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NAWENDIWIN: The art of being related - Anishinaabeg Kinship-centred Governance and Family law (Nawendiwin) Report

Tara Williamson and Simon Owen, with Cheyenne Arnold-Cunningham

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# **NAWENDIWIN: THE ART OF BEING RELATED**

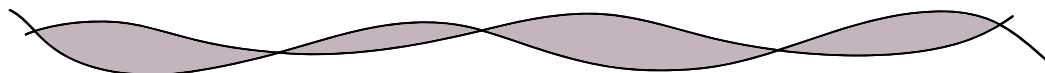
ANISHINAABEG KINSHIP-CENTRED GOVERNANCE & FAMILY LAW

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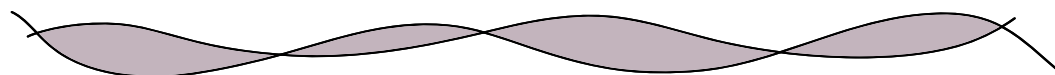
**A RESEARCH PARTNERSHIP BETWEEN  
NIIKIWENDIDAA ANISHNAABEKWEWAG SERVICES CIRCLE  
& THE INDIGENOUS LAW RESEARCH UNIT**

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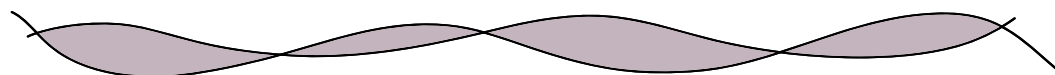
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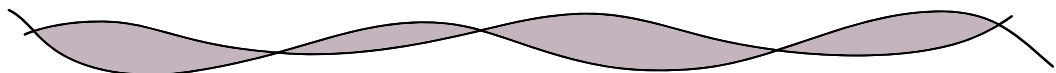
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# EXECUTIVE SUMMARY

## PART ONE – GENERAL UNDERLYING PRINCIPLES

Part One introduces five fundamental pillars—or underlying principles—of Anishinaabeg kinship-centred governance:

- **Nawendiwin**, meaning the art of relatives or, the art of being related, refers to the understanding that relationship and kinship are central to Anishinaabeg life, including law.
- **Mino-bimaadiziwin**, meaning the Good Life, guides kinship related decision-making and provides Anishinaabeg with an understanding of how to live in the world both as individuals and as relations to other beings in a way that honours all of Creation.
- **Self-Determination** refers to the pursuit of each individual’s “vision” as they follow the path of life that is meant for them. The pursuit of one’s vision must balance individual rights and obligations with the rights and obligations of others.
- The combined concepts of **Onjinewin & Aanjigone** remind Anishinaabeg that consequences to actions have far-reaching effects. These two principles serve as an acknowledgement and reminder that sometimes these consequences are not meant to be administered by humans and ultimately may be mediated by forces outside of human control.
- **Gender Fluidity** animates the understanding that each person holds bodily sovereignty and the ability to identify their individual experience and gendered identity. Two-Spirit, a multifaceted term used to describe various gender expressions, peoples continue to uphold and be upheld within Anishinaabeg kinship-centred law and governance.

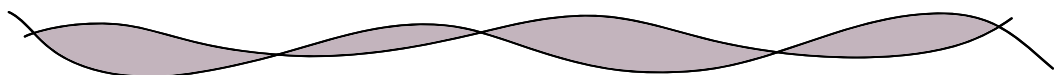
## PART TWO – LEGAL PROCESSES

Part Two explores some of the characteristics (the whos and the hows) of legitimate decision-making within an Anishinaabeg legal tradition. There are five sets of **Authoritative Decision Makers** who, either alone or in combination, may be involved in making decisions relating to harm, conflict, and/or vulnerability within families:

- **Children and Youth**
- **Primary Caregivers/Parents**
- **Extended Family Network (Grandparents, Aunties, Uncles, Cousins, etc.)**
- **Elders & Knowledge Keepers**
- **Community Bodies & Community Leadership**

Part Two then goes on to identify the **Procedural Steps** that may be used to inform how decisions are legitimately made:

- **Awareness/Early Recognition** is a critical and proactive step to determine what is happening in a community, identify needs, effectively respond to situations, and prevent or manage potential future harm or conflict.



- **Assessment** involves getting to the root of an identified issue to appropriately develop the actions needed to prevent and/or remedy problems.
- **Naakonige**, meaning to decide or, the art of making decisions, includes the making of decisions through careful and thoughtful deliberation to determine appropriate responses.
- **Ceremony** may be used to request an appropriate response, formalize decisions being made, or as a standalone process to focus and cleanse participants, to close legal processes, and to commemorate outcomes.

## PART THREE – LEGAL OBLIGATIONS

Part Three focuses on **Kobinasowin**, meaning the art of raising your child, as an overarching and foundational obligation. Kobinasowin integrates the Seven Stages of Life/Four Hills of Life model to provide guidance and foster healthy transitions through the life cycle. Each stage of life carries its own teachings, lessons, and the following identified responsibilities:

- **The Good Life:** People are responsible for creating environments that provide physical, emotional, and spiritual growth through unconditional love and joy.
- **The Fast Life:** People are responsible for providing a safe environment for the most vulnerable in families and communities while they explore the world and learn about their roles and responsibilities.
- **The Wondering Life & The Stages of Truth:** People are responsible for respecting and listening to the voices of youth and to commit to being educated in a way that critically engages the surrounding world with an awareness that there are consequences to the choices a person makes.
- **Planting and Planning & Doing:** People are responsible for being self-reflective, making meaning from teachings, and providing for others while also providing for the self.
- **Elders & Giving Back:** The obligations learned in life are rooted deeply in unconditional love, kindness, and caring.

## PART FOUR – LEGAL RIGHTS

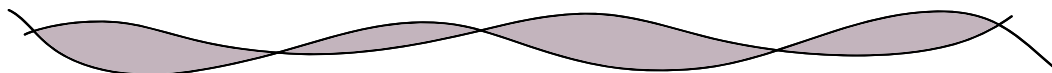
Part Four considers what Anishinaabeg people may expect from others (individuals, communities, society, etc.) in kinship-centred decision-making and associated processes. There are six legal rights identified in this section:

### *Substantive Rights*

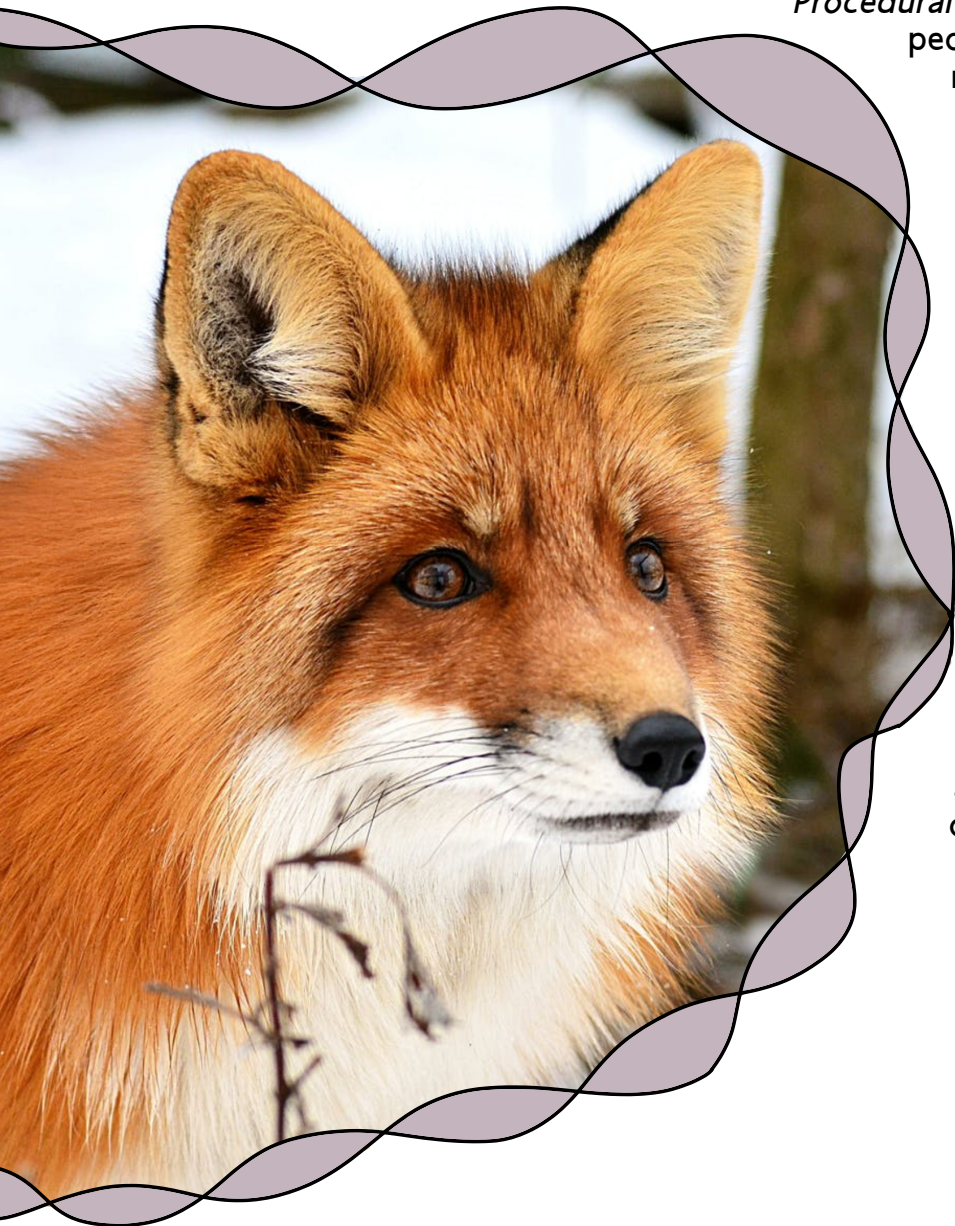
- **Right to Belong**
- **Right to Integrity**
- **Right to Meaningful Choice**

### *Procedural Rights*

- **Right to Information**
- **Right to Voice**
- **Right to Opportunities to Change**



*Substantive Rights* are widely accepted to be fundamental to a person's well-being. *Procedural Rights* include the things that people need to realize, maintain, or repair their substantive rights (like those mentioned above).



## PART FIVE – LEGAL RESPONSES

Finally, Part Five looks at the principles and strategies that guide Anishinaabeg legal responses to vulnerability, conflict, and harm within families. The applicable legal principles include **Reducing Harm, Nurturing Relationships, Reciprocity, Consent, and Celebrating Success & Holding People Accountable**. These legal principles should be considered alongside the legal responses outlined below:

- Meeting Needs
- Separation
- Reintegration
- Transformation



# PROJECT BACKGROUND

## WHO IS NIIJKIWENDIDAA ANISHNAABEKWEWAG SERVICES CIRCLE (NASC)?

In November 1992, Niijkiwendidaa Anishnaabekwewag Services Circle (NASC) opened its doors in Nogojiwanong (Peterborough, Ontario). In April 1994, NASC secured funding from Violence Against Women and the Ministry of Community and Social Services. In June 1994, NASC was incorporated as a non-profit organization.

In the years since, NASC has seen a substantial increase in public awareness and need for the services provided. Throughout this time, NASC's "Reason For Being" and "Values and Beliefs" have been and continue to be foundational to the way they operate. NASC's main goal is to support Anishnaabekwewag (Ojibwe/Anishinaabeg women and Indigenous women) and their families as they move forward on their healing journey with the ultimate goal of helping families and communities becoming healthier. NASC's long term goal is to accomplish change within the larger community and society as a whole by validating and valuing the qualities of Anishnaabeg (Ojibwe/Anishinaabeg and Indigenous) cultural values.

The catchment area for NASC covers approximately 15,200 km<sup>2</sup> and includes the City of Kawartha Lakes; the County and City of Peterborough; Haliburton; and the Northumberland and Durham Region. It serves a population of approximately 918,433 people.<sup>1</sup> In particular, the First Nations communities in the catchment area include Curve Lake First Nation, Alderville First Nation, and Hiawatha First Nation. Because NASC is an urban-based organization and Nogojiwanong is a hub in central-eastern Ontario, community members from Rama First Nation and Scugog First Nation, as well as urban Indigenous Peoples from many other Indigenous nations, also access services through NASC.

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<sup>1</sup> This number was calculated based on the following figures: The NASC provides services to the following geographic areas of this great and sacred Turtle Island: City of Kawartha Lakes; The County of Peterborough; The City of Peterborough; Haliburton; Northumberland; and Durham Region (<http://www.niijki.com/>). The Central East Local Health Integrated Network (CELHIN) is 15,394km<sup>2</sup> and contained a population of approximately 1,550,531 in 2016. The CELHIN covers the same catchment area as the NASC, with the addition of Scarborough. In 2016 Scarborough had a population of 632,098 and total area of approximately 187km<sup>2</sup>. As such, the population NASC serves is approximately 918,433 and the catchment area is approximately 15,207km<sup>2</sup> (the same as the CELHIN numbers minus the statistics specific to Scarborough). See Statistics Canada, "Census Profile, 2016 Census," online: *Statistics Canada* <[www12.statcan.gc.ca/census-recensement/2016/dp-prof/details/page.cfm?Lang=E&Geo1=HR&Code1=3509&Geo2=PR&Code2=01&Data=Count&SearchText=central%20east&SearchType=Begins&SearchPR=01&B1=All&TABID=1](http://www12.statcan.gc.ca/census-recensement/2016/dp-prof/details/page.cfm?Lang=E&Geo1=HR&Code1=3509&Geo2=PR&Code2=01&Data=Count&SearchText=central%20east&SearchType=Begins&SearchPR=01&B1=All&TABID=1)> [perma.cc/RE3W-6Q27]; Redistribution Federal Electoral Districts, "Proposed Boundaries – Ontario," online: <[www.redecoupage-federal-redistribution.ca/content.asp?section=on&dir=now/proposals&document=sched1&lang=e](http://www.redecoupage-federal-redistribution.ca/content.asp?section=on&dir=now/proposals&document=sched1&lang=e)> [perma.cc/DUE2-HUS6].

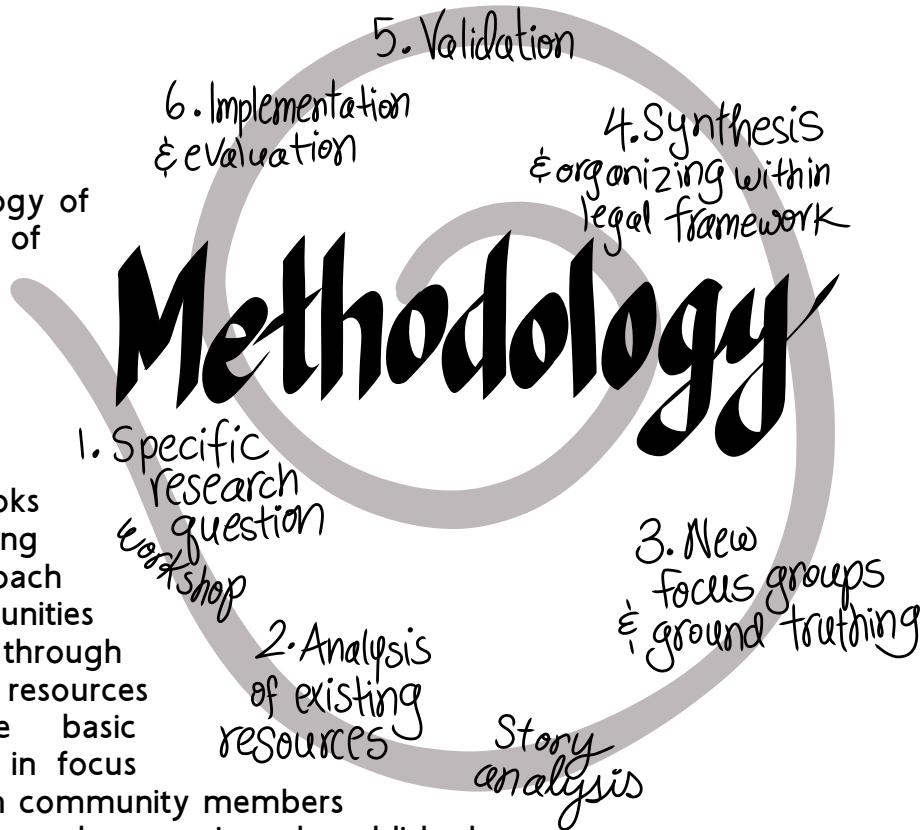
# WHO IS THE INDIGENOUS LAW RESEARCH UNIT (ILRU)?

Based out of the University of Victoria's Faculty of Law, the Indigenous Law Research Unit (ILRU) is dedicated to research that supports the articulation, understanding, and strength of laws that emerge from *within* Indigenous nations' own traditions, practices, and intellectual resources. Collaborative, community-guided research is at the heart of this work. ILRU believes that Indigenous laws are more than cultural traditions: Indigenous laws are diverse, adaptable, collaborative, and comprehensive. Indigenous law *is* law.

ILRU develops and designs public educational resources and academic curricula to teach about Indigenous law for diverse audiences. They provide workshops, courses, and presentations that discuss Indigenous legal methodologies and critical issues that draw on Indigenous critical theories, including Indigenous feminisms. ILRU also educates students (the upcoming generation of legal professionals) via research placements in the Unit as well as devoted workshops and classes at the University of Victoria Faculty of Law.

## RESEARCH METHODOLOGY

This Project followed the methodology of ILRU, which consists of a number of distinct, yet related, phases that support collaborative partnerships, community-led research, and the understanding and articulation of specific aspects of Indigenous law.<sup>2</sup> ILRU research uses a method of analysis that looks for legal principles and reasoning within oral traditions. This approach reflects how Indigenous communities teach, learn, and hold knowledge through stories. Analyzing stories as legal resources helps researchers develop the basic understandings that are deepened in focus groups and other conversations with community members and experts. For this Project, researchers reviewed published Anishnaabeg oral narratives retold or recorded by Beatrice Blackwood, Mary Siisip



<sup>2</sup> This method of analysis of Indigenous law was created by Dr. Hadley Friedland and Dr. Val Napoleon, founders ILRU) housed in the University of Victoria's Faculty of Law. For a detailed description of the methodology, see Hadley Friedland, *Reclaiming the Language of Law: The Contemporary Articulation and Application of Cree Legal Principles in Canada* (PhD Dissertation for the University of Alberta Faculty of Law, 2016) [Unpublished]; Hadley Friedland and Val Napoleon, "Gathering the Threads: Developing a Methodology for Researching and Rebuilding Indigenous Legal Traditions" (2015-2016) 1:1 Lakehead L J 16.

Geniusz, Basil Johnston, Sam Lute, Norval Morrisseau, Robert Paudash, Leanne Betasamosake Simpson, The Yellowhead Institute, and Angeline Williams. ILRU researchers also reviewed a variety of texts, reports, and background information to build contextual knowledge about Anishnaabeg legal traditions and the Michi Saagiig Nishnaabeg. Sources include ILRU's Accessing Justice and Reconciliation *Anishinabek Legal Traditions Report* with Neyaashiinigmiing (Chippewas of Nawash Unceded First Nation #27), the Anishinabek Nation's *Revitalization of Anishinabek Legal Traditions* Final Summary Report, *Michi Saagiig Nishnaabeg: This is Our Territory*, by Gidigaa Migizi (Doug Williams), and many others.

## LIMITATIONS

There were limitations encountered by ILRU researchers during their engagement with this Project.

One of the more challenging tasks the researchers faced when beginning to draft this Report was locating, selecting, and studying the narratives (cases) for legal analysis. This process comes with some inherent limitations. Adding to this, the researchers are aware that translation when switching between Anishinaabemowin to English can introduce multiple complexities and different linguistic interpretations.

This is not a comprehensive record of Anishinaabe law regarding kinship, nor was it ever intended to be. The principles introduced and identified in this Report are not the only principles that exist in Anishinaabe law; they are the ones that could be identified most clearly within the material the researchers were working with.

Lastly, the researchers encountered limitations due to the COVID-19 global pandemic that began in March of 2020. Originally, the ILRU research team had planned to visit Nogojiwanong for in-community engagement in the summer of 2020 and continue to conduct in-person research for the remainder of the Project. Unfortunately, due to the severity of the COVID-19 pandemic, these trips had to be cancelled. In response to this challenge, the research team hosted several Focus Group sessions through Zoom. Despite the limitations offered by the virtual platform, these meetings were invaluable in informing many aspects of this Report; the research team is grateful for the advances in technology that have allowed this, as well as the willingness of the Anishinaabeg participants to adapt to this new form of communication.

## STYLISTIC CHOICES

There are many different citation options as well as a variety of formatting and grammar stylistic guides available in the academic world today. Each was created to serve the unique needs of a particular discipline or academic field. In Canadian colonial law, the McGill Guide and the Bluebook are most commonly used. What is lacking, however, is a citation style that turns its attention to the unique needs of Indigenous knowledge and law. As such, the Indigenous Law Research Unit has elected to create a distinct option, which is tailored to the needs of the work conducted there, as well as to the needs of the nations working in collaboration with the Unit.

An important aspect of this relates to linguistics. ILRU recognizes that the majority of Indigenous languages are oral languages with many dialectic differences. As such, spellings and diacritics (marks placed above, below, next to, or on top of a letter, such as “é”) used, can differ depending on location and community. ILRU has not attempted to standardize spellings or the use of diacritics. Where possible, the research team has noted alternative spellings or translation interpretations, as well as who these were given by.

In this Report, the research team has made three other specific stylistic choices that are worth noting:

- The terms ‘oral tradition,’ ‘narrative,’ and ‘story’ are used interchangeably in this Report
- The term ‘Best Interest,’ as it is used within this Report, is *not* in reference to the Canadian legal term ‘best interests of the child’
- The word Anishinaabe is used as a singular noun; the word Anishinaabeg is used as both a plural noun and an adjective
- Anishinaabemowin (the Anishinaabeg/Ojibwe language) has many dialects and various spelling conventions. In this Report, ILRU uses different spellings of the same words as they are spelled in the secondary sources that are referenced. For words from primary research, that is, words that were used in focus groups and/or interviews, ILRU consulted with dictionaries and local language speakers for the most appropriate spelling

Lastly, ILRU takes responsibility for all errors and omissions within the Report.

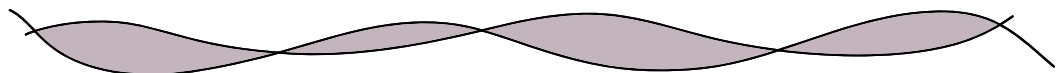
## CITATIONS

As a part of an academic institution, ILRU recognizes that attribution to the correct source is of the utmost importance. ILRU has made the stylistic choice to include parenthetical citations for stories instead of footnote citations attached to each and every reference to, or quote pulled, from a narrative. A list of the full citations for all of the narratives is provided under Phase Two: Narrative Analysis and Community-guided Research of the Project Activities. Additionally, each narrative used in the Report is reproduced in the accompanying Casebook. The ILRU research team encourages each reader of this Report to delve deeper into the individual narratives.

Due to the collaborative focus of ILRU’s work, publications must recognize many more contributors than just one author. As such, the suggested citation for this Report is as follows:



Tara Williamson, Simon Owen, with Cheyenne Arnold-Cunningham, worked on together with and Mshkiki Gitigaan Kwe (Katelyn Brennan) (Indigenous Law Research Unit & Niijkiwendidaa Anishnaabekwewag Services Circle), *Nawendiwin: The Art of Being Related: Anishinaabeg Kinship-Centred Governance & Family Law* (ləkʷəŋən & ƳSÁNEĆ territory: Indigenous Law Research Unit, 2021).



# PROJECT ACTIVITIES

Consistent with ILRU's commitment to transparency in research processes, this section details ILRU's major activities throughout this Project. This is followed by a Community Primer, which provides a brief introduction to Michi Saagiig Anishinaabeg history, territory, governance, and economy. The introduction to the Framework (which can be defined as the way analysis is organized), and the analysis itself, begins at Section 1: General Underlying Principles.

The research for this collaboration took place from January 2020 to October 2021. Researchers analyzed over 100 oral narratives, studied aspects of Anishinaabemowin (the Anishnaabeg/Ojibwe language), and held several conversations, workshops and focus groups with community partners. Throughout the Project, the team was guided by the knowledge and efforts of an amazing coordinator, Mshkiki Gitigaan Kwe (Katelyn Brennan). This Project was made possible through financial support from the Law Foundation of Ontario's Access to Justice Fund and additional funding was provided by the McConnell foundation.

## PHASE ONE: BUILDING THE NASC-ILRU PARTNERSHIP AND DEVELOPING RESEARCH QUESTIONS

Like all ILRU collaborations, this Project depended on a strong community partnership. Sometimes, being attentive to the needs and resources of community partners means that collaborations need to change or even end. For this Project, ILRU initially began working with an Anishiinini (Oji-Cree) Nation in the Nishnawbe Aski Nation (Treaty 9). After conducting background research and initial community meetings in early 2019, however, it was mutually determined that it was impractical to continue the partnership. The opportunity to partner with Niijkiwendidaa Anishnaabekwewag Services Circle arose later that year. In January of 2020, the ILRU research team travelled to Nogojiwanong (Peterborough, ON) for introductory meetings and workshops. Over five days, the team and community discussed and practiced ILRU's approaches to working with Indigenous law, including story analysis with Anishinaabeg legal resources. Over 20 participants worked on narratives connected to the broad theme of kinship-centred community governance. The ILRU team also met with NASC staff and Board members to discuss how the research could support the practical needs of community members and increase awareness of Michi Saagiig Nishnaabeg law among professionals (judges, lawyers, social workers, and many others) who engage with Michi Saagiig Nishnaabeg communities and individuals.

Through this series of conversations, two main research questions emerged:

- 1) What does kinship mean in an Anishinaabeg/Michi Saagiig Nishnaabeg context?**
- 2) How do these concepts, structures, and aspirations of kinship inform how people respond to situations of conflict, vulnerability, and harm?**

## PHASE TWO: NARRATIVE ANALYSIS AND COMMUNITY-GUIDED RESEARCH

Building on the research initiated in Phase One and guided by the research questions, the ILRU team held a series of conversations with community members and experts in Anishinaabe language, laws, and governance. We eventually selected 16 narratives as ‘leading cases’ related to kinship-centred governance and responses to vulnerability, conflict, and harm within families:

- Kwezens Makes a Lovely Discovery<sup>3</sup>
- The Indian Who Became a Thunderbird<sup>4</sup>
- The Breadmaker<sup>5</sup>
- Why Some Trees Keep Their Leaves When Others Do Not<sup>6</sup>
- Four Warriors Find Naanabozho<sup>7</sup>
- Nenebojo and his younger brother<sup>8</sup>
- The Bachelor<sup>9</sup>
- Robin<sup>11</sup>
- The Dog’s Children<sup>12</sup>
- Weegibance Saves her People<sup>13</sup>
- Family Duty<sup>14</sup>
- Story of Redfeather<sup>15</sup>
- The Baagaataa’awa Game that Changed Everything<sup>16</sup>
- The Star People Are Always Watching<sup>17</sup>
- She Had a Beautiful, Speckled Design<sup>18</sup>

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<sup>3</sup> Leanne Betasamosake Simpson, “Land as pedagogy: Nishnaabeg intelligence and rebellious transformation” (2014) 3:3 *Decolonization: Indigeneity, Education & Society* at 1-5, online (pdf): <[whereareyouquetzalcoatl.com/mesofigurineproject/EthnicAndIndigenousStudiesArticles/Simpson2014.pdf](http://whereareyouquetzalcoatl.com/mesofigurineproject/EthnicAndIndigenousStudiesArticles/Simpson2014.pdf)> [perma.cc/4TJK-8E6B].

<sup>4</sup> Norval Morrisseau, ed by Selwyn Dewdney, *Legends of my People, the Great Ojibway* (Toronto: McGraw-Hill Ryerson Ltd., 1977) at 6-12.

<sup>5</sup> Norval Morrisseau, “The Indian Who Became a Thunderbird” in *Legends of my People, the Great Ojibway* (Toronto: McGraw-Hill Ryerson Ltd., 1977) at 6-12.

<sup>6</sup> Mary Siisip Geniusz, *Plants Have So Much to Give Us, All We Have to Do Is Ask: Anishinaabe Botanical Teachings* (Minneapolis: University of Minnesota Press, 2015) at 77-80.

<sup>7</sup> Mary Siisip Geniusz, *Plants Have So Much to Give Us, All We Have to Do Is Ask: Anishinaabe Botanical Teachings* (Minneapolis: University of Minnesota Press, 2015) at 286-289.

<sup>8</sup> Robert Paudash (Hiawatha, Rice Lake) as cited in Paul Radin, *Some Myths and Tales of the Ojibwa of Southeastern Ontario* (Ottawa: Government Printing Bureau, 1914) at 9-11.

<sup>9</sup> Yellow-Head (Rama) as cited in Paul Radin, *Some Myths and Tales of the Ojibwa of Southeastern Ontario* (Ottawa: Government Printing Bureau, 1914) at 59-61.

<sup>11</sup> Angeline Williams, ed by Leonard Bloomfield and John D. Nichols, *The Dog’s Children: Anishinaabe Texts told by Angeline Williams* (Winnipeg: University of Manitoba Press, 1991) at 24-25.

<sup>12</sup> Angeline Williams, ed by Leonard Bloomfield and John D. Nichols, *The Dog’s Children: Anishinaabe Texts told by Angeline Williams* (Winnipeg: University of Manitoba Press, 1991) at 56-73.

<sup>13</sup> Basil Johnston, [Weegibance Saves her People] in *Ojibway Heritage* (Toronto: McClelland & Stewart, 1976) at 65-66, online (pdf): *Archive* <<https://archive.org/details/ojibwayheritage00basi>>

<sup>14</sup> Basil Johnston, [Family Duty] in *Ojibway Heritage* (Toronto: McClelland & Stewart, 1976) at 73-75, online (pdf): *Archive* <<https://archive.org/details/ojibwayheritage00basi>>.

<sup>15</sup> Beatrice Blackwood, “Tales of the Chippewa Indians” (1929) 40:4 *Folklore* 315 at 342-343, online (pdf): <[www.tandfonline.com/doi/pdf/10.1080/0015587X.1929.9716826?needAccess=true](http://www.tandfonline.com/doi/pdf/10.1080/0015587X.1929.9716826?needAccess=true)> [perma.cc/A6LG-CETC].

