EPILOGUE: REEVALUATIONS AND FUTURE CONSIDERATIONS

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For centuries land and water have been subjects of controversy. Wars have been fought and innumerable lives lost to wrest control of some part of the globe from others. The struggle continues.

From a European point of view, what the land could produce through the sweat of one's brow (i.e., tilling the soil), or what lay hidden under the earth's mantle (i.e., was accessible through mining) was of utmost importance. At times, furs and timbers for ships were equally valuable. From an Indian point of view, the spiritual significance of the land or "mother earth" was of major importance. Within the universe, all life was one. This was not the viewpoint of Europeans, who believed that God created the universe for the exclusive use of humans. Nevertheless, Indians used the food, raiment, and shelter that "mother earth" provided.

Throughout the world, indigenous peoples are now seeking control of land and resources which were acquired by Europeans by various means over the past 500 years. Indigenous people believe they have a right to manage and preserve the land for their descendants, and to obtain compensation in the form of money, self-government, or other considerations for having lost their rights to aliens. Canadian Indians, Métis, and Inuit are now taking their claims to court. Examples of this litigation include the Baker Lake Inuit of the Northwest Territories, the Nishka of British Columbia, the Timagami Ojibwa in Ontario, the Lubicon Cree in Alberta, and the James Bay Cree in Québec. The "battlefields" of former times, such as Hannah Bay, Henley House, Mica Bay, and Batoche no longer exist. Often, with little knowledge of native people, their land, or their history, the press, environmentalists, politicians, and anthropologists come to the "rescue" only to muddy the waters of an already confused situation over Indian "title" to land.

From an ethnological perspective, "land tenure" is a complex issue. This is especially true because each culture has its own distinctive view of its relationship to the land. Indians of the eastern Subarctic in Canada represent one example of this complex relationship. Although ethnological interpretations of Subarctic Algonquian land tenure have varied over time, three phases can be identified. These three phases, as designated by Tanner (see this volume), are termed the "classic," "postclassic," and "neoclassic" viewpoints. The "classic" view states that family hunting territories existed before contact, while the "postclassic" view argues that family hunting territories arose after contact, primarily as a result of the fur trade. The modified, "neoclas-

sic" viewpoint includes conceptual refinements discussed by the authors in this volume.

Beginning in the early decades of the twentieth century, scholars such as Frank G. Speck, A. Irving Hallowell, and John M. Cooper began to examine how Algonquian-speaking Indians in the eastern Subarctic of North America dealt with land and its resources (the "classic period" described by Tanner in this volume). On the basis of what these investigators thought they had been told, they concluded that a form of individual or family land tenure (i.e., not communal) existed among Subarctic Algonquians. As early as 1915, Speck called this the "family hunting territory" (1915a, 1915b). He and his colleagues concluded that the "family hunting territory" system of land tenure had existed from "time immemorial."

Soon, other scholars proposed that the European fur trade had been responsible for the origin of the family hunting territory among Subarctic Algonquians (the "postclassic period" described by Tanner in this volume). Diamond Jenness was one of the first to question the arguments advanced by Speck and others that family hunting territories existed amongst Subarctic Algonquians in precontact times. Jenness (1935) ascribed this form of land use to European intervention, specifically the fur trade. Eleanor Leacock (1954) concurred, and carried the argument forward. Other scholars made further refinements, specifying additional factors or events to account for the emergence of the "family hunting territory" which followed the arrival of European traders in the eastern Subarctic (e.g., Rogers 1963; Knight 1965).

By the late 1950s or early 1960s, I assumed that the issue of land tenure among Subarctic Algonquians had been resolved once and for all, and that "hunting territories" came into existence after the arrival of Europeans.

This assumption was challenged by investigators such as Toby Morantz and Harvey Feit, who began to undermine my conviction. The reevaluation of my thinking was further hastened when I listened to papers presented in an all-day session organized by Toby Morantz and José Mailhot for the Canadian Ethnology Society meetings at the University of Toronto, May 9-12, 1985. Scholars who spoke in this session convinced me that after several decades of my previous viewpoint, it was time to reexamine the complex topic of Subarctic Algonquian land tenure and resource use.

