

**The Indigenous Law Journal
at the University of Toronto Faculty of Law**

Articles

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If These Beads Could Talk**
by Danielle Lussier

**Bone Court Trial Transcripts
Nanaboshoo and the Bullrushes:
The Case of Being in the Reeds and the
Theft of the Crime**
by Maya Chacaby



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CONTENTS

A Legal Love Letter to My Children: If These Beads Could Talk
Danielle Lussier 1

Bone Court Trial Transcripts

Nanaboshoo and the Bullrushes: The Case of Being in the Reeds and
the Theft of the Crime
Maya Chacaby 27

A Legal Love Letter to My Children: If These Beads Could Talk

Danielle Lussier*

Beadwork – Decolonization – Indigenous Knowledge Systems – Indigenous Legal Pedagogy – Law Schools – Legal Education – Legal Profession – Love – Métis Beadwork Practice – Post-Secondary Education – Professionalism – Racism – Reconciliation – Research as Ceremony – Universities

In this fotonovela, presented as a love letter to her children, the author considers possibilities for reimagining legal education through the development and use of Indigenous Legal Pedagogies. She ultimately positions the act of decolonizing legal education as one grounded in decolonial love with the potential for healing individuals and communities struggling with ongoing colonialism and racism in the academy.

Employing decolonized, Indigenous research methods, the author offers a macro demonstration of Indigenous Legal Pedagogy and incorporates images and discussion of beadwork used as a mnemonic device to spark connections to ideas and reflections on law. This anti-colonial approach to academic knowledge production centres Indigenous Ways of Knowing and challenges Eurocentric understandings of what knowledge may be validated within the legal academy.

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September 10, 2020

Dear Trio of Tiny Métis,

They have a lot of say, but not many are ready to hear them. And so, they whisper to you in the hopes that one day, amongst the three of you, you might find the time and space to help the beads find their voice. If you feel, talk to your Aunties from the generation in between. They can bridge the gaps.

When you reach university, if you chose to attend, I hope that you find spaces that are not just indigenized, decolonized, and safe, but rather vibrant and rich with our ways of knowing. My girls, I hope your voices are heard and carry far enough forward and back to honour the voices of our ancestors who were erased from the narrative for generations.

If things had been different when I pursued my PhD in law, it wouldn't have been necessary to spend so many pages explaining all the ways in which the legal academy has hurt us as individuals and damaged our communities. I wouldn't have spent years writing over a thousand footnotes to demonstrate the value of our ways of knowing, justifying at a granular level the most basic tenets of our right to intellectual self-determination.

My hope for you is that you have found spaces where you can safely exist and where our ways of knowing and being are valued. If you have found these spaces, I have a favour to ask you. It is a lot of ask but perhaps amongst you, in quiet moments I hope you will still spend together even as adults, you might find some time to help our beads find a voice.

You see, if things had been different, my PhD would have been this piece of beadwork. You've seen it before.



Figure 1: The Law with Heart Honour Shawl.

Shawls will forever be associated with Métis women in my mind's eye. While it can hardly be claimed that our women were the exclusive wearers of such garments, shawls in all their forms find place in the photographic record of our Nation. Dr. Sherry Farrell Racette, who has done research in the archives at home, describes photos of women in small shawls that cover only as far as the upper arm, others adorned with ribbons or fringe, some in contrasting colours and others

that match the skirts of the wearer.¹ Embroidered shawls, woolen shawls, and oh – the plaid and tartan. I love a good plaid, and it seems I come by this honestly – Dr. Racette notes that some of the ladies would even wear outfits comprised of multiple contrasting plaids.²



Figure 2: Lining.

I think I was perhaps born 160 years too late, because nothing sounds better than the idea of multiple, contrasting plaids in a single outfit. The lining of the shawl, in turquoise, blue, and purple plaid is a nod to these ladies, fashion icons of the plains. The fabric is a wool-silk blend. I am second-generation urban, after all.

¹ Sherry Farrell Racette, *Sewing Ourselves Together: Clothing, Decorative Arts and the Expression of Metis and Half Breed Identity* (PhD Dissertation, University of Manitoba, 2004) online: <mspace.lib.umanitoba.ca> [perma.cc/38KE-JL9R] at 117.

² *Ibid.*

Some of the ladies captured in the visual record are frozen in time wearing lengths of broadcloth in lieu of shawls,³ which also feels just about right. Broadcloth was sold at the trading posts across the prairie alongside the HBC blankets, highly coveted, that mean something different for us than they do for some in the East.⁴ Trade cloth, generally in navy blue, was popular for it was warm, helped keep moisture away from the skin, and supported beadwork well.⁵ The Cree called it “manitou wayan” or “spirit cloth,”⁶ “because of the physical properties that enabled it to wick moisture and dry without warping or hardening.”⁷

The women of our Nation work with what we have. This is as true today as it was in the 19th century,⁸ and I am not just speaking of sewing supplies. While it would have been preferable to nod in the direction of our ancestors by beading on spirit cloth, when I sat down to birth this shawl it was in the early days of the Covid-19 pandemic on Turtle Island. Interprovincial borders were closed, as were most businesses. Shortages in nylon beading thread emerged in the early days of the first stage of pandemic isolation, postal delays were significant, and sourcing supplies became challenging if not impossible. I felt a deep kinship to the ladies who would place orders for beads at the trading post and who then had to wait several years for their supplies to arrive.⁹

³ Racette, *supra* note 1, at 122.

⁴ Chelsea Vowel, “Blanket Statement” (3 July 2017), online: *Canadianart* <canadianart.ca> [perma.cc/T7RL-FDW2].

⁵ Malinda Grey, *Beads: Symbols of Indigenous Cultural Resilience and Value* (MA, University of Toronto, 2017) at 10, online: <tspace.library.utoronto.ca> [perma.cc/T7RY-P6QE].

