) approached Mi'kmaq warriors in what Augustine (2017) and Howe (2015) describe as an aggressive manner, and was subsequently escorted physically away from the site. Of consequence, a second ISL worker secretly recorded the incident, and the footage was used by the RCMP to describe a violent protest justifying their raid on October 17th, 2013 (Howe, 2015).

The politics of refusal and resurgence had a strong presence at Rexton, as Levi-Peters (2017) describes the way the actions troubled pervasive yet misguided discourses about what is meant by a nation-to-nation relationship between the settler-colonial state and First Nations in Canada. As someone who served as an elected councillor and chief of the Elsipogtog First Nation Band Council, who has stood as a candidate in New Brunswick provincial and federal politics, and who spends time with her community's Elders learning about traditional governance, she emphasizes the difference between what she terms *their* politics and *our* politics; she suggests the former represents the governance institutions, systems, and practices that emanate from the settler-colonial state and the latter her community's traditional governance. Band councils, she says, are in an awkward position, straddling the boundaries where local governance and representation meet colonial governance structures imposed by the federal government and the Indian Act, structures that the federal government amends frequently and unilaterally. Today, she says, the layers of settler-colonial governance imposed in

Indigenous communities are problematic in that they wield a significant amount of colonial control in communities without respecting Indigenous decision-making processes and without results that benefit her people. She says: “We got the Indian Act. We got the treaty. We got our Chief and Council. We got the premier. We got the prime minister. And we’re still homeless” (Levi-Peters, 2017).

Levi-Peters believes in the two-row wampum relationship, with Indigenous and settler societies operating in parallel and for mutual benefit. What happened in Rexton was, in part, reaffirmation of separate, Indigenous ways of governance and the need for the settler-colonial government to respect that relationship. She says that governments fail to recognize traditional Indigenous governance systems that existed long before the arrival of settlers and fails to meet its obligations to consult with Indigenous peoples, in addition to the colonial governance structures that are band councils. She says “they believe nation-to-nation is meeting with the Chiefs,” but they are mistaken because they have a responsibility to the people. The Chief and council are people too, she adds (Levi-Peters, 2017).

For Jason Augustine, the actions against shale-gas exploration was about defending Mi’kmaq treaties with the Crown of Canada. By coming to New Brunswick and attempting to pollute Mi’kmaq territories for economic gain, Augustine says that SWN Resources Ltd. were “trying to destroy our treaties and our way of living.” He adds “using our treaties, we have to fight against the invaders” (Augustine, 2017). Augustine then tells me about a conversation he had with one of his Elders who described treaties as agreements between sovereign nations. When there is a treaty between the two nations, there is peace. But, he says, if one party breaks the treaty, the other party has a responsibility to defend it. He concludes: “So, [...] our treaties were broken. We [now] have the right to defend it” (ibid).

Levi-Peters described her community's desire to proceed with meaningful consultation with SWN Resources Ltd, the government of New Brunswick, and the government of Canada. Noting the disagreements even within her community, she says there was a rare consensus achieved on the idea of tasking one of the Elsipogtog community members, a woman widely known in the community to have a reputation for protecting Mother Earth, to examine the exploration site and report back on its feasibility. Neither the state nor the company, she said, honoured the agreement to hold a public meeting to discuss the project's feasibility. She comments on this commitment and the will of the people, saying:

In this case for the fracking, you know, we were not against development. We want jobs. We want nice homes. My people want jobs. They want nice homes. But we don't want to do it in [a way that in] seven generation's time our kids won't have the same opportunity. We want to give the same opportunity seven generations ahead. And right now, the trust, there is a lot of mistrust with the federal government (Levi-Peters, 2017).

For Levi-Peters and many in her community, the decision to proceed with shale-gas exploration is complicated. The violences that result from lack of safe and affordable housing, poverty, inadequate resources to deal with the social determinants of health, and residential schools—the violences of colonization—manifest in traumas of everyday life; these include malnutrition, increased suicide rates, substance abuse, sexual assaults, and more. These are the micro-violences that her community experiences every day. They are problems that Levi-Peters and others agree need to be confronted, but in ways that are respectful of their systems of life and are careful not to both reproduce and implicitly endorse the settle-colonial system that caused and maintained these violences.

During my initial visit to Elsipogtog First Nation in June, 2016, youth workers at the Elsipogtog First Nation Cultural Centre were eager to show me a copy of the official Residential

School Apology, framed and hanging prominently on the wall. They also wanted me to see the glass cabinet filled with educational material coming from the Truth and Reconciliation Commission. Educating youth about the events of the past is an important part of understanding who they are as a people, according to some Mi'kmaq elders who I met at the centre; they also contend that this will help the community to plot their path forward. Some of the youth roll their eyes, they say, but most are enthusiastic to learn. The prominence of these materials, shortly after the TRC issued its final report, signified a push to engage with the concept of reconciliation. The blockade at Rexton is an example of Kent County coming together, both Native and non-native, in common cause. Or, as District Warrior Chief Jason Augustine describes it, a “gathering of nations” where different cultures were able to learn about each other and work together (Augustine, 2017) in places and situations that serve as important settler/Indigenous contact zones (L'Hirondelle Hill & McCall, 2015).

When I visited Susan Levi-Peters to discuss the actions at Rexton, she emphasized the importance of having cultural items with her throughout the actions. Showed me what she colloquially called a sacred box where she kept her collection of significant items including her medicine pouch, a copy of the 1725 Peace and Friendship Treaty (the written version only, she emphasizes, not the oral one⁷), a treaty medal, and a beaded belt that she believes is a peace belt between Mi'kmaqs and Mohawks. Levi-Peters believes that the treaty medal was given to her people at the signing of the 1725 Peace and Friendship Treaty. For her, the medal symbolizes the relationship between the state and her people, and she has used it throughout the years to voice

⁷ Crown interpreters would sometimes explain (and mis-explain) complicated legal documents to Indigenous leaders before asking them to sign them. Indigenous leaders, on the other hand, saw the oral agreements as binding rather than the written ones. These could vary from the written understanding based on nuances in language or interpreters being outright misleading. See Long (2010) for more.

her concern with the relationship when necessary. For example, after a court sided with the federal Department of Fisheries and Oceans against a fisherman from her community, she said she left the medal in the courtroom. According to her, she told the judge “here, this was given to my people in peace and friendship. And when [...] the court here is ready to go back [to] that relationship again, then [you] can give [the medal] back [to us]” (Levi-Peters, 2017). The medal came back into her possession just prior to her visit to Ottawa in 2013 when she visited Attawapiskat First Nation Chief Theresa Spence who was leading a hunger strike on Victoria Island near Parliament Hill. These events are significant because they symbolized the height of the Idle No More movement that informed much of the actions at Rexton, N.B. as Indigenous peoples from coast-to-coast-to-coast resisted settler-colonial encroachment on their territories and limits on their self-governance, whether through changes to laws (C-45) or the consultation processes in New Brunswick that facilitated energy exploration on traditional territory (Howe, 2014).

At the beginning of the actions against shale-gas exploration in 2013, Levi-Peters visited her father to ask about the beaded peace belt that was in his possession. The belt, he said as he gave it to her, gets passed along when it is needed. The summer of 2013, Levi-Peters brought the belt to Kahnawa:ke to visit the Grand Chief and talk about the history of the peace between their two nations. Later that year, when two young men from her community were on trial on weapons charges related to the October 17th, 2013 RCMP raid, she brought the belt with her, and it informed much of the conversations of those from her community who also attended the hearings. Both the belt and the medal symbolize the strength of her people and remind her about the need to continue honouring the treaties. Levi-Peters (2017) says that “We are here for a

reason and the reason is that we are the peace and friendship nation. And we always try to find a peaceful resolution where it's a win-win for everybody.”

On the importance of Mi'kmaq ways of life, journalist Laura Brown noted how much she learned while covering the shale-gas actions at Rexton. She said: “It really opened my eyes [...]. It is a beautiful culture built on friendships and, of course, treaties, and just a real pure love of the land and the environment. And it's a perspective that I think I was missing. [I]t was a real cultural experience” (Brown, 2017). Her comments reflect both the desire for journalists to learn about Indigenous culture, but also the broader challenges of today's media where reporters are often generalists without specific, in-depth knowledge of the history, protocols, and traditions of the communities they are asked to cover. This seeps into the coverage of Indigenous activism as journalists reflexively rely on existing frames that are ahistorical, can misrepresent the concerns of land and water protectors, and that privilege sedimented discourses of activism grounded in law and order.

While I am grateful for the willingness of community members to share their teachings and resources with me throughout this research, I am also cognizant that doing so poses significant challenges for the community. Clair says that it is important to share stories and help outsiders understand her community. At the same time, however, she notes the dangers. She says “there's certain things that, like our traditional and our spiritual way, there's certain things I hear from the elders that we cannot share.” She adds that some people will take that information and use it against her people “And it's been happening already since 500 years” (Clair, 2017). However, regardless of the fact that not all stories are for everyone, Levi-Peters (2017) has long believed that it is important for outsiders to learn about her people. She says:

I try to convince my people to speak and talk more because we're not alone.
We're not alone. And the residential school did a lot of damage but we survived.

And now we're surviving more and like I said, we're getting more educated and people like you are coming, talking, and learning more. And you know, you're gonna go back and teach other peoples (Levi-Peters, 2017).

The actions at Rexton, reflecting the broader anti-shale gas exploration movement, shifted settler-colonial discourses to culturally-informed perspectives that reaffirmed Indigenous sovereignty and self-governance; these rejected the institutions that inflicted (and continue to inflict) violence against Mi'kmaq peoples. Within a settler-colonial structure, Mi'kmaq protectors appealed to their worldview to reject settler-colonial constructs and strengthen their connections to their lands, practice their governance, and reaffirm their traditional teachings through resurgence. However, what emerged in majority culture interpretations was a discourse of violence that misunderstood how Mi'kmaq actions in Elsipogtog were part of a longer historical trajectory asserting treaty rights and traditional teachings against corporate and governmental encroachment.

Through their actions, those in the movement used traditional knowledge and understanding of governance to oscillate between challenging and rejecting entirely settler-colonial discourses that justify violence on Mi'kmaq communities by constructing land protection actions as themselves violent. In challenging discourses of violence, Mi'kmaq land protectors embody some of what Dale Turner (2006) described as the role of Indigenous word warriors, explaining and educating non-Indigenous peoples about history and culture that define Mi'kmaq decision making and that reflect their lived experiences within a settler-colonial society. In the process, the community moved beyond seeking recognition, instead rejecting completely the discourses of settler-colonial society, operating uniquely on discursive terms that were their own. As discussed in the next chapters, Mi'kmaq discourses situated within their own cultures and world views were responses to ahistorical discourses justifying dispossession.

Competing settler-colonial discourses attempted to separate Mi'maq peoples from their culture and traditions, and continue a marginalization that leads to ongoing violence experienced by Mi'kmaq people.

Chapter 5: Examining Discourses of Violence Permeating Popular Press and State Actors

The kinds of stories I learned in Mi'gmagi will never make it into the mainstream media, and most Canadians will never hear them. Instead, Canadians will hear recycled propaganda as the mainstream media blindly goes about repeating the press releases sent to them by the RCMP designed to portray the Mi'kmaw protestors as violent and unruly, in order to justify their own colonial violence (Simpson, 2013: para. 5).

Coverage of opposition to shale gas exploration in New Brunswick continues daily. Some media have recently focused solely on the plight of the opponents, and the repeating of RCMP messaging seems to have dwindled somewhat (RCMP Messages 2013-11-05, ATIP: 56).

This research employs violence as an analytic because it is such a significant component of what happened at Rexton, N.B. both symbolically and physically, and it must be explicitly situated against the historical backdrop of settler-colonialism. The violence committed and experienced was an extension of previous and historical events, as well as a specific moment of confrontation when the RCMP raided the encampment on October 17th, 2013. It continues through its aftermath as community members struggle to heal. A discourse of violence constituted this movement in mainstream press coverage and is pervasive in documents produced by the state's security institutions, both following broader discourses constructing Indigenous activism and the "ignoble savage" (Berkhofer, 1978), as I discuss in preceding chapters.

Such discourses of violence, this chapter highlights, were used by the settler-colonial state to justify its violent raid on the land protectors; they undermine Indigenous claims to sovereignty and self-determination, and broadly delegitimize support for Indigenous activism. In addition, a varied discourse of violence that emerges from my interviews with participants drew parallels between the assault by police as systemic and consistent with the colonial powers that invited shale-gas exploration on Indigenous territories in very specific and identifiable ways. This discourse is reflected in the passage that opens this chapter from Leanne Betasamosake

Simpson, whose 2013 piece “Elsipogtog Everywhere” was published shortly after the 2013 events. Simpson’s description resonates with my analysis of government documents below retrieved through Access to Information and Privacy Act (ATIP) requests which paint an image conscious CSIS and RCMP who acknowledge their own flawed rhetoric of Indigenous protectors as “terrorists” since it is not an accurate term and recommend a change in terminology to “criminality” to achieve the same effect. Words like “militant” and “extremist” are similarly problematic as they are not defined in the Criminal Code of Canada the way that is “criminality” (RCMP: Project SITKA, 2015: 24).

Mainstream media coverage and editorials similarly adopt a discourse that describes Indigenous land and water protection and those who participate as protectors as a violent threat to the settler-colonial state. Protectors are also described as a threat to their own best interests, and to those of all Indigenous peoples. Mainstream discourse supplants Indigenous perspectives on extractivist activities with dominant ones that defend settler-society and appeal to Foucault’s universal subject, referring to the way the state speaks about itself with one voice and treats everyone’s experiences as the same (Foucault, 2003). The bulk of the news articles and editorials that I analyzed were published following the RCMP raid, prompted by the increased newsworthiness of conflict between land and water protectors and the police. My analysis included articles by Canada’s largest print outlets, including newspapers under the Sun Media chain, the Globe and Mail, and Postmedia, many of which subscribe to the Canadian Press news agency to inform their content. The few articles published before October 17th, 2013 are similarly committed to settler-colonial discursive frames but also include periodically quotes about the importance of land, water, and treaty rights to the Mi’kmaq people living in Rexton, N.B. and Elsipogtog First Nation. Nevertheless, these articles focus on the contention of the

activism and eventual blockade that will need to be resolved, frames that gain more prominence following the RCMP raid. Rather than deal with the ongoing colonial implications of land dispossession and extractivist activities, news articles focus on the violent clash and characterise dissent, itself, as violence. State violence is recounted as a response to Indigenous aggression and violence, without citing instances of the latter, but nevertheless describing a conflict of back and forth, reciprocal violence. As I note throughout the chapter, the state's policing and security agencies view the threat posed by Indigenous activism as a form of violence of similar magnitude of the physical violence at the state's disposal.

It is in the spirit of tracing out ongoing colonial violence and challenges to it that this chapter discusses the specific ways that varied elements of a discourse of Indigenous violence emerged and competed in different cultural sites. The discourse of Indigenous violence positions Mi'kmaq land protectors' concerns with extractivist activities on their traditional territories as forms of violence against the best interests of the Canadian state, Canadians at large, as well as Mi'kmaq peoples themselves, and does so in a variety of ways that this chapter will explore. In later chapters, I will trace out their significance to scholarship and ongoing implications in struggles for public opinion. I argue that while these accounts of violence are competing, the latter is not merely a subversion of dominant discourses of violence (for example, resistance against the police), but informed by different ontological and epistemological relationships with the land as exemplified by Simpson's (2014) essay, "Land as Pedagogy" and larger corpus of work. But while there might be broad implications to these competing discourses of violence at play, it is important to also focus on the specific context of violence in this research, the parameters set by those who participated and made evident through our conversations, and the framework established in previous chapters.

