

The Mi'kmaq-Settler Fishing Dispute: Blame Assignment & the Masculinization of  
Indigenous Relationships to Water

SOC540 - Indigenous Feminisms

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## **Part 1 – Introduction**

The source that will be analyzed throughout this sentiment analysis is a YouTube video published on September 18<sup>th</sup>, 2020, on the topic of the lobster fishing dispute in South-West Nova Scotia. While not directly an issue of water advisories and safe-drinking water, this analysis will examine the ways in which settler colonialism has gendered Indigenous ways of being, as well as masculinized sustenance fishing. This will be examined through an analysis of the comments on the masculinization of the commercial fishing industry and the resultant masculine, settler-colonial relationship to water. Additionally, this analysis will seek to examine the common sentiment of the general Canadian population, as gathered by the comments under the YouTube video, towards Indigenous peoples as a population, and further as pertaining to the lobster fishing conflict in Nova Scotia. Using Meissner (2017) and Million (2009), this paper will also examine the constructed sociopolitical imaginaries of Indigenous peoples that the comments present. The aforementioned analyses will take place through a qualitative discourse analysis employed on the commentary present on the video, “*Conflict over Mi’kmaq Lobster Fishing Continues in Nova Scotia*”, published by the APTN News YouTube channel (2020).

## **Part 2 – Explaining the conflict**

Primarily, this paper will provide contextual background on the topic that will be covered within this analysis. In Nova Scotia, there are commercial settler lobster fishers whom the majority of rely on lobster trapping and fishing as a source of income. There are also Indigenous Mi’kmaq lobster fishers who rely on lobster trapping fishing for sustenance. Mi’kmaq lobster fishers have been granted the right, under settler law, to also set traps and fish in the off-season to support “modest livelihood” (Wiber & Milley, 2013). On the other hand, settler lobster fishers do not have the right to set traps and fish in the off season. The 1999 *Marshall* Decision, which

was brought up to the Supreme Court of Canada, has since “recognized the Treaty Right of the Mi’kmaq, Maliseet and Passamaquoddy peoples to “rely on natural resources for a ‘moderate livelihood’ and ‘communal level of benefit’” (Wiber & Milley, 2013). While this paper will not delve into detail regarding events leading up to, or the process of, the 1999 *Marshall* decision, it is important to note for relevancy’s sake, that said Indigenous communities in Nova Scotia, do in fact have a treaty right to fish and set lobster traps in the off-season as decided at the Supreme Court of Canada.

### **Part 3 – Discourse analysis**

When regarding a discourse analysis, it is important to note that specific words used work as a function to denote power - who has it and who does not. Discourse analysis also enables an understanding of the ‘assignment of blame’, further working to perpetuate ideology on demographics that possess or do not possess power. Throughout the analysis on the comments under the YouTube video, discourse analysis will be employed to understand the power relationship between the settler lobster fishers and the Mi’kmaq lobster fishers. Furthermore, a qualitative analysis will be employed to understand the sentiment of the general population towards Indigenous peoples, pertaining to the Mi’kmaq fishing conflict, as reflected by the comment section under the YouTube video (2020).

### **Part 4 – Comments Analysis and Sociopolitical Imaginaries**

The comments present under the YouTube video depicted a variance of different views, denoting power to settlers and non-settlers. Essentially, the comments mainly revolved around assigning blame: settlers and Indigenous folks assigning blame to Mi’kmaq and Indigenous communities, as well as Mi’kmaq and Indigenous communities assigning blame to settler communities. The majority of comments that assign blame to the Mi’kmaq community, often

state that they are receiving special treatment and “freeloading” off the government. An example of such a comment is, “isn’t this exactly what the aboriginals did in the west a few months ago? Setting fires and damaging rail tracks? Trying to dead stop the economy, taking food off the table from hard working families ? Aboriginals receive special treatment, like it or not, and it needs to end” (R Toews, 2020). Another comment that falls under the same theme of assigning blame to the Mi’kmaq community states, “Feds need to compensate commercial fishermen with boat loads of tax free cash. It’s how they deal with any Indigenous issues, only this time the shoe is on the other foot” (Mascotal, 2020). Both these comments imply that Indigenous communities, specifically the Mi’kmaq, receive special treatment from the government. However, neither of these comments, along the multitude of other similar ones, make note of the history of settler colonialism in Canada or the treaty rights of the First Nations peoples. The common sentiment of the general public, as represented by the comments above, can be described as assigning blame to the Mi’kmaq community for freeloading off the government, and in the fishing dispute, also receiving “special treatment” that puts their communities at an advantage. In this sense, the sociopolitical imaginary (Million, 2009) represented by these comments, is that of Indigenous peoples receiving “unfair” advantages by the Canadian federal government.

