

**USING WETIKO LAWS TO ADDRESS  
LATERAL VIOLENCE IN THE WORKPLACE:  
APPLICATION OF THE  
INDIGENOUS LITERARY-LEGAL POLICY ANALYSIS FRAMEWORK**

A Thesis Submitted to the  
College of Graduate and Postdoctoral Studies  
In Partial Fulfillment of the Requirements  
For the Degree of Doctor of Philosophy  
In the Department of Indigenous Studies  
University of Saskatchewan  
Saskatoon

By

TARA JEAN MILLION

© Copyright Tara Jean Million, September 2024. All rights reserved.  
Unless otherwise noted, copyright of the material in this thesis belongs to the author.

### *Permission to Use*

In presenting this thesis/dissertation in partial fulfillment of the requirements for a Postgraduate degree from the University of Saskatchewan, I agree that the Libraries of this University may make it freely available for inspection. I further agree that permission for copying of this thesis/dissertation in any manner, in whole or in part, for scholarly purposes may be granted by the professor or professors who supervised my thesis/dissertation work or, in their absence, by the Head of the Department or the Dean of the College in which my thesis work was done. It is understood that any copying or publication or use of this thesis/dissertation or parts thereof for financial gain shall not be allowed without my written permission. It is also understood that due recognition shall be given to me and to the University of Saskatchewan in any scholarly use which may be made of any material in my thesis/dissertation.

### *Disclaimer*

Reference in this thesis/dissertation to any specific commercial products, process, or service by trade name, trademark, manufacturer, or otherwise, does not constitute or imply its endorsement, recommendation, or favoring by the University of Saskatchewan. The views and opinions of the author expressed herein do not state or reflect those of the University of Saskatchewan, and shall not be used for advertising or product endorsement purposes.

Requests for permission to copy or to make other uses of materials in this thesis/dissertation in whole or part should be addressed to:

Head of the Department of Indigenous Studies  
142 Kirk Hall, 117 Science Place  
University of Saskatchewan  
Saskatoon, Saskatchewan S7N 5C8 Canada

OR

Dean  
College of Graduate and Postdoctoral Studies  
University of Saskatchewan  
116 Thorvaldson Building, 110 Science Place  
Saskatoon, Saskatchewan S7N 5C9 Canada

### *Abstract*

My dissertation is broadly about organizational Indigenization and Indigenous law. My primary research aim is to explore how Cree law, specifically *wetiko* law, can be used to critically assess existing Indigenized Occupational Health and Safety (OH&S) policies. These OH&S policies relate to conflict management and lateral violence resolution in workplaces with Indigenous, settler, and new immigrant staff. As part of my primary research aim, I created a methodology for finding Indigenous law and engaging in critical policy analysis: the Indigenous Literary-Legal Policy Analysis Framework (ILLPA framework).

As demonstrated within this dissertation, the ILLPA framework draws together Indigenous literary analysis and Indigenous legal work in a unique way to create a new framework for analyzing governance policies. The ILLPA framework incorporates an Indigenous literary analysis model as a sub-method, which is applied to contemporary Cree literary texts to identify contemporary understandings of *wetiko* laws that can then be compared to traditional understandings. In addition, the ILLPA framework expands the case briefing methodology (Borrows, J., 2010; Friedland, 2012; Napoleon & Friedland, 2015-2016) used in Indigenous legal studies by incorporating a holistic and gendered theoretical approach to view Cree law through a critical lens.

By using the ILLPA framework, I was able to critically analyze OH&S documents from two organizations in Alberta, Canada that identified Cree law within their toolkits or policies. The ILLPA framework was used to assess how effective these organizations were at incorporating Cree law into organizational governance. Analysis indicated that the Government of Alberta *Miyo Pimatisiwin* Health and Safety Tool Kit (2023), which implicitly draws on the Cree legal principle of *miyo pimatisiwin*, uses Cree law in a superficial manner, while the University *nuhelot'ine thaiyots'ì nistameyimâkanak* Blue Quills Student Complaint & Grievance Procedures (2021), which explicitly draws on Cree Natural Law, incorporates Cree law in a more meaningful way.

My dissertation demonstrates that by drawing Indigenous literary and legal analysis into a single framework, a rich method for policy analysis emerges. The ILLPA framework can identify specific Indigenous legal principles, changes over time in how those legal principles are understood, and overarching themes, such as gendered perceptions of Indigenous legal traditions and contemporary perceptions of community.

### *Acknowledgments*

There were many people who contributed to my doctoral studies and I appreciate everything they have done for me. For all your assistance: *hiy hiy* (I give thanks).

I wish to thank my supervisor, Dr. Michael Szafron, for his guidance and support during the final stages of my dissertation. I also wish to thank Dr. Simon Lambert for his encouragement and assistance during the preliminary stages of my doctoral program. My Advisory Committee provided helpful comments and feedback throughout my doctoral program and I thank them all: Dr. Emily Snyder, Elder Louise Halfe, and Dr. James Waldram. As well, I would like to thank Dr. Bonita Beatty for her helpful comments and thoughtful questions during the preliminary stages of my doctoral research. I would also like to thank the external examiners, Dr. Beverly Jacobs and Dr. Kathy Walker, for their interesting and thoughtful questions during the defence of my dissertation.

There were a number of people who provided me with significant cultural and academic supports that contributed to the successful completion of my doctoral studies and I thank them all: Elder Roland Duquette, Elder Eugene Arcand, Elder Maria Campbell, the staff at the College of Graduate and Postdoctoral Studies, the staff at the Gordon Oakes Red Bear Student Centre, Ruth Cuthand, and Michelle Jarvin.

As always, I wish to thank my mother, Dr. Louise Million, for her assistance and support. Throughout my doctoral program, her advice, comments, and encouragement were invaluable.

And finally, I wish to thank Phyllis Hodges and Dr. Krystl Raven for their encouragement and support. You have both contributed immeasurably to my quality of life.

### *Dedication*

This work is dedicated to my children, my older daughter Annamarie and my son-in-law Keith, and my younger daughter Julia. As always, everything I do comes from you and goes to you. This work is also dedicated to my late grandmothers: Gabrielle Million and Flora Cardinal. You both allowed me to move between worlds and loved me unconditionally as I did so. And finally, this work is dedicated to the influential men in my life: Rob Cardinal, Fred Cardinal, John Million, and Clark Cardinal. Knowing each of you has given me a window into understanding *wetiko* laws that I otherwise would not have had.

## *Table of Contents*

Permission to Use .....	ii
Disclaimer .....	ii
Abstract .....	iii
Acknowledgments.....	iv
Dedication .....	v
Table of Contents .....	vi
List of Tables .....	ix
List of Figures .....	x
Covid-19 Impact Statement .....	xi
Chapter 1 (peyak - one): introduction.....	1
1.1 Positionality statement - nakayâskamohtahitowin (the act of introducing yourself to someone else) .....	1
1.2 Positionality and worldview - wahkohtowin (relationship), miyo-wicehtowin (having good relationships), miyo-pimacihisowin (making a good living) .....	7
1.3 Aims and motivation for research .....	10
1.4 Summary of dissertation format.....	13
1.4.1 Chapter 2 (nîso - two).....	13
1.4.2 Chapter 3 (nisto - three).....	13
1.4.3 Chapter 4 (newo - four) .....	14
1.4.4 Chapter 5 (nîyânan - five).....	15
1.4.5 Chapter 6 (nikotwâsik - six) .....	15
1.4.6 Chapter 7 (tepakohp - seven).....	16
1.4.7 Chapter 8 (ayinânew - eight) .....	16
Chapter 2 (nîso - two): literature review .....	18
2.1 Lateral violence in Canadian workplaces.....	18
2.2 Organizational governance and Indigenous governance.....	21
2.3 Indigenous legal studies .....	26
2.4 Cree legal orders and law .....	31
2.5 Indigenous literary studies .....	43
2.6 Summary (naspasinahikew) .....	48

Chapter 3 (nisto – three): theory and method .....	49
3.1 Theory (wâskameyihtamwak – s/he is thinking clear thoughts) .....	50
3.1.1 Dialogics .....	52
3.1.2 Two-eyed seeing .....	53
3.1.3 Ethical space .....	54
3.2 Methodology (chipatahike – method for doing an action) .....	55
3.2.1 Indigenous Literary-Legal Policy Analysis Framework .....	55
3.2.2 Indigenous literary analysis model .....	56
3.2.3 Expanded case briefing method .....	61
3.3 Summary (naspasinahikew) .....	66
Chapter 4 (nêwo— four): ILLPA step 1— Indigenous literary analysis .....	67
4.1 Back Track: step one— Indigenous Voice, cultural knowledge, colonization and trauma, and literary elements .....	68
4.2 Songs to Kill a Wîhtikow: step one— Indigenous Voice, cultural knowledge, colonization and trauma, and literary elements .....	73
4.3 Rose’s Run: a novel: step one— Indigenous Voice, cultural knowledge, colonization and trauma, and literary elements .....	76
4.4 Birdie: a novel: step one— Indigenous Voice, cultural knowledge, colonization and trauma, and literary elements .....	84
4.5 Summary (naspasinahikew) and next steps (iyaskohc— next in sequence) .....	90
Chapter 5 (nîyânan— five): ILLPA step 2 – plot summary and expanded case briefing .....	92
5.1 Back Track .....	92
5.1.1 Step two: plot summary .....	92
5.1.2 Step two: expanded case briefing .....	94
5.2 Songs to Kill a Wîhtikow .....	97
5.2.1 Step two: plot summary .....	97
5.2.2 Step two: expanded case briefing .....	98
5.3 Rose’s Run: a novel .....	100
5.3.1 Step two: plot summary .....	100
5.3.2 Step two: expanded case briefing .....	101
5.4 Birdie: a novel .....	103
5.4.1 Step two: plot summary .....	103

5.4.2 Step two: expanded case briefing .....	104
5.5 Summary (naspasinahikew) and next steps (iyaskohc— next in sequence).....	107
Chapter 6 (nikotwâsik— six): ILLPA step 3 – legal analytical framework .....	109
6.1 Step three: legal analytical framework and comparative analysis .....	110
6.1.1 Legal processes: principles, decision-makers, and procedural steps.....	110
6.1.2 Legal obligations .....	116
6.1.3 Legal rights .....	119
6.1.4 General underlying principles .....	121
6.2 Summary (naspasinahikew) and next steps (iyaskohc— next in sequence).....	124
Chapter 7 (tepakohp— seven): ILLPA step 4 and 5 – thematic and policy analysis .....	126
7.1 Step four: thematic analysis .....	127
7.2 Step five: Occupational Health and Safety policy analysis.....	131
7.2.1 Miyo Pimatisiwin Health and Safety Tool Kit .....	131
7.2.2 Student Appeal Process Guidelines.....	136
7.3 Summary (naspasinahikew) and conclusion (kesihcikewin) .....	140
Chapter 8 (ayinânew— eight): conclusions.....	143
8.1 Research aims.....	143
8.2 Research summary and review.....	144
8.3 Scope of the project and avenues for future research.....	147
8.4 kesihcikewin (conclusion).....	153
Bibliography (itahkohcipayik— source from where it comes) .....	156



***List of Tables***

Table 3.1 Expanded case briefing model.....64

Table 5.1 Back Track case brief.....94

Table 5.2 Songs to Kill a Wihtikow case brief.....98

Table 5.3 Rose’s Run case brief.....101

Table 5.4 Birdie case brief.....104

*List of Figures*

Figure 1.1 Map of Plains Cree territory.....2

Figure 1.2 Map of Historic Treaties in Canada.....4

Figure 1.3 Map of the linguistic subdivisions of Cree.....6

Figure 3.1 Relationship theories.....51

Figure 3.2 Indigenous literary analysis model.....57

Figure 3.3 Freytag’s Pyramid.....60

### *Covid-19 Impact Statement*

Dissertation scope and research methods used were impacted due to the COVID-19 pandemic. The proposal for this research project was drafted in the fall of 2019, however, it had to be significantly altered due to research restrictions that were implemented at the University of Saskatchewan as a result of the pandemic and the lockdowns that began in March, 2020. Research restrictions focused on safely conducting in-person research, particularly with vulnerable populations, and expressed a strong preference for alternative methods in projects. Due to these restrictions, the final research proposal for this project that was put forward and approved by the advisory committee maintained a documentary scope and did not include any in-person research methods.

## ***Chapter 1 (peyak - one): introduction***

In this current Chapter *peyak* (one), I present an introduction to myself and my ontological and epistemological worldview. Next, I discuss the motivations and aims of my research. Finally, I provide an overview of the format of this dissertation. As will be seen, throughout this dissertation I use Cree words and concepts. Although I am not a fluent Cree speaker, I have chosen to weave the Cree language into an academic work. I do this to demonstrate both consistency with the standards of academic rigour within Indigenous Studies and a lived commitment to the decolonization and Indigenization of academia.

### ***1.1 Positionality statement - nakayâskamohtahitowin (the act of introducing yourself to someone else)***

My positionality as a Cree woman grounds my doctoral research process and approaches. Through *nohtâwîpan* (my late father)<sup>1</sup>, I am a member of Saddle Lake Cree Nation in Alberta: therefore, I am a Status Indian.<sup>2</sup> My paternal genealogy includes Cree, Métis, Anishinaabe, and French ancestors. Through my mother, I am a member of the French homesteading community in Meadow Lake, Saskatchewan: therefore, I am a settler.<sup>3</sup> My maternal genealogy includes French and Swiss ancestors. Although I have many identities that I can claim, I most commonly identify myself as Cree. I grew up moving freely between my parent's worlds, which always remained distinct and separate because they were divorced. As a result of my experiences with both my families, I have learned to focus on similarities between peoples rather than differences. For example, *nohkomipan* (my late grandmother) and my late grandmother were both important figures in my life and I felt the same warmth and acceptance from each of them. They both

---

<sup>1</sup> As stated, throughout this dissertation I use Cree words and phrases. Some of these are terms I learned in community and some are words/phrases drawn from a number of Cree language sources, including the Alberta Elders Cree Dictionary (LeClaire & Cardinal, 2018), *Nehiyawewin: Itwewina* (Wolvengrey, 2001), and the Online Cree Dictionary. For key concepts, I cite specific translations and sources. For more general terms, I simply provide translations.

<sup>2</sup> I use this term in the sense that I am registered with the Government of Canada as a Status Indian under the Indian Act, and I am a registered band member of Saddle Lake Cree Nation.

<sup>3</sup> I use this term in the sense that I am a 4<sup>th</sup> generation French immigrant. My maternal great-grandparents all immigrated from Europe in the late 1800's and early 1900's to establish homesteads and settle in Western Canada.

believed it was important to feed their families, literally and metaphorically, and I have many special memories of eating meals in their homes. To me, my two grandmothers embodied the paradox that I have worked throughout my life to reconcile: although my two extended families were different, they were also the same. This personal orientation has focused my academic research on reconciliation.



Figure 1.1: map of Plains Cree territory (Koole & Lewis, 2018, p. 5)

I have spent most of my life living on Cree territory.<sup>4</sup> My personal experience of Cree territory is that it includes large portions of the boreal forest and plains, and extends over both Alberta and Saskatchewan (see Figure 1.1). This view of Cree territory is primarily a Plains Cree understanding. For me, this experience of territory is grounded in my paternal family’s home community of Saddle Lake Cree Nation, Alberta, and my maternal family’s home community of

<sup>4</sup> I recognize that discussing Indigenous territories can be contentious due to competing claims and sovereignty implications. In the context of my dissertation, I am not engaging in a political discussion of Cree territory or traditional land claims. Rather I am exploring my personal connections to land and territory, which have implications for how I have approached the physical locality of my research.

Meadow Lake, Saskatchewan. It also includes my own experiences living and working in a variety of other locations such as Edmonton, Rocky Mountain House, Hinton, and Lethbridge in Alberta, and Saskatoon in Saskatchewan.

Throughout my life I have moved freely between Alberta and Saskatchewan, while remaining within or close to Plains Cree territory. I have a Masters of Arts in anthropology and archaeology from the University of Alberta, where my thesis work involved developing an Indigenous archaeology on Alexis Nakota Sioux Nation in Alberta (Million, 2002; Million, 2005; Million, 2010). I have a Masters of Library and Information Science from San Jose State University in California, USA, where my specialization was in management. I have 12 years of experience as a professional librarian and public library manager in both Alberta and Saskatchewan. As well, I have 10+ years of teaching experience working with adult learners at the college and university level in both provinces. I am currently engaged in doctoral work in the Department of Indigenous Studies at the University of Saskatchewan in Saskatoon, Saskatchewan and I am an Assistant Professor in the Department of Indigenous Studies at the University of Lethbridge in Lethbridge, Alberta.

As can be seen, during my academic and work life, I have always been in organizational and institutional environments that included Indigenous, settler, and new immigrant peoples.<sup>5</sup> In many of these settings, I have been hired or admitted as part of the organization's efforts to Indigenize.<sup>6</sup> In practice, this has meant I have been a part of large scale and wide-spread organizational change, which has often resulted in workplace conflicts and lateral violence between co-workers.<sup>7</sup> Therefore, I have seen many approaches taken towards conflict management: some integrative and some traumatic. For example, in many situations effective conflict resolution requires both leadership and facilitation. I can recall several conflict

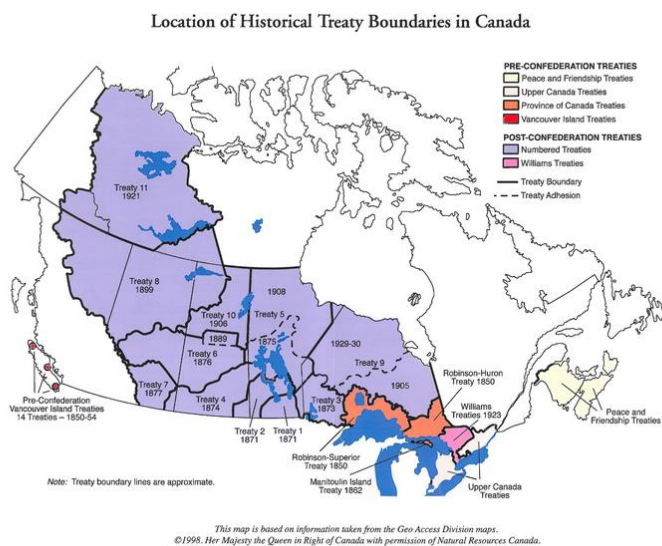
---

<sup>5</sup> Although using the phrase 'Indigenous, settler, and new immigrant peoples' is a little unwieldy, I prefer to use this phrasing rather than the word 'multicultural', which has been critiqued as a term and a concept. For example, see Wong & Guo (2015) for a critical discussion of how multiculturalism in Canada glosses over structural inequities.

<sup>6</sup> Indigenization is the process whereby an institution deliberately incorporates Indigenous ways of knowing and doing into the educational, organizational, cultural, and social structures of the institution. This is done to create systemic change and contribute to decolonization and reconciliation within both the organization and the broader Canadian society.

<sup>7</sup> Throughout this dissertation, I use the term lateral violence to refer to conflict or violence between co-workers within a workplace. Lateral violence is displaced violence. It occurs when people feel oppressed and take out their suppressed feelings of anger, shame, and rage on other community members. This term will be defined and discussed at greater length in Chapter *niso* (two).

resolution processes that I was involved in where strong leadership was present and creative solutions were sought, which resulted in effective and integrative resolutions that satisfied all parties. Unfortunately, I have also experienced processes where the opposite occurred, which turned conflict resolution into a traumatic experience for everyone involved. As a result of my lived experiences in educational settings and workplaces, I have focused my academic research on workplace Indigenization and responses to lateral violence within a workplace.



**Figure 1.2: map of Historic Treaties in Canada (Office of the Treaty Commissioner, 2024)**

Many of the spaces where I have lived and worked, including my home communities of both Saddle Lake Cree Nation and Meadow Lake, are located in Treaty 6 territory. Treaty 6 is one of the historic numbered treaties in Canada and was negotiated at Fort Pitt, Saskatchewan in 1876 (see Figure 1.2). One of the Plains Cree leaders involved in the Treaty 6 negotiations was my paternal ancestor, Chief *onchiminahos* Little Hunter (Devine, 2004). Therefore, being a Treaty person is very important to me. Indeed, treaties are the dominant spatial boundary that I recognize, rather than the provincial boundaries established by the Canadian nation-state. Both Plains Cree territory and Treaty 6 territory are significant conceptual and spatial elements for grounding and articulating my identity as a Cree woman. As a result of this, I have focused my

academic research on Plains Cree territory and have chosen to conduct my doctoral research in both Alberta and Saskatchewan.

Another significant influence on my approach to research is actively engaging with being a pipe carrier.<sup>8</sup> In 2018, my family gifted me with a pipe and I went through ceremony to activate it later that year. Since then, I have deepened my experiential knowledge of Cree culture, language, ceremony, and law through the process of learning to be a pipe carrier. It is my understanding that as a pipe carrier, I am obligated to serve my community and I am responsible for facilitating connections between peoples. I have also come to realize that I carry a woman's pipe and I continue to work on understanding all the implications of that. As a result of my experiences with being a woman's pipe carrier, I have focused my academic research on both a Cree legal order<sup>9</sup> and on Cree law as a gendered practice.<sup>10</sup>

Over my lifetime I have had many lived cultural, workplace, and academic experiences and I have developed a much broader understanding of Cree territory. This broader understanding is primarily based on relationships, which can be seen through language and includes multiple dialects of Cree, both western and eastern variations. When I use this view of Cree territory it encompasses an area from the Rocky Mountains to the east coast of North America and includes both boreal forest and plains landscapes (see Figure 1.3). This is an expansive view of Cree territory and it grounds me in a worldview where relationship between Cree Peoples is the paramount organizing principle. In addition, it continues to be a view that recognizes and prioritizes Cree concepts of territory over the provincial divisions established by the Canadian nation-state. As a Cree woman and a pipe carrier, it is important to me that my academic work is consistent with the values of responsibility and obligation, and that I prioritize

---

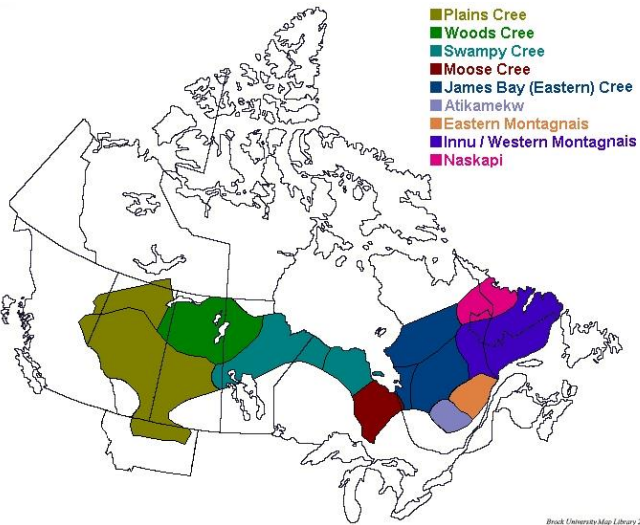
<sup>8</sup> A pipe carrier is someone who has been given a pipe, which is carried in a sacred bundle and used for pipe ceremonies. At these ceremonies, the pipe carrier is the host and leads the participants in the ceremony. For Plains Cree people, as for many other Indigenous Peoples, a pipe ceremony is a sacred ceremony that is used for several reasons, including opening negotiations between different nations so that participants can talk truthfully and respectfully to make binding decisions.

<sup>9</sup> Throughout this dissertation, I use the terms Cree legal order, Cree law, and Cree legal principles to refer to laws that are made by Cree Peoples in the context of their own legal order. I also use the terms Indigenous legal order, laws, and principles to refer broadly to laws that are made by a variety of Indigenous Peoples in the context of their own legal orders. Both Cree law and Indigenous law are different than 'Aboriginal law', which refers to Canadian state laws that are applied to Indigenous people in Canada.

<sup>10</sup> For this I employ a critical legal scholarship approach to law and follow the lead of Indigenous feminist legal scholars, who focus on how laws can be experienced differently depending on a person's gender and on how law and legal processes replicate gendered power imbalances (for examples, see Deer, 2009; Snyder, 2018; Suzack, 2017).



creating connections between peoples. As a result of this orientation, I have focused my academic research on assessing how Occupational Health & Safety (OH&S) policies are incorporating Cree law in Plains Cree territory, which encompasses Alberta and Saskatchewan. However, I have also identified that future work should include explorations of how a Cree legal order could be applied in other parts of Cree territory, which encompass other Canadian provinces and territories.



**Figure 1.3: map of the linguistic subdivisions of Cree (Cree Nations Heritage Centre, 2022)**

As can be seen in the proceeding discussion, my positionality grounds my doctoral research process and approaches. As a result of being a Plains Cree woman who is a pipe carrier and who has worked in many organizations that are Indigenizing, my doctoral research is focused on: reconciliation, Indigenization, workplace conflict and lateral violence, Alberta and Saskatchewan OH&S policies, Cree law, gendered understandings of law, and applying a Cree legal order within Cree territory.

## ***1.2 Positionality and worldview - wahkohtowin (relationship), miyo-wicehtowin (having good relationships), miyo-pimacihisowin (making a good living)***

My positionality not only grounds my doctoral research process and approaches, it also grounds me in a worldview based in *wahkohtowin* (relationship [Wolvengrey, 2001, p. 232] or the act of being related to each other [LeClaire & Cardinal, 2018, p. 215]). This Cree worldview is the ontological lens that informs my theoretical, methodological, and ethical decisions. As a Cree woman, my understanding of *wahkohtowin* is that this is a foundational concept which provides Cree people with a way to see and understand the world through knowing our relatedness, including the responsibilities and obligations we have towards all our relations. Relatedness includes knowing and acknowledging all our relations: human and other than human, past, present, and future, and physical and spiritual kinship networks.

The epistemology I use is *miyo-wicehtowin* (the act of having a good partnership or friendship [LeClaire & Cardinal, 2018, p. 227] or good fellowship [Wolvengrey, 2001, p. 242]). I understand epistemology as Shawn Wilson explained it in *Research is Ceremony* (2008): epistemology is “how we come to have knowledge or how we know that we know something. It includes entire systems of thinking or styles of cognitive functioning that are built upon specific ontologies” (p. 33). In my understanding *miyo-wicehtowin* is a spiritual Cree value that flows from the foundation of *wahkohtowin*. The value and teaching of *miyo-wicehtowin* is about getting along well with others in good relationships to expand the circle and “directs, admonishes, or requires Cree peoples as individuals and as a nation to conduct themselves in a manner such that they create positive or good relations in all relationships” (Cardinal & Hildebrandt, 2000, p. 14). Using *miyo-wicehtowin* as the epistemological foundation for my research requires me to act in a way that creates positive and good relationships with myself, other academics, the research process, and the information that is created from this research.

*Wahkohtowin* and *miyo-wicehtowin* also ground me in a worldview where embodiment is an essential element of relationship. We are in relationship to the physical and spiritual world around us through our bodies. Therefore, although they are not the primary focus of this work, embodiment and embodied relationships to human, non-human beings, and land are themes that I

touch on throughout this dissertation.<sup>11</sup> For example, my current doctoral research includes embodied knowledge as represented in Cree literary texts and law: embodied knowledge where the act of making choices in response to conflict and lateral violence can empower people.<sup>12</sup> In this way, my research is consistent with a foundational Cree principle: our bodies are the land and the land is our body (O’Chiese, 2019; Duquette, 2020). Or to put it in an academic context: my body is the research and the research is my body.

*waskiwâkinam* (“s/he is able to move or bend it into a circle” [LeClair & Cardinal, 2018, p. 218]).<sup>13</sup> Like many other Indigenous people, my body and mind have been colonized and I have experienced both intergenerational trauma and my own traumas. But my body moves and carries me. Movement across the land is freedom. Like *askawew* (ice breaking in the spring), I have flowed across the landscape physically, intellectually, emotionally, and spiritually to empower myself and know my own independence and freedom. In the past, Indigenous people moved over the physical landscape and were free: today, Indigenous people move over physical and intellectual landscapes and are free (J. Borrows, 2016). In my experience, when I recognize my ability to be mobile, I am also able to recognize my ability and right to choose. Despite the traumas I have experienced, exercising choice becomes an expression of my continued existence and my resurgence as a Cree woman. Choice and resurgence are necessary preconditions for me

---

<sup>11</sup> As will be seen, these themes of embodiment and embodied relationships occur throughout this dissertation. However, as will also be seen, they are not fully developed aspects of my doctoral research. Instead, they are important markers that point towards future research avenues.

<sup>12</sup> This view of choice as empowering is consistent with the principles of trauma-informed care as practiced in a wide range of settings. Trauma-informed care emerged in the 1970-1990s out of work with survivors of interpersonal trauma, such as rape, domestic violence, child abuse, and combat-related post-traumatic stress. Trauma is understood to arise from event(s) which involve both real or perceived threats to wellbeing and an experience of helplessness. Therefore, trauma-informed care includes five core principles (safety, trustworthiness, choice, collaboration, and empowerment) and emphasizes the active role of the survivor in exercising choice to re-establish a sense of control thereby creating feelings of physical and psychological safety for themselves (Wilson, Pence & Conradi, 2013).

<sup>13</sup> Linguistically, this word is classified as a VTI (Verb Transitive Inanimate), which means that the first participant is animate and the second participant is inanimate. Therefore, it is an action that someone does on an inanimate object. In the Cree language, the first participant (the actor) is never distinguished as being male or female (he/she), however, they are distinguished as being first, second, or third person and singular or plural through the addition of specific prefixes. This word uses a first person, singular prefix and so it is translated as “s/he is able to move or bend it into a circle” (LeClair & Cardinal, 2018, p. 218). Throughout this dissertation, I have followed standard translation conventions of using “s/he” for first person singular prefixes. Although I recognize that this expresses a binary understanding of gender, arguing for and implementing a non-binary translation is beyond the scope of this dissertation. However, other scholarship is currently engaging with the concept of Cree non-binary pronouns. For an example, see Chelsea Vowel’s argument for using *wiyâ* as a non-binary pronoun when referring to two-spirited individuals in her Métis literary text, *Buffalo is the New Buffalo* (Vowel, 2022).

to decolonize myself. When I am decolonized, I can exercise my physical, mental, emotional, and spiritual mobility to access the conceptual and practical tools I need so that I can do my work in a good way. And when I can do my work in a good way, I am free.

In an academic context, I exercise my freedom by choosing to work within an Indigenous Studies department. I made this choice because Indigenous Studies is inter-disciplinary by nature. Indigenous Studies scholars exercise intellectual freedom and mobility when choosing approaches to research. As Innes (2010) stated:

broadly speaking, there are three main goals that scholars within the discipline of Native studies strive to achieve:

1. To access, understand, and convey Native cultural perspective(s).
2. To conduct research that benefits Native people and/or communities.
3. To employ research methods and theories that will achieve these goals (p. 2).

Or, to frame it more provocatively, Indigenous Studies encourages scholars to be ‘promiscuous’ in their choice of theories and methods (Andersen & O’Brien, 2017; Simpson & Smith, 2014). Although I understand ‘promiscuity’ more readily as ‘expediency’<sup>14</sup>, nonetheless, the concepts are similar and both create the same result: my research and dissertation are firmly situated within Indigenous Studies partly because I draw on relevant methods and theories from multiple disciplines rather than fitting into a single disciplinary box. By working in an inter-disciplinary way, I am exercising my academic freedom to be intellectually mobile and draw on all available tools, which ultimately, enables me to Indigenize my work.

Given these foundational concepts of *wahkohtowin*, *miyo-wicehtowin*, embodiment, freedom, and Indigenization, it is my understanding that I am obligated by my relatedness to apply my research to the Cree principle of *miyo-pimacihisowin* (vocation; that from which one makes a good living [Wolvengrey, 2001, p. 181]) or *miyo-pimachihowin* (the act of making a good living [LeClaire & Cardinal, 2018, p. 165]). *Miyo-pimacihisowin* becomes the axiology (ethics that guide the search for knowledge) that I use and thereby focuses my attention on the subject and application of my doctoral research.

---

<sup>14</sup> The principle of expediency is one of the general legal principles found in the *Wetiko* Legal Principles (Friedland, 2018). It is the principle that people are aware of and draw on all available tools and allies when working to solve problems. This principle will be discussed at greater length in Chapter *nikotwāsik* (six).

### ***1.3 Aims and motivation for research***

In 2019, the International Labour Organization (ILO) laid out the first international definition of violence and harassment in the workplace.<sup>15</sup> ILO Convention no. 190 states that “the term ‘violence and harassment’ in the world of work refers to a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment” (International Labour Organization, 2019). The ILO considers violence and harassment at work not only a violation of fundamental human rights and a threat to equal economic opportunities, but they also firmly acknowledge that workplace harassment and violence negatively affects worker’s psychological, physical and sexual health, dignity, and their family and social environment. Canada ratified ILO Convention no. 190 on January 30, 2023 and the Convention entered into force on January 30, 2024 (International Labour Organization, 2019).

In Canada, the Truth and Reconciliation Commission (TRC) released the Calls to Action in 2015. Since then, many organizations and institutions, especially those that are publicly funded, have responded to the Calls to Action and are working to Indigenize through hiring practices.<sup>16</sup> Policy development is a second aspirational area where organizations are working to make systemic changes. However, as Canadian organizations and institutions Indigenize, there is a growing need to both understand the experience of Indigenization and assess how organizations are using and/or incorporating Indigenous epistemologies, ontologies, and legal orders within policy development. Although there is a growing number of scholarly articles and studies critiquing organizational Indigenization (for examples, see Bopp et al, 2017; Doyle et al, 2015; FitzMaurice, 2011; Gaudry & Lorenz, 2018), very little has been written about policy development within the context of Indigenization. Therefore, my dissertation research works to address this gap in scholarship by identifying and critically assessing two existing OH&S

---

<sup>15</sup> The ILO definition broadly defines violence and harassment in the workplace. However, as will be discussed in Chapter *niso* (two), workplace conflicts between co-workers can be considered a specific form of lateral violence (Chechak & Csiernik, 2014) that has serious negative effects on workers.

<sup>16</sup> In one of the most comprehensive looks at organizational Indigenization, Gaudry & Lorenz (2018) identify that there are three types of Indigenization occurring in Canadian universities: Indigenous inclusion, reconciliation Indigenization, and decolonial Indigenization. They argue that universities are focused on Indigenous inclusion, which is increasing the number of Indigenous peoples on campuses, rather than on decolonial Indigenization, which consists of radically altering the academic system through overarching changes to teaching, research, and administration.

documents from Alberta that have been Indigenized. In addition, both OH&S documents address lateral violence in the workplace, which is a specific area of organizational Indigenizing that is significantly under-researched.

My focus on lateral violence and conflict management in the workplace situate my research under the umbrella of Indigenous legal studies.<sup>17</sup> In Indigenous legal studies research, there is a significant body of scholarship that is focused on finding and identifying Indigenous laws as they have been traditionally practiced within Indigenous communities. There is a smaller body of scholarship that addresses how to apply and practice Indigenous laws within the Canadian nation-state (for examples, see J. Borrows, 2010; J. Borrows, 2016, Friedland, 2012) and an even smaller body of scholarship on how to use Indigenous laws for policy development within a contemporary context (for examples, see Episkenew, 2009; LaBoucane-Benson et al., 2012). By critically assessing two existing OH&S documents from Alberta that have been Indigenized, my dissertation research addresses this gap in scholarship.

Although I am broadly interested in Indigenous law my doctoral research maintains a narrow focus on Cree law. My research is about understanding Cree law as it is practiced in a contemporary context within Cree territory. To do this, I developed a framework for finding contemporary understandings of Cree laws: the Indigenous Literary-Legal Policy Analysis framework (ILLPA).<sup>18</sup> The ILLPA framework allows me to identify and compare contemporary understandings and practices of Cree law with traditional understandings of those same laws. This comparative analysis was narrowly focused on *wetiko* laws<sup>19</sup>, which address lateral violence and responses to harm (Friedland, 2018). By maintaining this narrow focus, I was able to use the

---

<sup>17</sup> In general, when studying law there are a number of different approaches that can be taken. I use an interdisciplinary approach to law, which is based in critical legal scholarship and socio-legal approaches. Critical legal scholarship is “the study of law placed within its historical, political and social contexts” (Brown, 2016, p. 2), while a “socio-legal approach is the use of social scientific research methods to analyse the operation of the law” (Brown, 2016, p. 2).

<sup>18</sup> Although I used the ILLPA framework to identify Cree laws related to lateral violence and then assess OH&S policies that used Cree laws, the ILLPA framework could be used to identify any Indigenous legal order and assess any workplace policy area. Indeed, I welcome other scholars to develop this policy analysis methodology by applying it to a wider range of Indigenous legal orders and workplace policies in many geographical areas.

<sup>19</sup> *Wetiko* is a Cree word for a transformed human who becomes a cannibal monster (LeClair & Cardinal, 2018, p. 269). They are beings who turn on others in the community and who put their own individual needs above collective needs. There are many traditional and contemporary stories about *wetikos* (McLeod, 2005). My research draws heavily on Hadley Friedland’s work on *Wetiko* law, in which she argued that the *wetiko* stories can be understood as a legal category of harm and applied the legal principles from *wetiko* stories to lateral violence and child sexual victimization (Friedland, 2018).

ILLPA framework to critically analyze the two Alberta based OH&S documents to explore how they are incorporating a Cree legal order and how effectively they using Cree law.

In my experience, interpersonal conflict is a normal part of our lives. We all experience interpersonal conflicts on a regular basis. Ideally, as we engage in these conflicts, we learn how to negotiate relationships and develop conflict resolution skills. These skills help us become functioning members of our communities. In a workplace community, interpersonal conflict also happens regularly and is usually dealt with by the people directly involved in the conflicts. However, when people cannot resolve their conflicts, then the situation is dealt with using the organization's formal conflict management processes laid out in OH&S policies. While many workplace conflicts are healthy and involve acceptable behaviours, some conflicts can also involve serious, unacceptable types of behaviours and become lateral violence. Furthermore, some workplace conflicts also express unhealthy underlying systemic power differentials, such as those embedded in colonialism and racism which have created inter-generational traumas for Indigenous Peoples.

Given that conflict is a part of everyone's life, that some conflicts express systemic power differentials, that the TRC Calls to Action are based in a reconciliation framework, and that Canada has ratified the ILO Convention which considers workplace violence and harassment a violation of rights and a threat to economic equity, the assessment and development of OH&S policies that deal with workplace violence and harassment is an important topic for everyone. However, it is especially important for Indigenous Peoples to be able to engage in the workplace and have access to their own legal orders for conflict resolution. Such access not only becomes an expression of Indigenous self-determination by creating a multi-juridical workplace where Indigenous laws exist alongside Canadian common law and civil law (J. Borrows, 2002; J. Borrows, 2010; J. Borrows et al, 2019), but it also implements the intent of the Numbered Treaties, answers the TRC Calls to Action, and provides opportunities for reconciliation. This supports the ability of Indigenous Peoples to live the Cree principle of *miyo-pimacihisowin* (making a good living). It also provides everyone in a workplace with the opportunity to live in *miyo-wicehtowin* (good partnership or fellowship) through *witaskiwin* (living together on the land [Cardinal & Hildebrandt, 2000]).

In summary, my doctoral research is broadly about organizational Indigenization. My research focuses on understanding how a Cree legal order can be woven into OH&S policies for

conflict management and lateral violence resolution in workplaces with Indigenous, settler, and new immigrant staff. More specifically, my dissertation research is based on using Cree literary texts to identify a contemporary Cree legal order, specifically *wetiko* principles and laws, that can then be used to assess Indigenized OH&S policies. I am critically analyzing how Cree law is already being used in two OH&S documents and whether these documents are effective at incorporating Cree law into this area of organizational governance. Through the process of addressing these research questions, I created a new and unique methodology for policy analysis: the ILLPA framework.

#### ***1.4 Summary of dissertation format***

##### **1.4.1 Chapter 2 (*niso* - two)**

My research is broadly about the Indigenization of organizations, specifically in terms of assessing Indigenized OH&S policies. This topic is interdisciplinary and so, in Chapter *niso* (two), I present an interdisciplinary literature review that includes lateral violence in Canadian workplaces, organizational governance and Indigenous governance, Indigenous legal studies, Cree legal tradition and law, and Indigenous literary studies. Several of these areas, such as workplace studies and governance studies, have robust bodies of academic and grey literature, and I primarily review literature that is specifically about lateral violence in Canadian workplaces and foundational ideas about Indigenous governance. However, several of these areas, such as Indigenous legal studies and Indigenous literary studies, are emerging areas for academic research, so I take a broader approach to these literatures by focusing first on foundational works. Then with Indigenous legal studies, I review specific literature about Cree law, and with Indigenous literary studies, I review several relevant interdisciplinary applications. I take this interdisciplinary literature review approach to engage holistically with my research topic, which results in a layered analysis of Cree law and Indigenized OH&S policies.

##### **1.4.2 Chapter 3 (*nisto* - three)**

An important aim of my research is critically assessing the Indigenization of OH&S policies. Like my literature review, I use an interdisciplinary theoretical and methodological approach to assess how Cree law is being used within two existing OH&S documents from



Alberta that address lateral violence and power dynamics in the workplace. Chapter *nisto* (three) discusses the theoretical framework and research methodology I use to accomplish this aim. My theoretical approach draws on three theories: dialogics (Freire, 1970; Freire, 2014), two-eyed seeing (Bartlett, Marshall & Marshall, 2012), and ethical space (Ermine, 2007). Although my overall methodological approach is the ILLPA framework, this involves the development of two sub-methods: an Indigenous literary analysis model and an expanded case briefing method (Friedland & Napoleon, 2015-2015; Johnston & Groft, 2017). All my research methodologies involve secondary source analysis, which is consistent with standard research practices in legal studies and literary studies.

### 1.4.3 Chapter 4 (newo - four)

One of the specific aims of my research is to develop a framework for both finding contemporary understandings of Indigenous law and assessing workplace policies that contain Indigenous law. Therefore, in Chapters *newo* (four) to Chapter *tepakohp* (seven), I focus on my research process and results. In Chapter *newo* (four) I present the first step of the ILLPA framework: an Indigenous literary analysis model (ILAM). This model is a way to analyze the Indigenous Voice<sup>20</sup>, cultural knowledge, colonization and trauma, and literary elements in Indigenous literatures to identify contemporary understandings of Indigenous law. There are four contemporary Cree literary works (three novels and one book of poetry) that are included in this research: *Back Track* (Johnson, 2005), *Songs to Kill a Wihikow* (McLeod, 2005), *Rose's Run* (Dumont, 2014), and *Birdie: a novel* (Lindberg, 2015). Each of these four literary texts contains a contemporary *wetiko* story about humans who are transformed into monsters and commit acts of lateral violence. The choice of works expresses *newayak* (4 places or 4 directions), including gender balance and the inclusion of *wetiko* voices, which is consistent with my overarching research foundation of *wahkohtowin*. Each of these four literary works is discussed and analyzed using ILAM.

---

<sup>20</sup> In using this specific term and referring to 'Indigenous Voice' in the singular, I follow Gregory Younging's lead. Younging stated that "the creation and expression of culture by Indigenous Peoples – through any traditional medium, or any contemporary medium, or any combination of these – constitutes what can be referred to as 'Indigenous Voice' ...Indigenous authors have developed and expressed the Indigenous Voice in works that now form distinct, culturally based, contemporary literary forms" (Younging, 2018, p. 11). As will be discussed further in Chapter *newo* (four), the identification and analysis of Indigenous Voice is a crucial first step in my Indigenous literary analysis model.

#### **1.4.4 Chapter 5 (nîyânan - five)**

One of the specific aims of my research is to develop a framework for finding contemporary understandings of Cree law, so in Chapter *nîyânan* (five) I present the second step of the ILLPA framework: an expanded case briefing analysis. Case briefing is a methodology used in Indigenous legal studies to identify Indigenous laws contained in traditional stories, however, I use an expanded case briefing model and apply it to each of the four contemporary Cree literary works that I included in this research. First, I prepare the stories for case briefing by doing a plot summary that focuses on the actions and resolutions that occur in each work. Next, I place each story into the expanded case briefing model to identify the issues/problems, facts, decision/resolution, and the reasoning behind the decision. In addition, I identify what can be bracketed out of the case briefing. Throughout the expanded case briefing, I incorporate holistic (Hansen, 2013) and gendered (Snyder, 2014) analysis to identify, discuss, and analyze physical, emotional, mental, and spiritual elements of the stories and draw out gendered understandings of harm and legal processes.

#### **1.4.5 Chapter 6 (nikotwâsik - six)**

As stated, one of the specific aims of my research is to find contemporary understandings of Indigenous law, specifically Cree law that deals with responses to lateral violence. Therefore, Chapter *nikotwâsik* (six) presents the third step of the ILLPA framework: placing the expanded case briefing results within a legal analytical framework of identifying legal processes, responses and resolutions, obligations, rights, and general underlying principles (Friedland & Napoleon, 2015-2016). In this chapter, I provide a brief rationale for using *The Wetiko Legal Principles* (Friedland, 2018) and then compare the results from doing expanded case briefings on four Cree literary works that contain contemporary *wetiko* stories with Friedland's results. This comparative analysis draws out some of the ways in which Cree laws about responding to lateral violence exhibit both "consistency and continuity over time, and responsiveness and adaptability to changing contexts" (Friedland & Napoleon, 2015-2016, p. 37). Throughout this comparative analysis I maintain a critical and socio-legal approach to law to draw out the gendered complexities of Cree law.

#### **1.4.6 Chapter 7 (tepakohp - seven)**

One of the specific aims of my research is to assess OH&S workplace policies that contain Cree law. Therefore, Chapter *tepakohp* (seven) presents the fourth and fifth steps of the ILLPA framework: thematic analysis and policy analysis. In the fourth step I draw on the theories of dialogics (Freire, 1970; Freire, 2014), two-eyed seeing (Bartlett, Marshall & Marshall, 2012), and ethical space (Ermine, 2007) to discuss an overarching thematic analysis of contemporary understandings of Cree *wetiko* laws. Then, in the fifth step, I analyze two OH&S documents from Alberta that reference and incorporate Cree laws. The first is the recently developed *Miyo Pimatisiwin Health and Safety Tool Kit* from Alberta Occupational Health and Safety (July, 2022), which implicitly draws on the Cree legal principle of *miyo pimatisiwin*, and the second is the academic regulations regarding *Student Appeal Process Guidelines* at the University *nuxelhot'ine thaa?ehots'j nistameyimâkanak* Blue Quills (2020-2021), which explicitly draws on Cree Natural Law. Using the ILLPA framework, analysis of these two documents focuses on a selection of examples that illustrate both strengths and weaknesses in how Cree legal principles and law are currently being used within OH&S policies and procedures.

