

THE NEW HUNTING TERRITORY DEBATE:  
AN INTRODUCTION TO SOME UNRESOLVED ISSUES

Adrian Tanner  
*Memorial University of Newfoundland*

Les débats sur l'origine et la nature des systèmes de contrats territoriaux chez les Algonquins du Nord, y compris les territoires de chasse, se sont poursuivis parce que des questions variées sont demeurées insolubles et aussi parce que ces questions se rapportent aux théories générales de l'évolution humaine et raciale. Le débat est passé d'une phase "classique," mettant l'accent sur les questions d'origine, à une phase "post-classique," préoccupée par la fonction et la pratique de la chasse territoriale chez les Algonquins avant le contact. Cet article examinera ces questions à la lumière des idées marxistes sur des thèmes comme l'usufruit et différentes formes de la propriété privée et communale. L'article propose que nous continuions à considérer le système de la chasse territoriale non pas comme un phénomène isolé, mais plutôt comme une forme structurale avec des manifestations variables.

Debates over the origin and nature of land tenure systems among Northern Algonquians, including hunting territories, have continued because various issues remain unresolved and also because these issues concern general theories of human social evolution. The debate has progressed from a "classic" phase, focused on the questions of origins, to a "postclassic" phase, concerned with the function and operation of hunting territories among precontact Algonquians. This essay will examine these issues in light of Marxist meanings for such terms as usufruct and various forms of private and communal property. It is proposed that we see the hunting territory system not as a single phenomenon but more as a structural form with variant manifestations.

For many years, the "hunting territory debate" was a small but regular fixture of North American anthropology. Its concern with the kind of land tenure system used by the aboriginal Northern Algonquians, and particularly with the origins of this system, ensured it as an issue that held the prolonged interest of a number of regional specialists. But the debate was also over a more general issue in human social evolution, especially in relation to the theories of Morgan, Marx, and Engels.

The debate began with two articles by Speck (1915a, 1915b), which described "family hunting territories" among some contemporary Algonquian Indian groups. Speck and others, including general theorists like Lowie (1920), believed this "discovery" was a direct empirical challenge to a key element in the marxist evolutionary position: that at the hunter-gatherer stage, land and the basic resources used in production did not exist as "private property" but were held "communally." Those who disagreed with Speck and Lowie, such as Bailey, Jenness, Steward, Leacock, and Hickerson, believed that the aboriginal Algonquians, like all other hunter-gatherers, did indeed hold their land and resources communally and that the territories had arisen only after European contact, as a direct result of the fur trade.

Other important matters, however, have been raised in the debate, some of which have, in my view, been obscured by the issue of aboriginality. To emphasize this point, we can divide the debate into two periods: earlier (classic) and later (post-classic). The classic phase lasted from Speck's initial articles to Leacock's monograph on the subject in 1954. During this phase, the single issue that dominated discussion was simply that of the aboriginality of the institution; the principal method used by both sides to support their positions was ethnohistoric reconstruction, using mainly archival, as well as some ethnographic, sources. For many, it was Leacock's work, using both ethnographic and ethnohistorical material, that finally dislodged Speck's position and ended the debate.

Scholarly discussion did not end there, however, but moved into the postclassic phase, in which questions concerned the function and operation of hunting territories in postcontact Algonquian society and economy, rather than their origin. A variety of issues have been raised, as indicated by the following sample (reflecting my own particular interests), such that these and other topics under discussion effectively constitute a new and distinct debate. Did the postcontact hunting territory operate as a unit of fur and game management (Feit 1973; Tanner 1979), and not merely extend private property rights over fur to the animals before they were caught (Rogers 1963)? Leacock raised the distinction between land tenure rules that applied to hunting for food and those that applied to hunting for fur (Leacock 1954:2; Rogers 1963:70-71). I have suggested that this distinction does not have the significance that others have attached to it (Tanner 1979:182-202). Knight questioned whether hunting territories could have survived in the long run even under conditions of fur trade contact (Knight 1965; Tanner 1987). He claimed that Speck's championing of the aboriginal hunting territory concept had a contemporary political aspect: it assisted the Hudson's Bay Company in maintaining its monopoly over Northern Indians (Knight 1968, 1974; Tanner 1987). Finally, does the periodic movement of personnel between different territories

constitute a system of exchange of hunting privileges between territory owners (Tanner 1979:195-197)?

