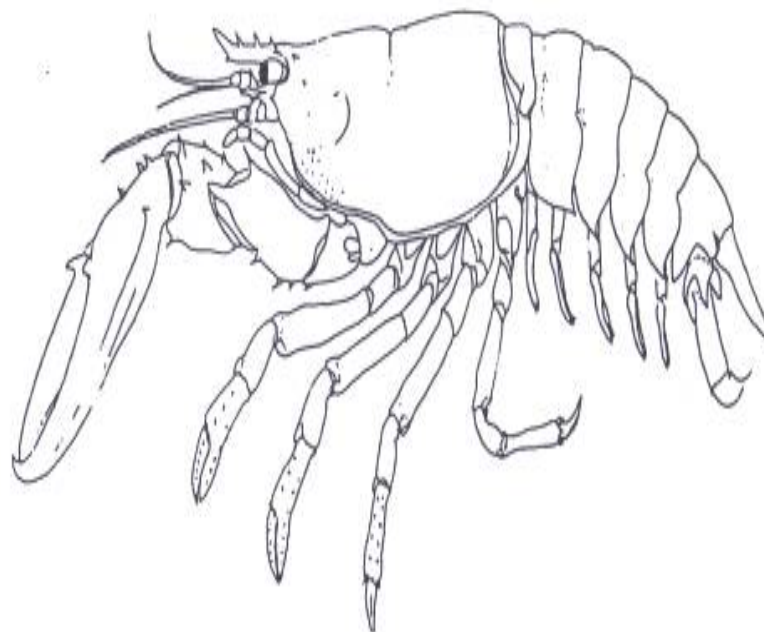


JAKEJ
THE EARLY HISTORY OF LOBSTER HARVESTING AMONG
NATIVES AND NEWCOMERS IN ATLANTIC CANADA



VOLUME 1: REPORT

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INTRODUCTION

This report is the product of a request by the Department of Justice Canada that I formulate a professional opinion on whether, or to what extent, lobsters—known as *Jakej* in Mi'kmaq and *Homarus americanus* in the scientific community—were traditionally important to the Mi'kmaq people. To that end I was asked to compile and review the voluminous literature that I had previously been exposed to during the course of seven years of research on Mi'kmaq matters in Atlantic Canada. This literature falls into several categories: (a) records of oral histories or oral traditions, (b) archaeological reports on the pre-contact and early contact periods (c), written “ethnohistoric” documents produced by eyewitnesses during the period from 1500 to 1900, and (d) the modern anthropological literature on Mi'kmaq subsistence. While the period under study covers many centuries, it should be kept in mind that this is intended to illuminate two specific target dates.

The first is AD 1500 which I take to be a convenient juncture for first contact between the Mi'kmaq and Europeans—a temporal framework required by the legal test used to adjudicate aboriginal rights, but one that also happens to be of considerable relevance to ethnohistorians interested in aboriginal practices. I hasten to add that the contact between natives and newcomers was an exceedingly complex process of transculturation in which goods, behaviours and ideas flowed both ways.¹ It cannot be easily reduced to a single episode or point in time. The first occasion of direct, face-to-face contact was often preceded by culture change brought about by indirect contact.² The detailed accounts of native life written by Europeans at the point of direct contact or shortly thereafter were once thought to be descriptions of cultures basically unaltered by Europeans. To a certain extent such an assumption remains justified in specific cases.³ However, in many other instances significant changes took place between the first appearance of European goods and the earliest contact resulting in substantial historical records. In some parts of the country this interval, which anthropologists call the Protohistoric period, lasted as much as a century. In the case of the Mi'kmaq, we are fortunate that the matter can be simplified. While these people also had a lengthy Protohistoric period,⁴ and while detailed descriptions from the sixteenth century are lacking, there is little question that there was direct, face-to-face contact virtually from the beginning. The Mi'kmaq were in fact one of the earliest North American indigenous peoples to have come into contact with Bretons, Portuguese and Basques. Bernard Hoffman dates first contact to around 1504 with the arrival at Cape Breton of French Bretons who possibly traded with the native inhabitants.⁵

¹ von Gernet 1996a. Complete citation information is found in the 'References Cited' section (pp. 54-67).

² This was made evident to me over a decade ago when I recovered a Venetian glass bead from an Algonquin archaeological site in Ontario dating to the 1530s—a full seven decades prior to the first European penetration into that region and centuries before the first non-aboriginal person actually visited the same site (von Gernet 1993:76-77).

³ For example, I have shown that the earliest accounts of Huron eschatology are so radically different from the Aristotelian and Catholic views of the seventeenth-century Jesuits, that it is highly unlikely that they were influenced by European proselytization prior to the time of the descriptions (von Gernet 1994).

⁴ This is generally understood to be the entire sixteenth century, as well as the early seventeenth century (Whitehead 1993).

⁵ Hoffman 1955:7, 13, 41, 543.

This date has been accepted by other scholars.⁶ I follow Patricia Nietfeld who finds it probable that the Mi'kmaq "had significant interaction with Europeans from at least A.D. 1500."⁷

The second target date is 1760-61 for the obvious reason that these years saw the signing of the treaties at issue in the legal proceedings stimulating our research. As I understand it, my task is to provide an opinion not only on practices prevalent at the time of first contact, but also at the time of the treaties, so that the separate question of what might have been in the contemplation of the parties to those instruments can be elucidated.

From the outset, it must be understood that I found no information relating directly to the target dates. This, however, is not particularly unusual in ethnohistorical inquiry. Many reconstructions of practices at specific historical junctures draw on contextual information gleaned from earlier or later sources and employ inferential arguments based on circumstantial evidence.⁸ Hence, part of the task in the present instance is to offer an opinion as to whether, or to what extent, anachronistic material is applicable to the target dates.

Another task involves assessing whether any documented practices, such as lobster harvesting, consuming or trading, were important enough so as to constitute an integral part of Mi'kmaq society. In other words, absent such practices would the distinctiveness of these people be lost? Fortunately, as an anthropologist, I deal with such questions frequently.

After first contact, natives and newcomers become part of the same historical trajectory and it is no longer appropriate to treat them in isolation; for this reason, my inquiries necessarily deal with both. The fact is that what may appear to be an aboriginal practice sometimes turns out to be a European one or, alternatively, may be the consequence of the European presence in North America. Conversely, some European practices were appropriated from aboriginal people and have no pre-contact antiquity.⁹

Finally, I was asked to provide a brief discussion on whether conservation and regulation of natural resources were part of the historic Mi'kmaq experience.

⁶ e.g., Prins 1996:2,44.

⁷ Nietfeld 1981:219.

⁸ Under certain conditions, and with sophisticated approaches, information from one period can be used to illuminate practices which took place millennia earlier (for a general discussion see von Gernet 1993a).

⁹ An excellent example is pipe smoking (von Gernet 1995).