

Art As My *Kabeshinan* of Indigenous Peoples

by

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LL.B., University of Victoria, 2004

A Thesis Submitted in Partial Fulfillment of the
Requirements for the Degree of

MASTER OF LAWS

In the Faculty of Law

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ABSTRACT

In my thesis, I argue that art is one way Indigenous peoples keep our laws alive in the world. The purpose of my thesis is to show the underlying connections between the role of the artist and the practice of art and the laws by which we seek to live. I draw on contemporary Indigenous art to illustrate some of those roles and responsibilities. As we share our art, our knowledge between Indigenous peoples, we are strengthening our peoples to resist the powerful effects of colonialism. At the same time we are communicating powerful law by building opportunities for future generations to live together in peace, friendship and respect.

TABLE OF CONTENTS

ABSTRACT	iii
TABLE OF CONTENTS	iv
LIST OF ILLUSTRATIONS	v
ACKNOWLEDGMENTS.....	vi
DEDICATION	viii
INTRODUCTION.....	1
<i>Nidódemag</i> – My Family.....	1
The Tragic Story Behind Parliament Hill	4
Thesis	7
Purpose of Study	10
Review of Relevant Literature	14
Peacemaking: My Method of Enquiry	20
MY PEOPLE – THE KITIGAN ZIBI ANISHINABEG	22
Circle of All Nations – A Culture of Peace.....	26
Mishomis Commanda: Wampum Belt Carrier.....	28
The Seven Fires Prophecy Belt	29
Teachings of the Seven Prophets: The Seven Fires	30
Living Wampum: Mishomis’ Vision for Victoria Island.....	34
The Central Two-Fold Vision	37
On Mishomis’ Vision.....	39
MY KABESHINAN OF INDIGENOUS PEOPLES.....	40
Our Creation.....	40
Totem Poles Stand At Our Kabeshinan.....	42
Art Tsaqwasupp Thompson	45
Tsaqwasupp – Teachings By An <i>Atsic</i> Person	52
Maori Connection – Validating Maori Knowledge.....	56
Maori Teachings.....	63
CONCLUSION – MY REFLECTIONS	68
<i>Mishakwad</i> – It is clear (sky)	74
BIBLIOGRAPHY	76
APPENDIX	78
GLOSSARY OF ALGONKIN TERMS	78

LIST OF ILLUSTRATIONS

<u>Illustrations</u>	<u>Page</u>
Illustration 1. Five Generations of Kaponichin Family.....	3
Illustration 2. "Tragic Story Behind Parliament Hill" by Janet Kaponicin.....	6
Illustration 3. William Commanda and Seven Fires Prophecy Wampum Belt.....	9
Illustration 4. A Circle of All Nations, A Culture of Peace Logo by Claude La Tour	22
Illustration 5. A Circle of All Nations Medicine Wheel Design.....	27
Illustration 6. Sky Chief Pole I.....	43
Illustration 7. Sky Chief Pole II	43
Illustration 8. Sky Chief Pole III	43
Illustration 9. "New Beginnings" by Art Tsaqwuasupp Thompson.....	45

ACKNOWLEDGMENTS

Kichi meegwetch to our Creator. You have given us the laws that govern all of our relationships to live in harmony and balance with all of creation. It is your laws which define our rights and responsibilities.

Kichi meegwetch to our Mother Earth, who gives life to us all. You are our first Mother. Without you, I could not be grateful for anything else.

Kichi meegwetch to my grandmothers, who have blessed me with a strong and powerful remembered history. The stories of their lives continue to breathe meaning into my own life in mysterious trickster ways.

Kichi meegwetch to my grandfather Dario Fiddler, who passed into the Spirit World not too long ago. His ceaselessness to seek me out when he left home has bound me to his home territory of Sandy Lake.

Kichi meegwetch to my mother. Without her, I would not be who I am today. She taught me early on that my actions will always have consequences, either positive or negative. It is up to me to decide how my actions will affect my life. This sense of empowerment has enabled me to choose the way I want to live my life.

Kichi meegwetch to my father. His tenderness, endless patience, and warmhearted soul has always enabled me to love him in an unconditional and protective way.

Kichi meegwetch to my family. They have all survived a difficult history. As a result of these challenging lessons they have learned, I am stronger and more fully connected to the reality of our peoples.

Kichi meegwetch to my little sisters and brother, who seem so very far at the moment. I hope the distance begins to lessen in time so that I may become the big sister I have always wanted to be.

Kichi meegwetch to my partner, Tony. I have found the man I knew I always wanted. You nourish, care and protect me in ways that heal all my past wounds and strengthen the woman I am supposed to become. Your undying love and commitment to our little family never ceases to astound me.

Kichi meegwetch to my daughter Kwaya'tsiiq'Kwe and newborn son, Tewehigan Tsawalk. An Elder reminded recently that our children do not belong to us. Knowing this, I promise to never take for granted the time you bless me with your presence. You are the first children to come to me in my journey of motherhood. Your life breathes a deeper sense of love within me I never knew I had.

Kichi meegwetch to my professors Cindy Holder, Jeremy Webber, Jim Tully and John Borrows. Without your guidance and teachings, I would not be able to conceptualize and think about the issues you have introduced me to. You have all quietly guided me within my education in ways I have not fully realized. Thank you for your unyielding patience, dedication and commitment to my academic success!

With a profound sense of gratitude, I say these words, '*Kichi meegwetch*' with sincerity, passion and great love.

DEDICATION

I dedicate this thesis to my daughter, Kwaya'tsiiq'Kwe,
and newborn son, Tewehigan Tsawalk.

Both of you, in so many ways, inspired this piece of work.

You accompanied me during its creation, having both been born during its conception,
development and completion.

You are like my own little otter, helping me on my journey to learn the teachings of the
Seven Grandfathers.

Nbaakaawin – Wisdom

To cherish knowledge is to know wisdom.
Wisdom is given by the Creator to be used for the good of the people.

Zaagidwin – Love

To know love is to know peace.

Mnaadendmowin – Respect

To honour all of the Creation is to have respect.

Aakdehewin – Bravery

Bravery is to face a foe with integrity.

Gwekwaadziwin – Honesty

Honesty in facing a situation is to be brave. Always be honest in word and in action.

Dbaadendizin – Humility

Humility is to know yourself as a sacred part of the Creation.

Debwewin – Truth

Truth is to know all of these things. Speak the truth.

INTRODUCTION

Nidódemag – My Family

Kwey! Nimadabe Agwingos nidijinikaz. Makwa dodem. Kitigan Zibi ondji.

Nin Kinwa Kaponicin Ojàwashkozekwad.¹

My medicine name is Sitting Chipmunk. I am from the Black Bear Clan. I am a member of the Kitigan Zibi Anishinàbeg. My name is Kinwa Kaponicin Bluesky.

The Kaponicin² family has a long history of hunting and trapping near *Piskitàng*, now called the Baskatong Reservoir in Quebec. Our traditional hunting territories were near the confluence of the *Kitigan* and *Tenagadino Sibìn*.³ Over time my family members settled with the Kitigan Zibi Anishinàbeg, the People of the Garden River.⁴

My great-grandmother, *Nókomis* Angeline Kaponichin Maheu was born in 1884.

She remembers being raised as a young girl in a small Kanien'kehá:ka (Mohawk)⁵

¹ I have endeavored to use the Algonquin language throughout my thesis in order to support and strengthen my peoples' commitment and efforts in revitalizing our language and culture. When appropriate the English translation will follow. However, there are times when the translation will be footnoted. A full glossary of Algonquin terms can be found in the Appendix section.

² Our surname Kaponicin (pronounced kah-boh-nee-jin), meaning "as the ducks are landing," has multiple historical spellings, including most commonly 'Kaponichin.' However, my great-grandmother Angeline Kaponichin Maheu instructed my mother to retain our surname with the following spelling: Kaponicin. We are also descendents from the Kickwanakwat Nadawesi family.

³ *Kitigan Zibi*, or sometimes spelled *Kitigan Sibi*, means 'the river gardens.' It is also known as La Rivière Désert, or the Desert River. *Tenagadino Sibi* is the Algonquin name for the Gatineau River.

⁴ The *Act of 1851* created eleven Indian reserves in Lower Canada. In 1853, the River Desert Band, also known by its official name of River Desert Reserve No. 18, was set-aside 45,750 acres. Following its creation, Algonquins living in the hunting territories of the upper Gatineau, Coulonge, Dumoine, La Rouge and Lièvre Rivers began permanently settling down at the River Desert Band. In addition, Algonquins from Lake of Two Mountains, now Oka, began arriving to permanently reside on the newly-created reserve. See S.McGregor, *Since Time Immemorial: "Our Story" – The Story of the Kitigan Zibi Anishinàbeg* (Maniwaki, Quebec: Anishinabe Printing, 2004) 178.

⁵ Traditionally Algonquins would gather at Lake of Two Mountains, present-day Oka, during the summer and return to their hunting territories during the winter months. Consequently, intermarriage occurred

longhouse in the bush of *Piskitàng*. For that reason, *Nókomis* was very close to her family: her mother, Ceciin Nadawesi⁶; her grandmother, Angeliqwe Kickwanakwat Nadawesi; and her great-grandmother, Mani Kickwanakwat Nadawesi. They are depicted below in our treasured ‘Five Generations of the Kaponichin Family’ photograph taken in the early 1900s.

between the Algonquin and Mohawks residing at Lake of Two Mountains. The Lièvre River Algonquins, the people that Samuel de Champlain recorded as the *Weskarini*, intermarried with Mohawks. Around 1800, the Lièvre River Algonquins, formerly known as the *Weskarini*, were one of the first Algonquin groups to break away from Oka and return to their traditional hunting territories, located north of Oka in regions around present-day Parc Mont-Tremblant. In failing to have their own reserve created along the Lièvre River, near present-day Buckingham, Quebec, the Lièvre River families moved to River Desert Reserve around 1885. Currently there are five Kitigan Zibi (River Desert Reserve) families that can be linked to the Lièvre River (*Weskarini*) Algonquins: the Odjick, the Tshishkanti (Decontie), the Shishib (Whiteduck), the Commandants (Commanda) and my ancestors, the Jocko-Natawesi family. *McGregor, ibid. at 87.*

⁶ The name *Nadawesi*, meaning “Little Mohawk,” is reflective of the intermarriage between her Anishinàbeg peoples and the Mohawks of Lake of Two Mountains.



Five generations of KAPONICHIN family. MANI KICKWANAKWAT NADAWESI, ANGELIQUE KICKWANAKWAT NADAWESI, CECIIN NADAWESI, BERTHA MAHEU FLEMING AND ANGELINE KAPONICHIN MAHEU. Around the 1900.

Illustration 1. Five Generations of Kaponichin Family

At the top of photo, my great-grandmother, *Nókomis* Angeline Kaponichin Maheu stands beside her son, Sonny Maheu [photo incorrectly states her daughter Bertha Maheu Fleming]. Her mother, Ceciin Nadawesi, is seated to the right of her son. Her grandmother, Angelique Kickwanakwat Nadawesi, is seated to the far left. Sitting in front of *Nókomis* is her great-grandmother, Mani Kickwanakwat Nadawesi.

They were all powerful medicine women from the Bear Clan. They each had a unique gift. *Nókomis*' mother Ceciin Nadawesi had the ability to see spirits.⁷ Before passing into the spirit world, they would come and visit her. Ceciin's mother Angelique

⁷ Interestingly, there is a strange light directly behind Ceciin Nadawesi in the photograph.

told her it was her responsibility to inform the families that their loved ones had passed, helping them to prepare the body and grieve their loss. Angelique Kickwanakwat Nadawesi, a hunter and trapper, was known to always be able to find food, even in times of scarcity. She knew the land and its medicines well. She was a great medicine healer. She took in and cared for many children. Her mother Mani Kickwanakwat Nadawesi was said to be the most powerful one of all. She was known to use her medicine for both good and bad. She helped those in need, but if crossed would use her powers for ill will. Because of the strength of her powers, there are still many of her stories being told today. Most notably, Mani Kickwanakwat Nadawesi was a shape shifter. She would be seen walking down the road, but was notorious for refusing a ride to town by horse and buggy, saying, "No, go ahead. I'll get there before you!" Sure enough, she would be seen in town long before they would arrive.

It was Mani's mother who was witness to one of the oldest stories my family carries. She told this story to my great-grandmother, *Nókomis* Angeline Kaponichin Maheu. *Nókomis* raised twenty children over the course of her lifetime: eight of her own children, two boys from the reserve and, ten grandchildren. My mother Janet Kaponicin was the last grandchild *Nókomis* cared for. At the age of 75, she took my mother in and raised her from a year old. She left her with this story.

The Tragic Story Behind Parliament Hill

British soldier barracks once stood where Parliament Buildings⁸ are today. At that time, when Mani Kickwanakwat Nadawesi's mother was young girl, there was a

⁸ In 1859, the buildings on Barracks Hill (three stone barracks and a military hospital) were removed to make way for the construction of the new Parliament Buildings. The Parliament Buildings were erected on Barracks Hill, a large hill overlooking the Ottawa River, now known as Parliament Hill. While the land

group of Algonquin families from Lake of Two Mountains, returning to their winter hunting territories in *Piskitang*, now Baskatong, Quebec. They had made a camp along the *Kichi Sibi*, the Ottawa River.

One night, a young woman failed to return home. Her mother knew something was wrong. She could see her in the distance; her hair blowing in the wind. She was nude sitting atop a stump with her back against a tree. When they approached her, they realized that she had been raped and murdered. The soldiers had impaled her onto the stump to appear as if sitting to give them more time to escape.

The Algonquin men immediately prepared to wage war on the barracks, but their Chief said, "No! Because she died such a violent death, her spirit would haunt this land. We must leave and never return." The Algonquin families left, never to return there again.

Her restless spirit still haunts the area behind Parliament Hill known as Major's Hill Park. Violence, murder and suicide happen there frequently. They say if you are not balanced, you can hear her cries in the wind. It is a sad and lonely place.

had been in the government's possession for many decades because of its strategic importance, it had previously been home to a number of military facilities. My family suspects that the incident took place during the construction of one of these military facilities circa 1800. See Canada, *Ottawa Locks Walking Tour Rideau Canal*, online: Friends of the Rideau website: <<http://www.rideaufriends.com/documents/pc-ottawa-walking-e.pdf>>.



Illustration 2. "Tragic Story Behind Parliament Hill" by Janet Kaponicin

My mother, Janet Kaponicin's painting tells the true story of an Algonquin girl who was raped and killed by British soldiers on our traditional territory. My mother's art seeks to preserve this story. However, within this story, many others exist.

This painting does not solely depict a story of murder and revenge. It seeks to acknowledge my peoples presence existed prior to the building of the Nation's Parliament. Our land along the *Kichi Sibi* no longer tells the story of our people, but rather that of Parliament Hill. The violation of this young woman are akin to the seizure, abuse and violation my peoples suffered at the hands of colonizing forces. And yet this painting is a testament to our survival of colonization. After World War I, *Nókomis* Angeline returned to Ottawa, and raised some of her children there. My mother was one of them. Now my mother is telling the story in a new light. She speaks of the need to heal and reconcile our relationship to the land and its people. Her art stands a reminder of our need to find peace in this territory once again.

