

# ***MIKOMOSIS and the WETIKO***

**A Teaching Guide**  
for Youth, Community, and Post-Secondary Educators



Cover illustration used for this teaching guide: Simon Roy © 2013.  
Excerpted images from *Mikomosis and the Wetiko*, owned by the graphic narrative artists (Ken Steacy, Janine Johnston [assisted by Jazmyn Mari], and Simon Roy [assisted by Jessica Pollard]).  
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Chapter images: Val Napoleon, from her watercolour series, *Kokum Ravens*. The ravens dotted throughout the teaching guide are also excerpted from Napoleon's art.

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## Acknowledgements

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This teaching guide was collaboratively prepared by Emily Snyder, Lindsay Borrows, and Val Napoleon, with significant contributions from Hadley Friedland.



## About The UVic Indigenous Law Research Unit (ILRU)

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The Indigenous Law Research Unit partners with communities in order to rigorously and critically investigate research questions pertaining to Indigenous legal orders. This ground-breaking work includes researching and exploring specific areas of law, legal processes and procedures, interpretive theories, legal pedagogies, and legal reasoning and decision-making, and creating Indigenous law materials for communities, academic institutions, and practitioners. Another aim of the ILRU is to support and develop substantive resources for the proposed Indigenous law degree program (joint JID/JD) at the Faculty of Law, UVic. This professional dual degree program would provide students with a degree in both Indigenous law and Canadian common law. The program will create the space necessary for living and breathing Indigenous legal orders in the academy both as sources of normative insight and inquiry, and as practical tools for governance and citizenry building. The ILRU is committed to promoting gender inclusive teaching and research.

Dr. Val Napoleon is the Director of the ILRU and Renée McBeth is the Project Coordinator. Contact: [ilru@uvic.ca](mailto:ilru@uvic.ca)



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**Many mainstream educational materials suggest the stereotype of Indigenous peoples as lawless prior to European contact. This false idea still goes unquestioned, or worse, is being implicitly taught to students today.**

*-Hadley Friedland, Background to the Graphic Novel.*



## *Chapter 1: Introduction*

## “Graphic Novel Explores Indigenous Law, Aiming to Empower and Educate”

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By: Mitch Wright, published in the Ring, May 7, 2013

Reaching back in time to correct past wrongs isn't typically within the realm of legal literature, but a graphic novel created by the University of Victoria's Indigenous Law Research [Unit] is testing such new avenues in an effort to broaden understanding of Indigenous law's complexity and legitimacy.

The project draws on work with seven different legal orders across Canada that will help empower Indigenous communities, as well as educate and engage legal practitioners. The graphic novel genre was chosen to tell the story of *Cree Law: Mikomosis and the Wetiko* because it is seen as a more engaging way to present complex information or subjects.

“We're looking to demonstrate indigenous law's complexity in a way that is accessible, but also sophisticated enough that it's useful,” said Prof. Val Napoleon, who led the project with UVic alumnae [and PhD Candidate in law], Hadley Friedland.

Also involved were noted TV screenwriter Jim Henshaw and renowned comic artist [...] Ken Steacy, who led a team of four additional illustrators.

“This is absolutely one of the most challenging, exciting and rewarding projects I've been involved with,” said Steacy, a Camosun College instructor who has worked on some of the world's most recognized comics, during the graphic novel's official launch at UVic's Fraser Building May 6.

Indigenous legal orders are living traditions of law that enable Indigenous societies to manage themselves as self-governing and self-determining peoples.

The story is a composite of true situations, and evolved from [Hadley Friedland's graduate research,] material gathered by [ILRU] researchers and [was] compiled by Napoleon. It explores the tale of a Cree man sentenced to death by a 19th-century Alberta court after carrying out an execution ordered by his Cree community under a Cree legal concept known as Wetiko.

A contingent of Indigenous lawyers travels back in time to intervene and apply aspects of Indigenous law not originally presented. With a more in-depth understanding of the circumstances, the court finds the accused not guilty.

Media article available at: <http://ring.uvic.ca/news/graphic-novel-explores-indigenous-law-aiming-empower-and-educate>



## Background To The Graphic Novel

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Prepared by Hadley Friedland

### **The Accessing Justice and Reconciliation Project**

*Mikomosis and the Wetiko* (hereafter *Mikomosis*) was developed as part of a national research project, the Accessing Justice and Reconciliation (AJR) Project, undertaken by a partnership of the University of Victoria Indigenous Law Research Unit, the Indigenous Bar Association, and the Truth and Reconciliation Commission of Canada, with additional funding from the Ontario Law Foundation. The AJR Project explored how Indigenous societies used and applied their own legal principles to deal with harms and conflict between and within groups.

The overall vision for this project was to honour the internal strengths and resiliencies of Indigenous peoples and to identify and articulate principles within Indigenous legal traditions that might be usefully applied today. The AJR Project's approach was to treat Indigenous laws seriously as *laws*. Researchers analyzed publicly available materials and oral traditions within seven partner communities, representing six legal traditions across Canada, using adapted methods – with the same rigor required to seriously engage with state laws in Canadian law schools. More information and additional resources can be found here: <http://indigenousbar.ca/indigenoulaw/>.

### **The Importance of Indigenous Law and Challenging Common Assumptions**

Many mainstream educational materials suggest the stereotype of Indigenous peoples as lawless prior to European contact. This false idea still goes unquestioned, or worse, is being implicitly taught to students today. We have all developed certain assumptions and associations with the concept of 'law' that can make it hard to understand that law existed in Indigenous societies prior to

European contact and the arrival of European style police force, legislature and judicial system. Historically, these stereotypes and assumptions played out tragically in real life. For example, in several documented cases in the late 1800s and early 1900s, Canadian legal authorities made decisions to execute Indigenous legal authorities who were carrying out legitimate Indigenous legal decisions to execute someone who had become a *wetiko*. We define *wetiko* as a Cree and Anishinaabek legal concept to describe someone harmful to themselves and others in socially prohibited ways. In the past, a *wetiko* has been commonly described as ‘cannibal’ or, by outside researchers, as a culturally specific ‘psychosis’ or ‘hysteria,’ but our research shows the legal concept definition is more accurate. This graphic novel tells the story of the case of Mikomosis, which is based on a compilation of actual historic cases, and then re-tells it in a way that considers and respects Cree laws.



When discussing this case, it may be useful to also talk about how Canadian laws and values change over time. For example, in 1878, a Cree man named Swiftrunner was executed after becoming a *wetiko* – by the Canadian authorities at Fort Saskatchewan! He was hanged. This would not happen today because there is no longer capital punishment in Canada. In the graphic novel, Mikomosis executes Sap-was-te when it is determined by the decision-makers that there is no other way to keep the group safe from her increasing violence. Just as execution would not be an option in Canadian law today, it is important to point out that this would not ever be a current option in Cree law today either.

It is also important to point out that there were always a variety of responses to someone turning *wetiko* in Cree law, just as there is a range of responses to someone acting dangerously in Canadian law today. For example, in our research project, a Cree elder stated the Cree preference for healing very strongly:

*When one researcher asked this elder about the published stories he had read in which wetikos were killed, the elder stated emphatically that, “probably someone who didn’t know nothing and had no compassion would just go kill somebody else.” She went on to say the proper response is to try to help the person turning wetiko instead. She stressed that people turning wetiko should not be seen as faceless dangers, but rather that “these are our family members.”*

-IBA AJR Project Cree Legal Traditions Report

It is important to realize that, even historically, the execution of someone turning into a *wetiko*, as occurs in the graphic novel, was very rare. It was much more common that a person was either healed, or separated or supervised until they could be healed. These people were then reintegrated into the group with supervision and support.

It is also worth noting that while the graphic novel suggests starvation may be the cause of Sap-was-te turning *wetiko*, this reflects only one theory, albeit a dominant one, of why people turn *wetiko*. There are several other theories as well, but, like many aspects of our human condition, there is no one definitive answer or a simple cause and effect answer to the question of why some human beings come to do terrible things to others.<sup>1</sup> Importantly, while starvation is one source of deprivation, stress and suffering, there are many contemporary sources beyond literal starvation that disproportionately impact Indigenous people today. It may be helpful to discuss some of these with your students. When thinking about stress and human suffering, it is vital that we not lose sight of the underlying social problems that can create stressful circumstances for individuals and communities and can cause individuals enormous hardship and suffering. At the same time, it is also really important that ‘stress’ or ‘suffering’ do not get used to automatically predict future harmful behaviour or justify or excuse harmful behaviour. Stress and suffering may contribute to, but do not automatically cause anyone to harm others. The conversation should not

1. For a fuller discussion see: Hadley Friedland, *The Wetiko (Windigo) Legal Principles: Responding to Harmful People in Cree, Anishinabek and Saulteaux Societies – Past, Present and Future Uses, with a Focus on Contemporary Violence and Child Victimization Concerns* (LLM thesis, University of Alberta, 2009), pages 47-55.

stop there, in any instance of harm or violence. For further discussion on this point, see the “Gender and Indigenous Law” section below to consider how gendered power dynamics need to be accounted for in these discussions.



## Gender and Indigenous Law

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Prepared by Emily Snyder<sup>2</sup>

It is essential to include gender in discussions about Indigenous law. Any articulations and practices of law exist in relation to social context. For example in Canadian law we see how racism occurs in the justice system, especially when looking at Indigenous people's experiences with state law. Sexism is also a major social problem in Canada and gendered power dynamics, gender norms (ideas about what 'normal' behaviour is for people based on perceptions about their gender), and stereotypes about gender also play out in law. Sexism is pervasive not only in Canadian society, but is also a major social issue in Indigenous communities. Thus Indigenous women face gendered oppression from both settler society and face sexism within their communities.<sup>3</sup> While many Indigenous peoples embrace notions of gender balance, value the domestic work that women typically do, and are sometimes described as matriarchal, the lived gendered realities that Indigenous women face cannot be overlooked. For example, Indigenous women, on average, make less money than Indigenous men,<sup>4</sup> and therefore have less economic stability. Further, Indigenous women experience high rates of gender-based violence such as domestic violence and sexual assault.<sup>5</sup> While there are aspects and experiences of colonialism that Indigenous people share, Indigenous people also have different experiences based on gender. These realities must be accounted for when thinking about Indigenous women's access to, and participation in, both Indigenous laws and Canadian law.

Patriarchal violence and colonial violence operate together. Western conceptualizations of gender have been imposed on Indigenous peoples through Canadian laws and other attempts at assimilation (such as residential schools). Understanding the ways that gendered oppression is perpetuated through colonial violence deserves a great deal of attention. Yet too often sexism in Indigenous communities is treated as *only* a product of colonialism. It

2. This information is based on Snyder's dissertation (Emily Snyder, *Representations of Women in Cree Legal Educational Resources: An Indigenous Feminist Legal Theoretical Analysis* [PhD dissertation, University of Alberta, 2014]) and can also be found in a report on gender and Indigenous laws, at: <http://indigenousbar.ca/indigenoulaw/wp-content/uploads/2013/04/Gender-and-Indigenous-Law-report-March-31-2013-ESnyder1.pdf>.

3. See Joyce Green, ed, *Making Space for Indigenous Feminism* (Winnipeg: Fernwood, 2007).

4. Aboriginal Affairs and Northern Development Canada, "Aboriginal Women in the Canadian Economy: The Links Between Education, Employment and Income" (fact sheet, 2012, online: [http://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ/STAGING/texte-text/ai\\_res\\_aborig\\_econ\\_pdf\\_1331068532699\\_eng.pdf](http://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ/STAGING/texte-text/ai_res_aborig_econ_pdf_1331068532699_eng.pdf)) at page 1.

5. See Amnesty International, "No More Stolen Sisters: The Need For A Comprehensive Response to Discrimination and Violence Against Indigenous Women in Canada" (London, 2009, online: <http://www.amnesty.ca/sites/default/files/amr200122009enstolensistersupdate.pdf>).

is important to recognize the violence and sexism of colonialism, but to also be careful not to treat Indigenous gender relations prior to contact as though things were perfect.<sup>6</sup> Gendered relationships may have looked different prior to contact, and there are prominent distinctions between many Indigenous norms about gender when compared to Western norms, however, there still would have been disagreements about gender roles. We cannot assume that everyone accepted and conformed to gender roles and that there was not gender based conflict.

It is thus crucial to think about Indigenous laws (and all laws for that matter) as gendered – not just in terms of gender ideals and gender roles in relation to law, but *in terms of raising serious questions about the ways that perceptions about gender and gendered power imbalances can play out in legal practice*. The graphic novel grapples with these subjects and we encourage you to discuss and raise questions about gender in all lessons about *Mikomosis*. We have also included specific lesson plans on gender, for more focused discussions.

It is important not to treat the topic of gender as an afterthought, or as relating exclusively to women or ‘women’s issues.’ The problem with dealing with gender at the end of conversations is that all of the ways that gender might be operating in a classroom and in discussions can be missed. Just as it is important to recognize that being Cree is relevant to reading many of the characters in *Mikomosis*, it is also pertinent to see, from the beginning, gender as part of the characters’ identities.

Concerning the problem of treating gender as a topic that is reserved for women – *all* citizens are shaped and impacted (in different ways) by perceptions about gender. For example, violence against women is often treated as a ‘woman’s issue,’ but this approach ignores the responsibility of men in challenging and changing this social problem, and overlooks that all gendered citizens should be concerned with violence. The graphic novel touches on difficult questions about

6. Joanne Barker maintains that “[t]he important conceptual challenge in understanding the impact of these ideologies [of patriarchy and heterosexism] on Indian peoples is refusing a social evolutionary framework in which pristine, utopian Indian societies degenerate into tragically contaminated ones” (Joanne Barker, “Gender, Sovereignty, Rights: Native Women’s Activism against Social Inequality and Violence in Canada” [2008] 60:2 American Quarterly 259 at page 262).



harm and gender, and it might be useful for some instructors and facilitators to invite guests to the classroom who are comfortable with facilitating these discussions.

Indigenous feminists make it very clear in their work and activism that sexism and gendered conflict cannot be addressed or dealt with if it is not talked about. It is vital to discuss how sexism can be perpetuated through Indigenous laws (as with state laws) and to also understand Indigenous laws as important resources for challenging and talking about gendered conflicts.



## **The Gender Binary**

The gender binary purports that there are only two genders – men and women. It is claimed that these two genders ‘naturally’ stem from two sexed bodies – male bodies and female bodies. Gender can be described as the way that one performs or acts out their sex. Thus, the gender binary dictates that those with male bodies should act ‘like men’ (wear ‘men’s clothes,’ be assertive, be ‘tough,’ etc.) and those with female bodies should act ‘like women’ (wear ‘women’s clothes,’ be ‘ladylike,’ sit with their legs crossed, nurture others). Moreover it is argued that men and women should only be sexually attracted to people of the ‘opposite’ sex. It is crucial to recognize that both gender and sex are socially constructed – meaning that they are not naturally occurring categories; rather, these ideas are human interpretations about bodies, and how people with certain bodies should behave. This is not to suggest that there are not physical differences between sexed bodies, but these differences are *interpreted* and these interpretations can be influenced by social and cultural norms. There are more than two ways of enacting gender. There are more than two types of sexed bodies. And sexual attraction certainly exists well beyond heterosexual relationships. Gender and sexuality are fluid and the gender binary can perpetuate oppression when it demands that people have to act in particular ways because of the bodies that they have.

