Authority-Making on the River of Mist:
Reframing the Indigenous Sovereignty Impasse

by

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B.A., Vancouver Island University, 2017
M.A., University of Victoria, 2018
Graduate Certificate in Indigenous Nationhood, University of Victoria, 2020

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Abstract

Indigenous sovereignty has evolved from its own frameworks of authority, distinct from those of the state, yet Indigenous assertions of authority and jurisdiction continue to be measured against those of the state by the Canadian government, the courts, and state agents. This pattern of domination is maintained – in part – through a discursive severance of Indigenous culture from Indigenous law and politics that works to invisibilize the active processes of legitimation that Indigenous sovereigns adhere to in order to maintain their sovereignty. It is precisely the connection between culture and politics that informs the source of authority that legitimizes Indigenous sovereignty – an intimate and reciprocal relationship with place. This relationship is expansive rather than reductive (a characteristic commonly cited against Indigenous sovereignty), and consequently holds potential within it to inform intersectional resistance to colonialism in Canada.

This dissertation offers a reorientation of the fields' approach to Indigenous sovereignty from familiar Western processes of legitimation towards Indigenous processes of legitimation. This project asserts that Indigenous sovereignty is legitimate and living, theorizing that Indigenous sovereigns source their authority from relationship (rather than land, Creator, or people) and thus hold expansive possibilities for intercommunity and international resistance to colonialism. The research is loosely tethered to the Gitxsan experience of authority-making, and includes one exception of an explicitly Gitxsan-focused chapter. I begin this work by using the *Delgamuukw* case and the events surrounding it to trace Gitxsan articulations of sovereignty in relationship with the Canadian state. This case maps out attempts by the state to sever Gitxsan culture from their law and politics, despite evidence from within Gitxsan and Wet'suwet'en testimony of culture acting as the blueprint for their law and governance. The *Delgamuukw* trials also reveal that the discursive severance between culture and law has material impacts, and that observers of the case – in court and in public – were likely to understand assertions in the court as theoretical rather than applied Indigenous authority. The *Delgamuukw* saga leads into the second chapter, where I review leading sites of cultural severance in the Canadian-Indigenous landscape and respond by using key pillars of Indigenous sovereignty – land and language – to discursively re-affix culture to law and politics, revealing them as one and the same. Culture, law, and politics firmly re-connected, the third chapter theorizes Indigenous authority as being sourced from relationship. This theory emerges from evidence collected in the land-language analysis employed in the previous chapter and is reinforced with Indigenous scholarship and articulations of sovereignty from outside the field and outside of the academy. The fourth chapter is a mapping of Gitxsan articulations of sovereignty on their own terms, and applies relationship-as-authority theory to Gitxsan governance. I conclude the dissertation by considering the impacts of reframing Indigenous authority within its own processes of legitimation, and consider two offerings from Indigenous sovereignty – processes of transformation and expansion – in contributing towards intercommunity and international liberation.

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Dedication

For my babies, Sim maa'y and Sa. It's all for you now.

Introduction: Lay of the land and literature

The primary concerns of this project emerged from the question of what Canadian political science as a field was missing about Indigenous sovereignty. Many Indigenous nations continue to practice their sovereignty within and beyond the boundaries of Canada's borders. In scholarly and governmental discourse, however, Indigenous sovereignty continues to be treated as an abstract or theory-bound concept. An investigation as to why that remains the case led me to the trend of Indigenous sovereignty as measured against state standards for authority-making and processes of legitimation. This isn't a particularly novel conclusion; many have observed this phenomenon as critical to the maintenance of state sovereignty (Tully, 1995; Asch, 2014; Russell, 2021). The state decides the standard and the standard is defined by a hierarchy that categorizes Indigenous legal and political authority as cultural remnants of an underdeveloped civilization. Studies abound in critiques of state authority-making, but study of Indigenous authority-making beyond measures of the state is lacking (Eisenberg, 2022). As such, some of the most significant work enclosed in the following chapters identifies difference, rather than likeness, between Indigenous and state sovereignty as demonstrated through Indigenous processes of legal and political authority-making.

Entangled with the study of authority-making in Indigenous nations is the ongoing resistance of state narratives of Indigenous sovereignty. Canada's targeting of Indigenous peoples has always taken place through a pairing of discursive and material processes, by which "the domination exercised directly through colonialist legal and institutional rules and policies is stabilized through accompanying narratives of political disfunction and decline in Aboriginal communities" (Ivison, 2020, p. 87). The state is imbedded with settler-colonial processes that invisibilize the destruction of Indigenous law and politics; as a result, the counternarratives of

Indigenous authority presented in this project simultaneously make visible Indigenous political autonomy and the state processes of colonization that have been naturalized over time. The most significant instance of this in the context of both academia and state is the severance of culture from law and politics. Indigenous sovereignty serves to highlight this, acting as “an active antagonist as long as there is a state that is predicated upon dispossession” (Simpson, 2020, p. 691). As such, this dissertation functions to discursively re-affix Indigenous peoples’ cultural processes to their legal and political orders through theory and a case study of applied sovereignty. Consequently, the two major themes that house the work in this study are a) the concept and content of Indigenous sovereignty – this takes place through an exploration of its foundational pillars, its authority-making processes, and its definition and distinctions in tension with the state, and b) the grounding of the concept in practice – which unravels through a study of Gitxsan sovereignty and a meditation on its application in intersectional liberation efforts.

This project is inherently multi-scalar. However, in a commitment to measure Indigenous authority through its own processes of legitimation, those scales are intentionally ill-defined. Indigenous sovereignty is a relational, cultural, legal, and political phenomenon that is made-real through everyday relationships on individual, family, community, international, and universal scales. Thus, a distinction between scales is not utilized consistently in this project. In fact, the discursive disintegration of those scales in this project contributes towards a re-affixation of culture and politics whose separation has been weaponized against Indigenous political autonomy. This not to say that state sovereignty doesn’t also operate on multiple-scales in its processes of legitimation and flows of authority. Rather, as will be explained in the following chapters, the refusal of a clean separation between the scales of individual, family, community,

nation, and universe in the operation of Indigenous political systems is a defining feature of Indigenous authority-making.

Tending to Indigenous sovereignty both as "what is" and "what could be" this project aligns itself with the assertion that any meaningful study of Indigenous sovereignty takes on both a normative and empirical character (Wildcat & de Leon, 2020). Any observation of Indigenous sovereignty in practice is also an observation of Indigenous sovereignty in theory. That is, the worlds of discursive and material are woven together in reciprocal processes of relationship-building with place. Those processes of renewal, also categorized by Wildcat and de Leon (2023) as "creation", denote the living character of Indigenous sovereignty, imbedded with teachings that encourage ongoing work towards how governance ought to be, incorporating the input of both human and more-than-human kin.

This dissertation offers a reorientation of the fields' approach to Indigenous sovereignty from familiar Western processes of legitimation towards Indigenous processes. In doing so, this project suggests that not only is Indigenous sovereignty legitimate and living, but theorizes that Indigenous sovereignties source their authority from an intimate and reciprocal relationship with place – inclusive of land, Creator, and people (rather than *from* land, Creator, or people) and thus hold expansive possibilities for intercommunity and international resistance to colonialism. The research grounds its theories in the Gitxsan experience while seeking to engage with the fields treatment of Indigenous sovereignty that spans many distinct nations.

I begin this work by using the *Delgamuukw* case and the events surrounding it to trace Gitxsan articulations of sovereignty in relationship with the Canadian state. This case maps out attempts by the state to sever Gitxsan culture from their law and politics, despite evidence from

within Gitxsan and Wet'suwet'en testimony of culture acting as the blueprint for their law and governance.

Culture in this case refers to the social processes, norms, customs, and structures that comprise everyday life of a particular group of people, and in the case of Indigenous nations, the more-than-human citizens that inhabit particular places as well. The main use of culture in this work is to demonstrate how it is inextricable from law and politics, not necessarily to prove the value of Indigenous culture. This distinction is important considering how culture has been variously weaponized against Indigenous people. From the perspective of land and title claims, Indigenous nations were long expected to maintain their pre-contact culture to prove its authenticity (doubly ironic considering efforts to eradicate Indigenous cultural expression through the *Indian Act*). Simultaneously, the courts drew upon characteristics of pre-contact culture to prove that Indigenous nations fell under the umbrella of *terra nullius* (see McEachern ruling in *Delgamuukw*). From Indigenous communities, traditionalism came to stand in for culture in several movements from the 1960s on (Napoleon, Snyder, & Borrows, 2015; Nickel, 2019). While traditionalism, like culture, is not inherently problematic, its use can signal cultural stasis and exclusionary practices if not employed in an intersectional and responsive manner.

Synder, Napoleon, and Borrows (2015) warn that generalizations of culture can easily be "'hijacked' by those in authority" to become "a source for the abuse of power, as much as it can be a force for liberation when examined in real world terms" (p. 595). Culture's generalization can result in the un-checked adoption of ideologies and practices that are counterintuitive to liberation. Heeding this warning, the project highlights specific redeeming characteristics of Indigenous sovereignty – transformation and expansion – in a normative argument that emerges in the final chapter.

The *Delgamuukw* trials also reveal that the discursive severance between culture and law has material impacts – in the case of Gitxsan, the outcomes of the case resulted in a continuation, if not an acceleration of extractive projects on the territory – and that Gitxsan observers of the case were likely to understand assertions in the court as theoretical rather than applied Indigenous authority. The *Delgamuukw* saga leads into the second chapter, where I review leading sites of cultural severance in the Canadian-Indigenous landscape and respond by using key pillars of Indigenous sovereignty – land and language – to discursively re-affix culture to law and politics. This process reveals how culture and politics are constantly misrecognized by non-Indigenous people and authorities insisting on an easy separability, despite being interrelated and inter-imbricated virtually to the point of being indistinguishable from one another. Culture, law, and politics firmly re-connected, the third chapter theorizes Indigenous authority as being sourced from relationship. This theory emerges from evidence collected in the land-language analysis employed in the previous chapter and is reinforced with Indigenous scholarship and articulations of sovereignty from outside the field and outside of the academy. The fourth chapter is a mapping of Gitxsan articulations of sovereignty on their own terms, and applies relationship-as-authority theory to Gitxsan governance. I conclude the dissertation by considering the impacts of reframing Indigenous authority within its own processes of legitimation. With evidence that Indigenous authority is not something that is taken or gifted, but rather is something that we make together, I consider two offerings from Indigenous sovereignty – the processes of transformation and expansion – in contributing towards intercommunity and international liberation.

The state of the field

Indigenous sovereignty, law, and political science

This dissertation deals with sovereignties as they have been developed within specific times and places. As will be explained in subsequent chapters, place, space, and time are fundamental to understanding where sovereigns source their legal and political authority, and to understanding how Canadian and Gitxsan sovereignty – as a limited representation of the diverse Indigenous nations bound within Canada's borders – ended up in the legal and political impasse they are locked in today. The state sovereignty that Canada claims to possess and practice can be traced back to the approximately two-hundred years leading up to the Treaty of Westphalia. While there is a rich history of philosophical reflections on the content of sovereignty, from Plato and Hobbes to Nietzsche and beyond, this project primarily engages Canadian sovereignty as it is applied and practiced by the state and situates Canada's sovereignty within widely accepted understandings of state-sovereignty and its emergence leading up to and within the era of the Westphalian nation-state. With its uncommon (yet still observable in Australia, New Zealand, and the UK) continuance of the Crown as head of state, Canada has operated on a model of Westphalian nation-statehood since its inception while simultaneously sourcing its authority from pre-state imperial royal orders in conjunction with democratic processes (Borrows, 1999; Skogstad, 2002).

Sovereignty as a concept emerges regularly in critiques of the colonial nature of political science. It is particularly relevant in Indigenous critiques of the field because it represents a defining place of tension with the state, sovereignty is often the concept through which the discipline asserts (implicitly or explicitly) which authority merits being taken seriously. Bruyneel (2016) for example, insists that the focus on sovereignty along with the state poses a

foundational issue for Indigenous politics, which continues to be pushed to the margins without a subfield reserved for its study. Ferguson (2016), on the other hand, advocates for the inclusion of more non-state sovereignties as a launching point for decolonization. Regardless of the pathway to legitimacy for Indigenous politics in the field, scholars agree there are material repercussions to the ways we conceptualize sovereignty and study its philosophical underpinnings. As Asch (2014) and Tully (2001) have insisted, our engagement with Indigenous politics as legal and political scholars – whether through active inclusion or passive exclusion – works to legitimize or delegitimize Indigenous authority.

There has been a recent uptick in the engagement with sovereignty in political science, where Isabel Altamirano-Jimenez (2020) and Matthew Wildcat (2020) for example, are pushing the concept towards expansive and relational possibilities. Yet traditional understandings and direct challenges to the concept of sovereignty are most commonly found within the discipline of law. This is due, at least in part, to the interdependent nature of state sovereignty in international law. International institutions operate as global frameworks for the recognition of state sovereignty by other states. Specifically, the study of international law houses the most robust arguments and counter arguments regarding the function of sovereignty, despite this period continuing to be characterized as the erosion of sovereignty through the rapid expansion of globalization. The alleged ruins of Western state sovereignty have provided a theoretical ground for critiques from officially-decolonizing countries, where newly independent countries must grapple with the legacy of state-centric structures of power. To this concern, Fakhri (2018) suggests that the "postcolonial" sovereignty made available to nations-within-states remains tied up with international institutions. These international institutions are made up of colonizing states and thus are too committed to the practice of state-sovereignty for newly "liberated" third-

world countries (author's own terminology) to make their own meaning of the concept. Put differently, the way the UN defines decolonization and thus the context of sovereignty in these cases remains tethered to the state. Looking to Indigenous definitions of sovereignty – including Inuit food sovereignty initiatives - Fakhri (2018) suggests instead looking to day-to-day sovereignty movements, arguing that "[i]f there is any hope for conceptualising sovereignty in a way that counters imperial forces on a global scale, it will come from an understanding that reflects the fellowship that people create to neutralise those forces that want to centralise power in the hands of the few" (Fakhri, 2018, p. 222).

Accordingly, there has also been a long tradition of engagement with the concept of *Indigenous* sovereignty in the discipline of law, both explicit and implied. This is at least in part due to the legal precedent set by early Catholic doctrines and the trajectory of the dominant legal system in Canada. *Terra nullius* and the *Doctrine of Discovery* haunt the halls of the Canadian courts, an ever-present reminder of the racial-hierarchy from which the country sources its authority. Indigenous and settler-ally scholars have long pushed back against the violent legacy embedded in Canadian law, by both challenging these legal norms and presenting Indigenous alternatives. Legal scholars Patrick Macklem, John Borrows, Michael Asch, Kent McNeil, Ryan Beaton, and Heidi Kiiwetinepinesiik Stark, for example, have all called attention to the existence – and importance – of Indigenous sovereignty in both Canada and the United States. While these accounts of Indigenous sovereignty are not modified (with the exception of 'Indigenous' differentiating them from the state), the concept remains widely framed within constitutional debates.

Grounding legal theory in the applied sovereignty of the Gitxsan and Wet'suwet'en, John Borrows (1999) critiques the origins and justifications for state sovereignty as it is employed by

the courts against Indigenous sovereignty in the *Delgamuukw* case. In *Sovereignty's Alchemy* Borrows takes issue with the courts' refusal to scrutinize Crown assertions of sovereignty, noting that despite the courts' important change to take oral histories as independently weighed evidence, the point is null if the underlying assumptions of Crown sovereignty remain unchallenged within the legal landscape of Canada (1999, p. 556). Borrows' suggestion that the judiciary could bolster its legitimacy and gain the respect of many by declaring "invalid the assertion of Crown sovereignty in British Columbia" (p. 579) echoes the Gitxsan's address to the Federal and Provincial governments preceding their comprehensive land claim. In their address to the province, the Gitxsan and Wet'suwet'en made the pointed demand that the Crown "recognize our Sovereignty, recognize our rights, so that we may fully recognize yours", denoting mutual recognition as key to their legal and political relationship with Canada (Gitksan-Carrier, 1977). Further, legal scholar Macklem (2001) argues that Canada's sovereignty will only be strengthened by recognizing the sovereignty of Indigenous peoples. Indigenous sovereignty, as it is popularly theorized in law, extends its non-statist and expansive qualities to the state in the process of mutual recognition. By expansive, I mean community extending outward in relationship with others towards shared goals. Put otherwise, Indigenous sovereignty has been theorized outside of political science as housing liberatory potential for international actors.

Arguably, in political science, political theory as a subfield has made the most significant inroads for Indigenous sovereignty, albeit largely by challenging the colonial underpinnings of state sovereignty. As Bruyneel notes, a key "function of the theoretical enterprise in its most ideal form, which is to critically challenge and open up political categories; place them in historical and cultural context that widens the epistemological terrain one can study; and engage in normative arguments about how we can reimagine the concepts, contour, and practices of

political life" (2014, p. 4). These theoretical inroads, as will be explained further below, both intervene in state-centric traditions, while methodologically continuing to center the state in their critiques. Ladner (2017), Coulthard (2014), and Green (2001) for example all speak directly to the state in their works to critique it, simultaneously challenging and reifying disciplinary traditions.

Despite interventions from IR and theory, tolerance for Indigenous politics in political science remains low. Like Bruyneel, Ferguson (2016) suggests that comparatively, Canadian political science fares well regarding inclusion of Indigenous politics, specifically in the hiring and retainment of Indigenous political scholars and in the development of Indigenous politics subfields or areas of specialization. Although it is true that Canada, specifically Western Canada, has become an epicenter for the study Indigenous politics, the ideologies underpinning Canadian political science continue to reflect a "gravitational" pull towards the state (2016, p. 1032). In other words, colonialism still defines the discipline, and while there are calls for Indigenization – that is, the non-hierarchical inclusion of Indigenous political thought – the role of decolonization (in response to colonialism) plays a foundational role by setting the stage for Indigenization to take place.

Additionally, state sovereignty's evasive and sometimes limiting nature has led to scholars of political science, particularly in the subfields of political theory and international relations (IR), to characterize it as eroding, irrelevant, or at the very least obsolete (Kalmo & Skinner, 2010). This decades-long commitment to write sovereignty out of mainstream political literature sits in tension with the ongoing lived material impacts of the practice of state-sovereignty as well as the relentless revival of the concept by critics and the contemporary re-invigoration by Indigenous political scientists (Kalmo & Skinner, 2010).

The subfields of theory and IR, while representing "innovative" critiques of state sovereignty, reflect a "standard" position of Indigenous politics, and, as Bruyneel (2016) points out, a stark example of time wasted and opportunities lost when the field fails to take Indigenous political thought seriously. More commonly, when the issue of sovereignty is addressed in political science, it is framed through a Western worldview, limiting the articulation of Indigenous authorities through Indigenous political thought. As Bruyneel (2016), Ferguson (2016), and Ladner (2017) argue, it is the methodological and epistemological presumptions of the discipline that are in desperate need of interrogation, thus "we need to pitch widely for the answer to what counts as knowledge contributing to the study of politics and therefore expand the approaches we take to glean the most from this knowledge" (Bruyneel, p.3).

Indigenous perspectives

A review of the major political science journals in Canada and the United States from their conception to April 2022, as well as literature produced by political scientists or scholars publishing as Political Science faculty in Canada, reveals a dire gap in scholarship centering Indigenous sovereignty (Wildcat, Mowatt, Stark, & Starblanket, 2024, forthcoming). At the time I write this, there are approximately thirty existing publications within these containments that deal substantively with Indigenous sovereignty – with a contemporary upward swing as a result of the topic being reinvigorated by leading Indigenous political scientists such as Matthew Wildcat, Rauna Kuokkanen, Isabel Altamirano-Jimenez, and Heidi Kiiwetinepinesiik Stark. As a consequence of this historical underrepresentation, critiques of Indigenous sovereignty by Indigenous political scientists have emerged as the most cited works in the field providing an overrepresentation of negative correlations with the concept despite interdisciplinary proof of the

contrary (Simpson, 2020). The concept of sovereignty is widely used as an expression of Indigenous legal and political authority, yet in political science, "claims by Indigenous nations and tribes for sovereignty are either ignored as improper expressions of sovereignty or are measured against the meaning and function of state sovereignty that is presumed to be its defining norm" (Bruyneel, 2016, p. 6).

Indigenous sovereignty has been most famously denounced by political scientist Taiaiake Alfred (1999; 2005), who offers a scathing critique of nations who framed their authority through the concept. Alfred asserts that such nations had chosen the "liberal paradigm" to pursue "power vis-à-vis the state" and likened the state-designed framework of Aboriginal rights to tribal sovereignty as "benefits accrued by indigenous peoples who have agreed to abandon autonomy to enter the state's legal and political framework" (2005, p. 39). Alfred correlates Indigenous sovereignty with an "uncritical acceptance of the classic notion of sovereignty" and deems it unattainable due to Indigenous peoples' lack of "cultural frame and institutional capacity to defend or sustain it" (2005, p. 43). This critique, while offering political alternatives from Alfred's own nation, simultaneously situates itself in alignment with disciplinary presumptions about sovereignty in political science (Boldt & Long, 1984), resulting in "political interests and ideas … continually conflated with states" (Ferguson, 2016, p. 1032).

In all, there are three cracks in the foundation of Alfred's argument against sovereignty for Indigenous peoples – etymology, exclusion, and capacity – in response to which I offer possibilities for expansion, rather than reduction, of the concept. First, the core of Alfred's argument against sovereignty is drenched in semantics. Alfred argues that sovereignty is particularly problematic because it was "invented in Europe" and thus reflects European values and embedded governance structures. Alfred's suggested alternatives are self-determination and

peoplehood, both English terms with European origins. Second, Alfred assumes that Indigenous peoples asserting sovereignty have "uncritically" accepted a state framework and perspective. While it is true that some Indigenous peoples' articulations of sovereignty mirror those of states, they are a significant minority. Third, Alfred's suspicion of the capacity of Indigenous peoples to defend their sovereignty is tied up with the misconception that Indigenous sovereignties most commonly seek autonomy akin to statehood. In contrast, the majority of Indigenous conceptualizations of sovereignty from academia and community acknowledge Indigenous capacity for governance beyond military and capital power, and conceptualize sovereignty in much more generative terms.

A rigid critique of the etymology of sovereignty, paired with generous flexibility in regards to other English – and thus European – concepts such as self-determination and nationhood, does little to serve the pursuit of liberation for Indigenous peoples. Corntassel and Primeau (1995), similar to Alfred, assert that Indigenous peoples are not in pursuit of sovereignty, despite what many have claimed domestically and internationally, but rather cultural preservation. Those who pursue sovereignty and self-determination on an international scale are classified as "misguided" by Corntassel and Primeau, who suggest that any worthwhile pursual of international rights recognition should account for the backlash of invoking territorial jurisdictions. In other words, they assert that self-determination and sovereignty are weak strategies as a result of the "hostile" reaction they provoke from states. While Alfred makes a normative claim against the pursual or assertion of sovereignty, Corntassel and Primeau (1995) suggest that sovereignty will not serve Indigenous peoples in a framework of international rights recognition.

Alfred's critiques of Indigenous sovereignty have largely dissipated from mainstream Indigenous studies since the widespread introduction of Indigenous feminisms and radical resurgence (Simpson, 2017a), but are still commonly invoked in non-Indigenous fields, including political science, which seek to include Indigenous content, coursework, or subfields. This work does not deviate significantly from disciplinary norms or challenge epistemological assumptions about the state and sovereignty. To clarify further, critiques of sovereignty as being solely conceptualized, practiced, and administered by states, even when employed as a critique of the function of states, align with the state-centric history of the discipline. This criticism, while valid, is permissive of the myth that state authority is the standard to which Indigenous nations must be held to if engaging the concept of sovereignty.

These takes on Indigenous sovereignty by notable Indigenous political scientists may have played a role in shaping the treatment of Indigenous sovereignty in the field, although only as a symptom of the state-centric epistemological underpinnings of the discipline. Intentional or not, the effect of the marginalization of Indigenous sovereignty in the field has resulted in the invisibilization of the unceremonious severing of culture from politics. Moreover, only an exclusion of the majority of Indigenous conceptualizations of sovereignty could result in the discursive and material disconnection of political authority from Indigenous culture and worldviews that we see today. Indigenous articulations of sovereignty writ-large have foregrounded the unbreakable connection between culture and governance, expressing them as one in the same.

More recently, Indigenous feminist interventions have provided the much-needed counter-arguments for Indigenous sovereignty in political science which point to difference, rather than likeness, with the state. Isabel Altamirano-Jimenez, for example, characterizes

Indigenous sovereignty as communality, “not a point of arrival but a pre-requisite for building decolonial futures in which bodies are always in consensual, reciprocal relationships with land, non-humans, and nature” (2020, p. 337). Similar to what will be argued later in this project, Altamirano-Jimenez (2020) pushes the concept beyond its traditional linkage to land and instead points to the “micropolitics of everyday” life that locate sovereignty equally in the body and in our intimate relationships (p. 337). Working with the unique conditions of the Inuit in the context of Greenland, Ruana Kuokkanen (2021) points out that regardless of the conflicting conceptualizations of Indigenous sovereignty, self-determination and sovereignty are widely used synonymously by Indigenous peoples, highlighting the relational nature of the concept more commonly found in Indigenous studies. Finally, Audra Simpson’s scholarship is taken up extensively in political science, despite Simpson’s training as a political anthropologist. Simpson’s influence on the field is palpable and similarly locates Indigenous sovereignty in the body, the nation, and in relationship (Simpson, 2014; 2016; 2020). Indigenous feminist scholarship builds up Indigenous political thought by intervening in state-oriented notions of Indigenous sovereignty.

In Indigenous studies and adjacent disciplines, where Indigenous sovereignty remains central and relevant, critiques of the concept are more commonly informed by Indigenous political thought and relational frameworks (Barker, 2017; Simpson, 2020). Generally, Indigenous sovereignty is approached generously as housing potential for diverse and sometimes subjective conceptualizations - see Simpson (2017a), Goodyear (2018), Kauanui (2018), Simpson (2020), etc. But Morgan (Belcourt & Morgan, 2018) for example, asserts that the concept of sovereignty and nationhood, and more recently resurgence, are flattened by their containment of Indigenous resistance as single-issue movements. Belcourt and Morgan (2018)

speak specifically to the ways in which these concepts fail to account for the liberation of queer and trans Indigenous peoples, instead promoting an impossible pathway to liberation that requires Indigenous peoples to "rise above" the asymmetrical material conditions applied to them by colonization.

Questions of who or which actors of governance have access to authority are underpinned by immovable tenets of Indigenous authority (in both support or critique of Indigenous sovereignty), which – as will be explained later in this project – are relational and place-based by nature. Even a brief overview of the disciplinary omissions and permissions of Indigenous studies or adjacent disciplines reveals a foundational difference in the way Indigenous legal and political authorities are taken up.

Authority-making

In well-meaning efforts to validate Indigenous politics in political science, there has been significant energy invested in finding likeness between Indigenous and state authority and jurisdiction. As Avigail Eisenberg (2022) explains, as theory challenging state authority grows, scholars continue to rely on "state-like ideas that are often unsuited to the circumstances of Indigenous peoples" (p. 42). Federalism and constitutionalism remain the canon when it comes to incorporating Indigenous politics into mainstream study, however, both these streams of study come with problematic assumptions built in. In Canadian political science, study of federalism and constitutionalism are intimately interconnected. Together, the concepts fuel debates around division of power, visions for/of the nation, and possibilities for institutional and societal growth.

Western frameworks often translate Indigenous social, legal, and political orders into pseudo-federations. In fact, comparisons of Indigenous authority and jurisdiction (sovereignty) is

often framed out in comparison to federal systems, such as Canada's own authority and jurisdictional division which is comprised of central and regional divided sovereignty between the federal and provincial governments. Federalism as a framework for understanding Indigenous jurisdiction reveals two concerning frameworks for understanding Indigenous authorities within Canada's claimed borders. The first is decentralization in states. While arguments for or against the centralization or decentralization of the federal system ebb and flow in the field, the possibilities housed within a vision of a decentralized federation define linkages between Indigenous and state governance. The second is constitutionalism as a framework for inclusion of Indigenous authority, whether that be through a long-critiqued rights framework or treaty constitutionalism.

Decentralization draws upon the capacity of Canada's existing jurisdiction framework to incorporate Indigenous governments. Notably, the failed Charlottetown Accord proposed a third order of government for Indigenous nations to operate through. The conditions of the Charlottetown Accord, like all things in the Indigenous-state relationship, can be understood differently based on the legal framework through which we interpret it. Self-government as it was described in the Accord was understood by many as representative of Indigenous sovereignty (Isaac, 1992, p. 109-110). Isaac (1992) points to the contextual statement which housed both potential and uncertainty,

> The exercise of the right referred to in subsection (1) includes the authority of duly constituted legislative bodies of the Aboriginal peoples, each within its own jurisdiction, (a) to safeguard and develop their languages, cultures, economies, identities, institutions and traditions, and (b) to develop, maintain and strengthen their relationship with their lands, waters and environment, so as to determine and

> control their development as peoples according to their own values and priorities and to ensure the integrity of their societies.

