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Border Problems: Law, Capitalism, and the Creation of State
Institutions in the Yukon Riverlands, ca. 1895-1925

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BORDER PROBLEMS

Law, Capitalism, and the Creation of State Institutions in the Yukon Riverlands, ca.
1895-1925

'HOW come that one fish always comes to me and just stays right there all the time?

But after when I go back to see him, that fish is always gone.

Why is that?'

Ch'óonehte' Má/Stóow/Angela Sidney¹

THE American people views its progress across these wilds, draining marshes, diverting rivers, peopling the open spaces, and taming nature. It is not just occasionally that this magnificent image of themselves captures the American imagination; it haunts every one of them in the slightest, as in the most important, of their actions and ever floats before their minds.

Alexis de Tocqueville²

BUT Control was hardly listening; he was wrinkling his nose at the unwelcome fact that the rotting honey smell had followed them into the jeep.

Jeff VanderMeer³

YOU might read histories about this time and place and never find mention of these women, any testimony that folks like them were here at all. But that's only because history is simple.

And the past?

The past is complicated.

Victor LaValle⁴

¹ Julie Cruikshank et al., *Life Lived Like a Story: Life Stories of Three Yukon Native Elders* (Vancouver; London: University of British Columbia Press, 2018), 77.

² Alexis de Tocqueville, "Democracy in America," in *Alexis De Tocqueville: Democracy in America and Two Essays on America*, ed. Isaac Kramnick (New York: Penguin Books, 2003), 562-63.

³ Jeff VanderMeer, *Area X: The Southern Reach Trilogy* (New York: Farrar, Straus & Giroux, 2014), 202.

⁴ Victor LaValle, *Lone Women* (New York: One World, 2023), 275.

ABSTRACT (GERMAN)

Gestützt auf Forschungen in Archiven in den USA und Kanada – sowohl auf staatlicher, regionaler sowie auf bundesstaatlicher Ebene – untersucht meine Dissertation die historische Entstehung staatlicher Institutionen in den *Yukon riverlands* in Bezug einerseits auf die besonderen Umweltbedingungen und andererseits auf die Dynamiken kapitalistischer Ökonomien. Die Entfaltung extraktivistischer Ökonomien im *interior* der *Yukon riverlands* was maßgeblich von der Abwesenheit großmaßstäblicher landwirtschaftlicher Produktion gekennzeichnet, was die Abhängigkeit des Bergbaus von äußeren Märkten vergrößerte und ebenso die Abhängigkeit von der Nutzbarkeit möglichst günstiger, lokaler Energiequellen. Diese Situation wurde durch die Entfaltung staatlicher Institutionen sowie der Artikulation der internationalen Grenze entlang des 141-ten Meridian kompliziert, der die USA von Kanada abgrenzte bzw. bis heute abgrenzt.

Inspiziert von Michel Foucaults Methode der Problematisierung untersucht meine Dissertation nun im Kern drei Fragestellungen: (1) Welche Arten von Problemen identifizierten staatliche Stellen denn überhaupt als Gegenstände staatlichen Handelns? Welche Instrumente entwickelten sie, um diese Probleme zu lösen? (2) Welche strategischen Prioritäten definierten Behörden und wie interagierten diese Prioritäten mit- und untereinander? Wie wurden diese strategischen Prioritäten in Praktiken des *bordering* übersetzt? (3) In welchem Bezug standen Strategien und Taktiken staatlicher Behörden zu den *more-than-terrestrial ecologies* der *Yukon riverlands*?

Die Grenze zwischen den USA und Kanada operierte in engster Verbindung mit den operationalen Charakteristika und den Anforderungen des extraktivistischen Kapitalismus. Die wesentliche Voraussetzung für eine Expansion staatlicher Institutionen in den *Yukon riverlands* bestand in der Gewinnung von Abgaben, die durch die Verwaltung von Handel und Gewerbe über die Grenzlinie generiert wurden. Während die Beziehungen Indigener Gesellschaften und ihre besonderen Mobilitätsmuster von staatlichen Stellen weitgehend ignoriert wurden, so wurden Indigene Gesellschaften doch just in dem Augenblick zum Ziel – teils außerordentlich aggressiver – staatlicher Interventionen, wenn sie als Gefahren für die ökonomische Entwicklung oder als Bedrohung der hegemonialen, sozio-ökonomischen Stellung der weißen, kolonisierenden Bevölkerung wahrgenommen wurden. Trotzdem wurden staatliche Institutionen niemals zu allumfassenden, allgegenwärtigen Entitäten, die die Gesamtheit all der Länder kontrollieren würden, die die USA und Kanada für sich beanspruchten. Häufig war die Grenze zwischen Alaska und dem kanadischen Yukon Territory mehr Wunsch als Fakt.

ABSTRACT (ENGLISH)

Based on archival research in national and regional archives both in the United States and in Canada, my dissertation examines the emergence of state institutions in interior of the Yukon riverlands in relation to the riverlands' particular environmental conditions and the dynamics of capitalist economies. The emergence of extractive economies in the interior Yukon riverlands at the turn of the century, was shaped by the absence of large-scale agricultural development increasing both the dependency on outside markets and on the availability of local sources of cheap energy. This situation was complicated by the emergence of state institutions and the articulation of the international boundary separating the United States from Canada along the 141st meridian.

Inspired by Michel Foucault's method of 'problematization', the dissertation examines three sets of questions. (1) What types of problems did colonial officials in the Yukon riverlands identify as sites for state intervention; and what instruments were envisioned to 'solve' these problems? (2) What were the strategic priorities determined by state agents; and how did these priorities interact with each other? How did these overarching priorities transpire into local practices of bordering? (3) How did the strategies and tactics of state officials relate to the more-than-terrestrial ecologies of the Yukon riverlands?

Practically, the U.S.-Canada border operated in closest accordance with the operational features and demands of extractivist capitalism. The principal condition of the expansion of the colonial state was determined by the generation of revenues through the administration of trade and commerce. While Indigenous patterns of mobility and relationships were largely ignored by state institutions, Indigenous peoples were targeted—with considerable violence—by government agents particularly at instances when Indigenous practices were considered to endanger economic development or to threaten policies tailored to secure a hegemonic socio-economic position for the white colonizing population. However, state institutions did not become omnipotent entities controlling the entireties of lands that both the United States and Canada claimed. Often, the U.S.-Canada border proved aspiration rather than fact.

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you try to keep dry! I felt welcome everywhere and I am looking forward to—hopefully—coming back soon.

I extend my thanks to the reviewers of this thesis, Judith Bovensiepen and Benjamin Hoy, for their commitment, enthusiasm, and contributions. Of course, I must thank my supervisors Peter Schweitzer and Bathsheba Demuth for their untiring support of this project. I have not only profited enormously from the written feedback that Peter and Bathsheba provided but even more so from joint research stays in Alaska and the Yukon. After so many hours between boxes and papers, I would not despair, because I've learned the lesson that there is always some caffeinated treasure somewhere to be found!

A special thanks is due to Karen Routledge and Brian Gaas—and to David Neufeld and Joy Waters who are so dearly missed.

Lastly, I want to thank my parents Kerstin and Horst Womelsdorf for their patience and their interest in how this dissertation fared. It was my parents who introduced me to forests and oceans; and it was my grandfather who sparked my interest in history long ago. Sadly, he is not here anymore to witness the completion of this work. Furthermore, neither research nor writing would have been possible without the continuous support by Andrea Hoffend and Frank Mentrup. Research can be an isolationist enterprise. Alma and Maira have had to do without me lots of times during these past, turbulent years. Finally, I thank Theresa Mentrup—for everything, and more. This dissertation is, in myriads of ways, not a sole enterprise. And you know it better than anyone. It goes without saying that every shortcoming is entirely mine.

ARCHIVES AND COLLECTIONS CONSULTED

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U.S. National Archives & Records Administration, Maryland Field Office (NARA MD)

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Frank M. Canton Collection

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GOV

Library & Archives Canada (LAC)

Ogilvie Fond M30

RG 2

RG 10

RG 13

RG 18

RG 23

RG 85

ABBREVIATIONS

ACC	Alaska Commercial Company
ANWR	Arctic National Wildlife Refuge
BIA	U.S. Bureau of Indian Affairs
BNA	British North America Act(s)
DIA	Canadian Department of Indian Affairs
DMF	Canadian Department of Marine & Fisheries
DOI	U.S. Department of the Interior
DOS	U.S. Department of State
HBC	Hudson's Bay Company
IBC	International Boundary Commission
IJC	International Joint Commission
NAT&TCo.	North American Trading & Transportation Company
NWC	North West Company
NWMP	Canadian North-West Mounted Police
NWT	Northwest Territories
RAC	Russian American Company
RCMP	Royal Canadian Mounted Police
RNWMP	Canadian Royal North-West Mounted Police
USBP	U.S. Border Patrol
USCS	U.S. Customs Service
USIS	U.S. Immigration Service
VGFN	Vuntut Gwitchin First Nation
VGFG	Vuntut Gwitchin First Nation Government
WPYR	White Pass & Yukon Route Railway
YRDFA	Yukon River Drainage Fisheries Association
YRITFC	Yukon River Inter-Tribal Fish Commission
Mentrup-Womelsdorf	

YRITWC	Yukon River Inter-Tribal Watershed Council
YRSA	Yukon River Salmon Agreement
YRP	Yukon River Panel
YT	Yukon Territory

SECTION 1

A READING GUIDE

1. FROM A FISH-LADDER TO A BORDERLINE

In the summer, the small cabin on the banks of the Yukon River, only a few meters downriver from the hydroelectric power plant whose engines transform the kinetic energy of the river's waters into electric energy to power Whitehorse's homes, offices, and businesses, is cramped with visitors. On the right-hand side, glass windows provide a view 'into' the river or rather, 'into' the waters of the Whitehorse Rapids Fishladder, an enormous wooden fish-ladder constructed after completion of the dam in 1958 to bridge the difference in height between the hydro-dam and the river level.⁵ On the other side of the room, there are a few tables and benches as well as a counter laden with brochures and information material about fish species in the Yukon Territory, plants, and animals. People behind the counter are busy talking, trying to answer every visitor's question, sorting materials, or handing out coloring sheets to children. Most of the attention, however, is focused on the blue light immitted by the water of the river and channeled through the glass. Digital screens list the numbers of fish counted by scanners installed in the fish-ladder.

Windows, screens, and numbers promise to provide a glimpse into the condition of the riverine ecosystem. They promise to provide a glimpse into the waters of the Yukon River in which Pacific salmon are battling the currents to return to their spawning pools, their 'homes'. As juveniles, the fish had once passed the fish-ladder on their way downriver to the Bering Strait and to the northern Pacific Ocean. In the sea, they feed on smaller fish, shrimp, or jellyfish, the latter an increasingly significant diet because jellyfish flourish in the rising temperatures of the ocean waters.⁶ Maritime nutrients and solar energy from the northern Pacific converted into the countless bodies of plankton, fish, or squid are transformed into the bodies of millions of adult salmon which in turn provide nutrition not only for bears, bald eagles, foxes, and other predators, but also to trees and bushes,

⁵ See, Kwanlin Dün First Nation, *Dǎ Kvǎndur Ghàì Ghàkwadindur: Our Story in Our Words* (Vancouver; Toronto; Berkeley: Figure 1 Publishing, 2020), 164-65.

⁶ See, e.g., Mary Beth Decker et al., "Linking Changes in Eastern Bering Sea Jellyfish Populations to Environmental Factors Via Nonlinear Time Series Models," *Marine Ecology Progress Series* 494, no. December 2013 (2013); Duane E. Stevenson and Robert R. Lauth, "Bottom Trawl Survey in the Northern Bering Sea Indicate Recent Shifts in the Distribution of Marine Species," *Polar Biology* 49, no. 2 (2019): 418-19.

fungi and bacteria feeding on the carcasses of salmon that had died after spawning.⁷ Their spawning pools lie in the myriad of rivers and streams that together constitute what has been identified as the mainstem of the Yukon River (see, fig. 1). The pump that connects the boreal forest of the upper Yukon riverlands with the marine ecosystems is embodied in millions of fish moving along the capillaries of a circulatory system that resists a simple distinction between land and sea.⁸

Today, many of the visitors visiting the Whitehorse Rapids Fishladder are worried about the sharply decreasing numbers of Yukon River chinook and chum salmon. Following a crash of salmon runs in 2012, many had been optimistic that stocks would recover. But now, at the turn of the 2020s, the situation is even worse than in 2012. According to a report of the bilateral Joint Technical Committee of the Yukon River Panel, numbers of salmon passing the sonar at Pilot Station on the lower Yukon River, have declined from 5,880,848 in 1995 to the low point of 1,040,660 in 2021.⁹ The arrival of the few salmon that make it to the Whitehorse fish-ladder is anxiously awaited.

⁷ Since the 1990s, ecologists have increasingly focused on the intersection between terrestrial and maritime ecosystems, and the significance of salmon providing maritime nutrients and solar energy to regions otherwise characteristically scarce of solar energy; see, e.g., Mary F. Willson, Scott M. Gende, and Brian H. Marston, "Fishes and the Forest: Expanding Perspectives on Fish-Wildlife Interactions," *BioScience* 48, no. 6 (1998); Robert J. Naiman et al., "Pacific Salmon, Nutrients, and the Dynamics of Freshwater Riparian Ecosystems," *Ecosystems* 5, no. 4 (2002); James M. Helfield and Robert J. Naiman, "Keystone Interactions: Salmon and Bear in Riparian Forests of Alaska," *ibid.* 9, no. 2 (2006).

⁸ On the specific qualities of riverine ecosystems see especially, Robert J. Naiman and Henri Décamps, "The Ecology of Interfaces: Riparian Zones," *Annual Review of Ecology and Systematics* 1997, no. 28 (1997); Robert J. Naiman, Henri Décamps, and Michael E. McClain, *Riparia: Ecology, Conservation, and Management of Streamside Communities* (Amsterdam; Boston; Heidelberg; London; New York; Oxford; Paris; San Diego; San Francisco; Singapore; Sydney; Tokyo: Elsevier Academic Press, 2005).

⁹ See, The United States and Canada Yukon River Joint Technical Committee, "Yukon River Salmon 2023 Season Summary and 2024 Season Outlook," (Vancouver: Yukon River Panel, 2024), 86-87.

[illegible]

Fed by some of the tallest mountain ranges in North America, the Yukon River watershed is home to North America's third longest river and the world's longest Chinook Salmon run. Salmon that originate in the Canadian portion of the Yukon River drainage are a shared resource between Yukon and Alaska. With a total catchment of nearly 879,000 square kilometres (331,500 square miles), this storied watershed drains 3% of British Columbia, 3% of Alaska, and 64% of Yukon before emptying itself some 3,190 kilometres (1,980 miles) from its source into the Bering Sea.



Figure 1: Selmon habitat, topography, and the 141st meridian in the Yukon riverlands. Map from Elizabeth MacDonald, Clifford Evans, and Wayne Jenkins, “Selmon Knows No Boundaries.”

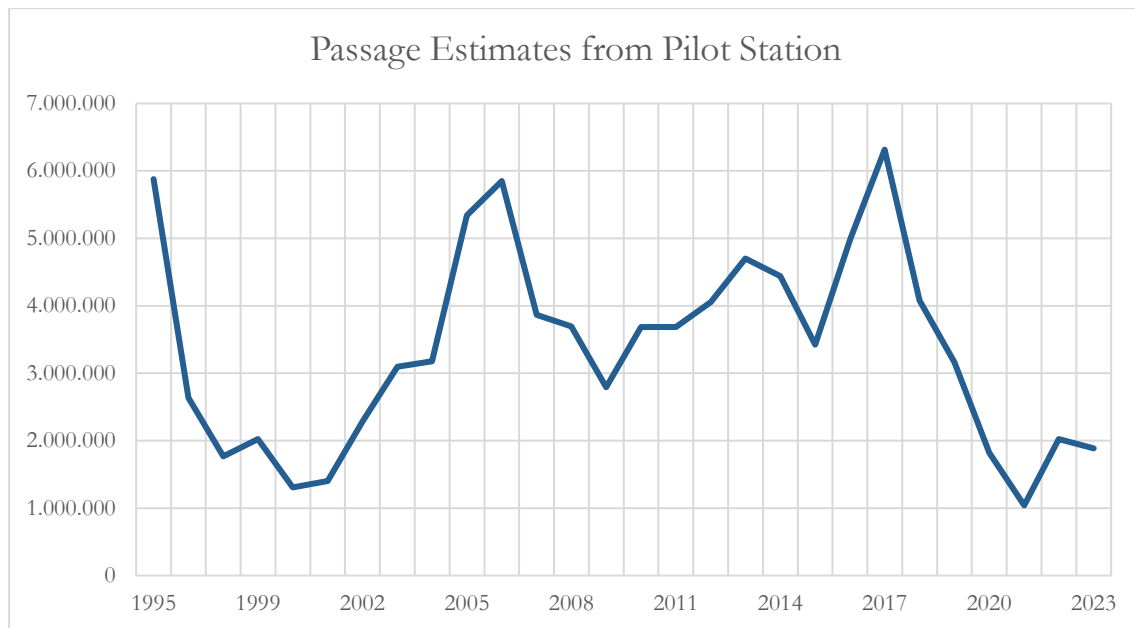


Figure 2: Total estimate of salmon passages at Pilot Station, 1995 and 1997-2023; Graph.: AMW based on, The United States and Canada Yukon River Joint Technical Committee, “Yukon River Salmon 2023 Season Summary and 2024 Season Outlook,” (Vancouver: Yukon River Panel, 2024), 86-87.

Salmon populations inhabiting the Yukon riverlands pose a unique set of challenges to state administrators and fisheries agents. The 141st meridian, the international border between the United States and Canada both separates and connects fishermen, regulators, communities, and state institutions. In 2001, after more than a decade of exhaustive and conflictive negotiations, the United States and Canada formally entered into an international agreement over the administration of Yukon River salmon establishing an international fisheries management institution, the Yukon River Panel (YRP), to coordinate bilateral efforts at conserving and, in the parley of the treaty framework, ‘enhancing’¹⁰ Yukon River salmon stocks. Following the dramatic decline of Yukon River salmon runs in the 1990s, the Yukon River Salmon Agreement (YRSA) was presented as a solution to the problem of stabilizing Yukon River salmon stocks over a distance spanning from the northern Pacific Ocean to the headwaters of the Yukon riverlands and an enormous diversity of ecosystems, transgressing the boundaries of multiple jurisdictions (nationally as well as internationally), and including various types of fishing, some strictly oriented towards commercialization and some solely related to subsistence.¹¹ By that time, however, both the United

¹⁰ See, article III of the Pacific Salmon Treaty; Pacific Salmon Commission, "Treaty between the Government of Canada and the Government of the United States of America Concerning Pacific Salmon, as Amended through June 2023," 5. (Vancouver: Pacific Salmon Commission, 2023), 5.

¹¹ For a brief overview over the central provisions and the history of the YRSA, see, Yukon River Drainage Fisheries Association and Yukon River Panel, "Yukon River Salmon Agreement Handbook," Yukon River Panel, <https://www.yukonriverpanel.com/publications/yukon-river-salmon-agreement/>. Anthropologist Katherine L. Reedy-Maschner documented the controversy in the 1990s from the perspective of Aleutian fishermen, see, Katherine L. Reedy-Maschner, *Aleut Identities: Tradition and Modernity in an Indigenous Fishery* (Montreal & Kingston; London; Ithaca: McGill-Queen's University Press, 2010), 169-86.

States and Canada had already entered into an agreement over the regulation of salmon fisheries in the Pacific Northwest, the 1985 Pacific Salmon Treaty (PST). Unlike other so-called ‘transboundary rivers’ such as the Stikine River, the Yukon River drainage system had purposefully been excluded from the PST and delegated to further negotiations extending into the 1990s.¹² While the Yukon River was eventually integrated into the general treaty framework, crucially, the institutional arrangement of the YRSA determined to keep its core institutions, particularly the YRP, uniquely independent and shielded from direct influence of the Pacific Salmon Commission and the arbitration legislation of the PST.¹³

Now, at the turn of the 2020s—and despite the fact that treaties have been signed and regulations have been installed—, it seems as if the fisheries crises of the 1990s were to repeat themselves, yet worse than ever before (see, fig. 2).¹⁴ Anxious visitors at the Whitehorse Rapids Fishladder point towards the volumetric emptiness of the water behind glass windows and on the numbers displayed by screens when illustrating the drastic consequences of what is perceived as an institutional failure of international government bureaucracies and the corrupting influences of economic interests within government offices. How much fish had been caught in nets of Alaskan fishermen these weeks? Wasn’t it because of Alaska’s world-renown fisheries industry whose cutters were plowing through the waters of the northern Pacific fishing for pollock but catching salmon, that the water behind the glass windows remained empty and the numbers on the screens low?¹⁵ In meetings of

¹² See, M. P. Shepard and A. W. Argue, *The 1985 Pacific Salmon Treaty: Sharing Conservation Burdens and Benefits* (Vancouver; Toronto: University of British Columbia Press, 2005), 83-84, 165-66. Shepard and Argue, both present during the negotiations of the PST, provide insight into Canadian rationale for continuously pressing for an integration of the Yukon River into the overarching framework for transboundary salmon fisheries management; see, *ibid.*, 170-72.

¹³ “The Agreement [YRSA] [...] is truly unique. Besides setting out a distinct management regime for Yukon River salmon, which adheres to the broad science-based management principles of the PST, the Agreement assigns many functions and responsibilities of the Pacific Salmon Commission (body formed by the U.S. and Canadian governments to implement the PST) directly to the YR Panel. Further, in the event the PST is ever terminated, the Agreement can stand on its own under the name ‘Yukon River Salmon Treaty’ with the functions of the YR Panel to be assumed by a new commission referred to as the ‘Yukon River Salmon Commission’”, *cit. in*: Association and Panel, “Yukon River Salmon Agreement Handbook” 9.

¹⁴ See, Elizabeth MacDonald, Clifford Evans, and Wayne Jenkins, “Salmon Know No Borders: 2019 Yukon River Exchange,” (N.A.: Yukon Salmon Sub-Committee, YSSC; Yukon River Drainage Fisheries Association, YRDFA, 2019). See also, Adam Weymouth, *Kings of the Yukon: A River Journey in Search of the Chinook* (New York: Penguin Books, 2019).

¹⁵ In recent years, news coverage of salmon fisheries crises occurring in the Yukon riverlands has been intensive reflecting interest and concern; see, e.g., Bathsheba R. Demuth and Olivia Ebertz, “Yukon Salmon Populations Are Falling. The Cultural Damage Is Vast,” *The Washington Post*, <https://www.washingtonpost.com/outlook/2022/09/15/alaska-salmon-climate-change-indigenous-communities/>; Nathaniel Herz, “Warming Waters, Not Bycatch, Are Driving Bering Sea Salmon and Crab Crashes. But Alaska’s Fishing Industry Is Barely Talking About It,” *Northern Journal*, <https://www.northernjournal.com/warming-waters-not-bycatch-are-driving/>; Hal Bernton and Loren Holmes, “A Struggle to Dodge Salmon in Pursuit of a Massive Pollock Bounty: On a Fishing Trip in the Bering Sea, the Captain of a Factory Trawler Faces Growing Pressure to Keep Chum Salmon Bound for Western Alaska Rivers out of Its Nets,” *Anchorage Daily News*, <https://www.adn.com/business-economy/2023/10/13/a-struggle-to-dodge-salmon-in-pursuit-of-a-massive-pollock-bounty/>; Bathsheba R. Demuth and Olivia Ebertz, “Amid Salmon Crash, Alaska’s Yukon River Residents Say

the YRP and other fisheries management authorities such as the State of Alaska Board of Fish, residents from Alaska and Canada expressed their frustration with the what is perceived as the failures of state bureaucrats burying their heads in charts and statistics.

Our journey begins at the Whitehorse hydropower plant. It is a journey into the past, to the late 19th and early 20th centuries. Ours is not—in a strict sense—a story about the environmental histories of contemporary fisheries disasters on the Yukon River.¹⁶ Instead, our story seeks to provide an answer to the ‘prelude’ of contemporary fisheries collapses. How did the 141st meridian, the international border between the United States and Canada, affect Yukon River salmon stocks and fisheries; and vice versa? How were state institutions created in the Yukon riverlands, and what kinds of problems did they address? Under which conditions did fisheries management appear as a problem to government institutions in the first place? Ours is a story addressing the practices and processes by which state institutions and the U.S.-Canada border have been created: by state officials as much as by capitalists, missionaries, or fishermen. It is a story about the failures and the aspirations of borders under conditions of settler colonial capitalism. Despite of continuous attempts to achieve the opposite, state institutions did not become omnipotent entities the entireties of lands that both the United States and Canada claimed. More often than not, the U.S.-Canada border and the colonial sovereignty the border was supposed to transpire proved aspiration rather than fact.



a New Pact with Canada Leaves Them Behind," Northern Journal, <https://www.northernjournal.com/amid-salmon-crash-alaskas-yukon-river/>; Nathaniel Herz, "Western Alaska Tribes, Outraged by Bycatch, Turn up the Heat on Fishery Managers and Trawlers," Northern Journal, <https://www.northernjournal.com/western-alaska-tribes-outraged-by/>; "Two Kodiak Trawlers Caught 2,000 King Salmon. Now, a Whole Fishery Is Closed.," Alaska Beacon, <https://alaskabeacon.com/2024/09/26/two-kodiak-trawlers-caught-2000-king-salmon-now-a-whole-fishery-is-closed/>.

¹⁶ In his landmark study of California fisheries crises and sweeping rebuke of Garrett Hardin's notion of the 'tragedy of the commons', environmental historian Arthur F. McEvoy argued that socio-ecological crises such as the collapse of fish stocks occurred in relation to specific patterns of economic and political practice; see also, Garrett Hardin, "The Tragedy of the Commons," *Science* 162, no. 3859 (1968). Thus, rather than reflections of abstract 'laws of nature', the collapse of fish stocks in California mirrored contradictions inherent to capitalist modes of production. "The fundamental autonomy and irresponsibility of market actors", he noted, "which lay at the core of the fisherman's problem, was an article of constitutional faith, the perceived foundation of liberty and opportunity for harvesters. Whether they did attempt to curtail fishery use, lawmakers had to depend on the political favor of the industry for whatever power they had to influence the course of events", cit. in: Arthur F. McEvoy, *The Fisherman's Problem: Ecology and Law in the California Fisheries, 1850-1980* (Cambridge; New York; Melbourne; Madrid; Cape Town; Singapore; Sao Paulo: Cambridge University Press, 1995), 253. See also, Joseph E. III Taylor, *Making Salmon: An Environmental History of the Northwest Fisheries Crisis* (Seattle; London: University of Washington Press, 1999); Dean Bavington, *Managed Annihilation: An Unnatural History of the Newfoundland Cod Collapse* (Vancouver; Toronto: University of British Columbia Press, 2010).

Of course, my writing is deeply situated within the social webs that conditioned both my upbringing as well as my experiences.¹⁷ As a foreigner, a volunteer, I had once wondered about water buffaloes crossing the Akagera River, the riverine border separating eastern Rwanda from Tanzania. In Rwanda, the buffaloes were wreaking havoc on crops and gardens planted by farmers and on rural communities. I was told that water buffaloes belonged to Tanzania's savannahs and not to the orderly agrarian landscape of low-land, northeastern Rwanda. Later, as a student at university, this episode kept me wondering about the implications of international borders for the relationships between humans and their more-than-human relatives.¹⁸ Questions about the significance of international borders to the relationships between humans and their more-than-human relatives resurfaced in November 2016 when, amidst icy November winds and in the aftermath of the highly consequential election of Donald J. Trump as 45th President of the United States, I experienced Alaskans discussing salmon runs and the effects of rapid environmental changes.¹⁹ It was during these moments that questions reemerged about the role of international boundaries in transforming more-than-human relations. How and to what extent did the 141st meridian impact communities along the Yukon River dependent on the existence of and thus on the integrity of their relationships with salmon? How were fisheries management bureaucracies organized given their alleged 'objects of government', anadromous fish, were regularly crossing borders between jurisdictions as well as boundaries between different ecosystems and had done so for millennia? How did these bureaucracies operate, and at whose expense? How would fishermen, communities, and fisheries managers address ecological transformations in a transnational setting such as the Yukon riverlands and the northern Pacific Ocean?

¹⁷ See, Donna Haraway, "Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective," *Feminist Studies* 14, no. 3 (1988).

¹⁸ For an overview over the growing body of scholarship devoted to conflicts between humans and their more-than-human relatives, see, e.g., Rosie Woodroffe, Simon Thirgood, and Alan Rabinowitz, eds., *People and Wildlife: Conflict or Co-Existence?* (Cambridge; New York; Melbourne; Madrid; Cape Town; Singapore; Sao Paulo: Cambridge University Press, 2009); Daniel Münster and Ursula Münster, "Human-Animal Conflict in Kerala: Elephants and Ecological Modernity on the Agrarian Frontier in South India," *RCC Perspectives*, no. 5 (2012); Saloni Bhatia et al., "Beyond Conflict: Exploring the Spectrum of Human-Wildlife Interactions and Their Underlying Mechanisms," *Oryx* 54, no. 5 (2019); Ursula Münster, "Lantana Invades Teak Plantations and Turns Elephants Violent," ed. Anna Lowenhaupt Tsing, et al., *The Feral Atlas: The More-Than-Human Anthropocene* (Stanford, CA.: Stanford University Press, 2021), <https://feralatlas.supdigital.org/poster/lantana-invades-monocrop-teak-plantations-triggering-elephant-aggression>. The role of borders in both shaping these conflicts and being shaped by them has been addressed by, for instance, Lauren A. Evans and William M. Adams, "Fencing Elephants: The Hidden Politics of Wildlife Fencing in Laikipia, Kenya," *Land Use Policy* 51(2016); "Elephants as Actors in the Political Ecology of Human-Elephant Conflict," *Transactions of the Institute of British Geographers* 43, no. 4 (2018).

¹⁹ For a broad assessment of the consequences of the Presidency of Donald J. Trump, see, Julian E. Zelizer, ed. *The Presidency of Donald J. Trump: A First Historical Assessment* (Princeton; London: Princeton University Press, 2022). This volume also entails an assessment of the Trump administration's environmental policies in relation to climate change; see, Bathsheba R. Demuth, "Against the Tide: The Trump Administration and Climate Change," in *The Trump Presidency: A First Historical Assessment*, ed. Julian E. Zelizer (Princeton; London: Princeton University Press, 2022).

Yet, answering these questions requires what historian Bathsheba R. Demuth has so brilliantly captured in the short introductory section to *Floating Coast: An Environmental History of the Bering Strait*: collapsing the separation between nature and culture.²⁰ Like Demuth, I too have been raised on imaginaries of pristine, unaltered northern environments that were based on Jack London's writings.²¹ The pristineness of Nature (with capital N), the absence rather than the presence of human practice, appeared to be characteristics of northern landscapes awaiting the arrival of white explorers and exploiters leaving their inevitable and unmistakable marks not only in the forms of settlements, roads, and pits but also in the form of place names and maps, laws and treaties.²² Like so many others before me, I am approaching the north as a foreigner, a foreigner from Germany. Thus, conducting this research was not only dependent on the intellectual or epistemological infrastructure(s) shaped by ongoing histories of conquest and dispossession.²³ Crucially, it was—and still is—also based on the availability of resources and material infrastructure(s) such as railroads and buses that I used, on cars and airplanes, power lines and so much else, the historical development of which this study tries, at least partially, to unravel with specific reference to the Yukon riverlands.

My hope is that this reading guide is going to help you understand *how* the argument presented throughout the dissertation has been crafted both in theoretical and in methodological terms; and what questions this work seeks to answer. The upcoming section thus introduces the core themes of this study without depriving subsequent chapters of their analytical and—in some cases—theoretical independence. I invite you to follow three steps. At first, you are going to learn about how researchers have approached the histories of creating and operating both the borders between the United States and Canada and between Alaska and the Yukon Territory in a variety of research areas ranging from water governance and fisheries management to geostrategy and policing. It will become apparent that scholars have overwhelmingly ignored the interior of the Yukon riverlands, focusing their attention on border configurations elsewhere along the borderline. In a second step, I am going to introduce to you the central conceptual features of this dissertation: (1) frontiers and borderlands, (2) settler colonialism capitalism, and (3) a praxeological approach oriented towards *statecrafting* rather than statecraft through the notion of 'problematization'. Finally, I would like to

²⁰ See, *Floating Coast: An Environmental History of the Bering Strait* (New York; London: W.W. Norton & Company, 2019), 2.

²¹ See, *ibid.*, 1-3.

²² On Jack London and his political legacy to 20th century-Alaska, see, e.g., Peter A. Coates, *The Trans-Alaska Pipeline Controversy: Technology, Conservation, and the Frontier* (Fairbanks: University of Alaska Press, 1993), 252; Susan Kollin, *Nature's State: Imagining Alaska as the Last Frontier* (Chapel Hill; London: The University of North Carolina Press, 2001), 62-71.

²³ Perhaps, Edward W. Said's *Orientalism* continues to be the most influential work about the ontological consequences of colonial epistemologies; see, Edward W. Said, *Orientalism* (New York: Vintage Books, 1994), esp. 49-73.

invite you to a short methodological ‘detour’ problematizing the disciplinary relationship between anthropology and history (which is based on methodological premises). It is critically important to me to address not only particular methodological problems such as, for instance, the types of sources that I have consulted and the caveats resulting from these choices. I am especially concerned about disclosing the conditions under which the research project has been developed, transformed, and conducted, because these conditions matter(ed): from the global pandemic of SARS CoV-2 to the specificities of conducting research as a white, male researcher situated not only within historical patterns of settler colonial capitalism but also within a disabled familial system.

2. THE PRESENCE OF AN ABSENCE: THE U.S.-CANADA BORDER IN SCHOLARLY DISCOURSE

2.1 *The U.S.-Canada Border*

As anthropologists, historians, geographers, and many others have argued time and time again, borders cannot and must not be understood as a natural given but rather as phenomena resulting from human practice.²⁴ They are social facts which turn them into historical facts.²⁵ Borders appear not as static but as dynamic.²⁶ As Henk van Houtum and Ton van Naerssen argued in 2002,

Bordering processes do not begin or stop at demarcation lines in space. Borders do not represent a fixed point in space or time, rather they symbolize a social practice of spatial differentiation. Semantically, the word ‘borders’ unjustly assumes that places are fixed in space and time, and should rather be understood in terms of *bordering, as an ongoing strategic effort to make a difference in space among*

²⁴ As David Newman noted, “It is the inherent dynamics of the bordering process which has replaced previous interest in the static nature of border lines as the main area of inquiry among border scholars. Today, we are more interested in the way that borders are socially constructed (demarcated in the traditional jargon), managed (delimited), and impact our daily life practices in the newly created transition spaces and borderlands (frontier zones) which are in constant state of flux”, cit. in: David Newman, “Borders and Bordering: Towards an Interdisciplinary Dialogue,” *European Journal of Social Theory* 9, no. 2 (2006): 172-73. See, also, David Newman and Anssi Paasi, “Fences and Neighbours in the Postmodern World: Boundary Narratives in Political Geography,” *Progress in Human Geography* 22, no. 2 (1998): 194-97; David Newman, “On Borders and Power: A Theoretical Framework,” *Journal of Borderlands Studies* 18, no. 1 (2003): 14-16; Anssi Paasi, “Generations and the ‘Development’ of Border Studies,” *Geopolitics* 10, no. 4 (2005): 667-69. For an anthropological perspective on bordering processes related to the 1990s reshaping of border studies, see especially, Robert R. Jr. Alvarez, “The Mexican-U.S. Border: The Making of an Anthropology of Borderlands,” *Annual Review of Anthropology* 1995, no. 24 (1995).

²⁵ See, Thomas Nail, *Theory of the Border* (Oxford; New York: Oxford University Press, 2016), 5-7, 14-17.

²⁶ For two brilliant, yet substantially different examples see, Peter Sahlin, *Boundaries: The Making of France and Spain in the Pyrenees* (Berkeley; Los Angeles; London: University of California Press, 1991); Marco Ferrari, Elisa Pasqual, and Andrea Bagnato, eds., *A Moving Border: Alpine Cartographies of Climate Change* (New York: Columbia Books on Architecture and the City, 2019).

*the movements of people, money, or products. [...] Put differently, territorial borders continuously fixate and regulate mobility of flows and thereby construct or reproduce places in space.*²⁷

Likewise, David Newman stressed that “[i]t is the process of bordering, rather than the border line per se, that has universal significance in the ordering of society”²⁸.

All borders share a common function to the extent that they include some and exclude others. [...] Borders create difference. The existence of borders enables us to maintain some sort of order, both within the spaces and groups which are thus encompassed, as well as between ‘our’ compartment and that of the ‘other’ groups and spaces which are part of a broader system of global ordering.²⁹

While there is little doubt that the emergence of borders relates to the emergence both of capitalist modes of production and of the modern nation-state through the Westphalian model, others warn that the “[...] history of the border has so far largely been a history of states”^{30, 31}. In her ethnography of bordering processes in the Ferghana Valley, anthropologist Madeleine Reeves argued “[...] that exploring what the signifier ‘state’ here actually does, what this authorization means, and what it enables to happen in a given setting is empirically rewarding”³². It also, she continues, “[...] enables us to think of the ‘state’ in a way that does not presuppose either functional sovereignty over a given territory, or to assume that it is coterminous with the domain of the licit”³³. I would like to add that a praxeological understanding of both processes of bordering and of colonial statecrafting equally requires devoting attention to the significance of borders within the settler colonialist-capitalist modes of production.³⁴

However, aside from being products of particular social arrangements and histories, researchers have rightfully insisted on the more-than-human qualities of borders which might sometimes

²⁷ Henk van Houtum and Ton van Naerssen, "Bordering, Ordering, and Othering," *Tijdschrift voor Economische en Sociale Geografie* 93, no. 2 (2002): 126, emph. AMW. For a critical reevaluation of their essay, see, Anssi Paasi, "Problematising 'Bordering, Ordering, and Othering' as Manifestations of Socio-Spatial Fetishism," *ibid.* 112, no. 1 (2021).

²⁸ Newman, "On Borders and Power: A Theoretical Frameworks," 15.

²⁹ *Ibid.*

³⁰ Nail, *Theory of the Border*, 14.

³¹ On borders and the modern nation-state, see, e.g., Newman and Paasi, "Fences and Neighbours in the Postmodern World: Boundary Narratives in Political Geography," 189-90; Mark B. Salter, "When the Exception Becomes the Rule: Borders, Sovereignty, and Citizenship," *Citizenship Studies* 12, no. 4 (2008): 372-77; Sami Moisio and Anssi Paasi, "Beyond State-Centricity: Geopolitics of Changing State Spaces," *Geopolitics* 18, no. 2 (2013): 256-58; Steffen Mau, *Sortiermaschinen: Die Neuerfindung Der Grenze Im 21. Jahrhundert* (Munich: C.H. Beck, 2021), 23-38. On borders and capitalist modes of production, see, e.g., Jürgen Habermas, *Die Postnationale Konstellation: Politische Essays* (Frankfurt a.M.: Suhrkamp Verlag, 1998), 103-04; Ruben Andersson, *Illegality, Inc.: Clandestine Migration and the Business of Bordering Europe* (Berkeley; Los Angeles; London: University of California Press, 2014); Stephen Campbell, *Border Capitalism, Disrupted: Precarity and Struggle in a Southeast Asian Industrial Zone* (Ithaca; London: Cornell University Press, 2018).

³² Madeleine Reeves, *Border Work: Spatial Lives of the State in Rural Central Asia* (Ithaca; London: Cornell University Press, 2014), 244.

³³ *Ibid.*

³⁴ See, Sandro Mezzadra and Brett Neilson, *Border as Method, Or: The Multiplication of Labor* (Durham; London: Duke University Press, 2013), 30-37, 66-93.

stabilize or challenge the hegemonic ordering of border configurations and regimes.³⁵ Anthropologist Jason De León, for example, demonstrated how landscapes, heat patterns, plants, and animals have been enlisted in producing an extremely deadly U.S.-Mexico border zone and envisioned as deterrents to processes of (im-) migration.³⁶ Historians such as Sarah Sears or C. J. Alvarez focused attention on the effects of riverine ecologies (seasonality and flooding, for instance), infrastructural development, and the emergence of legal frameworks in both creating and transforming the border(s) between the United States and Mexico.³⁷



Stories of creating borders in North America have long fascinated historians and social scientists alike. However, in stark contrast to the international boundary separating the United States and Mexico, the borders between the U.S. and Canada still receives surprisingly little attention from anthropologists.³⁸ A notable—and excellent—exception is the ethnography *Mohawk Interruptus: Political Life across the Borders of Settler States* by anthropologist Audra Simpson who makes an impressive, deeply insightful argument about how settler colonial state apparatuses interact with Indigenous nations transforming Indigenous lands and labor into commodities.³⁹ Purposefully, she argues, Indigenous social relationships transgressing the borders articulated by settler colonial

³⁵ For a recent overview over the development of posthumanist border studies, see, e.g., Umut Ozguc, "Rethinking Border Walls as Fluid Meshworks," *Security Dialogue* 52, no. 4 (2021); Umut Ozguc and Andrew Burridge, "More-Than-Human Borders: A New Research Agenda for Posthuman Conversations in Border Studies," *Geopolitics* 28, no. 2 (2023).

³⁶ See, Jason De León and Michael Wells, *The Land of Open Graves: Living and Dying on the Migrant Trail* (Berkeley; Los Angeles; London: University of California Press, 2015), esp. 23-85.

³⁷ See, C. J. Alvarez, *Border Land, Border Water: A History of Construction on the U.S.-Mexico Divide* (Austin: University of Texas Press, 2019); Sarah Sears, "Beyond the River's Violence: Reconsidering the Chamizal Border Dispute," *Diplomatic History* 47, no. 3 (2023).

³⁸ The scholarly literature associated with the border(s) between the United States and Mexico has reached an extent that far exceeds the possibilities of adequately summarizing the contemporary state of research. Principally associated with historical studies of the creation of the borders in the American Southwest and particularly with the works of Herbert Eugene Bolton, the conceptual term 'borderlands' has been introduced to anthropologists with explicit reference to the regional framework of Boltonians, the U.S.-Mexican borderlands; see, e.g., Herbert Eugene Bolton, *The Spanish Borderlands: A Chronicle of Old Florida and the Southwest* (New Haven: Yale University Press, 1921). For an overview over the gendered dynamics and politics of intimacy of the U.S.-Mexico borderlands see, e.g., Deborah A. Boehm, *Intimate Migrations: Gender, Family, and Illegality among Transnational Mexicans* (New York; London: New York University Press, 2012); Wendy A. Vogt, *Lives in Transit: Violence and Intimacy on the Migrant Journey* (Oakland, CA.: University of California Press, 2018). For an overview over posthumanist perspectives on the U.S.-Mexico border, see especially, Samuel Truett, *Fugitive Landscapes: The Forgotten History of the U.S.-Mexico Borderlands* (New Haven; London: Yale University Press, 2006); Juanita Sundberg, "Diabolic Caminos in the Desert and Cat Fights on the Río: A Posthumanist Political Ecology of Boundary Enforcement in the United States-Mexico Borderlands," *Annals of the Association of American Geographers* 101, no. 2 (2011); Vicki Squire, "Desert 'Trash': Posthumanism, Border Struggles, and Humanitarian Politics," *Political Geography* 39(2014). Of course, the extensive, highly militarized border security apparatuses on the U.S.-Mexico border and the anxieties associated with them, have received particularly intensive attention—and also the ways in which these apparatuses intersect with politics of race, gender, and class; see, e.g., Kelly Lytle Hernández, *Migra! A History of the U.S. Border Patrol* (Berkeley; Los Angeles; London: University of California Press, 2010); Wendy Brown, *Walled States, Waning Sovereignty* (New York: Zone Books, 2017); Kelly Lytle Hernández, *Bad Mexicans: Race, Empire, and Revolution in the Borderlands* (London; New York: W.W. Norton & Company, 2022).

³⁹ See, Audra Simpson, "Subjects of Sovereignty: Indigeneity, the Revenue Rule, and Juridics of Failed Consent," *Law and Contemporary Problems* 71, no. 3 (2008).

powers such as the United States and Canada have been criminalized, in some cases eviscerated, as threats to settler colonial power relations. “Indigenous ‘smuggling’”, Simpson writes, “was a refusal of settler dominion over territory, an assertion of integrity of earlier agreements between sovereigns as well as an assertion of these rights”⁴⁰.

‘Sovereignty’ is articulated differently by Mohawks in their traditional trade practice, a practice that necessarily involves a grounded knowledge and deep critique of settler law. This sovereignty is misperceived as criminal, even when it is an explicit expression of treaty rights guaranteed to the Mohawks as a border tribe, or, as they would certainly prefer to be called, a ‘border nation’.⁴¹

The creation of state boundaries and settler colonial borders across Indigenous lands that had been appropriated by violence and without consent, was dependent not only on practices of relentless policing by government agents and state authorities.⁴² Rather, as Audra Simpson emphasizes, bordering processes included, crucially, the installation of (differing) legal frameworks that would regulate access to and ownership of land based on racialized, gendered notions of inheritance and citizenship, thereby systematically dismantling Indigenous land titles and concrete access to lands, continuously shrinking Indigenous territories, while simultaneously enshrining settler colonial dominance.⁴³ However, as Simpson makes pointedly clear, these histories of conquest and practices of bordering did neither remain uncontested nor have they ultimately proved successful.⁴⁴ Instead, Simpson delivered a powerful argument “[...] for an understanding of Kahnawà:ke as a community possessing a consciousness of itself as a nation in spite of its location in the place and space of the reserve and as a nation within the place, space, and present time of Canada—as a sovereignty within

⁴⁰ *Mohawk Interruptus: Political Life across the Borders of Settler States* (Durham; London: Duke University Press, 2014), 129. On the previous page, Simpson depicts the settler colonial politics of recognition underlying the analytic of refusal, or what Simpson calls ‘positive refusal’: “If a refusal to recognize also involves using one’s territory in a manner that is historically and philosophically consistent with what one knows, then it is an incident of failed consent and *positive refusal*: Mohawks refused to consent to colonial mappings and occupations of their territory. Such refusals, or failures to consent, require a legal response to contain those who refuse, a move that then incites settler anxiety about the containability of Indian bodies and practices. The fact that the territory and the people of Ahkwesáhsne are crossed by four state and provincial boundaries and jurisdictions, as well as an international boundary line that bifurcates the territory; that this territory was divided without their explicit consent; that their boundaries of this space are different from those mapped by relatively new nation-states and peoples—this was not up for discussion or analysis. It is simply the Indians’ perceived misrecognition of boundaries (and the inability to contain their trafficking and their economic practice) that appeared to be the issue”, cit. in: *ibid.*, 128, *emph. in original*. For additional information about the politics of refusal and how refusal relates to categories such as resistance, see, Sherry B. Ortner, “Resistance and the Problem of Ethnographic Refusal,” *Comparative Studies in Society and History* 37, no. 1 (1995); Audra Simpson, “On Ethnographic Refusal: Indigeneity, ‘Voice’, and Colonial Citizenship,” *Junctures: The Journal for Thematic Dialogue* 2007, no. 9 (2007); Carole McGranahan, “Theorizing Refusal: An Introduction,” *Cultural Anthropology* 31, no. 3 (2016); Audra Simpson, “The Ruse of Consent and the Anatomy of ‘Refusal’: Cases from Indigenous North America and Australia,” *Postcolonial Studies* 20, no. 1 (2017).

⁴¹ *Mohawk Interruptus: Political Life across the Borders of Settler States*, 129.

⁴² See, *ibid.*, 18-24. A similar point has recently been raised by Ian Kalman; see, Ian Kalman, “Proofing Exemption: Documenting Indigeneity and the Canada-U.S. Border,” *Anthropologica* 60, no. 1 (2018).

⁴³ See, Simpson, *Mohawk Interruptus: Political Life across the Borders of Settler States*, ch. 2.

⁴⁴ See, *ibid.*, 160-76, 78-85.

multiple sovereignties”⁴⁵.⁴⁶ A related argument has been raised by Brian Thom who pointed towards the enormous onto-political costs of representing Indigenous transboundary relations across the U.S.-Canada border cartographically through mobilizing “[...] western methods to draw maps of fixed, polygonal boundaries and borders, asserting their [Indigenous peoples’] claims in a language that is familiar to the nation states with which they are hoping to redefine relationships”⁴⁷.

Although historians—very much like anthropologists and geographers—have traditionally kept a close eye to the histories of the U.S.-Mexico border(s) while largely ignoring the complex histories of northern borders, this situation has notably shifted in recent years. Two collections of essays, one published in 2002 and another one in 2010, addressed the shortcomings of historians who overwhelmingly focused their attention on the southern borders of the United States.⁴⁸ Scholars such as Andrew Graybill explicitly sought to engage in comparative enterprises that would help to reorient historical research to the interrelation between bordering processes occurring at the U.S.-Mexico as well as the U.S.-Canada borders.⁴⁹ Others such as Sheila McManus showed that “[o]nly by interrogating the ways in which borders, and other social categories like race and gender, are constructed and deployed, and by paying close attention to the similarities and differences between the two sides [the American and Canadian sides of the 49th parallel respectively], can we

⁴⁵ Ibid., 187.

⁴⁶ For a problematization of notions of sovereignty and territoriality from the viewpoint of Indigenous political theory, see, e.g., Taiaiake Alfred, "Sovereignty," in *A Companion to American Indian History*, ed. Philip J. Deloria and Neal Salisbury (Malden, MA.; Oxford: Blackwell Publishers, 2002); *Peace, Power, Righteousness: An Indigenous Manifesto* (Oxford; New York: Oxford University Press, 2009), 79-93.

⁴⁷ Brian Thom, "The Paradox of Boundaries in Coast Salish Territories," *Cultural Geographies* 16, no. 2 (2009): 180. Anthropologist Paul Nadasdy raised similar objections in relation to land claims agreements in the contemporary Yukon Territory; see, Paul Nadasdy, "Boundaries among Kin: Sovereignty, the Modern Treaty Process, and the Rise of Ethno-Territorial Nationalism among Yukon First Nations," *Comparative Studies in Society and History* 54, no. 3 (2012).

⁴⁸ See, John M. Findlay and Kenneth S. Coates, eds., *Parallel Destinies: Canadian-American Relations West of the Rockies* (Seattle; London: University of Washington Press, 2002); Benjamin H. Johnson and Andrew R. Graybill, eds., *Bridging National Borders in North America: Transnational and Comparative Histories* (Durham; London: Duke University Press, 2010).

⁴⁹ In fact, both Benjamin H. Johnson and Andrew R. Graybill lamented that, “[c]ompared with the long history and great diversity of scholarship on the U.S.-Mexico borderlands, there has been far less academic attention directed at the Canada-U.S. borderlands”, cit. in: "Introduction: Borders and Their Historians in North America," in *Bridging National Borders in North America: Transnational and Comparative Histories*, ed. Benjamin H. Johnson and Andrew R. Graybill (Durham; London: Duke University Press, 2010), 10. In his outstanding, comparative study of policing on the Great Plains, of the Canadian North-West Mounted Police and the Texas Rangers, Andrew R. Graybill insisted on the significance of transgressing the imaginary geographies of borderlands historians. “Writers and scholars”, he argued, “have long confined their studies to either one side of the 49th parallel or the other, imposing intellectual parameters seemingly no less arbitrary than the international border itself. The very existence of these rural constabularies at opposite ends of the region, however, as well as the remarkable overlap between their missions emphasizes the transnational reach of the Great Plains. That the two forces policed nearly identical populations—including Indians, peoples of mixed ancestry, homesteaders, and industrial workers—reinforces the notion that Texas and the Canadian North-West were bound by conditions of ecology, economy, and demography that transcended North American political boundaries. Moreover, because the enforcement of international borders was so central to the work of each force, comparing such efforts by the Rangers and Mounties establishes that the Great Plains belong in any academic discussion of the ‘borderlands’, which for many decades has served as a sort of shorthand referring exclusively to the American Southwest”, cit. in: Andrew R. Graybill, *Policing the Great Plains: Rangers, Mounties, and the North American Frontier, 1875-1910* (Lincoln; London: University of Nebraska Press, 2007), 2.

denaturalize taken-for-granted boundaries”⁵⁰. McManus’ emphasis on the intersection of race, class, and gender establishes an understanding of the differential relations created through practices of bordering.⁵¹ For instance, “[t]he evidence from white women in the borderlands suggests that while the project of colonizing the borderlands and establishing particular racial and gender norms had been a success, the related project of establishing the nation-state remained unfinished. These women lived their lives almost entirely on one side of the line and could thus ignore it, which was not at all what the federal governments had in mind”⁵². At the same time, “Black and Chinese people remained barely visible at the fringes of the new settler societies on both sides of the border, marginalized by the racial and gender status”⁵³. Revisionist accounts of Indigenous histories have transformed our understanding of settler colonial border creation.⁵⁴ Ryan Hall, for instance, recently presented a transboundary history of the Blackfoot Confederation and the struggles over the U.S.-Canada border that foregrounds Blackfeet agency while not “[...] downplaying the very real traumas and losses that Indigenous people suffered as a result of European colonization”⁵⁵. In his sweeping reinterpretation of the conflictive relationship between the United States and Britain

⁵⁰ Sheila McManus, *The Line Which Separates: Race, Gender, and the Making of the Alberta-Montana Borderlands* (Lincoln; London: University of Nebraska Press, 2005), 181.

⁵¹ See also, “‘Their Own Country’: Race, Gender, Landscape, and Colonization around the 49th Parallel, 1862-1900,” in *The Borderlands of the American and Canadian Wests: Essays on Regional History of the 49th Parallel*, ed. Sterling Evans (Lincoln; London: University of Nebraska Press, 2006).

⁵² *The Line Which Separates: Race, Gender, and the Making of the Alberta-Montana Borderlands*, 177.

⁵³ *Ibid.*

⁵⁴ The works of historians Pekka Hämäläinen have been particularly influential in presenting revisionist accounts of Indigenous histories of North America; see, Pekka Hämäläinen, *The Comanche Empire* (New Haven; London: Yale University Press, 2008); *Lakota America: A New History of Indigenous Power* (New Haven; London: Yale University Press, 2019). Indeed, Pekka Hämäläinen was accused of relativizing the abhorrent violence of Euro-American imperial powers in his description of Indigenous ‘empires’; see, @nickwestes, “I’m Dreading Pekka Hamalainen’s New Book on Lakota People. We Can Only Expect His Moral Relativist Argument That He Slapped Together in Comanche Empire—We’re All Imperialists Now!—Titillating White Settler Fantasies About Lakota People as Violent Imperialist Like the USA,” X, https://x.com/nickwestes/status/1125467464953810944?s=20&t=M8Aee_9AoTQWIseD5LZ5qg. It is important, however, to note that Hämäläinen did not simply equate Indigenous confederations with Euro-American imperial powers. Instead, he was mapping out both similarities and differences. Whether his emphasis on expansion, control, and exploitation is appropriate, is, of course, debatable. “Comanches achieved something quite exceptional: they built an imperial organization that subdued, exploited, marginalized, co-opted, and profoundly transformed near and distant colonial outposts, thereby reversing the conventional imperial trajectory in vast segments of North and Central America. [...] Yet for all their strength and potential expansion, Comanches never attempted to build a European-style imperial system. A creation of itinerant nomadic bands, the Comanche empire was not a rigid structure held together by a single authority, nor was it an entity that could be displayed on a map as a solid block with clear-cut borders. Unlike Euro-American powers, Comanches did not seek to establish large-scale settlement colonies, and their vision of power was not direct rule over multiple subject peoples. [...] Preferring informal rule over formal institutions for both cultural and strategic reasons, Comanches nevertheless created a deeply hierarchical and integrated intersocietal order that was unmistakably imperial in shape, scope, and substance. [...] *The Comanches, then, were an imperial power with a difference: their aim was not to conquer and colonize, but to coexist, control, and exploit*”, cit. in: Hämäläinen, *The Comanche Empire*, 3-4, emph. in original. In fact, a substantially challenging definition of imperial state formation which is far less inclined in equating modern empires with formalization and institutionalization has recently been presented by Ulrike von Hirschhausen and Jörn Leonhard, *Empires: Eine Globale Geschichte, 1780-1920* (Munich: C.H. Beck, 2023), 607-11.

⁵⁵ Ryan Hall, *Beneath the Backbone of the World: Blackfoot People and the North American Borderlands, 1720-1877* (Chapel Hill: The University of North Carolina Press, 2020), 7.

at the turn of the 18th century, Jeffers Lennox stresses that the creation of the U.S.-Canada border came with the establishment of differing settler colonial legal frameworks that had differential effects on Indigenous nations on both sides of the border(s).⁵⁶ At the same time, the border, he insists, proved critical for the development of the United States as a nation-state rather than a loose amalgam of relatively independent polities.⁵⁷ Moreover, in recent years, scholars increasingly sought to examine the significance of the U.S.-Canada border throughout the Pacific, where U.S. and Canadian attempts “[...] to systematically control transnational Asian migration involved the construction of transpacific borders—a process that included enforcing an imaginary line between the Asia-Pacific world and the North American West, as well as consolidating a territorial boundary between the United States and Canada”^{58, 59}.

Aside of histories focusing on specific groups of people or regions in North America, environmental historians have—largely unnoticed—produced a remarkably broad span of works that, either directly or indirectly, address the emergence of the U.S.-Canada border: from conflicts over fisheries management and migratory birds, to water and pollution, or power and trade.⁶⁰

⁵⁶ See, Jeffers Lennox, *North of America: Loyalists, Indigenous Nations, and the Borders of the Long American Revolution* (New Haven; London: Yale University Press, 2022). For an illustration of the highly ambiguous relationships between Indigenous nations and settler polities, and the substantial differences between strategies of colonization in the 17th and 18th centuries, see, James H. Merrell, *Into the American Woods: Negotiators on the Pennsylvania Frontier* (New York; London: W.W. Norton & Company, 2000); Richard White, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650-1815*, 20 ed. (Cambridge; New York; Melbourne; Madrid; Cape Town; Singapore; Sao Paulo: Cambridge University Press, 2016).

⁵⁷ See, Lennox, *North of America: Loyalists, Indigenous Nations, and the Borders of the Long American Revolution*, 277-78. For a revisionist history of the American War of Independence and, among others, the significance of borderlands, see, e.g., Woody Holton, *Liberty Is Sweet: The Hidden History of the American Revolution* (New York; London; Toronto; Sydney; New Delhi: Simon & Schuster, 2021).

⁵⁸ Kornel S. Chang, "Enforcing Transnational White Solidarity: Asian Migration and the Formation of the U.S.-Canadian Boundary," *American Quarterly* 60, no. 3 (2008): 693-94.

⁵⁹ See also, e.g., *Pacific Connections: The Making of the U.S.-Canadian Borderlands* (Berkeley; Los Angeles; London: University of California Press, 2012); David Igler, *The Great Ocean: Pacific Worlds from Captain Cook to the Gold Rush* (Oxford; New York: Oxford University Press, 2013); Gordon H. Chang and Shelley Fisher Fishkin, eds., *The Chinese and the Iron Road: Building the Transcontinental Railroad* (Stanford, CA: Stanford University Press, 2019).

⁶⁰ The principal work remains, Kurpatrick Dorsey, *The Dawn of Conservation Diplomacy: U.S.-Canadian Wildlife Protection Treaties in the Progressive Era* (Seattle; London: Washington University Press, 1998). For an overview over the transboundary dimensions of hydropower development along the U.S.-Canada border, see, e.g., Richard White, *The Organic Machine: The Remaking of the Columbia River* (New York: Hill & Wang, A Division of Farrar, Straus & Giroux, 1996); Jeremy Mouat, "Engineering a Treaty: The Negotiation of the Columbia River Treaty of 1961/64," in *Border Flows: A Century of the Canadian-American Water Relationship*, ed. Lynne Heasley and Daniel Macfarlane (Calgary: University of Calgary Press, 2016); Daniel Macfarlane, "Negotiating Niagara Falls: Us-Canada Environmental and Energy Diplomacy," *Diplomatic History* 43, no. 5 (2019); "Hydro Diplomacy: Canada-U.S. Hydroelectricity Exports and Regulations Prior to the Neb," *American Review of Canadian Studies* 51, no. 4 (2021); *Natural Allies: Environment, Energy, and the History of U.S.-Canada Relations* (Montreal; Kingston; London: McGill-Queen's University Press, 2023). The transboundary dimensions of industrial pollution have become an increasingly, yet still largely neglected topic of research; see, e.g., Joseph E. III Taylor, "Lines That Don't Divide: Telling Tales About Animals, Chemicals, and People in the Salish Sea," in *Border Flows: A Century of the Canadian-American Water Relationship*, ed. Lynne Heasley and Daniel Macfarlane (Calgary: University of Calgary Press, 2016); Elizabeth Hoover, *The River Is in Us: Fighting Toxics in a Mohawk Community* (Minneapolis; London: University of Minnesota Press, 2017); Jamie Benidickson, *Levelling the Lake: Transboundary Resource Management in the Lake of the Woods Watershed* (Vancouver; Toronto: University of British Columbia Press, 2019).

Throughout the 20th century, the creation of the U.S.-Canada was accompanied by the emergence of international institutions negotiating the access and the distribution of resources, and mediating environmental conflicts.⁶¹ Institutions such as the International Joint Commission (IJC) or the Pacific Salmon Commission are themselves effects of a mostly implicit admission that landscapes and ecosystems hardly coincide with jurisdictions and the legal procedures of state bureaucracies. As environmental historian Lissa K. Wadewitz has argued, more-than-human relatives oftentimes directly affected bordering processes and the operation of borders in the Pacific Northwest.⁶² For instance, concerns over the industrial exploitation of salmon culminated in violent attempts at articulating the maritime borders between the State of Washington and the Province of British Columbia which themselves shaped diplomatic negotiations over the exact courses of the border(s).⁶³

By far the most comprehensive account, both geographically and theoretically, of the emergence of the U.S.-Canada border has recently been presented by Benjamin Hoy, *A Line of Blood and Dirt: Creating the Canada-United States Border across Indigenous Lands*.⁶⁴ Instead of treating the border(s) separating the United States and Canada as a derivate of the U.S.-Mexico border(s), Hoy provides an painstakingly and breathtakingly detailed account of how the border(s) had operated at different locations and points in time resulting in a highly contested and fragmented border zone that “[...] developed differently from the US-Mexico border because of American perceptions of cultural similarity and military prowess”⁶⁵. One of the core arguments that Hoy presents is that processes

⁶¹ For a historical overview over the creation of the IJC, see, e.g., *Levelling the Lake: Transboundary Resource Management in the Lake of the Woods Watershed*; Daniel Macfarlane, *Negotiating a River: Canada, the U.S., and the Creation of the St. Lawrence Seaway* (Vancouver; Toronto: University of British Columbia Press, 2014); Emma S. Norman, *Governing Transboundary Waters: Canada, the United States, and Indigenous Communities* (London; New York: Routledge, 2017). For an overview over fisheries management in the Pacific Northwest and the establishment of the PSC, see, Joseph E. III Taylor, "The Historical Roots of the Canadian-American Salmon Wars," in *Parallel Destinies: Canadian-American Relations West of the Rockies*, ed. John M. Findlay and Kenneth S. Coates (Seattle; London: University of Washington Press, 2002); Matthew D. Evenden, *Fish Versus Power: An Environmental History of the Fraser River* (Cambridge; New York; Melbourne; Madrid; Cape Town; Singapore; Sao Paulo: Cambridge University Press, 2007). To this day, *The 1985 Pacific Salmon Treaty: Sharing Conservation Burdens and Benefits* remains the primary source of information about the development of the PST and the emergence of the PSC; see, Shepard and Argue, *The 1985 Pacific Salmon Treaty: Sharing Conservation Burdens and Benefits*. That being said, however, anthropologist Kathleen Sullivan presented a compelling argument outlining the normative assumptions of transboundary fisheries management in the Pacific Northwest as well as the inherent contradictions of international treaties such as the PST; see, Kathleen Sullivan, "Rights of Passage: Property Rights in North American Pacific Salmon Stocks," *PoLAR: Political and Legal Anthropology Review* 21, no. 1 (2008).

⁶² See, Lissa K. Wadewitz, "Fishing the Line: Political Boundaries and Border Fluidity in the Pacific Northwest Borderlands, 1880-1930s," in *The Borderlands of the American and Canadian Wests: Essays on Regional History of the 49th Parallel*, ed. Sterling Evans (Lincoln; London: University of Nebraska Press, 2006); "The Scales of Salmon: Diplomacy and Conservation in the Western Canada-U.S. Borderlands," in *Bridging National Borders in North America: Transnational and Comparative Histories*, ed. Benjamin H. Johnson and Andrew R. Graybill (Durham; London: Duke University Press, 2010).

⁶³ See, *The Nature of Borders: Salmon, Boundaries, and Bandits on the Salish Sea* (Seattle; London: University of Washington Press, 2012), esp. ch. 6.

⁶⁴ See, Benjamin Hoy, *A Line of Blood and Dirt: Creating the Canada-United States Border across Indigenous Lands* (Oxford; New York: Oxford University Press, 2021).

⁶⁵ *Ibid.*, 6.

of border creation in North America “[...] are inseparable from histories of colonialism, hunger, dispossession, and Indigenous politics”⁶⁶. Indeed, the central question animating Benjamin Hoy’s work, what “[...] borders look like, and how [...] they close”⁶⁷ (i.e., the historical processes by which borders centered around state institutions are produced), also informs this study. In contrast to the analysis presented by Benjamin Hoy, however, this dissertation focuses heavily on the emergence of state institutions and processes of imperial state formation, the dynamics of state presence and, particularly, the environmental, material challenges encountered by colonial state officials operating in the Yukon riverlands, and the extent to which these dynamics reflected broader economic aspirations and concerns about possible futures. Thus, rather than focusing primarily on the strategic and tactical implications of the U.S.-Canada border(s) articulated and installed across Indigenous lands, this study addresses “[...] the tense and conflictual ways in which borders shape the lives and experiences of subjects who, due to the functioning of the border itself, are configured as bearers of labor power”⁶⁸.

2.2 *The Alaska-Canada Border and the Yukon Riverlands*

The histories and structural features of the borders between Alaska and Canada—that is, the borders separating Alaska from the Yukon Territory and from the Province of British Columbia—have largely been ignored by researchers. For historians of the North American borderlands, the specificities of ‘the north’ and northern border zones still appear remarkably difficult to assess which is itself a reflection of particular patterns of colonization and conquest.⁶⁹ For instance, a collection of essays discussing the historical implications of the 1909 Boundary Waters Treaty between the United States and Canada, establishing the overarching judicial and institutional frameworks of contemporary water management across the U.S.-Canada border only mentions northern regions in passing. The contributions do not *en detail* address the particular problems of transboundary water governance along the Yukon River, the significance of Indigenous activists or the particular roles of institutions such as the IJC.⁷⁰ Likewise, contributors to *Parallel Destinies: Canadian-American Relations West of the Rockies* and *Bridging National Borders in North America: Transnational and Comparative Histories* fail to address the specific historical circumstances and configurations of border regimes that characterize the Alaska-Canada borders generally and the

⁶⁶ Ibid., 7.

⁶⁷ Ibid., 4.

⁶⁸ Mezzadra and Neilson, *Border as Method, Or: The Multiplication of Labor*, 20.

⁶⁹ See, Kenneth S. Coates, "The Discovery of the North: Towards a Conceptual Framework for the Study of Northern/Remote Regions," *The Northern Review*, no. 12/13 (1993-94): 22-34, ; Stephen W. Haycox, "Alaska and the Canadian North: Comparing Conceptual Frameworks," in *Northern Visions: New Perspectives on the North in Canadian History*, ed. Kerry Abel and Kenneth S. Coates (Toronto: Broadview Press, 2001), 141-45.

⁷⁰ See, Lynne Heasley and Daniel Macfarlane, eds., *Border Flows: A Century of Canadian-American Water Relationship* (Calgary: University of Calgary Press, 2016).

141st meridian specifically.⁷¹ Even Benjamin Hoy's *A Line of Blood and Dirt* assigns only a marginal role to the Alaska-Canada border zone.⁷² History, it seems, is written with a distinct focus on the south, the temperate regions of North America, the alleged centers of urbanization and industrialization.⁷³ It is a history dedicated to the intensification of transportation and capitalist circulation, of agricultural and industrial production, a history displaying profound "[...] indifference toward the colonies [...]"⁷⁴. And indeed, from the perspective of a burgeoning, rapidly industrializing continental settler colonialist-capitalist society, the boundaries of Alaska, the Yukon Territory, and British Columbia may appear as hardly anything else than geopolitical curiosities—for some, as monstrosities even.⁷⁵ The flipside of the tendency to ignore the Alaska-Canada border(s) is marked by a fascination not for the daily and extremely fragmented practices of bordering but for high-level diplomatic conflict: the Alaska Boundary Dispute. Tendencies to ignore the complexities of northern borderlands are met by tendencies to exacerbate political rivalry and contestation between imperial powers located in the centers: Ottawa, London, and Washington.⁷⁶

Of course, the Alaska Boundary Dispute will be discussed in more detail in subsequent sections of this dissertation. It is important to emphasize, however, that this study decidedly shifts attention away from speculations about imperial grand-strategy⁷⁷ or notions of a shared 'Anglo-Saxon

⁷¹ See, Findlay and Coates, *Parallel Destinies: Canadian-American Relations West of the Rockies*; Johnson and Graybill, *Bridging National Borders in North America: Transnational and Comparative Histories*. This is even more puzzling given that one of the editors, Ken S. Coates is internationally regarded as one of the most important and impactful historians of northern Canada generally and the Yukon Territory specifically; his extensive knowledge of the region shimmers through in the introduction to the book; see, Kenneth S. Coates, "Border Crossings: Pattern and Process Along the Canada-United States Boundary West of the Rockies," in *Parallel Destinies: Canadian-American Relations West of the Rockies*, ed. John M. Findlay and Kenneth S. Coates (Seattle; London: University of Washington Press, 2002). The borders between Alaska and Canada are briefly discussed in Jennifer Seltz' and Lissa K. Wadewitz' magnificent contributions to *Bridging National Borders in North America: Transnational and Comparative Histories*; see, Jennifer Seltz, "Epidemics, Indians, and Border-Making in the Nineteenth-Century Pacific Northwest," in *Bridging National Borders in North America: Transnational and Comparative Histories*, ed. Benjamin H. Johnson and Andrew R. Graybill (Durham; London: Duke University Press, 2010); Wadewitz, "The Scales of Salmon: Diplomacy and Conservation in the Western Canada-U.S. Borderlands." See also, Dominique Heald-Brégent, "Projecting the in-Between: Cinematic Representations of Borderlands and Borders in North America, 1908-1940," *ibid.*

⁷² See, Hoy, *A Line of Blood and Dirt: Creating the Canada-United States Border across Indigenous Lands*, 186-87.

⁷³ See, Coates, "The Discovery of the North: Towards a Conceptual Framework for the Study of Northern/Remote Regions," 15-19.

⁷⁴ Daniel Immerwahr, *How to Hide an Empire: A History of the Greater United States* (New York: Picador, 2020), 155.

⁷⁵ See, *ibid.*, 168-69.

⁷⁶ It must be noted, however, that even George C. Herring's overview over the historical development of U.S. diplomacy and foreign policy does not mention—not once—the Alaska Boundary Dispute, even though related conflicts over the delineation of borders and the limits of imperial dominance in Latin America impacted conflicts over territory and, more importantly, over access to resources in the northern Pacific Northwest; see, George C. Herring, *Years of Perils and Ambition: U.S. Foreign Relations, 1776-1921* (Oxford; New York: Oxford University Press, 2017), 297-98, 359-60; Lewis Green, *The Boundary Hunters: Surveying the 141st Meridian and the Alaskan Panhandle* (Vancouver; London: University of British Columbia Press, 1982), 63.

⁷⁷ See, e.g., Thomas Hodgins, "The Alaska-Boundary Dispute," *The Contemporary Review* 1902, no. August (1902); Norman Penlington, *The Alaska Boundary Dispute: A Critical Reappraisal* (Toronto: McGraw-Hill Ryerson Publishers,

heritage⁷⁸ underpinning the dynamics of the Alaska Boundary Dispute, although both dimensions are undoubtedly important (yet not as decisive as is often suggested).⁷⁹ The almost obsessive focus on the Alaska Boundary Dispute and its consequences runs the risk of overgeneralizing the political and geographical specificities of the geostrategic conflict between the United States, Canada, and Britain. While it is tempting to interpret the Alaska Boundary Dispute in essentially nationalist terms producing histories of rivalry and contestation such as Chris Allan's recent series of articles focusing on U.S. Customs agent Joseph W. Ivey, the conflictive relationships between U.S. and Canadian state officials did not necessarily translate, let alone needlessly align with, local practices of bordering.⁸⁰ With other words, the Alaska Boundary Dispute does not add much explanatory weight to attempts at understanding daily routines and practices of government employees and the local challenges of state apparatuses which, of course, does *not* amount to saying that diplomatic struggles or imperial grand-strategy did not have any implications to bordering processes in the Yukon riverlands whatsoever.

Focusing on the significance of the Alaska Boundary Dispute and on the geographical particularities of the Alaskan Panhandle is convenient, because the diplomatic conflict between the United States and Canada marked the starting point for surveying and the exact course of the U.S.-Canada border. The Alaska Boundary Tribunal resulted, as historian Lewis Green has detailed in his 1982 classic *The Boundary Hunters: Surveying the 141st Meridian and the Alaskan Panhandle*, in the Alaska Boundary Survey.⁸¹ For decades, Lewis Green's works have been the sole source of information about the complex histories of the Alaska-Canada border, widely referenced by anthropologists and historians alike.⁸² Because of his focus on the accounts of diplomats and surveyors, Lewis Green neither paid attention to the lack of Indigenous voices within the records,

1972); David Eric Jessup, "Between Two Empires: Canada and the Alaska Boundary Dispute," in *The Big Wild Soul of Terrence Cole: An Eclectic Collection to Honor Alaska's Public Historian*, ed. Frank Soos and Mary Ehrlander (Fairbanks: University of Alaska Press, 2019).

⁷⁸ See, e.g., Charles S. Jr. Campbell, *Anglo-American Understanding, 1898-1903* (Baltimore: The Johns Hopkins Press, 1957); Edward P. Kohn, *This Kindred People: Canadian-American Relations and the Anglo-Saxon Idea, 1895-1903* (Montreal & Kingston; London; Ithaca: McGill-Queen's University Press, 2004); Ari Finnsson, "Border Disputes and Identity in Anglophone British Columbia, 1859-1903," *Journal of Borderlands Studies* 35, no. 2 (2020). See also, Herring, *Years of Perils and Ambition: U.S. Foreign Relations, 1776-1921*, 289-367.

⁷⁹ Ironically, Benjamin Hoy's *A Line of Blood and Dirt* serves as a reminder of the unfortunate tendency of overemphasizing the significance of the Alaska Boundary Dispute while generally ignoring the complex, extremely ambivalent processes of bordering in northern North America; see, Hoy, *A Line of Blood and Dirt: Creating the Canada-United States Border across Indigenous Lands*, 186-87.

⁸⁰ See, Chris Allan, "'Over My Dead Body': The Bravery and Bluster of Alaska's Gold Rush Customs Collector," *Alaska History* 38, no. 2 (2023); "'Twisting the Lion's Tail': Joseph W. Ivey's Anti-Canadian Strategies during the Alaska Boundary Dispute," *Alaska History* 39, no. 1 (2024).

⁸¹ See, Green, *The Boundary Hunters: Surveying the 141st Meridian and the Alaskan Panhandle*, esp. ch. 5.

⁸² See, e.g., Kenneth S. Coates and William R. Morrison, *Land of the Midnight Sun: A History of the Yukon* (Seattle: University of Washington Press, 2005), 93-95; Julie Cruikshank, *Do Glaciers Listen? Local Knowledge, Colonial Encounters, and Social Imagination* (Vancouver; Toronto: University of British Columbia Press, 2005), 222-29.

nor did he engage with the consequences that both the comprehensive geophysical survey of the boundary line and the absence of Indigenous voices within the recorded material had on Indigenous life-worlds in the Yukon riverlands. It is critical to note that *Boundary Hunters* does not provide insight into *how* the U.S.-Canada border(s) in northern North America operated and *how* the border(s) achieved social significance, especially in relation to patterns of Indigenous mobility. In essence, Green's contribution, as important as it may be, amounts to a cyclical argument: It is through the process of demarcation, itself a direct outcome of diplomatic arbitration, that the international border is created. Discursive claims by colonial diplomats and statesmen are simply engraved on what appears to be an 'empty space' by surveyors erecting border monuments. *Boundary Hunters* fails to ask, however, how this notion of emptiness and vastness has been created in the first place, and on whose expense which is especially puzzling given the fact that, generally, boundary surveyors did *not* operate in a political or material vacuum, an 'empty space'.⁸³ The omission of Indigenous experiences, as anthropologist Norm A. Easton suggested, was a key strategy of 'drawing the line'. For instance, "[...] according to Dineh oral tradition the vista ran directly through a large bark-covered domed house structure [...]"⁸⁴, the village of Ts'oogot Gaay.

The survey party insisted that they would have to cut through the house if it would not be moved, and that the Indians would have to decide whether they wished to live on the American or Canadian side of the border. The Dineh at Ts'oogot Gaay refused to do either, seeking assurances that their occupation and use of the region would not be affected by the new borderline. [...] After several days of holding their ground, the Dineh finally received the assurance from [W. B.] Raeburn that the people of the village could continue to live there without interference to their historical use and occupation of the region on both sides of the new boundary, and Raeburn signed a paper to that effect.⁸⁵

Remarkably, however, the boundary surveyors neither recorded "[...] contact whatsoever with Dineh [...], when the vista was completely cleared from Mirror Creek to Ladue River, a trajectory that passes right through the village"⁸⁶, nor any traces of Indigenous occupation and settlement.

⁸³ This point is perhaps best encapsulated in how British boundary surveyors related to the presence of the U.S. Army when surveying the U.S.-Canada border in the Great Plains. "The British contingent did not receive an official military escort. Instead, they relied on American protection, transparency, and the 49th Rangers. British reliance on the American army was an uneasy one. Creating too close a bond risked inheriting the animosity the Sioux felt toward the American government. Even at a distance, however, the proximity of the American military provided a reassurance. Should violence erupt, the British party planned to take refuge with the American one until reinforcements could arrive. There was some irony in having the vanguard of Canadian power flee to the United States for protection across the very border it had been sent to clarify", cit. in: Hoy, *A Line of Blood and Dirt: Creating the Canada-United States Border across Indigenous Lands*, 89.

⁸⁴ Norman Alexander Easton, "'King George Got Diarrhea': The Yukon-Alaska Boundary Survey, Bill Rupe, and the Scottie Creek Dineh," *Alaska Journal of Anthropology* 5, no. 1 (2007): 109.

⁸⁵ Ibid.

⁸⁶ Ibid., 112.

“It is”, writes Easton, “simply inconceivable that the boundary surveyors could have missed the existence of Ts’oogot Gaay village, nor that they did not encounter Dineh at this location during their years of survey and vista cutting, since it was used as both a winter village and a major summer fishing site [...]”⁸⁷.

Unlike Lewis Green, historians William R. Morrison and William R. Hunt emphasized the importance of law enforcement and of state institutions in the Yukon riverlands.⁸⁸ Unfortunately, although entirely common, both Morrison and Hunt limited their research to either one side of the Alaska-Canada border. While Morrison has focused his attention on the dynamics of policing in Canada, his colleague devoted his research to discussing the historical development of police in Alaska. Neither one of the two, however, specifically tackles the question of how the emergence of law enforcement agencies in the Yukon riverlands related to the articulation and to the operation of the international boundary. Even ethnohistorian Thomas Stone who was clearly attentive to the fact that borders drawn by colonial authorities in far-away centers did not needlessly affect the movements of miners⁸⁹, prospectors, missionaries, and others in the Yukon riverlands and who has relentlessly stressed the transformative dimensions of the arrival of policemen and soldiers, remains surprisingly silent about the emergence of the U.S.-Canada border, let alone about the border(s) impacts on Indigenous nations.⁹⁰

In a recent study of the creation of the Alaska-Canada border(s), Scott D. C. Dumonceaux approached these obvious gaps in research by foregrounding the histories of two institutions: the U.S. Army and the Canadian North-West Mounted Police (NWMP). Dumonceaux traces the development of border posts, the deployment of officers, the discussions of strategies of border security, and the outfit of expeditions, and he emphasizes the significance of transportation systems—from roads to steamers and to railroads—in colonial reasoning.⁹¹ He argues that the deployment of government agents and the construction of permanent transportation

⁸⁷ Ibid., 113.

⁸⁸ See, William R. Hunt, *North of 53°: The Wild Days of the Alaska-Yukon Mining Frontier, 1870-1914* (New York; London: Macmillan Publishing Co., 1974), 243-57; William R. Morrison, *Showing the Flag: The Mounted Police and Canadian Sovereignty in the North, 1894-1925* (Vancouver; Toronto: University of British Columbia Press, 1985), 10-71; William R. Hunt, *Distant Justice: Policing the Alaska Frontier* (Norman: University of Oklahoma Press, 1987), esp. ch. 6.

⁸⁹ See, Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 58.

⁹⁰ See, Thomas Stone, "Atomistic Order and Frontier Violence: Miners and Whalers in the Nineteenth Century Yukon," *Ethnology* 22, no. 4 (1983); "Flux and Authority in a Subarctic Society: The Yukon Miners in the Nineteenth Century," *Ethnohistory* 30, no. 4 (1983); "The Mounties as Vigilantes: Perceptions of Community and the Transformation of Law in the Yukon, 1885-1897," *Law & Society Review* 14, no. 1 (1979); "Whalers and Missionaries at Herschel Island," *Ethnohistory* 28, no. 2 (1981).

⁹¹ See, Scott Drew Cassie Dumonceaux, "Remaking the Alaska-Yukon Borderlands: The North-West Mounted Police, the United States Army, and the Klondike Gold Rush" (PhD Thesis, University of Alberta, 2020), 491-93, and esp. ch. 6-9.

infrastructures such as the White Pass & Yukon Route Railway (WPYR) between 1898 and 1900 transformed the Yukon riverlands from a 'borderless' into a 'bordered region'.

The development of the relationship between the WPYR and the Mounted Police mirrored the transformation of the Alaska-Yukon borderlands. At the beginning of the Klondike gold rush, the region was remote and borderless, with few connections to the outside world. Within three years, the region had been remade. The efforts of railway officials, the Mounted Police, and others to establish a border at the summit of White Pass and to ensure that goods flowed to the interior created a functional Alaska-Yukon border. Police and customs officials enforced customs regulations and the location of the border at WPYR stations, while goods, including Mounted Police supplies, flowed across the border on WPYR trains and to the interior on steamers operated by companies with traffic agreements or the BYNC [British Yukon Navigation Company]. A reliable transportation system solidified links to the North American industrial economy and allowed the police to cement government control on the Canadian side of the border. The development of a functional border was complete before international negotiators met to discuss the Alaska boundary question in October 1899, and the local border was confirmed by the 1903 Alaska boundary tribunal. The Alaska-Yukon borderlands had been remade from a borderless to a bordered region, but it continued to be a borderland, thanks in no small part to the WPYR and the Mounted Police.⁹²

The narrative presented by Dumonceaux confronts us with the development of ever-expansive state apparatuses along a borderline that seems to look essentially the same in all its sections. This narrative, though, is itself substantially affected by Dumonceaux's methodological choices.⁹³ While his focus on the U.S. Army and on the Canadian NWMP indicates the importance of these institutions in the early 1890s, it fails to address the point at which settler colonialist-capitalist institutions in the riverlands were multiplied and professionalized with subtle effects to how borders were created and/or turned into operative assets of capitalist investment and state control. While it is doubtlessly true that during the gold rush(es), state officials did hasten to increase the number of government personnel and border posts, this was, as we will see, *not* a continuous, linear process. Put more pointedly: The state did not necessarily and in all places come to stay—and it is the dynamic between expansion and contraction that historians of borderlands studies reliably fail

⁹² "Gateway to the Alaska-Yukon Borderlands: The White Pass & Yukon Route Railway, the North-West Mounted Police, and the Klondike Gold Rush," *BC Studies* Summer 2022, no. 214 (2022): 72.

⁹³ Juliana Barr criticized that borderlands historians' inability to notice other-than-European borders, because they "[...] had not yet seen the borders for the borderlands", cit. in: Juliana Barr, "Geographies of Power: Mapping Indian Borders in the 'Borderlands' of the Early Southwest," *The William and Mary Quarterly* 68, no. 1 (2011): 8, FN 7. Dumonceaux's work certainly shares this flaw. However, as anthropologist Paul Nadasdy has noted with relation to the societal and political transformations inhibited through the land claims process, precolonial Indigenous societies in the Yukon riverlands must not be understood as "[...] distinct polities with jurisdiction over their own bounded territories", cit. in: Paul Nadasdy, *Sovereignty's Entailments: First Nation State Formation in the Yukon* (Toronto; Buffalo; London: University of Toronto Press, 2017), 101.

to address.⁹⁴ What, for instance, does the geographic (re-) deployment of colonial officials tell us about how the border functioned? What ‘regions’ and which groups of people were integrated into the purview of the states? Who and what kinds of places were ignored, and for what reasons?



While historians largely ignored questions about how the international border between Alaska and Canada has emerged as a socially significant entity and how it operated, anthropologists and Indigenous activists have pointed out that the border did—and in fact still does—substantially affect communities in the Yukon riverlands. Anthropologists Craig Mishler and William E. Simeone who presented a detailed account of the transformations of Hän Hwëch’in life-worlds throughout the 20th century, repeatedly stressed that the border has been perceived as a highly divisive instruments separating families and kin groups.⁹⁵ Anthropological research, community-engaged histories, and Indigenous oral testimonies stressed that Indigenous patterns of mobility and diplomacy in the Yukon riverlands continuously transcended the sharply delineated boundaries articulated by colonial states.⁹⁶ Furthermore, as historians Heather Green argued, missionaries and so-called Indian agents rather than police officers or customs officials effectively served as government agents surveilling and controlling Indigenous transboundary relations.⁹⁷

Throughout the 20th century, transboundary relations within and between Indigenous nations in the Yukon riverlands proved especially significant in contexts of political conflict with settler colonialist-capitalist states and their bureaucratic institutions. For instance, until today, the smoldering conflict over oil drilling in what has been established as the Arctic National Wildlife Refuge (ANWR) continues to unite Indigenous nations, especially Gwich’in nations, both in Alaska and northern Canada.⁹⁸ While Indigenous transboundary activism in Alaska remains widely

⁹⁴ For the theoretical reasons, see 3.1.

⁹⁵ See, William E. Simeone and Craig Mishler, *Hän/Hwëch'in: People of the River, an Ethnography and Ethnohistory* (Fairbanks: University of Alaska Press, 2004), xxii-xxiii, 13-15, 208-09, 10-13. In fact, Craig Mishler has continuously been interested in tracing and documenting the impacts of the U.S.-Canada border on Indigenous life-worlds in the Yukon riverlands; see, Craig Mishler, "The Alaska-Yukon Boundary Survey of 1911-1912: An Athapaskan Perspective," in *Borderlands: A Conference on the Alaska-Yukon Border*, ed. John Ryder (Whitehorse: Yukon Historical & Museums Association, 1989). Together with Kenneth Drizhuu Frank, he recently published a descriptive account of the alleged ‘smallpox epidemic’ at New Rampart House in 1911 which will be discussed in detail in a subsequent chapter of this dissertation; see, Craig Mishler and Kenneth Drizhuu Frank, *Crooked on the Stretcher Board/ Ch'ats'a' Vizhit Teech'iriikii: Collected Essays on Gwich'in History, Language, and Folk Culture* (Hanover, NH: IPI Press, 2023), ch. 5.

⁹⁶ Phyllis Ann Fast, *Northern Athabaskan Survival: Women, Community, and the Future* (Lincoln; London: University of Nebraska Press, 2002), 156; Michael Koskey, Laurel Tyrrell, and Varpu Lotvonen, *Through Their Eyes: A Community History of Eagle, Circle, and Central* (Fairbanks: University of Alaska Press, 2018), 48-50.

⁹⁷ See, e.g., Heather Green, "The Tr'ondëk Hwëch'in and the Great Upheaval: Mining, Colonialism, and Environmental Change in the Klondike, 1890-1940" (PhD Thesis, University of Alberta, 2018), esp. ch. 4.

⁹⁸ There is a large number of studies dedicated to the ongoing conflict about oil drilling and ANWR; see, e.g., Sandhya Ganapathy, "Alaskan Neo-Liberalism: Conservation, Development, and Native Land Rights," *Social Analysis* 55, no. 1 (2011); "Imagining Alaska: Local and Translocal Engagements with Place," *American Anthropologist* 115, no. 1 (2013);

associated with ANWR and oil drilling, there have been many more institutions such as the Yukon River Inter-Tribal Fish Commission (YRITFC), the Yukon River Drainage Fisheries Association (YRDFA), or the Yukon River Inter-Tribal Watershed Council (YRITWC) that have emerged over the last decades and have—very unfortunately—received comparatively little attention by anthropologists and historians.⁹⁹

Aside from the political implications of transboundary activism, it is crucial to point out that transboundary relationships serve extremely important functions. A collaborative study by the Vuntut Gwitchin First Nation Government (VGFNG) and anthropologists David Natcher and Tobi Maracle, for instance, focusing on food security in the community of Old Crow (Yukon Territory, Canada) on the Porcupine River, found that current networks of sharing and exchange extended to Alaskan communities such as Fort Yukon or Arctic Village.¹⁰⁰ Transboundary relationships, the study argued, prove vital to stabilizing food supply and to address existential challenges in communities—which means that a borderline preventing exchange and contact between communities ultimately jeopardizes the well-being and the very survival of these communities.¹⁰¹ Thus, while anthropologists and Indigenous activists have repeatedly pointed out

Stephen W. Haycox, *Battleground Alaska: Fighting Federal Power in America's Last Wilderness* (Lawrence (Ks.): University Press of Kansas, 2016); Nastassja Martin, *Les Âmes Sauvages: Face À L'occident, La Résistance D'un Peuple D'alaska* (Paris: La Découverte, 2016); Peter Schweitzer, "Fallstudie: Der Konflikt Um Arktische Ressourcen Am Beispiel Des Arctic National Wildlife Refuge (Anwr) in Alaska," in *Handbuch Entwicklungsforschung*, ed. Karen Fischer, Gerhard Hauck, and Manuela Boatacă (Wiesbaden: SpringerVS, 2023). Unfortunately, however, the significance of the international boundary has largely been ignored. An important exception, of course, is Finis Dunaway's collaborative research about this particular conflict which is also—by far—the most comprehensive account available; see, Finis Dunaway, *Defending the Arctic Refuge: A Photographer, an Indigenous Nation, and a Fight for Environmental Justice* (Chapel Hill: The University of North Carolina Press, 2021).

⁹⁹ An important exception is the YRITWC and the role of Indigenous activism in transboundary water governance; see, e.g., Orman; Leslie Collins, "Indigenous Transboundary Cooperation and Water Governance in the Yukon River Watershed: The Yukon River Inter-Tribal Watershed Council," in *The Networked North: Borders and Borderlands in the Canadian Arctic Region*, ed. Heather N. Nicol and Whitney P. Lackenbauer (Waterloo (On.); Victoria (B.C.): Centre on Foreign Policy and Federalism; Borders in Globalization, 2017); Nicole J. Wilson and Inkster Jody, "Respecting Water: Indigenous Water Governance, Ontologies, and the Politics of Kinship on the Ground," *Environment and Planning E: Nature and Space* 1, no. 4 (2018); Nicole J. Wilson, "'Seeing Water Like a State?': Indigenous Water Governance through Yukon First Nation Self-Government Agreements," *Geoforum* 2019, no. 104 (2019); Nicole J. Wilson et al., "Water Is Medicine: Reimagining Water Security through Tr'ondëk Hwëch'in Relationships to Treated and Traditional Water Sources in Yukon, Canada," *Water* 11, no. 3 (2019); Nicole J. Wilson, "Querying Water Co-Governance: Yukon First Nations and Water Governance in the Context of Modern Land Claim Agreements," *Water Alternatives* 13, no. 1 (2020). For a historical assessment of Indigenous activism in Alaska; see, e.g., Donald Craig Mitchell, *Take My Land, Take My Life: The Story of Congress's Historic Settlement of Alaska Native Land Claims, 1960-1971* (Fairbanks: University of Alaska Press, 2001); Peter Metcalfe, *A Dangerous Idea: The Alaska Native Brotherhood and the Struggle for Indigenous Rights* (Fairbanks: University of Alaska Press, 2014); William Schneider, ed. *The Tanana Chiefs: Native Rights and Western Law* (Fairbanks: University of Alaska Press, 2018).

¹⁰⁰ See, Tobi Jeans, "The Cross-Border Dimensions of Vuntut Gwitchin Food Security" (M.A. Thesis, University of Saskatchewan, 2012).

¹⁰¹ "Compounding the legalities that now influence Gwich'in food sharing are the rising costs associated with harvesting and travel between communities to share. The chance of being turned back due to missing or incomplete paperwork, having food confiscated, or even being charged criminally has in many cases deterred families and friends from making trips across the border. For some Gwich'in, this risk has impeded food sharing; for others, it has stopped food sharing all together. Yet a decline in food sources has created an even greater need for sharing food, as warned

that the U.S.-Canada border(s) in the Yukon riverlands greatly affect(ed) both historical and contemporary life-worlds, it remains unclear how the international boundary has gained traction as a socially and politically meaningful entity.

The one single study systematically examining the emergence of the Alaska-Canada border in relation to extractivist capitalism and settler colonial racism directed against both Indigenous nations and Asian immigrants has recently been published by historians Andrea Geiger. In essence, Geiger presents three interrelated arguments. (1) In contrast to previous, mostly descriptive historical analyses of colonial institutions in Alaska, the Yukon Territory, and British Columbia, Geiger puts a heavy emphasis on the role of differing legal frameworks legitimizing colonial appropriation vis-à-vis the dispossession of lands and racist politics of exclusion.¹⁰² Geiger's attention law broadens the scope of analysis to examine racist implications inherent to notions of settler colonial sovereignty. "Boundary drawing, law, and the racialization of space", she concludes, "were essential tools in the arsenal of each imperial power"¹⁰³. It is important to note that Geiger does not approach law in terms of institutional arrangements or abstract norms but as a *contested practice* productive to the emergence of a fractured borderland organized not only around state power but also around economic incentives and demands.¹⁰⁴ (2) The racialization of space was therefore tailored "[...] not just to facilitate the absorption of Indigenous territories, but to secure Asian and Indigenous labor even as they worked to exclude these laborers from a role in governance. The desire to limit access to the same resources they helped to develop, in short, was always in tension with the desire to mobilize the labor needed for the development of fledging industries along the Pacific coast"¹⁰⁵. (3) From these arguments emerge what Geiger thoughtfully called "[...] the north Pacific borderlands [...]"¹⁰⁶, a region spanning the northern Pacific Ocean from the United States and Canada to Asia, particularly Japan. Thus, Geiger invites us to shift our attention seawards and to the coasts of the Pacific Ocean to understand the Alaska-Canada border(s) in relation to the emergence of a trans-Pacific borderland compartmentalized into differing realms of imperial law and power.¹⁰⁷

by Vuntut Elders who agreed that 'hard time is coming'. The sharing of food will be critical to the survival of Gwich'in when those hard times come. [...] the Vuntut Gwitchin are unique in their degree of isolation and their continued reliance on country foods, particularly in their dependence on migratory populations of caribou", cit. in: Tobi Jeans Maracle et al., "Caribou and the Politics of Sharing," in *When the Caribou Do Not Come: Indigenous Knowledge and Adaptive Management in the Western Arctic*, ed. Brenda L. Parlee and Ken J. Caine (Vancouver; Toronto: University of British Columbia Press, 2018), 164.

¹⁰² See, Andrea Geiger, *Converging Empires: Citizens and Subjects in the North Pacific Borderlands, 1867-1945* (Chapel Hill: The University of North Carolina Press, 2022).

¹⁰³ Ibid., 219.

¹⁰⁴ See, ibid., 101-13.

¹⁰⁵ Ibid., 219.

¹⁰⁶ Ibid., 217.

¹⁰⁷ See, ibid., 217, 20.

While this dissertation does, of course, contribute to the increasing interest in how and at whose expense the border(s) between Alaska and Canada have been created, it systematically focuses attention on a specific section of the U.S.-Canada border: the 141st meridian in what I have called the *Yukon riverlands*—or even more specifically, the interior of the Yukon riverlands. The extensive stock of existing research about the borders between Alaska and Canada provides ample evidence of the ongoing significance of these stunningly complex border(s), sometimes in terms of state governance and international relations, in terms of environmental conflict and dissensus, or in terms of Indigenous transboundary relations. Oftentimes—if not always—, these dimensions are tightly knitted together. Conflicts over oil drilling in ANWR and the protection of the calving grounds of the Porcupine caribou herd have ramifications for the relationship between the United States’ and the Canadian federal governments while they simultaneously reflect vital, long-lasting transboundary relations between Indigenous nations inhabiting the Yukon riverlands and between humans and their more-than-human relatives. They must, of course, also be read as examples of the impacts of extractive industries on the riverlands.¹⁰⁸ With the exception of Lewis Green’s *The Boundary Hunters: Surveying the 141st Meridian and the Alaskan Panhandle*, however, none of the already existing research paid systematic attention on the emergence of the 141st meridian itself, and as I have argued, even Lewis Green’s work remains critically disinterested in the operations of the U.S.-Canada border(s).¹⁰⁹ While Scott D. C. Dumonceaux remains largely indifferent to the particularities of place, essentially following the patterns of archival records production by the U.S. Army and the Canadian NWMP in the 1890s, and while Andrea Geiger successfully keeps her eyes focused on the borders separating southeastern Alaska from the Yukon Territory and British Columbia—and thereby herself producing an ocean-oriented account of the Alaska-Canada borderlands—I suggest an analysis *attentive to the particularities of the landscapes shaped by and, conversely, shaping efforts at creating an operative border zone*. “The landscapes”, Anna Tsing et al. remind us, “sedimented in these sometimes-messy interactions are not controlled by one or another world-maker; they arise in the often-unintended coordinations among world-makers”¹¹⁰. It must be noted, however, that this study does *not* address histories of creating the 141st meridian in its entire geographic length nor do I feel bound to exclusively explore this specific demarcation line. In fact,

¹⁰⁸ See, Dunaway, *Defending the Arctic Refuge: A Photographer, an Indigenous Nation, and a Fight for Environmental Justice*, 113-37.

¹⁰⁹ Recently, the domestic borders of the Yukon Territory (with British Columbia and with the Northwest Territories) have been examined by historians and geographers; see, Glenn Icton, “Many Families of Unseen Indians: Trapline Registration and Understandings of Aboriginal Title in the Bc-Yukon Borderlands,” *BC Studies* Spring 2019, no. 201 (2019); Mark Stoller, “What the Border Divides: Settler Geographies and the Making of the Northwest Territories” (PhD Thesis, University of British Columbia, 2019).

¹¹⁰ Anna Lowenhaupt Tsing et al., *Field Guide to the Patchy Anthropocene: The New Nature* (Stanford, CA.: Stanford University Press, 2024), 164.

it will become apparent that the border(s) of the Yukon riverlands often took effect at places as far away as Nevada or the Bering Strait. By following the patterns of governmental interest in the interior of the riverlands, I wish to tell this story in a way that remains attentive to the particularities of places and landscapes, and to the fact that neither borderlines nor borders are static phenomena. For instance, just recently, the Canadian and the United States' governments announced starting negotiations about the maritime section of the 141st meridian, the maritime boundary between the states in the Beaufort Sea.¹¹¹

3. FRONTIERS, BORDERLANDS, AND BORDERS IN HISTORY AND ANTHROPOLOGY

3.1 Evolution: Frontiers, Borderlands, and Borders in North American History

For historians of the United States, the continuous interest in frontiers and borderlands appears hardly remarkable, because the concept has been a central element of historical narratives covering the expansion of the U.S. in the 19th century as well as its dynamics. It had all started in 1893 with an essay by historian Frederick Jackson Turner. Turner argued that American democracy developed in accord with the frontier which "[...] lies at the hither edge of free land"¹¹². On the frontier, he famously wrote,

The wilderness masters the colonist. It finds him a European in dress, industries, tools, modes of travel, and thought. It takes him from the railroad car and puts him in the birch canoe. It strips off the garments of civilization and arrays him in the hunting skirt and the moccasin. It puts him in the log cabin of the Cherokee and Iroquois and runs an Indian palisade around him. Before long he has gone planting Indian corn and plowing with a sharp stick; he shouts the war cry and takes the scalp in orthodox Indian fashion. In short, at the frontier the environment is at first too strong for the man. He must accept the conditions which it furnishes, or perish, and so he fits himself into the Indian clearings and follows the Indian trails. Little by little he transforms the wilderness, but the outcome is not the old Europe, not simply the development of Germanic germs, any more than the first phenomenon was a case of reversion to the Germanic mark. The fact is, that there is a new product that is American.¹¹³

¹¹¹ See, Reuters, "U.S., Canada to Negotiate Maritime Boundary in the Beaufort Sea," Arctic Today, <https://www.arctictoday.com/us-canada-to-negotiate-maritime-boundary-in-beaufort-sea/>. For an overview over the underlying problems of excluding the maritime sections of the 141st meridian within the Alaska Boundary Tribunal and later efforts at negotiating the U.S.-Canada border, see, Janice Cavell, "Dividing the Northern World: The Arctic and the Alaska Purchase," *Diplomatic History* 47, no. 2 (2023).

¹¹² Frederick Jackson Turner, "The Significance of the Frontier in American History," in *The Frontier in American History*, ed. Frederick Jackson Turner (New York: Henry Holt & Company, 1950), 3.

¹¹³ Ibid., 4.

The effect of the confrontation of 'Germanic' settlers with North American 'wilderness' is "[...] anti-social"¹¹⁴. The frontier, Turner noted, "[...] is productive of individualism"¹¹⁵. European social hierarchies and orders "[...] are precipitated by the wilderness into a kind of primitive organization based on the family"¹¹⁶. Confrontation with the wilderness arouses the settlers' skepticism towards well-established and internalized social norms and values. "It produces antipathy to control, and particularly to any direct control"¹¹⁷, writes Turner and concludes that the "[...] tax-gatherer is viewed as a representative of oppression"¹¹⁸. This process of individualization and particularization that Turner identifies as the nucleus of American democracy, finds its unifying correlate in the antagonistic, violent confrontation with Indigenous nations for whom, deeply cynical, Frederick J. Turner reserved but this one specific spot in his theoretical framework and historical narrative. As "[...] a common danger, demanding united action"¹¹⁹, he argued, Indigenous peoples were deemed and doomed to be the "[...] consolidating agent in our history [...]"¹²⁰. Internal political conflicts between, say, different social milieus or political classes of the settler societies are resolved through the confrontation with a fiercely hostile physical and socio-political environment. On the frontier, Indigenous enemies and environmental conditions, however vague and indeterminate the latter remain, infuse processes of profound technological, epistemological, and political transformations ultimately resulting in the annihilation of these threats.

The massacre of Wounded Knee that had occurred three years before Turner's acclaimed address in 1893 or the General Allotment Act, the so-called Dawes Act, which U.S. Congress had passed six years earlier to open treaty-protected territories and reservations to resource extraction, settlement, and, most importantly, to land speculation, these comparatively recent events remain absent from Turner's seductive narrative.¹²¹ Instead, settler violence is cast in terms of self-defense.

¹¹⁴ Ibid., 30.

¹¹⁵ Ibid.

¹¹⁶ Ibid.

¹¹⁷ Ibid.

¹¹⁸ Ibid.

¹¹⁹ Ibid., 15.

¹²⁰ Ibid.

¹²¹ See, Patrick Wolfe, "After the Frontier: Separation and Absorption in U.S. Indian Policy," *Settler Colonial Studies* 1, no. 1 (2011): 26-32; Richard White, *The Republic for Which It Stands: The United States during Reconstruction and the Gilded Age, 1865-1896* (Oxford; New York: Oxford University Press, 2017), 605-06, 42-49, 756-64. Literature discussing the histories and the consequences of the 1887 General Allotment Act is too vast to be adequately summarized here. For an overview over the historical continuities and ruptures leading to the Dawes Act, see especially, Francis Paul Prucha, *American Indian Policy in Crisis: Christian Reformers and the Indian, 1865-1900* (Norman: University of Oklahoma Press, 1976), ch. 8, ch. 13; *The Great Father: The United States Government and the American Indians* (Lincoln; London: University of Nebraska Press, 1986), 224-28, 47-49, 97-99; Sidney L. Harring, *Crow Dog's Case: American Indian Sovereignty, Tribal Law, and United States Law in the Nineteenth Century* (Cambridge; New York; Melbourne; Madrid; Cape Town; Singapore; Sao Paulo: Cambridge University Press, 1994), 69-73; Donald Fixico, "Federal and State Policies and American Indians," in *A Companion to American Indian History*, ed. Philip J. Deloria and Neal Salisbury (Malden, MA.; Oxford: Blackwell Publishers, 2002), 384; Ned Blackhawk, *The Rediscovery of America: Native Peoples and the Unmaking of U.S. History*

“The frontier army post”, explains Turner, “serving to protect the settlers from the Indians, has also acted as a wedge to open the Indian country, and has been a nucleus for settlement”¹²². Settlement follows the expansion of military presence and economic expectations resulting from specific environmental conditions, “[...] fertile and favorably situated soils, salt springs, mines, and army posts”¹²³.

Thus civilization in America has followed the arteries made by geology, pouring an ever richer tide through them, until at last the slender paths of aboriginal intercourse have been broadened and interwoven into the complex mazes of modern commercial lines; the wilderness has been interpenetrated by lines of civilization growing ever more numerous. It is like the steady growth of a nervous system for the originally simple, inert continent.¹²⁴

Frederick J. Turner’s notions of the frontier made indeed manifest the self-proclaimed destiny of white, ‘Germanic’ settlers. The result of this process, Turner highlighted, was not the replication of European social and political orders but their transcendence. On the frontier, ‘going native’ meant *becoming* American—and *being* American meant something substantially different than being Indigenous (part of the wilderness) or being European (part of a proto-civilization). In Turner’s eyes, the frontier was not, at least not primarily, what contemporaries such as Jürgen Osterhammel characterized as “[...] die bewegliche Grenze der Ressourcenerschließung”¹²⁵. Rather, he argued, it was a decisive process through which the United States *had* been created—past tense—, “[...] the frontier promoted the formation of a composite nationality for the American people”¹²⁶.

Unsurprisingly, Turner’s narration of settlement and colonization in nationalist terms has a broad range of shortcomings. The concept, intricately linked to white supremacist notions of U.S. nationalism, lacks nuance to address the complexities of settlement processes. The frontier is understood as both an expansive process and a specific spatial configuration, a place, accommodating white, ‘Germanic’ settlers at the expense not only of Indigenous inhabitants but also of Black homesteaders, for instance, or Asian immigrants.¹²⁷ Furthermore, the profound

(New Haven; London: Yale University Press, 2023), 334-35. Anthropologist Circe Sturm has pointed attention to the legacies of the enormously consequential Dawes Act, see, Circe Sturm, *Blood Politics: Race, Culture, and Identity in the Cherokee Nation of Oklahoma* (Berkeley; Los Angeles; London: University of California Press, 2002), 68-81.

¹²² Turner, "The Significance of the Frontier in American History," 16.

¹²³ Ibid.

¹²⁴ Ibid., 14-15.

¹²⁵ Jürgen Osterhammel, *Die Verwandlung Der Welt: Eine Geschichte Des 19. Jahrhunderts* (Munich: C.H. Beck, 2011), 465.

¹²⁶ Turner, "The Significance of the Frontier in American History," 22.

¹²⁷ Usually, historian Patricia N. Limerick is cited as the primary reference for a systematic deconstruction of the Turnerian theory of American history; see, Patricia Nelson Limerick, *The Legacy of Conquest: The Unbroken Past of the American West* (New York; London: W.W. Norton & Company, 2006). *The Legacy of Conquest* is widely regarded as the culmination point of a movement of historians critically engaging with the legacies of Turnerian frontierism in North American colonial history; see, e.g., "What on Earth Is the New Western History?," in *Trails: Toward a New Western*

socioeconomic conflicts accompanying the swift industrialization of the United States after the Civil War are obscured rather than clarified by Turner's narrative.¹²⁸ He uses, for instance, the controversy about the gold standard to complain about "[...] Populist agitation [...]"¹²⁹ and to develop his vision of a political geometry of the United States which is based on a sharp distinction between the rural, peripheral West and the urban, centrist East—a crucial element of his story of national origin.¹³⁰ "The East has always feared the result of an unregulated advance of the frontier, and has tried to check and guide it"¹³¹, he writes. "But the attempts to limit the boundaries, to restrict land sales and settlement, and to deprive the West of its share of political power", he continues, "were all in vain. Steadily the frontier of settlement advanced and carried with it individualism, democracy, and nationalism, and powerfully affected the East and the Old World"¹³². The more mundane conflicts about wage labor, the racial and gendered dynamics of U.S. capitalism, or the significance of the financial market fall outside of Turner's 'master narrative'.¹³³



Regardless of its shortcomings, Frederick J. Turner's 'master narrative' of U.S. national history, unravelling at and constituted by the frontier, proved enormously influential to Americanists and scholars of neighboring disciplines alike. One of the central structural problems, however, is the concept's finality or even more, as Samuel Truett has argued, its teleology.¹³⁴ As he was delivering his speech in 1893 and tourists marveled at the technological wonders displayed at the World's

History, ed. Patricia Nelson Limerick, Clyde A. II Milner, and Charles E. Rankin (Lawrence, KS.: University Press of Kansas, 1991); Michael P. Malone, "Beyond the Last Frontier: Toward a New Approach to Western American History," *ibid.*; Richard White, *It's Your Misfortune and None of My Own: A New History of the American West* (Norman: University of Oklahoma Press, 1991). Shifting attention to the racial and gendered dynamics of 'frontiers' has proven especially fruitful and productive; see, e.g., Mark M. Carroll, *Homesteads Ungovernable: Families, Sex, Race, and the Law in Frontier Texas, 1823-1860* (Austin, TX.: University of Texas Press, 2001); Martha C. Knack, "The Saga of Tim Hooper's Homestead: Non-Reservation Shoshone Indian Land Title in Nevada," *Western Historical Quarterly* 39, no. 2 (2008); Katherine Benton-Cohen, *Borderline Americans: Racial Division and Labor War in the Arizona Borderlands* (Cambridge, MA.; London: Harvard University Press, 2009); Chang, *Pacific Connections: The Making of the U.S.-Canadian Borderlands*; Alaina E. Roberts, *I've Been Here All the While: Black Freedom on Native Land* (Philadelphia: University of Pennsylvania Press, 2021); Anthony W. Wood, *Black Montana: Settler Colonialism and the Erosion of the Racial Frontier, 1877-1930* (Lincoln; London: University of Nebraska Press, 2021).

¹²⁸ See, Jonathan Levy, *Ages of American Capitalism: A History of the United States* (New York: Penguin Books, 2021), ch. 8.

¹²⁹ Turner, "The Significance of the Frontier in American History," 32.

¹³⁰ Levy, *Ages of American Capitalism: A History of the United States*, 300-02.

¹³¹ Turner, "The Significance of the Frontier in American History," 33.

¹³² *Ibid.*, 35.

¹³³ See, Jonathan Levy, *Freaks of Fortune: The Emerging World of Capitalism and Risk in America* (Cambridge, MA; London: Harvard University Press, 2012), ch. 7; White, *The Republic for Which It Stands: The United States during Reconstruction and the Gilded Age, 1865-1896*, esp. ch. 16, ch. 20; Levy, *Ages of American Capitalism: A History of the United States*, ch. 9.

¹³⁴ See, Limerick, *The Legacy of Conquest: The Unbroken Past of the American West*, 21-22. See also, Earl Pomeroy, "Toward a Reorientation of Western History: Continuity and Environment," *The Mississippi Valley Historical Review* 41, no. 4 (1955); William Cronon, "Revisiting the Vanishing Frontier: The Legacy of Frederick Jackson Turner," *Western Historical Quarterly* 18, no. 2 (1987).

Columbian Exposition in Chicago celebrating not only the industrialization of the United States but also the 400th anniversary of Christopher Columbus' monstrous error, the 'Age of the Frontier', Turner concluded, had reached its endpoint. "[...] now, four centuries from the discovery of America, at the end of a hundred years of life under the Constitution, the frontier has gone, and with its going has closed the first period of American history"¹³⁵. Wilderness had all been transformed into the fields of industry, he claimed; Indigenous nations had been annihilated and absorbed to establish a united, national polity. Quickly, however, a structural problem of the teleological narrative became apparent: "[...] where to turn after the frontier epic ran its course"¹³⁶? For some, as William Cronon observed, the transformation of wilderness was interpreted as a wake-up call for "[...] wilderness preservation [...], for if wild land had been so crucial in the making of the nation, then surely one must save its last remnants as monuments to the American past—and as an insurance policy to protect its future"¹³⁷. A national park such as the Yellowstone Park, established as early as 1872, was now perceived as a monument of national significance.¹³⁸ Those who inhabited these esteemed national treasures, Indigenous and non-Indigenous alike, were deemed squatters and poachers whose trespassing violated not only the ecological sanctuaries of industrial America but the very essence of American national identity.¹³⁹

In contrast to the "[...] nostalgia that fractured time"¹⁴⁰, "[...] the belief that the past was discontinuous, cut in two by a supposed end to the frontier [...]"¹⁴¹, Patricia N. Limerick focused on the continuities that led "[n]on-Indians [in the 1980s] who found their profit or property threatened by Indian assertiveness cast themselves in a familiar Western role, that of the innocent victim"¹⁴². From Limerick's perspective, the frontier had not been closed. Rather, the frontier-narrative clouded analyses of American history. "The cast of characters", she noted, "who inherit the West's complex past is as diverse as ever"¹⁴³. While Limerick's intervention has clearly reoriented the field of American history and the historiographies of the American West specifically, it also posed a difficult problem. If the histories of Western colonialism remained essentially 'unbroken', as the subtitle to *The Legacy of Conquest* suggested, how was one to analytically distinguish

¹³⁵ Turner, "The Significance of the Frontier in American History," 38.

¹³⁶ Pekka Hämäläinen and Samuel Truett, "On Borderlands," *The Journal of American History* 98, no. 2 (2011): 356.

¹³⁷ William Cronon, "The Trouble with Wilderness; or, Getting Back to the Wrong Nature," in *Uncommon Ground: Rethinking the Human Place in Nature*, ed. William Cronon (New York; London: W.W. Norton & Company, 1996), 76.

¹³⁸ See, Roderick Frazier Nash, *Wilderness and the American Mind*, 5th ed. (New Haven; London: Yale University Press, 2014), ch. 7.

¹³⁹ See, Cronon, "The Trouble with Wilderness; or, Getting Back to the Wrong Nature," 78-79; Karl Jacoby, *Crimes against Nature: Squatters, Poachers, Thieves, and the Hidden History of American Conservation* (Berkeley; Los Angeles; London: University of California Press, 2014), ch. 6.

¹⁴⁰ Limerick, *The Legacy of Conquest: The Unbroken Past of the American West*, 323.

¹⁴¹ Ibid.

¹⁴² Ibid., 338.

¹⁴³ Ibid., 349.

between different stages of settlement and conquest.¹⁴⁴ Thus, diverging from Limerick, Jeremy Adelman and Stephen Aron complained that “[...] Turner’s frontier concept at least insisted on temporal boundaries”¹⁴⁵. For Adelman and Aron, the interplay between frontiers, borderlands, and the borders of the North American nation-states helped understand the dynamics by which the borders between nation-states emerged during processes of settler colonization and nation-building. “By frontier”, the historians write, “we understand a meeting place of peoples in which geographic and cultural borders were not clearly defined”¹⁴⁶. In contrast to Frederick J. Turner’s juxtaposition of wilderness and civilization, Adelman and Aron define the frontier as a predominantly inclusive social, political, and spatial arrangement in which boundaries between politics and identities remained fluid and highly informalized. The contrast between the inclusive dynamics of frontiers and the border regimes of nation-states is constitutive.

If borders appeared juridically to divide North American people, they also inscribed notions of citizenship new and *exclusivist* meanings. They defined not only external sovereignty but also internal membership in the political communities of North America. Defended by treaties, borders separated new nation-states; they also helped harden the lines separating members from non-members within states. The rights of citizens—never apportioned equally—were now allocated by the force of law monopolized by ever more consolidated and centralized public authority.¹⁴⁷

Adelman and Aron introduce the concept of the borderland to mediate the inclusivist dynamics of the frontier with the exclusivist operations of state-orchestrated and -oriented borders.¹⁴⁸ They write,

[...] we reserve the designation of borderlands for the contested boundaries between colonial domains. In a pairing of the intercolonial and intercultural dimensions, differences of European rationales and styles come to the fore, as do shifts in those rationales and styles. Equally important

¹⁴⁴ See, Walter Nugent, "Frontiers and Empires in the Late Nineteenth Century," in *Trails: Toward a New Western History*, ed. Patricia Nelson Limerick, Clyde A. II Milner, and Charles E. Rankin (Lawrence, KS.: University Press of Kansas, 1991), 164-66.

¹⁴⁵ Jeremy Adelman and Stephen Aron, "From Borderlands to Borders: Empires, Nation-States, and the Peoples in between in North American History," *The American Historical Review* 104, no. 3 (1999): 815.

¹⁴⁶ *Ibid.*

¹⁴⁷ *Ibid.*, 840, *emph. in original*.

¹⁴⁸ The concept of the borderland has been developed by Herbert Eugene Bolton, a student of Frederick J. Turner, precisely in order to mitigate some of the shortcomings of Turner’s theoretical framework and with an explicit focus on the U.S. southwest; see, e.g., Bolton, *The Spanish Borderlands: A Chronicle of Old Florida and the Southwest*; "The Epic of Greater America," *The American Historical Review* 38, no. 3 (1933). For a discussion about the relationship between Turner and Bolton; see, David J. Weber, "Turner, the Boltonians, and the Borderlands," *ibid.* 91, no. 1 (1986). Following the critique of the concept of the frontier in the 1980s and 1990s, borderlands (re-) gained increasing attention—so much so that, by the early 2000s, some criticized the concept for its near-ubiquitous application in and outside of the settler colonial contexts of North America where it had originally been developed; see, e.g., Michiel Baud and Willem Van Schendel, "Toward a Comparative History of Borderlands," *Journal of World History* 8, no. 2 (1997); Ramón A. Gutiérrez and Elliott Young, "Transnationalizing Borderlands History," *The Western Historical Quarterly* 41, no. 1 (2010). The critique of its lack of analytical clarity is best articulated in, Hämäläinen and Truett, "On Borderlands," 348-49.

to the history of borderlands and frontiers were the ways in which Indians exploited these differences and compelled these shifts, partly to resist submission but mainly to negotiate intercultural relations on terms more of their liking.¹⁴⁹

According to Adelman and Aron, the formalization of inter-imperial relations through the implementation of legal frameworks—international treaties, for instance—transformed “[...] borderlands into *bordered* lands”¹⁵⁰—with dramatic consequences to peoples affected by this process.

To the peoples for whom contested borderlands afforded room to maneuver and preserve some element of autonomy, this transition narrowed the scope for political independence. With states claiming exclusive dominions over all territories within their borders, Indians lost the ability to play off rivalries; they could no longer take advantage of occupying the lands ‘in between’. Thus, as colonial borderlands gave way to national borders, fluid and ‘inclusive’ intercultural frontiers yielded to hardened and more ‘exclusive’ hierarchies.¹⁵¹

They admit, however, that this process was neither determinate nor comprehensive. “[...] borders formalized”, they insisted, “but did not foreclose the flow of people, capital, and goods. [...] International boundaries remained dotted lines that took a generation to solidify”¹⁵².

As in the case of Frederick J. Turner’s concept of the frontier, Adelman and Aron’s narrative of a linear transition from ‘borderlands to bordered lands’ attracted criticism.¹⁵³ Historian Juliana Barr, for instance, noted that—very much like its historical and epistemological predecessor—the borderlands-narrative systematically obstructs Indigenous borders and henceforth erects barriers that would lead to a more complex understanding of forms of Indigenous social and political organization as well as the dynamic relationships between Indigenous nations and immigrant populations. One would not see “[...] the borders for the borderlands”¹⁵⁴, simply because the former was analytically reserved to the emergence of the settler colonialist-capitalist nation-state. Furthermore, as Pekka Hämäläinen and Samuel Truett argued, the sequentiality of the borderlands-

¹⁴⁹ Adelman and Aron, "From Borderlands to Borders: Empires, Nation-States, and the Peoples in between in North American History," 816.

¹⁵⁰ Ibid., 816, *emph. in original*.

¹⁵¹ Ibid., 816.

¹⁵² Ibid., 840.

¹⁵³ During the 1990s, geographers engaged in a similarly seductive narrative that associated borderlands with stages within the process of disappearance of borders; see, e.g., Victor Prescott, "Borders in a 'Borderless' World," *Geopolitics* 4, no. 2 (1999). Contemporary geographical research has overwhelmingly rebuked notions of a transition from a ‘bordered’ to a ‘borderless’ world, and associated the borderlands-concept with diversity and multiplicity, fragility and contestability; see, e.g., David Newman, "The Lines That Continue to Separate Us: Borders in Our 'Borderless' World," *Progress in Human Geography* 30, no. 2 (2006); Alexander C. Diener and Joshua Hagen, eds., *Borderlines and Borderlands: Political Oddities at the Edge of the Nation-State* (Lanham; Boulder; New York; Toronto; Plymouth, UK: Rowman & Littlefield Publishers, Inc., 2010); Harry H. Hiller, "Airports as Borderlands: American Preclearance and Transitional Spaces in Canada," *Journal of Borderlands Studies* 25, no. 3 (2010).

¹⁵⁴ Barr, "Geographies of Power: Mapping Indian Borders in the 'Borderlands' of the Early Southwest," 8.

narrative, appealing as it truly is, risks establishing a schema of linear progress from imperial configuration of 'borderlands' to the 'bordered' regimes of nation-states while ignoring "[...] powerful, independent nonstate actors [...]"¹⁵⁵ and the fact that the "[...] new nation-states did not simply erase the many preexisting American worlds, but often built on their precedents, plunging repeatedly into pockets of deep history as they gradually extended their reach across the continent"¹⁵⁶. Instead of giving in to the familiar notion of "[...] seeing borderlands as what imperial and national centers are not"¹⁵⁷, Hämäläinen and Truett insist that "borderlands relationships were as likely, in any given part of America, to subvert as to reinforce linear progressions of power and identity"¹⁵⁸—focusing on instabilities rather than coherence, open-endedness rather than narratives of linear progression.¹⁵⁹ *Borderlands*, Pekka Hämäläinen and Samuel Truett conclude, are "[...] places where power was chronically up for grasp [...]"¹⁶⁰ producing histories "[...] of entanglements—of shifting accommodations—rather than one of expansion"¹⁶¹.

It is in this specific regard that the processes of creating the Alaska-Canada border(s) have been addressed as a historical process based on latent competition between imperial powers, the Czarist Russian Empire, the United States, the British Empire, or, later, Canada. Historian Christopher Petrakos, for example, coined the term "[...] Klondike borderlands"¹⁶² to address "[...] the Klondike Gold Rush as it relates to the contested border"¹⁶³. Focusing meticulously on the perceptions and the significance of Canadian surveyor and Yukon politician William Ogilvie, Petrakos provides a narrative that reflects Ogilvie's skepticism and distrust directed towards the United States, and thus echoes a familiar narrative of imperial competition and rivalry.¹⁶⁴ Interestingly, Ogilvie viewed the establishment of a permanent railway connection between the Yukon riverlands and Skagway, one of the central deepwater seaports on the Pacific coast, not as a potential threat to Canadian sovereignty but rather as a way to "[...] tore down national boundaries and unleash[...] the potential of the North American wilderness"¹⁶⁵. Thus, the strategic relationship between international borders, infrastructures, national economies, and, of course,

¹⁵⁵ Hämäläinen and Truett, "On Borderlands," 359.

¹⁵⁶ Ibid.

¹⁵⁷ Ibid., 357.

¹⁵⁸ Ibid., 360.

¹⁵⁹ See, ibid., 358-59.

¹⁶⁰ Ibid., 346-47.

¹⁶¹ Ibid., 347.

¹⁶² Christopher Petrakos, "William Ogilvie, the Klondike Borderlands, and the Making of the Canadian West," *The American Review of Canadian Studies* 46, no. 3 (2016): 364.

¹⁶³ Ibid.

¹⁶⁴ See, ibid., 376.

¹⁶⁵ Ibid., 375.

between the imperial powers themselves was envisioned in far more ambivalent and multifaceted, even slightly contradictory terms than is oftentimes assumed.

While borderlands historians rejected “[...] narratives of frontiers at the edge of indomitable empires and nation-states [...]”¹⁶⁶, they often practically failed to address the non-linear and zonal qualities of borders.¹⁶⁷ In this regard, histories of immigration and imprisonment—especially in relation to the emergence of capitalist modes of production—must be given much more attention, argued historian Kelly Lytle Hernández.¹⁶⁸



Recently, Americanist Brian Russell Roberts coined the term “borderwaters”¹⁶⁹ to shift away from terra-centric notions of the contiguous United States—what historian Daniel Immerwahr has called “[...] the logo map [...]”¹⁷⁰—and to focus instead on the archipelagic dimensions of the American empire.¹⁷¹ Russell calls for a “[...] postcontinental redescription of the United States that asks vast and unintegrated ocean and island territories to speak from their points of disjunction and quandary [...]”¹⁷², embracing notions of infinite islands “[...] as components of sprawling networks and constellations that includes cast swaths of the ocean [...]”¹⁷³ and thus defying the “[...] continental tyranny that has extended from the country’s beginning into the present day”¹⁷⁴. His core argument that, from the vantage point of the *borderwater* rather than the *borderland*, “[...] borders among archipelagic islands invert traditional understandings of borders, as they become not barriers but passageways”¹⁷⁵, highlights fluidity instead of fixity, fragility instead of structure, movement instead

¹⁶⁶ Kelly Lytle Hernández, "Borderlands and the Future History of the American West," *Western Historical Quarterly* 42, no. 3 (2011): 326.

¹⁶⁷ French philosopher Étienne Balibar, for instance, famously used the term ‘borderland’ precisely to address the (European) notion “[...] that a political space could (and perhaps should) be imagined in terms of overlapping open regions” and as “[...] the place where the opposites flow into one another, where ‘strangers’ can be at the same time stigmatized and indiscernible from ‘ourselves’, where the notion of citizenship, involving at the same time *community* and *universality*, once again confronts its intrinsic antinomies”, both cit. in: Etienne Balibar, "Europe as Borderland," *Environment and Planning D: Society and Space* 27, no. 2 (2009): 211.

¹⁶⁸ See, Hernández, "Borderlands and the Future History of the American West," 328-29. For an illustration of the fruitful application of the borderlands-framework to histories of immigration and imprisonment; see, *City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles, 1771-1965* (Chapel Hill: The University of North Carolina Press, 2017).

¹⁶⁹ Brian Russell Roberts, *Borderwaters: Amid the Archipelagic States of America* (Durham; London: Duke University Press, 2021).

¹⁷⁰ Immerwahr, *How to Hide an Empire: A History of the Greater United States*, 8.

¹⁷¹ See also, Brian Russell Roberts and Michelle Ann Stephens, eds., *Archipelagic American Studies* (Durham; London: Duke University Press, 2017). Here, both authors state, “[t]he term [archipelagic Americas] designates islands that have been America-affiliated and America-constituting in ways that precede and exceed the traditional narratives of U.S. imperialism and U.S. governmentality”, cit. in: "Introduction: Archipelagic American Studies: Decontinentalizing the Study of American Culture," in *Archipelagic American Studies*, ed. Brian Russell Roberts and Michelle Ann Stephens (Durham; London: Duke University Press, 2017), 4.

¹⁷² Roberts, *Borderwaters: Amid the Archipelagic States of America*, 23.

¹⁷³ *Ibid.*, 198.

¹⁷⁴ *Ibid.*, 10.

¹⁷⁵ *Ibid.*, 122.

of stillstand, water instead of land. While Russel rightfully insists on a radically relational perspective that transcends the dichotomy between land and water, his foregrounding of watery dimensions of bordering runs risk of losing track of the multiple ways in which more-than-terrestrial border zones such as the Yukon riverlands are violently anchored in terrestrial notions of law and sovereignty, even when constantly evading these attempts or challenging them. Therefore, one must not mistake the Yukon riverlands for a term that denounces the significance of archipelagic. On the contrary, the narrative presented here foregrounds the myriads of ways in which *more-than-terrestrial relations* are, in some instances, coupled with or, in other cases, refuse to engage with colonial government(s) and capitalist expectations, simply because “[c]apital”, as political scientists Liam Campling and Alejandro Colás reminded us recently,

is value-in-motion, both in the abstract sense that it constantly shifts between commodity, productive and money forms, and through its more concrete embodiment in circulating goods, people, and credit. The sea has been a protagonist in this transfer of actual and potential wealth [...], mainly because it offered a cheaper and faster means of transport, and also because it encouraged the institutional development and geographical convergence of banking, insurance, shipbuilding, and related commercial infrastructure in seaports.¹⁷⁶

3.2 Revolution: Frontiers in Anthropological Perspective

In anthropology, the frontier has recently—and largely irrespective of the debates about the concept within the historiography of the American/Canadian West(s)¹⁷⁷—gained much attention. Andrea Ballesterio et al., for instance, fruitfully applied the term discussing structural features and the fragilities of financial capitalism. Here, financial frontiers emerged “[...] as a set of tactics for raising and managing financial capital that result in the form of conversion, intensification, and proliferation”¹⁷⁸. Neither place nor process, the frontier is “[...] a conceptual orientation, a set of travelling processes, theories, and practices [...]”¹⁷⁹, “[...] sites of horizon-making, spaces of recombination and reinvention where people and institutions have long been involved in financial experimentation and where those that have not encounter ways of doing so”¹⁸⁰.¹⁸¹ The frontier has also been mobilized to address the phenomenon of “[t]he conservation frontier [defined as] a

¹⁷⁶ Liam Campling and Alejandro Colás, *Capitalism and the Sea: The Maritime Factor in the Making of the Modern World* (London; New York: Verso, 2021), 30.

¹⁷⁷ Of course, Anna L. Tsing’s seminal work should be read as a prime counterexample to this claim; see, e.g., Anna Lowenhaupt Tsing, “Natural Resources and Capitalist Frontiers,” *Economic and Political Weekly* 38, no. 48 (2003): 5101.

¹⁷⁸ Andrea Ballesterio, Andrea Muehlebach, and Gloria Pérez-Rivera, “What Is a Financial Frontier?,” *Journal of Cultural Economy* 16, no. 3 (2023): 311.

¹⁷⁹ *Ibid.*

¹⁸⁰ *Ibid.*, 314.

¹⁸¹ See, Elizabeth A. Povinelli, “Horizons and Frontiers, Late Liberal Territoriality, and Toxic Habitats,” in *Routes/Worlds*, ed. Elizabeth A. Povinelli (London: Sternberg Press, 2022), 71-75.

spatial project that enables the transformation of nature from an object of extraction to an object of consumption”¹⁸².

What unites the disparate conceptual approaches to frontierism in contemporary anthropological discourse is the notion of a foundational transformation: of lands, waters, and other existents into resources that can be extracted, exchanged, and consumed. “Most descriptions of resource frontiers”, observed Anna Lowenhaupt Tsing, “take for granted the existence of resources; they label and count the resources and tell us who owns what. The landscape itself appears inert: ready to be dismembered and packaged for export”¹⁸³. Shifting attention to the processes by which landscapes are turned into resources, Tsing proposed utilizing the concept while simultaneously turning its colonial implications against itself.¹⁸⁴ “Frontier landscapes are particularly active: hills flood away, streams are stuck in mud, vines swarm over fresh stumps, ants and humans are on the move”¹⁸⁵. Perfectly aware of the historical implications and political connotations of the concept, Tsing characterized the frontier neither as “[...] a place or even a process but an imaginative project capable of molding both places and processes”¹⁸⁶. As “[...] a space of desire [...]”¹⁸⁷, the frontier “[...] is expansive, spreading across the land; they draw the quick, erratic temporality of rumour, speculation, and cycles of boom and bust, encouraging ever-intensifying forms of resourcefulness”¹⁸⁸. The frontier appears as a characteristically fragile project blending the legal with the illegal, the public with the private, the civilized with the wild—and thereby establishing their distinctiveness.¹⁸⁹ The frontier *actively* produces “[...] human subjects as well as natural objects”¹⁹⁰. Tania Murray Li, for instance, observed that the advancement of agrarian frontier

¹⁸² Piergiorgio Di Giminiani and R. Elliott Oakley, “The Making of a Conservation Frontier: Nation-Building, Green Productivism, and Environmentalism in Patagonia,” *The Journal of Latin American and Caribbean Anthropology* 28, no. 4 (2023): 267. “We define conservation frontiers as disputed processes of spatialization that articulate the shifting borders of humanity and wilderness, in which the latter is simultaneously a form of refuge, an opening for political experimentation, and a site for renewed capital accumulation enabled by the global expansion of the ecotourism industry. The conservation frontier is a spatial project that enables the transformation of nature from an object of extraction to an object of consumption. Three overlapping yet conflicting processes enable the making of a conservation frontier: (1) nation-building, and in particular the assertion of sovereignty through the transformation of wilderness into national heritage; (2) green productivism, as frontier experiences are commodified through ecotourism and associated consumer products; and (3) environmentalism, defined here as a disputed political project designed to disseminate new practices and values among idealized dwellers of endangered frontiers. These three processes are responsible for the spatial reconfigurations set in motion by conservation, in which remote areas are materially and discursively transformed into wilderness refuges amid agroindustrial expansion—and, paradoxically, subject to further degradation from the infrastructural development associated with green productivism”, cit. in: *ibid.*

¹⁸³ Anna Lowenhaupt Tsing, *Friction: An Ethnography of Global Connection* (Princeton; Oxford: Princeton University Press, 2005), 29.

¹⁸⁴ See, *ibid.*, 31-33. “The frontier, then, is not a natural or indigenous category. It is a traveling theory, a foreign form requiring translation”, cit. in: *ibid.*, 31.

¹⁸⁵ *Ibid.*, 29.

¹⁸⁶ *Ibid.*, 32.

¹⁸⁷ Tsing, “Natural Resources and Capitalist Frontiers,” 5102.

¹⁸⁸ *Ibid.*

¹⁸⁹ See, *ibid.*, 5103-05.

¹⁹⁰ Tsing, *Friction: An Ethnography of Global Connection*, 32.

capitalism in Indonesia led to the transformation of notions of subjectivity.¹⁹¹ “As the land frontier closed”, noted Li, “and capitalist competition dictated who would be able to farm, the emphasis on individual responsibility no longer reflected actual opportunities”¹⁹². The encompassing, transformative process Tsing associates with the notion of the frontier usually refrains from sight.¹⁹³ Neither economists nor state bureaucrats ever wonder about what enables extraction, exchange, and consumption of commodities other than—maybe—capital and infrastructure, with grim results.¹⁹⁴ “Natural resources”, Tsing summarizes, “are not God given but must be wrested from previous economies and ecologies in violent extractions”¹⁹⁵.

Of course, the Yukon riverlands have long been described with the help of frontier imaginaries, as “[...] a land where men and women might yet prove themselves capable and worthy through the work and sacrifice of homesteading and building new settlements, where they could live freely by and with the fruit of their own labor, relying on themselves for success or failure”¹⁹⁶. This notion usually refers to the Turnerian trope with its characteristic emphasis on wilderness, individualism, and the relative absence of state power.¹⁹⁷ As Stephen W. Haycox observed, the obsession with the northern ‘frontier’ and its transformation into “[...] America’s ‘last wilderness’”¹⁹⁸ during the 1960s and 1970s did have enormous impacts on how the relationship between industrial development and environmental protection of northern landscapes, between exploitation and colonization, and between (private) entrepreneurship and public authority is perceived.¹⁹⁹ With other words, unlike Indonesia or, for that matter, Italy where “[...] the frontier is not a natural or indigenous category

¹⁹¹ “What was unthinkable [at the onset of introducing cash crops such cacao]—not imagined and hence not discussed—was the prospect that twenty years later, a few highlanders would control much of the land while neighbors would be compelled to depend on wages, and they would build their tiny bamboo huts on borrowed land”, cit. in: Tania Murray Li, *Land's End: Capitalist Relations on an Indigenous Frontier* (Durham; London: Duke University Press, 2014), 148.

¹⁹² *Ibid.*, 153.

¹⁹³ I am hesitant, however, to qualify Anne L. Tsing’s conceptualization of the frontier as a discourse, an argument pursued by Michael Eilenberg; see, Michael Eilenberg, “Frontier Constellations: Agrarian Expansion and Sovereignty on the Indonesian-Malaysian Border,” *Journal of Peasant Studies* 41, no. 2 (2014): 5-6.

¹⁹⁴ See, Tsing, *Friction: An Ethnography of Global Connection*, 35-36.

¹⁹⁵ *Ibid.*, 50.

¹⁹⁶ Stephen W. Haycox, *Alaska: An American Colony*, 2nd ed. (Seattle: Washington University Press, 2020), ix. See also, Kollin, *Nature's State: Imagining Alaska as the Last Frontier*, esp. ch. 4.

¹⁹⁷ See, Limerick, *The Legacy of Conquest: The Unbroken Past of the American West*, 165-75.

¹⁹⁸ Haycox, *Alaska: An American Colony*, 323.

¹⁹⁹ The works of historians Stephen W. Haycox and Peter Coates provide ample evidence about the legacies of the frontier in Alaskan politics and to the relationship between extractivism, environmentalism, and settler colonial capitalism in northern North America; see, e.g., Coates, *The Trans-Alaska Pipeline Controversy: Technology, Conservation, and the Frontier*, esp. ch. 1; Stephen W. Haycox, *Frigid Embrace: Politics, Economics, and Environment in Alaska*, 3 ed. (2011), ch. 3; *Battleground Alaska: Fighting Federal Power in America's Last Wilderness*, 160-64; *Alaska: An American Colony*, 349-52. In a slightly contrasting understanding, Canadian environmental historians Liza Piper and John Sandlos adopted the concept of the frontier to specifically refer to the environmental transformations and hazards caused by conquest; see, Liza Piper and John Sandlos, “A Broken Frontier: Ecological Imperialism in the Canadian North,” *Environmental History* 12, no. 4 (2007): 762-63. It is also worth noting that Alaska’s alleged ‘frontierness’ also shaped controversies about wilderness and environmental protection in the United States; see, James Morton Turner, *The Promise of Wilderness: American Environmental Politics since 1964* (Seattle; London: University of Washington Press, 2013), ch. 5.

[...]”²⁰⁰, histories of settler colonial capitalism in Alaska and the Yukon Territory have habitually been analyzed in terms of frontierism.²⁰¹ While I agree with the proponents of a ‘New Frontierism’, approaching frontiers as spatially and temporally expansive apparatuses of “[...] the violent reorganization of spaces and societies already subsumed under the logic of capitalist valorization”²⁰², apparatuses that attempt to assemble various human and more-than-human entities for the creation of profit, I remain hesitant to analytically mobilize a concept that has proven so devastatingly consequential to this particular region.

Furthermore, the primary interest of this work is not to trace the transformation of lands, waters, and other beings into resources that can then be extracted, exchanged, and consumed, although these transformatory processes do indeed figure prominently throughout this study. Instead, this dissertation focuses on the roles of states, bureaucratic institutions, and legal frameworks. Following Veena Das, the emergence of state bureaucracies and the implementation of law must not simply be read “[...] as a sign of the sovereignty of the state or as an institution through which disciplinary regimes are put into place”²⁰³. Instead, she argues, the law functions as “[...] a distant but overwhelming power brought into the framework of everyday life by the representation and performance of its rules in modes of rumor, gossip, mockery, and mimetic representation and also as a resource for seeking certain rights, although a resource whose use is fraught with uncertainty and danger”²⁰⁴. These are “[...] places where state law and order continuously have to be reestablished”²⁰⁵, what Talal Asad and others have called *marginal spaces of state power*. However, like frontiers, “[m]argins are not simply peripheral spaces”²⁰⁶ but conduits of power determining “[...] what lies inside and what lies outside”²⁰⁷ in the “[...] mode of potentiality [...]”²⁰⁸. The margins of

²⁰⁰ Tsing, "Natural Resources and Capitalist Frontiers," 5101.

²⁰¹ Historians have frequently cast the Yukon riverlands and other regions of northern North America in the lights of frontierism; see, e.g., Michael Gates, *Gold at Fortymile Creek: Early Days in the Yukon* (Vancouver: University of British Columbia Press, 1994); Douglas C. Baker and William R. Morrison, "The Development of Property Rights on the Canadian and American Mining Frontiers," *American Review of Canadian Studies* 29, no. 3 (1999); John R. Bockstoe, *Furs and Frontiers in the Far North: The Contest among Native and Foreign Nations for the Bering Strait Fur Trade* (New Haven; London: Yale University Press, 2009); David F. Arnold, *The Fishermen's Frontier: People and Salmon in Southeast Alaska* (Seattle; London: University of Washington Press, 2011); Pierre Berton, *The Klondike Fever: The Life and Death of the Last Great Gold Rush* (Victoria: Must Have Books, 2022).

²⁰² Verónica Gago and Sandro Mezzadra, "A Critique of the Extractive Operations of Capital: Toward an Expanded Concept of Extractivism," *Rethinking Marxism* 29, no. 4 (2017): 585.

²⁰³ Veena Das, "The Signature of the State: The Paradox of Illegibility," in *Anthropology in the Margins of the State*, ed. Veena Das and Deborah Poole (Santa Fe; Oxford: School of American Research Press James Curry Ltd., 2004), 225-26.

²⁰⁴ Ibid., 226.

²⁰⁵ Talal Asad, "Where Are the Margins of the State?," *ibid.*, 279.

²⁰⁶ Veena Das and Deborah Poole, "State and Its Margins: Comparative Ethnographies," *ibid.*, 19.

²⁰⁷ Ibid.

²⁰⁸ Ibid.

the state are not defined in terms of geophysical distance or simplistic notions of remoteness.²⁰⁹ “In order to identify the margins of the state”, reminds Talal Asad, “we must turn to the pervasive uncertainty of the law everywhere and to the arbitrariness of the authority that seeks to make law certain”²¹⁰.

4. BEYOND LAND AND LABOR: CAPITALIZING SETTLER COLONIAL CAPITALISM

4.1 *Logics of Elimination: Unsettling Settlements*

The co-emergence of state institutions and law with capitalist systems of production and various forms of settlement has long been an esteemed object of inquiry by anthropologists and historians alike. While scholars such as Immanuel Wallerstein, Sidney Mintz, or Eric R. Wolf were primarily interested in tracing the formation of global-spanning networks of capitalist exploitation, anthropologist Michael Taussig complained that their focus on interconnectedness resulted in reifying rather than demystifying the totality of capitalism.²¹¹ In sometimes close, sometimes distant relation with the lofty heights of world-systems theory, the study of settlements and plantations emerged as particularly significant sites to investigate and actively engage with the intersection between capitalism and conquest.²¹² As early as 1993, Hawai’i scholar and activist Haunani-Kay Trask defined Hawai’i as a *settler society*,

²⁰⁹ It is important to note that a relational understanding of marginality does not align with essentialist notions of spatial marginality or simplistic notions of ‘geophysical’ remoteness. With other words, marginality is not a quality inherent to space itself. Rather, it appears as a social state resulting from specific configurations of power relations and practices; see, Erik Harms et al., “Hau Forum: Remote and Edgy: New Takes on Old Anthropological Themes,” *HAU: Journal of Ethnographic Theory* 4, no. 1 (2014): 376-77. For additional literature regarding remoteness in anthropology, see, e.g., Edwin Ardener, “Remote Areas: Some Theoretical Considerations,” *ibid.* 2(2012); Peter Schweitzer and Olga Povoroznyuk, “A Right to Remoteness? A Missing Bridge and Articulations of Indigeneity Along an East Siberian Railroad,” *Social Anthropology/ Anthropologie Sociale* 27, no. 2 (2019).

²¹⁰ Asad, “Where Are the Margins of the State?,” 287.

²¹¹ See, Michael Taussig, “History as Commodity: In Some Recent American (Anthropological) Literature,” in *Critical Anthropology: Foundational Works*, ed. Stephen Nugent (London; New York: Routledge, 2016). Eric R. Wolf and Sidney Mintz replied to Taussig’s critique; see, Sidney W. Mintz and Eric R. Wolf, “Whither Commodities? Reply to Michael Taussig,” *ibid.* The debate is considered one of the key controversies of historical anthropology; see, e.g., Deborah A. Thomas, “The Anxieties of History and Memory,” *American Anthropologist* 119, no. 3 (2017): 401; Tsing et al., *Field Guide to the Patchy Anthropocene: The New Nature*, 149-50.

²¹² See, Stefanie Gänger and Jürgen Osterhammel, “Denkpause Für Globalgeschichte,” *Merkur* 74, no. August 2020 (2020): 83-84. Immanuel Wallerstein’s four volume book series *The Modern World-System* marks the culmination point of world-system analysis; see, Immanuel Wallerstein, *The Modern World-System, Vol. 1: Capitalist Agriculture and the Origins of European World-Economy in the Sixteenth Century* (Berkeley; Los Angeles; London: University of California Press, 2011); *The Modern World-System, Vol. 2: Mercantilism and the Consolidation of the European World-Economy, 1600-1750* (Berkeley; Los Angeles; London: University of California Press, 2011); *The Modern World-System, Vol. 3: The Second Era of Great Expansion of the Capitalist World-Economy, 1730-1840* (Berkeley; Los Angeles; London: University of California Press, 2011); *The Modern World-System, Vol. 4: Centrist Liberalism Triumphant, 1789-1914* (Berkeley; Los Angeles; London: University of California Press, 2011). In 2004, Wallerstein reflected his theoretical undertaking: “The proponents of world-systems analysis, which this book is about, have been talking about globalization since long before the word was invented—not, however, as something new but as something that has been basic to the modern world-system ever since it began in the sixteenth century. We have been arguing that the separate boxes of analysis—what in the universities are called the disciplines—are an obstacle, not an aid, to understanding the world. We have been arguing

[...] that is, Hawai'i is a society in which the indigenous culture and people have been murdered, suppressed, or marginalized for the benefit of settlers who now dominate our islands. In settler societies, the issue of civil rights is primarily an issue about how to protect settlers against each other and against the state. Injustices done against Native people, such as genocide, land dispossession, language banning, family disintegration, and cultural exploitation, are not part of this intrasettler discussion and are therefore not within the parameters of civil rights.²¹³

It is crucial to note that, for Trask and others, settlement cannot and must not be reduced to the establishment of literal settlements. Instead, Trask argues that the erection of farms and plantations, cities and villages, or streets and railroads is fundamentally connected with the emergence of a particular structuring of social relations—what historian Patrick Wolfe would later call “the elementary structures of race”²¹⁴—, and with the ongoing dispossession and appropriation of Indigenous lands. Trask's idiom was adopted by Patrick Wolfe who—famously—characterized settler colonization as a process “[...] predicated upon displacing indigenes from (or replacing them) on the land [...]”²¹⁵. “In its purest form [...]”, Wolfe wrote in 1994, “[...] the logic of elimination seeks to replace indigenous society with that imported by the colonisers [in

that the social reality within which we live and which determines what our options are has not been the multiple national states of which we are citizens but something larger, which we call a world-system. *We have been saying that this world-system has had many institutions—states and the interstate system, productive firms, households, classes, identity groups of all sorts—and that these institutions form a matrix which permits the system to operate but at the same time stimulates both the conflicts and the contradictions which permeate the system. We have been arguing that this system is a social creation, with a history, whose origins need to be explained, whose ongoing mechanisms need to be delineated, and whose inevitable terminal crisis needs to be discerned*”, cit. in: *World-System Analysis: An Introduction* (Durham; London: Duke University Press, 2007), x, emph. AMW. Famously, anthropologist Eric R. Wolf criticized scholarship of the Wallersteinian type that, “[t]heir choice of focus [...] leads them to omit consideration of the range and variety of such populations [that Wolf had called ‘micro-populations habitually investigated by anthropologists’ in the previous sentence], of their modes of existence before European expansion and the advent of capitalism, and of the manner in which these modes were penetrated, subordinated, destroyed, or absorbed, first by the growing market and subsequently by industrial capitalism”, cit. in: Eric R. Wolf, *Europe and the People without History* (Berkeley; Los Angeles; London: University of California Press, 2010), 23. Wolf went on, characterizing his own project as an expansion of the Wallersteinian approach: “Yet this examination still lies before us if we wish to understand how Mundurucú or Meo were drawn into the larger system to suffer its impact and to become its agents. [...] My view of these processes and their effects is historical, but *in the sense of history as an analytic account of the development of material relations, moving simultaneously on the level of the encompassing system and on the micro-level*”, cit. in: *ibid.*, 23, emph. AMW. While Eric R. Wolf attempted to stress the interrelation between the emergence of a world-system and local populations being them Indigenous or non-Indigenous, anthropologist Sidney W. Mintz added a perspective not only attentive to the environmental complexities inherent to globalist modes of capitalist production but also to the interdependency between Europe and its colonies; see, Sidney W. Mintz, *Sweetness and Power: The Place of Sugar in Modern History* (New York: Penguin Books, 1986). See also, Wolfgang Reinhard, *Die Unterverfung Der Welt: Globalgeschichte Der Europäischen Expansion, 1415-2015* (Munich: C.H. Beck, 2016). However, despite of their apparent success, world-system analyses and Marxist analyses more generally have been criticized by Cedric Robinson for ignoring the problem of racism, ongoing colonial violence, and their relation to prevalent forms of social inequality in European feudalism; see, Cedric Robinson, *Black Marxism: The Making of the Black Radical Tradition* (New York: Penguin Books, 2021), 101-03.

²¹³ Haunani-Kay Trask, *From a Native Daughter: Colonialism and Sovereignty in Hawai'i* (Honolulu: University of Hawai'i Press, 1999), 25.

²¹⁴ See, Patrick Wolfe, "Land, Labor, and Difference: Elementary Structures of Race," *The American Historical Review* 106, no. 3 (2001); *Traces of History: Elementary Structures of Race* (London; New York: Verso, 2016).

²¹⁵ "Nation and Miscegenation: Discursive Continuity in the Post-Mabo Era," *Social Analysis: The International Journal of Anthropology* 36, no. October 1994 (1997): 93.

original]”²¹⁶.²¹⁷ Wolfe is often cited as the principal theoretician of settler colonial studies, because “[...] he offered a language for [...] [the field] that has been immensely influential”²¹⁸.²¹⁹ In his seminal 2006 article “Settler Colonialism and the Elimination of the Native”²²⁰, Wolfe argued, “[...] the primary motive for elimination [of Indigenous peoples] is not race (or religion, ethnicity, grade of civilization, etc.) but access to territory”²²¹.

Marx had argued that capitalist society emerges through the aggressive expulsion of peasants from their plots, the consolidation of a capitalist land base, and the systematic disruption of peasant economies. “Historisch epochemachend in der Geschichte der ursprünglichen Akkumulation sind alle Umwälzungen, die der sich bildenden Kapitalistenklasse als Hebel dienen; vor allem aber die Momente, worin große Menschenmassen plötzlich gewaltsam von ihren Subsistenzmitteln losgerissen und als vogelfreie Proletarier auf den Arbeitsmarkt geschleudert werden”²²², wrote Marx. “Die Expropriation des ländlichen Produzenten, des Bauern, von Grund und Boden bildet die Grundlage des ganzen Prozesses”²²³. Having no other means of sustenance, landless, displaced people, former peasants, were forced to offer their physical labor as a commodity that could be exchanged for money on the job market.²²⁴ In short, peasants were pushed off their lands and into the emerging centers of industrialization: into factories and cities. This is—in very broad strokes—how Karl Marx understood the process of primitive accumulation (in contrasting relation to Adam Smith’s notion of ‘original accumulation’ as basis of capitalism): the creation of the proletariat, integrated into the machinations of capitalist society through the mechanics of commodification

²¹⁶ Ibid.

²¹⁷ Therein also lies the reason why Wolfe rejects the distinction between ‘colonies of settlement’ and ‘colonies of exploitation’; see, Anthony Pagden, *Lords of All the World: Ideologies of Empire in Spain, Britain, and France, C. 1500-C. 1800* (New Haven; London: Yale University Press, 1995), 6-9; Patrick Wolfe, *Settler Colonialism and the Transformation of Anthropology: The Politics and Poetics of an Ethnographic Event* (London; New York: Cassell, 1999), 1, FN 1.

²¹⁸ Jean O’Brien, “Tracing Settler Colonialism’s Eliminator Logic in ‘Traces of History,’” *American Quarterly* 69, no. 2 (2017): 249.

²¹⁹ In his critique of the concept of settler colonialism, Allan Greer, for instance, viewed Wolfe as the “[...] most rigorous of the settler colonial theorists [...]” because of his insistence “[...] that his subject was not an ideology or a set of ideas but rather a logic”, in: Allan Greer, “Settler Colonialism and Empire in Early America,” *The William and Mary Quarterly* 76, no. 3 (2019): 384. The prominence of Wolfe has raised concerns, however, about downplaying the influence of non-conformist Indigenous scholars and activists such as Haunani-Kay Trask on Wolfe’s work; see, e.g., Kēhaulani J. Kauanui, “a Structure, Not an Event”: Settler Colonialism and Enduring Indigeneity,” *Lateral* 5, no. 1 (2016): 2; Jane Carey, “On Hope and Resignation: Conflicting Visions of Settler Colonial Studies and Its Future as a Field,” *Postcolonial Studies* 23, no. 1 (2020): 22-23, 29.

²²⁰ See, Patrick Wolfe, “Settler Colonialism and the Elimination of the Native,” *Journal of Genocide Research* 8, no. 4 (2006).

²²¹ Ibid., 388.

²²² Karl Marx, *Das Kapital: Kritik Der Politischen Ökonomie, 1. Band*, ed. Institut für Marxismus-Leninismus beim ZK der SED, vol. 23, Marx-Engels Werke (Berlin/GDR: Dietz Verlag, 1972), 744.

²²³ Ibid.

²²⁴ Historians of capitalism characterized Marx’ theorization of agrarian capitalism as speculation rather than fact; see, Friedrich Lenger, *Der Preis Der Welt: Eine Globalgeschichte Des Kapitalismus* (Munich: C.H. Beck, 2023), 15-16. For a differing view, see, David Harvey, *The Limits to Capital* (London; New York: Verso, 2018), 27, FN 14.

and wage labor which together constitute the distinguishing feature of capitalism, the subordination of the workers under the regimes of the capitalists.²²⁵

Wolfe modified Marx' model in one important respect: the purpose of violence and expulsion. In contrast to the Marx' model of primitive accumulation, violence against Indigenous peoples must not be understood as a way of integrating Indigenous populations into the machinations of modernity. Rather, its primary function is to generate access to Indigenous lands which could then, according to Wolfe, be used for the establishment of a capitalist agriculture.²²⁶ Settler colonialism "[...] erects a new society on the expropriated land base [...]"²²⁷ mobilizing—as Haunani-Kay Trask had already pointed out—a broad range of technologies and procedures to achieve its objective: "[...] officially encouraged miscegenation, the breaking-down of native title into alienable individual freeholds, native citizenship, child abduction, religious conversion, resocialization in total institutions such as missions or boarding schools, and a whole range of cognate biocultural assimilations"²²⁸.²²⁹ Wolfe's "[...] logic of elimination [...]"²³⁰ was not—as the name already entails—an instrument of creating a class of wage laborers, although he admits that "[t]his is not, of course, to suggest that whites have failed to exploit Indian labor. After all, it has been there for the exploiting. The point is that the continuing presence of Indian labor occurs in

²²⁵ Philosopher Thomas Menke pointed towards the centrality of wage labor in Marx' critique of law and highlighted the qualitative difference between labor and other types of commodities. "Der Arbeiter gebraucht seine Arbeitskraft, indem er arbeitet, und der Kapitalist, der die Arbeitskraft gekauft hat, hat ein Recht auf diesen Gebrauch (genauer: ein Recht auf den Gebrauch dieses Gebrauchs). Der Erwerb der Ware Arbeitskraft ist also deshalb der Erwerb einer besonderen Ware, weil er bedeutet, ein Recht *über* den zu gewinnen, der diese Arbeitskraft allein ausüben kann: *Der Erwerb der Ware Arbeitskraft bedeutet ein Recht auf Herrschaft über den Arbeiter*", in: Christoph Menke, *Kritik Der Rechte* (Berlin: Suhrkamp Verlag, 2018), 275, emph. in original. For an overview over the intellectual history of 'primitive accumulation' in classical political economy and beyond Marxist theorizations, see, Michael Perelman, *The Invention of Capitalism: Classical Political Economy and the Secret History of Primitive Accumulation* (Durham; London: Duke University Press, 2000).

²²⁶ "In contrast to the kind of colonial formation that Cabral or Fanon confronted, settler colonies were not primarily established to extract surplus value from indigenous labour. Rather, they are premised on displacing indigenes from (or replacing them on) the land; [...] to get in the way all the native has to do is stay at home. The relationship between Native and African Americans illustrates the distinction particularly well. In the main, Native (North) Americans were cleared from their land rather than exploited for their labour, their place being taken by displaced Africans who provided the labour to be mixed with the expropriated land, their own homelands having yet to become objects of colonial desire", cit. in: Wolfe, *Settler Colonialism and the Transformation of Anthropology: The Politics and Poetics of an Ethnographic Event*, 1-2, emph. in original.

²²⁷ "Settler Colonialism and the Elimination of the Native," 388.

²²⁸ Ibid.

²²⁹ As J. Kēhaulani Kauanui pointed out, the broad range of technologies and procedures by which settler colonialism operates should in fact be read as the key reason why Wolfe distinguished between elimination and genocide; see, Kauanui, "a Structure, Not an Event: Settler Colonialism and Enduring Indigeneity," 1. "Settler colonialism", Wolfe wrote, "is inherently eliminatory but not invariably genocidal", in: Wolfe, "Settler Colonialism and the Elimination of the Native," 387.