*What is explained above is one interpretation of the gender binary, and there is much discussion that can be had about this interpretation. We encourage educators and facilitators to discuss the gender binary with the groups that they are working with. Questions about power are vital in these conversations about gender, gender roles, and ideas about complementarity.*

## Reframing and Responding to Questions

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Prepared by Lindsay Borrows and Emily Snyder

### Reframing Questions

The AJR Research Coordinator, Hadley Friedland, explains that we may have to make certain shifts in our thinking and perspectives in order to do the necessary intellectual work with Indigenous legal traditions in order to move from a philosophical view to a practical one:<sup>7</sup>

The first shift is a shift in assumptions, to move past stereotypes in materials.

1. **Reasoning and Reasonable:** Indigenous peoples were and are reasoning people with reasonable social and legal orders.
2. **Present Tense:** Use present tense to talk about and consider Indigenous law – not relegated to the past.
3. **Particular:** Think about Indigenous laws as a particular response to universal human issues.

The second shift is a shift in our questions – to move from generalizations to specifics.

<b>From:</b>	<b>To:</b>
What is aboriginal justice?	What are the legal concepts and categories within this legal tradition?
What are cultural values?	What are the legal principles?
What are the 'culturally appropriate' or 'traditional' dispute resolution forms?	What are the legitimate procedures for collective decision-making?
<b>OVERALL SHIFT:</b>	
What are the rules?	What are the legal principles and legal processes for reasoning through?
What are the answers?	What are the issues?

7. This information about Friedland's work can be found on the AJR website at <http://indigenousbar.ca/indigenoulaw/project-documents/>, and is also discussed in more detail in the following article: Hadley Friedland, "Reflective Frameworks: Methods for Accessing, Understanding and Applying Indigenous Laws" (2013) 11:2 Indigenous Law Journal 1.

These shifts are valuable to consider and Emily Snyder has expanded Friedland's approach into the area of gender to both complement Friedland's work and to bring in additional questions:

The first set of shifts would again, be a shifting of assumptions – moving past stereotypes about gender and Indigenous law.

1. **Gendered conflicts did and do happen:** It is necessary to move beyond the extreme stereotypes of Indigenous societies as being either entirely sexist and oppressive, or as having entirely perfect gender relations. Gendered conflicts happen in the present and we should not assume that, in the past, everyone conformed to and accepted gender norms or that women were always and fully respected anymore than we should assume that women were always and fully subjugated.
2. **People are gendered:** Often, when people talk about Indigenous law, they do not talk about gender. While this might be treated as a 'gender neutral' approach that is inclusive, it is important to ask who people are actually imagining when they are talking about Indigenous law. Whose experiences are being used to interpret law? Whose ideas are being included? Too often discussions about Indigenous law are actually about men's ideas and experiences. Their experiences get treated as universal, as though everyone engages with law in the same way. This is false. Men thus (invisibly) appear as stand-ins for everyone, and women are relegated to the periphery.
3. **Indigenous laws can perpetuate gendered oppression and can also challenge it:** By being attentive to questions about gender and power, the ways that inequality might operate in Indigenous laws can be challenged and Indigenous laws themselves can be interpreted as important resources for reasoning through and addressing gendered oppression.
4. **Conversations about gender and Indigenous law must be practically oriented:** A practical approach values the ideals and aspirations that exist in legal principles but also recognizes when there is a disjuncture between what is wanted for a society, and what is actually happening in people's lives. This practical approach means recognizing that law should be discussed and debated so that it is relevant for addressing today's challenging circumstances.

Friedland then suggests some ways to shift the questions that we ask of Indigenous law. This shift in questions is also necessary when thinking about Indigenous laws and gender, and Snyder suggests the following approach to gender:

<b>From:</b>	<b>To:</b>
What are the 'traditional' gender roles in a legal order?	How do gendered power dynamics shape legal interpretations?
What are the cultural values concerning gender?	What are the legal principles concerning gender?
What are the 'culturally appropriate' ways for women and men to engage with law?	What assumptions are being made about the ways that gendered subjects engage with law, and why?
<b>OVERALL SHIFT:</b>	
What are the laws about gender?	How are Indigenous laws gendered?
How can Indigenous people rebuild their legal orders – to be as they were in the past – so as to promote gender balance?	In what ways can a deliberative approach to Indigenous law <sup>8</sup> – which includes discussion, debate, dissent, and change – help to promote anti-oppressive legal relations for everyone?

### **Responding to Common Questions**

We have included this section to address various questions that people often have about Indigenous law. The answers here are intended to help learners move beyond underlying assumptions and hold-ups that they may have in seriously considering Indigenous law.

We acknowledge that there are many aspects of this material that will be completely new for educators and learners alike. It may be uncomfortable for people to engage in discussions of law, Indigenous law, or gender when they do not feel expert on these topics. As educators we value classroom harmony and new topics that contain difficult though important issues may bring unpredict-

8. John Borrows, *Canada's Indigenous Constitution* (Toronto: University of Toronto Press, 2010) at page 35.

able discussions. We believe this is where true learning happens – in the uncomfortable, unpredictable, new areas. We want to encourage you to look through these materials to feel confident in your ability to help yourself and class members gain new insights in these previously unknown ideas. The teaching guide is intended to prepare you to seriously engage with Indigenous law, not to make anyone feel bad that they don't have deeper knowledge on any given subject.

*What happens when Indigenous peoples disagree over their laws?* In *Mikomosis*, the various characters do not always readily agree with each other. These differences in opinion reflect reality. Law in any tradition, Canadian common and civil law included, are founded on differences of opinions. It would be wrong to allow the ambiguity inherent in the subject of law to shut off Indigenous peoples from participating in legal discussions about their own laws. Buffalo Woman, Loon Woman, and Following Sun each came from different legal orders and oral traditions. The character named Authentic is a figure who wants to maintain power, and prefers originalism to living tree conceptions of justice (see John Borrows, “[Ab]Originalism and Canada’s Constitution”<sup>9</sup>). These disagreements do not detract from Indigenous laws, but can enhance their vitality.

*What happens when non-Indigenous peoples disagree with Indigenous laws?* Indigenous laws are often different from Canadian laws. Those who are unfamiliar with Indigenous law are fearful these laws are based on spirituality, ancient custom, or some other underlying philosophy they wholly disagree with. They may wonder how Indigenous law can be held accountable to fundamental human rights and international law. We believe indigenous law is subject to just as much scrutiny as any other form of law. Of course there is a danger in this because historically it has been subjected to destructive colonial notions, but this does not exempt Indigenous law from the system of checks and balances that are in place on an international scale either.



9. John Borrows, “[Ab]Originalism and Canada’s Constitution” (2012) 58 Supreme Court Law Review 351.



*How do decentralized legal orders work?* Indigenous legal orders are often described as decentralized. This means there is not one person or body of people in power that make all of the decisions, nor is there a centralized legal institution like the justice system in Canadian law. Decentralized legal orders are a more dialogical, relational or localized way of decision-making with incredible ability for responding to the specificity of situations. Decentralized does not mean without order. Also, while Indigenous people might use their laws (though in limited ways) in relation to Chief and Council structures, it is important to remember that these particular structures are state imposed and Chief and Council governance is constrained by state policies.

*Are elders in charge of Indigenous legal orders?* Elders are important authoritative figures in many Indigenous societies; but they are not the only decision-makers. In the Cree legal synthesis (in Section Three of this teaching guide) for example, additional authoritative decision-makers include medicine people, family members, and the larger group/community effected. This list might change depending on the conflict, situation, and most certainly depending on the legal order being examined. As noted above, in decentralized legal orders, no one person or body of people is 'in charge' of law. Elders can and do bring important insights and knowledge to discussions about law. While it is important to be respectful of their contributions (along with the contributions of other citizens), it is crucial to also keep in mind that not all elders believe the same thing, and that we should engage with what elders say. It is too commonly stated that one cannot question elders. People should be able to raise questions, and engage in respectful debate in *all* legal orders.

*When you talk about Indigenous laws, are you referring to sentencing circles?* Sentencing circles are one form of legal process that some Indigenous groups may or may not decide to use to address particular conflicts. Too often people conflate Indigenous law with sentencing circles and restorative justice approaches. However, as the graphic novel and the Cree legal synthesis in

Section Three begin to demonstrate, legal processes are much more varied and complex than this.

*Can you tell me, in just a few sentences, what Indigenous laws are?* When people ask this question, they often seem to be assuming that Indigenous laws are really simple and are thus easily summarized, and/or that law is only about rules and institutions and that once a person knows these, they can recognize 'law.' Indigenous laws (as with Canadian laws) are complex, however, and law involves thinking, debate, and legal reasoning – it is not just rules. It is important to frame how one is approaching Indigenous laws – for example, that we are referring to Indigenous peoples' own legal orders, traditions, and modes of governance. However, it is unfair to expect that Indigenous law can be fully explained in a few sentences. We encourage educators to push learners to think about some of the questions that they might ask about Indigenous laws, and if they would ask the same questions about Canadian law. Would, for example, it seem a reasonable question to ask someone to explain Canadian law in a few sentences? There is no way that a person would come away with anything close to an adequate understanding of the complexity of Canadian law, and this is also true when this question is asked of Indigenous laws. Further, it is important, when you can and when it makes sense, to talk about specific legal orders (e.g., Cree law, Métis law, Inuit law).

*What happens when Indigenous laws are written down, and adapted to a framework so completely different from where they originally operated?* Laws change over time. It has happened with the common law, and has happened with Indigenous law. The purpose of law is to help us respond to the current world. If it cannot change, it is irrelevant. Much work needs to be done to ensure Indigenous laws can function in today's world, without compromising their validity.



*Why do we need to talk about gender? Don't Indigenous peoples need to decolonize and revitalize their legal orders first, and then they will be able to return to harmonious gender relations?* This question idealizes and romanticizes pre-contact gender relations, which is an extreme stereotype that is not useful for actually addressing gendered conflict. This question also treats law as though it is static and unchanging, rather than something that is interpreted and worked with in the present. The dynamics of gendered oppression today cannot be addressed if they are not talked about. Taking an approach that is attentive to questions about gender and power necessitates asking how sexism can play out in decolonization<sup>10</sup> and revitalization politics. When it is asserted that sexism should not be talked about, or that it is an irrelevant issue, we should ask why this is being claimed and who is benefitting from such an approach.<sup>11</sup>

*What is a fundamentalist approach to Indigenous law? Wouldn't it be unfair to describe Indigenous law as fundamentalist?* It is unfair to describe 'Indigenous law' as fundamentalist. However, sometimes *some interpretations* of Indigenous laws can be described as fundamentalist. A fundamentalist approach to law (be it Indigenous law or Canadian law) involves making rigid assertions about law, culture, and peoples. With a fundamentalist approach there is only room for one interpretation of law (as opposed to a deliberative approach in which debate and discussion are vital). Further, it is often claimed that there is only one 'right' way of being – for example one way of being Cree, and one way to use Cree law. What happens then is that law gets limited and gets equated with rules and behaviour, rather than approaching law as something that is dynamic, contested, and changing, and something that people think about, interpret, and debate.

10. Kiera Ladner, "Gendering Decolonisation, Decolonising Gender" (2009) 13 Australian Indigenous Law Review 62.

11. These questions are central to indigenous feminist politics. See for example, the important work done in the following collection: Joyce Green, ed, *Making Space for Indigenous Feminism* (Winnipeg: Fernwood, 2007).

## How To Use This Teaching Guide

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The purpose of this teaching guide is to help educators in both post-secondary, youth and community teaching positions to engage students in helpful, challenging, and varied ways according to the needs of their students. The guide provides a significant source of background readings for educators surrounding the topics of law (Indigenous and non-Indigenous) and feminism (Indigenous and non-Indigenous). The guide provides lesson plans aimed towards use in both post-secondary and secondary institutions with suggestions for adaptations. There are also interactive lesson activities with accompanying worksheets that can be utilized. It is expected that the educator will adapt, combine and teach according to the variation in class experience, interest, size, location, purpose, etc. We encourage people from a multitude of backgrounds to use this graphic novel. For post-secondary learners and educators, we envision the disciplines of law; Indigenous studies; governance programs; women's, gender and sexuality studies; sociology; political science; anthropology; English; and education to find the novel and accompanying lesson plan particularly useful.

We gave careful consideration to the terminology of post-secondary, community, and youth/adult learners. We recognize that there is overlap in how students in a university course may engage with the graphic novel material, and adult learners or community learners. We hope the different levels the lesson plans are aimed at are used creatively by teachers, and sometimes a lesson plan we have labeled as appropriate for youth, may be engaging for adults as well (and vice versa).

The first lesson plan focuses on an introduction to Indigenous laws for youth learners. The second lesson plan is designed to teach the same material to post-secondary and adult community learners. The third and fourth lesson plans are focused on gender and Indigenous law, with the third targeting post-secondary learners and the fourth targeting youth. The fifth lesson plan is designed to help

post-secondary students explore inter-societal understandings of law. The sixth lesson plan is about how to draw law out of stories and is aimed at youth and community learners. Lastly, short discussions on actively reading visual content, as well as additional activities that can be done with a Cree legal synthesis are included.

Because of the overlap in these lesson plans, there will be some repetition. Some educators, depending on the context in which you are using *Mikomosis*, might be interested in background readings for themselves and/or their class. With some of the lesson plans we have included particularly pertinent suggested background readings, though we encourage you to also check out the full list in the Supplemental Resources section. This teaching guide is developed based on our own work and approaches to Indigenous law, however we hope that the graphic novel, the lesson plans, and the suggested readings encourage engaging discussion and debate.



## Pronunciation Guide and Glossary

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*For Cree words, as written phonetically in the glossary.*

This pronunciation guide and glossary may be photocopied and distributed to students for reference while reading the graphic novel.

-a – like in ‘cat’	-es – like in ‘west’
-aw – like in ‘cow’	-i – like in ‘pit’
-ay – like in ‘hay’	-o – like in ‘go’
-ee – like in ‘bee’	-oo – like in ‘bamboo’

### **Cree Words:**

***Kokum*** (*Cookum*) Grandmother.

***Mikomosis*** (*Mik-o-mo-sis*) One of the main characters in the graphic novel.

***Mistainnnew*** (*Mis-tay-ni-noo*) A healer in the novel, referred to as “Fancyman.”

***Nehiyaw*** (*Nay-hee-yaw*) A Cree person. The Cree are one of largest Indigenous groups in Canada. Cree territories extended from Quebec in the east and to western Alberta.

***Sap-was-te*** (*Sap-wes-tay*) One of the main characters in the graphic novel, named “for the light which once shone from her eyes.”

