

TAPWETAMOWIN:

Cree Spirituality and Law for Self-Governance

By

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Abstract

This doctoral thesis explores the uniqueness of Cree spirituality and law, based in part on oral histories and on Euro-Canadian literal evidence, specifically the multi-volumes of the *Jesuit Relations* and the thousands of Hudson's Bay Company manuscripts that re-enforce insights into this Aboriginal governing system. Taken together, the oral and literal primary evidences will define how spirituality and law pre-existed colonisation and are manifested within self-governing institutions currently pursued by First Nations. The purpose is to understand better Cree spirituality and law as captured in Cree self-government models. This Aboriginal legal history contains and studies a plan of action for future self-governance based on inherent Aboriginal legal traditions and jurisprudence.

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I also thank Elder Eric Tootoosis, Elder William Easter, Traditional Advisors Jeff Brightnose, the late Bob Brightnose and Dean Linklater. A special acknowledgement to Traditional Elder William Osborne, I thank you all for sharing your knowledge and for recognizing the need to raise awareness and to encourage our people to seek out their Cree spirituality and law. At this time, I also extend a special thank you to Sandra Semchuk and Madelon Hooykaas for helping record, document and produce a video to share with my PhD committee. I also thank my sponsors: York Factory First Nation and Keewatin Tribal Council and a special thank you to First Nations of Northern Manitoba Child and Family Services who supported my research. I thank all my friends who supported and cheered me on from a distance while I was writing.

Lastly, I must express my most heartfelt gratitude to my family, my husband Walter for taking care of all household matters when I was immersed in my writing. Thank you for gently pushing me along to get my writing done. My children Jaimi, Terence and daughter in law Marion, my grandchildren, Jordan, Jeremy, Janelle, Jenna, Tayson and Teagen for your understanding, patience and for giving me the space I needed. Also, thank you to my mother Vivian Easter for bringing me into this world; to my brothers, sisters, nephews and nieces for forgiving me when I missed family gatherings. I did this all for you. *Kisaketinawow* (I love you).

Chapter 1: Significance of this Study

Purpose

In 1994, the Assembly of Manitoba Chiefs (AMC) signed a ten year agreement with the Government of Canada¹ to plan for self-government for First Nations people in Manitoba, comprised of five distinct Aboriginal Nations: the Cree, Dakota, Dene, Oji-Cree and Ojibway. However, these plans came to a standstill of conflicting views and disagreements: the First Nations agenda was to dismantle the Department of Indian and Northern Affairs, and to implement a self-government model built on their history, culture, language and institutions, restoring their jurisdictional powers. The Federal Government's agenda was to enable First Nations to build modern institutions that would be self-supporting through their own resources. Furthermore, these modern institutions were to clone structures similar to the Canadian Government's regime, with components defining First Nations, citizenship, law making, judicial systems, an executive branch, jurisdictions and accountability. It was obvious both parties did not share a common vision. In 1999 after its fifth year of operation a review determined the Manitoba Framework Agreement initiative was not making progress. Withdrawal of federal funding brought a quick reaction from the Chiefs of Manitoba who reviewed their current situation and agreed to adopt a different strategy. In 1999, the Chiefs went before the Senate Standing Committee on Aboriginal Peoples in Ottawa, Canada, to request support to convince Canada to return to the negotiating table and to provide continued funding to proceed with the self-

¹ Assembly of Manitoba Chiefs "The Dismantling of the Department of Indian Affairs and Northern Development, the Restoration of Jurisdiction to First Nations People in Manitoba and Recognition of First Nations Governments in Manitoba" Framework Agreement Workplan, Memorandum of Understanding ,Unpublished, Assembly of Manitoba Chiefs, 1994.

government planning for Manitoba First Nations². After several meetings the Federal Government finally gave the Department of Indian and Northern Affairs Canada authorization to allow the First Nations to continue with self-government plans with new conditions attached. These conditions included a focus on four program areas: governance, child and family services, education, and fiscal relations. The First Nations agenda on self-government remained focused on implementing a model built on their historic culture and institutions. This model has yet to be identified, established or agreed to, within the five distinct Aboriginal Nations and between them and the federal government.

The purpose of this thesis, therefore, is no less than to advance creation of a model based on retrieval of traditional, pre-colonial Cree spirituality and law. First Nations across Canada continue to pursue self-government rooted in their traditional culture and are seeking to revive a governing system that once emanated from historic practices and rituals. However, First Nations leaders struggle with this notion, as many do not understand what this entails. In 2005, A National Centre for First Nations Governance was established in West Vancouver, British Columbia. Governed by Aboriginal professional experts and independent from the Government of Canada, its goal is to assist in re-establishing structures that embrace cultural values enriched with First Nations traditions, customs, laws and inherent governing powers³. This National Centre for First Nations Governance is committed to retrieve and develop institutions that will define a self-government model across Canada. For the Cree Nation, this requires

² Proceedings of the Senate Standing Committee on Aboriginal Peoples, Issue 25: Ottawa, 13 April 1999.

³ National Centre for First Nations Governance, Retrieved from <http://www.fngovernance.org/services/vision>

understanding their own spirituality, traditional practices, rituals, and ceremonies that maintain Aboriginal law and order. My Master's thesis⁴ argued that the Cree Nation ruled itself by principles of sharing, love, respect, wisdom, humility, honesty and courage and that their way of governance through law was based in spirituality. In this way the Cree Nation once carried pre-Christian spiritual duties and responsibilities that maintained law and order. What these duties and responsibilities entailed, and how Cree law sustained this regime, now requires exploration.

My interest in Aboriginal Spirituality began in 1982, while I was taking my undergraduate Bachelor of Arts Degree, with a major in Native Studies and two minors in anthropology and religion, at Brandon University. While in school, I had occasionally attended church on Sundays; and during one church service I realized that I was the only Aboriginal person there, along with my daughter. Looking around the entire room I wondered where all the other Aboriginal people were and why they were not attending church. I decided that I would stop attending a Christian church all together, that this religion was foreign, that it did not belong to Aboriginal people and therefore that I would stop using its form of prayer altogether. This journey would take me on a learning quest back to my own spirituality: who am I as an Aboriginal person? This led me to Elders who taught me their knowledge about Cree Nation culture, that there were rules to live by and to recognize based on a unique legal system that ensured the well being and survival of the Cree Nation, as essential to self-government.

⁴ Jennie Wastesicoot, "A Cultural Framework for Cree Self-Government: Retracing Our Steps Back" (unpublished M.A. Thesis, University of Manitoba, 2004).

Research Method

This section outlines the research methods used to collect, compile and analyze my research findings. These methods are based on four topical approaches: cultural knowledge, oral history, literal evidence and community based research.

Cultural knowledge

I define the meaning of culture using anthropological work by researchers Edgerton and Langness:

Culture refers to a peoples way of life..., everywhere that people live on earth, they follow customary ways of behaving – of eating, hunting expressing affection, raising children..., culture is expressed in these patterns of behaviour; the patterns reflect the codes or rules that guide how people behave..., these patterns and the codes behind them give human existence regularity, purpose, and meaning⁵. (Edgerton & Langness:1974:1).

Anthropologists who have studied Aboriginal culture have made attempts to describe the customs of Aboriginal people, such as Mandelbaum (1979) and Preston (2002), providing an excellent outside description of Cree life. However, Aboriginal scholars such as Leroy Little Bear (2000) believe anthropologists have failed to interpret properly Cree meanings and their cultural customs, explaining:

They have done a decent job in describing the customs themselves, but they have failed miserably in finding and

⁵ Robert B. Edgerton, & L.L., Langness, *Methods and Styles in the Study of Culture*, (Los Angeles: University of California, 1974), p.1.

interpreting the meanings behind the customs⁶ (Battiste: 2000:81).

Aboriginal scholars today are bringing their own research methods into their writings, with an understanding that our “way of knowing” and “doing” is completely different from Western thinking. Their methods include dream knowledge, spiritual knowledge, and oral knowledge. Such Aboriginal research methods do not replace, dismiss or disrespect European research traditions; but they enhance and encourage scholars, academics and researchers who have an interest in Aboriginal research to understand *Pakan Neenan* (we are different). Linda Tuhiwai Smith 2006/2012 in *Decolonizing Methodologies*, has done excellent work to explain how western research can implicate and misrepresent Indigenous individuals and communities; and more importantly, how Indigenous researchers can work together and bring voice to a wider audience to support Aboriginal research methods; and thereby to make Indigenous research a part of academia led, guided and controlled by Indigenous peoples⁷.

Exploring original concepts of spirituality and law, this research captures Elders traditional stories, using the Cree language to translate their way of knowing and to interpret cultural knowledge. Neal McLeod (2007), in *Cree Narrative Memory: From Treaties to Contemporary Times*, examining Cree storytellers, documents how the origins of stories demonstrate the power of the Cree language and how narratives give insights to Cree ways of knowing their land, environment and human relationships⁸. Using the

⁶ Leroy Little Bear, “Jagged World Views Colliding”, in Marie Battiste, (ed), *Reclaiming Indigenous Voices* (Vancouver: University of British Columbia, 2000), p. 81.

⁷ Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples*, (2nd ed) (London & New York: Zed Books, 2012), p. xiii.

⁸ Neal McLeod, *Cree Narrative Memory: From Treaties to Contemporary times* (Saskatoon: Purich Publishing Ltd,

Cree word for language we say, *Pikiskwewina*, uncovering its multi-layered meaning, to tell us that there are many languages and each is deeply entrenched in its culture; it connects us to our cultural identity, helping us to understand where our ancestors came from and how they interpreted the world around them. As Indigenous Nations we each carry our own *Pikiskwewina* (languages) that we use to explain our history, our culture, our traditions, customs and practices. During my Master's Research, I approached an Anishinabe Elder, to ask her advice before I proceeded with my study on Cree self-government. Her response was that she could not help me because the Cree carried their own customs, their own teachings and that I needed to go to the Cree⁹. Following her advice, I went to Cree Elders who used their Cree language to define a cultural framework for Cree self-government and who also spoke of Cree spirituality as building this foundation. This research builds on my Master's Thesis to define the Cree belief system; acknowledging and respecting the Cree who have their own distinctive way of interpreting their world around them.

