

Decolonizing Hydrosocial Relations: The River as a Site of Ethical Encounter in Alan Michelson's *TwoRow II*

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Abstract

With Mohawk artist Alan Michelson's 2005 video art installation *Two Row II* as a site of analysis, I interrogate the potential for decolonized relationships between two distinct cultures, interconnected through their relationships to a seemingly shared body of water as it cuts across territories that have been historically and contemporarily contested. Drawing on the concept of the "hydrosocial," I begin by considering the ethical potential of water, as well as its circumscription under current Canadian land rights policies. I then explore the intersubjective hydrosocial relations that structure community engagement along the Grand River. I ask if focusing on water, its ability to both act, and be acted upon, how it both produces and is produced through social relations, allows for a rethought ethical and political paradigm based in theories of action and responsibility that cross human and non-human divides? How can water work as an ethical framework in ways that decolonize water politics, and illustrate a more nuanced and adequately relational environmental ethic that might shape the manner in which land rights issues unfold and are understood? Ultimately, I look to the potential to cultivate a decolonized ecological sensibility grounded in the ethical and political capacity of water in relation to Indigenous land rights issues within the settler-colonial context of Canada.

Keywords: hydrosocial relations; ethics; water politics; land rights; Two Row Wampum

Introduction

The relationship between water and Indigenous political struggle is of increasing importance in understanding the meaning of Indigenous rights in settler colonial nation states. From the ongoing mercury contamination of the English-Wabigoon River systems effecting the Grassy Narrows (Asubpeeschoseewagong) First Nation and Wabaseemoong Independent Nations in north-western Ontario, to the decades-long boil water advisories ongoing in dozens of First Nations communities across Canada, to the Standing Rock Sioux and fellow water protectors' fight to protect their waterways from pipeline development south of the border, Indigenous peoples' relationships to water have been a fundamental site of asserting Indigenous rights in Canada and beyond. In this article I contend that thinking Indigenous rights through water offers an important lens through which to grasp the real stakes of settler colonialism in the Canadian nation state. More specifically, I examine whether foregrounding social relationships to water, those often unaccounted for in state interpretations of Indigenous rights, has the potential to open up possibilities for the meaning of Indigenous rights in Canada. The aim here is to move beyond the liberal constraints and limitations of Western common law, with its emphasis on fixity, certainty, and Western private property regimes, grounding Indigenous rights instead within Indigenous relationships to water, conceptions of place, culture, history, peoplehood, and belonging, and the legal orders that flow from and through these.

One means of resituating the circumscription of Indigenous rights in the settler state is through greater attention to our relationships with water as distinct societies. In their pivotal article on the "hydrosocial cycle," Jamie Linton and Jessica Budds (2014) examine the important relationships between society and water. To attend to the hydrosocial, they explain, is to "shift from regarding water as the object of social processes, to a nature that is both shaped by, and shapes, social relations, structures and subjectivities" (170). Similarly, Nicole J. Wilson (2014), in her community-based research with the Koyukon Village of Ruby, Alaska, explores the "sociocultural relations to water that differ from mainstream Western perspectives and [the] community strategies to protect them" (p. 1). She identifies the "hydrosocial" as a key concept for illuminating "the similarities and differences in sociocultural and material relations to water between and among human communities and the conflicts that may occur as a result of the differences" (p. 6). For Wilson, these conflicts arise between the use and value placed on water within Indigenous communities, such as the Athabaskan peoples of Ruby, and the Western mainstream, "which views water as a resource available for human exploitation, rather than a living entity with which they are engaged in reciprocal relations of respect" (p. 6). Wilson's findings are echoed in a range of interdisciplinary literature that highlight the disparities between social relations to water which are centered, almost exclusively, on the abstracted social relations of capital, and those that view water as integral to community health, politics, spirituality, and culture (Bédard, 2008; Braun, 2015; Chandler & Neimanis, 2013; Christian & Wong, 2017; Linton, 2010; Simpson, 2008; Steinberg & Peters, 2015). These disparities between social relations to water become significant when dominant perspectives impose upon and supersede those of Indigenous communities, restricting the maintenance of social relations fundamental to a people's way of life. In what follows, I trace the incommensurability of 'official' land claims policy in Canada as it relates to the hydrosocial relations of Indigenous communities, before turning to a conceptual example that presents an alternative ethical framework for negotiating hydrosocial relations along a shared body of water.

I begin by considering the ethical potential of water in relation to Indigenous rights issues. I then probe the limits of current land claims policy and the ways in which settler-colonial notions of property, the law, and the jurisdictional powers it upholds, refuse the incorporation of Indigenous relationships to water, foreclosing on the possibility of ethical approaches to Indigenous rights grounded in the specificity of their hydrosocial relations. I then explore what we might learn from an attempt to represent or articulate the disparities in hydrosocial relations and the necessity to better understand the potential for more ethical and decolonizing approaches to Indigenous rights issues that are centered on our shared relationships to water. This attempt focuses on discussion of an aesthetic representation of hydrosocial interactions and explores a conceptual framework through which to understand the ethical-political potential of land and water rights. This framework is explored through Alan Michelson's video art installation, *TwoRow II*, and its concern for the Grand River, which flows between the Haudenosaunee community of Six Nations and a number of predominately non-Indigenous communities in Southern Ontario. Reading divergent and conflicting articulations of social relations to water alongside one another, I look to the hydrosocial relations of Indigenous and non-Indigenous communities alike in order to explore the potential for a decolonial hydrosocial relational ethics to emerge with respect to Indigenous rights in Canada.

Land Rights and the Ethical Potential of Water

My interest in this approach to Indigenous rights stems from the presupposition that what are often referred to as land claim processes between Indigenous nations and the Canadian state—what are also commonly referred to as modern treaties¹—are fixed within abstracting conceptions of land use and ownership, private property regimes, and uneven power dynamics, and are thus premised on unethical relationships within their current formulation. I mobilize ethics here as means of highlighting the disjunct between Indigenous relations to their lands and waters and the universalizing logics of settler-Canadian national politics. Where foregrounding ethics has potential to be attentive to the ongoing relationships that structure social relations to shared waterways in particular, emphasizing the material, the specificity of place, and the power dynamics that shape interactions with shared environments, the national politics that structure Indigenous rights in settler contexts are largely abstracted from place, grounded in Western perspectives that refuse a politics of difference, and perpetuate the maintenance of settler jurisdictional power. In many instances, such rights disputes, their corresponding policies, and proceedings within the courtroom or at the negotiation tables, are incommensurable with Indigenous conceptions of land tenure and self-determination (Coulthard, 2014; Dorries 2012; Kulchyski, 2013; Turner, 2006, 2013; Million, 2013).