Thesis

I am committed to understanding how Indigenous peoples experience their world through their art. Art seeks to endow the world with symbolic meanings about its people, their history, customs and traditions, and consequently, their laws. I believe art is one way Indigenous peoples choose to express the roles and responsibilities inherent in their relationships. Simply put, my thesis is that art is one way Indigenous peoples keep our laws alive in the world. The purpose of my thesis is to show the underlying connections between the role of the artist and the practice of art and the laws by which we seek to live. I draw on contemporary Indigenous art to illustrate some of those roles and

responsibilities. I also turn to the teachings from Art Tsaqwuasupp Thompson's journey in becoming an artist to show how his role as an artist can empower a people. It is a lesson with which other Indigenous peoples can identify. I have learned from other Indigenous peoples' art as well. For example, I share a connection with the Maori peoples of Aotearoa through my *taa moko*, tattoo. In my opinion, Art strengthens our connections to our communities, as well as to one another as Indigenous peoples, and nourishes our legal principles and relationships.

Through reflections about my own relationship with art, I will show how Anishinàbeg peoples are building common approaches to law with other Indigenous peoples with whom they come into contact. Throughout this thesis I will share the Anishinàbeg peoples vision inherent in our art and its importance for the unification of Indigenous peoples and in ensuring the continuation of our relationships and responsibilities to our lands, languages, cultures and peoples.

Today Indigenous peoples from around the world are uniting in solidarity. We have begun to explore the connections we share among each other as Indigenous peoples. Although there is undoubtedly a long history of contact between Indigenous peoples, they have only relatively recently begun to interact on a global scale. This manifestation has been the vision of many of our peoples.

In 1974, George Manuel stated in his book *The Fourth World* that:

The National Indian Brotherhood will celebrate the victory of the Indian peoples by bringing together aboriginal peoples from every corner of the globe...Our victory celebration will honour the fact of our survival, that we have not forgotten the words and deeds of our grandfathers, and that today Indian people throughout North America are undergoing a rebirth, as self-conscious societies aware of our own unique role in the history of this continent.⁹

⁹ G. Manuel & M. Posluns, *The Fourth World: An Indian Reality* (New York: The Free Press, 1974) at 11.

For Manuel, the survival and rebirth of our languages, cultures and peoples would call for the union of Indigenous peoples to share in a victory celebration. Many of our people are celebrating our continued existence and regeneration through our art. This art has legal implications. A shared history of colonization is certainly one of the main reasons Indigenous peoples share connections. However, today there are many other reasons why Indigenous peoples from around the world are coming together. One of these reasons includes honouring our art.



Illustration 3. William Commanda and Seven Fires Prophecy Wampum Belt

Since 1970, Grandfather, *Mishomis* William Commanda has been the keeper of three sacred wampum belts of political, spiritual and historic significance: the 1400s Seven Fires Prophecy Belt; the 1700 Welcoming Belt; and the 1793 Jay Treaty Belt. These wampums, made of whelk and quahog beads, are testimony to the significant prophecies, agreements and understandings that have guided Anishinàbeg peoples. Consequently, he must honour his relationship to these living¹⁰ wampum belts by

¹⁰ William Commanda holds that the wampum belts are living, since they are not housed in museums and thus can continue to speak its message to its carrier.

upholding his responsibilities as keeper through his work. At the age of 92 and with increasing urgency, he continues to share their messages. His actions are consistent with the Seven Fires Prophecy belt, which foretells of the return of the voice of Indigenous peoples. For example, he hosts an annual *Circle of All Nations*¹¹ spiritual gathering on the first weekend of every August at his home on Bitobi Lake, Kitigan Zibi Anishinàbeg, in Maniwaki, Quebec. Last year's theme was 'Celebrating Culture' where over 2500 people from all over the world journeyed to our traditional Anishinàbeg territory to celebrate our diversity, both Indigenous and non-Indigenous. Like Manuel's call for a victory celebration, our Grandfather, Mishomis Commanda's *Circle of All Nations* gatherings are indeed a testament to the words and deeds of our grandfathers, set within "strings of white beads" – wampum.

For me, in listening to the words and deeds of our grandfathers and grandmothers, I am beginning to more fully understand who we are as a people as we undergo this rebirth. In honouring our art, we are empowering the customs, traditions and laws that define us as a people.

Purpose of Study

When I reflect about my life, I often wonder what lead me down this path. I feel I have come a very long way from home and have been away for a very long time. In fact,

¹¹ *A Circle of All Nations* is "a global eco-community unified by Elder William Commanda's fundamental and unshakeable conviction that as children of Mother Earth, we all belong together, irrespective of our individual colour, creed or culture. The Circle of All Nations is neither an organization nor a network – rather it is a growing circle of individuals committed to respect for Mother Earth, promotion of racial harmony, advancement of social justice, recognition and honouring of indigenous wisdom and peace building." See *Introduction*, online: A Circle of all Nations website <www.circleofallnations.com> [A Circle of All Nations].

I have traveled as far west as I could go in this country. In the past, I would have had to use one of our birch bark canoes to travel to Vancouver Island where I currently live. I probably would have even had to rely on the seafaring abilities of the local Indigenous peoples. Today however, when I reflect upon my journey to the West Coast, living thousands of miles away from my family, community and traditional territory, I wonder how I have come into my own being as Anishinàbe-kwe in another Indigenous peoples' land. How has being surrounded by other Indigenous peoples enabled me to become *Anishinàbe*? This is a profound legal question because it implicates an exploration of the underlying normative orders within our territories. It demonstrates that the bedrock of our most important relationships is not purely Canadian. Indigenous laws, customs and traditions continue to nourish Indigenous identities and relationships to other peoples. I have become more fully Anishinàbe-kwe, even as I have lived in another First Nation's territory. Why is this so? On a personal level, the purpose of this study seeks to answer this question so that I can better understand the purpose of my life as Anishinàbe-kwe.

On a communal level, this study's purpose enables a fuller realization of a teaching shared by an Elder from my Kitigan Zibi community. Mishomis William Commanda has shared a teaching regarding the expression and acknowledgement of one's self, by stating:

Whether we are raised in traditional Indigenous societies or in modern cultures, there are two things that people crave: full realization of their innate gifts; and having these gifts acknowledged, affirmed and confirmed. We need external recognition to inspire us to fulfill our life's purpose, to achieve our potential and to take our places in our community. Our own confirmation or acknowledgement of ourselves is not enough.¹²

¹² R.V. Thumbadoo, *Learning from a Kindergarten Dropout – A Ninety Year Old's Guide to the Good Life* (Canada: Circle of All Nations, 2005) at 135.

I think this is a significant teaching. For me, therein lies the meaning in everyone's life, both Indigenous and non-Indigenous. Each of us is seeking to find and develop our unique and personal 'innate gift.' We will spend our lifetime working towards having such a 'gift' realized, and recognized in the eyes of others.

When looking to our Indigenous communities, it does not matter whether we come from a traditional family, grew up on the Rez or have always lived in an urban setting; our peoples are still in search of their innate gifts, seeking their validation. But how are our peoples going to discover their innate gifts when we are amongst the poorest, struggling with impoverished living conditions and/or homelessness, both on and off reserve? How are our peoples' innate gifts going to be fully realized when we are suffering significant health crises? How do we overcome the effects of debilitating substance abuse, including fetal alcohol syndrome and fetal alcohol effect, in order to recognize and inspire these gifts in others? With atrociously high school dropout rates, how do our communities begin to recognize our youth, enabling them to achieve their full potential? What's more, how do we inspire our youth to fulfill their life's purpose when we are experiencing the highest youth suicide rates? I wonder how can we begin to support our single mother families or our unemployed fathers to enable them to take their rightful places within our communities? Lastly, how are we supposed to acknowledge, affirm and confirm the many gifts our people are seeking to be recognized, when so many are suffering from the mental, physical and sexual abuse pervasive in our families and communities?

These are the perplexing questions that I have been seeking answers to, especially within my legal education. To be honest, I have not found very many compelling

answers within Canadian and International law. In some ways, it has taken me a long time to come to that very conclusion. Since the age of eight, I knew I wanted to attend law school. I thought in becoming a lawyer, I would be able to help fight against all the injustices I saw my people suffering. And so, I began law school with a vengeance, so-to-speak. Over time however, I began to question the legal system's ability to adequately fight *any* of the injustices my people had suffered.

Even now with my law degree in hand, I am at a loss. I may know how Indigenous peoples have figured in the development of legal discourse and practice in Canadian and International jurisprudence. I am knowledgeable about the primary issues surrounding Aboriginal title. I can speak to the judiciary's approach to interpreting s.35 (1) – the recognition and affirmation of existing aboriginal and treaty rights – of the *Constitution Act, 1982*. I have come to understand the changing face of the treaty-making process and the possibility for the realization of aspects of self-government. I also fully support the recognition of Indigenous Peoples' right of self-determination to freely determine their political status and freely pursue their economic, social and cultural development.

However, even though I have spent so much time and effort learning this law, I have a difficult time relating Aboriginal case law and relevant legal theories to Indigenous peoples current reality. This disconnection makes me question not only the law, but also who we are as a people. I initially sought answers to these questions within the Canadian and International legal systems. When this proved to be futile, I began to seek answers from within my own peoples' laws. In my thesis, I have returned to traditional Anishinàbeg teachings and traditions rooted within our art. Art has served as a

means of telling my family's stories and history, and has allowed me to more deeply understand the customs and norms that can hold us together. As an artist, I have turned to art to more fully understand my people. Through art and its underlying values, our people will begin to fully realize their innate gifts. They will see how they can belong to a community that acknowledges, affirms and confirms them. I believe Indigenous communities will come into harmony and balance with Mother Earth and others when we are inspired to fulfill our life's purpose and potential. In this experience, art and law fuse in a vital embrace to hold and protect our communities. I have drawn from my own experiences to speak about the strength I have found to develop my own 'innate gift' as an artist and student of Anishinàbe laws. These gifts have strengthened me as Anishinàbe-kwe, and allowed me to stand more securely amongst other Indigenous peoples of the world.

I see art as a vehicle for Indigenous peoples to come together. When people come together I see law. Law is apparent in how people organize themselves and relate to each other. Within Indigenous art are representations of our worldviews and our connections within them. The examples within my thesis advance and assert our connections to one another. If we lose our art, we lose our law. If our art and law are lost, then we lose our ability to connect with each other.

Review of Relevant Literature

During the writing of my thesis, over the course of a few weeks, I found myself thinking and even dreaming of a woman named Romola Vasantha Thumbadoo. After years of not seeing or even hearing of her, she had somehow made her way into my consciousness. If truth be told, I had only met her a few times before in my lifetime.

And so, I thought it was quite strange that I kept having these reoccurring thoughts of a woman I barely knew. Romola, as I have known her, is an East Indian woman from South Africa, who has resided in Canada since 1970. Since 1997, Romola for the most part has been by Mishomis William Commanda's side, one our community's most respected Elders. I thought I must be thinking of Romola because of her connection to Mishomis Commanda.

Several weeks later, I had received confirmation that I would be speaking at an Indigenous Women and Justice Conference at Trent University. Upon reviewing the final conference agenda, I noticed that Romola had two speaking engagements there as well. "What a twist of fate!" I thought to myself. I hoped that my meeting with Romola would somehow give me great insight into my thesis. The day before I boarded the plane to Ontario, I thought I should read a book my mom had given me recently. Under the mounting pile of thesis books, I found just the book I was looking for: *Learning from a Kindergarten Dropout: A Ninety Year Old's Guide to the Good Life*.¹³ It is a collaborative experience of William Commanda & Romola Vasantha Thumbadoo. With Romola being the author, I thought I should studiously read this book cover to cover. In anticipation of uncovering a great mystery, I quickly opened the book and began reading it on my journey home.

Although I may have been flying home, it was really this book, *Learning from a Kindergarten Dropout*, which truly brought me home. This book of cultural sharings and reflections focuses on Elder William Commanda's work while at *Kiche Anishinàbe Kumik*, the Kumik Elder's Lodge at Indian and Northern Affairs Canada from October

¹³ *Ibid.*

24th until November 5th, 2004. Like other Elders contracted to provide essential guidance and counselling services to INAC employees, Mishomis Commanda would share his culture, philosophy and, of course, how to live the good life. As Romola states in the preamble, “We hope that the journey will guide you to the heart of the *Circle of All Nations!*”. It certainly accomplished this purpose for me. In “learning from a kindergarten dropout,” I have realized that my western legal education has not taught me about the laws of my peoples. I have much to learn. This book, along with the *Circle of All Nations* website¹⁴, served as a primary resource in relating the Anishinàbeg teachings discussed throughout my thesis. Ramola has joked about Mishomis Commanda being one of our only “dot-com Elders.” I, of course, am grateful because with a touch of button I can see how Mishomis continues the heritage of our people, the *Mamiwinini* – the nomads. His tireless work takes him afar.

In his recent book, *Wasase: Indigenous Pathways of Action and Freedom*, Taiaiake Alfred speaks about the necessity of the reconstruction of Onkwehonwe knowledge systems and the ethics that emerge from them. He sees it as the first step in reorienting ourselves to being Onkwehonwe in the practice of our lives, stating:

Education and transformation through the acquisition of knowledge, power and vision is a dynamic process of learning and teaching, combined with a core desire to respect the completeness of the circle of transformation: to observe, to experience, to practice, and then to pass on the knowledge by mentoring and teaching the next generation.¹⁵

Many Indigenous peoples, both knowingly and unknowingly, are seeking ways of being true to themselves and living with integrity. It is a difficult challenge for most

¹⁴ A Circle of All Nations, *supra* note 11.

¹⁵ Alfred, *Wasase*, *supra* note 15 at 149.

Indigenous peoples who are struggling against the effects of colonization. However, there are individuals who are making a difference in each of our respective communities. They have undergone such a transformation, learning from their elders and receiving their teachings. They are now seeking ways to pass on this knowledge to their peoples. I have looked to the interview Taiaiake did with renowned Ditidaht artist, Art Tsaqwuasupp Thompson, in *My Grandmother, She Raise Me Up Again*¹⁶ to shed light on this spirit of regeneration. Tsaqwuasupp's journey in becoming an artist demonstrates how he became "the best warrior that [he] could ever be" for his people, the Ditidaht.¹⁷ It is an inspirational story for all Indigenous peoples.

Within academia, Dale Turner's book, *This is not a Peace Pipe: Towards a Critical Indigenous Philosophy*, identifies the most important activities for developing a critical Indigenous philosophy. He argues that Indigenous intellectuals must participate in three distinct activities: the deconstruction and continued resistance of colonialism; the protection and defense of Indigeneity; and the effective engagement of state legal and political discourses.¹⁸ In reviewing current literature, I have found Turner's recent book to be a poignant reflection of the trend of Indigenous scholarship.

Turner states that Indigenous peoples have different ways of knowing the world as demonstrated by use of such commonplace terms like "traditional knowledge" and "Indigenous ways of knowing." However, if we are going to sustain this claim, he argues that we have to be clear about these forms of knowing, as well as their role in asserting

¹⁶ *Ibid.* at 162.

¹⁷ *Ibid* at 170.