<sup>16</sup> Leanne Betasamosake Simpson, *The Gift is in the Making: Anishinaabeg Stories* (Winnipeg: Highwater Press, 2013) at 13-17.

<sup>17</sup> Leanne Betasamosake Simpson, *The Gift is in the Making: Anishinaabeg Stories* (Winnipeg: Highwater Press, 2013) at 70-71.

<sup>18</sup> Leanne Betasamosake Simpson, *The Gift is in the Making: Anishinaabeg Stories* (Winnipeg: Highwater Press, 2013) at 80-81.

- The father who was jealous of his youngest son<sup>10</sup>

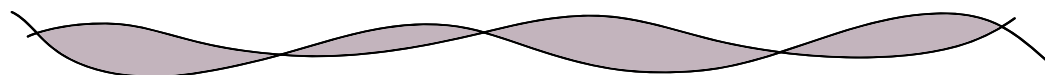
The above narratives, along with a thematic index of legal issues, a structured ‘case brief’ analysis of each story, and some guiding questions for further reflection are included in the accompanying Casebook. As well as being a reference for the legal analysis found in this Report, the Casebook is a resource for people to use in their own learning and research into the rich knowledge found in the Anishinaabeg oral tradition. These narratives, while recorded in English and, in some instances, translated and interpreted by non-Anishinaabeg people, are nonetheless important sources of legal insight, reasoning, and precedent for the ongoing authority, integrity, and application of Anishinaabeg law. Some of the issues that these narratives touch on include:

- **What are a community’s responsibilities in raising a child?**
- **How do individuals, families, and communities establish or recognize new kinship relations?**
- **How can individuals, families, and communities respond to changes, conflicts, or abuses within families?**
- **What are people’s rights and obligations in situations of need?**

The narratives and case briefs that are contained in the Casebook provided the basis for community-guided learning, which took place in a series of focus groups. As a result of COVID-19, these sessions were held online. Four virtual focus group sessions brought together a total of 16 community members, which included scholars, Elders, and youth.

FOCUS GROUP	SESSION TOPIC	ILRU TEAM	PARTICIPANTS
PRELIMINARY SESSION	THIS SESSION FOCUSED ON THE NARRATIVE <i>THE FATHER WHO WAS JEALOUS OF HIS YOUNGEST SON</i>	<ul style="list-style-type: none"> <li>• TARA WILLIAMSON</li> <li>• SIMON OWEN</li> <li>• SARAH JACKSON</li> <li>• LINDSAY KEEGITAH BORROWS</li> </ul>	<ul style="list-style-type: none"> <li>• LEANNE BETASAMOSAKE SIMPSON</li> </ul>

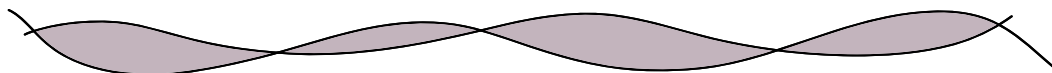
<sup>10</sup> Sam Lute (Chemung Lake) as cited in Paul Radin, *Some Myths and Tales of the Ojibwa of Southeastern Ontario* (Ottawa: Government Printing Bureau, 1914) at 67-70.



<p><b>NASC STAFF &amp; BOARD SESSION</b></p>	<p>THE INTENT OF THIS SESSION WAS TO CONDUCT INITIAL STORY ANALYSIS, FOCUSING ON <i>SHE HAD A BEAUTIFUL, SPECKLED DESIGN</i>. THE TEAM ASKED QUESTIONS SPECIFIC TO THE LEGAL RESPONSES SECTION OF THE REPORT.</p>	<ul style="list-style-type: none"> <li>• TARA WILLIAMSON</li> <li>• SIMON OWEN</li> <li>• SARAH JACKSON</li> <li>• ELLEN CAMPBELL</li> </ul>	<ul style="list-style-type: none"> <li>• DELORES LALONDES</li> <li>• MSHKIKI GITIGAAN KWE</li> <li>• (KATELYN BRENNAN)</li> <li>• SHANNON O’CONNOR</li> <li>• SAMANTHA TENNANT</li> <li>• WANDA WHITEBIRD</li> <li>• NICOLE VAN STONE</li> </ul>
<p><b>YOUTH SESSION</b></p>	<p>THIS SESSION ASSESSED HOW <i>HEARD</i> THE ANISHINAABEG YOUTH FEEL AT HOME AND IN THEIR FAMILIES. THE ILRU TEAM USED THE NARRATIVE <i>SHE HAD A BEAUTIFUL, SPECKLED DESIGN</i> AS A STARTING POINT FOR THIS SESSION.</p>	<ul style="list-style-type: none"> <li>• TARA WILLIAMSON</li> <li>• SIMON OWEN</li> <li>• ELLEN CAMPBELL</li> <li>• SARAH JACKSON</li> </ul>	<ul style="list-style-type: none"> <li>• DAKOTA FROST</li> <li>• MADISON BLANCHARD</li> <li>• MONTANA PAYPOMPEE</li> <li>• SHANNON O’CONNOR</li> <li>• ANNE TAYLOR</li> <li>• PARTICIPANT #2</li> <li>• PARTICIPANT #3</li> <li>• PARTICIPANT #4</li> </ul>
<p><b>ELDERS’, KNOWLEDGE KEEPERS, and LANGUAGE SPEAKERS SESSION</b></p>	<p>THE SESSION FOCUSED ON ASKING SPECIFIC LANGUAGE-RELATED QUESTIONS. THE WORDS INAWENDIWIN, ONJINEWIN, AND ANJIGONE WERE A MAIN FOCUS. THE WORDS NAWENDIWIN AND MINO-BIMIIZAADOWIN WERE ALSO DISCUSSED DURING THE SESSION.</p>	<ul style="list-style-type: none"> <li>• TARA WILLIAMSON</li> <li>• SIMON OWEN</li> <li>• ELLEN CAMPBELL</li> <li>• SARAH JACKSON</li> </ul>	<ul style="list-style-type: none"> <li>• SHIRLEY WILLIAMS</li> <li>• LIZ STONE</li> <li>• ANNE TAYLOR</li> <li>• BEEDAHBIN PELTIER</li> </ul>

During this phase of community engagement, the team also developed some online resources for exploring law through Anishinaabeg narratives. These included:

- An Anishinaabeg Storytelling [Facebook Group](#); Permanent Link: [perma.cc/3T43-778Q]
- A [‘Choose Your Own Adventure’](#) guide through the story “Why Some Trees Keep Their Leaves When Others Do Not”; and
- A [website](#), including a [visual](#) telling of “Why Some Trees Keep Their Leaves When Others Do Not” and a [SoundCloud](#) recording of the story “Opichi/Robin.”



## PHASE THREE: BUILDING THE DRAFT SYNTHESIS

The research team synthesized narrative and participant-led knowledge into a preliminary analysis, which sought to articulate *some* of the legal principles, processes, and institutions that structure how Anishinaabeg/Michi Saagiig Nishnaabeg communities understand kinship and respond to vulnerabilities, conflicts, and harms within families. This analysis was further developed and finalized through engagement with NASC staff, board, and community experts.

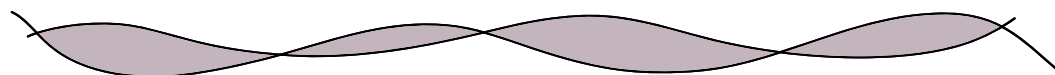
## PHASE FOUR: CONSULTATION, VALIDATION, AND IMPLEMENTATION

An important part of ILRU's methodology is validating the use and interpretation of people's knowledge. This includes providing all research participants with the opportunity to look at their words in context and control how and if those words are used in the final analysis.

For this Project, the 'validation and integration of feedback' stage took place from August to October of 2021. The important feedback and corrections provided through these conversations were integrated into the final Report.

It is not possible to synthesize the full body of Anishinaabeg law relating to kin-centred governance, or indeed any area of law, Canadian or Anishinaabe, in a written Report. The analysis contained in these pages is designed to help illuminate the research questions that were developed at the beginning of the research process and provide a pathway for further research and implementation. It is *not* a codification of Anishinaabeg law (like some forms of legislation), nor does it claim to be an authoritative statement of law (like a court judgement). Rather, this Report is more like a textbook that synthesizes the research team's best understanding of relevant legal principles after a serious and sustained engagement with those principles. It organizes knowledge in a way that makes it easier for readers to find, understand, add to, or challenge law, and apply it to current legal problems, issues, or activities.

Finally, this Report is intended to be a living document and will develop with ongoing use, interpretation, and implementation in the hard but essential work of upholding Anishinaabeg/Michi Saagiig Nishnaabeg law in diverse contexts.



# COMMUNITY PRIMER

## WHO ARE THE MICHİ SAAGIIG ANISHINAABEG?

The Michi Saagiig Anishinaabeg (in English, Mississauga) people are part of a larger family of Anishinaabeg peoples that include Saulteaux, Odawa, Potawatomi, and Nipissing who are closely related to other Algonquin-speaking peoples. In English, Anishinaabeg is also known as Ojibwe, Ojibwa, and Chippewa (not to be confused with Chipewyan). Gidigaa Migizi (Doug Williams) recounts that, in the old days, “there were four kinds of Nishnaabeg before modern Nishnaabeg: Misabe, Msnaabi, Nswinaabi, Niwiinaabi, and then Nishnaabe.”<sup>19</sup>

## THE MIGRATION STORY OF THE ANISHINAABEG

The widely accepted oral history of the Anishinaabeg people is that they originally lived on the far eastern shores of Turtle Island (North America). After a prophecy predicted the coming of settlers from across the ocean, the Anishinaabeg began a great migration to the West with instructions to travel until they came to a place where food grows on water (this is generally understood as being wild rice, or minoomin).<sup>20</sup> During the migration, stops were made where different Anishinaabeg stayed to establish new territories.<sup>21</sup> These stops were made in accordance with Anishinaabeg prophecies and in accordance with diplomatic protocols with other nations, in particular the Aayadowaad/Aayandaawaad (Wendat).<sup>22</sup> It is in this way that the Michi Saagiig Anishinaabeg are related to other Anishinaabeg nations across Turtle Island.

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<sup>19</sup> Gidigaa Migizi (Doug Williams), *Michi Saagiig Nishnaabeg: This is Our Territory* (Manitoba: ARP Books, 2018) at 34.

<sup>20</sup> The spelling of this word was given by Shirley Williams. See Shirley Williams, Oral teaching, focus group (August 10, 2021) as transcribed in *NOTES – LFO Nawendiwin – August 10, 2021 – Validation Interview -CAC Scribe.pdf* at 1 as validated and edited in *Validation – Shirley Williams.pdf* [Archived with ILRU].

<sup>21</sup> Edward Benton-Banai, *The Mishomis Book: The Voice of the Ojibway* (Minnesota: University of Minnesota Press, 2010) at 94-98.

<sup>22</sup> Gidigaa Migizi (Doug Williams), *Michi Saagiig Nishnaabeg: This is Our Territory* (Manitoba: ARP Books, 2018) at 36; Shirley William and Anne Taylor both suggested that the best work to use here is Aayandaawaad. See Shirley Williams and Anne Taylor, Oral teaching, focus group (August 10, 2021) as transcribed in *NOTES – LFO Nawendiwin – August 10, 2021 – Validation Interview -CAC Scribe.pdf* at 1 as validated and edited in *Validation – Shirley Williams.pdf* and *Validation – Anne Taylor.pdf* [Archived with ILRU].

## MICHI SAAGIIG TERRITORY

“This is our land. This is our homeland. Everything here speaks to us about our old people. We’ve been here a long, long time. We were created here. This place is very much part of our soul, very much part of our spirit.”<sup>23</sup>

– Gidigaa Migizi (Doug Williams)

The Michi Saagiig are named as such because they lived at the mouths of rivers.<sup>24</sup> Their territory stretches from “the St. Lawrence River at the eastern end of Lake Ontario . . . to the west to approximately Niagara Falls. . . . Starting in the east this would be the Rideau River, the Moira River, the Trent River, the Ganaraska River, Wilmot Creek, Rouge River, Don River, Etobicoke River, Credit River, Sixteen Mile Creek, and Burlington Bay, as it is known today.”<sup>25</sup>

Within Michi Saagiig territory are many important landmarks. Notably, near Nogojiwanong—meaning “the place at the end of the rapids”<sup>26</sup> (Peterborough, Ontario)—there is a tall grass and oak savannah, petroglyphs, wild rice fields, serpent mounds, and the Otonabee River, which all have particular significance.

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### TALL GRASS PRAIRIE & OAK SAVANNAH

The Rice Lake Plains are the eastern-most prairie ecosystem of tall-grass and oak savannah on Turtle Island. Alderville First Nation, alongside other Canadian partners, have signed a Memorandum of Understanding to maintain and protect this area.<sup>27</sup>

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### KINOMAAGEWAPKONG/PETROGLYPHS

The Gii-masinigaawok (picture writing/rock paintings) in Michi Saagiig territory are currently designated as an Ontario Provincial Park and are taken care of by Curve Lake First Nation. The stories and teachings depicted on and through the rocks tell of

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<sup>23</sup> Gidigaa Migizi (Doug Williams), *Michi Saagiig Nishnaabeg: This is Our Territory* (Manitoba: ARP Books, 2018) at 91.

<sup>24</sup> Gidigaa Migizi (Doug Williams), *Michi Saagiig Nishnaabeg: This is Our Territory* (Manitoba: ARP Books, 2018) at 34.

<sup>25</sup> Gidigaa Migizi (Doug Williams), *Michi Saagiig Nishnaabeg: This is Our Territory* (Manitoba: ARP Books, 2018) at 29.

<sup>26</sup> See Shirley Williams, Oral teaching, focus group (August 10, 2021) as transcribed in *NOTES – LFO Nawendiwin – August 10, 2021 – Validation Interview -CAC Scribe.pdf* at 1 as validated and edited in *Validation – Shirley Williams.pdf* [Archived with ILRU] where it is mentioned that Nogojiwanong may also mean “at the end of the rapids”.

<sup>27</sup> Rice Lake Plains Partnership, “Memorandum of Understanding” (last visited 20 September 2021), online: *Rice Lake Plains Partnership* <[www.ricelakeplains.ca/about-us/rice-lake-plains-joint-initiative](http://www.ricelakeplains.ca/about-us/rice-lake-plains-joint-initiative)> [perma.cc/8KKU-NLUR].

the creation and birthing of Anishinaabeg through the earth.<sup>28</sup> In particular, the Kinoomaage-wapkong (to teach - on the rock)<sup>29</sup> represent the spirits of the snakes, turtles, skinks, worms, bugs, spiders, and insects that helped create humans from the earth.<sup>30</sup>

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## SERPENT MOUNDS

The Serpent Mounds are a National Historic Site owned and taken care of by Hiawatha First Nation. They are made up of 8 effigy mounds—the only known mounds in Canada—the longest of which extends 60 meters by 8 meters in the shape of a serpent. They are estimated to be at least 2,000 years old. In addition to being burial sites for Anishinaabeg, the mounds also cradle a rich oral history that includes stories of Nanabozho.<sup>31</sup>

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## WILD RICE FIELDS

The lakes around Nogojiwanong were traditionally habitats of extensive wild rice (minoomin) beds/fields. Chemong Lake, in particular, was said to be so full of minoomin that one could not see the water. Sadly, most of the beds were decimated when the Trent-Severn waterway was flooded. However, members of the community, led by James Whetung and his family, have continued to harvest and reseed wild rice in Rice Lake and Pigeon Lake. Minoomin is not only a food staple of Michi Saagiig Anishinaabeg but is also a practice rich in traditional knowledge and Indigenous law.

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## OTONABEE RIVER

The Otonabee River runs 55 km from Little Lake in downtown Nogojiwanong to Rice Lake. Its name comes from the following Anishinaabemowin words: “ode,” which means “heart;” “odemgat,” which means “boiling;” and, “niibii,” which means “water.” In this way, the translation of the word has come to be understood as “the water that bubbles and boils like a heart.” In the early 19th century, a series of locks and dams were constructed in what would become the Trent-Severn Waterway. Today, there are 45 locks that regulate the flow of various waterways that include the Otonabee River.<sup>32</sup> The flooding and regulation of the river have been responsible for the loss of numerous species of Indigenous flora and fauna. As Gidigaa Migizi (Doug Williams) said, “[w]e lost so much land and so many islands to the flooding. The mercury levels in the fish

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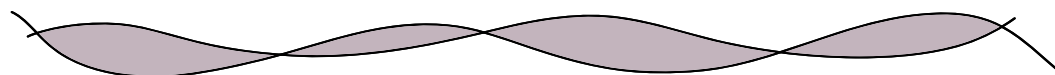
<sup>28</sup> Gidigaa Migizi (Doug Williams), *Michi Saagiig Nishnaabeg: This is Our Territory* (Manitoba: ARP Books, 2018) at 26; See Shirley Williams, Oral teaching, focus group (August 10, 2021) as transcribed in *NOTES – LFO Nawendiwin – August 10, 2021 – Validation Interview -CAC Scribe.pdf* at 2 as validated and edited in *Validation – Shirley Williams.pdf* [Archived with ILRU] where it is mentioned that Gii-masinigaawok means the “picture or image of something” whereas Aasinii-masinaakazigwein means “rock writing”.

<sup>29</sup> See Shirley Williams, Oral teaching, focus group (August 10, 2021) as transcribed in *NOTES – LFO Nawendiwin – August 10, 2021 – Validation Interview -CAC Scribe.pdf* at 2 as validated and edited in *Validation – Shirley Williams.pdf* [Archived with ILRU] where it is mentioned that a hyphen is used in kinoomaange-wapkong to separate the words “to teach” and “on the rock”.

<sup>30</sup> Gidigaa Migizi (Doug Williams), *Michi Saagiig Nishnaabeg: This is Our Territory* (Manitoba: ARP Books, 2018) at 26.

<sup>31</sup> There are many spellings and teachings about Nanabozho. For some original teachings, see Edward Benton-Banai, *The Mishomis Book: The Voice of the Ojibway* (Minnesota: University of Minnesota Press, 2010) at 29-30 where Nanabozho is named Way-na-boo’-zhoo and called the Original Man.

<sup>32</sup> Government of Canada, “Trent-Severn Waterway National Historic Site” (last visited 22 October 2021), online: *Parks Canada* <[www.pc.gc.ca/en/lhn-nhs/on/trentsevern/visit/posteelusage-lockstation](http://www.pc.gc.ca/en/lhn-nhs/on/trentsevern/visit/posteelusage-lockstation)> [perma.cc/LWM2-57HR].



increased because of the flooding and the amount of bark in the waterways from logging.”<sup>33</sup> Despite this, the Otonabee is still a central waterway that carries history and stories, and provides sustenance with fish, rice, and other medicines and food plants.

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## MICHI SAAGIIG GOVERNANCE AND ECONOMY

During the great migration of the Anishinaabeg, a coalition of three Anishinaabeg nations was created as a way to govern in the face of colonization and geographic distance. The Three Fires Confederacy is still recognized as a form of governance that some Michi Saagiig Anishinaabeg participate in.<sup>34</sup> Additionally, medicine societies created from this time in history continue to have power and influence in Anishinaabeg communities.

Historically, Anishinaabeg used a clan system, which had two primary functions: 1) to keep track of family relations; and 2) to guide specific responsibilities within and between communities. Many sources suggest that there were seven original clans: Crane, Loon, Fish, Gear, Martin, Deer, and Bird. However, most Anishinaabeg communities and nations have variations on these clans, including stories and histories about the erasure or disappearance of some clans.<sup>35</sup>

Gidigaa Migizi (Doug Williams) has written about some of the nuances of the clan system for Michi Saagiig Anishinaabeg, in particular. He notes that, in Curve Lake, the clans present to sign the 1818 Treaty were Eagle, Fish, Snake, Black Duck, and Reindeer/Caribou.<sup>36</sup> Williams also notes that the primary functions of clans in Curve Lake were to monitor family lineage, and facilitate travel and diplomacy among other clan-based Anishinaabeg nations.<sup>37</sup>

While traditional systems of governance persist today, many Michi Saagiig Anishinaabeg are governed by *Indian Act* band councils or by other Canadian systems of governance that have jurisdiction where they live.

The Michi Saagiig economy was a seasonal, subsistence-based economy that relied on the cycles of the land to meet their economic needs. The lunar calendar, based on 13 moons, is a map of those cycles. For example, during the sugar moon, Anishinaabeg would be working to tap maple trees and make maple syrup and other by-products of the ninaatig (maple tree). In the ricing moon, the Anishinaabeg would be harvesting minoomin for storage and for trading. Hunting, fishing, and berry picking were also central elements of the Michi Saagiig economy.

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<sup>33</sup> Gidigaa Migizi (Doug Williams), *Michi Saagiig Nishnaabeg: This is Our Territory* (Manitoba: ARP Books, 2018) at 82-83.

<sup>34</sup> Edward Benton-Banai, *The Mishomis Book: The Voice of the Ojibway* (Minnesota: University of Minnesota Press, 2010).

<sup>35</sup> Edward Benton-Banai, *The Mishomis Book: The Voice of the Ojibway* (Minnesota: University of Minnesota Press, 2010) at 74.

<sup>36</sup> Gidigaa Migizi (Doug Williams), *Michi Saagiig Nishnaabeg: This is Our Territory* (Manitoba: ARP Books, 2018) at 60.

<sup>37</sup> Gidigaa Migizi (Doug Williams), *Michi Saagiig Nishnaabeg: This is Our Territory* (Manitoba: ARP Books, 2018) at 60.

The Michi Saagiig Anishinaabeg had strong trading relations with neighbouring nations. In 1701, the Michi Saagiig entered into a treaty with a group of Nadawe (Mohawks) known as the Dish With One Spoon Treaty, which is documented in wampum and articulates the manner in which the nations should share the territory.<sup>38</sup>

While the concept of “subsistence” economy is often equated to an economy that is less “sophisticated” than Western notions of capitalism, it is important to acknowledge that this kind of economy:

- provided for what Anishinaabeg needed;
- provided surplus for trading in the case of famine/drought/war;
- equalized roles among genders in economic participation; and
- prioritized sustainable use of the land.<sup>39</sup>

Furthermore, the trading routes of Indigenous Peoples on Turtle Island have been shown to be extensive and far-reaching and the Michi Saagiig were connected to the Hopewell Interaction Sphere—a connection of Indigenous nations shown to have had economic and diplomatic interactions across eastern Turtle Island from 2,000 years ago.<sup>40</sup>

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## THE MICHİ SAAGIIG AND COLONIZATION

According to oral history, Samuel de Champlain was the first European to reach Michi Saagiig territory in 1615. He spent his first winter in 1615–1616 with the Aayadowaad/Aayandaawaad (Wendat). Within 10 years, sickness had spread throughout Aayadowaad/Aayandaawaad communities. At that time, some estimates show a decline in population from 40,000 people to 7,000. By 1654, there were almost no Indigenous Peoples living in what is now southern Ontario because they were either dead or had left to escape disease.<sup>41</sup>

In 1762, the Michi Saagiig were part of a meeting with the British to express concern over the developing 13 Colonies. The British responded with the Royal Proclamation in 1763. In 1765, the Treaty of Niagara was signed and the Michi Saagiig interpreted the intent of this Treaty to be one of protection of Indigenous land and sovereignty. However, the dishonouring of these Treaties and Indigenous Peoples, combined with the continued unrest in the 13 Colonies, resulted in the War of 1812. Alongside Tkamse (Tecumseh), the Michi Saagiig sent Ashkiwininiwag (guerilla soldiers) to the frontlines to fight an American invasion. The British made promises to the Michi Saagiig and other Indigenous soldiers to defend Indigenous Peoples and lands as allies after the

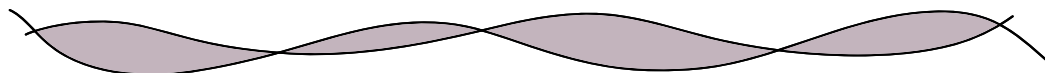
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<sup>38</sup> Ryerson School of Journalism at FCAD, “Land Acknowledgement” (last visited 22 October 2021), online: < [trc.journalism.ryerson.ca/land-acknowledgement/](http://trc.journalism.ryerson.ca/land-acknowledgement/) [perma.cc/8HLL-P3R2]; Leanne Betasamosake Simpson, “Looking after Gdoo-naaganinaa: Precolonial Nishnaabeg Diplomatic Treaty Relationships” (2008) 23(2) *Wicazo Sa Review* at 29-42.

<sup>39</sup> Rauna Kuokkanen, “Indigenous Economies, Theories of Subsistence, and Women” (2011) 35:2 *American Indian Quarterly* 215.

<sup>40</sup> Janet Berlo and Ruth Phillips, *Native North American Art* (New York: Oxford University Press, 2015) at 89.

<sup>41</sup> Gidigaa Migizi (Doug Williams), *Michi Saagiig Nishnaabeg: This is Our Territory* (Manitoba: ARP Books, 2018) at 39-41.



war; however, those promises were not kept, and a large influx of settlers displaced many Indigenous Peoples from their homelands.<sup>42</sup>

In 1818, the Michi Saagiig signed a Treaty in an attempt to protect what was left of their territories. However, this did not stop surveyors from continuing to encroach on Michi Saagiig land.<sup>43</sup> The Williams Treaty of 1923 has been interpreted by Canada as a land cession treaty and Canada has made promises of annuities, land use, and land protection that have never been fully honoured. It was only in 2018, after many years of litigation and negotiation, that the signatory nations came to a settlement agreement with Canada. Still, many Michi Saagiig continue to express frustration at the disrespect and dishonor with which the process was conducted.



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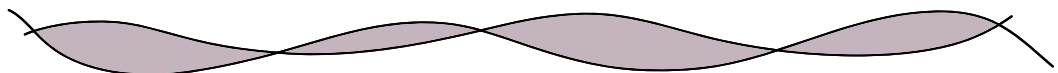
<sup>42</sup> Gidigaa Migizi (Doug Williams), *Michi Saagiig Nishnaabeg: This is Our Territory* (Manitoba: ARP Books, 2018) at 49-55.

<sup>43</sup> Gidigaa Migizi (Doug Williams), *Michi Saagiig Nishnaabeg: This is Our Territory* (Manitoba: ARP Books, 2018) at 64-71.

# INTRODUCTION TO THE ANALYTICAL FRAMEWORK

The analysis that follows is organized within a Framework. This Framework is used to help clarify the legal principles and processes necessary for responding to the research questions or topic. The Framework contains several “chapters”, each of which contains multiple sections that focus on a particular aspect of law relating to kinship-centred governance and responses to vulnerability, conflict and harm within families. Here is an overview of the Framework focus areas and questions:

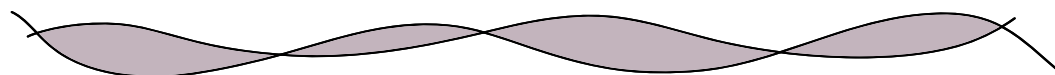
1. **General Underlying Principles:** What are some of the fundamental pillars of Anishinaabeg kinship-centred governance
2. **Legal Processes:** What are the characteristics of legitimate decision-making?
  - 2.1. **Authoritative Decision-Makers:** Who is called upon to respond to vulnerability, conflict, or harm? Who makes, manages, and implements decisions?
  - 2.2. **Procedural Steps:** How are legitimate decisions developed?
3. **Legal Obligations:** What are people’s responsibilities to each other within and across families?
4. **Legal Rights:** What can people expect from others? How are expectations upheld?
  - 4.1. **Substantive Rights**
  - 4.2. **Procedural Rights**
5. **Legal Responses and Resolutions:** What are some of the ways Anishinaabeg decision-makers address vulnerability, conflict, or harm within families? What principles govern responses and resolutions?



# 1. GENERAL UNDERLYING PRINCIPLES

## WHAT ARE SOME OF THE FUNDAMENTAL PILLARS OF ANISHINAABEG KINSHIP-CENTRED GOVERNANCE?

GENERAL RESTATEMENTS OF LAW – GENERAL UNDERLYING PRINCIPLES	
<p><b>1.1</b> Nawendiwin</p>	<p>Relationship and kinship are central to Anishinaabeg life. Nawendiwin (the art of being relatives, or the art of being related) founds and sustains legal responsibilities and rights within kinship relations, which can encompass both human and other-than-human beings. Nawendiwin is a dynamic and ongoing process in which kinship legal relations are created and upheld in diverse ways (through biology, clans, adoption processes, community roles, etc.): <i>Shirley Williams; Dancing on Our Turtle’s Back; A Child Becomes Strong: Journeying Through Each Stage of the Life Cycle; Doodem and Council Fire: Anishinaabe Governance through Alliance.</i></p>
<p><b>1.2</b> Mino-Bimaadiziwin</p>	<p>Mino-bimaadiziwin (the Good Life) is manifested through the Seven Sacred Teachings. These teachings remind Anishinaabeg that the pursuit of an individual’s purpose or self-determination is balanced with values that shape how an individual walks in the world. Mino-bimaadiziwin encourages people to live life in a way that honours all of Creation, and guides kinship-centred decision-making: <i>Shirley Williams; Anishinaabe Ways of Knowing and Being; Dancing on Our Turtle’s Back; Doodem and Council Fire: Anishinaabe Governance through Alliance; Michi Saagiig Nishnaabeg: This is Our Territory.</i></p>
<p><b>1.3</b> Self-Determination</p>	<p>Each person decides how to move towards mino-bimaadiziwin. Self-determination is referred to as the pursuit of each individual’s “vision.” Each person is to follow the path of life as is prescribed in their vision(s). However, one must do so in accordance with Anishinaabeg laws and with consideration to others’ needs. The pursuit of self-determination should not be done in a way that prohibits others’ attempts at realizing their own self-determination: <i>Delores Lalonde; Ojibway Heritage.</i></p>
<p><b>1.4</b> Onjinewin &amp; Aanjigone</p>	<p>Onjinewin refers to the notion that what a person does to all creation will come back to that person. Aanjigone refers to an ethic of non-interference and asks individuals to be careful with judgement and criticism. Combined, these two concepts remind us that the consequences of our actions have far-reaching effects: <i>Delores LaLonde; Dancing on Our Turtle’s Back.</i></p>
<p><b>1.5</b> Gender Fluidity</p>	<p>Gender variance and fluidity have always existed and were historically understood as normal expressions of the Creator’s gifts and individual autonomy and self-determination. Two-Spirit people continue to uphold and be upheld within Anishinaabeg kinship-centred law and governance: <i>Shirley Williams; Anne Taylor; As We Have Always Done: Indigenous Freedom through Radical Resistance; Naming and Claiming: Recovering Ojibwe and Plains Cree Two-Spirit Language; A Two-Spirit Journey: The Autobiography of a Lesbian Ojibwa-Cree Elder; Naawenangweyaabeg Coming In: Intersections of Indigenous Sexuality and Spirituality; Two-Spirit Identity and Indigenous Conceptualization of Gender and Sexuality; Two-Spirit and Bisexual People: Different Umbrella, Same Rain.</i></p>



## 1.1 NAWENDIWIN

Nawendiwin (the art of relatives or, the art of being related) refers to the core principle that relationship and kinship are central to Anishinaabeg life, including law.<sup>44</sup> Relationships are vital to the sustenance of the collective and are established, maintained, and renewed through people’s choices and actions. The principle of Nawendiwin includes an ethic of interrelatedness between human and non-human communities and creates obligations and responsibilities between the parties. These relationships are both durable and dynamic, are rooted in Creation and original teachings, and are responsive to changing needs.

