SOMEWHERE BEYOND THE BARRICADE:
EXPLAINING INDIGENOUS PROTEST IN CANADA

by

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B.A., The University of British Columbia, 2008

A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF
THE REQUIREMENTS FOR THE DEGREE OF

MASTER OF ARTS

in

The Faculty of Graduate Studies

(Political Science)

THE UNIVERSITY OF BRITISH COLUMBIA
(Vancouver)

August 2009

Abstract

Forms of Indigenous contentious action, including blockades, marches, demonstrations, building occupations and fish- and log-ins are commonplace in Canada, but understudied. The likelihood of more of these events is high given the glacial pace at which grievances are being acknowledged. This paper asks what accounts for the variation in mobilization of Indigenous groups in unconventional forms of protest - non-routine and non-institutional - often "illegal" contentious action events in advanced, industrial, settler democracies? The applicability of three social movement theories, deprivation, Resource Management Theory (RMT) and New Social Movement (NSM) theory, are examined in providing explanatory leverage on Indigenous mobilization in contentious action in Canada. An examination of two cases will outline the explanatory usefulness of these theories: the blockades at Kanehsatake in 1990 (commonly referred to as the Oka Crisis) and the conflict at Burnt Church from 1999 to 2002. It determines that deprivation, NSM, and sometimes RMT are able to provide valuable insights into specific cases and also illustrate the fact that Indigenous contentious action across Canada is not the same, they are not always driven by the same processes, goals, or identities. These theories can be useful analytical tools, but have little to offer in terms of predictive power and must be used carefully as explanatory tools. As opposed to being separate explanatory fields, they are most helpful used cooperatively rather than competitively. All of these theories must be able to take into consideration the impacts of colonialism, on resources, on deprivation and on identity, in order to retain explanatory value in the case of Indigenous peoples. Furthermore, the relationship that land has to identity formation for Indigenous peoples must be accounted for, and can be done so within NSM theory.

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Introduction

The image of a white cowboy standing on a ridge in the 'wild west' looking off into sunset while drums beat in the distance has often been the image popular culture has used to typify Indigenous non-Indigenous relations.[1] What history has told us unequivocally is that the treatment of Indigenous peoples by settler populations has been abhorrent and in some cases criminal. The imagery used by popular culture does not capture this history or challenge society to consider that the "restless natives" are angered and defiant for very good reasons. This paper seeks to examine the reasons for Indigenous contentious action against mainstream society. Forms of Indigenous contentious action, including blockades, marches, demonstrations, building occupations and fish- and log-ins, are relatively commonplace in Canada.   In fact, Indigenous groups have been engaging in contentious action events against the Canadian state for over a century, with historical records showing a 1872 Gitksan blockade of the Skeena River and a 1854 blockade on Saltspring Island.[2]   Contentious action by Indigenous groups peaked in the 1990s, spurred in part by events at Oka, but has not subsided.   Although certain major events have received scholarly attention, they have been treated in isolation of both each other and the larger social movement context.[3]

What accounts for the variation in mobilization of Indigenous groups in unconventional forms of protest - non-routine and non-institutional - often "illegal" contentious action events in advanced, industrial, settler democracies?   While media coverage may distort the overall picture of Indigenous activism, studies show that from the period of 1981 to 2000, 436 bands, or

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[1]   In the Canadian context, I use the terms 'Indigenous', 'Aboriginal' and 'Native' interchangeably to refer to the descendants of those who traditionally occupied the territory now known as Canada prior to the arrival of Europeans settlers.   I use the phrase 'First Nation' to refer to those legally recognized as Indians under the Canadian federal government's Indian Act of 1876, a status that Burnt Church, Kanehsatake and Kahnawake maintain.

[2]   Blomley, "Shut the Province Down," 8.

[3]   Lawrence, "Rewriting Histories of the Land"; Long, "Culture, Ideology, and Militancy: The Movement of Native Indians in Canada, 1969-91"; Orkin, "When the Law Breaks Down"; Ramos, "What Causes Canadian Aboriginal Protest?"; Wilkes, "A systematic approach to studying Indigenous politics."

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78 percent of all bands in Canada engaged in no protest events. [4]   Alternatively, almost one quarter of bands in Canada participated in at least one contentious action event.   Indigenous contentious action in Canada occurs under the radar of mainstream media and society, and largely under the radar of the academic community.   This is a concerning oversight; the theoretical paradigms of social movement literature can provide important insights into Indigenous contentious action events within Canada, but only if supplemented by Indigenous peoples understandings of their own mobilization in contentious action.

Several theories dominate the social movement literature; of particular interest are deprivation theory, Resource Mobilization Theory (RMT), and New Social Movement (NSM) theory.   Contentious politics, or protest activities, are defined as "any act outside the dominant political process with a clear target, actor, place, action, and goal."[5]   An examination of two cases will outline the explanatory usefulness of these three theories: the blockades at Kanehsatake (the Oka Crisis) and the conflict at Burnt Church (Esgenoopetitj).   These cases have been chosen to hold the type of mobilization as relatively constant.   In both cases the First Nations involved did not use institutional means (e.g. the courts) to accomplish their goals.   In both cases they engaged in negotiations with the state, both the length of protest and outcomes are different.   The individual cases are analyzed using process tracing, and focusing on causal mechanisms.   The cases lend themselves well to this method because they are only small instances of larger events and posess a great degree of internal complexity. Tracing the internal processes of each event overcomes the difficulty in determining which theory lends the most explanatory value because to a large extent grievances, deprivation, resources and identity are present in both cases.   Without tracing processes and mechanisms it would be difficult to determine which factors may have played a meaningful role in contentious action, which factors did not, and in what causal direction these processes operated.

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[4]   Wilkes, "A systematic approach to studying Indigenous politics," 451.
[5]   Ramos, "What Causes Canadian Aboriginal Protest?," 216.

Deprivation theory suggests that deprivation, both relative and absolute, are at the root of contentious action, which is an attempt to rectify grievances.   Resource Mobilization Theory suggests that a group's increase in resources, social or material, allow that group to then engage in contentious action based on specific grievances.   Finally, New Social Movement theory suggests that the causes of contentious action are found in the formation of collective identities by groups.   Deprivation can provide a useful theory to explain Indigenous contentious action at large within Canada, particularly with relation to mobilization.   It provides insight into the reasons behind an action, the grievances of Indigenous peoples and the goals of contentious action.   Indigenous groups are one of the poorest demographics within Canada; in both the Kanehsatake and Burnt Church cases Indigenous peoples fought against measures that would further deprive each reserve, land and fishing rights respectively.   RMT is of limited usefulness in explaining collective action, particularly because of the widespread deprivation of Indigenous peoples.   In both cases Indigenous peoples had minimal resources, although they were able to capitalize on the resources of others.   NSM theory may provide the most useful theoretical frame to explain mobilization by Indigenous groups, provided that particular aspects of group identity such as land and colonialism, are taken into consideration within the analysis.   In both cases identity was invoked as a reason for collective action and identity became strengthened through collective action, in some cases regardless of participation.

Theories of Social Movements

Each theory suggests a different reason for Indigenous groups to engage in action that is outside the institutional mechanisms of the state.   These theories have a rich empirical history within the social movement literature, but this has not been extended to cases of Indigenous protest within Canada.

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One of the first theorized causes of political unrest within the social movement literature was deprivation. According to deprivation theory Indigenous groups who experience deprivation, both relative and absolute, have nothing to lose and everything to gain by engaging in contentious action which is designed to challenge the existing power structure. This is not simply a reallocation of funds by the government because in many cases deprivation is linked to a question of sovereignty and control over land as well as to the loss of culture due to assimilative practices by the government. Deprivation takes on a deeper meaning, and thus the goals of contentious action for Indigenous groups become increased autonomy to address economic and cultural deprivation.

In relation to participation deprivation may play a vital theoretical role. As Rima Wilkes demonstrates through a quantitative approach, deprivation (measured as unemployment) informs participation in contentious action.[6] This is a particularly apt theory when applied to Indigenous communities in Canada because they face an array of injustices as a result of colonialism:

> "loss of land and sovereignty, disregard for treaty rights, mistreatment in residential schools, racism, police brutality, over-representation in the prison system, poverty, economic dependency, forced assimilation and loss of culture."[7]

The more contentious types of action in which Indigenous groups typically engage do not require resources beyond physical bodies, whereas mobilization within the institutions of the state, such as legal action, participation in committees, or treaty negotiations, are resource intensive. According to deprivation theory, the goal of contentious action is to lessen deprivation or to remedy problems of distribution. In the case of Indigenous groups the theory posits that higher levels of deprivation are associated with increased contentious action.

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[6] Wilkes, "First Nation Politics," 570.
[7] Ibid., 573.

