Foreword: Remembering the Algonquian Family Hunting Territory Debate

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Abstract: Thirty-two years ago *Anthropologica* dedicated a double issue to the controversies and arguments swirling around northern Algonquian land tenure, specifically the nature of the family hunting territories first identified and named in 1915 by Frank Speck, whose framework followed the lines of Western ideas about property. By 1970, the dominant voices on this issue were those of Eleanor Leacock and Julian Steward, both of whom refuted Speck's claim that this land tenure system was Aboriginal. They maintained that it emerged from the European fur trade. So vigorous was this opposition that it came to be seen as a debate. Anthropology students in the 1970s discovered that the family hunting territories, specifically among the east Cree of James Bay, the Eeyou Istchee, did not mirror the writings in the literature. Looking back at the 1986 publication, this foreword reviews the history of the debate and draws from the articles the major claims of each writer on Cree practices and other subarctic peoples. Some of the topics reviewed are the nature of territoriality, the flexibility of the Cree system, the expectations of the hunting bosses, the overlap of the more traditional and government systems, and resource management and historical documentation of the early existence of the family hunting territories. As a result of Leacock having framed her denial of an early development of family hunting territories within the context of primitive communism, this theme, too, is reviewed.

Keywords: Cree, Eeyou Istchee, family hunting territories, family hunting territory debate, registered traplines, leadership, conservation, resource management, primitive communism

Résumé : Il y a trente-deux ans, *Anthropologica* consacrait un double numéro aux controverses et polémiques ayant fait rage autour du régime foncier des Algonquiens du nord, notamment autour de la nature des territoires de chasse familiaux, identifiés et désignés pour la première fois par Frank Speck en 1915, conformément aux conceptions occidentales de la propriété. En 1970, les voix dominantes étaient celles d'Eleanor Leacock et de Julian Steward qui réfutaient tous deux l'affirmation de Speck selon laquelle ce régime foncier était autochtone. Ceux-ci soutenaient, au contraire, qu'il était issu du commerce européen de la fourrure. L'opposition était si forte qu'on en est venu à la qualifier de débat. Par la suite, dans les années 1970, des étudiants en anthropologie ont découvert que les territoires de chasse familiaux, notamment ceux des Cris de l'est de la baie James, les Eeyou Istchee, ne correspondaient pas à ce qu'en disait la littérature. Revenant sur la publication de 1986, cette communication retrace l'histoire de ce débat et extrait des articles des différents auteurs les principaux arguments relatifs aux pratiques des Cris et des autres peuples subarctiques. Parmi les sujets abordés figurent la nature de la territorialité, la flexibilité du système cri, les attentes des maitres de chasse, le chevauchement entre systèmes traditionnels et gouvernementaux, la gestion des ressources et la documentation historique de l'existence précoce de territoires de chasse familiaux. Leacock ayant formulé son rejet de l'idée d'un développement précoce des territoires de chasse familiaux à la lumière du communisme primitif, ce thème est lui aussi réexaminé.

Mots-clés : Cris, Eeyou Istchee, territoires de chasse familiaux, débat sur les territoires de chasse familiaux, terrains de piégeage enregistrés, autorité, conservation, gestion des ressources, communisme primitif

In May 1985, a symposium on the Algonquian family hunting territory system was held during the joint meeting of the Canadian and American Ethnological Societies in Toronto. Most of the presentations were published in 1986 in "Who Owns the Beaver? Northern Algonquian Land Tenure Reconsidered," volume 28 of *Anthropologica* (Bishop and Morantz 1986), supplemented with several new papers.[1] In May 2016, 30 years later, this issue was revisited at the Canadian Anthropology Association meetings in Halifax. Participants included a few of the original contributors along with younger, more recent researchers.

As in politics, the social sciences are marked by ideological debates in which the battle lines drawn become hardened. This debate follows from the half century of writing about northern Algonquians, though it has usually focused on the east James Bay Crees, the Eeyou Istchee. The controversy has been referred to as a "debate" based on the two opposing views that emerged when, in 1932, Diamond Jenness challenged the claims of Frank Speck. As demonstrated by Harvey Feit (1991, 2009), the genesis of the debate has a long, complex history dating back to Lewis Henry Morgan, who, in the mid-1800s, was disturbed by the dispossession of Iroquois lands by colonisation. Similarly, Speck came to hold this view in the early 1900s because of his association with Indian Agent Armand Tessier and Chief Aleck Paul of the Temagami, an Ojibwa band of Eastern Ontario. Both men linked the issue of Algonquian territoriality with "Indian rights," a cause of importance in Canada as well as to Speck in his own country, the United States. This principle, Feit (1991, 110–111, 123) says, accounted for his framing the land rights issue in conformity with Western notions of private property.

