
Surveillance, Containment and the Establishment of Indian Reserves in “Canada”

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Abstract

Drawing on work done in anti-colonial theory and surveillance studies, this paper aims to examine the realities and implications of historical and ongoing settler colonial surveillance assemblages. I focus on the paradoxical nature of settler state surveillance to argue that surveillance is used as a tool of the colonial project with its goals of erasure and invisibilization of Indigenous people, while at the same time a racialized surveillance functions to render Indigenous people as hyper visible. My aim with this paper is to unsettle the ways in which systems of surveillance, containment, and categorization are often taken for granted or naturalized. I hope to foster critical dialogue and questions to carry these ideas further.

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Introduction

European colonization is undoubtedly a violent, ever-expanding network of systems, structures⁷⁵, and processes⁷⁶ that produce, maintain, and enforce multi-scalar⁷⁷ experiences of oppression.⁷⁸ This paper aims to examine the realities and implications of historical and ongoing settler colonial surveillance of Indigenous peoples and communities. Specifically, I will examine the establishment of Indigenous reserves as a system of colonial containment that was subject to state surveillance. Drawing on Haggerty and Ericson, I deploy an analytic of the ‘surveillant assemblage’ to explore the multiple ways in which reserves became sites of colonial surveillance. I argue that there is a paradoxical nature of settler state surveillance, in which surveillance is used as a tool in the colonial project of erasure and invisibilization of Indigenous peoples while making Indigenous people hyper visible subjects of a racialized surveillance. Echoing Foucault, I highlight that the surveillant assemblage as a disciplinary technology both relies upon and creates spaces of comparison.⁷⁹ Additionally, containment will be analyzed throughout as both a practice and an outcome of the surveillant assemblage because of its integral

⁷⁵ Patrick Wolfe, *Settler colonialism and the transformation of anthropology: the politics and poetics of an ethnographic event* (Cassell, 1999). P. 163.

⁷⁶ Lorenzo Veracini, *Settler Colonialism: A Theoretical Overview* (Palgrave Macmillan, 2010). Introduction.

⁷⁷ Keith D. Smith, *Liberalism, surveillance, and resistance: Indigenous communities in Western Canada, 1877-1927* (Edmonton, AB: AU Press, Athabasca University, 2009). P. 10.

⁷⁸ Evelyn Nakano Glenn, "Settler Colonialism as Structure: A Framework for Comparative Studies of U.S Race and Gender Formation," *Sociology of Race and Ethnicity* 1, no. 1 (2015).

⁷⁹ Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan, 2 ed. (Vintage Books, 1995).

relationship with strategies of discipline and disciplinary surveillance.

Given the vast expansion and processes of European colonialism, there are multiple coexisting “colonial project[s].”⁸⁰ For the scope of this paper, I am naming the colonial project in the settler colonial context of Indigenous land theft, dispossession,⁸¹ and the materialization of white supremacist logic through capitalism, policing, and political suppression. Tuck and Yang name land theft as an essential tenet of settler colonialism, highlighting that the fabricated claims to ownership of stolen land are a “reaffirmation of what the settler project has been all along.”⁸² Settler colonialism requires land to settle on, which requires constructing justifications for such theft; as Monaghan and Crosby argue, this was attempted using a hybridized strategy of land dispossession as well as “attacks on identity, culture, and rights”⁸³ such as, but not limited to, the institutionalization of ableism, cis-heteronormativity, patriarchy, racialization, white supremacy, and capitalism. Such a hybridized, multi-scalar attack on Indigenous life and ways of being is what I refer to as ‘the colonial project of erasure’, namely the attempted removal of Indigenous peoples from both their land and their ways of life. The containment, policing, and surveillance of Indigenous

⁸⁰ Zoë Laidlaw and Alan Lester, eds., *Indigenous communities and settler colonialism: land holding, loss, and survival in an interconnected world* (Palgrave Macmillan, 2015).

⁸¹ Robert Nichols, *Theft is Property!: dispossession and critical theory* (2020). P. 86-115.

⁸² Eve Tuck, "Decolonization is not a Metaphor," *Decolonization: Indigeneity, Education, & Society* 1, no. 1 (K. Wayne Yang).