Nawendiwin implies a creative and process-based understanding of relationship and family. As an ongoing process that requires more than one actor or action, relationship demands connection outside of the self. In this way, there are many ways that Anishinaabeg create family—not just biological. Bonds are created through clans and adoption (both formal and informal). There are also community roles that create bonds between community members that emulate family relationships (see Section 3: Legal Obligations).

While there are various ways to enter into relationships, Anishinaabeg law starts with the first relationships that are formed by being born into a family:

**“Before our spirit enters the womb of our mother, we go on a spiritual journey. In the spirit world we sit with the seven grandfathers and the Creator. If we want to take the journey into the physical world we must first ask permission from the Creator to go on this physical journey, then we must choose our parents. We choose who is to be our mother and father based on what our purpose is. We select a mother and a father who will be able to assist us in fulfilling this life’s purpose. The Creator brings them together.”<sup>45</sup>**

Similarly, relationship with gender begins at birth, but it also incorporates an ongoing process based on individual choice and guidance from the spirit world (see Section 1.5: Gender Fluidity).

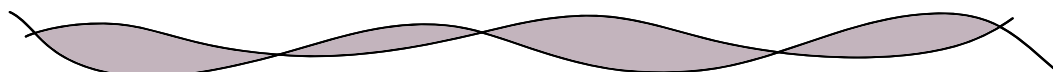
This teaching was echoed by Shirley Williams who went further to explain how this teaching also accounts for the loss of babies or children:

Sometimes the baby spirit decides to come into the woman but then does not want to endure what is going on in the world and is willing to go back to where the spirit world is. The decision of the spirit baby to go back into

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<sup>44</sup> Shirley Williams, Oral teaching, focus group (December 17, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin – Audio File – Dec 17 TW and SO group (1) MP3.pdf* at 3 as validated and edited in *Validation – Shirley Williams.pdf* [Archived with ILRU].

<sup>45</sup> Best Start Resource Centre, “A Child Becomes Strong: Journeying Through Each Stage of the Life Cycle” (2010) at 15, online (pdf): <[resources.beststart.org/wp-content/uploads/2019/01/K12-A-1.pdf](https://resources.beststart.org/wp-content/uploads/2019/01/K12-A-1.pdf)> [perma.cc/JS67-UMJP].



the sky world exists in the stars we see today. The babies are shining up in the sky always lighting up there in the night.<sup>46</sup>

These passages set out several important ideas that underpin Anishinaabeg family law:

- 1) Babies are self-determining beings whose presence is as a result of acting on their own volition with the support of their relatives;
- 2) A council of ancestors/Elders engage in deliberative processes to help fulfill a specific outcome;
- 3) Every person is born with a purpose; and,
- 4) The role of parents and family is to help a baby/child fulfill their purpose.

Leanne Betasamosake Simpson, a Michi Saagiig citizen and scholar, highlights these teachings:

**“In the pre-colonial Nishnaabeg nation, children were highly respected *people*, valued for their insights, their humour, and their contributions to families and communities at each stage of their lives. Children were seen as Gifts, and parenting was an honour. Coming from the spirit-world at birth, children were closer to that world than their adult counterparts, and were therefore considered to have a greater spiritual power – a kind of power highly respected amongst the Nishnaabeg.”<sup>47</sup>**

In this way, parents and family have “responsibility for” as opposed to “authority over” children—a foundational concept that further influences a broader understanding of social and political leadership.<sup>48</sup>

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<sup>46</sup> Shirley Williams, Oral teaching, focus group (August 10, 2021) as transcribed in *NOTES – LFO Nawendiwin – August 10, 2021 – Validation Interview -CAC Scribe.pdf* at 7 as validated and edited in *Validation – Shirley Williams.pdf* [Archived with ILRU].

<sup>47</sup> Leanne Betasamosake Simpson, *Dancing on Our Turtle’s Back: Stories of Nishnaabeg Re-Creation, Resurgence, and a New Emergence* (Winnipeg: ARP Books, 2011) at 123.

<sup>48</sup> Heidi Bohaker, *Doodem and Council Fire: Anishinaabe Governance through Alliance* (Toronto: University of Toronto Press, 2020) at 28.

## 1.2 MINO-BIMAADIZIWIN

Mino-bimaadiziwin (the Good Life) provides Anishinaabeg with an orientation towards “living in this world,” both as individuals and as relations to each other and all Creation.<sup>49</sup> Mino-bimaadiziwin is manifested through the Seven Sacred Teachings. The seven grandparents who were consulted in the Spirit World are associated with Seven Sacred Teachings (sometimes called The Seven Grandfather/Grandmother/Grandparent teachings):

**“Aakde’ewin, the art of having courage; Dbadendiziwin, humility; Debwewin, truth or sincerity; Mnaadendiwin, respect; Nbwaakawin, wisdom; Gwekwaadiziwin, honesty; and Zaagidewin, love.”<sup>50</sup>**

**– Leanne Betasamosake Simpson**

These teachings remind Anishinaabeg that their pursuit of purpose and process of self-determination should be within the parameters of these values. In this way, the exercise of self-determination is balanced with values that shape how an individual walks in the world alongside the rest of Creation.

While we understand mino-bimaadiziwin as a significant legal principle that guides kinship-centred decision-making, it is important to note that, much like the other concepts discussed in this Report, it “does not exist as a definitive body of law,” but rather as a teaching to take up, interpret, and apply.<sup>51</sup> Mino-bimaadiziwin is the gentle yet persistent encouragement to live one’s life in a way that honours all of Creation.

The concept of Creation in an Anishinaabeg worldview includes human and non-human relatives. The inclusion of non-human relatives when considering family and kinship is an important part of Anishinaabeg governance:

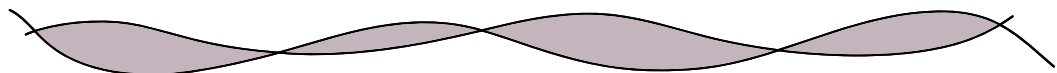
In the Anishinaabe worldview, God or the Creator did not bring forth humans independent of animals; instead, humans came from the animals (a perspective, one might note, much more in alignment with contemporary science on evolution). Anishinaabe philosophy and worldview interprets this connection between humans and animals as one of interdependence or even simply dependence – where humans are dependent upon animals and other en-souled life. The human-animal relationship is similar to a sibling relationship

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<sup>49</sup> Lawrence Gross, *Anishinaabe Ways of Knowing and Being* (England: Ashgate Publishing Limited, 2014) at 205, 207.

<sup>50</sup> *Dancing on Our Turtle’s Back: Stories of Nishnaabeg Re-Creation, Resurgence, and a New Emergence* (Winnipeg: ARP Books, 2011) at 124-125.

<sup>51</sup> Lawrence Gross, *Anishinaabe Ways of Knowing and Being* (England: Ashgate Publishing Limited, 2014) at 207.



– animals are the elder siblings, humans the younger. Humans have much to learn from their older siblings.<sup>52</sup>

In this telling of the creation of the world, the well-being or *mino-bimaadiziwin* of animals and plants must be considered alongside humans.

The use of doodem or clans in Anishinaabeg society is one way Anishinaabeg remember and govern according to the relationships and responsibilities between humans and non-humans. Those Anishinaabeg who share a doodem/clan are, through this connection, considered kin relations.<sup>53</sup> Gidigaa Migizi (Doug Williams) likens clans to last names, “but it is hard to compare the two because there is so much meaning in the Clan system it can’t really be compared.”<sup>54</sup> While doodem and clans are used in different ways across different Anishinaabeg nations/communities, there is a consistent thread of relationship and kinship that binds members of a clan together.

**“Each Anishinaabe person exists at the centre of four lines extending in the four directions: The vertical lines represent the generations of one’s ancestors and descendants, while the horizontal lines extending perpendicular to the vertical represent the expansive network of kin in the present – through one’s doodem and through the doodem of one’s mother or spouse . . .”<sup>55</sup>**



<sup>52</sup> Heidi Bohaker, *Doodem and Council Fire: Anishinaabe Governance through Alliance* (Toronto: University of Toronto Press, 2020) at 46.

<sup>53</sup> See Shirley Williams, Oral teaching, focus group (August 10, 2021) as transcribed in *NOTES – LFO Nawendiwin – August 10, 2021 – Validation Interview -CAC Scribe.pdf* at 3 as validated and edited in *Validation – Shirley Williams.pdf* [Archived with ILRU] where it is mentioned that doodem means “the clan” and doodemowin means “the art of relations/clans”.

<sup>54</sup> Gidigaa Migizi (Doug Williams), *Michi Saagiig Nishnaabeg: This is Our Territory* (Manitoba: ARP Books, 2018) at 60.

<sup>55</sup> Heidi Bohaker, *Doodem and Council Fire: Anishinaabe Governance through Alliance* (Toronto: University of Toronto Press, 2020) at 71.

## 1.3 SELF-DETERMINATION

Every Anishinaabeg decides how to move towards mino-bimaadiziwin. This is a gift from Creation to every part of Creation. The pursuit of self-determination should be done without unduly inhibiting others' attempts at realizing their own self-determination.

In his writing, Basil Johnston tells a story on self-determination, which emphasizes that self-determination is the pursuit of each individual's "vision." In the story, Chejauk, a medicine man, tells Weegwaus, "[w]hile men and women contend with the struggles in the physical order, they must live out their visions. They must follow the path of life as is prescribed in the visions."<sup>56</sup> Chejauk goes on to acknowledge that individuals must pursue their vision in accordance with Anishinaabeg law and with consideration to others' needs:

**“In . . . [pursuing a vision] they must observe the laws of the world and the customs of the community. . . . There is the sanctity of the vision and persons of other men and women. Duty requires that persons honour and respect the individual spirit and vision of others.”<sup>57</sup>**

**– Basil Johnston**

As a general underlying principle, self-determination is used to balance the rights and obligations of the individual against the rights and obligations of other individuals and the community as a whole. Self-determination is also not a passive exercise but an iterative process—something that must be practiced and repeated. As Delores Lalonde said:

I'm a strong believer in that going back to our teachings and everything is a life lesson and what is it that we're learning from that lesson and being reflective within your own self when you're going through struggles. What am I learning from this situation and what do I need to do to change? Either to change it for myself or for somebody else.<sup>58</sup>

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<sup>56</sup> Basil Johnston, *Ojibway Heritage* (Toronto: McClelland & Stewart, 1976) at 116, online (pdf): *Archive* <<https://archive.org/details/ojibwayheritage00basi>>; See also Section 1.5: Gender Fluidity in General Underlying Principles.

<sup>57</sup> Basil Johnston, *Ojibway Heritage* (Toronto: McClelland & Stewart, 1976) at 116, online (pdf): *Archive* <<https://archive.org/details/ojibwayheritage00basi>>.

<sup>58</sup> Delores Lalonde, Oral teaching, focus group (November 20, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin - Nov 20 TW and SO group (1) MP3.pdf* at 10 as validated and edited in *Validation – Delores Lalonde.pdf* [Archived with ILRU].



## 1.4 ONJINEWIN & AANJIGONE

The word onjinewin means that what a person does to all creation will come back to that person. The word aanjigone is sometimes referred to as an ethic of non-interference and asks individuals to be careful with judgment and criticism.<sup>59</sup> Combined, these concepts speak to a larger principle reminding us that the consequences of our actions have far-reaching effects that might ultimately be mediated by forces outside of human control. That is not to say that humans should not speak out or take action when there are instances of wrongdoing or harm, but, instead, it encourages people to foster humility and to work towards conditions that protect individuals in their pursuit of mino-bimaadiziwin while also recognizing that some consequences are not meant to be administered by humans.

**“We need to remember especially from our teachings is that everything in our life is a lesson. There’s no mistakes. I don’t believe there are mistakes. These are teaching moments. These are things that we need to experience in order to be better or to have that understanding of the situation.”<sup>60</sup>**

**– Delores Lalonde**

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<sup>59</sup> Leanne Betasamosake Simpson, *Dancing on Our Turtle’s Back: Stories of Nishnaabeg Re-Creation, Resurgence, and a New Emergence* (Winnipeg: ARP Books, 2011) at 54.

<sup>60</sup> Oral teaching, focus group (November 20, 2020) as transcribed in TRANSCRIPT – LFO Nawendiwin – Nov 20 TW and SO group (1) MP3.pdf at 10 as validated and edited in Validation – Delores Lalonde.pdf [Archived with ILRU].

## 1.5 GENDER FLUIDITY

Gender fluidity and variance existed in many (if not most) Indigenous communities on Turtle Island prior to colonization. Through assimilation practices enforced by the colonial state, Indigenous bodies were expected to mold into the gendered roles of European settlers.<sup>61</sup> This can be seen through, for instance, the residential school system, day schools, and the *Indian Act*, which all reinforced colonial gendered perspectives and understandings.<sup>62</sup> As a result, traditional gendered variance, including queer genders and sexualities, within Indigenous and Anishinaabeg communities were repressed and subsequently reached near erasure in their representation.<sup>63</sup>

Two-Spirit is a term that was chosen at the 1994 Annual Native American Gay and Lesbian Gathering in Winnipeg to describe a wide range of gender and/or sexual identities in Indigenous communities. Two-Spirit is frequently cited as originating from the Anishinaabemowin phrase *niizh manidoowag*<sup>64</sup> or *niizhin ojijjaak*.<sup>65</sup> Shirley Williams and Anne Taylor noted that *Anii-zhoo-waadizid*, which can mean ‘a person that lives in two ways,’ might be apt also.<sup>66</sup> Two-Spirit now is used to describe Anishinaabe individuals who identify as gay, lesbian, bisexual, non-binary, transgender, or queer while also encompassing all aspects of who a person is, including their culture, sexuality, gender, spirituality, community, and relationships to the land.<sup>67</sup> Notably, there is a “web of supportive, reciprocal, generative relationships” that exist outside of colonial gendered understandings and which often do not have an English translation.<sup>68</sup> Two-Spirit is multifaceted term including various of gender expressions embedded in Anishinaabemowin, and cannot be reduced to a universal definition.<sup>69</sup>

Evidence supports that gender variance in Anishinaabeg communities was normalized prior to colonization. It involved elements of self-actualization and individual self-determination and agency. Each person, including children, maintained sovereignty over

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<sup>61</sup> Leanne Betasamosake Simpson, *As We Have Always Done: Indigenous Freedom through Radical Resistance* (Minneapolis: University of Minnesota Press, 2017) at 111.

<sup>62</sup> Leanne Betasamosake Simpson, *As We Have Always Done: Indigenous Freedom through Radical Resistance* (Minneapolis: University of Minnesota Press, 2017) at 126-127.

<sup>63</sup> Leanne Betasamosake Simpson, *As We Have Always Done: Indigenous Freedom through Radical Resistance* (Minneapolis: University of Minnesota Press, 2017) at 111.

<sup>64</sup> *Niizh manidoowag* is often also spelled as *niizh manitoag* or *niizh manidoo*. See Kai Pyle, “Naming and Claiming: Recovering Ojibwe and Plains Cree Two-Spirit Language” (2018) 5:4 *Transfender Studies Quarterly* 574 at 577; Sakihitowin Awasis, “‘Anishinaabe time’: Temporalities and Impact Assessment in Pipeline Reviews” (2020) 27:1 *Journal of Political Ecology* 830 at 838.

<sup>65</sup> Ma-Nee Chacaby and Mary Louisa Plummer, *A Two-Spirit Journey: The Autobiography of a Lesbian Ojibwa-Cree Elder* (Winnipeg, MB: University of Manitoba Press, 2016) at 64; Leanne Betasamosake Simpson, *As We Have Always Done: Indigenous Freedom through Radical Resistance* (Minneapolis: University of Minnesota Press, 2017) at 126.

<sup>66</sup> Shirley Williams and Anne Taylor, Oral teaching, focus group (August 10, 2021) as transcribed in *NOTES – LFO Nawendiwin – August 10, 2021 – Validation Interview –CAC Scribe.pdf* as validated and edited in *Validation – Shirley Williams.pdf* and *Validation – Anne Taylor.pdf* [Archived with ILRU].

<sup>67</sup> Chantal Fiola, “Naawenangweyaabeg Coming In: Intersections of Indigenous Sexuality and Spirituality” in Sarah Nickel and Amanda Fehr, *In Good Relation: History, Gender, and Kinship in Indigenous Feminisms* (Winnipeg, MB: University of Manitoba Press, 2020) at 140.

<sup>68</sup> Leanne Betasamosake Simpson, *As We Have Always Done: Indigenous Freedom through Radical Resistance* (Minneapolis: University of Minnesota Press, 2017) at 134.

<sup>69</sup> Leah Carrier, Jessy Dame, and Jennifer Lane, “Two-Spirit Identity and Indigenous Conceptualization of Gender and Sexuality: Implications for Nursing Practice” (2020) 26:2 *Creative Nursing* 96 at 97; Sakihitowin Awasis, “‘Anishinaabe time’: Temporalities and Impact Assessment in Pipeline Reviews” (2020) 27:1 *Journal of Political Ecology* 830 at 838.

their body and each body housed the ability to identify one's experience.<sup>70</sup> Gendered identity involved a relationship between oneself and the spirit world, where the role of others was not to direct or control gender and sexuality but to show respect and provide support.<sup>71</sup> Gender roles were present among Anishinaabeg communities, but gender roles, too, had a sense of fluidity. The degree to which individuals engaged in gendered activities was determined by several factors such as clan, family, skills, interests, and, as mentioned, individual autonomy and self-determination.<sup>72</sup> Two-Spirit peoples have played an important role in Anishinaabeg communities since before memory. For instance, historically, Two-Spirit couples could adopt children who had lost their parents.<sup>73</sup> Sometimes, Two-Spirit peoples were embraced as special and powerful and held duties as medicine people, healers, and leaders.<sup>74</sup>

The Creator and a person's spirit will help that individual embody their gender(s) through their life.<sup>75</sup> It is a person's choice to decide what steps they will take to express and embody their gender identity/identities and others ought not to interfere with that process and decision.<sup>76</sup> Traditionally, Two-Spirit people were loved, equally part of the entire community, and treated with respect.<sup>77</sup> Terms relating to gender identity and sexuality often did not seem to exist.<sup>78</sup> Hence, there are many gender-based terms in English for which there are no equivalent Anishinaabemowin terms.



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<sup>70</sup> Leanne Betasamosake Simpson, *As We Have Always Done: Indigenous Freedom through Radical Resistance* (Minneapolis: University of Minnesota Press, 2017) at 112-113, 128, 132; Sakihitowin Awasis, ““Anishinaabe time”: Temporalities and Impact Assessment in Pipeline Reviews” (2020) 27:1 *Journal of Political Ecology* 830 at 840.

<sup>71</sup> Leanne Betasamosake Simpson, *As We Have Always Done: Indigenous Freedom through Radical Resistance* (Minneapolis: University of Minnesota Press, 2017) at 120.

<sup>72</sup> Leanne Betasamosake Simpson, *As We Have Always Done: Indigenous Freedom through Radical Resistance* (Minneapolis: University of Minnesota Press, 2017) at 134; Angela Sterritt, “Indigenous languages recognize gender states not even named in English” (10 March 2016), online: *The Globe and Mail* <[www.theglobeandmail.com/life/health-and-fitness/health/indigenous-languages-recognize-gender-states-not-even-named-in-english/article29130778/](http://www.theglobeandmail.com/life/health-and-fitness/health/indigenous-languages-recognize-gender-states-not-even-named-in-english/article29130778/)>.

<sup>73</sup> Leanne Betasamosake Simpson, *As We Have Always Done: Indigenous Freedom through Radical Resistance* (Minneapolis: University of Minnesota Press, 2017) at 126.

<sup>74</sup> Ma-Nee Chacaby and Mary Louisa Plummer, *A Two-Spirit Journey: The Autobiography of a Lesbian Ojibwa-Cree Elder* (Winnipeg, MB: University of Manitoba Press, 2016) at 65; Angela Sterritt, “Indigenous languages recognize gender states not even named in English” (10 March 2016), online: *The Globe and Mail* <[www.theglobeandmail.com/life/health-and-fitness/health/indigenous-languages-recognize-gender-states-not-even-named-in-english/article29130778/](http://www.theglobeandmail.com/life/health-and-fitness/health/indigenous-languages-recognize-gender-states-not-even-named-in-english/article29130778/)>; Margaret Robinson, “Two-Spirit and Bisexual People: Different Umbrella, Same Rain” (2017) 17:1 *Journal of Bisexuality* at 9.

<sup>75</sup> Shirley Williams and Anne Taylor, Oral teaching, focus group (August 10, 2021) as transcribed in *NOTES – LFO Nawendiwin – August 10, 2021 – Validation Interview -CAC Scribe.pdf* at 8 as validated and edited in *Validation – Shirley Williams.pdf* and *Validation – Anne Taylor.pdf* [Archived with ILRU].

<sup>76</sup> Shirley Williams and Anne Taylor, Oral teaching, focus group (August 10, 2021) as transcribed in *NOTES – LFO Nawendiwin – August 10, 2021 – Validation Interview -CAC Scribe.pdf* at 8 as validated and edited in *Validation – Shirley Williams.pdf* and *Validation – Anne Taylor.pdf* [Archived with ILRU].

<sup>77</sup> Leanne Betasamosake Simpson, *As We Have Always Done: Indigenous Freedom through Radical Resistance* (Minneapolis: University of Minnesota Press, 2017) at 123; Shirley Williams, Oral teaching, focus group (August 10, 2021) as transcribed in *NOTES – LFO Nawendiwin – August 10, 2021 – Validation Interview -CAC Scribe.pdf* at 8 as validated and edited in *Validation – Shirley Williams.pdf* [Archived with ILRU].

<sup>78</sup> Leanne Betasamosake Simpson, *As We Have Always Done: Indigenous Freedom through Radical Resistance* (Minneapolis: University of Minnesota Press, 2017) at 123.

## 2. LEGAL PROCESSES

### WHAT ARE THE CHARACTERISTICS OF LEGITIMATE DECISION-MAKING?

Legal processes refer to *how* lawful decisions are made and *by whom*. These processes and the roles of decision-makers exist on a spectrum that includes consideration of specific, individual scenarios. This does not mean that Anishinaabeg legal processes are makeshift or improvised. To the contrary, there are clear, persistent, and rigorous methods for making decisions that have been tested and developed over generations of practice. It does mean, however, that there are not linear, uniform, or codified pathways for deciding those legal issues that come before an Anishinaabeg legal system; each decision and process is tailored and context-specific. Similarly, the role and emphasis placed on various authoritative decision-makers shifts depending on their proximity to a situation and their relationship to the individuals and families involved. These characteristics are hallmarks of a decentralized legal order.



## 2.1 AUTHORITATIVE DECISION-MAKERS AND INSTITUTIONS

Who is called upon to respond to vulnerability, conflict, or harm? Who makes, manages, and implements decisions?

2.1 GENERAL RESTATEMENTS OF LAW – AUTHORITATIVE DECISION MAKERS	
<p><b>2.1.1</b> Children and Youth</p>	<p>Children and youth hold decision-making authority in situations that affect their lives and the lives of their family and community: <i>Participant #2; Anne Taylor; Dakota Frost; The Baagaataa’awa Game that Changed Everything; Kwezens Makes a Lovely Discovery; The Star People Are Always Watching; Ojibway Heritage.</i></p> <p>The authority of children and youth also functions to inform the decisions of others, especially those relating to the resolution of harms and the nurturance of well-being, and to create space for youths’ own autonomy and capacity to grow: <i>She Had a Beautiful, Speckled Design; Kwezens Makes a Lovely Discovery; The Baagaataa’awa Game that Changed Everything.</i></p>
<p><b>2.1.2</b> Primary Caregivers/Parents</p>	<p>Primary caregivers/parents have the authority to make decisions that directly affect the well-being and safety of their dependents. However, this right is limited by the autonomy/self-determination of their dependents and is shaped by the input of other authorities: <i>Beedahbin Peltier; Robin; She Had a Beautiful, Speckled Design; Dancing on Our Turtle’s Back.</i></p>
<p><b>2.1.3</b> Extended Family Network (Grandparents, Aunties, Uncles, Cousins)</p>	<p>The extended family holds authority to intervene in people’s decisions regarding interpersonal relationships. Sometimes this includes situations where those relationships impact diplomacy or relations with other communities/nations or when it is necessary to do so to ensure the health and welfare of family members: <i>Participant #1; Wanda Whitebird; The Indian Who Became a Thunderbird; The Dog’s Children.</i></p>
<p><b>2.1.4</b> Elders &amp; Knowledge Keepers</p>	<p>Elders and Knowledge Keepers who have specialized or experiential knowledge are relied upon and consulted to make decisions on issues related to community conflict, the adoption and integration of new community members, and community members’ various rights of passage: <i>The Baagaataa’awa Game that Changed Everything; The Star People Are Always Watching; She Had a Beautiful, Speckled Design; Weegibance Saves her People.</i></p> <p>The authority of Elders and Knowledge Keepers is not absolute, and people are not obligated to follow their guidance: <i>She Had a Beautiful, Speckled Design; Four Warriors Find Naanabozho.</i></p>
<p><b>2.1.5</b> Community Bodies &amp; Community Leadership</p>	<p>Community leadership bodies have the authority to intervene in situations to reduce vulnerability and resolve conflict and harm within families, and to protect people’s rights. These decisions must balance the rights of the directly affected individuals with the needs of the broader collective community: <i>Delores Lalonde; Samantha Tennant; Wanda Whitebird; Story of Redfeather; The Bachelor.</i></p>

## INTRODUCTION

This section outlines five Anishinaabeg decision-making authorities and institutions, who, either alone or (more often) in combination, may be involved in addressing situations of vulnerability, harm, and conflict within families. How these authorities apply the law is explored further under Section 5: Legal Responses.

### 2.1.1 CHILDREN AND YOUTH

The general underlying principle of self-determination (see Section 1.3) reminds Anishinaabeg that all of Creation is given the gift and power to realize their own path of self-realization. This gift is afforded equally to children and youth as it is to adults and is limited only by the requirement that one's pursuit of self-determination does not unduly inhibit others'. Duty requires that people honour and respect the individual spirit and vision of others. And the most suitable, and the least objectionable way of exercising this respect is by allowing others to exercise their growth and scope, by non-interference.<sup>79</sup>

In this way, the voice and perspective of children and youth in situations that affect their lives and the lives of their family and community must be considered in decision-making processes ('voice' as a legal procedural right is discussed further at Section 4.2.2).

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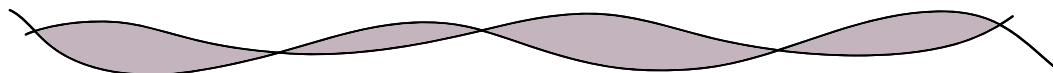
### CHILDREN AND YOUTH AS DECISION MAKERS FOR DECISIONS INVOLVING THEIR OWN WELL-BEING

A primary legal concept that supports the inclusion of children and youth as authoritative decision-makers is the legal response of Meeting Needs (see Section 5.2.1). In order to fulfill this legal response, it is essential that children and youth are given the opportunity to express and articulate their own needs within a system that respects and honours their experiences. As narratives demonstrate, children and youth bring a unique perspective to broader community dynamics and needs as they are often the first to notice signs of change in their environment. This awareness is highlighted in several narratives including *The Baagaataa'awa Game that Changed Everything*, *Kwezens Makes a Lovely Discovery*, and *The Star People Are Always Watching*. In this last case, a young boy's observance of a new anang/star in the sky initiates a process to adopt and integrate Shki Anang into the community as a water lily. When youth were asked, ". . . why do you think it is so important for your voice to be heard . . .?" the most direct and succinct response was, "[b]ecause it is in my best interest."<sup>80</sup> Listening and responding to the voices of children and youth not only helps meet their needs in specific situations, it also nurtures an overall environment where children and youth are empowered to attend to each other and their broader community. Anne Taylor refers to the teachings of Rod Jeffries in this regard: "He . . . talks about youth

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<sup>79</sup> Basil Johnston, *Ojibway Heritage* (Toronto: McClelland & Stewart, 1976) at 116, online (pdf): *Archive* <<https://archive.org/details/ojibwayheritage00basi>>.

<sup>80</sup> Participant #2, Oral teaching, focus group (November 23, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin – Audio File Nov 23 TW and SO group (1) MP3.pdf* at 9 as validated and edited in *Validation – Participant #2.pdf* [Archived with ILRU].



roles as being responsible to each other, to take care of those ones that need assistance, those ones that are younger than you that might not have a voice as strong as yours.”<sup>81</sup>

Youth spoke directly about the impact that being listened to has on their self-esteem, day-to-day reality, and their capacity to exercise self-determination, and therefore *mino-bimaadiziwin*:

I feel like my voice is being respected right now because I actually am living in an adult home where I'm getting the support that I need and where they are actually listening to me. Not like when I was living with my dad. He wasn't really respecting my voice, he wasn't listening to me. He would blame me for everything and he wouldn't let me explain what I had on my side of the story. So I've been here now since Thursday and I feel like my voice is being heard a lot more than what it was when I was living with my family.<sup>82</sup>

This experience was echoed by another youth participant:

Before I moved in with my mom, before I moved in with my grandparents, it's just like she was always kind of putting me to the side and making me do things for her and she didn't really care about me. Then I moved to my grandparent's house it's just like they care a lot more, they show that they love me and that they care for me and they're putting in what's best for my interests.<sup>83</sup>

For all of these reasons, children and youth should be centred as decision-makers in Anishinaabeg legal processes, in particular when those processes and decisions affect them directly. As the participant knowledge and narratives reviewed in this section indicate, some examples of decisions that will affect children and youth directly include (but are not limited to): where and with whom they live, learn and work (*Robin; She Had a Beautiful, Speckled Design, Youth Session; Staff and Board Session; Elders Session*); and, decisions about their own education and future (*Robin; Speckled Design*).