Leacock's 1954 monograph not only ended the classic debate, it also contributed to the postclassic one; the line between the two phases cannot be drawn too precisely or absolutely. Several issues already broached during the classic phase continue to be discussed. For example, did the specific form of hunting territories (or the fact of their absence) among different Algonquian groups represent environmental variations—adaptations to local conditions, such as southern (closed crown) versus northern (open crown) forest, and forest versus tundra (Speck and Eiseley 1939; A. Cooper 1942; Hallowell 1949; Feit 1969)? About the residential group most closely connected to the hunting territory (often called the "hunting group"): is it structured on the model of an extended family group, a lineal or ambilineal kin group, or a group using a pragmatic combination of consanguineal, affinal, and "partnership" links? And is there an underlying model that can encompass the whole range of ethnographic cases (Speck 1915b; Dunning 1959; Turner and Wertman 1977; Sieciechowicz 1982)? What about the mode of succession employed for postcontact hunting territories (Speck 1923; Tanner 1971)? Must there be specific rules of "trespass" in order that the hunting territory can be said to exist (Lips 1947; Rogers 1963; Tanner 1979)?

Moreover, Leacock's monograph did not end entirely the debate over the question of origins. In an historical study of hunting territories among the Mistassini, Rogers proposes that this form of land holding was not preceded by band ownership of land, as Leacock's model suggests. Rather, during the aboriginal period multifamily hunting groups returned year after year to more loosely defined "hunting ranges" (Rogers 1963:82). Turner and Wertman (1977:12, 31) find no historic evidence among a northern Manitoba Cree group for such a system. They believe that the present "trapline" system was simply imposed by the government. Yet on the Québec side of James Bay, Morantz (1983:128) has discovered archival evidence showing that hunting territories were in existence by the mid-eighteenth century, a century earlier than previous researchers had acknowledged. Finally, Feit (1983) has argued that the aboriginal Algonquians could have used hunting territories in the management of their resources.

The postclassic debate concerns itself with how the features of postcontact Algonquian land tenure systems are related to other aspects of the society. Until now it has been commonly argued that the specific features of the hunting territories were more or less directly determined by external material factors—that is, by the ecosystem, by the economics of fur and meat foraging, by the coercive influence of traders and missionaries, and by the state on the lives of hunter-trappers. As an explanation for the land tenure system, this kind of answer seems at best partial: it does not explain the apparent close integration

the hunting territory system now has with the social structure and cultural values of the various Algonquian groups.

Nevertheless, Leacock's 1954 monograph did bring a halt to the challenge to the marxist social evolutionary position on the origins of private property which had been launched by Speck, Lowie, Cooper, Eiseley, and others. A classic debate became instead a classic case study and an object lesson. The result was the emergence of an "orthodox" position on the origins of hunting territories which is accepted by the discipline in general, just as, according to Leacock (1972:19), the opposite idea of aboriginal land ownership by hunters became accepted following Speck's "discovery." A number of anthropology textbooks (e.g., Harris 1968:357-359; Bock 1969:391; Murphy 1979:132-133) and comparative studies (e.g., Murphy and Steward 1956) use the hunting territory as an illustration that confirms the generalization that aboriginal hunter-gatherers do not recognize the concept of land as private property. For a different conclusion, however, see Hoebel and Frost (1976:123).

Recent research on hunting territories has changed the focus from a single, narrow issue to a variety of questions about the actual operation of hunting territories as a land tenure system in specific ethnographic and historic cases. Yet the ability to address these issues has remained conceptually mired and tied to forgotten ideological issues. As a result, fewer advances have been made in land tenure studies for Northern Algonquian peoples over the past twenty years than for hunting and gathering peoples elsewhere, such as Australian aborigines and among African hunter-gatherers (Leacock and Lee, eds. 1982, *passim*).

### ABORIGINALITY AND AUTHENTICITY

Although there as yet may be no single, explicit theoretical focus regarding the postclassic work on Algonquian hunting territories, a major theoretical concern remains to determine how best to represent in a totally integrated way contemporary Algonquian land tenure systems, including those with hunting territories. For example, do contemporary arrangements represent systems of "private property" or of "usufruct"? This issue, to be discussed later, was neglected during the classic debate. These are only two of a variety of terms that have been applied without much attention to analytic clarity and the theoretical significance of terms. Postclassic studies may provide a much clearer understanding of land tenure, but such an understanding could again throw wide open a whole theoretical issue which the ending of the aboriginality question was supposed to have settled.