¹ The term 'modern treaties' typically refers to comprehensive land claims agreements, where Indigenous land and resource rights have not been addressed by previous treaties or any other legal means (Land Claims Agreement Coalition). Indigenous and Northern Affairs Canada refer to comprehensive claims as the "unfinished business of treaty-making in Canada." There also exist "specific land claims" in Canada, through which Canada's obligations to historic treaties with First Nations peoples have not been met. While this paper is largely concerned with the ongoing treaty-making process, I would contend that all attempts to addresses treaties between the Canadian state and Indigenous peoples, past and present, are a kind of modern treaty making, and all forms of treaty making and interpretation ought to consider the ecological dimensions that this paper, and the thinkers I draw from call for.

While I do not intend to dismiss the sometimes substantial progress made by Indigenous peoples through the current framework of Indigenous rights negotiations,² as a settler scholar committed to exploring the limits and the potential of decolonizing relationships between Indigenous and non-Indigenous peoples in Canada, I undertake here what could be viewed as both a self-conscious and practical decolonial thought-experiment in order to move away from the Western intellectual idea of private property as I probe the limitations of a political, legal, and economic system devoid of Indigenous relationships to place, and the place-based ethics that are often imperative to these relationships. Ultimately, I ask if Indigenous rights issues can be thought of as decolonized, conceptualized beyond the limitations of state-sanctioned common law and its jurisdictional powers, and more firmly grounded in the specificity of Indigenous hydrosocial relations. If they can, how would this look? What could water do that land cannot within its existing judicial constraints? While I do not intend to overstate the potential of water, thus reproducing the very binaries I aim to critique, following recent scholarship on the significance of water in Indigenous rights, including Christian and Wong (2017), Perry (2016), Neale and Turner (2015), Strang (2013, 2015, 2016,), Todd (2017) Yates, Harris, and Wilson (2017), among others, my aim is to centre the importance of water as an alternative mode of thought in relation to what are predominately conceptualized as *land* rights.

For me, and for many of the thinkers discussed throughout this paper, water is the matter that corresponds to such a conception of ethics. As a resource that often cannot be contained, water works both literally and metaphorically, forcing us to consider and attend to the impacts of our relationships as they might occur upstream and downstream. This attentiveness to others—our relation to the ‘Other’—is at the heart of ethical considerations. As Dorothy Christian and Rita Wong (2017) write, “When we tell the stories of ourselves, we are also telling the story of the specific waters that move through us at a particular moment. . . . When we tell a story of water, we are also telling stories of ourselves, or our societies” (p. 7). In actual spatial terms, “the maintenance of water sources and of appropriate water flow is necessary to ensure the health of wider regional landscapes and their inhabitants” (Burdon et al, 2015, p. 337). Thinking ethics conceptually through water illustrates the fluidity, the flow and flux necessary for the maintenance of relationships with each other and with the environment. Neimanis (2009) highlights the complex, layered, and inter-relational ethical capacity of water, suggesting that, “Our bodies of water are necessarily inaugurated into relationships with the rest of the earth’s water that is neither merely biological nor only social or cultural” (p. 163). Indigenous women in particular have foregrounded the ethical potential of water in sustaining cultural practice, knowledge transfer, and societal well-being. Nishnaabe educator and activist Leanne Simpson (2008), for example, articulates water’s efficacious qualities and how it quite literally acts as teacher, writing, “The water, Nibi, teaches us about relationships, interconnection, interdependence and renewal” (205). Similarly, Nishnaabe scholar Renée Bédard (2008) highlights how “[w]ater has been, and continues to be, critical to the health, politics, spirituality, culture, and economy of Nishnaabeg communities” (p. 89). For these Nishnaabeg women there is

² A number of hard won Indigenous land claims have been cited as successes for Indigenous nations, altering the landscape of Indigenous rights nation-wide to varying degrees. In particular relation to First Nations rights, see for example, *Delgamuukw v British Columbia* and *Tsilhqot’in Nation v British Columbia*. For a comprehensive discussion on the Trudeau Liberal government’s current Indigenous rights policy and its implications, see Hayden King and Shiri Pasternak’s 2018 policy report, “Canada’s Emerging Indigenous Rights Framework: A Critical Analysis.”

<https://yellowheadinstitute.org/rightsframework/>.

no separation between water's material and biological dimensions as it necessitates the sustenance of their people, and its political and ethical dimensions, which profoundly shape the very cultures through which it flows.

Thus, as both material substance encapsulated within the current land claims process, and as conceptual ethical framework, water offers a distinct lens through which to rethink the relationships between the political and the ethical within Indigenous rights issues in Canada. I ask if focusing on water, its ability to both act, and be acted upon, how it both produces and is produced through social relations, allows for a rethought ethical and political paradigm based in theories of action and responsibility that cross human and non-human divides? How can water work as an ethical framework in ways that de-centre the human subject, and illustrate a more nuanced and adequately relational environmental ethic that might shape the manner in which Indigenous rights unfold and are understood? How would this look from both a Western and Indigenous perspective?