A brief review of the development of the hard lines in this debate can be realised through a simple chronology of publications. In 1915, Speck (1915, 289) claimed that the northern and eastern "tribes" of northern America held "definite concepts regarding individual or group ownership of territories" that he designated as a "family hunting territory." His research combined the use of some historical documents, the canvassing of missionaries and other anthropologists, and his own field research among Eastern Woodland Peoples and north into Canada's boreal forest regions. The 1915 conclusions were not at all about the territories; rather, Speck sought to account for the development of social complexity, the evolution of simple family kin groups to totemic ones, that is, those societies with clan divisions. In another paper two years later, Speck (1917, 85) focused on demonstrating the prevalence in simple societies of family groupings with patrilineal tendencies. This was in contrast to the late nineteenth century evolutionary views that the simplest societies were based on extended matrilineal kin groups, a position first disputed by J.R. Swanton (Steward 1960, 332). By 1923, Speck was in the Innu (Montagnais) reserve of Pointe Bleue, speaking with Mistissini hunters who had descended there to trade. He learned of a dispute between the Hudson's Bay Company (HBC) and a Cree hunter, Petawabano, over his right to claim a moose he had killed on land appropriated by the Company but that he stated was his hunting territory. This account, plus the widespread existence of family hunting territories in the subarctic, prompted Speck (1923, 459) to claim that the territories were Aboriginal and not a result of the fur trade company's agency. In doing so, he presaged one of the claims over which the debate arose.

Enter the first line of debate. In 1932, Diamond Jenness (1932, 124), then head of the Museum of Man (today the Canadian Museum of History), accepted Speck's judgment of individual families' private hunting grounds within a band territory. However, he refuted the claim that this system of land tenure predated the arrival of the Europeans, citing a passage from Father Le Jeune's *Relation of 1634–36* regarding the Montagnais that indicated to him that the hunting territory ownership was vested in the band and not the family. Hence began the first of the hunting territory debates. There were more intervenors, such as A.G. Bailey (1969) in 1937 taking Jenness's side and Father John Cooper (Cooper 1939) backing Speck and his student Loren Eiseley (Speck and Eiseley 1939).

The person who re-energised this debate was Eleanor Leacock. Her 1952 doctoral dissertation, entitled "The Montagnais 'Hunting Territory' and the Fur Trade," was published in 1954 as a memoir in *American Anthropologist*, gaining it wide distribution. Her main position was that the European fur trade, which resulted in the Innu's dependency on store food, was followed by a splintering of band societies into family groupings and a dismantling of band territories into individualised family hunting territories (1954, 2, 22). This view was first repeated by the cultural ecologist Julian Steward in 1955 (120–121) and widely cited by others for the next 20 or so years (see Dell Hymes (1974 [1969], 28). Herein lies the second strand of the debate, which is more theoretical and challenging than the debate on the pre-Columbian origins of the family hunting territory system. In subsequent writings, Leacock (1972; 1982, 167; Lee 1982, 7–8), brought the issue of the family hunting territories into the larger theoretical sphere of discussions on "primitive communism." Primitive communism designates pre-state foraging societies as egalitarian and lacking concepts of

private property, thereby privileging communal ownership and anti-authoritarian leadership, characteristics all of which disappear with the advent of colonialism. This argument is more fully developed in her writings on gender equality, where she states that, as a result of the emergence of private property (that is, created by the European fur trade), this equality gave way to male dominance.

The James Bay Cree are the society on which this issue has landed since the mid-1960s. The McGill Cree Program was initiated by Norman Chance in 1964 to research resource development in the lower regions of the James Bay territory, leading other students in the 1970s to choose eastern James Bay as their fieldwork arena. At the time, most Crees were engaged in a subsistence economy and were living in an isolated region of Quebec. Over the years, anthropological research challenged the assumptions made by the "primitive communism" advocates, and the "debate" soon fizzled out.