Before we examine the theoretical concepts that might be used in the description of Algonquian property rights, we need to take into account the empirical range of land use forms, with or

without territories. Until this is done, the "aboriginality" question is, in effect, a debate about the origins of an institution which we do not understand. To put it another way, Rogers (1963:83) may well be right that contact with the fur trade brought about a change from the "hunting range" to the "hunting territory," and Leacock (1954:7) may also be correct in asserting that the fur trade changed the pattern of land use by promoting a reduction in the size of winter residential groups. But until we know far more precisely what a "hunting range" as opposed to a "hunting territory" entails, and until we understand more precisely how land tenure patterns of large and small groups differed, we cannot know whether these kinds of changes actually marked an evolutionary change in the concept of land ownership as hypothesized by marxist theory. Asking questions about the origin of an institution that is so poorly understood, and has a virtually undocumented history, may be somewhat premature.

I remain skeptical about the resolution of the "aboriginality" issue for other reasons. A clear answer to the question of aboriginality involves ethnohistoric and prehistoric reconstruction, which, as Lee et al. (1968:146) state in a similar context, depends on evidence slanted in the direction of formal rules. The evidence from available archival and oral history sources regarding the applicability of concepts like land ownership to the circumstances of an earlier era tends to be weighted toward statements about ideal culture rather than to be based on detailed observations of actual behavior. Moreover, as they are recorded in historic documents, these kinds of statements have usually first passed through a non-native person and are thus likely to have been reinterpreted ethnocentrically in the process.

Lee's point is well illustrated by the classic phase of the Algonquian hunting territory debate. Participants on both sides used incomplete or ambiguous data to arrive at rival reconstructions of prehistoric or historical land tenure and argued about how this or that system changed or remained unchanged over time. To a large degree, reconstructions were made on the basis of deductive arguments (i.e., given conditions A, B, and C, the system would have to have been X), even though there was seldom enough evidence to arrive at such definitive conclusions. The most frequently used deductive type of argument has been that based on ecological conditions. While such deductive arguments may be useful for generating new hypotheses, the most important contributions made by ecological anthropology recently have been by way of inductive arguments, based on detailed empirical observation. Hypothetical-deductive arguments need empirical verification.

Much of this deductive work is best treated as more or less speculative, owing to the imprecise nature of the historical data. Since the actual range of practices included within human

culture is so wide, few valid conclusions about its limits can be arrived at deductively. Moreover, some of the classic debate also included a number of unverifiable assumptions and questionable deductions on both sides of the issue. The lack of unambiguous evidence should certainly not prevent us from asking questions, but we should treat the answers thus obtained with some caution.

The debate has been conducted at the interface between field ethnography and archival ethnohistory and has involved an overlapping of these two kinds of data and of methods. Much of the ethnohistorical reconstruction has been undertaken by those trained in other aspects of the discipline. Morantz (1983:4) has recently demonstrated that many of those ethnographers who have used historical materials in order to address the hunting territory question have made some glaring methodological errors. Yet she is rather kind to ethnography when she states, without any apparent irony: "Unlike fieldwork anthropology, historical anthropology or ethnohistory has not yet developed a well-defined prescription of how to conduct the study." The results of her own research suggest that this claim for her sub-discipline is too modest, while her reference to a well-defined fieldwork method is overly generous, judging by existing ethnographic descriptions of Algonquian land tenure systems.

The classic debate also had an important ideological component. Speck was a proponent of the early-twentieth-century school of "culture history." Knight (1974:358) has seen Speck's support of the ideal of aboriginal land ownership by the Algonquians as linked to his romanticism and political conservatism. He quotes a passage by Speck that implies he was a racist, and appears to suggest that support for native land rights by Speck was a form of segregationism.