⁸³ Andrew Crosby and Jeffrey Monaghan, "Project Sitka, Policing, and the Settler Colonial Present," in *Policing Indigenous Movements: Dissent and the Security State* (Fernwood Publishing, 2018).

peoples then, can be understood as tools of the colonial project of erasure.

The Legislated Assemblage

The 1763 Royal Proclamation is a notable time stamp in the swift legalization of land appropriation and disenfranchisement. Institutionalizing the Crown's capacity to purchase what was designated "Indian" land, and thus forming the foundation of the numbered treaties, the Royal Proclamation laid the ground for the eventual *Gradual Civilization* (1857), and *Gradual Enfranchisement* (1869) Acts.⁸⁴ The *Gradual Civilization Act* was a legislated shift from the minimal degree of autonomy and self-governance allowed within the Proclamation, towards a scheme of absolute assimilation into colonial norms.⁸⁵ The *Gradual Enfranchisement Act* was implemented in reaction to Indigenous resistances to the assimilatory agenda of the previous *Act*. The *Enfranchisement Act* worked to undermine any historical or traditional political structures by legislating that Indigenous leadership structures would be elected by exclusively adult male voters, and granting the Governor the power to remove elected leaders for anything deemed immoral or dishonest.⁸⁶ In addition to the surveillance necessary to enforce both electoral guidelines and elected leadership behaviour, there is an observable institutionalization of "Indian" identity and classification, as well as related processes of sorting. Indigenous Political identity and cultural autonomy was even further disenfranchised by way of strengthening the colonial disciplinary process that came with the passage of the 1876 *Indian Act*. The *Indian Act* legislated the mandatory supervision of band council procedures by an Indian agent or other State representative, as well as the establishment of

⁸⁴ Smith, *Liberalism, surveillance, and resistance: Indigenous communities in Western Canada, 1877-1927*. Pg. 45.

⁸⁵ Ibid, Smith.

⁸⁶ Ibid, Smith. Pg. 46.

the Indian Reserve Commission for the purpose of designating and officiating reserve lands.⁸⁷ Further, Danielle Taschereau Mamers discusses the ways in which the *Indian Act* served not only as a tool of classification, but as a definitional tool that constructs “a way of seeing,” asserting that “classification systems and their categories connect social and political ideas with practical applications.”⁸⁸

Self-Location

I write and think as a white, queer, and neurodiverse settler. I was born and raised on the unceded lands of the *ləkʷəŋiʔnəŋ* and *W̱SÁNEĆ* peoples. I claim and am claimed by my biological family, of which my grandma and great-grandma were the first to settle in so-called Canada in 1955 from Britain. As well, I claim and am claimed by a wider chosen family, all who have unique intersecting relationships to land, place, and settler colonialism. Because the primary influence on my experience and thinking is whiteness, my intention with this project is to analyze the tools of the settler state as they are used in the ongoing settler-colonial project. I aim to draw attention to the intersecting systemic oppressions created and enforced by the settler colonial state. However, I will not try to explain the Indigenous lived experience of these systems when it is not mine to tell; nor will I use those experiences as points for discussion when they have not been shared with me for that purpose. I will work to position myself throughout this paper as a voice that is able to name and discuss the systems and networks of harm that exist as a direct result of European colonization, without claiming to speak to the direct experiences of such harms.

⁸⁷ Ibid, Smith. Pg. 48.

⁸⁸ "Identifying “Indians”: Racial Taxonomy as Settler Colonial Politics of Knowledge," (Essay), 2019, 2022, <https://historyofknowledge.net/2019/05/22/racial-taxonomy-as-a-settler-colonial-politics-of-knowledge/>.