²³⁰ "[...] the logic of elimination strives to replace indigenous society with that imported by the colonizers", cit in: *Settler Colonialism and the Transformation of Anthropology: The Politics and Poetics of an Ethnographic Event*, 27. Defining the logics of elimination in 1999, Wolfe replicates a formulation from his 1993 article "Nation and MisceNation: Discursive Continuity in the Post-Mabo Era"; see, "Nation and Miscegenation: Discursive Continuity in the Post-Mabo Era," 93.

spite of rather than as a result of the primary tendency of settler-colonial policy”²³¹. In a highly consequential theoretical move, Wolfe drew a sharp line of distinction between land and labor, and between Indigenous and slave subjectivities.²³² This distinction has enormous ramifications to our understanding of the histories of conquest and capitalism in the Americas. For instance, as Ned Blackhawk observed, economic historians have largely missed out on the role of Indigenous dispossession while intensively engaging with the relationship between slavery and the industrialization of the United States.²³³

In North American historiography and anthropology, the concept of settler colonialism has been extremely successful—and extensively debated.²³⁴ Anthropologists such as Jessica Cattelino and Audra Simpson referred to Patrick Wolfe’s writings, because his works and especially his notion of logics of elimination helped focusing on the colonizing effects of legal frameworks, borders, or economic institutions, making settler colonial “[...] double bind [...]”²³⁵ visible. Furthermore, research informed by the concept of settler colonialism has paid particular attention to the gendered dynamics inherent to processes of conquest and colonization. Audra Simpson has impressively demonstrated that the implementation of legal frameworks such as the Canadian Indian Acts has fundamentally altered Kahnawá:ke kinship and political systems to enable white settlers to access lands hold by Kahnawá:keon.²³⁶ In a powerful intervention, scholar Kim TallBear stressed that the ‘logics of elimination’ are intertwined with modern technologies such as DNA sequencing producing particular types of Indigenous subjectivities and do create political ruptures within Indigenous polities that can hinder, sometimes smash Indigenous resistance and thus allows for the dispossession of lands.²³⁷ In addition, Mark Rifkin pointed out that processes of settler

²³¹ "Land, Labor, and Difference: Elementary Structures of Race," 881, FN 53.

²³² See, *ibid.*, 881-83. Here, he writes, for instance, “[...] settler colonialism seeks to replace the natives on their land rather than extract surplus value by mixing their labor with a colony's natural resources. Slave societies, which may be metropolitan or colonial, are different again, since—at least, in the case of the successful ones—the labor that is mixed with the land is not native but geographically alienated, the slaves being, or being descended from, outsiders removed from their original homelands. In the case of settler colonies, which may also encompass relations of slavery, the colonizers come to stay, expropriating the native owners of the soil, which they typically develop by means of a subordinated labor force (slaves, indenturees, convicts) whom they import from elsewhere”, in: *ibid.*, 868.

²³³ “The inability of American economic historians—and historians of capitalism more broadly—to link the loss of Indigenous lives and lands with U.S. capitalist development is as inadequate as it is ahistorical. In particular, the presumption that somehow Native American history and settler colonialism remain outside the parameters of capitalism has become a disturbing feature in this field”, cit. in: Ned Blackhawk, "The Tracks of Settler Colonialism," *Reviews in American History* 47, no. 4 (2019): 568-69.

²³⁴ Carey points to substantial differences in the reception of Patrick Wolfe’s works in the United States and in Australia; see, Carey, "On Hope and Resignation: Conflicting Visions of Settler Colonial Studies and Its Future as a Field," 36.

²³⁵ Jessica R. Cattelino, *High Stakes: Florida Seminole Gaming and Sovereignty* (Durham; London: Duke University Press, 2008), 56.

²³⁶ See, Simpson, *Mohawk Interruptus: Political Life across the Borders of Settler States*, ch. 2.

²³⁷ See, Kim TallBear, *Native American DNA: Tribal Belonging and the False Promise of Genetic Science* (Minneapolis; London: University of Minnesota Press, 2013), 197-204; "Genomic Articulations of Indigeneity," *Social Studies of Science* 43, no. 4 (2013): 520-23.

colonization must be understood as ongoing and violent processes of expanding what Judith Butler had famously identified as the “[...] Produktion der heterosexuellen Matrix”²³⁸ through the suppression, subversion, and elimination Indigenous transgender subjectivities.²³⁹ As Rifkin observed, settler colonialism was operating not only by, say, imposing legal frameworks, or establishing railroads and settlements; it was based too on the creation of literary archetypes that provided both legibility and legitimacy to the project of settler colonization, thus “[...] point[ing] to the endurance of nonconscious modes of settler habitation, habituation, and recalcitrance that displace engagement with ongoing Indigenous presence and peoplehood [...]”²⁴⁰.

Broadly, critique of Wolfe’s writings and settler colonial studies more generally focused on three dimensions. (1) Some scholars suggested that the fact that the concept was mobilized when analyzing an extremely heterogenous assemblage of cases ranging from the Caribbean in the 18th century, Australia in the 19th century, or the contemporary conflict in the Middle East, ultimately showcases the concept’s analytical paucity and redundancy, and its affinity to jargon. If settler colonialism was to be found everywhere, the concept was to lose its explanatory power altogether.²⁴¹ (2) Others have pointed out—especially in relation to Patrick Wolfe’s work—, settler colonial studies operated based on sharply defined binaries (settler vs. natives, centers vs. peripheries).²⁴² The tendency of scholars of settler colonialism to base their studies on opposing pairs does indeed have drastic theoretical and political consequences, especially—but not exclusively—to the question of how settler colonial studies address the histories and identities of “[...] racialized settlers [...]”²⁴³, particularly of those who were forcefully evicted from Africa and

²³⁸ Judith Butler, *Das Unbehagen Der Geschlechter*, trans. Katharina Menke (Frankfurt a.M.: Suhrkamp Verlag, 2009), 63.

²³⁹ See, Mark Rifkin, *When Did Indians Become Straight? Kinship, the History of Sexuality, and Native Sovereignty* (Oxford; New York: Oxford University Press, 2011).

²⁴⁰ *Settler Common Sense: Queerness and Everyday Colonialism in the American Renaissance* (Minneapolis; London: University of Minnesota Press, 2014), 37.

²⁴¹ See, Allan Greer, "Settler Colonialism and Beyond," *Journal of the Canadian Historical Association* 30, no. 1 (2019): 61-63.

²⁴² See, e.g., Carey, "On Hope and Resignation: Conflicting Visions of Settler Colonial Studies and Its Future as a Field," 33-36; Jennifer M. Spear, "Beyond the Native/Settler Divide in Early California," *The William and Mary Quarterly* 76, no. 3 (2019). Patrick Wolfe has explicitly addressed this line of critique, “[a]s one who argues that settler colonialism is premised on a zero-sum logic whereby settler societies, for all their internal complexities, uniformly require the elimination of Native alternatives, I have regularly been accused of binarism—though not once by a Native. Why should it be that the spectre of binarism, so disturbing to non-Native sensibilities, should be less troubling to Natives? More provocatively, could it be that the repudiation of binarism represents a settler perspective?”, cit. in: Patrick Wolfe, "Recuperating Binarism: A Heretical Introduction," *Settler Colonial Studies* 3, no. 3-4 (2013): 257. Wolfe concludes that “[...] the problems of totalization and inevitability converge when settler theorists claim to monopolize the whole ground of analysis and thereby exclude *autonomous* Native perspectives, *unexhausted* by settler hegemony, from posing *independently* grounded futures”, cit. in: *ibid.*, 274, *emph. AMW*. In essence, though, Wolfe remains silent about the theoretical effects of the settler-Native divide to addressing questions posed by Black theoreticians and activists, and by historians of immigration.

²⁴³ Spear, "Beyond the Native/Settler Divide in Early California," 427. Jennifer M. Spear suggests referring to ‘racialized settlers’ as “[...] those who, while their presence may have advanced Indigenous dispossession, were themselves exploited in the furtherance of settler colonialism”, cit. in: *ibid.*, 427, FN 2.

shipped to the Americas as slaves and their descendants. Robin D. G. Kelley insightfully commented that “[...] settler colonialism on the African continent falls out of Wolfe’s purview”²⁴⁴. Because Wolfe drew a sharp distinction between what he perceived as ‘settler colonialism’ in the Americas and in Australia, and ‘colonialism’ in Africa, Kelley argued, he “[...] unwittingly contributed to, what was clearly a process of elimination: eliminate the culture, identity, and consciousness while preserving the body for labor”²⁴⁵.²⁴⁶ Similarly, Jodi A. Byrd, deeply troubled by the effects of the theoretical erasures resulting from the mobilization of settler colonialism, calls for attention “[...] two truths [held] in cacophonous balance: U.S. modernity was created through the genocide of Indigenous peoples and the seizure of Indigenous lands, and U.S. modernity was created through chattel slavery”²⁴⁷. Others have also pointed out that settler colonial studies prove notoriously ill-equipped to discuss the role of (im-) migration. Not only did Black perspectives fall outside of settler colonialism’s conceptual gaze, so did also, as Iyko Day argues, Asian immigrants and contemporary forms of migration.²⁴⁸ Day criticizes “[...] the notion that settler colonial power is exercised through discrete paradigms of land expropriation and labor exploitation”²⁴⁹.

Not only does this arbitrarily excise of settler colonial contexts of Indigenous land theft and labor exploitation on the African continent, this bifurcation of land and labor discounts the deeply entangled coordinates of racial and colonial dispossession.²⁵⁰

In a landmark critique of settler colonial studies, Tiffany Lethabo King complained that the concept had primarily been appropriated by white, male researchers and that it structurally failed to reckon with the complex relationships between Indigenous and Black histories in the transatlantic.²⁵¹ Therefore, King suggests reducing attention to the settler colonial studies infused with the logics

²⁴⁴ Robin D. G. Kelley, "The Rest of Us: Rethinking Settler and Native," *American Quarterly* 69, no. 2 (2017): 268.

²⁴⁵ *Ibid.*, 269.

²⁴⁶ Wolfe wrote, the “[...] role that colonialism has assigned to Indigenous people is to disappear. By contrast, though slavery meant the giving up of Africa, Black Americans were primarily colonised for their labour rather than for their land”, in: Wolfe, *Traces of History: Elementary Structures of Race*, 2. See also, Justin Leroy, "Black History in Occupied Territory: On the Entanglements of Slavery and Settler Colonialism," *Theory & Event* 19, no. 4 (2016).

²⁴⁷ Jodi A. Byrd, "Weather with You: Settler Colonialism, Antiracism, and the Grounded Relationalities of Resistance," *Critical Ethnic Studies* 5, no. 1-2 (2019): 209. For an afropessimist rejection of settler colonial studies, see, Jared Sexton, "The Vel of Slavery: Tracking the Figure of the Unsovereign," *Critical Sociology* 42, no. 4-5 (2016).

²⁴⁸ See, Juliana Hu Pegues, "Rethinking Relations: Interracial Intimacies of Asian Men and Native Women in Alaskan Canneries," *Interventions: International Journal of Postcolonial Studies* 15, no. 1 (2013): 57-58; Iyko Day, "Being or Nothingness: Indigeneity, Antiracism, and Settler Colonial Critique," *Critical Ethnic Studies* 1, no. 2 (2015): 105-07.

²⁴⁹ "On Immanence and Indeterminacy: Black Feminism and Settler Colonialism," *Environment and Planning D: Society and Space* 39, no. 1 (2021): 5.

²⁵⁰ *Ibid.*, 5, *emph. in original*.

²⁵¹ See, Tiffany Lethabo King, "New World Grammar: The 'Unthought' Black Discourses of Conquest," *Theory & Event* 19, no. 4 (2016); "Some Black Feminist Notes on Native Feminisms and the Flesh," *Environment and Planning D: Society and Space* 31, no. 1 (2021): 11-12. For a brief introduction to the core dimensions of King’s approach differing from the framework of settler colonial studies, see, *The Black Shoals: Offshore Formations of Black and Native Studies* (Durham; London: Duke University Press, 2019), 11-15.

of elimination; “[...] Black discourses of conquest”, King writes, “fill the gaps of Blackness that currently vex and confound white settler colonial studies”²⁵².

For historians, the concept of settler colonialism proves particularly challenging, because it reintroduces a teleological model of historical progress that appears *structurally similar* to the Turnerian frontier, yet *normatively opposed*.²⁵³ Confronted with ongoing invasion, Indigenous nations are perceived to be doomed to vanish through acts of physical violence as well as through absorption and assimilation. Ned Blackhawk warns about the shortcomings—both epistemologically and politically—when interpreting historical processes and contemporary political struggles in accordance with the *telos* underlying Wolfe’s logic of elimination which “[...] foregrounds Indigenous ‘elimination’ as the defining aspect of Native American history and minimizes the extent of Indigenous power and agency”²⁵⁴.²⁵⁵

(4) In addition, Allan Greer complained that its exclusive focus on notions of ‘settlement’ and the formation of exclusive title to landed property ultimately fails to acknowledge not only fundamental differences between colonial strategies—say, between French and English strategies of colonization in North America in the 17th and 18th centuries—but, consequently, fails to recognize the effects that these differing strategies were having, the practices that they enabled or foreclosed, and the complexities of the counterstrategies that they encountered.²⁵⁶ “The European invasion of America was extensive”, warned Greer, “and variegated; settler colonies were but one dimension of the larger process [of empire-building] and, until the nineteenth century, not the most

²⁵² “New World Grammar: The ‘Unthought’ Black Discourses of Conquest.”

²⁵³ In fact, Patrick Wolfe embraced the structural foundations of the Turnerian frontier while rejecting its empirical implications. “For all its empirical inadequacy, the concept of the frontier has the virtue of expressing the protean fact of a historical coming together of societies that had previously been mutually discrete. Prior to a certain point or points, their separateness had been unqualified. In our theoretical enthusiasm at the complexities, hybridities and transgressions that the study of frontiers opens up, therefore, we should not lose sight of the fact that, for all the holes and inconsistencies in the concept, its primary referent is stable enough. Behind all the indeterminacy, the frontier is a way of talking about the historical process of territorial invasion—a cumulative depredation through which outsiders recurrently advance on Natives in order to take their place. Go back far enough, in other words, and there can be no disputing the existence of an unqualified empirical binarism. The question is not, therefore, one of the ground for binarism, but one of where and when – if at all – the originary binarism became dissolved or transcended. Significantly, scholars of the doctrine of discovery have not questioned the polarity of Natives and Europeans, so we can take it that the requisite historical rupture—assuming it occurred—was postponed for some centuries in the wake of Columbus”, cit. in: Wolfe, “Recuperating Binarism: A Heretical Introduction,” 257.

²⁵⁴ Blackhawk, *The Rediscovery of America: Native Peoples and the Unmaking of U.S. History*, 5.

²⁵⁵ It should be noted, however, that, according to Jane Carey, these theoretical caveats have been addressed continuously and as early as 1997; see, Carey, “On Hope and Resignation: Conflicting Visions of Settler Colonial Studies and Its Future as a Field,” 26-27. See also, e.g., Jeffrey Sissons, “Elimination or Exclusion? Strategic Discontinuity in the Post-Mabo Era,” *Social Analysis: The International Journal of Anthropology* 41, no. 2 (1997); Kēhaulani J. Kauanui, *Paradoxes of Hawaiian Sovereignty: Land, Sex, and the Colonial Politics of State Nationalism* (Durham; London: Duke University Press, 2018).

²⁵⁶ See, Greer, “Settler Colonialism and Empire in Early America,” 387-88; “Settler Colonialism and Beyond.” A similar critique has been produced in relation to the application of settler colonial studies in studies of borderlands by Samuel Truett; see, Samuel Truett, “Settler Colonialism and the Borderlands of Early America,” *The William and Mary Quarterly* 76, no. 3 (2019).

significant”²⁵⁷. Greer also argued that while the concept of settler colonialism “[...] has a great deal to offer anyone trying to understand the present and the past of a country such as Canada”²⁵⁸, the one-sided focus on the primacy of settlement effectively means that other forms of conquest—and particularly the interrelation between conquest and extraction—are lost from view.²⁵⁹ Others have joined calls for an increasing awareness for the versatility of settler colonialist-capitalist social formations.²⁶⁰ “Settler colonial histories, conditions, practices, and logics of dispossession and power”, note Manu Vimalassery, Juliana Hu Pegues, and Alyosha Goldstein, for example, “must necessarily be understood as relationally constituted to other modes of imperialism, racial capitalism, and historical formations of social difference”²⁶¹. Settler colonial studies’ focus on settlement asks for a critical assessment of the extent to which “[...] ‘settler colonialism’ has come to stand in for other types of colonial activity [...]”²⁶². Foregrounding the permanence of settlement and, more specifically, the significance of agriculture provokes questions about the operational logics of settler colonization in regions such as the Yukon riverlands characterized by dramatic population dynamics and by the absence of large-scale, industrial agriculture.²⁶³ I argue that the concept of settler colonialism with its emphasis on the teleology of elimination and its agrarian, terra-centric focus fails to accommodate the ambivalences of conquest prevalent in the Yukon riverlands at the turn of the century. Although explicitly drafted as an analytic inspired by Karl Marx’ writings, the concept curiously lacks nuance in approaching the relationship between capital and conquest, and between state bureaucracies, law, and the material particularities of northern landscapes.²⁶⁴

²⁵⁷ Greer, "Settler Colonialism and Empire in Early America," 388.

²⁵⁸ "Settler Colonialism and Beyond," 63.

²⁵⁹ Ibid., 74-78.

²⁶⁰ At this point, I follow David Harvey’s useful distinction between ‘capitalist modes of production’, the formal model of how capitalism developed and how it operates, and ‘capitalist social formations’, the historically particular social realization of capitalism; see, Harvey, *The Limits to Capital*, 25-26.

²⁶¹ Manu Vimalassery, Juliana Hu Pegues, and Alyosha Goldstein, "Introduction: On Colonial Unknowing," *Theory & Event* 19, no. 4 (2016).

²⁶² Bathsheba Demuth, EMail, 05-06-2024 2024.

²⁶³ See, Piper and Sandlos, "A Broken Frontier: Ecological Imperialism in the Canadian North," 775-81. "Of itself, however, modernity cannot explain the insatiable dynamic whereby settler colonialism always needs more land. The answer that springs most readily to mind is agriculture, though it is not necessarily the only one. The whole range of primary sectors can motivate the project. In addition to agriculture, therefore, we should think in terms of forestry, fishing, pastoralism and mining (the last straw for the Cherokee was the discovery of gold on their land). With the exception of agriculture, however (and, for some peoples, pastoralism), none of these is sufficient in itself. You cannot eat lumber or gold; fishing for the world market requires canneries. Moreover, sooner or later, miners move on, while forests and fish become exhausted or need to be farmed. Agriculture not only supports the other sectors. It is inherently sedentary and, therefore, permanent. In contrast to extractive industries, which rely on what just happens to be there, agriculture is a rational means/end calculus that is geared to vouchsafing its own reproduction, generating capital that projects into a future where it repeats itself (hence the farmer’s dread of being reduced to eating seed stock)”; in: Wolfe, "Settler Colonialism and the Elimination of the Native," 395.

²⁶⁴ For a thorough discussion of Marxist legacies and postcolonial theory by Patrick Wolfe, see, "History and Imperialism: A Century of Theory, from Marx to Postcolonialism," *The American Historical Review* 102, no. 2 (1997).

4.2 Logics of Exclusion: Bringing Capitalism Back In

Here, it is useful to examine Glen S. Coulthard's position towards settler colonialism in more detail, because, at first glance, it seems as if the author presents an essentially similar understanding of the relationship between capitalism and settler colonialism as Patrick Wolfe: both authors focused attention on land, both turned to Marx' model of primitive accumulation. There are some substantial difference, however, that help clarify what I understand as the settler colonial capitalist state. First, Coulthard "[...] conceptualize[s] settler colonialism as a structure of domination that is partly predicated on the ongoing dispossession of Indigenous peoples' lands and the forms of political authority and jurisdiction that govern our relationship to these lands"²⁶⁵. In his critique of late liberal politics of recognition²⁶⁶, Coulthard describes the relationship between state institutions, capitalism, and conquest,

Although the state no longer requires the formal 'extinguishment' of Aboriginal rights as a precondition to reaching an agreement [in the era of late liberalism], the purpose of the process has remained the same: to facilitate the 'incorporation' of Indigenous people and territories into the

²⁶⁵ Glen Sean Coulthard and Leanne Betasamosake Simpson, "Grounded Normativity / Place-Based Solidarity," *American Quarterly* 68, no. 2 (2016): 251.

²⁶⁶ The term 'late liberal politics of recognition' relates to the interventions by anthropologist Elizabeth A. Povinelli who, in retrospect, remarked: "[...] late liberalism refers to a period stretching from the 1950s into the loosely defined present during which liberal nationalisms and their publics reacted to a set of extraordinarily powerful anticolonial, anticapitalist, and new social movements by superficially acknowledging the racist and paternalist foundations of its colonial and imperial practices and instituting explicit or implicit policies of liberal multicultural recognition", cit. in: Elizabeth A. Povinelli, *Between Gaia and Ground: Four Axioms of Existence and the Ancestral Catastrophe of Late Liberalism* (Durham; London: Duke University Press, 2021), 8. See also, "The State of Shame: Australian Multiculturalism and the Crisis of Indigenous Citizenship," *Critical Inquiry* 24, no. 2 (1998); "Settler Modernity and the Quest for an Indigenous Tradition," in *Alternative Modernities*, ed. Dilip Parameshwar Gaonkar (Durham; London: Duke University Press, 2001); *The Cunning of Recognition: Indigenous Alterities and the Making of Australian Multiculturalism* (Durham; London: Duke University Press, 2002), esp. ch. 4. For philosophers such as Charles Taylor or Axel Honneth, 'recognition' constitutes the ontological foundation of the social and political fabric of (liberal) societies; see, Charles Taylor, "The Politics of Recognition," in *Multiculturalism: Examining the Politics of Recognition*, ed. Amy Gutmann (Princeton: Princeton University Press, 1994), 61-73. In recourse to the writings of Georg Wilhelm Friedrich Hegel characterizes Honneth recognition as a socio-ontological relation with normative implications; see, Axel Honneth, *Kampf Um Anerkennung: Zur Moralischen Grammatik Sozialer Konflikte* (Berlin: Suhrkamp Verlag, 2018), 71-77, 174-79; "Von Der Begierde Zur Anerkennung: Hegels Begründung Von Selbstbewusstsein," in *Das Ich Im Wir: Studien Zur Anerkennungstheorie*, ed. Axel Honneth (Berlin: Suhrkamp Verlag, 2017), 29-31. Given that recognition provides the basis of functional social relations, he argues, political conflicts must be interpreted not only in strictly utilitarian but also in terms of a politics of recognition which ultimately results in a process of continuous social acceptance and liberalization; see, "Die Unhintergebarkeit Des Fortschritts: Kants Bestimmung Des Verhältnisses Von Moral Und Geschichte," in *Pathologien Der Vernunft: Geschichte Und Gegenwart Der Kritischen Theorie*, ed. Axel Honneth (Frankfurt a.M.: Suhrkamp Verlag, 2016), 20-25; *Kampf Um Anerkennung: Zur Moralischen Grammatik Sozialer Konflikte*, 264-66. Therefore, for Honneth, the systematic analysis of structures of disrespect and infringement constitute objects of normative critique not from the standpoint of socially transcendent but immanent values and norms that prove structurally dysfunctional; see, "Eine Soziale Pathologie Der Vernunft: Zur Intellektuellen Erbschaft Der Kritischen Theorie," 40-49; Rahel Jaeggi, "Was Ist Ideologiekritik?," in *Was Ist Kritik?*, ed. Rahel Jaeggi and Tilo Wesche (Berlin: Suhrkamp Verlag, 2019), 286-90; *Fortschritt Und Regression* (Berlin: Suhrkamp Verlag, 2023), 191-99. For a critique of Honneth's theory of recognition, see, e.g., Amy Allen, *The End of Progress: Decolonizing the Normative Foundations of Critical Theory* (New York: Columbia University Press, 2016); Nancy Fraser, "Anerkennung Bis Zur Unkenntlichkeit Verzerzt: Eine Erwiderung Auf Axel Honneth," in *Anerkennung Oder Umverteilung? Eine Politisch-Philosophische Kontroverse*, ed. Nancy Fraser and Axel Honneth (Frankfurt a.M.: Suhrkamp Verlag, 2017); Kristina Lepold, *Ambivalente Anerkennung* (Frankfurt a.M.; New York: Campus Verlag, 2021).

capitalist mode of production and to ensure that alternative ‘socioeconomic visions’ do not threaten the desired functioning of the market economy.²⁶⁷

Rather than treating Indigenous labor as an exception to the structure of settler colonialism, Coulthard—closer in accordance with the notion of ‘accumulation by dispossession’—argues that Indigenous dispossession, capitalist modes of production, and liberal policies of recognition must be understood as a functional relationship.²⁶⁸ I follow Coulthard in his demand for a less rigid and more comprehensive consideration of the interplay between land, labor, and capital. Unlike Wolfe, Coulthard understood settler colonialism less as a structure but “[...] settler colonial rule as a form

²⁶⁷ Glen Sean Coulthard, *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition* (Minneapolis; London: University of Minnesota Press, 2014), 66.

²⁶⁸ See, *ibid.*, 53-66, 170-73. For Wolfe, the logics of elimination constitute the core of the expansion of capitalist modes of production as well as capitalist social formations through the establishment of plantations on lands which had previously been inhabited by Indigenous nations. However, Wolfe’s sharp distinction between land and labor struggles with the complex interplay between land, labor, and capital. David Harvey’s notion of ‘accumulation by dispossession’ appears as a possible venue to complicate Wolfe’s theorization; see, e.g., Gillian Hart, “Denaturalizing Dispossession: Ethnography in the Age of Resurgent Imperialism,” *Antipode* 38, no. 5 (2006); Henry Veltmeyer and Arturo Ezquerro-Cañete, “Agro-Extractivism,” *The Journal of Peasant Studies* 50, no. 5 (2023). Essentially, Harvey suggests that the expansion of capitalist modes of production and the formation of imperial powers were both reactions to a contradiction inherent to capitalism itself. According to Harvey, profits generated by creating the proletariat did quickly outpace domestic options for reinvestment, simply because workers and their families were, due to low wages, unable to consume enough products to economically counterbalance the sharp increase in industrial productivity. Underconsumption then leads to overaccumulation and an inhibition of (re-) investments. In that moment, Harvey argues, capitalists seek to invest their profits in foreign, often highly speculative schemes “[...] based upon predation, fraud, and violence [...]” constituting a mode of accumulation he defines as “[...] accumulation by dispossession [...]”, both *cit. in*: David Harvey, *The New Imperialism* (Oxford; New York: Oxford University Press, 2005), 144. “What accumulation by dispossession does”, he notes, “is to release a set of assets (including labour power) at very low (and in some cases zero) costs. Overaccumulated capital can seize hold of such assets and immediately turn them into profitable use”, *cit. in*: *ibid.*, 149. “The implication is that non-capitalist territories should be forced open not only to trade (which could be helpful) but also to permit capital to invest in profitable ventures using cheaper labour power, raw materials, low-cost land, and the like. The general thrust of any capitalistic logic of power is not that territories should be held back from capitalist development, but that they should be continuously opened up”, *cit. in*: *ibid.*, 139. According to David Harvey, the interlocking relation between capitalism and conquest results from “[...] the inability to find any internal solution to the chronic problem of overaccumulation of capital [...]” within the capitalist-colonialist states themselves; *cit. in*: *ibid.*, 180. Thus, colonial violence appears not as an unintended byproduct but as a necessary consequence (logically and temporally) of the internal logics of capital accumulation. While Harvey—unlike Wolfe—rightfully insists on the triangular relationship between land, labor, and capital, his concept ironically fails to address the importance of the development of the financial and banking system. His overemphasis on what he deemed the root cause of capitalist expansion ignores the fact that the expansion of early modern capitalism in the form of plantations cannot be simply rendered a consequence of planters seeking to reinvest profits accumulated through overproduction and underconsumption. As Sven Beckert observed, violence and dispossession were central features of early modern capitalist expansion not because of the interplay between overaccumulation and underconsumption—a dynamics that, curiously, reminds of Thomas More’s famous depiction of colonial expansion—but because of the development of financial instruments such as credit, investment, and insurance, and of a profound shift in the understanding of time and sociality; see, Sven Beckert, *Empire of Cotton: A New History of Global Capitalism* (New York: Penguin Books, 2015), esp. ch. 4, ch. 5. In Harvey’s model, credit and investment are treated as mere expressions of class struggles and relegated a secondary role in the historical development of capitalism and its inherent violent features. Stripped of the underlying, inflexible structural dynamic between underconsumption and overaccumulation, however, David Harvey’s theoretical intervention still effectively demonstrates that “[...] racial subordination materialized along with class differentiation and inequality as a building block of the capitalist social formation through an association of whiteness with property, citizenship, wages, and credit, along with the reproduction of surplus and super-exploited populations through openly coercive capitalist accumulation by dispossession”, *cit. in*: Nikhil Pal Singh, “On Race, Violence, and ‘So-Called Primitive Accumulation’,” in *Futures of Black Radicalism*, ed. Gaye Theresa Johnson and Alex Lubin (London; New York: Verso, 2017), 44.

of *governmentality* [...]”²⁶⁹, a particular form of statecrafting.²⁷⁰ In an important conceptual addition, Iyko Day described the phenomenon of what she called “[...] settler colonial capitalism [...]”²⁷¹ as the result of the interplay of two differing logics: logics of elimination and logics of exclusion.

While a logic of elimination functions to increase white property through the decimation of Indigenous populations who stand in the way of territorial expansion, a logic of exclusion serves industrial capitalism by furnishing a vulnerable labor force whose existence could be managed at the border.²⁷²

An expansive frontier of settlement, Day suggests, decimates rather than annihilates Indigenous nations and enabling the extraction of resources through claims to property. Borders serve as controllable locks channeling flows of migrants and thus of potential workers into the machinations of nationalized capitalist industries, “[...] conditional to the demands of capital”²⁷³. Capitalist social formations are constituted by the interplay between logics of elimination generating access to land and securing claims to property through Indigenous dispossession, and logics of exclusion creating a capitalist workforce and regulating both the availability of and the access to cheap labor. “A crucial distinction”, writes Iyko Day, “I see in the manifestation of Blackness and Chineseness—between slavery and cheap labor—is the reduction of Chinese labor to a quantitative abstraction. In contrast to the reducibility of Chinese labor to quantitative essence, Black fungibility refers to the expansive, inexhaustible use value of Blackness beyond labor: as source of enjoyment, violent domination, and imaginary projection”²⁷⁴. Thus, conquest rests on and results in the production of a highly differentiated racial hierarchy related, as Cedric Robinson famously argued, to “[...] to the social and historical context of [...] [the] appearance [of capitalism]”²⁷⁵, feudal relations of inequality.²⁷⁶ “The development of capitalism”, Robinson wrote, “can thus be seen as having been determined in form by the social and ideological composition of a civilization that had assumed its fundamental perspectives during feudalism”²⁷⁷.

²⁶⁹ Coulthard, *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition*, 156, emph. in original.

²⁷⁰ See, “From Wards of the Government to Subjects of Recognition? Marx, Indigenous Peoples, and the Politics of Dispossession in Denendeh,” in *Theorizing Native Studies*, ed. Audra Simpson and Andrea Smith (Durham; London: Duke University Press, 2014).

²⁷¹ Iyko Day, *Alien Capital: Asian Racialization and the Logics of Settler Colonial Capitalism* (Durham; London: Duke University Press, 2016), 7.

²⁷² Ibid., 33.

²⁷³ Ibid.

²⁷⁴ Day, “On Immanence and Indeterminacy: Black Feminism and Settler Colonialism,” 4.

²⁷⁵ Robinson, *Black Marxism: The Making of the Black Radical Tradition*, 24.

²⁷⁶ See, Susan Koshy et al., “Introduction,” in *Colonial Racial Capitalism*, ed. Susan Koshy, et al. (Durham; London: Duke University Press, 2022), 1-2.

²⁷⁷ Robinson, *Black Marxism: The Making of the Black Radical Tradition*, 24.

4.3 Logics of Extraction: (Settler Colonial) Capitalism as Process

In recent years, new generations of scholars focused their attention on the significance social inequalities—particularly of slavery—for the development of capitalism, “[...] a set of historically specific social relations, and not merely a compilation of economic institutions [...]”²⁷⁸, and on the temporal dimensions of capitalist formations.²⁷⁹ In contrast to Marx’ works who—very basically—understood capitalism as a social system based on processes of commodification (M-C-M¹) and on the emergence of the structure of wage labor, economists such as Joseph Schumpeter, highlighted the significance of credit and investment.²⁸⁰

Economic sociologist Jens Beckert recently argued that it is through the institutionalization and the proliferation of money in the form of credit that capitalist social formations are constituted.²⁸¹ Credit, Beckert notes, allows to ‘magically’ create “[...]additional money from customer deposits [...]”²⁸². “Banks”, he writes, “issue credits that surpass the reserves they hold, based on the expectation that not all their depositors will reclaim their deposits at the same time”²⁸³. The implementation of law regulating financial obligations and liabilities, and the emergence of state institutions with the ability to enforce the rules that have previously been set, constitute two dimensions in which the state stabilizes capitalist social formations.²⁸⁴ Crucially, it is through the techniques of proliferating financial capital that investments in land, slaves, and machineries were made possible.²⁸⁵ Capital was invested, however, with future expectations; capitalism is thus tied to

²⁷⁸ Campling and Colás, *Capitalism and the Sea: The Maritime Factor in the Making of the Modern World*, 54.

²⁷⁹ For an overview over the various different dimensions of and the multiple paths opened by ‘new histories of capitalism’, see, Sven Beckert and Christine Desan, “Introduction,” in *American Capitalism: New Histories*, ed. Sven Beckert and Christine Desan (New York: Columbia University Press, 2019). Landmark contributions to the field of social inequality and capitalism; see, e.g., Levy, *Freaks of Fortune: The Emerging World of Capitalism and Risk in America*; Thomas Piketty, *Capital in the Twenty-First Century*, trans. Arthur Goldhammer (Cambridge, MA; London: Harvard University Press, 2017). For works discussing the significance of slavery in relation to settler colonial capitalism; see, e.g., Seth Rockman, *Scraping By: Wage Labor, Slavery, and Survival in Early Baltimore* (Baltimore: The Johns Hopkins University Press, 2009); Sven Beckert and Seth Rockman, eds., *Slavery’s Capitalism: A New History of American Economic Development* (Philadelphia: University of Pennsylvania Press, 2016); Vincent Brown, *Tacky’s Revolt: The Story of an Atlantic Slave War* (Cambridge, MA; London: Harvard University Press, 2020); Jennifer L. Morgan, *Reckoning with Slavery: Gender, Kinship, and Capitalism in the Early Black Atlantic* (Durham; London: Duke University Press, 2021).

²⁸⁰ See, Lenger, *Der Preis Der Welt: Eine Globalgeschichte Des Kapitalismus*, 18-19.

²⁸¹ See, Jens Beckert, *Imagined Futures: Fictional Expectations and the Dynamic of Capitalism* (Cambridge, MA; London: Harvard University Press, 2016), 97-102.

²⁸² Ibid., 103.

²⁸³ Ibid.

²⁸⁴ See, *ibid.*, 101-05. It should be noted that the argument fundamentally resembles John Locke’s understanding of the relationship between property and law, money and the state; see, chapter 10.2.

²⁸⁵ In a conversation at the University of Illinois, Urbana-Champaign, in 2019, Ruth Wilson Gilmore explains illustrates the consequences of settler colonial capitalism: “Ruth Wilson Gilmore: To put toxicities that will shorten people’s lives in the places where people’s lives are already shorter. It is an actuarial imagination. You know the first actuarial tables in the United States were developed where? Does anybody know? What workers? Audience Member: Slavery? Ruth Wilson Gilmore: No! Goodness no! The Irish digging the canals in upstate New York! And they actually had the shortest lives, those Irish workers, of anybody, *because they weren’t capital*, which the slaves were. So the Irish were actually living the shortest lives. Yep. That was the foundation for actuarial tables in the antebellum United States”; cit. in:

the emergence of a specific temporal regime. Creditors would be reaping the profits of their investments with interest only after their debtors had successfully established their respective businesses. Imaginaries of potential futures were shaping the present by conditioning investment. Therefore, capitalism, Beckert concluded, must be understood as socio-temporal formation. It is, however, a quintessentially numerical present shaped by futures that, too, are rendered in terms of profit and of loss.²⁸⁶

Capitalism is a socioeconomic system oriented toward the future. With the expansion of competitive markets and the extension of the credit system, actors in the economy are required to shift their attention to the future, which cannot be imagined as a repetitive pattern of events known from the past. To survive in the competitive world of the capital is economy, producers and investors must seek new products, higher productivity, lower costs, new forms of production, and new domains of investment to create ever more value. Freed from the confines of an enforced social hierarchy, consumers feel continuous pressure to assert their social status by acquiring new products and increasing their consumption. Stasis is deadly: it wipes economic actors out of the market and robs consumers of their social position. However it unfolds, the unknown future inevitably involves restless striving. Attempting to create new value is seen as an opportunity to excel, to make profit, and to maintain or improve social status. At the same time, it comes with the risk of economic failure, which is attributed not to fate but to actors' own decisions. The disposition to create novelty, which plays at most a marginal role in traditional societies, is indispensable in capitalism.²⁸⁷

As social 'facts', results of social interactions, futures²⁸⁸ remain uncertain—and it is the interplay between expected futures and the realization of concrete futures that frequently ripple through

Brian Jordan Jefferson et al., "Racial Capitalism Now: A Conversation with Michael Dawson and Ruth Wilson Gilmore," in *Colonial Racial Capitalism*, ed. Susan Koshy, et al. (Durham; London: Duke University Press, 2022), 323, emph. AMW. For additional information about the essential ties between financing and American slavery; see also, Levy, *Ages of American Capitalism: A History of the United States*, 153-64. Once again, the literature discussing the interrelation between settler colonial capitalism and the expansion of Euro-American empires is too vast to adequately summarize. Central recent works are especially, Jan de Vries and Ad van der Woude, *The First Modern Economy: Success, Failure, and Perseverance of the Dutch Economy, 1500-1815* (Cambridge; New York; Melbourne; Madrid; Cape Town; Singapore; Sao Paulo: Cambridge University Press, 1997); Jan Luiten van Zanden, "The 'Revolt of the Early Modernists' and the 'First Modern Economy': An Assessment," *The Economic History Review* 55, no. 4 (2002). A summary of existing scholarship can be found in, Lenger, *Der Preis Der Welt: Eine Globalgeschichte Des Kapitalismus*, pt. 1-3.

²⁸⁶ For the historical emergence of profit, see, Jonathan Levy, "Accounting for Profit and the History of Capital," *Critical Historical Studies* 1, no. 2 (2014). In a recent publication, Sven Beckert examined the consequences of the temporal logics of capitalism for addressing the problem of ecological devastation. Because of its characteristically objectivist temporal logic focused on the short-term maximization of profits, capitalist economies, Beckert argues, prove ill-equipped when confronted with phenomena such as climate change; see, Jens Beckert, *Verkaufte Zukunft: Warum Der Kampf Gegen Den Klimawandel Zu Scheitern Droht* (Berlin: Suhrkamp Verlag, 2024).

²⁸⁷ *Imagined Futures: Fictional Expectations and the Dynamic of Capitalism*, 269.

²⁸⁸ "We are constantly anticipating, expecting, hoping for, and speculating about—and thus living—the future in everyday life", remarked Rebecca Bryant and Daniel M. Knight recently; cit. in: Rebecca Bryant and Daniel M. Knight, *The Anthropology of the Future* (Cambridge; New York; Melbourne; Madrid; Cape Town; Singapore; Sao Paulo: Cambridge University Press, 2019), 192.

capitalist economies in the form of crises and shocks.²⁸⁹ “Crises in capitalism occur”, concludes Beckert, “when expectations shift suddenly, and the future in which actors once believed vanishes, sharply reducing the timeframe to which actors are willing to commit”²⁹⁰.

“Capital”, economic historian Jonathan Levy argues, “is property capitalized—a legal asset assigned a pecuniary value in expectation of its capacity to yield a likely future pecuniary income”²⁹¹. While generally following Jens Beckert’s intervention, for Levy, the temporal dynamics of capitalism should not be solely relegated to the ‘realm of future imaginaries’. Instead, the dynamics of capitalist social formations do also have to contend with the past, i.e., with the historical legacies that constitute wealth, one of the foundations of investment.

Because money and property are historical institutions, because wealth results from the past, because the value of capital always concerns the future, capital can never be fully abstracted from either the past or the future. *Capital is always in process.*²⁹²

In a capitalist economy, a crisis occurs at the moment of standstill, when the process of investment comes to a halt.²⁹³ Instead of investing capital, (potential) investors, state institutions among them, decide to hoard capital resulting in a credit crunch.²⁹⁴

Indeed, this insight helps explain one of the more perplexing features of capitalism: the possible accumulation of wealth and productive capacity alongside the persistence of pecuniary poverty, or what Keynes, during the Great Depression, called the ‘paradox of poverty in the midst of plenty.’ The paradox speaks to the potential gap between accumulated wealth and prospective capital value, which reveals a temporal disjuncture—that wealth results from the past, while capital value results from relating prospective futures back to the present. Keynes said that investment, leading to production, did not just happen because past savings or profits presented themselves as a present fund of investment. Rather, investment in capital goods always depends upon capitalists’ ‘liquidity preference’, or their confidence in the state of ‘long-term expectations’ concerning the likely earning capacity of capital goods, versus their psychological desire to hoard value in the money form, forgoing productive investment. To Keynes, it was ‘liquidity preference’, not the equilibrium

²⁸⁹ While generally in line with Jens Beckert’s arguments, anthropologist Laura Bear provides a slightly different reading of ‘crises’ of capitalist social formations; see, Laura Bear, “Time as Technique,” *Annual Review of Anthropology* 2016, no. 45 (2016); “Anthropological Futures: For a Critical Political Economy of Capitalist Time,” *Social Anthropology/Anthropologie Sociale* 25, no. 2 (2017): esp. 147-51. For additional anthropological perspectives over the temporal dimensions of capitalism; see, e.g., “For Labour: Ajeet’s Accident and the Ethics of Technological Fixes in Time,” *The Journal of the Royal Anthropological Institute* 20, no. S1 (2014); “Capitalist Divination: Popularist Speculators and Technologies of Imagination on the Hooghly River,” *Comparative Studies of South Asia, Africa, and the Middle East* 35, no. 3 (2015).

²⁹⁰ Beckert, *Imagined Futures: Fictional Expectations and the Dynamic of Capitalism*, 272.

²⁹¹ Jonathan Levy, “Capital as Process and the History of Capitalism,” *Business History Review* 91, no. 3 (2017): 494.

²⁹² *Ibid.*, 494, *emph. AMW*.

²⁹³ *Ibid.*, 487.

²⁹⁴ See, Levy, *Ages of American Capitalism: A History of the United States*, xxi-xxvi.

between savings and investment that set the market interest—the baseline for determining the marginal efficiency of capital. Hoarding in this line of thought becomes capitalism's greatest enemy—it ceases the capitalist economic process.²⁹⁵

Together, Beckert and Levy highlight that capitalism functions as a *socio-temporal formation* based on the emergence of credit, investment, and profit, a socio-temporal formation that *intrinsically seeks to stabilize past wealth, the legacies of dispossession and slavery, and to control the realization of potential futures*. To modify the present, as anthropologist Judith Bovensiepen has pointed out, means both modifying the expectations of possible futures and, to the best of abilities, controlling the realization of them.²⁹⁶

At the intersection between pasts and futures is where lands, waters, and even human lives are transformed into capital assets that can then be extracted and consumed, but also multiplied and hoarded.²⁹⁷ The logics of extraction refer “[...] to the forced removal of raw materials and life forms from the earth’s surface, depths, and biosphere”²⁹⁸ for the generation of profit. It is crucial to note that the transformation of human beings into objects for the maximization of profit has been foundational to the emergence of capitalism in the form of plantations and transatlantic slavery.²⁹⁹ As environmental historian Sunil Amrith recently concluded about the development of plantations on the Atlantic island of Madeira,

There was nothing unique about turning expanses of land over to growing a single crop. There was nothing unprecedented in the speed with which the forests of Madeira were razed by new settlers. ‘To exhaust the land’ was the imperative of Chinese provincial governors in Ming and Qing times. But their aim was always to secure food for a growing population. Investors in Portuguese sugar ventures wanted something else—they wanted to *extract maximum profit in the shortest time*. Planters hastened their reward with the terror of the whip and the peril of the boiling house that extracted

²⁹⁵ "Capital as Process and the History of Capitalism," 500.

²⁹⁶ See, Judith Bovensiepen, "Fiat Speech, Fiat Infrastructure: The Semiosis of Anticipatory Transformation in Timor-Leste's Emerging Oil Economy," *American Ethnologist* 51, no. 2 (2024).

²⁹⁷ See, Levy, "Capital as Process and the History of Capitalism," 496-98.

²⁹⁸ Sandro Mezzadra and Brett Neilson, "On the Multiple Frontiers of Extraction: Excavating Contemporary Capitalism," *Cultural Studies* 31, no. 2-3 (2017): 188.

²⁹⁹ "Wenn zur Sklavenzeit Afrika der privilegierte Ort der Förderung und Ausbeutung dieses Erzes war, so war die Plantage in der Neuen Welt der Ort, an dem man es einschmolz, und Europa der Ort seiner Umwandlung in Geld. Dieser Übergang vom *menschlichen Erz* zum *menschlichen Metall* und vom *menschlichen Metall* zum *menschlichen Geld* ist eine strukturierende Dimension des Frühkapitalismus. Die Förderung ist zunächst ein Herausreißen einzelner Menschen aus ihrem Ursprung, eine Trennung vom Ort ihrer Geburt. Sie ist sodann eine Abtragung oder Herauslösung—Voraussetzung dafür, dass das Pressen (ohne das keine Förderung möglich ist) tatsächlich stattfinden kann. Indem man den Sklaven durch das Walzwerk presst, um möglichst großen Gewinn aus ihm herauszupressen, verwandelt man nicht nur ein Lebewesen in ein Objekt. [...] Man produziert [...] das Rassensubjekt oder auch die Gestalt dessen, was man auf Distanz halten kann—und dessen man sich entledigt, wenn es nicht mehr von Nutzen ist", cit. in: Achille Mbembe, *Kritik Der Schwarzen Vernunft*, trans. Michael Bischoff (Berlin: Suhrkamp Verlag, 2016), 84-84, emph. in original.

sugar syrup from cane. Madeira inaugurated a new form of cultivation for the rapid gain of distant investors.³⁰⁰

Likewise, Benjamin C. Fash, while missing the centrality of temporality, noted, “[...] an ‘extractivism’ refers to an appropriation that intensively removes and exports large volumes of (nearly) unprocessed natural resources”³⁰¹. However, a perspective focused exclusively on the export of raw materials misses out on the relationships of extractive practices that can neither be reduced to an ‘export-only’-label nor to a gradually expanded version of it; in other words, extractivism “[...] involves not only the substance’s coercion from the earth but also practices of transportation, storage, sorting, and grading”³⁰². Thus, the logics of extraction also affect “[...] myriad businesses [...]”³⁰³ that, at first glance, may seem only distantly related to mines or plantations, butchers and fishermen, for example, whose businesses still are “[...] based on the internal circulation of capital, money, and goods”³⁰⁴.

The “[...] territorial advance [of extractivism] would be impossible without specific forms of political violence upon the lands to make them ‘available’, a condition that is in no way *natural*”³⁰⁵. *Logics of extraction* thus add a temporal dimension to the interplay between logics of elimination and logics of exclusion. Extracting (exportable) commodities such as silver or sugar requires substantial investments in violence: violence directed towards those inhabiting the land (logics of elimination), violence directed towards those working the land (logics of exclusion), violence directed towards the land itself (logics of extraction). How these logics intertwine is best captured by the deeply impactful description of the extraction of silver from Potosí in the 16th and 17th centuries,

Silver miners worked in open pits and down shafts cut at steep angles into the hillside—they were Quechua and Aymara speakers from the arid *puna*, and enslaved Africans, brought by the Spanish through Brazil and Argentina. Miners labored with hammers and pickaxes wrought of imported Basque iron. Mine shafts collapsed all too regularly, crushing workers or maiming them. At first, many mines were in native hands. They smelted ore with *guairas*—furnaces driven by wind, powered by what was easily to hand: llama dung, the *yareta* plant, or charcoal. Indigenous owners participated in the boom at first, but they were edged out by European claim-owners and absentee landlords. Guairas gave way to bellows furnaces, share work to wage labor. [...] Mining the ore was just the

³⁰⁰ Sunil Amrith, *The Burning Earth: A History* (New York; London: W.W. Norton & Company, 2024), 72-73, emph. AMW.

³⁰¹ Benjamin C. Fash, "Redefining Extractivism from Honduras," *Geoforum* 2022, no. 135 (2022): 40.

³⁰² Mezzadra and Neilson, "On the Multiple Frontiers of Extraction: Excavating Contemporary Capitalism," 190.

³⁰³ Verónica Gago, "Financialization of Popular Life and the Extractive Operations of Capital: A Perspective from Argentina," *The South Atlantic Quarterly* 114, no. 1 (2015): 22.

³⁰⁴ Ibid. See also, Verónica Gago, "Extractivism," ed. Beverley Skeggs, et al., *The SAGE Handbook of Marxism* (London: SAGE Publications Ltd, 2022), <https://sk.sagepub.com/reference/the-sage-handbook-of-marxism>.

³⁰⁵ Gago and Mezzadra, "A Critique of the Extractive Operations of Capital: Toward an Expanded Concept of Extractivism," 577, emph. in original.

beginning. In the 1550s, a Seville merchant named Bartolomé de Medina devised a way to extract pure silver from ore using mercury as a reagent. Medina's technique showed promise but supplies of mercury were hard to find; at first it had to be shipped from Spain, as the most volatile and toxic of cargoes. A decade later, enormous deposits of the vermilion sulfide ore known as cinnabar—from which liquid mercury is extracted, burned off, and condensed—were found in Huancavelica, in Peru's southern highlands, eight hundred miles across forbidding mountains from Potosí. Workers called Huancavelica *la mina de la muerte*—the mine of death. The labor draft brought thousands of men to the mercury mines: groups of 'fifty or one hundred, chained up like criminals with branches and shackles of iron'. The roads were 'so covered' with people, one Spaniard observed, that it seemed to him that 'the kingdom was moving'. Metallic mercury is the most toxic of substances. As the wind carried mercury vapor from the refineries, it seeped into water bodies, into the bodies of fish and animals, into the clothes people wore. Mercury poisoning causes tremors and headaches; it robs people of sleep, makes their muscles twitch, disorients them and confuses their senses. The workers of Huancavelica, and those at the ore-crushing mills of Potosí, ingested the poison through their skin, in their breath and food and water.³⁰⁶

Extracted from what is today the Plurinational State of Bolivia, the silver was exported by European merchants not only to Europe but, to an even larger degree, to China and India to stabilize local currencies. In India, Europeans exchanged silver for cotton cloth which was then used to acquire slaves on the shores of western Africa who were transported to the mines and to the plantations of the transatlantic.³⁰⁷ This integrated system of violence and conquest that historian Sven Beckert has called "[...] war capitalism [...]"³⁰⁸, was rooted not in 'mastering' waves and winds, let alone forests and mountain ranges which, much to the annoyance of merchants and investors, it never fully accomplished.³⁰⁹ It was based on the hubris that time is literally 'the other', an objectifiable dimension of human existence that must be modified for the extraction of profit.³¹⁰

The emergence of settler colonial capitalism—the interplay between logics of elimination, exclusion, and extraction—results in foreclosing possible futures, as Indigenous scholar Max Liboiron has argued.

³⁰⁶ Amrith, *The Burning Earth: A History*, 45-47, emph. in original.

³⁰⁷ See, Beckert, *Empire of Cotton: A New History of Global Capitalism*, 35-37; David Abulafia, *The Boundless Ocean: A Human History of the Oceans* (New York: Penguin Books, 2020), 624-25; Lenger, *Der Preis Der Welt: Eine Globalgeschichte Des Kapitalismus*, 52-58; Amrith, *The Burning Earth: A History*, 48-49, 58-60, 64-65, 70-71. Until today, some still underestimate the global dimensions of what *strictu sensu* is inappropriately called the 'transatlantic slave trade'; see, e.g., Wolfgang Behringer, *Der Große Aufbruch: Globalgeschichte Der Frühen Neuzeit* (Munich: C.H. Beck, 2023), 554-65.

³⁰⁸ Beckert, *Empire of Cotton: A New History of Global Capitalism*, 52.

³⁰⁹ See, Campling and Colás, *Capitalism and the Sea: The Maritime Factor in the Making of the Modern World*, 63-66.

³¹⁰ See, Laura Bear, "Doubt, Conflict, Mediation: The Anthropology of Modern Time," *The Journal of the Royal Anthropological Institute* 20, no. S1 (2014): 17-20.

The temporality of Resource is anticipatory—it makes and even aims to guarantee colonial futures. Crucial to this temporality is the belief that this future can be chosen and that the present can be directed toward it via management practices. As such, Resources eclipse other possible relations with Land both now and in the future. The future is reserved for settler goals, colonized in advance. The landscape cannot support other relations, activities, or futures that might interfere with future use. If a river is for waste assimilation, it can only be a fishing spot if those activities do not preclude its role as a sink.³¹¹

Specific landscapes and peoples were singled out to fulfill the destructive demands of settler colonial capitalism. For that reason, neither risk nor disaster are distributed spatially or socially evenly. Traci Brynne Voyles has coined the term “[w]astelanding [...]”³¹² to refer to “[...] a fully colonial project of rendering resources extractable and lands and bodies pollutable [...]”³¹³, thus a praxis of rendering landscapes and their inhabitants, human and more-than-human alike, as expendable zones of extensive resource extraction or as spaces of waste disposal without consideration of social and environmental impacts.³¹⁴ Thus, approaching settler colonialist-capitalist statecrafting in the Yukon riverlands demands simultaneous attention to dispossession and exploitation, extraction and accumulation. Glen S. Coulthard characterizes this transition as “[...] a reorientation of Indigenous struggle for one that was once deeply *informed* by the land as a system of reciprocal relations and obligations (grounded normativity) [...] to a struggle that is now increasingly *for* the land, understood now as material resource to be exploited in the capital accumulation process”³¹⁵.



The story presented here is a story about “[...] the instability of empire”³¹⁶ rather than its omnipotence. It is a story about a region where “[t]he power of foreign states leapfrogged from

³¹¹ Max Liboiron, *Pollution Is Colonialism* (Durham; London: Duke University Press, 2021), 65.

³¹² Traci Brynne Voyles, *Wastelanding: Legacies of Uranium Mining in Navajo Country* (Minneapolis; London: University of Minnesota Press, 2015), 24.

³¹³ Ibid.

³¹⁴ In Arizona, for example, the emergence of Phoenix’ suburbia in the 1950s was enabled by the establishment of an energy infrastructure producing cheap electric energy in coal-based power plants placed on Navajo lands and fueled by coal mines which, too, were mining Navajo territories. Thus, Navajo country, predominantly associated with the equally unsettling histories of uranium mining, suffered from exposition not only to nuclear wastes but also to extensive amounts of coal dust and ashes complementing the transformation of traditional lands into mining grounds; see, Andrew Needham, *Power Lines: Phoenix and the Making of the Modern Southwest* (Princeton; Oxford: Princeton University Press, 2014). See also, Dana E. Powell, *Landscapes of Power: Politics of Energy in the Navajo Nation* (Durham; London: Duke University Press, 2018); Andrew Curley, “Infrastructures as Colonial Beachheads: The Central Arizona Project and the Taking of Navajo Resources,” *Environment and Planning D: Society and Space* 39, no. 3 (2021).

³¹⁵ Coulthard, *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition*, 78, emph. in original.

³¹⁶ Truett, “Settler Colonialism and the Borderlands of Early America,” 439.

one settler node to the next [...]”³¹⁷. Ann L. Stoler warns against what she calls “[...] tacit notions that inform colonial studies get[ting] in the way of understanding the contemporary situation”³¹⁸:

One has been the fixation on empires as clearly-bounded geopolities, as if the color-coded school maps of a clearly-marked British empire, designed and traced with linear precision, were renderings of real distinctions and firmly fixed divisions. [...] *Imperial formations have never been ‘steady states’ in any sense of the phrase. They are not securely bounded and are not firmly entrenched, neither regular nor well regulated. Imperial formations are what the term suggests, states of becoming rather than being, macropolities in constant formation.*³¹⁹

Foregrounding settler colonial *capitalism* rather than settler colonialism means rejecting the teleological assumptions inherent to Wolfe’s model of settler colonization and its binary reductionism (event/structure, settler/native, land/labor).³²⁰ While in some cases, logics of elimination were mobilized by colonial officials to eradicate traces of Indigenous presence in everyday practices and archival records, in other instances logics of exclusion were utilized to protect the strategic imperative of settler colonial capitalism in the Yukon riverlands: the extraction of resources. *Together with the logics of extraction, the interplay between logics of elimination and logics of exclusion constituted the operational features of imperial state formation in the riverlands.* The specificities and the dynamics of settlement in the Yukon riverlands, of population shifts and displacement, the emergence of mining rather than industrial agriculture, and the material conditions of the riverlands themselves were not simply subjected to the control of states and their bureaucratic institutions. More often than expected, colonial officials, almost obsessed with the costs of colonial government and with meagre revenues, found themselves mitigating the environmental repercussions of resource extraction and of the profound transformations of the landscape. Continuous attempts at making future profits possible defined the normative matrix underlying practices of statecrafting and bordering in the Yukon riverlands. The state emerged as an *aspiration* rather than an omnipotent apparatus, as a *project* rather than a blunt fact, and as a *claim* to potential futures rather than a comprehensive administrator of the present. Disappointment and frustration were omnipresent reflexes of the affective dimensions of settler colonialist-capitalist statecrafting; administering the extraction of resources across the border caused various heads aching.

In sum, to paraphrase and reverse Marx, under capitalism it is not so much the past but the future that weighs on the brains of the living—and, often enough, just like a nightmare. That is perhaps capitalism’s greatest transformation: to order present economic action toward an uncertain future,

³¹⁷ Ibid.

³¹⁸ Ann Laura Stoler, "On Degrees of Imperial Sovereignty," *Public Culture* 18, no. 1 (2006): 135.

³¹⁹ Ibid., 135-36, emph. AMW.

³²⁰ See, Day, *Alien Capital: Asian Racialization and the Logics of Settler Colonial Capitalism*, 19.

as opposed to the mere replication of the economic past (the dominant temporal order of precapitalist economic life).³²¹

5. AGAINST FINALITY: STATECRAFTING AND THE PROBLEMS OF SETTLER COLONIALIST-CAPITALIST STATES

5.1 *Modern Statecraft*

One of the central concerns of modern statecraft, argued philosopher Michel Foucault, relates to the concept of the population, “[...] das Konzept der ‘Bevölkerung’”³²². Rather than a natural phenomenon, Foucault insists that populations correlate with specific types of power relations. “Die Bio-Politik”, he lectured in 1976, “hat es mit dem Problem der Bevölkerung, mit der Bevölkerung als politischem Problem, als zugleich wissenschaftlichem und politischem Problem, als biologischem und Machtproblem zu tun [...]”³²³. The emergence of the problem of population, he later specified, was related to the emergence of statecraft and the transformation of a regime of power which had previously been focused, almost obsessed with the problems of territoriality and sovereignty. Rather than focusing on the control of a territory ruled by a sovereign hegemon, statecraft shifted attention to phenomena such as economic prosperity or public health. “Vom Mittelalter bis zum 16. Jahrhundert”, Foucault lectured in 1977, “wird die Souveränität im öffentlichen Recht nicht über die Dinge, sondern zunächst über ein Territorium und folglich über die Untertanen ausgeübt, die es bewohnen”³²⁴. During the 17th and 18th centuries, this territorially-obsessed rationale of government changed drastically,

[...] das, worauf sich das Regieren bezieht, [ist] nicht das Territorium [...], sondern eine Art aus den Menschen und den Dingen gebildeter Komplex. Das heißt überdies, diese Dinge, deren die Regierung sich annehmen muss, [...] sind die Menschen, die Menschen jedoch in ihren Beziehungen, ihren Bindungen und ihren Verflechtungen mit jenen Dingen, also den Reichtümern, den Ressourcen und ihrer Subsistenz, gewiss auch dem Territorium in seinen Grenzen, mit seiner Beschaffenheit, seinem Klima, seiner Trockenheit, seiner Fruchtbarkeit. Es sind die Menschen in ihren Beziehungen zu jenen anderen Dingen wie den Sitten, den Gepflogenheiten, den Handlungs- oder Denkweisen. Und es sind schließlich die Menschen in ihren Beziehungen zu jenen weiteren anderen Dingen, den möglichen Unfällen oder Unglücken wie Hungersnot, Epidemien, Tod.³²⁵

³²¹ Levy, "Capital as Process and the History of Capitalism," 500.

³²² Michel Foucault, *In Verteidigung Der Gesellschaft: Vorlesungen Am Collège De France, 1975-1976*, trans. Michaela Ott (Frankfurt a.M.: Suhrkamp Verlag, 2004), 289.

³²³ Ibid.

³²⁴ Michel Foucault, *Sicherheit, Territorium, Bevölkerung: Vorlesungen Am Collège De France, 1977-1978*, ed. Michel Sennelart, trans. Claudia Brede-Konersmann and Jürgen Schröder, vol. Geschichte der Gouvernementalität, Band 1 (Frankfurt a.M.: Suhrkamp Verlag, 2006), 146.

³²⁵ Ibid.

Thus, the emergence of modern statecraft is accompanied by a relativist agenda of political goals. In contrast to the pre-modern hegemon, modern statecraft is interested in achieving optimal results for problems previously identified. State intervention is based on the principle of an ‘optimization’ rather than merely subjecting, well, subjects to the whims of sovereigns.

[...] um diese verschiedenen Finalitäten durchzusetzen, ordnet man Dinge an. Dieses Wort ‘anordnen’ ist wichtig, den bei der Souveränität war es das Gesetz selbst, welches erlaubte, das Ziel der Souveränität, nämlich den Gehorsam gegenüber den Gesetzen durchzusetzen. Gesetz und Souveränität waren also überhaupt nicht voneinander zu trennen. Es geht also im Gegenteil nicht darum, den Menschen ein Gesetz aufzuerlegen, es geht darum, Dinge anzuordnen, das heißt eher Taktiken als Gesetze oder allenfalls Gesetze als Taktiken einzusetzen und es durch eine bestimmte Anzahl von Mitteln so einzurichten, dass dieses oder jenes Ziel erreicht werden kann.³²⁶

“Nicht das Recht, zu töten”, noted Foucault, “nicht das Recht, seine Stärke geltend zu machen, darf das Wesentliche einer Führungsperson sein”³²⁷. A statesman is qualified by his knowledge of ‘these things’, “[...] der Dinge, der Zielobjekte, die man erreichen kann, die man so einrichten muss, damit sie erreicht werden können, die ‘Anordnung’, die man verwenden muss, um sie einzurichten [...]”³²⁸. Instead of the power of the sovereign or territoriality in and of itself, it is the specter of population that begins to haunt modern statecraft.

Eher als die Macht des Souveräns erscheint die Bevölkerung also als Ziel und Instrument der Regierung. [...] Das Interesse als Bewusstsein jedes einzelnen Individuums, das mit den übrigen die Bevölkerung bildet, und das Interesse als Interesse der Bevölkerung—ganz gleich, was die individuellen Interessen und Bestrebungen derer, aus denen sie sich zusammensetzt, sein mögen—sind die Zielscheibe und das Hauptinstrument der Regierung der Bevölkerungen.³²⁹

At the same time as the development of modern statecraft and its correlate, population, technologies such as statistics and regimes of knowledge such as political economy have been developed that are not only mobilized to ‘collect’—or rather: to produce knowledge about the population, but also to prepare and to carry out interventions.³³⁰ The assemblage of practices, institutions, discourses, tactics, instruments, rationales, and technologies related to and resulting from the administration of population is, in principle, what Michel Foucault calls ‘governmentality’.³³¹ Foucault admits, however, that the prevention of revolution(s) and the

³²⁶ Ibid., 150.

³²⁷ Ibid., 151.

³²⁸ Ibid.

³²⁹ Ibid., 158-59.

³³⁰ See, *ibid.*, 156-59.

³³¹ Foucault famously delivered a tripartite definition of governmentality. “Ich verstehe unter ‘Gouvernementalität’ die aus den Institutionen, den Vorgängen, den Analysen und Reflexionen, den Berechnungen und den Taktiken gebildete

preservation of the *status quo* together constitute abstract goals of governmental administration regardless of their concrete, relativist conceptions. “Aber diese Regierungskunst hat im Grunde immer noch dasselbe Ziel wie Platons Gesetze, d.h. die Revolutionen zu vermeiden, den Staat, den einzelnen Staat, in einem ständigen Zustand der Vollkommenheit zu erhalten”³³².

5.2 Problems as Method

In a notable shift away from both Max Weber’s understanding of modern state bureaucracies on the one hand and Louis Althusser’s concept of the state apparatus on the other, Michel Foucault finds that modern statecraft is constituted by specific *problems*—the problem of epidemics, for instance, or the problem of the circulation of goods.³³³ In 1992, sociologists Nikolas Rose and Peter Miller highlighted the significance of what they called ‘problematics government’ to analyses of *statecrafting*, practices of modern statecraft, which, based on Foucault’s understanding of governmentality, sought to avoid essentialist understandings of ‘the state’.³³⁴ Unfortunately, Rose and Miller ended up dedicating only a small portion of their seminal article to the notion of

Gesamtheit, welche es erlauben, diese recht spezifische, wenn auch sehr komplexe Form der Macht auszuüben, die als Hauptzielscheibe die Bevölkerung, als wichtigste Wissensform die politische Ökonomie und als wesentliches technisches Instrument die Sicherheitsdispositive hat. Zweitens verstehe ich unter ‘Gouvernementalität’ die Tendenz oder die Kraftlinie, die im gesamten Abendland unablässig und seit sehr langer Zeit zur Vorrangstellung dieses Machttypus geführt hat, den man über alle anderen hinaus die ‘Regierung’ nennen kann: Souveränität, Disziplin, und die einerseits die Entwicklung einer ganzen Serie spezifischer Regierungsapparate [und andererseits, in original] die Entwicklung einer ganzen Serie von Wissensarten nach sich gezogen hat. Schließlich denke ich, dass man unter ‘Gouvernementalität’ den Vorgang oder vielmehr das Ergebnis des Vorgangs verstehen sollte, durch den der mittelalterliche Staat der Gerichtsbarkeit, der im 15. und 16. Jahrhundert zum Verwaltungsstaat wurde, sich nach und nach ‘gouvernementalisiert’ hat”, in: *ibid.*, 162-63. It is important noting, however, that the impression of a linear progression from a ‘sovereign’ to a ‘governmental mode of sovereignty’ with a detour via ‘the disciplinary mode of sovereignty’ is clearly not what Foucault had in mind. “So dass man die Dinge keineswegs als Ersetzung einer Gesellschaft der Souveränität durch eine Gesellschaft der Disziplin, sodann einer Gesellschaft der Disziplin durch eine Gesellschaft der, sagen wir, Regierung verstehen kann”, he stressed earlier and continued: “In Wirklichkeit haben wir es mit einem Dreieck zu tun: Souveränität, Disziplin und gouvernementale Verwaltung, eine gouvernementale Verwaltung, deren Hauptzielscheibe die Bevölkerung ist und deren wesentliche Mechanismen die Sicherheitsdispositive sind”, in: *ibid.*, 161.

³³² *Ibid.*, 419.

³³³ As Colin Koopman rightfully points out, curiously, “[...] very few commentators of Foucault’s have seriously considered the role played by the analytic of problematization in his methodology”, in: Colin Koopman, “Problematization,” in *The Cambridge Foucault Lexicon*, ed. Leonard Lawlor and John Nale (Cambridge; New York; Melbourne; Madrid; Cape Town; Singapore; Sao Paulo: Cambridge University Press, 2014), 399. A notable exception is, Mark G.E. Kelly, “Problematizing the Problematic: Foucault and Althusser,” *Angelaki: Journal of the Theoretical Humanities* 23, no. 2 (2018).

³³⁴ See, Nikolas Rose and Peter Miller, “Political Power Beyond the State: Problematics of Government,” *The British Journal of Sociology* 43, no. 2 (1992). For a critique of essentialist conceptualization of ‘the state’, see especially, Timothy Mitchell, “The Limits of the State: Beyond Statist Approaches and Their Critics,” *The American Political Science Review* 85, no. 1 (1991); Akhil Gupta, “Blurred Boundaries: The Discourse of Corruption, the Culture of Politics, and the Imagined State,” *American Ethnologist* 22, no. 2 (1995); Tania Murray Li, “Beyond ‘the State’ and Failed Schemes,” *American Anthropologist* 107, no. 3 (2005).

problematization itself and how it relates to statecrafting.³³⁵ “Government”, they write, “is a *problematizing* activity:

it poses the obligations of rulers in terms of the problems they seek to address. The ideals of government are intrinsically linked to the problems around which it circulates, the failings it seeks to rectify, the ills it seeks to cure. Indeed, the history of government might well be written as a history of problematizations, in which politicians, intellectuals, philosophers, medics, military men, feminists and philanthropists have measured the real against the ideal and found it wanting. From the danger of de-population, the threats posed by pauperism or the forecasts of the decline of the race, through the problematization of urban unrest, industrial militancy, failures of productivity, to contemporary concerns with international competitiveness, the articulation of government has been bound to the constant identification of the difficulties and failures of government.³³⁶

For Rose and Miller, the problems that modern states address result from the perceived difference between an existing social situation—say, for instance, poverty—and a vision of optimization which then requires the identification both of policy goals and governmental instruments to achieve them.³³⁷ “The identification of a problem is intimately linked to the availability of a solution”³³⁸, writes anthropologist Tania M. Li clarifying, “they [problems and solutions] coemerge within a governmental assemblage in which certain sorts of diagnoses, prescriptions, and techniques are available to the expert who is properly trained”³³⁹. Problematization, as Rose and Miller suggest, is the act of evaluating competing and contested social realities in relation to equally contested ideals. Interventions of state authorities thus reference underlying notions of utopian optima and indeed

³³⁵ It is undoubtedly true that the works of Michel Foucault and the central analytical concepts discussed here, have long been objects of intensive scholarly debates stimulating entire areas of research such as, for instance, governmentality studies; for a still brilliant introduction to Michel Foucault, see, e.g., Sverre Raffnsøe, Marius Gudmand-Hoyer, and Morten S. Thaning, *Foucault: Studienhandbuch* (Paderborn; Munich: Wilhelm Fink, 2011). For an overview over the spatial dimensions of Foucault’s works and a broader assessment of his significance to geographers and anthropologists; see, e.g., Stuart Elden, *Mapping the Present: Heidegger, Foucault, and the Project of Spatial History* (London; New York: Continuum, 2001), esp. ch. 4, ch. 5; Jeremy W. Crampton and Stuart Elden, eds., *Space, Knowledge, and Power: Foucault and Geography* (Aldershot; Burlington, VT.: Ashgate Publishing, 2007). Despite Foucault’s immense impact on reorienting studies of colonization and conquest—one has to think, for example, of Edward W. Said’s *Orientalism*—, Onur Erdur recently argued that Foucault’s writings as well as those of his French contemporaries were indeed intricately tied to the French colonial empire; see, Onur Erdur, *Schule Des Südens: Die Kolonialen Wurzeln Der Französischen Theorie* (Berlin: Matthes & Seitz, 2024). Moreover, Ann L. Stoler pointed out “[...] that Foucault’s selective genealogical attention to the dynamics of internal colonialism within Europe by and large positioned the racial formations of Europe’s imperial world outside his epistemic field and off his analytic map. Because Foucault’s account of racial discourse is so endemically detached from the patterned shifts in world-wide labor regimes of which those discourses [and his own works, one may add] were a part, we are diverted from the gritty historical specificities of what racial discourse did both to confirm the efficacy of slavery and to capture new populations in the transition to wage-labor”, cit. in: Ann Laura Stoler, *Race and the Education of Desire: Foucault’s History of Sexuality and the Colonial Order of Things* (Durham; London: Duke University Press, 1995), 91.

³³⁶ Rose and Miller, “Political Power Beyond the State: Problematics of Government,” 181, emph. in original.

³³⁷ See also, Tania Murray Li, *The Will to Improve: Governmentality, Development, and the Practice of Politics* (Durham; London: Duke University Press, 2007), 6-7.

³³⁸ Ibid., 7.

³³⁹ Ibid.

oftentimes fail to realize their acclaimed visions of futures.³⁴⁰ For instance, the construction of a train station may reduce transportation costs a few years later and it may result in the creation of additional jobs, but these outcomes are far from certain.³⁴¹ On a fundamental level then, Rose and Miller's understanding of problematization corresponds with James Scott's who in *Seeing Like a State* sought to "[...] high-modernist ideology"³⁴², "[...] utopian attempts to remake the world according to criteria of rationality and aesthetics, with spaces neatly defined, and populations listed and classified"³⁴³. It is not by chance that James Scott, unlike Foucault, refers to the term *ideology* to describe the drastic consequences and the failures of high-modernist planning that "[...] always ignores essential features of any real, functioning social order"³⁴⁴. However, is this distinction between 'reality' and its future 'utopian representations' what Michel Foucault had in mind when he addressed practices of problematization in relation to modern statecraft?

Foucault's radical de-stabilization of 'the state', what Thomas Lemke has called the "[...] historical ontology of the state [...]"³⁴⁵, is rooted in an analysis of *practices* rather than, for instance, political theorems or an analysis of the state in terms of ideology. "Der Staat ist nicht so etwas, er ist kein seelenloses Ungeheuer, sondern das Korrelat einer bestimmten Weise zu regieren"³⁴⁶. Understood as a correlation of practices (statecrafting) the state emerges as a product of political struggles, a result of *histories*.³⁴⁷ "[...] die Frage ist, wie sich diese Regierungsweise entwickelt, was ihre Geschichte ist, wie sie sich verbreitet, wie sie sich wieder zurückzieht, wie sie sich auf dieses und jenes Gebiet ausdehnt, wie sie neue Praktiken erfindet, gestaltet und entwickelt"³⁴⁸. A Foucauldian-inspired study of statecrafting thus understands the state not only as a product of a multiplicity of

³⁴⁰ See, James Ferguson, *The Anti-Politics Machine: 'Development', Depoliticization, and Bureaucratic Power in Lesotho* (Minneapolis; London: University of Minnesota Press, 1994).

³⁴¹ See, Jens Beckert, *Imaginierte Zukunft: Fiktionale Erwartungen Und Die Dynamik Des Kapitalismus* (Berlin: Suhrkamp Verlag, 2018).

³⁴² James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven; London: Yale University Press, 2020), 4.

³⁴³ Li, "Beyond 'the State' and Failed Schemes," 386.

³⁴⁴ Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*, 6.

³⁴⁵ Thomas Lemke, "An Indigestible Meal? Foucault, Governmentality, and State Theory," *Distinktion: Scandinavian Journal of Social Theory* 8, no. 2 (2007): 46. See also, "Gouvernementalität," in *Foucault Handbuch: Leben, Werk, Wirkung*, ed. Clemens Kammler, Rolf Parr, and Ulrich Johannes Schneider (Berlin: J. B. Metzler Verlag, 2020).

³⁴⁶ Michel Foucault, *Die Geburt Der Biopolitik: Vorlesungen Am Collège De France, 1978-1979*, ed. Michel Sennelart, trans. Jürgen Schröder, vol. Geschichte der Gouvernementalität, Band 2 (Frankfurt a.M.: Suhrkamp Verlag, 2006), 19.

³⁴⁷ "Ich glaube, dass das, worauf man sich beziehen muss, nicht das große Modell der Sprache und der Zeichen, sondern das des Krieges und der Schlacht ist. Die Geschichtlichkeit, die uns mitreißt und bestimmt, ist kriegerisch; sie ist nicht sprachlicher Natur. Machtbeziehung, nicht Sinnbeziehung. Die Geschichte hat keinen Sinn, was nicht heißt, dass sie absurd oder ohne Zusammenhang wäre. Sie ist im Gegenteil verstehbar, und sie muss bis in ihre kleinste Einzelheit analysiert werden können: doch gemäß der Verstehbarkeit der Kämpfe, der Strategien und Taktiken", cit. in: "Gespräch Mit Michel Foucault," in *Michel Foucault: Dits Et Écrits, Band 3*, ed. Daniel Defert, François Ewald, and Jacques Lagrange (Frankfurt a.M.: Suhrkamp Verlag, 2003), 192-93.

³⁴⁸ *Die Geburt Der Biopolitik: Vorlesungen Am Collège De France, 1978-1979*, Geschichte der Gouvernementalität, Band 2, 19.

histories (serielle Geschichte), but also in terms of continuous and active practical engagement.³⁴⁹ Statecrafting stresses that practices of statecraft, “[...] built on the foundations of statistics and surveys that demanded an administrative apparatus to produce and process that information”³⁵⁰, implied a repetitive component which, ultimately, demonstrates the fragility of what, in retrospect, was perceived as the unity of ‘the state’. Because, from Foucault’s perspective, history cannot be conceived as a “[...] große Kontinuität unter einer scheinbaren Diskontinuität, sondern als seine Verflechtung sich überlagernder Diskontinuitäten [...]”³⁵¹, ‘the state’ does not emerge as the outcome of any grand-scheme of historical progress which, in Foucault’s words, would be turning the state “[...] auf der Bühne eines Kasperletheaters [in] eine Art von Polizist [...], der die verschiedenen Gestalten der Geschichte überwältigen würde”³⁵².

Man kann nicht von der Staats-Sache [...] reden, als wäre sie ein Wesen, das sich von sich selbst ausgehend entwickelt und sich durch eine spontane Mechanik wie automatisch den Individuen auferlegt. Der Staat ist eine Praxis. Der Staat kann nicht vom Ensemble der Praktiken getrennt werden, die tatsächlich bewirkt haben, dass der Staat eine Art und Weise des Regierens, eine Handlungsweise und ebenso eine Art und Weise des Zur-Regierung-in-Beziehung-Stehens geworden ist.³⁵³

Despite of his rejection of finalist models of History and his insistence on a praxeological approach to modern statecraft, Foucault equally stressed that practices of statecrafting were related to specific regimes which, in turn, structured potential strategies and tactics: “[...] es gibt in der Tat keine ‘Praktiken’ ohne ein bestimmtes Regime der Rationalität”³⁵⁴. However, Foucault’s rationalities of

³⁴⁹ “Die serielle Geschichte erlaubt es, gewissermaßen verschiedene Schichten von Ereignissen zum Erscheinen zu bringen, von denen die einen sichtbar und für die Zeitgenossen sogar unmittelbar erkennbar sind; und unterhalb dieser Ereignisse, die gewissermaßen die Schaumkrone der Geschichte bilden, gibt es dann weitere Ereignisse, die wiederum unsichtbar und für die Zeitgenossen nicht wahrnehmbare Ereignisse sind und eine Form darstellen, die sich davon vollständig unterscheidet”, cit. in: “Zur Geschichte Zurückkehren,” in *Michel Foucault: Dits Et Écrits, Band 2*, ed. Daniel Defert, François Ewald, and Jacques Lagrange (Frankfurt a.M.: Suhrkamp Verlag, 2002), 342.

³⁵⁰ Ann Laura Stoler, “Colonial Archives and the Arts of Governance: On the Content in the Form,” in *Archives, Documentation, and Institutions of Social Memory: Essays from the Sawyer Seminar*, ed. Francis X. Jr. Blouin and William G. Rosenberg (Ann Arbor: The University of Michigan Press, 2010), 271. As I have indicated earlier, scholars from various disciplines usually accept Foucault’s terminology (particularly, the term ‘governmentality’) when referring to the relationships between states and populations, or planning processes and capitalism; for two excellent examples, see, Patrick Joyce, *The Rule of Freedom: Liberalism and the Modern City* (London; New York: Verso, 2003); Li, *The Will to Improve: Governmentality, Development, and the Practice of Politics*. In contrast to these previous works, I suggest the rather unwieldy term *statecrafting*, more closely aligned with Ann L. Stoler’s insistence on the fragility of practices of imperial state formation; see, Stoler, “On Degrees of Imperial Sovereignty.” For a critical perspective, see, Catherine Lutz, “Militarization,” in *A Companion to the Anthropology of Politics*, ed. David Nugent and Joan Vincent (Malden, MA.; Oxford; Victoria: Blackwell Publishing, 2007), 320-21.

³⁵¹ Foucault, “Zur Geschichte Zurückkehren,” 344.

³⁵² *Die Geburt Der Biopolitik: Vorlesungen Am Collège De France, 1978-1979*, Geschichte der Gouvernamentalität, Band 2, 19.

³⁵³ *Sicherheit, Territorium, Bevölkerung: Vorlesungen Am Collège De France, 1977-1978*, Geschichte der Gouvernamentalität, Band 1, 400.

³⁵⁴ “Diskussion Vom 20. Mai 1978,” in *Michel Foucault: Dits Et Écrits, Band 4*, ed. Daniel Defert, François Ewald, and Jacques Lagrange (Frankfurt a.M.: Suhrkamp Verlag, 2005), 33.

statecraft must not be interpreted as a version of the notion of a “[...] more general social and intellectual matrix out of which their works [i.e., political theorists such as Machiavelli or More] arose]”³⁵⁵. Rationalities must not be read as superstructures in which the actual patterns of bureaucratic routines are rooted and against which they can be measured. Neither must rationalities be understood as structuring principles, ideals of statecraft or, slightly more pompous: of modernity itself. Rather, rationalities appear as contingent forms of problematization characterized by the interplay between an instrumental (how problems can be solved) and an epistemological dimension (how problems are defined).³⁵⁶

Das Denken unterscheidet sich darin, dass es etwas ganz anderes ist als die Gesamtheit der Vorstellungen, die einem Verhalten zugrunde liegen; es ist auch etwas ganz anderes als das Gebiet der Haltungen, die ein Verhalten bestimmen können. Das Denken wohnt nicht einer Verhaltensführung inne und verleiht ihr Sinn; es erlaubt vielmehr, gegenüber dieser Tätigkeits- und Reaktionsweise auf Abstand zu gehen, sie für sich zum Denkgegenstand zu machen und sie auf ihren Sinn, ihre Bedingungen und ihre Zwecke hin zu befragen. Das Denken ist die Freiheit gegenüber dem, was man tut, die Bewegung, durch die man sich davon loslöst; man konstituiert es als Objekt und man reflektiert es als Problem.³⁵⁷

Thus, problems do not arise from pitching utopian worlds against the gutters of reality (although this indeed constitutes one dimension of statecrafting), but from practices of identifying objects and aims of government, and of producing knowledge not only about these objects and aims but also about the instruments considered necessary to achieve specific goals.³⁵⁸ At one instance, Foucault describes the act of problematization which is by no means confined to the realm of statecrafting as an experience of shattering automatisms and reflexes, a disappointment of expectations which *may or may not* result in an act of reflection and, ultimately, action.

In Wirklichkeit muss, damit ein Handlungsbereich oder ein Verhalten ins Feld des Denkens eintritt, eine gewisse Anzahl von Faktoren ihn oder es unsicher gemacht, ihm seine Vertrautheit genommen oder in dessen Umfeld eine gewisse Anzahl von Schwierigkeiten hervorgerufen haben. Diese Elemente unterliegen sozialen, ökonomischen oder politischen Prozessen. Aber sie spielen nur die Rolle als Hinweis. Sie können existieren und ihre Aktion über eine sehr lange Zeit hinweg ausüben,

³⁵⁵ Quentin Skinner, *Visions of Politics, Volume 1: Regarding Method* (Cambridge; New York; Melbourne; Madrid; Cape Town; Singapore; Sao Paulo: Cambridge University Press, 2006), x.

³⁵⁶ “Dieses jedoch möchte ich, statt es an einem Vernunftwert zu messen, entlang zweier Achsen analysieren: auf der einen Seite der von Kodifizierung und Vorschrift (hier bildet es ein Ensemble von Regeln, von Rezepten, von auf einen Zweck bezogenen Mitteln usw.), und auf der anderen Seite der der Formulierung von wahr oder falsch (hier legt es einen Bereich von Objekten fest, in Bezug auf die es möglich ist, wahre oder falsche Aussagen zu formulieren)”, cit. in: Foucault, “Diskussion Vom 20. Mai 1978,” 33.

³⁵⁷ “Polemik, Politik Und Problematisierungen,” 732.

³⁵⁸ See, Koopman, “Problematization,” 400-01. See also, *Genealogy as Critique: Foucault and the Problems of Modernity* (Bloomington; Indianapolis: Indiana University Press, 2013).

bevor es zu einer wirklichen Problematisierung durch das Denken kommt. Und wenn diese eintritt, nimmt sie nicht eine einzige Form an, die das direkte Ergebnis oder der notwendige Ausdruck dieser Schwierigkeiten wäre; sie ist eine oft vielgestaltige, mitunter sogar in ihren verschiedenen Aspekten widersprüchliche, eigentümliche oder spezifische Antwort auf diese Schwierigkeiten, die für sie durch eine Situation oder einen Kontext definiert sind und die einer möglichen Frage gelten.³⁵⁹

Thus, problems are effects of contingency. They result from the break-down of automatism and order. Yet, problems are also producers of contingency, because they can never provide all-encompassing solutions. Foucault's insistence on a radically contingent understanding of problems and his approach to statecrafting as a continuous, yet deeply fragile (often failing) practice of problematization have dire consequences to the conceptualization of bordering processes in the Yukon riverlands. For one, as I have argued, a Foucauldian analysis proves essentially incompatible with teleological accounts of History, most notably well-established tropes in the History of the American/Canadian West such as Turnerian frontierism and its derivatives (i.e., 'borderlands to bordered lands'-narratives), but also Wolfe's conceptualization of the logics of elimination. For Foucault, there cannot be a *telos*, no deeper, hidden meaning, no 'intellectual matrix' to history that provides order to chaos.³⁶⁰ In his discussion of Friedrich Nietzsche, Foucault complained, "[...] der Historiker sucht sich einen Standort außerhalb der Zeit [...]"³⁶¹. In contrast to the tendency of historians assuming a perspective 'outside' of time and duration, according to Foucault, Nietzsche argued,

[...] unablässig gegen jene Art von Geschichtsschreibung [...], die eine überhistorische Perspektive einführt (und voraussetzt); eine Historie, die sich die Aufgabe stellt, in einer in sich abgeschlossenen Totalität die bereits reduzierte Vielfalt einer Zeit zu sammeln; eine Historie, die es uns ermöglicht, uns selbst überall wieder zu erkennen und jeder vergangenen Verschiebung die Form einer Versöhnung zu verleihen; eine Historie, die alles Vergangene vom Ende der Welt betrachtet.³⁶²

Second, the role of problems in relation to modern, imperial statecrafting is essential to the formulation of both the central research questions informing this study. Statecrafting can be analyzed as a contentious and contradictory, provisional and fragile mode of problematization producing shifting geographies of empire in the Yukon riverlands correlating with specific delineations of power and control but also ignorance and oblivion.³⁶³ Addressing imperial

³⁵⁹ Foucault, "Polemik, Politik Und Problematisierungen," 732.

³⁶⁰ See, Paul Veyne, *Foucault: Die Revolutionierung Der Geschichte*, trans. Gustav Roßler (Frankfurt a.M.: Suhrkamp Verlag, 1992).

³⁶¹ Foucault, "Nietzsche, Die Genealogie, Die Historie," 178.

³⁶² Ibid.

³⁶³ See, Stoler, "On Degrees of Imperial Sovereignty," 135-42.

formations “[...] rather than empire, [...] shifts [the emphasis] from fixed forms of sovereignty and its denials, to gradated forms of sovereignty and what has long marked the technologies of imperial rule”³⁶⁴. Imperial formations are “[...] processes of becoming, not fixed things”³⁶⁵. There are three overarching questions developed from this theoretical onset,

- (1) What types of problems did colonial officials in the Yukon riverlands identify as sites for state intervention; and what instruments were envisioned to ‘solve’ these problems?
- (2) What were the strategic priorities determined by state agents; and how did these priorities interact with each other? How did these overarching priorities transpire into local practices of bordering?
- (3) How did the strategies and tactics of state officials relate to the more-than-terrestrial ecologies of the Yukon riverlands?

However, it is crucial to note that imperial statecrafting cannot be reduced to a comparison between ‘realities’ of control and their resumed ideal or utopian horizon. State interventions did not simply enact a formula of colonial dominance that would reconcile faps between ‘reality’ and ‘ideal’. Focusing on the problems underlying imperial statecrafting in the Yukon riverlands stresses the fissures and the fractures of the presence(s) of the state(s): not omnipotence and order but contradiction and fragility. This shift in perspective, I argue, has consequences to how we envision the Yukon riverlands today. To conceive of the Yukon riverlands as ‘a bordered land’ presumes the validity of teleological models of progress stressing modes of dominance under settler colonial capitalism. The challenges that more-than-terrestrial ecologies posed to imperial formations would be annihilated as well as the histories of Indigenous nations.

5.3 *A Brief Note on State Apparatuses*

A particularly complicated conceptual problem arises in relation to Althusser’s notion of the state apparatus. Would an analysis of statecrafting in the Yukon riverlands have to abandon terms such as the state apparatus? After all, Althusser conceives the state “[...] as a repressive machine that enables the dominant classes [...] to ensure their domination over the working class in order to subject it to the process of extorting surplus-value [...]”³⁶⁶. “The state apparatus”, writes Althusser, “which defines that state as a repressive force of execution and intervention ‘at the service of the dominant classes’ in the class struggle waged by the bourgeoisie and its allies against the proletariat,

³⁶⁴ “Imperial Debris: Reflections on Ruins and Ruination,” *Cultural Anthropology* 23, no. 2 (2008): 193.

³⁶⁵ *Ibid.*

*Ibid.*³⁶⁶ Louis Althusser, *On the Reproduction of Capital: Ideology and Ideological State Apparatuses*, trans. G. M. Goshgarian (London; New York: Verso, 2014), 70.

is well and truly the state, and this well and truly defines its basic ‘function’³⁶⁷. For Althusser, broadly, the state apparatus is an essentially repressive, machinist set of institutions (the police, for instance) whose aim is to aggressively expand the reaches of the bourgeoisie and defend their socio-economic achievements against the incursion of the proletariat. Even though Althusser distinguishes between different types of so-called ‘ideological state apparatuses’, their repressive function remains essential.³⁶⁸

For Foucault, Althusser’s concentration on the repressive aspects of state institutions misses the point. In his famous 1975 *Überwachen und Strafen* (French: *Surveiller et punir*; English: *Discipline and Punish*), he rejected the notion that disciplinary power was to be located within a repressive state apparatus. “Die ‘Disziplin’ kann weder mit einer Institution noch mit einem Apparat identifiziert werden”³⁶⁹, wrote Foucault. “Sie ist ein Typ von Macht; eine Modalität der Ausübung von Gewalt; ein Komplex von Instrumenten, Techniken, Prozeduren, Einsatzebenen, Zielscheiben; sie ist eine ‘Physik’ oder eine ‘Anatomie’ der Macht, eine ‘Technologie’³⁷⁰. Rather than as repressive forces established to suppress the uprising of the proletariat, Foucault considered power relations as *productive*³⁷¹, both reemphasizing and converting Marx’ famous characterization of social reproduction.³⁷² “So wenig eine Gesellschaft”, Marx wrote in the first volume of his *Capital*,

³⁶⁷ *On the Reproduction of Capital: Ideology and Ideological State Apparatuses*, 70.

³⁶⁸ See, *ibid.*

³⁶⁹ Michel Foucault, “Überwachen Und Strafen: Die Geburt Des Gefängnisses,” in *Michel Foucault: Die Hauptwerke*, ed. Axel Honneth and Martin Saar (Frankfurt a.M.: Suhrkamp Verlag, 2008), 922.

³⁷⁰ *Ibid.*

³⁷¹ In a conversation in 1977, Foucault stressed this point: “Der Grundbegriff der Unterdrückung ist hinterhältiger, oder jedenfalls habe ich viel mehr Mühe gehabt, mich davon zu befreien, insofern er in Wirklichkeit sehr wohl mit einer ganzen Reihe von Phänomenen zusammenzukleben scheint, die zu den Wirkungen der Macht gehören. [...] Nun scheint mir allerdings der Grundbegriff Unterdrückung völlig ungeeignet zu sein, um dem Rechnung zu tragen, was es gerade in der Macht an Produktivem gibt. Wenn man die Machtwirkungen durch die Unterdrückung definiert, so verschafft man sich eine rein rechtlich bestimmte Auffassung von dieser Macht; man setzt die Macht mit dem Gesetz gleich, das Nein sagt; es wäre vor allem die Stärke des Verbots. Nun glaube ich aber, dass darin eine ganz und gar negative, enge und dürre Auffassung von der Macht vorliegt, die seltsamerweise geteilt wurde. Wenn die Macht immer nur unterdrückend wäre, wenn sie niemals etwas anderes tun würde, als Nein zu sagen, glauben Sie wirklich, dass es dann dazu käme, dass ihr gehorcht wird? Dass die Macht Bestand hat, dass man sie annimmt, wird ganz einfach dadurch bewirkt, dass sie nicht bloß wie eine Macht lastet, die Nein sagt, sondern dass sie in Wirklichkeit die Dinge durchläuft und hervorbringt, Lust verursacht, Wissen formt und einen Diskurs produziert; *man muss sie als ein produktives Netz ansehen, das weit stärker durch den ganzen Gesellschaftskörper hindurchgeht als eine negative Instanz, die die Funktion hat, zu unterdrücken*”, cit. in: Foucault, “Gespräch Mit Michel Foucault,” 197, *emph. AMW.*

³⁷² The (tenuous) relationship between the writing of Michel Foucault and Karl Marx, and between Foucault and Marxism in particular has long been object of intensive debate; see, e.g., Michèle Barrett, *The Politics of Truth: From Marx to Foucault* (Cambridge; Malden, MA.: Polity Press, 1992); Mark Poster, *Foucault, Marxism, and History: Mode of Production Versus Mode of Information* (Cambridge; Malden, MA.: Polity Press, 1994); Alan Milchman and Alan Rosenberg, “Marxism and Governmentality Studies: Toward a Critical Encounter,” *Rethinking Marxism* 14, no. 1 (2002). Here, I follow Stuart Elden’s interpretation who argued, “[t]he most plausible reading of the relation was that Foucault saw much of his work as offering broadly a complementary analysis to Marxism, even if his explicit objects of analysis were rather different from the narrowly-conceived economic. [...] His understanding of power relations was to include, but not to be reducible to, the political-economic; class was only one fracture within society; and the state not the only locus of power”, cit. in: Stuart Elden, “A More Marxist Foucault? Reading *La Société Punitiv*,” *Historical Materialism* 23, no. 4 (2015): 151.

“aufhören kann, zu konsumieren, so wenig kann sie aufhören, zu produzieren. In einem stetigen Zusammenhang und dem beständigen Fluss seiner Erneuerung betrachtet, ist jeder gesellschaftliche Produktionsprozess zugleich ein Reproduktionsprozess”³⁷³.

Foucault’s dismissal of the repressive notion of the state apparatus in *Surveiller et punir* should not, however, be read as a rejection of the concept in its entirety. Prior to the publication of *Surveiller et punir* in 1975, Foucault had already lectured two times on the historical development of punishments and their transformations, and on the emergence of what he would call a ‘disciplinary society’ (*Disziplinargesellschaft*).³⁷⁴ His 1971-1972 lecture *Theorien und Institutionen der Strafe* does indeed read as a textbook example of Foucault’s method of ‘serial history’ (*serielle Geschichte*) and problematization.³⁷⁵ One year later, during his lectures about what he called a ‘punitive society’ (*Strafgesellschaft*), Foucault critically engaged with the Althusserian notion of the state apparatus.³⁷⁶ Consistent with his position in *Surveiller et punir*, Foucault criticized that the invocation of the state apparatus would not be sufficient to address the multiple dimensions of power relations.

Die Art und Weise, in der die Macht ausgeübt wird, wird mittels politischer Strukturen wie des Verfassungssystems oder der Vertretung ökonomischer Interessen im Staatsapparat tatsächlich nicht adäquat beschrieben. Es gibt sehr viel breitere Machtsysteme als die politische Macht im engeren Sinne: eine ganze Menge von Heimstätten der Macht, die in sexuellen Beziehungen, der Familie, der Arbeit, der Wohnung bestehen können.³⁷⁷

The concept of the state apparatus, Foucault argued, is ill-equipped to address the myriads of ways by which power relations manifest.

³⁷³ Marx, *Das Kapital: Kritik Der Politischen Ökonomie*, 1. Band, 23, 591.

³⁷⁴ See, Foucault, "Die Wahrheit Und Die Juristischen Formen," 728-48; "Überwachen Und Strafen: Die Geburt Des Gefängnisses," 915-34. It is important to note that an early version of Foucault’s definition of ‘disciplinary society’ was developed during the 1972-1973 lecture on the ‘punitive society’. Here, Foucault argued: “Kurz, dies ist eine Gesellschaft, die die permanente Betätigung des Strafens mit einer damit in Verbindung stehenden Betätigung des Wissens, der Registrierung verknüpft. Das Paar Überwachen-Strafen begründet eine für die Bindung der Individuen an den Produktionsapparat und für die Konstituierung der Produktivkräfte unerlässliche Machtbeziehung und kennzeichnet eine Gesellschaft, die man als *Disziplinargesellschaft* bezeichnen könnte”, cit. in: *Die Strafgesellschaft: Vorlesungen Am Collège De France, 1972-1973*, trans. Andrea Hemminger (Berlin: Suhrkamp Verlag, 2021), 271, emph. in original.

³⁷⁵ See, *Theorien Und Institutionen Der Strafe: Vorlesungen Am Collège De France, 1971-1972*, trans. Andrea Hemminger (Berlin: Suhrkamp Verlag, 2017). About the significance of the lecture in terms of historical methodology, see, Claude-Olivier Doron, "Foucault Und Die Historiker: Die Debatte Über Die 'Volksaufstände'," in *Theorien Und Institutionen Der Strafe: Vorlesungen Am Collège De France, 1971-1972*, ed. Bernard E. Harcourt (Berlin: Suhrkamp Verlag, 2017), 381-94.

³⁷⁶ “[...] man kann sagen, dass Ende der ersten zwanzig Jahre des 19. Jahrhunderts das Zwangssystem im Wesentlichen beim Staatsapparat liegt, das seinerseits wiederum in das Strafrechtssystem transplantiert wird, so dass man ein Strafrechtssystem hat, das erstmals ein Besserungssystem ist. Kurz, man hat es mit etwas zu tun, was ich *Strafgesellschaft* nenne, das heißt mit einer Gesellschaft, in der der Justizapparat des Staates zusätzlich Korrektur- und Besserungsfunktionen wahrnimmt”, cit. in: Foucault, *Die Strafgesellschaft: Vorlesungen Am Collège De France, 1972-1973*, 196, emph. AMW.

³⁷⁷ Ibid., 313.

Ich glaube nicht, dass die Macht angemessen als etwas beschrieben werden kann, das in den Staatsapparten lokalisiert wäre. Es reicht vielleicht nicht einmal zu sagen, dass die Staatsapparte Gegenstand eines inneren oder äußeren Kampfs sind. *Der Staatsapparat scheint mir eher die konzentrierte Form beziehungsweise stützende Struktur eines Machtsystems zu sein, das darüber hinausreicht und sehr viel tiefer geht.*³⁷⁸

However, despite his critique, Foucault did not abandon the concept altogether. In the above quote, he considers the concept valuable to address the ‘concentrated’, institutionalized dimensions of power relations: state bureaucracies. His critique of the concept is carefully crafted. In contrast to Althusser, “Foucault wants to reject the idea that power is possessed; that it is located in state apparatuses; that it is subordinate to the mode of production; and that it is itself ideology”³⁷⁹. Neither do state apparatuses, according to Foucault, perform solely and exclusively repressive functions to the benefit of the bourgeoisie; nor does the mobilization of the concept provide for a comprehensive study of power relations.³⁸⁰ Rather, the concept of the state apparatus refers to *institutional assemblages* that, functionally, do have a machinist appearance—and it is precisely in this sense that the term is used through this dissertation. For instance, in *Surveiller et punir*, Foucault used the term ‘state apparatus’ to refer to a compact, consolidated institution that is commonly envisioned as a cornerstone of disciplinary society and, more importantly even, of the state: the police.³⁸¹ Yet, here too, Foucault insists that a simplistic reduction of power relations to state

³⁷⁸ Ibid., 312, emph. AMW.

³⁷⁹ Elden, “A More Marxist Foucault? Reading *La Société Punitiv*,” 164.

³⁸⁰ “Die Macht ist nicht monolithisch. Sie wird niemals ganz unter einem bestimmten Gesichtspunkt von einer bestimmten Anzahl von Leuten kontrolliert. Sie spielt sich in jedem Moment in einzelnen kleinen Partien ab, mit lokalen Umstürzen, regionalen Niederlagen und Siegen, vorübergehenden Revanchen. [...] Die Macht darf nicht mit dem Reichtum, den einige besitzen, gleichgesetzt werden; sie ist eine permanente Strategie, die man auf der Grundlage des Bürgerkriegs denken muss”, cit. in: Foucault, *Die Strafgesellschaft: Vorlesungen Am Collège De France, 1972-1973*, 311-12.

³⁸¹ Here, I cannot address the question as to whether the state apparatus may well be understood as a ‘dispositif’, a French term which is, in fact, commonly translated as ‘apparatus’; see, David Kishik and Stefan Pedatella, “Translator's Note,” in *What Is an Apparatus? And Other Essays*, ed. Giorgio Agamben (Stanford, CA.: Stanford University Press, 2009). As is well known, in 1977, Foucault himself provided a short, tripartite note on apparatuses (as *dispositifs*) which does not needlessly align with his fairly restrictive understanding of the state apparatus in 1972-1973. The state apparatuses may well be elements of apparatuses (*dispositifs*), but a *dispositif* appears a much broader term. “Das, was ich mit diesem Begriff [Dispositiv/apparatus] zu bestimmen versuche, ist erstens eine entschieden heterogene Gesamtheit, bestehend aus Diskursen, Institutionen, architektonischen Einrichtungen, reglementierenden Entscheidungen, Gesetzen, administrativen Maßnahmen, wissenschaftlichen Aussagen, philosophischen, moralischen und philanthropischen Lehrsätzen, kurz, Gesagtes ebenso wie Ungesagtes, das sind die Elemente des Dispositivs. Das Dispositiv selbst ist das Netz, das man zwischen diesen Elementen herstellen kann. Zweitens ist das, was ich im Dispositiv festhalten möchte, gerade die Natur der Verbindung, die zwischen diesen heterogenen Elementen bestehen kann. So kann irgendein Diskurs mal als Programm einer Institution, mal im Gegenteil als ein Element erscheinen, das es erlaubt, eine Praktik zu rechtfertigen oder zu verschleiern, die selbst stumm bleibt, oder er kann als Sekundärinterpretation dieser Praktik funktionieren und ihr Zugang zu einem neuen Rationalitätsfeld verschaffen. Kurz, zwischen diesen diskursiven oder nicht-diskursiven Elementen gibt es gleichsam ein Spiel, gibt es Positionswechsel und Veränderungen in den Funktionen, die ebenfalls sehr unterschiedlich sein können. Drittens verstehe ich unter Dispositiv eine Art – sagen wir – *Gebilde, das zu einem historisch gegebenen Zeitpunkt vor allem die Funktion hat, einer dringenden Anforderung nachzukommen. Das Dispositiv hat also eine dominante strategische Funktion.* Dies konnte zum

institutions such as the police remains incapable of addressing the subtle distribution of power relations within (modern) societies.³⁸²

6. ESSAY ON METHODOLOGY AND SOURCES

6.1 *Ethnography and History: A Tenuous Relationship*

It is somewhat ironic that, historically, anthropologists have taken an ambivalent stance towards history, historicity, and the relationship between past and present. While Émile Durkheim once famously called for an integration of sociological and historical perspectives, Claude Lévi-Strauss, for instance, was deeply suspicious of History.³⁸³ Against Sartre, he argued that the invocation of History solely be served the purpose of separating Western ‘civilization’ from non-Western societies ‘without History’.³⁸⁴ History was drenched in indefensible notions of Western exceptionality and evolutionary superiority.³⁸⁵ Yet, tensions between history and structuralism ran deeper. “Es ist anzunehmen”, remarked Michel Foucault in 1976, “dass der Strukturalismus die systematischste Anstrengung war, um nicht nur aus der Ethnologie, sondern auch aus einer ganzen Reihe weiterer Wissenschaften und letztlich aus der Geschichte selbst den Begriff Ereignis auszutreiben”³⁸⁶. Investigating the universality of structure(s) rather than historical transition,

Beispiel die Aufnahme einer unsteten Bevölkerungsmasse sein, die eine Gesellschaft mit einer Ökonomie von im Wesentlichen merkantilistischer Art lästig fand: Es hat damit einen strategischen Imperativ gegeben, der als Matrix für ein Dispositiv fungierte, das nach und nach zum Dispositiv für die Kontrolle und Unterwerfung des Wahnsinns, der Geisteskrankheit und der Neurose wurde”, cit. in: Foucault, “Das Spiel Des Michel Foucault,” 392-93, emph. AMW. For an introduction to Foucault’s notion of the *dispositif*, see, e.g., Andrea D. Bührmann and Werner Schneider, *Vom Diskurs Zum Dispositiv: Eine Einführung in Die Dispositivanalyse* (Bielefeld: transcript Verlag, 2008). See also, Giorgio Agamben, “What Is an Apparatus?,” in *What Is an Apparatus? And Other Essays*, ed. Giorgio Agamben (Stanford, CA.: Stanford University Press, 2009).

³⁸² “Die Organisation des Polizeiapparats im 18. Jahrhundert besiegelt eine die Dimensionen des Staates erreichende Verallgemeinerung der Disziplinen. Es wird nun verständlich, wie es möglich war, dass die Polizei, die unverhohlen der Seite der königlichen Macht nahestand, welche über die reguläre Justiz hinausging, mit einem Minimum an Modifikationen den Umbau der Justizgewalt überlebt hat und dass sie bis heute nicht aufgehört hat, der Justizgewalt ihr eigenes Übergewicht aufzuzwingen; gewiss ist sie der weltliche Arm der Justiz; aber vor allem ist sie kraft ihrer Reichweite und ihrer Mechanismen viel besser und viel enger als die Justiz ein Herz und eine Seele – oder vielmehr ein Körper – mit der Disziplinargesellschaft. Gleichwohl wäre es nicht ganz richtig, zu glauben, dass die Disziplinarfunktionen ein für allemal von einem Staatsapparat konfisziert und absorbiert worden sind”, cit. in: Foucault, “Überwachen Und Strafen: Die Geburt Des Gefängnisses,” 921.

³⁸³ Of course, Durkheim saw historians rather than sociologists responsible for integrating the historical development of societies into a sociological perspective; see, Émile Durkheim, “Préface,” *L’Année sociologique* 1, no. 1 (1896-1897): ii-iv.

³⁸⁴ See, Claude Lévi-Strauss, *Das Wilde Denken*, trans. Hans Naumann (Frankfurt a.M.: Suhrkamp Verlag, 2013), esp. ch. 9.

³⁸⁵ See, *Traurige Tropen*, trans. Eva Moldenhauer (Berlin: Suhrkamp Verlag, 2018), 377-89; *Strukturelle Anthropologie, Band 1*, trans. Hans Naumann (Frankfurt a.M.: Suhrkamp Verlag, 2008), ch. 1; *Strukturelle Anthropologie, Band 2*, trans. Eva Moldenhauer, Hanns Henning Ritter, and Traugott König (Frankfurt a.M.: Suhrkamp Verlag, 2009), ch. 18.

³⁸⁶ Foucault, “Gespräch Mit Michel Foucault,” 192. Four years earlier, in 1972, however, Foucault arrived at a profoundly different conclusion about the relationship between history and structuralism; see, “Zur Geschichte Zurückkehren,” 347. For a better understanding of the theoretical gap between Claude Lévi-Strass’ ‘non-historical historicity’ and post-structuralist conceptions of the relationship between structure and event, see, Claude Lévi-Strauss, “Einleitung in Das Werk Von Marcel Mauss,” in *Soziologie Und Anthropologie, Band 1*, ed. Marcel Mauss (Munich: Ullstein Verlag, 1978), 36-41; Gilles Deleuze, *Logik Des Sinns*, trans. Bernhard Dieckmann (Frankfurt a.M.: Suhrkamp Verlag, 2012), 71-82.

Foucault suggested, was what structuralist anthropology was all about, thus essentially making the same mistakes that structuralists had criticized in others.

A particularly influential solution to the conundrum of distrust between anthropologists and historians was developed by Marshall Sahlins who adopted a structuralist framework for the anthropological study of culturally differing socio-temporal orders. “[...] different cultural orders”, he wrote, “studied by anthropology have their own historicities”³⁸⁷. Eureka, there it was, the moment of nuclear fission in the history of the relationship between Anthropology and History: History had been split into historicities! But the meltdown was not long in coming, because, ultimately, the multiplication of historicities related to the universality of a timeless observer.³⁸⁸ Anthropology, it turned out, was not (yet) quantum science.

A different strand of anthropological engagement with history did not appear especially intimidated by Claude Lévi-Strass’ skepticism, examining the relationship between global capitalism and conquest, and between the extraordinarily instable formations of imperial powers and imperial subjects.³⁸⁹ Emphasizing the significance of relationality rather than universality, anthropologists

³⁸⁷ Marshall Sahlins, *Islands of History* (Chicago; London: The University of Chicago Press, 1987), 53. See also, Karsten Kumoll, *Kultur, Geschichte Und Die Indigenisierung Der Moderne: Eine Analyse Des Gesamtwerkes Von Marshall Sahlins* (Bielefeld: transcript Verlag, 2007).

³⁸⁸ See, Charles Stewart, "Historicity and Anthropology," *Annual Review of Anthropology* 2016, no. 45 (2016). The problem of the historicity of hermeneutical investigation and the positionality of the observer or rather, interpreter in relation to the objects of interpretation has extensively and thoughtfully been discussed by philosopher Hans-Georg Gadamer; see, Hans-Georg Gadamer, *Wahrheit Und Methode: Grundzüge Einer Philosophischen Hermeneutik*, ed. Hans-Georg Gadamer, vol. Hermeneutik, Band 1, Gesammelte Werke (Tübingen: Mohr Siebeck Verlag, 2010), esp. 270-90.

³⁸⁹ The literature covering these aspects of anthropological inquiry and its historical development since the 1970s has been brilliantly discussed in, Ann Laura Stoler, *Capitalism and Confrontation in Sumatra's Plantation Belt, 1870-1979* (Ann Arbor: The University of Michigan Press, 1995), vii-xxxiv; Peter Pels, "The Anthropology of Colonialism: Culture, History, and the Emergence of Western Governmentality," *Annual Review of Anthropology* 1997, no. 26 (1997): 165-66. From the 1970s to the 1990s, the debate concerning the tenuous relationship between anthropology and history centered around notions of culture, a topic especially contentious after Clifford Geertz' repeated calls for a hermeneutical understanding of the anthropological endeavor and after anthropological methodologies and theories had indeed trickled into historians' toolboxes; see, e.g., Clifford Geertz, "Dichte Beschreibung: Bemerkungen Zu Einer Deutenden Theorie Von Kultur," in *Dichte Beschreibung: Beiträge Zum Verstehen Kultureller Systeme*, ed. Clifford Geertz (Frankfurt a.M.: Suhrkamp Verlag, 2007); Philippe Ariès, *Geschichte Des Todes*, trans. Hans-Horst Henschen and Una Pfau (Munich: Deutscher Taschenbuch Verlag, 2009); Carlo Ginsburg, *Der Käse Und Die Würmer: Die Welt Eines Müllers Um 1600*, trans. Karl Friedrich Hauber (Berlin: Verlag Klaus Wagenbach, 2020). Against the introduction of hermeneutical frameworks reducing culture to textual meaning, and thereby effectively erasing the inequalities of relations of production and of power, Marxist and feminist approaches highlighted the interrelation between capitalism, colonialism and ongoing structures of gendered violence and dispossession; see, e.g., Richard G. Fox, *Loins of Punjab: Culture in the Making* (Berkeley; Los Angeles; London: University of California Press, 1985); Mintz, *Sweetness and Power: The Place of Sugar in Modern History*; Cary Nelson and Lawrence Grossberg, eds., *Marxism and the Interpretation of Culture* (Urbana, IL; Chicago: University of Illinois Press, 1988); June Nash, *We Eat the Mines and the Mines Eat Us: Dependency and Exploitation in Bolivian Tin Mines* (New York: Columbia University Press, 1993). Others closely investigated the positionality of research and the interrelation between academic research and settler colonialist-capitalist apparatuses (dispositifs); see, e.g., James Clifford, "On Ethnographic Authority," *Representations* 1983, no. 2 (1983); Edward W. Said, "Representing the Colonized: Anthropology's Interlocutors," *Critical Inquiry* 15, no. 2 (1989); James Clifford and George E. Marcus, eds., *Writing Culture: The Poetics and Politics of Ethnography*, 25th Anniversary Edition ed. (Berkeley; Los Angeles; London: University of California Press, 2010); Johannes Fabian, *Time and the Other: How Anthropology Makes Its Object* (New York: Columbia University Press, 2014).

developed unique ways of engaging with the multiplicities of Modernity (and History) and the limitations of archival records.³⁹⁰ This dissertation is to be read as a conversation with these schools of thought.

Still, it is certainly an unusual and unorthodox product. Neither is it an ethnography of a particular locale or community, nor is it based on the common repertoire of ethnographic methodologies (i.e., extensive interviews, participant observations, etc.). Instead, it is informed by extensive archival research, a research technique usually raising doubts amongst anthropologists. Unlike ‘classic’ studies of historical anthropology such as Michael Taussig’s 1980 *The Devil and Commodity Fetishism in South America* or Ann L. Stoler’s 1985 *Capitalism and Confrontation in Sumatra’s Plantation Belt, 1870-1979*, the period that this dissertation covers does not (directly) extent into the ethnographic present.³⁹¹ In ethnographic practice, Talal Asad once famously remarked, “[...] a heavy emphasis [is put] on the present but also on the past as a symbolic construction in the present [...]”³⁹² in a characteristically localized ‘context’.³⁹³ Historical methodologies, particularly archival research, are commonly mobilized to supplement and to situate ethnographic research. Ethnographies may be informed by historical research, yet ethnographers do not consider themselves historians. The conversation between the present and the past unidirectionally allows for the contextualization—and complication—of the present. The past then is utilized as an explanatory foil of the ethnographic present, con-text, even when demonstrating how pasts affect the present and its futures in entirely unexpected ways rather than simply providing ‘context’.³⁹⁴ As historical ethnographers have stressed, the discrepancies between the present and its multiple pasts destabilize notions of the comprehensiveness of ‘the archive’ together with the position of

³⁹⁰ See, e.g., Jean Comaroff and John Comaroff, eds., *Modernity and Its Malcontents: Ritual and Power in Postcolonial Africa* (Chicago; London: The University of Chicago Press, 1993); Dilip Parameshwar Gaonkar, ed. *Alternative Modernities* (Durham; London: Duke University Press, 2001); Homi K. Bhabha, *The Location of Culture* (London; New York: Routledge, 2004).

³⁹¹ See, Stoler, *Capitalism and Confrontation in Sumatra’s Plantation Belt, 1870-1979*; Michael Taussig, *The Devil and Commodity Fetishism in South America, Thirtieth Anniversary Edition* (Chapel Hill: The University of North Carolina Press, 2010). More recent examples are, Laura Bear, *Lines of the Nation: Indian Railway Workers, Bureaucracy, and the Intimate Historical Self* (New York: Columbia University Press, 2007); Lucas Bessire, *Running Out: In Search of Water on the High Plains* (Princeton; Oxford: Princeton University Press, 2021).

³⁹² See also, John Davis, "Review Essay: Social Anthropology and the Consumption of History," *Theory and Society* 9, no. 3 (1980): 519-20.

³⁹³ See, Talal Asad, "Ethnographic Representation, Statistics, and Modern Power," in *From the Margins: Historical Anthropology and Its Futures*, ed. Brian Keith Axel (Durham; London: Duke University Press, 2002), 68.

³⁹⁴ See, Simpson, *Mohawk Interruptus: Political Life across the Borders of Settler States*, 134-37. In recent years, anthropologists have grown increasingly interested in the multiplicities of ‘historicity’ affecting the present; see, e.g., Heonik Kwon, *Ghosts of War in Vietnam* (Cambridge; New York; Melbourne; Madrid; Cape Town; Singapore; Sao Paulo: Cambridge University Press, 2008); Anna Lowenhaupt Tsing, *The Mushroom at the End of the World: On the Possibility of Life in Capitalist Ruins* (Princeton; Oxford: Princeton University Press, 2015); Deborah A. Thomas, *Exceptional Violence: Embodied Citizenship in Transnational Jamaica* (Durham; London: Duke University Press, 2011).

historical narrators.³⁹⁵ Michel-Rolph Trouillot, for example, pointed out that ‘the past’ appears as product of a social process of constructing it.

Indeed, the past is only past because there is a present, just as I can point to something *over there* only because I am *here*. But nothing is inherently over there or here. In that sense, the past has no content. The past—or, more accurately, pastness—is a position. Thus, in no way can we identify the past *as past*.³⁹⁶

Narrating history thus relates to various socially and politically conditioned acts of selection relating, for instance, to the selection of sources or to the politics of archival recording.³⁹⁷

Silences enter the process of historical production at four crucial moments: the moment of fact creation (the making of *sources*); the moment of fact assembly (the making of *archives*); the making of fact retrieval (the making of *narratives*); and the moment of retrospective significance (the making of *history* in the final instance).³⁹⁸

In fact, the application of ethnographic research methods may even help tracing the “[...] the process which converts a certain number of documents into items judged to be worthy of preserving and keeping in a public place, where they can be consulted according to well-established procedures and regulations”³⁹⁹. Indeed, historians have fruitfully applied ethnographic research methods to establish connections between the “[...] silences”⁴⁰⁰ of colonial archives with the patterns of conquest, writing fundamentally revisionist histories.⁴⁰¹

³⁹⁵ See, Dipesh Chakrabarty, "Postcoloniality and the Artifice of History: Who Speaks for 'Indian' Pasts?," *Representations* 1992, no. 37 (1992); Ann Laura Stoler, "In Cold Blood: Hierarchies of Credibility and the Politics of Colonial Narratives," *ibid.*

³⁹⁶ Michel-Rolph Trouillot, *Silencing the Past: Power and the Production of History* (Boston: Beacon Press, 2015), 15, *emph. in original*.

³⁹⁷ As Achille Mbembe noted: "Examining archives is to be interested in that which life has left behind, to be interested in debt. However, it is also to be preoccupied with debris. In this sense, both the historian and the archivist inhabit a sepulchre. They maintain an intimate relationship with a world alive only by virtue of an initial event that is represented by the act of dying. This being the case, writing history merely involves manipulating archives. [...] And this is why the historian and the archivist have long been so useful to the state, notably in contexts where the latter was set up as an appointed guardian of that domain of things that belong exclusively to no one. In fact, both the historian and the archivist occupy a strategic position in the production of an instituting imaginary. One might ask what their role from now on may be, especially in contexts where the process of democratising a chronophagic act—that is, the abolition of the archive - is at an advanced stage", *cit. in*: Achille Mbembe, "The Power of the Archive and Its Limits," in *Refiguring the Archive*, ed. Carolyn Hamilton, et al. (Dordrecht: Springer, 2002), 25-26.

³⁹⁸ Trouillot, *Silencing the Past: Power and the Production of History*, 26, *emph. in original*.

³⁹⁹ Mbembe, "The Power of the Archive and Its Limits," 20.

⁴⁰⁰ Trouillot, *Silencing the Past: Power and the Production of History*, 26.

⁴⁰¹ One of the best examples is, of course, Lisa Brooks, *Our Beloved Kin: A New History of King Philip's War* (New Haven; London: Yale University Press, 2019). Recently, Andrew Stuhl presented a historical account that methodically utilizes the characteristic silences of archives for an understanding of Canadian settler colonial capitalism in the North American Arctic; see, Andrew Stuhl, *Unfreezing the Arctic: Science, Colonialism, and the Transformation of Inuit Lands* (Chicago; London: The University of Chicago Press, 2016).

6.2 Pandemic Legacies: From a Historically-Informed Ethnography to an Ethnographically-Informed History of the Yukon Riverlands

When this dissertation started, it was envisioned as a cooperative research project examining the significance of the 141st meridian to fisheries management and to actual practices of fishing on the Porcupine River in the northern sections of the Yukon riverlands.⁴⁰² Obviously, this initial plan has not been realized. Due to the emergence of SARS CoV-2 and the pandemic of Covid-19, plans for conducting ethnographic research in communities such as Old Crow (Yukon Territory, Canada) or Fort Yukon (Alaska, USA), vital for distinguishing between the disciplinary tradition of anthropology and history, were quickly abandoned.⁴⁰³ The pandemic ruthlessly exposed social inequalities and the existential differentials between different peoples and between various places.⁴⁰⁴ To prevent the spread of the virus to rural communities in the Yukon riverlands, Indigenous nations in Alaska and Canada called for researchers to cancel ongoing research projects and to terminate plans for the realization of future research.⁴⁰⁵ International as well as domestic

⁴⁰² Indigenous scholars and activists have long called for consideration of the colonial legacies not only of anthropological theories but also of the very practices and methodologies of theory-building. Maori scholar Linda Tuhiwai Smith, for instance, presented a sweeping, deeply influential critique of social sciences methodologies. Smith argued that research methodologies are heavily influenced and often based on racist assumptions; see, Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples* (London; New York: Zed Books Ltd., 2008), esp. ch. 2, ch. 3, ch. 4. Smith's argument has been consequential for the emergence of community-based participatory research practices (CBPR), and for the formal establishment of research protocols and procedures disentangling objectivist research approaches. For an overview over community-based participatory research, see, e.g., Joshua K. Tobias, Chantelle A. M. Richmond, and Isaac Luginaah, "Community-Based Participatory Research (Cbpr) with Indigenous Communities: Producing Respectful and Reciprocal Research," *Journal of Empirical Research on Human Research Ethics: An International Journal* 8, no. 2 (2013); Janice M. Victor et al., "Like Braiding Sweetgrass: Nurturing Relationships and Alliances in Indigenous-Based Research," *International Review of Qualitative Research* 9, no. 4 (2016). For an overview over Indigenous research methodologies, see, e.g., Shawn Wilson, *Research Is Ceremony: Indigenous Research Methods* (Halifax; Winnipeg: Fernwood Publishing, 2008); Margaret Kovach, *Indigenous Methodologies: Characteristics, Conversations, and Contexts* (Toronto; Buffalo; London: University of Toronto Press, 2010).

⁴⁰³ Anthropologists have quickly started reflecting on the implications for anthropological research and for the economic conditions of the discipline; see, e.g., Minh Nguyen et al., "Field of Exceptional Uncertainty: The Challenges of Early-Career Anthropologists in the Wake of the Corona Pandemic," *boasblogs*, <https://boasblogs.org/fieldworkmeetscrisis/field-of-exceptional-uncertainty/>; Kyle G. Olson, "Disciplinary Futures and Reorienting Research: A Reply to Jobson and Rosenzweig on Doing Anthropology in the Age of Covid," *American Anthropologist* 123, no. 1 (2021). For methodological reflections, see, e.g., Cory A. Buckband, "Conducting Online Ethnography during Covid-19: Methodological Reflections from a Kindergarten Classroom," *Anthropology & Education Quarterly* 54, no. 3 (2023); Aurora Santiago Ortiz, "'Our Action Plan Was Completely Changed': Adapting, Surviving, and Collaborating through Participatory Action Research during the Covid-19 Pandemic," *ibid.* 55 (2024).

⁴⁰⁴ See, e.g., Lindsey Raisa Feldmann and Michael Vicente Pérez, "Living at the Lux: Homelessness and Improvisational Waiting under Covid-19," *Visual Anthropology Review* 36, no. 2 (2020); Steven Gregory, "Race and the Infrapolitics of Public Space in the Time of Covid-19: The Case of Harlem, New York," *American Ethnologist* 49, no. 2 (2022); Anthony Oliver-Smith, "The Social Construction of Disaster: Economic Anthropological Perspectives on the Covid-19 Pandemic," *Economic Anthropology* 9, no. 1 (2022); Owen McNamara, "'The Pandemic Came to Teach Us How to Eat': Covid-19, Mutual Vulnerability, and Native Corn in Oaxaca," *The Journal of Latin American and Caribbean Anthropology* 29, no. 1 (2024).

⁴⁰⁵ See, Alejandro De La Garza, "Alaska's Remote Villages Are Cutting Themselves Off to Avoid Even 'One Single Case' of Coronavirus," *Time Magazine*, <https://time.com/5813162/alaska-coronavirus/>; Frank Katchatag and Inc. Kawerak, "Research Protocols in Bering Strait Amidst Covid-19 Pandemic," *Kawerak, Inc.*, <https://kawerak.org/research-protocols-in-bering-strait-amidst-covid-19-pandemic/>; Tanana Chiefs Conference,

travel restrictions and the closures of borders effectively ended ongoing research.⁴⁰⁶ Furthermore, ethical standards for conducting anthropological research strictly prohibit researchers from inflicting harm to research partners.⁴⁰⁷

Therefore, I decided to redesign and reorient the envisioned research project keeping its initial focus on the significance of the U.S.-Canada border to transboundary salmon management and to the recent, drastic declines of Yukon River salmon stocks. In contrast to ethnographic research methodologies based on intimate contact with people and communities, I decided to adopt a methodological approach that would minimize the latent and profound risk of transmitting Covid-19 during the research process. A research methodology based on archival research was chosen, because archival research is situated in a highly controlled and controllable setup.⁴⁰⁸ I have not used interactive research methods such as in-person interviews or participant observation. A steadily increasing amount of community-engaged and oftentimes community-driven research published in recent years helped to illuminate sites of profound archival silence. Regardless, I must emphasize that this study is not based on community-engaged work, nor co-designed by community

"Covid-19 Pandemic: What History Tells Us," Tanana Chiefs Conference, <https://www.tananachiefs.org/covid-19-pandemic-what-history-tells-us/>. For rural communities such as Old Crow, travel restrictions and lockdowns proved essential means to mitigate the consequences of the pandemic; see, e.g., Andy Blatchford, "Couple Flees to North of the Arctic Circle in Bid to Escape Covid-19," Politico, <https://www.politico.com/news/2020/03/30/couple-flees-north-arctic-circle-coronavirus-155878>; CBC News, "'We Learned from the Past': Old Crow Reopens after 2 Covid-19 Cases Triggered Week-Long Lockdown," Canadian Broadcasting Corporation, <https://www.cbc.ca/news/canada/north/old-crow-vuntut-gwitchin-first-nation-covid-19-1.6327644>.

⁴⁰⁶ The closure of the U.S.-Canada border between Alaska, the Yukon Territory, and British Columbia has repeatedly been discussed by journalists; see, e.g., Emily Goodykoontz, "The Canadian Border Is Closed, but Alaskans in the Lower 48 Can Still Drive Home: Here's What to Expect," Anchorage Daily News, <https://www.adn.com/alaska-news/2020/06/12/the-canadian-border-is-closed-but-alaskans-in-the-lower-48-can-still-drive-home-heres-what-to-expect/>; N.A., "Border Closure Leaves Alaskan Towns Cut Off from Canadian Neighbours," Canadian Broadcasting Corporation, <https://www.cbc.ca/news/canada/north/border-closure-alaska-covid-19-1.5566010>; Holly Honderich, "U.S.-Canada Border: After 19 Months, Families to Reunite," BBC: British Broadcasting Corporation, <https://www.bbc.com/news/world-us-canada-59167718>; CNN Cable News Network, "Travel to the United States during Covid-19: What You Need to Know before You Go," Cable News Network, CNN, <https://edition.cnn.com/travel/article/united-states-travel-covid-19-need-to-know/index.html>.

⁴⁰⁷ "It is imperative that, before any anthropological work be undertaken—in communities, with non-human primates or other animals, at archaeological and paleoanthropological sites—each researcher think through the possible ways that the research might cause harm. Among the most serious harms that anthropologists should seek to avoid are harm to dignity, and to bodily and material well-being, especially when research is conducted among vulnerable populations. Anthropologists should not only avoid causing direct and immediate harm but also should weigh carefully the potential consequences and inadvertent impacts of their work. When it conflicts with other responsibilities, this primary obligation can supersede the goal of seeking new knowledge and can lead to decisions to not undertake or to discontinue a project. [...] Determining harms and their avoidance in any given situation is ongoing and must be sustained throughout the course of the project", cit. in: AAA American Anthropological Association, "Principles of Professional Responsibility," American Anthropological Association, AAA, <https://americananthro.org/about/policies/statement-on-ethics/>. Likewise, the International Arctic Social Sciences Association (IASSA) explicitly asked for "[a]voiding travel to Arctic communities to prevent the spread of COVID-19 until all risks are eliminated", cit. in: IASSA International Arctic Social Sciences Association, "Iassa Council Statement on Covid-19 Pandemic's Impacts and Responses," International Arctic Social Sciences Association, IASSA, <https://iassa.org/news-archive/82-covid-19-statement>.

⁴⁰⁸ For a reflection on the temporal fractures of archival research during Covid-19, see, Bathsheba R. Demuth, "The Dissolution," *Emergence Magazine*, https://emergencemagazine.org/op_ed/the-dissolution/.

members.⁴⁰⁹ Thus, I do not make claims to comprehensiveness, nor do I claim to speak for members of Indigenous nations in the Yukon riverlands or non-Indigenous residents of the riverlands' communities. Like any other type of historical research, this study is necessarily incomplete, not only in theoretical but also in methodological terms.⁴¹⁰

While anthropologists may certainly disagree with my choice to transform a historically-informed ethnographic research project into an ethnographically-informed historical study, I want to remind readers of Vine Deloria's critique of the entanglement between anthropological research and settler colonial capitalism. Deloria did not only point towards the inherent ethical and political flaws of anthropological research.⁴¹¹ He also rightfully insisted that academic research derives its value from its marketability to state institutions as well as to the grand market of research financier.

An anthropologist comes out to Indian reservations to make OBSERVATIONS. During the winter, these observations will become books by which future anthropologists will be trained, so that they can come out to reservations years from now and verify the observations they have studied. After the books are written, summaries of the books appear in the scholarly journals in the guise of articles. These articles 'tell it like it is' and serve as a catalyst to inspire other anthropologists to make the great pilgrimage next summer. The summaries are then condensed for two purposes. Some condensations are sent to government agencies as reports justifying the previous summer's research. Others are sent to foundations in an effort to finance the next summer's expedition west.⁴¹²

Marketability and the logics of knowledge production culminate in an apparent willingness and easiness to quickly throw ethical considerations and concerns overboard to pursue the exploitative logics of the research project.⁴¹³ During the pandemic and its various lockdowns, I came to interpret Deloria's critique as a reminder of the unconditional obligation to prioritize ethical considerations over disciplinary—and, for that matter, economic—expectations. From my perspective, archival research constituted a possible venue to pursue a research project about the interlocking relationship between the creation of the U.S.-Canada border, the establishment of state institutions, and the emergence of extractive economies in the Yukon riverlands at the turn of the century. An ethnographic research project would have been intolerably risky to the public health

⁴⁰⁹ For an excellent example of a community-engaged historical narrative, see, Dunaway, *Defending the Arctic Refuge: A Photographer, an Indigenous Nation, and a Fight for Environmental Justice*.

⁴¹⁰ "All historical writing is partial; it is simply impossible to capture the whole truth or to render the past in its entirety", cit. in. Ibid., 243.

⁴¹¹ "We should not be objects of observation for those who do nothing to help us. During the crucial days of 1954, when the Senate was pushing for termination of all Indian rights, not one single scholar, anthropologist, sociologist, historian, or economist came forward to support the tribes against the detrimental policy", cit. in: Vine Jr. Deloria, *Custer Died for Your Sins: An Indian Manifesto* (Norman: University of Oklahoma Press, 1988), 94.

⁴¹² Ibid., 79.

⁴¹³ See, ibid., 86-88.

of communities in the riverlands, and it would have been economically impossible given that the borders of the United States and Canada were closed for almost two years.⁴¹⁴

Conducting research is not just a question of pursuing abstract research goals or the individual careers of researchers. It does have deep ethical implications, not only to research partners and interlocutors but also, finally, to friends and families, a point that has oftentimes been ignored.⁴¹⁵ As a researcher situated within a familial system labeled in terms of disability and vulnerability, maintaining research practices and protocols containing rather than spreading a potentially devastating virus appeared to me as a necessary consequence of the various interventions of critical scholars such as Vine Deloria. Research situated within a disabled familial system had a range of implications. For one, I was not able to conduct long-term research in the Yukon riverlands due to the logistical and financial difficulties of specialized medical care. Moreover, research practices associated with the analysis of archival material and the compilation of the narrative presented in this dissertation were affected by the dynamics of chronic illness due, for example, to stays in hospitals or to managing the bureaucracies of disability in Germany.⁴¹⁶

⁴¹⁴ See also, Audrey Macklin, "(in)Essential Bordering: Canada, Covid, and Mobility," in *Migration and Pandemics: Spaces of Solidarity and Spaces of Exception*, ed. Anna Triandafyllidou (Cham: Springer Nature, 2022).

⁴¹⁵ Anthropologists have repeatedly engaged with questions about the theoretical, ethical, and practical implications of accompanied research; see, e.g., Joan Cassel, ed. *Children in the Field: Anthropological Experiences* (Philadelphia: Temple University Press, 1987); Juliana Flinn, Leslie Marshall, and Jocelyn Armstrong, eds., *Fieldwork and Families: Constructing New Models for Ethnographic Research* (Honolulu: University of Hawai'i Press, 1998). Alma Gottlieb, for instance, reminded their colleagues of the fact that anthropologists have usually conducted their fieldwork as couples, oftentimes with children, yet they seldomly mention these factors when compiling their ethnographies and arranging their arguments; see, Alma Gottlieb, "Beyond the Lonely Anthropologist: Collaboration in Research and Writing," *American Anthropologist* 97, no. 1 (1995): 22-23. Even researchers reflective of the specificities of accompanied research, others added, rarely "[...] reveal the extent of their own stress", cit. in: Carol Jenkins, "Review: *Children in the Field: Anthropological Experiences* by Joan Cassel," *American Ethnologist* 17, no. 1 (1990). In recent years, a growing number of researchers have engaged in conversations covering broader areas of interest such as the implications of precarious financing in academia to accompanied fieldwork or the ethical considerations of children 'in the field'; see, e.g., Fabienne Braukmann et al., eds., *Being a Parent in the Field: Implications and Challenges of Accompanied Fieldwork* (Bielefeld: transcript Verlag, 2020). Unfortunately, recent discussions about the implications of accompanied research still largely remain conceptually constrained by notions of 'companionship' and its relation to the presumed bounded experience of 'the field'. Alma Gottlieb's call for broadening the scope of analysis to reveal the multiple dimensions in which research is situated both 'at home' and 'in the field', has lost none of its topicality. In this regard, the ongoing ignorance towards experiences shaped by chronic illnesses and so-called 'disabilities' together with the logocentric obsession of academic knowledge production, its keen interest with all types of 'epistemological implications', turn out even more problematic, an indication of the powerful ableist regimes of academic life. For instance, what if accompanied fieldwork is characterized precisely by *not* accompanying, by *not* being 'in the field' for medical or other reasons? What if language, this seemingly omnipotent instrument of world-building, remains entirely and absurdly insignificant? What if, quite literally, the children who are bespoken to speak will not answer?

⁴¹⁶ For the reason of acknowledging and actively protecting privacy rights, I will not discuss the implications of conducting research in more detail at this point. I would like to emphasize, however, that I feel an urgency for addressing *the entanglement between academic research practices and institutions, and ableism* not only as individual, experiential phenomena but in terms of structural power relations; see, e.g., James I. Charlton, *Nothing About Us without Us: Disability Oppression and Empowerment* (Berkeley; Los Angeles; London: University of California Press, 2000); Rayna Rapp and Faye Ginsburg, "Enabling Disability: Rewriting Kinship, Reimagining Citizenship," *Public Culture* 13, no. 3 (2001); Dan Goodley, "Dis/Entangling Critical Disability Studies," in *Culture - Theory - Disability: Encounters between Disability Studies and Cultural Studies*, ed. Anne Waldschmidt, Hanjo Berressem, and Moritz Ingwersen (Bielefeld: transcript Verlag, 2017);

6.3 Who Has Lots to Say? Notes on Archival Resources

As Patrick Wolfe once laconically remarked, settlers “[...] generally have a lot to say [...]”⁴¹⁷. This is, of course, even more so in the case of state bureaucracies producing ever increasing amounts of records about various types of problems. Unfortunately, as Ann L. Stoler noticed, “[...] strikingly few scholars [...] actually describe their methods of archival labor or the administrative forms that shaped the circuits of reportage, accountability, and decision making that in turn produced densities of documents, their frequency, as well as procedures of cross-referencing and culling”⁴¹⁸. In the following sections of this brief essay, I am thus addressing the characteristic limitations of the archival material on which my argument is based.⁴¹⁹

Broadly, there are three sets of sources that I have consulted: (1) government records and reports, (2) personal papers and individual collections, (3) oral histories and newspapers. By far the largest amount of material stems from government records relating to practices, expectations and anxieties, and to the cultures of settler colonialist-capitalist control in offices and agencies. In contrast to studies focusing on either one side of the U.S.-Canada border, I have consulted archival records relating to both to American and Canadian bureaucracies. There are two important implications. (A) Consistent with fin-de-siècle government practice, the colonial officials who we are going to encounter are exclusively white males with only slightly varying backgrounds reflecting a shift in bureaucratic organization. Therefore, the narrative presented here, is—to a substantial degree—based on the perspectives of an extremely privileged class of people and their respective views of social reality.⁴²⁰ (B) It is important to note that, despite the uniformity of voices, the actual government records reflect an enormous multiplicity of modes of colonial knowledge production and problematization. For instance, Canadian fisheries agents addressed substantially different problems than their colleagues from the Canadian police or the Department of Indian Affairs (DIA).⁴²¹ Furthermore, the establishment of state bureaucracies was by no means a smooth and unilineal process. Whereas, for example, U.S. customs agents in the earliest years of settler colonialist-capitalist administration compiled descriptive reports in which they did emphasize

Margit Shildrick, "Critical Disability Studies: Rethinking the Conventions for the Age of Postmodernity," in *Routledge Handbook of Disability Studies, 2nd Edition*, ed. Nick Watson and Simo Vehmas (London; New York: Routledge, 2020); Danilyn Rutherford, "Becoming an Operating System: Disability, Difference, and the Ethics of Communication in the United States," *American Ethnologist* 48, no. 2 (2021).

⁴¹⁷ Wolfe, "Settler Colonialism and the Elimination of the Native," 388.

⁴¹⁸ Ann Laura Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton; Oxford: Princeton University Press, 2009), 9.

⁴¹⁹ See, *ibid.*, 8-15.

⁴²⁰ See, Charlene Porsild, *Gamblers and Dreamers: Women, Men, and Community in the Klondike* (Vancouver: University of British Columbia Press, 1999), 197-99; Honor Sachs, *Home Rule: Household, Manhood, and National Expansion on the Eighteenth Century Kentucky Frontier* (New Haven; London: Yale University Press, 2015), 145-48; Levy, *Ages of American Capitalism: A History of the United States*, 51-60.

⁴²¹ See, chapter 13.4 of this dissertation.

friendly relations with their superiors, professional bureaucrats (with considerable frustration) would later establish a tight system of meticulous reportage that reflected the profound shift from a patronage system of control to an economic rationale of bordering.⁴²² With other words, the simple variety of archival records illustrates not only differing “[...] cultures of rule [...]”⁴²³ but also varying types of bureaucratic practice, expectations, and anxieties. Police was considered serving other purposes than fisheries agents, even if, in fact, they did not; fisheries agents envisioned and examined other problems than customs officers.

The strategy mitigating both the uniformity of voices (white, male) and the variety of archival records is to focus on ruptures and contradictions between government institutions and their respective problematizations. Whenever possible, I therefore triangulated the archival records with records from territorial officials, newspaper reports, with material from individual collections (diaries for instance), or with publicly available oral testimonies.⁴²⁴ Still, there remain, of course, substantial caveats resulting from focusing primarily on the accounts produced by white, male federal officials.⁴²⁵ While this dissertation does not claim to be comprehensive or exhaustive, I hope that the argument it presents, the argument of a foreigner to the north, opens the door a little bit further to the complex histories of the Yukon riverlands and allows future generations of researchers and activists to follow some of its paths, abandon or divert others, and entirely new ones.

7. STRUCTURE OF THE ARGUMENT

The first section of the argument, *Genesis*, examines the historical and political conditions of the emergence of the Yukon River as an integrated corridor of transportation and commerce. Rather than a mere natural fact, I argue in chapter 8 that the Yukon River drainage emerges in relation to particular problems of government; and it changes its shape in accordance with the problems and the fragilities of statecrafting. Indigenous nations, imperial powers, venture capitalists, and missionaries played crucial roles in the transformation of the riverlands into ‘the Yukon River’. In chapter 9, I sketch out the development of the mining industry in the Yukon riverlands which

⁴²² See, chapter 11.2 of this dissertation.

⁴²³ Frederick Cooper and Ann Laura Stoler, "Between Metropole and Colony: Rethinking a Research Agenda," in *Tensions of Empire: Colonial Cultures in a Bourgeois World*, ed. Frederick Cooper and Ann Laura Stoler (Berkeley; Los Angeles; London: University of California Press, 1997), 36.

⁴²⁴ The amount of material I consulted was conditioned by the general circumstances of the research project, the Covid pandemic, and the specificities of accompanied research in a disabled familial system; see, chapter 6.3.

⁴²⁵ At this point, I would also like to emphasize that this research does not cover ‘all’ kinds of federal agencies operating in the Yukon riverlands at the turn of the century. The absence of records by the U.S. Army, for example, is immediately noticeable. Likewise, records of the U.S. Marshal Service remain absent from the roster of primary source material, simply because I have not (yet) found them and thus could not consult them. Irregularly, marshals did show in correspondence with related agencies such as, for instance, the U.S. Customs Service.

would come to dominate economic policies in the late 1890s and early 1900s. The emergence of extractive industries emphasizes the significance of the implementation of regulatory frameworks on either one side of the 141st meridian to determine the generation of revenue. Thus, while transportation and logistics emphasize the unity of the riverlands and their crucial interrelation with regional and global, maritime trade networks, the emergence of mining industries simultaneously creates incentives for the creation of state institutions and the enforcement of regulatory oversight.

Section two, *Border Problems*, addresses how state institutions perceived and engaged with the tension between the Yukon River as an integrated corridor of circulation—in terms of goods and people but later also in terms of pathogens and ecologies—and the riverlands that both the United States and Canada claimed as colonial possessions for the purpose of resource extraction.

Chapter 10 introduces the problem of defining the territorial boundaries of imperial claims under the conditions of economic, demographic, and political dynamics. Canadian claims to jurisdiction did well extend beyond the boundaries defined by the 1825 Convention of St. Petersburg, involving semi- and non-state actors as well as U.S. municipal and state authorities. To mitigate the legal uncertainties resulting from the diplomatic conflicts between the United States and Canada over the exact borders of Alaska, Canadian and U.S. authorities repeatedly engaged in a practice of formalized informality when transferring prisoners from the United States to the Yukon riverlands. Those who were extradited without adherence to the formal process of extradition between the United States and Canada, were to sign agreements, thereby forfeiting their claim to due process. Chapter 10 argues that these contracts reflect an underlying rationale of how government is organized and by whom, how it functions and for which purpose, a rationale I have called ‘contractual reason’. This rationale defines the purpose of legal frameworks for generation of profit; it enables the transformation of land into resource. Contractual reason creates fictional, imaginative socio-economic equality between the individual parties of the contract; and it acknowledges the legitimacy and the existence of state institutions to uphold both ends of the contract. Lastly, contractual reason creates a distinction between two forms of economic action, need-based (subsistence) and profit-based economies (market), a distinction that is fundamental to how state institutions envisioned regulatory oversight over ‘natural resources’ in the riverlands.

In addition, chapter 11 focuses on the strategies and tactics, on the obstacles and fragilities of state institutions, addressing the question of how state officials defined problems of government intervention and how they mitigated the challenges that these problems implicated. The chapter discusses the affective dimensions of state power and the complex relationship between practices of bordering in the riverlands with imperial geopolitical expansion, the politics of gender, racism

and labor under industrial settler colonial capitalism. The chapter argues that the creation of state institutions in the riverlands was shaped, yet not determined, by an economic agenda of resource extraction. Economic primacy had consequences not only to the geographies of state control, to the administration of goods and people but also, particularly, to Indigenous nations who quickly turned into targets for traumatic state intervention when perceived as economic ‘burden’ by state operatives. The distinction between need-based and profit-based economies was actively utilized to justify both policies of assimilation and exclusion.

Chapter 12 discusses the circumstances of the alleged smallpox crisis on the Ch’oodènjik, the Porcupine River, in the northern sections of the Yukon riverlands in 1911-1912. This case argues that the entanglement between the delineation of imperial claims and a health crisis did not automatically result in the establishment of a permanent presence of the state. However, the crisis created the preconditions of permanently establishing government oversight over the northern sections of the riverlands. More importantly, the humanitarian rationale structuring the punctual, yet extraordinarily aggressive intervention of the state had lasting effects on members of the Gwich’in nations inhabiting these lands and waters. While both the United States and Canada sought to define the exact courses of their claims, however, Gwich’in nations contested their claims and ultimately rendered them illegitimate.

The final chapter of this dissertation examines the emergence of fisheries management in the Yukon riverlands. It demonstrates the significance of regulatory frameworks in delineating the boundaries of empire, transforming fish into resources, and distributing access to these resources according to the economic rationale underlying efforts at establishing a settler colonialist-capitalist state. As in the previous chapters, chapter 13 illustrates the characteristic fragilities of imperial statecrafting and the various challenges that state officials encountered. It showcases the crucial role of distinguishing between need-based and profit-based economies, especially in relation to exclusionary policies directed towards Indigenous nations who actively engaged with the contradictions inherent to settler colonialist-capitalist policies.

SECTION 2

GENESIS

8. FROM RIVERLANDS TO RIVER: CONQUEST AND TRANSPORTATION, CA. 1840-1895

8.1 *Ecologies and Empires in the Yukon Riverlands*

In the summer of 1847, the British fur trader Alexander Hunter Murray and his party consisting of “[...] Mr. A. McKenzie, eight men and one woman, accompanied by two of the P. River men [men from the Peel’s River Post] and four Indians to assist in carrying part of the things [...]”⁴²⁶ embarked on the trip of establishing the westernmost trading post of the British Hudson’s Bay Company: Gwichyaa Zhee, Fort Yukon. Haunted by mosquitoes and “[...] by rain and adverse winds [...]”⁴²⁷ and confined to their boats drifting carefully downriver on the Ch’oodènjik, the Porcupine River, the party needed eight days from their starting point at LaPierre’s House to the confluence of the Ch’oodènjik and the Yukon rivers. Immediately after their arrival and with the indispensable help of Indigenous guides and partners, the British started establishing a permanent trading post. Murray was nervous. On their way down the Ch’oodènjik, the British party had passed the 141st meridian, the boundary line between the British and Russian empires. On 21st of June, Murray noted, “we are now according to my reckoning, across the Boundary Line, and I have been on the loo kout as we came along, for a site whereon to build [...]”⁴²⁸. Now, at the confluence of the two major rivers, the center of the Yukon riverlands, the divergence of empires was more present than ever before. But it were not only traders of the Russian American Company (RAC), main competitors of the British HBC for the lucrative northern fur trade, who were causing concern and demanded the rapid construction of fortifications. The Indigenous nations inhabiting the Yukon riverlands were by no means indifferent to the arrival of rivaling foreigners.⁴²⁹

I determined of building a Fort worthy of it, we are in an isolated corner of the country and cut off from all communication with other posts at least for assistance, and surrounded by hostile Indians, the Rat Indians are enraged at our being here, the ‘Gens-du-fou’ reported ditto, also those down the river with whom the Russians have been trading, the Russians themselves might give us battle, and I concluded on making a convenient and substantial Fort, though it might take longer time.⁴³⁰

Indeed, Indigenous nations had inhabited the Yukon riverlands since times immemorial (see, fig. 3 & 4). Murray himself provides a detailed report of the demographics of Indigenous nations he encountered, of social relationships, linguistics, ritual, and technologies.⁴³¹ Through their

⁴²⁶ Alexander Hunter Murray, *Journal of the Yukon, 1847-1848*, Publications of the Canadian Archives (Ottawa: Government Printing Office, 1910), 20.

⁴²⁷ Ibid., 43.

⁴²⁸ Ibid., 35.

⁴²⁹ This episode has been discussed lengthily in, Katherine Louise Arndt, "Dynamics of the Fur Trade on the Middle Yukon River, Alaska, 1839-1868" (PhD Thesis, University of Alaska Fairbanks, 1996), 86-93.

⁴³⁰ Murray, *Journal of the Yukon, 1847-1848*, 55.

⁴³¹ See, ibid., esp. 81-89.

knowledge about the riverlands and their intimate relationships with the landscapes, Indigenous nations such as the Gwichyaa Gwich'in, living in the region around Gwichyaa Zhee, could very well decide over the success or the failure of colonial expansion. In fact, the military position of the British fur traders was anything but secure. As Murray uncomfortably admits, the British were trespassers "[...] in *their* country [...]"⁴³², 'a country' dominated by Indigenous politics and diplomacy whose complexity, to the largest parts, remained opaque to the British. To Murray, warfare and violence seemed common in the Yukon riverlands; for the British an unmistakable sign that "[...] they are a most treacherous people, and the taking of a man's life is no more regarded by them than that of a moose"⁴³³. Unsurprisingly, he failed to notice the role of rivaling European trading corporations encroaching upon the riverlands, trading furs for guns, and profits for lives.⁴³⁴ On the contrary, the British trader urged his superiors to guarantee steady supply with guns to establish a permanent British presence within the regional trading networks and to transform Indigenous landscapes into British territory, into "[...] *our* country"⁴³⁵. When he left the riverlands in 1848 with an amount of furs "[...] valued at £1557.15.3 sterling"⁴³⁶, Murray wrote,

I know myself of upwards of twenty men who furs for a gun *each* on my return. I could dispose of any quantity of guns this summer, and I do hope you will send as many as possible, the Indians all prefer our guns to those of the Russians. Guns and beads, beads and guns is all the cry in *our* country. Please to excuse me for repeating this so often, but I cannot be too importunate, the *rise* or *fall* of our establishment on the Youcon depends principally on the supply of these articles.⁴³⁷



⁴³² Ibid., 70, emph. AMW.

⁴³³ Ibid., 88.

⁴³⁴ Murray noticed the proliferation of guns among Indigenous nations which he interpreted as an indicator of high demand for these products. "They have both fine and common guns, but our guns are always preferred to theirs; formerly they brought only sheet iron kettles but last summer I am told they had copper kettles the same as ours. The Indians here being at war, last summer, with the lower bands, precented any intercourse between them, and was the cause of our not hearing sooner than in November, from these particulars", cit. in: *ibid.*, 72. High demand for European weaponry, in turn, was considered as an opportunity to intervene in local markets and to acquire furs from Indigenous traders cheaply. Indigenous traders and middlemen, on the other hand, increasingly competed for access to superior weaponry and other products; the fur trade therefore quickly resulted in spiraling death affecting not only landscapes through the near-extirmination of fur-bearing animals, but also human societies and Indigenous politics; see, Daniel K. Richter, *The Ordeal of the Longhouse: The Peoples of the Iroquois League in the Era of European Colonization* (Chapel Hill; London: The University of North Carolina Press, 1992), 53-61. John R. Bockstoe claims that traders of the RAC refused to sell guns to Indigenous traders and middlemen; see, Bockstoe, *Furs and Frontiers in the Far North: The Contest among Native and Foreign Nations for the Bering Strait Fur Trade*, 215-16. Yet, curiously, Bockstoe's description appears rather unlikely given the prevalence of Russian trade in guns in Alexander H. Murray's account and the strategic significance Murray assigns to dominating the trade in beads and guns.

⁴³⁵ Murray, *Journal of the Yukon, 1847-1848*, 100, emph. in original.

⁴³⁶ Ibid., 100.

⁴³⁷ Ibid., 100, emph. in original.

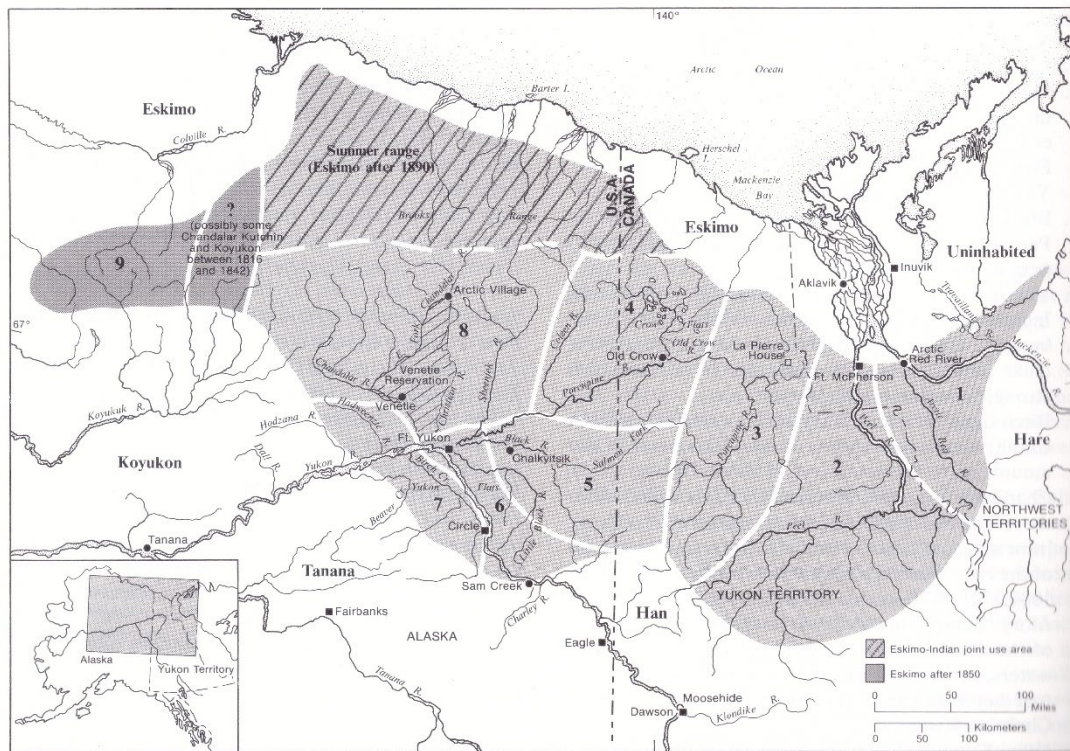


Fig. 1. Nineteenth-century territory with regional bands: 1, Arctic Red River; 2, Peel River; 3, Upper Porcupine River; 4, Crow Flats; 5, Black River; 6, Yukon Flats; 7, Birch Creek; 8, Chandalar; 9, Dihai (displaced by Eskimos about 1850). The northern extension of Chandalar Kutchin territory (not discussed in the text) follows Burch (1980:261 and communication to editors 1980).

Figure 3: Gwich'in Country at the turn of the century; Map from: Richard Slobodin, "Kutchin," in *Handbook of North American Indians*, ed. June Helm (Washington D.C.: Smithsonian Institution, 1981), 516.

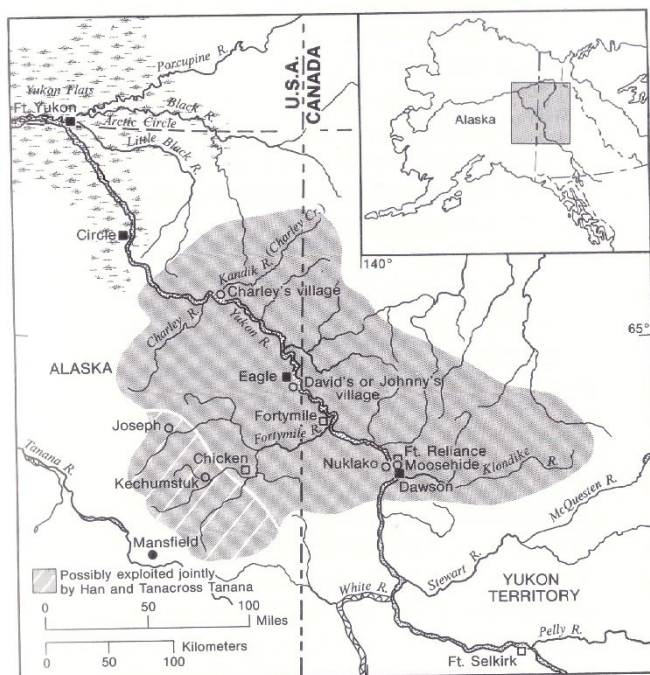


Figure 4: Hän Hwëch'in Country at the turn of the century; Map from: John R. Crow and Philip R. Obley, "Hän," in *Handbook of North American Indians*, ed. June Helm (Washington D.C.: Smithsonian Institution, 1981), 507.

When Alexander H. Murray and his party embarked on their trip downriver to the confluence of the Ch'oodènjik and the Yukon rivers, the interior of the Yukon riverlands were inhabited by a variety of Indigenous groups, most of them belonging to the Gwich'in and the Hän Hwëch'in nations (see, fig. 2 and 3). Movement and interaction were constants in Indigenous lives in the 19th century. Living the interior of the Yukon riverlands, and even more so in their northern regions, required constant movement and intimate relations to lands and waters.⁴³⁸ Gwichya Gwich'in Elder Joan Nazon explains, "people never stayed quiet. They paddled all the time. Their arm was their kicker and their engine"⁴³⁹. Van Tat Gwich'in Elder Myra Moses provided a particularly powerful picture of Gwich'in life-worlds at the turn of the century,

"Down that way [Alaska], my mother and those people lived. At that time there were still hard times. There was a Hudson's Bay store down there but it was hard to get supplies. When I was a child, sometimes it was hard to get food. Sometimes, too, there were no supplies. [...] They fished and hunted for meat, too. That's the way, they ate, that's how they lived. Sometimes there was no food. [...] Also there was no flour, no grub [store-bought food], only meat, fish, rabbit, and other animals. What we killed, we ate... Lots of people used to travel all over the land and sometimes there was no meat. When there was no meat we never ate all day; meanwhile, we still travelled. Finally we killed caribou or moose."⁴⁴⁰

"They moved around", adds Van Tat Gwich'in Elder Sarah Abel, "in the bush to kill meat: caribou, moose, rabbits. That's how they ate. They searched for food"⁴⁴¹. Movement requires energy; constant movement in the landscapes of the boreal forest and the tundra of the interior Yukon riverlands requires constant searching for fresh sources of food. If supply with food was lacking, starvation could quickly follow. Kenneth Frank recollects his father Hamel Frank's experiences in the winter "[...] around 1936, 1937, or 1938 [...]"⁴⁴². One "[...] night they cooked the skins a really long time. He [...] said they even ate the skins. Because they really didn't have any food"⁴⁴³. The scarcity of food held the entire region in a firm grip deeply affecting Indigenous lives. "At that time, when they went back to Venetie to visit those children... [in original] all their dogs had starved to death [...]. 'All the kids were very thin', he [Hamel Frank] said about them. I believe they were

⁴³⁸ Liza Piper, *When Disease Came to This Country: Epidemics and Colonialism in Northern North America* (Cambridge; New York; Melbourne; Madrid; Cape Town; Singapore; Sao Paulo: Cambridge University Press, 2023), 122.

⁴³⁹ Michael Heine et al., *Gwichya Gwich'in Googwandak: The History and Stories of the Gwichya Gwich'in as Told by the Elders of Tsügehtshik* (Tsügehtshik; Fort McPherson: Gwich'in Social & Cultural Institute, 2007), 58.