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## CHILDREN AND YOUTH AS DECISION MAKERS IN GENERAL COMMUNITY DECISION-MAKING

There are many stories that show how the knowledge and perspectives of children and youth are central to both the resolution of harms and the nurturance of well-being. Some examples of how this is developed as a type of *authority* in the oral tradition include the following: Kwezens' discovery of *ziinzibaakwaadwaaboo/* maple

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<sup>81</sup> Anne Taylor, Oral teaching, focus group (November 23, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin – Audio File Nov 23 TW and SO group (1) MP3.pdf* at 10-11 as validated and edited in *Validation – Anne Taylor.pdf* [Archived with ILRU].

<sup>82</sup> Dakota Frost, Oral teaching, focus group (November 23, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin – Audio File Nov 23 TW and SO group (1) MP3.pdf* at 6 as validated and edited in *Validation – Dakota Frost.pdf* [Archived with ILRU].

<sup>83</sup> Participant #2, Oral teaching, focus group (November 23, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin – Audio File Nov 23 TW and SO group (1) MP3.pdf* at 6-7 as validated and edited in *Validation – Participant #2.pdf* [Archived with ILRU].

syrup (*Kwezens Makes a Lovely Discovery*); children's role in noticing and alerting Nokomis of community conflict (*The Baagaataa'awa Game that Changed Everything*); and a young woman's choice to stay on her own while her family goes elsewhere (*She Had a Beautiful, Speckled Design*).

These stories suggest that the authority of children and youth functions to both inform the decisions of others (especially those who have caregiving responsibilities) and to create space for youths' own autonomy and capacity to grow. While this is not without its risks (in *Speckled Design*, for example, Kwezens goes against her Kokum's caution not to eat certain fish, and is permanently changed), it is an essential part of the Anishinaabeg respect for individual self-determination and progression towards *mino-bimaadiziwin* throughout the stages of life (see Section 3: Legal Obligations).

The legal obligation of *kobinasowin*—to teach and guide children in a good way (see Section 3.1)—necessarily includes the obligation to teach children about the legal processes and systems of the communities and nations to which they belong. By being included as decision-makers, Anishinaabeg children and youth learn first-hand the importance of respecting self-determination while also learning how to participate in legal processes in a fulsome, respectful way.

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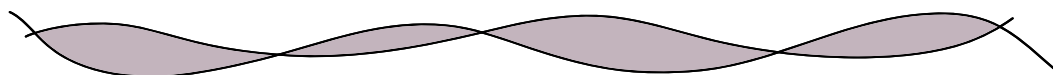
## CONSEQUENCES OF NOT INCLUDING CHILDREN AND YOUTH IN DECISION-MAKING

There are also cases that warn of the danger of ignoring or demeaning children and youth in decisions that affect them. In *Robin*, a youth attempts to resist his father's (well-meaning) demand that he keep fasting. The father's refusal to let his son determine his own path leads to a rupture in the family relationship. In a more sinister way, *The father who was jealous of his youngest son* explores the toxicity of a family in which authority is held solely—and harmfully—by a single individual. Here, the jealous father attempts to kill his son, who finally acts to protect himself and the one sibling who has managed to remove herself from their father's control. While these are extreme, dramatized examples, as teaching stories they remind adults—especially those who exercise authority over children and youth—that young people must have a place at the centre of decision-making processes. The authority of parents and caregivers themselves, of course, is also recognized within Anishinaabeg legal traditions (see Section 2.1.2).

### 2.1.2 PRIMARY CAREGIVERS/PARENTS

In the case of children and youth, a person's primary caregivers frequently include one or more of their biological or adopted parents. However, primary caregivers can also include other adults who have been entrusted with the care of a dependent who is not necessarily a child or youth. Often, these non-parental, primary caregivers are part of an extended family network (see Section 2.1.3 for a discussion on extended kin as legal authorities). Primary caregiver relationships may be formalized by Anishinaabeg legal processes, which can include oral agreements or adoption ceremonies.

Primary Caregivers and Parents are given responsibility to make decisions that, in their opinion, are in the best interests of those in their care. The manner in which Primary



Caregivers and Parents make decisions is particularly important because it acts as a model for leadership and relationship-building for children, youth, and others in the community. For example,

**“[I]t is a common Nishnaabeg belief that if you are an authoritarian parent, you will create adults and leaders who are also authoritarian. Authoritarian parents create adults whose leadership skills revolve around absolute power.”<sup>84</sup>**

In this way, Primary Caregivers and Parents must consider what values and processes should be followed that best uphold the general underlying principles of an Anishinaabeg legal system—including the maintenance of good relationships, respect for self-determination, and the roles of humility and positionality in balancing power (see Section 1).

For better or for worse, Primary Caregivers and Parents make decisions that directly affect the well-being (*Robin*) and safety of their dependents (*Speckled Design*), and are responsible for holding their dependents accountable.<sup>85</sup> Primary Caregivers and Parents’ decision-making power can be limited by the autonomy/self-determination of their dependents (*Robin*) and shaped by the input of other authorities. As discussed further below, this usually involves extended kinship networks.

### 2.1.3 EXTENDED FAMILY NETWORK (GRANDPARENTS, AUNTIES, UNCLES, COUSINS)

There are numerous examples that demonstrate the vital role that extended family plays in upholding Anishinaabeg law. The extended family is affected by and has authority to comment on (if not actually control) people’s decisions regarding interpersonal relationships, especially when those relationships might affect diplomacy or relations with other communities/nations. This kind of authority is often overlooked by Western systems: “as a grandma, I have certain rights that are not recognized by the Canadian law or government.”<sup>86</sup>

Like any power, decision-making authority on behalf of extended family can be wielded in helpful or harmful ways, depending on how deeply it is informed by applicable underlying principles (see Section 1), such as consideration for the Self-determination and mino-bimaadiziwin of those most directly involved. In *The Indian Who Became a Thunderbird*, we see the interventions of extended family in inter-personal relationship choices taking both destructive and constructive forms. When Wahbi Ahmik brings Nimkey Banasik into the family, his eldest brother Ahsin, consumed by hatred, violently

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<sup>84</sup> Leanne Betasamosake Simpson, *Dancing on Our Turtle’s Back: Stories of Nishnaabeg Re-Creation, Resurgence, and a New Emergence* (Winnipeg: ARP Books, 2011) at 128.

<sup>85</sup> Beedahbin Peltier, Oral teaching, focus group (December 17, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin – Audio File – Dec 17 TW and SO group (1) MP3.pdf* at 18 as validated and edited in *Validation – Beedahbin Peltier.pdf* [Archived with ILRU].

<sup>86</sup> Wanda Whitebird, Oral teaching, focus group (November 20, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin – Audio File – Nov 20 TW and SO group (1) MP3.pdf* at 6 as validated and edited in *Validation – Wanda Whitebird.pdf* [Archived with ILRU].

drives her away. We infer that, although Ahsin, as a close/older relation who is directly affected by the new relationship had legitimate authority to make his thoughts known, he did not have authority to unilaterally end the relationship. Later in this story, Nimkey Banaski's family, including her parents and uncle, help bring Wahbi Ahmik into their own community. Their authority as Elder relations, in this instance, both supports their daughter and her new partner's choices and makes their relationship practically feasible. By contrast, in *The Dog's Children*, extended kin decide that they cannot condone a particular relationship. In this case, a woman marries a dog and they have both dog and human children. Her brothers, after visiting the family and consulting among themselves, determine that they must intervene, and kill the dog-husband and dog-children, bringing their sister and her human children back to their own community.

While there are many factors at play in these stories, what is clear is that, insofar as it is relevant to Anishinaabeg family law, the extended family network may have the authority (and even obligation) to intervene in the health of welfare of family members to protect the health and welfare of vulnerable family members. As Participant #1 stated,

**“I was raised, as an aunty it's my responsibility, because if something happens to my children and they're in danger someplace else where I have no control over, I'm not there, than I really would hope that somebody else would have that knowledge and that understanding and responsibility of an aunty or an uncle . . . because that's [our] responsibility as an aunty.”<sup>87</sup>**

The extended family network in Anishinaabeg society includes biological and non-biological relatives as discussed in nawendiwin under Section 1: General Underlying Principles and under Section 3: Legal Obligations.

## 2.1.4 ELDERS & KNOWLEDGE KEEPERS

Sometimes specific Elders and Knowledge Keepers are asked to be decision-makers based on their specialized or experiential knowledge of an issue. In *Baagaataa'awa*, for example, the children who become aware of the conflict alert Nokomis, who intervenes to (eventually) help set things right. This demonstrates that, in the face of widespread community conflict, Elders may be consulted about the most suitable legal process for conflict resolution.

Precedent also shows that Elders are consulted in issues related to the adoption and integration of new community members. This consultative role is featured in *The Star People Are Always Watching*, where the grandparents “gathered all the Elders together” to discuss the appearance of a new star person who wanted to join the community.

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<sup>87</sup> Participant #1, Oral teaching, focus group (December 17, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin – Audio File – Dec 17 TW and SO group (1) MP3.pdf* at 5 as validated and edited in *Validation – Participant #1.pdf* [Archived with ILRU].

Elders are often also consulted about the legal processes and final decisions regarding various rites of passage (i.e. when youth transition to adulthood or when people move into new community roles). This is in *She Had a Beautiful, Speckled Design*, where Kokum gently instructs Kwezens in respect of her desire to live more independently. In emergency situations, such as that facing the Leech Lake Ojibway in *Weegibance Saves her People*, an Elder can assume a more direct leadership role and take on the responsibilities of community leadership (see Section 2.1.5).

As *Speckled Design* shows, the guidance of Elders, while persuasive, is not always unquestioningly authoritative in the sense that it does not *have* to be followed. This is also seen in *Four Warriors Find Naanabozho*, where a group of young people ask their Elders about the whereabouts of Naanabozho, who tell them that he will come back when he is ready. But, as the story says, “the young men were impatient, as the young will be”, so they set off on their own to find him. In this case, while the Elders’ advice may be taken into account, it may also be balanced by the self-determining decisions of the youth.

## 2.1.5 COMMUNITY BODIES & COMMUNITY LEADERSHIP

Sources indicate that Anishinaabeg community leadership bodies, both formal and informal, may exercise coordinating, supportive, and, as required, enforcement authority in situations where vulnerability, conflict, and harm within families threatens collective well-being, or when people’s rights (see more on legal rights in Section 4) cannot be protected through solely kinship intervention. Generally, community leaders have the responsibility of representing and protecting the interests of the collective. Although these kinds of decisions affect the community as a whole, community bodies and leaders are also still expected to balance the rights of the directly affected individuals with the needs of the broader community. In the focus groups, this balancing was described as “empowering individuals to direct . . . their own journey”<sup>88</sup> in the hopes of “giving them the wisdom to make decisions for themselves. It’s trusting that they’ll have independence and autonomy to do that and govern themselves.”<sup>89</sup> While supporting individual self-determination and good decision-making, community bodies are empowered to take steps to reduce harm and safeguard legal rights. These interventions are discussed further below in Section 5: Legal Responses.

Community bodies may be pre-existing (i.e. traditional or *Indian Act* band government; a medicine society) or may be organized in response to a specific issue (i.e. a concerned citizens/family circle). Community leadership may be elected, hereditary or emergent (as seen in *Weegibance*).

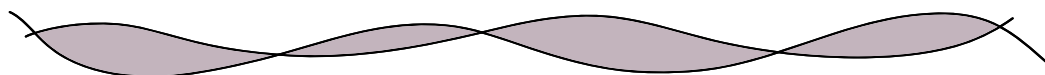
Community bodies and leadership are often made up of community members who are decision-makers in their own right. In the narratives, this most commonly includes

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<sup>88</sup> Delores Lalonde, Oral teaching, focus group (November 20, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin – Nov 20 TW and SO group (1) MP3.pdf* at 19 as validated and edited in *Validation – Delores Lalonde.pdf* [Archived with ILRU].

<sup>89</sup> Samantha Tennant, Oral teaching, focus group (November 20, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin – Nov 20 TW and SO group (1) MP3.pdf* at 9 as validated and edited in *Validation – Samantha Tennant.pdf* [Archived with ILRU].

Elders and members of one or more Extended Family Networks who are involved in a given situation. In instances where impacts are widespread, the membership of these decision-making bodies is equivalently broad. This is the case in *Story of Redfeather*, where all the birds gather to discuss how to respond to a boy who is degrading the food sources of all of the birds. Similarly, in *The Bachelor* it is “the people”, described as all “very much afraid” of the old man who has kidnapped a young girl, who collectively determine how to respond to his ongoing threat. As these narratives show, community bodies are frequently involved in decision-making when serious issues of safety and security are at play.



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## EXAMPLE OF A CONTEMPORARY COMMUNITY BODY: NIIJKIWENDIDAA ANISHNAABEKWEWAG SERVICES CIRCLE

NASC can be seen as one example of an Anishinaabeg legal institution in the Nogojiwanong area. NASC staff members described how they work with women, children, and families, both within and outside state legal structures such as courts and child welfare bureaucracies, to help realize the rights, obligations, and responses described in this Report. In practice, of course, having to work within non-Anishinaabe systems has made it very challenging for kin-based and kin-centred institutions (which, as indicated above, are not necessarily ‘blood’ linked) to fully embody their place as legal authorities. Delores Lalonde illustrated how, in a context where the continuing importance of kin-centred governance and authority co-exists with the realities of family trauma and displacement, NASC takes on the role of a “chosen family” for people in need:

**“[F]or some of our kids, they view us here at Niijkiwendidaa as their family. Because this is where they have that connection . . . where they transformed into that place of understanding who they are, and they connect that with us here at Niijkiwendidaa, as their family.”<sup>90</sup>**

**– Delores Lalonde**

Wanda Whitebird characterized NASC as “the middle guy” who “navigate[s] individuals through the child welfare process . . . they need our support in those places where [they] feel really uncomfortable.”<sup>91</sup> Samantha Tennant, a NASC staff member, spoke specifically about her role supporting mothers seeking to re-establish caregiving relationships with children in care. She noted one challenge, which is particularly evident in COVID-era virtual meetings:

[M]oms are coming on sharing circles with other organizations or agencies about their family plans and they’re being ignored on Zoom. . . . When mom was trying to speak or indicate whether she consented to the plan, [child welfare workers] were not addressing her or acknowledging her.<sup>92</sup>

Samantha shared that her role within NASC often involves “advocating about ensuring that [mom’s] voice is heard . . . I will stand with her and ensure that that treatment

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<sup>90</sup> Delores Lalonde, Oral teaching, focus group (November 20, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin – Nov 20 TW and SO group (1) MP3.pdf* at 22 as validated and edited in *Validation – Delores Lalonde.pdf* [Archived with ILRU].

<sup>91</sup> Wanda Whitebird, Focus group, oral teaching (November 20, 2020). As transcribed in *TRANSCRIPT – LFO Nawendiwin – Audio File – Nov 20 TW and SO group (1) MP3.pdf* at 7 as validated and edited in *Validation – Wanda Whitebird.pdf* [Archived with ILRU].

<sup>92</sup> Samantha Tennant, Oral teaching, focus group (August 23, 2021) as transcribed in *NOTES – LFO Nawendiwin – August 23, 2021 – Validation Interview – TW Scribe.pdf* at 2 as validated and edited in *Validation – Samantha Tennant.pdf* [Archived with ILRU].

won't happen anymore . . . how can we make her feel more included and seen, because this is her life.”<sup>93</sup> As these quotes show, NASC, as an institution and in the daily practices of its staff, upholds the underlying principles of nawendiwin and self-determination. It situates itself as one (but never the only) authoritative decision-maker in situations of vulnerability, conflict, and harm within families. NASC’s role as an Anishinaabeg legal institution is explored at several places in this Report.<sup>94</sup>



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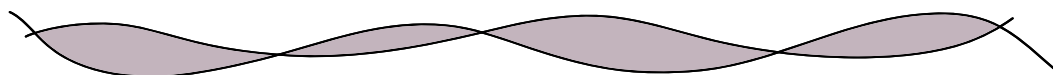
<sup>93</sup> Samantha Tennant, Oral teaching, focus group (August 23, 2021) as transcribed in *NOTES – LFO Nawendiwin – August 23, 2021 – Validation Interview – TW Scribe.pdf* at 2 as validated and edited in *Validation – Samantha Tennant.pdf* [Archived with ILRU].

<sup>94</sup> See Section 2.2.3: Procedural Steps – Naakonige; Section 4.1: Legal Substantive Rights – Belonging, Meaningful Choice, Information; and Section 5.2.2: Legal Responses – Meeting Needs.

## 2.2 PROCEDURAL STEPS

What are the methods that Authoritative Decision Makers use to come to legal decisions?

2.2 GENERAL RESTATEMENTS OF LAW – PROCEDURAL STEPS	
<p>Note: Although there may be other considerations and pathways used, the following procedural steps have been identified as legitimate and effective methods that Authoritative Decision-Makers may use to come to a legal decision. The order of these steps is not linear and not every step is engaged in every decision.</p>	
<p><b>2.2.1</b> Awareness/Early Recognition</p>	<p>It is important for decision-makers to maintain an overall awareness of what is happening in the community. Awareness/Early Recognition helps decision-makers to proactively identify community needs and to effectively respond to unprecedented and new situations, including risk or danger: <i>Delores Lalonde; The Star People Are Always Watching; Kwezens Makes a Lovely Discovery; Story of Redfeather.</i></p>
<p><b>2.2.2</b> Assessment</p>	<p>Assessment involves making sense of a situation given what facts a decision-maker has from reliable sources. Decision-makers may use precedent, lived experiences, and/or specialized knowledge to make informed assessments. This involves actively investigating possible reasons for negative behaviour and working to minimize the risks of those in vulnerable situations: <i>Samantha Tennant; Shirley Williams; Leanne Betasamosake Simpson, Kwezens Makes a Lovely Discovery; The Star People Are Always Watching; The Indian Who Became a Thunderbird; The Bachelor; Dancing on Our Turtle's Back.</i></p>
<p><b>2.2.3</b> Naakonige</p>	<p>Naakonige involves making decisions through careful and thoughtful deliberation to determine the appropriate response. The appropriate decision-makers involved in the deliberative process will vary depending on the circumstances: <i>Participant #1; Shirley Williams; The Dog's Children; She Had a Beautiful, Speckled Design; Story of Redfeather; The Star People Are Always Watching; Robin; Kwezens Makes a Lovely Discovery; The Indian Who Became a Thunderbird; The Baagaataa'awa Game that Changed Everything; Dancing on Our Turtle's Back.</i></p>
<p><b>2.2.4</b> Ceremony</p>	<p>As part of the decision-making process, ceremony may be used to begin any legal process to respectfully request an appropriate response to the issue at hand and to formalize decisions being made. Ceremony may also be used as a standalone process meant to help focus and cleanse participants, to close legal processes, and to commemorate outcomes: <i>Anne Taylor; Shirley Williams; The Dog's Children; Story of Redfeather; The Baagaataa'awa Game that Changed Everything; She Had a Beautiful, Speckled Design.</i></p>



## INTRODUCTION

This section looks at the steps that Anishinaabeg legal actors may take in the decision-making process. While there may be other considerations and pathways that aren't captured here, these represent the major procedural steps that are observable across legal precedents and practice. These steps are not necessarily linear and may not all be engaged in every decision—particular applications are determined by specific decision-makers in specific situations.

### 2.2.1 AWARENESS/EARLY RECOGNITION

A core aspect of Anishinaabeg law (in both process and response) is preventing or managing potential future harm. It is important that community members, and in particular decision-makers, maintain an overall awareness of what is happening in the community. The researchers heard in the focus groups that:

**“[O]ne of the biggest things we need to be conscientious of at all times is to be observant. Be observant and look at our family and look at the people around us because you can tell just by knowing the person in your family that they're going through stuff.”<sup>95</sup>**

Early Recognition helps decision-makers anticipate potential changes in and needs of the community (in *The Star People Are Always Watching*, for example, this observation helps the community perceive and integrate a new member). Careful observation can also help Anishinaabeg think about new ways of doing and responding to situations. This can include things that could benefit the community (such as the maple sap in *Kwezens Makes a Lovely Discovery*) or in circumstances of risk or danger (as the great-grandfather in *Story of Redfeather* does when alerting his great-grandson to the presence of the owl).

Often, when early signs of potential harm or imbalance are ignored, the impact of negative consequences is magnified. For example, in *The Bachelor*, the old man who victimized the girl was socially isolated, which the community arguably could have identified as a risk factor—and responded to—before he kidnapped her. We also see harms magnified through the neglect of addressing early awareness and recognition in the interpersonal/intra-familial context in *Robin* and *The Dog's Children*, and in a more widespread or inter-family sense in *The Indian Who Became a Thunderbird*.

### 2.2.2 ASSESSMENT

Assessment means trying to make sense of a situation given what facts a decision-maker has from reliable sources.

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<sup>95</sup> Delores Lalonde, Oral teaching, focus group (November 20, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin – Nov 20 TW and SO group (1) MP3.pdf* at 8 as validated and edited in *Validation – Delores Lalonde.pdf* [Archived with ILRU].

Assessments can help get to the root of an issue so appropriate actions can be taken to prevent and/or remedy problems before they escalate. Decision-makers may use precedent, lived experiences, and/or specialized knowledge to make informed assessments. Focus group participants also encouraged Anishinaabeg to “[trust] your gut and your heart”<sup>96</sup> when assessing situations:

[I]f you have that rapport, that relationship with those individuals or whomever you will know when it's a warning, or something in your gut is telling you to reach out if you foresee something happening. If you have that relationship, then you know when it's time to intervene or there is that sense of something that you need to talk about and bring that teaching in. . . . Once you know that [person], you will know what is typical and non-typical behaviour. You'll get a sense of when it's time to intervene or how to intervene. . . . Instead of everything being intervention it's more prevention work.<sup>97</sup>

Assessment is not just about identifying or targeting individuals who may be showing signs of distress, but it is also about thinking more broadly about how structural/community factors might be affecting an individual or family. As Leanne Betasamosake Simpson pointed out, this can include actively investigating possible reasons for negative behaviour:

**“Elders are never like, that guy's lazy, that guy's bad, they're like, the community needs to respond, this person isn't participating, why isn't this person participating, why doesn't this person feel like they're a part of this. . . . Are they dealing with something at home? Are they sick? Are they depressed? Do they feel like the things that we're asking them to do they're not good at? Would they rather be working with the kids? Would they rather be sewing? Would they rather be cooking? Do they have a lot of anxiety about being away from the home? There's a lot of emphasis on getting to the bottom of why these people are being lazy rather than sort of a judgment and that a person is 'bad.' There's a lot of emphasis on how do we bring this person back to the community—that's our responsibility is to make sure that everybody is feeling supported.”<sup>98</sup>**

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<sup>96</sup> Samantha Tennant, Oral teaching, focus group (November 20, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin – Nov 20 TW and SO group (1) MP3.pdf* at 9 as validated and edited in *Validation – Samantha Tennant.pdf* [Archived with ILRU].

<sup>97</sup> Samantha Tennant, Oral teaching, focus group (November 20, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin – Nov 20 TW and SO group (1) MP3.pdf* at 9 as validated and edited in *Validation – Samantha Tennant.pdf* [Archived with ILRU].

<sup>98</sup> Leanne Betasamosake Simpson, Oral teaching, focus group (April 20, 2021) as transcribed in *TRANSCRIPT – LFO Nawendiwin – Audio File – Apr 20 TW and SO Leanne Simpson Interview MP4.pdf* at 5 as validated and edited in *Validation – Leanne Simpson.pdf* [Archived with ILRU].

Numerous stories illuminate how (and how not) to ‘get to the bottom’ of situations. This includes directly asking the person(s) involved. In *Kwezens Makes a Lovely Discovery*, for example, Kwezen’s mother (and later, others in the community) ask her for precise details about her finding of maple sap/syrup and the community attends to the site-specific, land-based location of the discovery. In *The Star People Are Always Watching*, Migizi flies up to ask Shki Anang about her intentions. And in far more somber circumstances, in *The Indian Who Became a Thunderbird*, Wahbi Ahmik confronts his brother Ahsin about the whereabouts of his wife. In all these cases, follow-up assessments help clarify facts and calibrate decisions.

Other narratives—particularly those dealing with violence or harm—require assessments that minimize the risks of those in vulnerable situations. In *The Bachelor*, for example, the girl who has been kidnapped carefully and cleverly assesses the identity of the old woman/old man who is holding her and uses this information to escape.

### 2.2.3 NAAKONIGE

Naakonige is an Anishinaabemowin word that means “to decide.”<sup>99</sup> Leanne Betasamosake Simpson expands on this idea to include the making of decisions through careful and thoughtful deliberation.<sup>100</sup> In the spirit of Shirley Williams’ translation work, the word naakonigewin then, can be thought of as “the art of making decisions.”

It is not hard to find examples of family and community deliberation in legal precedent. The decision-makers involved in the process of naakonigewin vary depending on their proximity to the situation, the nature of the decision that needs to be made, and who will ultimately be affected by any decision that is made. Sometimes deliberation is just among family (*The Dog’s Children; Speckled Design*); sometimes it is among the broader community (*Story of Redfeather; Star People; Robin; Kwezens Makes a Lovely Discovery; The Indian Who Became a Thunderbird*); and sometimes deliberation occurs between different communities (*Baagaataa’awa*).

Focus group participants spoke about how they uphold naakonigewin in their lives and work. Sustaining strong Anishinaabe legal institutions that facilitate and support deliberative decision-making is an ongoing challenge, but one that people are trying to meet despite—and even within—colonial legal institutions and processes. As one participant indicated, it is not sufficient to simply ‘add on’ an Indigenous voice or gloss to a process to fully uphold naakonigewin. She used the example of how courts may seek community ‘input’, when what is required is a community-centred process itself, which is better able to reflect and balance the interests that may be at play in a family’s situation:

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<sup>99</sup> See Shirley Williams, Oral teaching, focus group (August 10, 2021) as transcribed in *NOTES – LFO Nawendiwin – August 10, 2021 – Validation Interview -CAC Scribe.pdf* at 4 as validated and edited in *Validation – Shirley Williams.pdf* [Archived with ILRU] where it is mentioned that naakonige means “to decide, to plan, to follow rules or something that is important”. See also Leanne Betasamosake Simpson, *Dancing on Our Turtle’s Back: Stories of Nishnaabeg Re-Creation, Resurgence, and a New Emergence* (Winnipeg: ARP Books, 2011) at 56 where it is also highlighted that naakonige may also be spelled as naakonige.

<sup>100</sup> Leanne Betasamosake Simpson, *Dancing on Our Turtle’s Back: Stories of Nishnaabeg Re-Creation, Resurgence, and a New Emergence* (Winnipeg: ARP Books, 2011) at 56-57.

[F]or myself, it's really [about] including community and impartial or unbiased community. So if I have something that's going on in the family court and they . . . don't even ask about community, I say somebody from the community needs to be there to speak. And they say, "Okay well we'll ask the defendant to suggest somebody or we'll ask the victim to suggest somebody." And I'm like, "No. No it has to be unbiased, unconnected, people with those community values and those family values who can speak to it in an unbiased way and not give somebody the harshest response nor give somebody implicit or no response therefore there's no accountability."<sup>101</sup>

As Leanne Betasamosake Simpson's words show, (and further discussed at Section 2.1.5: Community Bodies & Community Leadership), NASC itself plays an important role in attempting to (re)centre deliberative decision-making processes in complex circumstances. As will be further explored in Section 5: Legal Responses, *naakonige* can be an essential part of how to address, if not resolve, the tensions between principles that guide people towards legitimate and effective decisions.

## 2.2.4 CEREMONY

Ceremony can play many roles in legal processes and “[w]hen dealing with important life matters, there needs to be ceremony present.”<sup>102</sup> Shirley Williams described ceremony as “a protocol and a celebration to ask for something you need to do or have done already . . . For Anishinaabeg, you have to include the spirit first if you are going to do anything . . .”<sup>103</sup>

Sometimes ceremony is used to indicate the formalization of a decision-making process. In *The Dog's Children*, for example, the brothers first consult, then come to consensus, then engage in a pipe ceremony before they implement their decision. Ceremony also serves to indicate a person's recognition of or consent to another's authority, and as a way to respectfully request a response. In *Story of Redfeather*, the boy's great-grandfather gives a great feast to ask the owl to return him after he has been captured. This offering is a crucial ceremonial element that helps to save the boy's life. Ceremony can also be a standalone legal process meant to help focus and cleanse participants (as Nokomis attempts to do in *Baagaataa'awa*, although in this case without success). Finally, ceremony is used to close legal processes and commemorate an outcome (such as is done in *Speckled Design*, where Kwezens' Kokum responded to her disappearance by placing *semaa* (tobacco), praying, singing, and offering food into the lake).

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<sup>101</sup> Participant #1, Oral teaching, focus group (December 17, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin – Audio File – Dec 17 TW and SO group (1) MP3.pdf* at 13-14 as validated and edited in *Validation – Participant #1.pdf* [Archived with ILRU].

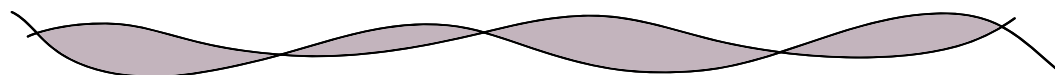
<sup>102</sup> Anne Taylor, Oral teaching, focus group (August 10, 2021) as transcribed in *NOTES – LFO Nawendiwin – August 10, 2021 – Validation Interview -CAC Scribe.pdf* at 6 as validated and edited in *Validation – Anne Taylor.pdf* [Archived with ILRU].

<sup>103</sup> Shirley Williams, Oral teaching, focus group (August 10, 2021) as transcribed in *NOTES – LFO Nawendiwin – August 10, 2021 – Validation Interview -CAC Scribe.pdf* at 6 as validated and edited in *Validation – Shirley Williams.pdf* [Archived with ILRU].