In contrast to Speck's diffusionist bent, which had been based on his brief fieldwork forays, and Leacock's sweeping generalisations covering all northern Algonquians, this new group of young anthropologists sought to understand the Cree hunting complex as a whole. Adrian Tanner was the first to address the nature of these territories in an article published in 1971 (69–81) and further elaborated upon in 1973. The government had registered the hunting territories of the Mistissini in 1948 in an effort to conserve the beaver numbers. Tanner learned from the hunters of the system preceding it, and his findings are both different from and similar to Speck's recording of Mistissini family hunting territories in 1923. Tanner presents the hunting territory as "a unit of management" of the animal resources thereon, while the boundary, referenced to lakes, rivers or mountains, was less significant than Speck had suggested. It is the animals and the hunter's relation to the animals, such as beaver, that are important, not the land. The holder of the rights to the animals, Tanner learned, is a multi-household hunting group (1973, 104–106), fluid as only foraging family groupings must be, but generally ongoing and identifiable. The leader of the group, through whom these rights are exercised, is an elder who possesses the requisite knowledge and a spiritual relationship with the animal world (1971, 81). It is through him and the quasi rules of inheritance guiding his successor that the continuity and identity of the group's association with specific lands are provided. In Tanner's later masterful monograph, *Bringing Home Animals* (2014 [1979], 286), he analysed Speck's maps, charting the Mistissini-Nemaska family territories with the information he had gathered in 1971, finding a good measure of concordance with Speck's findings 50 years earlier. These ethnographic details muted the individualism versus communism contestation.

As for the inception of the "family hunting territory system," I think, today, all agree it is "old." Most telling is that this system of management is widespread, found throughout the Algonquian regions, including among eastern Algonquians (Snow 1968). Furthermore, the patterned use of hunting and trapping lands makes good winter hunting sense, as Joel Savishinsky (1978, 6) points out, providing familiarity with the terrain and predictability, and minimising the potential for competition.

Historical Antecedents

There is very early documentation referring to the late 1600s provided by John Oldmixon (1931 [1708]), who was not an eyewitness but who wrote of hunting territories, though in a way that can lead one to interpret them as held either communally or individually. In the next century, it was fortunate that the HBC traders occasionally provided some comments about the Crees' hunting practices and life away from the posts. These records enabled me, an ethnohistorian, to recognise that, at least by the mid-1700s, the Crees were observing a practice of family hunting territories. Confirmation for this observation came in a 1745 entry in the Eastmain post journal which (Morantz 1983, 112) explicitly referred to "trespass" in connection with trapping martens. At other times the word "encroachment" was used. In addition, post journals noted that beaver was an important food source so there was no conflict between trapping for food and the commercial trade in pelts. It is apparent in the eighteenth-century HBC records that the Cree winter hunting groups occupying and using the territories were composed of co-residential groups of three to five households, each household based on a nuclear family and its extended relatives. The makeup of these family groups tended toward a patrilocal bias but was fluid, depending on environmental and social conditions.

If hunting lands are not occupied by the same group each year, as had been suggested by the detractors of the family hunting territory system, then it makes no sense to conserve or manage the resources, yet the HBC traders, from time to time, made reference to the Crees' exploiting only sections of their territories or leaving a beaver breeding couple (Morantz 1983, 119–120). The HBC did not attribute hunting territories to all its fur suppliers. By contrast, when commenting on the more northern Cree/Naskapi, hunters of the migratory barren ground caribou, there is no indication in the journals that they relied on anything approximating family hunting territories (Morantz 1983,122–123), nor

did the caribou hunting Innu, as described by Leacock (1954) and José Mailhot (1986).

