

## **Bone Court Trial<sup>1</sup> Transcripts**

### **Nanaboshoo and the Bullrushes: The Case of Being in the Reeds and the Theft of the Crime**

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*This paper in an Anishinaabe Survivance Narrative written in the style of court transcripts. The case takes place in Gerald Vizenor's imaginings of a Bone Court where stories themselves have natural rights to be heard. The purpose of Bone Court is to uphold the "natural and narrative rights of remains...stories are in bones, stones, trees, water, bears, air, everywhere, and stories have natural rights to be heard and liberated". In this paper, the remains a story about Nanabush and the Bullrushes are polished off to testify in Bone Court. This story has been unearthed from the 1917 Ojibwa Texts collected by William Jones and is from the author's traditional territory.*

*As a Survivance Narrative, a term conjured by Gerald Vizenor, the story itself is not the specimen of study, nor is it a tale of victimry orientating towards eurocentric meaning-making for validation. Instead, this paper insists on an active presence and continuation of both the story and Anishinaabe narrative style as an ironic approach to contemporary rapprochement. In other words, it is an attempt at a scholarly paper, complete with theoretical references, all the while maintaining an active presence of Anishinaabe narrative. In this case, the Whitestream legal firm Locke and Keynes attempts to defend the 150-year resource extraction and land theft process through the theft of the crime itself: dispossession. Prosecution is handled by the Thunderers and the presiding Judge Debaakoniwed is an unhinged measurer of routes and roots. Key witnesses include Jakaabesh the Chickadee; Zhingibiiz the Loon; Omaakakii the Frog responsible for the five moons of winter and child of Toad woman, Healer of the Manitoos; and an assortment of Settlers, Un-Settlers, Tricksters, Hounds, and the West Wind. No Bullrushes were harmed in the making of this paper.*

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<sup>1</sup> This paper takes its title from Gerald Vizenor's *Heirs of Columbus* chapter *Bone Court*. The trial is based on the story from the 1916 William Jones Archive Part One *Nanabush and the Dancing Bullrushes*; William Jones & Truman Michelson, *Ojibwa Texts Collected by William Jones* (Leyden: E.J. Brill, 1917). The paper is formatted in the guise of a mock court proceedings template from *Oneida County Youth Court Sentencing Hearing* (2009) online: Oneida County <<http://www.ocgov.net/oneida/sites/default/files/youthcourt/Forms/Trial%20Script.pdf>>.

## **Nanaboshoo and the Bullrushes: The Case of Being in the Reeds and the Theft of the Crime**

**Judge:** (Bangs the bullfrog-skinned water drum)

**Bailiff:** All Smoke in the quantum directions, Bone Court is now in session, the Unhinged Judge Debaakoniwed now presiding.

**Judge:** Bone Court hearings are Chthonic hearings. The only Beings allowed in the courtroom are kin and oddkin who make and unmake trouble, “to stir up potent response to devastating events, as well as to settle troubled waters and rebuild quiet places”<sup>2</sup>.

Everything that goes on in Bone Court is inter-relational response-ability<sup>3</sup>.

We will now take an oath of inter-relational response-ability. If everyone will please raise their pipes and/or laser beams, tails, or other appendages and repeat after me:

“It matters what thoughts think thoughts. It matters what knowledges know knowledges. It matters what relations relate relations. It matters what worlds world worlds. It matters what stories tell stories”<sup>4</sup>

**Judge:** Bailiff, please call the first case.

**Bailiff:** Bone Court Docket Number 150, entitled *Nanaboshoo and the Bullrushes: The Case of Being in the Reeds and the Theft of the Crime* now comes for hearing.

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<sup>2</sup> Donna J. Haraway, *Staying with the Trouble: Making Kin in the Chthulucene* (Durham: Duke University Press, 2016) at 1.

<sup>3</sup> Eva Mackey, *Unsettled Expectations: Uncertainty, Land and Settler Decolonization* (Winnipeg: Fernwood Publishing, 2016); Mackey defines response-ability as “ability to respond appropriately”, as does Haraway in “Awash in Urine: DES and Premarin® in Multispecies Response-ability” (Spring/Summer 2012) 40:1&2 *Women’s Studies Quarterly*.

