

**Mediating Law: Cultural Production and the Revitalization of
Indigenous Legal Orders in Canada**

by

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A thesis submitted in partial fulfillment of the requirements for the degree of

Doctor of Philosophy

in

English

Department of English and Film Studies

University of Alberta

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Abstract

This dissertation examines contemporary Indigenous cultural production as it mediates conversations within Indigenous and settler legal discourses concerning continuance and change in the late 20th and early 21st centuries in Canada. It argues that attention to Indigenous cultural production is an effective mode through which to understand Indigenous legal orders—a nation’s collective legal philosophy, protocols, and principles (Napoleon “Thinking About Indigenous Legal Orders” 2)—and that they are diverse and deliberative in nature. Contemporary fiction, film, and visual art continue the tradition of oral stories, carvings, beadwork and visual arts to express legal principles in the present. To this end, it advances an investigation of texts—novels, films, short stories, comics, animation, and visual art—that communicate legal discussions in order to sidestep the colonial rhetoric that Indigenous legal traditions remain fixed in the past and to illuminate how Indigenous legal orders remain vital frameworks in the present. It studies these texts through several theoretical lenses including a nation-specific legal framework and Indigenous feminist legal theory and draws largely from the fields of Indigenous political theory and Indigenous literary studies. As a result, it moves away from centralizing the relationship between legal theory and the written word to a) denaturalize Western frameworks that see written orthography as the only form of legitimate legal expression and b) foreground the flexibility of Indigenous storytelling as an important framework to understand Indigenous legal expression. The first chapter teases out the relationship between Haisla legal theory and the novel form to show how it offers a model of re-reading contemporary novels within these frameworks. The second chapter turns to Inuit film and fiction that represent legal and religious change in the 1920s to explore how they offer past models of legal deliberation that think through legal continuance and change into the future. The third chapter then turns to visual art

and short film that express Indigenous feminist critiques of Canada's response to Missing and Murdered Indigenous Women, Girls and Two Spirit People (MMIWG2S) in the criminal justice system and that examine Indigenous feminist legal resurgence in the present. Finally, the fourth chapter considers comics and animation that emerged in the wake of the Truth and Reconciliation Commission of Canada's Calls to Action. These works focus on the ongoing incarceration of Indigenous peoples and grapple with various ways of reforming prisons, of building culturally-specific community-based sentencing, or of abolishing carceral systems entirely. Such attention to mediation, as a continuing process of adapting legal expression, accentuate Indigenous artists and authors' rich creative expression, communities' ongoing deliberation, and legal pluralism that undergirds Indigenous resurgence movements in the present.

To Cameron & Jack

Acknowledgements

I would like to express my gratitude for the assistance I received from the Social Sciences and Humanities Research Council of Canada (SSHRC), the University of Alberta Faculty of Graduate Studies and Research, and the University of Alberta Department of English and Film Studies.

I am deeply indebted to my advisor, Keavy Martin, for the time, care, and intellectual rigor she invested in this project. Keavy is a true mentor who encourages academic work that is responsive to broader responsibilities beyond the program. I am truly grateful for her mentorship and collaboration over these many years!

Thank you to the members of my supervisory committee, Albert Braz and Julie Rak, for their roles in this project. Albert brought finesse and attention to my academic writing, while Julie brought formidable attention to my project's relationship to various intersecting fields. I am enormously grateful for the time and effort they have invested in my intellectual growth. Gratitude goes to my examining committee, Cecily Devereux, Sean Robertson, and Val Napoleon, as well as Corrinne Harol for chairing.

Participating in the Pangnirtung Summer School, in Pangnirtung, Nunavut, was a formative experience during my degree and I would like to warmly thank Peter Kulchyski, Joanisie Qappik, Jaco Ishulutaq, and Margaret and Andrew Nakashuk for guiding the program. Thank you also to Kelly Qappik for your Inuktitut lessons. Similarly, I am indebted to the leadership of the Anishinaabe Law Camp at Neyaashiinigiing who so openly encouraged participants to deepen our understandings of law and the importance of stories: John Borrows and the Borrows family, Heidi Kiiwetinepinesiik Stark, Lenore Keeshig and the many instructors from Chippewas of Nawash First Nation.

Immense gratitude goes to my brilliant editor, Trevor Chow-Fraser, for bringing the dissertation to its final stage with such kindness.

The Department of English and Film Studies is lucky to have such an incredible staff through Kim Brown, Mary Marshall Durell, and Dianne Johnson who make all of our academic work possible.

I am endlessly grateful for the friendship, collegiality, and laughter that I have shared over the years through the University of Alberta: Neale Barnholden, Sarah Bezan, CJ Bogle, Trevor Chow-Fraser, Amanda Daignault, Tom Dessen, Max Dickeson, Angela Van Essen, Helen Frost, Shaina Humble, Rob Jackson, Brandon Kerfoot, Marcelle Kosman, Richard Moran, Clare Mulcahy, Sean O'Brien, Shama Rangwalla, Anna Sajecki, Zeina Tarraf, Stephen Tchir, Kaitlin Trimble, and Sylvie Vigneux. Thank you to Lynn Bourgeois, Mélissa LeBlanc, and Patrick Magee for encouraging me to pursue a PhD in the first place!

Finally, my oldest friend Kandice Roy is my most ardent supporter. I owe most of my thanks to my family who always encouraged me through the challenges of this project: Jennifer Meloche and Alec Yarascavitch, Christina Meloche, my parents, Debbie and Al Meloche and my nephews, Cameron Marr and Jack Meloche.

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Introduction

“Language is both a shaper and a reflection of culture, and written and oral literatures are the primary means by which it does its work”

—Jace Weaver, *In Other Words*.

This dissertation examines Indigenous legal orders’ continuance, contestation and change through the forms of literature, cinema, comics, animation, and visual art.¹ Indigenous legal orders is a nation’s collective legal philosophy, protocols, and principles that supports the nation’s legal system (Napoleon “Thinking About Indigenous Legal Orders” 2). Indigenous law mediates relationships and is also informed by a nation’s language, political and social structure, and relationship to place (Borrows “With or Without You” 3). While it is commonly understood that Indigenous legal orders draw from orature traditions, settler law also relies on narrative to claim legitimacy and express ideology.² As such, I consider literary interpretation a useful tool to understand how Indigenous-authored texts interrogate Canada’s legal system and discuss concepts of justice, peace-making, and jurisdiction. Media like print, film, comics, and animation continue the tradition of oral stories, carvings, beadwork and visual arts which Indigenous people have long used to express legal philosophies.

The texts under consideration all examine ways of living well within complex social, political, and ecological relationships in the polity currently known as Canada. In *Why*

¹ This project focuses on various creative texts that are common for English and film studies. This is not meant to represent all media, such as newspapers, zines, journals, or new media, though these media also participate in Indigenous legal discourse.

² In “Thinking About Indigenous Legal Orders” (2007), legal scholar Val Napoleon (member of Saulteau First Nation and adopted member of the Gitanyow (Gitksan) House of Luuxhon, Ganada (Frog) Clan) coined the term “Indigenous legal orders” to describe nation-specific legal principles and protocols. She prefers “legal orders” to “legal systems” when discussing Indigenous legal traditions, in order to differentiate them from state-sanctioned laws and processes (2).

Indigenous Literature Matters (2018), Daniel Heath Justice (citizen of the Cherokee Nation of Oklahoma) explains that:

relationship is the driving impetus behind the vast majority of texts by Indigenous writers—relationship to land, to human community, to self, to the other-than-human world, to the ancestors and our descendants, to our histories and our futures, as well as to colonizers and their literal and ideological heirs—and that these literary works offer us insight and sometimes helpful pathways for maintaining, rebuilding, or even simply establishing these meaningful connections. (xix)

This project examines the relationship between Indigenous texts and the law in Canada’s multi-juridical landscape, where state laws, Indigenous governance, and ecological and cosmological laws intersect. The texts consider their characters’ individual and collective responsibilities within these legal structures in the present. These works are: *Monkey Beach* by Eden Robinson; *The Journals of Knud Rasmussen* by Igloodik Isuma Productions; “The Qallupiluk Forgiven” by Rachel and Sean Qitsualik-Tinsley; *Fringe* by Rebecca Belmore; *A Red Girl’s Reasoning* by Elle-Májiá Tailfeathers; *The Outside Circle* by Patti LaBoucane-Benson and Kelly Mellings; *Three Feathers* by Richard Van Camp and Krystal Mateus; and *How to Steal a Canoe* by Amanda Strong. They adapt Indigenous storytelling traditions and media forms to sidestep the neo-colonial argument that Indigenous legal traditions are fixed in the past, and hold up Indigenous laws as vital frameworks for approaching social issues in the present.³

³ Neo-colonialism describes international relationships after World War II where powerful states “produce a colonial-like exploitation” with nations that are no longer colonies. This includes economic, political, or environmental exploitation (Halperin).

This dissertation also adapts the work of John Borrows, Cheryl Suzack, Val Napoleon, Hadley Friedland, Emily Snyder, Rebecca Johnson, and Lori Graft. While these scholars examine legal theory through the lens of story, contrasting contemporary Indigenous literature with significant court cases, I instead consider the ways that Indigenous texts mediate relationships to Indigenous laws outside of the courts with a focus on how literary interpretation methods contribute to the discourse of legal revitalization. The novels, films, short stories, comics, animation, and visual art under consideration are all works that seek a mainstream audience—by dramatizing questions and drawing on exciting genre tropes from coming-of-age stories, biopic, fantasy, and neo-noir— in ongoing discussions about adapting Indigenous laws to contemporary issues

In titling this dissertation *Mediating Law*, I wish to emphasize the *active relationship* that Indigenous texts have to dynamic legal systems, Indigenous communities, and cultural expression. It also deploys a dual meaning of the verb mediation, drawn from legal and media studies, to describe the ways that Indigenous texts adapt media and genres to foster legal debate, communication, and transformation. The first meaning of mediation refers to the process of legal negotiation in which representatives advocate for their clients' interests. This process acknowledges disagreement and conflict between the parties in the hopes of finding a resolution. Mediation is a common process within both Indigenous legal traditions and Canadian common law; I find it a useful analogy to conceptualize Indigenous texts as spaces for mediation. In so doing, I am asking how these texts negotiate conversations about law within nation-specific Indigenous legal traditions, between Indigenous nations, and between Indigenous and settler legal traditions.

The second meaning of mediation refers to media's process of shaping and transmitting meaning ("Mediation"). This dissertation approaches Indigenous texts formally, culturally, and within the context of their creation and dissemination. It is also interested in the artistry of the various texts and the ways that adaptations in these art forms facilitate conversations about the vitality of Indigenous legal orders in ways that other writing cannot. Formally, media are intermediaries between the meanings they transmit and a work's audience. In *Genre* (2006), John Frow does not interpret media and their various genres as fixed categories. He explains that genres are not a strict set of classifications; instead, "genres actively generate and shape knowledge of the world" (2). Frow's understanding of the malleability of genre helps me see the relationships between published works with what might be defined as Indigenous material culture, including oral stories and carving. Therefore, this dissertation is invested in the role that literary interpretation plays in the discourse of revitalizing Indigenous law. It analyzes mediation as a textual process that fosters legal discussions across historical periods and between Indigenous and non-Indigenous communities. Cultural contexts impact mediation and the texts studied often adapt Indigenous genres and formal mediums. Interpreting creative texts like film, literature, visual art, and comics as relatives to other forms of cultural production like oral stories and carvings teases out the ways that media adapts material culture to engage with Indigenous legal orders that are themselves continually changing. Returning to Frow, we see how genres relate to power: first, the power to influence ideologies through discourse, and second, the power of discourse itself to communicate with readers (2). Similarly, this dissertation focuses on the texts' interventions in power dynamics between Indigenous and settler legal systems and the ways that these are communicated to audiences. This approach accesses ongoing conversations about the criminal justice system within Indigenous legal studies.

My argument is also informed by the theory of mediation developed by cultural media studies. In “Culture and Materialism” (1980), Raymond Williams explains that media communicate the worldviews of the dominant culture through their circulation, though the worldviews themselves are not fixed totalities (24-9). In “Base and Superstructure in Marxist Cultural Theory” (1980), Williams explores the means through which Marxist theory illuminates the ways that members who are part of a subculture adapt “mainstream” media (38); this adaptation encourages discussions about their complex and ongoing relationships to institutions and power structures (38). In *Mediating Indianness* (2015), editor Cathy Covell Waegner foregrounds the complex relationship between media and Indigeneity, arguing that “print, film, stage play, ritual dance performance, music, recorded interviews, orality/ alphabetization, photography, rhetoric of treaty-making (and breaking), and virtual networking” have refracted and constructed definitions of Indigenous stereotype or cultural expression (x). The texts in this project claim the forms of the novel, short story, film, and comics—a process John Fiske would call “excorporation” (13)—in order to examine Indigenous peoples’ relationships to law in the present.⁴ The excorporation of dominant media attests that Indigenous culture and politics are foundational and ongoing structures to what is currently Canada.

Some of the questions that the following chapters consider include: how do Indigenous creative texts adapt aspects of Indigenous storytelling traditions to examine the transformation of Indigenous legal orders in the present? How do the texts adapt crime fiction to subvert stereotypes of Indigenous lawlessness? How do these texts examine issues of criminal justice within state and traditional governance structures?

⁴ John Fiske defines excorporation as a process where subordinate groups claim “the resources and commodities provided by the dominant system” for cultural expression (13).

Origins of this Project

This project began as an exploration of Indigenous detective fiction in Canada and the United States. I originally looked to works like Thomas King's *DreadfulWater* series and LeAnne Howe's *Shell Shaker* as examples of Indigenous detective fiction that subvert genre conventions in order to place Indigenous characters as agents for truth-finding within Indigenous and non-Indigenous justice systems. While I continued to work on the project, I quickly realized that I needed to broaden the study beyond a narrow genre to examine literary discourse across a variety of mediums and genres. Literary discourse is able to offer robust discussions about specific legal orders in the present and express these conversations through a variety of mediums like writing, film, and visual art, and through a variety of genres beyond that of detective fiction—including the novel, speculative fiction, coming-of-age stories, and neo-noir film. In an attempt to more fully examine Indigenous-settler relationships in what is currently Canada, I also decided to no longer study texts produced in the United States.

Looking back on my experience, it becomes clear to me why I initially limited my analysis to detective characters; as a settler, I interpret them as obvious and familiar participants within state legal systems. Indeed, my initial choice was perhaps a subconscious acknowledgment of the ways that I saw policing as a natural and safe institution as a child. My father was a Royal Canadian Mounted Police (RCMP) officer for many years and has since worked with Corrections Canada and as an assistant in the coroner's office. My mother has an even lengthier relationship to policing, having been a military police officer in the 1970s and worked as a 911 dispatcher for three decades. With this childhood connection, policing has always seemed to me to be familial, safe, and normal. While I have benefited from secure relationships to many people in policing, this is quite different for many Indigenous people.

Canada's legal system has long been used to target Indigenous nations' political and ceremonial laws: in the late 19th and early 20th centuries, Indian agents and police officers enforced the pass system to restrict the movements of Indigenous people, while police were often used to intimidate parents into bringing their children to residential schools. Recognizing my familial assurance in the inherent goodness of police work, while studying the ongoing ways that policing is used for state interests has been an uncomfortable and tense juxtaposition.

But it is a productive tension. Paulette Regan explains that settler scholars studying Indigenous literature must "unsettle" their own biases and limits in order to critically decolonize settler ideologies and practices (11-12). She states that the "focus on the Other blinds us from seeing how settler history, myth, and identity have shaped and continue to shape our attitudes in highly problematic ways. It prevents us from acknowledging our own need to decolonize" (Regan 11). As Regan identifies, settler scholars may feel guilt for clinging to settler versions of history that position Canada as a nation of peacekeepers (12). By untangling peacemaking from police power, it becomes clear that Indigenous nations continue to have peacemaking processes in what is currently Canada. As a remedy, settlers may find a conciliatory space to confront their own feelings of guilt and complicity by reading Indigenous legal mediations in creative works.

Methodology

This dissertation draws from Val Napoleon's work establishing the Indigenous Law Research Unit (ILRU) method, which summarises oral stories using a case brief format. Each brief identifies the legal issues, principles, and responses within a story and compares them to similar facts within a nation's orature to articulate the legal principles that may be retrieved from the oral story. In "An Inside Job: Engaging with Indigenous Legal Traditions through Stories" (2016), Val Napoleon and Hadley Friedland explain that oral stories convey legal rationales that can be

learned and applied in specific ways to many areas of the law (736). The ILRU method “brings common pedagogical methods from many Indigenous legal traditions (oral histories, narratives, and stories) together with standard common law legal education (legal analysis and synthesis)” (728). Through this method they take up “stories as tools for thinking,” address “specific principles and legal practices,” and analyse the effectiveness of legal scholarship “for accessing, understanding, and actually being able to apply any law in practice, from an internal and embedded perspective” (734). They see the development of this method as an important contribution to Indigenous legal revitalization—they developed the methodology in response to Indigenous communities’ requests that the Truth and Reconciliation Commissions’ Calls to Action engage with Indigenous legal orders in substantive decision making and debate (732-3; 746). This methodology allows communities and legal practitioners to develop nation-specific analyses of concerns “such as civil procedure, lands and resources, marine management, adjudication, justice, family law, and water law” (732).

Use of the ILRU method is growing. In “Learning Indigenous Law: Reflections on Working with Western Inuit Stories” (2017), Rebecca Johnson and Lori Groft use the ILRU method to analyse Western Inuit oral stories that address domestic violence. The method allows them to identify principles of victims’ rights, the rights of family members of those harmed, and ways for communities to respond appropriately to domestic violence (140-141). In *Gender, Power and Representations of Cree Law* (2018), Emily Snyder uses the ILRU method to examine the representation of gender in multiple resources on Cree legal orders. She questions why Cree law is presented as gender neutral when the default representation is male and Indigenous women are not significantly represented as legal participants (8-9). Her work

uncovers a gap in Cree legal resources, and points to the need for scholarship on the role of Cree women in the revitalization of Cree law.

Like the ILRU method, this dissertation sees Indigenous-authored texts as venues for fostering rigorous and sustained conversations about the application of, and adaptation of, legal norms. I study contemporary cultural productions including novels, films, and short stories, and interpret them alongside publicly available sources on Indigenous legal orders. I use publicly available texts, because these published novels, short stories, and films are available across Canada and so invite both Indigenous and non-Indigenous readers to engage in conversations within Indigenous legal frameworks and respond to settler legal thought. Also, as a non-Indigenous researcher, drawing from publicly available resources ensures I will not intrude onto legal teachings that are meant to remain solely within Indigenous communities.

I chose texts that allowed me to analyse a variety of mediums and genres to consider their unique relationships to Indigenous legal expression. Furthermore, I considered texts that either depicted processes of discussing law from within Indigenous legal orders or depicted the relationships of Indigenous characters to legal institutions. I began with *Monkey Beach* by Eden Robinson, a novel with broad appeal that was shortlisted for several national literary awards. I read the text as adapting the novel form and Haisla storytelling aesthetics to tell the story of a Haisla woman's relationship to her nation's legal system as she attempts to solve her brother's disappearance. In so doing, it identifies the tensions between a revitalizing Haisla legal order and entrenched settler institutions, while also communicating ideas about political power within Haisla territory and on international scales. *The Journals of Knud Rasmussen* by Igloodik Isuma Productions is a feature film that adapts an historic ethnographic study, prioritizing the experiences of its Inuit informants. The film's plot turns Knud Rasmussen's manuscript into a

story about Inuit law and religion in the 1920s and its relationship with southern administration and Christianity. “The Qallupiluk Forgiven” by Rachel and Sean Qitsualik-Tinsley adapts the traditional form of unikkaaqtuat with modern short story to tell the tale of a qallupiluk, a mythological being who lives under the ice and whose appetite for living beings contravenes cosmological law. The short story communicates Inuit philosophical concerns about the nature of good relationships within Inuit cosmology while telling a complex narrative about justice and revenge. Elle-Májiá Tailfeathers’ short film *A Red Girl’s Reasoning* adapts neo-noir aesthetics while referencing E. Pauline Johnson’s short story of the same name. I read Tailfeathers’ Indigenous woman vigilante as bringing Indigenous feminist critiques of the justice system in from the fringes of legal discourse. Patti LaBoucane-Benson and Kelly Mellings’ *The Outside Circle* and Richard Van Camp and Krystal Mateus’ *Three Feathers* are two comics that depict characters’ experiences with Canadian and Indigenous justice systems and are important examples of the potential for comics to intervene in debates about incarceration. Finally, I chose Amanda Strong’s animated short film *How to Steal a Canoe* because its adaptation of Leanne Simpson’s poetry offers a further intervention into Canada’s justice system by articulating the relationship between prison abolition and decolonization.

This dissertation continues the work of Indigenous literary theorists who examine legal theory through story and who argue that these stories offer Indigenous communities frameworks to address contemporary issues. In *Tsawalk: A Nuu-chah-nulth Worldview* (2005), E. Richard Atleo (Nuu-chah-nulth) turns to Son of Raven and Son of Mucus stories to examine Nuu-chah-nulth ontologies, showing that they holistically combine spiritual and scientific intelligence in contrast to dualistic, Western science. In so doing, he teases out how oral stories offer rigorous methodologies through which to approach contemporary issues. In *Elder Brother and the Law of*

the People: Contemporary Kinship and Cowessess First Nation (2013), Robert Alexander Innes (Plains Cree member of Cowessess First Nation) similarly turns to oral stories of Wîsashkêcâhk (Elder Brother) to reflect on contemporary Cowessess kinship models that have remained fluid and inclusive despite the imposition of rigid state legislation.

With a different, but related approach, Val Napoleon raises concerns over the ways oral stories presented as evidence are constrained within Western courts of law. Examining the ruling in *Delgamuukw v. The Queen*, in which British Columbia Supreme Court Justice Allan McEachern “refused to accept the *adaawk* [collective oral stories that transmit Gitksan and Wet’suwet’en legal orders] as valid proof of ownership or title according to the western legal rules of evidence” (“Legal Straightjacket” 125), Napoleon identifies the ways that the land title case became a case of Canadian legal orders “judging” Gitksan legal orders (155). In Napoleon’s view, McEachern relied on a “straightjacket of standard-form evidence” that left the *adaawk* “unacceptable and incomprehensible” to the court (125). Within this framework, McEachern only permitted *adaawk* as a form of “unwritten history” and forbade oral stories from recent history (130-1). This decision separates the *adaawk* from its living context, perpetuating the damaging notion that Indigenous legal orders and the stories that transmit them are only valid evidence when they are affixed to a static past, “uncorrupted” by European contact (131).

In “The Transposition of Law and Literature in *Delgamuukw* and *Monkey Beach*,” Cheryl Suzack (member of the Batchewana First Nation) positions *Monkey Beach* as a “counternarrative to the court’s representation of aboriginal voice and perspective” (448). While oral stories are constrained evidence in *Delgamuukw* (Napoleon 125), Suzack argues that the novel harnesses the power of Haisla orature from Haisla women in order affirm community relationships in Kitimaat and ongoing ties to surrounding territories that the court elides (449). Suzack critiques

settler claims for judicial objectivity and sees the novel's use of metaphor a useful contrast to court legal reasoning that appropriates and limits Indigenous philosophies (449). She sees *Monkey Beach* as a complement to oral stories by broadening Indigenous people's and especially Indigenous women's discourses about community formation and law.

Alongside the works of mainstream literature and film already named, this dissertation also examines works of carving, beadwork, oral storytelling, and visual art. Pairing texts of different mediums and genres allows for a reading of the formal relationships that mediate difficult conversations within Indigenous communities. For example, I have paired the G'psglox totem pole with the novel *Monkey Beach* to contrast Haisla and non-Haisla recognition of Haisla laws and to reflect on what it might mean to repatriate a novel to its home territory. In structuring the dissertation to foster comparisons between Indigenous philosophies, experiences, and their artistic expression, the texts in this dissertation dynamically engage with nation-specific definitions of self-determination and sovereignty, with Indigenous feminist legal lenses, and with institutional critiques of rehabilitation and justice. In “‘Go Away, Water!’: Kinship Criticism and the Decolonial Imperative,” Daniel Heath Justice contends that “Indigenous nationhood” or self-determination is based on “the tribal web of kinship rights and responsibilities that link the People, the land, and the cosmos together in an ongoing and dynamic system of mutually affecting relationships” (151). By considering the ways texts remain related to their Indigenous communities of origin, we can explore how artistic expression can be responsible towards governance, relations to place and to perpetuating Indigenous knowledge for future generations. The relationships between texts and Indigenous legal philosophies are complex; taking this approach for my dissertation aligns with Justice's belief in interpreting Indigenous literature within the complex “web” of people, lands, cosmologies, intelligences and

artistic expressions from which they emerged because “it speaks to the fact that our literatures, like our various peoples, are *alive*” (166-7). Injecting Indigenous creative texts into ongoing conversations about Indigenous legal expressions, practices, and relationships to political actions is a decolonial practice. These texts mediate complex discussions within dynamic legal frameworks and this process of legal reflection and debate is one important aspect of practicing resurgence and self-determination.

Audience

The texts in this dissertation address nation-specific audiences as well as Indigenous youth and Indigenous women, in particular; yet, their circulation has also exposed them to non-Indigenous audiences at national and international levels. Daniel Heath Justice notes that Indigenous readers are Indigenous literature’s main audience; this includes the specific communities that they write about and Indigenous audiences more broadly who may relate to the material (*Why Indigenous Literature Matters* xix). The texts creatively express a relationship between Indigenous literature and Indigenous peoples’ connection to their knowledge systems, kinship networks, homelands, and experiences. Secondly, Indigenous literature addresses non-Indigenous readers to communicate the impacts of colonisation and dispel misconceptions about Indigenous peoples and politics (xviii-xix). Joseph L. Coulombe notes in *Reading Native American Literature* (2011) that non-Indigenous academics and readers of Indigenous literature should not assume themselves to be the experts and main audiences of Indigenous literature (6). Instead, he explains that an ethical relationship would be that of a student or learner of a particular text (6); from the position of a student, non-Indigenous readers are able to reflect on what the text has to say and examine their own biases and assumptions (8).

The audience for this dissertation includes my committee and examiners, as any text of this genre would; yet, throughout the writing process, my intended primary audience has been the audience of the texts themselves and the communities that these texts address. The audience therefore includes Haisla, Inuit, Cree, Dene and other nation-specific readers, as well as readers in community-based or land-based programs, and Indigenous women more broadly. While I am a non-Indigenous reader of these texts, I did not want to centre settler audiences and legal systems within my study. Instead, I hope to respond to the Indigenous academics, community members, and activists cited throughout this dissertation who have written about meaningfully living and expressing Indigenous legal orders today.

Shaping Indigenous Law: fostering relationships and refuting myths of Indigenous lawlessness

Indigenous material culture, like carving, beadwork, and wampum, shape relationships to Indigenous laws, treaties, governance, and territories. Constitutional legal scholar and Indigenous legal theorist John Borrows (Anishinaabe/Ojibway and a member of the Chippewa of the Nawash First Nation) explains that when Europeans first arrived in North America, they followed Indigenous laws, ceremonies, and trade traditions and it was “Aboriginal laws, protocols and procedures [that] provided the framework for the first treaties between Aboriginal peoples and the Dutch, French, and British Crowns” (*Justice Within* 5). Borrows remarks in “Wampum at Niagara” (1997) that European settlers at first deferred to Indigenous legal systems, even adapting Haudenosaunee wampum belt iconography to commemorate the 1764 treaty at Niagara with the Covenant Chain (169). The Covenant Chain Wampum was presented by Sir William Johnson and was meant to symbolize a silver chain that united the two ships in the Two Row Wampum of 1613 (Hewitt). While the previous treaty promised that Dutch and

Haudenauonee would not interfere in each others' laws, governance and lifeways—symbolized through two parallel streams—the 1764 treaty with the British symbolized ongoing relationships of peace and friendship. The silver chain connecting the two ships was represented through two figures in white wampum holding each end of a chain on a purple background. The design uses familiar iconography with purple and white wampum; however, the British adapted the design to reflect European style (Hewitt). Wampum belts are typically large and carried across a shoulder, so that the belt would be read along the wearer's body (Hewitt). The Covenant Chain is much smaller and was designed with the intent of being tied across the wearer's waist. Diamond halves rest at either end of the belt flanked by either the numbers "17" or "64", so that it would read "17◊◊64" when worn. The design commemorates the date of the treaty and symbolizes that the treaty was eternal and without end (Hewitt). Ironically, the symbol of an unbroken circle is not resonant when the belt is worn traditionally off the shoulder, yet, the British adaptation of wampum iconography demonstrates a deferral to Haudenosaune legal customs and artistry.

This deference to Indigenous laws and artistry stands in stark contrast with concerted state and judicial efforts to portray Indigenous peoples as lawless in order to minimize the influence of Indigenous laws and culture in the nineteenth and twentieth centuries. Legislation at the federal level attempted to enfranchise Indigenous peoples as Canadian citizens and to dismantle Indigenous governance and social structures. *The Gradual Civilization Act of 1857* (Crey) and the *Indian Act of 1876* assumed that Indigenous governance was inferior and that Aboriginal peoples "would be willing to surrender their legal and ancestral identities for the "privilege" of gaining full Canadian citizenship and assimilating into Canadian society" (Crey). The *Indian Act* also included automatic enfranchisement for an First Nations person who served in the military, pursued a university education, or if a First Nations woman married a non-status

man (Crey). The *Indian Act* delegitimized hereditary governance structures by installing a new governance regime through band councils, which would mediate the relationship between the government and reservation lands, and replaced Indigenous kinship networks by defining who could claim “Indian Status” under the law (“Indian Act Timeline”; Montpetit; *Indian Act*).⁵ In 1884, spiritual ceremonies like the sundance and potlatch were outlawed and Indigenous peoples were prohibited from seeking legal council for “land claims against the federal government without the government’s approval” in 1927 (W. Henderson).⁶ At the judicial level, John Borrows traces the ways that Indigenous culture has been labelled by judges as, “‘ignorant,’⁷ ‘primitive,’⁸ ‘untutored,’⁹ ‘savage,’¹⁰ ‘crude...simple, uninformed and inferior people,’¹¹ ‘who led lives that were ‘nasty, brutish and short.’”¹² (“Frozen Rights in Canada” 86).

Perhaps the most infamous dismissal of Indigenous legal paradigms and artistry at the judicial level is in Chief Justice Allan McEachern’s 1991 decision in *Delgamuukw v. The Queen*, with the British Columbia Supreme Court, in which he declared that the Gitksan and

⁵ Indian Status also operates under sexist premises. While non-Status women marrying Status men gain status, Status women marrying non-Status men lose their status along with their descendants. The “marrying out rule” was removed in 1985 with Bill C-31, thanks to Susan Lovelace and several other Indigenous women’s human rights petitions in the late 1970s (“Indian Act Timeline”; W. Henderson).
⁶ This century of legal administration was met with widespread resistance by Indigenous peoples and 1951 revisions of the *Indian Act* “removed some of the most egregious political, cultural and religious restrictions” (W. Henderson). After the 1951 amendment, First Nations could hire legal representation and the *Act* was amended again in 1985 to remove sex-based discrimination (W. Henderson). Lynn Gehl notes that sexist inequities still permeate the *Indian Act*. Bill C-31 enabled women who lost their status and their children born before 1985 to regain status. However, Gehl and other Indigenous women who regained status declared that this status, known as 6(2) registration, is a “lesser form” because it does not extend status to the grandchildren of an Indigenous woman who has regained her status under the law. This second generation cut-off does not impact Status men who did not marry non-Status women (Gehl).
⁷ *Johnson v. McIntosh*, 21 U.S. (8 Wheat) 542 (U.S.S.C. 1823) at 570, quoted in *R. v. Guerin* [1984] (S.C.C.) at 378 (S. C.C.), Borrows “Frozen Rights in Canada” 173, note 81.
⁸ *Campbell v. Hall* (1774), 1 Cowp. 204 at 208-9., Borrows “Frozen Rights in Canada” 173, note 82.
⁹ *R. v. Guerin* [1984] (S.C.C.) at 336 (S.C.C.). Borrows “Frozen Rights in Canada” 173, note 83.
¹⁰ *Mitchell v. Canada (M.N.R.)* [1999] at 122. Borrows “Frozen Rights in Canada” 173, note 84.
¹¹ *Mitchell v. Canada (M.N.R.)* [1999] at 130, Borrows “Frozen Rights in Canada” 173, note 85.
¹² *Mitchell v. Canada (M.N.R.)* [1999] at 130, Borrows “Frozen Rights in Canada” 173, note 86.

Wet'suwet'en peoples did not have jurisdiction or ownership of their ancestral territory, 58,000 square kilometres in central British Columbia. Unlike the Covenant Chain, where the British adapted Indigenous aesthetics for a legally binding partnership, McEachern decided that oral testimony and dance were insufficient evidence to prove occupation and that Indigenous laws, governance, and artistry are primitive and belong in the past. The trial judge reasoned that the *Royal Proclamation of 1763*, which acknowledged Indigenous title to unceded and unsold lands, did not apply to British Columbia as it was not a British colony at the time of signing (Mills 10). Relying on a technicality of written legislation, he also dismissed the Gitksan Houses's use of *adaawk* (sacred oral stories and histories) and Wet'suwet'en's *kungax* (spiritual song and dance), as crude evidence for ancestral occupation (*Delgamuukw v. British Columbia*, 1997). He declared that "it would not be accurate to assume that even pre-contact existence in the territory was in the least bit idyllic. The plaintiffs' ancestors had no written language, no horses or wheeled vehicles, slavery and starvation was not uncommon, wars with neighbouring peoples were common and these is no doubt, to quote Hobbes, that aboriginal life in the territory was, at best, "nasty, brutish and short"" (*Delgamuukw v. British Columbia*, 1991). McEachern's decision is devastating for its rejection of Gitksan and Wet'suwet'en oral traditions, politics, economies, and experiences in the territory; he refuses to see *adaawk* and *kungax* as binding legal expressions that can adapt to current Indigenous interests. McEachern decontextualizes the quotation from Hobbes's 1651 *The Leviathan*, which argues that civilization crumbles without a centralized hierarchical government (Hobbes 115), from the British civil war to British Columbia in the 20th century. In so doing, he exposes the tension that the Gitksan and Wet'suwet'en's decentralized, matrilineal, clan-based governance systems and artistic practices pose to Canadian sovereignty. The *Delgamuukw* decision was overruled in 1997 by the Supreme Court of Canada,

who called for a new trial and set out parameters to interpreting Indigenous oral stories as testimony (*Delgamuukw v. British Columbia*, 1997). Though that trial is pending, McEachern's decision is a visceral example of the power that interpretation has in the relationship between Indigenous storytelling, Indigenous legal orders, and the Canadian state.

In *Other Words: American Indian Literature, Law, and Culture* (2001), professor in Native American studies and Law Jace Weaver states that stories of discovery and settlement created foundational myths that imposed economic, political, and cultural norms whereby Indigenous peoples were neatly categorized within interlocking administrations and managed as populations (19). The stereotype of Indigenous lawlessness erased memories of settler legal obligations (1), like those cemented through treaty-making processes, and led to the entrenchment of managing Indigenous populations. Similarly, Sidney L. Harring explains that the NWMP was a military and legal force that facilitated the 19th century settler push into the Canadian prairies by expanding their jurisdiction and criminalizing and prosecuting Indigenous self-governance (94). The NWMP created a legal apparatus whereby: "Mounties arrested, prosecuted, judged, and jailed offenders under their jurisdiction... the commissioner and assistant commissioners were appointed stipendiary magistrates with full judicial powers... [and] Inspectors and captains were appointed justices of the peace," all of which forced Indigenous and Métis nations under Canada's jurisdiction (96).

Indigenous Legal Pluralism in Canada

Canada is commonly thought to be a bijuridical society, because the settler legal system is composed of the British common law system and the French civil law system (Borrows *Canada's Indigenous Constitutionalism* 107-8). However, as Borrows explains, "Canada would better be described as multi-juridical in its actual constitution" because it is also influenced by

Indigenous legal traditions, though Indigenous nations' ongoing influence on Canada's centralized and top-down hierarchical legal system has been ignored or minimized by the mainstream (*Canada's Indigenous Constitution* 8; 108). Indigenous governance is diverse and shaped by political structure, worldviews, language, and place (Ladner 3). For example, the Blackfoot Confederacy (which is comprised of the Gros Ventre, Kainai, Piegan Blackfeet, Piikani, Siksika, and Tsuut'ina Nations) is a clan-based governance system that is structured at "sub-national, national, and confederation levels," where each level has its own jurisdiction and responsibilities (3). In contrast, the Haida and Nisga'a on the North West Coast have a clan-based and heredity governance system that is structured through the potlatch system (4). The texts studied in this dissertation examine Indigenous legal orders in their full diversity, ranging from Haisla legal orders in *Monkey Beach* to Inuit legal orders in *The Journals of Knud Rasmussen*, and from Cree and Dene (including Tłı̨chǫ and Chipewyan nations) legal orders in various comics to Anishinaabe concepts of freedom in animated film. While only a handful of texts are addressed within the dissertation, I chose a broad range of Indigenous literature to demonstrate the diversity of Indigenous governance.

Literary Context

Within the context of the very real criminalization of Indigenous governance and ceremonial practices and the rise of the North West Mounted Police (NWMP), the outlaw figure began to coalesce in nineteenth century Canadian and American media to examine competing narratives about Indigenous and settler nationhoods. Jenna Hunnef examines the representation of outlaw figures in Eurowestern and Indigenous literature to understand the competing narratives of settler and nation-building at play in the former Indian Territory (now eastern Oklahoma) between 1866 and 1907 (3-5). She notes that myths of criminality in Indian Territory

had circulated “within distinctly U.S. contexts to lay claim to Indigenous lands through the invocation of nationalist rhetoric and the administration of violence” (6). Robert Harding remarks that rhetoric about Indigenous people in the dominant Canadian media has not significantly changed from the mid-19th century to the late-20th century (205). Harding compares reportage from 1863 on the creation of Indian residential schools with reporting on Aboriginal welfare in British Columbia in 1992, finding that they rely on similar rhetoric—across more than a century, Indigenous governance and parenting is situated as the antithesis to settler logic, civility, and sophistication (207-215; 221-4).

Settler myths also persist at the axis of gender and race. Indigenous men experience stereotypes of either stoic nobility or savagery, while, as Elise M. Marubbio explains in *Killing the Indian Maiden: Images of Native American Women in Film* (2006), filmic depictions of Indigenous women have created harmful stereotypes like the “Indian princess” and the “sexualized maiden” that have circulated from the invention of film to the present (4-5).

Despite the long history of these stereotypes of Indigenous lawlessness and deviance, Indigenous artists have continually responded through their work to argue for self-governance and to resist policing. Sean Kicummah Teuton (citizen of the Cherokee Nation) explains that once Indigenous novelists began to publish in the mid-19th century, they had to refute already established myths about “Virgin Land,” “Vanishing Indians,” and “Manifest Destiny.” Together, these myths framed Indigenous peoples as without religion, lacking political knowledge, and ready to soon, sadly disappear, allowing European hands, politics, and religions to fulfill their destinies by shaping the unspoiled landscape (“The Indigenous Novel” 319). *Life and Adventures of Joaquín Murieta, the Celebrated California Bandit* (1854), the first Indigenous novel by Cherokee author John Rollin Ridge, subverts the trope of Indigenous lawlessness to respond to

the removal, beginning in 1836, of Cherokee people from what is now Georgia. Teuton sees the Mexican-born protagonist Joaquín Murieta as a medium for Ridge to “declare his anger at numerous injustices” that the Cherokee Nation had endured, including “the ongoing theft of Cherokee lands” and Federal and judicial sanction of the ethnic cleansing of Cherokee in the southeast (318). Joaquín Murieta’s arc as a man from a wealthy family who becomes a bandit to seek vengeance against encroaching Californians resonates with Ridge’s own exile and subverts the trope of lawlessness to critique Georgian violence and federal erasure.

In Canada, Indigenous people have confronted the stereotypes of Indigenous lawlessness through non-fiction and documentary film. Abenaki filmmaker, Alanis Obomsawin’s *Kanehsatake: 270 Years of Resistance* was integral in humanizing Mohawk community members during the 1990 Oka Crisis where the Sûreté du Québec, the Canadian Armed Forces, and the RCMP had a 78-day stand-off with Mohawk protestors protecting their sacred burial site from local developers (*Kanehsatake*). Nunavut Arctic College’s series *Interviewing Inuit Elders* (1999-2001) connected Inuit law students with elders as they discussed Inuit legal concepts, processes for maintaining peace, and the impacts of settlement on Inuit communities and legal systems in the early 20th century.¹³ Topics covered in the series include law, the interpretation of oral stories, cosmology and shamanism. *Treaty Elders of Saskatchewan: Our dream is that our peoples will one day be clearly recognized as nations* (2000) includes interviews with elders discussing good relations, living well with one another on the land, and the evolution of treaty rights. In *Otter’s Journey through Indigenous Language and Law* (2018), Lindsay Keegitah

¹³ The *Interviewing Inuit Elders* series titles are: volume 1, *Introduction* (1999), volume 2, *Perspectives on Traditional Law* (1999), volume 3, *Childrearing Practices* (2000), volume 4, *Cosmology and Shamanism* (2001), and volume 5, *Perspectives on Traditional Health* (2001).

Borrows (member of the Chippewas of Nawash First Nation) combines fiction, scholarship, and autobiography to argue that revitalizing Indigenous languages is a vital step in strengthening Indigenous legal orders. With a more direct rejection of Indigenous stereotypes, Tasha Hubbard's (Cree) *nîpawistamâsowin: We Will Stand Up* (2019) is a powerful documentary about the 2018 trial and acquittal of Gerald Stanley for the murder of Colten Boushie, a youth from Red Pheasant Cree Nation. The film contextualizes public discourse about the trial within the history of Indigenous and settler relationships in rural Saskatchewan; it contrasts the rhetoric of Indigenous lawlessness that justified colonialism in the 19th century prairies with similar rhetoric surrounding the 2018 trial. This enables Hubbard to critique the criminalization of Indigenous peoples who are victims of crime and to interrogate the subsequent lack of support for victims' families in Canada's justice system.

To counter settler myths portraying North America as an empty and lawless land to be conquered, Jace Weaver turns to "Traditional Native American tribal myths" (*Other Words* 17). Other Indigenous authors have turned to published genres, including poetry, memoirs, and novels, to examine the relationships between settler-colonial institutions and the criminalization of Indigenous nations. In her poem "Justice," Mi'kmaq poet Rita Joe interrogates Canada's justice system for hypocrisy and alleged impartiality: "Justice seems to have many faces/ It does not want to play if my skin is not the right hue" (1-2). The memoir *Stolen Life: The Journey of a Cree Woman* (1998) collects the writings, letters, and interviews of Yvonne Johnson (Cree from Saskatchewan and the great-great-granddaughter of Chief Big Bear) from her time imprisoned in Kingston, ON (the book is co-written with Rudy Wiebe). Using court and police records, the text expands beyond her lived experience of incarceration to the many ways that settler institutions, including the police, the Indian Residential School System, and prisons, have impacted her and

her family over generations. Many Indigenous writers have used the novel, meanwhile, to interrogate complex experiences of resistance in settler-colonial institutions, testify to Indigenous peoples' lived experience in contrast to national narratives, and demand that non-Indigenous readers grapple with their own complicity in carceral institutions and colonial legacies.

Ravensong (1993) by Lee Maracle (member of the Sto:lo Nation from North Vancouver), *The Kiss of the Fur Queen* (1998) by Tomson Highway (Cree from Brochet, northern Manitoba), *Porcupines and China Dolls* (2002) by Robert Arthur Alexie (Tetlit Gwich'in from Fort McPherson, NWT), and *Indian Horse* (2012) by Richard Wagamese (Ojibway) are novels that offer valuable national critiques in the period leading up to the Truth and Reconciliation Commission of Canada.

Academics turn to Indigenous women's writing to understand the relationship that Indigenous women have to legal agency, to territory, and to critiques of state violence. In *Indigenous Women's Writing and the Cultural Study of Law* (2017), Cheryl Suzack pairs Indigenous women's fiction with court cases in Canada and the United States to consider Indigenous women's responses to legal, material, and land-based dispossession in a post-civil rights era. Positioning *In Search of April Raintree* (1983) and *The Antelope Wife* (1998) alongside *Racine v. Woods* (1983) and *Minnesota v. Zay Zah* (1977), respectively, Suzack shows how literature offers a cultural arena to engage in legal discourse in ways that would be impossible in the courtroom. Because these cases have reified legal decisions that marginalize Indigenous women from their homelands and political roles, Suzack argues that the law silences Indigenous women and leaves them vulnerable to gender-based violence (49-50). *Shell Shaker* (2001) by LeAnne Howe (Choctaw) and *The Round House* (2012) by Louise Erdrich (Chippewa/German-American) also take up the issue of law silencing Indigenous women who

experience gender-based violence. *The Round House*'s conflict hinges on the issue of jurisdiction; when Geraldine Courts, an Ojibway mother, is sexually assaulted by a white man on the border of her reservation with North Dakota, it becomes crucially important to know where exactly she was assaulted in order to prosecute her assailant. Ultimately, jurisdictional constraints over Tribal land leave her unable to prosecute her assailant. Mary Stoecklein highlights the role that *The Round House* played in raising awareness about jurisdictional limits on Tribal courts to prosecute non-Native men committing crimes on reservation land (Stoecklein 89). This jurisdictional limit made Native American women particularly vulnerable to sexual assault by non-Native men; the novel's success at conveying this legal failing contributed to the reauthorization of the Violence Against Women Act in 2013 (89). *Shell Shaker* is a multigenerational Choctaw mystery spanning 200 years and ranging from Mississippi to Oklahoma. When Assistant Chief Auda Billy is accused of murdering the corrupt casino chief Red McAllister, her female relatives unite to solve the crime and protect Auda. By seeking to reinstate peace, the Billy women re-establish their sacred role as traditional peacekeepers for their community, uncover a sexual assault, and unravel a parallel crime from 200 years earlier. These Indigenous feminist works, set in different nations, approach crime fiction quite differently from each other, yet they both put heteropatriarchal legal processes on trial, explore the nuances of Tribal jurisdiction, and show sexual assault cases resolved in ways that prioritize Tribal-specific definitions of justice. Indigenous women's fiction provides a powerful genre to think through responses to gender-based violence and creates a cultural arena to reflect on legal discourses that affect Indigenous women's daily lives.