A discourse of violence that blames and divides Indigenous peoples

Earlier in Chapter 3: Methods, I noted the way Indigenous peoples are described collectively with one identity, lumping varying traditions and histories together in what Francis (2011) terms the imaginary Indian. Here, the presence of physical violence following the RCMP raid coupled with a settler-colonial understanding of violence in the form of actions against extractivist activities give rise to a discourse of violence that continues to mis-recognize Indigeneity in this manner, marginalizing Indigenous land and water protectors, reinforcing settler-colonial governance structures in Indigenous communities, and seeking to blame Indigenous peoples for any hardship that results from their opposition to shale-gas exploration. Stuart Hall's (1992) reflections on stereotyping dualism also become apparent even with so-called positive coverage as emerging discourses describe Indigenous peoples/land and water protectors through stereotypes which are split into mirror images that describe noble, yet misguided peoples.

News articles and editorials (especially from right-wing writers) often give deferential treatment to Indian Act leaders (eg. elected officials) to the detriment of land and water protectors; reporters gave voice to elected leaders for comment over those on the frontlines of the movement, reinforcing settler-colonial governance structures on Indigenous communities—structures that I have already noted are not original to the community. In the hours following the raid, Elsipogtog Chief Aaron Sock and other members of council attended the site of protest and were arrested by the RCMP, but as Howe (2017) suggests, council had likely agreed to shale-gas exploration privately with SWN Resources Ltd. prior the public actions from members of their community. Nevertheless, images of the Chief and Council in handcuffs circulated widely in the press, elevating the plight of officials legitimated by the Indian Act over the voices of those who

were on the frontline advocating against shale-gas exploration as well as those who were the most directly impacted by the RCMP raid on the encampment. These images worked to reinforce colonial governance structures imposed by the settler-colonial state by treating them as the only representatives of their community and the movement.

Other prominent Indigenous leaders were also given voice, such as Assembly of Manitoba Chiefs Grand Chief Derek Nepinak and former National Chief of the Assembly of First Nations Shawn Atleo (Bissett, 2013; “Grappling over fracking”, 2013; Patten, 2013). Their perspectives, however, were at times pitted against the deviance of the land and water protectors, echoing a mirror image of what is described as respectable Indigenous leadership who should know better versus their misguided peoples. An editorial in the characteristically conservative *Ottawa Sun* published in the days following the RCMP raid, expressed its disapproval of Atleo’s support for the movement, noting that he was an Indigenous figure who “used to be trusted” but now, in contrast, stands by the protesters “despite their transgressions” (“Atleo fails to show leadership,” 2013). Atleo’s support for the protectors, the editorial writes, is problematic for Indigenous advocacy, undermining their legitimacy and effectiveness in the settler-political arena and is “a major blow to national Aboriginal leadership” (ibid.) Some coverage, mostly in editorials and opinion articles, focus on the behaviour of land and water protectors which is defined as deviant, omitting any references to the issues and context that lead them to act. For instance, descriptive terms like “petulant protesters” draw on deviant and child-like characteristics (“Native protesters ought to apologize,” 2013), focusing on tired but salient characterizations of activists that discredit their motivations. The deviance of this characterization contributes to a discourse that minimizes the violence of land and water contamination by describing land and water protectors who are unable to understand the bigger

picture of apparent progress on Western terms. This theme continues as protectors are blamed for their own troubles, or rather, the micro violence that they experience in everyday life.

Coverage also adopts frames describing Indigenous land and water protectors as acting against their own best interests. This is noted in the above quote describing Shawn Atleo's support for the community as hindering their ability to successfully advocate change. In other places, editorials pit "honest brokers," that is, those who truly have the best interest of Indigenous communities at heart, against "violent petulant protesters" or "environmental radicals" ("Native protesters ought to apologize," 2013), shorthand for activists, who, instead, are undermining those interests. Ultra- conservative Postmedia columnist Christie Blatchford (2013) points to the higher than average social assistance rates received by Indigenous peoples in New Brunswick as the reason for the protests, saying that the "violent protesters" are simply "fighting to preserve the 85% welfare status quo" (Blatchford, 2013), misrecognizing Indigenous interests as wanting to be more integrated to the settler-colonial state's institutions rather than their own. *The Ottawa Sun* editorial rhetorically asks and answers the question, "you know what's not great for the environment? Burning cars" ("Atleo fails to show leadership," 2013) referring to the five police cars that were burned at the site of protest, actions for which no culprit was identified or charged. This blames protectors for the violent actions without evidence or articulated motivation. The editorial board's question serves to challenge the virtuousness of the argument that shale-gas extractivist activities endanger the land and water that sustains life on Mi'kma'ki. It implies that torched police vehicles similarly release dangerous toxins into the environment, while at the same time reducing their cause for concern to simple environmentalism instead of the wider colonial issues of violence that underpin their argument.

The Ottawa Sun editorial further mocks the Elsipogtog community because Chief and Council issued a public statement forgiving the RCMP for their violent actions in an effort to heal their community following the raid, notably marking differences between the elected representatives and land and water protectors. According to the newspaper, however, there is nothing for the community to forgive since the RCMP were justified in their actions as they were attempting to protect the community of Elsipogtog against its own volition. In other words, the RCMP raid was a necessary step to protect the community land and water protectors against themselves, whose actions are characterized as against their own best interests; this ahistorical infantilization, painting Indigenous peoples as incapable of governing themselves, has historically been used as a justification for interference in tribal self-governance.

Moreover, the discourse of violence that emerges is one that blames Indigenous peoples for their own problems, namely the violences that Indigenous peoples experience as a result of settler-colonialism. It is a discourse that imagines, or rather stereotypes, Indigenous communities as a monolith with the same interests and points of view, yet also pits what reporters characterize as good Indians versus bad Indians as some work to advance, while others hinder their monolithic interests. In other words, Indigenous communities claim to want progress, but consistently stand in their own way. However, this discourse imagines progress within the gaze of the colonizer, projecting their fantasies and desires of economic progress and modernity and failing to recognize and respect differences in worldviews that define Mi'kmaq decision making.

These discourses also speak to Foucault's universal subject, extending the view of a monolithic Indigenous community within the wider settler-colonial society in believing that extractivist activities and increased economic activity will benefit everyone while dissent and resistance will harm everyone. Sun Media columnist Lorne Gunter writes that Indigenous

peoples continue harming themselves by standing in their own way to progress. He says that the Mi'kmaq people of Elsipogtog First Nation are to blame for their own predicament, making demands while moving the goal-posts further each time preventing reconciliation on any issue while the state continues to fall for the myth of Indigenous knowledges, describing oral histories as the “myth that aboriginal treaty rights could mean whatever aboriginal leaders believe they mean,” further characterising oral histories as “out-of-thin-air” rights based on “whatever aboriginals say they are today” (Gunter, 2013).

As I note in more detail below, state produced documents continue to reflect a discourse of violence that blames and divides Indigenous peoples. Project SITKA creates a topology of protestors and “associates” aimed at elevating frames of criminality among those who participated or supported the actions and, in doing so, failing to understand the nuances of community dynamics. The settler colonial state’s documents, however, use violence to describe land and water protectors and separate them from the rest of their Indigenous communities, saying, for example, “in general, violent aboriginal extremists often do not have the support within their communities” (Project SITKA, 11). They further dichotomize communities between those who consider “environmental and land-use implications” and are concerned about “the development of Canada’s natural resources” versus those who align themselves with “violent aboriginal extremists” who form the “anti-petroleum movement.” (ibid.).

It is true that there was diversity in community perspectives related to the events. Like all others, Indigenous communities are similarly divided when it comes to most issues. As Levi-Peters (2017) notes, there were different groups in Elsipogtog who supported, opposed, or wanted more information about shale-gas exploration. But, the aforementioned designations fail to understand the ways in which Indigenous protection was not just about anti-gas sentiments

and environmentalism as such, but profound connections with the land and differing perspectives of what constitutes appropriate ways of living on it and protecting it for generations to come.

The sample of articles that inform this section comes mainly from editorials in predominantly conservative media, including the Sun Media chain. These editorials provide sharper expressions of discourses than in news reporting and are easily identifiable since they are written in the form of opinion and are meant to editorialize rather than report events in a journalistically neutral manner and illustrate widely circulating conservative media commentary and how it constructed anti-fracking actions as violent. In 2013, Quebecor, which controlled Sun Media and its QMI Agency newswire, accounted for 20% of the newspaper industry (Winseck, 2013). Analysis of other coverage will be discussed in further sections.

Conflating violence and criminality

The discourse of Indigenous violence conflates violence with criminality in ways that justify state violence and marginalize Indigenous grievances and calls to action. First, the movement itself and its actions are made illegal (criminalized) by the state's law and order institutions. As a result, the language that emerges from its criminality situates the movement outside the bounds of legitimate protest in a democratic society as the state continues to describe the existence and potential for increased volatility with a heightened propensity for violent actions, violent threats, and violent intentions. Second, minor criminal acts are equated to precursors to violent acts and are used to justify RCMP violence. Third, as I will elaborate in the next section, the state's public safety agencies profile and categorize individuals and organizations based on various levels of criminality which are then used to describe their levels of volatility and propensity for violence. There is a strategic truth, using Foucauldian terms, that emerges when violence and criminality

are conflated, as the state elevates a discourse that justifies itself as the arbiter of what constitutes legitimate dissent, who is allowed to participate, and what actions they are allowed to undertake to remedy their grievances. Focusing on criminality also speaks to the state's insecurity since they have delineated clear codes for what can be considered legal, and what actions challenge the state's monopoly over sovereignty.

On October 4th, 2013, SWN Resources Ltd, the company contracted to conduct shale gas seismic testing in the province, was granted its request for an injunction prohibiting land and water protectors from blocking the company's access to its equipment and worksite compound at the side of Highway 134. With the injunction granted by the New Brunswick Court of Queen's Bench, the actions of dissent became illegal, regardless of their peaceful nature. As the RCMP note in a communication backgrounder, "[t]he injunction includes a clause that any peace officer can arrest, remove, and remand any person deemed to be contravening the court order" (Shale Gas – RCMP Response, 2013). The injunction was directed at both named and un-named individuals, broadening the scope of application from specifically named individuals to also include any other person the police deemed to be engaged in activities prohibited by the court. This broadened the scope of who could be considered engaged in illegal activities, thus potentially making anyone participating in protest and protectors a criminal.

Land protectors were aware of the injunction but were promised that no enforcement would take place while negotiations continued (Augustine, 2017; Howe, 2014) As mentioned earlier, the RCMP offered tobacco ties the night before the raid with the promise of continued negotiation, even as they finalized preparations for what was to come the next day. An RCMP Commissioner's Briefing Note dated October 17th, 2013, the day of the raid, notes that:

[the] injunction order obtained by counsel for SWN Resources has not been served. Personal service to site protesters is planned for 2013-10-17. In lieu of

personal service, deemed served by newspaper will be effective 2013-10-18. [...] the order will have been deemed served to all parties via newspaper publication (Commissioner's Briefing Note, October 17, 2013: np).

This suggests that the RCMP planned and executed a raid on October 17 knowing that land and water protectors were never physically presented with the court injunction, and would deem it delivered once it was made public the day after enforcement. To note, the injunction was set to expire on October 18th, 2013, the day after the raid.

Once the injunction was granted on October 4th, the RCMP began preparations for the eventuality that force would be required, including an audit of available resources (officers, equipment, vehicles, etc.) and communication resources including suggested key messages, backgrounders, and Q&A media briefings for personnel. While the Commissioner's Briefing Notes and internal RCMP documents detail factually a peaceful demonstration, strategic communication resources and public rhetoric describe a violent protest and lay the groundwork for justifying police interference and police-initiated violence, again conflating illegality and criminality with violence. An October 4th RCMP communication backgrounder, written thirteen days prior to the RCMP raid of the land and water protectors' campsites, develops media lines suggesting that a failure to obey the court order is illegal and, as a result, stands in antithesis of a peaceful resolution. It states, notably in past tense, that "efforts to reach a peaceful resolution to this situation were unsuccessful. With some individuals continuing to ignore the court order, the RCMP arrested those who refused to leave" (Backgrounder, 1). Closer to the raid, an October 16th, 2013 Communications Strategy links both the illegality of the continued protest and the criminality of "some instances of theft-mischief" and the "tires and trees [that] are being burned" to the potential for violence. It adds that "tensions [are] currently escalating." While the document concedes that protests have "been peaceful for the most part," the qualifier *for the*

most part is not supported with an enumeration of instances where the protest was violent (RCMP Communications Strategy, 1).

On its own, the language only implies a connection between criminality, illegality, and violence. But these documents lay a foundation for what followed as the connections become more pronounced on October 17th and following the raid. It begins to crystalize a retroactive justification for the police violence as a response to criminality and illegality as violence. On October 17th, 2013, RCMP spokesperson Constable Jullie Rogers-Marsh is quoted in the media conflating violence with criminality, saying that “The RCMP has worked diligently with all parties involved in hopes for a peaceful resolution. Those efforts have not been successful. Tensions were rising, and serious criminal acts are being committed” (Galloway & Taber, 2013; Patten, 2013). Here, Rogers-Marsh uses the present tense to create a timeline that justifies the RCMP raid by suggesting that the *criminal acts* that occurred immediately after the RCMP raided the campground and in the days that followed prompted the raid rather than acknowledging that the raid exacerbated tensions. Virtually all mainstream media coverage similarly blurred the timeline, featuring criminality by referring to the number of individuals arrested (40) and the criminal violence committed against the police, as discussed further below.

In the days that followed the raid, RCMP Assistant Commissioner Brown spoke to journalists at a press conference, standing behind a table piled with the weapons he claims were confiscated by his officers (Brown, 2017). In his public remarks, Brown minimizes police violence, expressing a discourse of violence with narrow parameters around what can constitute legitimate violence, namely state-condoned. He supports his assertion by saying that “no weapons were discharged” by police, remarks that are given prominence in the news articles following the press conference (see Patten, 2013 as example). His statement omits the non-lethal

rounds fired by his officers, including rubber bullets, beanbags, and pepper spray, in addition to physical force by hand and baton documented through reports by journalists Miles Howe (2015) and Ossie Michelin (2007). As Wood (2015) suggests, we need to question the way we understand less-lethal weapons as their use continues to rise in Canada, are part of militarized responses to activism that appear to be threatening or uncooperative, and are used to both harm and incapacitate land and water protectors (25, 34). The use of these weapons is physical violence, whether lethal or not. On the scene reporting, Michelin (2017) describes the use of non-lethal weapons in Rexton in this way:

And all this time we kept hearing gunfire--rubber bullets thankfully--coming from the woods. They had people dressed up in cammo, police dressed up in cammo with sniper rifles, barking German shepherds, rows and rows and rows of people with cops with zip ties and tear gas and guns, and... Yeah. It's one of those weird things to say that like, I don't know how many guns I've had pointed at my head in my lifetime. I really have no idea. It's a bizarre thing to really kind of say. And then people started coming out of the woods with these big welts all over their arms, legs, backs and shoulders from being shot by rubber bullets. And I saw a couple bullets after and people let me take pictures of them (Michelin, 2017).

Assistant Commissioner Brown reflects on a state-centred discourse of violence that subjectively privileges the safety and security of RCMP officers over the course of the raid by focusing solely on the wellbeing of his officers. He is quoted as saying: "I will wear my heart on my sleeve for a second. I am so thankful that nothing happened yesterday because we could be having a totally different press conference today. We are so fortunate that this unfolded like it did" (Patten, 2013). Left out of his remarks are the injuries sustained by the land and water protectors on the receiving end of the raid through violent arrest, on the receiving end of rubber bullets, or by way of violent threats (Augustine, 2017; Michelin, 2017). Annie Clair, for example, reflects on the brute force used against her as well as the psychological impact of what it was like to be on the other side of the raid from the RCMP. She says:

I was the first one to be put in jail. They were marching down like friggin, oh my god, soldiers. And dogs. So, it was the three women, me and [two other people]. And there was no fear. There was no fear in my body whatsoever. Because the only thing I was worried about was the people that were there sleeping. So, I had to, like, make sure that they didn't come through this gate, this little tiny gate. So, me and the other girl grabbed each other's arms like this right hard. Didn't care how many soldiers were coming down. We were gonna stop them. Because we didn't want nobody to get hurt. You know, us women. It was crazy. And then more were arrested and... it was horrible. And then I was struggling on the ground. [The RCMP] got me up and they were holding me like this and they blocked me off. Nobody was allowed to come and help me. And then all of a sudden [claps], all of a sudden I hear like bang bang bang bang. Honest to god I thought our people were being shot and that's when I screamed real loud.