⁶ Christi Belcourt, cited in *Ibid* at 10.

⁷ Racette, *supra* note 1, at 86.

⁸ *Ibid* at 22.

⁹ Lois Elizabeth Edge, “My Grandmother’s Moccasins: Indigenous Women, Ways of Knowing and Indigenous Aesthetic of Beadwork” (PhD, University of Alberta, 2011) at 171 [perma.cc/Y5V6-C7SG].

I had no navy blue melton in the suitcase I had spirited away from my office on the last afternoon of the days Before, but through a series of fortuitous events I *did* have purple. Why I had purple is another story entirely. You can ask Uncle Zac to show you the tiny purple stole the next time we are visiting Georgian Bay and remind me to tell you about the time I beaded on the train to Big Smoke and ended up prompting a decolonial awakening in the man in the seat next to me somewhere between the Loyalist Township water tower and Union Station.

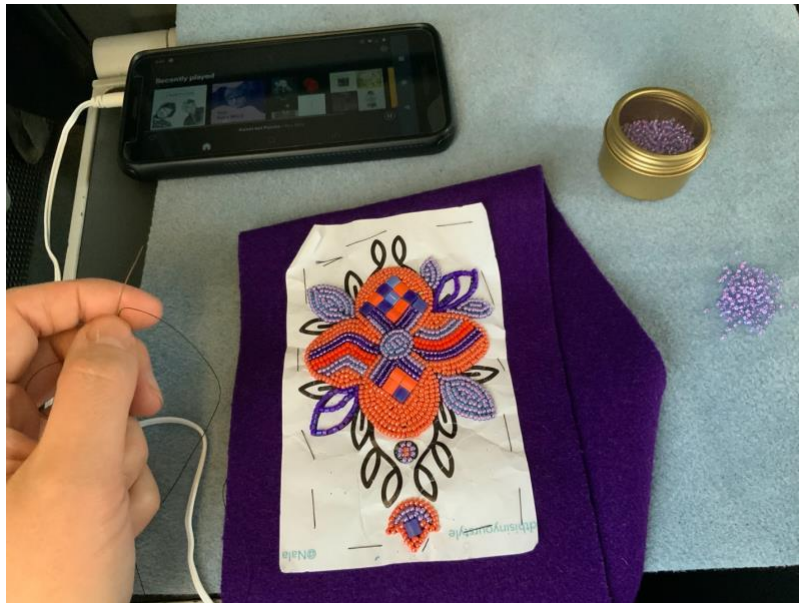


Figure 3: Beading on a Train.

Beadwork using a pattern from the “Bead This in Your Style” knowledge sharing and revitalization project on Instagram. A modern take on a Métis vine, this compressed pattern includes all of the traditional elements of the vine: seed, leaf, bud, and flower.

Long story short, the shawl may not be made of spirit cloth, but the purple cloth carries spirit, and silent stories of our community.

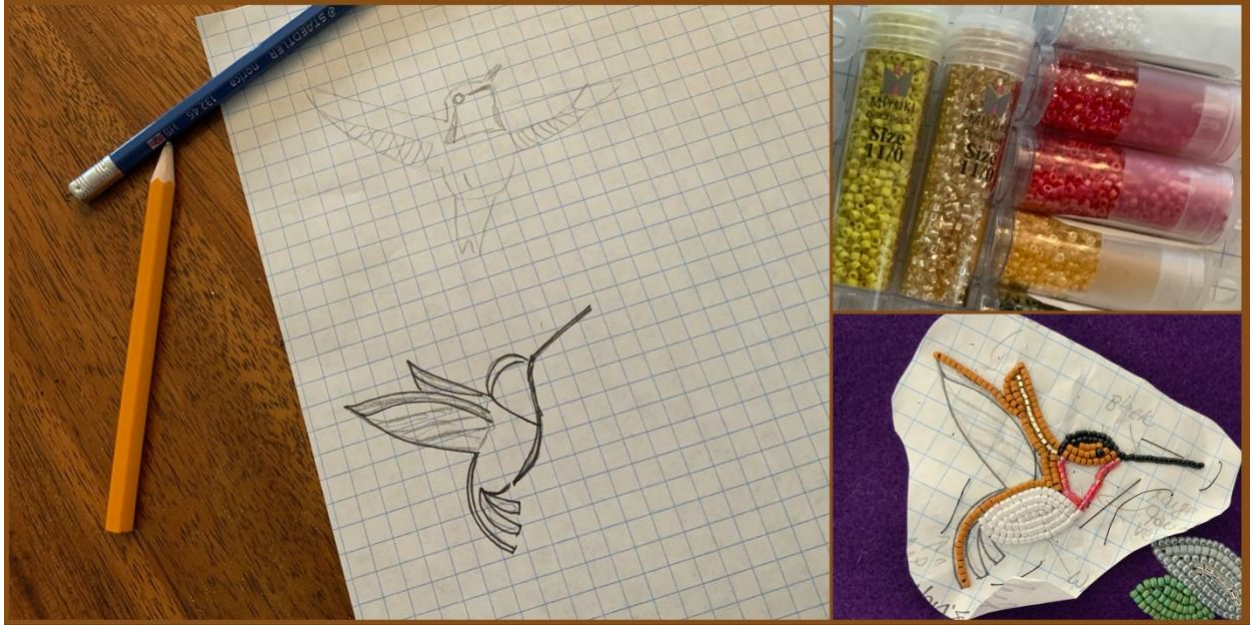


Figure 4: Colibris.