In spite of the extensive literature on the land occupied by the original inhabitants of North America, we still know very little about Indian relationships to land and its resources, especially in the Subarctic. Fortunately, there are scholars who continue to labor very hard at understanding the wisdom of Indian elders and the remarks of traders and other Europeans preserved in archives.

The thoughts expressed at the symposium noted above represent a third phase in the ever-evolving view of land tenure among Subarctic Algonquians. As a rule, present scholars are not concerned with *when* hunting territories arose (i.e., whether they arose before or after the arrival of Europeans) or how the land-use system was adapted to ensure the survival of Subarctic Algonquians in their varied environments. Rather, current scholars emphasize how Subarctic Algonquians managed the resources provided by the lands they occupied. Critical attention is given to "conservation," the concept of "ownership" of the land and/or resources, and to "trespass" on "my/our land." However, these topics were not neglected by the scholars who first dealt with land tenure among Subarctic Indian people as a whole.

FUTURE RESEARCH

Stimulated by the Canadian Ethnology Society symposium, I began to rethink "land tenure" as practiced by Subarctic Algonquians. Future research may clarify issues that I believe have not been adequately dealt with, including environmental and socio-cultural considerations, and European and Métis contacts with Indians. Though a new generation of scholars has made great strides in probing the complexities of relationships between Subarctic Algonquians and the environment where they have made their living for millennia, further lines of inquiry may help resolve some of the varied opinions expressed in the published literature to date. A fuller understanding of Indian/land relationships within the eastern Subarctic will be gained only by examining all relevant data.

Finally, what are the ethical implications inherent in research on land tenure among the native peoples of Canada? This topic has become emotionally charged, to say the least. Indian land claims being debated in the courts pit scholar against scholar.

Environmental Considerations

To understand better how Indians were able to survive the harsh conditions of the eastern Subarctic, various aspects of the environment must be examined in considerable detail. The subarctic environment was not merely a static backdrop against which one viewed the "noble savage." It was forever changing, and Indians had to be constantly alert and adaptive. Aspects of the environment are not presented here in any order of importance; to individual Indians, perhaps all aspects were equally vital.

1. **Climatic changes** no doubt affected the availability of certain species upon which Subarctic Algonquians depended at times, as for example changes that occurred during the Little Ice

Age circa 1500-1750. Was this deterioration in climatic conditions responsible for the reduction in moose and caribou in the central Subarctic? What happens when snow accumulation is too deep for the survival of moose and caribou? Subarctic Algonquians had to devise new subsistence strategies if they were to survive, and these may have affected land tenure. There were also climatic alterations of lesser amplitude, including years when little snowfall meant that beaver lodges were easily discovered, but that moose and caribou escaped even the fleetest hunters because they were not impeded by deep snow (see Note 1). There were also years when the situation was reversed, and caribou were easily hunted (see Note 2). Sometimes the land was flooded in the spring, drowning many muskrats and curtailing the production of wild rice (see Note 3). What happened in 1816, the year without a summer (Catchpole 1985)? Subarctic hunters must have had mechanisms for dealing with these events. What modifications in land use did they make to cope with serious climatic events?

Although the role of fire in human life has been studied, little attention has been paid to the effects of forest fires on Subarctic Algonquians beyond the work of Feit (1969) for the Waswanipi area. What were the adjustments of Algonquian hunters when vast areas were destroyed and the intensity of fires was so great that not even a mosquito survived? Where did the hunters and their families go, and with whom? We might begin in Ontario, where fire maps have been prepared since 1920, and could be correlated with the registered trapline maps which were first plotted in 1947 (see Note 4). Combining these maps might yield insights about the effect of fire on Indian lands. This might lead to further field investigations which could try to unravel the social implications of fire. It is also important to note that the "fire rotation period" for the boreal forest is approximately sixty to one hundred years (Wein and MacLean 1983: 11).

