

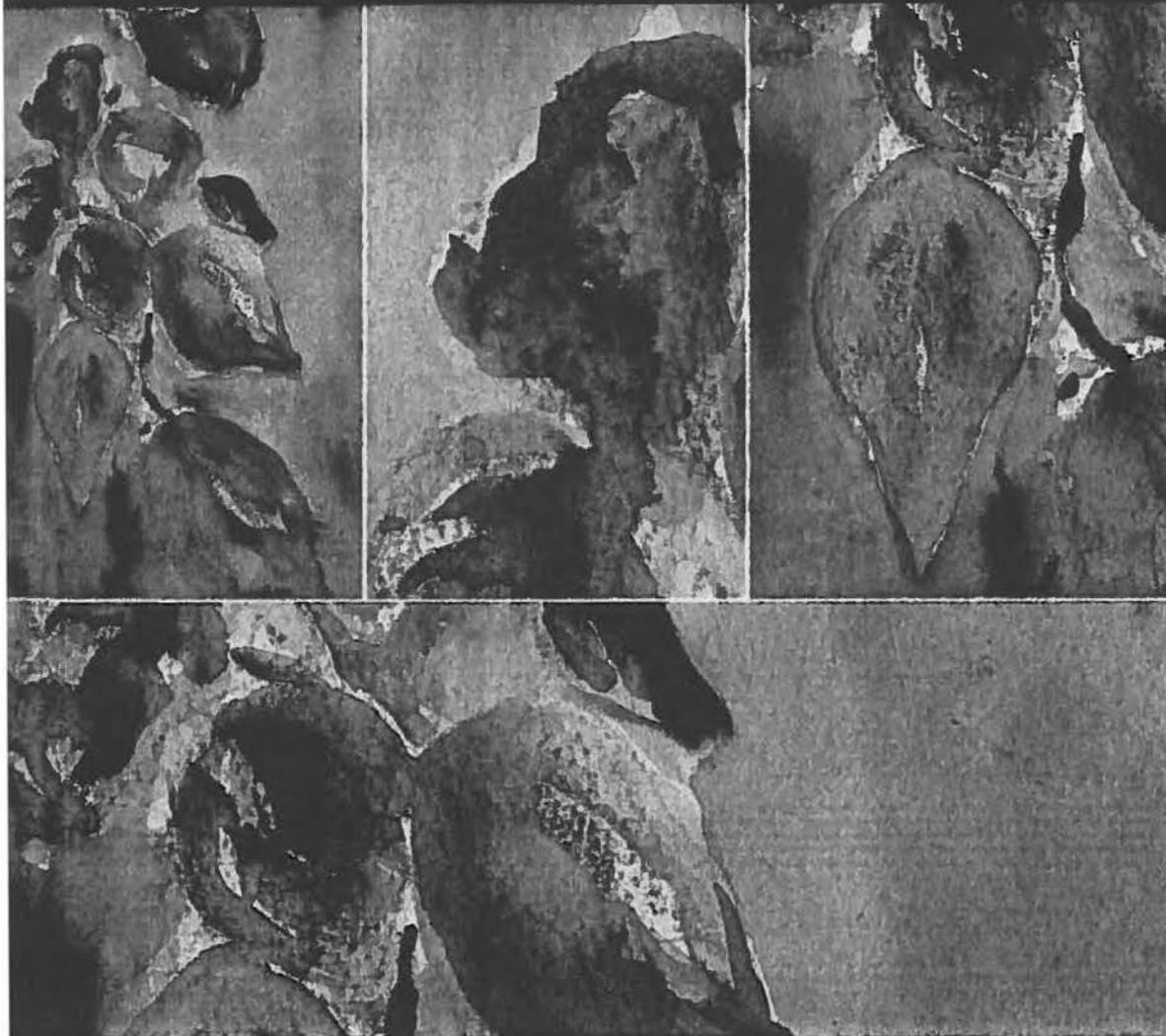
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Methodological Challenges in Nature-Culture and Environmental History Research

Edited by Jocelyn Thorpe, Stephanie Rutherford and L. Anders Sandberg



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"The book opens up a world of possibilities. Contributors invite us to rethink established modes of academic production, to decolonize our methodological inheritances, to find ways to understand and trace nonhuman actors as well as engage with the full palette of human sensory perception. Doing research requires us to take chances and to put ourselves out there – this collection does that and more." — *Steven High, Concordia University, Canada*

"Thorpe, Rutherford and Sandberg have brought together a team of brave and gifted interdisciplinary scholars, who assiduously and judiciously scrutinize the generative intersections amongst place, body, mind and spirit. The contributors provide effective commentaries on the methodological challenges faced by scholars looking for voices beyond conventional texts and archives, and give me hope that navigating such methodological challenges will yield fresh, elegant and generative results." — *Joy Parr, University of Western Ontario, Canada*