<sup>4</sup> Donna J. Haraway, “Chapter 2: Staying with the Trouble: Anthropocene, Capitalocene, Chthulucene” in Jason W. Moore, ed, *Anthropocene or Capitalocene?: Nature, History, and the Crisis of Capitalism* (Oakland: PM Press, 2016); Donna J. Haraway, *SF: Science Fiction, Speculative Fabulation, String Figures, So Far* (November 2013), online: ADA: Gender, New Media, and Technology <<http://adanewmedia.org/2013/11/issue3-haraway/>>.

**Judge:** Bullrushes, you are charged with fabricating “turf and twig” ceremonies<sup>5</sup> to possess and be possessed by Hobbes’ social contract and by doing so, you have stolen the crime of dispossession by the very fabric of possession.

The prosecution may make their opening statement.

**Prosecution:** Your Unhinged, the Bullrushes tricked our sibling into a fabricated ceremony “premised on land acquisition and population replacement”<sup>6</sup>. They convinced our sibling that s/he must escape the State of Nature and become possessed by the Bullrushes in order to survive. The “turf and twig” ceremony took 150 years to conduct and that whole time, our sibling had been dancing like a Bullrush stuck in the Reeds. Now, what is important here to mention is that during this time, our sibling did not realize that the Bullrushes were actually Bullrushes, as they had tricked him/er into thinking that they were fellow siblings, and by doing so were able to exhaust our sibling to the point of complete expiration and relinquishment of territory. They seeded our sibling into ceding through sedation. They tricked our sibling into stomping on the ground and “subduing the earth” as a means to improve upon it and increase the population of Bullrushes by converting him/er into a Bullrush people, all under Locke and Keynes. Altogether, they tricked our sibling into dancing with them in order to force him/er to become a “rational, individualist and self-reliant, people who would “subdue the earth” and improve it through labour”<sup>7</sup>. And Trickiest of all, Your Unhinged, is that they possessed our sibling in such a way that the crime of dispossession cannot even be thought into existence.

Your Unhinged, and kin and odd kin members, we know that the Bullrushes are guilty of violating Wakotowin, of committing multiple generations of Pastahowin and violating the terms of the Kaswenta. We also know that the Bullrushes have

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<sup>5</sup> Mackey, *supra* note 3, at 10-12.

<sup>6</sup> Shiri Pasternak, “Jurisdiction and Settler Colonialism: Where Do Laws Meet?” (2014) 29:2 Canadian Journal of Law and Society / Revue Canadienne Droit et Société 145; Mackey, *supra* note 3, at 10-11.

<sup>7</sup> Mackey, *supra* note 3, at 52-53.

been given the opportunity of redemption by being referred to Bone Court. I recommend the following sentence:

1. A Vision Quest at which time there would be no capital consumption of one-dimensional desires and proceed for as long as it takes for the Accused to develop relational autonomy of a “constitutionally social self” based on “Epistemic Responsibility” that unhinges the “hegemonic social imaginary for which domination and control are overriding theoretical-practical goals”<sup>8</sup>
2. Enjoin other Reeds to unlearn Manifest Manners and become Homewreckers of the homesteading colonization story that disappears our Creation stories<sup>9</sup>
3. Attend the Survivance School for the Unhinged to gain a Trades Certificate in Sympoiesis, the “making with” trade of complex, responsive, Chulthlu-Terran “worlding-with, in company”<sup>10</sup>.