The Limits of Land Claims and the Potential of Water

My interest in water as an integral site for resituating Indigenous land rights in Canada emerges from the current context of what have come to be known as the modern treaties, and more specifically within the confines of what is referred to as Canada's Comprehensive Land Claim Agreement policies (CLCAs).³ In the broadest sense, CLCAs seek to address ownership, management, and use of lands, waters, and natural resources (Land Claims Agreement Coalition; Indigenous and Northern Affairs). More significantly, they set out to determine the meaning and breadth of Aboriginal⁴ right and title in terms that the state deems cognizable within the constraints of the assertion of Crown sovereignty. Major incongruities exist between the state and Indigenous peoples within comprehensive claims agreements. First and foremost, Indigenous peoples insist that Indigenous title to land arises from their having lived upon and used the land for time immemorial (Henderson, 2002; Kulchyski, 2013). Further, within this viewpoint, Indigenous rights are asserted in the ongoing lived practice of Indigenous culture (Battiste and Henderson, 2002). Conversely, the Canadian state's approach suggests that "Aboriginal title" is derived from a set of legal documents, such as the Royal Proclamation of 1793 and that "Aboriginal rights" are subject to a set of predetermined tests outlined in the *Van der Peet* case

³ The Comprehensive Claims process emerged out of 1973 Supreme Court decision on what has largely been referred to as the Calder Case. While British Columbia's lower level courts had dismissed the claims of Frank Calder and others from the Nisga First Nation, the 1973 Supreme Court decision stated that Aboriginal title indeed existed at the time of the Royal Proclamation of 1763. This decision marked the first time that the Canadian legal system recognized the existence of Aboriginal right and title outside of the constraints of Canadian colonial law, thus paving the way for Indigenous claims to land not previously established through historic treaty making (See UBC's Indigenous Foundations, The Canadian Encyclopedia, and Indigenous and Northern Affairs Canada.)

⁴ In this paper I use the term Indigenous throughout in order to refer to the First Peoples of settler-colonial nations such as Canada, the United States, Australia, and New Zealand. I use the term First Nations when appropriate and refer to specific Indigenous Nations whenever possible. The term 'Aboriginal' is used only when referencing the language of Canadian state policy on Indigenous peoples.

(Christie, 2007; Kulchyski, 2013; Turner, 2006, 2013).⁵ Further still, it is the Canadian government's policy to seek certainty, extinguishment, and perhaps most unapologetically under the former Harper administration, termination, of Aboriginal rights through comprehensive claims agreements (Blackburn, 2007; Diabo, 2012; Mackey 2014, 2016). In Peter Kulchyski's (2013) words, "Simply put, most First Nations see modern treaties as ways of reaffirming and asserting their continuing ownership of their traditional territories. The state sees modern treaties as a way of ending that ownership in "exchange" for much smaller pieces of land and a small chunk of capital" (p.108).

The irreconcilability of these often-oppositional viewpoints over land use and ownership may be best understood as a matter of sovereign jurisdiction. As such jurisdictional matters, the "claims" of Indigenous peoples are situated and confined within the framework of Canadian colonial law. Within the courts, the struggle has been whether or not the law should recognize Aboriginal right and title based on Indigenous relationships to the land, or whether the Anglo-Canadian norms of private property ownership should be upheld (Bhandar, 2014). Shiri Pasternak (2014) writes, "At the heart of this encounter, is a conflict over the inauguration of law—or the authority to have authority—and the specific forms of struggle that arise when competing forms of law are asserted over a common space" (p. 146). Canada's assertion of jurisdiction over all of the lands and waters within its borders enshrine the form of the law solely within the colonial context, negating Indigenous assertions of right and title as they might otherwise arise within their own culturally and historically specific milieu (Pasternak, 2014; Borrows, 2002, 2010). Indeed, those who find themselves within "the territorial boundaries of Canada are already presumed to exist within a particular body of law" (Pasternak, p. 148).

It is within this fraught legal context that many activists and scholars have articulated and enacted a resistance to state-sanctioned engagement over land disputes in Canada (Alfred, 2009; Coulthard, 2007, 2014; Diabo, 2012). This viewpoint suggests that Indigenous self-determination has been co-opted within a limiting liberal pluralistic "politics of recognition" that seeks to "reconcile Indigenous claims to nationhood with Crown sovereignty," which is, of course, also jurisdictional sovereignty (Coulthard, 2007, p. 438). Further, following the work of Yellowknife Dene scholar Glen Coulthard (2014), this view of land rights is best characterized as a *settler-colonial* relationship, in which power relations "in this case, interrelated discursive and nondiscursive facets of economic, gendered, racial, and state power" have been structured and enacted within "a relatively secure or sedimented set of hierarchical social relations that continue to facilitate the *dispossession* of Indigenous peoples of their lands and self-determining authority" (p. 6-7, emphasis in original). Western land rights discourse has effectively fixed and hierarchized Indigenous social relations to their lands and waters within the social relations of capitalist ownership and production, and in ways that are premised on dominant discourses associated with Western private property regimes and jurisdiction sovereignty.

Entitlement and Commodification

My concern with a more ethical approach to land disputes that focuses on water, rather than land, emerges out of this colonial terrain, which overdetermines how land disputes are able to unfold

⁵ The Van der Peet case (1996) further defined Aboriginal rights as outlined under Section 35 of the Constitution Act, 1982. The case resulted in a list of 10 criteria, known as the "Integral to a Distinctive Culture Test," which is intended to determine how Aboriginal rights are to be defined. For a list of the 10 criteria, see <http://indigenousfoundations.arts.ubc.ca/home/land-rights/van-der-peat-case.html>

through uneven power dynamics, presumed sovereign jurisdiction, and unethical and unsustainable engagement with Indigenous hydrosocial relations. While hydrosocial relations can be complex and contradictory given the unique relations societies develop with water, they are often fixed within the dominating social relations of production which frame water within two corresponding prevailing discourses enshrined within the language of property rights (Coulthard, 2010; Burdon et al., 2015; Linton, 2010). The first of these discourses could be identified as *entitlement*, where it is typically the rights of individuals that prevail over cultural or ecological concerns (Burdon et. al, p. 8). In Canada, water rights vary across provinces and territories, but each approach centers on clarifying the entitlement of individuals to access or use of water that flows through or on their property.⁶ The rights of entitlement are fundamentally anthropocentric, as they pertain to rights existing solely between persons, negating relationships between individuals and the land or waters they hold rights to. Burdon et al. expand on this, writing, “As a consequence, property is described not as a physical thing, like land or water but as an abstract concept that demarcates legal relations between persons;” they continue, “To be clear—the ‘thing’ that one owns when one owns property is not the thing but the right in relation to the thing” (p. 8). Through this process of rights-based entitlement, the land or water in question is displaced from its materiality, with its potentiality for alternative social relations circumscribed by the abstracted discourse of property rights.