Here, we see Indigenous nations having defined their sovereignty as represented by these authorities – both "cultural" and "political" – while their representation in the constitution was proposed to be modeled on (and represented by) tenets of state authority. Similarly, treaty federalism is employed by some Indigenous nations in efforts to invoke existing contracts. The obvious tension for treaty federalism that draws upon arrangements set out in Canadian law is that more fluid and expansive understandings of treaty relationship can be overlooked in efforts to counter colonial infringements on Indigenous governance. Put otherwise, most Indigenous nations conceptualize treaties through relationship and responsibility (Stark, 2018), but those terms of engagement are nullified if treaty federalism remains framed within Canada's existing jurisdictional norms, effectively reifying asymmetrical power dynamics.

In closer alignment with Indigenous struggles for self-determination, constitutionalism has remained a significant area of interest in political science. I differentiate federalism from constitutionalism here only to make a distinction between proposed arrangements and existing arrangements. In other words, constitutionalism as I engage it represents a framework for jurisdiction that already exists but is not active in Canada. The liberating potential of constitutionalism lies firmly in the perspective from which it is studied. Constitutionalism remains relevant to Indigenous politics as a framework from which authority and jurisdiction flow that accounts for political arrangements pre-dating the state. John Borrows leads the charge connecting constitutional law and Indigenous nations, championing an Indigenous constitutionalism that draws upon Indigenous principles for governance while warning against

further enmeshment within Canada's asymmetrical vision for jurisdiction of Indigenous nations (Coyle & Borrows, 2017).

Neither federalism nor constitutionalism serve Indigenous legal and political autonomy if framed within rigid distributions of power that defers to the state. Both, however, have been drawn upon by Indigenous peoples as inroads to shared authority-making with the state by being reframed within the Indigenous worldviews that were in-play during the formation of Canada as a nation-state. This reorientation of relationship also serves "as a simple roadmap for our own thinking about ways our research encounters settler sovereignty – to describe how it operates to control, to reconfigure or constrain each other, or to offer new envisioned futures of sovereignty" (Wildcat & de Leon, 2023, p. 303). Indigenous worldviews offer alternative cultural context, and, as will be unpacked further in this dissertation, re-affix culture to law and politics as a reclamation of Indigenous authority-making based on principles of responsibility and reciprocity.

Authority-making, otherwise defined as the process of vesting authority in political bodies is what legitimizes sovereignty in any form. Yet the processes by which social, legal, and political authority becomes vested in particular bodies (human, government or corporation), and the jurisdiction of those bodies to apply authority "… often appear … fully formed and conjoined to state power" (Pasternak, 2017, p. 7). Highlighting those processes, Pasternak (2017) asserts that jurisdiction "is the apparatus through which sovereignty is rendered meaningful, because it is through jurisdiction that settler sovereignty organizes and manages authority", while the concepts and their application are closely intertwined, I contend that it is through relationship that Indigenous sovereignty is rendered meaningful and is where Indigenous peoples source their legal and political authority – and, subsequently, their jurisdiction. Jurisdiction itself emerges and is defined by the boundaries of authority. Indigenous authority is sourced from relationship

and the limits of that relationship define the boundaries of sovereignty. In other words, the territories and beings within them that we are in a specific cultural, legal, and political relationship with *are* our jurisdictions.

Indigenous sovereignty

Indigenous sovereignty has always been here as an authority, operating nested (Simpson, 2014) within – and in tension with (Wildcat, 2020) – state sovereignty. It would be a fallacy to suggest that the existence of Indigenous sovereignty and Indigenous authority is new knowledge for political science because this knowledge has been antagonizing state-centric authorities from within and without the field for decades (Claxton & Price, 2020; Simpson, 2020). I argue that these authorities are not misunderstood by the Canadian state and its agents but rather are strategically excluded from mainstream politics. Instead of pointing to a gap in the research, I point to an unbroken thread between Indigenous nations and their authorities, and offer reasons for how and why that thread has been marginalized from mainstream politics.

Gitxsan sovereignty as represented in the case study of this dissertation has emerged on its own, not as an off-growth of state sovereignty, but became intertwined in the Indigenous-state relationship as a condition of state assertions of sovereignty. Cedric Robinson explains this distinction well in the context of Black radicalism,

> … the African experience of the last five centuries is simply one element in the mesh of European history: some of the objective requirements for Europe's industrial development were met by the physical and mental exploitation of Asian, African, and native American peoples. This experience, though, was merely the condition for Black radicalism – its immediate reason for and object of being – but not the

> foundation for its nature or character. Black radicalism, consequently, cannot be understood within the particular context of its genesis. It is not a variant of Western radicalism whose proponents happen to be Black. (1983; 2020, p. 73).

Robinson's situating is unique to Black radicalism and its African character in specific spatial applications, but the lessons apply here to understanding the interplay of Indigenous sovereignty and the state, where the state generates Indigenous sovereignty's necessity but not its origins or its process of maintenance. While this project focuses on Indigenous sovereignty, it does so in the context of the ongoing settler colonial project of Canada. In other words, Indigenous sovereignty only finds the need to be defended within these intellectual spaces as a result of being legally and politically othered by the Canadian state with the intent of its eventual extinction. This is key to reframing the impasse of Indigenous sovereignty, which continues to be measured through processes of legitimation that emerge from European thought.

Put otherwise, sovereignty is "more than merely an ancestor to white, western political ordering confined only to Europe but is a language game that [has] historically been played under conditions of imperial settler coloniality" and, drawing upon the works of Vine Deloria Jr., David Wilkins, Kevin Bruyneel, and Heidi Kiiwetinepinesiik Stark, clarifies that these invocations have not been exclusively oriented towards Western states (Simpson, 2020, p. 687). The concept of Indigenous sovereignty has been utilized to assert the seriousness of Indigenous connection to place and the human and more-than-human beings who inhabit it. For this reason, sovereignty remains a relevant concept to Indigenous authority and Indigenous pursuits towards liberation.

Land and language

In this project land and language represent both the overlooked and mischaracterized elements of Indigenous authority that have allowed for the marginalization of Indigenous politics in political science. Thus, land and language as an analytic provide a two-pronged entry point to Indigenous sovereignty that functions to discursively reorient Indigenous culture to the realm of the political while simultaneously grounding Indigenous sovereignty from the abstract to the material, as demonstrated in the study of Gitxsan Nation that follows. Languages develop in response to particular landscape, reflecting the vocal needs for communication within a particular environmental context. As such, Indigenous languages denote a formative, if not inaugural, act of reciprocity with land (Basso, 1996). Consequently, language preservation is also central to the survival of Indigenous peoples and continuation of Indigenous governance. Indigenous culture, emergent from relationship to place, defines Indigenous legal and political authority. Yet language revitalization and preservation projects have been aggressively branded as uniquely *cultural* initiatives by the Canadian state. Take, for example, the Aboriginal Healing Foundation developed in response to the Royal Commission on Aboriginal Peoples (later defunded by the Conservative government) and contemporary initiatives like British Columbia's Language, Arts, and Culture fund, which provides robust support for cultural revitalization as a seemingly isolated crisis for Indigenous peoples ("BC Invests", 2022). This is not to say that these initiatives aren't important, even lifesaving, but rather to point to their inclusion parallel to the exclusion of the legal and political rights underpinning them. In the case of cultural revitalization, it is important to note what is left unsaid. Despite this implicit messaging, Indigenous peoples have consistently characterized culture as foundational to their sovereignty.

While language often finds itself bound within culture, there is no lack of literature articulating the foundational role of land for Indigenous survival and governance (Deloria, 1992; Gilpin, 2020; Kimmerer, 2013; Simpson, 2017a). Land in this project encapsulates more than the ground and what lies beneath it. I employ conceptions of land theorized by Indigenous scholars as inclusive of water, space, and the more-than-human beings that inhabit it (Coulthard, 2014; Simpson, 2017a; Mowatt et al., 2020). Land is where we find the maps to our relationships, where our ancestors are laid to rest, where lessons are learned and legal orders emerge, and – as is explored in the case study – from where the first Gitxsan emerged at the beginning of time.

More complexly, land has been characterized *as* us (humans and more-than human beings). It is through both the physical and cultural relationship with place that “the landscape in which people dwell can be said to dwell in them” (Basso, 1996, p. 102). This is reiterated by Tynan (2021) through the Aboriginal Australian concept “care as country”, which defines country – otherwise known as territory – as a part of us, reorienting our relationship from one of separateness into a “co-becoming” through which we cannot care for the land as a separate entity, but rather care for ourselves as country. In Indigenous conceptualizations of land, in Tynan’s example and the works of many other Indigenous scholars (Borrows, 1997; Deloria, 2003; Smith, 2012; Simpson, 2017a; Stark 2018), humans are described as a single element of a broader web of kinship – a larger “being” comprised of all living things. Coulthard (2014), reflecting this worldview, describes land as a “system of reciprocal relationships” (p. 13), while Atleo and Boron (2022) similarly conceptualize “land as kin” (p. 10). This intimate human relationship with – or as – land is a definitive characteristic of the purpose, development, and maintenance of Indigenous legal orders.

Liberation and Indigenous sovereignty

There is no such thing as a single-issue struggle because we do not live in single issues.

- Audre Lorde (1984, p. 138)

All lines of inquiry employed in this research are inspired by encounters in my own communities. The Gitxsan have asserted their sovereignty forever on our territories - it is the relentless maintenance of the *liligit* (feast system) and *ayook* (law) that drives my commitment to Indigenous liberation through the framework of sovereignty. The continuation of Indigenous sovereignty signifies a freedom from structures of settler-colonization for Indigenous peoples.

Cognisant that our struggles against colonialism and imperialism are deeply intwined with the struggles of others, Indigenous movements towards liberation have often received support from Black and racialized peoples, the diaspora, and those globally displaced and dispossessed by other strains of imperialism. Indigenous peoples have also answered the call for solidarity of Black and non-Black racialized peoples facing colonial violence in Canada and the U.S. (Diverlus, Hudson, & Ware, 2020). Uniting over issues of police brutality, incarceration, housing discrimination, educational discrimination, and structural and systemic racism in all forms, Indigenous, Black, and non-Black racialized peoples have long recognized that white supremacy, colonialism, and imperialism are the same webs of power, differentially wielded against us all.

Indigenous pursuits towards freedom are inextricable from the pursuits of others oppressed by the same interlinking webs of power. Thus, there are two foundational areas of inquiry that shape my approach to this project. The first is liberation, all my work is oriented towards imagining and creating worlds where we are all free from the interlocking systems of

power that seek to destroy us – us includes all humans, the land, water, plants, air, spirit and more-than-human beings. The second is Indigenous sovereignty. Indigenous sovereignty houses within it a universe of potential. It has been articulated by Indigenous peoples as being associated with everything from ownership of land, to intimate relationships, to animal nationhood and food. At the same time, even when conceptualized in seemingly abstract ways, sovereignty demands to be taken seriously.

Yet, as a result of the land-centric narratives that dominate the literature on Indigenous sovereignty, it is challenging to articulate how Indigenous sovereignty might account for the liberation of others. As Borrows (2016) and Simpson (2017a) have drawn out, Indigenous freedom is a negotiation. The global systems of power that structure Indigenous oppression and the relationship-based authority that underpins Indigenous sovereignty make certain that Indigenous liberation will not take place in a vacuum. As will be explained in the following chapters, Indigenous sovereignty, taken as place-forward but not land-centric, makes space for negotiations of liberation that both ensure Indigenous peoples' place-based authorities while ensuring the freedom of others as more-than-guests on local Indigenous territories.

Like Indigenous sovereignty, liberation represents multiplicities. Multiplicities require us to look beyond ourselves to ask: What does the liberation of others require of me? And what does liberation of others require of Indigenous sovereignty? Liberation takes place in relationship through both generation and refusal. The two work together to generate alternative worlds while rejecting state frameworks for governance of ourselves and our relations. Using liberation as a guide post and sovereignty as a framework for Indigenous pursuits of liberation, I take up questions of how these concepts might serve and limit us in theory and practice.

Approach

Self-location

As a Gitxsan person who grew up away from home territories, my insights on Indigenous governance do not come from living *in* Gitxsan governance. As a result of my colonially-disrupted identity, it would be impossible for me to speak with any authority on Gitxsan governance itself, the intricacies, the histories, the processes. These take a lifetime to learn, and even many who are in leadership positions, who were raised in the society and groomed for leadership from a young age – including chiefs at varying levels – insist that they will continue to learn more until they die. In this sense, being Gitxsan simply informs my approach to the project, my drive to learn more, to pass knowledge onto my kids, and contribute to my nation, but simply being Gitxsan is not an indication of my authority to speak on Gitxsan ways of governance. For this project, I have been encouraged by mentors to dig into our histories to learn more for myself. That is the extent of my permissions and the extent of my authority on the topic.

Additionally, Indigenous, Black, and scholars of colour from various perspectives of anti-imperialism have said in different ways that our scholarship should not reify false narratives of discovery. In *Empire's Tracks* Karuka (2019) writes "against the impulse of discovery, the desire for novelty, my method here is more closely akin to meditation, which I understand as a practice of liberation: effort to realize questions and capacities that have been here all along" (2019, p. xv). Tynan (2022) similarly laments "there are no gaps!! It's just not considered academic knowledge" (p. 3). Weary to impose imperial sentiments on my nation's own knowledge, of which I am only dipping my toe into knowing in any meaningful way, a knowledge that has emerged from tens of thousands of years of interactions, growth, and teachings, I dare not imply

that any of the knowledge collected within these pages has been discovered by me. Rather, I consider this collection of knowledge, and my "meditations" on it, as an offering and an invitation for myself and others to reorient our understanding of Indigenous sovereignty through the frameworks and processes of authority laid out clearly and consistently by Indigenous peoples themselves.

Framing in Delgamuukw

The *Delgamuukw* case represents a defining event for the Gitxsan-state relationship. The case, alongside external diplomacy in modern treaty negotiations, marked an almost thirty-year saga of Gitxsan-state relations that provides a robust record of Gitxsan articulations of their governance and authority-making. The records provided in the *Delgamuukw* case provide a detailed picture of applied Gitxsan sovereignty through Gitxsan relationship with place.

From the *Delgamuukw* saga emerges a key issue that I take up in this project (reoriented within the context of political science); that is, Gitxsan articulations of their authority as framed within their own cultural, legal, and political context have been treated as theory, or worse, lore:

> As Richard Overstall points out, *Delgamuukw* is fast becoming ―more and more theoretical. It is attaining a more mythological existence. Peter Grant, legal counsel for the Gitksan and Wet'suwet'en plaintiff, offered a different but related observation: So you see the disputes occur within the Gitksan system, but if you look at the people engaged in the dispute, about aboriginal title or rights to the land, it seems that it is much more of a theoretical debate than those elders that talked to us. They knew exactly what they were fighting for – the land base, the rights to use the

> land, managing the land. They knew that. This disconnect happened despite the best of intentions of the leaders. (Napoleon, 2005, p. 194)

This containment of Gitxsan authority to theory is a mis-recognition at best, and mis-categorization at worst. This is a key concern of my research. In this project I ask: 1) How do Indigenous nations – specifically Gitxsan – differentially define their authority in the context of the authority impasse between Indigenous nations and the Canadian state? 2) Why is it that Indigenous sovereignty not taken seriously within the discipline of political science? And, 3) What potential might Indigenous sovereignty, defined and practiced on the terms of Indigenous peoples, hold within it for pursuits towards intersectional liberation? The project is critically informed by the understanding that settler-colonialism validated – and continues to validate – the targeting of Indigenous legal and political authority by the state. I frame responses to these questions loosely within colonialism for its role in political science in contributing to a state-centric way of knowing that informs ongoing settler-colonialization on the ground, and utilize sovereignty as a meaningful marker of the authority-impasse between Indigenous nations and the state.

State-side, this impasse is informed by logics of colonialism, settler-colonialism, and settler-imperialism, which are complex, overlapping, and shapeshifting, and as Pegues (2021) explains, should be "troubled" and contextualized alongside considerations of time and space. While settler-colonialism justifies the colonial permanency of the state, colonialism more broadly explains the patterns and logics of European settlement on Gitxsan territory (which have always been inconsistent and uneven on the ground), while settler imperialism (Vimalassery, 2014) casts a critical eye to the way we view the ongoing imposition of foreign governments upon sovereign Indigenous territories – similarly explained by Vimalassery's (2014) counter-

sovereignty. Pegues' (2021) troubling of the concepts also expands the pathways through which we resist colonization and pursue liberation, including resisting the categorization of peoples which has often emerged in the form of paradox for anyone who falls outside of the ideal subject for nation-building; the abled White cisgendered heterosexual man. Indigenous and racialized people, queer people, women, and disabled people all differentially contribute to Canada's nation building project – whether through forced labour or compulsory reproduction, as well as (often simultaneously) operating as a constructed Other against which the ideal citizen is constructed. The final chapter of this project explores identity, cross-community, and international liberation in response to such constructions.

Methodology

Methodologically, the approach and conclusions drawn from this study are structured within refusal and frame Indigenous sovereignty as both practice and theory, which allows me to study my own nation with care. Borrowing from Simpson (2017b), framing Gitxsan sovereignty in refusal aids me to "refuse … to tell the internal story of their struggle … [and simultaneously] telling the story of their constraint" (p. 22). In other words, I do not have the authority to speak for my nation (I am an early learner and only authorized speakers are assigned through strict processes within Gitxsan governance), rather, my purpose is to 1) observe and record how Gitxsan have expressed their sovereignty on their own terms, 2) utilize the analytic of land and language (as key tenets of Gitxsan authority and as a refusal to measure Indigenous sovereignty against state tenets of authority) to explore the marginalization of Indigenous sovereignty in political science and theorize alternative ways of framing, and 3) situate these observations in a normative reflection on what Indigenous sovereignty could contribute to intersectional liberation.

Refusal is also an undercurrent in much of the secondary literature I draw upon to map out Indigenous articulations of their authority; specifically in its dual-nature as both renouncement and generation. Theorized by Leanne Simpson (2017a) as generative or affirmative refusal, the act of refusing what harms us (whether that be through containment, displacement, misrecognition or other harms) is often simultaneously an act of generation. In mobilizing against colonialism, refusal to engage in harmful systems (whether discursive or material) allows Indigenous peoples to invest that energy towards their own initiatives (Coulthard, 2014, p. 169), it means "organizing on our own terms" (Simpson, 2017a, p. 245). Audra Simpson presents refusal as an alternative to recognition, as "an option for producing and maintaining alternative structures of thought, politics and traditions away from and in critical relationship to states" (2017b, p. 19). In this dissertation, refusal is observed in the actions of the Gitxsan, informs the reflective chapter on future-building through the Fearless process, and underpins the theory of Indigenous authority developed throughout.

Grounded through a study of Gitxsan sovereignty, I present a mapping of the struggle between state and Indigenous sovereignty on territories of the Gitxsan, and a theory-based challenge to what is deemed important in the field of political science. I intervene through and in between what Bruyneel has identified as the limited "pathways" into political science for Indigenous politics while recognizing that "indigenous politics is still too often deemed to be tangential to and thus marginalized within the discipline of political science" (Bruyneel, 2014, p. 4). Bruyneel (2016) observes that there are presently three primary avenues for engagement with Indigenous politics in political science: 1) the study of nation-specific politics, 2) the relationship between Indigenous nations and the state, and 3) theory work that takes on the "colonialist and anti-Indigenous presumptions of dominant political societies" (p. 2). The following work resists

the perceived binary of theory and practice (Simpson & Smith, 2014), cognizant of the fact that Indigenous sovereignty is always both “stand” – an action, a practice – (Simpson, 2014) and theory. This project works within and between the three pathways of intervention for Indigenous politics in political science by employing observations of applied Indigenous sovereignty (Gitxsan) to inform theory on the topic of Indigenous legal and political authority.

Chapter outlines

The dissertation is separated into two interdependent sections. The first deals with the concept and content of Indigenous sovereignty – this takes place through an exploration of its foundational pillars, its authority-making processes, and its definition and distinctions in tension with the state; and the second deals with the grounding of the concept in practice – which takes place through a study of Gitxsan sovereignty and reflections on its role in intercommunity liberation projects.

Chapter one offers a reframing of international diplomacies within Canada’s claimed borders. Indigenous sovereignty has invariably been framed by Canada as a preservation of culture rather than law and politics. This framing is made most visible within the courtroom, one of the few remaining sites that Indigenous issues of self-determination and sovereignty are funnelled into to make their case. The Gitxsan have used the Canadian legal system as a site to articulate their authority and jurisdiction (their sovereignty) to the state while maintaining that the Gitxsan alone are authorized to administer their sovereignty. The *Delgamuukw* saga illustrates how the Gitxsan and Wet’suwet’en maintain their authority while entering into international diplomacy within Canadian courts. The courts, unable by their own admission to

adjudicate matters beyond their framework of authority (that of the state) are transformed into an international gathering place by the introduction of a separate distinct non-state legal and political authority. Indigenous sovereignties find their source(s) of authority outside of the state and must be understood within their own worldviews.

Chapter two maps out Indigenous frameworks of authority by tending to the pillars of land and language as representative of the falsified distinction between Indigenous culture and governance. Loosely contained within the field of Canadian political science as representative of canonical norms in the treatment of Indigenous politics more broadly I argue that it is the indistinguishability of culture and politics that defines Indigenous sovereignty and the processes in place to legitimize its authority and jurisdiction. I review leading sites of cultural severance in the Canadian-Indigenous landscape and respond by using key Indigenous tenets of sovereignty – land and language – to discursively re-affix Indigenous culture to law and politics, revealing them as one and the same.

Chapter three demonstrates that Indigenous social, legal, and political authority is sourced from a relationship that is active, place-based, and can be reproduced only through ongoing reciprocity and renewal. It is through encounters with "land, and places, the animals and the people" that power or *daxgyet* (for Gitxsan) is created. This depiction of ongoing encounters with place (and all beings) as being the source of authority refuses the trend of Canadian politics and political science to delegate Indigenous sovereignty to either the abstract or within state-centric frameworks. Relationship reorients theories of Indigenous authority from the realm of abstraction to reflections of concrete applied sovereignty.

The fourth chapter is a mapping of Gitxsan articulations and practices of sovereignty on their own terms. Too often in political science Indigenous sovereignty is either measured to

standards of exclusive state-sovereignty, or characterized as abstract, lacking the material and lived "grounding" of sovereignty that is presumed to be held and administered exclusively by states. Gitxsan sovereignty provides a strong case for the continued application of Indigenous sovereignty in Canada, and the records of Gitxsan refusal of and stand against Canada provide evidence of relationship as legal and political authority in action.

To close, chapter five looks to the future. Indigenous sovereignty, like liberation, represents multiplicities. These multiplicities ask us to look beyond ourselves and to find authority (socially, legally, and politically) in relationship. Informed by Matt Wildcat and Justin de Leon's (2023) definition of sovereignty both as "what is" and "what could be", Indigenous sovereignty re-framed as it is in this dissertation is capable of contributing towards anti-colonial movements that expand beyond Indigenous-specific freedoms. I offer a reflection on what "could be" if we were to employ Indigenous sovereignty in transformation expansive ways and in solidarity with other subjects working to abolish colonial rule.

Conclusion

In all, this project is an empirical and normative study of Indigenous sovereignty as it operates bound within Canada's claimed borders, as well as the discursive landscape of Indigenous sovereignty and authority-making in Canadian politics and political science. The project is interdisciplinary and draws upon secondary literature from law, Indigenous studies, gender studies, history, and anthropology in addition to political science in order to paint a more complete image of Indigenous authority and in order to fill in gaps in the political science literature. Non-academic sources for this work include court cases, non-academic accounts from Gitxsan and Wet'suwet'en, mainstream media, and government documents. In its simplest form, this dissertation is a defense of Indigenous sovereignty.

The work in the following pages contributes to the conversation about what is considered legitimate in the field of political science and in government spaces. To do so, it draws on Indigenous political thought and practices from a diverse range of sources. This mixed-discipline approach is emblematic of the content and practice of Indigenous sovereignty, which is conceptualized and applied in diverse and complex ways. This intervention, however, can be placed within the trajectory of Indigenous politics in the field of political science, which is already in movement towards frameworks and analytics of study that take Indigenous governance in its whole form, without qualification or measurement against the state and its legal and political authorities (see, for example, Luoma, 2023).

The Gitxsan Nation provides an anchor for this work, both as a community that I am accountable to and therefore take up layered and emotional ethics in this work, and also as a suitable representation of Indigenous sovereignty beyond treaty and title narratives in Canada, though those mechanisms of recognition play an important role in the interplay between the Gitxsan Nation and the state. Taken in its entirety, this dissertation intervenes in the field's propensity to measure Indigenous sovereignty against that of the state, illustrates Indigenous authority-making from a point of difference rather than sameness of the state, and demonstrates applied Indigenous sovereignty framed within its own processes and frameworks of authority-making.

Chapter one: A matter of framing: Gitxsan sovereignty and authority in the courts

Since time immemorial, we, The Gitksan and Carrier People of Kitwanga, Kitseguecla, Gitanmaax, Sikadoak, Kispiox, Hagwilget and Moricetown, have exercised Sovereignty over our land. We have used and conserved the resources of our land with care and respect. We have governed ourselves. We have governed the land, the waters, the fish and the animals. This is written on our totem poles. It is recounted in our songs and dances. It is present in our language and in our spiritual beliefs. Our Sovereignty is our Culture.

Our Aboriginal Rights and Title to this Land have never been extinguished by treaty or by any agreement with the Crown. Gitksan and Carrier Sovereignty continue within these tribal areas.

We have suffered many injustices. In the past, the development schemes of public and private enterprise have seriously altered Indian life and culture. These developments have not included, in any meaningful way, our hopes, aspirations and needs.

The future must be different. The way of life of our people must be recognized, protected and fostered by the Governments of Canada and the Laws of Canada. Only then will we be able to participate fully in Canadian society.

We, the Gitksan and Carrier People, will continue to exercise our Sovereignty in the areas of Education, Social and Economic Development, Land Use and Conservation, Local and Regional Government.

We have waited one hundred years. We have been patient. Through serious negotiation, the basis for a meaningful and dignified relationship between the

Gitksan and Carrier People and the Governments of Canada and of British Columbia will be determined. These negotiations require mutual and positive participation by the Federal Government and the Provincial Government. Today, the Governments of Canada and British Columbia undertake a bold new journey to negotiate with the Gitksan and Carrier People. During this journey, we will fulfill the hopes and aspirations of our ancestors and the needs of future generations.

Let us begin negotiations.

Recognize our Sovereignty, recognize our rights, so that we may fully recognize yours.

- Gitksan-Carrier Declaration
November 7, 1977

The Delgamuukw saga and spaces of international diplomacy

Sovereignty, freedom, ownership, jurisdiction, and title: These are the concepts that the Gitxsan have used – alongside their neighbours, the Wet'suwet'en – to describe their legal and political authority in relation to the Crown since settlement first began in Northern British Columbia. The first European stepped foot on Gitxsan territory in 1823, and visitation remained scarce until conflicts, settlements, and incursions picked up in the 1870s at which point the Gitxsan identified a need to assert their legal and political authority outwardly to the developing colonial governments. In 1884, Gitwangak chiefs called for an end to White settlement on their territories and reminded the colonial governments of their own responsibilities in international diplomacy (specifically non-interference), referred to their authority as "the best of all titles", and compared White settlement on Gitxsan territories to Gitxsan governments granting licences

to their members to "measure out, occupy, and build on the lands" held by White men in the Victoria district (Gitwangak, 1884). In 1910, Gitxsan leaders sent a petition to the federal government in Ottawa, demanding their title be recognized. Again, in 1915, during the McKenna-McBride Commission, Gitxsan Chief *Spookxw* literally demanded "land back", refusing to entertain the goodwill framing of the commission, while William Holland reiterated,

> We did not give our petition for a reserve at all – we signed it for our own land. The reservation is not so good for us at all it is of no use to us … our petition is right in Ottawa and the other one has gone to the King … We would like to [live] just the same as a free man so that no one is going to watch us all the time like we are watched when we are in a reserve – we cannot be helped in our reserves at all … I guess all you gentlemen misunderstand the petition – you think we sent our petition in for a reserve, but that is not right, we did not send in our petition for a reserve, larger or smaller – we did not sign our petition for that at all … we are not mistaken when we asked for our own – we are born citizens in this country – we were born in this place – we were born here and we own this land and we want to get it back (Sterritt, 2016, pp. 294-5).