In my view, Speck's approach to research, including his land tenure work, involved a romantic search for "authenticity." To paraphrase Deschênes (1979:27), Speck's conception of culture, and thus his choice of which cultural traits to study, were determined by the requirement that these traits express the "traditional" way of life as perfectly as possible. Speck tended to play down any other influences as much as possible. For example, this attitude is exemplified in Speck's statement that since precontact times "There has been little alteration in the *spirit* of Montagnais-Naskapi culture, despite the many material innovations they have acquired from Europeans" (1935:20, emphasis in the original). Phrased differently, a recurrent, if sometimes hidden motive or explanatory concept that emerges through Speck's writing, including his work on the hunting territory, was a version of the doctrine of survival. That is, he wanted to show a strong, basic tendency toward cultural continuity. This is similar to the point made for the Ojibwa based on psychological data by Speck's contemporary colleague, Hallowell (1946).

By contrast, the major opponents of the idea of aboriginal hunting territories were challenging not only the age but also implicitly the authenticity of the institution. They emphasized the radical disjunction between colonial mercantile capitalist traders and protocontact hunter-gatherers. Where Speck barely mentions the effect of the fur trade, discussing, for example, "the decline of the natives" only as a result of disease and missionary influence (1935:15-25), writers such as Leacock and Hickerson held that contact between the two led inevitably to the rapid subordination of the Indians by the traders. Regarding the political implications, if Knight (1968, 1974) is correct in saying that Speck's work in effect supported the Hudson's Bay Company's monopoly, were not the opponents of the idea of aboriginal hunting territories also politically motivated? Some opponents of aboriginal territories critically examined the exploitation of Indians, laying the responsibility for social disruption, poverty, and starvation on the traders, the missionaries, and the government's laissez-faire Indian policy. It can be argued that Speck's opponents also had a hand in public policy, for example, in influencing the state's subsequent decision to reduce the power of the Hudson's Bay Company and to direct Indians toward educational and economic futures other than as hunters and trappers. This policy has itself recently come under considerable criticism, not least by native political leaders themselves (National Indian Brotherhood 1972).

#### THE PROBLEM OF "PROPERTY"

Although the ostensible point of the classic debate about aboriginality was a theoretical issue concerning the forms of property in human history, terms like "property" and a host of related terms are introduced but never clearly distinguished. In the debate, these terms are usually treated as unproblematic, and the concepts they entail are left virtually unanalyzed. The resulting conceptual simplicity may well reflect a pioneer level of anthropological theorizing. In more recent commentaries by those opposed to aboriginality and where reference is also made to the analytic framework of Morgan, Marx, and Engels (e.g., Harris 1968; Leacock 1972), participants seem to use an oversimplified set of marxist theoretical concepts covering the variety of forms of property relations. They rely mainly on the simple opposition between "private property" (or "individual property") and "communally owned property" (or "primitive communism").

In the article just cited, Leacock (1972:12-16) provides some useful cautionary words about disputes over marxist ideas. She warns against treating Morgan's and Marx's evolutionary stages in an inflexible and doctrinaire manner, which she says is not characteristic of the work of these authors themselves. She also warns of the tendency among Western academics to create

straw men out of marxist ideas. One might comment that her very point is illustrated in the debate on the aboriginality of hunting territories. For instance, she explicitly sets out to oppose the implications for evolutionary theory of Speck and Lowie's ideas. In so doing she allows hunting territories to be a test case of the marxist theory of property. This is unfortunate, given her conclusion that territories are not actually a form of ownership. If they are not a form of ownership then they cannot be the test case for marxist theory of property. This issue seems to hinge precisely around an inflexible and doctrinaire claim about the evolutionary stage that Morgan and Marx knew least about.

Leacock's doubts that hunting territories were "property" were first expressed somewhat tentatively at the start of her 1954 study. She states (1954:2) that hunting territories are "more properly a form of usufruct than 'true' ownership"—a reference to Cooper's (1939:70-71) claim that hunting territories were "true" ownership "in our sense of the term." In the rest of the study (1954:6, 27, 31, 39) she uses the term "ownership" in quotation marks, presumably to stress her doubts about its applicability. She does not suggest, though, that as a form of usufruct, hunting territories are a precapitalist form of land tenure. Rather, she seeks to show that they are a recent phenomenon related to the influence of the fur trade and chooses not to develop her usufruct idea. Moreover, much of her argument depends on hunting territories representing both an aspect of the tendency toward individual accumulation and the emergence of the private property idea among the Montagnais, who prior to contact had a system of primitive communism. Further, Leacock never analyzes the various terms to show why she accepts "usufruct" but not "ownership."