If deprivation plays a role in explaining mobilization in contentious action then we should observe that the more destitute communities act more contentiously.   Indigenous groups should engage in contentious action to relieve their current levels of deprivation and to prevent further deprivation.   In addition, Indigenous grievances will stem from their deprivation.   The goal of Indigenous contentious action will be a rectification of perceived grievances based on the deprivation of the community.   Thus, where Indigenous groups engage in contentious action and the dominant institutions capitulate, if grievances are meaningfully addressed and deprivation lessens within the individual community, instances of contentious action should lessen or even cease.

RESOURCE MOBILIZATION THEORY (RMT)

RMT suggests that Indigenous groups who have greater resources should be more likely to engage in contentious action, these include economic resources, social capital and networking or organizational resources.   This is because a minimum amount of human capital must be present to allow groups to organize collectively and contentiously against the state.   In other words, it is not deprivation or a particular grievance that sparks action, as these are ubiquitous in society, social movements "develop when the resources necessary for mobilization become available."[8]   Individuals engaging in contentious action pool their resources, manpower, financial, social or otherwise, and attempt to secure additional resources in order to pursue self-identified collective goods.[9]   RMT suggests that mobilization is based on a strict cost-benefit analysis or "instrumental rationality" of each individual.[10]   RMT theorists argue that the trigger from "condition" to "action" is contingent upon the availability and amount of resources under a group's collective control and its ability to mobilize such resources.[11]   RMT links protest to the availability of financial assets but expanded to include resources such as social or human capital,

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[8]   Woolford, *Between Justice and Certainty*, 68.
[9]   Carroll, *Organizing Dissent*, 6.
[10]   Woolford, *Between Justice and Certainty*, 68.
[11]   Pertusati, *In Defense of Mohawk Land*, 124; Carroll, *Organizing Dissent*, 24.

the availability of organizations, group organization, social networks, a committed membership, weapons, and outside support.[12]   In the case of Indigenous contentious action in Canada, resources may include the presence of organizations (local, provincial, tribal, national), the availability of government funding, and human capital.[13]

Some literature suggests that formal organizations "get co-opted and generate greater participation in the polity, rather than contentious action against it."[14]   As a result, resource mobilization may lead to contentious action but it may also contribute to incorporation into dominant political processes.   This seems like a genuine possibility in regards to Indigenous communities in Canada because of their close ties to the federal government, which supplies a significant amount of financial aid to Indigenous communities.   By using these funds and becoming dependent on them, Indigenous groups are in a tenuous position and the incentives do not push them to act outside of dominant institutions.[15]   Additionally, band council governments derive their legitimacy and significant funding from the Canadian government. They are imposed systems of government and are not universally viewed as legitimate by Indigenous peoples.

If RMT plays a role in explaining mobilization in contentious action then we should observe that the communities with more resources use those resources, financial, social capital, education, technical expertise and manpower from the community to act more contentiously around a given grievance.   These resources will mean that contentious action by Indigenous communities can be supplemented with other activities such as communication through mainstream media, dissemination of information, and the involvement of hired professionals. Indigenous communities that act contentiously should do so to secure additional resources for the community and to perpetuate contentious action to have their grievances meaningfully

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[12]   Pertusati, *In Defense of Mohawk Land*, 124; Ramos, "What Causes Canadian Aboriginal Protest?," 213.
[13]   Ramos, "What Causes Canadian Aboriginal Protest?," 213.
[14]   Ibid.
[15]   Alfred, *Wasase*, 62.

addressed.   Thus, where Indigenous groups engage in contentious action and the dominant institutions give in; if grievances are meaningfully addressed and the community retains the resources to act contentiously they will do so again, whereas if they no longer have the necessary minimum of resources contentious action will lessen.

New Social Movement Theory (NSM)

NSM is a prominent theory in the social movement literature and was developed as a reaction to RMT that highlights the role of collective identities and identity formation in the process of social movements.   NSM theory suggests that "in order to be successful activists must frame issues in ways that resonate with the ideologies, identities, and cultural understandings of supporters and others who might be drawn to their cause."[16]   In the case of Indigenous peoples this framing can mean the creation of an Indigenous identity based on traditional connections such as kinship and tribe and a rejection of colonial impositions of identity.   It can also mean the creation of, or strengthening of, a pan-aboriginal identity that transcends and supplements local Indigenous identities.   According to this perspective mobilization in contentious action and group identity are linked and reinforcing.[17]   The goal of action on this level is not material gains, as in the case of deprivation theory, but rather the "recognition of disenfranchised identities."[18]   Put another way, "conflicts are not sparked by *problems of distribution*, but concern the *grammar of forms of life* [emphasis in original]."[19]

This conception of social movements has been studied in terms of the American Indian Movement (AIM).   Some scholars have argued that the rise of AIM was linked to the creation of a new pan-Indigenous identity "one that extends beyond a single linguistic, cultural or national group" and in combination with the opening and closing of political opportunities led to

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[16]   Campbell, "Where do we Stand?," 8.
[17]   Ramos, "What Causes Canadian Aboriginal Protest?," 214.
[18]   Ibid.
[19]   Ramos, "What Causes Canadian Aboriginal Protest?." 214; Woolford, *Between Justice and Certainty*, 68.

Indigenous contention in the United States during the 1970s.[20]   This process has never played out as strongly in Canada, but applied to individual Indigenous communities, it may help to identify why some groups engage in more contentious action than others.   A strong and coherent sense of Indigenous identity within the community (a sense of what it means for an individual or a community to be Mohawk or Mi'kmaq) can be part of the process that triggers and sustains contentious action by Indigenous communities.

Kanchan Chandra suggests that "we should think of individuals as possessing a bounded repertoire of attributes" and further argues that "in choosing an identity, individuals do not string together some idiosyncratic combination of attributes, but typically choose between some externally provided choice set of meaningful categories."[21]   This is a uniquely complex process when dealing with Indigenous communities in Canada because a multiplicity of identities and potential identities exist - distinct tribal and cultural identities, identities based on place (urban v. reserve), state-constituted identities (status, non-status, Bill C-31 babies, Métis, and Inuit), and identities based on nations such as Blackfoot, Ojibway, and Iroquois (which cross the borders of Canada into the United States).[22]   Individuals and communities do not possess a unified identity, but instead identify with one or many of these categories and their identities often shift. During contentious action part of the purpose for some participants is to destabilize a specific collective identity (colonial); non-participants may see deconstruction as a threat to group unity.[23]

The early 1990s in Canada saw a massive spike in Indigenous contentious action events, many of which were organized in support of the "crisis" at Oka.   This suggests that a pan-Indigenous identity may be active, although in varied amounts.   The events at Burnt Church garnered much less national support in terms of resources and manpower.   Although Indigenous

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[20]   Ibid., 215.
[21]   Chandra and Laitin, "A Framework for Thinking about Identity Change," 5, 8.
[22]   Wilkes, "The Protest Actions of Indigenous Peoples," 519.
[23]   Polletta and Jasper, "Collective Identity and Social Movements," 292.

groups are quite diverse, through the mechanisms of colonialism they have come to share common historical experiences that can be used to construct a pan-Indigenous identity. This can be defined as a common conception of self-hood based on a history of shared oppression, cultural attitudes, common interests and hopes for the future, that provide a collective action frame.[24] A strong sense of identity may explain why Indigenous communities engage in contentious action, because the networks and relationships associated with collective identity already exist and individuals are in a position to frame events in terms of a shared identity.

If NSM, particularly the formation of collective identity, plays a role in explaining the mobilization of Indigenous groups then we should observe that communities with a stronger and more cohesive sense of traditional Indigenous identity act more contentiously. This can be observed in the presence of traditional governance structures, the reclamation and practice of cultural traditions, an increased focus on Indigenous language, and relationships based on traditional pathways such as kinship or tribe.[25] Communities with strong traditional relationships may draw on those connections for resources and support outside of their reserve or what would jurisdictionally be available to them. These relationships can facilitate the transfer of ideas, tactics and organization methods, as well as provide access to manpower in the form of traditionally organized Warrior Societies. Indigenous groups should engage in contentious action to support their own interpretations of their identities and to challenge and destabilize dominant, state enforced interpretations of their identity. Where Indigenous groups engage in contentious action and the dominant institutions capitulate, even if grievances are meaningfully addressed within the *individual* community, instances of contentious action will not significantly lessen because the movement seeks to address the historical grievances based on their collective identity as well as destabilize that identity at large.

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24 Woolford, *Between Justice and Certainty*, 71.
25 Alfred, *Wasase*, 34, 127, 197, 227.

Contentious Action in Canada

Contentious and confrontational action by Indigenous groups in Canada has a long history.   In fact, many Indigenous peoples and communities have never wholly accepted the authority of the Canadian state and have fought the reserve system and the removal of their traditional lands.   These battles have ranged from less contentious legal action and lobbying efforts to highly confrontational politics, such as protests and roadblocks.   During the earliest years of settlement Indigenous groups were faced with challenges to their very survival, such as the appropriation of their lands, the removal of children to residential schools, as well as the impacts of European diseases.