¹⁸ D. A. Turner, *This is Not a Peace Pipe: Towards a Critical Indigenous Philosophy* (Toronto: University of Toronto Press, 2006) at 162 [Turner, Peace Pipe].

and protecting the rights, sovereignty, and nationhood. In fact, he believes that if Indigenous peoples claim they have different worldviews then they must engage Canadian legal and political discourses in more effective ways. Turner argues we need to find ways shaping the legal and political relationship to respect Indigenous worldviews while generating a useful theory of Indigenous rights.

I agree that Indigenous peoples need to fully understand how our worldviews, continue to shape us as individuals, communities and peoples. Furthermore, I have a strong interest in discovering how such knowledge enables Indigenous peoples to connect with one another. I support the efforts of Indigenous scholars like Turner. However, I feel I have grown up in a different time. Not too long ago, Indigenous academics broke into various academic fields, successfully participating in “the intellectual life of the dominant culture,” as Turner puts it. Then these Indigenous scholars, and the ones that followed, began to study and conduct research amidst their own peoples. We were no longer relying on the historical writings of others to tell us and the world who we once were. We now had our own peoples beginning that journey. For the most part, the focus of Indigenous scholars remains the same. We are continually trying to understand how our stories, cultures and worldviews interact with mainstream Western culture. And as Turner suggests, figuring out how Indigenous knowledge relates to the dominant culture is critical to understanding the role our knowledge will play in asserting and protecting Indigenous rights. However, following the decolonization movement, a new strain of Indigenous academic has emerged. Indigenous academics are now endeavoring to strengthen our own “Indigenous ways of knowing.” They are not merely engaged in efforts to assert or sustain their existence or relationship to the dominant culture’s

political and legal discourses. Many Indigenous academics today are striving to empower our own sources of knowledge. The effort to “assert and protect the rights, sovereignty and nationhood of our communities,” as Turner states, does not fully speak to our reality.

Turner also outlines a second project, which engages Western European philosophy as Indigenous peoples. In this task, Turner suggests holding an intellectual dialogue with the dominant culture, such as those espoused by Hegel, Kant, Habermas, etc. While cross-cultural dialogue has its merits, Turner argues that “we must first, and foremost, concentrate our limited academic numbers on defending the legal and political status of Indigenous nationhood.”¹⁹ To some extent, I disagree with Turner. His first Indigenous intellectual project identifies the need to deconstruct and resist colonialism and its effects through the study of Indigenous philosophy. However in my opinion his second project is too limited in scope. It fails to recognize that Indigenous academics can pursue other courses of action. For the most part, recent Indigenous academics have diligently engaged in such dialogues, particularly in the field of law. We have worked hard to have our legal traditions be recognized by others.

I believe this has given the space for scholars like myself to *not* have to pursue Turner’s third project of “effective engagement of legal and political discourse of the state” in order to develop a ‘critical Indigenous philosophy.’ This new project, to use Turner’s terminology, is opening up whereby Indigenous academics can work to develop their own ‘critical Indigenous philosophy’ simply for the benefit of their people without the necessity of having to engage with the state’s legal and political discourse to

¹⁹ *Ibid.* at 166.

legitimize its credibility. I see my scholarship emerging within this space of recognition for Indigenous legal traditions. This thesis hopes to contribute to this growing trend.

Peacemaking: My Method of Enquiry

The Chief Justice Robert Yazzie of the Navajo Nation has said:

In Navajo peacemaking, traditions often come out when the peacemaker uses our journey and creation narratives to deal with a problem. The experiences related in our journey and creation narratives are very human. The narratives tell of every kind of human problem, how it was resolved, and what happens to people when they don't do things right. They are our knowledge. Only we know what it means and how to use it in everyday life.²⁰

For my thesis, I have adopted a peacemaker's role to bring to the fore some of our traditions. I am from the Bear Clan. We are said to be the Peace Keepers and Legal Guardians of our peoples. Like Yazzie C.J. wrote of Navajo peacemaking, I will use our Anishinàbeg creation story, along with other 'journey and creation narratives' to address my research. In upholding the responsibilities and obligations of my Clan, I intend to speak about laws that govern our relationships, furthering peace and harmony amongst them.

Yazzie C.J. thinks that students of traditional Indigenous law are so preoccupied in finding rules and customs that "they miss the point – indigenous law is about *respect* and *relationships*."²¹ In fact, Patricia Monture-Angus plainly states that all Indigenous

²⁰ See R. Yazzie, "Cultural Values" (Address delivered to the 10th Annual Conference of the Indigenous Bar Association: Traditional Values, Laws and Governance, November 1998, Vancouver, B.C.) in Indigenous Bar Association in Canada, *10th Annual Conference: Traditional Values, Laws and Governance Summary Report* prepared by Michelle Hopkins 3 online: <<http://www.indigenousbar.ca/conferences/1998doc/iba%201998%20conference.PDF>>.at 4 [Yazzie, "Cultural Values"].

²¹ *Ibid.*

law is family law: “it’s the law of relations, the law of caring, of how we fit in.”²² In seeking to express such ‘respect’ and ‘relationships,’ Yazzie C.J. claims “none of us can look for models outside our own hearts, minds, souls, families and communities.”²³ He believes many Indigenous peoples share the same kind of values:

I think we all honor and cherish relationships, respect, speaking in a good way, prayer, humility, and all the other values we think of as being uniquely indigenous knowledge. We may express those things in different ways; by the way we all hold those values.²⁴

Therefore, he cautions people not to get “too intellectual” about the words ‘values’ and ‘tradition.’ “They’re not hard to find.” He states: “They’re in your hearts and they’re in the collective consciousness of your communities.”²⁵ Willie Littlechild, Q.C. from the Cree Nation agrees, “The traditions and the values are in the hearts of our people, they are in our minds, our hearts and in our spirits.”²⁶ For Yazzie C.J., “we just need to build our sense of community by applying what we have from the mind, the heart, and the spirit,” in order to “bring them out to use as law.”²⁷

²² P. Monture-Angus, “Roles and Responsibilities” (Address delivered to the 10th Annual Conference of the Indigenous Bar Association: Traditional Values, Laws and Governance, November 1998, Vancouver, B.C.) in Indigenous Bar Association in Canada, *10th Annual Conference: Traditional Values, Laws and Governance Summary Report* prepared by Michelle Hopkins 3 online: <<http://www.indigenousbar.ca/conferences/1998doc/iba%201998%20conference.PDF>> at 7.

²³ Yazzie, “Cultural Values”, *supra* note 20 at 4..

²⁴ *Ibid.* at 4.

²⁵ *Ibid.* at 4.

²⁶ W. Littlechild, Q.C., “Cultural Values” (Address delivered to the 10th Annual Conference of the Indigenous Bar Association: Traditional Values, Laws and Governance, November 1998, Vancouver, B.C.) in Indigenous Bar Association in Canada, *10th Annual Conference: Traditional Values, Laws and Governance Summary Report* prepared by Michelle Hopkins 3 online: <<http://www.indigenousbar.ca/conferences/1998doc/iba%201998%20conference.PDF>>at 5.

²⁷ Yazzie, “Cultural Values”, *supra* note 20 at 4..

Accordingly, I will look at Indigenous law from an art perspective. As an Anishinàbe-kwe artist, art is one way I choose to express the values and traditions of my Anishinàbeg peoples. For me, art is what lies deep within my mind, my heart and my spirit. I have chosen to express the respect for Anishinàbeg relationships through my art. Therefore in looking to art, along with the ‘experiences related in our journey and creation narratives’ that it reveals, we see that Indigenous law is enlightened by our knowledge about respect and relationships.

In creating art that comes from the mind, heart and spirit of Indigenous peoples, we are building communities for peoples. In identifying with other Indigenous art forms, we are further fostering respectful relationships. I believe that bringing to light the values and traditions that lie within our art’s ‘mind, heart, and spirit’ is one way we practice our law. As Robert Yazzie C.J. contends, “we just need to...bring them out to use as law.”²⁸

Thus I have begun by identifying artwork that relates Anishinàbeg teachings to illustrate the laws by which we seek to live. In so doing, our peoples’ laws are strengthened.

MY PEOPLE – THE KITIGAN ZIBI ANISHINABEG



Illustration 4. A Circle of All Nations, A Culture of Peace Logo by Claude La Tour

²⁸ *Ibid.* at 4.

Mishomis Commanda commissioned artist Claude La Tour to tell the story of *A Circle of All Nations – A Culture of Peace*. Mishomis photographed a large seventy-five foot spruce tree growing in a park. From a single base grew four separate trees; each of them towering above all other trees. Mishomis believes the tree to be representative of the Indigenous vision of interconnectedness.²⁹ It stands for the union of the four symbolic races of man: the yellow, red, black and white peoples. The base of the tree was firmly grounded by seven roots growing into Mother Earth. For Mishomis, these seven roots represented the Seven Fires Prophecy, and the sacred wampum belt he carries for our peoples.

In the painting, the sacred tree is grounded by the seven roots, which grow into the turtle that is being supported by the water. Here the turtle is representative of Turtle Island – North America. Mishomis also acknowledges that the turtle is “described similarly in the mythology and legends of Aboriginal peoples of the west, the Hindus of the east, and the Zulus of the south, amongst others, as being the animal who sacrificed its life to create earth in the expanse of sea and sky,” linking this symbol to other peoples of the world.³⁰

The other trees depicted in the background “remind us of the importance of the trees to Mother Earth and to our lives.”³¹ Trees, particularly wigwás – the birch tree, are

²⁹ *Thumbadoo*, *supra* note 12 at 53.

³⁰ *Ibid.* at 54.

³¹ *Ibid.*.

of great significance to Mishomis. As a master birch bark canoe maker³², the canoe is conceivably “the central image to associate with William Commanda” because:

He learned how to build and perfect his canoes as a child; he earned his independence through them; and his creative spirit is marked on them.³³

The winter bark he enjoys using to build his canoes allows him to better “imprint symbols of the world around him on them – today, these images of stars and moose and beaver and bear constitute the unique signature of the artist on his canoes.”³⁴ Sadly, the majestic birch trees that once graced our territory are no longer there in great abundance. This threatens his practice of the art of birch bark canoe making. Mishomis declares:

And today, the trees that are there, they cannot grow big. Today, you can no longer find birch bark and cedar trees large enough to build the canoes that my ancestors used to travel all across Turtle Island.³⁵

Mishomis has commented on the impact of clear-cut logging saying, “When I watch with pain the endless passage of logging trucks through my family’s traditional lands, it feels like a needle piercing my eye.”³⁶ He believes this to be “our biggest crime: cutting trees; that is the biggest problem” because, “they are killing Mother Earth’s good medicine.”³⁷ The trees here represent our intimate connection with Mother Earth – a relationship, not a resource.

³² William Commanda has built over seventy-five canoes during his lifetime, which are housed in museums around the world. See documentary film by Valerie Pouyanne entitled “*Good Enough for Two*” which features him building his latest a canoe at the age of 92. *Ibid.* at 13.

³³ *Ibid.*.

³⁴ *Ibid.*.

³⁵ *Ibid.* at 98.

³⁶ *Ibid.* at 54.

³⁷ *Ibid.* at 94.

The painting also depicts two mountains in the background. They represent the Lake of Two Mountains³⁸, the traditional homeland of our ancestors.³⁹ It was Mishomis' great, great grandfather *Pakinawatik*⁴⁰ who led his people in the mid-1800s to settle in their winter traditional hunting and trapping grounds in the Kichi Sipi⁴¹, at the confluence of the *Kitigan* and the *Tenegadin Sipi*. Mishomis also holds that they "represent the climb up the sacred mountain in the search for wisdom."⁴²

³⁸ The **Lac des Deux Montagnes** (English: Lake of Two Mountains) is part of the delta widening of the Ottawa River in Quebec, Canada, where it feeds into the Saint Lawrence River, around the many islands of the Hochelaga Archipelago through this lake to the northeast, or neighbouring Lake Saint-Louis, which takes the St-Lawrence south of the Island of Montreal. Online: Wikipedia <
http://en.wikipedia.org/wiki/Lac_des_Deux-Montagnes>

³⁹ Traditionally, Algonquins would return from their winter hunts along the tributary rivers of the Kichi Sibi and summer at Oka in the Lake of Two Mountains area. However, beginning in the early 1800s hostilities began to escalate in Oka: 'The Sulpician priests had been granted ownership of the lands in and around Oka and they were determined to force the Algonquins and Mohawks away from the waterfront by using coercion tactics such as restricting hunting, fishing and wood-cutting for heating fuel. The people refused to submit and local French townspeople resorted to bullying and harassment. When the Algonquins and Mohawks defended themselves, they were arrested by the local constabulary and jailed.' Furthermore, historical differences were ignited between the Algonquins and Mohawks as they began to compete for resources within each other's territories. See *McGregor, supra* note 4 at 167.

⁴⁰ Luc-Antoine Pakinawatik was born in 1803. In the mid-1800s, Pakinawatik was a sub-chief to Basil Outik (Odjig). In order to gain political leverage with British authorities, he allied himself with the Oblates of Mary Immaculate, a new church order in Canada. He recognized that the Algonquins could no longer live at Oka following the escalation of hostilities with the Sulpicians and townspeople in Oka. Thus in the spring of 1845, Pakinawatik, along with other Algonquins, began a 600-kilometer journey to the Office of the Governor General in Toronto to deliver a request for land around River Desert Post. There is no record of Lord Elgin ever replying to the request for a nine-mile square (15 km sq.) track of land at the confluence of the Desert and Gatineau Rivers. He undertook three canoe journeys to Toronto between the years 1845 and 1849. With the assistance and support of the Oblates Father Thomas Clement and Bishop Guiges of Bytown, Pakinawatik's request, along with sixty other Algonquin men's signature on the birch bark scroll, would be realized. On August 9th, 1853, River Desert Reserve Number 18 at Maniwaki was brought into official existence by an Order-in-Council, approving 45,750 acres to the Algonquins and Nipissings and to all other tribes from Lower Canada who formerly gathered at Oka, which included Tetes de Boule. *Ibid.* at 172.

⁴¹ The Kitigan Zibi Anishinàbeg live on the *Kichi Sibi*. Now known as the Ottawa River, our people used to call it the *Kichi Sibi*, "the great river." Connecting the St. Lawrence to the great lakes via Lake Nipissing, *Kichi Sibi* has enabled the Anishinàbeg to survive and thrive as a people. The rivers which branch off the *Kichi Sibi* extend to nearly 150,000 km² into Anishinàbeg territory, encompassing today's Algonquin Park to the St. Maurice River near Trois-Rivieres and from the Madawaska Valley to east of Grand Lac Victoria. *Ibid.*

⁴² *Thumbadoo, supra* note 12 at 54.

To the right of the sacred tree shines 'The Morning Star' – Ojigkwanong. Mishomis Commanda was born November 11th, 1913, under the bright life of the Morning Star. Thus in recognition, his mother named him *Ojigkwanong*. Thumbadoo asserts that "today, he is seen by many as a symbol of light emerging after darkness, illuminating a path into a new world."⁴³

Thus we see how law permeates Anishinàbeg art. But we can go even deeper as we examine these representations. The vision of a *Circle of All Nations* is set within and surrounded by the four colours of the sacred circle: yellow, red, black and white. Drawing on the teachings of the Medicine Wheel, the sacred colours represent the four symbolic races of man; the four directions of east, south, west and north; and the four elements of fire, earth, water and air. For Mishomis, it is also representative of four core teachings on Vision, Community, Healing and Wisdom.