From the earliest days of diplomacy, the Gitxsan insisted that the colonial government had a framing problem – they weren't asking for rights and reserves, they were insistent on their territorial authority. Gitxsan have made their legal and political authority clear to the Canadian state and its predecessors, often from within Canadian courts and treaty tables which were designed to subsume Indigenous jurisdictions within the existing federal power divisions. In particular, the *Delgamuukw* court case and the adjacent treaty negotiations by Gitxsan and Wet'suwet'en showcase how the seemingly paradoxical expression of Indigenous sovereignties

within Canadian courts are, in reality, consistent with Indigenous nations sourcing their authority through frameworks and processes distinct from those of the state.

Genealogy of Gitxsan articulations of authority in relation to the state

In 1973, following the Supreme Court's ruling against the Nisga'a in their title case, the Federal government laid the framework for comprehensive land claim negotiations in an effort to keep title cases out of courts, and avoid rulings in favour of Aboriginal Title. The concern with Indigenous peoples using the court to advance their claims had been a growing since 1951 when the *Indian Act* removed articles that barred Indigenous participation in the Canadian legal system. In 1977 the Gitxsan and Wet'suwet'en (named as "Carrier" in the opening statement above) made a declaration for a comprehensive land claim negotiation, accepted by the Federal government, with an accompanying statement articulating their retainment of unextinguished sovereignty. The claim required participation of the Provincial government of British Columbia, which at the time denied the continued existence of Aboriginal title and rights. As a result, the claim did not proceed and the Gitxsan and Wet'suwet'en strategized other ways to stave off the accelerating theft and destruction of their sovereign territories.

Undeterred, equipped with the 1982 *Section 35* constitutional amendments and with renewed recognition of the extinguishment objectives underlying the comprehensive land claims process, the Gitxsan and Wet'suwet'en "file a statement of Claim against the Provincial government seeking a declaration that they have a right to ownership of, and jurisdiction over, their House Territories" (Skanu'u & Monet, p.16, 1991). Finally, on May 11th, 1987, *Delgamuukw v. Her Majesty the Queen* began in a Smithers courthouse. The case was initiated to

set a precedent for Indigenous nations across Canada, and was endorsed by Indigenous leaders from across the nation after years of strategic meetings (Napoleon, 2005, p. 188). What followed was a gruelling and meticulous laying bare of Gitxsan and Wet'suwet'en history, law, and governance translated "into sterile English words that lack the necessary backdrop of cultural understanding" (Skanu'u & Monet, p.19, 1991) for public record, and 1991 ruling against the Gitxsan and Wet'suwet'en by Chief Justice Allan McEachern, asserting that Indigenous title was extinguished when British Columbia became a Crown Colony in 1858.

The Gitxsan and Wet'suwet'en vowed to appeal the ruling, and in 1991 the next stage of the *Delgamuukw* trials began with the Appeals Court of British Columbia. In 1993, the Court of Appeal supported the trial judge's original ruling in that it "found no ownership rights, no rights to jurisdiction or inherent self-government, and no expansive definition of aboriginal rights or title", instead they recognized limited "user rights" to the land (Smith, 1998). The province, however, had changed its position on blanket extinguishment since the original trial took place, and thus the Appeals Court did find that the trial judge (McEachern) had "erred in making a finding of 'blanket extinguishment' on the basis of colonial instruments enacted prior to 1871" (*Delgamuukw v. British Columbia*).

In resistance to the 1993 Court of Appeal ruling, leave to appeal and cross-appeal for Delgamuukw plaintiffs and the province to the Supreme Court was granted in 1994 (Hurley, 1998). This appeal required some adjustments, since the *Delgamuukw v British Columbia* case that was launched in 1987 named ownership and jurisdiction over the Gitxsan and Wet'suwet'en Nations' combined 58,000 square kilometers of territory – claimed by the hereditary chiefs individually and on behalf of their houses. However,

> On appeal, the original claim was altered in two different ways. First, the claims for ownership and jurisdiction were replaced with claims for aboriginal title and self-government, respectively. Second, the individual claims by each House were amalgamated into two communal claims, one advanced on behalf of each nation. There were no formal amendments to the pleadings to this effect. The appeal was dismissed by a majority of the Court of Appeal (*Delgamuukw v British Columbia*, 1997).

At the point of the Supreme Court appeal being granted, the Gitxsan and Wet'suwet'en obtained an adjournment to pursue treaty negotiations with British Columbia. Those negotiations reached Stage 4 before being suspended in 1996 due to "fundamental differences … over aboriginal rights" at which point the Gitxsan and Wet'suwet'en organized their final appeal, taken to the Supreme Court of Canada in 1997. The 1997 trial precluded Gitxsan and Wet'suwet'en claims of Aboriginal Title because "the individual claims originally brought by each House had been amalgamated into two communal claims, but had not been formally amended", as such a new trial was ordered (*Delgamuukw v British Columbia*, 1997). The court did, however, recognize that the Gitxsan and Wet'suwet'en "have unextinguished non-exclusive aboriginal rights, other than a right of ownership or a property right" but referred back to a call for a new trial to determine the scope and nature of those rights (*Delgamuukw v British Columbia*, 1997). Beyond the nation-specific claim, the Supreme Court of Canada took up the issue of Aboriginal title more broadly, addressing both the features and content of Aboriginal title, further developed the test for proof of Aboriginal title, and further clarified the principles for justifiable infringement on Aboriginal title, detailing that "the general economic development of the interior of British Columbia, through agriculture, mining, forestry and hydroelectric

power, as well as the related building of infrastructure and settlement of foreign populations, are valid legislative objectives that, in principle, satisfy the first part of the justification analysis" (*Delgamuukw*, 1997, para 1021). While further noting that the "legislative objectives are subject to accommodation of the aboriginal peoples' interests" and "must always be in accordance with the honour and good faith of the Crown" (*Delgamuukw*, 1997, para 1021).

While the *Delgamuukw* trials did not result in recognition of ownership, jurisdiction, or Aboriginal title for the Gitxsan and Wet'suwet'en, the case is still widely celebrated as a win for Indigenous nations pursuing title, including its ground-breaking acceptance of oral history as testimony, and for expanding the definition of Aboriginal title in the courts. Critics point out that the courts used the case in some ways to further limit Aboriginal title by defining destructive avenues towards justifiable infringement on Aboriginal title by the federal and provincial governments (Thom, 2001). Later successes in recognition of Aboriginal title, such as in the case of *Tsilquot'in*, affirmed critics' concerns that Aboriginal title may not offer a meaningful escape from the "jurisdictional gridlock" of the federal and provincial political authority over Indigenous territories (McCrossan & Ladner, 2016).

The *Delgamuukw* case is relevant to this project for two reasons: first, the case provides an anchor for a genealogy of Gitxsan articulations of their legal and political authority in relation to Canada's competing claims of authority, and second, it is an account of oral history of *adaawk* and *ayook* – the "authorized history" of our nations (Marsden, 2002, p. 103) – and represents the most intricate and in-depth English-language public record of Gitxsan *ayook* to this day. In other words, the statements, negotiations, and cases leading up to the 1997 *Delgamuukw* decision paint a detailed picture of how Gitxsan view their legal and political authority in relation to their territories and in relation to the Crown. Notably, many elders who testified in the case "had been

educated by their parents and grandparents, many of whom had been alive prior to the arrival of the first white man into their territory", thus their reflections were not based on some ancient history, but on their own lived experiences,

> These elders included Martha Brown [Kliiyemlaxhaa] who was born in 1900, Pete Muldoe [Gitluudahl] born in 1906, Stanley Williams [Gwisgyen] born in 1908, Alfred Joseph [Gisday Wah] born in 1926; Mary Johnson [Antgulilbix], born in 1904; David Gunanoot [Nii Gyap] born in 1907; Mary Mackenzie [Gyolugyet] born c. 1910; Olive Ryan [Gwaans] born c. 1910; Johnny David [Maxlaxleh] born c.1890, as well as many others (Grant, 2015).

The *Delgamuukw* saga is an in-depth articulation of Gitxsan (and Wet'suwet'en) legal and political authority on their own terms but is widely misunderstood as a bid for jurisdiction as a result of being interpreted within the confines of the Canadian legal framework (Napoleon, 2009).

The mis-framing of Gitxsan and Wet'suwet'en authority is further reflected in the post-*Delgamuukw* era, where the "lore" of the case oftentimes overshadows its material influence (Napoleon, 2009). There are many contributing factors to the disconnect that manifested between the trials and the potential influence of the case on the Gitxsan and Wet'suwet'en. Reporting on the case was mixed, but much of the Canadian news surrounding the case reflected a fear-based response to the judgement – a common emotion for settlers processing Indigenous claims to land (Mackey, 2014). The ruling, which expanded on the character of Aboriginal title, caused "resource companies such as forestry and mining firms to worry it [would] complicate development, dampening the province's already depressed investment climate" (Mertl, 1998). On the other hand, the case itself did not conclude with a ruling on Gitxsan title, leaving the nation

to celebrate wins that didn't actualize in changes to self-governance on the ground (Napoleon, 2009, p. 196). From both the perspective of the proponents and opponents of Aboriginal title, the case failed to hold up to its lore.

Thus, my concern lies less with the case outcomes and more with the public mis-understanding of the case in its entirety. The case was always about much more than Aboriginal title. If taken as Hanamuxw (Don Ryan, Gitxsan negotiator) suggests, the case is most powerful if understood as a moment for Gitxsan and Wet'suwet'en to "assert [what you have] and move on" (Napoleon, 2009, p. 195). Neil Sterritt (2021) similarly suggests upon reflection that "perhaps it's time we recognised that Canada's Indigenous policies are meant to contain and undermine native title and rights, not recognise and enable them", and instead champions Gitxsan resurgence (p. 402). What the nations have and assert in the case is their sovereignty and therefore presented evidence of much more than just Aboriginal title. Rather, I follow Hanamuxw's interpretation of the case as a legal and political assertion of sovereignty on behalf of the Gitxsan and Wet'suwet'en.

From day one, the Gitxsan and Wet'suwet'en's pursual of Aboriginal title was an olive branch and an "opportunity" for Canada to address the "impasse which has characterized the history of the last 100 years" (*Delgamuukw*, 1987-05-12, p. 75) and find a pathway forward *with* the two nations. The introductory remarks included a promise that the Gitxsan and Wet'suwet'en's law and governance would continue regardless of the outcome of the case,

> If the courts provide no mechanism for a solution then the people will have to guarantee the survival of their societies for themselves. As Delgamuukw and Gisday Wa have said this morning, they will continue to survive. The Gitksan and Wet'suwet'en and their laws are not going to go away … [they are] seeking

> recognition of their societies as equals and contemporaries. (*Delgamuukw*, 1987-05-12, p. 75).

The Gitxsan sought to be heard and affirmed by the state through the vehicle of the courts and were not pursuing permission to operate within their own legal and political authority.

What cannot be seen in the courts

Gitxsan and Wet'suwet'en law are not easily defined within the Canadian legal context. Val Napoleon (2009) explains the legal complexity with the examples of "laws of governance, families, succession, murder, accidental death, lands and resources, intellectual property, legal capacity, remedies and compensation, and dispute resolution, [that] it is difficult if not impossible to pull them apart into discrete areas of law to resemble Canadian law" (p. 147). Napoleon (2009) gives a secondary example that material representations of law, crests,

> …at once (1) represent the formative relationship between a House and a specific territory, (2) form part of the intellectual property of a House, (3) are part of the formal, collectively owned adaawk that creates the political and legal identity of a House, (4) may represent a naxnox or spirit power that lives in the land and which is performed and recreated at the Feasts, and (5) may be shared with other Houses that formerly joined as one House in an earlier period of the adaawk … [representing] land tenure and ownership, governance, intellectual property, kinship, and citizenship" (p. 147).

While the law is multi-scalar, the scales are imbricated to a degree that in most cases is impossible to untangle. Further, there is no singular spokesperson for Gitxsan law, rather, hereditary chiefs have important roles and responsibilities, oftentimes speaking on behalf of their house and sometimes delegating the task to a spokesperson while "house members are variously

involved at different stages of these legal processes" to ensure "enforcement for maintaining the Gitksan legal order" (Napoleon, 2009, p. 148).

Similarly inextricable are Gitxsan cultural and social processes from law and governance, which were subjected to much scrutiny in the courts. This hurdle was anticipated, as evidenced by Rush, a lawyer for the Gitxsan and Wet'suwet'en, who urged the court to "concentrate on the evidence of the complexities and the intricacies of the Gitksan and Wet'suwet'en societies from which the nature of their aboriginal rights will emerge. It will be from this evidence that the legal pathway to a just resolution can be found" (*Delgamuukw*, 1987-05-12, p. 75). Chiefs and representatives recounted their *adaawk* (house history) in the courts, facing impatience from the court (Napoleon, 2005). Gwaans' invaluable testimony, for example, was framed as "indivisible" – meaning it was critical that the details of the testimony be heard within the cultural context of the *adaawk* – even so, the court intervened,

> … we're just proceeding at a less than a snail's pace … I'm becoming alarmed at the length of the – of the evidence of each witness. There are personal problems involved and I recognize that, but – I'm not going to stand in an open doorway and stop you from adducing the evidence of the adaawk that the – that the counsel seems to think is something that ought to be adduced, but I have to say that I – I just am becoming alarmed at the length of this trial … and it seems to me that I'm hearing so much detail that I doubt is going to be of anything more than background assistance … the matter is not moving with sufficient dispatch that I can allow it to continue much more this way (*Delgamuukw*, 1987-06-11, 1095-1097, as referenced to in Napoleon, 2005).

The courts remained hostile to oral testimony presented within its own cultural context. In the case above the context was the *adaawk*. The inclusion of oral histories by the courts therefore did not necessarily intervene in the underlying Western ideologies imbedded within the courts, and "passing this hurdle seems to have catapulted oral tradition from a thicket of legal argument about admissibility into an equally complex question of what constitutes 'historical evidence' … [and] very little of the chief's testimony seems to have had any bearing on the final judgement", suggesting that if it were, the case would result in a starkly different outcome (Thom, 2001, p. 31).

The Gitxsan and Wet'suwet'en were prepared for their ground-breaking testimony to meet a hostile reception in the courts. Despite the risks, the financial costs, and the emotional toll of the case, they found value in speaking their authority to the state and to the Canadian public. Together, the nations made their own space in the Canadian legal system.

Legal system as a site of international diplomacy

If you take a bucket of water out of the Skeena River; the Skeena keeps on flowing.
Our rights still flow and they will flow forever.

- Delgamuukw, Earl Muldoe (1993)

As is expressed through the genealogy above, the persistence of the Gitxsan to retain their authority does not reflect a lack of Gitxsan-led attempts to simultaneously develop peaceful international relations with the Canadian state. In fact, in each instance of engagement – from early resistance, to the *Delgamuukw* case, and the BC Treaty process – the Gitxsan have worked

to reason with the state on issues of authority and jurisdiction. This rejects a common misunderstanding of what is required of Indigenous nations within Canada's borders when engaging in the state-sanctioned processes for recognition. It is a common presumption that engaging with state processes requires Indigenous nations to submit themselves to the authority of the Crown. On the contrary, Gitxsan engagement with the Crown has always been accompanied by strong assertions from their authorities that Gitxsan are and will continue to be sovereign on their territories regardless of the outcomes of the negotiations or case at hand. A central issue of utilizing the courts to gain recognition of sovereignty is that Canadian courts act as gatekeepers of "the Canadian legal imagination" (Borrows, 1999, p. 552). The original pleadings of Gitxsan and Wet'suwet'en were a claim of ownership and jurisdiction in what many Gitxsan have referred to as a claim of sovereignty over their territories. The Supreme Court of Canada rejected the ownership and jurisdiction pleadings, requiring the claim to be restructured as a claim to Aboriginal title and self-government (Borrows, 1999, p. 552) – a claim with a prerequisite of accepting the supremacy of Crown sovereignty over Indigenous peoples and territories.

The insistence on rights-based framing of Indigenous self-determination is reflective of Canada's colonial commitments. For the Gitxsan and Wet'suwet'en, engaging in the courts was the best available space to articulate their legal and political authority. The nations were not unaware that their case would be mis-characterized as a plea for recognition, rather than an assertion in its own right. As Moulton (2016) explains in an assessment of Aboriginal title through the lens of legal-pluralism, "recognition through dominant institutions and discourse is a veritable *legerdemain* and a form of misrecognition that acts as a site for the reconstruction of colonialism" (p. 341). The Gitxsan and Wet'suwet'en entered the courts with over a century of

experience with Canadian colonialism and were prepared to face the “translating of Indigenous worldviews [in]to something that can be (mis)recognized by the common law”, ultimately mis-categorizing Indigenous law as Aboriginal rights (p. 338).

The judicialization of Indigenous politics in Canada has led to this point. Issues of self-determination and sovereignty in relation to the state have been funnelled into case-by-case judgements on the ‘fit’ of Indigenous priorities into pre-determined state frameworks. The courts, unequipped to deal seriously with Indigenous nations’ legal and political authority, are – in theory – an ideal site for Canada to send Indigenous grievances. Despite this attempt to quell Indigenous resistance through redundant legal processes, Indigenous peoples have committed to showcasing their active, place-based authorities by any means necessary.

Approaching the courts as a site of international diplomacy presumes Gitxsan authority legitimate, reflected by Hanamuxw’s practical observation that the Gitxsan “don’t need the court to affirm what [we] have [and we] don’t need the treaty table to affirm what [we] have” (Napoleon, 2009, p. 195), as such the courts (and treaty tables) are transformed by Indigenous nations from sites where the state administers authority into sites where authorities meet. Practiced by the Gitxsan, the assertion of authority in the courts refuses submission to state authority while engaging in diplomacy with Canada through the vehicle of the state’s legal system, it is both “stance” and theory (Simpson, 2016). As political anthropologist Audra Simpson explains through the example of Mohawk jurisdiction – their assertion as a “nested sovereignty” – has always been about more than control over territory, it “was and is territory in a material sense, their land—but also ideas, the past, the present, the future, their membership within the polity itself” (Simpson, 2016). Implied within the diverse articulations of Indigenous authority is that Indigenous sovereignty is both theory and praxes at once. The genealogy of the

Delgamuukw case provides one detailed example of this – the courts are both discursively and materially transformed by the introduction of Indigenous authorities that are legitimized by their own frameworks and processes, rather than administered by the state.

This transformation of space results from de-centering the state as the singular authority within Canada's claimed borders. In this transformation, internationalism can no longer be reserved for taking place exclusively between states when the frameworks and processes for legitimizing legal and political authority are recognized beyond the state. As a primary marker of authority for both the state and the Gitxsan and Wet'suwet'en in the *Delgamuukw* case, sovereignty provides a meaningful inroad for exploring the international relationship between Indigenous nations and the Canadian state.

I use 'international relationship' intentionally. What I'm suggesting here is not the nation-to-nation relationship as it has been so commonly employed in state rhetoric. Nationhood serves a particular socio-political purpose in Canada, distinct from global use of the term. Long employed by the French in Quebec to assert their political rights, a nation as a political body within the borders of Canada has been targeted and transformed in state efforts to nullify political resistance and separation. In other words, nation as a concept has been corralled into a rights framework that reproduces a hierarchy of authority laid out by the state. Nation to nation is common in treaty negotiations as well, where the same mechanisms of subjugation seen in the courts are utilized to reduce Indigenous political authority. While I'm not willing to die on the hill of semantics when it comes to Indigenous politics, internationalism draws upon a global rather than domestic system of authority that reorients the meaning of 'nation' in the context of sovereign states. Internationalism invokes a set of international laws that nations abide by in order to find mutual recognition of power.

A sizable purpose of this project is to define the processes of authority making that legitimize Indigenous sovereignty. While the state is not the focus of this work, it is pertinent to note that the state has its own processes of authority-making which are not domestically isolated – Canada's participation in the United Nations and other international bodies imply state exceptionalism when it comes to the concept of the nation. Domestically, despite the language implying parallel authority, the nationhood of Canada and the nationhood of Indigenous nations are ranked asymmetrically by the state. For these reasons I use internationalism, rather than nation to nation, to invoke sentiments of parallel authorities in my efforts to resist measuring Indigenous authority against that of the state.

Gitxsan sovereignty and Canadian political science

The Gitxsan are sovereign and have been consistent in expressions of their legal and political authority when participating in treaty negotiations, court cases, and case-by-case diplomacy with the state. As a nation engaging in international diplomacy, the Gitxsan bring their own legal system along with them when they assemble in Canadian courts. Gitxsan representatives assert within and without the court that recognition of Gitxsan sovereignty by Canada must come before Gitxsan recognition of Crown sovereignty in return. And while the Canadian and American legal systems have rationalized their authority through a reframing of Indigenous law as illegal in a both discursive and material approach that attempts to contain Indigenous legal orders within state legal orders – i.e., rebranding international defence as treason (Stark, 2016) – the opposite is required to unlearn Canadian legal authority as natural and permanent.

In other words, the Gitxsan do not enter Canadian courts as a legally-neutral entity, nor a political body pursuing legal authority as diffused by the state. Rather they enter as a sovereign nation. Canadian courts, treaty tables, and boardrooms for settlement agreements have become the limited spaces through which international diplomacy can take place between Indigenous nations and the state in a non-violent context (free of physical violence, not discursive violence). Indeed, the idea that Indigenous nations enter courts as legal *tabula rasa*, as is implied in a top-down legal hierarchy between Canada and Indigenous nations, is a legacy of *terra nullius* applied in present day. Title and rights cases have become the only place through which Indigenous nations can engage with Canada in any meaningful way relating to their authority and be heard (although often not *listened to*), therefore Indigenous nations enter these spaces with political intentions while simultaneously denying their subsummation within Canadian sovereignty. Whether it is acknowledged by the state or not, the Canadian legal landscape has become a space through which international diplomacy is taking place. Indigenous nations stand-alone from the state as distinct political and legal entities, making all diplomatic interactions with Canada inherently international. These diplomacies, however, become invisibilized if viewed solely from within a colonial legal framework.

This invisibilization of colonialism as an implied lens of study is reflected in the treatment of Indigenous sovereignty as a topic of study within political science. There are material impacts of the way we study and theorize Indigenous authority (Tully, 2001). Indigenous sovereignty – and its foundational pillars of authority and jurisdiction – is rarely a topic of study in Canadian political science. The marginalization of Indigenous sovereignty is twofold: First, sovereignty itself as a topic of study ebbs and flows in the discipline – it does not maintain an independent stronghold. And second, Indigenous politics are not taken seriously in

political science and as a result have limited avenues through which their authority can be authentically expressed without reduction by measurement against state frameworks for interpreting legitimacy.

Conclusion

Similar to Bruyneel (2014); Simpson (2014); Ladner (2017); Nath, Tungohan, and Gaucher (2018), and Everitt (2021), I maintain that the analytics employed to perceive and measure political authority in political science have rarely challenged epistemological assumptions underpinning state politics. The core tenets of state authority in Canada are those of individualism and parliamentary democracy. These tenets are imbedded within in a federalist system which recognizes regional communities and collective rights as protected by the *Charter of Rights and Freedoms*. Despite these protections, liberal individualism reflects a human rights framework that has long been critiqued for being in tension with collectively held rights. This liberal framework remains foundational to Canada's legal and political authority including, meaningfully, how state authority is perceived and validated by its citizens. As a result, Indigenous authority is measured against these core tenets of state authority by being deliberated on through both Canadian legal and political frameworks – such as *Indian Act* band government structures and *Section 35* Aboriginal rights – as well as social flows of validation from the body politic of Canada, which is writ-large invested in liberal democratic determinations of freedom and authority (Mackey, 2014).

The Gitxsan have utilized the spaces wrested from the state – spaces initially structured for the state to evaluate the validity of Indigenous rights – to instead assert rights that extend beyond the state. The *Delgamuukw* case in particular demonstrates how Indigenous nations may employ strategies of title-and-more by pursuing a recognition of Aboriginal title while

maintaining that their sovereignty cannot be reduced by the state. These seemingly paradoxical approaches to diplomacy with Canada are a continuation of Indigenous authority, as it is produced and maintained by relationships distinct from those of the state.

Chapter two: Severance by discourse: The roles of culture, law, and politics in Indigenous and state authority-making

Introduction

When presented with the issue of Indigenous claims to land, settlers interviewed by Eva Mackey (2014) expressed feelings of anger, crisis, and anxiety. In Canada, these feelings run deeper than the common fractures in multiethnic states, which often face a lack of "social solidarity" and distrust of others (Kymlicka, 2009). Rather, the tensions stirred up in settler-Indigenous land relations are the result of "centuries-long processes" (Mackey, 2014, p.9) that conceal the incomplete character of state sovereignty and marginalize the survivance of Indigenous authorities. These processes – legal, political, and cultural – paint an effective picture of complete and settled state sovereignty that is reproduced within government, academia, and the body politic. Both structures and subjects contribute to the maintenance of this illusion. The process I respond to in this chapter is the culturalization and subsequent depoliticization of Indigenous sovereignty in Canada. Indigenous culture is tolerated in Canada, and in some cases is even co-opted as intrinsic to the nation-state. That is, Indigenous art and culture have become representative of Canada's diverse and accepting character. Indigenous legal-political authority is strictly contained and extracted from its cultural roots, and vice versa, culture extracted from its legal and political roots.

Similarly, in political science, the subfield of Indigenous politics faces its role in the challenging work of restructuring a field built upon state-centric commitments and the marginalization of "Others" (Ferguson, 2016). While there is still much to be done, the work is

already in progress and the field has made considerable strides in the past two decades with feminist and gender studies leading the charge against the discipline's established norms. Nath, Tungohan, and Gaucher (2018) note that diversity has emerged as a descriptor of the critical analyses taking place beyond gender, but raise concerns with how the category is both "evasive and productive", quoting Dhamoon's (2010) observation that diversity evades "an analysis of white supremacy, colonialism, and racism" (p. 620). It is this type of analysis that works against a trend of "accommodating diverse Others", as Dhamoon (2009) notes in a critique of the norms in the study of democracy, and instead asks why the trend is to "theorize its ideal version" rather than taking a critical eye to the work being done by state institutions and processes.

Most notably actualized through multiculturalist policy and rights frameworks, diversity has also obscured processes of colonization in government spaces. "Cultural pluralism" has played a role in the depoliticization of French and Indigenous nationalisms, which were "involuntarily incorporated" into the state (Kymlicka, 2009, p. 109). Multiculturalism itself emerged out of a need to restrain Quebecois separatist movements and quell their political resistance (Trudeau, 1968). By discursively reworking their concerns into a multiethnic framework, that state foregrounds cultural continuity and language rights to restrain both French and Indigenous resistance.

In context, the field's treatment of Indigenous sovereignty is a reflection of the Canadian government's approach to Indigenous self-determination; the "cultural" is safe-guarded and celebrated, while Indigenous practices that threaten the authority of the state are suppressed. While multiculturalism has dominated as a topic of study in Canadian political science for decades (Kymlicka, 1998), constitutionalism similarly binds Indigenous politics within rights-based narratives that are oriented towards culture rather than political autonomy. In

constitutionalism, Aboriginal title is characterized as the singular forward-looking vehicle for Indigenous freedom in Canada, and has subsequently seen Indigenous culture prioritized over law and politics in courtroom developments (see, for example, the expansion on the content and limits of Aboriginal title in *Delgamuukw* and the corresponding and contradictory test for justifiable infringement by the state).

To resist these mainstream narratives of inclusion, Indigenous politics must break away from its historic trajectory within the discipline. Since the beginning of 2022, the *Canadian Journal of Political Science* has published an impressive twelve articles that have dealt substantially with Indigenous issues. Of the twelve, three focus on political participation and self-determination (Dabin, 2022; Vanthuyne & Gauthier, 2022, Carrière & Koop, 2023); three focus on identity and multiculturalism (Beauvais & Stolle 2022; Banting, Harell, & Kymlicka, 2022; Collier, 2022), two intervene in the field's treatment of Indigenous scholars and scholarship (Wallace, 2022; Kolopenuk, 2023), two present case studies of policy and law (Cattapan, Patrick & Yuen, 2023; Zurawski, 2023), and two focus on Indigenous sovereignty and resistance (Allard-Tremblay, 2022; Louma, 2022). Notably, Louma's (2022) study is the singular article focused on Indigenous governance beyond its measurement against state standards. Despite their diversity and meaningful contributions to the field, the groupings reflect a continuation of tolerance rather than transformation in the field.