2. **Game cycles** (see Note 5) are another variable to which mere lip service has been paid when examining resource use and land tenure among Subarctic Algonquians. Hare fluctuate in numbers from practically none (see Note 6) to a great abundance (see Note 7) every seven to ten years. The grouse population also rises and falls every so many years (see Note 8), and ruffed grouse periodically undergo drastic fluctuations in numbers (Godfrey 1966: 110). Geese fluctuate randomly. Some summers, many goose eggs fail to hatch due to adverse nesting conditions on the Arctic islands and/or the slaughter of adults to the south in the fall and winter. In the past, game hunters supplied the American market with immense quantities of geese. An age class of fish may be destroyed due to adverse conditions on spawning grounds (see Note 9). What happened when many or all of the species upon which the Indians depended crashed at the same time? Is this what happened at the turn of the century (1899-1900), when there was "nothing to eat" (see Note 10)? What did Indians do when only a

few food species were available and were not located in the same general area?

3. **The spatial distribution of resources** varied throughout the eastern Subarctic. Many plant, fish, bird, and animal species occurred widely, but there were other species, some of which were important to the Indians which inhabited restricted locales throughout the year. Among these spatially-restricted resources were berry patches, groves of maple trees, stands of wild rice, sturgeon, and lake trout.

Another form of restricted distribution occurred seasonally among certain species. For several weeks once or sometimes twice each year, these species assembled in certain areas in greater numbers than usual. Examples of this were caribou crossing the Severn River in the spring (see Note 11), whitefish during the fall spawning runs (Rogers and Black 1976), suckers during the spring (see Note 12), and millions of waterfowl, principally geese, which were found in the marshes bordering James and Hudson Bays in the spring and fall. These features of the landscape have rarely been mapped, and never over time. Given such distribution patterns, all of the resources upon which Subarctic Algonquians depended did not exist in every hunting territory. How did people accommodate these variable conditions?

4. **The production of trade items** which were desired by traders was certainly significant. Some of these items included waterfowl quills, castorum, sturgeon roe, swan feathers, caribou hides and meat, hare hides, and wild rice. Other resources, especially furs, were in even greater demand. Beaver provided both food and fur, as did hare and caribou when their skins were in demand. However, a lack of coterminous distribution, either continuously or periodically, of one or more fur-bearing species with food animals often caused problems for fur trappers (see Note 13). How did Indian hunters solve this problem, especially when desired fur bearers such as marten were located far away from adequate food supplies of fish, hare, or caribou?

5. **Resource productivity** increases westward within the North American Subarctic from the Labrador Peninsula to Alaska. What effect did this have in the past and what effect does it now have on the concept of land tenure among subarctic hunter-gatherers? Territoriality is believed to be more efficient when food is sufficiently abundant and predictable in space and time. When reverse conditions prevail, non-territorial behavior may be more efficient (Sack 1986:32). If this is the case, why have Athapaskan-speaking Indians in the western Subarctic of North America rarely been reported as having territorial boundaries such as those found among the Algonquian-speaking Montagnais of the eastern Subarctic?

6. **The size of fish** was significant in the Subarctic. In the past, certain species of fish might have grown much larger than is generally the case at present. These species include lake trout, sturgeon, and whitefish. A recent example of a lake trout from Lake Athabasca, Saskatchewan tipped the scales at 102 pounds (Scott and Crossman 1973:223), while a sturgeon caught in Lake of the Woods in Ontario weighed 234 pounds (ibid. 1973:86), and a sturgeon taken at Batchawana Island in Lake Superior in 1922 weighed 310 pounds. There are also lake whitefish weighing twenty pounds or more in the Great Lakes. One whitefish caught off Isle Royale, Lake Superior about 1819 weighed forty-two pounds (ibid. 1973:272). A sturgeon weighing 650 pounds was recently found in Lake Washington in the United States. Although obviously not found everywhere in the Subarctic, these large fish would have rivaled other species as a food resource wherever they occurred, and might have altered the subsistence strategy of Subarctic Indians.

Cultural Considerations

Indians in the eastern Subarctic had beliefs and behavior patterns which affected territoriality in one way or another. A few of these are mentioned below.