If things had been different and these beads could talk, the rufous hummingbird might have shared a teaching from Jeff Hewitt that came to me through Angela Cameron, the lady who used to turn up at the end of our driveway with sweetgrass and tobacco seedlings because Mama cannot be trusted to keep the little guys alive until Angela has brought them along from seed for a while. The story, as it goes, is that if we think about ourselves as hummingbirds and the work of reconciliation within the academy as a giant forest fire, we will lose our nerve. We must focus on what we can do, and what we can do is fill our beaks with as much water as we can carry and spit it on the fire, as frequently as our wings and beaks will allow.



Figure 5: Rufous Hummingbird.

Our tiny rufous also carries knowledge about prairie pollinators and the laws of our Nation relating to conservation and the harvest. This, of course, carries law relating to our inherent rights to self-determination, questions of sovereignty over our lands, and other whispers I hope may grow louder as you grow older. If you listen closely, our wee bird might tell you about the red and yellow hummingbird feeder Nana II had outside her kitchen window during those years she and Papa II lived in Pinewa, so that she could watch the birds while she did the dishes. She would put bay leaf in her spaghetti sauce and she knows how to cut the tops off of heartberries just so, so that none of the red flesh is lost to the kitchen knife.



Figure 6: Buffaloberries.

Decolonization may not be a metaphor,¹⁰ but these buffaloberries are. The beads of the buffaloberries might have told you about how, sometimes used to make pemmican, these berries are bitter – but grow well in poor soil and can help sustain our bodies.¹¹ They might have spoken to you about how our people have eaten them to stay healthy and alive since time immemorial,¹² and how settlers continue to claim discovery of our old knowledge as if it were new.¹³

¹⁰ Eve Tuck & K Wayne Yang, “Decolonization is Not a Metaphor” (2012) 1:1 *Decolonization: Indigeneity, Education & Society* 1 at 7.

¹¹ “Canada Buffaloberry” (last access October 9, 2020), online: *MPG North* <mpgnorth.com> [perma.cc/7UP9-JZQ9].

¹² *Ibid.*

¹³ Dina Spector, “This Tiny Berry is Being Called the Next Superfruit”, *Business Insider* (15 November 2013), online: <businessinsider.com> [perma.cc/7JEL-GMAX]; Ken Reidl et al., “Variation in Lycopene and Lycopenoates, Antioxidant Capacity, and Fruit Quality of Buffaloberry (*Shepherdia argentea* [Pursh]Nutt)” (2013) 78:11 *J of Food Science* 1673.

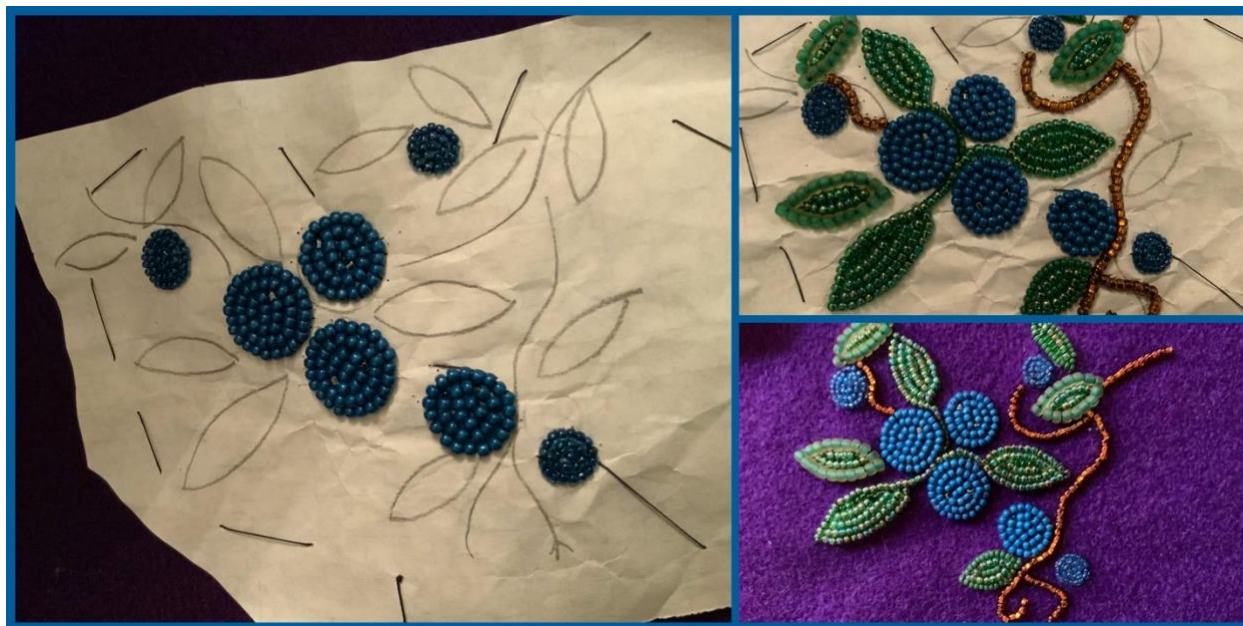


Figure 7: Blueberries.

The seven *lii belwê* carry Indigenous knowledge from time immemorial, having served roles of medicine and sustenance for thousands of years.¹⁴ They number seven, alongside the seven buffaloberries and the seven heart berries to remind you of the seven grandfather teachings. The teachings are echoed on the shawl three times, once for each of you. When you are ready, you can unpack the law in the foundational gifts of wisdom, truth, honesty, courage, respect, humility, and love.¹⁵

¹⁴ Christi Belcourt with Flamand & Laura Burnouf with Rose Richardson, *Medicines To Help Us: Traditional Métis Plant Use* (Saskatoon: Gabriel Dumont Institute, 2007).