As a Cree researcher who speaks Cree fluently as a first language, I am aware of the challenges Indigenous people have when working with cultural knowledge. The challenges include how to shape and interpret cultural knowledge and information into written form, using a western language, having courage to use indigenous research methods and sources, and having that method accepted, as accurate and valid. Wilson (2008) explains, when conducting research involving Indigenous communities, that it is

2007), p. 17.

⁹ Jennie Wastesicoot, *supra* note 4, p16.

importance to recognize Indigenous systems of knowledge and relationships as part of their worldview:

It is important to recognize that the epistemology includes the entire systems of knowledge and relationships. These relationships are with the cosmos around us, as well as with concepts. They thus include interpersonal, intrapersonal, environmental and spiritual relationships, and relationships with ideas. Indigenous epistemology is our culture, our worldviews, our times, our language, our histories, our spiritualities and our places in the cosmos. Indigenous epistemology is our systems of knowledge in their context, or in relationship¹⁰ (Wilson: 2008:74).

Cree researchers such as Kovach (2009) and McLeod (2007) and Wilson (2008) have gone through their own struggles to create space and to have their own voices heard in academia. Following their example, I use oral stories of Elders, dream knowledge and I also report on ceremonies attended to ground my research and to ensure that I was receiving guidance and support as I proceed with my research. Researchers, such as Grigas (1993) and Simpson (1999), have similarly used cultural knowledge. Each attended and observed traditional ceremonies conducted by traditional peoples and, in doing so, each acquired the traditional knowledge they needed for their research. Grigas studied the medicine wheel and attended ceremonies that served to bring self-awareness. Self-responsibility is defined by Grigas as requiring one “to remain true to the teachings of the wheel”¹¹ (Grigas. 1993:51). Simpson coordinated her research with apprentices, Elders and community experts. The paradigms used acknowledge the

¹⁰ Shawn Wilson, *Research is Ceremony: Indigenous Research Methods* (Halifax & Winnipeg: Fernwood Publishing, 2008), p. 74.

¹¹ Lee C. Grigas, “Medicine Wheel: Tools of Adaptation in Aboriginal Non-Aboriginal Society” (unpublished M.A. Thesis, Carleton University, 1993), p. 51.

existence and validity of what has been created and transmitted in indigenous knowledge systems:

Aboriginal peoples learn about themselves and their environment through experiences; detailed observations over long periods of time, passed through generations by the Oral traditions; experimentation and active investigation. Much Aboriginal knowledge, however, is derived from the spirit world¹² (Simpson:1999:23).

Simpson's research on traditional ecological knowledge calls on scientists and Euro-Canadian researchers to recognise, respect and understand the spiritual nature of Indigenous knowledge. Researchers such as Wilson (2008), Rice (2005), Kovach (2009), Linda Tuhiwai Smith (2012), take cultural knowledge seriously as they forward Indigenous research theories advocating the concept and support for cultural knowledge research.

While this research solely focuses on the Cree, Aboriginal people with different cultural backgrounds such as the Ojibway, Mi'kmaq, Mohawk Nations and the Nuu-chah-nulth each have a single common worldview depicted in different ceremonies and practices (Angel, 2002, Robinson, 2005, Rice, 2005, Atleo, 2004). Their common worldview teaches ethics and rules of behaviour. As found by the Royal Commission on Aboriginal Peoples, the commissioners heard statements from various Aboriginal groups across the country who spoke about their culture that included:

Aboriginal languages, relationships with the land, spirituality, and the ethics or rules of behaviour by which

¹² Leanne R. Simpson, "The Construction of Traditional Ecological Knowledge: Issues, Implications and Insights" (unpublished Ph.D. Thesis, University of Manitoba, 1999), p. 23.

Aboriginal peoples maintained order on their families, clans, communities, nations and confederacies¹³ (RCAP: VI: 1996: 616).

For the purpose of my research, I include contextual secondary materials only if culturally relevant to Canadian Aboriginal peoples. Their animistic worldview sees all life imbued with spirits connected to a land that is sacred, as provided by a Creator. James Youngblood (Sakej) Henderson (2000) explains:

The Aboriginal worldview asserts that all life is sacred and that all life forms are connected. Humans are neither above nor below others in the circle of life. Everything that exists in the circle is one unity, of one heart ¹⁴ (p 259).

As I have my own understanding of culture, I bring my own knowledge together with the secondary literature material to review thoroughly my research topic.

Oral History

Neal McLeod (2007), in *Cree Narrative Memory: From Treaties to Contemporary Times*, refers to oral history as *original research*, a methodology that could serve as a template for those doing work in oral history. In his research, McLeod recovers collective narrative memory and, by reflecting on the memories of his ancestors, he re-constructs narratives using what he calls Cree “spiritual history”. He defines this concept as engaging with those who originally experienced it¹⁵ (p.17). As keepers of wisdom, the

¹³ Report of the Royal Commission on Aboriginal Peoples: *Looking Forward, Looking Back* (Vol. 1, 1996), p.616.

¹⁴ James Youngblood (Sakej) Henderson (ed.), Marie Battiste “Ayukapachi: Empowering Aboriginal Thought”, in *Reclaiming Indigenous Voices*, (Vancouver: University of British Columbia, 2000), p.259.

¹⁵ Neal McLeod, *Cree Narrative Memory*, *supra* note 8, p.17.

Elders serve as the original source and I also include Traditionalists who work along-side the Elders. Each person carries a sacred knowledge; some receive their knowledge passed on to them by their ancestors and others through years of fasting and participating in sacred ceremonies. They all have in common the sacred trust to hold the knowledge and to pass on it future generations. Sharon Venne (1997) explains her research with Cree Elders:

When the Elders come together, the stories begin to flow. One Elder alone has many stories, but when a number of Elders are placed in the same room, the stories multiply. One Elder may know part of a story and another will know the rest of the story. Together the Elders tell the history of the nation¹⁶ (p.174).

The Elders share in what has been passed on to them by their grandfathers or grandmothers:

It is through telling stories that the histories of the peoples, as well as important political, legal, and social values are transmitted¹⁷ (ibid p.174).

Preston 2002, studying the Eastern Cree people of James Bay, Quebec found in his research *Cree Narrative*, told to him by his research participant *John Blackned*, that everyone got involved during storytelling from babies to young children to adult females and males. The stories were told by a grandfather, and children learned from them, often playing out the narrative by acting them out, referring to the stories “just like going to

¹⁶ Sharon Helen Venne, “Understanding Treaty 6: An Indigenous Perspective”, in *Aboriginal and Treaty Rights in Canada: Essays on Law, Equality, and Respect for Difference*, edited by Michael Asch (Vancouver: University of British Columbia, 1997), p. 174.

¹⁷ *Ibid.*, p.174

school”¹⁸. Listening and learning stories, children can learn their Cree history while they receive teachings on how to behave and conduct themselves. Some stories are re-told because they carry particular meanings such as how to relate to the environment, including:

...human relationships to both the animate and inanimate, to the earth, the stars, the plants, the animals and to the other than human beings. Often, responsibility and duties applied across to the spiritual world, sometimes mirroring the world in which the humans lived ¹⁹(p124)

Cree oral history has been passed down through generations and from time immemorial has provided valuable knowledge and information that taught the Cree social and survival skills.

Elders continue to pass on oral history to the young, who will define understanding of Cree spirituality and Cree law:

To such listening groups, Old men [and women] would speak with earnest eloquence, warning the dangers that beset the youth, exhorting them to be kind and friendly with members of the tribe, to show justice tempered with mercy in all their relationships. They would speak as fathers of the race, having tasted all that was of Indian life, its bitter and its good; they would speak with authority, for they knew all that they needed to know; and they used this privilege wisely, knowing their responsibility and the need that they filled in Indian life²⁰ (Ahenakew: 1995: 25).

¹⁸ Richard J. Preston, *Cree Narrative* (2nd ed) (Quebec, McGill-Queen’s University Press 2002), p.74.

¹⁹ Sylvia O’Meara and Douglas A. West, (eds.), *From Our Eyes: Learning from Indigenous Peoples* (Toronto: Garamond Press, 1996), p.124.

²⁰ Edward Ahenakew (ed.), and Ruth M. Buck, *Voices of the Plains Cree* (Regina: Canadian Plains Research Centre, University of Regina, 1995) (Original worked published in 1973), p. 25.

Because Elders serve as the original source for capturing oral traditional knowledge, they are my main source in this research. Interviewing the Elders I used a tape recorder and spoke to them in the Cree language. I have also followed the University of Manitoba guidelines with respect to ethics when interviewing them.

Literal Evidence

Conventional Euro-Canadian historiography reconstructs any past based on primary literal evidence originating at that past's time and place. Fortunately, we have two major surviving collections of such evidence for Aboriginal spiritual practices and rituals, perceived as maintaining law and order, beginning at the time of first Euro-Canadian contact in the seventeenth century St. Lawrence River valley. The documents I examine are records made by European Roman Catholic missionaries who lived and travelled with Aboriginal groups during periods of first contact. These records provide insights into spiritual practices, customs and rituals evident within traditional Aboriginal governance, including western Cree peoples. I add to my work in the *Jesuit Relations*, the works of Dave G. Mandelbaum²¹ (1979), Richard J. Preston (2002)²², Victor P. Lytwyn²³(2002), and Robert Brightman (1973) who have conducted extensive historical

²¹ David G. Mandelbaum's work on the Plains Cree was originally published in 1940. His work includes his dissertation as written in 1935-36 with slight revisions made prior to publication in 1940. His work was reprinted five times and later published by the Canadian Plains Research Center at the University of Regina in 1979.

²² Richard J. Preston, *Cree Narrative*, documents the James Bay Cree cultural beliefs system. His original work was written in the 1960s, published by the National Museum of Man in its Mercury Series in 1975. It was later re-published by McGills-Queen's University Press, 2002.

²³ Victor P. Lytwyn, *Muskegowuck Athinuwick: Original People of the Great Swampy Land* (Winnipeg: University of Manitoba Press 2002). His research documents the history of the Swampy Cree and their involvement in the fur trade.

research on the Cree Nation. I also use contemporary research more recently available, such as the Royal Commission on Aboriginal Peoples.