However, while the majority of comments fell under the umbrella of creating a sociopolitical imaginary where Indigenous communities are to blame for having “special treatment” and were resultantly quite negative, there were a handful of comments and defense in support of Mi’kmaq treaty rights and the right to fish in the off season. These comments showed support and compassion for the Indigenous communities who were a part of the dispute. Some examples include;

“Where are their treaty rights? In honesty, why the hell are Europeans fishing to begin with? This isn’t our land; our ancestors didn’t come from here and plenty of our ilk manage to make a living doing virtually anything else. Why do you have to violate Mikmaq treaty rights to make a living? If your idea of making a living is violating someone else’s way of life you need to re-evaluate your own existence...” (The Raven, 2020).

This comment represents support and compassion for the Mi’kmaq community, which is rare within the comment section under the YouTube video. Yet while the majority of comments included arguments for or against the special treatments of Indigenous communities, further analysis saw settlers blaming Indigenous communities for their lack of conservation, using conservation as a scapegoat in wanting to blame Indigenous communities for fishing in the off-season despite their rights to do so. This essentially is creating the sociopolitical imaginary (Million, 2009) that Indigenous folks are contributing to depleting the lobster resource in Nova Scotia and harming the potential spawning in the breeding grounds by setting traps in the off-season. This is completely inaccurate as Indigenous communities have been lobster fishing for longer than the settlers and are not using the commercial industrial machinery used by settlers to fish lobster. This commercial industrial machinery used by settlers is the leading cause of the depletion of the lobster as a resource and can also be to blame for the disruption of the spawning grounds. Some comments that create this sociopolitical imaginary of Indigenous populations depleting/ruining the lobster population include, “why are some fishermen allowed to fish out of season, thereby breaking conservation laws?” (Walgriff, 2020). Another states;

“Ohmygod stop it Trina inform yourself the healthy stock means it’s well managed but won’t be healthy if left to open fishing all year. What is it you don’t understand when lobsters are spawning you leave them be. When the treaty was signed it was not meant for commercial

fishing. The law needs to be evaluated and put in perspective we are all Canadians where's our (white English/French) rights to protect our livelihood" (Judy Morrell, 2020).

This comment indicates the racism and general sentiment that is geared towards Indigenous folks as an entirety, again repetitively implying that Indigenous folks receive special treatment from the Canadian federal government. However, this sociopolitical imaginary is taught and is quite frankly, inaccurate.

Some comments state in defense of the Mi'kmaq community, that "The white fishermen have more than 350,000 lobster traps. The Mi'kmaq fishermen have 250. It was the white fishermen who illegally cut Mi'kmaq lobster pots which shows the white fishermen don't care about conservation because those pots will still catch lobsters..." (Christian Big Eagle, 2020). Another comment that defends Mi'kmaq fishing in the off-season states, "There is no such thing as healthy stocks when \$500-600 millions of lobster is sold every year. Learn what conservation actually is from real conservationists, not corporations. Indigenous people will not be your scapegoat" (Electra Wolf, 2020). Thus, not only are settlers and those assigning blame to the Mi'kmaq community creating the sociopolitical imaginary of Indigenous folks receiving "special treatment" from the government, but also create an imaginary where Indigenous communities and methods for fishing are depleting natural resources and not contributing to conservation.

While these are the common sentiments that are present within the comment section under the YouTube video, this paper wants to bring attention to the ways in which the lobster fishing dispute has been heavily masculinized. While acknowledging the work of McGregor (2015) and the VLVB report, both bodies of work acknowledge and incite that the Indigenous relationship to land and water has been and is very feminine. This includes in terms of movements to advocate for equal access to clean drinking water, and land back movements as