Dory Nason (Anishinaabe and an enrolled member of the Leech Lake Band of the Minnesota Chippewa Tribe) examines the specific relationship that Indigenous crime fiction has

to the revitalization of Indigenous women as legal authority figures embedded in a relationship to kin, territories, and Indigenous philosophies. Nason argues that the Indigenous women in D'Arcy McNickle's mystery novel *The Surrounded* (1936) resist territorial confinement in the post-reservation period by gathering with their female kin on traditional territories outside of their reservation (142; 145). It is in these geographic fringes away from settler surveillance that Native women are able to nurture their political and social futures. While these characters are able to enjoy a momentary refuge (145), Nason argues that the text presents a more permanent "way to a hopeful future" that depends on "Native women's success in repairing the heteropatriarchy's damage to their sense of self" (143). Indigenous crime writers like McNickle suggest that, in repairing Indigenous feminist kinship networks, relationships "with the land, others, and community cohesion" will also be restored (143).

Indigenous women's fiction also examines the relationship between repairing kinship networks to repairing relationships to land. Novels like Robinson's *Monkey Beach* and *In Search of April Raintree* (1983) by Beatrice Culleton Masionier (Métis) use crime and mystery genres to testify to characters' experiences of sexual assault, violence, and the hostile experiences of pursuing justice through Canada's settler legal system. The mystery novel *The Break* (2016) by Katherena Vermette (Métis) is a reflection by multiple Métis women engaged in the justice system due to the police investigation of family member's sexual assault. *The Break's* multivocal narration and focus on the interior life and connection of multiple generations of Métis women in Winnipeg—unobserved by settler policing—resists the typical convention of erasing the victims from their own stories.

Crime narratives by Indigenous men in Canada include King's *The Red Power Murders: A Dreadful Water Mystery* (2006) and *Fall From Grace* (2011) by Wayne Arthurson (Cree and

French Canadian). *The Red Power Murders* follows detective Thumps DreadfulWater as he investigates the cold case of Lucy Kettle, an Indigenous woman who was mysteriously murdered decades ago after getting involved with the Red Power movement. Lucy Kettle is reminiscent of Anna Mae Aquash, and the novel uses the typical generic form of a noir mystery novel to discuss the intersections of colonialism, misogyny, and the Indigenous rights movements. *Fall from Grace* follows Métis journalist Leo Desroches as he investigates the deaths of Indigenous women in the Edmonton area and uncovers a serial killer in the process. Arthurson's journalist-detective is clearly inspired by the increased reporting on missing and murdered Indigenous women and girls spurred on by the activism of Indigenous women in the early 21st century. These police procedurals will not be taken up in this dissertation; however, they would benefit from examination under Indigenous feminist legal lenses.

Indigenous literature in English

The texts studied in the following chapters place an importance on thinking across languages, and this has influenced the dissertation itself. Throughout, I rely on scholarship by Indigenous writers who examine concepts of law in their own languages and communicate them in English. Tomson Highway (Cree from Brochet, Manitoba) notes that translation work between Cree and English is fraught because the English language can distort meaning with Eurowestern and Christian connotations that are not found in Cree (40) and yet, English can be stretched and manipulated to convey Cree worldviews (33). In spite of language theft, Teuton explains that Indigenous people have been publishing sermons and lectures in English since the 18th century to communicate political resistance to social and political ills imposed by colonisation (“To Write

in English” 36-7).¹⁴ For instance, the *Cherokee Phoenix* was the first Indigenous-run newspaper in North America, established in 1828 by Elias Boudinot to circulate social notices, sermons, and political news in Cherokee and English (44). During this time, its international circulation enabled Cherokee writers, politicians, and advocates to reach English readers, while the *Cherokee Phoenix*'s syndicated news from English newspapers kept Cherokee readers informed of international news that impacted their lives (50). Though the nuances of Indigenous legal philosophies cannot be fully translated, English enables Indigenous authors to create solidarity between nations within a settler state and to examine Indigenous legal philosophies.

With the exception of *The Journals of Knud Rasmussen*, which is in Inuktitut, Danish and English, the texts studied in this dissertation are primarily in English. They continue the tradition of using writing in English to compel readers to respond to Indigenous cultural and political expressions. Despite communicating primarily in English, the texts are also informed by the languages from their home-nations and include specific terms for places, politics, and laws in Haisla, Inuktitut, Dēne Sųłné Yatıé, nēhiyawēwin, Dene Zhatıé, and Anishinaabemowin. *Monkey Beach* includes terms in Haisla, and the protagonist grapples with the challenge of learning her language; the novel dramatizes the very real impact that settler-colonial erasure has had on Indigenous communities' ability to maintain native fluency. The novel's structure is

¹⁴ Teuton identifies Samson Occom (Mohegan Nation), Joseph Johnson (Mohegan Nation), and Hendrick Aupaumut (Mahican Nation) as some of the first Indigenous authors who published their autobiographies and sermons in English in order to advocate for Indigenous rights during the mid-18th century. They used the fluency they gained in Indian residential and boarding schools to condemn the ways that alcohol has been introduced by settlers to negatively impact their nations. In 1774, Johnson purchased land from the Oneida Nation in New York to house a Praying Indian village where Indigenous followers could inhabit and maintain their own governance systems on their lands (36-7). Pequot minister William Apess's *Indian Nullification of the Unconstitutional Laws of Massachusetts Relative to the Marshpee Tribe* (1835) supported the Marshpee Tribe's successful efforts to retain their territories during the period of mass removal by the United States (39).

highly influenced by Haisla orature, gesturing towards the ways that Haisla language shapes the novel's understanding of law. *The Journals of Knud Rasmussen* and *Three Feathers* are almost entirely presented in Indigenous languages: *Journals* is filmed in Inuktitut with English subtitles, while *Three Feathers* is a bilingual comic with versions in English and either Chipewyan (Dëne Sųłné Yatıé), Cree (nēhiyawēwin), or South Slavey (Dene Zhatıé). The texts usefully contrast legal philosophies between English and Indigenous languages and belong to a long tradition of writing in English to express Indigenous political autonomy.

Translating Indigenous legal philosophies into English is a tool for self-determination. However, the strength of this translation work often depends on the intent and context, particularly in the current political climate in Canada, with the government appropriating the language of “decolonization” and “Indigenization” in the legal system (“Principles respecting the Government of Canada’s relationship with Indigenous peoples”). Such work seems to flatten Indigenous revitalization work. Creative texts are important forms to consider how Indigenous legal philosophies are translated, deployed, and discussed. The texts in this dissertation demonstrate a broad range of legal practices and principles beyond the narrow confines of the Canadian legal system; they help nuance conversations of how Indigenous laws are practiced today by individuals, communities, and institutions. The purpose of this dissertation is to consider literature’s role in revitalizing Indigenous legal orders. It studies how literature is able to adapt ongoing conversations about the versatility of Indigenous legal orders through its aesthetics and how literature and film’s circulation is able to infiltrate into the hearts and minds of readers. After all, novels, films, and comics are meant to be purchased and brought into the reader's home. Therefore, the dissertation considers how discussions about Indigenous legal orders pertain to Indigenous and non-Indigenous audiences.

Chapter Outlines

Chapter 1 | Reclaiming Haisla nuyem in Eden Robinson's *Monkey Beach*

This chapter takes up Eden Robinson's (Haisla/Heiltsuk) novel *Monkey Beach* and reads it alongside the G'psgolox totem pole, which was repatriated in 2006 after its removal in 1929. Both the novel and the totem pole's stories will be analyzed through a Haisla storytelling methodology (nusa) to understand how each text is invested in Haisla legal orders (nuyem) in transformative ways at different times throughout the 20th and early 21st centuries.

On the surface, *Monkey Beach*'s plot follows the protagonist, Lisamarie Hill, as she searches for her brother missing in the Douglas Channel. When read through an analytical framework predicated on nusa and nuyem, readers see that the novel's formal construction mirrors a nusa framework, that Lisamarie uses nusa as her method to find the truth, and that the novel examines the nuances of Haisla legal philosophies and their influences on a broad set of characters. In this way, the narrative carefully reconstructs the ways Haisla legal traditions are produced, uncovered, and narrated.

The G'psgolox pole's engagement with nusa and nuyem is much more evident as totem poles commemorate Indigenous people's relationships to place, to each other, and to significant events. Indeed, totem poles are integral participants in maintaining legal protocols. The chapter will then examine the G'psgolox's theft in 1929 and subsequent repatriation to interpret the ways settler governance structures recognize or overlook Haisla laws and the ways Haisla protocols are maintained and revitalized despite state attempts to discredit their validity.

When read together, the G'psgolox pole's origin story and its subsequent history reflects the legal manoeuvrings made by *Monkey Beach* to present Haisla nuyem and nusa as ongoing and adaptive legal structures and storytelling practices.

Chapter 2 | “they will not disappear or be torn to pieces”: Inuit Maligarjuat and Legal and Literary Transformation

This chapter turns to Inuit texts—including short stories and film—to examine legal and literary transformations in the 21st century that grapple with attempts by settler-colonial legislation and ideologies to affix Inuit law in the past. The texts examined refute three primary assumptions made by Southerners about Inuit: (1) that Inuit are lawless; (2) that Inuit laws are not “official” because they were not written on paper; (3) that Inuit governance is a monolith that is stuck in the past. These three broad claims are contradictory, yet they continue to undergird Southern legislation. Inuit film and literature responds by affirming Inuit law, yet these compelling stories also unearth the ways Inuit laws and religious beliefs have always transformed through political, social, and environmental change. The texts in this chapter adapt historical events and traditional stories to breathe life into legal expressions in the present, examine legal discussions within Inuit communities and across generations, and emphasize to younger Inuit audiences that Inuit legal orders are relevant to everyday life. Through their creative interaction with legal concepts, they attest that Inuit laws are alive, distinct from Southern laws, and will not be erased by the stroke of a pen.

Igloolik Isuma Productions’ 2006 film *The Journals of Knud Rasmussen* transmits Knud Rasmussen’s ethnographic work to the screen and crafts a conversion story that addresses a period of encounter between Inuit and Southern legal orders and religious norms. Rather than simply retelling this history, the film provides social and legal context to Rasmussen’s written account. Though the film focuses on the shaman Avva and his community’s conversion to Christianity, it also examines a hidden crime according to traditional law. The film features the historical figure Nuqallaq as a central character who interacts with Rasmussen’s informants in the period after he killed a Southern trader and before his arrest and trial. The film places the

practice of Inuit laws alongside the imposition of Southern administration to tease out the complexity of legal navigation at a period of religious and legal change.

The second text, Rachel and Sean Qitsualik-Tinsley's short story "The Qallupiluq Forgiven" is about a qallupiluq, a being that lives under the ice and is sanctioned by the Land to punish children for breaking cosmological laws. The story takes inspiration from oral tradition and creates new narratives about transgressions between human and other-than-human laws. The narrative's adaptation demonstrates the relevance of Inuit legal orders to contemporary Inuit readers, while raising compelling questions about the legal bonds between Inuit and the Land. My analysis of these two texts will address the ways Inuit laws are embedded in complex cosmological systems; the laws do not only focus on human correction, but also on the ways that wildlife and Nuna (the autonomous, animate landscape of Inuit cosmology) correct transgressions and contextualize justice. These texts are illustrative of the ways Inuit literature responds to Southern legislation and narratives of Inuit lawlessness and provide a means to examine changes in Inuit legal theory. In so doing, Inuit literature, though taking new forms, continues the practice of examining Inuit legal orders through storytelling.

Chapter 3 | From the Fringes: Re-centring Indigenous Feminist Justice in Rebecca Belmore's *Fringe* and Elle-Máijá Tailfeathers' *A Red Girl's Reasoning*

This chapter addresses Indigenous women's visual artistic and filmic responses to violence against Indigenous women and girls. Selected works are read through an Indigenous feminist legal framework to consider how responses are directed by and centre Indigenous women's desires for political, legal, and bodily self-determination.

Rebecca Belmore's *Fringe* visually represents the Indigenous female body as a target for violence, yet its deployment of stitching and beadwork posit that Indigenous feminist frameworks can substantially address systemic harm. The chapter's primary text is Elle-Máijá

Tailfeathers' *A Red Girl's Reasoning*, an Indigenous feminist neo-noir vigilante film that recentres Indigenous women's collective responses to gender-based violence beyond the limits of nationalist discourses. The film follows Delia, who, instead of waiting for some undetermined time when perpetrators will be brought to justice before the courts, directly avenges Indigenous women who have been sexually assaulted or murdered. This particular use of the rape-revenge genre provocatively questions the various reasons why Indigenous women's resistance is marginalized by the state. Though it does present a desire for justice, "justice" here is not limited to state forms of legal order or punishment. Instead, the film challenges audience members to reimagine who decides the terms of justice and how justice is enacted. *A Red Girl's Reasoning* uses the characteristics of rape-revenge films to participate in a public discourse responding to MMIWG2S about rematriating Indigenous women's places as arbiters of justice. Reading through an Indigenous feminist legal framework, the chapter argues that both works: surreptitiously outline the constraints of federal legal frameworks; allow Indigenous feminist legal orders to flow through their texts; and posit decolonial futures that situate Indigenous women as integral legal theorists and actors.

Chapter 4 | Grounding the Carceral State: Mediating Reformist, Restorative Justice, and Abolitionist Debates

The final chapter focuses on responses in sequential art to Indigenous mass incarceration in Canada. Two comics and an animated short film are examined, revealing how they participate in transformative justice and legal revitalization movements. The comics—*The Outside Circle* (2015), written by Patti LaBoucane-Benson (Métis) and illustrated by Kelly Mellings, and *Three Feathers* (2015), written by Richard Van Camp (Tłıchǫ) and illustrated by Krystal Mateus—and the animated short film—*How to Steal a Canoe* by Amanda Strong (Michif)—explicitly imagine Indigenous nations and legal orders' roles in shaping sentencing in what is currently Canada. The

pieces connect colonisation to the prison system and invoke contemporary debates about prison reform, abolition, and Indigenous legal revitalization in a post-Truth and Reconciliation Commission of Canada (TRC) context. This chapter interprets contemporary Indigenous sequential art as legal thinkers, interpreters, and participants in legal revitalization movements. It argues that these visual mediums serve as a vital archive of Indigenous legal resistance, in turn illuminating an as-yet unseen or unconsidered chapter of Indigenous justice.

Mediating Law is about the relationships that creative expression has to Indigenous laws, to worldviews, to territories, and to lived experiences. The texts under consideration help to expand discussions about sovereignty, peace-making, forgiveness, and justice beyond institutions and courtrooms and back into Indigenous communities and homelands to address current needs. This dissertation was written in the context of mass calls for structural change and the revitalization of Indigenous legal systems: the Truth and Reconciliation Commission of Canada's Calls to Action and the Inquiry into Missing and Murdered Indigenous Women and Girls' Calls to Justice make specific demands to the education and legal systems to support Indigenous knowledge and self-determination, the University of Victoria is the first university in the world to have a combined *Juris Doctor-Juris Indigenarum Doctor* (JD/ JID) degree as of 2019 ("World's first indigenous law degree to be offered at UVic"), and law schools across Canada are fostering relationships with neighbouring Indigenous nations. Indigenous communities and legal experts are working to revitalize Indigenous legal systems in community, within traditional territories, and at local, provincial, federal, and international levels. This dissertation responds to the growing method of turning to Indigenous oral stories to understand legal principles by considering the roles that Indigenous literature, film, and comics play in understanding Indigenous laws as vital paradigms that respond to contemporary issues. Though

literature cannot replace the roles and responsibilities that oral stories carry in transmitting laws intergenerationally in community, Indigenous literature, film, visual art and comics have a unique role in encouraging discussions about the possibilities and challenges that impacts Indigenous revitalization work. These texts harness the power of literature, film, visual art, and comics to expand on the relationship that Indigenous laws have to language, governance, territory, and lived experience. Finally, *Mediating Law* considers how interpretation is an active method for audience members to reflect on their own relationships to Indigenous laws as binding covenants in the present.

Chapter One | Reclaiming Haisla nuyem in Eden Robinson's *Monkey Beach*

Six crows sit in our greengage tree. Half-awake, I hear them speak to me in Haisla.

La'es, they say, La'es, la'es...

La'es—Go down to the bottom of the ocean. The word means something else, but I can't remember what.

— Eden Robinson, *Monkey Beach* 1

Introduction

Monkey Beach (2001) begins with a scene that examines the challenges of interpretation.

Lisamarie Hill, the novel's protagonist, is a young Haisla woman who has just awoken to the sound of crows cawing outside her window. Her brother Jimmy has gone missing at sea the day before and her family is in turmoil. As she listens to the crows speak to her, she is puzzled by the meaning of *la'es*. The term, she understands, translates to “go down to the bottom of the ocean;” however, Lisamarie is not fully fluent in Haisla, and so the term's additional connotations escape her in this moment. Additionally, Lisamarie has difficulty discerning the intent behind the crows' communications. Is the statement “Go down to the bottom of the Ocean” a description of Jimmy's body lying somewhere in the bottom of the Douglas Channel, a warning that her parents are now in danger as they participate in the search party, or an order for Lisamarie to go out and search for Jimmy on Monkey Beach herself (17)? Lisamarie is unsure how she might respond to the crows.

This scene dramatizes the challenge of interpretation, a challenge that we also see in the novel's critical reception. In an interview with Kit Dobson and Smaro Kamboureli, Stó:lō author Lee Maracle states that she is unsure if she considers *Monkey Beach* a “Haisla novel,” because it

relies so heavily on a variety of popular narrative styles, pointing to the marked fusion of Haisla storytelling and genre fiction that is at work in *Monkey Beach* (qtd. in Dobson 56-7). Dobson counters that reading texts for “straightforwardly ‘Native’” authenticity problematically perpetuates identity policing (56-7). My reading bridges Maracle and Dobson’s approach to the text by arguing that *Monkey Beach* is distinctly a Haisla novel that continues Haisla storytelling’s role of transmitting legal understanding through the novel genre.

Monkey Beach is a contemporary Haisla novel and its political and cultural expression and artistic innovation is not antithetical. Maracle’s consideration that *Monkey Beach* is not Haisla storytelling as a novel implies that Haisla storytelling cannot adapt to new genres. Robert Warrior reflects that traditions “are fluid yet still retain some kind of continuity with the community that claims them and perceives them as part of its own culture” (Warrior 140). Similarly, Craig Womack observes that traditionalism is always contemporary because Indigenous literary traditions are adaptable enough to address Indigenous peoples’ needs in the contemporary moment (Womack 42). “Indigenous literature,” Womack argues, “allows for this kind of change” (42). As a contemporary Haisla novel, *Monkey Beach* certainly occupies a different context than oral storytelling; it adapts Haisla storytelling traditions to a new genre and harnesses the novel to serve Haisla cultural needs.

In “The Indigenous Novel,” Sean Kicummah Teuton explains that the novel has been a powerful form of expression since at least the mid-nineteenth century when Indigenous authors began using the novel “as a space to experiment with cultural change” (318).¹⁵ He explains that authors like John Rollin Ridge (Cherokee) and Sophia Alice Callahan (Muscogee) used the novel

¹⁵ Teuton draws from Craig S. Womack’s work on the Native American novel, which was first coined in *Red on Red: Native American Literary Separatism* (1999).

to mediate experiences with assimilation and resistance during a time of accelerated American expansion and Indigenous removal (318). Indigenous novelists successfully adapted the genre to urge readers to question colonial narratives and to “meet the current intellectual and social needs facing specific Indigenous communities” (319). Teuton explains that Indigenous novelists continue to claim space within the genre by formal innovation: “experiment[ation] with plot formulae, self-conscious narration, or simply by denying novelistic expectations” (329). Indigenous novelists also stake cultural space within the genre by inserting Indigenous characters into situations “where readers discover new possibilities for Indigenous lives” (329).

With this background in mind, we see that *Monkey Beach* is a Haisla novel that adapts the novel structure in order to innovate the genre and to also respond to the particular needs of the Haisla Nation. The novel was written in the shadow of the Haisla Nation’s decades-long pursuit to repatriate the G’psgolox totem pole (a struggle mirrored in *Monkey Beach*’s young woman’s efforts to bring her missing brother home). The novel echoes the Haisla Nation’s efforts to have their laws recognized as legitimate on the international stage, and by melding crime fiction with Haisla storytelling, it crafts an innovative tale about reclaiming family and Haisla law. For this reason, I take up *Monkey Beach* in this chapter and read it alongside the G’psgolox totem pole, which was finally repatriated to Haisla territory in 2006. Both the novel and the totem pole will be analyzed through a Haisla storytelling methodology to consider the ways *Monkey Beach* continues Haisla storytelling traditions (nusa or noosa) by using the plot

conventions of crime fiction to express Haisla legal concepts (nuyem or nuyuum) (Green 5; “Haisla! We are our History” 371).¹⁶

The novel situates the central crime of Jimmy’s disappearance within a Haisla legal context, creating a crime novel that relies on Haisla legal understanding to solve the mystery. *Monkey Beach* begins with the protagonist, Lisamarie Hill, receiving a clue in Haisla from a murder of crows. She had just learned that her brother, Jimmy, is missing after his vessel lost contact in a storm. Lisamarie has the unique gift of being able to communicate with animals, spiritual beings, and to receive death-sendings. So when the crows tell her, “*la’es*...go down to the bottom of the ocean” (*Monkey Beach* 1), she sets off on her investigation across the Douglas Channel. The novel follows Lisamarie as she delves into her memory, revisiting significant moments in her family and community’s history; these memories are triggered by various locations she passes in search for Jimmy. Her investigation also depicts her growing contact with the spirit world. While Lisamarie’s ability to communicate with animals and the spirit world may be disorienting to some readers, or indeed, may be read as simply magical realism (Mrak 2 and Lacombe 268), Lisamarie’s journey uncovers a highly complex social system across animal, human, and spiritual societies. *Monkey Beach* is a Haisla novel that squarely situates Western generic conventions within complex social and legal frameworks.

The novel becomes a space where audiences are invited into a conversation about the adaptability of Haisla laws in the present and the flexibility of Haisla storytelling traditions. This chapter is not the first critical work to engage *Monkey Beach* from a legal perspective. In “The Transposition of Law and Literature in *Delgamuukw* and *Monkey Beach*,” Cheryl Suzack shows

¹⁶ Nuyem and nusa have various spellings including nuyuum and noosa, respectively. For the sake of clarity, I have chosen to use the spelling “nuyem” and “nusa” throughout, though I maintain the original spellings in quotations.

how oral storytelling about women's experience is a form of testimony about Haisla women's experiences and exclusion under Canadian law that shapes the fictional Kitamaat we see in the novel (449). Suzack argues that the novel's transposition of oral stories speaks back to the Supreme Court of Canada's exclusion of oral stories as testimony for occupancy in the 1982 land-claims case *Regina v. Delgamuukw* (449).

The G'psgolox pole and *Monkey Beach* are two texts that narrate Haisla legal relationships through story. Tlinglit, Gitxan, Haisla, Kwakwaka'wakw, and Coast Salish are some of the many nations of the Pacific Northwest who carve totem poles to commemorate their relationships to their clans, to their territories, and to significant events that are shared intergenerationally through oral stories (Russell 235-6). Indeed, totem poles are integral participants in maintaining legal protocols and are an extensions of oral stories' codification of Indigenous jurisprudence—what Caskey Russell (enrolled member of the Tlingit Indian Tribe of Alaska) calls “totemic law” (236). In the first section of this chapter, I will analyse the G'psgolox pole's theft in 1929 and its subsequent repatriation to understand the ways Haisla laws are recognizable, or not, by settler governance structures, and the ways Haisla protocols are maintained and revitalized in spite of state attempts to discredit their validity. I show how the G'psgolox pole's origin story and legal journey illustrate the legal maneuverings depicted in *Monkey Beach*. When read together, they present Haisla nuyem and nusa as ongoing and adaptive legal structures and storytelling practices. The second section will discuss the ways *Monkey Beach* adapts plot and character conventions from crime genre to articulate Haisla nuyem. I will consider Lisamarie's position as an investigator, her methods of investigation, and definitions of crime from a Haisla legal framework. The third, and concluding, section explores

the ways Haisla legal traditions change crime fiction from a form of entertainment to a mode that engages its readership in an interlocking relationship to Haisla territory and values.

Notes on the Work of Eden Robinson

Eden Robinson's oeuvre is known for its breadth in genres and its subversion of what mainstream readers expect of Indigenous writing. *Monkey Beach* is Eden Robinson's second published work and was developed from the short story "Queen of the North" from her short story collection *Traplines* (1996). The collection attests to Robinson's generic influences through the short stories' tonally dark, lyrical prose ("Playing Rough"). For instance, her short story "Contact Sports" focuses on a teenager, Tom, who grapples with mental intimidation from his psychopathic cousin, Jeremy, while in "Seven and Counting" a daughter recollects memories of her mother, a serial killer who evaded detection. "Queen of the North" depicts the foundational conflict that undergirds *Monkey Beach*. Told from the perspective of Karaoke, a teenager in Kitamaat, BC, the story focuses on her confrontation with Josh, her uncle and abuser. Her confrontation takes the shape of a practical joke that connects Josh's own experiences of abuse as a child in residential school with his betrayal and abuse of Karaoke (212-3).¹⁷

After *Monkey Beach*, Robinson's second novel *Blood Sports* (2006) elaborates on the relationship between Tom and Jeremy that was first depicted in "Contact Sports." Now adults, the cousins live in Vancouver's Downtown Eastside where Tom tries to build an independent, addiction-free life with his young family, while his cousin Jeremy tortures him psychologically and physically. The novel is noted for its graphic descriptions of torture and its depiction of white protagonists by an Indigenous author. *Quill & Quire* remarks that Robinson's refusal to

¹⁷ The chapter will not discuss Heiltsuk legal theories or narratives though Eden Robinson is from a Haisla and Heiltsuk family. This is to avoid conflating the author with her creation.

conform to mainstream expectations that Indigenous authors only write Indigenous characters is a key characteristic of Robinson's works, which draw from an impressive array of genres and topics ("Playing Rough").

Son of a Trickster (2017) returns to Kitamaat and begins the *Trickster* trilogy where Jared Martin is a teenager dealing with school pressure, dating, and learning that he is the son of Raven. The teen drama is combined with orature to shape a contemporary coming-of-age story directed to youth and an adult audience. The novel's sequel, *Trickster Drift*, was published in 2018 and follows Jared to college in Vancouver where he continues to examine his sometime inconvenient gifts as the son of the trickster. *Son of a Trickster* has recently been adapted to a critically acclaimed television miniseries for CBC Television, *Trickster* (2020) and *Monkey Beach* was adapted as a feature film by Loretta Todd (Métis and Cree) in 2020. Eden Robinsons works stretch the boundaries of multiple genres and Indigenous narratives and these works continue to have a life of their own through multiple adaptations across mediums.

Nuyem: Narrating Understandings of Law

Haisla nuyem is an adaptive legal structure that supports the transmission of community values, connection to place, and a matrilineal clan-based system from generation to generation. In "Haisla! We are our History: Our Lands, Nuyem and Stories as told by our chiefs and elders," nuyem is defined as follows:

The Haisla nuyem is our traditional rule of behaviour and conduct. But, it is more than a set of regulations to be followed. It's not like the Ten Commandments. We can characterize it like this:

- a) Our nuyem is a Haisla philosophy of life that teaches us who we are, our group history and our personal identity as a member of a family and a clan.

b) Our nuyem is the Haisla ‘worldview’, outlining our traditional beliefs about our relationship with other living things and to the physical and spiritual worlds.

The nuyem is part of our tradition, but it is not a cultural leftover from “the old ways”, like a bow and arrow, that is no longer relevant to our lives. Our nuyem is still our law. It is a good law, and it will always be our law. (371)

Nuyem affirms kinship ties to community members and their identity as a matrilineal clan-based system. As a worldview, nuyem extends beyond human interactions to address relations and protocols with land, with spiritual beings, and with other-than-human beings. More importantly, nuyem’s adaptability is an assertion of Haisla perseverance in the contemporary moment. Nuyem is simultaneously “traditional rule” and adaptive to the contemporary needs of the people. It is still “relevant to [Haisla] lives” and able to take multiple forms in order to affirm Haisla sovereignty.

Jacquie, Mary and Ray Green (Haisla) see nuyem as a tool to conserve and perform Haisla life-ways and knowledge systems (Green et al. 59). Their article, “Haisla Nuuyum: Cultural conservation and regulation methods within traditional fishing and hunting,” looks at the ways nuyem helps decolonize conservation debates while revitalizing Haisla hunting and fishing protocols that already “preserve natural resources, provide sustenance for people and ensure that mother earth and all her offspring would be replenished throughout the seasons” (59). The Greens explain that within nuyem are “[c]ultural laws [and] traditional practices [that are] passed down from ancestors who had intimate knowledge and understanding of how these practices would [be enacted by coming generations]” (59). While places, animals, practices, or concepts may have nuyem embedded within them, they remain diverse in their stories and protocols. For instance, nuyem may be passed down through oral stories that rely on the

experiential knowledge of ancestors to guide actions in the present. Sacred locations for hunting and fishing may also have oral stories attached to them, stories that guide the proper ways to hunt, fish, or navigate. Thus, these stories not only enable success living on the land, but ensure people are responsible to the land. In the late-twentieth century, British Columbia's conservation movement has succeeded in enacting drastic regulations on fishing and harvesting, impeding the assertion of Haisla sovereign rights. The Greens state that Haisla are already practising good conservation because *nuyem* prioritizes maintaining good relations with the land. Reinvigorating and practicing *nuyem* is an essential act of decolonization against settler-colonial forces that attempt to contain and constrain Haisla sovereignty (59).

The Greens' view that *nuyem* decolonizes settler discourses and conserves Haisla lifeways is similar to Michi Saagiig Nishnaabeg author Leanne Betasamosake Simpson's view that Indigenous storytelling creates space for Indigenous legal orders to resurge. Like the Greens, Simpson considers storytelling a decolonizing force ("Anticolonial Strategies" 378). This is because oral stories are encoded with knowledge about Indigenous philosophy, diplomacy, cultural teachings, and place-based knowledge that has been passed down intergenerationally (378). Telling stories is a decolonial act because it allows listeners to decode the embedded knowledge within a community context and apply this knowledge to their daily life.

The Greens' framing of *nusa* and *nuyem* makes space to consider literature's role in communicating legal frameworks. In her doctoral thesis "Learning Haisla Nuuyum through stories about traditional territory, feasting and lifestyles," Jacquie Green conceptualizes Haisla knowledge systems and storytelling protocols—*nusa*—as valid theoretical frameworks for researchers. She positions *nusa* as a critical paradigm to think through the ways that traditional knowledge is collected, analyzed and shared to think through cultural revitalization (5).

Furthermore, Green states that the act of storytelling is a unique experience between community members (30): a “Noosa space,” as Green explains, involves multiple listeners and storytellers and, “[t]ypically stories or teachings within a Noosa space resonate from experiences, dreams, fishing, hunting and often include humorous experiences” (30). This description positions Haisla storytelling as a process of memory, of adaptation, and connection to community. Green’s argument that nusa is a lifelong process of knowledge acquisition, in which stories rearticulate or reshape ancestral knowledge and lived-experience for cultural revitalization, resonates with Robinson’s opinion that every object has a nusa that is connected to a wider body of knowledge (*Sasquatch at Home* 12). *Monkey Beach*’s experimentation with narrative style, its use of oral stories, and the care taken to respect sacred knowledge mark the novel as a difficult text to interpret. Reading the novel through nusa helpfully illuminates the ways characters relate to their community, the land, and other-than-human beings.

Monkey Beach’s narrative is multilayered, including Lisamarie’s first-person narration as she searches for Jimmy; first-person memories of her childhood; retellings of oral stories; and unattributed second-person narration. This writing style reflects the aesthetic of sharing stories within a nusa space. Lisamarie’s first-person narration creates a direct link between speaker and audience, mirroring the relationship between storyteller and listener within a nusa space (Green, “Learning Haisla Nuuyum” 30). She narrates memories of meeting her Uncle Mick for the first time, recollections of dreams, and a memory of her father telling a traditional story (*Monkey Beach* 22-4; 6-7; 7-8). Her first person narration addresses the reader and invites them into a storytelling space that includes her own memories and direct experiences. This space encompasses her family’s voices, experiences, and stories; the layering of stories and their transmission through memory mirrors nusa’s layered effect. *Monkey Beach*’s cacophonous

structure is an articulation of the ways that Haisla knowledge persists across generations and forms.

Defining Theft and Performing Justice: Reclaiming the G'psgolox Pole

When settlers remove cultural objects from Indigenous territories, the stories attached to those objects are severed from their geographic, epistemological, and political contexts, perpetuating settler-colonial violence and Indigenous legal erasure. One example of this is the theft of the G'psgolox Pole from Misk'usa. This was a major trauma to the Haisla nation, a denial of their sovereignty on the land, and a bald rejection of sacred and political protocols attached to seemingly “artistic” objects like totem poles. *Monkey Beach* was written during the totem pole's repatriation process and so the Haisla nation's struggle to regain the pole contextualizes our discussion of *Monkey Beach*'s performance of nuyem.

In 1872, Chief G'psgolox (Eagle Clan) commissioned the mortuary pole and intended it to fulfill its lifecycle by eventually decaying and returning to the earth at Misk'usa (Cardinal 00:09:12-00:10:11). However, European settlers misread the pole's function and importance and disrupted this process. Olaf Hanson, the Royal Swedish Consul, took the pole in 1929 while he was stationed in Prince Rupert, BC; thinking the pole abandoned, he gave it to the Government of Sweden (00:11:21-00:11:40). This was at a time when interested European tourists, anthropologists, and government officials sought to “preserve” totem poles from decay—and to ensure they remained viable tourist attractions (Darling and Cole 29). Marius Barbeau conducted anthropological work in the Skeena region during the early 20th century, documenting the boom of totem art in the 1850s and tracing its proliferation throughout the Northwest Coast of North America (Barbeau 5-9, 14-5). David Hancock explains that importance of Barbeau's documentation, as “few totem are found in their original surroundings”; many have decayed,

been sold, removed without consent, or were removed by communities after converting to Christianity (4). Totems are now housed in museums across the globe or “adorn the parks of cities along the Northwest Coast” where curators and patrons appreciate them for their beauty (4). Preserving totem poles was an economic boon for Canadian tourism and for museum curators, but by turning sacred objects into pleasing artifacts, Indigenous communities were denied vital connections to their ceremonies.¹⁸ This was also a time when, according to Sylvia McAdam, Indigenous life ways and ceremonial life was made illegal through the *Indian Act* (22).¹⁹ Clearly not considered theft by the Canadian government, the pole was sold to Olaf Hanson and cut down by Ivor Fougner, the local Indian Agent (00:11:40-00:11:43). Its whereabouts remained a mystery to the Haisla—until Elder Cecil Paul identified it in an anthropology textbook (Cardinal 00:04:49-00:04:56)²⁰ Beginning in 1991, multiple delegations traveled to Sweden to negotiate the pole’s return, citing “their wish to reclaim the totem pole and that it was taken without their consent during a time of European dominance” (Haisla Totem Pole Committee 2).

¹⁸ In a strange twist, Sir Arthur Conan Doyle—famed crime writer—had taken an interest in spiritualism later in life and contacted the Canadian Government in 1924, urging them to preserve BC totem poles (Haisla Totem Pole Committee 2). In his letter, Doyle wrote that the poles are “the historical landmarks of the State and every year will add to their value” (Public Archives of Canada, Department of Indian Affairs).

¹⁹ Cole and Darling discuss the government’s fear that the art of totem pole carving was “disappearing,” which led to the 1926-1929 preservation project along the Skeena River (39). However, totem pole carving along with the ceremonial practices linked to carving was banned in 1884 under The *Criminal Code of Canada* along with potlatch ceremonies associated with their raising (and potlatch ceremonies more broadly). Therefore, the theft of the G’psgolox pole is part of a longer assimilation project that sought to annihilate Indigenous self-governance, knowledge systems and ceremonial life in the name of “preservation.”

²⁰ Gil Cardinal’s documentary *Totem: The Return of the G’psgolox Pole* (2003) excellently documents the processes and effects of negotiating the totem pole’s return. Cardinal filmed a sequel documenting the pole’s final return in *Totem: Return and Renewal* (2007).

The theft testifies to the damage that comes from severing totem poles from their political and spiritual contexts. For the Haisla, uprooting the pole not only negated their presence on the land and their political sovereignty, but also breached the spirit and intent of the pole. Though the government sought to “conserve” the pole from decay, their paternalistic assumptions ignored the nation’s desires and responsibilities. It may have been thought of as a benevolent gesture, but the theft violently severed the pole from its geographic, spiritual, political and communal relationships to which it was a participant.

The repatriation process was difficult, as the Haisla nation had to prove to the Swedish courts that the pole was taken without the original consent of the people and that the Haisla Nation was still the pole’s lawful steward. Gil Cardinal’s (Métis) documentary film *Totem* shows clearly that the pole was stolen and that its theft contravened the protocols outlining the poles use. Luisa Smith, a “direct descendant of [Chief] G’psgolox,” recalls, “And very faintly, I could remember my grandmother telling stories about the old totem pole, how it was taken against the will of the people, the family of G’psgolox” (00:05:55-00:07:04), while Gerald Amos, a Haisla delegate, insisted during a 1991 interview with the Swedish press that, “In our view, it was taken without proper consent, we feel in the large part that it was in fact stolen” (00:14:40-00:14:50). The case was a property dispute in nature and did not decide whether the pole was stolen according to European laws (00:00:43-00:01:08). However, remembering that the repatriation originated with theft according to Haisla laws is a potent reminder of the power of courts of law to shade the official record of a wrongdoing.

The Haisla nation negotiated a tentative agreement in 1994. Terms included building a climate-controlled building for the pole’s display, with Sweden insisting that the pole should be preserved and not returned to the land as the Haisla protocols would have it. To meet the terms

of return, the Haisla nation fundraised the cost of carving replacement poles by holding community dances, as the Canadian government would not cover any of the costs (Cardinal 00:30:05-00:30:59). In 2000, the descendants of the original master carvers, including Henry Robertson, carved two poles: one for the museum and another to stand at the pole's original resting place at Misk'usa (Haisla Totem Pole Committee 3). A ceremony to wake the spirit of the replacement poles was held after the poles were completed (Cardinal 00:44:10-00:46:28). On August 29, 2000, one of the poles was erected at Misk'usa. The Haisla nation invited delegations from neighbouring nations, delegates from the Sámi people (Indigenous peoples of Scandinavia), the museum's representatives from Sweden, as well as the entire community of Kitamaat to participate in the ceremonial raising. Finally, the master carvers traveled to Sweden to deliver the second replacement pole to the museum and in so doing performed an outreach program with museum visitors (Cardinal 00:46:29-00:51:07; 00:51:08-00:58:56).

The G'psgolox pole's repatriation process was skewed towards colonial legal understanding of ownership and did not restore what was taken in a way that mutually benefited the Haisla nation. The repatriation process was delayed due to the museum's escalating conditions for the pole's return and the Haisla nation ended up giving much more than originally pledged in order to regain the pole despite legal constraint and monetary pressures (Haisla Totem Pole Committee 3).

As such, the G'psgolox totem pole reclamation is an example of justice on Haisla terms. The Haisla nation negotiated through the courts *and* performed ceremonies to fulfill their responsibilities to the land, the spirit world and the pole. By commissioning Henry Robertson, one of the descendants of the original master carvers, the nation was not only meeting the museum's demands but also creating a relationship between the original pole and its

replacements. The ceremony to wake the two replacement poles honoured the poles' spirit and completed a purpose that the original pole was unable to fulfill (Cardinal 00:44:10-00:46:28). Furthermore, by inviting international delegates and Indigenous delegates from neighbouring nations, the invitation affirmed traditional relations between neighbouring nations while also affirming Haisla sovereignty on the international stage. Henry Robertson's visit to Sweden not only raised awareness about the issue of repatriating Indigenous museum pieces with the public, but it also engaged relations between Indigenous and European nations as an assertion of Haisla sovereignty. The drawn-out negotiations point—not to a failure at negotiation but—to a persistent approach to justice that repairs complex communal, governmental, and spiritual relations. Though the Haisla nation gave much more to reclaim what was taken, they created bonds with those who harmed their community and engaged them in a reclamation that honoured spiritual, ecological and human protocols. These gifts are a strong articulation of peoplehood and self-governance in the face of colonial misrecognition.

As a nusa that expresses nuyem, the pole's origin story resonates with the Haisla nation's approach to repatriation. As recounted in Cardinal's documentary, "In Misk'usa, influenza, tuberculosis, and smallpox decimated the Henaksiala. Chief G'psgolox lost most of his family" (00:06:56–00:07:11). Luisa Smith elaborates:

and he went into the forest, and he was walking aimlessly he was in so much grief. And he came upon a little man. The man asked him why he was so sad—what caused so much of his sorrow. And he told him that his family died, his children with the exception of his wife. And he didn't know it at the time, but the person he encountered was a mythical being. And his name is T'suda. And T'suda told him to go back to where he buried his family. At that time, the burial was on top of the trees. And he was given a crystal, and

was told “when you go at the base of the tree and before you call down your family you take a bite of this crystal.” And he did as he was instructed. He went back and he took a bite of the crystal and he called to his family to wake up, “come down from where you’re laying.” And he was surprised when they all sat up and they were coming down from the treetop. And among his family was this little man that he encountered in the forest. And as a result of that encounter G’psgolox hired two Raven chiefs to carve out the mythical being T’suda. (00:07:12-00:09:12)²¹

This origin story outlines the ways the G’psgolox pole fulfills protocols for good relationships between the Haisla nation, the spirit world and the dead. Chief G’psgolox repays the little man’s help by commissioning the pole. Furthermore, taking responsibility to care for the pole and remembering its story is an ongoing responsibility to repay T’suda for his kindness (00:09:25-00:10:12).

The G’psgolox pole’s origin story has notable parallels with the story in *Monkey Beach*. T’suda in the origin story and the little man in *Monkey Beach* are strikingly alike: both beings appear suddenly to G’psgolox and to Lisamarie to offer aid. Chief G’psgolox, a man bewildered over the loss of his family is akin to Lisamarie, who also goes wandering for lost loved ones. In both instances, their experiences leave them with more knowledge of the spirit world: G’psgolox pays tribute to T’suda by carving the pole, thereby repaying T’suda for his aid, whereas Lisamarie repays the spirit world with her blood at the novel’s conclusion (*Monkey Beach* 361; 365; 367-8). G’psgolox reaffirms his relationship to his family despite death; similarly, Lisamarie learns that she can continue a relationship with her lost loved ones in the spirit world.

²¹ T’suda is also sometimes written “T’sooda.” I have chosen to maintain the former spelling for consistency.

Both stories explore complex negotiations between human and other-than-human beings. These parallels clearly situate *Monkey Beach* within a Haisla storytelling framework in which characters grapple with their connections to the spirit world and their responsibilities to Haisla legal frameworks.

The G'psgolox pole connects storytelling with protocols and Haisla sovereignty. The pole records the origin story, and in so doing, physically embeds the story and Haisla sovereignty on the land. Pole carving illustrates that key moments of Haisla justice are articulated, remembered, and honoured through commemoration. Pole carving is a ceremonial performance of Haisla legal systems and we can consider the ways the novel rearticulates this process in written form.

Monkey Beach performs nuyem and so has similar responsibilities to facilitate good relations between communities, the land, and the spirit world. The G'psgolox pole may not be referenced in the text, may only rest in the margins of the novel's creation, but it fosters kinship with *Monkey Beach* across artistic and literary divides. Much like the pole did for a time, *Monkey Beach* exists outside of the legal context that birthed it. *Monkey Beach* was expressly created to circulate outside of Haisla territory through its publication; the novel is, therefore, open to interpretation by diverse audiences. Yet, circulation necessarily decontextualizes some of the novel's legal relationships. When *Monkey Beach* is brought back "home" to Haisla territory, it becomes apparent that the novel's relationship to its legal context, to communities, and to place is vibrant, resilient, and adaptive.

"I wait, but nothing answers": Detecting crime and transgressions beyond the state

Monkey Beach contains many common tropes that make the text legible as crime fiction—specifically as a detective story. Martin Priestman explains that Edgar Allan Poe invented the

detective story in 1841 and the story format gained popularity with its dual structure that both explains a crime and follows its investigation (2). John Scaggs explains that detective fiction focuses on the detective figure and their method for solving the mystery (144). Rob Appleford briefly notes that *Monkey Beach* could very easily be read as a “mystery novel” and sees Jimmy’s disappearance as a gateway to discover latent crimes in Lisamarie’s community (94). The novel opens with the common crime fiction trope of a disappearance (of Lisamarie’s brother Jimmy and his fishing boat). In the novel’s conclusion, it is revealed that Jimmy had murdered their Uncle Josh in revenge for sexually abusing his girlfriend, Karaoke. Jimmy was then lost at sea. By searching for her brother across human, animal and other-than-human spheres, Lisamarie is a detective who uncovers further crimes in her community. These crimes include the murder of Uncle Mick’s activist wife—Cookie—by FBI agents; Uncle Mick and Aunt Trudy’s abuse in the Canadian Indian Residential School System; and her own, since repressed, sexual assault (94). The novel features additional conventions from detective fiction: a circular plot; the primary crime is only solved in the conclusion; the case is only seen from the detective’s perspective; and scenes set in a gritty, urban underbelly. Appleford’s suggestion that we can view Lisamarie as a detective figure is compelling.