Secondly, I work with the Hudson's Bay Company Archives, following historians such as Ray (1998), Brown & Brightman (1988), Fiddler & Stevens (1985), and Katherine Pettipas (1994) for more recent reports about my ancestors, the Cree. Ray's research on *Indians in the Fur Trade* (1998), uses the Hudson's Bay Company Records as his source specifically about the Cree in the eighteenth and nineteenth centuries.

[T]he Hudson's Bay Company record proved to be ideally suited for my purposes. The voluminous post journals, correspondence books, and the district reports abound in information about population movements, demographic trends, and the nature of local Aboriginal economies²⁴ (Ray, 1998: xiv).

Given that the general literature on Aboriginal peoples is still growing, that is not the case for materials focused on Cree spirituality and law; so it has not been possible for this study to be based in primary evidence of pre-colonial literal Aboriginal sources. That remains locked away in generations of oral traditions. Thus my literal source research in primary, first contact evidence analyzes Euro-centric texts, meaning the *Jesuit Relations* and the *Hudson's Bay Company Journals*; and from them I reconstruct and interpret what they report historically as Cree spirituality and law at the time of first contact.

²⁴ Arthur J. Ray, *Indians in the Fur Trade: Their Role as Trappers, Hunters, and Middlemen in the Lands Southwest of Hudson Bay, 1660-1860: With a New Introduction* (Toronto: University of Toronto Press Inc., 1998[1st ed.,1974]), p.xiv.

Community-Based Research

Incorporating community-based research involves listening, observing and experiencing. Bringing these concepts into my research as a participant allows me to have a direct working relationship with Elders and Traditionalists. Once the ceremonial sharing begins, it is important to listen carefully and not interrupt, because in our culture it is rude to interrupt the Elders and Traditionalists once they begin their sacred stories. Listening allows me to internalize what I hear and to remember the teachings, while at the same time it helps me to retrieve what I already know and what others have previously shared with me. Observing allows me to develop an intimate relationship with my surroundings while helping me to understand the many ways cultural knowledge is transferred. Using experience in my research, I can reflect on my own upbringing, helping me to create a deeper appreciation for what was taught to me by my parents and grandparents.

Following the work of McLeod (2007), Wilson (2008), Kovach (2009) and Borrows (2010), my research approach incorporates indigenous research methods that include working with Elders, going back to the land, using language and participating in ceremony, seeking guidance and direction from the knowledge shared here in a sacred manner.

Throughout my research, I continue to work with a core group of Elders and Traditionalists; and whenever there is a traditional ceremony or gathering working to revitalize Cree traditional culture, I make every effort to be involved as a participant. During such gatherings I share my research interests and receive guidance on how to

proceed with my own research. The exchange of information in this way encourages and promotes community based research, while gaining community perspective and support to document Cree spirituality and law. This approach translates community participation into original evidence for traditional spiritual beliefs and value systems, as well as for the law that existed then that validates those ceremonial practices that remain in use today.

Such participation in the oral and experiential evidence is in sharp contrast to Western research methods, which require the historian to try to be totally removed, outside and above the primary sources of knowledge and fact.

Protocol to Oral Research

The main parts of this research are cumulatively qualitative, involving informal interviews, spending time with people sharing and exchanging information. My approach to this study began as soon as I received approval from my Advisory Committee (Professors DeLloyd J. Guth, supervisor, the late Renate Eigenbrod and Jill Oakes) to proceed with my field research. I began by identifying the communities that I would travel into and the Elders to be approached. I arranged convenient times for them, making an initial phone call and arranging a visit to explain my research and, following Aboriginal protocol, offering tobacco with broad cloth in colours of blue, red, white, yellow, green, purple and flower print as gifts. This presentation is customary and done ceremonially, as I also attend a sweat lodge ceremony when provided an opportunity, where I have spoken about my research and explained my motives. I share my personal journey that

has led me to pursue these studies that I alone did not choose this path, set for me after many years of fasting.

Once I make the initial contact and arrange a suitable time to do the interview, this first visit often includes a sweat ceremony, which can require a day of preparation. This means that I have to arrange a future day for the interview and most often be required to travel twice to the community where each Elder lives and stay until I have completed the interview. The Elders are presented with a University Consent Form and I explain my purpose in the Cree language from my first contact until the end of our interview. I ask each Elder to sign the form, allowing me to interview with a tape recorder to capture the Elder's stories. Each interview lasts approximately three hours, with brief comfort breaks.

I once again make clear my reason for this research during my second visit, as I want to make sure that the Elder understands the current self-government process and the need to base this on a cultural foundation. I speak of the call to retrieve a spiritual foundation for laws existing prior to more recent contact with Western ideologies and Christian theologies. I then advise the Elder that I want to capture their traditional knowledge and document their Cree perspective. I present the same key questions that I want to explore for this research. I advise the Elder that he or she does not have to answer all the questions. They answer as best they can, knowing that they can withdraw from the study at any time. I want the Elders to be comfortable during the interviews and I raise each question only when it is appropriate. The questions are presented as an invitation and opportunity for Elders to share what they recall and think is appropriate to this research.

Once the interviews are completed I begin the process at my home of transcribing the tapes in Cree and then translating into English. This is not an easy process because the Elders do not all speak the same dialect. If I do not understand a certain word, then I consult someone from an Aboriginal community to explain what certain words mean. I also rely on my community contacts to act as a sounding board, while they listen to me translate certain words from Cree to English, to ensure that I am not losing the nuance and real meanings of any word.

Geography of the Research

My main purpose is to explore concepts of spirituality and law as they relate to Cree self-government, captured and documented in oral histories of Cree Elders in Manitoba, Saskatchewan, and Alberta.

Ethics Approval

Prior to proceeding with this thesis, a Research Ethics application was submitted to the University of Manitoba and received the approval needed to carry on with my study. The key questions that this research would address were:

1. How to define “spirituality” and “law”?
2. How should spirituality and law determine Cree self-government?
3. What are some of the rituals and practices for maintaining law and order in a Cree traditional governing system?
4. What is your vision of a traditional governing system?
5. What are the sources of Cree “spirituality” and “law”?

6. What is unique about Cree “law” and how does “rule of law” operate in Cree culture?

Overview of the Dissertation

This dissertation is organized as follows: Chapter One has described the significance of the research study, including the approach to research and the methods applied that construct my data collection processes and analyses. Chapter Two, provides a description of why this research was chosen and it describes some of the challenges encountered during the research. Due to the volume of material covered during this research, the literature review is in three chapters. Chapter Three covers the contemporary scholarly material of the research topic; Chapter Four covers *The Jesuit Relations and Allied Documents*; Chapter Five covers The Hudson’s Bay Company Journals, specifically for my own family origins at York Factory. In Chapter Six, I provide a descriptive data about the research participants and findings of the study. Chapter Seven, is the last section of the thesis, and it discusses the importance of Cree spirituality and law: why we need to reclaim, relearn and revitalize our Cree traditional governance and finally, the direction we need to take for our future generations.

Chapter 2: Appreciating Context

I begin with an examination of the meaning of spirituality and law, in order to appreciate the study's context. Cree people's knowledge of spirituality and law requires an understanding of their belief system, known as *Tapwetamowin*, understood as faith that Cree people have carried in their "ways of knowing". This research demonstrates how unique Aboriginal sources of knowledge continue to be transferred generationally despite colonial influences and interruptions. This chapter is not intended to be a complete literature review but rather a summary of what has led to spiritual loss and disconnect within Cree culture and how this affects Aboriginal communities today. This research urges a cultural revival within Indigenous nations, for our whole way of being and human survival.

Today, there is much confusion within Aboriginal culture. Young Aboriginal people struggle with their identity, facing issues of suicide, addiction, crime, and violence. Most Aboriginal communities try to deal with social, health, economic, judicial and financial issues, to find ways to bring balance and harmony through self-government initiatives and processes. The *Winnipeg Free Press*, Monday 16 April 2012, reported how bad the financial situation has become in many First Nation communities. One story highlighted how one First Nation community had borrowed money from a business man to help with economic ventures that did not generate enough money to pay off the loan. The caption in the paper read "*Lender garnishees First Nations bank account*". However, to protect public funds from a private lender the band went into third-party management. This is not new and has happened to other First Nation communities. Many are under third-party

management simply because their band-owned, on-reserve businesses cannot generate enough money to become sustainable. First Nation communities continue to struggle financially, with high interest rates to pay lenders who take risks in loaning money to the First Nations. That is the Euro-Canadian, *Indian Act* way.

Aboriginal leaders today recognize their way of governing as a people is not working and are being called upon by their Elders to a change that must reflect their own traditional culture and practices:

When Elders look at their communities today, they no longer see a place where everyone has a role. Traditions have been eroded, and the values that once bounded society together have been lost or abandoned. There is no harmony; the circle has been broken. Instead they see alcoholism, substance abuse, violence within families, unemployment, welfare, economic instability, and suicide²⁵. (RCAP.V4, 1996, p.136)

Many studies attempt to explain how this change must come about: Warry 1998; Hylton 1999; Denis 1997; Alfred 1999; Little Bear, Bold, Long 1984; Russel 2000, Bird, Land, MacAdam 2002, Hamilton 2001, Monture-Angus 1999; and Boldt 1993, have all written about Aboriginal self-government and the challenges Aboriginal peoples are facing today as they work toward Aboriginal self-government. The most recent and extensive research on the Aboriginal way of life and challenges was documented in the *Royal Commission on Aboriginal Peoples 1997*, recording views and visions of Aboriginal peoples on self-government. This document has become a valuable resource to many

²⁵ Report of the Royal Commission on Aboriginal Peoples: *Perspectives and Realities* (Vol. 4, 1996), p.136.

who are interested in Aboriginal people and self-government.

Over the past twenty years, northern Manitoba First Nation leaders have been discussing how their communities can become self-sufficient through self-government processes and how to evolve each community. I have listened to these discussions, having attended many meetings and assemblies; however, most often other compelling issues take over. I hear First Nation leaders talk about self-government issues and problems with youth suicide and the child welfare system. Youth suicide continues to take its toll in many northern isolated communities as in urban Aboriginal communities across Canada. The Chiefs speak of alcohol and drugs, of those hooked on crystal meth, as “the walking dead” in their communities. This is a name given to them by community members. They speak of giving youth hope and getting them out of the despairing conditions they are living in, of family breakdown and the actions needed to help children who are in care. So many concerns continue to be raised but solutions seem far off. One study undertaken to understand problems with youth suicide, conducted by Dr. Jitender Sareen (2011), Psychiatrist and Professor at the University of Manitoba, finds the root cause of mental health illness and suicide among Aboriginal youth in their loss of connection and identity with Elders and culture²⁶. Suicide rates continue to be three times the national average and are considered an epidemic in many Aboriginal communities.

