

# (En)gendering Shoreline Law: Nishnaabeg Relational Politics Along the Trent Severn Waterway

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## Abstract

This article examines the colonization of Michi Saagiig Nishnaabeg territory by the Trent Severn Waterway. By examining legal bracketing as a process within Canadian common law alongside prevailing Nishnaabeg philosophy and legal thought, I consider how the construction of a canal system connecting Lake Ontario to Georgian Bay disrupted practices integral to Nishnaabeg law. I offer up the concept of *shoreline law* as a way to understand particular place-based relationships that Mississaugas hold with water and land and other beings with which they share territory. In particular, I show how colonial domination of Nishnaabeg territory resulted in a gendered dispossession of land that continues to have reverberations throughout Nishnaabeg political systems today. Shoreline law offers up a way to rethink international relations by showing the importance of multiple relationships within the shared space of the shoreline.

*Yeah, it was me. i blew the fucking lift lock up in downtown peterborough and then tara wrote a song about it. so what. sue me. arrest me. i hated that thing and you should have hated it too, if you'd ever stopped to think about it critically, like even for a second, and so now parks canada has one less nationalism park in its collection of family jewels. big deal.<sup>1</sup>*

In 1833, in the territory of the Michi Saagiig Nishnaabeg,<sup>2</sup> a group of six white-settler men conspired to build a canal system of locks<sup>3</sup> and dams connecting

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1. Excerpt from “nogojiwanong,” by Leanne Simpson (2013).
2. The Michi Saagiig Nishnaabeg, also known as Mississaugas, are a part of the Nishnaabeg nation. The Nishnaabeg (or Anishinaabeg, Anishinaabek, or Anishinaabe) nation spans a large territory across the US–Canadian border in the Great Lakes region. The north shore of Lake Ontario and northward into inland lakes is the historical and present-day Mississauga homeland.
3. A lock is a structure that connects bodies of water over different levels of land and through rapids in order to make the water navigable by steamships and other large boats.

Lake Ontario to Georgian Bay (Angus 1988, 3). These men were powerful, upper-class settlers who conceived of this waterway as a public enterprise toward their own material gain (Angus 1988, 4). As advocates for the construction of the waterway, these men argued that it would increase settlement and bring capitalism through the area (Angus 1988, 4). Today, a monument stands at the Bobcaygeon lock that celebrates the canal's purposes to "open up the interior of the province, and to promote agriculture, lumbering and commerce." This lock, celebrated as the first in the system, was in fact not conceived of as part of the larger canal but was instead imagined by James Bethune as a private profit-making endeavor to transport goods, capital, and people into the area surrounding Bobcaygeon (Angus 1988). Today, this history is often collapsed, and the waterway is celebrated as a "National Historical Site of Canada," despite the private motivations of businessmen and years of advocacy to ensure it was built (Angus 1988). The history that James Angus (1988) tells of the Trent Severn Waterway (TSW) is a story of white-settler men's corruption, self-interest, and, I argue here, overall disregard for the pre-existing laws within the territory.

While settler men advocated for and built this canal, the life of Michi Saagiig peoples, who had lived in the territory for thousands of years, continued. This territory and the waters upon which the locks of the TSW sit form my home and the homeplace of my nation: the Michi Saagiig Nishnaabeg. The territory the TSW crosses has shaped our lives and our laws. Yet the pre-existing Nishnaabeg relations of the territory were ignored throughout construction, and they continue to be layered over by the dominating settler colonial context of private property and public dams. As Mississaugas, we have made our lives along the shores of the "land between" for generations.<sup>4</sup> Adger et al. (2011) point out the importance of considering the validity of place-based relationships and acknowledge that Indigenous societies continue to hold "systems of practice and belief[s] of how the natural world works" (5). As such, in this article, I draw on oral history and tell personal stories of my lived experiences as an Anishinaabekwe *alongside* colonial history of the TSW and Treaty 20 of 1818<sup>5</sup> to show that place-based knowledges provide the foundation for intricate relational political systems. This mixed-methods approach (Johnson and Larsen 2013) is intended to draw together Indigenous and settler geographies frequently considered "parallel texts" (Murton 2013). I work within an Anishinaabe methodology (Simpson 2011, 2014, 2017) wherein "research" takes place in an ongoing relationship with an elder—in this case, my friend Doug Williams—while we visit with each other and Nishnaabegaki<sup>6</sup> and use these teachings and land-based experiences to talk back to the archival record. It is necessary to bring the

4. [www.youtube.com/watch?v=1z-WhyWa9vI](http://www.youtube.com/watch?v=1z-WhyWa9vI), last accessed June 25, 2019.

5. There are other treaties relating to this territory and other territories that the TSW crosses. However, I begin my analysis here with Treaty 20 of 1818, as it is conceived of as the first "land cession" treaty we signed, which also covers the territory in which the first dam of the TSW was constructed at Bobcaygeon. Further work could be done relating the construction of the TSW to other treaty territories.