7. **Demographic patterns** among Subarctic Algonquians have been given little attention to date. Although some notice has been paid to both population size and the number of square miles allocated to each man, woman, and child, we must also consider the ratio of males to females born to each family, as there was sometimes a preponderance of one sex. Family size ranged from childless couples to polygynous families consisting of several dozen members (see Note 14). How were offspring distributed across the landscape to ensure the continued survival of the population? What were the adoption, marriage, and residence patterns of Subarctic Algonquians, and what role did these customs play in land tenure? Abandoned orphans and ostracized adults must also be taken into account when examining land tenure. Detailed genealogies should be collected in the field wherever possible, and then traced back through time by means of archival sources.

8. **The technology of Subarctic Algonquians** and what they acquired from traders must be considered when examining land tenure. What artifacts were both indigenous to subarctic peoples and lacking in the Old World? What did Indian trappers acquire from traders? What was the quality of trade goods, and what quantities were exchanged? No doubt these two factors changed over time. Although the steel trap and the gun must always be kept in mind, these are not the only items that affected land use in the Subarctic.

9. **Sociopolitical organization** and the varied terminology used for different social units among Subarctic Algonquians must be clarified, especially where this behavior relates to territorial boundaries. What was an aboriginal "band" in the eastern Subarctic? Certainly it was not the same thing as the "trading post band" or the later "government/treaty band" or "settlement." Speck, for example, was never clear as to what he meant by the term "band." What is the difference between "communal property," "common property," "individual property," "personal property," and "private property"? How many families must work together to be considered "communal" as opposed to "atomistic"?

How did the Subarctic Algonquians themselves define or view various sociopolitical units ranging from the largest to the smallest? When does one leave one's "own land" and enter that of a *stranger* (usually a territory where the inhabitants were to be feared)? What is trespass? Is stepping over the "boundary" of one's next door neighbor the same thing as crossing a faraway line, beyond which live "strangers"? In short, where and how do we—and Subarctic Algonquians—draw boundaries?

10. **The influence of religious beliefs and behavior patterns** on land-use practices and the relationships of Subarctic Algonquians to their environment have been studied, but much more work needs to be done. Formerly, when a member of a Subarctic Algonquian group died, his or her group refrained from taking any more fur animals that season (see Note 15). In some instances, the group moved to another area. All resources for home consumption were considered free goods which were available to all wherever they were found. But where was the boundary for the concept of free-goods from the viewpoint of the individual Indian? Does the fear of witchcraft promote small hunting groups, regardless of environmental conditions? If this were the case, then hunting-territory size in the Subarctic would not be regulated by the productivity of the land. Finally, were certain areas in the Subarctic taboo to exploitation for spiritual reasons, or did they remain unused for practical reasons?

THE EUROPEAN AND THE INDIAN

Traders, missionaries, government agents, and other Western Europeans came to North America from Britain, Scotland, the Orkney Islands, France, Scandinavia, and elsewhere. All had distinctive ethnic backgrounds, and all were motivated by different religious convictions. Each group dealt with Indians in various ways, including with respect to land use. Because they were literate and left written records in numerous archives, many Western European immigrants have been accepted as authorities on Indians.

But what of the veracity, objectivity, and cross-cultural perspectives of these recorders? With few exceptions (Black-Rogers 1986; Mailhot 1986), their accounts have yet to be critically examined with such points in mind. What did a trader mean when he recorded in his journal that such and such Indians had returned to their "hunting lands" or "hunting grounds"?

Western Europeans have been imbued with a concept of "Indian hunting grounds" through presentations of the concept of "manifest destiny" by historians and novelists. This concept of Indian land use was meant to contrast with that of European farming communities, where limited plots of land became important after the break-up of the commons, and individualization became the way to succeed.

11. **The role of traders** was significant in that they sometimes tried to influence the way Subarctic Algonquians used the land. For example, traders told Indians where to trap in any given year, and what size hunting group to use in a particular territory. They also promoted conservation measures among the Indians (see Note 16).

12. **The role of missionaries** had less impact than that of traders, but missionaries hoped that Subarctic Algonquians would become more sedentary. In that case, it would be easier to oversee their religious practices.