9 Giving and receiving life from *Anishinaabe nibi inaakonigewin* (our water law) research

Aimée Craft

Being a mother is a defining life role for *Anishinaabe* women. We are many other things but our role as mother is given to us directly by, and connects us to, Mother Earth. In ceremonies, we often go back to the relationship between mother and child to help us understand who we are as people and our purpose in life. One example is the sweat lodge that symbolizes the womb of a mother and the purification and new beginning that the ceremony can bring. From the *Anishinaabemowin* language we know that to be a mother is not only the role of a birth mother, but that of a mother's sisters (a child's aunts) as well. As mothers, aunties and close friends, we can be mothers to all of our children.

For me, the research relating to water that I discuss in this chapter is like having and beginning to raise a child. It is what I consider to be a step in a life-long learning, teaching, sharing and caring role in relation to water and the teachings that flow from it. Children are born of water. This water is carried by their mothers for the express purpose of creating and bringing life. We are all made up in large part of water and we need water in our daily lives to sustain our bodies and spirits. Our life comes from and depends on water. I analogize this research and the phases of its development to the coming to life of a child through conception, birth and what we learn as young children. Vine Deloria reminds us that our "cultures are rich with ways of gathering, discovering, and uncovering knowledge. They are as near as our dreams and as close as our relationships" (Deloria 1996, p. 182). The research methodology described in the context of this water law research tells us how to grow and learn together. This is not a methodology or research design that belongs to me, but rather is an evolving participant-designed project. This methodology was gifted to all of the participants (Elders, students, other participants and me) through the process of working together, sitting together in ceremony, and reflecting on our purpose in a way that reflects *Anishinaabe* ways of being that are both historic and contemporary.

Conception: Purpose of the research and first thoughts

The *Anishinaabe nibi inaakonigewin* (ANI) research project was conceived as part of a larger research partnership, based at the Centre for Human Rights Research at the University of Manitoba, relating to clean water and sanitation in First

Nations communities. The larger project goal, funded through a SSHRC (Social Sciences and Humanities Research Council of Canada) partnership development grant, was to combine public perceptions, economic costs, and knowledge of law relating to clean water for First Nations. Advocacy, legal action, scholarly and practical tools were to be created for First Nations partners. The goals of the ANI project were twofold within the context of the larger research grant. First, the ANI research was to foster understanding and support policy changes related to clean water in First Nations communities. Second, it aimed to be an opportunity for the documentation, translation, and preservation of *Anishinaabe* cultural and knowledge systems, in this case related to water law.

Jurisdiction over and about water is unclear. It is shared between governments, divided between navigable waters and river/lake beds, and contested. Disputes about ownership and control are frequent. Rights and obligations related to clean water for First Nations are a political hot potato that gets circulated around and around and, of course, sometimes dropped. While law can provide many answers to complex socio-political issues, water and jurisdiction over and about water is a murky issue. Professor Karen Busby, principal investigator on the larger grant, researched constitutional and international law relating to clean drinking water and sanitation rights for First Nations. Busby found that there is a reasonable argument to make that the government has breached its constitutional obligation to provide clean water and sanitation as "essential public services of reasonable quality to all Canadians." Further, she determined that a United Nations General Assembly resolution (dated 2013) recognized access to water and sanitation as a human right that is essential for the full enjoyment of life and all human rights. She argues that, based on the resolution, other international law declarations and political commitments made by governments around the world, the human right to water and sanitation is now crystallized in international customary law (Busby, forthcoming 2016).

Within the legal research initiative, it was important to canvass not only Canadian and international law on clean water and sanitation rights, but to consider treaties and Indigenous legal traditions as well. The research I undertook was aimed at better understanding Indigenous legal theory through the realm of ANI while trying to extract legal principles that could assist with decision-making relating to clean water. In the next phase of my research, I will be working on how treaties address the question of water. In conceiving the research, many questions came to mind: would ANI have anything to offer the multiple decision-making processes related to water, among various forms of decision-makers (First Nations governments; municipal, provincial and federal governments; administrative bodies; environmental regulators) and contexts (industrial development, human rights complaints, legal actions)? Would it help reframe Canadian law or allow for shifts in legal and policy perspectives? Or could it even help fill the contested and disjointed knowledge about water in order for proper decision-making to take place? Could it shift priorities from ownership and the economic value of water to acknowledgement and protection of the spirit of water itself? What might Indigenous law have to offer in this murky well of competing jurisdictions?