The mobilization of Indigenous groups since the 1950s has increasingly taken place outside of traditional institutional channels and since the 1970s the instances of these events have increased, with a massive spike in the early 1990s.[26]   The most common tactic is the blockade but other tactics include marches and demonstrations, occupation of land or buildings, boycotts, and fish and log-ins.[27]   For example, in BC in 1974 - 1975 there were 13 blockades of public highways, logging roads, public works yards, the office of the Department of Indian Affairs (DIA), and a rail line.[28]   During the 1980s and 1990s the Restigouche/Listouguj First Nation in Quebec, the Sheshat (Tseshaht) First Nation in BC and the Cheam First Nation in BC are just a few of the Indigenous groups who engaged in fish-ins.[29]   The Peguis First Nation in Manitoba occupied the DIA offices multiple times and the Innu of Labrador and Quebec occupied runways used by military planes.[30]   Blockades in the 1980s were also numerous; some examples are the Clayoquat and Ahousat First Nations (Meares Island), the Haida people, several different

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[26]   Wilkes, "A systematic approach to studying Indigenous politics," 450.
[27]   Ibid., 451.
[28]   Blomley, "Shut the Province Down," 9.
[29]   *RCAP Vol. 2*, 2 s 4.3.1; Wilkes, "The Protest Actions of Indigenous Peoples," 514.
[30]   *RCAP Vol. 2*, 2 s 4.3.1; Wilkes, "The Protest Actions of Indigenous Peoples," 515.

Gitksan villages, the Lubicon in Alberta, and the Algonquins of Golden Lake First Nation.[31]

Some of the most controversial events have been the occupation of Ipperwash Provincial Park in 1995 where Dudley George was killed, the Gustafsen Lake standoff also in 1995 and the ongoing Grassy Narrows blockade.[32]

While protest activities have been widespread they have not received much in the way of scholarly attention within Canada. Howard Ramos draws on the social movement literature to develop a regression analysis that tests whether or not Canadian Indigenous protest can be explained by resource mobilization, political opportunities, or the construction of a pan-aboriginal collective identity.[33] He determines that the strongest influences on protest are the founding of new organizations, federal monies, media attention, and successful resolution of land claims. He also concludes that differences among "status groups and their access to resources and opportunities inhibit broad based pan-aboriginal protest.[34] Rima Wilkes looks at Indigenous protest in an effort to explain timing and determines through multivariate analysis that some forms of deprivation (unemployment) and resources (socioeconomic status) are related to Indigenous mobilization.[35] Both of these studies provide strong support for RMT and Wilkes also provides some support for deprivation theory. In neither case is collective identity or NSM supported.

Indigenous political mobilization has also been studied using ethnographical methods such as research by Linda Pertusati who integrates social movement literature into an analysis of the Oka crisis. She determines the importance of NSM theory by arguing that movement leaders used the ideological frame of "nationalism" to assign meaning to the protest activity at

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[31] Wilkes, "The Protest Actions of Indigenous Peoples," 515; Long, "Culture, Ideology, and Militancy: The Movement of Native Indians in Canada, 1969-91," 127.

[32] Wilkes, "First Nation Politics," 574; Alfred and Lowe, *Warrior Societies in Contemporary Indigenous Communities*, 23; Orkin, "When the Law Breaks Down," 451.

[33] Ramos, "What Causes Canadian Aboriginal Protest?," 211.

[34] Ibid.

[35] Wilkes, "First Nation Politics," 570.

Oka.[36]   She further argues that the interactive processes of politicized ethnicity (ethnic identity and consciousness) and ideology (nationalism) facilitated mobilization by the Warriors, at Oka.[37] Paul Tennant presents a historical account of Indigenous mobilization in British Columbia and highlights the importance of changing identities, including periods of pan-aboriginal identity and solidarity which gave way to a fractured and more tribalized form of organization.[38]   These studies provide some support for NSM as an important theoretical explanation but also indicate that identities are not necessarily unifying.   Neither focuses on deprivation as a theoretical paradigm; Pertusati's study indicates RMT played a minimal role in explaining Oka, Tennant's focus on more institutional means of mobilization show the importance of resources in this context.

Scholarly work on contentious action outside of Indigenous peoples in Canada is a more robust area of study.   Ted Robert Gurr looks at ethnopolitical rebellion of communal groups, "cultural and religious identity groups that do not have recognized states or institutionalized political status," globally to assess a general model of how and why minorities mobilize to defend and promote their collective interests.[39]   He determines that "grievances are critical in the early stages of group mobilization, but become less significant than group organization, leadership, and state response once campaigns of organized political action are underway."[40] Persisting grievances are caused by a group's disadvantages - political and economic differences, poverty, and discriminatory treatment - and by identity, and therefore are potential causes of political mobilization.[41]   Gurr also determines that "resentments about restricted access to political positions and a collective history of lost autonomy drive separatist demands and

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[36] Pertusati, *In Defense of Mohawk Land*, 12.
[37] Ibid.
[38] Tennant, "Native Indian Political Activity in British Columbia, 1969-1983," 136.
[39] Gurr, "Why Minorities Rebel," 161.
[40] Ibid., 189.
[41] Ibid., 173.

rebellion generally."[42]   These insights have not been applied to the study of Canadian

Indigenous protest, despite the potential they posses to offer meaningful explanations for

contentious action.   For instance, this study provides strong support for deprivation theory and

NSM theory as important tools for analyzing Indigenous mobilization in contentious action.

Despite the research done, both within the Canadian context and outside of it, several key

puzzles persist.   Little work has been done to examine differences in Indigenous mobilization

within Canada; instead the focus has been on pan-aboriginal mobilization.   Contentious action

and Indigenous protest remains a small field of study, especially when compared to the literature

on Indigenous mobilization within the institutions of the Canadian state.   We know very little

about why one Indigenous group will engage in protest and another will choose the courts, why

some groups show solidarity with the struggles of individual Indigenous communities across

Canada and others do not.   We know little about the internal mechanisms of mobilization of

Indigenous groups, and where these mechanisms can break down, or fail to result in

mobilization.   We know little about the differences between one individual protest event and

others, of particular note we know next to nothing about Indigenous protest events after Oka.

Case Studies: Kanehsatake and Burnt Church

The events at Kanehsatake, or the "crisis at Oka" as it came to be called, were perhaps

the most notorious Indigenous protest in Canada.   Most of the subsequent literature on the

blockades stem from the journalists who covered it, including those behind the barricades.   The

protest over several fishing seasons at Burnt Church received even less attention despite their

length and violence.   The literature around Burnt Church deals almost exclusively with the

Marshall decision and its ramifications nationally, ignoring the concerns of the small fishing

village that went out onto the water season after season to defend their rights.   Both

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[42]   Ibid., 188.

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Kanehsatake and Burnt Church were triggered by a threat that both communities organized against, in the case of Kanehsatake, to safeguard their traditional and sacred lands from appropriation and development, and in Burnt Church from the government regulation of Supreme Court guaranteed fishing rights.   Both events were violent in terms of the Indigenous response and the reactions of non-Indigenous Canadians, but only at Oka did Indigenous peoples carry weapons.   Neither community was able to achieve their desired outcomes.   Burnt Church eventually signed a Department of Fisheries and Oceans (DFO) agreement to abide by government fishing regulations.   In Kanehsatake, while the disputed land at Oka was bought by the federal government and development was stopped, it was never given over to the community.

Each case provides opportunities to look for evidence to support the three theories previously outlined.   Each case will be examined to see what features of mobilization each theory, deprivation, RMT, and NSM, can explain.   Process analysis allows for an in depth examination of each case and the opportunity to obtain rich and accurate accounts of the process predicted by the three theories as they occur through causal mechanisms.   This represents one of the ultimate strengths of process tracing, the ability to speculate "*whether* and *how* a variable mattered" rather than "assessing *how much* it mattered," as previous studies, such as those by Ramos and Wilkes, have accomplished.[43]   Each case provides an opportunity to examine the complexity of the case in detail and establish conceptual validity and accuracy about specific cases in a way that allows for tests of specific theories and for the incorporation of multiple pathways into a new theory, if necessary.[44]   A comparison of the two cases demonstrates the applicability of each theory within them to establish important differences in each case that may be attributable to differences in deprivation, resources, or collective identity.

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[43]   George and Bennett, *Case Studies and Theory Development in the Social sciences*, 25.
[44]   Ibid., 13, 20.