Clair describes the long-term impact of this moment and the post-traumatic stress disorder she developed as a result of this moment, something she has had to work through in the years afterwards.

The statements by Constable Rogers-Marsh and Assistant Commissioner Brown are also noteworthy because they construct a problematic discourse of violence in two additional ways. First, they highlight the fact that police presence is meant to resolve the protest. They are on site at Rexton to negotiate a peaceful end to the actions. They were not directly involved in negotiating the political questions, or what Miles Howe (2017) suggests is non-negotiable conflict⁸ of a settler-colonial society. Rather, they want to negotiate an end to the occupation. Second, their focus on criminality and illegality as violence as well as the violence committed against police skews the timeline that gets reported in the mainstream media, therefore creating uncertainty about who was responsible for instigating violence between the police and the

⁸ Howe (2017) suggests that the conflict is non-negotiable given history (settler-society's continued encroachment and exploitation of Indigenous lands) and politics (the flawed consultation policies of the Government of New Brunswick, the political support of all parties in the New Brunswick legislature, and the support of Indigenous organizations including the Elsipogtog First Nation band council and the Assembly of First Nations in New Brunswick).

protectors. Again, Rogers-Marsh describes criminality in the present, saying that “serious criminal acts are being committed” (Patten, 2013). News articles take their cue and focus on the ongoing criminality of the protests and therefore the reason police were forced to move in. As I will note further in the next section, the language most articles used to describe the RCMP raid and subsequent clash was *protest turns violent*, implying that dissent and the debate itself constitutes violence. These words are used in articles by every mainstream news outlet in the days that follow the raid, both domestically and internationally. But more than that, creating uncertainty about which party initiated acts of violence first speaks to Falola’s (2009) point that the colonizer is not only able to define what constitutes violence, but also to cast blame for violence on colonized people. The early morning raid against protectors who believed that negotiations with the RCMP would continue, provoked violent responses by those who were startled by the arrival of police in tactical gear and who were determined to stand their ground against what they perceived to be ongoing violence committed by the settler-colonial state.

The discourse of violence that emerges, then, emphasizes the reaction of land and water protectors to police violence as more significant than the initial violence committed by the state in the early morning raid. In doing so, it privileges the state’s violent enforcement as justified but understands any resistance, whether violent or not, as criminal. The RCMP’s 2014 Critical Infrastructure Intelligence Assessment titled *Criminal Threats to the Canadian Petroleum Industry* uses similar language, referring to land and water protectors’ reaction to the RCMP raid as a “violent criminal response to the [RCMP] enforcement actions” (RCMP Critical Infrastructure Assessment, 2014: 2).

Discourse of violence and illegitimacy

The discourse of violence animating police actions in this case viewed Indigenous reactions to colonial violence as one-dimensional and illegitimate. In addition, it is a discourse of subtle animosity ascribing a perceived illegitimacy to Indigenous actions to protect their lands, assert their sovereignty and self-determination, and protest shale gas exploration; it pervades and underpins documents obtained through ATIP requests from Canada's policing and security agencies dealing specifically with Indigenous activism and the events in New Brunswick in 2013. As the literature review chapter foreshadows, what constitutes legitimate acts of dissent from the point of view of the settler-colonial state is determined significantly on Western liberal notions of democracy. In the literature review outlined in Chapter 3, I note how dissent that challenges the security of colonial sovereignty and/or the tenets of Western liberal democratic ideas are discarded as illegitimate. This is especially true for cases of dissent that include traces of militancy that are subject to "rhetorical exclusion," like the American Indian Movement (Sanchez, Stuckey, & Morris, 1999, p. 27).

Similarly, the RCMP Critical Infrastructure Threat Assessment cites RAND Corporation's Brian Michael Jenkins' book on the radicalization and recruitment to jihadist terrorism since 9/11 to contextualize their approach, quoting:

...to hold radical views is not a crime. The Constitution provides strong protection of individual beliefs and free speech. Only when these turn to criminal incitement and violent action or manifest intent to engage in violence is there cause for legal intervention (Jenkins, 2011, quoted in RCMP Critical Infrastructure Threat Assessment, 2014: 10).

The citation refers to the American constitution and misapplies to the Canadian context since the Charter of Rights and Freedoms protects a more nuanced version of speech by way of freedom of expression. Nevertheless, its inclusion and prominence are used to link the Canadian state's

approach to dissent to other Western liberal democracies, of which the United States is held as an important standard. Dissent is allowed, tolerated, and even promoted so long as it conforms to decision making institutions and codes set out by the Canadian state—that is to (in theory) persuade rather than impose by force, and is inclusive of all intended parties in search for balance and consensus (D’Arcy, 2013). According to this discourse, these are the ideals that should unite us with a universal appeal to order, justice, and the rule of law with no consideration to the inequitable access to platforms of public discourse. Jennifer Adese (Métis) (2009) suggests that following the events of September 11th, 2001 in the United States and the subsequent passing of anti-terrorism laws, there is a renewed focus on frames that depict protesters as criminal, violent, and lawless has been renewed—frames that further deny Indigenous activists political standing. There is evidence of this in the way the state describes land and water protection.

Project SITKA defines “peaceful protest” opposite what it calls “unlawful tactics that threaten public safety” (Project SITKA, 2015: i). Peaceful protest is used to “gain media and public attention” and can include tactics such as “slowing down traffic, handing out pamphlets, [and] cultural ceremony” (ibid.). This language grants legitimacy to forms of protest only when their aims are to influence broader constituencies or audiences outside of their own. For instance, Indigenous protection is deemed legitimate only when it is trying to influence those who are non-Indigenous, leaving little room for forms of resistance that focus inwardly, looking to practices of resurgence or refusal. This also means that actions seeking to address Indigenous grievances come not from recognizing or reaffirming Indigenous sovereignty, but only when Indigenous land and water protectors accept and operate within a single sovereignty that is the settler-colonial Canadian state. Peaceful protest, in other words, is legitimate when it is focused on

convincing settlers and settler-colonial decision-making institutions, doing so in ways that reinforce the state's institutions of power and affirm its existence.

Project SITKA describes as the opposite of peaceful protest, “unlawful blockades, long-term occupations of restricted sites, threats made against individuals and general public safety” (ibid.). Project SITKA situates unlawful acts as not peaceful and threats to public safety. The actions at Rexton, accordingly, cannot be peaceful since they are unlawful and outside the parameters of acceptability set out by the police and therefore criminalized. This is circular reasoning, especially given the RCMP's intentional criminalization of peaceful acts without formally informing protestors of their criminality prior to raiding them. Criminality creates the conditions for violence, according to this logic, or to borrow the words used in the report, “non-peaceful” (ibid.). Such standards work to reinforce rather than challenge the administrative knowledges of state institutions used to justify their own existence. Abiding to these ideals is often out of reach for many Indigenous peoples who exercise their refusal to participate in these institutions and who exercise their distinct sovereignty, thereby challenging these settler-colonial institutions (Simpson, 2014). It also implicitly legitimizes legal apparatuses intentionally devised to undermine Indigenous sovereignty (Abele & Satsan, 2017).

Adese (2009) notes the reduced avenues available to Indigenous peoples to express legitimate dissent as they are over policed and as definitions of terrorism shifted to expansively include any action that causes harm, endangers life, or causes the disruption of essential services. Caught up in this category of illegitimate expression are actions that include erecting highway blockades since they prevent the flow of goods, services, and people, or actions that risk the health or safety of the public or cause damage to public or private property. These frames that grew out of the War on Terror era in the years after September 11th, 2001 contribute significantly

to the state's framing of anti-shale gas exploration actions in Rexton, criminalizing the actions of land and water protectors under the guise of protecting critical Canadian infrastructure and ensuring that the public at large was safe and secure.

This discourse of violence involves prioritizing Western liberal institutions, not only of governance, but also social, economic, and cultural while delegitimizing threats to its sovereignty. In doing so, it establishes dichotomies of legitimacy, from which actions of dissent and the grievances themselves are evaluated. Individuals and groups are similarly evaluated, deciding on who can participate in dissent based on their background, prior interactions with the law, or associations. The Project SITKA report categorizes individuals and groups as passive, disruptive, or volatile, determining who warrants surveillance, removal, and/or arrest. In addition, the discourse of violence that emerges from these categorizations separate the individuals and groups involved in performing resistance from the grievances and issues they advocate. This separation makes these individuals and groups easier to dismiss as their grievances are evaluated by who they are, who their acquaintances are, and what they may have done in the past.

The state's policing and intelligence services are aware of broader public opinion implications of discourses of violence, discourses that impact what the state imagines to be legitimate dissent. Project SITKA notes that public support for anti-pipeline activists decline when "violence is perceived to have occurred..." noting that this is especially true for "violence that may result in a high economic impact not only for the municipality, but for the province and at a national level – jobs, reputation, and productivity" (Project SITKA, 2015: vii). This citation indicates that the state is aware that the idea of violence, whether real or perceived, and especially the perception of violence threatening socio-economic institutions, can negatively

impact public support for a movement or energy project. This may be why the state's spokespeople, as reflected by the strategic communications material released by the RCMP through ATIP, proactively refer to violence, violent acts, or violent intentions in their communication to the press and the public when they are commenting on the land and water protectors, their actions, or the grievances of those involved at Rexton (refer to Commissioner's Briefing Notes and RCMP Messages documents obtained through Access to Information and Privacy Act request listed in the Bibliography).

State produced threat assessment and briefing notes obtained through ATIP largely describe a movement that intended to be, had the potential to become, and/or was violent. The threat assessment documents were more explicit, referring to the events as "the most violent of the national anti-petroleum protests to date," citing as an example the "violent criminal response to the RCMP enforcement actions" (RCMP Critical Infrastructure Intelligence Assessment, 2014: 2), in reference to the October 17th, 2013 RCMP raid. The reports continue to refer to the land and water protectors as "militants and violent extremists," "violent aboriginal extremists," and individuals who form a "growing pan-national fringe violent extremist faction" (XX). While detailing aggregate arrests made by the RCMP, the *Commissioner's Briefing Notes* make few specific references to acts of violence, instead citing minor instances where trees were cut or when they noted, for instance, that "a number of males were at the blockade, apparently looking for a confrontation" (Commissioner's Briefing Note, 2013: September 29).

Apart from explicitly referring to the land and water protectors and their movement as violent, the reports also note the dangers in using violent terms as a label. Project SITKA recommends that police and intelligence agencies shift away from publicly using inflammatory language, including the terminology "terrorism/extremism" and "militant and extremist" since

none of these, as they note, have any basis in law. Rather, they should adopt instead a terminology that categorizes acts of resistance and individuals “based upon levels of criminality (background, motivation and rhetoric)” in public communication (Project SITKA, 2015: 24). Doing this, the recommendation argues, will ensure that “peaceful and law-abiding individuals engaged in acts of legitimate dissent” will not be investigated in the future (ibid.). Nevertheless, the language used to describe the movement and its participants constructs levels of legitimacy granted to those by the state. The reports devote a significant amount of space to categorizing what activities, motivations, and behaviours constitute legitimate protest and which do not, some of which rely on criminal code offences and some of which do not. For instance, it categorizes individuals based on their background, history, and associations as well as criminal records to decide who are legitimate protesters and who are not.

The recommendation to focus on levels of criminality nevertheless appears misaligned with the language used by the RCMP to describe both the movement and its participants in that it conflates violence with criminality, making them, in many instances, inseparable. Indeed, this research highlights the way criminality is used to ascribe violence into a movement that was largely peaceful, and therefore ascribing characteristics of violence more broadly onto Indigenous dissent.

Dissent as violence

Both popular and conservative media reporting and editorials as well as state produced documents elevate a discourse of violence that understands dissent, itself, as a form of violence against the settler-colonial state, categorizing land and water protectors and those who engage in dissent as criminals committing violent acts, using war language, and excusing state sanctioned violence as a normal response to these attacks.

As I have noted elsewhere, the movement is narrowly described in news articles and state produced documents as the blockade itself, setting the confrontation at Rexton, N.B. as the content and context of the movement as well as the thing that needs resolving. The confrontation, rather than the legitimate grievances that were expressed by the land and water protectors, both Indigenous and non-Indigenous, became the central focus of the discourse—a confrontation where RCMP violence overshadowed all other forms of reconciliation between interested parties.

While I have noted conservative news outlets and pundits above, article headlines and lead paragraphs in more moderate outlets following the RCMP raid describe a debate that *turned violent*, neutrally ascribing violent acts to both the RCMP, but mainly to land and water protectors. Postmedia ran a headline on the day of the raid that said “Five police cruisers torched, 40 protesters arrested as native anti-fracking rally turns violent” (“Shale gas protest that turned violent” 2013; Patten, 2013b/2013c). Notably, the article concludes by reiterating RCMP comments that the court injunction⁹ remained in effect and that anyone who violated it could be arrested and face charges. It also notes, without quotation marks, that “The RCMP respects and protects the right to peaceful demonstration, however, it must be done in a safe, peaceful and lawful manner” (ibid.). Articles featured images of torched police cars that, accompanying the headlines described in the next paragraph, depict a violent protest and imply violence instigated by the land and water protectors (National Post). The images varied in their depiction of actively burning to torched vehicles reduced to their shells. Other images show Indigenous protectors taking photos of the torched vehicles with signage criticizing the RCMP who should “serve and

⁹ N.B.: The injunction was deemed served by the RCMP through a violent raid earlier that morning.

protect the people, not SWN” (ibid.).¹⁰ and stand in opposition to the depiction of Ossie Michelin’s photograph found in Figure 1.

On October 18th, 2013, a series of headlines continue with the theme of a debate turned violent. *The Barrie Examiner* published a headline that read “N.B. fracking protest turns violent.” *The London Free Press* writes that “Native blockade turns ugly.” Postmedia published a headline that read “Shale gas protest that turned violent in New Brunswick spurs sympathy protests across the country.” An article by the Canadian Press’ Melanie Patten leads with Indigenous criminality and violence, reading that “Native protesters were armed with bombs at anti-fracking rally, RCMP say.” The same day, one of the Canadian Press’ national readouts, regular updates to all of its publications, notes that “the RCMP is giving an explanation today for its actions during a violent protest yesterday...” The Canadian Press also lead with two headlines reading “Police break up armed protest,” referring only to the weapons found on site during the RCMP raid (Patten, 2013c) and “Shale-gas protest ignites in New Brunswick” (Patten, 2013b). On October 19th, the *National Post* notes that “The protest turned violent on Thursday, when six police vehicles including an unmarked van were burned and Molotov cocktails were tossed at police before they fired non-lethal beanbag type bullets and pepper spray to defuse the situation” while Postmedia described that “the scene turned violent” (“Protest slows down drivers, 2013). The notion that a form of violence could be used to defuse the conflict, though police refer to non-lethal methods as non-violent, seems to come directly from RCMP messaging, noting the Canadian Press’ reporting that “The Mounties said they fired non-lethal beanbag type bullets and used pepper spray to defuse the situation after they had Molotov cocktails tossed at them”

¹⁰ See National Post article that curates several images of burned police vehicles, including the ones described in this paragraph. <https://nationalpost.com/news/canada/new-brunswick-shale-gas-protesters-pepper-sprayed-police-cars-reportedly-set-on-fire>

(Bissett, 2013). This characterisation is striking not only because it continues to skew the timeline of events, but also because it characterises a violent movement where violence is the only tool available to the state to restore order. Canada's federal justice minister Peter Mackay continued with this framing, calling for "calm" after "violent shale gas protest" in which "Molotov cocktails, torched police cars" were found at the N.B. protest (Gagnon, 2013).