This was an opportunity to redirect the energy I had been spending fighting about who gets to decide, and who takes the priority seat at the decision-making table, toward work on valuable knowledge translation that would inform those kinds of decision-making processes. So often, I had been in a room with First Nations, governments and industry each talking to, at, and across each other. Even in the cases where there was a genuine desire to listen, the ability to understand across profoundly different worldviews with radically different normative values (or laws) often resulted in an unsatisfactory and imbalanced final result, rather than an "ethical space" for innovative, cross-cultural and respectful process of inquiry (Ermine 2000). Scholar Shawn Wilson (2008) links the colonist agenda of control over land and resources to the continuous place of Indigenous people as the researched rather than the researchers working within their own Indigenous paradigms.

All legal traditions are centered on rights, obligations and responsibilities. Most legal systems exist in the realm of reciprocal and bilateral rights and obligations, often between the individual and the state. In approaching this research, my thesis was that *Anishinaabe* water law is focused primarily on responsibility, rather than rights, and that it is multi-layered, multi-dimensional and sourced from relationships among beings (human and non-human). This was meant to be a legal theory project with a goal of extracting *Anishinaabe* legal theory from *Anishinaabe* water law discussions. It turned out to be so much more.

While important inroads have been made to have Indigenous legal traditions recognized within the Canadian legal framework, questions and work remain about how to ensure that that space is filled with legitimate and thoughtful Indigenous legal content. Each Indigenous legal tradition has its method of making law, deliberating on the application of law and instructing on its own legal tradition. Researchers such as Val Napoleon and Hadley Friedland (2014) have developed a methodology of case briefing Indigenous stories in order to understand legal principles for a variety of Indigenous legal traditions. Employing Western legal techniques and frameworks for relating or understanding Indigenous laws can serve an important educational purpose. However, decolonizing methodologies based on traditional means of knowledge sharing in a non-static and forward-thinking way are, in my view, at the heart of the development of *Anishinaabe* legal theory. The ANI methodology evolved to ensure that traditions as well as modern practices and realities are integral to the project. Throughout my work, the Elders have reminded me that this is not simply legal theory, but rather our way of life.

The ANI research explores Indigenous law through a methodology of participant- and event-based research that is fluid in its boundaries, clear in its objectives and engaged with knowledge holders not as subjects but as researchers themselves. The original project design incorporated four annual four-day gatherings, which grew from the participation of a small faculty of Elders to later include community members and youth. From the start, the Elders were identified and treated as a "faculty of Elders." Their knowledge and experience relating to Indigenous laws and water made them the teachers. Each Elder was

approached with an offering of tobacco and a request to be part of the project. They were advised of the format, objectives and research ethics. Each Elder consented in both the ways required by the Tri-Council of Canadian government research funders and in accordance with *Anishinaabe* ethics and protocols of research. The Elders were compensated for their time with honoraria and their expenses for travel were reimbursed. The payment of an honorarium is meant to be an acknowledgement of the time and effort that was made to prepare for the gathering and participation in the gathering itself. It is not payment. To send an honorarium after the fact would be antithetical to the purpose of the honorarium, and providing a cheque is often just as problematic. This is a source of tension between this type of Indigenous-led research and the financial administration of research funds at universities.

Generally, female Elders carry the knowledge and ceremonies relating to water and the men are responsible for supporting the women and speaking for the group on certain matters. Each of the men acknowledged where he received his water stories, songs and teachings, usually from his mother or grandmother. The Elders were both male and female, drawn from the four directions of what anthropologists refer to as the "Northern Ojibway" territory. From Western Manitoba (Keeseekoowenin, Rolling River and Sandy Bay), up the mouth of the Winnipeg River (Sagkeeng First Nation), east to Lake of the Woods (Ojibways of Onigamiing, Whitefish Bay First Nation) and Lake Huron (Sagamok Anishnawbek First Nation), and south to Roseau River (Roseau River Anishinabe First Nation). The faculty of Elders were selected for their base of knowledge, but what each member also brought to the research was a framing of the research itself and the ability to guide the process of learning through knowledge and experience. The Elders came together to develop a curriculum, share their strengths and gifts, and collectively make their knowledge accessible. *Centering Anishinaabeg Studies: Understanding the World through Stories* highlights the importance of relating through stories and the idea that various gifts extend beyond the boundaries of disciplines. In that collection, Niigaanwewidam Sinclair reminds us that *Anishinaabe*

are a body of diverse people embodying countless subjectivities, experiences, and perspectives that together enact an autonomous language and literature which forms relationships among themselves and with others. What makes *Anishinaabeg* who they are, according to [Basil] Johnston, are their negotiable, multiple, and fallible truths – constantly emerging and based in principles of complexity – and their inherent and ongoing ties to one another in a trajectory of continued, collective existence.