Kanehsatake

The Oka Crisis was triggered by a land dispute between the Mohawk reserve of Kanehsatake and the town of Oka, Quebec in the summer of 1990. The Mohawk nation had been pursuing a land claim that included a burial ground and a sacred grove of pine trees near Kanehsatake, which brought them into conflict with the town of Oka which was planning to expand the local golf course onto the land.[45] Kanehsatake has been engaged in this land dispute for more than 270 years, after being relocated to the lands under the administration of the Sulpician monks, who had received the land in grant from the King of France in 1717.[46] The various Mohawk communities delivered a steady stream of petitions to successive colonial administrators, beginning in 1781 and stretching into modern times, demanding recognition of their claim to the lands.[47] In protest of the newest threat to their lands, some members of Kanehsatake erected a barricade blocking access to the area in question in early March. On July 11th, 1990 (the official start of the 78-day crisis) the Sûreté du Québec (SQ) attempted to bring down the barricades and in the ensuing operation shots were fired and SQ Corporal Marcel Lemay was shot and later died.[48] The protesters refused to dismantle their barricade and the SQ established their own blockades to restrict access to Oka and Kanehsatake. The situation escalated after one of Kanehsatake's sister Mohawk communities, Kahnawake, established their own blockade across the Mercier Bridge in solidarity. By August Quebec requested and received military support and the SQ was replaced by troops from the Canadian army. On August 29th the blockade at the Mercier Bridge was dismantled and by September 26th the last protesters at Kanehsatake left their blockades.[49] Throughout the crisis negotiations were attempted between the province and the protesters and other affected parties, however, neither

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[45] Obomsawin and Koenig, *Kanehsatake*.
[46] York, *People of the Pines*, 85.
[47] Ibid., 84.
[48] Obomsawin and Koenig, *Kanehsatake*.
[49] Ibid.

the provincial nor federal negotiators had any mandate to negotiate past the removal of the barricades.   They had no jurisdiction to address the fundamental root of the issue for Kanehsatake, the issue of sovereignty over their lands.[50]   The federal government purchased some of the land in question to halt development, but failed to purchase the burial grounds; ownership of the land was simply transferred from the township to the federal government, never to Kanehsatake.[51]

DEPRIVATION

Deprivation theory offers useful insights into the trigger event at Kanehsatake, especially in terms of land.   The standoff began because of the attempts to develop and thus to deprive the Mohawks of Kanehsatake of land that they consider part of their traditional and unceeded territory.   Additionally, the Mohawks of this region have a history of forced relocation and land expropriation and have faced the loss of land for the development of the first nine holes of the Oka golf course and the development of the St. Lawrence Seaway.[52]   Deprivation theory can help to explain the initial tactics taken by protesters, who lacked financial and technical resources, and therefore resorted to creating blockades from materials readily available and relied on manpower and physical presence.   Even though the crisis escalated, this simple tactic did not change.

What resources the protesters, particularly the Warriors, had were used strategically and creatively.   One officer indicated that "we had heard about booby traps, fortifications, trenches. In fact the Warriors had nothing to fight us with."[53]   Warriors used mirrors to blind officers manning the opposing barricades and hung massive tarps from the trees to obstruct the view of the army around the treatment center during the last days of the standoff.[54]   Chief Gary Potts of

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[50]   York, *People of the Pines*, 217, 302.
[51]   MacLeod, *Acts of Defiance*.
[52]   York, *People of the Pines*, 103, 171.
[53]   "Warrior stories 'baloney,' says officer."
[54]   Obomsawin and Koenig, *Kanehsatake*.

northern Ontario indicated that deprivation, and the grievances stemming from them was at the heart of both the start of the conflict and the decision by protesters to resort to weapons, "if you are pushed around for a hundred years or two hundred years and you run out of patience and finally there's nothing left and you're in the last corner of your home and there's nowhere to move, then it's a legitimate reason to take up arms."[55]

Deprivation theory and the grievances arising from both absolute and relative deprivation play a role in the initial trigger for the conflict at Kanehsatake and shed light on the choice of tactics. Deprivation is able to account for some of the motivation of the people of Kanehsatake in protesting, because they faced a direct threat that would deprive them further. Deprivation cannot account for the actions of the other Mohawk communities in the region, such as Kahnawake and Akwesasne, who, facing no direct threat or further deprivation, joined in support of Kanehsatake.

RESOURCE MOBILIZATION THEORY

The resources that Kanehsatake had access to proved to be important for sustaining the blockades. One source indicates that some Warriors began to filter into the Kanehsatake reserve about a month before the fatal shootout.[56] RMT, with an emphasis on social networks, can help to explain the amount of resources that the protesters were able to secure during the conflict. While Kanehsatake itself did not experience an influx of resources before the conflict, the nearby reserve of Kahnawake did as part of its continuing struggles for self-government and economic development. Although belonging to a traditionally resource-deficient demographic, the various Mohawk reserves have used material and organizational resources, such as, a committed membership, kinship networks, the ability to finance activities, political opportunity, the media, government officials, and public supporters, to garner support for and to further their

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[55] York, *People of the Pines*, 273.
[56] Johansen, *Life and death in Mohawk country*, 137.

goals.[57]   When the Kahnawake-manned barricades at the Mercier Bridge were removed,

protesters at Kanehsatake knew that they had little hope of continuing the struggle without such

an important negotiating item; they had lost an important resource.[58]

A lack of resources has been endemic to Kanehsatake; Geoffrey York attributes the

relative quiescence of the Mohawks during the 1970s as being due, in part, to the lack of money

to finance the Mohawk Warrior Movement.[59]   In mid-July, the Kahnawake Longhouse sent a

"request-for-assistance" wampum to the Oneidas and about 100 warriors from Ontario, NY State

and Wisconsin answered.[60]   Kahnawake became the main gathering point for warriors from

Akwesasne and other territories, including nine Mi'kmaq men.[61]   One man described his story

to the media, indicating the he "took every cent he could get his hands on -- about $200 -- threw

some clothes in the back of his '77 Chrysler and drove 300 kilometers out of his way to pick up

his cousin."[62]   The Warriors were able to supply what amounted to camping equipment for the

people manning the barricades, including: binoculars, tents, tarps, wheelbarrows, and propane

tanks.[63]   The protesters made use of the abandoned police cars and front end loader to make

another barricade on the highway.[64]

The protesters were able to pull in resources during the conflict to sustain the contentious

action despite the tactics that the SQ employed in their attempts to end it.   Food became a

concern for those behind the barricades and in the community as SQ roadblocks prevented any

influxes of food, turning back trucks and even the Red Cross.[65]   A clandestine support network,

composed of both Indigenous and non-Indigenous people, worked to bring food and other

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[57]   Pertusati, *In Defense of Mohawk Land*, 14.
[58]   York, *People of the Pines*, 334-5.
[59]   Pertusati, *In Defense of Mohawk Land*, 70.
[60]   York, *People of the Pines*, 214, 241.
[61]   Ibid., 214.
[62]   MacGregor, "Cousins knew they must join Oka blockade."
[63]   Obomsawin and Koenig, *Kanehsatake*.
[64]   Ibid.
[65]   Ibid.

provisions into the community and became dubbed "food warriors."[66]   For much of the initial

conflict food was brought onto the reserve by canoe, but later the SQ began to patrol the river

and runners began to pick up food at the restaurant and backpack it into Kanehsatake through the

woods.[67]   Without the "food warriors" it is possible that the SQ tactic of starving the protesters

out would have been successful, because once supplies at the few local stores were depleted

protesters relied on outside supplies exclusively, supplies that had to be shared between those at

the barricades, the journalists and those few community members who chose not to leave.

The most crucial resource that was available to the protesters at Kanehsatake were the

Warriors of the Mohawk Longhouse, based mostly out of Kahnawake, who supplied everything

from communications, to weapons, to manpower and experience.   The Warriors had previously

been engaged in the controversial cigarette trade across the Canada-US border and some

estimates indicate that over two years, the warriors received $350,000.[68]   Much of the cigarette

trade money was used to fund improvements to the community of Kahnawake, but the warriors

used at least part of the funds to purchase equipment, including two-way radios.   One of the

crucial resources that the Mohawk Warriors brought to the barricades was a means of

communication.   They established a radio system of communication that linked the Warriors in

the three Mohawk communities with the protestors behind the barricades.[69]

What made this particular protest event a crisis was the use of weapons by the protesters

behind the barricades, another resource brought to the conflict by the Warriors.   Once they had

permission from the clan mothers to bring the weapons behind the barricades and use them for

defense purposes, they amassed what the media referred to as a "formidable arsenal."[70]   While

the weapons did represent a new resource that previous episodes of Indigenous contentious

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[66]   York, *People of the Pines*, 228.
[67]   York, *People of the Pines*, 211; Obomsawin and Koenig, *Kanehsatake*.
[68]   Pertusati, *In Defense of Mohawk Land*, 73; York, *People of the Pines*, 185.
[69]   Pertusati, *In Defense of Mohawk Land*, 97.
[70]   Henton, "The Oka Standoff: Mohawk Warriors - self-described freedom fighters - have taken control. Heroes to some, others call them a brainwashing cult."

action lacked, the weapons were almost universally legally obtained, most being relatively

common in rural communities with a tradition of hunting.[71]   Estimates indicate that there were

between 500-600 guns, ranging from rifles to shotguns, and warriors continued to buy weapons

and ammunition from Montreal during the crisis.[72]   According to reports, the Warriors had 50-

and 60-calibre machine guns, AK-47s, Mini-14s, .45 Thompsons, AR-15 assault rifles, grenades,

landmines, tear gas and various other weapons.[73]   In this regard, location turned out to be a

valuable resource for the Warriors because they were able to freely travel to the US.   In fact,

one Mohawk reserve is bisected by the Canadian-US border; the media noted that "virtually all

the arms are available over the counter in New York State."[74]

The Warriors also brought with them experience from other protest events, or military

service.   Veterans proved to be an invaluable source of knowledge for the Warriors and

protesters; there were approximately 100 Kahnawake veterans that offered assistance with

weapons and first-aid training. [75]   Legion members were reported to have provided the brains

for the organization of the Mohawk defense at Kahnawake.[76]   Media reports indicated that the

older Warriors were Vietnam veterans and the younger ones received training in the U.S.