***Wetiko*** (*Wee-ti-go*) *Wetiko* is a Cree and Anishinaabek legal concept to describe someone who is harmful to themselves and others in socially prohibited ways. In the past, a *wetiko* has been commonly described as a ‘cannibal’ or, by outside researchers, as a culturally specific ‘psychosis’ or ‘hysteria.’

### **Definitions (Non-Cree Specific):**

**Bannock** Also commonly known as fry bread, though it can be baked.

**Case Brief** A way of writing out and organizing the main issues, facts, responses, reasoning and principles in a story for the purpose of legal analysis. This method is commonly used in law school to analyze cases, however it is also useful for thinking about stories (see Lesson Plan 6: How to Draw Law out of Stories in this guide).

**Elder** The definition of elder varies between communities. Generally, it is someone who is older, who can share wisdom about life and cultural teachings.

**Gitksan** Gitksan communities and traditional territories are located in the interior and northwestern parts of British Columbia.

**Indigenous** ‘Indigenous,’ ‘Aboriginal,’ and ‘First Nation’ each have specific connotations and cannot always be used interchangeably. ‘Aboriginal’ includes First Nations, Métis and Inuit, and is often a term used to when referring to state policies (the Canadian government uses this term, in addition to ‘Indian’). ‘First Nation’ does not include Métis, or Inuit. We have chosen to use ‘Indigenous’ because it is inclusive and is often used in international contexts.

**Indigenous Feminism** A theory to address the marginalization of Indigenous women (i.e., as women within their own nation/within the larger nation, and being Indigenous) that fosters more harmonious living among everyone.

**Law** A way of responding to human problems. Law often involves contestation and is related to the management of both individuals and large groups. Too often law is thought of as just rules and we encourage people engaging with the graphic novel, and with Indigenous laws more generally, in a way that also pays attention to legal actors, legal process, and legal debates and interpretations.

**Rights** We acknowledge that approaches to understanding and defining 'rights' varies widely. We have not found it helpful to further elaborate specifically on this discourse for our purposes.

**Substantive versus Procedural Rights** Substantive rights deal with the legal relationship (rights and duties) between people, or the people and the state. Procedural rights refer to the rules of how the laws are to be enforced. (i.e., 'you have the right to eat ice cream' could be a substantive right, as opposed to 'if someone is denied the right to eat ice cream, the time allowed for one party to sue the other,' which could be a procedural right.)

**Trickster** This is a character common across many Indigenous societies around the world. Trickster stories act as a way of teaching people as they analogize and distinguish trickster's unpredictable behaviour.

**Vuntut Gwich'in** This is a First Nation located in the northern Yukon.



It is therefore crucial to learn about, and from, feminist frameworks that are anti-oppressive, anti-racist, anti-colonial, and to take up intersectional analysis. Indigenous feminism is an excellent framework for doing this, though again, it is not the only way. Indigenous women (and men) whether they take up this framework or not, have been and continue to be strong activists and dynamic citizens.

*-Lesson Plan 3: Gender and Indigenous Law*



INDIGENOUS LAWS  
FUTURE REASON AND OLD  
FEMINIST LAUGH YOUNG  
THEORY CRITICAL  
NORMS PAST LEGAL ORDERS  
HARD WORK PLAY

FUN  
LAW APPLY INDIGENOUS  
ENGAGEMENT DEBAT  
AGENCY LAW LEARN  
FEMINISM RESPECT ANALYSIS

## Chapter 2: Lesson Plans

## Lesson Plan 1: Introduction to Indigenous Laws

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### *For Youth Learners*

This lesson plan, which was created by Hadley Friedland, is intended to be used for educators and facilitators working with youth. We have also included an adapted version of it for adult learners (community and post-secondary) in Lesson Plan 2. While these introductory lesson plans could stand alone, and will generate important discussion, they can also be used with the other lesson plans and activities in this guide for more focused discussion on particular subjects.

### **Objectives**

This lesson plan is designed to encourage students to question pervasive societal stereotypes and assumptions about Indigenous laws, and to begin imagining law as something more than just ‘rules’ or ‘force.’ The suggested questions are also designed to encourage students to engage with the concepts and questions that the graphic novel raises in a critical and thoughtful way, and to make connections to both the impact of the historical dismissal of Indigenous laws and to issues that occur today.

**Background Reading:** Please ensure that you have read Chapter 1 of this teaching guide before beginning.

### **Pre-Reading Discussion Questions: What is Law?**

1. When did you first hear the word, ‘law’?
2. What do you think of, or picture, when you hear this word?  
[common answers are police, judges, rules]

3. When did you first hear of 'Indigenous laws'? [often answer is - today]
4. What do you think of, or picture, when you hear this concept?
5. What questions do you have about Indigenous laws?
6. When did 'law' start existing in Canada? [Students are still taught in schools that the North West Mounted Police (NWMP) brought the law to the lawless west]
7. Groups of people lived here for thousands of years before this. What was here then?
8. How did the NWMP bring the law? In their pockets? Those are some magical pockets!
9. Why did the NWMP think that their law needed to be brought to the west?

### **Short Lesson: What are we talking about when we talk about Law?**

We say that, wherever people live together for generations, organized into groups, there is law. Law is present in the ways groups of people:

- Solve problems,
- Resolve conflicts,
- Make collective decisions,
- Create safety,
- Maintain or repair relationships, and
- Act on their responsibilities to each other.

Law includes things like police, judges, lawyers and courts. BUT it is not limited to them. If Cree people had law before these things, then it includes other things as well...

Like what?

Resources for learning and passing down Cree laws:

- Earth, land, nature – lessons from and observations of land, plants, animals, water,
- Language – we can find principles in language itself,
- Songs, dances, art,
- Ceremonies, dreams,
- Elders, medicine people, knowledgeable people in the community,
- How we live our lives – the ‘way’ we do things, and
- Stories

**Read the graphic novel, *Mikomosis***

- This is a new story about many stories,
- Re-telling a story in different forms – Who says law has to be in law textbooks? Why not a graphic novel?
- Creating new stories about how we talk and think about Cree law and Canadian state law – building a more respectful relationship between legal orders.

**Post-Reading Discussion Questions: Connections**

1. What does the graphic novel make you think about?
2. What part made the most sense to you, or did you relate to the most?
3. What part made the least sense to you, or felt the most uncomfortable?
4. If you were a character in the graphic novel, who would you be? Who would you most want to sit down and talk with? What would you ask that character?

**Critical Thinking:**

1. Read the quote from the Cree elder from the Cree Legal Traditions Report, on pages 11 to 12 above. How do you reconcile this Cree elder's point with Mikomosis' actions in the graphic novel?
2. Can you think of principles in Canadian law that seem to point in opposite directions at times (e.g., sentencing principles – rehabilitation or deterrence/denunciation?)
3. Why might it be functional or beneficial for any legal system to have many different principled responses to draw on, depending on the situation?
4. In the current Canadian justice system – what could law do to respond to a situation of someone acting like Sap-was-te?
5. In the current Canadian justice system, who would be in a role most similar to the one Mikomosis held in his community?
6. What do you think would happen if we couldn't forcibly separate anyone from society today (e.g., put them in jail), no matter how dangerous they were to others and even if they could not be healed (or rehabilitated)?
7. What do you think would happen if today we couldn't access Canadian legal responses or if people performing those roles were punished for doing so? Would we still have 'law'? Would you trust the law?
8. Why do you think one of the lawyers in the graphic novel is in charge of specifically asking questions about women's experiences? Does this happen today?
9. What would the story look like if told from Sap-was-te's perspective?
10. What would you do if you disagreed with the way that law was being interpreted and used?
11. Who are the *wetikos* today?
12. From what you read in the graphic novel, do you see ways in which Cree and Canadian law are gendered?
13. What other questions does the graphic novel raise for you?

## Lesson Plan 2: Introduction to Indigenous Laws<sup>12</sup>

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*For Adult Learners (Community and Post-Secondary)*

This lesson plan provides an introduction to Indigenous laws and while it can stand alone and will generate much discussion, it can also be used with other lesson plans and activities in this guide for more focused discussion on particular subjects.

### **Objectives**

This discussion guide is designed to encourage learners to question pervasive societal stereotypes and assumptions about Indigenous laws, and to begin imagining law as something more than just ‘rules’ or ‘force.’ The suggested questions are also designed to encourage learners to engage with the concepts and questions that the graphic novel raises in a critical and thoughtful way, and to make connections to both the impact of the historical dismissal of Indigenous laws and to issues that occur today.

**Background Reading:** Please ensure that you have read Chapter 1 of this teaching guide before beginning.

### **Recommended Readings to Accompany this Lesson Plan:**

- Val Napoleon & Hadley Friedland, “An Inside Job: Engaging with Indigenous Legal Traditions Through Stories” in Tony Lucero & Dale Turner, eds, *Oxford Handbook on Indigenous Peoples’ Politics* (Oxford: Oxford University Press, forthcoming 2014).
- Val Napoleon & Hadley Friedland, “From Roots to Renaissance,” in Markus Dubber, ed, *Oxford Handbook of Criminal Law* (Oxford: Oxford University Press, forthcoming 2014).

12. This lesson plan is an adapted version of a lesson plan done by Hadley Friedland.

### Introductory Discussion Questions: What is Law?

These questions could be discussed in pairs and then get reported back to the group, or this could be a larger class discussion in which answers are written on a board or flipchart sheet.

1. When did you first hear the word, 'law'?
2. What people, institutions, and structures did you first think of when you think of 'law'?
3. Groups of people lived here for thousands of years before now. What was here then?
4. When did you first hear about 'Indigenous law'?
5. Do you recall learning or hearing anything about 'Indigenous law' in your schooling? In your community?
6. When you hear 'Indigenous law,' what comes to mind?
7. What questions do you have about Indigenous law?

### Short Lesson: What are we talking about when we talk about Law?

We say that, wherever people live together for generations, organized into groups, there is law. Law is present in the ways groups of people:

- Solve problems,
- Resolve conflicts,
- Make collective decisions,
- Create safety,
- Maintain or repair relationships, and
- Act on their responsibilities to each other.



Law includes things like police, judges, lawyers and courts. BUT it is not limited to them. If Cree people had law before these things, then it includes other things as well...

Like what?

Resources for learning and passing down Cree laws:

- Earth, land, nature – lessons from and observations of land, plants, animals, water,
- Language – we can find principles in language itself,
- Songs, dances, art,
- Procedures, ceremonies, dreams,
- Elders, medicine people, knowledgeable people in the community,
- How we live our lives – the ‘way’ we do things, and
- Stories.

Sources of Law:

In his book *Canada's Indigenous Constitution*, John Borrows describes the various sources of Indigenous law including sacred law, natural law, deliberative law, positivistic law and customary law. He says, “Canada could be characterized as a juridically pluralistic state because it draws on many sources of law to sustain order...For example, Indigenous peoples are diverse and their laws flow from many sources. Understanding their communities’ legal foundations can lead to a better appreciation of their contemporary potential, including how they might be recognized, interpreted, enforced, and implemented.”<sup>13</sup> He goes on to describe each source of law in detail.

Sacred laws are those that “stem from the Creator, creation stories or revered as ancient teachings that have withstood the test of time.”<sup>14</sup> Natural laws come from observations of the physical world – “[w]hen considering laws from this

13. John Borrows, *Canada's Indigenous Constitution* (Toronto: University of Toronto Press, 2010) at page 23.

14. Page 24.

source, it is often necessary to understand how the earth maintains functions that benefit us and all other beings.”<sup>15</sup> Borrows says “[d]eliberative law is an especially broad source of Indigenous legal tradition and is formed through processes of persuasion, deliberation, council, and discussion.”<sup>16</sup> “Positivistic law can be found in the proclamations, rules, regulations, codes, teachings, and axioms that are regarded as binding or regulating people’s behaviour”<sup>17</sup> and “[c]ustomary law can be defined as those practices developed through repetitive patterns of social interaction that are accepted as binding on those who participate in them.”<sup>18</sup>

What is a Legal Order?

A legal order is a system of authority for regulating disputes and making decisions. Any legal order could consist of several legal traditions. Alternatively, one legal tradition may constitute a single legal order.

Shifts in Assumptions:

Hadley Friedland has developed a useful approach for raising questions and shifting assumptions. This information is included in Chapter 1 of the teaching guide, on page 18. We encourage you to take a look at this discussion about shifts, as it might be useful to you when facilitating discussions, but you might also find it interesting to present these ideas to the group that you are working with, to see what they think about the shifts.

### ***Mikomosis:***

If students have not read *Mikomosis* prior to your session, provide them with some time to read the graphic novel before proceeding.

15. Page 28.  
16. Page 35.  
17. Page 46.  
18. Page 51.

### Post-Reading Discussion Questions:

Ask students to turn to the person next to them, or to discuss the following questions in small groups. Students can then report back some of their answers to the whole group.

Connections:

1. What does the graphic novel make you think about?
2. What part made the most sense to you, or did you relate to the most?
3. What part made the least sense to you, or felt the most uncomfortable?
4. If you were a character in the graphic novel, who would you be? Who would you most want to sit down and talk with? What would you ask that character?



**Critical Thinking:**

1. Read the quote from the Cree elder from the Cree Legal Traditions Report, on pages 11 to 12 above. How do you reconcile this Cree elder's point with Mikomosis' actions in the graphic novel?
2. Can you think of principles in Canadian law that seem to point in opposite directions at times (e.g., sentencing principles – rehabilitation or deterrence/denunciation?)
3. Why might it be functional or beneficial for any legal system to have many different principled responses to draw on, depending on the situation?
4. In the current Canadian justice system – what could law do to respond to a situation of someone acting like Sap-was-te?
5. In the current Canadian justice system, who would be in a role most similar to the one Mikomosis held in his community?
6. What do you think would happen if we couldn't forcibly separate anyone from society today (e.g., put them in jail), no matter how dangerous they were to others and even if they could not be healed (or rehabilitated)?
7. What do you think would happen if today we couldn't access Canadian legal responses or if people performing those roles were punished for doing so? Would we still have 'law'? Would you trust the law?
8. Why do you think one of the lawyers in the graphic novel is in charge of specifically asking questions about women's experiences? Does this happen today?
9. What would the story look like if told from Sap-was-te's perspective?
10. What would you do if you disagreed with the way that law was being interpreted and used?
11. Who are the *wetikos* today?
12. From what you read in the graphic novel, do you see ways in which Cree and Canadian law are gendered?
13. What other questions does the graphic novel raise for you?

## Lesson Plan 3: Gender and Indigenous Law<sup>19</sup>

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### *For Post-Secondary Learners*

On the very first page of *Mikomosis*, one of the main characters, Headache Cho, is described as “a new trickster born of international Indigenous feminist consciousness.” This lesson plan focuses on understanding Indigenous laws as gendered. While gender and power should be talked about in all of the discussions about *Mikomosis* and should always be a part of thinking about law, it is important to also devote a lesson plan to a gendered analysis of the graphic narrative. *Mikomosis* encourages readers to think about the complex relationship between gender, sexuality, power, and Indigenous law. We suggest that educators also read Chapter 1 of the teaching guide before beginning, particularly the sections Gender and Indigenous Law and Reframing the Questions.