⁴⁴⁰ VGFN Vuntut Gwitchin First Nation and Shirleen Smith, *People of the Lakes: Stories of Our Van Tat Gwich'in Elders/Googwandak Nakhwach'anjoo Van Tat Gwich'in* (Edmonton: The University of Alberta Press, 2009), 65-66.

⁴⁴¹ Ibid., 66.

⁴⁴² Craig Mishler and Kenneth Drizhuu Frank, eds., *The Man Who Became a Caribou/Dinjii Vadzaih Dhidlit: Gwich'in Stories and Conversations from Alaska and the Yukon* (Hanover, NH: IPI Press, 2020), 349.

⁴⁴³ Ibid., 351.

without any food”⁴⁴⁴. The specter of starvation was indeed so terrifying and present that HBC trader Alexander H. Murray decided to turn his attention first to stockpiling and only then to trading furs, guns, and beads. “The trading of furs”, he admitted, “was the object of our being sent here and has received a due share of attention, but my energies for the first season were more particularly directed to the procuring of provision which if properly set agoing, and the Indians encouraged at first requires less trouble in after years”⁴⁴⁵.

Energy is scarce in the Yukon riverlands. Low temperatures in winter and a short but intensive growing season with up to 24 hours of daylight provide a baseline rhythm not only to the terrestrial ecosystems but also to marine environments. During the Pleistocene, geological forces created a connection between the boreal forest and the tundra of the interior Yukon riverlands and the maritime ecosystems of the northern Pacific Ocean (see, fig. 5).⁴⁴⁶

⁴⁴⁴ Ibid., 355.

⁴⁴⁵ Murray, *Journal of the Yukon, 1847-1848*, 63.

⁴⁴⁶ See, A. Duk-Rodkin et al., "Geologic Evolution of the Yukon River: Implications for Placer Gold," *Quaternary International* 82, no. 1 (2001): 7; Cathy Connor, *Roadside Geology of Alaska*, 2nd ed. (Missoula (Mt.): Mountain Press Publishing Company, 2018), 30-31.

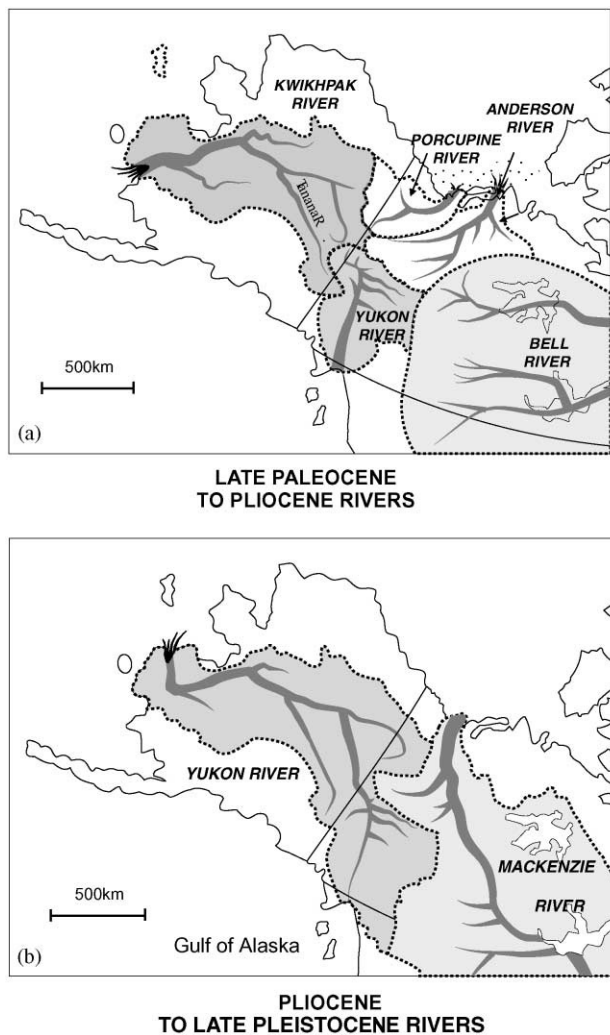


Figure 5: Geologic evolution of the Yukon River system, Maps from: A. Duk-Rodkin et al., "Geologic Evolution of the Yukon River: Implications for Placer Gold", *Quaternary International* 82, no. 1 (2001), 7.

During the short summers, algae bloom at the mouth of the Yukon River and in the comparatively shallow Bering Strait laying the foundation of extensive marine food-webs in the northern Pacific.⁴⁴⁷ In the interior of the Yukon riverlands, intensive solar radiation during the summer

⁴⁴⁷ For an overview of primary and secondary production in marine ecology see, Jeffrey S. Levinton, *Marine Biology: Function, Biodiversity, Ecology*, 3 ed. (Oxford; New York: Oxford University Press, 2009), 77-78, 258-76; Michael J. Kaiser et al., *Marine Ecology: Processes, Systems, and Impacts*, 3rd ed. (Oxford; New York: Oxford University Press, 2020), ch. 2, ch. 3, ch. 4. The literature about the marine food webs of the Bering Sea and the northern Pacific Ocean is extensive and thus eludes a detailed discussion. Here, it is especially important to stress the structural linkage between seasons (in terms both of *direct* effects such as solar radiation and *indirect* effects such as ocean currents) and primary production; see, e.g., Zijia Zheng et al., "Mechanisms of Persistent High Primary Production during the Growing Season in the Chukchi Sea," *Ecosystems* 24, no. 4 (2021); Jung-Woo Park et al., "Contribution of Small Phytoplankton to Primary Production in the Northern Bering and Chukchi Seas," *Water* 14, no. 2 (2022); Jens M. Nielsen et al., "Spring Phytoplankton Bloom Phenology during Recent Climate Warming on the Bering Sea Shelf," *Progress in Oceanography* 220, no. 2024 (2024). In recent years, marine biologists, ecologists, and oceanographers have increasingly focused attention to both potential and actual transformations of marine ecologies in the northern Pacific Ocean due to climate change and global warming; see, e.g., James R. Lovvorn et al., "Projecting the Effects of Climate-Driven Changes in Organic Matter Supply on Benthic Food Webs in the Northern Bering Sea," *Marine Ecology Progress Series* 548, no. 2016 (2016); George A. Whitehouse and Kerim Y. Aydin, "Assessing the Sensitivity of Three Alaska Marine Food Webs to

months leads to an increase in vegetation and biomass as well.⁴⁴⁸ Beyond the summer season, however, the supply with solar energy turns out to be scarce and the conditions for energy intake far from optimal due to the interplay between low temperatures and water.⁴⁴⁹ For the ecologies of the Yukon riverlands, the riverine connection between the maritime and the terrestrial ecosystems proves fundamental. Maritime nutrients and solar energy from the northern Pacific, converted into the countless converted into the countless bodies of plankton, fish, or squid, themselves transformed into the millions of adult salmon provide nutrition not only to bears, bald eagles, foxes, and other predators, but also to trees and bushes, fungi and bacteria feeding on the carcasses of salmon that had died after spawning.⁴⁵⁰ Ecological research suggests, for instance, that trees growing close to streams where salmon spawn obtain up to 24% of their nitrogen intake from salmon.⁴⁵¹ Predators such as bears, insects, and even the soils of the boreal ecosystems are affected by the rhythms of salmon migrations (see, fig. 6).⁴⁵² After spawning, Yukon River salmon spend ca. 1-2 years in the freshwater of the riverlands before migrating to the Bering Strait and the northern Pacific Ocean (see, fig. 7).⁴⁵³ After 4-5 years in the northern Pacific, the majority of the

Perturbations: An Example of Ecosim Simulations Using Rpath," *Ecological Modelling* 429(2020); George A. Whitehouse et al., "Bottom-up Impacts of Forecasted Climate Change on the Eastern Bering Sea Food Web," *Frontiers in Marine Science* 8(2021); Hien Thi Nguyen et al., "Climate Warming-Driven Changes in the Flux of Dissolved Organic Matter and Its Effects on Bacterial Communities in the Arctic Ocean: A Review," *ibid.* 9(2022).

⁴⁴⁸ For an overview over the ecology of the boreal forest see, Carl Beierkuhnlein, *Biogeographie: Die Räumliche Organisation Des Lebens in Einer Sich Verändernden Welt* (Stuttgart: Verlag Eugen Ulmer, 2007), 251-53; Jürgen Schultz, *Die Ökozonen Der Erde* (Stuttgart: Verlag Eugen Ulmer, 2016), 115-38. For recent research into the dynamics of the nitrogen cycle under changing arctic and subarctic conditions see, e.g., Alejandro Salazar et al., "Faster Nitrogen Cycling and More Fungal and Root Biomass in Cold Ecosystems under Experimental Warming: A Meta-Analysis," *Ecology* 101, no. 2 (2020); A. Westergaard-Nielsen, C.T. Christiansen, and B. Elberling, "Growing Season Leaf Carbon:Nitrogen (C:N) Dynamics in Arctic Tundra Vegetation from Ground and Sentinel-2 Observations Reveal Reallocation Timing and Upscaling Potential," *Remote Sensing of Environment* 262(2021).

⁴⁴⁹ See, Schultz, *Die Ökozonen Der Erde*, 124-32. As Deborah A. Rebert et al. suggest, the cycling of nitrogen in arctic ecosystems is primarily conditioned by specific, highly localized ecological assemblages and communities (internal processing) rather by the intake of nutrients circulating in the water of the rivers (external supply); see, Deborah A. Rebert et al., "Nitrogen Cycling Processes and Microbial Community Composition in Bed Sediments in the Yukon River at Pilot Station," *Journal of Geophysical Research: Biogeosciences* 119, no. 12 (2014).

⁴⁵⁰ Since the 1990s, ecologists have increasingly focused on the intersection between terrestrial and maritime ecosystems, and the significance of salmon providing maritime nutrients and solar energy to regions otherwise characteristically scarce of solar energy; see, e.g., Stanley V. Gregory et al., "An Ecosystem Perspective of Riparian Zones," *BioScience* 41, no. 8 (1991); Willson, Gende, and Marston, "Fishes and the Forest: Expanding Perspectives on Fish-Wildlife Interactions."; Naiman and Décamps, "The Ecology of Interfaces: Riparian Zones."

⁴⁵¹ See, James M. Helfield and Robert J. Naiman, "Effects of Salmon-Derived Nitrogen on Riparian Forest Growth and Implications for Stream Productivity," *Ecology* 82, no. 9 (2001): 2405; Krista K. Bartz and Robert J. Naiman, "Effects of Salmon-Borne Nutrients on Riparian Soils and Vegetation in Southwest Alaska," *Ecosystems* 8, no. 5 (2005): 553.

⁴⁵² See, Helfield and Naiman, "Keystone Interactions: Salmon and Bear in Riparian Forests of Alaska," 168-70.

⁴⁵³ These estimates may vary enormously depending on the exact species, the environmental conditions, the sex, and the physical fitness of the salmon; see Thomas P. Quinn, *The Behavior and Ecology of Pacific Salmon and Trout* (Seattle; London: University of Washington Press, 2018), 363-83.

then-adult fish start their journeys back upriver.⁴⁵⁴ It is important to note that “[m]ore than 95% of the body mass of Pacific salmon is accumulated from the marine environment”⁴⁵⁵.

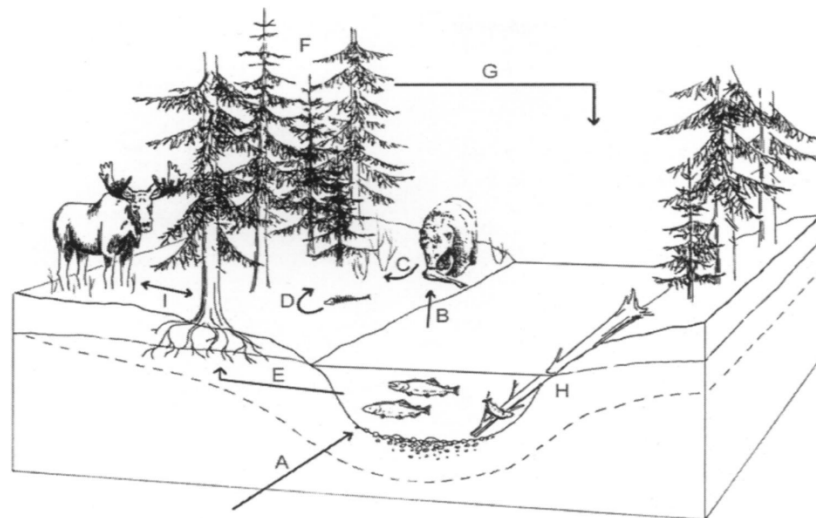


Figure 4. Cycling of marine-derived nitrogen (MDN) and effects on river and riparian ecosystems; (A) Spawning salmon transport MDN upstream; (B) Bears and other piscivores consume salmon; (C) Bears and other piscivores disseminate salmon-enriched wastes and partially-eaten salmon carcasses in the riparian forest; (D) Terrestrial and aquatic insects colonize salmon carcasses, enhancing decomposition and MDN diffusion; (E) Dissolved N downwells into hyporheic flowpaths beneath the riparian forest and is taken up by tree roots; (F) MDN inputs enhance foliar N content and growth rates of riparian trees; (G) Riparian trees provide shade, bank stabilization, allochthonous organic matter and large woody debris (LWD), enhancing the quality of instream habitat for salmonid fishes; (H) LWD retains post-spawn salmon carcasses in streams, further enhancing MDN availability; (I) Increased foliar N content enhances palatability and nutrition of riparian plants, potentially altering patterns of browsing, which in turn affects patterns of riparian productivity and species composition.

Figure 6: Riparian ecology of the boreal forest; Graphic from: James M. Helfield and Robert J. Naiman, “Keystone Interactions: Salmon and Bear in Riparian Forests of Alaska,” *Ecosystems* 9, no. 2 (2006), 177.

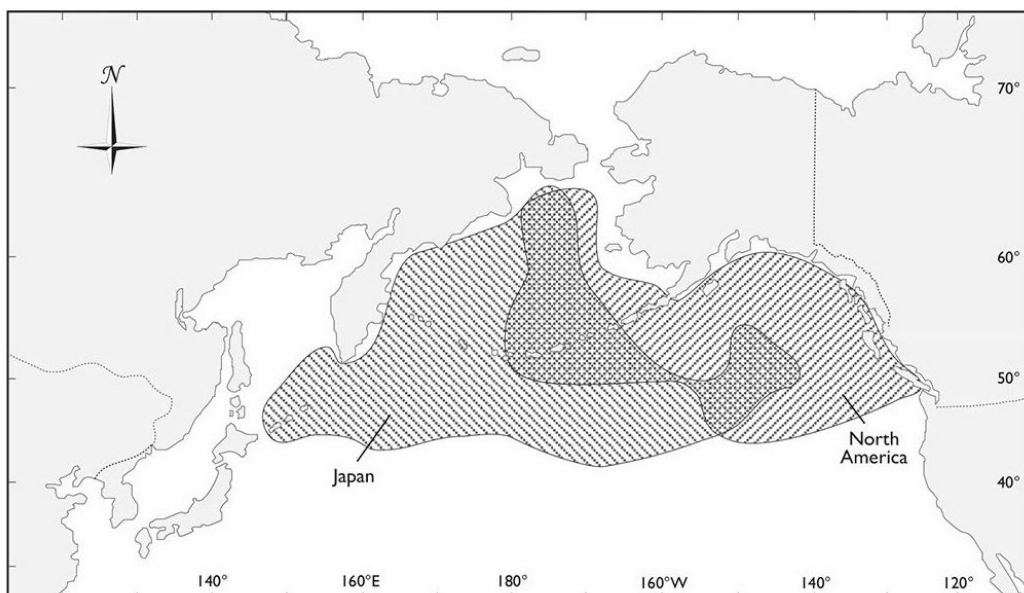


Figure 7: Distribution of chum salmon in the northern Pacific Ocean; Map from: Thomas P. Quinn, *The Behavior and Ecology of Pacific Salmon and Trout* (Seattle; London: University of Washington Press, 2018), 64.

⁴⁵⁴ See *ibid.*

⁴⁵⁵ Naiman et al., "Pacific Salmon, Nutrients, and the Dynamics of Freshwater Riparian Ecosystems," 400.

The spawning pools of Pacific salmon lie in the myriads of rivers and streams that together constitute what, in the 19th and 20th centuries, was identified as ‘the Yukon River drainage’. With other words, the ecological pump constantly feeding energy and maritime-derived nutrients into the comparatively energy- and nutrient-scarce ecologies of the interior Yukon riverlands is constituted by millions of fish moving along the capillaries of the circulatory system of the Yukon River.⁴⁵⁶

As indicated above, the rhythms of salmon are tied to the seasonal variations of the landscapes of the riverlands and to the orbital patterns of solar radiation. Precipitation in the Yukon riverlands “[...] is light and much of it falls as snow”⁴⁵⁷. Still, when temperatures drop, the water of streams, lakes, swamps, and also what is stored in rocks or in the tissue of plants turns into ice, expanding as it freezes, cracking rocks and soils (see, fig. 8).⁴⁵⁸ In spring, when the ice melts and the rivers break up, veritable walls of ice are rolling downriver resulting in flood events and in the transportation of huge amounts of vegetation and earth.⁴⁵⁹ The sun shapes but does not determine the creation of the Yukon riverlands.⁴⁶⁰

⁴⁵⁶ On the specific qualities of riverine ecosystems see especially, Naiman and Décamps, "The Ecology of Interfaces: Riparian Zones."; Naiman, Décamps, and McClain, *Riparia: Ecology, Conservation, and Management of Streamside Communities*.

⁴⁵⁷ Catharine McClellan and Glenda Denniston, "Environment and Culture in the Cordillera," in *Handbook of North American Indians*, ed. June Helm (Washington D.C.: Smithsonian Institution, 1981), 374.

⁴⁵⁸ See, *ibid.*, 373-74.

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⁴⁶⁰ See, Demuth, *Floating Coast: An Environmental History of the Bering Strait*.

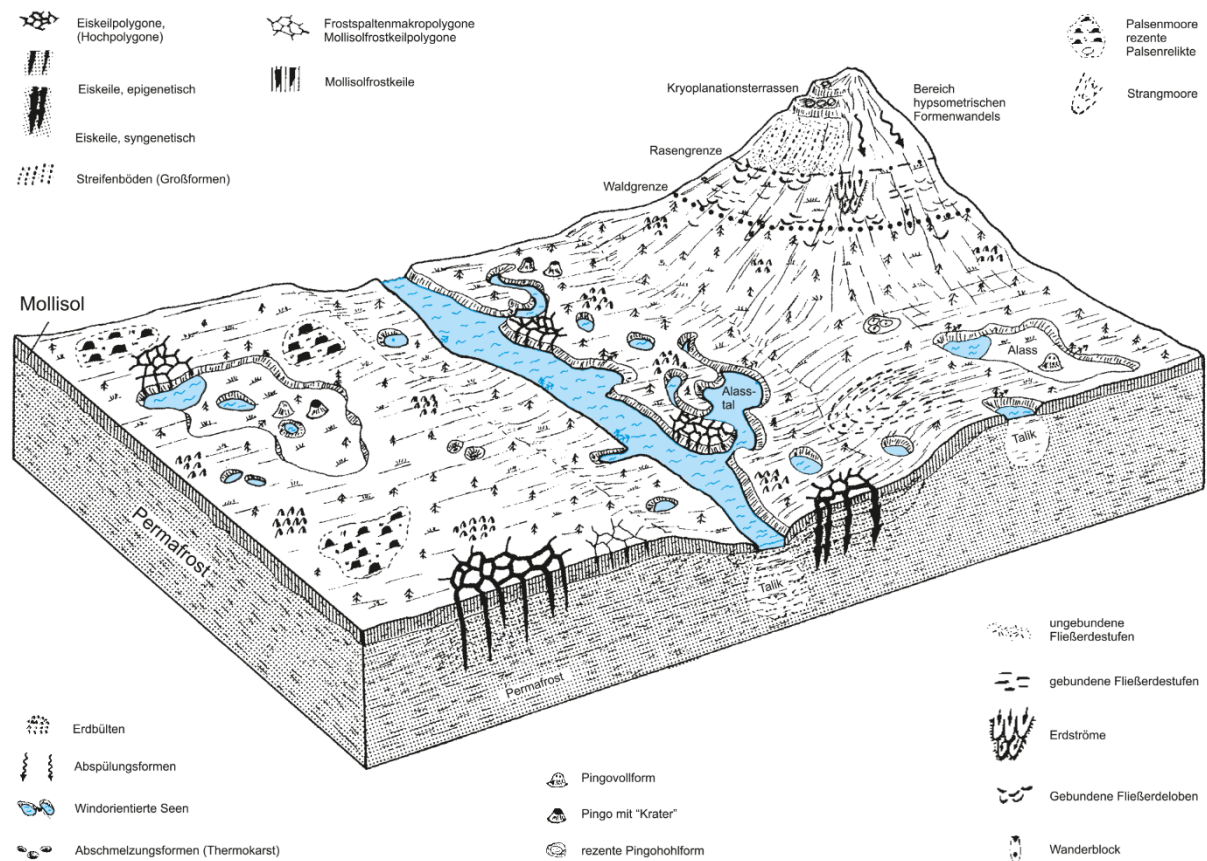


Figure 8: Water as a geomorphological factor in the boreal forest; Graphic from Jürgen Schultz, *Die Ökozonen der Erde* (Stuttgart: Verlag Eugen Ulmer, 2016), 120.

Indigenous nations have developed unique relationships with these ever-changing landscapes. Seasonal variations of Indigenous practices reflected the intimate relationships between Indigenous societies and their more-than-human relatives.⁴⁶¹ Anthropologist Cornelius Osgood who conducted fieldwork in Gwich'in country in the early 1930s describes the seasonal cycle of subsistence,

The Peel River Kutchin are both a fishing and a hunting people whose activities in quest of food depend primarily on the seasons. During the summer fish are abundant and both men and women occupy themselves almost wholly in procuring as large a supply as possible, most of which is preserved for future use. During the rest of the year hunting and trapping supplant fishing as the major occupation, although fishing is continued under the ice of small lakes. The real fishing season begins in June after the people have assembled, built skin boats, and floated down the river from

⁴⁶¹ See, Cornelius Osgood, *The Han Indians: A Compilation of Ethnographic and Historical Data on the Alaska-Yukon Boundary Area*, vol. 74, Yale University Publications in Anthropology (New Haven: Yale University Press, 1971), 98-116; McClellan and Denniston, "Environment and Culture in the Cordillera," 375-77. Of course, the significance of seasonal variations amongst Indigenous societies in northern North America and in the Arctic has been subject to a large number of anthropological studies undertaken in relation to the seminal article by Marcel Mauss and Henri Beuchat; see, e.g., Marcel Mauss and Henri Beuchat, "Soziale Morphologie: Über Den Jahreszeitlichen Wandel Der Eskimogesellschaften," in *Soziologie Und Anthropologie, Band 1*, ed. Marcel Mauss (Munich: Ullstein Verlag, 1978).

their hunting territory in the mountains to favored creeks and eddies where fish are plentiful. The fishing continues until November when the people return up the river together, feasting at all the places where large caches have been made. Then the tribe breaks up into small groups of families which hunt and trap in chosen areas while leading a semi-nomadic life, finally reuniting in the late spring on the headwaters of the Peel River in order to make preparations for the annual migration for summer fishing.⁴⁶²

While Osgood stresses the significance of fishing—a point, we have to remember—he also emphasized the importance of both large and small game animals such as caribou and moose, rabbits or squirrels.⁴⁶³ In contrast to salmon which was—and still is—caught during the summer and in the early fall, caribou, themselves migratory animals, “[...] are secured both autumn and winter [...]”⁴⁶⁴. Tr’ondëk Hwëch’in explained to anthropologist Richard Slobodin,

“Most caribou hunting was done in the mountains in winter-time. The people would be moving along, looking for caribou sign. Then they might find some caribou tracks that might be one, two, three days old—maybe weeks old. They would look around for the nearest open space of clear ice maybe an overflow or a glacier. Most people would camp there. Five or six young men would be sent after the caribou. [...] Finally they caught up with the caribou, and then they got on the other side of them and turned them and began to herd them back to the camp.”⁴⁶⁵

In the north of the Yukon riverlands, the Porcupine Caribou Herd, an enormous herd of barren-ground caribou (*Rangifer tarandus*) determines the rhythmicity of more-than-human relationships. In the Arctic summer, caribou craze and calve on the northern flanks of the Brooks Range in Alaska, migrating to their winter pastures in late summer and early fall as far as the Teetl’it Gwinjik, the Peel River watershed (see, fig. 9). Some caribou even wandered, explained Van Tat Gwich’in Elder Alfred Charlie in 2001, “[...] up at the ocean, up that way, on the [Richardson] mountains. Some of them went up that way. Then the Aklavik people, in the summer, them, too, they took their meat from them. Some of them went way up at Bell River,... [in original] then way up where they call Loon Lake, above there they went over the mountains. Then... [in original] the Fort McPherson people, they ate good from it, too. Then at a place called James Creek all the way to Eagle Plains, that’s how the caribou migrated before winter”⁴⁶⁶.

⁴⁶² Cornelius Osgood, *Contributions to the Ethnography of the Kutchin*, vol. 14, Yale University Publications in Anthropology (New Haven: Yale University Press, 1936), 23.

⁴⁶³ See, *ibid.*, 24–28.

⁴⁶⁴ *Ibid.*, 25.

⁴⁶⁵ Chief Isaac, cit. in: Osgood, *The Han Indians: A Compilation of Ethnographic and Historical Data on the Alaska-Yukon Boundary Area*, 74, 108.

⁴⁶⁶ Vuntut Gwitchin First Nation and Smith, *People of the Lakes: Stories of Our Van Tat Gwich’in Elders/Googwandak Nakhwach’ànjòò Van Tat Gwich’in*, xxix.

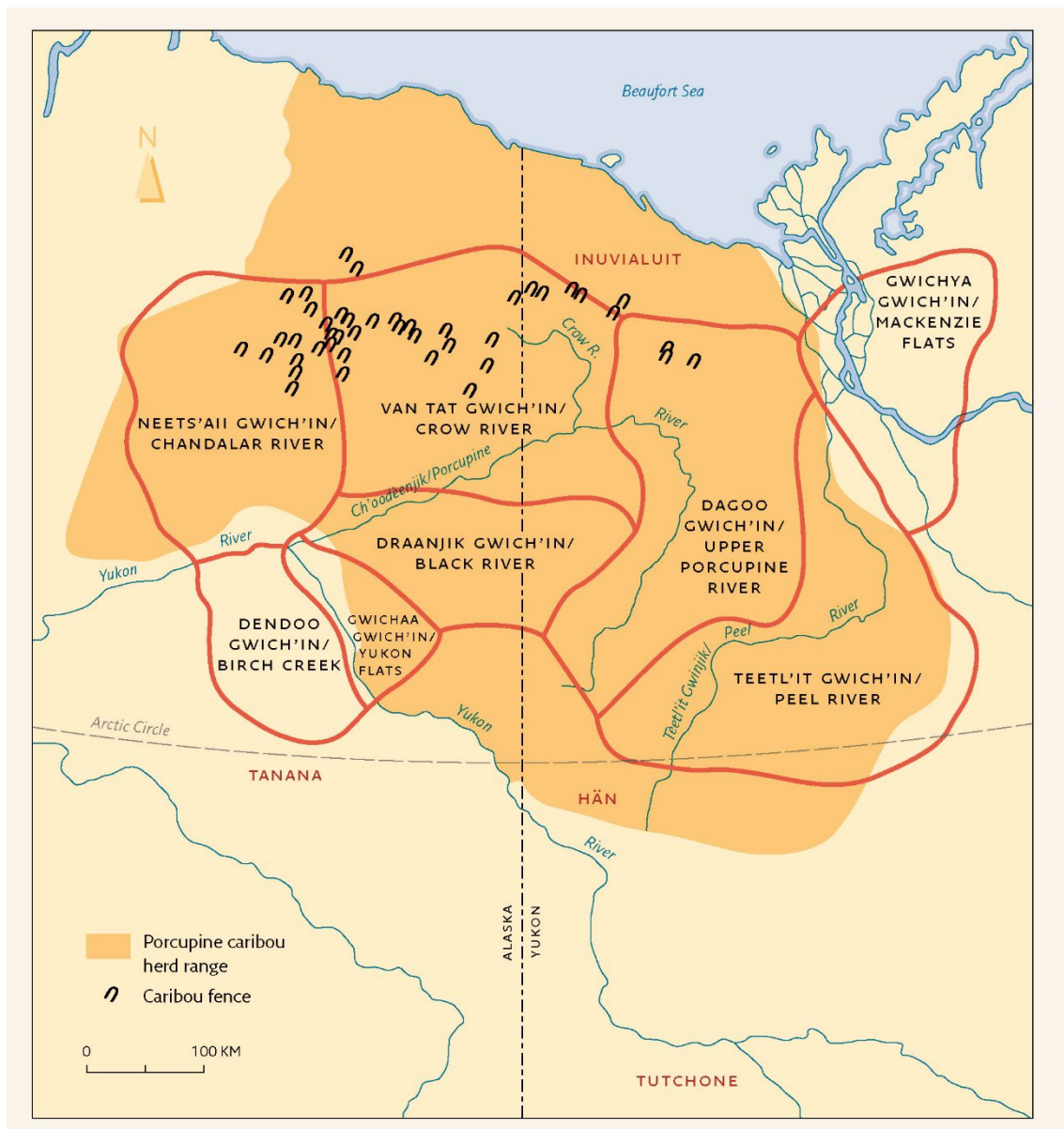


Figure 9: Map of Gwich'in country and the northern Yukon riverlands; Map from: VGFN Vuntut Gwitchin First Nation and Shirleen Smith, *People of the Lakes: Stories of Our Van Tat Gwich'in Elders/Googwandak Nakhwach'anjöö Van Tat Gwich'in* (Edmonton: The University of Alberta Press, 2009), xxvii.

Caribou were hunted by stalking or by trapping them, sometimes with the help of wooden traps, so-called 'caribou fences' (tthal).⁴⁶⁷

"So, that's how these caribou migrated. They did that, and the people knew. Where there were caribou trails, they [Gwich'in] knew it, and they made caribou fences there for the caribou. The caribou fences were up this way, on the mountains. [They were used when] [brackets in original] the caribou migrated up this way, and also when the caribou migrated back down. They didn't have

⁴⁶⁷ See, Osgood, *The Han Indians: A Compilation of Ethnographic and Historical Data on the Alaska-Yukon Boundary Area*, 74, 108-09.

guns. They only used bows and arrows in those days. So, they made caribou fences. They fixed it all up in the springtime.”⁴⁶⁸

Elders have also talked about “[...] pretending to be like caribou”⁴⁶⁹, so “[...] we get close to the caribou”⁴⁷⁰. Others mentioned the use of snares to trap and hunt migrating caribou, or to ‘seal off’ the entrances of tthal once caribou had entered them.⁴⁷¹ Tthal and archaeological remains of them have been located in an area north of the Yukon River and Ch’oodëenjik that ranges from the Chandalar River watershed in the west to the Richardson Mountains in the east.⁴⁷² According to Neets’aii Gwich’in Elder Isaac Tritt Sr. from Arctic Village, tthal “[...] was really only used during the month of September”⁴⁷³. “And they say”, adds Elder and chief Trimble Gilbert, “that area inside the fence is also a very sacred place”⁴⁷⁴. Like the caribous’ main trails, the area inside the fence was considered sacred and thus caribou were not to be butchered inside the fence.⁴⁷⁵ “They throw them over [...]”, tells Gilbert, “[...] and made a butchering place nearby”⁴⁷⁶. Thus, the tthal were important gathering sites for Gwich’in and could be ascribed to particularly powerful leaders.⁴⁷⁷ For Trimble Gilbert and countless others, the relationships between Gwich’in and caribou were of outmost significance both in terms of nutrition and survival as well as in terms of cosmological and, eventually, ontological integrity.⁴⁷⁸

“[...] it’s because of the caribou that Arctic Village exists, around the Arctic Village area. If there were no caribou there is no way they [the residents] would survive.”⁴⁷⁹

As mentioned before, aside from caribou and various other large and small animals, fish proved to be an extremely important part of Indigenous peoples’ diet and their more-than-human relationships. In fact, as anthropologist Robert P. Wishart recently criticized, the significance of fish, both historically and contemporarily, easily goes amiss because of settler colonialist-capitalist

⁴⁶⁸ Vuntut Gwitchin First Nation and Smith, *People of the Lakes: Stories of Our Van Tat Gwich’in Elders/Googwandak Nakhwach’anjoo Van Tat Gwich’in*, xxiv.

⁴⁶⁹ Mishler and Frank, *The Man Who Became a Caribou/Dinjii Vadzaih Dhidlit: Gwich’in Stories and Conversations from Alaska and the Yukon*, 111.

⁴⁷⁰ Ibid.

⁴⁷¹ See, e.g., *ibid.*, 75, 80-89, 92-97.

⁴⁷² See, Vuntut Gwitchin First Nation and Smith, *People of the Lakes: Stories of Our Van Tat Gwich’in Elders/Googwandak Nakhwach’anjoo Van Tat Gwich’in*, xxvii.

⁴⁷³ Mishler and Frank, *The Man Who Became a Caribou/Dinjii Vadzaih Dhidlit: Gwich’in Stories and Conversations from Alaska and the Yukon*, 75.

⁴⁷⁴ Ibid., 77.

⁴⁷⁵ Ibid., 78-79.

⁴⁷⁶ Ibid., 79.

⁴⁷⁷ Ibid., 76-77.

⁴⁷⁸ A recent publication by anthropologist Erin M. Consiglio stresses the significance of caribou to contemporary Gwich’in life and the challenges of rapid environmental change in the community of Old Crow; see, Erin M. Consiglio, “Traditional Ecological Knowledge in a Changing Environment: Vuntut Gwitchin Observations of Change in the Yukon Territory,” *Anthropologica* 66, no. 1 (2024).

⁴⁷⁹ Mishler and Frank, *The Man Who Became a Caribou/Dinjii Vadzaih Dhidlit: Gwich’in Stories and Conversations from Alaska and the Yukon*, 79.

strategies of projecting sovereignty through articulations of territorial control and territorialized practices of resource use that notoriously valorize terrestrial practices such as hunting while quickly dismissing more-than-terrestrial relationships as non-significant. In fact, as Elder Sarah (Stewart) Simon from Fort McPherson reminds us, fish were not only important to local Indigenous communities but also to the traders of the Hudson's Bay Company.⁴⁸⁰ To secure supplies for the winter, the British party at what was about to become Fort Yukon in 1847 focused their attention on fishing as well. "Immediately after our arrival the fishing was commenced, and nets set regularly in the river but with little advantage until the beginning of September when the trout began to ascend [...]"⁴⁸¹. It tells of the significance of fish to Gwich'in peoples that Van Tat Elder Peter Josie from Old Crow associates fishing with hunting caribou.

"People catch what they want but when you are catching fish or when you are hunting caribou, you are always thinking for the winter. How much you need for the winter—experienced people always know how much they need for the winter, for them and their dogs. [...] So, if you are starting to fish, you are going to have to ask somebody how much you need. [...] If you don't ask, you won't know and you could end up wasting or not having enough."⁴⁸²

According to Teetl'it Gwich'in Elder Sarah Stewart Simon, fur traders were indeed dependent on Gwich'in expertise and knowledge to supply their posts in the riverlands to gradually expand their radius of operation, an argument supported by Murray who reported that, eventually, "[...] two men and an Indian, with thirteen nets, produced 1,380 fish"⁴⁸³ in ca. three weeks in September of 1847.

"At Trail Creek, that's where they were putting up a big, big fish camp. The Hudson's Bay manager told them, 'We are going to build a house and a store and live here. Make lots of dry fish because we are going to build a house and we will need something to eat.' So the Teetl'it Gwich'in people went up to Trail Creek."⁴⁸⁴

⁴⁸⁰ The significance of fisheries to traders of the HBC in the Mackenzie River watershed has been highlighted by Robert Wishart as well, see, Robert P. Wishart, "'We Ate Lots of Fish Back Then': The Forgotten Importance of Fishing in Gwich'in Country," *Polar Record* 50, no. 255 (2014): 348. These claims should be taken very seriously, because they demonstrate both the economic complexity of what has habitually been termed 'the fur trade' and the dependence of traders on local resources and experts; see, also, Douglas C. Harris, *Fish, Law, and Colonialism: The Legal Capture of Salmon in British Columbia* (Toronto; Buffalo; London: University of Toronto Press, 2001).

⁴⁸¹ Murray, *Journal of the Yukon, 1847-1848*, 63.

⁴⁸² VGFN Vuntut Gwitchin First Nation and Erin Sherry, *The Land Still Speaks: Gwitchin Words About Life in Dempster Country* (Old Crow: VGFN Lands and Resources Department, 1999), 266.

⁴⁸³ Murray, *Journal of the Yukon, 1847-1848*, 63.

⁴⁸⁴ Gwich'in Tribal Council and Leslie McCartney, *Our Whole Gwich'in Way of Life Has Changed: Stories from the People of the Land/Gwich'in K'yu Gwiidandai' Tihak Ejuk Goonlib* (Edmonton: The University of Alberta Press, 2020), 3.

Lacking access to fish and to the knowledge about such places that are “[...] really good for fishing”⁴⁸⁵ could quickly end peoples’ lives.⁴⁸⁶ Neets’aii Gwich’in Elder Trimble Gilbert from Arctic Village remembers how a blind women who had been left at a fish trap for the duration of a hunting trip, starved to death, because strings which were installed to lead her to the fish trap, had been broken.⁴⁸⁷ In Gwich’in and Hwëch’in country, Indigenous peoples fished for various species of anadromous and freshwater fish: from Arctic grayling (*Thymallus arcticus*) and lake trout (*Salvelinus namaycush*), to burbot (*Lota lota*) and northern pike (*Esox lucius*), to different species of whitefish (*Coregonus spec.*) and Pacific salmon (*Oncorhynchus spec.*).⁴⁸⁸ Fishing practices were structured by a seasonal rhythm. Van Tat Elder and author Edith Josie from Old Crow recollects,

“In the fall we stayed at the mouth of the Whitestone River. We set fish net. We get whitefish, sucker, and chum salmon. We dry the fish for our food and dog food. After the river freezes up, we move to Whitestone. We set net under the ice. The fish we get then is put in the cache to be frozen. We get all kinds of fish. ... [in original] We hook for grayling in the spring. ... [in original] When people hook, they hook in the mouth of a river or creek. They get grayling in spring and loche under the ice in early winter. [...]”⁴⁸⁹

Aside of the use of gill nets, hooks, and lines, fish traps were “perhaps the most important aboriginal means of catching fish [...]”⁴⁹⁰ (see, fig. 10 & 11). As Van Tat Elder Charlie Peter Charlie Sr. remembers,

“Long time ago they made fish traps with willow. They get long straight willow and they braid this so small fish can’t get through. They set fish traps in a creek or the mouth of a river. A cache is built on each side of the fish trap. The fish trap is built from one side of the river to the other side. The men would sit on the cache and watch the fish trap. If the fish trap fills up, they would take the fish out. We usually get so much fish we need to use a canoe to transport the fish to the shore.”⁴⁹¹

⁴⁸⁵ Mishler and Frank, *The Man Who Became a Caribou/Dinjii Vadzaiib Dhidlit: Gwich'in Stories and Conversations from Alaska and the Yukon*, 341.

⁴⁸⁶ See, Wishart, "We Ate Lots of Fish Back Then: The Forgotten Importance of Fishing in Gwich'in Country," 344-45.

⁴⁸⁷ See, Mishler and Frank, *The Man Who Became a Caribou/Dinjii Vadzaiib Dhidlit: Gwich'in Stories and Conversations from Alaska and the Yukon*, 340-43.

⁴⁸⁸ See, Richard Slobodin, "Kutchin," in *Handbook of North American Indians*, ed. June Helm (Washington D.C.: Smithsonian Institution, 1981), 516.

⁴⁸⁹ Vuntut Gwitchin First Nation and Sherry, *The Land Still Speaks: Gwitchin Words About Life in Dempster Country*, 245.

⁴⁹⁰ Richard K. Nelson, *Hunters of the Northern Forest: Designs for Survival among the Alaskan Kutchin*, 2nd ed. (Chicago; London: The University of Chicago Press, 1986), 57.

⁴⁹¹ Vuntut Gwitchin First Nation and Sherry, *The Land Still Speaks: Gwitchin Words About Life in Dempster Country*, 251.

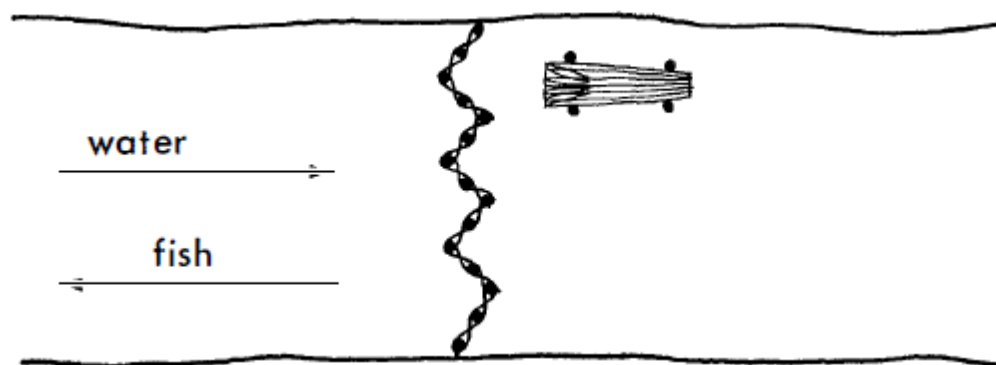


Figure 10: Salmon trap; Graph. from: Cornelius Osgood, *The Han Indians: A Compilation of Ethnographic and Historical Data on the Alaska-Yukon Boundary Area*, vol. 74, Yale University Publications in Anthropology (New Haven: Yale University Press, 1971), 68.

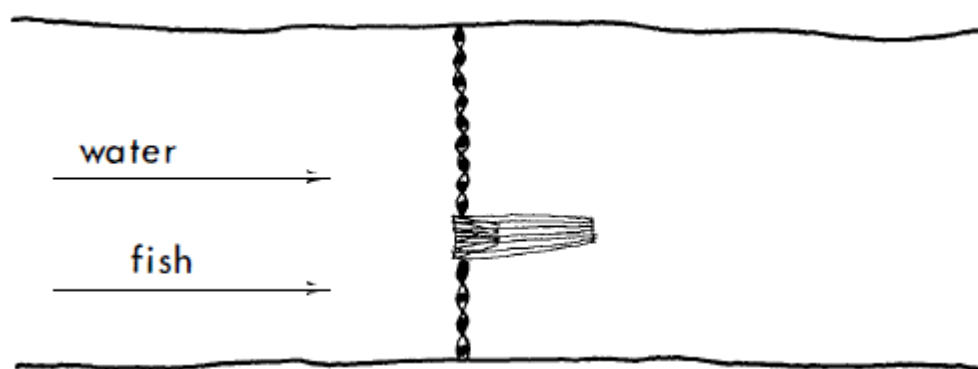


Figure 11: Fish trap; Graph. from: Cornelius Osgood, *The Han Indians: A Compilation of Ethnographic and Historical Data on the Alaska-Yukon Boundary Area*, vol. 74, Yale University Publications in Anthropology (New Haven: Yale University Press, 1971), 69.

Murray reports about similar installations. “The real salmon”, he writes, “[...] ascend this river [...], one only (and a small one) was taken in our nets, but the Indians kill a number every year by barring the smaller channels of the river and setting willow baskets constructed for the purpose”⁴⁹². Salmon were dried and then used as a staple for trade.⁴⁹³ Like the tthal, the fish camp constituted a site of intensive social interaction, “[...] because salmon of the Yukon River were most often harvested as part of a family or extended family effort rather than for the benefit of a single person”⁴⁹⁴.⁴⁹⁵ Given that the construction and operation of a fish trap required differential degrees of cooperation, fish camps could very well differ in size.⁴⁹⁶ Fishing sites were, essentially, gathering

⁴⁹² Murray, *Journal of the Yukon, 1847-1848*, 65.

⁴⁹³ Ibid.

⁴⁹⁴ Catherine F. Moncrieff, "Traditional Ecological Knowledge of Customary Trade of Subsistence Harvested Salmon on the Yukon River," (Anchorage: Yukon River Drainage Fisheries Association, 2007), 12.

⁴⁹⁵ Anthropologist Richard Slobodin notes: “A local group was one that, unlike all other groupings except of the fish camp, occupied a particular locale and exploited the territory around it during a particular number of years”, in: Slobodin, "Kutchin," 520.

⁴⁹⁶ See also, Catharine McClellan, *My Old People Say: An Ethnographic Survey of Southern Yukon Territory*, vol. 2 (Hull (Quebec): Canadian Museum of Civilization, 2001), 487-88.

sites. “In the summer”, Van Tat Gwich’in Elder Myra Moses remembers, “we fished together. When we got fish, it was given out to all the people. All the people had fish. The person who got the fish didn’t keep it for himself. When we travelled... [in original] some of them stay in Crow Flats. They got fish. All the people worked together”⁴⁹⁷.

In accordance with seasonal conditions, fish could be dried, cooked and roasted, or frozen. “In the warm months”, explains Edith Josie, “when we get fish, we cut it and hang it on a pole in the cache to dry. In the winter, we gut the fish and freeze it”⁴⁹⁸. It was used not only as a ready staple for humans and for their dogs, but also highly valued as a trade good.⁴⁹⁹ Indeed, recent studies provided evidence of existing, extensive networks of exchange between Gwich’in communities in the Yukon Territory (Canada), the North-West Territory (Canada), and Alaska (United States).⁵⁰⁰ Some species of fish were—and still are—considered particularly important. Łuk choo, king or chinook salmon (*Oncorhynchus tshawytscha*) were shared with “[...] the old people. The old Elders, they used to get king salmon with a canoe”⁵⁰¹. It was also shared on special occasions such as Christmas and New Year’s festivities. “Every year”, tells Neets’aii Elder Macarthur Tritt Sr. from Venetie in 2012, “I’ve been getting fish around here, king salmon”⁵⁰². “I also save it for people for special occasions like this”, he continued, “in order for them to eat king salmon”⁵⁰³.⁵⁰⁴ While, of course, the social and ritual significance of salmon cannot be linearly derived from its ecological importance, it is crucial to note that, compared with other species of fish in the Yukon riverlands, salmon proves exceptionally rich in terms of calories and maritime-derived nutrients.

Salmon, it might be noted, average 1,000 calories per average pound of the edible portion, which is half again as much as whitefish or halibut, double that of white perch or brook trout, three times that of pike or pickerel, and is approached only by lake trout or lampreys which average 800 calories [...]. If we compute 15,000 calories for the average fish (Indians ate practically everything but the

⁴⁹⁷ Vuntut Gwitchin First Nation and Smith, *People of the Lakes: Stories of Our Van Tat Gwich'in Elders/Googwandak Nakhwach'anjoo Van Tat Gwich'in*, 61.

⁴⁹⁸ Vuntut Gwitchin First Nation and Sherry, *The Land Still Speaks: Gwitchin Words About Life in Dempster Country*, 261.

⁴⁹⁹ See, Nelson, *Hunters of the Northern Forest: Designs for Survival among the Alaskan Kutchin*, 68-70.

⁵⁰⁰ See, Jeans, "The Cross-Border Dimensions of Vuntut Gwitchin Food Security."; Maracle et al., "Caribou and the Politics of Sharing."; Caroline L. Brown et al., "Customary Trade and Barter as Part of a Continuum of Exchange Practices in Three Upper Yukon River Region Communities: Fort Yukon, Manley Hot Springs, and Venetie," in *Technical Papers*, ed. Division of Subsistence Alaska Department of Fish and Game (Fairbanks: Alaska Department of Fish and Game, 2017).

⁵⁰¹ Vuntut Gwitchin First Nation and Sherry, *The Land Still Speaks: Gwitchin Words About Life in Dempster Country*, 267.

⁵⁰² Mishler and Frank, *The Man Who Became a Caribou/Dinjii Vadzaiih Dhidlit: Gwich'in Stories and Conversations from Alaska and the Yukon*, 243.

⁵⁰³ Ibid., 245.

⁵⁰⁴ According to a report of the Division of Subsistence of the Alaska Department of Fish & Game, “salmon fishing and the use of fish camps were not common subsistence practices of the Neets’aii people because they did not live within the range of salmon migration until Venetie was settled”, in: Brown et al., "Customary Trade and Barter as Part of a Continuum of Exchange Practices in Three Upper Yukon River Region Communities: Fort Yukon, Manley Hot Springs, and Venetie," 73.

skin and bones), fifty of them would supply one person with 2,000 calories a day for a full year. Schwatka [...] makes the curious remark that the Han say they prefer dog salmon to kings because the latter are too oily. For me, that point of view has the color of acculturation, or perhaps it is a rationalization because dog salmon provided the more commonplace food.⁵⁰⁵



The strategic groundwork that caused Murray's fear over a violent confrontation with traders from the Russian American Company in 1847 was laid in winter 1825 in St. Petersburg where diplomats of the British and the Russian empires were convening to negotiate both "[...] different points connected with the commerce, navigation, and fisheries of their subjects on the Pacific Ocean as well as the limits of their respective possessions on the northwest coast of America [...]"⁵⁰⁶. By ink and paper, the Alaskan Panhandle was cut off from British territories and the "[...] meridian line of the 141st degree, in its prolongation as far as the Frozen Ocean, shall form the limit between the Russian and British possessions on the continent of America to the north-west"⁵⁰⁷. None of the diplomatic envoys drawing these borderlines had ever visited the lands and landscapes over which 'their' territories were being established. On the contrary, "[i]n the explorer's world, space is mapped, before it is known, by a globe-enveloping set of bisecting lines that drive toward human efforts at discovering or knowing the portions of the grid that contain *terra incognita* and *mare incognitum* [...]"⁵⁰⁸. In fact, the genius of the geographical coordination system of longitudes and latitudes was—and still is—that it allowed for the articulation of dominance over lands that, by definition, were considered 'unknown' to colonial authorities; it was the projection of dominance over abstract space not—at least not necessarily—the execution of control over vivid landscapes.⁵⁰⁹

⁵⁰⁵ Osgood, *The Han Indians: A Compilation of Ethnographic and Historical Data on the Alaska-Yukon Boundary Area*, 74, 115.

⁵⁰⁶ Treaty Between Great Britain and Russia, Signed at St. Petersburg Feb. 28/16, 1825, Preamble, cit. in Green, *The Boundary Hunters: Surveying the 141st Meridian and the Alaskan Panhandle*, 179.

⁵⁰⁷ Treaty Between Great Britain and Russia, Signed at St. Petersburg Feb. 28/16, 1825, Art. III, cit. in *ibid.*, 181.

⁵⁰⁸ Roberts and Stephens, "Introduction: Archipelagic American Studies: Decontinentalizing the Study of American Culture," 20, *emph. i. Orig.*

⁵⁰⁹ We are reminded of Martin Heidegger's distinction between 'space' (*Raum*) and 'place' (*Ort*): "Aber 'der' Raum in diesem Sinne enthält keine Räume und Plätze. Wir finden in ihm niemals Orte, d.h. Dinge von der Art und Weise der Brücke. Wohl dagegen liegt umgekehrt in den Räumen, die durch Orte eingeräumt sind, jederzeit der Raum als Zwischenraum und in diesem wieder der Raum als reine Ausdehnung. Spatium und extensio geben jederzeit die Möglichkeit, die Dinge und das, was sie einräumen, nach Abständen, nach Strecken, nach Richtungen zu durchmessen und diese Maße zu berechnen. In keinem Falle sind jedoch die Maß-Zahlen und ihre Dimensionen nur deshalb, weil sie auf alles Ausgedehnte *allgemein* anwendbar sind, auch schon der *Grund* für das Wesen der Räume und Orte, die mit Hilfe des Mathematisch durchmessbar sind", cit. in: Martin Heidegger, "Bauen, Wohnen, Denken," in *Vorträge Und Aufsätze*, ed. Martin Heidegger (Stuttgart: Klett-Cotta, 2009), 150, *emph. in original*. Or, in the words of anthropologist Tim Ingold: "I wish to argue, in this chapter, against the notion of space. Of all the terms we use to describe the world we inhabit, it is the most abstract, the most empty, the most detached from the realities of life and experience. Consider the alternatives. Biologists say that living organisms inhabit *environments*, not space, and whatever else they may be, human beings are certainly organisms. Throughout history, whether as hunters and gatherers, farmers or herders of livestock, people have drawn a living from the *land*, not from space. Farmers plant their crops in the *earth*, not in space,

Still, the delineation of “[...] zones of influence [...]”⁵¹⁰ between imperial governments in the northern Pacific Northwest in 1825 was considered a necessary step to reduce tensions between Euro-American imperial powers. The convention of St. Petersburg focused more on regulating maritime transportation, access to fisheries in the Pacific Northwest, and access to the extensive trade networks dominated by Indigenous nations and vital to the production of exportable furs than on laying the groundwork for the actual enforcement of the borders it created. Prior to the convention, a definitive solution to the problem of delineating the boundaries between colonial empires in the Pacific Northwest—the United States and the Spanish, British, and Russian empires—had too long been postponed to keep a fragile peace. Merchants flying the Stars & Stripes had been present in the region since the late 18th century, “[...] dominating the China trade [...], because they owned their own vessels and were invested in their own success in ways that British captains employed by the East Indian Company were not”⁵¹¹. Their presence represented serious economic challenges to the British trading companies operating in the Pacific Northwest, most notably the North West Company (NWC), and to the Russian American Company alike.⁵¹² Since 1815, British officials had worried about the prospect of yet another military conflict with the United States.⁵¹³ Trying to defuse tensions with the U.S. over the boundaries in the Pacific Northwest, British diplomats “[...] agreed to leave the Oregon country open to both countries for ten years, tacitly accepting the legitimacy of U.S. claims”⁵¹⁴ to Puget Sound and the Columbia Basin in the Anglo-American Convention of 1818 while, at the same time, rejecting a U.S. proposal to conclusively settle for a mutually obligatory boundary line along the 49th parallel.⁵¹⁵ Thus, in the early 1820s, British and American traders had (almost) unrestricted access to enormous swaths of the Pacific Northwest and also to trade routes connecting the region both with ports in Asia and on the East Coast. In protectionist spirit, Tsar Alexander I. declared exclusive rights to access large

and harvest them from *fields*, not from space. Their animals graze *pastures*, not space. Travellers make their way through the *country*, not through space, and as they walk or stand they plant their feet on the *ground*, not in space. Painters set up their easels in the *landscape*, not in space. When we are at home, we are *indoors*, not in space, and when we go outdoors we are in the *open*, not in space. Casting our eyes upwards, we see the *sky*, not space, and on a windy day we feel the *air*, not space. Space is nothing, and because it is nothing it cannot truly be inhabited at all”, cit. in: Tim Ingold, *Being Alive: Essays on Movement, Knowledge, and Description* (London; New York: Routledge, 2022), 177, emph. in original.

⁵¹⁰ Geiger, *Converging Empires: Citizens and Subjects in the North Pacific Borderlands, 1867-1945*, 219.

⁵¹¹ *Ibid.*, 31.

⁵¹² For information about the economic and political significance and the dynamics of the trans-Pacific fur trade, see, e.g., James R. Gibson, *Otter Skins, Boston Ships, and China Goods: The Maritime Fur Trade of the Northwest Coast, 1785-1841* (Montreal; Kingston; London: McGill-Queen's University Press, 1992); Richard Mackie, *Trading Beyond the Mountains: The British Fur Trade on the Pacific, 1793-1843* (Vancouver: University of British Columbia Press, 1997); Igler, *The Great Ocean: Pacific Worlds from Captain Cook to the Gold Rush*, esp. ch. 1, ch. 4.

⁵¹³ See, Geiger, *Converging Empires: Citizens and Subjects in the North Pacific Borderlands, 1867-1945*, 31-33.

⁵¹⁴ Herring, *Years of Perils and Ambition: U.S. Foreign Relations, 1776-1921*, 143.

⁵¹⁵ See, Daniel Walker Howe, *What Hath God Wrought: The Transformation of America, 1815-1848* (Oxford; New York: Oxford University Press, 2007), 108-09; Herring, *Years of Perils and Ambition: U.S. Foreign Relations, 1776-1921*, 143-44; Hoy, *A Line of Blood and Dirt: Creating the Canada-United States Border across Indigenous Lands*, 16-17, 25-27.

swaths of the Pacific Northwest in 1821 to increase profits from the RAC and to articulate Russian imperial sovereignty vis-à-vis the British, Spanish, and American empires.⁵¹⁶

Yet, the Russian advance was ill-timed. In Washington, Secretary of State John Quincy Adams and President James Monroe were developing a markedly aggressive strategic agenda to expand the economic and political influence of the United States in the Atlantic and the Pacific worlds alike.⁵¹⁷ In May 1822, Adams declared “[...] that the United States would neither abide by the ukaz nor admit that it could ‘in any manner impair their rights, or those of their citizens’”⁵¹⁸. Eventually, on December 2, 1823, U.S. President James Monroe proclaimed, “[...] that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers”⁵¹⁹. While the significance of the 1823 Monroe Doctrine to the geostrategic dynamics in the Pacific Northwest has continuously and controversially been discussed, it is undisputed that the strategic constellation of the region was to change.⁵²⁰ In 1824, Russia was giving in to pressure from the United States over Tsar Alexander I.’s 1821 *ukase*. An agreement between the Czarist and the U.S. empires was being struck that, aside of being “[...] far vaguer and more limited than has often been assumed”⁵²¹, was generally favorable to U.S. merchants whose trading operations had been stymied by the 1821 *ukase*.⁵²² For the trading operations of the RAC, the agreement between the United States and the Tzarist empire was important because it reestablished supply lines to supply the company’s trading posts, forts, and fur farms. Ironically, the articulation of Tzarist sovereignty had mercilessly exposed the logistical and military weaknesses of the empire in the Pacific Northwest, because trading posts of the RAC had been cut off from their lifeline: U.S. merchants.⁵²³

For Britain, the agreement between Russia and the United States over boundaries, trade, and transportation posed an economic threat. Officials of the Hudson’s Bay Company, merged with the NWC in 1822, pushed the British government for continuing negotiations both with the United

⁵¹⁶ See, Howe, *What Hath God Wrought: The Transformation of America, 1815-1848*, 112-13.

⁵¹⁷ See, Herring, *Years of Perils and Ambition: U.S. Foreign Relations, 1776-1921*, 128-57.

⁵¹⁸ Mary E. Wheeler, "Empires in Conflict and Cooperation: The 'Bostonians' and the Russian-American Company," *Pacific Historical Review* 40, no. 4 (1971): 434.

⁵¹⁹ Dexter Perkins, "James Monroe: The Monroe Doctrine, 1823," in *An American Primer*, ed. Daniel J. Boorstin (Chicago; London: The University of Chicago Press, 1966), 257.

⁵²⁰ See, Wheeler, "Empires in Conflict and Cooperation: The 'Bostonians' and the Russian-American Company," 434-35; Howe, *What Hath God Wrought: The Transformation of America, 1815-1848*, 115-16. For an opposing perspective on the significance of the Monroe Doctrine; see, Jay Sexton, "The Monroe Doctrine in an Age of Global History," *Diplomatic History* 47, no. 5 (2023).

⁵²¹ Geiger, *Converging Empires: Citizens and Subjects in the North Pacific Borderlands, 1867-1945*, 33.

⁵²² See, Lydia Black, *Russians in Alaska, 1732-1867* (Fairbanks: University of Alaska Press, 2004), 198-99.

⁵²³ See, Wheeler, "Empires in Conflict and Cooperation: The 'Bostonians' and the Russian-American Company," 435-39; Black, *Russians in Alaska, 1732-1867*, 197-98; Haycox, *Alaska: An American Colony*, 125-26.

States and with Russia over trade and borders in the Pacific Northwest.⁵²⁴ The convention of British and Russian diplomats in St. Petersburg in 1825 was considered vital to the profitability of the HBC. Aside from the delineation of borderlines, blurry as they have been, the convention ultimately determined similarly favorable conditions for British subjects conducting trade in lands and waters claimed by St. Petersburg than American traders had previously been granted. For the RAC, the agreement between London and St. Petersburg was an enormous strategic defeat. It turned out that RAC officers had indeed unsuccessfully lobbied for constraining British influence over the fur trade in the Pacific and they failed in luring the Tsar into substantial investment into stabilizing supply lines and increasing the independence of the RAC from American traders.⁵²⁵ The officers of the Russian American Company were worried about brazen future expansion by the HBC, their main economic competitors—and their assessment proved essentially correct.

In 1839, the RAC “[...] was forced to grant its British rival a renewable ten-year lease to the entire mainland coastal strip between Portland Canal and Cape Spencer”⁵²⁶, because, once again, “[...] it lacked the full backing of its government [...]”⁵²⁷. Emboldened by the recent success, the HBC started to explore the riverlands for potential markets to acquire furs. Exploring the riverlands from the east, the HBC established a trading post at the Peel’s River in 1840, Peel’s River Post, which was later called Fort McPherson.⁵²⁸ After a series of expeditions, in 1845, the British eventually and with the help of Indigenous guides found a way over the Richardson Mountains and to the shores of the Ch’oodènjik.⁵²⁹ In 1846, the company opened a “[...] small outpost on the west side of the Richardson Mountains [...]”⁵³⁰, LaPierre’s House. Just one year later, the HBC dispatched Murray and his party to establish the company’s westernmost, and most profitable trading post Fort Yukon at the confluence of the Yukon and Porcupine rivers.⁵³¹ According to historian Lydia Black, “the Russians became aware of that almost immediately through native networks”⁵³². HBC trader

⁵²⁴ In recent years, historians have increasingly paid attention to the significance and the impacts of these globally operating corporations (most notably the British East India Company) with their own standing armies and government administrations, and endowed with royal charters to lands, resources, and peoples; see, e.g., Andrew Phillips and J. C. Sharman, *Outsourcing Empire: How Company-States Made the Modern World* (Princeton; Oxford: Princeton University Press, 2020); Philip J. Stern, *Empire, Incorporated: The Corporations That Built British Colonialism* (Cambridge, MA; London: Harvard University Press, 2023).

⁵²⁵ See, Black, *Russians in Alaska, 1732-1867*, 198-99.

⁵²⁶ Arndt, "Dynamics of the Fur Trade on the Middle Yukon River, Alaska, 1839-1868," 71. See also, Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 20-21.

⁵²⁷ Arndt, "Dynamics of the Fur Trade on the Middle Yukon River, Alaska, 1839-1868," 71.

⁵²⁸ See, Kenneth S. Coates, "Furs Along the Yukon: Hudson's Bay Company-Native Trade in the Yukon River Basin, 1830-1893," *BC Studies* Autumn 1982, no. 55 (1982): 56-58; Bockstoce, *Furs and Frontiers in the Far North: The Contest among Native and Foreign Nations for the Bering Strait Fur Trade*, 205-11.

⁵²⁹ See, *Furs and Frontiers in the Far North: The Contest among Native and Foreign Nations for the Bering Strait Fur Trade*, 212.

⁵³⁰ Coates, "Furs Along the Yukon: Hudson's Bay Company-Native Trade in the Yukon River Basin, 1830-1893," 58.

⁵³¹ See, *ibid.*; Bockstoce, *Furs and Frontiers in the Far North: The Contest among Native and Foreign Nations for the Bering Strait Fur Trade*, 214-18.

⁵³² Black, *Russians in Alaska, 1732-1867*, 265.

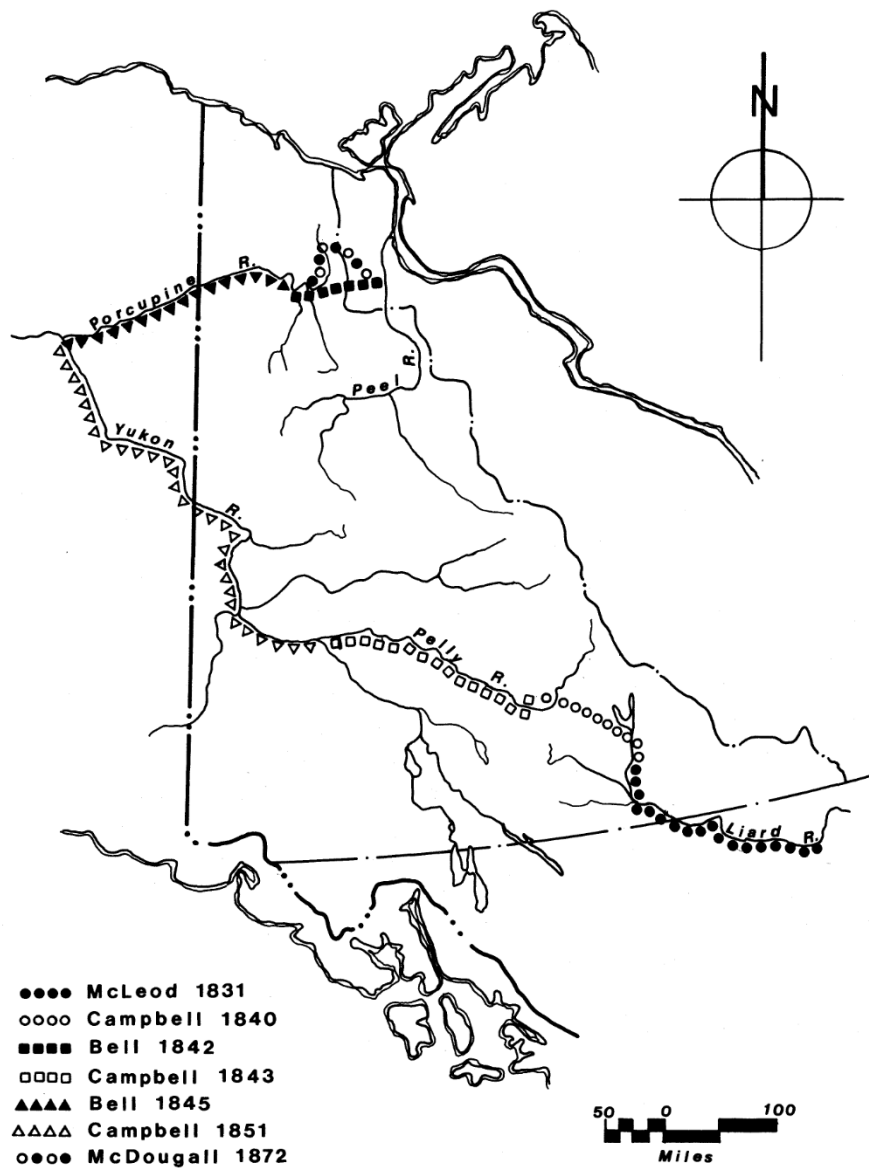
Robert Campbell who explored potential linkages between the Liard and Pelly rivers in 1840 and 1843, established Fort Selkirk at the junction of the Yukon and Pelly rivers.⁵³³ Thus, within a decade, the HBC had aggressively expanded its presence over much of the fur trade of the interior Yukon riverlands channeling furs away from Russian trading posts, forts, and trade fairs that, for lack of resources, remained locked to the Pacific coast (see, fig. 12 & 13).⁵³⁴ Indeed, each of the two sides knew about the other's presence through Indigenous trade networks. Through expeditions of John Bell in 1845, for instance, the HBC learned "[...] that Russian trade goods were reaching the Yukon via both Athapascans and Eskimos"⁵³⁵. Most importantly, however, "Bell also confirmed that the native middlemen did not welcome the company's intrusion into their monopoly"⁵³⁶.

⁵³³ See, Coates, "Furs Along the Yukon: Hudson's Bay Company-Native Trade in the Yukon River Basin, 1830-1893," 59-61; Arndt, "Dynamics of the Fur Trade on the Middle Yukon River, Alaska, 1839-1868," 75.

⁵³⁴ See, Bockstoce, *Furs and Frontiers in the Far North: The Contest among Native and Foreign Nations for the Bering Strait Fur Trade*, 221-24. Aside of administrative struggles, Katherine L. Arndt cites the outbreak of the Crimean War (1853-1856) as one of the key reasons crippling plans for an expansion of the RAC to the interior of the Yukon riverlands; see, Arndt, "Dynamics of the Fur Trade on the Middle Yukon River, Alaska, 1839-1868," 114-18. See also, Black, *Russians in Alaska, 1732-1867*, 266-67.

⁵³⁵ Bockstoce, *Furs and Frontiers in the Far North: The Contest among Native and Foreign Nations for the Bering Strait Fur Trade*, 212.

⁵³⁶ *Ibid.*, 213.



map by Bruce MacKinnon

Figure 12: Exploration routes of the HBC in the Yukon riverlands, 1831-1872, Map from: Kenneth S. Coates, "Furs Along the Yukon: Hudson's Bay Company-Native Trade in the Yukon River Basin, 1830-1893", *BC Studies* Autumn 1982, no. 55 (1982), 57.

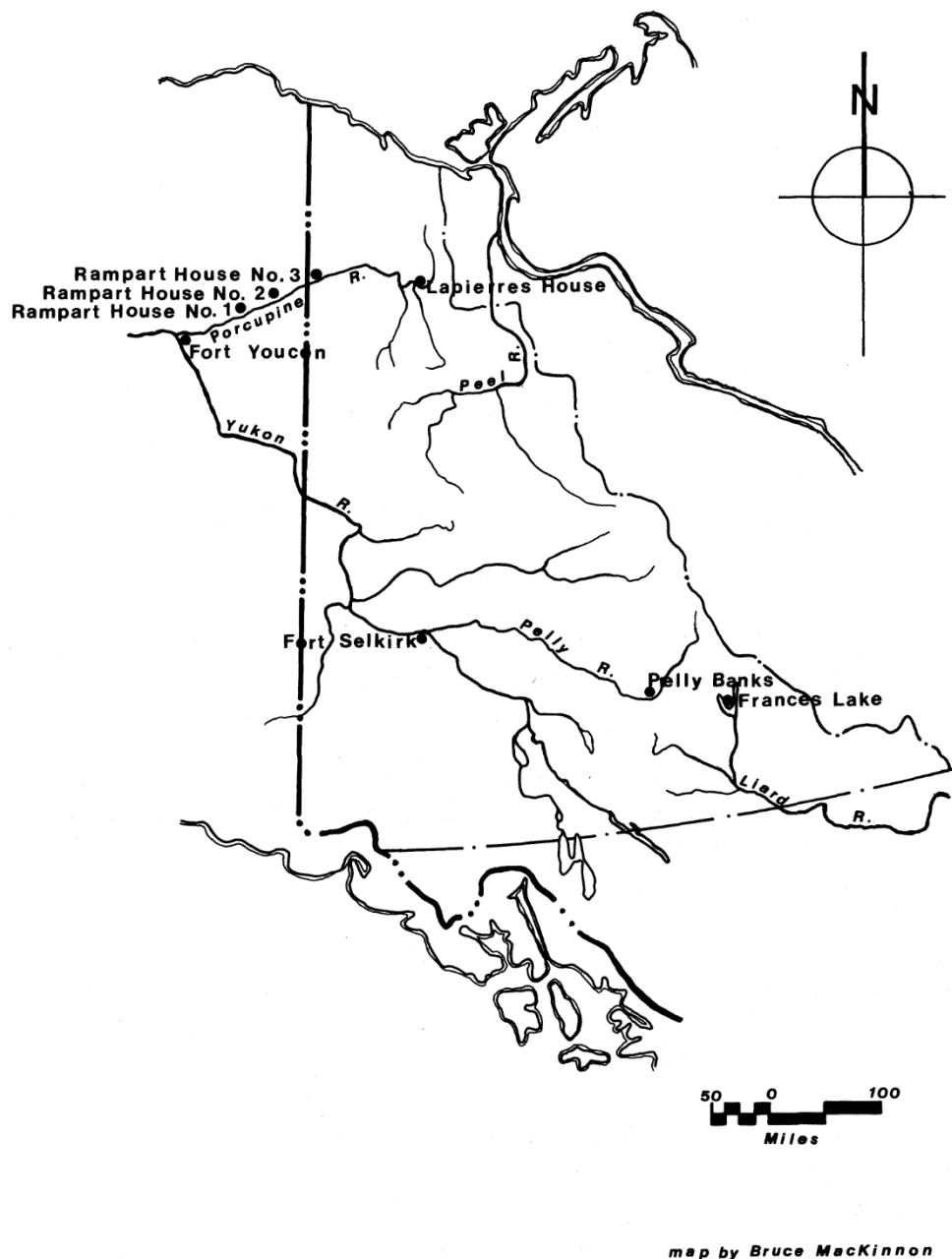


Figure 13: Trading posts of the HBC in the Yukon riverlands, 1839-1893, Map from: Kenneth S. Coates, "Furs Along the Yukon: Hudson's Bay Company-Native Trade in the Yukon River Basin, 1830-1893", *BC Studies* Autumn 1982, no. 55 (1982), 60.

In 1847, the British fur traders at what was about to become Fort Yukon were, as we have seen, acutely aware of their delicate strategic position in the Yukon riverlands, beyond the borderline that the 1825 treaty of St. Petersburg had delineated. They were aware of their inferior military position, their lack of knowledge of the riverlands, and their dependence on the willingness of Gwich'in, Hwëch'in, and other Indigenous nations to cooperate with the HBC rather than with their Russian rivals downriver. For Indigenous negotiators, the nervousness of the British did not go unnoticed. Their anxieties and fears over a joint campaign by the RAC and their Indigenous allies were mobilized as strategic assets in trading negotiations with Murray and his party.

[...] several of the Gens-du-fou became very troublesome and impertinent, handling and asking for everything they saw [...]. They demanded guns, beads and axes on credit to be paid for in the fall; this I refused telling them that we had few of these articles this year, but that we never gave credit to any one unless we knew them. They said, the Russians were once the same, they would not give them what they wanted, but they [the Indigenous peoples] killed a number of their people and pillaged one of their Forts on the coast, and ever since that they had been refused nothing. I had heard of their murdering some Russians at a small outpost but took their repeating the story here as a rather bold threat. [...] After some quibbling they professed to be our friends, still maintaining that they could trade cheaper in several things from the Russians than from us.⁵³⁷

It is telling that, in Murray's narrative, the attempts of Indigenous negotiators at intimidating the detachment at Fort Yukon fail. Of course, Murray who reported to superior officers at the HBC may simply not have wanted to present an image of himself as a senior officer intimidated and, potentially, duped by Indigenous negotiators. Throughout his report, Murray paints a contradictory picture of Indigenous agency and the British relations with Indigenous traders. On the one hand, he seems to never grow tired of emphasizing the potential danger posed by Indigenous societies and the fragile tactical and strategic position of the British within the riverlands' militarized landscapes and economic-diplomatic networks.⁵³⁸ "But here we are far across the Frontier", he notes with considerable despair, "and with little but promises to give the Indians"⁵³⁹. On the other hand, Murray points his fingers towards his Russian competitors as the ultimate source of his troubles rather than on Indigenous negotiators' competence and their abilities to strategically engage with the rivalries between the HBC and the RAC, playing one side against the other. "The Russians were trying to incite the Indians here against us by telling them, that it was on account of our being in their country that so many of them had died in summer, that we were bad people, etc. [...]"⁵⁴⁰. There is no reason, though, to conceive Indigenous nations as being mere puppets of either Russian or British masters, especially given the ambiguity of Murray's account (danger/excess of agency vs. dependency/lack of agency) that has been identified as a crucial element of the racial matrix of settler colonial capitalism in the Caribbean and elsewhere.⁵⁴¹

⁵³⁷ Murray, *Journal of the Yukon, 1847-1848*, 61.

⁵³⁸ While Murray lengthily praised Fort Yukon's sturdy construction, its fortification signaled the military weakness of the HBC in the Yukon riverlands. "It is built of well squared 8 inch pine logs, the partitions are also of squared and closely jointed logs, ball proof, and as we had no pickets around in the first season, small loop holes were made on each side of the hall neatly fitted with blocks of wood which can be opened at the pleasure from the rooms, and used for musketry in case the Indians should attempt to play us the same trick they did to Mr. Campbell and his party at Duses Lake", cit. in: *ibid.*, 66. About Robert Campbell's operations, see, Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 22-23.

⁵³⁹ Murray, *Journal of the Yukon, 1847-1848*, 69.

⁵⁴⁰ *Ibid.*, 70.

⁵⁴¹ See, Trouillot, *Silencing the Past: Power and the Production of History*, 74-95. See also, Brown, *Tacky's Revolt: The Story of an Atlantic Slave War*.

On the contrary, rather than being passive observers, Indigenous nations were active, rightfully feared participants in the competitive politics of 19th century fur trade.⁵⁴² Indigenous nations were willing to utilize their military capabilities to protecting political and economic interests. In 1851, for instance, a war party from the Koyukuk River massacred Russian traders at the RAC trading post at Nulato and put the Indigenous village to the torch.⁵⁴³ One year later, a Chilcat Tlingit war party raided the HBC's post at Fort Selkirk effectively driving British traders out of the region.⁵⁴⁴ For the Tlingit, powerful middlemen providing furs from the interior of the Yukon riverlands to the RAC trading posts in southeastern Alaska, the establishment of Fort Selkirk and the attempts of British traders to reorient the geographies of the fur trade was unacceptable. If the British traders at Fort Selkirk had been successful, Tlingit would have lost their position as middlemen to the RAC and their influence over the interior of the Yukon riverlands would have crumbled.⁵⁴⁵ For the HBC, on the other hand, the military superiority of the Tlingit empire⁵⁴⁶ appeared so difficult to overcome that the company decided to refrain from further efforts at expanding their radius of operations in the Yukon riverlands, a decision that "[...] restricted the Hudson's Bay Company's trade to Fort Youcon [...]"⁵⁴⁷. Historian Ken S. Coates writes, that "[...] until 1869 and the arrival of American fur traders, this single post served as the focus for trade in the upper Yukon River basin"⁵⁴⁸. As Ken S. Coates and William R. Morrison note, the HBC quickly discovered that Fort Yukon "[...] sat at the center of one of North America's richest marten areas. For more than twenty years, it became one of the company's most valuable producers of prime marten pelts so highly prized in Europe"⁵⁴⁹.

⁵⁴² Violence erupted not only between Indigenous nations and trading corporations. Indigenous nations themselves actively engaged in violent confrontations over control of the fur trade; see, e.g., Arndt, "Dynamics of the Fur Trade on the Middle Yukon River, Alaska, 1839-1868," 186-87; Black, *Russians in Alaska, 1732-1867*, 265-66; Ernest S. Jr. Burch, *Alliance and Conflict: The World System of the Inupiaq Eskimos* (Lincoln; London: University of Nebraska Press, 2005), esp. ch. 2; Bockstoe, *Furs and Frontiers in the Far North: The Contest among Native and Foreign Nations for the Bering Strait Fur Trade*, 207-09.

⁵⁴³ See, Arndt, "Dynamics of the Fur Trade on the Middle Yukon River, Alaska, 1839-1868," 103-06; Bockstoe, *Furs and Frontiers in the Far North: The Contest among Native and Foreign Nations for the Bering Strait Fur Trade*, 242-48.

⁵⁴⁴ Coates, "Furs Along the Yukon: Hudson's Bay Company-Native Trade in the Yukon River Basin, 1830-1893," 59; Catharine McClellan, "Tagish," in *Handbook of North American Indians*, ed. June Helm (Washington D.C.: Smithsonian Institution, 1981), 503; Frederica De Laguna, "Tlingit," *ibid.*, ed. Wayne Suttles (1984), 209.

⁵⁴⁵ McClellan, "Tutchone," 503; Coates, "Furs Along the Yukon: Hudson's Bay Company-Native Trade in the Yukon River Basin, 1830-1893," 59-62; Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 25-27.

⁵⁴⁶ Obviously, I am referring here to the nomenclature developed by Pekka Hämäläinen in his deeply researched, thought-provoking *The Comanche Empire*; for conceptual remarks, see, Hämäläinen, *The Comanche Empire*, esp. 3-4. I have discussed Hämäläinen's nomenclature in more detail in FN 54. The military significance and effectiveness of the Tlingit empire is illustrated in a recent contribution by Lissa K. Wadewitz who focused on the notoriously underestimated and ignored role of Tlingit mercenaries in the context of the U.S. campaign against the Nez Perce in 1877; see, Lissa K. Wadewitz, "Rethinking the 'Indian War': Northern Indians and Intra-Native Politics in the Western Canada-U.S. Borderlands," *The Western Historical Quarterly* 50, no. 4 (2019).

⁵⁴⁷ Coates, "Furs Along the Yukon: Hudson's Bay Company-Native Trade in the Yukon River Basin, 1830-1893," 61.

⁵⁴⁸ *Ibid.*

⁵⁴⁹ Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 28.

Like their Russian competitors, British traders struggled with the landscapes of the Yukon riverlands, especially when meeting with Indigenous traders.

Weather and river conditions affected the arrival times of the various groups of buyers and sellers at the rendezvous, and food supply affected the duration of their stays. Neither company [both the RAC and the HBC] had the resources to wait out the arrival of all possible fur-sellers at the rendezvous; each, as before, could only hope to attract those it had missed to its permanent station for trade. [...] The chief modes of transportation both for supplying the inland posts and for travel from those posts to the rendezvous remained small, man-powered watercraft in the summer and sledges in the winter, essentially the same modes employed by Native traders.⁵⁵⁰

The unpredictability of weather and river conditions, and of the terrain affected the daily operations of the fur trade. The riverlands had effects on maintaining supply lines and on keeping the business profitable that was confronted with high costs for the shipment of goods and people.⁵⁵¹ Ensuring access to local food sources was key to HBC operatives. Van 'Tat Gwich'in Elder Myra Moses remembers that HBC traders used local foods as their staple diet. Acquiring and storing local foods also allowed the HBC to consolidate social relationships.

There was lots of fish here [about Howling Dog village, downriver from Old Rampart House on the Porcupine River]; it was good for the people. My mother and father always stayed around here. My father always fished and he caught lots of fish. He also provided fish to the Hudson's Bay. My mother dried the fish. Sometimes he would also shoot moose and they would dry the meat and give it to the Hudson's Bay. Not only they did that: lots of people lived with them and would give some [...]. [...] *The Hudson's Bay man didn't have many supplies*. A hundred pounds of flour lasted one year, they said, and sugar, too. Even so, they give a little to their relatives. At New Year's they made bannock and fed people from their hundred pounds [...]. They, too, never ate it: just a little sometimes. [...] Then, there was lots of meat [and] [in original] fish, too. In the store warehouse was frozen fish, dried fish, dried meat, and [frozen] [in original] meat. The Hudson's Bay bought all that... [in original].⁵⁵²

If—undeniably—both Indigenous adversaries and the challenges of riverine landscapes threatened British traders with jeopardizing the company's concerted efforts at securing a monopoly in the fur trade, close relationships with specific Indigenous nations, paradoxically, turned out problematic as well.

⁵⁵⁰ Arndt, "Dynamics of the Fur Trade on the Middle Yukon River, Alaska, 1839-1868," 195.

⁵⁵¹ See, Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 28-29.

⁵⁵² Vuntut Gwitchin First Nation and Smith, *People of the Lakes: Stories of Our Van Tat Gwich'in Elders/Googwandak Nakhwach'ànjòo Van Tat Gwich'in*, 124-25, emph. AMW.

There were limitations on the extent to which the Kutchin and Fort Yukon could monopolize the middle Yukon trade. Practical considerations such as weather and trail conditions in any given trading season could hinder travel both for outbound Kutchin traders and for distant groups inbound with their furs, and winter and spring food scarcity sometimes necessitated a mobility among the Natives that rendered it difficult for buyers and sellers to make contact with each other. Logistical problems aside, Kutchin treatment of the distant groups with whom they traded may have been equally limiting. In the mid 1850s, Fort Yukon's manager complained repeatedly that the Kutchin 'cheated' distant groups by underpaying them for their furs or pillaging the furs outright, and expressed concern that this practice would discourage fur production. Moreover, he claimed that delegations of the more distant groups were deterred from visiting his post to trade in person because local Kutchin, in an attempt to preserve their own middleman status, intercepted visitors and forced them to surrender their furs at less than the post tariff.⁵⁵³



It is uncertain why the HBC refrained from expanding downriver from Fort Yukon. While fears over Russian advancement or over diplomatic retaliation over the HBC's blatant disregard for the 1825 treaty provisions initially stalled British expansion, by 1849 (!), Alexander H. Murray had grown confident that the RAC would either not be able to launch a military expedition or disinterested in the British presence.⁵⁵⁴ "Though he thought it imprudent to send company parties downriver toward known Russian posts, he was convinced that Fort Yukon could continue to operate successfully for some time to come"⁵⁵⁵. An expansion of British positions downriver would have resulted, however, in jeopardizing the powerful position of Gwich'in traders and middlemen within the trade networks of the riverlands, a dangerous proposition.

The non-appearance of Russian traders and the Natives' failure to attack the post convinced the HBC traders that the threats need not be taken too seriously. At no point, however, did the traders feel confident that they could reject the threats or warnings out of hand. The vulnerability of Fort Yukon and the comparative power of the aboriginal people ensured at least partial attention to their request.⁵⁵⁶

Thus, Murray's concerns about Fort Yukon's defensibility and about potential confrontations between Indigenous nations and colonial companies operating in the Pacific Northwest in the 19th century tell about the relevance of Indigenous and non-Indigenous boundaries. His fears of Indigenous traders revealing British positions to the RAC or even attacking the post after, say,

⁵⁵³ Arndt, "Dynamics of the Fur Trade on the Middle Yukon River, Alaska, 1839-1868," 192.

⁵⁵⁴ See, *ibid.*, 89-91.

⁵⁵⁵ *Ibid.*, 91.

⁵⁵⁶ Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 31.

being disappointed with the terms offered by the British, “[...] reflect the presence of alternative territorial systems and boundaries”⁵⁵⁷. That said—and in sharp contrast to Lewis Green’s argument⁵⁵⁸—it would be too simple to dismiss the delineations of St. Petersburg as purely abstract, phantastic creations by European courtly elites and diplomats without any substantial impact on social relations and the landscapes of the riverlands. Indigenous traders and negotiators skillfully mobilized and exploited rivalries between the HBC and the RAC—and later, American merchants and prospectors—to their advantage without the need to reference the European coordination system on which the 1825 treaty was based. While the 141st meridian may not have *specifically* mattered—or rather, not for everyone in the same sense—, imperial boundaries, boundaries between Indigenous nations, and, of course, boundaries between Indigenous and non-Indigenous peoples mattered a great deal. It is plausible to suggest that the articulation of the 141st meridian may well have altered patterns of mobility and subsistence—let alone diplomatic alliance, as we have seen—to take full advantage of the economic options that the presence of British fur traders at Fort Yukon had opened, from acquiring superior-quality guns, for instance, to negotiating better terms either with Russian or with British traders.⁵⁵⁹ For what it is worth, drawing lines with ink and paper in St. Petersburg did very well inform decisions about the construction of forts or about the compilation of strategically useful supply to meet both the ends of trade and warfare, profit and diplomacy. Murray and his party encountered a stunning diversity of Indigenous nations intricately related to the more-than-human landscapes that they inhabited and whose energies they had tapped. Indeed, it were Indigenous nations who were “[...] key players who often forced the would-be colonizers to compete for their military support and goodwill and navigate their initiatives and intentions”⁵⁶⁰.

8.2 Scientists, Soldiers, and the United States

On July 5, 1861, the Anglican missionary William Kirby met with the American scientist Robert Kennicott at Fort Yukon, commercial center of the HBC in the Yukon riverlands.⁵⁶¹ It was the first time Anglican missionaries entered the Yukon riverlands following the necklace of trading

⁵⁵⁷ Hoy, *A Line of Blood and Dirt: Creating the Canada-United States Border across Indigenous Lands*, 40.

⁵⁵⁸ Green argued that it was in 1869 that “[...] the position of the 141st meridian, an arbitrary line chosen on another continent [...], [...] affected the lives of those living near it”, cit. in: Green, *The Boundary Hunters: Surveying the 141st Meridian and the Alaskan Panhandle*, 11. See, chapter 8.2.

⁵⁵⁹ See, Nelson, *Hunters of the Northern Forest: Designs for Survival among the Alaskan Kutchin*, 276-79. The seminal, yet controversial work about the impact of the fur trade on Indigenous nations and their relations with more-than-human beings is, Calvin Martin, *Keepers of the Game: Indian-Animal Relationships and the Fur Trade* (Berekely; Los Angeles; London: University of California Press, 1978), 147-49. See also, Daniel K. Richter, *Facing East from Indian Country: A Native History of Early America* (Cambridge, MA; London: Harvard University Press, 2001), 53-59.

⁵⁶⁰ Hämmäläinen, *The Comanche Empire*, 9.

⁵⁶¹ See, Mishler and Frank, *Crooked on the Stretcher Board/ Ch'ats'a' Vizhit Teech'iriukii: Collected Essays on Gwich'in History, Language, and Folk Culture*, 33.

posts operated by the Hudson's Bay Company.⁵⁶² Similar to the missionaries, naturalist Robert Kennicott who had been spending almost two years in the Arctic and Subarctic traveling the Mackenzie and Porcupine rivers, was dependent on the support of the company as well.⁵⁶³ On the lower Yukon River, under the wary eyes of the Russian American Company, Orthodox missionaries had already established missions, intensively cooperating with the officers of the RAC.⁵⁶⁴ The result was a "[...] spiritual borderland [...]"⁵⁶⁵ separating the lower Yukon River from the upper Yukon riverlands, a separation engrained in societal as well as ecological differences. Whereas the upper Yukon riverlands were inhabited by Athapascan nations and characterized by the ecologies of the boreal forests outlined in the previous chapter, the lower riverlands inhabitants were Yup'it and Iñupiat living along the Arctic coast and its tundra.⁵⁶⁶

After his return to the United States and to the Smithsonian Institution, Kennicott and some of his students were selected as scientific staff to accompany the Western Union Telegraph Expedition. In 1864, in the final stages of the Civil War, U.S. Congress and the Western Union Telegraph Company launched an expedition to connect European cities with North American metropolises via a terrestrial cable connection run through Siberia and the Pacific Northwest.⁵⁶⁷ The expedition turned into a disaster. In spring 1866, Kennicott was found dead near the RAC trading post Nulato.⁵⁶⁸ In the same year, attempts at installing a deepwater cable connection

⁵⁶² See, Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 33-38; Mishler and Frank, *Crooked on the Stretcher Board/Ch'ats'a' Vizhit Teech'iriki: Collected Essays on Gwich'in History, Language, and Folk Culture*, 32-33.

⁵⁶³ See, Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 36-37; Stuhl, *Unfreezing the Arctic: Science, Colonialism, and the Transformation of Inuit Lands*, 18-24. For more information about the relationship between scientific research and the operations of the Hudson's Bay Company, see, Richard I. Ruggles, *A Country So Interesting: The Hudson's Bay Company and Two Centuries of Mapping, 1670-1870* (Montreal & Kingston; London; Ithaca: McGill-Queen's University Press, 2011); Ted Binnema, *'Enlightened Zeal': The Hudson's Bay Company and Scientific Networks, 1670-1870* (Toronto; Buffalo; London: University of Toronto Press, 2014).

⁵⁶⁴ Surprisingly, aside from Katherine L. Arndt's detailed account, there are currently no works available that focus specifically on the development of Orthodox missions in the lower Yukon riverlands; see, Arndt, "Dynamics of the Fur Trade on the Middle Yukon River, Alaska, 1839-1868," 63-65. For additional information about the Orthodox missions in southeastern Alaska and the Aleuts, see, Black, *Russians in Alaska, 1732-1867*, 230-48; Sonja Luehrmann, *Alutiiq Villages under Russian and U.S. Rule* (Fairbanks: University of Alaska Press, 2008), esp. 145-49; Haycox, *Alaska: An American Colony*, 148-51.

⁵⁶⁵ Christopher Petrakos, "The 'Spiritual Borderlands' of the Far Canadian North: The Ministries of William Carpenter Bompas and Robert McDonald in Comparative Context," *British Journal of Canadian Studies* 35, no. 2 (2023): 141. I am suggesting expanding the notion of a 'spiritual borderland' which Christopher Petrakos has used in relation to Anglican missionaries and the upper Yukon riverlands. See also, *The Spiritual Borderlands at the Edge of Empire: William Carpenter Bompas's Ministry in the British-Canadian North, 1865-1906* (Minneapolis: Fortress Press, forthcoming).

⁵⁶⁶ It has already been noted that relations between Indigenous nations on the lower Yukon River and in the upper Yukon riverlands have historically been tenuous and violent; for additional information, see especially, Ann Fienup-Riordan, *Eskimo Essays: Yup'ik Lives and How We See Them* (New Brunswick, NJ; London: Rutgers University Press, 2003), 153-61; Burch, *Alliance and Conflict: The World System of the Iñupiaq Eskimos*, 125-27; *Social Life in Northwest Alaska: The Structure of Iñupiaq Eskimo Nations* (Fairbanks: University of Alaska Press, 2006), 331-34.

⁵⁶⁷ See, Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 37-38; Simone M. Müller, *Wiring the World: The Social and Cultural Creation of Global Telegraph Networks* (New York: Columbia University Press, 2016), 108-09; James Schwoch, *Wired into Nature: The Telegraph and the North American Frontier* (Urbana, IL; Chicago; Springfield, IL: University of Illinois Press, 2018), 117.

⁵⁶⁸ See, *Wired into Nature: The Telegraph and the North American Frontier*, 110.

between Europe and North America through the Atlantic Ocean proved successful, suddenly rendering the Western Union Telegraph Expedition obsolete.⁵⁶⁹ However, despite its obvious failure in establishing a connection between North American and Europe through Siberia, the expedition proved extraordinarily impactful in unlocking Russian America, especially the Yukon riverlands, to American eyes. In fact, as historian Stephen W. Haycox argued, U.S. Secretary of State William H. Seward “[...] had supported the scheme because it would place intelligent American observers in the heart of Russian America”⁵⁷⁰. Broader geostrategic considerations had been deliberately mixed both with scientific and artistic efforts at generating knowledge and ‘discovering the unknown’. William Healy Dall, a gifted acolyte of Kennicott, and Frederick Whymper, a British artist, accompanied the Western Union Telegraph Expedition in 1864 and stayed in the riverlands even after Kennicott’s death to continue his research about the riverlands’ resources and inhabitants.⁵⁷¹

In 1867, one year after Kennicott’s death, the imperial geopolitical constellation in the Pacific Northwest was shaken-up by the withdrawal of imperial Russia from North America, the formal (!) expansion of the United States to the Arctic, and the passage of the first of the British North America Acts by British Parliament. In the early hours of March 30, 1867, U.S. Secretary of State William H. Seward and the Russian ambassador Eduard Stoeckl ratified the so-called Alaska Treaty by which the United States acquired Russian American from the Russian Tsar.⁵⁷² For a total amount of “[...] \$7.2 million [...]”⁵⁷³, Russia was retreating from North America. With the United States territorially expanding to the Arctic, “[...] Seward hoped that the purchase would induce the colonists [in British North America which had just become the Dominion of Canada] to join the

⁵⁶⁹ See, *ibid.*, 138.

⁵⁷⁰ Haycox, *Alaska: An American Colony*, 180.

⁵⁷¹ See, Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 38-39.

⁵⁷² Until today, David Hunter Miller’s 1981 *The Alaska Treaty* remains the most comprehensive account of the Alaska Treaty and its history; see, David Hunter Miller, *The Alaska Treaty* (Kingston: The Limestone Press, 1981). What is particularly remarkable about the Alaska Treaty is that the treaty framework was negotiated rapidly within a period of ca. three weeks in March 1867; see, *ibid.*, 71-87. Eventually, “the negotiations between Seward and Stoeckl were concluded during the night of March 29-30, 1867”, cit. in: *ibid.*, 86. At that time, Seward must already have been aware of the British North America Act awaiting royal consent by Queen Victoria. Because the treaty was negotiated almost exclusively between Seward and Stoeckl and his superiors in St. Petersburg, primary sources about the negotiations, about motives, strategies, and perceptions of the negotiators remain surprisingly scarce. In a recent publication, historian Janice Cavell summarizes, “[...] the broad consensus is that the Russians were increasingly anxious to be rid of their only overseas colony, seeing it as more of a geopolitical and economic liability than an asset, while Seward viewed acquisition as a way to strengthen his country’s position on the Pacific coast., in: Cavell, “Dividing the Northern World: The Arctic and the Alaska Purchase,” 304-05. For a foreign policy assessment, see, Donald W. Meinig, *The Shaping of America: A Geographical Perspective on 500 Years of History*, vol. 2: Continental America, 1800-1867 (New Haven; London: Yale University Press, 1993), 542-44; *The Shaping of America: A Geographical Perspective on 500 Years of History*, vol. 3: Transcontinental America, 1850-1915 (New Haven; London: Yale University Press, 1998), 327-47; Herring, *Years of Perils and Ambition: U.S. Foreign Relations, 1776-1921*, 245-51.

⁵⁷³ Haycox, *Alaska: An American Colony*, 154.

United States”⁵⁷⁴. It is important to note that the Alaska Treaty acknowledged and confirmed the boundary provisions that the 1825 convention of St. Petersburg had enacted.⁵⁷⁵

The timing of the Alaska Purchase was not coincidental.⁵⁷⁶ Only hours ago, Queen Victoria had consented to the British North America Act (BNA). Passing the BNA, the British government was entitled to create the Dominion of Canada on July 1, 1867.⁵⁷⁷ At the outset, the territory of the newly created Dominion was small and confined only to the eastern sections of what today is considered the territory of Canada. In 1867, the HBC formally remained in control over the Province of British Columbia, Rupert’s Land, and the North-Western Territories—and thus over the Yukon riverlands. Control over these lands was transferred to the Dominion of Canada in 1870.⁵⁷⁸ Thus, between 1867 and 1870, the United States and the HBC formally shared borders delineated by the convention of St. Petersburg.⁵⁷⁹ Ultimately, Seward’s strategic intent, to encircle the British colonies in North America and to push them towards joining the Union, failed.

⁵⁷⁴ Cavell, "Dividing the Northern World: The Arctic and the Alaska Purchase," 305. U.S. expansionism was the reason why British-Americans (later, Canadians) remained wary of Union victory during the Civil War; see, Phillip Buckner, "British North America and a Continent in Dissolution: The American Civil War in the Making of a Canadian Confederation," *Journal of the Civil War Era* 7, no. 4 (2017): 522-23.

⁵⁷⁵ See, Miller, *The Alaska Treaty*, 201-06, esp. 01-02.

⁵⁷⁶ See, Haycox, *Alaska: An American Colony*, 176-78.

⁵⁷⁷ See, Meinig, *The Shaping of America: A Geographical Perspective on 500 Years of History*, 2: Continental America, 1800-1867, 537. Constituting the legal and political foundations of the Canadian Confederation, the British North America Acts have frequently and intensively been discussed by historians; see, e.g., Ged Martin, "Canada from 1815," in *The Oxford History of the British Empire, Vol. 3: The Nineteenth Century*, ed. Andrew Porter and William Roger Louis (Oxford; New York: Oxford University Press, 1999); Douglas McCalla, "Economy and Empire: Britain and Canadian Development, 1783-1971," in *Canada and the British Empire*, ed. Phillip Buckner (Oxford; New York: Oxford University Press, 2010); Jim Phillips, "Judicial Independence in British North America, 1825-1867: Constitutional Principles, Colonial Finances, and the Perils of Democracy," *Law and History Review* 34, no. 3 (2016); Bradley Miller, "Confederation in Court: The Bna Act as Legal History," *The Canadian Historical Review* 98, no. 4 (2017). The question of the relationship between London and the Confederation, between colonial administrators and (local) advocates of Canadian self-determination has been a particularly contentious subject. Phillip Buckner, for instance, argued that "[t]he Imperial government could have made union impossible by opposing Confederation; it could not create a union that the colonists did not want. At the London Conference of 1866 the British government was able to persuade the delegates to make some minor amendments to the scheme of union, but the British North America Act was essentially made-in-Canada and rubberstamped by the Imperial Parliament. Canada did not purchase the Hudson’s Bay Company’s territories and it did not build the CPR [Canadian Pacific Railway] at the behest of either the British government or of British capitalists but because Canada had its own imperial dream", cit. in: Phillip Buckner, "The Creation of the Dominion of Canada, 1869-1901," in *Canada and the British Empire*, ed. Phillip Buckner (Oxford; New York: Oxford University Press, 2010), 69-70. Ben Gilding provides a contrasting narrative stressing the importance of colonial officers and the support of British Colonial Office. He warned that oftentimes the "[...] drafting of the British North America Act in the British Parliament is seen as a merely formal process of incorporating what the ‘Fathers’ had accomplished in the Quebec and London Resolutions into a British statute. The passage of the Act thereby sets the new nation on a teleological path toward independence and nationhood. This narrative not only exaggerates the importance of Confederation as a singular constitutional event, but it also does not take into account the pursuit by many of the British colonial administrators [...] to organize some form of union of the British North American colonies and the considerable influence they exercised over the creation of the eventual union in 1867", in: Ben Gilding, "The Silent Framers of British North American Union: The Colonial Office and Canadian Confederation, 1851-1867," *The Canadian Historical Review* 99, no. 3 (2018): 351.

⁵⁷⁸ See, Edward Cavanagh, "A Company with Sovereignty and Subjects of Its Own? The Case of the Hudson's Bay Company, 1670-1763," *Canadian Journal of Law and Society* 26, no. 1 (2011): 48.

⁵⁷⁹ For an illustration of the HBC-state and its executive functions, see, *ibid.*, 28-35.

In the United States, Seward's expansionism and the acquisition of Alaska so short after the guns of the Civil War had fallen silent and amidst economic crises and Reconstruction was met with mockery and opposition.⁵⁸⁰ What could these lands in the icy North possibly contribute to the fragile, ragged Union expanding westwards? The scientific-artistic explorations of the Yukon riverlands in connection with the Western Union Telegraph Expedition provided answers to the utilitarian demands of Reconstruction politics.⁵⁸¹ Frederick Whympers travel account presents a striking defense of Seward's expansionism, praising Alaska's economic potential.

That Russian America is likely to prove a bad bargain to the United States Government, I can not believe. The extreme northern division of the country may, indeed, be nearly valueless, but [...] in the more central portions of the territory, furs are abundant, and that the trade in them, which may probably be further developed, must fall into American hands. The southern parts of the country are identical in character with the neighboring British territory, and will probably be found to be as rich in mineral wealth; while the timber, though of an inferior growth, owing to the higher latitude, will yet prove by no means worthless. The fisheries may become of great value. There are extensive cod-banks off the Aleutian Isles, and on many other parts of the coast. Salmon is *the* commonest of common fish in all the rivers of the North Pacific, and is rated accordingly as food only fit for those who can not get better. In Alaska, as in British Columbia, the fish can be obtained in vast quantities simply at the expense of native labor. To this add the value of salt (or vinegar), barrels, and freight, and one sees the slight total cost which would be incurred in exporting to benighted Europe that which there would be a luxury.⁵⁸²

Furthermore, given the presence of American whalers in the northern Pacific and in the Arctic, why should the United States, Whympers argued, refrain from acquiring such valuable grounds for generating profit?⁵⁸³ Whympers developmentalism was related to a characteristically pessimist stance about how an American take-over would be impacting Indigenous life-worlds.

“Free traders, doubtless now the country is open to them, will play great havoc. Soon the record too of the interior, as of the coast trade already, will be—to use the words of a well-known traveller

⁵⁸⁰ See, Herring, *Years of Perils and Ambition: U.S. Foreign Relations, 1776-1921*, 249-50; Haycox, *Alaska: An American Colony*, 178-79.

⁵⁸¹ See, White, *The Republic for Which It Stands: The United States during Reconstruction and the Gilded Age, 1865-1896*, esp. ch. 3.

⁵⁸² Frederick Whympers, *Travel and Adventure in the Territory of Alaska, Formerly Russian America, Now Ceded to the United States, and in Various Other Parts of the North Pacific* (New York: Harper and Brothers Publishers, 1871), 274-75, emph. in original.

⁵⁸³ *Ibid.*, 276-77. For additional information about the push of American whalers for Arctic waters, see especially, John R. Bockstoe, *White Fox and Icy Seas in the Western Arctic: The Fur Trade, Transportation, and Change in the Early Twentieth Century* (New Haven; London: Yale University Press, 2018), 57-107; Demuth, *Floating Coast: An Environmental History of the Bering Strait*, 15-70.

[in original]—“White men, whiskey, guns, powder and ball, small-pox, debauchery, extermination.”⁵⁸⁴

Indeed, Indigenous nations in Alaska and in the Yukon riverlands had neither been invited to negotiations in St. Petersburg in 1825 nor to the talks between Seward and Stoeckl in Washington D.C. in 1867. “No one in the U.S. diplomatic service asked the Tlingit and Haida people of the Alexander Archipelago how they may have felt about the transfer of their lands from one alien sovereign to another”⁵⁸⁵. Instead, like plants and animals, rocks and soils, waters and winds, Indigenous peoples were transformed into objects of scientific knowledge production, objects of an ethnographic gaze intricately tied to government control.⁵⁸⁶ Compiling ethnographic and ethnolinguistic information together with information about the geology, botany, and zoology of the newly acquired territory, Whymper’s colleague and rival William H. Dall provided “[...] an insufficient list of the native Innuitt [in original] and Indian tribes of Alaska and the territory immediately adjacent”⁵⁸⁷. Dall was convinced that Indigenous nations as well as “[...] the Creoles [...]”⁵⁸⁸ were to remain excluded from the architecture of American citizenship,

“In their present condition [...] are unfit to exercise the franchise, as American citizens. If a territorial government should be granted to the handful of Americans now resident in the territory, it would simply give the stronger companies the power to crush and ruin the weaker ones, and a full opportunity of smuggling and selling liquor would be afforded to the former.”⁵⁸⁹

⁵⁸⁴ Frederick Whymper, “A Journey from Norton Sound, Bering Sea, to Fort Youkon (Junction of Porcupine and Youkon Rivers),” *The Journal of the Royal Geographical Society of London* 38(1868): 227.

⁵⁸⁵ Haycox, *Alaska: An American Colony*, 159. Haycox continues by pointing towards the resistance of Tlingit and Haida peoples in the Southeast to the American takeover: “But they were not silent on what some of their leaders took as an elemental offense. As the American courts would confirm nearly a century later, the Tlingit had a concept of property ownership, and in any case, what the Russians had exploited and the Americans would continue to exploit were traditional Tlingit and Haida lands. Protestations in 1867 had no effect on the actions of the two powers who exchanged the claimed sovereignty over all the land identified as Russian America [...]”, in: *ibid.* Indeed, in his 1870 report to the U.S. Secretary of War, the commanding officer of Alaska, Colonel Jefferson Columbus Davis, explicitly reflected on and, ultimately, dismissed Indigenous resistance to the Alaska Treaty noting, “The prices obtained by the natives within the past three years for their articles of commerce has, beyond question, had much to do with bettering their condition and modifying, to some extent, their wounded pride at not having been consulted in the treaty of purchase. The fact is, before the transfer they looked upon themselves as the *de facto* rulers of this Territory, and the Russians only as traders here by permission or sufferance. The right of discovery and occupancy they, in their ignorance, knew nothing about, and as to the right of conquest, it had never been asserted in any formidable manner by the Russian government”, in: U.S. War Department, “Report of the Secretary of War, Being Part of the Message and Documents Communicated to the Two Houses of Congress at the Beginning of the Third Session of the Forty-First Congress,” ed. U.S. House of Representatives (Washington D.C.: U.S. Government Printing Office, 1870), 60, *emph. in original*. Providing an Indigenous account of the histories of Russian and U.S. military engagements in Alaska in the 19th century, see, Donald Craig Mitchell, *Sold American: The Story of Alaska Natives and Their Land, 1867-1959* (Fairbanks: University of Alaska Press, 2003), 25-64.

⁵⁸⁶ See, e.g., Frederick Whymper, “Russian America, or ‘Alaska’: The Natives of the Youkon River and Adjacent Country,” *Transactions of the Ethnological Society of London* 7(1869).

⁵⁸⁷ William Healy Dall, *Alaska and Its Resources* (Boston: Lee and Shepard, 1870), 432.

⁵⁸⁸ *Ibid.*, 241.

⁵⁸⁹ *Ibid.*

Critical of lightheartedly implementing a territorial government in Alaska in accordance with the principles of the 1787 Northwest Ordinance, Dall embraced the notion that the “[...] military government [present in Alaska in 1870], with honest officers, is unquestionably the best [...]”⁵⁹⁰ solution to the present challenges of governing the territory.⁵⁹¹ Dall continued with developing his political vision of Alaska as an exclusively American territory of exploitation.

The territory is not likely to be populous for many years, and should rather be regarded as a great storehouse of fish, timber, and fur; from which American citizens alone should be allowed to draw supplies, under proper restrictions and on payment of reasonable taxes. The country, under a monopoly, afforded one hundred thousand silver rubles a year, taxes, to the Russian crown, and, with the development of other resources than the traffic in furs, can certainly afford as much to the United States. I speak from no uncertainty, but from positive knowledge; I believe that a proper and not onerous system of taxation would afford two hundred and fifty thousand dollars in gold per annum.⁵⁹²

It is crucial to note that the author explicitly draws attention to an experiential layer of knowledge informing his administrative propositions, ‘positive knowledge’, with their dramatic implications to Indigenous nations in Alaska. Like Whymper, Dall claimed empirical evidence and his fieldwork experiences in Alaska in the aftermath of the Western Union Telegraph Expedition as scientific foundations of his policy proposals. Theirs was not a vision of ‘citizen science’, rather ‘scientific citizenry’. Scientific-artistic expeditions and explorations of the Yukon riverlands, even if they did not meet the goals initially determined, as Felix Driver has argued more broadly, provided both information and legitimacy to expansive colonial policies and exploitative practices of capitalist investment.⁵⁹³ Aside from their differences, both Whymper and Dall agreed in depicting the acquisition of Alaska as a long-term investment into securing American hegemony not only in the Pacific Northwest but also in relation to the Atlantic empires of the Old World—in Dall’s words,⁵⁹⁴

⁵⁹⁰ Ibid.

⁵⁹¹ See also, Haycox, *Alaska: An American Colony*, 182-83.

⁵⁹² Dall, *Alaska and Its Resources*, 241.

⁵⁹³ See, Felix Driver, *Geography Militant: Cultures of Exploration and Empire* (Malden, MA; Oxford: Blackwell Publishers, 2001), esp. ch. 6, ch. 7; Haycox, *Alaska: An American Colony*, 180-81.

⁵⁹⁴ Whymper’s defense of U.S. expansionism (directed particularly to the inclusion of Canada into the Union) similarly blends economic rationale with notions of liberty and national grandness: “There are, however, many, both in England and America, who look on this purchase as the first move toward an American occupation of the whole continent, and who foresee that Canada, and British America generally, will sooner or later become part of the United States. Looking at the matter without prejudice, I believe that it will be better for those countries and ourselves when such shall be the case. *We* shall be released from an encumbrance, a source of expense and possible weakness; *they* freed from the trammels of periodical alarms of invasion, and feeling the strength of independence, will develop and grow; and—speaking very plainly and to the point—our commercial relations with them will double and quadruple themselves in value. No one now supposes that, had the United States remained naught but ‘our American colonies’, they would have progressed as they *have* done; and it is equally obvious that our commerce with them must have been restricted in equal ratio. That it is the destiny of the United State to possess the whole northern continent, I fully

We have bought for a nominal price the key to the North Pacific. It can no longer be said that three ironclads can blockade our entire western coast. Two hundred and fifty years hence there may be a new New England where there is now a trackless forest. The time may come when we shall call on our Pacific fishermen to man our fleets, on the lumbermen of Alaska and our hardy northern trappers to don the blue, and strike another blow for unity and freedom. The oak must weather the storms of many winters before it gains maturity. Alaska is not a California, where cities arise in a night, and may pass away in a day. Meanwhile we must be patient.⁵⁹⁵



Reports of Alaska's resources and the economic prospect of exploiting these seemingly vast, empty lands together with troubling information about the British traders of the Hudson's Bay Company operating their trading post at the confluence of the Yukon and Porcupine rivers left their marks in Washington D.C. Frederick Whympers, for instance, noted about his visit at Fort Yukon in June 1867,

This fort is so inaccessible that little else but trading-goods are brought in. The commander and one or two of the men get a small allowance of flour, and all get a few pounds of tea, but the quantity is so small that it does not hold out more than two or three months, and for the remainder of the year they return to the eternal moose. [...] It [Fort Yukon] may be fairly considered as the most remote of the Hudson's Bay Company forts, and is in approximately the high latitude of 66°N. It is well known to be within the boundary line of Russian America, and the Hudson's Bay Company did for a time, at least, pay the Russian American Company for the privilege of trading within their territory.⁵⁹⁶

Following reports about the HBC operating within what before 1867 had been 'Russian territory', the U.S. military ordered captain Charles W. Raymond in spring 1869 to determine "[...] the latitude and longitude of Fort Yukon"⁵⁹⁷.⁵⁹⁸ In his 1871 report to U.S. Congress, Raymond stressed that his mission objectives were also focused on determining information about the extent of

believe", cit. in: Whympers, *Travel and Adventure in the Territory of Alaska, Formerly Russian America, Now Ceded to the United States, and in Various Other Parts of the North Pacific*, 87-88, emph. in original.

⁵⁹⁵ Dall, *Alaska and Its Resources*, 242.

⁵⁹⁶ Whympers, *Travel and Adventure in the Territory of Alaska, Formerly Russian America, Now Ceded to the United States, and in Various Other Parts of the North Pacific*, 251-53.

⁵⁹⁷ Charles W. Raymond, "Report of a Reconnaissance of the Yukon River, Alaska Territory, July to September 1869," ed. U.S. War Department (Washington D.C.: U.S. Government Printing Office, 1871), 6.

⁵⁹⁸ Whether Raymond's orders must be interpreted as results of direct conflicts (rather than animosities) between British and American traders in the Yukon riverlands is subject of debate. Historian Katherine Arndt, for instance, argues that a direct confrontation between British and U.S. merchants may not have happened earlier than spring 1869. Because "[...] the American presence near Nuklukayet [Tanana] dates no earlier than about August 1868, it seems more likely that the reported confrontation occurred when [James] McDougall [of the HBC at Fort Yukon] came down to trade in the spring of 1869. By then, Captain Raymond was already en route to the Yukon", in: Arndt, "Dynamics of the Fur Trade on the Middle Yukon River, Alaska, 1839-1868," 182. For an opposing view, see, Green, *The Boundary Hunters: Surveying the 141st Meridian and the Alaskan Panhandle*, 7-8.

British trade networks and supply lines, about the Indigenous inhabitants of the Yukon riverlands, and, of course, about the resources that could potentially be exploited.⁵⁹⁹

“He [Major General Halleck] directs also, that, so far as practicable, you ascertain and report upon the amount of trade carried on by the Hudson [in original] Bay Company within our territory, reporting more particularly upon the quantity of goods brought by them from British territory. He further desires all information that you can obtain in reference to the resources of the Yukon and its tributaries, and with regard to the number and disposition of the native tribes on or in its vicinity.”⁶⁰⁰

Crucially, like Kennicott, Whymper, and Dall before him, Charles W. Raymond traveled upriver from the port at St. Michael, the former RAC fort Mikhailovsky Redoubt located in the Bering Strait, to Fort Yukon.⁶⁰¹ Thus, Raymond’s travels demonstrate the existence of an all-American transportation route into the interior Yukon riverlands that had been explored and established in 1862 by RAC trader Ivan Semyonovich Lukin.⁶⁰² Obviously, Lukin’s ‘discovery’ altered the geographies of transportation for American soldiers and traders, because it created a direct connection between Fort Yukon and the Bering Strait. HBC traders, on the other hand, were dependent on the existence of a complex logistical interface extending eastwards, over the Richardson Mountains, towards Fort McPherson, and the riverine transportation network of the

⁵⁹⁹ Concerns over violent conflicts with Indigenous nations in Alaska reflected the destructive dynamics of settler colonial capitalism in the continental United States and broader transformations of policies towards Indigenous peoples. “The Indians throughout this Territory”, reports Col. Jefferson Davis, commanding officer of the U.S. military detachment in Alaska, in 1870, “have generally shown a desire to observe peaceful relations with the whites. Having no farcical treaty obligations to observe, none, of course, have been violated, and one of the principle causes of war between the races has thereby been avoided. Both whites and Indians in Alaska are fortunate in this respect”, in: Department, “Report of the Secretary of War, Being Part of the Message and Documents Communicated to the Two Houses of Congress at the Beginning of the Third Session of the Forty-First Congress,” 60. Apparently, Davis considers the treaty framework (with treaty obligations and its recognition of Indigenous sovereignty) the major reason for violence between Indigenous nations and settlers rather than the settlers’ hunger for lands and resources. His sentiment reflects the transition from treaties as the core instrument of structuring Indigenous-non-Indigenous relations to the reformist agendas pushing the federal government to withdraw the U.S. War Department’s authority over what was called ‘Indian affairs’ and to place the U.S. Bureau of Indian Affairs under the umbrella of the Department of the Interior created in the aftermath of the Mexican-American War in 1849; for more information about the historical transformation of U.S. policies towards Indigenous nations in the post-Civil War era, see, e.g., Prucha, *American Indian Policy in Crisis: Christian Reformers and the Indian, 1865-1900*, ch. 3. As historian Richard White has noted, “the army itself sabotaged the ultimate goal of having the Office of Indian Affairs placed within the War Department and military officers from the army to staff Indian reservations. On January 23, 1870, an army detachment led by Col. Eugene M. Baker killed 173 members of Heavy Runner’s band of Piegan Indians—largely women, old men, and children—who were camped on the Marias River in Montana”, in: White, *The Republic for Which It Stands: The United States during Reconstruction and the Gilded Age, 1865-1896*, 153. Still, for Davis and others such as William H. Dall, the military government in Alaska was considered the optimal solution. Even more, when one of his lieutenants, William Borrowe, stationed at Fort Wrangell in southeastern Alaska had been bombarding the Tlingit village close to the palisaded fort in 1869, Jefferson C. Davis was defending his subordinate against criticism; see, Mitchell, *Sold American: The Story of Alaska Natives and Their Land, 1867-1959*, 55-58.

⁶⁰⁰ Raymond, “Report of a Reconnaissance of the Yukon River, Alaska Territory, July to September 1869,” 6.

⁶⁰¹ See, Bockstoce, *Furs and Frontiers in the Far North: The Contest among Native and Foreign Nations for the Bering Strait Fur Trade*, 298-301.

⁶⁰² See, *ibid.*, 223; Arndt, “Dynamics of the Fur Trade on the Middle Yukon River, Alaska, 1839-1868,” 149-52.

Mackenzie River.⁶⁰³ Unlike the scientists accompanying the Western Union Telegraph Expedition, however, Raymond traveled on board of the first steamboat operating on the Yukon River, establishing a regular and comparatively reliable connection between St. Michael and Fort Yukon.⁶⁰⁴ Despite of the fossilization of riverine transportation and the establishment of a linkage between the Bering Strait and the interior of the riverlands, the revolutionary logics of steam-powered logistics did not convince Raymond of the economic potentials of Alaska's interior in much the same ways as they did with Whymper and Dall. Certainly, the U.S. officer was particularly impressed by "the waters of the Yukon [that] swarm with a variety of fish, the principle of which is the salmon"⁶⁰⁵. "This fish", he went on, "is found in almost incredible quantities, especially on the lower portion of the river"⁶⁰⁶. In economic terms, though, his assessment of the Yukon riverlands' potential for the establishment of commercial fisheries reads far less enthusiastic,

"The fish of the Yukon cannot, however, at present become an article of commerce, because a sufficient market has not yet been found for the salmon of the Columbia River and Puget Sound, while the southern rivers of Alaska are equally prolific and yet almost untouched. Moreover, the cost of labor is too great; Indian labor is not to be depended upon for this or any other purpose."⁶⁰⁷

The riverlands' remoteness in relation to the centers of capital and commerce, and the difficulties of establishing reliable, inexpensive supply lines for transporting labor northwards and the products of industrial fisheries southwards, as Whymper suggested, was interpreted as a distinctive feature of the riverlands with dire consequences both to the organization of extractive economies and of colonial administration. According to Raymond's report, Alaska's interior could neither be perceived as an agricultural—"[t]he region bordering Yukon cannot be properly said to have any

⁶⁰³ See, Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 28-29. For an illustration of the logistical challenges of HBC trade routes in the late 1860s, see, Whymper, *Travel and Adventure in the Territory of Alaska, Formerly Russian America, Now Ceded to the United States, and in Various Other Parts of the North Pacific*, 251-53.

⁶⁰⁴ See, Green, *The Boundary Hunters: Surveying the 141st Meridian and the Alaskan Panhandle*, 8-10; Bockstoce, *Furs and Frontiers in the Far North: The Contest among Native and Foreign Nations for the Bering Strait Fur Trade*, 301-03.

⁶⁰⁵ Raymond, "Report of a Reconnaissance of the Yukon River, Alaska Territory, July to September 1869," 39.

⁶⁰⁶ Ibid.

⁶⁰⁷ Ibid. Unlike Charles W. Raymond, a skeptic not only of establishing commercial fisheries on the Yukon River but towards the implementation of industrial salmon fisheries in the Pacific Northwest more generally, Jefferson C. Davis' report stresses that the governmental regulation of access to Alaska's fisheries would likely prove a cornerstone of U.S.'s security policy in this region. For Davis, to avoid war particularly with the empires of the Tlingit and Haida in Alaska's southeast, the United States would have to ensure a robust regulation of fisheries balancing the necessities of Indigenous life-worlds with the economic interests of the increasing non-Indigenous population. "The fisheries of Alaska are destined in all probability to become the greatest resource of the Territory. Already they are beginning to attract the attention of our fishermen, and also the attention of the Indian. In this business, especially the coast fishing, I think the greatest future cause of difficulty between the races exists. Fish form the chief and most easily-procured food of the natives, and has from time immemorial. There is plenty for all, but both parties will soon doubtless begin to lay exclusive claim to the best localities for taking them, and conflicts will arise. Sufficient signs of this have already arisen to induce me to suggest to the Government the necessity of making provision for the settlement of these questions before it is too late", in: Department, "Report of the Secretary of War, Being Part of the Message and Documents Communicated to the Two Houses of Congress at the Beginning of the Third Session of the Forty-First Congress," 62.

agricultural resources”⁶⁰⁸—nor as a mining frontier—“[n]o valuable mineral deposits in workable quantities have been found in the vicinity of the Yukon River up to the present time”⁶⁰⁹. Even the dimensions of the valuable fur trade shrunk in comparison: “[...] *the amount of the trade in furs on the Yukon River will at most furnish a business for one company, and employment on the river for about fifteen men*”⁶¹⁰.

The introduction of steam-powered engines on the Yukon River did, undoubtedly, have a profound, transformative effect on the geographies of riverlands, establishing connections between the Bering Strait and the interior of the riverlands. Yet, in combination with economic considerations, both geostrategy and, for that matter, borders did, too. Unsurprisingly, after conducting a series of measurements, Charles W. Raymond did indeed prove that Fort Yukon had been built within the boundaries of what, after the Alaska Treaty, had been transformed into American territory. The HBC was to be evicted. “[...] on the 9th August [...]”, notes Raymond, “I notified the representative of the Hudson [in original] Bay Company that the station is in the territory of the United States; that the introduction of trading goods, or any trade by foreigners with the natives, is illegal, and must cease; and that the Hudson [in original] Bay Company must vacate the buildings as soon as practicable. I then took possession of the buildings and raised the flag of the United States over the fort”⁶¹¹. The Hudson’s Bay Company was forced to give up one of its most profitable and productive trading posts.⁶¹² For historian Lewis Green, this was “[...] the first time the position of the 141st meridian [...] had affected the lives of those living near it”⁶¹³. This argument, as plausible as it seems, slightly misses the point, because the 141st meridian had long affected lives in and landscapes of the riverlands.⁶¹⁴ It is in 1869, however, that the 141st meridian in its *specific form*, referencing the legitimacy of the geographic coordination system in relation to articulations of Euro-American imperial sovereignty in the mode of mutually binding contracts, has had dramatic effects.

Even though the British traders immediately erected a new post upstream on the Ch’oodènjik, Old Rampart House, the HBC was pushed out of “[...] the region in the vicinity of Fort Yukon [which] was supposed to be peculiarly rich in furs [...]”⁶¹⁵. As historians Ken S. Coates & William Morrisson have pointed out, “[i]n 1866 Fort Youcon had attracted more than £6,000 worth of furs,

⁶⁰⁸ Raymond, "Report of a Reconnaissance of the Yukon River, Alaska Territory, July to September 1869," 39.

⁶⁰⁹ Ibid.

⁶¹⁰ Ibid., 39, *emph. in the original*.

⁶¹¹ U.S. Senate, "Compilation of Narratives of Exploration in Alaska," ed. U.S. Senate Committee on Military Affairs (Washington D.C.: U.S. Government Printing Office, 1900), 23.

⁶¹² See, Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 39-41; Bockstoe, *Furs and Frontiers in the Far North: The Contest among Native and Foreign Nations for the Bering Strait Fur Trade*, 300-01.

⁶¹³ Green, *The Boundary Hunters: Surveying the 141st Meridian and the Alaskan Panhandle*, 11.

⁶¹⁴ See, chapter 8.1.

⁶¹⁵ Senate, "Compilation of Narratives of Exploration in Alaska," 21.

fully one-third of the returns for the entire Mackenzie River district. By the 1880s Rampart House was bringing in between £425 and £900, representing a scant 2 to 4 per cent of the Mackenzie River take”⁶¹⁶. Then, in 1889, another party of U.S. surveyors surveying parts of the 141st meridian determined “[...] that Rampart House was a full 33 miles (53 km) within American territory. [...] With some reluctance, stakes were pulled up once more and a new Rampart House [...] was built, this time on the Canadian side of the border”⁶¹⁷. New Rampart House was not able, however, to fulfill the economic aspirations placed in the locale. By 1893, the company ceased their economic activities on the Porcupine River and retreated to Fort McPherson, east of the Richardson Mountains.⁶¹⁸ It would be succeeded by independent trader Daniel Cadzow almost a decade later.⁶¹⁹

For the Gwich’yaa Gwich’in inhabiting the landscapes around Fort Yukon, the eviction of the HBC traders and the enforcement of territorial boundaries by foreign agents proved especially difficult to accommodate.

The border meant the removal of the Hudson Bay Company and their replacement by American traders at Fort Yukon. Indigenous leaders like Sahnyatti were put in an extraordinarily difficult position. As the border was defined, it changed the commercial relationships that had existed for almost a generation. For the Gwich’in, there was now a choice of maintaining their traditional alliances with the HBC or creating new ones with the Americans in Alaska. The result was not good.⁶²⁰

After the United States acquired Alaska, American investors from San Francisco and Baltimore quickly “[...] purchased nearly the complete holdings of the Russian American Company [...]”⁶²¹, transferring these assets into the newly created Hutchinson, Kohl & Company.⁶²² According to Anglican Archdeacon Robert McDonald, Gwich’yaa Gwich’in relations with the traders of Hutchinson, Kohl & Company quickly deteriorated. “In 1870”, notes historian Christopher Petrakos about the episode, “Sahnyatti put together a raiding party and destroyed the fort”⁶²³. After the company had been consolidated as the Alaska Commercial Company (ACC), Gwich’yaa

⁶¹⁶ Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 46.

⁶¹⁷ Ibid., 46-47.

⁶¹⁸ See, ibid., 47-48.

⁶¹⁹ See, chapter 11.4 of this dissertation.

⁶²⁰ Petrakos, "The 'Spiritual Borderlands' of the Far Canadian North: The Ministries of William Carpenter Bompas and Robert McDonald in Comparative Context," 158.

⁶²¹ Haycox, *Alaska: An American Colony*, 184.

⁶²² See, Bockstoce, *Furs and Frontiers in the Far North: The Contest among Native and Foreign Nations for the Bering Strait Fur Trade*, 297.

⁶²³ Petrakos, "The 'Spiritual Borderlands' of the Far Canadian North: The Ministries of William Carpenter Bompas and Robert McDonald in Comparative Context," 159.

Gwich'in leader Sahnyatti was selected chief trader of the ACC and "[...] put in charge of the now rebuilt Fort Yukon"⁶²⁴.

8.3 *Creating the Yukon River*

"It is typical of the fact that when fisheries line this great river, as they are sure to do, and mining camps dot its tributaries, as indications show they may, that with such rough vegetables as may be grown and such varieties as will bear transportation, that life may be made more bearable than one would think from its extreme isolation."⁶²⁵

At the time that these words were published, in 1885, gold had been found not only in southeastern Alaska southeast and in British Columbia but also in the Yukon riverlands.⁶²⁶ Prospectors, explorers, naturalists, even tourists were steaming northwards, most of them headed towards the easily accessible coastal regions of Alaska's southeast.⁶²⁷ In 1873, prospectors Leroy 'Jack' McQuesten and Alfred Mayo crossed the Richardson Mountains, traveling on the Ch'oodëenjik downstream to Fort Yukon. In August, they arrived at the former HBC post following rumors of gold discoveries in adjacent creeks.⁶²⁸ One year later, in 1874, McQuesten and the chief trader of the ACC at Fort Yukon, Moise Mercier, established a trading post at "[...] a location near Trundeck [Tr'ondëk/Klondike] about 350 miles from Fort Yukon"⁶²⁹, Fort Reliance.⁶³⁰ Ironically, the post was located in what, according to the convention of St. Petersburg, was territory that was formally claimed by Canada. In the years that followed their arrival in the riverlands, McQuesten was hunting and fishing, trapping and prospecting, trading and traveling across the riverlands from St. Michael in the Bering Strait to Fort Reliance on the Klondike River and across the Richardson Mountains to Fort McPherson.⁶³¹

McQuesten's travels are illustrative. By 1874 when Fort Reliance was opened, the geographies of the riverlands had changed. The arrival of the *Yukon*, a steamboat connecting St. Michael with the interior riverlands, enabled non-Indigenous traders to move freight into and out of the interior

⁶²⁴ Ibid.

⁶²⁵ Frederick Schwatka, "Report of a Military Reconnaissance in Alaska Made in 1883," ed. U.S. War Department (Washington D.C.: U.S. Government Printing Office, 1885), 50-51.

⁶²⁶ See, Gates, *Gold at Fortymile Creek: Early Days in the Yukon*, 6-8; Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 49-51; Haycox, *Alaska: An American Colony*, 196-200.

⁶²⁷ For a detailed, recent analysis of Gilded Age tourism in southeastern Alaska and its relation to imperial formations; see, Robert Campbell, *In Darkest Alaska: Travel and Empire Along the Inside Passage* (Philadelphia: University of Pennsylvania Press, 2007).

⁶²⁸ "Mr. Sibistone told us that one of the officers that came up on the steamer washed out a jar of dirt near Fort Yukon and he had about a teaspoonful of something yellow in his pan [...]" in: , Leroy N. McQuesten, *Recollections of Leroy N. McQuesten of Life in the Yukon, 1871-1885* (Dawson City: Yukon Order of Pioneers, 1952), 2.

⁶²⁹ Ibid., 5.

⁶³⁰ Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 49-50; Haycox, *Alaska: An American Colony*, 209.

⁶³¹ See, McQuesten, *Recollections of Leroy N. McQuesten of Life in the Yukon, 1871-1885*, 2-7. See also, Gates, *Gold at Fortymile Creek: Early Days in the Yukon*, 8.

Yukon riverlands through the port at St. Michael rather than the arduous route via Fort McPherson and the Mackenzie River (see, fig. 14).⁶³² While human labor would remain indispensable to riverine transport until the 20th century, the introduction of steam engines to power boats indicated the arrival of industrial capitalism as well.⁶³³ “From 1869 onwards, the tiny sternwheeler *Yukon* plied the lower reaches of the great river, carrying supplies to the trading posts thinly scattered along its banks”⁶³⁴, writes Michael Gates. “It was replaced by *Yukon II* in 1879. The *St. Michael*, a second vessel, was added to the river fleet in 1871. The *New Racket* was added in 1882”⁶³⁵. Steamboats lowered transportation costs through an increase in cargo capacity and speed, and they lowered risks involved in transportation along the riverine network considerably. Indigenous labor and technologies, formerly indispensable for the movement of supplies and people along the rivers, would become less and less significant, even though, crucially, non-Indigenous occupants and colonizers never grew independent from Indigenous labor and expertise.⁶³⁶ The introduction of steam engines also affected relationships between humans and their more-than-human relatives, particularly on the more-than-terrestrial relations of the boreal forest.

Far from conquering nature, steamboats moved by allowance of nature’s energy, and depleted the forest along the way. In the Yukon transportation market, cordwood and the labor required to cut, haul, and load it became valuable commodities that travelers bought and sold as they consumed distance itself. [...] As a result of the steamboats’ demands, the riparian forest disappeared. Steamer companies and wood sellers cut trees as close to the river as possible, as wood cut at any great distance from the banks took a lot of labor to move to the fueling camps.⁶³⁷

⁶³² See, Barry C. Anderson, *Lifeline to the Yukon: A History of Yukon River Navigation* (N.A.: Superior Publishing Company, 1983), 37-39; Kenneth S. Coates and William R. Morrison, *The Sinking of the Princess Sophia: Taking the North down with Her* (Fairbanks: University of Alaska Press, 1993), 8-10; Gates, *Gold at Fortymile Creek: Early Days in the Yukon*.

⁶³³ In chose the term industrial capitalism rather than fossil capitalism, because steam-engines in the Yukon riverlands ran primarily on lumber. At the turn of the century, engines run with fossil fuels such as coal and oil were introduced; see, e.g., Anderson, *Lifeline to the Yukon: A History of Yukon River Navigation*, 55. For an overview over the histories of fossilization; see, e.g., Edward Anthony Wrigley, *Energy and the English Industrial Revolution* (Cambridge; New York; Melbourne; Madrid; Cape Town; Singapore; Sao Paulo: Cambridge University Press, 2010); Andreas Malm, *Fossil Capital: The Rise of Steam Power and the Roots of Global Warming* (London; New York: Verso, 2016); Stephen G. Gross and Andrew Needham, eds., *New Energies: A History of Energy Transitions in Europe and North America* (Pittsburgh: University of Pittsburgh Press, 2023).

⁶³⁴ Gates, *Gold at Fortymile Creek: Early Days in the Yukon*, 16, emph. in original.

⁶³⁵ Ibid.

⁶³⁶ See, Simeone and Mishler, *Han/Hän Hwëch’in: People of the River, an Ethnography and Ethnohistory*, 76-80.

⁶³⁷ Kathryn Morse, *The Nature of Gold: An Environmental History of the Klondike Gold Rush* (Seattle; London: University of Washington Press, 2003), 84.

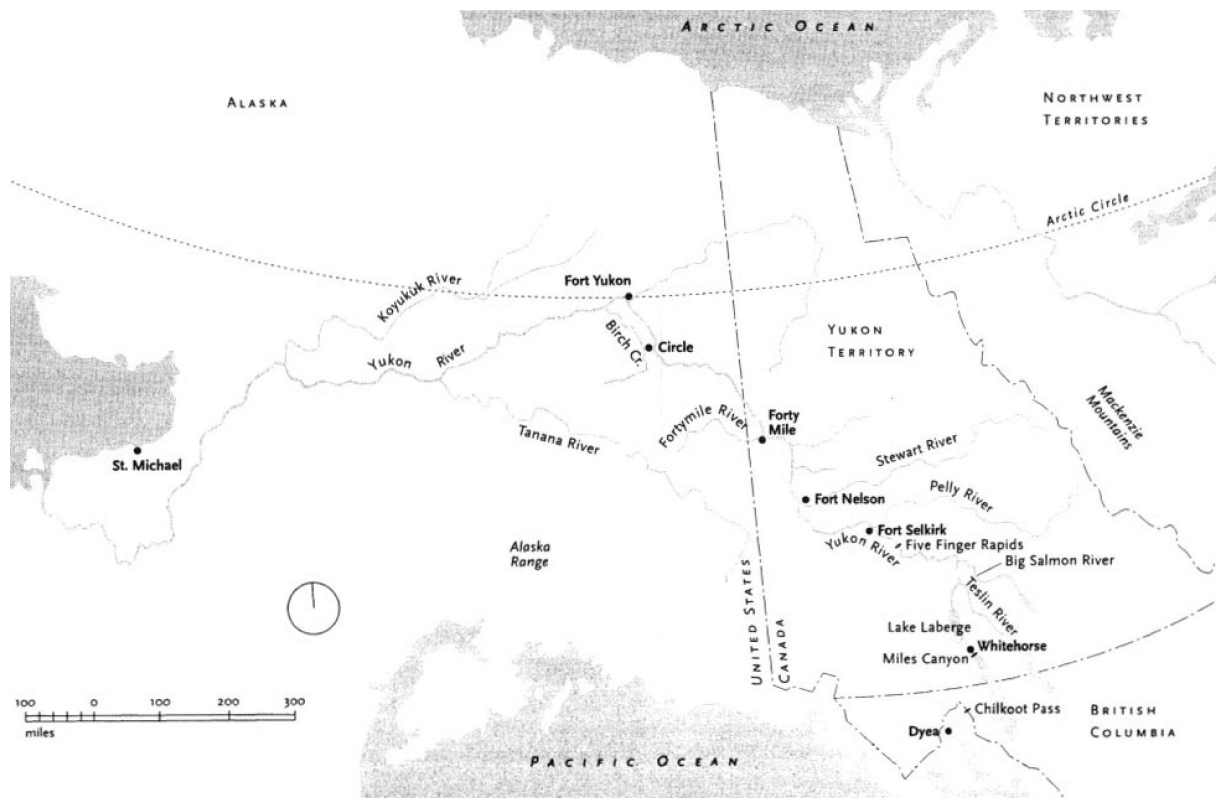


Figure 14: The Yukon riverlands before 1896, Map from Michael Gates, *Gold at Fortymile Creek: Early Days in the Yukon* (Vancouver: University of British Columbia Press, 1994), xvi.



While travelers in the Yukon riverlands in the early 1870s circulated primarily between the seaport at St. Michael and Fort Yukon, to Fort McPherson and Fort Reliance, the headwaters of the Yukon riverlands remained unexplored. With other words, while the river's mouth had already been geographically defined, its sources remained unknown. The river was fundamentally incomplete. This situation was about to change in 1883 when a lieutenant of the 3rd U.S. Cavalry, Frederick Schwatka, was ordered to the riverlands to gather "[...] all information that can be obtained that would be valuable and important, especially to the military branch of the Government"⁶³⁸, his superior officer, Brig.-General Nelson A. Miles, who had ample experience with wielding violence and destruction against Indigenous nations in the Great Plains, made unequivocally clear.⁶³⁹ For Miles, this included determining "[...] the number, character, and disposition of all natives living in that Territory, how subdivided into tribes and band, the section of country they inhabit, their relations to each other, and especially their disposition toward the Russian Government in the past,

⁶³⁸ Schwatka, "Report of a Military Reconnaissance in Alaska Made in 1883," 119.

⁶³⁹ In 1877, Miles brutally crushed the Nimiipuu (Nez Perce) after they had been forced to return to the United States across the U.S.-Canada border, because "Canada's bison herds were under even more stress than those in the United States", cit. in: Elliott West, *The Last Indian War: The Nez Perce Story* (Oxford; New York: Oxford University Press, 2009), 297. See also, White, *The Republic for Which It Stands: The United States during Reconstruction and the Gilded Age, 1865-1896*, 339-40; Hoy, *A Line of Blood and Dirt: Creating the Canada-United States Border across Indigenous Lands*, 107-09.

and the feeling that exists among them towards the present Government and the white people that are making their way into that Territory”⁶⁴⁰. Historian Morgan B. Sherwood argues that Miles’ orders should be interpreted as an “[...] excuse for exploration”⁶⁴¹ rather than an indication of concerns over an “[...] immediate threat of Indian hostility [...]”⁶⁴². It is crucial to remind, however, that conflicts between the Tlingit in southeastern Alaska and the colonizing population frequently occurred. In 1878, “[...] six members of the Kiksatis clan who had hired on as crewmen on the sealing schooner *San Diego* drowned in a boating accident”⁶⁴³. After the Tlingit leader Katlean had asked for compensation for their deaths and was briskly turned away by U.S. authorities in Sitka and the owners of the ship, he threatened violent retaliation against the settlement for what was conceived as an infringement of honor. Although, eventually, another Tlingit leader, Annahootz, was able to prevent the bloodshed, the colonizers sent word to the authorities in British Columbia asking for a military intervention of the British government, because the U.S. military detachment had been withdrawn. Much to the annoyance of the U.S. military whose incapacibilities at protecting settlement and business had been demonstrated, the British quickly dispatched the HMS *Osprey* to secure American interests in southeastern Alaska.⁶⁴⁴ The colonizers and especially the U.S. Army usually responded with ruthless brutality.⁶⁴⁵ Moreover, in 1882, after—once again—Tlingit laborers had been killed during their work for the Northwest Trading Company, relatives at the Tlingit village of Angoon “[...] seized the boat in which the accident occurred and took several whites hostage”⁶⁴⁶ demanding compensation from the company for the death of their relative. This time, the U.S. military launched a brutal, naval campaign bombarding the village with gunboats. After the bombardment, soldiers were “[...] ‘brought ashore with axes to finish what the guns could not destroy’”⁶⁴⁷. Thus, to dismiss Miles’ orders as mere rhetoric renders the broader military and political context of Schwatka’s expedition invisible.⁶⁴⁸

⁶⁴⁰ Schwatka, "Report of a Military Reconnaissance in Alaska Made in 1883," 119.

⁶⁴¹ Morgan B. Sherwood, *Exploration of Alaska, 1865-1900* (Fairbanks: University of Alaska Press, 1992), 99.

⁶⁴² Ibid.

⁶⁴³ Mitchell, *Sold American: The Story of Alaska Natives and Their Land, 1867-1959*, 62.

⁶⁴⁴ See, ibid., 62-63.

⁶⁴⁵ See, Haycox, *Alaska: An American Colony*, 187-88.

⁶⁴⁶ See, Mitchell, *Sold American: The Story of Alaska Natives and Their Land, 1867-1959*, 63-64.

⁶⁴⁷ Ibid., 63.

⁶⁴⁸ It is also worth noting that, in the 1870s, conflicts occurred in the riverlands as well that required exchanges. Leroy ‘Jack’ McQuesten, for instance, reports: “[...] when we arrived at Charley Camp we were told that three women had died at Fort Reliance by eating poison. Mayo had some arsenic mixed with grease in the store for killing mice, the old women supposed it was flour and ate it. Charley Chief advised me not to go there as the Indians were all mad. [...] In regard to the poison, they had to break the lock to get into the Store—I told them that the poison was put in store to destroy mice and it was out of the way of children and the old people ought to know better and the people that died it was their own fault for breaking into the store and taking things that didn’t belong to them. There was one blind girl [...] that got poisoned—her father said she was a great deal of help to her mother and he had taken one of our dogs to replace the girl, but if I would pay for the girl he would return the dog. I told him I would think the matter over and

What is more, the lieutenant took his orders to heart. While the expedition may indeed have “[...] made no great contribution to scientific knowledge”⁶⁴⁹, as Sherwood claims without ever specifying what a ‘great contribution to scientific knowledge’ could mean, Schwatka provided a detailed account of geographical and ethnographic information that was intended to serve strategic purposes. For instance,

In the event of a campaign being necessary against this tribe troops would have to be brought in by the mouth of the river and should be provided with proper clothing, such as can be obtained from the natives living near the coast, and some sort of protection against the myriads of gnats and mosquitos which render existence almost unbearable during the hot summer. In fact just as quick as the snow begins to melt they appear and do not leave until after one or two frosts.⁶⁵⁰

With palpable arrogance, Schwatka describes both the military and diplomatic capabilities of Hän Hwëch’in whom he encountered during his river expedition.

In a military sense these Indians are of little importance on account of their small numbers, and even should they join any neighboring tribes or allies, they, as is shown, would not swell their ranks very largely.⁶⁵¹

In short, during the 1880s, the U.S. military grows increasingly interested in developing strategies and logistics to wage war in the interior Yukon riverlands. While the U.S. military was still mainly focused on stations along the Pacific coast, the machinations of the military apparently adjusted focus to the Arctic and the riverlands. On May 22, 1883, Schwatka and his men (for it were only men) finally embarked on their trip to the riverlands from Portland, Oregon.⁶⁵² Unlike previous expedition such as the Western Union Telegraph Expedition or the expedition by Charles W. Raymond, Schwatka decided to cross the cascade of the Coast Mountains via the Chilkoot Pass⁶⁵³, a route that had first been shown to the prospector George Holt by members of the Chilkat Tlingit in 1878 and had been mapped by the two Germans Aurel and Arthur Krause in 1882.⁶⁵⁴ Schwatka and his men, like so many others before and after them, relied on Chilkat guides and packers

let them know later on. Finally I told them the girl's Mother could keep the dog, so that settled the matter [...]", cit. in: McQuesten, *Recollections of Leroy N. Mcquesten of Life in the Yukon, 1871-1885*, 7.

⁶⁴⁹ Sherwood, *Exploration of Alaska, 1865-1900*, 102.

⁶⁵⁰ Schwatka, "Report of a Military Reconnaissance in Alaska Made in 1883," 92.

⁶⁵¹ *Ibid.*, 90.

⁶⁵² See, *ibid.*, 3.

⁶⁵³ See, *ibid.*, 12-13.

⁶⁵⁴ See, Ella Krause, ed. *Zur Tschuktschen-Halbinsel Und Zu Den Tlinkit-Indianern, 1881-1882: Reisetagebücher Und Briefe Von Aurel Und Arthur Krause* (Berlin: Dietrich Reimer Verlag, 1984), 130. See also, Gates, *Gold at Fortymile Creek: Early Days in the Yukon*, 8; Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 51.

hauling supplies across the pass and pointing the party into the right directions.⁶⁵⁵ Crossing the Chilkoot Pass, Schwatka and his party reached Lake Lindemann where they built a raft to continue their travels downriver.⁶⁵⁶ During their trip, the American expedition encountered small groups of prospectors searching for gold on the tributaries of the Yukon River.⁶⁵⁷ They passed Fort Reliance and Fort Yukon, and arrived at St. Michael until September 1883.⁶⁵⁸

Schwatka's was not the only reconnaissance operation launched by the United States in the 1880s. For instance, in 1884 and 1885, reconnaissance operations by lieutenants William Abercrombie and Henry T. Allen produced detailed geographic accounts "[...] of the Copper, Chitina, Tok, Tanana, and Koyukuk River drainages"⁶⁵⁹. Compared with the expeditions by Abercrombie and Allen, the results of Schwatka's expedition proved particularly significant. His travel accounts were published widely and, like the travelogue of John Muir's trip to Alaska in 1879-1880⁶⁶⁰, met with great public interest.⁶⁶¹ He "[...] popularized the idea that the United States was fully knowledgeable about and in control of the Alaska wilderness"⁶⁶², and made knowledge about the connection between the Yukon riverlands and southeastern Alaska broadly available to the public

⁶⁵⁵ E.g., "The Indian packers over these mountain passes usually carry 100 pounds, although once I had walked along readily with 127, and a miner informed me that his party employed one that carried 160. The cost of carriage of a pack (100 pounds) over the Chilkoot trail for miners has been from \$9 to \$12, and the Indians were not inclined to see me over at any reduced rates, despite the large amount of material required to be transported, some 2 tons. By giving them two loads, or doubling the time over the portage, a slight reduction could be had, not worth the time lost in such an arrangement, and I made contracts with enough of them to carry my effects over at once. Mr. Spuhn was also very energetic in his efforts to secure for me better terms but without avail, and after I had crossed the trail I in no way blamed the Indians for their stubbornness in maintaining what seemed at first sight to be exorbitant, and only wondered that they would do this extremely fatiguing labor so reasonably", in: Schwatka, "Report of a Military Reconnaissance in Alaska Made in 1883," 13-14. Commenting about the strategic conditions of military engagement on the Chilkoot trail, Schwatka admits that "the trails which they [Chilkat] make use of in these journeys already spoken of, are not very well marked or by any means free from obstacles, so that in the transfer of a considerable number of men with their belongings a guide would be needed, and considerable work be required in improving the way", in: *ibid.*, 77-78. Schwatka does not explicitly refer to Indigenous guides providing assistance during the trip. It is extremely unlikely, though, that the 1883 expedition party was as utterly independent from Indigenous guides when charting its course through the riverlands as presented by the travel narrative.

⁶⁵⁶ See, Green, *The Boundary Hunters: Surveying the 141st Meridian and the Alaskan Panhandle*, 14-19; Lyman L. Woodman, *Duty Station Northwest: The U.S. Army in Alaska and Western Canada, 1867-1987*, vol. 1, 1867-1917 (Anchorage: Alaska Historical Society, 1996), 115-17; Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 64-65; Haycox, *Alaska: An American Colony*, 207.

⁶⁵⁷ In his 1885 article "The Great River of Alaska: Exploring the Upper Yukon", for instance, Schwatka writes, "the D'Abbadie is important in an economical sense as marking the point on the Yukon at which gold in placer deposits commences. From here on nearly to the mouth or mouths of the great Yukon, a panful of dirt taken from almost any bar or bank with any discretion will give several 'colors', in miners' parlance", in: Frederick Schwatka, "The Great River of Alaska: Exploring the Upper Yukon," *The Century Magazine* 30, no. 5 (1885): 750. See also, Sherwood, *Exploration of Alaska, 1865-1900*, 102.

⁶⁵⁸ See, Woodman, *Duty Station Northwest: The U.S. Army in Alaska and Western Canada, 1867-1987*, 1, 1867-1917, 116.

⁶⁵⁹ See, Haycox, *Alaska: An American Colony*, 207. See also, Sherwood, *Exploration of Alaska, 1865-1900*, esp. ch. 7, ch. 8; Woodman, *Duty Station Northwest: The U.S. Army in Alaska and Western Canada, 1867-1987*, 1, 1867-1917, esp. ch. 8.

⁶⁶⁰ See, John Muir, *Travels in Alaska* (Boston; New York: Houghton Mifflin Company, 1998).

⁶⁶¹ See, Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 65; Haycox, *Alaska: An American Colony*, 207; Campbell, *In Darkest Alaska: Travel and Empire Along the Inside Passage*.

⁶⁶² Haycox, *Alaska: An American Colony*, 207.

in the U.S. and Canada.⁶⁶³ “His explorations”, notes Robert Campbell about Frederick Swatka, “added little new knowledge to the region that had long been traversed by Europeans and American (and before them ages of indigenes). Like his better-known contemporary Stanley in Africa, Swatka’s travel narratives advertised the hitherto little-known north to the metropolitan imaginations of reading Americans”⁶⁶⁴. As in the case of Henry Morton Stanley, Swatka published about his explorations broadly, celebrating what geographer Felix Driver called “Geography Militant [...], a more worldly quest for empirical knowledge about the geography of the earth, marked by voyages of exploration by sea and land [...]”⁶⁶⁵.⁶⁶⁶

Perhaps the most important achievement of the 1883 reconnaissance operation lies in the production of a cartographic representation of the course of the Yukon River from its headwaters to the delta at the Bering Strait (see, fig. 15).⁶⁶⁷ “His map [...]”, notes Sherwood B. Morgan, “represented the first survey of the river between Lake Lindemann and Selkirk, a distance of 500 miles, all in Canada”⁶⁶⁸.

⁶⁶³ See, Cruikshank, *Do Glaciers Listen? Local Knowledge, Colonial Encounters, and Social Imagination*, 19-20.

⁶⁶⁴ Campbell, *In Darkest Alaska: Travel and Empire Along the Inside Passage*, 23.

⁶⁶⁵ Driver, *Geography Militant: Cultures of Exploration and Empire*, 3-5.

⁶⁶⁶ See also, *ibid.*, 127-31, 43-45.

⁶⁶⁷ See, Green, *The Boundary Hunters: Surveying the 141st Meridian and the Alaskan Panhandle*, 18.

⁶⁶⁸ Sherwood, *Exploration of Alaska, 1865-1900*, 102.



Figure 15: 1885 Map of the Yukon riverlands published in Frederick Schwatka's "The Great River"; Map: *The Century Magazine* 30 (5).

The map published in *The Century Magazine* in 1885 is essentially a map of riverbanks and coastline, a map separating water from land and vice versa. The map produces an imaginary of an empty space that appears to be simultaneously divided and connected, penetrated by riverine capillaries. It may not wonder that Schwatka's report presents an optimistic image of the economic potential of the riverlands, an image directed at a specific purpose: to promote further investment and to fuel public interest in the northern Pacific Northwest.⁶⁶⁹ Just like any other, 'the Yukon River' is not naturally given but the result of historically-situated, contingent sets of practices and power relations, product of imperial statecrafting. As architectural theorist Dilip da Cunha argued in his landmark study *The Invention of Rivers*, 'rivers' are produced by determining their banks, separating water from land, an act that comes to serve particular purposes.⁶⁷⁰ Therefore, I suggest the term *riverlands* rather than Yukon River or Yukon River drainage to address the contingent, contested practices of imperial statecrafting related to the operation of separating water and land. Defying the instrumentalist, objectivist ontology that results from separating water and land, the riverlands are characterized by quintessentially *more-than-terrestrial relations*. "The flowing line of a river", da

⁶⁶⁹ See, *ibid.*, 102-03.

⁶⁷⁰ See also, Amrith, *The Burning Earth: A History*, 78-85.

Cunha notes, “performs three tasks. It separates water from land on the earth’s surface; it confines water to a course; and it calibrates water into a flow from an origin to a destination or an earlier point to a later one”⁶⁷¹. In this sense, the search for the source or the sources of a river result from the “[...] drive to articulate the longest line of the river’s banks”⁶⁷². “Following the surveyor’s act of separating water from land, it fell to colonial engineers to keep that water to its place, drain it off the land, supply it to settlements, and where possible use it for transport”⁶⁷³. Schwatka’s expedition added an essential to the Yukon riverlands: a source—or rather sources.⁶⁷⁴

While Schwatka’s travel accounts undoubtedly cast the riverlands in terms of cultural and geographical diversity, it is through riverine navigation, through mastering liquid water “[...] confined [...] to a course [...]”⁶⁷⁵, that the coherence of ‘the Yukon River’ is generated. In terms of infrastructures of transportation, the Yukon River appears as a *systematically integrated corridor* of movement and navigation—and it is through its navigability links can be drawn between St. Michael and, for instance, Fort Reliance, links that can then be translated into the movement of soldiers and artillery as well as into the movements of extracted materials such as gold, supplies, and labor.⁶⁷⁶ Exploration and mapping provide the basis for a proliferation both of commercialization and militarization. The 1883 expedition “[...] plots a point, fixes an order”⁶⁷⁷; it determines “[...] a single source and sovereign channel, a dominant spine upon which to hang lesser lines”⁶⁷⁸.

Curiously, while excluding Indigenous boundaries in their entirety, the map does indeed depict the borderlines separating the United States and Canada which appear to be visually distinct from the rivers themselves (see, chapter 8.4). Rivers are not borders, even though they are frequently turned

⁶⁷¹ Dilip da Cunha, *The Invention of Rivers: Alexander's Eye and Ganga's Descent* (Philadelphia: University of Pennsylvania Press, 2018), 56.

⁶⁷² Ibid., 61.

⁶⁷³ Ibid., 280.

⁶⁷⁴ According to the U.S. Geological Survey, even today, “[...] no universal agreement exists as to the source of the Yukon River, it is believed to originate from the Llewellyn Glacier, near Atlin Lake, in northwestern British Columbia”, in: Timothy P. Brabets, Bronwen Wang, and Robert H. Meade, "Environmental and Hydrologic Overview of the Yukon River Basin, Alaska and Canada," ed. U.S. Department of the Interior, Water-Resources Investigations Report (Anchorage: U.S. Geological Survey, 2000), 7.

⁶⁷⁵ da Cunha, *The Invention of Rivers: Alexander's Eye and Ganga's Descent*, 56.

⁶⁷⁶ Especially in his report to his military superiors and to U.S. Congress, Schwatka systematically and frequently elaborates on the significance of the water as a necessary basis for military engagement in Alaska southeast as well as in the interior of the Yukon riverlands; see, e.g., Schwatka, "Report of a Military Reconnaissance in Alaska Made in 1883," 60. For the interior of the Yukon riverlands, Schwatka was especially wary of securing a connection to the Yukon River delta. “To carry on a campaign against them [an Indigenous village close to former Fort Reliance] troops would have to be brought in by way of the mouth of the Yukon, and among the unusual supplies needed [particularly boats] would be clothing for winter wear [...] and for use in summer small-meshed mosquito bars as a protection against the myriads of gnats and mosquitoes which swarm about constantly [...]”, in: ibid., 86.

⁶⁷⁷ Gilles Deleuze and Félix Guattari, *A Thousand Plateaus: Capitalism and Schizophrenia*, trans. Brian Massumi (London; New York: Continuum, 2011), 7.

⁶⁷⁸ da Cunha, *The Invention of Rivers: Alexander's Eye and Ganga's Descent*, 200.

into them.⁶⁷⁹ Schwatka's expedition rippled through the Canadian colonial apparatus. Confronted with U.S. soldiers who were transgressing borderlines that had been determined by international law, Canada was forced into action and launched its own series of expeditions.⁶⁸⁰ Schwatka's hasty publication of his travelogues⁶⁸¹ and the diplomatic affront to Canada also forced general Miles to distance himself from his lieutenant.⁶⁸²

8.4 Contested Historiographies: Mining, Cartography, and U.S.-Canada Relations

Reports about gold discoveries and Frederick Schwatka's exploration of the upper Yukon riverlands gradually shifted the geopolitical focus of Canadian officials towards the riverlands. In 1871, the Treaty of Washington between the United States and Britain was to include "[...] a small and seemingly inconsequential provision permitting Canadians freedom of navigation along the Yukon, Porcupine, and Stikine rivers"⁶⁸³. The provision had been negotiated into the treaty on behalf of the Hudson's Bay Company seeking to guarantee access to their trading post in the Yukon riverlands and northern British Columbia.⁶⁸⁴ Neither the United States nor the Dominion of Canada was permitted to unilaterally restrict navigation on North American rivers. Yet, from Canada's perspective, tolerating a U.S. military expedition exploring waterways for strategic purposes in lands claimed by the Crown was a different matter altogether.

Therefore, the Canadian government initiated its own scientific program to explore northern British Columbia, the Yukon riverlands, and other tracts of the Northwest Territories.⁶⁸⁵ The results of the Canadian expeditions were concerning. According to George Mercer Dawson, the head of the expedition of the Canadian Geological Survey dispatched to the riverlands in 1887,

⁶⁷⁹ See, Stuart Elden, *Shakespearean Territories* (Chicago; London: The University of Chicago Press, 2018), 193-96. See also, Franz Krause, "Rivers, Borders, and the Flows of the Landscape," in *The Dynamics of Cultural Borders*, ed. Anu Kannike and Monika Tasa, *Approaches to Culture Theory* (Tartu: University Press of Tartu, 2016); Kimberley Anh Thomas, "International Rivers as Border Infrastructures: En/Forcing Borders in South Asia," *Political Geography* 89(2021).

⁶⁸⁰ Green, *The Boundary Hunters: Surveying the 141st Meridian and the Alaskan Panhandle*, 18; Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 65.

⁶⁸¹ See, e.g., Frederick Schwatka, "Exploration of the Yukon River in 1883," *Journal of the American Geographical Society of New York* 16(1884); "The Great River of Alaska: Exploring the Upper Yukon."