Throughout the reporting and as the blockade itself came to define the entirety of the movement in the eyes of the settler-colonial state, the discourse about the RCMP raid on the protesters elevates a discourse of violence that views dissent, in itself, as violent. Disagreement about what is in the best interest of Canada, its resources, and economic growth is violent, particularly as the language used in Critical Infrastructure Assessment documents describe their actions as anti-Canadian and harmful to the universal subject. Dissent challenges the overwhelming consensus of the Canadian state that capitalist, extractivist actions are beneficial to both Indigenous and non-Indigenous peoples alike and a violent threat to the Canadian way of life. The use of the words *turn violent* and the focus on the violent reactions from land and water protectors who were being raided in the early morning elevate the notion that dissent is a violent attack on the settler-colonial state, not to mention inaccurate reporting primarily from journalists who were not present that misinforms their audiences about what transpired at Rexton, N.B.

Jennifer Adese (2009) notes similar patterns emerging from discourses that link patriotism, terrorism, and Indigenous activism, asking us to consider the implications for Indigenous peoples. She says: "if resistance movements are classified by the state and depicted in the media as unpatriotic acts, and accordingly, as acts of terrorism, what does this say for the future of land claims protests? What does this say for the people engaged in decolonization

efforts?” answering that “The picture is bleak” (Adese, 2009: 283). Indeed, such characterization attempts to narrow the options available to Indigenous peoples to mediate their claims.

The focus on the weapons and burned cars also appears to be an attempt to describe the land and water protectors as criminals and violent. The discourse of violence that arises is one that views the people involved as violent and deserving of the RCMP raid. Project SITKA adopted an analytical baseline for categorizing activists involved in Indigenous protests in Canada, based on controversial research conducted by police consultant and researcher Eli Sopow in a presentation to the National Session Critical Infrastructure Program Royal Canadian Mounted Police in March, 2012 titled “Anticipating and managing civil disobedience through use of the Public Order profile scale.” According to the Project SITKA’s interpretation of Dr. Sopow’s work, he categorized and distinguished individuals as passive, disruptive, and volatile protesters. Passive protesters, he suggests, make up between 70-80% of protesters and are committed to peaceful protest. They use emotional language, seek media attention, are solutions oriented, and are consultative, among other tactics. There are more women than men in this category. They tend to be between 25-54 years of age, are middle income, and have above-average education. Generally, these are the kind deemed ‘good’ activists, who operate within accepted codes and norms of intervention according to this categorization.

According to the typology included in PROJECT SITKA, *disruptive protesters* are understood to make up between 10-15% and they are said to be generally law resisting. The report notes that their cause may have public sympathy and they engage in peaceful arrest, non-violent disruptions, use dramatic words and symbols, stage media stunts, and link common fears to gain attention. Disruptive protesters tend to be younger, between the ages of 18 and 24, or middle aged between 35 and 54, are equally men and women, have low to middle income, and

have mid to above average educations. Generally, these activists are worth watching as they may seek to break the law or disrupt order (ibid.). Volatile protesters, in this typology, are described as violence prone and are said to make up 3-5%. The report argues that they enjoy “small fringe support” and are anarchist oriented. Their actions are typically violent in ways that are planned rather than reactionary. They tend to use inflammatory language, attempt to provoke police reaction, are critical of peaceful protesters, and make outrageous demands and wild accusations (ibid.).

The RCMP, however, add a second layer of categorization to passive, disruptive, and volatile protesters that complicate categorization based on who is a suspect, a person of interest or an associate. Each of these are especially concerning for a population with a higher level of interactions with the police and the justice system than other groups in society (Razack, 1999). These additional categories work like a net to capture more individuals in a list for surveillance.

A suspect is a person “whom investigators believe to have culpability in the commission of an offence or a conspiracy to commit offence(s)” based on police intelligence (Project SITKA, 2015: ix). How do they determine who might fall within this category? Documents show that they base this on “criminal predicate, proven willingness, capacity, and intention to commit criminal acts, and/or to create situations that pose public safety concerns (ibid.).” This includes persons who have been arrested in the past, people who have been both arrested and charged, as well as those who have been arrested, charged, and convicted of serious offenses. In other words, an individual’s inclusion is predicated on past criminal behavior separate from the situation at hand, their actions in support of a movement, or their intention to commit a crime or engage in violence. The simple act of being arrested without charge or conviction is enough for inclusion. In addition, a suspect would be someone with the “precedence of multiple minor offenses,”

which is highly problematic as it casts a wide net on a population already overrepresented in the justice system. It argues that small offenses “may demonstrate their proven willingness, capacity, and intention to commit criminal acts and/or create situations that pose a public safety concern (ibid.).”

A person of interest is a person “whose background, motivation, relationship to the criminal act/suspect or the opportunity to commit the offense, or conspire to commit an offense and who warrants further investigation but no evidence currently exists to determine culpability in the commission of an offence, or the conspiracy to commit the offence” (ibid.). In other words, people who have not yet been caught. This definition is troubling because of the disproportionate criminalization of Indigenous peoples as previously discussed.

Finally, the category of associate includes “a person who has a relationship with the above categories” and “appears to be aligned with that individual in terms of motivation and/or organizational affiliation” (x). Project SITKA states that it monitors social media, and so a friendship with someone in the community with a criminal record or a series of minor offenses on their record could qualify an individual for surveillance. Notably, all these diagnostic categories justify police intervention or lack thereof.

As Wood (2015) suggests, most dissent is not all that radical, nor does it immediately nor dramatically result in significant change. Yet the state devotes significant amounts of energy diminishing Indigenous dissent and removing it from the settler-colonial decision-making process by categorizing Indigenous peoples in ways that highlight violent motives, actions, or associations, many of which can be traced back to the effects of settler-colonial power. Nevertheless, state institutions like the RCMP and CISIS, as highlighted in the report discussed above, focus on the violence committed against the state; in the case of Elsipogtog, PROJECT

SITKA highlighted the number of individuals who would not cooperate with police enforcement of the court injunction (40), the number of “crime occurrences” that took place as a result of the demonstrations in New Brunswick (183 by 182 individuals, 33% taking place on the day of the raid), the number of police cars burned (five), and the number of weapons found at the site of protest (a table full).

Project SITKA identified 313 individuals nationally who fit within the baseline for criminality. In New Brunswick, thirty-five individuals were identified as within the scope of criminality, twenty-three of whom were categorized as disruptive while another twelve were considered volatile. For a protest that ranged from twenty to fifty people on any given day (Clair, 2017; Augustine, 2017; Howe, 2017), this seems like a lot. The report also lists a number of organizations such as the Council of Canadians and media organizations such as the Halifax Media Coop as suspect, and therefore warranting monitoring (Project SITKA, 2014: 23).

If the act of dissent itself is a form of violence and those who are participating in the dissent are violent criminals, then the state’s violent actions can be justified. Here, we see a discourse of violence that justifies state brutality by drawing sympathy to the industry that is forced to contend with the actions of activists and the RCMP who put themselves in harm’s way to enforce law and order. Postmedia columnist Christie Blatchford draws similarities between the violence that the RCMP confronted on October 17th and the violence against the Canadian armed forces in Afghanistan. She also implies that the real victim is RWN Resources Canada and the energy industry as they were forced to pay for the added expenses related to the blockade as well as hire additional security to conduct their business. “Protest and vandalism,” she noted, made it too difficult for the corporation to continue its work while its equipment was “held hostage” (Blatchford, 2013). Naturally, Blatchford notes, that all of these grievances from the Indigenous

community stem from a failed welfare system that has kept them in poverty and financial mismanagement by the band council.

Throughout, the RCMP describe their raid as *injunction enforcement*, a term that minimizes the violence that was inflicted on the land and water protectors. Such language cast demonstrators as uncooperative and sets the groundwork to justify the violence that was inflicted upon them. On its surface, violence—that is the advocacy, threat, or committing of violent acts—appears to be the standard for which land and water protectors are held. As discussed in the previous section, Project SITKA notes that this is the standard that even Indigenous communities use as, “in general, violent aboriginal extremists often do not have the support within their communities...” (Project SITKA, 11). Further analysis indicates that this standard becomes problematic, has racial implications, and elevates a discourse that attempts to consolidate settler-colonial power in the face of extractivist activities.

Staging a violent scene

As I noted earlier, the state is aware of and preoccupied with the language it uses to describe the movement as well as the images that shape public perceptions concerning their enforcement activities. Throughout the lifetime of the movement, including the October 17th raid as well as the weeks afterwards, the RCMP were actively relying on discourses of violence that justified their use of force and elevated perceptions of violence from land and water protectors who could be perceived as deviant and whose values were outside of the mainstream of society.

Jason Augustine and Annie Clair note that they never intended to set up a blockade through Rexton. Rather, it was the RCMP who blocked the road, causing the land and water protectors to spill onto the highway. Augustine says: “It wasn’t really a blockade. [...] It was the

people standing on the side of the road with signs. That's when the RCMPs blocked off both sides," Augustine, 2017). Clair recalls that:

[The RCMP] were making it look like we were the ones that set up that blockade and it wasn't. It was them that blocked us in. And they turned it around and said that we were the ones that started that blockade, but we didn't. They blocked us in. We were just parked there sitting in chairs, lawn chairs[...]. And then that's when they started cutting the trees down around us and [we] said, 'okay, well if you wanna block us in then we'll block you guys out' (Clair, 2017).

RCMP Commissioner's Briefing Notes released through ATIP confirm this, noting on September 30th, 2013 that "RCMP closed Rte. 134 at 1534hrs" (Commissioner's Briefing Note, 2013-09-30) and on October 1st, 2013 that the demonstration occurred at the "side of the road" and that "by mid-afternoon, a portion of Route 134 near the protest site was closed by the RCMP to enhance public safety" (Commissioner's Briefing Note, 2013-10-01). These closures set the scene for what would appear to be a confrontational demonstration, a demonstration that was increasingly becoming volatile and that would need to be resolved by the police. They are also a reminder that blockades have long been tactics of colonization against Indigenous peoples (Borrows, 2013). In this case, it appears to be a tactic to frame the land and water protectors as the instigators of a blockade, disrupting the flow of goods and people on the highway, and causing disorder while simultaneously provoking a response from the protectors to reinforce their frame.

The day after the Oct. 17 raid, the RCMP held a press conference at its provincial headquarters in Fredericton, N.B. For visual effect, they set a table piled with weapons that they claim were seized on site. Journalist Participant A describes it as "basically like a table [...] with what appeared to be weapons on it. And they were, like, 'this is what we had to deal with, etcetera.' And I remember thinking it was a little odd for them to come out with them" (Journalist Participant A, 2017). The press conference may have felt odd to journalists who were

actually at the protests because there are no accounts of protesters either brandishing weapons or using weapons in retaliation to the police raid. The three journalists that I spoke with reported never seeing weapons at the site of protest and others I interviewed stated explicitly that they did not see the protestors carrying weapons. As journalists Ossie Michelin (2007) and Miles Howe (2007) told me, very few journalists were present during the confrontation.

A photograph of Mi'kmaq District War Chief Jason Augustine appeared on the Halifax Media Coop website and on Facebook, depicting Augustine facing a line of thirteen RCMP officers crouched in the bushes at the side of the road, pointing assault rifles at him while he stood with his arms extended to his sides [see Figure 2]. He recounts that he heard an RCMP officer tell him to “Drop your gun or I’ll shoot you.” He responded, “Drop my gun? It was a flashlight I had. I turn it on and [told] them, it’s only a flashlight.” In our conversation, he described a short standoff where the RCMP officers continued to point their rifles at him and where he defiantly refused to drop his flashlight, reflecting on what he perceived to be his right to stand in that place, the place of his ancestors, and on the volatile relationship between the settler-colonial state and his community. Recalling instances when he was subjected to RCMP violence he said, “I ain’t going to the ground when you guys [are going to] beat me.” The photograph is important, he says, but the image that sticks in his mind is of an elder from his community being pepper sprayed. He says: “You could tell right off the bat this elder [had] no weapons” (Augustine, 2017).

Figure 2: Mi'kmaq District Warrior Chief Jason Augustine faces members of the Royal Canadian Mounted Police the morning of October 17th, 2013. (Photo: Miles Howe)

In the aftermath of the raid, two young men from Elsipogtog were charged with possessing firearms, which Levi-Peters (2017) said was strange since the evidence that she saw presented in court described the guns as antiques and likely inoperable. Further, the ammunition confiscated did not correspond with the guns, meaning they could not be used together. Levi-Peters, a former band chief who lived down the street from the site and who attended the blockade regularly says of the day of the raid, “All morning everything’s [video taped]. Nobody sees the guns. All of a sudden, they’re in the van? It was really weird” (Levi-Peters, 2017).

As mentioned previously, police cars were lit on fire during the course of the confrontation. However, on the ground, it was unclear who was responsible. Michelin (2017) notes that, leading up to the October 17th raid, newer and more radical people arrived in

solidarity. He concludes that “the burning of the cars, yeah, that wasn’t any of the people, those peaceful people that were at the blockade. The people that were [there] the whole time, they weren’t setting fires to police cars” (Michelin, 2017). Land and water protectors were equally suspicious since the cars were burned while everyone was distracted by the RCMP arresting Elsipogtog Chief Aaron Sock, noting that the police cars had been stripped of all of their equipment prior to arriving on scene, and a police dog had been let out of the locked vehicles in the seconds before the cars were lit on fire. “Why were they left in that [...] place?” asked Augustine. “And why were four black clothed guys running away, but running in the direction where the RCMPs were stationed?” (Augustine, 2017). He notes that no one was charged for the burning. Levi-Peters adds, “I don’t even know how they could be burned. Each one would have to be... they were all burned all at the same time. Like, it was weird. Really really weird” (Levi-Peters, 2017). These statements imply that the police, themselves, were responsible for these events and/or that these actions were planned without the knowledge or consent of the original land protectors by parties unknown to them.

In my conversations with protectors, there is a real sense that the RCMP was actively undermining them by framing them as violent or by trying to provide violent responses. Augustine (2017) and Levi-Peters (2017) believed that the state could not prevail in this situation because the Mi’kmaq people had the treaties on their side as well as support from non-Indigenous peoples outside of theirs in New Brunswick. The only options available to the state were believed to be discrediting them as violent protestors, as the torched RCMP vehicles seem to exemplify, or by provoking violent responses by antagonizing them through confrontation (brute violence) or with violent words (symbolic violence), as the next few pages will describe.

The discourse of violence that arises from the state's communications preparations and (e.g. public statements) was used to justify and validate police violence by means of the raid that occurred on October 17th. Early in the blockade, land and water protectors, the Mi'kmaq Warrior Society, and the RCMP negotiated access to the SWN equipment compound at the side of Highway 134 with the company and J.D. Irving owned Industry Security, Limited (ISL). The agreement allowed direct access to the site with minimal contact between the workers, ISL personnel, and land and water protectors to avoid potential confrontations. According to Augustine, "we made them a road where [ISL workers] could go in and back out. And each time the shift change started, there were always two Warriors and four RCMPs [to escort the workers]" (as cited in Howe, 2015: 147). This changed on October 15th, 2013, Augustine says, when an ISL guard deviated from the negotiated path and wandered to the sacred fire that the protectors kept on their compound carrying a night stick, a baton like weapon often used by police. According to Augustine (2017), "we will ask [anyone] to step out of the sacred fire if [they] have weapons on them or if they're consuming alcohol and drugs." What followed, he said, was that the ISL guard "didn't want to [leave] and started getting aggressive" so one of the MWS members physically walked the security guard back to the compound. Remarkably, a second ISL guard recorded the incident on video, and the MWS member was charged with assault, threats, and unlawful confinement (Augustine, quoted in Howe, 2015). As Miles Howe describes it, this event is "how the RCMP began to weave their tale of violence into the otherwise peaceful blockade," painting a picture of "violent and villainous" activists (ibid, 146). The RCMP would use this incident to describe a violent protest in its communications and to justify its subsequent raid two days later.