The term ‘Indigenous feminism’ (and ‘feminism’ more broadly) is varied and debated. While some Indigenous and non-Indigenous people use the term, there are likewise people who critique and reject it. There are many ways to talk about gender and Indigenous laws, and what is laid out in this lesson plan is just one way. This lesson plan focuses on and takes Indigenous feminism seriously. It is a perspective taken up by one of the main characters, and Indigenous feminist perspectives are also an important part of the legal debate and discussion. Educators and students will no doubt have varied opinions about Indigenous feminisms and how best to talk about gender. It is imperative that multiple perspectives and interpretations are a part of the conversations about Indigenous law. These debates can be the source of productive, ongoing discussions.

### **Objectives**

- Show the significance of analyzing Indigenous laws as gendered;

19. This lesson plan was prepared by  
Emily Snyder.

- Encourage critical analyses of Indigenous law that are attentive to gendered power dynamics;
- Familiarize students with Indigenous feminisms and Indigenous feminist legal theory;
- Critically engage with common discourses about gender and Indigenous law;
- Talk about stereotypes about feminism and Indigenous feminism;
- Introduce students to one framework for approaching Indigenous laws as gendered;
- Analyze gender as it operates in *Mikomosis*.

**Recommended Further Background Readings:**

- Emily Snyder, “Indigenous Feminist Legal Theory” (forthcoming, 2014) 26:2 *Canadian Journal of Women and the Law*.
- Joyce Green, “Taking Account of Aboriginal Feminism” in Joyce Green, ed, *Making Space for Indigenous Feminism* (Winnipeg: Fernwood Publishing) 20.
- Emily Snyder, *Gender and Indigenous Law*. A report prepared for the Indigenous Law Research Unit, Indigenous Bar Association, Truth and Reconciliation Commission of Canada, 13 March 2013. Available at <http://indigenousbar.ca/indigenoulaw/wp-content/uploads/2013/04/Gender-and-Indigenous-Law-report-March-31-2013-ESnyder1.pdf>.
- Val Napoleon, “Aboriginal Discourse: Gender, Identity and Community” in Benjamin J Richardson, Shin Imai & Kent McNeil, eds, *Indigenous Peoples and the Law: Comparative and Critical Perspectives* (Oregon: Hart Publishing, 2009) 233.
- Verna St. Denis, “Feminism is for Everybody: Aboriginal Women, Feminism and Diversity” in Joyce Green, ed, *Making Space for Indigenous Feminism* (Winnipeg: Fernwood Publishing, 2007) 33.

### **Teaching Suggestion!**

Depending on the course that you are teaching, and the familiarity that students have with feminist theory, you may need to skip some parts of the lesson or bring in additional content.

The lesson plan is in two parts.

- 1) An introduction to Indigenous feminisms
- 2) An application section in which Indigenous feminism is applied to Indigenous law so as to read *Mikomosis* and Indigenous laws through a lens that is attentive to gendered power dynamics.

You could reverse parts 1 and 2 (i.e., go right into application then draw out ideas about gender, power and Indigenous feminism) depending on students' needs.

### **Part 1: Introduction to Indigenous Feminisms**

#### *1) Pre-reading Discussion: Debunking Stereotypes about Feminism*

Ask students to think of the most common assumptions (stereotypes) that people make about 'feminists.' Write these answers on the board or on flip-chart paper.

Possible answers: man-haters, bra-burners, lesbians, white women, women that look butch, women who are 'unattractive,' women who don't shave their legs or armpits, women who hate children, women who do not get married or have children, feminists are only women.

Discuss the list:

- What assumptions are being made?
- What are the dangers in imagining feminism based on these assumptions? What and who gets missed?
- Was anything included that seems positive or accurate?

It can be useful to remind students, even if you cannot go into detail that there are many feminist frameworks and ways that people engage with feminism. For example, in no particular order: radical feminism, liberal feminism, eco-feminism, Marxist feminism, material feminism, socialist feminism, maternal feminism, feminist legal theory, post-colonial feminism, post-structural feminism, post-modern feminism, queer feminism, critical race feminism, Chicana feminism, black feminism, and importantly to this discussion, Indigenous feminism. Each of these perspectives is internally varied and debated, and there are tensions between many of these viewpoints. Despite all of this complexity and plurality of interpretations of feminism, it is important to note to students that the women's movement and feminist scholarship in Canada (and in other settler states) have been, and in numerous ways still are, dominated by white women. Significantly, there has been increased literature on racism, colonialism, sexuality, and ability in feminist scholarship, however the ways that privilege and power still operate in feminist scholarship and activism should not be overlooked. It is therefore crucial to learn about, and from, feminist frameworks that are anti-oppressive, anti-racist, anti-colonial, and to take up intersectional analysis. Indigenous feminism is an excellent framework for doing this, though again, it is not the only way. Indigenous women (and men) whether they take up this framework or not, have been and continue to be strong activists and dynamic citizens.



## 2) *Introducing Indigenous Feminism*

Ask students to discuss the following questions with a partner, and then have students report back to the entire class:

- What do you think 'Indigenous feminism' is/means?
- Who might call themselves an 'Indigenous feminist' or use Indigenous feminist theory?
- What stereotypes do you think exist about Indigenous feminism?
- What questions do you have about Indigenous feminism?
- Who or what gets missed in these answers? What positive ideas emerged?

Some common stereotypes or misconceptions about Indigenous feminists include: many of the general ideas noted above (i.e., man-hating), Indigenous women who are feminists are harmful to Indigenous politics and nations, they are colonized, they are like white women, they want to be like white men, they are concerned only with themselves rather than the collective. It would be useful to read Joyce Green's article noted at the start of this lesson plan so as to productively engage with ideas about Indigenous feminism, tradition, and politics, as they arise.

Begin to discuss the answers – though many of the questions and issues raised (especially concerning questions that they might have about Indigenous feminism) can be returned to in the discussion about *Mikomosis*. The point of this exercise is to get assumptions and questions out in the open and to then work with them throughout the discussion. The above questions are also meant to show that students will have different ideas about what Indigenous feminism is and means.

There is no one way of describing Indigenous feminism, however there are some key tenets. For example, intersectional analysis is a vital aspect of this framework. Approaching issues from an intersectional lens means that the multitude of social constructs and realities that are operating need to be accounted for together. Sexist, racist, colonialist, imperialist, and heteronormative oppression for instance, are forms of marginalization that operate together and work to sustain one another. Further, sexism exists both in settler society and in Indigenous communities.<sup>20</sup> Subjects cannot be understood as just women or just Indigenous. While Indigenous people share many similar experiences and challenges, these experiences can vary along the lines of how one is gendered, sexed, and depending on class, and ability. Critical approaches to Indigenous feminism push for engagement with questions about power, oppression, and privilege as they operate in complex ways. Decolonization, Indigenous politics, and as discussed below, Indigenous laws, need to be understood as gendered. This type of analysis should not be thought of as being just about women and girls, rather it should be understood as something that is beneficial to all citizens, regardless of how they enact their gender, as Indigenous feminism promotes respectful, anti-oppressive relations.

## Part 2: Application

This section of the discussion guide builds on the discussions in Part 1, and applies a feminist framework to Indigenous law, and to analyzing *Mikomosis*. Again, if it makes sense for your students, you could have them read *Mikomosis and the Wetiko* first, then use the graphic novel to help draw out ideas on how law is gendered and to draw out ideas on what Indigenous feminism might mean. In other words, start with this section (Part 2).

### *Indigenous Feminist Legal Theory*

For an extensive discussion on Indigenous feminist legal theory, see the article (by Emily Snyder) on Indigenous feminist legal theory noted at the start of this

20. See Joyce Green, ed, *Making Space for Indigenous Feminism* (Winnipeg: Fernwood, 2007).

lesson plan. The summary here is based on that work.

Indigenous feminist legal theory is an analytic tool for critically engaging with Indigenous laws as gendered. The key aspects of this approach include:

an understanding of indigenous laws and societies as gendered; a commitment to intersectional analysis; an attentiveness to power that includes examining how gendered power dynamics play out in the meanings, perceptions, and practices of indigenous laws; an approach that is anti-essentialist and understands gender, sex, and sexuality as plural and complex; a spirit of critique that challenges rigid and romanticized notions about tradition, gender roles, and law.<sup>21</sup>

Indigenous feminist legal theory is very focused on analyzing gendered power dynamics. Not only can power imbalances and perceptions about gender influence legal interpretations and practices, but connected to this, they can influence the ways that people interpret tradition and culture. Because law exists in relation to social context, and because sexism is a major social problem in settler society and in Indigenous communities, Indigenous law must be understood as being capable of both perpetuating gender oppression and challenging it. In Chapter 1 of this teaching guide, there is a section by Snyder on shifting assumptions and questions pertaining to gender. These shifts aim to move past discussions that get stuck in rigid, fundamentalist approaches to gender and law, to more productive deliberative legal engagement. Indigenous feminist legal theory values Indigenous laws and deliberative Indigenous legal processes that support discussion, debate, and dissent – these are *vital* for being able to address gendered oppression.

Too frequently gender is not talked about in discussions about Indigenous law. Another common problem is that when it is talked about, this is often done in relation to assertions about traditional gender roles and/or ‘women’s issues.’

21. Emily Snyder, “Indigenous Feminist Legal Theory” (forthcoming, 2014) 26:2 Canadian Journal of Women and the Law.



The belief that gender only applies to women, or that the only issues that are of relevance to women include reproduction, family, connections to the earth, and violence, can seriously limit discussions. The questions below are not necessarily intended to be used in your class (though they certainly could be), but instead are included here to show what types of questions can emerge if we are paying attention to the way that *all* citizens are gendered, and are imagining all legal issues as relevant to women and all gendered legal subjects:

- Who is included in discussions about Indigenous law? Are women present?
- Who is leading these discussions? What is the gender of the leaders or of authoritative decision-makers?
- Are there specific contexts in which men are considered authoritative speakers and decisions-makers? Specific contexts in which women are?
- How are women and men involved in the legal process similarly and/or differently? What are women talking about? What are men talking about?
- Is gender talked about? If so, how is it talked about? Is the discussion limited to two genders? How might the discussion change if gender was discussed more fluidly?
- If legal decisions are made, are women and men impacted differently by them? In the short-term? In the long-run?
- How are legal principles (for example, respect, reciprocity) talked about? Is it possible that women and men are not held to these principles in the same way? Do contradictions exist between what is being said in principle, and what happens in reality? (see appendix for Cree legal principle summary)
- What is missing? Does gendered conflict need to be acknowledged? If it were, how might it change the discussion?

- Are the specific gendered challenges that Indigenous women face necessary to acknowledge in your analysis? How do you think they relate (or not) to what you are analyzing?
- Are the legal processes, interpretations, and decisions empowering for Indigenous women? Do they treat women as complex legal agents who possess valuable knowledge and opinions?
- Is there space in the legal process for people to disagree with one another? Is there space for women to challenge the process if need be?<sup>22</sup>

### *Analyzing Mikomosis*

If the students have not already read the graphic novel, then provide them with some time to do so. Ask them to discuss the following questions in pairs or small groups. Then ask everyone to report back to the larger group for a collective discussion.

#### Questions about the graphic novel:

- What would the story look like if told from Sap-was-te's perspective? Or her daughter's perspective? (see activity about rewriting story from Sap-was-te's perspective in Lesson Plan 4)
- In what ways do ideas about motherhood play out in the graphic novel?
- What do you think about the visual way that gender is portrayed in the graphic novel?
- What other endings to the story of *Mikomosis* can you imagine?
- What do you think about Buffalo Woman and the gender division of the time travelling court that she represents?
- What would be lost in the graphic novel, if gender was not talked about or addressed? What has been gained?

22. These questions are excerpted from the *Gender and Indigenous Law* report by Emily Snyder (<http://indigenousbar.ca/indigenoulaw/wp-content/uploads/2013/04/Gender-and-Indigenous-Law-report-March-31-2013-ESnyder1.pdf>).

Questions about reading Indigenous law through the lens of Indigenous feminist legal theory:

- What do you think about one of the main characters, Headache Cho, being described as an Indigenous feminist trickster?
- Does the graphic novel challenge ideas that you had previously held about Indigenous feminism? Or does it meet your expectations? How would you go about writing gender into the story in the graphic novel?
- Are Indigenous feminist tricksters – that is, figures who push us to think critically about gender – important? Why or why not? Can you think of historical and contemporary examples of Indigenous feminist tricksters? (see box below)
- After all of this discussion and analysis, what do you think about Indigenous feminism and Indigenous feminist legal theory? What do you find useful about these frameworks? What troubles you? What do you still have questions about? Would it be useful to move beyond a general discussion about ‘Indigenous’ feminism to more specific feminisms (e.g., articulations of Cree feminisms) so as to engage with Cree law as gendered? Are there other methods that you would prefer, and if so, what might these be?

**Suggested additional activity:**

Napoleon has written elsewhere about this Indigenous feminist trickster named Headache. Have students read her short essay “My Grandmothers’ Skin,” alongside *Mikomosis*, to help expand the discussion about Indigenous feminist tricksters.

Resource information: Val Napoleon, “My Grandmothers’ Skin” in Shari Graydon, ed, *I Feel Great about My Hands: And Other Unexpected Joys of Aging* (Vancouver: Douglas & McIntyre, 2011) 81.

## Lesson Plan 4: Exploring Gender and Indigenous Law<sup>23</sup>

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### *For Youth and Adult Community Learners*

This lesson plan is a modified version of a lesson plan from Media Smarts ([http://mediasmarts.ca/sites/default/files/pdfs/lesson-plan/Lesson\\_Comic\\_Book\\_Characters.pdf](http://mediasmarts.ca/sites/default/files/pdfs/lesson-plan/Lesson_Comic_Book_Characters.pdf)). We have made adaptations, keeping some of the content, structure, worksheet, and questions, while adding specific questions about *Mikomosis* and Cree law.

Through this activity, students will look at how gender is depicted in *Mikomosis*. Using the Graphic Novel Analysis Sheet below, students will record the attributes of the female and male story characters. As a class/group, students will record common attributes on a master sheet and discuss what messages about men, women and law are reinforced.

In groups, students will then be asked to rewrite the story from a different perspective based on their observations about gender (i.e., from Sap-was-te's perspective, or a Canadian woman who may have been present at the court proceeding against Mikomosis, or what if Sap-was-te had been male, rewritten from the perspective of Sap-was-te's daughter, etc.)

### **Learning Outcomes**

- Recognize that both Canadian and Cree law have improvements to make regarding gender equality.
- Understand their own underlying gender perceptions.
- Explore what a less stereotypical, more equal, story/society would look like.