# 3. LEGAL OBLIGATIONS

## WHAT ARE PEOPLE’S RESPONSIBILITIES TO EACH OTHER—WITHIN AND ACROSS FAMILIES?

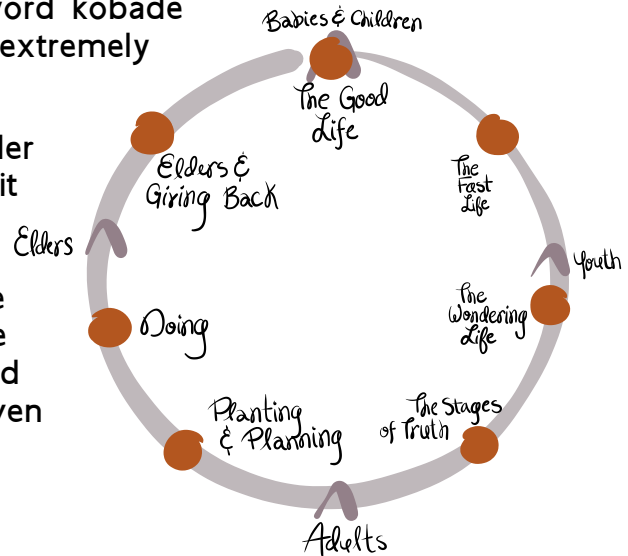
3. GENERAL RESTATEMENTS OF LAW – LEGAL OBLIGATIONS		
Foundational Legal Obligation		
<b>3.1</b> Kobinasowin	<p>The primary obligation in Anishinaabeg family law is kobinasowin: the responsibility to raise a child well. This process integrates the Seven Stages of Life/Four Hills of Life models with an overarching obligation to foster a healthy transition through the life cycle: <i>Shirley Williams; Anne Taylor; Doodem and Council Fire: Anishinaabe Governance through Alliance; Dancing on Our Turtle’s Back.</i></p>	
Legal Obligations by Anishinaabeg Life Stages		
<b>3.2</b> The Good Life & The Fast Life	<b>3.2.1</b> The Good Life	<p>People are responsible for creating environments that provide for physical, emotional, and spiritual growth through unconditional love and joy: <i>Family Duty; A Child Becomes Strong: Journeying Through Each Stage of the Life Cycle.</i></p>
	<b>3.2.2</b> The Fast Life	<p>People are responsible for providing a safe environment for the most vulnerable in families and communities while they explore the world and learn about their roles and responsibilities: <i>Wanda Whitebird; Kwezens Makes a Lovely Discovery; A Child Becomes Strong: Journeying Through Each Stage of the Life Cycle; Dancing on Our Turtle’s Back; Land as Pedagogy: Nishnaabeg Intelligence and Rebellious Transformation.</i></p> <p>This involves teaching children how to use and regulate their emotions. The consequences of not doing so may involve real conflict and harm to kinship relationships: <i>Leanne Betasamosake Simpson; The father who was jealous of his youngest son.</i></p>
<b>3.3</b> The Wondering Life & The Stages of Truth		<p>People are responsible for respecting and listening to the voices of youth while committing to being educated in a way that critically engages the surrounding world with an awareness that there are consequences to the choices a person makes: <i>Anne Taylor; She Had a Beautiful, Speckled Design; A Child Becomes Strong: Journeying Through Each Stage of the Life Cycle; Dancing on Our Turtle’s Back; Land as Pedagogy: Nishnaabeg Intelligence and Rebellious Transformation.</i></p>
<b>3.4</b> Planting and Planning & Doing		<p>People are responsible for being self-reflective, making meaning from teachings, and providing for others while also providing for the self: <i>Delores Lalonde; Kwezens Makes a Lovely Discovery; She had a Beautiful, Speckled Design; Ojibway Heritage; A Child Becomes Strong: Journeying Through Each Stage of the Life Cycle; Dancing on Our Turtle’s Back.</i></p>
<b>3.5</b> Elders & Giving Back		<p>The obligations learned in life are rooted deeply in unconditional love, kindness, and caring and need to be taught and passed on to new generations of community members. These obligations are to be balanced with accountability and the need to provide safety and security for all members of the community: <i>Shirley Williams; A Child Becomes Strong: Journeying Through Each Stage of the Life Cycle.</i></p>



### 3.1 KOBINASOWIN

Legal obligations can be thought of as those behaviours and actions that are expected of members of a society in order for the society to sustain and perpetuate itself. They are closely tied to legal rights as far as rights often give rise to obligations. What was strongly emphasized in focus groups was that, in terms of Anishinaabeg family law, the primary obligation is kobinasowin. Shirley Williams described kobinasowin as “the art of raising your child.”<sup>104</sup> The root of the word kobinasowin is kobade, which Leanne Betasamosake Simpson describes as “a link in the chain between generations”<sup>105</sup> Shirley Williams reinforced Simpson’s interpretation and added, “kobade is the extension of the family system: Connectedness. Like the umbilical cord because that’s where you come from.”<sup>106</sup> Anne Taylor added that the word kobade is used in Curve Lake as a word “for a really extremely well-respected aunty.”<sup>107</sup>

To better understand what obligations fall under kobinasowin, one needs to ask: What does it mean to raise a child well in an Anishinaabe context? For this, we refer to the Seven Stages of Life/Four Hills of Life model. Anishinaabeg theory holds that there are both the Four Hills of Life (babies and children; youth; adults; Elders)<sup>108</sup> and the Seven Stages of Life.<sup>109</sup>



<sup>104</sup> Shirley Williams, Oral teaching, focus group (December 17, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin – Audio File – Dec 17 TW and SO group (1) MP3.pdf* at 15 as validated and edited in *Validation – Shirley Williams.pdf* [Archived with ILRU]; See also Shirley Williams and Anne Taylor, Oral teaching, focus group (August 10, 2021) at 3-4 as transcribed in *NOTES – LFO Nawendiwin – August 10, 2021 – Validation Interview -CAC Scribe.pdf* as validated and edited in *Validation – Shirley Williams.pdf* and *Validation – Anne Taylor.pdf* [Archived with ILRU] where it is mentioned that kobinasowin also involved supporting and raising of all Anishinaabeg into their roles. Shirley and Anne also note that kobinasowin may also be spelled as kooginaasowin meaning “the art of child rearing”.

<sup>105</sup> Leanne Betasamosake Simpson, *Dancing on Our Turtle’s Back: Stories of Nishnaabeg Re-Creation, Resurgence, and a New Emergence* (Winnipeg: ARP Books, 2011) at 45; See also The Minnesota Ojibwe People’s Dictionary, “Aanikoobidoon” (last visited 18 November 2021), online: <ojibwe.lib.umn.edu/main-entry/aanikoobidoon-vti2> [perma.cc/BH5R-VGR8] where a related word aanikoobidoon is defined as “to string it together, extend it by tying.” In this way, the root of the word refers both literally and metaphorically to a tie or link in a chain.

<sup>106</sup> Shirley Williams, Oral teaching, focus group (December 17, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin – Audio File – Dec 17 TW and SO group (1) MP3.pdf* at 16 as validated and edited in *Validation – Shirley Williams.pdf* [Archived with ILRU]; See also Shirley Williams, Oral teaching, focus group (August 10, 2021) as transcribed in *NOTES – LFO Nawendiwin – August 10, 2021 – Validation Interview -CAC Scribe.pdf* at 4 as validated and edited in *Validation – Shirley Williams.pdf* [Archived with ILRU] where it is mentioned that koobide means “the tying of something” and “the link of children to extended family”.

<sup>107</sup> Anne Taylor, Oral teaching, focus group (December 17, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin – Audio File – Dec 17 TW and SO group (1) MP3.pdf* at 16 as validated and edited in *Validation – Anne Taylor.pdf* [Archived with ILRU]; See also Anne Taylor, Oral teaching, focus group (August 10, 2021) as transcribed in *NOTES – LFO Nawendiwin – August 10, 2021 – Validation Interview -CAC Scribe.pdf* at 4 as validated and edited in *Validation – Anne Taylor.pdf* [Archived with ILRU] where it is added that koobide means “someone who is well respected and gives you teachings”.

<sup>108</sup> Leanne Betasamosake Simpson, *Dancing on Our Turtle’s Back: Stories of Nishnaabeg Re-Creation, Resurgence, and a New Emergence* (Winnipeg: ARP Books, 2011) at 122-123.

<sup>109</sup> Graphic to the right adapted from Best Start Resource Centre, “A Child Becomes Strong: Journeying Through Each Stage of the Life Cycle” (2010) at 15, online (pdf): <resources.beststart.org/wp-content/uploads/2019/01/K12-A-1.pdf> [perma.cc/JS67-UMJP].

Each stage of life has its own teachings and lessons to be learned by the individual, family, and community as they move through life. It is expected that each community member undertakes roles related to being an extended kin member in relation to their doodem (clan) and age-appropriate stage of life. In this way, passing through these stages of life will imbue a person with the responsibilities that come with those respective roles, whether or not a person becomes a parent/child, aunty/uncle/niece/nephew, or grandparent/grandchild in a biological sense. For this reason, it is common for Anishinaabeg to refer to someone as their Kookum (grandmother) or aunty, for example, even though there may be no biological relation. These kinds of kinship terms are a way to acknowledge and honour a person and show that they are respected for how they uphold their expected role in Anishinaabeg society. It is also not merely symbolic. Along with those roles comes the associated responsibilities that arise in any kinship relationship. In this way, how people accept and uphold the responsibilities of each life stage informs how they—both as individuals and members of families and communities—are able to fully nurture and realize Anishinaabeg principles of self-determination and mino-bimaadiziwin.

That is not to say that there aren't also formalized ways of adopting relatives in Anishinaabeg society. There are specific adoption ceremonies that take place when someone is adopted and some communities have clans that are dedicated to adopted members to be sure that everyone has a place in the governance system.<sup>110</sup>

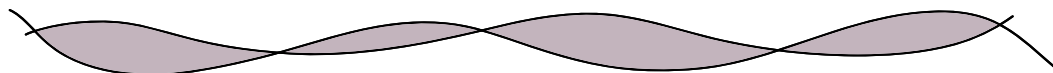
Understanding each stage can help shed light on what things are needed to foster a healthy transition through the life cycle. In this way, family and community members can see what is expected of them to support the healthy development of children into adults.

While kobinasowin refers specifically to raising children, Shirley Williams pointed out that, because of residential school, “we have forgotten our own teachings about how to raise our children . . . and so we have to begin re-teaching these teachings again.”<sup>111</sup> Because colonialism interfered with the ability to raise children and therefore the ability of Anishinaabeg to have their needs met as children, a contemporary reading of kobinasowin should include not just the raising of children, but also the support and raising of all Anishinaabeg generally into their roles as Anishinaabeg citizens. In this way, this Framework is not meant to be interpreted as a linear progression through discrete “stages” or “steps” in a specific order. Instead, it should be viewed as a holistic and aspirational model of self-realization that is flexible to each individual's experiences. The depth and richness of these teachings and obligations may be re-visited many times over a lifetime.

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<sup>110</sup> Heidi Bohaker, *Doodem and Council Fire: Anishinaabe Governance through Alliance* (Toronto: University of Toronto Press, 2020).

<sup>111</sup> Shirley Williams, Oral teaching, focus group (December 17, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin – Audio File – Dec 17 TW and SO group (1) MP3.pdf* at 15 as validated and edited in *Validation – Shirley Williams.pdf* [Archived with ILRU].



## 3.2 THE GOOD LIFE & THE FAST LIFE

### 3.2.1 THE GOOD LIFE

#### OBLIGATION

To create environments that provide for physical, emotional, and spiritual growth through unconditional love and joy

This stage of life begins at birth and continues until a baby becomes a toddler. Babies teach us “. . . the kind of love that is unconditional, based on sacrifice and putting the needs of others before oneself.”<sup>112</sup> When we take care of babies we learn how to tend to our basic physical and emotional needs. Having just come from the spirit world, babies remind us of our connection to spirit and how important it is to nurture that connection. Babies also bring us great joy and the birth of a baby is a cause for great celebration in a family and community.<sup>113</sup>

The Good Life reminds us of the obligation to create environments that provide for physical, emotional, and spiritual growth through unconditional love and joy. This is illustrated in *Family Duty*, where a family of three children suffer the tragedies of losing both of their parents. Here, the older daughter ultimately accepts and upholds the caregiving responsibility of her younger brothers and is reminded of her obligations relating to unconditional love, sacrifice and meeting the infant’s physical and emotional needs. However, at the same time, *Family Duty* also emphasizes that while these obligations exist, one must not completely sacrifice themselves in service of an ideal. The consequences of doing so may impact one’s ability to meet their obligations in the first place.

### 3.2.2 THE FAST LIFE

#### OBLIGATION

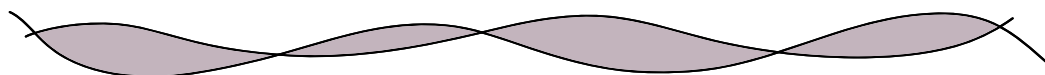
To provide a safe environment for the most vulnerable in families and communities while they explore the world and learn about their roles and responsibilities

When babies become toddlers, they begin exploring the world in new ways that require safety and security. Wanda Whitebird gave a helpful example of this:

“ . . . [W]hen we take our children to the fire, if we're having a sweat and we bring our kids to the sweat, we warn them about the fire, and we teach them about how close you can actually get before you are going to get hot or

<sup>112</sup> Sylvia Maracle as cited in Leanne Betasamosake Simpson, *Dancing on Our Turtle’s Back: Stories of Nishnaabeg Re-Creation, Resurgence, and a New Emergence* (Winnipeg: ARP Books, 2011) at 128.

<sup>113</sup> Best Start Resource Centre, “A Child Becomes Strong: Journeying Through Each Stage of the Life Cycle” (2010) at 16, online (pdf): <resources.beststart.org/wp-content/uploads/2019/01/K12-A-1.pdf> [perma.cc/JS67-UMJP].



**you're going to get burnt. We teach them that. We tell them that but more so we *teach* them that. We turn on the stove burner, and it gets red and we say, 'See how hot that is? You know if you put your hand on there at any time you're gonna get hurt.'**"<sup>114</sup>

Toddlers (and arguably, all Anishinaabeg) explore their world through experiential learning<sup>115</sup> and by asking questions to better understand how the world works. Through this process they begin to learn the roles and responsibilities of Anishinaabeg citizens.<sup>116</sup> In doing so, they also teach “. . . often humorously, about truth, unaware of the culturally constructed norms around the kinds of information shared publicly and the kinds not.”<sup>117</sup>

This is also an important time to teach children how to regulate their emotions. As Leanne Betasamosake Simpson shared, it is important to teach toddlers to not “. . . be afraid of big emotions because that's a normal part of life. But you just need to be careful with them and you need to be careful with how you express them or how you don't express them.”<sup>118</sup>

The consequences of not teaching and/or being taught to regulate emotions is expressed through *The father who was jealous of his youngest son*. Here, a father becomes jealous of his youngest son who grows up to become a good hunter. The father, out of jealousy, warns his other children and attempts to get rid of the boy, enlisting the help of others. Unregulated emotions have the potential to introduce real conflict and harm to kinship relationships.

The Fast Life reminds Anishinaabeg of the obligation to provide a safe environment for the most vulnerable in their families and communities while exploring the world and learning about roles and responsibilities. In a safe environment, people are taught that they will be believed when they tell the truth and they are able to laugh at themselves and with each other. This is illustrated in *Kwezens Makes a Lovely Discovery*, where Kwezens shares with her mother what she experienced when she discovered sap coming out of a maple tree. Kwezens is believed and her mother grants and expects honesty as a baseline of their relationship with one another. Believing and being believed is a right and responsibility that is nurtured within kinship relations.

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<sup>114</sup> Wanda Whitebird, Oral teaching, focus group (November 20, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin – Audio File – Nov 20 TW and SO group (1) MP3.pdf* at 6 as validated and edited in *Validation – Wanda Whitebird.pdf* [Archived with ILRU].

<sup>115</sup> Leanne Betasamosake Simpson, “Land as pedagogy: Nishnaabeg intelligence and rebellious transformation” (2014) 3:3 *Decolonization: Indigeneity, Education & Society* at 1-25, online (pdf): <[whereareyouquetzalcoatl.com/mesofigurineproject/EthnicAndIndigenousStudiesArticles/Simpson2014.pdf](http://whereareyouquetzalcoatl.com/mesofigurineproject/EthnicAndIndigenousStudiesArticles/Simpson2014.pdf)> [perma.cc/4TJK-8E6B].

<sup>116</sup> Best Start Resource Centre, “A Child Becomes Strong: Journeying Through Each Stage of the Life Cycle” (2010) at 12, online (pdf): <[resources.beststart.org/wp-content/uploads/2019/01/K12-A-1.pdf](http://resources.beststart.org/wp-content/uploads/2019/01/K12-A-1.pdf)> [perma.cc/JS67-UMJP].

<sup>117</sup> Sylvia Maracle as cited in Leanne Betasamosake Simpson, *Dancing on Our Turtle's Back: Stories of Nishnaabeg Re-Creation, Resurgence, and a New Emergence* (Winnipeg: ARP Books, 2011) at 129.

<sup>118</sup> Leanne Betasamosake Simpson, Oral teaching, focus group (April 20, 2021) as transcribed in *TRANSCRIPT – LFO Nawendiwin - Audio File - Apr 20 TW and SO Leanne Simpson Interview MP4.pdf* at 6 as validated and edited in *Validation – Leanne Simpson.pdf* [Archived with ILRU].

### 3.3 THE WONDERING LIFE & THE STAGES OF TRUTH

#### OBLIGATION

To respect and listen to voices of youth and to commit to being educated in a way that critically engages the surrounding world and with an awareness that there are consequences to the choices a person makes

These two stages of life encompass youth and young adulthood. During these stages, young Anishinaabeg are rapidly “learning new things, trying to figure out life’s lessons, [and] understanding [their] place.”<sup>119</sup> This is a critical time in life to “[establish] one’s own sense of self.”<sup>120</sup> An important way that youth learn who they are is by challenging the status quo and testing the limits set by their families and communities.<sup>121</sup> Rebellion is considered a vital part of identity formation and crucial to understanding boundaries.<sup>122</sup> Anne Taylor reflected that through these processes, youth learn to become responsible for their own learning and education:

**“There are all kinds of Nishnaabeg all over the place, in the Friendship Centres, in the other places where Nishnaabeg gather. The Elders, I can tell you from the heart, that they love you, and they care about you, and that they will listen to you, and that your voice will be heard by them because our teachings tell us that our way to get back to being in a good place in our life is through the voices of our youth.”<sup>123</sup>**

**– Anne Taylor**

Rod Jeffries talks about the responsibilities of youth being responsible to themselves, to take care of themselves in a good way to be kind to themselves, to be kind to yourself and be gentle and to be understanding and to not to expect too much of

<sup>119</sup> Best Start Resource Centre, “A Child Becomes Strong: Journeying Through Each Stage of the Life Cycle” (2010) at 9, online (pdf): <resources.beststart.org/wp-content/uploads/2019/01/K12-A-1.pdf> [perma.cc/JS67-UMJP].

<sup>120</sup> Sylvia Maracle as cited in Leanne Betasamosake Simpson, *Dancing on Our Turtle’s Back: Stories of Nishnaabeg Re-Creation, Resurgence, and a New Emergence* (Winnipeg: ARP Books, 2011) at 128.

<sup>121</sup> Best Start Resource Centre, “A Child Becomes Strong: Journeying Through Each Stage of the Life Cycle” (2010) at 12 and 16, online (pdf): <resources.beststart.org/wp-content/uploads/2019/01/K12-A-1.pdf> [perma.cc/JS67-UMJP].

<sup>122</sup> Leanne Betasamosake Simpson, “Land as pedagogy: Nishnaabeg intelligence and rebellious transformation” (2014) 3:3 *Decolonization: Indigeneity, Education & Society* at 1-25, online (pdf): <whereareyouquetzalcoatl.com/mesofigurineproject/EthnicAndIndigenousStudiesArticles/Simpson2014.pdf> [perma.cc/4TJK-8E6B].

<sup>123</sup> Anne Taylor, Oral teaching, focus group (November 23, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin - Audio File Nov 23 TW and SO group (1) MP3.pdf* at 17 as validated and edited in *Validation – Anne Taylor.pdf* [Archived with ILRU].

yourself. Not to set yourself up for a failure. He also talks about youth being responsible to educate themselves. Now whether that education is in the western sense, which is in an institution, in a school, or in a college or university, but also, there's a whole other type of education out there that you learn from the land, and from the water, and from our Elders, and that education is, I think on a spiritual and emotional level is much more valuable than anything that you could get out of a book or an institution or anything like that. The responsibilities to the land, your role, as being someone who takes care of that land and takes care of that water.<sup>124</sup>

In *She Had a Beautiful, Speckled Design*, a family living on an island in Lake Ontario agrees to leave Kwezens, a young girl, behind while they go to the mainland. Kokum reminds Kwezens not to eat the fish from the lake while they are away, but she doesn't heed their words and does anyway. Kwezens was so curious that she could not follow Kokum's reminder. When the family returned, Kwezens was nowhere to be found. Kokum went to the lake and put semaa (tobacco) into the water, praying and signing for Kwezens. A trout with a beautiful speckled design, like Kwezens' clothing, appeared. As time went on, the trout spread to other lakes and were always happy to feed the Nishnaabeg. Through Kwezens' freedom to explore her curiosity, she is allowed and expected to live and learn through her own individual experiences and processes. In doing so, Kwezens experiences a life-changing transformation while also providing her family with knowledge, resources, and relationships. However, that choice and exercise of freedom came at the cost of continuing her life as she knew it.

As youth move into young adulthood with newfound knowledge of their own self, gifts, and strengths, they begin to engage with the world to “seek information to verify what [they] have learned is true.”<sup>125</sup> Young adults also become responsible not just for themselves but for others:

Rod Jeffries also talks about youth roles as being responsible to each other, to take care of those ones that need assistance, those ones that are younger than you that might not have a voice as strong as yours.<sup>126</sup>

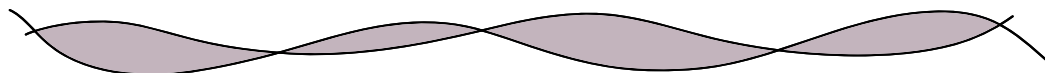
The *Wondering Life* and *The Stages of Truth* remind us of the obligations to respect and listen to the voices of youth. There is also an obligation for people to educate themselves in a way that critically engages with the world around them, including the nature of their individual and collective roles and responsibilities and the consequences that flow from making particular decisions.

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<sup>124</sup> Anne Taylor, Oral teaching, focus group (November 23, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin - Audio File Nov 23 TW and SO group (1) MP3.pdf* at 10-11 as validated and edited in *Validation – Anne Taylor.pdf* [Archived with ILRU].

<sup>125</sup> Best Start Resource Centre, “A Child Becomes Strong: Journeying Through Each Stage of the Life Cycle” (2010) at 12, online (pdf): <resources.beststart.org/wp-content/uploads/2019/01/K12-A-1.pdf> [perma.cc/JS67-UMJP].

<sup>126</sup> Anne Taylor, Oral teaching, focus group (November 23, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin - Audio File Nov 23 TW and SO group (1) MP3.pdf* at 10-11 as validated and edited in *Validation – Anne Taylor.pdf* [Archived with ILRU].



## 3.4 PLANTING AND PLANNING & DOING

### OBLIGATION

To be self-reflective, make meaning from the teachings, and provide others while also providing for the self

Adulthood is represented in both the Planting and Planning, and Doing stages of life. Planting and Planning is a time when Anishinaabeg are simultaneously reflecting on their lives to date as well as looking forward to the lives they want to build.<sup>127</sup> It is a time to make meaning:

The responsibility for finding meaning within these Aandisokaanan [traditional, sacred stories] lies within individual Nishinaabeg; and this is communicated through our Dibaajimowinan [personal stories, teachings, ordinary stories, narratives and histories].<sup>128</sup>

Planting and Planning is also often the stage when adults become parents and/or aunties and uncles. In these roles, Anishinaabeg learn what it means to provide for others, in particular children and Elders,<sup>129</sup> while also taking care of themselves. As the sister in the story said, “I must look after my little brother as I promised my mother. ‘He comes first’, said Kayaushkonse. . . . Meegwun was not easily dissuaded. You have an obligation to yourself too. You owe yourself a life. . .”<sup>130</sup>

The Doing stage of life is a time to do the work and apply the skills learned from all of life’s stages up until now.<sup>131</sup> As Delores Lalonde articulated:

[E]verything in our life is a lesson. There's no mistakes. I don't believe there are mistakes. These are teaching moments. These are things that we need to experience in order to be better or to have that understanding of the situation. I'm a strong believer in that going back to our teachings and everything is a life lesson and what is it that we're learning from that lesson and being reflective within your own self when you're going through

<sup>127</sup> Best Start Resource Centre, “A Child Becomes Strong: Journeying Through Each Stage of the Life Cycle” (2010) at 10, online (pdf): <resources.beststart.org/wp-content/uploads/2019/01/K12-A-1.pdf> [perma.cc/JS67-UMJP].

<sup>128</sup> Leanne Betasamosake Simpson, *Dancing on Our Turtle’s Back: Stories of Nishnaabeg Re-Creation, Resurgence, and a New Emergence* (Winnipeg: ARP Books, 2011) at 32-33.

<sup>129</sup> Best Start Resource Centre, “A Child Becomes Strong: Journeying Through Each Stage of the Life Cycle” (2010) at 16, online (pdf): <resources.beststart.org/wp-content/uploads/2019/01/K12-A-1.pdf> [perma.cc/JS67-UMJP].

<sup>130</sup> Basil Johnston, [Family Duty], in *Ojibway Heritage* (Toronto: McClelland & Stewart, 1976) at 73-75, online (pdf): *Archive* <https://archive.org/details/ojibwayheritage00basi>.

<sup>131</sup> Best Start Resource Centre, “A Child Becomes Strong: Journeying Through Each Stage of the Life Cycle” (2010) at 12, online (pdf): <resources.beststart.org/wp-content/uploads/2019/01/K12-A-1.pdf> [perma.cc/JS67-UMJP].

struggles. What am I learning from this situation and what do I need to do to change? Either to change it for myself or for somebody else.<sup>132</sup>

The stories *Kwezens Makes a Lovely Discovery* and *She Had a Beautiful, Speckled Design* both illustrate the importance of having the freedom to explore, experiment, make mistakes, and learn one's own unique lessons.

Both of these stories centre on Anishnaabekwewag (Ojibwe/Anishinaabeg woman and Indigenous woman) who, although they are young, are both allowed and expected to learn and live through their own experiences. As they do so, they encounter surprises, setbacks and, in *Speckled Design*, even life-changing transformations. But, through this individual process, each is able to gift her community with new knowledge, resources, and relationships. Walking one's own journey, then, is not about walking away from community, but about finding out for oneself how to nurture and expand kinship connections as a unique, self-determining individual. Many other Anishinaabeg narratives involve people who are walking their own journeys, separating from and circling back to kin relationships, and changing themselves and their communities as they do so.

These stories also touch on the equally essential role that caregivers and community bodies have in supporting and holding space for individual decision-making. It becomes obvious that it is improbable, even harmful, for people to learn how to become strong individual upholders of Anishinaabeg law if they are not guided and supported by those who carry wisdom from their own life's journeys.

Planting and Planning and Doing remind us of the obligations to be self-reflective, make meaning from teachings, and provide for others while also providing for the self.

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<sup>132</sup> Delores Lalonde, Oral teaching, focus group (November 20, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin - Nov 20 TW and SO group (1) MP3.pdf* at 10 as validated and edited in *Validation – Delores Lalonde.pdf* [Archived with ILRU].

## 3.5 ELDERS & GIVING BACK

### OBLIGATION

The obligations learned in life are rooted deeply in unconditional love, kindness, and caring

According to the Anishinaabe Stages of Life model, the role of Elders, older adults, and traditional teachers is to share knowledge,<sup>133</sup> teach young ones,<sup>134</sup> and, when appropriate, share spiritual teachings.<sup>135</sup> Anishinaabeg in this life stage are often thought of as Grandparents by many members of the community, not just by their biological or adopted grandchildren.

Shirley Williams clarified that these roles are not necessarily obligations in a Western sense of the word. That is, grandparents “don’t owe” grandchildren anything, per se, but the roles are fulfilled out of the unconditional love that is learned in The Good Life: “they take them in because of the love, because of the responsibility of fulfilling that traditional law that is there from before.”<sup>136</sup>

Both focus group participants and stories emphasized *aanjigone* as a principle and process important in Giving Back. The word *aanjigone* is sometimes referred to as an ethic of non-interference and asks individuals to be careful with judgment and criticism (more information about *aanjigone* as a general underlying principle can be found in Section 1.4). This means that there are many examples of older people using methods of conflict resolution that focus on minimizing social disruption and maintaining relationships. We see this in Nokomis’ artful interventions in *Baagaataa’awa*, and, more generally, in how stories themselves are used as gentle (even indirect) ways of sharing legal teachings and direction.

The final stage of life, that of Giving Back, reminds Anishinaabeg that the obligations learned in life are rooted deeply in unconditional love, kindness, and caring. That is not to say that they aren’t balanced by accountability and the need to provide safety and security for all members of the community—these rights are discussed more in Section 4: Legal Rights. Furthermore, the obligation to administer the law with unconditional love, kindness and caring does not preclude administering legal responses that might require restraint or separation, as discussed in Section 5: Legal Responses.