Thirty years later, Leacock (1982:161-162) restated her position far more definitively on ownership and usufruct. Hunting territories are a "privatized form of land use," and Speck and Cooper were incorrect to speak of "privately owned hunting territories." "Hunting lands and all resources but furs were communally owned even into the present—only the furs of furbearing animals on lands a person was trapping were considered the person's property." Also, "such regularization of individual usufruct rights to trapping grounds as existed had followed involvement in the fur trade and was not aboriginal."

In stating that the Algonquians treated land as "communal property," Leacock, like others in the debate, has not dealt with the possibility that if there are communal rights to land they are held by the hunting group rather than by the band as a whole. Speck's ethnographic description is not clear on this point, in part because the concepts he used are not clear. While one individual is reported as being the owner, or what I have called the "title holder" (Tanner 1979), a group of up to five or six



nuclear commensal families, in practice, shares the rights to use of the land. Speck most often used the term "family-owned territories," thereby suggesting that the landholding group is effectively an extended family with a patrilineal tendency (i.e., a local clan without any generalized lineage ideology beyond the group's attachment to its territory). As far as the debate was concerned, however, Speck also chose to treat hunting territories as "private property," without further refinement.

My point is not that territories are or are not communally owned by the hunting group. I am concerned here more with the conceptual and theoretical problems than with empirical confirmation or refutation, which may not be the same for all Algonquian groups. In the classic debate little acknowledgement was given to the idea that "ownership" can cover a number of kinds of rights (not in the sense of formal, ideological principles, but in terms of actual practice). For example, there is the right to use, the right to give or to withhold permission for its use by another, the right to exchange, and the right to bequeath. Social anthropologists have found it useful to group "rights" as practiced into various kinds of "bundles." The bundle labeled "ownership" does not in all ethnographic circumstances include exactly the same set of rights. This conception of ownership does not appear to me to be incompatible with Marx's statements about property. What is needed is a description of the form of ownership of hunting territories that would specify the rights enjoyed by all persons involved. It could be that some rights of ownership are held by an individual, others by part of the hunting group (e.g., the extended family), and still others communally by the whole group.

### MARX ON PRIVATE PROPERTY

Let us deal first with the distinction between "individual property" and "private property." In Marx's work (1975:166-180), the term "private property," around which the hunting territory debate supposedly revolves, is a very complex and important concept. It signifies a special kind of ownership right, involving, in effect, a far greater concentration of rights than "individual ownership" or "individual possession." Marx accepts the existence of "individual ownership" at the very simplest level of a hunting and gathering society—of tools, for example—and states that even at that level "residences . . . always appear in individual possession." It is clear, however, that "individual ownership" or "individual possession" is quite distinct from "private property."

Marx recognized two forms of "private property": "self-earned private property" and "capitalist private property":

Private Property, as the antithesis to social, collective property, exists only where the means of labour and external conditions of labour belong to private individuals. But according as these private individuals are labourers or not labourers, private property has a different character. The innumerable shades, that it at first sight presents, correspond to the intermediate stages lying between these two extremes. The private property of the labourer in his means of production is the foundation of petty industry. . . . [Petty industry] attains its full classic form only where the labourer is the private owner of the means of labour which he uses; the peasant of the land which he cultivates; the artisan of the tool which he handles as a virtuoso. (1964:139)

Moreover, this "self-earned private property" has historically become concentrated in fewer and fewer hands, converting it into "capitalist private property" at the same time as all material production became converted into "commodities." Marx describes the ideology of private property in capitalist society:

The right to private property is . . . the right to enjoy and dispose of one's resources as one wills, without regard for other men and independently of society: the right of self-interest. . . . Individual freedom . . . together with this application of it, forms the foundation of civil society. It leads each man to see in other men not the *realization* but the *limitation* of his own freedom. But above all [private property] proclaims the right of man "to enjoy and dispose *at will* of his goods, his revenues and the fruit of his work and industry." (1975:229-230)

Marx's distinction between these two forms of private property, both of which can, in my view, be identified as ideal types in our society, draws our attention to the analytic ambiguity, not to mention the ethnocentricity, of "property" in "our sense of the term." In the cases I am aware of, Algonquian territories are never "owned" by anyone other than those who work on them; they cannot be sold, accumulated, or used by the owner to accumulate surplus production. Labeling them private property in "our" sense of the term thus tells us very little and is actually misleading. If they are private property, they are examples of Marx's concept of "self-earned private property."