23. Prepared by Lindsay Borrows.

## Preparation and Materials

- Ensure each student has a copy of *Mikomosis* (read before class)
- Photocopy the Graphic Novel Analysis Sheet. Make an master-sheet for the class, either on the board, paper, or PowerPoint.
- Teachers and facilitators should read Chapter 1 of this teaching guide, especially the section on gender and reframing questions.

## The Lesson

- Have students jot down the characters, their main activities and some describing words on the Graphic Novel Analysis Sheet.
- Display your Graphic Novel Analysis master sheet. As a class, share and discuss ideas and observations.

Referring to the group list, ask:

- Are there any similarities shared by female characters? (e.g., are any of them 'victims' who need saving? Would you describe any of them as 'sexy'?)
- Are there any similarities shared by male characters? (e.g., are any of them involved in 'heroic' activities? Are any of them described as 'tough' or 'strong'? Does the portrayal of a character's gender differ based on whether they're Cree or non-Cree?)
- What is missing in the portrayal of gender in this graphic novel? (Strong, heroic women? Peaceful, sensitive men? People who challenge the gender binary?)
- What is the *message* about women, men and gender that you get from this graphic novel?
- When thinking about your own gender, how do these portrayals of people make you feel?



Often in discussions about gender and Indigenous law, assertions are made about gender roles and tradition. This can sometimes come out as statements making claims to 'the way things are.' For example, it is often stated that Indigenous women's primary way to engage with law is through motherhood, and that this is an empowering, and traditional role for women. Sometimes, claims are made about biology, attesting that women are 'naturally' more nurturing than men and thus it is best to imagine women as mothers and caretakers of the next generations. However things are not so straightforward. There are many different ways that Indigenous women engage with their laws, besides through motherhood. Also, not all women experience and perceive motherhood in the same way, and not all women are interested in mothering. There are also many different interpretations about tradition. Further, it is really important to look at assertions that idealize certain roles in society and the realities that Indigenous women are actually facing.

It is crucial when talking about gender to ask questions about power and interpretation. These discussions are challenging and entail discussing what is valuable and useful about gender roles, as well as where the limitations and constraints might be. Some people enjoy and are empowered by commonly held interpretations of gender, while others are marginalized by dominant interpretations of gender. It is important to have these discussions with the group that you are working with.

### Activity (for youth)

Divide class into groups. Ask each group to rewrite a character or part of the story from a different perspective based on their observations about gender (i.e., from Sap-was-te's perspective as a female, or perhaps if she had been male what may have changed, or a non-Cree woman present at the court proceeding against Mikomosis, Sap-was-te's daughter's perspective etc.).

- Draw or paint a picture of your character.
- Identify what your character does.
- List the words that you would use to describe your character.
- Have students present their new character to the class.



Name	Activities	Describing word

## Lesson Plan 5: Inter-Societal Understandings of Law<sup>24</sup>

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*For Post-Secondary Learners*

*Mikomosis* explores inter-societal legal realities through its examination of Cree law and Canadian law in relation to responding to those who are harmful. We live in a society in which law needs to be understood in the plural – there are a multitude of legal orders that operate simultaneously in this territory referred to as Canada. The focus of this discussion guide is on inter-societal understandings of law.

### Objectives

- To encourage students to think about legal pluralism and what it means to live in a multi-juridical society.<sup>25</sup>
- To push discussion that works with the complexities and tensions between legal interpretations. The point of the discussion is not to determine who should ‘win’ in *Mikomosis* or whose legal interpretation is correct. Through a focus on multiple interpretations though, questions should be raised about power, jurisdiction, legal authority, and participation.
- To encourage students to think about gender norms as they operate in law and in inter-societal legal relationships and conflicts.

### Materials

- Graphic novel for each student.
- Large sheets of paper (enough to have 2 for each group).
- Markers for briefing exercise.
- Or, use the case-brief template handout below.

24. This lesson plan is an adapted version of a lesson plan done by Gillian Calder, combined with additional content from Val Napoleon, Rebecca Johnson, Emily Snyder, and Lindsay Borrows.

25. See John Borrows, *Canada's Indigenous Constitution* (Toronto: University of Toronto Press, 2010).

### Suggested Readings:

- Val Napoleon and Hadley Friedland, “From Roots to Renaissance,” in Markus Dubber, ed, *Oxford Handbook of Criminal Law* (London: Oxford University Press) [forthcoming 2014].
- John Borrows, *Canada’ Indigenous Constitution* (Toronto: University of Toronto Press, 2010), particularly chapters 4 & 5).
- Gordon Christie, “Indigenous Legal Theory: Some Initial Considerations” in Benjamin J Richardson, Shin Imai and Kent McNeil (Eds.) *Indigenous Peoples and the Law: Comparative and Critical Perspectives* (Oregon: Hart Publishing, 2009) 195.

### Background



In law we sometimes talk about the facts as if they are straight forward, but we know they are actually contested. In this lesson plan focused on case-briefing and case analysis, the goal is to make visible the various possible understandings of the story. The exercise here is one way to get at this by using a source that is more visibly open to multiple readings. The point is also to help students start thinking about how stories are shaped by the ways the facts are organized and understood.

If your class has not already received an introduction to Indigenous law, it could be worthwhile to build this case briefing lesson plan on Lesson Plan 2 in this guide, which offers an introduction to Indigenous law. We also strongly suggest that instructors look at and draw on Lesson Plan 3 in this guide, which focuses on gender, as questions about gender and power are central to discussions about Indigenous law and are central to the graphic novel and the questions that it raises.

## Lesson Activity

If the students have not read *Mikomosis* prior to class, provide them with some time to read it. Then ask them to case brief *Mikomosis*. Case briefing is an effective way to analyze and organize information, however we encourage you and your students to think about additional methods for engaging in substantive, practical analyses of Indigenous laws. A case brief includes pulling out the following information:

- Issues
- Facts
- Resolutions/Decisions
- Reasons
- Bracket (information that you might have questions about but which is not necessary to the overall focus of the case brief)

Students can be organized into groups of four or five. Three case briefs should be done: 1) case brief from the perspective of Cree law, 2) case brief from the perspective of Canadian state law, 3) case brief that accounts for an inter-societal perspective of law. Rather than asking each group to do three case briefs, it might be more time effective to assign these different perspectives amongst the groups. After the case briefing is complete, ask students to post their case briefs on the wall (if using large sheets of paper) or to share their answers with the class (if using the handout). This sharing should just be a quick summary to illustrate to one another what emerges when the story is examined from a different perspective.

Sample case briefs are included at the end of this lesson plan. Please note that these are just examples to help guide facilitators and teachers. You and the learners that you are working with might have different answers from these samples.

## Large Group Discussion and Debrief

Below we have provided a list of questions to help lead a discussion. You could use some or all of the questions, and certainly more questions could be added to this list.

- What did you experience during this 'briefing' exercise?
- How did the main issues change? The relevant facts? How did the solution change?
- What would happen if people fulfilling Canadian legal roles were punished or killed for doing so? What would current Canadian law look like if outsiders condemned the people, structures, and institutions that were fulfilling legal responsibilities? Would we still have law? Would you trust the law?
- Buffalo Woman, Loon Woman, and Following Sun were all from different legal traditions,<sup>26</sup> yet were engaging in a discussion about Cree and state law. Why do you think lawyers from three different legal traditions were included? What do you think about this? Ask students to think about the importance of being open to other traditions when addressing harm, particularly when the people harming/being harmed are disconnected from their own traditions.
- Debate and the recognition of various interpretations within a legal tradition are not only realities, but are crucial to the vibrancy and practical relevance of any legal tradition. How we can begin to be more comfortable with expressions of dissent (working with others even across differences)? In what ways do we need to be attentive to power dynamics when engaging in debate and considering multiple perspectives?
- It is also crucial that questions about gender and power be asked when analyzing *Mikomosis*, and when thinking about Indigenous law more generally. Chapter 1 of the teaching guide and Lesson Plan 3 provide introductory resources for this type of discussion,

26. These three characters also come from different oral histories: Buffalo Woman is derived from the character Buffalo Child, though her gender has been changed. Loon Woman is from "The Origin of the Wolf Crest" story, and Following Sun is from *Bird Girl and the Man Who Followed the Sun* (his name was changed in the graphic novel). See "Ahtahkakoop Learns the Story of Buffalo Child" in Deanna Christensen, *Ahtahkakoop: The Epic Account of a Plains Cree Head Chief, His People, and Their Struggle for Survival 1816-1896* (Shell Lake, Sask.: Ahtahkakoop Publishing, 2000), pages 34-46; "The Origin of the Wolf Crest" by Mrs. Arthur Wellington, Port Simpson, recorded by William Beynan in 1915, see George F. MacDonald & John J. Cove, *Tsimshian Narratives 1: Tricksters, Shamans, and Heroes* (Ottawa: Canadian Museum of Civilization, 1987), page 67; Velma Wallis, *Bird Girl and the Man Who Followed the Sun* (HarperPerennial, New York, 1997).

however, included here are some questions to discuss with students.

- General questions: What would the story look like if told from the perspective of Sap-was-te? From the perspective of Sap-was-te's daughter? What do Buffalo Woman's arguments about gender bring to the discussion? What would be lost in *Mikomosis* if gender was not talked about or addressed? Why is it important when interpreting stories, the past, and today's legal realities, to examine gendered power dynamics and conflicts *within* Indigenous communities and legal orders?
- Questions about gender and inter-societal legal conflicts: Why is it important to examine gendered power dynamics when examining inter-societal relationships? What tensions and possibilities exist when talking about gender norms between cultures and legal orders? What perceptions exist about motherhood in Cree society? In Canadian society? In what ways might these ideas factor into perceptions about Sap-was-te and the case of *Mikomosis*? What questions about gender does the graphic novel enable you to ask? What questions and tensions remain?
- What troubled you about doing the case brief exercise? What do you think became apparent from analyzing law from an inter-societal perspective? From using the case brief method? What questions and tensions remain?
- It will also be important to draw out the various legal regimes and social orders that emerge through the story, some of these themes include: mental health, family law questions surrounding parenting, criminal law, policing, democratic decision-making, inter-societal law, colonialism and application of law, and the human problems.

There are many more specific ways into discussions about the graphic novel. Depending on the expertise of the instructor, more detailed discussion could involve discussions about, for instance, family law, criminal law, policing, or mental health. Pertaining to mental health, for instance, one could ask: what is the responsibility of the community to the members struggling with mental or physical health? Is this a story of post-partum depression? There are infanticide provisions in Canada's Criminal Code, how do these provisions affect your understanding of this story? In what ways is mental health gendered? What perceptions and assumptions exist about women's mental health?



**Case Brief Template**

**STORY**

**SOURCE**

**ISSUES**

**FACTS**

*a) (story)*

*b) (main harms suffered)*

**RESOLUTION/DECISIONS**

**REASONS**

**BRACKET**

# Sample Case Briefs

<b>CASE BRIEF: CREE LAW PERSPECTIVE</b>	
<b>STORY</b>	Mikomosis and the Wetiko
<b>SOURCE</b>	<i>Mikomosis and the Wetiko</i> , Indigenous Law Research Unit, 2013
<b>ISSUES</b>	<ul style="list-style-type: none"> <li>Was Sap-was-te treated appropriately? (i.e., was <i>wetiko</i> legal procedure followed properly?)</li> </ul>
<b>FACTS</b>	<p><i>Story:</i></p> <ul style="list-style-type: none"> <li>It was a cold, harsh winter with little food.</li> <li>Sap-was-te suffered greater than the others, and turned <i>wetiko</i>/dangerous.</li> <li>According to the law, Mikomosis released Sap-was-te's spirit/killed her, so the community would be safe.</li> <li>Canadians wanted to enforce their laws only across the country.</li> <li>The story of Mikomosis killing Sap-was-te was told and overheard by the RCMP at Fort Edmonton.</li> <li>Mikomosis was arrested, charged with murder under Canadian law, and hanged.</li> </ul> <p><i>Main harms suffered:</i></p> <ul style="list-style-type: none"> <li>All the Cree are hungry/cold/hurting.</li> <li>Sap-was-te shows signs of being a <i>wetiko</i>.</li> <li>Sap-was-te not helped earlier (i.e., could have recovered if intervention was earlier).</li> <li>Mikomosis was hurt in some way by having the responsibility of killing her (he knew he had to, but wished he didn't have to carry that with him forever).</li> <li>Canadian authorities' law was violated by Mikomosis' actions.</li> <li>Mikomosis hanged.</li> <li>Mikomosis' family and community left without his skills and presence.</li> </ul>
<b>RESOLUTION/DECISIONS</b>	<ul style="list-style-type: none"> <li>YES (one possible answer)</li> <li>NO (one possible answer)</li> </ul>
<b>REASONS</b>	<ul style="list-style-type: none"> <li>Reasons for declaring Sap-was-te was treated fairly:</li> <li>They tried to help Sap-was-te from harming herself and others.</li> <li>She continued to show dangerous <i>wetiko</i> signs.</li> <li>Mikomosis followed procedure to kill her and used the birch bark and burn the body to release her spirit in the proper way.</li> <li>Mikomosis carried the responsibility of that decision forward. He was chosen by her family to perform the act.</li> <li>Reasons for declaring Sap-was-te was treated unfairly:</li> <li>Not enough was done to prevent Sap-was-te from turning <i>wetiko</i>.</li> <li>Questionable that enough elders were consulted before the decision took place.</li> <li>Gendered decision.</li> </ul>
<b>BRACKET</b>	<ul style="list-style-type: none"> <li>What does the Cree legal summary have to say about how Mikomosis acted?</li> </ul>

<b>CASE BRIEF: CANADIAN LAW PERSPECTIVE</b>	
<b>STORY</b>	Mikomosis and the Wetiko
<b>SOURCE</b>	<i>Mikomosis and the Wetiko</i> , Indigenous Law Research Unit, 2013
<b>ISSUES</b>	
	<ul style="list-style-type: none"> <li>Was Mikomosis treated appropriately?</li> </ul>
<b>FACTS</b>	
	<p><i>Story:</i></p> <ul style="list-style-type: none"> <li>It was a cold, harsh winter with little food.</li> <li>Sap-was-te suffered greater than the others, and turned <i>wetiko</i>/dangerous.</li> <li>According to the law, Mikomosis released Sap-was-te's spirit/killed her, so the community would be safe.</li> <li>Canadians wanted to enforce their laws throughout the country.</li> <li>The story of Mikomosis killing Sap-was-te was told and overheard by the RCMP at Fort Edmonton.</li> <li>Accordingly, Mikomosis was arrested, charged with murder under Canadian law, and hanged.</li> </ul> <p><i>Main harms suffered:</i></p> <ul style="list-style-type: none"> <li>All the Cree are hungry/cold/hurting.</li> <li>Sap-was-te shows signs of being a <i>wetiko</i>.</li> <li>Canadian authorities' law was violated by Mikomosis' actions.</li> <li>Mikomosis hanged.</li> <li>Mikomosis' family and community left without his skills and presence.</li> </ul>
<b>RESOLUTION/DECISIONS</b>	
	<ul style="list-style-type: none"> <li>YES (one possible answer)</li> <li>NO (one possible answer, see underlined reasons below)</li> </ul>
<b>REASONS</b>	
	<ul style="list-style-type: none"> <li>Canadians have a duty to enforce their laws in order to provide a unified and fair justice system in their new and growing country.</li> <li>(At the time) the charge for murder is to hang the murderer.</li> <li>Canadian law has a duty to consider the whole situation, and understand why the murder occurred (i.e., defenses available).</li> <li>There is also a duty to consider the proportionality of the punishment. In this case it was no proportional because Mikomosis' community was left without his skills, input and for no just reason according to Cree law.</li> </ul>
<b>BRACKET</b>	
	<ul style="list-style-type: none"> <li>Would Canadian law today act similarly if Cree law were exercised? What may have happened today since we don't use capital punishment?</li> </ul>