Learning about Aboriginal spirituality and law becomes critical to strengthening Aboriginal communities and families so that they can become strong citizens living in natural harmony and balance according to their cultural values and belief systems. Cree

²⁶ Dr. Jitender Sareen, (2011, June/May) “Healing Hearts & Minds in Wave” in “*Winnipeg’s Health and Wellness*, Volume 3 (Issue 3), p.33. Retrieved from <http://www.wrha.mb.ca/wave//2011/05/hearts-minds.php>

people know that their ideal way of life has consisted in observing the seven teachings of sharing, respect, caring, love, wisdom, honesty, and humility, carrying out spiritual responsibilities as part of the daily life of an individual person. These seven teachings identify the original seven laws of Aboriginal people. John Borrows has conducted extensive research on sources of Aboriginal law in Canada and explains that Indigenous law is not clearly understood and as a result is often belittled, dismissed, ignored and rejected. He demonstrates how law in the Canadian state has many definitions creating chaos, conflict and disagreements within Canadian society but law can also bring peace. He explains that Indigenous law has much to offer to Canadian society as “they contain guidance about how to live peacefully in the present world” (Borrows: 2010:10)²⁷. His work responds to finding a place for Indigenous legal traditions that existed prior to European contact.

Many Aboriginal people today do not want to understand the concepts of Aboriginal spirituality and law, as displaced by assimilation processes before, during and after the residential schools era. As a result many Aboriginal people have lost their culture and their Aboriginal rule-governed behavior. The history of residential schools officially began in 1879, when the federal government issued a directive to get rid of the Indian problem. Then Duncan Campbell Scott, a civil servant who served as the deputy superintendent of the department of Indian Affairs from 1913 to 1932, set out a directive “*Our objective is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic, and there is no Indian question*”.²⁸ The majority of Aboriginal children’s

²⁷ John Borrows, *Canada’s Indigenous Constitution*, (Toronto: University of Toronto Press, 2010), p.10.

²⁸ As cited in the RCAP: *Looking Forward Looking Back*, (Vol. 1, 1996), p.183.

parents had no lawful choice but to go to residential schools operated by Christian churches to purge their own spirituality and instead to learn Euro-Canadian laws taught from the foreign religion.

Today, there are a number of denominations that exist in many Aboriginal communities, including Roman Catholic, Anglican, Presbyterian, and United Church. These churches actively ran the residential schools for the federal government, like the day schools set up as early as the 1600s by Anglo-French governments of the day, to begin cultural conversion. The day schools segregated families to learn hymns and European skills. For nearly 500 years Aboriginal peoples have been subjected to policies set up to diminish their existence, changing their way of life forever. How can Aboriginal people who pursue a self-government rooted in their traditional culture continue to cope with such challenges? They have not been allowed to govern themselves for a century and a half and still struggle to come forward with a self-government framework based on Euro-Canadian, not Aboriginal, culture.

The Euro-Canadian *Indian Act* “has its roots in 1876, and is still in force today, governing the lives of Indian people,...[having] undermined the practice of self government of all First Nations, and has caused great grief and injustice”²⁹ (Mercredi & Turpel:1993:3). The *Indian Act* created a governmental process that enacted rules and regulations for Aboriginal affairs and did not allow Aboriginal people to practice their traditional culture, disrupting the passing of traditional knowledge and traditional teachings (Pettipas:1994, Patterson II:1972, Lux ,2001, Cardinal:1999). Instead of

²⁹ Ovide Mercredi and Mary-Helen Turpel, *In the Rapids: Navigating the Future of First Nations* (Toronto: Penguin Books Canada Ltd., 1993), p.3.

learning their own traditional values First Nations children learned how to survive in a residential school system that punished them for speaking their own language. As a result, young people became alienated from their own communities because they could no longer communicate in their own language and understand traditional cultural. Alfred (1999) stated that no one listened to their concerns:

Not finding meaning or relevance in traditional obligations, they are forming a new culture with values and norms suited to their existence as alienated people; because they do not have a stake in preserving either society, destruction and self-destruction follow³⁰ (p.129).

However, despite persistent government, media and church assimilation tactics a number of Aboriginal communities had Elders who kept teachings and traditional culture alive, at least within the confines of their own minds. As the *Report of the Royal Commission on Aboriginal Peoples* (1996) found:

Aboriginal cultures were vibrant and distinctive not only in the beginning but remain so today. Though bruised and distorted as a result of the colonial experience, inevitably changed by time and new circumstances, even in danger of extinction in some important dimensions such as language, nevertheless a fundamentally different worldview continues to exist and struggles for expression whenever Aboriginal people come together³¹. (Vol.1, p.612).

The teachings secretly shared by the Elders have kept traditions alive that include a regular feasting ceremony, pipe ceremony, sweat lodge ceremony, sun-dance ceremony,

³⁰ Taiaiake Alfred, *Peace, Power, Righteousness: An Indigenous Manifesto* (Ontario: Oxford University Press, 1999), p.129.

³¹ RCAP: *Looking Forward Looking Back*, (Vol. 1, 1996), *supra* note 13. p. 612.

vision quest, sharing circles, and full moon ceremonies. Many more continue to be re-learned by Aboriginal peoples. The teachings are held publicly now, without fear as before; anyone caught conducting this type of ceremony was punishable by law³² until there was a legislative change in the 1950s that allowed Aboriginal people to practice their ceremonies³³. However, not many Aboriginal peoples were aware that this policy had been lifted because no formal public announcement was made. In fact in 1988, I met an Elder who had great knowledge of the old teachings and was so encouraged and impressed that I suggested that he come out in public to share his knowledge. His response surprised me when he said this, “*Moj Kaki-pow-kawin*” (No, I will go to jail). I could not believe that he still thought he would be punished by Euro-Canadian law. Maureen K. Lux, (2001) research on plains Aboriginal people found:

Elders consistently assert that it was department policy to fine or jail healers... They were afraid that if they got caught they would go to jail or get a \$500 fine³⁴ (Lux, 2001, p.89).

Today, when I listen to Elders speak of the teachings they will often begin with “*Ko-stachin*”, meaning “I am afraid”. Where this fear still comes from is not always clear; but many Elders still remember the residential/day school century when they were punished as children for speaking their language. Another explanation is that when Elders share teachings they know that they are being watched by the spirits and cannot afford to make any mistakes for which they can be punished. Such punishment is referred to as “*Ojina*”,

³² RCAP, *Looking Forward Looking Back* (Vol. 1, 1996), *supra* note 13. p.292

³³ *Ibid*, p. 311.

³⁴ Maureen K. Lux, *Medicine that Walks: Disease, Medicine, and Canadian Plains Native People, 1880-1940* (Toronto: University of Toronto Press, 2001), p. 89.

a term used to describe when a person has received punishment for their offence, coming from the spirit world. Under the Cree concept, when a person fails to live by the Cree principles of life they are breaking sacred laws, defining the path of life set by *Kitchi-Manito* (God). Some Aboriginal people refer to their law as a natural law because this law is not man-made; it comes from *Kitchi-Manito* setting out the path for all mankind. In his research, Borrows (2010) explains the many sources of law within Indigenous peoples:

Within Indigenous legal traditions, creation stories are often one source of sacred law. These accounts contain rules and norms that give guidance about how to live with the world and overcome conflict. Their reach can be quite expansive because they contain instructions about how all beings should relate to specific territories. They are often meant to apply over an entire region, and in some cases are universal in their range. Due to their broad reach and revered nature, laws that have sacred aspect at their source may be less flexible than laws from other sources. Similarly, their recognition, enforcement and implementation can often be regarded as foundational to the operation of other laws³⁵ (Borrows: 2010: 25).

The laws that stem from the Creator are given the highest regard as natural laws. Their teachings have to be followed because living by the rules extends to all creation, and all living elements must be treated with sacredness. These elements are as ancient as the Greeks: earth, water, air and fire. Treating life with sacredness includes respecting the spirits (*anima*) in all life. Acknowledging and understanding that all creation contains spirits that include plant life, animal life, and the natural elements created for our survival. When disrespecting any elements, the punishment received may be devastating, impacting the individual, the whole family, the whole community or even the whole

³⁵ John Borrows, *Canada's Indigenous Constitution*, *supra* note 27, p. 25.

Nation. In one northern Cree community, a hunter had been hunting for caribou and was not properly using the whole caribou, instead disposing of most of the carcass as local garbage. An Elder came across it. The Elder became upset because he knew that whoever did this brought about spiritual suffering and punishment to the community. The following winter the caribou did not return and the only explanation was that “*Ojina*” had fallen upon the community. Every living spirit must be treated with respect; the natural human order must not be violated. Borrows explains that “[l]aw in this vein can be seen to flow from the consequences of creation or the “natural’ world or environment”³⁶ (Borrows: 2010: 28).

The Cree Nation learned for centuries from their environment and they received teachings when they paid attention to their surroundings. Late Elder Sandy Beardy shared this story:

One day we left to go somewhere in the bush...we came across a beaver working to make its home. We looked over there and we saw a big beaver, a father beaver and little ones; they were all busy working together to build their home except for one beaver. This one little beaver was just sitting there. He was being lazy and he was not helping. All of a sudden the mother beaver notices this one is not working. We watched as she moved towards him and with her tail up she walked backwards towards him. All of a sudden she smacks her tail down, spanking the lazy one. The lazy one jumped into the water and a few minutes later came back up with mud in its mouth. This beaver began working with the rest of the other beavers. We learned a lot from the beaver. We received a lot of knowledge just from watching. The mother beaver was able to straighten and

³⁶ John Borrows, *Canada's Indigenous Constitution*, *supra* note 27, p. 28.

push its young one to work and they worked too³⁷ (Late Elder Beardy: 2000).