Joanna Everitt further illustrates this trend in the 2021 presidential address for the Canadian Political Science Association. Everitt demonstrates that despite an uptick in scholar diversity and diversity in topics, those shifts "[have] not yet notably changed the mainstream of what is considered to be political science" (Everitt, 2021, p. 762). Even with such significant change, government and scholarship still rarely take Indigenous politics seriously in their own

right. Correspondingly, Nath et al. (2018) argue, anti-oppression scholarship requires an analysis that takes into consideration the interlocking systems of power that concern each topic of study. Limiting the study of diverse groups to their position within the current dominant institutions without an anti-colonial, anti-imperial, or anti-racist analytic, presumes the state a permanent, if not superior, fixture. The marginalization of Indigenous self-determination in government and scholarship is not simply a consequence of the state's inability to comprehend Indigenous authority, but rather is a reflection of broader state efforts to obscure Indigenous legal-political authorities.

In this chapter I map the ways in which Indigenous sovereignty has flourished through the pillars of land and language in the face of state efforts to deny, reduce, or re-define it out of existence and to contemplate what we might learn from its legal and political survivance. In doing so, this chapter also begins to identify the distinctions between Indigenous and state legal and political authority. A land-language analytic allows for a discursive shift beyond the seemingly impenetrable impasse of authority and jurisdiction between Canada and Indigenous nations. By exploring how land is differentially conceptualized and engaged by Indigenous nations and the state, paired with a language-centred analysis of Indigenous authority that relocates culture firmly within the realm of law and politics, the land-language analytic reveals and challenges the containers that define Indigenous-state relations.

A land-language analytic

Land and language are central to this intervention in political science as representative of both the divergent nature of social, legal, and political authority between Indigenous nations and the state, as well as the cultural and political divide that has been manufactured and weaponized

against Indigenous nations as political and legal authorities. As is established in the overview below and the case study of Gitxsan in the following chapters, land and language are core tenets of Indigenous sovereignty. For the state, land represents the territory in territorial sovereignty, and thus is relevant in state efforts towards perfecting sovereignty. For Indigenous peoples, land more commonly stands in for a relationship and a making of space that emerges from Indigenous relationships with place. Indigenous relationships to land and the articulation of those relationships, commonly expressed through place-specific languages (including place-based cultural processes) are where Indigenous peoples source their social, legal, and political authority. Yet only one of these is deemed relevant to the legal and political relationship between Indigenous peoples and the state. When characterized as property, land is de-politicized from its legal and political place-based Indigenous context and re-politicized in the context of state jurisdiction. Put otherwise, land as property (not place) remains a pillar of state sovereignty and represents the economic basis for Canada as an extractive Petro-reliant state. Language is characterized by the state as vital exclusively to Indigenous peoples' culture, barred from the realms of law and politics, and thus embraced by state-sanctioned revitalization projects.

Revealing how culture, like land, is also weaponized against Indigenous peoples and strategically de- and re-politicized to the benefit of the state requires the context of settler colonialism and white supremacy. The currents that surge beneath the cultural and political divide that I take on in this project exist in the context of a culture that presumes itself superior to those of Indigenous peoples. That superiority continues to find its logics in *terra nullius* and the *Doctrine of Discovery* even in the age of disavowal from the Canadian state and Canadian courts. If Canada continues to insist its sovereignty is superior to Indigenous peoples' law, though not

through the legal and political pathways set out by racist doctrines, then it does so by drawing instead upon a presumed cultural superiority (Beaton, 2018; McIvor, 2021).

It is evident in the framing of Indigenous peoples' governance within the Canadian legal and political landscape that the Canadian state utilizes the logic of white supremacy (as a fabricated cultural superiority) to maintain its presumed authority over Indigenous peoples. Treaty narratives provide a foundational example of this culturalization, as a distinctive marker of the political re-narration of Indigenous peoples as rights-holding citizens rather than as political bodies with authority and jurisdiction. The process severs the "land question and matters of political jurisdiction" and as Starblanket asserts, "not only diminishes the status of treaties as political agreements between governments but also deterritorializes them" (2019, p. 449). Elsewhere, these efforts have taken place through frameworks of rights-recognition that place the burden of proof upon Indigenous nations and demand cultural, legal, and political submission from Indigenous nations in exchange for piecemeal protections. In this process of re-framing Indigenous law and politics as exclusively cultural, the state implicitly draws upon its own culture as a marker of its authority and dominance.

What is made visible by this paradox is that the state draws upon its own culture, rather than legal precedence, in efforts to dominate Indigenous nations while simultaneously discursively segregating Indigenous culture from Indigenous law and politics for the purpose of depoliticization. For the state, the culture of white supremacy embedded in Canadian claims to sovereignty has been normalized to the point that it appears natural and objective. It is further obscured by a parallel culture of multicultural inclusion which permits "difference" to the point that it interferes with state operations. On the other side, Indigenous nations wear the cultural roots of their sovereignty proudly. Indigenous sovereignty resists and in some cases contains

state sovereignty, thus the logic follows that if cultural authority can be separated from legal and political authority, it may no longer pose a threat to state sovereignty. Explained by Leanne Simpson (2017a) through the modification of resurgence as a concept,

> In the context of settler colonialism and neo-liberalism, the term cultural resurgence, as opposed to political resurgence, which refers to a resurgence of story, song, dance, art, language, and culture, is compatible with the reconciliation discourse, the healing industry, or other depoliticized recovery-based narratives. (p. 49).

The Government of Canada has made many attempts to reduce the scope of Indigenous ownership and jurisdiction of territories with seemingly little structure: these attempts take place from the offices of the Ministry of Child and Family services, to courtrooms, to blockades. Evidence of a divide between cultural and political engagement with Indigenous people's self-determination – specifically sovereignty – can be found within the legal logistics of implementing the *United Nations Declaration of the Rights of Indigenous Peoples Act* in Canada, the history of Aboriginal rights jurisprudence, the (in)action and priorities of the Government of Canada relating to Truth and Reconciliation of Canada's calls to action, and Section 35 of the *Constitution Act, 1982* (specifically Aboriginal Title). These four examples are not exhaustive, but provide insight into how the Government of Canada has worked to discursively – and materially – manufacture a divide between Indigenous culture and politics. This process takes place while the state simultaneously relies on white supremacy to qualify its own sovereignty as uniquely legitimate. This discursive divide allows the state, its arms and actors, to take up particular Indigenous initiatives while bypassing engagement with Indigenous self-determination that would challenge the state's claims to sovereignty.

In 2019 British Columbia passed the *Declaration on the Rights of Indigenous Peoples Act*. In June 2021 the *United Nations Declaration of the Rights of Indigenous Peoples Act* (*UN Declaration Act*) received Royal Assent on the federal level. These developments are thanks to the tireless efforts of Indigenous organizers, activists, and politicians who advocated to have *The United Nations Declaration of the Rights of Indigenous Peoples* passed into law in a country that initially emerged as one of the strongest adversaries to the declaration in the international realm (Lightfoot, 2010). While the declaration's adoption into Canadian law was met with skepticism, the bill's requirement that the federal government must "take all measures necessary to ensure the laws of Canada are consistent with the Declaration" eased some anxieties about its potential impact. In British Columbia, the provincial act faced intense scrutiny in a 2020 wave of Indigenous resistance in support of the Wet'suwet'en's fight against the Coastal GasLink Pipeline (CGL). The provincial government maintained that the act was "not retroactive" and would not apply to the CGL project, a statement that caused further unrest considering the continuation of many consider to be human rights abuses, including the threat of assault rifles against unarmed land-protectors (Kestler D'Amours, 2020). Federally, the *UN Declaration Act* also appears to have proven itself another rhetorical tool for the Government of Canada, which has employed its manufactured divide between culture and politics to interpret the Act as a "framework for reconciliation" (British Columbia, 2019; Canada, 2021).

At the time I write this chapter, we have yet to have an appellate court consider the *UNDRIP Act* in Canada. However, in May 2022 the Indigenous Services Canada published their response in a brief for the band election case of *Chambaud v The Attorney General of Canada* that addressed the role of the act. The case dealt with fallout from electoral code that allowed band leadership to extend their term under the special conditions of the COVID-19 pandemic.

Members of the Dene Tha' First Nation argue that because bill C-15 came into effect during the development of the COVID-19 procedures, Indigenous peoples should have been consulted before the legislation passed. Representatives of Indigenous Services Canada responded with the assertion that "The UN Declaration on the Rights of Indigenous Peoples is an important interpretative aid only" and "neither the UN Declaration or the UN Declaration Act can displace the Constitution or clear statutory language, nor has any Canadian Court suggested that the UN Declaration itself has constitutional status" (Forester, 2022). This assertion validates what many critics feared – while Canada has been heralded for implementing the legislation, is unlikely that the *UN Declaration Act* will provide significant interventions in the "hard" political rights – such as rights to self-determination and land – that are steadfastly protected by the state in efforts to reproduce the illusion of its sovereign monopoly.

Not all Indigenous peoples meet the passing of the act with lost hope. Sheryl Lightfoot (2021), for example, suggests that we locate liberatory possibility in the concept of self-determination as developed in UNDRIP. Lightfoot asserts that a re-investment in self-determination as a non-sovereignty articulation of Indigenous authority provides a uniquely decolonial framework for pursual of Indigenous freedom. Self-determination as defined in the act may offer a more robust opportunity for Indigenous peoples to define themselves and their authority outside of – and in tension with – state frameworks.

Within state frameworks, UNDRIP has influenced work relating to Indigenous child welfare. Bill C-92 *An Act respecting First Nations, Inuit, and Métis Children, Youth, and Families*, for example, draws upon the act to formulate a vision of self-determination for Indigenous nations pursuing jurisdiction over child welfare. The bill is "the first time the federal government has exercised its jurisdiction to legislate in the area of Indigenous child welfare",

and thus is worth some recognition (Metallic, Friedland, & Morales, 2019). Unfortunately, the act came with its own jurisdictional issues by qualifying the Indigenous law paramountcy clause with the *Best Interest of the Child* doctrine, leaving children vulnerable to provincial-federal jurisdictional conflicts (Metallic, Friedland, & Morales, 2019). Representing more than child welfare, the bill has potential to inform the constitutional status of Indigenous legal orders and the reach of government in legislating their power. Quebec has since challenged the constitutionality of Bill C-92, suggesting that the federal government "overstepped its jurisdiction by allowing Indigenous laws to override existing provincial legislation" (McKenzie, 2023). At the time I write this chapter, the Supreme Court of Canada is considering the constitutionality of the bill.

Overall, the passing of *UN Declaration Act* does not *yet* reflect a notable change in Canada's long-delayed, conditional endorsement of the declaration which began in 2010, when the Government of Canada "clarify[ed] that it would interpret 'the principles' of the UNDRIP 'in a manner that is consistent with our Constitution and legal framework' while it continued to see it as an aspirational, 'non-legally binding document that does not reflect customary international law nor change Canadian laws" (Nagai, 2021, p. 5). Despite receiving its long-awaited Royal Assent in Canada, the *UN Declaration Act* itself does not hold constitutional status, its articles have limitations, and states that nothing in the act;

> … may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States" (UN Declaration Act, 2021).

In other words, the Crown's claim to sovereignty is constrained but upheld. While Canada will have to answer to the new law, it retains its underlying sovereign authority. Relevant to this project, the highest form of self-determination that the Government of Canada recognizes (on a case-by-case basis) is Aboriginal title. This is conditional on Indigenous nations recognizing the authority of underlying Crown sovereignty and accepting the terms of "justifiable infringements" by the state as they have been mapped out in prior cases.

In order to map the landscape of Indigenous self-determination in Canada, political and legal scholarship commonly references a genealogy of Indigenous rights jurisprudence. *Calder*, *Guerin*, *Sparrow*, *Delgamuukw* – these names invoke histories of hard-earned legal wins (if not case-wins), in efforts to prove or affirm Indigenous authority and self-determination. The struggles represented in these formative rulings provide a measurement of success for Indigenous peoples fighting to protect their rights and the rights of their kin (human and more-than-human). While these cases set important precedents, their massive influence also reinforces the narrative that justice for Indigenous peoples – relating to self-determination, sovereignty, land, and "hard" rights – can and should be achieved through a legal system built and operating upon the legal fiction of the legitimacy of Crown sovereignty. Aboriginal rights, expanded and limited in case-by-case rulings as well as constitutional guarantees have become mainstream measurements for Indigenous autonomy "nested" within the state (Simpson, 2014). While it is appropriate to utilize the tool of Aboriginal rights in many cases, this approach has yet to provide a meaningful way to understand, articulate, or reinforce the self-determination and sovereignty of Indigenous peoples.

Historically, when Canada has faced domestic or international pressures to fulfill so-called hard rights, the Federal Government has countered with efforts to re-story the narrative on Indigenous rights. The government's response to the Truth and Reconciliation Commission of

Canada's calls to action is one example of this re-storying. Reconciliation is a key initiative of the Government of Canada, and leading that program is the government's work to complete the commission's calls to action – as detailed on the state website. Despite the public facing record of delivering on the calls to action, the Yellowhead Institute reports that in 2021 the Federal Government completed only three of the ninety-four calls to action from the Truth and Reconciliation Commission and labelled those fulfilled as "low-hanging fruit" (Jewell & Mosby, 2021). They suggest that "paternalism, structural anti-Indigenous discrimination, 'the public interest', insufficient resources, and reconciliation as exploitation or performance" are to blame (Jewell & Mosby, 2021). "Substantive" and "structural" describe the calls to action which Canada seeks to avoid, and which Jewell and Mosby suggest face legal myths and underlying racism, such as the *Doctrine of Discovery* and *terra nullius*. The Truth and Reconciliation Calls to Action that Canada has taken up are to a great extent "performative" and "serve to manage Canada's reputation" domestically and internationally (Jewell & Mosby, 2021).

Interwoven with Aboriginal rights jurisprudence and Canada's domestic and international image, Aboriginal title has independently evolved into an important concept in the state's work to redefine Indigenous sovereignty from inherent to dependent since its emergence in the courts in 1973 (*Calder*). Recognized by the courts as an inherent right pre-dating Crown sovereignty, title requires Indigenous nations to reconcile with Canada via recognition of underlying Crown sovereignty. In doing so, Indigenous nations who win the hard-fought recognition of title through the courts must agree to a demeaning set of conditions that allow for the state to infringe upon their inherent rights when it deemed critical to the nation-state's interests.

This paradigm is complicated by the courts' increasingly sympathetic language relating to the content of Aboriginal title. Douglas Sanderson and Amitpal C. Singh (2021), for example,

argue that conceptualizing Aboriginal title as a property right fails to communicate its true nature and that sovereignty is a more suitable concept. The sovereignty that Sanderson and Singh tether Aboriginal title to falls short of Indigenous peoples' conceptualizations of the term. Instead, Sanderson's focus is on the state's own conceptualization of sovereignty. Aboriginal title, they argue, is more than a property right, but "is of a limited form: the sovereignty interest consists of the right to make land use laws with respect to Aboriginal title lands and the exclusive right to call into question whether a proposed use of title lands violates the inherent limit" (p. 421). They clarify that while Aboriginal title is a "sovereign right through and through", it does not necessarily guarantee the rights of states (p. 422).

Even so, Aboriginal title cases continue to witness a strategically incoherent pattern (Starblanket, 2019), wherein courts simultaneously ignore and affirm evidence of Indigenous sovereignty as recorded by early imperialists and state-predecessors as evidence of title (Claxton & Price, 2020; Sanderson & Singh, 2021). Framed within constitutional rights and a limiting legal framework, Aboriginal title works to redefine Indigenous sovereignty from a legal and political authority to something akin to property ownership – even while recognizing some form of Indigenous sovereignty (see *Newfoundland and Labrador v Uashaunnuat*, 2020) – once again foregrounding the importance of cultural continuity while downplaying legal and political authority (Skanu'u & Monet, 1991).

These examples demonstrate how the state and judiciary have discursively framed Indigenous self-determination within a Western cultural framework, and how that discourse results in material consequences for Indigenous peoples (both active and passive). Informing this is the culture paradox, outlined above, which reveals how the state continues to draw upon its own cultural traditions to justify its authority, while discursively downplaying the cultural

underpinnings of Indigenous legal and political claims. To counter this problematic framework, the following chapter employs an analytic of land and language. These are two key tenets of Indigenous sovereignty – as cultural *and* political aspects of Indigenous lifeways – and provide an important inroad for differentiating Indigenous authority from that of the state.

The severance of culture from politics: Political science and beyond

The manufactured divide between culture and politics plays a critical role in the Canadian state's attempts to deny, reduce, and redefine Indigenous sovereignty. Political science follows suit – not solely through the exclusion of Indigenous voices in the field – but by reproducing the assumptions implicit to state claims of sovereignty. In this chapter, I use examples of place-making, storywork, and oral governance as examples of the interdependent elements of land and language in the conceptualization and practice of Indigenous sovereignties. Through these examples, I demonstrate that culture and politics are not independent realms but are unique designations of the same concept – governance – in articulations and practices of Indigenous sovereignty, and that the Canadian state and its actors have fabricated this separation of realms in an attempt to deny, reduce, and redefine Indigenous sovereignty out of existence.

The reduction of Indigenous politics – and to a greater degree Indigenous sovereignty – in political science to an abstract idea tethered to culture but not law, emerges from the critical fallacy that sovereignty can exist only through the vehicle of the state, and consequently that states are the sole "administrators" of sovereignty. As Bruyneel (2014) argues, "the statist ideal for securing sovereignty should also be seen as a colonial ideal for imposing and maintaining political authority over people and territory" (p. 6). Despite the field's commitment to inclusion and diversity, Indigenous politics struggles to find a place in the discipline where it can stand on its own merits (Bruyneel, 2014; Nath, Tungohan, and Gaucher, 2018; Everitt, 2021).

Moreover, the abstraction of Indigenous sovereignty from its applied praxes represents a dematerialization that effects all realms of Indigenous well-being, "Indigenous peoples suffer harms that *stem from* the killing and abstraction of their embodied, affective existences and spiritual, life-giving relations to both humans and non-humans" (Million, 2020), making any form of "grounding" Indigenous life-ways a worthwhile pursuit. Working to connect land and language in the grounding of theory through Gerald Vizenor's work, David L. Moore (2016) asserts that "the abstract and concrete" are inherently interwoven (p. 90). What follows in this chapter is a purposeful weave of "hard" politics and "soft" culture. I draw upon Indigenous knowledge and Western science to explain why the theory and practice of Indigenous sovereignty – particularly practices of relationality and reciprocity – are far from abstract. Here, I ground theories of Indigenous sovereignty from the perceived realm of abstraction to practices of concrete and applied sovereignty.

Land and Indigenous sovereignty

Ground – as land, as base, as territory, as wellness, and as center – persists as a guiding principle for decolonization, but it also becomes the locating authorization for claims, for meaning, for rightness, and for identity, subjectless or not.

– Jodi Byrd (2020, p. 107)

Land is primary in the maintenance of Canadian sovereignty as a settler colonial state. Canada's economy is dependent on secure control over territories as the state relies on natural resources extraction as one of its top industries. Agriculture, forestry, oil and gas, and mining have long dominated the Canadian economy and have become markers of the country's

relationship to land. Considered "critical infrastructure" (Spice, 2018), Canada's key projects have largely been safeguarded by the conditional recognition of Indigenous rights. Aboriginal title, for example, is imbedded with the caveat of justifiable infringement, through which many forms of critical infrastructure are permitted to take place in violation of Indigenous jurisdiction if it is for the benefit of the Canadian economy (*Delgamuukw*). Without sustained access to resource extraction on Indigenous lands, Canada risks losing its economic power and corresponding claim to *de facto* sovereignty, through which the state makes its claims based on capacity and power over territories and people, rather than law alone. Those in opposition to extractive projects have been differentially criminalized as domestic- or eco-terrorists (Preston, 2013; Spice, 2018). Land is the defining element of the jurisdictional impasse between Indigenous nations and Canada and represents the source of authority for both within their respective cultural contexts. The meaning applied to land denotes the primary point of distinction between Indigenous and state sovereignty.

Whether characterized as relationality (Byrd, 2021), biocultural relationship (Morishige, K., Andrade, P., Pascua, P., Steward, K., Cadiz, E., Kapono, L., & Chong, U, 2018) and kinship (Mowatt, De Finney, & Wright Cardinal, 2020), as applied theory "care as country" (2021), "reciprocal restoration" (Kimmerer, 2011), "grounded normativity" (Coulthard, 2014) or otherwise – Indigenous-land relationships and the conditions, environments, and worlds they co-generate have been centered in scholarship concerning the "Indigenous". Land represents a key point of departure for Indigenous sovereignty from that of the state. Indigenous relationship to land – to place – is the definition of our identity. Invariably our names, place-names, and origin stories are rooted in our specific places. That relationship underpins legal and political authorities, "for Indigenous nations, sovereignty animates relationships: relationships with the

land, water, animals, and plants; and relationships with one another" (Stark, 2018). Land is not territory, rather it is place and relationship to place which informs our spatial worldviews, our imbedded accountability structures, and the processes through which we practice and maintain our sovereignties.

Space, place, and gender

If time becomes our primary consideration, we never seem to arrive at the reality of our existence in places but instead are always directed to experiential and abstract interpretations rather than to the experiences themselves (Deloria, 1992, p. 72)

Place remains a foundational tension between state and Indigenous sovereignty. Settler temporalities (Rifkin, 2017), or colonial time (Bruyneel, 2007), describe the Western prioritization of temporal over spatial understandings of our relationships with(in) the world. The Western presumption of a linear unfolding of time allows for records of experience to be contained by markers of past, present, and future, and consequently a history can be abstracted from place. Space is place with meaning applied. Put differently, a spatial worldview is one that produces cultural meaning in relationship to place, rather than time. Our experiences with place are what make the material, cultural. Meaning-making is produced through relationship to place, and informs how we understand and interact with particular places – including the more-than-human beings that reside with(in) them. Being in relationship with place makes space. In the context of this project, the creation of space by Indigenous peoples can indicate the presence of an intimate and reciprocal relationship with place and consequently reflect Indigenous authority-making in practice.

The Canadian government and its predecessors targeted Indigenous peoples' connection to place in a two-pronged effort to secure land for settler expansion and to weaken Indigenous political authority. This has taken place most aggressively through the *Indian Act*. The act displaced Indigenous peoples from their homeland onto reserves unsuited for their survival and sought to replace Indigenous governance with band governance (Nickel, 2019). Over the decades the gendered component of colonization became more pointed. The federal government encouraged a patriarchal restructuring of Indigenous communities through official and exclusive recognition of male leadership in the *Indian Act*, removal of Indigenous women's personhood, and a modelling of a cis-heteropatriarchal state governance.

Simultaneously, land was being re-branded as something that could be bought and sold; it became characterized by the state as "property". As a result of patriarchal influence and propertization, Indigenous organizing shifted towards power dynamics that were more cognizable to the state in efforts to secure recognition (Nickel, 2019). Put simply, cis-men alone were recognized as leaders both in formal and informal governance. Consequently, cis-men became associated with leadership and connections to Indigenous place and began to define those connections outwardly. Indigenous leaders commonly referenced ownership of land in efforts to thwart dispossession, though this was often qualified by Indigenous ethics (Claxton & Price, 2020).

As Nichols (2020) explains, the process of propertization and transfer of title to the state is ultimately a process of dispossession by which Indigenous peoples can never truly own the land. Put otherwise, leaders were pressured into a complicated catch-22 in which,

> Either one claims prior possession of the land in a recognizable propertied form – thus universalizing and backdating a general possessive logic as the appropriate

> normative benchmark – or one disavows possession as such, apparently undercutting the force of a subsequent claim of dispossession (p. 8).

Yet neither guaranteed Indigenous relationship with place as it had been structured prior to contact because the structural conditions would not permit it.

Working within the same logics of propertization, Indigenous relationship to place was also being romanticized. Starblanket and Stark (2018) explain how this romanticization has been used as a tool of suppression that,

> obscures the hard work that produces Indigenous knowledge and enables the flourishing of relationships with humans and non-humans, and … in the absence of this attention to the work involved in living out our relationality, makes space for settler replacement narratives that posit Indigenous relationships and knowledge as *natural* and *innate*. (p. 190)

This mythologizing of Indigenous relationship to land "position Indigenous realities as *inauthentic* and *contaminated* by colonialism" (Starblanket & Stark, 2018, p. 190). Indigenous peoples' connection to place is characterized either as their property in retrospect or romanticized to the point of its perceived inauthenticity.

As a result of state-sanctioned propertization and romanticization of land, no space is safe from asymmetrical power dynamics. Mishuana Goeman (2013) resists the reproduction of colonial spatial violence in Indigenous communities through an interrogation of the "pitfalls of simplifying Native peoples' relationship to land into romanticized and mystical or merely political categories" (p. 37). These conceptualizations of land and place have been operationalized as stand-ins for *space* and have been seriously implicated in the oppression of Indigenous women and those who identify beyond the gender binary.

In response to these patriarchal impositions originating in the *Indian Act*, Indigenous women intervened in resistance movements against the state. Women's contributions to liberation movements have always been foundational, often taking place in the unseen work of strategy, home-making, and nation-building (Manuel, 2015; Nickel, 2019). This work took place in unexpected places, such as the "Homemakers Clubs" which aimed to domesticate Indigenous women into colonial gender roles in the 1960s (Nickel, 2020). However, after enduring decades of discrimination imposed on Indigenous communities, and in some cases replicated in resistance work, Indigenous women made important efforts to re-matriate Indigenous governance. Notably, calls for re-matriation of Indigenous movements emerged in response to organizing that mirrored state-frameworks of recognition, such as the Assembly of First Nations (AFN), which employed electoral structures similar to those imposed by the *Indian Act*. A reaction to the patriarchal structures employed by leading Indigenous organizations, as well as a resurgence of traditional leadership roles, re-matriation called for the recognition of women in their roles as community leaders and decision makers.

Some of the work towards re-centering women has also been critiqued for exclusion or erasure of non-binary and two-spirit people. These critiques largely intervene in movements that rely on gender essentialism, essentialized gendered Indigenous relationships to land and the over-simplification of complex pre-contact governing systems (Nickel & Fehr, 2020). It is a concerning issue for the livelihoods of young two-spirit, trans, and other non-binary youth when gender becomes conflated with sex and reproduction becomes the focus in creating a nation. Instead, queer and feminist critiques recognize and affirm the multitude of ways in which new generations are created and cared for, including, but not limited the important work of 2SLGBTQIA+ community members and/or single, child-free people who create and nurture

families in non-traditional ways. What these critiques work to highlight is that community members of all genders have valuable roles in the production, maintenance, and protection of a nation.

The complex kinship systems which Indigenous nations have long claimed to stand in conflict with nuclear understandings of family – including the involvement of grandparents, aunts, uncles, cousins, siblings, and others in raising children – are naturally equipped to recognize the various genders that exist beyond the gender-binary. Complex – and expanded – kinship and community-focused child-rearing was precisely how nations maintained themselves pre-colonization. Keeping children in community and raising them as Indigenous is a significant undertaking, one that requires the engagement of many mentors and is *never* limited to the birthing or biological parents. Nonetheless, reproducing Indigenous nations requires a spatial component, as the survival of Indigenous nations and their sovereignty requires an abundance of citizens in relationship with each other and a traditional land base.

The gendered complexities of space-making for Indigenous nations points to a need for us to be specific about the type of culture that informs Indigenous legal and political authority-making. Intimate and reciprocal relationship with place demands an ethic of care that challenges the hierarchies of outlined above. The process of space-making in ethics and care represents an iteration of “what could be” when we draw on the aspects of culture that serve a greater good. The vehicle for these interactions is often found in language, and the place-based context from which language emerges.

Language and Indigenous sovereignty

Indigenous peoples have been advocating for language revitalization for decades. Language is a vehicle for culture, law, and politics and is embedded with its respective worldviews. Thus, there are two framing concerns to the role of language and Indigenous sovereignty. First, and of primary concern is Indigenous languages as they function in communication between Indigenous peoples and their territories and reflect the culture of the nation more broadly. The second concern is translating between Indigenous and Canadian languages, which upon closer inspection always represents deeper issues of clashing worldviews. Both issues are concerns of Indigenous governance.

A common reason for language revitalization, outside of language extinction narratives, has been the need to communicate with ancestors, other-than-human relations, and the land. "How will our ancestors understand us?" is a question that has echoed through feast halls, classrooms, and living rooms alike. The question of how our ancestors understand us is far from abstract and, like many interventions of Indigenous politics, could help us achieve a more complex understanding of politics and authority. For Indigenous peoples living on their traditional territories, speaking to the land is speaking to the remains of their ancestors. As Jane Smith explains,

> My Grandparents taught me that death was a natural part of life. Death was required so others could live; thus the bodies of the Gitxsan who have died have fed the soil. Everything growing from the land was a part of the Gitxsan. This was why the Gitxsan respected the land and felt that it was sacred. The land was not a commodity to be sold to the highest bidder (Smith, 2005, pp. 15-16).