<b>CASE BRIEF: INTER-SOCIETAL PERSPECTIVE</b>	
<b>STORY</b>	Mikomosis and the Wetiko
<b>SOURCE</b>	<i>Mikomosis and the Wetiko</i> , Indigenous Law Research Unit, 2013
<b>ISSUES</b>	<ul style="list-style-type: none"> <li>Did Cree and Canadian law work together to arrive at a fair decision regarding both Sap-was-te and Mikomosis' murders?</li> </ul>
<b>FACTS</b>	<p><i>Story:</i></p> <ul style="list-style-type: none"> <li>It was a cold, harsh winter with little food.</li> <li>Sap-was-te suffered greater than the others, and turned wetiko/dangerous.</li> <li>According to Cree law, Mikomosis released Sap-was-te's spirit/killed her, so the community would be safe.</li> <li>Canadians wanted to enforce their laws only across the country.</li> <li>The story of Mikomosis killing Sap-was-te was told and overheard by the RCMP at Fort Edmonton.</li> <li>Mikomosis was arrested, charged with murder under Canadian law, and hanged.</li> <li>Clash between both legal systems.</li> </ul> <p><i>Main harms suffered:</i></p> <ul style="list-style-type: none"> <li>All the Cree are hungry/cold/hurting.</li> <li>Sap-was-te shows signs of being a <i>wetiko</i>.</li> <li>Sap-was-te not helped earlier (i.e., could have recovered if intervention was earlier).</li> <li>Mikomosis was hurt in some way by having the responsibility of killing her (he knew he had to, but wished he didn't have to carry that with him forever).</li> <li>Canadian authorities' law was violated by Mikomosis' actions.</li> <li>Mikomosis hanged.</li> <li>Mikomosis' family and community left without his skills and presence.</li> </ul>
<b>RESOLUTION/DECISIONS</b>	<ul style="list-style-type: none"> <li>NO</li> </ul>
<b>REASONS</b>	<ul style="list-style-type: none"> <li>Canadians didn't consider Mikomosis' actions by seriously looking into the laws he was operating under.</li> <li>The two legal systems overlooked one another, to the primary detriment of the Cree community involved.</li> </ul>
<b>BRACKET</b>	<ul style="list-style-type: none"> <li>Do I agree whether the time travelling court helped remedy this gap between the two legal systems? What about Authentic's input?</li> </ul>

## Lesson Plan 6: How to Draw Law out of Stories<sup>27</sup>

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*For Youth and Community Learners*

### **Overview**

In law school, students learn ways of reading stories/cases and drawing out the law. A common method is called ‘the IRAC method.’ While reading the story, students write down the main issues, facts, resolutions and conclusions. Teaching the basics of case briefing to students, will allow them to look at the graphic novel and consciously apply legal reasoning skills.

### **Learning Outcomes:**

- Learn how to case brief.
- Understand one way of drawing law out of stories.
- Begin to articulate what law is in a more holistic way.
- Learn one way of understanding Indigenous legal processes and reasoning.
- Demystify how Canadian law is learned in law schools.

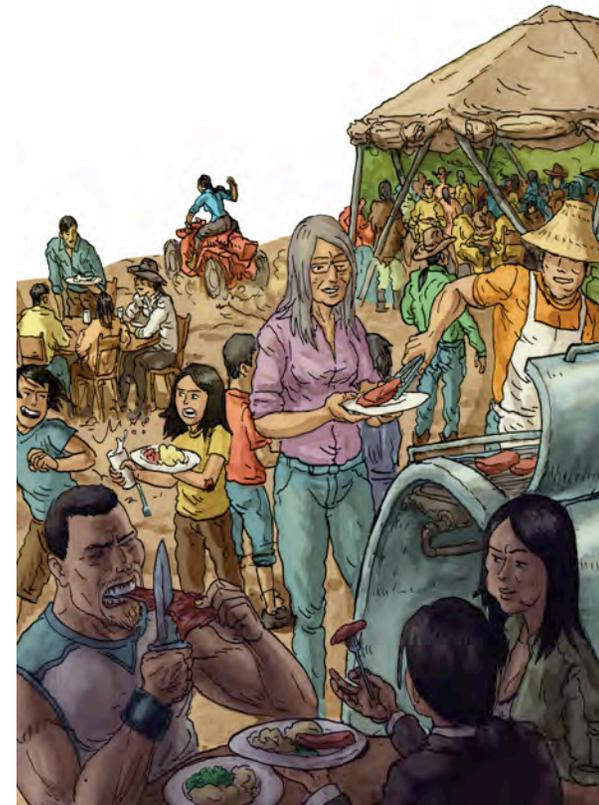
### **Preparation and Materials:**

- Provide each student with a copy of *Mikomosis and the Wetiko* (to be read before the class).
- Print/photocopy and give the students a handout copy of the case brief template (found in Lesson Plan 5).
- Have students fill out the case brief (issues, facts, responses/resolutions, reasons, etc.) the best they can before meeting as a group.
- Get giant pieces of paper for case briefing in groups.

27. Prepared by Lindsay Borrows.

## Lesson Activity

- Ask the students – what comes to your mind when you think of law? When was the first time you learned about ‘law’ generally?
- Explain that law can be thought of as a way of resolving disputes. It is found not just in courts, or with lawyers and judges. In Cree law for example (the legal tradition found in the graphic novel), law is also found in song, dance, stories, language and hunting.
  - See: *Creating New Stories: Aseniwuche Winewak Nation and the Accessing Justice and Reconciliation Project Presents Indigenous Legal Traditions on Reconciliation* available at:  
<http://keegitah.wordpress.com/2014/04/02/awn-gathered-together-at-trc-national-conference-edmonton/>.
- Split up learners into groups of 3-5.
- Have learners work together to write on the big pieces of paper, and relying on their own work they did with the case briefing, to collaborate and put down what they saw as the main issues, facts, responses, and reasons. They will do this for the three perspectives including Canadian law, Cree law, and Inter-societal law.
- Bring the learners back together to present what they found discussing, for example, what new things they learned, how they found the process of seeing law in the stories, what was difficult or easy, how did this change the way they read the story?
  - Refer to Post-Secondary Lesson Plan 5 to draw further questions you think students will be responsive to.



## Actively Reading Visual Content in Graphic Novels

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For an introduction to active reading and graphic novels, we recommend that facilitators and teachers take a look at Brian Kelley’s report entitled “Sequential Art, Graphic Novels, & Comics” (in particular, his section on active reading strategies).<sup>28</sup> Kelley provides examples of strategies that can be deployed prior, during, and after lessons with graphic novels. He also includes a list of additional resources about graphic novels, which may be of interest to educators and learners.<sup>29</sup>

A vital aspect of reading *Mikomosis* requires engaging not only with textual content but with visual content as well. Actively reading the visual aspects of *Mikomosis* can be done with all of the learner groups and can be incorporated into any of the lesson plans in this teaching guide. The images could be analyzed through group discussion or written responses, but can also be engaged with visually. For example, Kelley notes that one activity that can be done includes sketch responses. He explains, “[s]tudents can also sketch reactions to the book, helping them to practice interpreting the text or conveying ideas by creating images.”<sup>30</sup> This type of activity would work well with many aspects of *Mikomosis* – for instance:

- sketch a response to one particular image that stands out;
- consider if any of the images seem incomplete or need to be revised (is something or someone missing? How would you draw character X?) and respond with a sketch;
- when considering questions in the lesson plans about alternate endings to *Mikomosis* – ask them to visually represent an alternate ending.

The sketches that get created could be just that – rough/imperfect images – as the point of the exercise is focused on visual engagement and how this enables

28. Brian Kelley, “Sequential Art, Graphic Novels, & Comics,” a collaborative position paper co-sponsored the New Jersey Reading Association, state affiliate of the International Reading Association and Science Fiction, Fantasy, and Graphic Novels Special Interest Group of the International Reading Association (online at: [http://teachingliterature.pbworks.com/f/NJ\\_Graphic\\_Novel\\_Paper.pdf](http://teachingliterature.pbworks.com/f/NJ_Graphic_Novel_Paper.pdf)), see pages 15-17.

29. See pages 20-21.

30. Page 16.

one to think (or challenges one!). People can sometimes be shy about their art and own artistic abilities, so we suggest that you ask learners to take up visual activities, but to also give them the space to decide if they are comfortable sharing their art or not. Regardless of whether learners show their art, you could ask everyone to reflect on the process, what worked, what was challenging, and what they learned. For post-secondary students, art is often not used in the classroom outside of art departments and you could engage in discussion that encourages students to reflect on art as a mode of inquiry and communication. For instance, you could ask: what is the relationship between art and law? How can art be used to understand law? To challenge assumptions and stereotypes? In what ways is art related to indigenous legal traditions? How is/can art (and other creative means) be part of rebuilding indigenous legal orders?

It can also be instructive to read the images in *Mikomosis* in relation to other images – to create a visual conversation of sorts. We have included Val Napoleon’s kokum ravens throughout this teaching guide, in addition to images from the graphic novel, as we think that these grandmother indigenous feminist tricksters provoke important discussion about indigenous law (see the Artists Statement on page 103). There are countless ways that images can be read alongside one another (for example, ask students to examine mainstream media representations of indigenous peoples and law compared to the images found in *Mikomosis*), and endless possibilities for using art to learn and provoke discussion. We hope that this very brief introduction offers some ideas for getting started.

## Additional Activities Using the Cree Legal Synthesis Summary

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### *For Post-Secondary Learners*

In the supplemental materials section (on page 81) you will find the Cree Legal Synthesis Summary, a document that was developed from the AJR research project. That document is only a summary of a much larger report, however, it is useful for engaging in additional activities with the graphic novel. There are legal principles argued and acted on throughout the graphic novel. Some of these appear in the summary document. These activities could be added or incorporated into the post-secondary lesson plans above.

Work with the person beside you. Look through the summary, at the 'Legal Responses' category.

- Which principles can you identify being argued or implemented in the graphic novel?
- Pick another category from the summary (e.g., 'Legal Obligations'). Which of these can be found or are implemented in the graphic novel?

### Expanding the Discussion:

Lesson Plan 3 includes information about the importance of approaching Indigenous legal subjects and laws as gendered. Have students read the questions on pages 49 to 50 of that lesson plan. Ask them to think about these questions in relation to the legal processes, responses and resolutions, legal obligations, legal rights, and legal principles.



*For Youth and Community Learners*

Using the Cree Legal Synthesis Summary, have learners apply Cree legal principles to a new story. You could find one of your own (in the news, or some other conflict students had studied about intra/inter community harms), and have students act as legal counsel. They could act out their ideas similar to Buffalo Woman, Following Sun, Loon Woman and Headache Cho, in the time travelling court. Alternatively you could use another publicly available *wetiko* story (for example see Basil Johnston's *Ojibway Heritage*).

Another option is to have the learners consider what substantive and procedural rights (see glossary) they would have under Cree law if they were charged with causing harm.

These creative activities will allow learners to understand further how law is made. They will gain a deeper appreciation of the argumentative and creative skills necessary for creating a solid argument. It also fosters a deeper understanding that every day we make decisions according to principles we already have in our own heads largely according to what we've been taught. When those principles differ, it can be interesting to see what new responses to challenges may be available.



**... law is something that people do - and it has to be practical and useful to life - otherwise, why bother?**

*-Val Napoleon, Ayook: Gitksan Legal Order, Law, and Legal Theory  
(Doctor of Philosophy dissertation, University of Victoria, 2009), page 312.*



***Chapter 3: Supplemental Resources***

VAL NAPOLEON

## Additional Background Reading List

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For additional resources see: <http://indigenousbar.ca/indigenoulaw/project-documents/>

The following resources are recommended for those interested in learning more about this and other approaches to engaging with Indigenous legal traditions:

Isabel Altamirano-Jiménez, “Nunavut: Whose Homeland, Whose Voices?” in Patricia A. Monture & Patricia D. McGuire, eds, *First Voices: An Aboriginal Women’s Reader* (Toronto: Inanna Publications, 2009) 143.

Amnesty International, “No More Stolen Sisters: The Need For A Comprehensive Response to Discrimination and Violence Against Indigenous Women in Canada” (London, 2009, online: <http://www.amnesty.ca/sites/default/files/amr200122009enstolensistersupdate.pdf>).

Raymond D. Austin, *Navaho Courts and Navaho Common Law: A Tradition of Tribal Self-Governance* (Minneapolis: University of Minnesota Press, 2009).

Joanne Barker, “Gender, Sovereignty, Rights: Native Women’s Activism against Social Inequality and Violence in Canada” (2008) 60:2 *American Quarterly* 259.

CF Black, *The Land is the Source of the Law: A Dialogic Encounter with Indigenous Jurisprudence* (New York: Routledge, 2011).

John Borrows, “Physical Philosophy: Mobility and the Future of Indigenous Rights” in Benjamin J Richardson, Shin Imai & Kent McNeil, eds, *Indigenous Peoples and the Law: Comparative and Critical Perspectives* (Oregon: Hart Publishing, 2009) 403.

John Borrows, *Canada's Indigenous Constitution* (Toronto: University of Toronto Press, 2010).

John Borrows, *Drawing Out Law* (Toronto: University of Toronto Press, 2010).

John Borrows, "(Ab)Originalism and Canada's Constitution" (2012) 58 Supreme Court Law Review 351.

Gordon Christie, "Indigenous Legal Theory: Some Initial Considerations" in Benjamin J Richardson, Shin Imai & Kent McNeil, eds, *Indigenous Peoples and the Law: Comparative and Critical Perspectives* (Oregon: Hart Publishing, 2009) 195.

Aimée Craft, *Breathing Life into the Stone Fort Treaty: An Anishinabe Understanding of Treaty One* (Saskatoon: Purich Publishing, 2013).

Matthew Fletcher, "Rethinking the Role of Custom in Tribal Court Jurisprudence" (2007-2008) 13 Michigan Journal of Race and Law 57.

Hadley Friedland, "Reflective Frameworks: Methods for Accessing, Understanding and Applying Indigenous Laws" (2013) 11:2 Indigenous Law Journal 1.

Hadley Friedland & Val Napoleon, "Gathering the Threads: Developing a Methodology for Researching and Rebuilding Indigenous Legal Traditions" (forthcoming).