#### **1.4.7 Chapter 8 (ayinânew - eight)**

My doctoral research is broadly about organizational Indigenization and focuses on the critical analysis of how a Cree legal order can be woven into OH&S policies for conflict management and lateral violence resolution. Chapter *ayinânew* (eight) starts with an overview and summary of this research project. This section highlights how creation of the ILLPA framework and two sub-methods are unique contributions to Indigenous methodologies that can be used and further developed by other researchers. As well, I discuss how the research results address an identified gap in Indigenous legal studies academic literature: how Indigenous legal traditions and laws are understood by working-age Indigenous peoples. Next, this chapter presents a discussion about the scope of the research and identifies spaces for future research, such as incorporating non-binary perspectives into analysis, focusing specifically on sexual violence and sexual harassment in the workplace, conducting primary interviews, and using Indigenous understandings of health and safety to frame research. In addition, I discuss some

preliminary understandings of the Cree concepts of *miyowâyâwin* (health) and *miyonohk âyâwin* (safety), which express holistic and embodied understandings of health and safety and incorporate physical, spiritual, emotional, and mental elements. Finally, I conclude this dissertation with the identification of several ways to move this avenue of research forwards.

## ***Chapter 2 (nîso - two): literature review***

The broad aim of my research is organizational Indigenization, specifically in terms of developing a framework for critically analyzing OH&S documents that contain Cree law. The topic of my research and the methodologies I use are situated at the intersection of several disciplines. Therefore, in Chapter *nîso* (two), I engage in a literature review of five areas: lateral violence in Canadian workplaces, organizational governance and Indigenous governance, Indigenous legal studies, Cree legal tradition and laws, and Indigenous literary studies. As stated in Chapter *peyak* (one), workplace studies have a robust body of both academic and grey literature, and I focus primarily on the literature that is directly relevant to lateral violence in Canadian workplaces. Organizational and governance studies are also a robust area of research, and here I focus primarily on the literature that is related to ideas about Indigenous governance. Indigenous legal studies and Indigenous literary studies are both emerging areas for academic research, therefore, I have taken a slightly broader approach to these areas. In terms of Indigenous legal studies, my literature review focuses on ideas of law and justice, foundational works, and specific literature about Indigenous legal orders, as well as highlighting some of the specific Cree law works that my research engages with and builds on. In term of Indigenous literary studies, my literature review focuses primarily on foundational works, while also highlighting some transdisciplinary works and applications that have influenced my research.

### ***2.1 Lateral violence in Canadian workplaces***

Most contemporary classifications of workplace violence use four types or categories: 1) an employee and an external perpetrator, 2) an employee and a client, 3) two co-workers<sup>21</sup>, and 4) two co-workers in a personal relationship (Chechak & Csiernik, 2014). Type three workplace violence, when the persons involved are co-workers, has been identified in the literature as “intra-organizational violence” (Chechak & Csiernik, 2014, p. 8) and is a specific form of lateral violence that occurs in a workplace community. In general, lateral violence is when members of any type of community “direct their anger at their own peers or community members” (Native Women’s Association of Canada, 2011, p. 1). It is a learned behaviour and is part of a cycle of

---

<sup>21</sup> Category three is specifically identified by Chechak & Csiernik as involving two co-workers, however, in practice it could involve more than two co-workers.

abuse. It can occur during one-time events or over ongoing interpersonal interactions. For Indigenous Peoples, lateral violence is often linked to the traumatic experience of colonization and racism (Episkenew, 2009; LaRocque, 1994; Native Women's Association of Canada, 2011).

There is a robust body of literature which identifies workplace lateral violence as including micro-aggressions, bullying, harassment, emotional/verbal/physical violence, and individual/systemic racism (for example, see Croft & Cash, 2012; Native Women's Association of Canada, 2011; Pugh, 2005; Rainford et al, 2015; Roberts, 2015; Sheridan-Leos, 2008). Lateral violence can occur at any point during a person's work life but is most common in workplaces with poor organizational systems or that are experiencing change and power shifts (Croft & Cash, 2012; Native Women's Association of Canada, 2011). Furthermore, lateral violence can be driven by workplace ideologies and institutional discourses that support privilege and colonizing practices (Croft & Cash, 2012). For everyone in a workplace, lateral violence has significant negative impacts and creates a toxic organizational environment.

Although there is a general lack of national Canadian data about workplace violence and harassment (Berlingieri et al., 2022; Chechak & Csiernik, 2014; National Union of Public and General Employees, 2020), a 2018 study on harassment in Canadian workplaces identified that 19% of women and 13% of men aged 15-64, who had worked for pay in the last year, reported experiencing harassment in their workplace (Hango & Moyser, 2018).<sup>22</sup> Harassment included verbal abuse, humiliating behaviour, threats to persons, physical violence, and unwanted sexual attention or sexual harassment. Verbal abuse was the most common type of workplace harassment, with the next most common type being humiliating behaviour. Of those who had experienced harassment, 39% of men and 32% of women had been harassed by supervisors/managers, while 35% of men and 34% of women had been harassed by colleagues or peers. This study also found that when workplace harassment models excluded sexual harassment, workers in Saskatchewan had the highest predicted probability of reporting workplace harassment (Hango & Moyser, 2018).

---

<sup>22</sup> This study correlated a number of sociodemographic characteristics, including sexual orientation, with the probability of experiencing harassment at work. However, overall, the study incorporated a binary understanding of gender through establishing categories for men and women, excluding non-binary categories, and presenting all analysis results in the context of men and women's experiences (Hango & Moyser, 2018). This approach is common in workplace violence studies and points to an area where the research could be further developed.

In 2022, the first national Canadian survey on workplace violence and harassment was released by the Centre for Research & Education on Violence Against Women & Children at Western University. The Centre worked with researchers at the University of Toronto and the Canadian Labour Congress to compile a report, entitled *Harassment and Violence in Canadian Workplaces: It's [Not] Part of the Job* (2022). This report found that 65% of respondents had experienced at least one form of violence or harassment in their workplace over the last two years (Berlingieri et al., 2022). The report defined violence and harassment as “violence that is not of a sexual nature ranging from verbal intimidation and the sabotaging of a person’s work and performance to actual physical assault” (Berlingieri et al., 2022, p. 3).<sup>23</sup> Verbal intimidation was the most common type of workplace harassment, with the next two most common types being spreading rumours/making negative comments and receiving persistent criticism of work or efforts. This study also found that when workplace harassment was correlated with social identity, workers who faced multiple and intersecting forms of discrimination had higher prevalence rates. Indigenous respondents experienced the highest rates of violence and harassment (79%) compared to other race/ethnicity groups whose rates of violence and harassment ranged from 66% (Arab/West Asians) to 54% (Latino) (Berlingieri et al., 2022).

In terms of reporting violence and harassment, this survey also showed that workers experienced a number of barriers. These barriers to reporting included what type of harassment they had been subjected to, not believing the harassing behaviours were serious enough to report, the majority of workers feeling like reporting either made no difference to the situation or made it worse, and workers being dissatisfied with the responses they received when they did report (Berlingieri et al., 2022). Concerningly,

multiple interview participants shared that the way their workplaces defined forms of harassment and violence limited their abilities to report, or the likelihood that their report would affect positive change. Definitions of forms of harassment and violence, as listed in policies, collective agreements, or simply as understood by workers in positions of authority (including supervisors, managers, and human resources personnel), were sometimes interpreted in ways that allowed them to avoid addressing the issue (Berlingieri et al., 2022, p. 22).

---

<sup>23</sup> In this study, sexual violence and sexual harassment were considered separately from violence and harassment. However, in terms of this dissertation, workplace violence and harassment included sexual violence and sexual harassment, and analysis included some discussion of sexual violence. However, as will be discussed in Chapter *ayinānew* (eight), specifically looking at workplace sexual violence and sexual harassment is an area for future research about the application of Indigenous laws to workplace conflicts.

Although there is limited data, it is clear from these two surveys that “harassment and violence remain pervasive and destructive problems in contemporary Canadian workplaces” (Berlingieri et al., 2022, p. 2). As well, workplace violence is an especially problematic issue for Indigenous workers. They not only experience higher rates of violence and harassment but they also experience the same range of negative impacts on their health and wellbeing as other workers do. The impacts of workplace harassment include: negative impacts on worker’s personal/social lives; sleep difficulties; negative emotional impacts; loss of work time; decreased work productivity; loss of trust in the workplace and supervisors; and career disruption or destruction of careers (Berlingieri et al., 2022). These negative impacts feed into and compound the systemic barriers that are already negatively impacting the ability of Indigenous workers to engage with Canadian workplaces, and they certainly have a ripple effect on wider Indigenous communities.

The literature agrees that it can be very difficult to address lateral violence in the workplace (for example, see Centre for Research & Education on Violence Against Women & Children, 2020; Chechak & Csiernik, 2014; Croft & Cash, 2012; Native Women’s Association of Canada, 2011; Pugh, 2005; Rainford et al, 2015; Roberts, 2015; Sheridan-Leos, 2008). However, in my lived experience, effectively addressing lateral violence in a workplace starts with establishing a workplace culture based on shared understandings of appropriate methods for conflict resolution. It also includes developing robust organizational policies and procedures, usually under the umbrella of OH&S. Developing these policies and procedures and establishing a workplace culture are both important elements of organizational governance.

## ***2.2 Organizational governance and Indigenous governance***

In Canada,<sup>24</sup> OH&S legislation is the primary source for organizational policies and procedures to deal with conflict in the workplace. OH&S legislation in Canada originated in 1971, when Saskatchewan passed the *Occupational Health and Safety Act* which was the “first legislation in North America to regulate workplace safety across all industries with a system designed to codify specific rights and obligations for workers, employers, and the state” (Foster,

---

<sup>24</sup> In Canada, there are fourteen jurisdictions that each have their own OH&S legislation: one federal, ten provincial and three territorial. Federal legislation covers all of Canada, and each of the provincial and territorial OH&S Acts interact with that federal legislation in similar ways.



Cake, & Barnetson, 2022, p. 182). At present, OH&S, including the legislation that applies to workplace violence and harassment, is covered under thirteen Provincial and Territorial Acts and is also federally regulated (Foster, Cake, & Barnetson, 2022). For example, in Alberta, *The Occupational Health and Safety Act*<sup>25</sup> is general, legislated employment standards. There are six regulations under that act, including *The Occupational Health and Safety Regulation*<sup>26</sup> and *The Occupational Health and Safety Code*,<sup>27</sup> which detail how to meet the requirements of *The Occupational Health and Safety Act*. Additionally, *The Canada Labour Code*<sup>28</sup> is federal legislation that covers certain workplaces in Alberta, including many First Nation activities. In general, OH&S is designed to prevent physical injury and illness through policies, training, and systems for reporting and investigating workplace hazards. Throughout Canada, OH&S also covers violence prevention, including emotional hazards and psychological violence such as workplace harassment and lateral violence (CUPE, 2018). Compliance with OH&S is not optional; it is a part of each province and territories laws. However, these pieces of legislation arose out of the Canadian common law and civil law traditions, which often use a binary view of the world that separates physical from non-physical.

As a result of this binary view, in general OH&S legislation focuses more on physical risks than on psychosocial risks. Unfortunately, most workplaces in Canada continue to use the minimum standards provided by each province and territories OH&S legislation rather than developing their own more comprehensive policies and procedures around workplace violence prevention. Both the reliance on a binary view and the lack of more comprehensive policy development represents a significant limitation. This limitation could be addressed by drawing on non-binary alternatives for conflict resolution and Indigenous governance models to develop more comprehensive OH&S policies and procedures.

In terms of non-binary conflict resolution models, one example can be seen in the continuum of violence model, which is “a theoretical construct that recognizes that physical, psychological, social, and even spiritual violence are equally important forms of workplace violence to consider” (Chechak & Csiernik, 2014, p. 11). The continuum model draws on

---

<sup>25</sup> Chapter O-2.2 of the Statutes of Alberta, 2020 (current as of December 7, 2023).

<sup>26</sup> Alberta Regulation 184/2021 (filed on October 20, 2021, in force December 1, 2021).

<sup>27</sup> Alberta Regulation 191/2021 with amendments up to and including Alberta Regulation 242/2022 (current as of March 31, 2023).

<sup>28</sup> R.S.C., 1985, c. L-2.

scholarship from women's studies, intimate partner violence, child abuse, racial discrimination, and military/conflict studies, as well as a number of other workplace aggression models and "the component of lateral violence is included in the continuum given the important distinction between externally-motivated and intra-organizational violence" (Checkak & Csiernik, 2014, p. 13). The continuum of violence identifies escalating expressions of violence, including both physical and verbal actions which are analyzed along the domains of active versus passive, direct versus indirect, and lateral (intra-organization) versus external (Checkak & Csiernik, 2014). Although the continuum of violence model represents a shift away from binary approaches, it is still based on a primarily Western theoretical approach.

However, a non-binary governance model that synthesizes Western and Indigenous approaches is the idea of "ambicultural governance" (Nicholson, Spiller, & Pio, 2019), where Indigenous principles and values are used to inform organizational governance and shift organizational workplace cultures. For example, in New Zealand, Amber Nicholson, Chellie Spiller and Edwina Pio explored the idea of bringing Indigenous and Western governance practices together to create both wealth and well-being in communities and society (Nicholson, Spiller, & Pio, 2019). They applied the management paradigm of ambicultural, which is based on integrating two different approaches to business, to creatively synthesize Indigenous and Western practice and knowledge to create an ambicultural governance model (Nicholson, Spiller, & Pio, 2019). This governance model "is not necessarily an either/or Indigenous or Western approach, but an informed and dynamic use of both/and, to facilitate holistic, sustainable decision making" (Nicholson, Spiller, & Pio, 2019, p. 31). One area of decision making within organizations is developing methods for conflict management and resolution.

In terms of conflict resolution generally, there is a certain amount of recognition within the literature that different types of conflict resolution styles exist (Huan & Yazdanifard, 2012). For example, Renée Gendron and Charlotte Hille proposed that traditional conflict resolution practices of Arctic Aboriginal peoples could be used to develop culturally appropriate policies and processes for addressing both public and private-sector conflicts at the organizational level (Gendron & Hille, 2013). As well, Hadley Friedland proposed that traditional Cree and Anishinaabe legal principles could be used to address lateral violence and child sexual victimization in Indigenous communities (Friedland, 2018). However, in her work, Polly Walker critiqued conflict-resolution models for being based on Western problem-solving models and

marginalizing Indigenous methods of conflict transformation (Walker, 2004). Furthermore, Walker concluded that, in general, “Western problem-solving models of conflict resolution are promoted as appropriate for all cultures, including Indigenous peoples” (Walker, 2004, p. 527). Unfortunately, this bias towards Western conflict resolution styles marginalizes Indigenous worldviews and continues to reify the power of the dominant Western culture (Walker, 2004).

Conflict resolution is at the heart of governance. Governance is a process for dealing with issues of public concern. Governance “is about how governments and other social organizations interact, how they relate to citizens, and how decisions get taken” (Plumptre & Graham, 1999, p. 2). Most of the literature agrees that governance has to do with making decisions about direction and is “the art of steering societies and organizations” (Plumptre & Graham, 1999, p. 3). Governance is a form of collective action, as well as strategic decision making about direction and roles (Plumptre & Graham, 1999).

Indigenous governance currently exists within the sociopolitical context of colonization and the socioeconomic contexts of capitalism and globalization. These contexts have influenced and shaped contemporary ideas about Indigenous governance, as well as ideas about what good governance means from an Indigenous perspective. One stream of thought regarding Indigenous governance is based on Indigenous resurgence, while another stream of thought is based on reconciliation (Asch, Borrows & Tully, 2018). Both streams of thought grapple with questions of power and relationship and are focused on creating a process and system for good governance.

Resurgence-based governance focuses on traditionalism and separating Indigenous governance from the colonial state (Poelzer & Coates, 2015). Resurgence-based governance started with the seminal writings of Frantz Fanon and Albert Memmi. Writing within the context of colonized Algeria, Fanon advocated for national liberation and decolonization through violence. As he so graphically stated, “in its bare reality, decolonization reeks of red-hot cannonballs and bloody knives” (Fanon, 1964, p. 3) and the purpose of decolonization was the total, absolute, and unconditional substitution of the colonizers for the colonized which would change the order of the world (Fanon, 1964). Also writing and living within the context of colonized Algeria, Memmi argued that all colonizers were in fact colonizers: however, they could be colonizers who refused to accept and see their role in colonization, or they could be colonizers who knew and accepted the privileges of colonization (Memmi, 1965). Furthermore, Memmi argued that although colonizers dehumanized both the colonized and themselves, these

two groups were bound together in a reciprocal relationship. From this he concluded that “for the colonized just as for the colonizer, there is no way out other than a complete end to colonization. The refusal of the colonized cannot be anything but absolute, that is, not only revolt, but a revolution” (Memmi, 1965, p. 150).

However, another understanding of Indigenous governance is based on reconciling Indigenous and settler forms of governance. Reconciliation-based governance is focused on creating collaborative working relationships and partnerships between different forms of governance where both systems can co-exist and strengthen each other (Poelzer & Coates, 2015). To a large extent this approach started with the writings of Paulo Freire, a Brazilian educator whose writing can be read as a response to Fanon’s ideas. Freire’s approach emphasized the need for Indigenous education to be new and modern, rather than traditional, as well as anti-colonial (Freire, 1994). He proposed that colonizers and the colonized could both be empowered by education if education was based on a dialogue where all viewpoints were respected equally (Freire, 1994). Freire argued that “dialogue is meaningful precisely because the dialogical subjects, the agents in the dialogue, not only retain their identity, but actively defend it, and thus grow together” (Freire, 1994, p. 117). The critical pedagogy that Freire developed was based on the idea that everyone could play an active role in their own learning through dialogue and critical self-reflection, and that this would work to develop a critical consciousness which would empower people to effect social change (Freire, 1994).

Eminent Indigenous legal studies scholar John Borrows is a key academic thinker for reconciliation-based governance. His work in Indigenous legal studies supports Indigenous self-governance by identifying Indigenous legal orders and laws that are based on relationships to the land and earth teachings (Borrows, J., 2016; Borrows, J., 2019). Borrows’ writings about Indigenous law, constitutionalism, and ethics have transformed understandings of how Indigenous and non-Indigenous laws can co-exist in Canada to create a multi-juridical country (J. Borrows, 2002; J. Borrows, 2010; J. Borrows et al, 2019). Indeed, “the central theme in Borrows’s work is that it is possible to remain Aboriginal, exercise self-government, and participate actively with non-Indigenous Canadians to create a broader nation and more inclusive society” (Poelzer & Coates, 2015, p. 61).

There is a significant amount of tension between resurgence-based and reconciliation-based Indigenous governance based on “the polarizing dichotomy of rejectionist resurgence and

non-transformative reconciliation” (Borrows & Tully, 2018, p.6). These two schools of thought have different approaches to developing good governance: differences which have created divides within the literature, for Indigenous scholars and communities, and for Canadians as a whole (Asch, Borrows & Tully, 2018). However, these divides may not be necessary. In their recent work, Michael Asch, John Borrows, and James Tully explored how resurgence and reconciliation can be connected. They rejected reconciliation that perpetuates unjust relationships between Indigenous people and settlers and instead turned towards constructing relationships “that have the potential to transform these unjust relationships...relationships of ‘transformative’ reconciliation...[that are] empowered by robust practices of resurgence, [which infuse] reciprocal practices of reconciliation in self-determining, self-sustaining, and inter-generational ways” (Asch, Borrows, & Tully, 2018, p. 5). This approach can be seen throughout Borrows’ work on Indigenous constitutionalism, where he calls for using a multiplicity of approaches rather than for holding fast to any one single philosophy, theory, or approach (Borrows, J., 2016). If Indigenous scholars and communities can do this, Borrows argues that “we are freer to pursue good lives in accordance with our wide-ranging and ever-changing circumstances” (Borrows, J., 2016, p. 18). Furthermore, in terms of using Indigenous laws, Borrows points out that “we need such laws *not only* because we are good people with life-affirming values and behaviours. We also require these laws because we are ‘messed up’. Indigenous law must be practised in the real world with all it’s complexity” (Borrows, J., 2019, p. 239). In other words, good organizational governance that incorporates both Western and Indigenous approaches can lead to a workplace culture where resurgence and reconciliation co-exist and *miyo-pimacihisowin* (vocation; that from which one makes a good living; the journey to a good life) can be nurtured.

### **2.3 Indigenous legal studies**

Just as Indigenous governance models provide different options for addressing conflict management in the workplace and supporting every worker’s *miyo-pimacihisowin* (making a good living), so do Indigenous laws. Furthermore, finding Indigenous laws and applying them to developing workplace policies and procedures is both decolonizing (Borrows et al., 2019; Xavier et al., 2021) and responsive to Call 42 from the TRC’s Calls to Action:

We call upon the federal, provincial, and territorial governments to commit to the recognition and implementation of Aboriginal justice systems in a manner consistent with the Treaty and Aboriginal rights of Aboriginal peoples, the Constitution Act, 1982, and the United Nations Declaration on the Rights of Indigenous Peoples, endorsed by Canada in November 2012 (Truth & Reconciliation Commission of Canada, 2015, p.4).

Over the course of my doctoral research, I have worked to understand what law is and how Indigenous people think about and practice law. Consistent with Val Napoleon's approach, I have come to see that "law is one of the ways we govern ourselves. It is law that enables large groups of people to manage themselves. Law is something that people actually do" (Napoleon, 2007, p. 3). As Borrows explains, "law is a human tool – a resource for reasoning and acting. Law must be lived as well as theorized" (Borrows J., 2019, p. 22). Legal scholar Hadley Friedland further defines law as "how people deal with safety, how they make decisions and solve problems together, and what we expect people 'should' do in certain situations" (Friedland, 2018, p. 15). Following Indigenous legal scholars, such as Borrows (2016) and Napoleon (2007), Friedland identifies that Indigenous law is based on legal principles or signposts that people use to guide their thinking and actions; however, she also cautions that Indigenous law is not composed of strict and unbending rules that must be blindly followed (Friedland, 2018). Indeed, among Indigenous legal studies scholars, there is a general consensus that just as Indigenous ways of knowing and philosophies are holistic, relational, and non-directive so too are Indigenous laws (for example, see Borrows, L., 2018; Borrows, J., 2016; Borrows J., 2019; Friedland, 2018; Friedland & Napoleon, 2015-2016; Hansen, 2013; Hewitt, 2016; Ross, 2006a; Ross, 2006b).

Indigenous thought is holistic, therefore, so are Indigenous laws. For example, in his work on Swampy Cree justice, John Hansen draws on Joe Couture's ideas about holistic thinking and teaching, which Couture defines as the ability to use both intuition and logic (Couture, 1978). Hansen states that "the concept of **holistic** thinking [is] the basis for Aboriginal teaching and learning structures" (Hansen, 2013, p. 2). As Hansen's work progressed, "the significance of a holistic approach to justice became increasingly obvious and the implication was that *Omushkegowuk* restorative justice was practiced based on holistic principles" (Hansen, 2013, p. 36). Indeed, right from the beginnings of

Indigenous academic scholarship, the “holistic nature of Indigenous knowledge” (Wheeler, 2001, p. 100) has been continually emphasized and is understood to be knowledge that incorporates the “whole person (physical, emotional, spiritual, and intellectual) as interconnected to land and in relationship to others (family, communities, nations)” (Cull et al, 2018, n.p.).

Indigenous thought is relational, therefore, so are Indigenous laws. As Rupert Ross explains in his address to the National Organization for Victim Assistance, “aboriginal people... have given me a different way of looking at victims, at offenders and at the crimes that ensnare them. In essence, I am learning to look at them through what I think of as a ‘relational lens’ and it is causing me to ask questions that had not occurred to me before” (Ross, 2002, p. 484). Ross goes on to discuss how criminal justice could focus on “meaningful accountability to the victim” (Ross, 2002, p. 487). The shift to restorative justice models is often seen as incorporating meaningful accountability and healing, which are understood as more consistent with Indigenous approaches to justice and law. For example, in his work on Anishinaabe restorative justice, Jeffrey Hewitt points out that within Indigenous justice systems, “full participation matters. If those who cause harm can address the underlying cause of their actions, repair the harm caused to victims, and form healthier family and community relationships, then their recidivism rate drops” (Hewitt, 2016, p. 319). Therefore, “Indigenous restorative justice is typically a healing process based in Indigenous legal traditions” (Hewitt, 2016, p. 316). Hewitt goes on to state that “community healing is restorative justice, but it takes time and effort...[and] healing must happen not solely between the offender and victim but the whole of the community” (Hewitt, 2016, p. 318-319). And in Hansen’s work on Swampy Cree justice, he emphasizes that restorative justice is based on the offender assuming responsibility and taking action to repair the harm they have done. Therefore, in restorative justice “the emphasis is on dialogue and negotiation. Restitution is a means of restoring both parties; the goal is reconciliation. [And] the community is the facilitator in the restorative process” (Hansen, 2013, p. 57-58).

However, although Ross discusses methods for bringing victims and offenders into direct contact, which is often an element of restorative justice models, he also provides strong cautions for instances when crimes occur between people already in relationships with each other (Ross, 2002). He points out that in these instances “the issue is not just the imposition of an unwanted relationship but the betrayal of an existing one...and the programs I respect most know from the

outset that it may never be safe to bring the parties face to face” (Ross, 2002, p. 499). This is because, “if the abuse has been regular, the relationship can almost be defined by its imbalance of power...the offender will continue his manipulation through abject apology, and the victim will do what is expected by appearing to accept that apology” (Ross, 2002, p. 499). Ultimately, although Ross maintains a relational approach to dealing with crime, he strongly differentiates between restitution methods that place expectations on victims to achieve states of forgiveness with offenders and those that assist victims and offenders to achieve states of healing either separately or together (Ross, 2002).

In addition to Ross’ critiques, Sarah Deer’s Indigenous feminist analysis of rape cases and the Navajo Nation Peacemaking Courts also points to some of the limitations of restorative justice. Deer states that “some of the problems with applying a ‘peacemaking’ model of justice to rape include safety, coercion, the excusing of criminal behaviour, and recidivism” (Deer, 2009, p. 157) and goes on to point out that “traditionally, many tribal cultures imposed the death penalty (as well as banishment) for sex crimes” (Deer, 2009, p. 157). Ultimately, Deer contends that Indigenous nations “can and should respond to sexual assault cases against their citizens...[because] defining and adjudicating sexually motivated crimes is the purest form of sovereignty” (Deer, 2009, p. 152) and she argues for a “Native woman-centered model of adjudication – one that is feminist, and therefore decolonizing” (Deer, 2009, p. 153) where “tribal governments...construct rape not only as an attack on an individual woman but also an attack on the entire community” (Deer, 2009, p. 164). When relationality is stripped of romanticism, it clearly has both positive and negative implications and can express a range of power dynamics. However, it is also clear that Indigenous laws express the same relationship principles as the Cree concept of *wahkohtowin* (relationship or the act of being related to each other): that we are all related and through our being related we are all obligated to and responsible for each other.

Indigenous philosophies and ways of knowing are non-directive and non-prescriptive, therefore, so are Indigenous laws. For example, in his work on legal ethics, Borrows examines how Anishinaabe laws are based on the Seven Grandmother and Grandfather Teachings: love, bravery, humility, wisdom, honesty, and respect (Borrows, J., 2019). In this work, he is “careful not to be overly prescriptive...I am not *the* authority in these matters: the practice of Anishinaabe law is a collective endeavor...Anishinaabe approaches require readers to activate their own



agency” (Borrows, J., 2019, p. 17). Hansen also emphasizes this non-directive element in his work, when he states that “the listener has to find out for her/himself what lessons should be learned by the story...every story...tries to convey traditional values...these values are part of our cultural awareness...and I had to figure the meaning out all by myself” (Hansen, 2013, p. 7). Although Indigenous ways of knowing are non-directive and non-prescriptive, as Friedland’s work on *Wetiko* laws points out, there are a range of authoritative decision-makers that become recognized in the context of applying Indigenous laws (Friedland, 2018). However, because Indigenous legal orders are collective practices, everyone is expected to take an active role in interpreting the cultural and legal meanings embedded in Indigenous actions and stories.

In general, legal scholars agree that Indigenous laws are recorded in Indigenous languages and stories (for example, see Askew, 2016; Borrows, J., 2016; Borrows, L., 2018; Friedland, 2018; Friedland & Napoleon, 2015-2016; Hansen, 2013; Johnson & Groft, 2017; Napoleon, 2007). Some scholars further suggest that the revitalization of Indigenous languages is not only tied to the revitalization of Indigenous laws but is also a central component of “gathering up the threads” (Friedland & Napoleon, 2015-2016, p. 18) of Indigenous laws (Borrows, J., 2018; Borrows, L., 2018; Hansen, 2013). Given that laws are recorded in Indigenous oral traditions, a number of Indigenous legal scholars have used the case briefing method to identify Indigenous legal orders, principles, and laws (Friedland, 2018; Friedland & Napoleon, 2015-2016; Johnson & Groft, 2017). This methodology was proposed by Friedland (2012) and developed by Napoleon and Friedland (2015-2016). It built on Borrows’ initial argument that traditional Indigenous stories can be approached as legal cases and used to establish case law precedents similarly to common law cases (Askew, 2016; Borrows, J., 2010; Friedland, 2012).

Although Napoleon and Friedland start with the fundamental premise that there is an “ongoing meaningful presence of living Indigenous legal traditions in many Indigenous people’s lives and communities” (Friedland & Napoleon, 2015-2016, p. 17), they also caution that using the case brief method is akin to “gathering up the threads” (Friedland & Napoleon, 2015-2016, p. 18) because Indigenous laws have been damaged and fragmented by colonialism (Friedland & Napoleon, 2015-2016). In addition to this caution, there are several scholarly critiques about the use of the case briefing method as “a technique of common law applied to Indigenous knowledges” (Hanna, 2020, p. 683) contained in Indigenous oral traditions.

In their work, Napoleon and Friedland state that when using the case briefing methodology “the analytical work with the stories of a particular Indigenous society must be contextualized by basic information about that society” (Friedland & Napoleon, 2015-2016, p. 27). However, in his work Alan Hanna rightly points out that using case briefing can end up distorting Indigenous legal traditions by disarticulating them from their broader context (Hanna, 2020). Hanna states that his “concern with this method is that applying the [case briefing] template potentially filters out Indigenous knowledge and shapes the contours of responses into forms that resemble state common law categories” (Hanna, 2020, p. 683). He cautions that this filtering and shaping could result in “the risk of universalizing knowledges about distinct groups of people” (Hanna, 2020, p. 686) and states that “a risk of misinterpretation exists when a researcher from a Canadian common law legal order attempts to relate concepts rooted within an Indigenous legal order without a competent understanding of the relevant worldview and how it frames legal interactions” (Hanna, 2020, p. 688). Hanna further points out that “common law methods of interpretation such as the case briefing method offer a slippery slope to researchers and eager new law students who apply them without sufficient training in a relevant Indigenous worldview” (Hanna, 2020, p. 689). In addition, “the propensity to narrow a field of enquiry to a specific set of facts” (Hanna, 2020, p. 689), as well as the issues and difficulties with interpreting Indigenous languages (Hanna, 2020), are valid critiques of the case briefing methodology. Hanna also articulates the concern that “the analyses researchers bring to bear on publicly available stories recorded in the past, then, are a snapshot of a specific circumstance from a society that existed sometime in the past, which merely offers a ‘feeling’ or ‘flavour’ of a group’s law-ways of that time [and] as such, the results of any such analysis of old oral traditions should be used cautiously to inform modern processes” (Hanna, 2020, p. 698). However, despite these cautions and critiques, the case briefing methodology has been used successfully to identify a range of different Indigenous legal orders and laws (for example, see Askew, 2016; Friedland, 2012; Friedland, 2017; Friedland, 2018; Johnson & Groft, 2017).

#### ***2.4 Cree legal orders and law***

Over the last decade, a growing body of literature specifically about Cree legal orders and law in Ontario, Manitoba, Saskatchewan, and Alberta has been developed (for example, see Friedland, 2012; Friedland, 2017; Friedland, 2018; Hansen, 2013; McAdam, 2015; Ross, 2006a;

Snyder, 2018). First, I will discuss a number of significant books and reports that explore different Cree legal orders. Then, I will consider the growing number of academic articles that engage with aspects of Cree law, a variety of cultural concepts, and the intersection of Cree law with policy development.

Originally published in 1992, Rupert Ross's work, *Dancing With a Ghost: Exploring Indian Reality* (2002) was one of the first attempts to examine Cree and Anishinaabe legal orders. It is part ethnography, part philosophical study, part memoir, and part criminal justice system analysis. At the time he wrote this text, Ross was a Crown Attorney who worked in remote First Nation communities in Northern Ontario as part of the fly-in court system. During his court work, he became aware that he was "routinely misinterpreting the behaviour of Aboriginal victims, witnesses, and offenders, both in and out of court" (Ross, 2002, n.p.). In *Dancing With a Ghost* (2002), Ross identified four intertwined Anishinaabe and Cree ethics. They are the ethic of non-interference, the ethic that anger not be shown, the ethic respecting praise and gratitude, and the concept that the time must be right (Ross, 2002). Although Ross discussed these ethics primarily in terms of cultural worldviews, they are also presented in the context of Indigenous decision-making processes and can therefore be understood as part of Cree and Anishinaabe legal orders. Ross followed this text in 1998 with a second book, *Returning to the Teachings: Exploring Aboriginal Justice* (2002), in which he examined the "widespread Aboriginal preference for 'peacemaker justice'" (Ross, 2002, n.p.). In this second book, Ross "recommended a comprehensive process of aboriginal justice: that is, using aboriginal justice processes to fully replace the system of criminal justice for aboriginal people" (Hughes & Mossman, 2004, p. 43). Based on his experiences in a wide range of Indigenous communities in Canada, he identified seven aspects of aboriginal justice "all of which differ significantly from those of the criminal justice system...(and) recognize a 'need' on the part of aboriginal people to be judged within their own culture and system of justice" (Hughes & Mossman, 2004, p. 43-44).

Ross has been publicly lauded for how his work is "respectful of his place as a non-aboriginal person explaining aboriginal thought to a non-aboriginal audience" (Newhouse, n.d., n.p.). However, there are also a number of academic criticisms of Ross's work, including his reliance on Claire Brant's work, "in which certain behavioural characteristics are ascribed to Aboriginal peoples: despite disclaimers that such traits are not characteristic of all Aboriginal peoples, the reader walks away from the book [*Dancing with a ghost*] forgetting this important

point” (Waldram, 1992, p. 147-148). Waldram went on to critique how *Dancing With a Ghost* (2002) reflected Ross’s personal journey that “bleeds humility and ‘White’ guilt” (Waldram, 1992, p. 148) and suggested that “a rigorous analysis of the conflict with the justice system would have been more useful” (Waldram, 1992, p. 148). Ultimately, despite these critiques, Ross’s work has been very influential in terms of identifying the impact that the Canadian criminal justice system has on Indigenous peoples, as well as for exploring how Indigenous concepts of justice differ from the Canadian criminal justice system concepts of justice.

In 2012, a study called the *Cree Legal Traditions Report* was released as part of the Accessing Justice and Reconciliation Project. This study was part of a national collaborative research project between the University of Victoria Indigenous Law Research Clinic, the Indigenous Bar Association, the Truth and Reconciliation Commission of Canada, and community partner Aseniwuche Winewak Nation. In this report, the identification of Cree legal principles was based on using the case briefing methodology with community stories from Aseniwuche Winewak Nation, an organization of non-Status Indians (descended from Beaver, Sekani, Shuswap, Cree, Haudenosaunee, and Ojibway peoples) located in the Grande Cache area of Alberta (Friedland, 2012). However, as Friedland pointed out, “this report provides a simple framework that all the students used to organize the outcomes of their analysis...it is *not* a comprehensive or complete statement of legal principles and is not intended to be...this is best viewed as one starting point for the ongoing work needed within communities” (Friedland, 2012, p. 10).

The *Cree Legal Traditions Report* was structured around identifying Cree legal processes (including authoritative decision makers and procedural steps), legal responses and resolutions (including principles that governed appropriate responses), legal obligations, legal rights, and general underlying principles that could be applied to harms and conflicts between individuals within a group (Friedland, 2012). It was intended to be read “more like a legal memo back to our partner communities. A legal memo synthesizes the legal researcher’s best understanding of relevant legal principles after a serious and sustained engagement with those principles” (Friedland, 2012, p. 10). The report identified that authoritative decision-makers (those who had the final say in legitimate decision-making processes) included medicine people, Elders, family members of the person who caused harm, and the group (Friedland, 2012). The steps involved in determining a response to harm included recognizing the warning signs, warning others of the

potential harm and taking appropriate safety precautions, seeking guidance from those with relevant expertise, observing and collecting evidence, engaging in public confrontation and deliberation by appropriate decision-makers when possible, and having the appropriate decision-makers identify and implement a response (Friedland, 2012). There were a number of principles identified that govern appropriate responses to legal/human issues in Cree law, such as healing, avoidance or separation, acknowledging responsibility as a remedy for harms, re-integration, natural or spiritual consequences, and incapacitation (Friedland, 2012). In terms of the legal obligations, or the ‘shoulds’, that govern individual and collective responsibilities there was the responsibility to help when asked, the responsibility to give something back for the help you receive, the responsibility to prevent future harms, and the responsibility to warn others of danger (Friedland, 2012). Legal rights, or what people should be able to expect from others, included the right to protection and safety from harm and the right to be helped when you are incapable or vulnerable (Friedland, 2012). As well, legal rights included a number of procedural rights, including the right to have warning signals corroborated by observation or evidence before any action was taken, the right to be heard, and the right to have decisions made through open, collective deliberation guided by appropriate consultation (Friedland, 2012). And, finally, the report identified several underlying principles of Cree law, including the proposition that responses are always fluid and contextualized, that it is important to value and acknowledge relationships, and that reciprocity and interdependence are important (Friedland, 2012). This report represented a shift in legal scholarship towards “serious and sustained engagement with Cree legal traditions...when we treat it seriously as *law* and work as hard at understanding and expressing it as any other law” (Friedland, 2012, p. 11).

In 2013, John Hansen conducted research in Northern Manitoba with the Swampy Cree. Hansen is a member of Opaskwayak Cree Nation and a sociologist whose research specializations are addictions recovery and healing, crime and society, Indigenous justice, Indigenous knowledge, and restorative justice. His book, *Swampy Cree Justice: Researching the Ways of the People*, was based on interviews with six Omushkegowuk Swampy Cree Elders (Hansen, 2013). In *Swampy Cree Justice*, Hansen developed a theory of restorative justice based on these Elders’ understandings of Swampy Cree law as restorative and healing (Hansen, 2013). Based on the interviews, he identified that Swampy Cree law involves “a peacemaking system that is designed to ensure the continuation of life in the community...[and that the Elders]

describe traditional pedagogy as comprising non-punitive teaching and that justice was achieved without the use of punishment...[and that] *Omushkegowuk* justice processes have many fine qualities such as respect, open-mindedness, a non-judgemental component, community involvement, accountability, reparation, reconciliation, and restoration” (Hansen, 2013, p. 194).

For this study, Hansen organized his data analysis into a holistic model based on the Medicine Wheel. As Hansen explained, “the Medicine Wheel was used to analyze the data in both the individual and thematic process of analysis. In other words, after the within-case analysis was completed, I went on to conduct a cross-case analysis using the Medicine Wheel to structure the data, and themes emerged in the mental, physical, emotional and spiritual realms to emulate the holistic philosophy of the Wheel” (Hansen, 2013 p. 113). For example, Hansen’s Medicine Wheel analysis identified a number of themes that were “significant to the traditional justice process in the *Omushkigo* world [including]: healing circles, counselling from the Old People, spirituality, ceremonies, sweat lodge, vision quest, connection to the land, language, *Wesakechak* stories, traditional, teachings, community involvement, and traditional medicine” (Hansen, 2013, p. 121). The use of a holistic model for data analysis was an important component that works to balance the disarticulation that may occur with the case briefing methodology and will be discussed again in the methodology section of Chapter *nisto* (three).

Consistent with Swampy Cree understandings of justice as a healing process, Hansen identified community practices that promoted healing for offenders, such as receiving counselling from the Elders, developing and being supported in Cree language use, learning *Wesakechak* stories, receiving traditional teachings, participating in traditional ceremonies, having a connection to the land, and developing reciprocal relationships (Hansen, 2013). His analysis also identified factors that obstructed healing, such as the residual effects of residential and day schools, language loss, the erosion of traditional teachings and values, disconnection from the land, the misuse of medicines, dependence on the Canadian justice system, the overuse of jails, imposing punishments without teaching, and focusing on punishment (Hansen, 2013). Overall, Hansen concluded that for *Omushkegowuk*, “justice does not demand hostility towards wrongdoers...[rather] an *Omushkegowuk* response to wrongdoing encourages accountability, repairs harm, restores relationships, forgives wrongdoers and advocates peace” (Hansen, 2013, p. 225). Although Hansen approached his work on Swampy Cree justice through a sociological

lens, as can be seen, many of his findings are consistent with Friedland's legal studies approach to Cree legal traditions.

In 2015, Sylvia McAdam published *Nationhood Interrupted: Revitalizing nehiyaw Legal Systems*. McAdam is a lawyer, professor, activist, and member of the Cree Nation. In her biographical information, she stated that "her father is a hereditary *okimaw* (chief/leader) from the Stony Lake (Delaronde) lands. Her mother is registered under the *Indian Act* with Whitefish Lake Reserve #118 (Big River First Nation). Her father, without his consent, is registered under the same lands with his wife. Sylvia is a direct descendant of Treaty peoples; a mix of *nehiyaw* and *nakawe* (Saulteaux) peoples" (McAdam, 2015, p. 120). McAdam is also a founding member of Idle No More, which began in 2012

among Treaty People in Manitoba, Saskatchewan, and Alberta protesting the Canadian government's dismantling of environmental protection laws...Idle No More has connected the most remote reserves to each other, to urbanized Indigenous people, and to the non-Indigenous population. Led by women, and with a call for refounded nation-to-nation relations based on mutual respect, Idle No More calls on all people to join in a peaceful revolution which honours and fulfills Indigenous sovereignty and which protects the land, the water, and the sky (Idle No More, 2020, para. 1-3).

McAdam's work, *Nationhood Interrupted*, was based on interviews and teachings from First Nations Elders or Knowledge Keepers in Treaty 6 territory (McAdam, 2015). In keeping with Elder's directives and following cultural protocols, McAdam differentiated between physical and spiritual laws, and focused on identifying physical laws in this work (McAdam, 2015). Although McAdam does not explicitly identify herself as an Indigenous feminist, her work was attentive to women's roles in law. For example, she pointed out that "the women's teachings are the educational system of the *nehiyaw* Nation. There existed a group of women called *okihcitawiskwewak* whose role was to provide the legal 'system' of the *nehiyaw* people. These women invoked the laws and provided remedies on a case-by-case bases" (McAdam, 2015, p. 24). She also framed her approach to Cree law through the lens of "a birth right that is steeped in the history of the land and [*nehiyaw*] kinship with all creation. [*nehiyaw* children] are born into responsibilities and obligations that will guide them from cradle to death" (McAdam, 2015, p. 36). Although McAdam clearly identified that "the law keepers are the *nehiyaw* women" (McAdam, 2015, p. 28), her approach to Cree law tends to position women in a motherhood role, as those who guide and teach children the *nehiyaw* laws. This approach can be

critiqued for relying on a traditionalist understanding of gender roles, however, it does make a significant contribution to raising the visibility of women's roles in a Cree legal order.

McAdam's work intertwined law and language, to discuss *manitow wiyinikewina* (Creator's laws) and *nehiyaw wiyasiwewina* (Cree people's laws) within the context of Treaties, colonization, resurgence, and resistance (McAdam, 2015). For McAdam, "nationhood is primarily about land, language, and culture" (McAdam, 2015, p. 25) and throughout *Nationhood Interrupted*, her objective in discussing Cree law was to make an argument for Indigenous sovereignty and nationhood. She clearly identified that the Treaties established a state of *wâhkôhtowin* (kinship) between Indigenous and non-Indigenous peoples because "Indigenous laws, specifically *nehiyaw* (Cree) laws, were the vehicle that drove the process and the signing" (McAdam, 2015, p. 24). Furthermore, the Treaties included vows dealing with *pimâcihowin* (livelihood and making a living), which was understood in a number of ways, and has resulted in contemporary Indigenous land claims as "resources, environment, and land are crucial and essential to the *nehiyawak*, because without these elements, Indigenous culture and *pimâcihowin* (livelihood) would not exist" (McAdam, 2015, p. 64). McAdam focused on the idea that "the Indigenous people are not a lawless people; the Creator's laws are strict and inform every part of a person's life. It is these laws that governed and guided in the days when Europeans did not walk the territories of Indigenous people. These laws still exist and can be revitalized" (McAdam, 2015, p. 23). Ultimately, she argued that the revitalization of Cree laws as a basis for Cree sovereignty and nationhood needs to be accomplished "so that the generations of Indigenous and non-Indigenous people who share this land may do so in peace and justice" (McAdam, 2015, p. 85).

In terms of my specific dissertation topic, one work on Cree law that deals directly with contemporary issues of lateral violence<sup>29</sup> in Indigenous communities is *The Wetiko Legal Principles* (Friedland, 2018). In this work, Hadley Friedland examined traditional *Wetiko* stories to identify Cree and Anishinabek legal orders. The *Wetiko* is a dangerous cannibal figure who appears in Cree and Anishinaabe stories: they are a transformed person who does monstrous things to other people (Friedland, 2018). Friedland argued that there are three reasons why the *Wetiko* figure can be used as a legal categorization of harm. First, the subject matter of the stories

---

<sup>29</sup> This work also deals with the topic of child sexual victimization, which is beyond the scope of this dissertation and will not be directly discussed.



fits within a vital part of the minimal content of any functional legal order, which is how to prohibit or restrict aggression and violence that result in killing or bodily harm (Friedland, 2018). Second, the stories demonstrate a collective reasoning and practical problem-solving process that is legal, therefore the *Wetiko* legal principles are the product of reflective practical experience that is done publicly and is collectively owned (Friedland, 2018). And finally, the *Wetiko* legal principles identify binding obligations and internalized commitments to act on felt obligations when a *Wetiko* is identified (Friedland, 2018).<sup>30</sup>

In addition to these larger studies, there are a number of other scholarly works that explore and expand on Cree law and related concepts. In 2016, a linguistic study was published that discussed how Plains Cree language speakers express Cree ethics in their speech (Muehlbauer, 2016). Rather than take an anthropological or linguist analytic approach to Plains Cree speech, Jeffrey Muehlbauer focused on “what the community themselves think about these [sentence] forms” (Muehlbauer, 2016, p. 80) to understand “a fundamentally Cree perspective on the purposes and needs of communication” (Muehlbauer, 2016, p. 81). He linked speech to cultural norms<sup>31</sup> and was able to “piece together a basic set of norms that are referenced in Plains Cree discourses” (Muehlbauer, 2016, p. 81). These norms included *wahkepinewin* (vulnerability), where “the speaker makes themselves open and vulnerable to the listener” (Muehlbauer, 2016, p. 82), which is linked to the notion of truth and relates to a key Cree ethic of speaking accurately (Muehlbauer, 2016). Another norm was *kitimakeyihowin* (compassion), or “looking on the hearer [of speech] with compassion [which] is a crucial ethic for Cree discourse” (Muehlbauer, 2016, p. 85). Muehlbauer further explained that “the concept expressed by *kitimak-* [the root word] describes the right attitude for the powerful to have towards those less powerful” (Muehlbauer, 2016, p. 86). Based on these norms, he argued that “Plains Cree rhetorical ideals [follow] a concept [called] ‘mutual thinking’ (1992:62), which tends to be expressed in Cree as *nisitohtamowin*, often glossed over as understanding. When someone speaks, [Cree people] assume...that the hearer is going to listen to them carefully (*nanahitamowin* ‘careful, respectful listening’) and try to think along with them” (Muehlbauer, 2016, p. 89). This ethic of careful speech based on vulnerability and compassion stands in

---

<sup>30</sup> This specific work is discussed at greater length in Chapter *nikotwāsik* (six).