Marx accepted Morgan's judgment that hunters and gatherers recognized land as clan-based communal property, but this question is an empirical matter. Outside Australia, there is little evidence of hunters and gatherers with such organizational forms. There is also little evidence to indicate that prehistoric North-

ern Algonquians had a social structure of this order, particularly given the presumable tendency of bands to break up and become scattered in isolated residence groups for much of the year. While the original human hunters and gatherers had contact only with other hunters and gatherers, prehistoric Algonquians had been in trade contact for some time with agricultural, pottery-making groups to the south. If trading furs (taken when carrying out subsistence activities) for useful goods can alter the system of rights to land, then some consideration needs to be given to the effect of their prehistoric trade relations on Algonquian property concepts.

### OWNERSHIP OR USUFRUCT?

How does one decide if the concept of "ownership" or of "usufruct" applies to the well-documented cases of hunting territories? Bloch's (1975) conception of property, which draws on both Marx and social anthropology, is of a relationship between people, not between people and things. As such, it is a system of rules of differential restriction, grounded in the social relations of production in a society and therefore reflecting the division of labor. It includes both a *behavioral* component—the actual pattern of privileged access, use, and conversion enjoyed by some individuals or groups but not others—and an *ideological* one—a formulation of this pattern in the form of explicit rules, together with an ideological representation and legitimation of those rules.

One aspect of the term "private," as applied to property, refers to the way this social relation is ideologically misrepresented in some societies. For example, capitalist ideology equates property with personal freedom: private property is (mis)represented as the right to enjoy or dispose of possessions freely and arbitrarily, without regard for others. The real nature of this relationship is that of exploitation of surplus labor of those who do not own capital by those who do. In capitalism, "property" rights to land, however, are not actually all bundled together into a single relationship between owner and society. If I own property, various other individuals (my kin, neighbors, tenants) and groups (municipal, special interest, etc.) can also exercise certain rights toward the property in relation to the rest of society.

Is the Algonquian hunting territory a form of property that is ideologically misrepresented by the society within which it occurs? Bloch (1975) has distinguished between societies in which property relations are ideologically misrepresented and societies in which those relations are represented for what they are, i.e., social relations. He shows that misrepresentation occurs not only in capitalism and is due to the existence of inequality. Such

misrepresentation functions to legitimate the extraction of profit or surplus labor power.

If we are to investigate whether land ownership is communal, with certain rights held by usufruct, or involves private property, we must consider the way rights to resources are represented ideologically. For the Mistassini Cree, for example, the ideology of rights of access to land and to land-based material resources sometimes represents them correctly as social relations over labor organization between members of the family and between the families in a hunting group.

At other times, however, one may be given by informants a series of seeming misrepresentations: denial of the existence of territories (people can hunt anywhere they want), religious statements (God owns the land, the animals do, or the animal masters control the land for each species), or references to social relations (between individuals with religious power and particular animal populations, either a species in general or the particular animals that inhabit the land in question). While these may indeed be misrepresentations in the marxist sense, their purpose is not to justify material inequality or to allow exploitation of the surplus labor of some members of the hunting group by others. The religious system, within which most of these ideas fit, presents a model of the relationship between man and animals of a territory as an individual one.

Note that these religious data do not deal with land as such. They do, however, legitimize the right to kill animals in general and, occasionally, one individual's greater legitimacy with regard to a particular local population of animals. For example, I was told of a case in which a man was following a moose until it crossed into his neighbor's territory. He went to the neighboring group's camp and asked the inhabitants if he could continue following it. They said no—they would kill the animal themselves. Nevertheless, when they tried to kill it the animal escaped in a manner unusual for moose—the implication being that this was a supernatural punishment to the group for being stingy. It is an oversimplification of practice (both ideological and behavioral) to say that in this group there is a communal right to hunt anywhere and that territory owners have rights only to the fur of furbearers.