6. Our homeland, the Anishinaabe territory.

Indigenous and settler geographies together to demonstrate how their separation has led to the marginalization of Indigenous relationships to our lands, waters, and each other.

The TSW has affected us and our relatives for hundreds of years. For many years the deeper waters altered the biodiversity of the shorelines, making it difficult for manoomin to grow.<sup>7</sup> The movement of animal relatives has also been altered, with far fewer eels and bullfrogs in the territory. While we know these relatives through our oral histories and relational teachings, the physical absence of them in our territory today alters practices that bring to life particular relationships and thus alters a contingent relational politics. When I asked Doug Williams about smoking fish, he told me that this was lost because in order to smoke fish, one needs fatty fish.<sup>8</sup> The pickerel that people continue to fish is not fatty enough, and our eel and salmon relatives have long ceased making their ways up our waters as a direct result of the dams (Hoggarth 2017; Simpson 2011). Despite disruptions to these relational systems through colonial projects such as the TSW, Nishnaabeg sustain relationships to our lands and waters and the nonhuman beings with which we share territory, even in the face of mass development of public dams and private property, because of a political orientation toward shorelines.

As a young Anishinaabekwe, part of my responsibility to my nation and my territory is lived through my relationship to water (McGregor 2012, 2015). As a result, shoreline law in Nishnaabeg territory is formed and informed by the gendering of bodies, both human bodies and bodies of water. The gendered responsibility held by women toward water has sometimes led to the gendering of water; however, I think of water as a spiritual being who exists outside of human gendered paradigms, especially the gendered paradigms of femininity and masculinity that dominate within a settler colonial context. Yet still, as I will show in this article, the imposition of settler colonial gender paradigms alongside the construction of the TSW has impacted Anishinaabe gendered relationships in place. Given Anishinaabe women's historical relationship to water, and the reality that the six men who advocated to shackle the water with locks and dams were white men, gender violence is embedded within the structure that forms the TSW. Built over the course of one hundred years, the TSW is a monument to what Rob Nixon (2011) has called "slow violence," because its impacts have accumulated gradually and unseen over time. Here I expand this thinking by considering the slow *gendered* violence of the TSW. By centralizing gender in my analysis, the relationship between the intimate and the national becomes more visible.

Through my own relationships to and in my place, I have lived the importance of this relational politics, and here I describe this lived reality as shoreline law. Connections across the intimate spheres of our lives to national and international governance are widely recognized within Anishinaabe theory (Borrows

7. Manoomin is wild rice.

8. Doug Williams, personal communication, Curve Lake First Nation, April 4, 2018.

2010; Simpson 2011, 2014, 2017; Stark 2010). In this way, intimate acts and relationships inform the ways Nishnaabeg engage politically and economically within and across national relationships. This is why Nishnaabeg have theorized governance through such practices as breastfeeding (Simpson 2011) and marriage (Stark 2010). The intimacy of our politics stands in stark contrast to the depersonalization and bracketing of forms of relationships from one another within the common law and within Canadian narratives that dominate on our lands. The spaces between the intimate and the national that evokes Anishinaabe law across multiple embodied spheres of our lives form shorelines themselves. In the shoreline space, where worlds meet, particular place-based relationships live, thus engendering Anishinaabe law. As “the world is made up of many worlds” (Inoue 2018), this article invites scholars into the world of the Nishnaabeg to create space for reconsideration of what constitutes international relationships. As such, in this article, I put forth the idea of shoreline law as embodied in our relationship to the shoreline through practices and in our relationships to one another, human and nonhuman. Shorelines bring to life relational politics because they form the liminal space between worlds (water and land). I work to recontextualize the relationships that the TSW has attempted to disrupt by juxtaposing this relational politics against the bracketing out of relationships to water and land from one another in colonial law.

Storied theorizing and multiscalar politics in which personal experiences inform our political world are carried out in the structure of this article. I use personal stories and Anishinaabe histories juxtaposed against archival documentation to illuminate the intimacy of Nishnaabeg politics against the depersonalized bracketing of the common law. I begin in the first section by contextualizing the construction of the TSW with Treaty 20 of 1818. These two governing entities are rarely discussed together, but here I illuminate how Treaty 20 and the TSW are inextricably connected by gendered water relations. Despite the attempt to bracket out these two governing bodies from one another, the settler government’s attempt to uniformly claim water and land through Treaty 20 renders them inextricably connected.

In the second section, I move on to a broader discussion of Anishinaabe stories in order to highlight the relational nature of Anishinaabe law and how our laws are lived along shorelines. Returning to the intimate in the third section, I consider the (en)gendered nature of shoreline law, which lives between us in our embodied relationships to each other and in our embodied relationships to the land. In this section, I put forth some of my thinking about how the TSW has had impacts across the multiple spheres of our lives, from the intimate to the national, and discuss some of the ways that the disruption of shoreline relations reverberates throughout our nation and across the intimate shorelines between each other in our embodied lives and loves. By drawing these multiple scales into conversation with one another, I hope to demonstrate how colonial structures like the TSW deeply impact our lives, while also showing how the relationality of our laws has allowed us to live in and around colonial domination.