<sup>31</sup> For the purposes of this discussion, I understand norms as internalized obligations to society. Internalized obligations to society can become formally inscribed as laws, but even when they are not formalized, norms guide human conduct and social interactions as much as laws do.

contrast to “Aristotle’s model of rhetorical technique [which] emphasized a fundamentally assertive and adversarial relation between speaker and hearer...[and] has had enormous influence on Western institutions [such as] law” (Muehlbauer, 2016, p. 88-89).

Another study that relates to the previous norms is Nigel Baker-Grenier’s exploration of how *kitimahkinawow* (pity) and *kitimahkisin* (compassion) are legal principles within the Cree legal order (Baker-Grenier, 2021). As a Swampy Cree man, he drew on his relational knowledge from his Nohkom (grandmother), who is Swampy Cree from Weenusk First Nation, northern Ontario, and his father-in-law, Lawrence Tottier, who is Plains Cree from Onion Lake, Saskatchewan. Baker-Grenier defined *kitimahkinawow* as taking pity on someone, which in Plains Cree language “describes the quality of a person’s actions when they show kindness, pity, and compassion towards others” (Baker-Grenier, 2021, p. 2). He defined *kitimahkisin* as being pitiful, and “recogniz[ing] that we are dependent on pakwataskamik (the land), Kisemanito (our Creator), and each other for substance. Each person has a gift, and we have a responsibility to use these gifts to benefit society, for we are all kitimahkisin” (Baker-Grenier, 2021, p. 2). Both words share a common root with the previously discussed word *kitimakeyih towin*: *kitimak-*, which Muehlbauer identified as “something that flows from the powerful to the less powerful” (Muehlbauer, 2016, p. 87). By “braid[ing] together *âtayôhkêwin* (stories), *Nêhiyawêwin* [Cree language], and Indigenous legal theory” (Baker-Grenier, 2021, p. 2), Baker-Grenier argued that “*kitimahkinawow* and *kitimahkisin* are living laws which obtain meaning through the practice of caring for the poor and marginalized” (Baker-Grenier, 2021, p. 2). He concluded that “Cree law includes a responsibility to treat others with *kitimahkinawaw*, to take pity on them and act compassionately. A duty of *kitimahkinawaw* extends to people outside one’s nuclear family and community to include strangers and other species to whom we are all bound through *wahkohtowin*. Further a duty of *kitimahkinawaw* extends to people who are dangerous and harmful” (Baker-Grenier, 2021, p. 25).

Although Baker-Grenier focused on personal reflection and responsibility as a means for implementing Cree law, an article based on a three-year research project in Alberta discussed how to develop policies that will help to repair the relationship between Indigenous people and mainstream society (LaBoucane-Benson et al., 2012). This research was focused on examining how existing water policies in Alberta have created *pomewin* (despair) in Indigenous communities, and proposed that Cree understandings of the sacred relationship with water could

be used to create water policies that would result in *pimatisiwin* (good life) for all Albertans (LaBoucane-Benson et al., 2012). Although this research project was primarily focused on Indigenous science, it also included a discussion of how “government policies have undermined the ability of [Cree] knowledge keepers to pass on their understanding of Natural Law and the rules that govern all relationships” (LaBoucane-Benson et al., 2012, p. 1). Specifically, the article identified that “the [Cree] people must adhere to the Creator’s laws that govern relationships between all things (*wahkohtowin*) and the laws that direct us to have good relationships between people (*miyo-wícehtowin*). Living within the boundaries of these laws will ensure that the people will feel safe, secure, and able to live ‘the good life’ (*pimatisiwin*)” (LaBoucane-Benson et al., 2012, p. 5).

A second article that focused on the “operation of Indigenous law” (Wildcat, 2018, p. 13) was Matthew Wildcat’s exploration of institutional transformation of the Maskwacis Education Schools Commission in the Plains Cree community of Maskwacis, Alberta (Wildcat, 2018). Although Wildcat stated “my work here does not attempt to describe in full how *wahkohtowin* operates as a legal principle with Maskwacis...[I do] focus on the central role *wahkohtowin* played in the largest institutional transformation the community has ever undertaken” (Wildcat, 2018, p. 13). Wildcat argued that “concepts and philosophies focused on kinship, such as *wahkotowin*, were a central aspect of ordering political authority within the Plains Indigenous political order prior to the rise of settler society” (Wildcat, 2018, p. 15). Similarly to McAdam’s approach, Wildcat also included a discussion of Treaty rights and how *wahkohtowin* intersects with those rights. However, Wildcat’s discussion identified how protecting Treaty rights emerged as a community concern in regard to amalgamation of the four member reserves’ educational systems: a concern that was ultimately alleviated by “a focus on doing what is best for children and *wahkohtowin*” (Wildcat, 2018, p. 19). Importantly, because Wildcat’s research focus was on “systems level analysis, or how First Nations governments are positioned in relation to one another” (Wildcat, 2018, p. 17), his article included the caution that “political and legal traditions within Indigenous communities at times conflict with each other and this becomes apparent when we attempt to make decisions collectively” (Wildcat, 2018, p. 13). Despite this caution, Wildcat concluded that “without a focus on *wahkohtowin* we would not have had the capacity to work against the dynamics that prevent Indigenous

cooperation...[therefore] *wahkohtowin* remains well understood within the community as a philosophical concept” (Wildcat, 2018, p. 20).

Also in 2018, Darcy Lindberg, published an article on how Cree ceremonial aesthetics relate to Cree legal pedagogy (Lindberg, D., 2018). In this article, Lindberg argued that “law can be beautiful. It can even be imaginative and seem fantastical. Within this beauty lie the precepts of order and rule of law that are found in the common law. With the exploration of the aesthetics of Nehiyaw legal orders...I argue that beauty is essential” (Lindberg, D., 2018, p. 53). Rather than approach Cree law through stories or language, Lindberg examined “one location of Nehiyaw legal knowledge, the sweat lodge ceremony, to provide an example of how aesthetics influence Nehiyaw legal pedagogy” (Lindberg, D., 2018, p. 53) and analyzed how *wahkotowin* was experienced and taught in the sweat lodge ceremony. He critiqued “the impoverished role of aesthetics in Euro-American legal systems [which] delegitimizes the aesthetics of other legal systems” (Lindberg, D., 2018, p. 54) and identified that “Nehiyaw law is found in songs, stories, ceremonies, kinship orders, and artistic renderings” (Lindberg, D., 2018, p. 54). In an approach somewhat similar to Muehlbauer, he “examine[d] the (legal) norms shared amongst Nehiyaw peoples and their use in providing collective meanings...[considering] the normative aspect of Nehiyaw legal ordering, where social norms become law through normative contemplation and reflection” (Lindberg, D., 2018, p. 55). Lindberg concluded that “Nehiyaw law is often meant to be practiced beautifully to convey its persuasive authority” (Lindberg, D., 2018, p. 55) and that “wahkotowin, the laws that govern our relationships, provides an example of the need for persuasive aesthetics within Nehiyaw legal ordering” (Lindberg, D., 2018, p. 56). This conclusion relates back to understandings of Indigenous law as holistic, relational, and non-directive.

However, throughout the previously discussed work on Cree legal orders and laws, there are still on-going tensions. Some of these tensions can be seen in Emily Snyder’s critiques about how Cree law is taught. In her work, *Gender, Power, and Representations of Cree Law*, Snyder argued that although Cree law is represented in Indigenous discourses as being relationship-based, in fact many representations perpetuate gendered power imbalances that replicate settler-colonial structures (Snyder, 2018). Furthermore, she argues that a crucial aspect of teaching Cree law is “not oversimplifying Indigenous gender norms prior to contact...including deconstructing and challenging romanticizations of Indigenous traditional gender roles in which pre-contact

societies are imagined as perfect and then ruined by colonialism” (Snyder, 2018, p. 17). As Snyder’s work reminds us, Indigenous peoples’ lived realities and Indigenous legal orders are reflective of various underlying power dynamics in Indigenous societies, including “gendered dynamics [that] function both explicitly and implicitly” (Snyder, 2018, p. 15). And, most importantly, her work emphasizes that gendered power dynamics occurred in Indigenous societies before colonization and continues to occur in contemporary Indigenous societies. This lived reality of gendered power imbalances has and continues to impact the development, understanding, and implementation of Cree laws.

Despite critiques of Indigenous legal studies methodologies and how Cree law is taught, I contend that Cree law and the *Wetiko* legal principles can be used to assess and develop OH&S policies and procedures to deal with lateral violence and conflict in the workplace. This is not only consistent with, but also expands on, other scholarship concerning the application of Indigenous cultural values in workplaces (for example, see Crowshoe & Mannes Schmidt, 2002; Haar & Brougham, 2013; Kao, Sinha, & Wilpert, 1999; Rosile, 2016; Tada, 2012). In a Canadian context, Tada identifies that traditional Indigenous values facilitate the formation of social behaviours in Indigenous business operations (Tada, 2012). She concludes that including Indigenous cultural values within economic activities could be used to make the capitalistic and globalized economic system less destructive (Tada, 2012). Furthermore, using Cree law to develop OH&S policies also has the potential to increase workplace satisfaction for Indigenous workers<sup>32</sup>. This would be similar to Jarrod Haar and Dave Brougham’s work with Maori employees. They developed a career satisfaction model with a new measure for workplace cultural wellbeing to understand Maori career satisfaction (Haar & Brougham, 2013). Their study illustrated “the importance of understanding indigenous cultural values and beliefs in the workplace and how HR policies...could be adjusted to fit the desire of indigenous employees” (Haar & Brougham, 2013, p. 887).

However, despite the potential benefits of applying Cree law to workplace policy development, there is a barrier occurring that arises from a gap in the literature. Given that Indigenous legal orders are a living body of knowledge, which are made and remade through our

---

<sup>32</sup> Career satisfaction models are well established in workplace studies and usually include factors of human capital, sociodemographic, individual differences, and organizational sponsorship (Haar & Brougham, 2013). Job satisfaction definitions usually include the feelings an employee has towards their job, either in general or towards specific aspects of it (Hassard, Teoh & Cox, 2013).

everyday actions, there is a significant gap in the study and literature about Indigenous legal orders in general and Cree laws specifically. This gap occurs because much of the academic research is focused on identifying traditional understandings of Indigenous laws. Understandings that are drawn from interviews with community Elders and Knowledge Keepers, who use oral traditions to pass on cultural knowledge. There is a lack of research examining the understandings of Indigenous laws held by younger community members: people who are potentially engaged in the workplace. To identify the understandings of Indigenous laws that may be held by working-age Indigenous peoples, I propose to examine a contemporary Indigenous Voice that transmits cultural knowledge through mainstream storytelling methods: Indigenous literatures.

### **2.5 Indigenous literary studies**

When I begin with my understanding that Indigenous law is a living action that is made and remade through our changing understandings and expressions of *miyo-wicehtowin* (good relationships), then I see law as *miyo-wicehtowin*: the Cree principle of getting along well with others in good relationships to expand the circle (Cardinal & Hildebrandt, 2000). As I think about good relationships, I also think about where I learned about myself, how to manage my and other's actions, and what the consequences of my actions might be for other people. As Daniel Heath Justice argues in *Why Indigenous Literatures Matter* (2018), one way I learned about good relationships was through stories generally and, more specifically, in written literature.

Contemporary Indigenous literatures<sup>33</sup> are not only about how Indigenous Peoples express themselves: it is also one of the ways that Indigenous Peoples can learn about themselves. Indeed, "by virtue of their very existence, Indigenous literatures affirm Indigenous experiences, presence, and possibility" (Justice, 2018, p. 208). As a Cree person, my lifelong engagement with Indigenous written literatures has been a significant pathway to identify, internalize, and feel obligations based on Indigenous ways of knowing. Cree poetess and Elder, Louise Bernice Halfe (Skydancer), characterizes stories as good and bad medicine: she believes

---

<sup>33</sup> In referring specifically to the plural form of Indigenous literatures, rather than a singular Indigenous literature, I am following Gregory Younging's lead. He defines the singular term, Indigenous literature, as a pan-Indigenous, umbrella term, similar to European literature, and suggests that the plural form is a more appropriate term to use when referring to contemporary Indigenous literary works (Younging, 2018).

that although stories can harm us, they can also heal our spirits and bodies by reminding us of the greatness of where we came from and who we can be (Justice, 2018). Indigenous literatures are strong literatures because they stimulate thoughts and ideas. However, as with any strong medicine, strong literatures must be consumed cautiously by the reader. For example, during this research I consumed four ‘bad medicine stories’: the Cree literature I worked with contained stories about violence, harm, sexism, racism, cannibalism, and paedophilia. Although these stories were triggering for me, they also gave me the opportunity to re-examine harms that had occurred in my life, which became a healing process. Therefore, the stories were simultaneously bad and good medicine, but by engaging with them in a respectful, thoughtful, and supported manner I was able to consume the good medicine contained within them.

In terms of Indigenous literary studies, one contested area has revolved around the question of whether Indigenous literatures represent an authentic Indigenous Voice. A second contested area concerns whether contemporary Indigenous literatures contain Traditional Knowledge. Both concerns are relevant to whether Cree legal traditions can be found in contemporary Cree literature. However, as the late Gregory Younging argues, Indigenous Voice is found in the “creation and expression of culture by Indigenous Peoples – through any traditional medium, or any contemporary medium, or any combination of these” (Younging, 2018, p. 11). He goes on to further state that a unique contemporary Indigenous Voice is created when traditional and contemporary storytelling is woven together into “distinct, culturally based, contemporary literary forms. These works are the most culturally authentic literary expression of Indigenous realities” (Younging, 2018, p. 11). Indeed, Younging considers that the Indigenous Voice is in constant dialogue with Oral Traditions and Cultural Knowledge, and that contemporary stories represent a continuum from Traditional Stories, wherein “Indigenous authors have expressed and developed the Indigenous Voice, establishing contemporary Indigenous Literatures as a new literary form” (Younging, 2018, p. 13).

Further to Younging’s argument that Indigenous literatures express an authentic Indigenous Voice, in *Bawaajimo: A dialect of dreams in Anishinaabe language and literature* (2014), Margaret Noodin examines contemporary literature by four Anishinaabe authors who write in English. Her analysis of Anishinaabe literature is based on the “structural analysis of Anishinaabemowin combined with patterns of composition and meaning in Anishinaabe literature” (Noodin, 2014, p. xvii). She argues that “contemporary Anishinaabe authors exhibit,

to varying degrees, and with varying levels of intent, familiar patterns of language and narrative construction that can be connected not merely to the identity of the author, but to the history of storytelling in the community” (Noodin, 2014, p. xviii). Furthermore, Noodin points out that “Anishinaabe authors move from one language to another by choice and necessity...(and that) contemporary creations still reflect indigenous Anishinaabe patterns” (Noodin, 2014, p. 19). Through tracing the history of Anishinaabe colonial contact, particularly in regards to written texts, Noodin identifies that by the 1980s and 1990s “elders and young writers were also recognizing that the stories should also be told in English if there was to be any hope that a collective memory of place and history would be transmitted to another generation” (Noodin, 2014, p. 31). As demonstrated by her research, Indigenous authors who choose to write in English are still conveying an authentic Indigenous Voice.

In his foundational text, *Why Indigenous Literatures Matter*, Justice argues that Indigenous literatures are one way in which we learn how to become good relations because “story makes meaning of the relationships that define who we are and what our place is in the world: it reminds us of our duties, our rights and responsibilities, and the consequences and transformative possibilities of our actions” (Justice, 2018, p. 75). Justice further argues that “there can be no true kinship without imagination. The more expansive our imaginations, the deeper our capacity for empathy, and the healthier our relationships and communities will likely be” (Justice, 2018, p. 77). Indigenous literatures present relationships as they are and as they could be: they are full of stories that “remind us of who we are and of our belonging. Stories [that] hold within them knowledges while simultaneously signifying relationships...they are active agents within a relational world, pivotal in gaining insight into a phenomenon...they tie us with our past and provide a basis for continuity with future generations” (Kovach, 2009, p. 94). Indigenous literatures are Indigenous stories: stories that powerfully express Indigenous knowledges and relationships. They are both good and bad medicine.

In Justice’s review of Jo-Ann Episkeneuw’s work on Indigenous literature, healing, and Canada’s ‘Indian’ policies, he points to “the transformative power of literature by Indigenous writers in Canada to effect healing from the ravages of colonialism...suffered by Aboriginal communities...and settlers, too” (Justice, 2012, p. 101-102) as well as “literature’s transformative truth-value” (Justice, 2012, p. 103). In this work, Episkeneuw examines contemporary Indigenous novelists who “made deliberate choices regarding the mode of



discursive production so as to ensure that their novels were effective in their socio-pedagogical objectives by being accessible and appealing to a broad range of audiences” (Episkenew, 2009, p. 111). She points out that because these authors “understand that many of their relatives suffered horrific experiences in the educational system and, consequently, have low levels of literacy...these writers create works of fiction that function as counter-stories to heal community, as implements of social justice, and as tools of anti-racist education” (Episkenew, 2009, p. 146). When she uses Indigenous literatures as a means of healing Indigenous communities from historical trauma, Episkenew concludes that “reading fiction is as effective in assisting readers to see order and relation as is reading life writing” (Episkenew, 2009, p. 110). In other words, Indigenous literatures are one way that Indigenous Peoples can see *miyo-wicehtowin*, or Indigenous laws regarding how to behave towards each other. And, like other academics, Episkenew and Justice recognize the powerful role that Indigenous literatures play in naming and healing from the effects of colonialism, including inter-generational trauma and lateral violence.

Especially relevant to my argument, one work that specifically draws together Indigenous legal studies and Indigenous literatures, and applies them to governance and policy issues is Cheryl Suzack’s book, *Indigenous Women’s Writing and the Cultural Study of Law* (2017). In this work, Suzack draws “attention to gender justice as an issue crucial for the survival of Indigenous peoples...asserting that the knowledge claims embedded within Indigenous women’s cultural practices are essential to conceptualizing Indigenous justice” (Suzack, 2017, p. 5). She examines how Indigenous women’s literature centers the experience of gender relations, social inequality, and Indigenous women’s dispossession from social and political authority in a transnational context (Suzack, 2017). Suzack argues that law is a form of storytelling which is embedded within a cultural narrative and that recovering the agency of Indigenous women is an essential aspect of recovering Indigenous legal systems (Suzack, 2017). Furthermore, Suzack identifies that Indigenous women’s writing

undertakes an important social justice task, one that [she] define[s] as Indigenous feminist in its summoning of an Indigenous feminist literary activism through engagements with law and cultural discourses...[and that] literary texts also participate in a social justice project by opening up a creative-critical space for the re-imaginings necessary to bring social and legal justice to Indigenous women (Suzack, 2017, p. 125).

By expressing Indigenous knowledges and relationships, Indigenous literatures envision futures filled with self-determination, with healthy<sup>34</sup> individuals who are engaged in building healthy communities as part of decolonization and resurgence. For example, Carpenter suggests that Indigenous Gothic literary works are “anti-colonial projects that specifically figure female Indigenous rage as a direct result of colonialism” (Carpenter, 2017, p. 48) and demonstrates through critical literary analysis that the “windigo...is an especially useful trope for the Indigenous Gothic: it is often used to invoke (and critique) the selfishness and destruction of capitalism and colonialism (Carpenter, 2017, p. 49). As well, in *Violence Against Indigenous Women* (2017), Allison Hargreaves analyzes Indigenous women’s literary texts in the context of colonial and gendered violence to identify the relationships between violence and representation and to understand how literature can “instruct its readers in decolonizing approaches to anti-violence resistance” (Hargreaves, 2017, p. 6). Hargreaves argues that “contemporary literature plays an important role in analyzing colonialism and in enacting resistance. Understood within Indigenous storytelling epistemologies, literature is a powerful means of knowledge transmission and social critique” (Hargreaves, 2017, p. 1). And when speaking about the activism and resistance surrounding the issue of violence against Indigenous women in Canada, Hargreaves points to how “Indigenous women’s literature [can] help theorize decolonizing approaches to anti-violence resistance” (Hargreaves, 2017, p. 4).

Another substantial body of work that is situated at the intersection of Indigenous literatures, violence, and Indigenous resistance has been written by Métis scholar and professor of Native Studies, Emma LaRocque. From her seminal work on Indigenous stereotypes within education, *Defeathering the Indian* (1975), to her comprehensive look at Indigenous literature, *When the Other is Me: Native Resistance Discourse 1850-1990* (2010), LaRocque has continually critiqued the status quo of Canadian colonialism and linked Indigenous literatures to Indigenous resistance. In addition, LaRocque’s work, *Reflections on Cultural Continuity through Aboriginal Women’s Writings* (2009), paved the way for many of the previously discussed

---

<sup>34</sup> I use the term ‘healthy’ to refer to individuals who are in a state of holistic well-being and who are able to contribute in positive ways to the health of their communities. In using this term, I draw on Indigenous concepts of wellness as including mental, emotional, spiritual, and physical aspects that are in balance and supported by values such as respect, wisdom, responsibility, and relationships, and which includes individuals, land, community, family, and nations (First Nations Health Authority, 2024). This term is not intended to exclude people who may experience physical or mental challenges.

arguments that Indigenous literatures express Indigenous cultures through an authentic Indigenous Voice. As LaRocque concluded about contemporary Indigenous women's writings:

in the tradition of our grandmothers and mothers, Aboriginal women have continued to work for the preservation of our families, communities, and cultures, and, in so doing, are keeping our peoples and cultures alive and current. Writing is one such expression of both creativity and continuity. Since the late 1960s, Aboriginal women have been creating a significant body of writing, which serves in many respects as a vehicle of cultural teaching and reinvention as well as cultural and political resistance to colonialism with its Western-defined impositions, requirements, and biases. But writing is also about the love of words, which at once expresses indigenous roots, social agency, and individual creativity (LaRocque, 2009, p. 155).

LaRocque's broad approach to Indigenous literatures incorporates elements of literary analysis, demonstrations of cultural agency, and critiques about colonization and colonial-Indigenous relations. She uses these elements to argue that Indigenous storytelling is powerful, both in what it says about how the world is and in what it imagines the world could be. The power of Indigenous storytelling is a central and consistent element in the works of many other senior scholars and writers, such as Thomas King (2003), Tomson Highway (2017), and Harold Johnson (2022). Indeed, as the late Harold Johnson so eloquently puts it,

all these trees, and that water over there, and this grass, and all the animals, and the birds, and everything else, and the spirits of this place, are all part of a shared story that we – Indigenous and non-Indigenous people alike – are all included in. The land – us – the water – the sky – we're all part of one big, beautiful story (Johnson, 2022, p. 25).

## 2.6 Summary (*naspasihikew*)

Stories, laws, and governance express relationship. Relationship is *wahkohtowin*. To say 'all my relations' includes acknowledging the responsibilities and obligations we have towards each other: *miyo-wicehtowin* (good relationships). We are all obligated to create good relations with each other to expand the circle and support each other's *miyo-pimacihisowin* (making a good living). This is my worldview which grounds my research. Using this worldview has led me through a literature review of four areas: lateral violence in Canadian workplaces, organizational governance and Indigenous governance, Indigenous legal studies, and Indigenous literary studies. Much like a talking circle, I have listened to the words of many scholars and my research is stronger for that experience.

### ***Chapter 3 (nisto – three): theory and method***

One of the central aims of my research is to critically assess OH&S policies which have been Indigenized. As discussed in previous chapters, my research generally draws on several specific academic works to analyze how OH&S policies based on Cree law can be used to address lateral violence and colonial power dynamics in the workplace. Friedland's book, *The Wetiko Legal Principles* (2018), centers my approach to the dissertation topic, while Suzack (2017) and Episkeneu's (2009) works broaden my approach. To reiterate, Friedland (2018) case briefed traditional oral Cree and Anishinaabe *Wetiko* stories to establish the *Wetiko* as a legal category of harm that could be applied to the "contemporary problem of lateral violence and child sexual victimization in Indigenous communities" (p. 33). Suzack (2017) aligned case law and literary texts to show "how Indigenous women writers establish an emergent Indigenous feminist critical subject with which to engage legal events" (p. 4). And Episkeneu (2009) demonstrated that "Indigenous literature examines many of the 'social problems' that Indigenous communities experience today...and reveals how these problems are linked to the policies of the colonial regime" (p. 190). My inter-disciplinary research builds on the work of these scholars who have used intersecting approaches within their research. However, although these works and scholars grounded my work in terms of concrete applications, I approached my research by drawing on a wider range of scholarship to develop a theoretical and methodological framework.

Specifically, I used an inter-disciplinary approach to develop a theoretical and methodological framework for my research. This approach is consistent with disciplinary standards within Indigenous Studies, which encourages inter-disciplinarity when choosing theories and research methods (Andersen & O'Brien, 2017; Innes, 2010; Simpson & Smith, 2014). Indeed, some Indigenous Studies scholars argue that in terms of theoretical approaches to Indigenous Studies research, Indigenous "intellectual sovereignty requires not isolationism but intellectual promiscuity" (Simpson & Smith, 2014, p. 9). Furthermore, it is well established that "as Indigenous Studies continues to emerge [as a discipline], it continues to draw on a huge array of disciplines and methodological debates to inform our perspectives and work" (Andersen & O'Brien, 2017, p. 2). Rather than adhere to a strict theoretical and methodological division between the sciences, social sciences, and humanities, I chose to use appropriate theories and methods from a variety of disciplines. In this way, my work is consistent with an Indigenous

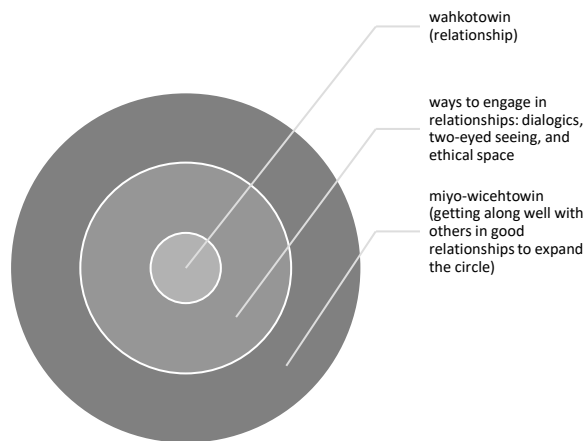
Studies disciplinary stance that “AIS [American Indian Studies] methodology...has emerged from the experiences of academically trained researchers of American Indian research projects” (Innes, 2004, p. 134). Ultimately, the primary concern in Indigenous Studies is that “American Indian Studies methodologies have substance, ethics, accountability, and produce results for Native people” (Innes, 2004, p. 137) rather than the selection of theories and methods that arise from a single disciplinary approach.

In this Chapter *nisto* (three), I present the theoretical framework and methodologies I used for this doctoral research in depth. Overall, my theoretical framework and methodologies are grounded in my worldview of *wahkohtowin* (relationship). By using this ontological approach to theory and method, I am building on the work of other Indigenous scholars from a variety of disciplines who have used *wahkohtowin* and relationship as the framework for their research (for examples, see Macdougall, 2010; McLeod, 2007; Wilson, 2008). First, I will discuss my theoretical approach, which draws on three theories: dialogics (Freire, 1970; Freire, 2014), two-eyed seeing (Bartlett, Marshall & Marshall, 2012), and ethical space (Ermine, 2007). Next, I will discuss my specific methodological approach, which involved developing the Indigenous Literary-Legal Policy Analysis framework (ILLPA) and two sub-methods: an Indigenous literary analysis model (ILAM) and an expanded case briefing method.

### **3.1 Theory (*wâskameyihtamwak – s/he is thinking clear thoughts*)**

Consistent with my over-arching worldview based in *wahkohtowin* (relationship), *miyo-wicehtowin* (good relationships), and *miyo-pimachthisowin* (making a good living), my theoretical approach to my research topic draws on three theories. Although I used these three specific theories, the ILLPA framework allows for researchers to draw on different theories, if they so choose. The theories that I used propose ways that we can establish good relationships that benefit all parties. The theories of dialogics (Freire, 1970; Freire, 2014), two-eyed seeing (Bartlett, Marshall & Marshall, 2012), and ethical space (Ermine, 2007) are from different academic disciplines and time periods. However, they are all grounded by the ontological framework of *wahkohtowin* (relationship) as they grapple with how to engage in relationships: specifically, how to create positive and equitable relationships between Indigenous Peoples and colonial powers. As illustrated in Figure 3.1, because of their relationship orientation, these theories have all found different ways of moving us forward into *miyo-wicehtowin* (good

relationship). Taken together, the theories of dialogics, two-eyed seeing, and ethical space accomplish a paradigm shift (Kuhn, 1962). By using these theories grounded in the framework of *wahkohtowin* (relationship), my research is able to embrace a relational approach rather than a punitive approach when addressing lateral violence in the workplace. A relational approach works to create *miyo-wicehtowin* (good relationships) between all parties, which then opens up opportunities to create workplaces that facilitate *miyo-pimachihisowin* (making a good living) for everyone.



**Figure 3.1: relationship theories**

In my understanding, each of these three theories is about embodied relationality. When I speak about *miyo-wicehtowin* (good relationship) I am talking about good relationships but not just in a conceptual sense. *Miyo* means good, but it also means body. Therefore, entering into *miyo-wicehtowin* (good relationship) is about being in good physical relationships. Relationships where we use our ears to hear each other and our voices to speak to each other: dialogics. Relationships where we use our eyes to see each other and our bodies to take action: two-eyed seeing. Relationships where the space between our bodies is recognized and what we do together in that space is critical: ethical space. In this way, I understand the three theories I have chosen to use as similar to the statement I made earlier: the land is our body and our bodies are the land, or the research is our body and our bodies are the research. These three theories are about our

embodied knowledge and the knowledge we can create together when we are in embodied relationships with each other. Embodied relationships that include people, non-human beings, and the land.

### 3.1.1 Dialogics

Paolo Freire has been an extremely influential thinker for several disciplines, including Indigenous Studies. Freire “was an educator whose global legacy is of much the same stature as Nelson Mandela’s; motivated by many of the same political sources; elevated by similar political ideas of freedom, equality, and emancipation; and shaped by the same decades of radical activity during the 1960s and 1970s” (Peters & Besley, 2015, p. 3). His 1970 publication, *Pedagogy of the Oppressed*, is considered a classic and “its influence continues to grow across both the decades and different political eras” (Peters & Besley, 2015, p. 4).

Freire’s profound argument was that those who are oppressed must not “become in turn oppressors of the oppressors, but rather restorers of the humanity of both” (Freire, 1970, p. 28). He theorized that the way to restore the humanity of both the oppressed and the oppressors was through dialogics, which is dialogue or the “encounter between men [*sic*], mediated by the world, to name the world” (Freire, 1970, p. 76). Freire argued that when dialogue was based on love, humility, and faith it “becomes a horizontal relationship of which mutual trust between the dialoguers is the logical consequence” (Freire, 1970, p. 80). Therefore,

dialogue is meaningful precisely because the dialogical subjects, the agents in the dialogue, not only retain their identity, but actively defend it, and thus grow together. Precisely on this account, dialogue does not *level* them, does not ‘even them out,’ reduce them to each other. Dialogue is not a favor done by one for the other, a kind of grace accorded. On the contrary, it implies a sincere fundamental respect on the parts of the subjects engaged in it (Freire, 2014, p. 107).

Furthermore, dialogue both requires and generates critical thinking (Freire, 1970). Critical thinking, or critical consciousness, has become a crucial component in developing both the discipline of Indigenous Studies and Indigenous pedagogies within academia (Cardinal, 1999; LaRocque, 2016; Manuel & Posluns, 1974). Certainly, when I seek to engage with Freire’s works about dialogics and critical thinking/consciousness, I believe I am learning from a person with an immense understanding of *wahkohtowin* (relationship) and *miyo-wicehtowin* (good relationships). Freire is a person I place in the same category as an Elder for two reasons: he

demonstrates the same capacity for teaching, self-understanding, and *miyotehewin* (kind heartedness) and his theory of dialogics brings together multiple perspectives in much the same way as two-eyed seeing does.

### 3.1.2 Two-eyed seeing

A second, and related, theory that I draw on in my research is two-eyed seeing. This theory was first identified and brought forward by Elder Albert Marshall (Bartlett et al, 2012, p. 332). It is “the gift of multiple perspective treasured by many aboriginal peoples and [Elder Albert] explains that it refers to learning to see from one eye with the *strengths* of Indigenous knowledges and ways of knowing, and from the other eye with the *strengths* of Western knowledges and ways of knowing, and to using both these eyes together, for the benefit of all” (Bartlett et al, 2012, p. 335). This theoretical concept emerged as one of the eight lessons learned for weaving Indigenous Knowledge (IK) and mainstream science together in education. Since the early 2000’s, Elder Albert Marshall, an Elder of the Mi’kmaw Nation, Elder Murdena Marshall, an Elder of the Mi’kmaw Nation and professor emeritus at Cape Breton University, and Cheryl Bartlett, a biologist at Cape Breton University, have worked “to weave indigenous and mainstream knowledges within science curricula and related research projects” (Bartlett et al, 2012, p. 332).

It is very clear that Elder Albert grounds the theory of two-eyed seeing in his traditional understanding of relationships. This can be seen when he states:

Two-Eyed Seeing adamantly, respectfully, and passionately asks that we bring together our different ways of knowing to motivate people, Aboriginal and non-Aboriginal alike, to use all our understandings so we can leave the world a better place and not compromise the opportunities for our youth (in the sense of Seven Generations) through our own inaction...Two-Eyed Seeing...is about life: what you do, what kind of responsibilities you have, how you should live while on Earth (Bartlett et al, 2012, p. 340).

In my understanding of his words, Elder Albert is speaking of *wahkohtowin* (relationship), *miyo-wicehtowin* (good relationships), and *miyo-pimachihisowin* (making a good living). The profound insight that our ability to create opportunities for a good life is dependent on our ability to create respectful relationships with all our relations is consistent with teachings from other Elders (for example, see Cardinal & Hildebrandt, 2000). In a similar fashion to dialogics, two-eyed seeing is founded on the principle that positive relationships are created



when the strengths that both parties possess are acknowledged and valued: thus creating an opportunity for collaboration in the ethical spaces between groups.

### 3.1.3 Ethical space

Willie Ermine, a member of Sturgeon Lake First Nation and an Assistant Professor with the First Nations University of Canada, wrote *The Ethical Space of Engagement* about the intersection of Indigenous laws and Canadian legal systems (Ermine, 2007). He argued that when these two societies engage with each other an 'ethical space' is formed "between the Indigenous and Western thought worlds" (Ermine, 2007, p. 194). Each society brings their worldview to this space, which is "initially conceptualized by the unwavering construction of difference and diversity" (Ermine, 2007, p. 194). This conceptualization of difference opens up a theoretical space between the two societies. Ermine drew on the philosophical work of Roger Poole to identify that this theoretical space is structured by the intentions of the two parties, and then proposed that "the sacred space of the ethical helps us balance...the intersection of Indigenous and Canadian law" (Ermine, 2007, p. 196).

Ermine further argued that when Indigenous laws and Canadian legal systems interact, they should do so following 'rules of engagement' laid out in treaties, which "still stand as agreements to co-exist...[that] set forth certain conditions of engagement between Indigenous and European nations" (Ermine, 2007, p. 200). When we follow these 'rules of engagement', we shift perspectives to recognize frameworks that can reconcile worldviews. Ermine compellingly concluded that "the theory of the ethical space is one such framework and configuring ethical/moral/legal principles in cross-cultural cooperation, at the common table of ethical space, will be a challenging and arduous task" (Ermine, 2007, p. 201). However, it is a worthwhile task to engage in because ethical space has the potential to transform asymmetrical power relationships into partnerships.

The relational approach that is seen in dialogics, two-eyed seeing, and ethical space is consistent with the principles of traditional justice, which is "an activity of teaching that includes accountability, restoring things, repairing harm, and encouraging offenders to recognize the impact of their behaviors. It also refers to community participation in the process" (Hansen, 2011, p. 209). Furthermore, because "Indigenous restorative justice is typically a process based in Indigenous legal traditions" (Hewitt, 2016, p. 316) the theoretical orientation of relationship as

a means to address lateral violence in the workplace leads to the methodology used in my research.

### **3.2 Methodology (*chipatahike* – method for doing an action)**

As stated before, to conduct my research, I developed an original and unique methodology for policy analysis: the Indigenous Literary-Legal Policy Analysis Framework (ILLPA). I applied the ILLPA framework to four examples of contemporary Cree literature: *Back Track* (Johnson, 2005), *Songs to Kill a Wihitkow* (McLeod, 2005), *Rose's Run* (Dumont, 2014), and *Birdie: a novel* (Lindberg, 2015). Using the ILLPA framework allowed me to determine that contemporary Cree literature contains Cree laws related to lateral violence and provided a structure to analyze organizational policies and procedures.

#### **3.2.1 Indigenous Literary-Legal Policy Analysis Framework**

The ILLPA framework is a five-step process that is used on Indigenous literature to identify and analyze Indigenous laws, and then develop and/or assess policies and procedures. The first step is analyzing contemporary Indigenous literary works using an Indigenous literary analysis model. While others (for example, see Askew, 2016; Friedland, 2012; Friedland, 2017; Friedland, 2018; Johnson & Groft, 2017) have analyzed and used stories to examine law as discussed in the previous chapter, my approach here is to examine contemporary literary works and to explicitly bring Indigenous literary analysis alongside Indigenous legal analysis. As discussed in more depth in the following section, this model includes analysis of Indigenous Voice, cultural knowledge, colonization and trauma, and literary elements. The second step is using an expanded case briefing model to identify contemporary understandings of Indigenous legal traditions and laws and draw out gendered understandings of harm and legal processes. As demonstrated in Chapter *nîyânan* (five), when this step is applied to contemporary Indigenous literary works it identifies Indigenous legal traditions that relate to the issues/problems, facts, decisions/resolutions, and the holistic reasoning behind the decisions that occur in literary works. The third step of the ILLPA framework is placing the expanded case briefing results within a legal analytical framework of identifying legal processes, responses and resolutions, obligations, rights, and general underlying principles (Friedland & Napoleon, 2015-2016). This step

facilitates comparative analysis between traditional and contemporary understandings of Indigenous legal traditions and laws to see continuities and changes over time.

The fourth step of the ILLPA framework draws together the previous literary and legal analysis to engage in thematic analysis by explicitly drawing on the theories chosen by the researcher. Separating thematic analysis into a distinct step provides researchers with the maximum flexibility to choose theories that work for their research purposes rather than being tied to preset theoretic choices. As demonstrated in Chapter *tepakohp* (seven), by the fourth step of ILLPA the rich groundwork that has been laid in steps one to three allows for a nuanced discussion of selected overarching themes and principles which both underly and impact the application of Indigenous legal traditions and laws. Then, in the fifth step, all of the previous results and insights are applied to policy analysis. When using the ILLPA framework, the last step of policy analysis is able to target, identify, and probe specific opportunities and obstacles in regards to how Indigenous legal traditions and laws are currently being used within Euro-Western policies and procedures, as well as present specific recommendations for how Indigenous legal traditions and laws could be purposefully incorporated into these policies and procedures in a deep and meaningful way.

### **3.2.2 Indigenous literary analysis model**

As the first step in the ILLPA framework, I developed an Indigenous literary analysis model (Figure 3.2). This was necessary because Indigenous literatures cannot be approached in the same way as mainstream literatures (Blaeser, 2016; Ermine, 2016; Macfarlane & Ruffo, 2016; Reder & Morra, 2016; Sinclair, 2016) and because the literary analysis needed to be structured in such a way that it would provide the information needed for the expanded case briefing that followed in step two. My Indigenous literary analysis model is conceptualized as a holistic medicine wheel model and can be ‘read’ in the same way that a medicine wheel is ‘read’. One enters the circle from the east with Indigenous Voice, then moves clockwise through the circle from cultural knowledge to colonization and trauma to literary elements. Then the circle is closed by coming back to Indigenous Voice. Each of these elements flow into and affect all the other elements. Although the model presents them as discrete elements that can be analyzed separately, in reality they are interconnected and intertwined parts of a unified whole that must be considered in its entirety.



**Figure 3.2: Indigenous literary analysis model**

The first quadrant of the research model is Indigenous Voice<sup>35</sup>. As established in Chapter *niso* (two), Indigenous Voice is a unique contemporary form of storytelling that can be found in literary forms created by Indigenous Peoples (Younging, 2018). As stated in Principle 3 of *The Elements of Indigenous Style*, Indigenous Voice is found in the creation and expression of culture by Indigenous Peoples, whether it is through traditional mediums, such as Oral Traditions and Traditional Storytelling, or through contemporary mediums, such as film, literatures, fine arts, or through the combination of traditional and contemporary mediums (Younging, 2018). Therefore, because they express an Indigenous Voice, Indigenous literatures are both their own canon<sup>36</sup> and an extension of Traditional Knowledge systems (Younging, 2018). Indigenous literatures are connected to and are extensions of Traditional Stories and Oral Traditions (Younging, 2018).

Each of the four Cree literary works I used in my research expressed an Indigenous Voice. Although this research was not focused on Indigenous identity issues and did not approach identity in an exclusionary or fundamental manner (St. Denis, 2004), it was still

<sup>35</sup> In this research I chose to focus on establishing an Indigenous Voice rather than on discussing appropriation-of-voice (Hoy, 2016). Although the appropriation-of-voice and/or imposter literature debate has been, and continues to be, an important discussion for Indigenous literary studies (Hoy, 2016; Macfarlane & Ruffo, 2016; Younging, 2018), it is outside the scope of this dissertation.

<sup>36</sup> In asserting that Indigenous literatures are their own canon, I follow the lead of Greg Younging, who clearly distinguishes that Indigenous literatures are not a subgroup of the CanLit (Canadian Literature) canon (Younging, 2018).

important to establish that the four authors both self-identified as Cree and were recognized as belonging to Cree communities. This was necessary to understand each author's positionality and contextualize how they expressed their cultural knowledge (Kovach, 2016).

To understand each author's positionality, I gathered available biographical information about the authors' and their various understandings of Cree laws, traditions, culture, and change. As well, to understand how colonization and trauma impacted and was expressed in the works, particularly in relationship to my central research theme of experiencing and responding to lateral violence, I included available biographical information about the author's personal experiences and actions surrounding violence, trauma, and the inter-generational effects of colonization. I also examined secondary sources such as previously published media interviews and promotional materials used by their publishing houses. Using these secondary sources, I worked to understand the choices the authors made about how to tell their stories and what their intent in telling the stories might have been.

Next, I explored how these literary works were all part of Indigenous literatures as a new literary form (Highway, 2017; Justice, 2018; LaRocque, 2010; Younging, 2018). This involved critically examining the literary works to see if they included any of the essential elements of Indigenous literatures, such as giving authority to all voices in the story, giving authority to animals and spirits and natural phenomena, or stretching across long expanses of time in a non-linear narrative (Younging, 2018). It also involved contextualizing the literary works in terms of publication dates and relationships to other Indigenous literatures and authors (Highway, 2017).

For the second and third steps of Indigenous literary analysis I worked to establish the cultural knowledge each work contained, as well as the context of colonization and trauma that each work drew from. I started by exploring how each of the contemporary Cree literary works were unique modes of cultural expression drawing together Indigenous historical perspectives and contemporary Indigenous existence (Johnston, 2016; Valaskakis, 2016; Fee, 2016). This included describing the cultural knowledge contained in the works, such as the use of Cree language and cultural values, as well as identifying the context of historic and on-going colonization and trauma that each work was expressing.

I then moved into the fourth quadrant of my Indigenous literary analysis model to critically engage with the literary elements of each work. For this section, I followed general literary analysis processes: I broke each work down into component parts to discover the

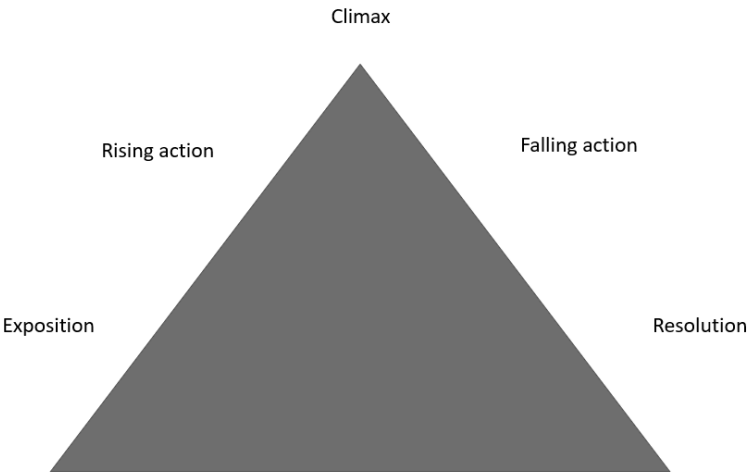
relationship between those parts that gave unity and coherence to the whole (Griffith, 1994). To understand the stories as literary works, I included most of the standard elements of literary analysis, such as theme, symbolism, characterization, and plot (Griffith, 1994). Analysis of these literary elements deepened the expanded case briefing analysis and facilitated a more complete understanding of how each author represented Cree community and individual level processes for identifying and responding to lateral violence and harm.