Surveillant Assemblage

This paper will engage with the understanding of ‘surveillant assemblage’ as outlined by Haggerty and Ericson, who define an assemblage as “a multiplicity heterogeneous objects, whose unity comes solely from the fact that these items...work together as a functional entity.”⁸⁹ Building upon this, we can take a surveillant assemblage to be a multiplicity of processes, technologies, and institutions that can be taken and used for the purpose of surveillance. As noted by Haggerty and Ericson, a surveillant assemblage should not be conceptualized as a solidified structure with any sort of concrete boundaries, but rather that the surveillant assemblage “resides at the intersections of various media.”⁹⁰

There is a lot of material that engages with both assemblage and apparatus theory; some work to create clear boundaries between the two (Agamben, 2009⁹¹; Foucault, 1980⁹²; Deleuze, 1992⁹³), while other authors intentionally blur these boundaries and draw attention to the interconnectedness of the two (Patton, 2000⁹⁴;

⁸⁹ K. D. Haggerty and R. V. Ericson, "The surveillant assemblage," *British Journal of Sociology* 51, no. 4 (2000), <https://doi.org/10.1080/00071310020015280>, <https://www.ncbi.nlm.nih.gov/pubmed/11140886>.

⁹⁰ Ibid, Haggerty and Ericson.

⁹¹ Giorgio Agamben, "What is an Apparatus?," in *“What is an Apparatus?” and Other Essays* (University of Stanford Press, 2009).

⁹² Michel Foucault, *Power/Knowledge: Selected Interviews and Other Writings 1972-1977*, ed. Colin Gordon (Pantheon Books, 1980).

⁹³ Gilles Deleuze, "Postscript on the Societies of Control," *October* 59 (1992).

⁹⁴ Paul Patton, *Deleuze and the Political* (Routledge, 2000).

Eriksson, 2005⁹⁵). For the sake of this paper, it makes the most sense to limit the exploration of these arguments and pursue a working definition that fits the context of this project. I am choosing to work with the language of a surveillant assemblage instead of an apparatus of surveillance because I believe that this language works to highlight the boundless, undefined, ever-changing nature of surveillance practices. Stephen Legg reflects on Foucault's perception of an apparatus as a "thoroughly heterogeneous set of discourses, institutions, forms, regulations, laws, statements, or moral propositions," and that such "formations function in response to a specific urgency in a strategic manner."⁹⁶ Legg's working interpretation of apparatus theory could be understood to indicate that an apparatus is intentional or manufactured in its existence, in addition to its utilization as a response tool. Comparatively, as outlined earlier, assemblages exist at infinite intersections, and their existence is continuous and unbound. Further, the Foucauldian perspective of the surveillant assemblage functioning as disciplinary applies here, given that "discipline organizes an analytical space".⁹⁷ Discipline also functions as an array, or "an anatomy" of power that cannot be associated with a specific institution or apparatus, but rather operates from, and within, a vast assemblage of mediums, technologies, and processes.⁹⁸ An analytical space, like the reservation system, requires processes of surveillance, containment, and comparison.

⁹⁵ Kai Eriksson, "Foucault, Deleuze, and the ontology of networks," *The European Legacy* 10, no. 6 (2005), <https://doi.org/10.1080/10848770500254118>.

⁹⁶ Stephen Legg, "Assemblage/apparatus: using Deleuze and Foucault," *Area* 43, no. 2 (2011).

⁹⁷ Foucault, *Discipline and Punish: The Birth of the Prison*.

⁹⁸ *Ibid*, Foucault.

Biopower

As noted by Monaghan, the settler colonial project as observed in western 'Canada' rests heavily upon the reservation system which functions as a biopolitical strategy of population management.⁹⁹ Biopower here can be understood as the governing of subjects as populations, or in effect, the management of life. Foucault writes that, "such a power has to qualify, measure, appraise, and hierarchize," thus, biopower embodied alongside disciplinary practice acts as "factors of segregation and social hierarchization... guaranteeing relations of domination and effects of hegemony."¹⁰⁰ Biopower mobilized with discipline, works to diffuse, enforce, and maintain state constructed norms and categories for the purpose of control, containment, and governance.

Racializing Surveillance

Simone Browne notes the important connections between colonial constructions of race and practices of surveillance, emphasizing that the naming of colonial surveillance practices as "racializing surveillance" works to "categorize both historical and contemporary practices where surveillance shapes boundaries, bodies, and borders along racial lines."¹⁰¹ As previously noted, creating space for comparison is necessary to the functioning of the surveillant assemblage; the creation of such space is inseparable from the process of containment. Subjects of surveillance must, in some way, be held within a container — whether they are contained within social categories, demarcated as only belonging to certain

⁹⁹ Jeffrey Monaghan, "Settler Governmentality and Racializing Surveillance in Canada's North-West," *Canadian Journal of Sociology* 38, no. 4 (2013).