## The Trouble with the Trent Severn Waterway

The territory that the TSW spans is primarily Anishinaabe territory. In some places it is Haudenosaunee territory, and in yet other parts it is considered shared territory between the two nations. There are several different treaties, both pre-Canada treaties between Indigenous nations and the more recent treaties between the Crown and Indigenous Nations (Blair 2008). Rarely is the TSW contextualized with the treaties signed by the Crown and the Anishinaabe, either in governance practices by branches of the colonial government or in academic scholarship.<sup>9</sup> However, from listening to oral histories, I understand that treaties and the TSW are intertwined, and it is this historical present that I intend to bring forth in this section. While there are a number of colonial treaties that govern the total territory the TSW spans, from Georgian Bay to Trenton, in this article I focus in on Treaty 20 of 1818. As an early “land cession” treaty signed by Mississauga chiefs, the treaty offers particular insight into the approaches to treaties held by both the Mississaugas and the Crown. Furthermore, the signing occurred prior to the construction of what would become the first dam in the TSW and relates to the specific geographic area where this first dam was built. Placing these two entities into conversation with one another is of paramount importance to understanding the complex land and water relations in the area. I use the Mississauga understanding, as taught to me by Doug Williams, of Treaty 20 of 1818 to demonstrate the lack of clear jurisdiction and effective control held by the TSW as a governing body.

In thinking through the lack of engagement with treaties by the TSW, I have frequently turned to legal geographer Nicholas Blomley’s work on bracketing. As Blomley has defined it, bracketing

Entails the attempt to stabilize and fix a boundary within which interactions take place more or less independently of their surrounding context. That which is designated as inside the boundary must be, in some senses, disentangled from that identified as outside. Bracketing, in this broad sense, is a ubiquitous and seemingly inescapable dimension of experience and perception. It entails complex and subtle calculations that govern what is, and what is not, to be included within a particular setting. (Blomley 2014, 135–136)

Bracketing is a practical process, used both in the formation of settler relationships to Nishnaabeg land and in the ongoing interpretations of settler laws in the interest of colonial expansion. This section uses Blomley’s interpretation of bracketing to highlight what has been or continues to be bracketed out between the textual representations and embodied realities of the waterway. I pair this bracketing approach used by colonizers with Nishnaabeg understandings of treaties as relational, containing responsibilities pertaining to all the parties involved and requiring perpetual reciprocity and renewal (Simpson 2017; Stark 2010).

9. Frustrated by the lack of work that put these two governing entities into context with one another, I undertook some of this work in my MA thesis, “Nishnaabeg Encounters: Living Indigenous Landscapes.” Aside from conversations in community, I have not seen the TSW contextualized with our treaties.

The text of Treaty 20 forms a mere paragraph in its published format and recounts mostly the boundaries of the land described in the treaty. Though the treaty was considered to have preserved hunting and fishing rights, it was also understood by the Crown as a land cession treaty.<sup>10</sup> Colonial government officials did not differentiate between water and land and considered their discussions with Nishnaabeg signatories regarding land as also relating to water. Nishnaabeg, however, had a different take on the discussions about water and land. Several direct and relational requests to maintain shoreline access and water relations were not recorded in the written document of the treaty. The nuances of these governance relations are recounted regularly by Nishnaabeg community members within the region and form a part of our lived understanding of the history of the colonization of our water and land. As such, the notion that water governance was ceded through Treaty 20 has persisted in the minds of colonial government officials to this day. Nishnaabeg, however, continue to remember and recount our version of events and dispute settler treaty interpretations.

In 1833, when what would become the first dam in the TSW was constructed at Bobcaygeon, not only were the treaty relations with Nishnaabeg ignored, but our continued embodied presence was also discounted. Despite the reality that Nishnaabeg had made the land that is now Curve Lake First Nation a gathering place for thousands of years and, with the preliminary influx of settlers, had made it a year-round home, settlers still considered that very few people were living in the area (Angus 1988; Whetung-Derrick 1976). Whether overlooking our presence was born of ignorance, intentional, or due to the colonizers' belief that we were not "people" under their laws, the result was that mass development had begun in our territory. The dam at Bobcaygeon would become the first dam in the TSW; however, at the time, it was a private enterprise undertaken by a man named John Bethune. Bethune did not want the TSW constructed, nor did he believe it would ever happen (Angus 1988). Yet, the Bobcaygeon Dam is celebrated within the Canadian mythology as integral to bringing "settlement, agriculture, lumbering, and commerce" to the region (according to wording on the monument at Bobcaygeon) and continues to stand as a monument to the "slow violence" (Nixon 2011) within Nishnaabeg territory. Though Bethune did not intend the dam as the inception of the construction of the TSW, the truth of this history is often collapsed in national narratives of the waterway, and the public/private bracketing that occurred in that historical moment is left out. The capitalist reality of a waterway touted as a public good is indicative of the long tensions that stand in the territory between private and