13. **The role of the government and perhaps anthropologists** (such as Frank G. Speck) in promoting a particular concept of land ownership among Subarctic Algonquians has no doubt been significant. What was the impact of federal legislation such as the Migratory Birds Act, or provincial legislation and regulations such as game laws, on Indians who formerly knew only their own customs? What was the role of men such as Jack Grew and Hugh Conn in the implementation of registered traplines which took place in the 1940s?

LAND CLAIMS: AN ETHICAL ISSUE

"Are Expert Witnesses Whores?" (Kousser 1984; Bourgeois 1986)

14. **Ethnocentric viewpoints** have often appeared in many studies of Indian land tenure to date. If the concept of Indian land tenure existed at all in the minds of non-Indian scholars, it tended to be modeled after Western European concepts. Do we believe what we want to believe? The answer is often yes. Thus, we must always be on guard, especially in this age of litigation over Indian land claims.

Both comprehensive claims (i.e., regarding land) and specific claims (i.e., regarding treaty obligations, hunting and

fishing rights, etc.) are now before the courts or in preparation for adjudication. More and more "expert witnesses" are being called upon by plaintiffs (usually Indians) and defendants (usually the federal or provincial governments) to testify on behalf of clients. Although academics have traditionally debated their views through the medium of publication in scholarly journals, the issues are no longer the innocent disagreements that once occurred in these journals, although they may at times be equally vitriolic. Claims made by native people for what they believe to be past wrongs, and the millions of dollars sought in compensation for such wrongs, are also under scrutiny. The historic and academic validity or evidence for the conclusions drawn by Indians are being tested in the courts. Accordingly, expert witnesses called upon to testify in court are under oath "to tell the truth."

But what is "the truth" regarding land tenure among Subarctic Algonquians and others? As we have seen, anthropologists have held varying views over time about the antiquity of hunting territories. Which one of the three views on Subarctic Algonquian land tenure does an expert witness advocate? First, there was the "classic" view where scholars argued that family hunting territories existed in precontact times. This was followed by the "postclassic" view which argued that family hunting territories arose after the arrival of Europeans, primarily as a result of the fur trade. Finally, there is the modified view which might be termed "neoclassic," and which contains the conceptual refinements expressed in papers in this volume. Scholars have recently focused on how Indians now use the land. In so doing, they imply (if not categorically state) that systems of game management and use which are today associated with family hunting territories have considerable antiquity. Does this viewpoint support precontact land tenure, as argued in the "classic period"? Through an examination of archival documents, other scholars suggest that family hunting territories existed earlier than was previously thought.

Canadian courts sometimes base their rulings on aboriginal rights on particular dates relating to Indian legislature, such as the Royal Proclamation of 1763 and the Robinson Superior-Huron treaties of 1850. Thus, expert witnesses must do meticulous homework. At the same time, they are likely to be caught in the cross-fire of the conflicting opinions of other anthropologists. Finally, the narrowly-confined views of the legal profession ensure that most members of this field will have little or no understanding of the (sometimes extreme) cultural differences between peoples throughout the world.

NOTES

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Many of the citations from trading post journals are quoted from notes taken by E. S. Rogers which were not always exact copies. Some of these notes are mere summaries of the information in the document.

1. February 1791 (letter from Cat Lake): ". . . there is so little snow they can kill no deer . . ." (Provincial Archives of Manitoba/Hudson's Bay Company Archives B.155/a/5:fo. 15); December 1743: ". . . not being able to kill deer for want of more snow on the ground . . ." (B.135/a/14:fo. 20d); February 1744: ". . . a very hard starving winter with them all, there not being snow enough, and consequently no deer to be caught . . ." (B.135/a/14:fo. 26). November 1762: ". . . partridges plentiful but not snow enough yet to try a partridge net . . ." (B.198/a/4:fo. 16).

2. 1820-21: ". . . All of the above Indians did well in winter. Snow was deep on the ground and they killed several deer . . ." (B.133/e/2:fo. 3).

3. June 1847: ". . . they all complain that there are no muskrats to be found all have frozen in their holes during the winter by the water being so low . . ." (B.220/a/10:fo. 18 and 20d and B.220/a/11:fo. 2a and 3d); September 1827: ". . . the extreme height of water prevents them from being able to find any muskrats to kill . . ." (B.220/a/5:fo. 2d).