The second related dominant discourse that works to contain water within limiting social relations of production and the confines of Western property regimes is that of commodification. Water, not unlike land, is often treated as a resource commodity under state interpretations of Indigenous rights. Water’s value is made legible most predominately through monetary terms as set by the market. Under these terms, social relations to water are largely understood in relation to its potential short-term capital gains, often as a capital generating utility, with little attention given to either its place-specific value, or its sustainability as one of the most fundamental resources necessary for the maintenance of life.⁷ Bruce Braun (2015) has highlighted this discursive process as “the refiguring of nature in terms of “services” and “natural capital” (2). Further, this refiguring of nature within the discursive constraints of commodity presupposes that humans, as the owners of the commodity, are capable of controlling that which has been deemed their property (Burdon et al., 2015). Water is treated as if it were as constant and stable as the

⁶ Water rights across Canada consist of prior allocation rights (B.C., Alberta, Saskatchewan, Manitoba, and to some extent Nova Scotia), Public Authority Management (Yukon, Northwest Territories, and Nunavut), Riparian Rights (Ontario and most of Maritimes), and Civil Code Management (Quebec). Some interpretations of these rights, such as Public Authority Management in a territory such as Nunavut, for example, may allow for less individually-centered entitlement, but at their core, these rights serve individual entitlement to resources within a private property framework. Further, Indigenous water rights are also to be protected under section 35 of the constitution, and these rights could very well look more like the place-specific hydrosocial relations I discuss throughout this paper; however, these rights have limited influence under a Western property regime and are often subsumed under discursive frameworks of entitlement and commodification. For more information see the Program on Water Governance, University of British Columbia: <https://watergovernance.ca/resources/factsheets/>

⁷ The James Hydro Electric Project and its consequences for the James Bay Cree, Inuit, and Innu, and the ongoing effects of mercury poisoning in the waters that flow through the Anishinaabe communities of Grassy Narrows First Nation and Wabaseemoong Independent Nations offer two salient examples among countless of how water is conceptualized first and foremost in relation to its monetary value in relation to Indigenous rights. For more information on these contexts see, Coon Come (2014) and Ilyniak (2014).

market permits, with humans understood as the sole actors within relationships that seem only to concern transactions between people and the market.

The limits of these discourses emphasize the necessity to focus on the hydrosocial relations of disparate communities as a means of understanding how communities are differently positioned in history and the law, in our relations to the state, property, capitalism, and the lands and waters we inhabit. Official land claims policy highlights a stringent attempt to delineate hydrosocial relations. Such policies centre almost exclusively on economic flows with “the movement of money and resources ... generally separated from ideas about social or ecological flows” (Strang, 2013, p. 193). In the confines of Western property regimes, culture is bifurcated from nature, with culture defined in terms of human ability to direct and control natural processes on a scale that is exceptionally large and abstract. When social relations are grounded exclusively in the relations of production, nature is displaced and water is abstracted from its source and specificity of environs, with policies mobilizing instead the abstract language of economics, which attempts to make itself coextensive with ecology through reference to, for example, the large scale flows and fluidity of capital, the liquidity of one’s assets, floods or overflow of particular populations, and market saturation. These are vastly different and abstract relations to the hydrosocial than those articulated by Indigenous thinkers and grassroots movements, which engage the hydrosocial outside of the traditions of liberal political economy, and which seek to ground relationships to water within the specificity of the hydrosocial environment.⁸

Borders and Fixity

So, if water does not necessarily escape the current comprehensive claims framework,⁹ as it remains fixed within the same social relations of production and property regimes that structure land, why turn to water in order to rethink ethical engagement within Indigenous rights issues? It is important to note that Indigenous peoples have also clearly articulated place-based political and ethical frameworks that centre just as significantly on land as they do on water (Coulthard, 2010, 2014; Deloria Jr., 2003; Simpson, 2014). Indeed, to make a distinction between land and water within Indigenous conceptions of place-based ethics at all, may lead to further abstraction from the specificity of place at the hand of Western theory. Both land and water fit into the “place-based foundation of Indigenous decolonial thought and practice,” which Coulthard has referred to as “*grounded normativity*” (2014, p. 13). Coulthard describes grounded normativity as, “the modalities of Indigenous land-connected practices and longstanding experiential knowledge that inform and structure our ethical engagement with the world and our relationships with human and nonhuman others over time” (p. 13).

While grounded normativity certainly derives place-based ethics from both land and water, I suggest that water offers a particular kind of potential in relation to the confines of

⁸ The #NoDAPL movement and the Standing Rock Sioux’s resistance to the Dakota Access Pipeline, along with the common refrain of “Water is Sacred” utilized at protests and through public outreach campaigns is one example among many that mobilizes conceptions of and relationships to water that are not circumscribed by the dominant framework of capitalism.

⁹ See for example, the James Bay and Northern Quebec Agreement or the ongoing Algonquin land claim, which tend to fix water within the same abstracting social relations of production as land. See also Bonita Lawrence (2012) in relation to the bordering of the Algonquin land claim through the Ottawa River.

Western property regimes and the social relations of production mentioned above. Water challenges the discursive constraints of entitlement and commodification through its resistance to two central ordering practices involved in Western property regimes: the bordering and fixity of property (Blomley, 2008; Borrows, 1997). Nicholas Blomley (2008) explains how boundary making is a central practice of property; he writes, “Western conceptions of property suppose that for every parcel of land, a singular and determinate owner can be identified, clearly distinguished from others by boundaries that distinguish his or her property interest from other owners, nonowners, and the state” (p. 1826). Further, these boundaries or borders must remain fixed in order for property owner’s rights of entitlement to remain fixed. Water resists the boundaries set out by property law and it resists notions of fixity that allow property rights to remain constant and intact. For example, Blomley investigates the practice of property law in relation to the complicated terrain of the Missouri River, writing, “while the court may seek to fix the river as an object of legal scrutiny, from which boundaries can be simply derived, it proves uncooperative. The river is mobile, illegible, and obdurate” (p. 1838). Water flows through borders. It is muddy. It erodes land, or dries up, changes borders and creates new ones. Water moves, altering the landscape, or *acts* on its surroundings, in Latour’s terms (2005), and cannot be contained or fixed by property law’s ordering practices in the same manner that land is presumed to be. Water, quite literally, cannot be contained. It cannot be held, divided up, and traded with any sense of stability. Water emphasizes, in Strang’s (2013) words, that “human-environmental engagements are composed of shifting and mutually constitutive processes, rather than the more static and fixed relations suggested by notions of culture or civilization, which depend heavily on images of “structure,” artifacts, and built urbanity” (p. 186). It is not simply that land claims are challenged by water’s border disrupting quality, but that the very terms through which we stake positions in relation to the complex interactions between humans and the environment ought to be challenged and rethought, with water serving as an obvious necessitating example.