Employing this event as fodder for aggressive intervention and generalizing it with others, the RCMP's Criminal Threat Assessment report broadens the list of victims of activist violence and argues that "given the severity of the protesters' criminal actions, the RCMP exercised its authority on October 17, 2013 to ensure the health and safety of the workers and the general public" (RCMP Critical Infrastructure Intelligence Assessment, 2014, p. 13). It goes on to state:

regardless of the source or nature, criminal actions targeting the Canadian petroleum industry, intended to cause harm or not, represent a credible threat to the health and safety of the workers, the general public, the activists, the natural environment and the facilities operations. If violent environmental extremists engage in unlawful activity, it jeopardizes the health and safety of its participants, the general public and the natural environment. (ibid, p. 15).

Related to the RCMP's reference to "natural environment," it is unclear since it is left unstated in the report how activist actions could have environmental impacts on the natural environment.

Earlier, I suggested that the state elevated the activities of the land and water protectors by characterizing them as violence committed against police which warranted serious consequences without accounting for provocation by the police themselves. The Criminal Threat Assessment report also states that "law enforcement and other first responders, face the challenge of additional burden on their resources, and ensuring the safety of their members, of company employees, of the general public, including those engaged in 'peaceful assembly'" (p. 15).

Placing "peaceful assembly" in quotation marks to describe land and water protectors casts some doubt in this description.

There are also incidents where RCMP officers on the scene attempted to provoke violent reactions from the land protectors through name calling and using inflammatory violence. Ossie Michelin recalls early in the morning on October 17th as RCMP officers emerged from the woods to advance on the encampment, he heard an officer yelling into the crowd, "Crown land belongs

to our government, not to fucking Natives” (Michelin, 2017). Augustine recalls several racist remarks that morning, saying that after he told an RCMP officer to “put your [police] dog away,” the officer replied “no, you dogs need to go back into your cage” referring to the nearby reserve land in Elsipogtog First Nation (Augustine, 2017). Falola (2009) would point to these acts by the police as a reminder of the way colonizers use violent words to provoke violent reactions from colonized peoples. These words are evocative, seeming to justify verbally and explicitly the violence of settler-colonialism on a people who feel the weight of it daily.

In the days that followed the raid, a handful of journalists were threatened by individuals who showed up after many of the land and water protectors were arrested. An October 19, 2013 Commissioner’s Briefing Note date describes an altercation with a Sun Media journalist, two CTV journalists, and Global News journalist Laura Brown stating, “protesters tried to drag people from the vehicles. The media personnel all left shaken but unharmed” (Commissioner’s Briefing Note, October 19 2013: np). Journalist Laura Brown describes a terrifying scene when she was approached by a group of individuals demanding she surrender Global News truck keys and equipment inside. She says,

And [...], there was one [person] that ran right in front of me and put his arms on the hood of the vehicle to stop me. And then the rest of [the group] were trying to open the doors and then yelling at me and asking me to open the doors and telling me that they were seizing everything and it was their property now. They were just very, very angry. And I remember looking at my steering wheel and looking at the little Ford logo on it because it was a Ford SUV and thinking ‘what am I supposed to do in this situation?’

But as she describes those who confronted her, she says they were “a couple of very angry people [...] that in the moment did something,” and who “shouldn’t blanket what the rest of them, mostly peaceful protesters, were trying to do” (Brown, 2017). Brown conveyed that she disassociates the first group of land protectors from this subsequent group who arrived after

October 17, 2013 and who were reacting to the police raid, being careful not to conflate the two groups as the same.

As Brown's comments indicate, there were multiple waves to the protest, first including local land protectors with others joining later. Miles Howe describes the raid as a means of removing the organizers from the site of protest by arresting them in the hopes that the movement could no longer sustain itself afterwards.

After October 17th, I thought it was smashed. I thought to myself, those are the guys that knew how to do something. And they're all in jail for who knows how long now. [But then] reinforcements arrived from across the country and just literally started destroying stuff.... It was not about treaty rights after that. It was not about, you know, [the] Indian Act. It was not about [the] Warrior Society. It was just about [using] any means possible to get this company out of here (Howe, 2017).

The discourse of violence that I reflect on in this section demonstrates the way that criminality is conflated with violence, disqualifying acts of dissent, resistance, and activism as well as those who commit them based on a loose definition of or association to criminality. Moreover, it looks at all the activities and players involved in the event as monolithic and removes all agency from police in provoking a response, whether violent or not. This sets up a kind of logical fallacy, a post hoc ergo propter hoc, attributing the outcome solely to the land protectors. Similarly, conflating those who participated in the anti-shale gas exploration movement in the year leading up to the raid with those who arrived afterwards in response to perceived excess of state brutality against Indigenous land and water protectors was an attempt to erase the legitimacy of those who were advocating for the protection of their traditional territories. This conflation contributed to a discourse of violence that justified police violence in the face of deviant dissenters challenging the nation state's activities and core. The next chapter explores this in more depth.

Chapter 6: Exploring the Violence of Administrative State Discourse

Justifying the administrative state

We condemn the shameful violence that occurred as part of the New Brunswick protest. Canadians expect that those involved will be held accountable to the full extent of the law. (Taber, 2013).

- Federal Public Safety Minister Steven Blaney

As the examples in the previous chapter illustrate, competing discourses of violence understand and constitute differently the 2013 actions taken near Elsipogtog First Nation. The discourse of violence employed by the RCMP and CSIS in reports embrace the state's administrative knowledges and dismisses dissent as attacks on the state itself. In particular, it is worth analyzing the language included in these reports to understand how it implicitly and explicitly connotes othering and violence of Indigenous land-protectors. Such discourses also find themselves in the news articles analyzed for this research, often describing settler-colonial state violence as the only means to end the perceived violent threat posed by dissent. In fact, the discourse that arises builds a case for the notion that there is an equivalence between the disruptive actions of those dissenting and the violence of the settler-colonial state, that the state should continue to enjoy a monopoly over violence (i.e. that violence is, in many ways, what the state is supposed to do in response to threats against itself), and that the land and water protectors deserved the violence that was committed against them. As the quote that begins this section from Canada's former public safety minister implies, the state adopts the position that the land and water protectors who perform dissent should be held accountable for any violence that occurred on and following the October 17th raid, whether initiated by themselves or the police. The RCMP are to be characterized as heroes of the state acting on behalf of the universal subject's best interest, that is, everyone's best interest, including Indigenous communities. In this chapter, I note the logics

of policing and the state, pointing to the way language is used to construct the identities of protestors as other or a threat to the state and justifying the state's administrative knowledges in the process.

The settler-colonial Canadian state's pursuit of neo-liberal economic policies places high importance on its economic stewardship and the private interests with which it shares economic imperatives. Canada stands apart from many other leading global economies in that the resource extraction sector features significantly in terms of employment levels and contributions to national gross domestic product (StatsCan, 2019). The discourse of violence defends the settler-colonial state's extractivist engagements, that is, the "mass-scale industrial extraction of non-renewable natural resources" supported by a series of "discourses and practices [that underpin] these industries' standing within society [and their] underlying logics of exploitation and subjectification..." (Junka-Aikio & Cortes-Severino, 2017: 175).

Extractivist engagements have historically and continue to depend on dispossession and managing anxieties that come from accessing contested lands. The state's administrative *raison d'être* is inextricably intertwined with the resource extraction industry in ways that situate them at the heart of the settler state's identity. The former government led by Prime Minister Stephen Harper decried what they termed eco-terrorists and gave police agencies sweeping powers via the Anti-terrorism Act, 2015 (also known as Bill C-51) to protect the country's critical energy infrastructure against "activity that undermines the security of Canada," including environmental activities (McCarthy, 2012). More recently, federal Liberal natural resources minister Jim Carr told the business community that the federal government would consider deploying its defense and police forces to protect pipelines and prevent non-peaceful activities (Tunney, 2016). Equating land and water protectors and those engaged in dissent as terrorists acting according to

individual imperatives demonstrate how their actions pose a threat to the administrative knowledges that define the Canadian state, and certainly contradict the recommendations of the RCMP and CSIS reports cited in this chapter. The language suggests that there is something intrinsic in such expressions or acts of dissent that is un-Canadian and threatening. *Terrorists* threaten the state in ways that other threats do not as they bypass or dispute the logics of state governance. War between nations reinforces the state's dominance and legitimacy. Yet, this is different as the threat seems to come from within the state, which in turns needs to be defended.

Whether peaceful or not, dissent is frequently seen as an attack not only on industry, but on Canada and Canadianness. As discussed previously, the purpose of the RCMP's Critical Infrastructure Intelligence Assessment is to plan against challenges to the industry, something it considers to be central to Canada's economy and consciousness. The Assessment refers to activists, especially Indigenous land and water protectors from New Brunswick as part of a "highly organized and well financed anti-Canadian petroleum movement," and "violent extremists" narrowing the scope of their grievances to Canada's industry alone. Further, the views of the land and water protectors reflect an "anti-petroleum ideology" designed to "[challenge] the energy and environmental policies that promote the development of Canada's vast petroleum resources" (RCMP Critical Infrastructure Intelligence Assessment, 2014: 1). The use of the word *ideology* is meant negatively, not academically, referring to doctrine from which activists refuse to deviate (and not acknowledging the state's own nation-building capitalist ideology). The discourse of violence employed by the state borrows similar themes as it not only links activists to forms of extremist violence emerging at the same time, ex: international terrorism, but the anti-modernity and anti-progress stereotypes of Indigenous peoples who are

stuck behind, unwilling or unable to embrace change, jobs, and economic development (Berkhofer, 1978).

The critical infrastructure assessment gives prominence to ideas and research published by associations and think tanks that favour extractivist activities such as the Canadian Association of Petroleum Producers and the Canada West Foundation, often citing their concerns about resistance to the industry and restating their positions as unquestionable fact. The research, statements, and prognostications that originate from these groups concerned with, among other things, threats to the industry are treated as valuable and true information from which the settler-colonial state should base its decision making. This portrayal stands in stark contrast with research, statements, or prognostication from Indigenous land and water protectors or any of the groups listed in the Project SITKA report, information that is given qualifiers such as “they believe,” “perceived [...] threat,” or “so called...” The Assessment states that “violent extremists [are acting] on what they believe...” are threats to their communities. These qualifiers undermine the validity of their views, reducing their grievances to matters of opinion that are both marginal and not widely shared outside of their communities.

The administrative knowledges that govern state policing are similarly defined by the ways it manages conflict and potentialities for violence. What emerges in state documents is the role state policing agencies set for themselves. They describe their role as “public order policing,” defined as “the use of police authority and capacity to establish a legitimate equilibrium between governmental and societal, collective and individual, rights and interests in a mass demonstration of grievances” (Project SITKA, 2014: iv). Such equilibrium often emerges with the RCMP’s appeals to negotiation and calling on all parties to engage in dialogue.

Public order policing also treats conflict as event to be managed. What I mean by this is that the RCMP views its role as managing the physical and spatial standoff at Rexton between Indigenous land and water protectors and SWN Resources Canada. Throughout their communiques to the public, briefing notes, and intelligence assessments, the RCMP described their core function as keepers of peace and order, and guarantors of safety and security. However, the RCMP was the only state representative on site, and their presence was not to negotiate an outcome or engage in processes of reconciliation between interested parties, even as they publicly called for negotiation. The problem that needed resolving, or rather the problem that required their active involvement, was the event: the conflict, the tension, and the potential for violence in physical space at the side of Highway 134 in New Brunswick. Their mandate is not to be concerned with the historical conflict, nation-to-nation tensions, and potential for violence inflicted by shale-gas exploration or extraction, the historical and ongoing violence of land dispossession, or any other forms of violence that inform the movement. These are political and social questions to be addressed in the political and social spheres, according to this logic. Rather, they were there to break up the event using the tools at their disposal, including force (in other terms violence) if necessary.

What this means is that the event itself, the conflict between Indigenous land and water protectors and SWN Resources Canada on the side of the road at Rexton, N.B. becomes the content and context of the confrontation. The protest becomes the issue that needs to be resolved. Focus shifts from the violence of broken treaty obligations, access to land and dispossession, and institutionalized and environmental racism to the violence of physical violent conflict at the site of protest. Protesters are described as perpetrators of a breach of peace and order rather than as victims who may no longer have access to life necessities, such as safe drinking water, due to

potential environmental contamination. The protest becomes the problem and the thing that needs to be resolved. Treating the conflict as event speaks to the administrative knowledges of policing institutions. Discourses of Indigenous violence help the state situate the conflict in ways that mobilizes its interests and marginalizes those of the protectors.

Threats of violence challenge the settler-colonial state in ways that require the state to defend itself, often through brute violence or by marginalizing challengers. The state's security apparatuses, including police forces and bureaucracies dedicated to public safety, exist to quash these threats. It is important to note that the RCMP was founded to 'tame' Indigenous threats to settler-colonialism spreading across Canada (Francis, 1997; Walden, 1982). The security apparatuses legitimate themselves and their actions while violence becomes the means through which the state delegitimizes dissenters. They refer to ongoing disorder, threats to public safety, and conditions that are "no longer safe" without qualifying these claims. What is threatened is the state, settler-colonial power dynamics and state knowledges around peace, order, and governance. We focus solely on those issues. Violence then becomes the means to end violence. The police need to intervene when violence is at stake. It becomes a law and order issue rather than a political issue, a nation-to-nation issue, etc. Throughout, the raid is described as something more innocuous as the RCMP attempted to enforce an injunction (Bissett, 2013; Canadian Press, 2013: National chief says resource development can't be at any cost, protection needed).

Centering settler-colonial power

What is striking about the material analyzed for this dissertation is the degree to which it is ahistorical. The history of the anti-shale gas movement is described in months, noting a confrontation that began with the Province of New Brunswick allowing shale-gas exploration in

the region and a group of people standing up to oppose it. The problem that needs resolving, then, is the issue immediately before them rather than the ongoing violence of colonialism and dispossession. It fails to see that Mi'kmaq people are, as Augustine (2017) notes, defending their treaties and resisting colonialism that has been ongoing for hundreds of years.

Settler-colonial power is committed to the logics of dispossession and access to contested lands. This has resulted in a security apparatus designed to protect the institutions (and industries) that emerge from dispossession through policing, corrections, and legal systems. Indigenous peoples have higher interactions and conflicts with the law than other groups in Canada which contributes to a variety of state sanctioned violence against them; this results in marginalization, poverty, and negative impacts on their other social determinants of health (Razack, 2015). Each of these violences impact Indigenous voice and standing in the settler-colonial state's decision-making institutions. The anxiety evoked over competing sovereignties and concealed contingencies of settler-colonial power makes challenging them troublesome for Indigenous land protectors. The discourse of violence therefore categorizes peoples in ways that make it easier to delegitimize their concerns and bar their access to the state's decision-making institutions, categorizing them as volatile and as criminals. Once categorized, this means complete removal from decision making institutions or inclusion in only tokenized ways void of meaningful voice or standing. As frustration mounts, activists engage in more and more extreme activities to gain attention, continuing a cycle that then provides the state with more criteria to further remove their voices from public discussion.

Space, Place, and Violence: Authoritative Discourse and Designation

As discussed in earlier chapters, space is a central concept when thinking about the violence faced by Indigenous peoples (Razack, 2002) as well as for social movement theorists as they provide important avenues to interrogate the complexity of activism, beginning with questions about movement initiation, symbolism, and mobilization (Arendt, 1958; Castells, 2012; Gerbaudo, 2012). In this case, space is given additional consideration as the Mi'kmaq people have unique historical, cultural, and identity connections to the places that they inhabit, draw knowledge from, and perform acts of resistance within (Augustine, 2016; Tuck, 2015).