While the novel is concerned with gritty violence and hidden family crimes, it unsettles crime genre conventions to trouble Western legal frameworks. Appleford’s remark that Lisamarie “gradually discovers skeleton after skeleton in her family closet” is an apt description of the way crime circulates in the novel (91). But these crimes do not exist solely in the familial realm; these seemingly separate violent moments in her family and community history are entangled by harmful Canadian legislation. Pooch and Karaoke’s sexual abuse is linked to Josh’s own abuse in at Residential School. All three are victims—as a survivor and as intergenerational

survivors—of legislation that separated children from their families and communities. Ma-ma-oo, Ba-ba-oo, Mick and Trudy are all also survivors of the Canadian Indian Residential School System, and Ba-ba-oo is himself an abuser. By showing how individual perpetrators are entangled in greater systemic crimes, *Monkey Beach* is unsettling the reliable conventions of crime fiction, and the reliability of state justice at large. By unsettling crime conventions, *Monkey Beach* posits that justice rests with Haisla legal frameworks not with the state. Indeed, Haisla legal system's resurgence through genre fiction reflects what Michele Lacombe sees as Robinson's ability to imagine Indigenous alternatives as a form of resistance (259-60).

“las'da”: Going to the bottom of Haisla legal narratives

To Appleford, crimes are complexly exerted across cosmological realms. From this perspective, animals punish humans for their transgressions (94), and Appleford describes alliances between humans and other-than-humans (87). His article primarily focuses on the enigmatic howl that ambiguously concludes the novel:

Robinson's novel exploits the ambiguity of this *b'gwus* figure [Sasquatch] to unify the novel around the theme of judgement and retribution, and to foreground the fundamental anxiety over the inscription of Haisla cultural values within the text. The *b'gwus* or Sasquatch is both a ubiquitous presence in West Coast First Nations mythology and a co-opted sign in settler culture... Thus, Robinson allows the reader to see the *b'gwus* as another example of popular culture, to be catalogued with the myriad of other examples in the novel, such as Dynasty, Elvis, Air Supply, and supermarket tabloids. Yet, the *b'gwus* as it is employed in the novel is also associated with Haisla cultural values, spiritual power, and real terror. (87-88)

Through the b'gwus's howl, he draws Lisamarie into its orbit where both are representatives of "judgement and retribution" (87). This reading of Lisamarie as an investigator into a Haisla legal system strengthens the relationship between human and other-than-human law, emphasizing that a human legal system is but one part of an interrelated legal universe.

Building on Appleford's observations, we might see Lisamarie as a nolaxw, medicine woman, "a person who can see things in the future" (Barbetti and Powell 373), who is investigating Jimmy's disappearance according to nuyem, rather than the conventions of a Western detective.²² According to "Haisla! We are Our History, Our Lands, Nuyem and Stories: as told by our chiefs and elders," the nuyem states that each generation has individuals capable of filling certain roles needed to practice the nuyem and to pass it on to the next generation. These roles include "a story teller...a judge...a carver, and a rememberer." Every generation also includes, "a person who can see things in the future" (373). Able to contact the spirit world and receive death-sendings, Lisamarie fits this role. Lisamarie has learned nuyem through personal experience and engagement with her community, though her learning is ongoing.²³ Rejecting the premise that a singular person can independently accrue complete understanding and act morally, Lisamarie's role as a nolaxw relies on interdependent relations to land, community, and

²² Within Haisla nuyem, "Nolaxw, nolaxw, nolaxw" is stated, "When we observe something in the natural world that is remarkably beautiful or something rare that we have never seen before, our nuyem tell us to express our admiration by saying, "Nolaxw, nolaxw, nolaxw" ... *The person in each generation who has the gift to "see" is called Nolaxw, he or she sees things that others don't see.* Recognizing the awesome rarities of life by saying, "Nolaxw, nolaxw, nolaxw," as our law demands, is a very "Haisla" thing to do" (Barbetti and Powell 375, emphasis added).

²³ In *nêhiyaw* legal contexts, children are born into a system of knowledge. Their birthright is to learn and have life-long engagement with "these teachings and knowledge" (McAdam 28). Similar commitments to life-long learning are echoed in the Haisla *nuyem*: "Because our nuyem was not written, every Haisla was taught it. We can say that the nuyem was a body of cultural knowledge that was known by every Haisla. In general, the Haisla young people learned it by hearing it over and over" (Barbetti and Powell 373).

cosmological realms to inform her decisions. Her reliance on her kinship networks, stories, interactions with the spirit world, and healthy interactions with the physical world underscores their importance for truth-finding, and ultimately to heal a community after a crime.

Appleford concludes that Lisamarie is not a successful detective. He states that she “is a highly problematic detective and an imperfect moral arbiter” due to her naïveté and her “ignorance of Haisla traditions and knowledge that might serve to orient [her]” (91-2). But these conclusions rely, perhaps unwittingly, on conventions of Western crime fiction to determine Lisamarie’s success. Conventionally, crime fiction focuses on a singular investigator who, using their mastery of the legal system, accrues the necessary *physical* evidence to determine the guilty party. It is then their job to decide on the appropriate punishment, whether through the court system or by their own violent hand. This is a mirror to settler-colonial extractivist tendencies; Western detectives rely on practices that excise physical clues from the land and exploit information from witnesses. Lisamarie does not participate in this extractivist practice: she operates collaboratively by maintaining healthy kinship networks with family, community, the land, and other-than human beings. Lisamarie’s failure to conform to individualistic practices enables her to search in ways that are supported by Haisla knowledge production and legal systems. By focusing on Lisamarie’s individual actions and successes, or lack thereof, Appleford’s critique relies on Western individualism—and denies Haisla epistemologies, kinship networks and responsibilities to community.

While employing her position as a nolaxw to investigate her brother’s disappearance in the spirit world, Lisamarie encounters agents of the state running their own investigation using Western methods. Lisamarie narrates on the morning after Jimmy’s disappearance that, “My mother answered the phone when the Coast Guard called. I took the phone from her hands when

she started crying. A man told me there had been no radio contact since Saturday, two days earlier. The man said he'd like to ask me a few questions. I gave him all the information I could" (5). Lisamarie is limited in her ability to contribute to the Coast Guard's investigation, as their standard methods are restricted by Western epistemologies. The Coast Guard asks, "Did I know anything else that could be helpful? No, I said. It wasn't really a lie. What I knew wouldn't be particularly useful now" (6). She may know most about Jimmy's possible whereabouts through her engagement with the spirit world, but she cannot prove it with empirical methods. This is juxtaposed again when the Coast Guard describes the evidence they have accumulated thus far: Jimmy had been missing for "36 hours" when he and the seiner did not arrive in "Area 8" (6). E. Richard Atleo (Nuu-chah-nulth) explains that Nuu-chah-nulth origin stories contain truths that science cannot access, indeed, that science cannot recognize through its self-imposed boundaries (5). Though on the surface Lisamarie and the Coast Guard investigate in similar ways, they are undergirded by differing knowledge systems: both have strong understandings of the landscape and waterways, both search for Jimmy by boat; yet, her movements across the Douglas Channel are linked to Haisla epistemological understandings of the interrelatedness between human, spiritual, and natural laws, of which the Coast Guard's investigation is completely ignorant. Lisamarie therefore chooses to honour both her connections to Haisla legal systems and to her family by renewing Haisla forms of investigation.

"Don't you pay attention?": Creating an Investigative Methodology for a Nolaxw

Stories centred on Indigenous investigators tend to lean into a crime genre convention of pan-Indigenous spirituality that situates Indigenous spiritual knowledge as exotic and illogical (Browne 8). This is not the case in *Monkey Beach*, as Lisamarie is using Haisla spirituality as a foundation for her investigation, an approach rooted in the transmission of Haisla nuyem. Atleo

argues for the validity of the “spiritual methodology of knowledge acquisition” by drawing on the Nuu-chah-nulth framework of oosumich. Oosumich is a set of protocols where whalers cleanse, pray, and spiritually prepare for a hunt (17). To Atleo, oosumich demonstrates that “the source of success in the physical realm is found in the spiritual realm” (84). Similarly, Lisamarie must work to understand spiritual laws’ effects on the physical realm in order to successfully investigate her brother’s disappearance. The task is daunting; however, she inhabits her role as a nolaxw and fulfills her kinship responsibilities through her repeated attempts to understand Haisla legal systems. Sylvia McAdam explains that humans are born into a system of responsibility between various living beings (36-7): “Animals, plants, earth, the environment, and all other creations have laws that are interrelated with human laws,” but humans may not know them all (37-8). Throughout her investigation, Lisamarie attempts to perceive and understand this Haisla legal order by engaging with her family, interacting with the spirit world, and listening to nusa.

On a surface reading, Lisamarie’s skills for perception are doubtful. She is not praised for her observational skills and never seems to master situations around her. She is accused of being “dense” and Tab exasperatedly asks, “Don’t you pay attention?” (59). At first, it appears that Lisamarie is constantly misinterpreting the events around her, as illustrated in many of her earliest memories. When she first meets Uncle Mick as a young child, she interprets her father’s tears as those of sadness at seeing his brother. Lisamarie is infuriated that Mick is the cause of her father’s pain and lashes out in attack (*Monkey Beach* 23). Lisamarie’s pattern for misinterpretation continues with her interactions with the little man:

I stood beside a ditch, looking down at a small, dark brown dog with white spots. I thought it was sleeping and climbed down to pet it. When I was near enough to touch it, I

could see that the dog's skin was crisscrossed by razor-thin cuts that were crusted with blood. It had bits of strange cloth tied to its fur. The dog whimpered and its legs jerked.

Someone tsk-tsked. I looked up, and a little, dark man with bright red hair was crouching beside me.

"Your doggy?" I said.

He shook his head, then pointed towards my house.

"Lisa!" Mom yelled from our front porch. "Lunchtime!"

"Come see doggie!" I yelled back.

"Lisa! Lunch! Now!"

Later, I dragged Mom to the ditch to see the dog. The flies had found it. Their lazy, contented buzz and the ripe smell of rotting flesh filled the air. (18-19)

Lisamarie naively assumes that the "doggy" belongs to the little man, neither realizing that he is a spiritual being, nor that the "doggy" is near death (if not dead already). The episode depicts her first meeting with the little man and sets up a pattern of miscommunication.

We could argue that Lisamarie really is clueless, but that is not from a lack of observation. While Lisamarie is unable to decipher the significance in front of her the first time she sees the dog, it is during her second visit that Lisamarie approaches the dog much more closely to discern the details and to understand that it is in fact dead. The description of the dog's smell, its rotting flesh and the sounds of the flies' buzz emphasize that understanding is produced through proximity and revisiting. Throughout the novel, Lisamarie is observing and reevaluating the events that she witnesses, In fact, as Richard Lane argues, Lisamarie is not blind to the events around her, but rather she is overstimulated by her interactions with the spirit world. And while "Lisamarie Hill spends much of her time in *Monkey Beach* learning how to productively use or

even just make sense of her spiritual powers” (167-8), Lisamarie requires multiple reflections on what she has witnessed to make sense of the clues before her. Lane states that the doubleness of her name, “Lisamarie,” is representative, “from a spiritual perspective, of her ‘doubled’ powers of metaphysical perception” (167). Lisamarie demonstrates a constant engagement with the spirit world, though she may not master it over her investigation’s short time frame. As a *nolaxw*, Lisamarie may not “pay attention” in the conventional sense, but she is enmeshed in a long process of learning from her engagement between her community and the spirit world.

Lisamarie is paying attention to both the spiritual and physical worlds, and it is only through slow accumulation that Lisamarie understands how the clues add up to explain Jimmy’s disappearance. These clues are physically untraceable, first-hand observations of the events around her and the spirit world that are not easily contained and presented as evidence from a Western legal perspective. They accumulate to narrate the sweeping context of her brother’s disappearance. The assumption that Lisamarie is unable to “read the signs” and is therefore torn between an assimilated present and traditional past (Purhar 40; 50-1) supposes that Haisla lifeways are relegated to the past. It also assumes that Lisamarie has clear and precise information from the spirit world, when, in fact, the majority of the novel emphasizes just how obtuse and ambiguous the spirit world is with the physical world.

G’psgolox’s origin story helps problematize Purhar’s claim that Lisamarie’s misrecognition of the spirit world is a sign of assimilation. If readers recall, G’psgolox does not at first realize that T’suda is a spiritual being (Cardinal 00:07:12-00:09:12). It is only when T’suda descends from the trees with G’psgolox’s revived family that he understands T’suda’s true form (00:07:12-00:09:12). Lisamarie’s similar struggle to recognize and speak with the spirit world demonstrates that communicating and creating relationships with other-than-human

beings is always difficult and takes time. These parallels between G'psgolox and Lisamarie refuse the reading that misrecognizing the spirit world is a sign of assimilation in the contemporary moment (Purhar 50-1). Instead, such misreadings point to the need for repeated engagement to develop understanding, a primary tenet of nuyem. Jacquie Green explains that “It has been emphasized in these teachings that you learn through experience and that teaching is shown and told over and over” (71). This is a much more humble investigative methodology than that of the idealized Western detective; unlike canonical figures such as Sherlock Holmes or C. Auguste Dupin, who investigate according to the premise that they have mastered Western knowledge systems, Lisamarie is an investigator who understands that knowledge cannot be mastered and is always reevaluated through experience. G'psgolox and Lisamarie both learn through repeated first-hand engagement with the spirit world; while understanding is not immediately fostered, their actions solidify relations with other-than-human beings and rely on nuyem's protocols for learning as their methodologies.

“Family is first”: Nusa and Nuyem's Responsibility to Kinship

Lisamarie honours her responsibilities to her family and community by investigating in a way that takes direction from, and further supports, nuyem. Lisamarie's responsibility as a nolaxw is intimately tied to her kinship relations. Efthymia-Roupakia's assertion that the novel fosters Lisamarie's need for the “practice of ‘careful’ and self-reflexive adjudication” speaks to Lisamarie's experience of learning Haisla laws throughout her life, Efthymia-Roupakia's claim that adjudication replaces responsibility to community (293-4) rings false. The novel focuses almost entirely on Lisamarie's relationship to her family, her territory, and the spiritworld, which is the foundation to Haisla laws. The nuyem states, “Family is first. The family provides support to those who need it.... Everyone in the family is responsible for teaching and guiding the

young” (Barbetti and Powell 372). Her actions speak to her responsibility to her family, yet this responsibility extends beyond the family unit towards a system of—to borrow from Daniel Justice—“rights and responsibilities” (151). Lisamarie is not the sole arbiter of justice or morality, but she is acting within a larger framework of responsibilities that drives her investigation.

Lisamarie is an active participant within this kinship network. Her search for Jimmy is an extension to her responsibility as a sister and not exclusively dependent on her mastery as a *nolaxw*. During a childhood visit to Monkey Beach, Lisamarie takes on the task of finding her brother who has run off (15). Disobeying her parents’ wishes that she stay at camp, Lisamarie cries ““I found him!...I found him!” Without waiting to see if anyone heard [her, she] started to run after him” (15). Lisamarie’s childhood sisterly devotion re-emerges in her search for Jimmy. She harbours guilt over her failure to harness her abilities to save Jimmy and honour her kinship responsibilities—she cites her dream of Monkey Beach as “regret at missed opportunities” — yet her responsibility to kin compels her to search Monkey Beach (17). Lisamarie’s role as an investigator is an extension of overlapping obligations to kinship, land, and spiritual realms. It is through her investigation that she learns to navigate across overlapping legal systems to understand her place, and subsequently Jimmy’s actions within this system of “rights and responsibilities” (“Go Away, Water!” 151). Within this context, Lisamarie is an investigator who must accrue knowledge across various epistemological frames that ultimately supports *nuyem*’s obligation to family.

A *nuyem* framework clarifies the ways Lisamarie’s family fulfills their own responsibilities to family and gives Lisamarie the skills to investigate Jimmy’s disappearance. Lisamarie’s family gives her *nusa*—stories that indirectly explain protocols. Traditional stories

include the founding of Kitamaat, stories of B'gwus, and Weegit, and Lisamarie also learns nuyem from her relatives' personal stories. Nusa is "[a] traditional way of teaching children Haisla nuyem, or protocols" (*The Sasquatch at Home* 43; n4). Jacquie Green explains that Haisla nuyem are complex networks of ongoing "inherit[ed] knowledge" and relations, "that focu[s] us to our various obligations to ecology, cosmos and all living things" (62). In *The Sasquatch at Home*, Robinson describes the concept of nusa by telling a story of a trip to Graceland with her mother: "More importantly, as we walked slowly through the house and she touched the walls, everything had a story, a history. In each story was everything she valued and loved and wanted me to remember and carry with me. This is *nusa*" (13). Lisamarie is given a wide variety of knowledge through stories such as these. Importantly, this means it is not only Lisamarie who must engage with the spirit world. She is dependent on her family and relations to honour their responsibilities and teach her the proper protocols and knowledge systems through nusa to enable her investigation.

From childhood until adulthood, Lisamarie's parents continue to teach the importance of proper protocols with place, other living beings, and the interconnections of all things. Her mother, Gladys, explains the proper way to introduce oneself to the water stating: "'When you go up the Kitlope,' Mom said, 'you be polite and introduce yourself to the water.' I didn't see the point and said so. 'It's so you can see it with fresh eyes,' Mick said" (112). Even in the face of Lisamarie's uncertainty, Gladys continues to teach the importance of maintaining protocol with the land. The practice not only lets Lisamarie "see it with fresh eyes," it perpetuates protocols and enables good relations. It is during this same trip that Gladys tells her a nusa of the Stone Man:

Mom pointed to the mountain behind the sandy beach. The clouds hadn't lifted high enough for us to see him. When I was little, she told me that the Stone Man was once a young hunter with a big attitude. He thought he knew everything, so when the elders warned him not to go up the mountain one day, he laughed at them and went up anyways. Near the top, he sat down to rest and wait for his dogs. A cloud came down and turned him to stone. (113)

This nusa connects the Hills to the Kitlope region and teaches that children should listen to the advice of their elders and avoid arrogance or conceit. It could also be read as a warning from her mother: do not adopt the hunter's attitude. Lisamarie is very much like the hunter as she tracks her brother's whereabouts; however, she should not be foolish enough to think she knows everything about the spirit world or she may face dire consequences. Later, Ma-ma-oo echoes this in a direct warning: "But there's good medicine and bad. Best not to deal with it at all if you don't know what you're doing. It's like oxasuli. Tricky stuff" (154). Gladys's use of nusa teaches her daughter nuyem, fulfilling her responsibility as a mother to teach her daughter proper protocol towards elders and the land. It is also a strategic deployment of story as Gladys gently guides her daughter into respectful relationships with the spirit world.

Mick also fulfills his responsibilities to nuyem by teaching Lisamarie. He teaches her the song "Fuck the Oppressors" (*Monkey Beach* 68-9), which Lisamarie deploys in protest to prejudiced teachings of Haisla history in the classroom (69), and also teaches her about Indigenous activism by sharing his experiences in the American Indian Movement (52-4). Mick's teachings about Indigenous nationhood and activism prepare Lisamarie to take action in protecting Haisla sovereignty. Later, he takes her fishing and gathering, they go q°alh'm picking (73), and share salmonberries and thimbleberries (77) with Ma-ma-oo who, in turn, makes berry

stew to share (78). In this time together, Mick models ways of investigation based on an understanding of habitat and growth cycles, and generosity as a reciprocal practice that strengthens familiar relationships. These are the proper methods to search for Jimmy: Lisamarie's knowledge of the landscape and close fraternal relationship are what enables her to uncover and understand Jimmy's actions (Soper-Jones 23).

While Mick's influence is more obvious, Gladys's influence is subtle. Sonu Purhar suggests that Lisamarie's parents' apparent rejection of Haisla spirituality, explicitly Gladys's role as a medicine woman who also receives death sendings, is a rejection of Haisla identity in favour of Western assimilation (37-8). Indeed, Purhar states that by refusing Haisla spirituality, Lisamarie's community is "Western-minded" (37).²⁴ This statement does not fully take into account the nature of Gladys's relationship with Haisla worldviews, shaped as it is by settler-colonial violence. While Ma-ma-oo speaks explicitly of the spirit world, Gladys is someone who has navigated the spirit world with the added difficulty of surviving residential school, which sought to sever Haisla people from their spiritual practices. Therefore, Gladys's silence surrounding the spirit world can be read as an act of self-preservation and not necessarily a direct dismissal.²⁵

²⁴ Purhar's argument could be expanded to fully address contemporary settler-colonialism's violent forms. Contemporary colonialism attempts to eradicate Indigenous identities, instead of bodies, by creating an "aboriginal" identity constituted by settler-colonial governments (Alfred and Corntassel 598). Indigenous peoples are, "forced to cooperate individually and collectively with the state authorities to ensure their physical survival" (599). However, Indigenous people often resist constraining legal definitions through the resurgence of nation-specific life-ways, protocols, and spiritual beliefs that are rooted in a deep sense of kinship (608). Such practices demonstrate the adaptability and ingenuity of Indigenous peoples in the contemporary moment (608).

²⁵ Many moments in the novel challenge the reading that Gladys has completely distanced herself from her connections to the spirit world. Lisamarie's observation that "She kissed Jimmy like she was never going to see him again" suggests that Gladys has had a premonition of her son's imminent death (364).

Gladys does honour her responsibilities as a mother and medicine woman by engaging in the process of *nusa* with Lisamarie by sharing stories on the land. As the *nuyem* states, “What you learn or receive, you give back in some form. A parent should train the children about the *nuyem*, to take responsibility and not to be lazy.... Never give children anything they don’t earn” (Barbetti and Powell 373). Gladys does give back to Lisamarie by teaching her *nusa* and repeating *nuyem*. Yet, how might the declaration to “Never give children anything they don’t earn” complicate our assumptions about Gladys’s silences? It is easy to assume that Gladys breaks her responsibilities as a medicine woman by refusing to teach the next generation (perhaps driven by her difficulties with death-sendings and her and her community’s experiences with residential school). However, her silence is productive. Gladys’s silence forces Lisamarie—a *nolaxw* for the next generation—to earn her knowledge. By forcing Lisamarie to engage directly with the spirit world, Lisamarie learns through experience and Gladys ensures that her daughter “take[s] responsibility and [is] not ... lazy.” Though Gladys’s silence can be viewed as a selfish withholding, or a refusal to honour protocol, it is in fact a gift and an enactment of *nuyem*.

“He stared at me with wide, sad eyes”: Legal and literary adaptation

Interactions between human and other-than-human legal systems are not unidirectional;

Lisamarie’s interactions with the little man demonstrate that humans also influence the spirit

The extent to which Gladys still receives deathly premonitions is left unclear, but the passage suggests motherly affection as well as continued ties to her role as a *nolaxw*. The passage also suggests that death sendings do not get clearer with experience. Gladys, therefore, may have an inkling that her son may die in the near future, but she probably does not know how to stop it.

world across time. Consider when Lisamarie learns from Ma-ma-oo that the little man is a tree spirit:

The chief tree—the biggest, strongest, oldest ones—had a spirit, a little man with red hair. Olden days, they'd lead medicine men to the best trees to make canoes with."

"Oh," I said, shaking. All the air left my lungs for a moment and it felt like I couldn't catch my next breath. "Oh."

Ma-ma-oo glanced at me curiously, then began walking again. She picked another tree and offered tobacco.

I made my voice very casual. "What would it mean if you saw a little man?"

"Guess you're going to make canoes."

I laughed. "I don't think so."

"No one makes them any more," she said. "Easier to go out and buy a boat. Old ways don't matter much now. Just hold you back." (*Monkey Beach* 152-3)

The little man's origins are finally explained and Lisamarie shares with Ma-ma-oo that she has "the gift," which leads to the revelation that she comes from a long line of medicine women (153). But this passage also reveals the spirit world's continuous adaptability to the contemporary moment. If the little man is indeed a tree spirit who leads canoe carvers to the best and strongest trees, then clearly, it is no longer practicing that role ("no one makes [canoes] any more"). The little man does not just disappear when canoes are no longer made; it continues to exist and finds new ways to interact with the physical world. Sonu Purhar suggests that the little man is Lisamarie's ashuta or "a spirit patron...who helps [shamans] navigate the spirit world and the land of the dead" (46). While Ma-ma-oo voices an attitude that the Haisla spirits belong to the past, her actions contradict this. She offers tobacco to the tree spirits implying that the old ways

do matter a great deal, have veritable consequences if transgressed, and facilitate reciprocity between humans and spiritual beings.

The little man's origin story and Ma-ma-oo's actions demonstrate that Haisla protocols between humans and other-than-humans are adaptive and ongoing. Legal scholar John Borrows shows that Canadian courts have been (willfully) blind to the ways that Indigenous political identities are adaptive, and not tied to particular practices. As such, the courts have ruled that Indigenous political practices that developed to express contemporary political are inauthentic ("Frozen Rights in Canada" 63). Legal traditions must be able to "continually change" to address the needs and lived realities of communities (*Drawing out the Law* xiii). The little man's adaptability challenges the settler-colonial view that Indigenous practices are static. The little man is not tied to canoe carving as his sole method of participating in protocols between humans and spiritual beings. He continues to guide though canoes are no longer carved.

Perhaps Lisamarie's inability to interpret the spirit world indicates not only the very real difficulty of communicating with other-than-human beings, but also the struggle that other-than-human beings have in trying to communicate with humans. Depictions of the little man often portray him as a wildly gesticulating pantomime as he tries to prepare Lisamarie for impending tragedies. For example, when appearing before Mick's accident:

That night he had on his strange cedar tunic with little amulets dangling around his neck and waist. His hair was standing up like a troll doll's, a wild, electric red. He did a tap dance on my dresser. Then he slipped, fell into my laundry basket and pulled my sweaters and T-shirts over his head. The basket tipped over and rolled beneath my window. I watched it warily, my chest aching so hard I couldn't catch my breath.

"You little bastard," I whispered.

He popped into the air behind me. I didn't know he was there until he touched my shoulder with a cold, wet hand. When I spun around to smack him, he stared at me with wide, sad eyes. Even after he disappeared, I could feel where his hand had touched me, and I knew he'd been trying to comfort me. (*Monkey Beach* 132)

It is only later that Lisamarie can read the little man's appearance in context of Mick's drowning. The little man's tap dance and slip into the laundry basket is a comical, though eerie, reenactment of Mick's own accidental slip into a pod of seals. Unfortunately, though Lisamarie loses her breath and is evidently distressed, she cannot read the particulars of the warning.

The little man's adaptability despite the challenges of communicating with humans attests to the versatility of Haisla stories and legal narratives within contemporary writings. The little man may struggle with adapting to the present needs of Haisla people, but adaptation itself is not necessarily a new problem. Therefore, the little man's inability to articulate—and Lisamarie's inability to clearly read—his gestures is not indicative of contemporary Haisla narratives' failings to clearly outline spiritual laws. Instead, the novel rearticulates dynamic and multidimensional interactions between human and other-than-human protocols and legal systems that are not necessarily clear. The passage emphasizes that Haisla legal narratives persist in the present moment creating a relationship between Haisla legal stories and crime genres to produce what Daniel Heath Justice would call an “encounter” that includes European narratives into the Haisla nation's “own material cultures value systems, politics, and worldviews without losing their Indigenoussness” (Justice “Rhetorical Removals” 148).

“An ugly fish...a bad catch”: Justice across cosmological realms

If Lisamarie is investigating overlapping judicial systems and she is bound by responsibility and reciprocity, the novel also obliquely expands on concepts of justice beyond corporal punishment.

Appleford draws persuasive links between Mick's death and other-than-human forms of justice, by which logic Mick has been killed for transgressing social and cosmological laws against loving Gladys, his sister-in-law. Appleford elaborates that "the violation of marriage taboos" and Lisamarie's mother's terror at mistaking porpoises for humans illustrates the consistent collision, throughout the novel, of contemporary Haisla characters with traditional Haisla beliefs (94). In this context, Mick's grisly death (he is eaten by a herd of seals during a fishing accident) is seen as cosmic punishment for the "crime" of loving his sister-in-law (94-95). Similarly, Michele Lacombe argues that Mick's death "mimics stories from the Haisla oral tradition tied to place names" where an individual's tragedy "features prominently in that creation story about the founding of a new Haisla village and family" (265-6). Though Mick's death is connected to ongoing stories of place and belonging, it may be read not only as a punishment for loving Gladys, but also as punishment for transgressing laws and protocols with a Haisla cosmological structure.

The novel's ambiguity around Mick's death leaves room to understand it as a cosmic punishment for transgressing Haisla social laws that is simultaneously retributive and restores Mick back into relation with the cosmos. Lisamarie's description of Mick's corpse holds the most compelling clues to his punishment: "Mick's face, right arm and part of his leg had been eaten off by seals and crabs. 'What did he look like?' Jimmy asked me, greedy for details. 'An ugly fish,' I told him. 'A bad catch'" (148). The language describing Mick's body emphasizes the severe physical punishment that Mick suffered, as "an ugly fish," has already shifted Mick from human to animal descriptors who is mangled and eaten by ocean predators. The term "bad catch" simultaneously describes the violence done to his body, the horror that his relatives salvage, and evokes the unlucky catch that Mick tossed back in the ocean (98). The term also

denotes that Mick was cosmically bad for his transgressions and needed to be physically punished for those actions.

Mick may have died as punishment for loving his sister-in-law, but the novel does not suggest that justice according to Haisla epistemologies rests at the punitive level. Instead, the novel revisits Mick in the spirit world by the novel's conclusion, indicating that the process for making amends is ongoing and can lead to reconnecting with cosmological relationships. Lisamarie visits the spirit world while she is on Monkey Beach and she witnesses her deceased relatives reunited together in harmony (367-73). She finds Mick and Ba-ba-oo on a Christmas tree hunt as they happily tease and wrestle each other and their present relationship starkly contrasts with their toxic relationship while alive (368). Mick's depiction in the afterlife upends punishment from a western legal framework that understands punishment as a harmful and painful control over a subject to present a form of justice where punishment by, and reconnection with, the cosmos is possible.

“I wished him unending agony”: Sexual Assault and Lisamarie's Responsibilities as a Nolaxw

Lisamarie's experience as a sexual assault survivor is an important and unexplored aspect of the novel's conclusion. She recalls her assault while she is nearing Monkey Beach (258). While she does not have a recourse for justice at the time and tries to cope by leaving school and moving to Vancouver, her role as a nolaxw and her investigation into her brother's disappearance provides a venue to contextualize her own assault and reaffirm her self-determination. Throughout the novel, she learns of other sexual assaults that rest at the novel's edges. Josh sexually assaults Karaoke; Josh, Mick, and Trudy are all survivors of Residential School abuse; but none of these are depicted. However, these assaults are important for Lisamarie to contextualize her own assault as intergenerational trauma stemming from Residential School. At

her journey's end, Lisamarie has reflected on her life's stories and experiences and acts on the knowledge she has gained. She reaches Monkey Beach and asks the island's spirits for answers. These spirits are not comforting like the little man; instead, they are hungry and ask for meat in return for help (336). Why did she dismiss the little man and turn to these vengeful spirits? We must consider the specific context of surviving sexual assault. Her investigation becomes a means of achieving justice for herself and her family on her own terms by negotiating with the hungry spirits on Monkey Beach to give them her blood in exchange for the truth.

At first, it is difficult to understand why Lisamarie rejects the little man. After all, he has been a consistent presence in her life, engaging her in nuyem's teachings as a medicine woman. However, she sends the little man away the night that her friend, Cheese, rapes her (Robinson, *Monkey Beach* 258). She tells him, "Don't bother coming again", and blames him for not warning her. In response, the little man touches Lisamarie's hair "just for a second" and disappears (259). The little man's physical appearance recalls his origin story as a tree spirit and guide; Lisamarie notes that "His face was different this time, was grey-brown and dry like cedar bark. Ants skittered between the cracks in his skin" (259). Though the little man's appearance is a visual reminder of his role as her guide, she rejects him. This rejection expands the impacts that sexual violence has on her relationships with family and friends and it is also seen in her relationship with the spirit world; she sends the little man away. Her rejection of the little man is not final, though her anger is understandable.

Lisamarie's choice to enter into a reciprocal relationship with hungry spirits is one way that she uses her role as a nolaxw to reclaim her self-determination. It is tempting to read the hungry spirits—beings who seek to violently feed off of Lisamarie's body—as a metaphor for rape rather than literal spirits. But this only makes sense if we ignore the broader context, how

sexual assault is linked with intergenerational trauma. It is important to recognize that Lisamarie's search for Jimmy is linked with ongoing sexual abuse in the community: Jimmy disappears because he murders Josh for sexually assaulting Jimmy's girlfriend, Karaoke (*Monkey Beach* 369-70), who is also Josh's niece and has an abortion as a result of her uncle's assaults (365). Jacquie Green states that those telling their stories through nusa may choose "'how' or 'if' one includes the colonial story" (Green 17). Lisamarie's sexual assault is a part of her story and it is important to acknowledge that she chooses to include it in her mnemonic narrative, a narrative structure that relies on the associations made by Lisamarie's memories. It is one part of a story of intergenerational violence where Lisamarie relies on Haisla traditional knowledge to uncover the truth about the reverberations of sexual assault on behalf of survivors and herself. Instead of metaphors, the hungry spirits present as very real dangers to Lisamarie's well-being even as they promise to reveal to her the truth of Jimmy's disappearance if she gives them her blood.

Lisamarie may need to negotiate with the hungry spirits in order to find the truth on behalf of generations of sexual assault survivors, yet this negotiation also allows her to navigate reciprocal relationships and reclaim her self-determination. She approaches the hungry spirits' offer by modelling from previous reciprocal relationships that she has fostered throughout the text. Lisamarie's bloodletting should not be read as the only moment of reciprocal exchange between human and other-than-human beings. It is paralleled with the novel's opening passage in which Lisamarie is told by the crows, "*la'es*," to go into the water (1). The crows' call in Haisla to go to the water gives Lisamarie the clue she needs to begin her search for Jimmy, and she gives them food in return. The exchange demonstrates that to find her brother, Lisamarie must engage in reciprocity between human, animal, and other-than-human protocols. The crows'

decision to help Lisamarie is also a repayment for the kindness that Jimmy has shown to them his whole life (his good luck practice of feeding the crows before a swim meet extended well beyond his swimming career; 125, 354). After Jimmy leaves, Lisamarie continues to feed the crows and it is Jimmy's favourite crow, Spotty, who urges her to "go into the water" by cawing "Las'da" (135). By giving Lisamarie a clue to Jimmy's location, the crows reciprocate both Jimmy's and Lisamarie's generosity. This example posits that in order to find answers within a Haisla worldview, reciprocity and kinship relationships must be respected.

While these scenes with the crows show how positive relationships can emerge from equal exchange and respect, the concluding scene shows the hungry spirits dishonouring reciprocity. Reciprocity requires opening oneself up, making oneself vulnerable; as such, reciprocity has a dual nature. Her experience with the crows suggested that nuyem's processes of reciprocity and kinship are principles that Lisamarie should respect when dealing with the hungry spirits. But giving blood is much more dangerous than bread crusts, and Lisamarie struggles to establish respectful relationships with ravenous beings who seem unwilling to honour nuyem. The thirsty spirits ask for her blood and she cuts her hand with a gutting knife (361). Though it is unclear if the spirits can be trusted, she can only rely on her previous experiences with the crows to model reciprocity between worlds. The gutting knife that Lisamarie uses to slice open her hand embodies reciprocity's dual nature. It was given to her by her Uncle Geordie and so, as a tool passed across generations, it solidifies kinship ties as a symbol of productivity and sustenance. Yet, it is also a dangerous weapon whereby Lisamarie is the metaphorical fish that is filleted and consumed; if she gives too much blood she will surely die. And so, this closing scene demonstrates that Lisamarie must take the knowledge she has gathered in her lifetime to set the bounds of her self-determination with the spirit world. The

spirits ask for more and more blood. Lisamarie is not initially given the answers she seeks from the spirits. Though the spirits ask for more blood as payment, she refuses, demanding that her payment be reciprocated (369). It is a strong moment of self-articulation against spiritual beings that are not honouring their agreement. The scene illustrates how reciprocity can solidify relationships, but that the terms of maintaining good relationships are never stable and often dangerous.

While the hungry spirits show the dangerous side of reciprocity, ultimately, Lisamarie relies on the positive relationship she has created with the crows to protect her on Monkey Beach: “Eyelids so heavy. Startled when I break from the trees. Crows, as far as the eye can see, waiting on the beach. Then they hop out of my way to give me a path to the speedboat” (370). Based on the good relationship that Lisamarie fosters with the crows, they guide and protect her in her moment of need. They lead her to the land of the dead, where their relationship is celebrated: “The crows fly circles above my head. They are silent as they swoop and dive and turn, and, finally, I realize that they are dancing” (372). Lisamarie speaks with her dead relatives and learns the truth, before finally returning to the land of the living on Monkey Beach’s shore—showing how adhering to nuyem’s principles of reciprocity enables healthful relations to family, place, and the animal world.

Lisamarie’s investigation ends without a certain answer to Jimmy’s death—by the standards of Western knowledge systems. She does not find Jimmy’s physical body; it is only through a vision that she sees him enact his revenge before jumping into the stormy sea; she can only presume he has drowned. Yet, she does not have to reach a definitive conclusion to fulfill her responsibilities as an investigator. Lisamarie has fostered reciprocal relationships between human, other-than-human, and spiritual legal systems. She does not have to gain complete

mastery of her skills as the nolaxw or medicine woman. She can continue her relationship with Jimmy, now a spiritual being. Jimmy has paid for Josh's murder with his life, and he saves his sister from death (373). Lisamarie lives and her last glimpse of the spirit world demonstrates the importance of interlocking human and cosmological protocols:

I open my mouth, but nothing comes out. They are blurry, dark figures against the firelight. For a moment, the singing becomes clear. I can understand the words even though they are in Haisla and it's a farewell song, they are singing about leaving and meeting again, and they turn and lift their hands. Mick breaks out of the circle and dances, squatting low, showing off.

The beach is dark and empty. The voices are faint, but when I close my eyes I can still see the pale after-image of Jimmy shaking his head. "Tell her."

Aux'gwalas, the others are singing. Take care of yourself, wherever you're going.
(373-4)

Though she cannot speak Haisla, she understands the song that her relatives sing: it is a song that represents renewal, intergenerational connection, and responsibilities towards loved ones. By honouring protocols of responsibility, Lisamarie survives, she heals the broken circle of her family and enables her community to communicate across physical and spiritual worlds.

Conclusion: Bagwaiyas: Storying legal territories

Monkey Beach is a Haisla novel that engages with traditional legal concepts and oral storytelling and uses nusa and nuyem to expand genre conventions. The G'psgolox pole, including its origin story and the community's repatriation process, rests at the novel's periphery. Yet the G'psgolox pole shows us how the novel engages with nuyem as a mode of connecting literature to Haisla legal frameworks. Lisamarie is an investigator who relies on Haisla methods

of knowledge acquisition and interlocking kinship responsibilities to inform her actions. Finally, crime is redefined to include transgressions against spiritual and animal protocols. Within this context, Lisamarie is a survivor of sexual assault who sees the broader context of sexual violence and takes steps to reclaim her self-determination through her investigation.

Readers of *Monkey Beach* may have simply been interested in an entertaining mystery, but they are now embedded in a system of responsibility to Haisla. Daniel Heath Justice explains that an ethical approach to Indigenous writing is to attend to the “cultural, historical, political, and intellectual contexts” (“Go away water!” 165). Such attention to these interlocking relationships “sensitizes us to the multiple relationships and contexts that make such study morally meaningful. It reflects many of the complicated realities influencing our lives, not just theoretical considerations” (165). Justice’s approach to Indigenous literature is founded on acknowledging relationships and responsibilities to the communities included in the texts, in order to live meaningfully within these relationships. Indigenous and non-Indigenous readers may learn deeply from the novel’s examination of legal continuance, either by coming to understand a relationship with Haisla law and territories for the first time or by further entrenching the reader’s relationship to Haisla territory and political concerns. *Monkey Beach* may at first present itself as simply an entertaining novel, but its mysteries open the door to an ongoing relationship with Haisla politics, communities and legal narratives.

As readers embedded within overlapping responsibilities to Haisla literary and legal self-determination, how might we read Haisla novels in ways that connects them to Haisla territories? In Haisla nuyem, bagwaiyas areas are resource-rich areas “that are so vital to the people's subsistence that the area belongs to the people in common” (Barbetti and Powell 381). In reality, the location Monkey Beach—named awasmusdis in Haisla—is a bagwaiyas because it provides

“clam beds and intertidal areas” (381). While the shores of Monkey Beach provide sustenance for the people, I think of the pages of *Monkey Beach* as a narrative bagwaiyas—a rich and nourishing literary landscape that simultaneously affirms Haisla territoriality and community belonging while also supporting legal orders and knowledge systems through its storytelling. As with any landscape where the terrain may change from generation to generation, Haisla readers may interpret the novel differently across time, yet it remains a vital space that Haisla readers may tend to. *Monkey Beach*'s use of crime fiction nourishes the text in particular ways and complements Haisla traditional stories. Thinking of *Monkey Beach* as a territory also challenges the ways genres are disassociated from land and place. If *Monkey Beach* is a narrative bagwaiyas, a territory that travels from reader to reader, then non-Haisla readers must be aware of the dangers of trespassing into another territory and of extracting for themselves the knowledge and nourishment that is intended for Haisla readers. Non-Haisla readers can, therefore, think of themselves as guests who are implicated in Haisla legal frameworks and reflect deeply on protocols of respect when crossing territorial and literary bounds. Reading genres may at first be considered an act of entertainment, but readers must question if their reading practices are extractive and whether they are fulfilling their responsibilities as guests in Haisla literary territory.

Chapter Two | “they will not disappear or be torn to pieces”: Inuit Maligarjuat and Legal and Literary Transformation

It was only because my mother and father went through many hardships that we survived. They only survived because they followed the *maligait* of the Inuit. If they hadn't followed the *maligait*, our lives would have been more difficult.

We are told today that Inuit never had laws or *maligait*. Why? They say, “Because they are not written on paper.” When I think of paper, I think you can tear it up, and the laws are gone. The *maligait* of the Inuit are not on paper. They are inside people's heads and they will not disappear or be torn to pieces.

— Mariano Aupilaarjuk in *Interviewing Inuit Elders: Perspectives on Traditional Law* 13

Introduction

The laws that belong in the Arctic derive their strength and vitality from being an embodied political, social, and cosmological structure that guides actions and contextualizes relationships between Inuit and their territories, and more broadly between human, animal, and other-than-human relationships; these laws also gain strength by being transmitted across generations. In *Interviewing Inuit Elders: Perspectives on Traditional Law* (1999), Mariano Aupilaarjuk (Aivilingmiut) locates the *maligait* (Inuit laws for doing things) in his parents' careful attention to protocols (13). Their respect for Inuit laws enabled them to live well, to foster resiliency, and to ensure Aupilaarjuk's survival (13). Though he can locate Inuit laws, he notes that Southerners and Southern governments have missed them, instead claiming that, “Inuit never had laws... ‘Because they are not written on paper’” (14). This misunderstanding stems from Southerners (non-Inuit people who live below the 60th parallel in Canada's southern provinces) reliance on writing to prove legal authority. Aupilaarjuk understands that paper is particularly vulnerable to destruction in the Arctic, because paper is materially weak. Paper is often lit aflame as kindling;

paper can be blown away by strong gusts of wind; laws trapped in paper are not well adapted to life in the Arctic. Instead, he locates Inuit *maligait*, in part, “inside people’s heads,” a much more resilient and longlasting place: “Even if a person dies, the *maligait* will not disappear. It is part of a person. It is what makes a person strong” (14). Aupilaarjuk’s description suggests that *maligarjuat* are much more powerful than Southern laws because they do not need material objects to derive their strength or to be remembered by those who follow it; it is an embodied legal system that reproduces resiliently across generations.²⁶

In Peter Kulchyski’s *Like The Sound of a Drum: Aboriginal Cultural Politics in Denendeh and Nunavut* (2005), Panniqtuuq elder Pauloosie Angmarlik agrees with Aupilaarjuk that “Inuit law is stronger.” However, Angmarlik recognizes that paper could be used as a type of shield to protect Inuit laws from delegitimizing claims. Of the *maligait*, Angmarlik laments:

it would have worked if it still existed, well, if it was written. It would make it seem that the *qallunaat* law would not step up on the Inuit law and nothing could take over the Inuit law, because it kept going in one direction and the *qallunaat* law takes all different turns and curves and all that because that’s how I see it, it doesn’t seem to work for the people up here. (Kulchyski 219)²⁷

²⁶ The context of Aupilaarjuk’s words is important to remember, because it was during two courses in 1997 and 1998 affiliated with the Nunavut Arctic College’s Legal Studies Program, which was designed for Inuit students who are interested in legal professions (7). The elder’s words reflect the purpose of the course as a whole: to pair students with elders in order to learn about Inuit legal frameworks in all of their complexities. The focus on Inuit law’s adaptability was also very timely for the course, as the formal creation of Nunavut on April 1, 1999 was imminent; the students and elders may have found the courses fruitful spaces to discuss the shape that Inuit legal revitalization could take in the twenty-first century in this “new” territory.

²⁷ *Qallunaat* (Sing. *qallunaaq*) refers to non-Inuit or Southerners. However, instead of meaning solely “white person,” *qallunaat* also describes an attitude or worldview. Mini Aodla Freeman explains that “the word implies humans who pamper or fuss with nature, of materialistic habit. Avaricious people” (*Life Among the Qallunaat* 2015, 86).

Like Aupilaarjuk, Angmarlik distinguishes Southern law as a system that is separate, incompatible and inappropriate for Northern contexts. Inuit law is steadfast and has a direct connection to Inuit experiences, philosophies, territories, and ways of life, whereas qallunaat laws attempt to displace these relationships. Given these deep connections, Inuit laws remain best suited to addressing contemporary issues—they need only circulate in a new form. Writing’s strength comes from its circulation in the South and that strength can be harnessed to reinforce laws that are at home in Inuit homelands where they can breathe without suffocation and where Inuit laws do not have to defer to Southern laws trespasses into Inuit territories.