In terms of analyzing themes, I took an interpretive approach as theme is the central idea(s) in the work. Theme is what the work says about the subject, therefore, as with all literary works, Indigenous literary works can contain several themes, contradictory themes, no themes, or unanswered themes. Theme is where the author grapples with big questions about the nature of humanity, the nature of society, the nature of humankind's relationship to the world, and the nature of our ethical responsibilities (Griffith, 1994). Although theme(s) are complex to identify and analyze, they are an essential element of both general literary analysis and Indigenous literary analysis because themes are what make literary works relevant and applicable to people and communities.

Symbolism is another complex area for literary analysis. It was also an area that related strongly to the author's cultural knowledge. Each author made specific choices about how they expressed cultural knowledge, including the use of the Cree language and the inclusion of cultural symbols that represented both pre-colonization and post-colonization elements. By drawing out and interpreting these symbols, I was able to add depth to the expanded case briefing analysis. I was also able to approach character analysis in a similar fashion to add depth to the expanded case briefing. Usually, the internal and external conflicts that the author is exploring in their work are embodied in both the protagonist and antagonist (Griffith, 1994). By identifying the protagonists, antagonists, and other characters that the author's included in their works, as well as tracking how those characters interacted, I was able to more completely understand the issues, decisions, and reasoning behind the decisions that were occurring in the stories and bring those understandings into the expanded case briefing analysis.

Furthermore, I included a gender analysis component in these three areas of literary analysis: theme, symbolism, and characterization. Law expresses gendered realities and gendered power relationships, so it was important to use a gender analysis lens to examine these works (Snyder, 2018; Suzack, 2017). For example, Boyer presents the common argument that "First

Nation women commanded the highest respect in their communities as givers of life and, as such, were the keepers of traditions, practices, and customs of the nation...underlying principles of gender balance streamed through early society. The issue of balance is not to be construed or constructed as similar to the feminist or Western legal tradition understanding of 'balance' as meaning 'equality'...rather, balance is understood as respecting the laws and relationships that women have as part of First Nations law and the ecological order of the universe" (Boyer, 2009, p. 70-71). However, as Indigenous feminist legal theory points out "legal reasoning and principles, and the ways that these play out in legal processes, are not gender neutral. Legal principles are not pre-existing ideas outside human interpretation. Instead, meaning is made and produced through these principles, and they rely on gendered notions of subjectivity" (Snyder, 2014, p. 393). Therefore, including gender analysis in the literary analysis quadrant supported my ability to incorporate what these Cree works were saying about gender roles and gendered power dynamics into the expanded case briefing analysis.



**Figure 3.3: Freytag's Pyramid**

Finally, plot analysis was a necessary component for preparing the stories to be case briefed. To do this, I used Freytag's Pyramid to categorize and analyze what happened in each story's plot (Figure 3.3). As can be seen in Figure 3.3, Freytag's Pyramid is a "five-stage plot

mapping...developed in consideration of ancient Greek and Shakespearean tragedy” (Dobson et al., 2011, p 171) that focuses on identifying the author’s pattern of carefully selected, causally related events that contain conflict. Stories start with an unstable situation in the exposition, which leads to a series of events that drive the rising action. These events culminate in a climactic event, followed by a short series of falling actions, and a resolution. The story ends with the characters returned to a stable situation (Jago, 2004).

Although I relied heavily on Freytag’s Pyramid to prepare the plots for case briefing, I also incorporated other understandings of how to analyze plot. As Bolter (as cited in Dobson et al., 2011) pointed out in 2001, the

...structural and organizational techniques made possible by new media (e.g., non-linearity, hypertext linking, reader interaction, visibility) produce not only multiple readings of the same story, but multiple stories entirely. From this perspective emerges a view of plot structure as a “reading path” of which there may be more than one, and through which all narrative, printed or digital, can be seen as a space in which the reader participates (Dobson et al., 2011, p. 174-175).

I found that incorporating the analytical perspective that stories contain multiple ‘reading paths’ in which the reader is an active participant, was very helpful for engaging with one of the central elements of Indigenous literatures: that stories stretch across long expanses of time in a non-linear narrative (Younging, 2018). As well, this analytical perspective was consistent with how cultural knowledge is commonly taught by Cree peoples. Cree pedagogy includes the expectation that the listener is an active participant in their own learning, therefore, one teaching can have many ‘reading paths’ which learners access depending on their own state of awareness and preparedness to learn. Learning is ultimately based on *wahkohtowin* (relationship): the relationship the learner has with all their relations, including the story itself.

After I completed the four quadrants of my Indigenous literary analysis model, the works were ready for the second step of the ILLPA framework: an expanded case briefing.

### **3.2.3 Expanded case briefing method**

The second step of the ILLPA framework was applying the case briefing method (Friedland, 2018; Friedland & Napoleon, 2015-2016; Johnson & Groft, 2017) to these four Cree literary works to identify specific contemporary *Wetiko* legal principles and general Cree laws



related to lateral violence (Friedland, 2018).<sup>37</sup> Although my use of this method was consistent with previous work on Indigenous laws, I also expanded the case briefing method to address several methodological gaps. I drew on a holistic medicine wheel approach to include physical, mental, emotional, and spiritual analysis within my case briefing (Hansen, 2011). In addition, I built on Snyder's approach for incorporating gender within Friedland's analytical framework (Snyder, 2018) by including gender analysis within the preliminary step of case briefing. I applied this expanded case briefing method to contemporary Cree literature so that principles would emerge which articulated contemporary understandings of Cree people's responsibilities for responding to lateral violence. Additionally, the principles pointed to contemporary understandings of community and individual level processes for conflict management which I then applied to analyzing OH&S policy development.

As I discussed in Chapter *niso* (two), legal scholars have established that Indigenous laws are recorded in Indigenous oral traditions, including spoken and written traditional stories, and that the case briefing method can be used to identify specific Indigenous legal orders, principles, and laws (Friedland, 2012; Friedland, 2018; Friedland & Napoleon, 2015-2016; Johnson & Groft, 2017). Case briefing is a method that is taught and used in law schools, specifically for use with common-law. It is a "written summary of a legal decision. It outlines the facts, history, issues, outcome and reasoning of a particular case" (Ontario Justice Education Network, 2013, p. 1). Case briefs are used by lawyers and law students to identify the most important aspects of cases, outline the legal principles and rules that are established in cases, put individual cases in context with other materials that have been learned in a course, and as study tools (Ontario Justice Education Network, 2013). The main elements that are included in a law school case brief are: who was involved, what happened, which courts have already heard the case, what the legal issues are that the court must decide, how the judge decided the case, what legal principle the decision stands for, and what explanation the court gave for its decision (Ontario Justice Education Network, 2013).

Applying this common-law method to find the Indigenous laws recorded in oral traditions was initially developed by John Borrows when he used the case briefing method to identify legal principles within single stories that he retold as cases (Borrows, J., 2002). This method was further developed by Friedland (2012), and then, in the *Accessing Justice and Reconciliation*

---

<sup>37</sup> See Chapter *niso* (two) for a discussion of critiques of the case briefing method.

Project launched in 2012, Napoleon and Friedland developed and implemented this method even further (Friedland & Napoleon, 2015-2016). Although Friedland and Napoleon “saw formal and informal law recorded in many different kinds of stories, in songs, dances and art, in kinship relationships, in place names, and in the structures and aims of the institutions of each society...[they] decided to concentrate primarily on identifying and articulating legal principles from stories” (Friedland & Napoleon, 2015-2016, p. 21-22). They took the viewpoint that because all Canadian law cases are stories told in a very stylized fashion, it would be consistent and sensible to use traditional Indigenous stories as law cases (Friedland & Napoleon, 2015-2016). Although they were very successful in using the case briefing method to identify specific Indigenous legal orders, principles, and laws, as they and other scholars have pointed out, there are some gaps in the case briefing method (Friedland & Napoleon, 2015-2016; Hanna, 2020).<sup>38</sup>

First, the case briefing method is not holistic, as it allows the spiritual and/or supernatural elements of traditional stories to be bracketed, which removes these important elements from consideration during the case briefing process (Friedland & Napoleon, 2015-2016; Hanna, 2020; Johnson & Groft, 2017). To fill in the gaps that bracketing creates, I incorporated a holistic medicine wheel theoretical approach to Indigenous law (Hansen, 2011) within my analysis so that the emotional, spiritual, mental, and physical aspects of the stories could be incorporated into the legal principles which emerged. Second, the case briefing method presents Indigenous legal principles as gender-neutral principles because it both fails to acknowledge and removes important gendered realities and power dynamics from the case brief analysis (Friedland, 2018). To fill in this gap, I used Indigenous feminist legal theory (Snyder, 2014), which allowed my analysis to incorporate how Cree legal principles are shaped by gender roles and a variety of power dynamics.<sup>39</sup>

Table 3.1 presents both the expansions I made to the case briefing model, and the original model as articulated by Friedland and Napoleon (2015-2016) and applied by Johnson and Groft (2017):

---

<sup>38</sup> As discussed in Chapter *niso* (two), there are also a number of scholarly critiques about the appropriateness of applying the case briefing method to Indigenous oral traditions, which I will not reiterate here.

<sup>39</sup> As has been discussed elsewhere, my dissertation presents a binary analysis of gender. Although this represents a more limited approach to gender analysis than could be engaged in if I took a non-binary view of gender, this approach reflects the Cree literary texts I used.

**Table 3.1: expanded case briefing model**

Case Brief	Original Model	Expanded Model
	Name of story, with full citation.	
Issue/Problem	What is the main human problem we are looking at within the story?	Specific issue: Does this story address issues of lateral violence in Indigenous communities?  Expansions: I used Indigenous feminist legal theory (Snyder, 2014) to explicitly identify gendered and/or colonial violence and harms. As well, I used Indigenous literary analysis to identify the themes of the work.
Facts	What facts (events and actions) in the story matter to this particular issue?	Expansions: I used both Freytag's Pyramid and multiple 'reading paths' to identify the facts (events and actions) that mattered (Dobson et al., 2011; Jago, 2004).
Decision/Resolution	What is decided that resolves the problem? If there is no clear human decision, what action resolves the problem?	Expansions: I used Indigenous feminist legal theory (Snyder, 2014) and gendered literary analysis to identify community, individual, and gendered action.
Reason (Ground/Ratio)	What is the reason behind the decision or resolution? Is there a stated explanation in the story? If not, what can be inferred as the unstated reason?	Expansions: I used Indigenous feminist legal theory (Snyder, 2014) and gendered literary analysis to incorporate gender relationships within my analysis. I used a holistic medicine wheel orientation (Hansen, 2011) and Indigenous literary analysis to identify physical, mental, spiritual, and emotional reasons for decisions or resolutions. I used Indigenous literary analysis to incorporate reasonings that were expressed through symbols and cultural knowledge.
Bracket	What do you need to bracket for yourself in this story? Some things may be beyond your frame of reference but are not necessary for the case analysis.	Expansions: I used a holistic medicine wheel orientation (Hansen, 2011) and Indigenous literary analysis of cultural knowledge, so that spiritual and/or supernatural elements were not automatically bracketed out.

After I used the expanded case briefing on each literary work, I then moved into step three of the ILLPA framework: using a legal analytical framework to do comparative analysis of the case briefing results. For this step, I used the same analytical framework that Friedland used in the *The Wetiko Legal Principles* (2018). This was also consistent with the analytical framework used by Friedland and Napoleon (2015-2016), Friedland (2012), and Johnson and Groft (2017). By using the same analytical framework as Friedland, I was able to directly compare my results with hers. This analytical framework is as follows:

1. Legal processes: characteristics of legitimate decision-making/problem solving processes, including:
  - a. Who are the authoritative decision-makers?
  - b. What procedural steps are involved in determining a legitimate response or resolution?
2. Legal Responses and Resolutions: what principles govern appropriate responses and resolutions to harms and conflicts between people?
3. Legal Obligations: what principles govern individual and collective responsibilities? What are the “should”?
4. Legal Rights: what should people be able to expect from others?
  - a. Procedural rights
  - b. Substantive rights
5. General Underlying Principles: what underlying or recurrent themes emerge in the stories that might not be captured above? What are the principles that guide the expression and application of the law? (Friedland & Napoleon, 2015-2016)

In Chapter *niso* (two), I identified and discussed a gap in the study and literature of Indigenous legal orders in general and Cree laws specifically: namely that in general, academic research is not examining the understandings of Indigenous laws held by younger community members. My research worked to fill in that academic literature gap because it focused on first, identifying contemporary understandings of Cree laws through case briefing four examples of Cree literature, and then comparing these contemporary understandings to the traditional understandings of Cree laws identified in the *Wetiko* legal principles (Friedland, 2018). The

comparison of Cree laws drawn from Indigenous literature with Cree laws drawn from oral traditions allowed me to see similarities and differences in Cree laws over time. As will be discussed further in Chapter *nêwo* (four), the results of my research both supported and challenged Friedland and Napoleon's statement that "Indigenous legal principles can and do maintain their core integrity while adapting to new and changing contexts" (Friedland & Napoleon, 2015-2016, p. 37-38). My research also responded to their call for "more research to identify and articulate the full breadth of principled legal responses and resolutions within each Indigenous legal tradition" (Friedland & Napoleon, 2015-2016, p. 41).

### **3.3 Summary (*naspasihikew*)**

My research is broadly about organizational Indigenization and understanding how Indigenous law is incorporated into the process of Indigenization. One of the specific aims of my research is to critically assess OH&S policies that draw on Cree law and address lateral violence in the workplace. As can be seen in this chapter, I have used an interdisciplinary theoretical approach to accomplish this aim by drawing on three theories: dialogics (Freire, 1970; Freire, 2014), two-eyed seeing (Bartlett et al, 2012), and ethical space (Ermine, 2007). I have also presented the methodologies I used to accomplish my research aims: the five-step process of the Indigenous Literary-Legal Policy Analysis (ILLPA) Framework and the two sub-methods of the Indigenous literary analysis model (ILAM) and the expanded case briefing method. The next four chapters present the application of these theories and methods on four contemporary Cree literary works that all deal with themes of harm and lateral violence.

## ***Chapter 4 (nêwo— four): ILLPA step 1— Indigenous literary analysis***

My dissertation research has a specific focus on analyzing how Cree law has been used within contemporary OH&S policies. To identify contemporary understandings of Cree law, I have chosen to work with four contemporary Cree literary works that include *wetiko* stories of lateral violence and resolving harm. Those stories are: *Back Track* (Johnson, 2005), *Songs to Kill a Wihitkow* (McLeod, 2005), *Rose's Run* (Dumont, 2014), and *Birdie: a novel* (Lindberg, 2015). In Chapter *nêwo* (four) I focus on the results from step one of the ILLPA framework and present the Indigenous literary analysis of these four literary works.

As discussed previously, the choice of novels expresses *newayak* (four places or four directions), including gender balance and the inclusion of *wetiko* (greedy, cannibal monsters) voices, which is consistent with my overarching research framework of *wahkohtowin* (relationship). In addition, I chose these four works for a number of other reasons. First, they are all written by authors who self-identify as Cree and all four works have Cree protagonists. Second, they were all published after the first wave of Indigenous literatures that occurred from the 1980s to 2010s (Highway, 2017). Therefore, these are all authors who were able to read Indigenous literatures and see other Indigenous people become successful authors, so experiencing Indigenous thought as imbedded in Indigenous writing was an established part of their lives. Third, all the works are generally well-regarded by the Canadian literary establishment in terms of their literary merits and one (*Birdie*) is explicitly used as a legal teaching text. Fourth, all four works directly refer to *wetikos*.<sup>40</sup> And finally, all four works contain themes of lateral violence and responses to harm.

---

<sup>40</sup> The four literary works use a variety of spellings for the term '*wetiko*'. Therefore, throughout this chapter I use the author's preferred spelling when discussing the *wetiko* figures in each of their works. As well, where possible, I include discussions of how the authors are understanding and presenting the *wetiko* figures in their works.

#### ***4.1 Back Track: step one— Indigenous Voice, cultural knowledge, colonization and trauma, and literary elements***

*Back Track* (2005) is by Harold Johnson, a Cree author and lawyer from Montreal Lake Cree Nation in northern Saskatchewan. Johnson was born in 1954 to a Swedish father and a Cree mother (CBC Books, 2022). As a young man he was a member of the Canadian Navy, worked in mining and logging, and then graduated with a Masters in Law from Harvard Law School. Johnson ultimately became a Crown prosecutor in La Ronge, Saskatchewan. During his time in La Ronge, he lived on his family trapline with his wife (Writers Trust of Canada, 2023). Johnson died on February 9, 2022 (Giles, 2022).

Johnson was the author of six works of fiction and six works of non-fiction published from 2001 to 2022. He is acknowledged as an influential voice in Indigenous writing and thinking (CBC Radio, 2022; Giles, 2022). Johnson's non-fiction works explicitly demonstrate both his cultural knowledge and his understanding of colonization and trauma. His works on law, such as *Two Families: Treaties and Government* (2007), and *Peace and Good Order: The Case for Indigenous Justice in Canada* (2019), and his work on storytelling, *The Power of Story: On Truth, the Trickster, and New Fictions for a New Era* (2022), are all clearly grounded in a Cree epistemology. As a review of Johnson's *Firewater: How Alcohol is Killing My People (And Yours)* (2016) stated: his work "is full of Cree vocabulary like [*kiciwamanawak* (non-Indigenous people)] along with traditional narratives that Harold Johnson utilizes to illustrate how powerful stories can be in defining both a people and an individual. This use of Cree terminology and traditional stories is a key element of *Firewater* that made the book such a powerful read" (Malnyk, 2017, para.4). Furthermore, in a 2020 interview with Shelagh Rogers, Johnson demonstrated a Cree epistemology when he said he had come to think that storytelling was not only a way to change the narrative about Indigenous peoples, but that "stories are extremely powerful. Stories can heal you, stories can kill you" (CBC Radio. 2020, para. 9).

*Back Track* (2005) is a realistic story with supernatural elements. This work demonstrates two of the essential elements of Indigenous literatures: giving authority to all voices in the story and giving authority to animals and spirits and natural phenomena (Younging, 2018). The story gives authority to all voices through the narration, which is done from multiple perspectives. Indeed, in many chapters, the narrative point-of-view can change from paragraph to paragraph. Each narrator not only relates the larger story from their perspective but also provides the reader

with different insights into the context of colonization which frames the story. *Back Track* (2005) also gives authority to animals, spirits, and natural phenomena. This can be seen in the use of capitalizations, such as: “Jimmy knew that Spruce was alive and asleep. He also knew that Northwind brought death; or rather that Northwind came to carry away the living” (Johnson, 2005, p. 9). In addition to capitalizing Northwind, the names of animals and trees are capitalized throughout the story: for example, Fox, Martin, Squirrel, Spruce, and Poplar.

There are many main characters in *Back Track* (2005), as well as a large number of secondary characters. The protagonists are the four Tinker brothers: Jimmy, Charles, Henry, and Edward. The antagonists are the *Wetiko* woman and Inspector Rolf Spross, an RCMP officer. There are two significant women characters: Gladys and Lois. Gladys Lonechild is Jimmy’s girlfriend and Lois is Henry’s girlfriend. Both women drive the plot forwards at different moments and also represent aspects of Cree culture: intuition, spiritual connection, language, and cultural knowledge. There are two important Elders in the story: Jean, Gladys’ *Nokomis* (grandmother) and Zack, the Tinker brother’s uncle. Both Elders provide a platform for presenting cultural knowledge throughout the work and function as voices for explicit discussions about the work’s themes. There are two secondary characters who also play important roles. Dan Settee is a Cree trapper who assists with tracking Jimmy and Joe McQuay is the Caucasian commander of the local RCMP detachment. Both Dan and Joe act as bridges between Caucasian and Cree worldviews.

*Back Track* (2005) has four reading paths. Each reading path follows the story of one of the Tinker brothers: Jimmy, Charles, Henry, and Edward. When the brothers were young, their father had “simply beaten [their mother] up one too many times and she died” (Johnson, 2005, p. 83). After the death of their mother and the incarceration of their father, the four boys were sent to foster homes and “scattered to the four directions” (Johnson, 2005, p. 83). As adults, they all eventually returned to La Ronge in northern Saskatchewan.

The oldest brother, Jimmy Tinker, is a trapper. He is the main protagonist in the story and becomes a *wetiko*. Charles Tinker starts out as a drunk who tries to commit suicide. He goes through detox, becomes sober, and starts to reconnect with his family, community, and culture. He becomes a major foil to Jimmy’s character. Henry Tinker is a legal aid lawyer. As one of his clients tells him at the beginning of his reading path: “you sound like you’re from the city...you look like an Indian but you sound white” (Johnson, 2005, p. 17). In his story, Henry starts a



relationship with Lois and, through her, rediscovers his Cree culture. The fourth brother, Edward Tinker, is a miner who becomes a poet. Edward's reading path includes an interlude where he remembers two significant turning points in his life. The first is being abused as a boy by "Sister Evilyn, who forced him into a bathtub and scrubbed him with a brush, then fondled his testicles, forced her tongue into his mouth and then beat him for her transgressions" (Johnson, 2005, p. 123). And the second is having a vision quest experience as a young man at his first job. In this transcendent experience "his mind was a crystal; his body was filled with the strength and agility of a Wolf...no drug experience would ever give this clarity of vision...Edward would never work hard enough to duplicate this moment, though he spent the rest of his life trying" (Johnson, 2005, p. 125). Ultimately, each reading path follows the transformation of the brothers as they heal from the colonial traumas and lateral violence they experienced as children. For each brother, healing is achieved through connection to their Cree culture.

There are two major themes in *Back Track* (2005). The first theme is the concept of evil. One of the ways Johnson explores this theme is through contrasting Christian conceptions of evil with Cree concepts of sickness. This contrast can be seen when Gladys goes to the Anglican Church and takes communion, where "the flesh of Christ [is] washed down with the blood of Christ" (Johnson, 2005, p. 91). This is a symbolic equating of Christianity to the actions of the *wetiko* in the story: both become forces that consume humans. Ultimately, the sermon that Gladys listens to at church is about how the Cree people abandoned Christ because they practiced paganism and the priest shames the congregation "for being Indian and stupid enough to have believed in evil things" (Johnson, 2005, p. 92). In contrast to Christian understandings of evil, Cree concepts of sickness are explained by Elder Zack in the Sobriety chapter. He tells Charles a story about a man who becomes a *wetiko* and is then killed by his brother and several other men: "When something happens to a person we say that person is sick. We don't say that person's evil. My grandparents used to tell me about *Wetiko*. They didn't think he was evil, they thought of *Wetiko* as a sickness that people got" (Johnson, 2005, p. 38). With this contrast, Johnson is relating ideas of evil and sickness to his second theme: our responsibilities towards others.

Johnson's second theme is about taking responsibility and achieving balance. This theme comes from a Cree epistemology. Responsibility is explained multiple times throughout the work by a number of characters. For example, Charles explains it to his brother Henry as

we're responsible for Jimmy. In the old days we would have to make amends to the families of the people he killed to keep everything in balance. And I don't mean just balance between the families. We have to keep everything in balance...the sunrise and the sunset, winter, spring, summer and fall, the Earth, the Sky and every living thing in between. I mean every relationship we will ever have...what happens to [Jimmy] happens to us. One of us gets out of balance, the rest of us have to put it right again (Johnson, 2005, p. 131-132).

The theme of responsibility and what taking responsibility means is also explained several times by Elder Jean. For instance, understandings of collective responsibility can be seen in the *wetiko* story that Elder Jean tells Gladys in the Stories chapter. In Elder Jean's story, a woman becomes a *wetiko*. She is tied up and left by the group to die because "no one in the camp wanted to be the one who killed her. That's all you can do to a *Wetiko* once they're too far gone. Once they've been bitten by a *Wetiko* and turned into one, there is nothing that you can do but kill them" (Johnson, 2005, p. 42). In this story the group must take collective responsibility to stop harm from occurring. Additional understandings of the relationship between individual and collective responsibility can be seen in Elder Jean's explanation to Gladys that "people pay for their sins...what we do in this life will come back to us and to our children and grandchildren. That is why we have to walk with truth and honesty all the time...whatever happened to [Jimmy] was his fault, or else it is because his parents or grandparents did something they were not supposed to...somebody did something and Jimmy has to pay the price for that sin" (Johnson, 2005, p. 71-72). From this explanation, individuals have a responsibility to the collective because each person's actions impact the group.

In addition, Johnson also explores the theme of balance through presenting the transformation into a *wetiko* as a physical, spiritual, emotional, and mental process. The physical aspects can be seen as Jimmy starts to become a *wetiko* when "Northwind found its way into Jimmy's parka, chilling his throat and chest. He resisted pulling the zipper higher until the cold began to reach lower and bring a chill to his entirety, as though the blood flowing through his heart had cooled" (Johnson, 2005, p. 9). This image of a physically cold heart is used both when Jimmy becomes a *wetiko*: "it was like his heart was turning to ice" (Johnson, 2005, p. 75) and in Elder Zack's story about a *wetiko*. In this story the men who killed the *wetiko* had a hard time burning the *wetiko*'s heart because "it was frozen solid and kept rolling out of the fire. Those men had to put that heart back onto the fire each time and it took all night for them to burn it"

(Johnson, 2005, p. 39). By using a similar physical description for both becoming and destroying a *wetiko*, Johnson creates a connection between past and present in his storytelling.

The catalyst event for becoming a *wetiko* clearly links both physical and spiritual causes. Following the chilling of his heart, “Jimmy removed his thick mitts and compressed the spring of the trap. As he began to remove it from Fox’s leg, Fox bit. A long sharp canine tooth went through the back of his hand...in his rush Jimmy forgot to put down tobacco and thank Grandmother Earth for her generosity” (Johnson, 2005, p. 10). This passage implies that by neglecting his spiritual responsibilities, Jimmy creates an imbalance that provides an opportunity for the *Wetiko* woman to approach him. In addition to the physical and spiritual causes for transformation, Jimmy also experiences an emotional and mental process as he becomes a *wetiko*. This can be seen when Jimmy has multiple dreams of the *Wetiko* woman where “she had offered him a human arm to taste, and he had enjoyed the tenderness. He still tasted the juices in his mouth” (Johnson, 2005, p. 24). Additionally, Jimmy experiences feelings of lust for the *Wetiko* woman, and then intense feelings of fear and anxiety that drive him to kill people.

There is a significant level of symbolism surrounding who is killed by the *wetiko*: Elmer Fisher and Paul Taylor, two conservation officers, and Constables Reid and Potter, two RCMP officers. In addition, RCMP Sergeant Rodney Thorson is attacked and has his arm removed and eaten. All these characters can be seen as colonial agents and, therefore, the killing or eating of them becomes a symbolic attack on colonization. Supporting this interpretation is the contrast with the Cree people who are attacked by the *wetiko*: Jacob Ross and Dan Settee. While Jacob Ross is ice fishing, he encounters the *wetiko* and has his boots stolen. This incident becomes a turning point for how Joe McQuay, an RCMP officer, understands what Jimmy Tinker has become. McQuay realizes that “in the north that sort of crime would never be heard of...a trapper would never steal someone’s boots and leave them to walk in February weather. Maybe there was something to those *Windigo* stories” (Johnson, 2005, p. 113). And when Dan Settee is attacked by the *wetiko*, he has a gun held to his head. However, the gun is never fired and Dan is never injured by the *wetiko*. Instead, during this scene, Dan Settee represents the Cree people who have been harmed by the *wetiko* and he joins Elders Jean and Zack as they decide what to do with the *wetiko*. As can be seen in these two encounters with the *wetiko*, when Cree people are attacked the outcomes are in distinct contrast to the killing and eating of colonial agents. And

with this comparison, Johnson is again making a statement about the theme of responsibility: people need to be responsible community members.

#### ***4.2 Songs to Kill a Wihtikow: step one— Indigenous Voice, cultural knowledge, colonization and trauma, and literary elements***

*Songs to Kill a Wihtikow* (2005) is by Neal McLeod, a Cree and Swedish author, artist, and academic from the James Smith Cree Nation in Saskatchewan (Strong Nations, 2023; Wilfrid Laurier University Press, 2023). He previously taught Indigenous Studies as an Assistant Professor, first at the First Nations University of Canada and then at Trent University in Ontario (Wilfrid Laurier University Press, 2023). He resigned from Trent University in 2014 (Morin, 2017). He currently lives in Kinistino, Saskatchewan (Strong Nations, 2023) and works as a tutor in the Neheyiwak Caucus at Athabasca University (Athabasca University, 2023).

McLeod's two poetry collections include *Gabriel's Beach* (2008) and *Songs to Kill a Wihtikow* (2005), which won the Anskohk Aboriginal Festival Award for Poetry Book of the Year (Strong Nations, 2023). McLeod demonstrates his cultural knowledge extensively in two of his non-fiction works, *Cree Narrative Memory* (2007) and *100 Days of Cree* (2016). In *Cree Narrative Memory* (2007), McLeod uses his family's stories to explore the history of Cree People in Western Canada. This work was nominated for book of the year at the Anskohk McNally Aboriginal Literature Awards (Wilfrid Laurier University Press, 2023). In *100 Days of Cree* (2016), which is about preserving, promoting, and reinvigorating the Cree language, "there's a good-natured feeling to the book, and a lot of laugh-out-loud moments. But the book also serves as a window into an ancestral language, and by virtue of that, [Cree] consciousness" (Grant, 2016, 7-8). McLeod uses the Cree language extensively throughout his academic and poetic writing and grounds his writing in Cree epistemology.

Neal McLeod's experiential understanding of colonization and trauma is demonstrated in his personal and professional actions. Since 2014, McLeod has become a controversial figure in Indigenous writing because of his conviction for domestic assault. This controversy became very clear during the publication of *kisiskâciwan: Indigenous Voices from Where the River Flows Swiftly* (2018). McLeod withdrew "his work from [this] upcoming anthology of work by Indigenous writers after other contributors objected to his inclusion due to his previous conviction for domestic assault" (Morin & Dacey, 2017, para. 3). An open letter objecting to

McLeod's inclusion in the anthology was written by six female Indigenous authors and within days "65 prominent Indigenous and non-Indigenous voices across the country had signed the letter in solidarity" (Morin, 2017, para. 23).

In response to these objections, McLeod withdrew his work from the anthology and stated in an open letter:

I was charged with one incident of domestic violence in 2014. I have done several things to transform my life since then. I acknowledged my responsibility before the courts: not shying away from or minimizing, but rather fully and publicly admitting my wrongdoing...I am truly sorry that my presence in *kisiskâciwan* anthology has caused such divisions in both Indigenous and writing communities I hold dear... I understand that I will need to be invited back in to certain spaces. And I humbly await those invitations, in the hope that those who take the time to assess my journey fairly will come to believe I will again be deserving of receiving them (McLeod, 2017, para. 4-8).

In the same letter, McLeod also stated that he is working towards healing from violent and traumatic experiences he went through as a child, which resulted in alcohol abuse and inappropriate expressions of anger as an adult (McLeod, 2017). To heal, McLeod explained that "I attended ceremonies, went through intensive counseling, and also used my poetry as a way to process my feelings. I sought the advice and teachings of Elders about how to be a better man going forward" (McLeod, 2017, para. 5). Indeed, University of Regina publisher, Bruce Walsh, characterized McLeod as "someone who has stood up and taken ownership of their actions" (Morin, 2017, para. 13). Walsh further stated that "writing provides a means to promote healing for so many like Neal, shaped by intergenerational trauma and colonialism" (Morin, 2017, para. 15).

*Songs to Kill a Wihtikow* (2005) is a book of poetry written for a general adult audience. It contains three reading paths written/created by McLeod: an academic introduction, a series of poems, and a series of artworks. The book also includes a glossary of Cree terms that McLeod uses throughout his storytelling. This work clearly embodies two of the essential elements of Indigenous literatures, which are giving authority to animals and spirits and natural phenomena, and stretching across long expanses of time in a non-linear narrative (Younging, 2018). McLeod's poetic narrative includes moments from his life as well as moments from his male ancestors' lives, presented in a non-linear fashion. As well, McLeod gives authority to animals, spirits and natural phenomena in all three of the storytelling paths, most notably to the *wihtikow*, but also to dogs, rain, wind, sunshine, grandfather rocks, and the life-force.

The story in *Songs to Kill a Wihtikow* (2005) is primarily auto biographical. It is written from a first-person perspective, except for several poems which use both a first person and a third person voice. Neal McLeod is the protagonist and the *wihtikow* is the antagonist. However, there is a complex relationship between the protagonist and the antagonist. The *wihtikow* is not always an external figure, indeed, oftentimes he is internal to the protagonist, transforming the theme into the struggle of a man to resist his inner darkness. As McLeod explains in the introduction, “I have had dark dreams all my life, and engage them with my art. These dreams come from experience. They leave shreds of colour and sound, disorganized experience, and chaos. My poems help name this deep darkness and find rest in small moments of sound. I call the darkness *Wihtikow*” (McLeod, 2005, p. 8).

Two other important characters are McLeod’s great-grandfather, *kokosis*, and his great-grandfather’s grandfather, *wihtikohkan*. McLeod states in the academic introduction that “*wihtikohkan* is different from *wihtikow*. *Wihtikohkan* is a contrary, or ‘a clown’. The word literally means an ‘imitation *wihtikow*’. The *wihtikohkan* does things backwards, and is also associated with healing. One of my grandfathers was named *wihtikohkan*...[and] *kokosis* said that I resembled *wihtikohkan*” (McLeod, 2005, p. 9). These two male ancestors are referred to many times in the poetry reading path, and each of their stories are used to emphasize moments of transition in McLeod’s life. They are clearly beloved male roles models that McLeod attempts to emulate. In addition, they are contrasted to the other male characters in the work, who are often presented as examples of toxic and egotistical masculinity.

A second major theme in the work is coming-of-age, or the movement from boyhood to manhood. In the poetic reading path McLeod is taking readers through his journey to discover his identity and who he is as a man. Therefore, the work is very male centred. This focus can also be seen in how the female characters are presented throughout the work. Although there are many female characters in the poetic reading path, the only named female character is *nicâpân*, his great-grandmother, in *Fire Walks The Sky* and *E-Sah-Sakiniskepayahot*. In general, the majority of the female characters remain nameless. Instead, McLeod uses water and land symbolism extensively when referring to women, as can be seen in phrases like “I kiss your eye lids in the morning to let the sun back into the sky” (McLeod, 2005, p. 29), “my limbs lay deep in your sounding water” (McLeod, 2005, p. 39-40), “kisses pull edges of deep oceans...empty water of my heart became a river” (McLeod, 2005, p. 91), and “your body, dreaming earth your

lips, dreaming water your eyes, dreaming sky” (McLeod, 2005, p. 99). Throughout the poetic reading path, McLeod uses this water and land symbolism to equate women with life.

However, throughout the work women are primarily characterized as nameless sexual partners. This can be clearly seen in poems such as *White Girl*, *The Sky From Your Lips*, *Kreuzberg Blue*, *Beside You*, *Shrinking Sun*, *Indian Love Poem*, *Ghetto Love*, and *New Life*, which depict sexual experiences with a variety of partners. The presentation of women as primarily sexual partners both objectifies women and limits them to one-dimensional character roles within the story. Furthermore, this presentation of women is both deeply romanticized and in sharp contrast to the more vivid characterizations of men. By taking this approach to the female characters, McLeod is giving voice to the very form of toxic and egotistical masculinity that he struggles against throughout the poetic reading path.

As McLeod explains in the academic introduction, he uses the *wihtikow* as “a powerful metaphor for greed, the attempt to swallow the light from the sky of the world” (McLeod, 2005, p. 8). And in the artwork reading path, all the images are of *wihtikow* figures. They are both a dramatic inclusion that creates tension in the storytelling, as well as providing a vehicle for clearly presenting the *wihtikow* as a symbol. The images of the *wihtikow* incorporate symbols of Christianity, such as crosses, and words that relate to colonization, such as ‘progress’, ‘a new light on the land’, and ‘regulates’. Furthermore, two of the artworks depict the *wihtikow* as a larger figure who has consumed a smaller figure, who appears to be shocked or in pain (McLeod, 2005, p. 49 & 55). With this reading path, McLeod is linking personal experience to the collective experience of colonization in the past and the present.

#### ***4.3 Rose’s Run: a novel: step one— Indigenous Voice, cultural knowledge, colonization and trauma, and literary elements***

*Rose’s Run: A Novel* (2014) is by Dawn Dumont, a Cree writer from Okanese First Nation in southern Saskatchewan (Strong Nations, 2023). Dawn Dumont is her pen name. As Dawn Marie Walker, she received an English degree from the University of Saskatchewan and a law degree from Queen’s University in Kingston, Ontario (YouCount, 2021). She worked in communications at the University of Saskatchewan, for CBC News in Edmonton, and for the Federation of Sovereign Indigenous Nations, where she was the longest serving CEO, holding that position for 9 years (YouCount, 2021). Dumont has been a comedy writer and columnist for

several newspapers and a successful stand-up comedienne (Strong Nations, 2023; Thistledown Press, 2023). As well, in the 2021 federal election, she ran as a Liberal candidate in the Saskatoon-University riding (YouCount, 2021).

Dawn Dumont's experiential understanding of colonization and trauma is demonstrated through her recent actions. On July 22, 2021, Dumont and her son, Vincent Jansen, disappeared from Saskatoon (Hayes, 2022; Star Phoenix, 2022). On July 24, 2022, they were reported missing by their family (Star Phoenix, 2022). The Saskatoon police and the RCMP announced on July 25, 2022, that Dumont's truck had been found at a local park and the police and RCMP were searching the river and local area for them (Hayes, 2022; Star Phoenix, 2022). On August 5, 2022, Dumont and her son were found in Oregon City, USA (Hayes, 2022; Star Phoenix, 2022). After being located, Dumont was charged in Canada and the United States with public mischief, parental abduction in contravention of a custody order, the felony offence of knowingly producing a passport of another person, and a misdemeanour charge of possessing identification that was stolen or produced illegally (Djuric, 2022). In 2023, Dumont pled not guilty to charges of abduction, fraud, and identity theft, stating that "she had to flee for their safety" (Warick, 2023, para. 7).

During the resulting news coverage of Dumont's disappearance, FSIN Vice-Chief Heather Bear stated that "Walker has experienced domestic violence...however, Bear decline[d] to make any allegations" (Star Phoenix, 2022, para. 10). In addition, Saskatoon "city police confirmed they had received historical reports of domestic violence allegations" (Djuric, 2022, para. 24). On August 9, 2022, an on-line petition was started, which stated that

Dawn's legal team is effectively asking that all charges be stayed outlining what they note is systemic discrimination experienced by Dawn in her attempts to report alleged assaults by a former partner, and possible Charter and human rights violations while in police custody. Her lawyers are requesting records from the province, the Saskatoon Police Service, and the RCMP regarding her treatment while in custody and records relating to the police's investigations of two "complaints of sexual assault by her white ex-partner and the father of her child" (Behrens, 2022, para. 2).

Currently, Dumont's lawyers are arguing that the charges against Dumont should be stayed "citing alleged human rights violations including unnecessary strip searches and denial of medical care...[and] in a court application, they list alleged individual violations against Dawn Walker, but say these cannot be separated from systemic violations against Indigenous women in the justice system" (Warick, 2023, para. 1-2). This on-going situation clearly demonstrates that



Dumont has experiential knowledge of colonial violence and intergenerational trauma, both of which impact her writing.

Dumont is the author of four books: *Nobody Cries at Bingo* (2011), *Rose's Run* (2014), *Glass Beads* (2017), and *The Prairie Chicken Dance Tour* (2021). *Rose's Run* (2014) won the 2015 Saskatchewan Book Award for Fiction and has been shortlisted a number of times, for Saskatchewan Book Awards Book of the Year, Aboriginal People's Writing, City of Saskatoon Award, and the 2015-16 First Nation Communities Read Award (ThistleDown Press, 2023). In 2022, *The Prairie Chicken Dance Tour* (2021) was a finalist for the Stephen Leacock Medal, which recognizes the best Canadian humorous writing (CBC Books, 2022). In an interview with Room Magazine, Dumont characterized her writing as activism and a form of resistance to oppression: a place where she uses humour to tackle topics like poverty, abuse, and injustices (Room Magazine, n.d.). Dumont's work is grounded in her lived experiences and her cultural knowledge. For example, as a review in Alberta Native News stated, "Glass Beads is an easy read but the subtext just beneath the storyline is deep and disturbing. The dialogue is fast paced and the events that occur demonstrate the harsh and horrifying realities that face many Indigenous young people living in First Nation communities across Canada" (Shatz, 2017, para. 3). In a similar fashion to the Oral Tradition, Dumont infuses her stories with both humor and realistic details drawn from her lived experiences.

Like all of Dumont's works, *Rose's Run* (2014) embodies some of the essential elements of Indigenous literatures, in particular giving authority to multiple voices in the story and giving authority to spirits (Younging, 2018). Firstly, *Rose's Run* (2014) gives authority to multiple voices in the story by using multiple reading paths. There are three reading paths that follow three of the main characters: Rose Okanese, Winter Yuzicappi-Okanese, and Sarah Okanese. Therefore, readers experience all the events in the story through the point-of-view of either Rose, Winter, or Sarah. As the main protagonist, Rose's point-of-view anchors the dominant reading path, however, Winter and Sarah's reading paths add important details about the antagonist, the Old Woman.

It is through the antagonist and several secondary characters that *Rose's Run* (2014) embodies a second element of Indigenous literature: giving authority to spirits (Younging, 2018). The antagonist is the Old Woman, also referred to as the Demon Woman. She is a spirit woman who first appears in dreams to Winter, Sarah, and the other women on the reserve. Then as the

story develops, the Old Woman takes on physical form and appears in person, driving much of the plot. In addition, Callista, Rose's deceased mother, and, after his death, Elder Albert Akapew are other important spirits who are given authority within the story. Callista interacts with Rose numerous times. Initially, Callista warns Rose about the Old Woman by telling her about "the hair" (Dumont, 2014, p. 124) and then appearing during Rose's first marathon to warn Rose that "she's here" (Dumont, 2014, p. 191). Callista also provides spiritual protection for Rose against the Old Woman's influence when she says "'protection,' [and] Callista pointed at her heart" (Dumont, 2014, p. 191). Finally, Callista assists Rose during the climactic confrontation with the Old Woman and sends "the angry demon...flying over her head. Rose saw Callista standing there, looking satisfied at the kick to the ass she'd delivered" (Dumont, 2014, p. 299). As can be seen, spirits are given both negative and positive authority over human characters and events throughout the story.

Although *Rose's Run* (2014) is an example of Indigenous literature, it also incorporates elements of realistic fiction and supernatural fiction genres and crosses literary boundaries. This can be seen in the novel's setting. It is set on the Pesakestew reserve, a fictional reserve in southern Saskatchewan on Treaty Four territory. This setting adds to the sense of realism because it allows Dumont to explore band politics and community dynamics throughout the story. For example, one of the major events that is followed throughout the novel is the election and administration of a new Chief because "everyone was already sick of the old Chief, Thomas 'The Bull' Bull. The Bull had been caught with his hooves in the till too many times. Three audits in two years, people were ready to butcher him" (Dumont, 2014, p. 47). In contrast to the old Chief, the new Chief, Taylor Gordon, is "athletic and college-educated...he played it cool and said things like, 'youth' and 'culture' and 'elders'. He was a smart one, that one" (Dumont, 2014, p. 47). Throughout the novel, band politics are a continual source of humour and commentary, both because Taylor is the love interest for the main character, Rose, and because Rose gets a new job as the band's social services administrator.

However, setting is also important for the supernatural aspects of the work because Dumont uses the reserve boundaries to create a boundary for the Old Woman's powers. After the Old Woman is released from her grave by Sarah and her friend, Ronnie, Elder Albert Akapew is one of the first people to encounter the Old Woman. As Albert explains to a group of people at the band office, "she wanted to kill me...that's when I started running and goddammit, every

time I turned, there she was over and over again...my legs kept moving like I wasn't even running them – then I saw the old barn and knew I'd be safe...because the barn is off the – ” (Dumont, 2014, p. 43-44). Although in this scene Albert is stopped from completing his sentence that the Old Woman cannot leave the reserve, this idea is also presented in another scene where Rose asks her father Lloyd for help. In response, Lloyd states that “once the Old Woman is free – it's too late...the best thing for you to do is to take your girls and leave this reserve” (Dumont, 2014, p. 231). By physically limiting the Old Woman to the reserve, Dumont is implicitly connecting the Old Woman to the isolation that occurred when reserves were first implemented and also contrasting the Old Woman to the modern-day reserve residents who come and go freely between the reserve and the city.

There are many characters in *Rose's Run* (2014). The main protagonist is Rose Okanese, a middle-aged Cree woman. Rose's character exemplifies one of the themes in the work: that health is a physical, mental, emotional, and spiritual state of being. Throughout the story, Rose's character arc moves her from weakness to strength. In the story's exposition, Rose finds her husband and cousin sleeping together. This results in her running after her cousin and separating from her husband. As she becomes healthier, Rose leaves her husband, starts running and becomes fitter, stops smoking, reconnects with her father, and gets an important job as the social services administrator for the reserve. By the story's denouement, Rose is competing in a marathon and has “found her pace after a few steps...[she] kept up her pace until she caught Dalia. She matched her step for step until they were running in sync...Rose was grateful. A marathon is a long time to run without company” (Dumont, 2014, 304). Dumont uses the metaphor of the marathon to make a statement about life and how being healthy results in a good life filled with companionship.

A secondary protagonist in the work is Rose's best friend, Winter Yuzicappi-Okanese. Throughout the work, Winter acts as a foil for Rose: while Rose's character arc goes from weakness to strength, Winter's character arc moves her from success to victimhood. To accomplish this, Winter is presented in contrast to Rose in several specific ways. First, Winter is a nurse and has a middle-class lifestyle with her husband, Monty, while Rose has a series of labour jobs and had a working-class lifestyle with her ex-husband, Gilbert. Second, while Rose easily conceived two daughters with her ex-husband, Winter struggles with fertility issues in a place where “pregnant females were ubiquitous. People had babies even when they hadn't

planned for them” (Dumont, 2014, p. 83). Ultimately, Winter’s reading path follows her as she becomes pregnant and then falls victim to the Old Woman.

The main antagonist in the work is the Old Woman, also known as the Dream Woman. Although the publisher’s description states that “Dumont interweaves a tale of motherly love, friendship, lustful longing, wihtikow lore, and Rez humour” (Thistledown Press, 2023, para. 2), the Old Woman is never explicitly identified as a *wetiko* in the work. However, she is a *wetiko*. This can be seen right from the story’s exposition where the Old Woman is woken up and freed from her grave because Sarah and her friend, Ronnie, perform a ‘ceremony’. Ronnie has tried to wake the Old Woman because she “was a famous healer...the woman was this powerful person who could cure anything, like epilepsy and cancer and rabies” (Dumont, 2014, p. 60-61). But as can be seen when Elder Albert Akapew encounters the Old Woman, waking her sets in motion one of the major conflicts that drives the plot. Elder Albert describes the Old Woman as a ghost who “wanted to kill me” (Dumont, 2014, p. 43). And, as the story moves towards the climax, the Old Woman becomes a physical person who “smelled like smoke and damp at the same time...unclean” (Dumont, 2014, p. 211). As a spirit and physical woman, the Old Woman influences the women on reserve to capture and attack the men, while in her physical form she eats the flesh off Rose’s arm. These are all characteristics of *wetikos*.