Gitxsan, having lived within and in relationship with the same territories for over 20,000 years, equates to at least four hundred generations of ancestors lying amongst and within the territories. A further impact, the remains of those ancestors *as* land have reciprocated communication to Gitxsan (humans) by creating the conditions for place-based language development.

Bioacousticians have also proven what Indigenous peoples have asserted for many years: our languages are designed to speak to, and within, the landscape from which they develop. Specific ecological environments inform the sound structure of Indigenous languages. A study by Maddieson and Coupé (2015) provides evidence that in many cases Indigenous languages match the sound and cadence observed in animal species from the same environment. While this may seem an obvious conclusion, it is relevant to the importance of language in governance, especially governance systems that place humans on equal footing with other-than-human relations. Sovereign practices viewed through the lens of language ask: In accountability to other-than-human relations, how does the use of language affect them? Is it disruptive and disorienting? Or is it familiar and reassuring?

Built into the queries posed above is the knowledge that land (including water, air, and more-than-human beings) bears elements of consciousness. Western knowledge systems take a wait-and-see approach to consciousness, looking to modern science to determine who and what is aware of itself and the world around it. Indigenous knowledge systems take the opposite approach and operate under the assumption that all more-than-human beings possess consciousness. David Moore (2016) explains consciousness as reflected through relationships and memory. Moore suggests that memories are “mirrors” of interactions, therefore memory reflects consciousness, and consciousness is made and defined through interactions

(relationships) with other beings and matter. Consciousness understood through relationality and, consequently, reciprocity provides a meaningful foundation for Indigenous ways of being.

The relationship between land and language is more complex than land informing the sounds, phrases, meaning, and context for language. As Daly (2004) concedes, property is understood differently "from culture to culture … [which] makes difficult the task of finding a satisfactory cross-cultural definition of property and ownership, even within the realm of state societies, let alone in societies where there is no state" (p. 240). Not only does land inform many elements of language, language is a prominent tool through which we practice reciprocity with a conscious landscape. In this way, speaking to and with the land is a literal, not metaphorical, exercise. This relationship requires a particular worldview that takes relationships with land seriously. Good governance considers all beings and matter – conscious and unconscious – within a given place.

This relational way of governance challenges "ownership" as an element of sovereignty, which should be understood as a failed translation between Indigenous languages and English. I suggest that ownership, alongside sovereignty, has been reclaimed by Indigenous peoples. Chief Earl Maquinna George once explained, "it is not ownership in the white sense; it is a river or other place that is shared by all Nuu-cha-nulth people, with a caretaker being hereditary chief of each site or village" (Claxton & Price, 2020, p. 4). Similarly, Delgamuukw explained the Gitxsan experience in the opening of the historical court case by the same name:

> For us, the ownership of territory is a marriage of the Chief and the land. Each Chief has an ancestor who encountered and acknowledged the life of the land. *From such encounters come power* [emphasis is my own]. The land, the plants, the animals and

> the people all have spirit – they all must be shown respect. That is the basis of our law. (*Delgamuukw vs British Columbia*)

Owned territory shared among the entire nation or a commitment akin to marriage between the "owner" and the territory in question hardly describe Western conceptualizations of property ownership. Reframed within a Gitxsan context, sovereignty articulated as ownership and jurisdiction expands the argument that Indigenous sovereignty *is* Indigenous relationships, rather than refutes it.

Language and the land

"*Language is the foundation of culture and cultural transmission. It connects one belief to the next, it tells us who we are and that each nation is unique. If we lose our language we cannot go to a sister country to relearn it. It will be gone forever*" (Harris, 2000, p.10).

A key factor defining how we relate to ourselves, one another, community, and governments is how we make meaning of the world around us. As Borrows (1999) explains, that "what constitutes a 'fact' is largely contingent on the language and culture out of which that information arises." (p. 555). Culture is created in reciprocity, and while land informs language, language also informs land. Famously articulated by Keith Basso, "places, we realize, are as much a part of us, as we are them … unavoidably senses of place also partake of cultures, of shared bodies of local knowledge … 'with which persons and whole communities render their places meaningful and endow them with social importance'" (1996).

Mirroring the question "how will our ancestors understand us?", a question at the forefront of this project is "how will we understand our ancestors?". Language is critical to the practice of Indigenous governance and the survival of Indigenous sovereignty. Indigenous

languages speak back to land through the vehicles of naming, place-naming, prayer, and harvesting among other interactions. Indigenous peoples, in the context of their governance, identify what elements of land (including water and more-than-human beings) are significant to their ways of being. While in most Indigenous worldviews all beings are considered equal, there are also cultural attachments to particular elements of the environment that are reflected as such in the language. Explained further, Darryl Flynn highlights this reciprocity in *Orality and Language*:

> … direct descendants of Sapir's Nuučaan̓ ułʔatḥ consultants … confirmed and emphasized that their language reflects what dozens upon dozens of generations have noticed, thought about and related to in their environment. Elements and features of their traditional territory are in their ancestral language precisely "because they have social, economic, ceremonial and spiritual significance" (Green 2014: 9, her emphasis). The same is apparently true of all indigenous languages in Canada, as Lil'wat scholar Lorna Wanosts'a7 Williams remarks: 'with each one, the language comes and emerges from the land, and we have to respect that' (personal communication to Dupuis 2016) (Flynn, p. 132).

Thus, land doesn't provide language to humans and animals, but rather the interaction between humans, animals, and the land co-create language and cultural significance.

Nonintercourse – that is, the absence of human interaction – is equally important to the relationship between land, language, and governance. This can be traced to a long-standing Indigenous tradition of acknowledging the importance of absence or silence. Silence is equally important to words spoken. Many Indigenous nations teach their children to honour silence early on in life. It is a distinct cultural knowledge that recognizes the communication in silence.

Christine Bird explains an Indigenous perspective on silence, and frames it as something commonly “misinterpreted” through a dis-connected Western worldview, asserting that “in the absence of a relationship, our silence is not understood” (2020, p. 63). In context, silence speaks many words. Silence in communication differs from silence in observation – i.e. the teaching of *being* silent in order to learn. Absence of communication can be informed by silence, but it is a practice of non-engagement in and of itself. The same is true for nonintercourse with Indigenous lands. Sometimes absence of human interaction is a response to a law that has warned peoples not to engage with that territory, conditions of a treaty with another nation, because the territory is too powerful or inaccessible, or that it is simply not significant to the peoples of that land. Language goes beyond words and speech; it is a cultural practice of communication. Consequently, non-verbal and physical communication through signing, ritual, and touch can be a part of ones’ language. It is not simply what we say that is important, but the layered ways in which we communicate with the territories that hold us.

Language is a foundational component of oral governance that gives meaning to legal and political processes, explained in the context of the Gitxsan by Sadie Harris,

> In order to express the full meaning of cultural traditions, those rituals must be done in Gitxsanimx and the language which developed in tandem with the rituals themselves and whose vocabulary and syntax were developed in sensitivity to the experiences and the insights expressed through those rituals” (Harris, p. 11).

Gitxsan institutions were, as with most (if not all) Indigenous nations in Canada’s borders, developed alongside their language and relationship with place. Legal and political processes – rituals in the feast hall – cannot be removed from the languages that give them

context. Language maintains Indigenous relationship with place, and thus the broader web of reciprocity that informs Indigenous sovereignty.

Cognisant that the discipline of political science has a historically reciprocal relationship with the state – the field both informs and is informed by state arms, including the judiciary – it is worth noting that the Canadian legal landscape does not tolerate oral histories as evidence in their own right (despite claims to the contrary). The reasoning for this can be connected back to the impasse Indigenous nations face when dealing with the state, that is that the state and its actors are unauthorized, not unable, to interpret Indigenous politics through Indigenous worldviews rather than Western worldviews, because it would confront the state with alternative and legitimate authorities (Napoleon, 2007). It is reasonable to expect court representatives to imagine a world outside their particular lived experience even if they cannot fully comprehend the social, cultural, and political experience of Indigenous worldviews.

To accept that the courts are unable to understand Indigenous worldviews plays into a common fallacy that the destruction of Indigenous governance is a result of well-intended efforts gone awry. While *Delgamuukw* marked a success for First Nations in Canada for the recognition of oral testimony and for expanding upon the definition of Aboriginal title, the courts did not simultaneously eradicate their cultural biases. As Val Napoleon (2005) argues, even in the court case made famous for setting a precedent for oral history testimonies as evidence, oral evidence in *Delgamuukw* was treated as a “cultural artefact” rather than evidence of existing legal orders. Gitxsan and Wet’suwet’en have not yet been granted the opportunity to test the legal legacy of their historic case.

The 2001 *Mitchell* case built upon *Delgamuukw* with a three-part test for admissibility of oral testimony, but also failed to intervene in the court's ontological orientations (Peterson, 2019). Later, in the *Treaty 8* tax exemption case, *Benoit v Canada*, the Federal Court of Appeal overturned the trial court's ruling, which accepted oral testimony regarding taxation. The court of appeal measured oral testimony against Western "structures of memory" in *Benoit*, yet as Napoleon (2005) points out, there "there was no parallel analysis of the treaty commissioners' report as being the product of culture and social relations – complete with its resultant bias" (pp. 134-36). Oral testimony continues to be taken as evidence in the courts, but the Western ontological framing of such evidence hinders the interpretation of its primacy and value in Indigenous law (Turner, 2022).

Similarly drawing on *Delgamuukw*, Cruikshank (1992) explains how evidence can be categorized on a hierarchy that reproduces European superiority. In *Delgamuukw*, the judge asserted that "certain documents 'speak for themselves' while others fail to do so" (p. 31). According to Justice McEachern, the evidence that spoke for itself happened to be written documents, while oral histories were contrastingly difficult to categorize. Napoleon (2005) contends that with McEachern's ruling the damage has been done, stating that "the western legal process nonetheless filtered and altered the *adaawk* thereby creating a distorted legal truth about oral histories that now pervades the aboriginal rights discourse" (p. 125). While Justice McEachern's views on oral histories were reversed by Justice Lamer at the Supreme Court, critics continue to question whether the bias of the courts will ever truly take written and oral testimony on equal footing (Napoleon, 2005; Peterson, 2019).

Interpretations of oral histories in state-Indigenous diplomacies remain bound by the limits of both the state government and judiciaries' imaginations. As John Borrows explains,

> For millennia, Aboriginal peoples created, controlled, and changed their own worlds through the power of language, stories, and songs. These words did not just convey meaning, they could also change reality, as Indigenous languages and cultures shaped their legal, economic, and political structures, and the socio-cultural relationships upon which they were built. Many of those narratives were considered private property. The restriction on their presentation and interpretation helped to ensure that the authority to adjudicate and create meaning remained within Aboriginal societies. When Aboriginal narratives are given to another culture to authoritatively judge their factual authenticity and meaning, Aboriginal peoples lose some of their power of self-definition and self-determination (Borrows, 1999, p. 555)

Recognition and affirmation of Indigenous self-determination is enshrined in the constitution, despite the judiciary's unwillingness to accurately interpret it and ongoing attempts to narrow it. In the case of Indigenous sovereignty, some scholars insist that there is no need for the state and its actors to correctly interpret oral histories, because those "Indigenous constitutional orders are themselves encrypted as Aboriginal and treaty rights, and therefore provided constitutional recognition" (Ladner & Tait, 2017, p. 403). For those advocating for a reinvigoration of treaty and constitutional commitments, Indigenous sovereignty is already protected in Canada's constitution.

This is not to say that the constitution is necessarily the vehicle through which Indigenous peoples will find liberation, on the contrary Ladner and Tait (2017) insist – in alignment with Hanamuxw following the *Delagamuukw* ruling – that Indigenous peoples expressing themselves within state frameworks of recognition does nothing to diminish their authority and jurisdiction, which is validated through processes relevant to their own legal and political landscapes. Oral

histories presented in courts "both contain law and … are also expressions of law, and as such, they form part of the memory commons and legal history record for Gitxsan law and legal practice" (Napoleon, 2019, p.3). Accordingly, the Canadian legal landscape becomes a site of international diplomacy, representing one limited space in which Indigenous nations might be heard, but unlikely validated. Thus, Indigenous sovereignty cannot be measured through a state apparatus that deems it inferior based upon its cultural source.

Language remains a key piece of oral governance because it refuses abstraction from place and points to a particular cultural source of authority. Language as developed in place will always signal the relationship with that place. However, the primary cultural framework for language utilization and the passing and practice Indigenous law can often be located in storywork.

Storywork

Since time immemorial stories have been passed down. When the storyteller speaks, he or she is the vehicle for the voices of Gitxsan ancestors. Listeners become part of many storytellers past, present, and future.

- Dr. Jane Smith (2005, p. 16)

Storywork is a powerful legal and political tool that allows for the passing and co-generation of knowledge reflective of a holistic worldview (Mucina, 2011; Archibald, 2008). Both the storyteller and the audience engage in a reciprocal practice – the latter of which becomes accountable for negotiating a version of the story received with other witnesses present. Embedded with structures of accountability, storywork in community creates knowledge, and

records of knowledge, in negotiation with all those involved. In other words, Storytelling is a narration of Indigenous legal and political reasoning, values, and processes that allows for community engagement, multiple perspectives, flexibility of interpretation, and shared authority. Explained by Napoleon (2019), "adaawk [Gitxsan house histories] are not merely stories – they are the political, legal and economic historical institution that comprise a decentralised governing and legal order" (p. 4). Notably, Indigenous storytelling commonly reflects a spatial worldview that foregrounds place-based teachings, resulting in legal and political processes that are insulated from abstractions from place.

Stories ground teachings in place. We'gyet, for example, is a character of both "spirit and flesh" (Sterritt, 2016, p. 19) whose adventures hold deep moral guidance to the way Gitxsan conduct themselves on the ground. We'gyet's stories reflect human weaknesses and warn listeners of the dangers of disrespecting the land, waters, or any human or non-human being. As Sterritt (2016) explains, "Wiigyet's adventures … connec[t] the moral map contained within the Wiigyet stories with actual land marks on the physical map of Gitxsan territories" (p. 19). The distinction of Indigenous storywork is not that it should be connected to place, which stories from many cultures are, but rather that stories emerge from place and remain tethered to place even in their discursive practice.

Storywork is a worldview, not just a practice of relaying information. You will find stories with their embedded place-based teachings presented without qualification in texts from Indigenous authors. These stories are histories validated within an Indigenous worldview. Sterritt (2016) for example, presents Western and Gitxsan stories side by side, both validated within their own cultural frameworks in his text mapping Gitxsan history. While the colonial history is presented as truth, so too is the fact that Sterritt and his family lived where "The Madiik

(supernatural grizzly) crossed the Skeena … and attacked the people of Temlaham" (p. 25). These records are differentially validated within their own social context, reifying the precise point where Indigenous storywork could be rightfully validated or distorted.

Unfortunately, there is also no better example than stories to demonstrate the mainstreaming of Indigenous worldviews gone wrong. Stories, story-work, storying, and storytelling are cherry-picked elements of Indigenous worldviews and governance that have been incorporated into various spaces seeking – either in reality or in image – indigenization: including but not limited to, state government, policy making, and higher education. The presumed malleability of storywork, the idea that it can be incorporated into any space, practiced by any person, and utilized without accountability has made it a seemingly appropriable practice. It is, consequently, an example of the reduction of Indigenous governance practices from politics to culture alone.

Settler-state efforts to sever Indigenous storywork from Indigenous governance while simultaneously producing stories central to state-maintenance is no coincidence when one considers that stories provide the most robust and detailed records of our relationship to place (Archibald, 2008). The abstraction of Indigenous teaching, philosophies, and ways of being from place is a key component in manufacturing a divide between culture and politics, this abstraction functions to re-write culture as something that exists outside of place-based politics and subsequently can be prioritized in state-sanctioned revitalization projects. In other words, abstracting culture from place allows the state to invest in projects that support Indigenous healing, and cultural revitalization which do not threaten Canada's assertions of territorial sovereignty.

Conclusion

Culturalization has been a key strategy in attempts to neutralize Indigenous political action, and ironically, Indigenous peoples focus on maintaining culture has resulted in a continuation of their legal and political authority. Indigenous peoples have been relentless in their efforts towards cultural resurgence, as intrinsic to Indigenous sovereignty. Oftentimes the state's culturalization efforts have been invoked in conflicting ways, Starblanket (2019) explains this as a strategic "incoherence" in which the state characterizes treaties as either political or cultural agreements, depending on whether it benefits the state to draw on the narrative of treaty-people as a way of nullifying political power, to draw upon treaties as a static contract, or to deny political authority through the culturalization of treaty. Indigenous peoples, on the other hand, have been relatively consistent in expressing treaty as a framework for relating, or a relationship itself. Language signifies a similar incoherence; Indigenous peoples view language as a vital mechanism of governance while the state has designated language within culture alone. Simultaneously, the state champions Indigenous language revitalization as a signifier of inclusion. Reframed, the state's tolerance for cultural maintenance has resulted in Indigenous nations maintaining their sovereignty through the decades of policy and law mobilized to reduce it.

As is evidenced by these incoherencies, on some level the state recognizes that Indigenous culture cannot be severed from governance, despite its efforts to the contrary. The Potlatch Ban (1884-1951) is a key piece of evidence that the Government of Canada understood that these cultural processes were also legal and political processes. While the ban targeted ceremonies under the guise of Christian morality, its core mission was political assimilation, which sought to resolve the "Indian problem", which later developed into the "land question" in

British Columbia. This chapter works to deconstruct the land question, as it contributes to an impasse between Indigenous nations and the state, by reframing land *as* culture.

This reframing reveals the ways in which culture is differentially conceptualized and engaged by Indigenous nations and the state. The land-language analytic provides an entry point to the crux of this project, that state and Indigenous nations source their authority from foundationally different sites. In doing so, the chapter used examples of storywork, oral histories, witnessing, relationality, and accountability as examples of the interdependent elements of land and language in the conceptualization and practice of Indigenous sovereignties. This chapter has demonstrated that a more accurate way to measure, represent, or report on Indigenous self-determination is to explore the ways in which Indigenous peoples define their own sovereignty.

Despite a fraught history with the concept, Indigenous communities – urban, reserve, cultural, political, scholarly, and otherwise – largely accept sovereignty to describe their relationship to their territory and identity. Leaders, community activists, and scholars generally agree that sovereignty as it has been expressed by Indigenous peoples is almost always rooted in relationships and reciprocity rather than dominance and exclusivity (Stark, 2018). The foundational point of conflict between state and Indigenous theory and practice of sovereignty, however, is not that of their differing conceptualizations, but rather a refusal to accept that Indigenous peoples' sovereign authority is derived from a different source than that of states. Thus, a key purpose of this project is to provide evidence that Indigenous sovereignties are not misunderstood, but targeted and marginalized.

Notwithstanding its cognizability to the courts by-way-of shared source of authority, Canada's claims to sovereignty remain unsettled (Mackey, 2014; Russell, 2021), leading the courts to avoid questioning the Crown's source of sovereignty and instead referencing solely to

its *de facto* operations (Ladner & Tait, 2017; Macklem, 2001). Ultimately, it is a result of differentially legitimized authority that Indigenous and state sovereignties continue to constrain one another's operation (Simpson, 2014; Wildcat, 2020). The following chapter identifies where Indigenous and state authorities diverge and explains how relationship as authority embodies the "in-between" nature of Indigenous sovereignty that reveals both "what is and what is possible" (Wildcat & de Leon, 2023).

Chapter three: Relationship as authority

Introduction and context

In a notable Presidential Address to the Canadian Political Science Association twenty years ago, Grace Skogstad asked two simple questions, “who governs?” and “who should govern?” (2003). The address identifies political authority and legitimacy as foundational concepts to the discipline of political science and explores political authorities that fall outside of Canada’s dominant state-centric representational democracy. Skogstad (2003) named expert authority, market authority, and popular authority as “competing sources and principles of political authority” in Canada that are limited in legitimacy, and ultimately calls for a reform of the state’s dominant political authority (2003, p. 956). In this chapter I suggest that there is a non-state-centric source of authority operating within Canada’s borders that challenges dominant assumptions that political authority is sourced from expert-authority; the location of authority in people, which is most common in representative democracies; and the formal and informal relational flow of authority that manifests within human societies. It is an intimate and reciprocal relation that Indigenous peoples have drawn upon since creation as a source of their legal and political authority. The theory of relationship-authority offers three critical interventions: first, it problematizes the employment of relationality as solely a framework for governance (rather than an active practice rooted in place); second, it challenges Western framing of Indigenous authority which centers the human and applies liberal-democratic norms to Indigenous traditions; and, third, it answers to critiques of Indigenous peoples as uniquely sovereign as a result of their ownership and jurisdiction over land, expanding possibilities for inter-community relationship building.

The relationship(s) I refer to in this chapter are un-abstractable from place and are distinct from relational frameworks employed by the state and other non-state authorities. The specific type of relationship I refer to in relationship-authority is an intimate, reciprocal relationship *with* place and *as* place. Place, as is described in this chapter, is inclusive of the humans, animals, plants, land, water, and more-than-human beings within and in relationship with that particular place. The intimacy in relationship-authority signals a closeness and an ethics of care that is imbedded with responsibilities. These responsibilities are part and parcel to the reciprocity required of relationship-authority, which demands a non-hierarchical mutual-aid style model of governance (Mills, 2017) which refuses human-centric notions of control.

In a relationship-authority model, it is the boundaries of these intimate, reciprocal, and place-based relationships that define Indigenous jurisdictions. Thus, I argue that while jurisdiction is critical to Indigenous governance, it ultimately emerges from the animation of authority. Consequently, when relationships breakdown the jurisdiction follows. Put otherwise, relationship-authority accounts for the nations within, i.e. animal and plant nations, or the nations without, i.e. human nations with shared boundaries. The responsibilities required in these relationships are negotiated internally between the parties involved and employ ethics that ensure the shared protection, and thus freedom, of those involved.

Relationality is not reserved for Indigenous peoples. State practices of authority making are relational, from the international recognition of other states, to the input-output practices between a state and its citizens. Indeed, all models of authority are relational, even those of authoritarian orientations, but most are not intimate, ethical, and tethered to place. Additionally, non-human nations may be considered under the jurisdiction of state and state-like authorities but it is the reciprocity practiced in relationship with those nations is a defining feature of

relationship-authority. Thus, it is crucial that when we source authority in relationship, it is qualified by the type of relationship. In this case, I argue it is an intimate and reciprocal relationship to place that defines many, if not all, Indigenous claims of sovereignty.

The source of authority that underlies both state and Indigenous jurisdiction is scarcely named, much less interrogated, by scholars of political science. Eisenberg explains, that "in political theory, mainstream approaches to understanding political authority ignore that ways in which the concept has been shaped by colonialism", and thus do not aspire to transform state authority (2022. p. 42). One considerable tension for Indigenous politics in political science is the perceived unintelligibility of our political authority within existing frameworks. In other words, not much of how the field theorizes political authority has changed since Skogstad's reflections. A popular intervention of Indigenous politics in political science has been to locate the source Indigenous political authority in the land. This is, at least in part, a reflection of the temporal priorities of modern nation-state building, as well as a misinterpretation of Indigenous conceptualizations of land, and stands in contrast with the spatial priorities of most Indigenous nations (Deloria, 1992). Yet the most dominant theory of political authority today, both in terms of statist and non-statist governance, is that the power and legitimacy that inform authority is sourced from the people's measurement of the value of that authority (through coercion or otherwise) to our personal and community well-being (Eisenberg, 2022). Indigenous worldviews complicate this, while well-being remains central, Indigenous authority is not a solely human-centric enterprise.

Close but no cigar: State-sanctioned authority-making for Indigenous peoples

Before unpacking the logic, function, and applications of relationship-authority, it is worth noting that there are many Western-developed concepts of authority and processes for legitimizing authority that dance with the values and principles of Indigenous authority-making. In fact, the presumed foundations of legitimacy in representative democracies, the "having the right" to make decisions and the "social desir[ability]" often apply in Indigenous authority-making too, although the authority underpinning these is sourced from a divergent place than that of the state, and the social aspect includes the input of more-than-human beings (Skogstad, 2003). There are also assumptions about Indigenous legal and political authority that draw upon essentialized conceptions of Indigenous governance, as reified by centuries of depoliticization of Indigenous political bodies by Canada and its predecessors. The following section briefly reviews models of authority commonly linked to Indigenous nations; the first two, expert authority and authority in the people being representative of authority already operating in Canada and imposed on Indigenous peoples through structures of band governance and processes of culturalization. The third and fourth reflect authority as assigned to Indigenous nations, sometimes through state-centric frameworks of legitimacy and sometimes through essentialization of Indigenous political orders. The fifth is a relational flow of authority, both a model of its own and a process imbedded in other models, which applies to all authority-making, and is problematized later in this text. Taken together, these five examples of authority and authority-making represent various political priorities and cultural values of Indigenous nations, but fall short of encapsulating a foundational source of authority measured by Indigenous processes of legitimation rather than those of the state.

Expert authority is the leading mode of operational authority extended to Indigenous peoples within Canada's current framework. As explored in the land-language analysis in Chapter two, the culturalization of Indigenous peoples legal and political orders allow for their knowledge to be celebrated and drawn upon without interfering with the jurisdiction of the state. Indigenous expert-authority takes place within state processes of environmental assessments and cultural preservation initiatives, within which Indigenous authority can influence the shape and progress of state and state-delegated projects, but only within the frameworks laid out by the state itself. The state, paradoxically drawing upon cultural superiority, maintains its underlying authority (Beaton, 2018). While culture cannot be separated from law and politics within Indigenous frameworks, the expert authority model as it is imposed on Indigenous peoples is restrained by state mechanisms of depoliticization.

Authority in people, as one of the primary models of authority in Canada's representative democracy, has been imposed on Indigenous peoples through *Indian Act* governance. Representative democracy has come hand-in-hand with oppression for Indigenous peoples despite its "sacrosanct" status in Canada (Spitzer, 2018). Aside from the right to vote federally (only granted in 1960), Indigenous peoples' processes for vesting authority in electoral representatives came with law and policy requiring displacement onto reserves, restricted movement, stripping of Indigenous women and non-binary peoples' roles in governance, and a foreclosure of consent from both human and more-than-human relations. In other words, "the trickery of 'consent' in colonial context … papers over the very conditions of force and violence that beget 'consent'", Audra Simpson refers to this as the "ruse of consent", and it is present in all state-imposed models of authority that predetermine the limits of Indigenous jurisdiction (Simpson, 2020, p. 20). Authority in the people is particularly tricky because it is a popular,

widely-accepted model that is celebrated globally as the gold-star alternative to authoritarian political regimes. In some ways, representative democracy has protected the participation of Indigenous women, for example, who first were victims to state oppression, and later within their own nations which were forced to adhere by colonial norms or otherwise adopted these practices from the imposition of European values espoused by churches and educational institutions. The 'fairness' that comes with representational democracy has also come with liberal values of individualism that undermine Indigenous worldviews. For Indigenous peoples, democracy has largely been enveloped within a ruse of consent and human-centric values that neglect more-than-human relations and their autonomy as political bodies.

Authority in the land and authority in Creator diverge slightly from the previous two examples. This is because these two particular models of authority seemingly emerge from Indigenous values, rather than result from a retrospective imposition of Western models that might 'fit' Indigenous values and pre-existing state divisions of power. The land model, as discussed later in this chapter, presumes Indigenous peoples as uniquely sovereign because of their pre-contact ownership of land. That ownership is often expressed through stories of land being 'gifted' to Indigenous peoples by Creator. Yet, many Indigenous peoples have also suggested that sovereignty (authority and jurisdiction) cannot be "granted" but must be created from within a nation (see Cobb p. 342, in Stark, 2013). In some cases, the Creator's gift narrative has also been misconstrued, the Gitxsan for example, while having "emerged from the earth" (Smith, 2005) also speak of their territories being gifted by Creator (Sterritt, 2014). For Anishinaabe, Stark (2017) shares that Creator says "in this place you shall remain" (p. 249). Oftentimes, land as a gift from Creator is simultaneously articulated as land as a relationship, or a "responsibility and obligation" (Stark, 2017). Relationship-authority helps make sense of this

apparent contradiction, by clarifying that land very well could be gifted by Creator to Indigenous peoples while their authority flows from the relationships with that land, not the land itself or from Creator. In these cases, Creator rather acts as an ethical anchor to ensure that our relationships take place in a good way.

Land and Creator are critical components of Indigenous governance, together they guide ethics and provide meaning, but if interpreted as they are in the prior examples, they may not be representative of legal and political authority in practice. This is just one perspective that aligns Creator with creation – a part of a broader ecosystem (Wildcat & de Leon, 2023), and land as a part of our "bundle of relationalities" (Moreton-Robinson in (Simpson, 2020). Centering relationship and reciprocity distinguishes Creator and land from more static interpretations, though many Indigenous peoples recognize Creator and land as individual entities and sources of authority in their own right.