Marines.[77]   This experience showed in the differences between the Mercier bridge barricades,

manned mostly by experienced Warriors from Kahnawake, who maintained an air of

professionalism.   Some of the other resources that Kanehsatake obtained during the protest

were access to lawyers, once again through the Mohawk Warriors.   Owen Young, a native

rights lawyer, was advising the Kahnawake Warriors and was joined by Stanley Cohen, a civil

[71]   York, *People of the Pines*, 246.
[72]   Ibid.
[73]   Henton, "The Oka Standoff: Mohawk Warriors - self-described freedom fighters - have taken control. Heroes to some, others call them a brainwashing cult"; Picard, "Mohawk Militia: Warrior Lasagna may have an unusual name, but he and many other natives at Oka are prepared to die for land, and their people. Warriors defend role in dispute."
[74]   Picard, "Mohawk Militia: Warrior Lasagna may have an unusual name, but he and many other natives at Oka are prepared to die for land, and their people. Warriors defend role in dispute."
[75]   Norris, "`When is this going to end?."
[76]   York, *People of the Pines*, 244.
[77]   Armstrong, "For an armed Mohawk Warrior defending Oka hilltop, 'it's a job'."

rights lawyer from the USA and William Kunstler from New York City.[78]   Stanley Cohen

stayed behind the Kanehsatake barricades and was arrested once he came out, it is unclear if he

was a professional asset or a participant especially because once he was arrested he could not

advise the other protesters.

Counter to RMT an increase in resources did not spur the Warriors of Kahnawake to act

contentiously, not in an effort to address the grievances of their own community.   Instead they

chose to use (expend) their resources to support the struggle of a different community,

Kanehsatake.   Once Kanehsatake engaged in contentious action they were able to capitalize on

the informal social networks, particularly those established by the Warriors and the Longhouse

movement, which existed among and between each Mohawk reserve.   The Warriors used these

networks to mobilize material resources to sustain the contentious action, including: providing

financial support, acquiring weapons, securing strategic knowledge, promoting secondary

confrontations, and gaining media access.[79]   RMT cannot adequately explain the emergence of

the Kanehsatake or Kahnawake barricades and is at best a secondary factor in explaining the

course and conduct of the protest events.

NEW SOCIAL MOVEMENT

Collective identity formation provides key analytical tools to supplement deprivation as a

theoretical explanation for the emergence of the protest events at Kanehsatake and Kahnawake.

If deprivation was the trigger, NSM would provide the framework to explain the support of

Kahnawake and the influx of resources and support, not only from other Mohawk communities,

but from Indigenous communities across Canada.   NSM provides the missing conceptual link

between the resources that the Kahnawake Warriors possessed and their decision to use them in

a struggle that was not, according to deprivation theory and RMT, their own.   The fact that they

viewed it as all one struggle by one people, the Mohawk people, explains why they were willing

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[78]   York, *People of the Pines*, 217; Johansen, *Life and death in Mohawk country*, 139.
[79]   Pertusati, *In Defense of Mohawk Land*, 130.

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to use their scant resources to protect and defend a tract of land that did not, strictly speaking, belong to them.

While the emergence of the blockades can be traced to deprivation the ties that Indigenous peoples have to the land are more complex than deprivation theory can explain. Some scholars suggest that 'aboriginality' as a concept itself is "a mode of arguing and defending one's collective identity based on a temporal relationship to the land."[80]   For Indigenous peoples "the concept of land is sacred...land is part of their culture, social and religious fabric – it is what constitutes their identity as aboriginal peoples."[81]   Amelia Kalant explains that the Oka crisis "was not a simple matter of local property but was about the ways in which the meaning of the land, and the land at Oka, are socially reproduced and productive of group identity."[82]   Thus, participation becomes contingent on not only a threat to the land, but the strength of the Indigenous identity based on the land, the understanding of history and the traditional relationships to the land.   In Kanehsatake and Kahnawake, where the resurgence of the Longhouse and traditional forms of government and social organization have been well documented, a threat to the land as a physical object becomes a threat to the identity of Indigenous people themselves.[83]   If land is theorized as only an economic resource, a possession that has strictly material value, deprivation and RMT are unable to fully explain what happened at Kanehsatake.

This is demonstrated in the statements from those involved which focus on sovereignty, nationhood and self-determination, because to the protesters the dispute was not about a tract of land, but about being able to protect their identity as constituent of the land.   For this, they needed more than to stop the development of the golf course, or own the land, they needed the ability to protect and preserve their identity.   Negotiators from behind the barricades, such as

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80   Ivison, Patton, and Sanders, *Political theory and the rights of Indigenous peoples*, 113.
81   Pertusati, *In Defense of Mohawk Land*, ix.
82   Kalant, *National Identity and the Conflict at Oka*, 205.
83   See for example: Alfred, *Wasase*.

Ellen Gabriel, insisted that the land at the heart of the dispute be vested in the Mohawk Nation, rather than a particular reserve.[84]   Ronald "Lasagna" Cross, one of the most prominent Warriors behind the barricade, describes his reasons for joining,

> "putting up those barricades, we developed a stronger sense of pride.
> Protecting what was left of our territory, we regained a sense of history.
> … putting up those barricades, protecting our land – that gave us power.
> I became a warrior because it gave me a chance to make up for a history
> that cheated us out of our territory...there was a coming together, and I
> wanted to be part of that."[85]

One journalist commented on "the continuing failure of Canadian society to grasp the implications of natives' profound attachment to land and their willingness to sacrifice anything for it."[86]   For the Mohawks land is about the past and the future and "as a living part of the nation, land demands a specific ethic of action...that demanded protection of the Pines was both about that specific place, and about the earth, generally."[87]

Land is only one part of what constitutes Indigenous collective identity, other parts that contribute not only to identity formation but also to mobilization in contentious action are the connections formed through the Longhouse and the Warrior Movement.   The Longhouse is a traditional structure of political and social organization among the Mohawks that was made illegal by the Canadian government and was replaced by the government introduced band councils that now govern on the various reserves.   In recent years, the Longhouse has been re-established by community members for cultural, social and political reasons.   The informal organization of the Longhouse "created a sense of community, commonality, and solidarity for its members, factors essential to collective identity."[88]   The Longhouse in particular facilitates both identity formation and movement mobilization by "creating a forum for political

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[84]   York, *People of the Pines*, 223.
[85]   Pertusati, *In Defense of Mohawk Land*, 92.
[86]   York, *People of the Pines*, 274.
[87]   Kalant, *National Identity and the Conflict at Oka*, 204.
[88]   Pertusati, *In Defense of Mohawk Land*, 46.

discussion," "through the cultural activities or traditions" practiced within the Longhouse and through the creation of a political culture and ideology "that supports both the Mohawk Warrior Movement's existence and its strategies of resistance."[89]   The collective identity developed within the Longhouse and embodied by the Warriors spread through the informal network as the Warriors mobilized to defend the territory as a whole rather than individual reserves.   This resulted, in the case of Kanehsatake, with "people at the barricades who you'd never expect to see – docile people who never say too much."[90]

The collective identity formed through the Longhouse is able to explain participation in contentious action.   This can be seen by the split within the Mohawk communities between the Longhouse members and their sympathizers, who began the blockades, and the band council members and supporters who publicly denounced the tactics of the Warriors.   Taiaiake Alfred describes this process in Kahnawake as the absence of an overarching Mohawk identity where the political factions compete for legitimacy, thus "political cleavages...are rooted in the tensions and ambiguities of Mohawk identity."[91]   This is no less true of Kanehsatake, save only that the Longhouse movement is smaller and relatively newer as compared to the one established in Kahnawake.   Political cleavages within the various Mohawk communities are "rooted in the development and institutionalization of colonial policies and practices...for example the imposition 'Elected Band Councils,' that destabilize and depoliticize the traditional government structure of the Longhouse."[92]   The barricades at Kanehsatake and Kahnawake developed from "the convictions of thousands of Mohawks who believed they were sovereign in their own territory."[93]

Deprivation theory, RMT and NSM provide important insights into this case of

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[89]   Ibid., 52.
[90]   York, *People of the Pines*, 238.
[91]   Alfred, "From Bad to Worse," 24.
[92]   Pertusati, *In Defense of Mohawk Land*, 59.
[93]   York, *People of the Pines*, 409.