Circle of All Nations – A Culture of Peace

⁴³ *Ibid.* at 15.



Illustration 5. A Circle of All Nations Medicine Wheel Design

A Circle of All Nations holds:

We associate the Eastern Direction with Vision. When we turn to the Southern Direction, we focus more on people, Community, and physical life. In the Western Direction, we move to Healing and development. The Northern Direction is the place of Wisdom.⁴⁴

In the East, associated with Vision is the image of the Morning Star, *Ojigkwanong*, and the sacred wampum belts that Mishomis carries, “as they underline the thread linking the work to the inspiration of the Elder’s ancestors.”⁴⁵ This aspect of the *Circle of All Nations’* Medicine Wheel grounds the vision that Mishomis carries by virtue of his name, *Ojigkwanong*, and as a wampum belt carrier.

In the South, the focus turns to Community. Here the squirrel is chosen to be representative of this section. Mishomis is from the Squirrel Clan, “the clan of the

⁴⁴ *Ibid.* at 104.

⁴⁵ *Ibid.*

tireless seed planters,” who “are amongst the most gentle and friendly of the wild creatures.”⁴⁶ They teach us about the need for peace, determination, perseverance and courage. They remind us about our physical being. For the *Circle of All Nations*, this section directs their attention to the need for people to actualize their activities or gatherings.

In the West, the canoe is representative of Healing and development because “it figures so intimately and extensively in William’s own life, in the nomadic history of his ancestors, and in the psyche of this nation; it supports the journeying within.”⁴⁷ Here, their organization explores ideas, activities and programs that contribute to the emotional and spiritual healing of peoples. It is within this section that the journey of life is contemplated.

The Northern Direction is where Wisdom resides, symbolically represented by the Thunderbird. It is said to inspire the prayer for the lighting of the Eighth Fire of the Seven Fires Prophecy. *A Circle of All Nation* seeks wisdom to “strive towards an ever-deepening integration of the messages and strengths of all directions in our individual and communal lives.”⁴⁸ This art piece contains an important legal value about how we are to relate to one another in harmony with nature, mankind and Mother Earth.

Mishomis Commanda: Wampum Belt Carrier

⁴⁶ *Ibid.*.

⁴⁷ *Ibid.*

⁴⁸ *Ibid.* at 105.

Mishomis William Commanda is now 93 years old and has been a Wampum Belt Carrier for thirty-six years.⁴⁹ His great, great grandfather *Pakinawatik* was the keeper of three sacred Wampum Belts: the 1400s Seven Fires Prophecy Belt, the 1700 Welcoming Belt, and the 1793 Jay Treaty Border Crossing Belt. The wampum belts are living art forms that communicate vital Anishinàbeg legal relationships.

Presently, during the time of the Seven Fires Prophecy Wampum Belt's final message, these three Wampum Shell Belts continue to guide the work of Mishomis Commanda. He continues to stress that the Wampum Shell Belts teach us that it is essential for us to learn to work through our differences and come together in love, peace, reconciliation and unity.

The Seven Fires Prophecy Belt

Mishomis Commanda, as keeper of the sacred Seven Fires Prophecy wampum belt, believes its final message to be about 'choice' with respect to our relationships with each another and with all the creations of Mother Earth. He has acknowledged that the Algonquin peoples have been entrusted with the Seven Fires Prophecy belt for a very long by stating:

Maybe our ancestral spirits knew we would need to bring this message before the whole world. Maybe this is why our world is now called the global village. And maybe this is why, after five hundred years of silence, the voice of the Indigenous peoples is rising again. Mother Earth is telling us, the indigenous peoples who

⁴⁹ In the spring of 1854, the first Algonquins to arrive at Kitigan Zibi, known then as River Desert Reserve No. 18, from Oka brought four wampum belts. In 1884, the Indian Act was amended to ban potlatches and other spiritual ceremonies, including all other symbols such as sacred wampum belts. The Indian Agent and the Oblates did not know who had the four Algonquin wampum belts in their possession. Given the Indian Agent had the power to enter into Algonquin homes at his discretion without notice or warning, searches from house to house intensified to find the banned wampums. The wampum belts were never found because they had been successfully smuggled out of the community. The sacred wampum belts were not seen again until July 9th, 1970 when they were presented to Chief William Commanda. See *McGregor, supra* note 4 at 219.

were given the sacred responsibility as her caretakers, that it is time for us to resume our duty to uphold the sacredness of all life. We have been silent too long. Wait much longer; and it will be too late.⁵⁰

Therefore, Mishomis Commanda has begun to advance a vision of for healing and peace within our territory that he feels is consistent with the message of the Seven Fires Prophecy.

Teachings of the Seven Prophets: The Seven Fires

Mishomis has used the following excerpt from Edward Benton-Banai's *The Mishomis book: the voice of the Ojibway*⁵¹ to help breathe life into the teaching of the Seven Fires Prophecy wampum belt.

Seven prophets came to the Anishinàbe. They came at a time when the people were living a full and peaceful life on the North Eastern coast of North America. These prophets left the people with seven predictions of what the future would bring. Each of the prophecies was called a fire and each fire referred to a particular era of time that would come in the future. Thus, the teachings of the seven prophets are now called the "Seven Fires."

The first prophet said to the people,

In the time of the First Fire, the Anishinàbe nation will rise up and follow the sacred shell of the Midewiwin Lodge⁵². The Midewiwin Lodge will serve as a rallying point for the people and its traditional ways will be the source of much strength. The Sacred Megis will lead the way to the chosen ground of the Anishinàbe. You are to look for a turtle shaped island that is linked to the

⁵⁰ See A Circle of All Nations, *supra* note 11.

⁵¹ E. Benton-Banai, *The Mishomis Book: The Voice of the Ojibway* (St. Paul, Minn.: Indian Country Press, 1979).

⁵² Members of the Midewiwin are healers and spiritual leaders, believing their gift comes from the Creator.

purification of the earth. You will find such an island at the beginning and end of your journey. There will be seven stopping places along the way. You will know the chosen ground has been reached when you come to a land where food grows on water. If you do not move you will be destroyed.

The second prophet told the people,

You will know the Second Fire because at this time the nation will be camped by a large body of water. In this time the direction of the Sacred Shell will be lost. The Midewiwin will diminish in strength. A boy will be born to point the way back to the traditional ways. He will show the direction to the stepping-stones to the future of the Anishinàbe people.

The third prophet said to the people,

In the Third Fire the Anishinàbe will find the path to their chosen ground, a land in the west to which they must move their families. This will be the land where food grows on water.

The Fourth Fire was originally given to the people by two prophets. They come as one.

They told of the coming of the light skinned race. One of the prophets said,

You will know the future of our people by the face of the light skinned race wears. If they come wearing the face of brotherhood then there will come a time of wonderful change for generations to come. They will bring new knowledge and articles that can be joined with the knowledge of this country. In this way, two nations will join to make a mighty nation. This new nation will be joined by two more so that four will for the mightiest nation of all. You will know the face of the brotherhood if the light skinned race comes carrying no weapons, if they come bearing only their knowledge and a handshake.

The other prophet said,

Beware if the light skinned race comes wearing the face of death. You must be careful because the face of brotherhood and the face of death look very much alike. If they come carrying a weapon...beware. If they come in suffering...They could fool you. Their hearts may be filled with greed for the riches of this land. If they are indeed your brothers, let them prove it. Do not accept them in total trust. You shall know that the face they wear is one of death if the rivers run with poison and fish become unfit to eat. You shall know them by these many things.

The fifth prophet said,

In the time of the Fifth Fire there will come a time of great struggle that will grip the lives of all native people. At the warring of this Fire there will come among the people one who holds a promise of great joy and salvation. If the people accept this promise of a new way and abandon the old teachings, then the struggle of the Fifth Fire will be with the people for many generations. The promise that comes will prove to be a false promise. All those who accept this promise will cause the near destruction of the people.

The prophet of the Sixth Fire said,

In the time of the Sixth Fire it will be evident that the promise of the Fifth Fire came in a false way. Those deceived by this promise will take their children away from the teachings of the Elders. Grandsons and granddaughters will turn against the Elders. In this way the Elders will lose their reason for living...they will lose their purpose in life. At this time a new sickness will come among the people. The balance of many people will be disturbed. The cup of life will almost become the cup of grief.

At the time of these predictions, many people scoffed at the prophets. They then had medicines to keep away sickness. They were healthier and happier as a people. These were the people who chose to stay behind in the great migration of the Anishinàbe.

These people were the first to have contact with the light skinned race, suffering the most of all Anishinàbeg peoples.

When the Fifth Fire came to pass, a great struggle did indeed grip the lives of all Indigenous people. The light skinned race launched a military attack on the Indigenous peoples of the country, aimed at taking away Indigenous land and independence as free and sovereign peoples. Today it is believed that the false promise the Fifth Fire's end was the materialism and riches embodied in the light skinned race's way of life. Those who abandoned the traditional ways and accepted this new promise nearly caused the destruction of the Indigenous peoples of this land.

When the Sixth Fire came to be, the words of the prophet rang true as children were taken away from the teachings of the Elders. The residential boarding school era of

"civilizing" native children had begun. Their language, customs and traditions were taken from them. The people started dying at an early age, losing their will to live and their purpose in living. At this point, non-Indigenous laws struck directly at the heart of Anishinàbeg creativity and art, even going so far as to outlaw dance and other vital expressions of Indigenous laws and ways of life. In Kitigan Zibi, our sacred wampum belts that Mishomis Commanda now carries were sought out by the Oblates for destruction.

In the confusing times of the Sixth Fire, it is said that a group of visionaries came among the Anishinàbe. They gathered all the priests of the Midewiwin Lodge, fearing the Midewiwin Way was in danger of being destroyed. They gathered all the sacred bundles and gathered all the scrolls that recorded the ceremonies. These things were placed in a hollowed out log from the Ironwood tree. Men were lowered over a cliff by long ropes. They dug a hole in the cliff and buried the log where no one could find it. Thus the teachings of the Elders were hidden out of sight but not out of memory. It is said that when the time came that Indigenous people could practice their religion without fear, a boy would dream where the Ironwood log, full of the sacred bundles and scrolls, was buried. He would lead his people to the place.

The seventh prophet that came to the people long ago was said to be different from the other prophets. He was young and said to have a strange light in his eyes. He said,

In the time of the Seventh Fire New People will emerge. They will retrace their steps to find what was left by the trail. Their steps will take them to the Elders who they will ask to guide them on their journey. But many of the Elders will have fallen asleep. They will awaken to this new time with nothing to offer. Some of the Elders will be silent because no one will ask anything of them. The

New People will have to be careful in how they approach the Elders. The task of the New People will not be easy.

If the New People will remain strong in their quest the Water Drum of the Midewiwin Lodge will again sound its voice. There will be a rebirth of the Anishinàbe Nation and a rekindling of old flames. The Sacred Fire will again be lit.

It is this time that the light skinned race will be given a choice between two roads. If they choose the right road, then the Seventh Fire will light the Eighth and final Fire, an eternal fire of peace, love, brotherhood and sisterhood. If the light skinned race makes the wrong choice of the roads, then the destruction which they brought with them in coming to this country will come back at them and cause much suffering and death to all the Earth's people.

Today these expressions tell of how our own peoples' creativity and artistic expressions can once again sound from the earth, if we make the right choices. In order for us to enjoy the promised Eighth Fire of peace, love and kinship, we must once again turn to our Elders and, with care, approach them for guidance. In this Seventh Fire, I have taken those steps back to my Elder to find guidance in Mishomis Commanda's teachings. He is an Elder who has not 'fallen asleep' or has chosen to be quiet. In this time, there is much we can learn from him.

Living Wampum: Mishomis' Vision for Victoria Island

Mishomis Commanda has said:

We see churches, cathedrals, synagogues, temples and mosques reflecting the great diversity of cultures here, but there is still no place where Indigenous peoples can gather together in the spirit of unity that used to mark our heritage.⁵³

Traditionally Algonquins from all over would gather at a *kabeshinàn*, a large summer gathering place, usually at the confluence of two rivers. The Kitigan Zibi Anishinàbeg would make the four-day journey by canoe to *kabeshinàn* where the Tenagadino and

⁵³ See A Circle of All Nations, *supra* note 11.

Kichi Sibin meet, at the confluence of the Gatineau and Ottawa Rivers. We need to seek a new means of maintaining such an important and vital tradition for our peoples.

Mishomis Commanda is currently developing a vision to establish an Indigenous Healing and Peace-Building Centre on Victoria Island. Victoria Island is the sacred meeting grounds of our ancestors, which is located on the Kichi Sipi within the national capital region of the country. This vision of Victoria Island is of great significance. My family believes that the presence of a Healing and Peace-Building Centre would help restore the harmony to the area where the young woman was raped and murdered nearly two centuries ago, severing our ties to that land. In Victoria Island, there needs to be a symbolic lighting of the Eighth Fire. Mishomis Commanda is actively seeking to do so. Mishomis believes that, "The vision can take concrete form as we work together to establish a lodge dedicated to personal and interpersonal healing and peace building for all nations, at Victoria Island, and support the land as it reclaims its heritage as the traditional spiritual meeting grounds of the Anishinàbeg peoples."⁵⁴

In March 2003, a Victoria Island Comprehensive Report was completed. The following information is largely taken from this report. Historically Anishinàbeg peoples would gather in this area, notably marked by the Chaudiere Falls. These falls "took the shape of the bowl of a pipe, in this place of glare rock, and the rising vapours were a reflection of the fire and smoke of prayers rising to the Great Mystery on the wings of the wind."⁵⁵ It was a place consecrated with prayer as is evidenced in a painting dating back to 1613 where three separate Indigenous peoples are performing a prayer ceremony at the

⁵⁴ *Ibid.*

⁵⁵ *Thumbadoo, supra* note 12 at 129.

Chaudiere Falls. Mishomis Commanda believes it is time once again to ignite the ancient fires in this significant spiritual meeting place – this island of council fire.

During the late nineties, Mishomis Commanda sought out Fire-keeper Peter Decontie to assist him in approaching the Algonquin Anishinàbeg Tribal Council leaders with a vision for the island. His vision is to return the grounds to its spiritual purpose through the building of a healing centre. He quickly gained the support of five Algonquin communities. Furthermore, he also shared his vision at his international 2000 Millennium Peace Gathering, as well as his annual Circle of All Nations Gathering. Shortly thereafter in August of 2001, Mishomis Commanda, along with Romola and architect Douglas Cardinal, traveled to each of the nine Algonquin First Nations communities in Quebec and to Golden Lake, *Pikwakanogan*, in an effort to seek their input in the Victoria Island vision. Douglas Cardinal then came up with preliminary conceptual designs that embodied the spiritual vision for a place of healing at Victoria Island. The art embedded within this design helped generate growing interest in Mishomis' vision. Gaining greater interest and support, hundreds of Anishinàbeg, both young and old, have affirmed their support in writing. The Algonquin Anishinàbeg Nation Tribal Council⁵⁶ passed numerous resolutions endorsing the initiative since November of 2001. Furthermore, Mishomis Commanda is pleased that the voice of Anishinàbeg from both Ontario and Quebec have become unified in his vision of our ancestral meeting grounds.