10. The government assumed that when we signed the Williams Treaty in 1923, this also extinguished the rights captured in Treaty 20 (despite each treaty's explicit relationship to different tracts of land). However, in the opening of a court case relating to the Williams Treaty in 2012, the Minister of Natural Resources indicated that Treaty 20 rights were never intended to be extinguished by the Williams Treaty (Retrieved from <http://www.williamstreatiesfirstnations.ca/about/>). This has resulted in a flurry of reclamation and resurgence with respect to hunting, fishing, and harvesting within our territory and a recent financial settlement negotiated between the Crown and Indigenous signatories.

public enterprise, lack of consultation and consent seeking by colonizers, and Nishnaabeg law.

The archival record captures the bracketing that occurred with respect to Nishnaabeg and the TSW. As a brief example, in the early 1900s, near to the completion date of the full canal system, the Mississaugas at Mud Lake submitted a claim to the Department of Railways and Canals through the secretary of Indian Affairs, J. D. Mclean, in relation to the later publicly constructed Buckhorn Dam.<sup>11</sup> In his letter to L. K. Jones on April 3, 1909, Mclean wrote that “damages are also claimed in behalf of the Indians of Mud Lake (or Chemung Lake) Indian Reserve for a tract of land in their reserve which was flooded by the raising of the water in connection with the Trent Valley system and for islands in some of the lakes which have been similarly damaged.”<sup>12</sup> This letter was the beginning of a chain of correspondence that occurred over twenty years between the Department of Indian Affairs, the Department of Railways and Canals, and the Council at Chemung. The Department of Railways and Canals continued to defer responsibility by responding with a regular refrain that the issue would receive attention, but action was not taken until the department had found a way to bracket out legal responsibilities by interpreting property laws as isolated from one another across both time and space in order to support its interests in dispossessing Mississaugas of their land.

The Department of Railways and Canals’ final word on the issue came on February 5, 1917, and relied heavily on bracketing within property law. The letter from L. K. Jones follows:

From the copies of Deeds on file here, it appears that your Department did not acquire the lands in question until 1898 and 1900, many years after the lands were flooded by reason of the Buckhorn Dam, and your Department could have no claim for damages previous to that time, not even if the Deeds purported to transfer a right of action in respect to such flooding, which, in point of fact, they did not. Such a right of action is not legally transferable between private parties, and certainly not against the Crown. It would appear that, previous to the lands coming into possession of your Department, the Crown had a prescriptive right to flood the same, and the Indians obtained them subject to such a prescriptive right.

It is not understood that there is any claim or basis of claim for damages since 1898 or 1900.

It does not, I am to say, appear that the Indian claim is well founded.<sup>13</sup>

11. Colonizers once gave the name “Mud Lake” to Curve Lake. Buckhorn Dam (lock 31) is just below Bobcaygeon Dam (lock 32). I suspect it may have been possible to claim damages in relation to Bobcaygeon Dam, but it was privately constructed. The development of “private land” and the responsibilities of private property owners, and private business owners, remain unresolved issues in Canada.
12. Library and Archives Canada, Department of Railways and Canals, Correspondence with the Department of Indian Affairs, Mississaugas of Mud Lake Claim, Record Group 43, Vol. 1554, File 7435.
13. Library and Archives Canada, Department of Railways and Canals, Correspondence with the Department of Indian Affairs, Mississaugas of Mud Lake Claim, Record Group 43, Vol. 1554, File 7435.

This passage captures the heavy reliance upon bracketing by colonial officials to evade responsibility for the slow violence enacted on Nishnaabeg bodies and land by the construction of the TSW. Jones' abdication of responsibility held by the Department of Railways and Canals hinges upon the fact that the land at Chemung had been deeded to a religious mission, the New England Company, to be held "in trust" for "the Indians" in 1837 (Whetung-Derrick 2015). This deeding could only take place because it was considered that the land had been ceded in Treaty 20, and no reserve provisions had been made in the treaty. As such, the colonial government later attempted to rectify the situation by deeding the land to the missionary colonizers spreading Judeo-Christian religion within the Mississauga community. As the land was not transferred to the Department of Indian Affairs until 1898, the Department of Railways and Canals was of the opinion that rights to compensation for flooding did not carry over with ownership transfer when the flooding occurred while the New England Company held the deed. This, of course, does not account for the truth that Nishnaabeg lived along those shorelines for thousands of years, and continued to live there while others held the deed, which they were unable to hold because they were not considered legal persons under colonial law. The bracketing of Indian relations to the Department of Indian Affairs prevented the Mississaugas from first owning their land and then advocating with respect to their continued presence on it. All of this was mediated by different branches of colonial law, which had no interest in rectifying their relationship with the Mississaugas. As this one example shows, bracketing occurred through time and was delineated by *who* held *certain rights* in relation to the land at *certain times*.