**Judge:** Defense, present your opening statement.

**Defense:** First I would like to say that the sibling brought up by prosecution did indeed willfully cede their supposed possessions by becoming possessed because they freely engaged in possession while not already having anything to possess. In other words, they were an empty container, waiting for containment. Further, by dancing for 150 years without any complaint they most certainly engaged in benefiting from productive land while not really needing all that unproductive land for that whole time. It was only with the good graces of the Bullrushes to accommodate that sibling into their swampy spaces that this particular sibling survived for so long. We have provided ample space for the sibling and his/her certified heirs to carry on in the appropriate manner within the enclosures of the Bullrushes dance. Capital assets have been invested, assessed, and generously compensated. The Bullrushes did, after all, provide new moccasins every time

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<sup>8</sup> Mackey, *supra* note 3, at 10-12.

<sup>9</sup> Eve Tuck & K. Wayne Yang, “Decolonization is not a metaphor. Decolonization: Indigeneity, Education, and Society” (2012) 1:1 Decolonization: Indigeneity, Education & Society 6.

<sup>10</sup> Haraway, *supra* note 2, at 58.

the old ones wore out from all that dancing. The Bullrushes are prepared to continue to provide said moccasins at regularly scheduled times provided that the dance continues and all the necessary paperwork is filled out in a timely manner. The Bullrushes are also willing to audit the dance itself and send in third party management if required. Locke and Keynes firm would be more than happy to provide third party management of the dance party. The Bullrushes have granted rights to the sibling and their certified heirs to continue dancing, providing them with ample space for the dance and new moccasins. The Bullrushes will continue to allow the sibling and their certified heirs to occupy lands reserved for them to do the Bullrush dance. Since they had no possessions to begin with the possession of them by the Bullrushes is not a dispossession at all. Therefore no crime was stolen as no crime was committed.

**Judge:** Does the prosecution wish to call any witnesses?

**Prosecution:** Yes Your Unhinged, the prosecution wishes to call a cacophony of kin and odd kin to the stand.

**Judge:** I call kin and odd kin to the stand and ask the Bailiff to place them under oath.

**Bailiff:** Okay Kin, raise your appendages and repeat after me:

“It matters what thoughts think thoughts. It matters what knowledges know knowledges. It matters what relations relate relations. It matters what worlds world worlds. It matters what stories tell stories”<sup>11</sup>

**Judge:** Prosecution, please present your case

**Prosecution:** Kin, please explain to the universe the difference between possession and ownership.

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<sup>11</sup> Haraway, *supra* note 4.

**Jakaabesh:** “A stone, a tree, animals, can be possessed, people can be possessed but not owned or sold, and a shaman can liberate the mind from spiritual possession.”<sup>12</sup>

**Zhingibiiz:** Dipentamowin: an inheritance or responsibility

Dipenimikosiwin: Self-Government

Dipenimisowin: Freedom, liberty

Dipenawewisiwin: Ownership, inheritance possession, treasure.

Gaa-dibenjikewaach: those Spirit Beings who govern us and from whom we inherit our responsibilities

Onji dipentakosiwin where your inheritance, responsibilities come from.

Look at the root word: “dipen”. It is in all of those Anishinaabemowin concepts. That means that the only kind of ownership there can be is your inheritable survivance. It comes from the pantheon of Kaa-tipenjikewaach who created the relationships that wound up creating us. And the only reason we were created? Well, they could not sort out all the relationships amongst themselves and keep track of who they owed favours too or who got what nickname from whom, so they decided to wrap some skin around two legs and pass along a “heritable right of succession... a narrative estate of native survivance”<sup>13</sup> so that we could do the work of maintaining an inter-relational response-ability to them all. So the only way to be Free is by fulfilling our inheritances of inter-relationality between all Kin worlding-with. It’s not ownership; we don’t own, we inherit responsibility to the stories of our Creation and the Beings who did the beingness making.

**Omaakakii:** The Stories can’t be owned or sold. The stories are in the trees, stones, rivers, mudpuddles. There stories, might be caught in the Bullrushes fences and hedges, but though contained, can be liberated without there being a question of theft. Liberation of our stories is not theft. It was the containment of our stories that was the true crime.<sup>14</sup> Our reality only is ever stories and our stories are only ever reality. All of it. And so, the inalienable right of frogs, the pre-existing right is to

<sup>12</sup> Gerald Vizenor, *Heirs of Columbus* (Hanover: University Press of New England, 1991) at 75-76.