It should be noted that the choice of space to perform these anti-shale gas protest actions was largely determined by industry and/or the state. For example, an early protest in 2011 took place at a meeting hosted by industry and the Province of New Brunswick at the Fredericton Inn hotel. Other notable events occurred in proximity to seismic testing equipment, including at Route 116 where a seismic testing truck was parked, and next to an equipment storage compound on the side of Route 134 at Rexton. In this way, land protection actions on these spaces served specific purposes in that blocking the single driveway leading to the equipment compound on Route 134 was a means to obstruct the equipment's mobility. These actions were successful and temporarily preventing SWN Resources Canada from conducting in their work. This point should not be forgotten as we delve into other considerations about the use of and performance on place/space (Gerbaudo, 2012; Elmer & Opel, 2008; Zick, 2005; Wood, 2014; Vitale, 2015). As Mitchell (2003) notes, both managing and controlling spaces of dissent become "[ways] of controlling the content of the debate without really acknowledging that is what is being done" (39).

Notable examples where police have become effective at managing assemblages of activists and demonstrators (i.e. controlling what spaces activists are able to occupy and how they occupy them) include creating free-speech zones that place activists away from decision-makers or actors with state-sanctioned legitimacy, installing fencing with barbed wire that creates distance and position activists as threats or dangers that “[assume] guilt until innocence is proven” (Mitchell, 2003: 39), or pre-emptively detaining or corralling activists in kettles as happened at the 2010 G-20 summit in Toronto, Canada (Wood, 2014; Vitale, 2015).

As a stage for dissent, space is not only infused with symbolism and meaning, it also becomes performative in the sense that, once mobilized, activists construct and re-construct the meaning of space in ways that further their cause (Arendt, 1958; Gerbaudo, 2012) and engage “processes of identity building and emotional motivation... [that give] coherence to the spontaneity of protest participation” (Gerbaudo, 2012: 38). Allison Hargreaves and David Jefferess (2015) challenge the notion that blockades, in particular, are inherently violent, suggesting instead that they can serve as opportunities for cultures to confront, acknowledge, and learn from one another in ways that produce radical transformations in perspective and social relations. They say:

At sites of seemingly irreconcilable conflict between Indigenous and non-Indigenous communities, the barricade is mistaken in the mainstream as the violent embodiment of this impasse rather than an opportunity for its transcendence... [T]he barricade could provide an opening onto a different relationship to land and to one another—one that both acknowledges the violence of settlement and resource extraction, and that affirms shared obligations to care-take of the land for the wellbeing of future generations (209-210).

Borrows (2013) further reminds us that Indigenous peoples rely on their diplomatic traditions to prevent direct confrontation. He says: “It is often easier to overcome disputes if each side’s

symbols and substantive concerns are acknowledged and reflected in diplomacy's process and product" (103).

This point is not lost on Mi'kmaq District Warrior Chief Jason Augustine, who emphasized the fact that the anti-shale gas movement was comprised of both Indigenous and non-Indigenous nations coming together. This is also a way to re-inscribe Indigenous place onto spaces transformed by industry and authorities (e.g. as with the 1969 film "You Are on Indian Land" on the International Bridge straddling Mohawk territory). Augustine described what happened in this way: "When you look at it," he says, "everybody gathers. You know, they bring their food and everybody brings food, drums. We bring our drums. We sing. Kids dance" (Augustine, 2017). He adds:

[...] everybody wants to know our culture. We want to know their culture. And what better way to do it when you're having a gathering than to bring out drums and guitar [...]. Everybody sings. Everybody dances, [...]. Everybody talks. And everybody does their [thing]. So, we all look at each other, [and say] what kind of culture [do] you [have]? What kind of culture [do] you [have]? [...] [A]nd we all put them together and have one big gathering, a unity gathering. And that's what it is (Augustine, 2017).

For him, this was an opportunity to both perform culture and share culture between nations as a means to demonstrate dissent, learning about others, and also educating others about Mi'kmaq culture. He, and others, stress the fact that the issues Elsipogtog First Nation face related to hydraulic fracking are issues that other communities also face (Augustine, 2017; Clair, 2017; Levi-Peters, 2017). This is not simply a Mi'kmaq issue. Neighbouring communities, Indigenous and non-Indigenous, drink the same water and are impacted by the extraction methods. This is also something that separates what happened at Rexton from other struggles over Indigenous lands and rights where neighbouring Indigenous and non-Indigenous communities are often pitted against one

another. Notable examples include the confrontation between neighbouring Kanehsatake and Oka, Quebec in 1990 as well as at Burnt Church where Indigenous and settler communities fought each other over fishing rights. Therefore, broader appeals by land protectors were central in this action, as discussed in the previous chapter.

Such appeals amount to what Faye Ginsberg (1997) refers to as cultural activism, using your culture, languages, and ways of knowing the world to strengthen your communities. This call to tradition is a reminder of a time when the practice of Indigenous traditions, cultures, and ceremonies were banned in Canada. Former Truth and Reconciliation Commissioner and current Canadian Senator Murray Sinclair suggests these practices and programs, designed to eradicate Indigenous knowledges and ways of life from Canada, amounted to cultural genocide (Truth and Reconciliation Commission, 2015). The impact of performing traditions on lands where they were once banned recall such a violence, both historic and ongoing, that continues to have violent impacts on Indigenous peoples, inter-generational trauma, marginalization, gendered violence, etc.

The performance of traditions in 2013 also recalls the settler-colonial violence in the form of land dispossession. Land and water protector Annie Clair, who was the first person to find the SWN Resources Canada equipment storage compound off of Route 134, makes the link as she describes why they stood on the land at Rexton. She says:

Like everywhere is home. Everything is part of us. Everything. The land, the air, the trees is our home. We lived off of the land. So, every land is important no matter where it is. And that is, we own a lot, not own, this is not ours. It's the creator gave us this to protect, to survive, to live. So, our community is a lot [...] bigger than what they're saying. Richibucto and Rexton, that is our home. But look at us now. This is our community. It's just only a little small [gestures]. And it used to be, like, huge. But they made it small. So, Rexton and Richibucto are really that. It's our home. That's part of us. We weren't just protecting it for us. We were protecting it for everybody because they live on that land. (Clair, 2017)

This recollection surfaced in some of the reporting by alternative media organizations like the Halifax Media Coop and the Aboriginal Peoples Television Network. Their coverage, notably from journalist Miles Howe at HMC and Ossie Michelin at APTN made concerted attempts to contextualize what was happening at Rexton historically and culturally. Michelin recalls making an early editorial decision to focus on the community's perspective. He says:

Covering all of this I kept thinking the entire time I know the non-Indigenous perspective will be covered. I am here to cover the Indigenous perspective, the perspective of the people who live here and people who've been doing this, because I know the other side, [...] I have no worries that the other side is getting their perspective covered (Michelin, 2017).

The politics of negotiation and eliminating the middle ground

Foucault notes that the body politic is divided when the state defends itself and adopts a strategic truth in discourse. This discourse analysis shows the way negotiation and the desire for a middle ground are viewed as ideal mechanisms to resolve this conflict between the community, the settler-colonial state, and industry. And yet, the discourse of violence that emerges eliminates any hope for constructive dialogue between parties, instead accentuating divisions and almost purposefully relegating factions back to their corners. I am not suggesting that the pursuit of compromise or the search for a middle ground is always desirable. It would be improper to reconcile a community's demands to continue having clean drinking water and respect for traditional territories with the logics that underpin ongoing push of settler-colonialism, for example. Rather, it is worth noting that the gap that exists between calls for negotiation or a middle ground approach to conflict resolution and the discourse of violence, including the brute acts of state violence, actively undermine these appeals.

Calls for negotiation came before and after the raid, as the RCMP and political leaders called for calm and for all parties to work together to find common ground (Ewart, 2013; Taber,

2013b). RCMP Acting Commissioner Brown commented that his police force respected any ongoing negotiations and efforts for a peaceful resolution, adding that this approach was ideal over “seeing anybody hurt [or seeing] any property damaged” (Bissett, 2013). As an example of how difficult it would be to achieve a negotiated settlement, New Brunswick Premier David Alward called on government officials to restart negotiations with those who opposed shale-gas exploration two days after the raid, determining that it was the most appropriate way forward, but noting however that a key concession to impose a moratorium on shale gas development was not on the table (Ewart, 2013; Taber, 2013b). The word *negotiation* appears 21 times throughout the news articles.

If, as I noted early, the discourse of violence elevates the notion that debate itself is violence, the middle ground easily disappears, framing those expressing their dissent as violent extremists who threaten the nation state. State produced documents, including Project SITKA, the Critical Threat Assessment Report, and the Commissioner’s Briefing Notes show that the RCMP—that is, the state’s armed division responsible for law enforcement and the only state representatives on site—describe a social movement that largely constitute a threat to the state’s economic interest. How are the state and industry expected to find a middle ground with those who they have labelled violent environmental extremists and a threat to the state itself? Or with those, many of whom are described as volatile and who do not represent the best interests of their own people?

The production of news in search of balanced reporting similarly contributes to elevating the virtues of a middle ground approach to resolution. The RCMP raid was a touchstone for many in the community of Elsipogtog because of the brute violence that descended on the land protectors on the morning of October 17th, 2013. Similarly, violence symbolizing the conflict

increased the newsworthiness of the event. For reporters covering the story, the journalistic principle of balance in reporting meant that they were required to obtain comments from several interested parties, including the RCMP, SWN Resources Ltd. and an Indigenous perspective. In conversation, Journalist Participant A commented that when they approached their reporting, they had a journalistic responsibility to find a balanced set of voices. They said:

somebody who was on the pro side was often times working in industry and manufacturing and they wanted to increase jobs in the province. And the con side, you had people who were very concerned about their health and their water and their environment. And both deserved equal treatment in stories (Journalist Participant A, 2017.)

The notion that all sides are deserving of equal treatment is problematic. News articles about the movement and the context surrounding it dichotomize two neat sides of a confrontation and explain each side centred on settler-colonial logic. The Canadian Press' standard summary of the movement, its boilerplate paragraph which was found in articles throughout the media ecosystem, described a conflict between the energy industry pursuing economic opportunities and growth against environmentalists who were concerned about pollution and health implications. This same dichotomization was found throughout articles, whether originating from the Canadian Press wire or not. Describing the land protectors singularly as environmentalists, however, misses many of the grievances of the movement and fail to convey the cultural depth and community resurgence that defined the movement. It also privileges the disagreement on terms that are settler-colonial, as tension between economic growth & prosperity and environmental preservation without acknowledging the history of colonialism, the violent dispossession of Indigenous peoples from unceded Mi'kmka'ki, and the subjective violence that continues through extractivist activities in Indigenous territories.

When it came to Indigenous voices, popular press articles reviewed for this research show that journalists defer to Elsipogtog First Nation Chief and Councillors for comment rather than seeking comment from the organizers or participants who mobilized the movement or who were at the site of the blockade (Hamilton Spectator, 2013; Times Colonist, 2013). As CBC Anishinaabe journalist Duncan McCue notes, most reporters do not understand the dynamics of the Indigenous communities that they are covering and often do not know who to approach (cited in Brady & Kelly, 2017). Journalist Participant A (2007) adds that television reports where the news outlet was unable to obtain a comment from one of the sides were not given the full treatment of a story. These were packaged as a VOSOT, or a video-clip-video, where the anchor reads some script over a short clip for visuals. This similarly skews television reporting of the movement as reporters are unable to recount one side, in depth, without contextualization from the other side. This is important because discourse rests on the subjective truth of the settler-colonial state, adopting its dominant frames to define what constitutes violence, progress, and the interests of the universal subject. A discourse of violence constructed on these terms becomes difficult to escape when news is produced in contrast to and contextualized on settler-colonial terms. Relying on a descriptive binary pits two sides against each other without contextualizing what is at stake for each side, namely the land and water protectors.

The previous section noted the value placed in tradition in negotiation, something that Chapter 4 identifies as stemming from Mi'kmaq creation stories. I have also noted how the RCMP offered tobacco ties to the protectors in peace and friendship the night before the raid—actions that, according to Mi'kmaq traditions, indicated that all sides would continue negotiations. The RCMP raid on October 17th, 2013, however, negated any opportunity for

negotiation, demonstrating through their offer of tobacco ties that they both understood Mi'kmaq traditions but also rejected the sacredness with which they are held by the protectors.

Discourses of violence as ontological difference

In the previous two chapters, I reviewed the competing discourses of violence emerging from state institutions and land protectors engaged in the 2013 actions near Elsipogtog, New Brunswick. While state discourses engaged in a long pattern of rhetorical exclusion relying on delegitimization of Indigenous perspectives initially as “terrorist” and eventually as “criminal,” they justified their own violent (forceful) actions on the land protectors; this followed the western ontological perspective which understands dissent as “an event” to be managed by the RCMP in the service of reproducing a neo-liberal/capitalistic nation-state dependent on the dispossession of Indigenous territories and resource extraction on those territories. While RCMP/CISIS documents obtained through access to information act requests attempted to change verbiage to help manage perceptions, their understanding of the police’s role in protecting the state-private interests and enforcing the court’s injunction criminalizing land protectors had the same effects, regardless of their change in terminology constituting land protectors as violent (from “terrorists” to “criminals”).

Conversely, the discourses of violence espoused by land protectors not only subverted notions of violence constructed by state institutions, but constituted the actions of extraction and extractivist state imperatives as part of a longer trajectory of settler-colonial violence. Conversations with Elsipogtog community members revealed that they experienced the violence of resource extraction on their territories as part of a longer

ongoing violence. Moreover, journalists who empathized with the land protectors and allies who participated noted the ways in which violent acts perpetrated by the RCMP were legitimized as necessary to maintain law and order while also noting efforts to delegitimize protectors by framing them as violent. Finally, land protectors note the importance of their performative actions in this particular place such as practicing cultural rituals during the conflict as part of a powerful symbolic assertion of their sovereignty, re-inscribing ancestral territories as Indigenous places. I conclude that both the RCMP and land protectors worked to choreograph space at Rexton and in the process demonstrated fundamentally different ontological relationships with it.

Conclusion

From the outset of this dissertation, I have noted the important work of Linda Tuhiwai Smith (1999) and Margaret Kovach (2009) who remind us that research with Indigenous peoples is neither apolitical nor a-cultural. They challenge the notion that academic research can be observationally neutral, nodding to the problematic results that have largely defined the academy's relationship with Indigenous peoples. Rather, they argue, this over-researched population is looking to not only build relationships, but to shape the way research is conducted in their communities and about their peoples. This sentiment was echoed in my conversations with the land and water protectors who agreed to have conversations with me, helping to push me to think about how this research could be useful to advancing their goals against settler-colonial expansion into their territories. Importantly, they expressed in non-academic terms interest in understanding the discourses of violence that circulated around shale-gas exploration activities in New Brunswick, and in Indigenous land and water protection more broadly.

Similarly, understanding research as neither apolitical nor acultural, Norman Fairclough's critical discourse analysis has proven to be a useful method of analysis, helping to consider the way language is used to marginalize and delegitimize Indigenous dissent in the form of land and water protection. Specifically, his methods ask us to do four things: focus on the social wrong in its semiotic aspects, identify obstacles to addressing the social wrong, consider whether the social order needs the social wrong, and identify possible ways past the obstacles. Throughout, this dissertation considers the struggle over extractivist activities in ancestral Mi'kmaq territories, namely the struggle over shale-gas exploration. As I have noted, this struggle is about more, encompassing a range of issues that fall within the categories of asserting Indigenous sovereignty, self-governance, and self-determination.

The first research question of this dissertations asks what discourses of violence emerge from the conflict at Rexton. Through discourse analysis, I am able to identify the prevalence of two discourses of violence that privilege different ways of understanding land and water protection. The most pervasive of the two is a discourse of Indigenous violence that privileges settler-colonial logics and institutions. In doing so, the discourse of Indigenous violence that emerged at Rexton positions Mi'kmaq concerns with extractivist activities on their traditional territories as forms of violence against the best interests of the Canadian state and what it imagines to be all Canadians, which would include Mi'kmaq peoples. It describes this dissent as a type of self-harm in the form of, among other things, economic hardship. Moreover, dissent itself is described as un-Canadian.