¹⁵ The 7 Grandfather Teachings, which form part of the body of law of many Indigenous Nations, include: humility, courage, truth (*debwewin*), wisdom, respect, honesty, and love. I invite readers interested in an introduction to these teachings to consult the seven book series by Katherena Vermette: Katherena Vermette, *Kode's Quest(ion): A Story of Respect*, illustrated by Irene Kuziw (Winnipeg- Treaty 1 Territory and the homeland of the Métis Nation: Highwater Press, 2014); Katherena Vermette, *What is Truth? A Story of Truth*, illustrated by Irene Kuziw (Winnipeg- Treaty 1 Territory and the homeland of the Métis Nation: Highwater Press, 2014); Katherena Vermette, *The Just Right Gift: A Story of Love*, illustrated by Irene Kuziw (Winnipeg- Treaty 1 Territory and the homeland of the Métis Nation: Highwater Press, 2014); Katherena Vermette, *Misaabe's Stories: A Story of Honesty*, illustrated by Irene Kuziw (Winnipeg- Treaty 1 Territory and the homeland of the Métis Nation: Highwater Press, 2014); Katherena Vermette, *Amik Loves School: A Story of Wisdom*, illustrated by Irene Kuziw (Winnipeg- Treaty 1 Territory and the homeland of the Métis Nation: Highwater Press, 2014); Katherena Vermette, *Singing Sisters: A Story of Humility*, illustrated by Irene Kuziw (Winnipeg- Treaty 1 Territory and the homeland of the Métis Nation:



Figure 8: Wild blueberries.

*Harvested by Angel
Larkman*

One of our ancestors once said that settlers really wouldn't believe how many berries our people can consume until they see it with their own eyes.¹⁶ You know how seriously we take the harvest and consumption of berries – and I know the worries you have, my girls, about the prospect of the thirteen moons of berry fasting in your future.¹⁷ It is okay to be uncertain. Growing, and growing up, is difficult and painful work.

Thankfully, generations of women have walked these paths before you, like I am doing now. If the path is sufficiently smooth, you can help the blueberries tell the stories of how Nana II knew where to pull over the car, year after year, in the same spot to harvest the wild blueberries she would use to make the syrup we would put on vanilla ice cream, bought in round four-litre plastic

Highwater Press, 2014); Katherena Vermette, *The First Day: A Story of Courage*, illustrated by Irene Kuziw (Winnipeg Treaty 1 Territory and the homeland of the Métis Nation: Highwater Press, 2014).

¹⁶ Edwin Thompson Denig, *Five Indian Tribes of the Upper Missouri*, ed by John C Ewers (Norman: University of Oklahoma Press, 1961) at 12.

¹⁷ Edge, *supra* note 9, at 282.

tubs at Safeway. You can tell the stories Nana told you about leaving the city on weekends and exploring the bushes with Auntie Jocelyne, harvesting saskatoons as they went. Have the berries speak the laws of harvest of the Métis Nation in Manitoba.¹⁸ As when the time comes to light the fires after your berry fasts, your brother will help you tell these stories as you work through this ceremony.



Figure 9: Saskatoons.

You can speak of the walk down Loretta Street to harvest the saskatoons outside the office buildings on Champagne every day in July of the year the world stood still, taking only what we needed for the day in the hopes we would be back tomorrow, and laying tobacco down while sending prayers up for the trees and the world.

¹⁸ “Metis Laws of the Harvest: Guide to Metis Hunting, Fishing, Trapping and Gathering” (last visited 10 October 2020), online (pdf): *Manitoba Metis Federation* <mmf.mb.ca> [perma.cc/5QWJ-2A3Q].



Figure 10: Saskatoons in a basket, toes in mocs from Batoche.

You can tell the stories of the second class of citizenship you held as children, growing up Métis as a visitor on Algonquin Territory, and what that meant for learning the laws, protocols, and limits of we-pah-zoo-kah¹⁹ harvest. Tell of the time Mama harvested the saskatoons growing outside the law school after seeking advice from an Algonquin knowledge keeper, and how she and her Learners baked them into scones to distribute around the Faculty with a side of law. They might not have known it as they ingested the ideas with the pastry, but those were resistance scones.

¹⁹ Saskatoon berries in Assiniboine, written phonetically by our ancestor, Edwin Thompson Denig, *The Assiniboine: Forty-Sixth Annual Report of the Bureau of American Ethnology to the Secretary of the Smithsonian Institution 1928-1929*, ed by Jeffrey NB Hewitt & David R Miller (Norman: University of Oklahoma Press, 2000) at 196.

While you are at it, you can take a detour to talk about how this cluster holds 16 berries in various stages of ripeness, a nod to the Battle of Frog Plain on June 19, 1816, the emergence of the Nation over time, and the resurgence of the Nation after generations of attempts to silence and assimilate us.²⁰ You can talk about how this cluster takes pride of place over the heart on the shawl as women's medicine that cared for the caregivers, and as nourishment for the body of the Nation when used in pemmican.²¹



Figure 11: Heart berries.

I hope that, by the time the time comes, you will know exactly what to say about the heart berries.

“Eat currents in current season,
strawberries in strawberry season,
raspberries in raspberry season,
and so forth.

²⁰ Jean Teillet, *The Northwest is Our Mother* (Toronto: HarperCollins Canada, 2019) at 63.

²¹ “Saskatoon” in Belcourt, Flamand & Burnouf, *supra* note 14.

If, during the season,
the yield is abundant
give to the poor, namely to those
who are prone to drafting up
a weakened constitution.”²²

“Women also stress the healing and therapeutic power of beadwork. Through their own healing, and by choosing in some instances to bead plants and flowers that have curing powers, they are transferring the medicine on to the clothing.”²³ The medicine, the governance, conservation, and stewardship of the land by Indigenous women as articulated through berry harvest protocols,²⁴ the transference of women’s knowledge through layered stories,²⁵ the law.