Indigenous contentious action.   Deprivation provides an explanation for the start of the crisis, the catalyst to the mobilization and helps to identify specific grievances.   Deprivation theory is insufficient; because it does not provide a nuanced understanding of land that is essential to understanding Indigenous motivations for contentious action.   Deprivation is strongly supplemented by NSM theory and its conception of collective identity formation, of which land and the state construction of identity is an integral aspect for the Mohawks.   NSM also plays a powerful role in explaining the actions of the Mohawks on reserves *not* directly affected by the decision at Oka to expand its golf course.   RMT is important for looking at the type of contentious action that Kanehsatake engaged in and for how long they were able to do so, and is thus important for questions of tactics.   The nuance to RMT that this case provides is that the group engaging in contentious action does *not* have to own resources themselves to be able to utilize necessary ones in their struggle.   Thus, in the case of Kanehsatake, all three theories provide important explanatory leverage in determining the processes of contentious action.

Burnt Church

The Burnt Church crisis was a conflict between the Mi'kmaq people of the Burnt Church First Nation, non-Indigenous New Brunswick fishermen, and the government of Canada from 1999 to 2001.   The crisis stemmed from a 1999 Supreme Court of Canada ruling (*R. v. Marshall*) that acknowledged Mi'kmaq treaty rights and emphasized the Indigenous people's right to establish a 'moderate livelihood' in modern day standards through trade and the use of resources to obtain trade items, specific to this case, fishing.[94]   When the *Marshall* ruling came down Indigenous people decided to exercise their right to fish for a 'moderate livelihood' including catching lobster out of season.   The government, however, was not prepared to deal with the rights guaranteed in the Court's decision.[95]   The community is impoverished and

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[94]   Coates, *The Marshall Decision and Native Rights*, 1; Obomsawin, *Is the Crown at War With Us?*
[95]   Coates, *The Marshall Decision and Native Rights*, 131.

heavily reliant on government transfers for survival.   Being able to fish for lobster and sell their

catch would allow the Indigenous people an opportunity to earn an income and not rely on

government support for their livelihood.[96]   As Indigenous people Mi'kmaq claim they have the

right to catch and sell lobster out of season, whereas non-Indigenous fishers claimed that if this

is allowed lobster stocks could be depleted.   After the *Marshall* decision, angry non-Indigenous

fishermen damaged and destroyed a number of Mi'kmaq lobster traps and local Mi'kmaq

retaliated by damaging non-Indigenous fishing boats and buildings.[97]   The Department of

Fisheries and Oceans (DFO) met with the 35 Atlantic First Nations chiefs to negotiate a 30 day

moratorium, all but Burnt Church and Shubenacadie (Indian Brook) agreed.[98]   The

Shubenacadie signed a one year agreement with the DFO for 375 lobster tags in December 1999

after band members were arrested for illegal fishing and their traps confiscated, leaving only

Burnt Church in defiance of the DFO imposed moratorium.[99]   In 2000 and 2001 rising conflict

led to a series of standoffs between the Royal Canadian Mounted Police and Indigenous people

at Burnt Church.[100]   The federal government offered to pay for a $2 million fishing wharf and

five new fishing boats but the offer was rejected by the Burnt Church community.   By 2002,

with a newly elected band council and chief in office, Burnt Church signed a five year fishing

agreement with the DFO.[101]

DEPRIVATION

        Deprivation can provide a frame to explain the engagement of contentious action in the

case of the events at Burnt Church.   The ramifications of the *Marshall* decision meant that

many in Burnt Church saw an end to their immediate deprivation.   According to Ken Coates,

"the Mi'kmaq were ecstatic" and one chief commented that "as of today, there is no more hunger

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[96]   Obomsawin, *Is the Crown at War With Us?*
[97]   Coates, *The Marshall Decision and Native Rights*, chap. 6.
[98]   Ibid., 144.
[99]   Wildsmith, "Vindicating Mi'kmaq Rights," 23.
[100]   Obomsawin, *Is the Crown at War With Us?*
[101]   Ibid.

and no dependence."[102]   One historian who testified as an expert witness during *Marshall*

declared that "the Supreme Court's decision will free many families from welfare."[103]   Then, a

few weeks after the *Marshall* decision the Supreme Court issued a clarification in the ruling that

is often referred to as *Marshall (2)*.   This clarification sharply limited the previous ruling

indicating that Indigenous people's rights did not "supersede conservation regulations and was

not a first call on the resources."[104]   The reaction of Indigenous peoples was one of anger.

Coates points out that the initial Supreme Court decision raised Aboriginal expectations

"exponentially" and the clarification attempted to "bring the First Nations back to earth."[105]   He

argues that the "activism of Burnt Church, in particular, was understandable, given the long-

standing hostility between First Nations and non-Aboriginal fishers in that region."[106]   While

the decision represented a setback for Indigenous rights on the political level, for individual

Indigenous communities such as Burnt Church, many individuals saw the decision as a panacea

for the poverty and economic distress that blanketed the community and were unwilling to allow

the dream of earning a "moderate livelihood" to die without a fight.

   For the community members at Burnt Church deprivation plays a major role in their

everyday lives.   Indian and Northern Affairs Canada (INAC) calculate a Community Wellbeing

Index (CWB) for each Indigenous community as well as a Registered Indian Human

Development Index (HDI) score for measures at the national and regional levels. These measures

are a combination of indications of income, education, labor force activity, and housing

conditions into a score between 0 and 100.[107]   The average non-Indigenous score in Atlantic

Canada for 2001 is 76; the average Indigenous score is 70.   Burnt Church has a score of 57 for

[102]   Coates, *The Marshall Decision and Native Rights*, 7.
[103]   Ibid., 10.
[104]   Ibid., 19.
[105]   Ibid.
[106]   Ibid., 13.
[107]   Government of Canada, *Measuring First Nations Well-Being*.

the census data from 2001 which is the lowest community score in Atlantic Canada.[108]

Shubenacadie, the only other community that initially refused to sign a DFO agreement has a

CWB score of 69.[109]   The Supreme Court decision in *Marshall* was extremely important to

individuals in Burnt Church who suffered disproportionately from the effects of deprivation as

compared to other Indigenous communities in Atlantic Canada.   Many Indigenous peoples

discuss the opportunities that *Marshall* would offer them, to supplement or even end welfare

payments, to be able to buy clothes for their children and to be able to supplement their food

stores to survive the lean winter months.[110] In the community, unemployment is close to 90%

and lobster fishing is one of the few sources of income. [111]   Many residents survive on welfare

payments of $634 per month and the band office represents the sole source of steady

employment on the reserve.[112]   One community member commented, "our peoples are the

poorest of the poor, the most marginalized and the most dispossessed."[113]   While other

Indigenous communities in Atlantic Canada could afford to uphold the 30 day moratorium

proposed by the DFO, the degree of deprivation at Burnt Church meant the difference between

more poverty and food for the winter.

Once the people of Burnt Church began setting lobster traps after the end of the

government regulated lobster season they faced confrontations with both non-Indigenous fishers

and with DFO officers and the RCMP.   Throughout the conflict the extent of the contentious

action of the Burnt Church community consisted of setting and guarding the lobster traps and the

occasional blockade.   Engaging in "illegal" fishing cost the community extensively in terms of

resources and the newly imposed DFO regulations further deprived them of resources they had

previously depended on.   For example, the community was allowed 40 traps to catch lobster for

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[108] Government of Canada, *First Nation Profiles.*
[109] Ibid.
[110] Obomsawin, *Is the Crown at War With Us?*
[111] Hamilton and Hunter, "Tension rises at Burnt Church as deadline nears."
[112] Gillis, "Burnt Church's restless band a house divided."
[113] Coon Come, "Call off your troops."

food and ceremonial purposes; these were seized by DFO officers.[114]   Any traps that Burnt

Church set in the water became fair game for non-Indigenous fishers to destroy or subject to

seizures by DFO officers.   In 2000 the DFO declared the season over on September 22nd, in

three days they confiscated 1,351 traps from Burnt Church fishers.[115]   In the five weeks that

Burnt Church engaged in "illegal" fishing DFO officers seized 3,616 traps, worth more than

$200,000, arrested 14 individuals and seized four boats.[116]   The seizures put such a strain on the

community that James Ward, one of the Warriors on the water trying to protect the traps made a

plea on the internet for "boats, global positioning systems, VHF radios, marine fuel, medical

supplies, binoculars, night-vision glasses, woolen socks, cigarettes, and money."[117]   By the time

winter weather conditions prevented further fishing many fisherman had lost money due to the

seizures and the estimated costs of defending those who had been arrested over the course of the

season was upwards of $2 million, money that the community did not have.[118]   Deprivation was

a major consideration in the engagement of contentious action for the community of Burnt

Church which faced with some of the worse levels of poverty and unemployment in Atlantic

Canada.   Indigenous peoples saw the *Marshall* decision as a form of salvation for a community

that had not been able to address its concerns through regular channels of government.

RESOURCE MANAGEMENT THEORY

There is little evidence of resources being a significant factor in the Burnt Church crisis.