Thus, my aim is to explore the potential to reclaim water from jurisdictional confines, and their corresponding capitalist social relations, through an emphasis on long-standing, clearly articulated environmental social relations that centre on the role of water and its significance to the social relations of Indigenous communities. This work is indeed already long under way, with Indigenous peoples having consistently articulated their social and cultural relationships to water in the midst of unethical land and water policies. From the Anishnawbe Mother Earth Water Walk around the perimeter of the Great Lakes, and the Athabasca Regions Healing Walk throughout the Tar Sands, to the extrajudicial water governance work of the Yukon River Inter-Tribal Watershed Council, and through Idle No More, as a direct response to the implications of Bill-C45, Indigenous peoples have asserted their integral hydrosocial relations across the country. Rather than rehash this important work, my aim here is to interrogate the possibility for ethical engagement across hydrosocial relations and for the resituating of Indigenous rights within a rethought and decolonized ecological sensibility to emerge in the wake of inadequate land rights policy.

Decolonizing Hydrosocial Relations in Grand River Territory

Toward a Hydrosocial Relational Ethics in Alan Michelson's TwoRow II

Mohawk artist Alan Michelson's *TwoRow II* provides a conceptual framework through which to explore how oft-competing hydrosocial relations interact along a shared body of water in Southern Ontario in ways that delimit the meaning of Indigenous rights in the region. While in-depth analysis of the many diverse articulations of the hydrosocial in this region is beyond the scope of this paper, Michelson's video art installation helps to visualize the meaning of the divergent social relations to the river between differently positioned communities—one Indigenous and the others largely non-Indigenous—and the ethical impetus to decolonize these relations. In Michelson's 2005 video art installation *TwoRow II*, housed in the National Gallery of Canada and shown at Sakahàn International Indigenous Arts in 2013, the two banks of the Grand River move horizontally across a screen in monumental panorama, superimposed with the Two Row Wampum. On the bottom half of the screen, and consequently, within one of the purple rows of the wampum, moves the bank of Haudenosaunee territory, the Six Nations of the Grand River Reserve. On the other half of the screen, and within the wampum's parallel purple rows, the riverbank bordering the non-Indigenous townships of Ontario—Caledonia, Middleport, Brantford—moves slowly across the top of the screen. The two moving riverbanks and their corresponding purple rows are separated by white space, completing the image of the wampum belt. The video is further accompanied by two audio tracks played over top one another. One track plays a Canadian dinner boat cruise captain's official tourist narrative of the local European history of the Grand River and surrounding areas, while the other track captures Haudenosaunee Elders speaking about what the river has meant to them. As the tracks play simultaneously, the viewer must struggle to listen for a coherent narrative, deciding whose voice ought to be distinguished over the other. The experience can be a disorienting negotiation between the two competing narratives.

Michelson's installation signals juxtapositions of meaning on multiple fronts. We see the two different physical sides of the river, moving across the screen in opposite directions. We are presented with contrasting oral narratives, often speaking at cross-purposes, each one drowning out the other at various points. One voice may be more audible at times, making the other difficult to distinguish. As such, the voices can be heard to interfere with each other, emphasizing both the significance and challenges of simultaneous transmission and projection, as opposed to one that is sequential, where one voice simply replaces the other. Further, in Michelson's words, we also witness "a mash up between two very different cultural traditions" through the combination of the Haudenosaunee's traditional wampum belt and the form of the panorama, often associated with early European landscape tourism art (Michelson, 2011). The viewer of the installation is encouraged to follow the path of the river as it implicitly cuts through the two banks, negotiating between the tensions of the very different representations and interpretations. One might ask, which interpretation and whose voice takes precedence? Which history of the river is primary? Is the work to be viewed through the lens of the Wampum, or the panorama? Are the speakers even cognizant of one another and their distinct cultural perspectives? At the heart of Michelson's piece is the juxtaposition of disparate, often oppositional interpretations of the river's significance—of its social, cultural, and ecological meaning. And yet, the river serves as the unifying element in *TwoRow II*, tying both the work, and the two communities—settler and Indigenous—together. While the two banks of the river

may appear or be heard as drowning each other out at various points, the river remains constant between them.

I contend that Michelson's *TwoRow II* sets the stage for an ethical—and indeed political—encounter between two distinct cultures through their relationships to a shared body of water, the Grand River. His piece forces the question as to what sort of ethical encounters might be possible through this shared water as it cuts across territories that have been historically and contemporarily contested.¹⁰ What does the river do that its banks cannot? In his article “The Ethical Space of Engagement,” Cree scholar, Willie Ermine (2007) explores what he describes as the ethical space that may emerge when two disparate societies with differing worldviews are poised to engage one another. Ermine writes, “The space is initially conceptualized by the unwavering construction of difference and diversity between human communities;” he continues, “These are the differences that highlight uniqueness because each entity is molded from a distinct history, knowledge tradition, philosophy, and social and political reality” (p. 194). Ermine looks to possibilities for a theoretical, and ultimately ethical space to emerge between these “two solitudes” (p. 194). In Ermine's formulation, we might understand the river as representative of this ethical space; however, I would add that difference does not simply occur between human communities, but also between communities' social relationships to specific and shared environments, and how these social relationships shape their relations with one another. In this sense, the river is not simply an ethical space, but a complex site that mediates the social relations between disparate communities, and between those communities and the river itself. As such, the ethical space is one that emerges from the material specificity of place, and which is opened up through attention to the ongoing relationships that structure social relations to the environment.