Yet still, the brackets discussed in the preceding example all deal in relation to landownership and do not address the water in particular, aside from putting forth the reduction of the reserve land base through flooding induced by the construction of the TSW. Long before this, in Treaty 20 negotiations, requests made by the Nishnaabeg with respect to the water were left out of the written record, representing a bracketing out of Nishnaabeg legal relations prior to the land/property-based interpretations recorded in the archives, demonstrating that bracketing is both a formative and interpretive legal process. By omitting particular Nishnaabeg claims from the written documents, certain brackets were formed that allow for later interpretation of them as historically and geographically separate. Doug Williams' oral history, shared with me over the years, includes details about the water that capture the relational nature of Nishnaabeg law and the importance of shorelines to Mississauga lifeways. Over the years Doug has taught me that we wanted to keep the maple bushes, the wetlands, the points of land, and the islands and that we asked to keep the beaver houses. These requests evidence the relationality of Michi Saagiig Nishnaabeg legal practices that would have shaped Mississauga negotiations in treaties with the Crown. In the next section, I look deeper into the meaning of this relationship between beavers and humans, using a historical story recorded by William Jones and interpreted by Heidi Stark about the woman who married a beaver.

This story captures Nishnaabeg attitudes toward treaty relations that inform my understanding of the history taught to me by Doug Williams with respect to Treaty 20 and our ongoing lived reality in the territory. It is these two treaty relationships that I take up in the next section.

## Nishnaabeg Relationality and the Shorelines of Nishnaabeg Law

Nishnaabeg stories teach relational politics and guide the intranational and international relationships of the Nishnaabeg nation. Leanne Simpson (2017, 58) indicates that Nishnaabeg maintain “a series of radiating relationships with plant nations, animal nations, insects, bodies of water, air, soil, and spiritual beings in addition to the Indigenous nations with whom we share parts of our territories.” This “Nishnaabeg internationalism” (Simpson 2017) is a way of conceptualizing international relations that stands in contrast to Western nation-state practices of bordered sovereignty, exclusionary rights, and human modes of production and can illuminate how Nishnaabeg approached treaty relations with other human nations (such as the Haudenosaunee) and white-settler newcomers. As such, in this article, I use an Anishinaabe story of the woman who married a beaver to contextualize Nishnaabeg requests to maintain rights to shorelines in the Treaty 20 negotiations of 1818. A multitude of networked relationships exist within and across Nishnaabeg territory, and these relationships across differences (e.g., of species) in a shared geography form shorelines between us. Shorelines are fertile ground on which to reconsider the meaning of international relations. In particular, by illuminating the Nishnaabeg political orientation toward shorelines, the importance of networked legal relationships, as opposed to bracketed legal relationships, becomes apparent. In considering our radiating relationships, I explicate what I have come to understand as shoreline law and how it can form the basis for ethical relationships in multiple spaces of law.

In the story of the woman who married a beaver, a young woman on a vision quest is asked by a being to come be his wife; she agrees and finds that she is living with a beaver. Her beaver partner and their beaver children regularly go to visit the Nishnaabeg, always returning with gifts, and over time, she realizes that the Nishnaabeg are harvesting the beavers for furs and food, though the beavers never really died. When her beaver partner does die, she returns to live among her own people and carries teachings of the great love between the Nishnaabeg and the beaver people with her (Stark 2010; White 1999).<sup>14</sup> Anishinaabe scholar Heidi Stark (2010) analyzes this story as demonstrative of the Anishinaabe principles of reciprocity and renewal in treaty relationships. This story shows how Anishinaabe legal tenets are formed in a variety of relationships and relational settings. Treaty principles are learned in

14. In order to remain true to this story, some of the language is borrowed directly from both William Jones' and Heidi Stark's transcriptions.

the intimate setting of marriage, and these principles are both specific to the Nishnaabeg relationship to beavers and applied across other international relationships. This story describes more than just a social and cultural worldview; it shows that Nishnaabeg legal tenets exist in multiple spheres of our lives and that the intimate sphere is frequently understood as a precedent-setting forum for legal relationships.

As mentioned, Doug Williams has taught me that in the Treaty 20 negotiations of 1818, Mississaugas asked to keep the beaver houses. Within the relational framework of Nishnaabeg law, this seemingly simple request has multiple complex meanings. While explicit requests were also made to retain access to wetlands, points of land, and islands, a request to keep the beaver houses further embeds the relationships that exist between and across water–beavers–humans–land. Given the ecological relationship that beavers share with shorelines through their beaver houses and dams, the beavers maintain and influence the shoreline and the waterway. This relationship plays an integral role in homeplace creation for other plant and animal relatives as well as for us as Nishnaabeg, as beaver damming creates wetland spaces that allow much of what we depend on for survival to thrive. This stands in contrast with the massive human dams created through the brackets of colonial law, which led to flooding of shorelines and wetland destruction as colonizers worked to create a waterway deep enough to bring steamships through. While colonial laws rely on bracketing out these relations from one another, Nishnaabeg law relies on these multiple “radiating relationships” to connect the various nations sharing the territory. Stark’s analysis shows the necessity of respect, reciprocity, and renewal to Anishinaabe treaty relations with the beavers and that these values are learned through the intimate relationship of marriage between a beaver and a Nishnaabekwe.