<sup>13</sup> Gerald Vizenor, *Survivance: Narratives of Native Presence* (Lincoln: University of Nebraska Press, 2008) at 13-14.

<sup>14</sup> Vizenor, *supra* note 12, at 77.

our stories, written across the land. Ask any frog and you will understand that once our frog stories are gone, the land is indeed dispossessed.

**Hounds:** Our sibling was possessed when no possession was asked for and thereby dispossessed from our stories. Our sibling became the inheritable problem of the Bullrushes as if the Bullrushes were Gaa-dibenjikewaach. The very act of committing identity fraud as Gaa-dibenjikewaach is proof that Pastahowin was committed, the Kastenta was tarnished and tattered and that the act of possession by fraudulent behaviour was in fact dispossession. “Dis” in Anishinaabemowin means umbilical cord, and Bimaatis means “Life”: the coming here along the umbilical cord of time-space enfolding of every being that ever was or will be. “Dis” is quantum string theory. And so what the Bullrushes did through “dis”possession was actually possess our lifeworld!

**Prosecution:** I have no further questions Your Unhinged.

**Judge:** Does the defense wish to cross-examine or proceed with closing arguments?

**Defense:** Your Unhinged, we have no need to question the witnesses as we do not recognize their witnessing of anything. Our only closing argument is this: our defence is our fences. They are the only reality worth realitying as they are the only object of tangible worth. Intangibles and pre-existence are not countable as quantifiable proof of any theft of crime.

**Judge:** Does the prosecution wish to re-direct?

**Prosecution:** Yes, Your Unhinged, we do indeed wish to re-direct the West Winds to blow upon the Bullrushes to determine what is underneath. If the source of their settlements are in fact grounded on emptiness, then we will cede the case.

**Judge:** You may proceed

**Westwind:** Please follow our currents as we blow upon the Bullrushes. We blow right through Locke and Keynes and flatten the Bullrushes to one-dimensionality: As proof, I also offer you the actual fabric of the bullrushes: cotton fibers, baby

Moses's basket, livestock feed, all just blowing in the wind. And more, we reveal the palimpsest underwriting our stories: dead words on paper, that is all they are. And if you observe with their flattening, the underside is not in fact empty. There is a whole swampy relation of "polytemporal, polyspatial knottings" where Kin "make each other through semiotic material involution, out of the beings of previous such entanglements"<sup>15</sup> that are indeed sympoietic. And as we blow a little more, you can see that deep down the routes and roots take us right back to Omaakakii the frog. The Bullrushes and fenced in the one thing that would save them: Frog's home under the water lilies. That Wiikan, Ratroot, is a pain reliever. If only Bullrushes had used that medicine instead of stomping it out, they would have thrown off the delusional mist of the frontier, followed the routes down past the dancing windblown fibres of possession, gotten mucky with the leeches and really heard them frog stories. No matter though; the frogs are there. You can't deny that. And so the theory of emptiness is disproven and there has in fact been a theft of the crime.

**Judge:**

You have now heard the evidence and closing arguments from both sides of this case. The defendant has been charged with fabricating "turf and twig" ceremonies to possess and be possessed by Hobbes' social contract and by doing so, have stolen the crime of dispossession by the very fabric of possession.

You will determine the conditions that the Bullrushes will abide by, to have this case dismissed. You, as Kin and odd Kin have the authority to impose a mandatory sentence of 150 years of community service. Additional options include but are not limited to Vision Quests, Survivance Trade School, dynamic autonomy parole, or any combination of the above including suggestions from the prosecution. Your decision must be a cacophonous one. When you have reached a cacophonous verdict, have your Kin Foreperson fill out and sign the Kin Verdict Form. When you are finished let the Bailiff know and you will be lead back into

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<sup>15</sup> Haraway, *supra* note 2, at 60.



the courtroom. Will everyone please rise? Will the Bailiff please escort the Kin to the shake tent?”

The court will now take a recess while the Kin deliberate.