(Sinclair 2013, p. 89)

In the context of the ANI project, the Elders' work was not to compare and contrast but rather to identify, as a starting point, how non-Indigenous systems of law functioned and were allowed to be superimposed on Indigenous legal relationships with water. This was an important decolonizing process of

acknowledging colonization, loss, oppression and resilience. The discussion could then turn to the task of explaining, elucidating, contextualizing and sharing *Anishinaabe nibi inaakonigewin*. Through means of knowing and transmitting knowledge such as song, language and storytelling, all in the process of *Anishinaabe* ceremonies (including pipe and water ceremonies), the faculty of Elders was able to weave a blanket of water stories that can ripple through the imagination, the lived world and the spirit world.

Birth: Law through our own epistemologies and ontologies

The existence of every person and every being is framed in the context of its environment and story (or stories) of Creation. In *The Truth About Stories: A Native Narrative* (2003, p. 10), Thomas King tells us that creation stories remind us "how the world was formed, how things came to be, for contained within creation stories are relationships that help to define the nature of the universe and how cultures understand the world in which they exist." *Anishinaabe* people have been shaped by their environment and have learned from their surroundings since placed on this earth by the Creator. As part of understanding and acting in relationship to and with water, we must seek methodologies that are considerate of our ways of knowing and being. Our law requires an understanding of history, nature, environment, people, relationships and an acceptance of a particular worldview. Indigenous research methodologies must be guided by the environment and "worldviews, beliefs, values, principles, processes and contexts. Indigenous methodologies are wholistic, relational, interrelational and interdependent with Indigenous philosophies, beliefs and ways of life" (Absolon 2011, p.22).

As we were thinking about *inaakonigewin*, we were reminded that as human beings, we were the last to be placed on the earth and the most dependent of all the beings in creation. As humans, we depend on a complex web of relationships in order to live well, to live our *mino-biimaadiziwin*. Through the relationships that govern our interactions among beings, we develop a sense of our normative values and legal principles. Shawn Wilson (2008, p. 87) notes that relationships with land and relationships with each other are equally sacred. In this ANI work, we were exploring our relationship to water, and corresponding responsibilities to other beings. Whereas, in other systems of law, water is treated as a subject or an object, often to be *owned* and *used*, in ANI *nibi* (water) is treated as an actor in a relationship. The research and gatherings were premised on the teaching that water has a spirit, that it is living and that we must conduct ourselves in relationship with it. However, the conversation could not be limited to water itself, given that water is in constant interaction with other beings (including each of us, our bodies and our spirits). In fact, water sustains all life. We also took time through words and ceremony to acknowledge the spirit of water and the spiritual beings that look after water and to recognize those things that are beyond the control or perception of human beings.

At the outset I wondered: "How does one research within the realm of the spirit? Should I engage with research in ceremony, song, language and storytelling? Would

this help us understand our legal relationship with water and to each other?" One Elder, Florence Paynter, addressed these questions during our research by stating,

Everything here has been done in ceremony, which is how we've been doing things for a long time. We should go down to the water and offer tobacco and our thoughts, so we can ask the water to bless us in helping her in what we're talking about. I had a dream about doing this. It was showed to me and told to me in my dreams: this is what you do. This is what we do as a people and what we've done for a long time. We also talk about looking to the youth to help us.

In thinking about the purpose of this research, I had to consider how we could be responsive to changing physical and natural environments, new forms of communication and a modern, fast-paced world. How could we anchor tradition and ancient laws while developing mechanisms for the transfer of knowledge among Elders, knowledge keepers and next generations? And how could this knowledge inform our individual and collective decisions and actions? The research had to have a decolonizing approach and purpose that permits respect for living tradition while ensuring that we as people continue to exercise agency in our relationships and legal norms. As Marie Battiste and Sakej Henderson remind us (2000, p. 72), an Indigenous nation "may share the right to enjoy and use certain elements of its knowledge, under its own laws and procedures, but it always reserves a perpetual right to determine how shared knowledge is used ... [which is] critical to the identity, survival, and development of each indigenous society."

Originally, one of the research goals was to engage in a process of deliberative law-making through the traditional system of governance in clans. The clan-based system is one in which groups of relatives gather internally within the nation, deliberate under the guidance of clan mothers and speak with other clans to inform broader group decision-making on particular issues. In addition, each clan contributes through its own particular gifts and responsibilities to the daily living and general well-being of the nation (McGuire 2008). The research did not move in the direction of clan-based gathering or decision-making. This objective was presumptive in that without significant efforts across communities, there would not be a desire to assemble in clans for decisions. For many generations, colonial influences have attempted to distance *Anishinaabe* from neighbouring (as well as more distant) First Nations communities. Decision-making could not take place without first establishing a base of knowledge and comfort with each other in that knowledge. Engaging in an effort to rebuild without formalizing or forcing decision-making was an important act of decolonization in itself. That effort to bring communities and people together was reflected in the efforts to build a lodge in a shared territory, in order to ensure that all felt welcome and included. Instead of decision-making, the research resulted in active engagement within the gatherings and within families and communities. This engagement was purposive, transmissive and collectivized.