Aupilaarjuk and Angmarlik provide compelling insights for beginning to think through Inuit literature and its relationship with Inuit legal adaptation. Their words help us consider how Inuit literature communicates Inuit legal concepts to Inuit and non-Inuit audiences in ways that support Inuit legal adaptation and that dispels myths that Inuit were lawless until settler intervention. The earliest Inuit literatures, oral stories and ancient tales, have shaped and shared Inuit legal orders since time immemorial. Susan Enuaraq (from Iqaluit) remarks that Inuit laws, though unwritten, are embedded in unikkaaqtuat (ancient tales): “Some argue that the Inuit had no legal system, but I think that the Inuit had their own ways of preventing wrong-doings. *Unikkaaqtuat* were a part of that” (*Traditional Law* 179). Stories explain complex legal concepts to listeners, help listeners sharpen their interpretive skills, and transmit legal understanding across generations. In the contemporary moment, Inuit literature continues this role and engages in complex legal conversations at a time when Inuit homelands are divided across multiple provinces, territories and nation states. Inuit authors are writing novels, short stories, essays, and reportage, while Inuit filmmakers create feature, documentary, and short films that also examine Inuit legal thought. These narratives may exist materially, on paper and film, but they continue

the oral tradition of contemplating and transmitting Inuit legal orders through storytelling. This literature responds to qallunaat legislation and Southern beliefs of Inuit lawlessness and offers a venue to discuss the nuances of Inuit legal orders. Through their creative interaction with legal concepts, Inuit texts attest that Inuit laws are alive, distinct from Southern laws, and will not be erased through the stroke of a pen.

The 1923 trial of Nuqallaq is a foundational example for considering the South's erasure of Inuit legal orders and the expansion of Southern administration over the North.²⁸ Nuqallaq, a skilled whaler, trapper, and evangelist from the Igloodik area, was tried in the first Southern trial held in the Arctic, setting a precedence for Southern governments to enforce their laws onto Inuit in the North. He was charged with the March 15, 1920 murder of Robert Janes, a white fur trader from Newfoundland. There is no question that Nuqallaq really did kill Janes. Nuqallaq's community had collectively appointed him to execute Janes in response to the fur trader's open threats to murder community members and their dogs. Nuqallaq's father, Umik, a shaman for the community, had already been attacked when Janes chased him "with a long-bladed snow knife" (Grant 70). In *Arctic Justice: On Trial for Murder, Pond Inlet, 1923* (2002), Shelagh Grant explains that Inuit saw open threats as promises for future violence and not simply expressions of anger or frustration (5). The camp met in council and decided that Janes' promise of violence—especially the promise to shoot the community's dogs—threatened the well-being of everyone (4-5). Thus, the community council decided that Nuqallaq would need to execute Janes.

The trial, therefore, was about contested definitions of murder. The Southern government declared Nuqallaq's actions were murder, while the Inuit saw it as a collective decision, legally

²⁸ Nuqallaq's name is also spelled Nukudlah or Nookudlah and Grant notes that he is "also known to the Inuit as Qiugaarjuk" (Grant 268).

made according to Inuit laws. The trial captivated media attention throughout the South and ultimately enabled the government to deny Inuit legal systems and assert governmental control across the Arctic. The trial's presiding stipendiary magistrate, Hon. Louis-Alfred-Adémar Rivet, began the proceedings on August 25, 1923, by explaining the process to a court filled with Inuit audience members. He stated that "the proceedings were exactly in accordance with the customs of civilization," thereby underlining the purpose of the trial: to bring Southern law and "civilization" to the North (Harper; Grant 166). The trial made *qallunaat* power visible within the Arctic and conveyed the severe consequences if Southern laws were disobeyed (Grant 49). The sensationalized media attention, with its focus on granting Inuit "*qallunaat* law," and reporting back to the South that the Arctic was firmly under Canadian rule and norms, traded on Southern expectations that Inuit were violent *because* they were ignorant of Southern laws (49). The reporting perpetuated racist tropes about Inuit and the Arctic as lawless and stoked the conditions for Southern laws to be forcibly instituted, displacing the legal orders already practiced in the North.

Nuqallaq's trial had wide-ranging effects on Inuit communities across the Arctic. He was convicted of manslaughter and sentenced to ten years imprisonment at Stony Mountain Penitentiary (Grant 5); however, he was released early on compassionate grounds after contracting tuberculosis and returned to Pond Inlet (Mittimatalik; 268).²⁹ Nuqallaq's return led to a devastating outbreak of tuberculosis across the North Baffin region and he died shortly after returning home (5). This is a palpable example of the harm caused by Nuqallaq's trial and

²⁹ The government tried two other community members alongside Nuqallaq in relation to the killing: Ululijarnaat was tried and sentenced to two years of labour at Pond Inlet, while Aatitaaq was "acquitted for lack of evidence" (Grant 5).

administration by Southerners. More broadly, the trial set a pernicious precedent in case law for Canadian legislation to dictate Inuit peoples' legal status. In 1924, the year following the trial, Charles Stewart, then the Minister of the Interior, proposed an amendment to the 1876 *Indian Act* thereby "assigning responsibility for Inuit to the Department of Indian Affairs" (Bonesteel). This marked the first time that Inuit were explicitly recognized in Canadian legislation (Bonesteel).³⁰ After the bill was repealed in 1930, the Northwest Territories Council was then decreed administrators over Inuit and the RCMP was responsible for administrating federal aid (Bonesteel). Over the next several decades, Southern laws became ever more entrenched, as Southern politicians believed that Inuit laws belonged in the past and that Inuit needed to be assimilated into the modern legal fabric of the Canadian state.

In the century that has followed, Inuit literature and film have examined legal and literary transformation by grappling with this imposition of settler-colonial legislation and the ideologies that have attempted to fix Inuit law in the past. This body of Inuit literature refutes three primary assumptions made by Southerners about Inuit: (1) Inuit are lawless, (2) Inuit laws are not "official" because they were not written on paper, (3) Inuit governance is a monolith stuck in the past. These three broad claims are contradictory, yet they continue to undergird Southern legislation. The compelling stories examined in this chapter respond to Southern erasure and reveal how Inuit laws and religious beliefs have always transformed in response to political,

³⁰ For over a decade, authority over Inuit changed across multiple departments; however, by the 1930s, the federal government and the government of Québec could not agree on which government was responsible for Inuit citizens that lived across the Northwest Territories and northern Québec (Bonesteel). As a result, the Supreme Court of Canada decided the dispute between the two rungs of government on April 5, 1939 with *RE Eskimo* declaring, "constitutionally, Inuit were classified as Indians in Canada" and were therefore under the purview of the federal government (Bonesteel). With the *Constitution Act of 1982*, Inuit are defined as distinct Indigenous people from First Nations and Métis communities.

social, and environmental change. Transformation as a continuance of Inuit beliefs and practices is a concept drawn from Rachel Qitsualik's writing.³¹ She explains that Nuna (the sentient, ever-changing landscape of the North) instructs Inuit to value adaptability as it allows them to apply their knowledge and skills to changing conditions and landscapes of the physical, social and cosmological realms ("Inummarik" 32). The texts I examine take this value to heart, adapting historical events and traditional stories to breathe life into contemporary legal expressions, examine legal conversations that span generations, and emphasize to younger Inuit audiences that Inuit legal orders remain relevant to their everyday life.

Within Indigenous studies, it is common to read Indigenous texts as expressions of cultural, political, social, and legal continuance. For example, Jace Weaver explains that Indigenous literature reflects the continued dynamism of Indigenous peoples (*That the People Might Live* 161). Indigenous peoples and cultures persist in spite of settler policies and Indigenous literature responds with adaptations of various artistic expressions. In contrast, Sam McKegney has debated continuance as an apt analytical framework. McKegney is concerned that simply acknowledging continuance without engaging in more complex aspects of cultural change effectively flattens an understanding of Indigenous cultural, political, and social dynamism (410). I agree with McKegney's call to take up the ways Indigenous nations have consciously changed and debated how to persist into the future; at the same time, I acknowledge that Indigenous nations have experienced cultural, political, and language loss through targeted settler policies.

³¹ In addition to an author on Inuit language and worldviews, Rachel Qitsualik and her husband have written fiction under the names Rachel Qitsualik-Tinsley and Sean Qitsualik-Tinsley. I use the original publication names for clear and accurate citations.

While this is a particular concern within Indigenous literary studies, Inuit situate adaptability and continuance as a key cultural value that does not erase debate or change. Inuit scholars like Rachel Qitsualik and Jaypetee Arnakak see adaptation as a key expression of Inuit identity.³² In her article “Inuit will adapt and survive as global warming creates changes to the land,” Rachel Qitsualik argues that environmental change will not erase Inuit presence because “acceptance of the Land’s protean nature” has undergirded Inuit’s ability to live well in the Arctic since time immemorial (Qitsualik). Similarly, Jaypetee Arnakak highlights adaptability—*qanurtuuqatigiinniq* or “being resourceful and inventive to solve problems” (qtd. in Igloliorte 104)—as a key tenet of Inuit *Qaujimajatuqangit* (IQ).³³ Frédéric Laugrand and Jarich Oosten explain that subsistence hunting in an ever-changing Arctic climate necessitated adaptability as a key element for health and well-being (“Transfer of Inuit *qaujimajatuqangit*” 116). They explain that these lived values—as well as resourceful and inventive problem solving, skills and

³² Governmental claims to sovereignty in the Arctic are relatively recent and were instigated by a desire to accrue land and affirm security at northern borders. The Crown’s tacit claim to the Arctic was made explicit in writing, when an 1880 Order in Council declared “Dominion title and ownership of the Arctic Archipelago”; “surveillance of the islands” was thereby transferred from Britain to Canada by a stroke of a pen (Bonesteel 28). Arctic sovereignty had been absent from Canada’s 1867 Constitution agreement and Northern areas that were inhabited by Inuit joined Confederation along with their provincial counterparts—North-west Territories, Québec, and Newfoundland and Labrador (27). While Crown claims to the Arctic were legislatively silent, an evolving administrative presence represented Crown authority. The Hudson’s Bay Company (HBC) and North West Mounted Police (NWMP) built stations in the early twentieth century to manage fishing industries and to act as physical representatives of the Canadian state in the Arctic (28). The NWMP’s establishment in the 1890s acted as a symbol of Canada’s sovereignty and they became the practical enforcers of Crown laws on “whalers, explorers, missionaries and others familiar with police authority” in the Arctic. They remained the government’s only representatives until the 1920s (18). The number of police stations grew in conjunction with economic and religious infrastructure: HBC posts and Christian missionaries, military airstrips and weather stations (18). The population of Southern administrators grew significantly after the Second World War (28).

³³ Jaypetee Arnakak’s article “Commentary: What is Inuit *Qaujimajatuqangit*,” on IQ’s influence, has been widely cited by scholars of Inuit art, politics, and education. Unfortunately, this article is no longer hosted on the *Nunatsiaq News* website where it was originally posted on August 25 2000. For an overview of how the Government of Nunavut has incorporated IQ and Inuit societal values (ISV), see the 2013 report *Incorporating Inuit Societal Values*.

knowledge acquisition, and consensus making—have been transferred across generations, and are reflected in IQ (*Incorporating Inuit Societal Values* 4).

In communicating legal expression through film and short story, the texts in this chapter seriously considers adaptation alongside discussion, and change. Igloolik Isuma Production's 2006 film, *The Journals of Knud Rasmussen*, transmits the ethnographic work of Danish-Inuk anthropologist Knud Rasmussen to the screen, crafting a conversion-narrative that addresses a period of encounter between Inuit and Southern legal orders and religious norms. Though the film focuses on the shaman Avva and his community's conversion to Christianity, it also features Nuqallaq as a central character. He interacts with Rasmussen's informants in the three-year gap between the sanctioned killing and his arrest and trial. The film shows Inuit laws practiced alongside the imposition of Southern administration, providing the social and legal context to Rasmussen's written account. In so doing, it teases out the complexity of navigating the law in a period of upheaval.

The second text, Rachel and Sean Qitsualik-Tinsley's short story "The Qallupilug Forgiven," focuses on one of the qallupilluit, beings who live under the ice and who are sanctioned by Nuna to punish children for breaking cosmological laws.³⁴ The short story imitates the form of unikkaaqtuat (ancient oral tales) and creates new narratives about transgressions of human and other-than-human laws. The story's narrative adaptations also mimics unikkaaqtuat's ability to unsettle and compel readers to think deeply about their relationship to law and land in the present and into the future. These stylistic echoes demonstrate how Inuit legal orders remain

³⁴ Qallupilluit (spelled qallupilluq or qallupalik in singular) are human-like figures covered in scales who live beneath the ice and snatch children in their amauti for breaking tirigususiit. Qallupilluit are prominently featured in Inuit oral stories that impart knowledge of respecting protocol and demonstrate transgressions' terrifying consequences. Southerners are likely most familiar with Qallupilluit through the 1992 children's story *A Promise is a Promise* by Michael Arvaaluk Kusugak and Robert Munsch.

relevant to contemporary Inuit readers, while the narrative's new written genre raises compelling questions about the legal bonds between Inuit and Nuna.

In analyzing these two texts, I address the ways Inuit laws are embedded in complex cosmological systems. Inuit laws focus not only on human correction, but also on the ways that wildlife and Nuna correct transgressions and contextualize justice (Qitsualik-Tinsley 4). My line of investigation (mirroring these works of literature) enlists the gaps, conflicts, and incongruencies at play in the act of adapting diverse legal practices. Finally, I show that, though these texts are focused on the early twentieth century, they foster discussion about practicing Inuit laws in the present.

Modes of literary interpretation learned in Southern institutions may not be suitable for analyzing Inuit legal orders and their representations. Concern is warranted because Southern academics, and particularly ethnographers, have long misrepresented Inuit traditions as being trapped in the past, placing them at the bottom of a hierarchy that elevates Southern norms and standards (*National Inuit Strategy on Research* 4). For example, consider *Leadership and Law Among the Eskimos of the Keewatin District Northwest Territories* (1962), Geert Van den Steenhoven's ethnographic study of Inuit legal concepts in the Western Hudson Bay region. Though he describes extensively the many ways camp leaders dealt with transgressions, Van den Steenhoven concludes that the Inuit community did not have a legal system in place—and were therefore without law (112). He admits the impossibility of proving something does not exist, and acknowledges the relativity of legal definitions, yet concludes

that if there is a law among other comparable societies, or even among other Eskimo groups, I did not find it among the Keewatin Eskimos whom I visited, nor in the relevant research literature. Neither have I reason to feel that as Eskimos they ever had law in the

past. In fact, even to term their above formulated lonely legal norm “rudimentary law” would not help to clarify things: for who will tell if the conditions of their scattered and hazardous existence ever allowed for a natural growth onto what we have above defined as law? (112-3)

Van den Steenhoven is able to deny the legal orders he sees practiced in the community because he relies on Eurowestern standards for what constitutes a legal order. Academics Frédéric Laugrand and Jarich Oosten show that Inuit religions are regularly marginalized by academic study that prioritizes Eurowestern norms. They give as examples the many American, Canadian, and European anthropologists who came to assume by the mid-twentieth century that “shamanism and other traditional beliefs and practices had disappeared [... it was] taken for granted that these traditions now belonged in the past” (Laugrand and Oosten 7). Within literary studies, there is a similar danger of misinterpretation. Keavy Martin is mindful that Inuit literature is not widely taught and that literary scholars are not often equipped to interpret the artistic qualities and aesthetic ingenuities of Inuit literature, which have gone understudied (*Stories* 3-4).³⁵ Martin also remarks that the term “literature” fits imperfectly on the body of Inuit oral and textual stories, because it implicitly prioritizes the written word. This is exemplified by *Paper Stays Put* (1982), an anthology of Inuit literature edited by Robin Gedalof, who takes for the anthology’s title a quotation from an unnamed Inuk: “By ear we forget, but paper stays put”

³⁵ Inuit literary studies is a growing field within Indigenous literary studies and I am indebted to the work of scholars that have come before me. Robin McGrath’s monograph *Canadian Inuit Literature: The Development of a Tradition* (1984) conducts an extensive summary of Inuit literature in print, while Penny Petrone’s edited collected *Northern Voices: Inuit Writing in English* (1988) amalgamates Inuit literature available in English. Keavy Martin’s *Stories in a New Skin: Approaches to Inuit Literature* (2013) derives a variety of literary approaches for Inuit stories, songs, films and contemporary fiction that are grounded in Inuit intellectual traditions.

(7). While the elder's original statement is in reference to the need for community newspaper funding (7), Gedalof places the elder's words out of context in the anthology's title and introduction. This may be inappropriate, as it situates Inuit literature within a continuum from oral stories, to rudimentary writing, to more "complex" forms of literature more similar to publications in the South (9).

There is no need to completely abandon those interpretive skills that are typically characterized as Southern—they can still be useful in the right context. Recall, for instance, Angmarlik's belief that writing down Inuit laws would be useful for refuting Southern ignorance and trespass (qtd. in Kulchyski 219). Therefore, this chapter is interested in understanding how, and for what differing purposes, Inuit literature and film address Inuit and Southern audiences' relationships with Inuit legal orders. Without casting writing as a cure for legal marginalization, I show that Inuit literature speaks to Southern and Inuit audiences simultaneously, correcting Southern audiences' assumptions about the absence of Inuit laws, while inviting Inuit audiences to participate in legal reflection and transmission.

Layers of Sovereignty in the Arctic

Inuit definitions of sovereignty are multiple and have often chafed against the constraints of the Canadian nation-state. It is important to remember that Inuit sovereignty is radically different from Southern definitions of sovereignty. The English word "sovereignty" refers to a monarch's absolute ability to rule within an enclosed kingdom. There is no exact equivalent for this in Inuktitut. In her article "Inummarik: Self-Sovereignty in Classic Inuit Thought," Rachel Qitsualik unpacks the Inuktitut word, *aulatsigunnarniq*, as "the ability to make things move"

(26). Translating this term, Qitsualik's defines Inuit sovereignty as a mode of being that is triangulated between three elemental concepts: Imaq,³⁶ Nuna, and Sila³⁷ (Water, Land, and Sky). These concepts refer to the environment that contextualizes Inuit peoples' lifeways and governance structures, but they also have layers of philosophical and metaphorical significance: uumaniq-inua-anirniq (30). Imaq—Water—is affiliated with life and symbolically refers to “uumaniq, the simple stuff of life common to both animals and humans” (29). Imaq refers both to the sea itself and to the water mammals that help sustain all life in the Arctic. It is represented by Nuliajuk in Inuit oral stories (28). Nuna—Land—is the middle plane in the Inuit cosmological structure. It symbolizes balance, awareness, and most importantly, the need to hone one's awareness in order to best maintain the land's agential power. Nuna signifies inua, the essence of what makes humans and some animals thinking, autonomous beings (29). Finally, Sila—Sky—refers to the sky and to the weather. Sila is also “anirniq” or breath, “the impersonal and imperishable aspect of life” that flows through all things (29). Because borders are not useful to Inuit, Inuit sovereignty is not limited by a particular governmental structure or a jurisdiction (26-7); instead, Inuit sovereignty is contextualized by uumaniq-inua-anirniq—which can also be translated as “life instinct—awareness—higher potential” (30)—that shapes peoples' modes of being in relation to the environment, the animals, the cosmos, and to communities. This matrix of Inuit political theory and relationships in turn shapes governance structures.

Inuit fostered an array of social laws and customs that are guided by uumaniq-inua-anirniq to maintain good relationships with the environment, the animals, the cosmos, and to

³⁶ The elemental symbol of Water is also known as Tariuq or “Sea” (“Inummarik” 28).

³⁷ Sila is known in some dialects as Hila (“Inummarik” 29).

communities. Inuit laws include maligait, piqujait, and tirigususiit. The glossary in *Perspectives on Traditional Law* defines maligait as “[a]ccepted guidelines for doing things that needed to be followed” (228). Michele Therrien, who co-authored *Legal Glossary* with Desmond Brice-Bennet, explains that the term is derived from “malik,” which means “to follow a person, an animal, an idea, an object. To travel with somebody not being the leader e.g. not owning the sled” (qtd. in *Perspectives on Traditional Law* 2). Though maligait is translated as “Canadian Law” (2), it does not capture Canadian law’s top-down nature. Instead, maligait’s emphasis on the “the result of a request (the obligation to obey)” conveys a creative aspect to Inuit laws where positive relationships are produced and maintained through adhering to a maligait (2). Therrien defines piquajait (pl. as piquajait) as “[that] which is asked to be done (by somebody)” and implies an authorized person making the request (qtd. in *Perspectives on Traditional Law* 1). Elders and parents are often people with authority to create these requests, though the social structure guiding piquajait is not strictly formalized (1). Instead, authority is dependant on the relationships and respect between the people involved (2). Finally, tirigususiit is “the observance of specific rules” in relation to hunting animals, social relationships, and the weather, which had serious consequences if transgressed (5). Anthropological literature often translates and flattens tirigususiit as “taboos or superstitions” (2); however, tirigususiit structured much of Inuit everyday life within social, cosmological, and environmental networks. If a maligait, piquajait, or tirigususiit is transgressed, an angakkuq, or shaman, may have to intervene to restore relationships and avoid serious consequences, such as shortening of one’s life or the lives of the entire community (13). Though Inuit largely do not observe tirigususiit after the imposition of Christianity, *Perspectives on Traditional Law* emphasizes that the values instilled through tirigususiit, like the need to respect wildlife, continue (2). Maligait, piquajait, or

tirigususiit are facets of Inuit legal orders that support relationships between Inuit, land, wildlife, and cosmology.

Many readers may imagine that camp life is the “authentic” iteration of Inuit governance, since it is intimately related with Sea, Land, and Sky. Yet, Inuit continue to adapt their governance structures to current needs. Inuit political bodies acknowledge state governance structures across the Northern Circumpolar Region (Inuit territory expands beyond Nunavut’s borders to include Greenland, Siberia, Alaska and Canada’s territories, Québec and Newfoundland and Labrador) in order to affirm Inuit political interests and to confirm their preeminence in the Arctic. Inuit politics, therefore, continually adapts to address the specific experiences of living within a nation-state while simultaneously surpassing international borders.³⁸ At a national level, the Inuit Tapiriit Kanatami—formerly known as Inuit Tapirisat of Canada—was founded in 1971 to advocate for Inuit interests, particularly:

the need to formalize Inuit rights with respect to development and to establish appropriate mechanisms for Inuit participation, consultation and decision making powers; formulating policies, programmes and research for dealing with rights to territory and resources and concerns about the right to maintain traditional land use and harvesting practices. (“ITK Origins”)

³⁸ Inuit in Canada also participate politically with Inuit throughout the circumpolar region and advocate internationally through the Inuit Circumpolar Council (ICC), which was founded in 1977. They stated in the 1975 grant submission that “We Eskimo are an international community sharing a common language, culture, and a common land along the arctic coast of Siberia, Alaska, Canada, and Greenland. Although not a nation-state, as a people, we do constitute a nation” (“ICC’s Beginning”).

Nunavut was formally created in 1999 with the Inuit Land Claims Agreement, the largest land settlement agreement in Canadian history.³⁹ In the twenty-first century, the Government of Nunavut draws its value system from IQ, applying principles of respect, sharing, and consensus which have shaped Inuit governance systems since time immemorial (“Inuit Societal Values”). These efforts can be read as an ongoing expression of Inuit political thought and the need to affirm Inuit relationship with Imaq, Nuna, and Sila in all of their layered, literal and symbolic meanings.

In fact, the creation of Nunavut is a form of what Audra Simpson (Kahnawake Mohawk) would call “nested sovereignty,” an articulation of pre-existing sovereignty within a settler state (11). The mobilization for an Inuit territory is an example of adapting governance structures to address changing environments, global political structures, and the imposition of the Canadian settler-state. These significant and hard-fought adaptations were the result of dialogue and reflection. Inuit and Indigenous peoples throughout the North debated the complexity of a new territory and its particular complications for Indigenous self-determination in the North.⁴⁰ Dissenters argued that Inuit would only have title to 18 percent of Nunavut’s landmass; with the remaining 82 percent in Crown hands, the majority of the territory’s ecosystem would be at risk for resource extraction (“1992: Inuit vote”). They argued the imbalance was too dear and that

³⁹ The territory was established after twenty-five years of negotiations and the 1992 referendum resulted in “approximately 80 percent of the 9,648 Inuit [who] cast a ballot” with 69 percent in favour of the agreement (“1992: Inuit vote for new territory of Nunavut”).

⁴⁰ For example, Inuit organizations and Northern peoples debated whether Nunavut’s territorial government would be radically different from those of other Territories. Some new reports reflected that the territory’s majority Inuit population would mean that the government would be akin to self-government though the territory’s relationship with the Crown is similar to that of Yukon and the Northwest Territories (1992: Inuit vote for new territory of Nunavut”).

future generations would not have access to their home-territories in the fullest sense.

Furthermore, Dene from the Western Arctic and northern Manitoba contested Inuit over the imposition of Nunavut's borders on Dene traditional territory ("1992: Inuit vote;" "Dene oppose Nunavut boundaries"). The creation of Nunavut may articulate an adaptation of Inuit sovereignty that is in tension with overlapping Indigenous territories and with Crown-supported resource extraction.

Inuit self-determination in the contemporary moment is complex. Inuit adapt governance structures and develop new forms of political relationships across the circumpolar, guided by Inuit theories of self-determination. At the same time, Inuit territorial governments must navigate the Canadian state's long history of Inuit political erasure and foster political coalitions with the Yukon and the Northwest Territories' governments. The Crown's overwhelming title of Inuit lands limits Inuit peoples' relationship with *Imaq*, *Nuna*, and *Sila*. As a result, the creation of Nunavut is not an end-point for Inuit political mobilization; instead, engaging in federal politics is just one way that Inuit political organizations have mobilized for Inuit legal and political interests in the twentieth and twenty-first centuries.

"Ingenuity is our tradition"

Elders believe that sharing traditional stories with young people is part of revitalizing Inuit legal orders for the next generation (*Perspectives on Traditional Law* 6). In response to conflicting legal norms observed between Inuit and *qallunaat* legal systems, and issues that Southern criminal law has left unresolved, Inuit elders are revitalizing traditional Inuit social practices. The introduction to *Inuit Qaujimagatuqangit: Shamanism and Reintegrating Wrongdoers into the Community* (2002) relays Inuit elders' concerns that "the modern justice system is inadequate in dealing with these major issues... unemployment, drugs and alcohol, spousal abuse, and suicide...

and wish to turn to Inuit tradition to solve these problems” (2-3). They believe that reclaiming traditional understandings of “the notions of right, order, and law, as they concern not only human beings but also animals and spirits” could strengthen community relationships and provide culturally appropriate ways of helping Inuit in the Canadian justice system (6). Through storytelling, these elders participate creatively in an ongoing interpretation of Inuit traditional knowledge in ways that are relevant to Inuit’s lived experience. As scholar and curator Heather Igloliorte (Inuk from Nunatsiavut) notes,

Ingenuity is our tradition...the way to respect our ancestors is to maintain our living traditional knowledge and to be resourceful and creative, as they had to be. In this way, the work of Inuit artists is to constantly seek to deepen their knowledge of our longstanding creative practices while also continuously innovating to ensure that these practices thrive and participate in that living knowledge. (Igloliorte 103)

Igloliorte goes on to list the multiple policies implemented in the mid-twentieth century to eradicate Inuit lifeways and force Inuit into settlements: residential schools and day schools; the mass slaughter of sled dogs; Inuit identification tags; and Project Surname, to name a few (109). While these policies were intended to suppress the practice and transmission of Inuit religion, art, and traditional knowledge, Igloliorte argues that artists were still able to legally practice carving and visual arts, and therefore used these mediums to covertly convey sacred knowledge including: “ceremonies, *angakkuut*, the spirit world, tattoos, oral histories, and great legends” (109). She clarifies that, “By embedding that otherwise forbidden knowledge into their artworks, Inuit artists expressed the principle of *qanuqtuurungnarniq*, being innovative and resourceful to solve problems, by using the means available to them—art making—to cleverly safeguard Inuit knowledge for future generations” (110). Inuit art and literature play integral roles in

safeguarding social knowledge, encouraging political mobilization, and fostering legal reflection. In this way, contemporary art offers unique perspectives on the work of transforming Inuit intellectual traditions for future generations.

As a representative of Inuit contemporary film, *The Journals of Knud Rasmussen* adapts Knud Rasmussen's ethnographic publications in order to delve into the overlap between Inuit and Southern religions and laws. It is a work of art that rescues the sacred knowledge and experiences that were safeguarded for a time in Rasmussen's publication. It revives Inuit systems of legal thought, allowing us to examine the intersection between legal adaptation and colonization. The film examines Southern law's imposition on Inuit legal orders, refutes claims of Inuit lawlessness, and produces a text that fosters legal discussion within Inuit communities. Igloliorte's refrain, "Ingenuity is our tradition," is an important reminder to approach filmic adaptation. The film restages Rasmussen's ethnographic writing to highlight the adaptability of Rasmussen's informants. In bringing oral testimony and written ethnography to the screen, *Journals* shows that Inuit laws and systems of legal thought remain alive and persist in continually changing forms.

"Our world is good and Inuit have our place in it": Investigating Conversion and Confession in *The Journals of Knud Rasmussen*

The film *The Journals of Knud Rasmussen* refashions the Danish-Inuk ethnographer's *Intellectual Culture of the Iglulik Eskimos*, vol. VII, no. 1 of the *Report of the Fifth Thule Expedition 1921-24*, to construct a story focused on religious belief and law that is told from the Inuit informants' perspectives. Iglolik Isuma Productions revives the words and experiences of historical figures from the fixity of Rasmussen's ethnographic documentation to examine their

particular experiences at a time of significant religious and legal change. In doing so, the film crafts what turns out to be a crime narrative.

The film focuses on: Avva, one of the last great angakkuit (or shaman) of the twentieth century; his wife Orulu; and their daughter Apak, a young woman grappling with her own shamanic abilities. We see them as they engage in everyday camp life, celebrate and share stories and songs, and eventually agree to guide Rasmussen and his team to Iglulik. In the final act, they arrive at Umik the Prophet's camp in Iglulik, where Umik refuses to share food with the newcomers until they convert to Christianity. Avva's camp is already facing starvation after the arduous journey, and they have been unable to catch any prey. This fact tells Avva that a transgression against cosmological laws has taken place, leading to their misfortune. After conducting ceremonies of confession, Apak discloses that she has broken a tirigusuusiit (the observance of specific rules) by hiding a miscarriage. Through this process, the truth is spoken, Apak is forgiven, and the cosmological order is restored. Yet, Umik's political machinations still have an impact: Apak converts to Christianity in order to access the food that Umik controls. At the film's conclusion, Avva sends his helping spirits away so that he too can access the food. In Apak's words, Avva decides to "eat and live."

The film was released in 2006, well into Nunavut's first decade, and the plot's focus on legal discussion, settler-colonial pressures, and adaptation creates a strong connective thread between the early twentieth and twenty-first centuries. At the same time, it is an intimate film focusing on individual experiences, especially those of the shamans. The film reclaims content from Rasmussen's ethnographic publications, which have been authoritative texts on Inuit shamanic beliefs. While Rasmussen was fixated on accuracy and completeness, his texts have had the inadvertent effect of flattening Inuit religion and law by making his informants' personal

reflections into overarching explanations for Inuit systems of thought.⁴¹ For example, Rasmussen decontextualizes and flattens Avva’s reflection on fear and living within a sentient landscape by titling a chapter “We do not believe, we fear.” Laugrand and Oosten note that the title was Rasmussen’s invention, never uttered by Avva (“Transfer of Inuit qaujimajatuqangit” 117). Though a distortion of Avva’s words, it has since become a summary of Iglulingmiut philosophies that shape Southerner understanding of Inuit religion and political systems. “We do not believe, we fear” incorrectly paints Inuit as a people without religion, controlled by fear. Kublu, Laugrand and Oosten recognize the ways the phrase must have appealed to Rasmussen—it supported his hypothesis in his 1908 publication. But these invented words not only appeal to non-Inuit audiences, for Inuit readers (8-9):

We suppose that for most Inuit, the interest of the statement on fear is based on the fact that it is made by Ava... at a time when Ava was considering conversion to Christianity.

In that sense, the famous statement not so much reflects an assessment of traditional Inuit religion, but informs us about ideas and values expressed by an old *angakkuq* during a time of transition and conversion. (8-9)

Journals feeds this interest by recreating key scenes from Rasmussen’s ethnography in order to focus on the informants’ experiences with change. In the film, Avva *does* state this famous phrase in order to provide important insight into Avva’s specific experiences. *Journals*

⁴¹ *Interviewing Inuit Elders: Introduction* notes the impacts of Rasmussen’s ethnographic work that decontextualized Inuit beliefs and practices into a fixed monolith. In the introduction, Alexina Kublu, Frédéric Laugrand and Jarich Oosten note that anthropologists, like Rasmussen, may quote their informants accurately, yet the information is problematically presented without “distinctions between observations, inferences, hearsay and so on” (8-9). The problem persists when anthropologists quote knowledge-keepers in ways that present their specific observations as overarching summaries without elaboration or specificity and “the general pattern is to present the data as an objective body of knowledge in which data, theory and opinion are integrated” (Kublu, Laugrand, and Oosten 8-9).

“recontextualizes” (MacRae 265-66) extensive sections from Rasmussen’s publications to create nearly verbatim monologues focused on the informants’ specific experiences with Inuit and qallunaat laws. These new monologues bring the experiences back to life along with all of their attenuating circumstances. These adapted scenes—what Ian MacRae dubs the “re-appropriation of cultural knowledge from Southern books and museums” (MacRae 269)—use filmic conventions to free Avva’s words from the page and bring them back to life within an Inuit context.

The adapted monologues focus much of their narrative space on explaining the importance of adhering to Inuit laws for living well in the Arctic. In the first monologue, Avva recollects the circumstances of his birth and his journey to become a shaman. The story hinges on his parents’ and his own adherence to tirigususiit. Avva explains that his mother had miscarried multiple children before his birth: “My mother was cursed by an evil shaman who befriended my father in order to lie with her. When my mother refused, the shaman whispered angrily in her ear: “All your children will be born dead!” And so it happened that all my mother’s children born before me had lain crosswise and were stillborn” (00:21:32-00:22:11). Thus, when his mother was pregnant with him, she was already expecting him to die. Avva recalls, “She said to her companions, ‘this child will not be a human being.’ To her, I was already dead” (00:22:22-00:22:33). Unable to have children, his mother decided to start breaking tirigususiit—they were difficult to live by and no longer served a purpose given the curse. However, Avva struggled in the womb when he sensed the tirigususiit being broken and his strong reaction indicated to his family and community that he would live and be a great shaman. At Avva’s birth, he was strangled by the umbilical cord and lay dead; however, a shaman saw his distress, tied the umbilical cord and cleaned him with a raven skin when Avva began to breathe

and cry. The shaman pronounced, “he was born to be dead, but now he will live.” The family, thus, adhered to strict protocols to ensure his health as a shaman, showing that the laws do hold power and can resist oppressive forces (00:22:36-00:27:15).

The passages’ transformation to the screen attests to the resiliency of Avva’s experiences with Inuit laws; his relationship to Inuit laws is robust across written and filmic mediums. Beyond showing the resiliency of Avva’s words, the monologue revivifies his experiences within the actions of the scene, so that Pakak Innuksuk who plays Avva becomes his proxy. The monologue, therefore, reconstructs Avva’s published speech about his own life story from a universal experience of becoming a shaman to the particular experiences of a family’s negotiation of shamanic belief and laws over generations.

The scene’s cinematography recontextualizes Avva’s personal reflections by weaving them into the fabric of camp life. The first monologue begins with Avva’s life-story in voice over, while the viewer is shown Knud Rasmussen and Peter Freuchen outside an iglu watching children play, women tending to babies, and the community-at-large working on the everyday tasks of camp life. The scene quickly moves inside Avva’s iglu where Rasmussen is listening and one of Avva’s helping spirits sits behind Avva’s shoulder. The monologue is situated between relationships to family, guests, personal experiences, and to spiritual beings. The cinematography also reveals details of the relationship between informant and ethnographer. The scene has Avva speaking to Rasmussen off-screen; Avva speaks directly to the camera, to the audience. The camera frames Avva in medium close-up as he engages in an almost unbroken 10-minute monologue to camera; the scene is striking in the camera’s unrelenting focus on Avva and for giving audience members a small glimpse into the long hours that Avva and Rasmussen must have spent together exchanging stories. The camera is framed to share the intimacy of

listening to and recording stories by hand. By focusing tightly on Avva's face and shoulders, the cinematography recreates the feeling of the limited space inside the iglu. In this iglu, Avva's monologue is clearly informed by his role in his community and the relationships he has fostered over his whole life. Here we see the intimate relationship between ethnographer and informant, contextualizing Avva's words that will soon take readers outside of the iglu where Avva and Rasmussen sit.

The film's second monologue refutes Southern desires for an overarching view of Inuit laws and beliefs. The monologue follows Avva's first monologue and adapts the famous passage from "Religion and Views of Life: 'We do not believe, we fear'" to address the specificity of Avva's experiences. Instead of portraying Avva as an authority on Inuit cosmology, the scene is staged to emphasize the specific social and environmental circumstances in which his words were recorded. Avva has just shared his life story and Rasmussen asks him the reasons for following *tirigusuusiit* and protocols: "what is the meaning of doing each thing just one way?" (00:31:26-00:31:40). Avva responds by taking Rasmussen throughout the community to show him the weather's unpredictability and to see people who have suffered sickness and loss. Over a montage of various hardships, Avva says:

To hunt well and live happily we need calm weather. Bad weather makes it really hard to find food for our families. Why do we have all these blizzards? Why do people suffer pain and sickness? We don't fear death but we are afraid of suffering. My sister never did anything bad. Her children are strong and cheerful. Now she'll be suffering for the rest of her life.

Why?

You too cannot answer why life is the way it is. All our customs come from life and turn toward life. We can't explain anything but you can see for yourself. We know a taboo was broken when we suffer bad weather, or from the Great Woman who rules over all the sea mammals. Spirits that help evil shamans, and the souls of the dead human beings, against these we struggle to protect ourselves. *We follow our ancestors' rules because they work. They protect us so we can live without worry, even if our customs are different from yours.* (00:31:55-00:34:58; emphasis added)

Avva's words demonstrate respect for the intricate balance he must maintain between his own actions, Nuna, and the spiritual realm. His explanation does not assuage Rasmussen's apparent doubt about shamanism, but it does rebuff any demand for clear explanations.

The cinematography again contextualizes Avva's iconic words within the specificity of camp life. As Avva and Rasmussen stand outside, the camera looks between their shoulders towards the open tundra and they watch three hunters returning from what appears to be an unsuccessful hunt. Avva is explaining the hunters' need for calm weather as the wind whistles blowing snow and ice without abatement. The wind is clearly painful and Avva and Rasmussen must recognize the hunters' struggles in such difficult weather. Avva then turns to his ill sister. The camera looks over his shoulder to the inside of her home as she coughs and wheezes in pain. The camera's physical closeness to Avva and Rasmussen, as well as the over-the-shoulder framing, embeds Avva's explanation of Inuit beliefs within his own particular, embodied experience. He may soon lose a sister to illness and her death is a personal loss that will impact her children and the entire camp. Avva's "fear" is here contextualized, and we see that he is specifically fearing the consequences of violent weather, illness, and the specter of starvation. The monologue is not an overarching explanation of shamanic belief, delivered for Rasmussen's

benefit. Instead, Avva is voicing particular anxieties around respecting Inuit cosmological laws at a time of hardship.

Exploring legal collision in *Journals*

Altering aspects of the Fifth Thule Expedition's chronology, *Journals* breaks away from the fixity of paper and history with a fictionalized conflict between Avva and Umik the Prophet.⁴² Crediting Christopher Trott for identifying the ways that the film changes the chronology of Avva's conversion, Keavy Martin states that "the issue of *siqqitirniq*—crossing over," translated as conversion, is represented through the imagined conflict between Avva and Umik the Prophet (*Stories in a New Skin* 89). The real Avva never arrived in Iglulik with the travellers and his conversion occurred later in 1923 (89-90).⁴³ In fact, it was only after conversion that Avva was

⁴² In "After the Gold Rush," Paul Chaat Smith says that the film provides an "explicitly anti-colonial project" by *reenacting* a period of transition and loss (24). In his article "Siqqitirniq (Crossing Over): Paradoxes of Conversion in *The Journals of Knud Rasmussen*," Ian J. MacRae focuses on *Journals*' compelling mixture of documentary and fictional cinema (270). For example, recreating scenes that were in Rasmussen's publications directs the film towards "documentary filmmaking" (278-9), while the film's manipulation of chronology fictionalizes key moments of the narrative (270). Sylvie Jasen, in her article "The Archive and Reenactment: Performing Knowledge in the Making of *The Journals of Knud Rasmussen*," is also interested in *Journals*' commitment to historical reenactment and argues that the film serves a pedagogical function by carefully representing pre-settlement life on film (2-3). It does so by incorporating historical photographs, re-enacting journal entries, and engaging with the large wealth of biographical sources (3). The filmmakers also rely on knowledge from elders and oral traditions and so are involved with two archives as foundations for their work (4). Jasen states that the filmmakers reenact Inuit traditional knowledge through the making of the film, and so, are involved in the process of revitalizing and transmitting this knowledge to future generations (4).

⁴³ Martin explains that, Avva did accompany Peter Freuchen and Therkel Mathiassen on the trip north from his camp at Port Elizabeth along the eastern coast of the Melville Peninsula, and Mathiassen does report a shortage of food, cold temperatures (between -40 and -50C), and difficult terrain (Mathiassen 43-4). But when they reached the camp at Ignertoq on 18 March 1922—just over halfway through the trip—they met and were fed by the hunter Ilupâlik (44). ... Mathiassen reports, Avva left them and headed back south. He had wanted to turn back earlier, fearing for the lives of his dogs, but, as Mathiassen says, "he was persuaded to go on" (44). ... Then, before Rasmussen headed out on his great journey westward to the Mackenzie Delta and Alaska, he stopped one more time at Avva's camp, where he reports that "above each hut waved a little white flag—a sign that the inmates had relinquished their old heathen faith and become Christians" (*Across Arctic America* 118). (*Stories* 89-90)

free to share sacred stories and teachings with Rasmussen, since he was no longer an angakkuq (Martin 90 and Knopf 121). By comparing the film to its source text, Martin explains that the film's primary conflict is largely a fictionalized, anachronistic account of Avva's conversion (Martin 89-90).⁴⁴ By deviating from historical fact, the film draws out deeper truths about, and tensions between, religious conversion and social adaptation as they impact Rasmussen's informants.

Adapting Avva's conversion tale allows *Journals* to reflect on the political conflicts and the tensions between Christianity, angakkunniq, and customary law within Inuit communities in the 1920s. In the film, when Avva's camp arrives in Iglulik, the travellers have been unable to catch much food during the difficult journey. Upon their arrival, Umik, the camp leader, greets them with hymns and a handshake—indicating that they have arrived at a Christian camp. While Umik welcomes his guests warmly, he affirms that, contrary to Inuit custom, hunters bring all catches to Umik so that he can decide who eats; importantly, food will only be shared with other Christians (01:12:24-01:15:12). For Avva's camp to eat, they will have to perform siqqitirniq and convert to Christianity. Denied the opportunity to rely on the generosity of others, starvation becomes a dangerous possibility. Though this conflict is fictionalized, the dramatization opens up the possibility that a political power struggle provoked Avva's decision to convert to Christianity. Indeed, Laugrand and Oosten remark that the film suggests “that Umik's control of food played a significant part of the process of conversion and that conversion itself implied a deviation from fundamental Inuit values of sharing” (Laugrand and Oosten 388-9). While the

⁴⁴ For more on Avva or Aua's conversion to Christianity and the conversion's necessity to live and thus share Shamanic knowledge into the future, see Laugrand and Oosten 52-3.

scene may not be historically accurate, it does gesture towards the very real political and social tensions between Inuit communities throughout the North that colonization intensified.

While *Journals* focuses primarily on Avva's family, it also takes time to include Nuqallaq's struggle with Southern policing. Prior to travelling to Umik's camp, Avva and Nuqallaq discuss their opinions on the case and engage in conversation from multiple perspectives, acknowledging the impacts and pressures of Southern law and religion and their navigation of maligait and piquajaq. Nuqallaq (played by Natar Ungalaaq) is a pivotal character and viewers find him in 1922 in the interim between the sanctioned killing of Robert Janes in 1920 and his trial in 1923. Nuqallaq has traveled from Iglulik to Avva's family camp at Qalirusiujaq in order to trade; it is during this visit that he invites them to his father Umik the Prophet's camp. Nuqallaq has converted to Christianity, and it is implied that he hopes to convert Avva's camp as well (00:47:56-00:49:16). This brief visit allows Avva and Nuqallaq to discuss the sanctioned killing in a fictionalized conversation. They discuss back and forth Nuqallaq's reasoning for following his community's piqujait (their request that he kill Janes), and the potential consequences for the killing. Nuqallaq refers to Janes by his Inuktitut name, "Sakirmiaq" (00:49:22-00:49:23), which means "second mate" (Grant 36, 65). He explains that his elders decided that Janes should be killed for threatening the community and that Nuqallaq should shoot him. This statement affirms Inuit modes to dealing with wrongdoers. In referring to Janes by the name given to him by Inuit community members, which stands in for the ways Janes had previously traded, shared food in times of starvation, and fostered friendships with Inuit (65), Nuqallaq enfolds Janes within Inuit processes of peacemaking.⁴⁵ As a qallunaaq in

⁴⁵ Janes was also called Sakirmiaviniq, which translates to "no longer second mate," a reference to his position on the CGS *Arctic* (Grant 36; 65).

Inuit homelands who has made efforts to foster these relationships, Janes is beholden to the Inuit legal system and his promise of violence betrays the community's friendship.