The next development in the annals of Cree hunting territories occurred with the establishment of the beaver sanctuaries or preserves, first initiated by the HBC trader James Watt and the hunters at Waskaganish in the years 1929–32. This was a program to prohibit beaver trapping for a decade to allow the recovery of the then scarce beaver. Watt, in convincing his superiors and the federal government of this necessity, described to them the Cree family hunting territory system. Drawing on its features, Watt devised the formation of beaver sanctuaries, in fact referring to the Crees as "beaver farmers" (Morantz 2002, 159). Once the Rupert House beaver sanctuary proved a success "beyond any possible doubt" (Morantz 2002, 164), the federal government took action to establish other preserves throughout the James Bay territory in the late 1930s and early 1940s, enlisting the aid of the Quebec government. The province established a system of registered traplines, a system that had already been tried successfully in British Columbia and Manitoba (Morantz 2002, 166). Briefly, here follows one description by the deputy minister of Indian Affairs of this government system, the Nottoway preserve:

> When it is borne in mind that the Tallyman is the head of a family; that a district is a family trapping ground; that a section is the area trapped over by the whole tribe or band and that all boundaries are laid out by the Indians themselves, it is apparent that we have not only adhered strictly to Indian custom but have actually improved on it. (Morantz 2002, 167)

These improvements referred to by the writer in 1942 were the maps and written records maintained by the federal government. This registered trapline system is the one encountered by the young ethnographers in the early 1970s, though Tanner records that his informants could describe their territories before the government system was established. Similarly, Brian Craik (1986, 184), writing of Waskaganish, suggests that the newer system was not yet fully internalised at the time of his research. In the 1986 volume, there is a description of the earlier family hunting territory system in Regina Flannery and Elizabeth Chambers's article, drawing on Flannery and John Cooper's 1930s research in James Bay, on both sides of the provincial divide.

Leadership

The "tallyman," or "hunting boss" – *uchimaau*, as he was referred to in Cree – was not quite the owner of the territory but more the "title holder" to it, as Tanner (1986, 26) phrases it. This position brought with it a great deal of responsibility, namely, the welfare of the hunting group. As Colin Scott (1986, 166) explains, it was incumbent on the hunting boss to know both the characteristics of the game within that environment and to steer the social – that is, the cooperative – relations within the group he was leading. In brief, Scott refers to him as a "political leader and resource custodian, not a private owner" (Scott 1986, 163). Similarly, Craik (1986, 179) sees the role of the leader as one who manages the resources and assesses their options, needs and costs, all of which determine the hunting strategies employed. Further, Craik comments that a leader of a camp and a hunting boss can be two different people, usually a father and son. It is this complexity to decision making that led Craik to argue that the hunting territory system is not just a simple reflex to European contact (1986, 182, 185).

The leadership of the tallyman, or hunting boss, evokes a mid-eighteenth-century development, the trading captain system (Morantz 1983, 129–156), so designated by the French and English fur trade companies, who were engaged in a bitter rivalry over securing the beaver pelts. Essentially, every spring, the trading captain headed a brigade of several canoes carrying hunters and their pelts to the fur trade posts. Depending on the number of hunters and furs, the fur trade company rewarded the captain with gifts of brandy and tobacco to distribute to his men and clothing appropriate to an English military captain, including coats with buttons, ruffled shirts, hats with feathers, pumps, et cetera. There were also lieutenants similarly rewarded if the size of the brigade was deemed large. These men donned their uniforms before arriving at the post and were greeted at the post by either a volley of gunfire or the HBC men singing to them. Certainly, this system of leadership was employed by the fur trading companies as a strategy to encourage the receipt of a maximum number of furs by rewarding individuals who campaigned among their fellow hunters and convinced them to participate in the brigade. One year, 1799, as many as 21 canoes "pulled up" at Eastmain post under the leadership of Captain Caw'pi'so, but usually the numbers were more modest, ranging from 2 to 10 canoes. Clearly, the larger brigades were recruited from more than a captain's winter hunting group and even his local summer band, which could average 30 to 45 men, women and children of several co-residential groups (Morantz 1983, 96). Such numbers indicated that some Cree leaders held influence over a very large region and used this to their and a common advantage: the more furs, the greater the rewards. As fur trade competition weakened, so did the practice of

employing trading captains – the last one granted that status in James Bay was in 1815. Needless to say, the fur trade companies offered the rewards, but the Crees and other fur suppliers throughout the subarctic fashioned the system, which involved more coordination than just appearing at the post. There were other task-oriented leaders heading the HBC's other operations, including the supply brigades, the woodcutting operations and the commercial fishery. It is not far-fetched to believe that specialised leadership also arose in pre-contact days to meet certain needs, such as trade expeditions or undertakings to locate and mine specific types of stone for toolmaking.