The networking of relationships is further demonstrated through the Nishnaabeg request to keep the beaver huts in the 1818 treaty negotiations. While we could read this on the surface as a purely economic request for retaining access to a subsistence livelihood, the request carries deeper meaning for Nishnaabeg. In asking to keep the beaver huts, the Nishnaabeg effectively bring their pre-existing treaty relationship to the beavers into the new treaty relationship with settler newcomers. This shows the basic understanding among the Nishnaabeg that the territory is shared with multiple beings and that each group’s thriving is dependent on the network of relationships. This approach to treating with other human and nonhuman nations had been used by the Nishnaabeg for generations. In bringing their relationship to the beavers into the treaty talks in 1818, the Nishnaabeg worked to connect legal spheres in order to sustain a relational politics wherein land can be co-inhabited. The one sentence about keeping the beaver huts carries the meaning of the great, networked reality that lives along the shorelines within Nishnaabegaki. But as Doug Williams said, the hope that the treaty negotiators would record these networked relationships between water–beavers–humans–land did not come

to fruition, and “they surveyed them out.” This bracketing out of Nishnaabeg place-based relationships has been a tool of settler colonialism. What is recorded in the written version of the treaty and on its corresponding maps does not capture the multiplicity of embodied relationships lived out along and through the shorelines. Yet these relationships live on in these stories and through the resurgence of embodied shoreline practices by Nishnaabeg.

I have come to think of the ethics that govern the multiplicities of these relationships as “shoreline laws.” These laws come to life along the literal shorelines between water and land and in our relationships between ourselves and other beings. In these relationships, we are governed by the ethics of “consent, reciprocity, respect, and empathy” (Simpson 2017, 61). Just as certain plant relatives and animal relatives are brought to life along healthy shorelines between water and land, certain ethics and qualities come to life in the shorelines of our embodied relationships to one another.<sup>15</sup> As such, Nishnaabeg law is lived out along the multiple shorelines of our lives. The Nishnaabeg learned about the ethics of their treaty relationship to the beavers through an intimate relationship between a young woman and her beaver partner. The intimacy of this relationship and Stark’s (2010) interpretation of it as demonstrating treaty principles prompt a reconsideration of how we understand international relationships and the spaces where differences meet. In the transitional spaces where water becomes land, the radiating relationships of Nishnaabeg become visible and illuminate the value of considering relational, political, and legal shorelines. In the next section, I turn to a closer examination of the intimacies that exist in (en)gendering shoreline law.

## (En)gendering Shoreline Law

In summer 2015 I paddled my canoe from the swamp in my mother’s backyard that leads out into Chemung Lake, around the peninsula that is Curve Lake First Nation, through the Bobcaygeon lock, to the area that was described by my great grandfather in the 1923 treaty negotiations as Whetung harvesting territory.<sup>16</sup> This “research” was a solo paddling trip wherein I tried to understand the complications of engendering Anishinaabe laws in a densely settled context where private property runs right up to the water’s shoreline. I wanted to understand how colonial laws made the construction of the canal system connecting Mississauga Nishnaabeg lakes possible and how Nishnaabeg law lives in and through and around these colonial laws and their infrastructure/monument presences. I begin this section with this embodied practice because this journey taught me that the brackets of colonial laws rely on monuments/infrastructures, like the TSW dams, to make them work. I also learned that we give rise to Nishnaabeg law when we engage in our practices in place. Though we are affected by the

15. *Chi miigwech* to Lila Asher for asking the question that got me to make the explicit connection between these two things when I spoke at the University of Toronto on February 15, 2018.

16. Doug Williams, personal communication, Curve Lake First Nation, spring 2015.

realities of private property along our shorelines, we continue to live our lives in our place, as we have done for generations. The more I am engaged in reclaiming Nishnaabewin in my life, the more I understand how our laws live relationally and that we engender law through practices—and the more I understand the importance of gender within the multiple histories of our waterway.

In 1818 the people who negotiated and signed Treaty 20 were all men, either Indigenous or settler. This was not unusual, though some anthropologists would argue that it was a departure from pre-existing economic relations during the fur trade, wherein women were often powerful traders (White 1999). As Leanne Simpson (2011, 2014, 2017) has argued, and the historical record examined by anthropologists corroborates (e.g., White), Anishinaabe society was based on egalitarian values, with women holding positions of power in all aspects of life, from the familial to the ceremonial to the political and economic. The TSW was developed to facilitate Anishinaabe land dispossession, with the explicit purposes of bringing settlement and commerce to the region and opening “the interior of the province” (Angus 1988). As mentioned, the construction of the canal system continues to be celebrated for promoting “agriculture, lumbering and commerce.” A canal conceived of and built by men, it is fundamentally tied to the dispossession of our land as well as to intimate dispossessions that are gendered. The embodied nature of Nishnaabeg shoreline law is lived out through our gendered relations in place and can be connected back through the stories that compose our history.