In the *Journals*' version of Nuqallaq, we see someone who navigates religious belief with confidence in Inuit self-determination. Nuqallaq has already converted to Christianity by the time he speaks with Avva in 1922, as is reflected in his efforts to help evangelize for his father and in his remarks that he sees potential in working with qallunaat whalers. However, his religious beliefs do not diminish his confidence in his elders' abilities to govern. He respects and recognizes the elders' authority according to piqujait. This is especially evident when Nuqallaq rebuffs a chastising Avva by retorting, "Our elders thought he was dangerous. We shot him like anyone acting crazy and scaring people" (00:49:36-00:49:56). Nuqallaq recognizes that Janes' violence was a threat to many lives and had trust in his elders' wisdom to decide the best course of action. Nuqallaq embodies his community's values by protecting his community from harm and respecting the decisions made by his elders.

The scene between Avva and Nuqallaq is a means for *Journals* to voice multiple Inuit religious and legal values, reflecting the persistent role of discussion in Inuit legal decision-making. Both characters refuse Southern dichotomies of guilt and non-guilt, though they disagree about whether the killing was a good decision. Nuqallaq has faith in his community's decision-making practices. By contrast, Avva grapples with Nuqallaq's actions within maligait more broadly, because he is afraid of the unforeseen consequences. Avva chastises Nuqallaq, stating that all murder is wrong and that "His family will want revenge, just like we usually do" according to maligait (00:49:36:00-00:49:46). This shows that, even though Avva condemns the act of killing, he is not deferring to Southern law. Instead, Avva is worried that it leaves their community open to retaliation from Janes' relatives who now have the right to revenge—a

principle of Inuit law. He collapses Inuit and qallunaat with his assumption that the Janes family will act “just like we usually do.” This rhetorical move essentially pushes qallunaat definitions of crime and justice to the side and incorporates the Southerners into Inuit legal frameworks.⁴⁶

Avva’s worries evokes Nuqallaq’s future trial and recasts the trial from a neutral process of justice to an act of revenge from Jane’s “family”—the Canadian government. Additionally, Avva is opposed to the killing from a religious perspective, explaining that it goes against his beliefs as an angakkuq that one must always “turn towards life” (00:33:43-00:33:50). To Avva, killing another person is an immense transgression. Of course, Nuqallaq’s actions can also be framed as respecting life, as he acted to protect the lives of his entire community. Though Avva and Nuqallaq do not necessarily agree, they both share a respect for life and a responsibility to protect the lives of others. This moment of legal conversation speaks to the adaptability of Inuit law as both men examine their shared beliefs, opposing perspectives, and concerns about Southerners undermining Inuit decision-making. Both men affirm Inuit forms of justice, even if it is differently expressed.

Anitat: Examining Crime, Confession, and Transformation

In order to examine a moment of legal discussion at a moment of religious transformation, let us turn then to the mystery at the heart of *The Journals of Knud Rasmussen*—what transgression has taken place, leading to Avva’s camp starving? The investigation into this transgression

⁴⁶ In the next breath, Avva distinguishes between Inuit and qallunaat saying, “But the Whites are not like us. They won’t forget” (00:49:55-00:50:03). Avva’s statement could signal a concern that though Janes’ family is open to revenge closely following the killing according to Inuit custom, revenge according to qallunaat is not intended to make peace. Instead, it festers without closure and may take unexpected forms.

prioritizes traditional law as a process that allows Avva's camp to reconcile and live well with the cosmos.

By the time we near the film's conclusion, Avva's camp senses that something is wrong and that Nuliajuq must be punishing them for breaking *tirigusuusiit*. Resolving the mystery, therefore, requires finding the transgressor, having them confess the truth, and restoring balance through an *anitat* ceremony.⁴⁷ *Evaluarjuk*, another *angakkuq* in Avva's camp, is called and the entire camp chants together as, one by one, they confess their wrongdoings. *Evaluarjuk* is not satisfied and senses that there are greater transgressions affecting them. He states that he sees what "looks like blood, or human waste. Blood covered with snow, someone tried to hide" (01:30:40-01:30:54). *Apak* then confesses that she had had a miscarriage and hid it to "avoid the taboo" (women who miscarried had to adhere to certain protocols) (01:30:57-01:31:09). Since *Apak* hid the miscarriage and did not adhere to protocol, the cosmological order had become unbalanced; *Nuliajuq*, also known as *Sedna*, the mother of sea beasts, was angered and had withheld the sea mammals in her grasp. This imbalance led to the potential starvation of camps throughout the region. Hidden miscarriages were commonly seen as the reason for unsuccessful hunts and *angakkuit* would often perform ceremonies of confession to reassert good relationships with *Nuliajuq* and the cosmos (Laugrand and Oosten 117-8). In the film, *Apak's* brother recognizes that "that is a very serious offence"; he offers forgiveness as the *angakkuq* requests that "all evils be driven away" (01:31:10-01:31:46). *Apak's* confession is an integral step to heal

⁴⁷ Those who transgressed would *anitat*—confess their wrongdoing—to bring the transgression out into the open for all to know and hear (Laugrand and Oosten 246). The process was integral to reasserting order in the community because hiding the truth would result in further repercussions from the natural world (246). It was important that community members fully confessed and changed their ways to become valuable members of their community and so every effort was made to help them.

relations with the cosmological realm and strengthen her community. Bennett and Rowley explain that “nunagiksaqtuq” ceremonies of confession “strengthen the camp in every way” (405, 444). Instead of involving harsh interrogation and punishment, confession—particularly Apak’s confession of her hidden miscarriage—heals the entire community and their relationship with the cosmos.

The narrative shows Inuit customary laws working well and communities capably navigating these complex legal systems to ensure their survival. These scenes reject secular analysis. This is because a secular reading would dismiss Nuliajuq’s and the cosmos’ impact on the world and analyze the anitat scene as a moment of individual remorse and redemption.⁴⁸ Instead, I take the scene at face value: Inuit laws and human action are connected to the cosmos; furthermore, tirigususiit matter because they demonstrate that human actions have ongoing impacts on the surrounding world. By film’s end, the cycle of transgression and healing has been completed, Apak is forgiven, and the animals return to the waterways where Avva’s camp hunts them. Regardless of the camp’s decision to convert to Christianity, traditional forms of truth-telling have been shown to remain valuable for community cohesion.

While the narrative shows Inuit customary laws working well, it also nuances the relationship between tirigususiit and power for Apak as an Inuit woman. Given the reconciliation that precedes it, Apak’s decision to convert comes as a surprise. The scene where she announces her choice to eat forbidden foods and convert is another instance of intergenerational discussion and legal reflection. After her community forgives Apak and begins to disperse, Avva suspects that his daughter has not fully confessed:

⁴⁸ *Journals* visually rejects a secular reading by including actors silently portraying Avva’s helping spirits throughout the film.

AVVA. What else are you not telling? You see something ahead of us. Tell it now. What do you see?

APAK. I said everything. Whatever more I could say wouldn't help us now.

AVVA. Even now you disobey me. You, who sees the spirit world as I do! Do you want to see me weak like this?

APAK. No. I want you to eat, father, and live... It's not my fight. I don't have your strength. I just want you to eat. And live.

AVVA. You want to eat? You betray me for some food?... Then go eat with your friends!

APAK. So, the choice is mine to make? (01:31:57-01:34:36)

Avva sees her decision as a betrayal of her role as a daughter and shaman and, subsequently, against all that he has taught her about maintaining peace within the cosmos. In fact, their discussion shows that Apak is making a deliberate choice as she has had a vision of her father sending his helping spirits away to convert. It is a strategic manoeuvre based on the knowledge she has gained as an angakkuq and from surveying the conflicts before her. Rather than an abandonment of traditional customs, conversion is a way for Apak to continue practicing Inuit political principles, though in a new form. Apak's decision to convert astutely ensures that she has access to food at a time of political power struggle. Her decision is contextualized through difficult conversations with Avva. While Avva believes that his daughter is rejecting her shamanic abilities and—by extension—their relationship, her response that she wants her father to eat and live demonstrates a commitment to healing relationships, devotion to family, and continuance. Apak's words, "I want you to eat, father, and live," echoes Avva's earlier explanation of angakunniq to Rasmussen that, "All our customs come from life and turn toward

life” (00:33:43-00:33:50). We see in the next scene that Avva has heeded his daughter’s words and he prepares to convert by thanking his helping spirits for their relationship and tearfully sending them away. This banishment appears final in the film as the spirits loudly weep as they walk toward the horizon. In reality, Keavy Martin identifies the film’s departure from Rasmussen’s material, *Across the Arctic America*, where Avva reports to Rasmussen that he has converted to Christianity and sent his helping spirits to his sister in Baffin Land (*Stories in a New Skin* 97). Avva’s choice to send the spirits to a relative undermines the finality of religious conversion and deny notions that Inuit spiritual beings suddenly cease to exist because a person converts. Avva and Apak’s conversion are both examples of continuance and complicated social, political and cosmological negotiations to “turn towards life.” Apak is echoing her father’s values in her desire that they eat—convert—and live. Furthermore, Apak affirms her autonomy to choose for herself by converting and practicing her life-ways in a new form.

At the same time, Apak’s choice to convert nuances the relationship between tirigusuusiit and power for Apak as an Inuit woman and highlights the tension between community and individual well being. Apak’s narrative allows the film to examine women’s particular experiences during a time of transition and to show the tensions that arise at the intersections of gender, Inuit laws, and settler-colonialism. Throughout the film, Apak is seen making various sacrifices to maintain physical and cosmological peace in her community. She marries her Netsilik husband after a member of his community murdered her first husband out of jealousy (00:38:03-00:38:07; 00:46:38-00:47:07). In order to preserve peace and end the killing, Avva argues that the Netsilik community should give her a new husband. Though this arrangement is a form of peacemaking and restitution, the film often touches on her disdain for her new husband and the sacrifices that she has made as an individual to foster peace (00:05:45-00:06:12;

00:20:20-00:20:34). When her father admonishes her for being cold to her Netsilik husband, Apak makes it clear that this peace was bought by her personal sacrifice. Avva chastises her, “Do you want more blood on the floor?” to which she replies, “No father, mine was enough” (00:36:56-00:38:22). Avva’s fear of future violence is understandable, but Apak’s reply, that her own blood has been spilt, is a visceral reminder of the cost of peace when women must sacrifice for the good of the community.

The film raises challenging questions around Inuit customary laws’ impacts on Inuit women, and the choice to convert. This connection seems intentional, because the stories of Avva’s mother’s pregnancy and Apak’s miscarriage highlight the strict *tirigususiit* that Inuit women had to obey. Aside from the *tirigususiit* against concealing a miscarriage or an abortion—one of the most serious possible transgressions—Inuit women routinely faced many more restrictions, particularly when menstruating (Laugrand and Oosten 116). In this context, Apak’s decision to convert is an act of ensuring that her community survives by accessing food while no longer having to practice *tirigususiit* that negatively impact Inuit women. The emphasis on women’s choices is foregrounded in the film’s opening narration where Apak introduces the events we are about to watch now that she is an elderly woman named Usarak (00:00:00-00:00:10). Usarak’s narration of her youth denotes by the film’s conclusion that this is, at heart, a woman’s story in the context of great social and political change. Her character speaks to contemporary audiences as she astutely navigates political pressures and religious change to continue to live by her own, chosen values. Through her character, the film contemplates the importance of reframing Inuit legal orders in ways that are useful to the present needs and concerns of Inuit, and in particular, Inuit women.

Modelling Political Adaptation Across Generations

The Journals of Knud Rasmussen raises many questions about the ways Inuit and Southern law and religion interact. By rewriting Rasmussen's biographical texts to fictionalize a crime against Inuit customary law, Igloodik Isuma Productions examines the strategic choices that some Inuit made in order to "turn towards life" and ensure the next generation's survival. Igloodik Isuma Productions fulfills Rasmussen's obligation to "carry forward Avva's life story" (Cohn 159) by lifting it from a fixed existence on paper and bringing it vibrantly to the screen. As a text that engages with truth-telling, the film acknowledges that conversion was not always done willingly. In this way, it takes a broader look at conversion and provides a form of testimony that refutes Southern claims about Inuit lawlessness. In fact, *Journals* focuses the majority of its narrative on intergenerational discussions between characters who seriously reflect on the ways Inuit laws and religious beliefs should be applied, adapted, and transmitted to the next generation. The film examines these conversations in order to address its contemporary audience, so that they may see in Avva, Apak, and Nuqallaq their own ancestors, people who made—or were forced to make—difficult decisions to safeguard their futures. The film's fictionalization crafts a story that affirms Inuit rights to negotiate their values and laws. *Journals* may resonate with Inuit audience members who continue to discuss the most useful means of revitalizing Inuit legal orders in their everyday lives and within Nunavut's governance structure.

The Qallupiluq Forgiven: Adapting unikkaaqtuat and reading legal relationships

I turn now from a film adaptation that recontextualizes the lived experience of Inuit peoples' social and legal navigation to a short story that examines the relationship between Inuit laws, unikkaaqtuat (traditional oral stories, legends, and myths), and speculative short fiction. The

Interviews with Inuit Elders Series: Perspectives on Traditional Law distinguishes between two types of oral stories: unikkaat and unikkaaquat, which both convey knowledge of particular locations, of protocols to create good relationships, and Inuit cultural values (179). Unikkaat are stories of recent memory that convey the storyteller's or their relatives' lived experiences (179-80). Apak's narration of her lived experiences in *The Journals of Knud Rasmussen* makes use of the unikkaat tradition by reclaiming Rasmussen's published ethnography through film.

Unikkaaquat (or Unipkaaqtuat) are older stories or legends that feature well-known Inuit mythological figures—like Kiviuq (194-5)—and are at once meant to entertain and prompt listeners—often children—to reflect on possible lessons in the stories (179).⁴⁹ “The Qallupiluq Forgiven,” collected in speculative fiction writers Rachel and Sean Qitsualik-Tinsley's *Ajjiit: Dark Dreams of the Ancient Arctic*, reveals how adapting an oral form of storytelling to print encourages the next generation to reflect on Inuit legal relationships in the twenty-first century.⁵⁰ Successful adaptations, therefore, find in the traditional what is relevant to contemporary needs and rearticulate it for the next generation. The story creatively adapts unikkaaquat conventions, borrowing figures and concepts from oral stories in ways that blur the line between oral and written texts. The writers strategically transform the story and their deviations from unikkaaquat conventions encourage readers to reflect on the persistence of change in legal relationships between humans, other-than-humans, and Nuna.

⁴⁹ Keavy Martin notes that the suffix –tuaq can denote either a mythological temporal setting or the story's epic length (*Stories in a New Skin* 43).

⁵⁰ Rachel Qitsualik is Inuk from northern Baffin Island, while Sean Tinsley is Mohawk and Scottish from southern Ontario. Qitsualik has published stories and articles on Inuit philosophy and language under her maiden name and she and Tinsley have collaboratively written Arctic fantasy fiction under the hyphenated last name Qitsualik-Tinsley.

The Qitsualik-Tinsleys craft new works of Inuit fiction that combine elements of fantasy and horror with figures from Inuit oral stories: tales of creatures transforming into humans, ancient cosmological concepts, and non-human beings (Qitsualik-Tinsley 2). Emile Imaruittuq (from Iglulik) specifies that horror has a tradition in unikkaaqtuat where “scary stories were only geared towards children” in order to entertain and instill proper behaviour (179). Though Imaruittuq states that telling scary stories “was for pure entertainment...It didn’t have deeper meaning” (179), the Qitsualik-Tinsleys borrow from this tradition of horrifying stories for children in order to provoke questions that are not easily answered by the stories themselves. In the introduction to *Ajjiit*, the Qitsualik-Tinsleys state that they “were not retelling any pre-existing Inuit stories,” but that they did use elements and vocabulary from ancient Inuit literary traditions to inform their work (2). The collection’s title mirrors their intent: *ajjiit* translates to “likenesses” from the Aivilingmiutaa dialect (3). The short stories may “illustrate a sort of cosmological thinking particular to Inuit culture” (2), but by only aiming to capture the likenesses of the originals, the authors find “spaces where creativity might stamp and roar” (3). “The Qallupiluq Forgiven” is no exception as it explores the complex relationship between Nuna, human and other-than-human laws through a vivid story of transgression, forgiveness, and punishment.

Ajjiit takes on the vital work of fostering critical understandings of Inuit legal traditions among youth, overcoming gaps in generations, geographies, and dialects. Where unikkaaqtuat once shaped understandings of Inuit intellectual and legal traditions, the Qitsualik-Tinsleys adapt unikkaaqtuat to young adult fiction in order to reach the next generation. In *Perspectives on Traditional Law*, Akisu Joamie (Southeastern Baffin Island) foregrounds the importance of transmitting Inuit legal understanding to the next generation: “My fellow elders do not speak the

same dialect that I do. My dialect is *uqqurmiutitut*, but I understand what they are saying. They are saying the same things about the *piqujait* and *piusiq* of our ancestors. If these were understood by the younger generation, they could come alive again” (46). Akisu considers it vitally important to share the *piqujait* (“acceptable behaviour or ways of doing things that had to be followed”; 228) and *piusiq* (“the way things are”; 228) with the next generation. Though Inuit legal orders persist diversely across dialects and regions, they must be made accessible to youth if they are to persist. Akisu’s understanding that elders communicate across dialectal divides provides a parallel for understanding the relationship between published stories and oral stories: though different literary forms communicate in fundamentally different ways, a reader of one can understand the other as if listening to a related dialect. *Unikkaaqtuat* relies on speech that is embedded in community and contextualized by intergenerational relationships. It is true that *Ajjiit* is primarily written in English, but it shares Inuit philosophy, Inuktitut vocabulary, and narrative figures with *unikkaaqtuat*. Though *Ajjiit* is clear that it is a new genre and revels in descriptions of non-human beings, it retains an ambiguous tone that is familiar to anyone who has heard *unikkaaqtuat* where explanations and context for characters’ actions are rarely given. Pelagie Owljoot clarifies that, “There is a moral to these legends that individuals have to figure out for themselves and gets them thinking. Traditionally, stories were told to amuse listeners, pass on ancestral history, provide lessons in moral conduct, communicate spirituality, and explain the existence of objects in nature. Inuit elders shared stories but did not provide descriptive details or characters or events. Rather, the Inuit way of telling stories was to lay the events out pragmatically. Without visual information or colourful storybooks, listeners were free to imagine the physical attributes of the characters and their surroundings” (qtd. in Martin, *Stories in a New Skin* 13). Similarly, *Ajjiit* continues the tradition crafting compelling stories for Inuit

youth to grapple with Inuit legal concepts; through a prolonged engagement with story, Inuit youth sharpen their intellectual agility and—in the words of Akisu—unikkaaqtuat “come alive again” (*Perspectives on Traditional Law* 46).

Ajjiit's interpretative unwieldiness attests to the Qitsualik-Tinsleys' creative vision and the artistic dexterity with which they reshape mythical figures and ancient intellectual concepts. While it is important to understand shared aspects between unikkaaqtuat and literary adaptations, they should not be conflated. When asked to reflect on the importance of stories, Henry Isluanik remarks that the differences between stories across regions must be taken seriously: “Even if the stories are different, they will benefit us in many ways. We can tell the same story in different versions. I want you to be aware of this. Depending on our dialects, the story seems to change. I want this to be taken into consideration. We talk about the importance of this in Arviat. It's because our dialects are different” (McDermott 256). Not only is it important to understand the differences between versions of stories across dialects, but we must also note the different social contexts and purposes of storytelling in the past compared to today. *Ajjiit* uses many familiar characters and concepts from oral stories and it is important to pay particular attention to the ways the characters are augmented or the terminology shifts in these new tales in ways that are explicitly directed to contemporary audiences. *Ajjiit* is not a direct retelling of an already established unikkaaqtuat and, therefore, poses a particular methodological challenge to literary scholars. *Ajjiit*'s stories appear to be set in the world of unikkaaqtuat; yet the content of the stories speaks to particular concerns of the present. For example, “Elder” is about the ways a community of inugarulliit (little people) must save their elders from nightmarish creatures. Read through a contemporary lens, the story clearly speaks to concerns of an aging Inuit population and could perhaps also voice fears of the impacts of climate change. In doing so, they create a

new genre that breathes life into unikkaaqtuat, addresses contemporary critiques of Inuit sovereignty, and appeals to youth to ensure that legal thought and discussion is shared with the next generation.

“the Land demanded discipline”: Examining overlapping jurisdiction across land and ice

On the surface, “The Qallupiluq Forgiven” is a surprising tale of forgiveness between a Qallupiluq and the girl whom they intend to bring to the depths of the ocean. The tale is told from the perspective of the Qallupiluq—an underwater being that emerges from beneath the ice, shapeless, under a full moon, and snatches children who have broken tirigusuusiit.⁵¹ Since the Qallupiluq must adhere to Nuna’s will and take form before they move from the ice onto the land, they decide to take the form of a beautiful young woman they had snatched years before and they hobble towards the human camp. As the Qallupiluq draws near the iglu where the girl sleeps, a dog suddenly approaches and speaks to them in Tarriummak (49), the language of the angakkuit (Qitsualik-Tinsley 3), in order to warn them away from the dog’s master. If the Qallupiluq continues, they are told, they risk dire consequences. They persist, breaking into the iglu and kidnapping the girl (49). Their mission seems almost complete as the satisfied Qallupiluq returns to the ocean. But as they wade into the water, the girl begins to sing a song of forgiveness and her shamanic powers are revealed. The Qallupiluq is banished to the bottom of the ocean where they must answer to Nuliajuq, the Mother of Sea Beasts, for their blood-lust.⁵²

⁵¹ I describe the Qallupiluq using the gender-neutral singular pronoun “they” throughout the chapter, to avoid assuming that qallupilluit use a gender-binary. I also avoid objective terms like “it,” because Qallupilluit are other-than-human beings with their own social norms and interiority.

⁵² Nuliajuq (also spelled Nuliajuk) is the Mother of Sea Beast whose origin story has many variations across the Arctic. In the Nattilingmiut version told to Rasmussen in 1931, Nuliajuq was an orphaned girl who was thrown from a raft by people who resented her. As she tries to cling to the raft, her fingers are

The story conforms in many ways to unikkaaqtuat conventions through its examination of the impacts of breaking tirigususiit and its embedded lessons to readers. Unikkaaqtuat are intended to entertain children and to teach valuable corrective lessons (McDermott 280). In his dissertation, Noel McDermott notes that interpreting these stories posed a challenge as “[t]he wise critic will, therefore, avoid making the mistake that Inuit children would not make, assuming that they understand the many meanings of the story and the reasons for its telling” (280). As literary critics, we also cannot assume to know the intent of this published tale, but it does share many conventions with unikkaaqtuat. For instance, it is similarly didactic; “The Qallupiluq Forgiven” is interested in the responsibilities of maintaining good behaviour and the need for visitors to act well when skirting the worlds under the ice. Characters are shown to break tirigususiit: the woman that the Qallupiluq imitates was snatched for brushing her hair by an ice-crack (46), while the little girl is deemed punishable for wishing to see a Qallupiluq (47-8). Thus, in the fashion of unikkaaqtuat, the story warns about the consequences of transgressing tirigususiit and the real dangers of carelessness. In the figure of the girl, we see additional unikkaaqtuat conventions: the warning that orphans should be respected and that beings may be much more powerful than they appear at first (McDermott 121, 347-8). The Qallupiluq

chopped from her hands and she sinks into the water and drowns. However, Nuliajuq transforms into a spiritual being and her fingers transform into the seals, whales, and sea animals that will sustain the people. She resides on the bottom of the ocean and will withhold the sea animals if she is displeased (Bennett and Rowley 171-2). In the Uqqurmiut version, she is a girl who does not wish to marry and instead marries a dog with whom she has many children. Her father murders her husband and she eventually marries a man whom she believes is very handsome, but who is in fact a petrel in disguise. When her father tries to retrieve his daughter, the petrel attacks their qajaq; the father tosses his daughter in the sea and chops off her fingers to escape. She transforms into the Mother of Beasts and her severed fingers become the animals of the sea (172-3). As Naalungiaq explains to Rasmussen, “In that way she obtained great power over mankind, who had despised her and thrown her into the sea. She became the most feared of all spirits, the most powerful, and the one who more than any other controls the destinies of men. For that reason almost all taboo is directed against her, though only in the dark period while the sun is low, and it is cold and windy on earth; for then life is most dangerous to live” (172).

underestimates the girl by comparing her to human “spawn” (47) and a “calf” (53); they think the girl small and weak, no match for the Qallupiluq’s otherworldly strength. The Qallupiluq finally realizes their grave mistake when they are told this is the daughter of the woman they snatched all those years before (53). The child then sings a song of forgiveness and reveals herself to be an angakkuq as she harnesses the power of the cosmos to trap the Qallupiluq in the ice through a shamanic battle of wills (52-5). This revelation resonates with unikkaaqtuat tales of shamanic battles, tales where angakkuit engaged in contests of strength with other-than-human beings, other shamans, or with the cosmos to restore balance and peace.

One way in which the story diverges from typical oral narratives about qalupaliit is this particular Qallupiluq’s ability to leave the ice. Qaunnaq Uquutaq (from Kinngait, formerly known as Cape Dorset) notes that in the oral stories they have heard, “qalupaliit rarely ever come out of the water, or go to the surface of the water” (McDermott 228). The Qallupiluq in this tale is quite mobile: not only do they come to the water’s surface, but they even travel onto the land (shapeshifting as they go). This adaptation could simply have been done to expand the tale’s possible settings, but it seems more relevant that the Qallupiluq’s ability to cross between water, ice, and land allows the writers to examine the enforcement of laws across multiple jurisdictions. Barnabus Pirujuaq (from Qamanittuaq or Baker Lake) remarks that Qallupilluit stories are not typically found inland because landlocked communities have no need to warn about the dangers of wandering next to the sea ice (McDermott 230). In this sense, the Qallupiluq on land is a being exploring a neighboring world. In opening up the convention to consider how a being navigates an unfamiliar world, the story could have intended to speak to readers who must also navigate jurisdictions in the contemporary, hyper-mobile world.

For the Qallupiluq, it is their particular responsibility that grants them hyper-mobility. They enact a degree of *aulatsigunnarniq*, the ability to move across land to maintain complex lifeways with Imaq-Nuna-Sila (“Inummarik” 26-30). The Qallupiluq is only able to leave the ice and travel towards the human-camp because the girl had broken “the ancient laws of taboo” (Qitsualik-Tinsley 48). The Qallupiluq actually felt Nuna react to the girl’s transgression, describing it as a “ripple in the Strength of the Land” (48). Nuna sanctions the girl’s punishment by allowing the Qallupiluq to enter the land, traversing from Imaq’s plane onto Nuna’s. Nuna participates in this legal process by helping the Qallupiluq fulfill their duty. Sila is also a participant in the cosmic order and supports the Qallupiluq’s mission. As the Qallupiluq approaches the camp, they fear the dogs will wake the humans. The Qallupiluq gazes up at Sila—at the Aqsarniit, the Northern Lights—and whistles to them; the Aqsarniit imbues the Qallupiluq’s whistles with the power to make the dogs fall into a deep sleep (48). Sovereignty in this instance is adhering to the will of the cosmos and working within the framework that Imaq, Nuna, and Sila have set out for the Qallupiluq. The land’s demand to the Qallupiluq to emerge from the sea and the strength that the Qallupiluq gathers from looking at the Northern Lights indicate that the Qallupiluq is acting as an agent of the cosmological order.

While gaining powers from Imaq, Nuna and Sila, the Qallupiluq remains subordinate to Nuna. The story begins at the moment the Qallupiluq emerges from the ice “bathed in silver light,” a shapeless chimera. This is how they lived under the sea, and they preferred not to take shape. But they acknowledge that they must conform to Nuna’s laws when crossing into its jurisdiction: “there were different laws upon this, the Land; and of all domains, the Land demanded discipline” (45-6). The passage identifies a cosmology where multiple “domains” adhere to different protocols. The use of “discipline” confers a forcefulness that the Qallupiluq

cannot deny. The Qallupiluq adheres to Nuna's will—the “shackles of order” (45-6)—in order to fulfill their mission. However, it does not go as they had hoped. The Qallupiluq transforms themselves by projecting a dream of the young woman they had snatched years before (46-7), but they find the imitation is lacking. Though they approximate her flowing hair and the rough shape of her amauti, the Qallupiluq notes that it is poorly sewn and “lopsided” (47). More concerning to the Qallupiluq is the fact that they cannot project her life-breath, the breath they so desired when they had snatched her all those years ago (46-7). The Qallupiluq's inability to fully imitate a human form, with its awkwardly inhuman gait and lack of breath, makes me consider the possibility that Nuna is imposing jurisdictional limits. It could be that the Qallupiluq fails because of their limited experience on land among humans, but it could also indicate that Nuna has denied the Qallupiluq unlimited power while on the land. The reason for the Qallupiluq's struggle is ambiguous, yet it is important to remember that the text acknowledges Nuna's power and the importance to adhere to laws in another territory.

According to Inuit definitions of sovereignty, the Qallupiluq is punished at the story's end for their bloodlust. They disregarded *uumaniq-inua-anirniq* (“life instinct—awareness—higher potential”; “Inummarik” 30). The Qallupiluq confesses that they have “slain the whales for pleasure, the seals for sport” (Qitsualik-Tinsley 55) and have abused their role in the cosmos, snatching humans below the ice only to possess a bit of their *uumaniq*. In this way, they disobey the first tenet of *aulatsigunnarniq—uumaniq*—by taking for granted “the simple stuff of life in common to both animals and humans” (29). The Qallupiluq disregards the second tenet of sovereignty—*inua* (intelligence common to humans and some animals)—by underestimating the girl's shamanic powers (53). Finally, the Qallupiluq violates respect for *anirniq* (“the impersonal and imperishable aspect of life” that flows through all things; 29) by coveting the life breath of

their human victims (46). The Qallupiluq defies the philosophical beliefs that uphold Inuit sovereignty, and so, what began as a cautionary tale for children to avoid cracks in the ice ends up being about the dangers of transgressing cosmic laws.

As a tale of punishment for transgressions against cosmological laws, “The Qallupiluq Forgiven” conforms to unikkaaquat. Typically, ancient tales end with the Qallupiluq successfully punishing a person for either breaking tirigusuusiit, inattention, or misrecognizing dangers (Laugrand and Oosten 186-9). The stories convey the lesson to maintain protocols and to be attentive to one’s surroundings in an always-changing environment. This convention persists; yet, it is instead applied to other-than-human beings as well as to humans. In this way, the story conveys to youth that Inuit philosophies and ancient laws remain relevant to Inuit sovereignty: Nuna still holds “strength above strength,” life should be respected, and Nuliajuq will avenge herself if transgressed. Moreover, forcing the Qallupiluq to beg for mercy from the Mother of Sea Beasts is, in fact, reflective of Inuit modes of justice that run contrary to Southern forms. Even if it is a grim scene, the language of “forgiveness” and “mercy” indicates a different mode of engaging with wrongdoers: it reflects the Inuit practice of having transgressors counselled by elders (*Shamanism and Reintegrating Wrongdoers* 185). The Qallupiluq is made accountable for their actions and must repair their relationship with Nuliajuq whom they have angered. Their fate, therefore, brings the Qallupiluq back into relationality with other-than-human beings, Nuna, and the cosmos. As we understand through our discussion of Nuqallaq in *The Journals of Knud Rasmussen*, Southern modes of policing violently sever Inuit from their homelands, community, and culture. By contrast, in “The Qallupiluq Forgiven,” a transgressor is banished to the sea—re-embraced into the fabric of their home-territory in order to do the difficult work of repairing relations and making peace.

**“The Deep Mother was a girl once, and understands more of Human ways than you might guess”:
relationships and authority between Inuit Women**

The balance between law and relationships is an important guide to “The Qallupiluq Forgiven.” The Qallupiluq seems to have forgotten their obligations to the cosmos and to Nuliajuq who has vested them with authority. If we return to the concept of piqujaq—“[that] which is asked to be done (by somebody)” (qtd. in *Perspectives on Traditional Law* 1—the Qallupiluq has reneged on their obligations to Nuliajuq who had requested that they punish the shaman for breaking tirigusuusiit. In contrast, the shaman and her helping spirit rely on their recognition to Nuliajuq’s authority and their relationship to her in order to avenge themselves on the Qallupiluq. During the story’s final confrontation on the ice (a liminal space between Sea and Land), the girl’s helping spirit utilizes the language of motherhood: “throw yourself upon the mercy of *Nuliajuq*... The Deep Mother, then, will be your judge” (55). The helping spirit uses Nuliajuq’s other name and, in so doing, aligns themselves as her cosmological children who need protection. The shaman sings her song of forgiveness to the Qallupiluq, and though it vocalizes the importance of forgiveness, the song traps the Qallupiluq in the ice, and the process of retribution begins to take shape. It is then that the Qallupiluq learns that the girl is the daughter of the woman they had snatched. As such, she bears her mother’s name and possesses some of her anirniq (life-breath; 53).⁵³ Thus, the girl is simultaneously taking revenge on the Qallupiluq *as her mother* and as a daughter *on behalf of her mother*. The shaman and her helping spirit harness their relationship to Nuliajuq, to the cosmos and to Inuit social structures to explore revenge.

⁵³ In Inuit naming traditions, if a person is named after a relative who has died, the deceased lives on in the younger generation. It is not uncommon for a grandmother to endearingly call a grandchild “my daughter” as kinship relationships are reborn in naming practices (Laugrand and Oosten 195).

Much like *The Journals of Knud Rasmussen*, the story situates women as important legal participants and theorists who navigate Inuit knowledge through social change. The girl's connection to Nuliajuq suggests an ongoing relationship in spite of social change. The helping spirit condemns the Qallupiluq: "You...who use 'sin' as an excuse to commit evil, now claim to understand the workings of forgiveness? The Deep Mother was a girl once, and understands more of Human ways than you might guess. This is your punishment, Qallupiluq: to have what you have denied others" (55). The Qallupiluq has limited understanding of human ways, while Nuliajuq has a much better understanding of human forgiveness—the "little thing...that Humans practice amongst each other" (51)—because she too was once human. Nuliajuq and the girl have closely aligned stories: Nuliajuq was killed by her father at sea and transformed into a powerful being who controls sea creatures (*Perspectives on Traditional Law* 188-90), while the girl lost her mother and later, she too transforms into a powerful being, a shaman with great strength even as a young child. In both cases, they are connected as women who survive tragedy to navigate complex cosmological orders and restore balance. Similar to *The Journals of Knud Rasmussen*, adaptation allows the text to focus on women's experiences. In "The Qallupiluq Forgiven," the girl remains a powerful angakkuq as she battles the Qallupiluq on behalf of herself and her mother. The story also draws alliances between the child and Nuliajuq in ways that prioritize Inuit women's ongoing power to shape legal thought.

Adapting Classical Inuit Thought

As a form of storytelling, "The Qallupiluq Forgiven" may not fit easily into categories like "ancient tales" or fiction. Its form is a creative amalgam, which allows the story to examine concepts of law and punishment as legal tenets that have persisted and changed across time. The story's elusiveness raises many questions about the implications of law and power and the

reading of these stories. Indeed, the text's fluidity between transgression and sin, between lawfulness and unlawfulness, and between time immemorial and the early-twentieth century makes the narrative hard to interpret. The text's incorporation of unikkaaqtuat within fantastic literature creates a piece of fiction that resists pre-determined reading. Rachel Qitsualik conceives of Inuit sovereignty as an adaptation of classic Inuit thought that refuses the imposition of borders and the control of another ("Inummarik" 26-7); similarly, Inuit literature draws from traditional Inuit stories to imaginatively encourage readers to reflect about ongoing traditional legal concepts and literary expression. "The Qallupiluq Forgiven" examines Inuit legal orders from human and other-than-human beings' perspectives; affirms that Nuna's strength is eternal, and that shamanic powers persist; examines women's roles as legal thinkers and practitioners; and, argues that Inuit youth are closer to Nuliajuq than they may at first believe. The Qitsualik-Tinsleys have created contemporary prose that imitates unikkaaqtuat in form, but also in the ability to unsettle readers, compel them to reflect on ancient laws and beliefs, and finally deny them firm explanations. For Inuit youth who may be approaching these versions of unikkaaqtuat for the first time, it enables them to grapple with complex legal thought and carry them inside themselves into the future.

Conclusion: Bringing Maligait Back Out Into The Open

"Our *maligait* are still there, but we have not brought them out in the open. It is now time to expose our young people to our *maligait*."

— Aupilaarjuk, *Perspectives on Traditional Law* 26-7

"The Qallupiluq Forgiven" and *The Journals of Knud Rasmussen's* literary transformations dramatize Inuit literature's ability to continually engage with Inuit legal thought across forms and genres: from reimagining unikkaaqtuat to adapting ethnographic texts, these reinterpretations

create new narratives that revel in the complex relationships between Inuit angakunniq and Christianity and between maligait, piqujait, and tirigusuusiit and qallunaat legal concepts. While readers are undoubtedly enthralled by the Qallupiluq's ghastly mission, "The Qallupiluq Forgiven" offers much more; it examines Inuit religious and legal conflicts and transformations from time immemorial to the early twentieth century, and much like *Journals*, it restages tales of legal conflict for audiences in the twenty-first century in ways that foster new literary modes of exploring contemporary Inuit legal thought.

These works of art breathe life into Inuit biographical stories and ancient tales. It is important to remember that openly discussing a period of conversion and legal transformation may be quite painful to many Inuit community members whose relatives were forcibly converted by governmental agencies and fellow Inuit. It could also compel painful conversations about the suppression of Inuit laws. Still, these works may be a means to start community conversations that speak the truth and begin a process of healing. Returning to the words of Aupilaarjuk, who, when asked to respond to problems that he has witnessed in present-day Iglulik, answered:

From what I understand some parts of *qallunaaq* and Inuit morals and customs don't mix. For example, the south has trees, the north does not. The rules and regulations were brought up to the north recently... Today, people that have been to school understand these rules but they don't know Inuit values and morals and customs. We have to ensure that we give young people this knowledge because this pattern has been set. It is now up to us elders to impart what we know. Our *maligait* are still there, but we have not brought them out in the open. It is now time to expose our young people to our *maligait*. They know *qallunaatitut* and if they also know the way of the Inuit they will be much stronger

people. Family and spiritual life will be strengthened. (*Perspectives on Traditional Law* 26-7)

This passage brings us back to his words used in this chapter's epigraph, where he questions the resiliency of qallunaat laws in the North. On the one hand, Aupilaarjuk is clear that southern education has normalized non-Inuit worldviews and ways of being in the Arctic, which has separated Inuit youth from Inuit morals and customs. Qallunaat laws now seem at home in Inuit territory. On the other hand, he emphasizes the deep rootedness of Inuit laws that have grown within their home territories, that make sense for a Northern climate in ways that qallunaat laws cannot. Much the way that it would be strange to see poplars and maples within the Arctic's ecosystem, qallunaat laws are foreign participants within the legal landscape in the North. Aupilaarjuq understands that Inuit have ways of doing things that are culturally and experientially specific; he also conveys that elders' wisdom is ongoing and that that wisdom must be brought to young people's attention in an open and public way through relationships, experiences, stories, and art. Inuit literature and creative works play a role in transmitting Inuit laws to the next generation "out in the open," and, though legal thought always transforms over time, it will strengthen the coming generation—as stories have always done.

Chapter Three | From the Fringes: Recentring Indigenous Feminist Justice in Rebecca Belmore's *Fringe* and Elle-Máijá Tailfeathers' *A Red Girl's Reasoning*

Introduction

Anishinaabe artist Rebecca Belmore's *Fringe* is an arresting piece of art. The lightbox transparency depicts a woman who fills the majority of the photograph in a lateral recumbent position; she is on a white sheet against a white backdrop with her head resting on a thick pillow. The audience cannot see the woman's face; instead, she lies with her back towards the frame with another white sheet draped across her lower body from her hips to her knees. While the woman is positioned with her legs slightly bent and an arm resting on her side as if to sleep, her naked back draws the audience's attention. A wound runs diagonally across the entirety of her back from the top of her right shoulder down to her left hip. The wound is raw and red and recently stitched shut; what appear to be rivulets of blood seep from the stitching and streak down her back. On closer inspection, we see that it is not blood at all, but lines of uniform beadwork sewn into the stitching of the closed wound that create a line of red fringe across the woman's back, thereby giving the photograph its title.

Fringe mediates several nodes of tension around ongoing violence against Indigenous women, contemporary responses to gender-based violence, and Indigenous women's reclamation of their roles as legal theorists and participants. *Fringe* testifies that Indigenous women experience violence that the Canadian public should directly confront. I wonder what happened in the moments leading up to the photograph's creation. Who or what harmed her? The wound is large and deep, suggesting a highly traumatic experience. Who helped her stitch the wound? Another person must have sewed the wound shut because the woman herself could not reach it. The sewer is absent from the frame, but we can deduce some of their motivations by closely

inspecting the beadwork. The stitches are large, in relation to the size of the wound, yet they are evenly spaced, suggesting the woman's back was carefully and lovingly mended. The woman must have experienced great pain, both when an accident or attacker sliced open her back and when the sewer stitched it shut; the photograph suggests collaboration between the woman and sewer to heal from great pain. Each stitch is adorned with a string of beading, creating a cascade of perfectly rounded beads and suturing string. The sewer, likely another woman, must have exercised a great deal of care, patience, and a deep knowledge of beadwork, when selecting each bead, ensuring that they are the same shape and size in order to create a symmetrical beadwork. These signs of care are woven into an image of change for Indigenous women: we see that the woman's flesh is materially in a process of change as it knits itself together; the wound that slashes her back is now healing thanks to the stitching that sutures it shut. She is photographed in a moment of restoration, resting until a time when she is able to move freely again. *Fringe* demonstrates the vital healing that Indigenous women can provide to Indigenous women. As a piece of art that mediates violence against Indigenous women, *Fringe* suggests through its beadwork that meaningfully responding to harm must centre Indigenous women's collaboration.

If we continue to interrogate the connotations of *Fringe*'s beadwork, we see the creation of space for matriarchal political voices to articulate a form of justice that addresses Indigenous women's marginalization within Canada's criminal justice system. It begins with the possibility that the survivor has requested the stitching, a transformation through adornment that gestures towards responses to harm where the survivor directs the response so that she is given reparations and restoration in ways that she sees fit. Sewing is activist work within the context of the movement for justice for missing and murdered Indigenous women, girls and two-spirit people (MMIWG2S) due to the *Walking With Our Sisters* (2012-2019) touring exhibit. For this

project, Christi Belcourt has “received 1,725 pairs [of beaded vamps] by a total of 1372 artists” from across the globe in order to transform public spaces into ceremonial commemorative installations managed by Indigenous community members (“1,300+ Artists”). *Walking With Our Sisters* is an art installation that defies categorization—an interstitial piece of art that demonstrated care and raised public awareness for MMIWG2S before the government agreed to hold the the National Inquiry into Missing and Murdered Indigenous Women and Girls (Anderson XXII-XXIII). *Walking With Our Sisters* is an example of the ways that beadwork can transform public spaces and public discourse in order to direct action for and by Indigenous women to create material change. Read in light of *Walking With Our Sisters*, *Fringe* draws Indigenous women viewers (especially viewers who have experience with beadwork) into a deeper collaborative relationship than other viewers, because it triggers haptic senses that beadwork typically mediates and their embodied experiences as Indigenous women. Those experienced in beadwork will sense the unseen sewer’s care, labour, and attention to detail. *Fringe* contributes to public reflections of Indigenous women’s responses to systemic violence by centring Indigenous women’s labour, creativity and collaboration as a process to respond to systemic violence and produce healing. I read *Fringe*, therefore, as an example of beadwork as justice making—as well as an expression of Indigenous feminist legal critique that questions forms of justice not led by Indigenous women themselves.

The word “fringe” can simply mean the edge of a centre. In this way, “fringe” clearly refers to the marginalization of Indigenous women’s political power, knowledge, labour, and resistance. *Fringe*, therefore, attends to the edges of political and legal discourse in Canada where Indigenous feminist issues have—until recently—been particularly relegated. It re-centres Indigenous women as legal theorists and participants. Indigenous women’s labour and

Indigenous feminist political discourse, therefore, reformulates legal resurgence in ways that operate beyond settler-colonial systems and imaginations.

In a material context, “fringe” also refers to the decorative pieces typically used at the edges of clothing. Fringe is a type of adornment that emerged to protect cut edges of fabric from fraying. Though it is present in textiles and fashions from around the globe, it has become synonymous with Indigenous fashion, at once appropriated or stereotyped in popular culture and an essential adornment for regalia and for adaptations of Indigenous fashion.⁵⁴ The use of fringe within a portrait of violence against Indigenous women gestures toward concerns about Indigenous women’s roles in the justice system: whether they are included without any real power or whether they are essential actors. Just as fringe protects the integrity of the fabric as a whole, Indigenous women as legal agents also protect and shape Indigenous governance and modes of addressing justice. It is important to remember that the act of sewing and beading is a cumulative theory of change as each stitch and small bead aggregate together to effectively close the wound and compel healing. A single bead or stitch does not at first appear to be an effective means to help address such a significant injury. Yet, once the stitches and beads collectivize, they change the material state of the wound from one that is raw to one that is knit together and adorned. Through the act of beading, the healing process is not only a mechanical necessity, but is also artistically transformative and may lead the woman to a future in which she may flourish. *Fringe* articulates Indigenous women’s evolving and collaborative response to gender-based violence where beading is redeployed to combat violence and produce healing.

⁵⁴ For an overview of Indigenous textile and crafts history, see *Native American Clothing: An Illustrated History* (2009) by Theodore Brasser. For an analysis of contemporary adaptations of Native fashion by Indigenous designers, see *Native Fashion Now: North American Indian Style* (2015) by Karen Kramer.