Although all the women on reserve are influenced by the Old Woman, Winter and Ronnie are the two who are most affected by her. As the action rises, the Old Woman appears to Winter in a dream as “an older woman...lines had set decisively in her face...but where most elders got smaller and frail as they aged, this woman glistened with power and strength” (Dumont, 2014, p. 88). At first, the Old Woman provides strength for Winter to draw on when Winter helps Rose confront her ex-husband and reclaim the car he took from her. However, ultimately the Old Woman inflames Winter’s anger and drives Winter to separate from her husband, Monty, and then to flee from help and camp in the woods with the Old Woman.

In terms of how the Old Woman affects Ronnie, it is implied that the Old Woman transforms Ronnie into either a *wetiko* or a helping spirit. As the action rises, Ronnie becomes sick and is taken to the hospital where they discover that “her stomach is filled with hair” (Dumont, 2014, p. 223). After Ronnie dies, her bones are found de-fleshed in the funeral home. Ronnie’s mother, Jane, says that the Old Woman was responsible for the de-fleshing because she is “a flesh eater...before they stopped her, she’d killed a man. They only found his bones”

(Dumont, 2014, p. 247). Then finally, after her burial, Sarah visits with Ronnie at her grave, where “Ronnie had her legs stretched out on a branch...[then] jumped out of the tree and sat on the ground next to Sarah” (Dumont, 2014, p. 302). The two of them talk over recent events in Sarah’s life and Ronnie tells Sarah that “I know things” (Dumont, 2014, p. 302). The chain of events which lead to Ronnie’s transformation into a spirit and her interactions with Sarah seem to indicate that Ronnie has the potential to become either a helping spirit, like Callista, or a *wetiko*, like the Old Woman.

Although the Old Woman is often described in classic *witiko* fashion, throughout the story she also develops into a more complex character. As Rose’s ex-husband tells her and Sarah, “that old broad lived, like, back in the old days before this was even a reserve. Yeah. I remember my *mushum* saying she was a good woman. But then she went crazy and started doing all kinds of evil things to people...so anyways, the chief and his Headmen decided to banish her. A bunch of guys went out to move her off and, I dunno, somehow she ended up dead” (Dumont, 2014, p. 227). Then Ronnie’s mother explains to Rose that the Old Woman has “been here longer than anyone. She came with the land” (Dumont, 2014, p. 273) and that “the Old Woman had a family once, y’know. She was happy and loved before she grew cruel” (Dumont, 2014, p. 274). And finally, as the story moves to the climax, Winter tells Rose that “the Dream Woman helped everyone when she was alive. She grew powerful and her husband became jealous...he took her daughters and hid them. And when she went to the chief to ask for help, he turned her away. When she returned home, her children were dead and so was her husband. By his hand. You see, Rose, men do evil things” (Dumont, 2014, p. 294). Dumont provides this information about the motivations that drive the Old Woman to transform her into a complex character and move her beyond the *wetiko* archetype. By doing this, Dumont sets the stage for the ultimate confrontation between Rose and the Old Women, where “the demon’s eyes met Rose’s. They were a woman’s eyes now and Rose saw fear in them. ‘Let go,’ Rose urged. ‘It’s the only way you can be with your girls again.’...The Old Woman took one last breath and wailed...then she closed her eyes and the strong muscle and bones melted into the ground” (Dumont, 2014, p. 300). By developing both the protagonist and antagonist into complex characters, the initial simple conflict of good versus evil is transformed into a multilayered statement about one of the main themes in the work: how men abuse and abandon women.

Commented [MS1]: check

Commented [TM2R1]: Spelling as it appears in original text

Throughout the story men treat women abusively in both subtle and obvious ways. For example, Elder Albert Akapew is “the man with two wives” (Dumont, 2014, p. 43). Ultimately, the way he shuttles back and forth between his two wives causes conflict between the women and is a source of both amusement and censure for the reserve. Another example of subtle abuse is presented through Winter’s husband, Monty, sexting with a flag girl at work. This precipitates Winter separating from him because “he was a man and men do bad things. They can’t control themselves. They have urges. They’re visual. They think of sex every seven seconds. They were more animals than people. They can’t be trusted” (Dumon, 2014, p. 151). Although Winter’s reaction to her husband’s sexting is presented as an extreme response driven by the Old Woman’s influence, it opens the way for the ‘minor indiscretion’ of Winter’s husband to be contrasted with the ‘more serious behaviour’ of Rose’s ex-husband. A major driver of the plot is Rose’s separation from her ex-husband, Gilbert, who emotionally abuses Rose, neglects their children, and has an affair with her cousin, Michelle. Gilbert is characterized as a man who “lived in his own world where grown-up emotions were locked behind a double thick door of weed and rye” (Dumont, 2014, p. 276) and is oblivious of the effects of his abusive behaviour.

In addition to being presented as subtle events, abuse and sexual harassment also occur in obvious ways. For example, two boys at school verbally abuse Sarah and Ronnie when they say, “Hey sluts!” Sarah looked over and saw the Ewchuk cousins, Jonah and Brendan” (Dumont, 2014, p. 60). This type of casual and ‘accepted’ sexual harassment is also evident in Rose’s interactions with Sargent Nolan Martin. This can be clearly seen when Rose reports Winter missing to Sargent Nolan, and he responds with verbal and physical sexual harassment. Rather than take the report seriously, Nolan asks Rose: “‘Is the lack of sex affecting your memory? Cuz I can take care of that...I know how to make them real happy,’ he purred and came halfway around her desk” (Dumont, 2014, p. 199). Like the other men on reserve, who “never did a damn mean thing to any woman in my life...[and who] didn’t know women got mad about so many things” (Dumont, 2014, p. 279), Nolan is unaware of how his actions impact Rose. This theme of men being both abusive and unaware of their abusive behaviour is carried throughout all three reading paths.

The theme of abuse is also related to themes of abandonment, which is explored through the actions of men who are in positions of authority. Lloyd, Rose’s father, is a helper and guide who shows up at key moments to provide support and guidance for Rose. For instance, he assists

her during a fight with Gilbert where his arbitration results in Rose getting the car back from Gilbert, and he also signs Rose up for her first marathon, which moves her along the path to health. However, Lloyd also abandons Rose at a crucial moment. He refuses to help Rose when she asks him for assistance with the Old Woman and tells her, “You can’t come in here and demand things. It’s not done that way. No offerings, no respect, do you even know what you’re asking for?” (Dumont, 2014, p. 230). As the story builds to a climax, the reserve is also abandoned by a male elder from another reserve who they have asked for help. This elder first agrees to help them with the Old Woman and then “decide[s] it’s not something he can handle. He said he doesn’t want to endanger his reserve. He thinks she can spread” (Dumont, 2014, p. 246). Even the Old Woman has been abandoned. As can be seen in her backstory, when she asked her Chief for assistance, he refused to help her. The dual themes of abuse and abandonment culminate in Sarah stating: “he deserves to be punished...men do cruel things and we must save ourselves” (Dumont, 2014, p. 231). Although Sarah is talking specifically about Lloyd, she is also making a general statement about abuse and retribution.

#### ***4.4 Birdie: a novel: step one— Indigenous Voice, cultural knowledge, colonization and trauma, and literary elements***

*Birdie: A novel* (2015) is by Tracy Lindberg, a Cree and Métis author and legal scholar who is a citizen of Kelly Lake Cree Nation (Lindberg, 2023). The *As’in’i’wa’chi Ni’yaw* People claim territory in northeastern British Columbia and west-central Alberta and are “one of the few groups in the Peace River region that were not included in the Treaty process” (Kelly Lake Cree Nation, 2023). Lindberg graduated from the College of Law at the University of Saskatchewan and completed her graduate law (LLM) degree at Harvard University (University of Alberta, 2010). She was also the first Indigenous woman to receive a doctorate in law from a Canadian university and received the Governor General’s Award for her dissertation on Critical Indigenous Legal Theory in 2007 (University of Alberta, 2010). Lindberg is currently an Associate Professor in the Faculty of Law at the University of Victoria, where she works in the areas of traditional Indigenous governments, Cree laws, the translation between Canadian and Indigenous laws, Indigenous women, legal advocacy and activism, Indigenous legal theory, Indigenous law and literature, and the rejuvenation and application of Indigenous laws (University of Saskatchewan, 2023; University of Victoria, 2023).

Lindberg is the author of numerous academic works and one fiction work, all of which demonstrate her cultural knowledge. Academically, she is well recognized for her knowledge of Indigenous laws and legal orders (University of Alberta, 2017). For example, in 2010, during her professorship at Athabasca University, she became the Canada Research Chair of Indigenous Traditional Knowledge, Legal Orders and Laws (Strong Nations, 2023). In addition, Lindberg is a member of the National Speakers Bureau. This agency represents respected Canadian and North American keynote, motivational, business, and professional speakers and has a vetting process that focuses on establishing the speakers' credibility as a representative of their field (National Speakers Bureau, 2023). In terms of her literary work, one review of *Birdie* (2015) stated, "it deals with some dark themes, but it's also a luminous, funny novel that brings Cree stories and cultural traditions to life" (CBC Radio, 2016). Another review stated that "informed by Cree lore, *Birdie* is a darkly comic novel about finding out who you are and where you're from" (CBC Books, 2017). As demonstrated by her many professional accomplishments, Lindberg knows who she is and where she comes from: she is a Cree- Métis person from Kelly Lake Cree Nation. And, much like McLeod, Lindberg uses the Cree language extensively throughout her writing, thereby grounding her story in Cree epistemology.

However, Lindberg's specific use and translation of the word *pimatisewin* as "Life. Shorthand. Tree of Life" (Lindberg, 2015, p. 3), requires some discussion. When using academic sources, *pimâtsiwin* directly translates to "a life" (LeClaire & Cardinal, 2018, p. 166) or "life" (Wolvengrey, 2001, p. 182). According to the cultural and language teachings which I have received, this direct translation of *pimatisewin* can also be expanded to a more general translation meaning 'life and movement', which refers to the movement of energy throughout creation (Halfe, 2024). Lindberg is using the word *pimatisewin* in *Birdie* (2015) to move beyond a direct or general translation to reference a larger concept: the Tree of Life and the necessity of feeding the tree as a part of becoming healthy. Nevertheless, there are other Cree words which would have been stronger choices for this concept, including *pimâtsiwâhtik* which translates to "a tree of life" (LeClaire & Cardinal, 2018, p. 166) or the plural form *pimâtsiwâhtikwak* meaning "trees of life" (LeClaire & Cardinal, 2018, p. 166). Alternatively, according to the teachings which I have received, 'tree of life' could also be expressed by using the phrase *okimâw mistik*, meaning 'chief tree' and referencing the central tree in a Sun Dance (Halfe, 2024).



Tracey Lindberg has alluded to her experiential understanding of colonization and trauma in an interview with CBC Radio. When discussing the childhood sexual assaults that occur to Bernice/Birdie, the main character in *Birdie* (2015), Lindberg stated that: “I could tell you from my own experience how many of our family members have those random ‘uncles,’ who are allowed to come and go as they please. But they have no reciprocal obligation to the people of the house, so they don’t have to be kind, and they don’t have to take care of or be responsible for people’s safety” (CBC Radio, 2016, para. 5). Although it is unclear whether Lindberg is a survivor or a witness of assault, her experiential knowledge comes from growing up in northern Alberta on the Kelly Lake Cree Nation, as well as from her professional work as a lawyer and researcher with Indigenous communities.

In her research on Indigenous laws, Lindberg works with community members to find law through discussions about responsibilities and choices. This approach is evident in *Birdie* (2015), where, as Lindberg says, “with the book, what I’ve hopefully done here is not tried to colonize the way that [*Birdie* protagonist] Bernice or her family think about the law, but to put out very clearly that as women, there are lawful obligations to be followed. Particularly when there is lawlessness within the community” (CBC Radio, 2016). *Birdie* (2015) is a book about the choices that women make in response to lawlessness and how women create and uphold laws through their everyday actions.

*Birdie* (2015) was one of five books selected for Canada Reads 2016 (CBC Books, 2017; Morgado, 2016; Wong, 2016), a national literary debate that is held annually to determine the one book that all Canadians should read each year. In 2016, the selection theme was ‘starting over’ (Wong, 2016) and *Birdie* (2015) not only fit that theme, but also connected readers to the *94 Calls to Action* (2015) that had just been released by the Truth and Reconciliation Commission (Morgado, 2016). In addition, *Birdie* (2015) has been used by four Canadian law schools as part of their curriculum (Alex, 2016) and Lindberg’s “hope is that the book encourages people to think about the law, not only as a series of rights, but also as a set of responsibilities and obligations to other people, and to the natural world” (Alex, 2016, para. 4). In support of that goal, Lindberg has co-authored a teacher’s guide that can be used with this novel. The teacher’s guide identifies that *Birdie* (2015) can be used for teaching Grades 10-12 English and Canadian law, politics, and history. As well, it suggests that, with care, this novel could be used with students in Grades 7-9 (McKay & Lindberg, 2023).

Commented [MS3]: check

Commented [MS4]: check

Commented [MS5]: check

Commented [TM6R5]: All checked and corrected

As a novel, *Birdie* (2015) clearly embodies all the essential elements of Indigenous literatures (Younging, 2018). *Birdie* (2015) gives authority to all voices in the story, gives authority to animals and spirits and natural phenomena, and stretches across long expanses of time in a non-linear narrative (Younging, 2018). The story gives authority to all voices by having five female narrators: Bernice/Birdie, Maggie, Val, Freda, and Lola. Although Bernice/Birdie's voice dominates the story, there are significant narrative sections allocated to the other 4 women. In *Birdie* (2015), authority is also given to animals, such as the owl who is a central figure in one of the reading paths, and to spirits, such as the Frugal Gourmet, "a portly denim-clad white man" (Lindberg, 2015, p. 3) who acts as Bernice/Birdie's spirit guide throughout the novel. In addition, two *Pimatisewin* (life) trees are given a central role in the story. They represent both the authority of the natural world and the life force of the universe. And finally, although the story is grounded in specific places in Alberta and British Columbia, all the reading paths in *Birdie* (2015) are non-linear and stretch from Bernice/Birdie's childhood to her adulthood.

There are three reading paths in *Birdie* (2015). All the chapters begin with a section called *pawatamowin*, which is translated as 'dream'. This is the first reading path, and the main character and narrator of this path is Bernice/Birdie. It is in this reading path that Bernice/Birdie receives guidance and assistance about events that occur in the other reading paths from her spirit guides, the Frugal Gourmet and *Pimatisewin*. The second reading path is contained in the story that is found in the chapters. This reading path is narrated by Bernice/Birdie, Val, Freda, and Lola. The second reading path moves in a non-linear fashion through multiple settings that are both fictional and real: Little Loon First Nation in northern Alberta<sup>41</sup>; Grande Prairie, Alberta; Edmonton, Alberta; and Gibsons, British Columbia. The third reading path is found at the end of most of the chapters in the sections called *acimowin*, which is translated as 'story'. In this reading path, the main character is an owl and the narrator is unnamed. The *acimowin* reading path is a metaphor for Bernice/Birdie's journey in the other two reading paths. Much like a braid of sweetgrass, Lindberg weaves all three reading paths together to tell Bernice/Birdie's story.

---

<sup>41</sup> Lindberg has stated that Little Loon First Nation is a fiction place in Alberta. She says "if it existed, it would be north of Grande Prairie and east of Dawson. It has forest all around and a few big hills. Grande Cache with a different splendor and less incline" (Lindberg, 2015, p. 261).

Bernice Meetoos, also known as Birdie, is the main protagonist in this work.

Bernice/Birdie is a Cree woman in her mid-20s. She is a smart, asthmatic, big woman, who wears “3x panties, 2x denim shirt, and size 5 shoes” (Lindberg, 2015, p. 52). As a little girl, Bernice/Birdie was a “chubby, fine-boned Halfbreed girl” (Lindberg, 2015, p. 79) but as she grew up, she “felt oddly disconnected from her body, like she did not know the nature of her form...[and she] could absolutely disappear” (Lindberg, 2015, p. 147). As the story unfolds in all three reading paths, readers discover that Bernice/Birdie’s disconnection is the result of a childhood sexual assault by her Uncle Larry Meetoos. Indeed, this pivotal event propels the story line for all the characters in the work.

Val Calliou, Bernice/Birdie’s Auntie, is a secondary protagonist. Lindberg describes Val Calliou, as a woman who is “well” (Lindberg, 2015, p. 264). And, as Bernice/Birdie’s mother explains to Bernice/Birdie, “when you were a little girl...your Auntie Valene hugged you to herself and told me that you were her daughter...she is your *kee kuh wee sis*, your little mother” (Lindberg, 2015, p. 38). Maggie Meetoos, Bernice/Birdie’s mother, is a foil for both Bernice/Birdie and Val Calliou. As a slender, short woman, Maggie is contrasted physically with Bernice/Birdie and Val, who are both big women. And, more importantly, Maggie’s character arc contrasts with their character arcs. After Maggie visits the *Pimatisiwin* tree, she goes to Vancouver’s Eastside, choosing “this city and this neighbourhood because she knows someone like her can disappear here. She finds the bar...walked in the door. And did” (Lindberg, 2015, p. 256). By bookending the three reading paths in the main story with Maggie’s disappearance, and presumed death, Lindberg is using Maggie’s character arc as a direct foil to underscore Bernice/Birdie’s return to an integrated state of physical, mental, emotional, and spiritual health.

Becoming healthy is a major theme throughout the work. As Lindberg states, “Bernice’s wellness and kindness is the centre of the story. The understanding that you can uncover and recover from sexual assault is important; knowing you can make a healthy family, a healthy self and a ‘good life’ is even more so” (Lindberg, 2015, p. 265). The theme of health can be found in Bernice/Birdie’s story, as well as in the interactions of the women around her. Two secondary characters, Skinny Freda, Bernice/Birdie’s “sistercousin” (Lindberg, 2015, p. 22) and Lola, her employer in Gibsons, BC each play important roles in regard to this theme. A major pathway for Bernice/Birdie to become healthy is by entering a dreamstate, where “moving and immobile at the same time, she had been content to just sit, watch and stare herself into her time. She would

not try this at home. Would never have done so in Edmonton, But Gibsons is just safe. Enough” (Lindberg, 2015, p. 5). It is while working for Lola at the bakery, Lola’s Little Slice of Heaven, that Bernice/Birdie finally feels safe enough to fully enter this dreamstate.

During her time in the dreamstate, Bernice/Birdie goes through *kweskatisowin*, a “change of life - not the *moniaw* [white people] change of life, but an intricate one that takes root in spirit first and body next...it’s a shifting of yourself in your life” (Lindberg, 2015, p. 168). While Bernice/Birdie is in her dreamstate, Skinny Freda, Lola, and her Auntie Val, work together to feed each other and gather the items from Bernice/Birdie’s grocery lists: “when Auntie Val goes to the market, she comes back with game and berries. When Freda goes, she brings seafood and rare and out-of-season herbs and plants. When Lola shops, she gathers cuisine and food that no one has heard of before. And. The list. None is a particularly inspired cook, but each finds herself trying new recipes and stockpiling ingredients” (Lindberg, 2015, p. 157). By the time Bernice/Birdie emerges from her dreamstate, the women have accumulated enough food to make “the feast that Bernice has been dreaming about her whole life” (Lindberg, 2015, p. 245). The four women give this feast first to the *Pimatisiwin* tree and then to the people from their communities. Throughout the work, Lindberg is clearly using food and feeding as symbols for becoming healthy.

The second major theme in *Birdie* (2015) is that men abuse women and children. Bernice/Birdie’s Uncle Larry Meetoos, the antagonist of the work, is a central character in terms of this theme. Uncle Larry is characterized both as a wolf and a person who “shape-shifted and became something less than uncle and more than animal” (Lindberg, 2015, p. 175). When Bernice/Birdie is eleven years old, she returns home alone one night and encounters her Uncle Larry. He rapes her by “forcing his way into her room, taking all of the life out of her little room under the stairs” (Lindberg, 2015, p. 162). After this event, “she didn’t talk for a year...the funny thing is – no one seemed to notice. No one mentioned that her underwear was bloodied, that there were bruises on her arms and neck. No one brought up her swollen lip or the cut above her eyebrow” (Lindberg, 2015, p. 165). Later in the story, after Bernice/Birdie arrives in Gibsons, BC as an adult, Uncle Larry is implicitly equated to a *whitigo*. This can be seen when Bernice/Birdie’s hair turns grey overnight because “she has seen something. Bad. In the dark times, the *Whitigo* comes. Especially when you are sleeping” (Lindberg, 2015, p. 206). The character of Uncle Larry represents all the harms that men do to women and children.

The theme of men harming women and children is also explored through the women in Bernice/Birdie's life. Following the rape by Uncle Larry, they each have various reactions to the event. Maggie, Bernice/Birdie's mother, "was barely present in her body, let alone the house, by that time" (Lindberg, 2015, p. 165) and is oblivious to the harm perpetrated on her daughter. In contrast, Bernice/Birdie's sistercousin, Freda: "She knew. At the very least, Freda had noticed. And. Was relieved. That. It was not. Her" (Lindberg, 2015, p. 155). However, "Auntie Val sees her. Has always seen her. Notices the rigidity in Bernice's face and her hand clutching the bedclothes in a vise. Deathwise. And. Starts to pray" (Lindberg, 2015, p. 165). Auntie Val sees "Bernice fighting for survival – as generations of Meetoos women had – from uncles" (Lindberg, 2015, p. 183) and her solution is to remove Bernice/Birdie from her home in Little Loon First Nation. She takes Bernice/Birdie to live with her in Edmonton and enrolls her in an all-girl Christian school. Unfortunately, after a few years, Val abandons Bernice/Birdie and Social Services place her in a foster home. Ultimately, as a child, Bernice/Birdie is not protected by the women in her life from the harms that the men in her life perpetrate. By presenting the women this way, Lindberg is tying the two themes together: that men harm women and children, and that people need to become healthy. It is apparent that everyone in the community needs to become healthy for children to grow up safely.

#### **4.5 Summary (*naspasihikew*) and next steps (*iyaskohc*— next in sequence)**

As part of identifying contemporary understandings of Cree law, in this chapter I have engaged in step one of the ILLPA framework. I have used a sub-method of Indigenous literary analysis on the four Cree literary works included in my research: *Back Track* by Harold Johnson, *Songs to Kill a Wihitkow* by Neal McLeod, *Rose's Run* by Dawn Dumont, and *Birdie* by Tracey Lindberg. Each of these literary works has presented a *wetiko* story involving themes of lateral violence and resolving harm. Although these are all *wetiko* stories, each author has a unique Cree identity based on their own experiential knowledge which they have drawn on to create their stories. Furthermore, these four authors are making deliberate choices about their writing despite

the pressure on contemporary Native writers: "If you are old, you are supposed to write legends, that is stores that were passed down to you from your elders. If you are young, you are expected to relate stores about foster home, street life and loss of culture and if you in the middle, you are supposed to write about alcoholism or residential school. And somehow throughout this you are to infuse everything you

write with symbols of the native worldview, that is: the circle, mother earth, the number four or the trickster figure” (Hoy, 2016, p. 39).

As Tomson Highway puts it: for Indigenous authors the “written form of storytelling (emerged) from the ashes, so to speak, of an oral tradition” (Highway, 2017, p. xii) and they continue to draw freely from those oral traditions when they write in English. As part of their expression of Indigenous Voice, each of the four authors that I have included in my research has made different choices about how and when to incorporate Cree culture, language, and symbolism into their contemporary works.

In the next chapter, I will present step two of the ILLPA framework which is a plot summary and an expanded case briefing for each of these four stories: *Back Track* (Johnson, 2005), *Songs to Kill a Wihtikow* (McLeod, 2005), *Rose’s Run* (Dumont, 2014), and *Birdie: a novel* (Lindberg, 2015). When we recognize that Indigenous writers make choices and their stories emerge from these choices, all four authors and stories embody the concept of intellectual mobility (Borrows, J., 2016). The authors are living Cree people doing storytelling and, as will be demonstrated through the expanded case briefings, their stories are valid sources of contemporary knowledge about living Cree laws.

## ***Chapter 5 (nîyânan— five): ILLPA step 2 – plot summary and expanded case briefing***

The aims of my dissertation research fall under the broad umbrella of Indigenous legal studies research, with a specific focus on how to use contemporary understandings of Cree law for assessing OH&S policies that have been Indigenized. Therefore, in the previous chapter, I discussed step one of the ILLPA framework: Indigenous literary analysis of *Back Track* (Johnson, 2005), *Songs to Kill a Wîhtikow* (McLeod, 2005), *Rose's Run* (Dumont, 2014), and *Birdie: a novel* (Lindberg, 2015). Step one of the ILLPA framework established that each of these works contained contemporary knowledge about Cree law. Now, to draw out those contemporary understandings of Cree law, specifically *wetiko* law, Chapter *nîyânan* (five) presents step two of the ILLPA framework: a plot summary and expanded case briefing for each literary work.

Just as law is embedded in culture and therefore lives (Borrows, J., 2016; Napoleon, 2007), Indigenous literatures are also embedded in culture and are living traditions. Law and storytelling both change over time because people are practicing both things; they are *doing* law and storytelling. Just as law comes from the practice of law, storytelling comes from the practice of telling stories. Although engaging with law and storytelling is done in multiple ways that may contradict each other “there is no ‘essential’ Indigenous identity that requires Indigenous people to think and act in unison” (Borrows, J., 2016, p. 103). Therefore, through the harms and resolutions that occur in these stories, each author expresses their own unique understanding of the Cree laws that are embedded in *wahkohtowin* (relationship) and *miyo-wicehtowin* (good relationships).

### ***5.1 Back Track***

#### **5.1.1 Step two: plot summary**

Jimmy Tinker is a trapper who is chilled by Northwind. He forgets to put down a tobacco offering after he is bitten by a fox caught in one of his traps. After these events, Jimmy dreams of a *Wetiko* woman who offers him human flesh to eat. Jimmy transforms into a *wetiko*. He goes to

La Ronge to sell his furs and meets his brother Edward in the bar. Two conservation officers confront Jimmy with their suspicions that he has used illegal trapping methods and Jimmy kills both officers. He kills them by biting the throat of one officer and beating the other officer to death. Jimmy runs away from La Ronge and goes to the cabin of his girlfriend's grandfather. Gladys, his girlfriend, meets him there and warns him that the RCMP are starting a manhunt to find him.

After Gladys goes back to town, Jimmy encounters another one of his brothers, Henry, on the highway. Jimmy gives Henry money and asks Henry to buy him ammunition. Back in town, Gladys becomes worried that Jimmy has rabies and needs medical attention. She tells the RCMP that Jimmy is at her grandfather's cabin. Two RCMP officers go out to the cabin and Jimmy kills them. He flees into the woods on his snowmobile. Additional RCMP reinforcements and the army come to town and join the local RCMP in the manhunt. While out on the land, one of those reinforcement officers is attacked by Jimmy, who removes the officer's arm and eats it.

Jimmy's brothers, Charles, Henry, and Edward, meet multiple times to discuss what to do about Jimmy. Charles and Henry also meet with their Uncle Zack, who tells them stories and provides advice about relationships and family obligations. Gladys talks to her grandmother Jean, who tells her stories and provides advice about relationships and family obligations. Henry also talks to his girlfriend, Lois, who supports him and encourages him to prioritize his responsibilities towards Jimmy over his responsibilities to work. Following this, Henry gives Jimmy the ammunition that Jimmy asked for.

The RCMP hire a Cree trapper, Dan Settee, to track Jimmy. Charles also joins the manhunt for Jimmy. As the manhunt intensifies, Jimmy attacks a Cree hunter who is ice fishing and steals the hunter's boots. Jimmy also begins to physically see the *Wetiko* woman that he previously dreamed of. She is less attractive than in his dreams and encourages him to follow her southward to the land of plenty. Gladys is able to mentally and spiritually communicate with Jimmy when they are physically apart. She uses this ability to call to Jimmy and ask him to come home. Gladys' call enables Jimmy to break away from the *Wetiko* woman and he heads north back to La Ronge.

As Jimmy travels north, Dan Settee and Charles see him. They, and the RCMP manhunt, track Jimmy into a deadfall. Jimmy eludes Dan and the RCMP, but Charles meets him on the other side of the deadfall. Jimmy tells Charles that he is going to ask Charles, Henry, and Edward



to do a favour for him. He asks Charles to promise to do it and Charles agrees. Jimmy continues to La Ronge. That evening he breaks into Dan Settee’s motel room and threatens Dan with a gun.

While Charles is tracking Jimmy, Henry meets with Elder Zack and they both go to town. Elder Jean prepares for something that she feels is coming. Edward writes a poem and then leaves the mining camp to go back to La Ronge. Henry and Elder Zack stop to pick up Elder Jean and go to bingo. On the way, Henry stops at the gas station and meets Edward and Charles. Charles tells them that he has seen Jimmy go into Dan Settee’s room. Charles, Henry, Edward, Elder Zack, and Elder Jean all go to Dan Settee’s room, where they meet with Jimmy. They are joined by a local RCMP officer, Joe McQuay.

Jimmy tells them that the *Wetiko* woman is outside the motel, and they should not let her in. They can all hear her outside. Jimmy asks Charles, Henry, and Edward to kill him by shooting him through the heart, which will release his spirit to the otherside. He wants them to do this so that he does not become like the *Wetiko* woman. As the group discusses what to do with Jimmy, the RCMP arrive outside and blockade the motel. The *Wetiko* woman interacts with the RCMP, telling them to shoot Jimmy in the head and, ultimately, attacking the officers. Then she disappears into the night.

Inside the motel room, Elder Lois and Elder Zack have a silent conversation. Elder Lois reminds Elder Zack that there is another way to deal with Jimmy. Elder Zack resists interfering. He states that the law is that he cannot interfere without being asked. Elder Lois says she will ask him for help, and he will ask her for help. Then they can both use their gifts to help Jimmy.

Everyone leaves the room, except for Elder Lois, Elder Zack, Dan Settee, and Jimmy. Joe McQuay tells the RCMP outside that the Elders and Jimmy are going to have a ceremony. Everyone waits for several hours. The Elders and Dan come out of the motel with another old man, Adolphous, and the Elders state that Jimmy has paid for his sins with most of his life. Joe McQuay and the RCMP are unable to find Jimmy.

**5.1.2 Step two: expanded case briefing**

**Table 5.1: Back Track case brief**

Case Brief	Name of story, with full citation.	Johnson, H. (2005). <i>Back track</i> . Thistledown Press.
------------	------------------------------------	--

Issue/Problem	<p>What are the themes of this work?</p> <p>Does this story address issues of lateral violence in Indigenous communities?</p> <p>Is the harm within the story gendered and/or colonial?</p>	<p>There are two themes: concepts of evil and taking responsibility and achieving balance.</p> <p>The story addresses issues of lateral violence in Indigenous communities.</p> <p>The harm within the story is gendered: it occurs between a female perpetrator (the <i>wetiko</i>) and a male victim (Jimmy). Harm also occurs between a male perpetrator (Jimmy) and male victims.</p> <p>The harm within the story is colonial: it includes the on-going impacts of colonization and resistance to colonization.</p>
Facts	<p>What facts (events and actions) in the story matter to this particular issue?</p>	<p>A trapper is chilled by the Northwind, bitten by a fox, and forgets to put tobacco down. He dreams of a <i>Wetiko</i> woman and is transformed into a <i>wetiko</i>. He kills four RCMP officers and eats the arm of a fifth officer. His three brothers consult with Elders and work together to support him. His girlfriend supports him and betrays him. He eludes the RCMP pursuit and confronts the Cree tracker the RCMP have hired. His three brothers, two Elders, the Cree tracker, and an RCMP officer join him in the motel room and discuss what to do with him. The two Elders decide how to deal with him. Everyone leaves the motel room, except for the two Elders and the Cree tracker. They conduct a ceremony and turn him into an old man. The <i>Wetiko</i> woman vanishes.</p>
Decision/Resolution	<p>What is decided at the community level that resolves the problem?</p>	<p>At the community level, the Elders decide to transform the male victim (Jimmy) into an old man.</p>

	<p>What is decided at the individual level that resolves the problem?</p> <p>Is the decision gendered?</p> <p>If there is no clear human decision, what action resolves the problem?</p> <p>Is the action gendered?</p>	<p>The implication is that this prevents him from being a <i>wetiko</i> and renders him harmless to the community.</p> <p>At the individual level, the male victim (Jimmy) finds a solution to the problem by asking his brothers to kill him. The implication is that this would prevent him from being a <i>wetiko</i> and would render him harmless to the community.</p> <p>The resolving action is gendered because the final decision is proposed by a female Elder and carried out by a female and male Elder.</p>
Reason (Ground/Ratio)	<p>What are the physical, mental, spiritual, and emotional reasons behind the decision or resolution?</p> <p>Is there a stated explanation in the story? If not, what can be inferred from the use of symbols and cultural knowledge as the unstated reason(s)?</p> <p>Do the reasons behind the actions incorporate specific understandings of gender roles?</p>	<p>An individual's mental, physical, spiritual, and emotional health are linked, and all types of health are negatively impacted by the experience of colonization in the past and present. Individuals and communities need to heal from these harms.</p> <p>The reasons behind the decision can be inferred from the use of symbols and cultural knowledge. The inclusion of spiritual abilities, such as intuition, the ability to communicate non-verbally when people are apart, transformative visions, and poetry all support the reasoning that individuals are assisted in healing by connecting with Elders and language keepers to learn about their culture.</p> <p>The reasons behind the actions incorporate specific gender roles, especially understandings of how men and women should interact and individual responsibilities. Men need to treat women with</p>

		kindness and compassion. Men and women need to put their families of origin ahead of their partners. Men and women are responsible for acting well because their actions affect other people.
Bracket	What do you need to bracket for yourself in this story? Do not automatically bracket spiritual or supernatural elements.	Using rabies as an explanation for becoming a <i>wetiko</i> .

## 5.2 Songs to Kill a *Wihitkow*

### 5.2.1 Step two: plot summary

In this story, the poetic reading path starts with the birth and early childhood of Neal McLeod, then there are two poems about abusive incidents which either happen to him or that he witnessed: *On Wihitkow Floor* and *A Wihitkow's Howl Holds the Night*. It is in these poems that McLeod mixes a first person and a third person voice, so that is unclear who he is referring to. From this point on the poetic reading path repeatedly contains moments when McLeod refers to the *wihitkow* and his internal struggle “to kill *wihitkow*” (McLeod, 2005, p. 18). Next in the reading path, McLeod has a negative sexual experience with a white girl, learns some of his family history from his grandfather, and moves to Berlin where he struggles with the “heavy breath of *wihitkow* upon my back” (McLeod, 2005, p. 28). Then he meets a woman and forms a significant relationship with her, which “changes a *wihitkow*'s heart” (McLeod, 2005, p. 35). After a happy period in Berlin, McLeod's great-grandfather *kokocis* dies. At this point, the narration moves to the artwork reading path, filled only with images of the *wihitkow*.

After this dramatic interlude, the poetic reading path begins again with McLeod's arrival back in Saskatchewan and his reconnection with his great-grandmother, *nicâpân*. The story becomes significantly non-linear at this point, including events from both his own past and present life, his male ancestors' lives, and other men he knows. Although some stories about other men are positive, such as Johnny Burns in *Holes in Sound* and John/Jack in *Saulteaux Billy Jack*, there are also stories about men who treat culture like a commodity, such as *Sacred Man*. A significant section of the poetic reading path contrasts his *kokocis* in *E-Sah-Sakiniskepayihot* and his father and uncles in *The Last Great Hunting Trip*. His *kokocis* is characterized as “a

successful farmer...[who] always got gussied up...marching down the streets of Prince Albert like Alexander through Babylon” (McLeod, 2005, p. 64). In contrast, his father and uncles are depicted as rough men “released and on the prowl on dance floors and pool halls, with CCR blaring seemed like every tagged blond was some kind of revenge” (McLeod, 2005, p. 66). Then the reading path moves on to sexual encounters with a number of women in the present and a past experience with drug use as “a Cree boy in the streets of Venice” (McLeod, 2005, p. 81).

Next, McLeod struggles with adulthood and urban living in the present while also delving into the past and grappling with the process of colonization. Then he meets his wife in *New Life*. They have children: “small humans waiting to walk she was earth to hold new body new voice my scarred flesh reborn” (McLeod, 2005, p. 92). Again, the reading path returns to the past and explores Treaty making, colonization, and the impacts of colonization through the poems *Manitowew*, *Wihitkow Farmers*, and *Suburban Castration*. The reading path continues to depict struggles with the *wihitkow*, who seems to have become a female character in *Wihitkow Sun*. Ultimately, McLeod’s poetic reading path ends with the recognition that his wife “brings back the clouds that hold water” (McLeod, 2005, p. 100) and the invocation of his ancestor, “*wihitkohkan* fake *wihitkow*...making sense of making lies” (McLeod, 2005, p. 102).

**5.2.2 Step two: expanded case briefing**

**Table 5.2: Songs to Kill a Wihitkow case brief**

Case Brief	Name of story, with full citation.	McLeod, N. (2005). <i>Songs to kill a Wihitkow</i> . Hagios Press.
Issue/Problem	<p>What are the themes of this work?</p> <p>Does this story address issues of lateral violence in Indigenous communities?</p> <p>Is the harm within the story gendered and/or colonial?</p>	<p>There are two themes: the struggle of a man to resist his inner darkness, and coming-of-age, or the movement from boyhood to manhood.</p> <p>The story addresses issues of lateral violence in Indigenous communities.</p> <p>The harm within the story is gendered: it occurs between a male perpetrator (the <i>wihitkow</i>) and a male survivor (the narrator).</p>

		The harm within the story is colonial: it includes immediate and on-going impacts of colonization on the colonized.
Facts	What facts (events and actions) in the story matter to this particular issue?	Two incidents of abuse occur. After this, the male survivor has a negative sexual experience, learns family history, and moves to Berlin. He forms a positive relationship with a woman. His great-grandfather dies. He becomes a <i>wihtikow</i> . He returns to Saskatchewan and reconnects with his great-grandmother. The male survivor's great-grandfather goes to town and acts in both a dignified and humorous fashion. The male survivor's father and uncles go on a hunting trip and spend most of the time drinking. The male survivor has several sexual partners, learns about colonization in the past, then meets his wife. They have children and he struggles not to become a <i>wihtikow</i> . The male survivor's great-great-grandfather is introduced as a <i>wihtikowkan</i> .
Decision/Resolution	<p>What is decided at the community level that resolves the problem?</p> <p>What is decided at the individual level that resolves the problem?</p> <p>Is the decision gendered?</p> <p>If there is no clear human decision, what action resolves the problem?</p> <p>Is the action gendered?</p>	<p>At the community level, the male survivor is supported and assisted by his great-grandfather, his great-grandmother, his wife, and his ancestor when he becomes a <i>wihtikow</i>.</p> <p>At the individual level, the male survivor finds a solution to the problem through emulating his great-great-grandfather. In other words, the male survivor recognizes that he must transform himself from a <i>wihtikow</i> to a <i>wihtikowkan</i>.</p>

		The resolving action is gendered because it relates to how a boy becomes a man.
Reason (Ground/Ratio)	<p>What are the physical, mental, spiritual, and emotional reasons behind the decision or resolution?</p> <p>Is there a stated explanation in the story? If not, what can be inferred from the use of symbols and cultural knowledge as the unstated reason(s)?</p> <p>Do the reasons behind the actions incorporate specific understandings of gender roles?</p>	<p>An individual's mental, physical, spiritual, and emotional health are linked, and all types of health are negatively impacted by the collective experience of colonization in the past and present. Individuals need to heal from these harms. Individuals are assisted in healing by knowing about/understanding the past and by following their ancestors' examples.</p> <p>The use of symbols and cultural knowledge in the story links personal experience to the collective experience of colonization in the past and the present.</p> <p>The reasons behind the actions incorporate specific gender roles, especially understandings of the responsibilities of manhood and how men and women should interact. Men need to be strong and dignified. They should contain harmful impulses and actions. This results in men acting for the collective good.</p>
Bracket	What do you need to bracket for yourself in this story? Do not automatically bracket spiritual or supernatural elements.	<p>Poetic format.</p> <p>Non-naming of many characters.</p>

### 5.3 *Rose's Run: a novel*

#### 5.3.1 Step two: plot summary

Rose Okanese is living on reserve with her husband, Gilbert, and their two daughters. Rose discovers that her husband is having an affair, and he leaves her. Rose gets a new job at the band office as the social services administrator and decides to train for a marathon. Rose starts to see her mother's ghost while running. Rose's best friend, Winter, becomes pregnant and separates from her husband because he is sexting with a younger woman. People on the reserve begin seeing and dreaming about a ghost who threatens and chases them and who looks like an old woman. The ghost is the Old Woman/Dream Woman who has been inadvertently summoned by Rose's oldest daughter, Sarah, and Sarah's friend Ronnie when they performed a ceremony at her grave. The Old Woman begins to change the behaviour of women on reserve, particularly Winter and Ronnie. She also begins to appear in a physical form and interact with people. Winter and Ronnie become sick and Rose takes Ronnie to the hospital, where she dies. Winter is taken to a bush camp by the Old Woman.

Rose and Sarah find out from Gilbert that the Old Woman was a medicine person who went crazy after her husband murdered her children. She started doing evil things to people including eating them, and was first banished by the Chief and headmen and then killed by them. She was buried in the old cemetery on reserve. When Rose approaches her father to ask for his help with the Old Woman, he refuses to help her because she has not approached him in a traditional and respectful way. Sarah is possessed by the Old Woman who says that men do cruel things and deserve to be punished. People on reserve gather at the band office and the Chief announces that they have found an elder to assist them with dealing with the Old Woman. When the elder decides not to come, most of the women on reserve stay at the band office, burn down the bingo hall, cut the power and phone lines, and capture men to torture them. Rose is protected by her mother's ghost and rescues the men. Ronnie's mother makes some traditional medicine, and Rose lures the Old Woman away from the other women and, with the help of her mother's ghost, makes the Old Woman drink the medicine. The Old Woman melts into the earth and rejoins her children.

### 5.3.2 Step two: expanded case briefing

**Table 5.3: Rose's Run case brief**

Case Brief	Name of story, with full citation.	Dumont, D. (2014). <i>Rose's run: A novel</i> . Saskatoon, SK: Thistle-down Press.



Issue/Problem	<p>What are the themes of this work?</p> <p>Does this story address issues of lateral violence in Indigenous communities?</p> <p>Is the harm within the story gendered and/or colonial?</p>	<p>There are two themes: health is physical, mental, spiritual, and emotional, and men abuse and abandon women.</p> <p>The story addresses issues of lateral violence in Indigenous communities.</p> <p>The harm within the story is gendered. It occurs between a female perpetrator (Old Woman) and male and female survivors. It also occurs between male perpetrators and female survivors.</p> <p>The harm within the story is not presented as colonial.</p>
Facts	<p>What facts (events and actions) in the story matter to this particular issue?</p>	<p>Two girls wake up a <i>wetiko</i> (the Old Woman). The <i>wetiko</i> attacks the community by possessing and influencing the women to harm the men. Rose works with several men (Taylor and Monty) and another woman (Ronnie's mother) to rescue the men in the community from the Old Woman. As she tries to deal with the Old Woman, Rose is abandoned by her father and helped by her mother's ghost. By using traditional medicine, Rose is able to return the Old Woman to the land, removing her as a threat.</p>
Decision/Resolution	<p>What is decided at the community level that resolves the problem?</p> <p>What is decided at the individual level that resolves the problem?</p> <p>Is the decision gendered?</p> <p>If there is no clear human decision, what action resolves the problem?</p>	<p>At the community level, the male leadership recognizes that the Old Woman is a problem. The male leadership attempts to resolve the problem by bringing in a male elder from another community. This solution is unsuccessful.</p> <p>At the individual level, Rose and Ronnie's mother find a solution to the problem. Rose, with the assistance of her dead mother, confronts the Old Woman and</p>

	Is the action gendered?	<p>makes her drink traditional medicine. The women resolve the problem by removing the perpetrator from the community.</p> <p>The resolving actions are gendered because the women are more effective at resolving the problem than the men are.</p>
Reason (Ground/Ratio)	<p>What are the physical, mental, spiritual, and emotional reasons behind the decision or resolution?</p> <p>Is there a stated explanation in the story? If not, what can be inferred from the use of symbols and cultural knowledge as the unstated reason(s)?</p> <p>Do the reasons behind the actions incorporate specific understandings of gender roles?</p>	<p>The reasons behind the decision can be inferred from the themes: health is holistic and men abuse/abandon women. In the resolution, physical, mental, emotional, and spiritual strength are linked, and all are needed for effective action. Additionally, the resolution is brought about by the actions of women working together to protect their children and their communities. The women who act are assisted by the spirits of their female ancestors.</p> <p>The reasons behind the actions incorporate specific gender roles, especially understandings of the centrality of motherhood in women's lives and the responsibilities of motherhood. As well, the reasons also incorporate understandings of how men and women should interact. Men should not be abusive towards women or abandon them.</p>
Bracket	What do you need to bracket for yourself in this story? Do not automatically bracket spiritual or supernatural elements.	The hair in Ronnie's stomach and her return as a spirit after her death.

#### 5.4 *Birdie: a novel*

##### 5.4.1 Step two: plot summary

Bernice/Birdie Meetoos is living in a bakery owned by Lola, an older white woman, in Gibsons, British Columbia. Bernice/Birdie enters a dreamstate in which she recalls her past life and experiences. She relives her life growing up beside Little Loon First Nation in Alberta with her mother, Maggie, her Auntie Val, her cousin, Skinny Freda, and a number of uncles and other extended family. When Birdie is eleven, her Uncle Larry sexually assaults her. After this she moves to Edmonton with her Auntie Val. Bernice/Birdie lives with her Auntie Val, travelling back and forth between Edmonton and Little Loon while attending a religious, all-girls school in Edmonton. When she is fifteen, her Auntie Val abandons Bernice/Birdie in their apartment and Bernice/Birdie lives in foster care for several years. After turning eighteen, Bernice/Birdie lives on the street in Edmonton for four years. She returns home to Little Loon First Nation and encounters her Uncle Larry. He attempts to attack her and has a heart attack. Bernice/Birdie sets the house on fire, killing Uncle Larry, and leaves Little Loon First Nation. After an extended stay in a mental hospital in Edmonton, she eventually travels to Gibsons, British Columbia.