Joyce Green, ed, *Making Space for Indigenous Feminism* (Winnipeg: Fernwood, 2007).



Joyce Green, "Taking Account of Aboriginal Feminism" In Joyce Green, ed, *Making Space for Indigenous Feminism* (Winnipeg: Fernwood Publishing, 2007) 20.

Kiera Ladner, "Gendering Decolonisation, Decolonising Gender" (2009) 13 *Australian Indigenous Law Review* 62.

Law Commission of Canada, *Justice Within: Indigenous Legal Traditions*, DVD (Ottawa: Minister of Supply and Services Canada, 2006).

Renée McBeth, *Revitalizing Indigenous Laws: Accessing Justice and Reconciliation*. A report prepared for the Indigenous Law Research Unit, Indigenous Bar Association, Truth and Reconciliation Commission of Canada, 2013. Available online at <http://indigenousbar.ca/indigenoulaw/wp-content/uploads/2013/04/RM-Final-Descriptive-report-Oct-2012-Laws-conf.pdf>

Luke McNamara, "The Locus of Decision-Making Authority in Circle Sentencing: The Significance of Criteria and Guideline" (2000) 18 *Windsor Yearbook of Access to Justice* 60.

Val Napoleon, "Aboriginal Discourse: Gender, Identity and Community" in Benjamin J Richardson, Shin Imai & Kent McNeil, eds, *Indigenous Peoples and the Law: Comparative and Critical Perspectives* (Oregon: Hart Publishing, 2009) 233.

Val Napoleon, "My Grandmothers' Skin" in Shari Graydon, ed, *I Feel Great about My Hands: And Other Unexpected Joys of Aging* (Vancouver: Douglas & McIntyre, 2011) 81.

Val Napoleon, "Thinking About Indigenous Legal Orders" in René Provost & Colleen Sheppard, eds, *Dialogues on Human Rights and Legal Pluralism* (New York: Springer, 2013) 229.

Val Napoleon & Hadley Friedland, "An Inside Job: Engaging With Indigenous Legal Traditions Through Stories" in Tony Lucero & Dale Turner, eds, *Oxford Handbook on Indigenous Peoples' Politics* (Oxford: Oxford University Press, forthcoming 2014).

Val Napoleon & Hadley Friedland, "From Roots to Renaissance," in Markus Dubber, ed, *Oxford Handbook of Criminal Law* (Oxford: Oxford University Press, forthcoming 2014).

Justin B. Richland, *Arguing with Tradition: The Language of Law in Hopi Tribal Court* (Chicago: University of Chicago Press, 2008).

Rupert Ross, *Returning to the Teachings: Exploring Aboriginal Justice* (Toronto: Penguin, 1996).

Pat Sekaquaptewa, "Key Concepts in the Finding, Definition and Consideration of Custom Law in Tribal Lawmaking" (2007-2008) 32 *American Indian Law Review* 319.

Kerry Sloan, *A Global Survey of Legal Education and Research*. A report prepared for the Indigenous Law Research Unit, Indigenous Bar Association, Truth and Reconciliation Commission of Canada, 2013. Available online at <http://indigenousbar.ca/indigenoulaw/wp-content/uploads/2013/04/KLS-World-Indigenous-Legal-Education-Complete.pdf>

Emily Snyder, "Indigenous Feminist Legal Theory" (forthcoming 2014) 26:2 *Canadian Journal of Women and the Law*.

Emily Snyder, *Gender and Indigenous Law*. A report prepared for the Indigenous Law Research Unit, Indigenous Bar Association, Truth and Reconciliation Commission of Canada, 13 March 2013. Available at

<http://indigenousbar.ca/indigenoulaw/wp-content/uploads/2013/04/Gender-and-Indigenous-Law-report-March-31-2013-ESnyder1.pdf>

Verna St. Denis, "Feminism is for Everybody: Aboriginal Women, Feminism and Diversity" in Joyce Green, ed, *Making Space for Indigenous Feminism* (Winnipeg: Fernwood Publishing, 2007) 33.

### Theses and Dissertations

Hadley Friedland, *The Wetiko (Windigo) Legal Principles: Responding to Harmful People in Cree, Anishinabek and Saulteaux Societies – Past, Present and Future Uses, with a Focus on Contemporary Violence and Child Victimization Concerns* (LLM thesis, University of Alberta, 2009).

Tracey Lindberg, *Critical Indigenous Legal Theory*, (PhD dissertation, University of Ottawa, 2007).

Val Napoleon, *Gitksan Legal Order, Law, and Legal Theory* (PhD dissertation, University of Victoria, 2009).

Emily Snyder, *Representations of Women in Cree Legal Educational Resources: An Indigenous Feminist Theoretical Analysis* (PhD dissertation, University of Alberta, 2014).

### Wetiko Case Law

*R. v. Machekequonabe* [1897] O.J. No. 98, 2 C.C.C. 138.

PAA Acc: 79.266/126 Box 1. Edmonton Supreme Court Files: *R v. Michel and Cecil Courtreille*.



## Cree Legal Synthesis Summary

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**Cree Legal Synthesis: Examples of Some Legal Principles Applied to Harms and Conflicts between Individuals within a Group** Available online at: <http://indigenousbar.ca/indigenoulaw/wp-content/uploads/2012/12/Cree-Summary-of-Legal-Principles.pdf>

**1. Legal Processes:** Characteristics of legitimate decision-making/problem-solving processes

**a. Authoritative Decision-Makers:** Who had the final say?

**General Re-Statements of Law:**

**Authoritative Decision-Makers include:**

**a. Medicine People:**

- Medicine People who have specialized spiritual and medicine knowledge are relied upon and sought out to use their power to address harms and protect the community: *Killing of a Wife; Anyway; Water Serpent; The Hairy Heart People; AWN Interview #2*.<sup>31</sup>

**b. Elders:**

- When there is a risk of danger, or harm, if Elders have greater knowledge, they may collectively act or direct action to prevent harm and protect people: *AWN Interview #2; Water Serpent; AWN Interview #2; AWN Interview #3*.
- Where there is an interpersonal conflict, but no immediate danger or risk of harm to people, Elders take on a more persuasive role: *AWN Interview #4*.

31. See the full report online for further details and full citations (<http://indigenousbar.ca/indigenoulaw/wp-content/uploads/2012/12/Cree-Summary-of-Legal-Principles.pdf>).

**c. Family Members:**

- The family members of the person who has caused harm may act to remedy the harm or to prevent further harm from occurring when necessary: *Indian Laws; Mistacayawis; Thunder Women.*
- Family members may take a pro-active role to prevent harm from occurring: *AWN Interview #2; AWN Interview #4.*
- Family members take a persuasive role in resolving interpersonal conflict: *AWN Interview #4.*

**d. Group:**

- Important decisions for community safety are made collectively by a group: *Mi-She-Shek-Kak; AWN Interview #3; AWN Interview #2; AWN Interview #5.*

**b. Procedural Steps:** What were the steps involved in determining a response or action?

**General Re-Statements of Law:**

**While the order of these steps is not rigid, and not every step is present in every account, there are several steps that emerge as important for ensuring a response or resolution is seen as legitimate and effective. These are:**

- 1. Recognizing warning signals that harm may be developing or has occurred:** *The Hairy Heart People; Mistacayawis; AWN Interview #2; Killing of a Wife; AWN Anonymous Interview #5; AWN Interview: Marie McDonald.*

2. **Warning others of the potential harm and taking appropriate safety precautions to keep people within the group as safe as possible:** *The Hairy Heart People; Mi-She-Shek-Kak; Mistacayawis; AWN Interview #1; AWN Interview: Marie McDonald; AWN Interview #2.*
3. **Seeking guidance from those with relevant understanding and expertise:** *Indian Laws; Anyway; The Water Serpent; The Thunder Women; The Hairy Heart People; AWN Interview #1; AWN Interview #4; AWN Interview: Joe Karakuntie; AWN Interview #2.*
4. **Observation and corroborating evidence:** *The Hairy Heart People; AWN Interview #2; Killing of a Wife; Mistacayawis.*
5. **Public confrontation and deliberation by appropriate decision-makers when possible:** *Indian Laws; Killing of a Wife; Mistacayawis; AWN Interview #4; AWN Interview: Joe Karakuntie; Thunderwomen; AWN Interview #1; AWN Interview#2.*
6. **The appropriate decision-makers are identified and implement a response. This may be a pre-emptive response in some cases:** *Indian Laws; Anyway; The Water Serpent; Mi-She-Shek-Kak; Whitiko and the Weasel; Mistacayawis; AWN Interview #2; AWN Interview: Joe Karakuntie.*

**2. Legal Responses and Resolutions:** What principles govern appropriate responses to legal/ human issue?

**General Re-Statements of Law:**

**The Principle of Healing:**

- When someone is becoming or has become harmful or dangerous to others,

the predominant and preferred response is healing of that person: *The Hairy Heart People; AWN Interview: Joe Karakuntie; AWN Interview #2.*

**The Principle of Avoidance or Separation:**

- When healing is not possible, a group may respond to a harmful actor by moving away from or actively avoiding him or her in order to maintain group safety: *The Giant Skunk; The Hairy Heart People; AWN Interview: Robert Wanyandie; AWN Interview: Marie McDonald; AWN Interview: Joe Karakuntie.*
- A person becoming harmful or causing harm may be temporarily separated from the group to prevent harm to others: *AWN Interview: Joe Karakuntie; AWN Interview #2.*
- After multiple interventions by multiple people fail to resolve the issue, active avoidance of an individual, family or group may be used to deliberately send a message of disagreement or of disapproval of inappropriate or harmful behaviour: *AWN Interview #4.*
- Avoidance can be employed to avoid the escalation of conflicts, where the conflict might cause more harm than the original concern: *Indian Laws; AWN Interview #2; AWN Interview #5; AWN Interview #4.*

**The Principle of Acknowledging Responsibility as Remedy:**

- A wrong-doer can remedy harms by taking responsibility, apologizing, and seeking forgiveness directly from the person harmed: *AWN Interview #1; AWN Interview #4.*
- A wrong-doer, or their family, can remedy harms by paying compensation or restitution directly to the person harmed, or to their family: *Indian Laws; AWN Interview #1.*

**The Principle of Re-Integration:**

- When possible and safe to do so, a person who has committed harms, even grave harms, is integrated or reintegrated back into the community as a fully functioning group member: *The Hairy Heart People; Thunderbird Women; AWN Interview: Joe Karakuntie; AWN Interview #2; AWN Interview #1.*
- Re-integration includes ongoing observation and monitoring the person for warning signs he or she may be becoming harmful again: *The Hairy Heart People; AWN Interview #2.*

**The Principle of Natural or Spiritual Consequences:**

- In some cases, the legitimate response to someone causing harm is to step back and allow the person who caused the harm to experience the natural or spiritual consequences of his or her action. These consequences are usually proportionate to the harm caused, but may be quite severe: *The Man who was Bitten by Mosquitoes; Killing of a Wife; AWN Interview #1; AWN Interview #4.*
- Individuals use their knowledge of this principle to guide their own actions, and avoid causing or escalating harm: *AWN Interview #5; AWN Interview: Robert Wanyandie.*
- However, in some cases, people may take action to facilitate these consequences to respond to harms: *AWN Interview #4.*
- Natural and Spiritual Consequences for misuse or bad use of Medicine can also fall on the wrongdoer's family: *AWN Interview #1; AWN Interview #5.*

**The Principle of Incapacitation:**

- In older stories, or historically, in cases of extreme and ongoing harm, where no other response could keep the group safe and prevent future harms, a harmful agent would sometimes be have to be incapacitated (executed) as a last resort: *The Giant Skunk; Anyway; The Hairy Heart People; Mistacayawis.*

**3. Legal Obligations:** What principles govern individual and collective responsibilities? Where are the “*shoulds*”?

**General Re-Statements of Law:**

**Responsibility to Help:**

- People are responsible to help when asked if they are capable of doing so, and to ask for help when they are not: *The Giant Skunk; Wasakeechaak Tricks the Bear; Whitiko and the Weasel; Water Serpent; Anway; Killing of a Wife; Indian Laws; The Hairy Heart People; The Thunder Women; AWN Interview #1; AWN Interview #2; AWN Interview: Joe Karakuntie; AWN Interview #5.*
- The responsibility to help extends to helping people from other groups as well: *The Hairy Heart People; AWN Interview: Marie McDonald; AWN Interview #1; AWN Interview #3; AWN Interview #4.*

**Responsibility to Give Back:**

- People are responsible to give back something for help they ask for or receive: *Whitikow and the Weasel; AWN Interview #1; AWN Interview: Joe Karakuntie; AWN Interview #5; AWN Interview: Marie McDonald.*

**Responsibility to Prevent Future Harms:**

- People are responsible to find ways to stop ongoing harms and prevent or mitigate future harms when necessary: *The Giant Skunk; The Water Serpent; Anway; Mistacayawis; The Hairy Heart People; Indian Laws; The Thunder Women.*

**Responsibility to Warn:**

- People are responsible to warn others once they are aware of a potential danger or risk of harm: *The Giant Skunk; The Hairy Heart People; Mistacayawis; AWN Interview #1; AWN Interview #2; AWN Interview: Marie McDonald; AWN Interview: Robert Wanyandie.*

**4. Legal Rights:** What should people be able to expect from others?**a. Substantive****General Re-Statements of Law:****The Right to Protection/Safety:**

- This right can be inferred from the inverse obligation to protect people from future harms and to warn others of danger or potential harm (See – Responsibility to Protect from Future Harms: *The Giant Skunk; The Water Serpent; Anyway; Mistacayawis; The Hairy Heart People; Indian Laws; The Thunder Women*, and the Responsibility to Warn: *The Giant Skunk; The Hairy Heart People; Mistacayawis; AWN Interview #1; AWN Interview #2; AWN Interview: Marie McDonald; AWN Interview: Robert Wanyandie*).

**The Right to be Helped when Incapable/Vulnerable:**

- This right can be inferred from the inverse obligation to help those when capable and to ask for help when incapable or vulnerable (See – Responsibility to Help: *The Giant Skunk; Wasakeechaak Tricks the Bear; Whitiko and the Weasel; Water Serpent; Anyway; Killing of a Wife; Indian Laws; The Hairy Heart People; The Thunder Women; AWN Interview #1; AWN Interview #2; AWN Interview: Joe Karakuntie; AWN Interview #5; The Hairy Heart People; AWN Interview: Marie McDonald; AWN Interview #1; AWN Interview #3*).