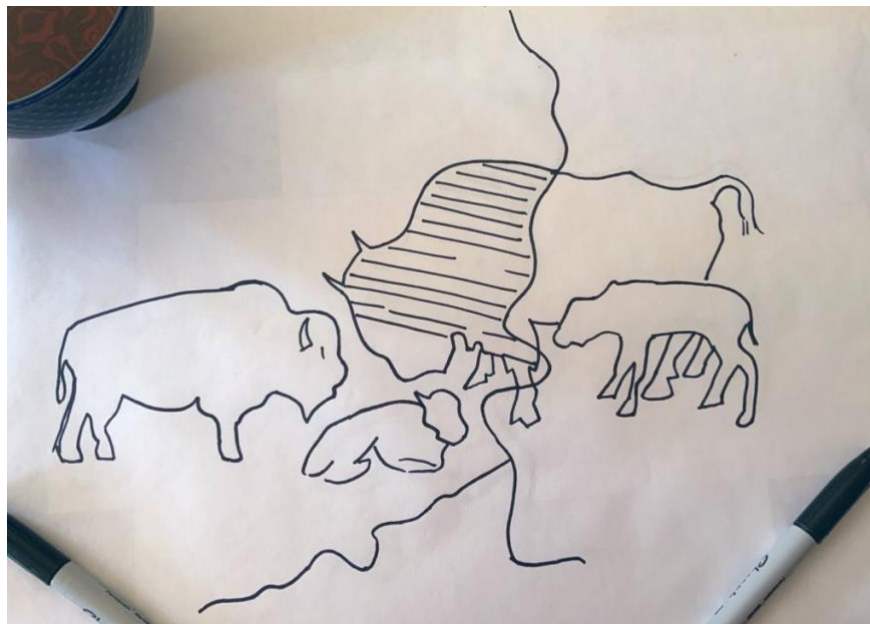


Figure 12: Bison herd pattern development.

²² Gregory Scofield, *Louis: The Heretic Poems* (Gibsons: Nightwood Editions, 2011) at 57.

²³ Nathalie Kermoal, “Métis Women’s Environmental Knowledge and Recognition of Métis Rights” in Nathalie Kermoal & Isabel Altamirano-Jiménez, eds, *Living on the Land: Indigenous Women’s Understanding of Place* (Edmonton: Athabasca University Press, 2016) 107 at 129.

²⁴ *Ibid* at 119–20.

²⁵ Shalene Jobin, “Double Consciousness and Nêhiyawk (Cree) Perspectives: Reclaiming Indigenous Women’s Knowledge” in Nathalie Kermoal & Isabel Altamirano-Jiménez, eds, *Living on the Land: Indigenous Women’s Understanding of Place* (Edmonton: Athabasca University Press, 2016) 39 at 54–55.

If these beads could talk, the Bison might hum the Teardrop Waltz.²⁶

When you read the herd, please read her from west to east, following the road we have walked as a family. You can start with the story of choosing the colours of the bison that represent you. I hope that story includes memories of the bright sun on the cold day as we sat together on the floor, quarantined in the earliest days of the fight whose scope would escape us for days and months to come, listening to the beads and choosing the colours of your hearts.



Figure 13: Juvenile bison pattern development.

When you speak of the juvenile, please talk about how the pattern changed as I laid down the outline of beads, when we realized he needed a heartbeat: a skyline for my linear, architecture-loving, growing-up-urban-as-a-visitor 7-year-old. When you chose “the most iconic building in

²⁶ If my soul was a song, it would be the Teardrop Waltz.

Ottawa,” I had complicated feelings about your request that this bison carry the Canadian parliament in his heart, but I always do my best to honour the requests of children. Perhaps it can be read as reminder of the negotiations of entry into confederation, the Treaty that remains but also never was.²⁷ That this young bison faces the matriarch who carries the lion’s share of this law on her back, while carrying the weight of nation-to-nation relationships on his own feels balanced from the perspective of debwewin.



Figure 14: Juvenile bison.

²⁷ D'Arcy G Vermette, "Beyond Doctrines of Dominance: Conceptualizing a Path to Legal Recognition and Affirmation of the Manitoba Métis Treaty" (Doctors of Law, University of Ottawa, 2012) [perma.cc/9NZK-8USD].

What you may not know about the story of these beads is that, as I beaded, I reflected on a story of the great act of Métis resistance in Ottawa, when Louis Riel arrived in disguise to be sworn in as a member of parliament despite a bounty on his head and fear of death. I thought about the weight that urban Indigenous children carry, members of diaspora communities, away from their home territories. I thought about Métis self-government and self-determination, and the rights of our nations to determine our own citizenship laws. I hope that when the beads find their voices, the Memoranda of Understanding²⁸ are a footnote in the history of a respected Nation of *Otipemisiwak*,²⁹ people who own themselves.

You may not remember, but once the skyline was sketched you suggested a starry night sky on his back, which necessarily required a Grandmother moon. It was a dark time, those early days of beading the shawl, and beading the moon was therapeutic and beautiful. Remember as you write the law in the beads that "...[t]he moon is considered our Grandmother because the moon sheds light in the night, and in this way the moon is always someone we can rely on in our darkest moments."³⁰

²⁸ Métis Nation of Ontario and Canada, "Métis Government Recognition and Self-Government Agreement" (17 June 2019), online (pdf): *Metis Nation* <metisnation.org> [perma.cc/RU8A-27MG]; Métis Nation of Alberta and Canada, "Métis Government Recognition and Self-Government Agreement" (27 June 2019), online (pdf): *Métis Nation of Alberta* <albertametis.com> [perma.cc/K9LW-WHHU]; Métis Nation - Saskatchewan and Canada, "Métis Government Recognition and Self-Government Agreement" (27 June 2019), online (pdf): *Métis Nation of Saskatchewan* <metisnation.sk.com> [perma.cc/DE5F-J2A9].