Throughout her life Bernice/Birdie overeats and carries a significant amount of weight. During her dreamstate she fasts, dreams of *Pimatisewin*, the tree of life, and creates grocery lists. While Bernice/Birdie is in her dreamstate, Lola contacts her cousin Freda, who comes to Gibsons. Freda then calls her Auntie Val and they both stay at the bakery with Lola. During Bernice/Birdie's dream state, the three women find her grocery lists and gather the traditional and gourmet food items on the lists. Eventually, Bernice/Birdie wakes up and discovers she is menstruating. Her Auntie Val constructs a ceremonial lodge beside the *Pimatisiwin* tree, where Bernice/Birdie stays for four days. After emerging from the lodge, Bernice/Birdie and the other three women use the traditional and gourmet food items to create a feast. They feed the *Pimatisiwin* tree. After feeding the tree, the four women have a feast at the bakery for all their friends and relatives who have come to Gibsons.

#### 5.4.2 Step two: expanded case briefing

**Table 5.4: Birdie case brief**

Case Brief	Name of story, with full citation.	Lindberg, T. (2015). <i>Birdie: A novel</i> . Toronto, ON: HarperCollins Publishers, Inc.
Issue/Problem	What are the themes of this work?	There are two themes in this work: men harm women and children and becoming healthy.

	<p>Does this story address issues of lateral violence in Indigenous communities?</p> <p>Is the harm within the story gendered and/or colonial?</p>	<p>The story addresses issues of lateral violence in Indigenous communities.</p> <p>The harm within the story is gendered. It primarily occurs between a male perpetrator and a female survivor.</p> <p>The harm within the story is implicitly presented as colonial because alcohol plays a role in the harms.</p>
Facts	<p>What facts (events and actions) in the story matter to this particular issue?</p>	<p>As a child, Bernice/Birdie is sexually assaulted by her uncle. Her aunt recognizes what is happening and takes Birdie to live with her in Edmonton. After her aunt abandons her, Bernice/Birdie lives in foster care and on the streets. As a young adult, Bernice/Birdie returns to her home where her uncle tries to assault her. She protects herself and he has a heart attack. Then she kills him by burning the house he is in. After this she spends a long time in the San (Alberta Regional Psychiatric Services).</p> <p>After leaving the San, Bernice/Birdie goes to Gibsons and enters a dream state. During her dream state she is supported by three women: her employer, her aunt, and her cousin. While in the dream state, Bernice/Birdie encounters spirit guides and is able to heal herself from the trauma of sexual assault. Bernice/Birdie fasts during her dream state and, when she wakes up, her aunt has a womanhood ceremony for her. Following this ceremony, the four women create a feast to feed the</p>

		Tree of Life, themselves, and their family and friends.
Decision/Resolution	<p>What is decided at the community level that resolves the problem?</p> <p>What is decided at the individual level that resolves the problem?</p> <p>Is the decision gendered?</p> <p>If there is no clear human decision, what action resolves the problem?</p> <p>Is the action gendered?</p>	<p>At the community level, the female survivor is separated from the perpetrator by being removed from the community. As well, other women from the community support her healing process.</p> <p>At the individual level, the female survivor finds a solution to the problem by first, confronting and killing her abuser, and second, by healing herself from the trauma of sexual abuse.</p> <p>The resolving action is gendered because it involves women supporting Bernice/Birdie when she enters a dreamstate to integrate the sexual violence she has experienced. Then, after she emerges from her dreamstate, Bernice/Birdie and the women create a feast to feed the Tree of Life and their communities.</p>
Reason (Ground/Ratio)	<p>What are the physical, mental, spiritual, and emotional reasons behind the decision or resolution?</p> <p>Is there a stated explanation in the story? If not, what can be inferred from the use of symbols and cultural knowledge as the unstated reason(s)?</p> <p>Do the reasons behind the actions incorporate specific understandings of gender roles?</p>	<p>The reasons behind the decision can be inferred from the theme that people need to become healthy. In the resolution, integration and healing of self comes from acknowledging truths and finding reconciliation with self and others. As well, the resolution is brought about by women supporting each other to acknowledge and heal from their collective traumas.</p> <p>The use of symbols and cultural knowledge in the story underscores the explanation that physical, emotional, mental, and spiritual health are linked and need to be nourished. This inference is also supported by the role of spirit</p>

		<p>helpers, who assist the protagonist to become healthy.</p> <p>The reasons behind the actions incorporate specific gender roles. Women have a responsibility to become healthy. When they are healthy, they can act in a nourishing and life-giving role for themselves, their families, and their communities. As well, the reasons also incorporate understandings of how men and women should interact. Men should not be abusive towards children and women or abandon them.</p>
Bracket	What do you need to bracket for yourself in this story? Do not automatically bracket spiritual or supernatural elements.	The character of Pat John, who played Jesse on the Beachcombers tv show.

### 5.5 Summary (*naspasihikew*) and next steps (*iyaskohc*— next in sequence)

In this chapter I have established that the four works of Cree literature included in my research deal with issues of lateral violence in Indigenous communities, as well as gendered and colonial harms perpetrated on Indigenous people. To case brief *Back Track* (Johnson, 2005), *Songs to Kill a Wihtikow* (McLeod, 2005), *Rose's Run* (Dumont, 2014), and *Birdie: a novel* (Lindberg, 2015), I first prepared plot summaries to determine what facts (events and actions) mattered in each story. Then I used an expanded case briefing method to identify the community and individual decisions that resolved the harms which occurred in the stories. I incorporated information from the Indigenous literary analysis that I conducted in Chapter *nêwo* (four) to both determine the physical, mental, spiritual, and emotional reasons behind the decisions and to examine the understandings of gender roles that were embedded in the reasoning. As can be seen from the case briefing results, each of these works contain information about Cree laws: they all make statements about *wahkohtowin* (relationship) and how to achieve *miyo-wicehtowin* (good relationships).

My dissertation research is broadly about Indigenous law, with a specific focus on contemporary understandings of Cree law. It is also broadly about organization Indigenization, with a specific focus on assessing OH&S policies that have been Indigenized. In this chapter, I used step two of the ILLPA framework, a plot summary and expanded case briefing for each literary work, to identify contemporary understandings of Cree law, specifically *wetiko* law. Now in the next chapter, I will engage in step three of the ILLPA framework by placing the results of these case briefings into a legal analytical framework (Friedland & Napoleon, 2015-2016) and comparing my results to Friedland's results in *The Wetiko Legal Principles* (2018). I do this comparative analysis to identify similarities and differences between traditional and contemporary understandings of *wetiko* law.

## ***Chapter 6 (nikotwâsik— six): ILLPA step 3 – legal analytical framework***

My dissertation research is broadly about organizational Indigenization and how Indigenous law is being used within that process. I have a specific focus on contemporary understandings of Cree law and on assessing OH&S policies that have been Indigenized. In Chapter *nîyânan* (five) I presented the second step of the ILLPA framework: an expanded case briefing for *Back Track* (Johnson, 2005), *Songs to Kill a Wihtikow* (McLeod, 2005), *Rose's Run* (Dumont, 2014), and *Birdie: a novel* (Lindberg, 2015). The expanded case briefing analysis established that these four Cree literary works all deal with issues of lateral violence, gendered and colonial harms, and that Cree law could be identified within the works. Building on these first two steps, I now engage in the third step of the ILLPA framework: placing the case briefing results within the legal analytical framework of identifying legal processes, responses and resolutions, obligations, rights, and general underlying principles (Friedland & Napoleon, 2015-2016) and, at the same time, comparing my results to Hadley Friedland's results in *The Wetiko Legal Principles* (2018).

As discussed in Chapter *nîso* (two), Friedland's work in *The Wetiko Legal Principles* (2018) is specifically about lateral violence in Indigenous communities, the Cree legal order contained in *wetiko* stories, and how the *wetiko* figure can be used as a legal categorization of harm. Therefore, Friedland's work is directly relevant to my research on lateral violence in workplace communities that include Indigenous, settler, and new immigrant staff. By comparing my case briefing results to Friedland's work, I can identify how contemporary understandings of *wetiko* laws have both remained consistent with and shifted away from traditional understandings of *wetiko* legal principles. In addition, as was discussed in Chapter *nîso* (two), Indigenous thought is holistic and includes both logic and intuition (Couture, 1978). Within ILLPA steps one to three, I am primarily using logical thinking to analyze the four Cree literary works I used, while in ILLPA step four I will shift to using a more intuitive approach to identify themes. To be consistent with Indigenous thought and Indigenous law it is important to use both logic and intuition to engage in a robust critical assessment of OH&S policies that have been Indigenized.



### **6.1 Step three: legal analytical framework and comparative analysis**

To facilitate comparative analysis, I used the same legal analytical framework that Friedland used in the *The Wetiko Legal Principles* (2018). A legal analytical framework identifies legal processes, legal responses and resolutions, legal obligations, legal rights, and general underlying principles (Friedland, 2018; Friedland & Napoleon, 2015-2016; Johnson & Groft, 2017). Legal processes are “how a group solves problems together, who figures out what the rules mean and how they should be applied or adapted in the present situation” (Friedland, 2018, p. 16). Therefore, describing legal processes includes identifying the authoritative decision-makers who respond to harms and the procedural steps that are involved in determining a legitimate response or resolution to the harms (Johnson & Groft, 2017).

Additionally, understanding legal responses and resolutions includes identifying the underlying principles that people are using to determine appropriate responses and resolutions to harms (Friedland, 2018). General underlying principles are recurrent themes that both form the basis for many of the categories in the legal analytical framework, and guide the application of laws for individuals and communities (Friedland & Napoleon, 2015-2016). The application of laws is guided by legal obligations, which involve individual and collective responsibilities. They are “what we expect people ‘should’ do in certain situations” (Friedland, 2018, p. 15). As well, legal rights also guide the application of laws and are “what people should be able to expect from others” (Friedland, 2018, p. 16).

Specifically, the *wetiko* legal principles involve processes, obligations, and rights, as well as some general underlying principles (Friedland, 2018). As Friedland states, “the actions of people in the *wetiko* stories show how people work together in a principled, effective way to face violence and danger created by community members. I believe these principled ways of responding to terrible harm can be seen as part of Cree and Anishinabek *law*” (Friedland, 2018, p. 15). In the following sections, I start by discussing the *wetiko* legal principles identified by Friedland and then compare them with the *wetiko* legal principles that emerged from the expanded case briefing analysis of the four contemporary Cree literary works.

#### **6.1.1 Legal processes: principles, decision-makers, and procedural steps**

Legal processes are how decisions must be made to be seen as legitimate and authoritative by the community (Friedland, 2018; Friedland & Napoleon, 2015-2016; Johnson &

Groft, 2017). As Friedland states, “every legal order must have certain processes so that most people will accept the decision, even if they personally disagree” (Friedland, 2018, p. 75). In her work, Friedland identified that “the most consistent principle in *wetiko* legal processes is that decisions regarding the *wetiko* must be made openly by the collective in order to be seen as legitimate...[and] in the overwhelming majority of cases that end in an execution, a group is involved in making the decision to act” (Friedland, 2018, p. 75-76). Friedland also found that there “are usually specific final decision-makers. These are usually leaders, medicine people, and/or the closest family members of the *wetiko*” (Friedland, 2018, p. 77). Therefore, for legal processes to be considered legitimate, the *wetiko* legal principles identified that decision-making must be collective and open and there is a limited range of authoritative final decision-makers (Friedland, 2018).

Commented [TM7]: This phrasing is part of the quote

In addition, within a legal order, there are specific procedural steps for determining responses to harms. In the *wetiko* legal principles, Friedland determined that the specific procedural steps for dealing with a *wetiko* included: “(1) recognizing and sharing information about the warning signs, (2) observation, questioning, and evidence gathering to determine whether an individual fits in the *wetiko* category, and (3) determining response” (Friedland, 2018, p. 79). Although the procedural steps involved recognizing behavioural and physical signs that could indicate someone might be a *wetiko*, “no response takes place without evaluating whether a particular person fits in the *wetiko* category...[through] observation, questioning, and evidence gathering, usually by a group or by medicine people” (Friedland, 2018, p. 81). This process of evaluation “emphasize[s] the effectiveness of a group discussion to determine the truth about a transformed *wetiko* or see through a *wetiko*’s deceptive tactics and protect people from them” (Friedland, 2018, p. 82).

Responding to a *wetiko* involves five progressive response principles: healing, supervision, separation, incapacitation, and retribution (Friedland, 2018). Within these progressive response principles, “the dominant and over-riding principle in all accounts is one of prevention of harm and ensuring group safety” (Friedland, 2018, p. 85). To prevent harm and ensure safety, the five response principles are used in a variety of ways depending on social and situational contexts (Friedland, 2018). In short, the legitimate and effective response to a *wetiko* includes: recognizing and sharing information about the warning signs; observation and evidence

gathering to determine whether someone is a *wetiko*; and determining the appropriate response using progressive response principles (Friedland, 2018).

The four Cree literary works have a variety of authoritative decision-makers. In *Back Track* (2005), two Elders are the authoritative decision-makers. The woman Elder is presented as slightly more authoritative than the male Elder because she makes the final decision about what they will do with the *wetiko* (Johnson, 2005). This implies that women Elders are the most authoritative community members, although there is a high level of shared authority between male and female Elders. In *Songs to Kill a Wihitkow* (2005), the authoritative decision-maker is the male survivor/*wetiko* and his great-grandfather and his ancestor are also presented as role models for decision-making (McLeod, 2005). This implies that older and younger generations have a shared responsibility for decision-making. In *Rose's Run* (2014), the authoritative decision-makers are adult women, assisted by the spirit of Rose's dead mother (Dumont, 2014). This also implies that older and younger generations have a shared responsibility for decision-making. In *Birdie* (2015), the most authoritative decision-maker is the female survivor. She decides what will be done with the *wetiko* and carries out her decision (Lindberg, 2015). Secondary decision-makers are adult women in her family, who tried to resolve the harms by separating the female survivor from the *wetiko* (Lindberg, 2015). Contrary to Friedland's genderless statement that there are authoritative decision-makers (Friedland, 2018), my analysis reveals the implication that adult women, and particularly survivors, are the most authoritative decision-makers.

Three of the Cree literary works included procedural steps as part of determining a legitimate response and three of the works included some application of progressive response principles. However, only two of the works included the full range of procedural steps: recognizing and sharing information; observation, questioning, and evidence gathering; and determining response. And none of the works included all five progressive response principles: healing, supervision, separation, incapacitation, and retribution.

The most comprehensive procedural steps were presented in *Back Track* (2005). In this work, the full range of procedural steps were followed. Family and community members recognized and shared information about the odd behaviours of the potential *wetiko*, there was a period of observation and evidence gathering to determine that he was a *wetiko*, and a gathering occurred to make a decision about the *wetiko*. The gathering included the *wetiko*, the *wetiko*'s

family as represented by his brothers, the colonial victims as represented by the RCMP officer, the Cree victims as represented by the trapper, and two Elders as authoritative decision-makers. At this gathering everyone was allowed to speak, and a variety of possible solutions were presented. Ultimately, the final decision about what to do with the *wetiko* was made by the Elders and the gathering ended. The decision was carried out by these authoritative decision-makers with only the *wetiko* and the representative of the Cree victims present (Johnson, 2005). All these procedural steps involved the entire community and were open and transparent. In addition, there was some application of progressive response principles. The *wetiko* was first separated from the community and then incapacitated by the authoritative decision-makers.

*Rose's Run* (2014) presented the next most comprehensive procedural steps for determining a legitimate response. In this work, the full range of procedural steps were followed. Community members recognized and shared information about the appearance of a potential *wetiko*, there was a period of observation and evidence gathering to determine that she was a *wetiko*, and several gatherings occurred to make a decision about the *wetiko*. The first gathering was a general community gathering to identify the issue and determine an appropriate response. At this gathering, the authoritative decision-makers, as represented by the Chief, identified and confirmed the issue. The community leaders proposed a response to the issue that was accepted by the community; however, this response failed to resolve the issue. Following this, there was a second, smaller gathering with two women and two men. At this gathering, the victims' families were represented by a mother and a husband, the community leadership was represented by the Chief, and the community was represented by a woman. A solution to the issue was proposed by the victim's mother and accepted by everyone present. The solution was carried out by the woman representative from the community, with the assistance of her deceased mother (Dumont, 2014). Most of these procedural steps involved the entire community and were open and transparent. However, there was no application of progressive response principles in *Rose's Run* (2014): instead, there was only one response that can be interpreted as either incapacitation or retribution.

There were some procedural steps presented in *Birdie* (2015). In this work, there were no community gatherings to identify the issue and determine solutions. The only procedural step that occurred was when one family member recognized the harmful behaviours of the *wetiko* and tried to resolve the issue. She did this by removing the survivor from the community, which

separated the survivor from the *wetiko* (Lindberg, 2015). Although this was technically a procedural step, it did not involve the entire community and was not open or transparent. Although the author may have been limited in her presentation of procedural steps in *Birdie* (2015) because she wished to present a story set within the limitations of an Indigenous community that is still experiencing inter-generational traumas from colonization, this still resulted in a story that included only one procedural step. There was a final individual resolution to the problem when the survivor took an opportunity to kill the *wetiko*. The survivor alone made this decision and carried it out (Lindberg, 2015). As can be seen, there was some application of progressive response principles because the first response focused on separation and the second response can be interpreted as either incapacitation or retribution.

There were minimal procedural steps presented in *Songs to Kill a Wihtikow* (2005). In this work, there were no community gatherings held to identify the issue and determine solutions. Instead, there was an individual resolution to the problem when the survivor/*wetiko* decided to transform himself from a *wetiko* into a community member (McLeod, 2005). Although this decision-making process represents an important step in terms of an individual's ability to recognize their harmful behaviours and accept responsibility for the results of their actions, ultimately, this remained an individual decision. Because the resolution to the problem was made and carried out only by the survivor/*wetiko*, it was not a collective, open, and transparent decision. However, there may have been an application of progressive response principles in *Songs to Kill a Wihtikow* (2005). The work presented multiple instances where the survivor/*wetiko* appeared to use both separation and healing as responses to feelings of becoming a *wetiko* (McLeod, 2005).

The results of case briefing contemporary Cree literature resulted in some similarities and numerous differences from the *wetiko* legal principles identified by Friedland (2018). Despite my research only including four examples of contemporary Cree *wetiko* stories, comparing them with Friedland's *wetiko* legal principles (Friedland, 2018) revealed a number of interesting findings. Although not definitive, these findings point towards areas for further research, analysis, and discussion.

The strongest similarities could be seen in terms of the specific procedural steps used for determining responses to harms, as two of the works used a collective and open decision-making process for identifying and responding to harms (*Back Track*, *Rose's Run*). However, significant

differences could also be seen in these procedural steps. Although Friedland identified that group decisions were necessary for executing<sup>42</sup> a *wetiko* (Friedland, 2018) in the two works where the *wetiko* was executed (*Rose's Run*, *Birdie*) only one instance involved a group decision (*Rose's Run*). This difference may indicate that contemporary understandings of the *wetiko* legal principles are shifting. Based on my analysis, it seems that community-based processes are no longer the only legitimate form of decision-making: individual decision-making processes are also seen as legitimate. Therefore, it appears that the foundational principle of making decisions collectively and openly may no longer be as strong as it was in the past.

In addition, significant differences in terms of who is recognized as an authoritative final decision-maker can be seen. These differences emerged because gender analysis was included throughout the literary and legal analytical steps. Unlike Friedland's *wetiko* legal principles (Friedland, 2018), only one of the literary works included leaders, medicine people, or family members of the *wetiko* as authoritative decision-makers (*Back Track*), while one of the works depicted leaders as ineffective decision-makers (*Rose's Run*) and another depicted family members of the *wetiko* as ineffective decision-makers (*Birdie*). Furthermore, in a complete departure from Friedland's *wetiko* legal principles (Friedland, 2018), three of the works depicted either those who had been harmed or family members of those who had been harmed as the most authoritative decision-makers (*Songs to Kill a Wihitkow*, *Rose's Run*, *Birdie*). It appears that contemporary understandings of the *wetiko* legal principles are incorporating a wider range of authoritative decision-makers than previously recognized. Women who have been harmed and/or their family members are becoming the most authoritative decision-makers rather than leaders, medicine people, or family members of the *wetiko*.

In terms of response principles, there are also a number of differences from Friedland's *wetiko* legal principles (Friedland, 2018). Only one of the works included healing as a response principle (*Songs to Kill a Wihitkow*) and only two of the works included separation as a response principle (*Back Track*, *Birdie*). Ultimately, three of the works used incapacitation as a response principle (*Back Track*, *Rose's Run*, *Birdie*) and one of the works may have also used retribution

---

<sup>42</sup> Friedland specifically discusses incapacitation as the fourth response principle (Friedland, 2018). Traditionally, incapacitation could include temporarily restraining the *wetiko*, as well as permanently incapacitating the *wetiko* through execution (Friedland, 2018). However, "at this point, the only methods of incapacitation that do not carry the risk of criminal charges in the Canadian legal system are calling in police and intervention by mental health services or the Canadian justice system" (Friedland, 2018, p. 92).

as a response principle (*Birdie*). In addition, only two of the works used a progressive set of response principles which included separation, incapacitation, and possibly retribution (*Back Track, Birdie*). These differences can be interpreted to mean that contemporary understandings of the *wetiko* legal principles demonstrate a very limited knowledge of the entire range of possible response principles. As well, they do not include implementing a progressive set of response principles. Unlike traditional understandings of the *wetiko* legal principles, which focused extensively on the responses of healing, supervising, and separating the *wetiko* from the community, the contemporary responses seen within these literary works are focused on incapacitating the *wetiko*. Additionally, within the contemporary understandings of the *wetiko* legal principles within these literary works, incapacitation of the *wetiko* is almost always done by women.

#### **6.1.2 Legal obligations**

Friedland identified a number of legal obligations involved in the *wetiko* legal principles. As stated previously, legal obligations are the individual and collective responsibilities that people have towards each other. They are the kinds of behaviours that we expect from people (Friedland, 2018). Therefore, identifying legal obligations is a part of framing “the *wetiko* as a legal categorization [because the *wetiko*] describes people who are harmful or destructive to themselves and/or others in socially taboo ways” (Friedland, 2018, p. 36). When a *wetiko* harms themselves or others, “the most consistent principle about legal obligations is that there is an obligation to help when possible and to protect the vulnerable from a *wetiko*” (Friedland, 2018, p. 93). In other words, when someone is breaking social norms by acting in harmful ways, people who can provide help and protection are expected to do so.

Friedland also articulated several other legal obligations that follow this main principle including: the responsibility to warn others about the danger; the responsibility to seek help from stronger people; and the responsibility of stronger people to support the *wetiko* and/or the relatives of the *wetiko* (Friedland, 2018). The responsibility to warn others is both an individual and a collective duty which should be carried out by the people surrounding the *wetiko*. This duty is linked to the *wetiko*'s responsibility to ask for help from other people who can assist and heal. Indeed, Friedland found that “in every story where a person seeks help from a stronger person, it was provided” (Friedland, 2018, p. 97). However, once help is provided to assist and heal the *wetiko*, there is also a recognition that “it is a lifelong condition, [and] they must be

watched and taken care of for life” (Friedland, 2018, p. 98). Therefore, Friedland determined that the healer was expected to take permanent responsibility for the *wetiko* and, oftentimes, the person who incapacitated the *wetiko* was expected to take permanent responsibility for the *wetiko*’s dependents (Friedland, 2018).

The four Cree literary works incorporated a range of expressions for the obligation to help when possible and to protect the vulnerable. *Back Track* (2005) had the most explicit and effective expression of this obligation. In this work, family members and Elders understood their obligation to provide help to the *wetiko* and fulfilled their obligations. As well, there was an official community response intended to protect the vulnerable. Overall, the help and protection that were provided were depicted as effective and successful (Johnson, 2005). *Songs to Kill a Wihikow* (2005) had an implicit expression of part of this obligation. In this work, great-grandparents and an ancestor were depicted as helping through modelling appropriate behaviour and the conclusion of the work implied that this help was effective and successful. However, there were no depictions of the obligation to protect the vulnerable in this work (McLeod, 2005).

In contrast to these two works, *Rose’s Run* (2014) and *Birdie* (2015) both depicted the obligation to help and protect by including examples of both effective and ineffective help and protection. *Rose’s Run* (2014) included several parents that provided help, as well as a parent and an Elder who refused to help. The parents that helped included one spirit mother, two mothers and one father, while the parent and Elder who refused to help were both men. The mothers were characterized as the most effective at fulfilling their obligation to help. In terms of the obligation to protect the vulnerable, this work included depictions of several community and individual responses, which had varying rates of success. Again, the most effective protections were provided by mothers (Dumont, 2014). *Birdie* (2015) included depictions of parents and families who did not understand their obligations. There was also a depiction of one family member who did understand her obligation to help and protect, although she was not completely successful at fulfilling her obligations. However, this work also included depictions of male spirit helpers who both understood their obligations and were very successful at fulfilling them (Lindberg, 2015).

Only two of the works included depictions of the responsibility to warn others about the danger. *Back Track* (2005) and *Rose’s Run* (2014) both included multiple instances where community members warned others about the potential *wetikos* and the dangers they presented (Johnson, 2015; Dumont, 2014). These same two works also included depictions of the



responsibility to seek help from stronger people. In *Back Track* (2005), seeking help resulted in help being provided (Johnson, 2015), while in *Rose's Run* (2014), seeking help had mixed results. In this work, several attempts to seek help were denied, while other attempts resulted in the provision of successful help (Dumont, 2014). As well, only two of the works included depictions of the responsibility of stronger people to support the *wetiko* and/or the relatives of the *wetiko*. *Back Track* (2005) included one instance where stronger people supported the *wetiko* and multiple instances where support was provided to the family of the *wetiko* (Johnson, 2005). In *Songs to Kill a Wihikow* (2005), this responsibility was depicted when stronger family members supported the survivor/*wetiko*. However, there were no depictions of any support being provided to the family of the *wetiko* (McLeod, 2005).

As can be seen from this comparison, contemporary understandings of the *wetiko* legal principles depict a wide range of successful and unsuccessful implementations of the obligation to help and protect the vulnerable. The most successful implementations occurred when individuals both understood their obligations and could carry them out (*Back Track*, *Rose's Run*). In contrast, the least successful implementations occurred when individuals were incapable of providing help and protection (*Birdie*). Although the obligation to help and protect the vulnerable remains an important underlying principle in contemporary understandings of the *wetiko* legal principles, there appears to be a perception that this principle is not being understood or carried out. The perception that obligations to help and protect are not well understood or effectively carried out can be linked to a major theme of healing victims of harm that was present in all of the works (*Back Track*, *Songs to Kill a Wihikow*, *Rose's Run*, *Birdie*). Therefore, this shift in perception may indicate that colonization and inter-generational traumas have negatively impacted people's understandings of their obligations and their ability to provide help and protection to vulnerable community members. Although it is unclear whether all the authors intended to make explicit statements about the negative impacts of colonization, their presentation of this legal principle includes grappling with contemporary community dynamics that they see occurring around them and making explicit statements about the need for individual healing.

In addition, contemporary understandings of the *wetiko* legal principles demonstrate that the responsibilities to warn others about danger, to seek help from stronger people, and to support the *wetiko* and/or the relatives of the *wetiko* (Friedland, 2018) are either not well

understood and carried out, or they are not well represented in the literary works. In terms of warning others about danger, only two works depicted this responsibility being carried out (*Back Track*, *Rose's Run*). As well, these were the only two works that depicted help being sought from stronger people (*Back Track*, *Rose's Run*) and, in one of the works, this help was denied (*Rose's Run*). There were also only two works that depicted assistance being provided to the *wetiko* and/or the *wetiko's* family (*Back Track*, *Songs to Kill a Wihitkow*). Therefore, either the authors contemporary understandings of the *wetiko* legal principles or how they chose to represent the *wetiko* within literary works, demonstrate a significant shift away from community-based obligations of warning others about danger, being able to ask for and receive help, and supporting *wetikos*. Similar to the shift in perception that obligations to help and protect are not well understood or effectively carried out, the shift away from community-based obligations may indicate that the community is no longer perceived as a source of safety and security. Therefore, the authors appear to be connecting community healing with individual healing and making the statement that both are needed to successfully address the negative impacts of colonization.

### 6.1.3 Legal rights

When looking at legal rights in the *wetiko* stories, Friedland separated them into substantive and procedural rights. Substantive rights are “what people should be able to expect from one another or a governing body...[while] procedural rights are usually about fairness in legal decision-making” (Friedland, 2018, p. 99). In the *wetiko* legal principles, substantive rights include the right to life and safety, the right to be helped, and the right to ongoing support (Friedland, 2018). However, although “the *wetiko* stories also show principles about legal rights – what people should be able to expect from one another” (Friedland, 2018, p. 99), as Friedland points out, “few rights are absolute. Most rights must be balanced against other people’s rights and responsibilities, as well as the overall needs of the group” (Friedland, 2018, p. 99). Therefore, substantive rights are directly linked to matching legal obligations. The first right to life and safety is linked to the responsibility to help and protect (Friedland, 2018). The second right to be helped is “attached to the *wetiko* and the family of the *wetiko* [and] it is directly linked to two matching obligations: the responsibility to seek help and the responsibility to help and support (Friedland, 2018, p. 101). The third right to ongoing support is also attached to the *wetiko* and their dependants. This right is linked to the legal obligation to provide support (Friedland, 2018).

In terms of procedural rights, which are about fairness in decision-making, the *wetiko* legal principles included two rights: the right to be heard and the right to decide (Friedland, 2018). Both rights are attached to the *wetiko* and their family members. The first right to be heard is incorporated into the procedural stage of observation, questioning, and evidence gather. During this procedural stage “suspected *wetikos* were always given a chance to tell their story” (Friedland, 2018, p. 100). The second right to decide is part of the procedural stage of determining the appropriate response to a *wetiko*. During this procedural stage, “in most cases, the closest family member to the *wetiko* had a right to make or carry out final decisions about him or her” (Friedland, 2018, p. 100). Furthermore, oftentimes the person in the process of becoming a *wetiko* had the right to decide, especially “when drastic or irreversible measures had to be taken...[and then] the *wetiko* asks to be killed” (Friedland, 2018, p. 100). However, Friedland points out that when determining the appropriate response to a *wetiko*, the right to decide is not an absolute right because it is balanced against the obligation to protect and the rights of other family members (Friedland, 2018).

Only two of the works explored the substantive rights of the *wetiko*. *Back Track* (2005) and *Songs to Kill a Wihitkow* (2005) both included the right to life and safety, the right to be helped, and the right to ongoing support for the *wetiko*. *Back Track* (2005) included the *wetiko*'s perspective as a major narrative element. Therefore, the *wetiko* was presented as a sympathetic protagonist who had a right to live and be helped. As a person transforming into a *wetiko*, he was provided with support by his family and stronger people in the community. He also participated in the gathering where solutions were proposed, and decisions were made about him. And the ending of the story implied that he would be provided with ongoing support for the rest of his life (Johnson, 2005). *Songs to Kill a Wihitkow* (2005) also presented the survivor/*wetiko* as a sympathetic protagonist who had a right to live by using the survivor/*wetiko*'s perspective as a major narrative element. However, this work had a much weaker depiction of the *wetiko*'s right to be helped and supported (McLeod, 2005).

*Back Track* (2005) was the only work that addressed the *wetiko*'s procedural rights: the right to be heard and the right to decide. These procedural rights were exercised when the *wetiko* was able to speak and be heard at the gathering that was held to decide what to do with him. Furthermore, he exercised his right to decide by asking his brothers to kill him. In addition, his

right to decide was balanced against the Elders obligation to protect and, ultimately, they decided to incapacitate him in another fashion (Johnson, 2005).

As can be seen from this comparison, contemporary understandings of the *wetiko* legal principles demonstrate a very limited understanding of the *wetiko*'s substantive and procedural rights. It is significant that only one of the works included both substantive rights to life and safety, to receive help, or to receive ongoing support, and procedural rights to be heard and to decide (*Back Track*). From this, it appears that contemporary understandings of the *wetiko* legal principles have shifted away from a formal process of fair, legal decision-making by a governing body that recognizes and implements rights. Instead, *wetiko* legal principles are being implemented by individuals during a reactive process of responding to situations of immediate harm, which results in the *wetikos*' substantive and procedural rights being disregarded.

#### **6.1.4 General underlying principles**

As Friedland states, “when people make legal decisions, they consider rights, obligations and more general principles that apply in a given situation” (Friedland, 2018, p. 101). Therefore, in the *wetiko* legal principles, as in all law, legal decisions are based on reasoning that expresses underlying general principles. In addition to the principles already discussed in this chapter, Friedland identified two more underlying principles that “may help us understand the reasoning behind certain decisions and also be important practical considerations for future directions in *wetiko* law” (Friedland, 2018, p. 101). These two additional general principles underlying the *wetiko* legal principles are reciprocity and efficacy.

Within the *wetiko* legal principles, reciprocity is the practice “of concretely thanking and caring for helpers against the *wetiko*” (Friedland, 2018, p. 101). Indeed, Friedland found that in many stories, “someone who kills a *wetiko* is praised, given gifts, and taken care of afterwards” (Friedland, 2018, p. 102). This is consistent with the principle of reciprocity that can be seen within the concepts of *wahkohtowin* (relationship) and *miyo-wicehtowin* (good relationships). These concepts contain teachings about maintaining “mutual ongoing caring and sharing arrangements” (Cardinal & Hildebrandt, 2000, p. 15). Indeed, the principle of reciprocity is what underlies the “laws relating to *miyo-wicehtowin*...[including] those laws encircling the bonds of human relationships in the ways in which they are created, nourished, reaffirmed, and recreated...these are integral and indispensable components...[and] teachings” (Cardinal &

Hildebrandt, 2000, p. 15). As can be seen, reciprocity is a foundational Cree cultural principle that is applied in specific ways within the *wetiko* legal principles.

The principle of efficacy is “being aware and open to all effective tools and allies” (Friedland, 2018, p. 103). As Friedland points out, “in many of the old stories, help comes from unexpected places, from both inside and outside the community, from people connected to the *wetiko*, and even tools that originally came from white people” (Friedland, 2018, p. 103). In the same way that by incorporating the principle of efficacy “the *wetiko* stories are powerful examples of Cree and Anishinabek peoples’ profound strength, resourcefulness, and teamwork in protecting themselves and those they love” (Friedland, 2018, p. 13), the concept of *miyo-pimachihisowin* (making a good living) also expresses efficacy. *Miyo-pimachihisowin* (making a good living) is grounded in land and territory, which provides “those things required for the physical, material, and economic survival of the people...[but it is also] a holistic concept that includes a spiritual as well as physical dimension” (Cardinal & Hildebrandt, 2000, p. 43). As Cardinal & Hildebrandt explain, “for the Elders, the livelihood arrangements in treaties were intended to enable First Nations to continue their relationship to the land and to enable them to adapt to and become part of new modes of livelihood” (Cardinal & Hildebrandt, 2000, p. 47). Therefore, adapting, or efficacy, is another foundational Cree cultural principle that is applied in specific ways within the *wetiko* legal principles.

All four of the works included the principle of reciprocity in different fashions. *Back Track* (2005) included several explicit depictions of reciprocity when younger family members provided support to the two Elders who helped against the *wetiko* by bringing them food or driving them to town. As well, there was one instance where a family member of the *wetiko* provided support and help to the officials who were tracking the *wetiko* (Johnson, 2005). And, in *Rose’s Run* (2014), those who fought against the *wetiko* received physical, emotional, spiritual, and mental support from others. For example, Rose received multiple types of support from her deceased mother, the Chief, a victim’s husband, and a victim’s mother during the processes of finding and defeating the *wetiko* (Dumont, 2014). In contrast to these explicit depictions of reciprocity, *Songs to Kill a Wihitkow* (2005) only implied the principle when the survivor/*wetiko* visited his great-grandmother to record her stories (McLeod, 2005). And, finally, although *Birdie* (2015) did not depict reciprocity by showing people caring for and supporting Bernice/Birdie while she was defeating the *wetiko*, this work did depict high levels of reciprocity after the

*wetiko* was defeated. While Bernice/Birdie healed from the harms done to her by the *wetiko* and the trauma of incapacitating him, she received physical support from three other women and emotional, mental, and spiritual support from a spirit helper (Lindberg, 2015).

Only two of the works included the principle of efficacy and had characters who sought out allies and tools to fight the *wetiko*. *Back Track* (2005) and *Rose's Run* (2014) both included this principle, and, in both cases, there was a positive outcome of defeating the *wetiko*. In *Back Track* (2005), help to fight the *wetiko* was sought from inside and outside the community, as demonstrated by the arrival of extra RCMP officers and the Army who assisted local RCMP officers in searching for the *wetiko*. Efficacy was also demonstrated by the hiring of local trackers, including a family member of the *wetiko*, to assist the official manhunt. In addition, many tools were used to fight the *wetiko*, including satellite technology and traditional medicines (Johnson, 2005). In *Rose's Run* (2014), the community asked an external Elder to assist them, and Rose approached knowledgeable community people for help with fighting the *wetiko*. Although asking for help from outside the community had a less positive outcome than seeking help from inside the community, nevertheless, including both ways of seeking help demonstrated the principle of efficacy. As well, many tools were used to fight the *wetiko*, including vehicles, hockey equipment, and traditional medicine (Dumont, 2014).

As demonstrated by this comparison, contemporary understandings of the community-based principle of reciprocity remain strong, however, it now seems to be understood in multiple ways. Although reciprocity remains a principle that should be applied when dealing with harms (*Back Track*, *Rose's Run*) it has also become a principle that should be applied during healing (*Birdie*). This may indicate that the principle of reciprocity within the *wetiko* legal principles has shifted from being focused on the helpers who act against the *wetiko* to being more broadly applied in a way that is consistent with the general concepts of *wahkohtowin* (relationship) and *miyo-wicehtowin* (good relationships). In a similar manner, it may be that understandings of efficacy are shifting. Although efficacy is still seen as an effective principle when it is applied, it is not consistently applied. The lack of consistent application may be due to how the principle of efficacy is related to the legal obligation of being able to ask for and receive help. As discussed previously, being able to ask for and receive help is not seen as effective because the community is no longer perceived as a source of strength, safety, and security. Therefore, shifting understandings of efficacy, or being open to all allies and tools that can be used, may indicate

that understandings of *miyo-pimachihisowin* (making a good living) are shifting away from seeing the local community as the source of making a good living.

## **6.2 Summary (*naspasihikew*) and next steps (*iyaskohc*— next in sequence)**

To address a gap in Cree legal studies and to prepare for a robust critical assessment of OH&S policies that have been Indigenized, in this chapter I have conducted the third step of the ILLPA framework. I have placed the case briefing results from four examples of contemporary Cree literature within a legal analytical framework (Friedland & Napoleon, 2015-2016) and compared my results to *The Wetiko Legal Principles* (Friedland, 2018).

The legal and comparative analysis presented in this chapter demonstrated that contemporary understandings of *wetiko* legal principles have changed significantly from traditional understandings, especially around decision-making processes, legal responsibilities and rights, and implementing progressive response principles. Overall, the community is not seen as a reliable source of safety or assistance. As a result, contemporary understandings of the *wetiko* legal principles are legitimating both community and individual decision-making processes. As well, rather than viewing community authorities as the most legitimate decision-makers, women who have been harmed and their families, are identified as the most authoritative decision-makers who should determine appropriate responses to harm. Therefore, progressive responsive principles are not well understood or implemented, and instead the priority is on extreme responses of incapacitating the *wetiko*. In addition, because there is a shift away from formal, collective decision-making processes, the rights of the *wetiko* are not well understood or implemented. Interestingly, two foundational principles of *wetiko* law, efficacy and reciprocity, show both consistency and change. Although efficacy is not as strongly incorporated into contemporary *wetiko* legal principles, the cultural concept of reciprocity remains a foundational principle. Both the principle of reciprocity and the emphasis on healing both individuals and communities, demonstrate an on-going felt commitment to community.

As Friedland points out, “we can think about the destructive and often horrific violence and victimization described [in the stories] as a behaviour that fits within a broad *wetiko* legal category” (Friedland, 2018, p. 16). Through the ILLPA framework steps one to three, I found that “the *wetiko* legal principles about legal obligations and processes may be useful tools for...thinking about how to recognize and respond to people close to us who may cause terrible

harm to others” (Friedland, 2018, p. 17) and that the four Cree literary works included in my research contained contemporary understandings of the *wetiko* legal principles. The next chapter presents the fourth and fifth steps of the ILLPA framework: thematic analysis and policy analysis. These analytical steps demonstrate that while Cree laws exhibit some consistency and continuity, they have also adapted to changing contexts (Friedland & Napoleon, 2015-2016). Therefore, Cree law is living law that can be used for both organizational Indigenization and for critically assessing OH&S policies that have been Indigenized.



## ***Chapter 7 (tepakohp— seven): ILLPA step 4 and 5 – thematic and policy analysis***

Overall, my research aims to critically assess OH&S policies that have been Indigenized as part of organizational Indigenization. Specifically, I am focused on how Cree law has been used to develop Indigenized OH&S documents and to critically examine those documents. Therefore, I have developed the ILLPA framework for finding Indigenous law and assessing policies. In Chapter *nikotwâsik* (six), I presented the third step of the ILLPA framework. With that step, I used a legal analytical framework to compare my expanded case briefing results from four contemporary Cree literary works with Friedland's results in *The Wetiko Legal Principles* (2018). That comparison demonstrated that while contemporary understandings of *wetiko* laws maintain some consistency with traditional understandings, there are also many shifts, especially around decision-making processes, legal responsibilities and rights, and implementing progressive response principles.

In this chapter, I engage in the fourth and fifth steps of the ILLPA framework. Steps four and five of ILLPA are presented as separate steps to emphasize the ability of researchers to include different theories and policies within future developments and applications of the ILLPA framework. As the fourth step in analysis, I present a deductive thematic analysis that explicitly draws on the theories of dialogics (Freire, 1970; Freire, 2014), two-eyed seeing (Bartlett et al, 2012), and ethical space (Ermine, 2007). Although these are not the only theories that could be used within the ILLPA framework, they are the theories that I have chosen to use as I understand them to express embodied relationships, or *miyo-pimatisiwin* (good relationships). Thus, they are consistent with my worldview that focuses on good relationships. As well, these theories are applicable within my research as they provide me with a way into analyzing OH&S policies (concepts) that are implemented as processes (physical actions) in contexts where there are conflicts between Indigenous, settler, and new immigrant people interacting within workplaces.

Then, as the fifth and final step in the ILLPA framework, I analyze two Occupational Health and Safety documents from Alberta: the *Miyo Pimatisiwin Health and Safety Tool Kit* from Alberta Occupational Health and Safety (July 2022) and the *Student Appeal Process Guidelines* at the University *nuxelhot'ine thaa?ehots'î nistameyimâkanak* Blue Quills (2020-

2021). Critical analysis of these two documents identifies strengths and weakness in how Cree law is currently being used within OH&S policies and procedures that address lateral violence in the workplace. Finally, I conclude this chapter with a short summary.

### **7.1 Step four: thematic analysis**

After using a legal analytical framework to directly compare the results of the expanded case briefing to the *wetiko* legal principles (Friedland, 2018), I next engage in a thematic analysis of the four Cree literary works. Similar to ILLPA step one, which included the Indigenous Literary Analysis Model, my approach to thematic analysis in ILLPA step four includes some aspects of inductive analysis (Devle & Limpaecher, 2024). Following the practices of inductive analysis, I immersed myself in the data and included a focus on interpretation, which allowed unexpected themes and insights to emerge during the process of thematic analysis. As well, my research process included reflexive elements through maintaining an awareness of my own positionality and resulting biases that could impact the thematic analysis.

However, to counter my biases and expand the inductive analysis practice, I used the three theories that frame my dissertation to shift my thematic analysis into a primarily deductive mode (Devle & Limpaecher, 2024). The thematic analysis which follows is theory-driven and relies on exploring the data from ILLPA steps one to three within the bounds of three theoretical frameworks. As discussed in Chapter *nisto* (three), I am using the theories of dialogics (Freire, 1970; Freire, 2014), two-eyed seeing (Bartlett et al. 2012), and ethical space (Ermine, 2007), which together create the framework and lens I used for thematic analysis. By using deductive thematic analysis, I was able to delve deeply into the data through the structured viewpoints provided by each theory. As well, by using three theories, I was able to explore multiple avenues of thematic analysis, as each theory provided a slightly different focus and lens for approaching the data and identifying themes. In addition, as will be seen, I was also able to use all three theories together to identify an unexpected theme which emerged from the process of combining inductive and deductive analysis.

The theory of dialogics identifies that when dialogical subjects, or agents in the dialogue, come together in discussion from a place of sincere fundamental respect for each other, they can grow together and generate critical thinking (Freire, 1970; Freire, 2014). This theory identifies a process that can be related to the legal procedural steps for dealing with a *wetiko* and the

principle that decisions must be made openly and collectively. A major theme that emerged from the legal analysis was the idea of sharing authority between older and younger generations. Shared authority could be explicitly recognized and incorporated into community decision-making processes by using the theory of dialogics. From this theoretical base, younger people could be included in community discussions where decisions are made and recognized as active agents capable of critical consciousness, which would strengthen community understandings and applications of the legal procedural steps for dealing with a *wetiko*. Furthermore, including younger people in community discussions would also address the shift towards individual decision-making processes that is occurring. By sharing authority between younger and older generations, the underlying principle of using collective and open decision-making processes would be implemented in a deliberate way to create horizontal relationships of mutual trust between community members and strengthen the collective.

The theory of two-eyed seeing is about recognizing and weaving together the strengths of Indigenous and Western knowledges so that they can benefit everyone (Bartlett et al, 2012). The use of this theory allowed me to identify several major themes that emerged from the Indigenous literary analysis, the expanded case briefing, and the legal analysis, as each of these themes related to tensions that resulted from different points of view. In addition, this theory points the way towards resolution of the tensions identified within the themes, as well as avenues for future research.