⁶⁸² "That part of the report which embraces a survey of a portion of British America, with description of the same, was not called for by the letter of instructions, and the publication of so much of the substance of this report as has appeared in various newspapers and magazines of the country, prior to its being submitted to the military authorities, has been disapproved", in: "Report of a Military Reconnaissance in Alaska Made in 1883," 121.

⁶⁸³ Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 44. Usually, the Treaty of Washington is referenced primarily in relation to U.S.-Canadian fisheries diplomacy and to the recognition of the Dominion of Canada as a distinct legal and political entity by the United States; see, Herring, *Years of Perils and Ambition: U.S. Foreign Relations, 1776-1921*, 246-47; Anthony Gerald Hopkins, *American Empire: A Global History* (Princeton; Oxford: Princeton University Press, 2018), 209; Macfarlane, *Natural Allies: Environment, Energy, and the History of U.S.-Canada Relations*, 21-24.

⁶⁸⁴ See, Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 44.

⁶⁸⁵ For information detailed information about the Canadian response to American expeditions, see, Green, *The Boundary Hunters: Surveying the 141st Meridian and the Alaskan Panhandle*, 19-45.

“the number of miners in the whole Upper Yukon country in 1887 may be stated at about 250; of these, 200 were on Forty-mile [in original] Creek [...]”⁶⁸⁶. While there clearly were indications of mineral riches, the logistics of the Yukon riverlands, the difficulties of establishing reliable infrastructures of transportation to supply mining camps, let alone state officials, was considered a major obstacle in developing extractive economies and to “[...] support a considerable mining population”⁶⁸⁷.

I must not, however, omit to state that great difficulties and hardships have to be overcome by the miners now entering this country. The traverse of the Chilkoot Portage is itself a formidable obstacle, and over this pass most of the provisions and requisites for the miner must be carried. There is at the present time a trading post belonging to Messrs. Harper, McQuesten & Co., (established in the spring of 1887) at the mouth of the Forty-mile Creek, but the supplies are brought to this point by small stern-wheel steamers which ascend the whole length of the Yukon. Goods do not arrive by this route till late in the summer, and any accident or detention may prevent their arrival altogether.⁶⁸⁸

Economic productivity was reported to be significant. Based on observations and interviews conducted by his colleague William Ogilvie, Dawson estimated “[...] entire output of the Upper Yukon region for the year, at a minimum of \$75,000 [...]”⁶⁸⁹. Exports were only one dimension of the economic picture that Canadian surveyors presented. Labor required energy, energy provided by traders such as ‘Jack’ McQuesten at Fort Reliance importing goods from the United States that were to be sold to Indigenous nations and prospectors alike. After his field trip to the riverlands, William Ogilvie “[...] informed [...] [the Canadian Deputy Minister of the Interior Alexander Mackinnon Burgess] about sixty thousand dollars’ worth of goods, local value, [that] entered the territory from American ports every season [...]”⁶⁹⁰. Given that state institutions such as police officers or customs agents had not yet entered the riverlands, collecting revenues from mining claims and from taxing the export and import of wares was non-existent. What is more, miners and prospectors populating the mining camps along the Yukon River were mostly “[...] of foreign origin, were American citizens [...]”⁶⁹¹ and disinterested in accepting Canada’s mining laws and

⁶⁸⁶ George Mercer Dawson, *Report of an Exploration in the Yukon District, N.W.T., and Adjacent Northern Portion of British Columbia 1887*, ed. Alfred R. C. Selwyn, Geological and Natural History Survey of Canada (Montreal: Dawson Brothers, 1888), 182.

⁶⁸⁷ *Ibid.*, 183.

⁶⁸⁸ *Ibid.*

⁶⁸⁹ *Ibid.*, 182.

⁶⁹⁰ William Ogilvie, *Early Days on the Yukon and the Story of Its Gold Finds* (London; New York; Toronto: John Lane Company, 1913), 143.

⁶⁹¹ *Ibid.*

regulations.⁶⁹² The Canadian party surveyed sections of the 141st meridian, especially at Forty Mile where McQuesten and his partners “[...] were building a new post following exciting gold discoveries on the Fortymile River the preceding summer”⁶⁹³. At the time when the Canadian surveyors reached Forty Mile, the settlement was literally in the process of being built after a series of gold strikes had occurred in the region: in 1885 on the Stewart River and 1886 at the Forty Mile River.⁶⁹⁴

One might be surprised to learn that, aside from his frustration with the apparent lack of Canadian dominance in the riverlands, Ogilvie advocated restraint in relation to American miners transgressing the 141st meridian and establishing mining camps both in the United States and Canada without worrying about compliance with respective regulations and restrictions.⁶⁹⁵

Generally, my advise was that, as the country was in a very unsettled state, and our mining laws, so far as known, unsatisfactory to the miners, even of our own nationality, any attempt to take charge of affairs on our side of the line would hinder prospecting by driving most of the prospectors to the American side, and they would stay there till something very rich was discovered in Canada, and that the chance of this would be put back by our action, if we entered with authority then.⁶⁹⁶

Ogilvie was worried that a forcible removal of American prospectors and the aggressive enforcement of Canadian laws governing the extraction resources and the trade with goods would ultimately harm economic development simply because “the fact that the mining districts were split by an international boundary [...]”⁶⁹⁷ did not mean much to the prospectors and traders operating in the riverlands. It was a risky strategy, a balancing act. Implicitly, Ogilvie expected American miners to lay the groundwork of a profitable northern economy interlinked with the maritime

⁶⁹² According to Ogilvie, miners were especially dissatisfied with the limitation of self-government under Canadian rule. “I told him that our mining regulations, as far as known, were unfavourably [in original] commented on in comparison with those of the United States, where each mining community elected its own recorders, regulated the size of its claims, and did nearly everything else the majority of the miners thought wise, so long as they did not clash with the general mining law of the United States. I advised him that while Fortymile [in original] seemed to possess the essentials for a pretty stable camp, most of the diggings on it were on the American side of the boundary, that at the time there were not freighting facilities enough to support more than a small camp, and that until such times as there were more and better means of transport it would be unwise in us to interfere with the affairs of the region, for the reason that most of the miners, while of foreign origin, were American citizens, or had declared their intention to become so, many even of Canadian birth and education having done so, for the advantage it gave them in the region, no alien being allowed to stake and record claims in the American territory of Alaska, while Canada allowed any one to stake and secure title”, in: *ibid.*, 142-43.

⁶⁹³ Green, *The Boundary Hunters: Surveying the 141st Meridian and the Alaskan Panhandle*, 22.

⁶⁹⁴ See, Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 52-54.

⁶⁹⁵ About the social organization of miners prior to the establishment of police posts in the Yukon riverlands; see especially, Stone, “Flux and Authority in a Subarctic Society: The Yukon Miners in the Nineteenth Century.”; “Atomistic Order and Frontier Violence: Miners and Whalemen in the Nineteenth Century Yukon.” Stone has focused intensively on the—at times antagonistic—relationships between miners and the Canadian police; see, “The Mounties as Vigilantes: Perceptions of Community and the Transformation of Law in the Yukon, 1885-1897.”

⁶⁹⁶ Ogilvie, *Early Days on the Yukon and the Story of Its Gold Finds*, 143-44.

⁶⁹⁷ Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 58.

transportation networks of the Pacific Northwest. His was a vision of a colonial economy of scale constituting the foundations of colonial administration: More miners would result in increasing amounts of freight to be transported; an increase in demand both for transportation and supplies would then make outside investments in steamboats, warehouses, and goods more likely resulting in a proliferation of trading companies whose competition, in turn, would lower prices for transportation and supplies alike. Eventually, Canada would be able to afford establishing a permanent presence in the riverlands to take control over trade and commerce, to bring order to chaos—for it was ultimately this strategic goal that Ogilvie had in mind, despite all his caution.⁶⁹⁸ Otherwise, he argued, Canada could quickly and entirely lose control over the region and its mineral resources. Canada, he advised, should be keeping a wary “[...] eye on the region [...]”⁶⁹⁹ until it was “[...] time we were moving in in the matter of establishing authority over the Yukon in the goldfields, or we might, if the work were delayed, have to face annoyances, if not complications, through possession, without protest from us, by American citizens”⁷⁰⁰.

What already shines through here is a strategic puzzle that would affect state officials on both sides of the U.S.-Canada border, a specter haunting the expansion of settler colonial capitalism and its state apparatuses. Budgetary considerations and fiscal constraints met with highly volatile industries and market, and with landscapes that eluded access and control, controllability and predictability. The riddle was especially difficult to solve, especially given the fiscal significance assigned to customs collection in 19th century statecraft.⁷⁰¹ Between 1711 and 1835, the British government reduced taxes on wealth and income from 31.1% to 10.0% and kept the tax burden on excise relatively stable while increasing customs from 26.4% to 36.6%.⁷⁰² Benjamin Hoy writes that, “[u]ntil 1917, when Canada introduced an income tax, ‘three-quarters of the revenue of the Canadian government, and of the several preceding colonial governments, came from customs and excise duties’”⁷⁰³. The projection of Canadian sovereignty depended on a fiscal rationale that viewed small-scale extractive mining ventures as predicament and precondition to the establishment of state institutions. The fact that Canada did not have similar fiscal resources at Her disposal relative to the United States affected articulations of sovereignty and strategies of bordering. Assessing both similarities and differences between Indian policy in the United States

⁶⁹⁸ See, Petrakos, "William Ogilvie, the Klondike Borderlands, and the Making of the Canadian West," 375-76.

⁶⁹⁹ Ogilvie, *Early Days on the Yukon and the Story of Its Gold Finds*, 144.

⁷⁰⁰ Ibid.

⁷⁰¹ See also, chapter 11.1 of this dissertation.

⁷⁰² See, Martin Dauntton, "The Politics of British Taxation, from the Glorious Revolution to the Great War," in *The Rise of Fiscal States: A Global History*, ed. Bartolomé Yun-Casalilla, Patrick K. O'Brien, and Francisco Comín Comín (Cambridge; New York; Melbourne; Madrid; Cape Town; Singapore; Sao Paulo: Cambridge University Press, 2012), 119. During the same period excise taxes fell from 35.9% to 34.7%.

⁷⁰³ Hoy, *A Line of Blood and Dirt: Creating the Canada-United States Border across Indigenous Lands*, 144.

and Canada, Ben Hoy concluded, “[t]he difference was matter of budgets, not a matter of benevolence”⁷⁰⁴.



The articulation of ‘the Yukon River’ as an integrated system of waterways as engraved in Frederick Schwatka’s cartographic representation of the riverlands spanning from the Chilkoot Pass to the Bering Strait may have been perceived as the discursive correlate to the slowly growing number of American miners and traders trickling into the ‘gold districts’ of the upper Yukon riverlands. In *Alaska and Its Resources*, American scientist William H. Dall had created an origin-story of riverine exploration that lauded Ivan Semyonovich Lukin as “[...] the first man to ascend the Yukon from the sea, and to determine its identity with the Kwíkhpak”⁷⁰⁵. Dall and Whymper had met Lukin during their stay at the RAC post Nulato in the winter of 1866/67.⁷⁰⁶ Dall’s narrative of riverine exploration was quickly taken up by others. U.S. officer Charles W. Raymond, for instance, wrote,

it is said that the honor of having made the first journey from the western coast to Fort Yukon belongs to Ivan Simonsen Lukeen, an employé of the Russian company at St. Michael’s, who succeeded in reaching the fort in the summer of 1863 [...].⁷⁰⁷

The articulation of ‘the Yukon River’ as an integrated riverine system was not only based on separating water from land but did also involve a subtle politics of colonial discovery: While Schwatka was widely praised with ‘discovering’ the headwaters of the Yukon River and with exploring the upper reaches of the riverlands, the Russian American Company trader Lukin was credited with ‘discovering’ the direct riverine connection between the Bering Strait and Fort Yukon, even though “[...] to his superiors in the Russian-American Company, who on the basis of Native

⁷⁰⁴ Ibid., 117.

⁷⁰⁵ Dall, *Alaska and Its Resources*, 277. The entire paragraph reads as follows: “Still, as there was no communication between the English and the Russians, the identity of the Yukon with the Kwíkhpak of the Russians remained unknown. The Russian chief trader at St. Michael heard of the visit of the English, and determined to find out something about the English fort, of which vague rumors had reached him through the Indians. Iván Simónsen Lukeén [...] was selected for this duty; he accompanied the trading party to Nuklukahyét, and left them there, reaching Fort Yukon, with assistance of the Indians, in the summer of 1863. He remained long enough to fulfill his instructions, pretending to be a runaway from the Russian service; then stole away by night and reached Nuláto in his canoe safely”, in: *ibid.*, 276-77. Note that the date of Lukin’s travel to Fort Yukon differentiates from Katherine Arndt’s account who wrote with reference to the archival material of the Russian-American Company, “[...] in the spring or early summer of 1862 Lukin set out up the Kvíkhpak, apparently from Nulato. In keeping with Furuhielm’s [the chief manager of the Russian-American Company at that time] orders, he was accompanied not by regular company employees, but by local Natives”, in: Arndt, “Dynamics of the Fur Trade on the Middle Yukon River, Alaska, 1839-1868,” 150. Furthermore, Dall’s narrative essentially provides the image of an RAC covert operation that emphasizes the potentially violent characteristics of the relationship between the Russian American Company and the British HBC in the interior riverlands. In contrast to Dall’s version, Katherine Arndt stresses that the British traders seemed rather indifferent about Lukin’s visit writing to their superiors in 1863: “A Russian visited Fort Yukon last summer—I heard from the Indians this spring that the Russians intend to send up a boat, with no hostile intentions, however”, in: *ibid.*, 155.

⁷⁰⁶ See, Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 38-39.

⁷⁰⁷ Raymond, “Report of a Reconnaissance of the Yukon River, Alaska Territory, July to September 1869,” 7.

testimony had long been reasonably sure that the two rivers, if not identical, were at least within a single drainage, Lukin's accomplishment was rather less impressive"⁷⁰⁸. Curiously, the HBC traders from Fort Yukon are absent from Dall's narrative which would come to dominate "[...] the American historical literature [...]"⁷⁰⁹. In fact, the HBC seemed hardly surprised by Lukin's visit. As historian Katherine Arndt has noted, "Ivan Lukin's arrival at Fort Yukon in the summer of 1862 [...] did not generate the panic it might have some fifteen years earlier, for the post was now too well established to be threatened by the appearance of a single Russian in an unarmed canoe. Indeed, the Russian creole, by ancestry more than half Native himself, may have blended in so well with the post's other visitors that Lockhart and Jones [the HBC's chief traders] learned of his presence only after the fact"⁷¹⁰.

In his final report to the Canadian Parliament, however, George M. Dawson, the head of the Canadian Geological Survey, presents a different genealogy of riverine exploration that contests the primacy of Schwatka and Lukin, and—by extension—of Dall, Raymond, and others. According to Dawson, Lukin might indeed have visited Fort Yukon in the summer of 1862, but it was the British HBC trader Robert Campbell who "[...] practically established by his journey the identity of the Pelly River with the Kwikhpak of the Russians"⁷¹¹. To bolster his claim, he refers to the 1854 map of British North America produced by royal cartographer John Arrowsmith in London (see, fig. 16). Dawson noted, "the connection between the two [rivers] is given by a sketch (shown in broken lines) on the map just cited, on which also the mouth of the Tanana River (under the name Mountain-men River) is shown, and other details represented with reasonable accuracy"⁷¹².

To be clear, at this point, Dawson's claim about the role of Robert Campbell in the production of the 1854 Arrowsmith map is speculative and given Campbell's position within the HBC somewhat unlikely.⁷¹³ I have not conducted intensive archival research in the Hudson's Bay Company Archives or related archives in Britain that could verify Dawson's claim.⁷¹⁴ That said, however, Dawson is correct in pointing out British officials had indeed acquired detailed geographic information about a connection between the Bering Strait with its RAC posts and the interior of

⁷⁰⁸ Arndt, "Dynamics of the Fur Trade on the Middle Yukon River, Alaska, 1839-1868," 151.

⁷⁰⁹ Ibid. As an example, see, Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 31; Bockstoce, *Furs and Frontiers in the Far North: The Contest among Native and Foreign Nations for the Bering Strait Fur Trade*, 223.

⁷¹⁰ Arndt, "Dynamics of the Fur Trade on the Middle Yukon River, Alaska, 1839-1868," 167.

⁷¹¹ Dawson, *Report of an Exploration in the Yukon District, N.W.T., and Adjacent Northern Portion of British Columbia 1887*, 15.

⁷¹² Ibid.

⁷¹³ See, Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 26-27.

⁷¹⁴ I have been in contact with staff at the HBCA about Dawson's claim. I had to refrain from actively conducting research at the HBCA facility due to limitations in funding. From preliminary inquiries both by myself and on my behalf, I could neither ascertain whether it was indeed Robert Campbell who was responsible for acquiring geographical information about the connection between Fort Yukon and the Bering Strait nor when and by whom the information had been transmitted to London

the Yukon riverlands where the HBC was operating its trading post at Fort Yukon.⁷¹⁵ It is no small matter that these geographical information were, apparently, considered both significant and valid, so much so that it seemed justifiable to integrate them into official maps of the Empire. It should also be noted that the British had only gained fragmentary knowledge about the course of the Yukon River and its tributaries. The confluence of the Yukon and the Tanana rivers, for instance, can only be guessed at. The most likely scenario is that the British traders obtained information about the rivers from Indigenous middlemen which would, once again, illustrate the significance of Indigenous agency and, of course, expertise in the process of creating the border zone of the riverlands.



Figure 16: 1854 Map of British North America by John Arrowsmith; Map: Brigham Young University Library & Archives, Rare Map Collection, G 3400 1854.A1. Courtesy of the Brigham Young University Library & Archives.

Stressing the role of the British HBC and its allegedly ‘intimate knowledge’ of the geographies of the Yukon riverlands means rejecting a narrative about ‘the Yukon River’ that omitted the role of the British empire. In William H. Dall’s version, the British traders remain surprisingly indifferent to the specificities and the economic potentials of the riverlands. They appear as remnants of a

⁷¹⁵ For an overview of the Hudson’s Bay Company’s attempts at mapping the interior Yukon riverlands and the Richardson Mountains, see, Ruggles, *A Country So Interesting: The Hudson’s Bay Company and Two Centuries of Mapping, 1670-1870*, 76-82, 106-07.

bygone era focused on the slopes of the Richardson Mountains when they should instead have set their eyes fixed to the waves and to the winds of the northern Pacific, to the ocean that was literally on their doorstep. The Alaska Treaty and the establishment of American dominance seems almost like a mythical redemption from the brusqueness of the British. Unlike RAC trader Lukin and, later, U.S. Army lieutenant Schwatka, the British traders are perceived as having no part in the exploration of the vast network of waterways constituting ‘the Yukon River’, the infrastructural backbone of the emerging mining economies. The 1869 eviction of HBC traders from Fort Yukon, the gradual shift towards commerce dominated by and oriented towards the United States, correlates with the erasure of British contributions to the geographies of the riverlands in American narratives of discovery. It is important to recognize that, by 1888, when Dawson was offering his criticism to Dall and Raymond “[...] in no spirit of detraction”⁷¹⁶, what was at stake, from a Canadian perspective, were not merely abstract geopolitical claims but, increasingly, concrete economic interests in the extraction of resources from the rivers representing ‘the Yukon River’. Coupling Lukin with the Western Union Telegraph Expedition and the military-sponsored exploration of Frederick Schwatka and his party, the American version of discovery amounts, at least, to a belittlement of Canadian claims to the riverlands themselves.

While it remains uncertain whether the 1854 map of British North America has indeed been based on information gathered by Robert Campbell, it is important to briefly reflect on the strategic significance of Dawson’s claim. Attributing Campbell with the ‘discovery’ of the riverine connection between St. Michael and Fort Yukon, Dawson was not simply bolstering or reinforcing Canada’s claims to the resources of the riverlands *vis-à-vis* the United States. Dawson remains silent about the involvement of Indigenous labor and expertise. Since “[m]apping was another technique of demonstrating possession”⁷¹⁷, it is important to note that the 1854 map of British North America indicates territorial boundaries between Euro-American powers—British North America, the United States, and Russia—by different coloring (see, fig. 16).⁷¹⁸ Similar to the map accompanying the publication of Frederick Schwatka’s travelogue in 1885, Indigenous nations and their respective boundaries are entirely excluded from visualization (see, fig. 15). Thereby, the contest for the colonial dominance of the Yukon riverlands is framed as a conflict between Euro-American

⁷¹⁶ Dawson, *Report of an Exploration in the Yukon District, N.W.T., and Adjacent Northern Portion of British Columbia 1887*, 15.

⁷¹⁷ Lauren Benton, *A Search for Sovereignty: Law and Geography in European Empires, 1400-1900* (Cambridge; New York; Melbourne; Madrid; Cape Town; Singapore; Sao Paulo: Cambridge University Press, 2010), 56.

⁷¹⁸ For an overview over critical cartography, see, e.g., Jeremy W. Crampton, "Maps as Social Constructions: Power, Communication, and Visualization," *Progress in Human Geography* 25, no. 2 (2001); Jeremy W. Crampton and John Krygier, "An Introduction to Critical Cartography," *ACME: An International Journal for Critical Geographies* 4, no. 1 (2006).

imperial agents over vast, seemingly ‘empty’ lands.⁷¹⁹ The cartographic gaze is focused on separating water and land, and on separating Euro-American sovereignties. Indigenous nations as well as the more-than-terrestrial relations that constitute the riverlands purposefully escape notification. The exceptional position of rivers and coastlines reflects the long-standing strategic primacy of more-than-terrestrial relations in articulating settler colonialist-capitalist notions of possession,

Rivers held a privileged place in these strategies of claims making. The markers and settlements used by early modern Europeans to indicate possession in the Atlantic world were not set just anywhere in the landscape. They were most often placed in estuaries, or at the joining of two rivers near the sea, precisely in order to indicate the intention to travel and settle vast, unbounded riverine regions. This strategy cut across empires. [...] Fortifications, rudimentary settlements, and simple garrisons were likewise seated at river mouths and narrows. The symbolic link between markers or settlements at key places along rivers and claims to vast interior regions explains, for example, Spanish anxiety about the fledgling settlements and simple fortification erected by the English and Dutch at the mouth of the Amazon in the first decades of the seventeenth century; the Spanish noted the danger of allowing such footholds, since ‘this river and its branches cross the whole mainland including Peru’. Estuary settlements announced the *intention to extend* dominion inland.⁷²⁰

Lauren Benton points out that early modern strategies of conquest were particularly focused on rivers, because colonization of riverine landscapes was broadly understood to project imperial power further inland. Articulation of rivers were investments in geographical and in temporal terms, and as investments, they were ripe with anxiety and uncertainty.⁷²¹ It is therefore no

⁷¹⁹ Of course, one is to think here of the notion of *terra nullius* or the so-called ‘doctrine of discovery’ oftentimes associated with the writings of Thomas More and John Locke; see, Pagden, *Lords of All the World: Ideologies of Empire in Spain, Britain, and France, C. 1500-C. 1800*, 76-77; Wolfe, “Land, Labor, and Difference: Elementary Structures of Race,” 868-70. In a landmark contribution to the debate about the significance of *terra nullius*, Lauren Benton and Benjamin Straumann warned, “[t]he debate about whether or not Europeans relied on *res nullius* and *terra nullius* as rationales for empire responded to the wrong questions. [...] Europeans in empire had no clear-cut reading of the doctrines to draw on [...]. Imperial agents also had ample incentive to combine Roman, canon, and theological sources with circulating ideas about natural law in making broad and flexible arguments in support of imperial claims. Nor should we be guided in evaluating the importance of ideas about *res nullius* by simply culling pronouncements of ‘empty land’ or the absence of explicit mention of *terra nullius* before the nineteenth century. Legal ideas about how best to establish claims circulated in a wide variety of forms and recommended versatile and expansive interpretations of repeating symbols and acts”; cit. in: Lauren Benton and Benjamin Straumann, “Acquiring Empire by Law: From Roman Doctrine to Early Modern European Practice,” *Law and History Review* 28, no. 1 (2010): 37-38, emph. in original. However, given that the conquest of the Yukon riverlands is situated within 19th century-imperial culture and practice, one might be willing to broadly address the articulation of the ‘emptiness’ of the Yukon riverlands, semantically and visually, as an indication of the power of notions of *terra nullius*. While I do not dismiss this interpretation, I argue in chapter 10.2 for an analysis that, broadly inspired by Ernesto Laclau’s work, emphasizes the logics of exclusion underlying articulations of the social; see especially, Ernesto Laclau, “The Impossibility of Society,” in *New Reflections on the Revolution of Our Time*, ed. Ernesto Laclau (London; New York: Verso, 1990).

⁷²⁰ Benton, *A Search for Sovereignty: Law and Geography in European Empires, 1400-1900*, 57-58, emph. AMW.

⁷²¹ See, Beckert, *Imagined Futures: Fictional Expectations and the Dynamic of Capitalism*.

coincidence, Benton argues, that rivers were perceived as particularly treacherous and dangerous landscapes.

[...] [The] association between political danger and riverine landscapes did emerge as Europeans' attachment to a geographic imaginary centered on rivers overlapped with the peculiar challenges of constituting political communities and establishing imperial claims in distant regions of unsettled sovereignty. The special dangers of river reconnaissance seemed to multiply opportunities for insubordination and betrayal, while the promise of riches in upriver regions enhanced the stakes of political rivalries. Dangers of reconnaissance in river regions and dependence on locals urged their political incorporation and, at the same time, intensified anxieties about the loyalties of both European and indigenous subjects. [...] *This tension between the designation of rivers as corridors of imperial expansion and their imagination as places of special political danger turned river regions into distinctive legal spaces of empire.*⁷²²

In fact, the Yukon riverlands are no exception to this rule. Frederick Schwatka's travelogue contains a particularly illustrative passage describing his arrival at Fort Reliance, the trading post operated by Leroy 'Jack' McQuesten and his partners, as a nostalgic experience that reflects the military significance of local Tr'ondëk Hwëch'in.

A few minutes before one o'clock we passed the abandoned trading station on the right bank of the river, which we surmised from certain maps and from subsequent information to be the one named Fort Reliance. It was a most dilapidated-looking frontier pile of shanties, consisting of one main house, probably the store, above ground, and three or four cellar-like houses, the ruined roofs of which were the only vestiges remaining above ground. The Indians said that Mr. McQuestion [McQuesten], the trader, had left on account of severe sickness, but his own story, when we met him afterward on the lower river, was that he was sick of the Indians, the main tribe of which were peaceful enough, but contained several ugly tempered communistic medicine-men who had threatened his life in order to get rid of his competition in the drug business, which resulted greatly to their financial detriment.⁷²³

Ann L. Stoler reminds to move beyond the deceptive curtain of nostalgia to unravel imperial formations through "[...] ruination [...]"⁷²⁴, "[...] a corrosive process that weighs on the future and shapes the present"⁷²⁵. By embracing melancholy, Schwatka enhances the role of himself, the U.S. Army lieutenant, and his party of soldier-explorers. The men (for it were exclusively men)

⁷²² Benton, *A Search for Sovereignty: Law and Geography in European Empires, 1400-1900*, 42, emph. AMW.

⁷²³ Frederick Schwatka, *Along Alaska's Great River: A Popular Account of the Travels on an Alaska Exploring Expedition Along the Great Yukon River, from Its Source to Its Mouth, in the British Northwest Territory, and in the Territory of Alaska* (Chicago: The Henry Publishing Company, 1898), 245-46.

⁷²⁴ Stoler, "Imperial Debris: Reflections on Ruins and Ruination," 194.

⁷²⁵ Ibid.

appear as harbingers of military order dispatched for reconnaissance of a potentially hostile and defiant, certainly superstitious environment that was actively hindering civilizational progress delivered by trade and commerce. The ruins of Fort Reliance are sketches of broader imperial projects and their inherent instabilities; like rivers, they serve as indicators of the absolute will to rule through trade as well as through military force.⁷²⁶

Ironically, Leroy 'Jack' McQuesten presented a different description of the incident. According to his account, he and other prospectors had left Fort Reliance in the summer of 1883 after disappointment over the results of their prospecting. Over the summer, McQuesten chased rumors of gold discoveries on the Tanana River and arranged for the delivery of additional supplies from St. Michael.⁷²⁷ He eventually "[...] met Lt. Schwatka and party [...]"⁷²⁸ at Fort Yukon on his way back from St. Michael. Until 1885, Fort Reliance "[...] was the center of activity in the area [...]"⁷²⁹, particularly of prospecting. Whenever news of gold strikes arrived at the store, McQuesten and his partner Arthur Harper prepared to move: in 1885 to the Stewart River and in 1886 to Forty Mile.⁷³⁰



At the end of the 1880s, prospectors had been trickling into the riverlands whose careers intersected with the careers of fur traders and merchants. After the gold discoveries at the Forty Mile River in the winter of 1886-87, at the latest, miners were working claims and producing gold for export.⁷³¹ Miners encountered resistance by the ACC whose operatives refused "[...] supplying the forty or fifty tons of supplies that McQuesten requested [...]"⁷³². Threatened by McQuesten who traveled to Portland, Oregon, to establish his own company as a competitor to the ACC, the company eventually agreed to supply the miners.⁷³³ Together with the introduction of steam-powered engines, and the exploration and publication of transportation routes, the Yukon riverlands had undergone a profound transformation. Steamers connected trading posts such as Fort Reliance with regional centers such as Fort Yukon, and ports in the Pacific such as St. Michael, the bustling mining settlement of Juneau, or San Francisco, for that matter.⁷³⁴ Soldier-scientists, explorers, and artists had traveled the riverlands producing travelogues and maps that depicted the

⁷²⁶ See, *ibid.*, 193-99.

⁷²⁷ See, McQuesten, *Recollections of Leroy N. Mcquesten of Life in the Yukon, 1871-1885*, 11-13.

⁷²⁸ *Ibid.*, 12.

⁷²⁹ Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 50.

⁷³⁰ See, *ibid.*, 50-54; Haycox, *Alaska: An American Colony*, 209.

⁷³¹ See, Gates, *Gold at Fortymile Creek: Early Days in the Yukon*, 32-38.

⁷³² *Ibid.*, 23.

⁷³³ See, *ibid.*

⁷³⁴ See also, Anderson, *Lifeline to the Yukon: A History of Yukon River Navigation*, 37-39; Coates and Morrison, *The Sinking of the Princess Sophia: Taking the North down with Her*, 8-12; Gates, *Gold at Fortymile Creek: Early Days in the Yukon*, esp. ch. 2.

Yukon River as a coherent, integrated system of waterways extending from its headwaters to its mouth at the Bering Strait. Claims over the historiography of discovery demonstrate, however, that, despite imperial imaginaries of coherence, the more-than-terrestrial assemblage constituting 'the Yukon River' was far from uncontested.

9. FROM RIVER TO RIVERLANDS: LEGALIZING THE YUKON RIVERLANDS, CA. 1890-1895

9.1 The Current of the Yukon and the Challenges of Border Creation in the Yukon Riverlands

In September 1898, F. C. Wade, at that time Canada's Crown Prosecutor in the Yukon Territory, complained to the Canadian Minister of Justice about the relationship of Canadian officials with their counterparts in the United States and about the challenges posed by rivers and currents, gold and borders. According to Wade,

Early in July last, [Arthur] Perry, who was an employee of Alexander McDonald, a Klondike Miner, appropriated gold dust belonging wholly or in part to McDonald and escaped down the Yukon as far as Nulato [in original] in the United States territory where he was overtaken and arrested by policeman McPhail of the N.W. Mounted Police. The gold dust was found on Perry's person when arrested and was taken charge of by police man [in original] McPhail who at once sought to return to Dawson City with the prisoner and the stolen money.⁷³⁵

In the Yukon Territory, Perry had stolen an amount of gold equaling ca. \$16,000.⁷³⁶ According to press coverage of the incident, Arthur Perry's wife who witnessed the arrest of her husband called for the head of the U.S. Customs Service, Joseph W. Ivey who was present at the U.S. customs post at Circle City and who intervened in the arrest.⁷³⁷ "In the meantime the news that a Canadian officer had arrested an American on American soil was noised about and considerable sympathy was stirred up for the prisoner"⁷³⁸. The U.S. collector of customs was not going to let that happen.⁷³⁹ He later defended his decision to prevent the Canadian police officer from arresting Perry in Nulato to journalists,

⁷³⁵ Letter from Crown Prosecutor F. C. Wade to the Canadian Minister of Justice, Sept. 30, 1898, p. 1; in: LAC, RG 13-A-2, Vol. 109, File 896.

⁷³⁶ See, W. M. Sheffield, "Canadians Want Too Much, Would Take an American Prisoner on American Soil: Ivey Rushes to the Rescue," *The Seattle Post-Intelligencer*, 09-05-1898 1898.

⁷³⁷ See, N.A., "River Steamers Now Arriving at Dawson: One Lively Incident on the Klondike Caused by an Attempt to Make a Consul Lower Old Glory," *The San Francisco Call*, 10-11-1898 1898.

⁷³⁸ Sheffield, "Canadians Want Too Much, Would Take an American Prisoner on American Soil: Ivey Rushes to the Rescue."

⁷³⁹ This case has been extensively been discussed by Chris Allan and Bradley Miller; see, Bradley Miller, *Borderline Crime: Fugitive Criminals and the Challenge of the Border, 1819-1914* (Toronto; Buffalo; London: University of Toronto Press, 2016), 3-4; Allan, "'Over My Dead Body': The Bravery and Bluster of Alaska's Gold Rush Customs Collector."; "'Twisting the Lion's Tail': Joseph W. Ivey's Anti-Canadian Strategies during the Alaska Boundary Dispute."

The Canadian police came into American territory, took Perry, and without extradition were attempting to remove him to a foreign land. That is contrary to law. It is true I threatened the police with violence unless they surrendered the prisoner. I meant what I said. I was armed with a Winchester [repeating rifle] and had a revolver. If they had taken Perry it would have been over my dead body.⁷⁴⁰

In face of Ivey threat, the officer of the Canadian North-West Mounted Police (NWMP) was forced to turn back to Dawson City empty-handedly—and Perry and his wife were able to continue their journeys, \$16,000 richer than before.⁷⁴¹ The incident was quickly picked up by journalists covering the gold rushes in the Yukon riverlands. Even though the exact fate of Arthur Perry remains unknown, the publishers of *The Klondike Nugget* fumed, “it is hardly possible that Perry will be allowed to profit by the interference of Ivy for he will be followed now if it costs twice the amount he stole. It will take time and money but he will be finally landed in Dawson for trial as an example for others”⁷⁴². American newspapers interpreted the incident as yet another indicator of the latent rivalry between the United States and Canada over the authority over the goldfields in the riverlands, an interpretation shared—promoted even—by Joseph W. Ivey himself.⁷⁴³

The incident did not only reveal the significance of imaginaries of national competition over resources. The affairs also tells about the problems that bureaucrats of settler colonial capitalism encountered in the more-than-terrestrial relations constituting the Yukon riverlands and affecting practices of bordering as well as the role of the 141st meridian. “As Dawson City”, Crown Prosecutor Wade warned, “is within about forty miles of the international boundary and the current of the Yukon will carry small boats down stream at a rapid rate, nothing is easier than to escape to the American side of the line with very little effort. The fear that they would be unsafe even there has up to the present kept the criminal classes in check. As that has now disappeared, and the Alaskan officials—commissioners and marshals—do not seem to have power to grant warrants for the extradition of fugitives, crimes can be committed almost with impunity”⁷⁴⁴. Established in the winter of 1896-1897 as a small mining camp, Dawson City, located at the confluence of the

⁷⁴⁰ Cit. in: “Over My Dead Body: The Bravery and Bluster of Alaska's Gold Rush Customs Collector,” 39.

⁷⁴¹ Article in *The Klondike Nugget* Vol. 1, No. 19, August 24, 1898, p. 2, in: NARA MD, RG 59, General Records of the U.S. Department of State, Despatches from U.S. Consular Officers 1789-1906, Despatches from U.S. Consuls in Dawson City, Canada, 1898-1906, T560, Reel 1.

⁷⁴² Article in *The Klondike Nugget* Vol. 1, No. 19, August 24, 1898, p. 2, in: NARA MD, RG 59, General Records of the U.S. Department of State, Despatches from U.S. Consular Officers 1789-1906, Despatches from U.S. Consuls in Dawson City, Canada, 1898-1906, T560, Reel 1.

⁷⁴³ See, Allan, “Over My Dead Body: The Bravery and Bluster of Alaska's Gold Rush Customs Collector,” 55-60. For an American newspaper, see, Sheffield, “Canadians Want Too Much, Would Take an American Prisoner on American Soil: Ivey Rushes to the Rescue.”

⁷⁴⁴ Letter Crown Prosecutor F. C. Wade to the Minister of Justice Sept. 30, 1898, p. 2; in: LAC, RG 13-A-2, Vol. 109, File 896.

Klondike and the Yukon rivers, had become the pulsating center of the gold rush in 1898.⁷⁴⁵ Dawson City grew extremely quickly between 1896 and 1900. Because there are no census data covering the height of the Yukon-Klondike gold rush in 1898, the city's significance may best be illustrated by the extent of destruction wrought by regular blazes ravaging Dawson between 1897 and 1899.⁷⁴⁶ In 1899, the worst of the three fires "[...] destroyed 117 buildings and more than a million dollars' worth of property"⁷⁴⁷. In September 1898, when Wade complained about Joseph W. Ivey, Dawson City had just recently—in June—been named capital of the newly organized Yukon Territory.⁷⁴⁸

Given the significance ascribed to the narrative of national rivalry over the riverlands, it is important to note that J. C. McCook, the United States' consul at Dawson City, thought strikingly similarly about Ivey's intervention. "Certain crimes are committed in this section by United States citizens, principally robbery as the thief can make their way down the river to American territory"⁷⁴⁹. That Canadian police officers "[...] having warrants for the arrest of criminals [...]"⁷⁵⁰ were crossing the U.S.-Canada border "[...] to [...] bring them back"⁷⁵¹ was considered a customary practice necessary for "[...] restraining lawlessness [...]"⁷⁵². In unison with Wade, McCook sounded alarm about "[...] the serious consequences which may follow unless something is done to facilitate the surrender of fugitives"⁷⁵³. Furthermore, effectively governing the Yukon riverlands would provide economic benefits to U.S. citizens, too, "knowing their property would be more secure if thieves [in original] could be arrested and brought to justice"⁷⁵⁴. McCook urged his superiors at the U.S. Department of State (DOS) to develop informal procedures together with Canadian authorities the bureaucratic complexities related to formal extradition processes between the United States

⁷⁴⁵ See, Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 102-03.

⁷⁴⁶ See, *ibid.*, 151.

⁷⁴⁷ *Ibid.*, 102.

⁷⁴⁸ See, *ibid.*, 104-05.

⁷⁴⁹ Letter by U.S. Consul J. C. McCook to U.S. Assistant Secretary of State John Bassett Moore August 31, 1898, p. 1, in: NARA MD, RG 59, General Records of the U.S. Department of State, Despatches from U.S. Consular Officers 1789-1906, Despatches from U.S. Consuls in Dawson City, Canada, 1898-1906, T560, Reel 1.

⁷⁵⁰ *Ibid.*

⁷⁵¹ *Ibid.*

⁷⁵² Letter by U.S. Consul J. C. McCook to U.S. Assistant Secretary of State John Bassett Moore August 31, 1898, p. 2, in: *Ibid.*

⁷⁵³ Letter Crown Prosecutor F. C. Wade to the Minister of Justice Sept. 30, 1898, p. 1-2; in: LAC, RG 13-A-2, Vol. 109, File 896.

⁷⁵⁴ Letter by U.S. Consul J. C. McCook to U.S. Assistant Secretary of State John Bassett Moore August 31, 1898, p. 2, in: NARA MD, RG 59, General Records of the U.S. Department of State, Despatches from U.S. Consular Officers 1789-1906, Despatches from U.S. Consuls in Dawson City, Canada, 1898-1906, T560, Reel 1.

and Canada.⁷⁵⁵ “This section [of North America] being isolated so to speak”, he argued, “it would take months before the proper extradition papers could be secured”⁷⁵⁶.

Yet, the problems that Wade, McCook, and others faced went beyond simply coordinating strategies of law enforcement across the 141st meridian to meet mutual interests of both the United States and Canada. For one, nationalists such as Joseph W. Ivey could—and did—very well thwart sophisticated strategies negotiated between Washington and Ottawa. Furthermore, it were the more-than-terrestrial constitution of the Yukon riverlands that government bureaucrats were confronted with and affected by, and which they struggled, to the best of their abilities, to manipulate. Seasonal changes, the currents of the rivers, and the transformations wrought by mining and settlement affected the tactical toolbox that both police agencies and the supposed ‘criminals’ whom they sought to suppress had at their disposal. Obviously, a thief such as Arthur Perry laboring in the mines around Dawson City could easily jump into a boat and float downriver, across the 141st meridian, and then vanish from prosecution. The location of Dawson City, the working conditions in the gold mines, the environmental conditions of the rivers, and the legal conditions of the riverlands separated by the U.S.-Canada border all contributed to the formation of a more-than-terrestrial border zone that confronted colonial authorities with riddles difficult to solve. With other words, concerns over Arthur Perry’s escape and Joseph W. Ivey’s irresponsibility bear witness to the fact that coordinating practices of resource extraction and the accumulation of wealth neither automatically aligned with the consolidation of a transboundary system of legality nor with the more-than-terrestrial dynamics of the Yukon riverlands. To the continuous frustration of bureaucrats on both sides of the 141st meridian, Man had apparently not conquered Nature.⁷⁵⁷

Broadly, the previous chapter argued that in the midst of the creation of ‘the Yukon River’ as an integrated system of waterways lay the seeds of the problems that Wade and McCook encountered and that would come to haunt government bureaucrats: repeated contractions of the more-than-terrestrial projects of imperial state formation caused by the contradiction between tendencies of economic, political, and legal integration (cohesion) and tendencies of economic, political, and legal differentiation (adhesion). Subsequent chapters trace the fragilities of imperial state formation and the effects rippling through the riverlands. The following pages explore the advent of legal frameworks and government institutions between ca. 1890 and 1898, and their functioning as a

⁷⁵⁵ About the complexities involved in extradition processes between the United States and Canada, see, Miller, *Borderline Crime: Fugitive Criminals and the Challenge of the Border, 1819-1914*, esp. ch. 6, ch. 7; Hoy, *A Line of Blood and Dirt: Creating the Canada-United States Border across Indigenous Lands*, 69-72. See also chapter 10.1 and 10.3 of this dissertation.

⁷⁵⁶ Letter by U.S. Consul J. C. McCook to U.S. Assistant Secretary of State John Bassett Moore August 31, 1898, p. 1-2, in: NARA MD, RG 59, General Records of the U.S. Department of State, Despatches from U.S. Consular Officers 1789-1906, Despatches from U.S. Consuls in Dawson City, Canada, 1898-1906, T560, Reel 1.

⁷⁵⁷ See, Tsing, *The Mushroom at the End of the World: On the Possibility of Life in Capitalist Ruins*, 5.

differentiator separating the riverlands into two distinct yet interrelated legal spheres: an American and a Canadian portion of the Yukon River.

9.2 Economics and Mores: The North-West Mounted Police Expedition of 1894

Slightly more than ten years lay between the 1887 expedition of the Canadian Geological Survey and Arthur Perry's escape to Alaska in 1898. Yet, during these ten years, the Yukon riverlands and the U.S.-Canada border dissecting the drainage along the 141st meridian underwent substantial transformation. In 1894, Canada's North-West Mounted Police (NWMP), founded in 1874 "[...]" as a catch-all organization that would collect customs duties, patrol the [Canadian] border, crack down on whiskey smuggling, police Indigenous people, and enforce Canadian law⁷⁵⁸, sent two officers northwards under the command of inspector Charles Constantine to conduct reconnaissance operations for the Canadian federal government. Constantine and his companion, NWMP staff sergeant Charles Brown chose to enter the Yukon riverlands via the Chilkoot Pass, the mountain route that had been popularized by Frederick Schwatka's travel accounts. With considerable frustration, Constantine commented on the Canadian officers' dependency on Indigenous packers and guides who, "[...] seem to be able to take in but one idea, and that is how much they can get out of you [...]"⁷⁵⁹. After more than four weeks traveling downstream from Lake Lindemann, on August 7, 1894, Constantine and Brown reached Fort Cudahy, a trading post of the newly established North American Trading & Transportation Company (NAT&TCo.), located close to the mining settlement of Forty Mile.⁷⁶⁰

For the Alaska Commercial Company, the arrival of the NAT&TCo. and the establishment of Fort Cudahy "[...] across the Fortymile River from the main townsite in 1893 [...]"⁷⁶¹ were bad news, because it signaled the end of its monopoly on trade and commerce in the riverlands. Beyond the scope of economics, the arrival of NAT&TCo. traders was, in fact, instrumental in establishing state bureaucracies in the riverlands. Together with Anglican bishop William Carpenter Bompas who, as early as 1891, noted that "I do not hear that the Canadian Government have yet taken any steps to obtain income from the mines [in original] be licensing the claims, nor to keep order

⁷⁵⁸ Hoy, *A Line of Blood and Dirt: Creating the Canada-United States Border across Indigenous Lands*, 93.

⁷⁵⁹ Commissioner of the North-West Mounted Police, "Report of the Commissioner of the North-West Mounted Police 1894," (Ottawa: S. E. Dawson, 1895), 70.

⁷⁶⁰ *Ibid.*, 71.

⁷⁶¹ Judy Campbell, Eileen Fletcher, and T. J. Hammer, "Forty Mile, Fort Cudahy, and Fort Constantine Historic Site: Management Plan," (2006), 12.

by a judge”⁷⁶², NAT&TCo. managers advocated extensively for assigning both Canadian and U.S. officials to the riverlands.⁷⁶³

In May 1894, the Canadian Privy Council determined the mandate for their officers Constantine and Brown with reference to William C. Bompas’ writings and submissions by the managerial board of the NAT&TCo. The definition of the expectations and the scope of the 1894 police expedition to the Yukon riverlands provides insight into the strategic priorities Canada envisioned.

[...] in reference to [...] a letter from Mr. C. H. Hamilton, Secretary and Assistant Manager of the North American Trading and Transportation Company, and also two letters [...] from the Rt. Rev. Dr. Bompas, Bishop of Selkirk [...] The [in original] Minister desires to state that in the interests of the peace and good government of that portion of Canada, in the interests also of the public revenue, it is highly desirable the immediate provision be made for the regulation and control of the traffic in intoxicating liquor, for the administration of lands containing the precious metals, for the collection of customs duties upon the extensive imports being made into that section of Canada from the United States with the view of supplying the miners, for the protection of the Indians, and for the administration of justice generally.⁷⁶⁴

When Constantine and Brown arrived at Fort Cudahy in August, they found “[...] the mining industry is only in its infancy”⁷⁶⁵ with an overall [...] output last year [...] [of] about \$300,000 from all sources”⁷⁶⁶. “The country is indeed very desolate and inhospitable”⁷⁶⁷, Constantine wrote. Since “neither the coin nor gold dust [in the town] was procurable, as all in the settlement to any amount had been sent east by the first boats”⁷⁶⁸, the two officers were collecting only a small portion of the potential amount of royalties, a total sum of \$3,248.82. However, collecting customs duties at Forty Mile proved “[...] distasteful, and at one time there looked as if there might be trouble in collecting”⁷⁶⁹. Although Constantine does not provide further details about the incident in his report to the NWMP and, by extension, to the Canadian Privy Council, it seems as if residents at Forty Mile were skeptical of the two Canadian police officers.⁷⁷⁰ Given that the delineation of the

⁷⁶² Letter by William C. Bompas to the Lieutenant Governor (of the Northwest Territories?) December 3, 1891, p. 1, in: LAC, William Ogilvie Fonds, MG30 B22, Box 1, File 4.

⁷⁶³ See, Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 71-72.

⁷⁶⁴ Cit. in: Morrison, *Showing the Flag: The Mounted Police and Canadian Sovereignty in the North, 1894-1925*, 18.

⁷⁶⁵ Police, "Report of the Commissioner of the North-West Mounted Police 1894," 75.

⁷⁶⁶ Ibid.

⁷⁶⁷ Ibid., 80.

⁷⁶⁸ Ibid., 84.

⁷⁶⁹ Ibid.

⁷⁷⁰ The institution of the ‘miners’ meeting’ has been long been a particularly esteemed object of fascination to scholars of the Yukon riverlands, historians and anthropologists alike; see, e.g., Stone, "The Mounties as Vigilantes: Perceptions of Community and the Transformation of Law in the Yukon, 1885-1897," 84-95; Hunt, *North of 53°: The Wild Days of the Alaska-Yukon Mining Frontier, 1870-1914*, 243-45; William R. Morrison, "Policing the Boom Town: The Mounted Police as a Social Force in the Klondike," *The Northern Review*, no. 6 (1990): 13-14; Gates, *Gold at Fortymile Creek: Early*

exact course of the U.S.-Canada border could potentially have tremendous consequences to miners working claims in the region around Forty Mile, because “[...] recorders and the police know what mining laws are to be enforced [...]”⁷⁷¹, how claims could be registered, and what taxes they were subjected to, it seems difficult to imagine, as Constantine enthusiastically puts it in another section of his report, “the miners are anxious that the boundary in the gold-bearing belt should be fixed without delay”⁷⁷².

For the Canadian state apparatus, the dominance of American miners and prospectors in “the Yukon district [which] has been up to the present time a sort of ‘No man’s’ land, the boundary between Alaska and the North-west Territories [in original] not having been defined or officially declared”⁷⁷³, represented a serious problem. Instead of Canadian regulations and authorities, “[l]aw and order in the country has been enforced by a committee of miners, and [...] it has been quiet and orderly [...]”⁷⁷⁴. The miners’ legal and social order, independent from the Canadian Confederation, while admittedly effective in suppressing violence and disorderliness, is cast in terms of moral deficiency and deviancy conditioned by the seasons of the riverlands. According to Constantine, when the miners “[...] come in from the mines for winter they have a general carouse [...]”⁷⁷⁵, consuming large amounts of alcohol. With alarm, he notes that, at present, “the country is ruled by a ‘whiskey ring’”⁷⁷⁶. To fight the illegal trade with alcohol “[...] by a strong hand [...]”⁷⁷⁷, Constantine argues, “[...] a sufficient force will be necessary to enforce the provisions of the law”⁷⁷⁸.

Thus, it is not the absence of order per se that is identified as incentive for the establishment of government offices and police stations. It is alcohol and the allegedly extensive trade with liquor. The police were envisioned as an instrument of both broader and deeper societal betterment, of moral progress. While the prospectors, most of them “[...] Americans and Canadians, about equally divided”⁷⁷⁹, had indeed established a relatively stable social order, benefitting some while

Days in the Yukon, ch. 4. For a lucid critique of glorifying narrative about miners’ self-determination and self-government, see, e.g., Limerick, *The Legacy of Conquest: The Unbroken Past of the American West*, 63-77; Andrea G. McDowell, *We the Miners: Self-Government in the California Gold Rush* (Cambridge, MA; London: Harvard University Press, 2022).

⁷⁷¹ Commissioner of the North-West Mounted Police, “Report of the North-West Mounted Police 1898,” (Ottawa: S. E. Dawson, 1899), Pt. 3, 40.

⁷⁷² “Report of the Commissioner of the North-West Mounted Police 1894,” 75.

⁷⁷³ *Ibid.*, 80.

⁷⁷⁴ *Ibid.*, 80-81.

⁷⁷⁵ *Ibid.*, 77.

⁷⁷⁶ *Ibid.*, 76. See also, Morrison, *Showing the Flag: The Mounted Police and Canadian Sovereignty in the North, 1894-1925*, 15-16.

⁷⁷⁷ Police, “Report of the Commissioner of the North-West Mounted Police 1894,” 76.

⁷⁷⁸ *Ibid.*

⁷⁷⁹ *Ibid.*, 80.

excluding others, the excessive trade in and consummation of alcohol could not be tolerated. The NWMP was especially concerned about the impact of alcohol on Indigenous nations and lectured Indigenous leaders—whether they wanted or not—accordingly.

They were also cautioned about drinking whiskey, and the chiefs as men in authority should set a good example to the others by not drinking it, and especially by doing all in their power to prevent the making of it, as it would surely get the Indians into trouble if they persisted in doing so.⁷⁸⁰

Constantine presented his concerns—and, of course, his implicit advice—as a mere reflection of the will of the majority of miners in the riverlands advocating for government intervention into the production, trade, and selling of alcohol. “So far as my information goes, miners would like to see a high license and a stop put to the sale of liquor to Indians”⁷⁸¹, he noted. Yet, he did also have to concede that prohibition was not a viable option. First,

Prohibition would be very hard to enforce, if not almost impossible, owing to the nature of the country, with its facilities for hiding liquor and illicit stills in the many ravines and gulches, which Indians could only find and travel to.⁷⁸²

Second, borders hindered the successful enforcement and implementation of prohibitory policies in the Yukon District, because “[t]he prohibitory law in Alaska is in reality a dead letter”⁷⁸³.

In Juneau liquor is sold openly and no real attempt so far as I could learn is made to enforce the law there. Some difficulty might arise in the working of the present liquor law of the North-west Territories [in original] and special legislation might be required to suit the situation. I refer more particularly to the machinery for the granting of licenses, and would suggest that should it be determined to grant them, that it be left in the hands of the police if it is decided to send them in to that country.⁷⁸⁴

Policing the production and consummation of alcohol in the Yukon riverlands would be difficult. For one, the landscapes themselves were difficult for inexperienced Canadian police officers to penetrate and expertise in traversing the lands lay almost exclusively with Indigenous experts. Furthermore, the existence of borderlines, some domestic, some international, would make relentless efforts at coordinating legal frameworks and their enforcement necessary.

Despite the impossibility of implementing policies prohibiting the production, the trade, and the consummation of alcohol, Constantine’s lament about the prevalence of liquor and whiskey, and

⁷⁸⁰ Ibid., 79.

⁷⁸¹ Ibid., 76.

⁷⁸² Ibid.

⁷⁸³ Ibid.

⁷⁸⁴ Ibid., 77.

their corrosive impacts on mining settlements and, particularly on Indigenous societies illustrates the moral politics of policing in 19th century North America. For, as Michel Foucault famously argued, the police actually comprises of “[...] die Gesamtheit der Interventionen und Mittel, die sicherstellen, dass das Leben, das Etwas-mehr-als-nur-leben, das Zusammenleben tatsächlich zur Bildung und Stärkung der Kräfte des Staates nützlich sein wird”⁷⁸⁵. Alcohol stood at the center of political struggles over the social and economic mitigation of industrialization and the resulting transformation of gender relations. Christian reformers and suffragists worried about what they perceived as the corrosive effects of alcohol consummation. Alcohol, some argued, would lead to the dissolution of the social fabric, to irresponsibility and self-abandonment, especially of male consumers.⁷⁸⁶ Both the production and the consume of alcohol (in saloons, for instance) was rendered a moral offense affecting the well-being of families, communities, and state economies. The ideal of the burgeoning middle-class family in the late 19th century capitalist society, which was often far removed from reality, was for male breadwinners to earn their wages in factories while their wives and children were to stay at home for schooling and education.⁷⁸⁷ Alcohol threatened this moral and political order. It threatened the recruitment of laborers and the moral integrity of the nuclear family whose ideal it proclaimed as both universal and eternal. The existence of alternative models of familiarity was perceived as an indicator of civilizational backwardness and deficiency.⁷⁸⁸ In the 20th century, none other than manufacturer and antisemite Henry Ford would demand unconditional renunciation of alcohol and attentiveness to ideals of the morally-intact nuclear family from his workers who, he believed, were benefitting from Ford’s employment contract and the comparatively high wages his company paid.⁷⁸⁹ Thus, Constantine’s report

⁷⁸⁵ Foucault, *Sicherheit, Territorium, Bevölkerung: Vorlesungen Am Collège De France, 1977-1978*, Geschichte der Gouvernamentalität, Band 1, 470. For a related argument see also, Didier Fassin, *Enforcing Order: An Ethnography of Urban Policing*, trans. Rachel Gomme (Cambridge; Malden, MA.: Polity Press, 2016), 174-214.

⁷⁸⁶ See, Austin K. Kerr, "Organizing for Reform: The Anti-Saloon League and Innovation in Politics," *American Quarterly* 32, no. 1 (1980); James A. Morone, *Hellfire Nation: The Politics of Sin in American History* (New Haven; London: Yale University Press, 2003), esp. ch. 10, ch. 11; White, *The Republic for Which It Stands: The United States during Reconstruction and the Gilded Age, 1865-1896*, 157-68, 677-78. Recently, Thomas J. Lappas convincingly argued that female Indigenous leaders actively and forcefully engaged with Christian calls for temperance and—later and with mixed results—for prohibition; see, Thomas J. Lappas, *In League against King Alcohol: Native American Women and the Women's Christian Temperance Union, 1874-1933* (Norman: University of Oklahoma Press, 2020). About the relationship between working-class identity, masculinity, and the consummation of alcohol in rural Texas; see, Jacqueline M. Moore, "'Them's Fighting Worlds': Violence, Masculinity, and the Texas Cowboy in the Late Nineteenth Century," *The Journal of the Gilded and Progressive Era* 13, no. 1 (2014): 39-42. In a highly innovative study of the ‘failure’ of prohibition policies in the 1920s United States, Lisa McGirr highlighted the constitutive relationship between moral politics of alcohol prohibition and the emergence of the modern penal state; see, Lisa McGirr, *The War on Alcohol: Prohibition and the Rise of the American State* (New York; London: W.W. Norton & Company, 2016), esp. ch. 7.

⁷⁸⁷ See, Levy, *Ages of American Capitalism: A History of the United States*, 280-86.

⁷⁸⁸ See, *ibid.*, 286-88.

⁷⁸⁹ See, *ibid.*, 339-40.

exemplifies not only territorial border-making (or rather the absence of it) but also the drawing of moral boundaries.

During their short trip, Constantine and Brown grew aware of the importance of fish, specifically of salmon, “the principal fish [...]”⁷⁹⁰, for Indigenous nations in the Yukon riverlands who found themselves challenged by the influx of miners and traders. About the significance of salmon fisheries, Constante wrote, “[t]he Indians inhabiting the shores of the river live principally on salmon during the winter, and when there is a failure of this fish, as there was this season, are in danger of want”⁷⁹¹. Yet, fish appeared to be scarce in the riverlands in 1894. “The scarcity of fish this season is a serious one for the Indians, as they, in great measure, depend on them for their winter food, also for food for their dogs, which are the beasts of burden on the country”⁷⁹². For the Canadian officer, however, the root of this problem does not lie in riverine ecologies or their transformation by placer mining but are ascribed to ‘laziness’. “This should not be the case if they [the Indigenous peoples] showed a little energy, as if they went back from the river a few miles large game is plentiful”⁷⁹³.

Constantine interprets ‘laziness’ and ‘shiftlessness’ as consequences of the emergence of extractive industries. “They are a lazy, shiftless lot and are contended to hang around the mining camps”⁷⁹⁴. Historian William R. Morrison argued that, “[w]hat Constantine did not realize, and perhaps did not care to discover, was that the Indians he saw were not typical of the Native population”⁷⁹⁵, suggests historian William R. Morrison while explaining that “[...] many of whom had been incapacitated by disease”⁷⁹⁶ such as tuberculosis or scarlet fever introduced by the constant influx of Euro-American immigrants.⁷⁹⁷ Furthermore, Constantine’s dismissal of Hwëch’in as ‘lazy’ and dependent on Euro-American miners and prospectors is disturbing given that the NWMP officers were hearing complaints by Indigenous leaders about how ousting the HBC from the markets of the riverlands had affected them. “The Hudson’s Bay Company”, explained an Indigenous interlocutor, probably Hān Hwëch’in to the NWMP officers, “used to give us tea, tobacco and shot for nothing; the traders here will not do so, but make us pay for them”⁷⁹⁸. Through the introduction of money as the principal form of exchange, Constantine was told, the trust-based system of barter prevalent characteristic of the fur trade was collapsing. Increasingly, dollars, not

⁷⁹⁰ Police, “Report of the Commissioner of the North-West Mounted Police 1894,” 73.

⁷⁹¹ Ibid., 78.

⁷⁹² Ibid., 73.

⁷⁹³ Ibid., 78.

⁷⁹⁴ Ibid.

⁷⁹⁵ Morrison, *Showing the Flag: The Mounted Police and Canadian Sovereignty in the North, 1894-1925*, 20.

⁷⁹⁶ Ibid.

⁷⁹⁷ See, also chapter 12 of this dissertation.

⁷⁹⁸ Police, “Report of the Commissioner of the North-West Mounted Police 1894,” 79.

barter dominated trade relationships.⁷⁹⁹ For Indigenous peoples, earning wages was needed to acquire the means of sustenance, i.e., guns, ammunition, supplies.⁸⁰⁰ Therefore, living in proximity to the centers of mining and commerce and to actively engage with the dollar economies that had emerged were adaptations to the socio-economic shifts that were underway and that would alter power relations between Indigenous and non-Indigenous peoples substantially. Historian Ken S. Coates remarks about the position of Indigenous peoples within the economic and political fabric on the eve of the Yukon-Klondike gold rush,

[...] [Indigenous nations] retained a role similar to that held during the HBC era, a position which allowed them to earn sufficient cash (or barter potential) to purchase their material requirements from non-Native traders while interfering in only a limited way with the hunting and fishing cycles.⁸⁰¹

Crucially, however, as Constantine's complaint about Chilkat Tlingit guides and packers illustrate, Indigenous nations could well be scolded for their adaptation to monetary systems of exchange. Thus, Indigenous nations in the Yukon riverlands were quickly tied up in what anthropologist Jessica Cattelino with reference to the Seminole nation in Florida has called "[...] the double bind of need-based sovereignty"⁸⁰².

In the most general terms, this double bind works as follows: American Indian tribal nations (like other polities) require economic resources to exercise sovereignty, and their revenues often derive from their governmental rights; however, once they exercise economic power, the legitimacy of tribal sovereignty and citizenship is challenged in law, public culture, and everyday interactions within settler society. This is a double bind for indigenous peoples in the classic sense that competing possible paths to overcoming the dilemma negate one another, posing a contradiction and leading to no possible resolution. [...] Need-based sovereignty for indigenous peoples tellingly diverges from U.S. expectations that other sovereigns (e.g., European nations) will display—and be measured by—economic power. This double bind makes economy more central than often is realized to the practice, claims, and constraints of two forms of political status for indigenous peoples: sovereignty and citizenship. Still, 'economy' alone cannot explain the phenomenon because

⁷⁹⁹ See, Kenneth S. Coates, *Best Left as Indians: Native-White Relations in the Yukon Territory, 1840-1973* (Montreal & Kingston; London; Buffalo: McGill-Queen's University Press, 1993), 25-26, 34-37; Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 115-16.

⁸⁰⁰ In 1891, for instance, bishop Bompas wrote about the mines in the Yukon riverlands: "The mines are also well reported of, gold nuggets of considerable size having been found. About 100 miners were at the mines last summer, most of whom expected to winter there, and more were expected next year. Wages were said to be \$8,00 per day even to the Indians", cit. in: Letter by William C. Bompas to the Lieutenant Governor (of the Northwest Territories?) December 3, 1891, p. 1, in: LAC, William Ogilvie Fonds, MG30 B22, Box 1, File 4. See also, Simeone and Mishler, *Hän/Hän Hwëch'in: People of the River, an Ethnography and Ethnohistory*, 79-80.

⁸⁰¹ Coates, *Best Left as Indians: Native-White Relations in the Yukon Territory, 1840-1973*, 37.

⁸⁰² Jessica R. Cattelino, "The Double Bind of American Indian Need-Based Sovereignty," *Cultural Anthropology* 25, no. 2 (2010): 235.

economy-linked limits to indigenous sovereignty and citizenship, in turn, rest on debates over culture: on estimations of what it is that renders American Indians distinctive as individuals and as collectives and on culturally defined ideas of need that attach to individuals and collectives alike.⁸⁰³



The consequences of the emergence of small-scale mining in the Yukon riverlands was also considered to have repercussions on the relationship between the administration of Indigenous nations and the unresolved problem of the U.S.-Canada border. With considerable alarm, Constantine noted that mining towns such as Forty Mile attracted Hän Hwëch'in,

Many of the Indians at Forty Mile are American Indians, and are living there for what they can get from the miners.⁸⁰⁴

Note that Hän Hwëch'in are assigned a specific national identity. The thought that Hän Hwëch'in, like other Indigenous nations, had developed complex forms of social organization and relationships with the more-than-terrestrial riverlands prior to the arrival of Euro-American colonizers and, of course, entirely independent of the colonial state apparatuses is not entertained.⁸⁰⁵ Instead, it is the settler colonialist-capitalist states, the United States and Canada, which are installed as the sole frames of reference around which the territorial, political, and economic order of the riverlands is being structured.

Yet, *articulating* the settler colonialist-capitalist state as the nexus of colonial domination was one thing—practically *enacting* the state another matter altogether. For to install the settler colonialist-capitalist state in the Yukon riverlands would require to somehow deal with the myriad obstacles that the more-than-terrestrial materialities of the Yukon riverlands posed to Canadian operatives. From what was perceived as low-quality timber⁸⁰⁶ to the illegalities of the liquor trade or the sudden crashes of fish stocks, Canadian officials would have to deal with a number of phenomena that required state agents to collaborate with the material conditions of the riverlands and to subject their own practices of administration and control—the collection of taxes and customs duties, for instance—to such strange beings as the currents of rivers, to wind and weather conditions, and to

⁸⁰³ Ibid., 235-36.

⁸⁰⁴ Police, "Report of the Commissioner of the North-West Mounted Police 1894," 79. In this particular instance, Constantine draws a crucial distinction between 'American Indians' and, implicitly, 'Canadian Indians', "Many of the Indians at Forty Mile are American Indians, and are living there for what they can get from the miners", in: *ibid.* For the Canadian police, Indigenous nations of the riverlands were apparently as easily differentiated in terms of settler colonial borderlines and territories as the riverlands themselves and, by extension, the amounts of resources gained from appropriating and exploiting these lands and from controlling the flows of cargo and labor.

⁸⁰⁵ See, Simeone and Mishler, *Hän/Hwëch'in: People of the River, an Ethnography and Ethnohistory*, esp. ch. 4.

⁸⁰⁶ "Judging from what I saw going down the river I should say that it had no commercial value outside of house logs, firewood and for use in mining operations", cit. in.: Police, "Report of the Commissioner of the North-West Mounted Police 1894," 73.

the distances of the riverlands. In short, being stationed in the Yukon riverlands would essentially mean being isolated,

It is to be remembered that they [the police officers stationed in the Yukon district] are alone in the country, to all intents and purposes shut out from the outer world for eight months of the year. That it takes two months to get any word out, and nearly the same to get any in. During ten months they are left to their own resources, having entirely to depend on themselves in an emergency.⁸⁰⁷

Isolation was a matter of concern, of course, but the underlying challenges were logistical in nature. Logistics mattered when police and border posts, townhalls and registration offices were to be built, especially in an economic environment where “[p]rices are high, if not in some cases exorbitant”⁸⁰⁸. It is critical to understand that the Canadian police and other state authorities was lacking a direct, ‘all-Canadian’ route to access the Yukon riverlands and its (future) mining districts. Whereas the HBC had maintained an enormous supply line connecting the Yukon riverlands with the Mackenzie River system, the Canadian police posts that were planned to be established close to the major mining settlement of Forty Mile, were dependent on a U.S.-oriented trading and transportation network linking Forty Mile with St. Michael or with steamboats anchoring in southeastern Alaska, close to the Chilkoot and (later) the White passes. Both these routes presented Canadian authorities with the task of striking agreements between the governments of the United States and Canada. In 1894, Constantine was optimistic that “[...] a regular route of entrance into the country [would be established], as the British and American subjects engaged in mining there [in the Yukon hinterlands] at the present time are about equally divided”⁸⁰⁹. Raising the Canadian flag in the North was based, literally, on the good-will of the United States, on infrastructures controlled and sometimes directly operated by U.S. authorities. Constantine, for instance, praised the commanding officer of the U.S. Revenue Cutter *Bear*, captain M. A. Healy, operating in the Pacific Northwest and in the Arctic for “[...] the courteous treatment [...] in giving me a passage from St. Michael’s to Onalaska [...]”⁸¹⁰ on his way back to Victoria in the late summer of 1894. Less than a year later, in summer of 1895, together with a small detachment of 19 NWMP constables, the inspector was ordered back to Forty Mile to establish a permanent Canadian police presence close to the goldfields and the 141st meridian—and again, the Canadian police had to traverse U.S. territory traveling via Onalaska and St. Michael on their “[...] very tedious [...]”⁸¹¹

⁸⁰⁷ Ibid., 81.

⁸⁰⁸ Ibid., 76.

⁸⁰⁹ Ibid., 72.

⁸¹⁰ Ibid., 85.

⁸¹¹ Commissioner of the North-West Mounted Police, "Report of the Commissioner of the North-West Mounted Police 1895," (Ottawa: S. E. Dawson, 1896), 7.

“[...] passage up the river to our destination [...]”⁸¹². On July 24, 1895, the NWMP arrived in the Yukon riverlands—and it was there to stay.⁸¹³ In the words of the Privy Council resolution of June 1, 1895,

The Minister accordingly recommends, with the concurrence of the Honourable the President of the Council, that a detachment of twenty members of the Mounted Police Force, including officers, be detailed, at as early a day as possible, for service in that portion of the Northwest-Territories to which the Minister related; the officer in command, in addition to the magisterial and other duties he may be required to perform by virtue of his office, and under instructions from the Department of Mounted Police, to represent where necessary, and until other arrangements can be made, all the departments of the Government having interests in that region, and that particularly he is authorized to perform the duties of Dominion Lands Agent, Collector of Customs, and Collector of [illegible] Revenue [...].⁸¹⁴

9.3 Capitalizing Deep Time: Geology and the Ecologies of the Yukon-Klondike Gold Rush

In the spring of 1897, the secretary and assistant manager of the North American Trading & Transportation Company, C. H. Hamilton, sounded the alarm bell. In a letter addressed to his superior manager, Chicago businessman and co-founder of the NAT&TCo. Porteus B. Weare, Hamilton warned of an imminent crisis of public safety and security in the Yukon riverlands,

[...] as there is a good deal of liquor going to be smuggled in there [the Yukon district] and that, together with the large number of tough characters going to the Yukon, it is very necessary that the law abiding citizens should have more protection than they have at the present time. Owing to the recent rich strike at the Klondyke [in original] nearly all of the people on the American side are flocking to these new diggings, which is in Canadian territory, and as the Canadian Government will get a revenue from that country this year amounting to very nearly \$75,000, in custom duties and land entries, we think it is not asking too much of them to give us additional police protection, and it is also for their own good, as it will prevent a great deal of illicit liquor traffic, and under present conditions it would be impossible for the police that are there now to control this business.⁸¹⁵

The NAT&TCo. decided that the information contained within Hamilton’s letter would be so significant to Canadian security interests to be forwarded to the lieutenant governor of the Northwest Territories, to the comptroller of the NWMP, and to the Canada’s Privy Council. Recent and particularly promising strikes on the Klondike River, Hamilton argued, were leading to a definitive shift in the balance of power in the region. American miners were swarming into the

⁸¹² Ibid.

⁸¹³ See, *ibid.*

⁸¹⁴ Resolution of the Canadian Privy Council, approved on June 1, 1895, pp. 12-13, in: LAC, RG 2, A-1-a, Vol. 642, No. 1051 C.

⁸¹⁵ Copy of a letter written by C. H. Hamilton to Porteus B. Weare April 30, 1897, in: LAC, RG 18, Vol. 137, File 360.

Canadian portions of the riverlands, and with them alcohol, disorder, and disrespect for Canadian laws and regulations. Taxes and royalties collected from the mining operations, Hamilton suggested, entitled inhabitants of the riverlands to call for additional support from the Canadian government—and indeed, the strategy of the NAT&TCo. worked. In May 1897, the comptroller of the North-West Mounted Police promised to increase “[...] the strength of the Police in the Yukon by 10 men [...]”⁸¹⁶. By the end of 1897, the total amount of police in the Yukon district is reported to have grown to a number of 95 men, doubling this number by spring 1898.⁸¹⁷ Hamilton’s letter heralded a series of events which would cause a profound transformation of the Yukon riverlands—and of the 141st meridian.

On August 16, 1896, four very experienced prospectors, George Washington Carmack, Skookum Jim, Dawson Charlie, and Robert Henderson had discovered exceptionally large quantities of gold in tributaries of the Klondike River. Quickly, news of their remarkable discovery reached Forty Mile where their claims were to be registered, “[...] and within a day or two the settlement was all but deserted”⁸¹⁸. With miners from Forty Mile and the Seventy Mile River region taking off to the Klondike River and its capillary of tributaries, “[...] a new town emerged [in the winter of 1896-1897], Dawson City, [...] located on flat swampy land at the confluence of the Klondike and Yukon rivers, about 9 miles (14 km) from the site of the discovery on Bonanza Creek”⁸¹⁹. In spring 1897, after the ice that had hindered boat traffic on the waterways had melted, the staggering news of gold discoveries in the Yukon riverlands reached San Francisco and Seattle, and spread rapidly to North American metropolises. On August 27, 1897, for instance, *The San Francisco Call* opened with the headline: “Gold Kings Back from the North”; the article told about “[...] six miners who have come direct from St. Michael, each of whom brought down a fortune”⁸²⁰. As the “[...] stories of vast wealth on the Klondike [...]”⁸²¹ rippled through the press, tens of thousands of people were moving northwards to stake claims and earn fortunes. Historian Stephen W. Haycox estimates that, “[b]y the summer 1898, between one hundred thousand and two hundred thousand dreamers had started for the Klondike [...]”⁸²². NWMP commanding officer Samuel Benfield Steele recollects in his memoir, that “[m]ore than 30,000 persons, everyone of whom had received assistance or advice [by the NWMP] had passed down the Yukon”⁸²³ by 1898.

⁸¹⁶ Memo Fred White, NWMP comptroller May 18, 1897, in: LAC, RG 18, Vol. 137, File 360.

⁸¹⁷ Morrison, *Showing the Flag: The Mounted Police and Canadian Sovereignty in the North, 1894-1925*, 30.

⁸¹⁸ Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 83.

⁸¹⁹ *Ibid.*, 85.

⁸²⁰ "Gold Kings Back from the North," *The San Francisco Call*, August 27 1897, 1.

⁸²¹ *Ibid.*

⁸²² Haycox, *Alaska: An American Colony*, 215.

⁸²³ Samuel Benfield Steele, *Forty Years in Canada: Reminiscences of the Great North-West with Some Account of His Service in South-Africa* (New York: Dodd, Mead & Company, 1915), 312.



The deep time of the Earth had produced the riches that motivated colonizers to move northwards. Off the coast of the Pacific Northwest, due to its higher density, the oceanic Pacific Plate is being pushed under the North American plate. By friction, pressure, and heat, the crust of the oceanic plate melts resulting in ascending magmas and in mountain ranges, toppled by volcanoes, thrown up along the coast. The movement of the Pacific Plate northwestwards causes the formation of a complex system of continental transform faults, the Denali Fault, the Tintina Fault, and the Queen Charlotte-Fairweather Fault systems. The Tintina Fault system separates an accretion of terranes that had merged during the Mesozoic and had been pressed against ancestral rocks of the North American Plate. The fault system affects the possible courses that water could choose (see, fig. 17).⁸²⁴ Within these instable geological formations characterized by tectonic activity and volcanism, gold-rich magmas met with groundwater and were cooled down. Gold precipitates in the form of hydrothermal quartz veins.⁸²⁵ In the Yukon riverlands, “[m]ineralization [...] is associated with magmatic intrusions of Cretaceous age within the older metamorphic rocks that lie between the Tintina and Denali Faults”⁸²⁶. Through tectonic forces and, crucially, through climate conditions, especially through repeated cycles of glaciation, Cretaceous quartzes eroded into sediments.⁸²⁷

⁸²⁴ See, Connor, *Roadside Geology of Alaska*, 223.

⁸²⁵ See, Martin Okrusch and Hartwig E. Frimmel, *Mineralogie: Eine Einführung in Die Spezielle Mineralogie, Petrologie Und Lagerstättenkunde* (Berlin; Heidelberg: Springer Spektrum, 2022), 85-86. For additional information about the genesis of gold deposits, see, e.g., D. I. Groves et al., "Orogenic Gold Deposits: A Proposed Classification in the Context of Their Crustal Distribution and Relationship to Other Gold Deposit Types," *Ore Geology Reviews* 13, no. 1-5 (1998); J. W. Hedenquist, R. A. Arribas, and U. E. Gonzalez, "Exploration for Epithermal Gold Deposits," in *Gold in 2000*, ed. Steffen G. Hagemann and Philip E. Brown, *Reviews in Economic Geology* (Chelsea: Society of Economic Geologists, 2000).

⁸²⁶ Connor, *Roadside Geology of Alaska*, 210.

⁸²⁷ “The origin of the Klondike goldfields is attributed to the emplacement of auriferous discordant mesothermal quartz veins in the predominantly schist bedrock in the early Cretaceous, possibly as a result of Kula-Farallon plate convergence along the ancient margin of western North America. A long period of weathering, in conjunction with isostatically compensated exhumation, reduced the bedrock into saprolite and the quartz veins into quartz-rich residuum that was reworked, along with gold released from the quartz veins, into the fluvial White Channel Gravel deposit”, cit. in: Grant W. Lowey, "The Origin and Evolution of the Klondike Gold Fields, Yukon, Canada," *Ore Geology Reviews* 28, no. 4 (2006): 447. See also, Duk-Rodkin et al., "Geologic Evolution of the Yukon River: Implications for Placer Gold."; D. McCoy et al., "Paragenesis and Metal Associations in Interior Alaska Gold Deposits: An Example from the Fairbanks District," *Mining Engineering* 54, no. 1 (2002); Richard J. Goldfarb et al., "Geology and Origin of Epigenetic Lode Gold Deposits, Tintina Gold Province, Alaska and Yukon," (Washington D.C.; Reston, VA.: U.S. Department of the Interior; U.S. Geological Survey, 2007).

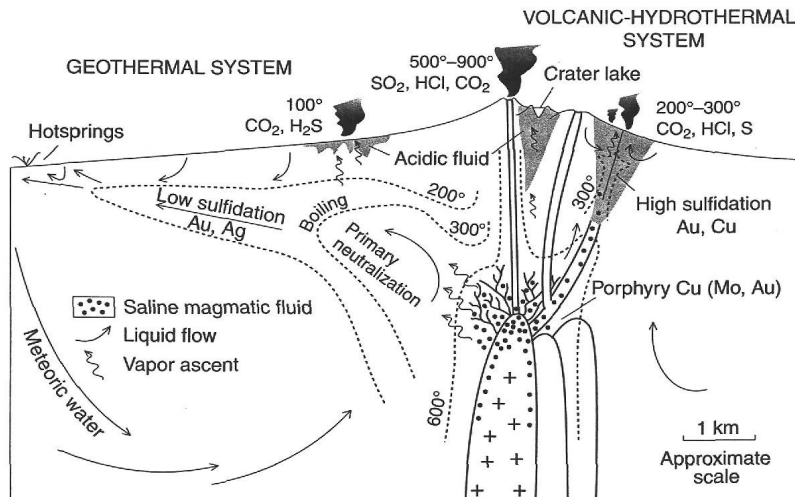


Figure 17: The origins of gold in geothermal and volcanic-hydrothermal processes; Graph. from: J. W. Hedenquist, R. A. Arribas, and U. E. Gonzalez, "Exploration for Epithermal Gold Deposits," in *Gold in 2000*, ed. Steffen G. Hagemann and Philip E. Brown, *Reviews in Economic Geology* (Chelsea: Society of Economic Geologists, 2000), 249.

The deep time of Earth's history affected both labor and capital. While lode deposits of gold exist(ed), the extractive economies of the Yukon riverlands centered around placer mining.⁸²⁸ According to Canada's Department of Mines, only 0.1366% of the entire gold production in the Yukon Territory between 1886 and 1931 was extracted from gold-rich quartz lodes.⁸²⁹ The rest of the gold, 99.8634%, was produced from working placer claims with the help of water and wood.⁸³⁰ Compared with capital-intensive lode mining, perhaps best illustrated by the development of silver mining in Nevada and the emergence of the Comstock Lode between 1859 and 1880⁸³¹, placer mining in the Yukon riverlands initially "[...] remained small-scale, powered by hand and the manipulation of natural water supplies"⁸³². The characterization of mining ventures in the Yukon riverlands as 'small-scale' ventures requires caution and subsequent clarification, however.

When Hamilton and Weare were sending their submissions to the Canadian and, as we will see, to the U.S. federal governments, the gold rush to the Klondike River drainage had already started. By the end of 1897, thousands of immigrants made their pilgrimage to the goldfields, most of them entering the riverlands via the Chilkoot Pass.⁸³³ The stampede was enormous. First, placer mining

⁸²⁸ See, Lowey, "The Origin and Evolution of the Klondike Gold Fields, Yukon, Canada," 433-34; Goldfarb et al., "Geology and Origin of Epigenetic Lode Gold Deposits, Tintina Gold Province, Alaska and Yukon," A1-A4.

⁸²⁹ See, also, Lowey, "The Origin and Evolution of the Klondike Gold Fields, Yukon, Canada," 433-34.

⁸³⁰ According to the Canadian Department of Mines, Canada's Yukon Territory produced a total of 8,986,539 ounces of gold between 1886 and 1931, i.e., 8,974,261 ounces of placer gold and 12,278 ounces of lode gold; see, A. H. A. Robinson, "Gold in Canada," ed. Department of Mines Canada (Ottawa: F. A. Acland Publishers, 1932), 18-19, 32.

⁸³¹ See, Rodman Wilson Paul and Elliott West, *Mining Frontiers of the Far West, 1848-1880* (Albuquerque: University of New Mexico Press, 2001), ch. 4.

⁸³² Coates, *Best Left as Indians: Native-White Relations in the Yukon Territory, 1840-1973*, 33-34.

⁸³³ See, Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 88-97; Haycox, *Alaska: An American Colony*, 215-17.

in the riverlands, even in its 'small-scale' forms that depended on the establishment of networks of pipes and sluices, proved extremely disruptive to the more-than-terrestrial assemblages of the riverlands. The reason was that as a product of the erosion of Cretaceous magmatic rocks, gold accreted in riverine sediments and, of course, in the permafrost. Thus, to transform Earth into gold, miners were struggling with the material conditions of the permafrost which made an easy separation of land and water impossible.

Gold, accreted in gravels of riverbeds and in the permafrost, was separated from the Earth through the mobilization of energy—labor and heat—and water, the latter being both an ally of the miners and one of their most fearful adversaries. In some cases, water had to be redirected to block creeks and streams. During the winter, when miners were melting the permafrost, water had to be diverted to avoid icing. In the summer, it was used to wash gold out of huge stockpiles of rock that had been built from melting the frozen ground in the winter. Of course, to reach the layers of gravel and frozen mud that might contain gold, bushes, trees, and moss were ripped off the surface of the earth—with dramatic consequences to the environments.⁸³⁴

As they cut timber, set fires, stripped moss, and dug up the soil, placer miners unleashed changes that rippled through the riverine ecosystems. Large-scale deforestation can increase stream flow five or six times in volume, and vegetation along river banks plays a particularly important role in regulating steam flow. Without those trees, plants, and mosses in place, snowmelt and rainwater ran more quickly into creeks in the spring and after storms, causing sudden floods which broke through the miners' earthworks, ponds, and sluices, foiling their attempts to harness runoff and to direct water through sluices.⁸³⁵

These changes to the hydro-geological regimes of the riverlands led to an increase both in flood events and in droughts; and they had ramifications to the habitats of birds and insects, moose and caribou, bears and other wildlife—and, of course, to fish (see, fig. 18 & 19).⁸³⁶ As will become apparent in subsequent chapters of this dissertation, the forces unleashed by extensive mining operations were come to haunt the miners themselves, colonial administrators, and Indigenous nations whose lands had been transformed into commodities.⁸³⁷

⁸³⁴ Environmental historian Kathryn Morse provided a particularly clairvoyant portrayal of the seasonal rhythm of labor in the Yukon riverlands' extractive economies, see, Morse, *The Nature of Gold: An Environmental History of the Klondike Gold Rush*, 94-106.

⁸³⁵ Ibid., 108.

⁸³⁶ See also, Green, "The Tr'ondëk Hwëch'in and the Great Upheaval: Mining, Colonialism, and Environmental Change in the Klondike, 1890-1940," ch. 5.

⁸³⁷ The environmental repercussions and transformations have long been ignored by historians of the Yukon riverlands. In recent years, however, an increasing number of studies have pointed to the devastating effects of the emergence of extractive economies in the upper Yukon riverlands, see, Bruce L. Willis, "The Environmental Effects of the Yukon Gold Rush, 1896-1906: Alterations to Land, Destructions of Wildlife, and Disease" (M.A. Thesis, The

The deep time of geology affected the arithmetic of energy and investment (see, fig. 20 & 21). Energy, after all, was critical. Workers and animals such as workhorses or dogs laboring in the riverlands had to replenish the calories that they burned when mobilizing physical energy to extract the precious metals from gravels and frozen muck. Steam boilers installed in mining machinery or on steamboats needed (primarily) lumber to function. In contrast, for example, to the development of mining economies in the Alps or, for that matter, to the continental United States, problems of nutrition and energy supply were especially troublesome in the Yukon, because agrarian production was barely possible under Arctic and Subarctic conditions.⁸³⁸ Provisions either had to be brought in from outside of the riverlands or gathered from local clusters of resources through hunting and fishing, or through collecting birds' eggs and berries.⁸³⁹ Likewise, timber was extensively cut to provide material for construction as well as fuel.⁸⁴⁰ Therefore, the emergence of extractivism in the Yukon riverlands came with drastically increased pressure on local resources such fish, game, and wood while simultaneously radically altering the ecological foundations the more-than-terrestrial riverlands. What accompanied these processes was the implementation of a distinction between local economies of subsistence and the machinations of the market economies.⁸⁴¹ As Bathsheba Demuth noted with regard to the gold rush in Alaska's Nome,

Mining is, in the end, the application of human energy channeled through human technologies to rearrange the entropic work of geology. The nature of geology shapes what kind of force, and how much, is required to extract the gold. This in turn influences the economic form of mining. The

University of Western Ontario, 1997); Green, "The Tr'ondëk Hwëch'in and the Great Upheaval: Mining, Colonialism, and Environmental Change in the Klondike, 1890-1940." Still, to this day, Kathryn Morse's environmental history of the gold rush to the Klondike River system remains the principal reference in this regard. For Alaska, environmental historian Bathsheba Demuth has pointed towards the environmental consequences of the mining economies' emergence on the Arctic coast, see, Demuth, *Floating Coast: An Environmental History of the Bering Strait*, 199-227. Despite an impressive number of studies on the political history of the historical development of gold and other mining industries in Alaska, a comprehensive, detailed environmental history of the industry and particularly of the Fairbanks mining district has unfortunately not yet been published. For an overview over the political history of gold in Alaska, see, e.g., Joseph Sullivan, "Sourdough Radicalism: Labor and Socialism in Alaska, 1905-1920," in *An Alaska Anthology: Interpreting the Past*, ed. Stephen W. Haycox and Childers Mangusso (Seattle; London: University of Washington Press, 2002); William Schneider, "From Fur to Gold," in *The Tanana Chiefs: Native Rights and Western Law*, ed. William Schneider (Fairbanks: University of Alaska Press, 2018); Thomas Alton, *Alaska in the Progressive Age: A Political History, 1896-1916* (Fairbanks: University of Alaska Press, 2019); Haycox, *Alaska: An American Colony*.

⁸³⁸ See, Piper and Sandlos, "A Broken Frontier: Ecological Imperialism in the Canadian North," 779-81; Haycox, *Alaska: An American Colony*, 229. For information about the socio-economic history of the Alps and the significance of agrarian production, see, e.g., Jon Mathieu, *Geschichte Der Alpen, 1500-1900: Umwelt, Entwicklung, Gesellschaft*, 2 ed. (Vienna; Cologne; Weimar: Boehlau Verlag, 2001), 50-63, 83-84; Michael Mitterauer, "Produktionsweise, Siedlungsstruktur Und Sozialformen Im Österreichischen Montanwesen Des Mittelalters Und Der Frühen Neuzeit," in *Österreichisches Montanwesen: Produktion, Verteilung, Sozialformen*, ed. Michael Mitterauer (Munich: R. Oldenbourg Verlag, 1974). A similar argument is being developed by Elliott West in relation to the gold rushes in Washington Territory in 1860; see, West, *The Last Indian War: The Nez Perce Story*, 78-79.

⁸³⁹ See, Coates, *Best Left as Indians: Native-White Relations in the Yukon Territory, 1840-1973*, 38.

⁸⁴⁰ See, Morse, *The Nature of Gold: An Environmental History of the Klondike Gold Rush*, 95-97, 108-09.

⁸⁴¹ The development of legal frameworks regulating access to the Yukon riverlands' 'natural resources' such as fish and game, and their consequences are discussed in chapters 11.7 and 13; also in FN 1434.

less rock to move, the less energy is necessary; the less energy necessary, the cruder the technology and the less capital its manipulation needs. Deep time decides the dose of human force. [...] The greater the investments of muscle, steam, and equipment directed underground, the more capital involved. Mining the deeper deposits and veins of the element among the creeks and hills inland from the Bering Sea coast required more energy than any independent person could muster in a short Alaska summer. It required investment in machinery and property, it required luck, and it required a great deal of labor. Money bought power, in the sense of muscles and steam-fed machinery, and then power found money.⁸⁴²

As in other parts of the American and Canadian Wests, the influx of thousands transformed 'small-scale' mining operations into mining ventures that were far more dependent on the investment of capital for the simple reason that placer deposits which were easily accessible and therefore capital-extensive to mine, were also quickly exhausted.⁸⁴³ Compared with the extensive industrial clusters of mines and smelters, mills and railroads that characterized the establishment of extractive industrial capitalism in the continental United States, mining "[...] the orphaned gold"⁸⁴⁴ in the Yukon riverlands (i.e., placer mining) may seem inexpensive and 'small' in scale, even after the introduction of dredges.⁸⁴⁵ Still, "the more lucrative a site proved to be, the more elaborate the means of gathering placer gold, the costlier the operations, and the greater the call for coordinated labor"⁸⁴⁶. Therefore, those who were working "[...] poor claims, or men with no claims at all, often had little choice but to become wage labor, to dig ditches or shovel gravel through sluices"⁸⁴⁷. The result was a process of corporate consolidation and an intensification of capital investment.⁸⁴⁸ Technologies for mining gold in the Yukon riverlands varied from panning in the 1880s to the installation of integrated systems of sluice-boxes to hydraulic mining or the introduction of capital-intensive dredges after the turn of the century.⁸⁴⁹ Technical apparatuses such as dredges or steam

⁸⁴² Bathsheba R. Demuth, "Grounding Capitalism: Geology, Labor, and the Nome Gold Rush," in *A Global History of Gold Rushes*, ed. Benjamin Mountford and Stephen Tuffnell (Berkeley; Los Angeles; London: University of California Press, 2018), 266-67.

⁸⁴³ See, Elliott West, *Continental Reckoning: The American West in the Age of Expansion* (Lincoln: University of Nebraska Press, 2023), 382-96.

⁸⁴⁴ *Ibid.*, 388.

⁸⁴⁵ See, *ibid.*, 384-86. The argument of the socio-technological and economic evolution of the extractive economies of the American West is developed in great detail in the classic study by Rodman W. Paul; see, Paul and West, *Mining Frontiers of the Far West, 1848-1880*, 192-96. Elliott West has repeatedly stressed the structural significance of the transformation of Western mining economies from an early phase of small-scale, proto-industrial placer mining to industrial mining complexes based on the availability of large-scale capitalist investment; see, e.g., Elliott West, *The Contested Plains: Indians, Goldseekers, and the Rush to Colorado* (Lawrence: University Press of Kansas, 1998), 105-08. Another, classic version of this argument has been put forward by Fernand Braudel; see, Fernand Braudel, *Sozialgeschichte Des 15.-18. Jahrhunderts: Der Handel*, trans. Siglinde Summerer and Gerda Kurz (Munich: Kindler Verlag, 1990), 350-56.

⁸⁴⁶ West, *Continental Reckoning: The American West in the Age of Expansion*, 384.

⁸⁴⁷ Demuth, "Grounding Capitalism: Geology, Labor, and the Nome Gold Rush," 260.

⁸⁴⁸ See, Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 157-67.

⁸⁴⁹ See, *ibid.*, 56-57, 118-19.

shovels were quickly becoming necessary investments for the extraction of gold from the gravels of the riverbeds. Dams, reservoirs, or pipeline systems had to be designed by engineers. Capital was needed to transform the Yukon riverlands into a landscape of resource extraction, a terrain of commodification where the separation between Nature and Culture collapsed into the temporal continuum connecting the geological past with the futures of investment. “In fin de siècle America”, writes historian Bathsheba Demuth about the gold rush to Nome, “this meant corporate work: done by companies with shareholders and investors, who could afford rail lines, shipping costs, bulk tons of coal. And wage laborers”⁸⁵⁰. In a bitter, ironic twist, this mean that “unless prospectors arrived with the capital they so often lacked, they would be consigned to the wage work they initially fled”⁸⁵¹.

⁸⁵⁰ Demuth, "Grounding Capitalism: Geology, Labor, and the Nome Gold Rush," 262-63.

⁸⁵¹ Ibid., 263.



Figure 19: Driving steam pipes into the frozen tundra to thaw it, preparatory to dredging for gold, 1914; Photograph: CUR1134, Asahel Curtis Collection, Special Collections, University of Washington Libraries. Courtesy of the University of Washington Libraries.



Figure 18: Panorama of upper Eldorado from claim no. 16, owned by T. S. Lippy, 1898; Photograph: CUR1492, Asahel Curtis Collection, Special Collections, University of Washington Libraries. Courtesy of the University of Washington Libraries.



Figure 21: Miners thawing frozen ground with steam in an underground gold mine lit by candlelight, Gold Hill, probably 1898; Photograph: HEG232, Eric A. Hegg Photographs, Special Collections, University of Washington Libraries. Courtesy of the University of Washington Libraries.



Figure 20: Gold dredge on the lower Bonanza Creek, Yukon Territory, 1914; Photograph: CUR1135, Asahel Curtis Collection, Special Collections, University of Washington Libraries. Courtesy of the University of Washington Libraries.

9.4 Capitalist Anxieties and the Emergence of State Institutions in the Winter 1897-1898

One of those migrating northwards in 1897 was Frank M. Canton, a former U.S. Marshal from Oklahoma who was appointed “[...] Deputy United States Marshal for the Interior of Alaska [...]”⁸⁵² and had been assigned to the town of Circle City in Alaska, close to the U.S.-Canada border, and to the goldfields. None other than Chicago businessman and NAT&TCo. manager Porteus B. Weare was responsible for arranging Frank Canton’s employment. More than six months before the Canadian government sent their NWMP officers Charles Constantine and Charles Brown to the riverlands in 1894, Weare had started to extensively lobby for the appointment of Canton, one of his former employees, to serve as U.S. Marshal in Alaska.⁸⁵³

In a letter to the Republican senator George Laird Shoup from Idaho, Weare complained, “[...] the immense amount of smuggling going on there in whiskey and opium should be stopped”⁸⁵⁴. However, despite of Weare’s pressure, it was not until 1897 that U.S. Congress approved funding for additional U.S. Marshals to be stationed in Alaska and, particularly, in the interior riverlands. In June 1897, shortly before news of the gold strikes on the Klondike River reached Seattle and other port cities in the Pacific Northwest, Alaska’s U.S. Marshal Louis L. Williams still felt uncertain whether Congress would provide funding to extent the presence of the U.S. Marshals in Alaska. In a letter to Porteus B. Weare, Williams writes, “[...] as soon as Congress makes provisions for the appointment of a Deputy at Circle City, I will take great pleasure granting him [Frank M. Canton] the position”⁸⁵⁵. At this time, the North American Trading & Transportation Company already developed travel arrangements for Frank M. Canton whom company operatives would like to see sworn into office rather sooner than later.

[...] our ship sails from Seattle Wash. July 25th for Circle City, and another about the 20 of August and we would be pleased if you could see your way clear to appoint Mr. Frank M. Canton [...]. [...] Under orders from Washington, we have had a Notary appointed, who goes in on the ship sailing the 25th of this month and he will swear in the Commissioner, and he can also swear in your deputy, if you like [...]⁸⁵⁶

In February 1898, the U.S. Marshal to Alaska, James M. Shoup, would eventually appoint Frank M. Canton as U.S. Deputy Marshal to Circle City.⁸⁵⁷ Canton would be the first U.S. police officer

⁸⁵² Frank M. Canton, "Frontier Trails: The Autobiography of Frank M. Canton," in *Frontier Trails: The Autobiography of Frank M. Canton*, ed. Edward Everett Dale (Norman: University of Oklahoma Press, 1966), 153.

⁸⁵³ Ibid., 151.

⁸⁵⁴ Letter by Porteus B. Weare to George Laird Shoup January 17, 1894, in: University of Oklahoma Libraries, Western History Collections, Frank M. Canton Collection, Box 1, File 16.

⁸⁵⁵ Copy of a letter by Louis L. Williams to Porteus B. Weare June 21, 1897, in: Ibid.

⁸⁵⁶ Letter Porteus B. Weare to Louis L. Williams July 2, 1897, in: Ibid.

⁸⁵⁷ See, letter of appointment by U.S. Marshal James M. Shoup, Feb. 19, 1898, in: University of Oklahoma Libraries, Western History Collections, Frank M. Canton Collection, Box 1, File 13.

in the Yukon riverlands.⁸⁵⁸ As one of two providers of transportation and supply to the goldfields, the NAT&TCo. offered transport to state officials and access to company properties such as warehouses and other real estate. According to Canton, Porteus B. Weare even directly subsidized Canton's salary.⁸⁵⁹ Close contact between U.S. government institutions such as the U.S. Marshal Service, the U.S. Army, or the U.S. Customs Service to the trading companies operating along the Yukon River and its tributaries was maintained, especially close ties to the North American Trading & Transportation Company, until ca. 1900.⁸⁶⁰

While historians have generally acknowledged the significance of the NAT&TCo. in pushing government officials in Ottawa and Washington D.C. to increase the amount of personnel in the riverlands, they have failed to address the extent to which the creation of the Alaska-Canada borders, particularly the 141st meridian, resonated with the strategic imperatives of settler colonial capitalism.⁸⁶¹ It is critical to understand projects of imperial state formation in the Yukon riverlands as coupled with the emergence of extractive economies and capital investment. In 1895, when the Canadian Privy Council decided to dispatch members of the Canadian constabulary to the riverlands, Ottawa clearly articulated an economic rationale determining administrative strategies (i.e., the development of regulatory frameworks, the establishment of government facilities such as police stations, and the increase of government agents),

The Minister considers that the facts recited clearly establish, first, that the time has arisen [?] when it becomes the duty of the Government of Canada to make more efficient provision for the maintenance of order, the enforcement of the laws, and the administration of justice in the Yukon country, especially in that section of it in which placer mining for gold is being practiced upon such an [illegible] [illegible], situated near to the boundary separating the Northwest-Territories from the provinces of the United States in Alaska; and, second, *that while such measures as are necessary to that end are called for in the interests of humanity, and practically for the security and safety of the lives and property of the Canadian subjects of Her Majesty resident in that country who are engaged in legitimate business pursuits; it is evident that, under existing circumstances, a large revenue which is justly due to the Government of Canada, under its Customs Service, and Land Laws, and which would go a long way to pay the expenses of government, is being looked for the want of adequate machinery for its collection.*⁸⁶²



⁸⁵⁸ See, Hunt, *Distant Justice: Policing the Alaska Frontier*, 69-72.

⁸⁵⁹ "I knew the salary paid the Marshal of Alaska was very small, but the General Government paid all his expenses, which I later found was a big item. However, the salary offered me by Mr. W. [Weare] was very satisfactory, and I concluded to accept the position and immediately notified Mr. W [Weare] to that effect, also the United States Marshal Sharp at Sitka", in: Canton, "Frontier Trails: The Autobiography of Frank M. Canton," 154.

⁸⁶⁰ See also, chapter 11.2 of this dissertation.

⁸⁶¹ Morrison, *Showing the Flag: The Mounted Police and Canadian Sovereignty in the North, 1894-1925*, 14-18; Hunt, *Distant Justice: Policing the Alaska Frontier*, 72-73; Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 71-72.

⁸⁶² Resolution of the Canadian Privy Council, approved on June 1, 1895, pp. 11-12, in: LAC, RG 2, A-1-a, Vol. 642, No. 1051 C, emph. AMW.

After his arrival at St. Michael, Canton received “[...] alarming reports of conditions up the Yukon [that] almost created a panic among the two hundred passengers who had landed [...]”⁸⁶³. During his travels to St. Michael, the designated deputy marshal met with U.S. Army officers Patrick Henry Ray and William P. Richardson who had been ordered to the riverlands for reconnaissance operations.⁸⁶⁴ All three men were confronted with reports about imminent starvation in the Yukon riverlands due to the volatility of transportation networks and the sudden increase in population. “I have consulted with the agents of both transportation companies [i.e., the Alaska Commercial Company and the North American Trading & Transportation Company], and they freely admit that the situation is extremely critical; that a famine is unavoidable unless a part of the people leave the country”⁸⁶⁵. By the end of August 1897, *The San Francisco Call* captured the interplay between a lethal environment and the prospect of endless wealth that came to be characteristic to imaginations of the north.⁸⁶⁶ Miners, the journalists wrote, were leaving the riverlands’ “[...] splendid-paying claims to escape the hardships of the coming winter that stared them in the face”⁸⁶⁷. The commanding officer of the NWMP detachment Charles Constantine articulated concern about the cascading effects of population growth combined with the uncertainties of long and arduous supply lines as well.

The outlook for the *coming* summer is most serious, as not quantity of food can possibly arrive here until nearly the end of July, and even then it is improbable, as food will be so scarce at the mining camps [...] that the steamers [steaming upriver from St. Michael] will be held up and unloaded at these points. [...] Relief can only come to us down the river, and it is necessary that the Government should take immediate action and ship supplies in [...].⁸⁶⁸

After their arrival at St. Michael, Ray and Richardson had also met with Canadian surveyor and administrator William Ogilvie who informed the U.S. officers not only about the ensuing crisis of food and supply on the upper Yukon River, but also about the steps that Canada, in sharp contrast to the United States, had taken to secure its interests in the riverlands by sending the constabulary northwards.⁸⁶⁹ Together with other reports “[f]rom people returning”, noted captain Ray in a letter

⁸⁶³ Canton, "Frontier Trails: The Autobiography of Frank M. Canton," 157.

⁸⁶⁴ See, *ibid.*, 159-60; Dumonceaux, "Remaking the Alaska-Yukon Borderlands: The North-West Mounted Police, the United States Army, and the Klondike Gold Rush," 186-87. About the multipurpose role of the U.S. Army, see especially, Michael L. Tate, *The Frontier Army in the Settlement of the West* (Norman: University of Oklahoma Press, 1999).

⁸⁶⁵ Senate, "Compilation of Narratives of Exploration in Alaska," 521.

⁸⁶⁶ See, e.g., Kollin, *Nature's State: Imagining Alaska as the Last Frontier*; Campbell, *In Darkest Alaska: Travel and Empire Along the Inside Passage*.

⁸⁶⁷ "Gold Is There, but No Food," *The San Francisco Call*, August 29 1897, 1.

⁸⁶⁸ Commissioner of the North-West Mounted Police, "Report of the North-West Mounted Police 1897," (Ottawa: S. E. Dawson, 1898), 308, *emph.* AMW.

⁸⁶⁹ "I learn from Mr. Ogilvie that on the Dominion side the enlisted force of police has not exceeded 25 men, but they are now increasing it to 75 to meet the demands of a rapidly increasing population; also the fact that a more turbulent element is coming into the country", in: Senate, "Compilation of Narratives of Exploration in Alaska," 521.

to U.S. Secretary of War Russell A. Alger in August, “I learn that the system of enforcement of law [on the Canadian side of the 141st meridian] is much superior to that existing on our side of the line”⁸⁷⁰. Ray concluded that, “[f]rom what I have seen I am of the opinion now that so long as the present chaotic conditions exist some semimilitary form of government would most readily meet the emergency [...]”⁸⁷¹.

On September 12, 1897, U.S. Army captain Henry P. Ray and lieutenant William P. Richardson arrived at Fort Yukon. In the short time span between midst of September and early October, Ray was traveling upstream. On September 29, he arrived at Forty Mile, beyond the 141st meridian, to find “[...] that river frozen over, the temperature having fallen to 10°F the previous night”⁸⁷². Ray decided to return to Fort Yukon to avoid getting stuck on a steamboat or in one of the smaller mining camps between Forty Mile and Fort Yukon.⁸⁷³ With the onset of winter in October 1897, the situation in Circle City and Fort Yukon turned markedly tenuous. Freeze-up stopped the movements of people and goods along the arteries of the riverlands. Yet, it was not simply Nature that threatened attempts at exploiting the riverlands’ deposits. Crisis loomed large because of the configuration of settler colonial capitalism in the riverlands itself. Scarcity of supplies and rapid growth of population were not the sole reason for “[...] wild talks [...]”⁸⁷⁴ of seizing boats and caches of the Alaska Commercial Company and the North American Trading & Transportation Company. Critical of the powerful position of both the ACC and the NAT&TCo. within the riverine supply networks, Ray argued that since “[...] neither of the transportation companies will transport a pound of freight for other traders or private parties forcing all people coming into the Territory to be wholly dependent upon their stores for supplies at their prices”⁸⁷⁵, prospectors “[...] are compelled to act outside of the law, and when influenced by passion, prejudice, or liquor will commit acts that jeopardize great financial interests”⁸⁷⁶. The failure of the American trading companies to adequately supply the immigrant population, Ray feared, may have geopolitical consequences threatening the powerful position of the United States vis-à-vis Canada. “[...] if the transportation companies can not be given protection along this river”, Ray wrote, “they will be driven from the field, and a route opened up through British North America to supply our own people in our own country”⁸⁷⁷. “The people here are [...] afraid that the failure of the river route for freight will cause the construction of a railroad through British North America to the Yukon

⁸⁷⁰ Ibid.

⁸⁷¹ Ibid.

⁸⁷² Ibid., 529.

⁸⁷³ See, *ibid.*

⁸⁷⁴ Ibid., 531.

⁸⁷⁵ Ibid.

⁸⁷⁶ Ibid.

⁸⁷⁷ Ibid., 532.

River above the boundary, and that the mining districts of Alaska will be dependent for supplies on a route through foreign country with all that means in the way of discrimination in favor of British merchants”⁸⁷⁸, an especially unpleasant economic situation given that, Ray reasoned, “[...] the greater part of the gold belt lies in our territory [...]”⁸⁷⁹. For Ray, there could be no doubt that “[...] with adequate means of transportation and cheaper food this will develop into one of the largest gold-producing regions in the world”⁸⁸⁰.

For the moment, however, Ray and Richardson had other problems on their hands than reflections about the riverlands’ industrial futures or fearful speculation about Canadian railway construction, and its potential impacts on what was clearly perceived as U.S. infrastructural hegemony transpiring into economic power and geopolitical leverage. After tensions between local agents of the trading companies and miners had risen by the end of October, Ray and Richardson took direct control over stocks of supplies from the ACC and NAT&TCo. at Fort Yukon to prevent a violent take-over and to strike a balance between humanitarian obligation and business interests.⁸⁸¹ The miners’ meeting, an institution hailed for “[...] the advantage of access to an immediate, readily accessible remedy mechanism [...]”⁸⁸² while taking “[...] responsibility out of the hands of any one individual and lodged it in the members of the community collectively”⁸⁸³, caused considerable to Ray and Richardson.

I explained them [the miners] that I would give orders on the stores for food to feed the destitute, but as the companies offered work at good wages the able-bodied should accept it, and those having money would be allowed to purchase a reasonable outfit of provisions for the balance of the year. I came away without getting any definitive answer from them, leaving Lieutenant Richardson at the cache for the night. I received a note from him saying he believed they intended to attack the cache at 10 a.m. the next day. I at once issued a notice, taking possession of the cache [...], and had them posted that night on the door of the storehouse and in all the camps, and early next morning started from here with 25 men (volunteers). I could not arm them efficiently, being able to raise only five rifles and a few pistols, so I deemed it wise not to take anything but pistols, concealed. [...] I am securing all the arms and ammunition I can. Shall move with caution, and get matters in such shape as to hold the balance of power.⁸⁸⁴

⁸⁷⁸ Ibid., 533.

⁸⁷⁹ Ibid., 534.

⁸⁸⁰ Ibid.

⁸⁸¹ For a more detailed discussion of the incident, see also, Dumonceaux, "Remaking the Alaska-Yukon Borderlands: The North-West Mounted Police, the United States Army, and the Klondike Gold Rush," 209-16.

⁸⁸² Stone, "The Mounties as Vigilantes: Perceptions of Community and the Transformation of Law in the Yukon, 1885-1897," 94.

⁸⁸³ Ibid.

⁸⁸⁴ Senate, "Compilation of Narratives of Exploration in Alaska," 542-43.

Furthermore, Ray indicated that “this was not a case of starving men, but a clear one of premeditated robbery”⁸⁸⁵. As sole government representative, Ray was not only, as he himself proclaimed, assigned the role of “[...] mediator [...]”⁸⁸⁶ between trading companies and mining communities. He was also drawing and securing boundaries between *legitimate* acts of violence in the face of an existential threat (i.e., starvation) and *illegitimate* acts of violence as a means of personal enrichment (i.e., robbery). The presence of the government is portrayed as a tidebreaker to illegitimacy and crime resulting from “[...] the great influx of people to the Territory [...] accompanied by a lawless element that must be kept under control [...]”⁸⁸⁷. In a tone that is remarkably similar to the famous descriptions of the Yukon-Klondike gold rush by NWMP commanding officer Samuel Benfield Steele, Ray suggested that in face of the “[...] very large number of desperate characters”⁸⁸⁸ who made their way to the Yukon riverlands, “[...] to prey upon the respectable but, as a rule, simple and unsuspecting miners [...]”⁸⁸⁹, “[...] the military force should be permanently located at a central point in the interior, not only for the moral effect, but to support the civil authorities in the execution of the law [...]”⁸⁹⁰. The aversion of the American officers against established social institutions such as the miners’ meeting also stresses strategic similarities with the Canadian constabulary that had crushed the institution at the first opportunity presented.⁸⁹¹ It is also consistent with how police, military, and para-military institutions such as the Pinkerton’s Detective Agency had been wielded as instruments for crushing resistances of workers or Indigenous nations to serve capitalist interests.⁸⁹² “When the Mounted Police entered the country”, recalls Ogilvie in his memoirs, “the majority of the people were pleased that at last there was some reliable official body representative of law and order in the country, but some who were accustomed to what they called liberty, that is, the privilege, if we may term it so, of doing as they pleased, and paying when they chose, and especially those accustomed to the regulation by each mining community of its own local matters by the miners’ meetings, and who had not suffered by that system, were opposed to what they styled the interference of the police”^{893 894}.

⁸⁸⁵ Ibid., 543.

⁸⁸⁶ Ibid., 535.

⁸⁸⁷ Ibid., 525.

⁸⁸⁸ Police, “Report of the North-West Mounted Police 1898,” pt. 3, p. 29.

⁸⁸⁹ Steele, *Forty Years in Canada: Reminiscences of the Great North-West with Some Account of His Service in South-Africa*, 323.

⁸⁹⁰ Senate, “Compilation of Narratives of Exploration in Alaska,” 525.

⁸⁹¹ See, Baker and Morrison, “The Development of Property Rights on the Canadian and American Mining Frontiers,” 439.

⁸⁹² See, Graybill, *Policing the Great Plains: Rangers, Mounties, and the North American Frontier, 1875-1910*, ch. 5; White, *The Republic for Which It Stands: The United States during Reconstruction and the Gilded Age, 1865-1896*, 313-14, 532-34; Levy, *Ages of American Capitalism: A History of the United States*, 260-64.

⁸⁹³ Ogilvie, *Early Days on the Yukon and the Story of Its Gold Finds*, 160.

⁸⁹⁴ Ray was especially impressed by the paramilitary character of the North-West Mounted Police and about its potential applicability for the governance of the Yukon riverlands in the United States, noting, “Look up the Dominion mounted

'Lawlessness' and of the horrors that linger in the shadows of an absent government articulated a *demand* for the expansion of geographical expansion of government institutions and for the rigorous implementation of state-based regulatory frameworks. Thomas Stone writes, "[...] it was the broader matter of superordinate control, of law (the law of the state promulgated and enforced by special agents of state control) versus lawlessness (the freedom from external state regulation and control)"⁸⁹⁵. For William R. Morrison, the replacement of the "[...] traditional system of justice obtained from the miners' meeting [...]"⁸⁹⁶ by "[...] police law [...]"⁸⁹⁷ is to be interpreted as a transition from "[...] American-style frontier democracy [...]"⁸⁹⁸ to "[...] British authoritarian paternalism"⁸⁹⁹. Contrasting miners' meetings with state law, communal self-government with centralized colonial authority, informality with formalization, or a U.S. with a Canadian model of settler colonialist-capitalist governance, however, misses the point. For Patrick H. Ray, the establishment of military posts and government administration represented the key to secure "[...] the future welfare of the whole territory and the safety of the capital invested here [...]"⁹⁰⁰.

The tide of lawless is rising rapidly all along the river. I hear rumors of much discussion among the people stranded between here and St. Michael, and while it is only incidental, the fact remains that by the middle of June there will be several hundred people scattered along the Yukon without money, occupation, or food, who, unless controlled, may paralyze the traffic of the one great highway supplying all the upper river and add another chapter to the disgraceful annals of the miners' meetings in our country. If the *commercial interests* of the citizens of the United States are to be protected in the coming summer, they can not well be left to the tender mercy of such meetings, composed of men who are not citizens of the Territory, have no fixed place of abode, are here for what they can make, too often regardless of the methods, and are in a large majority.⁹⁰¹

The lawlessness and the informality of the miners' meetings was perceived as a problem, because it interfered with the exploitation of the riverlands and endangered capitalist investment. What is remarkable about the reports sent by Patrick H. Ray is that they also encapsulate an anti-monopolist

police. I shall recommend something on that line, to use selected noncommissioned officers and privates of the Army, who can act as constables, with extra pay for civil service, and lieutenants for inspectors and subinspectors", in: Senate, "Compilation of Narratives of Exploration in Alaska," 523. Scott Dumonceaux rightfully insists that both U.S. and Canadian officials shared similar views and strategies of how to secure the Yukon riverlands; see, Dumonceaux, "Remaking the Alaska-Yukon Borderlands: The North-West Mounted Police, the United States Army, and the Klondike Gold Rush," 220-21.

⁸⁹⁵ Stone, "The Mounties as Vigilantes: Perceptions of Community and the Transformation of Law in the Yukon, 1885-1897," 96.

⁸⁹⁶ William R. Morrison, "The North-West Mounted Police and the Klondike Gold Rush," *Journal of Contemporary History* 9, no. 2 (1974): 96.

⁸⁹⁷ Ibid.

⁸⁹⁸ Ibid., 97.

⁸⁹⁹ Ibid.

⁹⁰⁰ Senate, "Compilation of Narratives of Exploration in Alaska," 522.

⁹⁰¹ Ibid., 554, *emph. AMW*.

attitude towards the all-too-powerful position of the ACC and the NAT&TCo., companies, Ray suggests, that did not live up to the responsibilities for the success of the American settler colonialist-capitalist project in the riverlands that they had been invested with, out of obsession with the accumulation of profit.⁹⁰² Competition, of course, would provide a solution for cracking the oligopoly of the ACC and the NAT&TCo. open; and competition, in turn, would require intensifying the efforts of state institutions to provide incentives and to secure capital investment. In short, policing the riverlands and establishing government institutions was to ensure the unimpeded flows of goods, people, and capital along the rivers. Imperial statecrafting proved not only fragile and contested but *directed* towards a specific purpose: extraction.



The winter crisis of 1897-1898 was not only confined to incidents in the riverlands or to U.S. Army officers calling for the establishment of posts in a region previously ignored by the U.S. government. The winter crisis turned out to be a profound public panic fearing for the lives of those who embarked on their travels northwards without adequate supply. U.S. Congress accumulated funds for the outfit of a Yukon Relief Expedition hauling supplies over the coastal mountain ranges into the riverlands with the help of reindeers and their herders from Scandinavia.⁹⁰³ The route proposed by U.S. military planners, however, led through territory claimed by Ottawa, a tacit “[...] acknowledgement of Canada’s sovereignty of [sic] the Klondike”⁹⁰⁴. Surprisingly, the Canadian government quickly agreed to the American proposal. As historian Scott D. C. Dumonceaux argued, Canadian minister of the interior Clifford Sifton felt himself pressured to agree to the U.S. proposal, because he was “[...] to plead the Canadian case for a more favorable customs and trade arrangement [...]”⁹⁰⁵ concerning the Alaska-Canada border at Skagway. While initially, Ottawa objected to the plan of American soldiers crossing the border in full gear, eventually, it was agreed that “[...] ‘United States troops are to be allowed to go through Canadian Territory with relief expedition, their arms being transported as baggage’”⁹⁰⁶.

In contrast to federal officials, the officers of the Yukon detachment of the North-West Mounted Police who were ordered to escort the American relief expedition, were less than enthusiastic. “I

⁹⁰² See, White, *The Republic for Which It Stands: The United States during Reconstruction and the Gilded Age, 1865-1896*, 859-68; Alton, *Alaska in the Progressive Age: A Political History, 1896-1916*, 147-49; Dumonceaux, "Remaking the Alaska-Yukon Borderlands: The North-West Mounted Police, the United States Army, and the Klondike Gold Rush," 230-31.

⁹⁰³ See, Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 104; Dumonceaux, "Remaking the Alaska-Yukon Borderlands: The North-West Mounted Police, the United States Army, and the Klondike Gold Rush," ch. 5.

⁹⁰⁴ "Remaking the Alaska-Yukon Borderlands: The North-West Mounted Police, the United States Army, and the Klondike Gold Rush," 250.

⁹⁰⁵ *Ibid.*, 251.

⁹⁰⁶ Copy of telegraph of NWMP comptroller Fred White to NWMP superintendent Samuel B. Steele February 21, 1898, in: LAC, RG 18, Vol. 146, File 89.

see by the American newspapers [...]”, noted inspector Zachary Taylor Wood with frustration, “that the two governments have decided to send in a large relief expedition, which is to be accompanied by 50 U.S. Troops, and 40 Mounted Police as escorts. I sincerely hope that this is not true [...]”⁹⁰⁷. Wood did not fear an American occupation of Canadian territory, however, but that the expedition would ironically be blocking supply lines that the NWMP considered vital to maintain its presence in the riverlands, and that it would “[...] greatly add to the difficulties we already have to contend with”⁹⁰⁸.

[...] in the first place should the expedition go over the pass it will greatly interfere with our own supplies going over and will delay, if not block them altogether. It is very hard and slow work to get stores over now even though we have the trail virtually to ourselves and every pack train employed. In the second place it would mean that we should have to supply our 40 men, for they surely would not use the supplies now on the way over for our Posts [...]”⁹⁰⁹

Moreover, the Canadian police officer stressed that claims about imminent starvation in the riverlands did not reflect the actual situation. “People in Dawson [...] are certainly short of food, but there will be no starvation before the middle of June”⁹¹⁰, Wood noted. Relievingly, by March 1898, the United States abandoned their plans for an “[...] American relief expedition [...]”⁹¹¹. Consistent with Wood’s assessment of the situation, U.S. captain Patrick H. Ray wrote in October 1897 that,

while I consider the situation critical, I do not believe there will be any great loss of life beyond that incident to a climate so rigorous as this. That there will be much suffering along the river and trail owing to the rashness and ignorance of people unaccustomed to this climate no well-informed person here will deny, but there is nothing that should cause undue anxiety or alarm among people in the States who have friends in this country⁹¹².

Consequently, in his concluding report from May 5, 1898, Ray noted that “from Circle City out I did not find any scarcity of food. On the contrary, there is plenty at Dawson and Fort Yukon for

⁹⁰⁷ Letter from NWMP Inspector Zachary Taylor Wood to Major Perry, Jan 12, 1898, p. 1, in: LAC, RG 18, Vol. 146, File 89.

⁹⁰⁸ Letter from NWMP Inspector Zachary Taylor Wood to Major Perry, Jan. 17, 1898, in: LAC, RG 18, Vol. 146, File 89.

⁹⁰⁹ Letter from NWMP Inspector Zachary Taylor Wood to Major Perry, Jan 12, 1898, p. 1, in: LAC, RG 18, Vol. 146, File 89.

⁹¹⁰ Ibid.

⁹¹¹ Telegraph NWMP major A. B. Perry to NWMP comptroller Fred White March 4, 1898, in: LAC, RG 18, Vol. 146, File 89.

⁹¹² Senate, "Compilation of Narratives of Exploration in Alaska," 530.

all the people now there, and those now on the trail are each required by the Canadian government to take with them 1,000 pounds of the essentials”⁹¹³.

Despite ultimately failing, the Yukon Relief Expedition and the winter crisis of 1897-1898 revealed the disconnect between local conditions in the riverlands on the one hand, and discourses about the riverlands in colonial metropolises and offices on the other. The discrepancy between factual conditions and colonial imaginaries was rooted in an extremely volatile system of transportation and communication continuously struggling with the obstacles posed by seasons and by geology.⁹¹⁴ Colonial panic about starving miners on Arctic trails also reveal broader expectations about the relationship between American citizens and the federal government. Where Man was struggling to transform Nature into Civilization, the government was expected to throw its weight behind the frontiersman—or, as the Portland Chamber of Commerce formulated in November 1897,

The chamber of commerce asks the co-operation of the war department in transporting relief from the city of Portland to the most accessible point on the Alaskan coast, whence the relief expedition may carry it to the imprisoned gold miners. *Our duty to suffering humanity demands the sacrifice that may be necessary to accomplish this end.* Will you co-operate with us in this undertaking?⁹¹⁵

For U.S. Army officer Patrick H. Ray, though, the winter crisis did not resemble the eternal battle between Man and Nature that Frederick J. Turner had envisioned five years ago.⁹¹⁶ Rays was a significantly less spectacular story. For him, the roots of the crisis did not lie in the rapid increase in population and in demand for the few goods that were available nor in overstretched supply lines or in unexpectedly harsh and early winter conditions. Rays was a story about speculation and the collapse of capitalist futures for the winter crisis, he concluded, had occurred because “[...] last fall private parties bought and hoarded supplies, hoping to get starvation prices in the spring [...]”⁹¹⁷. Boosting an extractive economy, it turned out, was one thing, directing it to the benefit of ‘the people’ quite another. Compared with the Gilded Age, the role of government in relation both to citizens and corporations, was changing. “Government”, notes historian Richard White, “was not business. Citizens were not customers. A republican government could not serve only those

⁹¹³ Ibid., 558.

⁹¹⁴ See, Dumonceaux, "Remaking the Alaska-Yukon Borderlands: The North-West Mounted Police, the United States Army, and the Klondike Gold Rush," 263-69.

⁹¹⁵ N.A., "Supplies Donated to Save the Miners from Starvation, Alger Is Asked to Assist," *The Herald*, 11-05-1897 1897, emph. AMW.

⁹¹⁶ See, Cronon, "Revisiting the Vanishing Frontier: The Legacy of Frederick Jackson Turner," 197-69; "The Trouble with Wilderness; or, Getting Back to the Wrong Nature," 77-83.

⁹¹⁷ Senate, "Compilation of Narratives of Exploration in Alaska," 558.

citizens who yielded officials the greatest profits. Citizens were due equal treatment, and no group of Americans should be allowed to monopolize public services”⁹¹⁸.

The winter crisis of 1897-1898 was not the reason why the United States had finally decided to dispatch government officials such as Patrick H. Ray, William P. Richardson, or Frank Canton to the riverlands. The crisis forced on the governments both in the United States and in Canada the perception of a regulatory deficit and installed a sense of urgency for its mitigation. The crisis articulated a demand for governmental intervention, interventions to stabilize supply lines, to secure the circulation of goods, people, and capital, to contain both individual and corporate greed—in short, interventions that were thought to allow the continuation and expansion of imperial power and extractivism. Likewise, articulations of the Yukon River as an integrated space of riverine transportation and capitalist exploitation were extended to accommodate articulations of the riverlands as distinct yet interrelated spheres of law and settler colonialist-capitalist sovereignty. The crisis of 1897-98 marks the moment when settler colonialist-capitalist institutions either had already been established (as in the portions of the riverlands claimed by Canada) or were being established on both sides of the 141st meridian. In 1899, the U.S. Army set aside \$288,378.15⁹¹⁹ to fund construction of a permanent post of the U.S. military in the interior riverlands, Fort Egbert, at the very site that Patrick H. Ray had previously recommended, and which had already been occupied by ca. 200 settlers in 1898, Mission Creek—or, as the settlers had called it, Eagle.⁹²⁰ Together with the U.S. Army detachment dispatched to Fort Egbert, the U.S. Customs Services, the U.S. Marshal Service, and the U.S. District Court would be moving into their offices in Eagle as well, in close proximity to the 141st meridian, to the goldfields, and to the Yukon River and its waterways, “[...] the great routes of travel, [...] the highways for the transportation of supplies [...]”⁹²¹.

⁹¹⁸ White, *The Republic for Which It Stands: The United States during Reconstruction and the Gilded Age, 1865-1896*, 865-66.

⁹¹⁹ U.S. War Department, "Annual Reports of the War Department for the Fiscal Year Ended June 30, 1900: Reports of the Chiefs of Bureaus, Vol. 1," ed. U.S. House of Representatives (Washington D.C.: U.S. Government Printing Office, 1900), 284-85, 335.

⁹²⁰ Senate, "Compilation of Narratives of Exploration in Alaska," 559; Department, "Annual Reports of the War Department for the Fiscal Year Ended June 30, 1900: Reports of the Chiefs of Bureaus, Vol. 1," 284. Fort Egbert was not the only U.S. military post established in the Yukon riverlands in the aftermath of the winter of 1897-1898. Aside of its presence at Fort Egbert, the U.S. military expanded its garrison at St. Michael, headquarter for the U.S. military operating along the rivers; moreover, following Ray's recommendation, the U.S. Army constructed a fort close to the confluence of the Yukon and Tanana rivers, in the middle section of the Yukon River drainage, Fort Gibbon; see, *ibid.*, 284-85. See also, Woodman, *Duty Station Northwest: The U.S. Army in Alaska and Western Canada, 1867-1917*, 1, 1867-1917, ch. 11, ch. 12; Dumonceaux, "Remaking the Alaska-Yukon Borderlands: The North-West Mounted Police, the United States Army, and the Klondike Gold Rush," ch. 10.

⁹²¹ Senate, "Compilation of Narratives of Exploration in Alaska," 526.

SECTION 3

BORDER PROBLEMS

10. CONTRACTUAL REASON AND THE GEOGRAPHIES OF THE ALASKA-CANADA BORDER

10.1 *The Canadian Border in Nevada*

When Fred H. Clayson, an American businessman from Skagway, Lynn Wallace Relfe, working as a bartender in a saloon in Dawson City, and Ole Olson, a lineman “[...] urgently needed to find a break in the telegraph lines”⁹²², were leaving Minto Road House in the Yukon Territory “[...] early on Christmas morning [...]”⁹²³ in 1899, they were looking ahead at exhaustive 16 miles of trail before “[...] stopping over at [NWMP] Cpl. Ryan’s Detachment at Hootchikoo for the Christmas dinner [...]”⁹²⁴. The party never arrived. Almost five months later, Fred H. Clayson’s body was the first to be found, “[...] two bullet holes in it”⁹²⁵. By the end of June 1900, the corpses of the three men had been identified, one by one released from the ice of the riverlands and washed ashore downstream at Fort Selkirk.⁹²⁶ At this time, the North-West Mounted Police had already arrested the former prisoner George O’Brien whom, together with his presumed accomplice, the Australian Thomas Graves, the constables considered responsible for the deaths of the three men. According to the police investigation, O’Brien and Graves had bushwacked Clayson, Relfe, and Olson on their trail to Dawson City, shooting them in the back and robbing them afterwards of their belongings. After the murder, O’Brien and Graves disposed of the corpses by sinking the bodies under the ice of the frozen river where lack of oxygen and cold preserved the unfortunate. In spring, when the ice retreated, the police found their investigation confirmed: The three men had indeed been killed and dumped into the water of the river—and Thomas Graves was still missing. To locate Graves’ whereabouts, the commander of the NWMP detachment in the Yukon Territory, Zachary Taylor Wood, ordered an officer of the NWMP’s Secret Intelligence Service “[...] to go outside [...]”⁹²⁷ in February 1900. After reporting back to Wood empty-handedly, Seeley “[...] again went to the outside by instructions of the O.C. Yukon Territory, with the result that he obtained information that Kid West would be an important witness and he is now on his way here

⁹²² Unknown author, “General Synopsis of the O’Brien Murder Case, 1899-1901”, p. 2, in: LAC, RG 18-A-1, Vol. 254, File 318-03.

⁹²³ Ibid.

⁹²⁴ Ibid.

⁹²⁵ Report of NWMP inspector W. H. Scarth to NWMP commanding officer of “B” Division C. Starnes, Dawson City, March 19, 1901, p. 4, in: LAC, RG 18-A-1, Vol. 254, File 318-03.

⁹²⁶ For a timeline of the events of the O’Brien murder case, see, Report of NWMP inspector W. H. Scarth to NWMP commanding officer of “B” Division C. Starnes, Dawson City, March 19, 1901, in: LAC, RG 18-A-1, Vol. 254, File 318-03. For a synopsis of the so-called ‘O’Brien case’ and its significance in the popular historiography of the Yukon-Klondike gold rush, see also, Kenneth S. Coates and William R. Morrison, *Strange Things Done: Murder in Yukon History* (Montreal & Kingston; London; Ithaca: McGill-Queen’s University Press, 2004), 152-55.

⁹²⁷ Report of NWMP inspector W. H. Scarth to NWMP commanding officer of “B” Division C. Starnes, Dawson City, March 19, 1901, p. 3, in: LAC, RG 18-A-1, Vol. 254, File 318-03.

with him”⁹²⁸. Like the alleged perpetrator George O’Brien, George E. West aka. ‘Kid West’ had spent some time in the NWMP’s jail in Dawson. Later, Kid West would testify in court “[...] that while serving a sentence in the Dawson Jail at the same time as O’Brien in 1899 [he] had had a communication with him [O’Brien] between their cells and that O’Brien had even then formulated the plans that they both go together, when he was released and stage hold-ups on the winter trail, shoot the victims and dispose of the bodies in the river and divide the spoils, as at that time quite a considerable amount of gold was taken outside over the river trail”⁹²⁹.

Before Kid West could be called to the stand, though, one problem had to be solved. In spring 1900, West had “[...] been convicted of burglary at Seattle and sentenced to five years imprisonment in the Walla Walla Penitentiary [...]”⁹³⁰, in the south of Washington State (United States). Without seeking further instructions from superiors in the Yukon Territory or in Ottawa, Canadian detective W. H. Seeley entered “[...] negotiations with various officials of the State of Washington and of King County [...]”⁹³¹ to achieve West’s release. Eventually, “[...] Kid was handed over to him [Seeley] by the Sheriff of King County [...]”⁹³² and immediately taken across the U.S.-Canada border to “[...] Victoria gaol [...]”⁹³³—once again, without formal authorization by Seeley’s superiors. Before he transported him to Canada, though, the Canadian intelligence officer asked Kid West to sign “[...] an agreement consenting to return to Dawson in the custody of an officer [...] of Her Majesty [...]”⁹³⁴.

Seeley’s actions put his superiors into a tight spot. Taking possession of Kid West, an American citizen, in U.S. territory and transferring him from a prison in the United States to Canada without prior authorization from the U.S. Department of State was perceived as a rupture of the legal protocol and as potential threat to U.S.-Canadian diplomatic relations.⁹³⁵ It proved a particularly nasty affair, because the Canadian intelligence officer was accused of offering bribes to U.S. officials and his methods seemed—to put it mildly—unorthodox,

⁹²⁸ Report of NWMP inspector W. H. Scarth to NWMP commanding officer of “B” Division C. Starnes, Dawson City, March 19, 1901, p. 3, in: LAC, RG 18-A-1, Vol. 254, File 318-03.

⁹²⁹ Unknown author, “General Synopsis of the O’Brien Murder Case, 1899-1901”, p. 7, in: LAC, RG 18-A-1, Vol. 254, File 318-03.

⁹³⁰ John J. McGee, clerk of the Canadian Privy Council in “Extract from a Report of the Committee of the Honourable the Privy Council, approved by His Excellency” January 5, 1901, p. 2, in: LAC, RG 18-A-1, Vol. 253, File 318-03.

⁹³¹ John J. McGee, clerk of the Canadian Privy Council in “Extract from a Report of the Committee of the Honourable the Privy Council, approved by His Excellency” January 5, 1901, p. 1, in: Ibid.

⁹³² Ibid.

⁹³³ Ibid.

⁹³⁴ Ibid.

⁹³⁵ Bradley Miller noted that, in extradition cases between the U.S. and Canada, notions of citizenship were indeed frequently invoked, yet “[...] much less important in practice [...]”; cit. in: Miller, *Borderline Crime: Fugitive Criminals and the Challenge of the Border, 1819-1914*, 81.

On arrival in Seattle, I immediately went to J. F. McElroy, and informed him that we required West as a witness. Mr. McElroy made an application to the Governor of the State, to parole the prisoner. Governor Rogers wrote in reply that there was no law in existence that would permit him to do so; no prisoner parolled [in original] is allowed to leave the State. If he granted a parole to West for the purpose of permitting him to go to Dawson to testify in the O'Brien case, the deed would be taken advantage of by his Political Opponents, and his chances of again becoming Governor would be nill, as at the time the election campaign was on. Mr. McElroy requested that I should go to Olympia, the State Capital and lay the whole matter before His Honour The Governor of the State of Washington. This I accordingly did. I made three trips to Olympia, without apparent result, other than a promise from His Honour that he would do his best to protect any Official, who illegally turned West over to me. [...] There is a report current, that I bribed the Officials of the State of Washington, to obtain West as a witness. There is no truth in the above, although it was suggested to me, by different parties, when my task seemed hopeless. I informed them that it was not the policy of the N.W.M.Police [in original] to bribe American Officials to obtain evidence.⁹³⁶

Canada's position was especially difficult, because the conflict over the exact courses of the borders between Alaska and Canada, and particularly Canada's claim over Skagway had not yet been solved.⁹³⁷ Stuck knee-deep in a conflict with the administration of William McKinley—a few months before Theodore Roosevelt would become U.S. President with a decidedly aggressive agenda regarding the Alaska-Canada border⁹³⁸—over borders that Seeley and Kid West would have to cross, Seeley's actions quickly occupied the highest levels of the Canadian government, because the shortest and cheapest way to Dawson City ran through Alaskan waters and over the mountain passes of Alaska's southeast.⁹³⁹ In January 1901, after an extensive investigation, the Privy Council condemned, "[...] that it is obvious, according to Seeley's own statement, that his actions and that

⁹³⁶ Report of NWMP detective J. H. Seeley to the Commanding Officer of the NWMP detachment, Major Zachary T. Wood, in the Yukon Territory, March 30, 1901, pp. 1-3, in: LAC, RG 18-A-1, Vol. 253, File 318-03.

⁹³⁷ See, Green, *The Boundary Hunters: Surveying the 141st Meridian and the Alaskan Panhandle*, ch. 3, ch. 5; Shelagh D. Grant, *Polar Imperative: A History of Arctic Sovereignty in North America* (Vancouver; Toronto; Berkeley: Douglas & McIntyre Publishers, 2011), 194-201; Jessup, "Between Two Empires: Canada and the Alaska Boundary Dispute," 214-17. See also, Penlington, *The Alaska Boundary Dispute: A Critical Reappraisal*.

⁹³⁸ Roosevelt's articulate—to put it mildly—position is perhaps best illustrated by a letter that the President sent to Oliver Wendell Holmes, judge at the U.S. Supreme Court who, at that time, was visiting Europe: "[...] The claim of the Canadians for access to deep water along any part of the Canadian coast is just exactly as indefensible as if they should now suddenly claim the island of Nantucket. [...] Let me add that I earnestly hope the English understand my purpose. I wish to make one last effort to bring about an agreement through the commission, which will enable the people of both countries to say that the result represents the feeling of the representatives of both countries. But if there is a disagreement I wish it distinctly understood, not only that there will be no arbitration of the matter, but that in my message to Congress I shall take a position which will prevent any possibility of arbitration hereafter; a position, I am inclined to believe, which will render it necessary for Congress to give me the authority to run the line as we claim it by our own people, without further regard to the attitude of England and Canada. If I paid attention to mere abstract right, that is the position I ought to take anyhow. I have not taken it because I wish to exhaust every effort to have the affair settled peacefully and with due regard to England's dignity"; letter by Theodore Roosevelt in July 1903, cit. in: Green, *The Boundary Hunters: Surveying the 141st Meridian and the Alaskan Panhandle*, 82-83.

⁹³⁹ See, Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 87.

of the Sheriff, in the premises, were entirely illegal and in contravention of existing treaties and of international law, and he, the Minister, is of the opinion that they should be promptly disavowed by Your Excellency's Government"⁹⁴⁰. The Canadian government assured the United States that it was "[...] ready to return the prisoner to the United States authorities upon the requisition of them to that effect"⁹⁴¹. Without further advice from the DOS, noted the Privy Council in the same letter, the Canadian police was to proceed with transferring Kid West to Dawson.

If, however, the United States authorities do not desire the return of the prisoner at once, and are willing that he should first be used as a witness in Dawson in the murder case referred to, it will be necessary before any direction can be given to transport the witness thither, to obtain an assurance [...], that so far as the United States Government is concerned no steps will be taken to secure West's release while he is being conveyed through the disputed territory, and that no objection will be afterwards made diplomatically on the ground of violation of territory.⁹⁴²

Crucially, one year before the Kid West affair, U.S. Secretary of State John Hay had explicitly refused U.S. consent for the transfer of alleged murderer John Sarge from Canadian prison in Victoria (British Columbia) to Dawson City under guard by uniformed Canadian policemen. Although Canada's request had initially been denied, through arbitration by the U.S.-British Joint High Commission "[...] to oblivate this embarrassment [...]"⁹⁴³ Canada eventually achieved the transport of Sarga to Dawson's courthouse escorted by plainclothes units of the NWMP—and, remarkably, after Sarga "[...] had signed a paper agreeing to go back to Dawson [...]"⁹⁴⁴. In light of the United States' previous rejection of transferring prisoners escorted by Canadian police officers through the disputed territory, Canada may well have feared repercussions, for in absence of an 'all-Canadian' route connecting southern Canada with the goldfields in the north, Kid West and his entourage would have to pass through territory—unassailably—controlled by the United States but, at least in parts, claimed by Canada.

In the United States, however, the Kid West affair received remarkably little attention. According to the Canadian Minister of Justice, when confronted with Canada's formal apologies about Seeley's conduct, the DOS casually remarked about the fact that a U.S. citizen had been abducted

⁹⁴⁰ John J. McGee, clerk of the Canadian Privy Council in "Extract from a Report of the Committee of the Honourable the Privy Council, approved by His Excellency" January 5, 1901, p. 2, in: LAC, RG 18-A-1, Vol. 253, File 318-03.

⁹⁴¹ Ibid.

⁹⁴² John J. McGee, clerk of the Canadian Privy Council in "Extract from a Report of the Committee of the Honourable the Privy Council, approved by His Excellency" January 5, 1901, p. 2-3, in: LAC, RG 18-A-1, Vol. 253, File 318-03.

⁹⁴³ Letter by U.S. Secretary of State John Hay to British ambassador Lord Pauncefote November 1899, cit. in: Coates and Morrison, *Strange Things Done: Murder in Yukon History*, 158.

⁹⁴⁴ Ibid.

from U.S. territory and then transferred to a Canadian prison without acquiring consent by the federal authorities,

[...] that as no complaint has been made by the Governor or other officials of the State of Washington as to the manner in which possession of Kid West was obtained, and as it appears West signed an agreement consenting to return to Dawson, the Department does not feel called upon to take any action with a view to the release of West or to interpose to his conveyance through the disputed territory.⁹⁴⁵

Note here that, apparently, the U.S. did not insist on initiating a formal extradition process. Rather, the DOS argued that in absence of any complaint by U.S. governmental authorities (the Governor of the State of Washington, for instance) and after Kid West, like John Sarga before him, had formally agreed on being transferred from the United States to Canada without undergoing a formal extradition process, there would be no reason for the United States to intervene in the case.

After testifying on the witness stand in the trial against his former cellmate, Kid West was transported back to the United States. Canada's fears of an American intervention or retribution proved unfounded. Neither on his way from British Columbia to Dawson nor on his return trip to the penitentiary in the State of Washington did U.S. authorities interfere with Kid West's travels. Pardoned by the Washington's governor, West eventually "[...] returned to his father's home in the State of California"⁹⁴⁶. Ironically, attorneys hired by West or his family later—unsuccessfully—sued the Canadian federal government for witness fees of roughly \$1,000.⁹⁴⁷ Canada's Department of Justice rebuked West's claim with disgust, arguing "[...] he was taken to Dawson, maintained there, and returned to the authorities of Washington State entirely at the expense of this government, so that he has not been subject to any expense whatever, and there was no stipulation

⁹⁴⁵ Canadian Deputy Minister of Justice to NWMP comptroller Fred White January 29, 1901, in: LAC, RG 18-A-1, Vol. 253, File 318-03.

⁹⁴⁶ Letter by the attorneys Preston and Embree, Seattle, to the NWMP comptroller Fred White September 21, 1901, p. 2, in: LAC, RG 18-A-1, Vol. 253, File 318-03. Apparently, George E. West and his family hired a law firm based in Seattle to collect 'witness fees' that had supposedly been promised by Canadian authorities. After conducting an extensive internal examination of West's request, the Canadian government rejected his demand. In its response, Canada argued that since Kid West had been prisoner of a U.S. penitentiary in the first place and because the United States had not opposed to West's transfer to the Yukon riverlands, Kid West's legal and social status had not changed. Both legally and socially, West was to be considered a prisoner subjected to the supreme authority of *the State*, *not a particular state* (such as the United States where he was actually imprisoned); "[...] there was no stipulation that he [Kid West] should be paid for his time, which, if of any value at all, belonged to the State [...]" in: Canadian Deputy Minister of Justice E. L. Newcombe to NWMP comptroller Fred White January 16, 1902, in: LAC, RG 18-A-1, Vol. 253, File 318-03.

⁹⁴⁷ See, letter by NWMP Superintendent Primrose to NWMP Comptroller Fred White Sept. 3, 1901, in LAC, RG 18-A-1, Vol. 253, File 318-03.

that he should be paid for his time, which, if of any value at all, belonged to the State; that there is no authority for any payment of a claim such as this [...]”⁹⁴⁸.

West’s former cellmate, on the other hand, was not so lucky. He “[...] was executed on the 23rd August”⁹⁴⁹ in Dawson City. By that time and to the dismay of the Canadian inspectors, the police had not learned about Thomas Grave’s whereabouts even after involving external institutions such as the Pinkerton’s Detective Agency⁹⁵⁰ or the imperial British New Scotland Yard⁹⁵¹ to conduct investigations in Chicago and in the United Kingdom. Contracting Pinkerton’s agents provided the Canadian secret service with an agency that would conduct investigations in the United States and inquire for fugitives from Canada without provoking diplomatic ruptures between the two governments. In fact, it was a well-established strategy, but one that has primarily been attributed to the United States projecting imperial sovereignty across its territorial borderlines with the help of non-governmental organizations such as the Pinkerton’s Detective Agency and intelligence agencies.⁹⁵² For Indigenous nations engaged in wars with the United States, fears over abduction by non-government agents or intelligence operatives contributed to cementing the significance of settler colonialist-capitalist borders and to crushing Indigenous resistance across the U.S.-Canada border.⁹⁵³

Besides, U.S. law enforcement authorities in the riverlands recognized Canadian territorial sovereignty as well. In March 1899, for example, steamboat captain Denahan fled from Alaska to the Yukon Territory to avoid getting caught by U.S. Marshals after he had stolen money from the steamship company. In this instance, U.S. Deputy Marshal Frank M. Canton sent letters to U.S. Consul McCook and to NWMP commanding officer Samuel B. Steele, asking that “[...] this man

⁹⁴⁸ Letter by Canadian Deputy Minister of Justice to NWMP Comptroller Fred White Jan. 16, 1902, in: LAC, RG 18-A-1, Vol. 253, File 318-03.

⁹⁴⁹ Letter by unknown author to NWMP lieutenant colonel A. P. Sherwood, Commissioner of Dominion Police in Ottawa, September 4, 1901, in: LAC, RG 18-A-1, Vol. 253, File 318-03.

⁹⁵⁰ Through investigations of inspectors of Birmingham police that New Scotland Yard had transferred the case to, in the spring of 1900, the Canadian police officers learned “[...] that Graves has a sister named Mrs Edwards who resides at [...] Chicago, where it is most probable that some trace of Graves may be found”, in: Report of the Chief Constables Office May 16, 1900, in: LAC, RG 18-A-1, Vol. 253, File 318-03. Investigations in the United States were then conducted by the notorious Pinkerton’s Detective Agency concluding in their December 6 report, “I am satisfied from Mrs. Edwards manner and talk, that she has no knowledge of the accusations against her brother and has no idea where he is”, in: letter by William A. Pinkerton to A. P. Sherwood, Commissioner of Dominion Police, December 6, 1900, in: LAC, RG 18-A-1, Vol. 253, File 318-03. The trail went cold.

⁹⁵¹ By 1903, discussing the option of offering a \$500 reward for information leading to the arrest of Thomas Graves, “[...] the Commissioner of the Dominion Police, who is in constant touch with Scotland Yard, and with the Deputy Minister of Justice, [...] came to the conclusion that it was not desirable to endorse your [Zachary Taylor Wood’s] recommendation that a reward be offered at present. If evidence should be procured later on that Graves is still alive and could be located, the matter can then be retrieved”, in: letter by NWMP comptroller Fred White to Zachary Taylor Wood June 18, 1903, in: LAC, RG 18-A-1, Vol. 253, File 318-03.

⁹⁵² See, Katherine Unterman, *Uncle Sam’s Policemen: The Pursuit of Fugitives across Borders* (Cambridge, MA; London: Harvard University Press, 2015), ch. 2; Miller, *Borderline Crime: Fugitive Criminals and the Challenge of the Border, 1819-1914*, 76-81; Hoy, *A Line of Blood and Dirt: Creating the Canada-United States Border across Indigenous Lands*, 163-64, 70-71.

⁹⁵³ See, *A Line of Blood and Dirt: Creating the Canada-United States Border across Indigenous Lands*, 47-48.

by all means he will have to be held in Yukon territory for extradition papers which I will obtain as quick as possible”⁹⁵⁴. Obviously, Canton was confident that extradition papers from superior agencies and Canadian authorities could rapidly be acquired to guarantee extradition from the Canadian NWMP. Rather than pursuing the fugitive himself or ordering non-governmental agents into the Yukon Territory to arrest Denahan, Canton decided to request an arrest by the North-West Mounted Police. Thus, the U.S. police officer did indeed acknowledge that, by 1899, the riverlands had been split into distinct legal spheres that, still, had to be integrated into a fragile zone of transboundary jurisdiction and settler colonialist-capitalist dominance.

Despite the failed efforts of the police to locate Thomas Graves, the Yukon detachment’s investigation in the triple murder case was lauded as a great success story. According to the North-West Mounted Police’s annual report, “[t]he police came in for a great deal of praise for the manner in which this case was worked, which although very costly, showed would-be criminals that no stone would be left unturned to bring offenders to justice”⁹⁵⁵. Yet, applause for Canada’s abilities to govern the goldfields by rigorously enforcing the implementation of British colonial law even beyond the territorial boundaries to which it was ostensibly related, echoes a profound anxiety about the assumedly dramatic consequences of loosening rather than strengthening Canadian dominion over people and resources in the riverlands. Governing a “[...] considerable number of foreigners who, although doing well and given the protection of the best laws in the world, had not the decency to abstain from abusing the form of government of the country which gave them the privilege of digging out its gold without receiving appreciable benefit”⁹⁵⁶ made Canadian authorities nervous, especially given that the borders between the United States and Canada had not yet been politically or even cartographically fixated.⁹⁵⁷

Only a few weeks after the execution of George O’Brien, in September 1901, the Canadian police learned about a group of American miners, the ‘Order of the Midnight Sun’, who were allegedly “[...] planning to liberate the Yukon from British tyranny”⁹⁵⁸. The presence of Americans and of U.S. institutions such as the U.S. consulate had long been considered as potentially endangering the Canadian strategic position in the riverlands, politically as well as militarily. Samuel B. Steele, for instance, was running intelligence operations in the vicinity around Dawson and in the

⁹⁵⁴ Letter by Frank M. Canton to NWMP commanding officer Samuel B. Steele March 28, 1899, p. 1-2, in: University of Oklahoma Libraries, Western History Collections, Frank M. Canton Collection, Box 1, File 14.

⁹⁵⁵ Commissioner of the North-West Mounted Police, "Report of the North-West Mounted Police 1901," (Ottawa: S. E. Dawson, 1902), pt. 3, pp. 7-8.

⁹⁵⁶ Steele, *Forty Years in Canada: Reminiscences of the Great North-West with Some Account of His Service in South-Africa*, 327.

⁹⁵⁷ See, Green, *The Boundary Hunters: Surveying the 141st Meridian and the Alaskan Panhandle*, 69-78; Jessup, "Between Two Empires: Canada and the Alaska Boundary Dispute," 216-17.

⁹⁵⁸ Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 101.

goldfields as early as 1898 to watch over workers and to filter out potential troublemakers and criminals.⁹⁵⁹ Canadian officers occasionally turned against symbols of U.S. sovereignty such as the U.S. code of arms or the Stars & Stripes. In 1898, Canadian customs agent E. S. Busby refused “[...] to do business in any building that flag [the United States’ flag] is on [...]”⁹⁶⁰ and thus pressured the U.S. consul to remove the U.S. code of arms from his office. In 1901, however, anxieties over American annexation and the conspiracy of the Order boiled over, especially in Ottawa.⁹⁶¹ Disgruntled by Canadian taxes and revenues applied to their mining ventures, Canadian authorities believed, the miners would try to persuade the U.S. federal government to annex the Yukon riverlands and its goldfields.⁹⁶² Once again, NWMP secret intelligence officer J. H. Seeley was dispatched to the United States to conduct investigations about the Order; his joint investigations in the United States together with P. C. H. Primrose turned out to be a disaster.⁹⁶³ In fact, Ottawa launched a series of investigations by the NWMP, the Dominion Police—the Canadian intelligence agency—and by the Pinkerton’s Detective Agency that, in increasingly desperate attempts, were trying to uncover the traces of the American conspiracy both on soils claimed by the United States and Canada, thus reproducing a recognizable pattern of transboundary investigation relating back to the Kid West affair.⁹⁶⁴



One year after the execution of George O’Brien, the NWMP in the Yukon Territory was investigating yet another triple murder in the riverlands. This time, one of the suspects, the police learned during the investigations, had escaped the Yukon seeking refuge in the United States.⁹⁶⁵ At

⁹⁵⁹ Steele had brief portfolios about people created that were considered of interest to the Canadian police, because of alleged criminal records; see, University of Alberta Archives, Bruce Peel Special Collections, Sam Steele Fonds, 2008.1.2.3.6.1, Box 105, Files 44-45. An example illustrating transboundary relations: “Big Fred—Clever confidence man + general crook, a member Soapy Smith Gang [from Skagway, Alaska]. Has done nothing in Dawson but play poker”, cit. in: Undercover report dated July 30, 1898, p. 2, in: University of Alberta Archives, Bruce Peel Special Collections, Sam Steele Fonds, 2008.1.2.3.6.1, Box 105, Files 44.

⁹⁶⁰ Letter by U.S. Consul J. C. McCook to U.S. Assistant Secretary of State John Bassett Moore August 31, 1898, p. 1-2, in: NARA MD, RG 59, General Records of the U.S. Department of State, Despatches from U.S. Consular Officers 1789-1906, Despatches from U.S. Consuls in Dawson City, Canada, 1898-1906, T560, Reel 1.

⁹⁶¹ See, Scott Drew Cassie Dumonceaux, “‘All Occurrences within or without the District’: The North-West Mounted Police, the Canadian Government, and the Order of the Midnight Sun’s Plot to Take over the Yukon,” *The Northern Review*, no. 43 (2016): 200.

⁹⁶² For a detailed examination of the significance of the Order of the Midnight Sun in relation not only to the U.S.-Canada boundary dispute but especially in relation to the disjunction between Ottawa and the NWMP in the riverlands, see, “The Conspiracy: The Canadian Response to the Order of the Midnight Sun and the Alaska Boundary Dispute” (M.A. Thesis, University of Saskatchewan, 2013); “‘All Occurrences within or without the District’: The North-West Mounted Police, the Canadian Government, and the Order of the Midnight Sun’s Plot to Take over the Yukon.”

⁹⁶³ See, “‘All Occurrences within or without the District’: The North-West Mounted Police, the Canadian Government, and the Order of the Midnight Sun’s Plot to Take over the Yukon,” 194-95, 97-200.

⁹⁶⁴ See, *ibid.*, 208-10.

⁹⁶⁵ The triple-murder of Alphonse Constantine, Léon Bouthillette, and Guy Beaudoin in the Yukon riverlands in the summer of 1902, allegedly committed by Peter Fournier and Edward Labelle, has extensively been discussed in, Coates and Morrison, *Strange Things Done: Murder in Yukon History*, 30-58.

this point, the Kid West affair had evidently left its mark on the Canadian police. “The present system of aiding you from Ottawa”, noted NWMP comptroller Fred White in a letter to superintendent Zachary Taylor Wood in the Yukon Territory in August 1902, “in the investigation of criminal cases is most unsatisfactory. In the Kid West case the first we heard here was from detective Seeley, then in British Columbia, and much time was lost ascertaining what he was doing and under whose instructions he was working”⁹⁶⁶. Barely concealing his warning about what was at stake in Canada’s informal, transboundary police operations, White went on, “he acted so illegally as to necessitate correspondence with the U.S. Government and the disavowal by the Canadian Government of his actions”⁹⁶⁷. Two days after White had expressed his concerns about investigations conducted by NWMP officers in the United States, even in plain clothes, murder suspect Edward Labelle, a French-Canadian from Quebec, was arrested by NWMP detective W. H. Welsh in Wadesworth, Washoe County, Nevada, ca. 3,000 km away both from Dawson and from Ottawa.⁹⁶⁸ Less than two months after the first of three victims had been washed ashore and found “[...] in a river near Ogilvie”⁹⁶⁹, the two suspects Peter Fournier and Edward Labelle were arrested, either already incarcerated in the Yukon Territory or enroute to Dawson City.⁹⁷⁰

Like John Sarga and Kid West before him, Edward Labelle, too, entered an agreement with the detective of the NWMP, countersigned by the magistrate of Wadesworth, Nevada,

Now therefore the said party of the first part [Edward Labelle] hereby agrees to and with the said party of the second part [W. H. Welsh], that he will peaceably and quietly go to the said City of Dawson with the said party of the second part as his prisoner without any extradition papers, and that he will render himself amenable to the authority of the said party of the second part at all time during the said trip without any extradition papers to be delivered to the legal authorities of the said City of Dawson, to be tried for the said charge of murder. Waiving all his rights to extradition papers between the Government of the United States of America and the British Government.⁹⁷¹

By entering the agreement, Edward Labelle formally declared to voluntarily waive his rights to a formal extradition process between the United States and Canada. The agreement appears as a contract between two private individuals, a gentlemen’s agreement in the manner of speaking. W.

⁹⁶⁶ Letter by NWMP comptroller Fred White to superintendent Zachary Taylor Wood August 30, 1902, in: LAC, RG 18-A-1, Vol. 243, File 31-03.

⁹⁶⁷ Ibid.

⁹⁶⁸ The linear distances are calculated by www.luftlinie.org (last access 10-19-2023): Dawson City, YT, CAN to Washoe County, NV, USA = 2,909.05 km; Washoe County, NV, USA to Ottawa, ON, CAN = 3,566.36 km.

⁹⁶⁹ Copy of telegram by NWMP assistant commissioner Zachary Taylor Wood to Fred White, NWMP comptroller, July 16, 1902, in: LAC, RG 18-A-1, Vol. 243, File 31-03.

⁹⁷⁰ See, Coates and Morrison, *Strange Things Done: Murder in Yukon History*, 43-47.

⁹⁷¹ Agreement between Edward Labelle and W. H. Welsh, annex to the final report of W. H. Welsh, p. 1, in: LAC, RG 18-A-1, Vol. 243, File 31-03.

H. Welsh, factually a representative of the Canadian police who was given specific instruction to locate, identify, and arrest the suspected murderer Edward Labelle in the United States and to transfer the prisoner to the court in Dawson, is not addressed in his official position. Instead, the agreement explicitly registers Edward Labelle to be “[...] a British subject”⁹⁷² as if the determination of nationality would somehow flatten the legal complexities involved in the case. Why, the U.S. magistrate may have wondered, should American officials step up to prevent the extra-legal extradition of a British subject to Dominion territories?

Based on the information presented by the file, it remains uncertain whether the fugitive did, in fact, voluntarily agree to sign the contract with the NWMP detective or whether he was forced to do so.⁹⁷³ On the contrary, the text creates the impression that the signatories “[...] executed the same freely and voluntarily and for the uses and purposes therein mentioned”⁹⁷⁴. However, reports submitted by the detective essentially present a different picture. In one report, Welsh suggests that he put considerable pressure on Labelle to ‘voluntarily’ cooperate, threatening “[...] that I [W. H. Welsh] would take him [Edward Labelle] to Reno, place him in Jail on a fugitive from Justice Warrant and would apply for Papers and would eventually get him”⁹⁷⁵. In another statement submitted to the headquarters of the North-West Mounted Police, Welsh paints a slightly more cooperative picture of the arrest that still contains elements of threat and extortion.

I took him [Edward Labelle] before a Justice of the Peace and Notary Public, and drew up an agreement and he signed it in the presence of the Notary and Mr. Rook, also the Constable of that town, waiving all his rights to Extradition papers, and expressed himself as willing to return to Dawson to be tried for the murder of Bouthillet [Bouthillette], Beaudoin and Constantin [Constantine]. I told him in the presence of those witnesses that he had a right, and could hold me in Wadesworth for three or four weeks if he wished to do so, that I had no right to take him out of the United States without Extradition papers, and that he was entitled to a lawyer if he wished to see one, but that eventually I would get him, and put him in jail there and make application for papers and would take him to Dawson anyway, but he could delay me if he wished to do so. He

⁹⁷² Copy of agreement between Edward Labelle and W. H. Welsh, annex to the final report of W. H. Welsh, p. 1, in: LAC, RG 18-A-1, Vol. 243, File 31-03.