The community had few resources before the crisis, and used few resources during it.   The

longer Burnt Church continued to defy the DFO the more resources they lost.   In total the

Mi'kmaq resources consisted of some boats and about a dozen Warriors who were not armed

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114 Hipwell, "Ottawa's lobster war against the Mi'kmaq."
115 Cox, "Mi'kmaq Warriors chase boats from traps."
116 Cox, "Natives see silver lining in fish war"; Laghi and Cox, "Burnt Church chief arrested."
117 Foot, "Burnt Church 'warrior' solicits help on the Web"; Klager, "Mi'kmaq issues appeal on Internet; FISHING."
118 Gowan, "Natives' defence could cost $2M, lawyer says."

with guns but had knives, baseball bats and heavy sticks.[119]   Burnt Church was able to

capitalize on the informal social networks that they maintained across the country in an effort to

obtain resources during the crisis.   Many Indigenous groups contributed traps to Burnt Church

to make up for those seized by federal fisheries officers, the Kahnawake sent councilors and

medical supplies, and the Listiguj in Quebec sent a group called the Listiguj Rangers who helped

patrol the waters.[120]   During the 2001 events more communities donated food and some people

came with boats to Burnt Church to support them and to make up for DFO seizures from

2000.[121]

Burnt Church had few technical resources, although they did have access to at least one

lawyer, Bruce Wildsmith.   Additionally, James Ward, who was heavily involved with the

protection of lobster traps as well as co-author of Burnt Church's fishery management plan, has a

degree in political science and experience in the American military.[122]

NEW SOCIAL MOVEMENT

Had the dispute at Burnt Church been solely about deprivation, it should not have lasted

past the 1999 "illegal" fishing season by Burnt Church.   In the spring of 2000 the DFO offered

money and resources to Indigenous groups across the Atlantic to sign a one-year agreement to

follow federal fishing regulations.   29 of 34 bands signed interim deals and received $160-

million in boats, gear, licenses and economic-development money.[123]   Burnt Church

specifically was offered five boats, 17 lobster licenses and more than $3-million in economic-

development funding for projects such as refurbishing a rundown wharf but refused the initial

offer.[124]   Instead, bolstered by a strong sense of community unity and the support of Indigenous

peoples across Canada, Burnt Church continued to act contentiously for another two fishing

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[119] Cox, "Mi'kmaq Warriors chase boats from traps"; Hamilton, "Tension as native lobster traps cleared."
[120] Coates, *The Marshall Decision and Native Rights*, 182; Miller, "Natives offering support to Burnt Church."
[121] Obomsawin, *Is the Crown at War With Us?*
[122] Obomsawin, *Is the Crown at War With Us?*; Johansen, "The Lobster War, the Marshall Decision, and emerging Canadian First Nations' Treaty Rights," 11.
[123] Cox, "Natives see silver lining in fish war."
[124] Ibid.

seasons.

Many Indigenous people from across Canada supported the efforts of Burnt Church, including those communities that signed DFO agreements. Indigenous leaders from across Canada pledged support. Chief Stewart Philip, president of the Union of B.C. Indian Chiefs, said "the view taken by aboriginal people across this country is that an attack on the Mi'kmaq people is an attack on all aboriginal people across Canada."[125] Mi'kmaq Warriors in Big Cove supported Burnt Church and many joined fishers from Burnt Church on the waters, including Warrior Gary Augustine, who said "we're fighting for our rights, we're prepared to go as far as it will go. If it means fighting to the end, that's what we'll do."[126] Allison Metallic discussed how the Pasamaquoddy, Maliseet and Mi'kmaq never surrendered their rights, "we have a protocol, we help, we get a call and we back them up, we're on our way, we are so strong when we help each other and stick with each other, even when results aren't what we want one thing is for sure, we're united."[127] Curtis Bartibogue, one of the rangers on the water discussed how the crisis "pulled us together like one big family" and talked about how Indigenous people came from all over Canada, including Terry Dorward, a Warrior who journeyed to Burnt Church from BC who said, "we know our rights and we are starting to protect them."[128] James Ward discussed how,

> "the people of Burnt Church made an historic decision and united as a community to stand against the colonial legacy of injustice, to stand against the government campaign of extinguishment of their inherent rights." [129]

Identity played a part in bringing in resources, mostly in the form of manpower and traps from those Indigenous peoples who had such resources and from the various Mi'kmaq communities. The strongest core identity remained at the local level, at the reserve of Burnt Church. Unlike events at Oka, which brought together "the Mohawk nation" similar rhetoric of "the Mi'kmaq

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[125] Hamilton, "Tension as native lobster traps cleared."
[126] Roik, "All tension, few options."
[127] Obomsawin, *Is the Crown at War With Us?*
[128] Ibid.
[129] Ward, "Burnt Church ready to deal.."

nation" was not as apparent or as unifying at Burnt Church.   The rhetoric of nationhood did not provoke other Mi'kmaq communities into mobilizing alongside Burnt Church.   Instead, protesters united around a common community identity and drew in support from across the country based on a pan-aboriginal identity, whereby Indigenous peoples across the country sought to protect all Indigenous people's rights.   Brian Francis states,

> "we, as native people, strongly feel that we are not Canadians. We are
> Mi'kmaq first. That is why the colonial governments signed treaties with
> us, because we were seen as nations. This is why we cannot let
> government policy infringe on our right to hunt, fish and gather without a
> fight."[130]

Collective identity may have played a role in the decision of the community to act contentiously and they gained a stronger and more unified sense of identity throughout the conflict.   Collective identity formation did not transcend the borders of Burnt Church in a similar manner to events at Kanehsatake.   Warriors from the Mi'kmaq Warrior Society joined the community of Burnt Church to help defend the boats, but compared to the Mohawk Warriors they were underfunded, undermanned, less organized, and spread too thin.   Many Indigenous people who already held a conception of a common Indigenous identity joined with Burnt Church and in this regard connections between Warrior Societies were utilized as much as possible.   Thus, deprivation theory provides the best explanation for the events at Burnt Church because eventually Burnt Church signed a DFO agreement and agreed to fish within the confines of government regulations in exchange for money and fishing licenses similar to what other Mi'kmaq communities had already received.   Once the economic grievances of the majority of the community members had been addressed contentious action ceased as deprivation was seen to lessen.   One chief indicated that,

> "If you dangle that golden carrot to communities that have the highest
> unemployment rates, the highest rate of suicides and alcohol and drug
> abuse, what else do you think the people in power are going to do? They

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[130] Francis, "Fishing is a native right, not a privilege."

sign something they don't realize means that they have just infringed on 90 per cent of that community's right to fish."[131]

Conclusion: A Comparative Approach

Using theories of deprivation, Resource Mobilization Theory and New Social Movement theory to explain instances of Indigenous contentious action can lend important insights into these occurrences. It brings into focus the role of resources, or the lack thereof, in contentious action and it takes into account the formation of group identity in these events. Importantly, these theories allow the development of contrasts between contentious action episodes by Indigenous peoples across Canada. Comparing multiple events across Canada in an in-depth manner, such as that allowed by process tracing, allows us to determine the generalizability of each theory and the overall uniqueness of each case.

Contentious action events by Indigenous peoples in Canada is a highly understudied phenomenon and the likelihood of more of these events is high given the glacial pace that grievances are being addressed. These events present an opportunity, but a lack of both attention and understanding of them hinders attempts at negotiations and reconciliation. Deprivation theory, NSM, and sometimes RMT are able to provide valuable insights into specific cases and also illustrate the fact that Indigenous contentious action events across Canada are not the same and they are not always driven by the same processes, goals, or identities. These theories can be useful analytical tools, but have little to offer in terms of predictive power and must be used carefully as explanatory tools. Despite these differences, there are some similarities in regards to identity, especially when focusing on conceptions of land and colonialism and their roles in constructing and deconstructing Indigenous identities. These aspects are able to shed light on the different reasons that an Indigenous group may or may not choose to engage in contentious action against the state, differences in deprivation and

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[131] Ibid.

differences in identity.

As opposed to being separate explanatory fields; the theories are most useful, in the case of Indigenous contentious action in Canada when used cooperatively rather than competitively. This allows researchers to place events within the circles that provide the best explanatory value to each event.   For instance, Burnt Church is best explained with NSM and deprivation, whereas Kanehsatake is best explained with all three theories.   All of these theories must be able to take into consideration the impacts of colonialism, on resources, on deprivation and on identity, in order to retain explanatory value in the case of Indigenous peoples.   Furthermore, the relationship that land has to identity formation for Indigenous peoples must be accounted for and can be done so within NSM theory.   As James Tully argues, issues of distribution and issues of recognition are both aspects of political struggles, rather than distinct struggles in their own right.[132]   This dualistic framework, identity (recognition) and deprivation (redistribution), of looking at contentious action events in terms of Canadian Indigenous peoples allows for important insights into the engagement of protest events rather than through a single frame of deprivation, resources, or identity.