In addition to discussing the vision amongst Anishinàbeg peoples, they also contacted various Aboriginal organizations engaged in healing initiatives in the

⁵⁶ The Algonquin Anishinàbeg Nation Tribal Council includes Abitibiwinni, Eagle Village, Kitcisakik, Kitigan Zibi, Lac Simon and Long Point.

Ottawa/Gatineau region, as well as with national Aboriginal political organizations. They further discussed the matter with several senior federal department representatives and ministers, including meeting with the Governor General and His Excellency on two occasions.

To date, they are greatly encouraged by the overwhelming support for the establishment of a Healing and Peace Building Centre as envisioned by Mishomis Commanda. In this process we see how art can reveal law, which together can greatly inspire people and be a great force in securing their support. This process can lead to greater organization to accomplish the vision, thus further illustrating law and art's inter-relationship.

The Central Two-Fold Vision

Mishomis Commanda, along with Elders and peoples from Anishinàbeg territory, have worked to develop a two-fold vision consistent with the sacred prophecies of our peoples to focus on:

1. Healing, strengthening and unification of Aboriginal peoples, and;
2. Sharing Indigenous ideology, values and culture with all others, in order to develop a circle of all nations and a culture of peace.

Thus in order to re-awaken Indigenous ideology, the core objective is to advance healing at three fundamental levels:

1. Healing, strengthening and unifying Indigenous peoples;
2. Healing individual and collective relationships with Mother Earth; and
3. Healing relationships with all others.

With the aim of achieving this objective, a two-pronged plan has been envisioned. The first is to create a Circle of Nations Spiritual Healing Centre. The purpose of the

Spiritual Healing Centre will be to heal, unify and strengthen Indigenous peoples through:

1. Reclaiming, developing and sharing programs designed to contribute to the healing of Aboriginal peoples in such fundamental areas of substance abuse, physical, mental and sexual abuse, suicide and self identity crises;
2. Promoting the reclamation, retention and revitalization of language, education, culture, traditions and ways of life;
3. Uniting and strengthening Aboriginal peoples in the spirit of the inherent Indigenous birthright of interconnectedness (*We Are All Related*);
4. Reclaim ways of living in balance with Mother Earth.

The Circle of Nations Spiritual Healing Centre will be a spiritual and ceremonial centre.

However, it will also house various programs and processes such as cultural revival through arts and crafts; a language centre; an Elders' Gathering Place; a Healing Centre/Meeting Centre; an Archives/Library/Historic Research;

Medicines/Garden/Greenhouse; Traditional Knowledge/Ideology; Youth Development Centre; Children's Development Centre; and, Research/Planning/Education.

The second part of the plan is to establish a Peace Building Centre for All Nations, which will contribute to the sharing of Indigenous values and ideology, especially with non-Indigenous peoples. The centre will be dedicated to: advocating on behalf of Mother Earth; offering cross-cultural training; promoting racial harmony; serving as resource for national and international peace-building; and, sharing aboriginal culture and traditions. These issues are the substance of Anishinàbeg laws. To facilitate the sharing of Indigenous peoples' values and ideology, it is proposed that the Peace Building Centre will encompass the following:

- Peace Building 'Think Tank'
- Cultural Sharing
- Racial Harmony
- Meeting Rooms
- Conference Centre

- Auditorium/Concert Hall
- Accommodations
- United Nations Meeting Space
- Restaurant/Gift Store
- Museum/Gallery
- Children's/Youth Museum

In order to focus “on programs and processes that can lead to earth, individual and group healing, development and peace,” the key priorities for each component of the overall plan are designed to enable “Indigenous ideology to retrench on the sacred land, strengthen and be shared with all, and take its rightful place in the governance and values of this land.”⁵⁷

On Mishomis' Vision

Mishomis Commanda is seeking to animate the Seven Fires Prophecy within a *Circle of All Nations*. One of the most pressing concerns is the creation of the Victoria Island Healing and Peace-Building Centre in the heart of the Nation's capital, Ottawa. He has a vision of interconnectedness for Indigenous peoples, as represented by his sacred spruce tree in the *Circle of All Nations* design. At birth his mother blessed him with recognition of his ‘innate gift,’ knowing he would become a guiding light, as *Ojigkwagong*, in a time of darkness for his peoples. Recognized as a sacred wampum belt carrier, he has taken his rightful place amongst our peoples in seeking to share our ancestor's messages. One way he has chosen to uphold his responsibilities to the wampum belts is through his creation of the *Circle of All Nations – A Culture of Peace*. Through this tremendous creative vision, he hopes to help light the Eighth Fire of peace and reconciliation both with each other and Mother Earth through the creation of a

⁵⁷ *Ibid.* at 132.

Healing and Peace-Building Centre. His vision seeks to put into practice his teachings of the Medicine Wheel depicted in the *Circle of all Nation's* logo design, enabling individuals to go through the four teachings of Vision, Community, Healing and Wisdom. As Indigenous peoples, we need to foster a Vision for who we are as peoples; each of us understanding our roles and responsibilities in upholding that vision. In Community, Mishomis Commanda seeks the Squirrel's medicine of determination in seeking the peace that must exist between us if we are to accomplish the personal growth and spiritual development in our journey of life. In Healing, he hopes to enable individuals and communities to have all four Spiritual, Emotional, Mental and Physical states of being come into balance. This integration of this Wisdom will spur the Thunderbird's medicine enabling us as individuals and communities to integrate the teachings of our grandfathers and grandmothers. In Wisdom, we will finally be as Mishomis Commanda hopes *A Circle of All Nations, A Culture of Peace*.

MY KABESHINAN OF INDIGENOUS PEOPLES

When I think about the vision Mishomis Commanda seeks to accomplish by creating *A Circle of All Nations*, fostering *A Culture of Peace* amongst all peoples, I must recount our Creation Story, to tell of a time when such a vision existed. I recount this story because in it one sees how the storyteller's role stands beside painters, wampum makers, architects and other artists in making our legal foundations known.

Our Creation

The Creator slept soundly in an endless time and space until he was awakened by a great vision. He envisioned the stars, the sun, the moon and our mother, the Earth. On

Mother Earth, he saw waters, which formed in streams, rivers, lakes and oceans. He saw plant life growing in fields and forests. He saw animals of all kind; some animals walked with four legs while others flew through the blue sky. There were some animals that crawled the earth and others that swam the waters. He felt winds from four directions and heard the cries of thunder beings as they brought the rain.

As he awoke to the silence, which had given him great peace, the Creator realized he had to create all that he had envisioned. And so, he created four spirit beings: Earth, Wind, Fire and Water. They would help bring Mother Earth and everything else into creation. He then gave her all the animals he had seen. After that, the Creator made four different peoples. It is said that from the dark earth in the west, he created black people. From the yellow birch trees of the east came the yellow people. Born from the foam of the ocean in the north came the white people. Lastly, the red earth from the south brought the creation of the red earth people. He then placed them atop of a giant turtle swimming in the ocean. The Creator placed my people the Anishinàbeg, “the real people,” here on Turtle Island and we have been here since its creation.

The Creator then sent Wisakedjak, a half man-half spirit being, to the Anishinàbeg to tell us of the Creation. With his teaching comes one of the fundamental principles of Anishinàbeg spiritual beliefs, that is the spirit of the Creator exists in all things, both living and non-living. All of his creations must therefore be respected equally. And so, following the first winter, the Anishinàbeg thanked the Creator, the four Spirits of Earth, Wind, Fire and Water, as well as the animals that had offered their bodies for food and clothing. During this change of season, it became apparent that all of the women were expecting their first child. Recalling what Wisakedjak had told them

about respecting all of creation, the Anishinàbeg held a council around the sacred fire to decide what should be done once all the children were born. They knew that they could no longer live in harmony with the land, as Wisakedjak had told them to, if they all chose to remain there. Together, they decided to break apart into smaller groups and head in many directions in hopes of maintaining nature's balance. A leader was chosen in each group to guide them into their new territories. A ceremony was then held to ask the Creator and the four Spirits for guidance on their journeys. Before they left however, the Anishinàbeg created a law, which enabled each family, no matter how far they traveled, to be welcomed within each other's territory.

I have had the opportunity to be welcomed into other Indigenous peoples' territories. Like the law created by the Anishinàbeg, I was warmly welcomed. Law helps structure our relationship to others, and I have been fortunate to experience this truth. When I came to British Columbia I was first welcomed by the Totem Poles, which stand as a testament to the existence of the Indigenous peoples on the West Coast. They are another form of Indigenous art that communicates Indigenous law.

Totem Poles Stand At Our Kabeshinan

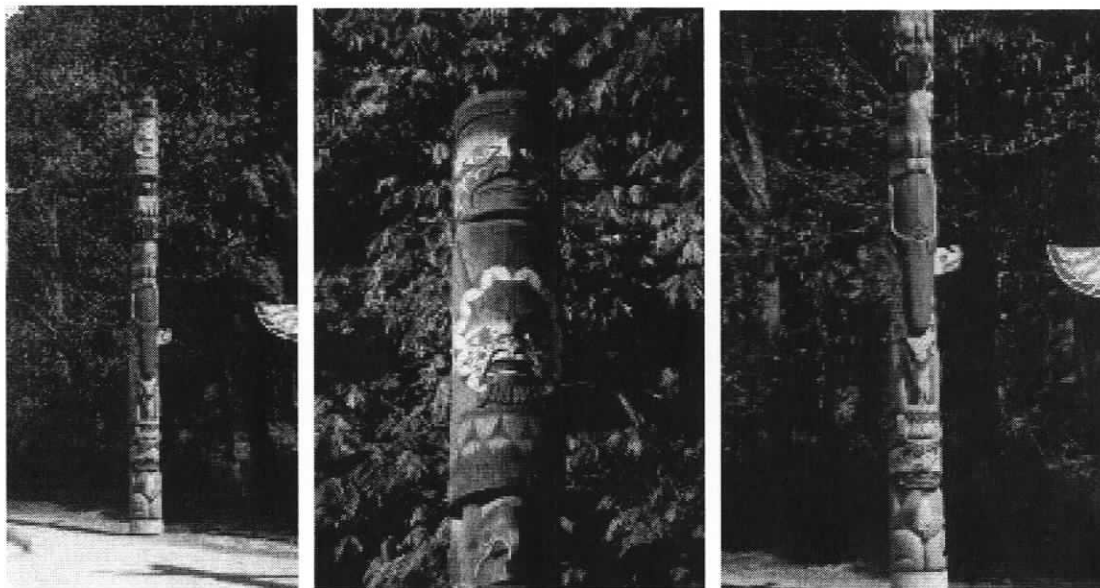


Illustration 6. Sky Chief Pole I

Illustration 7. Sky Chief Pole II

Illustration 8. Sky Chief Pole III

I remember leaving Ontario when I was 17 years old, without any family or friends, to touch down in an overcast and rainy Vancouver. I spent the summer of 1996, settling into my soon-to-be new home, “Beautiful British Columbia.” I immediately fell in love with Pacific Northwest Coast art as it greeted me at the airport upon arrival. Unlike home, it seemed like the presence of this land’s Indigenous peoples was everywhere to be seen.

I must admit that my connection to the West Coast’s Indigenous peoples first came through their art. At the beginning, I saw their art everywhere from gift shops to art galleries. Of course, I too visited Stanley Park’s Totem Park to see eight majestic totem poles on display. Each tells its own story, breathing life into it and the land on which it stands. I read the interpretive display panels carefully, wondering how exactly to

pronounce these artists' Nations: Kwakwaka'wakw, Nisga'a, Hesquiat, Ditidaht and Nuu-chah-nulth.

I was particularly taken by the Sky Chief Pole carved by artists Tim Paul and Art Thompson. At that time, I did not know who these artists were, but I was taken by Tim Paul's words. He stated:

Our art comes from spirituality. Even after the onslaught of another culture, our spirituality and our beliefs are alive. In this pole we wanted to acknowledge the arts and ceremonies of our grandparents' generation and show that the arts are here today, just as we are here – alive and intact.

Immediately it made me think of my own mother's artwork. My mother Janet Kaponicin was raised by her Algonquin grandmother Angeline Kaponicin from Kitigan Zibi, Quebec. Since 1984, she has used birch bark as her principle medium, alongside acrylic, in her paintings. She chose to use birch bark, commonly used by our peoples, to honour the stories, the traditions and the legends her grandmothers have left her. My mother's art, like the Sky Chief Pole carved by Tim Paul and Art Thompson, speaks to the spirituality that connects our generations from one to the next. Their art, as Paul suggests, stands as a testament not just to the living and thriving of our belief systems, but of our own peoples as well.

The sign further stated that this pole was carved in 1988 to represent important characters in Nuu-chah-nulth history. It depicted Sky Chief holding moon, kingfisher, Thunderbird, whale, lightning-snake, wolf and at the bottom of the totem pole stood the man of knowledge. I then wondered about the prominence of such beings in Nuu-chah-nulth culture and whether the eminence of their Thunderbird or the notability of the wolf would be akin to our beliefs and totems.

It reminded me of Bill Reid's statement about these "forests of sculptured columns" in his book *Out of the Silence*. He states:

Like heraldic crests, these poles told of mythological beginnings of the great families, at a time before time, when animals and mythic beasts and men lived as equals, and all that was to be was established by the play of raven and eagle, bear and wolf, frog and beaver, thunderbird and whale.⁵⁸

We have many stories of that time too, but they are told in a different way. Like the stories my mom seeks to tell in her art, these totem poles, in the words of Bill Reid, tell "the people of the completeness of their culture, the continuing lineages of the great families, their closeness to the magic world of myth and legend."⁵⁹ From that moment, I endeavored to explore my interconnectedness with the Indigenous peoples of this land, always paying close attention to the stories and beliefs hidden deep within their art. Unbeknownst to me, nearly a decade later, I would be learning of their meaning through the eyes of a Nuu-chah-nulth carver as I prepare to marry into the Nuu-chah-nulth First Nation. But that is a story that will be told in time.

Art Tsaqwuasupp Thompson



Illustration 9. "New Beginnings" by Art Tsaqwuasupp Thompson

⁵⁸ B. Reid, *Out of Silence* (Toronto: New Press, 1971) at 86.

⁵⁹ *Ibid.* at 18.

Years later I came across Art Thompson's artwork again when he donated an art piece entitled "New Beginnings" to the Indigenous Governance program at the University of Victoria. It came at a time when my 'new beginnings' with the Indigenous peoples of Vancouver Island began. Sadly, I learned more about him upon his passing in an article by Taiaiake Alfred entitled, *My Grandmother, She Raised Me Up Again*.⁶⁰ This timely interview took place shortly before his death in March, 2003. Taiaiake refers to him by his name Tsaqwuasupp as he reflects upon his journey in life. I have left Tsaqwuasupp's words largely untouched, so you may hear his words the next time you see his art.