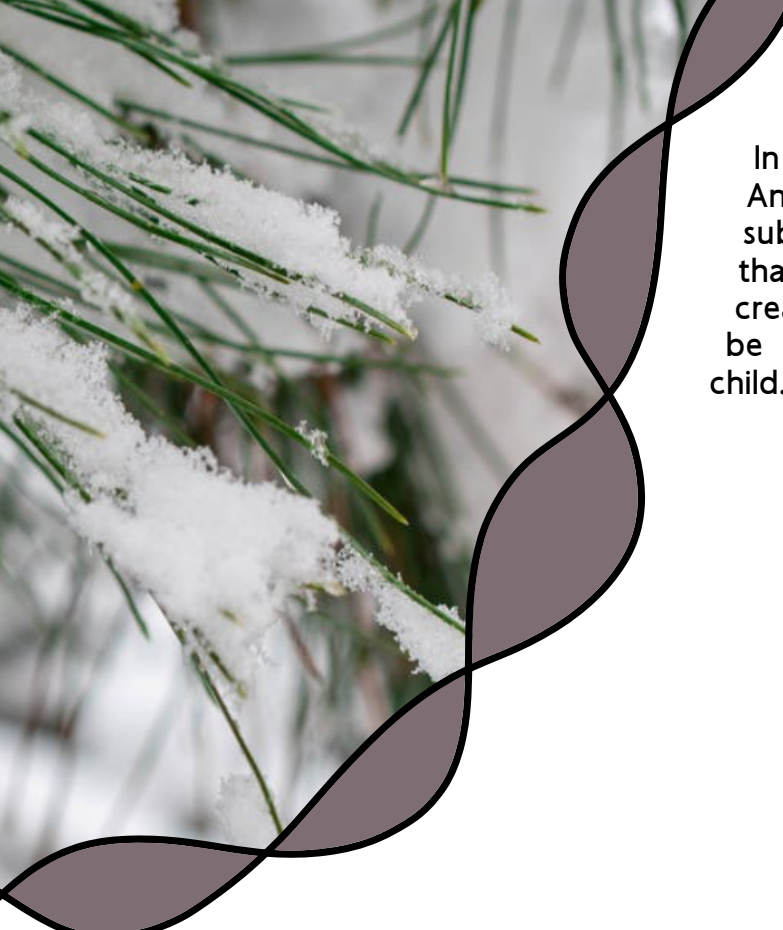
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<sup>133</sup> Best Start Resource Centre, “A Child Becomes Strong: Journeying Through Each Stage of the Life Cycle” (2010) at 10, online (pdf): <resources.beststart.org/wp-content/uploads/2019/01/K12-A-1.pdf> [perma.cc/JS67-UMJP].

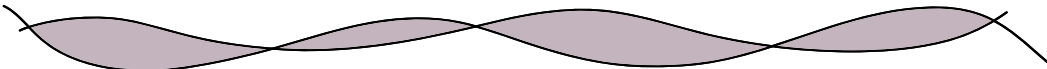
<sup>134</sup> Best Start Resource Centre, “A Child Becomes Strong: Journeying Through Each Stage of the Life Cycle” (2010) at 12, online (pdf): <resources.beststart.org/wp-content/uploads/2019/01/K12-A-1.pdf> [perma.cc/JS67-UMJP].

<sup>135</sup> Best Start Resource Centre, “A Child Becomes Strong: Journeying Through Each Stage of the Life Cycle” (2010) at 16, online (pdf): <resources.beststart.org/wp-content/uploads/2019/01/K12-A-1.pdf> [perma.cc/JS67-UMJP].

<sup>136</sup> Shirley Williams, Oral teaching, focus group (December 17, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin – Audio File – Dec 17 TW and SO group (1) MP3.pdf* at 4 as validated and edited in *Validation – Shirley Williams.pdf* [Archived with ILRU].



In summary, the primary legal obligation in Anishinaabeg family law is kobinasowin and the sub-obligations outlined here are those things that Anishinaabeg can and should do to help create and nurture the conditions necessary to be able to fully realize "the art of raising your child."



# 4. LEGAL RIGHTS

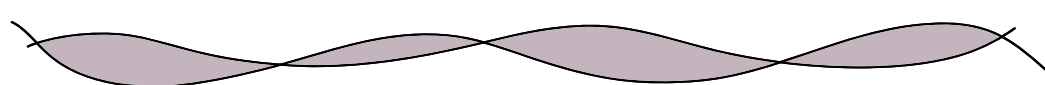
## WHAT CAN PEOPLE EXPECT FROM OTHERS? HOW ARE EXPECTATIONS UPHELD?

Every legal tradition recognizes qualities that are necessary for people to thrive as individuals and meaningfully participate as full members of communities. To uphold certain qualities as legal rights means that people can expect that they will be endorsed, protected, and, if infringed or diminished, restored by legal authorities, institutions, and processes.

This section focuses on six rights that emerge as significant to Anishinaabeg/Miichi Saagiig Nishnaabeg responses to situations of vulnerability, conflict, and harm within families. The first three, **belonging**, **integrity**, and **meaningful choice**, can be thought of as substantive rights, which means that they are widely accepted to be fundamental to a person's well-being. This doesn't mean that these rights are absolute, however. As will be seen, there are circumstances where certain rights can be lawfully limited or restrained, usually in order to protect the rights of others when responding to harm.

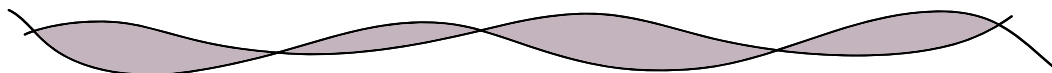
The other three rights discussed in this section, **information**, **voice**, and **opportunities to change**, are procedural rights. This means that these are the things that people need to realize, maintain, or repair their substantive rights. One way to gauge the legitimacy of an Anishinaabeg legal institution or process, therefore, is to consider how it upholds or facilitates procedural rights. Again, these rights are not absolute or unlimited, and, like all legal principles, must be interpreted in particular contexts and applied in ways that balance or reconcile tensions.

Legal rights must always be understood in conversation with both Section 3: Legal Obligations (sometimes considered the 'flip side' of rights) and Section 1: General Underlying Principles.



## 4.1 SUBSTANTIVE RIGHTS

4.1 GENERAL RESTATEMENTS OF LAW – SUBSTANTIVE RIGHTS	
<p><b>4.1.1</b> Belonging</p>	<p>Individuals have a need and right to relate and be related to in deep and nurturing ways, beginning before birth, following them throughout life, and continuing after death: <i>Beedahbin Peltier; Montana Paypompee; Shirley Williams; Samantha Tennant; Kwezens Makes a Lovely Discovery; Weegibance Saves her People; Why Some Trees Keep Their Leaves; The Indian Who Became a Thunderbird; The Star People Are Always Watching.</i></p> <p>The right to belonging may be limited due to the need to carry out legal obligations. As a result, belonging can be changed, surrendered, or (as a response to harm) suspended.</p>
<p><b>4.1.2</b> Dignity/Integrity of the Person</p>	<p>This right encompasses expectations of safety, security by recognizing people’s agency, needs and inherent dignity as individuals: <i>Wanda Whitebird; Participant #2; Shirley Williams; Why Some Trees Keep Their Leaves When Others Do Not; The Breadmaker; Nenebojo and his younger brother; She Had a Beautiful, Speckled Design; Robin; Weegibance Saves her People.</i></p> <p>The right to Dignity/Integrity of the Person may be lawfully limited or taken away in instances where risk or harm is so great that one person’s safety, security, or sustenance needs to be prioritized over another’s: <i>The father who was jealous of his youngest son; The Bachelor.</i></p>
<p><b>4.1.3</b> Meaningful Choice</p>	<p>Even when dealing with vulnerability, conflict and/or harm, individuals have the right to a high degree of control and agency in determining and furthering the possibilities available to them: <i>Delores Lalonde; Anne Taylor; Samantha Tennant; She Had a Beautiful Speckled Design; Four Warriors Find Naanabozho; Nenebojo and his younger brother; The Breadmaker; Why Some Trees Keep Their Leaves When Others Do Not.</i></p> <p>The right to Meaningful Choice is limited when those choices threaten the integrity of others: <i>The Breadmaker; Why Some Trees Keep Their Leaves When Others Do Not; Story of Redfeather.</i></p>



## 4.1.1 BELONGING

A person's right to belong is recognized as so important that it begins before birth and continues after death. In Beedahbin Peltier's words, "family is a pre-existing thing that you sort of inherit or you're born into it as well."<sup>137</sup> Youth, in particular, understand the importance of belonging. Participant told us that "no matter where I am, I have this need to be accepted, loved, and supported."<sup>138</sup> In this case, what is articulated as a need should also be understood as a legal right, informed by Anishinaabeg oral traditions and ongoing legal practices.

The basis for the right to belong is rooted in the intimate, extended, intergenerational kinship networks that form Anishinaabeg identity. Indeed, the foundation and name of this Report is the art of relatives, or *nawendiwin* (for more detail see Section 1.1: General Underlying Principle – *Nawendiwin*). Anishinaabeg law recognizes that individuals have a need to relate and be related to in deep and nurturing ways. This dynamic is vividly illustrated in the narrative sources. For example, in *Kwezens Makes a Lovely Discovery*, for example, a young girl's discovery of the sap of *ninaatigoog* (maple) is nurtured by her mother and amplified by her aunts and other kin relations.

When a person's right to belong is endangered or violated, or if the conditions necessary to support this right aren't sufficiently upheld within a person's immediate caregiving circles, extended kinship or community networks provide a 'backstop' for belonging to become re-established in a person's life. For example, Shirley Williams pointed out,

**“There was no homelessness in our culture. . . . If the family died and there was only one person left, the person chose . . . their relative, who they were related to or who they lived with. They would ask, ‘Can I come and live with you?’ and they [would] say, ‘Yes.’ and the other person may say ‘You can stay as long as you want.’ That person begins to be in the family . . . he would be part of the family.”<sup>139</sup>**

NASC staff and board members spoke of the tangible ways in which they, both institutionally and in their own capacities as individual Anishinaabeg legal actors, took steps to protect, promote, or restore belonging with the people with whom they work. Regarding infants and young children who need to be removed from their parents, Samantha Tennant said that, along with ensuring safety (an aspect of integrity that is explored below), decision-makers should also take steps to maintain family connections:

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<sup>137</sup> Beedahbin Peltier, Oral teaching, focus group (December 17, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin – Audio File – Dec 17 TW and SO group (1) MP3.pdf* at 6 as validated and edited in *Validation – Beedahbin Peltier.pdf* [Archived with ILRU].

<sup>138</sup> Montana Paypompee, Oral teaching, focus group (November 23, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin - Audio File Nov 23 TW and SO group (1) MP3.pdf* at 4 as validated and edited in *Validation – Montana Paypompee.pdf* [Archived with ILRU].

<sup>139</sup> Shirley Williams, Oral teaching, focus group (December 17, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin – Audio File – Dec 17 TW and SO group (1) MP3.pdf* at 3 as validated and edited in *Validation – Shirley Williams.pdf* [Archived with ILRU].

There's that brief time or maybe longer time where [parents] need that [separation]. But then when you're thinking of kinship and the roles in community, who is then responsible to care for that young person or that infant? So, separation is not necessarily complete disconnection from family but sometimes maybe just the biological parents, with the baby going to aunties or grandmas or whomever. But I think it's important to keep that connection live and well, like that connection to community and family even when they are separated.<sup>140</sup>

Narrative sources also show how a person's right to belong moves with them as they respond to loss or other challenging circumstances. In *Weegibance Saves her People*, an old grandmother whose whole community dies is effectively adopted (through marriage) into another community. In *Why Some Trees Keep Their Leaves When Others Do Not*, the little bird is taken in by certain trees, who care for him after an enforced separation from his own family. And in both *The Indian Who Became a Thunderbird* and *The Star People Are Always Watching*, a community responds to the unique needs of a newcomer, nurturing their right to belong by making specific accommodations. This approach contrasts with the unlawful (rights-breaching) conduct of Ahsin in *The Indian Who Became a Thunderbird*, who, in his hatred of change, drives Nimkey Banasik away. As a consequence of doing so, Ahsin loses his own kin connections, which can be seen as an example of how harmful actions can deprive a person of their right to belong.

While seen as fundamental to Anishinaabeg personhood, the right to belong is also inherently relational, and is thus subject to qualifications and limits: belonging can be changed, be surrendered, or (as a response to harm) can even be suspended. In other words, belonging carries obligations. These include the responsibility to participate in kinship relationships in ways that are respectful and reciprocal (See Section 3.4: Planting and Planning & Doing under Legal Obligations). But, given the fundamental nature of this right, there are almost always pathways by which people can 'return' to full belonging within Anishinaabeg families and communities (reintegration, as a legal response, is discussed further in Section 5.2.3).

The decision to seek belonging across kinship and community networks can be made by an individual with or without the permission of their primary family unit (*The Dog's Children; Family Duty*).

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<sup>140</sup> Samantha Tennant, Oral teaching, focus group (November 20, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin - Nov 20 TW and SO group (1) MP3.pdf* at 12 as validated and edited in *Validation – Samantha Tennant.pdf* [Archived with ILRU].

## 4.1.2 DIGNITY/INTEGRITY OF THE PERSON

While Anishinaabeg legal traditions are rooted in kinship-centred principles, law also recognizes people's agency, needs, and inherent integrity/dignity as individuals. The right to integrity of the person is worth highlighting in this regard. While integrity's full dimensions are understood and expressed by diverse individuals in unique ways, as a legal right it encompasses expectations of safety, security, and sustenance. There are material, social, and spiritual dimensions to each of these criteria that are illustrated in narrative sources as well as community knowledge.

The right to material sustenance can be seen in several narratives, including *Why Some Trees Keep Their Leaves*, *The Breadmaker*, and *Nenebojo and his younger brother*. Particularly in the latter two stories, we see that even those who have acted unlawfully and undermined the rights of others (as the Breadmaker and Po•kwis both did when they refused to share food with Nana'b'oozoo/Nenebojo) are still deserving of basic sustenance (in *The Breadmaker*, the woman is turned into a woodpecker, but is nonetheless able to feed herself on "worms, bugs, insects [and] grubs;" while in *Nenebojo and his younger brother* Po•kwis is granted "some very small fish").

A person's spiritual integrity, although perhaps less tangible, is no less strongly upheld as an Anishinaabeg legal right. In *She Had a Beautiful, Speckled Design*, Kwezens' family recognize her for who she is, an emerging artist whose identity requires time and space to develop. In *Robin*, by contrast, a young man's parents try to strictly control him. While this is arguably well-intentioned, their conduct constrains Robin's integrity to such an extent that his relationship with his family—and his own being—are transformed. Finally, *Weegibance Saves her People* illuminates how the right to integrity (bodily and spiritual) is prioritized even in the most difficult of circumstances. Here, Weegibance continues to care for her people, providing food, medicine, and proper burials, even while they are dying from smallpox and forced to flee their home. Even without hope of survival, she upholds and honours their integrity as people.

When integrity is diminished or violated (either through one's own mistaken or wrongful conduct or by the unlawful actions of others), Anishinaabe legal authorities, institutions, and processes respond to these losses (specific legal responses are further discussed in Section 5). There are also few, if any, circumstances where a person's basic integrity can be *lawfully* limited or taken away. That said, there are instances in which risk or harm is so great that one person's safety, security, or sustenance may need to be prioritized over another's. Two narratives in particular grapple with this difficult problem.

In *The father who was jealous of his youngest son*, a man goes to great lengths to try to kill his youngest son, who nonetheless continues to provide for him and his other brothers (even his sister tells him to "let them starve"). This goes on until the father and brothers finally turn into snakes (seemingly as a result of their unlawful behaviour). This story powerfully indicates some of the complexities and tensions present in situations of family abuse. Here, the boy and his sister safeguard their own integrity by moving away from their abusive father, but differ on further responses (continuing care versus letting them starve). Finally, when the father and brothers are completely transformed, the boy cuts them up and turns them into the toads, snakes, frogs and pollywogs of today. One inference from this story is that while there may

be different (equally reasonable) approaches to abuse within families, the safety of those who have been harmed is paramount and the right to safety is a pillar of the integrity and/or dignity of the person.

*The Bachelor* also deals with abuse when an older man preys upon a young girl. In this case, the continuing risk of harm is so great that the girl's community must completely dismember and burn the man to end the threat. While this does not necessarily mean that Anishinaabeg law endorses capital or corporal punishment in day-to-day legal processes, it does indicate that (re)creating safety in situations of extreme harm or abuse may require forcefully removing a person's ability to continue to cause harm. This right is closely connected to the obligation to provide for safety (for more detail see Section 3).

As both individual and institutional legal actors, Anishinaabeg uphold each other's integrity in both what they *do* and what they *do not* do. An example of the latter is expressed here by Wanda Whitebird: "We don't hurt each other. Unloving touch it doesn't exist, it never did. We never hit each other. We never put hands on each other."<sup>141</sup> This is a powerful statement of the absolute integrity of each individual, no matter their age, social position, or own conduct. Integrity requires, literally, 'hands-off' respect.

Just as importantly, however, sources indicate that the right to integrity also requires a much more engaged, positive orientation towards others. This may be particularly true in relationships of inter-dependence. A participant spoke to this by sharing her own experience of needing to find care with her extended family:

Before I moved in with my grandparents, [my mom] was always kind of putting me to the side and making me do things for her and she didn't really care about me. Then I moved to my grandparents' house it's just like they care a lot more, they show that they love me and that they care for me and they're putting in what's best for my interests.<sup>142</sup>

As we've seen, rights and obligations are often interdependent and reciprocal. Elder Shirley Williams considered the flipside of this dynamic, in which youth and caregivers are responsible for each other's integrity:

It seems that the younger children are taking advantage of the grandparents now which didn't happen before. So, there is a change in that structure. It seems today that the children don't get along with their own parents and so they go to their grandparents. And they expect their grandparents to feed and clothe them and things like that. It's an expectation, like, "you owe me", but the grandparents really don't owe them anything. They take them

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<sup>141</sup> Wanda Whitebird, Oral teaching, focus group (November 20, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin – Audio File – Nov 20 TW and SO group (1) MP3.pdf* at 10 as validated and edited in *Validation – Wanda Whitebird.pdf* [Archived with ILRU].

<sup>142</sup> Participant #2, Oral teaching, focus group (November 23, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin - Audio File Nov 23 TW and SO group (1) MP3.pdf* at 6-7 as validated and edited in *Validation – Participant #2.pdf* [Archived with ILRU].

in because of the love, because of the responsibility of fulfilling that traditional law that is there from before.”<sup>143</sup>

This statement indicates that while all persons may expect their basic right to safety and sustenance (as necessary aspects of integrity) to be upheld, they should not be simply demanded. But in circumstances of vulnerability and need, where legal recognitions and responses are most urgently required, integrity often manifests as an inviolable right.

Participant #1 shared how their role as an ‘aunty’ (discussed further in Section 2.1.3) guided their response to a young person whose safety and security were at risk:

I was just driving in the evening and seen a young girl at a bus stop. . . . She was clearly under adult age and she was sitting at a bus stop in the middle of winter and it was freezing. And so I went through and it was at a major intersection. I went through and I turned around. And I didn't know her. So really to make that clear. And I turned around and I thought, "Oh my goodness, who's this little girl and she doesn't have a coat?" And she has those thin cotton scrubs from a hospital on. And immediately that kind of aunty responsibility kicks in. So I turned around . . .<sup>144</sup>

This situation shows the intricate interplay between rights and obligations and how they rely on each other to provide for meaningful action in community.

### 4.1.3 MEANINGFUL CHOICE

The right to meaningful choice is the third major substantive right that sources indicate as important to lawful governance within and among families. This means that, even (perhaps especially) when dealing with vulnerability, conflict, and harm, people have the right to a high degree of control or agency in determining and furthering the possibilities available to them. Many narratives contain expressions of this right. *She Had a Beautiful, Speckled Design* and *Four Warriors Find Naanabozho* both show a young person's choices being respected, even though mistakes and changes result from this. In *Nenebojo and his younger brother*, both characters face similar situations with their choices about how to respond determining their gifts (or, in this case's translation, their “blessings”). And in both *The Breadmaker* and *Why Some Trees Keep Their Leaves*, those with resources have the ability to decide if and how they will share them. These and other narratives essentially explore how the general underlying principle of self-determination is exercised in specific situations.

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<sup>143</sup> Shirley Williams, Oral teaching, focus group (December 17, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin – Audio File – Dec 17 TW and SO group (1) MP3.pdf* at 4 as validated and edited in *Validation – Shirley Williams.pdf* [Archived with ILRU].

<sup>144</sup> Participant #1, Oral teaching, focus group (December 17, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin – Audio File – Dec 17 TW and SO group (1) MP3.pdf* at 5 as validated and edited in *Validation – Participant #1.pdf* [Archived with ILRU].



Like belonging, the right to make choices can be limited, in particular when those choices threaten the integrity of others. Like *The Breadmaker* and *Why Some Trees Keep Their Leaves*, *Story of Redfeather* explores the scope and limits of the right. In this story, a boy abuses his skill with bow and arrow to kill all the frogs and crawfish that certain birds rely on for food. A heron asks the boy to stop, even offering him her best feather. Later, Redfeather's great-grandfather warns him of the danger posed by an owl who is waiting outside. At all of these points, the boy is not constrained, but granted meaningful freedom to choose how he will respond. Only after he repeatedly persists in choosing the more harmful or dangerous path do the birds take action to limit his choices.

Samantha Tennant spoke of how NASC, as an institution can influence and facilitate people's ability to exercise their right to meaningful choices:

**“[I]t is very much about asking [clients] what they need to be successful . . . what does that look like for them. It's their journey, it's not our deciding factors, it's us supporting what they want to see happen in hopes that that is maintaining a healthy lifestyle or whatever their journey or their path is to go through . . . it is guiding them along and giving them the tools and the resources to continue on their journey and what they want to see happen.”<sup>145</sup>**

**– Samantha Tennant**

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<sup>145</sup> Samantha Tennant, Oral teaching, focus group (November 20, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin - Nov 20 TW and SO group (1) MP3.pdf* at 18 as validated and edited in *Validation – Samantha Tennant.pdf* [Archived with ILRU].

Anne Taylor, speaking to the youth in their focus group, also stressed the importance of meaningful choice in their interactions with social and legal institutions:

**“[W]hen it seems like everybody else has a say in how you're going to be living, where you're going to be living, whom you're going to be living with. When someone else has that control or seems to remember that you have a voice and remember that those workers, they're supposed to be working for you. They are your worker. You are the one who directs them.”<sup>146</sup>**

Delores Lalonde told us how people dealing with difficult circumstances—such as domestic violence—should be supported to make meaningful changes in their lives, without being ‘told what to do’:

**[I]f they are choosing to decide to go back to their abusive partner . . . [we provide] those supports not just for her but for her partner as well like if she's going back to the partner. Creating those safety plans if something was to happen again. Having those conversations about the dangers and having that support for the children in place so they understand and recognize what's happening . . .<sup>147</sup>**

Meaningful choices, Delores stressed, are only really exercised in a supportive context, one that NASC strives to nurture:

**“[H]ow do we support these people through that process without ostracizing or criminalizing or judging? So that is what we're doing here daily is support those individuals and try and be really positive . . . especially if they are trying to reconnect [damaged kinship relationships].”<sup>148</sup>**

**– Delores Lalonde**

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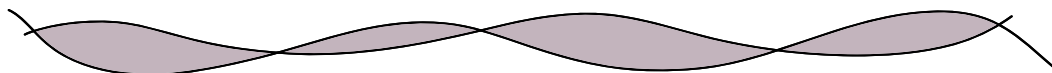
<sup>146</sup> Anne Taylor, Oral teaching, focus group (November 23, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin -Audio File Nov 23 TW and SO group (1) MP3.pdf* at 17 as validated and edited in *Validation – Anne Taylor.pdf* [Archived with ILRU].

<sup>147</sup> Delores Lalonde, Oral teaching, focus group (November 20, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin - Nov 20 TW and SO group (1) MP3.pdf* at 17 as validated and edited in *Validation – Delores Lalonde.pdf* [Archived with ILRU].

<sup>148</sup> Delores Lalonde, Oral teaching, focus group (November 20, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin - Nov 20 TW and SO group (1) MP3.pdf* at 14-15 as validated and edited in *Validation – Delores Lalonde.pdf* [Archived with ILRU].

## 4.2 PROCEDURAL RIGHTS

4.1 GENERAL RESTATEMENTS OF LAW – PROCEDURAL RIGHTS	
<p><b>4.2.1</b> Information</p>	<p>Individuals, even when acting unlawfully, have the right to access reliable information and knowledge required to make meaningful choices and to inform the application of substantive legal rights and responses: <i>Delores LaLonde; Samantha Tennant; The Dog’s Children; Weegibance Saves her People; The Indian Who Became a Thunderbird; The Star People Are Always Watching; Story of Redfeather; Nenebojo and his younger brother; The father who was jealous of his youngest son; The Breadmaker.</i></p>
<p><b>4.2.2</b> Voice</p>	<p>At all stages of a person’s life, individuals have the right to bring their own perspectives, ideas, and assessments to the resolution of vulnerability, conflict, and harm within families: <i>Wanda Whitebird; Robin; The Bachelor.</i></p> <p>The right to voice is particularly important to uphold and nurture amongst youth: <i>Montana Paypompee; Dakota Frost; Anne Taylor; Kwezens Makes a Lovely Discovery; She Had a Beautiful, Speckled Design.</i></p>
<p><b>4.2.3</b> Opportunities to Change</p>	<p>People who have engaged in difficult and/or harmful conduct have the right to opportunities to change and to pathways through which they can make meaningful choices: <i>Wanda Whitebird; Story of Redfeather; The Baagaataa’awa Game that Changed Everything.</i></p> <p>The right to opportunities to change is limited in situations where legal actors need to respond to serious harm or when a person persist in conduct that they have been taught is unlawful: <i>The Bachelor; The father who was jealous of his youngest son; The Breadmaker.</i></p> <p>The right to opportunities to change may involve change that is permanent: <i>Robin; The Indian Who Became a Thunderbird.</i></p>



## 4.2.1 INFORMATION

The right to information provides people with the knowledge that they need to make meaningful decisions. This includes both practical details and foundational teachings, as well as guidance in how these may be applied to particular life circumstances.

Several narratives show how the right to information informs the application of substantive legal rights and responses. In *The Dog's Children*, a woman's brothers tell her why they are intervening in her relationship with a dog. Weegibance, in *Weegibance Saves her People*, tells the men who encounter her why they should stay away: "I am sick, I have the dreaded smallpox". And in both *The Indian Who Became a Thunderbird* and *The Star People Are Always Watching*, there is an exchange of information as people integrate into new communities. The right to information is even extended to those who have or continue to act unlawfully. This happens in *Story of Redfeather*, where the heron tells the boy exactly why his actions are causing hardship. And in *Nenebojo and his younger brother*, the mysterious stranger gives Po•kwis the same information as Nenebojo, even though Po•kwis has already committed a wrong against his brother.

Narrative sources also show how *mis*-information is a legal 'wrong'. In *The father who was jealous of his youngest son*, the father uses deception to further his attempted killing of his son, and in *The Breadmaker*, the baker attempts to hide her true abundance from Nana'b'oozoo. Anishinaabe law recognizes that accurate, trustworthy information is essential not only as a standalone right, but also as the means by which people are able to realize some of the most fundamental expectations of individual and collective well-being (as noted above, these include belonging and meaningful choice. Reliable information also sustains the underlying principles of self-determination and mino-bimaadizwin).

The fundamental importance of respecting people's right to information comes forward in NASC's work. Delores Lalonde said, "you need to be very open with communication and very transparent about what is happening . . . especially when you are talking about families. . . ." <sup>149</sup> Samantha Tennant echoed this commitment: "When you're building that rapport [with people], you're also being transparent and the client is being fully informed of how you can support them." <sup>150</sup>

Good, reliable information not only informs a person's substantive legal rights, but also facilitates the other procedural expectations that Anishinaabe legal authorities, institutions, and processes uphold. This includes voice—the right to speak and be heard.

## 4.2.2 VOICE

Anishinaabeg legal traditions recognize that individuals must be able to bring their own perspectives, ideas, and assessments to the resolution of vulnerabilities, conflicts and

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<sup>149</sup> Delores Lalonde, Oral teaching, focus group (November 20, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin - Nov 20 TW and SO group (1) MP3.pdf* at 14 as validated and edited in *Validation – Delores Lalonde.pdf* [Archived with ILRU].

<sup>150</sup> Samantha Tennant, Oral teaching, validation interview (September 28, 2021) in *Validation – Samantha Tennant.pdf* [Archived with ILRU].

harms within families. This may require institutional structures and supports to make sure that people’s voices are heard in (indeed, are central to) the processes that affect them. In this way, the right to voice is closely correlated to the obligations of listening and education that arise in *The Wondering Life & Stages of Truth* (discussed above in Section 3.3).

While this right applies at all stages of a person’s life, both narrative and community sources strongly endorse its particular significance for youth. In *Robin*, a young man insists that he has fasted enough: “I have already got knowledge of all things”. Unfortunately, his father fails to really hear or heed his son’s voice, which leads to a fundamental change and distancing in their relationship. In contrast, in both *Kwezens Makes a Lovely Discovery* and *She Had a Beautiful, Speckled Design* a young woman’s views are not only heard, but also believed and respected. This applies, as the latter story suggests, even in the context of the potential mistakes or failures that may result.

For youth participant Montana Paypompee, the right to voice is about more than just being heard: “I am often kind of heard but I am not understood in the way that I wish they could understand”.<sup>151</sup> Another young person, Dakota Frost, echoed this from their own experience:

I feel like my voice is being respected right now because I actually am living in an adult home where I'm getting the support that I need and where they are actually listening to me. Not like when I was living with my dad. He wasn't really respecting my voice, he wasn't listening to me. He would blame me for everything and he wouldn't let me explain what I had on my side of the story. So I've been here now since Thursday and I feel like my voice is being heard a lot more than what it was when I was living with my family.<sup>152</sup>

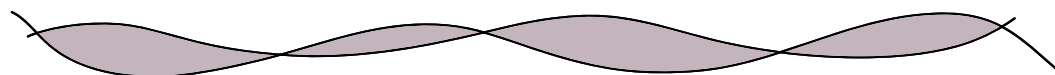
Anne Taylor, an Elder who sat with the youth during focus group conversations, spoke powerfully and directly to young people. Her words themselves are a direct example both of the right to information (teachings) and the right to voice, especially those of the young:

**“[R]ecognize that you’ve made it through that and you’ll make it through this and your voice is always your voice and no one else can tell you how to use that voice. That's yours. That's one of the gifts that was given to you. And use that voice to speak up for**

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<sup>151</sup> Montana Paypompee, Oral teaching, focus group (November 23, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin - Audio File Nov 23 TW and SO group (1) MP3.pdf* at 7 as validated and edited in *Validation – Montana Paypompee.pdf* [Archived with ILRU].

<sup>152</sup> Dakota Frost, Oral teaching, focus group (November 23, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin - Audio File Nov 23 TW and SO group (1) MP3.pdf* at 6 as validated and edited in *Validation – Dakota Frost.pdf* [Archived with ILRU].