Deprivation played a larger role in the motivation for contentious action at Burnt Church then at Oka.   Events at Kanehsatake quickly escalated beyond land to questions of Mohawk identity and the defense of Indigenous rights.   When the federal government bought the land in question and halted development, had events at Kanehsatake been largely about deprivation, the blockades should have come down.   Instead, protesters were angry that the government failed to realize that any government ownership of Indigenous land was unacceptable and negotiations repeatedly failed.   At Burnt Church, the community sustained contentious action over the course of three fishing seasons and then capitulated with the government and signed a DFO agreement.

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[132] Tully, "Struggles over Recognition and Distribution," 469.

NSM also played a different role in both conflicts and one of the major implications of this was in terms of the different resources that were available to each group.   At Kanehsatake the idea of the Mohawk Nation and the resurgence of Indigenous traditions and culture were embodied in the Longhouse.   The Longhouse and the Mohawk Warrior Society provided a central symbol of identity and, as Pertusati traces, they were able to use the specific rhetoric of Mohawk nationalism, as a non-material condition, to acquire additional resources, particularly but not limited to recruitment of new members, to be able to carry their movement through the standoff.[133]   Thus, despite being part of a traditionally oppressed and resource deficient group, the Mohawk Warrior Society was able to use the formation of a collective identity to gather resources, a strategy that was not as apparent in Burnt Church.   The lack of Mi'kmaq solidarity or nationhood, in contrast to the events at Oka, meant that the Burnt Church community had much less to draw on in terms of the types of networks and resources that the Longhouse and the Warrior Society was able to provide for Kanehsatake.   Without a central and established organization, like the Longhouse, the Mi'kmaq Warrior Society was not able to recruit the same level of resources through kinship and local networks as Kanehsatake could.   They were able to draw on a general level of pan-aboriginal identity to draw in resources from other parts of the country, but in a much more limited way than the connections at Kanehsatake allowed.   The immediate ramification of this was that the newer Mi'kmaq Warrior Society (itself a development from the Oka standoff) had less in terms of resources such as experience in events of these kinds and experienced leadership.

The differences in the recovery of traditional identities and political structure between Kanehsatake and Burnt Church also meant that Burnt Church was less internally divided. Tensions at Kanehsatake between the Longhouse, the band council and the Canadian government were not resolved.   When offered a deal, in the form of the land purchase, the more

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[133] Pertusati, *In Defense of Mohawk Land*, 125.

militant members of the Longhouse refused, and they had enough members and legitimacy in the community that a serious split formed between the two ideological factions: the Longhouse and the band council.[134]   At Burnt Church, the band council retained its authority and legitimacy despite the existence of a faction that supported the long term defense and promotion of the sovereignty of the community.   This faction had little say in the band council's eventual decision to sign a DFO agreement, a decision that the Warriors and protesters honored, nevertheless.   The usefulness of each theory in relation to each case is summarized in table 1.

Table 1: Kanehsatake and Burnt Church Comparison

	Kanehsatake	**Burnt Church**
Deprivation	Loss of lands as trigger (+)	Removal of Fishing Rights/Livelihood as trigger (+)
	Use of blockades (+)	Poverty of community worse than all other Atlantic Indigenous communities (+)
	Purchase of disputed land by Fed. Gov't did not resolve blockade (-)	Signed DFO agreement and gained funds and equipment(+)
		Support of other Indigenous communities (Atlantic and national) (-)
RMT	Warrior networks provide access to additional resources (+)	Warrior networks provide access to additional resources (+)
	Kahnawake increase in resources during 1980s (+)	Few resources used before conflict i.e. courts) (-)
	Land is not solely an economic issue (-)	Few resources used during conflict (-)
	Resources from other Mohawk communities used for and given to Kanehsatake (-)	Most resources used belonged to other Mohawk communities (-)
	Purchase of disputed land by Fed. Gov't did not resolve blockade (-)	
NSM	Language of "Mohawk Nation" used to gain support and resources for struggle (+)	Support from other Indigenous communities, especially nationally (+)
	Recovery and perceived legitimacy of traditional Gov't Structures (Longhouse) that challenge that legitimacy of the band council (+)	Support from Mi'kmaq Warriors and some from other Warrior Societies (+)
		Signed DFO agreement and ended protest for gains in resources (-)
		Language of "Mi'kmaq Nation" not readily apparent (-)
	Support, resources and manpower, from other Mohawk Communities and nationally (+)	Few traditional government structures, band council retains legitimacy and authority (-)

[134] Alfred, "From Bad to Worse," 24.

A legacy of colonialism helps to explain why Indigenous groups engage in contentious action as they seek to alter the state that has oppressed them historically.   The impact that colonialism has had on Indigenous communities in Canada has fostered the growth of a pan- aboriginal identity to various degrees and has also strengthened traditional identities that have coalesced as a

defense against colonial impositions of identity.   NSM argues that collective identity formation leads to contentious action.   In the case of Indigenous people in Canada this has meant the formation of identities counter to those imposed by colonialism.   Indigenous action is thus a major form of counter-hegemonic action in Canada as it seeks to destabilize both the "'one nation' and 'two nations' discourses of the Canadian state... and establishing new states under Aboriginal control."[135]   Indigenous peoples engage in contentious action to change the state, to eliminate the processes and effects of colonization, to regain control of their destinies and to once again be independent and self-governing nations.   Tools of oppression, such as residential schools, instilled a fear of authority in the older generations of Indigenous people "that leads to an unwillingness to engage the government or to see it as an enemy."[136]   Another activist states "oppression creates certain psychological conditions in the group of people that are oppressed. What oppression does is disempower people."[137]   Those groups who have preserved or regained more of their traditions and cultural practices and those who have not internalized, to as great an extent, the debilitating aspects of colonialism are much more likely to engage in contentious action and to lead others to engage in it.   Contentious action is a way to combat the structural aspects of colonialism but also inherently leads to further decolonization of the self; this means an alteration of individual and collective identities.   Most Indigenous communities, and

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[135] Carroll and Ratner, "Master Frames and Counter-Hegemony," 420.
[136] Alfred, *Wasase*, 92.
[137] Ibid., 185.

individuals, are host to multiple identities (status, non-status, Mohawk/Mi'kmaq, Canadian/American, rural, reserve, Métis, Longhouse, Christian, Warrior, Band Council) that often change and conflict with each other and from these interactions contentious action often springs.

Resource Management Theory does not provide a useful frame to explain the events at Burnt Church but can account, in part, for the situation at Oka and is especially good at explaining the influence of Warrior Societies after a conflict has begun. It provides a focus on resources and the strategies that develop out of those resources. While RMT can help explain mobilization in terms of the Warriors it does not explain the Warrior Societies themselves, the identity and networks that empower them, or their decisions to help other Indigenous groups. RMT is a good analytical tool to employ after the intricacies of collective identity formation, in terms of NSM, are explored.

Land played a central role in both cases of contentious action. It was related to deprivation, used as an enabling resource, and was a foundation for identity. Defense of the land "from external threats, particularly state authorities, in order to achieve justice and eventually peace" is a cornerstone goal of Warrior Societies.[138] The tactics of the Indigenous peoples were based around land, with blockades being set up to defend land and block access to it. The fundamentally different relationship that Indigenous peoples have with land has allowed them, in the case of blockade activity, to be in a situation where "a system of colonization has itself become the focus and the weapon in a counter-colonial struggle."[139] Thus, land has a fundamental connection with Indigenous contentious action and with identity formation. In their review article of NSM theory, Franscesca Polletta and James Jasper note that "We still know little about the cultural building blocks that are used to construct collective identities...how

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[138] Alfred and Lowe, *Warrior Societies in Contemporary Indigenous Communities*, 13.
[139] Blomley, "Shut the Province Down," 17.

important is place for example?"[140]   The Royal Commission on Aboriginal Peoples identifies

that the land relationship is "both spiritual and material, not only one of livelihood, but of

community and indeed of the continuity of their cultures and societies."[141]   This relationship is

also viewed as reciprocal, and it is because of many Indigenous peoples' sense of responsibility

to the land that contentious action events occur, "our responsibilities to Mother Earth are the

foundation of our spirituality, culture and traditions."[142]   The dispossession of Indigenous

peoples from their land is fundamentally associated with current Indigenous conditions, and with

their current lack of important resources necessary to engage the state.

The question posed at the beginning of this paper asked, what accounts for the variation

in mobilization of Indigenous groups in unconventional forms of protest - non-routine and non-

institutional - often "illegal" contentious action events in advanced, industrial, settler

democracies?   Examining the cases of Kanehsatake and Burnt Church through the analytical

frames of deprivation theory, Resource Management Theory, and New Social Movement theory

suggest that all can be relevant when applied with sensitivity to the overarching framework of

colonialism and that all provide useful insights into why Indigenous groups in Canada do or do

not become "restless."

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[140] Polletta and Jasper, "Collective Identity and Social Movements," 299.
[141] *RCAP Vol. 2*, pt. 2 s 4.3.1.
[142] Ibid., pt. 2 s 4.4.3.

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