⁹⁷³ In his final report about the transfer of Kid West to British Columbia, though, NWMP detective Seeley admits that the agreement did indeed contain an element of substantial pressure. “It is the intention of the American Officials”, he noted, “to release West, if the material evidence he possesses against O’Brien is truthfully given. Should he fail to do as he has promised, he will be compelled to serve his sentence without credits, and in the most severe Department of the Walla Walla Penitentiary”, in: Report of NWMP detective J. H. Seeley to the Commanding Officer of the NWMP detachment, Major Zachary T. Wood, in the Yukon Territory, March 30, 1901, p. 3, in: LAC, RG 18-A-1, Vol. 253, File 318-03.

⁹⁷⁴ Copy of agreement between Edward Labelle and W. H. Welsh, annex to the final report of W. H. Welsh, p. 2, in: LAC, RG 18-A-1, Vol. 243, File 31-03.

⁹⁷⁵ Copy of final report by W. H. Welsh submitted to Fred White, NWMP comptroller, September 20, 1902, p. 10, in: Ibid.

said, 'I have no desire to cause you any trouble because I know you can take me back. I tried to get away and you caught me.' And agreed to sign the agreement, which he did, waiving all his rights, and allowing me to place leg irons and handcuffs on him, and be my prisoner until he reached Dawson, without giving me any trouble. I, in return, agreeing to deliver him safely to the authorities at Dawson, and defray all expenses.⁹⁷⁶

The triumphalist tone of Welsh's report echoes, in the words of historians Ken S. Coates and William R. Morrison, "the unofficial slogan of the Mounted Police [...]"⁹⁷⁷, that "[...] 'They always get their man', a testament to their persistence, professionalism, and excellent track record"⁹⁷⁸. For Labelle, the Canadian border extended to Nevada. Unlike Arthur Perry in 1898, the currents of the Yukon River could not save him.⁹⁷⁹ Together with his partner Peter Fournier, Labelle was executed on January 20, 1903.⁹⁸⁰

Yet, chasing fugitives across borders did not come cheap. In the end, the Canadian treasury was confronted with costs of almost \$10,000 for the prosecution of Fournier and Labelle.⁹⁸¹ Moreover, the structural conditions of Labelle's arrest appeared to be far from legally and politically sound. In fact, the Canadian police had to tread carefully not to anger U.S. authorities, acknowledging U.S. sovereignty and, in turn, the constraints under which Canadian officials were to operate. The odd arrangement of signing 'voluntary' agreements between private individuals—a practice that could be characterized as *formalized informality*—was practiced as a solution to circumvent the legal and diplomatic shoals of the murky waters that the boundary conflict between the United States and Canada had produced.⁹⁸² It is crucial to note that these agreements claimed what was counterfactual, namely that it was private individuals and not public authorities that were involved. The decision of the U.S. Department of State in the context of the Kid West affair cemented a principle of non-interference. As long as associated or subordinated U.S. authorities did not express their concern, and as long as the extradited person consented to the transfer to Canada voluntarily, the DOS would not pursue action, and the formal extradition process would not be started. The bizarre necessity of signing 'voluntary' agreements between 'private' parties to transfer prisoners

⁹⁷⁶ Letter by W. H. Welsh to Fred White September 6, 1902, p. 1, in: LAC, RG 18-A-1, Vol. 243, File 31-03.

⁹⁷⁷ Coates and Morrison, *Strange Things Done: Murder in Yukon History*, 35.

⁹⁷⁸ *Ibid.*, 35-36.

⁹⁷⁹ See, chapter 9.1 of this dissertation.

⁹⁸⁰ See "Expediated Their Crime, Labelle and Fournier Executed at Dawson for Murder of Their Compatriots", *The Daily World*, Jan. 20, 1903, in: LAC, RG 18-A-1, Vol. 243, File 31-03. See also, Coates and Morrison, *Strange Things Done: Murder in Yukon History*, 56-57.

⁹⁸¹ See, Statement of Expenditures, Ottawa, March 3, 1903, in: LAC, RG 18-A-1, Vol. 243, File 31-03.

⁹⁸² Katherine Untermann discusses cases of what she calls "camouflaged extradition"; cit. in: Untermann, *Uncle Sam's Policemen: The Pursuit of Fugitives across Borders*, 160. Broadly, camouflaged extradition meant a "[...] shift from extradition to deportation [...]" cit. in: *ibid.*, 176. The cases discussed here, however, are different in kind. Here, fugitives are pressed to enter agreements which then allows Canadian officials to circumvent extradition protocols.

from the United States to Canada was rooted in Canada's *inability* of projecting political power.⁹⁸³ Thus, ironically, Welsh's self-confidence speaks as much of the ongoing tensions between the United States and Canada over the colonial administration of the Yukon riverlands as about intensive cooperation between U.S. and Canadian public authorities.

Interpreting the practices of formalized informality in relation to extradition processes in the Yukon riverlands solely as reflections of the contentious geopolitical and diplomatic relationship between the U.S. and Canada leaves open a crucial problem. Why did public authorities decide to render both extradition proceedings and the transfer of prisoners through disputed territories in the form of a voluntary agreement, a contract, between private parties? With other words, how do practices of formalized informality relate to the articulation of a particular form of social relation: the contract? Furthermore, how do notions of contractual social relationships then relate to projects of settler colonial capitalism?

10.2 Contractual Reason

To grasp the significance of what I call contractual reason in imperial state formation in the Yukon riverlands at the turn of the 19th century, I propose an unorthodox approach: to shift attention to 17th century British political theory, particularly to the writings of John Locke with his interest in the relationship between law and colonization, the state and economics. That said, I do not want to suggest any direct conceptual relationship between John Locke and, say, police officers such as W. H. Welsh who lived ca. 200 years later.⁹⁸⁴ Rather, I argue that a Lockean notion of the relationship between property, law, and the state helps explain the focus of Euro-American societies to establish the rule of law as the foundational principle of settler colonial capitalism, an expansive process transforming social into legal relations based ostensibly on consensus and mutual reciprocity when it, in fact, cements particular configurations of power.⁹⁸⁵



⁹⁸³ I am presenting a slightly different interpretation of the Fournier-Labelle case than the argument that Ken S. Coates and William R. Morrison have pursued emphasizing the ingenuity of the NWMP's investigations and the success of the NWMP in neutralizing threats to Canadian sovereignty in the riverlands; see, Coates and Morrison, *Strange Things Done: Murder in Yukon History*, 58.

⁹⁸⁴ There is a strong and extremely problematic tendency to associate 17th century British political theorists, particularly John Locke, with the formation of 19th century Imperialism as David Armitage has rightfully criticized; see, David Armitage, "John Locke: Theorist of Empire?," in *Empire and Modern Political Thought*, ed. Sankar Muthu (Cambridge; New York; Melbourne; Madrid; Cape Town; Singapore; Sao Paulo: Cambridge University Press, 2012), 84-93. For reasons that will become more apparent below, I do not claim Lockean notions to needlessly align with 19th century practices and models of imperial state formation; what I do claim, however, is that an analysis of Locke's understanding of the foundation of civil society and its relationship both to property and the law helps to develop the concept of contractual reason underlying practices of modern statecrafting.

⁹⁸⁵ See, e.g., Daniel Loick, *Juridismus: Konturen Einer Kritischen Theorie Des Rechts* (Berlin: Suhrkamp Verlag, 2017), 39-47.

For the 17th century English philosopher Thomas Hobbes, the contractual bond between individuals represents both the juridical and the ontological basis for the creation of a civil, authoritative form of government. “This is more than Consent, or Concord”, notes Hobbes in a famous passage in his 1651 *Leviathan, or the Matter, Forme, and Power of a Commonwealth Ecclesiastically and Civill*, “it is a reall Unitie of them [the individuals] all, in one and the same Person, made by Covenant of every man with every man, in such manner, as if every man should say to every man, *I Authorise and give up my Right of Governing my selfe, to this Man, or this Assembly of men, on this condition, that thou give up thy Right to him, and Authorise all his Actions in like manner*”⁹⁸⁶. The result of this primordial contract, “[...] the Multitude so united in one Person, is called a COMMON-WEALTH, in latine CIVITAS”⁹⁸⁷. According to Hobbes, the creation of the *civitas* or civil society⁹⁸⁸ results from “[...] men’s natural state, before they came together into society, [that] was War; and not simply war, but a war of every man against every man”⁹⁸⁹. “Yet a war which cannot be brought to an end by victory because of the equality of the contestants”, writes Hobbes, “is by nature perpetual; for the victors themselves are so constantly threatened by danger that it must be regarded as a miracle if even the strongest survives to die of years and old age”⁹⁹⁰. In this situation of endless violence and war, concludes the English philosopher, “[...] we are driven by mutual fear to believe that we must emerge from such a state and seek allies [*socii*]; so that if we must have war, it will not be a *war* against all men without aid”⁹⁹¹.

As Charles W. Mills reminds us, however, it is “[...] a nonwhite people, indeed the very nonwhite people upon whose land his [Hobbes’s] fellow Europeans were then encroaching, [who serve as] [...] his only real-life example of people in a state of nature”⁹⁹². The ‘New World’, America, serves as the primary example of both the factual existence and the persistence of his notion of the state of nature, “[...] the life of man, solitary, poore, nasty, brutish, and short”⁹⁹³.

⁹⁸⁶ Thomas Hobbes, “Leviathan, or the Matter, Forme, and Power of a Commonwealth Ecclesiastical and Civill,” in *Hobbes: Leviathan*, ed. Richard Tuck, *Cambridge Texts in the History of Political Thought* (Cambridge; New York; Melbourne; Madrid; Cape Town; Singapore; Sao Paulo: Cambridge University Press, 2011), 120, *emph. in original*.

⁹⁸⁷ *Ibid.*

⁹⁸⁸ In his previous treatise *De Cive*, published in 1647, Hobbes uses the terms *civitas*, *societas civilis*, and *persona civilis* interchangeably when characterizing the particularity of the social bond resulting from the primordial contract, see, Thomas Hobbes, “De Cive: On the Citizen,” in *Hobbes: On the Citizen*, ed. Richard Tuck and Michael Silverthorne, *Cambridge Texts in the History of Political Thought* (Cambridge; New York; Melbourne; Madrid; Cape Town; Singapore; Sao Paulo: Cambridge University Press, 2016), 73.

⁹⁸⁹ *Ibid.*, 29.

⁹⁹⁰ *Ibid.*, 30.

⁹⁹¹ *Ibid.*, 30, *emph. in original*.

⁹⁹² Charles W. Mills, *The Racial Contract, 25th Anniversary Edition* (Ithaca; London: Cornell University Press, 2022), 65.

⁹⁹³ Hobbes, “Leviathan, or the Matter, Forme, and Power of a Commonwealth Ecclesiastical and Civill,” 89.

For the savage people in many places of *America*, except the government of small Families, the concord whereof dependeth on natural lust, have no government at all; and live at this day in that brutish manner, as I said before.⁹⁹⁴

Yet, Hobbes' theory of the original contract underlying all forms of civil government and upending the state of nature raises a series of questions.⁹⁹⁵ What, for instance, is the normative, ontological basis of the primordial contact? How are we to determine the exact point at which a state of nature is being transcended, and why?⁹⁹⁶ Later in the 17th century, John Locke, himself an investor in the transatlantic slave trade, approached these questions from a slightly different theoretical perspective. What makes Locke's works relevant to this study is that he provided a detailed theoretical examination of the relationship not simply between the states of nature and civilization but also between law and labor, civilization and conquest, money and subsistence.

At first, Locke's notion of civil society looks remarkably similar to what Hobbes suggested earlier. He, too, seems to suggest a linear evolution from the state of nature to a civil society; he, too, seems to attribute the emergence of civilization exclusively to European societies.⁹⁹⁷ However, Locke's notion of the state of nature does not depict human beings as existing in a state of non-existent normativity. Rather, he characterizes the state of nature as "[...] a *State of Perfect Freedom* to order their [i.e., Men's] Actions, and dispose of their Possessions, and Persons as they think fit, within

⁹⁹⁴ Ibid., 89, emph. in original.

⁹⁹⁵ For additional information about Hobbes' notions of civil society and Hobbesian influences on the emergence of Euro-American political thought, see, e.g., Quentin Skinner, *Visions of Politics, Volume 3: Hobbes and Civil Science* (Cambridge; New York; Melbourne; Madrid; Cape Town; Singapore; Sao Paulo: Cambridge University Press, 2004); R. W. Serjeantson, "Hobbes, the Universities, and the History of Philosophy," in *The Philosopher in Early Modern Europe: The Nature of a Contested Identity*, ed. Conal Condren, Stephen Gaukroger, and Ian Hunter, *Ideas in Contexts* (Cambridge; New York; Melbourne; Madrid; Cape Town; Singapore; Sao Paulo: Cambridge University Press, 2009); Quentin Skinner, *Reason and Rhetoric in the Philosophy of Hobbes* (Cambridge; New York; Melbourne; Madrid; Cape Town; Singapore; Sao Paulo: Cambridge University Press, 2009); David Armitage, "Hobbes and the Foundation of International Thought," in *Rethinking the Foundations of Modern Political Thought*, ed. Annabel Brett, James Tully, and Holly Hamilton-Bleakly (Cambridge; New York; Melbourne; Madrid; Cape Town; Singapore; Sao Paulo: Cambridge University Press, 2010); Quentin Skinner, "The Sovereign State: A Genealogy," in *Sovereignty in Fragments: The Past, Present, and Future of a Contested Concept*, ed. Hent Kalmo and Quentin Skinner (Cambridge; New York; Melbourne; Madrid; Cape Town; Singapore; Sao Paulo: Cambridge University Press, 2010); Richard Tuck, "Hobbes and Democracy," in *Rethinking the Foundations of Modern Political Thought*, ed. Annabel Brett, James Tully, and Holly Hamilton-Bleakly (Cambridge; New York; Melbourne; Madrid; Cape Town; Singapore; Sao Paulo: Cambridge University Press, 2010).

⁹⁹⁶ Thomas Hobbes' notions of the state of nature and of *societas civilis* were particularly influential to Georg Wilhelm Friedrich Hegel vehemently rejecting both the historical and the ontological schema of Hobbes' works; for a discussion of Hobbes' influence to the Hegel's political thought and for a brilliant development of the questions/problems above, see Honneth, *Kampf Um Anerkennung: Zur Moralischen Grammatik Sozialer Konflikte*, 16-47.

⁹⁹⁷ See, e.g., James Tully, *An Approach to Political Philosophy: Locke in Contexts* (Cambridge; New York; Melbourne; Madrid; Cape Town; Singapore; Sao Paulo: Cambridge University Press, 2009), esp. ch. 5; Nikita Dhawan, "Die Aufklärung Vor Den Europäer*Innen Retten," in *Normative Ordnungen*, ed. Rainer Forst and Klaus Günther (Berlin: Suhrkamp Verlag, 2021), 195-98; Mills, *The Racial Contract, 25th Anniversary Edition*, 31-34, 49-50, 59-62.

the bounds of the Law of Nature [...]”⁹⁹⁸. The state of nature is “[a] *State also of Equality*, wherein all the Power and Jurisdiction is reciprocal, no one having more than another [...]”⁹⁹⁹. This is crucial. Obviously, social as well as normative relations are existent within the state of nature. It is a state of radical equality in which “[...] no one [is] having more than another [...]”¹⁰⁰⁰.

The normative quality of the state of nature becomes apparent once it falls apart. Under the condition of principal equality and “[...] *the Fundamental Law of Nature, Man being to be preserved* [...]”¹⁰⁰¹, what happens if someone “[...] threatens me with Destruction”¹⁰⁰²? Humans living in the state of nature may indeed fight each other—modifying the quote above: to have more than the other.¹⁰⁰³ In contrast to Thomas Hobbes’ “[...] warre, as is of every man, against every man”¹⁰⁰⁴, John Locke does not conceive of the state of nature as a *principally* violent and *necessarily* individualist state of existence. From Locke’s perspective, the question of the potentially violent character of the state of nature related someplace else than to Hobbes’ fundamentally anti-social anthropology. After all, which institution or what kind of entity could possibly broker a peace deal between hostiles under the aforementioned condition of principal equality? Locke reasons, “[...] in the State of Nature, for want of positive Laws, and Judges with Authority to appeal to, *the State of War once begun, continues*, with a right to the innocent Party, to destroy the other whenever he can, until the aggressor offers Peace, and desires reconciliation on such Terms, as may repair any wrongs he has already done [...]”¹⁰⁰⁵. “To avoid this State of War”, Locke concludes, “(wherein there is no appeal but to Heaven, and wherein every the least difference is apt to end, where there is no authority to decide the Contenders) is one great *reason of Mens putting themselves into Society*, and quitting the State of Nature”¹⁰⁰⁶.

Crucially, the state of war, defined by Locke as “[...] Force without Right, upon a Man’s Person [...]”, has implications to property as well. Indeed, Locke considers “[...] it Lawful for a Man to kill a Thief, who has not in the least hurt him, nor declared any design upon his Life, any farther

⁹⁹⁸ John Locke, “Two Treatises of Government,” in *Locke: Two Treatises of Government*, ed. Peter Laslett, *Cambridge Texts in the History of Political Thought* (Cambridge; New York; Melbourne; Madrid; Cape Town; Singapore; Sao Paulo: Cambridge University Press, 2013), 269, II § 4, *emph. in original*.

⁹⁹⁹ *Ibid.*

¹⁰⁰⁰ *Ibid.*

¹⁰⁰¹ *Ibid.*, 278-79, II § 16, *emph. in original*.

¹⁰⁰² *Ibid.*, 278, II § 16.

¹⁰⁰³ Locke’s understanding of the relationship between natural law, the state of nature, and the state of war also heavily affects his theoretical considerations about slavery. Since slavery is characterized as a “[...] *State of War continued, between a lawful Conquerour, and a Captive*”, Locke ultimately provides justification for the establishment of the transatlantic slave trade and the organization of the plantation economies that he himself invested in; *cit. in: ibid.*, 284, II § 24, *emph. in original*.

¹⁰⁰⁴ Hobbes, “Leviathan, or the Matter, Forme, and Power of a Commonwealth Ecclesiastical and Civill,” 88.

¹⁰⁰⁵ Locke, “Two Treatises of Government,” 281, II § 20, *emph. in original*.

¹⁰⁰⁶ *Ibid.*, 282, II § 21, *emph. in original*.

then by the use of Force, so to get him in his Power, as to take away his Money, or what he pleases from him [...]”. Effectively, civil society emerges not only as a means “[...] to avoid, and remedy those inconveniences of the State of Nature, which necessarily follow from every Man’s being Judge in his own case [...]”¹⁰⁰⁷. “The great and *chief end* [...], of Mens uniting into Commonwealths [...]”, notes Locke, “[...] *is the Preservation of their Property*”¹⁰⁰⁸ through the establishment of law, relatively independent judges, and executive authorities.¹⁰⁰⁹ Put another way, “[...] no Political Society can be, nor subsist without having in it self the Power to preserve the Property, and in order thereunto punish the Offences of all those of that Society [...]”¹⁰¹⁰. A political or civil society, a commonwealth, is thus defined as,

Those who are united into one Body, and have a common establish’d Law and Judicature to appeal to, with Authority to decide Controversies between them, and punish Offenders [...]; but those who have not such common Appeal, I mean on Earth, are still in the State of Nature, each being, where there is no other, Judge for himself, and Executioner [...].¹⁰¹¹

Like Thomas Hobbes before him, John Locke adheres to the role of the contract in the foundation of a commonwealth arguing that “the only way whereby any one devests himself of his Natural Liberty, and *puts on the bonds of Civil Society* is by agreeing with other Men to joyn and unite into a Community, for their comfortable, safe, and peaceable living one amongst another, in a secure Enjoyment of their Properties, and a greater Security against any that are not of it”¹⁰¹². This contract “[...] *to make one Community* or Government [...], and make *one Body Politick*, wherein the *Majority* have a Right to act and conclude the rest”¹⁰¹³, Locke thought to be necessarily consensual. Without consensual agreement, the “[...] *original Comapct*, whereby he [i.e., Man] with others incorporates into *one Society*, would signifie nothing, and be no Compact, if he be left free, and under no other ties, than he was in before in the State of Nature”¹⁰¹⁴.

For Locke, the emergence of political society is constituted by contractual bonds between individuals for the purpose of preserving property. “So part of the point of brining society into existence, with its laws and its enforcers of law”, writes Charles W. Mills comparing Hobbes’ and Locke’s diverging notions of the state of nature, “is to protect what you have accumulated”¹⁰¹⁵. Himself an investor in and administrator of the transatlantic slave trade, Locke was keenly aware

¹⁰⁰⁷ Ibid., 320, II § 90.

¹⁰⁰⁸ Ibid., 350-51, II § 124, *emph. in original*.

¹⁰⁰⁹ See, *ibid.*, 351-52, II §§ 124-26.

¹⁰¹⁰ Ibid., 324, II § 87.

¹⁰¹¹ Ibid., 324, II § 87, *emph. AMW*.

¹⁰¹² Ibid., 330-31, II § 95, *emph. in original*.

¹⁰¹³ Ibid., 331, II § 95, *emph. in original*.

¹⁰¹⁴ Ibid., 352, II § 95, *emph. in original*.

¹⁰¹⁵ Mills, *The Racial Contract, 25th Anniversary Edition*, 32.

of the existence of non-European societies.¹⁰¹⁶ Like More¹⁰¹⁷ before him who argued that, “for they [the Utopians] count this the most just cause of war, when any people holdeth a piece of ground void and vacant to no good nor profitable use, keeping others from the use and possession of it which notwithstanding by the law of nature ought thereof to be nourished and relieved”¹⁰¹⁸, Locke writes that since “God gave the World to Men in Common”¹⁰¹⁹, “He [i.e., God] gave it to the use of the Industrious and Rational, (and *Labour* was to be *his Title* to it;) not to the Fancy or Covetousness of the Quarrelsome and Contentious”¹⁰²⁰. “The *labour*”, notes Locke, “that was mine, removing them [i.e., resources and goods] out of that common state they were in, hath *fixed* my *Property* in them”¹⁰²¹.¹⁰²²

Through labor, land and goods such as apples or wheat are transformed into property, “for ‘tis *Labour* indeed that *puts the difference of value* on every thing [...]”¹⁰²³, at first for reasons of subsistence and after the “[...] *Invention of Money* [...] to continue and enlarge [...]”¹⁰²⁴ for expanding individual land holdings and estates.¹⁰²⁵ Both the emergence of property relations and the “[...] tacit

¹⁰¹⁶ See, Tully, *An Approach to Political Philosophy: Locke in Contexts*, 151; Paul Corcoran, “John Locke on Native Right, Colonial Possession, and the Concept of *Vacuum Domicilium*,” *The European Legacy: Toward New Paradigms* 23, no. 3 (2018): 233-35.

¹⁰¹⁷ Thomas Hobbes, too, has argued similarly that “[...] for such as have strong bodies, the case is otherwise: they are to be forced to work; and to avoid the excuse of not finding employment, there ought to be such Lawes, as may encourage all manner of Arts; as Navigation, Agriculture, Fishing, and all manner of Manufacture that requires labour. *The multitude of poor, yet strong people still encreasing, they are to be transplanted into Countries not sufficiently inhabited; where nevertheless, they are not to exterminate those they find there; but constrain them to inhabit closer together, and not range a great deal of ground, to snatch what they find; but to court each little Plot with art and labour, to give them their sustenance in due season.* And when all the world is overcharged with Inhabitants, then the last remedy of all is Warre; which provideth for every man, by Victory, or Death”, in: Hobbes, “Leviathan, or the Matter, Forme, and Power of a Commonwealth Ecclesiastical and Civil,” 239, emph. AMW. That notions of property possession through cultivation was likely fairly widespread in 16th and 17th century England is illustrated, too, by Stuart Elden’s discussion of William Shakespeare’s *The Tempest*, see Elden, *Shakespearean Territories*, 136-42.

¹⁰¹⁸ Thomas More, “Utopia,” in *Three Early Modern Utopias: Utopia, New Atlantis, and the Isle of Pines*, ed. Susan Bruce (Oxford; New York: Oxford University Press, 2008), 63.

¹⁰¹⁹ Locke, “Two Treatises of Government,” 291, II § 34.

¹⁰²⁰ Ibid., 291, II § 34, emph. in original.

¹⁰²¹ Ibid., 289, II § 28, emph. in original.

¹⁰²² David Armitage makes the interesting observation that Locke’s theory of labor underlying his argument about colonization and dispossession was drafted with implications to British society as well. “Such encouragement of industry”, writes Armitage, “was for Locke a matter of equal importance at home in Britain and across the Atlantic in America. Labor, he wrote in an essay on the English poor law for the Board of Trade in 1697, was ‘the burden that lies on the industrious’. Genuine relief for the poor ‘consists of finding work for them, and taking care that they do not live like drones upon the labor of others’”, cit. in: Armitage, “John Locke: Theorist of Empire?,” 107-08. For an analysis that interprets Locke in context of his contemporaries, see especially, James Tully, *A Discourse on Property: John Locke and His Adversaries* (Cambridge; New York; Melbourne; Madrid; Cape Town; Singapore; Sao Paulo: Cambridge University Press, 2009).

¹⁰²³ Locke, “Two Treatises of Government,” 296, II § 40, emph. in original.

¹⁰²⁴ Ibid., 301, II § 48, emph. in original.

¹⁰²⁵ Christoph Menke discusses Locke’s theory of property in relation to the formation of the modern, bourgeois understanding of property relations and the mode in which property relates to the foundations of modern Law with its distinction between ‘rights’ and ‘law’. According to Menke, Locke’s theory of property is based on a distinction between two types of property relations, “[...] das *Eigentum vor dem Eigentum*. Vor dem Eigentumsrecht, dem privaten oder ausschließlichen Entscheidungsrecht gegenüber jedem anderen – das es nur in einer gesellschaftlichen Ordnung

Agreement of Men to put a value on it, introduced (*by Consent*) larger Possessions, and a Right to them”¹⁰²⁶—and, necessarily, civil society to secure the stability of the social relations resulting from the combination of land, labor, the accumulation of money, and the expansion of landed possessions.

What is easily missed is that Locke introduces a specific criterion to distinguish between social configurations of property relations in the state of nature and in the state of civil or political society: *subsistence, or rather: need-based economy*. In only a short passage of § 32 of the *Second Treatise*, Locke notes,

“*As much Land as a Man Tills, Plants, Improves, Cultivates, and can use the Product of, so much is his Property. He by his Labour does, as it were, inclose it from the Common.*”¹⁰²⁷

It is through the introduction of money¹⁰²⁸ and the stabilization of socio-economic inequalities through the imposition of a legal and institutional framework presented as “[...] a tacit and voluntary consent [...]”¹⁰²⁹ that “[...] a man fairly possess more land that he can use the product of [i.e., subsistence] [...]”¹⁰³⁰. The production of “[...] overplus [...]”¹⁰³¹, explains Locke, can be reinvested into further expanding already existing estates or it “[...] may be hoarded up without injury to any one [...]”¹⁰³². Money allows for the expansion of familial estates (forms of communal property) beyond the limitations set by the natural law of subsistence. Moreover, “[t]his partage of things, in an inequality of private possessions, men have made practicable out of the bonds of Societie, and without compact, only by putting a value on gold and silver and tacitly agreeing in the use of Money”¹⁰³³. “For in Governments”, Locke goes on, “the Laws regulate the right of property, and the possession of land is determined by positive constitutions”¹⁰³⁴. However, it is crucial to note that while money is a necessary precondition for the emergence of civil society, it is not its determinative foundation. As will briefly be discussed below, an absolutist monarchy such as 17th century, mercantilist France is indeed based on the availability of money; and yet, Locke refuses to characterize an absolutist monarchy as a civil society.¹⁰³⁵

geben kann –, muss es ein Eigentum von Natur aus gegeben haben, das zum ‘Wesen des Menschen’ gehört. Der Schritt vom traditionellen zum bürgerlichen Eigentumsbegriff besteht in der These, dass es *ohne* (natürliches) Eigentum *vor* dem (rechtlichen) Eigentum *gar kein* Eigentum geben kann – dass das rechtliche Eigentum das natürliche zur Grundlage hat”, cit. in: Menke, *Kritik Der Rechte*, 210-11, emph. in original.

¹⁰²⁶ Locke, "Two Treatises of Government," 293, II § 36, emph. AMW.

¹⁰²⁷ Ibid., 290-91, II § 32, emph. in original.

¹⁰²⁸ See, Mills, *The Racial Contract, 25th Anniversary Edition*, 67.

¹⁰²⁹ Locke, "Two Treatises of Government," 302, II § 50.

¹⁰³⁰ Ibid.

¹⁰³¹ Ibid.

¹⁰³² Ibid.

¹⁰³³ Ibid.

¹⁰³⁴ Ibid.

¹⁰³⁵ See, *ibid.*, 326-30, II §§ 90-94.

From Locke's perspective, the establishment of colonies goes hand in hand with the development of a specific socio-economic constellation based on contractual bonds between individuals, social institutions such as money, the emergence both of socio-economic inequalities, and a state under the rule of law. For Locke, the dispossession of Indigenous nations in North America is legitimate *not* because of the alleged 'inferiority' of Indigenous modes of political existence—rather the contrary,¹⁰³⁶

He that will impartially survey the Nations of the World, will find so much of their Governments, Religions, and Manners brought in and continued amongst them by these means, that he will have but little Reverence for the Practices which are in use and credit amongst Men, and will have Reason to think, that the Woods and Forests, where the irrational untaught Inhabitants keep right by following Nature, are fitter to give use Rules, than Cities and Palaces, where those that call themselves Civil and Rational, go out of their way, be the Authority of Example.¹⁰³⁷

The dispossession of the "[...] several Nations of the *Americans* [...]"¹⁰³⁸ was also not legitimized by an argument of conquest, because, as Locke explains, "the *power a Conquerour gets* over those he overcomes [even] *in a Just War, is perfectly Despotical*: he has an absolute power over the Lives of those, who by putting themselves in a State of War, have forfeited them; but he has not thereby a Right and Title to their Possessions"¹⁰³⁹. With other words, "[t]he *right then of Conquest extends only to the Lives* of those who'd joyn'd in the War, *not to their Estates*, but only in order to make reparation for the damages received [...]"¹⁰⁴⁰.¹⁰⁴¹ Furthermore, the conqueror was granted "[...] no *right* to seize more than the vanquished could forfeit [...]"¹⁰⁴². Likewise, "[...] he that *Conquers in an unjust War, can thereby have no Title to the Subjection and Obedience of the Conquered*"¹⁰⁴³. If it were not for reasons of rational 'inferiority' and conquest, what then allowed for the dispossession of Indigenous lands and the constitution of settler colonies?

In the *Second Treatise of Government*, Locke retreats to the "[...] agriculturalist argument [...]"¹⁰⁴⁴, "[...] the best justification that could be given for dispossession after arguments from conquest and from religion had been gradually abandoned"¹⁰⁴⁵. Indigenous societies are pictured as "[...]

¹⁰³⁶ See, Anthony Pagden, *European Encounters with the New World: From Renaissance to Romanticism* (New Haven; London: Yale University Press, 1993), 126-31; Armitage, "John Locke: Theorist of Empire?", 95-98.

¹⁰³⁷ Locke, "Two Treatises of Government," 183, I § 58.

¹⁰³⁸ Ibid., 296, II § 41, *emph. in original*.

¹⁰³⁹ Ibid., 388, II § 180, *emph. in original*.

¹⁰⁴⁰ Ibid., 390, II § 182, *emph. in original*.

¹⁰⁴¹ This is, as David Armitage argued, consistent with Locke's position in the *Fundamental Constitutions of Carolina*; see, Armitage, "John Locke: Theorist of Empire?", 105-06. See also, Corcoran, "John Locke on Native Right, Colonial Possession, and the Concept of *Vacuum Domicilium*," 227-29.

¹⁰⁴² Locke, "Two Treatises of Government," 390, II § 183, *emph. in original*.

¹⁰⁴³ Ibid., 386, II § 176, *emph. in original*.

¹⁰⁴⁴ Armitage, "John Locke: Theorist of Empire?", 106.

¹⁰⁴⁵ "John Locke, Carolina, and the *Two Treatises of Government*," *Political Theory* 32, no. 5 (2004): 618.

rich in Land, and poor in all the Comforts of Life [...]”, lacking the diligence to properly cultivate their lands and thereby transform them into an expansive form of property: property for profit. Because of their lack of expansive property relations, Indigenous societies do not represent *civil* societies.

For I aske whether in the wild woods and uncultivated wast of America left to Nature, without any improvement, tillage or husbandry, a thousand acres will yield the needy and wretched inhabitants as many conveniences of life as ten acres of equally fertile land doe in Devonshire where they are well cultivated?¹⁰⁴⁶

Given that European conquerors appropriated essentially unoccupied lands for the “[...] improvement of Pasturage, Tillage, and Planting [...]”¹⁰⁴⁷, they were—conveniently—not conquering at all. Equipped with what Carole Pateman called, “the right of husbandry [...]”¹⁰⁴⁸, Europeans were merely carrying out the divine mandate.¹⁰⁴⁹

Locke stresses the prevalence of subsistence-oriented property relations in Indigenous societies. He writes, “[t]hus this Law of reason makes the Deer, that *Indian*’s who hath killed it; ‘tis allowed to be his goods who hath bestowed his labour upon it, though before, it was the common right of every one”¹⁰⁵⁰. Locke’s devaluation of modes of Indigenous political existence is based on his claim that in North America, “[...] the Inhabitants were too few for the Country, and want of People and Money gave no Temptation to enlarge their [Indigenous nations] Possessions of Land [...]”¹⁰⁵¹. Indeed, as Locke admits, “[...] a *Swiss* and an *Indian*, in the Woods of *America* [...]” can negotiate contracts that “[...] are binding to them, though they are perfectly in a State of Nature, in reference to one another [i.e., because they do not belong to the same ‘commonwealth’]”¹⁰⁵². Yet, because of the lack of expansive, profit-oriented property relations, Indigenous modes of political existence are not, as Locke suggests, based on an original contract establishing a state under the rule of law.¹⁰⁵³ Instead, hierarchical relations prevail. Indigenous leaders, Locke explains, “[...] are little

¹⁰⁴⁶ Locke, "Two Treatises of Government," 294, II § 37.

¹⁰⁴⁷ Ibid., 297, II § 42.

¹⁰⁴⁸ Carole Pateman, "The Settler Contract," in *Contract and Domination*, ed. Carole Pateman and Charles W. Mills (Cambridge; Malden, MA.: Polity Press, 2007), 50.

¹⁰⁴⁹ See, Armitage, "John Locke: Theorist of Empire?," 106-07. For an opposing view, see, Corcoran, "John Locke on Native Right, Colonial Possession, and the Concept of *Vacuum Domicilium*," 230-32.

¹⁰⁵⁰ Locke, "Two Treatises of Government," 289, II § 30, *emph. in original*.

¹⁰⁵¹ Ibid., 339, II § 108.

¹⁰⁵² Ibid., 277, II § 14, *emph. in original*.

¹⁰⁵³ See, Tully, *An Approach to Political Philosophy: Locke in Contexts*, 150-53; Allan Greer, *Property and Dispossession: Natives, Empires, and Land in Early Modern North America* (Cambridge; New York; Melbourne; Madrid; Cape Town; Singapore; Sao Paulo: Cambridge University Press, 2018), 243-47. Allan Greer actually represents a good example for the challenges encountered when interpreting John Locke’s work. Greer argues that “[...] there would be little empirical support for Locke’s notion that particular commons somehow require the prior existence of ‘government’, ‘law’, and ‘money’ in forms that would be recognizable as such by a European observer. Contemporary research has shown that

more than *Generals of their Armies* [...]”¹⁰⁵⁴ holding only “[...] a very moderate Sovereignty [...]”¹⁰⁵⁵.¹⁰⁵⁶

For Locke, modes of Indigenous political existence are characterized as pre-political and non-legal forms of social organization, tied to natural rather than civil law.¹⁰⁵⁷ In this respect, they appear to be not at all dissimilar to European systems of rule which Locke fiercely criticized. He vehemently argues, “[...] that *Absolute Monarchy*, which by some Men is counted the only Government in the World, is indeed *inconsistent with Civil Society*, and so can be no Form of Civil Government at all”¹⁰⁵⁸, because it lacks “[...] setting up a known Authority, to which every one of that Society may Appeal upon an Injury received, or Controversie that may arise, and which every one of the Society ought to obey [...]”¹⁰⁵⁹. A political and legal society, a civil society, cannot “[...] be *founded* on any thing but *the Consent of the People* [...]”¹⁰⁶⁰; a tyranny, on the other hand, “[...] is *the exercise of Power beyond*

common property does not necessarily depend on legal formalities, but is more typically an organic aspect of fishing, hunting, grazing, or wood-cutting communities: a matter of local custom rather than law. That common property of this sort might be found in pre-Columbian North America, might even have been the norm, is a possibility that John Locke never entertained”, cit. in: *ibid.*, 247-48. The only problem is that Locke was much more familiar with the ‘empirical’ situation in North America than some, like Allan Greer would like to admit. Locke notes, for instance, about ‘the nature of money’, “[f]or as to Money, and such Riches have but a Phantastical imaginary value: Nature has put no such upon them: They are of no more account by her standard, than the Wampompeke of the *Americans* to an *European* Prince, or the Silver Money of *Europe* would have been formerly to an *American*”, cit. in: Locke, “Two Treatises of Government,” 391, II § 184, *emph. in original*. Thus, he did indeed ‘entertain the possibility’ that social institutions such as money may not be mutually recognizable. Furthermore, there is a considerable tension between what Locke is assumed to have written (the content of his works) and his biography which then leads to a nagging question, “[w]hat remains to be considered is why Locke, after attaining a broad literacy in the cultures of non-European peoples and years of exposure to the diverse and ambiguous property relations of several English colonies, would *write*, in 1682, and *publish*, in 1689–90, Chapter 5 as an ‘agriculturist’ argument to legitimate England’s numerous colonial enterprises, based on assumptions about the cultures and political organization of Amerindian ‘savage’ nations that he knew to be empirically false”, cit. in: Corcoran, “John Locke on Native Right, Colonial Possession, and the Concept of *Vacuum Domicilium*,” 231, *emph. in original*.

¹⁰⁵⁴ Locke, “Two Treatises of Government,” 339, II § 108, *emph. in original*.

¹⁰⁵⁵ *Ibid.*, 340, II § 108.

¹⁰⁵⁶ In a later passage, Locke characterizes modes of Indigenous existence in pre-Colombian America in the following terms: “And if *Josephus Acosta’s* word may be taken, he tells us, that in many parts of *America* there was no Government at all. *There are great and apparent Conjectures*, says he, *that these Men*, speaking of those of Peru, *for a long time had neither Kings nor Common-wealths, but lived in Troops, as they do this day in Florida, the Cheriquanas, those of Bresil, and many other Nations, which have no certain Kings, but as occasion is offered in Peace or War, they choose their captains as they please* [...]. If it be said, that every Man there was born subject to his Farther, or the head of his Family”, in: *ibid.*, 335, II § 102, *emph. in original*. The italics mark a citation from José de Acosta’s 1590 *The Naturall and Morall Historie of the Indies*; see also, Pagden, *European Encounters with the New World: From Renaissance to Romanticism*, 54-56. It is noteworthy, though, that by citing Acosta, Locke implicitly distances himself from Acosta’s description.

¹⁰⁵⁷ It is important to note that, at this point, my interpretation diverges from, for instance, Charles W. Mills’ who note that, “[i]n the white settler state, its [i.e., the state of nature’s] role is not primarily to demarcate the (temporarily) prepolitical state of ‘all’ men (who are really white men), but rather the permanently prepolitical state, or perhaps better, nonpolitical state (insofar as ‘pre-’ suggests eventual internal movement toward) of nonwhite men”, cit. in: Mills, *The Racial Contract, 25th Anniversary Edition*, 13, *emph. in original*. While I do generally concur with Mills’ observation, I do hope to have presented a reading of John Locke’s theorization of property and contractual relations that highlight the complexities inherent to Locke’s works.

¹⁰⁵⁸ Locke, “Two Treatises of Government,” 326, II § 90, *emph. in original*.

¹⁰⁵⁹ *Ibid.*, 326, II § 90.

¹⁰⁶⁰ *Ibid.*, 384, § 175, *emph. in original*.

Right [...]”¹⁰⁶¹ which means that it is “[...] the use of the Power any one has in his hands; not for the good of those who are under it, but for his own private separate Advantage”¹⁰⁶².

For ‘tis not every Compact that puts an end to the State of Nature between Men, but only this one of agreeing together mutually to enter into one Community, and make one Body Politick; other Promises and Compacts, Men may make one with another, and yet still be in the State of Nature.¹⁰⁶³

Thus, as indicated above, money is a prerequisite, yet not the *qualitative* foundation of a civil, i.e., political and legal society. Consistent with this logic, Locke objects to the notion of the family as a political unit (against Aristotelian political theory) while still holding on to the idea of the family as a pre-political, social form of organization.¹⁰⁶⁴ Like the absolutist monarchy, the paternal family lacks the establishment of an institutional framework (through contract) independent of the authority of the *pater familias* to mediate social conflicts: courts and magistrates.¹⁰⁶⁵ Besides—and often overlooked—, Locke was aware of the predominance of matrilineal forms of social organization in pre-Columbian “[...] *America* where when the Husband and Wife part, which happens frequently, the Children are all left to the Mother, follow her, and are wholly under her Care and Provision”¹⁰⁶⁶.



The contract, a consensual relationship between individuals, sits at the center of civil society with its decidedly extractive, profit-oriented mode of economic exploitation. Civil society emerges from a state of nature that, at least in the case of John Locke, is not anti-social but pre-political and non-

¹⁰⁶¹ Ibid., 398, II § 199, *emph. in original*.

¹⁰⁶² Ibid., 398-40, II § 199.

¹⁰⁶³ Ibid., 276-77, II § 14.

¹⁰⁶⁴ See, *ibid.*, 323, II § 86.

¹⁰⁶⁵ See, *ibid.*, 323-25, II §§ 87-89. In the context of his arguments about conquest, Locke explicitly names the needs of families’ subsistence as a reason to limit the conqueror’s possibilities of acquiring land title. As significant nuclei of pre-political social organization, families are indeed entitled to ‘communal’ tracts of land to secure their continued existence. “The Conqueror has Title to Reparation for Damages received, and the Children have a Title to their Father’s Estate for their Subsistence”, in: *ibid.*, 391, II § 183.

¹⁰⁶⁶ See, *ibid.*, 310, II § 65, *emph. in original*. See also, Armitage, “John Locke: Theorist of Empire?,” 102.

legal.¹⁰⁶⁷ The ‘original contact’ pretends to be a contract between equals.¹⁰⁶⁸ Their relationship with each other is grounded in an acknowledgment of the functional advantage of communal alliance.¹⁰⁶⁹ The Lockean contract, a surprisingly complex, multifaceted theory of labor and property, and of the transition from natural law to civil law addresses the question of how to reconcile the factual socio-economic inequalities (that Locke himself encountered) with the fiction of juridical equality.¹⁰⁷⁰

Indeed, as I have argued above, from a Lockean perspective, Indigenous societies do exist as social formation (or extended families) lacking notions of expansive property relations that extend beyond the satisfaction of the most basic needs of (small-scale) subsistence. The qualitative difference between political and legal societies on the one hand, and pre-political and non-legal societies on the other, is based on the existence of consensual and contractual relationships. Indigenous nations may occupy and even customarily inherit the land that they exchanged with British settlers and companies, as Locke very well knew.¹⁰⁷¹ Still, they are not constituted by a consensual, contractual relationship between their constituents that would formulate the basis of an Indigenous polity which would, I hasten to add, be consistent with Justinian’s distinction between two dimensions of empire, *dominium* (ownership by occupation) and *imperium* (jurisdiction).¹⁰⁷²

¹⁰⁶⁷ For a slightly different interpretation: “One can see this transition [from a social to a racial contract] more clearly by the time of Locke, whose state of nature is normatively regulated by traditional (altruistic, nonprudential) natural law. It is a moralized state of nature in which private property and money exist, indeed a state of nature that is virtually civil. Whites can thus be literally in this state of nature (for a brief period, anyway) without its calling into question their innate qualities. Locke famously argues that God gave the world ‘to the use of the Industrious and Rational,’ which qualities were indicated by labor. So while industrious and rational Englishmen were toiling away at home, in America, by contrast, one found ‘wild woods and uncultivated waste[s]...left to Nature’ by the idle Indians. Though they share the state of nature for a time with nonwhites, then, their residence is necessarily briefer, since whites, by appropriating and adding value to this natural world, exhibit their superior rationality. So the mode of appropriation of Native Americans is no real mode of appropriation at all, yielding property rights that can be readily overridden (if they exist at all), and thereby rendering their territories normatively open for seizure once those who have long since left the state of nature (Europeans) encounter them”, in: Mills, *The Racial Contract, 25th Anniversary Edition*, 67, emph. in original.

¹⁰⁶⁸ See, “The Domination Contract,” in *Contract and Domination*, ed. Carole Pateman and Charles W. Mills (Cambridge; Malden, MA.: Polity Press, 2007), 97-98.

¹⁰⁶⁹ The fundamentally instrumentalist character of contractual relations is also the reason for Hegel’s ambiguity towards the contract; see, Honneth, *Kampf Um Anerkennung: Zur Moralischen Grammatik Sozialer Konflikte*, 86-87.

¹⁰⁷⁰ See, Niklas Luhmann, *Das Recht Der Gesellschaft* (Frankfurt a.M.: Suhrkamp Verlag, 2013), 449-51; *Die Wirtschaft Der Gesellschaft* (Frankfurt a.M.: Suhrkamp Verlag, 1988), 156-61.

¹⁰⁷¹ See, Corcoran, “John Locke on Native Right, Colonial Possession, and the Concept of *Vacuum Domicilium*,” 232-35.

¹⁰⁷² See, Benton and Straumann, “Acquiring Empire by Law: From Roman Doctrine to Early Modern European Practice,” 14-16, 17-18; Corcoran, “John Locke on Native Right, Colonial Possession, and the Concept of *Vacuum Domicilium*,” 237-39. “Unowned things can thus be acquired by anybody, Roman citizen or not, under the law of nations (*ius gentium*) by taking them (i.e., by *occupatio*). The effective seizure of an unowned thing was sufficient for establishing ownership, *occupatio* being an instant conveyor of ownership; however, the loss of actual control, ownership would be lost too, so that ownership (*dominium*) was limited to the factual possession (*possessio*)”, cit. in: Benton and Straumann, “Acquiring Empire by Law: From Roman Doctrine to Early Modern European Practice,” 15, emph. in original. See also, Menke, *Kritik Der Rechte*, 46-49.

While, for obvious reasons, I do not adhere to Carole Pateman's interpretation of John Locke's works in terms of the 19th century 'doctrine of discovery' (*terra nullius* or *vacuum domicilium*), Pateman rightfully insists on focusing attention on the peculiar creatures that articulations of contractual bonds produce.¹⁰⁷³ Contractual bonds are predicated on the ability to speak. For Locke, "[...] just as ideas had their origin in sensations, so the lexicon had its origin in individual human needs. As the number of the objects in a person's mental and sensational world increased, so too did his vocabulary"¹⁰⁷⁴. Thus, crucially, while political as well as pre-political societies have their needs and their respective linguistic capabilities that, which cannot speak or rather, those deemed silent are barred from entry to the political. All those who remain speechless and silent are those who appear to be *non*-political and non-legal.¹⁰⁷⁵

I suggest calling these configurations of the social *contractual reason*. Contractual reason operates as an expansive, logocentric¹⁰⁷⁶ mode of generalized externalization. Internally, contractual reason organizes relations between subjects of a civil society as objective relations between individual elements that remain external to one another.¹⁰⁷⁷ Contractual reason presents a counterfactual: that those who have concluded a contract are equals. Contractual reason directs the organization of labor to the production of wealth; it cements the inequalities that it pretends to undo.¹⁰⁷⁸ Christoph Menke writes,

Herrschaft durch Verträge wird ausgeübt zwischen einzelnen, die rechtlich einander gleichgeordnet sind; ihre rechtliche Gleichheit ist das Medium, durch das sich ihre Ungleichheit an Besitz und damit

¹⁰⁷³ As indicated above, the consequences of Locke's argument in relation to the dispossession of Indigenous peoples and the deportation of thousands into slavery remains an object of intensive debate. Carole Pateman, for example, interpreted John Locke's writings in terms of *terra nullius*: "[...] a civil society created out of a state of nature has (is understood to have) its origin in an original contract. In a *terra nullius* the original contract takes the form of a *settler contract*. The settlers alone (can be said) to conclude the original contract. [...] The Native peoples are not part of the settler contract—but they are henceforth subject to it, and their lives, lands, and nations are reordered by it", cit. in: Pateman, "The Settler Contract," 56, emph. in original. More recent research, as I have already emphasized, both by historians extensively criticized the use of the 19th century terminology and argued for giving more space to the actual ambiguities not only of John Locke's works but also, more broadly, of processes of early modern colonization in North America; Armitage, "Hobbes and the Foundation of International Thought."; Benton and Straumann, "Acquiring Empire by Law: From Roman Doctrine to Early Modern European Practice."; Greer, *Property and Dispossession: Natives, Empires, and Land in Early Modern North America*; Corcoran, "John Locke on Native Right, Colonial Possession, and the Concept of *Vacuum Domicilium*."; Greer, "Settler Colonialism and Empire in Early America."

¹⁰⁷⁴ Pagden, *European Encounters with the New World: From Renaissance to Romanticism*, 127.

¹⁰⁷⁵ See, Jacques Rancière, *Der Philosoph Und Seine Armen*, trans. Richard Steurer (Vienna: Passagen Verlag, 2010), 41-48; *Das Unvernehmen: Politik Und Philosophie*, trans. Richard Steurer (Berlin: Suhrkamp Verlag, 2014), 19-29; Mbembe, *Kritik Der Schwarzen Vernunft*, 81-85, 91-99.

¹⁰⁷⁶ See, Jacques Derrida, *Grammatologie*, trans. Hans-Jörg Rheinberger and Hanns Zischler (Frankfurt a.M.: Suhrkamp Verlag, 2009), 63-72, 76.

¹⁰⁷⁷ See, Honneth, *Kampf Um Anerkennung: Zur Moralischen Grammatik Sozialer Konflikte*, 85-89; Loick, *Juridismus: Konturen Einer Kritischen Theorie Des Rechts*, 63-70; Menke, *Kritik Der Rechte*, 243-47.

¹⁰⁷⁸ See, Mills, "The Domination Contract," 97-98.

an Marktmacht in die Herrschaft der einen über die anderen übersetzt. Herrschaft durch Verträge ist Herrschaft-*zwischen* – intersegmentäre Herrschaft.¹⁰⁷⁹

Contractual reason provides the basis for the creation of ‘resources’. Resources are considered to neither speak nor to conclude any, let alone the original contract.¹⁰⁸⁰ They do not consent to being mined and transferred or acquired and hoarded. Resources are *objects* of contractual reason, means for the sole purpose of accumulating wealth. Those who do not seek to produce fortunes are considered pre-political, non-legal societies who are justifiably displaced and deprived of their lands, lands that can then be transformed into resources. Contractual reason appropriates the lands of those who speak but do not exploit. With other words, contractual reason constitutes the epistemological basis for the interplay between logics of extraction (creation of resources), logics of elimination (creation of land), and logics of exclusion (creation of labor).¹⁰⁸¹ Contractual reason is, in a way, the glue that holds these logics together and interlocks them. This does not simply mean that contracts become ubiquitous. Rather, contractual reason produces a mechanism, an aspirational claim to transform social relationships into objectifiable and thus commodifiable forms of relations.¹⁰⁸²

10.3 Economic Crises and the Creatures of Contractual Reason

When, on September 1, 1902, North-West Mounted Police’s detective W. H. Welsh, Edward Labelle, and the magistrate of Wadesworth in Nevada concluded a contract that would allow for the transfer of alleged triple-murderer Labelle from Wadesworth to Dawson City to stand trial for his misdeed, these men acknowledged the powers of contractual reason. The power of the contract

¹⁰⁷⁹ Menke, *Kritik Der Rechte*, 289-90.

¹⁰⁸⁰ In recent years—following historical precedent set by ‘corporate law’—, scholars and activists have increasingly called for an inclusion of more-than-human entities into the legal frameworks of contractual reason, for instance to protect them against exploitation and destruction. The literature that relates to these ongoing and vibrant debates is too vast to adequately summarize. For a broad overview over the problem of the corporation as a legal person, see, e.g., Gunther Teubner, "Enterprise Corporatism: New Industrial Policy and the 'Essence' of the Legal Person," *The American Journal of Comparative Law* 36, no. 1 (1988); Ira Bashkow, "Afterword: What Kind of Person Is the Corporation?," *PoLAR: Political and Legal Anthropology Review* 37, no. 2 (2014); Stuart Kirsch, "Imagining Corporate Personhood," *ibid.*; Erin Fitz-Henry, "Challenging Corporate 'Personhood': Energy Complaints and the 'Rights' of Non-Humans," *ibid.* 41, no. S1 (2018). For an assessment of specific more-than-human entities (already) included in legal frameworks and the pitfalls of recognition; see, e.g., Elizabeth A. Povinelli, "Do Rocks Listen? The Cultural Politics of Apprehending Australian Aboriginal Labor," *American Anthropologist* 97, no. 3 (1995); Marisol De La Cadena, *Earth Beings: Ecologies of Practice across Andean Worlds* (Durham; London: Duke University Press, 2015); Erin O'Donnell, *Legal Rights for Rivers: Competition, Collaboration, and Water Governance* (London; New York: Routledge, 2019). For an illustration of the enormous variety of scholars engaged in these debates and of the questions raised; see, e.g., Michel Serres, *Der Naturvertrag*, trans. Hans-Horst Henschen (Frankfurt a.M.: Suhrkamp Verlag, 1994); Bruno Latour, *Das Parlament Der Dinge: Für Eine Politische Ökologie*, trans. Gustav Roßler (Frankfurt a.M.: Suhrkamp Verlag, 2010); Sue Donaldson and Will Kymlicka, *Zoopolis: A Political Theory of Animal Rights* (Oxford; New York: Oxford University Press, 2014); Arturo Escobar, *Designs for the Pluriverse: Radical Interdependence, Autonomy, and the Making of Worlds* (Durham; London: Duke University Press, 2018); Tilo Wesche, *Die Rechte Der Natur: Vom Nachhaltigen Eigentum* (Berlin: Suhrkamp Verlag, 2023).

¹⁰⁸¹ See, chapter 4. of this dissertation.

¹⁰⁸² See, Menke, *Kritik Der Rechte*, 272-77.

was by the presence and the active involvement of American municipal authorities, Wadesworth's Justice of the Peace, the notary public, and, of course, the magistrate. These institutions constituted the legal corollary on which, according to Locke, the contractual bond between two individuals was based. At the same time, the local magistrate confirming the 'voluntary', 'consensual' nature of the agreement, its affective dimension, allowed for circumventing the writ of *habeas corpus*, one of the central features of contractual law which could have linked Edward Labelle with the layers of international diplomacy.¹⁰⁸³ The contract created a social and political world in which U.S. authorities had no legal obligation to interfere with the abduction of Labelle from the United States and his transportation to Canada, because he had voluntarily agreed to his arrest and to the transfer in the first place.

However, as I have argued in chapter 10.2, the contract cannot be understood simply as a bond between two individuals. In the case of Welsh and Labelle but also in other cases such as the Kid West affair, the contractual bond acknowledged the existence of various levels of government authorities: Locke's 'courts and magistrates'. The establishment of supra-individual institutions by consent is considered essential to guarantee the binding force of the contractual bond which extends into an imaginative future. Hegel, for instance, admits to the "[...] Chance eines nachträglichen Wortbruchs [...], weil er [i.e., the contract] zwischen der formellen Zusicherung und der tatsächlichen Erfüllung der Leistungen eine zeitliche Spanne entstehen lässt [...]"¹⁰⁸⁴. Who would hold individuals accountable to their promises if it weren't for the existence of courts and magistrates, institutions one can turn to in the case of disagreement? Therefore, the contract does not only create individual 'signatories' but also 'public authorities'; contractual reason creates a relation between those who engage into a mutually binding agreement and those who guarantee future obligations.¹⁰⁸⁵ The alleged voluntariness of the contract constitutes the basis of the settler colonialist-capitalist society: the individual subject with its seemingly moral and political autonomy.¹⁰⁸⁶ As Christoph Menke argues,

¹⁰⁸³ About the ambiguous effects of *habeas corpus* in U.S.-Canada border cases; see, Miller, *Borderline Crime: Fugitive Criminals and the Challenge of the Border, 1819-1914*, 23-24, 28-39, 98-99.

¹⁰⁸⁴ Honneth, *Kampf Um Anerkennung: Zur Moralischen Grammatik Sozialer Konflikte*, 87.

¹⁰⁸⁵ See, Menke, *Kritik Der Rechte*, 191-92.

¹⁰⁸⁶ In contrast to the Greek and Roman legal traditions, modern law explicitly embraces the notion of immoral and anti-social conduct as an ineluctable expression of individual will. "Das bürgerliche Recht", he writes in *Kritik der Rechte*, "transformiert das traditionelle Verbot des Unsittlichen in die Erlaubnis des Nichtsittlichen und verwandelt dadurch—das ist seine ontologische Innovation—die private Verfehlung der sittlichen Differenz in das positive Vermögen zur sittlichen Indifferenz. Dieses Vermögen oder diese Macht gab es noch nie. Das bürgerliche Recht produziert ein neues Subjekt", in: *ibid.*, 253. For a slightly different perspective on the individualist effects of the social contract, see, Louis Dumont, *Essays on Individualism: Modern Ideology in Anthropological Perspective* (Chicago; London: The University of Chicago Press, 1992), 72-92.

Die Sicherung des Eigenwillens wird nun selbst zum Zweck des Staates, den er nur durch die Erklärung von Rechten erreichen kann; denn ohne dass er durch subjektive Rechte legalisiert wird, gibt es den subjektiven Eigenwillen gar nicht. Der Staat muss durch die Erklärung von Rechten das selbst hervorbringen, was er sodann als seine Voraussetzung gelten lässt; der Staat muss den Eigenwillen als sein Voraus selbst setzen.¹⁰⁸⁷

The arrest of Edward Labelle or, respectively, the negotiations between NWMP detective Seeley with the sheriff at Walla Walla implicated authorities in Nevada and Washington State with the struggles of the United States and Canada to articulate imperial sovereignty over the Yukon riverlands and their resources, and to project an imperial power that would transcend the territorial borderlines that had been drawn. Delegating geopolitics to the sanctuary realm of individual will made local courts and magistrates complicit in stabilizing the fragile claims that the states transpired. Contractual reason produced the individual subjects with their respective inescapable will and interest as well as layers of government bureaucracies.

It is by no means coincidental or irrelevant that neither NWMP detective Welsh nor his predecessor, detective Seeley, sought authorization from Indigenous nations present in Nevada, Washington State, in British Columbia, Alaska or the Yukon Territory through whose lands Edward Labelle and Kid West were transported. Through recognition, the contracts created relations between white men and (male) colonial institutions; and they erased the traces of Indigenous and other non-white presences. The contracts acknowledged and validated the claims of the United States, Canada, and the British Empire to the control of lands and resources, and to the movements of goods, people, and capital. Apparently, Indigenous modes of existence, political or otherwise, did not appear in the contractual framework established to enable the transfer of Euro-Americans through territories claimed by the United States and Canada—rather the contrary, given that neither Washington D.C. nor Ottawa were initiating negotiations with Indigenous nations in Alaska or what had become the Canadian Yukon Territory.¹⁰⁸⁸ Instead, the contracts recognized solely local magistrates and private parties, thereby circumventing the U.S.-Canada dispute and erasing the traces of those whose lands had been dispossessed.

¹⁰⁸⁷ Menke, *Kritik Der Rechte*, 245.

¹⁰⁸⁸ For an overview about the legal history of Indigenous nations in Alaska and Canada's Yukon Territory with reference to the absence of treaties; see, e.g., Catharine McClellan, *Part of the Land, Part of the Water: A History of the Yukon Indians* (Vancouver; Toronto: Douglas & McIntyre, 1987), 86-97; David S. Case and David A. Voluck, *Alaska Natives and American Laws*, 3rd ed. (Fairbanks: University of Alaska Press, 2012), 61-66, 374-76; Nadasdy, *Sovereignty's Entailments: First Nation State Formation in the Yukon*, 57-62; Graham White, *Indigenous Empowerment through Co-Management: Land Claims Boards, Wildlife Management, and Environmental Regulation* (Vancouver; Toronto: University of British Columbia Press, 2020), 8-10, 104-10.

For white men such as Edward Labelle and Kid West, the situation looked surprisingly specific. In absence of a concluding agreement between the United States and Canada over the transfer of prisoners through the Alaska's inland passage and the Yukon riverlands, the writ of *habeas corpus* was to be considered, contracts between individuals were to be signed, and the conflictive claims themselves were to be acknowledged. The rule of law ensured that some claims could be accommodated while others remained invisible and excluded. This was the ultimate power of contractual reason, of signatures on a few pieces of paper, that a *societas civilis* was formed, concluded between male equals in a consensual manner and on lands that had been unoccupied.



The agreements drafted to allow for the transfer of prisoners from the United States to Dawson City and for the creation of settler colonialist-capitalist societies through the imposition of law, give the impression of voluntariness and equality. Of course, the scope of the analysis that can be undertaken based on these—essentially two—cases is extremely limited. Neither Edward Labelle nor Kid West have left their own accounts of the proceedings in the NWMP files. While it remains uncertain whether West was able to read and write, it seems plausible to assume that, unlike his partner Peter Fournier, Edward Labelle was at least able to read and write enough to register the boat that was supposed to carry himself, Fournier, and their three victims from Whitehorse to Dawson City.¹⁰⁸⁹ Incidentally, the mandatory registration of the boat transport was the reason why the police had been able to quickly identify Fournier and Labelle as suspects of the murders.¹⁰⁹⁰ Because of the absence of archival traces, details about the lives of these men and much of their histories remain obscure and speculative. This is hardly a surprise given that “most surviving letters and diaries come from literate middle-class and upper-class men and women [...]”¹⁰⁹¹.

Information presented in the files of the NWMP portrays these men as notorious criminals and crooks, each with a long list of criminal offenses, habitually transgressing social norms and associating themselves with those at the margins of ‘civil society’. Kid West, for instance, had served a prison sentence in Dawson in 1899 during which he met with alleged murderer George O’Brien. Only a few months after his release from the prison in the Yukon Territory, West was incarcerated once again, this time in the United States and sent to the Walla Walla penitentiary. After he had testified in the trial against George O’Brien in 1901 and had been transported back to Walla Walla, Canadian authorities intervened on West’s behalf. “Being intimately connected with this case myself [...]”, wrote NWMP Superintendent Primrose in August 1901 to Washington’s

¹⁰⁸⁹ See, Coates and Morrison, *Strange Things Done: Murder in Yukon History*, 41-42.

¹⁰⁹⁰ See, *ibid.*

¹⁰⁹¹ Morse, *The Nature of Gold: An Environmental History of the Klondike Gold Rush*, 121.

Governor John R. Rogers, “it is my earnest desire to see this man in some way rewarded for the straight-forward way in which he gave his evidence”¹⁰⁹². Because of Kid West’s extensive cooperation, the police officer argued, “[...] we considered ourselves bound [...] to use all means in our power to persuade the United States authorities to pardon this man”¹⁰⁹³. Rogers, who a few months earlier had feared public outcry over releasing West, “[...] the deed [of releasing West from Walla Walla] would be taken advantage of by his Political Opponents, and his chances of again becoming Governor would be nill [...]”¹⁰⁹⁴, eventually accepted the Canadian proposal after failing reelection.¹⁰⁹⁵ George West was pardoned and “[...] returned to his father’s home in the State of California”¹⁰⁹⁶. There, he was “[...] offered [...] a half interest in an established business if he will remain at home [...]”¹⁰⁹⁷.

According to the police files, Edward Labelle had considerable experience with the procedures and the protocols of the U.S.-Canada borders. Prior to his travels northwards, to the Yukon riverlands, Labelle explained during his trial in October 1902, he had frequently been employed as a seasonal worker in logging camps in British Columbia, in coal and silver mines both in British Columbia and Washington State, or on railroad construction sites in Idaho, thus continuously traversing the U.S.-Canada border zones in his search for work and income.¹⁰⁹⁸ After his escape from the Yukon riverlands in the summer of 1902, Labelle signed up for work on the construction sites of the Southern Pacific Railroad, as NWMP detective W. H. Welsh learned from his investigations in the French-Canadian milieus in the Pacific Northwest. “I visited many other French prostitutes”, he writes, “and in a saloon met a man who said that he thought Ed LaBelle had shipped to work on the railroad with some other Frenchmen [...]”¹⁰⁹⁹. In fact, what had brought Labelle to the riverlands in the first place, was looking for work. “I was going so [in original] Nome or here”¹¹⁰⁰, he said on the stand, “and I stopped here. When I got here I heard that Nome was no good, so I staid [in original] here”¹¹⁰¹.

¹⁰⁹² Letter (most likely) by NWMP Superintendent Primrose to the Governor of Washington State John R. Rogers Aug. 26, 1901, in: LAC, RG 18-A-1, Vol. 253, File 318-03.

¹⁰⁹³ Ibid.

¹⁰⁹⁴ Report of NWMP detective J. H. Seeley to the Commanding Officer of the NWMP detachment, Major Zachary T. Wood, in the Yukon Territory, March 30, 1901, p. 1, in: LAC, RG 18-A-1, Vol. 253, File 318-03.

¹⁰⁹⁵ Ibid.

¹⁰⁹⁶ Letter by attorneys Preston and Embree to NWMP Comptroller Fred White Sept. 21, 1901, p. 2, in: LAC, RG 18-A-1, Vol. 253, File 318-03.

¹⁰⁹⁷ Ibid.

¹⁰⁹⁸ “Edward La Belle on the Witness Stand”, in: *The Daily Klondike Nugget*, Oct. 30, 1902, p. 1, in: LAC, RG 18-A-1, Vol. 243, File 31-01.

¹⁰⁹⁹ Final report of NWMP detective W. H. Welsh Sept. 20, 1902, p. 6, in: LAC, RG 18-A-1, Vol. 243, File 31-01.

¹¹⁰⁰ “Edward La Belle on the Witness Stand”, in: *The Daily Klondike Nugget* Oct. 30, 1902, p.1, in: LAC, RG 18-A-1, Vol. 243, File 31-01.

¹¹⁰¹ Ibid.

It should be noted that Labelle's self-portray as a hard-working laborer desperately trying to earn a living under precarious circumstances may well have been a strategy for avoiding a death sentence which, as I have written above, ultimately failed. An article of the Vancouver newspaper *The Daily World* published after the Labelle's execution in January 1903, portrays the alleged triple-murderer as "[...] 'king' of a gang of opium smugglers who operated from Victoria in 1888"¹¹⁰². According to the journalists of *The Daily World*, Labelle had managed to establish an elaborate system to smuggle opium from Victoria (British Columbia, Canada) across the entire continent and into the United States (to Port Huron, Michigan).¹¹⁰³ He "[...] had many passages with the officers of the American law, in fact, too many to be recorded"¹¹⁰⁴. Reading through the police files, though, as historians Ken S. Coates and William R. Morrison have already noticed, "it is hard to square the clever and daring organization of his drug career with the crude brutality of the murder plot of 1902; the two crimes sound as if they were those of entirely different men"¹¹⁰⁵.

Despite the scarcity of biographical information in the archival records, the lives of Labelle and West illustrate the extent of interconnectedness of the U.S.-Canadian economies at the turn of century in terms of labor mobility and border control, smuggle and crime. Originally from Quebec, French-Canada, Labelle had travelled westwards looking for jobs in sectors of the economy that had an enormous demand for human energy provided by essentially unskilled workers, for instance the lumber or mining industries. Yet, in the 1890s, finding work could be more difficult than losing it. The 1890s saw one the most severe economic crises in the history of the United States, with hundreds of thousands losing their jobs and crashing into unemployment both in rural and urban areas.

The construction of railroads, Labelle's place of chance in 1902, stood at the center of the economic shock of 1892-1893. Railroad companies and their stocks had long been objects of intensive financial speculation.¹¹⁰⁶ Tracks were laid into regions that could not produce enough demand for operating the railroad on a net benefit, let alone for generating profit. In fact, financial speculation allowed for the opposite to be true. Demand was literally built to follow construction.¹¹⁰⁷ Of course, for some, the investment in American railroads and infrastructures, intentionally built for the

¹¹⁰² "Expiated Their Crime: Labelle and Fournier Executed at Dawson for Murder of Their Compatriots", in: *The Daily World* Jan. 28, 1903, in: LAC, RG 18-A-1, Vol. 243, File 31-01.

¹¹⁰³ Ibid. The presentation in *The Daily World* is also being cited by historians Ken S. Coates and William Morrison; see, Coates and Morrison, *Strange Things Done: Murder in Yukon History*, 37-40.

¹¹⁰⁴ Ibid.

¹¹⁰⁵ Coates and Morrison, *Strange Things Done: Murder in Yukon History*, 37, 41-42.

¹¹⁰⁶ See, e.g., White, *It's Your Misfortune and None of My Own': A New History of the American West*, 246-58; *Railroaded: The Transcontinentals and the Making of Modern America* (New York; London: W.W. Norton & Company, 2012), esp. ch. 11.

¹¹⁰⁷ See, Limerick, *The Legacy of Conquest: The Unbroken Past of the American West*, 125-26; West, *Continental Reckoning: The American West in the Age of Expansion*, 180-87.

artificial creation of stock value rather than for economic sustainability, proved exceptionally enriching; for others, especially for Indigenous nations who were violently deprived of their lands by the construction of railroads, for Asian immigrants who were laying the tracks under inhumane conditions, and even for many of the settlers who were to colonize and cultivate arid strips of land, the financial gamble at the stock exchanges in London and New York had devastating effects.¹¹⁰⁸

Speculation with land and infrastructure created a dependency on credit provided by European financiers and secured by dubious political initiatives by U.S. Congress. Financiers from Europe betted on profits harvested from transforming the American 'wilderness' into a blossoming global granary.¹¹⁰⁹ Farmers were dependent on readily available access to credit as well when hiring laborers, buying machinery or seeds, and for paying upfront for the transportation of their crops, primarily wheat and cotton, to American ports via the railway system. The annual harvest of American farmers was then transported across the Atlantic, to Europe, and the proceeds from the sale of crops were used to the costs incurred for loans and interest at European banks.¹¹¹⁰

This delicate financial system was under additional stress, because the production of gold in the United States stagnated while U.S. Congress decided to adhere to Britain's gold standard in order to stabilize flows of foreign investment (see, fig. 22 & 23). While the production of gold stagnated between the 1840s and the 1890s, the production of silver had already overtaken gold production in 1862 and now far exceeded it, contributed to the worsening of the situation. With other words, while the gold reserves of the United States could essentially not keep pace with the increase in demand for fresh capital, the market was flooded with silver. The result was a profound and structural devaluation of the U.S. dollar.¹¹¹¹

¹¹⁰⁸ See, White, *Railroaded: The Transcontinentals and the Making of Modern America*, 486-93.

¹¹⁰⁹ See, Limerick, *The Legacy of Conquest: The Unbroken Past of the American West*, 82; White, *'It's Your Misfortune and None of My Own': A New History of the American West*, 219-22; *Railroaded: The Transcontinentals and the Making of Modern America*, 378-79; Hämäläinen, *Lakota America: A New History of Indigenous Power*, 317-38; West, *Continental Reckoning: The American West in the Age of Expansion*, 187-95.

¹¹¹⁰ See, White, *The Republic for Which It Stands: The United States during Reconstruction and the Gilded Age, 1865-1896*, 769-71.

¹¹¹¹ See, Hugh Rockoff, "Banking and Finance, 1789-1914," in *The Cambridge Economic History of the United States, Vol. 2: The Long Nineteenth Century*, ed. Stanley L. Engerman and Robert E. Gallman (Cambridge; New York; Melbourne; Madrid; Cape Town; Singapore; Sao Paulo: Cambridge University Press, 2000), 661-65; Hopkins, *American Empire: A Global History*, 375-76; Levy, *Ages of American Capitalism: A History of the United States*, 207-10.

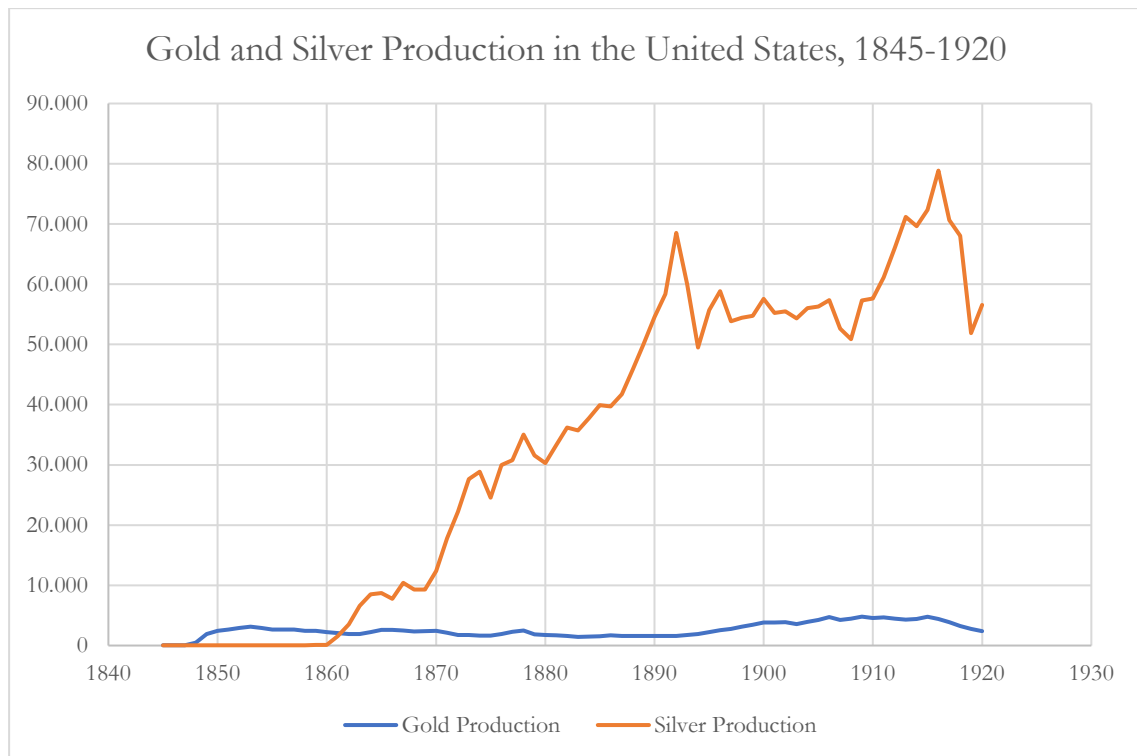


Figure 22: Gold and silver production in the United States (in thousands of fine troy ounces); Graph.: AMW on the basis of data provided by U.S. Bureau of the Census, “Historical Statistics of the United States, Colonial Times to 1970, Bicentennial Edition, Part 1,” ed. U.S. Department of Commerce (Washington D.C.: U.S. Government Printing Office, 1975), 606, Series M 268-270.

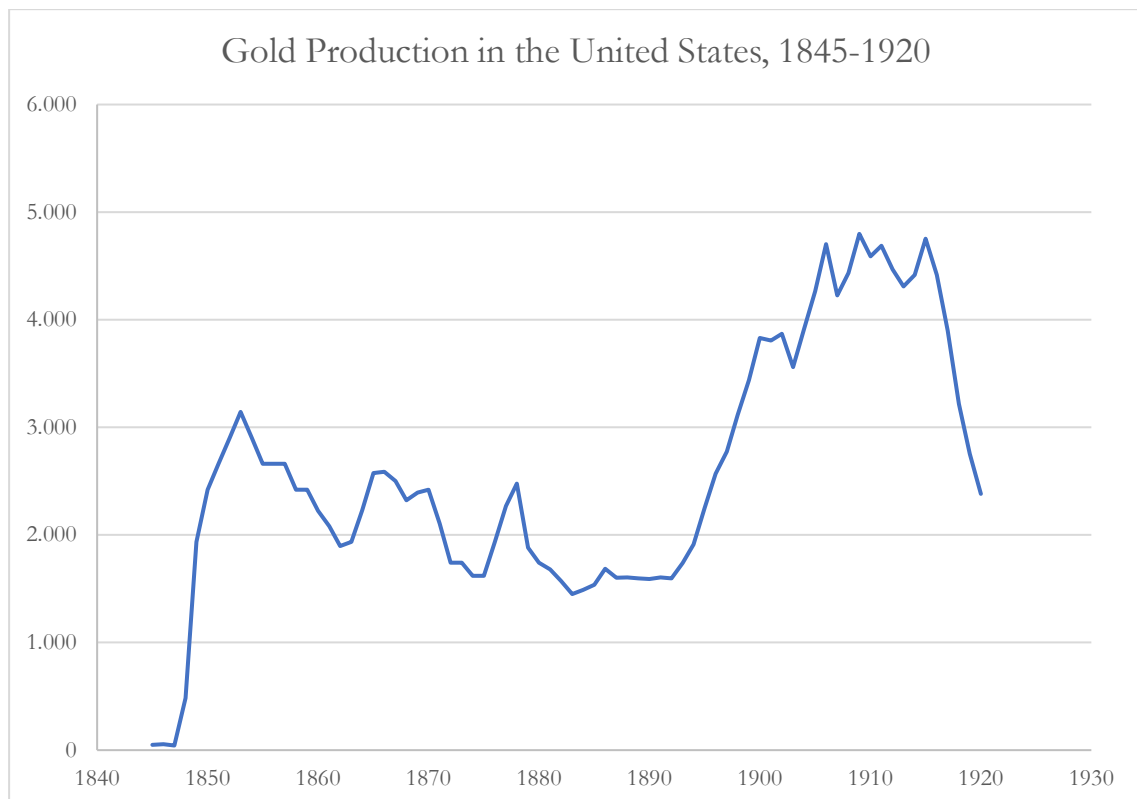


Figure 23: Production of gold in the United States (in thousands of fine troy ounces); Graph.: AMW on the basis of data provided by U.S. Bureau of the Census, “Historical Statistics of the United States, Colonial Times to 1970,

Bicentennial Edition, Part 1,” ed. U.S. Department of Commerce (Washington D.C.: U.S. Government Printing Office, 1975), 606, Series M 268-270.

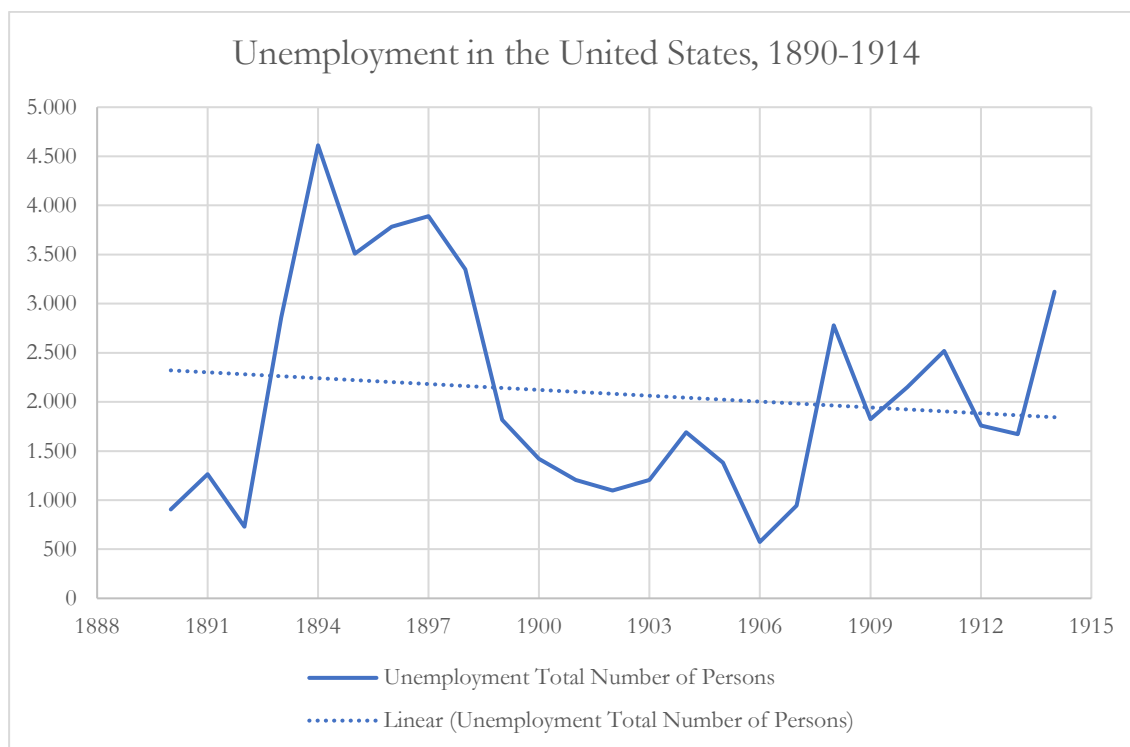


Figure 24: Unemployment in the United States in thousands of persons (14 years and older); Graph.: AMW on the basis of data provided by U.S. Bureau of the Census, “Historical Statistics of the United States, Colonial Times to 1970, Bicentennial Edition, Part 1,” ed. U.S. Department of Commerce (Washington D.C.: U.S. Government Printing Office, 1975), 135, Series D 85-86.



Figure 25: Dalrymple, Louis (1900): “A Hint Not Taken”. In: *Puck* Vol. 48, No 1229 (September 26, 1900). Cartoon: Retrieved from the U.S. Library of Congress, Prints and Photograph Division, Online: <https://www.loc.gov/resource/ppmsca.25459/> (last access 11-16-2023).

When in 1892, railroad companies in Argentina were unable to meet their financial obligations towards their European financiers, banks in Europe started liquidating their assets both in North and South America.¹¹¹² A first shockwave was sent through the American financial market. After a particularly poor harvest, U.S. banks quickly ran out of capital to pump in the overheated market and to meet their interest payments vis-à-vis Europe. On May 5, 1893, the financial bubble burst. A panic hit the New York stock market leading to mass sell-outs and the collapse of the entire economic system.¹¹¹³

In 1893 alone 360 national and state banks—343 in the Midwest, South, and West [the agricultural heartlands of the United States]—shut their doors, with an eventual loss of roughly \$42 million. The iron industry suffered the worst year in its history; textile mills closed, and railroads steamed into the abyss, unable to meet their interest payments or repay their loans. In all, 119 railroads went into receivership in 1893 [...]. By 1895, 25 percent of the country’s railroads were in receivership.¹¹¹⁴

¹¹¹² See, Rockoff, "Banking and Finance, 1789-1914," 669-72; White, *Railroaded: The Transcontinentals and the Making of Modern America*, 381-82; *The Republic for Which It Stands: The United States during Reconstruction and the Gilded Age, 1865-1896*, 765-67.

¹¹¹³ See, *The Republic for Which It Stands: The United States during Reconstruction and the Gilded Age, 1865-1896*, 771-72.

¹¹¹⁴ *Ibid.*, 772.

Infuriatingly, gold “[...] continued to drain from the country”¹¹¹⁵ to cover European loans. As one of the consequences of the economic crisis of 1892-93, unemployment in the United States was skyrocketing from 4% in 1890 to over 18% in 1894—and it was not until 1899 that the unemployment rate dropped below 10% (see, fig. 24).¹¹¹⁶

The economic collapse of 1892-1893 also resulted in the intensification of the political dispute over the gold standard. Proponents of the gold standard argued that it allowed for close financial relationships between American markets and European financiers, especially British bankers. Adherence to the gold standard, they argued, made the United States appear as a reliable debtor and thus attractive to creditors who could be sure that their loans would be backed and repaid by gold. However, adherence to the gold standard also resulted in a structural devaluation of the U.S. dollar which was particularly troubling to farmers. Their crops were primarily produced for outside markets. Thus, farmers were confronted, on the one hand, with prices for their produce that they could not themselves determine and that were too low, because of devaluation of the U.S. dollar in relation to the British pound. On the other hand, farmers were expected to cover the costs of the businesses with the exact currency which, from year to year, bought them less for more.¹¹¹⁷ Besides, for industrialists such as Andrew Carnegie, the gold standard was more of an advantage than a disadvantage.¹¹¹⁸ Thus, in the 1890s, the ‘magic’ of gold had an economic implication that deeply resonated with political struggle and economic rupture. The gold rush to the Yukon riverlands dipped deep into this well (see, fig. 25).¹¹¹⁹ Indeed, the most obvious consequences of the Yukon-Klondike gold rush was that it led to an increase in gold production (see, fig. 23), even though the production of gold continued to be dwarfed by the production of silver (see, fig. 22).

Many—but, of course, not all—of the stampeder heading northwards to dig for gold, to establish a business, or simply to provide services for the local population were substantially affected by the

¹¹¹⁵ Ibid.

¹¹¹⁶ U.S. Bureau of the Census, "Historical Statistics of the United States, Colonial Times to 1970, Bicentennial Edition, Part 1," ed. U.S. Department of Commerce (Washington D.C.: U.S. Government Printing Office, 1975), 135, Series D 85-86. See also, Morse, *The Nature of Gold: An Environmental History of the Klondike Gold Rush*, 122.

¹¹¹⁷ See, Jeremy Atack, Fred Bateman, and William N. Parker, "The Farm, the Farmer, and the Market," in *The Cambridge Economic History of the United States, Vol. 2: The Long Nineteenth Century*, ed. Stanley L. Engerman and Robert E. Gallman (Cambridge; New York; Melbourne; Madrid; Cape Town; Singapore; Sao Paulo: Cambridge University Press, 2000), 255-57; Stuart M. Blumin, "The Social Implications of U.S. Economic Development," *ibid.*, 857-58; Hopkins, *American Empire: A Global History*, 297-301; Levy, *Ages of American Capitalism: A History of the United States*, 302-14.

¹¹¹⁸ See, *Ages of American Capitalism: A History of the United States*, 230-35.

¹¹¹⁹ See, Coates, *Best Left as Indians: Native-White Relations in the Yukon Territory, 1840-1973*, 39-40; Alton, *Alaska in the Progressive Age: A Political History, 1896-1916*, esp. ch. 1.

economic crash.¹¹²⁰ Men, women, entire families moved northwards to earn a living.¹¹²¹ The travels of Edward Labelle and Kid West across the Pacific Northwest and their quests for jobs illustrate the economic hardship of the “[...] considerable number of the people coming in from the Sound cities [who] appear to be the sweepings of the slums and the results of a general jail delivery”¹¹²², as NWMP commander Samuel B. Steele laconically remarked. It is crucial to note that mobility across the U.S.-Canada border, as I will argue in the subsequent chapter, was not distributed equally—rather the opposite for mobility turned out to be increasingly intensively policed.¹¹²³ In 1882, the U.S. Congress passed the Chinese Exclusion Act, indicating the Asian immigration into the American labor market and industrial capitalism was considered a problem of imperial statecrafting that resulted in a substantial reorganization of bordering practices in the Pacific Northwest.¹¹²⁴ Together with class conflict and the emerging reorganization of American industrial capitalism, the Great Merger, immigration was increasingly considered a substantial problem of statecraft affecting practices and regimes of bordering.¹¹²⁵

In his final interview conducted on August 22, 1901, by Belle Marther Dormer, wife of one of the NWMP officers at Dawson City, alleged murderer George O’Brien reflected on the economic and social disparities separating him from the ‘honorable’ sections of the Yukon riverlands settler society,

My greatest sin is poverty. I knew when I was convicted that nothing but money, and plenty of it, could clear me [...].¹¹²⁶

The statement is remarkable, because O’Brien neither claims to be innocent nor does he confess to the allegations laid against him. Instead, he seems to imply that if it had not been for the lack of money, he would have been able to shake-off the accusations against him and to survive the trial

¹¹²⁰ See, Morse, *The Nature of Gold: An Environmental History of the Klondike Gold Rush*, 122. Thomas Alton writes, “It was three concurrent factors—the scarcity of gold, the opportunity to escape poverty and hard times, and the status of gold in the world economy—that worked together to ignite the Klondike gold rush”, in: Alton, *Alaska in the Progressive Age: A Political History, 1896-1916*, 57.

¹¹²¹ As of date, Charlene Porsild has written the definitive social history of the Yukon-Klondike gold rush with a specific focus on the gendered and racial dynamics of social life in Dawson City; see, Porsild, *Gamblers and Dreamers: Women, Men, and Community in the Klondike*, 65-59, 87-97.

¹¹²² Police, “Report of the North-West Mounted Police 1897,” 309.

¹¹²³ For an illustration of the significance of the relationship between the economic crisis of the 1890s and the discovery of gold deposits in Alaska and northern Canada for the political history of Alaska, see especially, Alton, *Alaska in the Progressive Age: A Political History, 1896-1916*, 49-58.

¹¹²⁴ See, Chang, “Enforcing Transnational White Solidarity: Asian Migration and the Formation of the U.S.-Canadian Boundary.”; “Circulating Race and Empire: Transnational Labor Activism and the Politics of Anti-Asian Agitation in the Anglo-American Pacific World, 1880-1910,” *The Journal of American History* 96, no. 3 (2009); Hoy, *A Line of Blood and Dirt: Creating the Canada-United States Border across Indigenous Lands*, 130-37.

¹¹²⁵ See, Levy, *Ages of American Capitalism: A History of the United States*, 315-20; Carl J. Bon Tempo and Hasia R. Diner, *Immigration: An American History* (New Haven; London: Yale University Press, 2022), ch. 4, ch. 5.

¹¹²⁶ Copy of Belle Mather Dormer’s affidavit Aug. 29, 1901, p. 1, in: LAC, RG 18-A-1, Vol. 253, File 318-03.

unscathed, probably by commuting a death sentence into life-long imprisonment. Where poverty is the greatest sin, there can hardly be forgiveness.¹¹²⁷

Far from being the equals that contractual reason pictured them to be, the protagonists in this chapter, criminals, police officers, politicians, were contemporaries of these economic dramas of capitalist “[...] schöpferische Zerstörung [...]”¹¹²⁸. The spectacular murder cases at the turn of the century are implicated in the logics of extraction transforming the Yukon riverlands and the development of settler colonial capitalism both in the United States and Canada. It must be noted, however, that while many have envisioned the Yukon riverlands as an ‘American-style frontier’ saturated with cold-blooded violence and extravagant gunplay, crimes like these murders were a rarity which, at least in part, explains the enormous interest of the public.¹¹²⁹

The majority of those who migrated to the Yukon riverlands between 1897 and 1901 were semi- and unskilled laborers.¹¹³⁰ “While labour was scarce and wages generally high throughout the period”, notes historian Charlene Porsild, “these factors were offset by the high cost of living and repeated periods of seasonal unemployment”¹¹³¹.

Workers were often able to draw high wages, but in this resource-based community work was rarely steady and job turnover was very high. Workers also faced an extremely high cost of living, which offset many of the benefits of high wages. For those who laboured as miners the situation was slightly different, as individuals often sank the profits from one endeavour into the next or used them to pay off debts from previous ventures.¹¹³²

Placer mining, oftentimes imagined as the work of a brave, lonely adventurer generally required cooperation. While “[i]ndeed, part of the appeal of the Klondike rush was the low capital investment required in the actual mining”¹¹³³, most miners labored for wages which “[...] allowed them to save funds to stake their own claim or to purchase a promising claim already in

¹¹²⁷ One may indeed be inclined to read O’Brien’s statement as an indicator of the significance of class struggle in the riverlands, an indicator of “[...] of a traditional view of social norms and obligations, of the proper economic functions of several parties within the community [...]”, cit. in: Edward P. Thompson, “The Moral Economy of the English Crowd in the Eighteenth Century,” *Past & Present* 50, no. Feb. 1976 (1971): 79. This remains a speculative claim, simply because studies on the social history of poverty in the riverlands are surprisingly scarce. The significance of social mores and pauperism at the turn of the century has been demonstrated by, Thomas A. Krainz, *Delivering Aid: Implementing Progressive Era Welfare in the American West* (Albuquerque: University of New Mexico Press, 2005); Porsild, *Gamblers and Dreamers: Women, Men, and Community in the Klondike*.

¹¹²⁸ Joseph A. Schumpeter, *Kapitalismus, Sozialismus Und Demokratie* (Tuebingen: Narr Francke Attempto Verlag, 2020), 106.

¹¹²⁹ See, Morrison, *Showing the Flag: The Mounted Police and Canadian Sovereignty in the North, 1894-1925*, 47; “Policing the Boom Town: The Mounted Police as a Social Force in the Klondike,” 84-85.

¹¹³⁰ See, Porsild, *Gamblers and Dreamers: Women, Men, and Community in the Klondike*, 60.

¹¹³¹ Ibid., 97.

¹¹³² Ibid., 61.

¹¹³³ Ibid., 72.

production”¹¹³⁴. The consolidation of mining ventures at the turn of the century, upended a decentralized phase of mining. Miners would soon need much more capital, because “[a] gold pan, axe, pick, and shovel [...] along with adequate provisions [...]”¹¹³⁵ would be far from sufficient to operate a mine in the Yukon riverlands.¹¹³⁶ The dependence of miners on credit combined with the uncertainties and the obstacles of cooperative gold mining in the Yukon riverlands formed the preconditions for the eruption of violence that would result in the John Sarga murder case.¹¹³⁷

Theft was a common phenomenon in the riverlands.¹¹³⁸ In 1901, with 65 cases theft ranked fourth in the crime statistics compared to 223 wage cases, 215 cases of drunkenness, and 66 cases of indecent assault.¹¹³⁹ In 1900, theft (29 cases) had ranked third compared with 76 cases of drunkenness, and 41 cases of assault.¹¹⁴⁰ In 1899, with almost 140 cases, theft even ranged second only topped by drunkenness (352 cases).¹¹⁴¹ The working conditions in the goldfields confronted the police with particular challenges. The 1901 NWMP report, for instance, expresses concern about “[...] sluice box robberies [...]”¹¹⁴², a

[...] class of crime [...] hardest to detect owing to a great number of the miners leaving their sluice boxes unprotected when there is a lot of gold in them, and another reason being that it is impossible to identify gold dust. [...] The distances being so great, it is out of the question for us to place guards on every claim, and the miners who wish to keep their gold must take proper precautions.¹¹⁴³

The same report registers several cases of theft related to the acquisition of fuel (i.e., coal and cordwood) and food (i.e., ham).¹¹⁴⁴ Frequently accused of theft and arrested, prostitutes laboring in the red-light districts of Dawson were singled out as targets of police harassment and societal moral, unlike both their predominantly male pimps and clients.¹¹⁴⁵ From what we have learned from the police records, theft constituted the motivation for murderers George O’Brien, Peter Fournier, and Edward Labelle (unlike John Sarga). Throughout the court proceedings, Edward Labelle painted the picture of a life that had been robbed of any permanence. For people like him,

¹¹³⁴ Ibid., 97.

¹¹³⁵ Ibid., 72.

¹¹³⁶ See, ibid., 85-87; Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 157-59.

¹¹³⁷ See, *Strange Things Done: Murder in Yukon History*, 155-59.

¹¹³⁸ See also, Morrison, *Showing the Flag: The Mounted Police and Canadian Sovereignty in the North, 1894-1925*, 47-49. I was not able to verify the statistics that Morrison presents; see, ibid., 48. In Morrison’s statistics, theft is indeed slightly more significant than the Canadian police officially reported.

¹¹³⁹ See, Police, "Report of the North-West Mounted Police 1901," pt. 3, pp. 47-48.

¹¹⁴⁰ See, "Report of the North-West Mounted Police 1900, Parts 1 and 2," (Ottawa: S. E. Dawson, 1901), 45-46.

¹¹⁴¹ See, "Report of the North-West Mounted Police 1899," (Ottawa: S. E. Dawson, 1900), 42-43. In 1898, the NWMP registered a total of 69 cases of theft and 75 cases of drunkenness; see, "Report of the North-West Mounted Police 1898," 73.

¹¹⁴² "Report of the North-West Mounted Police 1901," 44.

¹¹⁴³ Ibid.

¹¹⁴⁴ See, ibid., 44-45.

¹¹⁴⁵ See, Porsild, *Gamblers and Dreamers: Women, Men, and Community in the Klondike*, 127-28, 31-33.

intertwined with the socio-economic twisters of the 1890s, there was no ‘steady labor’ to be found, neither in the riverlands with their seasonality and high living costs nor anywhere else (see, fig. 25). Changing his workplace several times and traversing the U.S.-Canada border zone in the Pacific Northwest, Kid West was arrested for theft and burglary as well. The men appear as vagabonds.¹¹⁴⁶ It is far from irrelevant that the problem of labor is featuring so prominently in accounts of their transboundary lives and histories. That Edward Labelle may indeed have attempted to persuade the court to commute his death sentence into life imprisonment by highlighting the economic difficulties that he encountered and his relentless attempts at finding work in an extremely fluctuating economic context, indicates the crucial linkage between morality, state surveillance, and capitalist economics.¹¹⁴⁷ Michel Foucault described the interplay between logics of extraction and logics of exclusion precisely in relation to the vagabond,

Der Landstreicher ist also weniger derjenige, der nicht genug zum Leben hat und sich von daher ausgestoßen sieht, als derjenige, der das Arbeitsangebot, das die Erde uns so großzügig macht, aus eigenem Willen ausschlägt. Er ist nicht der notgedrungen und unfreiwillig Arbeitslose, der allmählich bettelt und umherzieht, sondern derjenige, der sich weigert zu arbeiten.¹¹⁴⁸



Conceptualized as an agreement between equals, the contract represents the political center of settler colonial capitalism. The contract establishes, as Michel Foucault argued, enforceable obligations through moral relationships that were to stabilize the socio-economic inequalities resulting from the emergence of capitalism.¹¹⁴⁹ It is “[...] a bogus contract [...]”¹¹⁵⁰, a deck of cards stacked against the poor. For, “[...] the wealthy”, writes Charles W. Mills discussing Jean-Jacques Rousseau’s critique of contractual reason, “alarmed by this threat to their property and security, promised the poor new social institutions that pretended to offer justice, peace, and impartial social rules for the mutual benefit of all”¹¹⁵¹. The agreements between Seeley and West, between Welsh and Labelle created fictive voluntariness and fictional equality to realize the articulation of state claims over people(s), lands, and resources. It enabled Canadian police officers to circumvent the

¹¹⁴⁶ At this point, I diverge from concepts such as ‘social banditry’ (Eric J. Hobsbawm) and ‘moral economies’ (Edward P. Thompson); see, Thompson, “The Moral Economy of the English Crowd in the Eighteenth Century,” 78-79; Eric J. Hobsbawm, *Die Banditen*, trans. N.A. (Frankfurt a.M.: Suhrkamp Verlag, 1972), 20-25. See also, e.g., James C. Scott, *The Moral Economy of the Peasant: Rebellion and Subsistence in Southeast Asia* (New Haven; London: Yale University Press, 1976); David Anderson, “Stock Theft and Moral Economy in Colonial Kenya,” *Journal of the International African Institute* 56, no. 4 (1986); Baran Karsak, “Between ‘Moral Economy’ and ‘Social Banditry’: Harvest Theft in a Peasant Community,” *The Journal of Peasant Studies* 51, no. 2 (2024).

¹¹⁴⁷ See, Foucault, “Überwachen Und Strafen: Die Geburt Des Gefängnisses,” 825-27; *Die Strafgesellschaft: Vorlesungen Am Collège De France, 1972-1973*, 77-80, 269-71.

¹¹⁴⁸ *Die Strafgesellschaft: Vorlesungen Am Collège De France, 1972-1973*, 74.

¹¹⁴⁹ See, *ibid.*, 240-41.

¹¹⁵⁰ Mills, “The Domination Contract,” 82.

¹¹⁵¹ *Ibid.*, 81.

diplomatic conflicts between the United States and Canada by creating fictional consensual bond between state officials disguised as private parties and their target persons. When, on the level of state governments, the implementation of contractual agreements failed, contractual reason cloaked these failures by establishing yet another, artificial layer of government conduct. The purpose, of course, was that thieves and murders targeting the core of the riverlands' extractive economies, the circulation of labor and capital, represented threats that were indeed considered to be dealt with at all costs, as the NWMP would later proudly declare.¹¹⁵² Indigenous and non-white modes of existence, political and otherwise, were excluded from these contracts. Negotiating the transfer of prisoners through the disputed border zone(s) between the United States and Canada did not include negotiations with Indigenous nations. Thereby, the contracts and their underlying articulation of 'the social' as a sphere of contractual relations between (predominantly, if not exclusively) white, male individuals and their respective government institutions implicitly acknowledge and cement the appropriation of lands and their transformation into resources.¹¹⁵³

Formalized informality and its conceptual basis, contractual reason, indicates the tension between aligning differing legal systems and their respective bureaucratic procedures with the appearance of the Yukon riverlands as an integrated corridor of transportation and commerce, extraction and dispossession that is intricately connected with the maritime worlds of the Pacific Northwest. Contractual reason constituted the foundational principle by which state authorities sought to articulate sovereignty and distribute access to lands and resources, labor and capital. As I will argue in subsequent chapters of this dissertation, tensions between conflicting articulations of sovereignty and the more-than-terrestrial conditions and materialities of the riverlands were met with attempts at formalizing relations of formalized informality, with a 'need' for additional contracts and agreements to stabilize the precarious relations between 'American' and 'Canadian' sections of the riverlands. Yet, despite emphatic calls to adhere to contract and reason, the problem of the costs involved in establishing control, managing the circulation of people(s) and goods would repeatedly come back to haunt colonial officials on both sides of the 141st meridian. Colonial administrators saw themselves confronted with problems stubbornly resisting the application of simple solutions.

¹¹⁵² See, Coates and Morrison, *Strange Things Done: Murder in Yukon History*, 58. For a more critical assessment of the role of police in the early 20th century U.S.-Canada border zone in relation to industrialization and capitalization, see especially, Graybill, *Policing the Great Plains: Rangers, Mounties, and the North American Frontier, 1875-1910*, 191-200.

¹¹⁵³ See also, Karen Shaw, *Indigeneity and Political Theory: Sovereignty and the Limits of the Political* (New York; London: Routledge, 2008), 109-31; John Borrows, *Freedom and Indigenous Constitutionalism* (Toronto; Buffalo; London: University of Toronto Press, 2016), 27-35.

11. EMPIRES OF EXPENSES

11.1 Fault Systems

In the summer of 1905, Canada's customs agent at Dawson City, E. S. Busby, stormed into the offices of the Royal North-West Mounted Police with some exciting news—and some worries. Gold, he told his surprised colleagues of the RNWMP, had been discovered on the banks of the Ch'oodèenjìk, the Porcupine River, hundreds of kilometers north of Dawson City. Stampeders may already be on their way to the Porcupine and the police, Busby emphatically exclaimed, was to follow suit. Who else would uphold Canadian law in the Porcupine goldfields; who would be registering mining claims, administering water rights, and collecting royalties for the Crown? The constables were astonished. A stampede to the Porcupine River? To Rampart House? After Busby had finished his explanations, RNWMP superintendent A. E. Ross Cuthbert, deputizing for absent commanding officer Howe, started laughing. Why should the federal government “[...] spend several thousand dollars in order to collect the revenue due on a few pots, picks and pans, which, with a little grub, would contain the whole outfit [...]”¹¹⁵⁴ of the prospectors? Embarrassed, Busby left the police's headquarters; furious about the apparent unwillingness of the RNWMP to expand their radius of operations northwards, the customs agent sent a letter to his superiors in Ottawa, the Canadian Commissioner of Customs, informing the federal government about the stampede to Rampart House and the tardiness of Canada's police force in the Yukon.

Reacting to pressure from Canada's Commissioner of Customs, Fred White, comptroller of the RNWMP, started inquiries into the matter of the 'Porcupine Gold Rush' and the role of the Royal North-West Mounted Police. Why indeed, he asked police commander Howe, did the RNWMP decide against outfitting an expedition to the Porcupine River, to Rampart House, and the U.S.-Canada border? Howe defended the decision of his subordinate officers by pointing out that Busby's source of information was unreliable. Furthermore, it would have been a long way from Dawson City to Rampart House—and a costly one at that. Was the federal government willing to risk extraordinarily high costs based on claims that had not been verified?

To reach Rampart House it is necessary to take a Lower river boat to Fort Yukon [...]. At this point the Porcupine joins the Yukon. The Fort [in original] is abandoned and no one lives there but a trader named Cadeau [= Cadzow] and some Indians. No steamers run on the Porcupine so whoever is sent will have to pole and line up the Porcupine river a distance of 175 miles to Rampart House. No one lives at the latter place now, the last to abandon it being missionaries.¹¹⁵⁵

¹¹⁵⁴ Letter by NWMP Commissioner Howe to Fred White, NWMP Comptroller, Nov. 28, 1905, p. 1, in: LAC, RG 18, Vol. 304, File 19-06.

¹¹⁵⁵ Ibid.

For the Yukon Territory's chief of police, neither the business operations of trader Daniel 'Dan' Cadzow at Rampart House nor the presence of Gwich'in nations or, for that matter, a dubious nationalist sentiment of securing Canada's northern border represented legitimate causes for sending his troops on a river trip through territory claimed by the United States and increasing his expenses by, Howe estimated with a mixture of horror and amusement, "[...] over \$1,000 to say nothing of the cost of their keep and their pay"¹¹⁵⁶. In addition, the Canadian police, far from delivering a 'show of force', would be dependent on Indigenous laborers and guides "[...] (if they can get them) to pole them up the river"¹¹⁵⁷. Thus, what looked at the onset—especially from Ottawa—like a promising endeavor to expand Canada's zone of direct influence and to cash in on trade in the northern sections of the Yukon riverlands, would, from the perspective of the local police commander, quickly turn into a financially disastrous colonial adventure with incalculable political costs. After all, 'raising the Canadian flag' at Rampart House would only be made possible by the muscles and the knowledge of Indigenous nations and by U.S. officials who would have to agree of guaranteeing access and support of the Canadian post at Gindèhchik, New Rampart House, located between Fort Yukon and Fort McPherson on the banks of the Mackenzie River. An overland route directly connecting Dawson City with Rampart House was—and still is—not existent.

Howe's strategy for preventing the establishment of a permanent Canadian police post on the banks of the Porcupine River ultimately proved successful. His argument about the dubious economic potential of the northern Yukon riverlands in connection with the costs of control, both fiscally and politically, convinced Ottawa to halt plans for expanding Canada's zone of influence—or rather, to delay these plans.

¹¹⁵⁶ Letter by NWMP Commissioner Howe to Fred White, NWMP Comptroller, Nov. 28, 1905, p. 2, in: Ibid.

¹¹⁵⁷ Ibid.

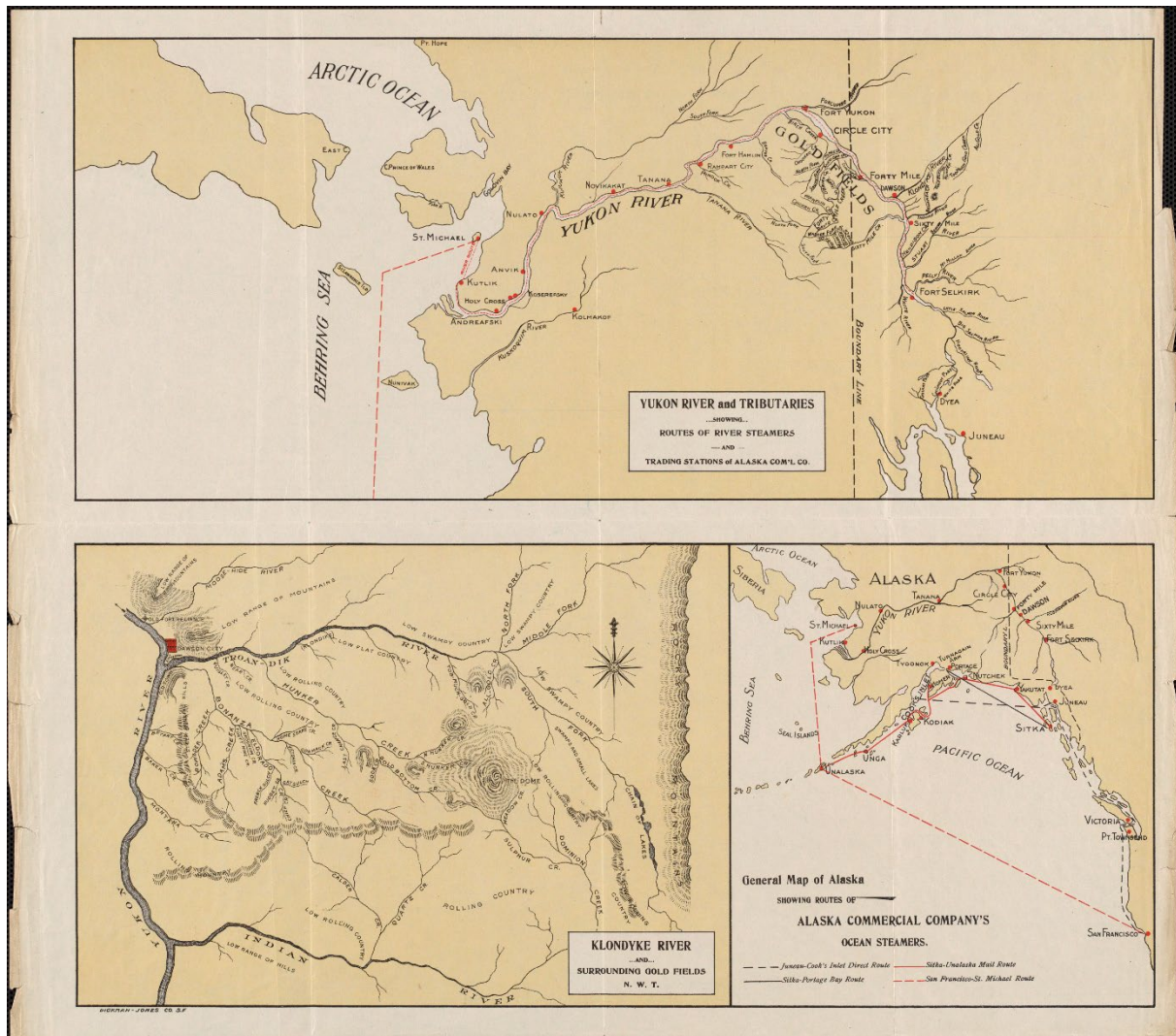


Figure 26: Alaska Commercial Company Routes to the Yukon-Klondike Goldfields, ca. 1898; Map: UAF-G3312 Y81 [1898?] D5, Rare Map Collection, Alaska & Polar Regions Collections & Archives, University of Alaska Fairbanks. Courtesy of the APRCA at UAF.

The controversy between Canada's customs officers and the Canadian police exemplifies the fragile characteristic of creating settler colonialist-capitalist state institutions in the Yukon riverlands. Different government agencies produced differing visions of how to govern the riverlands and conflictive imaginaries of future economic development. Clearly, the establishment of bureaucracies in the riverlands did not follow a lineal, ever-expansive logic of continuous growth both in terms of personnel and government infrastructure. As this section argues in more detail, the presence of state agents directly related to economic imaginaries and the articulation of more or less expensive, potential futures. Before the turn of the century, Alaska and the Yukon riverlands had witnessed a massive increase in government institutions and, accordingly, in governmental investment. In Alaska, the number of governmental employees had steadily grown from ten people on the U.S. federal government's payroll in 1881 to 116 employees listed in the *Official Register of the*

United States in 1897.¹¹⁵⁸ By 1901, this number had more than quadrupled, to a total of 489 people federally funded—and all this despite the fact that these figures do not even include the U.S. military aside from its civilian service branches.¹¹⁵⁹ Between 1898 and 1900, the U.S. War Department increased the numbers of soldiers stationed in Alaska from 499 to 1,125.¹¹⁶⁰ William R. Morrison described a similar process in Canada. While the Yukon-Klondike gold rush was met with a massive increase of the Canadian constabulary, the economic decline of the extractive industries in the upper Yukon riverlands after 1900 led to a reduction of government personnel and a reconfiguration of strategic priorities. The Canadian police garrison stationed in the Yukon riverlands, for instance, shrunk from ca. 300 in 1903 to ca. 45 in 1918.¹¹⁶¹

Like capitalism, the law and its agents were not distributed evenly over a uniform surface of the Earth.¹¹⁶² Geographical patterns of state presence reveal the strategic priorities and the alignment between extractivism and state institution. For instance, after the United States ‘acquired’ control over Alaska from the Czarist government in 1867, U.S. military bases were lined up along the Alaskan coast like pearls forming a necklace, with emphases on establishing military oversight over Sitka, the embattled former capital of Russian America, Novo-Arkhangel’sk, and over the (yet unspecified) maritime boundary between Alaska and British Columbia.¹¹⁶³ By 1911, however, the geographies of U.S. military presence had shifted towards administering both coastal regions, particularly centers of maritime trade and commerce, and the mining settlements in the interior riverlands, more specifically even, the riverine supply lines connecting the sites of intensive resource extraction with the maritime commercial network in the Pacific Northwest.¹¹⁶⁴ The

¹¹⁵⁸ See, U.S. Secretary of the Interior, "Official Register of the United States Containing a List of Officers and Employés in the Civil, Military, and Naval Service on the First of July, 1881; Together with a List of Ships and Vessels Belonging to the United States," ed. U.S. Department of the Interior (Washington D.C.: U.S. Government Printing Office, 1881); "Official Register of the United States Containing a List of Officers and Employees in the Civil, Military, and Naval Service on the First of July, 1897; Together with a List of Ships and Vessels Belonging to the United States," ed. U.S. Department of the Interior (Washington D.C.: U.S. Government Printing Office, 1897).

¹¹⁵⁹ See, "Official Register of the United States Containing a List of Officers and Employees in the Civil, Military, and Naval Service on the First of July, 1901; Together with a List of Ships and Vessels Belonging to the United States," ed. U.S. Department of the Interior (Washington D.C.: U.S. Government Printing Office, 1901).

¹¹⁶⁰ See, U.S. War Department, "Annual Reports of the War Department for the Fiscal Year Ended June 30, 1899: Report of the Major-General Commanding the Army in Three Parts," ed. U.S. War Department (Washington D.C.: U.S. Government Printing Office, 1899), 4; "Annual Reports of the War Department for the Fiscal Year Ended June 30, 1900: Reports of the Chiefs of Bureaus, Vol. 1," 4. It is important to keep in mind that the fiscal year that these reports relate to starts with the beginning of July and ends with the end of June the year after. Thus, the U.S. military had effectively raised its numbers from 499 to 1,125 soldiers (incl. officers) *in one year*.

¹¹⁶¹ See, Morrison, *Showing the Flag: The Mounted Police and Canadian Sovereignty in the North, 1894-1925*, 70.

¹¹⁶² Harvey, *The Limits to Capital*, 373-74.

¹¹⁶³ See, Department, "Report of the Secretary of War, Being Part of the Message and Documents Communicated to the Two Houses of Congress at the Beginning of the Third Session of the Forty-First Congress." For information about the 1799 founding and the destruction of Novo-Arkhangel’sk, see, Black, *Russians in Alaska, 1732-1867*, 155-61, 286-87.

¹¹⁶⁴ See, U.S. War Department, "Annual Reports of the War Department for the Fiscal Year Ended June 30, 1900: Reports of the Chiefs of Bureaus, Vol. 2," ed. U.S. House of Representatives (Washington D.C.: U.S. Government

construction of Fort Egbert in 1899 located on a plateau in a narrow bend of the Yukon River, less than 100 kilometers away from Canada's Dawson City, close to the goldfields in the Forty Mile River and the Klondike River regions, testifies to the strategic interest of the United States in establishing military oversight particularly over riverine transportation networks (see, fig. 26).¹¹⁶⁵

The location of Fort Egbert had been determined to the U.S. War Department by Patrick H. Ray during the U.S. Army reconnaissance operations in the winter of 1897-1898. He proposed to erect a fort at this locale, the confluence of the Yukon River and Mission Creek, because of the abundance of timber and its proximity to the 141st meridian (see, fig. 27). On his trip, the U.S. officer passed "[...] but few open valleys or benches that were above high water, and only one that I consider would make a suitable site for a post"¹¹⁶⁶. "This", Ray wrote to the U.S. Army headquarters, "is at the mouth of Mission Creek [...], on the left bank, 20 miles below the boundary [the 141st meridian] and 130 miles above this point [at this point in time, most likely Circle City]"¹¹⁶⁷. The geographical conditions at this point as well as an "[...] abundance of good saw timber in the immediate vicinity"¹¹⁶⁸, formed Ray's core arguments. "Should the Department", Ray continued, "decide to establish a post on the upper river I recommend this site, as it is near the boundary, will be a most suitable point for the location of a custom-house, and the Treasury officials to check, if possible, the violation of our revenue laws"¹¹⁶⁹. Bolstered by U.S. soldiers stationed in Circle City and, primarily¹¹⁷⁰, at the Mission Creek post, U.S. customs agents investigating and regulating riverine traffic were, in Ray's eyes, necessary to cut back on "[...] smuggling [...] extensively carried on at the present time"¹¹⁷¹.

Printing Office, 1900), 284-86. See also, "Annual Reports of the War Department for the Fiscal Year Ended June 30, 1900: Report of the Lieutenant-General Commanding the Army in Seven Parts, Pt. 1," ed. U.S. House of Representatives (Washington D.C.: U.S. Government Printing Office, 1900), 243-51.

¹¹⁶⁵ See, Woodman, *Duty Station Northwest: The U.S. Army in Alaska and Western Canada, 1867-1917*, 1, 1867-1917, 184; Dumonceaux, "Remaking the Alaska-Yukon Borderlands: The North-West Mounted Police, the United States Army, and the Klondike Gold Rush," 472-79.

¹¹⁶⁶ Senate, "Compilation of Narratives of Exploration in Alaska," 529.

¹¹⁶⁷ Ibid.

¹¹⁶⁸ Ibid.

¹¹⁶⁹ Ibid.

¹¹⁷⁰ In his report, Patrick H. Ray suggests establishing a particular hierarchy, both in geographical and military-organizational terms, between a U.S. Army base at Circle City and at Mission Creek. This hierarchical relationship is itself based on strategic reflections about the interrelation between the economies of gold extraction and concerns about the political independence of state authorities, one of the central criteria of the contractual reason underlying state institutions. "Should it ever become necessary, in enforcing the law here, to have a force in this city [i.e., Circle City], a building for a small detachment could be erected and made a *subpost* to that at Mission Creek. For cogent reasons I deem it for the best interest of the service to locate the permanent garrisons well away from the mining towns, so that the troops, if required to act, will not be biased by local influences", in: *ibid.*, 529, *emph.* AMW.

¹¹⁷¹ Ibid., 529.

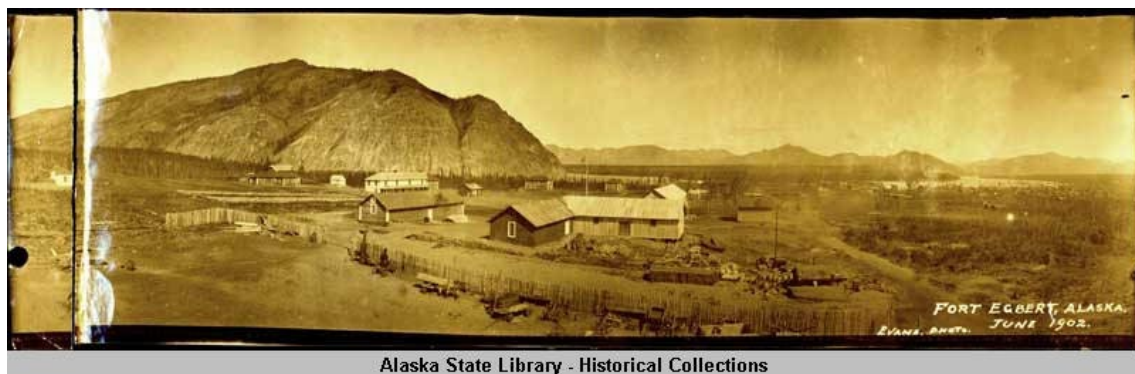


Figure 27: Fort Egbert, Alaska, in June 1902; Photograph: ASL-P277-004-014, Wickersham State Historic Site Collection, Photographs 1882-1930s, Alaska State Library Historical Photograph Collections. Courtesy of the Alaska State Library.

Indeed, the arrival of American soldiers close to the U.S.-Canada borderline was interpreted as a transitory moment. U.S. Deputy Marshal Frank M. Canton wrote with awe and nationalist excitement, “[a] bugle call was sounded under the Stars and Stripes, and we could see the deck was crowded with United States soldiers wearing the American uniform”¹¹⁷². At long last, he rejoiced, “[...] for I knew that I now had the backing of ‘Uncle Sam’ in reality [...]”¹¹⁷³. The decision of the U.S. War Department to station infantry and artillery detachments in the interior of the Yukon riverlands and, more precisely, on the shores of the Yukon River must be seen as a military ‘show of force’, especially given that, at that time, the United States’ military had just recently engaged in military operations in the Pacific and in the Caribbean.¹¹⁷⁴

Because I have not consulted military records¹¹⁷⁵ about the construction of Fort Egbert and about the exact reasoning of military planners underlying the deployment of infantry and artillery platoons, it remains, of course, highly speculative whether these particular choices reflect a grander strategy of border securitization in Alaska’s interior and elsewhere.¹¹⁷⁶ Setting this methodological limitation aside, the focus of the U.S. military on infantry and artillery, on comparatively immobile troops, indicates a strategic focus on projecting military sovereignty primarily over the transportation corridors of the riverlands and only secondarily inland, into ‘the country’ (see, fig. 28). Military planners seem to have concentrated on securing the arteries that kept the extractive

¹¹⁷² Canton, “Frontier Trails: The Autobiography of Frank M. Canton,” 219.

¹¹⁷³ Ibid. About the role of the U.S. military in relation to law enforcement and the crushing of labor disputes, see, Tate, *The Frontier Army in the Settlement of the West*, ch. 4.

¹¹⁷⁴ In 1898, the United States had been in war with Spain, a war that resulted in the annexation of Cuba, Guam, Puerto Rico, and the Philippines; see, e.g., Meinig, *The Shaping of America: A Geographical Perspective on 500 Years of History*, 3: Transcontinental America, 1850-1915, 364-96; Hopkins, *American Empire: A Global History*, esp. ch. 9; Immerwahr, *How to Hide an Empire: A History of the Greater United States*, 64-72.

¹¹⁷⁵ Because of limitations in resources—both temporal and financial—, this study has not focused on archival material of the U.S. military in Alaska beyond governmental reports. For information about the U.S. Army detachment stationed in Skagway; see, Brian G. Shellum, *Buffalo Soldiers in Alaska: Company L, Twenty-Fourth Infantry* (Lincoln: Bison Books, 2021).

¹¹⁷⁶ See, Woodman, *Duty Station Northwest: The U.S. Army in Alaska and Western Canada, 1867-1987*, 1, 1867-1917, 184.

economies of the Yukon riverlands intact, in the hopes of keeping expenses low while simultaneously securing the circulation of goods, labor, and capital. This strategy of projecting military superiority punctually and in a concentrated form (by focusing on the nodes of transportation networks and the infrastructures of commerce) rather than expansively and dispersed had been popularized by former U.S. admiral Alfred Thayer Mahan who in 1890 famously argued, “the needs of commerce [...] were not all provided for when safety had been secured at the far end of the road”¹¹⁷⁷.

The voyages were long and dangerous, the seas often beset with enemies. [...] Thus arose the demand for stations along the road, like the Cape of Good Hope, St. Helena, and Mauritius [...]—posts whose value was chiefly strategic [...].¹¹⁷⁸

In Mahan’s eyes, the maritime firepower of modern navies was to be utilized for the creation of an imperial network of trade flows secured by the strategic deployment of ports along the trade routes. Therefore, “[c]olonies and colonial posts were sometimes commercial, sometimes military in character”¹¹⁷⁹; their value lay in their strategic utility, not in the fact that they constituted territorial holdings *per se*.¹¹⁸⁰

¹¹⁷⁷ Alfred Thayer Mahan, *The Influence of Sea Power Upon History, 1660-1783* (London: Sampson Low, Marston & Co., Ltd., 1890), 27. See also, Immerwahr, *How to Hide an Empire: A History of the Greater United States*, 63-64.

¹¹⁷⁸ Mahan, *The Influence of Sea Power Upon History, 1660-1783*, 28.

¹¹⁷⁹ Ibid.

¹¹⁸⁰ See, *ibid.*, 29-44.

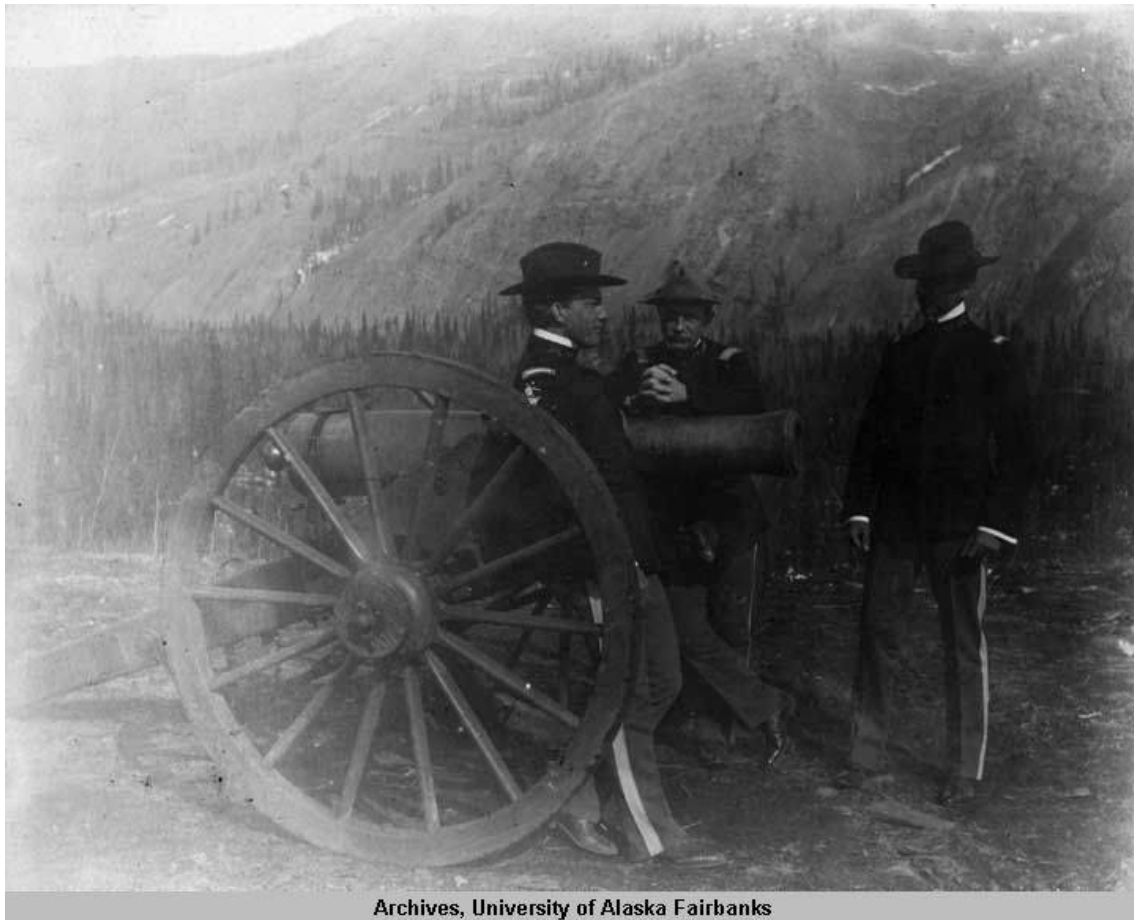


Figure 28: U.S. soldiers at Fort Egbert with a cannon on a gun carriage; Photograph: UAF-2003-174-326, R. C. Force Papers 1900-1910, Alaska & Polar Regions Collections & Archives, University of Alaska Fairbanks. Courtesy of the APRCA at UAF.

Like their military counterparts, officers of the United States' Customs Service (USCS) were deployed according to a strategy of generating access and oversight over the system of transportation and trade at specific points and not simply across the entire riverlands. Over the time, the geographical foci of the U.S. Customs Service's bureaucracies in Alaska varied considerably depending on the dynamics of trade and the shifting centers of commercial activity. In 1881, for instance, U.S. Customs officials were distributed to a total of four posts located exclusively along Alaska's coast: Sitka, Wrangel, Kodiak, and Unalaska.¹¹⁸¹ By 1911, however, the U.S. Customs Service was present in coastal regions—in Juneau, for instance, in Nome, St. Michael, Wrangel, or Skagway—as well as in the Yukon riverlands—in Eagle and Forty Mile—, with a total of twelve posts in operation.¹¹⁸² The construction of the White Pass & Yukon Route Railroad in

¹¹⁸¹ See, Interior, "Official Register of the United States Containing a List of Officers and Employés in the Civil, Military, and Naval Service on the First of July, 1881; Together with a List of Ships and Vessels Belonging to the United States."

¹¹⁸² See, U.S. Bureau of the Census, "Official Register of the United States: Persons in the Civil, Military, and Naval Service of the United States, and List of Vessels," ed. U.S. Department of Commerce and Labor (Washington D.C.: U.S. Government Printing Office, 1911).

1899-1900 intensified connections between the riverlands and southeastern Alaska, resulting in a decrease in traffic from St. Michael to Dawson City.¹¹⁸³ From a contemporary perspective, the fiscal significance of customs agencies to the treasuries both of the fin-de-siècle United States and Canada is easily underestimated. In 1902, for example, the amounts of duties collected accounted for 37% of entire revenue generated by the United States' federal government.¹¹⁸⁴ The establishment of state bureaucracies was indeed costly, and borders were envisioned as core instruments for the generation of revenues and constant state income. However, administrators had to walk a fine line between expanding governmental control in the Yukon riverlands and the generation of fiscal profits.



Busby's concern with an imminent stampede to Rampart House resonated strongly with the actual experiences of state officials stationed in the Yukon riverlands. News of gold 'discoveries' on the shores of the Bering Strait in 1899 and along the Tanana River system in 1902 resulted in an exodus of miners and laborers from the Yukon Territory to Alaska.¹¹⁸⁵ As a consequence, the production of gold in the upper Yukon riverlands dropped drastically reaching its zenith in 1900 (see, fig. 29).¹¹⁸⁶ For settlements in the upper Yukon riverlands such as Eagle and Dawson City, the effects of the Alaska gold rushes were widely felt, deeply increasing the economic dependency of these communities from governmental spending.

The local business of Eagle is very small. Most of the people have gone from the town to the Fairbanks and other Tanana Gold Fields. A little mining is still carried on about here, on American Creek, the Seventy Mile River etc. but the output is not great. Were it not for the post at Ft. Egbert

¹¹⁸³ See, Haycox, *Alaska: An American Colony*, 219; Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 117, 69-72. For a detailed discussion of the significance of the White Pass & Yukon Route Railroad to the emergence of the Alaska-Yukon border zone, see especially, Dumonceaux, "Gateway' to the Alaska-Yukon Borderlands: The White Pass & Yukon Route Railway, the North-West Mounted Police, and the Klondike Gold Rush."

¹¹⁸⁴ See, U.S. Bureau of the Census, "Historical Statistics of the United States, Colonial Times to 1970, Bicentennial Edition, Part 2," ed. U.S. Department of Commerce (Washington D.C.: U.S. Government Printing Office, 1975), 1122, Series Y 567-589. By 1970, the proportion of customs duties in relation to the total revenue collected by the U.S. federal government had drastically shrunk to slightly more than 1%. This shift illustrates both the fiscal and, of course, the political significance of customs collection at the turn of the century, a shift that might very well correspond to differing technologies and rationalities of border security developing throughout the 20th century.

¹¹⁸⁵ For a discussion of gold strikes on the Arctic coast and on the Tanana River system, see, e.g., Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 118-20; Demuth, *Floating Coast: An Environmental History of the Bering Strait*, 199-227; Haycox, *Alaska: An American Colony*, 219-21.

¹¹⁸⁶ Robinson, "Gold in Canada," 18-19, 32. The statistics presented by the Canadian department should, of course, be approached with care and not necessarily be taken at face value. This is especially important in regard of the period between 1886 and 1896 during which Canada's governmental oversight in the Yukon riverlands was patchy at best. Nevertheless, the greater picture that the statistics provide illustrate the drastic increase of gold production in the Canadian portions of the Yukon riverlands in the late 1890s. Between 1896 and 1897, for instance, the value of gold extracted from the riverlands increased from \$300,000 to \$2,500,000, an increase of more than 700%; and a year later, between 1897 and 1898, the amount of gold produced in the Yukon riverlands did still increase more than 300% to a net value of \$10,000,000. From there, gold production more than doubled its extracted value until 1900.

and the fact that this is on the boundary where the customs are located and boats have to report, the place would be practically deserted.¹¹⁸⁷

Although gold strikes in Alaska stifled the economic position of the upper Yukon riverlands, the shift in economic activity and population did not result in the collapse of the riverlands' extensive, riverine networks of trade and commerce. For one, riverine transportation corridors remained central to the export of gold from interior Alaska (i.e., Chicken) and to the import of supplies via Canada. Remarkably, between 1904 and 1917, the proportion of gold dust originating from the interior mining districts and exported at the U.S. Customs post at Eagle would never fall below 65% in 1904 and peaked at over 98% in 1912 (see, fig. 30).¹¹⁸⁸

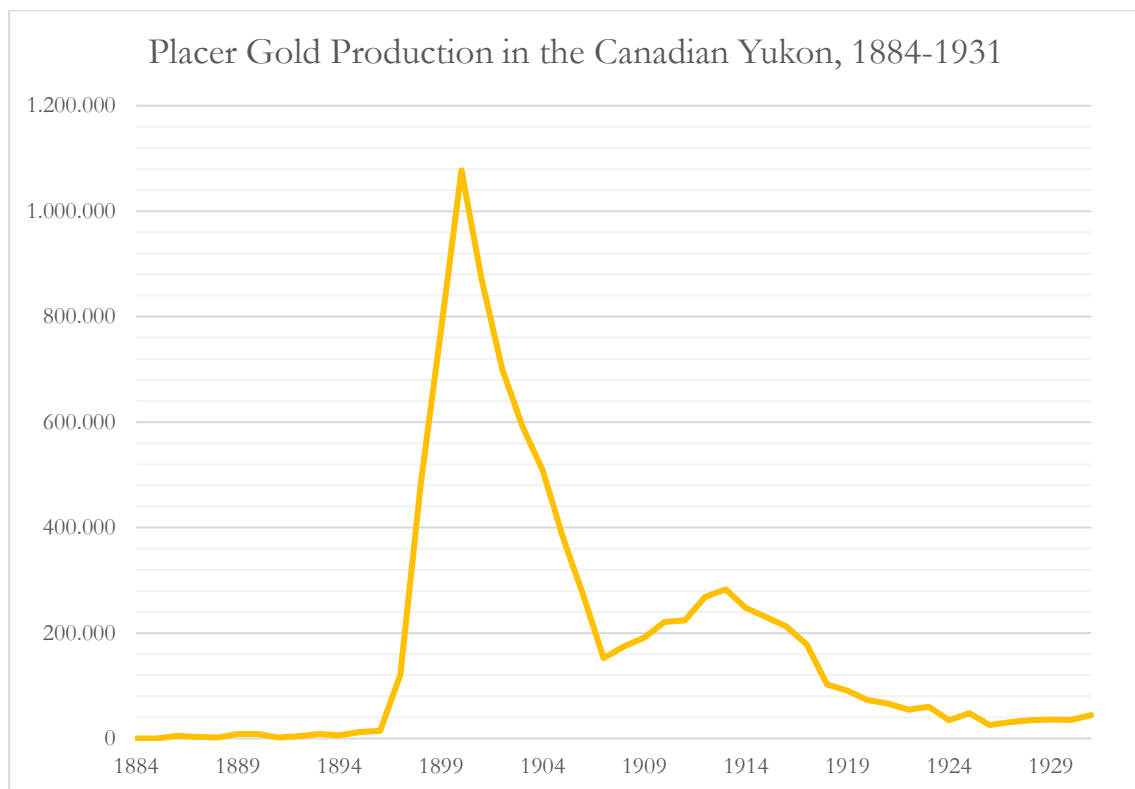


Figure 29: Production of placer gold in the Canadian Yukon (in fine ounces); Graph.: AMW on the basis of data provided by Robinson, A. H. A., "Gold in Canada," ed. Department of Mines Canada (Ottawa: F. A. Acland Publishers, 1932), 18-19.

¹¹⁸⁷ Annual report of U.S. Deputy Collector of Customs Clarence L. Andrews from Eagle to the Office of the Deputy Collector of Customs, U.S. Customs Service, Jan. 1, 1906, p. 2, in: NARA WA, RG 36, U.S. Customs Records, Records of the Office of Deputy Collector of Customs Eagle, Box 135, Vol. 1: Letters Sent Eagle 1905-1908, No. 177-180.

¹¹⁸⁸ This claim is based on data compiled by the author based on the annual reports of the U.S. Customs officers at Eagle; in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 135, Vol. 1: Letters Sent Eagle 1905-1908, No. 182; Box 135, Vol. 2: Letters Sent Eagle 1905-1919, No. 22, No. 46, No. 103, No. 158. No. 247; Box 135, Vol. 4: Copies of Letters Sent to the Collector of Customs Juneau 1912-1926, No. 13, No. 73, No. 141.

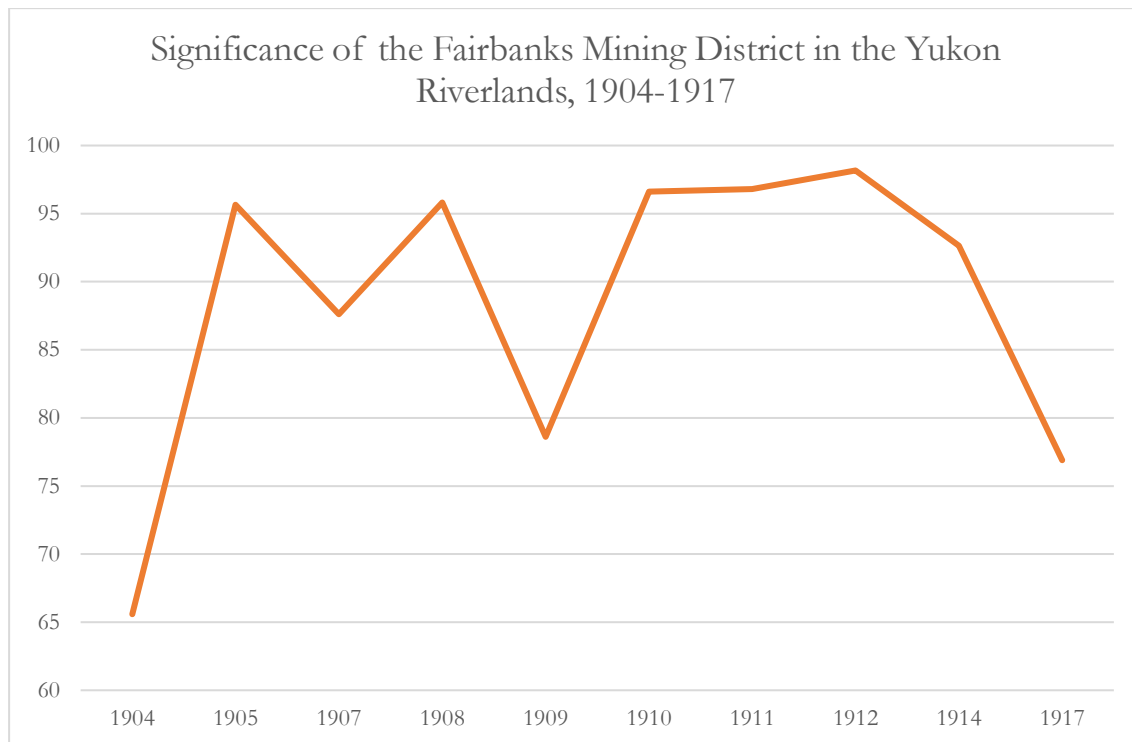


Figure 30: Value of gold exports at the port of Eagle originating from the Fairbanks mining district (in percent); Graph.: AMW on the basis of data provided in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 135, Vol. 1: Letters Sent Eagle 1905-1908, No. 182; Box 135, Vol. 2: Letters Sent Eagle 1905-1919, No. 22, No. 46, No. 103, No. 158. No. 247; Box 135, Vol. 4: Copies of Letters Sent to the Collector of Customs Juneau 1912-1926, No. 13, No. 73, No.141.

11.2 Frustration

Dynamics markets, rapid demographic shifts, extraordinarily high prices, and the effects of protectionist trade policies did also affect government agents themselves and the degree to which settler colonialist-capitalist governments were able to monitor flows of goods and people(s). Salaries of U.S. customs agents, for instance, were perceived as notoriously meager and barely capable of securing the officers' subsistence in an economic environment characterized not only by generally high prices, but also by major price fluctuations.¹¹⁸⁹ For some, the economic burdens of public office proved too much to bear, while for others, its legal and political opportunities appeared far too profitable not to capitalize on it. In 1898, citizens from Eagle found that U.S. Deputy Collector of Customs Albert J. Cody had been "[...] confiscating liquor from our man and selling it to another for retail purposes"¹¹⁹⁰. The customs agent cashed in on seized liquor, thereby eroding "[...] the trust imposed on him and [...] the honorable office he has been called upon to

¹¹⁸⁹ In other regions, customs agents utilized the confusion that borders and border regulations created to their own financial advantages; see, Hoy, *A Line of Blood and Dirt: Creating the Canada-United States Border across Indigenous Lands*, 176-82.

¹¹⁹⁰ Report of the citizens committee at Eagle, signed by A. Beavers and Thomas W. Nesbitt, to Lyman J. Gage, U.S. Secretary of the Treasury, p. 1, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 124, Vol. 2: Misc. Letters Received Eagle and Circle 1897-1904, No. 17.

fill [...]”¹¹⁹¹. Another possibility of privately profiting from public office was, of course, to directly engage with the mining economies of the Yukon riverlands. U.S. Deputy Collector of Customs at Circle City, Charles Smith, for example, registered his own claims in “[...] a trip to the mines [...]”¹¹⁹² in 1900 and Frank M. Canton, stuck at Rampart City in the winter of 1897-98, spent most of his time prospecting.¹¹⁹³

Government officials seldomly strike it rich. Some were exploring avenues that blurred the lines between business interests and regulatory oversight. Charles Smith discussed the idea of working parttime for the Alaska Commercial Company increasing the officer’s salary.¹¹⁹⁴ Unfortunately for Smith, this pathway to economic fortune was quickly dismissed by his superiors at the U.S. Treasury Department. The fox would not be put in charge of the henhouse. Trading companies such as the ACC and the North American Trading & Transportation Company enjoyed a particularly powerful position in the riverlands, especially before competition pushed both the ACC and the NAT&TCo. out of large shares of the market in transportation and supply.¹¹⁹⁵

In accordance with Porteus B. Weare’s calls for government intervention, Circle City’s freshly appointed customs officer identified smuggle as the most pressing concern to the territorial and commercial integrity of the United States in the Yukon riverlands.¹¹⁹⁶ In drastic, militarist tones, Smith suggested to arm a small steamboat with a Hotchkiss machine gun and “[...] put her down on the border line and kill about 100 of them fellows [?]”¹¹⁹⁷. Smith’s self-confident demeanor, however, stands in stark contrast to the dependence of government officials on the two trading companies that were conducting business in the Yukon riverlands in 1898, the ACC and Porteus

¹¹⁹¹ Ibid.

¹¹⁹² Letter by Charles Smith to Joseph W. Ivey Jan. 7, 1900, p. 1, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 134, Vol. 1: Letters Sent Circle City 1897-1900, No. 258.

¹¹⁹³ See, Canton, "Frontier Trails: The Autobiography of Frank M. Canton," 161-67. Charles Smith’s superior, U.S. Collector of Customs Joseph W. Ivey, too, was implicated in the mining economy registering claims and running entire mining camps, see, Allan, "Over My Dead Body": The Bravery and Bluster of Alaska's Gold Rush Customs Collector," 52.

¹¹⁹⁴ "I wish to say in my behalf that when you and Mr. Ivey were here I talked at length with Collector Ivey about my accepting a position with the Alaska Commercial Company and he informed me that so long as I attended the duties of collector there would be no complaint from the Department and I presumed he had spoken to you about our conversation and I regret very much to learn that my action has caused you or will cause you any unnecessary inconveniences [...]" in: letter by Charles Smith to Joseph F. Evans, Special Agent of the U.S. Treasury Department, July 30, 1900, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 134, Vol. 1: Letters Sent Circle City 1897-1900, No. 371.

¹¹⁹⁵ See, Anderson, *Lifeline to the Yukon: A History of Yukon River Navigation*, 64-66; Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 169-70.

¹¹⁹⁶ "The U.S.," wrote Smith in 1897, "is loosing [in original] Thousands of Dollars [in original] every year by these transportation company's [in original] sending goods in bond to the N.W.T. The very identical goods are smuggled back across the line and American people are living on the products of the Canadian government", Letter by an unknow author, most likely Charles Smith, to Joseph W. Ivey, U.S. Collector of Customs in Alaska, Oct. 12 (?), 1897, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 134, Vol. 1: Letters Sent Circle City 1897-1900, No. 2.

¹¹⁹⁷ Ibid.

B. Weare's North American Trading & Transportation Company. The customs office was, after all, situated in a building owned by the ACC which simultaneously served as courthouse, jail, and U.S. Marshal's office.¹¹⁹⁸ Moreover, in absence of any serious competitors, the trading companies found themselves in the comfortable position of dictating the rhythms of the mining camps and government offices, timing the deliveries of supplies and the offer of long-distance transportation opportunities.¹¹⁹⁹

Even more, according to Charles Smith, Circle City's freshly assigned Deputy Collector of Customs, Chicago businessman Porteus B. Weare had an associate been appointed U.S. Commissioner in the interior of the Yukon riverlands, responsible for registering mining claims, administering oaths, and upholding U.S. laws.¹²⁰⁰ Thus, prior to the arrival of U.S. customs officers, the sole representative of the United States' civil government had been assigned by none other than Porteus B. Weare, the same corporate figure who had extensively and ultimately successfully lobbied for Frank M. Canton's appointment as U.S. Deputy Marshal, and for the deployment of U.S. soldiers and Canadian constable to the Yukon riverlands.¹²⁰¹ That the Chicago head of a business corporation operating along the Yukon River wielded considerable political power and sketched out the skeletal basis of government administration, reflects the entanglement of corporate capitalism with settler colonial expansion—and it is not particularly surprising.

In his recent study of the development of the U.S. Postal Service in the American West, historian Cameron Blevins described the depths to which business interests, financial speculation, and outright corruption were enmeshed with the creation of colonial state presence. Blevins distinguished between two models of colonial government. According to Blevins, the “[...] entanglement between public and private was a defining feature of the agency model”¹²⁰². In contrast to the model of the Weberian, bureaucratic state with its professional class of civil

¹¹⁹⁸ “I will say that the building I occupied from Oct. 4, 1897 to Oct. 4, 1898 belonged to the A.C.Co. and not the N.A.T.Co. and I arranged with the A.C.Co. to have the bill reduced from \$840.00 to \$600.00. The U.S. Commissioner's Court, Jail and Marshal's office are in the same building”, in: Letter by Charles Smith to the U.S. Collector of Customs Feb. 6, 1900, in: letter by Charles Smith to Joseph W. Ivey Jan. 7, 1900, p. 1, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 134, Vol. 1: Letters Sent Circle City 1897-1900, No. 279.

¹¹⁹⁹ “I enclose here a proposition from the two companies to [?] furnish the articles for the use of the Custom House at the Port, you will see that the A.C.Co. is the lowest but they would not agree to deliver the goods untill [in original] late next year. The N.A.T.&T.Co. charge more for the articles and will have them come on the first boat in the spring, not later than the 1st of July”, in: letter by an unknown author, most likely Charles Smith, to Joseph W. Ivey, U.S. Collector of Customs in Alaska, Oct. 12 (?), 1897, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 134, Vol. 1: Letters Sent Circle City 1897-1900, No. 2.

¹²⁰⁰ See, Letter by an unknown author, most likely Charles Smith, to Joseph W. Ivey, U.S. Collector of Customs in Alaska, Oct. 12 (?), 1897, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 134, Vol. 1: Letters Sent Circle City 1897-1900, No. 2.

¹²⁰¹ See also, chapter 9. of this dissertation.

¹²⁰² Cameron Blevins, *Paper Trails: The U.S. Post and the Making of the American West* (Oxford; New York: Oxford University Press, 2021), 81.

servants¹²⁰³, the sketchy patterns of exercising and articulating settler colonial control in the United States in the 19th century were based on the systematic employment of ‘lay bureaucrats’, local businessmen, for instance, who were temporally serving as representatives of federal power.¹²⁰⁴ Blevins’ distinction proves particularly helpful in explaining the dynamics of expansion and contraction characteristic to the U.S. administration in the American West, related to the emergence and to the dynamics of extractive capitalism.¹²⁰⁵ As in other parts of the American West, mining camps and settlements in the Yukon riverlands often turned out short-lived when, for instance, the output of mining sites did not meet with the “[...] imagined futures [...]”¹²⁰⁶ that had led to their establishment in the first place.¹²⁰⁷ Blevins demonstrates that economic considerations were not merely incentives for deploying state bureaucracies in the American West, but economic actors were themselves involved in constituting them, either directly as ‘lay bureaucrats’ or indirectly through investment and corruption.¹²⁰⁸ While Blevins’ distinction must not be read as a linear transition process from the ‘agency’ to the model of bureaucratic proficiency, it nevertheless draws attention to the fact that a class of bureaucratic professionals was factually non-existent in many regions claimed by the United States, and that state institutions were often operated directly through or were, at least, intricately tied to what appeared as non-state, business-oriented actors such as, in this case, the ACC or the NAT&TCO.¹²⁰⁹



Aside from deepening the already complicated ties to the trading companies operating along the rivers or engaging with mining and prospecting, the presence of the U.S. military also provided

¹²⁰³ For Max Weber, the modern state is characterized by the existence of a distinct class of politically neutral, professional administrators. “In einem modernen Staat liegt die wirkliche Herrschaft, welche sich ja weder in parlamentarischen Reden, noch in Enunziationen von Monarchien, sondern in der Handhabung der Verwaltung im Alltagsleben auswirkt, notwendig und unvermeidbar in den Händen des Beamtentums, des militärischen wie des zivilen“, in: Max Weber, *Wirtschaft Und Gesellschaft: Grundriss Der Verstehenden Soziologie* (Tübingen: Mohr Siebeck Verlag, 2002), 825.

¹²⁰⁴ See, Blevins, *Paper Trails: The U.S. Post and the Making of the American West*, 27-32.

¹²⁰⁵ See, *ibid.*, 64-74.

¹²⁰⁶ Beckert, *Imagined Futures: Fictional Expectations and the Dynamic of Capitalism*, 3.

¹²⁰⁷ The short-lived silver stampedes to the lands of the Kluane First Nation may serve as an illustration of these processes that resulted in extremely dynamic demographic shifts, the emergence of settlements (i.e., Silver City), and the transformation of Indigenous nations’ social relations; see, Paul Nadasdy, *Hunters and Bureaucrats: Power, Knowledge, and Aboriginal-State Relations in the Southwest Yukon* (Vancouver; Toronto: University of British Columbia Press, 2003), 31; Kluane First Nation, *Lhù'ààn Mán Keyí Dań Kvánje Nà'atsat: Kluane Lake Country People Speak Strong* (Vancouver; Toronto; Berkeley: Figure 1 Publishing, 2023), 52-54.

¹²⁰⁸ See, Blevins, *Paper Trails: The U.S. Post and the Making of the American West*, 81-88.

¹²⁰⁹ See, *ibid.*, 112-16, 57-59. Similar arguments have been raised by anthropologists studying bureaucratic machines and the intersection between bureaucracies and the state; see, e.g., Josiah McC. Heyman, “The Anthropology of Power-Wielding Bureaucracies,” *Human Organization* 63, no. 4 (2004); Colin Hoag, “Assembling Partial Perspectives: Thoughts on the Anthropology of Bureaucracy,” *PoLAR: Political and Legal Anthropology Review* 34, no. 1 (2011); Olaf Zenker, “De-Judicialization, Outsourced Review, and All-Too-Flexible Bureaucracies in South African Land Restitution,” *The Cambridge Journal of Anthropology* 33, no. 1 (2015). See also, Akhil Gupta, *Red Tape: Bureaucracy, Structural Violence, and Poverty in India* (Durham; London: Duke University Press, 2012).

venues for mitigating the economic hardships that continuously frustrated border officials. “I wish to make application through you”, noted customs agent Charles Smith in a letter to the U.S. Secretary of the Treasury Lyman J. Gage in March 1900, “to the War Department of a permit to purchase stores from the commissary department stationed in Alaska. The prices I am compelled to pay for supplies from the companies leave but leave [in original] of my salary at the close of the year”¹²¹⁰. Luckily, the U.S. War Department did indeed extend the privilege of obtaining supplies from Fort Egbert’s quartermaster, Eagle, to local customs officers and other governmental agents. This was by no means an obvious conclusion. When the U.S. Army established their presence at Fort Egbert in 1899, soldiers suffered from acute supply problems leading to desertion.¹²¹¹ While, as in other parts of the American West¹²¹², soldiers tried to mitigate the challenges of supplying Fort Egbert by exploiting local food sources, they were learned with surprise about the environmental conditions of the boreal forest and about the apparent “[s]carcity of game [...], as it would subsequent newcomers to Alaska, they having imagined uncounted caribous, bears, moose, sheep, reindeer, and other creatures roaming throughout the territory, easy prey to hungry hunters”¹²¹³.

Thanks to the supplies delivered and largely paid for by the U.S. War Department, the problem of supplying U.S. border officials at the 141st meridian seemed to be solved, at least for a moment. Frequent transfers and the exchange of staff between 1898 and 1904 at the customs posts in the interior riverlands indicated the fragility of U.S. control over the riverlands and an increasing degree of professionalization that set in after 1900. However, they also strained relations with the U.S. military. When in 1902, the position of the U.S. Deputy Collector of Customs at Eagle (see, fig. 31) had changed for the second time in a period of less than three years, the commanding officer at Fort Egbert, captain Perkins refused to extend customs officers the privilege of purchasing supplies from the depots of the U.S. Army. According to Deputy Collector of Customs Leonard U. Stenger, Perkins argued that the orders handed down from the U.S. Secretary of War related to Stenger’s predecessor, “[...] Lewis Baker Jr. personally, and [...] [made] no reference as to myself [i.e., Leonard U. Stenger], as Mr. Baker’s successor, or to Deputies F. J. Vandewall and J. H. Robinson”¹²¹⁴. Apparently, the U.S. soldiers at Fort Egbert did not consider extending commissary

¹²¹⁰ Letter by Charles Smith to Lyman J. Gage March 27, 1900, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 134, Vol. 1: Letters Sent Circle City 1897-1900, No. 307.

¹²¹¹ See, Woodman, *Duty Station Northwest: The U.S. Army in Alaska and Western Canada, 1867-1987*, 1, 1867-1917, 189-90.

¹²¹² See, Tate, *The Frontier Army in the Settlement of the West*, ch. 6.

¹²¹³ Woodman, *Duty Station Northwest: The U.S. Army in Alaska and Western Canada, 1867-1987*, 1, 1867-1917, 190.

¹²¹⁴ Letter by Leonard U. Stenger, U.S. Deputy Collector of Customs Eagle, Alaska, to the U.S. Collector of Customs at Sitka, Alaska, July 26, 1902, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 130, Vol. 1: Letters Received from U.S. Collector of Customs 1900-1903, No. 42.

privileges to entire government agencies but to specific individuals. The U.S. Department of the Treasury was forced to step in and to mediate the conflict between representatives of American power from different branches of the government. In a letter composed of slightly irritated undertones, then Secretary of the Treasury Leslie M. Shaw noted, “[...] the Department is in receipt of a letter from the Secretary of War, in which it is stated that the Quartermaster General and Commissary General, U.S.A., have been authorized to sell to the Deputy Collectors and Inspectors stationed at Eagle City, Alaska, for cash, on delivery, with 50 per cent added to cover cost of transportation, such articles of quartermaster’s and subsistence stores as may be necessary and proper [...]”¹²¹⁵. For now, tensions between the U.S. Army detachment at Fort Egbert and the U.S. customs officers had been quieted.

By the end of the decade, however, the smoldering conflict between the military and Eagle’s customs agents over access to military supplies and thus over indirect subsidies of the U.S. War Department granted to other branches of the federal government, reached yet another climax. During the summer of 1908, the Clarence L. Andrews (see, fig. 32), head of Eagle’s customs office, sent an alarmist letter to the commanding officer of the garrison at Fort Egbert, U.S. Army captain H. A. Hanigan, echoing concerns of his predecessors and delivering a vivid image of the life-worlds of U.S. customs officials in the Yukon riverlands at that time,

We were sent here as Customs officers by the Government. The place has many inconveniences in matters of living and many expenses are greater than in the similar stations in the United States where other Customs Officers [in original] are stationed. The salaries paid are not such as are in proportion to the cost of living and the inconvenience In order to make it as agreeable as possible, and to lessen the difference between conditions here and those of the more favored stations we as Customs officers asked that we be allowed the privilege of the purchase at the Commissary of such articles as we might need thus giving us a better selection and at the advance of 50% over cost price being cheaper to us than to purchase in the open market.¹²¹⁶

While captain Hanigan was persuaded to continue with the practice of extending access to U.S. Army supplies to non-military agencies and personnel, the tense relationships between the military and their non-military counterparts increasingly eroded.

¹²¹⁵ Letter by Leslie M. Shaw, U.S. Secretary of the Treasury, to the Collector of Customs at Sitka, Alaska, Sept. 12, 1902, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 130, Vol. 1: Letters Received from U.S. Collector of Customs 1900-1903, No. 187.

¹²¹⁶ Letter by Clarence L. Andrews, U.S. Deputy Collector of Customs at Eagle, Alaska, to U.S. Army captain H. A. Hanigan July 31, 1908, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 135, Vol. 1: Letters Sent Eagle 1905-1908, No. 491.