There was a generalized good feeling of being together, which generated an energy and commitment in the gatherings and thereafter.

The first sounds we make: The first gathering

We held five research gatherings in total, three of them over a June solstice. The first and the last were four-day gatherings in which we were in traditional teaching lodges. We worked from sunrise to the end of the day. We shared meals, discussed and often participated together in evening activities, including sweat lodges and, at the last gathering, creative work with clay, led by visual artist KC Adams.

The first research gathering was held in Roseau River, Manitoba, at a Midewiwin teaching lodge. Most of us stayed on site, camping in tents, while others stayed in a motel nearby. Food was brought to us by the local *Anishinaabekweg* (women) who made food with love and care for each of us in accordance with the *Anishinaabe* protocols of food preparation. Many of the Elders and knowledge keepers knew each other, and I had worked with each of them in the past. It was important to the gatherings to build trust with each other and with the students in attendance. At the first gathering, we did not enter the teaching lodge in accordance with all the protocols of the Midewiwin ceremonies. The spirit of the lodge provided guidance through a dream that I had on the first night and which guided us on how properly to honour the lodge and the sacred location of our gathering. Tobacco was presented to an Elder on the morning following the dream so that he could interpret it. Following the interpretation, a course of action was engaged and a ceremony was conducted to honour what had been shared with us through the dream. This was an important part of the methodology that guided the entire ANI research project and which grounded us in *Anishinaabe* epistemologies and relevant knowledge sources (Kovach 2009).

During the gathering, rain waters flooded Calgary and Winnipeg and storms approached and bypassed the sacred site of the lodge. On the last day of the gathering, rain poured down: a symbol of the cleansing power of water. It also reminded us of our vulnerability to the weather and our dependence on nature to sustain us. During each of the gatherings there was precipitation, welcomed as a reminder of what we were assembled to do, which was to work for the water. Often we will look to the environment and the elements (in this case the rain) as a guide for our actions—what many of us call natural law.

The format for the first gathering was generally a discussion circle. During the first day and a half, we focused on understanding what was meant by “law.” This was an opportunity for mutual exchange among the students, Elders, knowledge keepers and me. We shared our stories—our understandings and perceptions of how provincial and federal laws relate to water, as well as some of the tensions we had experienced with those laws. “Stories remind us of who we are and of our belonging. Stories hold within them knowledges while simultaneously signifying relationships ... In considering story as both a method and a meaning, it is