¹⁰⁰ Michel Foucault, *The History of Sexuality Vol. 1*, trans. Robert Hurley (New York: Vintage Books, 1990).

¹⁰¹ Simone Browne, "Race and Surveillance," in *Routledge Handbook of Surveillance Studies*, ed. Kirstie Bell, Kevin D. Haggerty, and David Lyon (Routledge).

areas of residence or certain kinds of work, or any other number of observable – and often constructed - attributes. In the context of the settler state, assemblages of racializing surveillance end up establishing both an identity to be contained – such as a ‘Status Indian’ rather than a Musqueam, or Mi’kmaq, or Tsawout person – as well as a frame for comparison – such as being contained within the borders of an Indigenous reserve. Browne further notes that racializing surveillance “fulfills prefabricated stereotypes and prejudice held by colonial authorities” and creates a “social hierarchy defined by normative standards and signifiers of whiteness.”¹⁰²

Colonial logics create systems of categorization, identity (re)production, and registry that build surveillant infrastructure for the management of colonial populations. These structures of surveillance are informed by the biases, prejudice, and racialized stereotypes which in turn are upheld and reinforced by colonial surveillance strategies. Settler colonial structures of surveillance, such as the reservation system, actively serve the imperatives of white supremacy and Indigenous erasure that are central to the colonial project. The surveillant assemblage, thus, is used to produce the biased data and information which itself reinforces pre-configured social constructs. Foucault points to this idea when saying a “real subject is born *mechanically* from a fictitious relation.”¹⁰³ Data created in this context operates as a form of pragmatics; instead of resulting decisions being based on the accuracy of identity perception, data is mobilized based on how well it can enable institutions to control populations. Keith Smith also affirms that the colonial “knowing [of] Indigenous peoples and their territories, was facilitated and fashioned by means of

¹⁰² Ibid, Browne.

¹⁰³ Foucault, *Discipline and Punish: The Birth of the Prison*. Emphasis added.

surveillance.”¹⁰⁴ This colonial knowing was built from settler practices of categorization, containment, and surveillance that were then institutionalized with the reservation system.

Containment as Practice and Result

As Fanon writes plainly: “the colonial world is a compartmentalized world.”¹⁰⁵ State governance is reliant on the ability to direct and control the variables that exist within its territory or population. Because of this, as Monaghan highlights, “practices of surveillance and categorization are indispensable in the development of direct rule.”¹⁰⁶ Further, Haggerty and Ericson note that the state form is realized through the ability to “striate the space over which it reigns,” a process that they say creates “breaks and divisions into otherwise free-flowing phenomenon.”¹⁰⁷ As an application of disciplinary power, the surveillant assemblage is mobilized for the arrest and regulation of movements, as in the case of the reservation system and surveillance of Indigenous peoples.¹⁰⁸

I argue that these processes of categorization,¹⁰⁹ striation, and breaking of flow¹¹⁰ converge into an understanding that state formations need a degree of surveillance, and that this surveillance requires some form of containment of what it is being surveilled.

¹⁰⁴ Keith D. Smith, *Liberalism, Surveillance, and Resistance: Indigenous Communities in Western Canada 1877-1927* (Athabasca University Press, 2009).

¹⁰⁵ Franz Fanon, *The wretched of the earth* (New York: Grove Press, 1963).

¹⁰⁶ Monaghan, "Settler Governmentality and Racializing Surveillance in Canada's North-West."

¹⁰⁷ Haggerty and Ericson, "The surveillant assemblage."

¹⁰⁸ Ibid, Foucault. Foucault, *Discipline and Punish: The Birth of the Prison*.

¹⁰⁹ Ibid, Monaghan.