The military was also responsible for the installation of a pump station on American Creek, a tributary of Mission Creek close to Eagle, because the quality of the water available was considered dangerously poor.¹²¹⁷ Customs officers paid for the delivery of fresh water by U.S. soldiers, “[...] from the end of the pump line to the office at a cost of \$7.50 per month [...]”¹²¹⁸. In the spring of 1909, roughly a year after Andrews’ complaint, customs officer George W. Woodruff clashed with adjutant Harry Graham, 1st Lieutenant of the 22nd Infantry at Fort Egbert, over both the privileges granted to customs agents by the U.S. War Department and over who was paying the bill for U.S. Army water deliveries.¹²¹⁹ Woodruff was not aware that, by 1909, both the patience and the purses of the U.S. military in Alaska had shrunk considerably, and that Fort Egbert in particular was increasingly considered a financial liability lacking strategic significance.¹²²⁰ After a visit of the War Department Inspector General in summer, the department eventually decided to put a stop “[...] to the several years’ practice [...] of allowing non-military government employees [...] to purchase QM subsistence items and articles from the Post Exchange”¹²²¹. In a letter sent to the U.S. Collector of Customs in Alaska later that year, Charles D. Norton, then Acting Secretary of War, explained,

The case of the customs employes stationed at the sub-port of Eagle [...] do [sic!] not, in my judgement, warrant an exception to the policy of the Department. While the increase in cost of living resulting from the withdrawal of this privilege is appreciated, this fact cannot be considered as justifying the sale of Government supplies to a large number of individuals. The practice of so selling arose from absolute necessity; there being originally no other source of supply, and it has

¹²¹⁷ In a letter to his superiors at Juneau, Alaska, Clarence L. Andrews describes the situation at Eagle in vivid terms and therefore provides an illustration of the logistical challenges of serving as a U.S. customs agent in the Yukon riverlands. “I would state that the water is not furnished with the rental. The wells in the town being pronounced by the Army Doctor as not being in his opinion safe for use. The Army post at this place, Ft. Egbert, has put a pumping plant in operation to pump water for the post from a spring on American Creek to the post. At the Customs office we hire the water hauled from the end of the pump line to the office at a cost of \$7.50 per month, this covering two barrels twice each week or sixteen barrels per month of four weeks. Of this we pay the sum of \$2.50 per month for water for personal use and use the rest for drinking, washing hands, windows, etc., about the office and so have forwarded vouchers for same for payment each month. It would seem that a supply of good water would be a necessity at this post as well as at any other in the service and I would consider it a proper charge to the expense of the post [...]”, in: Letter by Clarence L. Andrews to the U.S. Collector of Customs, Juneau, June 10, 1908, p. 1, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 135, Vol. 1: Letters Sent Eagle 1905-1908, No. 469. In fact, the problem of poor water quality continues to define the settlement of Eagle until today. The town still relies on a spring on American Creek, located a few kilometers away from the shores of the Yukon River, on the road to the Taylor Highway.

¹²¹⁸ Ibid.

¹²¹⁹ Letter by George W. Woodruff to Harry Graham Apr. 15, 1909, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 135, Vol. 2: Letters Sent Eagle 1905-1919, No.’s 59-61.

¹²²⁰ See, Woodman, *Duty Station Northwest: The U.S. Army in Alaska and Western Canada, 1867-1987*, 1, 1867-1917, 311.

¹²²¹ Ibid.

been found necessary to subject the privilege to the limitations which originally governed. It appears therefore that the conditions at Eagle do not permit any departure from the rule.¹²²²

After that, it would not take long for U.S. military planners to decide to withdraw American soldiers from the U.S.-Canada border and to abandon Fort Egbert. In fact, the consolidation and regrouping of U.S. troops along the Yukon River drainage and all over Alaska was already in full swing at the time of Norton's letter.¹²²³ By 1911, most of the U.S. military had retreated, "[...] save for the few Signal Corps men who operated the communication system"¹²²⁴.

Following my remarks about the entanglement between state institutions and economic actors in the previous section of this chapter, the dynamics of the relationship between the U.S. military and federal employees of other branches of government in the Yukon riverlands illustrate, for one, the economic challenges that state officials encountered. Due to the more-than-terrestrial assemblages constitutive of the Yukon riverlands (i.e., seasonality and temperatures, geologies and water, rivers and the establishment of coastal trade networks), officials suffered from the uncertainty of transportation and supply, from comparatively high and extremely dynamics price levels, and from meager salaries in relation to these challenges. Second, U.S. institutions did not form a unified block representing 'the' state, 'a bureaucracy'.¹²²⁵ Rather, officials themselves continuously engaged in struggles over permanent access to scarce and expensive goods. With the stabilization of supply lines throughout the early 1900s and in face of the economic crisis of 1907, the U.S. War Department decided to cut customs agents off from accessing U.S. Army supplies and thus to reduce the costs that the military saw itself confronted with.¹²²⁶ Thereby, the department also stepped back from the structural role that the U.S. military had played in other regions of the American West supporting the establishment of federal bureaucracies with supplies, expertise, and manpower.¹²²⁷

¹²²² Letter by U.S. Acting Secretary of War Charles D. Norton to U.S. Collector of Customs at Juneau, Alaska, Dec. 4, 1909, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 132, Vol. 2: Letters Received from U.S. Collector of Customs 1909-1912, No. 844.2.

¹²²³ See, Woodman, *Duty Station Northwest: The U.S. Army in Alaska and Western Canada, 1867-1987*, 1, 1867-1917, 311-12.

¹²²⁴ Ibid., 312. The Washington-Alaska Military Cable & Telegraph System (WAMTCS) had been established fairly quickly after Congress appropriated funds for an all-American cable connection linking U.S. military posts in Alaska with the centers of military decision-making both in the Pacific Northwest (Seattle) and in the eastern United States (Washington D.C.). By 1904, the WAMCTS extended from Washington D.C. to, among others, Fort Egbert, Fort St. Michael, Fort Gibbon, and, of course, to Juneau; see, ibid., 235-50; Haycox, *Alaska: An American Colony*, 227-28.

¹²²⁵ See, Mitchell, "The Limits of the State: Beyond Statist Approaches and Their Critics," 94-95; Das, "The Signature of the State: The Paradox of Illegibility," 250-51.

¹²²⁶ About the economic crisis of 1907 and the creation of the Federal Reserve System, see,

¹²²⁷ See, Tate, *The Frontier Army in the Settlement of the West*, 81-83.

11.3 Confusion

In theory, the transboundary network of supply lines constituting the backbone of the extractive industries in the Yukon riverlands could be operated easily. When supplies were, for instance, transported from Skagway in the United States to the Fairbanks region in Alaska, passing through the Canadian Yukon Territory, merchants were required to produce a ‘special coastwise manifest’ that would specify the origin of their shipment. Information about the alleged ‘origin’ of a particular product was necessary because it determined the legal status of the trading goods: dutiable or not. Goods produced in the United States and shipped through Canadian territory were considered free of duty on their re-introduction to Alaska; merchandise of ‘foreign origin’, on the other hand, was not. What, in theory, appeared to be a rather simple system, turned out nightmarishly confusing in practice. In a letter to the Klondike Thawing Machine Company, U.S. Deputy Collector at Eagle Clarence L. Andrews tried his best explaining the general framework of U.S. customs.

[...] you have been informed that the data on an in transitu entry from Dawson is accepted as proof of the goods being of American origin. Your information is not correct. The in transitu entry is simply proof that the goods did not originate in Canada. Would Lubeck’s potatoes under an intransitu [in original] be considered as American products? If French Vermouth ex warehouse were on an intransitu [in original], do you think I would believe it from the U.S. on that account? The proper proof of the United States origin is the proof of export from the United States at the port of export. [...] Many goods are made in the U.S. and are exported with the benefit of drawback on imported material. This drawback must be paid on reimportation. So that the goods being from the U.S. is not conclusive that there is no duty on them. Goods of foreign origin paid to the U.S. and afterward exported and then returned are dutiable on the next importation same as the first time.¹²²⁸

Determining the ‘national identity’ of merchandise was made difficult by the fact that the organization of industrial production both in the United States and in the Yukon riverlands had undergone a process of internationalization.¹²²⁹ In 1907, for example, Clarence L. Andrews wondered whether butchery products produced from pigs that “[...] were shipped from Skagway under special Coastwise manifest [in original] for Eagle and were butchered in Dawson and

¹²²⁸ Letter by Clarence L. Andrews, U.S. Deputy Collector of Customs at Eagle, to the Klondike Thawing Machine Company May 25, 1906, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 135, Vol. 1: Letters Sent Eagle 1905-1908, No. 248.

¹²²⁹ See, William Cronon, *Nature's Metropolis: Chicago and the Great West* (New York; London: W.W. Norton & Company, 1992), 225-59; Meinig, *The Shaping of America: A Geographical Perspective on 500 Years of History*, 3: Transcontinental America, 1850-1915, 227-45; Levy, *Ages of American Capitalism: A History of the United States*, 243-57; Lenger, *Der Preis Der Welt: Eine Globalgeschichte Des Kapitalismus*, 217-96.

returned here as dressed meats instead of as live animals [...]”¹²³⁰ were to be considered ‘products of foreign origin’. Eventually, U.S. officials concluded that—consistent with Lockian notions of labor¹²³¹—the production of butchery products such as bacon or sausages in Dawson City would indeed substantially transform both the form and the value of the article, thus turning livestock into meat products.¹²³² Through the mobilization of labor, the sum turned out to be substantially more than its parts. In other cases, the geographical and temporal complexities of industrial production chains could lead to almost grotesque problems. In 1905, the manager of a Californian trading corporation appealed previous decisions of the U.S. Customs office at Eagle asking for drawback of duties paid on the importation of canned milk, because “[...] the tin used in these cans is of American manufacture [...]”¹²³³.

¹²³⁰ Letter by Clarence L. Andrews, U.S. Deputy Collector of Customs at Eagle, to the U.S. Collector of Customs at Juneau, Sept. 30, 1907, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 135, Vol. 1: Letters Sent Eagle 1905-1908, No. 428.

¹²³¹ See, chapter 10.2 of this dissertation.

¹²³² Copy of Letter by Byron S. Waite and Eugene G. Hay, U.S. Board of General Appraisers, to Henry Waechter and the U.S. Collector of Customs, July 9, 1908, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 132, Vol. 1: Letters Received from U.S. Collector of Customs 1906-1909, No. 734.

¹²³³ Letter by Unknown Author, manager of a store at Dawson City, to Clarence L. Andrews, U.S. Deputy Collector of Customs at Eagle, July 5, 1905, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 124, Vol. 1: Misc. Letters Received Eagle 1903-1904, No. 110.



Figure 32: Clarence Leroy Andrews at the U.S. Customs office at Eagle in 1905, Photograph: UAA-HMC-0059-2, Clarence Leroy Andrews Papers 1842-1946, UAA-HMC-0059, University of Alaska Anchorage Consortium Library, Archives & Special Collections. Courtesy of the UAA Library.



Figure 31: The U.S. Customs office at Eagle's First Avenue, ca. 1905-1906, Photograph: ASL-P45-0103, Clarence L. Andrews Photograph Collection ca. 1842-1940, ASL-PCA-45, Alaska State Library Historical Collections. Courtesy of the Alaska State Library.

Even the ‘national identities’ of the very means of riverine transportation (i.e., ships, rafts, sloops, and others) were repeatedly becoming objects of controversy, economic competition, and state regulation in which the differential functions of the U.S.-Canada border took shape.¹²³⁴ A complaint by the Northern Commercial Company about “[...] the custom to construct barges in Yukon territory [in original] [...] and load them with goods for American ports below the border, and on arrival at Eagle take off the sides of the barge and then replace the same, and go forward with the same barge into American territory”¹²³⁵ started an almost philosophical debate reminiscent of the Ship of Theseus, but with very practical implications. “The idea”, the company’s attorney argued, “is evidently that by this subterfuge they claim that the barge has been made over in America, and hence can engage in the American coastwise trade”¹²³⁶ without payments of duties and registration of the vessel. U.S. customs officers rejected the company’s accusations of unfair business practices. “Scows built in Canadian territory”, wrote Clarence L. Andrews in his reply, “come here laden with goods and floating down the stream. Those so built have been refused permit to pass and in many cases have been dismantled and the material duty paid and then have been rebuilt at this place”¹²³⁷. In cases in which the boats were reassembled, they were allowed to continue their travels downriver. Through payment of royalties and through the mobilization of physical labor, they had been turned ‘American’, since “[...] foreign built scows cannot go down the river”¹²³⁸. Of course, some wondered whether ships built from timber previously cut in Alaska would be allowed passage without the imposition of additional revenues. But “[b]uilding them [i.e., the ships] of American lumber”, the officers noted, “does not make them American as the material is changed in form by manufacture abroad”¹²³⁹. While, once again, labor essentially determined the origin of a product, governmental agents left no doubt that resources such as timber were imbued with national identities as well.¹²⁴⁰ Quite literally, the 141st meridian cut the boreal forests of the Yukon riverlands to pieces.

¹²³⁴ Here, I follow Steffen Mau’s characterization of borders as “[...] Sortiermaschinen [...]”, cit. in: Mau, *Sortiermaschinen: Die Neuerfindung Der Grenze Im 21. Jahrhundert*, 15. See also, *ibid.*, 19-20.

¹²³⁵ Letter by John Sidney Webb, attorney of the Northern Commercial Company, to Eugene T. Chamberlain, U.S. Commissioner of Navigation at the U.S. Department of Commerce, March 26, 1905, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 131, Vol. 2: Letters Received from U.S. Collector of Customs 1905-1906, No. 499.

¹²³⁶ *Ibid.*

¹²³⁷ Letter by Clarence L. Andrews, U.S. Deputy Collector of Customs at Eagle, to U.S. Collector of Customs, Juneau, Apr. 27, 1906, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 134, Vol. 3: Letters Sent Eagle 1903-1905, No. 465.

¹²³⁸ Letter by Clarence L. Andrews, U.S. Deputy Collector of Customs at Eagle, to Larry Lillioo, Dawson City, Apr. 20, 1905, NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 134, Vol. 3: Letters Sent Eagle 1903-1905, No. 458.

¹²³⁹ *Ibid.*

¹²⁴⁰ See also, Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*, 18-22.



Ironically, the confusing implications of customs practices along the U.S.-Canada border were amplified by the rapid territorial expansion of the United States in the 1890s, particularly the 1898 war with Spain resulting in the annexation of Cuba, Guam, Puerto Rico, and the Philippines.¹²⁴¹ While Cuba remained a U.S. protectorate until 1959 and Guam holds the status of a non-incorporated Territory, both Puerto Rico and the Philippines were incorporated as Territories under the provisions of the 1787 Northwest Ordinance.¹²⁴² For customs officers in the Yukon riverlands, the various legal statuses of these annexed lands produced the obvious problem of how to properly classify imported goods that had been produced, say, in Manila and shipped to Dawson City awaiting their transport to Circle City or to Fairbanks. When, in 1904, the manager of the Bennett News Company operating a store at Whitehorse was asking whether Philippine cigars would be exempt of import taxes due to their place of production laying in the United States, U.S. customs officials presented a complex regulatory architecture.

[...] asking if Manila Cigars can be brought into the United States free of duty from your place, I would say not. The law is that goods from the Phillipine Islands [in original] come into the United States at 25% less than from other countries. The cigars from the Philippines [in original] also come in without payment of Internal Revenue tax. But I think neither of these pertain to importation from other countries of goods originally produced in the Phillipine Islands [in original].¹²⁴³

At the turn of the century, U.S. customs regulations ascribed products from the Philippines a specific legal status that both excluded these products from the economic sphere of the continental United States while at the same time putting Philippine products at an economic advantage relative to ‘foreign’ countries. In Alaska, anti-Filipino sentiments had grown in the early 1900s.¹²⁴⁴ While the Philippines were excluded from the United States, they were simultaneously drawn to the U.S.’s imperial orbit. Economic integration and exploitation were the foundational elements of projecting U.S. imperial sovereignty across the Pacific, from Alaska and the Yukon riverlands to the

¹²⁴¹ For information about the U.S. imperial expansion to the Philippines, see, e.g., Julian Go and Anne L. Foster, eds., *The American Colonial State in the Philippines: Global Perspectives* (Durham; London: Duke University Press, 2003); Rick Baldoz, *The Third Asiatic Invasion: Empire and Migration in Filipino America, 1898-1946* (New York; London: New York University Press, 2011); Colleen Woods, *Freedom Incorporated: Anticommunism and Philippine Independence in the Age of Decolonization* (Ithaca; London: Cornell University Press, 2021); Daniel Immerwahr, "Philippine Independence in U.S. History: A Car, Not a Train," *Pacific Historical Review* 91, no. 2 (2022). For a discussion of the histories of settler colonial capitalism and its contemporary forms, see, e.g., Kēhaulani J. Kauanui, *Hawaiian Blood: Colonialism and the Politics of Sovereignty and Indigeneity* (Durham; London: Duke University Press, 2008); *Paradoxes of Hawaiian Sovereignty: Land, Sex, and the Colonial Politics of State Nationalism*.

¹²⁴² See, Howard Roberts Lamar, *Dakota Territory, 1861-1889: A Study of Frontier Politics* (New Haven: Yale University Press, 1956), 2-5; Haycox, *Alaska: An American Colony*, 177.

¹²⁴³ Letter by Clarence L. Andrews, U.S. Deputy Collector of Customs at Eagle, to the Manager of the Whitehorse Store of the Bennett News Co., Aug. 19, 1904, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 134, Vol. 3: Letters Sent Eagle 1903-1905, No. 251.

¹²⁴⁴ See, Hunt, *North of 53°: The Wild Days of the Alaska-Yukon Mining Frontier, 1870-1914*, 252-53.

Philippines.¹²⁴⁵ By 1910, this process of economic integration had intensified. At that time, customs officers in Alaska were advised, “[...] that such cigars [i.e., from the Philippines] are [...] entitled to free entry when the same are consigned direct from the consignor in the Philippine Islands to the consignee in the United States and are carried on a through bill of landing”¹²⁴⁶ which is essentially similar to how American produce from overseas territories were cleared. Through economic means and, after all, through customs regulations and practices, the Philippines had been absorbed into the seemingly continuous sphere of the United States.¹²⁴⁷ Still, some questions about the extension of empire remained unresolved. For instance, if Philippine cigars were to be considered products of ‘American origin’, what would be the consequences to the people that factually made them and who were brutally oppressed by the United States (see, fig. 33)?¹²⁴⁸

¹²⁴⁵ See, Hopkins, *American Empire: A Global History*, 616-22.

¹²⁴⁶ Letter by Unknown Author, U.S. Special Deputy Collector of Customs at Juneau, to John J. Hillard, U.S. Deputy Collector of Customs, Eagle, July 22, 1910, p. 2, in: NARA 2A, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 132, Vol. 3: Letters Received from the U.S. Collector of Customs 1909-1912, No. 883.

¹²⁴⁷ Consistent with customs protocols, a ‘direct’ connection between the Philippines and Alaska’s Yukon riverlands was not defined simply in terms of the existence of direct shipping routes between Alaskan and Philippine ports. Rather, goods “[...] can be transferred from one vessel to another enroute and still be within the direct shipment provision, or they can be landed in foreign contiguous territory [such as Canada’s Yukon Territory], loaded on cars or other conveyance, under bond, transferred across said territory, unloaded at the frontier, re-loaded on cars or other conveyance, and transported across domestic territory to destination on a through bill of landing, which method of transportation also constitutes a direct shipment within the meaning of the act”, in: Ibid.

¹²⁴⁸ See, e.g., Paul A. Kramer, "The Darkness That Enters the Home: The Politics of Prostitution during the Philippine-American War," in *Haunted by Empire: Geographies of Intimacy in North American History*, ed. Ann Laura Stoler (Durham; London: Duke University Press, 2006); Immerwahr, *How to Hide an Empire: A History of the Greater United States*, esp. ch. 6; Stefan Aune, "Indian Fighters in the Philippines: Imperial Culture and Military Violence in the Philippine-American War," *Pacific Historical Review* 90, no. 4 (2021).

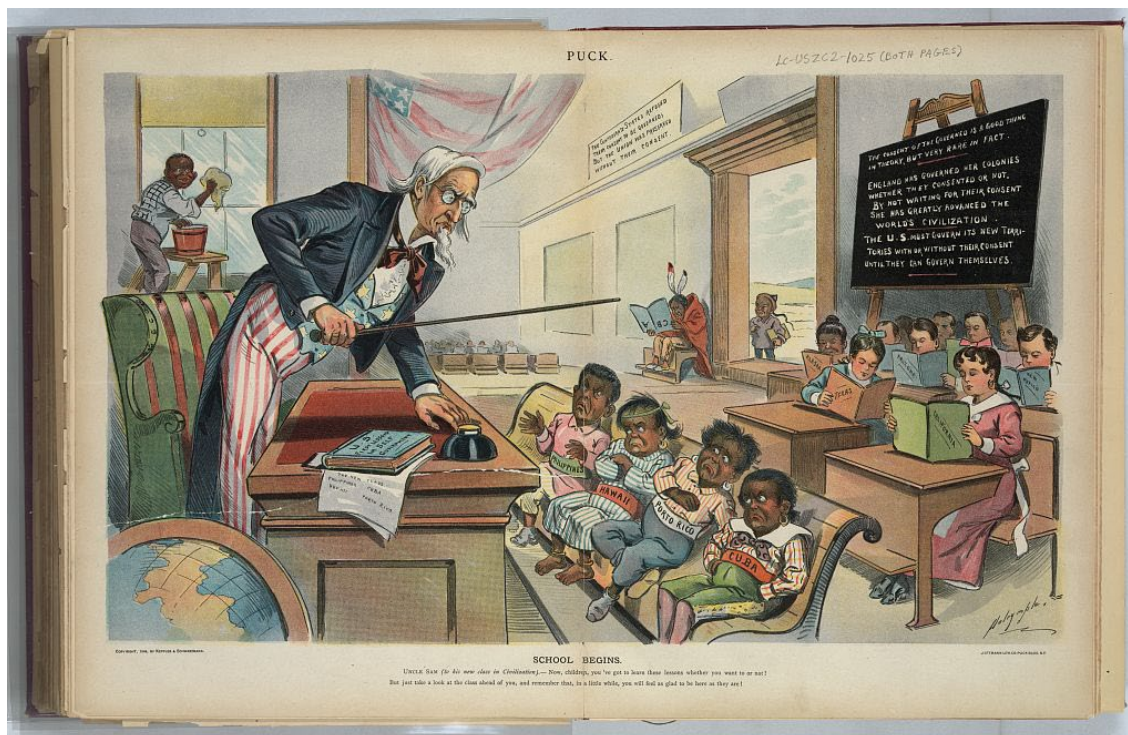


Figure 33: Dalrymple, Louis (1899): School Begins. In: *Puck* Vol. 44, No. 1142 (January 25, 1899). Cartoon retrieved from the U.S. Library of Congress, Prints and Photograph Division, Online: <https://www.loc.gov/pictures/item/2012647459/> (last access 04-25-2024).



Another problem for customs agents was the determination of the ‘wholesale market value’ of commodities exported from Canada to fuel Alaska’s booming industries. Duties imposed on products imported to the United States were based on their market value at the so-called ‘principal market’ on the day of their shipment. Compared to markets in Victoria or Vancouver, though, purchasing goods in Dawson City was extremely costly “[...] owing to the isolated situation of Dawson [...]”¹²⁴⁹, high costs for transportation and the unpredictability of environmental conditions.¹²⁵⁰ Purchasing supplies in the Yukon Territory to export them to Alaska could therefore drastically shrink profits, especially for local businesses. In 1899, a Canadian merchant informed U.S. authorities about the effects of American customs policies on his business operations. He explained that had been purchasing valves in Vancouver (Canada) shipping them to Dawson City for a total cost of \$0.38 per pound, with transportation costs accumulating to \$0.10 per pound. “Owing to the shortage of the Dawson market”, he noted, “these Valves [in original] sold for \$7

¹²⁴⁹ Letter by U.S. General Appraisers Byron S. Waite, H. M. Somerville, and Eugene G. Hay to the U.S. Collector of Customs at Juneau, Feb. 28, 1908, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 132, Vol. 1: Letters Received from the U.S. Collector of Customs 1906-1909, No. 712b.

¹²⁵⁰ See, Letter by the U.S. Collector of Customs at Juneau to the U.S. Board of General Appraisers, Aug. 7, 1907, pp. 2-3, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 132, Vol. 1: Letters Received from the U.S. Collector of Customs 1906-1909, No. 649a.

each”¹²⁵¹. Due to the U.S. Customs Service’s practice of considering Dawson as the principal market of the region, an Alaskan customer who would like to purchase valves from stores in Dawson, would be obliged to pay “[...] duty to the amount of 45% on \$7”¹²⁵², the Dawson price level. Effectively, Alaskan customers would be obliged to pay an additional \$3.15 on their order, \$3.15 to fill the coffers of the U.S. treasury. Customers, on the other hand, who were mailing their orders to Vancouver would only have to pay a fraction of this sum, duties on \$0.28 per pound. Thus, for business owners operating stores in Dawson, the U.S. Customs Service’s definition of the town as a principal market or rather, as “[...] practically the only market for any kind of supplies in that part of Canada [...]”¹²⁵³ appeared to be a severe economic disadvantage compared to their Alaskan counterparts. Merchants feared that customs regulations would be siphoning-off trade from the Canadian portions of the riverlands and the interior riverine transportation networks to the maritime trading routes and the overland trail connecting Fairbanks with ports at Anchorage and Valdez, an ‘all-American route’ (see, fig. 34 & 35).¹²⁵⁴

Unfortunately, U.S. officials were not easily persuaded by the arguments of Canadian traders that would effectively result in upending protectionist U.S. economic policies in the Alaska-Canada border zone. If Canadian goods were “[...] needed for Fairbanks or other points on the American Yukon”, the U.S. Collector of Customs noted with irony, “they can be shipped direct from Southern Canada to Alaska, and thus pay duty at the price of purchase in the cheaper markets of Canada”¹²⁵⁵. U.S. authorities were willing to lower the rate of duties imposed on imports from Dawson City and Whitehorse only under the circumstance of drastic shortages of essential supplies in Alaska, especially given that “[...] in ordinary circumstances [...], merchandise may be purchased in the United States and shipped by water or by water and rail to Fairbanks without paying any duty at all”¹²⁵⁶. Although the U.S. Treasury Department did eventually decide to *formally* abandon

¹²⁵¹ Letter by J. H. Holme, J. R. Miller, and J. P. Woolman to Clarence L. Andrews, U.S. Deputy Collector of Customs at Eagle, June 6, 1906, p. 1, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 125, Vol. 2: Misc. Letters Received Eagle 1909-1907, No. 123.

¹²⁵² Ibid.

¹²⁵³ Letter by the U.S. Collector of Customs at Juneau to the U.S. Board of General Appraisers, Aug. 7, 1907, p. 2, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 132, Vol. 1: Letters Received from the U.S. Collector of Customs 1906-1909, No. 649a.

¹²⁵⁴ See, Anderson, *Lifeline to the Yukon: A History of Yukon River Navigation*, 68-75; Alton, *Alaska in the Progressive Age: A Political History, 1896-1916*, esp. ch. 9; Dumonceaux, "Remaking the Alaska-Yukon Borderlands: The North-West Mounted Police, the United States Army, and the Klondike Gold Rush," ch. 10; Haycox, *Alaska: An American Colony*, 246-51.

¹²⁵⁵ Letter by the U.S. Collector of Customs at Juneau to the U.S. Board of General Appraisers, Aug. 7, 1907, p. 3, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 132, Vol. 1: Letters Received from the U.S. Collector of Customs 1906-1909, No. 649a.

¹²⁵⁶ Ibid.

its definition of Dawson as a “[...] principal market of Canada”¹²⁵⁷, Washington still held “[...] that goods actually purchased in Dawson must be invoiced at and pay duty on the Dawson prices”¹²⁵⁸. Thus, *practically*, Dawson remained the ‘principal market’.

Thus, through customs practices rather than mere regulations, commercial centers in the Canadian Yukon Territory were systematically put at an economic disadvantage. Alaskan customers would indeed be inclined to either purchase American produce transported along an all-American, maritime trade-route, or to prefer shopping in the southern economic centers of Canada. In any case, as long as an overland route to the Yukon riverlands and their goldfields did not exist on the Canadian side of the Alaska-Canada border, U.S. policies ensured that the American treasury would profit from the flows of goods along Alaska’s coast and through water claimed and surveilled by the United States. Merchants in Dawson and Whitehorse, on the other hand, would see their businesses stifled. Settlements in the Yukon Territory and in the interior of Alaska’s Yukon riverlands were to remain intricately tied and economically dependent on the existence of maritime transportation routes through U.S. territory and access to southern markets.

¹²⁵⁷ Letter by J. R. Willis, U.S. Special Deputy Collector of Customs at Juneau to Clarence L. Andrews, Apr. 6, 1908, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 132, Vol. 1: Letters Received from the U.S. Collector of Customs 1906-1909, No. 712.

¹²⁵⁸ Ibid.



Figure 34: Dawson City at midnight, June 21, 1899; Photograph: HEG558, Eric A. Hegg Photographs, Special Collections, University of Washington Libraries. Courtesy of the University of Washington Libraries.



Figure 35: Steamer *Seattle No. 1* arrives at Dawson City, 1898; Photograph: HEG409, Eric A. Hegg Photographs, Special Collections, University of Washington Libraries. Courtesy of the University of Washington Libraries.

11.4 *Smuggling*

Economic pressures resulting from taxation policies opened the doors to smuggling and fraud which constituted, as I have shown, one of the central concerns of customs agents and others, especially during the 1890s. In 1903, reports reached the U.S. Secretary of the Treasury “[...] that great quantities of cigars, tobacco and woolens were being taken into Forty-Mile [in original], Alaska without payment of duty”¹²⁵⁹. D. H. Jarvis, the superior officer of Forty Mile’s customs agent W. J. Idleman was unconvinced of these “[...] intentionally exaggerating and misleading [...]” reports. Still, “[...] it is imperative that proper measures be taken to protect the border and seize any foreign goods found on the American side of the boundary that have not paid duty”¹²⁶⁰. The once abstract borderline had become manifest as an object of governmental care and the production of (monetary) value. By summer, agents of the influential North American Trading & Transportation Company reiterated Washington’s concerns. “Our agent at this place”, noted an operative of the NAT&TCo.’s post at Fort Yukon with alarm, “complains of an unfair, illegal competitive business, being done here, during the past 2 years, by a peddler named Daniel Cadzow, who brings in goods each summer by scow [?], takes them up the Porcupine river [in original], to trade with the Indians”¹²⁶¹. Cadzow who, in contrast to the information provided by customs officials, was likely still operating his trading post in the Black River region in 1902-1903 (see, fig. 36), was accused of importing Canadian goods to the United States, evading payment of customs duties, and thereby illegally creating an economic advantage over competitors such as the North American Trading & Transportation Company.¹²⁶² Cadzow’s practice of purchasing supplies in Vancouver and Victoria, where prices could be drastically lower than in the Canadian Yukon Territory, and shipping them to the interior of Alaska “[...] in bond [...]”¹²⁶³ to avoid the imposition of taxes based on prices in Dawson City, was quickly registered by the U.S. Customs Service agents stationed at Skagway. By September, U.S. authorities moved to arrest Cadzow who

¹²⁵⁹ Letter by D. H. Jarvis, U.S. Collector of Customs, to W. J. Idleman, Deputy Collector of Customs at Forty Mile Jan. 15, 1903, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 152, Vol. 2: Letters Received Forty Mile 1902-1905, No. 46.

¹²⁶⁰ Ibid.

¹²⁶¹ Letter by Unknown Author, North American Trading & Transportation Company at Fort Yukon, to Leonard U. Stenger, U.S. Deputy Collector of Customs at Eagle, July 3, 1903, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 124, Vol. 1: Misc. Letters Received Eagle 1903-1904, No. 14.

¹²⁶² See, Ibid.

¹²⁶³ Letter by Clarence L. Andrews, U.S. Deputy Collector of Customs at Skagway, to Leonard U. Stenger, U.S. Deputy Collector of Customs at Eagle, Sept. 9, 1903, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 131, Vol. 1: Letters Received from U.S. Collector of Customs 1903-1905, No. Unclear.

was described as “[...] an old offender against Customs Law [...]”¹²⁶⁴ who “[...] had smuggled past here [Forty Mile/Eagle] at different times”¹²⁶⁵. Cadzow was imprisoned and charged for smuggling.¹²⁶⁶ Yet, Eagle’s customs officers felt uncertain about the support of the local court. “[...] this man Cadzow is as guilty as they get to be”, wrote Leonard U. Stenger in a letter to the central office of the U.S. Customs Service at Sitka, “and you know a little about those Alaska juries, and I wish to be in a position to re-seize those goods, in the case the Court orders duties accepted”¹²⁶⁷. Even if criminal charges were dropped, Stenger wished to ensure that maximum economic pressure was applied. “If Cadzow is acquitted and they undertake to enter and pay duties under outside prices, I am of the opinion that I can seize them [Cadzow’s stock] again under that clause, as the destination of the merchandise was Dawson, Y.T. and the merchandise afterward being forwarded from there”¹²⁶⁸. In his reply to Stenger’s letter, J. H. Causten urged his officer to “[...] step cautiously [...]”¹²⁶⁹ and, even in face of Cadzow’s acquittal, make the proceedings “[...] as embarrassing for him as possible”¹²⁷⁰. Causten explicitly agreed with Stenger’s suggestion to consider Dawson City the principal market of Cadzow’s shipment and to dismiss the merchant’s argument that the wares were brought into Alaska in bond. Indeed, Cadzow’s plan for avoiding significantly higher levels of taxation on his stock was thwarted, his economic position in relation to competitors such as the NAT&TCo. weakened.

¹²⁶⁴ Letter by Leonard U. Stenger, U.S. Deputy Collector of Customs at Eagle, to U.S. Collector of Customs at Sitka, Sept. 13, 1903, p. 1, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 134, Vol. 1: Letters Sent Eagle 1903-1905, No. 47-48.

¹²⁶⁵ Ibid.

¹²⁶⁶ See, Letter by Leonard U. Stenger, U.S. Deputy Collector of Customs at Eagle, to U.S. Collector of Customs at Sitka, Sept. 22, 1903, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 134, Vol. 1: Letters Sent Eagle 1903-1905, No. 50.

¹²⁶⁷ Letter by Leonard U. Stenger, U.S. Deputy Collector of Customs at Eagle, to J. H. Causten, U.S. Special Deputy Collector of Customs at Sitka, Sept. 17, 1903, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 130, Vol. 1: Letters Received from U.S. Collector of Customs 1900-1903, No. 280, frontside.

¹²⁶⁸ Ibid.

¹²⁶⁹ Undated Letter by J. H. Causten, U.S. Special Deputy Collector of Customs at Sitka, to Leonard U. Stenger, U.S. Deputy Collector of Customs at Eagle, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 130, Vol. 1: Letters Received from U.S. Collector of Customs 1900-1903, No. 280, backside.

¹²⁷⁰ Ibid.



Figure 36: Dan Cadzow's trading post on the Black River, Photograph: UAF-1965-31-35, Dan Cadzow Papers, Alaska & Polar Regions Collections & Archives, University of Alaska Fairbanks. Courtesy of the APRCA at UAF.



The case of Daniel Cadzow's alleged smuggling across the U.S.-Canada border demonstrates not only the economic pressures of riverine commerce in the Yukon riverlands and the high levels of competition between individual merchants and entire trading corporations. It also illustrates the limitations of border control and of projecting state power through surveillance. North and east of Fort Yukon where Dan Cadzow was conducting his business operations in the early 1900s, along the Porcupine and the Black rivers, government agents were literally absent and far away. To monitor compliance with the legal frameworks of Canada and the United States, state bureaucrats had to rely on local assistance. These local informants were often themselves deeply embedded in the capitalist-colonialist logics of extraction and harnessed colonial authorities for pursuing their own economic interests.¹²⁷¹ Without local informants providing intelligence about suspected trespassers, squatters, and smugglers, colonial authorities were virtually blind, except for their few neuralgic points along the riverine trading and transportation network such as the port at Eagle.¹²⁷²

¹²⁷¹ See also, Hoy, *A Line of Blood and Dirt: Creating the Canada-United States Border across Indigenous Lands*, 136.

¹²⁷² See, *ibid.*, 162-64.

Aside of non-professional, non-governmental informants, oftentimes business owners or employees of trading corporations, it was the office of the U.S. Consul in Dawson City which occupied a critical strategic position in the mechanics of border surveillance and control. The principal activities of the U.S. Consular Service in the Canadian Yukon Territory consisted of processing the various shipments of goods to and from the port at Eagle and/or to and from the port at Skagway, certifying affidavits, forwarding official correspondence, and, of course, mediating conflicts between U.S. authorities and their Canadian counterparts, or between state bureaucrats and private parties. To local traders and commercial companies, the office of the U.S. Consul provided essential services, especially when exact knowledge about the origin of products was missing or was lacking crucial information.

[...] I would say that the proper mode [?] of procedure, in case returned American goods do not show in themselves to be American, is to ascertain the exact date and place of exportation and by whom exported. Then get a consular invoice stating the facts signed by the person exporting the goods or who has exact knowledge of the export. Then you import the goods and make oath to the identity of the goods and to dates etc. and give a bond to produce the certificate of the customs at place of export as to export of goods agreeing. Then apply for the part so reimported only and it will be certified.¹²⁷³

Moreover, the office distributed information about (potential) criminal activities as well as about the movements of people, animals, and pathogens transported/transmitted along the capillary system of the riverlands.¹²⁷⁴ Based on information from Canadian police detective Welsh, for instance, U.S. Consul Carlton Woodward feared an “[...] attempt to defraud the American Customs by putting American marks on Canadian clothing”¹²⁷⁵ which would conceal the origin of the shipment.¹²⁷⁶ In another instance, in 1909, the American consul warned, “[...] that Dawson is

¹²⁷³ Letter by U.S. Deputy Collector of Customs at Eagle, Clarence L. Andrews, to R. P. Elliott at Dawson City, Sept. 5, 1906, in: NARA WA, RG 36, U.S. Customs Records, Records of the Office of Deputy Collector of Customs Eagle, Box 135, Vol. 1: Letters Sent Eagle 1905-1908, p. 296.

¹²⁷⁴ In 1907, for example, Carlton Woodward, at that time U.S. Vice-Consul at Dawson City, informed the U.S. Customs Service at Eagle about an outbreak of glanders at Forty Mile. “This office thanks you for information regarding glanders at Forty Mile and requests that any additional information you may obtain will be forwarded. [...] So far there has been no symptoms of the disease here and as all the owners are taking precautions and more care of their animals I believe we may escape”, in: George W. Woodruff, U.S. Deputy Collector of Customs at Eagle, to Carlton Woodward, U.S. Vice-Consul, Dawson City, Apr. 2, 1907, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 135, Vol. 1: Letters Sent Eagle 1905, No. 369.

¹²⁷⁵ Letter by Carlton Woodward, U.S. Consul at Dawson City, to Clarence L. Andrews, U.S. Deputy Collector of Customs, Eagle, May 17, 1905, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 125, Vol. 1: Misc. Letters Received Eagle 1905, No. 30.

¹²⁷⁶ A few months later, Woodward’s report would illustrate the difficulties not only of determining the origin of a particular product but, more importantly, the limits of investigating potential fraud. “I looked at some of the overcoats in stock at Isaac brothers [in original] which he claimed were the same as shipped. It is impossible to prove anything that I can see. They deal in job lots of clothing from all over the States evidently. He dwelt on the fact that all the clothing he was shipping had labels on them. The labels on some of the coats in his stock seem to be poorly put on,

now overcrowded with men who have come down the river in small boats in search of work and many of them [...] are in destitute circumstances”¹²⁷⁷. Canadian authorities, overwhelmed by the unexpected influx of potential laborers, were lacking proper surveillance of immigration into the United States, the consul complained. “As these people are unable to find employment here, many of them are going on down the river into Alaskan territory where they may become a public charge if they do not find employment”¹²⁷⁸. Only “[...] a small per cent of these men”, he wrote “are American citizens or, are otherwise entitled to enter American territory”¹²⁷⁹. The U.S. consulate acted not only as a mediator and broker necessary to enable the unhindered circulation of capital and labor across the riverlands. It also functioned as an informant and constituted itself a significant component of the architecture of surveillance on the U.S.-Canada border, thereby essentially projecting U.S. oversight into lands claimed by Canada. Therefore, the presence of the U.S. Consul in Dawson City and the symbols that the office displayed were not uncontested.¹²⁸⁰



In the Yukon riverlands, smuggling presents itself also as a story about the limits of ‘the archive’. On the one hand, the archival records of the U.S. customs office at Eagle do not allow for a quantification of the problem of smuggling across the 141st meridian; even more, the subject generally appears strangely vague and unspecific.¹²⁸¹ There **may** be two reasons for that, of course. For one, as Benjamin Hoy has pointed out, customs agents were inclined to prioritize larger shipments of wares over smaller barges or sloops because of their compensation system.¹²⁸² This practice resulted in systematically underestimating the amount of goods smuggled across the U.S.-Canada border in smaller shipments while overenforcement of larger shipments led to a drastic

the sewing irregularly, but that proves nothing. I honestly believe that they are working some sort of a scheme but are sharp enough to cover their tracks”, in: Letter by Carlton Woodward, U.S. Consul at Dawson City, to Clarence L. Andrews, U.S. Deputy Collector of Customs, Eagle, Aug. 26, 1905, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 125, Vol. 1: Misc. Letters Received Eagle 1905, No. 200. In fact, Woodward had received his information about the potential ‘scheme’ of the Isaac Brothers by an informant, he himself mistrusted. “As to whether the person informing me”, he wrote in July, “has a grudge against Isaac Brothers or whether they simply wish to cause you the trouble of opening their shipment each time, knowing their goods are O.K., I cannot say”, in: Letter by Carlton Woodward, U.S. Consul at Dawson City, to Clarence L. Andrews, U.S. Deputy Collector of Customs, Eagle, July 5, 1905, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 125, Vol. 1: Misc. Letters Received Eagle 1905, No. 127.

¹²⁷⁷ Letter by George C. Cole, U.S. Consul at Dawson City, to John J. Hillard, U.S. Deputy Collector of Customs, Eagle, June 2, 1909, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 126, Vol. 1: Misc. Letters Received Eagle 1907-1920, No. Unclear.

¹²⁷⁸ Ibid.

¹²⁷⁹ Ibid.

¹²⁸⁰ See, p. 207 of this dissertation.

¹²⁸¹ In fact, there are only a handful of cases of smuggling occurring at the port of Eagle between 1898 and 1920, with Dan Cadzow’s trading operations on the Black River and the referenced case of label fraud figuring most prominently among them.

¹²⁸² See, Hoy, *A Line of Blood and Dirt: Creating the Canada-United States Border across Indigenous Lands*, 176-82.

decrease of illegal trade implicated in these specific ventures. Second, customs agents were incapable of comprehensively surveilling the riverlands. Instead, they focused on the control of shipments along the rivers which they considered the primary routes for traffic in the riverlands. They essentially ignored the existence of overland trails.¹²⁸³ All too easily, smugglers may have avoided government oversight by crossing the border at points where customs agents and other law enforcement officers were literally far away. It is important to note, however, that, despite their inability to project power across the entirety of the riverlands, customs agents could very well rely on a system of gathering intelligence that consisted not only of non-official informers but also of government officials on both sides of the 141st meridian, as the Cadzow case illustrates.

The relative absence of smuggling is even more puzzling given that the subject had been extensively, almost panicky, discussed during the 1890s. As I have argued elsewhere, movements of peoples and goods across the 141st meridian did, of course, frequently take place in the decades and, in fact, millennia prior to the establishment of forts, customs offices, jails, and police stations. Conversely, these movements were argumentatively mobilized by businessmen such as Porteus B. Weare, by surveyors such as William Ogilvie, or by missionaries such as William C. Bompas to push the United States and Canada to deploy government agents to the riverlands. Smuggle thus served as a trojan horse to persuade government officials in Washington D.C. and Ottawa for expanding state institutions and, consequently, for investing in bureaucratic infrastructures. What had been movements of prospectors, traders, and Indigenous nations across the riverlands that had barely, if at all, been noticed by federal authorities, were now perceived as threats to the generation of profit (for capitalists as well as for the treasuries) by exploiting lands claimed by the United States and Canada. According to Michel Foucault, smuggling sits at the center of reconfiguration of statecrafting and a profound reorganization of social production, constituting a central problem of modern statecrafting. He writes,

Man hat hier im Grunde eine kohärente, im Untergrund ablaufende, parasitäre Wirtschaftstätigkeit. Und man hat den Eindruck, dass der alte, vom Bürgertum tolerierte Illegalismus des Volkes anstatt wie früher die Rechte und die Macht anzugreifen, nun das bürgerliche Vermögen in seiner Materialität selbst angreift.¹²⁸⁴

¹²⁸³ For an illustration of the significance of overland trails, still a comparatively minor topic of research, in other parts of the Yukon and Mackenzie riverlands, see, e.g., Glenn Icton, "Defining Space: How History Shaped and Informed Notions of Kaska Land Use and Occupancy" (PhD Thesis, University of Saskatchewan, 2019); Stoller, "What the Border Divides: Settler Geographies and the Making of the Northwest Territories."

¹²⁸⁴ Foucault, *Die Strafgesellschaft: Vorlesungen Am Collège De France, 1972-1973*, 207. A related argument has been developed by Michel Serres; see, Michel Serres, *Der Parasit*, trans. Michael Bischoff (Frankfurt a.M.: Suhrkamp Verlag, 2010).

Aside from the systematic significance of smuggling within the architecture of modern statecraft, it is important to note that the very existence of ‘smuggling’ as a problem of imperial statecrafting presupposes the legitimacy of territorial claims and takes for granted the relevance of a border drawn between states. It seems trivial, but without a border, there is no ‘smuggling’.¹²⁸⁵

11.5 Costs

The challenges of articulating settler colonialist-capitalist sovereignty in the Yukon riverlands, resulting from the “[...] friction [...]”¹²⁸⁶ between the extraction of resources, the multiplicity of regulatory regimes (i.e., United States vs. Canada, Alaska vs. Yukon Territory), and the materialities of the riverlands (i.e., geologies, climatic conditions, ecologies), demanded a degree of cooperation between state authorities which often goes unnoticed.¹²⁸⁷ Historians have frequently depicted the relationship between the United States and Canada in terms of competition, rivalry, and nationalist resentment.¹²⁸⁸ The actions of U.S. Collector of Customs Joseph W. Ivey threatening Canadian police officer Phil McPhail with imprisonment for violating the territorial sovereignty of the United States is, of course, easily integrated into the existing narrative of nationalist rivalry.¹²⁸⁹ While mistrust and competition are important dimensions of U.S.-Canada relations in the riverlands, as will become more apparent in subsequent chapters of this dissertation, the predominance of narrative highlighting rivalry misses out on the—oftentimes informal—cooperative relationships between state agents. After all, smoothly processing shipments between Canada and Alaska

¹²⁸⁵ See, Mezzadra and Neilson, *Border as Method, Or: The Multiplication of Labor*, 170-71.

¹²⁸⁶ Tsing, *Friction: An Ethnography of Global Connection*, 5. Although I am not specifically interested in global connectivity, I refer to Anna L. Tsing’s notion of ‘friction’ as “[...] a reminder of the importance of interaction in defining movement [...]”, cit. in: *ibid.*, 6. “The effects of encounter across difference”, Tsing writes, “can be compromising or empowering. Friction is not a synonym for resistance. Hegemony is made as well as unmade with friction. Consider rubber. Coerced out of indigenous Americans, rubber was stolen and planted across the world by peasants and plantations, mimicked and displaced by chemists and fashioned with or without unions into tires and, eventually, marketed for the latest craze in sports utility vehicles. Industrial rubber is made possible by the savagery of European conquest, the competitive passions of colonial botany, the resistance strategies of peasants, the confusion of war and technoscience, the struggle over industrial goals and hierarchies, and much more that would not be evident from the teleology of industrial progress”, cit. in: *ibid.*

¹²⁸⁷ See also, Hoy, *A Line of Blood and Dirt: Creating the Canada-United States Border across Indigenous Lands*, 170-72.

¹²⁸⁸ See, e.g., Dumonceaux, “The Conspiracy: The Canadian Response to the Order of the Midnight Sun and the Alaska Boundary Dispute.”; Jessup, “Between Two Empires: Canada and the Alaska Boundary Dispute.”; Grant, *Polar Imperative: A History of Arctic Sovereignty in North America*; Cavell, “Dividing the Northern World: The Arctic and the Alaska Purchase.”; Michael A. Hill, “Imperial Stepping Stone: Bridging Continental and Overseas Empire in Alaska,” *ibid.* 44, no. 1 (2020). Tensions between the U.S. and Canada have also been stressed in relation to 20th century military projects and U.S.-Canada diplomacy; see, e.g., Kenneth S. Coates and William R. Morrison, *The Alaska Highway in World War 2: The U.S. Army of Occupation in Canada's Northwest* (Norman: University of Oklahoma Press, 1992); J. L. Granatstein, “The American Influence on the Canadian Military, 1939-1963,” *Canadian Military History* 2, no. 1 (1993); Whitney P. Lackenbauer, *The Canadian Rangers: A Living History* (Vancouver; Toronto: University of British Columbia Press, 2013); Robert Bothwell, “Thanks for the Fish: Nixon, Kissinger, and Canada,” in *Nixon in the World: American Foreign Relations, 1969-1977*, ed. Fredrik Logevall and Andrew Preston (Oxford; New York: Oxford University Press, 2008).

¹²⁸⁹ See, Allan, “Over My Dead Body!: The Bravery and Bluster of Alaska’s Gold Rush Customs Collector.”; “Twisting the Lion’s Tail!: Joseph W. Ivey’s Anti-Canadian Strategies during the Alaska Boundary Dispute.”

required continuously adjusting and coordinating customs regulations and procedures. In 1903, Canadian comptroller J. T. Lithgow complained “[...] that the certificates as at present issued by your office [the U.S. Customs post at Forty Mile] for American gold dust in transit through or destined for Yukon territory [in original] are not satisfactory and unless changed to meet the requirements royalty will have to be assessed”¹²⁹⁰. After receiving Lithgow’s complaint, the local collector of customs at Forty Mile was swiftly instructed “[...] to prepare these certificates in such form as to occasion American miners the least possible embarrassment upon their arrival at Dawson”¹²⁹¹. At another instance, Canadian officials agreed to “station [a U.S. customs] inspector needed at Dawson [...]”¹²⁹². U.S. authorities ensured, however, that “[...] no insignia be worn”¹²⁹³. In the 1903 case of alleged ‘smuggler’ Dan Cadzow, Canadian state institutions offered to support American investigations by providing intelligence on Cadzow’s business operations.¹²⁹⁴ In short, as U.S. Collector of Customs reprimanded his subordinates at the Eagle customs office, “[w]e rely on the Canadian Customs at Dawson for accurate landing certificates for the cancellation of bands involving large sums and they have a right to expect of the U.S. Customs the same considerations for importations affecting their revenues”¹²⁹⁵. Cooperation between Canadian and U.S. state bureaucrats was crucial in order to project state sovereignty and dominance across the 141st meridian, forcing people to adhere to the regulations of the settler colonialist-capitalist states and ensuring that the extraction of resources as well as the circulation of capital and labor would not come to a sudden halt.¹²⁹⁶

Customs agents envisioned themselves not simply as passive, bureaucratic regulators of their respective states but as active *facilitators* of capitalist development and colonialist appropriation. In some instances, this self-image did, in fact, entertain possibilities of bending existing regulations to serve the purpose of extractivism. In 1901, the Forty Mile’s freshly appointed U.S. Deputy Collector of Customs, Fred J. Vandewall was advised by his superior to harmonize compliance

¹²⁹⁰ Letter by J. H. Clarence (?), Special Deputy Collector of Customs, to W. J. Idleman, Deputy Collector of Customs at Forty Mile March 16, 1903, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 152, Vol. 2: Letters Received Forty Mile 1902-1905, No. 61.

¹²⁹¹ Ibid.

¹²⁹² Telegram by Clarence L. Hobart, U.S. Collector of Customs, to Clarence L. Andrews, U.S. Deputy Collector of Customs, Eagle, May 25, 1905, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 128, Vol. 2: Telegrams Received 1903-1906, No. 273.

¹²⁹³ Ibid.

¹²⁹⁴ See, Memorandum by S. B. Beylé (?), Customs Canada at Forty Mile, to Leonard U. Stenger, U.S. Deputy Collector of Customs, Eagle, July 13, 1903, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 124, Vol. 1: Letters Received Eagle 1903-1904, No. 11.

¹²⁹⁵ Letter by D. H. Jarvis, U.S. Collector of Customs at Sitka, to Leonard U. Stenger, U.S. Deputy Collector of Customs, Eagle, Feb. 26, 1903, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 130, Vol. 1: Letters Received from U.S. Collector of Customs 1900-1903, No. 237.

¹²⁹⁶ See also, chapter 12.2 of this dissertation in which the case of trapper Hans Behn is discussed. The case illustrates that cooperative relationships between the United States and Canada were crucial in projecting colonial power.

with state regulations with the environmental particularities of the Yukon riverlands and the economic requirements of capitalist colonialism.

“You [U.S. Deputy Collector of Customs Fred J. Vandevall] will readily understand that the Customs Regulations are based on Tariff laws, which being necessarily couched in general terms, that that they may apply equally to all sections of the country, little exceptions can be made in them to special situations or cases of hardship often arising in trade intercourses or in Alaska, where so many national impediments to trade exist; as climate, distance and topography, often necessitating extraordinary charges for provisions; hence any drastic or unbending rules and regulations serve only to work injury and retard the development of the Territory without any compensating advantages to the revenue. Your station being distant from the port of entry and unable to avail yourself of prompt advice of your superior officers, it is proper to add that as Deputy Collector you are invested by law with some discretionary power in matters of details and you should exercise it when occasion requires, but with special care and judgement rather than inflict injury. You need not forget that it is the sturdy miner to whom after all the country looks to discover the valuable mineral deposits of Alaska, and that were he not here there would be no occasion to establish a Custom House at Forty Mile, and that when he disappears from the Territory owing in part to Customs House conditions, that you have authority to mitigate, the service will be no longer required.”¹²⁹⁷



Cooperation between state institutions was indeed necessary to keep commerce and trade in the riverlands profiting, as was the establishment of informal protocols of bordering. According to Van Tat Gwich'in Elder Joe Netro, Dan Cadzow moved his store to Gindèhchik in the summer of 1904.¹²⁹⁸ Cadzow's major concern was how to transport his merchandise purchased in southern Canada to Gindèhchik to fill his shelves, a place where neither the United States nor the Canadian government had established a permanent presence. Likewise, the U.S. Customs Service was confronted with the question of how to develop a protocol for shipping articles from the southern sections of the Yukon Territory, Dawson City in particular, to its northern regions along the Porcupine River watershed without creating additional, highly expansive border posts. In 1905, Cadzow “[...] applied to have a Convoy [in original] appointed to accompany him to his destination

¹²⁹⁷ Letter by Joseph A. (?) Evans, Special Agent of the U.S. Treasury Department, to Fred J. Vandewall, U.S. Deputy Collector of Customs at Forty Mile Sept. 18, 1901, pp. 4-5, in: NARA WA, RG 36, U.S. Customs Records, Records of the Office of Deputy Collector of Customs Eagle, Box 152, Vol. 1: Letters Received Forty Mile 1901, No. Unclear.

¹²⁹⁸ See, Vuntut Gwitchin First Nation and Smith, *People of the Lakes: Stories of Our Van Tat Gwich'in Elders/Googvandak Nakhwach'anjoo Van Tat Gwich'in*, 130.

on the British side of the line where he has a post”¹²⁹⁹. Due to Cadzow’s previous confrontation with the USCS “[...] of which you have record”¹³⁰⁰, American customs agents remained hesitant at first in extending the privilege of assigning a convoy to accompany Cadzow’s shipment in order to ensure that the goods were not sold in American territory. Local agents were uncertain, though, as to whether their decision to reject Cadzow’s request would indeed be legally backed both by international agreements and informal practice. “[...] I am not sure”, wrote Clarence L. Andrews, “that Mr. Cadzow has no right to a convoy for the Navigation of the Porcupine is provided for [by the 1871 Treaty of Washington] and it has been the customs to allow passing of goods through both Canada and the U.S. where proper security for the passage was made”¹³⁰¹. Eventually, the United States agreed to assign W. W. Roberts as a Deputy Collector of Customs “[...] to convoy the goods of Daniel Cadzow to the boundary line on the Porcupine River”¹³⁰². This then became an almost ritualistic annual practice (see, fig. 37 & 38).¹³⁰³

Rather than a show of force, however, it was a face-saving solution to cope with the challenges of the riverlands. Whether Cadzow would be selling his articles in northern Alaska could no longer be ascertained, once customs agents accompanying Cadzow’s shipments were ordered back to Eagle. The projection of state sovereignty worked through adherence to (legal) formalities and almost ritualistic protocols such as the annual convoy to Rampart House rather than through actual presence and the rigorous enforcement of state regulations. It was a strategy that strictly focused on the articulation of control along the commercial lifelines of the Yukon riverlands, where shipments of supplies were processed and transported to the settlements along the Yukon watershed. As I have argued above, rather than projecting sovereignty through an extensive and

¹²⁹⁹ Letter U.S. Deputy Collector of Customs Clarence L. Andrews to U.S. Collector of Customs Juneau July 11, 1905, p. 1, in: NARA WA, RG 36, U.S. Customs Records, Records of the Office of the Deputy Collector of Customs Eagle, Box 135, Letters Sent Eagle 1905-1908, Vol. 1, No. 62-63.

¹³⁰⁰ Ibid.

¹³⁰¹ Letter U.S. Deputy Collector of Customs Clarence L. Andrews to U.S. Collector of Customs Juneau July 11, 1905, p. 1-2, in: NARA WA, RG 36, U.S. Customs Records, Records of the Office of the Deputy Collector of Customs Eagle, Box 135, Letters Sent Eagle 1905-1908, Vol. 1, No. 62-63.

¹³⁰² Letter U.S. Deputy Collector of Customs Clarence L. Andrews to U.S. Collector of Customs Juneau Aug. 15, 1905, in: NARA WA, RG 36, U.S. Customs Records, Records of the Office of the Deputy Collector of Customs Eagle, Box 135, Letters Sent Eagle 1905-1908, Vol. 1, No. 98.

¹³⁰³ In the summer of 1907, Canada’s Inspector of Customs E. S. Busby was ordering Canadian customs officer James Haly to accompany Cadzow’s shipment to Rampart House. In a letter to his American counterpart, E. S. Busby elaborates on the fragility of riverine transportation networks, settler colonial claims to territorial sovereignty, and economic exploitation. Asking U.S. customs agents to swiftly process Cadzow’s merchandise, Busby argues, would essentially contribute to the appropriation and the economic exploitation of the Yukon riverlands: “[...] the least possible expense and delay to the shipper, all of which would I am sure be appreciated by the owner of the goods in question, and in a measure assist in opening up this large and undeveloped country, lying in the North of the Yukon River”, in: Letter Inspector of Customs Canada E. S. Busby to U.S. Deputy Collector of Customs George Woodruff July 19, 1907, in: Letter U.S. Deputy Collector of Customs Clarence L. Andrews to U.S. Collector of Customs Juneau July 11, 1905, p. 1, in: NARA WA, RG 36, U.S. Customs Records, Records of the Office of the Deputy Collector of Customs Eagle, Box 126, Misc. Letters Received Eagle 1907-1920, Vol. 1, No. 42.

expansive network of permanent posts, colonial authorities focused their attention on neuralgic points within the network of trade and transportation where goods could be handled but also where customs duties could be levied.



Figure 37: Dan Cadzow embarking from Eagle on his travels to Fort Yukon and New Rampart House in 1906; Photograph: UAF-1965-31-33, Dan Cadzow Papers, Alaska & Polar Regions Collections & Archives, University of Alaska Fairbanks. Courtesy of the APRCA at UAF.



Figure 38: Poling Cadzow's merchandise from Fort Yukon upriver to Rampart House with a large support party; Photograph: UAF-1965-31-18, Dan Cadzow Papers, Alaska & Polar Regions Collections & Archives, University of Alaska Fairbanks. Courtesy of the APRCA at UAF.

This strategy was the outcome of harmonizing approaches to direct control with fiscal constraints. The dynamics of the Yukon riverlands' extractive economies and the unpredictability of environmental conditions, themselves a product of the extensive extraction of gold through hydraulic mining, generated economic conditions that in turn created limitations to the territorial expansion of the colonial state apparatuses. In the decade between 1904 and 1914, the U.S. customs office at Eagle was running a deficit in 60% of the time of its operation. Even in years, in which customs agents were generating a surplus, these usually remained meager. In 1909, for instance, a comparatively good year, the U.S. Treasury Department was confronted with expenses accumulating to the amount of \$0.85 for every dollar that its agents were collecting through the administration of the riverine network of trade. By 1914, the arithmetic of border control had shifted and the U.S. Treasury Department was to pay \$1.74 for every dollar sent to Washington D.C.¹³⁰⁴ At Forty Mile, the situation looked even worse. Although this small outpost of the U.S.

¹³⁰⁴ Compiled from annual reports of the U.S. Deputy Collector of Customs at Eagle, in: NARA WA, RG 36, U.S. Customs Records, Records of the Office of the Deputy Collector of Customs Eagle, Box 135, Letters Sent Eagle 1905-1908, Vol. 1, No. 177-182; NARA WA, RG 36, U.S. Customs Records, Records of the Office of the Deputy Collector of Customs Eagle, Box 135, Letters Sent Eagle 1905-1919, Vol. 2, No. 18-21; NARA WA, RG 36, U.S. Customs Records, Records of the Office of the Deputy Collector of Customs Eagle, Box 135, Letters Sent Eagle 1905-1919, Vol. 2, No. 44-46; NARA WA, RG 36, U.S. Customs Records, Records of the Office of the Deputy Collector of Customs Eagle, Box 135, Letters Sent Eagle 1905-1919, Vol. 2, No. 99-103; NARA WA, RG 36, U.S. Customs

Customs Service had reported a small surplus in 1907, in the following years, costs had been increasing drastically. By 1913, the U.S. Treasury Department had to spend almost \$9 to receive one dollar of collected customs in return.¹³⁰⁵ The massive increase of government expenditure at the USCS post at Forty Mile was attributed to decreases in gold production in the district due to climatic conditions. According to the U.S. customs officer stationed at Forty Mile, decreasing levels of precipitation had led to acute water shortages affecting hydraulic mining which was dependent on a constant supply with huge amounts of water.¹³⁰⁶ Moreover, placer mining in the Forty Mile district had devastating effects on the boreal forest eroding the hydrological storage capacity of the soil through deforestation.¹³⁰⁷ Thus, ironically, the dramatic transformations of the more-than-terrestrial assemblage of the riverlands induced by the emergence of extractivism, especially by industrial mining, were quickly felt in the coffers of the governments, and not to the treasurers' relief.



Almost a decade after E. S. Busby's ambitious calls for an expansion of Canadian state presence to the north of the riverlands because of gold and revenues had been crushed by fiscal considerations—the introduction to this section—, William J. D. Dempster, a sergeant of the RNWMP's detachment at Dawson City, was eventually sent to Gindèhchik, to Rampart House. This time, the primed commodity for the expansion of the Canadian state was not gold. It was furs. “It appears from the statements of our Collector”, wrote the Commissioner of Customs to the comptroller of the Royal North-West Mounted Police in October 1913, “that Rampart House is one of the most important trading centers for fur in this Northern country and that last years' export of furs is estimated at a value of over \$35,000”¹³⁰⁸. Given the small population size, would

Records, Records of the Office of the Deputy Collector of Customs Eagle, Box 135, Letters Sent Eagle 1905-1919, Vol. 2, No. 153-158; NARA WA, RG 36, U.S. Customs Records, Records of the Office of the Deputy Collector of Customs Eagle, Box 135, Letters Sent Eagle 1905-1919, Vol. 2, No. 244-247; NARA WA, RG 36, U.S. Customs Records, Records of the Office of the Deputy Collector of Customs Eagle, Box 135, Copies of Letters Sent to the Collector of Customs Juneau 1912-1926, Vol. 4, No. 9-13; NARA WA, RG 36, U.S. Customs Records, Records of the Office of the Deputy Collector of Customs Eagle, Box 135, Copies of Letters Sent to the Collector of Customs Juneau 1912-1926, Vol. 4, No. 73-78; NARA WA, RG 36, U.S. Customs Records, Records of the Office of the Deputy Collector of Customs Eagle, Box 135, Copies of Letters Sent to the Collector of Customs Juneau 1912-1926, Vol. 4, No. 113-116; NARA WA, RG 36, U.S. Customs Records, Records of the Office of the Deputy Collector of Customs Eagle, Box 135, Copies of Letters Sent to the Collector of Customs Juneau 1912-1926, Vol. 4, No. 141-149.

¹³⁰⁵ Collected from annual reports by the U.S. Deputy Collector of Customs at Forty Mile, in: NARA WA, RG 36, U.S. Customs Records, Records of the Office of the Deputy Collector of Customs Eagle, Box 154, Letters Sent Forty Mile 1898-1917, Vol. 1, pp. 452-456; NARA WA, RG 36, U.S. Customs Records, Records of the Office of the Deputy Collector of Customs Eagle, Box 154, Letters Sent Forty Mile 1898-1917, Vol. 2, pp. 235-238.

¹³⁰⁶ See, Annual report of the U.S. Deputy Collector of Customs at Forty Mile Jan. 1, 1914, p. 1, in: NARA WA, RG 36, U.S. Customs Records, Records of the Office of the Deputy Collector of Customs Eagle, Box 154, Letters Sent Forty Mile 1898-1917, Vol. 2, p. 235.

¹³⁰⁷ See, previous section about the environmental effects of mining in the Yukon riverlands in this chapter.

¹³⁰⁸ Letter by Canada's Commissioner of Customs to the Comptroller of the RNWMP Oct. 17, 1913, p. 1, in: LAC, RG 18, Vol. 450, File 566-13.

the expected trade be worth the effort? “When the natives are all at home they number some 220 souls, which would also include some ten white men, but the Collector is informed from creditable source that there ~~were~~ [in original] are other smaller trading posts farther up the river”¹³⁰⁹. Omitting the past (‘were’) in favor of the present tense (‘are’) demonstrates the commissioner’s uncertainty about the factual existence of trade networks in the northern sections of the riverlands—or, with other words, Ottawa’s limited abilities of staying informed about occurrences in the riverlands.

The letter illustrates the power of economic rather than nationalist arguments in expanding the presence of the Canadian state and in shaping the geographies of control. In essence, the commissioner’s argument is a bet on the future, an account of imaginary riches. The commissioner suggests that, if there were a high enough number of trading posts and of economic activity which were to be regulated and supervised by the police, the costs of expanding the Canadian settler colonial bureaucratic apparatus would be perfectly legitimate. The police were, after all, deployed to “[...] act as a Canadian Customs Officer, thus serving to protect revenues that should properly accrue to the Government and place all the traders on the same footing as regarding supplies”¹³¹⁰. Besides, equipping a white local with a license to function as the local representative of the Canadian state, to collect customs and to enforce Canadian regulations was explicitly discarded as an option of cost reduction. “In the opinion of the Collector it would be unwise to employ as a Customs Officer any white man who is in the service of any fur trader and these are apparently the only available men in that vicinity”¹³¹¹. Collecting customs while generating profits for oneself would, the commissioner reasoned, push the doors too wide open for corruption and manipulation. Instead, he proposed to dispatch the constabulary from Dawson City as an economically independent agency endowed and, in fact, experienced with the task to smoothly organize the extraction of resources in the northern sections of the riverlands.

For the commander of the RNWMP detachment at Dawson City, Moodie, the Commissioner’s proposal may have read like a *déjà-vu*. Desperately trying to keep his radius of operation limited to the southern sections of the riverlands, he—unsurprisingly—objected to the request arguing, “the board [for the two RNWMP officers he intended to dispatch] alone would be \$6.00 per day or \$219.00 per annum”¹³¹². Moodie miscalculated, however. If it were indeed \$6 per day to keep two police officers up north, the total costs would be ranging around \$2,190 per year. The mistake in

¹³⁰⁹ Ibid.

¹³¹⁰ Letter by Canada’s Commissioner of Customs to the Comptroller of the RNWMP Oct. 17, 1913, p. 1, in: LAC, RG 18, Vol. 450, File 566-13.

¹³¹¹ Letter by Canada’s Commissioner of Customs to the Comptroller of the RNWMP Oct. 17, 1913, p. 2, in: LAC, RG 18, Vol. 450, File 566-13.

¹³¹² Letter by Commanding Officer of the RNWMP’s ‘B Division’ Moodie to the Commissioner of the RNWMP Nov. 12, 1913, in: LAC, RG 18, Vol. 450, File 566-13.

calculation proves especially significant given the small amount of revenue expected. “According to the Customs officials and Mr. Cadzow [living at Rampart House]”, Moodie noted, “the utmost duty to collect would be under \$1,000.00 per annum”¹³¹³. Thus, from Moodie’s perspective, the decision to establish an outpost on the banks of the Porcupine River would actively contribute to a staggering budgetary deficit rather than the increase in royalties which the Commissioner of Customs so vehemently defended and expected as a future outcome. Furthermore, “[...] outside of the small amount of duty which might be collected there was no work for Police”¹³¹⁴. “No mail, as far as can be ascertained, is carried to Rampart, the only way to get ~~it~~ [in original] there will be with dogs at great expense”¹³¹⁵. Due to the isolation of Rampart House, Moodie reasoned in accordance with his predecessor’s argument ten years ago, more than one police officer would have to go.¹³¹⁶ Yet, sending two officers from Dawson City to man the post at Rampart House would be stretching the capabilities of the reduced Yukon detachment of the RNWMP even thinner.¹³¹⁷

Regardless of Moodie’s objection, the police post at Rampart House was ordered to be established in the summer season of 1914. This was the first time, a permanent Canadian police presence was established on the banks of the Ch’oodènjik, right at the borderline between Alaska and the Yukon Territory. Still, costs mattered. To reduce the amounts of fees that were to be paid and, consequently, to increase profits—or rather, to allow for the emergence of a possibility of gaining profits from the collection of customs in the first place—, Moodie’s initial suggestion to send two officers northwards was dropped. The presence of the Canadian state was boiled down to one officer supported by Indigenous constables.¹³¹⁸ Indeed, with yearly costs amounting to ca. \$1,095¹³¹⁹, the post could *potentially* become financially sustainable.

The Canadian police’s ambivalent stance towards establishing a permanent police post at Rampart House in 1914 and earlier refusals of the RNWMP to permanently deploy officers to the northern sections of the riverlands—instead relying on long-range patrols¹³²⁰—complicate established tropes about Canada’s assertion of sovereignty in the north. Repeatedly, scholars stressed that the

¹³¹³ Ibid.

¹³¹⁴ Ibid.

¹³¹⁵ Ibid.

¹³¹⁶ A similar point was raised by RNWMP Commissioner Howe in 1905; in: Letter by RNWMP Commissioner Howe to RNWMP Comptroller Fred White Nov. 28, 1905, p. 2, in: LAC, RG 18, Vol. 304, File 19-06.

¹³¹⁷ “As you [the Commissioner of the RNWMP] will have seen from above telegram, this detachment and the Macpherson patrol will absorb the four available men now here [...]”, in: Letter by Commanding Officer of the RNWMP’s ‘B Division’ Moodie to the Commissioner of the RNWMP Nov. 12, 1913, in: LAC, RG 18, Vol. 450, File 566-13.

¹³¹⁸ See, Vuntut Gwitchin First Nation and Smith, *People of the Lakes: Stories of Our Van Tat Gwich'in Elders/Googwandak Nakhwach'ànjòò Van Tat Gwich'in*, 205-07.

¹³¹⁹ Deduced from Moodie’s calculation: 365 days à \$3.00 amount to a total of \$1,095.00.

¹³²⁰ See, Morrison, *Showing the Flag: The Mounted Police and Canadian Sovereignty in the North, 1894-1925*, 137-41.

aggressive, nationalist strategy of the liberal administration of Canadian Prime Minister Wilfried Laurier and his Minister of the Interior Clifford Sifton entailed a systematic expansion of police presence in the north to challenge American dominance and to assert Canadian sovereignty.¹³²¹ Economic risks were downplayed to justify the expansion of the state apparatus to regions difficult to access and to supply.¹³²² While geopolitical concerns over an American encroachment of the Canadian north may well have contributed to the rapid expansion of police posts in the Arctic and Subarctic and may also explain the considerable fiscal, political, and military risks that Canadian governments were willing to take, sole attention to the geostrategic tension between the U.S. and Canada fails to acknowledge the significance of economic rationales together with the fragmented nature of Canadian policies.¹³²³ That said, it is important to note that the United States—in contrast to Canada—remained disinterested in establishing a permanent presence in the north until the Cold War.¹³²⁴



On their maps, both Canada and the United States sharply articulated control over what the respective governments deemed their ‘northern possessions’, lands that they could barely control. Ottawa, for instance, asserted its role in securing Canadian claims to lands in the Arctic by expanding direct influence to Fort McPherson and Herschel Island in 1903, and to Rampart House in 1914.¹³²⁵ In contrast to the United States, Canada maintained a small police presence in the western Arctic and the corresponding sections of the Yukon riverlands. Consistent with the strategic priority assigned to commercial centers and nodes within the riverine transportation system, Canadian posts were located either on the banks of major rivers (Fort McPherson at the Mackenzie River and Rampart House at the Porcupine River) or on the Arctic Ocean (Herschel Island).

Regardless, governmental control remained sketchy at best. To project sovereignty over the entire region, the Canadian police at Gindèhchik conducted patrols, usually during the winter when dog

¹³²¹ See, Grant, *Polar Imperative: A History of Arctic Sovereignty in North America*, 204.

¹³²² See, *ibid.*, 195-96.

¹³²³ See, James C. Scott, *The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia* (New Haven; London: Yale University Press, 2009), 43-50; *Against the Grain: A Deep History of the Earliest States* (New Haven; London: Yale University Press, 2017), 124-37.

¹³²⁴ See, Coates, *The Trans-Alaska Pipeline Controversy: Technology, Conservation, and the Frontier*, 76-80; Lackenbauer, *The Canadian Rangers: A Living History*, 181-87.

¹³²⁵ About the police expedition to the Mackenzie River, the establishments of police posts at Fort McPherson and Herschel Island, and the relationship to Canada’s conflict with the United States over the exact boundaries of Alaska, see, Morrison, *Showing the Flag: The Mounted Police and Canadian Sovereignty in the North, 1894-1925*, 76-83. For additional information about the significance of Herschel Island, American whaling, and the fur trade, see, e.g., Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 121-48; Bockstoce, *White Fox and Icy Seas in the Western Arctic: The Fur Trade, Transportation, and Change in the Early Twentieth Century*, 168-73.

teams were available for long-distance travel.¹³²⁶ In 1915, for instance, RNWMP Sergeant William J. D. Dempster, stationed at Rampart House, “[...] left [...] for Fort McPherson on the 15th, November with team of five dogs, provisions and dog feed”¹³²⁷. To conduct these long-distance patrols, Canadian police officers were dependent on Indigenous support. Dempster’s patrols to Herschel Island in March/April 1916 and to Dawson City in January/February 1917 were made possible by Gwich’in acting as guides and carriers.¹³²⁸

Knowledgeable guides proved essential to Canada’s attempts at projecting sovereignty ‘on the move’, because patrols in the Canadian North were perilous and deadly. William J. D. Dempster knew this. In winter 1910-11, a patrol of the Royal North-West Mounted Police sent from Fort McPherson to their base in Dawson City “[...] became lost in the Richardson Mountains [...] and all four men died, three of starvation and one by suicide [...]”¹³²⁹. An Indigenous ‘Special Constable’ of the RNWMP, Charlie Stewart from Fort McPherson, eventually “[...] found the Lost Patrol”¹³³⁰, remembered his daughter, highly respected Elder Sarah (Stewart) Simon. Charlie Stewart was accompanied by RNWMP Corporal William J. D. Dempster and Constable James F. Fyfe.¹³³¹ Catherine Martha (Stewart) Mitchell, daughter of Charlie Stewart and Margaret Bonnetplume, stresses that the Canadian police party on their way to Dawson City had carelessly and overconfidently sent their Indigenous guide back to Fort McPherson, a deadly mistake.¹³³²

It was just about thirty miles out of Fort McPherson where it happened. So the RCMP [RNWMP] went as far as thirty miles and this guy that they took for a guide from Fort McPherson was Esau. One of the constables said, ‘Oh, I remember the way from here. We don’t need that guide.’ Esau told them, ‘It’s okay if you don’t need me. It’s okay.’ So the RCMP [RNWMP] paid him for the thirty miles he went with them and he went back.¹³³³

¹³²⁶ See also, Morrison, *Showing the Flag: The Mounted Police and Canadian Sovereignty in the North, 1894-1925*, 132-41.

¹³²⁷ Copy of report of RNWMP patrol from Rampart House to Fort McPherson by Sgt. William J. D. Dempster Dec. 28, 1915, p. 1, in: LAC, RG 18, Vol. 1867, File 130-34.

¹³²⁸ See, Copy of report of RNWMP patrol from Rampart House to Herschel Island by Sgt. William J. D. Dempster Apr. 17, 1916, p. 1, in: LAC, RG 18, Vol. 1868, File 130-84; Copy of report of RNWMP patrol from Rampart House to Dawson City by Sgt. William J. D. Dempster Feb. 11, 1917, p. 1, in: LAC, RG 18, Vol. 528, File 110-17.

¹³²⁹ Morrison, *Showing the Flag: The Mounted Police and Canadian Sovereignty in the North, 1894-1925*, 133.

¹³³⁰ Council and McCartney, *Our Whole Gwich’in Way of Life Has Changed: Stories from the People of the Land/ Gwich’in K’yuu Gwiidandai’ Tthak Ejuk Goonlih*, 11.

¹³³¹ See, *ibid.*, 11-16.

¹³³² It is telling that Morrison presents a different picture of the ‘Lost Patrol’ and the significance of Indigenous guides. Citing the Anglican missionary at Fort McPherson, the patrol lacked an experienced guide. That the Canadian police officers had, in fact, abandoned Esau, overconfident in their own abilities and their own expertise, is left out of Morrison’s account; see, Morrison, *Showing the Flag: The Mounted Police and Canadian Sovereignty in the North, 1894-1925*, 133-34.

¹³³³ Council and McCartney, *Our Whole Gwich’in Way of Life Has Changed: Stories from the People of the Land/ Gwich’in K’yuu Gwiidandai’ Tthak Ejuk Goonlih*, 289.

This cheque would later save Esau's live. "If it wasn't for that cheque", remembers Elder Catherine Mitchell, "they would have put him in jail thinking he did it"¹³³⁴.

11.6 Labor and Law in the Yukon Riverlands I: Logics of Exclusion

Migration and travel constituted important dimensions of the customs officers' routines. In March 1906, for instance, Clarence L. Andrews advised the U.S. Consul about immigration protocols at the U.S. Customs Service subport of Eagle, asking the consul to "[...] tell the intending immigrant that duties must be paid in U.S. currency [...] as many do not have it when they might as well [...]"¹³³⁵. Similar to the administration of goods, the management of people along the 141st meridian was an oftentimes arduous undertaking characterized by uncertainty and fragility.¹³³⁶

For one, the northern sections of the 141st meridian cutting through the Ogilvie Mountains and the Ch'oodènjik (i.e., Porcupine River) to the Arctic Ocean fell entirely outside of government interest both in Canada and the United States until 1910-1911 when the surveyors of the Alaska Boundary Survey prepared for their expedition to Gindèhchik (i.e., Rampart House).¹³³⁷ Moreover, the U.S. Immigration Service in Alaska was almost laughably understaffed. Operating out of Ketchikan, the USIS had assigned a sole inspector to oversee the administration and regulation of immigration in the entire Territory of Alaska, including, of course, the Yukon riverlands.¹³³⁸ Given his extreme radius of operation, the inspector concentrated on patrolling Alaska's transportation network and focused his attention on the most significant nodes within the network. To support the USIS, customs agents were the role of immigration agents, thus acting as representatives of the USCS and the U.S. Bureau of Immigration. It must be noted that the iconic U.S. Border Patrol (USBP) had not yet been established; it was founded by U.S. Congress in the context of the 1924 Immigration Act.¹³³⁹ Correspondingly, there were no agents of the USBP operating in the Yukon riverlands at the turn of the century.

One central dimension of the administration of migration, in fact one dimension of Victorian "[...] politics of morality"¹³⁴⁰, in the Yukon riverlands related to the reproduction of the heteronormative

¹³³⁴ Ibid., 291.

¹³³⁵ Letter from Clarence L. Andrews, U.S. Deputy Collector of Customs at Eagle, to G. Bie. Ravndal, U.S. Consul at Dawson City, March 13, 1906, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 135, Vol. 1: Letters Sent Eagle 1905-1908, pp. 205-206.

¹³³⁶ See also, Hoy, *A Line of Blood and Dirt: Creating the Canada-United States Border across Indigenous Lands*, 147-52.

¹³³⁷ See, Green, *The Boundary Hunters: Surveying the 141st Meridian and the Alaskan Panhandle*, 155-63.

¹³³⁸ See, Census, "Official Register of the United States: Persons in the Civil, Military, and Naval Service of the United States, and List of Vessels."

¹³³⁹ For an overview over the history of the U.S. Border Patrol, see, Hernández, *Migra! A History of the U.S. Border Patrol*.

¹³⁴⁰ Didier Fassin, "Introduction: Toward a Critical Moral Anthropology," in *A Companion to Moral Anthropology*, ed. Didier Fassin (Malden, MA; Oxford: Blackwell Publishers, 2012), 15.

ordering of society.¹³⁴¹ “Restricted entries and deportations provided one of the dominant ways that the United States and Canada sought to influence the practice of sexuality across international lines”, notes Benjamin Hoy about the U.S.-Canada border in the south¹³⁴². The border zone between Eagle and Dawson was no different. In 1903, for instance, a group of alleged prostitutes was deported to Dawson City with the customs officer laconically reporting the costs involved. “The females”, he wrote in a dehumanizing jargon, “were without funds, and a voucher will be forwarded for \$30.00, which amount was paid for their steamer fares to Canada”¹³⁴³.

In the early days of the Yukon-Klondike gold rush, the Canadian police and the Yukon territorial government deliberately decided to suspend the prosecution of prostitution and gambling which, under Canadian law, would otherwise have been considered a criminal offense.¹³⁴⁴ This strategy of non-enforcement was not uncontested. While the NWMP and the Yukon Commissioner initially tried to contain prostitution in a specific district within the boundaries of the city, they eventually “[...] decided to remove them [i.e., brothels] altogether, banning them from operating within the city limits [...]”¹³⁴⁵. The regulation of sexual morals continued to haunt state administrators on either one side of the 141st meridian.¹³⁴⁶ Single women traversing the Yukon riverlands were particularly often targeted by U.S. and Canadian authorities, determining, for instance, whether the person was “[...] now living the life of a prostitute [...]”¹³⁴⁷ and thus barring her from entering the United States. Likewise, in the summer of 1909, Kanis Krauczunas, at that time U.S. Immigration Inspector in Alaska, picked up two single women traveling on a steamboat on the Yukon River. Via telegram, Krauczunas inquired about the marriage status, place of residence, and the port and dates of their entry of the two women.¹³⁴⁸ As Benjamin Hoy points out, “[i]mmigration agents

¹³⁴¹ See, e.g., McManus, *The Line Which Separates: Race, Gender, and the Making of the Alberta-Montana Borderlands*; Elizabeth Jameson and Sheila McManus, eds., *One Step over the Line: Toward a History of Women in the North American Wests* (Edmonton: The University of Alberta Press, 2008). See also, Josiah McC. Heyman and John Symons, “Borders,” in *A Companion to Moral Anthropology*, ed. Didier Fassin (Malden, MA; Oxford: Blackwell Publishers, 2012).

¹³⁴² Benjamin Hoy, “Policing Morality: Regulating Sexuality across the Canada-United States Border,” *The Canadian Historical Review* 99, no. 1 (2018): 44.

¹³⁴³ Letter from L. U. Stenger, U.S. Deputy Collector of Customs at Eagle, to U.S. Collector of Customs, Sitka, July 31, 1903, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 134, Vol. 3: Letters Sent Eagle 1903-1905, p. 24.

¹³⁴⁴ See, Morrison, *Showing the Flag: The Mounted Police and Canadian Sovereignty in the North, 1894-1925*, 44-46; Porsild, *Gamblers and Dreamers: Women, Men, and Community in the Klondike*, 100-12.

¹³⁴⁵ *Gamblers and Dreamers: Women, Men, and Community in the Klondike*, 104.

¹³⁴⁶ See also, Ann Laura Stoler, *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule* (Berkeley; Los Angeles; London: University of California Press, 2010).

¹³⁴⁷ Letter from John J. Hillard, U.S. Deputy Collector of Customs at Eagle, to the U.S. Immigrant Inspector in Charge, Ketchikan, Dec. 9, 1910, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 135, Vol. 2: Letters Sent Eagle 1905-1919, p. 147.

¹³⁴⁸ Telegram from Kanis Krauczunas, inspector of the U.S. Immigration Service for the district of Alaska, to John J. Hillard, U.S. Deputy Collector of Customs at the subport of Eagle, June 20, 1909, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 128, Vol. 1: Telegrams Received 1906-1909, no. unclear.

carefully screened single women at entry points, for example, and held them at their docks until their male relatives called for them to ensure their sexual respectability was maintained”¹³⁴⁹. In some instances, male partners could become subjects of government control and surveillance as well, especially when traveling together with a group of single women. “This office has received information”, informed inspector W. G. Strench his colleagues at Eagle in 1916 for example, “that a pimp and two prostitutes who are now serving time in the Dawson jail, will be released in the spring and that they will probably be ‘blue-ticketed’ out of that place”¹³⁵⁰.

Agents of the USCS not only observed movements across the U.S.-Canada border but also Canadian policies and decision-making. If U.S. authorities disagreed with the Canadian police over entry into the Yukon riverlands, they could themselves decide to close the U.S.-Canada border to specific people,

I have the honor to advise you that on August 2nd, a Canadian French woman was admitted at this port to go in transit to Dawson, Y.T., she gave her occupation as dressmaker, she passed directly through and out of the United States at White Pass, Alaska, yesterday I happened to see a letter from the Capt. of N.W.P. at Dawson, to the Canadian Inspector at White Pass, informing him that this woman arrived in Dawson and that she was a prostitute and wanted to know why he passed her at the summit, this N.W.M.P., dont [in original] seem to know that Canada has to take her own citizens even if they are undesirable and he may blue ticket her, or just make things so lively for her that she will get out of her own accord, so keep an eye open for her at Eagle, and dont [in original] allow her to pass, and if a woman of her name or description has passed there since Aug. 8th, notify me at once, name Jennie Gouthier, age 33, rather stout, weight about 170, height 5 ft. 7 in. brown hair and eys [in original], born in Ramuski, Quebec, Canada, last residence (as given at this port was) Winnipeg, Canada.¹³⁵¹



From 1882 onwards, U.S. Congress passed several packages of immigration legislation, all which attempts at ‘protecting’ white, American workers from economic competition especially by immigrants from Asia, most notably from China.¹³⁵² Industrialization of the U.S. economy during

¹³⁴⁹ Hoy, "Policing Morality: Regulating Sexuality across the Canada-United States Border," 44.

¹³⁵⁰ Letter from W. G. Strench, inspector of the U.S. Immigration Service in the district of Alaska, Ketchikan, to John J. Hillard, U.S. Deputy Collector of Customs at Eagle, Jan. 6, 1916, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 129, Vol. 1: District Circulars 1912-1928, no. 538.

¹³⁵¹ Letter from Albert H. Joy, inspector of the U.S. Immigration Service at Skagway, to U.S. Deputy Collector of Customs George W. Woodruff, Eagle, Sept. 14, 1911, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 126, Vol. 1: Misc. Letters Received Eagle 1907-1920.

¹³⁵² See, e.g., Chang, *Pacific Connections: The Making of the U.S.-Canadian Borderlands*; Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton; Oxford: Princeton University Press, 2014); Geiger, *Converging Empires: Citizens and Subjects in the North Pacific Borderlands, 1867-1945*.

the era of “[...] Greater Reconstruction [...]”¹³⁵³ resulted in high demand for unskilled laborers who arrived from Europe and Asia to toil in factories, on farms, and, most importantly, on railroad construction sites.¹³⁵⁴ The newly established U.S. Bureau of Immigration—also called, the U.S. Immigration Service—was funded through the imposition of head-taxes on immigrants crossing the borders of the United States. Thus, migrants were effectively forced to pay for the bureaucracy that administered their entry, frequently barred them from entering the United States, and deported them.¹³⁵⁵ The U.S. Bureau of Immigration represented the central bureaucracy of late-nineteenth century logics of exclusion.¹³⁵⁶

At the turn of the century, specific groups of people such as Asian immigrants (especially from China), epileptics, or homeless people were systematically barred from legally entering the United States. The 1903 Immigration Act then allowed for the deportation of people who were considered to become “[...] public charges within two years of their arrival in the United States [...]”¹³⁵⁷. A series of immigrations acts (in 1907, 1917, and in 1924) not only drastically increased levels of head-taxes and pursued an expansive policy agenda excluding “[...] all Asian, illiterates, prostitutes, criminals, contract laborers, unaccompanied children, idiots, beggars, polygamists, anarchists, and more”¹³⁵⁸ from the U.S. job market but it did also extend exclusionary policies from Asian to European immigrants and resulted in the establishment of the USBP.¹³⁵⁹

Despite the keen interest of U.S. government authorities in regulating Asian immigration and the rampant racism against Asian, especially Chinese, immigrants in the United States and Canada, traces of Asian immigrants crossing the 141st meridian between Dawson City and Eagle are conspicuously absent from the archival records of the USCS subport of Eagle. This is even more puzzling given that immigrants from Asia (China and Japan) were present in Dawson City during the gold rush operating businesses such as restaurants and laundries.¹³⁶⁰ According to the Canadian census, for instance, 74 inhabitants of the Yukon Territory were registered as ‘Japanese’ in 1911;

¹³⁵³ Elliott West, "Reconstructing Race," *Western Historical Quarterly* 34, no. 1 (2003): 24. See also, White, *The Republic for Which It Stands: The United States during Reconstruction and the Gilded Age, 1865-1896*, 114-15; West, *Continental Reckoning: The American West in the Age of Expansion*, ch. 23.

¹³⁵⁴ See, Bon Tempo and Diner, *Immigration: An American History*, 103-10, 14-31; Hoy, *A Line of Blood and Dirt: Creating the Canada-United States Border across Indigenous Lands*, 133-34; Levy, *Ages of American Capitalism: A History of the United States*, 273-79. See also, Chang and Fishkin, *The Chinese and the Iron Road: Building the Transcontinental Railroad*.

¹³⁵⁵ See, Hernández, *Migra! A History of the U.S. Border Patrol*, 26-27.

¹³⁵⁶ See, *ibid.*, 26-32; Bon Tempo and Diner, *Immigration: An American History*, 138-44.

¹³⁵⁷ Hernández, *Migra! A History of the U.S. Border Patrol*, 27.

¹³⁵⁸ *Ibid.*

¹³⁵⁹ See, *ibid.*, 26-27.

¹³⁶⁰ See, Porsild, *Gamblers and Dreamers: Women, Men, and Community in the Klondike*, 65-66. Apart from these sections in Charlene Porsild's study, there has not yet been a systematic analysis of the social histories of Asian immigration in the interior Yukon riverlands.

none ‘Chinese’.¹³⁶¹ Furthermore, Asian immigrants in the Yukon riverlands appear a mobile group of population. The 1921 census, for example, registers a mere one person as ‘Chinese’ in the entire Yukon and North-West Territories combined.¹³⁶²

Racist violence against Asian immigrants was prevalent in the riverlands as well, especially in relation to the extractive economies and potential competition. In 1902, seventeen Japanese miners were forcefully chased out of Atlin (British Columbia) and across the U.S.-Canada border to Vancouver by a mob of white prospectors.¹³⁶³ In some cases, Chinese workers and companies took over mines from white miners and mining companies when those were nearly exhausted, and the heyday of the rush was over. “Chinese”, Juliana Hu Pegues writes, “also returned to the Cassiar as the rush petered out, picking over former miners’ claims. [...] From 1879 to 1883, approximately thirty mining claims were issued in the Cassiar District to Chinese miners, some given to individual miners but most to Chinese mining companies, which worked the claims with crews of multiple Chinese miners”¹³⁶⁴. In southeastern Alaska and Bristol Bay, the emergence of industrial fisheries was accompanied by hiring immigrant workers from China and Japan.¹³⁶⁵

Lacking archival and/or other sources of evidence (i.e., oral histories), it remains ultimately uncertain and speculative whether people of what was considered ‘Asian descent’ crossed the 141st meridian between Dawson City and Eagle on one of the steamboats regularly shipping passengers and freight from Alaska to Canada, and vice versa. Considering both excessive surveillance (not only by state institutions) and experiences of racial violence and exclusion, however, it may well have been the case that Asian immigrants preferred routes which ran along the coast.¹³⁶⁶ The existence of covert routes for trafficking Asian immigrants to Alaska appears rather unlikely given the pressures of persecution and the network of informants that the USCS maintained.¹³⁶⁷

¹³⁶¹ See, Department of Trade and Commerce, Dominion Bureau of Statistics, and Demography Branch, "Fifth Census of Canada 1911, Volume 2: Religions, Origins, Birthplace, Citizenship, Literacy, and Infirmities, by Provinces, Districts, and Sub-Districts," ed. Department of Trade and Commerce, Dominion Bureau of Statistics, and Demography Branch (Ottawa: C. H. Parmelee Publishers, 1913), 330-31.

¹³⁶² See, "Sixth Census of Canada 1921, Volume 1: Population," ed. Department of Trade and Commerce, Dominion Bureau of Statistics, and Demography Branch (Ottawa: F. A. Acland Publishers, 1924), 564.

¹³⁶³ See, Geiger, *Converging Empires: Citizens and Subjects in the North Pacific Borderlands, 1867-1945*, 91.

¹³⁶⁴ Juliana Hu Pegues, *Space-Time Colonialism: Alaska's Indigenous and Asian Entanglements* (Chapel Hill: The University of North Carolina Press, 2021), 62.

¹³⁶⁵ See, Ross Coen, "Owning the Ocean: Environment, Race, and Identity in the Bristol Bay, Alaska, Salmon Fishery, 1930-1938," *Pacific Northwest Quarterly* 104, no. 3 (2013); Hu Pegues, *Space-Time Colonialism: Alaska's Indigenous and Asian Entanglements*; Diane J. Purvis, *Ragged Coast, Ragged Cores: Labor, Culture, and Politics in Southeast Alaska Canneries* (Lincoln: University of Nebraska Press, 2021).

¹³⁶⁶ See, Hu Pegues, *Space-Time Colonialism: Alaska's Indigenous and Asian Entanglements*, ch. 3; Geiger, *Converging Empires: Citizens and Subjects in the North Pacific Borderlands, 1867-1945*, ch. 2.

¹³⁶⁷ About the role and administration of covert migration routes; see, e.g., Andersson, *Illegality, Inc.: Clandestine Migration and the Business of Bordering Europe*; De León and Wells, *The Land of Open Graves: Living and Dying on the Migrant Trail*; Vogt, *Lives in Transit: Violence and Intimacy on the Migrant Journey*.



Aside from gendered and racial dynamics determining border control in the riverlands, immigration processes in the interior Yukon riverlands specifically targeted “[...] alien laborers seeking admission to Alaska with the view of finding an employment in the centers where there is a large number of unemployed, due to the stressed labor conditions”¹³⁶⁸. Aside from the head-tax, ‘alien’ migrants were required to produce a minimum funding of between \$300 and \$500.

Reports submitted to this office bearing on the labor conditions in Juneau and other towns in Alaska, show that there is a considerable number of laborers without employment. Therefore it is incumbent on this office to use all legitimate [added later to the text] means in safeguarding the welfare of such laborers and citizens by strictly carrying out the spirit of the Immigration Act which primarily was enacted by the Congress to protect our laborers, with reference to aliens seeking admission into the United States. Section 2 of said Act provides that all aliens who are likely to become a public charge, should be excluded from admission to the United States. In view of the foregoing, it would be unsafe for our company to bring alien from abroad, unless they are provided with funds. The primary inspectors will refer such aliens who are not in possession of from \$300.00 to \$500.00, to the board of special inquiry.¹³⁶⁹

The logics of exclusion guiding practices of bordering between Eagle and Dawson City reflect the class struggles of the late-nineteenth-century United States.¹³⁷⁰ The struggle of labor unions to generate higher wages and safer workplaces was entangled with the promotion of nationalist sentiment and racist anxieties, oftentimes deliberately nurtured by capitalists and employers.¹³⁷¹ In Alaska, notions of securing the United States’ borders to protect American (white) workers from what was perceived as immigrant competitors was enmeshed with broader struggles over the economic development of the territory and the role of self-government. In 1906, the industrial consortium of the Guggenheim family together with financier John Pierpont Morgan—in short, J. P. Morgan—grew interested in exploiting extensive copper deposits in Alaska’s Wrangell Mountains, buying up smaller Alaskan companies and ultimately establishing the Alaska

¹³⁶⁸ Copy of a letter from Domianus Maskevicius, inspector of the U.S. Immigration Service in the district of Alaska, Ketchikan, to Albert Davidson, General Agent of the Grand Trunk Pacific Ry., Prince Rupert (British Columbia, Canada), June 15, 1915, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 129, Vol. 1: District Circulars 1912-1928, no. 60/4.

¹³⁶⁹ Copy of a letter from Domianus Maskevicius, inspector of the U.S. Immigration Service in the district of Alaska, Ketchikan, to all steamship companies bringing aliens to the United States, furnished to the Eagle Board of Special Inquiry, May 20, 1915, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 129, Vol. 1: District Circulars 1912-1928, no. 60/3.

¹³⁷⁰ See, Day, *Alien Capital: Asian Racialization and the Logics of Settler Colonial Capitalism*, 33.

¹³⁷¹ See, e.g., John P. Enyeart, "Revolution or Evolution: The Socialist Party, Western Workers, and Law in the Progressive Era," *Journal of the Gilded and Progressive Era* 2, no. 4 (2003); David Montgomery, "Workers' Movements in the United States Confront Imperialism: The Progressive Era Experience," *Journal of the Gilded Age and Progressive Era* 7, no. 1 (2008); Levy, *Ages of American Capitalism: A History of the United States*.

Syndicate¹³⁷²; one year before, a subsidiary of the Guggenheim corporation, the Yukon Consolidated Goldfields, had already invested in the industrialization and electrification of the interior Yukon riverlands and the Canadian goldfields.¹³⁷³ At the center of the Syndicate's plans for conducting business in the north of the Pacific Northwest stood the facilitation of inexpensive transportation to transport resources from extraction sites in the north to processing plants in the south. A railroad corporation, "[...] the Copper River & Northwestern Railway, [...] was to provide transportation from the mines to tidewater, and the Northwestern Commercial Company, [...] would operate steamships to move the ore to the Guggenheim smelter in Tacoma"¹³⁷⁴.

The formation of unions and the establishment of the American Socialist Party in 1898 increased political pressure on advocates of economic boom and developmentalist strategies of conquest.¹³⁷⁵ The anti-monopolist rhetoric of former federal judge and progressive Republican candidate James Wickersham linked the opposition against 'monopolies' successfully, yet not surprisingly, with the juridical and political future of self-government in Alaska (see, fig. 39).¹³⁷⁶ Theodore Roosevelt's nationalist imperialism was, after all, based on profoundly protectionist and nativist notions of national coherence, resource exploitation, and conservation.¹³⁷⁷ In 1912, former inspector of the U.S. Immigration Service in Alaska, Kazis Krauczunas, himself an immigrant from Lithuania, ran as a candidate of the Social Party for the office of Alaska's territorial delegate to U.S. Congress.¹³⁷⁸ The securitization of borders for the purpose of protecting the American worker and breadwinner from losing his workplace affected Alaskan politics. Krauczunas' candidacy which "[...] appealed chiefly to mining camp sourdoughs [...]"¹³⁷⁹, was defeated by Republican James Wickersham who had campaigned on similar topics.¹³⁸⁰ Krauczunas' campaign as well as the Socialist Party in Alaska more generally were thwarted by the fact that "[...] the Socialists garnered most of their support from the scattered mining camps which, while numerous, contained a small electorate"¹³⁸¹. Still, notions of protecting workers' interests against the intrusion of monopolies by restricting the immigration of 'cheap labor' shaped immigration policies and practices of border protection

¹³⁷² See, Alton, *Alaska in the Progressive Age: A Political History, 1896-1916*, 114-16.

¹³⁷³ See, Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 161-65; Earl Pomeroy, *The American Far West in the 20th Century* (New Haven; London: Yale University Press, 2008), 95.

¹³⁷⁴ Alton, *Alaska in the Progressive Age: A Political History, 1896-1916*, 116.

¹³⁷⁵ See, Sullivan, "Sourdough Radicalism: Labor and Socialism in Alaska, 1905-1920," 224-25. See also, Pomeroy, *The American Far West in the 20th Century*, 328-37.

¹³⁷⁶ See, Haycox, *Alaska: An American Colony*, 240-42. See, also Pomeroy, *The American Far West in the 20th Century*, 94-97.

¹³⁷⁷ See, Ian Tyrrell, *Crisis of the Wasteful Nation: Empire and Conservation in Theodore Roosevelt's America* (Chicago; London: The University of Chicago Press, 2015).

¹³⁷⁸ See, Sullivan, "Sourdough Radicalism: Labor and Socialism in Alaska, 1905-1920," 227-28.

¹³⁷⁹ Ibid., 228.

¹³⁸⁰ See, Alton, *Alaska in the Progressive Age: A Political History, 1896-1916*, 181-84.

¹³⁸¹ Sullivan, "Sourdough Radicalism: Labor and Socialism in Alaska, 1905-1920," 233.

throughout the 1910s and 1920s. Agents of the U.S. Bureau of Immigration were not merely protectors of an abstract 'nation', but guardians of the specific interests of the American working class. Likewise, borders were turned into apparatuses to facilitate capitalist exploitation not only through the orderly regulation of traffic and commerce or the administration of sexual morale but, crucially, by stabilizing class relations within the capitalist American empire.¹³⁸²



Figure 39: Keppler, Udo (1910), "Dives and Lazarus". In: *Puck* Vol. 68, No. 1759 (November 16, 1910). Cartoon retrieved from the U.S. Library of Congress, Prints and Photograph Division, Online: <http://loc.gov/pictures/resource/ppmsca.27685/> (last access 04-13-2024).

The U.S.-Canada border cutting through the Yukon riverlands was to focus its practices of control and its technologies of surveillance accordingly: on people who were considered threats to the socio-economic position of white workers and 'liabilities' to the colonial state and its emerging institutions of the welfare state. Boards of Special Inquiry were established to examine travelers crossing the 141st meridian who fell outside of the economic matrix of immigration policies. In spring 1916, for instance, John A. MacPherson who, according to his own account, had lived in Boston between 1897 and 1905 and in Alaska between 1905 and 1911, was deported back to the starting point of his journey, Dawson, because a Board of Special Inquiry found him unable to

¹³⁸² See, Chang, "Circulating Race and Empire: Transnational Labor Activism and the Politics of Anti-Asian Agitation in the Anglo-American Pacific World, 1880-1910," 674-75; Day, *Alien Capital: Asian Racialization and the Logics of Settler Colonial Capitalism*, ch. 4; White, *The Republic for Which It Stands: The United States during Reconstruction and the Gilded Age, 1865-1896*, 423-25; Bon Tempo and Diner, *Immigration: An American History*, 90-96.

produce the funding considered necessary for reaching his destination in Alaska and for individual sustenance.¹³⁸³ Classified as “[...] being destitute his transportation being paid by the Government as far as Forty Mile, Y.T., said transportation costing Ten, (\$10), dollars”¹³⁸⁴. Hardly any letter illustrates problems and practices of imperial statecrafting, and the logics of exclusion better than some advice from W. H. Strench, the head of the U.S. Immigration Service in Alaska, sent from Ketchikan to Eagle, more than 1,000 kilometers away from the customs office,¹³⁸⁵

Acknowledgment is made of the receipt of your letter of the 17th ultimo inclosing manifest covering two Russians who arrived at your port via row boat and who were admitted. Answering your query as to the mode of procedure in returning to the country whence they came, such undesirable aliens as arrive by other than a regular transportation line, it being noted that the River flows towards the United States territory at the rate of five miles an hour and it being practically impossible for a rejected alien to return to Dawson by row boat even though willing to do so, I believe the plan outlined below can be successfully followed: Upon the rejection of such alien by the Board, you can, no doubt, arrange with the Navigation Company to furnish transportation, (at the lowest rate), from Eagle to Dawson, writing this office at such time giving the name of rejected alien or aliens and cost of ticket. Immediately upon receipt of such telegram, I will mail you for delivery to the transportation company, a Government Request to cover. Should such aliens be entirely destitute, you may arrange for their maintenance, at the expense of the Immigration Service, until the departure of a steamer. If you are satisfied they will appear when wanted for deportation, you may allow them their freedom about town; otherwise, you have authority to detain them in jail pending the departure of a vessel for Dawson. Maintenance should be vouchered at the end of each month. These expenses should, of course, be kept at a minimum. In the cases of Russians and the races from Southern Europe, experience has demonstrated that these aliens frequently have money concealed on their persons while claiming to be entirely destitute. Such aliens should be made to stand the expenses incident to their return. From information at hand, it appears to be the practice of some of the authorities in the neighboring province to ‘blue ticket’ out of the country those who may not be able to provide for themselves during the winter, without regard to nationality or domicile of such aliens. As the enforcement of such an order necessarily compels these people to come to or through Alaska, we might as well begin at once to adopt measures which will nullify the effect of such an order so far as the entry into the United States of inadmissible aliens from Dawson is concerned, as without doubt the authorities of this Territory will have enough of its own indigent

¹³⁸³ Report of the proceedings of a Board of Special Inquiry, John J. Hillard, John B. Powers, and C. A. Thompson, sitting at Eagle, Alaska, in the case of John A. MacPherson, March 17/18, 1916, p. 1-2, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 129, Vol. 1: District Circulars 1912-1928, no. unclear.

¹³⁸⁴ Report of the proceedings of a Board of Special Inquiry, John J. Hillard, John B. Powers, and C. A. Thompson, sitting at Eagle, Alaska, in the case of John A. MacPherson, March 17/18, 1916, p. 2, in: *ibid.*

¹³⁸⁵ The *linear* distance is calculated by www.luftlinie.org (last access 04-11-2024): Eagle, AK, USA to Ketchikan, AK, USA = 1,171.30 km.

to care for this winter without looking after those who do not rightfully belong here. I might mention in this connection the cases of four Russians who rushed into Skagway recently, their passage as far as White Horse having been paid by the Provincial Government. Upon their rejection by a Board of Special Inquiry at Skagway, they were ordered to return to Summit to be turned over to the Canadian officer there for such disposition as he might care to make of them. Upon being apprised of these facts, Major Moodie, RNWMP, who happened to be a passenger on the same boat by which the Russians traveled to White Horse, and who evidently was conversant with the proposition of getting these aliens out of the country, arranged for their transportation to Vancouver and their departure from U.S. territory was checked at this port. It is believed that when the authorities at Dawson learn that these charges cannot be shoved onto American territory, other arrangements will be made to care for them.¹³⁸⁶

Here, the problem of immigration is related to the tenuous relation between fiscal concerns and humanitarian dimensions of imperial statecrafting.¹³⁸⁷ In Strench's eyes, 'Russians' and 'the races of Southern Europe' purposefully parasitized on U.S. immigration policy and humanitarian obligations of the state by feigning poverty and need. Of course, what follows from Strench's racist and nativist argument is an increase in police harassment.¹³⁸⁸ Dollars were pushed into the center of colonial anxieties, the dollars carried and displayed by travelers on the Yukon River as well as the dollars resulting from fake poverty and an explosion in government spending, humanitarian and otherwise. It is therefore no coincidence that Strench's letter stresses the importance of reducing the (inevitable) costs of bureaucratic procedures to an absolute minimum. Only under the condition, he argues, that the Eagle's Board of Special Inquiry finds a traveler to be 'destitute' and impoverished was the U.S. government obliged to pay for housing and passage during the waiting period for the traveler's inevitable deportation. It is telling that, in the case of John A. MacPherson, the Board of Special Inquiry decided to pay a total amount of \$10 to provide for passage from Eagle to Forty Mile (!), therefore even underscoring Strench's instructions. MacPherson, the members of the board ruled, would himself be responsible for funding his passage upriver to Dawson or Whitehorse. Cynically, in terms of deportation, Dawson City was, in practice, *not* the principal market of Canada. Forty Mile was. Fiscal concerns and racist-nationalist sentiment trumped humanitarian obligation. The costs of colonial bureaucracies in the Yukon riverlands, the

¹³⁸⁶ Letter from W. G. Strench, inspector of the U.S. Immigration Service in the district of Alaska, Ketchikan, to John J. Hillard, U.S. Deputy Collector of Customs at Eagle, Sept. 1, 1915, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 129, Vol. 1: District Circulars 1912-1928, no. 520, pp. 1-3.

¹³⁸⁷ See also, chapters 12. and 13. of this dissertation.

¹³⁸⁸ See, Bon Tempo and Diner, *Immigration: An American History*, 141-44.

directive suggested, were to be reduced to a minimum while the generation of revenues through clearance of customs (i.e., goods and people) was to be pushed to the maximum.

Tensions between fiscal and humanitarian obligations also affected the relationship between U.S. and Canadian authorities. Environmental conditions in the riverlands impacted the organization of state surveillance and communication. ‘Aliens’ barred from entering the United States at Eagle who were to be deported to Dawson, were forced to wait for securing passage with one of the steamers steaming against the current of the river. As Strench argues, during the winter when the temperatures drop dramatically below zero degrees Celsius, those who were considered ‘destitute’ turned especially quickly into ‘public liabilities’. Strench warned Eagle’s customs officers about what he perceived as an unsanctioned strategy of Canadian officials who were deporting ‘destitute’ inhabitants of the riverlands across the U.S.-Canada border to the United States to reduce costs for poverty relief and care during the winter months. Paradoxically, humanitarian concerns over poverty resulted in attempts for the creation of additional barriers to target those who were already socially and economically marginalized.¹³⁸⁹ To prevent a growth of government expenditure in Alaska, Strench advised U.S. border guards to simply deport deportees back across the borderline. Thereby, he triumphantly proclaimed, Canadian authorities in the Yukon Territory would either be forced to take care of these ‘undesirables’ (human beings!) or to transport them to other parts of Canada, most notably to British Columbia.

11.7 Labor and Law in the Yukon Riverlands II: Logics of Elimination

In February 1910, Canadian officials in the Yukon Territory sounded alarm to their superiors in Ottawa. They had been informed by J. W. Stansfield from Eagle (Alaska) about “[...] the intention, recently expressed, by the Indians here, to remove themselves en masse to Moosehide”¹³⁹⁰. According to the informant, members of the Hän Hwëch’in community residing at Eagle Village, located around five kilometers upriver from the U.S.’s military and administrative center in the Yukon riverlands, had grown frustrated with the Alaska Game Law.¹³⁹¹ The Canadian police doubted the “[...] the credence in Mr. Stansfield’s report”¹³⁹², but admitted, “[...] there may be

¹³⁸⁹ See, Cybelle Fox, *Three Worlds of Relief: Race, Immigration, and the American Welfare State from the Progressive Era to the New Deal* (Princeton; Oxford: Princeton University Press, 2012), 10-14; Bon Tempo and Diner, *Immigration: An American History*, 138-40.

¹³⁹⁰ Letter from J. W. Stansfield to Zachary T. Wood, commissioner of the Royal North-West Mounted Police in the Yukon Territory, Feb. 11, 1910, in: LAC, RG 10, Vol. 4048, File 359961.

¹³⁹¹ See, Letter from J. W. Stansfield to Zachary T. Wood, commissioner of the Royal North-West Mounted Police at Dawson City, Feb. 11, 1910, in: LAC, RG 10, Vol. 4048, File 359961.

¹³⁹² Letter from an unidentified inspector of the Royal North-West Mounted Police commanding ‘B’ Division at Dawson City to the commander of the RNWMP in the Yukon Territory, Feb. 15, 1910, in: LAC, RG 10, Vol. 4048, File 359961.

something in it”¹³⁹³. Canada’s oversight over relationships between Indigenous communities in Alaska and the Yukon Territory turned out to be astonishingly and—to government officials—shockingly limited.

All the Indians along the Yukon River are more or less connected by blood and mutual customs, and freely mix with one another. Not much notice has been taken of Indian families visiting each other, but should a wholesale immigration take place it would be a very serious question, as the Indians are becoming more and more liable to become a public charge.¹³⁹⁴

Canadian state officials perceived the relocation of Hän Hwëch’in from Alaska to Moosehide Village (Jëjik Dhä Dënezhu Kek’it) in terms ‘immigration’. Relations between Hän Hwëch’in and their Tr’ondëk Hwëch’in relatives were targeted to be reoriented according to the boundaries of the settler colonialist-capitalist states.¹³⁹⁵ Both Canadian authorities and their Alaskan informants categorized Hän Hwëch’in as ‘aliens’ whose plans to move across the 141st meridian to Jëjik Dhä Dënezhu Kek’it were to be prevented, a gross disarticulation of Indigenous relationships.

Since time immemorial, the Hwëch’in, an Athapascan nation neighboring Tanana and Dena’ina in the west, Gwich’in in the north, and Tutchone and inland Tlingit in the south, had been inhabiting the interior of the Yukon riverlands and the mountain ranges of the Yukon-Tanana Upland and the Ogilvie Mountains as hunters and fishers, gatherers and traders.¹³⁹⁶ The sudden influx of tens of thousands of settlers during the 1890s and early 1900s went hand in hand with experiences of displacement and dispossession. The construction of Fort Egbert at Mission Creek and the emergence of Eagle as the administrative center of the interior Yukon riverlands was based on the displacement of Hän Hwëch’in from their historical campsite. “The Army”, explained Hän Hwëch’in Elder Louise Paul, “came and they really took it over”¹³⁹⁷. Hän Hwëch’in from Mission Creek were forced to relocate ca. five kilometers upriver to what later became Eagle Village.¹³⁹⁸

¹³⁹³ Ibid.

¹³⁹⁴ Letter from an unidentified inspector of the Royal North-West Mounted Police commanding ‘B’ Division at Dawson City to the commander of the RNWMP in the Yukon Territory, Feb. 15, 1910, in: LAC, RG 10, Vol. 4048, File 359961.

¹³⁹⁵ See, Thomas Nail, *The Figure of the Migrant* (Stanford, CA.: Stanford University Press, 2015), 235-36.

¹³⁹⁶ See, Osgood, *The Han Indians: A Compilation of Ethnographic and Historical Data on the Alaska-Yukon Boundary Area*, 74, 2, 20-28; John R. Crow and Philip R. Obley, “Han,” in *Handbook of North American Indians*, ed. June Helm (Washington D.C.: Smithsonian Institution, 1981), 506. See also, chapter 8.1 of this dissertation.

¹³⁹⁷ Simeone and Mishler, *Han/Hän Hwëch’in: People of the River, an Ethnography and Ethnohistory*, 24.

¹³⁹⁸ See, *ibid.*, 24-27. According to oral testimony, Eagle City, the military and administrative center of the upper Yukon riverlands in the United States, had been founded on the site of a Hän Hwëch’in settlement, ‘Johnny’s Village’, encountered and described by U.S. Army officer Frederick Schwatka during his travels downriver in 1883; see, *ibid.*, 41-43; Koskey, Tyrrell, and Lotvonen, *Through Their Eyes: A Community History of Eagle, Circle, and Central*, 41; Schwatka, *Along Alaska’s Great River: A Popular Account of the Travels on an Alaska Exploring Expedition Along the Great Yukon River, from Its Source to Its Mouth, in the British Northwest Territory, and in the Territory of Alaska*, 251-59.

At the same time, some 100 kilometers upriver, at the confluence of the Yukon and Klondike rivers, the Hwëch'in village of Tr'ochëk, a historical fishing site, was occupied by Euro-Americans establishing Dawson City in its stead.¹³⁹⁹ According to Heather Green, Tr'ondëk Hwëch'in who were living at Tr'ochëk lost their land in a dubious deal with miners rushing to the Klondike River in the fall of 1896.¹⁴⁰⁰ An alternative campsite located at the south end of what quickly turned into the mushrooming settlement of Dawson, was then claimed as the headquarters of the North-West Mounted Police and withdrawn from Tr'ondëk Hwëch'in by government order.¹⁴⁰¹ Troubled by the rapidly growing immigrant population at Dawson City, violence experienced by Tr'ondëk Hwëch'in, and concerned about the loss of access to the fish camp at Tr'ochëk, Tr'ondëk Hwëch'in Chief Isaac decided to move to Moosehide in 1897, a campsite that had been occupied by Tr'ondëk Hwëch'in for at least 8,000 years (see, fig. 43).¹⁴⁰² Aside from the settlements at Eagle Village and Moosehide, ethnographers Craig Mishler and William E. Simeone mention oral testimonies about a third settlement downriver from Eagle, Charley Village.¹⁴⁰³ "A flood reportedly destroyed Charley Village in 1914", they write, "and, according to Eagle residents, Chief Charley moved some of his people to Eagle"¹⁴⁰⁴.

At the turn of the century, Hwëch'in country, a network of campsites and (more-than-terrestrial) trails, was being transformed into a landscape structured around the settlements of Eagle Village and Moosehide that were divided by the international border along the 141st meridian (see, fig. 40).¹⁴⁰⁵ Heather Green points out that "when the border between the Yukon and Alaska was implemented and the Hwëch'in were forced to choose which country they would be residents of, they held a grieving potlatch for loss of connection to family and land"¹⁴⁰⁶. Tr'ondëk Hwëch'in Chief Isaac explained about the impact of both the influx of settlers and the imposition of the international boundary,

¹³⁹⁹ See, Simeone and Mishler, *Han/Hän Hwëch'in: People of the River, an Ethnography and Ethnohistory*, 20-21.

¹⁴⁰⁰ See, Green, "The Tr'ondëk Hwëch'in and the Great Upheaval: Mining, Colonialism, and Environmental Change in the Klondike, 1890-1940," 115-16.

¹⁴⁰¹ See, "Historical Mining and Contemporary Conflict: Lessons from the Klondike," <https://niche-canada.org/2018/05/02/historical-mining-and-contemporary-conflict-lessons-from-the-klondike/>; "The Tr'ondëk Hwëch'in and the Great Upheaval: Mining, Colonialism, and Environmental Change in the Klondike, 1890-1940," 118-20.

¹⁴⁰² See, Simeone and Mishler, *Han/Hän Hwëch'in: People of the River, an Ethnography and Ethnohistory*, 20-22, 43-44; Koskey, Tyrrell, and Lotvonen, *Through Their Eyes: A Community History of Eagle, Circle, and Central*, 38-40; Green, "The Tr'ondëk Hwëch'in and the Great Upheaval: Mining, Colonialism, and Environmental Change in the Klondike, 1890-1940," 120-22.

¹⁴⁰³ See, Simeone and Mishler, *Han/Hän Hwëch'in: People of the River, an Ethnography and Ethnohistory*, 39-41.

¹⁴⁰⁴ Ibid., 41.

¹⁴⁰⁵ See, Osgood, *The Han Indians: A Compilation of Ethnographic and Historical Data on the Alaska-Yukon Boundary Area*, 74, 77-84. See also, Peter Nabokov, *A Forest of Time: American Indian Ways of History* (Cambridge; New York; Melbourne; Madrid; Cape Town; Singapore; Sao Paulo: Cambridge University Press, 2002), esp. ch. 5.

¹⁴⁰⁶ Green, "The Tr'ondëk Hwëch'in and the Great Upheaval: Mining, Colonialism, and Environmental Change in the Klondike, 1890-1940," 55.

We were once one people, who camped in the summer at various places here and Charlie Creek. After the white man came, and especially after the gold rush, we formed up into two villages. The [...] boundary also helped to separate us. We couldn't help it.¹⁴⁰⁷

How are the surprise of Canadian police officers in 1910 learning of their ignorance towards Hwëch'in relationships and Tr'ondëk Hwëch'in Chief Isaac's assessment of the role of the 141st meridian as an instrument of colonial domination, a tool to divide and to conquer, related—especially, when considering the existence of Hwëch'in relationships between communities in Alaska and Canada throughout the 20th century? Hän Hwëch'in Elder Isaac Juneby from Eagle, for instance, recalls that his mother, Louise Silas, “[...] was born and raised in Moosehide, in Canada [...]”¹⁴⁰⁸. Hwëch'in from Alaska reportedly had residences in Canada, and vice versa.¹⁴⁰⁹

¹⁴⁰⁷ Osgood, *The Han Indians: A Compilation of Ethnographic and Historical Data on the Alaska-Yukon Boundary Area*, 74, 28.

¹⁴⁰⁸ Koskey, Tyrrell, and Lotvonen, *Through Their Eyes: A Community History of Eagle, Circle, and Central*, 49.

¹⁴⁰⁹ Ibid.

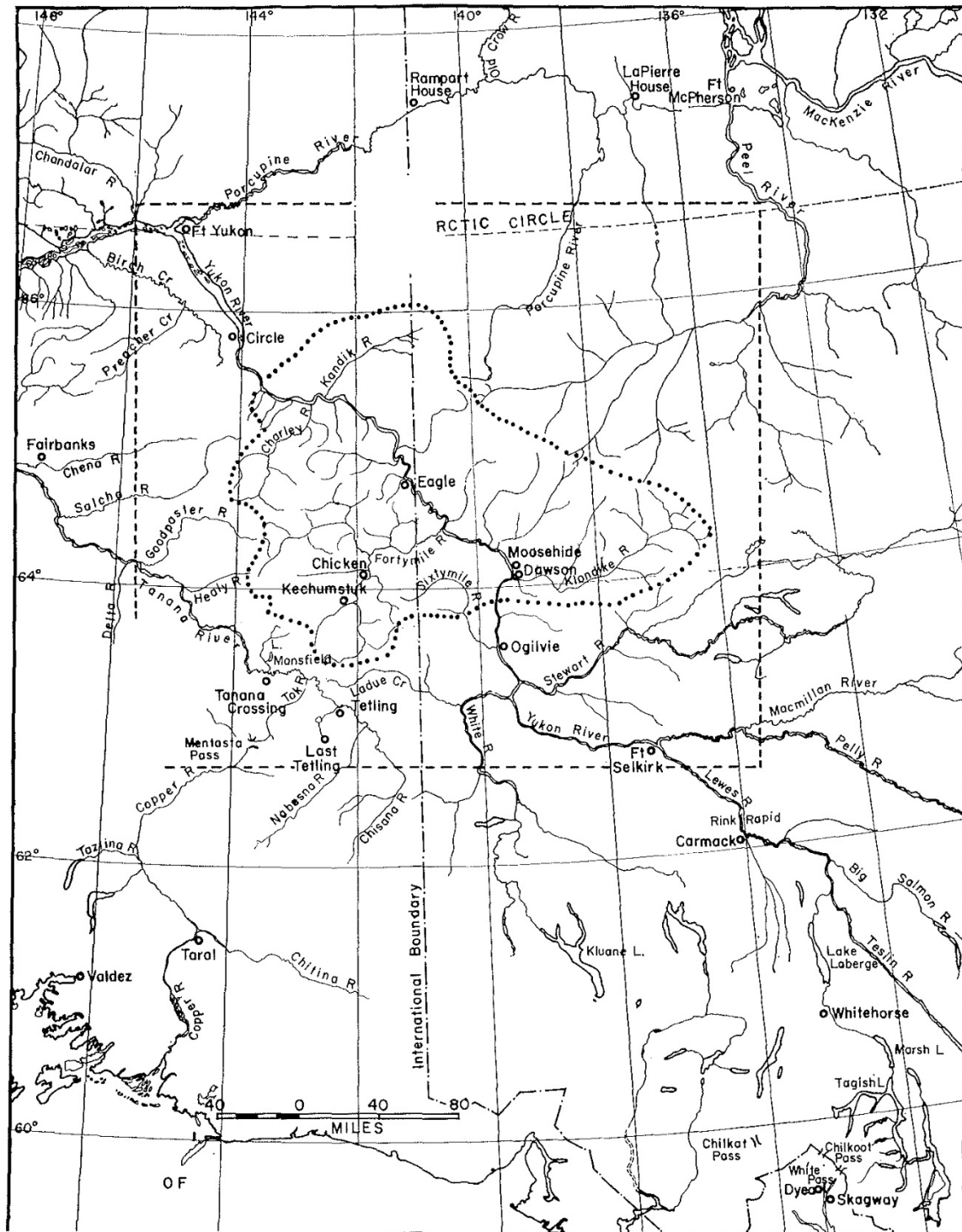


Figure 40: Map of the Alaska-Yukon border zone at the turn of the century; Map from: Cornelius Osgood, *The Han Indians: A Compilation of Ethnographic and Historical Data on the Alaska-Yukon Boundary Area*, vol. 74, Yale University Publications in Anthropology (New Haven: Yale University Press, 1971), 4.

Government officials wondered about state regulations structuring and constraining Indigenous mobilities across the 141st meridian. In 1904, U.S. consul Leo Bergholz, stationed at Dawson City, inquired,

It is customs of American Vessels [in original] plying between Dawson and American ports to engage Indians in American territory without entering them upon the ship's articles. These Indians are usually brought Dawson and returned to the port or place where they were originally engaged. May I trouble you to inform me if there is any custom's decision relative to the shipping of Indians on vessels plying between Canadian and American ports [...]?¹⁴¹⁰

A few days later, Eagle's chief collector of customs, Clarence L. Andrews, replied that he was not aware "[...] of any law which places Indians working on the steamers on the Yukon under any different laws from the whites working on same boats as relates to shipping as crew"¹⁴¹¹. Andrews' reply is instructive for how U.S. officials viewed the problem of Indigenous mobilities.

The consul's original question was about the general regulations applying to the apparently widespread practice of steamboats to pick up Indigenous passengers at various points along the Yukon River and to transport them across the 141st meridian without registering Indigenous passengers in the steamboats' registers of freight and passengers. Andrews turned Bergholz's question about the general guidelines of administering Indigenous mobilities across the 141st meridian into an inquiry about the specific regulatory frameworks governing Indigenous labor on the Yukon River sternwheelers. Thus, the customs agent essentially ignored the consul's initial problem, the *de facto* existence of relations between Indigenous communities along the Yukon River and across the U.S.-Canada border. The existence of Indigenous 'transboundary' relationships across the Yukon riverlands was not what concerned U.S. customs agents. Labor regimes did.

Clearly, Andrews was aware of the fact that Indigenous nations in the riverlands had partly been integrated into the extractive economies. At the turn of the century, Hwëch'in people occasionally worked as wage laborers cutting and hauling wood for the boilers of steamboats, for example, or as hunters and fishermen.¹⁴¹² Whether Hwëch'in from Alaska were being picked up by steamboats and brought, for instance, to Moosehide Village visiting friends and relatives, was not only none of Andrews' concern, however. Rather, the U.S. customs agent seems incapable of entertaining the

¹⁴¹⁰ Letter from U.S. Consul Leo Bergholz, Dawson City, to Clarence L. Andrews, U.S. Deputy Collector of Customs at Eagle, Aug. 6, 1904, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 124, Vol. 2: Misc. Letters Received Eagle and Circle 1897-1904, no. 114.

¹⁴¹¹ Letter from U.S. Deputy Collector of Customs Clarence L. Andrews, Eagle, to U.S. Consul Leo Bergholz, Dawson, Aug. 16, 1904, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 134, Vol. 3: Letters Sent Eagle 1903-1905, p. 240.

¹⁴¹² As Heather Green notes, "[...] options for paid wage labor were fairly limited between 1896 and 1906, after which time opportunities retracted even more as large mining corporations took over the mining industry", cit. in: Green, "The Tr'ondëk Hwëch'in and the Great Upheaval: Mining, Colonialism, and Environmental Change in the Klondike, 1890-1940," 271. See also, Simeone and Mishler, *Han/Hän Hwëch'in: People of the River, an Ethnography and Ethnohistory*, 16-17, 75-80; Green, "The Tr'ondëk Hwëch'in and the Great Upheaval: Mining, Colonialism, and Environmental Change in the Klondike, 1890-1940," 272-87.

very thought that these relationships existed given that he automatically and exclusively considered Bergholz's question in terms of the administration of labor regimes.

One may argue that, as Benjamin Hoy rightfully insisted, customs officials usually perceive themselves as facilitators of orderly economic development and not as representatives of institutions established to administer Indigenous nations and their practices of mobility.¹⁴¹³ But the implications of Andrews' letter run deeper than a simple division of administrative responsibilities. Instead of providing an answer to the U.S. consul which would necessarily imply acknowledging the factual existence of Indigenous social relationships extending across the 141st meridian, a borderline originally defined by diplomats in St. Petersburg, and thereby recognizing the existence of Indigenous histories predating the establishment of settler colonialist-capitalist state institutions, Andrews' letter reorients the spectrum of potential histories to accommodate the emergence of capitalist economies, the regulation of the circulation of labor (and the protection of labor markets on either one side of the border), and the articulation of state boundaries. Histories of settler colonial capitalism, not the histories of Hwëch'in and other Indigenous nations constitute the center of Andrews' concern. The logics of elimination have it that social relations between Indigenous communities such as Eagle and Moosehide fade out of 'History', replaced by a history of labor and extraction.¹⁴¹⁴



Through the logics of elimination, the administration of Indigenous mobilities was turned into the administration of labor. Yet, the articulation of the 141st meridian, the instrument to divide and conquer, was not based solely on the administration of mobility. Stressing the significance of the implementation of differing legal frameworks governing access and use of what colonial administrators considered the 'natural resources' of the Yukon riverlands, Elder Isaac Juneby insightfully remarked,

There were different laws and regulations that change lots of people. Government claimed everything and no longer could people do lots of things they were doing earlier, but they needed

¹⁴¹³ See, Hoy, *A Line of Blood and Dirt: Creating the Canada-United States Border across Indigenous Lands*, 138, 44-62.

¹⁴¹⁴ Mark Rifkin argued, "[...] one could trace the history of how the state generate geopolitical cohesion for itself in any given moment by projecting a futurity predicated on expansive and invasive settler inhabitation. Native peoples and sovereignties appear as a temporal aberration within a geography defined by the normalization of settler law. The projection of the inevitability of the union—the geopolitical cohesion of the United States—as the framework for temporal experience depends on a cross-referenced and mutually defining set of perceptions, sensations, and processes of backgrounding that can be described as settler (colonial) time. From this perspective, the history of settlement in the nineteenth century appears less as a series of eruptive episodes of armed conflict than as a more slow-motion temporality of expropriation [...] through which Native nations are subjected to the union", in: Mark Rifkin, *Beyond Settler Time: Temporal Sovereignty and Indigenous Self-Determination* (Durham; London: Duke University Press, 2017), 93.

permits and hunting licenses. Earlier they didn't have to do that and now you have to have hunting licenses, caribou tags, and all those things.¹⁴¹⁵

In 1910, when Canadian officials grew nervous about the alleged 'immigration' Hän Hwëch'in from Alaska, their fears reflected on the interplay between logics of extraction, logics of elimination, and logics of exclusion in the riverlands, between the administration of mobility, labor, and resource extraction. Prior to the events of 1910, Eagle's customs agents asked their superiors at the USCS headquarters in Juneau for advice on a particularly challenging problem.

According to customs agents, U.S. Army personnel at Fort Egbert had grown accustomed to purchasing memorabilia from Indigenous artisans, sending them home to the continental United States (see, fig. 41). The problem was that some of those items which were to cross the 141st meridian via the postal service line had been made from so-called 'big game animals' such as caribou or moose, primarily (although not exclusively) by Hän Hwëch'in artists. "I enclose herewith a letter from Mr. Charles B. Moore, 2nd Lieut. 22nd Infantry, and would request your decision in the matter", wrote U.S. Deputy Collector of Customs George Woodruff. "Most of the articles are beaded work done by the Indians on caribou or moose hide [...]. This beaded work of the Indians is there [in original] main industry, and about the only thing that they are capable of performing. Should it be decided that a shipping license must accompany all shipments of such nature, the Indians would be compelled to seek other employment as the local demand is not large enough to keep them busy"¹⁴¹⁶. If wage labor were to provide the central dimension for the absorption of Hän Hwëch'in into the economies of the settler colonialist-capitalist nation state, wouldn't it be the role of the state to support the integration of Indigenous labor by suspending customs regulations and thus by granting extraordinary exemptions to Hän Hwëch'in artisans?¹⁴¹⁷

U.S. Army doctor Ferdinand Schmitter, stationed at Fort Egbert in 1906, echoes Woodruff's concerns that Hän Hwëch'in would become 'public liabilities' if it were not for their integration into the economies of the riverlands. Instead of exempting Indigenous artisans and their products

¹⁴¹⁵ Koskey, Tyrrell, and Lotvonen, *Through Their Eyes: A Community History of Eagle, Circle, and Central*, 55.

¹⁴¹⁶ Letter from U.S. Deputy Collector of Customs George Woodruff, Eagle, to the U.S. Collector of Customs at Juneau, Apr. 21, 1909, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 135, Vol. 2: Letters Sent Eagle 1905-1919, p. 63.

¹⁴¹⁷ See, Prucha, *American Indian Policy in Crisis: Christian Reformers and the Indian, 1865-1900*, 152-55; *The Great Father: The United States Government and the American Indians*, 217-21, 95-310; Circe Sturm, "Race, Sovereignty, and Civil Rights: Understanding the Cherokee Freedmen Controversy," *Cultural Anthropology* 29, no. 3 (2014): 577-81; Blackhawk, *The Rediscovery of America: Native Peoples and the Unmaking of U.S. History*, 332-37.

from customs regulations, however, Schmitter suggested focusing on agriculture and settlement, a common theme of assimilationist policies under settler colonial capitalism,¹⁴¹⁸

These people [residents of Eagle Village] have learned to be charity-seekers and the church, it seems to me, maintains a weak influence over them by doling out charity. This is undesirable, for charity is not necessary, since there is opportunity for them to be self-supporting provided they are properly taught occupations and to despise instead of to seek assistance. In view of these conditions, a Government official should be appointed or detailed to teach the natives agriculture, to act as a health officer and to compel them to live in a sanitary manner, to supervise the care of the sick, to establish a commissary where they may buy at moderate prices, to act as police, and to make further recommendations for their benefit.¹⁴¹⁹

Motivated perhaps by the widespread conviction that the production of beaded works and other handicrafts at Eagle Village would provide work and income to Hwëch'in families, lead to the 'civilization' of Indigenous modes of existence, and would, ultimately, result in avoiding an active role of the state in providing welfare to Hän Hwëch'in (see, fig. 42), the U.S. Collector of Customs in Juneau decided,

[...] that the shipment of such articles manufactured by the natives from the products of game animals from this District is permissible, provided the same apply to shipments that do not amount to, or could be considered as, a regular trade or traffic in such articles. It is intended to only permit the shipment of such articles manufactured from the products of game animals by the natives, as are incident to the killing of such animals for food and other purposes by them. An extended trade in such articles which would cause the slaughter of game animals for the purpose of supplying a considerable quantity of material is not permissible.¹⁴²⁰

¹⁴¹⁸ See, Green, "The Tr'ondëk Hwëch'in and the Great Upheaval: Mining, Colonialism, and Environmental Change in the Klondike, 1890-1940," 317-19, 29-30. See also, Prucha, *The Great Father: The United States Government and the American Indians*, 143-44, 243-44.

¹⁴¹⁹ Ferdinand Schmitter, *Upper Yukon Native Customs and Folk-Lore*, vol. 56, Smithsonian Miscellaneous Collections (Washington D.C.: Smithsonian Institution, 1933), 20.

¹⁴²⁰ Letter from U.S. Collector of Customs J. R. Willis, Juneau, to U.S. Deputy Collector of Customs at Eagle, May 6, 1909, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 132, Vol. 1: Letters Received from the U.S. Collector of Customs 1906-1909, no. 800.



Alaska State Library - Historical Collections

Figure 42: Hwëch'in village near Fort Egbert; Photograph: ASL-P334-11, Ark A. Tower Photograph Collection 1901-1903, ASL-PCA-334, Historical Collections, Alaska State Library. Courtesy of the Alaska State Library

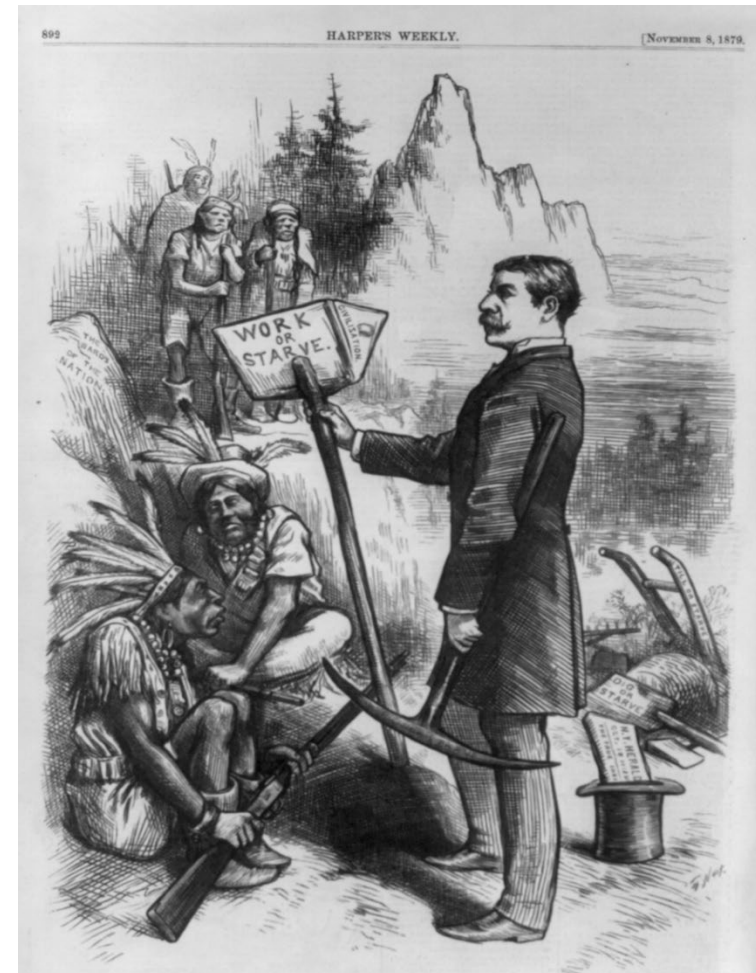


Figure 41: Nast, Thomas (1879), "Root, hog, or die—Christopher Columbus Bennett has discovered the true Indian policy". In: Harper's Weekly, p. 892 (Nov. 8, 1879). Cartoon retrieved from the U.S. Library of Congress, Prints and Photograph Division, Online: <http://loc.gov/pictures/resource/cph.3b25358/> (last access 04-18-2024).



Figure 43: Hwëch'in and Gwich'in chiefs Roderick, Isaac, and Charlie; Photograph: ASL-P277-004-095, Wickersham State Historic Site Photographs 1882-1930s, ASL-PCA-277, Historical Collections, Alaska State Library. Courtesy of the Alaska State Library.

In fact, the decision of the U.S. Collector of Customs represents a remarkable exemption of local practices from the provisions of Alaskan game laws, because these laws were explicitly designed to crush “[...] the blossoming export trade in hides, heads, and horns”¹⁴²¹. The first version of the Alaska Game Law was passed in 1902 reflecting anxieties about the ‘wanton slaughter’ of game animals, particularly caribou and moose.¹⁴²² The law “[...] contained an exemption that allowed Natives to kill game animals and birds for food and clothing, and permitted miners, explorers, and travelers to kill game when in need of food [...]”¹⁴²³. It did not, however, elaborate on “[...] what constituted ‘need’ and what qualified as ‘immediate use’ [...]”¹⁴²⁴. Until 1908, the enforcement of the Alaska Game Law and its specific regulations was delegated to federal agents such as customs agents or U.S. marshals.¹⁴²⁵ The amendment of the Alaska Game Law in 1908 delegated authority for issuing non-resident hunting and export licenses, for registering guides, and for assigning game wardens to the Alaskan governor who would essentially do as he saw fit.¹⁴²⁶ Regarded as a prime example for corruptions and opportunism in Alaskan politics, the game law was repeatedly and fiercely attacked by conservationists within and outside of the federal government.¹⁴²⁷ For conservationists, the broad range of exemptions that the law granted to residents of Alaska and to Alaska’s Indigenous population was neither tolerable nor in line with the convictions of Progressive Era science. “Any legislation that gives Indians privileges superior to the whites”, thundered famous Boone & Crockett member and mammologist Madison Grant in 1908, “is based, not on scientific but on sentimental considerations”¹⁴²⁸.

More importantly, the Alaska Game Law was structured by a distinction set between economies of subsistence (need-based economies) and market-oriented economies (profit-based economies), thus establishing two separate spheres of interaction between human and their more-than-human relatives.¹⁴²⁹ Game animals such as caribou or moose that had been hunted to provide meat for

¹⁴²¹ Morgan B. Sherwood, *Big Game in Alaska: A History of Wildlife and People* (Fairbanks: University of Alaska Press, 1981), 28.

¹⁴²² About the role of ‘wanton slaughter’ in northern settler colonial capitalism, see, Nadasdy, *Hunters and Bureaucrats: Power, Knowledge, and Aboriginal-State Relations in the Southwest Yukon*, 80-83; Tina Loo, *States of Nature: Conserving Canada's Wildlife in the Twentieth Century* (Vancouver: University of British Columbia Press, 2006), 164-73; Frank James Tester and Peter Kulchyski, *Kiumajut/Talking Back: Game Management and Inuit Rights, 1900-1970* (Vancouver; Toronto: University of British Columbia Press, 2007), 73-80.

¹⁴²³ Sherwood, *Big Game in Alaska: A History of Wildlife and People*, 106.

¹⁴²⁴ Henry R. Huntington, *Wildlife Management and Subsistence Hunting in Alaska* (Seattle: University of Washington Press, 1992), 24.

¹⁴²⁵ See, Sherwood, *Big Game in Alaska: A History of Wildlife and People*, 27.

¹⁴²⁶ See, *ibid.*, 31; Huntington, *Wildlife Management and Subsistence Hunting in Alaska*, 25.

¹⁴²⁷ See, Ken Ross, *Pioneering Conservation in Alaska* (Boulder, CO: University Press of Colorado, 2006), 217-20.

¹⁴²⁸ Cit. in: Sherwood, *Big Game in Alaska: A History of Wildlife and People*, 31.

¹⁴²⁹ The contrast between economies of ‘subsistence’ and market or surplus-oriented economies based on the exchange of money would come to play a crucial role in settler colonial histories of Alaska and the literature on this topic is too vast to be adequately summarized; see, e.g., Huntington, *Wildlife Management and Subsistence Hunting in Alaska*; Ann

Fienup-Riordan, *Hunting Tradition in a Changing World: Yup'ik Lives in Alaska Today* (New Brunswick, NJ; London: Rutgers University Press, 2000); Kirk Dombrowski, "Subsistence Livelihood, Native Identity, and Internal Differentiation in Southeast Alaska," *Anthropologica* 49, no. 2 (2007); Danielle DiNovelli-Lang and Karen Hébert, "Rural Alaska: The Struggle for Subsistence," *Journal for the Anthropology of North America* 22, no. 2 (2019). It should be noted, however, that the 1971 Alaska Native Claims Settlement Act (ANCSA) formally extinguished Alaska Native subsistence rights; see, Case and Voluck, *Alaska Natives and American Laws*, 292. In 1980, the Alaska National Interest Lands Conversation Act (ANILCA) reintroduced the concept stating, "the term 'subsistence uses' means the customary and traditional uses by rural Alaska residents of wild renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption; for barter, or sharing for personal or family consumption; and for customary trade. For the purposes of this section, the term—

(1) 'family' means all persons related by blood, marriage, or adoption, or any person living within the household on a permanent basis; and

(2) 'barter' means the exchange of fish or wildlife or their parts, taken for subsistence uses—

(A) for other fish or game or their parts; or

(B) for other food or for nonedible items other than money if the exchange is of a limited and noncommercial nature", in: 16 USC §3113. Broadly, ANILCA defined subsistence as a cultural practice of residents of rural Alaska which was perceived in opposition to 'commercial' hunting, trapping, and fishing. Even though the law did allow for the possibility of monetary exchange, it still held that these exchanges would have to be of a 'limited and noncommercial nature'. The characteristic opposition between economies of subsistence and market economies had been softened, yet not abolished; see, *ibid.*, 297-99. As anthropologist Kirk Dombrowski has argued, the culturalist appropriation and redefinition of subsistence in the aftermath of both ANCSA and ANILCA has had tremendous and devastating effects on Alaska Native communities, especially for those dependent on hunting, trapping, and fishing; see, Kirk Dombrowski, *Against Culture: Development, Politics, and Religion in Indian Alaska* (Lincoln; London: University of Nebraska Press, 2001), esp. ch. 4. In 1989 landmark case *McDowell v. State of Alaska*, the Alaska Supreme Court found the rural subsistence priority that ANILCA had established unconstitutional; see, Case and Voluck, *Alaska Natives and American Laws*, 301-05. The result of *McDowell* and previous legislation from the U.S. federal government being an intensive fragmentation of Alaska's land, water, and resource usage rights. In contemporary Alaska, different sets of laws and regulations apply depending on land possession and oversight. ANILCA provisions regarding subsistence apply to lands that are federally managed by agencies such as the U.S. Fish & Wildlife Service or the National Park Service. Laws and regulations of the State of Alaska apply to lands that are managed by agencies such as the Alaska Department of Fish & Game. Because, crucially, *McDowell* had ruled the rural subsistence priority criterion established under ANILCA provisions unconstitutional, the State of Alaska's core management bodies, the Alaska Board of Game, the Alaska Board of Fish, and the Alaska Department of Fish & Game, does not discriminate so-called 'subsistence users' based on their actual place of residence; see, Haycox, *Battleground Alaska: Fighting Federal Power in America's Last Wilderness*, 138-43. With other words, a U.S. soldier stationed at the U.S. Army base Fort Wainwright in Fairbanks and registered resident of Alaska might perfectly well entitled to hunt for Fortymile caribou around Chicken or Eagle claiming subsistence rights. The Alaska code of law does, however, provide for the opportunity of the boards to determine specific areas for subsistence and non-subsistence use: "The boards may not permit subsistence hunting or fishing in a nonsubsistence area. The boards, acting jointly, shall identify by regulation the boundaries of nonsubsistence areas. A nonsubsistence area is an area or community where dependence upon subsistence is not a principal characteristic of the economy, culture, and way of life of the area or community. In determining whether dependence upon subsistence is a principal characteristic of the economy, culture, and way of life of an area or community under this subsection, the boards shall jointly consider the relative importance of subsistence in the context of the totality of the following socio-economic characteristics of the area or community:

(1) the social and economic structure;

(2) the stability of the economy;

(3) the extent and the kinds of employment for wages, including full-time, part-time, temporary, and seasonal employment;

(4) the amount and distribution of cash income among those domiciled in the area or community;

(5) the cost and availability of goods and services to those domiciled in the area or community;

(6) the variety of fish and game species used by those domiciled in the area or community;

(7) the seasonal cycle of economic activity;

(8) the percentage of those domiciled in the area or community participating in hunting and fishing activities or using wild fish and game;

(9) the harvest levels of fish and game by those domiciled in the area or community;

(10) the cultural, social, and economic values associated with the taking and use of fish and game;

(11) the geographic locations where those domiciled in the area or community hunt and fish;

(12) the extent of sharing and exchange of fish and game by those domiciled in the area or community;

sustenance and whose parts (i.e., meat, antlers, bones) had not been exchanged for cash were considered exempt from hunting regulations. Market-oriented economies organized around notions of monetary exchange were considered to be fundamentally opposed to need-based economies of subsistence which were envisioned to be organized around notions of gift exchange and barter.¹⁴³⁰ That the distinction between cash economies and gift exchange would, in practice, be difficult to apply seems to have already been anticipated when the laws were drafted. “The exception in favor of natives, miners, and explorers must be construed strictly”, admitted U.S. Secretary of Agriculture James Wilson. “It must not be used merely as a pretext to kill game out of season, for sport or for market, or to supply canneries or settlements, and under no circumstances can the hides or heads of animals thus killed be lawfully offered for sale”¹⁴³¹. The initial introduction of the Alaska Game Law in 1902 was hailed as an immense political success by Alaskan governor John G. Brady who, in 1903, concluded that “[t]he existence of these laws has checked the wanton destruction of game in different sections of Alaska”¹⁴³². Despite Brady’s enthusiasm for the game laws, the imposition of hunting and trapping regulations proved far more challenging in practice than legislators, conservationists, and lobbyists of the growing tourism industry had anticipated.¹⁴³³

(13) additional similar factors the boards establish by regulation

to be relevant to their determinations under this subsection”, in: AS 16.05.258 (c). An overview over the legal framework governing the use of natural resources in the Indigenous United States (esp. tribal-state-federal relationships), see, Nell Jessup Newton, ed. *Cohen's Handbook of Federal Indian Law, 2012 Edition* (New Providence, NJ.; San Francisco: LexisNexis, 2012), esp. §§18.02-18.04.

¹⁴³⁰ Contrasting gift- and commodity-based economies, Chris Gregory writes, “the gift economy, then, is a debt economy. The aim of a transactor in such an economy is to acquire as many gift-debtors as he possibly can and not to maximize profit, as it is in a commodity economy. What a gift transactor desires is the personal relationships that the exchange of gifts creates, and not the things themselves”, in: Chris A. Gregory, *Gifts and Commodities* (Chicago: HAU Books, 2015), 13. Combining the seemingly antipodal approaches of political economists such as Karl Marx with notions of gift exchange developed by anthropologists such as Marcel Mauss or Claude Lévi-Strauss, Chris Gregory developed a distinct theoretical apparatus dialectically suspending the opposition between ‘gifts’ and ‘commodities’; see, *ibid.*, 225-27; Marcel Mauss, *Die Gabe: Form Und Funktion Des Austauschs in Archaischen Gesellschaften*, trans. Eva Moldenhauer (Frankfurt a.M.: Suhrkamp Verlag, 2007); Claude Lévi-Strauss, *Die Elementaren Strukturen Der Verwandtschaft*, trans. Eva Moldenhauer (Frankfurt a.M.: Suhrkamp Verlag, 2009). Theories of gift exchange and its inherent contrast with notions of monetary transactions have frequently and with mixed results been mobilized for the critical analysis of conflicts between Indigenous nations in northern North America and the settler colonial bureaucratic states; see, e.g., Martin, *Keepers of the Game: Indian-Animal Relationships and the Fur Trade*, esp. ch. 2; Fienup-Riordan, *Eskimo Essays: Yup'ik Lives and How We See Them*, esp. ch. 8; Nadasdy, *Hunters and Bureaucrats: Power, Knowledge, and Aboriginal-State Relations in the Southwest Yukon*, esp. ch. 6; “The Gift in the Animal: The Ontology of Hunting and Human-Animal Sociality,” *American Ethnologist* 34, no. 1 (2007); Nicole Gombay, *Making a Living: Place, Food, and Economy in an Inuit Community* (Saskatoon: Purich Publishing Limited, 2010); Frédéric B. Laugrand and Jarich G. Oosten, *Hunters, Predators, and Prey: Inuit Perceptions of Animals* (New York; Oxford: Berghahn, 2016), 5-10; Paula Schiefer, “Negotiating Salmon: Ontologies and Resource Management in Southwest Alaska,” *Berliner Blätter*, no. 84 (2021).

¹⁴³¹ James Wilson, “Regulations for the Protection of Game in Alaska,” ed. U.S. Department of Agriculture, Biological Survey Circular (Washington D.C.: U.S. Government Printing Office, 1903), 1.

¹⁴³² John Green Brady, “Report of the Governor of the District of Alaska to the Secretary of the Interior, 1903,” ed. U.S. Department of the Interior (Washington D.C.: U.S. Government Printing Office, 1903), 34.

¹⁴³³ See, Sherwood, *Big Game in Alaska: A History of Wildlife and People*, esp. ch. 8.

The distinction between subsistence and market economies implemented by the Alaska Game Law mirrored the historical development of forestry and conservation in central Europe. There, hysteria over the supposed ‘wanton destruction’ of forests and timber resources resulted in the emergence of state-organized forestry and severe restrictions of customary usufructuary laws.¹⁴³⁴ In 1842, Karl Marx remarked—with bitter cynicism—, reforms of the German forestry would be resulting in the disenfranchisement of the poor and in the generalization of private, entrepreneurial interests through the establishment of state bureaucracies.¹⁴³⁵ Reforms of European forestry and the crackdown on customary usufructuary rights reflect the emergence of capitalist economies and notions of private property as well as the establishment of the mercantilist state with its bureaucracies and industrial militaries.¹⁴³⁶

The conceptual cornerstones of subsistence as well as related concepts such as sustainability were transferred from Europe to the United States through the exchange of students of forestry in the second half of the 19th century.¹⁴³⁷ At the same time, the expansion of settlement throughout North America and the rapid industrialization of North American societies both in Canada and the United States led to the almost complete extinction of the bison population in the prairies and the destruction of the American passenger pigeon which conservationists interpreted as a wake-up call for increasing government oversight over ‘natural resources’.¹⁴³⁸ In the United States, the implementation of conservation policies based on the distinction between need-based and profit-based economies, as historian Karl Jacoby described, were accompanied by violence directed against rural and Indigenous communities.¹⁴³⁹

¹⁴³⁴ See, Joachim Radkau and Ingrid Schäfer, *Holz: Ein Naturstoff in Der Technikgeschichte* (Reinbek, Hamburg: Rowohlt Verlag, 1987), 149-60; Joachim Radkau, *Die Ära Der Ökologie: Eine Weltgeschichte* (Munich: C.H. Beck, 2011), 40-45.

¹⁴³⁵ For example: “Die vorliegende Debatte bietet sogleich ein Beispiel, wie man diese Gewohnheitsrechte behandelt, ein Beispiel, worin die Methode und der Geist des ganzen Verfahrens erschöpft ist. Ein Deputierter der Städte opponiert gegen die Bestimmung, wodurch auch das Sammeln von Waldbeeren und Preiselbeeren als Diebstahl behandelt wird. Er spricht vorzugsweise für die Kinder armer Leute, welche jene Früchte sammeln, um damit für ihre Eltern eine Kleinigkeit zu verdienen, welches seit *unvordenklichen Zeiten* von den Eigentümern gestattet und wodurch für die Kleinen ein *Gewohnheitsrecht* entstand. Dies Faktum wird widerlegt durch die Notiz eines andern Abgeordneten: ‘in seiner Gegend seien diese Früchte schon Handelsartikel und würden faßweise nach Holland geschickt’. Man hat es wirklich schon an *einem Ort* so weit gebracht, aus einem Gewohnheitsrecht der Armen ein *Monopol* der Reichen zu machen“, in: Karl Marx, “Debatten Über Das Holzdiebstahlsgesetz,” *Marx-Engels Werke* (Berlin/GDR: Dietz Verlag, 1961), 119-20, *emph. in original*.

¹⁴³⁶ See, Radkau and Schäfer, *Holz: Ein Naturstoff in Der Technikgeschichte*, 160-75; Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*, 11-22.

¹⁴³⁷ See, Jacoby, *Crimes against Nature: Squatters, Poachers, Thieves, and the Hidden History of American Conservation*, 4-6.

¹⁴³⁸ See, White, ‘*It’s Your Misfortune and None of My Own*’: *A New History of the American West*, 216-31; Tyrrell, *Crisis of the Wasteful Nation: Empire and Conservation in Theodore Roosevelt’s America*, 147-52; West, *Continental Reckoning: The American West in the Age of Expansion*, 443-46.

¹⁴³⁹ See, Jacoby, *Crimes against Nature: Squatters, Poachers, Thieves, and the Hidden History of American Conservation*, 193-95, *esp. ch. 3, ch. 6*. See also, Laura A. Ogden, *Swamplife: People, Gators, and Mangroves Entangled in the Everglades* (Minneapolis; London: University of Minnesota Press, 2011).

Alaska was no different. “Market hunting was perfectly legal if the game were taken lawfully and sold during open season only”, notes historian Sherwood Morgan in his study about the history of Alaska game laws adding, “frequently, it was not. Some professional hunters took more than their legal limit, hunted during closed seasons, and killed cow moose and yearlings”¹⁴⁴⁰. In 1917, the game warden at Eagle, for instance, refrained from pressing charges after he had caught a miner violating caribou hunting regulations. The warden justified his decision by the desolate economic position of the prospector and his family.¹⁴⁴¹ “‘Prodigal disregard’ for the future of wildlife”, concludes Morgan, “the belief that prospectors and trappers had a civil right to kill game when they wished, and widespread disdain for the game laws were attitudes matched by the reluctance of officials to prosecute violators even on those rare occasions when the governors’ wardens acted”¹⁴⁴².

Moreover, as noted earlier, John Locke provided the emblematic theoretical basis for the conceptualization of the transition from (pre-political) economies of subsistence based on the extraction of resources for the satisfaction of ‘basic needs’ (absence of surplus production) to state-centered, surplus-oriented market economies organized around the principle of private property and law.¹⁴⁴³ Contractual reason formulates the transition from need-based economies to profit-based economies as a qualitative transformation of social relations through the emergence of a generalized contract between individuals establishing state institutions which would guarantee the stability of contractual relationships in the future(s). Problems arise, though, when the historical difference between economies of subsistence and profit-based economies is translated into a qualitative difference.¹⁴⁴⁴ How is one to determine the limits of subsistence *empirically*? What is the

¹⁴⁴⁰ Sherwood, *Big Game in Alaska: A History of Wildlife and People*, 46.

¹⁴⁴¹ See, *ibid.*

¹⁴⁴² *Ibid.*, 47.

¹⁴⁴³ John Locke’s theorization of the contractual bond and his understanding of subsistence economies is discussed at considerable length in the first part of Section III of this dissertation.