²⁹ "Otipemisiwak: A National Conference on Métis Self-Government" (last visited 26 August 2020), online: *Métis Nation of Ontario* <metisnation.org> [perma.cc/HY5Y-QBBK].

³⁰ See Lynn Gehl, *Claiming Anishinaabe: Decolonizing the Human Spirit* (Regina: University of Regina Press, 2017) at 69.



Figure 15: Grandmother moon.

Remember how we spoke of Auntie Tara when doing the pattern work, for she offered you your first Grandmother moon teachings. When you tell the law of this bison, if your Elders tell you it is safe to tell of the law carried in the teachings of Grandmother moon, there is also space in the story for our kinship structures and the laws of little mothers and adopted Aunties, and for the “...Métis legal principles that centre relationality, kinship, and care across time and space.”³¹

The starry night is beaded in 4 kinds of black plus gusts of inky aubergine, beaded as wind blowing from West to East. I can't imagine you would ever forget how I changed thread each time I reached the moon, so as to only bead from Treaty 1 to Algonquin territory. This pedagogical choice reflects the reality that when I left Red River there was a certain finality to the act. If you were to remove the lining of the shawl you would find a mess of knots and threads behind the beauty of the thing. Isn't that always the way.

³¹ Zoe Todd, “Honouring Our Great-Grandmothers: An Ode to Caroline Laframboise, 20th Century Métis Matriarch” in Sarah Nickel & Amanda Fehr, eds, *In Good Relation: History, Gender, and Kinship in Indigenous Feminisms*, (Winnipeg: University of Manitoba Press, 2000) at 177.



Figure 16: Infinity bison calf.

The tiny calf rests in the shadow of the matriarch but remains disconnected from the river and the territory that cuts through her mother. Think about Dr. Leanne Betasamosake Simpson who speaks of how we love our homeland deeply, even when we are away from her,³² and about how, when negotiating entry into Confederation, Métis leadership threw significant negotiating effort behind measures to ensure property rights for the children of the Métis Nation.³³

I made a pedagogical choice to bead the entire calf with one (very long) continuous piece of thread. Please try to unpack the law of the Nation imbedded in the national symbol of the infinity flag. How and why the infinity flag came to be is a source of great debate within the community, and no one knows for sure why the symbol was adopted. Dr. Racette's research found that in beadwork "the infinity sign is routinely represented as a symbol for the permanent unity of two different, but

³² Leanne Betasamosake Simpson, *As We Have Always Done: Indigenous Freedom Through Radical Resistance*, (Minneapolis: University of Minnesota Press, 2017) at 195.

³³ *Manitoba Metis Federation Inc. v Canada (Attorney General)*, 2013 SCC 14 [Manitoba]; Teillet, *supra* note 20.

equal worlds.”³⁴ I like to think the adoption of this symbol for our Nation was a nod by leaders to the idea that the Métis nation would survive in perpetuity through efforts made in service to the generations that follow.

Tell of our citizenship, and matrilineal societies, kinship and Métis family law. These beads carry the story of how your mama’s choice to leave the Homeland left her stateless for a decade, until our Nation reconsidered her place in the world and began to repatriate her citizens who live abroad as members of the diaspora.

These sunny beads also carry knowledge about balance and family.³⁵ The wee bison looks sleepy, but it is only because she is waking after sleeping 100 years. She faces her sister, the artist, waiting to give her back her spirit.³⁶

³⁴ Marie Battiste, *Decolonizing Education: Nourishing the Learning Spirit* (Vancouver: UBC Press, 2013) at 328.

³⁵ Robert Blizzard, “Leah Dorion- The Giving Tree” (23 March 2011) at 00h:4m:17s and following, online (video): *Youtube* <www.youtube.com/watch?v=1-FGhbqcYMU>

³⁶ Edge, *supra* note 9, at 282; Louis Riel, July 4, 1885: “My people will sleep for one hundred years, but when they awake, it will be the artists who give them their spirit back.”



Figure 17: Rose bison pattern development.

The Rose bison carries a song in her heart and speaks to the bardic tradition of the Métis Nation and the law found in song.³⁷ Incomplete circles speak to disruptions in intergenerational knowledge transfer of culture brought about through colonial law. Some say the Métis Nation was born of our bardic tradition as it was the song written about the Victory at Frog Plain that allowed our nation to coalesce.



Figure 18: Rose bison.

³⁷ Teillet, *supra* note 20.

Rose stays close to mama, a nod not only to the matrilineal structures of our Nation and to intergenerational knowledge transfer, including legal knowledge, between generations of women. I hope it is one day safe enough for you to speak these layered truths aloud and be not only heard but understood.