**yourself, to make yourself stronger, to make yourself heard, to make yourself understood.”<sup>153</sup>**

**– Anne Taylor**

Anne also explained how young people’s voices, in particular, are supported within an Anishinaabeg worldview:

**“[Y]our heritage, all of those ancestors that came before you they’re right there. They have your back. . . . You all have that strong voice within you. Those ancestors are there and through your culture that will make you strong. Speak up for your culture, speak up for your language, and fight for the land, fight for the water because those spirits, those are the ones that are there taking care of you every single day. This earth gives you everything you need to survive. That water gives you the very life that you live. So never, never think that your voice is silenced. . . .”<sup>154</sup>**

Wanda Whitebird spoke specifically about the importance of voice in the context of supporting and advocating for people who are navigating colonial legal processes. She provided an example of how Anishinaabe authorities (here, “aunty” and “grandma”) assert and uphold kinship-centred approaches to governance:

I tell people don’t let a child welfare worker in your house unless you have an advocate . . . we have five days to get into court and they have to give us that. . . . By then, hopefully you got your aunty and you got your grandma and you’re in court and you’re saying yeah okay she’s having difficulties but we now know about it and we’re here and we’re gonna help.<sup>155</sup>

The right to one’s voice, Wanda Whitebird stressed, is often threatened in colonial legal processes, and requires strong individual and community commitments to uphold: “we need to teach them . . . you need to fight honey, because I will be with you every step of the way but do not be intimidated. . . .”<sup>156</sup> This perspective is reflected in *The Bachelor*, where a girl who escapes from her abuser (by way of her own

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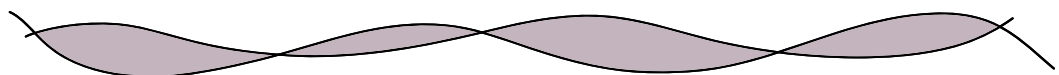
<sup>153</sup> Anne Taylor, Oral teaching, focus group (November 23, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin - Audio File Nov 23 TW and SO group (1) MP3.pdf* at 16 as validated and edited in *Validation – Anne Taylor.pdf* [Archived with ILRU].

<sup>154</sup> Anne Taylor, Oral teaching, focus group (November 23, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin - Audio File Nov 23 TW and SO group (1) MP3.pdf* at 16-17 as validated and edited in *Validation – Anne Taylor.pdf* [Archived with ILRU].

<sup>155</sup> Wanda Whitebird, Oral teaching, focus group (November 20, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin - Audio File – Nov 20 TW and SO group (1) MP3.pdf* at 8 as validated and edited in *Validation – Wanda Whitebird.pdf* [Archived with ILRU].

<sup>156</sup> Wanda Whitebird, Oral teaching, focus group (November 20, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin - Audio File – Nov 20 TW and SO group (1) MP3.pdf* at 7 as validated and edited in *Validation – Wanda Whitebird.pdf* [Archived with ILRU].

ingenuity and courage) is both heard and supported when she returns to her community: “The girl finally came back to her own people and told them that the man who had stolen her was pursuing her . . . they said they would invite him to a feast and get even with him there.” This right must be closely practiced alongside the obligation of the obligation to respect and listen to the voices of youth and to educate ourselves in a way that critically engages with the world around us.



### 4.2.3 OPPORTUNITIES TO CHANGE

The final procedural right explored in this section regards opportunities to change. This involves both the principled and practical recognition that, in order to exercise meaningful choice (for more see discussion in Section 4.1.3), people need pathways through which to emerge from difficult or harmful situations. In particular, responses to wrongful conduct should not be so punitive as to deprive people of opportunities to learn from the past and recommit to reducing harm and enhancing relationships in their own lives and families. As sources show, however, these opportunities are not without limits. They are guided by the principles and authorities that inform *mino-bimaadiziwin*, *onjinewin*, and *aanjigone* in context, and may need to be bounded by the rights of others.

As will be explored below, this right is closely connected to the legal responses of celebrating success and practicing accountability (see Section 5 for more on legal responses).

Wanda Whitebird spoke of her own approach to mentoring younger people as an Elder, which combines the right to information with a right to exercise the opportunity to change:

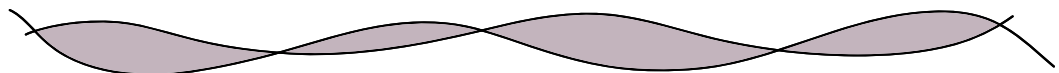
**“When I have a helper or somebody who is learning from me, they're always going ‘Oh! I’m sorry.’ I’m like, ‘You know what, you didn’t know that’s what you were supposed to do. Now I’m telling you that this is the procedure or the protocol. The next time you do it, it is a mistake and it is disrespectful. It’s disrespectful because you know what you’re doing is wrong and so that’s the fundamental way that we look at things is that you make a mistake you didn’t know it was a mistake until you’re taught what that mistake is . . .’”<sup>157</sup>**

Narrative sources also show opportunities to change being granted even when this right is limited in certain circumstances. *Story of Redfeather* describes the multiple chances that the boy is given, none of which he takes. Yet even after he has been captured by the owl, Redfeather’s great-grandfather intervenes to “give a great feast and ask the owl to return his great-grandson.” This last opportunity is finally taken: “Redfeather . . . promised that he would never again misuse the food that Nana’b’oozoo had made for the birds.”<sup>158</sup> *The Baagaataa’awa Game that Changed Everything* is another story that describes how people often need multiple and various opportunities to make a change or figure out the resolution to a problem. Here, the ‘rights granter’ is Nokomis, who makes several attempts to mediate a conflict between

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<sup>157</sup> Wanda Whitebird, Focus group, oral teaching (November 20, 2020). As transcribed in *TRANSCRIPT – LFO Nawendiwin – Audio File – November 20 TW and SO group (1) MP3.pdf* at 10 as validated and edited in *Validation – Wanda Whitebird.pdf* [Archived with ILRU].

<sup>158</sup> “Story of Redfeather” in Beatrice Blackwood (1929) “Tales of the Chippewa Indians”, *Folklore*, 40:4, 315-344 at 342-343, pages 78-79 of the Casebook.



the birds and the animals. She does not give up even after three failures, which allows the birds to accept responsibility and (finally) take initiative to solve the issue of a food shortage.

The right to opportunities to change is not absolute, particularly in a context where legal actors need to respond to serious harm<sup>159</sup> or when a person persists in conduct that they've been taught is unlawful. Implicit in *The Bachelor* is the reality that the community (and especially the young girl) will never be safe without completely removing the old man's ability to cause harm. This also seems to be the case with the father and brothers in *The father who was jealous of his youngest son*. An example of less drastic ways to limit this right is when Nokomis in *The Breadmaker* is transformed into a woodpecker, meaning that she has to find new ways to both sustain herself and be of service to the community. Sometimes exercising the right to opportunities to change means permanent change, like what happens in both *Robin* and *The Indian Who Became a Thunderbird*. In both instances, the possibility of changing back to a previous situation is gone forever. While such transformations cannot be undone, other options and possibilities are created. This is discussed further in Section 5.2.4: Legal Responses – Transformation.

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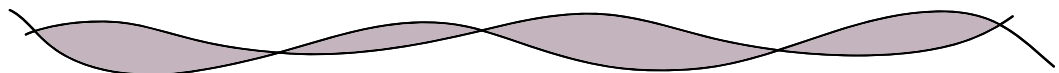
<sup>159</sup> Wanda Whitebird, Oral teaching, focus group (November 20, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin – Audio File – Nov 20 TW and SO group (1) MP3.pdf* as validated and edited in *Validation – Wanda Whitebird.pdf* [Archived with ILRU].

# 5. LEGAL RESPONSES

## 5.1 PRINCIPLES

*What legal principles govern responses and resolutions?*

5.1 GENERAL RESTATEMENTS OF LAW – PRINCIPLES	
<b>5.1.1</b> Reducing Harm	Legal responses should be directed towards reducing harm.
<b>5.1.2</b> Nurturing Relationships	Legal responses should nurture relationships.
<b>5.1.3</b> Reciprocity	Legal responses ought to reflect reciprocity.
<b>5.1.4</b> Consent	Legal responses based on consent engage people's status as self-determining individuals seeking mino-bimaadiziwin in their own lives.
<b>5.1.5</b> Celebrating Success & Holding People Accountable	The process of rebuilding families and communities in the face of harm, conflict, or vulnerability is an ongoing process. As such, celebrating successes along the way is imperative and it is essential to hold people accountable on a day-to-day basis.



# INTRODUCTION

Anishinaabe legal responses are guided by Anishinaabe legal principles, decision-makers and actors. So far, this Report has touched on those that are most important to understanding and upholding Anishinaabe/Michi Saagiig Nishnaabeg law as it relates to kin-centred governance. This final chapter keeps these underlying principles, rights, obligations, and processes squarely in mind while focusing on responses to situations of harm, conflict, or vulnerability within families.

Four broad ‘kinds’ of response are described below: meeting needs, separation, reintegration, and transformation. These responses inform and support each other. In practice, more than one way of responding to a situation may be necessary to reach a sustainable resolution. Some responses may also be more generally applicable: meeting needs, for example, and even times of separation, are important ways that rights and obligations are upheld throughout one’s life, not just in the aftermath of harm or conflict (see the procedural consideration of awareness/early recognition, in Section 2.2.1 for more).

Before discussing the four specific responses themselves, five principles that emerged from the research are offered here that offer specific guidance for responding to vulnerability, conflict, and harm within families. As with Anishinaabeg law generally, this is not a set of “musts,” but rather an exploration of the considerations decision-makers may take in working towards lawful outcomes in particular circumstances.

## 5.1.1 REDUCING HARM

Legal responses should be directed towards reducing harm. This means attending to the actual and potential causes of harmful situations and focusing on people’s actual well-being over more abstract considerations such as ‘just desserts’.

## 5.1.2 NURTURING RELATIONSHIPS

Legal responses should nurture relationships. While the goal of reducing harm often means intervening in toxic or harmful relationships, the importance of kinship roles (and the right of belonging within these, as discussed at Section 4.1.1) requires that these relationships themselves remain central to considerations about how to respond.

## 5.1.3 RECIPROCITY

Legal responses ought to reflect reciprocity. As part of the underlying principle of *aanjigone* (for more see Section 1.4), Anishinaabeg law recognizes that people respond best to those with whom they have cultivated relationship. Reciprocity doesn’t mean that people are expected to give more than they have, but that they give what they are able in the context at hand.

## 5.1.4 CONSENT

Legal responses based on consent engage, as much as possible, people’s status as self-determining individuals who are seeking *mino-bimaadiziwin* in their own lives. Consent

means supporting people to make their own decisions while ensuring that those decisions are informed by and balanced with other principles, rights, and responsibilities.

## 5.1.5 CELEBRATING SUCCESS & HOLDING PEOPLE ACCOUNTABLE

The process of rebuilding families and communities in the face of harm, conflict or vulnerability is an ongoing and complicated journey. It is not linear and it is difficult to pinpoint a definitive 'end' to the process. For this reason, celebrating success along the way is imperative to maintaining momentum for all parties involved. Similarly, the flipside of this principle is the necessity of holding people accountable on a day-to-day basis as opposed to letting missteps or mistakes accrue for long periods of time.

The specific legal responses explored below should be considered alongside the principles outlined above.

## 5.2 STRATEGIES

What are some of the ways Anishinaabeg decision-makers address vulnerability, conflict or harm within families?

5.2 GENERAL RESTATEMENTS OF LAW – STRATEGIES	
<p><b>5.2.1 Meeting Needs</b></p>	<p>There are a wide range of needs that might require attention. These include, but are not limited to, physical needs (such as food, shelter, and medicine), safety, and fully meeting and exercising individual self-determination: <i>Wanda Whitebird; Samantha Tennant; The Baagaataa’awa Game that Changed Everything; Why Some Trees Keep Their Leaves When Others Do Not; The Indian Who Became a Thunderbird.</i></p> <p>To reduce actual or potential harm, support relationships, and nurture people’s capacity to make meaningful choices, the appropriate legal response is to provide tangible options, guidance, and/or teachings to individuals in order to meet any needs that are presented <i>Samantha Tennant; Shirley Williams; Beedahbin Peltier; Delores Lalonde; Participant #1; Leanne Betasamosake Simpson.</i></p> <p>There are consequences for those who refuse to meet the basic needs of family and community members: <i>The Breadmaker; Why Some Leaves Keep Their Leaves When Others Do Not; Nenebojo and his Younger Brother.</i></p>
<p><b>5.2.2 Separation</b></p>	<p>Separation is a legal response used to reduce harm and restore integrity of the person, relationship, and community at large. Separation is presumed to be temporary unless the harm is so great that, as a last resort, permanent separation is necessary: <i>Leanne Betasamosake Simpson; Father Who Was Jealous; Robin; The Indian Who Became a Thunderbird; Story of Redfeather; The Bachelor; Why Some Trees Keep Their Leaves When Others Do Not; Weegibance Saves her People; The Baagaataa’awa Game that Changed Everything.</i></p> <p>The legal response of separation may also facilitate individual self-determination, the ability to maintain good kinship relations, and serve to prevent conflicts and crises before they begin: <i>Samantha Tennant; Wanda Whitebird; She Had a Beautiful, Speckled Design; Four Warriors Find Naanabozho; Kwezens Makes a Lovely Discovery.</i></p>
<p><b>5.2.3 Reintegration</b></p>	<p>Reintegration is an appropriate legal response in situations where there is a demonstrated change on behalf of the parties involved, there has been a removal of the threat of scarcity, sickness or violence, and there is a willingness of all parties to reconcile and reunite: <i>Delores Lalonde; Leanne Betasamosake Simpson; Story of Redfeather; Weegibance Saves her People; Why Some Trees Keep Their Leaves When Others Do Not; The Dog’s Children.</i></p> <p>The legal response of reintegration includes ongoing support and guidance for the parties involved: <i>Samantha Tennant.</i></p>
<p><b>5.2.4 Transformation</b></p>	<p>Anishinaabeg legal traditions understand transformation—meaning the changes that people undergo as a result of choices they make or the challenges they face—as a fact, a consequence, and a powerful teaching. Individuals, families, and communities respond to transformation by applying and upholding legal responsibilities, expectations, and underlying principles: <i>Wanda Whitebird; Leanne Betasamosake Simpson; Samantha Tennant; Delores LaLonde; Robin; Why Some Trees Keep Their Leaves When Others Do Not; The Indian Who Became a Thunderbird; The Breadmaker; Four Warriors Find Naanabozho; Family Duty; The Star People Are Always Watching; She Had a Beautiful, Speckled Design; The father who was jealous of his youngest son.</i></p> <p>People who have caused harm need to demonstrate transformation before being reintegrated: <i>Delores LaLonde; Story of Redfeather; The Dog’s Children.</i></p>

## 5.2.1 MEETING NEEDS

Effective legal responses are built from effective legal processes, and ideally serve to realize the legal principles, rights, and obligations that apply in particular situations. The (often first-step) response of meeting needs includes a broad range of reasoned, relevant, practical interventions that function to reduce actual or potential harm, support relationships, and nurture people’s capacity to make meaningful choices.

Meeting needs is not necessarily a deficits-based response, however. What that means is that this response doesn’t presume that Anishinaabeg families are lacking in capacity to meet basic needs. Instead, it presumes that there are ample resources to meet community needs but, for whatever reason, access to these supports has been limited or blocked. It is the job of the community/institutions/legal actors/decision makers to connect with the affected parties to assess what their needs are:

**“It is very much about asking them what they need to be successful . . . what does that look like for them. It's their journey, it's not our deciding factors, it's us supporting what they want to see happen in hopes that that is maintaining a healthy lifestyle or whatever their journey or their path is to go through . . . it is guiding them along and giving them the tools and the resources to continue on their journey and what they want to see happen, and what is realistic for them as they grow and change.”<sup>160</sup>**

There are a wide range of needs that might require attention. Sometimes they are basic physical needs like food, shelter, or medicine. Examples of these needs and how they are met are highlighted in *Baagaataa’awa; Weegibance; Why Some Trees Keep Their Leaves*, and *The Indian Who Became a Thunderbird*. The importance of these basic needs should not be underestimated, as they are necessary aspects of a person’s dignity or integrity (discussed above as a legal right in Section 4.1.2). Precedent shows that there can be severe consequences for those who refuse to meet the basic needs of family and community members (*The Breadmaker; Why Some Trees Keep Their Leaves When Others Do Not; Nenebojo and his younger brother*).

Meeting needs can also include acting to ensure people’s safety. As Wanda Whitebird said, in cases of domestic violence, “[w]e as a community would take in the woman whose husband was beating her. We'd go and get her and bring her kids. They'd come and stay with us.”<sup>161</sup> In contemporary practice, organizations such as NASC often take on the institutional responsibility of identifying and responding to those

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<sup>160</sup> Samantha Tennant, Oral teaching, focus group (November 20, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin - Nov 20 TW and SO group (1) MP3.pdf* at 18 as validated and edited in *Validation – Samantha Tennant.pdf* [Archived with ILRU].

<sup>161</sup> Wanda Whitebird, Oral teaching, focus group (November 20, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin – Audio File – Nov 20 TW and SO group (1) MP3.pdf* at 13 as validated and edited in *Validation – Wanda Whitebird.pdf* [Archived with ILRU].

needs, although this can be and is done by diverse actors (as described above in Section 2.1.5: Community Bodies & Community Leadership.)

A particularly important aspect of family and community support in meeting needs is in providing guidance and teachings when it appears that a person may be lacking in knowledge or experience in a particular area. It is up to the discretion of the family/community member intervening to provide teachings in the manner they think is best, however, it is important that it is done:

- In a way that is without judgment or shame.<sup>162</sup>
- In a way that honours the self-determination of the person being taught.<sup>163</sup>
- In a way that prioritizes safety and harm reduction.<sup>164</sup>

## 5.2.2 SEPARATION

Separation—which can also be thought of as creating space between people—can serve a variety of purposes, depending on the situation and the decision-maker(s) involved.

Separation is recognized as a healthy way: to grow as a self-determining individual; to maintain good kinship relations; and, to prevent conflicts and crises before they begin. As Samantha Tennant put it, “having that time for autonomy and independence to reflect and do all the things is a part of growing up . . . sometimes the lesson is within the reflection. So taking that time away is when we’re able to actually have that space . . . to go within and have time to process.”<sup>165</sup>

The act of separation for self-development is seen in precedent: the young men in *Four Warriors* go off on their own to find Naanabozho; Kwezens asks for time alone

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<sup>162</sup> Shirley Williams, Oral teaching, focus group (December 17, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin – Audio File – Dec 17 TW and SO group (1) MP3.pdf* as validated and edited in *Validation – Shirley Williams.pdf* [Archived with ILRU]; Leanne Betasamosake Simpson, Oral teaching, focus group (April 20, 2021) as transcribed in *TRANSCRIPT - LFO Nawendiwin - Audio File - Apr 20 TW and SO Leanne Simpson Interview MP4.pdf* at 5 and 8 as validated and edited in *Validation – Leanne Simpson.pdf* [Archived with ILRU].

<sup>163</sup> Beedahbin Peltier, Oral teaching, focus group (December 17, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin – Audio File – Dec 17 TW and SO group (1) MP3.pdf* at 9-10 as validated and edited in *Validation – Beedahbin Peltier.pdf* [Archived with ILRU]; Samantha Tennant, Oral teaching, focus group (November 20, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin - Nov 20 TW and SO group (1) MP3.pdf* at 6 and 9 as validated and edited in *Validation – Samantha Tennant.pdf* [Archived with ILRU]; Leanne Betasamosake Simpson, Oral teaching, focus group (April 20, 2021) as transcribed in *TRANSCRIPT - LFO Nawendiwin - Audio File - Apr 20 TW and SO Leanne Simpson Interview MP4.pdf* at 5 as validated and edited in *Validation – Leanne Simpson.pdf* [Archived with ILRU].

<sup>164</sup> Delores Lalonde, Oral teaching, focus group (November 20, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin - Nov 20 TW and SO group (1) MP3.pdf* at 8-9 and 18-19 as validated and edited in *Validation – Delores Lalonde.pdf* [Archived with ILRU]; Wanda Whitebird, Oral teaching, focus group (November 20, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin – Audio File – Nov 20 TW and SO group (1) MP3.pdf* at 6-7 and 13 as validated and edited in *Validation – Wanda Whitebird.pdf* [Archived with ILRU]; Participant #1, Oral teaching, focus group (December 17, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin – Audio File – Dec 17 TW and SO group (1) MP3.pdf* at 1-2 as validated and edited in *Validation – Participant #1.pdf* [Archived with ILRU]; Samantha Tennant, Oral teaching, focus group (November 20, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin - Nov 20 TW and SO group (1) MP3.pdf* at 6 as validated and edited in *Validation – Samantha Tennant.pdf* [Archived with ILRU].

<sup>165</sup> Samantha Tennant, Oral teaching, focus group (November 20, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin - Nov 20 TW and SO group (1) MP3.pdf* at 14 as validated and edited in *Validation – Samantha Tennant.pdf* [Archived with ILRU].

in *Speckled Design*, and, in *Kwezens Makes a Lovely Discovery*, Kwezens is wandering in woods by herself when she learns about maple syrup.

As Wanda Whitebird indicated, the value and power of separation continue to be taught to youth and lived out as a practice:

**“If you look at the way we separate from each other, the first thing that we learn is to go fasting. We go out in the bush and we don’t have any food and water, and we’re by ourselves, some people will say it’s out on the hill, out on the land. And, so, in our traditions we even separate ourselves for a certain amount of time in the bush to learn, to touch base with spirituality. Separation is part of what we do. It’s who we are as a people. We know that.”<sup>166</sup>**

Separation is also a remedial response to conflict or harm. Many Anishinaabeg stories have examples of people creating space from family dynamics that are threatening to their individual well-being or chosen path towards *mino-bimaadiziwin*. These threats may be expressed as physical (like the murderous father in *The father who was jealous of his youngest son*) as well as spiritual (like the overbearing father in *Robin*). As seen in the latter case, while the effects of separation may be long-lasting or permanent, separations themselves tend not to be absolute. After four winters, Robin returns to “know [his family] again”, and even in the case of *The Indian Who Became a Thunderbird*, Wahbi Ahmik’s separation from the human community is recorded and remembered. As the story states, “the Indians that lived below remembered this Indian who became a thunderbird . . . this thunderbird is still heard up in the great heavens. . . .” Changing family relationships are discussed further below (see Section 5.2.4: Legal Responses – Transformation).

Finally, enforced separations may be necessary to maintain or restore safety, such as when an individual persists in causing harm or creating unsafe situations for others. This response can take the shape of incapacitation (such as in *Story of Redfeather*, when the “bad little boy” is taken by the owl to stop him from destroying the birds’ food sources) or even annihilation (like the old man in *The Bachelor* who is taken apart piece by piece by the community of the girl he kidnapped). Many stories also recognize that separation may need to occur for the broader good of the family, community, or Nation. This can be seen in the reasoning of little Bineshiinh’s family in deciding to leave for the winter in *Why Some Trees Keep their Leaves*; in Weegibance’s decision to lead her people into isolation in *Weegibance Saves her People*; and, at the conclusion of the *Baagaataa’awa Game*, when the birds decide to solve the community’s food shortage by flying south every winter.

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<sup>166</sup> Wanda Whitebird, Oral teaching, focus group (November 20, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin – Audio File – Nov 20 TW and SO group (1) MP3.pdf* at 12-13 as validated and edited in *Validation – Wanda Whitebird.pdf* [Archived with ILRU].

The underlying motivation behind the range of responses grouped as separation is less about punishing wrongdoers than about reducing harm and restoring integrity. As narratives illustrate, this can require prioritizing vulnerable or harmed individuals and the community as a whole. Anishinaabeg law, in this respect, differs from and must push back against colonized forms of separation. In Samantha Tennant's words:

**“Colonization has changed the way that separation looks and the intervention strategy has caused harm with using separation, like leverage and power . . . your clan and your traditional family, not just your blood family, could come in and take on that role of helping support and raise that child. We are getting back to that with kinship, with the reunification framework we use in our Children's Aid and child welfare, but colonization was that major disruptive force.”<sup>167</sup>**

As a situational response or intervention, separation is meant to have the immediate effect of keeping people safe. It is seldom the final resolution of an issue. The importance of maintaining connection to family and community and working towards reunification is the real goal of separation:

**“[There is] healthy versus harmful separation. So, going out on the land and having that time for autonomy and independence to reflect and do all the things is a part of growing up . . . but . . . colonization has changed the way separation looks and the intervention strategy has caused harm with using separation like [a form of] leverage and power.”<sup>168</sup>**

**– Samantha Tennant**

While there may be times when permanent separation is required, “that harshness would be a last resort”<sup>169</sup> and is seen only in precedent in extreme circumstances (such as seen in *The Bachelor* and *The father who was jealous of his youngest son*). The importance of combining separation with other legal responses is discussed further below.

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<sup>167</sup> Samantha Tennant, Oral teaching, focus group (November 20, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin - Nov 20 TW and SO group (T) MP3.pdf* at 14 as validated and edited in *Validation – Samantha Tennant.pdf* [Archived with ILRU].

<sup>168</sup> Samantha Tennant, Oral teaching, focus group (November 20, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin - Nov 20 TW and SO group (T) MP3.pdf* at 12 as validated and edited in *Validation – Samantha Tennant.pdf* [Archived with ILRU].

<sup>169</sup> Leanne Betasamosake Simpson, Oral teaching, focus group (April 20, 2021) as transcribed in *TRANSCRIPT - LFO Nawendiwin - Audio File - Apr 20 TW and SO Leanne Simpson Interview MP4.pdf* at 8 as validated and edited in *Validation – Leanne Simpson.pdf* [Archived with ILRU].

## 5.2.3 REINTEGRATION

Reintegration is closely connected to the general underlying principle of nawendiwin (see Section 1.1) and the centrality of relationship and kinship to Anishinaabeg governance and law.

Some pre-requisites for reintegration include,

- Demonstrated change on behalf of the parties involved;<sup>170</sup>
- The removal of the threat of scarcity, sickness, or violence; and<sup>171</sup>
- The willingness of all parties to reconcile/reunite.<sup>172</sup>

An essential element of reintegration is that it must be done at a pace that suits the parties involved and accounts for the context that brought up the need for reintegration in the first place:

**“ . . . that process of integration may not be something that is going to happen for years. And this is the thing that we have to remember is this is what happens within our community. And how do we support these people through that process without ostracizing or criminalizing or judging? So that is what we’re doing here daily is support those individuals and try and be really positive and especially if they are trying to reconnect, and that animosity that is created through that separation sometimes is so great that it is hard to bring them back together.”<sup>173</sup>**

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<sup>170</sup> Unknown, “The Story of Redfeather” in Beatrice Blackwood, “Tales of the Chippewa Indians” (1929) 40:4 Folklore 315 at 342; Delores Lalonde, Oral teaching, focus group (November 20, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin - Nov 20 TW and SO group (1) MP3.pdf* at 17 as validated and edited in *Validation – Delores Lalonde.pdf* [Archived with ILRU].

<sup>171</sup> Unknown, “The Story of Redfeather” in Beatrice Blackwood, “Tales of the Chippewa Indians” (1929) 40:4 Folklore 315 at 342; Basil Johnston, [Weegibance Saves her People] in *Ojibway Heritage* (Toronto: McClelland & Stewart, 1976) at 65-66, online (pdf): *Archive* <<https://archive.org/details/ojibwayheritage00basi>>; Mary Siisip Geniusz, “Why Some Trees Keep Their Leaves When Others Do Not” in *Plants Have So Much to Give Us, All We Have to Do is Ask: Anishinaabe Botanical Teachings* (Minneapolis: University of Minnesota Press, 2015) at 77-80; Leanne Betasamosake Simpson, Oral teaching, focus group (April 20, 2021) as transcribed in *TRANSCRIPT - LFO Nawendiwin - Audio File - Apr 20 TW and SO Leanne Simpson Interview MP4.pdf* at 5-6 as validated and edited in *Validation – Leanne Simpson.pdf* [Archived with ILRU].

<sup>172</sup> Angeline Williams, “The Dog’s Children” in Leonard Bloomfield, *The Dog’s Children: Anishinaabe Texts told by Angeline Williams* (Winnipeg: University of Manitoba Press, 1991) at 56-73; Basil Johnston, [Weegibance Saves her People] in *Ojibway Heritage* (Toronto: McClelland & Stewart, 1976) at 65-66, online (pdf): *Archive* <<https://archive.org/details/ojibwayheritage00basi>>; Unknown, “The Story of Redfeather” in Beatrice Blackwood, “Tales of the Chippewa Indians” (1929) 40:4 Folklore 315 at 342; Mary Siisip Geniusz, “Why Some Trees Keep Their Leaves When Others Do Not” in *Plants Have So Much to Give Us, All We Have to Do is Ask: Anishinaabe Botanical Teachings* (Minneapolis: University of Minnesota Press, 2015) at 77-80; Delores Lalonde, Oral teaching, focus group (November 20, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin - Nov 20 TW and SO group (1) MP3.pdf* at 12 and 17 as validated and edited in *Validation – Delores Lalonde.pdf* [Archived with ILRU].

<sup>173</sup> Delores Lalonde, Oral teaching, focus group (November 20, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin - Nov 20 TW and SO group (1) MP3.pdf* at 14 as validated and edited in *Validation – Delores Lalonde.pdf* [Archived with ILRU].

Reintegration is also a process that requires the support and guidance of a many people. It is important to:

[Have] people there to support communities together. It is usually done in a group, supporting members of the circle gathered together, in discussion with the family to facilitate the plan of care and how to safely reunite with family members. And to both or whomever is on either side of that reunification, it is done with care and deliberation for the success of the families.<sup>174</sup>

Anishinaabeg law recognizes that if the pre-requisites for reintegration aren't met then reintegration may not be an appropriate legal response. Furthermore, reintegration does not necessarily mean that a family/community situation will go back to how it was before. To bring families back together, situations and people may also be expected to go through transformation.

## 5.2.4 TRANSFORMATION

Transformation as a legal response indicates that for individuals/families/communities to change, an Anishinaabeg legal system should create and foster space where transformation is possible. As stated by Samantha Tennant:

**“It's not doing the work for people, it is getting them to a place where they can do the work for themselves, and giving them tools to do that coping strategies. . . . [A]s helpers, we can all recognize the work that needs to be done to realize the individual's full potential. That would be the start of that transformation—is them recognizing what they need to get done . . . everyone is the expert of their own life and we're a helper along the journey.”<sup>175</sup>**

**– Samantha Tennant**

Sources suggest that transformation is premised on the following assumptions:

- i) Change is a normal aspect of life and people's actions often inform the nature of changes that occur. In other words, transformation is a 'natural' consequence of people's choices and conduct. Many stories emphasize such transformations:

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<sup>174</sup> Samantha Tennant, Oral teaching, focus group (November 20, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin - Nov 20 TW and SO group (T) MP3.pdf* at 14 as validated and edited in *Validation – Samantha Tennant.pdf* [Archived with ILRU].