The teachings the Cree Nation people received were understood to be teachings originating with the Creator and these were shared with family members. Borrows explains how his mother's personal experiences with the land guided their actions as a family:

Her knowledge of earth is profound. She frequently talks of her experiences on the land and relates how her perceptions could guide our actions as a family. When we do not follow her judgements we find that we are often in breach of important environmental laws³⁸ (Borrows: 2010: 29).

In the Cree language the Elders will refer to the teachings as "*Owanasiwewina*" which literally translates as the Creator's laws that people live by. Elders who understand Aboriginal law will say the problems that we have today are our own doing because we do not acknowledge our laws and therefore we bring suffering to ourselves, to our families and to our communities. They say it in this term "*a-ojina aspinasowak*" (bringing suffering to ourselves). To understand fully this concept of Aboriginal law and spirituality, it is important and critical that we learn the cultural teachings that provide knowledge and give guidance for how to bring harmony and balance back into our communities.

³⁷ Elder Sandy Beardy, (Personal Communication, 2000, as cited in my Master's thesis 2004, *supra* note 4, p. 97).

³⁸ John Borrows, *Canada's Indigenous Constitution*, *supra* note 27, p. 29.

Personal Note

My quest to learn and understand Cree spirituality and law led me back to northern Manitoba shortly after receiving my undergraduate degree from Brandon University in 1985. I immediately began working in places that gave me opportunities to meet with Elders. There are five types of Elders in Aboriginal Communities: Christian Elders, Bush/Country Elders, Contemporary Elders, Traditional Elders and Transitional Elders. Christian Elders have a strong religious belief in their Bible and act directly for their church. Bush/Country Elders are those who live off the land: hunting, fishing and trapping, without any Christian religious rationale, acting mainly for survival. However, these Elders will acknowledge their traditional hunting customs and protocols. Traditional Elders are those who have a strong connection to their traditional culture and who practice it by performing traditional healing ceremonies, sweat ceremonies, fasting ceremonies and as pipe carriers. Contemporary Elders have assimilated into mainstream Canadian society but remain aware of and accept both the Euro-Canadian and traditional ways. Transitional Elders cannot make up their minds whether to be Indigenous or to adopt the ways of the settler society. The Elder, or group of Elders, with the most influence in each community will guide the social, political and spiritual beliefs of that community.

Many Elders that I have worked with have passed away and are in the spirit world today. I acknowledge their teachings and all that I have learned from them. The Elders I met shared their life stories as heard from their grandparents who heard stories from their own grandparents. Their stories center on creation and how life (*Pimatisiwin*) is to be

lived, and not without choices; but to have a good and long life, the Elders say that teachings must be the main priority for what is taught to children from the youngest age. As a parent to two children, I made sure that my children were learning their culture; and whenever there were ceremonies I would drag them along with me. I am so thankful today, because now my grandchildren are learning culture and attending ceremonies, helping them to recognise that they too can rely on our Elders to give them guidance. They understand the purpose and meaning of ceremonies such as smudging, pipe ceremony and the sweat lodge that are there to help ground their spirits and help with everyday life challenges that sometime frustrate and discourage us.

As I have observed and participated in many traditional ceremonies and practices, I now teach my family to understand how our Cree spirituality operates. I help them to understand that each individual person possesses what is called “*Achak*”, meaning “spirit”. Elder Eric Tootoosis (2011) explained that in the beginning of creation a spirit (*Achak*) was given to each human by “*Kitchi-Manito*”. This spirit (*Achak*) is to serve as a guide in this life and this still exists today³⁹. Looking after your own “*Achak*” is a natural process that focuses on one’s self spiritually, emotionally, mentally and physically. When one area is neglected this creates an imbalance, bringing “*Akosowin*” (sickness) to the “*Achak*”. I make a priority to live my life in balance and to follow the seven principles of life. This is a lifetime commitment that a person must make to lead a good life. Understanding how Aboriginal spirituality operates has forced me to pay close attention to how my “*Achak*” is feeling. I am constantly reminded that I must keep my spirit in

³⁹ Elder Eric Tootoosis (Poundmakers Reserve, Alberta, Personal Communication, 8 September 2011).

balance and positive, because whatever energy I carry is projected in my relationships toward all living elements.

Those who have picked up their culture know that "*Pimatisiwin*", as we know it in the Aboriginal worldview, is not easy. The grandfathers and grandmothers warned us long ago, even before European settlers arrived, that hard times were coming; and still today we are warned of even harder times, which is why Aboriginal peoples today talk about "dreaming tornados". I have had such dreams and there is nowhere to hide. At a Northern Chiefs Assembly, I heard a message calling for change: "Now is the time to put things in order", was the message throughout the three day Assembly. We must begin to look at our own spirituality and understand our own "*Pimatisiwin*" that has been laid before us by "*Kitchi-Manito*". Spirituality is our way to "*Pimatisiwin*" and that is what has carried the Cree people since time immemorial. Prior to colonisation the Cree People carried their lives rooted in a spiritual foundation and, to put things back in order, all effort must be made to understand what this foundation looked like.

Having lived among traditional people, I have come to understand what this concept means. At the beginning in the Christian church, I stated that I decided to stop applying "*Ayamihowin*" (prayer) in my life because I thought that the religion I was using was not mine; but I also did not understand what Aboriginal spirituality meant. I simply stopped applying "*Ayamihowin*" in my daily life. What I found happening around me was that everything was going wrong and I felt frustrated, angry and most of all discouraged. This was the most difficult time of my life, until one day I realized that I had not been applying my own "*Ayamihowin*". I decided that I would seek help from an Elder couple who sat me down and shared a story with me. Their story began by sharing their life together as a

couple and how they used faith and prayer to help them through difficult times. McLeod (2007), in his research of *Cree Narrative Memory* shared the concept of storytelling:

Stories were offered as traces of experience through which the listeners had to make sense of their own lives and experiences.... Consequently, people make up their own minds about what they think about something; they have to decide what they believe to be true and the listener is given a chance to internalize the stories⁴⁰.

Listening to these two Elders share their personal story, I was able to see what I was doing wrong with my life. Each time after that, whenever I sought help from Elders, they would always remind me to place faith and prayer in my life; but they did not give me any direct formula. Their stories helped me to understand what was right and wrong. This way of helping was related by Wilson in his work *Research is Ceremony*, (2008) who found:

Elders never used to directly confront someone about a problem, or directly offer direct advice. Instead, the Elder would tell a story from their own life, about a time when they faced a similar situation.... It was up to the listener to piece together a lesson from the story and apply the pieces where they fit in the current problem⁴¹ (p.29).

I share here my personal story and journey to help create understanding for my reader for how our Elders can help guide us to re-learn our Cree spirituality. Furthermore, to understand that we each carry a responsibility to take care of our *Achak* we must teach our children so our future grandchildren will also know what spirituality

⁴⁰ Neal McLeod, *Cree Narrative Memory*, *supra* note 8, p.13.

⁴¹ Shawn Wilson, *supra* note 10, p. 29.

means. There is much to learn about Cree spirituality and law. The stories the Elders related in this research are their life experiences, in part from those who have passed on. The Elders will say, when sharing their knowledge, that they do not know everything and do not know what future lies ahead. The oral knowledge they share comes from their ancestors, which is how Cree knowledge is passed on; and it is up to each individual to take that knowledge and learn how to use it for their own well being and survival. The Elders remind us of "*Ojina*" if we do not respect life; and these are choices that we have to make as we move forward. We must always be thinking about the future of the children because they will live with the decisions we make today.

Chapter Three: Uniqueness of Cree Spirituality and Law

Literature Review

To explore and document the Aboriginal meaning and understanding of spirituality, my first source is always the Cree Elders⁴². However, I begin with the seventy-one volumes of the *Jesuit Relations and Allied Documents*, and the hundreds of Hudson's Bay Company Journals, more recent contemporary scholarship on these two European sources, as well as my own experience, in order to define the meaning of Cree spirituality and law. This chapter documents a brief history of the Cree Nation, including a description of the spiritual belief and law as in our way of knowing.

Historical Overview

The Cree First Nation represent a large group that consists of the Plains Cree, Swampy Cree, Woodland Cree, Eastern-Cree, Stonie Cree, French-Cree and Oji-Cree. The Cree Nation groups have covered a large territory centred on Western Canada from the foothills of the Rocky Mountains east to Ontario and down into the northern United States. "Cree Bands lived as far north as Fort Vermillion...as far south of the United States of North Dakota and Montana"⁴³ (Fine Day:1973:1). Their traditional lifestyles consisted in living off the land, planting, hunting, fishing and trapping. Like other

⁴² I also build on my research findings from my Master's thesis, *supra* note 4.

⁴³ Fine Day, *My Cree People: A Tribal Handbook Good Medicine* (Volume No. 9) (Calgary: Northwest Printing & Lithographing Ltd., 1973), p.1.

Aboriginal groups, the Cree Nation travelled in small “migratory bands the size [of] which depended upon the season and local resources” ⁴⁴ (Ray:1998:35).

Waldram, Herring and Young (1997), describe the typical size of a band:

The primary social unit of, the ‘band’, was relatively small, often consisting of only fifty to one hundred people. When resources were plentiful, a number of these bands might temporarily join together into a larger entity, the ‘regional band’, however, during times of hardship, the band may break up into its constituent parts, nuclear and extended families. Hence, each family existed within a delicate balance, containing all the essential skills to exist, at least for short periods of time⁴⁵.

The Cree First Nation groups “would gather together at least twice a year, in the fall and the spring, to hold religious festivals, arrange marriages, and convene national council meetings where treaty-making and other tribal issues would be discussed” ⁴⁶(McFarlane:1996:142). This was a time when people came together as one unit, partly for governance purposes.

In the northern Manitoba region, the Cree Nation’s traditional name is “*Ininiywak*” and because of the different dialects that exist within the Cree Nation each group has its own pronunciation. As a case in point, Dion (1996) pronounces it “Nehiyawgk”, and believes that the Cree name was given by the French⁴⁷. McLeod (2007) pronounces it

⁴⁴ Arthur J. Ray, *Indians in the Fur Trade*, *supra* note 24. p.35.

⁴⁵ James B. Waldrum, Ann D.Herring and Kue T. Young, *Aboriginal Health in Canada, Historical Cultural and Epidemiological Perspectives* (Toronto: University of Toronto Press, 1997), p. 9.