The article begins with Taiaiake posing the question, "What connection did you have, before, to being Nuu-chah-nulth, or Ditidaht?" He reflects back on his earlier life in residential school and acknowledges that he did not have any connection, stating:

When I first started at the residential school, I had two languages – my father's, *Ditidaht*, and my mother's, Coast Salish, *Cowichan*. I didn't fit into white society because I spoke these two languages. And then I was rejected at home because the languages were beaten out of me in the residential school. Those people beat our culture and language out of us. I went home a tortured boy; a fractured, fragmented kid displaced from my people. I was displaced from society.⁶¹

As this 'displaced' person, he left home at the age of 13 and became a logger for the next nine years. By the time he was 22 years old, he had become addicted to alcohol and drugs. He ended up being homeless, living on the streets of Vancouver for the next seven years. When asked whether it was a result of what occurred in residential school,

⁶⁰ Taiaiake Alfred, *My Grandmother, She Raised Me Up Again – A tribute, to the memory of Art Tsaqwuasupp Thompson*, *Celanen: A Journal of Indigenous Governance*, February/2004, Vol. 1, No. 1. The first issue of CELANEN (pronounced CHEL-LANG-GEN), a Saanich word for "our birthright, our ancestry, sovereignty," is dedicated to Art Tsaqwuasupp Thompson (Ditidaht). He donated his artwork entitled "New Beginnings" for use by the Indigenous Governance Program. Taiaiake also featured the interview in his recent book. See Alfred, *Wasase*, *supra* note 15.

⁶¹ *Ibid.* at 166.

Tsaqwuasupp replied, “It was a lot of things.”⁶² He then proceeded to speak about the rejection he faced at home, saying:

During potlatch, when it come time to recognize the family, the ones who went to residential school were treated almost like, “This is the stupid side of my family, and I don’t want them to be seen right now, so we’ll just talk about them and then get on with our business.” We heard the songs, we saw the dances, and we saw all the beautiful ceremonial things moving around; but we didn’t fit in. We didn’t fit in with our own people, and we didn’t fit in the outside society. We were rejected by both sides. That rejection goes a long way to explaining my being an alcoholic, and then being dependent on drugs on the streets of Vancouver.⁶³

Despite his parents trying to intervene and get him off the streets, it was his 83-year-old grandmother who succeeded in helping him. Institutionalized in a hospital to help overcome his \$300 a day alcohol and heroine addiction, Tsaqwuasupp’s grandmother went to visit him and told him:

“You have to become somebody else,” she said. And she looked into my eyes and told me, “You’re a better person than that.” She said that I needed to. I guess if you translate it into English, it would be, “You need to put on another face. You need to put on another set of warrior clothes. You need to have those things with you.”⁶⁴

She then reminded him of the story of her father, Tsaqwuasupp’s great-grandfather, who used to rub his hands and talk to him as a baby. He told Tsaqwuasupp how *atsic* he would be – good with his hands.⁶⁵ This story not only made him feel loved, but he realized “there was something else to life other than what I was doing to myself.”⁶⁶

⁶² *Ibid.* at 167.

⁶³ *Ibid.*.

⁶⁴ *Ibid.*

⁶⁵ *Ibid.*

⁶⁶ *Ibid.* at 168.

When Tsaqwuasupp was ready to leave the hospital, his grandmother traveled all night by bus from Nitinat Lake to pick him up. Instead of returning home, the first thing she did was take him to where her parents used to bath on Vancouver Island, near a waterfall in Goldstream Park, just outside of Victoria. It is where “our people used to go up there to do what we call, *oosums*, traditional bathing.”⁶⁷ In the month of October and in the cold, she bathed him. Singing special songs, his grandmother told Tsaqwuasupp, “We’re going to make you a better man...You shouldn’t be killing yourself; you need to be a better person. I know you are, because I’ve already seen. I asked about you, and I was told about the things that you’re going through, so I need to work with you.”⁶⁸ And so, his grandmother began to do what they call, *ahapta*, which is talking all the time about “how my great-grandfather was a whaler, where he used to *oosums*, the songs that he used to dance.”⁶⁹ As Taiaiake put it to him, “She was giving you back your memory.”⁷⁰

During days of *ahapta*, talking about who they are, Tsaqwuasupp’s grandmother would ask him, “What’s your destiny?” She then told him:

“My daddy gave you your destiny years ago by rubbing your hands and singing songs to you when you were a little baby. He placed medicine in your hands and them together. *Atsic* means good with your hands, anything you touch. My daddy gave that to you. What are you going to do with that?”⁷¹

⁶⁷ *Ibid.*

⁶⁸ *Ibid.* at 169.

⁶⁹ *Ibid.*

⁷⁰ *Ibid.*

⁷¹ *Ibid.*

Tsaqwuasupp acknowledged the empowering effects of the *ahapta* and their continued practice of *oosums* in traditional places each day by likening it to “a real physical thing,” and saying, “I could feel something coming back.”⁷²

Shortly thereafter, they began going to all the ceremonies occurring in the area. He noticed the respect his grandparents from both sides commanded when they would go to potlatches, stating:

I’d notice how people would respect them. I saw all the dignity that they’d pack around. They would walk into that place with their faces up, not looking at the ground like a lot of us were. I saw people come over and shake their hands and welcome them to that place. It was a very respectful thing.⁷³

Recognizing that “we have blood running through my body that tells me I’m a bigger person than they said I was in residential school,” he decided to return to school for upgrading. He then chose to attend art school. His grandmother instructed him:

...that being an artist is being the best warrior that you could ever be. She said, “If you don’t want to do anything else with your hands, do your arts, because that’s what is going to tell people that we haven’t died, and prove that they’re not going to be able to kill us.” She said, “As long as you’re alive and doing your arts, people will know that we’re not going away.”⁷⁴

Taiaiake responded by saying, “Holding onto culture is an act of resistance.”⁷⁵

Tsaqwuasupp began nurturing his artistic talent. He would go to the museum and view the various pieces of art and reconstruct them at a later time. As a result, at potlatch time, he would be asked to make a head dress that had been appropriated by a museum. He quickly realized the empowering effects of his art on his people, stating:

⁷² *Ibid.*.

⁷³ *Ibid.* at 168.

⁷⁴ *Ibid.* at 170.

⁷⁵ *Ibid.*

It's really unbelievable how, as an artist, you can contribute back to the people and give them strength. You can see the pride that they get from getting something back that belonged to their fathers. In the songs that they used those things for it, it seemed they danced better. One of their old treasures had come back, and the women danced with smiles on their faces.⁷⁶

However he also acknowledged that as a community member, he had not been forgiven like the way his grandparents forgave him for who he was once. In fact, Tsaqwuasupp said when he returned home, people would say, "Oh, that fucking high and mighty Art Thompson is back here again."⁷⁷ He would then reply:

"No, it's Art Thompson, Tsaqwuasupp. I'm Tsaqwuasupp, so I'm just like one of you people. The only thing that I've done is created good things with my hands. And it was all for the name of Ditidaht. It was all for the name of my family, and for my mother's family: my father, my grandmother, all of you that are supposed to be related to me. Every time I sign a piece of artwork, I don't just sign it Art Thompson, I sign it: *Art Thompson, Tsaqwuasupp, Ditidaht*. That's all of us. And when I come home, you browbeat me! What I've done as an artist is hold you up. Yet when I come home, you beat me down again."⁷⁸

Tsaqwuasupp understood that his people could not see "the good" that he has done:

"They can't see the recognition that I've given them as the Ditidaht Nation."⁷⁹ He tells the people back home:

"What I do as an artist is hold you up, and it's up to you to come back and say that you're going to stay up there and that you're not going to be beaten down anymore."⁸⁰

However, he acknowledged that at the age of 50, he finally heard from "his brothers" that, "You know, what you've done for the past 38 years is pretty good, because you've

⁷⁶ *Ibid.* at 171.

⁷⁷ *Ibid.* at 172.

⁷⁸ *Ibid.*.

⁷⁹ *Ibid.* at 173.

⁸⁰ *Ibid.*

held us up, you've always used your name, you've always used Ditidaht."⁸¹ He believes this failure of recognition is sad because it shows the weakness that still exists amongst his people.⁸²

Taiaiake then questioned Tsaqwuasupp on what it means to be *Onkwehonwe*, an Indigenous person. He replied by asserting:

I think being Indigenous is within oneself. You have to have self-identity. You have to be reassured as a Native person in order to expand as a person and give back to the culture. If somebody has pride and projects that pride, it makes people stand up a whole lot better. I'm at a point in my life where I know who I am, and I'm able to give lots back – it may seem really big to other people, what I give back, but in actuality it's not even a thimble full of stuff.⁸³

That year, Tsaqwuasupp gave back to two potlatches. Despite earning thousands of dollars for his work on the art market, when he returns home he asks for 20 halibut and some dried fish or says, "Gimme two five gallon pails of herring eggs."⁸⁴ He admits that it makes him feel like a king because "We're like kings, we're eating salmon all the time."⁸⁵ He then recalls one of his teachings, stating:

When there was an *atsic* person who could create anything, his goods would be distributed amongst the village first to make them feel big about themselves, to make them stand up in a potlatch and dance, to make these women smile with sparkling jewellery, to give them a sense of self-pride.⁸⁶

Taiaiake, commenting on Tsaqwuasupp immediate discussion of his connection to community, stated:

⁸¹ *Ibid.*

⁸² *Ibid.*

⁸³ *Ibid.* at 174.

⁸⁴ *Ibid.*

⁸⁵ *Ibid.*

⁸⁶ *Ibid.*

There's creativity, flexibility, and freedom in what you're saying about being Onkwehonwe, but there's also the necessity to have a connection with the past, with the culture, and with the community as well.⁸⁷

Tsaqwuasupp's art is one way he maintains his connection to the past, but believes we all interact with history in various ways, such as:

We speak the language, we go to potlatches, we sing songs. That's all touching our grandfathers. That's like breathing the same air as all of your ancestors, and all of your descendents, and all of the people you are related to.⁸⁸

For Tsaqwuasupp, he believes that "we give pride back to our people when we do these things, when we insist on honour and respect."⁸⁹ He concludes by stating, "It's being a different kind of warrior. You stand up for old values, forgotten values."⁹⁰

Tsaqwuasupp – Teachings By An *Atsic* Person

I read *My Grandmother, She Raised Me Up Again* several years ago when the first issue of the Indigenous Governance journal CELANEN was dedicated to Art Tsaqwuasupp Thompson. I remember his words made me cry. I have never forgotten them. In Taiaiake's tribute, he refers to Tsaqwuasupp as "the spirit of regeneration."⁹¹ Tsaqwuasupp's journey in life, according to Taiaiake, stands as a testament to the enduring connection between our communities, our traditional culture and ourselves:

On an individual basis, as the self-told story Tsaqwuasupp's return to his true being illustrates, strong family support, traditional teachings and culture, and caring mentorship is the indigenous method of re-rooting a person so that they can

⁸⁷ *Ibid.*

⁸⁸ *Ibid.*

⁸⁹ *Ibid.* at 175.

⁹⁰ *Ibid.*

⁹¹ *Ibid.*

stand up again, rededicated to understanding the sources of our pain and of our personal strengths as a way of being authentically indigenous.⁹²

In Tsaqwuasupp, I see the story of so many of our peoples as they struggle to journey through the teachings of the Medicine Wheel Mishomis Commanda seeks to uphold. His journey in becoming an *atsic* person is akin to the journey of Anishinàbeg peoples through the Seven Fires.

As a child in the time of the First Fire, he was grounded within two cultures, speaking his father's language of Ditidaht and his mother's Coast Salish, Cowichan language. The traditions of his people were strong within him. In fact, his grandmother reminded him that, "When you first started talking, you talked to me in Salish and you talked to me in Ditidaht. It's like you were two different people."⁹³ But like Tsaqwuasupp said, those 'two different people' his grandmother once knew, were "beaten out of me in residential school."⁹⁴ They were beaten out of him to the point that, even when Taiaiake asked "what connection did you have, before, to being Nuuchahnulth, or Ditidaht?," Tsaqwuasupp replied he did not have any connection to being Ditidaht when he was young, as if those 'two people' never even existed. Like in the Second Fire when the Sacred Shell is lost, the teachings of his peoples were weak. In truth, he described himself as "a tortured boy; a fractured, fragmented kid displaced from my people."⁹⁵ The rejection he faced at home, and his inability to "fit into white society" for speaking both languages, ultimately led him to leave home at a young age, feeling

⁹² *Ibid.*

⁹³ *Ibid.*

⁹⁴ *Ibid.*

⁹⁵ *Ibid.*

“displaced from society.”⁹⁶ Consequently the path he chose of self-destruction, through alcohol and drug abuse, is the path many of our peoples have walked in light of the Fourth, Fifth and Sixth Fires of colonization. He continued down this path until his grandmother, like the boy sent to the Anishinàbeg peoples to point the way back to the traditional ways, ‘raised him up again.’ At this point in his life, during the time of the Seventh Fire, he allowed his grandmother to guide him on his journey ‘to find what was left by the trail.’ She told him ‘to put on another face...another set of warrior clothes’ other than the person he thought himself to be. He finally accepted the truth, stating:

...we have blood running through my body that tells me I’m a bigger person than they said I was in residential school. I was led to believe I was a nobody. But I am a somebody.⁹⁷

It was his great-grandfather who saw who he truly was as a child and put medicine in his hands to become an *atsic* person. His grandmother through their practice of *oosums* and *ahapta* worked to strengthen this ‘innate gift’ later on in life. As he began to reconnect with the teachings and ceremonies of his people, his gift as an artist became realized. Through his art, he was able to give back strength to his people. He acknowledged giving his people back their pride when he would recreate a headdress lost to a museum. It was giving them “something back that belonged to their fathers.”⁹⁸ He linked his art to ceremony. Believing that “one of the old treasures had come back,” Tsaqwuasupp could see that his people danced better during the songs where his art was used. It was later on in his life that his *atsic* gift was acknowledged, affirmed and confirmed by his

⁹⁶ *Ibid.*

⁹⁷ *Ibid.* at 170.

⁹⁸ *Ibid.* at 171.

community. His ‘brothers’ finally recognized who he was as “Art Thompson, Tsaqwuasupp, Ditidaht,” acknowledging that all he has done as an artist is “held us up” by using his name and nation. At the end of his life, I believe he fulfilled his life’s purpose as an *atsic* person by achieving his potential and taking his rightful place in his community.

I believe like the New People in the Seventh Fire, who remain strong in their quest for the Water Drum of the Midewiwin Lodge to sound again, Tsaqwuasupp during his lifetime sought to strengthen his people, allowing for the rebirth of the Ditidaht and a rekindling of the old flames of the First and Second Fires. In the end, Tsaqwuasupp spoke of his work, stating:

Working as Art Thompson of the Ditidaht band of the Nuu-Chah-Nulth Nation, my art is not my own but belongs to the people. It goes back into the community, wrapping everyone in the same blanket.⁹⁹

Tsaqwuasupp’s art and his experience of reconnection to its many forms demonstrate the depth of inspiration that Indigenous images provide in the reconstruction of relationships. Law can be drawn from art to enable people to reorder their priorities and behavior. His grandmother’s ‘rescue’ and the songs he was sung illustrate how ceremonies, words and melody helped him to organize his life differently and take on a new identity. Great growth occurs when Indigenous peoples participate in their own culture, sing their songs, study their visual images and provide a way for others to appreciate and learn from them.

Art can help Indigenous people practice their ways of life in a manner that is more fully attentive to their “innate gifts.” Through it they can engage with their heart, minds, souls, families and communities. Because the power for interpreting art is often left in

⁹⁹ *Ibid.*

the individual observer they can exercise choice and judgment in deciding what they will take away from their experience. There is no force or compulsion in this legal practice. However, when a person makes a judgment and takes action based on Indigenous art they have a responsibility to ensure that their interpretations are informed by the cultural foundations surrounding the artist expression. Art can bestow its greatest meaning on those schooled in its communal context. The making and viewing of Indigenous art is not a trifling thing for those who want to more deeply engage with its creative forces.

