



**Daniel Rück**, *The Laws and the Land: The Settler Colonial Invasion of Kahnawà:ke in Nineteenth-Century Canada*, Vancouver: University of British Columbia Press, 2021. ISBN: 9780774867436 (cloth); ISBN: 9780774867443 (paper)

In the summer of 2021, the Rotisken'arakéhte, often referred to as the Mohawk Warrior Society, undertook an action with a group of Kanien'kehá:ka of Kahnawà:ke community members to reclaim a piece of forested land immediately adjacent to the Kahnawà:ke reserve boundary (Deer 2021). The parcel in question falls within the former Seigneurie of Sault Saint-Louis, the over 18,000-hectare stretch of Kahnawà:ke territory where Rück's incisive historical account of settler colonial attrition takes place. The current land reclamation action, prompted by a March 2021 Chateauguy municipality rezoning by-law greenlighting a 290-unit housing development, is but the most recent iteration of centuries of Kanien'kehá:ka of Kahnawà:ke struggle to defend and reclaim their land. Similarly, three months earlier and 60 kilometres up the road, Kanien'kehá:ka of Kanehsata:ké land defenders put out a call for support because the municipality of Oka had once again moved to seize and develop the Sacred Pines (Kanehsata:ké Land Defenders 2020). The Pines is an unceded Kanehsata'kehró:non burial site stolen by Jesuit missionaries. The municipality of Oka's 1990 approval of a golf course extension onto the site triggered the Oka uprising. Oka's current mayor, Pascal Quevillon, has embarked on several public racist screeds against the Kanien'kehá:ka of Kanehsata:ké.

In reading *The Laws and the Land*, one is confronted with the striking symmetries between the settler colonial invasion of Kahnawà:ke throughout the 19<sup>th</sup> century and the ongoing attempts by settler governments, real estate developers, and far-right community groups to secure, entrench, and extend settler control over Kanien'kehá:ka land. To be sure, the techniques and rationalities of settler colonial governance have undergone significant conceptual reordering due in no small part to the multiple crises of state legitimacy driven by Indigenous uprisings and

political mobilisations of the 20<sup>th</sup> and 21<sup>st</sup> centuries. Yet, now as then, Indigenous nations seeking to exercise their jurisdiction encounter a churn of disparate, largely unaccountable, bureaucrats and politicians armed with various degrees of incompetence, ignorance, and contempt for Indigenous and Aboriginal law, but united in the unshakeable conviction of their own superiority and that the land somehow—despite all evidence to the contrary—belongs to them. When read with an eye on our current moment, Rück’s nuanced analysis of the century-long collision between Kahnawà:ke’s legal order and increasingly aggressive colonial governments offers us resources to map the illusions of progress that animate state discourses of reconciliation.

What *The Laws and the Land* does so well is to illustrate how the forced domestication of Kahnawà:ke sovereignty was not achieved with macro-level assertions of Crown sovereignty, but rather through (to borrow Robert Nichols’ [2020: 45] apt formulation) “microlevel practices that worked to dismantle one infrastructure of life and replace it with another”. I found the “Dissidents, Property, and Power, 1790-1815” chapter particularly informative in this regard. Rück describes how at the turn of the 19<sup>th</sup> century “dissident” Kanehsata'kehró:non (many with questionable ties to the community) began turning to colonial courts to resolve land and resource disputes that were clearly within the ambit of Kahnawà:ke jurisdiction. Recognising this as a means of usurping their governing authority, Rück details how Kahnawà:ke’s leadership sought innovative means to codify the nation’s political and legal traditions and values to make Kahnawà:ke legal authority legible, as such, to colonisers. The following two chapters illustrate how the accretion of colonial jurisdiction through settler courts only intensified in the ensuing decades as successive pieces of colonial legislation opened new planes over which dissident Kanehsata'kehró:non and settler bureaucrats could interfere with Kahnawà:ke’s legal order and further inscribe settler colonial relations into the territory. Here Rück offers an important extension of work like Lisa Ford’s (2010) *Settler Sovereignty* and Heidi Kiiwetinepinesiik Stark’s (2016) “Criminal Empire”. Both works track how extending criminal jurisdiction into

Indigenous territory was an important means of assailing Indigenous jurisdiction and realising Indigenous dispossession. In a similar vein, rather than portraying settler sovereignty as a uniform wave rolling over the territory, Rück illustrates how control was manifested unevenly through an accretion of conflicting settler jurisdictional practices anchored to settler courts. For Rück, settler racism was such that the problems precipitated by settler interference could be fallaciously written-off as deficiencies in Kahnawà:ke law and governance, in turn providing justification for further colonial intervention.