Finally, it is worth noting the relational flow of authority that is both its own model and an embedded process within all the models outlined above. All authority-making has an input and output component, whether that is through citizen's influence on policy, or governmental adhesion to the will of the citizens. More than anything, this exchange is a process for maintaining legitimacy and is inherently imperfect. In states this relational flow it is a normative aspiration that in its best performance produces a deference towards state institutions. This model is withheld from Indigenous peoples within Canada, where Indigenous politics have been aggressively judicialized. In other manifestations, however, this relational flow is in place within Indigenous authority-making, but extends far beyond the human realm, seeking exchange and consent with more-than-human beings in land, water, air, Creator, spirit, and animals. Indigenous

institutions, having been created from a form of relational flow, are well-suited for adapting in response to the input received from this process.

Why authority matters to Indigenous sovereignty

Authority is the answer to why we should take Indigenous sovereignty seriously. As Matt Wildcat asserts, “Indigenous sovereignty describes and identifies the sources and foundations of Indigenous peoples’ political authority” (Wildcat, 2020, p. 180) thus the practice of social, political, and legal authority grounds the concept of sovereignty and provides meaning. From expressions of ownership, control, and jurisdiction to stories of internationalisms with more-than-human beings, each articulation of Indigenous sovereignty has sourced Indigenous political authority from relationships and, subsequently, reciprocity and renewal. Indeed, theorizing relationship(s) as the source of social, legal, and political authority for Indigenous sovereignty turned out to be a straight-forward task of taking the words and practices of Indigenous peoples seriously while refusing to constrict theory and praxes of Indigenous authority with an intellectual imposition of Western frameworks. Take, for example, the chiefs address for the Delgamuukw case:

> For us, the ownership of territory is a marriage of the Chief and the land. Each Chief has an ancestor who encountered and acknowledged the life of the land. From such encounters come power. The land, and plants, the animals and the people all have spirit they all must be shown respect. That is the basis of our law. The Chief is responsible for ensuring that all the people in his House respect the spirit in the land and in all living things. When a Chief directs a house properly and the laws are

> followed, then that original power can be recreated. That is the source of the Chief's authority (*Delgamuukw vs British Columbia*).

This address summarizes Gitxsan social, legal, and political authority as a relationship that is active, place-based, and can be reproduced only through ongoing reciprocity and renewal. It is through encounters with "land, and places, the animals and the people" that power or *daxgyet* is created. This depiction of ongoing encounters with place (and all beings) as being the source of authority once again refuses the trend of Canadian politics and political science to delegate Indigenous sovereignty to either the abstract or state-centric frameworks. Relationship reorients theories of Indigenous authority from the realm of abstraction to reflections of concrete applied sovereignty. To illustrate further, Aileen Moreton-Robinson's argument, bolstered by Audra Simpson, insists that "Indigenous relationships to land – the bundle of relationalities to land, water, and peoples … is an ontological position that *requires* sovereignty", meaning sovereignty acts as a protective mechanism for the relationships that produce legal and political authority (2020, p. 688). It is precisely because relationships must be active and maintained that they should be understood as simultaneously stance and theory (Simpson, 2020).

From Indigenous perspectives, "land" generally encapsulates all creation in relation to a particular place, which is how I use it here: land is a stand in for all elements and beings in relationship with a particular place and their relationships with one another. Land *is* culture and Indigenous law and politics emerge from that culture. To expand, Coulthard (2014) articulates land "as a system of reciprocal relations and obligation" (p.78). Similarly, I position land as much more than a material element. As such, I suggest it is not land as material nor the people living on those lands from which Indigenous sovereigns source their authority, but rather the *relationship* to land and all the spirits and beings within our shared places. With relationship as

the source of Indigenous authority, not the land itself, not Creator, and not "the people", what is normally read as empty or void is actually the generative space of relationships – in "relational reality… nothing is black or empty space" and the power lies in the "between" (Tynan, 2021, p. 601).

Sourcing authority from relationship also refuses bounds of temporality and land-centric essentialisms that settler-colonization require to ensure colonial permanence. Temporal sovereignty is a concept vested in a future-oriented, forward-looking legitimation (Beaton, 2018) that reifies racist notions of enlightenment and is weaponized by states through a historicization of Indigenous political rights. Temporal-centricity has long been critiqued for its abstraction from place and space (Deloria, 1999), though it is not so straightforward as separating "tradition from modernity" as a "clean break" but rather operates with the objective of manipulating Indigenous experiences of time (Rifkin, 2017). Indigenous sovereignties are not future-adverse but rather refuse the centrality of linear time in their social, legal, and political processes of legitimation. The temporal element of colonization is intrinsically linked to the land-centric nature of settler-colonialism in that the state requires control over land both to secure colonial permanency and encode a forward-looking legitimation through continued processes of *de facto* governance. Land understood as an entity with many living parts, spirit, and the autonomy to be in relationship with Indigenous peoples refuses the hierarchical control required for states to secure their future sovereignty (Mackey, 2014; Mills, 2018).

At the beginning of this project in an effort to define Indigenous sovereignty outside of state frameworks, I asked: How do the analytics of land and language, as core representations of Indigenous culture, law, and politics, redefine how we understand Indigenous sovereignty? With that analysis, articulations of Indigenous sovereignty told a different story about Indigenous

authority than what is presented in the Canadian legal-political landscape and mainstream political science. Conversely, state sovereignty measured against the frameworks of Indigenous authority found it illegitimate in all forms. Thus, the land-language analytic functions to re-story both Indigenous and non-Indigenous claims to sovereignty on overlapping territories. Paired with a case study of Gitxsan theory and praxes of sovereignty, intimate, reciprocal relationship with place (in place, and as place) emerged as a primary source of all social, legal, and political authority for Indigenous nations. Locating the source of legal and political authority is the first step to understanding the processes by which authority becomes vested in particular bodies (human, government, or corporation, for example) and legitimized. This process of authority-making foregrounds equally the power and legitimacy of "hard" Indigenous politics and law, and "soft" or modified sovereignties, such as body-sovereignty, food-sovereignty, or cultural-sovereignty. In doing so, relationship-authority contributes to the work of dissolving the distinctions between those conceptualizations and praxes of sovereignty that have been characterized as non-political. Simultaneously, the recognition of "soft" or modified sovereignties as foundationally political refuses the objective of culturalizing those modalities in the first place. Put otherwise, locating Indigenous authority in Indigenous sources removes any competition for state recognition that measures Indigenous authority against its own cultural frameworks.

It is pertinent to pair these (re)conceptualizations of authority within Canada's claimed boundaries with the concept of Indigenous sovereignty for two key reasons. First, Indigenous peoples have variably defined their sovereignty in terms of relationship. From expressions of ownership, control, and jurisdiction to stories of internationalisms with more-than-human beings, each articulation of Indigenous sovereignty has sourced Indigenous political authority from

relationship and, subsequently, reciprocity (Simpson, 2017a). And second, despite relationships being repeatedly characterized as a source of legitimacy and authority, they have instead been treated as a transferable framework for governing in political science. While I contend that relationships are a critical framework for how we govern ourselves, they are more than that – in many Indigenous nations, intimate and reciprocal relationship is the primary *source* of political authority. This challenges mainstream literature on Indigenous politics which positions relationality almost exclusively as a framework for governing, rather than a source of power and legitimacy.

Relationship as authority in the literature

The concept of treaty as mutual aid is helpful in understanding the material impact of discursive violence contained in understanding authority solely through frameworks of the state, and simultaneously, the power in reorienting our understandings of legal and political relationship making (Mills, 2017). Based on teachings from Fred Kelly (p. 209), Mills explains that the contractual view of treaty, although often articulated in terms of an empowered state and a disempowered Indigenous body, in reality is violent towards all participants. Discursive disavowal for those mostly violently affected by contract means buying into the idea that we don't need living relationships. Mills theorizes that fear freezes those in social contracts that necessitate violence, making them both complicit and oppressed in the structure. In other words, freedom (which requires community and relationship) is foreclosed from possibility for all who invest in contract instead of relationship. Speaking to Anishinaabe constitutionalism, Mills explains,

> Freedom isn't experienced when most fully severed from the needs and demands of others … each of us needs the gifts we don't have in order to be free and, in many instances, simply to survive. As deeply incomplete beings, the ubiquitous need for the gifts we lack means that each of us in inherently connected to all others – and not just human others. (Mills, 2017, p. 231)

Mutual aid points to a few key identifiers of Indigenous authority-making. The first is that mutual aid is a relationship, it cannot operate in isolation or individualism. It requires ongoing communication and support, it is active, proactive, and responsive. The second is that mutual aid is non-hierarchical and assumes that we will all need the skills and gifts of others, and thus our contributions to community can never be charity, but rather a part of a larger flow of reciprocity. The third is that interconnectedness is intimately tied to freedom. While freedom may not be a common attribution of Indigenous sovereignty, if we consider how we produce authority in relationship, the liberating effects of those relationships become clear.

This can also be configured in terms of responsibilities and obligations in relationship (Stark, 2017). Problematically cited in state treaty narratives, which have been differentially invoked for and against Indigenous peoples, responsibilities stand in for commitments within a broader web of relations (Starblanket, 2019). British Columbia, for example, is well-known for being 'unceded' and 'untreatied' territory. It is a claim West-coasters have often made to differentiate themselves from treaty nations to the East, in efforts to claim their stakes as sovereign against the state. These arguments quickly lose their efficacy if framed beyond the state-Indigenous relationship. Treaties have invariably been conceptualized by Indigenous peoples in terms of relationships, and are "generally understood by Indigenous peoples, to represent diplomatic processes for negotiating relations of nonviolent and generative co-

existence between living beings in shared geographies" (Starblanket, 2019. p. 444). While treaty is invoked in many pivotal moments of tension with the state, many Indigenous people critique the rights-based narratives embedded in state efforts to crystalize the treaty relationship with Indigenous peoples. Stark (2018) for example, suggests we reframe the "treaty question" to an issue of "responsibilities and obligations", which all meaningful relationships come embedded with.

With this perspective in mind, West Coast nations are often engaged in many treaty relationships but simply do not have a history of treaty with the state. These nations have treaties with other Indigenous nations, plant and animal nations, and spirit nations. They are in ongoing diplomatic international relationships with those nations, which require active labour, nurturing, remedy, and renewal. Treaties are an articulation of living law. Thus, the exceptionalism invoked in anti-treaty narratives only works to critique Indigenous authority understood through state frameworks, and paradoxically in pursual of state recognition, rather than Indigenous authority as understood within its own specific processes for legitimation. It is a disservice to the legal and political authority produced within Indigenous nations to conclusively deny association with treaties, for these are one important way that Indigenous peoples have characterized their relationship-authority across Canada's claimed territories.

The concept of living law is not restricted to Indigenous societies. Many societies, including Canada's own, operate on an assumption that law should be living and therefore adaptive to the present-day social and political climate. The living tree doctrine of Canadian law is touted as organic, progressive, and responsive to evolving social needs. It is also an example of relationality standing in for real relationships,

> The living tree stands alone, self-contained, oblivious to the surrounding creation with which it depends. Instead of relating with and through the myriad other that live in, under, over, and alongside it, the living tree 'grows and expands' by absorbing creation into itself and then reconfiguring and re-expressing it within the tree's own forms of trunk, branches, and leaves. (Mills, p. 228, 2017)

As visualized by Mills, the living tree doctrine is a commitment to relationality amongst its own world and pre-determined power, it is not committed to relationships beyond itself nor beyond the human. Here it is revealed how the add-and-stir approach to Indigenous legal orders fails time and time again in Canada. The living tree tolerates expansion by absorption rather than expansion by relational growth.

What distinguishes the preceding Indigenous examples from Canadian law is that living law isn't living because it is fluid and changeable, it is living because it is in a broader web of relationships in an animate world. Relationship as the source of legal and political authority for Indigenous nations aligns with much of the published work on Indigenous laws as living. As John Borrows points out, many, if not most Indigenous nations "root their highest laws in analogies related to living beings", including "the Haida, Nisga'a, Gitksan, Wetsuwet'en, Tsimshian, Tahltan, Tlingit, Salish, Heiltsuk, Nuu-Chah-Nulth, and Kwakwaka'wakw [who] all carve poles that communicate their relationships to territory, ancestors, and the natural world around them" (Borrows, 2016, p. 152). Totem poles, though not "living" trees represent the process of renewal required in relationship, often left to fall and naturally be absorbed back into the earth. Thus, the earth is a part of this process of recognition and recording of law (having constitutional arrangements literally inscribed on trees from the territory), as well as determining a requirement of recommitment, recreation, or amendment of the legal orders recorded at the

time of the pole raising. This process isn't reflective of every totem pole raised, but a common purpose is to record important legal and political relationships and events that require renewal.

The relationship between Indigenous peoples and their territories is foundational to their legal and political authority. As is evidenced within feasts and other public and private testimonies, Gitxsan chiefs hold an intimate relationship with the territories they are responsible to (Daly, 2004). This is not unique to Gitxsan, those who are in relationship with territory – those who have responsibilities and obligations to specific territories – must know them intimately, as one would know a partner. But, using the Gitxsan as an example, the histories of relationships to place, including inter-clan diplomacies, and more broadly the house histories contained within the *wilp*'s *adaawk*, must be ready to be performed or repeated when called upon and will be orally passed down to the next generation of members (Daly, 2004).

Thus, relationship with territory also implies the space-centric requirement of reinvigoration. Put simply, relationship-authority requires an active maintenance, one that is validated and affirmed by the relative freedom enjoyed of all those participating in that relationship. von der Porten, Corntassel, and Mucina (2019) suggest that resurgence (as an act of reinvigoration) "recenters Indigenous nationhood in political movements and focuses on the complex interrelationships between place-based relationships and community-centered practices that reignite everyday acts of renewal and restoration" (p. 62). They characterize resurgence in their case study of the Haida, Heiltsuk, and Nuu-Chah-Nulth nations' herring governance as "decision-making authority and relationship to herring" (p. 64), and while authority and relationship are separated in this instance, it is articulated throughout the piece that the relationship with herring is the power and authority that the Haida, Heiltsuk, and Nuu-Chah-Nulth nations assert against industry. They assert, "it is clear that Indigenous leaders view their

relationship with herring and other sea life as the basis for their existence as Indigenous nations. Actions to reassert these complex relationships go far beyond a rights discourse or a notion of conservation; these relationships exemplify the inherent responsibility of coastal Indigenous nations" (von der Porten, Corntassel, Mucina; 2019, p. 69). Similarly, in observations of the Barriere Lake Algonquians' movements against the state Pasternak (2017) theorizes care as central to their legal orders. Place-based care is reflective of a set of responsibilities that emerge in relationship. This care is not surface-level, Pasternak relays through stories of hunting practices that governance based on this ontology "requires a deep and loving care for the land and living relations" (p. 82). Love, not metaphorically but love as practiced through deep care within intimate relationships.

These relationships are world-building, and as explained by Simpson (2017a), "we must continuously build and rebuild Indigenous worlds. This work starts in motion, in decolonial love, in flight, in relationship, in biiskabiyang, in generosity, in humility, and kindness, and this is where it also ends" (p. 246). Consequently, when relationships cease to exist, so too do Indigenous peoples. Indigenous authority is sourced from relationship, but so is the rest of the Indigenous world. As long as Indigenous peoples show up in good relationship with the land (as a web of relationships itself), their sovereignty will be maintained. As the preceding examples demonstrate, throw a stone in any direction and you will hit examples of authority being sourced from relationship. There are endless records of these relationships that have not been filtered through the lens of academic theory that support this understanding equally well. All that is required to bear witness to relationship as authority is to look to Indigenous intimacy with space and with the other beings within it.

Problematizing relationality as a framework

Every field that critically engages with Indigenous governance – whether it be education, health, politics, ethnobotany, environmentalism – has foregrounded the importance of Indigenous relationship to place. This has, writ-large, been taken up as a framework of relationality, which helps participants form structures of accountability, practices of reciprocity, and connections to community. Unfortunately, frameworks employed so broadly also run the risk of essentializing Indigenous worldviews and extracting knowledge from the place it originates (by place here I mean geographically and the place of relationship). These widely employed relationship-centered frameworks tell us how to govern, but they don't tell us why we have the authority to do so. Relationality as a framework falls short of interrogating the root of authority – the answer to why we should engage Indigenous frameworks in the first place – which comes from a nuanced processes of relationship building within a particular spatial context.

The legal-political shift from source to framework is also a well-seasoned tool of suppression yielded by the Canadian state, mapped out in the previous chapter as the operational discursive divide between culture and politics. In other words, sources or sites of power for Indigenous peoples have long been neutralized through strategic reframing by state-processes of culturalization (despite culture being the foundation of legal and political power). Take, for example, the United Nations Declaration on the Rights of Indigenous Peoples Act (UNDRIP Act). The UNDRIP Act was passed into federal law in Canada in June 2021, with promises that Canadian law would be brought into alignment with the articles named in the declaration. A slightly more thorough read clarifies that the UNDRIP Act in Canada was passed as a "framework" for moving forward with reconciliation, rather than a source for new law and policy. Publicly, the Government of Canada defines it as a "*roadmap* for the Government of

Canada and Indigenous peoples to work together to implement the Declaration based on lasting reconciliation, healing, and cooperative relations" (emphasis added). The *UNDRIP Act* simultaneously legitimizes Indigenous plights for self-determination, while containing the limits of such within the norms and expectations of settler-sovereignty.

As it picks up in popularity and inevitable appropriation, it is worth casting a critical eye to the use of relationality in the context of both Indigenous-state relations and Indigenous governance. The reverberations of and understanding of relationality as a framework that can be essentialized, both in its abstraction from place and in its connection to place, are of primary concern.

> As Indigenous peoples from grassroots to academic realms have become more acquainted with the limits of articulating our political imperatives through state-sanctioned mechanisms of rights and recognition, there has also been heightened attention to the need for political strategies that are grounded upon the resurgence of a relational way of being … many are focusing on the primary need to attend to the underlying relationships that configure and delimit Indigenous peoples' contemporary political movements. (Starblanket & Stark, 2018, p. 176).

Relationality as a framework for being houses the potential to be both liberating and limiting. It is a way of understanding our connections to the world around us, whereas *relationship* is a living enactment of those connections. Consequently, relationship is a grounded, case by case source of authority.

Relationship as authority in action

Good but not perfect

Relationship with place produces new spatial realities and in the context of authority-making works to negotiate a common good, thus " … to properly research Indigenous sovereignties, one must be comfortable with existing in the space between what is and what is possible" (Wildcat & de Leon, 2023). In theory and in practice, Indigenous sovereignty illustrates what is possible beyond the state, while existing in tension with the state (Simpson, 2020). Relationship as authority acts as the vehicle for that process, informed Wildcat & de Leon's (2023) conceptual framing of sovereignty and Borrow's (2016) investigation into Indigenous pursuits of the 'good life' or freedom, relationship provides pathways to autonomy and freedom that are complicated and imperfect.

Just as relationality becomes problematic when abstracted from place, relationship becomes problematic when abstracted from Indigenous worldviews. The process of investing in Indigenous worldviews (as representative of Indigenous values and ways of being) is undoubtably complicated by the conditions of settler-colonialism. Herein lies a function of "what is" and "what could be", Indigenous sovereignty functions to the best of its ability based on ancestral teachings of relationality, responsibility and obligations, but the practices of these teachings are impacted by mechanisms of settler-colonialism, both in thought and practice. In thought, our ways of being have been infiltrated with foreign conceptualizations of "good" and "bad", imported by churches and the state and its predecessors through residential schools, day schools, and missionary projects. In practice, Indigenous relationships to place and one another have been physically restrained, through the imposition of reserves, industry destruction of land, settlement, the child welfare system and more. These disruptions to Indigenous ways of being

and Indigenous thought production (in relationship) have hindered their ability to practice sovereignty in its original forms.

However, relationships with place do not need to be perfect to be functional. A core value of living Indigenous law is that it is responsive and adaptable. It is precisely the active nature of relationship that ensures processes of renewal take place constantly. Additionally, a reality of Indigenous sovereignty is that it is in tension with the state, constantly grappling with the challenges of state incursions both materially and discursively. Renewal in relationship is intimately tied to responsibilities. In moments of tension, where reparations or restoration are required, responsibility comes into play. Relationship as authority locates this responsibility in a broader web of reciprocity, that considers all held within a particular space (land, water, humans, other beings, etc.). It is a foundational site of divergence from state authority, that – at its best – locates responsibility in its relationship to its citizens and the greater good of the nation. Accordingly, Indigenous sovereignty in practice is consistently inquiring how our relationships ought to be, what we could have done better (towards place-based definitions of what is 'good'), and how we can practice reciprocity moving forward. It is a practice of what is, and a meditation on and commitment to what could be.

The Gitxsan have a saying, "always leave one mistake on the blanket". It is a part of the Gitxsan worldview that we do not feign perfection. Mistake-making and repair is of great importance to authority-making through relationship. For the Gitxsan this means that the work is never done, that there is always more to learn and ways to do better. As Jane Smith (2020) explains, the Gitxsan do not insist on perfection from anyone. This [e]nsures that there will always be something for the future generations to do" (p. 2). Each generation is responsible to continue the work and continue the relationship. Put in the context of authority, there is no

moment of conclusive, perfected sovereignty, nor is there a goal to achieve that. The objective of producing authority through relationship is to show up in that relationship in a good way and to practice reciprocity.

On the ground, this can look many different ways. It may take place in a human-to-human relationship, wherein responsibility or obligations to one another are played out in the feast hall, within families, clans, houses, or otherwise interpersonally. It may take place in a human-to-more-than-human relationship, in which humans meet the needs of animals in a particular space in exchange for animals meeting the needs of humans. The animal to human relationship is commonly invoked through hunting and fishing narratives, but it is much more complex, animals also maintain relationships with other animals in a particular space, maintaining a fragile balance of give and take with the land, animals also contribute to seeding and plant management through their consumption and elimination practices, as well as clearly communicating warnings of danger through their behaviours. It can take place through relationship with water, plants, soil, spirits, and more. All these relationships are embedded within larger webs of relationship that make the complex constitutions of a particular place. Humans, reliant on the functioning of these broader webs, are often in the most fragile position relationally, however, reciprocity within and between all these elements is what informs Indigenous worldviews.

As illustrated with the previous examples, relationship as understood in the context of Indigenous governance is always embedded with context-specific principles. Often, if not always, those principles stand against asymmetrical power dynamics. What this means is that relationship authority – including the processes for producing authority – are not just about being in relation, rather relationship is a generative process and one of refusal. In the context of

Indigenous governance, relationship also means “we are not reproducing the very logics that have too often ordered our relationships in violent and destructive ways” (Starblanket & Stark, 2018, p. 178). There are conditions to producing authority through relationship, and those conditions are often developed through thousands of teachings that demonstrate, broadly, that we are all one.

This non-hierarchical approach to governance might appear to be in tension with societies that appoint chiefs to represent their legal and political interests. Indeed, Indigenous nations that employ a hereditary clan system have been critiqued for not only being undemocratic, but worse, for modelling similar logistics of power as the Crown. This critique emerges from Western worldviews that connect values of power and exploitation to leadership. In fact, this worldview has been reiterated within many Indigenous nations under the conditions of settler-colonialism, thus we are not immune to reproducing these logics. Royalty, for example has been used by the Gitxsan to describe chiefdom as hierarchical, but that translation too has been mis-translated. Napoleon (2009), quoting Hanamuxw’s critique of Gitxsan finding likeness in the Crown, states when “Gitksan families talk of royalty it is only the talk that is widespread, not the actual grounded or historical reality. In fact … ‘anybody who keeps her nose clean and lives long enough can be royal as hell. It is a question of age’” (p. 149).

Rather, if we understand the source of legal and political power as an intimate, reciprocal relationship itself, aspirations of sovereignty eschew exploitation. This form of authority-making does not exist in a vacuum and has not been perfectly maintained since contact. Additionally, it isn’t to say that exploitation wouldn’t take place if it weren’t for the conditions of settler-colonialism, but rather it reflects a different way of understanding authority that prioritizes power-with not power-over. It is an ontological shift that is difficult, if not impossible, to

contextualize within Western frameworks. This primary condition for understanding relationship as the source of legal and political authority is recognizing, if not engaging, an Indigenous worldview. It is seeing the processes for vesting political authority – relationship building – as an exercise that does not presume asymmetrical power dynamics.

Traditionalism and land

Processes of renewal are what maintain Indigenous authority and reject reconstructed visions of cultural stasis, locked in time by the assertion of state sovereignty. Land-centric movements that essentialize Indigenous connections to place for the purpose of making Indigenous self-determination cognizable to the state have undermined the relationships required to maintain legal and political authority. Indigenous peoples are not uniquely sovereign as a result of their ownership over land, but as a result of their relationship in and with place.

Indigenous peoples' relationship with place has been invariably articulated as critical to our survival as a people, critical to our governance, and as intimate and embodied. The address of the Chiefs in *Delgamuukw* likened it to a marriage. Claxton and Price (2020) assert that "[Selling the land] would be like selling your own flesh and blood". Melissa Nelson (2017) asks us to confront our intimate histories with the land, theorizing that "encounters at the context zone of human and more-than-human can provide critical eco-erotic experiences that are conducive to embodying an ethic of kinship so needed in the world today to address ecological and cultural challenges" (p. 230). In every way, this unbreakable relationship with place has been centered as the core of our governance. But narratives of land have been both complicated and appropriated within settler-colonial politics.

Indigenous sovereignty has also been widely expressed by Indigenous peoples as a liberatory project. As Delgamuukw famously said, "If you take a bucket of water out of the Skeena, the river keeps on flowing. Our rights still flow and they will flow forever". Our indigeneity is not reduced so long as we continue our relationships with our respective places (including all beings and spirit within them). Our authorities, therefore, should be considered expansive rather than reductive or limiting. It is possible to reflect that reciprocity, stewardship, and commitment to Creator to extend our power and authority (in relationship) to others. And, perhaps, there are opportunities for others to become sovereign as produced through relationships rather than through granting of rights in a "decolonized world".

In response to critiques of a land-first agenda, Glen Coulthard and Leanne Simpson map out grounded normativity as the ethical frameworks that emerge from Indigenous land-based relationships: they say "our relationship to the land itself generates the processes, practices, and knowledges that inform our political systems, and through which *we practice solidarity*. To willfully abandon them would amount to a form of auto-genocide" (p. 254). Adding that while "grounded normativity houses and reproduces the practices and procedures, based on deep reciprocity, that are inherently informed by an intimate relationship to place. Grounded normativity teaches us how to live our lives in relation to other people and nonhuman life forms in a profoundly nonauthoritarian, nondominating, nonexploitive manner" (p. 254). Notably a queer-feminist critique, Indigenous scholars have animated a necessary interrogation of land-first narratives that reify oppressive politics. This is not a necessary condition of land-centric movements towards liberation, but rather is a set of relationships to land that emerged in response to colonial incursions and a false necessity for characterizing land as property in order to make Indigenous claims legible to the state.

A secondary critique of land-centric liberation narratives is that of mobility. Mishuana Goeman (2014), John Borrows (2016), and Leanne Simpson (2017a), have worked at length to dispel the narratives of Indigenous peoples as static. Embedded within the myth of immobility of Indigenous peoples is state constructions of space that depoliticize Indigenous peoples in motion. In other words, Indigenous peoples in urban areas, away from traditional homelands, or even nations who used seasonal rounds pre-contact, are marked as disconnected and faced reduced-rights within the *Indian Act*. These processes also play out through reserve systems, through which land is absorbed back by the Crown at the point of non-occupation by members. Simultaneously, non-reserve lands are reified as non-Indigenous territory, despite reserve lands and band governance having little, if anything, to do with traditional territories and governance. The importance of marking mobility as key to Indigenous identity is clear in resistance to state incursions, but also to relationship building across nations. Indigenous movement is a requirement of Indigenous authority-making. In seeking consent and connection across Indigenous jurisdictions, relationship as authority is recreated and reinforced. Place-based authority does not negate mobility, but rather anchors our relationship place within a broader web of reciprocity.

Conclusion

Akin to Simpson and Coulthard (2016), I postulate that Indigenous relationships to land are the foundations of our existence, they inform our ethics and practices of reciprocity and solidarity in the first place. This does, however, leave us at an impasse. Solidarity must to answer to – and negotiate with – the conditions of others' liberation. The theory of relationship as authority itself offers a potential framework for the pursuit of *intersectional liberation* that has

been hindered by land-first (or land-only, rather than relationship and reciprocity with land) articulations of Indigenous sovereignty. This framework serves us in our understanding of sovereignty, maintaining land as primary, while simultaneously mapping out the ways in which this theory is already in practice on the ground through Indigenous articulations of relationships to place. Put otherwise, land is critical to Indigenous sovereignty, but its multi-scalar essentialization (by the state and Indigenous nations) requires active reorientation towards relationship.