Belmore's *Fringe* metaphorically represents the concerns of this chapter: an art form that at first glance testifies to systemic violence, and on closer inspection, re-centres Indigenous women's collective responses to gender-based violence. This chapter will examine matriarchal collaboration in Elle-Máijá Tailfeathers' *A Red Girl's Reasoning*, an Indigenous feminist neo-noir vigilante film, which re-centres Indigenous women's collective responses to gender-based violence into territory beyond where national discourses typically tread. The film follows Delia, who, instead of waiting an indeterminate time for the courts to bring perpetrators to justice, personally avenges Indigenous women who have been sexually assaulted or murdered. The particular use of the rape-revenge genre provocatively questions the reasons why Indigenous women's resistance is politically, socially, and economically marginalized. Though it does present a desire for justice, "justice" here is not limited to state forms of legal order and punishment. Instead, the film challenges viewers to reimagine who decides the terms of justice and how justice is enacted. *A Red Girl's Reasoning* uses the characteristics of rape-revenge films to participate in a public discourse about rematriating the place of Indigenous women in arbitrating responses to MMIWG2S. The genre's aesthetics push the discourse beyond nationalistic frameworks in order to think more broadly about material responses to harm that are directed by Indigenous women themselves.

In order to discuss *A Red Girl's Reasoning*, I first briefly outline Indigenous women's interventions in state law and Indigenous feminist legal responses to violence against Indigenous women and girls. Second, I provide a brief overview of Indigenous feminist theory and rematriation theory. This discussion contemplates the ways that Indigenous women's bodies intersect with sovereignty, community relations, and reproductive futurity in ways that threaten settler-colonial futures. Rematriation is addressed within the frame of revitalizing Indigenous

women's legal and political authority as a necessary component to decolonization. A third section analyses E. Pauline Johnson's "A Red Girl's Reasoning" as a precursor to the film's legal critique and reasoning. Finally, the chapter returns to *A Red Girl's Reasoning*, which provokes reflection on vital Indigenous feminist reformations of the world. This final section analyzes the redeployment of vigilante genres through an Indigenous feminist lens and considers justice and rematriation as a way to address the immediate and systemic violence that women face. In conclusion, I will show that *A Red Girl's Reasoning* brings Indigenous women's critiques of the justice system from the fringes of political discourse to the centre.⁵⁵

Understanding the Prosecution of Sexual Assault and Indigenous Feminist Legal Theory

Canada's justice system is structured to fail Indigenous women, especially in prosecuting sexual assault and violence. It is rare that sexual assault cases ever reach the courtroom, particularly for Indigenous women.⁵⁶ Some of the factors that may deter a person from bringing a sexual assault charge to court include: the challenge of meeting the courts' burden of proof; the fear of further violence or antagonism from the defendant; fear of ostracism from the survivor's community; and legal marginalization due to systemic racism and sexism. First Nations women have good

⁵⁵ Note: This chapter began in January 2015. Since that time, Allison Hargreaves has included an analysis of *A Red Girl's Reasoning* in the conclusion of her 2017 work *Violence against Indigenous Women: literature, activism, resistance*, which has come to similar conclusions to my own analysis. I have chosen to adapt my chapter to extend Hargreaves' analysis and include Tailfeathers' 2019 film, *The Body Remembers When the World Broke Open*, in the chapter's conclusion. The short film is also no longer publicly available, and so the film's in-text citations must rely on the previous MLA style guide without time-stamps.

⁵⁶ The 2014 General Social Survey (GSS) on Victimization, which reviewed sexual assault cases between 1999 and 2014, found that "the majority (83%) of sexual assaults were *not* reported to police and only five percent of assaults *were* reported ("JustFacts: Sexual Assault"). According to Statistics Canada, which reviewed sexual assault cases between 2009 and 2014, "one in five (21%) of sexual assaults reported to police led to a completed court case within the six-year reference period" and of these cases "About 1 in 10 (12%) sexual assaults reported by police led to a criminal conviction" (Rotenberg).

reason to be wary of the courts, as they had been marginalized from their homelands and nations through the *Indian Act* prior to the 1985 amendment (Suzack 2017, 51) and the ongoing histories of colonization have continued to target Indigenous women in order to dismantle Indigenous political structures through gender-based violence, sexual assault, and devaluing Indigenous women's roles as political participants. These actions and policies coalesce to limit Indigenous women's ability to seek justice through the courts.

In the United States, Indigenous feminists have explored the contingencies of seeking justice in a courtroom setting for Indigenous women who have experienced sexual assault. In *The Beginning and End of Rape: Confronting Sexual Violence in Native America*, lawyer, professor, and author Sarah Deer (citizen of the Muscogee Creek Nation of Oklahoma) outlines the judicial constraints limiting Tribal courts' abilities to prosecute sexual assault crimes against Native American women.⁵⁷ Though the United States' legal system recognizes Native American sovereignty and jurisdiction through Tribal courts, Deer fears it would be risky to reform sexual assault laws to better reflect Nation-specific legal tenets and Native American women's specific

⁵⁷ For example, Deer identifies the problem of jurisdiction when adjudicating criminal cases, especially sexual assault cases. Tribal courts must work within a "patchwork of various federal and tribal laws that work in tandem to utterly obfuscate justice" (31). The Major Crimes Act of 1885 imposed federal criminal law over Tribal courts (35), though Tribal courts and federal courts share "concurrent jurisdiction over violent crimes like murder, kidnapping, and rape" (35). As a result, most violent crimes were the domain of federal courts of law for over 100 years (37). Additionally, the 1978 Supreme Court decision on *Elephant v. Susquamish* stripped Tribal courts of the authority to prosecute non-Tribal members who committed crimes on tribal land (41). Native American women who were sexually assaulted by non-Tribal men on Tribal land were, therefore, unable to prosecute their attackers in Tribal courts (41). The judicial loophole made Native American women vulnerable to higher rates of sexual assault (41). This juridical issue is taken up in Louise Erdrich's (Chippewa/German-American) mystery novel *The Round House* (2012). The United States uses the term "Tribal nations" or "Tribe" when referring to federally recognized Indigenous nations within the United States. Therefore, I will use these terms when discussing federal or political theories as they relate to Native American politics. When discussing governmental policies in Canada, I continue to use the terms First Nations, Inuit, Métis, or nation-specific titles.

needs and desires, because Tribal courts are unlikely to be consulted by Congress; instead, Congress will ignore Tribal sovereignty and assume a “patronizing and paternalistic” stance to reform (96). The history of paternalism has already resulted in overlapping federal jurisdictions, creating a “patchwork of various federal and tribal laws that work in tandem to utterly obfuscate justice” (31).

Recognizing that Tribal courts have been systemically gutted of judicial power over major crimes (40), Deer advocates that Tribal nations look to their body of traditional legal concepts to address violence against women and sexual assault (109). Deer calls for Tribal courts to carefully examine traditional laws that explicitly or implicitly address sexual assault cases. This would allow Tribal courts to revitalize traditional sexual assault laws that have been federally obscured. In the cases where sexual assault was not explicitly discussed, broader concepts for addressing bodily harm can direct courts in creating new sexual assault laws that are rooted in tradition. Additionally, criminal and civil jurisdiction must be restored to Tribal courts with sufficient funding to create “comprehensive anti-rape strateg[ies]” (42-3).

In Canada, where there are no Tribal courts,⁵⁸ Tracey Lindberg (a lawyer, professor and author from Kelly Lake Cree Nation and citizen of As’in’i’wa’chi Ni’yaw Nation Rocky Mountain Cree) warns that the justice system often perceives Indigenous women, not as individuals with a wealth of experiences, but as an angry collective (Lindberg, Campeau and Campbell 88). Lindberg is frustrated that Indigenous women are at greater risk for violence and

⁵⁸ Since the early 2000s, Canada has begun to implement First Nations courts as part of responding to restorative justice movements. Unlike Tribal courts, First Nations courts are only offered for sentencing—in other words, only after the defendant has pled guilty. Elders, community members, judges, lawyers, and the police collaborate to provide culturally-aware sentencing that “works within the existing Canadian justice system” (Crossan).

asks, “How do we effectively police this danger?” (89). In her view, Canadian law cannot effectively protect Indigenous women, and often, when Indigenous women bring a violent case to court, their status as Indigenous women is either ignored (erasing the gendered and settler-colonial dynamics of the case) or fetishized (subjecting the women to race and gender-based prejudices in the courtroom; 108).

Although Deer looks to traditional sources to direct legal reforms, this does not mean an idealized reimagining of “precolonial systems of support and respect will organically emerge from the restoration of jurisdiction” (111-12). Instead, legal revitalization requires a careful critique of tradition alongside critique of the present. Emma LaRocque (a Métis scholar specializing in Indigenous feminisms) warns against the idealization of the past by assuming that traditional “societies that were structured along matrilineal lines [or] matriarchies... necessarily prevented men from oppressing women” (“The Colonization of a Native Woman Scholar” 14). As an example of the problems that could arise, LaRocque shows how community-based healing circles can marginalize Indigenous women, especially when they are victims of violence. In her article, “Re-examining Culturally Appropriate Models in Criminal Justice Applications,” LaRocque points out that uncritical expressions of healing may prioritize Indigenous men’s well-being in domestic violence and sexual assault cases. LaRocque calls for an interrogation of the discourse around the “traditional” or “culturally appropriate” in discussions about Aboriginal governance, arguing that “much of what is unquestionably thought to be tradition is actually syncretized fragments of Native and Western traditions” (76-9). These fragments are reduced to easily digestible traits like “consensus”; “Holding parties in conflict accountable to each other in context of family, community, and Mother Earth”; and “Encouragement for apology, forgiveness and healing with a view of making peace” (76-9).

While these paradigms became popular in the 1990s for culturally-based sentencing circles addressing a wide array of crimes (78), there are several negative outcomes when they are applied uncritically to cases concerning sexual assault or violence within families (80). For instance, healing circles prioritize forgiveness (because it is considered healing for the victim) and the needs of the attacker (out of a desire to restore social harmony; 80). But if rehabilitating perpetrators is the only way to achieve justice, victims end up having no recourse but to forgive in the name of collective peace (80). In LaRocque's view, this paradigm relies on pan-Indigenous and romanticized perceptions of Indigenous culture: "Pressuring victims to 'forgive,' ... is more Christian and patriarchal in origin than it is Aboriginal or therapeutic. If notions of forgiveness and healing originate in Christian doctrines, the emphasis on collectivity resembles misconstrued socialist ideals and romanticised Noble Savage images" (85). In fact, research into specific Indigenous legal orders reveals that many communities responded to sexual assault with severe consequences for the assailant, including "ostracism, spiritual consequence (i.e. psychic manipulation resulting in illness or death), or family 'revenge'" (84). With Indigenous-led sentencing circles deeply impacted by colonization and Christian definitions of peace and justice, the consequences are now flipped: community demands for victims and perpetrators to make peace become violent acts on the victims. Thus far, judicial recourses for justice in sexual assault cases is especially lacking for Indigenous women in Canada and the United States. Indigenous feminist legal scholarship is critical of these gaps and looks to traditional sources critically to direct legal reforms that understand the impacts of colonization and centre survivors in defining justice.

Indigenous Feminist Legal Theory and Rematriation

Legal scholarship by Napoleon, Snyder and LaRocque has established the need for a gendered approach to Indigenous legal scholarship. In “Thinking About Indigenous Legal Orders,” Val Napoleon acknowledges that sexism, homophobia, and ageism are realities in both Indigenous and non-Indigenous communities (18) and she calls for an Indigenous feminist framework to interpret Indigenous legal traditions “to deal with contemporary issues” (17) as a key step to decolonizing and revitalizing Indigenous legal orders. Legal scholar Emily Snyder, who has worked closely with Napoleon on the Indigenous Law Research Unit (ILRU), analyses Indigenous self-governance and self-determination systems through Indigenous feminist legal frameworks. “Indigenous feminist legal frameworks” is a term she learned from Napoleon and is an amalgamation of feminist legal theory, Indigenous legal theory and Indigenous feminist theory (“Indigenous Feminist Legal Theory” 367).⁵⁹ In her view, the “gender neutral approach” to Indigenous legal studies is insufficient because it ignores the varied experiences under the law of people with different gender identities and sexualities (366-7). During the contemporary period of legal revitalization, “critically engaging with gendered realities and power dynamics and the ways that they shape Indigenous laws is essential” (366).

Indigenous feminist legal theory is one aspect of a broader rematriation movement that seeks artistically, politically, and socially to reclaim Indigenous women’s knowledge and roles. Rematriation discourse developed, in part, from the efforts of matrilineal Indigenous communities to reclaim stolen artifacts and ancestral remains (Tuck 35). Rematriation has since become more broadly interested in artistic revitalization as a basis for revitalizing Indigenous

⁵⁹ While Snyder acknowledges that an Indigenous feminist legal critique is currently “dangerously pan-Indigenous,” the approach can adapt to consider Cree, Métis, or Gitksan legal systems and provide a rigorous, culturally appropriate analysis (401).

women's political roles, knowledge systems, and artistry, as emblemized by the ReMatriate arts collective supporting Indigenous women visual artists, designers, and material artists (ReMatriate). The term "rematriation" rejects the connotations of colonial heteropatriarchal ownership of objects, peoples, and land inherent to the term "repatriation"; in so doing, rematriation expands beyond the reclamation of objects to encompass "the reclaiming of sovereignty, land, subsistence rights, cultural knowledge and artifacts, theories, epistemologies and axiologies" (Tuck 35). Politically, rematriation is an analysis of the perseverance of Indigenous women as legal participants and shapers of law and to understand Indigenous women's political relationship with land. Socially, rematriation is an act of care that nurtures kinship between Indigenous women—what Rachel Flowers calls a "turning inwards" (40). Rematriation brings Indigenous women's artistic, political, and social knowledge and practices from the fringes to the centre of Indigenous revitalization movements.⁶⁰

Rematriation's origins in the return of ancestral artifacts and remains point to the important intersection between gender and relationships of place. Similarly, Kim TallBear (enrolled member of the Sisseton-Wahpeton Oyate in South Dakota) uses the term feminism as "a stand-in for being in good relation" and "dismantling" heteropatriarchal hierarchies that seek to sever the relational systems that Indigenous peoples have to beings and land ("Indigenous Feminisms Power Panel"). As TallBear explains, "being in good relation" may sound "facile," but it gestures towards very complex relationships between human relatives, the environment, and "non-human beings" ("Indigenous Feminisms Power Panel"). Emily Riddle (nêhiyaw from

⁶⁰ For a nation-specific example of Indigenous feminist legal revitalization, see "The (un)Making of Property: Gender Violence and Legal Status of Long Island Algonquian Women" by Kelsey T. Leonard in *Keetsahnak: Our Missing and Murdered Indigenous Sisters*.

Alexander First Nation in Treaty 6) recentres Indigenous women and non-binary people in governance discourse to expand Indigenous governance beyond the heteropatriarchal governance processes of courtrooms and boardrooms. Riddle contends that Indigenous women and queerndn⁶¹ enact governance through their kinship and care, and it is these actions that will lead Indigenous sovereignty movements into the future. Riddle draws from Lindsay Nixon (Cree-Métis-Saulteaux curator, editor, and scholar) who states that “governance doesn’t have to be limited to its nationalistic and masculinist version” (quoted in Riddle); instead, Indigenous governance is a feminist and queer process that exists in the “everyday in revolutionary ways” (Riddle).

Indigenous feminist theorists insightfully identify the ongoing analysis needed into legal revitalization movements. Legal revitalization and governance is adaptable, can manifest in everyday action, and broadly within homelands; yet, it is necessary to continually reflect on revitalization movements so that they do not end up mimicking colonial heteropatriarchal ideologies. Indigenous women’s visual art plays a vital role in Indigenous feminist legal revitalization movements by creating a space where these critiques can take place beyond conventional governmental milieus and by imagining rematriation movements into the everyday.

⁶¹ Riddle uses the term queerndn to refer to Indigenous persons who do not identify within a Western gender-binary paradigm. The term is a portmanteau of “queer” and “NDN” an online contraction of “Indian.” Lindsay Nixon, Billy-Ray Belcourt, Gwen Benaway, and Joshua Whitehead have used the terms queerndn, queer NDN, or NDN Trans persons in their writings to examine the relationship between Indigenous gender identities and political self-determination.

E. Pauline Johnson and “A Red Girl’s Reasoning”

In her conclusion to *Violence Against Indigenous Women: Literature, Activism, Resistance* (2017), Allison Hargreaves compellingly positions Tailfeathers’ film as an inheritor to the short story “A Red Girl’s Reasoning” by Haudenosaunee writer E. Pauline Johnson (also known as Tekahionwake). In Hargreaves’ view, the short story and film are connected by more than just name: the short story’s protagonist argues persuasively for Indigenous legal authority in much the same way that the film’s protagonist physically enacts it (181). Hargreaves’ study supports my expanded close-reading of “A Red Girl’s Reasoning” as a model for legal discussion. The short story, first published in *Dominion Illustrated* in February 1893 (“The Dominion Illustrated Monthly”), is a domestic drama that undergirds the tension between settler and Indigenous legal authorities. The story opens on Christine Robinson and Charlie McDonald’s wedding day with a ceremony spoken in Latin, English, and an Indigenous language—reflecting the happy couple’s communities. The ceremony seems to foreshadow a happy union between Christine, the daughter of a Hudson’s Bay trader and an Indigenous mother, and Charlie, a white government census-taker (Johnson 188-90). However, while they find happiness and popularity in the province’s capital (191), their marriage deteriorates once Christine discloses at a party that her parents wed according to Indigenous rites and not through a Christian ceremony (192-4). Charlie declares her of dishonourable birth, a fact that tarnishes their own marriage (195-6). Charlie storms out and Christine decides to leave their marriage because it would be impossible to stay with a husband who thinks that her birth is illegitimate and that her nation was lawless (199-202).

Christine’s characterization refutes the claim of Indigenous lawlessness as she proceeds through their argument by systematically dismantling Charlie’s emotional and irrational demands. Charlie at first tries to convince Christine that she has disgraced herself and her parents by publicly sharing that her parents were not married according to Christian law (195-6).

However, Christine declares that she has no reason to feel ashamed and couches her parents' marriage in religious authority by arguing that her parents' marriage is "more sacred and more holy" than most loveless marriages between white couples (196). She then extends Charlie's logic across a broader expanse of time to show its weakness and cruelty, declaring that if he were right, she and her ancestors would be "blackened" to time immemorial (196). When Charlie asks why her parents did not remarry when Father O'Leary arrived at the post twenty years prior, Christine eviscerates his absurd demand, retorting that by the time the priest arrived, Mrs. Robinson was a mother and had been already married for five years (196); remarrying according to Christian rites would imply that their marriage had not already been legitimate and that Christine was an illegitimate child. Finally, when Charlie declares that her "father was a fool not to insist upon the law, and so was the priest" (196), Christine explains that her people do not have priests because they do not need them and that their unions are legally binding (196). She then flips Charlie's argument onto Christianity itself explaining that Mary, the mother of Jesus, did not have a priest present for her marriage to Joseph (197). Christine's remarks adeptly turn Charlie's argument for Christian authority onto itself and defend her nation's legal autonomy. She declares that they are divorced, explaining that they would have to be married according to Indigenous rites if Charlie insists that her parents should have been married according to both Indigenous and Christian rites (197).

Though Christine's final reply gives Indigenous and Christian law equal weight, she only harnesses Indigenous law to declare that she and Charlie are divorced according to custom and she later leaves him in the night (197). This recalls an exchange at the party when she was asked about the Indigenous custom of holding a feast in lieu of a wedding ceremony: "There is no ritual to bind them; they need none; an Indian's word was his law in those days, you know"

(194). Christine relies on the legal authority of her maternal line to assert her word as law. In this way, “A Red Girl’s Reasoning” presents Indigenous women as legal theorists and protectors of Indigenous law.

“It’s pretty little lies like this that hide the ugly truth”: reimagining rape-revenge crime genres

The film’s shared title with Johnson’s short story connects Delia as an inheritor of Christine’s rhetoric and reasoning (Hargreaves 181): Christine argues for Indigenous women’s place in society, whereas Delia protects it physically. Like Christine, Delia examines settler logics and redeploys them, using violent means against the violent attackers. This section expands on Delia as a legal analyst who participates and shapes a code of ethics in response to violence against Indigenous women: in so doing she builds a matriarchal network that responds to harm through direct action and care for survivors.

Tailfeathers is a member of the Kainai First Nation (Blood Tribe, Blackfoot Confederacy) and Sámi from Norway who has focused her filmmaking on the intersection between settler-colonial violence against Indigenous women and Indigenous women’s resiliency (“Biography”).⁶² Released in 2012, Elle-Máijá Tailfeathers’ short film, *A Red Girl’s Reasoning*, follows Delia (played by Jessica Matten) an urban Indigenous woman and vigilante. She rides

⁶² For example, Tailfeathers directed the 2011 short film *Bloodland*, which examines the relationship between violence against the land and violence against Indigenous women through a creative depiction of resource extraction. Tailfeathers directed the music video for Leanne Betasamosake Simpson’s *Under Your Always Light* (2017), which shows boxer Ivy Richardson training for the male-dominated sport with the full support of her Nuxalk and Kwakwaka’wakw community. As an actor, Tailfeathers starred in the 2016 film *Unclaimed* (released internationally as *On the Farm*), a film depicting serial killer Robert Pickton’s investigation. Tailfeathers played a woman living in Vancouver’s Downtown Eastside neighbourhood who brings the ongoing disappearance of women throughout the area to the attention of police and social services (“Biography”).

the streets on her motorcycle tracking down men who have sexually assaulted or murdered Indigenous women and escaped justice. Through the film's title sequence, Delia explains that she has "been on this warpath for six long lonely years" (*A Red Girl's Reasoning*). A stylish montage cuts between her speeding motorcycle and her pursuit of fearful men through alleyways and winding streets. The film's central case involves Nelly, played by Tailfeathers, who pleads with Delia to find Brian, the wealthy white businessman who assaulted her and manipulated the prosecution in his favour (*A Red Girl's Reasoning*). Delia agrees, and Nelly gives her tobacco in the form of cigarettes, thereby creating a legal contract that binds the two women together. Delia finds Brian at a bar and he quickly begins to flirt with her; in turn, she colludes with the bartender to drug him (*A Red Girl's Reasoning*). The film concludes with a lengthy rooftop confrontation between Delia and Brian (*A Red Girl's Reasoning*). Brian is tied to a chair and forced to confess to his many crimes on pain of death.

While the film ends with a kind of justice in Brian's off-screen death (*A Red Girl's Reasoning*), the film begins with a critique of the lack of justice available for Indigenous women who are survivors of sexual assault. In so doing, it expands on critiques of gender discrimination in mainstream vigilante films to include an intersectional analysis of discrimination against Indigenous women within legal spheres. After the inter-title montage, viewers find Delia in a darkened bar as the bartender slips her a drink and a coaster (*A Red Girl's Reasoning*).⁶³ She flips over the coaster to find a dispatch to meet her next client. Delia sets the coaster aflame to light a cigarette; in the background a news story breaks that another Indigenous woman has been murdered and authorities suspect that her "high risk" lifestyle was a contributing factor. By

⁶³ As of the final revisions of this dissertation, *A Red Girl's Reasoning* is not publicly available to confirm time stamp citations according to MLA 8th edition due to the COVID-19 pandemic and library lockdowns. The film will be cited according to MLA's previous edition.

juxtaposing this mainstream news coverage that blames Indigenous women for the violence that they experience with the figure of a vigilante planning their next action, the film implies that the state cannot tend to Indigenous women's well-being because it is willfully blind.

Brian is a wealthy white businessman who used his influence to escape conviction (*A Red Girl's Reasoning*). Beyond Brian's ability to afford the best defense attorney to ensure his legal innocence, the film outlines the intersections of racism and sexism that influence court decisions—racist and gendered stereotypes of Indigenous women and the strict confines of evidence—and place Nelly under undue scrutiny as a survivor of sexual assault. Nelly explains to Delia that when she took Brian to court, “they let him walk” because the rape-kit was “inconclusive”: forensics indicated that her DNA showed “a little of this and a little of that,” her “lifestyle was high-risk,” and that “she was fucking asking for it” (*A Red Girl's Reasoning*). Nelly's summary of her case delineates the very narrow field that survivors must inhabit, that of the idealized (and unrealistic) rape victim, to succeed in court. The film suggests that Brian is found not guilty because the defence used Nelly's drug use to divert attention away from issues of consent. Furthermore, the remark that “she was fucking asking for it” indicates the ways stereotypes of Indigenous women as sexually available influence courtroom decisions. With Nelly's experience, the film shows how the often-violating experiences that survivors of sexual assault face in the courtroom are examples of settler-colonial violence when deployed against Indigenous women. In the film's view, justice for Indigenous women in the courts is impossible, setting the scene for the figure of the vigilante.

Tailfeathers' choice for a femme-fatale rape-avenger⁶⁴ to tell a story about MMIWG2S is provocative but works by subverting the femme-fatale trope. Historically, femme-fatales can problematically assert misogynistic narratives about women as sexual deviants, immoral, and shrewd manipulators; filmic conventions often punish femme-fatales for being sexually empowered (Caputi and Sagle 109). Taken a step further, Jane Caputi and Lauri Sagle state that femme-fatale films often support colonial narratives because the same characteristics that typify white femme-fatales as strong heroines are often demonized in women of colour (92). For Indigenous women on screen, the characteristics of the femme-fatale eerily propagate colonial narratives of Indigenous women as sexually available and who usually meet grisly ends (Marubbio 90).

However, Delia is what Caputi and Sagle would identify as a femme-fatale woman of colour who “can reorganize and refigure the familiar narrative elements in ways that raise consciousness” (109). In cinematography and plotting, Delia is presented using readily recognizable neo-noir and rape-revenge tropes. The familiar tropes include: Delia as a leather-clad avenger on a motorcycle; a muted colour scheme and heavy shadows; and a conventional story arc of revenge and retribution. Like other vigilante crime films, *A Red Girl's Reasoning* questions the validity of state legal systems, with a story-arc that shows an individual who comes to understand the systemic injustice that surrounds them and takes action knowing that accepted

⁶⁴ Gaining popularity in the 1970s with “exploitation cinema,” rape-revenge films were a response to feminist movements and achieved “mainstream status,” and finally “blockbuster status in the nineties” (Schubart 83-4). The narrative structure of rape-revenge films appears across genres from westerns, court dramas, and thrillers (84). According to Rikke Schubart, “The rape-avenger is a woman who is raped and kills the man, or men, who raped her. The subgenre is born from crossing rape as a motive with the vigilante movie, and its key scene is the protagonist’s transformation from victim to avenger” (84).

policing and judicial structures cannot or will not help combat the issue. Though many vigilante films ultimately still uphold governmental systems, *A Red Girl's Reasoning*'s interrogates the current processes in place to investigate MMIWG2S and imagines a radical reconstruction of Indigenous matriarchies to secure justice. In particular, *A Red Girl's Reasoning* uses vigilante tropes to heighten the point that Indigenous women's responses to harm are often delegitimized and that this situation needs radical change. Delia's actions are extreme, yet she is directed by a definition of justice. She productively channels her rage by pursuing the legal frameworks and individuals that harm Indigenous women. In so doing, she supports and strengthens Indigenous nations. Thus, the film subverts the individualist trope of the vigilante; instead, Delia becomes a part of a collective through her vigilantism. The film stands with Indigenous communities by carefully navigating neo-noir vigilante conventions to reassert Indigenous self-determination.

As the film progresses, the cinematography refuses to perpetuate sexist framing of Indigenous women and taps into feminist filmic aesthetic traditions. The cinematography refuses to objectify Delia's body and resists perpetuating the sexualizing image of Indigenous women that is so typical in Hollywood films and mainstream media. In "Visual Pleasure and Narrative Cinema," Laura Mulvey explains that cinema offers the pleasure of voyeurism, where characters are subject to the audience's observation without their knowledge (31). Cinematic conventions pander to male desire, so that the grammar of cinema often fetishizes the female body through close-ups and visual dismemberment as it mimics the male gaze (32). Conventional montages of femme-fatales enacting revenge often make use of severe close-ups of women's bodies and so conform to male desire (Schubart 96). However, *A Red Girl's Reasoning* redeploys these filmic conventions thereby maintaining the genre's stylistic conventions while simultaneously critiquing the colonial patriarchal gaze. The film's cinematography situates the audience as a

voyeur, as when establishing shots are seen through wire fencing—but instead of the view of a male voyeur, it is the perspective of the Indigenous woman resistor who has been pushed to the corners and alleyways of society (*A Red Girl's Reasoning*). Delia is not filmed in pieces, because doing so would eerily dismember Delia's body; instead, the typical close-ups from the genre are reserved for her motorcycle, which becomes a symbol of strength and mobility. Throughout, the camera never pans across Delia's body. The camerawork does not emphasize Delia's body as an object and instead focuses on what she can do—hunting down perpetrators. If we return to the introductory chase scene, the extreme close-ups of the motorcycle's speeding wheels, blazing light, and revving handlebars convey speed, strength, and agility (*A Red Girl's Reasoning*). The motorcycle is a masculine symbol of rebellion. The close-ups of the motorcycle in the hands of a woman use the aesthetics of noir cinema to announce the arrival of a new legal order. The montage as a whole foreshadows that Delia's arrival will bring about an Indigenous feminist legal order that demands that established systems and aesthetic grammars be refashioned or reclaimed.

In contrast to its refusal to objectify Indigenous women, the cinematography does focus its critical gaze on white men and manipulates the frame's point of view to ally the audience to Delia's mission. A close-up of Brian's tied up body is the only time the camera pans across a body to objectify Brian (*A Red Girl's Reasoning*). Male audiences may experience discomfort as they identify with the white male antagonists, because cinematographic conventions have conditioned male audience members to identify with white male characters that are often protagonists or complex antiheroes in mainstream cinema. *Tailfeathers* manipulates this conditioning by only lingering on Brian's body and using deep focus on the targets' faces, so that male audience members must confront their representation as violent offenders and grapple with

their own repulsion and anxiety during this viewing experience. *Tailfeathers* reflects on her desire to reach a male audience, stating,

It was definitely a huge challenge for me to make the film because I'm not an advocate of violence. I don't think that's an answer, but clearly, there are major issues going on in this country with violence against Indigenous women, and *A Red Girl's Reasoning* is a way to raise awareness and dialogue about it. I thought an action film would attract more of a male audience. The fact is, women, particularly Indigenous women, know about these issues already, and there is no sense in preaching to the choir. ("Red Riot Panel Discussion")

The choice to address and unsettle a male audience is evident in the cinematographic motion. Like her motorcycle, Delia is always in movement, attacking the screen and confronting the audience. Several times we see Delia turn towards the camera as she attacks her targets, at which point the perspective has shifted to the men's points of view. The camera adopts the men's perspective as they watch Delia move towards them; yet the camera is synchronized to Delia's movements and moves in relation to her attack. The men are at Delia's and the camera's mercy. The cinematography places the viewer in the guilty party's perspective for a moment. However, the camera is in partnership with Delia and does not stay in the antagonists' position for long, to avoid placing her and the audience at odds. The perspective then shifts to Delia as she and the audience gaze into the men's terrified eyes and bloody faces. The cinematography subtly manipulates audience allegiances by relating the camera and Delia's mission through stylized, fast cuts.

Beyond the film's cinematographic refusal to objectify Indigenous women, the film resists depicting Delia's assault as the catalyst for her transformation to a vigilante. We do not see the familiar arc of rape-revenge films: from before the vigilante is assaulted, to her transformation, and to her subsequent quest for revenge (Schubart 84). *Tailfeathers* does not depict who Delia was before the assault, nor does she depict any violence against her—we only see Delia as the woman she is in the current moment. The absence of sexual assault is significant in several ways. First, the women's bodies and their experiences are not made into a spectacle for entertainment. Second, the audience does not need to actually see violence against women on screen to understand that Delia's actions are justified. Third, the film does not depict Delia's assault within her quest for justice. While rape-revenge films usually demonstrate the extent to which the heroes change to become figures of vengeance (Schubart 84), Delia's transformation is absent. By doing so, the film ensures sexual violence is not fetishized as a transformative experience. Moreover, Delia is seen to be always powerful; no experience of violence changes that one way or the other.

**“My clients come to me with their requests for justice when the justice system fails them”:
Centring Indigenous women's legal analysis**

Delia presents an Indigenous feminist ethos through her role as an Indigenous femme-fatale vigilante. As A. Simpson explains, an Indigenous woman's body threatens the surety of the settler-state because “Indian women ... transmit the clan and with that everything: the family, responsibility, relatedness to land, forming a key unit in our political structure” (A. Simpson). Delia embodies this threat as an Indigenous woman and, in turn, she physically confronts settler-male violence as a threat to her own future and that of Indigenous nationhood. By explicitly naming and confronting the assailants or murderers of many Indigenous women, Delia refutes the narrative that Indigenous women are disappearing without an identifiable cause. She refutes

the claim of Stephen Harper (Canadian prime minister from 2006–15) that MMIWG2S “should not [be] view[ed]... as a sociological phenomenon...[but] as crime” (“Harper rebuffs”). The rape-avenger may go after singular cases, but the film clearly links the cases to systemic violence by identifying how news media, survivors’ economic and social marginalization, and legal loopholes coalesce to leave Indigenous women without recourse. While women are ignored by compromised legal systems, the film sees every individual crime and also sees the broader sociological phenomenon. In the case of Brian, who was found not guilty under the law, Delia denies Brian’s attempts to disappear behind a web of judicial obfuscation; she refutes the court’s authority and instead answers Nelly’s direct call for retribution.

As one of A. Simpsons’ “key unit[s] in our political structure,” Delia acts on her critique of imposed legal orders and the film’s cinematography mirrors her legal values and scepticism—the cinematography frames the settler justice system as culpable in violence against Indigenous women and creates space for Indigenous feminist critiques of justice to emerge. The film’s opening montage begins with a shot of a robber fleeing down an alleyway (*A Red Girl’s Reasoning*). He wears a black cap and is seen through the fence’s metal grid, imprisoning him in an air of criminality. Next, a police officer sprints around a corner and the audience can assume that he is in pursuit. While the montage continues to toggle between the two men racing through back alleys and fire escapes, the montage also includes an anonymous motorcyclist careening down streets. The shifting perspective between the police officer and the criminal invites the audience to view them as a single moment. The frame splits the screen between the two men. In the left frame, the robber pauses to catch his breath, while the police officer dutifully pursues him in the right frame. With these techniques, the cinematography at first conveys confidence in the state’s justice system, with criminals easily identifiable and the police acting to uphold the

law. The framing cleverly invites viewers to fill the gutter that separates the frames as a reflection of their own assurance in the state.

In the next shot, the gutters form a triptych, suggesting a more complex form of justice emerging and unsettling the audience's confidence (*A Red Girl's Reasoning*). The new, third space is filled by a close-up shot of Delia's motorcycle. Her arrival visually breaks the binary between criminal and authority figure. Delia emerges from the space in between to propose an Indigenous feminist defence that resists binaristic and confining state laws. Once Delia arrives on her motorcycle, it becomes clear that she is chasing both the criminal and the police officer. Both men are criminals in Delia's eyes, and she will seek justice on her own terms.

As Delia ruptures binaristic definitions of culpability, she presents a form of retributive justice that acknowledges Indigenous women's rage and productively refuses forgiveness. After capturing Brian, Delia stages a mock trial where he is stripped to his boxers and tied up so that he is unable to escape; the camera looms over him in judgement (*A Red Girl's Reasoning*). She confronts him with the fact that he raped Nelly and reveals that he had also assaulted her six years prior. The mock trial, therefore, becomes Delia's personal pursuit for justice that had been denied her, and this time, unlike the first criminal proceeding against Brian, he confesses to his crimes against Delia and Nelly and begs for mercy and forgiveness. The mock trial stands in stark contrast to typical court proceedings, where sexual assault cases are rarely tried or decided in the victims' favour.

Moreover, in this setting there is no need for the victims to offer forgiveness as it emphasizes Brian's guilt. The framing maintains focus on Brian's face as it quickly contorts from contrition into rage and menace (*A Red Girl's Reasoning*). He becomes verbally abusive, attacking Delia with slurs for being an Indigenous woman when she makes no gesture to forgive

him. Forgiveness, at least for agents of white supremacy like Brian and the police officer, cannot assure Delia's immediate safety and the safety of other Indigenous women. The scene suggests that it is important to hold perpetrators to account for their actions in material ways; however, Brian continues to try to explain away his guilt (just as he had in the courtroom) to protect his own well-being at the expense of his victims. Brian's inability to truly repent during this trial makes his weak requests for mercy and forgiveness impossible to accept, leaving Delia with retribution as the only logical choice. She douses Brian with gasoline as he continues to hurl abuse and tells her she cannot possibly get away with her actions (*A Red Girl's Reasoning*). Delia does not listen; she takes a pack of cigarettes—the tobacco that Nelly gave her—lights one and places it in Brian's mouth, stating, "Just watch me" in Cree (*A Red Girl's Reasoning*)⁶⁵

In turning her back to the mock court setting and taking direct action to protect herself and other Indigenous women from a dangerous offender, Delia suggests that current legal paradigms are insufficient to address Indigenous women's needs and visions for justice. The command to watch her, the final line of the film, is compelling, because she decides how and when the audience and her targets view her. The film's final shot portrays Delia's black helmet directly facing the camera as she drives away (*A Red Girl's Reasoning*). She faces the camera,

⁶⁵ In his dissertation "Indigenous Literature and the Indian Residential Schools Truth and Reconciliation Commission," Richard Moran reads this remark as mirroring Prime Minister Pierre Trudeau's famous retort to a reporter "asking how far he would extend the War Measures Act during the FLQ Crisis in 1970" (237). Moran argues that the allusion argues for a radical sovereignty where the sovereign can make exception to the norm in extreme circumstances to use violence to punish people "who have not been convicted of crimes" (237). In Delia's case, she is the sovereign who uses violence when the state fails, posing as a threat to state sovereignty itself (238-9). Moran reads *A Red Girl's Reasoning* as a response to state failure through the Indian Residential School System and in light of the Truth and Reconciliation Commission (239). However, I think the film is more closely a response to Indigenous women's specific erasure from justice and advocacy for an Inquiry into Missing and Murdered Indigenous Women and Girls.

but she does not allow the audience to return her gaze. Instead, she is the one who surveys, from a protective space, the audience while moving towards future possibilities.

In several interviews, Tailfeathers has been asked to discuss her use of violence and whether it is hypocritical (“Red Riot Panel Discussion”). She states that she is by no means advocating violence; Tailfeathers attests that depicting violence empowers survivors and expresses their rage. It is cathartic to have a space, even if only in film, where revenge is possible. It is survivor’s rage that is justified in refusing forgiveness. It is empowering to see women enforcing their bodily autonomy through resistance and for the experiences of so many Indigenous women to be named and acknowledged.

Tailfeathers’ deployment of violence can be better understood through the film’s connection to its namesake story. Hargreaves believes that E. Pauline Johnson’s “A Red Girl’s Reasoning” emphasizes Christine’s isolation, and she sees *A Red Girl’s Reasoning* as an inventive response where “the film imagines for Delia (and its viewers) what Christine did not have—a community of reasoning, allied Indigenous women” (181-2). I agree with her reading of the film; however, I might also add that Christine’s mother plays an important role modelling legal debate and defence to her daughter. Christine may be alone when arguing with her husband, but she learned to reason alongside a community of women in her own nation. Christine draws from her mother’s experiences defending Indigenous legal authority in her own argument:

“Do you suppose,” she almost hissed, “that my mother would be married according to your *white* rites after she had been five years a wife, and I had been born in the meantime? *No*, a thousand times I say, *no*. When the priest came with his notions of Christianizing, and talked to them of re-marriage by the Church, my mother arose and

said, ‘Never—never—I have never had but this one husband....[she refuses]... *I do not ask that your people be re-married; talk not to me. I am married, and you or the Church cannot do or undo it.*’” (196, original emphasis)

Her mother is a powerful model for Christine’s reasoning. Christine clearly understands her mother’s legal stance on Indigenous legal authority being equal to Christian matrimonial laws. Christine’s “*No, a thousand times I say, no*” echoes her mother’s own refusal “Never—never” and implies that the women have talked deeply about Indigenous law’s ongoing authority in spite of colonial institutions. Furthermore, Christine’s isolation from her community does not lessen her knowledge and responsibility to defend her community’s right to determine lawful marriages and legal authority more broadly.

A Red Girl’s Reasoning makes explicit the implied solidarity between Indigenous women in Johnson’s story, in order to deepen a discussion about justice for Indigenous women. The film directs audience members to consider retributive justice alongside restorative justice discourses. Retributive justice is defined as “a form or concept of justice that punishes or rewards a person in accordance with, and in proportion to, their conduct...designating a system of justice based on punishment of the offender, rather than on rehabilitation” (“Retributive”). In contrast, restorative justice “involves reparative or restorative measures” and is broadly “an approach to criminal justice focusing on rehabilitation of offenders through reconciliation with victims and the community at large” (“Restorative”). While restorative justice approaches are associated with Indigenous “culturally appropriate” models of justice, as previously discussed in this chapter, retributive justice seems an appropriate way to channel Delia’s anger and assert Indigenous self-determination. Rachel Flowers discusses the discourse of rage and forgiveness within anti-violence work for MMIWG2S. While the typical narrative is that forgiveness “transcends”

“reactionary” anger to stimulate healing, Flowers argues that anger can be productive because anger and a “refusal to forgive” constitute an “affirmation” of Indigenous resurgence (43) and concludes that, “The presence of our resentment reveals ongoing harm and a desire for freedom” (47). Delia’s rage is an articulation of retributive justice that directly condemns perpetrators, like Brian and the police officer, as contributors to ongoing colonial systems. This framework is distinct from settler forms of retribution like incarceration. Instead, Delia’s actions, though grisly, are a necessary component of Indigenous self-determination; her acts are what Elizabeth A. Povinelli could call “the hard side of Aboriginal law” (42) because they are an important indicator that systemic harm has not yet been addressed and that significant change must occur before true justice is achieved.

Delia’s approach to retributive and restorative justice recentres matriarchal governance as a response to gendered violence. Restorative justice is saved for the network of Indigenous women that she has fostered who are survivors of assault. The perpetrators, who are all non-native, are not offered restorative justice; Delia places clear limits on who is afforded entry into community healing and who is subjected to community retribution. This delineation is important, because it is the survivors of assault who invest Delia with the power to decide how outsiders might be punished. Delia’s actions, her “calling” (*A Red Girl’s Reasoning*), are acts of love and sacrifice because they save other survivors from having to undertake them. Her acts of care are what Flowers might describe as “an anticolonial project of resurgence” that “direct[s] Indigenous love *inward*” (40). This friendship between women is not as evident as Delia’s rage, but love and care is subtly enacted through her interactions with the other women. It is present during Nelly and Delia’s first meeting as Nelly timidly creeps through the industrial area looking for Delia (*A Red Girl’s Reasoning*). When Delia inadvertently startles Nelly, she quickly apologizes

and the two women exchange mournful looks. Delia understands through personal experience how vulnerable Nelly must feel in this moment and recognizes that her sudden appearance must have exacerbated Nelly's sense of fear. Care is also present in their business transaction. Delia accepts her assignment from Nelly but refuses money and only takes cigarettes (tobacco) as an offering (*A Red Girl's Reasoning*).⁶⁶

Through her care and service to Nelly, the film positions Delia's retributive violence, not as the acts of a lone vigilante, but as a show of collective action in addressing systemic violence. Throughout the film, we see that Delia is part of a network of Indigenous women who collaborate to collectively resist settler heteropatriarchy. Aside from the women who reach out to her, like Nelly, the audience receives clues that Delia is a part of a covert system that enables her to accept clients without scrutiny. As discussed earlier, Delia receives her assignments in a bar, written on the underside of a coaster. The audience can assume the bartender, who is also an Indigenous woman, helps organize Delia's rendezvous, and later on she even helps drug Brian's drink, stirring it with her finger (*A Red Girl's Reasoning*). This comic moment shows how Delia depends on other women to help her on her mission. These actions make visible the managerial aspects of Delia's "business of revenge," yet the film also structures solidarity as a highly dynamic relational system that works throughout the city to resist and combat the erasure of Indigenous women (*A Red Girl's Reasoning*). Delia's reliance on other women is not a sign of

⁶⁶ Outside the parameters of an economic exchange, this offering signifies ceremonial protocols that have persisted since time immemorial (McAdam 65-6). *Tailfeathers* does not rely on tobacco as a simple trope; instead, she uses it as a means to situate Indigenous presence, protocols, and legal orders in an urban setting. Filming in Vancouver explicitly connects Indigenous feminist presence to Vancouver's Downtown Eastside, where Indigenous women have been taken or murdered at alarming rates. The film anonymizes Vancouver's dive bars, alleyways, and industrial areas, so that Delia's mission could take place in any urban centre—suggesting that Indigenous authority to respond to violence expands across all urban communities.

weakness, but a strength, part of a resurgence that creates alliances in the face of settler violence that attempts to erase Indigenous women's bodies and connections to people.

“Both a calling and a curse”: the Possibilities of Vigilantism and Fugitivity

The film's examination of vigilantism presents Indigenous women as critics of settler legal institutions and agents for alternative justice movements. It is subtly critical of vigilante justice because the vigilante figure traditionally works outside of sanctioned legal action. As an Indigenous vigilante, Delia works outside the institutions that typically sanction violence—policing, the courts, and incarceration—yet, she also finds her own work as a vigilante troubling. Delia relates that, “This business of revenge is both a calling and a curse” (*A Red Girl's Reasining*). Delia's actions trouble her, not because violence is always morally reprehensible, but because she feels that violence is the only means left to her to immediately address violence against Indigenous women. Her “curse” is the *need* to resort to violence. She puts her own physical and emotional safety at risk and leaves herself liable for incarceration in the name of retribution. Troublingly, Delia is now trapped in a cycle of violence that does not seem to have an out. Delia's dilemma may be because she is the sole arbiter of justice within the film's world. However, her actions raise challenging questions about the lengths needed to protect Indigenous women and the necessity to punish perpetrators. It is also possible that, as an Indigenous feminist vigilante, she is marginalized from seeking justice through Indigenous governance structures and she is a vigilante figure who works outside both Indigenous and settler governance structures. The film's deployment of the vigilante raises concerns about misogyny within contemporary Indigenous governance structures that are embedded within patriarchal colonial institutions or that have never interrogated the ellision of women within traditional legal orders.