¹¹⁰ Ibid, Haggerty and Ericson

After all, the very idea of a nation-state is about containing populations within its borders and surveilling those borders and the people that seek to cross them. Haggerty and Ericson touch on this notion when they say that “surveillance commences with the creation of a space of comparison and the introduction of breaks and flows.”¹¹¹ In other words, the establishment of state governance requires some form of surveillance over populations that are deemed threats to state control and rule. Such a surveillance requires containment of potentially/actually threatening populations. Foucault cites enclosure as a key element of disciplinary strategy designed to “establish presences and absences, to know where and how to locate individuals, to set up useful communications” as well as “to be able at each moment to supervise the conduct of each individual, to assess it, to judge it, to calculate its qualities or merits.”¹¹²

Observed physically in the implementation of Indigenous reservations, criminal incarceration, psychiatric and medical incarceration, churches, school systems, etc., as well as in perhaps less materially-observable social categories, data management, societal norms, racialization, and more, containment has, and continues to exist in many different forms. This is precisely because the surveillant assemblages are not fixed or stable entities, but rather constantly expanding, shifting, and changing. As a tool of biopolitical population management and an exercise of the surveillant assemblage, the reservation system operated for the purpose of affirming racialized perceptions of Indigenous populations, containment of those perceived as a threat to colonial settlement, and as a fundamental tool of the colonial project. Jeffrey Monaghan writes that the “central element of the surveillance system

¹¹¹ Ibid, Haggerty and Ericson. Haggerty and Ericson, "The surveillant assemblage."

¹¹² Ibid, Foucault.

that was implemented in Western Canada involved the establishment of the reserve system.”¹¹³

Surveillance as a Recursive Visibility

Robert Nichols outlines a recursive logic as one that is “self-referential and self-reinforcing” and as a type of procedure that will “loop back upon [itself]...such that each iteration is not only different from the last but builds upon or augments its original postulate.”¹¹⁴ Colonial surveillance mechanisms can be understood as following a recursive logic by creating visibility through the reification of socially constructed racialized identities. As Foucault highlights, “disciplinary power...is exercised through its invisibility; at the same time it imposes on those whom it subjects a principle of compulsory visibility.”¹¹⁵ As mentioned prior, state establishment necessitates the ability to contain and analyze flows within the spaces it wishes to rule; to do this requires creating what Haggerty and Ericson refer to as “spaces of comparison.”¹¹⁶ Spaces of comparison require categories or identities with which to create comparisons, this is made possible through a racializing surveillance. Colonial practices of racializing surveillance work to reify or reinforce the social constructions of race through intentional surveillance informed by predetermined bias founded in white supremacy. As Simone Browne highlights, “surveillance at various moments and by particular means reifies the social construct that is race.”¹¹⁷

¹¹³ Monaghan, "Settler Governmentality and Racializing Surveillance in Canada's North-West."

¹¹⁴ Nichols, *Theft is Property!: dispossession and critical theory*.

¹¹⁵ Foucault, *Discipline and Punish: The Birth of the Prison*.

¹¹⁶ Haggerty and Ericson, "The surveillant assemblage."

¹¹⁷ Browne, "Race and Surveillance."

Socially constructed colonial ideas of race and racialized identity, within the context of targeted surveillance, could then be understood as points of visibility. However, as Mamers notes, “the settler bureaucratic gaze is designed to only see ‘Indians’ and not comprehend how Indigenous peoples live their lives.”¹¹⁸ The recursive reinforcement of Indigenous identity in the settler colonial imaginary produces visibility in the sense that the racialized and racist identifiers of Indigenous peoples are necessarily surveilled. Settler colonial practices of racializing surveillance work to reproduce the identity that the colonial project is seeking to erase or render invisible.

Conclusion and Discussion

The colonial project seeks to erase, or make invisible, the vast and heterogeneous expressions of Indigenous identities and resistances. Practices of containment and surveillance are predominant tools of settler colonial governance that seeks to dominate Indigenous spaces, places, and lives. However, the production of socially constructed categories of race and other comparisons against whiteness, is a recursive process of identification and targeted surveillance. The recursivity of a racializing surveillance raises the question: what does it mean for a colonial project founded on the erasure of Indigenous peoples to be consistently reliant on a tool that produces and reproduces colonial constructions of Indigenous identity? If state systems of identity construction and reconstruction are bound within the colonial imaginary, what is the potential for mobilization within the could-be-called ‘gaps’ of state assemblage and apparatus? While a state-constructed identity is being surveilled and re-created, what possibilities rest in the inhabited imagination; what does that mean for the everyday iteration of otherwise worlds? More work could be

¹¹⁸ Mamers, "Identifying “Indians”: Racial Taxonomy as Settler Colonial Politics of Knowledge."

done to expand the analysis of this paradox by settler thinkers and writers. Specifically, expanding the depth of a gendered analysis. It is complicated to advocate for more study of settler colonialism, but I believe there can be a power in naming and telling the story of state processes by a strategy of unraveling in order to deconstruct.