If we take relationship seriously – we offer the space for others to practice reciprocity with land. Relationship with land and more-than-human beings is where we source authority – a *framework* of relationality falls short, at least in part – because it provides pre-determined ethics and morals, instead of providing the conditions for their development through mistake-making and repair. Indigenous nations, as authorities, are only so because of ongoing lessons in relationship (mistakes and all) with each other and land, not because of a predetermined set of morals and values that emerge in a vacuum.

The preceding chapters of this project push back against state mechanisms that work to control the frameworks through which we might address these impasses, most commonly offered via a hierarchy of Indigenous sovereignties that rank highest in their cognizability to the state, often culturalized and depoliticized. In place of those mechanisms, this chapter demonstrates that the process of Indigenous social, legal, and political authority-making is a relationship that is active, place-based, and can be reproduced only through ongoing reciprocity and renewal. It is through encounters with "land, and places, the animals and the people" that power or *daxgyet* (for Gitxsan) is created. Transformation and expansion are part and parcel to these relationships. Using the 2019-2020 fires that raged across South Australia as an example, Tynan (2021) points

to “sameness across difference” in the reformation of relationships – “new relationalities” – between human and non-human kin in the form of ancestors in ashes and sky/air in our lungs. In other words, commitment to place (as place) is renewed and transformed through shifts in the relationship between human and non-human beings. Relationship as authority is not just a framework for governance, but an essence, an object, a process and a power in itself.

Chapter four: "Our sovereignty is our culture": Gitxsan Sovereignty and authority-making on the river of mist

For us, the ownership of territory is a marriage of the Chief and the land. Each Chief has an ancestor who encountered and acknowledged the life of the land. From such encounters come power. The land, and plants, the animals and the people all have spirit they all must be shown respect. That is the basis of our law.

– *Delgamuukw*, Address of the Chiefs, 1987

Introduction

Too often in political science Indigenous sovereignty is either measured to the standards of exclusive state-sovereignty, or characterized as abstract, lacking the material and lived "grounding" of sovereignty that is presumed to be held and administered exclusively by states. The source of Gitxsan social, legal, and political authority is a critical point of divergence of Gitxsan sovereignty from state-centric articulations and practices of sovereignty. That source is the living intimate and reciprocal relationship *in between* Indigenous peoples and their respective place (inclusive of the other humans, more-than-humans, lands and water with/in and a part of those places). It is often this difference in foundation that finds Indigenous sovereignties accepted only conditionally within state frameworks – where their legal, and political power is reoriented as strictly social and cultural – and thus not relevant to the practice of law and politics internationally (with the state). This chapter provides evidence to the contrary to demonstrate that Gitxsan legal and political authority is embedded within their social and cultural systems.

Rather than being reduced by its cultural and social framework, Gitxsan legal and political authority sources its power from its relational cultural and social configurations. This is

most evident in the social structure of the Gitxsan, which dictates everything from the roles in family life to macro decision-making on behalf of the nation. The *wilp* and *pdeek*, for example, signify who you can and cannot marry (you cannot marry within your clan), the roles of parenting (children traditionally receive specific teachings in different stages of life from either their mother or father clan), and many other processes in family and personal life. At the same time, these social groupings also define boundaries of governance on the *lax yip* and the legal and political processes for grievance and resolution, among many others. As noted in earlier chapters, the scales of Gitxsan governance are deeply intertwined. While respectful and reciprocal relationship is what maintains Gitxsan authority, it is also observable between the scales of governance managed within the *wilp* and *pdeek*.

Gitxsan Governance Overview

Our sovereignty is our culture.

- Gitksan-Carrier Declaration

November 7, 1977

Gitxsan social, legal, and political authority – sometimes translated into English as strength and/or power – is referred to as *daxgyet* in Gitsenimx, and is comprised of the legal and political rights to "be independent and autonomous, its [*wilps*] authority to ally with other *wilp*, its regalia, and ceremonies, and its inherent rights" which include but are not limited to "land, fishing sites, Gitxsan names, histories, songs, crests, regalia, and ceremonies" (Gali Skalun, 1996, p. 4). I add "social" to legal and political authority here because Gitxsan often use the term "social structures" to stand in for, or as inherently woven together with, legal or political structures signalling the inextricable nature of the three realms while invoking the relational or

community character of Gitxsan governance. Most frequently these social, legal, and political structures are simply referred to as “the ancient structure of the Gitxsan”, implying a holistic understanding of Gitxsan governance (Gali Skalun, 1996). Similarly, Elders and community members have informed me that the governance section of the project we are collaborating on should be labelled “social structures”, indicating that the political and legal is housed *within* the cultural and social make-up of the Gitxsan governance systems, rather than existing separately and alongside it. The Gitxsan system is comprised of incredibly complex webs of kinship, accountability, knowledge-transfer, law and legal processes, and relationships with Gitxsan territories that have developed over more than ten thousand years. As an outside learner, rather than an authority on Gitxsan governance, I present this chapter as an observation rather than an intervention. The work I draw upon is from those who have more authorization than myself. I purposely refuse to detail anything that isn’t already public knowledge. As such, this overview in no way captures the complexities of Gitxsan law and governance, but rather works to observe the key elements of Gitxsan authority that define Gitxsan sovereignty itself and highlight Gitxsan sovereignty as applied and active against an enduring colonial mythology of abstraction and stasis.

Foundations

The *wilp* is the Gitxsan house or family group and is where Gitxsan’s primary loyalties lie, as well as the site through which each Gitxsan accesses and practices their sovereign inheritance (Gali Skalun, 1996). Inclusion in a *wilp* is inherited matrilineally, with the exception of adoptions. The structure of the *wilp* is a defining feature of Gitxsan authority as decentralized and relational. As Napoleon (2009) explains, “each House has the legal and political

responsibility to maintain its power relationship, its *daxgyet* – the fundamental relationship between the House and the land. There is no higher political or legal authority than the House and there are ongoing consultative processes that work horizontally between House groups" (p. 6). *Wilps* are accountable to particular *lax yip* (territories) and thus must be maintained to ensure the continuation of Gitxsan sovereignty as distinct parts of the singular whole of the nation. The Gitxsan have ensured their *wilps* are also responsive to the social and political needs of the nation through their reciprocity and engagement in the feast hall (Overstall, 2005). The *wilp* and the social, legal, and political processes embedded within it is the first and most important working feature of Gitxsan sovereignty.

The *pdeeks* are the four Gitxsan clans, otherwise known as phratries, and include *Lax Seel* (Frogs), *Lax Gibuu* (Wolves), *Gistkaast* (Fireweeds), and *Lax Skiik* (Eagle). These are the groupings that each *wilp* falls within, and thus share common ancestries with their fellow clan members. Commitment to the clan is the second grouping to which Gitxsan both contribute their responsibilities to and are taken care of – this is often reflected in the feast hall, where all important Gitxsan business is carried out. *Pdeek* is yet another weave of authority that requires a horizontal balance or reciprocity between Gitxsan. As another level of authority and jurisdiction, the *pdeek* represents interdependent social, political, and legal configurations within the nation.

Finally, the *liliget*, or the feast, is the institution through which all important social, political, and legal governance takes place for Gitxsan, including "all acquisition and inheritance of territory, the declaration of formal access rights, and the formation of marriage and trade alliances are validated and witnessed at the feast." (Overstall, 2005 p. 28). Processes of witnessing and accountability legitimize legal and political actions. The *yukw* is a feast of size that lasts a week or more and contains many cultural, political, and legal processes and "seldom

occurs more than once or twice in a generation", it is distinct from the smaller, regular feasts that are held in bereavement and in response other, more frequent, needs (Daly, 2004, p. xxvi). The feast is the "… socially and jurally approved familiar institution that sanctions the system of land tenure, the kinship politics, and the distribution of values, all under the cloak (or, more correctly, the chiefly robe) of gifting and reciprocity" (Daly, 2004, p. xxvi). Feasts are a place of important business that cannot be abstracted from its cultural context, as explained by Sadie Harris,

> The feast system is highly organized and hosting one is a huge endeavour for there are protocols to adhere to. It is hard for one to understand what takes place and for what reason if one does not know the language. Our children who are non-speakers can only grasp the gist of feast complexities. Without the language, you get only the surface meaning but do not get the deep association of what is being said or done (Harris, p. 6).

Feast guests do not attend simply to witness the work, those who are called on as witnesses are also engaged in a process of accountability, both within the feast itself and anytime the proceedings of the feast are called upon thereafter. Explained further by Borrows (1999), "these Feasts substantiate the territories' relationships … a hosting House serves food, distributes gifts, announces the House's successors to the names of deceased chiefs, describes the territory, raises totem poles, and tells the oral history of the house" (p. 539). Feasts are the space in which new law is developed and old law is renewed. It is a cultural, legal, and political institution through which Gitxsan do their most important business – all conducted within frameworks of respect, relationality, and reciprocity.

Similar to most societies, Gitxsan law operates on multiple scales. The *ayook*, which is Gitxsan "common" law, an overarching set of laws that inform Gitxsan governance across the

nation. Napoleon (2009) explains that because Gitxsan law is grounded lessons, ancient teachings, interactions with the territory, more-than-human beings, and the spirit world, the oral histories (*adaawk* and *antamahlaswx*) are a part of the Gitxsan legal record – containing both implicit and explicit law (p. 281). All Gitxsan law is living law that emerges from interactions with the land and the beings within it. Law is recorded and renewed through feast hall processes, totem transcriptions, dance, song, story, and on-the-ground relationships.

Gitxsan Sovereignty

Gitxsan sovereignty on Gitxsan Terms

Gitxsan sovereignty is comprised of Gitxsan authority and jurisdiction (in other words, Gitxsan power, or *daxgyet*). Gitxsan authority and jurisdiction being of a relational social, political, and legal nature can be used interchangeably with Gitxsan sovereignty in the appropriate context. Akin to many Indigenous nations, Gitxsan sovereignty is particularly complex to maintain. The nation's social, political, and legal authority is sourced from relationship to territories and the human and more-than-human animals and elements housed within those territories. Those authorities (plurally held by Chiefs and *wilp* members) receive secondary authorizations through clan and protocols of recognition where "cooperation and reciprocity formalized in the feast are the basis of a consensual, horizontal jurisdiction – the warp and the weft of the social fabric. The fabric does not stop at any formal 'national boundaries but, because of the necessary face-to-face relations, does require extraordinary effort and resources to maintain over long distances." (Overstall, 2005, p. 36). Despite the treatment of Gitxsan title as abstract and theoretical (particularly post-*Delgamuukw* – see Napoleon, 2009) there is no

singular "assertion" of sovereignty for Gitxsan, because sovereignty is actualized through a relational, living, continual practice.

Accordingly, the sovereignty of Gitxsan is maintained with significant social, political, and legal contributions of the *wilp* and its representatives. The authority of the *wilp* indicates the decentralized, relational character of Gitxsan sovereignty, where "… each chief's authority extends over part of the society, weaving into that of the next chief and so on until the whole society is covered with a cloak of authority. The pattern woven into the cloak reflects that of the kinship net. This horizontal authority structure is underlined by the absence of a central power" (Overstall, 2005 p. 35). For the most part horizontal authority, and in the case of Gitxsan relational authority, keeps negotiation and diplomacy at the helm, as such, "in the absence of centralized administrative institutions, this reliance upon historical narrative elaboration, moral suasion, diplomacy, and an overarching body of laws and beliefs lubricated by gift-giving is central to the social effectiveness of the feast system" (Daly, 2004, p. 58). Rather than an insatiable quest for more land and power, a central objective of governance is to "uphold social obligations" to the ancestors that came before and the generations yet to come (Daly, 2004, p. 64).

Ownership and tenure

While ownership is commonly referenced in Gitxsan relationship to place, especially within articulations oriented towards the state – such as treaty negotiations or in the courts – Gitxsan ownership is distinct from fee-simple land title as it is characterized by Canadian law. Land is never truly inherited or owned, but is rather held in relationship with the *wilp* connected to it, and thus, "in a narrow sense, it may be said that House's sole possession is its *daxgyet*"

(Overstall, 2005, p. 36). Arguably the most extensive record of Gitxsan land-tenure is recorded in *Tribal Boundaries of the Nass Watershed* (1998). The choice of "land tenure" is notable here, although ownership and jurisdiction are also referenced. Land tenure reflects who holds the land and for how long, and signals a more expansive relationship with land – one that is embedded with responsibilities, permissions, and conditions. *Daxgyet*, as the power that comes from relationship to place, spirit, and more-than-human beings, is the primary piece of Gitxsan inheritance that is "owned", despite it being intangible, and is received alongside tangible and non-tangible inheritances of songs, crests, *adaawks*, and more.

The Gitxsan have favoured the concept of sovereignty publicly many times over the nearly-200 years they have defended their territories from colonial incursions. In *Delgamuukw*, Gitxsan chiefs did not seek recognition of Aboriginal title in courts, but rather recognition of sovereignty, which they characterized as "ownership and control" in the original case, and sovereignty in public realms. In court and land claim records, ownership and title are the most consistent terms you will find to define Gitxsan relationships to land, outside of "relationship" itself. Of course, ownership in the Western sense does not encapsulate Gitxsan relationships to land, and Gitxsan "have acquired and validated their ownership of their territories within the Gitksan system of land tenure for millennia, through naming, *adaawk*, *limx'oy*, *xwstaan*, and feasting. Their defence of their territories continues into the contemporary period." (Sterritt et al, 1998. p. 58). Gitxsan ownership and jurisdiction did not cease to exist when the Crown asserted its sovereignty (Borrows, 1999), like many nations in the newly established British Columbia they continue to govern themselves as they have done for millennia, having spent thousands of years "develop[ing] elaborate reciprocal relationships expressed in ceremonial and sumptuary fashion, and by means of gift exchange and trade between different families, nations, and

biogeoclimatic regions." (Daly, 2004, p. 1). These governance systems remain intact and in practice today. Outwardly, in their pursuits in the courts the Gitxsan and Wet'suwet'en,

> … rejected a strategy that would limit the nature of their case to what the cautious and ethnocentric courts might find 'reasonable'. They wanted to mount a case that was not limited to the identity paradigm of the Department of Indian Affairs and Northern Development with its 'band council' system of elective departmental governance, indirect rule, and in-built agenda for terminating Aboriginal rights through either revised or new treaty agreements and a municipal model of governance (p.1).

As evidenced in the first chapter of this dissertation, Gitxsan take their legal system, their authority-making processes, and their sovereignty into the courts with them.

The Gitxsan's objective was never to gain recognition predicated upon the termination of their so-called rights, but rather to present their sovereignty as it is. That is not to say that the Gitxsan and Wet'suwet'en do not hold Aboriginal title, but rather that they hold title *and more*, Aboriginal title is a small piece of the broader puzzle of Indigenous sovereignty. The Gitxsan and Wet'suwet'en

> … knew that there would be great resistance to their attempts to broaden the existing positivistic and administrative vision vis á vis indigenous forms of social control and self-governance. Nonetheless this is what they tried to do. They said they did not expect to win their demands simply through the courts but felt that the courts should be used to broader administrative minds, show alternatives, and plow the ground for future political settlements of such burning issues as land and governance" (Daly, 2004, p. 3).

The work of the case was oriented towards loftier goals than Aboriginal title. For the nations to adhere to colonial reason would be to participate in their own elimination as sovereigns. Instead, the Gitxsan and Wet'suwet'en held their power in the courtroom and pushed the Canadian courts beyond their established traditions.

De Facto and De Jure – A Note on Perspective

De facto and *de jure* sovereignty modifiers are relevant to the Gitxsan case for two reasons: First, as Beaton explains, "traditionally … a court cannot adjudicate sovereign claims of the state that established it" (2018, p. 26), the Supreme Court of Canada has gone so far as to implicitly reject *terra nullius* and the *Doctrine of Discovery* through the framing of Section 35 of the *Constitution Act, 1982* in its recognition of pre-existing legal rights that would not exist if *terra nullius* were established, and second, because these configurations of Crown sovereignty have been offered by the Supreme Court they are often discussed exclusively within the context of the Crown and its courts (the Canadian legal framework). It should be noted that the court did not reject the underlying doctrines without simultaneously qualifying the legitimacy of Crown sovereignty as *de facto* in the *Taku River Tlingit First Nation v. British Columbia* case (Beaton, 2018). While *de jure* sovereignty refers to sovereignty legitimized through law, *de facto* sovereignty refers to the actual practice and application of claimed sovereignty and draws upon the same racist logic imbedded within *terra nullius*, that is, if the courts still find Crown sovereignty to be legitimate without the legal authority to underpin it then it continues to rely on a "attenuated doctrine of a hierarchy of civilizations, if not a hierarchy of legal systems" by assuming the Crown superiority over pre-existing legal orders (Beaton, 2018, p. 27).

The second issue of the Crown relying on a forward-looking legitimation that seeks to justify itself through legal procedures of reconciliation – i.e. citing the *Constitution Act, 1982* to deny an invocation of *terra nullius* while simultaneously denying Indigenous legal orders as legitimate – is that the process of legitimation implies that Indigenous peoples continue to rank lower than the state on the hierarchy of civilizations. It is perhaps even more racist and dehumanizing to have the courts invoke *de jure* sovereignty in the present day, with decades of witnessing and pseudo-recognition of the perseverance of Indigenous legal orders both within and without the vehicles of the state. Implied in the assumption that state sovereignty continues to maintain its legitimacy outside of legal precedence is that Indigenous legal orders remain illegitimate. In contrast, Gitxsan sovereignty if framed within its own social, legal, and political contexts rather than being measured against those of states, is both *de jure* (a matter of law) and *de facto* (a matter of fact, capacity).

Gitxsan law affirms Gitxsan authority and jurisdiction – in conjunction with international law with other Indigenous and more-than-human nations – without relying on European legal concepts (Sterritt et al, 1998). The Gitxsan share a common international law regarding land and jurisdiction with the Tsimshian, Nisga'a, Wet'suwet'en and other surrounding nations (Sterritt et al., 1998). Thus, the question of whether Indigenous sovereignty is *de jure* is a framing issue that requires those engaging to question first and foremost the source of law that they intend to measure Indigenous sovereignty against (McNeil, 2018; Beaton, 2018). *De facto* sovereignty as applied by sovereigns with the capacity to do so also requires those engaging the application to understand authority and jurisdiction on the terms of the nation in question. The issue of *de facto* sovereignty is a pressing issue in the contemporary Canadian context because it is now the vehicle through which the courts source Canada's contemporary legal and political authority.

Framing Canadian sovereignty as *de facto* in the courts implies a cultural superiority that conceptualizes authority strictly within a Western framework of capacity that is underpinned by the notion of control and draws upon practices of force and extraction (Beaton, 2018). However, the capacity to practice sovereignty need not be measured to Western state standards and again requires reframing to take Indigenous sovereignties seriously. To understand Gitxsan sovereignty as legitimate and *de facto* we must look to Gitxsan understandings of authority and jurisdiction which do not measure capacity in control over lands or people.

Embedded within the cultural superiority implied in state claims of *de facto* sovereignty is the way in which culture is both used implicitly as the justification for Canada's sovereignty by defining the terms of authority while simultaneously utilizing culture as a weapon of depoliticization in Canada's legal and political landscapes. Put differently, Canada at once draws upon its own culture – presumed superior for having the "capacity" to control lands and population, measured by its own cultural standards – to push forward claims of *de facto* sovereignty. At the same time, Indigenous legal and political orders continue to be treated as cultural or social relics, never truly capable of legal and political order when measured against the state. Culture as the framework for Gitxsan sovereignty is viewed by the state as diminishing Gitxsan political and legal authority and jurisdiction, while strengthening that of the Crown. This strategy has normalized in Canada to the point that Canadian political science largely designates Indigenous sovereignty to the realm of the abstract. Indigenous law and politics are reoriented by the state as a cultural and/or social tradition rather than an authority in its own right, it is an ongoing issue in both domestic (i.e. court cases and land claims) and international (the UN) state-sanctioned sites of Indigenous resistance where the state continues to define legal and political legitimacy measured only against its own conceptualizations of authority. As noted

earlier in this chapter, Gitxsan culture and social structures are the foundation of the nation's legal and political constitution. If Indigenous legal theory is engaged on the terms of Indigenous peoples it provides a robust depiction of the legal and political practices of Indigenous nations and demonstrates that in the appropriate framework Gitxsan sovereignty could never be solely *de jure* or solely *de facto*, because theories of Gitxsan legal and political authority are inseparable from their application which takes place in reciprocal relationship.

Here I present two examples of Gitxsan sovereignty in practice against the state that highlight relationship as authority in action. While Gitxsan sovereignty is in practice continuously while relationship is maintained, the following examples signify the practice of sovereignty in the face of attempted state disruptions of relationship-authority. These two examples – one historic and one contemporary – demonstrate the horizontal authority-making of the Gitxsan social structures that are too often misinterpreted as hierarchical or top-down.

Gitxsan authority-making on the ground

In October 2021, *wilp* Git'luuhl'um'hetxwit exercised their authority in the case of a Gitxsan child's apprehension by the Ministry of Child and Family Development (MCFD). The child had been placed into a temporary foster care agreement at the age of three in Prince George, a short five-hour drive from her mother's home community of Gitanmaax. Both Gitanmaax Band and Git'luuhl'um'hetxwit had been in contact with MCFD in multiple attempts to regain custody of the child, who belongs to the *wilp* through her mother's lineage; all of their attempts were denied. Instead, MCFD placed the child into foster care with her non-Gitxsan family in Ontario, without notifying the *wilp* and extended family in Gitanmaax. When the child returned home to Gitanmaax for a family visit with an injury to her arm, *wilp*

Git'luuhl'um'hetxwit stepped in to assert their responsibility to their relative. When the MCFD representative arrived to apprehend the six-year-old girl in 2021 to return her to the foster family selected by MCFD, they were greeted by *wilp* Git'luuhl'um'hetxwit, Gitanmaax Band, and chiefs and representatives from all clans to refuse the child's apprehension.

Wilp Git'luuhl'um'hetxwit's actions are both refusal and stance. It is at once a rejection of Canada's claim to sovereignty over Gitxsan lands and bodies, as well as a stance in Gitxsan law within Gitxsan's own frameworks of legitimacy, explained by house spokesperson Kolin Sutherland-Wilson,

> I know for our family … we stand on our inherent rights as a self-governing body whose title, jurisdiction and authority has never been formally extinguished by the Crown … For us, it's very straightforward. This young person belongs to our family, has a place within our community, has a role within our governance society, and is an absolutely cherished human being who carries on our legacy from ancient times (Klukas, 2021).

The child is a part of a broader web of relationships through her house group, as are all members of Gitxsan Nation, which is both responsible for her well-being, as well as reliant on her to carry on as a part of the house as generations pass. The child is not a simply a recipient of the goodwill of her *wilp*, but is a cherished member who has her own responsibilities to uphold.

Notably, Gitanmaax Band was a participant in this assertion of Gitxsan sovereignty. This is significant because it demonstrates how Gitxsan bring their legal and political systems along with them into colonial spaces. In other words, while band governance as a structure is in direct tension with Gitxsan authority, Gitxsan peoples as a part of the relationship-authority

of the nation do not find their rights as sovereigns diminished by the state, even when participating in structures designed to deconstruct Gitxsan governance. From the Gitxsan worldview, which derives legal and political authority from relationship to place and humans and beings within those places, authority is not diminished by the mere existence of a band office, but rather the band can be utilized as an extension of Gitxsan governance. Thus, the work to maintain relationship with vulnerable *wilp* members, such as the cherished child in this case, remains a true marker of authority for Gitxsan, both within and without the band.

The historical case is that of the Marshmallow Wars. In the summer of 1986, in the heat of fishing tensions across the territory, the province was enforcing legislation that required Gitxsan to acquire permits to fish their traditional sites. Many Gitxsan saw this as a violation of their sovereignty, and continued to fish despite heavy intervention and surveillance from the Department of Fisheries and Oceans (DFO). On the day of the Marshmallow War, Gitxsan chiefs and members fished at the site of An'ki'is in the wester village of Gitwangak. When the DFO was informed, they quickly made their way to An'ki'is, "heavily armed and equipped with a video camera so that they could obtain evidence of obstruction" (Wilson, 1996, p. 50). Gitxsan women, youth and children quickly gathered in response to the DFO's incursion and formed a human chain, forbidding the DFO officers access to the site. The armed DFO officers attempted to break through the human chain and were met with a wall of marshmallows being thrown at them by bystanders. At this point, the officers retreated.

The Marshmallow Wars provide a sound example of diffused authority. The women, youth, and children, while not necessarily in traditional leadership roles (although some may have held those positions) were in their rights to assert themselves as a legal and political authority against the DFO. Additionally, their authority was reified by community members,

who protected their kin through the launching of marshmallows. Their authority was demonstrated both physically and metaphorically. While the women, youth, and children made a physical barrier to keep DFO from disrupting the relational practice of fishing traditional sites, the marshmallows (against armed officers) were a metaphorical tool that indicated both the bystanders' relationships with to the women, youth, and children, but also their own authority held within those relationships. The Gitxsan authority in this case is not drawn from force (the marshmallows as "weapon" prove this) but from Gitxsan relationships to one another and the territory.

These two cases, selected out of thousands of equally viable examples, demonstrate a lot about Gitxsan diplomacy and authority. Most significant is that "authority is diffused", while chiefs play significant roles as leaders, stewards and decision makers, all members play a role in the maintenance of Gitxsan sovereignty (Napoleon, 2009). Kolin Sutherland-Wilson, for example, is a spokesperson for his *wilp*, the authority to speak on behalf of the *wilp* has been vested in him. However, not all authority-making requires a formal process, this is a characteristic of relationship-authority. For this, the mutual aid analogy from the previous chapter is helpful; both the child apprehended and the women and children in the Marshmallow Wars have a role in maintaining and reproducing the nation. Neither of these parties are framed in victimry or as a recipient of 'help' in the Gitxsan worldview, but all parties are participating in fluid relational roles within their respective houses.

Both of these examples are embedded with multiple layers of Gitxsan law. One example is the Gitxsan worldview as reflected through the role of the children. Children are considered central to Gitxsan life, nodding to both the future of the nation and the responsibilities embedded in our social structures. The Gitxsan refer to them as *majagalee* (flowers), as they represent

beauty and growth. It makes sense, in terms of values, that the bringing-in of an apprehended Gitxsan child would represent a bold assertion of Gitxsan sovereignty. Similarly, the children's role in protecting the fishing rights of Gitxsan highlight their important role in renewing ancient laws and carrying them into the future. Another is relationship to place (and the beings within it), as maintained through fishing practices that have been developed over thousands of years, and specifically through *wilp* Git'luuhl'um'hetxwit's authority as rooted in their place-based sovereignty. Respect, yet another foundation of Gitxsan legal orders, is reflected in the value of a child as well as through non-violence in the case of the marshmallows. There is also the refusal to adhere to colonial law that would disrupt these critical relationships in both cases; the list goes on. But what is primary in these examples is authority-making that is rooted in relationship and distinct from that of the state.

Gitxsan Relationship as Authority

The preceding study of Gitxsan sovereignty demonstrates how legal and political authority sourced from relationship to place. Respectful and reciprocal relationships define every aspect of Gitxsan life and Gitxsan relationship to place is representative of a much broader and complex web of relationships, as Napoleon puts it, "overall, it is this weave (*sgano*) of reciprocal relationships forming the entire fabric of Gitksan society that serves to maintain the legitimacy and therefore the authority of the House" (Napoleon, 2009, p.152). Similarly, in Delgamuukw testimony "Victoria Russell hoped for the government ―[t]o recognize us for who we are and how we are related to our land, how important it is to us. That we maintain that relationship to the land." (Napoleon, 2009, p. 190).

Gitxsan authority is place- *and* relationship-centric,

> Dora Wilson, Yaga'lahl, of Clan Lax Gibuu, addressed the interconnected nature of local relations that articulates the ownership groups. She was asked in court if her claim to territory was limited to the lands of her own House, Wilps Spookw. She replied (transcript, 4485): 'the way that question is put, it seems like we are only interested in one particular little spot. The way our system is, and the way we depend on one another and support one another, I think there is more interest than in just our own personal territory. Like, for instance, I have mentioned already the different houses that we helped in the feast, and the different houses that helped us in the feast. So what happens to those territories is of concern to all of the chiefs, and concern to all of the Houses'. (Daly, 2004, p.164)

Akin to Indigenous peoples in Australia, who position care for themselves as care for their land - "care as country" (Tynan, 2021), Gitxsan recognize themselves as a part of the territory "… the bodies of the Gitxsan who have died have fed the soil. Everything growing from the land was a part of the Gitxsan. This was why the Gitxsan respected the land and felt that it was sacred. The land was not a commodity to be sold to the highest bidder" (Smith, 2005, pp. 15-16). In other words, human and land – two key features of state authority-making, are de-centered within broader relationships for Gitxsan. Land is still important, and "[i]mplicitly, a group without territory did not really exist in the world", but this is not because a house didn't hold ownership over a territory in a neo-liberal sense, but because they did not have a relationship with a specific place and thus did not have the capacity to contribute to the overarching social structures of Gitxsan (Overstall, 2005, p. 37).