In Jessica Hallenbeck's (2015) article on the Two Row Wampum Renewal Campaign, she suggests that “Centering water opens up space for political and relational attention toward the bodies, beings, stories, and histories that run through it” (p. 4). Similarly, in a recent guest editorial of the journal *Society and Natural Resources*, focused on thinking relationships through water, Franz Krause and Veronica Strang (2016) write, “water inspires novel ways of thinking about key aspects of social relations, including exchange, circulation, power, community, and knowledge” (p. 633). The social relations to the Grand River vary widely but are also put in relation by the river itself. Michelson's piece emphasizes this relationality, while also illustrating the apparent incommensurability of social relations across the river—the voices speak over, not to one another, and they articulate very different perspectives. However, his project does not go as far as examining the specificity of the social relations that are being expressed, nor the reasons for their incommensurability. To be sure, viewers of Michelson's work can garner insights into the differing and complex hydrosocial relations of the Grand River, which diverge and interact, as the river may signal settlement, progress, industry, tourism, or property for one community, or a meeting place, a travel route, or a site of spirituality for another; indeed, while Michelson's

¹⁰ Between 1980 and 1995, the Haudenosaunne of the Grand River filed 29 land claims against the Crown based on Canada's Specific Claim's policy. Perhaps most notable was the 2006 reclamation of Kanonhstaton (meaning the Protected Place) by members of the Six Nations community. The land in question had been slated for a housing development site despite being part of an ongoing land claim. This particular claim dated back to a nefarious land ‘surrender’ in 1841, with many of the Haudenosaunee's claims to land stretching as far back as early settlement of the territory along the Grand River. For more information see Susan M. Hill 2009, 2017, Laura DeVries 2011, and Rick Monture, 2015.

audience may be able discern some clear disparities between the competing narratives, arguably it is the competition, rather than the narratives themselves that are foregrounded.

And yet, the competition that Michelson highlights risks a suggestion of a kind of equal positioning of social relations along the river. To be sure, the ethical potential that might be opened up in thinking social relations through the river is also a deeply contested political space. It is in many ways, a settler colonial space. The Grand River has been largely shaped under a settler colonial social relationality that treats water as abstract resource to be managed and more often, mismanaged. This is an overdetermined settler colonial hydrosocial relation which centres on rights to, rather than relationships with water.¹¹ As Hallenbeck notes, “Settler colonialism’s spatial reconfigurations is . . . deeply connected with the reterritorialization of waters, bodies, and beings” (p. 353). With the dense population of Southern Ontario, the Grand River is both an immensely important, and exceptionally precarious watershed, reterritorialized in the image of settler progress.

The Imposition of Settler-Colonial Hydrosocial Relation in Grand River Territory

The history of the Grand River is one of both settler colonialism, and a resistant Haudenosaunee sovereignty. Initially granted to the Haudenosaunee for their support of the British during the Revolutionary War, and the subsequent loss of their homelands in the Mohawk Valley south of the newly demarcated and defended United States border, territory along the Grand River was set aside for displaced Haudenosaunee through the 1784 Haldimand Deed. On October 25th, 1784, Frederick Haldimand declared:

I do hereby in His Majesty’s name authorize and permit the said Mohawk Nation and such other of the Six Nations Indians as wish to settle in that Quarter to take Possession of, & Settle upon the banks of the River commonly called Ours [Ouse] or Grand River, running into Lake Erie, allotting to them for the purpose Six Miles Deep from each Side of the River beginning at Lake Erie, & extending in that Proportion to the Head of the said River, which then & their Posterity are to enjoy forever. (Qtd. In Hill, 2017, p. 146)

Despite Haldimand’s commitments, Haudenosaunee title to this territory remained contentious, and, given its increasing value to Upper Canada, was almost immediately cut by one third of the initially promised lands by lieutenant governor of Upper Canada, John Graves Simcoe, who also limited the Haudenosaunee’s ability to administer their own lands along the Grand. Claim to the headwaters of the Grand River, as promised under the Haldimand Proclamation was consistently denied by Simcoe and title was eventually handed over to squatting settlers. While land grants continued to be administered to European settlers by the Haudenosaunee Confederacy in order to

¹¹ It is important to note that the hydrosocial relations which I assert overdetermine Indigenous rights and land tenure in this region are not the only ways people, settler or Indigenous, relate to the Grand River. Social relations to water are complex, and as much as relationships with water are shaped under property regimes and logics of entitlement, they may also be engaged in terms of environmental sustainability and protection, or through efforts toward allyship. Jessica Hallebeck’s 2015 article “Returning to the Water to Enact a Treaty Relationship” on the Two Row Wampum Renewal Campaign, offers one such example of alternative hydrosocial relations in the region. However, in this paper I focus on critique of the dominant hydrosocial relations that have had the greatest material impacts on Haudenosaunee land and water tenure along the Grand River, and which are most in need of decolonization.

support the establishment of their new home along the Grand River, these grants were often violated or illegally sold by those leasing the land. Illegal squatters became a persistent and increasing problem. No longer requiring the military support of the Haudenosaunee, the province's response to this issue was to encourage Six Nations to cede their land to the province directly, so that they would receive some financial compensation, rather than simply losing it to the illegal squatters (DeVries, 2011; Hill, 2017; Monture, 2014).

Perhaps most egregious, and directly related to the waters of the river itself, was the investment of Six Nations trust funds in the Grand River Navigation company without the consent of either the Six Nations Trustees or the Confederacy Council (Hill 2017, p. 178). With the construction of the Welland Canal underway in the 1820s, the Superintendent general of Indian Affairs, Samuel P. Jarvis used hundreds of thousands of dollars of Haudenosaunee monies held in trust to purchase stocks in the Grand River Navigation company, which itself claimed Six Nations lands for their construction, as they dammed and flooded Six Nations' territories. The company used stone and timber from Haudenosaunee lands in order to aid in "river improvement," and the flooded lands, while leading to significant financial ramifications for Six Nations, also had serious health impacts (Hill, p. 179). In an 1838 report of the New England Company, it was noted that, "The number of Indian inhabitants on the lower Part of the Grand River have considerably decreased, owing to the Dams across the Grand River, for the Purpose of improving the Navigation, having Flooded to a considerable extent the bordering Lands, and introduced Agues and Fevers into Situations formerly healthy" (qtd. In Hill 179). As Susan M. Hill notes in her book *The Clay We are Made Of: Haudenosaunee Land Tenure on the Grand River*, "Earlier flooding had also had similar negative health impacts, but this time the Six Nations were actually paying for their lands to be flooded, their health to be compromised, and their natural resources to be taken" (p. 179). The ventures of the navigation company eventually failed, and Six Nations have consistently appealed for their misappropriated trust fund monies to every level of government without success.