⁴⁶ Peter McFarlane, (ed.) Dave Long and Olivia Patricia Dickason, “Aboriginal Leadership” in *Visions of the Art: Canadian Aboriginal Issue* (Toronto: Harcourt Brace & Company Canada Ltd., 1996), p. 142.

⁴⁷ Joseph F. Dion, *My Tribe The Cree* (ed.) and Hugh Dempsey (Calgary: Glenbow-Alberta Institute, 1996), p. 1 (first published 1979); from the mid-nineteenth century, there are a variety of Cree-English and Cree-French dictionaries, for example, now extant in the University of Manitoba Archives & Special Collections: the Oblates of Western Canada fonds (MSS/22 (A. 81- 44).

“Nehiyawak”⁴⁸ and Pettipas (1994) refers to the Cree as “Nehiyawak” the “exact-speaking people....”(p.44)⁴⁹. The word Cree derives from the word “Kiristinon”⁵⁰(Lytwyn:2002: 6). When missionaries were discussing Cree peoples they would refer to them as “Kris Indians”, which eventually became Cree.

Cree traditional people⁵¹ say “*Nehiyawak*” is a spiritual language and a reminder of our spiritual identity as a people. The word “Nehwo” in the Cree language in literal meaning is “four”. Cree people do things in four such as when in a pipe ceremony the four directions are always acknowledged. When conducting healing ceremonies or taking traditional medicine, they always proceed for four days. Mandelbaum (1979) described how the ceremonial number four was repeatedly used:

[F]our smudges were built, four songs sung, four offerings made, four preliminary rituals held, four puffs taken upon lighting a pipe, and so on through each part of every ritual. When four objects or activities could be spatially oriented, they were laid in the four cardinal directions.

Thunders spirit power was more frequently called on than any other, and it was conceived as being multiple, residing in the four directions. Each thunder was associated with a particular color and cloth of that color was offered to the respective thunders. When food or whiskey was offered to the thunderers, the bowl was first held up to the Chief of the Thunders above, to the east for Red Thunder, to the south for White, to the west for Blue, and to the north for Black Thunder (p.235)⁵².

⁴⁸Neal McLeod, *Cree Narrative Memory*, *supra* note 8, p. 26.

⁴⁹ Katherine Pettipas, *Severing the Ties that Bind: Government Repression of Indigenous Religious Ceremonies and the Prairies* (Winnipeg: University of Manitoba Press, 1994), p.44; based on her doctoral dissertation, “Severing the Ties that Bind: the Canadian *Indian Act* and the Repression of Indigenous Religious Systems in the Prairie Region , 1896 – 1951” (Spring 1989, University of Manitoba).

⁵⁰ Victor P. Lytwyn, *Muskegowuck Athinuwick: Original People of the Great Swampy Land* (Winnipeg: University of Manitoba Press, 2002), p. 6.

⁵¹ Personal Communications shared by Traditionalists: Jeff Brightnose (2013), late Elder Wellington Spence (2011), William Osborne (2013), Elder Eric Tootoosis (2011).

⁵² David G. Mandelbaum, *The Plains Cree: An Ethnographic, Historical, and Comparative Study* (Canadian Plains Research Centre: University of Regina 1979) (reprint 1985/1996), p. 235.

Elder Eric Tootootsis (2011) and Elder William Osborne (2013), described the “*Nehiyawak*” as the “four souls” people. The “four souls” connect to the four elements that include *Aski* (earth), *Nipi* (water), *Notin* (Wind), *Iskotew* (fire). *Aski* is the physical, *Notin* is the air, *Nipi* is life and *Iskotew* is spirit. The Cree people depend on all four elements. As “four souls” people, the Cree know how to live and survive with the elements. Priscilla Settee (2008) explains:

[M]y people the Cree, *Nahiyawak* or the “exact speaking people,” Aboriginal Peoples in all parts of the world have learned to sustain themselves skillfully under rigorous climate conditions. *Nahiyew*, in the Cree language, means one who is skilled in her/his particular performance, whether in battle, in hunting, in practicing spirituality, or in speaking. *Wiyaw* means “body” in the sense of having a human body. When put together, the word becomes *Nahiyew*. A Cree person is therefore a person who is skilled or careful in her/his movements and speech. By living in harmony and developing respect of all living things Indigenous Peoples developed a symbiotic relationship with nature (p.44)⁵³.

Scholars such as Dion, (1996), Ahenakew (1973), Ray and Freeman (1978), describe the Cree Nation as gentle, generous peoples, loyal and peaceful. “[T]he people were exhorted to be kind and to live in peace with one another, for tribal loyalty was essential...”⁵⁴ (Ahenakew:1973:24). As Dion recalls, “the Crees lived at peace with one another. No case of mass violence has ever been recorded in our oral history”⁵⁵

⁵³ Priscilla Settee, (ed. Melissa K. Nelson), “Indigenous Knowledge as the Basis for our Future”, in *Original Instructions* (Bear & Company: Collective Heritage Institute, Inc., 2008), p. 44.

⁵⁴ Edward Ahenakew, *Voices of the Plains Cree*, *supra* note 20, p. 24.

⁵⁵ Joseph F. Dion, *My Tribe The Cree*, *supra* note 47, p. 7.

(Dion:1996:7). “The Indians came from a society that stressed the need for mutual aid and generosity”⁵⁶ (Ray and Freeman:1978:58). The Cree were known to be generous people; and with whatever material goods were accumulated, it was common practice to share with other members in the group, informally based on survival needs and formally in ceremonial gift exchanges known as “give away” today.

The sharing of wealth through general reciprocity brought benefits to members, because the more possessions a person had the more they had to share and the more their status in the community rose. Generosity was one quality a chosen leader had to have. “There was no selfishness, [i]t is an Indian custom to share with others. That has always been so; the strong take care of the poor; there is usually enough for all”⁵⁷ (Ahenakew:1973:33). Gift- giving and celebrations were common practices among the Cree Nation and so it was common to organise such exchanges. “The gift giving ceremony was initially primarily a socio-political institution designed to cement alliances and reaffirm friendships”⁵⁸ (Ray:1998:67). In a tribe this served to maintain group cohesion and support for traditional leaders.

According to Milloy (1988), the Cree “were engaged in a set of well-structured, intertribal relations which were designed to ensure security, to assist them in meeting the challenges of plains existence and to facilitate the acquisition of the good things of their world” ⁵⁹(p: xiv). The Cree Nation maintained exceptional organizational skills which they carried into their daily lives, using these skills for survival. Each person had a

⁵⁶ Arthur J. Ray and Donald B. Freeman, *Give us Good Measure: An Economic Analysis of Relations Between the Indians and Hudson Bay Company before 1763* (Toronto: University of Toronto Press, 1978), p. 58.

⁵⁷ Edward Ahenakew, *Voices of the Plains Cree*, *supra* note 20, p. 33.

⁵⁸ Arthur J. Ray, *Indians in the Fur Trade*, *supra* note 24, p. 67.

⁵⁹ John S. Milloy, *The Plains Cree: Trade, Diplomacy and War, 1790 to 1870* (Winnipeg, University of Manitoba Press, 1988), p. xiv.

responsibility to the tribe and this responsibility included caring for children as the future generation. *The Royal Commission on Aboriginal Peoples Report* recorded statements from presenters that reflect this responsibility. Charles Morris stated:

We believe that the Creator has entrusted us with the sacred responsibility to raise our families..., for we realize healthy families are the foundation of strong and healthy communities. The future of our communities lies with our children, who need to be nurtured within their families and communities (RCAP:1996:V3:p.11)⁶⁰.

Commission observations were made in general terms and not specific to the Cree Nation.

As a family unit, child rearing was a joint responsibility, as Carpenter (1999) explains:

[E]verybody helped with the child rearing, even the man helped deliver the babies. Everybody had a role to help in childrearing...they never saw a child to be mistreated or for a child to be unhappy. The people took extreme care in bringing up a child..., there is always someone there like their parents, grandparents, and other Elders to show them how to live. When people use this way, it was good and life went well for everyone. People never stopped caring for the young people.... This way the childrearing was very good. Everyone had to look after their children right. It was a peaceful and happy life. Everyone helped each other out and if someone got into trouble, they talk it out (p:229) ⁶¹.

In the Cree Nation children were considered gifts from the creator and raised with positive nurturing that came with respect, love and caring. Children were to be taught at an early age to become responsible adults and it was the Elders who were responsible

⁶⁰ As cited in the Report of the Royal Commission on Aboriginal Peoples: *Gathering Strength* (Vol. 3, 1996), p.11.

⁶¹ James Carpenter, (ed. Peter Kulchyski, Don McCaskill and David Newhouse), "Mushkegowuk Cree" in *The Words of The Elders: Aboriginal Cultures in Transition* (Toronto: University of Toronto Press, 1999), p. 229.

for passing on knowledge to young people through storytelling. The Elders served many functions in Cree society and their skills varied. One function of the Elders was that of historian, advisor and counsellor to young people. Sharon Venne (1997), in her research on the Plains Cree, identified Elders as storytellers to children early in their childhood. The Elders watch the children and look for good listeners and it is these children who get special attention when taught the ways of the past. “The Elders with their age and wisdom have the time and patience to teach. Each Elder keeps the stories like a sacred trust to be handed down to the next generation”⁶² (p.176). McLeod (2007) explains the old stories “links grandparents with their grandchildren”⁶³ (p.11). The legends and stories shared by the Elders were more than just stories as they provided theological instructions, as explained by Friesen (1999):

[A] tribes origin belief or story was central to the entire religious system of most traditional tribes...legend telling comprised the activity of theological instructions at its most significant level”⁶⁴(p.46).

The Cree Nation functioned under a kinship system where extended family members were involved to ensure each family member was living up to responsibilities. Each family member in turn was responsible in ensuring the family was cared for, as explained by *RCAP* (1999):

In many Aboriginal societies, the family or extended family was the major self-governing unit. It was responsible for regulating internal social and economic activities, and it provided for the needs of the individuals and the security of

⁶² Sharon Helen, Venne, “*Understanding Treaty 6*, *supra* note 16, p. 176.

⁶³ Neal McLeod, *Cree Narrative Memory*, *supra* note 8, p. 11.