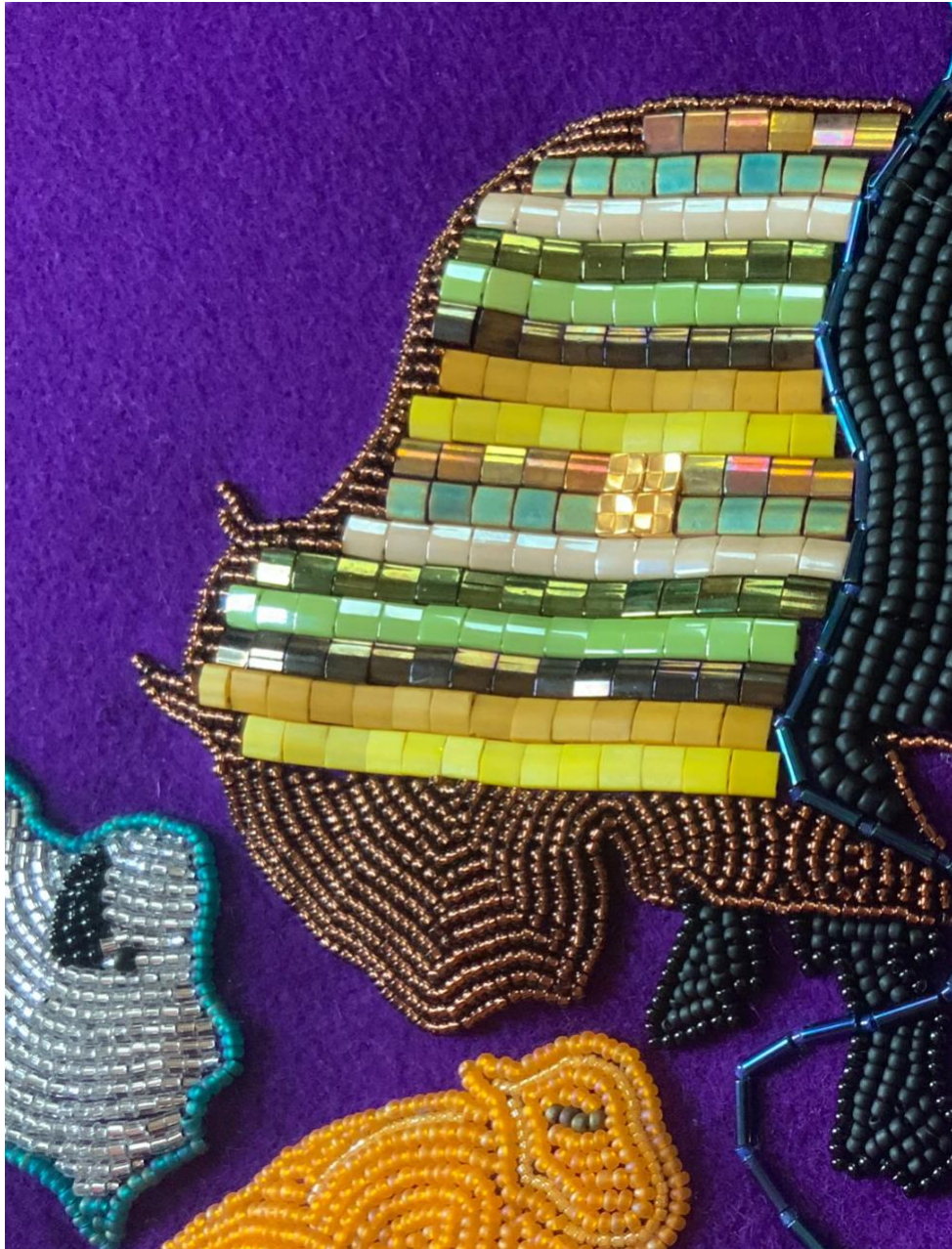


Figure 19: The Matriarch.

The Red River cuts through the heart of the mother bison, reminding us of the critical links between nationhood and territory. The family stands at the Forks of the Assiniboine and Red Rivers, in the heart of the homeland of the Métis Nation. The matriarch carries the *Law of the Prairie*,³⁸ Métis conceptualizations of property law in *les rangs* and the hope of the Treaty negotiations³⁹ that became *The Manitoba Act, 1870*.⁴⁰ Her beads hold kinship laws, and express the duties owed to the seven generations that follow. At the forefront of her mind is common land, held for the benefit of the whole community, the fields carry the crops of wheat and peas, barley and potatoes. Food sovereignty interacts with environmental law here. The beads tell of the sacred and life-giving relationship to water, and how we are bound to protect our more-than-human relations.

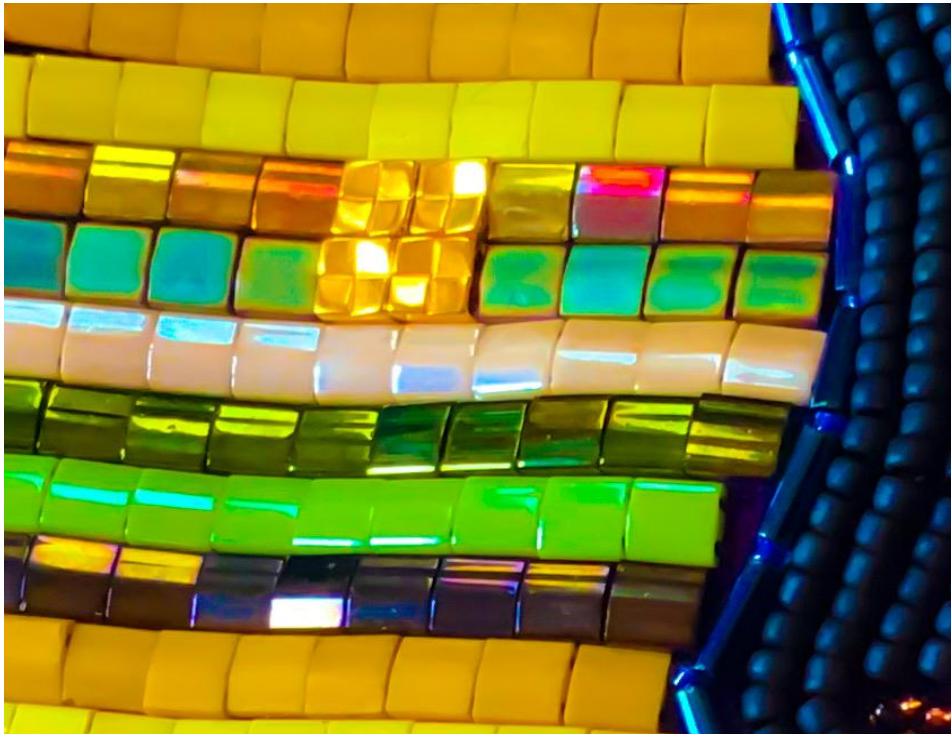


Figure 20: Frog Plain.