Within Anishinaabe culture, women hold particular responsibility for the water (Mcgregor 2012, 2015). In discussions about gendered relations and roles within Nishnaabewin, I am cautious not to map our conceptions of gender directly onto Western binary understandings of biological sex and socialized gender. Anishinaabe gendering is tied to a diversity of social roles and does not operate within a biological sex–gender binary (Simpson 2011, 2017; White 1999). Though women and men exist within the Anishinaabe thought-world, I do not expect these gendered conceptions to be understood as the same as or even parallel to Western understandings of what makes a “woman” or a “man.” Here, when I say women hold particular responsibility to the water, I want to be clear that the standards, norms, and practices surrounding gender in Nishnaabewin were and in some places continue to be quite different from those of colonizers. However, I am also leaning on the binary in part, because this binary was enforced upon us in treaty negotiations, where men were signatories and women were not.<sup>17</sup> Additionally, Leanne Simpson (2011) has written about Nishnaabeg governance structures and details that women were frequently (though not exclusively) responsible for the internal governance of the family and nation, while men were frequently (though not exclusively) responsible for international

17. Though there is evidence that genderqueer people were at times included in negotiations, such as the famous Chief Yellowhead (see Simpson 2017), and I continue to learn about the roles of genderqueer and two-spirit people.

relations.<sup>18</sup> She tells, though, that men understood their responsibility to represent the interests of women in negotiations with foreigners and would go into discussions having previously determined with the women what would be discussed (Simpson 2011). This rings true for me when Doug tells me that we asked to keep the maple bushes in negotiations as these were historically governed by women within communities. I now understand this intermediary role men played across the internal–external boundary of community as one among many relational shorelines in Anishinaabe law.

Settler men negotiating the treaty did not ascribe the same meaning to keeping the shorelines, the points of land, the islands, and the maple bushes as we did. This disregard for our shoreline ways and seasonal movements resulted in fragmenting forms of dispossession, as many of the areas toward which women held responsibility go unmentioned in the treaty, but all the while it was considered that rights to hunting and fishing practices were maintained—a responsibility often held by men.<sup>19</sup> I call this a fragmenting dispossession, because it created a rupture in the gendered divisions of labor within Nishnaabeg society through the loss of mass tracts of land with waters flowing through, islands, shorelines, points of land, and maple bushes—all unmoveable sites of much of women’s labor. This forms part of the slow *gendered* violence in Anishinaabe territory, the effects of which took time to become visible and with which we are still grappling today. The dispossession of territory toward which women hold particular responsibility has over time contributed to the subjugation of women’s roles in Nishnaabeg society and to the creation of a structure that allows for increased violence against Anishinaabe women. When we lose the sites of much of our places of governance and the locations of our labor, our integral value to the running of the nation is more difficult to see. Flooding by the TSW hid not only the plant and animal relations that live along the shoreline but also the embodied gendered relations that women live out along the shoreline by decreasing our access to the places of our work.

The gendered dispossession of our literal shorelines, where much Nishnaabeg law lives, reverberates throughout our embodied relations. It is not only the fragmentation of Nishnaabeg women’s relationships to our places but the intimate dispossession of particular gendered relations and possibilities. In our relationships to one another, we form shorelines between us, where certain realities are brought into being. Just as some lives are only lived along shorelines, such as the lives of cattails, some relational possibilities are only brought to life in the shorelines between us. Shorelines are places where this relationality takes shape as a living legal forum; the transitional space where water meets land is the geography that emphasizes the importance of seeing

18. [www.leannesimpson.ca/writings/not-murdered-not-missing-rebelling-against-colonial-gender-violence](http://www.leannesimpson.ca/writings/not-murdered-not-missing-rebelling-against-colonial-gender-violence), last accessed June 25, 2019.

19. These rights were maintained until the 1923 Williams Treaty was signed. After 1923, our hunting and fishing rights were considered illegal, until they were restored in 2012 in the Treaty 20 area.

how these two separate entities are *connected*. While settler colonial law used brackets as an attempt to separate these beings from one another, they are forever connected along the shoreline, just as we are embedded within our embodied relationships. I think we most clearly can understand this through cattails, which are used by Nishnaabeg to weave warming mats and to build the walls of shelters. The roots and pollen can be eaten. The fluff of the cattail can be used to stuff pillows, and the gel found within the layers can be used to soothe skin irritations (Geniusz 2015; Wall-Kimmerer 2015). Mary Siisip Geniusz (2015) describes cattails as “the defenders of the shoreline,” as they prevent the water from eroding the land. She tells that this description comes from one of the Anishinaabemowin<sup>20</sup> words for cattails. This description shows the importance of shorelines as relational spaces that mediate between worlds, stories, and beings and give form to particular legal relationships. The cattails, shoreline inhabitants, anchor the importance of the shoreline space as a geography that reveals Anishinaabe relational legal principles.