Maori Connection – Validating Maori Knowledge

I have seen the connection between art and law among other Indigenous peoples in the world. Along with my experiences on the West Coast of North America, I have added an appreciation of an Indigenous peoples' art from across the Pacific: the Maori of Aotearoa. This has added to my feeling of respect for the underlying order of Indigenous legal values. Through art Maori peoples have reasserted their aspirations and cultural practices. For me, this demonstrates a will by Maori people to validate and legitimate their sources of knowledge. I see Maori Tikanga alive and well in their visual images, songs, dances, and in the art of taa moko, tattooing.

In particular, when I traveled down to Aotearoa, I was struck by their practice of the art of tattooing. Of course, I had seen the popular images of Maori men with their faces tattooed in blue-black ink. Up until my visit though, I had not realized the true significance of this ancient art of taa moko. Every taa moko contains ancestral and/or tribal messages pertaining to the wearer. They can depict the person's iwi, hapu and whanau, as well as their placing within their social structures. In addition to their ranking within their whakapapa, knowledge or expertise and their participation within each social

level can be also depicted. These are all legal relationships and are found within their tattooing practices. For example, some taa moko speak to a person's birthright and status based upon purity of bloodlines whereas others are about accreditation through the quality of participation.

During my visit, I learned about the value Maori placed on any form of higher learning or understanding because knowledge was a godly-given gift. In fact, this teaching was not shared with me until the end of my visit when I met with my taa moko artist, Tim Worrall. Nearing the end of my visit, I had expressed to my Maori whanau that I was interested in getting a taa moko. They suggested I contact a good friend of theirs, Tim Worrall. As a matter of fact, several Maori people I met and spoke to about it highly recommended him. Through them I was invited to experience a small part of their law through this art form and my meeting with Tim.

Tim Worrall is Ngai Tuhoe. He had recently worked closely with director Niki Caro on the film, *Whale Rider*. Having felt a particular strong connection to the film, I was keen on meeting Tim. Sure enough, we spoke on the phone to arrange a meeting and instantly I knew I had made the right choice. Like my father, his soft-spokenness and earnest interest put me at ease immediately. He wanted to arrange a meeting to more fully understand not only who I was, but also my interest in receiving a taa moko.

We met on a beautiful Sunday afternoon at a local coffee shop. Over the course of two hours, I introduced myself and my connection to Keith and Miriana Ikin, my Maori host family. We spoke about my work with them and my overall trip. I shared with him some of the connections I had learned about between Maori and First Nations

peoples in Canada. He then asked me, "Why do you want to get a taa moko?" I had been thinking about the answer to this question for quite sometime.

If truth be told, I had seriously contemplated a taa moko ever since I had seen a beautiful young Maori woman with a taa moko on her forearm at a Marae in Rotorua. I remember watching this woman care for her young son over the course of our daylong visit there. She was just so beautiful. I respected the way she mothered her child, took part in the Marae's festivities and was so warm and welcoming to our group of Indigenous peoples visiting from overseas. She emitted a sense of strength and pride that I truly admired. I felt that her taa moko really conveyed her sense of self as a Maori woman.

From then on, I began asking Maori people, particularly women, about their taa moko and their significance. It became a way of learning about the different hapu and iwi. A couple I met spoke about receiving their taa moko upon their marriage to each other as a symbol of their commitment to one another and to who they are. It also gave me a chance to learn about the design and symbolism of not only taa moko, but other Maori art forms as well. For instance, many taa moko artists are carvers as well. Having lived on the west coast of British Columbia, I was interested to learn about the connection between taa moko and whakairo, carving. After taa moko was outlawed, these traditional legal forms were translated into woodcarvings.¹⁰⁰ In fact, for taa moko artist Gordon Hatfield, this transition to wood has shaped modern taa moko by making the art more

¹⁰⁰ See Skin Stories: The Art and Culture of Polynesian tattoo, online: Public Broadcast System website <pbs.org website <<http://www.pbs.org/skinstories/artists/newzealand.html>.

humanistic, enabling carvers to represent the stories and traditions of his people in wood, bone, stone and other various mediums.¹⁰¹ Maori artist Roi Toia has said,

We are linked to our ancestors by blood and by spirit, by living histories and by ancient art forms. It is these elements that ensure that I hold the mantle of whakairo (the ancient art of woodcarving) in both hands with the respect and care that it commands. This way, I might hold onto the past knowledge and wisdom in one hand and I might explore new horizons with the other.¹⁰²

In the end, I better understood the respect that many Maori people hold for their taa moko and their taa moko artists too.

As a result, I told Tim about what I had learned and come to appreciate about the art of taa moko. I expressed the connection I felt with Maori people. I told him of my life goal of trying to unite Indigenous peoples from around the world, so that we may begin to learn from one another. One of the greatest teachings I had learned was the sense of pride Maori people had about simply being Maori. I had never witnessed such pride about being “Indigenous” by any other Indigenous peoples I had visited in my lifetime. It was so prevalent amongst both young and old. I wanted to remind myself of that teaching. Like other Maori, I wanted a taa moko to reflect and acknowledge Maori pride and tradition. I also wanted it to reflect my pride and tradition as Anishinàbe-kwe. I felt like I was coming to better know my culture and traditions as I spent this time learning about the Maori of Aotearoa.

In my learning I discovered that the placement of a taa moko is just as important as the taa moko itself. It is a fundamental element of the Kaupapa, the theme or storytelling, like that which occurs in marae or waka building. For example, the

¹⁰¹ *Ibid.*

¹⁰² N. Reading & D. Nicholas, *Manawa Pacific Heartbeat: A Celebration of Contemporary Maori and Northwest Coast Art* (Vancouver, British Columbia: Spirit Wrestler Gallery, 2006) at 27. [Manawa]

placement of a woman's chin taa moko, which sits upon the lower part of the mouth, signified that she was of age to marry or bear children and now commanded certain speaking rights in her whanau and hapu. Thus when considering placement, I suggested on my forearm, as I had seen other Maori women's taa moko placement.

I learned that taa moko on the arms, known as "tuhonohono" and "tatahau," generally contained messages relative to occupational activity. Tatahau are said to have common ties with the puhoro pattern which is present in the full leg and buttocks taa moko, commonly known as "puhoro" and/or "taurapa." Puhoro, which means 'quick, fast to move or abundant speed,' is also the name of the scroll pattern adorning the rafters of a house and the bow of a waka, canoe. Furthermore, the design comes from the pattern that both the paddles leave in the water, as well as the wake pattern left by the waka as it travels.¹⁰³ Thus a tatahau also has a relationship with the waka's history and activities. Like Mishomis' teaching about the birch bark canoe's expression of the journey of life for our peoples, the tatauhau also speaks to this journey. I saw the relationship of the two laws (Anishinàbeg and Maori) in this image.

Because taa moko is a taonga (treasure) to Maori and the purpose and application sacred, Tim wanted to be sure that it would be right and the design would be fitting. He thus agreed to come up with an appropriate design. With only a few days before my departure, I met up with him to have my taa moko done. After our meeting, he envisioned a rata vine design that would wrap along my forearm, from my wrist to my elbow.

¹⁰³ See Tamoko, online: Tamoko website <<http://www.tamoko.org.nz/articles/origins.html>>

When he first showed me the design, he told me of the story of how knowledge was gained. It is a highly developed story, which I do not fully know. However, as I have heard it, Tane-nui-a-rangi, one of the children of the first parents – the sky father and earth mother – journeyed to the twelfth ‘universe’ to gain knowledge.¹⁰⁴ According to Tim, Tane-nui-a-rangi, seeking knowledge on behalf of everyone else, climbed up a rata vine and with the knowledge he gained, differentiated it into three separate baskets, containing different types of knowledge.¹⁰⁵ According to Smith, knowledge was perceived as being highly specialized, but each aspect was essential to the collective well being. It was also perceived as being hierarchical. The knowledge that all people needed to carry out activities was acquired through observation, practice and the guidance of kerugmata, elders.¹⁰⁶ Traditional society saw this attainment as warranting recognition by way of taa moko markings. Thus the pursuit of knowledge became a focal activity for many people of those times and it was by virtue of skills and levels of knowledge attained that markings were placed within a taa moko.

For Tim, he wanted the taa moko to be an acknowledgement, of not only my years of study, but also my journey to unite Indigenous peoples. He told me that a rata vine will grow around and up other trees until it reaches the top of the canopy. Over time, it will grow so strong that eventually it will become its own tree. He sees

¹⁰⁴ See L.T. Smith, *Decolonizing Methodologies: Research and Indigenous Peoples* (New York: Zed Books Ltd., 1999) at 181. An English account of one version of this story can be found in Buck P. (1949), *The Coming of the Maori*, Maori Purposes Fund Board, Whitcombe and Tombs Ltd., Wellington, 443-472. Buck identifies the ‘baskets of knowledge’ as *kete uruuru matua* (peace and goodness), *kete uruuru rangi* (prayers and incantations) and *kete uruuru tau* or *tawhite* (war, agriculture, woodwork). Another account is to be found in the manuscript by Te Matorohanga which was translated by Percy Smith as Smith, P. (1913), *The Lore of the Whare Wananga*, Polynesian Society, Thomas Avery, New Plymouth, New Zealand.

¹⁰⁵ There are versions of the story which do not include Tane-nui-a-rangi using a rata vine.

¹⁰⁶ Smith, *supra* note 103 at 172.

Indigenous peoples like rata vines. We are finally coming together, gaining strength from one another and uniting as a people.

After he told me this, I could feel the tears well up in my eyes. I said when I introduced myself I failed to tell you the significance of my name. “Kina” is Algonkin for ‘tall and narrow.’ My great-grandmother would always say “...and grows straight up towards the blue sky like a birch tree.” I told him, “Your rata vine is like our birch tree.” The rata vine is said to be able to grow up to the heavens and the word for blue and/or green in our language can also mean the heavens. Unbeknownst to him, Tim came up with a taa moko design which reflected my identity as an Anishinàbe but in a Maori way. Before we began, he said a prayer and blessed the occasion.

Today I wear my taa moko with pride. For me, it depicts the journey I made to Aotearoa to learn of my connection to our Maori whanau. It illustrates many of the points of view I have tried to communicate in this thesis. It speaks to the knowledge I gained on behalf of all my peoples about Maori traditions, rituals, ceremonies and customs – Maori tikanga. This single crimson-coloured rata vine reminds me that I am, as an individual, part of a more powerful, more supportive and more unified society. Through these taa moko lines, creating various koru designs, I have come to learn of the birth, regret and regeneration that our peoples need. This is an analogy of what the koru symbol can represent. This taa moko design and its symbolism readily speak to my admiration and appreciation for Maori art. For like the artwork of my peoples, I find strength in the words of Maori artist Darcy Nicholas when he says, “Today we are still a vibrant and living culture, and it is important that we seek to reach our potential rather

than relive our pain. We tell our stories through our art because that is our freedom.”¹⁰⁷ I believe my taa moko is an expression of such freedom for its representation of my Anishinàbe identity shows the dynamic form Maori art can develop and adapt in both traditional and modern Maori society, especially as Indigenous peoples begin to seek commonality within our unity. I also believe we tell our stories through our law because that too, is our freedom. Anishinàbeg law also shows the dynamic form Maori law can develop and adapt in society. It too demonstrates connections and commonalities which can develop between our peoples. Nicholas has also spoken about our connection stating:

We are physically connected to our Canadian and American First Nations people by the sea and more recently by modern technology. Spiritually, we share the vision of our ancestors, and we still hear their voices over the earth and sky, right across the valleys and down to the sea. We are learning more about each other through our growing relationship. The power of art and the creative spirit helps us to transcend time and cultures and accept each other as part of an extended family. Now that we know about each other, we can never feel alone: our First Nations relatives are always welcome on our land. It is the future we share together that is exciting.¹⁰⁸

Maori Teachings

I have traveled a far distance to be taught something I learned at home. I completed my last term of law school, not here in *sxoxiyem*¹⁰⁹ by the people of the still water, but in Aotearoa with the Maori people of the North Island. Another connection was reinforced.

When I was a young girl, a Maori kapa haka performance group came to the Montreal pow wow where I was dancing. I remember sitting down in my fancy shawl

¹⁰⁷ *Manawa*, *supra* note 102 at 8.

¹⁰⁸ *Ibid.* at 8.

¹⁰⁹ *Sxoxiyem* is a sencothen word which translates to “People of the Still Water” or “The Still Water is all Around Us.” This term can be used to identify the Saanich peoples, as well as their territory.

regalia in front of ten Maori men performing the haka. In awe, I watched as the men pounded their chests and stomped the ground with such force that I could feel it move below me. I sat and listened to sounds I had never heard before as they echoed throughout the rest of the dancehall. After their performance, several men from the audience were brought up and taught how to haka. At this point the intensity of the performance gave way to laughter and cheer as a few traditional male dancers attempted to learn all the various haka moves. Their eagle feather bustles shifted strangely to the new sound of the bells shaking on their regalia. I still remember this traditional dancer wearing black and white face paint learning how to fiercely bulge his eyes and stick out his tongue, imitating his fellow Maori teacher's wild expression. After their courageous attempt at performing the haka, several of the Maori men agreed to learn how to traditional dance. As the roles reversed, the audience enthusiastically encouraged the Maori men as they began to imitate their new teachers and dance to the sounds of our drum. Everyone eventually got up, joining our new traditional dancers, as the emcee called for a true "intertribal" song, a song when all nations can dance. Just as we have intertribal songs, the day is coming when Indigenous peoples will be able to more fully identify intertribal laws. This thesis has been my attempt to point us in that direction. There are connections between us, just as I witnessed in this pow-wow. That day I learned of our connection to Maori people. I was told that as Indigenous peoples, we were the same, but just from different lands. From then on, I knew I would further explore that relationship I first experienced that day.

That opportunity manifested during my final law school semester when I arranged for an intensive clinical externship with Kawau Ltd., a Maori consultancy who specialize

in Maori small business development, tertiary (post-secondary) education and training, as well as Indigenous planning and advancement. Initially I had wanted to do a placement within a Maori legal practice and had spent a few months contacting law firms dealing with treaty settlements and Maori land law. Although in the end, Miriana Ikin, a former practicing lawyer, sent me an email offering not only a work placement within her and her husband's Maori consulting business, but in true Maori hospitality a place to stay within their home. They did however caution that the offer came at my own risk because I would be bombarded by the restless energy of four children under the age of six years old. Enticed by their challenge, I set out for a two-month placement with Keith and Miriana, their four children, and the whole Kawau Ltd. whanau (family).

Although based in Auckland, the weekend I arrived we traveled to Hamilton to meet funders visiting from the United States. I was told they would be here to learn about local Maori language programs and projects underway. As I walked into the meeting room, I was strangely surprised to find myself surrounded by a group of nearly forty Indigenous peoples. The Maori organizers had requested each person share who they were, what they did and one of the most important teachings they carried with them. Over the course of the next few hours, we learned of the group's true diversity. There were Indigenous peoples who had traveled from different nations spanning nearly all territories in the United States, including Hawaii. Although I was considered to be the most northerner, several other Anishinàbeg people were present as well. The organizers were also representative of various Maori iwi (tribe) and hapu (sub-tribes) throughout Aotearoa, in addition to a few Pacific Islanders.