4. Ontario Department of Lands and Forests (now the Ministry of Natural Resources of Ontario).

5. See Elton (1942), the "father" of the study of animal population dynamics.

6. February 1780 (letter from Fort Severn): ". . . rabbits are exceedingly scarce . . ." (B.198/a/24:fo. 22); December 1847: . . . no rabbits to be found no where, which is the complaint all over . . ." (B.220/a/10:fo. 34d and 35d and B.220/a/11:fo. 12); December 1848: ". . . no rabbits to be got . . ." (B.220/a/12:fo. 17d and B.220/a/13:fo. 22); January 1849: ". . . they are starving for want of rabbits which is the call all over this season . . ."(B.220/a/13:fo. 24d); December 1849: ". . . no rabbits to be found all over the country on this quarter" (B.220/a/15:fo. 18d); March

1850: ". . . complains of starving for want of rabbits, which is the case all over the country on this quarter" (B.220/a/34:fo. 22d); December 1880: ". . . rabbits are scarce this year . . ." (B.220/a/43:fo. 74); March 1888: ". . . no rabbits no place all around . . ." (B.220/a/44:fo. 70d); December 1890: ". . . rabbits are reported to be very scarce . . ." (B.155/a/90:fo. 4d).

7. February 1820: ". . . rabbits and partridges are plentiful . . ." (B.186/b/3:fo. 16).

8. November 1762: ". . . partridges plentiful . . ." (B.198/a/4:fo. 16); April 1767: ". . . there has been caught by the nets above 9,000 partridge since December last . . ." (B.198/a/8:fo. 28d); November 1779: ". . . partridges very scarce . . ." (B.198/a/24:fo. 12d); February 1780: ". . . partridges are exceeding scarce . . ." (B.198/a/24:fo. 22); December 1847: ". . . no partridges . . ." (B.220/a/11:fo. 12).

9. November 1844: ". . . the Indians all complain of the same, they cannot take fish as usual all around the neighbourhood of this lake . . ." (B.220/a/6:fo. 24); March 1888: ". . . no fish to be got—going to be a pretty hard spring all around this lake . . ." (B.220/a/44:fo. 70d).

10. April 1899: ". . . country provisions have failed in all directions . . ." (B.186/a/107:fo. 47).

11. April 1762: ". . . news of the deers' crossing above . . ." (B.198/a/3:fo. 25); April 1769: ". . . Home Natives to await passing of deer to southward as usual in the spring season deer plentiful within three days to northward . . ." (B.198/a/11:fo. 23); June 1773: ". . . deer crossing in many thousands twenty miles up this River going northwards. . ." (B.198/a/17:fo. 43); May 1775: ". . . numbers of deer crossing river to southward about four miles above Factory . . ." (B.198/a/19:fo. 35d); June 1778: ". . . no deer lately crossed owing to the cool weather that has kept the insects immobile not infesting the animals and causing them to move about . . ." (B.198/a/22:fo. 40); June 1781: ". . . they say few or no deer have crossed . . ." (B.198/a/6:fo. 35d); April 1786: ". . . deer arrive about river about 30 miles up . . . Indians saw six deer crossing river to northward about half mile above . . ." (B.198/a/33:fo. 28d).

12. March 1818: ". . . the Indians are getting plenty of suckers from the weir . . ." (B.125/a/1:fo. 9).

13. March 1827: ". . . where they turned back they saw marten tracks but had nothing to live upon . . ." (B.220/a/4:fo. 16); December 1847: ". . . no rabbits this season, which

will be much against the fur this season, and no partridges also . . ." (B.220/a/11:fo. 12).

14. For example, Captain Utchechauk in 1795: ". . . the father of 23 children, 16 of which is sons . . ." (B.155/a/10:fo. 25d).

15. April 1830: ". . . one of them unfortunately has lost his father and the other his wife which losses according to their custom prevents them from hunting furs this winter." (B.133/a/15:fo. 38d).

16. December 1844: ". . . for I am very much averse to an Indian interfering with anothers lands in these things." (B.77/a/19:fo. 17d).

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