⁶⁴ John W. Friesen, *First Nations of the Plains: Creative, Adaptable, Enduring* (Calgary: Detselig Enterprise Ltd, 1999), p. 46.

the family members (RCAP:1999,V2:p.128)⁶⁵.

The Cree Nation did not function as a male-dominated society and women were considered equal, serving important functions. They played many important roles in the kinship system. They were involved in decision-making during trade exchanges and were responsible for teaching survival skills. Tough (1996), in his research on the history of the fur trade economy in northern Manitoba, documents the vital role women held during the fur trade era in setting the demand for trade goods⁶⁶ (p.19). Lytwyn (2000) researched observations made by Andrew Graham of women during the fur trade era, who had prestige through sole property ownership over small furs that they bartered in their own right⁶⁷ (107). As found in the oral history of the Cree Nation, grandmothers played a central role in selecting a leader. It was through their guidance that a leader was selected for the community. The leaders chosen were watched carefully and this was done to ensure that they possessed all the necessary skills required of a leader.

The Royal Commission on Aboriginal Peoples Report (1996) confirmed the role women held in their societies prior to European contact. Commissioners travelled across the country to hear testimonies from Aboriginal women and they heard the same message:

Women had important roles in the social, economic and political life of their community. They were the wisdom-keepers. They selected chiefs. They taught their children about the nature and qualities of a leader. They were responsible for resolving internal disputes and healing their

⁶⁵ Report of the Royal Commission on Aboriginal Peoples: *Restructuring the Relationship* (Vol. 2, 1996), p.128.

⁶⁶ Frank Tough, "As their Natural Resources Fail" in *Native People and The Economic History of Northern Manitoba, 1870-1930* (Vancouver: University of British Columbia, 1996), p. 19.

⁶⁷ Victor P. Lytwyn, *Muskegowuck Athinuwuk*, *supra* note 50. p. 107.

communities.⁶⁸ (Vol.4,p.79).

Women were considered special persons. “The Creator gave her a special gift, to give life”⁶⁹ (Carpenter, 1999:223). The respect women held in the Cree Nation extended to all matters in the community and any decision that needed to be made required their input. Fine Day (1973), who was a Chief of his people in 1911, provided an example of how women were involved in decision making:

The Hudson Bay traders...when they needed Dogs they would come to the Indian camps. A man had to ask his wife for permission to sell a Dog⁷⁰ (Fine Day,1973:p.6).

The female Elder’s responsibility extended toward ensuring that any leadership candidate was living by standards according to their cultural beliefs and practices. Leaders who were not living according to these standards, lost all respect with their members and were eventually replaced. Choosing a leader was a community decision not based on competition, rather on qualities a person held. Sharon Venne (1997) provides an example of one man who wanted to be a chief but was considered to be mean:

In that community’s selection process, the supporters of a person go and stand behind their choice. In this particular case, no one stood behind the man, not even his wife. This is one example of the process used to select the best person to be the leader⁷¹ (p.178).

⁶⁸ RCAP, Vol. 4., 1996, *supra* note 25, p. 79.

⁶⁹ James Carpenter, “*Mushkegowuck Cree*” *supra* note 61, p. 223.

⁷⁰ Fine Day, *My Cree People*, *supra* note 43, p. 6.

⁷¹Sharon Helen Venne, “*Understanding Treaty Six*”, *supra* note 16, p. 178.

Mandelbaum (1979), explained that the role of chief was not necessarily inherited. If a chief's son was considered incompetent he could not serve as a leader. The next person with high standing would be acknowledged as chief. In this case, a person with high standing who possessed the qualities of a skilled hunter, having kindness and not being selfish and giving freely of his possessions to needy people would be considered as the next chief. "The Chief was more a recognized leader or headman than he was an official" ⁷²(p.106). The Chief's main political role as leader was to maintain peace and harmony in his community. The Chief remained a leader for as long as he was able to maintain the respect of his community members, as part of their natural order.

Today the roles of Chief and Elder have completely changed, because community members are no longer selecting their leaders based on their old system rooted in spirituality and natural law. Forced by Euro-Canadian governmental policies, based on the *Indian Act*, their structural framework resembles a corporate model framed by colonial influence. Leaders chosen today do not take into account the traditional concepts once used by the Cree Nation when coming together to make group decisions. Today, an election process is carried out and, if an individual is interested in becoming a Chief, they simply declare their interest. Under the corporate model the only requirement to qualify as a candidate for Chief is to have support by a nominator and seconder. There is rarely cohesiveness as the election draws near, while each candidate can resort to questionable tactics to gain supporters. Community members become divided as they play a power game of voting guided by rules and regulations structured after the corporate Euro-Canadian model.

⁷² David G. Mandelbaum, *supra* note 52, p. 106.

In his research, Taiaiake Alfred (1999) describes how a corporate model, framed by colonial influence, operates on coercion, power and money, creating a style of leadership that prevents cohesion:

There is division between those who serve the system and those who serve the people. In a colonial system designed to undermine, divide and assimilate indigenous people, those who achieve power run the risk of becoming instruments of those objectives⁷³ (p.30).

During my master's thesis research, I had an opportunity to witness a Grand Chief election where only the elected officials were allowed to vote, while community members observed. Some community members complained for not having a voice in the election; others simply watched and waited for the new leader to be chosen. At the community level, when there is an election for a new Chief, the process operates in the same manner; the only difference is that community members who are eligible are allowed to participate in the voting process. Young people who are not yet eligible to vote witness an election process that is manipulative, with tactics that are often offensive and questionable. If community members are not happy with the election result, they will often come out immediately to express their disappointment and begin calling for a re-election or a re-count. This creates disunity and distrust that can carry on for months or years, until there is another election. The newly elected leader is often left to work hard to deal with any disunity and distrust among those he or she represents or simply ignore the politics and carry on with his or her duties. These duties focus on advocating and lobbying the Canadian government on behalf of their people, while at the same time ensuring that they meet government rules and regulations stipulated under their

⁷³ Taiaiake Alfred, *Peace Power Righteousness*, *supra* note 30, p. 30.

government funded contribution agreements.

The Chief and Council now operate under the authority of the Euro-Canadian *Indian Act* and receive delegated power from the Federal Government, which requires elections every three years. As explained by *RCAP* (1996):

This new system required that chiefs and councillors be elected for three-year terms, with election terms and conditions to be determined by the superintendent general as he saw fit. Elected Chiefs could be disposed by federal authorities for “dishonesty, intemperance or immorality.” None of the terms was defined, and the application of these criteria for dismissal was left to the discretion of the Indian Affairs officials upon receiving a report from the local Indian agent⁷⁴ (V1:p:275).

Elders today, once respected and listen to, no longer have a say in the *Indian Act* model of governance for selection of leaders; instead their roles have diminished to bringing prayer and blessing to the newly elected leader. They are often asked to bring words of wisdom and encouragement to community members. However, once valued and respected for their knowledge and wisdom in the selection of a leader, they no longer have authority in this regard:

The elders were viewed by the Department and, eventually, by many of their own people, as “unprogressive”. Their power and authority were constantly challenged and at times ridiculed by the Department’s employees, mission teachers, and even the more acculturated graduates from the Indian schools who were taught to reject their own cultural values and ways⁷⁵ (Pettipas:1994:73).

⁷⁴ *RCAP* Vol. 1, *supra* note 13, p. 275.

⁷⁵ Katherine Pettipas, *Severing the Ties that Bind*, *supra* note 49, p. 73.

Among these changes, the role and status of women have lost equal participation in decision making in most communities. The authority they once held in their homes and communities was stripped and their roles devalued. The *Report of the Aboriginal Justice Inquiry of Manitoba* (1991) explained that European contact had a much greater impact on women, as their traditional role was drastically changed:

For Aboriginal women, European economic and cultural expansion was especially destructive. The value as equal partners in the tribal society was undermined completely⁷⁶ (AJI:1991:477).

No doubt, encounters with a male-only Christian clergy played an important role in this process of degrading the traditional place of women in Cree culture.

Over the years the *Indian Act* has slowly changed, giving some Aboriginal peoples more involvement in band elections, even allowing Aboriginal peoples freedom to practice their traditional culture if it does not conflict with *Indian Act* requirements. Some Aboriginal communities have since adopted band custom elections. The idea behind band custom is that Aboriginal peoples would incorporate their own traditional custom of electing a chief and council. As Boldt 1993, explains:

The 1951 Indian Act gives bands the option of following a 'customary regime' instead of the 'Indian Act regime' of band council selection. Under the 'customary' option, bands are permitted to some discretion in leadership selection procedures⁷⁷ (p.121)

While the band custom gives Aboriginal communities discretionary powers, the authority

⁷⁶ A.C. Hamilton & C.M. Sinclair, *Report of The Aboriginal Justice Inquiry: The Justice System and Aboriginal People* (Altona, Manitoba: D.W Friesen and Sons Ltd., 1991), p. 477.

⁷⁷ Menno Boldt, *Surviving as Indians: The Challenge of Self-Government* (Toronto: University of Toronto Press 1993), p. 121.

for matters such as law-making, judicial matters and administration continue to remain solely within the jurisdiction of the federal government. As an example, some communities who operate under band custom and pass a community by-law risk having that by-law over-turned by the Minister of Indian and Northern Affairs, who continues to control the way Aboriginal peoples govern themselves. The *Indian Act* has undermined the traditional governing system of the Cree Nation and continues to influence all Aboriginal matters such as political structures, land, resources and economic development which remain in effect today.

Aboriginal peoples have been searching for ways to recover and restore their traditional governance systems through Aboriginal self-government. Discussions are ongoing with Canada to establish a new relationship that will bring solutions to the lives of Aboriginal peoples and restore Aboriginal political systems based on Aboriginal values and traditional customs.

The Meaning of Aboriginal Spirituality

The Cree way of life is based in a belief that “*Kitchi-Manito*”, our Creator, created everything and therefore all things, animate and inanimate, are part of this creation as a gift. To the Cree this belief is understood as *Tapwetamowin*. Under this notion the Cree Nation understand that their existence depends on the spirit, “*Achak*”, who carries each person and serves as a guide in this life, which continues today. Bird (2007) has explained the concept of spirit and how everything, including the human being, has its

spirit and that this starts early in a child's age⁷⁸ (p.69). The Cree Nation believes that their genetic makeup consists of the spirit (*achak*), mind (*mamitoneynijikan*), emotion (*mosihtawin*), and body (*miyow*). In their upbringing, Cree Nation children are taught to be mindful of their whole well-being and to be aware that life is sacred and to be grateful for all that has been provided.