This digression from hunting bosses to trading captains is to indicate that the Crees, long ago, could have developed and sustained specialised forms of social organisation. They were not trapped historically into one variety of leadership based on subsistence, nor was the leadership "weak," as Leacock (1958, 201) asserted. Knowing of this historic, bygone leadership institution will enable us to better contextualise the discussions of contemporary hunting bosses, or tallymen, presented in this volume.

Discussion of the Territorial Occupation by Other Algonquian Nations

The editors of the 1986 volume were aware that what some anthropologists were theorising about subarctic hunting territories was not the substance of what the ethnographers were observing and describing in the 1970s. Although the contributions to this issue of *Anthropologica* were anchored to the Cree of eastern James Bay, papers were invited from researchers on northern Ojibwa and Innu-Naskapi to provide an appreciation of the variability to subarctic Algonquian territoriality and within the family hunting territory system. Mailhot (1986, 105) writes of the structured mobility of the Innu and Naskapi, who can and do incorporate variations in territorial occupation, including a system of family hunting territories. Charles Bishop (1986) in extending his research to early Ojibwa society, and even the Atikamekw, both located in somewhat more southern regions, reminds us of the divergences in history, societal organisation, exchange networks and ecology, which influence how territories will be used. Krystyna Sieciechowicz (1986, 193) compared two neighbouring northern Ojibwa communities in Ontario and determined that the kinship relations, bilateral in the case of Kasabonika Lake and patrilateral at Wunnummin Lake, generated communal band ownership of territories at the former and patronymic or family hunting territories at the latter. Thus, she highlighted what others have said, that rules can be variable and invoked under different circumstances.

Suggestions for Future Research

Focusing on the hunting lands of Eeyou Istchee, the 1986 volume, summarised reasonably well what the anthropologists presumed were the features of the family hunting territories. It is worthwhile to note that not one writer suggested an alternate term of designation for these territories, only that the Cree territorial system, in the period before the imposed registered trapline system, be understood to encompass a mixture of land regimes. This and flexibility as to boundaries and the constitution of the family hunting groups were accepted as distinctive characteristics. There were, however, suggestions for further study. Tanner (1986) entitled his paper "Unresolved Issues," still an apt caption today. These suggestions should still be practical for current ethnographers more than 30 years later, even with Cree socioeconomic conditions so transformed by the Income Security Program[2] and industrial development.

Richard Preston (1986, 14–15), in his thorough and thoughtful introduction to the volume, takes the discussion to another level reminding the reader that one cannot rely on simple throwaway lines such as "I can trap anywhere" or make claims on the basis of "a youthful summer's fieldwork." Rather, the knowledge sought by the researchers is deeply embedded in practice and psychology. Like the rules of grammar we absorb as children and even as adults that cannot always be enunciated, the Cree understanding of their patterned territoriality cannot necessarily be put into words but can be discerned through their "attitude and action."

In the epilogue, Ed Rogers (1986, 209) shares his considerable knowledge of Cree and Northern Ojibwa hunting practices, apart from the beaver trapping so central to the family hunting territories. In doing so, he asks many questions of the researchers but above all cautions them to be cognizant of ongoing land claims issues, still wise counsel today. Two of the central questions he asks regard how trespass is seen, that is, where are the boundaries are drawn and what constitutes "free goods" available to all?

I point here to a few matters left dangling in the articles. Several writers emphasise our need to know more about the roles of the hunting boss and, in particular, the spiritual guidance that informs his evaluation of the sociocultural and environmental conditions underlying his directives. The adherence, today, by many Crees to a fundamentalist Christianity emphasising divine inspiration could also be the basis for inquiry into how the

tallyman assesses the state of animal resources and whether animistic practices also inform this assessment. Thirty years ago, there was also the need to better understand how the winter hunting groups were formed and constituted; this need would be greater today, with increased pressures on the family. The question of usufruct was raised by Tanner (1986, 32), who wondered if this was an appropriate concept to describe the rights to hunting territories. More also could be said about environmental and ecological factors, especially since there had been an active discussion of conservation, today known as resource management, coupled with a mixture of industrial development, ranging from hydro to forestry to mining. One could also question today if "resource management" and "conservation" are appropriate Western concepts to be applied to Cree–animal relations.[3]