³⁸ Teillet, *supra* note 20; Maria Campbell, “Charting the Way” in Nicole St-Onge, Carolyn Produchny & Brenda MacDougall, eds, *Contours of a People: Métis Family, Mobility, and History* (Norman: University of Oklahoma Press, 2012) at xxii.

³⁹ Vermette, *supra* note 27.

⁴⁰ *Manitoba*, *supra* note 33; Teillet, *supra* note 20.

The four golden beads of Frog Plain remind us of the hope of our nationhood. The black beads that overwhelm the body of the matriarch can be read as the stain of scrip, of how our ancestors negotiated Treaty but ended up landless, forced to live on the precarious periphery. Geographically, and legally.⁴¹ Tell them about the legal theft of the lands promised to the children of our Nation, of the decriminalized fraud perpetuated by speculators who travelled with the commissioners,⁴² and the “X” that was marked by so many of our ancestors under the watchful eyes of the Bishop.⁴³



*Figure 21:
Family.*

⁴¹ See e.g. Evelyn Peters, Matthew Stock & Adrian Werner, *Rooster Town: The History of an Urban Métis Community 1901-1961* (Winnipeg: University of Manitoba Press, 2018).

⁴² “Métis Lands, Métis Scrip, and Other Unbroken Promises to the Métis”, presentation at “Otipemisiwak: A National Conference on Métis Self-Government” (last visited 26 August 2020), online: *Métis Nation of Ontario* <metisnation.org> [perma.cc/HY5Y-QBBK]. Panelists included Audrey Poitras, President of the Métis Nation of Alberta, Aaron Barber, Senior Executive Officer of the Métis Nation of Alberta, Mitch Case, President of the Métis Nation of Ontario Youth Council, Zachery Davis from Paper, Salter, Teillet LLP and Counsel to the Métis Nation of Alberta, and Emilie Lahaie, Cassels Brock and Blackwell LLP, Counsel to the Métis Nation, Saskatchewan.

⁴³ See e.g. Scrip affidavit for Baptiste Desjardins, Claim No. 876, Scrip No. 6617 and 6624.

The black beads lead all the way to the Supreme Court.⁴⁴ I hope one day, when read as law, they can lead you home.

In universities, students, Learners, and academics are constantly called upon to exist in a space of open intellectual spirit. Our worldviews, politics, histories, and all the things we thought we knew and might one day know again are called into question on a daily basis as we read, write, and are tested. The same could be said for the legal profession. The practice of law requires constant learning, moments of introspection as we check our own prejudices and biases in favour of service, and a healthy dose of humanity – if you are doing it right.

I believe this leaves us more vulnerable to loving.

Loving is a vulnerability insofar as it is misunderstood in settler society as something dangerous, taboo, or singular. My desire to build a loving community within the frame of legal education is grounded in the idea that love can and does exist in these spheres, and that only a decolonized understanding of love can support healthy Indigenous Learners and the revitalization of Indigenous legal orders.

I ask a lot of you three tiny souls, but this is why we make the sacrifices we make. We give up time together, we open our home and hearts in the name of self-determination, both national and intellectual. I ask a lot of you because it is our responsibility to leave things a little better than they were before for those who will follow. There is no wrong way to do this. The best I have come up

⁴⁴ *Manitoba*, *supra* note 33.

with is to fight, in kindness and with an open heart, to make space for radical, decolonial love in all corners of our communities.

As much as we may wish it, nothing in life is perfect. We all get tired sometimes, and fear can blind us. Seek comfort in each other and your communities and ground your efforts in love. If you get discouraged, stop to rest near the spirit beads. There are a few, nestled in the safety of the saskatoons, hidden in the seeds of the heartberries, safe in the resting body of the smallest bison. They are there are touchstones to keep you grounded and humble as you pick up the loose threads I could not tie off in this work. I wish I could do more, but I have said all of the words I can safely say today. I am sorry. Know that I wish I could have done better for you, but I have done all I could do in these spaces as they exist. It is all there, if you read the beads. I hope it was enough.

Love,

Mama

Bone Court Trial¹ Transcripts

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

Maya Chacaby*

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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¹ 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”².

Everything that goes on in Bone Court is inter-relational response-ability³.

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”⁴

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.

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

³ 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*.

⁴ 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” ceremonies⁵ 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”⁶. 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”⁷. 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

⁵ Mackey, *supra* note 3, at 10-12.

⁶ 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.

⁷ 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”⁸
2. Enjoin other Reeds to unlearn Manifest Manners and become Homewreckers of the homesteading colonization story that disappears our Creation stories⁹
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”¹⁰.

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

⁸ Mackey, *supra* note 3, at 10-12.

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

¹⁰ 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”¹¹

Judge: Prosecution, please present your case

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

¹¹ 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.”¹²

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”¹³ 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.¹⁴ 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

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

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

¹⁴ 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"¹⁵ 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

¹⁵ 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.

Instructions for Authors

Please see <https://ilj.law.utoronto.ca/> for the latest information on submissions and deadlines. The Indigenous Law Journal is dedicated to developing dialogue and scholarship in the field of Indigenous law both in Canada and internationally. Our central concerns are Indigenous legal systems and legal systems as they affect Indigenous Peoples. Priority is given to papers that fit within this mandate.

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All submissions, whether they be from judges, practitioners, faculty members or students, are subject to a two-stage review process. The Associate and Senior Editorial Board first reviews the paper internally. All papers provisionally accepted for publication following this review then receive double-blind external peer review. Once the comments and recommendation of the External Review Board are returned, the Senior Editorial Board makes the final publication decision. All review is anonymous.

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