The first major theme that emerged was about authority and gender relationships. All three forms of analysis identified that women were depicted as the most authoritative decision-makers. Although both male and female characters were depicted in the Cree literary works, and there was often shared authority between them, ultimately female characters made the final decisions. As well, in the stories where the *wetiko* was incapacitated, female characters were the active agents who successfully accomplished that task. This theme points towards a similar conclusion as the previous theme: community decision-making processes must include women and men to be consistent with the principle of using collective and open decision-making processes. Specifically, it would be important to apply two-eyed seeing in legal processes to

incorporate both a male and female perspective, and it may be important to include women as the most authoritative decision-makers.<sup>43</sup>

However, a second contradictory theme which emerged is that men abuse women. As seen in the Indigenous literary analysis and the expanded case briefings, men acted abusively towards women and children in a wide variety of ways. This theme correlates to a gendered analysis of authorship of the Cree literary works. Two of the works were written by men and two were written by women. In the two works by men, their male characters were harmed by either the process of colonization or by colonial agents, and this was used as a motivating factor for the abusive actions of the male characters. Therefore, the male authors were explicitly and implicitly identifying that harm originates with colonization. In contrast, the two works by women explicitly identified that harm originates with male community members: their female characters were abused, assaulted, abandoned, and hurt by men. Two-eyed seeing may be one way of resolving this tension that results from a dualistic perspective of where harm comes from. The identification that harm comes from both colonization and Indigenous men may point towards applications that strengthen recognitions of the legal obligations that community members all have towards each other and the legal rights that harmful community members have, which need to be taken into consideration during legal decision-making processes.

Another application of two-eyed seeing that could occur is drawing together community and academic knowledges. A theme that emerged from the legal analysis was that procedural steps for determining legitimate responses to *wetikos* have shifted to include individual decision-making processes. Again, this correlates with analysis of authorship: two of the authors were community members and they presented the most comprehensive procedural steps and included the principle of efficacy. In contrast, the two authors who were identified as academics presented a limited range of procedural steps and did not include the principle of efficacy. Although it is unclear whether this means that Indigenous community members retain more traditional knowledge about community decision-making process and principles than Indigenous academics, there are different perspectives and priorities at play. Two-eyed seeing not only identifies these tensions but also points towards future research avenues so that a greater

---

<sup>43</sup> As discussed previously, this research uses a binary approach to gender, therefore the thematic analysis is presented within a binary understanding of gender. As will be discussed in the final chapter, this approach has limitations and is an area where future non-binary research and analysis could occur.

understanding of how and when to draw together community and academic knowledges can be achieved.

The theory of ethical space is about balancing the intersection of Indigenous and Canadian law in such a way that each retains their unique differences and is also able to co-exist together, which results in a framework that reconciles these two worldviews (Ermine, 2007). Ethical space strongly relates to the principle of efficacy, and both can be used to explore a major theme that emerged during analysis. This theme was related to healing, which was presented in several different ways. First, the resolution of harms and healing are interconnected concepts although the action of resolving harms is focused on the *wetiko* and the action of healing is focused on the victim. Second, neither of these actions should come from colonial intervention. Rather, the effective resolution of harms and healing must come from the internal community. And, third, there is also room for a non-Indigenous presence in Indigenous healing. Ethical space can be used to create opportunities for developing and applying the principle of efficacy in community-led methods for harm resolution and healing. In a synergistic fashion, understanding and applying the principle of efficacy automatically opens up ethical spaces where healing can occur. And, as healing occurs, harms are resolved, and the community is strengthened.

The final major theme that unexpectedly emerged from using all three theories together and examining all levels of analysis was about change. All of the authors stated explicitly and implicitly that change needs to occur. Within this deductive thematic analysis, I have used the theories of dialogics, two-eyed seeing, and ethical space to identify tensions that are occurring within the works. By shifting to inductive thematic analysis, it appears that these tensions are what point the way towards areas that need changing. For example, several authors explicitly pointed towards protocol being a significant barrier that prevented their characters from exercising the *wetiko* legal principles. Although it is unclear if there is a general perception that protocol is becoming a barrier that prevents Indigenous peoples from exercising their rights and fulfilling their obligations, tensions surround the understanding and use of protocol. Therefore, practical change could occur in this area if OH&S policies specifically identified what rights and obligations people have *and* how to exercise those rights and fulfill those obligations.

## 7.2 Step five: Occupational Health and Safety policy analysis

Now that I have completed the fourth step of the ILLPA framework, this section presents the fifth step, which is policy analysis. To demonstrate the effectiveness of this framework, there are two documents included in this section. Both documents are examples of existing OH&S resources and policies that reference or include Cree laws, and that address lateral violence and conflict in the workplace. This section focuses on a few selected examples of strengths and weaknesses from each document to highlight the rich analysis that emerges from using the ILLPA framework.

### 7.2.1 Miyo Pimatisiwin Health and Safety Tool Kit

The first document is the recently developed *Miyo Pimatisiwin Health and Safety Tool Kit* (Government of Alberta, 2022), which is intended to be used in workplaces with Indigenous employees. This tool kit can be found on the Alberta Occupational Health and Safety website and includes a downloadable package of instructional materials. The tool kit description states that:

...the *miyo pimatisiwin* workplace health and safety tool kit is designed to assist facilitators, workers, organizations and businesses to hold health and safety workshops. The tool kit consists of resources including:

- facilitation guide,
- appendices which contain presentation materials and speaking notes for facilitators,
- an Indigenous workers mini guide to a safe, fair and healthy workplace, and
- a library of resources (Government of Alberta, 2022, p. 2).

The *Miyo Pimatisiwin Health and Safety Tool Kit* was “developed to enhance First Nation, Métis and Inuit, employer and worker awareness and knowledge of occupational health and safety (OHS) information and resources. This tool kit focuses on Alberta’s OHS system while incorporating Indigenous perspectives on well-being, health and safety” (Government of Alberta, 2022, p. 2). When discussing the tool kit’s framework, the guide states that “the concept of *miyo pimatisiwin* may help communicate important occupational health and safety issues to Indigenous audiences. This tool kit may serve as a teaching tool honoring *wahkôhtowin*, ‘kinship’ or ‘everything is related’, the medicine wheel (or sacred circle and sacred hoop) and the seven sacred teachings (or seven grandfather teachings)” (Government of Alberta, 2022, p. 3).

When using this tool kit to lead a 3.5-hour facilitated in-person workshop or a 1.25-hour facilitated webinar, the expected outcomes are that:

...participants will have been introduced to:

- the OHS system, legislation and why they are important,
- work site party responsibilities, and the three fundamental rights of workers,
- how to stay safe at work by asking questions, hazard identification and knowing how to protect against the spread of harassment and violence in the workplace,
- how to report injuries and incidents, raise safety concerns, or notify OHS of a concern,
- safety culture within a workplace and how to effectively contribute, and
- where to find more resources about OHS (Government of Alberta, 2022, p. 6).

A significant strength this tool kit possesses is viewing the workplace as a community where everyone has responsibilities and obligations. This view is explicitly stated in Appendix B (the talking notes for the in-person presentation), where the facilitator is directed to discuss how “it is important that we view the workplace as a community. Everyone within that community has responsibilities such as showing care, sharing knowledge and protecting health and safety at the workplace” (Government of Alberta, 2022, p. 11). Furthermore, a shared responsibility for health and safety is identified when the facilitator is directed to discuss how “*wahkohtowin* means everything is related. This Indigenous perspective acknowledges the importance of relationships in workplace health and safety. Health and safety depend on the interconnectedness of workplace systems and relationships between worksite parties. At a workplace, kinship is displayed by: developing good relationships, respecting workplace rules, taking responsibility, and showing reciprocity” (Government of Alberta, 2022, p. 12). Because cultural concepts of relationships, respect, responsibility, and reciprocity are explicitly included as part of developing *miyo pimatisiwin* in the workplace (Government of Alberta, 2022), the tool kit implicitly incorporates the underlying *wetiko* legal principle that community members have an obligation to help and protect the vulnerable. If this *wetiko* legal principle was explained and included more explicitly, the tool kit would become a more effective means for building strong workplace communities that are seen as a source of safety.

Another significant strength this tool kit possesses is including psychosocial hazards, such as stress, harassment/bullying, violence, and racism, as part of identifying workplace hazards (Government of Alberta, 2022). Indeed, the facilitator is directed to discuss how “psychosocial hazards are just as harmful to your well-being, as the other hazard categories we identified and can harm your physical as well as mental health” (Government of Alberta, 2022, p. 36). The tool

kit also dedicates some training time to “recognizing, understanding and not causing or participating in harassment and violence in your workplace” (Government of Alberta, 2022, p. 39) and the facilitator is directed to explicitly state: “you must not cause or participate in harassment or violence” (Government of Alberta, 2022, p. 40). Additionally, the tool kit facilitation guide identifies that “within Indigenous communities harassment and violence may be expressed laterally, or peer to peer” (Government of Alberta, 2022, p. 39) and the in-person workshop includes viewing *Lateral Violence* (Bear Paw Media, 2014), which is a video about lateral violence specific to Indigenous communities. Because psychosocial hazards are explicitly included as part of health and safety in the workplace (Government of Alberta, 2022), the tool kit implicitly incorporates the underlying cultural principle of *miyo-wicehtowin* (having good relationships) and the *wetiko* legal principle of reciprocity. If these principles were explained and included more explicitly, the tool kit would become a more effective means for building strong healthy relationships between workers. As well, the tool kit could be significantly strengthened by incorporating gendered information on sources of harm for Indigenous Peoples, as well as the impacts of colonization and inter-generational traumas. Indeed, including these pieces would create opportunities for the tool kit to respond to the Truth and Reconciliation Calls to Action, in particular Call 92, which relates to businesses ensuring “equitable access to jobs, training, and education opportunities in the corporate sector” (Truth and Reconciliation Commission, 2015, p. 10) and providing “education for management and staff on the history of Aboriginal peoples, including the history and legacy of residential schools (Truth and Reconciliation Commission, 2015, p. 10).

Although the tool kit possesses some strengths, there are also significant weaknesses. A major issue with this tool kit arises from Activity 3: *miyo pimatisiwin* creating healthy workers and workplaces. In Appendix C, the description of the activity states “this activity incorporates health and safety strategies through the teachings of the medicine wheel/sacred circle/sacred hoop. This activity focuses on the individual and how a worker can stay safe and healthy in the workplace using a culturally responsive tool. The goal is to fill up the medicine wheel with examples of what participant can do, both within and outside of a workplace to maintain well-being from a holistic and balanced perspective” (Government of Alberta, 2022, n.p.). This activity is identified as a “culturally safe and cultural informed approach” (Government of Alberta, 2022, n.p.) for participants to create “healthy and safe strategies for their workplace”



(Government of Alberta, 2022, n.p.) through medicine wheel teachings. However, there are no medicine wheel teachings provided and there is no space allocated for medicine wheel teachings in the workshop schedule. Instead, the facilitator is provided with a ‘cheat sheet’ of examples that can be used for filling in the spiritual, mental, physical, and emotional activities that workers can do to stay safe and healthy in the workplace (Government of Alberta, 2022, n.p.). In addition to not including any actual medicine wheel teachings, this activity also prioritizes the individual over the collective. As discussed in the previous chapter on legal analysis, traditional *wetiko* laws are based on the principle that decision-making should be done by the collective while contemporary understandings of *wetiko* laws demonstrate a shift towards individual decision-making. By focusing solely on individual actions, this activity moves community members further towards an individualistic orientation and continues to weaken the principle of collectivity.<sup>44</sup> As formatted, the activity implicitly supports the perception that the community is no longer a source of strength and safety. To make Activity #3 consistent with the underlying principles of *wetiko* and Cree laws, the activity should be altered so that it includes actual medicine wheel teachings and balances individual and collective actions in the workplace.

Another major issue of this tool kit can be seen in the welcome portion of the workshop. As part of welcoming participants to the workshop, facilitators are directed to conduct a sharing circle. In this sharing circle participants identify themselves, where they are from, and what they think a healthy and safe workplace looks like (Government of Alberta, 2022). In terms of how to conduct the sharing circle, the workshop notes contain the following directions for the facilitator:

- Before entering the sharing circle\* the session could start with smudging and/or opening prayer, if familiar, comfortable and appropriate led by an Elder or cultural helper. Gatherings, smudging ceremonies and opening prayers start the workshop off in a good way. If an Elder is available in person or virtually, it would be preferable for them to lead the prayer and/or smudge.
- \*Please note that prayers do not always require a circle. The person leading the prayer can provide instructions e.g. stay seated at your desks, or please rise at your desks, etc.
- Ask participants to gather, if appropriate and if participants are comfortable, in a circle leaving no gaps. Before starting the sharing circle remind participants that everyone has an opportunity to share, but if they are not comfortable they can pass. All participants should be actively engaged with in the sharing circle, no distractions or disrespect to other participants when in the circle.

---

<sup>44</sup> Although individual agency is an important principle within Cree teachings (Halfe, 2024), the concept of individualism is a component of settler colonial law, as well as neoliberal capitalism. Therefore, prioritizing individualism is a tactic of colonization (Wilson, 2018).

- Your role is to facilitate conversation with participants by asking their name, where participants are from and what they think a healthy and safe workplace looks like.
- To help guide the sharing circle, model what you expect participants to follow. This could begin with the Elder leading the ceremony (Government of Alberta, 2022, p. 6).

Although it is culturally appropriate and respectful to start circles with a prayer and smudge led by an Elder, the workshop is using this cultural activity in a superficial manner. As discussed in the previous chapter on legal analysis, in traditional understandings of *wetiko* law, Elders are authoritative decision-makers who oversee and implement the procedural steps for responding to harms based on progressive response principles. However, in the *Miyo Pimatisiwin Health and Safety Tool Kit* (Government of Alberta, 2022), Elders are incorporated solely as ceremonial figures who have no authority or teaching role during the workshop. By including Elders without authority or teaching roles, the tool kit implicitly contributes to the shift in contemporary understandings of *wetiko* legal principles, which recognize a wider range of authoritative decision-makers, and relates to the theme of sharing authority between older and younger generations. To make the tool kit more consistent with *wetiko* legal principles and address contemporary tensions that surround perceptions of authority, Elders need to be explicitly recognized and incorporated as shared authority figures throughout the training workshop. For example, Elders should lead sections on medicine wheel teachings, explain and expand on cultural concepts used in the workshop, such as *wahkôhtowin* and *miyo pimatisiwin*, and provide teachings about the cultural values that are referenced.

As was demonstrated by the proceeding analysis, overall, the *Miyo Pimatisiwin Health and Safety Tool Kit* (Government of Alberta, 2022) displays a superficial use of Cree laws. This may be because the tool kit engages with EuroWestern laws as ‘law’, while relegating Cree laws to ‘culture’. Although some of the underlying principles of *wetiko* laws are included and the tool kit addresses some of the shifts that have occurred in contemporary understandings of *wetiko* laws, the legal processes for addressing harms is limited to OH&S procedures and decision-making is removed from the community. Ultimately, Cree legal principles are primarily used to present information on the Alberta Occupational Health and Safety Act, which continues to be based solely on EuroWestern laws. As it stands, this tool kit represents both a lost opportunity for robust policy development that draws on the richness and value of Cree law for responding to conflict and the failure to recognize that Alberta is a multi-juridical province where Indigenous

laws exist alongside Canadian common law and civil law (J. Borrows, 2002; J. Borrows, 2010; J. Borrows et al, 2019).

### 7.2.2 Student Appeal Process Guidelines

The second document is the *Student Appeal Process Guidelines* at the University *nuxelhot'ine thaa?ehots'j nistameyimâkanak* Blue Quills (UnBQ), which is part of the *Student Orientation Book 2020-2021* (University *nuxelhot'ine thaa?ehots'j nistameyimâkanak* Blue Quills, 2020). This book was a downloadable pdf from the UnBQ website. UnBQ is located at St. Paul, Alberta and serves “seven First Nations communities that own and operate Blue Quills represent[ing] approximately 17,500 people [including]: Beaver Lake Cree Nation, Cold Lake First Nations, Frog Lake First Nation, Heart Lake First Nation, Kehewin Cree Nation, Saddle Lake Cree Nation, [and] Whitefish Lake First Nation #128” (University *nuxelhot'ine thaa?ehots'j nistameyimâkanak* Blue Quills, 2020, p. 10). As pointed out in the *Student Orientation Book 2020-2021*, “since 1971 UnBQ is the first Indigenous controlled educational centre in Canada serving the academic and training needs of people of all cultures” (University *nuxelhot'ine thaa?ehots'j nistameyimâkanak* Blue Quills, 2020, p. 10) and

Blue Quills is mandated by the seven member/owner First Nations through their Chiefs and Board of Governors to advance and protect *iyiniw pimatisiwin êkwa iyiniw mamitonêyicikan* (indigenous forms of life and thinking) through teaching, research, and community service, guided by the natural laws of the *nêhiyawak* (Cree people), and grounded in *nêhiyawêwin* (Cree language), and aligning with the Blue Quills philosophy, vision, and mission statements (University *nuxelhot'ine thaa?ehots'j nistameyimâkanak* Blue Quills, 2020, p. 6).

Through incorporating Cree natural laws and language, UnBQ is clearly an Indigenous organization that is built on and committed to a *wahkohtowin* (relationship) and *miyo-wicehtowin* (good relationships) framework. Indeed, this framework can be explicitly seen in the following value statement from the *Student Orientation Book 2020-2021*:

All our relations must be shaped and built upon the foundation of the Seven Teachings or values. These protocols will build and nurture existing relationships and build new relationships to improve the quality of life for Indigenous people.

We strengthen our relationships by honoring the seven teachings:

- *sâkhitowin* (love)
- *sôhkêyih tamowin* (courage)
- *tâpahtatêyimowin* (humility)
- *tâpwêwin* (truth)

- *kistêyihitamowin* (respect)
- *kwayaskwâtisiwin* (honesty)
- *akehtawêyihitamowin* (wisdom)

Respectful protocols build and nurture existing relationships and build new relationships to improve the quality of life for Indigenous people in northeast Alberta (University *nuxelhot'jne thaa?ehots'j nistameyimâkanak* Blue Quills, 2020, p. 7).

The underlying principles of *wahkohtowin* (relationship) and *miyo-wicehtowin* (good relationships) can also be seen in UnBQ's organizational structure and forms of governance. The UnBQ Board of Governors has “seven appointed members, each representing one of the seven local First Nations Communities, plus one Elder from the Saddle Lake Cree Nation” (University *nuxelhot'jne thaa?ehots'j nistameyimâkanak* Blue Quills, 2020, p. 10) and there is an Elders Senate with “representation from each of the seven nations. The Elders Senate serves in an advisory capacity utilizing their cultural knowledge and traditions. They are an integral part of Blue Quills” (University *nuxelhot'jne thaa?ehots'j nistameyimâkanak* Blue Quills, 2020, p. 10). This representation from all member nations and “governance practices...provide a space that ensures an equal voice for everyone” (University *nuxelhot'jne thaa?ehots'j nistameyimâkanak* Blue Quills, 2020, p. 11). And, as the *Student Orientation Book 2020-2021* explicitly states, “the BQ organizational structure is evolving with many years of experience in creating inclusive and participatory structures that reflect Indigenous traditions of governance and community decision-making processes” (University *nuxelhot'jne thaa?ehots'j nistameyimâkanak* Blue Quills, 2020, p. 11). As demonstrated throughout the *Student Orientation Book 2020-2021*, UnBQ incorporates Cree laws, principles, and decision-making processes at all levels of the organization.

There are many strengths found in the *Student Orientation Book 2020-2021*. One significant strength is that the book has sections specifically about culture, ceremony, teachings, smudging, and circle process that express many of the *wetiko* legal principles. The Culture page states that “UnBQ is a **cultural place**” (University *nuxelhot'jne thaa?ehots'j nistameyimâkanak* Blue Quills, 2020, p. 19) and identifies different ways that students are “encouraged to be open to learn about and participate in cultural events, ceremony, and language” (University *nuxelhot'jne thaa?ehots'j nistameyimâkanak* Blue Quills, 2020, p. 19). This section ends with an explicit statement that UnBQ believes “in the collective spirit that everyone has a voice, integrity and respect. It is vital to communicate these values; we support and nurture our students and

their families” (University *nuxelhot'ine thaa?ehots'ı nistameyimâkanak* Blue Quills, 2020, p. 19). The Ceremony page identifies why individuals participate in ceremonies, provides information about basic protocols, and lists the ceremonies that occur regularly at UnBQ. This page both further demonstrates the collective orientation of UnBQ and provides students with the information that they need to participate as community members.

The Teaching pages include specific information on Sacred Tipi Teachings and Medicine Wheel Teachings. By including information on these cultural teachings, UnBQ is explicitly identifying the foundational principles that their organizational structure and decision-making process are based on: “we strive to live in harmony with one another and with all Creation around us in the circle of life. In a circle no one is above another. There is a sense of belonging to a family and to a community, with roots in a collective identity” (University *nuxelhot'ine thaa?ehots'ı nistameyimâkanak* Blue Quills, 2020, p. 21). The Smudge page provides specific information about how a smudge is conducted and how people are expected to participate. By setting a clear expectation that “it is important that you are a part of the circle even if you chose not to smudge” (University *nuxelhot'ine thaa?ehots'ı nistameyimâkanak* Blue Quills, 2020, p. 24), UnBQ is communicating that every individual has responsibilities towards other community members.

Finally, there is a specific section on Circle Process, which implicitly expresses *wetiko* law and decision-making processes. This section explains the “circle protocol for building relationships and consensus...everyone in the circle is right based on their own point of view. If we are willing to listen to everyone’s point of view, then we can get a more accurate description...[and] put our minds together” (University *nuxelhot'ine thaa?ehots'ı nistameyimâkanak* Blue Quills, 2020, p. 25). This section also identifies the structural aspects of circles, which include ceremony, a talking piece, and a facilitator or keeper, as well as the guidelines that are used for consensus decision-making. And finally, nine different types of circles are identified and explained. Four of these circles are explicitly identified as being used to address conflict: a circle of understanding is “focused on understanding some aspect of a conflict or difficult situation...[and] is generally not a decision-making circle” (University *nuxelhot'ine thaa?ehots'ı nistameyimâkanak* Blue Quills, 2020, p. 26), a reintegration circle is used to “bring together a person and group or community...[and] work towards reconciliation and acceptance of the individual into the group” (University *nuxelhot'ine thaa?ehots'ı nistameyimâkanak* Blue

Commented [MS8]: check spelled according to quotation

Commented [TM9R8]: Checked and corrected

Quills, 2020, p. 26), a conflict circle “brings together disputing parties to resolve their difference. Resolution takes shape through consensus agreement” (University *nuxelhot'ine thaa?ehots'j nistameyimâkanak* Blue Quills, 2020, p. 26), and a restorative justice circle, which “is a community-directed process in partnership with the criminal justice system” (University *nuxelhot'ine thaa?ehots'j nistameyimâkanak* Blue Quills, 2020, p. 26). Cumulatively, these sections on culture, ceremony, teachings, smudging, and circle process provide a wealth of information about the foundational principles underlying Cree laws, which works to resolve one of the tensions occurring in contemporary understanding of the *wetiko* legal principles: the lack of knowledge about legal responsibilities and rights. Furthermore, the section on circle process explicitly identifies procedural steps for community-based decision-making that are consistent with the *wetiko* legal principles, which works to resolve another tension: the shift towards individual decision-making processes.

Another major strength of the *Student Orientation Book 2020-2021* is found in the section on Academic Regulations. This section identifies two Appeal Processes for students to use when raising a grievance with instructors about grades: Option A and Option B. Consistent with the principle of efficacy, when raising a grievance “students may use Option (A) or Option (B) or a combination of both” (University *nuxelhot'ine thaa?ehots'j nistameyimâkanak* Blue Quills, 2020, p. 43). Option B explicitly follows an Occupational Health and Safety framework of first, discussing the grievance or complaint with the instructor, and second, submitting a written grievance or complaint to the Management Team at UnBQ. Then, after the submission is received, the Management Team may investigate and ultimately provides a written final decision (University *nuxelhot'ine thaa?ehots'j nistameyimâkanak* Blue Quills, 2020).

In contrast, Option A is the circle and implicitly follows a *wetiko* legal framework for formal, collective decision-making. As stated in the description of Option A:

at Blue Quills we offer students and staff the opportunity to address concerns through our traditional protocols of the circle of consensus. At any stage in the appeals process, if individuals do not feel that they have reached a resolution satisfying to both parties, they may agree to ask that a circle be convened. The staff responsible at each stage of the appeals process may also choose to convene the hearing as a consensus circle. In this circle everyone will be heard, participants will have the opportunity to share their feelings, their understanding of the situation, and their needs. Everyone’s voice will be heard. The circle will focus on honouring the participants and the Natural Law of Love, Honesty, Sharing and Determination. The intent is to address the situation and look for opportunities for human growth and learning. Blue Quills will facilitate the process of resolution rather than

offer or impose solutions. Our system and structure are dependent on everyone committing to finding a better way (University *nuxelhot'jne thaa?ehots'j nistameyimâkanak* Blue Quills, 2020, p. 43).

As can be seen, Option A describes a process for organizational conflict resolution that clearly uses the foundational principle that legitimate decision-making must be collective and open. As well, the process indicates that community members have rights and responsibilities during a conflict situation and implies that the resolution of conflict will include progressive response principles. However, this process could be strengthened in a number of ways. The process should identify a range of authoritative decision-makers who will facilitate conflict resolution, including all genders, and younger and older community members. There should be specific community supports provided for both the instructor and the student, as well as more information about the instructor's rights and the student's responsibilities. And, finally, the range of progressive responses that may occur should be clearly identified and explained. Making these changes would also contribute to addressing a minor issue occurring in the *Student Orientation Book 2020-2021*.

The *Student Orientation Book 2020-2021* states that “the Natural Laws of love, honesty, sharing, and determination guide our processes” (University *nuxelhot'jne thaa?ehots'j nistameyimâkanak* Blue Quills, 2020, p. 10). Indeed, natural law is referred to throughout the *Student Orientation Book 2020-2021* and, as seen in the above quote, is explicitly included in the description of Option A. However, to create a stronger perception of equivalent legal traditions and provide more concrete information about Cree legal processes, UnBQ could explicitly state that the Option A appeal process is based on Cree law that includes *wetiko* legal principles. This would be consistent with the approach they have taken towards explaining culture, ceremony, teachings, smudging, and circle process in the *Student Orientation Book 2020-2021* and would contribute to embedding organizational conflict resolution processes more firmly in the community.

### **7.3 Summary (*naspasihikew*) and conclusion (*kesihcikewin*)**

In this chapter, I presented the fourth and fifth steps of the ILLPA framework. The fourth step focused on thematic analysis and drew on three theories: dialogics (Freire, 1970; Freire, 2014), two-eyed seeing (Bartlett et al, 2012), and ethical space (Ermine, 2007). This step

demonstrated that although contemporary understandings of *wetiko* legal principles identify major tensions that exist within communities, as Friedland reminds us, “this is why some legal theorists argue law is more about *thinking with* rules to solve a problem than about blindly obeying them” (Friedland, 2018, p. 75). Indeed, despite each of these works demonstrating how contemporary understandings of *wetiko* legal principles have shifted and raising significant concerns about community tensions, they ultimately all express hope and belief that change can occur and the community will again become a source of safety and assistance.

Next, the final step in the ILLPA framework was to critically examine two existing OH&S resources and policies that reference or include Cree law. The rich analysis that emerged showed that although Cree law and *wetiko* legal principles were included in both examples, one resource used those principles in a superficial manner while the other policy embedded the principles as foundational concepts. Importantly, although both examples addressed some of the shifts that have occurred in contemporary understandings of *wetiko* laws, analysis identified that a more explicit incorporation of both traditional and contemporary understandings of *wetiko* legal principles in OH&S documents would strengthen how these resources and policies address lateral violence and conflict in the workplace.

As demonstrated in this chapter, when OH&S policies and procedures incorporate Cree legal traditions it can result in policies and procedures that are more consistent with the principles of restorative justice: building relationships, reaching consensus, and working towards reintegration (Hewitt, 2016). In addition, when OH&S policies and procedures incorporate Cree legal traditions, they are not only fulfilling the premise that Canada is a multi-juridical country where Indigenous laws exist alongside Canadian common law and civil law (J. Borrows, 2002; J. Borrows, 2010; J. Borrows et al, 2019), but they are also consistent with the spirit of the Numbered Treaties. Using Cree law to develop OH&S policies and procedures in workplaces with Indigenous, settler, and new immigrant staff creates spaces where organizations and workplaces can function under the umbrella of an Indigenous legal order by acknowledging that Indigenous, settler, and immigrant workers are all Treaty People and that the Numbered Treaties express a range of Indigenous legal orders (Cardinal & Hildebrandt, 2000; Treaty 7 Tribal Council et al., 1996). This moves all of us forwards in answering the TRC Calls to Action and engaging with truth and reconciliation through our lived and embodied actions.



One of the aims of my research was to create a framework for finding Indigenous law and critically assessing Indigenized workplace policies. As can be seen, the policy analysis step in this chapter demonstrates the effectiveness of the ILLPA framework. In the next and final chapter, I conclude this dissertation with a summary of my research and results, a discussion of the scope of this research, and the identification of future research avenues.

## ***Chapter 8 (ayinânew— eight): conclusions***

In this final chapter, I start by summarizing the aims of my doctoral research. Next, I will provide a summary review of each chapter in the dissertation. Then, I will discuss how my project scope impacted the research and identify some avenues for future research. Finally, I will conclude my dissertation by returning to my positionality and how it has influenced my research.

### ***8.1 Research aims***

My research is broadly about organizational Indigenization, Indigenous law, and critically assessing OH&S policies that have been Indigenized. Therefore, my research has focused on understanding how a Cree legal order, specifically *wetiko* principles and law, has been woven into OH&S policies for conflict management and lateral violence resolution in workplaces with Indigenous, settler, and new immigrant staff. This research addresses a number of gaps in the scholarly literature, as very little has been written about either contemporary understandings of Indigenous legal traditions and laws or the process of Indigenizing policy development.

To address the gap in Indigenous legal studies research, my research focused on examining how Indigenous legal traditions and Indigenous laws are understood and implemented by working-age Indigenous Peoples (see Chapter *nîso* [two]). To do this, I analyzed four contemporary Cree literary works to find Cree law, specifically *wetiko* law. Then I drew out and compared contemporary understandings of *wetiko* law with traditional understanding of those laws. I did this to critically analyze how Cree law was being used in two existing OH&S documents and determine how effectively each document was incorporating Cree law.

To address the gap in Indigenizing policy development research, my aim was to create a methodology for policy analysis: the ILLPA framework. Therefore, my research process was presented in previous chapters and highlighted how the ILLPA framework was used throughout this research project. As part of developing this policy analysis framework, I also developed two sub-methods: an Indigenous literary analysis model (see Figure 3.2) and a substantial expansion of the case briefing method (see Chapter *nisto* [three]). These are all significant methodological contributions that can be taken up and used by other researchers in a variety of disciplines.

## 8.2 Research summary and review

Throughout this dissertation, I have engaged with literary and legal works using a worldview based in *wahkohtowin* (relationship), *miyo-wicehtowin* (having good relationships), and *miyo-pimacihisowin* (making a good living). My research aims were situated at the intersection of several disciplines, including workplace studies, organizational and Indigenous governance, Indigenous legal studies, Cree law, and Indigenous literary studies; therefore, the literature review incorporated materials from all five areas. By bringing these interdisciplinary areas together a rich and layered method of analysis emerged: the ILLPA framework.

The literature review first established that lateral violence is an issue in Canadian workplaces and that lateral violence in the workplace impacts Indigenous workers (Berlingieri et al., 2022; Croft & Cash, 2012; Hango & Moysler, 2018; Native Women's Association of Canada, 2011). Next, the literature review explored critiques of current conflict resolution styles in workplaces (Huan & Yazdanifard, 2012; Walker, 2004) and identified different conflict resolution methods that could be incorporated into organizational governance. These conflict resolution methods included non-binary conflict resolution (Chechak & Csiernik, 2014), ambicultural governance (Nicholson, Spiller, & Pio, 2019), and a variety of Indigenous conflict resolution styles (Gendron & Hille, 2013; Friedland, 2018; Walker, 2004). In addition, two general approaches to Indigenous governance were identified and discussed: resurgence-based governance (Fanon, 1964; Memmi, 1965; Poelzer & Coates, 2015) and reconciliation-based governance (Asch, Borrows, & Tully, 2018; Freire, 1994; Poelzer & Coates, 2015).

The literature review also focused on the emerging field of Indigenous legal studies to identify broad Indigenous legal concepts, such as holism, relationality, and non-directivity (Borrows, L., 2018; Borrows, J., 2016; Borrows, J., 2019; Friedland, 2018; Friedland & Napoleon, 2015-2016; Hansen, 2013; Hewitt, 2016), as well as specific works on Cree laws, such as *Swampy Cree Justice* (Hansen, 2013), the *Cree Legal Traditions Report* (Friedland, 2012), *Nationhood Interrupted: Revitalizing nehiyaw Legal Systems* (McAdam, 2015), and *The Wetiko Legal Principles* (Friedland, 2018). In addition, the literature review identified some of the tensions surrounding current work on Cree legal orders and laws (Snyder, 2018). Finally, the literature review looked at foundational concepts in the field of Indigenous literary studies, such as Indigenous Voice (LaRocque, 2009; Younging, 2018) and relationships (Justice, 2018), as

well as a number of transdisciplinary works that influenced this research project (Episkeneew, 2009; Hargreaves, 2017; LaRocque, 1975; LaRocque, 2010; LaRocque, 2009; Suzack, 2017).

The literature review identified a gap in the academic literature that this research project addressed: exploring how working-age Indigenous Peoples understand Indigenous legal traditions and implement Indigenous laws. The results of my research project demonstrated that contemporary understandings of Cree law show both continuity with and change from traditional understandings of Cree law. Filling in this gap in the academic literature makes a unique contribution that cross-cuts several disciplinary areas, including Indigenous Studies, governance and organizational studies, and Indigenous legal studies.

To address my research aims, I drew on three theories: dialogics (Freire, 1970; Freire, 2014), two-eyed seeing (Bartlett, Marshall & Marshall, 2012), and ethical space (Ermine, 2007). Using these three theories in dialogue with each other facilitated a paradigm shift (Kuhn, 1962) by centering a relational approach to lateral violence in the workplace instead of a punitive approach. In addition, using these three theories amplified and concentrated my worldview and research approach of *wahkohtowin* (relationship). As was demonstrated throughout the analysis process, these three theories concentrated attention on themes and critiques related to drawing together multiple perspectives (Bartlett, Marshall & Marshall, 2012), engaging in dialogue and developing critical consciousness (Freire, 1970; Freire, 2014), and the processes for transforming asymmetrical power relationships (Ermine, 2007).

As was mentioned previously, I developed several innovative methods during the process of my research. Overall, I constructed an original method for policy analysis: the Indigenous Literary-Legal Policy Analysis (ILLPA) framework. This is a five-step process that includes Indigenous literary analysis (see Chapter *newo* [four]), an expanded case briefing method (see Chapter *nîyânan* [five]), comparative legal analysis (see Chapter *nikotwâsik* [six]), thematic analysis (see Chapter *tepakohp* [seven]), and policy analysis (see Chapter *tepakohp* [seven]). Using this method for policy analysis creates robust results in terms of critically analyzing existing policies, as well as generating specific options for enhancing existing policies and/or developing new policies. Although I used the ILLPA framework for assessing Indigenized OH&S policies that addressed lateral violence in the workplace, this framework could be used for any area of policy analysis.

As part of developing the ILLPA framework, I created two sub-methods by establishing a four-step process for Indigenous literary analysis (see Figure 3.2) and expanding on the case briefing method (see Chapter *nîyânan* [five]). The model for Indigenous literary analysis that I created included steps for establishing the Indigenous Voice of authors (Younging, 2018), identifying the cultural knowledge that authors and literary works possess, understanding how colonization and trauma impacted authors and was expressed in literary works, and critically examining literary works to determine if they were part of Indigenous literatures (Highway, 2017; Justice, 2018; LaRocque, 2010; Younging, 2018). After these steps, the fourth phase of Indigenous literary analysis involved critically engaging with the literary elements of the works, such as theme, symbolism, characterization, and plot.

In terms of the case briefing method, I expanded it to fill in methodological gaps that occurred from the practice of bracketing and the implication that gender-neutral legal principles could be identified by case briefing. The expanded case briefing method I developed included a holistic medicine wheel approach (Hansen, 2011), which resulted in identifying legal principles that incorporated emotional, spiritual, mental, and physical aspects. It also included Indigenous feminist legal theory (Snyder, 2014), which resulted in identifying how legal principles are shaped by gender roles and power dynamics. Both expansions worked to address academic critiques about using the case briefing method to identify Indigenous legal traditions and laws (Friedland & Napoleon, 2015-2016; Hanna, 2020).

Using the five-step process in the ILLPA framework, I analyzed four contemporary Cree literary works to identify specific contemporary *wetiko* legal principles and general Cree legal principles related to lateral violence (Friedland, 2018). The four Cree literary works were *Back Track* (Johnson, 2005), *Songs to Kill a Wîhtikow* (McLeod, 2005), *Rose's Run* (Dumont, 2014), and *Birdie: a novel* (Lindberg, 2015). Each of these works expressed an Indigenous Voice and all four authors incorporated Cree culture, language, and symbolism into their contemporary works. Indeed, after the first two steps of the ILLPA framework were completed, it was evident that each Cree literary work dealt with lateral violence and gendered and colonial harms, and that each of these four literary works were valid sources of contemporary knowledge about Cree legal traditions and *wetiko* laws.

Then, after the third step of the ILLPA framework was completed, it became apparent that although contemporary understandings of *wetiko* laws demonstrate some consistency with

traditional understandings of *wetiko* laws in terms of using reciprocity as a foundational principle, they have also changed significantly around decision-making processes, understandings of legal responsibilities and rights, and implementing progressive response principles (see Chapter *nikotwâsik* [six]). Step four of the ILLPA framework pulled together themes from the previous three steps and, using the three theories of dialogics (Freire, 1970; Freire, 2014), two-eyed seeing (Bartlett, Marshall & Marshall, 2012), and ethical space (Ermine, 2007), worked to concentrate those themes on the final step in the ILLPA framework: policy analysis.

In the fifth and final step of the ILLPA framework the results from the first four steps were used to analyze two current examples of how Cree laws are being included within Alberta-based OH&S documents: the *Miyo Pimatisiwin Health and Safety Tool Kit* from Alberta Occupational Health and Safety (July, 2022) and the academic regulations regarding *Student Appeal Process Guidelines* at the University *nuxelhot 'jne thaa?ehots 'j nistameyimâkanak* Blue Quills (2020-2021). As demonstrated in Chapter *tepakohp* (seven), step five of the ILLPA framework yielded rich results in terms of policy analysis. Specifically, the ILLPA framework provided the means for a robust critical analysis of how Cree laws are being included in both superficial and foundational ways within Alberta-based OH&S documents, as well as identifying numerous opportunities for how those resources and policies could be strengthened through incorporating traditional and contemporary understandings of *wetiko* legal principles and laws. As established throughout this research process, the ILLPA framework has emerged as a unique method for policy analysis with many potential applications for analyzing a wide range of policies in diverse workplaces.

### ***8.3 Scope of the project and avenues for future research***

Next, in this final chapter, I will discuss how my project scope impacted the research process and outcomes. Although this dissertation research resulted in the creation of a new policy analysis framework, the research scope that was chosen also allows space for expansion in future projects. These spaces include incorporating non-binary perspectives into gender analysis, specifically looking at workplace sexual violence and sexual harassment as an area where Indigenous laws could be applied to workplace conflicts, conducting primary interviews, using

Cree understandings of health and safety to guide the creation Indigenized OH&S policies, and exploring themes of embodiment and embodied knowledge.

First, I chose to incorporate gender analysis into my research project. In terms of the Indigenous literary analysis model, theme, symbolism, and characterization specifically drew on gender analysis. As well, gender analysis was also important in the legal analysis section for examining gendered power dynamics and gender roles (Snyder, 2014; Snyder, 2018; Suzack, 2017). The results of this gender analysis emerged strongly in the thematic analysis of the works, where a number of major themes regarding gender were identified and discussed. These included a discussion of gendered power dynamics, where analysis revealed a contemporary shift in perception towards viewing women as the most authoritative decision-makers, as well as the identification that women and men had different perceptions about sources of harm (see Chapter *tepakohp* [seven]). The use of gender analysis also facilitated several of the conclusions and suggestions that were put forward in Chapter *tepakohp* (seven), including explicitly incorporating male and female perspectives into legal processes, recognizing women as authoritative decision-makers, and strengthening understandings of legal obligations and rights between all community members.

However, consistent with current Indigenous gender studies approaches to research, which include 2SLGBTQ analysis (for examples, see Innes & Anderson, 2015; Nickel & Fehr, 2020), expanding this literary-legal research to include different sources that express two-spirit and/or non-binary perspectives would provide further avenues for exploration. If analysis focused on literary and/or oral sources that included non-binary and/or two-spirited voices and experiences, a different understanding of power dynamics would emerge. This research could be conducted in a similar fashion to the current project by using the ILLPA framework, or it could incorporate different Indigenous research methods, such as talking circles, incorporation of Traditional Knowledge, and storytelling. Ultimately, research that incorporates a diversity of perspectives would be very helpful for developing future OH&S policies, as these policies apply to women, men, and 2SLGBTQ individuals in the workplace.

Second, as discussed in Chapter *niso* (two), much of the literature on workplace violence in Canada conflated workplace harassment and violence with workplace sexual violence and sexual harassment. This approach tends to disregard an important aspect of workplace violence that potentially impacts all workers, but especially women and 2SLGBTQ persons who may be

more vulnerable than other workers. As discussed in the previous paragraphs, power dynamics are an integral aspect of workplace violence and a focus on non-binary gender analysis also would assist with a more complete analysis of the range of power dynamics which impact workplace sexual violence and sexual harassment. Although there is a small body of literature that discusses sexual violence in terms of Indigenous legal traditions (for example, see Deer, 2009; Proulx & Perrault, 2000; Ross, 2002) this remains an under-researched area, partly because of the tendency to romanticize the pre-colonial past as an egalitarian utopia where sexual violence did not exist (Snyder, 2018). Therefore, an important area for future research in Indigenous legal studies should include specifically looking for Indigenous laws that address sexual violence to explore how those laws could be applied to workplace sexual violence and sexual harassment.

Third, I chose not to include primary interviews in this research. This was a difficult decision to make because of the different research standards and established practices in the disciplinary areas that this work intersects. As with any inter-disciplinary research, choices about methods become complex. However, in the end practical considerations at the time this research was conducted took precedence when making methodological decisions about in-person research.<sup>45</sup> Ultimately, the choice to work exclusively with literary and documentary materials aligns with disciplinary standards in Indigenous literary studies. The work that is conducted in Indigenous literary studies usually follows academic practices established in English and literary studies, where the focus remains on interpreting and analyzing literary works (for examples, see Macfarlane & Ruffo, 2016; Reder & Morra, 2016). In Indigenous literary studies, primary interviews are not an established disciplinary practice. Ultimately, my doctoral research became focused on developing the ILLPA framework to find Cree law and critically analyze existing Indigenous OH&S documents and I did not conduct primary interviews to expand on these research findings.

As a result of focusing on the ILLPA framework, I engaged in policy analysis of 2 existing OH&S documents, which makes my research primarily a policy-relevant case study. However, public policy research includes both policy-relevant and policy-engaged research

---

<sup>45</sup> As stated in the Covid-19 Impact Statement, the final proposal for this research was presented and defended in August of 2021 during the pandemic and the institutional restrictions around in-person research that were in place at that time impacted the scope and methods used in the project.



(Kilonzo & Ojebode, 2022). To conduct policy-engaged research that provides a deeper perspective and informs the public policymaking process, “good research methods for public policy should engage stakeholders in the research process to enhance the use of the research findings and recommendations for effective policies” (Kilonzo & Ojebode, 2022, p. 66). Thus, public policy research standards include a range of qualitative and quantitative methods, such as ethnographic methods, surveys, phenomenology, narrative methods, and numerical and statistical methods. Indeed, it is now argued that policy-relevant research should have a mixed-methods design (Kilonzo & Ojebode, 2022).

In addition, Indigenous legal studies projects often include interviews with Indigenous community members as part of the case briefing method. Although there are some case briefing studies that do not include this step (for example, see Johnson & Groft, 2017), overall, primary interviews become part of the research process for identifying and understanding Indigenous legal traditions and laws. In that context, after the case briefing is done and preliminary results are compiled “the researcher teams [travels] to spend time with the partner communities, where the work [is] considered, revised, honed, and developed in conjunction with elders, leaders, and the wider community...and extended through additional storied resources, including life histories, interviews, additional stories, or the addition of details” (Johnson & Groft, 2017, p. 123). Therefore, consistent with public policy and Indigenous legal studies approaches, expanding the ILLPA framework to include working with Indigenous authors and community members to present the results and solicit feedback and corrections could provide further avenues for exploring and refining the themes and critiques that result from ILLPA policy analysis.

As discussed previously in Chapter *nikotwâsik* (six), a number of results emerged from the comparative analysis that pointed to ways in which contemporary understandings of *wetiko* law have shifted away from traditional understandings. These included specific shifts around decision-making processes, legal responsibilities and rights, and the implementation of progressive response principles, as well as the overall perception that the community is no longer a reliable source of safety or assistance. This overall perception presents a troubling change and points to an important avenue for future research. Research questions that revolve around identifying and understanding shifts in perception about whether the community is a source of safety and assistance for Indigenous Peoples would benefit from conducting primary interviews.

And, ultimately, community-led research that seeks better understandings of why or why not the community is perceived as a source of strength, safety, and security would be very helpful for developing and Indigenizing OH&S policies, as these policies must include processes for being able to ask for and receive effective help.

Fourth, I chose to use OH&S policies as the applied subject of my research. As policy analysis revealed in Chapter *tepakohp* (seven), the *Miyo Pimatisiwin Health and Safety Tool Kit* (Government of Alberta, 2022) is an example of a resource that uses Cree laws in a superficial manner, while the *Student Appeals Process Guidelines* (University *nuxelhot'jine thaaᑭehots'j nistameyimâkanak* Blue Quills, 2020-2021) is an example of a procedure that incorporates Cree laws as foundational concepts into organizational policies. However, as established throughout my dissertation, current Indigenized OH&S policies are embedded in colonial systems of governance and legislation that are primarily based on Euro-Western concepts of justice and law. Therefore, ultimately, Both examples present Cree law within the overarching context of a dominant colonial system.

Although OH&S policies are the applied subject of my research, the two fundamental themes of my research are health and safety. Therefore, future avenues for research could engage with and consider these concepts from a Cree cultural context. In the Cree language, the concepts of *miyowâyâwin* (health) and *miyonohk âyâwin* (safety) express holistic understandings that incorporate physical, spiritual, emotional, and mental elements. Using these holistic understandings of *miyowâyâwin* (health) and *miyonohk âyâwin* (safety) as the basis for future research would result in shifting towards using an Indigenous lens for examining Cree law. Indeed, this paradigm shift can be seen in other academic works that explore topics such as Cree concepts of justice (Hansen, 2011; Hansen, 2013), Cree legal revitalization (McAdam, 2015), *pimatisiwin* (good life) and *pomewin* (despair) in water policy (LaBoucane-Benson et al., 2012), *wahkotowin* in institutional transformation (Wildcat, 2018), how Cree ceremonial aesthetics relate to legal pedagogy (Lindberg, 2018), concepts of *kitimahkinawow* (pity) and *kitimahkisin* (compassion) in Cree laws (Baker-Grenier, 2021), and how Cree language speakers express Cree ethics in their speech (Muehlbauer, 2016). As these works demonstrate, there are many avenues for future research projects on health and safety that could use an Indigenous lens and center Cree concepts when approaching Cree law and conducting legal research.