Settler colonial encroachments onto Haudenosaunee lands continued into the latter half of the 19th and 20th century. From an 1841 nefarious land surrender, to the forceful instalment of the band council system in 1924 (quite literally at gunpoint by the RCMP) (Monture, p. 116-117), to involuntary enfranchisement, assimilation policies, and residential schools, up the 2006 land dispute over a housing development between Six Nations and the town of Caledonia, the Haudenosaunee's life along the Grand River has been demarcated by the settler colonial logics of possession that shape the river and the social relations around it. Through settler encroachment and the limiting of Haudenosaunee tenure over their lands along the river, social relations to the river are often overdetermined through the register of private property; with the damming of the water and destruction caused by a failed navigation company, the river was registered through its value as a settler utility; and with the consistent settlement on Haudenosaunee lands, and the persistent neglect of the waterway sustaining this settlement, the river also became a symbol of settler futurity at the expense of the futurity of the Haudenosaunee.

The Two Row Wampum and Haudenosaunee Hydrosocial Relations

But of course, and as Michelson makes clear (along with Hill and Monture), this is not the only relationship to the river that continues to exist. Going back much further, the Haudenosaunee possess a deeply complex and meaningful relationship to the lands and waters they inhabit. While I cannot, nor is it my aim to, offer a comprehensive explanation of Haudenosaunee land

tenure, the community-grounded research of Susan M. Hill and Rick Monture offers much insight on how Haudenosaunee knowledge systems and histories shape and inform their social relations to the territories they call home. As Monture highlights in his 2014 text, *We Share Our Matters: Two Centuries of Writing and Resistance at Six Nations of the Grand River*, the ideological foundations of the Haudenosaunee as that which honours and is connected to the natural world is grounded in the Creation story of Sky Woman, reinforced through ceremonies “that were given to the Haudenosaunee from the very earliest of times,” supported through the Great Law, which brought the five warring nations together (the Tuscarora were later adopted as the sixth), structured by the Code of Handsome Lake, which is often referred to as “the modern longhouse religion,” and carried forth into political interactions through the philosophical foundations of the Two Row Wampum and the Silver Covenant Chain (p. 3-13).

The philosophies, stories, ceremonies, and culturally practices that inform Haudenosaunee relations to their lands and waters are complex and represent a Haudenosaunee worldview deeply connected to the “collective experience of [their] ancestors” (Hill, 2017, p. 1). Haudenosaunee worldviews that stem from their understanding and retelling of the Great Law and Code of Handsome Lake, for example, represent perspectives grounded in culture and ontological experience that I simply do not have access to as a non-Haudenosaunee person. As Monture notes, language plays a significant role in expressing and understanding the worldviews present in these Haudenosaunee stories and ceremonies. He writes, “I have often been told by fluent Haudenosaunee speakers that many of the concepts that are used when we talk about the Great Law [or] the Code of Handsome Lake . . . for example, are imperfect translations of what these philosophies “really mean” in our languages” (p. 23). With this in mind, Monture is also careful to highlight the significance and “long tradition of articulating Haudenosaunee concepts in a language that is accessible to settler society in the hopes that awareness and understanding can be reached” (p. 24). Even as Haudenosaunee worldviews, and the hydrosocial relations that may stem from them are rooted in the language, ontologies, and distinct histories of Haudenosaunee peoples, there are concepts and expressions of Haudenosaunee land and water tenure that have been clearly expressed in response to interactions with European settlers, and the ensuing Canadian state.

Susan Hill, for example, highlights the concept of “Yesthi’nihstenha Onhwentsya,” meaning “Land as Mother,” which emphasizes “continually recognizing our responsibility to and dependence upon the land” (5). Drawing from the extensive written and oral records of the Haudenosaunee Confederacy Council, Hill elaborates, explaining how, “the Grand River Haudenosaunee used their traditional teachings to develop land tenure policies in the face of their interactions with European peoples. The policies they created flowed out of the beliefs that land was intended to provide for the people, as a mother does for her child” (4). Examining the roots of Haudenosaunee land tenure in Grand River territory, Hill asks how it is “we get from Yethi’nihstenha Onhwentsya—that is, continually recognizing our responsibility to and dependence upon the land—to “Land for Sale?” (5). Rather than simply view this change in relationship to the land as an inevitable consequence of colonialism, like Michelson, Hill is interested in how political and social relationships to land and water interact and effect one another in territory that is, for better or worse, shared amongst communities with differing and often competing perspectives.

The Two Row Wampum is another integral articulation of Haudenosaunee land and water tenure which can be extended to expressions of hydrosocial relations in Grand River territory. Michelson’s incorporation of this foundational treaty in his piece is instructive. The

piece itself highlights the necessity of interconnection along the Grand River through its incorporation of the Two Row Wampum. The Two Row Wampum is one of the oldest intended treaty relationships between Indigenous peoples and European settlers. Presented first by the Haudenosaunee to the Dutch in 1613, in what is now upstate New York, it was carried forward to ensuing groups of settlers, serving as an important symbol of Haudenosaunee sovereignty both in the North-East United States, and along the Grand River in Southern Ontario (Turner, 2006). The two parallel rows of purple beads represent the Haudenosaunee and European political authorities respectively, separated by three rows of white beads symbolizing peace, respect, and friendship (Turner, p. 48).¹² As Dale Turner notes,

These principles make sense of the relationship between the two purple rows: the two participants in the political relationship—Europeans and Iroquois—can share the same space and travel into the future, yet neither can steer the other’s vessel. Because they share the same space, they are inextricably entwined in a relationship of interdependence—*but they remain distinct political entities*. (p. 54, emphasis in original)

Emphasizing the significance of water in the treaty, Hill (2008) similarly states, “Within the oral record of the Haudenosaunee, it is noted that the relationship was to be as two vessels travelling down a river – the river of life – side by side, never crossing paths, never interfering in the other’s internal matters. ... In essence, they agreed to live as peaceful neighbours in a relationship of friendship” (p. 30-31). The water—the white background of the wampum belt—is the facilitator of this relationship. It is the constant presence of that which is shared, and which necessitates attention to relationships within this shared space. The water, in many respects, may be understood as that which holds the treaty together.