The discourse of Indigenous violence also describes land and water protectors as violent criminals. State produced documents from the RCMP and CSIS conflate criminality with violence as it links minor acts of vandalism, often committed in a person's past, to the potential of a violent movement. They further rely on terms such as violent anti-petroleum extremists, coupled with qualifiers that rank varying levels of volatility in their descriptions, to describe a movement that is violent or on the verge of violence. What is striking about these documents is the focus on Indigenous actors over other perceived threats to the state's sovereignty. The tensions that come from competing sovereignties rises to heightened levels as the state grapples with threats to its economic prosperity. These documents are important not only in the way they frame the public's understanding of the issues and people involved, but because they underline the way that the state responds to acts of dissent by criminalizing them. Policing authorities rely on these reports to conceptualize those involved in dissent and what level of force is necessary. Described as violent thugs, the state's response to these actors changes dramatically. To reiterate

Wood's (2009) assertion that dissent does not often result in dramatic change, the threat against energy infrastructure by Indigenous peoples across Canada is perceived to be significant enough to warrant such a heightened response.

Press articles further rely on a discourse of Indigenous violence, noting in many instances the quantity of weapons seized by police on October 17th, 2013 and focusing on the violence actioned against police equipment, including the police cars that were burned and the Molotov cocktails that were thrown towards the officers. There was no evidence that these actions originated from the original land and water protectors, but they were implicated nonetheless in descriptions of the events. In the process, dissenters, though temporally fluid and not strictly defined as a group, were treated as monolithic. Dissent itself was described as violent, with numerous references to a protest that *turned* violent, rather than reflecting on the peaceful nature of the land and water protector's actions. The press skewed the timeline to focus on the violence following the RCMP raid on the morning of October 17th, 2013 rather than describe the raid as the catalyst for violence.

The discourse of Indigenous violence that I describe is the semiotic manifestation of the social wrong, which is the ongoing existence and progression of settler-colonial power. It works to privilege settler-colonial knowledges in a number of ways, including turning Indigenous lands into what Moreton-Robinson (2015) refers to as white possessions by attempting to define ancestral Mi'kmaq territories as property to be owned—property abundant in resources that are to be exploited for wealth and prosperity. Such discourses do not view land as places that are filled with culture and history and that are integral to Indigenous survival and knowledge. Rather, they adopt Western discourses that privilege and facilitate the ongoing dispossession of Indigenous lands. They further privilege the notion of the universal subject, the idea that

everyone within a state experiences their lives universally, regardless of cultural considerations for place. This normalizes the idea that the interests and experiences of Indigenous and non-Indigenous peoples are the same.

Here, we see that the discursive event and the emergence of a discourse of Indigenous violence is, as Fairclough suggests, informing and informed by power structures, namely settler-colonial power. Similarly, the ways in which discourse is produced is important. I noted earlier that the press' commitment to balance in reporting coupled a need to privilege official sources from the state and industry, resulting in a discursive product that does not adequately represent Indigenous concerns on their terms of reference. Rather, their grievances are often reduced to forms of environmentalism, ignoring some of the traditions and tactics of refusal that have long informed Mi'kmaq survival. Their traditional governance structures and decision-making mechanisms are ignored in the press, deferring to state-recognized community leaders in the form of band council officials. And the elevation of conflict as newsworthy ignores the cultural teaching that underpinned this movement, learning and reaffirming language and ceremony while teaching others about what makes Mi'kmaq life what it is.

State officials declined to participate in this dissertation, making it difficult to identify the obstacles informing the development of threat assessment and other reports from including Indigenous voices. Nevertheless, there are structural obstacles that are apparent. For example, state policing authorities are the primary state actors tasked with negotiating a resolution with the land and water protectors in Rexton. It is the RCMP who convenes meetings with community members and industry and who also act as a liaison between the land and water protectors and the state. This poses significant challenges in a community like Elsipogtog First Nation where trust with the RCMP is broken as illustrated by their misuse of tobacco offerings (Clair, 2017;

Augustine, 2017). The RCMP have a mandate to maintain law and order in their jurisdictions as a primary function. While negotiation can be an important component of reaching that goal, they are neither policy makers, nor are they legislators. While they can incorporate practices into their policing methods that attempt to address their approach to settler-colonialism, such as listening to the community's concerns about corruption in their ranks or demonstrating a commitment to addressing crimes committed against Mi'kmaq peoples, as Levi-Peters (2017) suggests, they remain agents of the government, not Mi'kmaq peoples.

The RCMP's role as a negotiator is constrained in part by their mandate and by the (paramilitary) tools available to them to resolve conflict. In a Western liberal democracy, they are given exclusive privileges to use violence. They are allowed to openly carry weapons and can use brute force to enforce the legal and policy directions of the executive and judicial branches of government. In this instance, it was the policy direction of the Government of New Brunswick that allowed shale-gas exploration on ancestral Mi'kmaq territories and judicial direction of the Court of Queen's Bench to force the removal of land and water protectors from their site of protest. The RCMP are given little leeway to change government or legal directions on this matter. As a result, the negotiation becomes about managing an event, a blockade in their view, that threatens the state's *raison d'être*—its sole discretion to make public policy. The documents produced by the state's policing agencies reflect this, enumerating a list of threats to the state's interests and jurisdictions resulting from Indigenous dissent.

State produced documents also show that the state is acutely aware of popular discomfort with violence. As I noted earlier, the presence or the perceived presence of violence in activism or dissent can cause a decrease in public support. This is true even if the public continues to support the cause, people or grievances. The discourse of Indigenous violence suggests the

existence of violence from a social movement that largely considers itself to be non-violent. By linking criminality to violence and by categorizing land and water protectors based on unrelated criminal convictions from their past (as noted Indigenous peoples are already amongst the most scrutinized populations by police), we see how the land and water protectors are described as violent in order to discredit their actions. We also see how the concerns of colonial violence against Mi'kmaq peoples are supplanted discursively with the descriptions of a violent movement formed by violent peoples.

The discourse of Indigenous violence that is described here is a discursive representation of a social wrong and mobilizes colonial interests over Indigenous ones. In my conversations with Mi'kmaq land and water protectors, it is clear that reproducing this discursive construct is a social wrong that negatively impacts Indigenous lives and poses challenges to self-determination and self-governance (Anderson & Robertson, 2011). It justifies and normalizes the settler-colonial violence experienced by Indigenous peoples and blames them for causing it, while at the same time diminishing the violence caused by industry. What also emerges is a second discourse, a discourse of ongoing state-colonial violence that, in part, counters the discourse seen most in conservative news outlets. I add the qualifier to the notion that this is a counter-discourse because I do not believe it to be entirely a reactionary discourse. Rather, it is a discourse that, while standing in opposition to the discourse that circulates within settler-colonial society, it is also a discourse that is uncoupled by it, informed by Indigenous resurgence and a refusal to engage settler-colonial discourses.

The discourse of ongoing state-colonial violence re-centers settler-colonial violence, situating the conflict over shale-gas exploration on ancestral Mi'kmaq territories historically as yet another example of violent land dispossession and ongoing challenges to Mi'kmaq self-

governance and self-determination. It is a discourse that could be found on the frontlines as land and water protectors defended their rights enumerated in negotiated treaties as well as their Aboriginal territorial rights that predated contact. Land and water protectors used ceremony and traditions to challenge the notion of settler-colonial supremacy in Mi'kmaq territories and affairs, reminding others that any decisions to extract resources from their territories would need to be made by Mi'kmaq peoples and on their terms, informed by their way of knowing the world, their histories, and their traditions.

In doing so, the discourse of ongoing settler-colonial violence rejects the notion of the universal subject, reminding us that peoples experience extractivism differently. As Jason Augustine and Susan Levi-Peters reminded me, their people want many of the same things as others do, whether good paying jobs or safe homes to live in. However, the gains from shale-gas extraction in New Brunswick are more likely to be held by non-Indigenous peoples as profits leave the territories and Mi'kmaq people are left with polluted waters and further disconnection with their lands and within their communities. As Levi-Peters says, there is no mechanism to make decisions keeping seven generations in mind. This discourse also rejects the idea that elevates the settler-colonial state as the sole sovereign power in Canada, reminding us that Mi'kmaq peoples have their own governance models and decision-making mechanisms separate from the ones imposed by the settler-colonial state through the Indian Act.

Finally, the discourse of ongoing state-violence appropriately links the micro and macro violence experienced by Indigenous peoples. For the Mi'kmaq peoples living in Elsipogtog First Nation territories, there is a direct link between resisting the logics that underpin extractivism and settler-colonialism and the violence that they experience economically, physically, and mentally. Their opposition to shale-gas exploration and to the settler-colonial state's monopoly

over policy decision-making on Mi'kmaq territories for the economic benefit of all Canadians resulted in economic marginalization, against their expressed desire for good jobs and safe and stable housing. Failing to resist would result in a further violence of separating Mi'kmaq peoples from their communities, histories, lands, and traditions. This is not connected solely to the shale-gas exploration activities of 2013, but also the long-term colonization programs that were meant to Westernize Indigenous peoples, including traumas that remain from Indian Residential Schools.

The discourse of ongoing state-violence shines a brighter light on the offences to Indigenous peoples in response to their competing sovereignties. There is no need to provoke violence from land and water defenders by, for example, calling them dogs and ordering their return to their cages if the state did not feel that its interests were threatened by the interests of the Mi'kmaq peoples. Similarly, the ongoing surveillance of Indigenous peoples detailed in Project SITKA and from conversations I had with land and water protectors create an environment of distrust and fear of the settler-colonial state that permeates the Indigenous world. The conflict at Rexton and the discourses that emerge highlight the complicated nature of violence as many in the community continue to struggle with post-traumatic stress disorder that came from the violent raid of October 17th, 2013, the trauma and community mistrust from continuous surveillance. These violences have direct links to the confrontations with the settler-colonial state in Rexton and long before.

Since these events, we continue to see other instances of Indigenous peoples in Canada standing for their rights of self-determination and self-governance on their territories, particularly in the face of extractivist activities. Similar discourses emerge where Indigenous peoples across North America are described to be violent and standing in their way of their own interests.

Notably, the struggle over the Dakota Access Pipeline on Sioux territory and Wet'suwet'en peoples opposing LNG Canada's gas pipeline running through Gidumt'en territory have had similar violent police responses. By describing how they manifested in Rexton, I believe parallels can be drawn and help us identify when dominant discourses are being used to delegitimize and marginalize Indigenous dissent. This can help us critically examine the discourses, not only involving energy projects, but others that threaten Indigenous self-determination and self-governance through the violence of ongoing settler-colonialism.

What impact do these discourses have on our definitions of violence? In Chapter 1, I noted the interconnectedness of micro and macro violence, reflecting Hunt's (2015) argument that state violence at the macro level inflict violence within Indigenous communities and households. She says that understanding their connectedness offers rich opportunities to understand the violence experienced by colonized Indigenous peoples. Indeed, the discourses that I identify in this dissertation highlight how we struggle to understand violence at the micro and macro levels, while also contesting whether the two are connected.

The discourse of Indigenous violence ignores macro violence completely, never addressing or acknowledging that it exists. The violence of settler-colonialism is seen as something of the past that is no longer applicable to contemporary struggles over resource extraction. The discourse of Indigenous violence, therefore, is ahistorical, refusing to look back to understand the stakes of exploiting Indigenous territories that is connected to the long history of land dispossession and colonization. Instead, it situates their actions in the present and future, characterized as economic development that will benefit everyone universally.

In doing so, it is also a discourse that skips over the prevalence of brute violence in the form of a raid where protectors were arrested, physically assaulted and shot at with less-lethal

weapons and examples of symbolic violence meant to provoke them into aggression, being called dogs and told to get into their reservation cages. The discourse of Indigenous violence focuses like a laser beam on the deviance of those looking to disrupt prevailing notions of law and order and justifies any harm that comes their way. Accordingly, the police are solving a problem in trying to restore order rather than recognizing the violence as part of a long history of brute force that advances settler-colonial domination.

The discourse of Indigenous violence produces knowledge that both others, as Hall suggests, and blames Indigenous peoples for the micro violence that they experience, whether adverse health effects from water contamination, economic hardships caused by joblessness, or the poor living conditions that negatively affects mental and physical health in the community and simultaneously discredits the idea that macro struggles are implicated. It ignores the real impact of what happens to Mi'kmaq peoples who have to grapple with the unclean water and lands in the short and long term, while the profits go elsewhere.

Conversely, the discourse of ongoing state violence produces knowledge that actively links macro and micro violence together. It draws connections between settler-colonial violence and the breakdown of some of the community's traditions, as Clair (2017) shared with me about the circle and the influx of drugs and suicide in her community. Many of these problems were caused by violently dispossessing her people of their lands, not aligning economic development projects to Mi'kmaq traditions, and not honouring negotiated treaties (Augustine, 2017; Clair, 2017; Levi-Peters, 2017). This discourse is about relatedness as the protectors reasserted their relationships with everything, speaking directly to the impacts not only on human health, but on all Mi'kmaq relations, including wildlife, critters, and the environment. In this sense, the counter

discourses of land protectors were not strictly binary with settler versions, but animated by their own ontological and epistemological orientations.

The interconnectedness between micro and macro violence was made clear when Clair (2017) spoke about the long-term struggle that she experienced after the RCMP raid. She was the first protector to be arrested by the RCMP on October 17th. In one of our conversations, she told me:

[It] traumatized me. It was hard. I went through a lot of tough healing for that. I ended up having PTSD. Yeah. It's not fun. But it took me awhile to, like, overcome it. It took me awhile because I did, I went and travelled and I spoke to a lot of people [...] It was hard because I was still, I never dealt with it. I never got healing from it. And I was travelling and I was talking about it. Cry. Cry. Cry. Cry (Clair, 2017).

In the years that followed, Clair continued to find healing by producing and circulating counter discourses through a bilingual Mi'kmaq/English podcast called *pjilasimikmaki* (welcome to Mi'kma'ki) discussing difficult experiences facing her community while at the same time celebrating Mi'kmaq traditions. The attention received by Ossie Michelin's iconic photo (pictured in the opening of this dissertation), countering the widely spread image of the torched police cars used in news reporting, is another example of counter discourse that reframes Indigenous struggle on their terms and in ways that draw attention to the effects of settler-colonialism. What this shows is that while colonial discourses continue to circulate widely and underpin the brute force and discursive violence exhibited by state actors, we should all pay more attention to the vantage consciously assumed by Michelin, from the side of peaceful land and water protectors. His image, and the discourse of grace in the face of overwhelming dispossession, was one that circulated around the world acting as a call for similar actions to defend sacred Indigenous places. To return to

my original research question, which was framed *with* the participants in my study, this is the hope offered to ongoing projects of land and water protection.

Finally, I want to highlight the need to strengthen institutional research ethics approaches, particularly for graduate students working with Indigenous communities of interest. I noted in Chapter 3: Methods some of the challenges with the university's research ethics board in the following: conflating a territorial community with a community of interest, desire for the university to have a positive relationship with the territorial community's governing body, reluctance during the scoping phase to extend the protections that come with sanctioned ethics clearance, and excessive caution in telling potential participants that the researcher may be required to turn over information to the police. These challenges make it difficult to build relationships, unnecessarily stokes fear of the reach of authorities, and may limit research when communities of interest are at odds with their territorial leadership or other communities.

Universities along with institutional research ethics boards should take steps to better include Indigenous community members in decision-making and adopt strong policies to protect and support researchers, including graduate students, in the rare event that authorities try to acquire research data. Research ethics boards, therefore, will need to seek expertise in and formalize relationships with Indigenous communities, particularly those who are most directly affected by the research, to ensure that appropriate context and ethical considerations are taken into account. This means that research ethics boards may need to rely on the advice of individuals associated with a community of interest to provide guidance, when applicable, even though they may not hold any political or institutional authority outside of that community of interest. Doing so will help avoid mistakes that defer decision-making to band councils who, in

some communities, are considered to be colonial institutions by the communities of interest at odds with these bodies.