<sup>175</sup> Samantha Tennant, Oral teaching, focus group (November 20, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin - Nov 20 TW and SO group (T) MP3.pdf* at 19 as validated and edited in *Validation – Samantha Tennant.pdf* [Archived with ILRU].

- The woman who refuses to feed Nana'b'oozoo becomes a woodpecker (*The Breadmaker*);
  - The trees who decline to help Bineshiinh become deciduous (*Why Some Trees Keep Their Leaves When Others Do Not*);
  - The jealous father and two of his sons turn to snakes (*The father who was jealous of his youngest son*);
  - Robin transforms into the bird (*Robin*); Kwezens turns into a trout (*She Had a Beautiful, Speckled Design*);
  - Two warriors turn to tree and stone (*Four Warriors Find Naanabozho*);
  - The neglected boy Myeengun leaves his home and human form to be a wolf (*Family Duty*);
  - Shki Anang lands on a lake and becomes Nibiish Waawaasgone, Water Lily (*The Star People Are Always Watching*); and,
  - Wahbi Ahmik decides to become a thunderbird (*The Indian Who Became a Thunderbird*).
- ii) As these stories show, sometimes transformations arise from wrongdoing, sometimes from mistake or harm, and sometimes by conscious choice.<sup>176</sup>
- iii) People are capable of changing. This recognition flows from the fundamental principles of self-determination and mino-bimaadiziwin. Even (and often especially) after wrongdoings and mistakes, people can still learn, grow, and make better choices. This is reflected in *Story of Redfeather*, who “promised that he would never again misuse the food that Manabazoo had made for the birds”; and in *Nenebojo and his younger brother*, where Po•kwis’ deprivation taught him “never to cheat his brother.”
- iv) Post-transformation, individuals might find new ways to continue nurturing their families or communities such as the woman/woodpecker in *The Breadmaker*,

<sup>176</sup> Norval Morrisseau, “The Indian Who Became a Thunderbird” in *Legends of my People, the Great Ojibway* (Toronto: McGraw-Hill Ryerson Ltd., 1977) at 6-12; Basil Johnston, [Family Duty] in *Ojibway Heritage* (Toronto: McClelland & Stewart, 1976) at 73-75, online (pdf): *Archive* <<https://archive.org/details/ojibwayheritage00basi>>; Angeline Williams, “Robin” in Leonard Bloomfield, *The Dog’s Children: Anishinaabe Texts told by Angeline Williams* (Winnipeg: University of Manitoba Press, 1991) at 24-25; Basil Johnston, “The Breadmaker” in *The Gift of the Stars: Anungook gauh meenikooying* (Ontario: Kegedonce Press, 2010) 48 at 48-50; Mary Siisip Geniusz, “Why Some Trees Keep Their Leaves When Others Do Not” in *Plants Have So Much to Give Us, All We Have to Do is Ask: Anishinaabe Botanical Teachings* (Minneapolis: University of Minnesota Press, 2015) at 77-80; Mary Siisip Geniusz, “Four Warriors Find Naanabozho” in *Plants Have So Much to Give Us, All We Have to Do is Ask: Anishinaabe Botanical Teachings* (Minneapolis: University of Minnesota Press, 2015) at 286-289; Leanne Betasamosake Simpson, “The Star People Are Always Watching” in *The Gift is in the Making: Anishinaabeg Stories* (Winnipeg: Highwater Press, 2013) at 70-71; Leanne Betasamosake Simpson, “She Had a Beautiful, Speckled Design” in *The Gift is in the Making: Anishinaabeg Stories* (Winnipeg: Highwater Press, 2013) at 80-81; Wanda Whitebird, Oral teaching, focus group (November 20, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin – Audio File – Nov 20 TW and SO group (1) MP3.pdf* at 20 as validated and edited in *Validation – Wanda Whitebird.pdf* [Archived with ILRU]; Leanne Betasamosake Simpson, Oral teaching, focus group (April 20, 2021) as transcribed in *TRANSCRIPT - LFO Nawendiwin - Audio File - Apr 20 TW and SO Leanne Simpson Interview MP4.pdf* at 5-6 as validated and edited in *Validation – Leanne Simpson.pdf* [Archived with ILRU].

Kwezens/trout in *Speckled Design*, and even the treacherous father and sons in *The father who was jealous of his youngest son*.<sup>177</sup>

- v) People who have caused harm need to demonstrate transformation before being reintegrated.<sup>178</sup>
- vi) Harm—especially within families—can transform both the harm-doer(s) and the person(s) harmed, as well as the relationship itself. Transformation, while experienced by individuals in individual ways, is not contained within individual selves. This can be seen in narratives that show how families, and even whole communities, are transformed through experiences of vulnerability, conflict, or harm.<sup>179</sup>

Upholding transformation as a legal response requires an Anishinaabeg legal system to balance the needs of many parties. For example, other legal responses, like separation, may need to occur in order for a harmed party to feel safe while a community continues to also support and nurture transformation for other community members.

Delores Lalonde characterizes transformation as an expected outcome of teaching and learning: “What am I learning from this situation and what do I need to do to change? Either to change it for myself or for somebody else.”<sup>180</sup>

Anishinaabeg law also speaks to situations where someone may choose to not learn from their experiences. While there is space in the law to make a mistake when someone doesn’t know better, there are other consequences for those who intentionally do something wrong:

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<sup>177</sup> Robert Paudash “Nenebojo and his younger brother” in Paul Radin, *Some Myths and Tales of the Ojibwa of Southeastern Ontario* (Ottawa: Government Printing Bureau, 1914) at 9-11; Unknown, “The Story of Redfeather” in Beatrice Blackwood, “Tales of the Chippewa Indians” (1929) 40:4 *Folklore* 315 at 342; Samantha Tennant, Oral teaching, focus group (November 20, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin - Nov 20 TW and SO group (1) MP3.pdf* at 19 as validated and edited in *Validation – Samantha Tennant.pdf* [Archived with ILRU]; Delores Lalonde, Oral teaching, focus group (November 20, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin - Nov 20 TW and SO group (1) MP3.pdf* at 10 and 18-19 as validated and edited in *Validation – Delores Lalonde.pdf* [Archived with ILRU].

<sup>178</sup> Unknown, “The Story of Redfeather” in Beatrice Blackwood, “Tales of the Chippewa Indians” (1929) 40:4 *Folklore* 315 at 342; Angeline Williams, “The Dog’s Children” in Leonard Bloomfield, *The Dog’s Children: Anishinaabe Texts told by Angeline Williams* (Winnipeg: University of Manitoba Press, 1991) at 56-73; Delores Lalonde, Oral teaching, focus group (November 20, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin - Nov 20 TW and SO group (1) MP3.pdf* at 17 as validated and edited in *Validation – Delores Lalonde.pdf* [Archived with ILRU].

<sup>179</sup> Norval Morrisseau, “The Indian Who Became a Thunderbird” in *Legends of my People, the Great Ojibway* (Toronto: McGraw-Hill Ryerson Ltd., 1977) at 6-12; Angeline Williams, “Robin” in Leonard Bloomfield, *The Dog’s Children: Anishinaabe Texts told by Angeline Williams* (Winnipeg: University of Manitoba Press, 1991) at 24-25; Angeline Williams, “The Dog’s Children” in Leonard Bloomfield, *The Dog’s Children: Anishinaabe Texts told by Angeline Williams* (Winnipeg: University of Manitoba Press, 1991) at 56-73; Basil Johnston, [Weegibance Saves her People] in *Ojibway Heritage* (Toronto: McClelland & Stewart, 1976) at 65-66, online (pdf): [Archive <https://archive.org/details/ojibwayheritage00basi>](https://archive.org/details/ojibwayheritage00basi); Sam Lute, “The Father Who Was Jealous of His Youngest Son” in Paul Radin, *Some Myths and Tales of the Ojibwa of Southeastern Ontario* (Ottawa: Government Printing Bureau, 1914) at 67-70; Basil Johnston, [Family Duty] in *Ojibway Heritage* (Toronto: McClelland & Stewart, 1976) at 73-75, online (pdf): [Archive <https://archive.org/details/ojibwayheritage00basi>](https://archive.org/details/ojibwayheritage00basi).

<sup>180</sup> Delores Lalonde, Oral teaching, focus group (November 20, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin - Nov 20 TW and SO group (1) MP3.pdf* at 10 as validated and edited in *Validation – Delores Lalonde.pdf* [Archived with ILRU].

I will teach you, I will bring you into ceremonies . . . but . . . you keep making this same mistake over and over again and that disrespects me. That disrespects everything that we've taught you . . . the teaching we have, the thing that makes us different than plants and animals and trees is that we have been given . . . the gift of choice.<sup>181</sup>

Should someone continuously choose to not learn, despite being provided the space, teachings, and support to do so, the general underlying principle of onjinewin may be triggered (see Section 1.4). That is, the consequences of a person's actions will be left up to broader forces outside of human control. It also means that a person would not fulfill the criteria needed for the legal response of reintegration.

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<sup>181</sup> Wanda Whitebird, Oral teaching, focus group (November 20, 2020) as transcribed in *TRANSCRIPT – LFO Nawendiwin – Audio File – Nov 20 TW and SO group (1) MP3.pdf* at 10 as validated and edited in *Validation – Wanda Whitebird.pdf* [Archived with ILRU].

# CONCLUSION

This Report has attempted to document, synthesize, and analyze just a snapshot of how *nawendiwin*—the art of being related—is a foundational aspect of Anishinaabeg family law that informs broader systems of governance and law. Anishinaabeg have been taking care of their families and Nations since the beginning of memory. The principles, rights, obligations and legal processes outlined here are meant to open the door for a continued revitalization, reinvigoration, and expansion of Anishinaabeg law. While there is much more work to do to articulate Anishinaabeg law to a wide audience, the concepts provided in this Report are an important pathway to the application of Indigenous law in the lives of people who are affected by legal and policy decisions. To reiterate, this is *not* a codification of Michi Saagiig or Anishinaabeg law, like some forms of legislation. Nor does it claim to be an authoritative statement of law, like a judgement. Rather, this Report is meant to provide a Framework for those who are looking to understand, add to or challenge, and apply Anishinaabeg law to current legal problems, issues, or activities.

Law is given life through its practice—it is not a static or inanimate thing. For this reason, the research team hopes this Report is given even more life and depth by the communities and participants who offered their time and knowledge so generously. It is with the research team’s deepest gratitude to Nijkiwendidaa and the Michi Saagiig and Anishinaabeg participants that we leave this Report. We look forward to future collaborative endeavors.

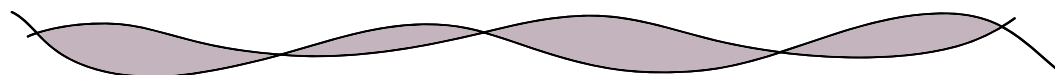


# APPENDIX

## FULL RESTATEMENT TABLES

Restatement Tables are used throughout this Report to summarize the main legal principles, processes, rights, and obligations as outlined in each section as well as to provide quick reference to supporting sources. This Appendix includes all of the Restatement Tables. It is strongly encouraged that, if using this information for research or application, that the Tables are used in tandem with the more detailed analyses within the Report.

GENERAL RESTATEMENTS OF LAW – GENERAL UNDERLYING PRINCIPLES	
<p><b>1.1</b> Nawendiwin</p>	<p>Relationship and kinship are central to Anishinaabeg life. Nawendiwin (the art of being relatives, or the art of being related) founds and sustains legal responsibilities and rights within kinship relations, which can encompass both human and other-than-human beings. Nawendiwin is a dynamic and ongoing process in which kinship legal relations are created and upheld in diverse ways (through biology, clans, adoption processes, community roles, etc.): <i>Shirley Williams; Dancing on Our Turtle’s Back; A Child Becomes Strong: Journeying Through Each Stage of the Life Cycle; Doodem and Council Fire: Anishinaabe Governance through Alliance.</i></p>
<p><b>1.2</b> Mino-Bimaadiziwin</p>	<p>Mino-bimaadiziwin (the Good Life) is manifested through the Seven Sacred Teachings. These teachings remind Anishinaabeg that the pursuit of an individual’s purpose or self-determination is balanced with values that shape how an individual walks in the world. Mino-bimaadiziwin encourages people to live life in a way that honours all of Creation, and guides kinship-centred decision-making: <i>Shirley Williams; Anishinaabe Ways of Knowing and Being; Dancing on Our Turtle’s Back; Doodem and Council Fire: Anishinaabe Governance through Alliance; Michi Saagiig Nishnaabeg: This is Our Territory.</i></p>
<p><b>1.3</b> Self-Determination</p>	<p>Each person decides how to move towards mino-bimaadiziwin. Self-determination is referred to as the pursuit of each individual’s “vision.” Each person is to follow the path of life as is prescribed in their vision(s). However, one must do so in accordance with Anishinaabeg laws and with consideration to others’ needs. The pursuit of self-determination should not be done in a way that prohibits others’ attempts at realizing their own self-determination: <i>Delores Lalonde; Ojibway Heritage.</i></p>
<p><b>1.4</b> Onjinewin &amp; Aanjigone</p>	<p>Onjinewin refers to the notion that what a person does to all creation will come back to that person. Aanjigone refers to an ethic of non-interference and asks individuals to be careful with judgement and criticism. Combined, these two concepts remind us that the consequences of our actions have far-reaching effects: <i>Delores LaLonde; Dancing on Our Turtle’s Back.</i></p>
<p><b>1.5</b> Gender Fluidity</p>	<p>Gender variance and fluidity have always existed and were historically understood as normal expressions of the Creator’s gifts and individual autonomy and self-determination. Two-Spirit people continue to uphold and be upheld within Anishinaabeg kinship-centred law and governance: <i>Shirley Williams; Anne Taylor; As We Have Always Done: Indigenous Freedom through Radical Resistance; Naming and Claiming: Recovering Ojibwe and Plains Cree Two-Spirit Language; A Two-Spirit Journey: The Autobiography of a Lesbian Ojibwa-Cree Elder; Naawenangweyaabeg Coming In: Intersections of Indigenous Sexuality and Spirituality; Two-Spirit Identity and Indigenous Conceptualization of Gender and Sexuality; Two-Spirit and Bisexual People: Different Umbrella, Same Rain.</i></p>



## 2.1 GENERAL RESTATEMENTS OF LAW – AUTHORITATIVE DECISION MAKERS

<p><b>2.1.1</b> Children and Youth</p>	<p>Children and youth hold decision-making authority in situations that affect their lives and the lives of their family and community: <i>Participant #2; Anne Taylor; Dakota Frost; The Baagaataa’awa Game that Changed Everything; Kwezens Makes a Lovely Discovery; The Star People Are Always Watching; Ojibway Heritage.</i></p> <p>The authority of children and youth also functions to inform the decisions of others, especially those relating to the resolution of harms and the nurturance of well-being, and to create space for youths’ own autonomy and capacity to grow: <i>She Had a Beautiful, Speckled Design; Kwezens Makes a Lovely Discovery; The Baagaataa’awa Game that Changed Everything.</i></p>
<p><b>2.1.2</b> Primary Caregivers/Parents</p>	<p>Primary caregivers/parents have the authority to make decisions that directly affect the well-being and safety of their dependents. However, this right is limited by the autonomy/self-determination of their dependents and is shaped by the input of other authorities: <i>Beedahbin Peltier; Robin; She Had a Beautiful, Speckled Design; Dancing on Our Turtle’s Back.</i></p>
<p><b>2.1.3</b> Extended Family Network (Grandparents, Aunties, Uncles, Cousins)</p>	<p>The extended family holds authority to intervene in people’s decisions regarding interpersonal relationships. Sometimes this includes situations where those relationships impact diplomacy or relations with other communities/nations or when it is necessary to do so to ensure the health and welfare of family members: <i>Participant #1; Wanda Whitebird; The Indian Who Became a Thunderbird; The Dog’s Children.</i></p>
<p><b>2.1.4</b> Elders &amp; Knowledge Keepers</p>	<p>Elders and Knowledge Keepers who have specialized or experiential knowledge are relied upon and consulted to make decisions on issues related to community conflict, the adoption and integration of new community members, and community members’ various rights of passage: <i>The Baagaataa’awa Game that Changed Everything; The Star People Are Always Watching; She Had a Beautiful, Speckled Design; Weegibance Saves her People.</i></p> <p>The authority of Elders and Knowledge Keepers is not absolute, and people are not obligated to follow their guidance: <i>She Had a Beautiful, Speckled Design; Four Warriors Find Naanabozho.</i></p>
<p><b>2.1.5</b> Community Bodies &amp; Community Leadership</p>	<p>Community leadership bodies have the authority to intervene in situations to reduce vulnerability and resolve conflict and harm within families, and to protect people’s rights. These decisions must balance the rights of the directly affected individuals with the needs of the broader collective community: <i>Delores Lalonde; Samantha Tennant; Wanda Whitebird; Story of Redfeather; The Bachelor.</i></p>

## 2.2 GENERAL RESTATEMENTS OF LAW – PROCEDURAL STEPS

Note: Although there may be other considerations and pathways used, the following procedural steps have been identified as legitimate and effective methods that Authoritative Decision-Makers may use to come to a legal decision. The order of these steps is not linear and not every step is engaged in every decision.

<p><b>2.2.1</b> Awareness/Early Recognition</p>	<p>It is important for decision-makers to maintain an overall awareness of what is happening in the community. Awareness/Early Recognition helps decision-makers to proactively identify community needs and to effectively respond to unprecedented and new situations, including risk or danger: <i>Delores Lalonde; The Star People Are Always Watching; Kwezens Makes a Lovely Discovery; Story of Redfeather.</i></p>
<p><b>2.2.2</b> Assessment</p>	<p>Assessment involves making sense of a situation given what facts a decision-maker has from reliable sources. Decision-makers may use precedent, lived experiences, and/or specialized knowledge to make informed assessments. This involves actively investigating possible reasons for negative behaviour and working to minimize the risks of those in vulnerable situations: <i>Samantha Tennant; Shirley Williams; Leanne Betasamosake Simpson, Kwezens Makes a Lovely Discovery; The Star People Are Always Watching; The Indian Who Became a Thunderbird; The Bachelor; Dancing on Our Turtle’s Back.</i></p>
<p><b>2.2.3</b> Naakonige</p>	<p>Naakonige involves making decisions through careful and thoughtful deliberation to determine the appropriate response. The appropriate decision-makers involved in the deliberative process will vary depending on the circumstances: <i>Participant #1; Shirley Williams; The Dog’s Children; She Had a Beautiful, Speckled Design; Story of Redfeather; The Star People Are Always Watching; Robin; Kwezens Makes a Lovely Discovery; The Indian Who Became a Thunderbird; The Baagaataa’awa Game that Changed Everything; Dancing on Our Turtle’s Back.</i></p>
<p><b>2.2.4</b> Ceremony</p>	<p>As part of the decision-making process, ceremony may be used to begin any legal process to respectfully request an appropriate response to the issue at hand and to formalize decisions being made. Ceremony may also be used as a standalone process meant to help focus and cleanse participants, to close legal processes generally, and to commemorate outcomes: <i>Anne Taylor; Shirley Williams; The Dog’s Children; Story of Redfeather; The Baagaataa’awa Game that Changed Everything; She Had a Beautiful, Speckled Design.</i></p>

### 3. GENERAL RESTATMENTS OF LAW – LEGAL OBLIGATIONS

#### Foundational Legal Obligation

#### 3.1 Kobinasowin

The primary obligation in Anishinaabeg family law is kobinasowin: the responsibility to raise a child well. This process integrates the Seven Stages of Life/Four Hills of Life models with an overarching obligation to foster a healthy transition through the life cycle: *Shirley Williams; Anne Taylor; Doodem and Council Fire: Anishinaabe Governance through Alliance; Dancing on Our Turtle's Back.*

#### Legal Obligations by Anishinaabeg Life Stages

#### 3.2 The Good Life & The Fast Life

##### 3.2.1 The Good Life

People are responsible for creating environments that provide for physical, emotional, and spiritual growth through unconditional love and joy: *Family Duty; A Child Becomes Strong: Journeying Through Each Stage of the Life Cycle.*

##### 3.2.2 The Fast Life

People are responsible for providing a safe environment for the most vulnerable in families and communities while they explore the world and learn about their roles and responsibilities: *Wanda Whitebird; Kwezens Makes a Lovely Discovery; A Child Becomes Strong: Journeying Through Each Stage of the Life Cycle; Dancing on Our Turtle's Back; Land as Pedagogy: Nishnaabeg Intelligence and Rebellious Transformation.*

This involves teaching children how to use and regulate their emotions. The consequences of not doing so may involve real conflict and harm to kinship relationships: *Leanne Betasamosake Simpson; The father who was jealous of his youngest son.*

#### 3.3 The Wondering Life & The Stages of Truth

People are responsible for respecting and listening to the voices of youth while committing to being educated in a way that critically engages the surrounding world with an awareness that there are consequences to the choices a person makes: *Anne Taylor; She Had a Beautiful, Speckled Design; A Child Becomes Strong: Journeying Through Each Stage of the Life Cycle; Dancing on Our Turtle's Back; Land as Pedagogy: Nishnaabeg Intelligence and Rebellious Transformation.*

#### 3.4 Planting and Planning & Doing

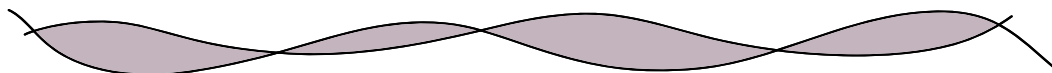
People are responsible for being self-reflective, making meaning from teachings, and providing for others while also providing for the self: *Delores Lalonde; Kwezens Makes a Lovely Discovery; She had a Beautiful, Speckled Design; Ojibway Heritage; A Child Becomes Strong: Journeying Through Each Stage of the Life Cycle; Dancing on Our Turtle's Back.*

#### 3.5 Elders & Giving Back

The obligations learned in life are rooted deeply in unconditional love, kindness, and caring and need to be taught and passed on to new generations of community members. These obligations are to be balanced with accountability and the need to provide safety and security for all members of the community: *Shirley Williams; A Child Becomes Strong: Journeying Through Each Stage of the Life Cycle.*

## 4.1 GENERAL RESTATEMENTS OF LAW – SUBSTANTIVE RIGHTS

<p><b>4.1.1</b> Belonging</p>	<p>Individuals have a need and right to relate and be related to in deep and nurturing ways, beginning before birth, following them throughout life, and continuing after death: <i>Beedahbin Peltier; Montana Paypompee; Shirley Williams; Samantha Tennant; Kwezens Makes a Lovely Discovery; Weegibance Saves her People; Why Some Trees Keep Their Leaves When Others Do Not; The Indian Who Became a Thunderbird; The Star People Are Always Watching.</i></p> <p>The right to Belonging may be limited due to the need to carry out legal obligations. As a result, belonging can be changed, surrendered, or (as a response to harm) suspended.</p>
<p><b>4.1.2</b> Dignity/Integrity of the Person</p>	<p>This right encompasses expectations of safety, security by recognizing people’s agency, needs and inherent dignity as individuals: <i>Wanda Whitebird; Participant #2; Shirley Williams; Why Some Trees Keep Their Leaves When Others Do Not; The Breadmaker; Nenebojo and his younger brother; She Had a Beautiful, Speckled Design; Robin; Weegibance Saves her People.</i></p> <p>The right to Dignity/Integrity of the Person may be lawfully limited or taken away in instances where risk or harm is so great that one person’s safety, security, or sustenance needs to be prioritized over another’s: <i>The father who was jealous of his youngest son; The Bachelor.</i></p>
<p><b>4.1.3</b> Meaningful Choice</p>	<p>Even when dealing with vulnerability, conflict and/or harm, individuals have the right to a high degree of control and agency in determining and furthering the possibilities available to them: <i>Delores Lalonde; Anne Taylor; Samantha Tennant; She Had a Beautiful, Speckled Design; Four Warriors Find Naanabozho; Nenebojo and his younger brother; The Breadmaker; Why Some Trees Keep Their Leaves When Others Do Not.</i></p> <p>The right to Meaningful Choice is limited when those choices threaten the integrity of others: <i>The Breadmaker; Why Some Trees Keep Their Leaves When Others Do Not; Story of Redfeather.</i></p>

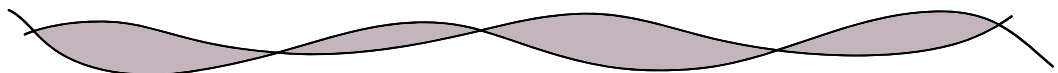


## 4.1 GENERAL RESTATEMENTS OF LAW – PROCEDURAL RIGHTS

<p><b>4.2.1</b> Information</p>	<p>Individuals, even when acting unlawfully, have the right to access reliable information and knowledge required to make meaningful choices and to inform the application of substantive legal rights and responses: <i>Delores LaLonde; Samantha Tennant; The Dog’s Children; Weegibance Saves her People; The Indian Who Became a Thunderbird; The Star People Are Always Watching; Story of Redfeather; Nenebojo and his younger brother; The father who was jealous of his youngest son; The Breadmaker.</i></p>
<p><b>4.2.2</b> Voice</p>	<p>At all stages of a person’s life, individuals have the right to bring their own perspectives, ideas, and assessments to the resolution of vulnerability, conflict, and harm within families: <i>Wanda Whitebird; Robin; The Bachelor.</i></p> <p>The right to Voice is particularly important to uphold and nurture amongst youth: <i>Montana Paypompee; Dakota Frost; Anne Taylor; Kwezens Makes a Lovely Discovery; She Had a Beautiful, Speckled Design.</i></p>
<p><b>4.2.3</b> Opportunities to Change</p>	<p>People who have engaged in difficult and/or harmful conduct have the right to opportunities to change and to pathways through which they can make meaningful choices: <i>Wanda Whitebird; Story of Redfeather; The Baagataa’awa Game that Changed Everything.</i></p> <p>The right to Opportunities to Change is limited in situations where legal actors need to respond to serious harm or when a person persist in conduct that they have been taught is unlawful: <i>The Bachelor; The father who was jealous of his youngest son; The Breadmaker.</i></p> <p>The right Opportunities to Change may involve change that is permanent: <i>Robin; The Indian Who Became a Thunderbird.</i></p>

## 5.1 GENERAL RESTATEMENTS OF LAW – PRINCIPLES

<b>5.1.1</b> Reducing Harm	Legal responses should be directed towards reducing harm.
<b>5.1.2</b> Nurturing Relationships	Legal responses should nurture relationships.
<b>5.1.3</b> Reciprocity	Legal responses ought to reflect reciprocity.
<b>5.1.4</b> Consent	Legal responses based on consent engage people's status as self-determining individuals seeking mino-bimaadiziwin in their own lives.
<b>5.1.5</b> Celebrating Success & Holding People Accountable	The process of rebuilding families and communities in the face of harm, conflict, or vulnerability is an ongoing process. As such, celebrating successes along the way is imperative and it is essential to hold people accountable on a day-to-day basis



## 5.2 GENERAL RESTATEMENTS OF LAW – STRATEGIES

<p><b>5.2.1 Meeting Needs</b></p>	<p>There are a wide range of needs that might require attention. These include, but are not limited to, physical needs (such as food, shelter, and medicine), safety, and fully meeting and exercising individual self-determination: <i>Wanda Whitebird; Samantha Tennant; The Baagaataa’awa Game that Changed Everything; Why Some Trees Keep Their Leaves When Others Do Not; The Indian Who Became a Thunderbird.</i></p> <p>To reduce actual or potential harm, support relationships, and nurture people’s capacity to make meaningful choices, the appropriate legal response is to provide tangible options, guidance, and/or teachings to individuals in order to meet any needs that are presented <i>Samantha Tennant; Shirley Williams; Beedahbin Peltier; Delores Lalonde; Participant #1; Leanne Betasamosake Simpson.</i></p> <p>There are consequences for those who refuse to meet the basic needs of family and community members: <i>The Breadmaker; Why Some Leaves Keep Their Leaves When Others Do Not; Nenebojo and his Younger Brother.</i></p>
<p><b>5.2.2 Separation</b></p>	<p>Separation is a legal response used to reduce harm and restore integrity of the person, relationship, and community at large. Separation is presumed to be temporary unless the harm is so great that, as a last resort, permanent separation is necessary: <i>Leanne Betasamosake Simpson; Father Who Was Jealous; Robin; The Indian Who Became a Thunderbird; Story of Redfeather; The Bachelor; Why Some Trees Keep Their Leaves When Others Do Not; Weegibance Saves her People; The Baagaataa’awa Game that Changed Everything.</i></p> <p>The legal response of separation may also facilitate individual self-determination, the ability to maintain good kinship relations, and serve to prevent conflicts and crises before they begin: <i>Samantha Tennant; Wanda Whitebird; She Had a Beautiful, Speckled Design; Four Warriors Find Naanabozho; Kwezens Makes a Lovely Discovery.</i></p>
<p><b>5.2.3 Reintegration</b></p>	<p>Reintegration is an appropriate legal response in situations where there is a demonstrated change on behalf of the parties involved, there has been a removal of the threat of scarcity, sickness or violence, and there is a willingness of all parties to reconcile and reunite: <i>Delores Lalonde; Leanne Betasamosake Simpson; Story of Redfeather; Weegibance Saves her People; Why Some Trees Keep Their Leaves When Others Do Not; The Dog’s Children.</i></p> <p>The legal response of reintegration includes ongoing support and guidance for the parties involved: <i>Samantha Tennant.</i></p>
<p><b>5.2.4 Transformation</b></p>	<p>Anishinaabeg legal traditions understand transformation—meaning the changes that people undergo as a result of choices they make or the challenges they face—as a fact, a consequence, and a powerful teaching. Individuals, families, and communities respond to transformation by applying and upholding legal responsibilities, expectations, and underlying principles: <i>Wanda Whitebird; Leanne Betasamosake Simpson; Samantha Tennant; Delores LaLonde; Robin; Why Some Trees Keep Their Leaves When Others Do Not; The Indian Who Became a Thunderbird; The Breadmaker; Four Warriors Find Naanabozho; Family Duty; The Star People Are Always Watching; She Had a Beautiful, Speckled Design; The father who was jealous of his youngest son.</i></p> <p>People who have caused harm need to demonstrate transformation before being reintegrated: <i>Delores LaLonde; Story of Redfeather; The Dog’s Children.</i></p>



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