The relationship between land and language as representative pillars of Indigenous sovereignty are important here too. Explained by Dinim Gyet (Main Johnson, 2000),

> That's what our ancestors say, 'cause the land and language go together, that's your identification. You say you own this, your land, most of the place names are all in our language, hey,' cause they say that the Creator gave it to us and he give us the names to go with it. Not by accident, but most of them, place names, are almost like totem poles to us. It might be an event that happened—in that certain area, so they just name the whole area. It's like a oral history...Place names are events that happen, that really happen to them. So that's why they really believe that their whole territory is sacred. You know, like I say, place name might have been a war or famine or whatever, and it's a constant reminder. All that the whole territory is like that."
>
> (Transcript, 9/15/96)

The encounters that *Delgamuukw* refers to when conceptualizing Gitxsan relationship to place as a marriage – such as events, legal anthologies, incidences of regret, and relationship renewal – are recorded in totem poles, place names, and *adaawks*. Every story connected to place reflects relationships within that place (often between human and more-than-human beings or land and water) and the agreements or laws embedded within them (Harris, 2000). Although these stories about relationships to place have long been misinterpreted by outsiders, Stauffer (2019) explains that Gitxsan "oral narratives [as presented in Delgamuukw, for example], aren't evidence of title to land, they are title to land … the performance of these stories at key moments is what creates and maintains the system of traditional laws that governs the Gitxsan and Wet'suwet'en peoples" (p. 45); reoriented in this context, the performance of stories is a renewal of relationship through a commitment to co-developed legal orders attached to a particular place.

Conclusion

The Gitxsan source their *da_x_gyet* from their weave of relationships, grounded in place. The grounding is critical to articulating law, as a result of the history of abstraction in outward expressions of Gitxsan law in the Canadian courtroom. As Napoleon (2009) explains of *Delgamuukw*, “Gitksan witnesses mainly provided idealized accounts of Gitksan law that seemed somewhat disconnected from the practical examples of Gitksan people actually exercising their law on the ground” (p. 58). While Gitxsan were willing to present their legal orders within the courts, their task was mammoth:

> … the position of Gitksan witnesses was such that in order to explain the internal view of their law, they also had to explain the external view of their law. By analogy, this may be likened to a common law jurist trying to explain an internal view of the common law as well as describing all the societal structures around it, the complete range of dedicated roles and responsibilities, all the explicit and implicit law, and so on. The task would be enormous – just as it was for the Gitksan witnesses. (pp. 59-60).

The Gitxsan’s public testimony to their complex and sophisticated legal orders was treated as abstract at least in part because it centred “social conventions” and cultural customs that define and demonstrate their legal orders, developed in a social and cultural context (Napoleon, 2009). Put otherwise, Gitxsan culture forms the foundation for the development of law, and thus underlies their sovereignty. The reduction of Gitxsan legal and political authority by the courts to cultural and social customs paradoxically legitimizes Gitxsan sovereignty, for the Gitxsan source their *da_x_gyet* from relationships maintained in cultural and social processes of renewal. This

legitimation is cyclical, however, as culture and law are developed in tandem on the ground and could be referred to as ‘one and the same’.

Taken together, Gitxsan sovereignty is maintained by their responsibilities in a broad web of relationships. As long as the Gitxsan worldview is maintained and relationships are maintained with the territory, Gitxsan authority stands. Gitxsan legal and political processes have shifted over the years to accommodate the changes of colonialism – i.e. exchanging cash instead of furs in the feast hall – which does not negate Gitxsan authority, “because people [are] still upholding Gitksan law and fulfilling their legal obligations” (Napoleon, 2009, p. 77). Despite attempts by the state to undermine Gitxsan sovereignty through force and discursive manipulation of their legal and political authorities, Gitxsan continue to maintain their relationships and renew their sovereignty on the ground.

For the Gitxsan, the power to maintain intimate and reciprocal relationships with place (and all life within it) is their freedom. Our freedoms are restricted by the negotiation of the freedom of others. By all accounts, if we seek the freedom of all from the oppressive structures of colonialism and imperialism, our freedom has conditions.

Chapter five: Indigenous sovereignty and liberation

Introduction

The purpose of making abolition geographies is to say 'see, abolition is presence and also process' therefore, by moving our attention from place to place, it's possible to sketch out the shape and vitality of an internationalist movement and process of becoming itself. Each segment then consists of patiently explaining the conditions under which people – who might have set out to do one thing to improve a situation persisted by also, often unexpectedly, doing something else along the way. Each segment lays out a plot of time and space with narrative detail in which people become excited by the possibility of change and surprised by where the dramatic incidents of change in motion might have sent them. They bend courses, because practice makes different.

– Foreword, by Ruth Wilson Gilmore (Maynard & Simpson, 2022)

By design, Indigenous sovereignty is compatible with intersectional movements towards liberation. Outside of academia my community commitments have supported both Indigenous sovereignty movements and local and global collaborations against gendered violence and other manifestations of imperialism and colonialism. I've been lucky to engage in and make use of the Fearless Methodology (The Fearless Collective, 2021) for change, developed by renowned artist and activist Shilo Shiv Suleman, who keeps roots in the Global South. Usually, my community engagements are enacted through art-based healing praxes, they are always through ritual, and are always political. In these rituals we locate ourselves, the participants, as free-standing

islands, or in Mills' (2017) imagery living trees, seeking world-building beyond imperial and colonial disconnections:

> Our universal kinship systems expand beyond the human, to earth, water, sky, and more-than-human beings. We have been pitted against these realms by colonialism. Insatiable global capital accumulation through the colonial apparatus "seek[s] to convince us that we are *separate* from" land, water, sky, and animals and that these kin are resources to be exploited, not relatives we are accountable to (Mowatt et al., 2020, p. 19, emphasis in original). Consequently, our decolonization requires us to reconnect with the universal kinship systems. All of these universe-level aspects of decolonization call for critical spaces of international solidarity. Decolonization also calls for restructuring international relationships with the nonhuman nations through nonhierarchical diplomacy. (Mowatt, Mucina, Mowatt, Simone, & Suleman, 2022).

In reconnecting to ourselves and others, we find that our roots are connected beneath the earth and water – representative of the discourse and actions used to invisibilize our global kinship – and we find that we are already always connected in this way.

The rituals we collectively employed on W̱SÁNEĆ and lək̓ʷəŋən territories in a 2018 Fearless process asked the following questions: Where are your roots? Where does it hurt? And, what are your remedies? In response participants told their own stories of disconnection, displacement, and destruction alongside their remedies. On Tsartlip territory, with snacks abound, kids laughing, huddled under colourful silks, seated on cool grass, while grinding medicines together with tears, the following remedial themes emerged:

> Connecting to something greater than the self;
>
> Relational ties with family, community, and living elements;

Connection to spiritual realms, including ancestors and traditional practices and medicines;

Blood memory and intergenerational memories of both pain and resilience;

Choice and connecting to collective decision making;

Connecting to grief, loss, and community support;

Love and healing (Mowatt et al., 2022).

This process of connection has been otherwise illustrated as an archipelago, Ruth Wilson Gilmore inspires those engaged in struggles for freedom with the idea that "… we can think, all of us who are kind of at the same elevation or same depression, are somehow not only engaged in similar practice and processes, but we can both imagine ourselves combined and then do the work of literally combining our struggles" (Gilmore, 2022). This process of relationship-building towards freedom is not new, but it provides the necessary nuance in work towards place-building that honours Indigenous sovereignty while simultaneously producing new meaning in places through global relationships. In those moments of relationship-building through ritual, we are simultaneously in place, as place, and are creating place, "depending on how we configure ourselves and the kinds of expectations and roles and dependencies that we embrace, we make it possible to share that freedom by sharing space" and in doing so, "joining together at least provisionally in being free there" (Gilmore, 2022).

The question of freedom is important here, because a requirement of the freedom of one is the freedom of all (more-than-human kin included). Our freedoms are conditional and relational, not in a liberal sense of individual freedom, but in a deeply connected, intimate, familial sense with the broader universe (Borrows, 2016). And while in some instances, land-centric articulations of Indigenous nationhood have hindered intercommunity solidarity, place, as

relationships, is always already primed for recreation and renewal. Further, because freedom is a practice (hooks, 1994), active, reciprocal relationships *make* freedom.

Indigenous sovereignty for everyone?

Indigeneity itself is not bound by the restrictions I employ in this project, nor state borders, nor imperial imaginations. This is of particular importance in relation to Black, or Afro-Indigenous or Black-Indigenous (or otherwise identifying) living within lands and waters from where their Indigeneity does not originate but continues to exist and interact. As Kelley (2017, p. 268) notes, the scholarly focus on indigeneity in the "Americas and Australasia" excludes Black Africans from consideration of their indigeneity on their own territories and in interactions with the territories of others. By insisting on categorizing Black people in the Americas as Americans (or Canadians, or otherwise) we may contribute to the legacy of violence by denying the culture and sovereignty that lives on within Black descendants of enslaved people and new diasporic Black communities (Robinson, 1983, pp. 121-22; Kelley, 2017). The erasure of Black indigeneity is predominantly found in what is left unsaid and this scholarly exclusion reflects global trends of anti-Black racism, colonization, and imperialism rooted in white supremacy.

Both Black and non-Black racialized peoples on local Indigenous territories hold a complicated space within racist and colonized state borders. Mandeep Kaur Mucina (2019) reflects on the experiences of the racialized diaspora, who are so commonly displaced by parallel experiences of colonization and violence, as both oppressed peoples and those who can become complicit in Canada's project against Indigenous peoples. Mucina (2019) also stresses the necessity of solidarity between racialized settlers [author's term] and Indigenous peoples, noting that there has never been an invitation for full participation in Canada for racialized settlers – a

privilege reserved for Whiteness – and the proximity to which continues to be restricted physically and ideologically for racialized peoples. Similarly, Moreno (2019) highlights the need for re-politicization of racialized settlers' relationships with themselves and Indigenous peoples in response to neoliberal efforts from the state to neutralize, or at the very least differentialize, the connections between Indigenous and racialized settlers' struggles. Indigenous sovereignty, if a foundation of liberation, must take seriously racialized settlers' diverse experiences with imperialism and colonialism globally.

Further, Indigenous subjectivity only emerges as a categorization when there is a material or conceptual need to "Other" the local inhabitants of particular territories. I use the terms indigenous and indigeneity with the understanding that they are catch-all phrases with imperial baggage that at once monolithilize hundreds of nations and excludes hundreds of others along the lines of race and in the quest of power and control. Explained by Alfred and Corntassel (2005), the construction of Indigenous identity is "an oppositional, place-based existence, along with the consciousness of being in struggle against the dispossessing and demeaning fact of colonization by foreign peoples, that fundamentally distinguishes Indigenous peoples from other peoples of the world" (p. 597). The concept of indigeneity carries imperial baggage but is useful in defining the shared characteristics and experiences of sovereign groups contained within the claimed borders of a nation-state such as Canada.

Indigenous sovereignty, if drawn from intimate, reciprocal relationship with place, benefits everyone. There are no downsides to protecting the earth, anti-colonial kinship structures, and non-hierarchical governance systems. Everyone benefits from clean air, water, and renewable food and energy sources. It is also worthwhile, however, to consider how Indigenous sovereignty might serve others in terms of social and political relationships. Many

folks, recognizing the interconnectedness of our struggle against imperialism, colonialism, and all their arms of violence, take on the Indigenous struggle as their own. My questions are, how does Indigenous sovereignty account for the shared liberation of others in function? In the generative ruins of abolition, how might we account for the maintenance of Indigenous sovereignty in non-exclusive ways? How do we rebuild a world with others and for others who have been forcefully displaced here?

Indigenous sovereignty, as one iteration of liberation, represents multiplicities. These multiplicities ask us to look beyond ourselves and to find authority (socially, legally, and politically) in relationship. Informed by Matt Wildcat and Justin de Leon's definition of sovereignty both as "what is" and "what could be", Indigenous sovereignty re-framed as it is in this dissertation is capable of contributing to anti-colonial movements that expand beyond Indigenous-specific freedoms. Even so, freedom and the common good must be negotiated, and both are complicated by interlocking webs of oppression and clashing worldviews.

The point here is that Indigenous sovereignty isn't reserved exclusively to serve Indigenous peoples – an identity that is defined and contained by imperial process – but to suggest that perhaps the concept in theory and practice has something to offer to the liberation of all peoples from interlocking webs of oppression. To demonstrate how this takes place in practice, I present brief reflections on two offerings of what a place-forward, but not land-centric, practice of Indigenous sovereignty might offer to liberation projects.

Two offerings from Indigenous sovereignty: Transformation and expansion

Transformation and expansion are part and parcel to the relationships I've highlighted in this project. In other words, commitment to place (as place) is renewed and transformed through shifts in the relationship between human and non-human beings. Relationship as authority is not

just a framework for governance, but also an essence, a process, and a power in itself. Relationship building has always been central in movements towards freedom. This is a requirement of freedom itself, however, I introduce freedom through the authority of relationships as a meaningful tool of rebuilding governance in the wake of the abolition of harmful structures of oppression. In some ways, this intersectional pursuit of liberation has been challenging for Indigenous nations, which have sometimes been forced to turn inward with their strategies, living within a manufactured cultural scarcity designed by the state. Regardless, there has always been a meaningful exchange of solidarity between Indigenous and otherwise oppressed groups within and beyond Canada's borders, and imagining liberated futures together has always been a part of that work.

Chance, change, community; in sequence this is the defining process of Indigenous worldmaking, put forward by author and scholar Gerald Vizenor, who replicates this pattern in stories, detailing chance events on the land that lead to changes that can only be overcome in community (Vizenor, 2009; Laurie Meijer Drees & Melody Martin, personal communication, 2015). In other words, transformation of place defined by changing relationships with place (i.e. climate change or settlement) and relationship-building in response to those transformations defines Indigenous world-making. Transformation is key to maintaining a responsible and reciprocal way of being, as " … Indigenous peoples renew, retain, and transform their traditions as they move through time" (Borrows, 2016, p. 22). Taken further, transformation reifies Indigenous sovereignty – explained by Stark (2013),

> Each time the Anishinaabe entered into a political practice with another nation, each time they told their children the stories of their creation, each time the Anishinaabe uttered the place names that delineated their relationship to their land, Anishinaabe

> sovereignty was transformed. This is largely because to be sovereign – or to enact sovereignty – necessitated the recognition of our interdependence, our connection to one another and creation, and our relationships" (p. 353)

Transformation is inherent to Indigenous sovereignty and requires that we continue to source our authority from/within relationships so that our responsibilities can be carried out without recreating hierarchies. The authority we have in those relationships is the intimacy of our shared history with specific places, meaning that those relationships can be built with or by others in time.

Consequently, transformation is a defining feature of Indigenous legal orders. In Anishinaabe traditions for example, "Nanaboozhoo cannot do whatever he wants, because his actions are always constrained in some way. At the same time, he has a wide range of options for living a good life because of his ability to transform himself and those around him through their interactions" (Borrows, 2016, p. 7). For Gitxsan, transformation stories are a way of life, and can act as "constant companions" which help guide decision making and relationship-building with others (Smith, 2005, p. 25). Gitxsan, along with most North Westcoast nations, have Wegyet and trickster stories from which transformation delivers critical teachings. Transformation is a key aspect of Indigenous legal orders, authority-making, and thus Indigenous sovereignty, that allows not only for accommodation of others, but informs the process of incorporating new citizens and new ways of being into the nation.

The embrace of transformation makes Indigenous sovereignty inherently expansive. Transformation is the discursive and applied movement beyond state-sanctioned containers of Indigenous identity and lifeways. The essentialization of Indigenous identity as static – both temporally and geographically – requires discursive and applied movement beyond any and all

containers that restrict our relationships to place and each other. As Borrows (2016) explains, "Indigenous peoples are denied space in contemporary political life if they move too frequently", similarly if they are (or were) too "nomadic" (p. 22). Mobility also allows for transformation because transformation takes place in relationship. By interacting with others, our worldviews expand, and so too do our relational authorities. Indigenous nationhood is already co-constituted in place, where recognition from more-than-human relations and neighbouring human nations make for interdependent sovereignties that are maintained in relationship.

A full invitation for participation – home, belonging, and the guest analogy

> *[What we do to the land] it has to be sustainable, that means it has to go on for thousands and thousands of years to sustain the people who are on it, not only us, not only our people, but for all people living on these lands, and that means all the guests that are here now that are living on our land. Its for them! To benefit from the clean air, clean water, and the clean land*
>
> – Chief 'Noola (Madii Lii, 2014)

The theory of relationship as authority frames Indigenous sovereignty as an expansive rather than limiting framework and perhaps is an alternative entry point into intersectional movements toward liberation that have often been framed as incommensurable. Only in intimate and reciprocal relationship can we tend to nuances of identity, community-building, shared-liberation, and most importantly - belonging. Mandeep Kaur Mucina (2019) points to this foundational issue of belonging in state-led inclusion: racialized people will never be offered full participation in a state predicated on and maintained by racialized violence. This is a meaningful point to conversely consider whether Indigenous sovereignty, as an anti-thesis to state

operations, has the capacity to offer Othered people on these territories full participation. But what does full participation mean, and where does participation begin? For Indigenous peoples, participation often begins at creation.

Creation understood in a spatial worldview is a place, not an event. Indigenous " … religion could be said to consider creation as an ecosystem present in a definable place" (Deloria, 2003, p. 77). Thus, creation is an eco-system that already exists, and arguably, following guidance from teachings that emerged from within that ecosystem – developed over tens of thousands of years – it reasons to suggest that others could become a part of that ecosystem too. Additionally, creation as a way of being is what Wildcat and de Leon (2023) lean into when re-characterizing Indigenous sovereignty as "creative"; they suggest that creation is creative and sovereignty representing the "in-between" provides "a framework that represents both Indigenous contestations and transformations – contestations of what is and transformations into what ought to be" (2023, p. 301). So what, then, if we extend our understanding of sovereignty by recognizing that legal and political authority is also realized *through* relationships with Black folks, and non-Black racialized Othered folks on these territories? Can we consider these international and intersectional relationships as a part of our responsibilities to creation?

If our sovereignty is always being transformed there is no single point of inclusion, but rather unremitting moments of creation. It is in the everyday reinvigoration of relationships that we find endless opportunities to strengthen our webs of kinship with the integration of others, and the opportunity for others to find and create home here. In this context, I suggest home means a deep feeling of belonging. This is not to suggest that folks displaced from their homelands should or will find home exclusively here, but I believe there is potential for us to create place together in relationship that makes home for more people on these territories. What

we know for certain is that home is made *with* others, in community. To draw from the work of racialized and disabled organizers, there is a difference between saying “you are welcome here” and “we built this with you in mind”. In an ideal world, as we navigate the ruins of abolition, we create place again in relationship with others. So that others feel they belong because they play and important role in the creation and maintenance of place.

As Ruth Wilson Gilmore states in the introductory quote for this chapter, “practice makes different”. When we gathered on sovereign W̱SÁNEĆ territories for the Fearless ritual, we entered an eco-system that already existed. Within that eco-system we were guided by W̱SÁNEĆ regarding how to conduct ourselves there, based on laws that had emerged in relationship with that place over thousands of years. W̱SÁNEĆ sovereignty continued to exist, in relationship with us, newcomers to the eco-system but not quite guests. In a Western tradition, guests visiting a home are served by their host, they are cleaned up after, and can come and go without any real stakes in the home. But as guests in W̱SÁNEĆ and lək̓ʷəŋən, we were tapping into a deeper connection in efforts to transform space – to re-presence ourselves in spaces that had been denied to us by colonization – and to be in relationship with each other and the eco-system that W̱SÁNEĆ and lək̓ʷəŋən governs.

In the Fearless process, we create imagery to make our presence known, accompanied by words of affirmation that together, with our rituals and new relationships, make the world we want to live in. The Fearless ritual asks us to move from fear and scarcity to love and abundance “our banners and tongues aren’t laden with slogans like ‘Stop War’, ‘Save the Tigers’, ‘Stop Violence Against Women’. Our words are invocations that build the imagined city we want to inhabit. The impulse for movement can come from a fear of loss, yes, but it must also come from the recognition of love”. This love, similarly drawn from “ontologies of care” (Pasternak, 2017)

that define Indigenous social, legal, and political processes, is critical to intercommunity world-building (Simpson, 2017a),

> … on W̱SANEĆ and lək̓ʷəŋən territories, Indigenous women and women of colour from across Turtle Island came together to spread our stories like a salve over our wounded relationships with the earth, ourselves, and each other. Between plant, story, and salt water, we became each other's medicine. In the mural we created, four women from different nations stand side by side and affirm a future in which it is possible "to finally heal" (ȽAU,NOṈET).

On W̱SANEĆ and lək̓ʷəŋən territories we were invited to become a part of the ecosystem, if only for a moment, to create a space together, and to be free. We were indeed guests, and we were pretty familiar. We brought our own provisions and cleaned up after ourselves – I mean this literally and metaphorically. This guest analogy gets at the heart of "what could be" of Indigenous sovereignty – expansive, transformative, and creative as it is – perhaps we are guests, but we're more like family. Maybe as guests we are more akin to an aunt, or a cousin, an adult child, a sibling-in-law. We don't just show up and eat, we bring food, we wash dishes, and in return we feel quite comfortable, maybe we even have a designated guest room; we feel a deep sense of belonging. We make home in a home that already exists, but is ripe for expansion with those who live there.

Figure 1. "ȽAU,NOṈET: To Finally Heal" Mural, Fearless Collective (own photo).

Conclusion

While the guest analogy has been long-invoked to foster feelings of respect towards our hosts, if it is understood through a contractual framework and European social norms it forecloses opportunities for guests to engage in a non-hierarchical mutual aid model of relationship. This looks to the practices of Indigenous sovereigns which embrace visitors as more-than-guests in a traditional sense. I want to note that what I speak of is distinct from traditional hosting, in which the role of the host in both ceremonial and casual environments can appear non-reciprocal, but are in reality rooted in important long-standing cultural traditions and/or gift economies. Rather, here I talk about the fraught reality of settler permanency or "being here to stay" (Asch, 2014), for guests in this

situation, feeling at home requires us to contribute to the home and invest in the creation of place, together through that process we foster a sense of belonging that invokes responsibilities and obligations to one another (Stark, 2016). Thus, the making of home with others does not require a sacrifice of Indigenous sovereignty, rather relationship building beyond the traditional structures of the nation reify its authority. In return, hosts no longer carry the burden of 'keeping' the home on their own. With family around invested in the well-being of the home, hosts are no longer hosts solely in a Western sense, but are parties to a relationship rooted in care.

What I have demonstrated through the Fearless process is what Ruth Wilson Gilmore insists, that "freedom is a place, it is not a destination, it is a place that we make" (Gilmore, 2022). Indigenous sovereignty and freedom are both created in everyday relationship building and renewal with place (and in place). While this conclusion isn't new for Indigenous peoples (see Tłaliłila'ogwa Sarah Hunt and Jeff Corntassel's work on everydayness), the concept of renewal requires this ongoing, often personal commitment to transformation. The everyday rituals of relationship-building and renewal makes space for the messiness and nuance that come from intercommunity work. By rescaling from macro to micro movements of solidarity, we reveal the archipelagoes of change, and in relationship "make it possible to share that freedom by sharing space" and in doing so, "joining together at least provisionally in being free there" (Gilmore, 2022).

Conclusion: In defense of Indigenous Sovereignty

This dissertation may read as a defense of Indigenous sovereignty, and in more than one way it is. It is a defense of Indigenous sovereignty against state-frameworks of recognition, it is a defense of Indigenous sovereignty against discursive culturalization, and a defense of Indigenous sovereignty in world-building with others. But more than a defense of Indigenous sovereignty, this project serves as a reorientation of our treatment of Indigenous sovereignty in scholarly and governmental spaces by demonstrating the processes by which authority is vested and maintained in relationship and reciprocity rather than in hierarchy. While land dominates conversations about Indigenous 'rights', it is relationship to place that defines Indigenous authority. Relationship as authority, as a defining point of divergence from state sovereignty, is also a meaningful entry point for Indigenous sovereignty in collaboration with other communities working towards liberation from imperialism and colonialism.

The processes of legitimation that the field of political science and Canadian governmental bodies utilize to measure Indigenous sovereignty are invariably informed by Western worldviews, employing a blend of *de facto* and *de jure* arguments for state sovereignty that unevenly draw upon racist doctrines and forward-looking legitimation of Canadian authority. Even in the most generous studies, Indigenous sovereignty is measured by its cognizability to the state, meaning that recognition of Indigenous authority continues to be required to defer to state authority in efforts towards recognition. A key mechanism to keep these asymmetrical power dynamics in play is the discursive separation of Indigenous culture from law and politics.

Indigenous nations, however, have held strong in their ancient systems, as is demonstrated by the Gitxsan, who have maintained their sovereignty through culture and their

relationship with place. The *Delgamuukw* saga and the parallel efforts Gitxsan made outside of the courts provides evidence of Gitxsan authority-making as measured against its own standards. The Gitxsan case study provides an applied example of the inseparable nature of culture, law, and politics, and reveals how, paradoxically, the state draws upon a presumption of cultural superiority in its designation of Indigenous sovereignty as inferior.

This project also defends, and complicates, Indigenous connections to place and the role that connection plays in movements towards liberation. Broadly, Indigenous sovereignty is the antithesis to the state. It provides a legal and political model that is applied – not just theorized – that demonstrates a different way of living. But it is not enough to approach Indigenous sovereignty as a decolonial mode of resistance. In theory and practice it predates the state and provides a blueprint for relationship-building – not just relationality as abstracted from place – but multi-scalar everyday engagements with the more-than-human world that inform the ethics and processes of living in a negotiated freedom with others.

I want to close this work by pointing to unbroken threads of Indigenous sovereignty. This study makes visible what is already in place, but is obscured by discursive and material state processes. Indigenous sovereignty is already operating in relationship with creation in each nations' respective place. Despite efforts made through the tools of Aboriginal Title, self-government agreements, pseudo-treaty negotiations, and even constitutional arrangements, Indigenous sovereignty cannot be legitimized – or in contrast delegitimized – by the state.

Indigenous sovereignty, in many cases, sources its authority from a complex web of intimate and reciprocal relationships with place. It is the intimacy of these interactions that encourage an ethic of care that differentiates Indigenous authority-making from other relational forms. From that ethic of care comes responsibilities. While Indigenous sovereignty has not

survived unscathed by colonialism in Canada, Indigenous nations have worked tirelessly to maintain their relationships to place. These relationships, imperfect as they are, are a critical starting point for measuring Indigenous authority against Indigenous standards.

Rather than work towards perfection, Indigenous sovereignty accepts its permanent condition as 'good but not perfect'. To point to the Gitxsan teaching of always leaving a mistake on the blanket, the relational nature of Indigenous sovereignty requires its constant maintenance and transformation. In movements towards liberation, Indigenous sovereignty is already operating in solidarity, and in negotiation with the freedom of others. By making place with others, Indigenous sovereignty reifies its authority through relationship, transforming as necessary in response to changes in environment. This diplomacy between Indigenous nations and the human and more-than-human relatives makes world-making possible in any space. Indigenous sovereignty makes place as a result of the processes of transformation and expansion that inform its foundational essence.

At the inception of the *Delgamuukw* case, the Gitxsan asked themselves, "Will the necessity of educating the courts and the Canadian public balance the intense public scrutiny to which they will be subjected? … [and] will this foreign system with its seemingly contradictory rules be able to adjust itself to understand the fundamental basics of Gitksan and Wet'suwet'en laws?" (Skanu'u & Monet, 1991, p. 18). The answer to the first is yes, this public record of Gitxsan and Wet'suwet'en sovereignty has been drawn upon for decades, and is a robust telling of their sovereignty as measured by their own processes of legitimation. The answer to the second, as is evident by the necessity of this project, is no. Underlying these questions is a matter of framing; the Canadian courts are the "foreign system" with its "contradictory rules" and the Gitxsan and Wet'suwet'en question whether the Canadian legal system is up to the task of

diplomacy. The Gitxsan and Wet'suwet'en hold a mirror to the state. While the culturalization of Indigenous sovereignty has operated to reduce Indigenous authority, it is culture that has functioned to maintain Indigenous authority as refusal and stand against the state. To reframe the Indigenous sovereignty impasse in Canada, Indigenous nations must be measured against their own frameworks and processes of legitimation, not those of the state.

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