Universities will need to develop strong policies that explicitly declare their commitment to research, detailing how they will support their researchers in the event that authorities request access to data within its control or within the control of its affiliated researchers. Such a policy will be specific about the resources it will make available to the researcher including legal support and data protection protocols that prevent the university from unilaterally disclosing information hosted on its servers. It will also express a commitment to upholding the confidentiality or anonymity granted to potential participants, allowing researchers and universities to better build relationships. These reforms will be important as there is likely to be increased focus on Indigenous land and water protection in Canada and globally in the coming years.

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Appendix A: Certificate of Institutional Ethics Clearance (Scoping) #104116

Research Compliance Office
511 Tory | 1125 Colonel By Drive
| Ottawa, Ontario K1S 5B6
613-520-2600 Ext: 4085
ethics@carleton.ca

CERTIFICATION OF INSTITUTIONAL ETHICS CLEARANCE

Ethics approval for the following research has been **renewed** by the Carleton University Research Ethics Board-A (CUREB-A) at Carleton University. CUREB-A is constituted and operates in compliance with the *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans* (TCPS2).

Title: Decolonizing Violence-Project Phase 1: Scoping visit for further research [Derek Antoine]

Protocol #: 104116

Principal Investigator: Derek Antoine

Department and Institution: Faculty of Public Affairs\Journalism and Communications
(School of)\Communications, Carleton University

Project Team (and Roles): Dr. Miranda Brady (Primary Investigator)

Derek Antoine (Student Research: Ph.D. Student)

Effective: **July 20, 2016**

Expires: **August 31, 2017.**

Restrictions:

This certification is subject to the following conditions:

1. Clearance is granted only for the research and purposes described in the final application.
2. Any modification to the approved research must be submitted to CUREB-A. All changes must be approved prior to the continuance of the research.
3. An Annual Application for the renewal of ethics clearance must be submitted and cleared by the above date. Failure to submit the Annual Status Report will result in the closure of the file. If funding is associated, funds will be frozen.
4. A closure request must be sent to CUREB-A when the research is complete or terminated.

5. Should any participant suffer adversely from their participation in the project you are required to report the matter to CUREB-A.

6. It is the responsibility of the student to notify their supervisor of any adverse events, changes to their application, or requests to renew/close the protocol.

7. Failure to conduct the research in accordance with the principles of the *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans 2nd edition* and the *Carleton University Policies and Procedures for the Ethical Conduct of Research* may result in the suspension or termination of the research project.

Please email the Research Ethics and Compliance Office at ethics@carleton.ca if you have any questions.

CLEARED BY:

Date: July 20, 2016

Andy Adler, PhD, Chair, CUREB-A

Shelley Brown, PhD, Vice Chair, CUREB-A

Appendix B: Certification of Institutional Ethics Clearance #105444

Research Compliance Office
511 Tory | 1125 Colonel By Drive
| Ottawa, Ontario K1S 5B6
613-520-2600 Ext: 4085
ethics@carleton.ca

CERTIFICATION OF INSTITUTIONAL ETHICS CLEARANCE

Ethics clearance for the following research has been **cleared** by the Carleton University Research Ethics Board-A (CUREB-A) at Carleton University. CUREB-A is constituted and operates in compliance with the *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans* (TCPS2).

Ethics Protocol Clearance ID: Project # 105444

Faculty Supervisor: Dr. Miranda Brady, Carleton University

Research Team:

Derek Antoine (Student - Phd)

Study Title: Decolonizing violence [Derek Antoine]

Funding Source (If applicable):

Effective: **November 18, 2016**
2017.

Expires: **November 30,**

Restrictions:

This certification is subject to the following conditions:

1. Clearance is granted only for the research and purposes described in the application.
2. Any modification to the approved research must be submitted to CUREB-A. All changes must be approved prior to the continuance of the research.
3. An Annual Application for the renewal of ethics clearance must be submitted and cleared by the above date. Failure to submit the Annual Status Report will result in the closure of the file. If funding is associated, funds will be frozen.

4. A closure request must be sent to CUREB-A when the research is complete or terminated.
5. Should any participant suffer adversely from their participation in the project you are required to report the matter to CUREB-A.
6. It is the responsibility of the student to notify their supervisor of any adverse events, changes to their application, or requests to renew/close the protocol.
7. Failure to conduct the research in accordance with the principles of the *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans 2nd edition* and the *Carleton University Policies and Procedures for the Ethical Conduct of Research* may result in the suspension or termination of the research project.

Please email the Ethics Coordinators at ethics@carleton.ca if you have any questions. If a researcher requires a certificate with a signature, they may contact ethics@carleton.ca to have one generated.

CLEARED BY:

Date:

Andy Adler, PhD, Chair, CUREB-A

November 18, 2016

Shelley Brown, PhD, Vice-Chair, CUREB-A

Appendix C: Conversation Script (Scoping)

Preamble:

This research project looks at how discourses of violence in the media and other forms of communication helped shape public understandings of the 2013 blockade near Elsipogtog First Nation. In other words, how do we talk about protest when it relates to Indigenous peoples? Are Indigenous histories, knowledges, and treaty rights included in the discussion? Who gets to frame the way it is discussed? The research will also explore various ways of understanding the notion of “violence.” For example, how do we understand clashes between activists and police, between industry and the land, and between economic progress and health, etc.

At this time, I am seeking input that will allow me to frame the scope of the project, design appropriate research questions, identify potential interviewees, and ensure the appropriateness of my research methods. Discussions will also help situate the project within relevant cultural, historical, and ethical contexts.

Questions for participants, supporters, and allies of the blockade

- What documents or resources do you think might be useful in pursuing this project?
- Who should the researcher speak to?
- What cultural, historical, and ethical considerations should the researcher take into account?
- What questions do you think might be useful for this project?
- What feedback might you have about the direction and scope of the proposed project?

Questions for key administrators from relevant institutions

- What documents or resources do you think might be useful in pursuing this project?
- Who should the researcher speak to?
- What cultural, historical, and ethical considerations and approvals should the researcher take into account?

Questions for researchers and administrators from cultural centres and universities

- What documents or resources do you think might be useful in pursuing this project?
- Who should the researcher speak to?
- What cultural, historical, and ethical considerations and approvals should the researcher take into account?

Questions for journalists who covered the activities

- What documents or resources do you think might be useful in pursuing this project? (specifically as it relates to media coverage)
- Who should the researcher speak to?

Questions for state institutions including the RCMP

- What documents or resources do you think might be useful in pursuing this project?
- Who should the researcher speak to?
- What ethical considerations and approvals should the researcher consider?

Appendix D: Conversation Script

Questions for the community of interest: supporters and/or participants in the anti-shale gas exploration actions at Rexton, NB. (including Indigenous peoples from Elsipogotg First Nation and surrounding areas and non-Indigenous allies).

Thank you for agreeing to participate in this research project. As you know, I'm interested in learning about the language used in and around the anti-shale gas protest. My questions will be more general at first to help contextualize everything and then I'll get into more specific questions.

1. Tell me about why and how you got involved in the anti-shale gas movement?

Prompt: [prompt a timeline or series of events.]

Prompt: How did you end up at that specific event? (if they don't see themselves as part of a movement)

2. From your perspective, what was the movement about?
3. At this point in time, the Idle No More movement was roughly a year old. Did their actions have any impact on your involvement in the events? Was there a connection between your actions and Idle No More?

4. How would you characterize the tone of the movement/protest?

Prompt: Was it violent?

5. [read some quotes from media/ATIP documents.] What is your reaction to this statement?
6. What should people know about the protests? What do you think is missing from the conversation?
7. Do you think the police, the media, and the government respected your traditions? For example, were they reported accurately/reflected in media coverage? Did the police respect ceremony?
8. What's the aftermath of the movement? Does it continue? How?
9. Tell me about the history of protest in the region. The Burnt Church Crisis in 1990 is an example that comes to mind. What is relevant for me to know? How have these affected the way protest actions are taken?
10. What was it like at the blockade?
11. Some have used terms like "protesters," "activists," "warriors," and "protectors" to describe those who participated. What words would you use?

12. Is there anything else you would like to add?
13. We've discussed the nature of this research and you've been able to glean from the questions where this is going. Are there any questions that you would want answered? How could the findings be made useful to you?
14. Is there anyone else I should talk to?

Questions for representatives of state institutions

[many of the questions to representatives of state institutions will relate to data/information gathered in a critical discourse analysis of documents. Below is an example through the lens of the RCMP]

[specific to RCMP]

1. When it comes to blockades, what kind of training and/or resources are available to you? Are there established models that you follow? (Ex: Miami model of protests).
Prompt: What about training with Indigenous people and relationship building with them?
2. One of the strategies used by the RCMP was to establish roadblocks on either side of the Rexton blockade. What's the purpose of this?
Prompt: Is there such a thing as a "textbook way" of dealing with a blockade? Is this one?
Prompt: what's the advantage or goal of blocking the blockade, so to speak?
3. For the most part, you're dealing with Indigenous peoples who may approach the issue of shale gas exploration differently than non-Indigenous Canadians. They understand the land differently, for example. How do you balance enforcing the parameters of your job (a Canadian police force following one set of values) with those of the Indigenous community you're working with?
Prompt: What kind of training do officers and sergeants in the Richibucto and Elsipogtog detachments have to learn about these cultural differences? Histories? Treaties, etc.?
4. Some of your threat assessment documentation labelled the protesters as "extremists" and the protests as "violent." Others have argued the actions were non-violent. What's the RCMP's position on this? Were the protests violent?
Prompt: How would you define violent? Violent threats? Actions? Intent?
Prompt: Is there a difference in approach if the protests are deemed violent? How does that change things?
Prompt: What kind of considerations go into writing a document like that? Like a threat assessment memo? In labelling/describing people?

5. Are there internal guidelines with respect to handling protest in general? What are the guiding principles of those guidelines?
 Prompt: what kind of training? Budgets? Consultations?
6. On October 17th, 2013 there was a violent clash following the RCMP raid. What goes into preparing for that?
 Prompt: What do you think is the impact of that clash? Is there less trust with the community? More tension? Is it harder for you to do your job?
7. What is your relationship with Indigenous communities like Elsipogtog? Has it changed since the confrontation?
8. It was argued by members of the protest that the RCMP has a responsibility to protect Indigenous peoples from encroachment on their lands—that there is a responsibility outlined in the treaties? What is the RCMP’s position on this?
9. Is there anything else I should know about the police response that would help me understand what happened?
10. We’ve discussed the nature of this research and you’ve been able to glean from the questions where this is going. Are there any questions you might have that you want answered? How could the findings be made useful to you?

Questions for journalists and/or media organization representatives.

1. Tell me about your experience reporting on the anti-shale gas actions at Rexton, NB in 2013? What’s was the news gathering process like? How did you wind up covering this?
2. I realize you have journalism training (or not). My question relates specifically to your training about reporting on protests? What kind of training did you have before that? What kind of experience did you have reporting these sorts of things?
 Prompt: What kind of training did you have reporting Indigenous issues? Protest?
3. What knowledge of Indigenous cultures, histories etc. did you have prior? What kind of training do you wish you’d had?
 Prompt: go from broad “Indigenous” to specific “Mi’kmaq”
4. What do you wish you had known before covering the events?
5. Can you describe how you came to cover the events in Elsipogtog in 2013?
 Do you usually cover related or Indigenous issues? Do you have any special training on covering Indigenous issues, ie. through your education?

6. How did the event unfold? Who was involved? What were the challenges of reporting it? Were you afraid of violence breaking out?
7. This question isn't asking you to reveal your source names. Instead I'm looking to map categories of your sources. Who would you say informed your reporting more, the RCMP? Protesters? Observers? Others? Etc. Why were they your primary source? How did that affect your reporting?
8. We've discussed the nature of this research and you've been able to glean from the questions where this is going. Are there any questions you might have that you want answered? How could the findings be made useful to you?

Appendix E: Key Protection Events Leading to the October 17, 2013 RCMP Raid

The following timeline comes from conversations with the protectors and journalists, as well as from Miles Howe's book *Debriefing Elsipogtog* (Howe, 2015).

May 29,	SWN Resources Ltd. thumper truck seized at Wilson's Gas on Route 116.
June 4	Protectors are at the side of the road, Route 126
June 20	Protectors meet with New Brunswick Minister of Transportation Claude Williams and Minister of Natural Resources Craig Leonard at the New Brunswick Legislature
	Warriors arrive to support (stay for 3 days)
June 25	Protectors on Route 116 and an SWN Resources Ltd. truck is burned
July 9	Meeting with SWN Resources Ltd. in Moncton.
	Protectors are being arrested
	Women call back the Warriors
	Shale-gas exploration continues for 8 weeks
July 29	RCMP attempt to initiate talks between protectors and SWN Resources Ltd.
July 30	Meeting at the RCMP station in Elsipogtog First Nation (morning) and in the Fisheries Building (evening).
September 29	Protectors move to Route 134 after finding SWN Resources Ltd. equipment Nearby
September 30	Elsipogtog First Nation Chief and Council hold council meeting
October 6	Meeting held, but Warriors were excluded
October 7	Premier of New Brunswick and Chief Aaron Sock meet in Fredericton
October 15	ISL Security employee approaches sacred fire near Route 134 carrying a night stick and is physically escorted back to the SWN Resources Ltd. compound
October 16	RCMP officers offer tobacco to protectors in peace and friendship
October 17	RCMP raid

October 18 Court ordered injunction obtained by SWN Resources Ltd. against the protectors expired

Appendix F: List of Access to Information and Privacy Act Requests

Originating Department or Agency	Documents Received
Public Safety Canada	<p>Request Number: A-2015-00270</p> <p>Request Summary: Records regarding the Elsipogtog First Nation (Big Cove) and the Mi'kmaq Warriors Society (from May 1 to December 31, 2013)</p> <p>49 pages of partially redacted documents, including tripartite agreements between Public Safety Canada, email correspondence, and RCMP budget allocations for its detachment in Elsipogtog First Nation.</p>
Department of National Defense	<p>Request Number: A-2013-01238</p> <p>Request Summary: Records including security bulletins/intelligence briefings/bulletins generated by DND from 15-Oct-13 to 18-Oct-13, mentioning Elsipogtog First Nation, Rexton NB, Hwy 134, Mi'kmaq Warrior Society, SW Energy Resources CAN, SWN and Big Cove.</p> <p>Released: Partially redacted documents, bulletins, and briefing notes.</p>
Royal Canadian Mounted Police	<p>Request Number: A-2013-06342</p> <p>Request Summary: Briefing materials for the Commissioner of the RCMP and the head of New Brunswick's J Division on the protest over fracking near the Elsipogtog Reserve; along with any after-action reports on police actions pertaining to the protests; and communications between SWN Resources and the RCMP for the period from September 2013 to present</p> <p>Released: 154 pages of partially redacted Commissioner's Briefing Notes. In addition, 44 pages of a partially redacted report</p>

	<p><i>Critical Infrastructure Intelligence Assessment: Criminal Threats to the Canadian Petroleum Industry.</i></p> <p>Request Number: A-2016-7460</p> <p>Request Summary: All RCMP Communications Plans and Communication Strategies related to the Shale Gas Exploration activities in New Brunswick between May 1, 2013 and December 31, 2013.</p> <p>Released: 303 pages of partially redacted material. Release included key messages, questions & answers, speeches, communication strategy/plans, media releases and statements, Commissioner's Briefing Notes, email correspondence, and inventory list of supplies before the raid.</p>
Canada Security Intelligence Service	<p>Request Summary: Report titled "PROJECT SITKA" provided by Professor Jeffrey Monaghan.</p> <p>Released: The 56-page report titled <i>PROJECT SITKA</i>, including appendices, partially redacted.</p>