Delia's position as an Indigenous vigilante evokes a concern for the need to re-centre Indigenous women as legal authorities within Indigenous communities and within Indigenous legal revitalization discourse. In *Gender, Power and Representations of Cree Law* (2018), Emily Snyder examines multiple resources on Cree law, revealing that Cree law is often presented as gender neutral, effectively erasing or overlooking the role of women as legal authorities (8-9). Indeed, she finds that when Cree women are represented in educational resources "they are often imagined only in relation to motherhood and violence" (47). Because we live in patriarchal societies, Snyder argues for consideration of gender expression and power imbalance to be incorporated into legal debate and interpretation (74-5). This will ultimately strengthen women's political status, as "Approaching Cree law as gendered entails the understanding that Cree law can reproduce and sustain gendered oppression but can also be a source for challenging it" (75). Snyder's critique helps me consider *A Red Girl's Reasoning's* deeper critique of vigilantism. As a vigilante, Delia reclaims Indigenous women's legal authority to protect community. The film further interrogates how women are marginalized as legal arbiters and critics within settler institutions and Indigenous governance structures.

Delia's position as a vigilante who cannot seek justice through legal venues furthermore means that she is made fugitive. Stefano Harney and Fred Moten define fugitivity as "a desire for and a spirit of escape and transgression of the proper and the proposed" (Harney and Moten 26). Delia escapes into a community of Indigenous co-conspirators where it becomes possible to seek justice for gender-based violence on the survivor's terms. She creates a world within her present moment that recognizes gender-based violence's real harm and fosters means to mitigate that harm. The film's fugitivity provokes viewers to consider what avenues for justice are desired and necessary that do not already exist in the world and calls them into the present.

Conclusion: centring Indigenous women's legal reasoning

A Red Girl's Reasoning presents a counter-discourse to state legal frameworks in which justice is imagined as a process that connects Indigenous women together, to their homelands, to their communities, and to their legal orders. The film focuses on gender-based violence, a topic that is typically marginalized as a women's issue. In so doing, it shifts Indigenous feminist theory from the margins to the centre and positions Indigenous women as legal experts in all aspects of law. As a work that predates the National Inquiry's declaration of genocide, it is part of the body of Indigenous women's physical and emotional labour that pushed the Canadian state to take action and recognize the systemic violence that has so often been overlooked by the police, courts, and settler populations as a whole. As such, it agitates for fulsome responses to violence against Indigenous women that is meaningful, material, and led by survivors and their families. *A Red Girl's Reasoning* also expresses a desire for a more radical resurgence that unsettles the settler-colonial state undergirding systemic violence, a resurgence that fully recognizes Indigenous women and non-binary people as legal experts, participants, and shapers of laws.

Elle-Máijá Tailfeathers' 2019 feature film *The Body Remembers When the World Broke Open* addresses some of *A Red Girl's Reasoning's* critical gaps. Directed by Tailfeathers and Kathleen Hepburn, the film depicts several hours spent between Aíla (played by Tailfeathers) and Rosie (played by Violet Nelson (Kwakwaka'wakw)) who meet suddenly on a busy East Vancouver street as Rosie is fleeing her abusive boyfriend.⁶⁷ The film is told through a realist lens without *A Red Girl's Reasoning's* stylistic flair, yet *The Body Remembers* similarly follows

⁶⁷ The film is based loosely around an experience that Tailfeathers had years prior of meeting and assisting an Indigenous women in similar circumstances, though the characters are fictionalized (Sullivan).

Indigenous women's collective response to violence against women. The film unfolds through a single tracking shot as the two women discuss their lives, their relationships to motherhood, and how Rosie might find support if she leaves her boyfriend. The single tracking shot allows other considerations to arise. They share a relationship to Vancouver, but their social and class differences impact how they relate to Rosie's attempt to leave domestic violence: Rosie is a Kwakwaka'wakw woman from Port Hardy who is pregnant and about to grow out of the foster care system, while Aíla is Sámi and Blackfoot from Southern Alberta, grew up in a loving middle-class family, and is unsure about motherhood. Their class differences make for a compelling dynamic in their efforts to create solidarity between Indigenous women. Unlike *A Red Girl's Reasoning*, which presents a seamless network of Indigenous women, *The Body Remembers* examines the tension between women of various backgrounds as they collectively address domestic violence. The film unfolds in real time as Aíla takes Rosie into her home to get out of the rain and makes arrangements for Rosie to stay at a domestic violence shelter. The film shows reliance on non-police resources for help, interrogates Aíla's desire to be Rosie's saviour, and gives Rosie the agency to determine her future. The film ends without a clear resolution as Rosie returns to her own home intent on keeping her child out of the foster care system.

In many ways, all the texts discussed in this chapter examine care between Indigenous women as an extra-legal response to violence against women. *Fringe*, *A Red Girl's Reasoning*, and *The Body Remembers When the World Broke Open* emphasize collaboration as a process of healing, seeking justice, and gaining momentary respite. While *Fringe* implies a relationship, *A Red Girl's Reasoning* centres Indigenous women in community as legal theorists and actors who can radically respond to violence, and *The Body Remembers When the World Broke Open* considers the important work of care between Indigenous women across social, economic, and

cultural differences. These works present compelling arguments about the many ways that Indigenous women create space for themselves to reason the law and act from the margins of legal discourse and state legal systems.

Chapter Four | Grounding the Carceral State: Mediating Reformist, Restorative Justice, and Abolitionist Debates

Introduction

Within the history of Aboriginal law in Canada, the Gladue clause is an important example of the courts mitigating the mass incarceration of Indigenous people.⁶⁸ Introduced to Parliament in 1996 through Bill C-41, the clause is named after Jamie Tanis Gladue, a Cree woman who had pleaded guilty to manslaughter but who appealed her three-year sentence because “[t]he sentencing judge didn’t consider Ms. Gladue’s Aboriginal background because she lived off reserve and was ‘not within an Aboriginal community’” (“Gladue Report Guide” 2). When the case *R. v. Gladue* reached the Supreme Court of Canada in 1999, the justices decided in Gladue’s favour, leading to the first time that the courts upheld the amended clause under section 718.2(e) of the Criminal Code (2).⁶⁹ The section sets out that judges must consider alternative sentencing arrangements “that are reasonable in the circumstances and consistent with the harm done to the victims or the community...with particular attention to the circumstances of Aboriginal offenders” (“Criminal Code (R.S.C., 1985, c. C-46)”). Pre-sentencing “Gladue reports” may now be provided to the judge, giving context for the individual before the court by summarizing the impacts of colonization on the individual and their communities; they may also

⁶⁸ Aboriginal law refers to the web of state laws and policies that dictate the management of First Nations, Inuit, and Métis populations in Canada.

⁶⁹ The Criminal Code was amended under Bill C-41 in 1999 to address the particular experiences of Aboriginal offenders. The Gladue clause was refined in March 2012 in *R. v. Ipeelee* in which the Supreme Court of Canada stated, “When sentencing an Aboriginal offender, courts must take judicial notice of such matters as the history of colonialism, displacement, and residential schools and how that history continues to translate into lower educational attainment, lower incomes, higher unemployment, higher rates of substance abuse and suicide, and of course higher levels of incarceration for Aboriginal peoples” (*R. v. Ipeelee* 7).

recommend restorative justice practices if they are available in the individual's community ("Gladue Report Guide" ii).

The introduction of the Gladue clause was an important moment in Canadian jurisprudence, but as Christine A. Walsh and Shirley A. Aarrestad note in their article "Incarceration and Aboriginal Women in Canada: Acts of Resilience and Resistance," though "Bill C-41 was intended to marry the principles of retributive and restorative justice to slow down the rate of incarceration among Aboriginal peoples," prison rates have in fact doubled between 1996 and 2011 (77). When the Truth and Reconciliation Commission of Canada (TRC) released its Calls to Action on June 2, 2015, Indigenous people comprised 24% of the total offender population but only 4% of the national population according to the *Annual 2014-2015 Report of the Correctional Investigator of Canada* (36).⁷⁰ It is an oversimplification to state that Indigenous people commit more crimes than other populations; instead Craig Proulx notes that Indigenous people are more likely to be victims of crimes and that Indigenous communities are subject to higher levels of surveillance, policing, and sentencing, while subject to lower levels of social supports than non-Indigenous populations (83-4). Prisons are seen by many political scientists and sociologists as "the new residential schools," because Indigenous over-incarceration began at a time when residential schools were diminishing (Crozier).

Mass incarceration is generally marked by the overrepresentation of Black and Indigenous people in carceral institutions. Compared to the United States' prison system, which

⁷⁰ The *Annual 2014-2015 Report of the Correctional Investigator of Canada* notes that the Aboriginal population in Canada was 4.3% in 2014 (36). The report draws attention to the alarming increase of Aboriginal offenders, stating that "between March 2005 and March 2014, the Aboriginal inmate population increased by more than 50% compared to a 10% overall population growth during the same period" (36).

contains 25% of the world's prison population and is marked by complex corporate private interests (Smith and Rice),⁷¹ Canada's prison system may seem benign—Canada only has 53 federal penitentiaries and approximately 40,000 prisoners (Malakieh). However, prisons are intertwined with ongoing systems of anti-Black racism and colonization in Canada just as in the United States, as prisons in both countries occupy space and incarcerate Black and Indigenous people within Indigenous homelands at disproportionate rates.⁷² Moreover, for Indigenous people, incarceration should be understood to include not only prison cells, but other settler-colonial forms such as residential schools, legal restrictions of Indigenous people's movements on their homelands, and the dictation of who can claim Aboriginal status.

Indigenous communities have attempted several approaches to address the overincarceration of Indigenous peoples, including legal attempts to strengthen the Gladue clause and the establishment of healing centres that offer culturally specific reform programs, community-based sentencing, and prison abolition advocacy. Notably, the TRC's Calls to Action, in the section titled "Justice," attempt to address the material, immediate needs of incarcerated people by demanding increased healing lodges to support incarcerated Indigenous peoples, and calling for the recognition and practice of Indigenous legal orders as "full partners

⁷¹ In the introduction to *Global Lockdown: Race, Gender, and the Prison-Industrial Complex* (2005), Julia Sudbury explains that "The term "prison-industrial complex" was coined by Mike Davis with reference to the prison building boom in California" (xxvii) and describes the relationship between state and corporate interests (xvii).

⁷² Akwasi Owusu-Bempah and Scot Wortley examine the legacy of the Transatlantic Slave Trade in Canada through the over-policing and over-incarceration of Black Canadians and they find that Black Canadians are incarcerated in federal prisons at a rate that is three times higher than their population; provincial jails have an even higher incarceration rate (282). Furthermore, Black Canadians are more "over-represented with respect to violent offending and victimization" as a result of social, economic, and political marginalization (282).

in Confederation” (*Final Report of the Truth and Reconciliation Commission* 324-6).⁷³ This latter call, in particular, posits the potential for substantive change because the revitalization of Indigenous legal orders should create space for alternatives to mass imprisonment. In raising these two recommendations, the Calls to Action present an interesting dilemma: how can activists mitigate the prison system’s violence in the present while also creating pathways to a future in which Indigenous laws may not see imprisonment as necessary at all? By inviting state recognition of Indigenous legal orders, there is a risk that these legal orders are assimilated in a neutered, non-transformative way. Yet, the gap between the present and the imagined future creates a productive space to foster alternative recourses for justice. After all, the carceral administration of justice is relatively new to North America, and so, Indigenous responses to wrongdoing might readily be reclaimed and adapted to better serve Indigenous communities.

This chapter takes up three works of Indigenous sequential art that participate in debates over reforming or abolishing prisons as a crucial step towards decolonization. First, *The Outside Circle* (2015), written by Patti LaBoucane-Benson (Métis) and illustrated by Kelly Mellings, depicts the experiences of the Carver family as they grapple with intergenerational trauma from residential schools and move between various carceral institutions—notably, the child welfare system and the prison system. The primary narrative follows Pete Carver as he makes his way

⁷³ The relevant calls to action are:

35. We call upon the federal government to eliminate barriers to the creation of additional Aboriginal healing lodges within the federal correctional system...

45. iv. Reconcile Aboriginal and Crown constitutional and legal orders to ensure that Aboriginal people are full partners in Confederation, including the recognition and integration of Indigenous laws and legal traditions in negotiation and implementation processes involving Treaties, land claims, and other constructive agreements. (*Final Report* 324, 326)

through the prison system and eventually finds healing at the Stan Daniels Healing Centre. The graphic novel calls for the creation and continued support of culturally specific healing programs that address many incarcerated Indigenous people's historical experiences of displacement, family removal, and residential schools. *The Outside Circle's* narrative most closely conveys a reformist discussion: that Indigenous spiritual practices and therapeutic programs can support incarcerated people, help them deal with intergenerational trauma, and guide them to make amends for the harm they have caused. In this way, the graphic novel expands notions of rehabilitation beyond punishment; its formal conventions also imply that Indigenous spiritual and legal orders continually resist enclosure within colonial systems.

The second graphic novel examined, *Three Feathers* (2015), written by Richard Van Camp (Tłıchǫ) and illustrated by Krystal Mateus, portrays a restorative justice program in Fort Smith, NWT, where Chipewyan (also known as Denesuline),⁷⁴ Tłıchǫ, and Cree legal principles are foregrounded and approaches to justice are meant to strengthen communities rather than fracture relationships. The narrative follows the experiences of three young men, guilty of a theft, who are sentenced by their multi-juridical community to spend nine months living on the land.⁷⁵ There, they are guided by elders, given teachings and skills to hunt and trap, and are made

⁷⁴ Throughout this chapter, I will use "Dene Nation" to refer to "the political organization that represents the Dene, or northern Athabaskan-speaking peoples and their descendants, of Denendeh, which includes the Mackenzie River Valley and the Barren Grounds in the Northwest Territories, in the settlement of outstanding land and governance issues with the Government of Canada" (Asch). The Dene Nation includes "the Denesuline (Chipewyan), Tłıchǫ (Dogrib), Deh Gah Got'ine (Slavey), K'ashot'ine (hareskin), and Dinjii Zhuh (Gwich'in, once called Loucheux)" (Asch). Denesuline is becoming the preferred term for self-identification instead of Chipewyan; however, I will use the term Chipewyan throughout the chapter when discussing this specific Dene community for consistency and clarity, because it is the term used in *Three Feathers* by the characters and the Chipewyan language is used for one of the comic's bilingual editions.

⁷⁵ *Three Feathers* takes place in Fort Smith, NWT, which is home to a majority-Indigenous population from over half a dozen nations, including Denesuline, Cree, Tłıchǫ, Inuit and Métis in the South Slave

capable of returning to their community with the intent to repair their broken relationships. The comic takes up community-based sentencing models that are both autonomous and nested within the Canadian nation-state. *Three Feathers*' visual conventions and its use of Chipewyan, Cree, and South Slavey languages communicate discussions on the mediation of sentencing across multiple Indigenous legal orders and forces readers to confront assumptions about the permanence of Canada's justice system. *Three Feathers* can be read as an argument that prison abolition can be made attainable by reclaiming land and land-based practices.

Finally, this chapter turns to Michif filmmaker Amanda Strong's 2016 animated short-film *How to Steal a Canoe*, which depicts the exploits of two Indigenous people as they free a young canoe incarcerated within a museum. This section relies on Fred Moten's theories of "fugitivity"—a field of ontological philosophy that refuses anti-Black racism's attempts to define Black identities and lived-realities (Moten, "The Case of Blackness" 187)—to articulate the short-film's dual focus on the over-incarceration of Indigenous peoples as well as on Indigenous social and political life's continual evasion of state control. The film's narrative and visual

Region ("About Fort Smith"). I use the term multi-juridical to avoid homogenizing Indigenous legal orders and to recognize the complexity of navigating multiple Indigenous legal orders at once in a shared community like Fort Smith. I also draw from John Borrows who explains in *Canada's Indigenous Constitution* that "Canada should be counted among ... multi-juridical countries" because it is composed of common law, civil law, and Indigenous legal orders—though the state does not readily embrace or fully recognize Indigenous legal traditions (29). The nation's multi-juridical tradition predates the arrival of Europeans and Borrows explains that we have a lot to learn from "wider systems of diplomacy [between Indigenous nations] to maintain peace through councils and elaborate protocols [such as] activities like smoking the peace pipe, feasting, holding a Potlatch, exchanging ceremonial objects, and engaging in long orations, discussions and negotiations" (129-30). I use the term multi-juridical to refer to the interrelationship between multiple Indigenous legal orders as they shape each other through negotiations and conflict resolution across time in neighbouring and, in many cases, shared territories. Having examined individual legal orders in previous chapters, I now take up the often-challenging consideration of the ways Indigenous nations assert peace within multi-juridical communities by participating in diplomacy, legal negotiations, and shared resolutions to confront common problems.

conventions emphasize the relationship between prison abolition and decolonization to consider the broader implications of Indigenous freedom.

With these three works as case studies, this chapter interprets contemporary Indigenous sequential art—comics and stop-motion animation—as legal thinkers, interpreters, and participants in legal revitalization movements extending American carceral critiques to a Canadian context. I argue that these visual mediums serve as a vital archive of Indigenous legal resistance, in turn illuminating an as-yet unseen or unconsidered chapter in the history of Indigenous justice. As legal mediation, the texts in this chapter creatively participate in three common conversations about the prison system—those of prison reform, restorative justice, and prison abolition.⁷⁶ Prison reformers strive to mitigate the harms of incarceration as it is currently practiced, agitating for better living conditions, improved infrastructure, and social supports for the incarcerated (Smith and Rice). *The Outside Circle* can be read as a reformist argument for the value of prison programs that harness legal and spiritual practices to support Indigenous prisoners, and in so doing, subtly influence the scope of carceral rehabilitation. Restorative justice advocates argue for alternatives to prison sentences in certain cases and for community-based responses to wrongdoing where the offender takes responsibility for their actions and makes amends to their victim (Smith and Rice). While restorative justice models do not necessarily rely on Indigenous legal orders, *Three Feathers* situates restorative justice as a return to Chipewyan, Tłı̨chǫ, and Cree values of peacemaking. In contrast to both reformers and restorative justice advocates, prison abolitionists advocate for the total dismantling of mass

⁷⁶ These three threads are not mutually exclusive, and abolitionists may advocate for reforms to prisons to assuage the lived experience inside prison walls, while advocating for a network of social responses to harm that will make transforming incarceration possible.

incarceration and the creation of overlapping social responses to crime (e.g. restorative justice circles, therapy, and systemic responses to poverty and marginalization) that take the place of incarceration (Smith and Rice). Prison abolitionists do not argue for throwing away all recourses to justice; instead, prison abolitionists view the prison as an ineffective response to crime and as a violent institution that unjustly targets economically and racialized communities (Smith and Rice).⁷⁷ *How to Steal a Canoe* can be read as a text with an evocative abolitionist drive that prioritizes dismantling prison structures through the revitalization of Indigenous legal orders and the reclamation of land. These comics and animated film mediate these three conversations in generative ways and respond to the challenge that Angela Davis observes in *Are Prisons Obsolete?* (2003): “The most difficult and urgent challenge today is that of creatively exploring new terrains of justice where the prison no longer serves as our major anchor” (21).

Contemporary Indigenous sequential art uses visual experimentation to present legal discussions that resist carceral ideologies, put the colonial foundations of incarceration into relief, and create pathways for legal revolution.⁷⁸

⁷⁷ If we look to statistics on Canada’s carceral system, we see that incarceration does not equate to justice: almost half of Canada’s prison population are in remand centres awaiting trial—that means that they have been charged with a crime, but not convicted—while those serving a sentence must live in crowded federal prisons (Malakieh).

⁷⁸ This artistic role is essential to denaturalize prisons and present models for freedom that some readers may find difficult to imagine. In *Are Prisons Obsolete?* Davis acknowledges that the material abolition of prison structures requires mass dissent of prisons as a normal facet of society (14); however, because prisons are naturalized, “it is difficult for people to imagine life without them” (15). Davis explains that this is because the threat of incarceration is so horrifying that many people excise the realities of the prison from their minds and, yet, the prison is so ubiquitous that to imagine alternatives is another barrier (15). This, Davis identifies, is the “ideological work that the prison performs—it relieves us of the responsibility of seriously engaging with the problems of our society, especially those produced by racism and, increasingly, global capitalism” (16). Therefore, abolishing the prison requires an ideological shift away from the prison as an inevitable, yet unwanted, horror toward a serious ongoing engagement with the histories and experiences of racialized people who have resisted and continue to critique the prison and its disproportionate incarceration of Black and Indigenous peoples and people of colour (26).

Mediation on Comics: Indigenous representation and social critique⁷⁹

What are comics? In the introduction to *A Comics Studies Reader* (2009), editors Jeet Heer and Kent Worcester remark that comics are difficult to categorize because the medium is simultaneously composed of literary and visual forms and requires readers to amalgamate visual and textual analysis to produce meaning (xiii). The term “comics” itself holds multiple formal meanings, from comic strips to comic books, and can denote a variety of tonal registers (xiii). In *Comics as History, Comics as Literature: Roles of the Comic Book in Scholarship, Society, and Entertainment*, Annessa Ann Babic argues that comics are mediums with highly sophisticated relationships between visual and textual narratives and grammars, which enables comics to explore any number of cultural, historical, and literary contexts (5). Like many other scholars, Wendy Frances Helsby rejects the mid-19th century notion that comics are “synonymous with cheap, illiterate entertainment” that are “educationally and culturally damaging” (1); instead, she finds comic books and graphic novels can produce social and political critique in an especially accessible and entertaining format for youth (2-3). The enjoyment of comics and the ability to connect the comic elements into a narrative whole, Helsby argues, indicates a high level of verbal, visual, and textual literacy (201). Padmini Ray Murray explains that comic books and graphic novels are labour-intensive art forms marked by collaboration: compared to conventional writing involving only an author and an editor, “sequential art... often requires the talents of a number of creators, such as illustrators, colourists, pencillers, inkers and letterers, all of whose labours leave an imprint on the final artistic product” (336).

⁷⁹ A separate section on animation appears later in this chapter.

Indigenous sequential art in North America includes several mediums that predate comics and anticipate current discussions about incarceration. The curators of the Museum of Indian Arts and Culture’s “Comic Art Indigene” exhibition display visual mediums like “rock art, ledger art, and ceramics” alongside comics to connect contemporary voices with Indigenous traditional arts (“Comic Art Indigene”). Indigenous artists have documented and critiqued the rise of Indigenous incarceration over centuries, often through written and drawn autobiographies. In 1875, when Captain Richard H. Pratt gave seventy-two incarcerated Cheyenne, Kiowa, and Arapaho men ledgers to write in while they were held as prisoners of war in Saint Augustine, Florida, he likely intended a self-improvement activity that would complement the prisoners’ manual labour and instruction in religion, reading, and writing (Berlo 14; “Keeping History”).⁸⁰ However, twenty-six of the prisoners who chose to draw rotated their ledgers and drew across the pages instead of limiting themselves to the pages’ evenly spaced lines (“Keeping History”). Dubbed the Fort Marion Artists, they created one of the most well-known collections of ledger art and, alongside artists imprisoned in Fort Robinson, Fort Omaha, and Fort Sill, contributed significantly to the emerging art form (Wong 61). Ledger art used the art of pictographic narrative: images that conveyed significant life events of the artist, their family, and nation—marriages, hunting events, moments in battle against the American cavalry—and everyday life within the fort (“Keeping History”). The artists adapted the tradition of drawing on buffalo hides used for robes and tipis to drawing on European materials like paper using pencil and charcoal (“Keeping History”). This adaptation came about in collaboration with Eva Scott, an artist who provided them with materials and asked them to draw. The result was hundreds of detailed

⁸⁰ For more details on the artists’ creations and experiences while imprisoned, please consult Phil Lingle’s “Drawing Themselves In: The Warrior Artists of Fort Marion” (2015).

drawings of the artists' personal lives, "an artistic tribal documentary [that depicts] people in ceremonial garb...and tribal activities" (Wong 61). Hertha Dawn Wong's *Sending My Heart Back Across the Years* (1992) explains that the ledgers adapt the art form of pictographic narrative, making it accessible to a Euro-American audience while retaining the original intent to narrate one's life and adding cultural explanation as a new dimension (Wong 66). In continuing the tradition of depicting one's life, the artists documented their incarceration and, in fact, subverted the fort's carceral surveillance by drawing detailed representations of their captors and structures throughout the fort, thereby documenting the cause and condition of their confinement (Berlo 14). The emergence of ledger art across the plains is a compelling example of artistic adaptation and the depiction of the artists' latter lives also documents the acceleration of the United State's invasion and the rise of carceral institutions across the plains.⁸¹

Indigenous comics scholars and authors have commented on the ways that Indigenous-authored comics respond to the tradition of Native stereotypes in comics and foster relationships between Indigenous readerships. Comics by non-Indigenous creators have typically relied on stereotypes that depict Indigenous people as relics of the past, feathered warriors, noble savages, or simple helpers to non-Native characters (Sheyahshe "Introduction" 9). Michael Sheyahshe, comics scholar and member of the Caddo Nation of Oklahoma, sees Indigenous comics as a way to counter frequent stereotypes about Indigenous characters in mainstream comics and to examine complex, contemporary, Indigenous characters ("Preface" 3). Within the scope of this

⁸¹ Joyce M. Szabo notes in *Imprisoned Art, Complex Patronage* that Richard Henry Pratt, who managed Fort Marion, "would later found Carlisle Indian School in Pennsylvania" (6). From this example, it is important to remember that the ideals of incarceration and rehabilitation often flow through various institutions as non-Indigenous administrators implement assimilationist policies.

chapter, Sheyahshe's claims are important for considering the ways that Indigenous comics nuance readers' assumptions about Indigenous laws. In challenging these stereotypical assumptions, Indigenous comics can also contest stereotypes about Indigenous lawlessness and, in so doing, accessibly express the variety of ways that Indigenous legal orders address wrongdoing. Essentially, they can serve as a gateway for readers to begin grappling with alternatives to carceral justice. Similarly, Niigaanwewidam James Sinclair (Anishinaabe; St. Peter's/ Little Peguis) sees comics as an extraordinary medium for expressing Indigenous peoples' ongoing and inherent self-determination. Sinclair argues that comics are a means of relationship-building because the coherence between image and text requires a collaborative relationship between writer and illustrator ("Connecting through Comics"). Sinclair's observation highlights the ways comics not only correct non-Indigenous misreadings of Indigenous presence but also help express the diversity of Indigenous experiences and can create alliances between Indigenous readerships. Sinclair's focus on comics' potential for connection provokes me to consider how comics represent debate, difference, and multiplicity, while fostering strong legal networks that predate and question carceral sentencing in North America.

Indigenous comics draw from conventional comics to craft stories for Indigenous and non-Indigenous audiences that reflect Indigenous communities' lived experiences, political debates, and linguistic expressions. Indigenous artists have used comics to adapt oral stories, historical narratives, and for social and political critique. Haida visual artist Michael Nicoll Yahgulanaas's *Red: A Haida Manga* (2009) depicts Haida oral narratives through a hybridization of Japanese manga with North Pacific Indigenous aesthetics from carving and printmaking ("Biography"). "Haida manga" is Yahgulanaas's creation and stylistic signature ("Biography"). Jeffrey Veregge (member of the Port Gamble S'Klallam Tribe; Suquamish and Duwamish tribal

ancestry) has gained recognition for his “Indigenization” of canonical superheroes by drawing Batman, Spiderman, and *Star Wars* heroes in Coast Salish formline design (“About,” *Jeffrey Veregge*). His style claims space for Indigenous voices and aesthetics in mainstream comics culture. *Sugar Falls* (2011) and *7 Generations: A Plains Cree Saga* (2009-2010, written by David A. Robertson (member of Norway House Cree Nation) and illustrated by Scott B. Henderson, are two graphic novels that adapt narratives of residential school survivors and intergenerational survivors in order to consider the ongoing permutations of Canada’s Indian Residential School System. *Will I See?* (2016), written by Robertson and illustrated by GMB Chomichuk, weaves a story about a young woman collecting lost keepsakes from missing and murdered Indigenous women to examine the ways MMIWG2S are commemorated and reclaimed (“Will I See?”).⁸² *This Place: 150 Years Retold* (2019) is an anthology that responds to Canada 150 by crafting historical narratives through comic styles and storytelling conventions with an array of Indigenous authors and artists from across North America (Akiwenzie-Damm et al.). Finally, *Moonshot: The Indigenous Comics Collection* has printed three volumes that anthologize the rich variety of Indigenous comics expressions from across North America; these comics examine visions of Indigenous futures, contemplate Indigenous spirituality, and examine the breadth of Indigenous storytelling practices in comic form (Nicholson; LaPensée and Sheyahshe). This wide body of works shows that comics by Indigenous artists are versatile, culturally specific, and can be politically engaged. Indigenous comics reflect rich artistic and cultural traditions while simultaneously honing social critiques of law, policy, and political responses.

⁸² *Will I See?*’s narrative is based on a story by Iskwé and Erin Leslie (“Will I See?”)

The Outside Circle: Indigenizing rehabilitation

The Outside Circle continues the tradition of documenting the causes and condition of Indigenous mass incarceration and considers how Indigenous healing programs can claim space within Canada's justice system. The graphic novel is set in the Stan Daniels Healing Centre, a Community Residential Facility that collaborates with the Correctional Service of Canada (CSC) to provide culturally specific counselling and rehabilitation ("Stan Daniels Healing Centre"). LaBoucane-Benson drew on her experience as the director of Native Counselling Services of Alberta (NCSA) as well as her PhD research to illustrate the healing centre's values of self-determination, spiritual development, and education with the goal of holistically supporting participants' reintegration into society after incarceration ("Stan Daniels Healing Centre").⁸³ The story focuses on Pete Carver, a young Cree man who benefits greatly from counseling by elders, spiritually based healing practices, and trauma-informed therapy as he serves out his prison sentence for manslaughter at the healing centre. Through the In Search of Your Warrior program, he is able to process a number of traumas: the intergenerational trauma that led to his participation with the Tribal Warriors; his mother Beatrice's substance and emotional abuse, the result of being an intergenerational survivor of the Indian Residential School System; the colonial context for his family's social, economic, and cultural estrangement; and his anger at himself for killing his mother's abusive boyfriend, Dennis, in a domestic dispute (77-84). Pete strives to be a positive role model in order to reclaim his brother, Joey, from the child-welfare system and to establish positive relationships with his estranged infant daughter and the mother

⁸³ Stan Daniels Healing Centre houses Indigenous and non-Indigenous men. NCSA also runs the Buffalo Sage Wellness House a women's facility. Both centres reside in downtown Edmonton, Alberta ("Buffalo Sage Wellness House").

of his child (79, 106- 9). This narrative structure holds up multiple strands of debate over the efficacy of reforming prisons. The comic scrutinizes imprisonment's inherent violence and considers culturally appropriate emotional and therapeutic support for prisoners as a means of reform. In dissecting the prison as an assimilative institution, the comic dramatizes the benefit of Indigenizing prison support programs ie. claiming space and taking control of the rehabilitative process to better support Indigenous peoples.

Public reception for *The Outside Circle* frames the work as a conciliatory text. In his review for *Quill & Quire* and interview with LaBoucane-Benson, Alex Migdal admires *The Outside Circle* for its ability to “document aboriginal injustices” and raise awareness about ongoing prejudice in Edmonton, Alberta, without getting “mired in blame” (Migdal).

LaBoucane-Benson states that hopes that the novel's ability to harness readers' attention without overwhelming them with anger might enable them to acknowledge “what happened” and create change in a “healing journey” (Migdal). Naithan Lagace (Métis) and Niigaanwewidam Sinclair (Anishinaabe; St. Peter's/ Little Peguis) admire the graphic novel for finally publicly discussing Indigenous men's experiences in prison, likening the public discourse to the growing public awareness about violence against Indigenous women (Lagace and Sinclair). They see this public discourse as part of refuting the common depiction of Indigenous men as “The blood-thirsty Indian savage of stereotypical dime-store novels [that] is still with us in law and practice,” because “[l]eaders in juridical, social-service and political institutions continue to treat indigenous men as the sole perpetrators infecting indigenous communities and Canada” (Lagace and Sinclair). *The Outside Circle* offers “a vision of reconciliation” where Indigenous men are restituted back into communities (Lagace and Sinclair). Jessica Macaulay also praises the text for confronting racialized stereotypes. In her view, the comic “is incredibly efficient in breaking

down stereotypes, helps readers to understand and identify injustices present in Canadian society, and humanizes issues that are too often reduced to statistics” (Macaulay). As her review progresses, however, she reflects on her own experience reading the graphic novel as a settler, stating that she was very moved by the depiction of Pete’s journey and that she appreciates how the comic “actively invites readers to become part of the narrative and to become part of the healing process” (Macaulay). The reviews for *The Outside Circle* hinge upon consciousness-raising as the primary experience of reading the text and praise the graphic novel for undoing racist stereotypes of Indigenous men.

“The next steps...are up to you”: Querying Prison Rehabilitation

One of the most compelling aspects of *The Outside Circle* is the way that it narratively and structurally reframes rehabilitation: instead of a neoliberal, individualistic definition, rehabilitation becomes about restituting Indigenous members back into community. As Pete grows from a socially isolated young man to a middle-aged man running the In Search of Your Warrior program (120), the comic’s frames and gutters structurally interrogate the rehabilitation norms that Pete experiences both in conventional prison and at the Stan Daniels Healing Centre. The sections detailing Pete’s life dealing drugs with the Tribal Warriors, his tense relationship with his mother and girlfriend, and his eventual incarceration for manslaughter (9-44) are represented using evenly spaced, square and rectangular panels surrounded by black gutters (McCloud 63). This blank space surrounding the panels draws the reader’s attention to Joey and Pete’s isolation and broadly to the ways that imprisonment is a means of separating Indigenous families and individuals from community. During his initial incarceration, Pete is often closely framed either alone in his cell or in conflict with other prisoners (27; 36-42). Prison is depicted as a space that fosters antagonism between prisoners (37-8;41-2), which mirrors Joey’s own

isolation and conflicts in foster care and making the gutters black reflects a sense of hopelessness and distress that Pete experiences in prison and Joey feels in the child-welfare system. The structural rigidity of this graphic approach reflects the cycle of poverty, emotional isolation, and gang violence that enmeshes Pete, and mirrors the rigidity of colonial forms of incarceration that impede Pete and Joey from escaping the cycle of disenfranchisement and incarceration that colonial norms entrench.

In contrast, the healing lodge is depicted using dynamic panel layouts. This shift in normative comic reading reflects the narrative's shift toward dynamic forms of community-based rehabilitation. These scenes use full page and double page spreads, experimental panels with figures emerging from the frame, inset panels, and photographs. These more dynamic layouts capture the ways that rehabilitation requires peer and community support, trauma-informed therapy and collaboration for continued health. Panels now frame Pete surrounded by peers within their healing journey, often sitting together in group sessions or in ceremony (47-56). Elder Violet's statement during the morning pipe ceremony—"The next steps are up to you" (77)—may echo an ethos of isolated atonement; however, the lodge's structure seems to marry contrition for real harm caused with communal solidarity for mutual support, accountability, and healing. These formal innovations foster more compelling relationships to healing and amends than carceral rehabilitation.

One way that the graphic novel fosters modes of rehabilitation based on collaborative healing is by inviting the reader into the process through the act of closure. Readers perform closure when they connect the action of sequential panels into a narrative; this is a collaborative reading practice where readers unite the panels across the gutters into a single moment to produce meaning (McCloud 63; Wolk 131). Yahgulanaas critiques standard gutters in the

American style as perpetuating hegemonic worldviews and settler beliefs in “terra nullius,” since readers see a blank space devoid of meaning and are invited to colonize this empty space with their own vision of the story (Harrison 58). In his own works, Yahgulanaas uses gutters inspired by Coast Salish designs that weave throughout the frames to demonstrate a worldview in which everything is connected simultaneously, a denouncement of the “legal fiction” that enabled the theft of land and the obfuscation of Indigenous philosophies (58). While not in the Haida manga style, *The Outside Circle*’s dynamic layouts invite the reader into a collaborative reading process that produces closure in a similar way to how community-based rehabilitation produces healing.

We can see how *The Outside Circle*’s layouts approach closure in the scenes where Elder Violet facilitates a family tree mapping exercise where participants can illustrate how historical trauma has impacted themselves and their extended family (59). Elder Violet begins the discussion by demonstrating her own family tree; the map is illustrated across a two page splash of grey cardboard with names written in blue or purple crayon (depending on that family member’s experience of addiction) (61-2). The lines of the family tree are in pencil, but some lines are overdrawn with orange crayon to signal domestic abuse or with dashed green crayon to signal sexual abuse relationships. Text boxes weave across the map as Violet details the impacts that her parents’ experiences in residential school have had on her parents, aunts and uncles as well as with Violet and her siblings. Readers must connect the speech boxes scattered across the illustration to the mapped relations. This process is challenging, structurally and emotionally, due to the details of abuse, yet it models the complex ways that intergenerational trauma and loving family experiences coexist. Further, Violet shows that healing is possible for oneself and between family members (61-2). The map places the reader in Pete’s position, as both must interpret Violet’s presentation to facilitate their own and each other’s healing. The process of

closure, where text and illustration collaborate, mirrors the challenging collaborative paradigm in healing centres, which is missing in carceral forms of rehabilitation.

The Outside Circle's emphasis on collaborative healing spirals outward to communal forms of rehabilitation, from Pete's individual, to his extended family's, healing. One strand of Pete's restoration to community includes reconnecting with his maternal uncle Ray who was separated from his family by Child and Family Services (66). The visual structure of Ray's testimony illustrates Pete's own complicated healing by filling the gaps to his own experiences with intergenerational trauma and familial loss. When Ray recalls his early childhood with his parents and siblings, Ray stands in a black background as tears stream down his face; the tears turn into currents that break off and form the gutters of the panels throughout the spread (82-3). The gutters create uneven, fractured memories of Ray's childhood. The panels detail his relationship with Mushum William and his life in a remote cabin with his parents and siblings. While Ray's father is shown to care for his family through the physical acts of hunting and trapping, as a survivor of the Indian Residential School System he also lashes out against his family (84). The memories of Ray's apprehension by government officials are on the right-hand of the splash and focus on his mother's anguish and his own fear of being wrenched from his family and thrown onto a bus with other apprehended children (85). Just as the rivulets of tears act as the gutters arranging Ray's memories into panels, within the narrative, Ray's tears are structural supports for his healing (89-90). They convey the visceral and ongoing pain that extends from Ray's childhood to the present moment and the tears become a physical connection to early memories highlighting the omnipresence of Ray's pain. Addressing grief in the open and reconnecting to lost relatives is a kind of rehabilitation that expands the definition of rehabilitation from an individualist to a collective process.

Indigenous Spirituality as a Refusal to Reform

The Outside Circle's formal elements suggest that Indigenous spiritual practices deftly elude total cohesion with carceral powers, implying that Indigenization is one important method for Indigenous communities to harness authority in prison structures.

The comic uses non-conventional gutters in the form of smudging smoke (49), dreams (61), and memories (80-3) to structurally bind the narrative through ceremony. For example, Violet begins Pete's first day with a pipe ceremony and asks the men to smudge (47-48). After the ceremony, the first exercise begins and Violet asks that they imagine what their communities would look like prior to contact (49). The morning ceremony informs the exercise, a fact illustrated in the gutters: smoke trails from her smudging to become the gutters that envelop their imagination (47-48). The images that emerge out of the smoke show the men as hunters and protectors who fulfill their responsibilities within a nurturing community (49). Violet then explains that their community has been impacted by starvation and infected with smallpox, and the men must again imagine how their idealized community would change through a post-contact illness and the extermination of buffalo (50). The exercise intends to show the men that their roles in their communities have been negatively impacted by colonization. As participants in meaning-making, the gutters conform partially to standards by having straight lines on one side while mimicking the whirling smoke from the pipe ceremony on the other side, reflecting the flexibility of an Indigenous worldview. Because the gutters' transformation into smudging smoke directs readers to consider the historical contexts surrounding these men's individual crimes, the gutters create a bridge between the program and the more expansive ways that ceremony may inform participants' lives beyond incarceration. The wispy gutters encircling the men contest rehabilitation's limits. The gutters' flat side seems to create a barrier, or stop-gap, between Indigenous spiritual knowledge and the carceral institution; the gutters connect images

of the past and present, reflecting the men's process of finding themselves both in the present and in their idealized pre-contact roles without collapsing the differences.

A close analysis of the comic's gutters reveals a line of debate within prison reform beliefs: that Indigenous legal orders and spiritual practices can never be fully incorporated within state structures even when they are strategically practiced within prison spaces. The gutters partially embody smudging denoting that ceremonial knowledge is useful within healing lodges, though the program cannot take the place of Indigenous lifeways outside of the prison system.

Widening rehabilitation's circles

As a glimpse into Indigenous-run rehabilitation centres, the narrative compellingly outlines the impacts of intergenerational trauma and the necessity to offer healing services to Indigenous prisoners. Notably, the graphic novel lacks substantial discussion of Pete's victim, Dennis, his mother's abusive boyfriend (10-3). After the crime, Dennis is never mentioned again. This silence is troubling because it elides Dennis as a less-than-perfect victim, as a drug addict and violent partner himself. Furthermore, Pete's mother and little brother Joey also witnessed Dennis' murder, yet the comic never discusses how this experience affects their relationships. Indeed, though Pete and Joey are sent to prison and Child Protective Services, respectively, their relationship does not appear to be affected. Addressing the direct impacts of Pete's actions would be an essential step for healing his family relationships disrupted by incarceration.

The Outside Circle does not tell the story of Indigenous women's incarceration or of their unique experiences at Buffalo Sage Wellness House, NCSA's rehabilitation centre for women. It is worth noting that *The Outside Circle* elides the experiences of Pete's mother, Bernice; once Bernice is separated from her family, she disappears almost completely from the narrative and

her death appears to function as a plot device for Pete's own healing journey (70-7).⁸⁴ Bernice's erasure from the graphic novel mirrors gendered power imbalances we often see in Indigenous justice initiatives. While Pete is arrested and given culturally sensitive approaches to rebuild his identity as an Indigenous man, Bernice is offered no such support as an Indigenous woman. Instead, she is pressured into relinquishing her parental rights and is economically and socially disenfranchised (16-7). Indigenous mass incarceration is often seen as a "men's issue;" however, Indigenous women in prison are the fastest growing demographic and are more likely to be sent to maximum security facilities under harsher sentences—meaning they are unable to access healing centres (Sayers).⁸⁵ Reviews for *The Outside Circle* perpetuate the belief that incarceration is an experience unique to Indigenous men: Lagace and Sinclair praise *The Outside Circle* for finally "exploring the path many indigenous men walk—and struggle—through" (Lagace and Sinclair). *The Outside Circle* adapts comic conventions to examine the relationship that Indigenous led rehabilitation programs have with broader concepts of community healing and abolition.

"they are timeless": narrating justice in *Three Feathers*

While *The Outside Circle* focalizes Indigenous forms of rehabilitation that can infiltrate institutions and promote community healing, *Three Feathers* considers sentencing as a collective process that can only occur within a community setting. *Three Feathers* shows rehabilitation

⁸⁴ Pete learns near the end of his program that his mother had died under "suspicious" circumstances. I am troubled that Bernice's dead body is one of her most frequent representations at both the crime scene (67) and her funeral where we see Bernice laying in her casket multiple times (65, 85).

⁸⁵ Anyone sentenced to high security prisons is excluded from healing programs (Sayers).

operating beyond prison walls in order to examine the ways that an intimate relationship with homelands is essential in reasserting peace within communities.

The comic follows the experiences of three youth—Bryce, Flinch, and Rupert—as they engage in a process of healing and restitution when a robbery goes awry and their elderly victim, Gabe, is confined to a wheelchair (4-7). *Three Feathers* envisions an alternative sentencing based on restorative justice.⁸⁶ In the comic, the community of Fort Smith, NWT, sentences the youth to serve nine months on the land with two elders, Irene and Raymond, to guide them in hunting and fishing practices as well as ceremonially supported counselling (7-15). The narrative concludes with the boys' return to Fort Smith, where they hold a feast for their community with the moose meat that they hunted and harvested. The feast and a concluding sentencing circle are the culmination of their experiences on the land, where their lessons in hunting, spirituality, and relationship-building intertwine in order for them to make amends—to Gabe, specifically, and broadly within their community's legal structures (35-48).

Van Camp was inspired to write the comic after witnessing how Fort Smith youth are sent thousands of kilometres south to Canadian detention centres and prisons (“‘Three Feathers’: Speaking in Complete Sentences”). Setting *Three Feathers* in Fort Smith is a noteworthy

⁸⁶ Through his collaboration in comics, Van Camp has addressed concerns of justice on various fronts. In *Path of the Warrior*, illustrated by Steven Keewatin Sanderson, the comic considers the difficult work entailed in severing gang-affiliation. The comic follows Cullen who has a crisis of consciousness when a stray bullet severely injures a baby during a cross-fire between opposing gangs; the incident compels Cullen to take responsibility for his actions and take steps to leave gang-life. The comic troubles the ways gang violence shores up damaging ideas of toxic-masculinity and explores Indigenous male identities that instead nurture relationships and communities. In *A Blanket of Butterflies*, illustrated by Scott B. Henderson, justice takes the shape of restitution between community members from Fort Smith and Shinobu, a Japanese man and atom bomb survivor seeking a sacred samurai sword held by the community. Restitution becomes a nation-to-nation process that repairs relationships that were harmed by the community's involvement in the Manhattan Project. The comic builds off of material restitution and centres Dene laws as the tenets to make amends outside of the settler state.

departure from Van Camp's previous works, which usually take place in fictional Northern communities, and reflects Van Camp's positioning of land-based sentencing as an antidote to real experiences of mass removal in the present. As the home to the first court of justice in the North since 1920 (Bonesteel), Fort Smith has been a nexus for Southern legal administration in the North and a pathway for community removal to the South. The comic's vision of sentencing as community-led and land-based seems to respond to these histories of removal and articulates a demand for sentencing to be a means of strengthening Northern communities' relationships to each other and to place.