¹⁴⁴⁴ See, especially, Honneth, *Kampf Um Anerkennung: Zur Moralischen Grammatik Sozialer Konflikte*, 70-74. Marcel Mauss, famous author of the *Essai sur le dons*, associates ‘monies’—in the plural—with the ‘spirit of the gift’ and thus with obligations for reciprocal exchange; see, Marcel Mauss, “Die Ursprünge Des Geldbegriffs,” in *Marcel Mauss: Schriften Zum Geld*, ed. Hans Peter Hahn, Mario Schmidt, and Emanuel Seitz (Berlin: Suhrkamp Verlag, 2015), 29-31; “Grundlegende Anmerkung Zum Gebrauch Des Geldbegriffs,” 49-50; *Die Gabe: Form Und Funktion Des Austauschs in Archaischen Gesellschaften*, 31-39. Therefore, for Mauss, the existence of monies and systems of gift exchange are clearly not mutually exclusive. Even more, he argues that systems of gift exchange are predicated on the existence of monies in various forms, i.e., “[...] bestimmte Dinge, die fast alle magisch und kostbar waren [...] [und die] durch den Gebrauch nicht zerstört wurden [...]”, in: “Grundlegende Anmerkung Zum Gebrauch Des Geldbegriffs,” 51, *emph. AMW*. In contrast to Locke’s *creatio ex nihilo* of ‘money’ correlated with the emergence of institutions of the legal-administrative state, Mauss insists on decoupling histories of monies from the presence of the state. For him, (localized) monies meant ‘things’ which could not be altered or destroyed by use and which were therefore ideal for establishing vast networks of trade and exchange; see, *ibid.*, 51. Thus, rather than a *creatio ex nihilo*, Mauss suggests conceptualizing the historical development of monies as a continuous process of expanding the circulation of specific artifacts: extensive relations of exchange rather than substantive events; see, Eduardo Viveiros de Castro, *Kannibalische Metaphysiken: Elemente Einer Post-Strukturalen Anthropologie*, trans. Theresa Mentrup (Berlin: Merve Verlag, 2019), esp. ch. 7. Like

exact point at which a ‘basic need’ collapses into the production of surplus? For proponents of subsistence, the problem appeared to be solved with the introduction of money as the central differentiator, because money itself was considered to be based on an original contract between individuals and on the emergence of state institutions.¹⁴⁴⁵

What may have appeared a simple task to philosophers and jurists, proved nightmarishly confusing to customs agents at Eagle who were indeed tasked with determining the boundaries of subsistence empirically. In spring 1910, at the time when Canadian officials were exchanging anxious letters about the alleged ‘immigration’ of Hän Hwëch’in from Eagle Village to Moosehide, the representative of the USCS at Eagle urged his superiors to roll back on their 1909 exemptions,

Please refer to your letter No. 800, dated May 6th, 1909. Lieut. Moore takes this as authority to ship, amongst other curios, one chair made from moose and caribou horn. Your letter would seem to cover only such articles as might be manufactured by the Natives. The chair in question was made by the Post saddler, a white man, who has made since x [in original] chairs of like character for every officer at the post. The chairs are made up from horns that would otherwise have remained in the woods and their manufacture has not tended towards the wanton slaughter of game animals, but if the saddler is permitted to continue shipping these chairs as curios it will not be long until the demand for horns will be sufficient to induce the natives to kill more than actually neede [in original] for food. I would suggest, if it is within the law, that the chairs already made up be allowed to go forward and from then [in original] on no further permission be given to ship articles of this sort without a license. We are informed that Companies G and M of the 22nd regiment contemplate shipping horns of game animals in large quantity.¹⁴⁴⁶

Mauss, Karl Marx insists on the inherently social qualities of money that he understands as an objectification of specific assemblages of (essentially antagonist) social relations. For Marx, money, like any other thing, is characterized by a *Gebrauchswert* (use value) and a *Tauschwert* (exchange value); these values themselves are, of course, determined by relations of equivalence within a particular economic system at a specific point in time; see, Harvey, *The Limits to Capital*, 241-42. “Das Rätsel des Geldfetischs”, Marx writes, “ist daher nur das sichtbar gewordne, die Augen blendende Rätsel des Warenfetischs”, in: Marx, *Das Kapital: Kritik Der Politischen Ökonomie, 1. Band*, 23, 108. As a generalized medium of exchange, money establishes relations of equivalence between commodities that it is socially and politically accepted to ‘buy’ or rather, that it can be exchanged with; see, Harvey, *The Limits to Capital*, 242-43. Thus—very simply—, money circulates in the exact opposite direction of the circulation of commodities, a scenario perfectly similar to Mauss’ descriptions of the role of monies in gift economies. However, unlike Mauss, Marx distinguishes sharply between money on the one hand and capital on the other. “Das Geld als Kapital”, notes Marx in his *Grundrisse*, “ist eine Bestimmung des Geldes, die über seine einfache Bestimmung als Geld hinausgeht. [...] Jedenfalls ist Geld als Kapital von Geld als Geld unterschieden”, in: Karl Marx, “Grundrisse Der Kritik Der Politischen Ökonomie,” *Marx-Engels Werke* (Berlin: Dietz Verlag, 2021), 176. Money is being transformed into capital when labor is available as a commodity; see, Harvey, *The Limits to Capital*, 252; Karl Marx, *Das Kapital: Kritik Der Politischen Ökonomie, 2. Band*, ed. Institut für Marxismus-Leninismus beim ZK der SED, vol. 24, Marx-Engels Werke (Berlin/GDR: Dietz Verlag, 1971), 36-38; “Grundrisse Der Kritik Der Politischen Ökonomie,” 218-20.

¹⁴⁴⁵ See, Beckert, *Imagined Futures: Fictional Expectations and the Dynamic of Capitalism*, 98-102.

¹⁴⁴⁶ Letter from U.S. Deputy Collector of Customs J. J. Hillard, Eagle, to U.S. Collector of Customs, Juneau, Apr. 27, 1910, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 135, Vol. 2: Letters Sent Eagle 1905-1919, p. 120.

The increase in the production of memorabilia for U.S. soldiers and tourists by Indigenous and non-Indigenous artisans, the officer reasoned, would lead to an increase in the numbers of caribou killed by Hwëch'in hunters to satisfy the growing demand for horns, bones, and other parts of caribou bodies. Ironically, customs agents grew especially fearful of Hän Hwëch'in successfully navigating capitalist economies, fearful of the increase of surplus production and monetary income, both of which cornerstones of John Locke's theorization of civil society and conceptual pillars of those 'reformers' hailing the absorption of Indigenous nations into the orbit of settler colonial capitalism.¹⁴⁴⁷ To prevent overhunting of caribou, John J. Hillard, at that time U.S. Deputy Collector of Customs at Eagle, argued, the informal economies were to be brought to kneel. Conservationist concerns trumped assimilationist policies. In 1909, customs agents had presented Hän Hwëch'in as people who were barely able to perform complex economic tasks besides of the continuation of well-known practices such as hunting, trapping, or beading. One year later, residents of Eagle Village were considered all-too-perfect capitalists wreaking havoc on local game animals in order to sell their produce.

John J. Hillard's concerns were exacerbated by the fact that, beyond the 141st meridian, in what Canada claimed to be the Yukon Territory, hunting and trapping remained comparatively deregulated. Although the Yukon Territory's legislature had enacted a Game Ordinance as early as 1901, the law was to set only the broadest limits on hunting.¹⁴⁴⁸ "Every year in Dawson City, council members at the spring budget session had only to look up on the surrounding hills to see the Fortymile caribou herd in their numberless, ceaseless migration", summarizes historian Robert McCandless the Yukon Territory's legislation until the 1940s and continues that "with so much abundance the Yukon attitude during those years should not be surprising"¹⁴⁴⁹. Similar to the Alaska Game Law, the Yukon's Game Ordinance determined that trophies were not to be exported across the Territory's boundaries without obtaining a specific license.¹⁴⁵⁰ Yukon First Nations remained excluded from the Game Ordinance until 1920, when the "[...] the Ordinance changed this by making provisions against selling meat without a license, using poison, exporting hides, and killing females apply to Indians, including the penalty provisions"¹⁴⁵¹. In line with the argument that USCS agent George Woodruff had presented in 1909 when he asked his superiors to exempt artifice produced by Hän from U.S. customs regulations, because such a step would ultimately

¹⁴⁴⁷ See, Green, "The Tr'ondëk Hwëch'in and the Great Upheaval: Mining, Colonialism, and Environmental Change in the Klondike, 1890-1940," 320.

¹⁴⁴⁸ See, Robert G. McCandless, *Yukon Wildlife: A Social History* (Edmonton: The University of Alberta Press, 1985), 33-35.

¹⁴⁴⁹ Ibid., 63.

¹⁴⁵⁰ See, ibid., 34.

¹⁴⁵¹ Ibid., 36.

contribute to the overarching strategic goal of the United States to keep government expenses at a minimum, Deputy Superintendent of Indian Affairs James Stuart argued in 1902,

I am particularly anxious that some steps should be taken to relieve the Indians of the Yukon Territory from the provisions of the Game Law. It seems to me that the Indians must be exempted, if they are not already—from any penalties which may be imposed upon them for violation of the ordinance [...]. You will well understand *the reason why I suggest this, which is simply that the Indians may be able to provide themselves with food from time to time as required. It is very much better to allow them to do this than to make them a continual charge on the Government and let them lose [in original] all ideas of self support [in original]*.¹⁴⁵²

Thus, in contrast to Alaska where Hwëch'in practices of hunting and trapping together with the production of handicraft and other produce increasingly came under scrutiny by government bureaucrats fearing for the stability of caribou, moose, and other 'big game animal' populations in 1910, Canadian relatives Hän Hwëch'in families in Alaska enjoyed much broader hunting, trapping, and fishing rights. The bitter irony is that, as Alaskan governor Thomas Riggs Jr. pointed out to his counterpart in the Yukon Territory, those animals that government bureaucrats sought to protect from Indigenous hunters did, of course, move freely across the 141st meridian.¹⁴⁵³

In short, when Canadian police officers expressed their concerns over the 'immigration' of Hän Hwëch'in from Eagle Village to Moosehide, their anxieties reflect the entanglement of capitalism and colonialism, law and ongoing practices of violent displacement. Wouldn't it be economically reasonable for Hän Hwëchin to move to Moosehide simply to continue their successful business operations, a staunch advocate of capitalism may have asked. Hän Hwëch'in were caught in the webs spun by the "[...] double bind [...]"¹⁴⁵⁴ of settler colonial capitalism. As 'capitalists', they were considered a threat to the ecological stability of the riverlands; and as 'traditionalists', Hän were perceived as economic liabilities to the expansion of the settler colonialist-capitalist state.¹⁴⁵⁵ In the years following the events of 1909-1910, pressure on Hän Hwëch'in hunting and trapping practices continued. In 1915, Eagle's customs agent John J. Hillard reported to his superiors,

Game would seem to [in original] more plentiful this year than for a number of years past. The caribou herds are reported larger in numbers and Moose [in original] are to be found in abundance. The provisions of the Game Law are well observed by the white population. The Natives in this

¹⁴⁵² Letter from Canadian Deputy Superintendent of Indian Affairs James Smart to NWMP commissioner Zachary T. Wood, Oct. 17, 1902, in: LAC, RG 10, Vol. 6761, File 420-12; emph. AMW. See, Coates, *Best Left as Indians: Native-White Relations in the Yukon Territory, 1840-1973*, 162-69.

¹⁴⁵³ See, McCandless, *Yukon Wildlife: A Social History*, 55. About the role of Thomas Riggs in shaping Alaska's hunting and trapping regulations in the 1910s, see, Sherwood, *Big Game in Alaska: A History of Wildlife and People*, 35-38.

¹⁴⁵⁴ Cattelino, *High Stakes: Florida Seminole Gaming and Sovereignty*, 56.

¹⁴⁵⁵ See, *ibid.*, 55-58; Cattelino, "The Double Bind of American Indian Need-Based Sovereignty," 235-36.

vicinity, and we are lead to believe that the same condition exists in other parts, are in the habit of killing Moose Cows [in original] in the Spring [in original] of the year when the cows are heavy with calf, the unborn calf being considered a great delicacy. At present the game warden for this vicinity is located at Chicken, 100 miles in the interior. It would seem to me better if he were located at Eagle as this place is more centrally located and the Indian population is greater along the Yukon than in any part of the immediate interior country, and we are of the opinion that is the Natives who mostly infringe on the Game Law.¹⁴⁵⁶



Curiously, the Canadian federal government struggled to derive a solution to the problem of the alleged ‘immigration’ of Hän Hwëch’in families. Ironically, the reason was a lack of legal protocols and formal bureaucratic procedures, because “[...] there appears to be no definite understanding with the Government of the United States bearing to the question of the removal of Indians across the international boundary”¹⁴⁵⁷. Lacking a formal agreement with the government in Washington D.C., Ottawa advised Canadian authorities in the Yukon riverlands to pursue informal paths “[...] with the officers of the United States troops and other having influence with the Indians in Alaska to dissuade them from removing into Canadian territory”¹⁴⁵⁸. Thus, informal relationships and contacts between government representatives in Alaska in the Yukon Territory were to be mobilized in order to police Indigenous mobilities across the 141st meridian, patterns of mobility that had previously been ignored. It is no coincidence but a structural feature of settler colonial capitalism in the Yukon riverlands that Canadian authorities grew concerned about the existence of relationships between ‘American’ and ‘Canadian’ Indigenous communities—social relationships and patterns of mobility that existed for times immemorial—precisely at the moment when Canadian economic interests were considered to be affected. Relocation to Moosehide Village was to be stopped before Hwëch’in families from Alaska could become “[...] a public charge”¹⁴⁵⁹.

The legalization of hunting and trapping gradually turned the 141st meridian into an increasingly divisive borderline separating ‘Alaskan’ Hän Hwëch’in from the ‘Canadian’ Tr’ondëk Hwëch’in relatives. Echoing Tr’ondëk Hwëch’in Chief Isaac and Hän Hwëch’in Elder Isaac Juneby, Van Tat

¹⁴⁵⁶ Annual report of U.S. Deputy Collector of Customs John J. Hillard, Eagle, to the U.S. Collector of Customs at Juneau, Jan. 1, 1915, p. 2-3, in: NARA WA, RG 36, U.S. Customs Service, Records of the Office of Deputy Collector of Customs Eagle, Box 135, Vol. 4: Copies of Letters Sent to the Collector of Customs Juneau 1912-1926, pp. 76-78.

¹⁴⁵⁷ Letter from Allen Bristol Aylesworth, Canadian Secretary of Justice, to RNWMP comptroller, Apr. 11, 1910, p. 1, in: LAC, RG 10, Vol. 4048, File 359961.

¹⁴⁵⁸ Letter from Allen Bristol Aylesworth, Canadian Secretary of Justice, to RNWMP comptroller, Apr. 11, 1910, p. 1-2, in: *ibid.*

¹⁴⁵⁹ Letter from an unidentified inspector of the Royal North-West Mounted Police commanding ‘B’ Division at Dawson City to the commander of the RNWMP in the Yukon Territory, Feb. 15, 1910, in: LAC, RG 10, Vol. 4048, File 359961.

Gwich'in Elder Clara Tizya described this process in detail in relation to the 141st meridian in the northern sections of the Yukon riverlands, on the Ch'oodèenjìk, the Porcupine River¹⁴⁶⁰,

After the boundary was set in, for a long time nobody bothered about border and boundaries, you know. So the people just continued with hunting and everything they were doing, trapping. They went over the border... [in original] But just before we moved, a couple of years, the game wardens started patrolling so we couldn't go over the border anymore without taxes or licenses or whatever.¹⁴⁶¹

12. ECO-LOGICS: SMALLPOX AND BOUNDARIES OF HUMANITARIANISM

12.1 *Vaccinating All He Can Get Hold Of: Public Health and the Delineation of the U.S.-Canada Border, 1911-1912*

On June 1, 1911, a binational party of surveyors arrived at Gindèhchik, Rampart House, a traditional Gwich'in gathering place that was later used by the Hudson's Bay Company and, from 1904 onwards, by trader Daniel 'Dan' Cadzow (see, fig. 45).¹⁴⁶² The party had been ascending the Ch'oodèenjìk, the Porcupine River, from Gwichyaa Zhee, Fort Yukon, to determine the exact course of the 141st meridian and to demarcate the borderline between Alaska and the Yukon Territory by establishing border monuments. A line drawn on paper was transformed into a line of stone obelisks (see, fig. 44). Until today, both Canada and the United States cut bushes and timber around the obelisks to create a sense of 'visibility' of the U.S.-Canada border.¹⁴⁶³

¹⁴⁶⁰ Processes of border creation on the Porcupine River are discussed in more detail in the third part of Section III of this dissertation.

¹⁴⁶¹ Vuntut Gwitchin First Nation and Smith, *People of the Lakes: Stories of Our Van Tat Gwich'in Elders/Googwandak Nakhwach'ànjò Van Tat Gwich'in*, 241.

¹⁴⁶² See, Wendy Shearer, Helene Dobrowolsky, and Rob Ingram, "Gindèhchik/Rampart House Historic Site; Zheh Gwatsàl/Lapierre House Historic Site: Draft Management Plan Update," (N.A.: Vuntut Gwitchin First Nation Government; Yukon Government, 2021), 7-8.

¹⁴⁶³ See, Dermont Cole, "On the Trail of the Monuments Men: Border Crews Cut 20-Foot Swath on Alaska-Yukon Line," Anchorage Daily News, <https://www.adn.com/adventure/article/trail-monuments-men-border-crews-cut-20-foot-swath-alaska-yukon-line/2014/07/27/>.



Figure 44: The Divide between Alaska and the Yukon at New Rampart House, 1920s; Photograph: 85/86 #9254, Ernest Pasley Fonds, Yukon Archives. Courtesy of the Yukon Archives.

The political process of establishing a line of stone monuments had been stoney, too. In October 1903, after exhaustive and conflictive negotiations, England, the United States, and Canada finally agreed over the boundaries separating Alaska from British Columbia and the Yukon Territory.¹⁴⁶⁴ One year later, Canada and the U.S. appointed commissioners who in turn recruited personnel to conduct an extensive survey of these northern sections of the U.S.-Canada border and to place boundary markers along the exact courses of the borderline(s) as visual representations of settler colonial claims to territorial dominance.¹⁴⁶⁵ At first, the 141st meridian “[...] was not included in the 1904 agreement [...]”¹⁴⁶⁶. It was only two years later that the triangulation point which would have to be used as the point of reference to all the measurements taken along the line, was agreed upon.¹⁴⁶⁷ By that time, Ottawa had already expanded Canadian police presence from Dawson City to Fort McPherson and Herschel Island to specific points in the northern sections of the U.S.-Canada border zone (see, fig. 46).¹⁴⁶⁸

¹⁴⁶⁴ See, Green, *The Boundary Hunters: Surveying the 141st Meridian and the Alaskan Panhandle*, 82-93.

¹⁴⁶⁵ See, *ibid.*, 96. In this regard, the U.S.-Canada border in Alaska does not differ from the demarcation of other sections of the U.S.-Canada border; see, e.g., Hoy, *A Line of Blood and Dirt: Creating the Canada-United States Border across Indigenous Lands*, 97.

¹⁴⁶⁶ Green, *The Boundary Hunters: Surveying the 141st Meridian and the Alaskan Panhandle*, 143.

¹⁴⁶⁷ See, *ibid.*

¹⁴⁶⁸ See, Morrison, *Showing the Flag: The Mounted Police and Canadian Sovereignty in the North, 1894-1925*, 76-78; Grant, *Polar Imperative: A History of Arctic Sovereignty in North America*, 203.



Figure 45: Surveyors of the Alaska-Canada Boundary Survey at New Rampart House; Photograph: UAF-1965-31-32, Dan Cadzow Papers, Alaska & Polar Regions Collections & Archives, University of Alaska Fairbanks.

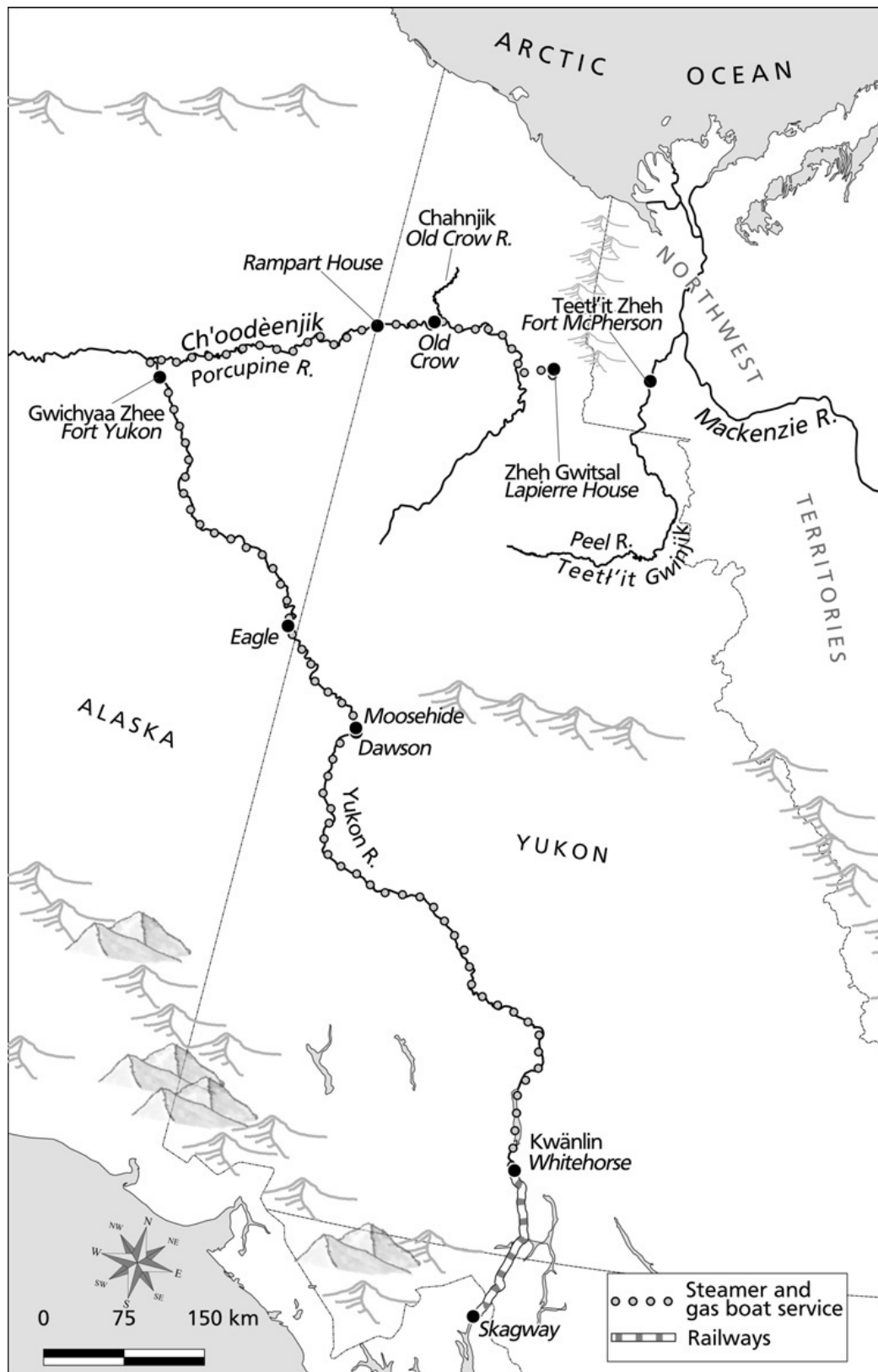


Figure 46: Map of the upper Yukon riverlands around 1911; Map from: Liza Piper, *When Disease Came to This Country: Epidemics and Colonialism in the Northern North America* (Cambridge et al.: Cambridge University Press, 2023), 159.

At the end of July, after the head of the Canadian party of surveyors, John D. Craig, came back from a hunting trip, he was surprised to learn of a smallpox infection at Rampart House that had

been identified by Gilbert T. Smith, a physician from Baltimore accompanying the American team of surveyors (see, fig. 47).¹⁴⁶⁹ Smith had been alerted by Myra and Jacob Tizya, because their one-year-old daughter Anna had suddenly fallen ill. “One morning she got up”, remembered Hannah Netro, Myra’s stepdaughter, “and she got sick—she had spots all over her. Somehow they contacted the doctor and he arrived here”¹⁴⁷⁰. Quickly, Smith isolated Anna and her family, and quarantined the entire community of Gindèhchik, Gwich’in inhabitants as well as the non-Indigenous population.



It is hardly possible to overstate the extent to which Gwich’in lives across the northern and northeastern sections of the Yukon riverlands were determined by mobility and interconnectedness. Travel was made possible not only by rivers but also by extensive networks of trails, and it was conducted not only by foot but also with the help of sledges—and sledge dogs—as well as by canoes constructed out of birch and mooseskin.¹⁴⁷¹ When the surveyors reached Gindèhchik in 1911, Gwich’in mobilities had, of course, been profoundly affected by histories of settlement and extraction. “Then when they started the Hudson’s Bay post”, explains Teet’it Gwich’in Elder Sarah Simon, “the Hudson’s Bay started buying fur. So many people went up the Peel to hunt and trap and when they got enough moose or caribou, they would dry enough meat to stay in one place. From there, they would trap and get so many marten, lynx, fox, and beaver. And again, they never wasted”¹⁴⁷². The establishment of traplines resulted in a slight transformation of settlement patterns. “As they exist today”, wrote anthropologist Richard K. Nelson in 1973, “traplines are not tracts of land with recognized encircling boundaries, but networks of trails and lakes that are used by a particular individual or family year after year”¹⁴⁷³. “Ownership”, he continued, “is based on uninterrupted use, and is therefore not permanent; should a trapline be left unused for several consecutive years it could be taken over by anyone who wanted it”¹⁴⁷⁴. Thus, relatively stable—oftentimes seasonal—settlements emerged in proximity to specific traplines and their associated networks of trails.¹⁴⁷⁵ Furthermore, the fur trade was based on an intricate system of credit and loan repayment. Van Tat Gwich’in Elder Neil McDonald, who was working for trader

¹⁴⁶⁹ See, copy of telegram sent from Circle City (Alaska) by John D. Craig, head of the Canadian party of the Alaska-Canada boundary survey, to Commissioner of Yukon Territory Arthur Wilson July 30, 1911, in: LAC, RG 18, Vol. 532, File 206-17.

¹⁴⁷⁰ Hannah Netro, “Interview with Elder Hannah Netro,” in *Rampart House: Stories Told by Our Elders* (Old Crow: Te’sek Gehtr’oonatun Zzeh College, 1993), 14.

¹⁴⁷¹ See, Council and McCartney, *Our Whole Gwich’in Way of Life Has Changed: Stories from the People of the Land/Gwich’in K’yun Gwiidandàì’ Tihak Ejuk Gòonliḥ*, 16-17.

¹⁴⁷² Ibid., 10.

¹⁴⁷³ Nelson, *Hunters of the Northern Forest: Designs for Survival among the Alaskan Kutchin*, 276.

¹⁴⁷⁴ Ibid.

¹⁴⁷⁵ See, *ibid.*; McClellan, *My Old People Say: An Ethnographic Survey of Southern Yukon Territory*, 2, 482-87.

Dan Cadzow at Gindèhchik, explained that his boss used to hand out camp supplies to Gwich'in families in the fall, before they were heading to their winter camps, on credit, expecting to be repaid in spring and summer through delivering an appropriate number of furs (see, fig. 26).¹⁴⁷⁶

Gwich'in mobilities posed challenges to Christian missionaries and affected their attempts at Christianization. "But people don't stay one place so he [the Catholic missionary] travelled over the mountains and to Yukon", remembered Teetl'it Gwich'in Elder Sarah Simon, "and then came back in the fall and went back"¹⁴⁷⁷. In fact, one of the reasons for the success of the Anglican and the Episcopal churches in the northern sections of the Yukon riverlands, argued Craig Mishler, was that these churches "[...] encouraged a Native ministry and Native lay readers"¹⁴⁷⁸. Thus, they were able to expand their influence into the myriads of camps, trails, and rivers that proved fundamental to Gwich'in lives (see, fig. 48).¹⁴⁷⁹

Marriage relationships connected Gwich'in communities in northern Alaska with relatives as far away as Fort McPherson or Aklavik. "My father", remembered Elder Ellen Catherine (Wilson) Vittrekwa who was born at Zheh Gwitsal, LaPierre's House, in 1920, "comes from Arctic Village, in Alaska; my mother too. They came over the mountains to this side"¹⁴⁸⁰. Gwichya Gwich'in Elder Joan Nazon explained, "my mother was from Old Crow. They all came over the mountains, over this way to the Teetl'it Gwich'in place, to Fort McPherson"¹⁴⁸¹. Nazon's biography also illustrates the consequences of the establishment of public infrastructures. When Nazon's mother got seriously ill in 1936, her father moved the family to Aklavik, because there was a hospital. The family stayed in Aklavik for many years and Joan Nazon got married.¹⁴⁸² Nazon's biography also illustrates that the different regional groups of the Gwich'in must not be confused with social structure(s) (i.e., clans or moieties) or with territorially-bounded political entities.¹⁴⁸³

¹⁴⁷⁶ See, Vuntut Gwitchin First Nation and Smith, *People of the Lakes: Stories of Our Van Tat Gwich'in Elders/Googwandak Nakhwach'anjoo Van Tat Gwich'in*, 133-34. At the turn of the century, the practice of granting goods to Indigenous hunters, trappers, and traders on credit was, in fact, well-established institution with several variants in the Yukon riverlands' fur trade; see, e.g., Arndt, "Dynamics of the Fur Trade on the Middle Yukon River, Alaska, 1839-1868," 30-31, 113; Coates, *Best Left as Indians: Native-White Relations in the Yukon Territory, 1840-1973*, 60-61; Bockstoe, *Furs and Frontiers in the Far North: The Contest among Native and Foreign Nations for the Bering Strait Fur Trade*, 214-16, 306-08.

¹⁴⁷⁷ Council and McCartney, *Our Whole Gwich'in Way of Life Has Changed: Stories from the People of the Land/Gwich'in K'yuu Gwiidandai' Tthak Ejuk Goonlib*, 6.

¹⁴⁷⁸ Craig Mishler, "Missionaries in Collision: Anglicans and Oblates among the Gwich'in, 1861-1865," *Arctic* 42, no. 2 (1990): 125.

¹⁴⁷⁹ See, Piper, *When Disease Came to This Country: Epidemics and Colonialism in Northern North America*, 123.

¹⁴⁸⁰ Council and McCartney, *Our Whole Gwich'in Way of Life Has Changed: Stories from the People of the Land/Gwich'in K'yuu Gwiidandai' Tthak Ejuk Goonlib*, 360.

¹⁴⁸¹ Ibid., 141.

¹⁴⁸² See, *ibid.*, 140.

¹⁴⁸³ At different points in the 20th century, anthropologists have attributed different terms ('tribes', 'bands') to the variation of Gwich'in groups. Ethnographer Cornelius Osgood, for instance, who was conducting fieldwork in the Yukon riverlands in the early 1930s, notes, "[...] evidence indicates clearly there are eight tribes which may be called

“I travelled all the land towards the northeast so I know that land very well. Several times, over and over, we travelled that land and so this made me know that land quite well. Today, I live in Tsiigehtshik and they think I’m a Gwichya Gwich’in person. I am a Gwichya Gwich’in. I have been Teetl’it Gwich’in, Ehdıitat Gwich’in [Gwich’in people from Aklavik], and now I’m Gwichya Gwich’in.”¹⁴⁸⁴



Figure 47: Dan Cadzow’s store at New Rampart House with mink furs, Peter Trimble and Jacob Njootli stand before the store; Photograph: UAF-1965-31-56, Dan Cadzow Papers, Alaska & Polar Regions Collections & Archives, University of Alaska Fairbanks. Courtesy of the APRCA at UAF.

the True Kutchin, forming a unity on the basis of their own opinion, of language, culture, and the use of Kutchin, ‘one who dwells’, as a terminological ending”, in: Cornelius Osgood, “Kutchin Tribal Distribution and Synonymy,” *American Anthropologist* 36, no. 2 (1934): 178. Osgood did, however, lack a convincing explanation of the alleged cultural dissimilarities. Only two years later, he wrote, “[p]hysically and culturally, as well as linguistically, these true Kutchin feel themselves distinguished from surrounding tribes and because of this self-recognition of their unity, *although without political ties*, I propose to call them for want of a more adequate name, a nation”, in: *Contributions to the Ethnography of the Kutchin*, 14, 13, emph. AMW. Later, Richard Slobodin, in face of Osgood’s ‘failure’ to explain the internal differentiation between various Gwich’in groups, suggested that these differences might have resulted from profound linguistic variations. “[...] dialect differences were observable”, he noted, “among all the surviving communities; it is probable that such dialects were at least as distinct in the early nineteenth century”, in: Slobodin, “Kutchin,” 514. Today, “[...] Gwich’in identify themselves by describing in their names the region of the traditional lands to which they belong. The name of the area, in turn, often refers to one of its major rivers or some other prominent feature of the landscape”, in: Heine et al., *Gwichya Gwich’in Googwandak: The History and Stories of the Gwichya Gwich’in as Told by the Elders of Tsiigehtshik*, 47-48. Paul Nadasdy repeatedly discussed the effects of modern land claims agreements and treaties, and their relationship to Euro-American notions of sovereignty, territory, citizenship, and the nation-state; see, e.g., Nadasdy, “Boundaries among Kin: Sovereignty, the Modern Treaty Process, and the Rise of Ethno-Territorial Nationalism among Yukon First Nations.”; *Sovereignty's Entailments: First Nation State Formation in the Yukon*.

¹⁴⁸⁴ Council and McCartney, *Our Whole Gwich’in Way of Life Has Changed: Stories from the People of the Land/ Gwich’in K’yun Gwıidandıi’ Tthak Ejuk Goonlih*, 140.



Figure 48: Map of Van Tat Gwich'in country and the north-eastern Yukon riverlands; Map from: VGFN Vuntut Gwitchin First Nation and Shirleen Smith, *People of the Lakes: Stories of Our Van Tat Gwich'in Elders/Googvandak Nakhwach'anjò Van Tat Gwich'in* (Edmonton: The University of Alberta Press, 2009), lvii.

The outbreak of smallpox at Gindèhchik and the measures taken to contain the spread of disease, as historian Liza Piper has recently suggested, must be read against the backdrop of another

outbreak of smallpox at Dawson City in 1911.¹⁴⁸⁵ During the smallpox outbreak at Dawson earlier, Canadian authorities appeared undecided and hesitant about whether the city should be quarantined and cut off from the commercial lifelines of the Pacific Northwest, while the United States moved quickly and closed the U.S.-Canada borders for any traffic in and out of Dawson.¹⁴⁸⁶ In the records of the U.S. Customs office at Eagle, for instance, one encounters a gap in receipts and protocols between June and July 1911. By July 16, U.S. Deputy Collector of Customs George Woodruff informed the U.S. Consul at Dawson City about his new task providing mandatory travel documents certifying that the traveler “[...] has not landed [in Dawson] (or has not come into contact with small pox [in original] [...])”¹⁴⁸⁷. While similar instruments and techniques were deployed to Gindèhchik over the summer, Liza Piper argues that there were considerable differences between government approaches to containing the spread of diseases prevalent in Dawson City and in the northern sections of the riverlands.¹⁴⁸⁸

Smallpox did not arrive in the Yukon riverlands in 1911. Euro-American fur traders and missionaries as well as tens of thousands of argonauts arriving in the riverlands during the Yukon-Klondike gold rush had already introduced a broad variety of diseases. Smallpox was introduced in 1900.¹⁴⁸⁹ Surprisingly, epidemics and disease have received little attention by anthropologists and historians of the Yukon riverlands. Aside from Ken S. Coates and Robert Fortune’s works about epidemics and the governance of colonization in the Yukon Territory and in Alaska, scholars usually register rather than study the occurrence of epidemics.¹⁴⁹⁰ Generally, researchers seem to assume “[...] that colonial epidemics operated in these lands much as the wider literature showed they operated elsewhere”¹⁴⁹¹. Apart from Liza Piper’s recent study, few provide detailed accounts

¹⁴⁸⁵ See, Piper, *When Disease Came to This Country: Epidemics and Colonialism in Northern North America*, 164-66.

¹⁴⁸⁶ See, *ibid.*, 165.

¹⁴⁸⁷ Letter from U.S. Deputy Collector of Customs George Woodruff, Eagle, to the U.S. Consul at Dawson City July 16, 1911, in: NARA WA, RG 36, U.S. Customs Records, Records of the Office of the Deputy Collector of Customs Eagle, Box 135, Letters Sent Eagle 1905-1919, Vol. 2, p. 211.

¹⁴⁸⁸ See, Piper, *When Disease Came to This Country: Epidemics and Colonialism in Northern North America*, 155-64.

¹⁴⁸⁹ See, *ibid.*, 95.

¹⁴⁹⁰ See, e.g., Hunt, *North of 53°: The Wild Days of the Alaska-Yukon Mining Frontier, 1870-1914*, 262-63; Coates, *Best Left as Indians: Native-White Relations in the Yukon Territory, 1840-1973*, 100-07; Arndt, "Dynamics of the Fur Trade on the Middle Yukon River, Alaska, 1839-1868," 44-48, 162-64; Simeone and Mishler, *Han/Hän Hwëch'in: People of the River, an Ethnography and Ethnohistory*, 12-13; Haycox, *Alaska: An American Colony*, 44, 58, 168-69, 205-06; Petrakos, "The 'Spiritual Borderlands' of the Far Canadian North: The Ministries of William Carpenter Bompas and Robert McDonald in Comparative Context," 153-54. Robert Fortune’s books about Alaska are, apart from Liza Piper’s recent work, the most comprehensive works about diseases and colonization in the Western Arctic; see, Robert Fortune, *Chills and Fever: Health and Disease in the Early History of Alaska* (Fairbanks: University of Alaska Press, 1992); *'Must We All Die?': Alaska's Enduring Struggle with Tuberculosis* (Fairbanks: University of Alaska Press, 2005).

¹⁴⁹¹ Piper, *When Disease Came to This Country: Epidemics and Colonialism in Northern North America*, 13. Recently, Ned Blackhawk has pointed towards the complex relationship not only of diseases and colonialism, but also of historical analyses focusing on these complexities. “We tend to focus on the fact”, he notes, “that germs caused these deaths, but we sidestep the many social stresses that accompanied disease. The dynamics of colonialism made diseases only one deadly vector in a world that faced the broader challenges of European expansion”, in: Blackhawk, *The Rediscovery of America: Native Peoples and the Unmaking of U.S. History*, 90.

of the relationship between disease and the emergence of humanitarian bureaucracies in the Yukon riverlands.¹⁴⁹² Didier Fassin describes this specific arrangement of contractual reason and relationships of externality with the help of three dimensions that were at play in the riverlands,

The first relates to the temporality of humanitarian intervention, which is that of emergency: the violence of the event, either disaster or conflict, calls for immediate action, in contrast to other modalities such as development that are inscribed in the long term. The second element has to do with the object of humanitarian mobilization which primarily consists in saving lives: the powerful legitimacy with which it is invested derives precisely from the fact that it can point to those rescued from death due to famine, epidemic, or injury. The third aspect concerns the spirit that drives humanitarian action, which derives from moral sentiments: it operates in both the emotional registers and the register of values, what people feel and what they believe.¹⁴⁹³



When John D. Craig learned about the situation at Gindèhchik, he decided to travel downriver to Circle City in Alaska to send a telegram to the Commissioner of the Yukon Territory Arthur Wilson, “[...] [to] wire Dawson for assistance”¹⁴⁹⁴. Craig also informed his superior, William Frederick King, about the situation, because he feared the entire plan of the boundary survey might be in jeopardy. Similarly, Thomas Riggs, at that time head of the American party of boundary surveyors and Craig’s counterpart, shared the information about the outbreak of smallpox at

¹⁴⁹² “Much of this concern with cleanliness”, argues historian Heather Green in her PhD thesis in relation to the establishment of the Moosehide reservation between Dawson City and Eagle, “was connected with ideas about health and disease. In 1907, Reverend Benjamin Totty requested the Gold Commissioner supply him with whitewash and two brushes to whiten and disinfect the cabins at Moosehide as many people at Moosehide had contracted tuberculosis. In 1913, Bishop Stringer visited Moosehide planning to give a lecture on sanitation, ventilation, and tuberculosis prevention, but on his arrival was surprised to find Moosehide cleaner than Dawson”, in: Green, “The Tr’ondëk Hwëch’in and the Great Upheaval: Mining, Colonialism, and Environmental Change in the Klondike, 1890-1940,” 151-52. Green’s work frequently stressed both the tension between missionaries and government officials, their mutual dependencies, and, most importantly, their close cooperation in establishing surveillance over Tr’ondëk Hwëch’in lives and bodies; see, *ibid.*, 145-47, 93-94. Anthropologist Lisa Stevenson provided a detailed study of the emergence and of the consequences of the establishment of the humanitarian-colonialist state apparatus in the Eastern Arctic; see, Lisa Stevenson, “The Psychic Life of Biopolitics: Survival, Cooperation, and Inuit Community,” *American Ethnologist* 39, no. 3 (2012); *Life Beside Itself: Imagining Care in the Canadian Arctic* (Berkeley; Los Angeles; London: University of California Press, 2014). In a classic study, historian Mary-Ellen Kelm shifted attention from perceptions of ‘deteriorating’ Indigenous health to the social, political, and economic conditions of Indigenous life-worlds in British Columbia in the early 20th century facing the expansion of the settler colonial state and of capitalist industries (such as fisheries, lumber, or mining industries) appropriating lands and resources; see, Mary-Ellen Kelm, *Colonizing Bodies: Aboriginal Health and Healing British Columbia, 1900-1950* (Vancouver: University of British Columbia Press, 1998). See also, Blackhawk, *The Rediscovery of America: Native Peoples and the Unmaking of U.S. History*, 274-76.

¹⁴⁹³ Didier Fassin, *Humanitarian Reason: A Moral History of the Present* (Berkeley; Los Angeles; London: University of California Press, 2012), 189.

¹⁴⁹⁴ Copy of report from John D. Craig, head of the Canadian party of the Alaska-Canada boundary survey, to William Frederick King, Canada’s Chief Astronomer, Boundary Commissioner and Superintendent of the Geodetic Survey Aug. 6, 1911, in: LAC, RG 18, Vol. 532, File 206-17.

Rampart House with his superiors in Washington D.C. who, in turn, “[...] ordered [Seattle’s mayor] to send five hundred Units [in original] vaccine to Circle City”¹⁴⁹⁵.

Confronted with Craig’s unsettling information about smallpox epidemic looming in the northern sections of the Yukon riverlands, Yukon Territory commissioner Arthur Wilson pressured the small detachment of the Royal North-West Mounted Police (RNWMP) stationed in Dawson City to immediately dispatch an officer “[...] to that point [Rampart House] for quarantine duty, and take general charge under the Doctor, as he [Wilson] considered a civilian would have very little influence with the Indians”¹⁴⁹⁶. Wilson’s request put the commanding officer of the RNWMP post at Dawson City, Inspector F. T. Horrigan, in a tight spot.

Owing to our depleted strength, I informed the Commissioner it would be very difficult to send a man from here, but he replied that he would replace the mand [in original] sent from here with a Special Constable. The next morning he informed me that he had wired the Deputy Minister of the Interior that he would charge all expenses against the Indian Department.¹⁴⁹⁷

Before sending police officers northwards, the RNWMP tried to determine which Canadian agency would pay for the bill and that, consequently, the police were not to get stuck with the costs. Although Wilson quickly drafted a solution to the budgetary and logistical problems he had presented, the RNWMP inspector remained hesitant. Was he to trust Wilson and to “[...] render [RNWMP] accounts against the Indian Department?”¹⁴⁹⁸ Due to the vast distance that lay between his superiors in Regina, Saskatchewan, and the extraordinary significance of the smallpox case, Horrigan felt he had to decide instantaneously and with bearing Canada’s overarching geostrategic interests in mind. “Owing to the Commissioner Wilson receiving the message late Sunday night, and the boat leaving at 9am Monday morning”, he wrote to the commissioner of the Royal North-West Mounted Police, “I could not wire you re sending Cnst. Fyfe until later in the day; however I considered it was the only course left open to me, as the Government has much at stake with the Indians and the Survey party.”¹⁴⁹⁹ Craig’s telegram arrived at Dawson on Sunday, 30th of August; on Monday, RNWMP Constable James F. Fyfe and a nurse from Dawson City, Arthur Lee, were on their way to Rampart House. Wilson also assigned Baltimore physician Smith the role of administering Gindèhchik and managing the epidemic. When Fyfe arrived on August 5th, he “[...]”

¹⁴⁹⁵ Copy of telegram from Otto Hilgard Tittman, Superintendent of the U.S. Coast & Geodetic Survey, to William Frederick King, Canada’s Chief Astronomer, Boundary Commissioner and Superintendent of the Geodetic Survey July 31, 1911, in: LAC, RG 18, Vol. 532, File 206-17.

¹⁴⁹⁶ Letter from RNWMP Commanding Officer “B” Division Insp. F. T. Horrigan to Commissioner of the RNWMP Aug. 1, 1911, in: LAC, RG 18, Vol. 532, File 206-17.

¹⁴⁹⁷ Ibid.

¹⁴⁹⁸ Ibid.

¹⁴⁹⁹ Ibid.

found things in good shape [...] [and] Mr. Riggs and Dr. Smith having taken command”¹⁵⁰⁰. Yukon’s commissioner Wilson had effectively and, as it turned out, controversially assigned an American to take command at Gindëhchik, so “[...] that all part in the management of the affair was taken out of the hands of Cst. Fyfe by Commissioner Wilson, when he wrote Fyfe at Smiths [in original] request. [in original] to consider Smith as his superior officer”¹⁵⁰¹.

While Canadian administrators were confronted with the budgetary and the logistical challenges of administering an alleged epidemic at a location that, at this very moment and not without a certain dose of irony, was surveyed precisely in order to enable government officials to develop solutions to problems like this, American physician Gilbert T. Smith was organizing containment of the disease.¹⁵⁰² In his report to William F. King, John D. Craig offered a detailed account of the measures taken to contain smallpox at Rampart House.

The doctor is vaccinating all the whites and the Indians he can get hold of, and we have two men out in the hills with vaccine, rounding up those who were not in town at the time of the outbreak. We are allowing no one to land here unless they are willing to stay here, and are also allowing no one to get away from town. Acting on instructions from Dawson we are destroying such tents, clothing etc. belonging to the patients as the doctor thinks advisable, and are replacing it, and also issuing other necessities to the patients, the cost to be borne by the Territory Government. There are now eight cases isolated on an island in the river here. Word has been sent out along the line north and south and parties coming in will not come to Rampart but will strike the river below here, thus avoiding contact, and will go not be detained anywhere in quarantine outside. Those here who go out will be kept in an isolation camp down the river for at least two weeks, so that too will be able to get out.¹⁵⁰³

A few weeks later, Const. Fyfe reported, “there are 22 Indians at the Detention Camp who are being examined by the Doctor each day, and will be isolated on the Island on showing any signs of small-pox [in original]”¹⁵⁰⁴. The medical regime that Smith implemented, was consistent with

¹⁵⁰⁰ Copy of report from RNWMP Const. James F. Fyfe to RNWMP Commanding Officer “B” Division F. T. Horrigan Aug. 6, 1911, in: LAC, RG 18, Vol. 532, File 206-17.

¹⁵⁰¹ Copy of report by RNWMP Insp. Arthur E. Acland to RNWMP Commanding Officer of “B” Division Insp. F. T. Horrigan June 27, 1912, p. 2, in: LAC, RG 18, Vol. 532, File 206-17

¹⁵⁰² In a letter dated Aug. 23, 1911, an unidentified author rose concerns about the administrative complexities resulting from the particular conditions of Rampart House: “I am not quite sure just when Rampart House is out of our Canadian Territory the Dominion Government Department has no jurisdiction in the matter – The whole matter is one for the administration of the Territorial Authorities – This was on decision when smallpox broken out in Dawson + whole House established quarantine against Dawson”, in: LAC, RG 18, Vol. 532, File 206-17.

¹⁵⁰³ Copy of report from John D. Craig, head of the Canadian party of the Alaska-Canada boundary survey, to William Frederick King, Canada’s Chief Astronomer, Boundary Commissioner and Superintendent of the Geodetic Survey Aug. 6, 1911, in: LAC, RG 18, Vol. 532, File 206-17.

¹⁵⁰⁴ Copy of report from RNWMP Const. James F. Fyfe to RNWMP Commanding Officer of “B” Division Insp. F. T. Horrigan Sept. 7, 1911, in: LAC, RG 18, Vol. 532, File 206-17.

contemporary attempts at containing epidemics.¹⁵⁰⁵ The distinction between ‘uninfected’, ‘potentially infected’, and ‘infected’ people was translated into a spatial differential. A ‘detention camp’ was constructed for those deemed potentially infected by the virus; and another campsite on an island in the Porcupine River was chose for those deemed ‘infected’ and subjected to isolation (see, fig. 49). By October 1911, thus before the deepest of winter, the isolation camp on the island was converted into a wooden hospital constructed from lumber that had been transported to Gindèhchik from as far away as Dawson City.¹⁵⁰⁶



Figure 49: Isolation Camp on an island in the Ch’oodèenjik; Photograph: 86/42 #64 (PHO 311), James Fyfe Fonds, Yukon Archives. Courtesy of the Yukon Archives.

¹⁵⁰⁵ See, Piper, *When Disease Came to This Country: Epidemics and Colonialism in Northern North America*, 168. In 15th century Venice, the “[...] idea was that the republic could be insulated from invasion by the sea. To that end, the Office of Health [...] constructed two large-scale institutions—the Lazzaretto Vecchio and the Lazzaretto Nuovo—on outlying islands in the lagoon to which ships arriving from eastern Mediterranean were directed. There, vessels from suspect areas [of the bubonic plague] were impounded to be scrubbed and fumigated. At the same time crew and passengers were taken ashore under guard and isolated. The cargo and the passengers’ personal effects were unloaded, turned out in the sun, fumigated, and aired. Only at the end of forty days were the goods and passengers released to enter the city”, cit. in: Frank M. Snowden, *Epidemics and Society: From the Black Death to the Present* (New Haven; London: Yale University Press, 2019), 70. See also, Alison Bashford, ed. *Quarantine: Local and Global Histories* (London: Palgrave Macmillan, 2016).

¹⁵⁰⁶ See, copy of report from RNWMP Const. James F. Fyfe to RNWMP Commanding Officer of “B” Division Insp. F. T. Horrigan Nov. 6, 1911, p. 1, in: LAC, RG 18, Vol. 532, File 206-17.

Established methods of containing the outbreak of a disease were entangled with politics of racial segregation. Non-Indigenous travelers, traders, and government agents as well as the carpenters who had been ordered to Gindèhchik to build the hospital were obliged to isolate themselves just like the Gwich'in who had been rounded up in the area surrounding the trading post. Non-compliance with these regulations was not taken lightly. In February 1912, two members of the American party of the Alaska-Canada boundary survey left Rampart House "[...] without going into quarantine and in direct opposition to the orders of Dr. Smith [...]"¹⁵⁰⁷. After report of their illegal conduct had been sent to Fort Yukon, a U.S. Deputy Marshal stopped the two men. "As they demurred somewhat", noted Const. Fyfe in his report of the affair, "the Deputy U.S. Marshall [in original] produced a warrant of arrest for both men which same was served at the end of their time in quarantine. At the expiration of the eleven days [of quarantine] they were taken to Fort Yukon for an examination before a Justice of the Peace and after the examination were released under bonds of \$3,000.00 each, and bound over to appear at Fairbanks, Alaska, at the next sitting of the Grand Jury [...]"¹⁵⁰⁸. Thus, non-Indigenous people were reportedly ordered to a specific campsite located a few miles downriver or to remain on their ships during the time of their quarantine. They were neither relocated to the detention camp nor to the hospital on the island. "Mr. Craig and party have left Rampart House", reported James F. Fyfe in August, "and are isolating themselves so that there may be no danger of carrying infection on their way out. The launch crews are not allowed to come into the village and must eat and sleep on their boats"¹⁵⁰⁹.

Therefore, both detention camps and hospital were *de facto* set aside as separate sites to which Gwich'in inhabitants of Gindèhchik were detained and on which control of their lives was intensified. "The Indians here", Fyfe wrote in another letter to his superior F. T. Horrigan, "are closely watched and will be isolated upon showing the slightest signs of the disease".¹⁵¹⁰ When on September 7, 1911, a baby, Moses, died supposedly of smallpox, Anglican reverend Amos Njootli was not permitted to enter the isolation camp to conduct a proper burial.¹⁵¹¹ A year later, Njootli complained about this decision when being interviewed by RNWMP inspector Acland.¹⁵¹² "The

¹⁵⁰⁷ Copy of letter from RNWMP Const. James F. Fyfe to RNWMP Commanding Officer "B" Division Insp. F. T. Horrigan March 4, 1912, in: LAC, RG 18, Vol. 532, File 206-17.

¹⁵⁰⁸ Ibid.

¹⁵⁰⁹ Copy of report from RNWMP Const. James F. Fyfe to RNWMP Commanding Officer of "B" Division Insp. F. T. Horrigan Aug. 27, 1911, in: LAC, RG 18, Vol. 532, File 206-17.

¹⁵¹⁰ Copy of report from RNWMP Const. James F. Fyfe to RNWMP Commanding Officer of "B" Division Insp. F. T. Horrigan Aug. 11, 1911, in: LAC, RG 18, Vol. 532, File 206-17.

¹⁵¹¹ See, Copy of report from RNWMP Const. James F. Fyfe to RNWMP Commanding Officer of "B" Division Insp. F. T. Horrigan Sept. 7, 1911, in: LAC, RG 18, Vol. 532, File 206-17.

¹⁵¹² Copy of report by RNWMP Insp. Arthur E. Acland to RNWMP Commanding Officer of "B" Division June 27, 1912, p. 2, in: LAC, RG 18, Vol. 532, File 206-17. See also, Piper, *When Disease Came to This Country: Epidemics and Colonialism in Northern North America*, 170-71.

death of baby Moses”, writes Liza Piper, “would have made religious services an urgent desire for the devout members of the community; three other babies were baptized three days later”¹⁵¹³. According to Fyfe, American physician Smith’s position was particularly powerful, because he oversaw the distribution of supplies to Gwich’in detainees. “Food and other necessities are being issued to the natives as is deemed necessary by the Doctor”¹⁵¹⁴. Colonial medical care at Gindèhchik also pushed the door open to sexual abuse.¹⁵¹⁵ A 1912 investigation of the management of the smallpox epidemic at Gindèhchik conducted on behalf of Canada’s Department of Indian Affairs (DIA) fined Arthur Lee, male nurse at the hospital, \$25 “[...] for allowing an unenfranchised Indian woman to prostitute herself in the Hospital [...]”¹⁵¹⁶.



Figure 50: Burning cabins possibly at Rampart House; Photograph: 86/42 #60 (PHO 311), James Fyfe Fonds, Yukon Archives. Courtesy of the Yukon Archives.

To prevent the spread of the virus, government officials burned personal belongings and houses of Gwich’in inhabitants of Gindèhchik. In September 1911, Fyfe reports that he had been ordered

¹⁵¹³ Ibid., 171.

¹⁵¹⁴ Copy of report from RNWMP Const. James F. Fyfe to RNWMP Commanding Officer of “B” Division Insp. F. T. Horrigan Aug. 11, 1911, in: LAC, RG 18, Vol. 532, File 206-17.

¹⁵¹⁵ Recently, historian Holly Miowak Guise pointed towards the interplay between sexual exploitation, medicalization, and Christianization in Alaska under the condition of settler colonial capitalism; see, Holly Miowak Guise, “Who Is Doctor Bauer? Rematriating a Censored Story on Internment, Wardship, and Sexual Violence in Wartime Alaska, 1941-1944,” *Western Historical Quarterly* 53, no. 2 (2022).

¹⁵¹⁶ Copy of report by RNWMP Insp. Arthur E. Acland to RNWMP Commanding Officer of “B” Division June 27, 1912, p. 2, in: LAC, RG 18, Vol. 532, File 206-17.

to the Old Crow River “[...] for the purpose of destroying infected camp sites and fumigating cabins, more especially the cabin of preacher John [Tizya] as it was in his family that the disease first made its appearance [...]”¹⁵¹⁷. In March 1912, the constable informed his superior officer in Dawson City, “there have been twelve Indian cabins destroyed by fire which was the only possible method on account of their unsanitary condition and their danger of infection”¹⁵¹⁸. According to Liza Piper, the extent to which Gwich’in property was destroyed either by fire or by disinfectants used as “[...] additional safeguard to prevent the spread of disease”¹⁵¹⁹ reveals an extraordinarily aggressive approach by the colonial authorities when compared with the outbreak in Dawson City (see, fig. 50).¹⁵²⁰

This aggressive approach and the extensive use of fire and disinfectants such as the carcinogenic formaldehyde and chloride of lime had the paradoxical effect of intensifying exchange relations of Gindèhchik with the commercial centers in the south, Dawson in particular, rather than cutting off the settlement from the riverine trade networks. Fyfe rapidly requested resupply. “[...] disinfectants”, he wrote “are very much needed [...]”¹⁵²¹. The intensification of connections in turn increased the significance of maintaining the quarantine. Managing an epidemic implied administering trade and transportation—in short, regulating mobility.¹⁵²² With the decrease of traffic in the winter of 1911-1912, smallpox cases at Gindèhchik dropped as well. Whereas in November, RNWMP constable Fyfe reported a total number of 89 cases, this number had only slightly been increasing to a total of 92 in December, and a grand total of 98 cases by March 1912—that is, between November 1911 and March 1912, an entire 9 cases were added to the total amount.¹⁵²³ With other words, more than 91% of smallpox infections had happened during the summer, illustrating the significance of seasonality and, more broadly, of “[...] colonial ecologies,

¹⁵¹⁷ Copy of report of RNWMP Const. James F. Fyfe to RNWMP Commanding Officer “B” Division Insp. F. T. Horrigan Sept. 15, 1911, p. 1-2, in: LAC, RG 18, Vol. 532, File 206-17.

¹⁵¹⁸ Copy of report from RNWMP Const. James F. Fyfe to RNWMP Commanding Officer “B” Division Insp. F. T. Horrigan March 1, 1912, in: LAC, RG 18, Vol. 532, File 206-17.

¹⁵¹⁹ Ibid.

¹⁵²⁰ See, Piper, *When Disease Came to This Country: Epidemics and Colonialism in Northern North America*, 172-74.

¹⁵²¹ Copy of report from RNWMP Const. James F. Fyfe to RNWMP Commanding Officer of “B” Division Insp. F. T. Horrigan Aug. 27, 1911, in: LAC, RG 18, Vol. 532, File 206-17.

¹⁵²² See, Priscilla Wald, *Contagious: Cultures, Carriers, and the Outbreak Narrative* (Durham; London: Duke University Press, 2008), 58-67; Christos Lynteris and Branwyn Poleykett, “The Anthropology of Epidemic Control: Technologies and Materialities,” *Medical Anthropology* 37, no. 6 (2018): 435; Frédéric Keck, *Avian Reservoirs: Virus Hunters and Birdwatchers in Chinese Sentinel Posts* (Durham; London: Duke University Press, 2020), 87-97.

¹⁵²³ See, copy of report from RNWMP Const. James F. Fyfe to RNWMP Commanding Officer of “B” Division Insp. F. T. Horrigan Nov. 6, 1911, in: LAC, RG 18, Vol. 532, File 206-17; copy of report from RNWMP Const. James F. Fyfe to RNWMP Commanding Officer “B” Division Insp. F. T. Horrigan Dec. 5, 1911, in: LAC, RG 18, Vol. 532, File 206-17; copy of letter from RNWMP Commanding Officer “B” Division Insp. F. T. Horrigan to the Commissioner of the RNWMP March 4, 1912, in: LAC, RG 18, Vol. 532, File 206-17.

that fabric interwoven between bodies and places, connecting Indigenous peoples and settlers [...].”¹⁵²⁴

Aside from destruction resulting from fire and disinfection, the Canadian state responded to the crisis by initiating an extensive vaccination campaign. This campaign, like the destructive practices of burning houses and personal belongings, was justified with arguments about cleanliness and sanitization.¹⁵²⁵ “[...] I have seen”, noted Const. Fyfe in August 1911, “that the camps are kept clean and that the natives give themselves frequent baths”¹⁵²⁶. Like their non-Indigenous contemporaries at Gindèhchik—surveyors, traders, government agents—Gwich’in were to be vaccinated as quickly as possible.¹⁵²⁷ While this vaccination was a common strategy that Canada excessively utilized in the southern regions of the Yukon riverlands, “Indigenous peoples [...] were rarely targeted for smallpox vaccination”¹⁵²⁸. In stark contrast, Gwich’in bodies in the northern riverlands were turned into individualized targets of smallpox vaccination. Vaccines were wielded as instruments for the embodiment and the expansion of state power over the rivers and the hills of the northern riverlands.¹⁵²⁹ “Everyone here”, noted James Fyfe shortly after his arrival in triumphant tone, “has been vaccinated and two men are out in the hills vaccinating all the natives and surveyors they can find”¹⁵³⁰.



Through surveying and demarcating the 141st meridian and through the ordering of different types of camps established to battle the spread of the virus, the smallpox crisis of 1911 not only resulted in an inscription of colonial hegemony and authority into the landscape but also—quite literally—into the bodies of Gwich’in inhabitants of Gindèhchik who, together with the landscapes of the northern riverlands, had largely been ignored by state institutions. In the wake of the smallpox

¹⁵²⁴ Liza Piper, "Freeze-up, Break-up, and Colonial Circulation," *Journal of Northern Studies* 13, no. 2 (2020): 36.

¹⁵²⁵ See, Kelm, *Colonizing Bodies: Aboriginal Health and Healing British Columbia, 1900-1950*, 44-49.

¹⁵²⁶ Copy of report from RNWMP Const. James F. Fyfe to RNWMP Commanding Officer of “B” Division Insp. F. T. Horrigan Aug. 27, 1911, in: LAC, RG 18, Vol. 532, File 206-17.

¹⁵²⁷ For a historical overview over the history of vaccination in the United States, see, e.g., James Colgrove, *State of Immunity: The Politics of Vaccination in Twentieth-Century America* (Berkeley; Los Angeles; London: University of California Press, 2006). While Colgrove’s work is still considered the most comprehensive account of public health policies in relation to vaccination, the focus of the book clearly rests on the 20th century (not on the 19th century). His discussion of Progressive Era approaches to vaccination, although brief, is useful here, because the author points towards the tensions between scientifically-motivated, highly utilitarian vaccination policies on the one hand, and a public deeply skeptical of an extension of government intervention ‘into’ the bodies of the citizenry on the other; see, *ibid.*, ch. 2.

¹⁵²⁸ See, Piper, *When Disease Came to This Country: Epidemics and Colonialism in Northern North America*, 176.

¹⁵²⁹ See also, David Arnold, *Colonizing the Body: State Medicine and Epidemic Disease in Nineteenth-Century India* (Berkeley; Los Angeles; London: University of California Press, 1993), esp. ch. 3; James Colgrove, "Between Persuasion and Compulsion: Smallpox Control in Brooklyn and New York, 1894-1902," *Bulletin of the History of Medicine* 78, no. 2 (2004): 351-58.

¹⁵³⁰ Copy of report from RNWMP Const. James F. Fyfe to RNWMP Commanding Officer “B” Division F. T. Horrigan Aug. 6, 1911, in: LAC, RG 18, Vol. 532, File 206-17.

crisis, these bodies were drawn into the orbit of the settler colonialist-capitalist state which qualified Indigenous bodies as bodies that had to be taken care of.¹⁵³¹ “Gilbert Smith”, Piper argues, “[...] appears to have viewed smallpox with the fear shared by many American and Canadian observers at this time: that the disease would spread viciously, that Indigenous peoples were disproportionately vulnerable to the pathogen, and that many would die”¹⁵³². Yet, this was not the case. Of a total of 98 smallpox cases, only the three-week-old baby Moses was reported to have died.¹⁵³³ It is telling that even Smith’s contemporaries such as Canadian Justice Walter Cassels who presided over the trial between Gilbert T. Smith and the Canadian federal government in 1917, expressed his surprise at the unexpectedly low mortality rate reported from the outbreak which was then attributed to Smith’s performance.¹⁵³⁴ Notions of the inert, biological vulnerability of Indigenous bodies to foreign, colonially introduced diseases—what is called the ‘virgin soil hypothesis’¹⁵³⁵—was embraced by state institutions to justify the violent ‘state of emergency’¹⁵³⁶

¹⁵³¹ See, Kelm, *Colonizing Bodies: Aboriginal Health and Healing British Columbia, 1900-1950*, 173-75; Stevenson, *Life Beside Itself: Imagining Care in the Canadian Arctic*, ch. 3, ch. 5. See also, “Life Beside Itself,” in *Living and Dying in the Contemporary World: A Compendium*, ed. Veena Das and Clara Han (Berkeley; Los Angeles; London: University of California Press, 2016).

¹⁵³² Piper, *When Disease Came to This Country: Epidemics and Colonialism in Northern North America*, 177.

¹⁵³³ See, *ibid.*, 174-75.

¹⁵³⁴ “According to his [Dr. Smith’s] statement there were 98 cases of smallpox, with the loss of only one Indian. This small loss may have been due to the skill of the petitioner or to the mildness of the epidemic”, Judgement from Sir Walter Cassels delivered June 11, 1917, p. 2, in: LAC, RG 10, Vol. 3912, File 111755-66.

¹⁵³⁵ The ‘virgin soil hypothesis’ was formulated in its most influential form by environmental historian Alfred W. Crosby, with smallpox being one of the central diseases discussed. Crosby argued that the collapse of Indigenous societies in the Americas was to a large extent caused by the introduction of non-native diseases against which Indigenous bodies could not generate appropriate immune responses; see, Alfred W. Crosby, *Ecological Imperialism: The Biological Expansion of Europe, 900-1900*, 2nd ed. (Cambridge; New York; Melbourne; Madrid; Cape Town; Singapore; Sao Paulo: Cambridge University Press, 2009), 200-05. Until today, the ‘virgin soil hypothesis’ is assigned a prominent role in describing processes of colonization and conquest, and in explaining the particularly rapid expanse of European imperial formations; for two recent examples, see, Behringer, *Der Große Aufbruch: Globalgeschichte Der Frühen Neuzeit*, 41-50; Amrith, *The Burning Earth: A History*, 41-42. Critics of the ‘virgin soil hypothesis’ argue that it fails to address the crucial problem that the arrival of European settlers and African slaves in the context of the Atlantic slave trade did not automatically trigger epidemiological shockwaves ravaging through the continent. Rather, epidemics appeared in concrete social, economic, and political settings of colonial appropriation and dispossession that are essentially made invisible by the application of the scientific automatism underlying Crosby’s argument; see, e.g., Elizabeth A. Fenn, “Biological Warfare in Eighteenth-Century North America: Beyond Jeffery Amherst,” *The Journal of American History* 86, no. 4 (2000); Linda Nash, *Inescapable Ecologies: A History of Environment, Disease, and Knowledge* (Berkeley; Los Angeles; London: University of California Press, 2006); Paul Kelton, *Epidemics and Enslavement: Biological Catastrophe in the Native Southeast, 1492-1715* (Lincoln; London: University of Nebraska Press, 2007); *Cherokee Medicine, Colonial Germs: An Indigenous Nations’ Fight against Smallpox, 1518-1824* (Norman: University of Oklahoma Press, 2015). Epidemics are understood as concrete socio-political phenomena rather than abstract ‘natural facts’. “Diseases exist”, writes historian David S. Jones, “as negotiated social phenomena that patients, doctors, and societies use to assign value and meaning to bodily phenomena”, in: David S. Jones, *Rationalizing Epidemics: Meanings and Uses of American Indian Mortality since 1600* (Cambridge, MA; London: Harvard University Press, 2004), 5. Moreover, the ‘virgin soil hypothesis’ has itself been mobilized as an articulatory horizon for the expansion of settler colonialist-capitalist states’ bureaucracies, architectures of colonial control, and the conceptual subordination of Indigenous bodies and identities; see, e.g., *ibid.*

¹⁵³⁶ The term is derived from philosopher Giorgio Agamben who, in recourse to the writings of Carl Schmitt in particular, conceptualized sovereignty from the standpoint of the state of exception. Like Schmitt before him, Agamben was interested in a particularly puzzling paradox of sovereign power: What is the *ontological* status of the state of emergency in relation to the sovereign power that had declared it, and vice versa? “Durch den Souverän”, Agamben

writes, “der über den Ausnahmezustand entscheiden kann, ist dessen Verankerung in der Rechtsordnung garantiert. Aber genau weil die Dezision hier die Vernichtung der Norm betrifft, weil also der Ausnahmezustand das Einschließen und die Beschlagnahme eines Raums repräsentiert, der weder außerhalb noch innerhalb ist (der der vernichteten und suspendierten Norm entspricht), steht der Souverän ‘außerhalb der normal geltenden Rechtsordnung und gehört doch zu ihr, denn er ist zuständig für die Entscheidung, ob die Verfassung in toto suspendiert werden kann’”, cit. in: Giorgio Agamben, *Ausnahmezustand*, trans. Ulrich Müller-Schöll (Frankfurt a.M.: Suhrkamp Verlag, 2006), 45. Sovereignty is then qualified as “[...] die originäre Struktur, in der sich das Gesetz auf das Leben bezieht und es durch die eigene Aufhebung in sich einschließt”; cit. in: *Homo Sacer: Die Souveränität Der Macht Und Das Nackte Leben*, trans. Hubert Thüring (Frankfurt a.M.: Suhrkamp Verlag, 2007), 39. Agamben’s work had important implications, because it urges us to focus attention on the structure of banishment (*Struktur der Verbannung*). The banished, Agamben argued, represent the conceptual paradox at the core of sovereign power because the figure signifies exclusion from law (and society) and simultaneously inclusion in law (and society) as someone who is excluded from it; see, *ibid.*, 114-21. Even at the risk of repeating myself: Agamben aimed at identifying a structural feature inherent to sovereign power as such. The production of a liminal state of existence, he argues, alive and dead, included and excluded from sovereign power at the same time, constitutes the *ontological* foundation of sovereignty; see, *ibid.*, 127-34, 69-74. With other words, sovereignty appears in simultaneity with a figure Agamben has called “[...]nackte[s] Leben [...]”, bare life, a state of existence neither alive nor dead, neither within the realm of law nor outside of it; cit. in, *ibid.*, 16. There are two consequences to Agamben’s analysis that I would like to specifically highlight: (1) This exceptional state of existence, bare life, foundational to sovereignty as such is rendered as ‘disposable’ or ‘expendable’, because whoever enters the liminal spaces of exception is included only in terms of exclusion; see, *ibid.*, for instance, 145-52. (2) Like Foucault, Agamben was acutely aware that his theorization of the structure of sovereignty and the state of exception would have spatial implications. For him, the camp was to be the foundational structure of modern sovereignty, a literal space of exception spatially embodying the fundamental paradox of sovereignty; see, *ibid.*, 175-89. Scholars such as Achille Mbembe have fruitfully adopted (parts of) Agamben’s argument to philosophically grasp the extent and the ongoing violence of conquest and slavery; see, Achille Mbembe, “On Politics as a Form of Expenditure,” in *Law and Disorder in the Postcolony*, ed. Jean Comaroff and John L. Comaroff (Chicago; London: The University of Chicago Press, 2006); *Necropolitics*, trans. Steven Corcoran (Durham; London: Duke University Press, 2019). Likewise, geographers such as Derek Gregory or Stuart Elden applied Agamben’s theoretical framework to understand the spatial politics and dynamics of (covert) violence and terror during the ‘War on Terror’ with spaces of exception such as the infamous internment camp at Guantánamo Bay; see, Derek Gregory, “The Black Flag: Guantánamo Bay and the Space of Exception,” *Geografiska Annaler: Series B, Human Geography* 88, no. 4 (2006); Stuart Elden, *Terror and Territory: The Spatial Extent of Sovereignty* (Minneapolis; London: University of Minnesota Press, 2009). For Ann L. Stoler, Agamben’s model of sovereignty may help illuminate imperial power formations “[...] and the varied degrees of sovereignty they afford could be understood as extended and extensive examples of macropolitics whose thick or thin thresholds of vague political status and territorial autonomy are fundamental to their technologies of rule”, cit. in: Stoler, “On Degrees of Imperial Sovereignty,” 141. The instability of threshold between inclusion and exclusion sparked an interest in administrating disasters, catastrophes, epidemics, and other ‘risks’ to public health which has led to an extensive volume of scholarly literature; see, e.g., Ulrich Beck, *Risikogesellschaft: Auf Dem Weg in Eine Andere Moderne* (Frankfurt a.M.: Suhrkamp Verlag, 2007); Didier Fassin and Mariella Pandolfi, “Introduction: Military and Humanitarian Government in the Age of Intervention,” in *Contemporary States of Emergency: The Politics of Military and Humanitarian Interventions*, ed. Didier Fassin and Mariella Pandolfi (New York: Zone Books, 2010); Adriana Petryna, *Life Exposed: Biological Citizens after Chernobyl* (Princeton; London: Princeton University Press, 2013); Joao Biehl, *Vita: Life in a Zone of Social Abandonment* (Berkeley; Los Angeles; London: University of California Press, 2013); Stephen J. Collier and Andrew Lakoff, “Vital Systems Security: Reflexive Biopolitics and the Government of Emergency,” *Theory, Culture, and Society* 32, no. 2 (2015); Ulrich Beck, *Weltrisikogesellschaft: Auf Der Suche Nach Der Verlorenen Sicherheit* (Frankfurt a.M.: Suhrkamp Verlag, 2017). Here, it is particularly important to mention Didier Fassin’s work who has meticulously argued for focusing attention to the procedures by which some lives are rendered disposable while others appear as worth saving; see, Didier Fassin, “The Value of Life and the Worth of Lives,” in *Living and Dying in the Contemporary World: A Compendium*, ed. Veena Das and Clara Han (Berkeley; Los Angeles; London: University of California Press, 2016); *Life: A Critical User’s Manual* (Cambridge; Medford, MA.: Polity Press, 2018). Furthermore, in recent years, the temporality of (ongoing) disasters such as pollution, climate change, nuclear testing, and many others have been addressed in terms of ‘exception’ and ‘emergency’; see, e.g., Adi Ophir, “The Politics of Catastrophization: Emergency and Exception,” in *Contemporary States of Emergency: The Politics of Military and Humanitarian Interventions*, ed. Didier Fassin and Mariella Pandolfi (New York: Zone Books, 2010); Ben Anderson, “Emergency Futures: Exception, Urgency, Interval, Hope,” *The Sociological Review* 65, no. 3 (2017); Ben Anderson et al., “Slow Emergencies: Temporality and the Racialized Biopolitics of Emergency Governance,” *Progress in Human Geography* 44, no. 4 (2020); Raven Cretney and Sylvia Nissen, “Emergent Spaces of Emergency Claims: Possibilities and Contestation in a National Climate Emergency Declaration,” *Antipode* 54, no. 5 (2022). While these interventions are certainly extremely significant, here I tried paying attention not only to the instabilities of imperial power formations but to the differential regimes assigning values to lives, thus to

through which settler colonialist-capitalist states could expand their reach to the northern Yukon riverlands. By 1912, the Alaska-Canada boundary survey had literally injected the presence of colonial states into the relationships that connected Gwich'in nations with one another, with the Yukon riverlands, and with the commercial networks of the Yukon River. It seemed only natural to assume "[...]that smallpox probably was brought into the country by means of infected cast off clothing brought from Dawson"¹⁵³⁷ when in fact, "an asymptomatic carrier was no more likely a member of the survey party (who came via Fort Yukon) than one of many others who were on the land or traveling on the river with the normal comings and goings of summer"¹⁵³⁸.

12.2 *It Was Chickenpox: The Instabilities of Imperial Formations*

Once again, though, the expansion of state power ran into budgetary constraints and economic pressures worsened by the unpredictability of the environmental conditions in the riverlands. Managing an epidemic was costly.¹⁵³⁹ In August alone, the quarantine at Gindèhchik cost the Canadian treasury more than \$5,000.¹⁵⁴⁰ The supplies for Indigenous peoples detained and isolated in the camps around Rampart House and in the Porcupine River were "[...] procured from Mr. Cadzow here"¹⁵⁴¹ who was also supplying the government agents now stationed at Rampart House.¹⁵⁴² According to Cadzow's own account, all in all were worth the considerable sum of \$25,465.50.¹⁵⁴³ In the aftermath of the smallpox crisis, both Dan Cadzow and the American physician Gilbert T. Smith sued the Canadian government for failure to meet payment obligations.¹⁵⁴⁴ Smith, whose conduct in the smallpox crisis came under scrutiny in 1912, demanded payment of almost \$15,000 for his services during the epidemic.¹⁵⁴⁵ To the relief of the federal

the multiple "[...] ways an emergency imaginary makes action appear necessary, but also circumscribes the sorts of action that are necessary [...]", cit. in: Craig Calhoun, "The Idea of Emergency: Humanitarian Action and Global (Dis)Order," in *Contemporary States of Emergency: The Politics of Military and Humanitarian Interventions*, ed. Didier Fassin and Mariella Pandolfi (New York: Zone Books, 2010), 57, FN 21.

¹⁵³⁷ Copy of report of RNWMP Const. James F. Fyfe to RNWMP Commanding Officer "B" Division Insp. F. T. Horrigan Sept. 15, 1911, p. 1-2, in: LAC, RG 18, Vol. 532, File 206-17.

¹⁵³⁸ Piper, *When Disease Came to This Country: Epidemics and Colonialism in Northern North America*, 168.

¹⁵³⁹ See also, Fassin, *Humanitarian Reason: A Moral History of the Present*, 189-93.

¹⁵⁴⁰ See, RNWMP statement of vouchers paid by the Mounted Police at Dawson, Y.T., on account of the Department of Indian Affairs, in connection with the Quarantine against smallpox at Rampart House, Y.T., in: LAC, RG 18, Vol. 532, File 206-17.

¹⁵⁴¹ Copy of report from RNWMP Const. James F. Fyfe to RNWMP Commanding Officer of "B" Division Insp. F. T. Horrigan Aug. 11, 1911, in: LAC, RG 18, Vol. 532, File 206-17.

¹⁵⁴² In the first report from Const. Fyfe to Insp. F. T. Horrigan dated Aug. 6, 1911, Fyfe acknowledges, "I am at present staying with Mr. Cadzow and am purchasing all necessary supplies from him", in: LAC, RG 18, Vol. 532, File 206-17.

¹⁵⁴³ See, letter from W. D. Hogg to unidentified recipient May 26, 1915, in: LAC, RG 10, Vol. 3912, File 111755-66.

¹⁵⁴⁴ Piper points out that "[...] Elders were divided on whether Cadzow had profited or lost out financially in the epidemic", in: Piper, *When Disease Came to This Country: Epidemics and Colonialism in Northern North America*, 177.

¹⁵⁴⁵ See, judgement from Justice Sir Walter Cassels, the Exchequer Court of Canada, delivered June 11, 1917, p. 1, in: LAC, RG 10, Vol. 3912, File 111755-66.

government, the Canadian judge Cassels later ruled that Smith was entitled to payments of up to \$5,850, most of which had already been paid.¹⁵⁴⁶

Aware of the extraordinarily high costs of managing the smallpox epidemic on the Porcupine River, government agents asked Gwich'in residents to hunt and fish. "One recovered Indian", noted James F. Fyfe in one of his frequent reports, "who is still under observation has been sent about two miles up the river to fish for the camp, thus cutting down the expense of subsistence"¹⁵⁴⁷. In another instant, the constable reports, "caribou have been fairly plentiful, about 75 being shot by natives. These have been hauled into town for the island"¹⁵⁴⁸. Canadian authorities thus actively promoted Indigenous practices of subsistence to reduce financial liabilities of state institutions, a practice that sets the Yukon apart from other parts of Canada where colonial officials perceived need-based economies as hindrances to proper 'civilization'.¹⁵⁴⁹ Moreover, in contrast to non-Indigenous traders and trappers such as Pete Norberg who was said to deliver 2,000lbs of meat "[...] for the small sum of 25¢ a pound"¹⁵⁵⁰, Gwich'in fishermen and hunters were not paid for their work. Likewise, the files do not contain receipts of compensation payments for the destruction of Indigenous camps and belongings. "This meant that Gwich'in at Rampart House were not reimbursed for the destruction of their property, as they may have otherwise been (and as indigent patients elsewhere in the Yukon were)"¹⁵⁵¹. The humanitarian state was directed towards the biological lives of individual Gwich'in residents, not towards their communal wellbeing or welfare.¹⁵⁵²

¹⁵⁴⁶ See, judgement from Justice Sir Walter Cassels, the Exchequer Court of Canada, delivered June 11, 1917, p. 3, in: LAC, RG 10, Vol. 3912, File 111755-66; letter from W. D. Hogg to J. D. McLean, Secretary of the Canadian Department of Indian Affairs, June 12, 1917, p. 2-3, in: LAC, RG 10, Vol. 3912, File 111755-66.

¹⁵⁴⁷ Copy of report from RNWMP Const. James F. Fyfe to RNWMP Commanding Officer "B" Division Insp. F. T. Horrigan Sept. 15, 1911, p. 2, in: LAC, RG 18, Vol. 532, File 206-17.

¹⁵⁴⁸ Copy of report from RNWMP Const. James F. Fyfe to RNWMP Commanding Officer "B" Division Insp. F. T. Horrigan Dec. 5, 1911, p. 2, in: LAC, RG 18, Vol. 532, File 206-17.

¹⁵⁴⁹ See also, Green, "The Tr'ondëk Hwëch'in and the Great Upheaval: Mining, Colonialism, and Environmental Change in the Klondike, 1890-1940," 133.

¹⁵⁵⁰ Copy of report from RNWMP Const. James F. Fyfe to RNWMP Commanding Officer of "B" Division Insp. F. T. Horrigan Nov. 6, 1911, p. 1, in: LAC, RG 18, Vol. 532, File 206-17.

¹⁵⁵¹ Piper, *When Disease Came to This Country: Epidemics and Colonialism in Northern North America*, 176-77.

¹⁵⁵² This is consistent with how historians described Canadian welfare policies in the Yukon riverlands and northern Canada; see, Coates, *Best Left as Indians: Native-White Relations in the Yukon Territory, 1840-1973*, 161-64, 97-200, 45-47; Frank James Tester and Peter Kulchyski, *Tammarniit/Mistakes: Inuit Relocation in the Eastern Arctic, 1939-1963* (Vancouver: University of British Columbia Press, 1994), ch. 8; David Damas, *Arctic Migrants/Arctic Villagers: The Transformation of Inuit Settlements in the Central Arctic* (Montreal & Kingston; London; Ithaca: McGill-Queen's University Press, 2002), ch. 2, ch. 5.

“They burnt everything down and that’s how Dan Cadzow went broke, because of what the surveyors did to the people. They were never paid because of what they did; they were caught instead.”¹⁵⁵³

In fact, maintaining supply lines to the settlements south of Rampart House proved challenging. John D. Craig complained that due to the low levels of water in the Porcupine River, “the freight is about half here”¹⁵⁵⁴. The delay in shipment and the low water levels in the drainage, he explained, might cause detrimental effects on the schedule of the surveyors. “In view of this”, he informed William F. King, “I may find it necessary to abandon the winter party altogether, unless they winter here. This I think might be advisable, as the winter haul would be too long to be economical”¹⁵⁵⁵. The unpredictability of the riverlands’ environmental conditions affected the states’ abilities to reduce costs through hunting and fishing. Periods of abundance, of caribou for example, alternated with periods of scarcity. Because “[...] caribou are very scarce around here at present, only 7 being brought in by Indians up to date”¹⁵⁵⁶, the crew at the Rampart House post had to adapt their diet accordingly. “Our main supply up till now have been rabbits and ptarmigans”¹⁵⁵⁷.

The costs of expanding the state apparatuses to the northern sections of the riverlands forced state bureaucrats to scale back on their presence after the crisis was perceived to be over. James F. Fyfe was ordered back to Dawson City in June 1912¹⁵⁵⁸, Canadian police presence was withdrawn from the Ch’oodènjik, not returning until 1914; why, after all, would the Canadian government invest in a permanent police presence in a region that was reportedly free of any crimes? “CRIME”, noted Const. Fyfe laconically in one of his reports, “there is no crime”¹⁵⁵⁹. By July 1912, Thomas Riggs, John D. Craig, and their teams of surveyors reached the shores of the Arctic Ocean and triumphantly completed the demarcation of the 141st meridian (see, fig. 51).¹⁵⁶⁰

It is important to emphasize that the state(s) recognized the existence of Gwich’in residents as subjects of humanitarian ‘aid’ solely in relation to the exposure to smallpox. The factual services of

¹⁵⁵³ Sarah Abel Chitzi, “Interview with Elder Sarah Abel Chitzi,” in *Rampart House: Stories Told by Our Elders* (Old Crow: Te’sek Gehtr’oonatun Zzeh College, 1993), 9. For a differing view of the role of Dan Cadzow, see, Charlie Peter Charlie, “Interview with Elder Charlie Peter Charlie,” *ibid.*, 48.

¹⁵⁵⁴ Copy of report from John D. Craig, head of the Canadian party of the U.S.-Canada boundary survey, to William Frederick King, Canada’s Chief Astronomer, Boundary Commissioner and Superintendent of the Geodetic Survey Aug. 6, 1911, in: LAC, RG 18, Vol. 532, File 206-17.

¹⁵⁵⁵ *Ibid.*

¹⁵⁵⁶ Copy of report from RNWMP Const. James F. Fyfe to RNWMP Commanding Officer of “B” Division Insp. F. T. Horrigan Nov. 6, 1911, p. 2, in: LAC, RG 18, Vol. 532, File 206-17.

¹⁵⁵⁷ *Ibid.*

¹⁵⁵⁸ See, letter from G. I. MacLean, Comptroller Department of the Interior at Dawson City, Y.T., to J. D. McLean, Assistant Deputy and Secretary of Canada’s Department of Indian Affairs, Dec. 24, 1912, in: LAC, RG 18, Vol. 532, File 206-17.

¹⁵⁵⁹ Copy of report from RNWMP Const. James F. Fyfe to RNWMP Commanding Officer of “B” Division Insp. F. T. Horrigan Nov. 6, 1911, p. 1, in: LAC, RG 18, Vol. 532, File 206-17.

¹⁵⁶⁰ See, Green, *The Boundary Hunters: Surveying the 141st Meridian and the Alaskan Panhandle*, 164-65.

Gwich'in hunters and fishers to the Canadian government and to the international surveying party during the outbreak in 1911-1912 were not renumerated or recompensated. Anthropologist Adriana Petryna described slightly similar processes in the aftermath of the reactor meltdown at Chernobyl in 1986, a "[...] process by which a population attempts to secure a status as harmfully exposed and deserving compensation"¹⁵⁶¹. There are, however, dissimilarities between what Petryna called "[b]iological citizenship [...]"¹⁵⁶² and the handling of the 1911-1912 smallpox outbreak at Rampart House. First, notions of citizenship cannot be hastily applied to the histories of settler colonial capitalism in the Yukon riverlands. In Alaska, for instance, Indigenous nations were not recognized as U.S. citizens until 1924; and, as Adura Simpson detailed, the U.S. Citizenship Act could, in fact, have severe consequences to Indigenous transboundary relationships.¹⁵⁶³ Second, unlike Petryna's case study about the aftermath of the reactor meltdown in Ukraine, the 1911-1912 outbreak did not result in the establishment of a permanent bureaucratic apparatus mitigating the effects of the crisis. Instead, government intervention was punctual and focused, which is, of course, not to say that it was any less effective. Moreover, while in the case of Chernobyl, "[...] waves of citizens poured into medical offices for care and compensation"¹⁵⁶⁴, Gwich'in residents at Gindèhchik never asked for smallpox treatment and quarantine, thus engaging with already existing government bureaucracies and "[...] demanding social welfare based on strict criteria that might acknowledge biological injury and compensate for it"¹⁵⁶⁵. These notable differences aside, what is crucial in understanding the depth and the consequences of the events in 1911-1912 is that the outbreak "[...] granted victims of the disaster a specific political status which gave them access, inasmuch as they were officially recognized as such, to compensation and aid"¹⁵⁶⁶. Gwich'in residents at Gindèhchik and inhabitants of the rivers and hills surrounding the post were only recognized as physical bodies, subjects to medical intervention—neither as hunters and fishers providing resources to the operatives of the state(s) nor, crucially, as sovereigns over Gwich'in country and the riverlands. The articulation of sovereignty rested not only on the control of trade and transportation but also on the distribution of "[...] biolegitimacy [...]"¹⁵⁶⁷.

¹⁵⁶¹ Petryna, *Life Exposed: Biological Citizens after Chernobyl*, xxv.

¹⁵⁶² Ibid.

¹⁵⁶³ See, Simpson, "Subjects of Sovereignty: Indigeneity, the Revenue Rule, and Juridics of Failed Consent," 203-06; *Mohawk Interruptus: Political Life across the Borders of Settler States*, 134-36. For additional information about the U.S. Citizenship in Alaska, see, Case and Voluck, *Alaska Natives and American Laws*, 63-65; Schneider, "From Native to White Man's Country," 27-32; Haycox, *Alaska: An American Colony*, 249, 54-57. Recently, Paul Nadasdy critically examined the consequences of implementing notions of citizenship in the contemporary Yukon Territory; Nadasdy, *Sovereignty's Entailments: First Nation State Formation in the Yukon*, ch. 3.

¹⁵⁶⁴ Petryna, *Life Exposed: Biological Citizens after Chernobyl*, xxv.

¹⁵⁶⁵ Ibid.

¹⁵⁶⁶ Didier Fassin, "Another Politics of Life Is Possible," *Theory, Culture, and Society* 26, no. 5 (2009): 51.

¹⁵⁶⁷ Ibid., 52.



Figure 51: Thomas Riggs (left) and John D. Craig (right) on Arctic shores, July 15, 1912; Photograph: ASL-P297-280, Early Prints of Alaska: Photographs, ca. 1870-1920, ASL-PCA-297, Alaska State Library Historical Collections. Courtesy of the Alaska State Library.

While during the crisis, U.S. and Canadian authorities had cooperated with each other intensively, the particularly powerful position of Gilbert T. Smith came under scrutiny once the immediate risk of a pandemic sweeping through the riverlands appeared to be averted. An investigation of the Royal North-West Mounted Police, conducted in spring 1912, found “[...] that the general business management of the epidemic was poor [...]”¹⁵⁶⁸ due to Smith’s “[...] lack of business ability [...]”¹⁵⁶⁹. Smith’s abilities in bookkeeping were considered equally dissatisfying.¹⁵⁷⁰ “He has kept no track of the goods received; there were no requisitions for supplies; no check kept of goods delivered to Lee on the Island or for quarantine camp”¹⁵⁷¹. Finally, the Canadian federal government disapproved of the length of the quarantine on the Ch’oodènjik. Smith, the Canadian

¹⁵⁶⁸ Copy of report by RNWMP Insp. Arthur E. Acland to RNWMP Commanding Officer of “B” Division June 27, 1912, p. 2, in: LAC, RG 18, Vol. 532, File 206-17.

¹⁵⁶⁹ Ibid.

¹⁵⁷⁰ Because of systematic collection of receipts was lacking, it is not possible to ascertain the exact costs that Canada’s treasury was eventually confronted with.

¹⁵⁷¹ Letter from W. D. Hogg to RNWMP Insp. Arthur E. Acland March 24, 1917, p. 2, in: LAC, RG 18, Vol. 532, File 206-17.

lawyer W. D. Hogg argued in 1917, had “[...] continued the quarantine for an unjustifiable length of time”¹⁵⁷², producing essentially unnecessary expenditures. “This conclusion”, remarks Piper her insightful analysis, “was not used as a foundation to compensate the Gwich’in who had been subject to the quarantine measures. But it is telling that the government itself recognized that what amounted to over six months of quarantine was ‘unjustifiable’”¹⁵⁷³.

Insp. Horrigan was especially upset about commissioner Wilson who had pressured him to dispatch constable James F. Fyfe to Rampart House and to subordinate Fyfe under the command of the American doctor. “The late Administrator, Mr. A. Wilson, made a fatal mistake which will cost the Government thousands of dollars”, Horrigan fumed, “when he appointed Dr. Smith – at his own request – over Const. Fyfe’s head to manage the business of the camp. Dr. Smith is an American citizen”¹⁵⁷⁴. Frustration with Smith’s conduct and with his allegiance with the United States may be interpreted as frustration over the factual fluidity of colonial power relations over the U.S.-Canada border in face of imminent crisis and the perceived failure of the Canadian state to adequately respond projecting sovereignty over lands that Ottawa had claimed. Rather than a Canadian police officer, it had been an American physician who was put in charge of Gindèhchik, a Gwich’in settlement, put in charge of administering Gwich’in mobilities which *de facto* defied the very borders that Canada so desperately tried to articulate—and, worst of all, assigned as a superior to a Canadian constable—Ottawa’s eyes, ears, and sword in the riverlands—by a Canadian politician. Canada’s Justitia was not simply blind; her hands were ordered to be guided by an American physician. Luckily, Horrigan might have thought, that the Stars & Stripes had not been raised over Gindèhchik, unlike Gwichyaa Zhee in 1869.¹⁵⁷⁵ The simultaneity of Horrigan’s perception of a loss of control on the one side, and the factual aggressiveness of Canadian officials carried out against Gwich’in people at Gindèhchik on the other side, reemphasize that indeed “[...] colonialism must be understood not solely in terms of overarching themes of power and domination, but as a local phenomenon that is fractured and contested”¹⁵⁷⁶. When the immediate crisis on the Ch’oodènjik was deemed over, cooperative relations between U.S. and Canadian authorities faded into the background. While Canada would establish a permanent police presence at Gindèhchik in 1913, the United States remained critically disinterested in administering the

¹⁵⁷² Ibid.

¹⁵⁷³ Piper, *When Disease Came to This Country: Epidemics and Colonialism in Northern North America*, 177.

¹⁵⁷⁴ Letter from RNWMP Commanding Officer “B” Division Insp. F. T. Horrigan to the Commissioner of the RNWMP June 26, 1912, in: LAC, RG 18, Vol. 532, File 206-17.

¹⁵⁷⁵ See, chapter 8.2 of this dissertation.

¹⁵⁷⁶ Stephen Bocking, “Indigenous Knowledge and the History of Science, Race, and Colonial Authority in Northern Canada,” in *Rethinking the Great White North: Race, Nature, and the Historical Geographies of Whiteness in Canada*, ed. Andrew Baldwin, Laura Cameron, and Audrey Kobayashi (Vancouver; Toronto: University of British Columbia Press, 2011), 41.

northern section of the Yukon riverlands. This became especially apparent in 1919 when U.S. marshals learned about the trapper Hans Behn who was illegally trapping marten and beaver in the Ogilvie Mountains. According to unidentified informants cited by U.S. authorities, Behn tried to escape arrest by the U.S. marshals and confiscation of his pelts by traveling on the Yukon and Porcupine rivers to cross the U.S.-Canada border at Gindèhchik. Officials in the United States were concerned about “[...] the practice of traders and trappers taking American caught marten and beaver skins across the line and declaring them, then bringing them back into this country”¹⁵⁷⁷. In his letter to Canada’s Superintendent of Fisheries, U.S. Commissioner of Fisheries William A. Found was asking “[...] whether arrangements can not be made with Canadian authorities to put a stop [...]”¹⁵⁷⁸ to this practice by aligning the regulatory frameworks of Alaska and Canada’s Yukon and Northwest territories. To the frustration of U.S. officials, Hans Behn eventually crossed the border into Canada supposedly following the rivers to Fort McPherson on the Mackenzie River, beyond the Richardson Mountains. Apparently, the U.S. Deputy Marshal dispatched to intercept Behn on his way to Canada was not able to overcome the distances of the Yukon riverlands in time.¹⁵⁷⁹ In contrast to Canada, the United States had not invested in securing the 141st meridian in the north.



On the one hand, the smallpox outbreak of 1911 at Gindèhchik clearly demonstrates the extent to which the circulation of pathogens in combination with the environmental rhythms of the Yukon riverlands affected patterns of colonial control. Medical care (for bodies, not lives) rather than, for instance, police services, provided a political and moral basis for the mobilization of resources and violence to prevent what colonial officials feared would be an uncontrolled spread of the smallpox virus.¹⁵⁸⁰ The 1911-1912 smallpox crisis at Rampart House deployed techniques and technologies that had already been well-established throughout North America: quarantine and vaccination were combined with the territorialization of Indigenous subjectivities and the manifestation of state power within Indigenous bodies. Sovereignty over Gwich’in bodies and lives, government officials reasoned, lay in treaties and agreements concluded between Euro-American governments and transpired into the practices of surveyors, policemen, doctors through bureaucratic mandate. Contractual reason conditioned the appropriation of land for detention and isolation camps, for

¹⁵⁷⁷ Letter U.S. Commissioner of Fisheries William A. Found to Canada’s Superintendent of Fisheries Feb. 7, 1920, in: LAC, RG 23, DFO Central Registry Files, Vol. 1107, File 721-31-2.

¹⁵⁷⁸ Ibid.

¹⁵⁷⁹ See, Letter U.S. Commissioner of Fisheries William A. Found to Canada’s Superintendent of Fisheries Feb. 7, 1920, in: LAC, RG 23, DFO Central Registry Files, Vol. 1107, File 721-31-2.

¹⁵⁸⁰ See, Veena Das, *Life and Words: Violence and the Descent into the Ordinary* (Berkeley; Los Angeles; London: University of California Press, 2007), 15-16; Fassin, *Life: A Critical User's Manual*, 92-101.

conducting vaccination campaigns and the boundary survey itself. Contractual reason also determined Gwich'in nations to being—at best—bystanders to the grand powers of law proclaiming a state of emergency that would reduce Gwich'in bodies to their bare, physical existence. This allowed Gwich'in families to be rounded up, ordered to detention and isolation camps, their belongings and houses consumed by fire and disinfectant, and their labor utilized to reduce the costs of maintaining the quarantine. Between 1911 and 1912, the outbreak turned Gindèhchik into Rampart House, a Gwich'in-controlled gathering site into a state-controlled 'space of exception'.¹⁵⁸¹

The administration of the smallpox outbreak at Gindèhchik was based on the strategic assumption that the Yukon riverlands were, in fact, an interconnected system constituted by flows of goods and people(s), and by the circulation of pathogens. To the humanitarian state, the circulation of pathogens such as scarlet fever, smallpox, or measles added yet another level of administrative complexity. In addition to the administration of human populations, authorities were also concerned about animal diseases which could cause infections such as glanders.¹⁵⁸² On April 1, 1907, for instance, U.S. Deputy Collector of Customs George W. Woodruff informed his superiors of the U.S. Customs Service stationed in Juneau "[...] that glanders has broken out at Forty Mile Y. T. and that the place is under quarantine"¹⁵⁸³. The disease, caused by the bacterium *Burkholderia mallei*, mainly affects horses, mules, and donkeys. The bacterium is principally able to cross boundaries between species and thus infect humans causing life-threatening infections.¹⁵⁸⁴ Fortunately, at the end of the 19th century and after a serious spread of the disease in the aftermath of the Civil War between the United States and the Confederate States of America, animals could be tested for an infection with the bacterium.¹⁵⁸⁵ Therefore, U.S. Customs agents "[...] obtained some mallein for purpose of making tests of any animals that may be imported from that district"¹⁵⁸⁶. They did also enlist local support to detect possible outbreaks and enforce public health

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¹⁵⁸² For an excellent overview over the history of glanders—a disease rarely discussed—in the United States, the role of the Civil War, and, more broadly, the epidemiological context in the second half of the 19th century, see, Terry Sharrer, "The Great Glanders Epizootic, 1861-1866: A Civil War Legacy," *Agricultural History* 69, no. 1 (1995).

¹⁵⁸³ Letter from George W. Woodruff, U.S. Deputy Collector of Customs at Eagle, to U.S. Collector of Customs at Juneau April 1, 1907, in: NARA WA, RG 36, U.S. Customs Records, Records of the Office of the Deputy Collector of Customs Eagle, Box 135, Letters Sent Eagle 1905-1908, Vol. 1, p. 368.

¹⁵⁸⁴ See also, Frédéric Keck, "Liberating Sick Birds: Poststructuralist Perspectives on the Biopolitics of Avian Influenza," *Cultural Anthropology* 30, no. 2 (2015): 225-26; *Avian Reservoirs: Virus Hunters and Birdwatchers in Chinese Sentinel Posts*, 37-40.

¹⁵⁸⁵ See, e.g., U.S. Centers for Disease Control and Prevention, "Glanders," U.S. Centers for Disease Control and Prevention, <https://www.cdc.gov/glanders/index.html>; World Organization for Animal Health, "Glanders," World Organization for Animal Health, <https://www.woah.org/en/disease/glanders/>.

¹⁵⁸⁶ Letter from George W. Woodruff, U.S. Deputy Collector of Customs at Eagle, to U.S. Collector of Customs at Juneau April 1, 1907, in: NARA WA, RG 36, U.S. Customs Records, Records of the Office of the Deputy Collector of Customs Eagle, Box 135, Letters Sent Eagle 1905-1908, Vol. 1, p. 368.

measures along the 141st meridian. “So far”, George Woodruff wrote, “there has been no symptoms of the disease here and as all the owners are taking precautions and more care of their animals I believe we may escape”¹⁵⁸⁷.

The 1911 outbreak of smallpox at Gindèhchik demonstrated the inherent contradictions between humanitarian concerns and the economic rationale underlying the deployment of state agents and the establishment of state presence. Budgetary considerations and the challenges of maintaining extensive supply lines that crossed the U.S.-Canada border(s) several times, were concerning to colonial administrators in Dawson City as well as in the settler colonialist-capitalist capitals. Their concerns did also affect local patterns of labor and the relationship between Indigenous and non-Indigenous state officials. Gwich’in practices of subsistence were, after all, actively promoted to reduce costs and Canadian financial obligations. At the same time, the reduction of costs only made the racist dynamics of bordering visible. While non-Indigenous hunters were reimbursed, Gwich’in were left empty-handedly. High costs for maintaining supply lines combined with the absence of what colonial administrators, especially in Canada, considered justifiable causes for the expansion of state presence resulted in the withdrawal of the officers sent to Gindèhchik in 1911. Neither Canada nor the United States cared much about a northern “[...] viral futurity”¹⁵⁸⁸, or rather: ‘viral futurities’.¹⁵⁸⁹ The logics of the humanitarian state at the turn of the century were simultaneously directed towards the epidemiological present and scenarios of budgetary crises and fiscal instability. Focusing on imminent, present ‘threats’ allowed to keep expenses low which is, of course, itself a strategy of anticipating and manipulating potential futures.¹⁵⁹⁰ A Canadian, let alone an American, flag would not be waving at places where administrators feared to be confronted with exorbitant expenses without the slightest chance of generating revenue.¹⁵⁹¹ In fact, the Canadian police had already once declined calls for establishing a police post on the Ch’oodènjik.¹⁵⁹² In 1911-1912,

¹⁵⁸⁷ Letter from George W. Woodruff, U.S. Deputy Collector of Customs at Eagle, to G. Carleton Woodward, U.S. Vice-Consul at Dawson City, April 2, 1907, in: NARA WA, RG 36, U.S. Customs Records, Records of the Office of the Deputy Collector of Customs Eagle, Box 135, Letters Sent Eagle 1905-1908, Vol. 1, p. 369.

¹⁵⁸⁸ Lynteris and Poleykett, "The Anthropology of Epidemic Control: Technologies and Materialities," 435.

¹⁵⁸⁹ See also, Keck, *Avian Reservoirs: Virus Hunters and Birdwatchers in Chinese Sentinel Posts*, esp. ch. 5.

¹⁵⁹⁰ See, Michael Barnett, *Empire of Humanity: A History of Humanitarianism* (Ithaca; London: Cornell University Press, 2013), 60-64. A useful contrast may be contemporary notions of ‘preparedness’ to potential emergencies ranging from nuclear war to global epidemics; see, e.g., Stephen J. Collier and Andrew Lakoff, "Distributed Preparedness: The Spatial Logic of Domestic Security in the United States," *Environment and Planning D: Society and Space* 26, no. 1 (2008); *The Government of Emergency: Vital Systems, Expertise, and the Politics of Security* (Princeton; Oxford: Princeton University Press, 2021), esp. ch. 4.

¹⁵⁹¹ One may argue that the sole focus of the Canadian state apparatus on cost reduction does not explain its presence at Herschel Island in the Beaufort Sea. However, here too, economic concerns drove geostrategic considerations to expand Canadian police presence or rather re-establish Canadian presence when prospects of economic development seemed to justify fiscal expenses; see, Morrison, *Showing the Flag: The Mounted Police and Canadian Sovereignty in the North, 1894-1925*, 81-86; Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 129-30, 36-44, 46-48.

¹⁵⁹² See, chapter 11. of this study for a discussion of the case.

policing the northern sections of the 141st meridian was not (yet) identified as a political priority in Canada.

That Canada would relinquish direct control over pattern of Gwich'in mobility and over the 141st meridian at Gindèhchik almost immediately after the imminent crisis was deemed over, may have contributed to the aggressiveness of Canadian officials in 1911. Despite the withdrawal of Canadian police and customs agents, and the completion of the boundary survey in the summer of 1912, the intervention of the humanitarian settler states in the context of the smallpox outbreak had lasting consequences to Gwich'in nations. Members of the Van Tat describe the events of the years 1911 and 1912 as deeply traumatizing experiences that helped to inscribe the borderline between Alaska and the Yukon Territory into collective memory and experience in almost a blink of an eye.¹⁵⁹³ The violence and the upheaval experienced by Gwich'in families in 1911-1912 is cited as a reason for leaving Rampart House and moving to Old Crow, where the influential Anglican reverend John Tizya had a cabin in 1911. Elder Hannah Netro points out,

[...] the surveyors [...] made a border line with the horses. That's another reason for us to move to Old Crow. The people, they had difficulties hunting and trapping. They shoot caribou on this side, but really they were on the American side [...]. They move to Old Crow where it's easier. There's more freedom [there] for them to do whatever they need to do to survive.¹⁵⁹⁴

Crucially, Gwich'in Elders provide a sharply contrasting version of the events of these years than officials in their reports. According to RNWMP inspector Arthur E. Acland who was ordered to assess the Canadian intervention in 1912 and who therefore conducted a series of interviews in the summer, "[...] the Indians were well treated [...]"¹⁵⁹⁵. Van Tat Gwich'in Elder Neil McDonald, on the other hand, who had been working for Dan Cadzow during the time of the outbreak, rejects the very foundation of the states' intervention. According to McDonald, Dr. Gilbert T. Smith, the American physician, had made a grave mistake in 1911 and misdiagnosed Anna,

"It was chickenpox not smallpox."¹⁵⁹⁶

With a short remark, McDonald sweeps away not only the medical competence of the doctor from Baltimore but also the credibility and, ultimately, the legitimacy of humanitarian state power on the Ch'oodèenjìk.¹⁵⁹⁷ McDonald, aware of the implications of Smith's diagnosis and of the politics of

¹⁵⁹³ See, Piper, *When Disease Came to This Country: Epidemics and Colonialism in Northern North America*, 178-79.

¹⁵⁹⁴ Netro, "Interview with Elder Hannah Netro," 15.

¹⁵⁹⁵ Copy of report by RNWMP Insp. Arthur E. Acland to RNWMP Commanding Officer of "B" Division June 27, 1912, p. 2, in: LAC, RG 18, Vol. 532, File 206-17.

¹⁵⁹⁶ Vuntut Gwitchin First Nation and Smith, *People of the Lakes: Stories of Our Van Tat Gwich'in Elders/Googwandak Nakhwach'ànjòo Van Tat Gwich'in*, 133.

¹⁵⁹⁷ Similarly, Peter Charlie, "Interview with Elder Charlie Peter Charlie," 47; Robert Sr. Bruce, "Interview with Elder Robert Bruce Sr.," *ibid.*, 52; Mary Kassi, "Interview with Elder Mary Kassi," *ibid.*, 58.

life attributed to it, refuses to accept the logics of the humanitarian state and its bureaucrats by pointing out that they were inexperienced and ignorant, even in those areas that they considered their areas of expertise.¹⁵⁹⁸ Neither Canada nor the United States could claim sovereignty over the riverlands, their inhabitants, or the pathogens circulating along its networks of connectivity. McDonald reveals the corrupted core of a “[...] politics of life [...]”¹⁵⁹⁹ that is fundamentally interested in the economic futures of the riverlands. Canada’s intervention—with the active support of the United States—, the erection of a field hospital and of a detention camp, the imposition of racialized practices of segregation, and the extensive destruction of Gwich’in property, was not merely ‘unnecessary’. It was illegitimate and inherently violent, built on a lie whether intentionally or unintentionally. McDonald’s refusal of the humanitarian rationale of settler colonial capitalism has repercussions to the legitimacy of the Alaska-Yukon boundary survey. Like Smith, the surveyors lacked both the expertise and the legitimacy to impose quarantine and to prevent the occurrence of an ‘epidemic’¹⁶⁰⁰; nor did they have the knowledge and the legitimacy to demarcate a borderline over lands that were not theirs to claim. Van Tat Elder Alice Frost summarizes the moral and political inadequacy of settler colonialist-capitalist articulations of territorial sovereignty, the moral and political inadequacy of contractual reason,

[...] the surveyors did not even check with the people in Crow Flats first. They just arrived one day and said they were putting a boundary line right through. The decision was made by the Government of Canada and the United States.¹⁶⁰¹

13. FISHERIES AND THE FRAGILITIES OF EMPIRE

13.1 Boundaries of Empire

In the summer of 1900, Canadian comptroller J. T. Lithgow traveling from Dawson City to the U.S.-Canada border settlement at Forty Mile, noted with frustration and alarm that Canada’s salmon fisheries regulations appeared almost meaningless in the interior of the Yukon riverlands.

¹⁵⁹⁸ See, Simpson, *Mobank Interruptus: Political Life across the Borders of Settler States*, 112-14.

¹⁵⁹⁹ Fassin, *Life: A Critical User's Manual*, 91. Fassin specifies, “[...] an approach in terms of politics of life will be looking at how the recognition of life as supreme good justifies the breach in state sovereignty, how tragic choices are made to decide under the constraint of limited resources which patients will be treated and which lives will be saved, and finally how a hierarchy in the worth of lives is implicitly established between national and expatriate personnel by humanitarian organizations [...] as well as by belligerents [...]”, cit. in: *ibid.* “[...] the point”, Fassin adds, “is not to isolate the lives of the exiled, the oppressed, the exploited, the humiliated, and the wronged, at the risk of promoting a miserabilist reading, but to insert them into social relations whose fundamental injustice resides precisely in an implicitly established or explicitly acknowledged hierarchy of lives”, cit. in: *ibid.*, 124.

¹⁶⁰⁰ Andrew Lakoff argued that, by no means natural phenomena, ‘epidemics’ appear as products of contested, often conflicting strategies of preparedness; see, Andrew Lakoff, “What Is an Epidemic Emergency?”, in *The Anthropology of Epidemics*, ed. Ann H. Kelly, Frédéric Keck, and Christos Lynteris (London; New York: Routledge, 2019).

¹⁶⁰¹ Alice Frost, “Interview with Elder Alice Frost,” in *Rampart House: Stories Told by Our Elders* (Old Crow: Te’sek Gehr’oonatun Zzeh College, 1993), 67.

The attention of the Fishery Inspector should be called to the large number of salmon which are netted between Dawson and the boundary line; at one place, sixteen miles from Dawson, I saw three thousand salmon dying on the stages which had been netted. I am not aware what license should be charged or what regulations are governing a catch, but in this, as in other matters referred to, the lower part of the River has been neglected during the past two years.¹⁶⁰²

Lithgow's litany about the lack of governmental oversight concerning the U.S.-Canada border and the Yukon Territory's fisheries resonated well with Ottawa's incentive to monetize Yukon River fisheries.¹⁶⁰³ Until 1900, the Canadian federal government had relegated authority over the administration of fishing in the Yukon district to the constabulary force which had established a permanent presence in the riverlands in 1896. Shocked by the sudden increase of population, the DMF ordered the commanding officer of the North-West Mounted Police to strictly limit the number of commercial licenses available to potential applicants. "You will also limit the number of these commercial licenses to be issued in each lake [...], so as to prevent any over fishing [in original]"¹⁶⁰⁴, instructed the Minister of Marine & Fisheries his colleagues from the Canadian police and stressed that, "it is not the desire of the Department to encourage these commercial licenses, rather otherwise, and you will do well to limit both their numbers and the waters of lakes where they may fish with them"¹⁶⁰⁵. The influx of tens of thousands of colonizers and the rapid growth of settlements in the Yukon riverlands during the gold rushes increased concerns over access and use of what were considered Canadian resources.¹⁶⁰⁶

In line with British notions of sovereignty, fisheries were considered 'common property'. In Canada, the public right to fish was conceptualized as emanating from Royal authority. Accordingly, fisheries licenses were granted as privileges by the Canadian Minister of Marine & Fisheries being the representative of the imperial British monarch.¹⁶⁰⁷ When Inspector of Fisheries Horace T. McKay had, on his own initiative, cancelled fisherman Robert Clark's license, McKay's superiors made a point of instilling in him this pillar of the transubstantiation of imperial power in Canada,

¹⁶⁰² Report of Canadian comptroller J. T. Lithgow Oct. 22, 1900, pp. 2-3, in: LAC, RG 85, Vol. 1750, File 23886.

¹⁶⁰³ See Willis, "The Environmental Effects of the Yukon Gold Rush, 1896-1906: Alterations to Land, Destructions of Wildlife, and Disease," 44-47.

¹⁶⁰⁴ Letter from the Canadian Minister of Marine & Fisheries to the Commandant and the Officers of the North-West Mounted Police in the Yukon District, Apr. 1, 1899, p. 2, in: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 328, File 2801.

¹⁶⁰⁵ Ibid.

¹⁶⁰⁶ See, Green, "The Tr'ondëk Hwëch'in and the Great Upheaval: Mining, Colonialism, and Environmental Change in the Klondike, 1890-1940," 292-96.

¹⁶⁰⁷ See, Harris, *Fish, Law, and Colonialism: The Legal Capture of Salmon in British Columbia*, 28-29. For contemporary legal doctrine in the United States and its historical development see also, Donna R. Christie and Richard G. Hildreth, *Coastal and Ocean Management Law in a Nutshell*, 4th ed. (St. Paul, MN: West Academic Publishing, 2015), 19-23.

If he [Robert Clark, son of W. A. Clark] was not in possession of a license, the term of which had not expired, it was not competent for you, as Inspector of Fisheries, to cancel it, as such could only be done by the Minister at Ottawa, who might act on your recommendation, nor is it possible for the Department to see under the circumstance what license Mr. Clark could have had, unless it was issued to him by you.

You say in your opinion his fishing rights in the territory should cease for all time, I do not quite understand your meaning, as Mr. Clark has no fishing rights whatever, and never had any, excepting those conveyed to him under license, which expired at the end of each year.

I may add that you could not debar Mr. Clarke from receiving a license, except on formal and reasonable grounds, and any action in this direction would of course necessarily come from the Minister; your power ceasing with the recommendation of against the issue of a license to him.¹⁶⁰⁸

One year before Lithgow was writing his alarmist reports about the apparent absence of government control between Dawson and Forty Mile, the federal Department of Marine & Fisheries (DMF) had already received letters warning about American fishermen exploiting fish in Canadian waters. The British Columbian Inspector of Fisheries E. W. Miller informed the department that “[...] great quantities of fish are being taken during the spawning seasons, more especially for use as dog feed [...]”¹⁶⁰⁹ and he suggested “[...] that on the lakes near the larger centers of population, fishermen who fish for commercial purposes and not for their own food supply only, should be required to take out licenses [...]”¹⁶¹⁰. Miller continued, “[...] that the present fishery supervision is most inefficient and that the valuable fishery resources of these waters are being rapidly destroyed, especially through excessive + pernicious netting”¹⁶¹¹. Thus, Canadian officials were deeply aware that fisheries in portions of the Yukon riverlands claimed by Canada were indeed affected by those crossing the U.S.-Canada border and immigrating into the Yukon Territory—with consequences to Ottawa’s colonial strategy. Right from the start of fisheries administration, Canadian bureaucrats and politicians framed the central problem in the Yukon riverlands like this: Given that “[...] the Americans carry on destructive + unrestricted fishing lower the Yukon [...]”¹⁶¹², why should Canadian fishermen be thwarted from exploiting fish stocks in the Yukon River to the maximum? The central concern of fisheries administration in the Yukon

¹⁶⁰⁸ Letter from superintendent of fisheries R. N. Venning to Horace T. McKay, Inspector of Fisheries for the Yukon Territory, Nov. 9, 1906, p. 2, in: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 328, File 2801.

¹⁶⁰⁹ Letter from E. W. Miller, Inspector of Fisheries for British Columbia, to F. Gourdeau, Deputy Minister of Fisheries, Oct. 27, 1899, p. 1, in: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 328, File 2801.

¹⁶¹⁰ Letter from E. W. Miller, Inspector of Fisheries for British Columbia, to F. Gourdeau, Deputy Minister of Fisheries, Oct. 27, 1899, p. 1-2, in: *ibid.*

¹⁶¹¹ Undated memo of the Department of Marine & Fisheries, in: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 328, File 2813 pt. 1, *emph. in original*.

¹⁶¹² *Ibid.*

Territory was rendered as a problem of legalizing the access to and the distribution of fish through the imposition of regulatory frameworks as much as through informal arrangements and practices. Colonial anxieties structured but did not ultimately determine the appearances of state institutions.

The purpose of this chapter is to show how these state institutions were operating. Despite of their attempts at establishing control over local fisheries, colonial officials struggled with the contradictory relationship between settler colonial capitalism and the environments of the far north. The emergence of fisheries management in the Yukon Territory is a complex story which I am going to tell in a circuitous way structured in four different sections. The first section is going to outline the contours of a triangular racial matrix established to control territorial fisheries, to articulate Canadian sovereignty, and, ultimately, to stabilize the extraction of resources.¹⁶¹³ The second section of this chapter highlights the contestation of conservationist policies in the territory which illustrates the fragility of state authority. The final two sections are devoted to a particular problem to fisheries administrators and other colonial officials: (1) the absence of salmon fisheries and (2) the position of Indigenous nations not only within the discursive matrix of settler colonial capitalism but also within its economic and political realization. The structuring paradox of imperial power formation lies in extracting resources while keeping the costs of colonial government as minimal as possible.



In the winter of 1899, U.S. citizen Sever Running handed his application for a fisheries license to fish under the ice to an officer of the North-West Mounted Police and was refused access. Bitterly disappointed by the Canadian police, he sent inquiries to the Yukon Council, the territorial legislature.

The [...] high official in-formed [in original] me, upon learning that I was a U.S. Citizen and not a British subject, that he could not grant the permit sought at present [...]. Now, as I am interested in the matter, having in the past been engaged, in fishing, in the Territory, [...] I beg leave to respectfully submit the following.

1. That the Department of the Interior at Ottawa made no mention of me of any such rules barring me from engaging in fishing in this Territory, as I was in correspondence with the Department before I left home, with a view to engage in fishing here, and that Major Walsh and the Crown Attorney, whom I saw upon my arrival at Dawson neither made no such distinction, but told me go ahead with my fishing.

¹⁶¹³ For additional information, see section on settler colonial capitalism in: “Instead of an Introduction: An Invitation” of this dissertation. See, Day, *Alien Capital: Asian Racialization and the Logics of Settler Colonial Capitalism*, 19.

2. That, since, on the strength of these said authorities I have gone into an outlay of time and money in fixing myself up with nets etc. for fishing in the Territory, it would be a hardship upon me now to be barred on account of being a foreign citizen.

3. That this rule originated and grew out of a scramble between the people of British Columbia and those of the State of Washington where the fisheries form more of an object and is not applied to any other section wither in Canada or the States and is such only local for these two sections, and, even so, unworthy in spirit to both people I venture to say.

4. That, on account of the wide difference in locations and connections with market as also the great difference in species of fish for each section, their time of spawning and connections with the ocean, it can hardly be practical and desirable for this Territory to adhere to the same rules as those governing the fisheries of British Columbia.

5. That this Territory would be better off with regulations of its own suited to its situation and location and its own species of fish and the time of spawning of the same, with due reference taken to the preservation of its most valuable species, but with reference also to present access to other markets for a supply of this article of food.¹⁶¹⁴

While Sever Running read Ottawa's decision to order Her Majesty's constables to implement Canadian fisheries regulations in the Yukon riverlands as an unjustifiable expansion—both spatially and politically—of conflicts between colonial authorities in British Columbia and Washington State over access to fish, property rights, and territorial claims that would ultimately hamper economic development in the Yukon riverlands, fisheries regulations in the Yukon Territory were not based on previous regulatory frameworks drafted to address the specific circumstances in British Columbia. Rather, Ottawa decided fisheries regulations in the Yukon riverlands to mirror regulations covering Manitoba and the Northwest Territories.¹⁶¹⁵ In all these lands that Canadian officials claimed to be parts of the Canadian Confederation and, accordingly, of the British Empire (i.e., Manitoba and British Columbia as well as the Northwest Territories and the Yukon Territory), federal administrators drew a sharp distinction between 'commercial' and 'domestic' fisheries, and they linked fisheries privileges with the possession of British citizenship.¹⁶¹⁶ For certain, the distinction between citizens and subjects on the one hand, and 'aliens' on the other was not

¹⁶¹⁴ Copy of a letter from Sever Running, Dawson City, to the Yukon Council, Dawson City, Dec. 7, 1899, p. 1-2, in: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 328, File 2801, emph. in original.

¹⁶¹⁵ Order of the Canadian Privy Council, May 13, 1899, in: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 328, File 2801.

¹⁶¹⁶ "There shall be two kinds of licenses in the Province of Manitoba and the North-West Territories, to be designated 'commercial licenses' and 'domestic licenses', which licenses shall be issued to resident British subjects only, and who are the actual owners of the fishing gear included in such license", cit. from Fishery Regulations for the Province of Manitoba and the North-West Territories by Order in Council, prepared by John G. McGee, Clerk of the Privy Council, Jan. 4, 1892, p. 2, in: LAC, RG 10, Vol. 3755, File 30979-4.

particularly unique to the British Empire. In fact, Alaska introduced a similar regulation in 1906 with an important exception, however: The Alaskan regulation decidedly allowed for the *employment* of aliens in Alaskan fisheries industries, an acknowledgment to the socio-economic realities of industrial fishing in the Pacific Northwest.¹⁶¹⁷

Attempts at regionalizing imperial conflicts in the Pacific Northwest, Running suggests, would not only clash with the socio-economic and environmental realities of extractivist capitalism in the Yukon riverlands. Putting American and Canadian against each other, the letter implies, would ultimately result damage efforts at colonization. From Running's perspective, the solution to the problem of federal mismanagement was the promotion of self-determination in the Yukon.¹⁶¹⁸ Running's letter provided Ottawa with ample evidence for the necessity of tightening government oversight and increasing regulatory coherence. In fact, only weeks before receiving his letter, the Minister of Marine & Fisheries had been informed of an application submitted by a Canadian fisherman with excellent ties to members of parliament and Canadian financiers born in Sutton, Ontario, in 1847, W. A. Clark.¹⁶¹⁹ In November 1899, Clark applied for a commercial fishing license to exploit the waters of Lake Laberge, a lake located roughly 20 miles downriver from Whitehorse, fishing primarily for whitefish, Arctic grayling, and lake trout. According to Clark, his business stood in direct competition with two Americans who had been, and in fact still were, conducting commercial fishing operations on the lake, one of them being David Henry Hume. "As you will see they are both Americans", wrote Clark to the Minister of Marine & Fisheries, "and not entitled to a license to fish in Canada, whereas I am a Canadian and have been fishing all my life in the Upper Canadian Lakes"¹⁶²⁰. Clark then emphasized both the ecological and fiscal consequences if

¹⁶¹⁷ "[...] That nothing contained in this Act shall prevent any person, firm, corporation, or association lawfully entitled to fish in the waters of Alaska from employing as laborers any aliens who can now be lawfully employed under the existing laws of the United States [...]", cit. in: U.S. Secretary of State and U.S. Congress, "The Statutes at Large of the United States of America from December 1905 to March 1907: Concurrent Resolutions of the Two Houses of Congress and Recent Treaties, Conventions, and Executive Proclamations," (Washington D.C.: U.S. Government Printing Office, 1907), 263-64. See also, Arnold, *The Fishermen's Frontier: People and Salmon in Southeast Alaska*, 55-56; Purvis, *Ragged Coast, Ragged Coves: Labor, Culture, and Politics in Southeast Alaska Canneries*, ch. 6.

¹⁶¹⁸ A speculative addendum: A letter written by an American citizen who was protesting Canadian fisheries regulation and arguing for increasing autonomy of the territorial government from regulatory decisions determined by federal officials may have raised concerns of Canadian authorities over American encroachment and a potential American takeover of the Yukon riverlands. Therefore, rather than an incentive for reducing federal oversight, Ottawa may have arrived at the opposite conclusion tightening bureaucratic ties to the riverlands and sharpening regulatory instruments to directly influence political and economic developments in the region. Ironically, Running's plea for increasing self-determination may very well have contributed to more rigorous attempts at implementing and enforcing exclusivist strategies of regulating access to Yukon River fish stocks.

¹⁶¹⁹ See, letter from W. A. Clark, Collingwood (Ontario), to Louis H. Davies, Canadian Minister of Marine & Fisheries, Oct. 26, 1900, in: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 328, File 2801.

¹⁶²⁰ Letter from W. A. Clark, Collingwood (Ontario), to Louis H. Davies, Canadian Minister of Marine & Fisheries, Nov. 20, 1899, p. 1, in: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 328, File 2801.

the DMF would decide against government intervention to stop Hume and the second fisherman, Peterson, from the continuation of their fisheries.

One trouble with three fishing on this Lake is it will soon be depleted. As far as the income to the Government is concerned I was informed Hume and Peterson paid each \$20 for a one boat license and I paid \$40 for two boats but really fished only one. Now if the Government will grant me an exclusive license for two to five years I will pay them whatever they consider a fair rent, my license would not of course debar the Indians or Miners from fishing for their domestic use.¹⁶²¹

Even though the federal government decidedly pursued a policy prohibiting issuing 'exclusive licenses', the department moved quickly against Hume and Peterson. In a letter to Fred White, the comptroller of the North-West Mounted Police, the Canada's Deputy Minister of Marine & Fisheries advised the police,

The attention of this Department has been called to the fact that two Americans named Peterson and Hume fished one boat each, at Lake Lebarge [in original], Yukon Territory, during the past season; and as foreigners are not entitled to such privilege, I would suggest your mentioning the case to the Superintendent of the North West Mounted Police for the district, so that their operations may not be permitted next season. Would you also kindly inform your officer that the Minister of Marine and Fisheries has decided to sanction the renewal of the license for two boats in favour of Mr. W. A. Clarke, of Collingwood, who fished in Lake Lebarge [in original] last year. From the license returns sent in to this Department by Colonel Steele it does not appear that either Person or Hume had a license last year, as it is just possible that they were employed by some Canadian license. Be that as it may, the Minister's intention is that Mr. Clarke shall be granted a license for Lake Lebarge [in original] next season [...], and that the question of granting another license or licenses to other British subjects should be determined by the officer of the Mounted Police, who from his local knowledge can determine whether the fishery will bear more than one license. Attention is especially called to the fact that United States citizens are not entitled to Fishery Licenses.¹⁶²²

Apparently, the perception of a fundamental lack of government oversight over fisheries in the Yukon riverlands together with indications of American intrusions into Canadian waters which appeared to be economically profitable, worried Canadian federal authorities so much so that immediate action was to be taken. Only three months after W. A. Clark had submitted his application to the DMF, in January 1900, Ottawa appointed an Inspector of Fisheries to the Yukon

¹⁶²¹ Ibid.

¹⁶²² Letter from the Canadian Deputy Minister of Marine & Fisheries to Fred White, comptroller of the NWMP, Dec. 12, 1899, pp. 1-2, in: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 328, File 2801.

Territory; and in May 1900, the NWMP was eventually relieved of their fisheries-related duties.¹⁶²³ Theophilus A. Stewart, the freshly appointed head of the Yukon inspectorate who would be stationed at Dawson, was handed a complex list of orders that reflected concerns and, more importantly, priorities of the department in relation the administration of fisheries. Stewart's orders also reflected on the relationship between Alaska and the Yukon Territory.

The Department has information that extensive fishing operations for commercial as well as domestic purposes have been carried on during the last three or four years in the rivers and lakes in the Yukon Territory. It has been stated that the fisheries will be depleted and the fish supply exhausted unless a fishing license system be carried out in the Territory, as in other Provinces of the Dominion, and close seasons and other protective measures be more actively enforced. In order to preserve the fish as a permanent source of food-supply for the future it is necessary not only to enforce the close seasons, in order to allow the parent fish to breed, but to curtail fishing operations by requiring all parties to take out a license as in all other parts of the North-West Territories. The increased value of fish as a food for vastly increased population will, it is claimed, imperil the fisheries unless protection of an effective character be carried out in order to prevent the extermination of valuable kinds of fish.

As these fisheries are new, and information on the Department's files incomplete, the Department will rely largely upon your recommendations and the information you furnish, in order to carry out a reasonable and necessary amount of protection; but as the various waters appear to differ very much in regard to their conditions, the following points are stated for your consideration and guidance, if they appear to you to be applicable.

It is of course desirable to protect the most valuable food fisheries, viz:- whitefish said to range from 2 lbs. to 16 lbs. in weight; great lake trout 6 lbs. to 40 lbs. Inconnu – a large river fish like a whitefish or salmon with the head of a pike, 8 lbs. to 20 lbs. or more and grayling 0.25 lbs. to 2 lbs. in weight.

It does not appear that the salmon which ascend the Yukon River require protection of the same extent, for the reason that after entering the Rivers they are afforded little or no protection in the United States' territory; but are merely slaughtered in the lower portions of the river. There is no object in protecting king, or spring salmon, steelheads, dog-fish and other kinds, in the upper waters when every effort is made to exterminate them before they reach Canadian territory. The Alaska canneries, fish-salting and preserving factories, secure all the fish they can regardless of the future. Hence all who wish to fish for salmon in the Yukon territory might be allowed to do so on payment of a license fee. As at present informed the Department sees no necessity for protecting by close

¹⁶²³ See, letter from the Act. Deputy Minister of Marine & Fisheries to Fred White, NWMP comptroller, May 2, 1900, in: *ibid.*

season or otherwise, suckers, long-nosed pike, maria or ling, and inferior fishes; but your recommendations on these and other points, will be carefully considered when provided.¹⁶²⁴

The formal establishment of a fisheries inspectorate in the Yukon Territory neither upended the conflict between Clark and Hume nor did it solve Canada's difficulties of articulating state sovereignty through regulating access to the exploitation of Yukon River fish populations by implementation of the Canadian Fisheries Act and the territorial fisheries regulations. Surprisingly, one of the central problems was to determine who counted as a British subject. In the case of Sever Running protesting exclusivist fisheries policies, the Canadian federal government had, of course, clear indications of citizenship, because Running described himself explicitly as an American citizen. In the case of David H. Hume, however, things quickly turned sour. Challenging Clark's allegations about his national identity, Hume wrote, "I am + always was A Britton + untill you can show that I am any thing else I demand my rights + nothing more"¹⁶²⁵. Complaining bitterly about the hardship he endured, Hume went on that "I Have Been Blackmailed in this matter the Hume Family never were traitors nor foriners + Have voated the Liberal ticket for to Generations"¹⁶²⁶. In desperation, he also turned to Yukon Commissioner William Ogilvie who was inquiring into the matter,

Permit has been granted to a Person named Clark to fish in Lake Labarge [in original] with reduced size mesh. One Hume who has been fishing there is stopped and inspector Stewart will not grant him relief until you are heard from. Hume is a British subject and it appears to me injustice is being done to him.¹⁶²⁷

However, in the summer of 1873, David H. Hume had signed an 'Oath of Allegiance to the United States'. For Canadian federal officials, this signature sealed Hume's fate. In the face of dwindling fish stocks in Lake Laberge and confronted with a copy of Hume's 'Oath of Allegiance' sworn to the United States almost three decades earlier, Hume was to be excluded from licensing and thus legalizing his fisheries operations. "I am to inform you", wrote the Act. Deputy Minister of Marine & Fisheries in his reply to Ogilvie's protest, "that full enquiry has been made and as D. H. Hume is an American:- a copy of his oath of allegiance being on the Department's file, he is excluded

¹⁶²⁴ Letter from F. Gourdeau, Deputy Minister of Marine & Fisheries, to Theophilus A. Stewart, appointed Inspector of Fisheries for the Yukon Territory, Jan. 30, 1900, pp. 2-3, in: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 328, File 2813 pt. 1.

¹⁶²⁵ Letter from David Henry Hume to F. Gourdeau, Canadian Deputy Minister of Marine & Fisheries, May 11, 1901, p. 2, in: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 328, File 2801.

¹⁶²⁶ Letter from David Henry Hume to F. Gourdeau, Canadian Deputy Minister of Marine & Fisheries, May 11, 1901, p. 3, in: *ibid.*

¹⁶²⁷ Telegram from Yukon Commissioner William Ogilvie to Canadian Minister of Marine & Fisheries Louis H. Davies, June 30, 1900, in: *ibid.*

from all Canadian fishery privileges”¹⁶²⁸. Hume did not yet want to give up, drawing ever more people into the conflict. He and his allies argued that despite of archival evidence, he had in fact never concluded the U.S. naturalization process. Therefore, Hume argued, he remained a British subject and never forfeited his privilege to access Yukon River fish stocks. At the same time, Clark’s privileges based on his status as a British subject came under scrutiny as well. In October 1900, Louis H. Davies, Canada’s Minister of Marine & Fisheries, informed Member of Parliament James Sutherland who had politically supported W. A. Clark’s proposal, about increasing concerns regarding Clark’s citizenship.¹⁶²⁹ Ultimately, the Dominion Commissioner of Fisheries R. N. Venning put an end to speculations about Hume’s Britishness by deciding,

WHETHER or not Hume completed his renunciation of allegiance to the British Sovereign, the fact still remains that the statement that he was either an American citizen, or a partner with Americans, has not yet been answered; and the further fact remains that his nets were not only smaller than was required by law, but were still smaller than the undersized ones, which the Inspector had been instructed to allow Clarke to use that year only for the purpose of wearing them out, and it would mean that the Inspector’s action in the matter, outside the question of nationality altogether, could be justified because his instructions were that all British subjects should be treated alike, and as the authority to Clarke to use undersized meshes was confined to 3.75 and 5 inches, he very properly refused without instructions, to permit Hume to fish with nets of 3.25 to 3.5 inches.

IT is also to be remembered that the Inspector is impressed with the fact that these small meshes have had the effect of depleting very considerably, the fish in these waters, and the further opinion is expressed that already too many licenses have been issued there.¹⁶³⁰

It is crucial to note that the decision of the DMF did not produce a logical solution to the problem of determining Hume’s legal status and about the legitimacy of his claims. Instead, the decision shifted the argumentative weight towards formal mistakes and errors, and—remarkably—to the overfishing of fish stocks at Lake Laberge. The fish whose continued existences were protected by

¹⁶²⁸ See, letter from W. L. Mager, Act. Deputy Minister of Marine & Fisheries of Canada, to William Ogilvie, Aug. 10, 1900, in: *ibid.*

¹⁶²⁹ “Some time ago you strongly recommended an application of Mr. W. A. Clark, of Collingwood for a commercial fishing license in Lake La Barge, Yukon Territory. I carried out your wishes, granted him a special license and refused all other applicants, as it was reported to me that all were United States citizens and the evidence establishing the fact in one case at any rate is on my Department’s files. I have had much correspondence on the matter since with various parties, and I am now informed that it is commonly reported in Dawson that Clark himself is a United States citizen—Is there any foundation for that report, as I wish to be clear on the point”, cit. in: Letter from Louis H. Davies, Minister of Marine & Fisheries Canada, to James Sutherland, Member of Parliament, Oct. 10, 1900, in: *ibid.* See also, reply from W. A. Clark to Louis H. Davies, Oct. 26, 1900, in: *ibid.*

¹⁶³⁰ Internal memorandum prepared by R. N. Venning, Dominion Commissioner of Fisheries, to Louis H. Davies, Canadian Minister of Marine & Fisheries, Sept. 11, 1900, p. 2, in: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 328, File 2801.

administrative regulations for the benefit of economic exploitation were *ex post* mobilized to defend the results of bureaucratic decision-making. Eliminating economic competitors by pushing doubts about their citizenships and national belonging enabled W. A. Clark and his son Robert to lay the legal foundations of their fisheries businesses.¹⁶³¹ The controversy over the allegiances of David H. Hume, over him being neither (American) citizen nor (British) subject, should not be read as a mere reflex of nationalist Victorian ideals and Canadian imperial ambitions.¹⁶³² Rather, the controversy showcases colonial anxieties that themselves reflect the establishment of a differentiated matrix of race and class relations.¹⁶³³ The commercial exploitation of fish stocks in the Yukon River was decidedly considered a privilege of ‘white men’. Not every ‘white man’ was, however, equally entitled to fish in the Yukon Territory and to sell his catch. The distinction between ‘aliens’ and ‘British subjects’ that stood at the center of Canadian fisheries policies articulated boundaries that did indeed refer to and, in fact, reinforced notions of territorial boundedness but cannot be reduced to them.¹⁶³⁴ At this point, it is important to note that, even though female applications to fishing licenses were not principally prohibited by fisheries regulations, in practice, licenses were exclusively granted to male applicants.¹⁶³⁵ Thus, practically, the operation of fisheries administration in the Yukon Territory reflected gendered arrangements of labor and resource extraction.¹⁶³⁶ The conflict between Clark and Hume also illustrates the extent to which the mobilization of archival evidence and of patronage networks—a core dimension of what historian Cameron Blevins has identified as “the agency model”¹⁶³⁷ to highlight the dynamics of Western settlement and colonization—were enmeshed with the articulation of territorial sovereignty.

¹⁶³¹ “The Messrs. Clarke [in original] seem to have been the only fishermen on it, they have fished quite extensively and send their fish to Dawson and vicinity”, cit in: Letter from Horace T. McKay, Inspector of Fisheries for the Yukon Territory, to R. N. Venning, Superintendent of Fisheries, July 7, 1906, in: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 328, File 2801.

¹⁶³² See, William R. Morrison, “Eagle over the Arctic: Americans in the Canadian North, 1867-1985,” *Canadian Review of American Studies* 18, no. 1 (1987): 65-68; Grant, *Polar Imperative: A History of Arctic Sovereignty in North America*, 193-210.

¹⁶³³ See, Ann Laura Stoler, “Sexual Affronts and Racial Frontiers: European Identities and the Cultural Politics of Exclusion in Colonial Southeast Asia,” in *Tensions of Empire: Colonial Cultures in a Bourgeois World*, ed. Frederick Cooper and Ann Laura Stoler (Berkeley; Los Angeles; London: University of California Press, 1997), 215-24; “Developing Historical Negatives: Race and the (Modernist) Visions of a Colonial State,” in *From the Margins: Historical Anthropology and Its Futures*, ed. Brian Keith Axel (Durham; London: Duke University Press, 2002), 175-79; *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense*, 60-73.

¹⁶³⁴ See, Geiger, *Converging Empires: Citizens and Subjects in the North Pacific Borderlands, 1867-1945*, 219-20.

¹⁶³⁵ Own data from files: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 363, Files 3199; LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 328, File 2801.

¹⁶³⁶ See, e.g., Sachs, *Home Rule: Household, Manhood, and National Expansion on the Eighteenth Century Kentucky Frontier*; White, *The Republic for Which It Stands: The United States during Reconstruction and the Gilded Age, 1865-1896*, 157-71; Levy, *Ages of American Capitalism: A History of the United States*, 270-96.

¹⁶³⁷ Blevins, *Paper Trails: The U.S. Post and the Making of the American West*, 27-32.



Figure 52: Chinook salmon caught in the upper Yukon River, ca. 1898-1901, Picture: 89/46 #18 (PHO 236), Peter McCarter Fonds, Yukon Archives. Courtesy of the Yukon Archives.

However, as Sever Running had already suggested in 1899, the production of colonial subjectivities through fisheries regulations frequently clashed with the socio-economic and demographic realities of the riverlands. In the Yukon riverlands which had been dramatically impacted by rapid in- and outmigration, the implementation of fisheries policies operating on the bases of citizenship and belonging proved an arduous, oftentimes confusing undertaking, because fishermen often claimed migrant biographies that, in some cases, challenged the authority of local fisheries administrators.¹⁶³⁸ In contrast to David H. Hume whose attempts at changing his status of national belonging and his apparent intention to leave the British Empire had essentially cast him an outsider and, as he himself feared, a traitor, immigrant colonizers from outside of the British Empire (from Europe for example) underwent naturalization processes to become British subjects and thus Canadian citizens. In 1902, Stephen Remetey, a Hungarian who had become a naturalized British subject in Vancouver in 1901, complained about being barred by Canadian police officers from making use of his commercial fishing license.¹⁶³⁹ Unlike Hume whose intention to become a citizen of the United States, Canada's main geostrategic competitor in the far north, Stephen Remetey had apparently actively decided to become a subject of the British Empire—and, why should those who decided to become British subjects be barred from harvesting the fruits that their choice entails? In a surprising defense of the DMF's regime of generalized distrust, the deputy minister pointed across the U.S.-Canada border and to the detrimental effects of U.S. fisheries corporations on fish stocks in the Yukon Territory,

The suggestion of His Excellency, that in event of the correctness of his [Remetey's] statements, an extension of his permit might be allowed, has been carefully noted; but I might say in this connection, that the Department last season decided to grant fishing privileges only to British subjects, resident in Canada, as grave abuses had arisen, on account of parties receiving licenses, who were employed by United States firms. These large United States firms were, it was alleged, ruining the Yukon fisheries, hence, in the present case, it is essential that the actual facts be obtained from the Department's officer, and Mr. Remetey's letter has accordingly been submitted to the Inspector of Fisheries for the Yukon district for his report thereon.¹⁶⁴⁰

Essentially, the DMF argued that Stephen Remetey was hindered from making use of his fisheries privileges as a naturalized British subject, because as a naturalized rather than a natural subject, he

¹⁶³⁸ According to the Canadian census, the Yukon Territory was inhabited by 27,219 people in 1901. By 1911, this number had fallen drastically to 8,512 residents; and by 1921, there were only 4,157 people registered by the census; see, Commerce, Statistics, and Branch, "Sixth Census of Canada 1921, Volume 1: Population," 345.

¹⁶³⁹ See, letter from Stephen Remetey, Five Fingers (Yukon Territory), to Canada's Governor General, Feb. 26, 1902, in: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 328, File 2801.

¹⁶⁴⁰ Letter from the Deputy Minister of Marine & Fisheries to Major F. S. Maude, Secretary of the Canadian Governor General, May 2, 1902, in: *ibid*.

was considered a potential threat resembling a juridical beachhead through which American fisheries corporations could enter a Canadian-defined zone of resource extraction. This was a remarkable exaggeration of recent conflicts between Canadian fisheries authorities and fishermen such as David H. Hume over the administration of commercial fisheries in Lake Laberge. What was perceived as an encroachment of American industrial fisheries casted a long shadow into the Yukon riverlands indeed. Eventually, the DMF ordered to drop allegations against Stephen Remetey and consider him being eligible to a fishing license—whoever had decided to swear allegiance to the British Crown should also be entitled to reap the fruits of their choices.¹⁶⁴¹

Still, tensions between the expansion and intensification of colonial economies on the one hand and of protectionist policies of imperial state formation were not easily overturned. Because citizenship and national belonging were, in principle, modifiable aspects of colonial subjectivity, this turned them into objects intricately monitored and policed. When Horace T. McKay took over the office of Inspector of Fisheries from his predecessor Theophilus A. Stewart, he suspected fisheries regulations might themselves create incentives for becoming naturalized British subjects. In 1909, McKay described commercial fishermen in Dawson City not only as threats to the political fabric of colonial society but also as traitors who had used the process of naturalization in a purely instrumental sense to enhance their own social, political, and, most importantly, economic status. They were “[...] all Italians of the Anarchist type who for selfish reasons recently became naturalized British subjects”¹⁶⁴². Immigrants from outside of the orbit of the British Empire, he implied, were incentivized by fisheries regulations to modify their allegiances according to their own business interests. “This Mr. Jelich”, noted McKay in a different letter in 1910, “is an Italian who became naturalised [in original] for the purpose of obtaining a Fishery License and since I have known him in the Territory, he has been one of the most troublesome poachers I have had to deal with”¹⁶⁴³. Thus, once the licensee’s (potential) migrant biographies had been ‘discovered’ and were connected with assumptions about individual economic interests, naturalized immigrants quickly turned into objects of administrative distrust and policing.¹⁶⁴⁴ *Immigration*—not, for instance, the regulatory frameworks assigning fisheries privileges according to the differential regime

¹⁶⁴¹ See, letter from E. E. Prince, Dominion Commissioner of Fisheries, to Theophilus A. Stewart, Inspector of Fisheries for the Yukon Territory, July 10, 1902, in: *ibid.*

¹⁶⁴² Letter from Horace T. McKay, Inspector of Fisheries for the Yukon Territory, to William A. Found for the Superintendent of Fisheries, Aug. 4, 1909, p. 1, in: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 330, File 2843.

¹⁶⁴³ Letter from Inspector of Fisheries for the Yukon Territory Horace T. McKay to the Canadian Superintendent of Fisheries R. N. Venning, June 6, 1910, p. 3, in: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 328, File 2801.

¹⁶⁴⁴ Andrea Geiger describes similar cases with reference to Japanese Canadians; see, Geiger, *Converging Empires: Citizens and Subjects in the North Pacific Borderlands, 1867-1945*, 143-44. See also, Wadewitz, *The Nature of Borders: Salmon, Boundaries, and Bandits on the Salish Sea*, 146-58.

separating British subjects from aliens—was perceived as a threat to the integrity not only of Canadian claims over Yukon River fisheries (geostrategy) but also of the moral-political fabric of Canadian colonial society.¹⁶⁴⁵

Another variation of the racial matrix of settler colonial capitalism held that the spatial extension of the British Empire did not needlessly correspond with its political extension. Therefore, in some cases, people who were indeed considered inhabitants of the British Empire, still could be barred from privileges extended to the white colonizing population and were met with mistrust and rejection. The Australian William Williams, for instance, was arrested in the summer of 1909 with both his nets and his boat being confiscated by inspector Horace T. McKay who defended his actions by describing Williams as “[...] a negro or half breed native of Australia [in original] and a dangerous character [...]”¹⁶⁴⁶. According to McKay, Williams who was well-connected to Augusto Rocco and Baldo Jelich, two of the ‘Italian anarchists’ that McKay complained about, was a ‘poacher’ frequently acting against Canadian fisheries regulations and thus assailing Canadian sovereignty over the riverlands. The arrest of William Williams is instructive, because it demonstrates that claiming fisheries privileges in the Yukon Territory was not a question pointing to places of birth or to oaths of allegiance. It was a process fundamentally enmeshed with racial discrimination and the creation of white superiority.¹⁶⁴⁷ Rendered as a Black Australian, Williams was singled out as a target of local fisheries policing with the consequence of losing his boat to the fisheries inspectorate who then, cynically, intended to use it for future police operations on the rivers.¹⁶⁴⁸

It is crucial to emphasize that confusion and contestation about who was entitled to produce fish and to sell fish on local markets was productive in the sense that it allowed for the continuous (re-) production of the social, political, and economic parameters of settler colonial capitalism and the structurization of dispossession and conquest. Because fisheries operations were considered privileges of the white colonizing population, whiteness and Blackness emerged as intensively policed categories related geostrategic considerations (Canada vs. United States), to the

¹⁶⁴⁵ See, Hoy, *A Line of Blood and Dirt: Creating the Canada-United States Border across Indigenous Lands*, 203-07. The moral-political dimensions of the U.S.-Canada border has been illustrated in relation to the gendered politics of immigration in previous sections of the dissertation.

¹⁶⁴⁶ Ibid.

¹⁶⁴⁷ See, Douglas C. Harris, *Landing Native Fisheries: Indian Reserves and Fishing Rights in British Columbia, 1849-1925* (Vancouver; Toronto: University of British Columbia Press, 2008), 129-30; Day, *Alien Capital: Asian Racialization and the Logics of Settler Colonial Capitalism*, 19-20.

¹⁶⁴⁸ See, letter from Horace T. McKay, Inspector of Fisheries for the Yukon Territory, to R. N. Venning, Superintendent of Fisheries, June 10, 1909, in: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 330, File 2843. Confiscating Williams’ boat stimulated a controversy between the DMF in Ottawa and local petitioners. Ultimately, the department decided in favor of its local agent; see, letter from R. N. Venning to Horace T. McKay, Aug. 27, 1909, in: *ibid.*

demographic and economic dynamics of extractivism, and particularly to imperial mobilities and nativist conceptions of belonging.¹⁶⁴⁹ Logics of exclusion created and reinforced boundaries in the Yukon Territory that were clearly related to but did not needlessly align with spatial notions of state sovereignty. Thus, while logics of exclusion, according to Iyko Day, appear to be most clearly visible at the border posts of empires, both (abstract) legal frameworks and (concrete) administrative praxis proved vital to their functioning.¹⁶⁵⁰

13.2 *Politics of Conservation*

Horace McKay had a very particular vision of who were to benefit from fisheries conservation, a perspective that was also guiding his attempts at influencing—in some respects determining departmental policies towards fisheries conservation. Like U.S. Customs agents, he perceived himself as a guardian of Canadian economic interest and as a facilitator of economic development. In line with earlier Canadian fisheries restrictions implemented “[...] to prevent the valuable fishery resources of these waters from being destroyed, especially by excessive and pernicious netting”¹⁶⁵¹ in connection “[...] with the enormous influx of miners and other persons into that district [...]”¹⁶⁵², his primary interest was “[...] the protection of the Fishery Industry of the Yukon Territory [...]”¹⁶⁵³, as he emphatically declared in a letter in 1911 defending one of his central projects: his proposal to increase the mesh size of gillnets permitted in the Yukon Territory and to thereby reduce the amount of fish caught, particularly of Arctic grayling. McKay argued that the shrinkage of fish populations, particularly of Arctic grayling in the areas around Dawson City and Lake Laberge, the centers of commercial fisheries activities in the Yukon Territory in the early 1900s, required increasing protection of juvenile fish. The Arctic grayling is a comparatively small predatory fish living in lakes as well as in rivers, and feeding from insects, mollusks, or smaller fish.¹⁶⁵⁴ In the early 1900s, the Arctic grayling was one of most important food fishes; what made—and still makes—the grayling particularly significant in the upper Yukon riverlands is that the fish is extremely widespread.¹⁶⁵⁵ As early as 1906, McKay proposed to prohibit nets of less than five

¹⁶⁴⁹ See, Day, *Alien Capital: Asian Racialization and the Logics of Settler Colonial Capitalism*, 31-34. See also, chapter. 4. of this dissertation.

¹⁶⁵⁰ See, *ibid.*, 33; Stuart Elden, *The Birth of Territory* (Chicago; London: The University of Chicago Press, 2013), 322-23.

¹⁶⁵¹ Letter of the Minister of Marine & Fisheries to the Governor of the Yukon Territory, Jan. 19, 1900, in: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 328, File 2813 pt. 1.

¹⁶⁵² *Ibid.*

¹⁶⁵³ Letter from Inspector of Fisheries Horace T. McKay to Superintendent of Fisheries William A. Found, Aug. 15, 1911, in: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 363, File 3198.

¹⁶⁵⁴ See, Government of Yukon, "Yukon Freshwater Fishes," (Whitehorse: Government of Yukon, 2019), 28.

¹⁶⁵⁵ See, *ibid.*

inches mesh size to protect Arctic grayling juveniles in the territory.¹⁶⁵⁶ A few years later, the inspector even asked for an all-out prohibition of “net fishing for ‘Greyling’ [...] on the smaller streams, as the Prospector, Surveyor, and others engaged in similar occupations depend largely on the ‘Greyling’ for a great part of their food supply”¹⁶⁵⁷. His main concern was that commercial fisheries would deplete fish populations which he considered essential for supplying miners and prospectors working claims around Dawson and exploring the mineral potential of the territory. A deregulated fisheries industry, the inspector feared, would be leading not only to the depletion of fish stocks, but to a decrease in the production of gold, copper, and other ores, because both the exploitation of already existing sites and the exploration of new sites of extraction would be stalled by low supply with fish. These concerns were echoed by others such as John T. Lee from Dawson City who petitioned the Minister of Marine & Fisheries,

There is still another grievance that scores of men engaged in prospecting, logging, wood cutting, dredging etc. in the Klondyke water-shed would pray with you to settle. Such men are scattered along the Klondyke and its tributaries from Dawson to the Headwaters and depend greatly on catching Greyling with Hook and Line to help their food supply during the open season which is from May to October. Their grievance I will endeavor to make clear with you. It is this: from 1898 up to the fall of last year the Dawson Fish Inspector has allowed four or five Italian professional fisherman who had taken out Salmon fishing licenses to set hundreds of two to three inch mesh nets their license stipulates five inch but no less, about the mouth of and for several miles up the Klondyke river and protected said fishermen by stopping all anglers who would take his bluff. Each spring these nets have been put in the river immediately after the ice went out and were kept in until the greyling stopped running out of the Yukon where they had wintered as is their natural custom. In the fall these nets were again set to catch them on their return and were baited with Salmon eggs, in consequence of which a great slaughter ensued. The result is greyling are getting scarcer in the Klondyke and worthy men who are wearing out body and soul endeavoring to develop the resources of the Country are compelled to drag more hundred weights of provisions up into the wilderness than they would be obliged to do if part of their rations were allowed to swim up.¹⁶⁵⁸

Because of its dependency on information provided by its officers and by residents of the locales administered by the Canadian colonial bureaucracy, the Department of Marine & Fisheries took

¹⁶⁵⁶ See, letter from Horace T. McKay, Inspector of Fisheries for the Yukon Territory, to R. N. Venning, Superintendent of Fisheries, July 7, 1906, in: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 328, File 2801.

¹⁶⁵⁷ Letter from Horace T. McKay, Inspector of Fisheries for the Yukon Territory, to William A. Found, Superintendent of Fisheries, Nov. 22, 1911, in: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 363, File 3198.

¹⁶⁵⁸ Letter from John T. Lee, Dawson City, to L. P. Brodeur, Canadian Minister of Marine & Fisheries, Apr. 13, 1907, pp. 1-3, in: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 363, File 3198.

John T. Lee's complaint very seriously. "[...] from the information before the Department", Superintendent of Fisheries William A. Found instructed Horace T. McKay in 1909, "it would seem that the prohibition of the taking of Grayling otherwise than with a hook and line is a matter of great importance to the Yukon district generally as these fish ascend to the head waters of the smaller streams and this provide ready means of food for the prospector and others there, to whom no other supply of fresh food is available"¹⁶⁵⁹. DMF officials chronically underestimated the difficulties and challenges of fisheries inspectors in the Yukon Territory, however. "There should not be much difficulty in your putting an entire stop to illegal fishing operations in a territory where fishing is carried on in such a restricted area as is the case in the vicinity of Dawson, and the Department relies upon you to see that in the future the most rigid steps are taken to stamp out illegal fishing"¹⁶⁶⁰, noted William A. Found in the same letter displaying considerable frustration with Ottawa's inability to effectively monitor and control the situation. "You must appreciate that laxity on your part", the superintendent wrote, "reflects detrimentally on the Department, as it must look to you as its Officer to see that the Requirements of the Fishery Regulations are fully enforced"¹⁶⁶¹. These sharp instructions by the Superintendent of Fisheries were preceded not only by the letter that John T. Lee had sent but also by a petition written and signed by commercial fishermen Vincent Fabris, Baldo Jelich, William Williams, and Augusto Rocco in which they had massively attacked the fisheries inspectorate in the Yukon Territory.

In the first place they assert that you carry on your duties in a partial manner and moreover that the protection of the fisheries receives a comparatively small portion of your time and attention, and that for a great part of the time you are absent from your home and from the city as an employee of the Yukon Gold Company in connection with surveys.

They also assert that you told these fishermen to go far up the Klondyke River out of your sight and there put out their nets and fish as much as they wanted to. They further state that during the past Spring hundreds of pounds of fish have been placed on the markets of Dawson, clearly showing by marks on them that they were caught be small meshed Nets; but that you did nottrouble [in original] yourself to investigate the matter.¹⁶⁶²

Fabris, Jelich, Williams, and Rocco who McKay described as 'Italian anarchists', 'poachers', and 'troublemakers', accused the inspector not only of what they perceived as inaction, ignorance, and harassment. They also pointed towards a possible conflict of interest. How could the inspector

¹⁶⁵⁹ Letter from William A. Found, Superintendent of Fisheries, to Horace T. McKay, Inspector of Fisheries for the Yukon Territory, July 17, 1909, p. 3, in: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 330, File 2843.

¹⁶⁶⁰ Ibid.

¹⁶⁶¹ Ibid.

¹⁶⁶² Ibid.

who was himself constantly employed by mining corporations operating in the Yukon Territory, claim to be impartial in a conflict in which the interests of local fishermen clashed with those of miners and mine-owners? Confronted with these allegations, McKay had to admit that he had indeed been hired by a local mining company. “Early this spring”, he wrote, “before the fishing or the ice going out of the rivers, I at times did some work for the Yukon Gold Co., but in no way did I engage myself so as to in any way interfere with my duties as fishery officer”¹⁶⁶³. It was a delicate matter because it pointed back to the DMF itself and to how the Canadian federal government tried to reduce the costs of colonial administration. “This privilege”, McKay argued, “I have from the Department [...]”¹⁶⁶⁴.

In fact, Theophilus A. Stewart, McKay’s predecessor as head of the inspectorate, had complained bitterly about “[...] an inadequate salary (\$1,000) [which, crucially, was also considered] justifiable in view of the onerous duties in a most difficult and extensive territory, and the high costs of living there [...]”¹⁶⁶⁵ after only six months of service. To avoid additional expenses, Stewart was informed that minister Louis H. Davies granted permission to the fisheries inspectorate of the Yukon Territory to actively seek jobs in the riverlands’ extractive economies aside from the inspectors’ official duties and to thereby generate additional income to cover the comparatively high costs of living in the far north. “MR. Stewart was distinctly told, by direction of Sir L. H. Davies”, noted Dominion Commissioner of Fisheries E. E. Prince in an internal memorandum, “that unlike all our other Inspectors, he would not be debarred from engaging in other occupations”¹⁶⁶⁶. Stewart was clearly dissatisfied with this answer by his superiors,

Why I should receive such treatment I am at a loss to know & certainly expected to be put on equal footing with other officials in this territory. I have always stood by the party through good and evil before and have never asked or received anything from them before, which is something that cannot be said for a good many officials who are drawing larger salaries [illegible] and who have always offended the party and will do so again at the very first opportunity. If I lived as I ought to in this town my procurement & salary would not support me and my time is taken up so that I cannot go out in the Country and prospect for gold.¹⁶⁶⁷

¹⁶⁶³ Letter from Horace T. McKay, Inspector of Fisheries for the Yukon Territory, to William A. Found, Superintendent of Fisheries, Aug. 4, 1909, p. 3, in: *ibid.*

¹⁶⁶⁴ *Ibid.*

¹⁶⁶⁵ Letter from F. Gourdeau, Canadian Deputy Minister of Marine & Fisheries, to P. Parquharson, Premier’s Office Charlottetown, Oct. 25, 1901, p. 1, in: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 328, File 2813 pt. 1.

¹⁶⁶⁶ Memorandum of E. E. Prince, Dominion Commissioner of Fisheries, Apr. 7, 1902, in: *ibid.*

¹⁶⁶⁷ Letter from Theophilus A. Stewart, Inspector of Fisheries for the Yukon Territory, to R. N. Venning, Dominion Commissioner of Fisheries, March 19, 1902, p. 1-2, in: *ibid.*

Granting its officers in the Yukon Territory permission to actively engage with the economies of the riverlands, primarily with the mining economy, may initially have been perceived as an obvious and even elegant solution to keep the costs for the administration of fisheries low. It had, of course, the enormous problem of creating dependencies between government officials and the economic development in the territory. McKay's concerns about the fragility of fish stocks in the Yukon riverlands and about the stability of the territory's mining economy may well have been influenced by his own economic interests—a reflection of the characteristic challenges of government agents stationed in the riverlands and confronted with high prices and meager salaries.