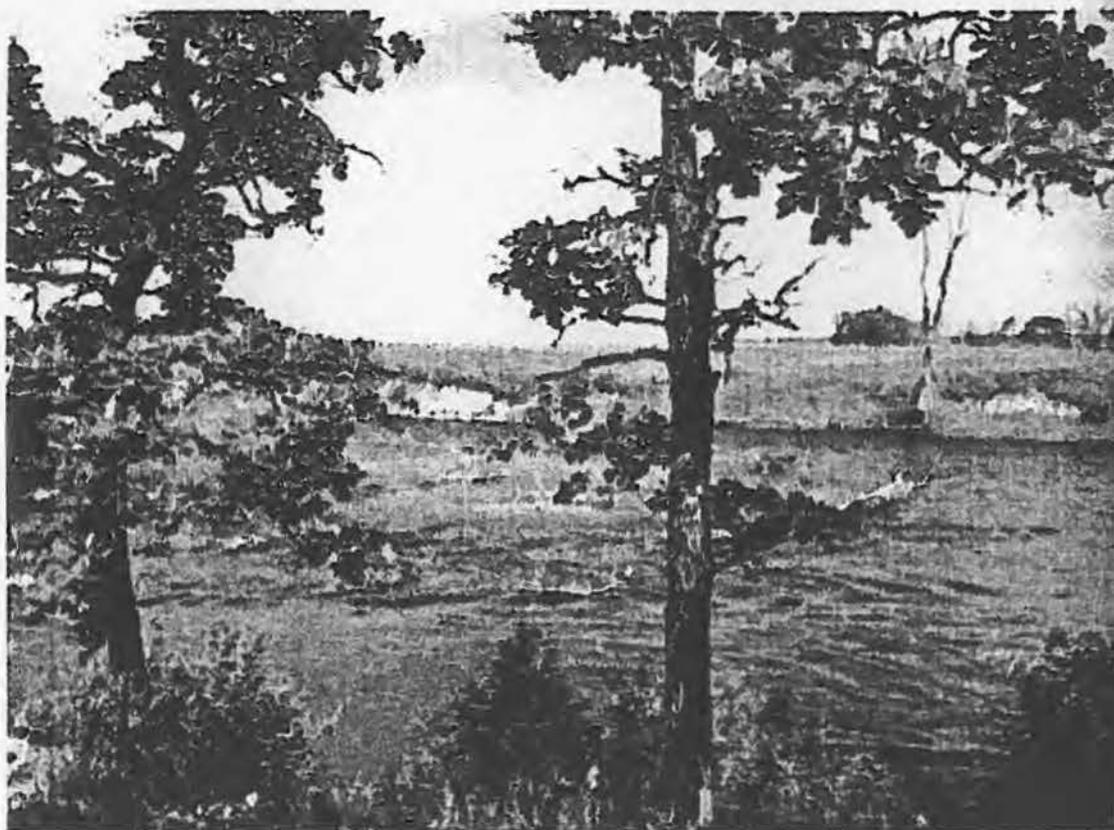


Figure 9.1 The rapids at Roseau

Source: Photo Katelin Neufeld.

presented as a culturally nuanced way to knowing” (Kovach 2009, p. 94). We tried to understand how *Anishinaabe* law might be different from Canadian law. In the afternoon of the second day, the discussion on law (in its technical sense) was completed and the subject turned to water with songs, stories, words and teachings relating to it. On the fourth and last day of the gathering, we discussed what *Anishinaabe nibi inaakonigewin* (water law) meant to each of the Elders. The gathering was completed with a water ceremony and offerings to the water, guided by the grandmothers and with the assistance of *queezence* (little boy water drum). All agreed that rather than wait until the following June to meet, a report of the gathering would be prepared and distributed and the group would meet in December to revise the report and decide on next steps for the research.

First steps

Winter is the time to tell stories. The second research gathering was held the following December in the University of Manitoba’s ceremonial space at *Migizii Agamik* (Bald Eagle Lodge) to review the material and add to the stories, songs and teachings. Some stories are only shared at certain times of year, and generally winter is the time for telling traditional or spiritual stories. There are other

forms of stories that we tell: place-specific stories, lived-experience stories, teaching stories, etc. That December, we sat in ceremony together, and shared a meal. Prior to this one-day gathering, I provided a summary report to each of the Elders, along with a full transcript for them to review and comment on. The report is rich in direct quotes from the Elders and provides preliminary findings from the research. The report was revised based on suggestions provided at this second gathering. In this way, we agreed on the beginning structures of the knowledge base and curriculum that would carry into the future gatherings. The preliminary report was presented at a water research conference at the university in June 2014 and at other water conferences outside of Manitoba, including internationally.

No formal translation was provided for the gatherings. Where it was appropriate, the speakers translated for themselves, or asked another person to do so. In some cases, no translation was offered, which at times excluded non-*Anishinaabemowin* speakers and less fluent speakers. In some cases, the use of a particular word or concept was discussed and, in others, words were deconstructed for their meaning. Without using *Anishinaabemowin* words, the full intent of the speaker might not be conveyed or heard. There are things that are only said in the *Anishinaabemowin* language, especially in speaking to the spirit and in conducting ceremony. Language and its structure give rise to a way of thinking and being. As Kovach puts it (2009, p. 61), "Language is a central component of Indigenous epistemologies and must be considered within Indigenous research frameworks." Basil Johnston notes that terms in *Anishinaabemowin* have "three levels of meaning" – "the surface meaning that everyone instantly understands. Beneath this meaning is a more fundamental meaning derived from the prefixes and their combinations with other terms. Underlying both is the philosophical meaning" (Sinclair 2013, p. 87). At the December 2013 meeting, Elder Niizhoosake Copenace expressed it this way: "Our language is the way we sound; *kaanwe'ing*. When we speak it, it is an expression of our spirits and our spiritual protectors that are speaking through our words." Often in ceremony, we will ask forgiveness for speaking other languages that are not those of our ancestors. By holding to our procedural requirements to conduct ceremony in the language, we are acknowledging that there are normative values and laws that are held within the language itself. Language and worldview are so intimately intertwined that in some cases, introducing a Western language would change the intent of the prayer, and in this case, the research intention.