These shoreline learnings can be carried with us into embodied relationships between other human and nonhuman relatives. I understand the shorelines between us most clearly in the story of the woman who married a beaver, where the treaty between the beavers and the Nishnaabeg is brought to life through the intimate marriage relationship. Shoreline law is engendered through this embodied relationship between beings. Their appreciation, respect, and love for one another is brought to life through an understanding of the shorelines formed in the embodied space between them. This is learned through the connection to their shoreline geography and is transferred into relational laws that operate at both intimate and national scales. My understanding of the shorelines between us intensified when I paddled my canoe through our Nishnaabeg waters, which allowed me to see how Nishnaabeg law lives on through us and in our actions along the waterway. Shoreline laws are learned in relationship to the shoreline. When we lose access to shorelines and the perpetual renewal of this relationship is diminished, so too is the renewal of embodied gendered relationships. Pairing together the stories and practices of Nishnaabeg law along our shorelines amplifies the gendered dispossessions of treaties and the TSW. Looking between the brackets imposed by colonial laws to separate water and land, the multiple ways that this disrupted gendered relationships is illuminated. The imposition of the colonial gender binary has impacted both our physical shoreline relations and the embodied shorelines between us. The disruption of shorelines by the TSW flooding reverberates out through the relationships in place that rely upon the delicate radiating balance described by Leanne Simpson, so that the value of those of us who work and live along the shoreline, from cattails to women, is obscured. However, the importance of these beings within the relational governance of the place can be called up through the water through our stories and practices, thus bringing shorelines back to life.

20. The Anishinaabe language.

## Conclusions

In this article I have worked against the brackets of colonial law by putting forth a place-based and relational accounting of Nishnaabeg legal processes through shorelines. Water calls the law of property to account for itself at the shoreline. Shorelines are constantly shifting and changing, showing the instability of colonial brackets and the constant work required to maintain the illusion of seamlessness within colonial laws. Despite the attempts of settler men to overwrite place-based Nishnaabeg relationality within colonial laws, stories, and the physical imposition of dams on our waters, shoreline law lives on when we evoke it through stories and practices. The disruptions and dispossessions across our individual and collective lives as Mississaugas are real and are felt; the dams stand still. The specific claims for flooded lands are ongoing and being settled through the Canadian court system. The eels and salmon no longer travel to our inland lakes. The beavers and muskrats are fewer. Our shoreline access is obstructed by private property to the water's edge. As a result of this, our governance has shifted as well. The loss of access to the sites of women's labor has contributed to a shifted perception of our value within our societies. The shorelines between us in our intimate lives have been threatened by the shoreline destruction within our landscapes.

While the TSW stands as monument/infrastructure to colonial violence, both intimate and national, the possibility of engendering shoreline law remains. When we make connections between story, law, practice, and presencing our places, we evoke the possibilities of shoreline law. When we embrace the relational space of shorelines, we work against the boundary brackets of colonial narratives of our places. Along the shoreline, it is possible to see the importance of the multiple embodied and gendered roles we each hold within society. The importance of applying intimate models to political relations is demonstrated through the intimate relationship of marriage between the beaver and the Anishinaabekwe that informs treaties. International relations can be learned from intimate relationships, and there is value in rethinking what constitutes international relationships in a shared geography where colonial law continues to dominate Nishnaabeg law. I am also calling for a recovering of intimate relationality through learning within the international space of the shoreline. The transitional space of the shoreline makes possible many different types of relationships, be that between water–cattails–land or water–beavers–humans–land. Engendering shoreline law prompts a reconsideration of the spaces of international relations beyond bordered sovereignty between nation-states. The shoreline holds multiple relationships across species boundaries and gendered differences that are understood as international relationships whose wellness is interdependent. This reframing of interspecies relationships as international has implications for the way governance over shared territory is conceived of internationally and enacted in our embodied lives. Engendering shoreline law shows how reciprocity and mutuality of nations can exist within the same space

and counters the colonial legal process of bracketing these connections out from one another.

In this space, what I have worked to show is that the embodied relationships the shoreline brings to life are also gendered and that their disruption has had gendered implications within the ongoing settler colonial context. The damage done to the shoreline territory is reflected in the damage done to shorelines between us. Just like Winston Taylor, “I know they done the water wrong by making that system” (Hoggarth 2017). This wrongdoing has reverberated throughout our relationships, both human and nonhuman, and is gendered. Despite the constant work of colonial laws and infrastructures to bracket out multiple bodies from one another and the broader context the shorelines regenerate, manoomin grows out into the shallow lakes again. The defenders of the shoreline continue to cultivate relationships between water and land. We can engender shoreline law through our practices along the waterway. Colonial brackets cannot contain water forever; it flows out all around them and, in the shallows, resumes the verdant relational space of the shoreline. A recovery of the gendered and international relationships within the shared space of the shoreline would re-embed the importance of reciprocity and mutuality within international relations.

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