Initially, you could both see and hear the differences between us all. Just because we have our similarities does not mean we are all the same. Some of us were wearing traditional dress like ribbon shirts while others wore clothing which easily identified where they were from. I was also able to recognize a Zuni woman from the style of turquoise jewellery she adorned. Others still could be identified through their hairstyles. A woman wore her hair in two distinctively-Dine styled braids. As each person stood up and spoke, again the differences became more apparent. Some first introduced themselves in their native language, following cultural protocol. Of course, you could also hear different accents, highlighting the intonation and pronunciation of different phrases and expressions. Outnumbering our Maori friends, we laughed at some misunderstandings which already had occurred over a few New Zealander expressions. For instance, we were told that we would be having "tea" in the next room. After a long day's travel and full day's meeting, I think several people were happy to learn that "tea" was actually dinner. That one initially had stumped me too.

Then again, we also learned of a language connection between the Maori and Hawaiians. As one of the Hawaiian representatives stood up and introduced himself in his language, we realized that Maori speakers for the most part could understand him. He must have said something funny because shortly thereafter all the Maori and Hawaiians in the room were laughing, leaving the rest of us out of the loop. In fact, throughout the week, each side seemed to be amused by each other's curious use of language. At one point, the Hawaiians performed a song which all the Maori people found to be quite entertaining. In an uproar of laughter, I quickly found out that the song they were singing is a song quite differently sand and performed by our Maori hosts.

Over the course of the introductions that day, it became more apparent that although we were Indigenous to many different territories, many of us shared the same teachings. Our differences do not necessarily cut us off from some of our common beliefs. Each of us reflected on a teaching that we had brought from home. Some were lighthearted and comical, allowing us to realize that our distinctive sense of humour seemed to be a common trait we shared amongst Indigenous peoples. Wholehearted laughs abounded, making us feel right at home with one another. Just as laughter brought us closer, so did our sorrow. Tears were shed as stories were shared about difficult lessons we had learned. Some of the elders spoke of teachings they had received from their ancestors, given to them in stories and legends. It seems that each passing story connected us to both the person and place – no matter how distant we were from it at that point in time. Although these Indigenous spiritual beliefs and worldviews were particular to each person's nation, we all seemingly understood. Some people also chose to share personal teachings they had learned on their paths of healing. By the day's end, each of us could relate to the many teachings shared about the survival of our languages, cultures and peoples both within the context of our own communities and now within other Indigenous communities as well. The struggles we have had to overcome in our effort to be more self-empowered as individuals, communities and peoples had united us all. That day we weaved together a collective Indigenous story where all of our journeys were brought together in both that time and space.

After our orientation, and following tea, our hosts welcomed us with both song and dance. I remember being astounded at how easy and effortless it seemed for all the Maori people, even those unaware of what was planned, to get up and join in. The men

sang and performed a few songs, including the haka that I had longed to see again. The women were lead by a young Maori woman named Pania, who had the most beautiful and powerful voice I had ever heard. Together in unison, the women gracefully moved to the sounds of their own voices. At the end, there were several dozen Maori, including Keith, Miriana and their oldest daughter Mereraiha, standing before us, singing and dancing to various Maori songs. I, like every other person in the room, was pleased and honoured to be welcomed so warmly by such a strong display of Maori culture. I saw law reflected in their welcomes that day, expressed through the most beautiful of art forms. While this may have been the first of many powerful Maori cultural traditions we witnessed, by the week's end, we too were able to easily join in song and dance with our new Maori *whanau*, family.

CONCLUSION – MY REFLECTIONS

While there are many differences that exist among the Indigenous peoples of the world, we are all facing a similar challenge. Today Indigenous peoples are struggling to find a balance between our traditional ways of being and those that have been brought to us. The legacies of colonialism, the pervasiveness of Western values, capitalism, etc., are forcing Indigenous peoples to search for the significance and meaning of their own cultures, languages, and worldviews within this changing world. Indigenous peoples are becoming more and more disconnected from their histories, their pasts, and their roots, which ground them to their sacred lands. Faced with these challenges, we must ask ourselves: How will we confront the disconnection of our own existences within our cultures, languages and lands? How will we choose to reconnect and restore the sources of power, that is our cultures, lands and connections to each other, that once governed our

lives? How will we free our people from the legacies of dispossession, disconnection and dependency that pervade our communities the world over? How will we as Indigenous peoples begin to regain the freedom we once had to determine our own lives? We therefore need to seek solutions to these challenging questions that will begin to alter the current power relations, empowering Indigenous peoples to determine and define for themselves the forces, which govern their lives. Indigenous art is one of those sources to which we can turn.

Many of our peoples have begun reflecting on the need for this journey. For instance, Taiaiake in *Wasase: Indigenous pathways of action and freedom* speaks of this journey as a warrior's path, "a living commitment to meaningful change in our lives and to transforming society by recreating our existences, regenerating our cultures, and surging against the forces that keep us bound to our colonial past."¹¹⁰ I believe this sort of transformation begins at the individual level. Each person within our communities must first commit to change, allowing him or herself to reconnect with their culture, language and land. We need strong, empowered people to help us define who we are and who will choose to be. As an Anishinàbeg person, my role in our society has changed from what it once was. The responsibilities and relationships, which traditionally would have guided me through life to become an Anishinàbe woman, are not always known. For being Anishinàbeg is not solely about identifying with one's people, but rather a way of being in the world. It is about listening to the teachings we were given by our ancestors and ascribing to the beliefs and values of our old people. It is not enough to know of the traditional ways of life. We must choose to put them into practice each day.

¹¹⁰ Alfred, *Wasáse*, *supra* note 15 at 19.

This is a difficult task. Many of our peoples are in such despair, turning to alcohol and drugs, suicide and other sorts of destructive behaviour to relieve the pain, anger and hatred they feel inside. They are disconnected from who they are. Those who are trying to help them reconnect to what it means to live as Anishinàbe often feel overwhelmed, discouraged, and hopeless. Without strong, committed individuals and the necessary resources to help raise our people, the journey ahead will continue to be onerous, draining and demanding. We need our people to become self-sufficient, so that we may become who we were meant to be: empowered people who will envision our future and assist in the recreation of ourselves.

There are many devoted individuals who are working tirelessly to create change within our communities. I have identified some of them within this thesis: my mother, Mishomis Commanda, Art Tsaqwuasupp Thompson, and Tim Worrall. I am trying to follow in their footsteps as I identify and live by my own 'innate gifts.' I hope my writing of this thesis is some small part of that gift, offered in the hope that people will see law, ways to inspire and organize themselves, in Indigenous artistic expressions. These people and others like us need to be supported in our journey. To help us along this path, many of our empowered people have turned to other Indigenous peoples to learn how they have chosen to lead their peoples.

For example, Americans for Indian Opportunity (AIO) and the Advancement of Maori Opportunity (AMO) designed an opportunity for transnational Indigenous leadership interaction, fostering both dialogue and exchange in the context of globalization. When our people are brought together in such forums we can identify ways to live healthy, creative lives. In September of 2002, AIO and AMO convened 40

Indigenous leaders from the Americas and Aotearoa, as well as several non-Indigenous participants, for a three-day Wisdom of the People Forum. The purpose of the forum was “to create a shared understanding of the barriers that will need to be addressed in the enhancement of liberating transnational interactions among emerging Indigenous leaders in the context of globalization.”¹¹¹ Talking together in productive ways can be another art form. It takes creativity, vision and inspiration to talk with one another in healthy ways. When we do so, one gets the sense that we are drawing others into an expression that is as powerful as a painting, song, dance, or other artistic expression. We can find law in these settings too, as we look behind the expression to see the organizational principles that structure such gatherings. This can be seen in the outcomes of the AIO/AMO forum. As one of the first steps in making change, participants were asked to create strategies for the active global participation of Indigenous peoples in order to:

1. Maintain and enhance cultural identity in the face of globalization;
2. Actively participate in the globalization process in order to control how it affects them;
3. Influence policy and public opinion; and
4. Contribute their Indigeneity to the larger global world community.¹¹²

In facing these challenges, the participants identified the “lack of vision and lack of shared vision” as the barrier exerting the greatest influence. They created a powerful picture. They then said this “Lack of vision” was further clarified as, “Limits your ability to work collaboratively toward your vision. When you look ahead some people look to the roof of this building and some people look to the sky. In terms of a shared vision, we

¹¹¹ A.N. Christakis and L.D. Harris, “Designing a Transnational Indigenous Leaders Interaction in the Context of Globalization: A Wisdom of the People Forum” (2004) Syst. Res. 21.

¹¹² *Ibid.* at 255.

need to figure out which stars will help us navigate.”¹¹³ What a beautiful metaphorical expression; it in one see art manifest and law communicated. In addition, the needs for a coordinating agency in the global context and the ways to overcome the reality that Indigenous peoples are in different places and spaces were acknowledged as well.

As a result of the forum, they realized the need “to design strategies for expanding the web of transnational Indigenous interactions – interactions that are liberating, that nurture the self-determination capabilities of Indigenous communities and their leadership, and that contribute Indigeneity (Indigenous values, philosophies and worldviews) to global society.”¹¹⁴ Consequently, AIO/AMO created a new international Indigenous peoples’ organization called the Advancement of Global Indigeneity. The Advancement of Global Indigeneity (AGI) is a transnational Indigenous peoples’ organization. Envisioned as an international advocate for the advancement of opportunities for Indigenous peoples, it has a twofold focus: (1) to increase the long-term self-determination capabilities of Indigenous communities around the world by working with emerging Indigenous leaders; and (2) to facilitate the contribution of Indigeneity to global society.¹¹⁵

Therefore in facilitating an exchange between American Indians and Maori community leaders, a new international Indigenous organization was created in hopes of serving as a catalyst for a revitalization of Indigenous ideas, philosophy and perspectives, especially within the globalization context. The AGI hopes to build and mobilize a

¹¹³ *Ibid*

¹¹⁴ L. Harris and J. Wasilewski, “Indigenous Wisdom of the People Forum: Strategies for Expanding a Web of Transnational Indigenous Interactions” (2004) Syst. Res. 21.

¹¹⁵ *Ibid.* at 509.

coalition of Indigenous individuals and communities around the world that can act on behalf of and work to empower the self-determination capabilities of their respective communities. They hope to continue this beautiful art forum: the art of dialogue, inspiration, agreement and action. What more could people ask of their legal systems? This commitment to action starts with individuals. Now these individual Indigenous leaders will return to their peoples and work to empower their communities from within. Their efforts to revitalize their people's culture will in turn begin to strengthen their families, their communities, their nations and finally, Indigenous peoples themselves.

I think one of the best artistic expressions of this phenomenon is the recent "Manawa – Pacific Heartbeat" exhibition at the Spirit Wrestler Gallery in Vancouver in February-March, 2006. "Manawa" is a reflection of the ongoing dialogue between Maori and Northwest Coast Indigenous peoples. The art exhibition featured 46 different artists from both cultures, representing the current direction of art in the full range of media being used today.¹¹⁶ However, Maori and Northwest Coast artists explored "the theme of the weave – the bond that unites them in their work."¹¹⁷ In fact, the name "Manawa," meaning 'heart' in Te Reo Maori, was given by Maori to describe "the universal bond between all Indigenous people – the heartbeat."¹¹⁸ Their artwork acknowledges "the ancient connections, marriages, parallel customs and powerful friendships that can exist between individuals who share a similar passion and responsibility towards maintaining cultural traditions."¹¹⁹

¹¹⁶ *Manawa, supra* note 102 at 48.

¹¹⁷ *Ibid.*

¹¹⁸ *Ibid.*

¹¹⁹ *Ibid.*

Indigenous peoples working together, sharing their own sources of power, and by bringing their minds together as one will recall our responsibilities to live in balance and harmony with one another and with all of creation. This cycle is ultimately how I believe Indigenous peoples will begin to create and maintain Indigeneity among themselves and in the world today.

Mishakwad – It is clear (sky)

When I look to our future, I think of my children: Kwaya'tsiiq'Kwe and Tewehigan Tsawalk Bluesky. My daughter's name means 'Wolf Woman' in Nuu-chah-nulth and Algonquin. Our newborn son's name is 'One Heartbeat (Drum)' in our languages. In naming our children, we chose to honour both of our heritages, combining our languages to create a single name. Indigenous names carried the histories of our people, as well as the histories of places and events. These histories are important for their future. In passing these names to them I cannot fully envision the connections they will make with others in their lives as they continue to grow and develop. I can only hope they draw on some of the teachings I have gained in my travels to brighten their walk through the world. While I cannot foresee all their relationships, I do know that I can teach them the art of their ancestors, and by so doing teach them the laws of their future.

I believe art enables us to transcend our current realities, whatever they might be, to enable us to rise above our own circumstances, to hold onto our old visions and dream new ones for our future. I believe these values are the essence of Anishinàbeg law.

As we share our art, our knowledge between Indigenous peoples, we are strengthening our peoples to resist the powerful effects of colonialism. At the same time

we are communicating powerful law – ways of building opportunities for future generations to live together in peace, friendship and respect. This thesis has asked: How has being surrounded by other Indigenous peoples enabled me to become *Anishinàbe*? I have found a partial answer to this question in what I have related from my experiences with my mother, Mishomis Commanda, Art Tsaqwuasupp Thompson and Tim Worrall. Their practice of art is a practice of law. In their art, we can see underlying normative orders that direct our spiritual and physical relationships. Like every good law they demonstrate that the bedrock of our most important relationships is based upon living well with others. In so living, Indigenous art interacts with Indigenous laws, customs and traditions to continue nourishing Indigenous identities and relationships to other peoples. I have become more fully *Anishinàbe-kwe* as I have learned these truths, even as I have lived in another First Nation's territory. For these teachings, I say Meegwetch!

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APPENDIX

GLOSSARY OF ALGONKIN TERMS

Word/Phrase	Approximate English translation
Anishinàbe	The Algonkin word for “The Real People,” or “The People.”
Ikwe	Woman.
Kabeshinàn	Campsite or gathering place along a body of water, usually at the confluence of two rivers.
Kichi Sibi	The Algonkin word for the Ottawa River.
Kichi Sibi Anishinàbeg	The “People of the Great River.”
Kichi Sibi-inini	The “People of the Great River.” Also known as Kichesipirini.
Kitigan	Garden
Kitigan Sibi	The original name for the Desert River – The “River of Gardens.”
Kìzis	Moon. Also used to denote a month or season.
Kokomis	Grandmother
Makwa	Bear, which symbolizes physical strength and power in Algonkin spiritual beliefs.
Maniwaki	Algonkin word for “Land of Mary.”
Mishomis	Grandfather
Mitig	Tree
Pikogan	A portable shelter commonly used during hunting.
Piskitang	“Ice doubled up” – Now also referred to as Baskatong, Quebec.
Sibi	River. See also <i>zibi</i> .

Word/Phrase	Approximate English translation
Sibin	Rivers
Tenagadin (Tenagadino) Sibi	Algonkin name for Gatineau River.
Zibi	Referring to 'river.' However, the 's' sound is pronounced like a 'z' when in a compound phrase, such as in Kitigan Zibi.