Reading *Three Feathers* in a liberal mode, the comic suggests that community-led sentencing circles should be integrated into Canada's legal system, so that, while youth are not removed from community, Canada's ultimate dominion over the territory is not threatened. This reading is supported by the inclusion of familiar aspects of criminal justice, such the police and the conventional depiction of the youth's arrest (5-6). That is, the comic offers the reading that community-led sentencing *could* be nested within Canada's legal institutions. While this reading is possible, it is important to note that Indigenous communities navigating criminal justice do not live strictly within a binary of reform and refusal; communities often must engage with Canada's justice system while simultaneously drawing on community-based alternatives ("Dismantle & Transform"). The comic's acknowledgment of federal police and carceral structures gestures to the complexity faced by Northern communities.

In "'Three Feathers': Speaking in Complete Sentences," *Ad Astra Comix* praises the comic for its radical reimagining of justice that prioritizes compassion over retribution. Though *Ad Astra Comix* critiques the comic for its brevity, minimalism, and lack of character development, they ultimately find the minimalist text a benefit: "Given the moral and spiritual

importance of their environment this is a good aesthetic choice.” Joanne Peters also praises the comic for its depiction of community-led sentencing and forgiveness, yet, as a non-Indigenous reader, she found the text’s stark aesthetics difficult to interpret (Peters). This is not a failing on the comic’s part, but indicates to Peters that she does not have the lived experiences or knowledge to interpret the animal symbols or the elders’ formal speaking style, which she found opaque (Peters). Ultimately, while the comic’s challenging aesthetic and simultaneous publication in multiple Indigenous languages may address Indigenous audiences specifically, Peters surmises that the comic will appeal to Indigenous studies classes and, especially, Indigenous youth.

“we promise to honour the moose for the rest of our lives”: Moose-Hunting as an analogy for peacemaking

Three Feathers expands peacemaking to include more than just the typical icons of criminal justice—police officers making an arrest, prisons—but to also include place-based activities like moose hunting. These activities represent a concept of peacemaking in which offenders make amends within a complex matrix of physical practice, intergenerational knowledge, and community relationships. In *Finding Dahshaa: Self-Government, Social Suffering, and Aboriginal Policy in Canada* (2009), Stephanie Irlbacher-Fox notes that moose tanning in Dene communities “functions as both analogy and example of self-determination,” because it requires collective action by hunters, harvesters, tanners, sewers, their families—the entire community—to create beautifully sewn and beaded moose-hide clothing (38-9). For Irlbacher-Fox,

Tanning is about collective co-operation, responsibility, tenacity, self-reliance, commitment, and accomplishment requiring multiple and specifically Dene knowledges. In many respects, it is about configuring personal strength and individual initiative to the benefit of the collective. Rather than a dying tradition or a quaint expression of historical

Dene culture, it functions as a community-centered cultural practice, developing and transmitting cultural knowledge and values. (38-39)

For the individual, tanning is physically arduous and demands “physical, mental, and spiritual strength,” yet it is also a reciprocal activity that strengthens community relations between people and within their territories (39). As such, moose-hide tanning and all its attendant activities become a model—or an analogy—for peace-building in Northern communities. Analogy is a figure of speech that draws two things in relation (“Analogy”). Moose hunting draws together the parallels between land-based activity and peacemaking in community: both are contextualized by ongoing relationships to place, are substantive, nourishing, and are practiced at “ground-up” levels. The moose hunting analogy illustrates that peacemaking in community is often emotionally, physically, and mentally difficult, but this labour is overcome with collective community effort. Moose hunting as an analogy for self-determined justice de-individualizes crime and opens space for Northern communities to re-entrench multifaceted legal structures to the territories in which they live.

The moose hunting episode in *Three Feathers* conveys a sense of peacemaking that is given meaning through community collective action and through an intimate relationship with the land. In *The Outside Circle*, the healing circle requires participants to continue imagining their idealized community until such time that they can begin building positive relationships of their own (42). In *Three Feathers*, the land is not a romantic trope for the youth to discover or to grapple with as they shape themselves as individuals. Instead, the land provides the context to practice activities predicated on collective action and restitution. Images of the youths’ experiences within the camp—sewing, receiving guidance, hunting moose—may not immediately convey justice in action, but we later see how moose hunting becomes an analogy

for peacemaking: during the youths' sentencing circle upon their arrival home, Bryce uses his experiences moose hunting as a framework for how to make amends to Gabe (37). The page depicts Bryce and Gabe hugging at the closing sentencing and as he recalls the moose hunt, Bryce says, "We asked the moose to give itself to our community. We promise to honour the moose for the rest of our lives" (37-8).

In this scene, Mateus uses comic conventions to explore the ways that land-based learning allows the youths to fulfill their legal obligations. A smudge bowl takes the centre of the page and emerges from the frames. Its smoke creates the gutters that frame Bryce's prayers on the upper-right corner, while the bottom half-page focuses closely on the moose. Readers are given three different glimpses of the moose: a close-up of its head looking skyward; seen from a distance within the marshy landscape; and finally, another close-up of its legs as it wades through the muskeg (38). The combination of the gutters with the moose's framing conveys Bryce's realization that making amends to Gabe requires reciprocity in ways that mirror the moose hunt. In both endeavours, success relies on making spiritual offerings of prayers and tobacco (to the moose, and to Gabe). The way the moose is framed—moving closer at every frame—mirrors Bryce's own perspective on the hunt, but also denotes that close attention, familiarity with one's surroundings, and an understanding of the other's relationship to the surrounding ecosystem are the same lessons Bryce must learn in order to know how to make amends.

In other scenes illustrating the healing program, Mateus omits fixed lines for place-oriented gutters that mimic animals, blooming branches, and smoke. These gutters reflect the role of stewardship over land and place-based relationships in community-led sentencing. Land explicitly contextualizes and informs the legal principles in *Three Feathers*—what Glen

Coulthard terms “grounded normativity” (13)—and the gutters challenge the link between prison structures and land acquisition. In “Land as pedagogy: Nishnaabeg intelligence and rebellious transformation,” Leanne Betasamosake Simpson describes land as a source of pedagogy, as revealed by Anishinaabe oral stories where characters observe the natural world to gain keen understanding and put these lessons into practice. For Simpson, the “land as teacher” is the foundation for community knowledge of place, interconnected relationships and values (7). *Three Feather’s* ecological gutters tell us that reliance on land is a key orienting relationship and guides our reading of the men’s actions as they observe their home territory and through this practice come to learn the proper way to make amends.

The moose hunt’s framing situates the practice of harvesting as a way to learn the proper way to repair their mistakes. The non-linear diagonal frames suggest that reciprocity and community collectivity is an ongoing network of interlocking relationships. The top frame shows an elder, Raymond, as he observes the youth as they depart in a canoe; the adjacent frame is from the paddlers’ vantage point as Bryce spots a moose in the distance, while a central frame is closely situated on the moose to mimic Bryce’s perception as they approach (38). The page represents the common markers of hunting and its organization conveys that the hunt’s overall success relies on harmony between the youth, elders, animals, and the environment. The following page, showing the results of the hunt, returns to more conventional framing. The top frame depicts Raymond as he offers tobacco to the newly hunted moose, while the bottom frame shows the youth and Raymond at their closing feast singing a song to honour their community (39). The page’s centre holds a quartet of interlocking frames: two central images of the youth preparing the feast and smoking moose meat on the land are flanked by images of harvesting the moose’s carcass and Flinch offering Gabe the choicest piece of moose meat (39). The return to

standard framing suggests stability, that the interlocking relationships between humans, the environment, and spiritual laws have been harmonized to bring peace. Further, the arrangement of the frames suggests that peacemaking is predicated on ongoing, interlocking steps that are directed by community renewal and relational sustenance. The moose hunt's framing expands the significance of the feast and exemplifies the interconnection between land-based learning and community peacemaking which undergirds the restorative justice process. Peacemaking is not linear, may interact with established relationships at varying scales, may change across time, and may demand broader participation beyond the wrongdoer and victim, compared to carceral rehabilitation.

The comic often explicitly states that land-based learning is a model for justice. Irene and Raymond frequently repeat lessons, such as “The land is our greatest teacher. It is through our experiences on the land that we learn humility and respect” (21) and “They know now that sharing one's food is part of the natural law of all life and community harmony” (27). In this model of justice, making amends is not a simple matter. One cannot simply return what was stolen or pay a fine; reciprocity is much more complex, as illustrated by the significance of moose within Dene communities. In *Doing Things the Right Way: Dene Traditional Justice in Lac La Martre, NWT* (1995), Joan Ryan explains that moose is harvested in all seasons and takes the centre of Dene hunting calendars (24). As a constant figure, the moose represents how adhering to Indigenous laws provides sustenance in harsh cold months and fruitful seasons. In declaring that they will honour the moose for all the rest of their lives (38), the youth are promising not only to respect customary laws in hunting practices across all seasons, but that customary law will direct their future actions more broadly in the human community. The moose is a model for Bryce, Flinch, and Rupert to be present and generous to their community. As such,

the closing feast is not a celebration of the end of their sentencing; instead, it is the first step to demonstrate all that they have learned and that they intend to continue giving back. They ask to become Gabe's grandsons so that they can continue to nurture a relationship for the rest of their lives, a request which Gabe happily grants (36). The moose hunt has modeled how to remain generous and supporting, and remaining responsible towards Gabe opens up the youth to a broader relationship network, one that is predicated on ongoing mutual obligations.

While in my reading, moose hunting and harvesting offers a model for making amends, I recognize that this reading could benefit from further development by others. For example, my reading of the scene could be expanded on by scholars who have gone through the process of experientially learning land-based protocols with the community of Fort Smith. While the scene clearly gestures towards human, animal, and spiritual laws, my reading cannot go into specific details rooted in Chipewyan, Tłı̨chǫ, or Cree legal orders. Such protocols are not available to me, nor does the framing offer such specificity. Yet this is not a failing on the comic's part and in fact marks the ways comic conventions can offer various levels of reading depending on the readership and their ability to participate in enclosure. As a settler reader from the South, I do not have the experience of living within Northern homelands or the knowledge of specific legal orders to imbue the comic conventions with these details. The fact that comics require readers to participate in their meaning making, therefore, protects community knowledge from extractive readings. Conversely, readers from Northern communities may read the representation of peacemaking within the community in much more nuanced ways or read the representation of reciprocity within particular Cree, Chipewyan, or Tłı̨chǫ legal tenets. Readers who have experience with place-based activities like moose hunting may read the frames as inviting an intimate relationship with place. The frames of marshlands, the image of the moose trudging

through marsh focuses on close ties between the moose and its territory; it is the human eye that observes and frames that relationship and is, in a sense, invited into this network. On multiple levels, then, *Three Feathers* invites reader participation to mediate peacemaking's relationship to readers' home communities and legal systems.

The comic uses land-based practices to shift the focus from individualistic concepts of guilt to collective modes of responsibility; however, the comic also raises the difficulty inherent in community-based collective action. Once Bryce learns that they will be sentenced to nine months on the land, he is unapologetic and responds in anger: "yeah, it's true. We were the ones who've been robbing all of you. So what?... We stole your pot, booze, coke, pills. There's so much dope in this town it's not even funny. You're the hypocrites! And you're the adults!" (8). Surrounded by jagged shadows that are shaped like a panther, Bryce's body angrily fills the frame. Below Bryce, within the same frame, we see a group of laughing partiers and in an inserted frame, these same community members look at Bryce from the audience in defiance and perhaps anger at having their complicity brought into the sentencing circle. By blending the image of Bryce in the sentencing circle and images of adult hypocrisy within the same frame, the comic points out that community well-being is a shared responsibility. If the young men are to repair the damage they have caused, then it is also the responsibility of the whole community to help the youth make this possible. The comic ends hopefully and does not take up community hypocrisy again—although Irene's question at the final sentencing circle, "Are our communities ready to listen to our young people?" (20), could be read as a call to "the adults" to listen and respond to Bryce's critique with meaningful action.

“three feathers uniting our little town”

As Fort Smith is a community shared by multiple nations, *Three Feathers* is readable through Dene, Tłıchǫ, and Cree legal frameworks. Like the dream that Bryce has of “three feathers uniting our little town” (32), the comic is sold in three bilingual editions with the narrative presented in English and again in either Chipewyan, South Slavey, or Bush Cree. The creation of three separate bilingual editions emphasizes the importance of language learning in relation to concepts of justice and the role that comics play in language revitalization—especially for youth. This translation project also gestures to the complexity of prison abolition and legal revitalization in shared multi-juridical territories. Having multiple editions fosters the ability to consider shared beliefs and provoke conversation about expanding community-based justice through Dene, Cree, and Tłıchǫ diplomacy. The editions may also reveal contradictions within the multi-judicial community that require further negotiation. Bryce’s outburst also raises the concern that broader social discord can impact community-based justice movements. Bryce’s critique makes me consider the challenge of navigating across legal systems if there is conflict, contradiction, or a disagreement about responding to a crime in particular ways. These are difficult and provocative considerations. Of course, while there might be contradiction, the comic’s multilingualism already signifies that these differences are legible and navigable.

Publishing in multiple Indigenous languages is an adept means to either forestall or invite particular audiences. As a settler academic who does not speak the languages in the various editions, my reading is focused on the English version of the text, and I drew primarily on Dene social and political sources as they are more readily available to me in the South. Scholars fluent in Indigenous languages could comparatively read the texts to consider shared legal tenets and any conceptual differences that may inform land-based sentencing in the area. Ultimately, the

publications mediate much more intricately with the community of Fort Smith; *Three Feathers* invites the entirety of Fort Smith into a nuanced reflection of land-based justice systems.

Centering Victims' Needs in Community-Based Sentencing

The graphic novel is limited by its ending, which puts forward only one view of the survivors' needs in land-based sentencing circles. I suggest that this issue would benefit from serialization. The comic ends with Gabe forgiving the three boys and adopting them as his grandsons so that they may make amends for the rest of their lives (36). This communicates a sense of restorative justice where perpetrators must make material amends to their victims and that making peace in community is ongoing and does not end with the completion of a sentence. While it is important that the comic demonstrates that land-based intelligence can successfully teach the youth how to make amends, it is troubling that Gabe seemingly must forgive his attackers in order to complete the community-based peacemaking process. In "Re-examining Culturally Appropriate Models in Criminal Justice Applications," Emma LaRocque is skeptical of standardized frameworks for traditional sentencing circles. Because they rely on a paradigm of collective community well-being and the community includes the perpetrators, it means that victims are expected to forgive perpetrators in the interests of community harmony—effectively prioritizing the perpetrators' well-being over that of the victims' for the program's success (85-6). LaRocque argues that as Aboriginal sentencing circles begin to rely on standardized paradigms, it is important to critique any homogenous notions of "culture" or "tradition" used in sentencing circles, especially on sensitive topics like assault; she notes, "In anthropological fact individuals were highly regarded in Native societies, and their safety and dignity was, as a rule, not sacrificed for the collectivity" (83). I agree with LaRocque's call to re-examine the expectation of forgiveness for victims who participate in sentencing circles. Gabe seems happy to adopt the boys, as he is seen smiling, with

outstretched arms, ready for a collective embrace. However, this image should not delegitimize victims who are not ready, or refuse, to open their arms to their perpetrators.

If we take a moment to imagine the various experiences a victim may have in a sentencing circle, we see the ways that *Three Feathers* does not address possible power imbalances that victims may face when trying to attain justice. Gabe happily accepts their request to become his grandsons to make amends, yet the text does not explore Gabe's process from fear to acceptance. Furthermore, *Three Feathers*' victims and perpetrators are all men and an examination of women within land-based sentences would be valuable, helping nuance the relationship with land-based intelligence, Indigenous legal orders, and their relationship to gender. Gabe's navigation of forgiveness and relationship-building is nurturing for him, however, we should not expect that it could be a universal sentence. *Three Feathers* opens up conversation about the needs of community-based sentencing in multi-judicial communities.

Mediation on Animation: Animating Decolonizing Desires

In “The Politics of Animation and the Animation of Politics,” Eric Herhuth relies on Jeff Malpas’ definition of animation as “making move” to identify the medium’s aesthetic agency and potential for political transformation, especially for animation by women and people of colour, groups that are marginalized in animation studies (5-6). Channette Romero turns to a growing archive of animation by Indigenous women, such as LeAnne Howe, Diane Obomsawin, Lisa Jackson, Heid E. Erdrich, Alethea Arnaquq-Baril, and Gyu Oh, and identifies shared aesthetics that “are employed in an effort to raise viewers’ political consciousness in the service of Indigenous rights” (56). These shared characteristics include “frequent use of flat design, growing popularity of cutout collage animation, reclamation of Indigenous domestic arts and crafts in the digital realm, privileging spatial relations, connective aurality, and the emergence of hybrid cinematic-literary films that attempt to contribute to real-world activism” (56). Similarly, Joanna Hearne explains that Indigenous animation plays a pedagogical role for youth, by intervening in classroom education through storytelling, asserting Indigenous control over their representation, offering representations of Indigeneity alternative to mainstream stereotypes and “acknowledg[ing] children—especially Indigenous children—as producers and receivers of knowledge embedded in narratives and languages from culturally specific tribal traditions” (89-90).

How to Steal a Canoe demonstrates many of these aesthetic and narrative characteristics. Echoing Hearne’s observation, the youth kwe is a producer and receiver of knowledge that she mobilizes for transformative action. The short film exhibits several of the key aesthetics for Indigenous women’s animation identified by Romero, notably a hybrid cinematic-literary form and the use of Indigenous domestic arts and crafts in the digital realm. Strong’s film is an

adaptation of Leanne Betasamosake Simpson's poem, which was inspired by a visit to a canoe museum. This adaptation from Simpson's lived experience to poem, to animation connects the film to "real-world activism" (56) and to issues like repatriation and the harm caused by separating cultural objects from their social, political, and geographical contexts. Strong's use of puppetry with stop-motion animation aligns with Romero's reclamation of Indigenous domestic arts and crafts in the digital realm. Romero identifies traditional Indigenous women's arts like sewing, collage, and scrapbooking as common choices within Indigenous women's animation aesthetics, signifying the knowledge and labour of Indigenous women and subverting "settler understandings of 'reality'" (Romero 67-8). While not an explicitly feminine art, Strong's puppetry is noted for its intensive labour as she crafts every puppet and set by hand, with some productions taking over two years to complete (Collins). In conversation with Alanis Obomsawin, Strong highlights the power of collaboration when working in such a labour-intensive medium:

As a filmmaker, I've had to fight for the integrity for my work, as well as my process. It's a lot more time-consuming than live-action—there's a lot more people involved, it's really expensive, and people don't always understand what you're going through to make your story. I'm very fortunate to work with a large team who are instrumental in the works that I create. I'm constantly learning and being inspired and that's what keeps you going. To have those people around me is what makes it worth it and makes me not want to give up. (TIFF Staff)

As labour-intensive art forms, puppetry and stop-motion animation foster collaboration between artists and scriptwriters and propose a politics that eschews individualist creativity. Such aesthetics are transformational; as Strong notes, "Live action could never have created these

personas or these worlds” (Collins). As I will detail in the following sections of this chapter, in adapting Simpson’s poetry through stop-motion animation, the film creates a new animated oral tale that communicates abolitionist desires and examines relationships to place as pathways to freedom.

How to Steal a Canoe: Animating Abolitionist Desires

How to Steal a Canoe uses the aesthetics of Indigenous women’s animation to provoke a political inquiry into Indigenous mass incarceration. Simpson commissioned the adaptation of her poem of the same name from Strong (Simpson and Martineau).⁸⁷ The resulting short film uses stop-motion animation to tell a complex story of repatriation, fugitivity, and relationships in its depiction of kwe, a young Nishnaabeg woman, and akiwenzii, an elder.⁸⁸ While Simpson reads her poem over a soundtrack by cellist Cris Derksen (Cree), we see interspersed shots of the characters in a canoe museum, kwe communing with trees in a birch forest, and eventually kwe liberating one of the canoes to a lake in her home territory. Over its four minutes, *How to Steal a Canoe* metaphorizes anti-carceral arguments, beginning with the portrayal of the canoe museum as a prison. This museum is not an inviting place that glows with the promise of learning. Instead, the “warehouse” is dark, dusty and the cement floors are cold against kwe’s bare feet as she surveys row upon row of stolen birch bark canoes (0:23-0:36). As kwe takes in the “bruised bodies / dry skin / hurt ribs / dehydrated rage,” the camera pans across the rows of canoes that

⁸⁷ “How to Steal a Canoe” is published as a work of poetry in Simpson’s *This Accident of Being Lost* (2017). Simpson recorded selections, including “How to Steal a Canoe,” for her album *f(l)ight* (2016).

⁸⁸ In transcribing Simpson’s narration, I have chosen to conform to the published text’s lower-case names and ampersands and am citing accordingly.

hang limply, slightly swaying, from sharp hooks, evoking the grotesque image of animal bodies dangling from meat-hooks at a butchery (0:25-0:47). “akiwenzii says, ‘it’s canoe jail,’” after he witnesses this carnage (0:48-0:50). The camera then focuses on the canoe’s white birch bark and the viewer is able to take in its paper-like texture and imagine the landscapes where the canoes would be most at home, recalling the opening scene of kwe walking in a birch-bark forest (0:55-1:05). The close-up blurs the distinction between birch-bark canoe and birch tree, suggesting that it is inhumane to separate two things that are so closely intertwined. Simpson’s voice reiterates birch-bark’s vitality: “the white skin of a tree is for slicing and feeling / & peeling & rolling & cutting & sewing / & pitching & floating & traveling” (0:55-1:20). The passage’s melodic repetition reiterates that a canoe is the culmination of the labour of harvesting birch bark and is a part of a matrix of relationships between Nishnaabeg peoples and their homelands. kwe prays while she dips her fingers into the plastic water bottle that she carries, “& rubbing the drops on the spine of each canoe,” attempts to comfort the captives (1:33-1:58). As kwe and akiwenzii “are looking each canoe in the eye,” a canoe whispers to them to “take the young one and run” (1:58-2:13). So begins the pair’s sneaky escape: akiwenzii distracts the security guard by teaching him how to smudge while kwe releases “the young one off the rack” (2:14-2:53) and drives them to Chemong, Ontario. There, kwe balances Her with seven stones and brings Her to the middle of the lake where She is able to float freely, without human assistance or direction and without physical barriers. As She floats away from kwe on the water’s edge, the two exchange a song: “kwe sings the song / & She sings back / kwe sings the song / & She sings back” (2:54-3:57). *How to Steal a Canoe* presents freedom from incarceration as a collaborative endeavor that re-entrenches humans and other-than-humans back into their shared territories.

“It’s canoe jail”: allegorizing carceral critique

How to Steal a Canoe’s flight from containment into homelands evokes a prison abolitionist undertone that critiques the mass incarceration of Indigenous life, while simultaneously exploring broader forms of Indigenous freedom. At the level of metaphor, the warehouse of stolen canoes stands in for thousands of incarnated Indigenous peoples. Certainly, akiwenzii’s description of the “canoe jail” is a direct corollary to incarceration, yet the prison is also evoked through the canoe’s “warehousing” into neat rows one on top of the other (0:48-0:50), which Deena Rymhs notes is a “colloquial term for incarceration” (“The Road Is Its Own Humiliation” 88). The film lingers on the canoes’ confinement, centres their experiences, and recognizes real physical, emotional, and spiritual violence that prisons inflict. For example, kwe notes that the cold cement floor stings her feet (0:25-0:30), revealing that the building’s disciplinary harm leaches out to touch non-incarcerated visitors. While she can leave if the pain becomes too much, the canoes are unable to escape that slow torture. Such a metaphor may speak to readers who think that the prison is simply a benign set of holding cells. Instead, the museum is an agential subject that is able to inflict pain on anyone who comes into contact with it. The canoes’ entrapment evokes the experiences of incarcerated people whose health and safety is often at risk due to being confined.⁸⁹ The theme of torture is reiterated in the final moments within the museum as kwe lifts the young canoe off the rack (2:14-2:20). Using the term rack—a piece of infrastructure that holds goods or is a torture device—further blurs the distinction between museum and prison: the young canoe may be held up by infrastructure for display, yet the chain and hook that dangle Her from the warehouse ceiling does resemble medieval torture, as she is

⁸⁹ For examples, see the “Office of the Correctional Investigator Annual Report 2017-2018.”

stretched by the weight of her own body as the hook digs into her skin without respite. This harkens back to an earlier description of the “warehouse/ of stolen canoes / bruised bodies / dry skin / hurt ribs / dehydrated rage” whose battered bodies speak to past moments of corporal punishment (0:29-0:47). The film speaks to the canoes’ objectification, with the camera lingering on their still, stacked bodies (0:34), conforming to the general assumption that canoes are without life-force, desires, or feelings.

The museum may frame the canoes as static objects to be observed, yet, kwe and akiwenzii undermine these assumptions by looking each canoe in the eye and recognizing them as a relation, affording them the dignity that had so long been denied to them (1:58-2:07). Indeed, the canoes it turns out do have a voice and advocate for their own liberation when given the chance (2:07-2:13). *How to Steal a Canoe* metaphorizes incarceration to unpack the multivalent violences that prison inflicts on the incarcerated, yet this physical, emotional, and communal violence is largely unseen by a broad population. Perhaps it is the general population’s apathy toward incarceration that requires such metaphorical sleights of hand; nevertheless, the film confronts viewers with abolitionist ethics through a story of repatriation and, in so doing, demystifies incarceration as the only logical conclusion to sentencing. In effect, deflecting the concern of incarceration onto personified canoes allows the viewer an emotional distance that would be difficult if the film directly represented human incarceration. Viewers of a film focused on human incarceration might have trouble separating their emotions about criminality and their belief that a person must “pay for their crimes” from their feelings over imprisonment’s inherent violence. Another benefit of metaphorization is to broaden the viewer’s understanding of incarceration beyond imprisonment to include other forms of enclosure, such as institutions like hospitals and residential schools, the enclosure of homelands, and legislations on

identity. The film eschews all forms of codifying Indigenous life and relations and prison abolition is one tenet of broader decolonization movements.

In turning a skeptical eye towards institutionalization, *How to Steal a Canoe* rejects all codification of Indigenous life and lifeways and helps us think more deeply about Indigenous presence in prisons beyond cultural accommodations. kwe and akiwenzii's visit closely mirrors the ways that Indigenous elders have created space for spirituality in prisons following the 1992 enactment of the *Corrections and Conditional Release Act*, which recognized "the right of Aboriginal offenders to have access to traditional spirituality" ("Aboriginal Elders in Federal Penitentiaries: 1972"). The elders' ability to now enter prisons to offer spiritual counsel and facilitate ceremonies is mirrored in the film by kwe who, "is praying to those old ones by dipping her fingers / into a plastic bottle of water / & rubbing the drops on the spine of each canoe" (1:33-1:50). kwe's actions are a momentary respite, a mitigation, from the canoes' deprivation from community and from the lakes and rivers that animate them. This act of care is needed in the moment for continuance; the "soft words / wet fingers" are necessary for the canoes' dry and brittle skins (1:50-1:55). While the plastic water bottle's trickle could never stand in for Lake Chemong, the film's cinematography connects kwe's act of comfort to broader relations outside of the warehouse. In a recurring *mise en scene*, kwe stands in front of a birch canoe with her back to the audience as she massages water into the canoes' skins mirroring her similar position kwe took as she layed a hand on a birch tree as she navigates her home territory. Once she liberates the canoe, the *mise en scene* is repeated a third time as kwe again rests her hand on a birch tree as she watches the young canoe sailing on Lake Chemong. The contact between kwe's hand and birch bark creates a chain from home territory to incarceration to liberation and back to territory again.

Using this imagery to draw a parallel between the two scenes helps viewers rethink Indigenous presence within incarcerating spaces. Incarcerating spaces contain Indigenous people, but Indigenous presence can also be an infiltration. kwe and akiwenzii are seen in the warehouse conducting ceremonies in a way that closely mirrors access to spiritual practices in prison—a reforming practice that doesn’t threaten carceral logic. But this becomes strategic subterfuge when an incarcerated canoe directs them to save the youngest captive: akiwenzii “takes the sage over to the / security guard & teaches him how to/ smudge the canoe bodies. fake cop is basking in guilt-free / importance” (2:20-2:40). In the moment that akiwenzii harnesses the security guard’s “guilt-free / importance,” what could be the “fake cop’s” desire for symbolic reconciliation, kwe is able to liberate the canoe. This moment of co-optation, collaboration, and misdirection may seem like reform, yet the film is abolitionist as it posits that any participation in culturally specific programming is an act of reclaiming a more complex relationship to Indigenous political life.

Figuring Fugitivity & Critiquing Criminality

kwe’s reclamation of kin and homelands requires an act of fugitivity or stealing back; as Fred Moten explains, “Fugitivity, then, is a desire for and a spirit of escape and transgression of the proper and the proposed. It’s a desire for the outside, for a playing or being outside, an outlaw edge proper to the now always already improper voice or instrument” (Moten 131). *How to Steal a Canoe* invites viewers to consider the relationship between reclamation and criminalization and, in framing the title as an instruction, invites viewers to become co-conspirators. The instruction to steal suggests an invitation to become a criminal; in fact, it elucidates how Indigeneity is already seen as criminal by the state. kwe may “steal” the canoe, but it is a “theft” that confounds settler laws of private property, laws that the short film suggest are illegitimate.

Following these instructions makes kwe a thief and potentially also a trespasser, according to settler laws. Confounding settler laws, therefore, comes with very real risk. Indeed, even akiwenzii's lesson for the security guard about smudging is fugitive, because it remains elusive from the "fake cop's" (2:33-2:38) interpretation—what Jarrett Martineau and Eric Ritskes might call "an insurgent force" (V)—where Indigenous knowledge and practices are used to infiltrate colonial institutions to reclaim the relatives, resources, and relics that had been taken.

The film also embodies Martineau and Ritskes' "Fugitive aesthetics," which refuse to conform to settler norms of art and legibility (IV). *How to Steal a Canoe* is a layered mediation: a poem, a song, spoken word recording, and an animated film. As the mediums layer, coalesce, and interact, it becomes difficult to separate the pieces according to their respective art forms. Visually, the film's stop-motion embodies a fugitive aesthetic. Stop-motion animation is created through a series of images of modeling clay figures or puppets that are moved according to the narrative's sequence. As a fugitive aesthetic, the animation gives the impression of movement to the viewer while denying the audience of seeing any actual movement. Stop-motion is elusive because the puppets' physical movement occurs between each individual image capture, and these individual images are synced together to create the lively effect.

Fugitive aesthetics are also at play in the poem's publication through the continuous use of the ampersand (&), a logogram that is a visual marker for the word "and." The poem usually uses ampersands to demarcate a relationship between two people, and with this understanding in place, is other times deployed to gesture towards complex desires that lie beyond the page. When the narrator explains that "the white skin of a tree is for slicing and feeling / & peeling & rolling & cutting & sewing / & pitching & floating & traveling" (Simpson 69), the ampersand no longer a simple connector. Instead, the passage gestures towards an accumulation of actions and

relationships that birch bark gets to contextualize. These actions are performed by communities that remain beyond the page and ensconced in their homelands, yet each act is cumulative and informs the next, because “cutting & sewing” cannot exist without first “feeling & rolling” the bark, just as “travelling” cannot manifest without first “feeling” the bark. This list is not finite and, since the last item is “travelling”, it may lead to other embodied expressions or may cycle back to “feeling” anew. The ampersands’ twisted loops convey that the canoe is the culmination of embodied practices that are not unidirectional, but flow into, inform, and help support each other. It is compelling that the ampersand ends with a severed loop that creates two pathways into the page’s white space; while “&” may gesture towards interdependent Indigenous practices, the ampersands’ fugitive aesthetics slip these embodiments beyond the page and into Indigenous homelands.

“kwe sings the song / & She sings back”: Entrenching Flight Paths to Freedom

kwe and Her’s flight to Lake Chemong brings Anishinaabe-centric concepts of freedom to the fore. Within an Anishnaabe context, freedom is an embodied practice of creating healthy reciprocal relationships with and within one’s ancestral homelands. In *Freedom and Indigenous Constitutionalism* (2016), John Borrows draws from the Anishinaabe concept and practice of *dibenindizowin* to understand that freedom is “characterized by healthy interdependencies, with the sun, moon, stars, winds, waters, rocks, plants, insects, animals and human beings. Freedom is holistic and does not just exist in an individual’s will; it is lived” (6). The Anishinaabe definition of freedom is closely linked to “living a good life...*mino-bimaadiziwin*” (6); though there are many ways that good living may be achieved, all require healthy relationships within oneself and with others (both human and other-than-human; 7). For Simpson, freedom is an embodied practice contextualized by a reciprocal relationship with homelands: “Aki is also liberation and

freedom—my freedom to establish and maintain relationships of deep reciprocity within the pristine homeland of my Ancestors handed down to me. Aki is encompassed by freedom, freedom that is protected by sovereignty and actualized by self-determination” (*As We Have Always Done* 163).

Borrows’ use of *dibenindizowin*, in particular, helps show the contours of Anishinaabe freedom in *kwe* and Her’s escape. Chaining the canoes, as they are in the museum, is perverse—they are meant to move. But in *How to Steal a Canoe*, it is not actually important for the canoes to provide transport. Significantly, once the young canoe is freed, She holds no passenger (3:10). Instead, She navigates Lake Chemong’s waters herself and chooses which currents to follow. She fully embodies *dibenindizowin*, decentring humans, an agential being free of the paddler’s coercive force and able to foster good relationships with Her ancestral waters. In doing so, *kwe* enters a new relationship with the canoe, one not predicated on modes of oppression. *kwe* participates in Her’s flight to freedom and participates in Her’s autonomy by using seven stones to help Her float independently (2:55-3:08). Their co-creation continues in the film’s finale when “*kwe* sings the song / & She sings back / *kwe* sings the song / & She sings back” (3:18-3:30). The song testifies to the canoe’s freedom as She, fully restored to Her homelands, is able to sing back—back to the waters, marshes, and *kwe* herself. The song is relational, but it refuses interpretation, because the viewer never actually hears the song that is sung nor its relation to *kwe*’s own song: “*kwe* sings the song/ & She sings back,” but it is unclear if Her song is a response or if *kwe*’s song inspires Her to create a song of her own (3:18-3:30). In either case, this act of musical creation—freedom made manifest—is relational and generative as it creates a new song out of their embodied practices.

This finale compels me to think about Anishinaabe definitions of freedom alongside imagining prison abolition. It is difficult to imagine a future free of carceral bonds, but *dibenindizowin* gestures to the expansiveness of that freedom. Complex social and political relationships and practices emerge with prison abolition. Martineau and Ritskes assert that “the freedom realized through flight and refusal is the freedom to imagine and create an elsewhere in the here; a present future beyond the imaginative and territorial bounds of colonialism. It is a performance of other worlds, an embodied practice of flight” (IV). The finale’s song “is a performance of other worlds,” but it does not dictate what that world looks like beyond a divestment of “the imaginative and territorial bounds of colonialism” (IV). *How to Steal a Canoe* does not seek to replace incarceration with other forms of state rehabilitation. Instead, the film wishes to return Her to a state where “slicing and feeling / & peeling & rolling & cutting & sewing / & pitching & floating & traveling” are possible and practiced. Further, abolition facilitates a freedom where Her singing is possible, without constraint or surveillance. Experiencing this form of freedom through the short film, what might viewers question about: criminal justice; returning people who have done harm back to their communities; Indigenous participation in the justice system; or, nation-specific sentencing? The short film helps us think through how, even after their sentence is served, formerly incarcerated people are limited economically and socially from “living a good life.”

Conclusion: animating Indigenous responses to justice and rehabilitation

Indigenous sequential art has circulated within Canada for centuries and has adapted comic conventions and animation to continue to centre Indigenous political concerns and lived experiences in the contemporary moment. As comics and stop-motion animation, the works discussed in this chapter have continued the tradition of critiquing incarceration by documenting

its expansion in the 21st century. These works also respond to imagined alternatives to mass incarceration. *The Outside Circle* presents a restorative argument that addresses incarcerated peoples' current need for therapeutic means to not only survive prisons but also undo intergenerational trauma. The comic critiques the overlapping legislation that leads to Indigenous mass-incarceration and redefines rehabilitation from a matter of individual action to one of holistic community healing. *Three Feathers* examines a restorative justice argument that looks at the complexity of engaging in community-based justice with Indigenous multi-judicial Northern communities. It reconfigures land as a model for community-directed justice programs and situates territorial stewardship as an integral step in practicing Chipewyan, Tłı̨chǫ, and Cree laws within their shared homelands. Finally, *How to Steal a Canoe* figures an abolitionist argument through stop-motion animation that turns toward Indigenous modes of freedom as a critique against incarceration. The film connects an embodied practice within Indigenous homelands to abolitionist discourses, suggesting abolition is attainable in the present. Indigenous sequential art voices deep desires for the freedom of Indigenous peoples experiencing mass incarceration, but also expresses desires for the freedom to choose pathways to justice within their own communities and lived experience.

Indigenous sequential art is a medium that provides the freedom to imagine legal futures in the present moment. Such artistic agility gestures back to John Borrows' reflection on Anishinaabe practices of freedom based on *dibenindizowin*, practices which are "not just the absence of coercion or constraint", but also "the ability to work in cooperation with others to choose, create, resist, reject, and change laws and policies that affect your life" (*Freedom and Indigenous Constitutionalism* 12). The pieces discussed in this chapter all evoke calls for physical and intellectual freedom for Indigenous nations to "choose, create, resist, reject, and

change laws and policies” that impact Indigenous lives. Creativity is a compelling element of Anishinaabe concepts of freedom, because it gestures towards the importance of art and embodied practice in legal mediation. Indeed, law is a creative practice that should be lived and continually brought into being anew. Correspondingly, freedom should not simply be the lack of incarceration. Instead, freedom should be an embodied practice of living well within community, supported by interdependent kinship networks and responsibilities. As a creative practice, comics and animation provides the space to freely imagine what embodied systems of peace-building might look like and to access these ideals in the contemporary moment. As Indigenous legal scholars push for legal revitalization movements in the present, these artistic interventions offer invaluable models for Indigenous people to embody their concepts of freedom within their home territories.

Conclusion

In September 2019, I found myself travelling by bus across the outskirts of Toronto with two dozen other newly minted students of Osgoode Hall Law School. Though my time in the program was brief, before leaving I was fortunate to attend the Anishinaabe Law Camp in Neyaashiinigmiing (Cape Croker), a part of the Chippewas of Nawash First Nation. The four-day program included lectures with Indigenous community members and legal, ecological, and language experts. Held by the lake, overlooking the escarpment, the lectures were punctuated by flocks of geese alighting onto or departing from the water. One morning, Heidi Kiiwetinepinesiik Stark (Turtle Mountain Ojibwe) and John Borrows asked us to interpret an oral story according to the Indigenous Law Research Unit (ILRU) method. We were asked to identify the legal issues and to explain the authority figure's legal reasoning within the story.

John Borrows then told us the story⁹⁰ about a time when, much to the alarm of the animals, all the roses had disappeared from the territory. A meeting was called and animals were dispatched in all directions in search of the the roses. Finally, a hummingbird, who had always enjoyed the roses' nectar, found a single rose along the edge of escarpment and brought the rose back to the community to explain what had happened. In a hushed voice, the tremulous rose began, "the rabbit ate all of the roses—." But the rose was interrupted as bear, wolf, and lynx flew into a rage and attacked rabbit. They punched rabbit's face, splitting their lip in two, and they dragged rabbit by the ears and wrenched their legs, so that rabbit's ears and legs stretched and lengthened. Finally, Nanabozho intervened and explained to the community that bear, wolf,

⁹⁰ John Borrows learned Rabbit's Story from theorist and author Basil H. Johnston (member of the Chippewas of Nawash Unceded First Nation (Neyaashiinigmiing)), and he has published versions of the story in *Recovering Canada: the resurgence of Indigenous law*, 49-50 (Borrows personal correspondence).

and lynx had also enjoyed eating the roses and that, collectively, these four had led to the roses' disappearance. John Borrows ended the story there for us to reflect.

On its face, this is a story explaining why rabbits have a split lip and long ears and hind legs and why roses were given thorns to protect themselves. But because rabbit's transformation comes about through an altercation, it is also a story about the ongoing harm that conflict can have on a victim. The story complicates concepts of victim and perpetrator by implying that that rabbit is also complicit in eating the roses along with the other animals; the narrative, therefore, resists binaries between idealized victims and perpetrators. Furthermore, the story examines the harms caused by the powerful exerting blame on the powerless and by refusing collective atonement and assigning blame on an individual.

The work of interpreting this story compels me to reflect on the responsibilities of literary interpretation within my project more broadly. On one level, interpretation can be a type of violence that rends and distorts a narrative into an unintended shape or function. This is certainly true of me when I first encountered the story during the law camp. Already influenced by my legal education, I tried but was unable to identify a clear legal reasoning in the story that would fit a case brief. The professors leading our discussion group asked me to consider how Nanabozho is an authority figure who emphasizes collective responsibility and the need to make amends to the powerless. Within my own dissertation, this experience has made me mindful of the easy ways that narratives might be stretched and prodded into new forms. Many of the texts are not explicitly about legal concepts and I have certainly stretched some of the texts aesthetics to place them in relation with the ways oral stories communicates legal principles. On another level, interpretation is a type of transformation that can foster deeper understanding and relationships through reflection. I hope that in reading the previous texts, the novels, films,

animation, and comics could be stretched for a time in order to consider how these texts make readers reflect on values that live within Indigenous legal orders. Unlike rabbit who kept their long ears and limbs, the texts in this dissertation are free to take on other shapes. It is my hope that other readers may continue to consider other values and legal relationships that these chapters could not address.

Mediating Law is about the relationships that creative expression has to Indigenous laws, to worldviews, to territories, and to lived experiences. The texts under consideration help to expand discussions about sovereignty, peace-making, forgiveness, and justice beyond institutions and courtrooms and back into Indigenous communities and homelands to address current needs. It intervenes in the fields of Indigenous literary and legal studies to address contemporary literature, film, comics, and animation's relationship to Indigenous legal discourse in what is currently Canada. The dissertation's guiding questions include: how do Indigenous literary narratives adapt aspects of Indigenous oral storytelling to examine Indigenous legal orders responses to contemporary issues? How do the texts adapt crime fiction, biographical film, poetry, and short story to subvert stereotypes of Indigenous lawlessness? How do these texts examine issues of criminal justice within state and traditional governance structures? The project extends the work of Borrows, Cheryl Suzack, Val Napoleon, Hadley Friedland, Emily Snyder, Rebecca Johnson, and Lori Groft in study of oral storytelling's relationship to legal analysis as a way of considering contemporary media's participation in adapting and communicating Indigenous legal values and principles to Indigenous and non-Indigenous audiences. While these scholars turned to Indigenous oral stories to discern legal issues and principles that are relevant to current issues, *Mediating Law* turns to contemporary Indigenous media's unique role encouraging discussions about peacemaking, rehabilitation, and forgiveness with Indigenous

communities, organizations, and Indigenous women outside of the courtroom. The texts studied examined: the ways that Indigenous legal authority is often overlooked by the courts; the ongoing relationship between human and cosmological laws intersect; the adaptation of Indigenous governance across time; and gendered and institutionally-specific critiques of Canada's justice system.

These texts harness the power of literature, film, visual art, and comics to expand on the relationship that Indigenous laws has to language, governance, territory, and lived experience. These works of creative expression play a unique role in broadening and disseminating legal discourse and critique, and in so doing, create new venues to reflect on ongoing Indigenous legal transformations beyond the confines of the state. These texts speak to Indigenous communities as they continue to practice their nation's laws through transmitting stories across generations and through relating to their communities, governance, ceremonies, and homelands. These legal processes persist in spite of systemic erasure and the texts use of various media and genre reflect the adaptability of Indigenous laws in the present. At the same time, these texts also address non-Indigenous audiences through inclusion on bestseller lists, in film festivals, and in classrooms; as such, they have had the opportunity to reach broad audiences of all ages. When exposed to these works, non-Indigenous readers have the responsibility to gain familiarity with nation-specific legal structures and renew their relationships to the laws and treaties that makes their lives possible in Canada. *Mediating Law* emphasizes the dexterity of Indigenous texts to explore concepts of authority, justice, forgiveness, and peace making that respond to the ongoing work within Indigenous communities to practice Indigenous laws every day.

My dissertation contributes to broadening conversations about the relationship between creative works and the revitalization of Indigenous legal orders by revealing the ways that

Indigenous literature, film, visual art, and comics play a unique role as legal participants through story. They do so by drawing on nation-specific narrative traditions, political philosophies, and historical experiences between Indigenous and non-Indigenous governance systems. These texts also draw strength from writing, film, comics, animation, and visual art, as well as specific genres like crime fiction, speculative fiction, and biographical film, to examine the adaptability of Indigenous legal orders as well as Indigenous governance's relationship to settler legal systems. These texts and conversations could circulate within: cross-appointed courses in law, English literature, or native studies; land-based education programs; and community-based youth, governance, or law programs.

Mediating Law was written in the context of mass calls for structural change and the revitalization of Indigenous legal systems: the Truth and Reconciliation Commission of Canada's Calls to Action and the Inquiry into Missing and Murdered Indigenous Women and Girls' Calls to Justice make specific demands to the education and legal systems to support Indigenous knowledge and self-determination, the University of Victoria is the first university in the world to have a combined *Juris Doctor-Juris Indigenarum Doctor* (JD/ JID) degree as of 2019 ("World's first indigenous law degree to be offered at UVic"), and law schools across Canada are fostering relationships with neighbouring Indigenous nations. This dissertation is concerned with the role that literary methods play in legal revitalization movements in ways that are quite different from legal institutions. Contemporary Indigenous literature, film, and visual art play a role in nurturing conversations about law within community and within public discourse that revitalizes Indigenous legal orders. They subvert settler myths of Indigenous lawlessness and foster multivalent discussions about the adaptability of Indigenous legal systems and about nation-specific, community-based, and gendered interventions in state legal institutions. Finally,

my experiences that morning on the shores of Neyaashiinigmiing remind me that certain conversations are only possible outside of state institutions. This perspective leads me to see Indigenous creative texts as extensions of the work being done by Indigenous legal theorists within Indigenous community contexts.

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