Furthermore, shifting to center Cree concepts as the lens through which Cree law is explored relates to another theme that emerged from this research: how and when to draw community and academic knowledges together. As discussed in Chapter *tekapohp* (seven), the thematic analysis step identified that tensions exist between community and academic knowledges, perspectives, and priorities. And, as proposed in that chapter, recognizing and embracing a dualistic perspective based on the principles of two-eyed seeing could be used to draw these two bodies of knowledge into *miyo-wicehtowin* (good partnership) when conducting Indigenous legal research. In much the same way as reconciliation-based governance focuses on creating collaborative working relationships and partnerships where different forms of governance can co-exist and strengthen each other through transformative reconciliation (Asch, Borrows & Tully, 2018; Poelzere & Coates, 2015), continuing to develop Indigenous legal research programs that first, center Indigenous legal concepts and second, identify how Indigenous and Euro-Western laws can co-exist, can also work to reconcile community and academic knowledges.

And fifth, as I learned when searching for Cree terms that translate to health and safety, *miyowâyâwin* (health) and *miyonohk âyâwin* (safety) include holistic and embodied understandings of the cultural protocols surrounding Talking Circles led by Elders, particularly women Elders (Duquette, 2019; Halfe, 2019). The use of Talking Circles and the concept of physical, mental, emotional, and spiritual healing are a central element of restorative justice approaches (for example, see Hansen, 2013; Hewitt, 2016; Weitekamp & Kerner, 2002; University *nuxelhot'jne thaa?ehots'j nistameyimâkanak* Blue Quills, 2020-2021). With some similarities to restorative justice approaches, the Indigenous feminist approach of Felt Theory, developed by Dian Million in 2009, focuses on the embodied experiences of Indigenous women. Felt Theory proposes that when Indigenous women give voice to their experiences of trauma, through either writing or oral testimony, they create a social discourse based on feeling history that brings a lived emotional knowledge into academic scholarship and mainstream society (Million, 2009). I think that Felt Theory can be brought into conversation with the understandings of *miyowâyâwin* (health) and *miyonohk âyâwin* (safety) that were shared with me by Elders Roland Duquette and Louise Halfe, as well as with restorative justice principles surrounding the holistic healing of mind, body, and spirit, to point the way towards multiple

avenues for future research projects that focus on exploring embodiment and embodied knowledge.

The concepts of embodiment and embodied knowledge also relate to three specific ways that I would like to move my current avenue of research forwards. Based on the results of this current research, I would like to continue to case brief more works of Indigenous literature to deepen my analysis of contemporary understandings of Cree law, and potentially other Indigenous legal orders. Next, I would like to better understand the Cree concepts of *miyowâyâwin* (health) and *miyonohk âyâwin* (safety) so that I can draw on them when developing workplace policies. To better understand these concepts, I would like to interview a range of Cree people to explore what these concepts mean and how they are understood in relationship to *wahkohtowin* (relationship) and Cree law. And, third, I would like to develop Indigenous OH&S policies for how to identify and resolve conflicts in workplaces. With this type of policy development, I believe that I can contribute to creating space for *wahkohtowin* (relationship) experiences in the workplace that build felt and embodied understandings of reciprocity, compassion, responsibility, and obligation for Indigenous, settler, and new immigrant workers.

#### **8.4 *kesihcikewin* (conclusion)**

As an Assistant Professor at the University of Lethbridge, I sit on the Gender, Equity, and Diversity (GED) committee. During the summer of 2023, the GED committee hosted meetings and responded to faculty concerns and fears about the attacks at the University of Waterloo that occurred on June 28, 2023 (Shetty, 2023). During this time, I realized that there is a vast difference in the ethics that arise from an individualistic mindset and those that result from a collective mindset (Cordova, 2004). When an individualistic mindset is used, the attitude towards safety is that someone else should keep me safe. Indeed, I saw many people express that individualistic approach to safety during the GED committee meetings. Overall, my experiences on this committee reinforced my beliefs that safety is a collective responsibility. I believe that real safety is found in group safety and, consistent with the ethics that arise from a collective mindset (Cordova, 2004), I embrace the attitude that we all need to work together to ensure that we are all safe. This understanding of safety can also be seen in the *wetiko* legal principles,

which identified that when group members fulfil their responsibilities and obligations to everyone else in the group, then collectively the group is safe (Friedland, 2018).

My doctoral research has been narrowly focused on how *wetiko* law can be used to critically assess existing Indigenized OH&S policies that address conflict and lateral violence in workplaces located on Plains Cree territory. My research has been broadly about organizational Indigenization, Indigenous law, and developing a framework for finding Indigenous law and assessing workplace policies. Overall, this research has drawn on the premise that the Numbered Treaties express a range of Indigenous legal orders (Cardinal & Hildebrandt, 2000; Treaty 7 Tribal Council et al., 1996) and that Canada is a multi-juridical country where Indigenous laws exist alongside Canadian common law and civil law (J. Borrows, 2002; J. Borrows, 2010; J. Borrows et al, 2019). These foundational premises create a space where organizations and workplaces can function under the umbrella of a Cree legal order.<sup>46</sup>

My dissertation research is timely and has a number of broad applications. I believe that developing the ILLPA framework is one way of responding to the TRC's Call to Action 42:

We call upon the federal, provincial, and territorial governments to commit to the recognition and implementation of Aboriginal justice systems in a manner consistent with the Treaty and Aboriginal rights of Aboriginal peoples, the *Constitution Act, 1982*, and the *United Nations Declaration on the Rights of Indigenous Peoples*, endorsed by Canada in November 2012 (Truth and Reconciliation Commission, 2015, p 4).

My research also contributes to reconciliation in Canada in a manner consistent with the TRC's belief that "in order for Canada to flourish in the twenty-first century, reconciliation between Aboriginal and non-Aboriginal Canada must be based on...integrating Indigenous knowledge systems, oral histories, laws, protocols, and connection to the land into the reconciliation process" (Truth and Reconciliation Commission, 2015, p 3-4). From my perspective, I personally understand and believe in reconciliation as a lived practice. As the TRC states, "together, Canadians must do more than just talk about reconciliation; we must learn to practice reconciliation in our everyday lives – within ourselves and our families, and in our communities,

---

<sup>46</sup> I recognize that a variety of Indigenous Nations occupied these areas and signed the Numbered Treaties, including the Siksika, Piikani, Kainai, Dakota, Stoney Nakoda, Cree, Assiniboine, Tsuut'ina, and Métis (not signatories of the Numbered Treaties). These nations continue to claim and occupy their traditional territories on the same lands that the provinces and the Canadian nation-state occupy. Although I have only engaged with a Cree legal order in this dissertation, I recognize that this is not the only Indigenous legal order that exists in these areas or that could be applied to contemporary workplace policy development. For instance, see Crowshoe & Manneschmidt (2002) for a Blackfoot model of organizational management and practice.

governments, places of worship, schools, and workplaces” (Truth and Reconciliation Commission, 2015, p. 11). With this dissertation, I am practicing reconciliation.

As a Cree woman, *sohkikapawiw pasikohew miyonohkayawin miyowayawin* (I stand straight in safety and health, and I help others to stand up). This is my internalized and embodied obligation and responsibility. Throughout this dissertation, my research, analysis, and application have remained consistent with the overarching Cree principles of *wahkohtowin* (relationship), *miyo-wicehtowin* (good partnership), and *miyo-pimacihisowin* (the act of making a good living). *hiy hiy* (I give thanks).

## ***Bibliography (itahkohcipayik— source from where it comes)***

- Alberta Occupational Health and Safety. (July, 2022). *Miyo Pimatisiwin health and safety tool kit*. (Resource kit for employers). Retrieved from Alberta Occupational Health and Safety website: <https://ohs-pubstore.labour.alberta.ca/miyo-pimatisiwin-health-and-safety-learning-tools>
- Alex, C. (2016, March 10). *Canada Reads 2016 novel Birdie takes flight as law school text*. CBC News. <https://www.cbc.ca/news/156anadaa/thunder-bay/156anadaa-reads-birdie-law-school-1.3483814>
- Andersen, C. & O'Brien, J. (2017). Introduction – Indigenous Studies: An appeal for methodological promiscuity. In C. Andersen & J. O'Brien (Eds.), *Sources and methods in Indigenous Studies* (pp. 1-11). Routledge.
- Archibald-Barber, J. R. (Ed.). (2018). *kisiskâciwan: Indigenous voices from where the river flows swiftly*. University of Regina Press.
- Asch, M., Borrows, J., & Tully, J. (Eds.). (2018). *Resurgence and reconciliation: Indigenous-settler relations and earth teachings*. University of Toronto Press.
- Askew, H. (2016). Learning from Bear-Walker: Indigenous legal orders and intercultural legal education in Canadian law schools. *Windsor YB Access Just*, 33, 29-46.
- Athabasca University. (2023). *Our people*. Retrieved July 29, 2023 from <https://www.athabascau.ca/indigenous/neheyiwak-caucus/index.html>
- Baker-Grenier, N. (2021). *Kitimahkinawow ekwa kitimahkisin: Pity and compassion in Cree law*. *Western Journal of Legal Studies*, 11(1).
- Bartlett, C., Marshall, M., & Marshall, A. (2012). Two-eyed seeing and other lessons learned within a co-learning journey of bringing Indigenous and mainstream knowledges and ways of being. *Journal of Environmental Studies and Sciences*, 2, 331-340.
- Bear Paw Media. (2014, April 28). *Lateral Violence* [Video]. Youtube. <https://www.youtube.com/watch?v=neWtt3sAqMM>
- Behrens, M. (2022, August 9). *Free wrongfully jailed Indigenous writer, domestic violence*

- survivor Dawn Dumont Walker. Change.org. <https://www.change.org/p/free-wrongfully-jailed-indigenous-writer-domestic-violence-survivor-dawn-dumont-walker>
- Berlingieri, A., Welsh, S., MacQuarrie, B., McFadyen, N.D., & Bigras-Dutrisac, H. with the Canadian Labour Congress. (2022). *Harassment and violence in Canadian workplaces: It's [not] part of the job*. Centre for Research and Education on Violence Against Women and Children, Western University.
- Blaeser, K. M. (2016). Native literature: Seeking a critical centre. In D. Reder & L. M. Morra (Eds.), *Learn, teach, challenge: Approaching Indigenous literatures* (pp. 231-238). Wilfred Laurier University Press.
- Bopp, M., Brown, L., & Robb, J. (2017). Reconciliation within the academy: Why is Indigenization so difficult. *Four Worlds Centre for Developmental Learning*. <http://www.fourworlds.ca/news.html>.
- Borrows, J. (2002). *Recovering Canada: The resurgence of Indigenous law*. University of Toronto Press.
- Borrows, J. (2010). *Canada's Indigenous Constitution*. University of Toronto Press.
- Borrows, J. (2010). *Drawing out law: A spirit's guide*. University of Toronto Press.
- Borrows, J. (2016). *Freedom and Indigenous constitutionalism*. University of Toronto Press.
- Borrows, J. (2019). *Law's Indigenous ethics*. University of Toronto Press.
- Borrows, J., Chartrand, L., Fitzgerald, O. E., & Schwartz, R. (Eds.). (2019). *Braiding legal orders: Implementing the United Nations Declaration on the Rights of Indigenous Peoples*. Centre for International Governance Innovation.
- Borrows, J. & Tully, J. (2018). Introduction. In M. Asch, J. Borrows, & J. Tully (Eds.), *Resurgence and reconciliation: Indigenous-settler relations and earth teachings* (pp. 3-25). University of Toronto Press.
- Borrows, L. K. (2018). *Otter's journey through Indigenous language and law*. UBC Press.
- Boyer, Y. (2009). First Nations women's contributions to culture and community through Canadian law. In G. G. Valaskakis, M. D. Stout, & E. Guimond (Eds.), *Restoring the balance: First Nations women, community, and culture* (pp. 69-96). University of Manitoba Press.
- Brown, K. (2016). Approaches to the study of law. In C. Ashford and J. Guth (Eds.), *The legal academic's handbook* (pp. 135-138). Red Globe Press.



- Cardinal, H. (1999). *The unjust society* (2<sup>nd</sup> Ed.). Douglas & McIntyre.
- Cardinal, H. & Hildebrand, W. (2000). *Treaty Elders of Saskatchewan: Our dream is that our peoples will one day be clearly recognized as nations*. University of Calgary Press.
- Carpenter, C. (2017). Pauline Johnson's "as it was in the beginning" and Drew Hayden Taylor's the night wanderer: The gothic tradition in Canadian Indigenous literature. *International Journal of Canadian Studies*, 56, 47-65.
- CBC Books. (2017, February 7). *Birdie*. CBC Books.  
<https://www.cbc.ca/books/canadareads/birdie-1.3970396>
- CBC Books. (2022, February 9). *Celebrated Cree author Harold R. Johnson dead at 68*. CBC Books. <https://www.cbc.ca/books/celebrated-cree-author-harold-r-johnson-dead-at-68-1.6340931>
- CBC Books. (2022, August 3). *Mark Critch, Dawn Dumont and Rick Mercer named finalists for \$25K Leacock Medal for Humour*. CBC Books. <https://www.cbc.ca/books/mark-critch-dawn-dumont-and-rick-mercero-named-finalists-for-25k-leacock-medal-for-humour-1.6539078>
- CBC Radio. (2016, February 1). *Tracey Lindberg on telling Indigenous stories*. CBC Radio.  
<https://www.cbc.ca/radio/thenextchapter/tracey-lindberg-tom-jackson-and-mary-dalton-1.3422758/tracey-lindberg-on-telling-indigenous-stories-1.3422766>
- CBC Radio. (2020, December 18). *Why Harold R. Johnson's writing explores the nature of story and changing the narrative*. CBC Radio. <https://www.cbc.ca/radio/thenextchapter/full-episode-dec-19-2020-1.5843360/why-harold-r-johnson-s-writing-explores-the-nature-of-story-and-changing-the-narrative-1.5845703>
- CBC Radio. (2022, November 10). *3 Canadian authors reflect on the life and legacy of Harold R. Johnson and the power of stories*. CBC Radio.  
<https://www.cbc.ca/radio/thenextchapter/3-canadian-authors-reflect-on-the-life-and-legacy-of-harold-r-johnson-and-the-power-of-stories-1.6643210>
- Centre for Research & Education on Violence Against Women and Children. (2020). Respect at work survey (Web log post). Retrieved from <http://www.learningtoendabuse.ca>
- Chechak, D. & Csiernik, R. (2014). Canadian perspectives on conceptualizing and responding to workplace violence. *Journal of Workplace Behavioural Health*, 29(1), 55-72.
- Crowshoe, R. & Mannes Schmidt, S. (2002). *Akak'stiman: A Blackfoot framework for decision-*

*making and mediation processes*. University of Calgary Press.

- Cordova, V. F. (2004). Ethics: The we and the I. In A. Waters (Ed.) *American Indian thought* (pp. 173-181). Blackwell Publishing Inc.
- Couture, J. (1978). Philosophy and psychology of Native education. In I. Ghetty & D. Smith (Eds.), *One century later: Western Canadian reserve Indians since Treaty #7*. UBC Press.
- Cree Nations Heritage Centre. (2022). *Cree history: About the Cree Nations*. Retrieved June 1, 2024 from <http://www.creenationsheritagecentre.ca/cree-history.html>
- Croft, R. K. & Cash, P. A. (2012). Deconstructing contributing factors to bullying and lateral violence in nursing using a postcolonial feminist lens. *Contemporary Nurse*, 42(2), 226-242.
- Cull I., Hancock, R. L. A., McKeown, S., Pidgeon, M., & Vedan, A. (2018). *Pulling together: A guide for front-line staff, student services, and advisors*. BCcampus. Retrieved from <https://opentextbc.ca/indigenizationfrontlineworkers/>
- CUPE (Canadian Union of Public Employees). (2018, August 22). *Legislation applying to violence and harassment in Canada by jurisdiction*. Retrieved May 14, 2024, from <https://cupe.ca/legislation-applying-violence-and-harassment-canada-jurisdiction>
- Deer, S. (2009). Decolonizing rape law: A Native feminist synthesis of safety and sovereignty. *Wicazo Sa Review*, 24(2), 149–167. <http://www.jstor.org/stable/40587785>
- Delve, Ho, L., & Limpaecher, A. (2024, March 1). *Inductive thematic analysis and deductive thematic analysis in qualitative research*. Retrieved June 30, 2024 from <https://delvetool.com/blog/inductive-deductive-thematic-analysis>
- Devine, H. (2013). *The people who own themselves: Aboriginal ethnogenesis in a Canadian family, 1660-1900*. University of Calgary Press.
- Djuric, M. (2022, August 8). 'Missing' Saskatoon mother now faces mischief, abduction charges in U.S. and Canada. National Post. <https://nationalpost.com/news/canada/cp-newsalert-saskatoon-woman-who-had-been-reported-missing-facing-charges>
- Dobson, T., Michura, P., Ruecker, S., Brown, M., & Rodriguez, O. (2011). Interactive visualizations of plot in fiction. *Visible Language* 45(3), 169-191.
- Doyle, A. M., Lawson, K., & Dupont, S. (2015). Indigenization of knowledge

- organization at the Xwi7xwa Library. *Journal of Library and Information Studies* 13(2), 107-134.
- Dumont, D. (2011). *Nobody cries at bingo*. Thistle-down Press.
- Dumont, D. (2014). *Rose's run: A novel*. Thistle-down Press.
- Dumont, D. (2017). *Glass beads*. Thistle-down Press.
- Dumont, D. (2021). *The Prairie Chicken Dance Tour*. Freehand Books.
- Duquette, R., University of Saskatchewan. Treaty 6. Lives in Saskatoon, SK. Oral teaching on campus. Personal communication. September 16, 2019.
- Duquette, R., University of Saskatchewan. Treaty 6. Lives in Saskatoon, SK. Oral teaching on campus. Personal communication. February 14, 2020.
- Episkene-w, J. (2009). *Taking back our spirits: Indigenous literature, public policy, and healing*. University of Manitoba Press.
- Ermine, W. (2007). The ethical space of engagement. *Indigenous Law Journal*, 6(1), 193-203.
- Ermine, W. (2016). Aboriginal epistemology. In H. Macfarland & A. G. Ruffo (Eds.) *Introduction to Indigenous literary criticism in Canada* (pp. 101-112). Broadview Press.
- Fanon, F. (1963). *The wretched of the earth*. Grove Press.
- Fee, M. (2016). Writing orality: Interpreting literature in English by Aboriginal writers in North America, Australia and New Zealand. In H. Macfarland & A. G. Ruffo (Eds.) *Introduction to Indigenous literary criticism in Canada* (pp. 114-132). Broadview Press.
- First Nations Health Authority. (2024). *First Nations perspective on health and wellness*. <https://www.fnha.ca/wellness/wellness-for-first-nations/first-nations-perspective-on-health-and-wellness>
- FitzMaurice, K. (2011). Transgressing the boundaries of native studies: Traces of 'white paper' policy in academic patterns of indigenization. *The Canadian Journal of Native Studies*, 31(2), 63-76.
- Foster, J., Cake, S. & Barnetson, B. (2022). Profits first, safety second: Canada's Occupational Health and Safety System at 50. *Labour/Le Travail*, 90, 179-202.
- Freire, P. (1970). *Pedagogy of the oppressed*. Herder and Herder.
- Freire, P. (1994). *Pedagogy of hope: Reliving pedagogy of the oppressed*. Continuum Publishing Company.
- Freire, P. (2014). *Pedagogy of hope: Reliving pedagogy of the oppressed* (Bloomsbury

*Revelations Series Edition*). Bloomsbury Academic.

- Friedland, H. L. (2012). *The Cree legal traditions report*. Report for Aboriginal Healing Foundation.
- Friedland, H. (2012). Reflective frameworks: Methods for accessing, understanding and applying Indigenous laws. *Indigenous Law Journal*, 11, 1.
- Friedland, H. L. (2017). *Cree legal summary* (A part of Cree legal traditions report). Accessing Justice and Reconciliation Project.
- Friedland, H. L. (2018). *The Wetiko legal principles: Cree and Anishinabek responses to violence and victimization*. University of Toronto Press.
- Friedland, H. & Napoleon, V. (2015-2016). Gathering the threads: Developing a methodology for researching and rebuilding Indigenous legal traditions. *Lakehead Law Journal*, 1(1), 16-44.
- Gaudry, A., & Lorenz, D. (2018). Indigenization as inclusion, reconciliation, and decolonization: navigating the different visions for indigenizing the Canadian Academy. *AlterNative: An International Journal of Indigenous Peoples*, 14(3), 218-227.
- Giles, D. (2022, February 10). *Indigenous author Harold R. Johnson dead after battle with cancer*. Global News. <https://globalnews.ca/news/8609981/indigenous-author-harold-johnson-cancer/>
- Government of Alberta. (2022, July). *Miyo pimatisiwin health and safety facilitation guide* (IWR003). Government of Alberta, Labour and Immigration. <https://ohs-pubstore.labour.alberta.ca/miyo-pimatisiwin-health-and-safety-learning-tools>
- Government of Alberta. (2022, July). *Appendix B: in-person speaking notes*. (IWR003B). Government of Alberta, Labour and Immigration. <https://ohs-pubstore.labour.alberta.ca/miyo-pimatisiwin-health-and-safety-learning-tools>
- Government of Alberta. (2022, July). *Appendix C: knowledge sharing activities*. (IWR003C). Government of Alberta, Labour and Immigration. <https://ohs-pubstore.labour.alberta.ca/miyo-pimatisiwin-health-and-safety-learning-tools>
- Grant, J. (2016, July 21). *Neal McLeod explores the Cree language with new book*. The Nation. <http://formersite.nationnewsarchives.ca/neal-mcleod-explores-cree-language-new-book/>
- Griffith, K. (1994). *Writing essays about literature*. Harcourt Brace College Publishers.
- Haar, J.M. & Brougham, D.M. (2013). An Indigenous model of career satisfaction: Exploring the

- role of workplace cultural wellbeing. *Social Indicators Research* 110, 873-890.
- Halfe, L., University of Saskatchewan. Treaty 6. Lives in Saskatoon, SK. Oral teaching on campus. Personal communication. September 16, 2019.
- Halfe, L., University of Saskatchewan. Treaty 6. Lives in Saskatoon, SK. Oral teaching via phone conversation. Personal communication. January 21, 2024.
- Hango, D. & Moyser, M. (2018). *Harassment in Canadian workplaces*. Centre for Gender, Diversity, and Inclusions Statistics: Statistics Canada. Retrieved from Statistics Canada website: <https://www150.statcan.gc.ca/n1/pub/75-006-x/2018001/article/54982-eng.htm>
- Hanna, A. (2020). Going circular: Indigenous legal research methodology as legal practice. *McGill Law Journal*, 65(4), 671-709.
- Hansen, J. G. (2011). *Swampy Cree justice: Researching the ways of the people*. JCharlton Publishing, Ltd.
- Hansen, J. G. (2013). *Swampy Cree justice: Researching the ways of the people, 2<sup>nd</sup> edition*. JCharlton Publishing, Ltd.
- Hargreaves, A. (2017). *Violence against Indigenous women: Literature, activism, resistance*. Wilfred Laurier University Press.
- Hassard, J., Teoh, K. & Cox, T. (2013, April 6). Job satisfaction: Theories and definitions. *Oshwiki Networking Knowledge*. <https://oshwiki.osha.europa.eu/en/themes/job-satisfaction-theories-and-definitions>
- Hayes, M. (2022, August 29). *Missing Indigenous author Dawn Walker and son found safe in U.S.* Globe and Mail. <https://www.theglobeandmail.com/canada/article-dawn-dumont-walker-found-safe/>
- Hewitt, J. G. (2016) Indigenous restorative justice: Approaches, meaning & possibility. *University of New Brunswick Law Journal*, 67, 313-335.
- Highway, T. (2017). *From oral to written: A celebration of Indigenous literature in Canada, 1980-2010*. Talonbooks.
- Hoy, H. (2016). "Introduction" from how should I read these? Native women writers in Canada. In D. Reder & L. M. Morra (Eds.), *Learn, teach, challenge: Approaching Indigenous literatures* (pp. 37-54). Wilfred Laurier University Press.
- Huan, L. J. & Yazdanifard, R. (2012). The difference of conflict management styles and conflict resolution in the workplace. *Business & Entrepreneurship Journal*, 1(1), 141-155.

- Hughes, P. & Mossman, M. J. (2004). *Re-thinking access to criminal justice in Canada: A critical review of needs, responses and restorative justice initiatives*. (Report prepared for the Department of Justice Canada). Retrieved from Government of Canada website: [https://www.justice.gc.ca/eng/rp-pr/csj-sjc/jsp-sjp/tr03\\_2/index.html](https://www.justice.gc.ca/eng/rp-pr/csj-sjc/jsp-sjp/tr03_2/index.html)
- Innes, R. A. (2004). American Indian Studies research is ethical research: A discussion of Linda Smith and James Waldram's approach to Aboriginal research. *Native Studies Review* 15(2), 136–37.
- Innes, R. (2010). Introduction: Native Studies and Native cultural preservation, revitalization, and persistence. *American Indian Culture and Research Journal* 34(2), 1-9.
- Innes, R., & Anderson, K. (Eds.). (2015). *Indigenous men and masculinities: Legacies, identities, regeneration*. University of Manitoba Press.
- Idle No More. (2020). *About the movement – idlenomore*. Retrieved April 14, 2024, from <https://idlenomore.ca/about-the-movement/>
- [ILO] International Labour Organization. (2019). *C190 - Violence and Harassment Convention, 2019 (No. 190)*. Geneva: International Labour Organization. Retrieved from International Labour Organization website: [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C190](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190)
- Jago, C. (2004). Stop pretending and think about plot. *Voices From the Middle*, 11(4), 50-51.
- Johnson, H. (2005). *Back track*. Thistledown Press.
- Johnson, H. (2007). *Two families: Treaties and government*. UBC Press.
- Johnson, H. (2016). *Firewater: How alcohol is killing my people (and yours)*. University of Regina Press.
- Johnson, H. (2019). *Peace and good order: The case for Indigenous justice in Canada*. McClelland & Stewart.
- Johnson, H. (2022). *The power of story: On truth, the trickster, and new fictions for a new era*. Biblioasis.
- Johnson, R. & Groft, L. (2017). Learning Indigenous law: Reflections on working with Western Inuit stories. *Lakehead Law Journal*, 2(2), 117-144.
- Johnston, B. (2016). One generation from extinction. In H. Macfarland & A. G. Ruffo (Eds.), *Introduction to Indigenous literary criticism in Canada* (pp. 26-32). Broadview Press.

- Justice, D. H. (2012). Literature, healing, and the transformational imaginary: thoughts on Jo-Ann Episkenew's taking back our spirits: Indigenous literature, public policy, and healing. *Canadian literature*, 214, 101-106.
- Justice, D. H. (2018). *Why Indigenous literatures matter*. Wilfred Laurier University Press.
- Kao, H., Sinha, D., & Wilpert, B. (Eds.). (1999). *Management and cultural values: the indigenization of organizations in Asia*. Sage Publications.
- Kelly Lake Cree Nation. (2023). *Kelly Lake Cree Nation*. Retrieved July 30, 2023 from <https://www.kellylakecreenation.com/>
- Kilonzo, S.M., & Ojebode, A. (2023). Research methods for public policy. In E. R. Aiyede & B. Muganda (Eds.), *Public policy and research in Africa* (pp. 63-85). Palgrave Macmillan, Cham. [https://doi.org/10.1007/978-3-030-99724-3\\_4](https://doi.org/10.1007/978-3-030-99724-3_4)
- King, T. (2003). *The truth about stories: A Native narrative*. House of Anansi Press Inc.
- Koole, M., & Lewis, K. W. (2018) Mobile learning as a tool for Indigenous language revitalization and sustainability in Canada: Framing the challenge. *International Journal of Mobile and Blended Learning*, 10, 1-12.
- Kovach, M. (2009). *Indigenous methodologies: Characteristics, conversations, and contexts*. University of Toronto Press
- Kovach, M. (2016). Situating self, culture, and purpose in Indigenous inquiry. In D. Reder & L. M. Morra (Eds.), *Learn, teach, challenge: Approaching Indigenous literatures* (pp. 95-105). Wilfred Laurier University Press.
- Kuhn, T. S. (1962). *The structure of scientific revolutions*. University of Chicago Press.
- LaBoucane-Benson, P., Gibson, G., Benson, A., & Miller, G. (2012). Are we seeking *pimatisiwin* or creating *pomewin*? Implications for water policy. *International Indigenous Policy Journal* 3(3).
- LaRocque, E. D. (1975). *Defeathering the Indian*. Book Society of Canada.
- LaRocque, E. D. (1994). *Violence in Aboriginal communities*. (Discussion paper: National Round Table on Aboriginal Health and Social Issues). Ottawa, ON: Health Canada.
- LaRocque, E. D. (2009). Reflections on cultural continuity through Aboriginal women's writings. In G. G. Valaskakis, M. D. Stout, & E. Guimond (Eds.), *Restoring the balance: First Nations women, community, and culture* (pp. 149-174). University of Manitoba Press.

- LaRocque, E. D. (2010). *When the other is me: Native resistance discourse 1850-1990*. University of Manitoba Press.
- LaRocque, E. D. (2016). Teaching Aboriginal literature: The discourse of the margins and mainstreams. In D. Reeder & L. M. Morra (Eds.), *Learn, teach, challenge: Approaching Indigenous literatures* (pp. 55-72). Wilfred Laurier University Press.
- LeClaire, N. & Cardinal, G. (2018). *Alberta elders Cree dictionary (1<sup>st</sup> Ed., 6<sup>th</sup> Printing)*. E. Waugh (Ed.). University of Alberta Press & Duval House Publishing.
- Lindberg, D. (2018). Miyo *nehiyawiwîn* (beautiful Creeness): Ceremonial aesthetics and *nehiyaw* legal pedagogy. *Indigenous Law Journal at the University of Toronto, Faculty of Law*, 16, 51-66.
- Lindberg, T. (2015). *Birdie: A novel*. HarperCollins Publishers, Inc.
- Lindberg, T. (2023). *Tracey Lindberg*. Retrieved July 30, 2023 from <https://www.traceylindberg.ca/bio>
- Macdougall, B. (2010). *One of the family: Metis culture in nineteenth-century Northwestern Saskatchewan*. UBC Press.
- Macfarlane, H., & Ruffo, A. G. (Eds.). (2016). *Introduction to Indigenous literary criticism in Canada*. Broadview Press.
- Malnyk, C. (2017). *Firewater: How alcohol is killing my people (and yours) by Harold R. Johnson*, University of Regina Press, 2016: Book review. Institute of Public Administration of Canada. [https://www.ipac.ca/Saskatchewan/Saskatchewan/Book\\_Reviews/Reviews/Firewater.aspx](https://www.ipac.ca/Saskatchewan/Saskatchewan/Book_Reviews/Reviews/Firewater.aspx)
- Manuel, G. & Posluns, M. (1974). *The fourth world: An Indian reality*. Collier McMillan Canada.
- McAdam, S. (2015). *Nationhood interrupted: Revitalizing nêhiyaw legal systems*. Purich Publishing Ltd.
- McKay, G. & Lindberg, T. (2023). *Teachers' guide for Tracey Lindberg's "Birdie"*. Retrieved March 23, 2019 from <https://traceylindberg.ca/index.php/birdie-an-educators-guide>
- McLeod, N. (2005). *Songs to kill a Wihtikow*. Hagios Press.
- McLeod, N. (2007). *Cree narrative memory: From treaties to contemporary times*. Purich Publishing Ltd.
- McLeod, N. (2008). *Gabriel's Beach*. Radiant Press.



- McLeod, N. (2017). *Open letter*. Retrieved July 27, 2023 from <https://nealmcleodopenletter.wordpress.com/>
- McLeod, N. & Wolvengrey, A. (2016). *100 days of Cree*. University of Regina Press.
- Memmi, A. (1991). *The colonizer and the colonized*. Beacon Press.
- Million, D. (2009). Felt Theory: An Indigenous feminist approach to affect and history. *Wicazo Sa Review*, 24 (2), 53-76.
- Million, T. (2002). *Using circular paradigms within an archaeological framework: Receiving gifts from White Buffalo Calf Woman* (Unpublished master's thesis). University of Alberta, Edmonton, AB.
- Million, T. (2005). Developing an Aboriginal archaeology: Receiving gifts from White Buffalo Calf Woman. In C. Smith & H. M. Wobst (Eds.), *Indigenous archaeologies: Decolonizing theory and practice*. Routledge.
- Million, T. (2010). Developing an Aboriginal archaeology: Receiving gifts from White Buffalo Calf Woman. In M. M. Bruchac, S. M. Hart, & H. M. Wobst (Eds.), *Indigenous archaeologies: A reader on decolonization*. Left Coast Press, Inc.
- Morgado, A. (2016, March 18). *Birdie chosen for nationwide Canada Reads program*. The Fulcrum. <https://thefulcrum.ca/arts/birdie-chosen-nationwide-canada-reads-program/>
- Morin, B. (2017, October 13). *Indigenous authors pull works after anthology publisher keeps contributor with violent past*. CBC News. <https://www.cbc.ca/news/indigenous/indigenous-authors-anthology-violence-1.4354587>
- Morin, B. & Dacey, E. (2017, October 18). *Writer with violent past withdraws work from Indigenous anthology*. CBC News. <https://www.cbc.ca/news/indigenous/neal-mcleod-indigenous-anthology-1.4360122>
- Muehlbauer, J. (2016). Plains Cree *pêyâhtikowêwin*: The ethic of talking softly. *Anthropological Linguistics*, 58(1), 79-98.
- Napoleon, V. (2007). *Thinking about Indigenous legal orders*. (Research paper for the National Center for First Nations Governance). Retrieved from National Center for First Nations Governance website: [http://fngovernance.org/ncfng\\_research/val\\_napoleon.pdf](http://fngovernance.org/ncfng_research/val_napoleon.pdf)
- National Speakers Bureau. (2023). *Tracey Lindberg*. Retrieved August 14, 2023 from <https://www.nsb.com/speakers/tracey-lindberg/>
- National Union of Public and General Employees. (2020, October 23). National survey on

- harassment and violence at work in Canada (Web log post). Retrieved from <https://nupge.ca/content/national-survey-harassment-and-violence-work-canada>
- Native Women's Association of Canada. (2011). *Aboriginal Lateral Violence*. (Fact sheet for the Native Women's Association of Canada.) Retrieved from Native Women's Association of Canada website: [https://www.nwac.ca/browse/2011\\_aboriginal\\_lateral\\_violence.pdf](https://www.nwac.ca/browse/2011_aboriginal_lateral_violence.pdf)
- Newhouse, D. (n.d). Reviews: Returning to the teachings: Exploring Aboriginal justice [Review of the book *Returning to the teachings: Exploring Aboriginal justice* by R. Ross]. *Quill & Quire*. <https://quillandquire.com/review/returning-to-the-teachings-exploring-aboriginal-justice/>
- Nichol, S. & Fehr, A. (Eds.). (2020). *In good relation: History, gender, and kinship in Indigenous feminisms*. University of Manitoba Press.
- Nicholson, A., Spiller, C. & Pio, E. (2019). Ambicultural governance: Harmonizing Indigenous and Western approaches. *Journal of Management Inquiry*, 28(1), 31-47.
- Noodin, M. (2014). *Bawaajimo: A dialect of dreams in Anishinaabe language and literature*. Michigan State University Press.
- Office of the Treaty Commissioner. (2024). *Treaty boundaries map for Canada*. Retrieved June 1, 2024, from <https://library.ulethbridge.ca/apa7style/online/webpages>
- O'Chiese, J., Yellowhead Tribal College. Treaty 6. Lives in Hinton, AB. Oral teaching at Treaty 6 gathering. Personal communication. September 10, 2019.
- Ontario Justice Education Network. (2013). *Legal reasoning tool: How to write a case brief*. Retrieved from Ontario Justice Education Network website: [https://ojen.ca/wp-content/uploads/LRT\\_Case-Brief.pdf](https://ojen.ca/wp-content/uploads/LRT_Case-Brief.pdf)
- Peters M. A. & Besley, T. (2015). Introduction. In M. A. Peters & T. Besley (Eds.), *Paulo Freire: The global legacy* (pp. 1-13). Peter Lang Publishing Inc.
- Plumtre, T. & Graham, J. (1999). *Governance and good governance: International and Aboriginal perspectives*. Institute on Governance.
- Poelzer, G. & Coates, K. (2015). *From treaty peoples to treaty nation: A road map for all Canadians*. UBC Press.
- Proulx, J. & Perrault, S. (Eds). (2000). *No place for violence: Canadian Aboriginal alternatives*. Fernwood Publishing.
- Pugh, A. (2005). Bullying in nursing: Building a culture of respect combats lateral violence.

- CrossCurrents: The Journal of Addiction and Mental Health*, 9(2), 15.
- Rainford, W. C., Wood, S., McMullen, P. C., & Philipsen, N. D. (2015). The disruptive force of lateral violence in the health care setting. *The Journal for Nurse Practitioners*, 11(2), 157-164.
- Reder, D. & Morra L. M. (Eds.). (2016). *Learn, teach, challenge: Approaching Indigenous literatures*. Wilfred Laurier University Press.
- Roberts, S. J. (2015). Lateral violence in nursing: A review of the past three decades. *Nursing Science Quarterly*, 28(1), 36-41.
- Room Magazine. (n.d). *In search of laughter: An interview with Dawn Dumont*. Retrieved July 28, 2023 from <https://roommagazine.com/in-search-of-laughter-an-interview-with-dawn-dumont/>
- Rosile, G. A. (Ed.). (2016). *Tribal wisdom for business ethics*. Emerald Group Publishing Ltd.
- Ross, R. (2002). Victims and criminal justice: exploring the disconnect. *Criminal Law Quarterly*, 46, 483-502.
- Ross, R. (2006a). *Dancing with a ghost: Exploring Indian reality*. Penguin Canada.
- Ross, R. (2006b). *Returning to the teachings: Exploring Aboriginal justice*. Penguin Canada.
- Shatz, D. (2017). *Book review: Glass Beads by Dawn Dumont*. Alberta Native News. <https://www.albertanativenews.com/book-review-glass-beads-by-dawn-dumont/>
- Sheridan-Leos, N. (2008). Understanding lateral violence in nursing. *Clinical Journal of Oncology Nursing*, 12(3), 399-403.
- Shetty, A. (2023, August 25). *Accused in University of Waterloo stabbings charged with attempted murder, added to other counts*. CBC News. <https://www.cbc.ca/news/canada/kitchener-waterloo/stabbing-incident-university-waterloo-attempt-murder-1.6947981>
- Simpson, A. & Smith, A. (2014). Introduction. In A. Simpson & A. Smith (Eds.), *Theorizing Native Studies* (pp. 1-30). Duke University Press.
- Sinclair, N. J. (2016) Responsible and ethical criticism of Indigenous literatures. In D. Reder & L. M. Morra (Eds.), *Learn, teach, challenge: Approaching Indigenous literatures* (pp. 301-308). Wilfred Laurier University Press.
- Snyder, E. (2014). Indigenous feminist legal theory. *Canadian Journal of Women and the Law*, 26(2), 365-401.
- Snyder, E. (2018). *Gender, power, and representations of Cree law*. UBC Press.

- St. Denis, V. (2004). Real Indians: Cultural Revitalization and Fundamentalism in Aboriginal Education. In J. Jaffe, C. Schick, and A. M. Watkinson (Eds.) *Contesting Fundamentalisms* (35). Fernwood.
- Star Phoenix. (2022, August 7). *A timeline of the disappearance, search and finding of Saskatoon mother and son*. Star Phoenix. <https://thestarphoenix.com/news/local-news/a-timeline-of-the-disappearance-search-and-finding-of-saskatoon-mother-and-son>
- Strong Nations. (2023). *Dawn Dumont* (authors). Retrieved July 28, 2023 from <https://www.strongnations.com/gs/show.php?gs=3&gsd=2867>
- Strong Nations. (2023). *Neal McLeod* (authors). Retrieved July 27, 2023 from <https://www.strongnations.com/gs/show.php?gs=3&gsd=4115>
- Strong Nations. (2023). *Tracey Lindberg* (authors). Retrieved July 30, 2023 from <https://www.strongnations.com/gs/show.php?gs=3&gsd=4694>
- Suzack, C. (2017). *Indigenous women's writing and the cultural study of law*. University of Toronto Press.
- Tada, K. (2012). Social behaviours in First Nations businesses: An exploration of alternative development. *Canadian Journal of Native Studies/La Revue Canadienne Des Etudes Autochtones*, 32(2), 77-101.
- Thistledown Press. (2023). *Dawn Dumont*. Retrieved March 23, 2023 from <https://thistledownpress.com/contributor/dawn-dumont/>
- Thistledown Press. (2023). *Rose's Run*. Retrieved July 12, 2023 from <https://thistledownpress.com/product/roses-run/>
- Treaty 7 Tribal Council, Hildebrandt W., Carter, S., & First Rider, D. (1996). *The true spirit and original intent of Treaty 7*. McGill-Queen's University Press.
- Truth and Reconciliation Commission of Canada. (2015). *Calls to action*. Truth and Reconciliation Commission.
- Truth and Reconciliation Commission of Canada. (2015). *What we have learned: Principles of truth and reconciliation*. Truth and Reconciliation Commission.
- University nuxelhot'ine thaa?ehots'j nistameyimâkanak Blue Quills. (2020-2021). *Student orientation handbook*. Retrieved January 13, 2021 from <https://www.bluequills.ca/StudentServices/Regulations>
- University of Alberta. (2010). *10<sup>th</sup> annual critical race and anti-colonial studies conference:*

- Keynote speakers*. Retrieved July 30, 2023 from [http://archive.artsrn.ualberta.ca/crasc/www.artsrn.ualberta.ca/crasc/Joomla/index177c.html?option=com\\_content&view=article&id=81:keynote2&catid=45:keynote-speakers&Itemid=66](http://archive.artsrn.ualberta.ca/crasc/www.artsrn.ualberta.ca/crasc/Joomla/index177c.html?option=com_content&view=article&id=81:keynote2&catid=45:keynote-speakers&Itemid=66)
- University of Alberta. (2017). *Treaty talk: Reciprocity in prayers, songs, whispers, stories, oaths and writing*. Retrieved July 30, 2023 from <https://www.ualberta.ca/centre-for-teaching-and-learning/events/visiting-speakers/teaching-events-faculties/treaty-talk.html>
- University of Saskatchewan. (2023). *McKercher LLP Lecture Series presents: Dr. Tracey Lindberg, University of Victoria*. Retrieved July 30, 2023 from <https://law.usask.ca/events/2023/02/mckercher-llp-lecture-series-presents-dr.-tracey-lindberg,-faculty-of-law,-university-of-victoria.php>
- University of Victoria. (2023). *Faculty directory: Tracey Lindberg*. Retrieved July 30, 2023 from <https://www.uvic.ca/law/facultystaff/facultydirectory/lindberg-tracey.php>
- Valaskakis, G. G. (2016). Parallel voices: Indians and others, narratives of cultural struggle. In H. Macfarland & A. G. Ruffo (Eds.) *Introduction to Indigenous literary criticism in Canada* (pp. 88-100). Broadview Press.
- Vowel, C. (2022). *Buffalo is the new buffalo*. Arsenal Pulp Press.
- Waldrum, J. (1992). Review of the book *Dancing with a ghost: Exploring Indian reality*, by R. Ross. *Native Studies Review* 8(2), 147-148.
- Walker, P. (2004). Decolonizing conflict resolution: Addressing the ontological violence of Westernization. *American Indian Quarterly*, 28(3/4), 527-549.
- Warick, J. (2023, April 6). *Lawyers want abduction charges stayed against Sask. woman, citing alleged human rights violations*. CBC News. <https://www.cbc.ca/news/canada/saskatoon/lawyers-want-abduction-charges-stayed-dawn-walker-1.6803818>
- Weitekamp, E.G.M & H.J. Kerner, H.J. (Eds.). (2002). *Restorative justice: Theoretical foundations*. Willan Publishing.
- Wheeler, W. (2001). Thoughts on the responsibilities for Indigenous/Native Studies. *Canadian Journal of Native Studies*, 21(1), 97-104.
- Wildcat, M. (2018). Wahkohtowin in action. *Constitutional Forum*, 27(1), 13-24.
- Wilfrid Laurier University Press. (2023). Neal McLeod. Retrieved July 27, 2023 from

<https://www.wlupress.wlu.ca/Contributors/M/McLeod-Neal>

- Wilson, C., Pence, D., & Conradi, L. (2013, November 04). Trauma-Informed Care. *Encyclopedia of Social Work*. Retrieved June 8, 2024 from <https://oxfordre.com/socialwork/view/10.1093/acrefore/9780199975839.001.0001/acrefore-9780199975839-e-1063>.
- Wilson, K. (2018). *Pulling together: Foundations guide*. Victoria, BC: BCcampus. Retrieved from <https://opentextbc.ca/indigenizationfoundations/>
- Wilson, S. (2008). *Research is ceremony: Indigenous research methods*. Fernwood Publishing.
- Wolvengrey, A. (2001). *Nehiyawewin: Itwewina*. University of Regina Press.
- Wong, J. (2016, March 20). *Canada Reads 2016 kicks off with 5 books about starting over*. CBC News. <https://www.cbc.ca/news/entertainment/canada-reads-2016-starts-1.3497824>
- Wong, L., & Guo, S. (2015). Revisiting multiculturalism in Canada: An introduction. In *Revisiting multiculturalism in Canada* (pp. 1-14). Brill.
- Writers' Trust of Canada. (2023). *Harold R. Johnson*. Retrieved July 26, 2023, from <https://www.writerstrust.com/authors/harold-r-johnson/>
- Xavier, S., Jacobs B., Waboose, V., Hewitt, J. G., & Bhatia, A. (Eds.). (2021). *Decolonizing law: Indigenous, Third World, and settler perspectives*. Routledge.
- YouCount. (2021). *Candidates: Dawn Dumont Walker*. Retrieved July 28, 2023, from <https://www.youcount.ca/candidates/5071#/>
- Younging, G. (2018). *Elements of Indigenous style: A guide for writing by and about Indigenous People*. Brush Education Ltd.