Michelson’s stance, then, is not neutral. His emphasis on the Two Row Wampum offers a kind of demand for a decolonial approach to the waters in the region. The river in Michelson’s piece *must* be viewed through the historic treaty. While his illustration of the competing hydrosocial relations is nuanced, the presence and necessity of the Two Row remains paramount. Perhaps more significantly, it is not the voices in Michelson’s piece that illustrate the need for a renewed relationship along the Grand River; it is the river itself. The river returns us to the Two Row Wampum, to the necessity of shared relationships along the rivers banks, and the social relationships to land and water, the political and legal orders, and the sovereignty of the Haudenosaunee, which have often been negated and suppressed through subsequent generations of settler colonialism. Thus, Michelson’s emphasis on the Two Row Wampum, I would suggest, gestures toward the requirements for a renewed and decolonized relationship along the Grand River, as it acknowledges both the varying hydrosocial relations present in the region, as well as the historical treaty that ought to bind these relations together through their common connection to the shared space of the river. *TwoRow II*, and the Two Row Wampum more generally articulate a relationship between communities premised on the waters that flow between them,

¹² While the meaning of the three white rows of the Two Row Wampum varies slightly between texts, Turner’s sentiments capture their general interpretation. I am only scratching the surface of the significance of the Two Row Wampum in this short article, and as a settler scholar who grew up in the territories governed by this important treaty, I am continuing to learn about its meaning and significance. The work of Two Row Wampum historian, Rick Hill offers important insights into the meaning of the treaty. See for example “Talking Points on History and Meaning of the Two Row Wampum Belt” (2013): <http://honorthetworow.org/wp-content/uploads/2013/03/TwoRowTalkingPoints-Rick-Hill.pdf>.

rather than on abstract relations to property. As such, *TwoRow II* offers a conceptual framework for an ethics of land rights issues that is grounded in both the specificity of place—that is the specific body of water that flows between communities—and attention to the ongoing relationships between community interactions on this shared environment.

The Work of Water

Where water flows between different communities, it necessitates a relationship between differing social, ecological, and cultural relations to water. While hydrosocial relations are largely apprehended within dominant Western modes of management and governance, such relations must reckon with both their ecological limitations, as well as those competing hydrosocial relations of Indigenous communities, which often foreground connections, rather than abstractions of people from their environs. In their introduction to a special issue of *Decolonization* on land-based education, Wildcat, McDonald, Irlbacher-Fox, and Coulthard assert that “if colonization is fundamentally about dispossessing Indigenous peoples from land, decolonization must involve forms of education that reconnect Indigenous peoples to land and the social relations, knowledges and languages that arise from the land” (p. i). Western approaches to water must reckon also with decolonial practices that centre Indigenous social relations to the environment, and in particular, to the role of water. Water cannot be cordoned off, fixed or bordered, and its flow through and between communities highlights a necessary relationality that must come to bear on water politics, and the politics of land rights more generally.

The “challenge” I have presented here, in Leanne Simpson’s (2008) words, is “for Indigenous and non-Indigenous Peoples to go and sit with the rapids, to allow that water to carry us on a journey of cleansing, renewal, justice, and freedom so that we may once again be able ‘to hear the life of the river above all other sounds’” (p. 211, qtd from Bédard 2005). Given the dominance and jurisdictional supremacy of Western conceptions of the hydrosocial, this challenge is no small feat. Michelson’s *TwoRow II* offers a framework for both highlighting disparities and rethinking relationships along a shared body of water, and in ways that draw from Indigenous knowledge systems which treat the river as a necessary actor and intervener in current conceptions of land rights issues; however, the lived realities of many Indigenous communities along polluted waterways highlight that more is at stake than simply finding common ground between competing hydrosocial relations. Further, where a decolonial approach to water politics requires a resituated relationship to ecology, an interrogation of settler hydrosocial relations, and a re-centering of Indigenous forms of education and knowledge that are connected to the land and water, settler-colonial and capitalist modes of organizing space and people’s relation to it remains dominant, and often unabated.

What Michelson’s piece helps to illustrate beyond an ethical and political framework for land rights premised on the Two Row Wampum and Indigenous ways of knowing, is that approaches to the river are often fundamentally divergent in terms of worldview and ontological understanding. Kwagiulth scholar Sarah Hunt (2014) elaborates, writing, “Investigations into western ontological possibilities are bounded in ways that limit their ability to fully account for Indigenous worldviews;” she continues, “Yet Indigenous knowledge and the work of Indigenous thinkers (scholars, elders, community leaders, activists, community members) contain a wealth of place-specific practices for understanding how categories of being are made possible within

diverse Indigenous cultures.” (27). Hunt highlights the implications of bridging ontological divides when the very approach to ontological understanding itself is premised on Western ways of apprehending the world. I highlight this distinction in order to emphasize just how far apart competing hydrosocial relations may be. It is not enough simply to suggest that we must all, Indigenous and non-Indigenous, ground ourselves more in the specificity of place in order to make land rights issues more ethical, when even this grounding occurs within vastly oppositional historical and cultural contexts. We can look to modes of thought that bring us closer to the land and water that necessarily structures our social relations to one another, and which ought to structure how negotiations over land rights unfold, but even these modes of thought must be negotiated with attention to the ethics of place and how we understand ourselves in relation the worlds we inhabit.

It should be clear by now that Canadian land rights policy lacks the potential to bridge these gaps, as it consistently and increasingly conceives of social relations as those shaped exclusively by capital, and as those which uphold the jurisdictional sovereignty of the settler state. I have focused on water because I understand it as providing us with an obvious example of the limitations of land rights issues that remain fixed within the material ordering practices of Western property regimes and the social relations of capital, while also offering a framework through which to understand how ethics might emerge from attention to the specificity of place and the relationships that occur within and across places that are undeniably shared. In the case of the Grand River in Southern Ontario, water is the matter that demands a reckoning with the longstanding and often neglected treaty that ought to structure relations in this region. Water is the means by which we might better understand both the challenges of, and impetus for a renewed relationship over land and water rights with Indigenous peoples. Water may indeed possess the potential to challenge our current ways of knowing in relation to the environment. But how we respond to what water *does* is heavily mediated by the social, political, and historical contexts of our various communities. At our current political and ecological juncture, we may only be left with common acknowledgement that things are not working in their current form. The banks through which the river flows are too often perceived as rigid. They are fixed, sedimented, and historically grounded in the lived material effects that their fixity perpetuates. What is required, then, is a decolonized ethical-political relation that might begin to let the water do the work of eroding these rigid banks.

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