An enduring myth (still, somehow) promulgated by champions of liberal propertied order is that it replaced the arbitrary, irrational, and often violent rule of customary modes of governance and tenure. Rück's rich description of the "effective inefficiency" of Department of Indian Affairs (DIA) interventions represents yet another opportunity to give the lie to this liberal triumphalist narrative. Drawing on Yael Berda's (2017) excellent work, a key insight proffered by Rück is that the confusion sewn by the arbitrary, contradictory, sometimes well-intentioned, and sometimes capricious and cruel, character of colonial rule at Kahnawà:ke was itself a vehicle for advancing settler colonial priorities. As Rück concludes in chapter 5, DIA "response to land conflicts was so inconsistent that most Kahnawa'kehró:non had no way of knowing what to expect from it" (p.157). Clearly, a good deal of DIA success in undermining Kahnawà:ke's legal order did not stem from some grand colonial strategy. Rather, incompetent bureaucrats and self-interested Indian agents, faced with conflicting government priorities, selectively applied colonial laws and policies in response to the refusals of Kahnawa'kehró:non to submit to colonial authority. The arbitrariness of colonial governance here is better described as rule *with* law, rather than rule *of* law. Indeed, too often historical accounts of colonial violence grant a retrospective cohesiveness and organisation to settler colonial formations that make the present-day distribution of power and privilege seem inevitable. While the arbitrariness, inconsistency, and incompetence of the DIA clearly benefitted settlers to the detriment of Kahnawa'kehró:non,

a chief accomplishment of Rück's is to show how Kahnawa'kehró:non also exploited fissures in the colonial project, deftly manoeuvring DIA officials, sometimes for personal gain, but often for the benefit of the community and the defence of Kahnawà:ke sovereignty.

As an account of colonial harm, *The Laws and the Land* eschews a fixation with spectacles of colonial violence and engages in the patient work of making sensible attritional and cumulative forms of "slow violence", what Keira Ladner (2014) calls political genocide through legislation and "slow moving poison" (cited in King and Pasternak 2019: 16). Rück articulates the forceful imposition of colonial property relations in these terms. His analysis of the Walbank Survey as a tactic of land dispossession in Chapter 6 is excellent. For readers familiar with critical geographic analyses of the constitutive relationship between juridical forms of property and the materiality of colonial violence (e.g. Blomley 2002; Bhandar 2018; Harris 2002; Hoogeveen 2015), Rück's conclusion that the Walbank Survey "was no less than an attempt to destroy an Indigenous nation and erase its people's ways of relating to each other and the earth" (p.196) is hardly surprising. The failure of the survey to accomplish its immediate objective, as Rück demonstrates, was largely due to many Kahnawa'kehró:non recognising this danger and throwing up obstacles to frustrate its completion. What the survey did accomplish was to make the nation, its territory, and its people more legible to the DIA, thereby facilitating the eventual imposition of the band council system. In my readings of Rück's analysis here, I find it very much of a piece with Shiri Pasternak's (2017: 99-125) argument that we understand "property as a technique of jurisdiction". Even if Walbank's property grid was never realised, information gleaned from the survey, however inaccurate, enabled the DIA to assert greater knowledge and management authority over the land and its people, justifying further extension of its jurisdiction into Kahnawà:ke affairs.

While drawing near the end of the final chapter, considering it alongside the impressive historical analysis that had preceded it, I found myself caught by the subtitle, "Rupture and

Continuity, 1885-1900". Aside from the Introduction, Rück does not explicitly ground his work in a broader genealogical approach to history. But if *The Laws and the Land* is indeed a history of the present, which, given my introduction to this brief review, I have read it in this way, are rupture and continuity adequate analytic frames for thinking about the fraught transitions described in the book? In *Duress*, Ann Laura Stoler (2016: 26) challenges colonial histories to move beyond historical transformation as continuity and/or rupture to consider "history as recursion", where "history is marked by the uneven, unsettled, contingent quality of histories that fold back on themselves and, in that, refolding, reveal new surfaces, and new planes". I found myself thinking with Stoler as I returned to the opening chapters of the book to trace the connections between the Crown's unlawful seizure of Jesuit estates belonging to Kahnawà:ke, the abolition of the seigneurial system, the imposition of the reserve system, the slow extension of colonial authority through the courts, and DIA interference in Kahnawà:ke's land governance, etc., to consider how events that Rück analysed in the book created the conditions of possibility for events that followed. Not as continuity or linearity, but as "processes of partial reinscriptions, modified displacements, and amplified recuperations" (Stoler 2016: 27). While not stated explicitly, I found much in Rück's analysis forced me to think more about how viewing history as recursion allows us to better use genealogical method to track the durabilities and fracture points of settler colonial formations.

I would have liked to have seen a more thorough discussion of methodology in *The Laws and the Land*. Rück's introduction offers a brief discussion of his accountabilities to Kahnawà:ke and the Kahnawa'kehró:non with whom he has worked. At several points he notes that this project was undertaken *with* Kahnawa'kehró:non. Writing on participatory archival research (if that is what *The Laws and the Land* is; Rück makes no such claim) is sparse, and learning from the approach Rück seems to have taken here would be of great use to settler scholars wishing to engage in ethical, accountable, and responsible historical research on encounters between

Indigenous and settler legal orders. That said, I learned a great deal reading *The Laws and the Land*. With precision, Rück uses accessible and lively prose to weave environmental and legal history, Indigenous knowledge, and geography into a compelling analysis filled with agency, nuance, and insight. This is an impressive piece of work.

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