At my suggestion, the Elders decided at the December gathering that some of their stories be made into an illustrated book on *Anishinaabe* water law, in both English and *Anishinaabemowin* (on the model of *Anishinaabemowin* language-learning books). The Elders then shared more stories to include in the book. The book is for youth, families, academics, lawyers, policymakers and everyone else as well. While the story book does not have the same purpose as accessing stories for the purpose of research, the book aims to be considerate of the *Anishinaabe* knowledge systems that underlie the telling and interpretation of the stories. While the book is still in the process of being put together, we are hoping to

include recorded songs with the book in an audio CD format. Songs themselves are ceremony and an important part of ceremonies. Songs are also language and story.

Starting to speak

A year after the first gathering, the report was presented to a conference of science and humanities students, academics, researchers and Indigenous community partners, all of whom were working on water projects. The Elders met the day before the presentation, again at *Migizii Agamik*, and continued to share knowledge in relation to water. The document was taken into ceremony and blessed by spirit. One of the Elders shared a vision that he had been given to build a *wiigwaam* (teaching lodge) at a sacred place called Manito Api in Whiteshell Provincial Park. The site is an important place of gathering for *Anishinaabe* and other Indigenous people and has been for thousands of years. It houses ancient petroforms that tell stories of *Anishinaabe* creation and law. The Elders agreed that the *wiigwaam* was to be the learning institution of ANI.

The *wiigwaam* was built over a weekend in September 2014, just as summer was turning to fall. More than 30 people attended to help. Food was provided, and despite the rain that fell, all were in great spirits and happy to be doing the work. People came from many miles away, some traveling more than four hours each way to be part of the lodge building. The *wiigwaam* is a 120 × 30 foot free-standing sapling structure. When it is in use, it is covered with mosquito nets and tarps to keep the bugs, sun and rain out. Four days after the lodge was built, we entered into the lodge ceremonially and continued the water gatherings and discussions.

Finding our gifts and place in the world (vision)

In June 2015, around the time of the solstice for the third year in a row, we held a four-day ANI gathering. It was focused on knowledge dissemination and more than 150 people attended. Guest speakers were invited to complement the knowledge that the Elders were sharing, particularly younger people who had taken on responsibilities by walking with the water, learning the language, participating in ceremonies and encouraging youth to learn about *Anishinaabe* culture. They came to share their stories, help with the gathering and learn from the Elders.

Stories shape how we see and interact with the world. They lend insight into the ways in which we see our communities, as well as how we see ourselves within these communities. The power of stories is found in their ability to outline and clarify the connections people have to their place, their people, and their history. Indigenous stories outline relationships – the relationships we have to one another, and the relationship we have to self.

(Stark 2013, p. 260)

Many of us camped on site near the lodge (and in local accommodations), food was made for us by *Anishinaabekweg*, and children were an important presence at the gathering. Two community-based organizations (the First Nations Health and Social Secretariat of Manitoba and the Kenora Chiefs Assembly) partnered to host the gathering, supporting the opportunity to share ANI knowledge with youth. The FNHSSM (First Nations Health and Social Secretariat of Manitoba) supported Elders from its health knowledge program (Partner for Engagement and Knowledge Exchange) to attend the gathering and hosted one of the gathering feasts. Other important contributions were made by the Treaty Relations Commission of Manitoba and the Government of Manitoba. Cree artist KC Adams was on site to assist people in making small ceramic smudge bowls from clay based on traditional pottery practices local to the area. The bowls were then fired in the earth. On the second evening of the gathering, each of the participants were invited to place ceramic bowls filled with water on the ground. The water was taken from the river that flows by the lodge site. The ceramic bowls took on the life and the spirit of the water, along with the spirit of those who were participating in the ceremonial placement of the water-filled bowls. The ultimate form of the installation resembled the turtle petroforms that are located in and around the site where the lodge was built. This illustrated the connection among the land, lodge, people, spirit and water.



Figure 9.2 Ceramic bowls at the ANI gathering

Source: Photo by KC Adams.

The journey of life

A natural consequence of assembling this group of knowledge keepers was a celebration of the natural gifts each of us brought. All of us have varied and equally beautiful ways of knowing and transmitting knowledge. Each brought their love for the water and commitment to working for the water. Each of the Elders brought to the gatherings their knowledge and understanding, shared through many generations. These songs, language, ceremonies and stories were not methodologies, but gifts. The relationship that was forged among each of the participants and the Elders, and myself as a researcher with the Elders, emphasized the importance of relationship in research. While I was acting as a researcher, I was also an important part of the evolving research, bringing my knowledge of the ceremonies, songs, stories and worldview into the research process itself. In order to better identify and understand subtleties of Indigenous knowledge I had to rely on my existing base of knowledge and ceremonial practice. Without being rooted in the tradition and the ability to identify the subtle messages within the messages, Indigenous knowledge can be misunderstood and de-contextualized:

It is an ethic that can be seen in the decisions and actions of a community and that is contained in the songs that Native people sing and the stories that they tell about the nature of the world and their place in it, about the webs of responsibilities that bind all things.