I believe that we can best deal with this religious aspect by acknowledging two kinds of products: the food and hides of the animals, which are subject to exchange involving generalized reciprocity, so that property is not used to justify material inequality; and prestige and religious power, which the hunter accumulates. As an old man, a hunter may claim credit for using his religious power to enable a young hunter to be successful. From this he can get only a token material reward, such as special portions of meat. In a sense, the ideology makes up for

his inability to produce materially for the group. Thus any misrepresentation is in order to justify *equalization* of rewards, not inequality.

There are other vestiges of a private property ideology connected to Mistassini hunting territories. The territory has a title vested in an individual, who is the hunting group leader. While he has no material privileges from his position, it is with reference to this individual and his wife, within the set of social linkages, that decisions are made as to who may or may not belong to the residentially defined hunting group. It is also with reference to him that title to the territory is inherited.

We need to look further into this distinction between private and communal property. Marx (1973:493) describes the property relation as the individual's conscious relationship to the conditions of production, which is realized only in the process of production itself and arises in the division of labor. Therefore, private property is present in all human society, if only in a limited form, including primitive societies with no more than a division of labor between family members. Capitalist private property, however, implies the existence of a class without property: the social relation expressed in private property is that between proletariat and capitalist.

Usufruct means the right to make use of resources for specific purposes while other, more general rights to these same resources are held by another person or group. In its use in anthropology, however, this more general level of rights is not always made explicit when the concept is applied to a particular ethnographic case. Three other possible criteria for use of the term usufruct might be suggested, although they need not all be present in any one example. First, in cases of land tenure ideology, it might be used to distinguish between purported relations people have with land and relations they have with particular resources. "Usufruct" would apply to the latter. Next, it could indicate a rule that people's right to use resources depends on their continued occupancy of the area where the resources are located; an individual or group that moves away loses these rights. Finally, "property" could refer to a whole set of rights "bundled" together, with "usufruct" reserved for a few or less important rights.

Regarding the idea that hunting rights are part of an overarching ownership by the band, little evidence exists that the band as a whole has any corporate land-owning function except through government legislation. The band is not involved in the inheritance of hunting territories from one family to the next. Hunting territories are passed from one actual user to another (ideally along kin lines), without reference to more general rights by the band as a whole. For the Waswanipi Cree, Feit (1982:386-387) argues that the communal right to hunt anywhere

was of significance only during travel to and from a territory. Given the residence pattern, hunting territory owners who decide who resides on their territory effectively control the use of *both* subsistence and fur resources. I (1979:183) have noted the same thing for the Mistassini Cree. It has yet to be made clear that the concept of usufruct properly describes rights to hunting territories.

### THE FUTURE OF THE DEBATE

One way to reformulate the question of hunting territories would be to avoid for the time being the issue of their aboriginality and to ask whether they are an *Algonquian* institution. What is their relation to other aspects of the culture? Are they grounded in the cultural values of the group or an "outside" institution, not internalized by the community and inconsistent with the rest of the culture? For example, I would say that the system of registered traplines used by the Mistassini Cree, although introduced by the government in 1948, had not yet become internalized by 1970. As Turner and Wertman (1977:13) have commented for a similar system introduced to the Shamattawa Cree in the early 1940s, trappers treat the imposed system as no more than "a troublesome annoyance." Other examples of foreign institutions are the elected band chief, as described for Rupert House (Waskaganish) by Kupferer (1966), and the settlement council of a Déné village in the Northwest Territories described by Beyer Broch (1983). Such foreign institutions may become internalized in time, examples being Christianity and the credit system among the Mistassini Cree.

I suggest that we focus on whether the historical hunting territory system was well integrated. I am not suggesting giving up the idea of the hunting territory as a single institution, substituting instead diverse and unrelated types of hunting land tenure systems. I propose that we continue to see it as a single phenomenon, but more as an underlying structural form, which may or may not have a surface institutional realization, circumstances permitting, in any given instance.

Using such an approach, we can consider the new direction of the postclassic hunting territory debate. We can examine, for example, the implications of Knight (1965) and Turner and Wertman (1977), who suggest that even recently, hunting territories in the communities they observed were not internalized but merely imposed. This contrasts with my own conclusions from work among the Mistassini Cree. Further, I would hope that by leaving aside arguments over speculative historical processes (without, however, neglecting documentary material), scholars can begin to use historical and contemporary ethnographic cases—not as ammunition to be hurled at "the other side" but as comparative ethnographic evidence.

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