The effects of conservationism in wildlife and fisheries management have frequently been described as prime examples of the structural interrelation between statistics and government control. Wildlife biologists, fisheries administrators, and diplomats alike developed a keen appetite for statistical analyses of forests, game populations, or fish stocks—often at the expense of broader analyses about the social and environmental consequences of settler colonial capitalism.¹⁶⁶⁸ “Although Progressive conservation has often been depicted as a movement that challenged ‘the interests’ in the name of ‘the people’”, notes historian David F. Arnold, “fisheries conservation had a limited view of the ‘public interest’ that favored rationality, science, and central planning over the concerns of social equality or local control”¹⁶⁶⁹. In the Yukon riverlands, even a claim such as Arnold's, however, requires considerable adjustment. After all, in the early stages of fisheries management in the Yukon Territory, fisheries agents Theophilus A. Stewart and Horace T. McKay and their subordinate fisheries guardians were not professionally-trained biologists. They were political appointees rather than professional bureaucrats.¹⁶⁷⁰ Much to the disliking of DMF officials, neither Stewart nor McKay paid much attention to the “[...] statistical branch of your work [...] leaving the Department in the unenviable position of not having any definite information of the fisheries of this Territory”¹⁶⁷¹. Until after the end of the First World War, fisheries management in the upper Yukon riverlands was based on qualitative rather than quantitative assessment. In the Canadian section of the Yukon riverlands, fisheries management effectively meant managing access

¹⁶⁶⁸ See, Samuel P. Hays, *Conservation and the Gospel of Efficiency: The Progressive Conservation Movement, 1890-1920* (Pittsburgh, PA: University of Pittsburgh Press, 1999), 122-33; McEvoy, *The Fisherman's Problem: Ecology and Law in the California Fisheries, 1850-1980*, ch. 7; Taylor, *Making Salmon: An Environmental History of the Northwest Fisheries Crisis*, ch. 3; Dorsey, *The Dawn of Conservation Diplomacy: U.S.-Canadian Wildlife Protection Treaties in the Progressive Era*, 40-75; Nadasdy, *Hunters and Bureaucrats: Power, Knowledge, and Aboriginal-State Relations in the Southwest Yukon*, 158-73; Loo, *States of Nature: Conserving Canada's Wildlife in the Twentieth Century*, 25-34; Tester and Kulchyski, *Kiumajut/Talking Back: Game Management and Inuit Rights, 1900-1970*, ch. 2, ch. 4.

¹⁶⁶⁹ Arnold, *The Fishermen's Frontier: People and Salmon in Southeast Alaska*, 97.

¹⁶⁷⁰ See, Blevins, *Paper Trails: The U.S. Post and the Making of the American West*, 104-08.

¹⁶⁷¹ Letter from R. N. Venning, Ass. Commissioner of Fisheries, to Horace T. McKay, Inspector of Fisheries for the Yukon Territory, June 21, 1906, pp. 1-2, in: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 328, File 2813 pt. 1.

to fish and to the market through licensing; and licensing was based on the assessment of local agents rather than statistical evidence. Two types of licenses, the so-called 'commercial' and 'domestic' licenses, established the distinction between fish caught for sale on the market and fish caught for reasons of subsistence.¹⁶⁷² Fisheries administrators tended to limit the number of commercial licenses while keeping fisheries for subsistence wide open because they feared regulation might hamper the economic development of the region. The emergence of conservationist fisheries policies in the Yukon Territory thus appears as a process that must not be reduced to the emergence of statistical analysis and scientific praxis. At the turn of the century, Yukon fisheries administration was not (yet) "[...] a numbers game [...]"¹⁶⁷³ but a game of thrones. The implementation of conservationist management strategies and the controversies that it started also reflected the tenuous relationship between the federal government in Ottawa, primarily focused reducing the costs of colonial administration, and territorial politics.¹⁶⁷⁴ These tensions became more apparent when the conflict between Horace McKay, commercial fishermen, and the Yukon Territorial Government escalated. In spring 1910, McKay "[...] found one George Black and one G. A. McPeake [on the Klondike River], in the act of lifting a net out of the water"¹⁶⁷⁵. Black and his partner fled and "[...] ran into the brush"¹⁶⁷⁶. The inspector "[...] then confiscated the Canoe and fish [Arctic grayling], and brought a charge against them for being in possession of illegally caught fish, and for fishing without a fishery license with a net, and found them guilty"¹⁶⁷⁷. George Black, a lawyer and political activist of the Conservative Party, was also an associate of Rocco, Jelich, Williams, and other commercial fishers opposing McKay's proposal to increase the mesh size of gill-nets and to reduce the catch of freshwater fish, particularly of Arctic grayling. McKay was clearly aware of the potential political reverberations of his spectacular arrest and what may well have been perceived by Black as an act of humiliation. One year before the events on the Klondike River, in the context of public protest against the confiscation of William Williams' canoe and what was conceived as excessive punishment for supposedly 'illegal' fishing activities, McKay already mentioned political ties between George Black and Dawson's commercial fishermen,

¹⁶⁷² See, Fishery Regulations for the Province of Manitoba and the North-West Territories by Order in Council, prepared by John G. McGee, Clerk of the Privy Council, Jan. 4, 1892, pp. 2-5, in: LAC, RG 10, Vol. 3755, File 30979-4.

¹⁶⁷³ Loo, *States of Nature: Conserving Canada's Wildlife in the Twentieth Century*, 25.

¹⁶⁷⁴ See, Kenneth S. Coates, *Canada's Colonies: A History of the Yukon and Northwest Territories* (Toronto: James Lorimer & Company, 1985), 130-35.

¹⁶⁷⁵ Letter from Horace T. McKay, Inspector of Fisheries for the Yukon Territory, to R. N. Venning, Superintendent of Fisheries, May 20, 1910, p. 1, in: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 330, File 2843.

¹⁶⁷⁶ Ibid.

¹⁶⁷⁷ Letter from Horace T. McKay, Inspector of Fisheries for the Yukon Territory, to R. N. Venning, Superintendent of Fisheries, May 20, 1910, p. 1-2, in: ibid.

His petition [William Williams'] for the return of his canoe etc. claiming to be a poor man and in need, is not justified by the facts. He is simply urged to do so by his lawyer Mr. George Black, the defeated conservative candidate for the Yukon Territory.¹⁶⁷⁸

In May 1910, though, George Black was not only a politically defeated conservative candidate, but also an elected member of the territorial government. "I may say", wrote Horace T. McKay in the context of his arrest, "that the defendant George Black is a lawyer and at present a member of the Yukon Council and was defeated Conservative Candidate in opposition to Mr. F. T. Congdon in the last general election"¹⁶⁷⁹. Unfortunately for McKay, the notorious, liberal candidate Frederick T. Congdon lost his seat as a Member of Parliament in 1911 against conservative candidate Alfred Thompson, while simultaneously George Black was awarded the position of Yukon Commissioner, the head of the territorial government.¹⁶⁸⁰ Together with constant economic decline in the Yukon Territory, McKay's proposal to increase the mesh size of gill-nets to reduce the catch of Arctic grayling provoked broad political opposition. "It was pointed out", wrote the powerful Dawson Board of Trade in its petition to the Minister of Marine & Fisheries following internal discussions, "that a four inch mesh was altogether too large. The number of Greyling in the different streams and rivers of the Yukon Territory, is very great and yet every season, there is a great scarcity of this particular fish on the market, for the above reason". The petitioners pushed the federal government to reduce mesh sizes to increase the territorial fish supply both for markets such as Dawson City and for "[...] personal use"¹⁶⁸¹ of miners and prospectors. Dawson's merchants and business owners feared that an increase of the costs for mining operations and for the exploration of future mining sites would stall capital investment through decreasing profits. The temporal logics of capitalism affected the administration of fisheries.¹⁶⁸²

At the same time, Yukon Commissioner Black started a political campaign enlisting, among others, Member of Parliament Alfred Thompson, to denounce the inspector and representative of Canada's Department of Marine & Fisheries for political partisanship. "You have it from me", Black wrote in a letter to Thompson in 1912, "that during the Federal Election in Yukon in 1909 the house owned and occupied by H. T. McKay and his father, W. D. McKay, was a rendezvous for Liberal campaign workers in Dawson, and that both H. T. McKay and his father, W. D. McKay,

¹⁶⁷⁸ Letter from Horace T. McKay, Inspector of Fisheries for the Yukon Territory, to William A. Found, for the Superintendent of Fisheries, Aug. 4, 1909, p. 3, in: *ibid.*

¹⁶⁷⁹ Undated letter from Horace T. McKay, Inspector of Fisheries for the Yukon Territory, to an unidentified recipient, in: *ibid.*

¹⁶⁸⁰ See, Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 182-83.

¹⁶⁸¹ Letter from the Dawson Board of Trade to the Canadian Minister of Marine & Fisheries, Aug. 14, 1911, in: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 363, File 3198.

¹⁶⁸² See, Beckert, *Imagined Futures: Fictional Expectations and the Dynamic of Capitalism*, 269-73.

worked openly and energetically for the election of F. T. Congdon, Liberal Candidate”¹⁶⁸³. Black went on to say, “[...] that, if it was necessary to use such facts in order to secure the dismissal of this man, it has been reported to me on several occasions and is common knowledge in the town of Dawson, that H. T. McKay is a habitue’ of a particular house of ill-fame in the restricted district in Yukon. His conduct in this respect is a disgrace to the public service, and, much as I would regret to have the matter given further publicity, it will be done if necessary to secure his dismissal”¹⁶⁸⁴. In the Yukon Territory, accusations of what was said to be ‘political partisanship’ could quickly end officials’ careers as historians Ken S. Coates and William Morrison have already stressed.¹⁶⁸⁵ The administration of fisheries was no exception to the rule. In 1905, for instance, Whitehorse Fisheries Guardian Patrick Martin, one of three deputies assigned to support inspector Stewart, was removed from office after allegations of political partisanship had been forwarded to the Minister of Marine & Fisheries.¹⁶⁸⁶ The opponents of Horace T. McKay’s conservationist fisheries policies were equally successful. In 1913, Canada’s Privy Council eventually decided for McKay’s dismissal on the grounds of partisanship.¹⁶⁸⁷ Citing “[...] offensive political partisanship [...]”¹⁶⁸⁸ as reason for the removal from office, McKay, in a bitter twist, was also excluded from retirement services provided by the federal government to his civil servants.¹⁶⁸⁹ Ironically, only three years earlier, and thus before the general elections of 1911, the department had concluded in an investigation into the question whether Inspector of Fisheries Horace T. McKay could be entrusted with the direct issuing of fisheries licenses in the Yukon Territory,

During the incumbency of T. A. Stewart as Inspector of Fisheries for the Yukon Territory, the Department had so much trouble in having fishery licenses accounted for that it was decided to in future apply to the Yukon Territory the same system of issue of licenses as obtains largely in the rest of Canada, viz: to have all issued from headquarters. [...] The present Inspector is proving himself a very satisfactory Officer, and in the opinion of the undersigned it would be in the public interest and in the interests of the Department, to entrust the issue of licenses to him by sending to him the necessary license forms at the beginning of each season, and requiring him to return the stubs with all unused forms at the end of thereof, when an efficient check could be made as to the revenue collected, as it is considered that with careful instructions from headquarters there would

¹⁶⁸³ Copy of letter from George Black, Commissioner of the Yukon Territory, to Dr. Alfred Thompson, Member of Parliament for the Yukon Territory, Oct. 14, 1912, in: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 328, File 2813 pt. 1.

¹⁶⁸⁴ Ibid.

¹⁶⁸⁵ See, Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 180-81.

¹⁶⁸⁶ See, letter from Robert Lorne to Raymond Prefontaine, Minister of Marine & Fisheries, Feb. 15, 1905, in: *ibid.*

¹⁶⁸⁷ See, note to Canada’s Governor General in Privy Council by J. D. Hazen, Feb. 3, 1913, in: *ibid.*

¹⁶⁸⁸ Letter from C. Stanton, Ass. Deputy Minister of Marine & Fisheries, to Horace T. McKay, former Inspector of Fisheries for the Yukon Territory, Feb. 17, 1914, in: *ibid.*

¹⁶⁸⁹ See, letter from Horace T. McKay, former Inspector of Fisheries for the Yukon Territory, to the Canadian Deputy Minister of Marine & Fisheries, Jan. 27, 1914, in: *ibid.*

be no difficulty in relying on the discretion of the Officer in the issue of such licenses, as at present the Department has to rely largely on his discretion in any event.¹⁶⁹⁰

Despite of the trust that the DMF put into its representative, however, the Yukon fisheries inspectorate had continuously been running a deficit. Between 1905 and 1913¹⁶⁹¹, for instance, the total amount of revenues collected from fisheries licenses did not exceed \$2,000, while the salary of the Inspector of Fisheries alone was set at \$1,000 per year¹⁶⁹²; between 1900 and 1903¹⁶⁹³, the inspectorate collected not even \$1,500 in total. Thus, there was hardly any financial incentive to shield the inspector from attacks by opponents of his conservationist fisheries policies. Apparently, Ottawa's interest was not only to keep the financial expenses of colonial government as minimal as possible but also the political costs.¹⁶⁹⁴

The controversy over the introduction of conservationist measures to reduce the numbers of Arctic grayling caught in the Yukon River and its tributaries illustrates not only tensions between federal government and local politics, or between notions of impartiality of government agents and the actual socio-economic challenges resulting from meager salaries and high living costs. Rather, the controversy showcases a fundamental, yet slightly contradictory feature of conservationist strategies in the Yukon riverlands. On the one hand, Canadian conservationist strategies aimed at preventing the over-exploitation of fish stocks which was considered necessary to stabilize the economic output of commercial fisheries and thus to put those fisheries on a permanent basis. It has been stressed in the previous chapter that regulatory constraints did also, of course, aim at systematically creating and protecting Canadian business interests. At the same time, the extraction of fish for commercial purposes was to be harmonized with the demands of the mining economy and with pressures resulting from fisheries practices that were rendered in terms of subsistence. It is crucial to notice that neither proponents nor opponents of McKay's conservationist and protectionist proposal were especially concerned about food shortages experienced by Indigenous nations in the Yukon riverlands—a baffling finding that will be discussed in more detail in the subsequent section of this chapter. Instead, those who were arguing for an increased protection of

¹⁶⁹⁰ Internal memorandum prepared by William A. Found, for Superintendent of Fisheries, for the Minister of Marine & Fisheries, Nov. 15, 1910, in: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 328, File 2801.

¹⁶⁹¹ See, LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 363, File 3199; LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 328, File 2801.

¹⁶⁹² With \$1,000, the salary of the Inspector of Fisheries for the Yukon Territory was considered meager and “[...] STEPS were in progress for increasing his salary to \$1,500 [...]” in 1902; cit. in, memorandum of E. E. Prince, Dominion Commissioner of Fisheries, Apr. 7, 1902, in: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 328, File 2813 pt. 1.

¹⁶⁹³ See, letter from Canada's Auditor General to F. Gourdeau, Deputy Minister of Marine & Fisheries, Feb. 15, 1904, in: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 328, File 2801.

¹⁶⁹⁴ This is an expansion of the argument from Kenneth S. Coates, "Controlling the Periphery: The Territorial Administration of the Yukon-Alaska, 1867-1959," in *An Alaska Anthology: Interpreting the Past*, ed. Stephen W. Haycox and Childers Mangusso (Seattle; London: University of Washington Press, 2002).

Arctic grayling were citing the needs of miners, prospectors, and explorers—at a time when the consolidation of mining operations in the territory was in full swing and the overall economic decline of the industry was imminent.¹⁶⁹⁵ Note that even the Dawson Board of Trade cited the needs of the ‘sturdy miner’ when opposing McKay’s proposal to increase the maximum mesh size of gillnets. The continuous, unhindered availability of fish for local consumption was considered a substantial part of the fabric of the colonial economies of the riverlands. Thus, both ‘domestic’ and ‘commercial licenses’ turned out to be complementary instruments of colonial governance facilitating the investment of capital (in mining ventures, for instance) and economic growth. For Canadian officials such as Horace T. McKay, there was no inherent contradiction between his obligation to protect Yukon River fish populations and the prospect of sustained prosperity through capitalist-colonialist appropriation and exploitation. McKay’s conservationist visions of future development, however, did not needlessly align with the economic visions of local business owners, capitalists, or fishermen.¹⁶⁹⁶

13.3 Canneries: *The Presence of an Absence*

A central feature of fisheries administration in the Yukon riverlands at the turn of the century is the absence of large-scale industrial fisheries: of salmon canneries. In stark contrast to southern regions of Alaska and British Columbia, the Yukon riverlands did not see attempts at industrializing fisheries to an extent depicted by U.S. fisheries agent Joseph Murray in 1895 in strikingly asymmetrical terms,

Let it be borne in mind that all the canning factories in Alaska are owned by three or four corporations in San Francisco, who have millions invested in the salmon-canning industry, but who have no interest in the development of Alaska, and who, as a matter of fact, do not add one dollar to the wealth of the young Territory from which they take millions of dollars annually.¹⁶⁹⁷

Between 1878 and 1902, the production of canned salmon in Alaska had drastically increased from an initial two canneries producing 8,159 packs of canned salmon to 64 factories with a total output of 2,536,824 packs.¹⁶⁹⁸ The fish were caught, processed, and exported primarily to European

¹⁶⁹⁵ See, Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 181-82, 90-98.

¹⁶⁹⁶ Karl Jacoby has produced an account of the fundamentally contested character of conservation in the United States presenting a narrative that foregrounds the violent implications of and the experiences of rural communities in late 19th century North America with conservationist policies; see, Jacoby, *Crimes against Nature: Squatters, Poachers, Thieves, and the Hidden History of American Conservation*. See also, Ogden, *Swamplife: People, Gators, and Mangroves Entangled in the Everglades*.

¹⁶⁹⁷ Joseph Murray, "Report of Special Agent Murray on the Salmon Fisheries in Alaska," in *Seal and Salmon Fisheries, and General Resources of Alaska*, ed. U.S. House of Representatives (Washington D.C.: U.S. Government Printing Office, 1898), 406.

¹⁶⁹⁸ U.S. Bureau of Fisheries, "The Salmon Fisheries of the Pacific Coast," ed. U.S. Department of Commerce and Labor (Washington D.C.: U.S. Government Printing Office, 1911), 134-35.

markets as valuable commodities. The total value of exported canned salmon from the United States to Europe between 1900 and 1910 increased from an initial \$1,881,725 to \$4,712,182.¹⁶⁹⁹ Geographically, canneries in Alaska concentrated on the southeast, the Gulf of Alaska, and the Bristol Bay area, all of which intimately connected to the maritime transportation network spreading southwards to the major port cities of Vancouver, Seattle, and San Francisco.¹⁷⁰⁰ In British Columbia, the export of salmon started with Hudson's Bay Company traders curing salmon for the lucrative maritime trade networks connecting the Pacific Northwest with markets in Asia, particularly with China.¹⁷⁰¹ Canneries were also strategically well-positioned along the coastlines of the Pacific Northwest and the northern Pacific to profit from the fact that the anadromous fish returning to their spawning grounds would not have already used up most of the fat they had accumulated, their sole energy supply through a long journey. In the late 19th century, industrial fisheries were a rapidly growing business: Only a few years after canneries had been established in British Columbia in the early 1870s, more than 200 tons of sockeye salmon were being processed in the province.¹⁷⁰² At the turn of the century, the fisheries industries in British Columbia, Washington State, and in Alaska reached a temporary peak, struggling, however, with declining salmon runs and overfishing.¹⁷⁰³ Unbridled growth of Alaska's canneries drew criticism from conservationists. Democratic Congressman William Sulzer noted in 1902, for instance, "it is a said commentary on our civilization that by reason of our lack of judgement and foresight we have allowed the most valuable fish of the Atlantic to be exterminated, and we have allowed the larger wild animals of our country to become practically extinct."¹⁷⁰⁴ Dipped in fin-de-siècle politics of extinction, Sulzer was mobilizing support for an expansion of federal subsidies for the establishment of hatcheries in Alaska, factories in which salmon were artificially reproduced and then released into the Pacific to be caught at a later date.¹⁷⁰⁵

Compared to the expansion of large-scale fisheries industries in the Pacific Northwest, the Yukon riverlands appeared almost surreally 'untouched'. In the United States, the Yukon River and its

¹⁶⁹⁹ See *ibid.*, 141-45.

¹⁷⁰⁰ See, Arnold, *The Fishermen's Frontier: People and Salmon in Southeast Alaska*, 52-65, 77-90; Coen, "Owning the Ocean: Environment, Race, and Identity in the Bristol Bay, Alaska, Salmon Fishery, 1930-1938," 136-37.

¹⁷⁰¹ See, John F. Roos, *Restoring Fraser River Salmon: A History of the International Pacific Salmon Fisheries Commission, 1937-1985* (Vancouver: Pacific Salmon Commission, 1991), 10.

¹⁷⁰² Harris, *Fish, Law, and Colonialism: The Legal Capture of Salmon in British Columbia*, 39.

¹⁷⁰³ See, Roos, *Restoring Fraser River Salmon: A History of the International Pacific Salmon Fisheries Commission, 1937-1985*, 10-13; Taylor, *Making Salmon: An Environmental History of the Northwest Fisheries Crisis*, 89, 122-23; Arnold, *The Fishermen's Frontier: People and Salmon in Southeast Alaska*, 57-60; Wadewitz, *The Nature of Borders: Salmon, Boundaries, and Bandits on the Salish Sea*, 74-75.

¹⁷⁰⁴ U.S. House of Representatives, "Salmon Fisheries of Alaska: Hearing of the Committee on the Territories and United States Congress," U.S. House of Representatives (Washington D.C.: U.S. Government Printing Office, 1902), 1-2.

¹⁷⁰⁵ See, Tyrrell, *Crisis of the Wasteful Nation: Empire and Conservation in Theodore Roosevelt's America*, 13-17.

salmonid ecologies were largely ignored by industrialists and U.S. fisheries administrators. The 1906 *Act For the protection and regulation of the fisheries of Alaska*, for example, was specifically tailored to regulate canneries and hatcheries in Alaska, administering the growth of Alaska's large-scale fisheries industry.¹⁷⁰⁶ Ordered to assess the economic potential of Yukon River salmon stocks in 1907, U.S. fisheries agent John N. Cobb, frustrated with the lack of reliable transportation facilities connecting Bristol Bay with the delta of the Yukon River, eventually contended himself with a short entry in his diary quoting a list of Yukon River salmon species that had already been published in the report of the U.S. Revenue Steamer *Nunivak* operating on the lower Yukon River between 1899 and 1901.¹⁷⁰⁷ In fact, concerns over the economic implications of the lack of adequate transportation infrastructures to support the establishment of large-scale industrial fishing on the lower Yukon River constituted a key argument for the U.S. Bureau of Fisheries' reluctance to promote industrial fishing on the Yukon River despite the steadily increasing output of Alaska's canneries in the early 1900s and a total investment of more than \$30,000,000 in 1914 alone.¹⁷⁰⁸ "The lack of transportation facilities and the high cost of putting up a pack," argued federal agents in 1915, "would not justify the undertaking."¹⁷⁰⁹ High costs for the transportation of goods and supplies into the riverlands had the corresponding effect of increasing local communities' dependence on endemic species such as salmon.

[...] the wisdom of such an enterprise [the establishment of canneries on the lower Yukon River] [...] is very doubtful, as the Yukon plays a peculiar rôle [in original] in maintaining and supplying a very necessary article of food for natives and whites, as well as for dogs. [...] There is a strong prejudice against the establishment of canneries on the lower Yukon [...] as it could mean cutting off or greatly reducing the supply of salmon up the river, the result of which would be great privation and hardship to the people of that district.¹⁷¹⁰

"Therefore," the authors concluded, "under present conditions the Yukon should remain undisturbed commercially in its production of salmon save for local needs."¹⁷¹¹ In the vast colonial-

¹⁷⁰⁶ See, Secretary of State and Congress, "The Statutes at Large of the United States of America from December 1905 to March 1907: Concurrent Resolutions of the Two Houses of Congress and Recent Treaties, Conventions, and Executive Proclamations," ch. 3547.

¹⁷⁰⁷ See letter from unidentified author, likely U.S. Commissioner of Fisheries Hugh McCormick Smith, to John N. Cobb, agent of the U.S. Bureau of Fisheries, Apr. 30, 1907, in: University of Washington Libraries & Archives, Special Collections, John N. Cobb Papers, Box 2, File 11; John N. Cobb diary entry Aug. 11, 1907, in: University of Washington Libraries & Archives, Special Collections, John N. Cobb Papers, Box 7, File 4, 2nd Diary; J. C. Cantwell, "Report of the Operations of the U.S. Revenue Steamer *Nunivak* on the Yukon River Station, Alaska, 1899-1901," ed. U.S. Treasury Department (Washington D.C.: U.S. Government Printing Office, 1902), 289.

¹⁷⁰⁸ See U.S. Bureau of Fisheries, "Alaska Fisheries and Fur Industries in 1914," ed. U.S. Department of Commerce and Labor (Washington D.C.: U.S. Government Printing Office, 1915), 36.

¹⁷⁰⁹ *Ibid.*, 49.

¹⁷¹⁰ *Ibid.*

¹⁷¹¹ *Ibid.*

economic networks of the Pacific Northwest, the Yukon riverlands were described in terms of need-based rather than export-oriented economies. In Canada, the absence of an export-oriented, profit-driven fisheries industry in the Yukon riverlands was cited as a reason for loosening fisheries regulations. In 1912, Yukon Commissioner George Black, for instance, argued that fish stocks in the Yukon Territory were sufficient in numbers to supply the territory's comparatively small commercial fishery.

The fishing industry in this territory will not, under present conditions, ever attain any great proportion. A few men engage in fishing to supply the local market, which is very limited. No fish are exported, and they are not used except as freshly caught. There are no canning factories or other industries which will destroy them in large numbers. Under the present regulations, fishermen, in order to catch any fish at all, must in doing so, violate the law, rendering themselves liable to fine and to forfeiture of their boats and gear.¹⁷¹²

Both the abundance of fish and the inexistence of industrial fisheries would not justify what Black saw as an overly cautious conservationist attempt aimed at reducing the maximum mesh size of gillnets permitted in the territory. Unlike fisheries in British Columbia or in Alaska, fish caught in the Yukon Territory was delivered to restaurants in Dawson City or Whitehorse, to local fish- and meat-markets, or to the steamboats oscillating between the various ports on the Yukon River.¹⁷¹³ It was a regional rather than a global-oriented market. Strict prohibitions on the export of fish beyond the territorial boundaries of the Yukon Territory strengthened the regionality of commercial fisheries operations.¹⁷¹⁴ The absence of export-oriented processing plants, important workplaces for immigrants from China or Japan, may also have contributed to the comparatively small number of immigrants of Asian descent living in the Yukon riverlands' economic centers.¹⁷¹⁵

The absence of canneries also had implications to Indigenous nations in the Yukon riverlands. In British Columbia, the emergence of industrial fisheries and fisheries administration went hand in hand with the establishment of reserves systematically pushing members of First Nations into the wage economy and opening-up exclusive Indigenous fisheries to corporate interests.¹⁷¹⁶ Historian

¹⁷¹² Letter from Yukon Commissioner George Black to J. D. Hazen, Canadian Minister of Marine & Fisheries, June 21, 1912, pp. 1-2, in: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 363, File 3198.

¹⁷¹³ See, letter from Horace T. McKay, Inspector of Fisheries for the Yukon Territory, to F. Gourdeau, Deputy Minister of Marine & Fisheries Canada, Dec. 20, 1907, pp. 1-2, in: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 328, File 2801; also, letter from Baldo Jelich, Dawson City, to the Canadian Minister of Marine & Fisheries, Apr. 15, 1910, pp. 3-4, in: *ibid.*

¹⁷¹⁴ "The amount of fish taken from the lake [Lake Laberge] is regulated entirely by the demand of the City of Dawson and the boats running on the river, and as no fish are exported the local consumption could not materially deplete the lake", cit. in: Memo prepared by R. N. Venning, Superintendent of Fisheries, to Louis H. Davies, Canadian Minister of Marine & Fisheries, Feb. 22, 1907, in: LAC, RG 23, DFO Central Registry Files, Vol. 328, File 2801.

¹⁷¹⁵ See, chapter 11.6 of this dissertation.

¹⁷¹⁶ See, Dianne Newell, *Tangled Webs of History: Indians and Law in Canada's Pacific Coast Fisheries* (Toronto; Buffalo; London: University of Toronto Press, 1993).

Douglas Harris argued that, in British Columbia, the doctrine of ‘common property’ and ‘the public right to fish’ was wielded as a core instrument in creating and ultimately dissolving Indigenous nations’ access to fisheries and fishing sites.¹⁷¹⁷ Prior to the arrival of colonial administrators and colonizers, Indigenous nations had developed practices to regulate, coordinate, and also to fight over access to and use of fish.¹⁷¹⁸ The introduction of ‘public rights to fish’ and of doctrines of exclusive property, Harris argues, was tailored to systematically dismantle pre-colonial practices of regulating fisheries and thus to open Indigenous fisheries to non-Indigenous, colonizing populations—sometimes by simply ignoring pre-colonial regulatory frameworks or by outrightly denying their existence.¹⁷¹⁹ One of the central tactics in achieving the strategic goal of implementing fisheries regimes based on notions of common property and of industrializing fisheries was the creation of a distinct Indigenous ‘food’ or subsistence fishery.¹⁷²⁰ Through legal means and administrative protocols, First Nations fisheries in British Columbia were confined to the realm of subsistence. First Nations fisheries were envisioned as serving subsistence purposes while First Nations fishers were employed by canneries and pulled into the colonial wage economy.¹⁷²¹ However, in British Columbia, “[t]hose Natives who worked or who were deemed capable of working in the wage economy were not eligible for food fishing permits [...]”¹⁷²². With other words, the distinction between a market- and a need-based economy served as an effective instrument to dissolve Indigenous fisheries altogether. These processes were motivated by the expansion of industrial fisheries, canneries’ never ceasing appetite for additional fishing grounds that had previously been untouched.

At first glance, the situation in the Yukon riverlands where industrial fisheries were absent still appears strikingly similar to Harris’ findings.¹⁷²³ For instance, only very rarely did members of Yukon First Nations acquire commercial fishing licenses in the Yukon Territory. Of 19 applications for a commercial fishing license in 1910, only one application was registered originating from Hän Hwëch’in Chief Billy Silas.¹⁷²⁴ At the same time, Yukon fisheries regulations and the Canadian

¹⁷¹⁷ See, Harris, *Fish, Law, and Colonialism: The Legal Capture of Salmon in British Columbia*, 27-43; *Landing Native Fisheries: Indian Reserves and Fishing Rights in British Columbia, 1849-1925*, 106-11.

¹⁷¹⁸ See, e.g., Joshua L. Reid, *The Sea Is My Country: The Maritime World of the Makahs* (New Haven; London: Yale University Press, 2015), 59-60.

¹⁷¹⁹ See, Harris, *Landing Native Fisheries: Indian Reserves and Fishing Rights in British Columbia, 1849-1925*, 188-92. See also, Greer, *Property and Dispossession: Natives, Empires, and Land in Early Modern North America*, 259-64.

¹⁷²⁰ See, Newell, *Tangled Webs of History: Indians and Law in Canada's Pacific Coast Fisheries*, 62-65; Harris, *Landing Native Fisheries: Indian Reserves and Fishing Rights in British Columbia, 1849-1925*, ch. 6.

¹⁷²¹ See, Newell, *Tangled Webs of History: Indians and Law in Canada's Pacific Coast Fisheries*, 87-95.

¹⁷²² Harris, *Landing Native Fisheries: Indian Reserves and Fishing Rights in British Columbia, 1849-1925*, 111.

¹⁷²³ See, Green, "The Tr'ondëk Hwëch'in and the Great Upheaval: Mining, Colonialism, and Environmental Change in the Klondike, 1890-1940," 292-93.

¹⁷²⁴ See, LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 363, File 3199; LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 328, File 2801.

Fisheries Act held that members of Indigenous nations were exempt from acquiring a fishing license “[...] when they engage in fishing for their own use [...]”¹⁷²⁵. Commercial fishing, even in the form of the comparatively small-scale fisheries prevalent in the Yukon Territory, was strictly considered a ‘white man’s business’.¹⁷²⁶ In 1910, Frederick T. Congdon, the Yukon Territory’s representative in the Canadian Parliament, inquired with the Department of Marine & Fisheries whether Yukon First Nations could be granted a general permission to fish and “[...] to sell their catch to the public”¹⁷²⁷ without the imposition of a license fee.

Many applications are being made by Indians who desire to fish in legal fashion for permission to sell their catch to the public. Under existing regulations, it is of course impossible for the Fishery Officer or the Commissioner of the Territory to give such permission. The result is that the Indians are practically deprived of one of two modes they have of making an independent living. No Indian ever has enough money to pay the fee for the license. It is of course desirable that the Indians be assisted in making an independent living, as otherwise they must depend entirely upon Government support. I urge upon you the desirability of considering whether it is not in the public interest that the Indians be permitted to catch and sell fish without any permit. Such freedom will, I think, help largely to make them independent.¹⁷²⁸

In his reply, A. Johnston, Canadian Deputy Minister of Marine & Fisheries, stressed that “when [...] Indians enter into competition with white fishermen in a commercial way, the case is entirely different and from the experience gained in the different parts of Canada, the Department really does not see that it would be well to allow Indians to engage in commercial fishing without exercising control over the operations involved in requiring them to take out Licenses”¹⁷²⁹. In the 1892 fisheries regulations for the Province of Manitoba and the Northwest Territories, legal predecessors to the regulatory apparatus installed in the Yukon Territory some six years later, the Canadian federal government ensured that Indigenous nations’ fisheries remained strictly confined to the realm of ‘food’, and that on the other hand, commercial ventures by immigrant, settler fishermen were both legally and economically protected by barring Indigenous fishermen from

¹⁷²⁵ Letter from A. Johnston, Canadian Deputy Minister of Marine & Fisheries, to Frederick T. Congdon, Member of Parliament for Yukon Territory, Aug. 15, 1910, in: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 328, File 2801.

¹⁷²⁶ See, Green, "The Tr'ondëk Hwëch'in and the Great Upheaval: Mining, Colonialism, and Environmental Change in the Klondike, 1890-1940," 296-97.

¹⁷²⁷ Letter from Frederick T. Congdon, Member of Parliament for the Yukon Territory, to the Canadian Minister of Marine & Fisheries, July 14, 1910, in: LAC, RG 23, DFO Central Registry Files Old Filing System, Vol. 328, File 2801.

¹⁷²⁸ Ibid.

¹⁷²⁹ Letter from A. Johnston, Canadian Deputy Minister of Marine & Fisheries, to Frederick T. Congdon, Member of Parliament for Yukon Territory, Aug. 15, 1910, in: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 328, File 2801.

selling their catch to restaurants, for instance, or hotels during closed seasons from which Indigenous fisheries were exempted.¹⁷³⁰

16. These regulations shall apply to Indians and half-breeds, as well as to settlers and all other persons; provided always, that the Minister of Marine and Fisheries may from time to time set apart for the exclusive use of the Indians, such waters as he may deem necessary, and may grant to Indians or their bands, free licenses to fish during close seasons, for themselves or their bands, for the purposes of providing food for themselves, but not for the purpose of sale, barter or traffic. [...]

18. No trader, peddler, hawker or any other person whomsoever, shall engage in buying, trading, or otherwise obtain or be in possession of fish of any description, caught or killed by Indians, half-breeds, or any other person whomsoever, on any Indian reserve, or elsewhere during the close season fixed by law, and in which Indians are permitted by license or otherwise to catch fish for the sole purpose of providing food for themselves or their bands.¹⁷³¹

Economic barriers erected through legislation such as the *Indian Act* such as the difficulty of acquiring credit may well have contributed to confine Indigenous nations' fisheries to 'food fisheries' and to the realm of 'subsistence'.¹⁷³²

However convincing, Harris' narrative of fisheries development in British Columbia should not be mistaken for an encompassing description of Indigenous fisheries in the Yukon Territory. One of the reasons, of course, is that administrative regulations did not necessarily align with the actual practices of colonial officials. In summer 1909, for instance, Hän Hwëch'in Chief Billy Silas from Moosehide¹⁷³³ complained that "[...] the fishermen in Dawson will not allow the Indians to sell salmon in town"¹⁷³⁴ (see, fig. 53).

Some of our people went to Dawson on Saturday, but had to return with their fish not having been allowed to offer them for sale. We wish to know if we are at liberty to sell salmon, and if so, to ask for protection when interfered with.¹⁷³⁵

Upset about increasing control of their fisheries operations, commercial fishermen from Dawson City (in this case, Vincent Fabris) barred Indigenous competitors from accessing the local market

¹⁷³⁰ See, Green, "The Tr'ondëk Hwëch'in and the Great Upheaval: Mining, Colonialism, and Environmental Change in the Klondike, 1890-1940," 300.

¹⁷³¹ Fishery Regulations for the Province of Manitoba and the North-West Territories by Order in Council, prepared by John G. McGee, Clerk of the Privy Council, Jan. 4, 1892, p. 5, in: LAC, RG 10, Vol. 3755, File 30979-4.

¹⁷³² See, Harris, *Landing Native Fisheries: Indian Reserves and Fishing Rights in British Columbia, 1849-1925*, 91.

¹⁷³³ See, Simeone and Mishler, *Hän/Hän Hwëch'in: People of the River, an Ethnography and Ethnohistory*, 16; Green, "The Tr'ondëk Hwëch'in and the Great Upheaval: Mining, Colonialism, and Environmental Change in the Klondike, 1890-1940," 303.

¹⁷³⁴ Letter from Hän Hwëch'in Chief Billy Silas (Moosehide) to RNWMP corporal J. J. McCarvell (Dawson City), July 12, 1909, in: Yukon Archives, GOV 1888, File 2019.

¹⁷³⁵ Ibid.

and threatened Hwëch'in with arrest if they were to continue with the (illegal) practice of selling their catch to Dawson's restaurants. Apparently, Hwëch'in were caught by surprise which, together with Chief Silas' protest to the Canadian police, indicates that the practice of Indigenous fishermen catching salmon and selling the fish to local buyers was well-established. The police too did not know whether these arrangements were to be considered legal or illegal under Canadian law which is why they contacted the Inspector of Fisheries.

Det Schoenbeck [...] interviewed Horace McKay 'Fishery Inspector' and he informed Schoenbeck that it was contrary to the Fishery Act for Indians to sell fish but that *he never paid any attention to Indians selling fish, and did not intend to unless absolutely compelled to do so* [...]¹⁷³⁶

Apparently, Horace McKay deliberately decided to refrain from the enforcement of both the Fisheries Act and territorial fisheries regulations.¹⁷³⁷ While it may seem that Indigenous fishermen were practically exempt from the exclusivist logics inherent to fisheries regulations, this appearance proves treacherous as well. Although McKay did not enforce fisheries regulations directly, he contacted the restaurants who had acquired fish from Hwëch'in fishermen and "[...] informed them that if they continued to buy fish from the Indians, they were liable to be fined: they said they would not do so again"¹⁷³⁸. Thus, effectively, McKay cut Indigenous fishermen off from their buyers and thereby actively reduced the numbers of customers acquiring fish from Indigenous fisheries. Given these experiences, it may not wonder that Chief Silas was acquiring a commercial fisheries license in the following year, thereby legalizing the catches Hwëch'in fishermen produced.¹⁷³⁹

¹⁷³⁶ Letter from RNWMP corporal J. J. McCarvell (Dawson City) to the commanding officer of 'B' Division, July 17, 1909, in: Yukon Archives, GOV 1888, File 2019; emph. AMW.

¹⁷³⁷ See, Green, "The Tr'ondëk Hwëch'in and the Great Upheaval: Mining, Colonialism, and Environmental Change in the Klondike, 1890-1940," 303-05.

¹⁷³⁸ Ibid.

¹⁷³⁹ See, Simeone and Mishler, *Han/Hän Hwëch'in: People of the River, an Ethnography and Ethnohistory*, 16-17.



Figure 53: Moosehide in 1936 with salmon drying on fish racks on the left, Picture: 94/76 #28 (PHO 347), Robert Storm Fonds, Yukon Archives. Courtesy of the Yukon Archives.

13.4 Salmon Fisheries, Humanitarianism, and the Contradictions of Settler Colonial Capitalism

When Chief Silas protested the incursion of Dawson's commercial fishermen in 1909, he was concerned about being barred from selling salmon, a species of fish extremely significant to the upper Yukon riverlands. Apart from the coho salmon (*Oncorhynchus kisutch*), there are two particularly important salmon species in the Yukon River drainage system: the king or chinook salmon (*Oncorhynchus tshawytscha*) and the chum or dog salmon (*Oncorhynchus keta*).¹⁷⁴⁰ Salmon have been used as a significant protein source both for humans and dogs, and as a highly valuable item in far-reaching networks of trade and exchange.¹⁷⁴¹ Without food for dogs, there would be no traveling in the winter; and without winter travels, there would be no hunting or fishing, no transport of letters or goods, or, for that matter, no execution of governmental oversight.¹⁷⁴² Aside from their socio-economic function, ecological research suggests that salmon migrating to their spawning pools upriver constitute a foundational element of the ecosystems of the boreal forest. Trees such as white and black spruce, trembling aspen, or various species of birches and of willows

¹⁷⁴⁰ A summary of the different species of salmon inhabiting the Yukon riverlands is provided by, Yukon, "Yukon Freshwater Fishes," 20-22.

¹⁷⁴¹ See, e.g., Moncrieff, "Traditional Ecological Knowledge of Customary Trade of Subsistence Harvested Salmon on the Yukon River," 34; Brown et al., "Customary Trade and Barter as Part of a Continuum of Exchange Practices in Three Upper Yukon River Region Communities: Fort Yukon, Manley Hot Springs, and Venetie," 102-07.

¹⁷⁴² See Nelson, *Hunters of the Northern Forest: Designs for Survival among the Alaskan Kutchin*, 68-70.

inhabit the riverlands together with countless species of bushes and fungi.¹⁷⁴³ Low temperatures in the winter and a short but intensive growing season with up to 24 hours of daylight provide a baseline rhythm not only to terrestrial but also to marine environments. During the short summer, algae bloom at the mouth of the Yukon River and in the comparatively shallow Bering Strait laying the foundation of extensive marine food-webs in the northern Pacific—and thus also for Yukon River and other salmon stocks.¹⁷⁴⁴ In the interior of the Yukon riverlands, intensive solar radiation during the summer months is used to build-up plant biomass and vegetation as well.¹⁷⁴⁵ Beyond the summer season, the energy supply in the boreal forests appears to be severely limited and the conditions for energy intake appear to be far from optimal due to interplay of low temperatures and moisture, a situation in which the annual migration of salmon appears even more significant.¹⁷⁴⁶

Compared with other regions in Canada, the extensive migration routes of Yukon River salmon posed a unique set of challenges to colonial administrators. In contrast to British Columbia where industrial fisheries were utilizing large-scale netting of salmon in the tidal waters, commercial fishermen in the Yukon Territory lacked direct access to the coast, a problem resulting from drawing the boundaries of colonial empires. Salmon migrating upriver to spawn in sections of the riverlands claimed by the Canadian Confederation had—and still have—to pass through Alaska

¹⁷⁴³ For an overview over vegetation in the Yukon riverlands see, Kirsten A. Reid, Donald G. Reid, and Carissa D. Brown, "Patterns of Vegetation Change in Yukon: Recent Findings and Future Research in Dynamic Subarctic Ecosystems," *Environmental Reviews* 30, no. 3 (2022): 381, 82-86. Also, David K. Swanson, "A Comparison of Taiga Flora in North-Eastern Russia and Alaska/Yukon," *Journal of Biogeography* 30, no. 7 (2003); Wayne L. Strong, "Ecoclimatic Zonation of Yukon (Canada) and Ecoclimatic Variation in Vegetation," *Arctic* 66, no. 1 (2013).

¹⁷⁴⁴ For an overview of primary and secondary production in marine ecology see, Levinton, *Marine Biology: Function, Biodiversity, Ecology*, 77-78, 258-76; Kaiser et al., *Marine Ecology: Processes, Systems, and Impacts*, ch. 2, ch. 3, ch. 4. The literature about the marine food webs of the Bering Sea and the northern Pacific Ocean is extensive and thus eludes a detailed discussion. Here, it is especially important to stress the structural linkage between seasons (in terms both of *direct* effects such as solar radiation and *indirect* effects such as ocean currents) and primary production; see, e.g., Zheng et al., "Mechanisms of Persistent High Primary Production during the Growing Season in the Chukchi Sea."; Park et al., "Contribution of Small Phytoplankton to Primary Production in the Northern Bering and Chukchi Seas."; Nielsen et al., "Spring Phytoplankton Bloom Phenology during Recent Climate Warming on the Bering Sea Shelf." In recent years, marine biologists, ecologists, and oceanographers have increasingly focused attention to both potential and actual transformations of marine ecologies in the northern Pacific Ocean due to climate change and global warming; see, e.g., Lovvorn et al., "Projecting the Effects of Climate-Driven Changes in Organic Matter Supply on Benthic Food Webs in the Northern Bering Sea."; Whitehouse and Aydin, "Assessing the Sensitivity of Three Alaska Marine Food Webs to Perturbations: An Example of Ecosim Simulations Using Rpath."; Whitehouse et al., "Bottom-up Impacts of Forecasted Climate Change on the Eastern Bering Sea Food Web."; Nguyen et al., "Climate Warming-Driven Changes in the Flux of Dissolved Organic Matter and Its Effects on Bacterial Communities in the Arctic Ocean: A Review."

¹⁷⁴⁵ For an overview over the ecology of the boreal forest see, Beierkuhnlein, *Biogeographie: Die Räumliche Organisation Des Lebens in Einer Sich Verändernden Welt*, 251-53; Schultz, *Die Ökozonen Der Erde*, 151-74. For recent research into the dynamics of the nitrogen cycle under changing arctic and subarctic conditions see, e.g., Salazar et al., "Faster Nitrogen Cycling and More Fungal and Root Biomass in Cold Ecosystems under Experimental Warming: A Meta-Analysis."; Westergaard-Nielsen, Christiansen, and Elberling, "Growing Season Leaf Carbon:Nitrogen (C:N) Dynamics in Arctic Tundra Vegetation from Ground and Sentinel-2 Observations Reveal Reallocation Timing and Upscaling Potential."

¹⁷⁴⁶ See, Schultz, *Die Ökozonen Der Erde*, 164-66. As Deborah A. Repert et al. suggest, the cycling of nitrogen in arctic ecosystems is primarily conditioned by specific, highly localized ecological assemblages and communities (internal processing) rather by the intake of nutrients circulating in the water of the rivers (external supply); see, Repert et al., "Nitrogen Cycling Processes and Microbial Community Composition in Bed Sediments in the Yukon River at Pilot Station."

and cross the international border between the United States and Canada to reach their final destination.¹⁷⁴⁷ In the interior, the fish have to cross the 141st meridian either close to Forty Mile (between Eagle and Dawson) or close to New Rampart House (between Fort Yukon and Old Crow) to continue their journeys; and in the south of the Yukon Territory, the Alsek River which is not considered a part of the Yukon River mainstem offers a home to coho, chum, chinook, and sockeye (*Oncorhynchus nerka*) salmon inhabitants traversing through Alaska first before entering sections of the drainage claimed by Canada.¹⁷⁴⁸

Likewise, the 141st meridian hindered Canadian fishermen from catching salmon at the mouth of the Yukon river when the fish had just recently started ascending the Yukon River and were thus still rich in fat. At the turn of the century, when Sever Running was complaining about his rights to fish and when the conflict between W. A. Clark and David H. Hume was escalating, the Department of Marine & Fisheries adopted a rather pragmatist position towards salmon fishing in the Yukon Territory. Pointing downriver to the Alaskan sections of the Yukon River where fishing for salmon was factually deregulated and decoupled from government oversight, the department opened salmon fisheries to anybody willing and financially able to acquire a fishing license.¹⁷⁴⁹ Crucially, DMF policy left open the problem of determining which type of license was required to fish for salmon and, accordingly, whether it was allowed to sell the catch on local markets. According to the Canadian *Fisheries Act*, however, outside of tidal waters, salmon was to be treated drastically different than freshwater fisheries such as the whitefish or Arctic grayling fisheries in the Yukon riverlands. Section 16 of the *Fisheries Act* held that salmon could not be fished by using gillnets which effectively stalled the commercial exploitation of fish in the Yukon Territory. Salmon were to be fished only by using rod and line, and the catch was not to be sold or exchanged.¹⁷⁵⁰ Thus, conceptually, salmon was excluded from commercial exploitation until fisheries regulations for the Yukon Territory were to be amended to allow for the commercialization of salmon fisheries

¹⁷⁴⁷ The eco-political dimensions of salmon migration have been touched in an anthropology essay by Gro B. Ween and Heather Swanson who consider the emergence of fisheries science and particularly the ‘discovery’ of the concept of the spawning ground as the starting point for the development of ownership claims by states to migrating salmon; see, Gro B. Ween and Heather Anne Swanson, "How the Salmon Found Its Way Home: Science, State Ownership, and the Domestication of Wild Fish," in *Domestication Gone Wild: Politics and Practices of Multispecies Relations*, ed. Heather Anne Swanson, Elisabeth Marianne Lien, and Gro B. Ween (Durham; London: Duke University Press, 2018), 206-09. While I do not contend their general findings, I claim that the narrative lacks both historical nuance and attention to the intricate workings of colonial legal systems (apart from scientific understandings of ‘home’ and spawning ground).

¹⁷⁴⁸ See, Yukon, "Yukon Freshwater Fishes," 20-22. For additional information about the Alsek River watershed and adjacent riverine systems see, Ryan K. Danby and D. Scott Slocombe, "Regional Ecology, Ecosystem Geography, and Transboundary Protected Areas in the St. Elias Mountains," *Ecological Applications* 15, no. 2 (2005).

¹⁷⁴⁹ See, letter from F. Gourdeau, Canadian Deputy Minister of Marine and Fisheries, to Theophilus A. Stewart, appointed Fishery Inspector to the Yukon Territory, Jan. 30, 1900, p. 3, in: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 328, File 2813.

¹⁷⁵⁰ See, "Revised Statutes of Canada, 1906: Proclaimed and Published under the Authority of the Act 3 Edward VII., Chap. 61 (1903)," (Ottawa: S. E. Dawson, 1906), ch. 45, sec. 16.

in the territory. Focusing attention solely on the regulatory frameworks established by fisheries administrators in Ottawa obviously overstates both the relevance of the federal government to and the actual knowledge of Ottawa's bureaucrats about the practical situation in the Yukon Territory. In apparent violation of Canadian fisheries regulations, Chief Silas' protest letter, for instance, illustrates that the annual migration of salmon was in fact an important factor stabilizing regional economies. Fishermen selling their catches of salmon to local restaurants and markets provided staple foods that would otherwise have had to be replaced by imported foodstuffs or by game hunted in the vicinity of the larger settlements.¹⁷⁵¹

Between 1900 and 1906—during the time Theophilus A. Stewart was assigned to oversee the Yukon Territory's fisheries inspectorate—, salmon fisheries were essentially ignored by the Inspector of Fisheries. Neither did federal officials know about the extent of salmon fishing in the upper Yukon riverlands nor about its economic or social significance, or about the ecological situation of upper Yukon River salmon stocks. That fishermen in the vicinity around Dawson clearly fished for salmon—and likely so with 'commercial' intentions—is illustrated, for instance, by John T. Lee complaining, “[...] from 1898 up to the fall of last year the Dawson Fish Inspector has allowed four or five Italian professional fisherman [in original] who had taken out Salmon fishing licenses to set hundreds of two to three inch mesh nets [...] about the mouth of and for several miles up the Klondyke river and protected said fishermen by stopping all anglers who would take his bluff”¹⁷⁵². After 1909, the department explicitly advised the Yukon fisheries inspectorate for recording the species of fish that the applicants of fisheries licenses intended to catch. In an instant, more than 25% of applicants officially applied for the fishing of salmon both domestically and commercially.¹⁷⁵³ In 1906, a full six years after appointing Stewart as fisheries overseer, the DMF was entirely taken by surprise to learn that fishermen in the vicinity around Dawson had apparently been catching salmon for years. Henry Desborough, a fisherman from Dawson City, complained that he had been “[...] fishing for salmon etc. here for several years + the former fish commissioner (Mr. Stewart) always allowed four men to fish in a boat on one license”¹⁷⁵⁴. The appointment of Stewart's successor, Horace T. McKay, had shaken up these arrangements. “The new fish commissioner [...]”, Desborough continued, “is trying to collect four licenses on a boat—

¹⁷⁵¹ Robert McCandless provides own estimates in relation to game hunted in the vicinity around Dawson City to supply the local market; see, McCandless, *Yukon Wildlife: A Social History*, 46-48.

¹⁷⁵² Letter from John T. Lee, Dawson City, to L. P. Brodeur, Minister of Marine & Fisheries, Apr. 13, 1907, pp. 1-2, in: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 363, File 3198.

¹⁷⁵³ Calculations by AMW, on the basis of (1) LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 363, File 3199; (2) LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 328, File 2801.

¹⁷⁵⁴ Letter from Henry Desborough, Dawson City, to the Canadian Minister of Marine & Fisheries, May 24, 1906, p. 1, in: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 328, File 2801.

one for each man in the boat. This, I think he has no right [illegible] [...]”¹⁷⁵⁵. Desborough’s letter put a finger in a wound that had already started to fester: Obviously Ottawa was lacking both factual knowledge about and the abilities to effectively control fisheries operations in the Yukon Territory, a dangerous combination that federal officials sought to address both swiftly and aggressively,

Hitherto the information which the Department has received from the Inspector of Fisheries for the Yukon District has been very vague, and has not covered any statistical information which would enable it to judge of the relative importance of the various sections, and the nature and character of the fish frequenting these regions.

It is noticed that Mr. Desborough states that he has been fishing for salmon, etc., at Dawson for several years, and on examination of the Fishery Regulations, I find that when the Regulations for the North West were applied to the Yukon, only the section affecting the issue of licenses and the fees payable thereon was changed by the Order in Council. Hence there are no regulations for salmon fishing, nor is the Department aware to the extent, if any, salmon fishing is carried on, or is possible in any of the rivers or streams of the Yukon.

You are therefore enjoined to carefully read your instructions included in your appointment, dated 23rd ultimo, and endeavour as much as possible to afford the Department all information on the various points, paying particular attention to the statistical branch of your work, which has been absolutely neglected in the past, leaving the Department in the unenviable position of not having any definite information of the fisheries of this Territory.¹⁷⁵⁶

Stewart’s ignorance towards administering Yukon River salmon stocks and the resulting pressure from his superiors in Ottawa partly explains McKay’s aggressive approach subjecting Dawson’s commercial fisheries under the oversight of the federal government. Confronted with Ottawa’s apparent frustration and impatience, the freshly assigned inspector downplayed the significance of salmon fishing writing “[t]he total catch of salmon is not very great”¹⁷⁵⁷.

Salmon fishing is carried on here during the summer months of July and August on the Yukon River, only, and mostly immediately in front of Dawson by means of small boats + netts [in original]. The salmon they catch are the large King Salmon. They drift small Boats [illegible] to catch them always two men in a Boat. The late Inspector ‘Stewart’ collected a license for one man only allowing the second man as an assistant free.

¹⁷⁵⁵ Letter from Henry Desborough, Dawson City, to the Canadian Minister of Marine & Fisheries, May 24, 1906, pp. 1-2, in: *ibid.*

¹⁷⁵⁶ Letter from R. N. Venning, Ass. Commissioner of Fisheries, to Horace T. McKay, Inspector of Fisheries for the Yukon Territory, June 21, 1906, pp. 1-2, in: *ibid.*

¹⁷⁵⁷ Letter from Inspector of Fisheries Horace T. McKay to Ass. Commissioner of Fisheries R. N. Venning, July 9, 1906, p. 2, in: *ibid.*

On the later part of August and September the Indians + some white men catch the smaller salmon which are principally used for dog salmon + are known as Dog salmon.¹⁷⁵⁸

Salmon, McKay wrote, was not to be considered a significant economic variable in the Yukon Territory's commercial fisheries. The poor quality of the fish migrating upriver from the Bering Strait and burning most of their calories during their trips, the inspector argued, was hardly used for human consumption at all.

It is claimed + as far as I am able to ascertain all the salmon that come up here never return to salt water. The long trip up the Yukon River bruises & batters them to such an extent that they decay & all die. Evidence of this is seen by the number of fish that are dead in the small streams. It is only when they first come up in the spring of the season that they are fit for human food. After the early part of the season they are caught, dried & used for dog food.¹⁷⁵⁹

Why should the department, his letters suggested, bother with the administration of a fish that seems to have no economic weight in the territory and is largely used as a staple for sled dogs? Other colonial institutions painted a very different picture of salmon fisheries in the Yukon riverlands and also of the stability of salmon stocks. The Anglican missionary and future representative of the Department of Indian Affairs (DIA) in the Yukon Territory John Hawksley from Forty Mile noted with despair in 1902,

There are a few Indians here who are really in need of assistance in the way of food until the salmon came up the river. They have managed to keep themselves going until recently with rabbits, graylings and ducks, but the supply of them seem to have run out and in spite of their efforts they are in absolute need.¹⁷⁶⁰

Hawksley's warning was hardly news. As early as the summer of 1900, Anglican Bishop William C. Bompas approached the commanding officer of the North-West Mounted Police in Dawson with the dire "[...] our sick and destitute Indians"¹⁷⁶¹. According to Bompas, members of the Tr'ondëk Hwëch'in Nation living "[...] a few miles below Dawson"¹⁷⁶² at Moosehide were "[...] dying for the want of medicine and the necessities of life"¹⁷⁶³. The exchange of letters between missionaries and Canadian officials following Bompas' urgent request for a relief mission demonstrates the vital

¹⁷⁵⁸ Letter from Inspector of Fisheries Horace T. McKay to Ass. Commissioner of Fisheries R. N. Venning, July 9, 1906, p. 1-2, in: *ibid.*

¹⁷⁵⁹ Letter from Inspector of Fisheries Horace T. McKay to Ass. Commissioner of Fisheries R. N. Venning, Oct. 12, 1906, p. 4, in: *ibid.*

¹⁷⁶⁰ Letter from John Hawksley to NWMP Major Zachary T. Wood, Jan. 24, 1902, in: LAC, RG 18, Vol. 247, File 257-04.

¹⁷⁶¹ Letter from Bishop William C. Bompas to Zachary T. Wood, NWMP, July 6, 1900, in: LAC, RG 18, Vol. 247, File 257-04.

¹⁷⁶² Letter from NWMP Capt. Zachary T. Wood to Fred White, NWMP Comptroller, July 5, 1900, p. 1, in: *ibid.*

¹⁷⁶³ Letter from NWMP Capt. Z. T. Wood to NWMP comptroller July 5, 1900, p. 2, in: *ibid.*

importance of salmon to Indigenous nations in the Yukon riverlands. Repeatedly, both missionaries and Canadian police officers pointed towards salmon as a keystone species in Indigenous networks of supply.¹⁷⁶⁴ Bompas insisted, for instance, that emergency supplies provided by the Canadian police to members of the Tr'ondëk Hwëch'in would be a temporary measure dependent on the availability of fish,

I consider that this gift ought to supply their wants amply *till the salmon are running* and if they have ordinary success in fishing and prudence in keeping them they ought then to be able to live on fish till Christmas at least, so that there ought to be no more destitution till new year.¹⁷⁶⁵

Of course, the numbers of fish annually migrating back to their spawning pools has always been fluctuating. Yet, even colonial officials themselves were keenly aware of the environmental effects of the emergence of extractive industries. "As they cut timber, set fires, stripped moss, and dug up the soil," summarized environmental historian Kathryn Morse, "placer miners unleashed changes that rippled through the riverine ecosystems"¹⁷⁶⁶. Deforestation and rerouting of entire drainage systems direly affected salmon habitat when, for instance, gravels were being removed or the flows of water fundamentally altered.¹⁷⁶⁷ The introduction of steam-powered engines led to an increasing demand for lumber and thus intensified the process of deforestation.¹⁷⁶⁸ Moreover, workers in the mines needed continuous and, in the optimal case, inexpensive access to calories that they could then quickly burn in the mining districts.¹⁷⁶⁹ Even the introduction of oil-powered engines on steamboats traversing the riverlands affected riverine ecologies and specifically salmon runs. In 1909, Canadian fisheries inspector Horace T. McKay reported of his first and only (!) trip from Dawson City to Alaska's Eagle,

[...] I continued my trip on down the Yukon River stopping at several places one of which was 'Jordons' [in original] fishing station. This man complained of the small catch and blamed it on the

¹⁷⁶⁴ See also, Benedict J. Colombi, "Salmon and His People': Encounters with Global Capitalism," in *Keystone Nations: Indigenous Peoples and Salmon across the North Pacific*, ed. Benedict J. Colombi and James F. Brooks (Santa Fe: School for Advanced Research Press, 2012); Charles R. Menzies, "The Disturbed Environment: The Indigenous Cultivation of Salmon," *ibid.*; *People of the Saltwater: An Ethnography of Git Lax M'oon* (Lincoln; London: University of Nebraska Press, 2016).

¹⁷⁶⁵ Letter from Bishop William C. Bompas to Zachary T. Wood, NWMP, July 6, 1900, in: LAC, RG 18, Vol. 247, File 257-04, emph. AMW.

¹⁷⁶⁶ Morse, *The Nature of Gold: An Environmental History of the Klondike Gold Rush*, 108.

¹⁷⁶⁷ See, Willis, "The Environmental Effects of the Yukon Gold Rush, 1896-1906: Alterations to Land, Destructions of Wildlife, and Disease," 69-71; Green, "The Tr'ondëk Hwëch'in and the Great Upheaval: Mining, Colonialism, and Environmental Change in the Klondike, 1890-1940," 216-18; Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 103, 18-19.

¹⁷⁶⁸ See, Willis, "The Environmental Effects of the Yukon Gold Rush, 1896-1906: Alterations to Land, Destructions of Wildlife, and Disease," 38-44; Morse, *The Nature of Gold: An Environmental History of the Klondike Gold Rush*, 106-13; Green, "The Tr'ondëk Hwëch'in and the Great Upheaval: Mining, Colonialism, and Environmental Change in the Klondike, 1890-1940," 225-26.

¹⁷⁶⁹ See, Demuth, "Grounding Capitalism: Geology, Labor, and the Nome Gold Rush."

oil burners. He states that after the passing of one of these oil burning steamers, his nets show oil on them and also that the gills [in original] of the salmon have oil on them. Leaving this place I continued on down to the boundary line about 100 miles below Dawson. I crossed the boundary and stopped at the town of Eagle, it being the first stopping place or hotel for 25 miles. [...]

While at Eagle I met the Indian missionary of the Alaska Indians. He complained bitterly of the oil destroying the fish and that the Indians could not catch enough for the own use. These Indians as well as the Indians of the Yukon Territory are dependant [in original] on the salmon for about half their food supply.

The only steamers using oil for fuel are U.S. bottoms plying between St. Michaels [in original] and Dawson.¹⁷⁷⁰

Note here that the Canadian inspector specifically identified American-owned vessels to be responsible for degrading the ecological conditions in the riverlands. In sum, at the turn of the century, salmon were pressured from multiple angles. In Alaska, canneries were catching ever-larger numbers of fish in the northern Pacific Ocean and in the Yukon riverlands, settlement, mining, and transportation infrastructures caused the systematic and overwhelmingly destructive transformation of salmon habitat. In addition, high prices and the unpredictability of transportation pushed miners and other colonizers along the rivers to exploit local food sources to the maximum, including salmon. “The white men”, wrote police commissioner Zachary Taylor Wood in response to bishop Bompas’ initial writings, “have driven fish and game almost out of the country [...]”¹⁷⁷¹. “For reasons reported at various times”, noted A. Ross Cuthbert, NWMP superintendent from Dawson City in 1904, “chief among which is the invasion of their [Yukon First Nations] hunting grounds, by white men, the Indians are becoming more helpless and there are always many, more or less destitute among them”¹⁷⁷².

Following complaints of Anglican missionaries, the Canadian federal government quickly established an ad-hoc relief program in the Yukon Territory to provide emergency supplies to individuals and families confronted with the consequences of the decline of salmon runs.¹⁷⁷³ In July

¹⁷⁷⁰ Report from Horace T. McKay, Canadian Inspector of Fisheries for the Yukon Territory, to William A. Found, Superintendent of Fisheries, Aug. 31, 1909, p. 2, in: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 330, File 2843.

¹⁷⁷¹ Letter from Zachary T. Wood, Commissioner of the NWMP, to Fred White, NWMP Comptroller, July 5, 1900, p. 2, in: LAC, RG 18, Vol. 247, File 92-03.

¹⁷⁷² Letter from A. Ross Cuthbert, superintendent, for the Ass. Commissioner of the NWMP, Dawson City, to unidentified recipient, March 22, 1904, p. 1, in: *ibid.*

¹⁷⁷³ The role of Christian reformists and missionaries in relation both to the emergence of the welfare state and humanitarian action has often been noted; see, e.g., Barnett, *Empire of Humanity: A History of Humanitarianism*, ch. 3; Mark Elliott, “‘Our God-Given Mission’: Reconstruction and the Humanitarian Internationalism of the 1890s,” in *Reconstruction and Empire: The Legacies of Abolition and Union Victory for an Imperial Age*, ed. David Prior (New York: Fordham University Press, 2022); Ellen Cain, “‘The Primacy of Labor over Profits’: Thomas Mahony, the Beet Field

1900, the superintendent of the DIA advised the police to distribute “[...] the necessary relief [...], the cost to be covered by a Parliamentary Vote next session”¹⁷⁷⁴. In a short post scriptum, Fred White, the comptroller NWMP, instructed his subordinates in the Yukon Territory to ensure that government supplies were, however, not regarded as gifts in perpetuity but as services or rather, as transactions that would require the exchange of something in return. “Whenever possible”, he wrote, “the Indians should be required to perform labour, or supply game, skins or other commodities in return for the provisions issued to them”¹⁷⁷⁵. In 1900, costs for emergency relief amounted to merely \$86.56, but the police estimated costs to increase to a total of \$250.00 in 1901 and to \$500.00 in 1902.¹⁷⁷⁶ These figures quickly turned out to be little more than wishful thinking. In 1901 alone, costs for government supplies amounted to \$1,156.06, a breathtaking increase of 1,235.56%.¹⁷⁷⁷ Spiraling costs made the comptroller of the NWMP grow nervous. “[...] I think it would be a mistake”, he advised the superintendent of the police, “to allow them [Yukon First Nations] to suppose that the Government assume the responsibility of feeding them. I have no doubt the matter of Indians in the Yukon will receive the full consideration of the Government at an early date; in the meantime it will be better to simply issue to them only such supplies as may be necessary to prevent actual want”¹⁷⁷⁸. Expenses did not shrink, though. In 1902, the police issued vouchers of at least \$1,200.92 to their colleagues at the DIA.¹⁷⁷⁹ Also, the relief program was expanded to cover not only Moosehide, but also Forty Mile, for instance, the Klondike River, and settlements such as Whitehorse or Carcross. In one case even, a prospector claimed recompensation for handing emergency rations to Yukon First Nations. In 1902, the NWMP forwarded a voucher issued by William Craigie “[...] in Payment for a like quantity of provisions given by him to Destitute Indians of the Peel River Country, during the months of November and December 1901”¹⁷⁸⁰.

Quickly, the North-West Mounted Police was tasked not only with providing Indigenous communities, families, and individuals with flour, bacon, or sugar, but also with fishing nets and soap. Supplies delivered to the Tr’ondëk Hwëch’in at Moosehide and Forty Mile, government

Workers of Colorado, and Visions for a Consumerist Democracy, 1902-1957,” *Western Historical Quarterly* 55, no. 3 (2024).

¹⁷⁷⁴ Letter from NWMP comptroller Fred White to superintendent of the NWMP in the Yukon Territory, Zachary Taylor Wood, July 28, 1900, in: LAC, RG 18, Vol. 247, File 92-03.

¹⁷⁷⁵ Ibid.

¹⁷⁷⁶ Letter from an unidentified author, likely NWMP comptroller Fred White, to the Canadian Deputy Minister of the Interior James A Smart, Jan. 2, 1902, in: LAC, RG 18, Vol. 247, File 92-03.

¹⁷⁷⁷ Own calculations based on LAC, RG 18, Vol. 247, File 92-03.

¹⁷⁷⁸ Letter from NWMP comptroller Fred White to the NWMP superintendent in the Yukon Territory, Zachary Taylor Wood, March 27, 1902, in: LAC, RG 18, Vol. 247, File 92-03.

¹⁷⁷⁹ Own calculations based on LAC, RG 18, Vol. 247, File 92-03.

¹⁷⁸⁰ Unidentified police officer, forwarded by Zachary Taylor Wood, Ass. Commissioner of the NWMP in the Yukon Territory, to NWMP comptroller Fred White, Nov. 12, 1902, in: LAC, RG 18, Vol. 247, File 92-03.

interventions that were initially thought as an emergency measure to counterbalance for the decline of Yukon River salmon runs, quick-started the implementation of a government apparatus that aimed at far broader objectives. Humanitarian intervention rendered Indigenous polities in the Yukon riverlands as spaces of exception and emergency not only in terms of nutrition but also in terms of a moral and political order that reflected colonialist-capitalist priorities and notions of order and discipline.¹⁷⁸¹ In 1902, for instance, North-West Mounted Police's surgeon L. A. Pare reported about Indigenous camps in the district around Whitehorse,

Those who do not exhibit advanced symptoms of disease show signs of the existence of their germs. They are uncleanly in their habits and almost entirely destitute. I declare I have not seen if the different tents I have had occasion to enter a decent pair of blankets. They have but small flimsy things and in most cases a mere heap of rags. It is a fact as incontrovertable [in original] as it is deplorable that disease and destitution prevail among the majority of them. This was forcibly brought to my notice in many affecting instances; the usual reasoning that they do not feel as white people, that they are used to such conditions, cannot in the presence of such misery, prevent a deep uncomfortable impression of sadness which cannot easily be shaken off.¹⁷⁸²

The report of the police surgeon does not only render Indigenous campsites but rather Indigenous lives themselves as targets of medical intervention and government disciplining. Tellingly, police surgeon Pare does not discuss—not even speculatively—reasons for the marginal position of Yukon First Nations in the riverlands' socio-economic and spatial matrixes which is especially astonishing given that cases of medical emergency provided ample evidence of the racist fabric of colonizing society.¹⁷⁸³ “At present”, noted Zachary T. Wood in a letter to James A. Smart, deputy superintendent of the DIA, “the sick Indians are being treated only when I certify that the amount will be paid. [...] In Dawson the hospitals will receive Indian patients, but not at the same rate that white people are received because of their filthy habits and necessity of hiring a special nurse, a person who can understand their language. The White Horse General Hospital refuses to take Indian patients”¹⁷⁸⁴.

Yet, as a flipside to humanitarian intervention, the Canadian treasury was confronted with expenses continuously piling up. “For the present year”, estimated Frank Pedley of the DIA in an internal memorandum prepared for the Minister of the Interior Clifford Sifton, “we are under obligation

¹⁷⁸¹ See, chapters 9.2 and 11.6 of this dissertation.

¹⁷⁸² Report from L. A. Pare, Ass. Surgeon of the NWMP 'H' Division at Whitehorse to the commanding officer of 'H' Division, Nov. 20, 1902, pp. 1-2, in: LAC, RG 10, Vol. 4001, File 207418, Microfilm C-10170.

¹⁷⁸³ See, Coates, *Best Left as Indians: Native-White Relations in the Yukon Territory, 1840-1973*, 95-97; Kelm, *Colonizing Bodies: Aboriginal Health and Healing British Columbia, 1900-1950*, ch. 3.

¹⁷⁸⁴ Letter from Zachary Taylor Wood, superintendent of the NWMP in the Yukon Territory, to James A. Smart, deputy superintendent of the Canadian Department of Indian Affairs, Dec. 4, 1902, p. 2, in: LAC, RG 10, Vol. 4001, File 207418, Microfilm C-10170.

to pay in connection with relief in the Yukon \$3,000. or \$4,000. if not \$5,000.”¹⁷⁸⁵. These expenditures, in turn, created political pressure and rose opposition. Some, like Yukon Commissioner Frederick T. Congdon feared government supplies ran the risk of increasing ‘dependency’. “[...] the great danger at the present time”, he argued, “is of making the Indians even more dependent than they are”¹⁷⁸⁶. Missionaries, Congdon noted, were ultimately responsible for the creation of dependency and—by extension—a drastic increase in government spending. “My complaint with regard to the missionaries”, he wrote in a letter to the DIA in 1903, “is that instead of teaching the Indians self reliance and independence, they aid most strongly in making them mendicants. I am daily in receipt of letters from Indians, written by a missionary, asking for all sorts of favours, from the examination of an aching tooth to the providing of fares for Indians, to enable them to pay their debts”¹⁷⁸⁷. The continuation of humanitarian, interventionist government programs to support Indigenous households, Congdon feared, would actively hinder the absorption of Yukon First Nations into the extractivist economies of the riverlands. Indigenous laborers, perceived as ‘lazy’ and ‘dependent’, soon became what, in 1910, Canadian police officers hysterically described as “[...] a public charge [...]”¹⁷⁸⁸.¹⁷⁸⁹ Therefore, humanitarian policies and the implementation of relief programs resulted in increasing efforts at disciplining (potential) Indigenous workers.¹⁷⁹⁰ Government support, as Fred White had ordered in 1902, was not to

¹⁷⁸⁵ Letter from Frank Pedley, Department of Indian Affairs, to Clifford Sifton, Canadian Minister of the Interior, March 21, 1903, p. 1, in: LAC, RG 10, Vol. 4001, File 207418, Microfilm C-10170.

¹⁷⁸⁶ Letter from Frederick T. Congdon, Yukon Commissioner, to Frank Pedley, superintendent general of Indian Affairs, May 7, 1903, in: LAC, RG 10, Vol. 4001, File 207418, Microfilm C-10170.

¹⁷⁸⁷ Letter from Frederick T. Congdon, Yukon Commissioner, to Frank Pedley, superintendent general of Indian Affairs, May 28, 1903, p. 2, in: *ibid.*

¹⁷⁸⁸ Letter from the commanding officer of ‘B’ Division of the Royal North-West Mounted Police to the administrator of the Yukon Territory, Feb. 15, 1910, in: LAC, RG 10, Vol. 4048, File 359961.

¹⁷⁸⁹ Richard White has presented the principal revisionist account of ‘Indigenous dependency’; see, Richard White, *The Roots of Dependency: Subsistence, Environment, and Social Change among the Choctaws, Pawnees, and Navajos* (Lincoln; London: University of Nebraska Press, 1988); *It’s Your Misfortune and None of My Own’: A New History of the American West*. See, Coates, *Best Left as Indians: Native-White Relations in the Yukon Territory, 1840-1973*, 163-66; Kelm, *Colonizing Bodies: Aboriginal Health and Healing British Columbia, 1900-1950*, ch. 6.

¹⁷⁹⁰ As Michel Foucault has argued, the emergence of the problem of pauperism directly relates to the development of capitalist industries. Efforts at incarcerating and disciplining vagrants and vagabonds in 18th century France, for instance, must be interpreted in relation to attempts at increasing capitalist production through rigorously including potential laborers into the machinations of capitalist industry; see, Foucault, *Die Strafgesellschaft: Vorlesungen Am Collège De France, 1972-1973*, 74. The strategic discourse about labor produces both moralized and politicized bodies that were to be disciplined physically and temporally to fit into the machinations of capitalism; see, “Die Wahrheit Und Die Juristischen Formen,” 746-48; *Die Macht Der Psychiatrie: Vorlesungen Am Collège De France, 1973-1974*, ed. Jacques Lagrange, trans. Claudia Brede-Konersmann and Jürgen Schröder (Frankfurt a.M.: Suhrkamp Verlag, 2005), 224-25; *Die Strafgesellschaft: Vorlesungen Am Collège De France, 1972-1973*, 269-71, 322. In contrast to Marxist and neo-Hegelian authors, Foucault insisted that labor was not “[...] das konkrete Wesen des Menschen [...]”, cit. in: *ibid.*, 316. Rather, the notion of labor related to a both broader and deeper assemblage of capitalist relations. “Es muss auf der Ebene des menschlichen Daseins einen mikroskopisch kleinen Faden politischer Macht geben, der die Menschen an den Produktionsapparat bindet, indem er sie zu Agenten der Produktion, also zu Arbeitskräften macht”, cit. in: Foucault, “Die Wahrheit Und Die Juristischen Formen,” 766. See also, Anna Selmeczi, “Haunted by the Rebellion of the Poor: Civil Society and the Racialized Problem of the (Non)Economic Subject,” *Foucault Studies*, no. 20 (2015); Elden, “A

become a gift but an obligation to reciprocate. NWMP police officer A. E. Snyder suggested, for example, to violently relocate Kwänlin Dän Kwäch'än and Ta'an Kwäch'än communities and to subject them to direct police surveillance. "I think I could arrange to have an Indian house built some where [in original] adjacent to our [the NWMP] reserve on that side of the River"¹⁷⁹¹. The construction of a log house at the site, Snyder advertised, would have positive disciplinary effects on Indigenous workers. "The work could be done by the Indians who from time to time are lying about doing nothing and I think it could be worked so that there would be no abuse of the privileges extended"¹⁷⁹².

Yet, as police officers were acutely aware and cynically failed to mention, the riverlands' wage economy remained almost impossible to access for Indigenous workers. In this case, government relief programs were rendered as instruments to enable Yukon First Nations to create opportunities

More Marxist Foucault? Reading *La Société Punitiv*." Recently, philosopher Axel Honneth provided a critique of contemporary forms of labor and their corrosive effects for democracy and democratic societies mobilizing a notably different understanding of the relationship between labor, government, and capitalism which is more closely aligned with Hegelian writings and Progressive Era reformist George Douglas Howard Cole; see, Axel Honneth, *Der Arbeitende Souverän: Eine Normative Theorie Der Arbeit* (Berlin: Suhrkamp Verlag, 2023), esp. ch. 2. Remarkably, Honneth did not bother with the centrality of labor in a Foucauldian analysis of modern statecrafting and capitalism which is especially unsettling given the strategic significance of labor in colonial regimes of power and its devastating function in the machineries of annihilation that the Nazis established in 1930s and 1940s Europe; see, e.g., Götz Aly, *Die Belasteten: 'Euthanasie' 1939-1945, Eine Gesellschaftsgeschichte* (Bonn: bpb: Bundeszentrale für politische Bildung, 2013); Marc Buggeln, *Slave Labor in Nazi Concentration Camps*, trans. Paul Cohen (Oxford; New York: Oxford University Press, 2014); Mbembe, *Kritik Der Schwarzen Vernunft*. Progressive Era reformists, historian Marc Stears demonstrated, discussed the implementation of welfare institutions battling social inequalities both in capitalist, fin-de-siècle United States and Britain with reference to the strategic matrix of labor that Foucault had described. Some reformers, for instance, suggested that "[t]he most recalcitrant 'won't works', those who were immune to the demands of the functional payment condition, should be sent to 'labor colonies where the enforced habits of regular living, hard work, and good food might induce a desire to return to society where he that would eat must work'", cit. in: Marc Stears, *Progressives, Pluralists, and the Problems of the State: Ideologies of Reform in the United States and Britain, 1909-1926* (Oxford; New York: Oxford University Press, 2006), 242. Ironically, the development of welfare institutions radicalized and intensified the strategic matrix organized around notions of labor and capitalist productivity. Stressing the significance of Foucault's reflections closes—yet not erases—the conceptual gap between historians of the Progressive Era highlighting reform and structural transformation of capitalist societies (such as Marc Stears), and scholars such as Thomas A. Krainz who suggested that the actual implementation of welfare programs in the Progressive Era proved fairly conventional in its breadth and in its favored government instruments (such as relief programs); see, Krainz, *Delivering Aid: Implementing Progressive Era Welfare in the American West*, 219-25; White, *The Republic for Which It Stands: The United States during Reconstruction and the Gilded Age, 1865-1896*, ch. 13, ch. 15; Marianne Johnson, "Taxation in the Early Progressive Era: From Revenue to Social Policy," *Review of Political Economy* 36, no. 1 (2024). Aside of the scholarly controversy about the emergence of the welfare state and humanitarian reform at the turn of the century, it is extremely important to note that reformist Christian, especially evangelical movements shaped and implemented policies structuring the relationship between government institutions and Indigenous nations in North America around the moral and political matrix of labor—with drastic consequences; see, e.g., Prucha, *American Indian Policy in Crisis: Christian Reformers and the Indian, 1865-1900*, esp. ch. 5; Haring, *Crow Dog's Case: American Indian Sovereignty, Tribal Law, and United States Law in the Nineteenth Century*, 60-73; White, *The Republic for Which It Stands: The United States during Reconstruction and the Gilded Age, 1865-1896*, 290-305; Blackhawk, *The Rediscovery of America: Native Peoples and the Unmaking of U.S. History*, 333-39, 59-64.

¹⁷⁹¹ Letter from NWMP superintendent A. E. Snyder to the Ass. Commissioner of the NWMP for the Yukon Territory, Nov. 19, 1902, p. 1, in: *ibid*.

¹⁷⁹² *Ibid*.

for the generation of income. In the spring 1903, NWMP inspector John Taylor visiting the Tr'ondëk Hwëch'in settlement at Moosehide stressed this point,

The men are hunters, to a certain extent, but I was unable to learn with any accuracy what success attended their exertions in that direction during the past winter. In the summer time when fish are plentiful, I am told they catch fish and lay up a supply to dry for future use, but I am doubtful if this is done to the extent it ought to be.

There does not seem to be much work available for the Indian men about the City of Dawson, as there are plenty of white men who are better workers, and more anxious for odd jobs of manual labour, than an Indian is, as a rule. I was told that several of the men had applied for work on [in original] the lower river steamboats this summer, but as yet no one had been able to secure a job. At this season there are but few ways for the Indians to earn much, - what they are making is chiefly from efforts of women who manufacture small articles out of bark, and sew ornamental mocassins [in original], mittens and bead work, which they sell about town as curios. The revenue from this source, however, is not large. The fishing will not be good until the month of July, and I think some assistance should be given to the sick and infirm at such seasons as the able-bodied ones are unable to do more than support themselves.

Should it be decided to grant aid to these Indians, I would suggest that they be given two fish nets suitable for salmon fishing, with twine necessary to keep the nets in repair, also some powder, shot and gun caps. The nets and ammunition will be a great assistance to the Indians and at the same time necessitating them to use their own exertions towards their support.

[...] in the case of this Moosehide band their manner of earning a living has undoubtedly been materially latered [in original] by the coming of so many white men, among them, which order of things has driven back the wild game I feel that it is now necessary for the Government to give some aid in order to prevent unnecessary suffering.¹⁷⁹³

State-sponsored subsistence was mobilized as a strategy to stabilize the racist matrix of the riverlands' extractive economies and the ecological crises triggered as well.¹⁷⁹⁴ The report argued that government provisions were adequate and justifiable if they strategically aimed at providing Tr'ondëk Hwëch'in with the possibility of self-sufficiency and subsistence. These calls for government support are consistent with Frederick T. Congdon's inquiries into the possibility of establishing an Indigenous commercial fishery in the Yukon Territory, and with the fisheries inspectorate's indifference towards what Canadian fisheries regulations rendered as 'illegal'

¹⁷⁹³ Report from NWMP insp. John Taylor to the commanding officer of the NWMP 'B' Division, stationed at Dawson City, May 22, 1903, pp. 1-2, in: *ibid.*

¹⁷⁹⁴ See, Green, "The Tr'ondëk Hwëch'in and the Great Upheaval: Mining, Colonialism, and Environmental Change in the Klondike, 1890-1940," 305-06.

Indigenous fisheries. The consequences of dispossession and the emergence of extractive economies (i.e., environmental transformation, displacement) were relegated to the realms of humanitarian engagement and to the welfare state which rendered Yukon First Nations targets of intensive government control and disciplining. However, humanitarian relief programs quickly turned into what were considered financial liabilities to the colonizing population and to the state. Politicians and state officials sought pathways to actively reduce humanitarian expenses through the promotion not only of Indigenous practices of 'subsistence' (i.e., hunting and fishing) but also by integrating Indigenous nations into the capitalist machinations of the riverlands (i.e., through disciplining and the creation of extra-legal, thus extremely instable, arrangements such as a small-scale Indigenous commercial salmon fisheries).¹⁷⁹⁵ Thus, cynically, as critics of humanitarianism have noted, humanitarian relief programs essentially functioned as instruments stabilizing rather than upending structural inequalities under conditions of settler colonial capitalism.¹⁷⁹⁶ Notably, when Horace T. McKay was informed about the practice of Tr'ondëk Hwëch'in fishers to sell their catch on the Dawson City market, a practice he had explicitly ignored before, the inspector did not move to stop Indigenous fishermen from producing fish and selling their catch on the local markets. Instead, he went to hotels and restaurants who had previously bought the fish and threatened to fine Indigenous fishermen's customers. Doing so, McKay avoided conflict with those who deemed the generation of income by Indigenous nations necessary to reduce costs and to increasingly absorb Indigenous labor potential into the capitalist market economies. On the other hand, the fisheries inspector did not openly cross the exclusivist policies underlying the Canadian Fisheries Act and territorial fisheries regulations. Indigenous nations were simultaneously included into and excluded from the machinations of extractive economies in the riverlands. The threshold between in- and exclusion from fishing as well as from hunting could be utilized either way: In some cases, Indigenous hunting and fishing activities were tolerated, promoted even, to reduce humanitarian expenses; when these practices clashed with the economic incentives of the colonizing population, however, they were regulated and impeded. Recently, historian Heather Green argued that the exclusion of Indigenous nations from accessing hunting grounds and fishing sites based on arguments of conservation strictly reflected the economic and political priorities set by the colonizers.¹⁷⁹⁷

¹⁷⁹⁵ See, Coates, *Best Left as Indians: Native-White Relations in the Yukon Territory, 1840-1973*, ch. 8; Green, "The Tr'ondëk Hwëch'in and the Great Upheaval: Mining, Colonialism, and Environmental Change in the Klondike, 1890-1940," 128-30.

¹⁷⁹⁶ See, Fassin, *Humanitarian Reason: A Moral History of the Present*, 252-53.

¹⁷⁹⁷ See, Heather Green, "Game Which the Pampered Pleasure Seekers Seek': Hunting Tourism, Conservation, and Colonialism in the Yukon Territory, Canada, 1910-1940," *Journal for Tourism History* 13, no. 2 (2021): 163-64. For an



Indeed, by 1911, five years after his initial assessment of salmon fisheries in 1906, inspector McKay's tone had drastically changed when he now pushed his superiors in Ottawa to lift regulations on Yukon River salmon fisheries. "With the present population of this Territory", he argued, "there is absolutely no need of further protecting the Salmon Fisheries."¹⁷⁹⁸ Pointing downriver, to Alaska, the inspector echoed earlier calls for deregulating commercial fishing.

I might also add that the United States Government allow the fishermen to use all kinds of gear, such as, nets, wheels, traps, etc. in taking these fish from the lower Yukon River in Alaska. I would recommend that similar privileges be extended by the Department to the Canadian Fishermen in catching 'Salmon' in the Yukon Territory.¹⁷⁹⁹

Canadian conservation regulations, the inspector feared, were systematically putting the development of Canadian fisheries industries on a disadvantage in relation to the American counterparts diminishing capital investment and technological evolution. An increasing economic interest in expanding commercial fisheries in the Yukon Territory and particularly in opening salmon fisheries in the territory to commercial appetites also resonated with Frederick T. Congdon's inquiry into possibilities of opening commercial fisheries to Yukon First Nations thereby creating job opportunities and reducing government expenses for humanitarian relief. Adhering to departmental policies which—to the advantage of white fishermen—defined Indigenous fisheries as food fisheries and therefore ruled out the option of selling salmon and other food fishes to local markets, the DMF suggested in 1912, in a controversy over drafting an amendment to territorial fisheries regulations,

In the Yukon Territory Indians, miners, prospectors, travellers, surveyors or explorers shall be allowed to fish with lawful appliances for domestic consumption; but not for sale or barter, without a license.¹⁸⁰⁰

The territorial fisheries inspectorate now took a position that would formally establish a crucial distinction between Indigenous and non-Indigenous domestic fisheries. Unlike members of Yukon First Nations, non-Indigenous miners, prospectors, and explorers were to be constrained to fish

evaluation of sports hunting and tourism in Alaska and Yukon Territory game management see, Sherwood, *Big Game in Alaska: A History of Wildlife and People*, ch. 3, ch. 8; McCandless, *Yukon Wildlife: A Social History*, ch. 3, ch. 5.

¹⁷⁹⁸ Letter from Inspector of Fisheries Horace T. McKay to Superintendent of Fisheries William A. Found, Nov. 22, 1911, p. 1, in: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 363, File 3198.

¹⁷⁹⁹ Letter from Inspector of Fisheries Horace T. McKay to Dominion Commissioner of Fisheries R. N. Venning, July 9, 1906, p. 2, in: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 328, File 2801.

¹⁸⁰⁰ Letter from William A. Found, Superintendent of Fisheries, to Horace T. McKay, Inspector of Fisheries for the Yukon Territory, Feb. 1, 1912, p. 1, in: LAC, RG 23, DFO Old Filing System Central Registry Files, Vol. 363, File 3198.

only when under distress and under conditions of immediate necessity. “In reply”, McKay noted, “I beg to say that I would suggest that Section 1. of your draft be changed as to allow Indians to fish at all times for the purpose of providing food for themselves and their bands and only to allow prospectors, surveyors, travellers and explorers to fish without a license when they are engaged in any exploration, survey or mining operation or other examination of the Territory and are actually in need of fish for food”¹⁸⁰¹. Curiously, Horace T. McKay did not elaborate on options that would allow Indigenous fishers to legally sell their catches to the public, thus legalizing *ex post* what had factually long been established practice. Instead, he proposed to let go of all kinds of conservation measures (i.e., fishing times) specifically in relation to Indigenous food fisheries without challenging the *status quo*: the underlying distinction between food and commercial fisheries. While it remains unclear to what extent federal fisheries bureaucrats were persuaded by McKay’s proposal to drop conservationist regulations applying specifically to Indigenous fisheries, it does not appear that much was changing, because in “[...] 1923 Indigenous fishers continued to sell without a commercial license”¹⁸⁰².

What is clear, however, is that the 1912 draft of the Yukon fisheries regulations legally established inland commercial salmon fisheries, assigning the Yukon Territory a unique position within the Canadian Confederation. The amendment held that section 16 of the Canadian *Fisheries Act* would be “[...] amended, so as to permit the use of nets for the capture of Salmon in the Yukon Territory”¹⁸⁰³. Commercial salmon fisheries—i.e., the use of gillnets for catching fish—had been formally established regardless the upper Yukon riverlands fell outside of the definition of tidal waters. Fisheries agents in the territory themselves pushed the Canadian federal government to acknowledge the economic significance of salmon fisheries, reduce conservationist measures, and thereby open territorial fisheries to capital investment. By 1917, the Yukon Council pushed for opening commercial salmon fisheries in the territory to the introduction of fish-wheels—and once again, extractivist policies in Canada were contrasted with those in Alaska.

THAT the Fishery Regulations of the Territory of Alaska, United States of America, permit the use of fish wheels, so called, for the catching of fish on the Yukon River within said Territory;

THAT the conditions existing in the Yukon Territory having regard to the requirements of the population along the Yukon River and its tributaries are identical with those existing in Alaska;

¹⁸⁰¹ Letter from Horace T. McKay, Inspector of Fisheries for the Yukon Territory, to William A. Found, Superintendent of Fisheries, Feb. 10, 1912, p. 1, in: *ibid.*

¹⁸⁰² Green, “The Tr’ondëk Hwëch’in and the Great Upheaval: Mining, Colonialism, and Environmental Change in the Klondike, 1890-1940,” 304.

¹⁸⁰³ Letter from William A. Found, Superintendent of Fisheries, to Horace T. McKay, Inspector of Fisheries for the Yukon Territory, Feb. 1, 1912, p. 1, in: *ibid.*

THAT nothing appears in the Special Fishery Regulations for the Yukon Territory to permit the use of fish wheels;

THAT the demand for dried and salted fish in the Yukon Territory far exceeds the supply obtained under the existing regulations owing to the increased cost of articles of food imported into this Territory, the needs of prospectors in outlying districts using of dogs as a means of transportation and the increasing requirements of fox farms, for which latter purpose large quantities of dried fish are being imported from said Territory of Alaska;

THAT the cost of living in the Yukon Territory has materially increased within the past two years and is still increasing;

THAT there are deposited each summer on the banks of the Yukon River and its tributaries within the Yukon Territory many tons of decaying fish which have struggled towards the head waters and died;

THAT many tons of such fish going to waste under the existing Regulations could, by the use of fish wheels, in addition to the implements permitted by said Regulations, be saved and would serve to a great extent the requirements of this Territory in that respect [...]"¹⁸⁰⁴

Only four weeks later and after the DMF formally backed the delegates' proposal, the Privy Council ordered for an amendment of the territorial fisheries regulations.¹⁸⁰⁵ Almost every controversial regulatory decision in the Yukon Territory was related—in one way or another—by pointing downriver to the effects of fishing in sections of the Yukon riverlands that the United States had claimed: From salmon fisheries to the introduction of fish-wheels, the difference between Alaska and the Canadian Yukon Territory was mobilized to persuade critics in Ottawa of the necessity for deregulation, an expansion of commercial fisheries, and a limitation of conservationist rationales. Environmental historian Tina Loo has emphasized in regard of the emergence of conservationist game management "[...] that Canada had reached a stage in its development where it was no longer necessary to consume wild meat; to do so signaled one's primitiveness and geographic and social marginality"¹⁸⁰⁶. Yet, 'geographic and social marginality' correspond with *specific* patterns of conquest. The challenges of agricultural development and the difficulties of accessing the Yukon riverlands due to, for example, distance and seasonality resulted in a "[...] pattern of

¹⁸⁰⁴ Copy of memorial passed by the Council of the Yukon Territory, Apr. 23, 1917, pp. 1-2, in: LAC, RG 23, DFO Central Registry Files, Vol. 995, File 721-4-27 pt. 1.

¹⁸⁰⁵ See, Order in Council No. 1510 prepared by the Clerk of the Privy Council, June 4, 1917, in: *ibid.*

¹⁸⁰⁶ Loo, *States of Nature: Conserving Canada's Wildlife in the Twentieth Century*, 26.

industrialization that did not, in spite of its mechanical character and application of fossil fuels, manifest ‘radical ecological indifference to place’¹⁸⁰⁷.¹⁸⁰⁸

¹⁸⁰⁷ Liza Piper, *The Industrial Transformation of Subarctic Canada* (Vancouver; Toronto: University of British Columbia Press, 2009), 283.

¹⁸⁰⁸ See, Coates and Morrison, *Land of the Midnight Sun: A History of the Yukon*, 204; Piper and Sandlos, "A Broken Frontier: Ecological Imperialism in the Canadian North," 779-80.

SECTION 4

CODA

On November 11, 1918, the First World War ended in a railway wagon in the Forest of Compiègne, in France. The war had left Europe's societies shattered to pieces. Soldiers, traumatized by the industrial war-machine, by trenches and gas, tanks and artillery, were sent home where food was scarce and jobs even more so. A year before the armistice, the Carlisle Packing Company, based out of Seattle, suggested operating a cannery at the mouth of the Yukon River in the season of 1918. There, at the delta of the Yukon, salmon enter the freshwater to continue their ways upriver where they spawn and fertilize the eggs before dying at the shorelines of the rivers. Establishing a cannery at the mouth of the Yukon River, the company reasoned, would allow for catching and prosecuting the fish before it would start its final journey to the spawning grounds. Here, salmon would be rich in maritime nutrients, in oil and fat, energy that they desperately needed to overcome the many obstacles of the journey laying ahead. In the eyes of the managers of Carlisle Packing, Yukon River salmon were prime commodities awaiting delivery to a global-spanning market craving for fish in times of unprecedented war. Lobbying for the approval of a fisheries license, company manager Frank Wright argued, "We are trying to help the Government win the War and we are willing to give up all of our profits as soon as our debts are paid [...], but do not believe that this is the time to keep preserves for mammals, when the whole world is crying for food"¹⁸⁰⁹.

To the surprise of U.S. Secretary of Commerce William C. Redfield, the Carlisle Packing Company was granted a license for the operation of a floating cannery at the mouth of the Yukon River in May 1918 (see, fig. 54 & 55).¹⁸¹⁰ Redfield was rightfully astonished. Opposition against the establishment of the cannery fierce—and Wright's argument that Yukon River salmon were badly needed to supply soldiers overseas and to provide for the starving European societies proved not particularly persuasive.¹⁸¹¹ Residents of communities along the Yukon River¹⁸¹², Canadian authorities¹⁸¹³, and—to name just a few—Canadian explorer and scientist Vilhjamur Stefanson¹⁸¹⁴ visiting Fort Yukon in the summer of 1918 were pushing the U.S. Bureau of Fisheries to stop the cannery's operations.

¹⁸⁰⁹ Letter Frank Wright to U.S. Bureau of Fisheries May 16, 1918, p. 3, in: NARA MD, RG 22, E 91, Box 5, File 15.

¹⁸¹⁰ See, Telegram U.S. Secretary of Commerce William C. Redfield to Herbert Hoover, U.S. Food Administration, May 11, 1918, in: NARA MD, RG 22, E 91, Box 5, File 15.

¹⁸¹¹ See, David M. Kennedy, *Freedom from Fear: The American People in Depression and War, 1929-1945* (Oxford; New York: Oxford University Press, 1999), 17-18; Adam Tooze, *The Deluge: The Great War and the Remaking of Global Order* (New York: Penguin Books, 2015), 464-72.

¹⁸¹² See, Residents of Nulato, Alaska, to the H. M. Smith, U.S. commissioner of fisheries, April 30, 1918, in: NARA MD, RG 22, E 91, Box 4, File 12.

¹⁸¹³ See, Unknown superintendent of the Royal North-West Mounted Police, Dawson City, to H. M. Smith, U.S. commissioner of fisheries, Oct. 3, 1918, in: NARA MD, RG 22, E 91, Box 4, File 12.

¹⁸¹⁴ See, Telegram Vilhjamur Stefanson to Gilbert Grosvenor, director and editor of the National Geographic Society June 21, 1918, in: NARA MD, RG 22, E 91, Box 4, File 12.

After a short visit of Fort Yukon in the summer of 1918, warden Christian L. Larson reported inhabitants of the riverlands “[...] are afraid they will have to suffer so that the canneryman can make money out of what rightly belongs to the Indians”¹⁸¹⁵. Local protests were initially successful. The U.S. Bureau of Fisheries held a public hearing in Seattle in November 1918 “[...] to consider the question of limiting commercial fishing for salmon, or other commercial fishing in the prosecution of which salmon are taken or injured, in the Yukon River and its delta, and in all tributary waters, in Alaska [...]”¹⁸¹⁶.

Backed by the political support of Republican James Wickersham, however, the bureau decided to allow the continuation of cannery operations under adherence to strict regulations.¹⁸¹⁷ That was not what opponents had wished for. As canneries were continuing with their fisheries operations, local resistance grew stiffer—especially after a particularly poor salmon season in 1919.¹⁸¹⁸ For opponents such as Episcopal Archdeacon Hudson Stuck from Fort Yukon, “[...] Yukon fishing is in a class by itself.”¹⁸¹⁹ “I suppose,” he wrote in an article in 1920, “the world can get on without canned salmon if it has to”¹⁸²⁰. Yet, residents along the rivers, particularly Indigenous nations, “[...] *cannot* get on without dried salmon”¹⁸²¹.

¹⁸¹⁵ Extract of Report by Christian L. Larson July 22, 1918, p. 3, in: NARA MD, RG 22, E 91, Box 4, File 12.

¹⁸¹⁶ Letter from Hugh McCormick Smith to U.S. Secretary of Commerce William C. Redfield, June 12, 1918, in: *ibid.*

¹⁸¹⁷ See, James Wickersham diary entry Nov. 20, 1918; in: Alaska State Library, Historical Collections, Wickersham State Historic Site, Manuscripts 1884-1970, ASL MS 107, Box 5, Diary 30.

¹⁸¹⁸ For an overview over the Carlisle controversy and the strategy of the U.S. Bureau of Fisheries following the collapse of salmon fisheries on the Yukon River in 1919, see presented in a letter from U.S. Secretary of Commerce Joshua W. Alexander to U.S. Secretary of the Interior Franklin K. Lane, Feb. 26, 1920, in: NARA MD, RG 22, E 91, Box 6, File 17.

¹⁸¹⁹ Hudson Stuck: “The Yukon Salmon”, publ. in: *The Spirit of Missions*, May 1920, p. 321, in: *ibid.*

¹⁸²⁰ *Ibid.*

¹⁸²¹ Hudson Stuck: “The Yukon Salmon”, publ. in: *The Spirit of Missions*, May 1920, p. 321, emphasis in original, in: *ibid.*



Figure 54: The floating cannery of the Carlisle Packing Company operating at the mouth of the Andreafsky River, a tributary close to the Yukon River delta in 1918; Picture: P186-020, U.S. Fish & Wildlife Service Photo Collection, Alaska State Library. Courtesy of the Alaska State Library.

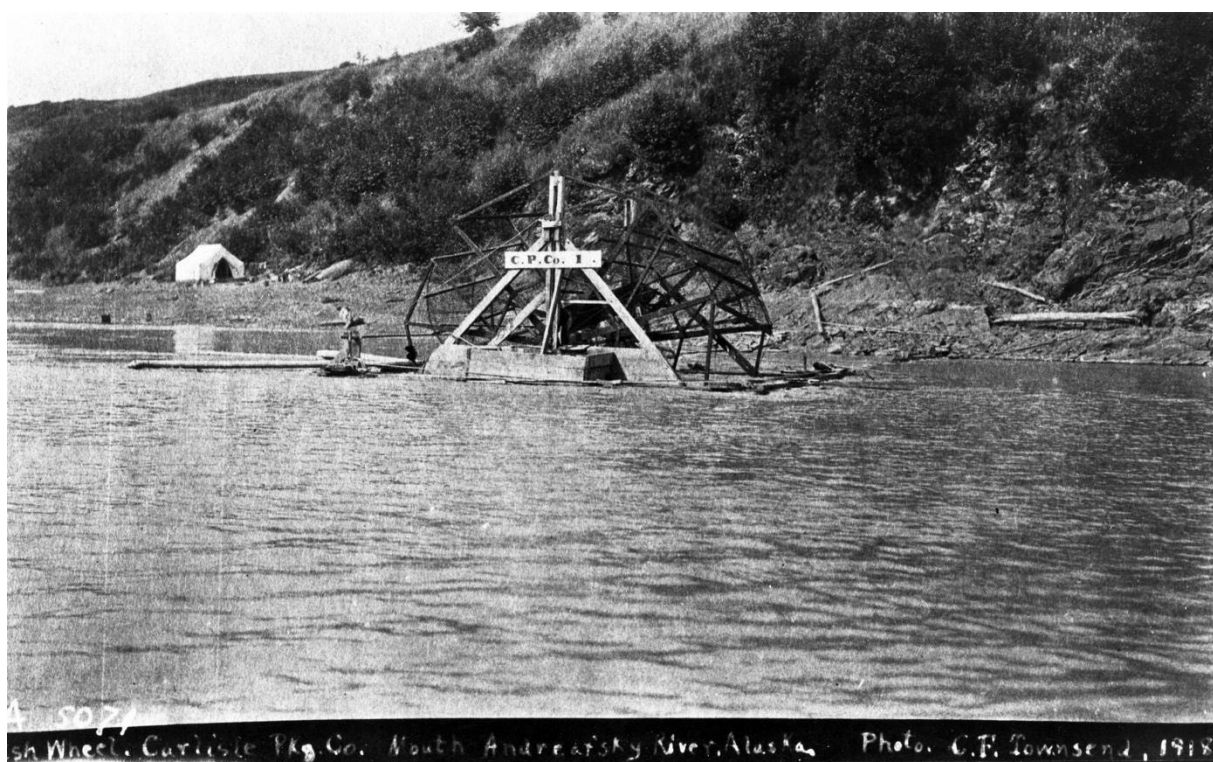


Figure 55: A fish wheel of the Carlisle Packing Company fishing for salmon on the Andreafsky River in 1918; Picture: P186-022, U.S. Fish & Wildlife Service Photo Collection, Alaska State Library. Courtesy of the Alaska State Library.

The controversy over the establishment of industrial fishing on the lower Yukon River was accompanied by the introduction of scientific studies to ascertain Yukon River salmon populations, learn about salmonid ecologies, determine the effects of the fisheries plants operating in the riverlands in 1919 and 1920, and to “[...] investigate the consumption of fresh and dried salmon by the resident population of the Yukon Valley, and to estimate the importance to them of this salmon supply [...]”¹⁸²². Ichthyologists Charles H. Gilbert and Henry O’Malley quickly found “[...] the run of 1919 being considered the worst, of not the very worst ever known on the Yukon”¹⁸²³. In 1919, the Carlisle Packing Company reported to have caught 101,107 chinook and 357,081 smaller salmon, most likely chum salmon.¹⁸²⁴ According to Gilbert and O’Malley, weather conditions hindered operations of the plant from expanding the capture of salmon considerably in 1920 season.¹⁸²⁵

Although a famine in the riverlands, as the researchers noted, could just about be avoided, the consequences of the disastrous 1919 salmon run were devastating. “Dogs were sacrificed in large numbers [...]”, they wrote, “and the natives saved from serious suffering only by a series of happy coincidences which could not again be expected”¹⁸²⁶. “The natives killed, or permitted to die in starvation, half or more than half of their dogs, and many white men were compelled to adopt the same course. [...] [...] the general opinion entertained by those best acquainted with the natives and their needs was to the effect that the great reduction in the size of their dog-teams was disastrous and the dog-shortage was sure to hamper them in their efforts to make a living during the coming winter”¹⁸²⁷.

The dog is as essential in Alaska as is the horse in other regions, and the only acceptable dog feed is dried salmon. Various substitutes have been tried out when salmon could not be procured. They were used extensively by the ‘dog-mushers’ of 1919, when dried salmon often could not be had at any price. [...] There is no acceptable substitute, and there is not in Alaska any divergence of opinion on the subject. No single need in the Interior of Alaska is more generally or more urgently felt than dried salmon for its various uses.¹⁸²⁸

In fact, the authors of the study considered industrial fisheries operations to have a detrimental effect on salmon runs in the Yukon riverlands. “We consider it certain”, the ichthyologists wrote,

¹⁸²² Gilbert, Charles H. and O’Malley, Henry in *Report of an Investigation of the Yukon River in 1920*, p. 4, in: NARA MD, RG 22, E 91, Box 6, File 18.

¹⁸²³ Gilbert, Charles H. and O’Malley, Henry in *Report of an Investigation of the Yukon River in 1920*, p. 41, in: *ibid.*

¹⁸²⁴ See, Gilbert, Charles H. and O’Malley, Henry in *Report of an Investigation of the Yukon River in 1920*, p. 45, in: *ibid.*

¹⁸²⁵ See, Gilbert, Charles H. and O’Malley, Henry in *Report of an Investigation of the Yukon River in 1920*, p. 32-33, in: *ibid.*

¹⁸²⁶ Gilbert, Charles H. and O’Malley, Henry in *Report of an Investigation of the Yukon River in 1920*, p. 44, in: *ibid.*

¹⁸²⁷ Gilbert, Charles H. and O’Malley, Henry in *Report of an Investigation of the Yukon River in 1920*, p. 43, in: *ibid.*

¹⁸²⁸ Gilbert, Charles H. and O’Malley, Henry in *Report of an Investigation of the Yukon River in 1920*, p. 53-54, in: *ibid.*

“that the operations of the cannery in 1919 very materially added to the scarcity of fish on the river. Had the fish captured by the cannery been free to enter the river, the run would still have been below the normal size, but the distress and inconvenience occasioned to the Interior of Alaska by the salmon shortage would have largely mitigated”¹⁸²⁹. The central problem identified by Gilbert and O’Malley was the territorial definition of jurisdiction that constituted the basis of fisheries regulations and that did neither match the patterns of salmonid ecologies nor the patterns of industrial capitalism.

As a result of the Yukon Hearing, given in Seattle, Washington, November 20, 1918, the Secretary of Commerce promulgated an order that limited the pack of canned salmon to 30,000 cases in any year, for the Yukon River, embracing ‘all waters of its delta to and including the area 500 yards outside each mouth or slough of the delta at mean high tide’. Beyond this area of 500 yards outside the mouth or mouths of the river, the Secretary of Commerce exercises no jurisdiction, Congress having failed to confer it upon him. He is therefore helpless to extend protection to channels between shoals and islands off the mouth of any river, although such channels may be regular migration routes of the salmon bound for that river, and as much open to attack as any part of the river channels. Realizing this deficiency in our laws, the Carlisle Packing Company in 1919, put up approximately the maximum pack inside the river, and then proceeded nearly to double this with salmon equally bound for the Yukon, which they captured outside the mouth of the river. In doing so, they were wholly within their legal rights, but the evinced thereby an indifference to the obvious purport of the order, which was to provide for a strictly limited pack of Yukon fish. In making this increased pack, they happened on a year when the run was poor and the fishing conditions were excellent. They were enabled to give, therefore, a demonstration of the results of their operations, when these two conditions appear in conjunction. The disastrous year of 1919 resulted. As to the future, we are assured of no better protection than in 1919. From our inquiries, it appears that the Yukon runs of salmon are by no means uniform in size. [...] Meanwhile the Carlisle Company continues to operate without check beyond the mouth of the river. Should they consider the prospect of success warranted the expenditure, there is nothing to prevent their increasing the number of fishermen and preparing for a pack of 100,000 instead of 60,000 cases. [...] The Yukon run is wholly without adequate protection so long as the approaches to the river are open to unrestricted fishing and are outside of the jurisdiction of the Secretary of Commerce. Finally, it is our judgement that the Yukon River salmon run is not to be relied on annually to produce a surplus for export, in addition to the supply needed for local requirements, and the further quantity essential for propagation. During good years, a surplus might be spared sufficient to produce a limited pack,

¹⁸²⁹ Gilbert, Charles H. and O’Malley, Henry in *Report of an Investigation of the Yukon River in 1920*, p. 48, in: *ibid.*

but during poor years, the operation of a cannery will have the effect of making a bad situation very decidedly worse.¹⁸³⁰

The challenges of administering Yukon River salmon and the contradictions of Canadian articulations of territorial sovereignty in the Yukon Territory resulted from the inadequacy of settler colonialist-capitalist legal frameworks sharply delineating territorial boundaries and jurisdictions. The length of the migration routes of Yukon River salmon, extending from the upper Yukon River to the northern Pacific Ocean which was, in a way, the blast furnace of industrial fishing in Alaska, created a particularly hairy problem. In contrast to salmon migration routes, regulatory oversight over canneries processing Yukon River salmon exclusively focused on the conceptual imaginary of ‘the river.’ As Archdeacon Hudson Stuck argued in 1920—similar to the scientific assessment by Gilbert and O’Malley,

They [i.e., the cannery owners] send their boats out into the sea and take all they please and take much more in the sea than they get in the river, and next year may take ten times as much in the sea as they get in the river. And that is the way that I say that the restrictions in the river are delusive, because they delude people into supposing that is all the cannery can get. [...] And I would like to insist upon that point, that until you regulate what they take in the sea also, your river regulations lose their validity altogether.¹⁸³¹

Critically, what was happening to salmon traveling from the northern Pacific to their spawning pools, on ‘the sea,’ remained excluded from governmental, regulatory frames of reference. Of course, Stuck’s argument could be expanded to match the ecological patterns of salmon life-cycles more closely. If adult Yukon River salmon were indeed caught ‘at sea,’ in the Bering Strait or in the Gulf of Alaska, far away from the Yukon River delta, it would not suffice to develop legal protocols and corporate proceedings tailored to canneries established on the lower portions of the riverlands. Instead, the application of the law would have to be expanded to the maritime environments and ecosystems of the northern Pacific. Fisheries regulations based on the territorializable, bounded notion of ‘the river,’ Stuck reasoned, would easily be outmaneuvered by fishermen producing their catch ‘at sea,’ beyond the well-ordered shorelines of the law.¹⁸³² Eventually, the Department of Commerce followed the critique and the recommendation to close industrial fisheries on the Yukon River.

¹⁸³⁰ Gilbert, Charles H. and O’Malley, Henry in *Report of an Investigation of the Yukon River in 1920*, p. 55-57, in: NARA MD, RG 22, E 91, Box 6, File 18.

¹⁸³¹ Archdeacon Hudson Stuck in the Congressional Hearings “To Prohibit Fishing for Salmon in the Yukon River” before the Subcommittee on the Merchant Marine and Fisheries, U.S. House of Representatives, 66th Congress, 2nd Session, May 4, 1920, p. 116, in: NARA MD, RG 22, E 91, Box 6, File 19.

¹⁸³² See, Campling and Colás, *Capitalism and the Sea: The Maritime Factor in the Making of the Modern World*, ch. 2.

For Canadian authorities the Carlisle controversy made a fundamental problem painfully clear. The 141st meridian would make it extremely difficult to stabilize salmon fisheries in the upper sections of the Yukon riverlands. In absence of formal treaties and agreements between the United States and Canada, Canada's position in the Yukon riverlands remained extraordinarily fragile. 15 years after the Carlisle controversy, in 1934, Superintendent T. B. Caulkin of the Royal Canadian Mounted Police (RCMP) sounded alarm about the consequences of too few fish making their way upriver to their spawning pools in the Canadian portions of the Yukon riverlands. "As the Indians of this Territory," he informed the Commissioner of the RCMP, "rely particularly on the salmon catch along the Yukon River, some hardship is likely to be experienced by them unless their meat supply is augmented by caribou and moose [...]"¹⁸³³ According to Caulkin, the reason for this shortage of fish and, thus, of food supply were "[...] salmon canneries [...] [that had] recently been established near the mouth of the Yukon River in Alaskan territory [...]"¹⁸³⁴ Would it be possible, the police officer wondered, "[...] to have necessary steps taken to moderate the activities of these canneries [...]"?¹⁸³⁵ Caulkin's letter put Ottawa in a tight spot. How was Canada to address a crash of salmon fisheries upriver that were caused by the operations of canneries in Alaska, far away from the U.S.-Canada borderline along the 141st meridian? Reconciling notions of territorial boundedness and state sovereignty with both the life cycles of Yukon River salmon and the capitalist-colonialist practices of resource extraction in Alaska proved an arduous enterprise.¹⁸³⁶ Relief might even have been felt when U.S. Secretary of State Cordell Hull briskly rejected Caulkin's accusations. "In view of the very limited operations in which king salmon were taken for commercial purposes at the river mouth this year," he wrote to his Canadian colleague, "it is difficult to understand the severe shortage which has been reported in the upper part of the river."¹⁸³⁷ "No canneries," Hull noted with reference to the Carlisle controversy, "have been operated in this region since 1921."¹⁸³⁸ What Hull did not say in his letter to Canada's Ministry of External Affairs was that at the time when Caulkin issued his warnings, the production of canned salmon in Alaska had climbed to new record heights: from 5 million cases in 1930 to 7.5 million in 1934, to more than 8 million cases two years later.¹⁸³⁹ Alaska's waters were still prime producers of

¹⁸³³ Report from T. B. Caulkin, RCMP Superintendent, to the RCMP Commissioner, Sept. 11, 1934, in: LAC, RG 23, DFO Central Registry Files, Vol. 995, File 721-4-27 pt. 1.

¹⁸³⁴ Ibid.

¹⁸³⁵ Ibid.

¹⁸³⁶ See, John Agnew, "The Territorial Trap: The Geographical Assumptions of International Relations Theory," *Review of International Political Economy* 1, no. 1 (1994): 60-65; Stuart Elden, "Land, Terrain, Territory," *Progress in Human Geography* 34, no. 6 (2010): 811-12; *The Birth of Territory*, 322-23.

¹⁸³⁷ Letter from Cordell Hull, U.S. Secretary of State, to Canada's Minister of External Affairs, Nov. 22, 1934, p. 2, in: LAC, RG 23, DFO Central Registry Files, Vol. 995, File 721-4-27 pt. 1.

¹⁸³⁸ Ibid.

¹⁸³⁹ See Census, "Historical Statistics of the United States, Colonial Times to 1970, Bicentennial Edition, Part 1," Series L 262-93, 558.

fish and, particularly, of salmon. Yet, the peak of production had been reached. By the end of the 1930s, Alaska's fisheries industry was in crisis, the production of salmon continuously declining to an extent which would only become apparent decades later (see, fig. 56).¹⁸⁴⁰

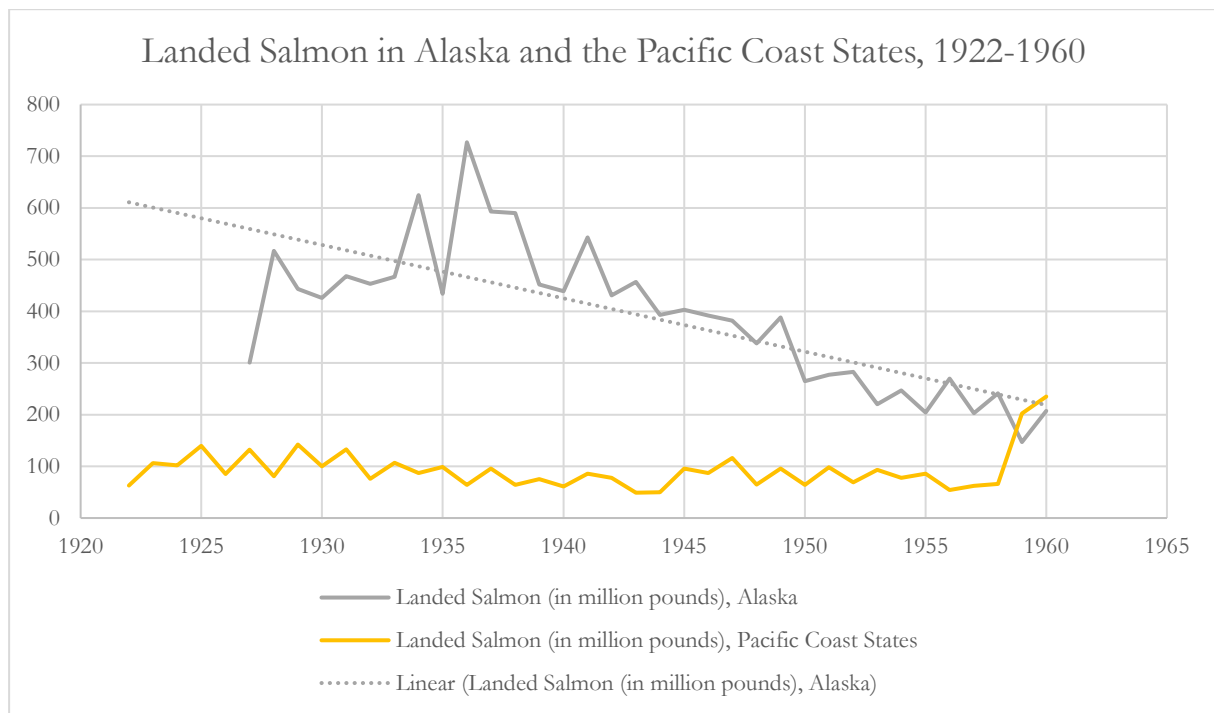


Figure 56: The development of industrial salmon fisheries in Alaska; Graph.: AMW, compiled on the basis of the U.S. Bureau of the Census, “Historical Statistics of the United States, Colonial Times to 1970, Bicentennial Edition, Part 1,” ed. U.S. Department of Commerce (Washington D.C.: U.S. Government Printing Office, 1975), Series L 262-93, 558.

Canadian officials might have welcomed the United States’ defensive reply. In 1934, conflicts between the U.S. and Canada over fisheries management, particularly salmon management, had been numerous and an international agreement settling the long-lasting dispute over the valuable sockeye stocks on the Fraser River, eventually ratified in 1937, seemed right around the corner.¹⁸⁴¹ Opening yet another diplomatic conflict, this time focused on salmon fisheries in the Yukon riverlands with its comparatively small economic significance, might not have been considered being in the best interests of the Canadian government. Lacking formal arrangements concluded to deal with the particularities of Yukon salmon populations, Canada had very limited options to influence decision-making processes in Alaska and Washington D.C., the core instrument being diplomatic inquiries such as the one sent to the U.S. Department of State in 1934 to stress Canadian claims in this region. “Fortunately”, reported Caulkin in January 1935, “[...] caribou and moose

¹⁸⁴⁰ Also see Arnold, *The Fishermen's Frontier: People and Salmon in Southeast Alaska*, 117-19.

¹⁸⁴¹ See Roos, *Restoring Fraser River Salmon: A History of the International Pacific Salmon Fisheries Commission, 1937-1985*, 42-51; Dorsey, *The Dawn of Conservation Diplomacy: U.S.-Canadian Wildlife Protection Treaties in the Progressive Era*, esp. ch. 3; Shepard and Argue, *The 1985 Pacific Salmon Treaty: Sharing Conservation Burdens and Benefits*, 17-21; Macfarlane, *Natural Allies: Environment, Energy, and the History of U.S.-Canada Relations*, 52-53.

were plentiful last fall and early winter, and offset the food shortage anticipated amongst Indians”¹⁸⁴². Canadian concerns over famine, the funding of relief operations, and a potential conflict with the United States were off the table—at least for a moment, because the central problem of reconciling notions of territorial boundedness with the more-than-terrestrial geographies of salmon remained unresolved. The movements of fish—from their spawning pools upriver to the northern Pacific and back—painfully demonstrated the limits of Canada’s abilities to project political power across the 141st meridian to influence decisions that could have lasting effects on upriver communities and government budgets alike.



The Carlisle controversy and its repercussions in the early 1930s mark the endpoint of our journey. For the inhabitants of the riverlands and their descendants today, however, the controversy represents only the starting point for various other trails through time. Therefore, while our story ends, this end only signals the beginning of other stories to tell.

Ours has been a story about the fissures and fractures of “[i]mperial formations [...], states of becoming rather than being [...]”¹⁸⁴³. It was *not* a story about the ‘closure of the frontier’ or the inevitable process by which ‘borderlands’ are transformed into ‘bordered lands’.¹⁸⁴⁴ Our journey confronted us with the instabilities and multifacetedness of state presence(s), and its relation with extractivism and capitalism. The introduction of mining and capital, law and state bureaucracies transformed the riverlands—but, more importantly, the riverlands transformed laws, state apparatuses, practices of mining, navigating, and governing.¹⁸⁴⁵ Where “[...] modernity operates without the caloric ease of agriculture and industry”¹⁸⁴⁶, the supply with energy becomes ever more critical, especially when toiling in the permafrost to wash out the legacies of the universe, when steaming against the currents of the rivers, or when moving through the dark and the cold of winter.¹⁸⁴⁷

The story I have come to tell depicts the 141st meridian in the Yukon riverlands in relation to an overarching project, imperial statecrafting.¹⁸⁴⁸ I have treated the 141st meridian as a “[...] regulatory

¹⁸⁴² Report by RCMP Supt. T. B. Caulkin to the Commissioner of the RCMP Jan. 4, 1935, in: LAC, RG 23, DFO Central Registry Files, Vol. 995, File 721-4-27 pt. 1.

¹⁸⁴³ Stoler, "On Degrees of Imperial Sovereignty," 135. See also, Hirschhausen and Leonhard, *Empires: Eine Globale Geschichte, 1780-1920*, esp. 596-98.

¹⁸⁴⁴ See, Dumonceaux, "Remaking the Alaska-Yukon Borderlands: The North-West Mounted Police, the United States Army, and the Klondike Gold Rush," 501-04. See in detail, chapter 3.1 of this dissertation.

¹⁸⁴⁵ See, Demuth, *Floating Coast: An Environmental History of the Bering Strait*, 308-10, also ch. 7, ch. 9.

¹⁸⁴⁶ *Ibid.*, 9.

¹⁸⁴⁷ See, Morse, *The Nature of Gold: An Environmental History of the Klondike Gold Rush*, esp. ch. 4.

¹⁸⁴⁸ See, Stoler, "Imperial Debris: Reflections on Ruins and Ruination," 193. See also, chapter 5.2 of this dissertation.

technolog[y] [...] central, rather than peripheral, to the ordering of capitalism globally”¹⁸⁴⁹. Our journey sought to situate the 141st meridian and state bureaucracies more generally, within broader histories of imperial formation in Victorian North America.¹⁸⁵⁰ Building from and adding to *A Line of Blood and Dirt: Creating the United States-Canada Border across Indigenous Lands*, the most surprising piece of the story may perhaps lie in the importance that state officials assigned to the economies of the U.S.-Canada border zone. The strategic imperative for the establishment of state authorities in the Yukon riverlands was not to be found, for instance, in a utopian vision for the creation of a ‘better society’ through the appropriation and the ordering of the riverlands according to some “[...] ambitious and meticulous [...] plan [...]”¹⁸⁵¹. These schemes of “[h]igh-modernist ideology [...]”¹⁸⁵² would come to fruition some decades after the Carlisle controversy.¹⁸⁵³

At the turn of the century, it was primarily through the “[...] fiscal lens of revenue needs”¹⁸⁵⁴ that state officials approached the riverlands. For the representatives of the United States and Canada, the strategic priorities of imperial statecrafting lay in the implementation of (private) property and in the extraction of revenue from the extraction of resources, from laborers toiling in the permafrost to break deep time apart into commodifiable units of gold, from steamboats plowing on the rivers, from fishermen exploiting the waters of the riverlands, or from drifters traveling from one mining camp to the next on their search for employment. While indeed the overarching strategic goals of imperial statecrafting were defined by officials in Washington D.C. or Ottawa, their implementation fell beyond the reaches of colonial centers.¹⁸⁵⁵ In the Yukon riverlands, “[t]he periphery, rather than the center, drove the [...] network’s growth and managed its on-the-ground operations”¹⁸⁵⁶. The border often was more aspiration than fact.

These aspirations had a temporal dimension. State officials sought to stabilize extractive regimes (and capital investment) by projecting the riverlands’ future development. In some cases, fear over future collapse of the extractive economy was cited as motivator to bend regulations according to the demands of miners and mining companies. Policies conserving fish stocks for continuous exploitation and commercial development had temporal implications. The present was to be

¹⁸⁴⁹ Campbell, *Border Capitalism, Disrupted: Precarity and Struggle in a Southeast Asian Industrial Zone*, 160.

¹⁸⁵⁰ See especially, Daniel Immerwahr, "The Greater United States: Territory and Empire in U.S. History," *Diplomatic History* 40, no. 3 (2016); Ann Laura Stoler and Carole McGranahan, "Afterword. Disassemblage: Rethinking U.S. Imperial Formations," in *Ethnographies of U.S. Empire*, ed. Carole McGranahan and John F. Collins (Durham; London: Duke University Press, 2018).

¹⁸⁵¹ Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*, 347.

¹⁸⁵² *Ibid.*, 94.

¹⁸⁵³ See, e.g., Coates, *The Trans-Alaska Pipeline Controversy: Technology, Conservation, and the Frontier*; Dan O'Neill, *The Firecracker Boys: H-Bombs, Inupiat Eskimos, and the Roots of the Environmental Movement* (New York: Basic Books, 2007).

¹⁸⁵⁴ Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*, 12.

¹⁸⁵⁵ See, Cooper and Stoler, "Between Metropole and Colony: Rethinking a Research Agenda," 29-30.

¹⁸⁵⁶ Blevins, *Paper Trails: The U.S. Post and the Making of the American West*, 33.

governed to accommodate *specific* futures.¹⁸⁵⁷ Although these efforts often failed, these failures were both productive and selective: While some could profit from issuing fisheries licenses, others were excluded, depending on the future scenarios entertained.¹⁸⁵⁸

Government officials stationed in the Yukon riverlands adopted strategies of formalized informality to reduce regulatory hurdles, to smoothen flows of goods across borders, but also to ensure that crimes threatening the integrity of property and the lives of potential workers would not go unpunished, even if that meant expanding the borders of the British Empire to Wadesworth, Nevada. Practices of formalized informality were based on an underlying rationale that depicted social relations in terms of contractual bonds, thereby providing legitimacy to the territorial claims articulated by the United States and Canada, and to the organization of dispossession, appropriation, and exploitation. Yet, neither was the practice of negotiating formal agreements or even adhering to the formal logics of bureaucracies¹⁸⁵⁹ practiced universally in the riverlands—simply because delineating the boundaries of the social had precisely been the function of contractual reason in the first place—nor would the rationale solve the problems that the emergence of settler colonial capitalism created.

Given that “[i]n the *fabrica mundi* of the contemporary world, borders are instrumental in producing space, labor power, markets, and jurisdictions, and a variety of other objects in ways that converge on the production of subjectivity”¹⁸⁶⁰, the administration of the movements of people in the riverlands was organized according to economic priorities and protectionist strategies of maximizing the generation of profit. People seem, after all, easily turned into discreet units of (potential) value: workers. The regulation and organization of labor constituted one of the central dimensions of imperial statecrafting in the riverlands—with the U.S.-Canada border to be mobilized for regulating the influx of (potential) laborers.¹⁸⁶¹ Gendered practices of bordering targeting single women, sex-workers, and pimps reflected the moral politics directed towards establishing the hegemony of the white, male breadwinner-family. Racist logics of exclusion pretended to ‘protect’ working-class interests against the encroachment of Indigenous laborers and immigrants. Those who were allowed to cross the 141st meridian, were to align with the potential

¹⁸⁵⁷ See, Bear, "Doubt, Conflict, Mediation: The Anthropology of Modern Time," 17-20; *Navigating Austerity: Currents of Debt Along a South Asian River* (Stanford, CA.: Stanford University Press, 2015), 120-22; Beckert, *Imagined Futures: Fictional Expectations and the Dynamic of Capitalism*, 88-89, 101-02.

¹⁸⁵⁸ See, Ferguson, *The Anti-Politics Machine: 'Development', Depoliticization, and Bureaucratic Power in Lesotho*, 251-61; Foucault, "Überwachen Und Strafen: Die Geburt Des Gefängnisses," 980.

¹⁸⁵⁹ See also, Jürgen Habermas, *Faktizität Und Geltung: Beiträge Zur Diskurstheorie Des Rechts Und Des Demokratischen Rechtsstaats* (Berlin: Suhrkamp Verlag, 2019), 213-14.

¹⁸⁶⁰ Mezzadra and Neilson, *Border as Method, Or: The Multiplication of Labor*, 280, *emph. in original*.

¹⁸⁶¹ See, Chang, *Pacific Connections: The Making of the U.S.-Canadian Borderlands*, 192; Mezzadra and Neilson, *Border as Method, Or: The Multiplication of Labor*, esp. ch. 4; Day, *Alien Capital: Asian Racialization and the Logics of Settler Colonial Capitalism*, 33-34; Mau, *Sortiermaschinen: Die Neuerfindung Der Grenze Im 21. Jahrhundert*, 48-50.

futures of settler colonial capitalism in the riverlands and beyond. At the turn of the century, racism, misogyny, and eugenics constituted the Janus face of progressive welfare policies.¹⁸⁶² Yet, as Benjamin Hoy reminds,

Canada and the United States controlled deviancy among Chinese immigrants through broadly based immigration restrictions and deportations, but through status, inheritance, and annuities among Indigenous communities. They controlled white populations through creative applications of deportation and extradition laws. These racialized forms of policing never operated as exclusive categories, however. [...] Race guided but did not determine officials' approaches and preferred methods of control.¹⁸⁶³

The Indigenous inhabitants of the Yukon riverlands could quickly become targets of intensive surveillance and coercive government intervention when economic interests were perceived as being threatened. This situation resulted in an unsolvable task. If Indigenous fishermen or artisans were successfully navigating the riverlands' mining economies, they were considered threats to the hegemony of the colonizers. If, on the other hand, Indigenous peoples remained economically unsuccessful, they were rendered a fiscal liability. The distinction between need-based and profit-based economies, foundational to contractual reason, provided a conceptual tool for the definition and the manipulation of boundaries of fiscal responsibility. Confronted with enormous costs, for instance, for humanitarian relief, state official sought to exclude Indigenous nations and their members from the framework of state welfare and from the labor market dominated by colonizing societies. It becomes apparent that "[e]limination and exclusion are not discrete logics but operate on a moving spectrum"¹⁸⁶⁴.

Crucially, however, Indigenous nations in the riverlands were not 'molded' according to the visions, policies, or practices of some government institutions and officials.¹⁸⁶⁵ On the contrary, both Hwëch'in and Gwich'in nations contested state bureaucracies and refused to acknowledge the claims of settler colonialist-capitalist states delineating borders and articulating sovereignty over those that they deemed 'their subjects'. As in other regions along the U.S.-Canada border,

¹⁸⁶² The principal work is, Thomas C. Leonard, *Illiberal Reformers: Race, Eugenics, and American Economics in the Progressive Era* (Princeton; Oxford: Princeton University Press, 2016), esp. ch. 7, ch. 8, ch. 9, ch. 10.

¹⁸⁶³ Hoy, "Policing Morality: Regulating Sexuality across the Canada-United States Border," 44.

¹⁸⁶⁴ Day, *Alien Capital: Asian Racialization and the Logics of Settler Colonial Capitalism*, 25.

¹⁸⁶⁵ See, Cooper and Stoler, "Between Metropole and Colony: Rethinking a Research Agenda," 36. For two recent examples stressing the complex relationship between Indigenous and non-Indigenous inhabitants in the riverlands; see, e.g., Green, "The Tr'ondëk Hwëch'in and the Great Upheaval: Mining, Colonialism, and Environmental Change in the Klondike, 1890-1940."; Icton, "Defining Space: How History Shaped and Informed Notions of Kaska Land Use and Occupancy."

“Indigenous sovereignty remained at odds with the world that nations-states had set out to create”¹⁸⁶⁶.



Extraction did not only take place in mines or in saloons or on Dawson’s markets. It was located well within the walls of customs offices or in the pencils that fisheries agents used when issuing licenses or drafting their reports. The logics of extraction, transforming the more-than-terrestrial ecologies of the riverlands into value and commodities, objects of investment, resulted in a proliferation of borders, simply because while “[...] capital holds a necessary relation to the border, it does not mean that borders can necessarily contain capital”¹⁸⁶⁷. The continuous process by which capital transcends borders therefore results in “[...] complex dynamics that make every moment of overcoming also a moment in which borders proliferate”¹⁸⁶⁸. From the early 1890s to the 1920s, our story has covered this process of proliferating borders: from the alleged smugglers of whiskey and opium in the 1890s, to the boundaries determined by fishing licenses, the delineation of quarantine camps, or the salmonid geographies creating a border zone that stretches from the upper Yukon riverlands to the delta of the Yukon River and extends towards the sea.

In Nature of Borders: Salmon, Boundaries, and Bandits on the Salish Sea, Lissa K. Wadewitz concluded that “[...] the Salish Sea salmon fishery illustrates how international competition for a mobile aquatic resource has shaped the course of conservation politics and fishery management practices in both the United States and Canada”¹⁸⁶⁹. In our story, both capital and state institutions were affected by their encounters with the more-than-terrestrial ecologies defying any simple distinction between water and land.¹⁸⁷⁰ Together with the geologies of the riverlands, the lack of solar energy and the absence of large-scale, industrial agriculture would, in many places, not sustain permanent colonial settlement and industrialization.¹⁸⁷¹ This had consequences to government bureaucracies and to practices of bordering for government agents, too, could not keep pace—and often would not—with gold strikes and the dynamics of ‘temporary settlements’. Reducing costs meant focusing on the arteries rather than the capillaries of the riverine system of transportation and commerce. The northern section of the riverlands therefore largely fell outside of government control and oversight. Customs agents and other representatives of the United States and Canada were to rely

¹⁸⁶⁶ Hoy, *A Line of Blood and Dirt: Creating the Canada-United States Border across Indigenous Lands*, 225.

¹⁸⁶⁷ Mezzadra and Neilson, *Border as Method, Or: The Multiplication of Labor*, 280.

¹⁸⁶⁸ Ibid.

¹⁸⁶⁹ Wadewitz, *The Nature of Borders: Salmon, Boundaries, and Bandits on the Salish Sea*, 173.

¹⁸⁷⁰ On the basis of, Andreas Malm, *The Progress of This Storm: Nature and Society in a Warming World* (London; New York: Verso, 2020), esp. 208-12.

¹⁸⁷¹ See, Piper and Sandlos, "A Broken Frontier: Ecological Imperialism in the Canadian North," 779-80; Piper, *The Industrial Transformation of Subarctic Canada*, 283-84.

on a network of informants that—in rare cases—provided them with the information about ‘illegal’ activities that law enforcement agents sought. Likewise, the material obstacles of the riverlands forced state officials to enlist Gwich’in hunters to supply their quarantine camps during the alleged ‘smallpox crisis’ at Gindèhchik. Raising the flag meant cooperating with various non-state actors in order to manipulate the more-than-terrestrial ecologies of the riverlands and stack the cards in governments’ favors.

When the Carlisle Packing Company put their plans for the large-scale extraction of salmon on the lower Yukon River into practice and salmon runs collapsed, state agents were left with the problem of how to mitigate the effects of fisheries crashes under the material conditions of the riverlands. The analogy that Gilbert and O’Malley drew between dogs and horses is telling: While the proliferation of equestrian empires was based on the utilization and the expansion of pasture, converting solar energy literal horsepower and mobility, the more-than-terrestrial economies of the riverlands related to the conversion of sunlight into plankton and into the bodies of salmon.¹⁸⁷² Echoing the critique of the inhabitants of the riverlands, Gilbert and O’Malley developed a decisive strategy for the reconciliation of the more-than-terrestrial ecologies of the riverlands with the affordance of state jurisdictions, capital investment, and the proliferation of borders: the abandonment of industrial exploitation of fish.

Salmonid geographies in the Yukon riverlands reveal that instead of a global, terrestrial totality (‘the globe’) cut into distinct, objectifiable, and commodifiable pieces of ‘landed property,’ on land as well as on the sea, the lives of fish create a border *zone* “[...] which corresponds much more to an open totality [...], granted that the zone is always a redistribution of the parts and the whole.”¹⁸⁷³ Movements of salmon have shaped a more-than-terrestrial border zone in unpredictable and unexpected ways, ‘moving’ rivers to oceans and oceans to forests.

¹⁸⁷² On the role of grass power; see, e.g., Pekka Hämäläinen, "The Politics of Grass: European Expansion, Ecological Change, and Indigenous Power in the Southwest Borderlands," *The William and Mary Quarterly* 67, no. 2 (2010); Amrith, *The Burning Earth: A History*, 15-26.

¹⁸⁷³ Jeanne Étélin, "A Theory of Zones: Conceptualizing Space in the Planetary Era" (PhD Thesis, New York University, 2023), 335.

SECTION 5

APPENDIX

15. APPENDIX

15.1 Records of the U.S. Customs Office at Eagle, 1903-1916

Sources:

NARA WA, RG 36, U.S. Customs Service, Records of the U.S. Customs Service Eagle, Box 135, Vol. 1, No. 177-182.

NARA WA, RG 36, U.S. Customs Service, Records of the U.S. Customs Service Eagle, Box 135, Vol. 2, No. 18-21.

NARA WA, RG 36, U.S. Customs Service, Records of the U.S. Customs Service Eagle, Box 135, Vol. 2, No. 44-46.

NARA WA, RG 36, U.S. Customs Service, Records of the U.S. Customs Service Eagle, Box 135, Vol. 2, 99-103.

NARA WA, RG 36, U.S. Customs Service, Records of the U.S. Customs Service Eagle, Box 135, Vol. 2, No. 153-158.

NARA WA, RG 36, U.S. Customs Service, Records of the U.S. Customs Service Eagle, Box 135, Vol. 2, No. 244-247.

NARA WA, RG 36, U.S. Customs Service, Records of the U.S. Customs Service Eagle, Box 135, Vol. 4, No. 9-13.

NARA WA, RG 36, U.S. Customs Service, Records of the U.S. Customs Service Eagle, Box 135, Vol. 4, No. 73-78.

NARA WA, RG 36, U.S. Customs Service, Records of the U.S. Customs Service Eagle, Box 135, Vol. 4, No. 113-116.

NARA WA, RG 36, U.S. Customs Service, Records of the U.S. Customs Service Eagle, Box 135, Vol. 4, No. 141-149.

Year	Revenues Collected	Expenses	Passengers		Gold Dust Cleared at Port		Cost to Collect \$1	Surplus/Deficit
	In US\$	In US\$	Inward	Outward	In Ounces	In US\$		
1903	12.788,63							
1904	63.404,57	8.412,68			43.687,00	698.992,00	0,13	S
1905	36.657,13	9.788,33			227.103,00	3.633.728,00	0,27	S
1907	7.921,93	8.696,54			0,00	659.573,00	1,10	D
1908	6.065,56	6.344,47			0,00	2.910.844,00	1,05	D
1909	6.795,61	5.808,12			42.293,17	731.578,00	0,85	S
1910	3.902,83	4.381,89	1.641,00	1.126,00	242.471,90	4.331.902,00	1,12	D
1911	3.229,75	5.097,07	1.134,00	808,00	199.986,00	3.399.762,00	1,58	D
1912	5.473,50	4.997,43	1.017,00	715,00	184.191,00	3.478.196,00	0,91	S
1913	2.710,76	4.594,87					1,70	D
1914	1.812,39	3.149,64			187.162,50	3.718.743,00	1,74	D
1917						2.860.436,00		

15.2 Gold Cleared at Eagle: Places of Production

Sources:

NARA WA, RG 36, U.S. Customs Service, Records of the U.S. Customs Service Eagle, Box 135, Vol. 1, No. 182.

NARA WA, RG 36, U.S. Customs Service, Records of the U.S. Customs Service Eagle, Box 135, Vol. 2, No. 22.

NARA WA, RG 36, U.S. Customs Service, Records of the U.S. Customs Service Eagle, Box 135, Vol. 2, No. 46.

NARA WA, RG 36, U.S. Customs Service, Records of the U.S. Customs Service Eagle, Box 135, Vol. 2, No. 103.

NARA WA, RG 36, U.S. Customs Service, Records of the U.S. Customs Service Eagle, Box 135, Vol. 2, No. 158.

NARA WA, RG 36, U.S. Customs Service, Records of the U.S. Customs Service Eagle, Box 135, Vol. 2, No. 247.

NARA WA, RG 36, U.S. Customs Service, Records of the U.S. Customs Service Eagle, Box 135, Vol. 4, No. 13.

NARA WA, RG 36, U.S. Customs Service, Records of the U.S. Customs Service Eagle, Box 135, Vol. 4, No. 73.

NARA WA, RG 36, U.S. Customs Service, Records of the U.S. Customs Service Eagle, Box 135, Vol. 4, No. 141.

** Die Berechnung in der Akte unterscheidet sich von den eigenen Berechnungen erheblich: Bei Ounces werden in Akte 1.370 und bei Value, US\$ 21.920 mehr angegeben, als in Orten gelistet werden!*

	1904*	1905	1907	1908	1909	1910	1911	1912	1914	1917

<i>Place of Production</i>	<i>Ounces</i>	<i>Value, US\$</i>	<i>Ounces</i>	<i>Value, US\$</i>	<i>Value, US\$</i>	<i>Value, US\$</i>	<i>In Ounces</i>	<i>Value, US\$</i>	<i>In Ounces</i>	<i>Value, US\$</i>	<i>In Ounces</i>	<i>Value, US\$</i>	<i>In Ounces</i>	<i>Value, US\$</i>	<i>In Ounces</i>	<i>Value, US\$</i>	<i>Value, US\$</i>
Fairbanks	27.754,00	444.064,00	217.244,00	3.475.904,00	577.851,00	2.789.204,00	33.191,25	575.013,00	233.539,25	4.185.568,00	193.572,00	3.290.724,00	180.370,00	3.414.477,00	172.256,50	3.445.120,00	2.199.270,00
Circle	7.530,00	120.480,00	5.361,00	85.776,00	46.041,00	33.634,00	3.171,00	52.549,00	1.140,25	18.342,00	2.059,00	35.003,00	1.093,00	17.996,00	4.844,20	105.096,00	38.098,00
Rampart	4.484,00	71.744,00	1.867,00	29.872,00	7.709,00	5.153,00	253,50	4.123,00	99,25	1.619,00	111,00	1.887,00	93,00	1.622,00			3.185,00
Woodchopper Creek	413,00	6.608,00	861,00	13.776,00		13.106,00	906,50	17.223,00	1.028,00	18.660,00	1.210,00	20.570,00	399,00	7.089,00	581,50	10.066,00	845,00
Chicken Creek	461,00	7.376,00	217,00	3.472,00													
Fourth of July Creek	30,00	480,00	74,00	1.184,00					103,75	1.648,00							
Seventy Mile			6,00	96,00													
Kantisha			3,00	48,00													
Eagle	1.553,00	24.848,00	1.475,00	23.600,00	17.946,00	59.569,00	1.254,50	22.404,00	477,90	7.908,00	546,00	9.282,00	897,00	15.177,00	1.731,80	28.392,00	16.978,00
Koyukuk					6.127,00	426,00	241,50	4.006,00	345,25	6.314,00	583,00	9.911,00			2.558,00	45.773,00	11.569,00
Chandalar					3.899,00	293,00	91,25	1.552,00			26,00	442,00	39,00	650,00			7.000,00
Coal Creek	92,00	1.472,00							27,75	444,00							
Forty Mile						9.155,00	599,25	9.921,00	430,50	6.956,00	1.213,00	20.621,00	711,00	11.698,00	345,50	5.597,00	2.289,00
Hot Springs							213,00	3.426,00	4.498,00	71.959,00			365,00	5.973,00	3.650,80	59.092,00	58.391,00
Sam Creek									61,00	976,00							
Iditarod									135,25	2.160,00	334,00	5.678,00	54,00	860,00	242,00	4.182,00	128.032,00
Kuskokwim									13,25	212,00			51,00	700,00			
Valdez (Dan Creek)									8,00	128,00							
Nome									6,75	108,00							
Kantishna													11,00	172,00			
Ruby													58,00	929,00	687,00	11.036,00	394.779,00
Tanana													19,00	319,00	195,00	3.152,00	
Innoko						306,00	12.371,25	41.370,00	557,75	8.900,00	332,00	5.644,00	31,00	534,00	70,70	1.237,00	
Total	42.317,00	677.072,00	227.108,00	3.633.728,00	659.573,00	2.910.846,00	52.293,00	731.587,00	242.471,90	4.331.902,00	199.986,00	3.399.762,00	184.191,00	3.478.196,00	187.163,00	3.718.743,00	2.860.436,00

Year Value, US\$ Value Fairbanks District, US\$ Percentage of Fairbanks Gold Production

1904	677.072,00	444.064,00	65,59
1905	3.633.728,00	3.475.904,00	95,66
1907	659.573,00	577.851,00	87,61
1908	2.910.846,00	2.789.204,00	95,82
1909	731.587,00	575.013,00	78,60
1910	4.331.902,00	4.185.568,00	96,62
1911	3.399.762,00	3.290.724,00	96,79
1912	3.478.196,00	3.414.477,00	98,17
1914	3.718.743,00	3.445.120,00	92,64
1917	2.860.436,00	2.199.270,00	76,89

15.3 Records of the U.S. Customs Office at Forty Mile, 1903-1913

Sources:

Report of U.S. Customs Post Forty Mile Jan. 1, 1908, in: NARA WA, RG 36, U.S. Customs Eagle, Box 154, Vol. 1, pp. 452-456

Report of U.S. Customs Post Forty Mile Jan. 1, 1914, in: NARA WA, RG 36, U.S. Customs Eagle, Box 154, Vol. 2, pp. 235-238

** incl. fines (in 1908: \$19,25)*

*** incl. internal revenue (on imported tobacco and cigars)*

Year	Customs (in US\$)*	Other Revenue (in US\$)**	Number of Entries for Consumption		Value of Imported Merchandise		Gold Production Forty Mile Area		Nuer of Persons Arriving from Canada Subject to Inspections Under Customs and Immigration Laws
			For Duty	Free of Duty	Foreign Merchandise/Dutiable (in US\$)	Domestic Misc. Rept./Free of Duty (in US\$)	No. Ounces	Value (in US\$)	
1903	7.738	156					10.664	170.624	
1904	4.360	279	246	63	19.061	44.306	18.071	289.136	
1905	4.091	71	128	42	13.224	33.525	15.054	240.864	
1906	3.234	40	117	18	13.399	27.258	12.137	194.192	
1907	6.648	77	124	25	29.231	49.735	8.203	131.248	
1908									
1909									
1910									
1911	2.410	5			13.852	13.399	7.085	115.794	80
1912	1.362	279			6.795	9.005	11.819	189.526	149
1913	359	4			2.138	2.202	6.377	105.381	137

	Expenses in 1907	Expenses in 1911	Expenses in 1912	Expenses in 1913
Salaries	4.730,00	2.333,33	2.350,00	2.350,00

Rent	480,00	480,00	480,00	480,00
Fuel & Misc. Supplies	348,50	307,50	242,50	281,50
Furniture	46,25	31,00		83,00
Postage Stamps	10,00	43,30	74,70	44,65
Total	5.614,75	3.195,13	3.147,20	3.239,15
Collection ratio	0,835	1,323	1,918	8,932

15.4 Gold Production in Canada and Yukon Gold Production Relative to Total Production, 1858-1931

Sources:

Robinson, A. H. A. "Gold in Canada." edited by Department of Mines Canada. Ottawa: F. A. Acland Publishers, 1932, pp. 18-19 & p. 32.

Year	Canada	Yukon	Yukon Lode Gold		Production of Gold in Yukon Relative to Total Production in Canada (in %)
	<i>Fine Ounces</i>	<i>Fine Ounces</i>	<i>Value (in \$)</i>	<i>Fine Ounces</i>	
1858	34.104	0	0	0	0,0
1859	78.129	0	0	0	0,0
1860	107.806	0	0	0	0,0
1861	128.973	0	0	0	0,0

1862	135.391	0	0	0	0,0
1863	202.498	0	0	0	0,0
1864	199.605	0	0	0	0,0
1865	192.898	0	0	0	0,0
1866	152.555	0	0	0	0,0
1867	145.775	0	0	0	0,0
1868	134.169	0	0	0	0,0
1869	102.720	0	0	0	0,0
1870	83.415	0	0	0	0,0
1871	105.187	0	0	0	0,0
1872	90.283	0	0	0	0,0
1873	74.346	0	0	0	0,0
1874	97.586	0	0	0	0,0
1875	130.300	0	0	0	0,0
1876	97.729	0	0	0	0,0
1877	94.304	0	0	0	0,0
1878	74.420	0	0	0	0,0
1879	76.547	0	0	0	0,0
1880	63.121	0	0	0	0,0
1881	63.524	0	0	0	0,0
1882	60.288	0	0	0	0,0
1882	53.853	0	0	0	0,0
1884	51.202	0	0	0	0,0
1885	55.575	0	0	0	0,0
1886	70.782	4.837	100.000	0	6,8
1887	57.460	3.386	70.000	0	5,9
1888	53.145	1.935	40.000	0	3,6
1889	62.653	8.466	175.000	0	13,5

1890	55.620	8.466	175.000	0	15,2
1891	45.018	1.953	40.000	0	4,3
1892	43.905	4.233	87.500	0	9,6
1893	47.243	8.514	176.000	0	18,0
1894	54.600	6.047	125.000	0	11,1
1895	100.798	12.094	250.000	0	12,0
1896	133.262	14.513	300.000	0	10,9
1897	291.557	120.937	2.500.000	0	41,5
1898	666.386	483.750	10.000.000	0	72,6
1899	1.028.529	774.000	16.000.000	0	75,3
1900	1.350.057	1.077.553	22.275.000	0	79,8
1901	1.167.216	870.750	18.000.000	0	74,6
1902	1.032.161	701.437	14.500.000	0	68,0
1903	911.559	592.594	12.250.000	0	65,0
1904	796.374	507.938	10.500.000	0	63,8
1905	684.951	381.001	7.876.000	0	55,6
1906	556.415	270.900	5.600.000	0	48,7
1907	405.517	152.381	3.150.000	0	37,6
1908	476.112	174.150	3.600.000	0	36,6
1909	453.865	191.565	3.960.000	0	42,2
1910	493.707	221.091	4.570.362	985	44,8
1911	473.159	224.197	4.634.574	2.640	47,4
1912	611.885	268.447	5.549.296	459	43,9
1913	802.973	282.838	5.846.780	518	35,2
1914	773.178	247.940	5.125.374	187	32,1
1915	918.056	230.173	4.758.098	370	25,1
1916	930.492	212.700	4.396.900	690	22,9
1917	738.831	177.667	3.672.703	1.119	24,0

1918	699.681	102.474	2.118.325	730		14,6
1919	766.764	90.705	1.875.039	2.782		11,8
1920	765.007	72.778	1.504.455	28		9,5
1921	926.329	65.994	1.364.217	78		7,1
1922	1.263.364	54.456	1.125.705	86		4,3
1923	1.233.341	60.144	1.243.287	120		4,9
1924	1.525.382	34.825	719.897	0		2,3
1925	1.735.735	47.817	988.465	0		2,8
1926	1.754.228	25.601	529.220	257		1,5
1927	1.852.785	30.935	639.483	157		1,7
1928	1.890.592	34.364	710.367	248		1,8
1929	1.928.308	35.892	741.954	222		1,9
1930	2.102.068	35.517	734.202	357		1,7
1931	2.695.219	44.306	915.886	245		1,6
Total	40.312.572	8.974.261	185.514.089	12.278	Average Value	16,4

15.5 Landed Salmon Alaska and Pacific Coast, 1884-1960

Sources:

Census, U.S. Bureau of the. "Historical Statistics of the United States, Colonial Times to 1970, Bicentennial Edition, Part 1." edited by U.S. Department of Commerce. Washington D.C.: U.S. Government Printing Office, 1975, Series L 262-293, p. 558.

Year	Canned Salmon, Standard Cases (in millions), AK	Canned Salmon, Value (in million dollars), AK	Landed Salmon (in million pounds), AK	Landed Salmon (in million pounds), Pacific Coast States
1884	0,1			
1885	0,1			
1886	0,1			
1887	0,3			
1888	0,4			
1889	0,7			
1890	0,7			
1891	0,8			
1892	0,5			47,0
1893	0,6			
1894	0,7			
1895	0,6			78,0

1896	1,0		
1897	0,9		
1898	1,0		
1899	1,1		129,0
1900	1,5		
1901	2,0		
1902	2,5		
1903	2,2		
1904	2,0	6,3	107,0
1905	1,9	7,9	
1906	2,2	8,8	
1907	2,2	10,2	
1908	2,6	9,4	86,0
1909	2,3	11,1	
1910	2,4	14,6	
1911	2,8	18,7	
1912	4,1	13,5	
1913	3,7	18,9	
1914	4,1	18,7	
1915	4,5	23,3	127,0
1916	4,9	46,3	
1917	5,9	51,0	
1918	5,7	43,3	
1919	4,6	35,6	
1920	4,4	19,6	
1921	2,6	29,8	
1922	4,5	32,9	63,0
1923	5,1	33,0	106,0

1924	5,3	32,0		102,0
1925	4,5	46,1		140,0
1926	6,7	30,0		85,0
1927	3,6	45,4	301,0	132,0
1928	6,1	45,5	517,0	81,0
1929	5,4	40,5	443,0	142,0
1930	5,0	29,7	426,0	100,0
1931	5,4	29,1	468,0	133,0
1932	5,3	21,7	453,0	76,0
1933	5,2	28,4	467,0	107,0
1934	7,5	37,6	625,0	87,0
1935	5,2	25,8	434,0	99,0
1936	8,5	44,8	727,0	64,0
1937	6,7	45,0	593,0	96,0
1938	6,8	36,5	590,0	64,0
1939	5,2	34,4	452,0	75,0
1940	5,0	31,5	439,0	61,0
1941	6,9	56,2	543,0	86,0
1942	5,1	48,3	431,0	78,0
1943	5,4	57,8	457,0	49,0
1944	4,9	51,2	393,0	50,0
1945	4,3	44,5	403,0	96,0
1946	4,0	53,2	392,0	87,0
1947	4,3	88,7	382,0	116,0
1948	4,0	96,5	338,0	65,0
1949	4,4	81,3	388,0	96,0
1950	3,3	82,4	265,0	64,0
1951	3,5	79,2	277,0	98,0

1952	3,6	76,4	283,0	69,0
1953	2,9	58,2	220,0	93,0
1954	3,2	63,3	247,0	78,0
1955	2,5	56,8	204,0	86,0
1956	3,0	78,6	270,0	54,0
1957	2,5	62,9	203,0	62,0
1958	3,0	66,1	241,0	66,0
1959	1,8	49,5	147,0	202,0
1960	2,6	76,5	207,0	235,0

15.6 U.S. Unemployment, 1890-1914

Sources:

Census, U.S. Bureau of the. "Historical Statistics of the United States, Colonial Times to 1970, Bicentennial Edition, Part 1." edited by U.S. Department of Commerce. Washington D.C.: U.S. Government Printing Office, 1975, Series D 85-86, p. 135.

Year	Unemployed	Percentage
1914	3.120	7,9
1913	1.671	4,3
1912	1.759	4,6
1911	2.518	6,7
1910	2.150	5,9
1909	1.824	5,1
1908	2.780	8,0
1907	945	2,8
1906	574	1,7
1905	1.381	4,3
1904	1.691	5,4
1903	1.204	3,9
1902	1.097	3,7
1901	1.205	4,0
1900	1.420	5,0
1899	1.819	6,5
1898	3.351	12,4
1897	3.890	14,5
1896	3.782	14,4
1895	3.510	13,7
1894	4.612	18,4
1893	2.860	11,7
1892	728	3,0
1891	1.265	5,4
1890	905	4,0

in thousands of persons, 14 years old and over

15.7 Gold and Silver Production in the United States, 1845-1920

Sources:

Census, U.S. Bureau of the. "Historical Statistics of the United States, Colonial Times to 1970, Bicentennial Edition, Part 1." edited by U.S. Department of Commerce. Washington D.C.: U.S. Government Printing Office, 1975, Series M 268-270, p. 606.

Year	Gold Production	Silver Production
1845	49	39
1846	55	39
1847	43	39
1848	484	39
1849	1.935	39
1850	2.419	39
1851	2.661	39
1852	2.901	39
1853	3.144	39
1854	2.902	39
1855	2.661	39
1856	2.661	39
1857	2.661	39
1858	2.419	39
1859	2.419	77
1860	2.225	116
1861	2.080	1.547
1862	1.896	3.480
1863	1.935	6.574
1864	2.230	8.508
1865	2.575	8.701
1866	2.588	7.734
1867	2.502	10.441
1868	2.322	9.281
1869	2.395	9.281
1870	2.419	12.375
1871	2.104	17.789
1872	1.742	22.236
1873	1.742	27.650
1874	1.620	28.868
1875	1.619	24.530
1876	1.932	29.996
1877	2.269	30.778
1878	2.477	35.022
1879	1.882	31.566
1880	1.742	30.319
1881	1.679	33.258
1882	1.572	36.197
1883	1.451	35.733
1884	1.490	37.744
1885	1.538	39.909
1886	1.687	39.694

1887	1.603	41.722
1888	1.604	45.793
1889	1.595	50.094
1890	1.589	54.516
1891	1.605	58.380
1892	1.597	68.500
1893	1.739	60.000
1894	1.911	49.500
1895	2.255	55.727
1896	2.568	58.835
1897	2.775	53.860
1898	3.118	54.438
1899	3.437	54.764
1900	3.830	57.547
1901	3.806	55.214
1902	3.870	55.500
1903	3.560	54.300
1904	3.911	56.000
1905	4.265	56.272
1906	4.703	57.362
1907	4.227	52.600
1908	4.435	50.876
1909	4.798	57.313
1910	4.589	57.597
1911	4.686	61.108
1912	4.466	66.084
1913	4.311	71.187
1914	4.418	69.623
1915	4.754	72.354
1916	4.417	78.858
1917	3.900	70.662
1918	3.218	68.059
1919	2.753	51.899
1920	2.383	56.537

in thousands of fine troy ounces

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