well, including the Mother Earth Water Walks. Additionally, this paper wants to bring attention to the work of Watt's (2013) and their concept of place-thought. Although very detailed and embedded in Indigenous ways of knowing and the creation story, one striking remark that Watts' (2013) makes is, "... in a majority of Indigenous societies, conceives that we (humans) are made from the land; our flesh is literally an extension of soil. The land is understood to be female" (Watts, 2013). With this in mind, it is evident that there is an element of femininity to be incorporated in resources extraction and appreciation of the land. To take another approach at understanding the ways in which the waters and resources within the lobster and fishing dispute have been masculinized, McGregor (2015) provides some insight from an Anishinaabek perspective, and additionally states that "water justice... considers not only the trauma experienced by people and other life due to water contamination, etc., but values the waters themselves as sentient beings in need of healing from historical traumas. Only when the waters are well and able to fulfill their duties to all of Creation is water justice achieved" (McGregor, 2015). From this quote alone, it is evident that the waters have been tumultuously mismanaged by settlers, and resultantly, the failure to care for them through overfishing has created issues beyond conservation. The fishing being done by settlers, and the dispute in its entirety is anti-Indigenous and anti-Mi'kmaq, as it goes against not only the treaty of 1952, and the *Marshall* Decision of 1999, but additionally contradicts the Indigenous view on entities of water as living. In this sense, the issue needs to take a turn to feminist thought and theory and essentially an incorporation of the concept of *Zaagidowin* (Love).

Although, and to reiterate, the water issue in the lobster fishing dispute is can be regarded as not entirely related to the water scarcity issue, the waters off the coast of Nova Scotia have faced trauma too, and a solution would be a return to Indigenous femme responses to water

justice. An example of this is the Mother Earth Water Walks that were initiated in 2003 (McGregor, 2015), which involve a feminine reconnection to bodies of water. Further, the lobster fishing issue is not just a matter of fishing and resource extraction. The fishing conflict is indicative and representative of further trauma to Indigenous lives and land, including the right to resources and living off the land, and also represents water being a source of life. The masculinization that is present within the overextraction of the lobsters and the failure to incorporate *Zaagidowin* (but from a Mi'qmaq perspective) within commercial lobster fishing practices, is indicative that settler colonialism has masculinized lobster fishing, and the treatment of water as a resource producer as well.

Overall, the sentiment of the comments under the YouTube video are negative and accuse Indigenous folks in the Mi'kmaq community of “freeloading” off the government, depleting the lobster resources and receiving special treatment. However, by taking an Indigenous feminist standpoint in understanding the ways in which water is appreciated from a feminist standpoint, it is clear that settler colonial ideology and colonization, as a structure, has imbedded masculinity into water and the resources that it produces. Settler lobster fishers have incorporated these colonial ideologies into fishing, and resultantly are asking Mi'kmaq lobster fishers to be held to the same colonial standards by adhering to colonial law despite the fact that it contradicts the treaty of 1752 (Wiber & Milley, 2007).

## **Part 5 – Counter Narrative to the Sociopolitical Imaginaries**

To counter the heavily present narrative that was found within the comments under the YouTube video, defense arguments that are relevant include the systemic and systematic racism that Indigenous peoples have encountered since settler colonialism. As one comment states that residential schools are of the past “get over it” (Jerry Lee, 2020), a counter

argument is that they have lasting impacts and effects that are extremely relevant to Indigenous communities' wellbeing and livelihoods to this day. Additionally, this brings up the argument of racism within Canada. Canada is racist and has much work to do in active decolonization, including #landback. The first way to start would be allowing Mi'kmaq fishermen to set lobster traps and fish in the off-season, as they are legally given the right to do so. Not only do waters and natural resources of Indigenous communities need to be respected, but clean drinking water measures need to be enforced on Indigenous reservations all over Turtle Island. Further, a turn to Indigenous feminist theories and ways of knowing, as well as approaches to sustainability, conservation and appreciation for the land are solid argument against the false and negative sociopolitical imaginaries of Indigenous folks that settlers have created. I would also say that there are years and years of decolonizing work, including decolonizing the mind that have to be done in order to even start to start reconciliation. The only true decolonization is #landback, but this needs to be learned from the Canadian education system, which has failed many settlers.

## **Part 6 – Conclusion**

In order for non-Indigenous peoples to better understand the lives and challenges of First Nations people, the education system needs to be completely reformed. This includes involving non-Western canonical ways of learning and teaching and incorporating Indigenous methods and ways of knowing too. The change also starts at the individual level, in educating oneself as it is not the responsibility of Indigenous persons or communities to educate settlers. Further, I think essentially there needs to be more compassion and empathy implemented into the ways people treat each other, not only as pertaining to settlers attempting to understand Indigenous ways of being and knowledges, but also in society in general. Essentially, in appreciating, Anishinaabek

perspective, I think we need to learn and practice *Zaagidowin* (Love). Overall, the lobster fishing dispute essentially is an embodiment of settler colonialism in masculinizing resource extraction, and further indicative of the negative sentiment in which the general population settlers have of Indigenous populations.

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