(King 2003, pp. 113–14)

The methodology itself evolved based on the spirit of the gathering and the place in which we gathered each time. The method we used might be seen by some as a hybrid between key informant interviews and participant observation. I would suggest that it is both a new and very old methodology, an Indigenous methodology that consists of being guided by Elders and ceremony and being responsive to the land. It is rooted in listening to those who have sacred, ancient and cultural knowledge and allowing them to define the process for learning. A discussion/talking circle was the starting methodology but it evolved to include the use of various forms of knowledge and knowledge transmission: ceremony, song, language, and story. I do not consider these methodologies: the methodology is in how space was made for all of these forms of knowledge and knowledge transmission to come together for a variety of purposes (teaching, accessing legal thought, disseminating knowledge). What some may view as cultural indicators (language, song, ceremony and stories) are sources for understanding legal principles. They help us understand how we govern our interactions among beings.

In many Indigenous communities around the world, research has come to be a bad word. It has been an exploitative and colonizing practice (Smith 1999). Doing more good than harm through research is a constant concern of mine. Indigenist re-search can help shed some of the layers of colonialism that have

been perpetuated through research. It can be a process of coming to know. Kathleen Absolon suggests searching from our own location, using our own ways:

The focus, topic and questions surrounding the re-search are relative to Indigenous peoples' realities. The research is by nature related to Indigenous peoples' contexts: historical, political, legal, economical, geographical, cultural, spiritual, environmental and experiential ... As we re-search, we re-write and we re-story ourselves.

(Absolon 2011, p. 21)

The ANI research was participant-led and developed, a decolonizing method which in part addressed colonization through the starting point of discussing colonial law in contrast with *Anishinaabe* law. Assembling this group (the "faculty of Elders") and ensuring that their ways of knowing were able to take space and prominence allowed for the information and knowledge to flow. It is an Indigenous cultural and land-based methodology that was participatory and open. The methods of transmitting knowledge were arrived at organically. Ceremonial protocols took prominence in our water work; we made all accommodations necessary to ensure that we had the time to do the work properly and to include ceremony throughout. There was participation from multiple *Anishinaabe* lodge traditions, families, ways of understanding and individual gifts. The research design was responsive to direction in ceremony and participation in ceremony was encouraged throughout all gatherings. Ceremony can be an important and sometimes defining part of Indigenous research (Hart 2009). Knowledge was not removed from the minds and hearts of the participants—they continue to control their knowledge and their ability to withdraw their consent to participate is ongoing. All of the gatherings were situated beside bodies of moving water. Even coding, analysis and drafting of the interim report were done in close proximity to water.

Part of this decolonizing method aims to allow people to learn experientially rather than in a static, inaccessible and sometimes inaccurate form. It allows for individual and collective interpretation. The knowledge that was shared was not transferred in the sense of ownership. It remains *Anishinaabe* knowledge. However, these gatherings allowed others to be exposed to this knowledge and to experience ANI. Each of the gathering participants (including the Elders) found their own understanding and sense of responsibility. This understanding and responsibility will continue to evolve as knowledge and experience is acquired, and as the moments in these gatherings are remembered (including through the story book and other publications). What I had originally hoped would result in a clan-based law-making process was not the ultimate direction for the research. The format of gathering, providing mentorship, transmitting knowledge and encouraging people to engage in ceremony and action was the outcome, rather than overtly deliberative engagements and management initiatives. We have been sharing our knowledge and learning process at community engagements and conferences, including recently in New Zealand and Australia.



Figure 9.3 Importance of water at the ANI gathering

Source: Photo by Monica Mai.

Ceremony, song, language and story are means for assessing and identifying legal principles and helping us understand how we govern interactions among beings. The ability to extract legal theory and legal principles continues to be the role of academic research in collaboration with the faculty of Elders prepared to share their knowledge base. The research reinforced an *Anishinaabe* legal framework of decision-making and action based on responsibility (rather than rights and obligations). The next phase of research will consider the place of these legal theoretical underpinnings in a variety of decision-making processes. My hypothesis is that this framework may better serve collective interests than those aimed at individualism and protection of private property. That would require a societal shift and an acceptance (at some level) that Indigenous law and values may better serve common and collective interests. This work has in no way reached its maturity. I anticipate that it will be an ongoing, long-term process that will engage many generations into the future. We have no choice but to continue to be engaged and to act. Water is our collective responsibility. Water is life.

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