One other issue left hanging from 30 years ago is that of goose hunting territories. They were examined, with some reservations, by Scott in Wemindji, with a focus on the knowledge of the hunting boss. Flannery and Chambers (1986, 127), referring to goose territories, say there are "none" at Moose Factory, and Craik (1986, 184), writing of Waskaganish, notes the hunters "jockeying for position," a kind of allotment system derived through negotiation. Comparing all the communities engaged in goose hunting would reveal more about the special talents of the hunting boss and the recognition (or not) of annual or semi-annual goose hunting territories. Elsewhere, Rolf Knight (1965, 41) distinguishes between the "requirements" for establishing a hunting territory system versus those for maintaining it. In today's context of trapping and industrial development, this dichotomy seems well worth heeding.

Finally, Fikret Berkes (1986), the applied ecologist who developed his theoretical approaches while working with the coastal Crees, reminds all of us that the family hunting territory system ought to be seen within the context of merely one practice within a wider strategy of common property resource management. He counsels that the system devised by the Crees should be understood within the worldwide literature on the control of and access to common property resources.

Epilogue

That we knew, anthropologically speaking, as much as we did about Cree hunting territories in 1986 is undoubtedly due to the hunting territory debate so vigorously promoted by Leacock, a debate well known in North American anthropology. Her insistence on a northern Algonquian uniformity did not mirror what we were seeing on the ground or in the historic records. Her writings provoked all of us to critique and to better understand the model of family hunting territories Speck wrote about. That her vision fizzled out was despite all our efforts. It was not just a case of the evidence prevailing. Rather, there were two causes. In 1987, Eleanor Leacock died suddenly and prematurely at the age of 64. The second cause was a series of events emerging from the controversies swirling around the depiction of the !Kung San by Richard Lee (1982, 55). In conferences and publications, he shared Leacock's views on the foraging mode of production as a form of primitive communism. In the late 1980s, Lee's writings met with stiff criticism from Edwin Wilmsen (1989), among others, who critiqued, in part, his depiction of the San as an isolated population. With Jacqueline Solway, Lee (1990) countered the attacks on this and several other issues, and the Great Kalahari Debate arose, in which relations in foraging societies continued to be explored.

The strength of the ethnographic evidence about Cree hunting territories is what laid the issue to rest, though these other events hastened its end. Rogers (1986, 204) admitted he had held the view for several decades that the fur trade alone had ushered in the family hunting territory system. However, the papers presented at the symposium undermined, for him, this conviction. He praised the efforts of the researchers in moving the discussion from causality to concentrating on the complexities inherent in the territorial strategies, forewarning that there is more to discover. The accompanying articles steer us in this direction.

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Notes

1 For a list of all the past contributors, see the Appendix. The general editor of *Anthropologica* was Kathryn T. Molohon.

2 The Cree Hunters and Trappers Income Security Program is a family program that provides an annual income to Cree who choose hunting, trapping and fishing activities as a way of life (http://www.chtisb.ca/program/). It is authorised under section 30 of the James Bay and Northern Quebec Agreement (http://www.autochtones.gouv.qc.ca/publications_documentation/publications/conv_compl_15_en.pdf.

3 George Wenzel (personal communication, 26 August 2016) called attention to my careless use of this terminology.

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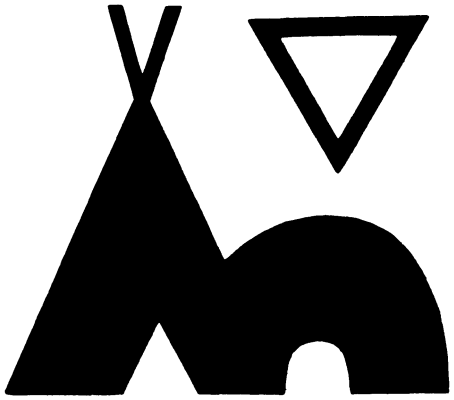
Appendix

ANTHROPOLOGICA

N.S. Vol. XVIII, Nos. 1-2, 1986



NUMÉRO SPÉCIAL/SPECIAL ISSUE

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Sous la direction de/Guest Edited by
CHARLES A. BISHOP
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SOMMAIRE--CONTENTS