## b. Procedural

### General Re-Statements of Law:

#### **The Right to have warning signals corroborated by observation or evidence before action is taken:**

- In all cases, where people recognize warning signals that a person may be becoming harmful, or may have committed harms, no action is taken unless this is corroborated by observation and evidence: *The Hairy Heart People; Killing of a Wife; Mistacayawis; AWN Interview #2.*

#### **The Right to be Heard:**

- People who have caused harm, people who have observed harm, and people who have experienced harm have the opportunity to be heard whenever possible prior to a response or resolution: *Indian Laws; Killing of a Wife; Thunder Women; AWN Interview#4; AWN Interview: Joe Karakuntie.*
- Someone who has acknowledged their wrongdoing and is sincerely seeking resolution, is given the opportunity to be heard: *Indian Laws; Thunder Women; AWN Interview #1.*

#### **The Right for decisions to be made through open collective deliberation guided by appropriate consultation:**

- In all cases where it is possible, decisions about responses or resolutions to harm or conflict are made through an open deliberative process, guided by appropriate consultation with those with relevant knowledge or expertise: *The Giant Skunk; The Water Serpent; Anway; Mistacayawis; AWN Anonymous Interview #2.*

**5. General Underlying Principles:** What underlying or recurrent themes emerge in the stories and interviews that might not be captured above?

**General Re-Statements of Law:**

**The Principle of Fluid and Contextualized Responsiveness**

**The Principle of Acknowledging and Valuing Relationships**

**The Principle of Reciprocity and Interdependence**

## British Columbia Education Curricular Outcomes

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*Mikomosis and the Wetiko Graphic Novel and Teaching Guide* may be connected to the British Columbia Education curricular outcomes.

### **BC First Nations Studies 12**

[https://www.bced.gov.bc.ca/irp/pdfs/social\\_studies/2006bcfns12.pdf](https://www.bced.gov.bc.ca/irp/pdfs/social_studies/2006bcfns12.pdf)

**Rationale:** “The course provides an opportunity for BC students to acquire knowledge and understanding of the traditions, history, and present realities of BC Aboriginal peoples, as well as a chance to consider future challenges and opportunities... It is intended to provide a conceptual foundation for all learners to develop an appreciation and respect for the similarities among and differences between the diverse cultures of the world. As such, it will help to promote understanding of First Nations peoples among all students.” (p.3)

The curriculum guide focuses on Aboriginal cultures, values, beliefs, traditions, history, languages, and land. The graphic novel sheds light on these topics and gives students a sense of the leadership and self-determination efforts that are occurring today.

### **Civic Studies 11**

[https://www.bced.gov.bc.ca/irp/pdfs/social\\_studies/2005civicstudies11.pdf](https://www.bced.gov.bc.ca/irp/pdfs/social_studies/2005civicstudies11.pdf)

Unit 4: Culture, Language, Heritage and Community

“In this unit, students will research events related to the theme of culture, language, and community; examine the Charter of Rights and Freedoms and its reflection of the fundamental principles of democracy; and examine the history of the Canadian social safety net. All of these activities will be done with a focus on understanding how individual events can lead to the creation of a national identity. From this work, students will formulate their own answers to the



question, “What does it mean to be a Canadian citizen?” (p. 81)

Suggested lesson activities include allowing the students to define Aboriginal, English Canadian, French Canadian, and women’s rights. (p.83)

### **English 10, 11 and 12: First Peoples**

[https://www.bced.gov.bc.ca/irp/pdfs/english\\_language\\_arts/2010efp1011.pdf](https://www.bced.gov.bc.ca/irp/pdfs/english_language_arts/2010efp1011.pdf)

This course “provides opportunities for all students to learn about and engage with: indigenous creative expression” and “the worlds of First Peoples provincially, nationally, and internationally. These courses focus on the experiences, values, beliefs, and lived realities of First Peoples as evidenced in various forms of text – including oral story, speech, poetry, dramatic work, dance, song, film, and prose (fiction and non-fiction).” (p.11)

### **Law 12**

[https://www.bced.gov.bc.ca/irp/pdfs/social\\_studies/2006law12.pdf](https://www.bced.gov.bc.ca/irp/pdfs/social_studies/2006law12.pdf)

“Citizens should know their legal rights and responsibilities. Knowledge of the law is presupposed in our legal system, as illustrated by the maxim, ‘ignorance of the law is no excuse.’ It follows that students should understand how laws are applied and reviewed.

The relevance of legal studies extends beyond students’ need to know about the legal system and content of law. Students also need to understand the role of law and the benefits of the legal system. Legally literate students are more likely to become active, informed, and productive citizens, and are better equipped to participate effectively in a democratic society and recognize what conduct is regulated by law.

Law 12 fosters skills and attitudes that enhance students' abilities to address legal, social, and ethical issues, and reflect critically on the role of law in society. The study of law also promotes the skills and abilities needed to clearly express ideas, argue effectively and logically, and accurately interpret the written word." (p.3)

**Social Justice 12:**

[https://www.bced.gov.bc.ca/irp/pdfs/social\\_studies/2008socialjustice12.pdf](https://www.bced.gov.bc.ca/irp/pdfs/social_studies/2008socialjustice12.pdf)

"The goals of Social Justice 12 are to enable students to

- acquire knowledge that allows them to recognize and understand the causes of injustice
- apply critical thinking and ethical reasoning skills to a variety of social justice issues
- develop an understanding of what it means to act in a socially just manner
- become responsible agents of change, making positive contributions toward a socially just world." (p.11)

**Visual Arts 11 and 12: Media Arts**

[https://www.bced.gov.bc.ca/irp/pdfs/arts\\_education/1997visualarts1112\\_mediaarts.pdf](https://www.bced.gov.bc.ca/irp/pdfs/arts_education/1997visualarts1112_mediaarts.pdf)

"The art of image making is a unique and powerful human endeavour. In visual arts, images give shape and meaning to ideas and feelings. Images take many forms and transcend boundaries of time, culture, and language. Image development involves students in a design process—a purposeful and inventive artistic activity involving the use of a variety of materials, technologies, and processes to organize visual elements according to principles of art and design. Visual arts education in grades 11 and 12 builds on previous learning by providing students with a range of opportunities in the visual arts and by responding to each student's particular needs and interests." (p.1)

## Alberta Education Curricular Outcomes

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The following information was originally gathered to accompany Lesson Plan 1 and was provided by: Dana Antaya-Moore, Alberta Education; Margaretha Ebbers, Alberta Education; Jaeda Feddama, Northlands School Division and Heidi Kongsrud, Grande Yellowhead School Division.

*Mikomosis and the Wetiko* may be connected to the following Alberta Education curricular outcomes:

### Social Studies Kindergarten to Grade 12

#### Program Rationale and Philosophy

##### **Values and Attitudes**

Social studies provides learning opportunities for students to:

- value the diversity, respect the dignity and support the equality of all human beings
- demonstrate social compassion, fairness and justice
- appreciate and respect how multiple perspectives, including Aboriginal and Francophone, shape Canada's political, socio-economic, linguistic and cultural realities
- honour and value the traditions, concepts and symbols that are the expression of Canadian identity

##### **Knowledge and Understanding**

Social studies provides learning opportunities for students to:

- understand their rights and responsibilities in order to make informed decisions and participate fully in society
- understand the unique nature of Canada and its land, history,

complexities and current issues

- understand how knowledge of the history of Alberta, of Canada and of the world, contributes to a better comprehension of contemporary realities
- understand historic and contemporary issues, including controversial issues, from multiple perspectives
- understand the diversity of Aboriginal traditions, values and attitudes
- understand contemporary challenges and contributions of Aboriginal peoples in urban, rural, cultural and linguistic settings
- understand how political and economic distribution of power affects individuals, communities and nations
- understand the role of social, political, economic and legal institutions as they relate to individual and collective well-being and a sustainable society

### **Social Studies and Aboriginal Perspectives and Experiences**

For historical and constitutional reasons, an understanding of Canada requires an understanding:

- of Aboriginal perspectives
- of Aboriginal experiences
- that Aboriginal students have particular needs and requirements.

Central to Aboriginal identity are languages and cultures that link each group with its physical world, worldviews and traditions. The role of Elders and community leaders is essential in this linkage.

The social studies program of studies provides learning opportunities that contribute to the development of self-esteem and identity in Aboriginal students by:

- promoting and encouraging a balanced and holistic individual and individual capacity
- strengthening, honouring and valuing the traditions, concepts and symbols that are the expression of their identity
- providing opportunities for students to express who they are with confidence as they interact and engage with others
- contributing to the development of active and responsible members of groups and communities.

### **Pluralism: Diversity and Cohesion**

Diversity contributes to the development of a vibrant democratic society. Through the interactions of place and historical processes of change, diversity has been an important asset in the evolution of Canadian society. Some key manifestations of this diversity include:

- First Nations, Inuit and Métis cultures

### **General and Specific Outcomes:**

#### **Social Studies 4**

#### **General Outcome 4.2**

#### **The Stories, Histories and Peoples of Alberta**

Students will demonstrate an understanding and appreciation of the role of stories, history and culture in strengthening communities and contributing to identity and a sense of belonging.

**4.2.2 assess, critically, how the cultural and linguistic heritage and diversity of Alberta has evolved over time by exploring and reflecting upon the following questions and issues:**

- How did British institutions provide the structure for the settlement of newcomers in Alberta (i.e., North West Mounted Police, schools, lieutenant-governor, Assembly of the Northwest Territories)? (GC, I, PADM, TCC)

### **Social Studies 5**

#### **General Outcome 5.2**

#### **Histories and Stories of Ways of Life in Canada**

Students will demonstrate an understanding of the people and stories of Canada and their ways of life over time, and appreciate the diversity of Canada's heritage.

**5.2.7 examine, critically, how the North West Mounted Police shaped the ways of life in Canada by exploring and reflecting upon the following questions and issues:**

- What stories of the North West Mounted Police tells us about the settlement and development of western and northern Canada? (LPP, PADM)
- How have stories of the North West Mounted Police shaped the identity in western and northern Canada? (I, TCC, PADM)

### **Social Studies 6**

#### **General Outcome**

Students will demonstrate an understanding and appreciation of the dynamic relationship between governments and citizens as they engage in the democratic process.

## **Specific Outcomes**

### **Values and Attitudes**

Students will

#### **6.1.1 recognize how individuals and governments interact and bring about change within their local and national communities.**

- Value the role of the Canadian Charter of Rights and Freedoms in protecting individual and collective rights and freedoms
- Recognize the influence of historical events and legislation on democratic decision making in Canada.

### **Knowledge and Understanding**

#### **6.1.6 analyze how individuals, groups and associations within a community impact decision making of local and provincial governments by exploring and reflecting up the following questions and issues:**

- How can individuals, groups and associations within a community participate in the decision-making process regarding current events or issues (i.e., lobbying, petitioning, organizing and attending local meetings and rallies, contacting elected representatives)?
- How do associations do associations such as the Association canadienne-française de l'Alberta, the Métis Nation of Alberta Association and the First Nations Authorities provide their members with a voice, at local and provincial levels, exercising historical and constitutional rights?
- In what ways do elected officials demonstrate their accountability to the electorate (e.g., respond to constituents, participate in local events, represent and express in government meetings the concerns of constituents)?

## **Social Studies 7**

### **General Outcome 7.2**

#### **Following Confederation: Canadian Expansions**

Students will demonstrate an understanding and appreciation of how the political, demographic, economic and social changes that have occurred since Confederation have presented challenges and opportunities for individuals and communities.

#### **7.2.5 evaluate the impact of Confederation and of subsequent immigration on Canada from 1867 to the First World War by exploring and reflecting upon the following questions and issues:**

- What was the role of the North West Mounted Police in the development of western Canada? (PADM, TCC)

## **Social Studies 9**

### **General Outcome 9.1**

#### **Issues for Canadians: Governance and Rights**

Students will demonstrate an understanding and appreciation of how Canada's political processes impact citizenship and identity in an attempt to meet the needs of all Canadians.

#### **9.1.5 analyze the role that citizens and organizations play in Canada's justice system by exploring and reflecting upon the following questions and issues:**

- How do citizens and organizations participate in Canada's justice system (i.e., jury duty, knowing the law, advocacy, John Howard Society, Elizabeth Fry Society)? (C, PADM)
- What are citizens' legal roles and their responsibilities? (C, PADM)
- What is the intention of the *Youth Criminal Justice Act*? (C, PADM)

## **Social Studies 30-1 and 30-2**

### **Knowledge and Understanding**

Students will:

- 1.3 explore factors that may influence individual and collective beliefs and values (culture, language, media, relationship to land, environment, gender, religion, spirituality, ideology) (I, C, LPP)
- 1.4 examine historic and contemporary expressions of individualism and collectivism (I, C, LPP, TCC)
- 1.8 analyze collectivism as a foundation of ideology (principles of collectivism: collective responsibility, collective interest, cooperation, economic equality, adherence to collective norms, public property) (PADM, ER, C)

## **Aboriginal Studies**

### **Aboriginal Studies 10**

Theme III: Political and economic organization

#### **General Outcome**

Students will demonstrate an understanding of the political and economic organization of Aboriginal peoples.

#### **Specific Outcome**

1. Demonstrate an understanding of the historical, political and economic organization of the First Nations, Métis and Inuit people

### **Aboriginal Studies 30**

Theme III: Aboriginal Peoples in Canadian Society

#### **General Outcome**

Students will demonstrate an understanding of the impact of colonialism experienced by Aboriginal peoples in Alberta and Canada.

### **Specific Outcome**

#### **2. Demonstrate an understanding that there are differing roles that individuals take in leadership:**

- Research traditional stories for information related to cultural forms of governance
- Analyze and compare the Aboriginal perspectives and the European/Canadian perspective on leadership.

#### **Legal Studies, CTS modules:**

<http://education.alberta.ca/media/2205606/lgs.pdf>

#### **Course LGS1020: Public Law:**

##### **Outcomes:**

1. Explore various sources of protection for group and individual rights and responsibilities

#### **2. Discuss methods of protecting rights and responsibilities**

##### **2.2 describe the criminal law process from arrest to resolution in simple case studies from the perspective of the:**

2.2.1 accused

2.2.2 police

2.2.3 lawyer

2.2.4 court system; e.g., judge, jury

2.2.5 community; e.g., sentencing circle, victim offender mediation, victim rights groups, media

#### **5. Demonstrate basic competencies**

##### **5.1 demonstrate fundamental skills to:**

5.1.1 communicate

5.1.2 manage information

5.1.4 think and solve problems

## **Course LGS2040: Aboriginal Law**

Outcomes: The student will:

### **2. Investigate the sources of Aboriginal law**

#### **2.1 describe the application of the following laws:**

2.1.7 inherent rights; e.g., right to self-determination

### **3. Examine Aboriginal case law and laws related to challenging issues**

3.2 consider the laws related to one or more of the following challenging issues and propose possible solutions, if applicable:

3.2.5 customary law; e.g., adoptions, elections, self-government.







## Kokum Raven Series: Artist Statement

Indigenous law is in the world and there are many ways to learn about it, teach it, and to represent it. The way I have chosen here is with the raven - a trickster for some Indigenous peoples. She can teach us by being a trouble maker and by upsetting the log jams of unquestioned assumptions. She can also teach us with love, patience, and a wicked sense of humour. She can create spaces for conversations and questions - that is her job as a trickster and a feminist so that nothing is taken for granted and all interpretations are laid bare.

*Val Napoleon*

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