Bibliography

- Agamben, Giorgio. "What Is an Apparatus?". In *What Is an Apparatus?* and *Other Essays*, 1-25: University of Stanford Press, 2009.
- Browne, Simone. "Race and Surveillance." In *Routledge Handbook of Surveillance Studies*, edited by Kirstie Bell, Kevin D. Haggerty and David Lyon: Routledge.
- Crosby, Andrew, and Jeffrey Monaghan. "Project Sitka, Policing, and the Settler Colonial Present." In *Policing Indigenous Movements: Dissent and the Security State*, 1-25: Fernwood Publishing, 2018.
- Deleuze, Gilles. "Postscript on the Societies of Control." *October* 59 (1992): 3-7.
- Eriksson, Kai. "Foucault, Deleuze, and the Ontology of Networks." *The European Legacy* 10, no. 6 (2005): 595-610.
<https://doi.org/10.1080/10848770500254118>.
- Fanon, Franz. *The Wretched of the Earth*. New York: Grove Press, 1963.
- Foucault, Michel. *Discipline and Punish: The Birth of the Prison*. Translated by Alan Sheridan. 2 ed.: Vintage Books, 1995.
- . *The History of Sexuality Vol. 1*. Translated by Robert Hurley. New York: Vintage Books, 1990.
- . *Power/Knowledge: Selected Interviews and Other Writings 1972-1977*. Edited by Colin Gordon. Pantheon Books, 1980.
- Glenn, Evelyn Nakano. "Settler Colonialism as Structure: A Framework for Comparative Studies of U.S Race and Gender Formation." *Sociology of Race and Ethnicity* 1, no. 1 (2015): 52-72.
- Haggerty, K. D., and R. V. Ericson. "The Surveillant Assemblage." *British Journal of Sociology* 51, no. 4 (2000): 605-22.
<https://doi.org/10.1080/00071310020015280>.
<https://www.ncbi.nlm.nih.gov/pubmed/11140886>.

- Laidlaw, Zoë, and Alan Lester, eds. *Indigenous Communities and Settler Colonialism: Land Holding, Loss, and Survival in an Interconnected World*. Palgrave Macmillan, 2015.
- Legg, Stephen. "Assemblage/Apparatus: Using Deleuze and Foucault." *Area* 43, no. 2 (2011): 128-33.
- "Identifying "Indians": Racial Taxonomy as Settler Colonial Politics of Knowledge." 2019, 2022,
<https://historyofknowledge.net/2019/05/22/racial-taxonomy-as-a-settler-colonial-politics-of-knowledge/>.
- Monaghan, Jeffrey. "Settler Governmentality and Racializing Surveillance in Canada's North-West." *Canadian Journal of Sociology* 38, no. 4 (2013): 487-508.
- Nichols, Robert. *Theft Is Property!: Dispossession and Critical Theory*. 2020.
- Patton, Paul. *Deleuze and the Political*. Routledge, 2000.
- Smith, Keith D. *Liberalism, Surveillance, and Resistance: Indigenous Communities in Western Canada 1877-1927*. Athabasca University Press, 2009.
- . *Liberalism, Surveillance, and Resistance: Indigenous Communities in Western Canada, 1877-1927*. Edmonton, AB: AU Press, Athabasca University, 2009.
- Tuck, Eve. "Decolonization Is Not a Metaphor." *Decolonization: Indigeneity, Education, & Society* 1, no. 1 (K. Wayne Yang): 1-40.
- Veracini, Lorenzo. *Settler Colonialism: A Theoretical Overview*. Palgrave Macmillan, 2010.
- Wolfe, Patrick. *Settler Colonialism and the Transformation of Anthropology: The Politics and Poetics of an Ethnographic Event*. Cassell, 1999.