At a young age I was told to pray and, when instructed how to pray, I was told "Ayamiyah". The literal translation for "Ayami" is "speak". The general notion to "Ayamiyah" is that you are speaking to *Kitchi-Manito*. During the "Ayamiyah" you are reminded to give thanks ("na-na-sko-mwo"). Our Elders remind us that we are a gift from "Kitchi-Manito" who provides everything for survival. This concept was explained by Elders Wellington Spence and Sandy Beardy. Elder Spence (2000) explained "people were given the gift of life; the Creator gave us what we needed to survive and these were all gifts given to people"⁷⁹. Elder Beardy (2000) added:

Ininew did not have a bible, but when they stepped out of their teepee, they see the sun, they remember *Kitchi-Manito*, who made this sun and when they go down to the water they see the beauty of the water; as they scoop it up, they remember *Kitchi-Manito* made this. When they go out to get a tree they go and see a dry tree already cut, they remember *Kitchi-Manito* who made it. When they go outside at night, they see the moon from there... when it is clear. They know that Creator made everything, it is because of that the Elders rose early in the morning to give

⁷⁸ Louis Bird & Susan Elaine Gray (eds.), *The Spirit Lives in The Mind: Omushkego Stories, Lives, and Dreams* (Montreal: McGill-Queens University Press, 2007), p. 69; also, Susan Elaine Gray, "The Ojibwa World View and Encounters with Christianity Along the Berens River, 1875-1940" (Fall 1996, unpublished Ph.D. Thesis, University of Manitoba).

⁷⁹ Elder Wellington Spence, (Personal Communication, 2000)

thanks for the coming before the sun rose. This was their Bible ⁸⁰(p.97).

Today, the Cree are practicing ceremonies and rituals such as the shake tent ceremony, referred to by non - Aboriginals as “conjuring”. This was described by Preston (2002) in his study of James Bay Quebec Cree during the 1960s, as being “central to the whole of Cree mental culture”⁸¹ (p. 78). What is popular about this ceremony is that it involves communicating with the spirits. As Preston (2002) explained, “[t]he spiritual side of conjuring is identified by the Cree term “*Mistabeo*”[*mistapew*], or attending spirit” ⁸²(p. 78). The concept behind this ceremony is that the person conducting the ceremony is speaking to the spirits and summoning them to listen to his demands. As Preston (2002) explains:

The Cree description of the *Mistabeo* as an-other-than-human-person are usually allegorical, are directed at qualities more spiritual than corporeal. The *Mistabeo* usually manifests himself in the material world by his actions, influencing events or providing knowledge (as what we call good or bad), in sorcery’s illnesses, in cures, in predicting the future, and in explanations of the past⁸³ (p.127).

Conducting these ceremonies requires a person committed to be of good mind and nature, because whatever spirit energy is projected during the ceremony will impact its outcome. Preston (2002) explains:

For the *mistabeo*’s manifestation always occur in response to the individual who has exclusive and close relationship with a

⁸⁰ Elder Sandy Beardy, (as cited in my Master’s Thesis), *supra* note 4, p. 97.

⁸¹ Richard J. Preston, *Cree Narrative*, *supra* note 18, p. 78.

⁸² *Ibid*, p. 78.

⁸³ *Ibid*, p. 127.

mistabeo, although, the manifestations vary with the personality of the particular *mistabeo*⁸⁴ (p. 127)

In a letter dated 14 June 1841, at the Red River Settlement of the Hudson's Bay Company, Letitia Hargrave described witnessing such conjuring as a means of communication:

The conjuring is a favourite way of getting what they want & and there is no way of prevailing even on those who are Christians to give it up⁸⁵ (McLeod 1947:96).

Communicating with the spirits when in a ceremony is a ritual practiced today; and it serves as a reminder to acknowledge the spirits, because this is who we are as a spiritual people. Aboriginal spirituality has been recently documented during oral testaments taken at the *Royal Commission on Aboriginal Peoples Report*:

[Spirituality]is a way of life in which people acknowledge that every element of the material world is in some sense infused with spirit, and all human behaviour is affected by, and in turn has an effect in, [the] non-material, spiritual realm.⁸⁶ (RCAP:V1:1996:617).

To mistreat what has been provided produces consequences. Our grandparents and parents told us often, when they spoke of the spirits, to be careful because of "*Ojina*", a term used to describe an offended spirit. The fear of offending spirits was recorded in 1708 Hudson Bay encounters with the Cree:

Their notions of religion are but very slender. They say, there are two *Manitoes* (sic) or Spirits, the one sends all the

⁸⁴ *Ibid*, p. 127.

⁸⁵ Margaret A. Macleod, (ed.), *The Letters of Letitia Hargrave* (Toronto: The Champlain Society, 1947), p. 96.

⁸⁶ RCAP, Vol. 1, *supra* note 13, p. 617.

Good things they have, and the other all the bad. Their Worship consist in Songs and Dance at their Feasts, in Honour of the *Manitoes* (sic) that have favour'd them: But if they are sick or famish'd, they hang some little Bawble (sic) which they set a Value upon, on the Top of a Pole, near their tent, to pacify the Spirit offended as they conceive⁸⁷ (Tyrrel,1931. p.382).

Lux (2001), studying the plains Aboriginal peoples, found that Cree, Assiniboine and the Blackfoot shared a worldview or spirituality:

[T]hat positioned humans as but one part of the Great Circle of Life, which they shared with the spirits of the animate and inanimate alike... Animals and plants were available for people to use, but respect for spirits, through gift or ceremony, had to be shown or they simply would not make themselves available⁸⁸ (p.72).

Tobacco or food offerings is not uncommon to the Cree. I assisted my father once in an offering to a plant for the root that he was to use for medicinal reasons. This was not the first time that I saw an offering materially extended to the spirits. I recall visiting a cemetery with my grandmother. As we approached one grave my grandmother poured alcohol over my grandfather's grave. When I asked her why, she looked at me and replied, "I am giving the spirits a drink".

While offering the spirits alcohol may not be a common practice today, it must be understood that alcohol has been in our lives since the first arrival of Europeans, dating back to the mid-1620s. One incident recorded in the *Jesuit Relations* in 1647 and 1648, described alcohol becoming a problem that gave rise to disorder.

⁸⁷ J. B. Tyrrell (ed.), *Documents Relating to the Early History of Hudson Bay* (Toronto: The Champlain Society, 1931), p. 382.

⁸⁸ Maureen K. Lux, *Medicine that Walks*, *supra* note 34, p. 72.

[A]n incident that is all more remarkable that it is quite new in these countries. The ships brought out so much and such strong alcohol, to sell secretly to the Savages, that the disorder to which it gave rise was exceedingly deplorable⁸⁹ (Vol. 33, pg. 49).

This incident occurred during missionary work with the Hurons, often referred to as the “Neophytes” by the Jesuits. The Hurons had strong alliances with various Algonquin tribes including the Cree, with whom the Jesuits had also established considerable contacts. Alcohol later became a favoured item during the fur trade era. In Andrew Graham’s observations, during the period 1767 to 1791, the Cree had become addicted to drunkenness⁹⁰ (p.152).

Aboriginal people believe that spirits of their ancestors continue living in another world and have feasts and ceremonies to acknowledge them. The *Jesuits Relations* report that Hurons believed the souls of their ancestors had desires which were known through dreams that must be acknowledged, and therefore:

[M]ost Hurons are very careful to note their dreams, and to provide the soul with what it has pictured to them during their sleep. If, for instance, they have seen a javelin in a dream, they try to get it; if they have dreamed that they gave a feast, they will give one on awakening... ⁹¹(Vol.33, p.191).

Like the Hurons, the Cree believe strongly in their dreams and will often share these dreams when in ceremony⁹². During the feast ceremony ritual foods are shared as

⁸⁹ *The Jesuits Relations and Allied Documents*, Vol. XXXII, 1647-1649, “Gaspé Hurons Lower Canada: Vol. XXXIII, 1648-1649, Lower Canada Algonkins, Hurons” (Pageant Books Company, 1959), p. 49.

⁹⁰ Glyndwr Williams (ed.), *Andrew Graham’s Observations on Hudson’s Bay 1767-1791* (London: Hudson’s Bay Record Society, 1969), Vol. 27, p. 152.

⁹¹ *Jesuits Relations and Allied Documents*, Vol. XXXII- XXXIII, *supra* note 89, p. 191.

⁹² Dreaming in Cree is “*pawamowin*” and is further discussed in this chapter.

ancestors, the grandfathers and grandmothers, favoured; this ritual includes bringing smoking tobacco or chewing tobacco as part of the offering. Andrew Graham's observations, for the period 1767 to 1791, wrote in his journal that the Cree seldom ate anything before making an offering. He witnessed the Cree providing food and drink, usually brandy, offering it into the fire. He believed that this offering was extended to the *Whittico* spirit who was feared by the Cree⁹³. The offering of food to the spirits existed pre-contact and continues today. Liquor offering only came after pre-contact. Over generations, alcohol became a favourite but many today do not recognise it as part of the ritual.

Ceremonies continue to exist today to acknowledge "*Kitchi-Manito*", for providing the Cree Nation people with all the good things in life for their survival. Mandelbaum (1979), in his research on the Plains Cree, described the various ceremonies the Cree Nation performed, to acknowledge and celebrate the spirits and the Creator for all good things in life. Ceremonies were held in conjunction with birth, death, marriage, and naming⁹⁴ (p:139). Other ceremonies celebrated good life, good health, gift-exchange, praying for the welfare of the people and also acknowledging gifts of the Creator for subsistence. The ceremonies and rituals involved praying, singing, fasting, drumming and dancing (Lux (2001), Preston (2002), Brown & Brightman (1988)).

One event I remember in my community was when a young hunter killed his first moose. The family would prepare a feast and invite members of the community to come to celebrate. This was a way of acknowledging the first kill of the hunter and also

⁹³ Glyndwr Williams "*Andrew Graham's Observations*", *supra* note 90, p.160.

⁹⁴ David G. Mandelbaum *The Plains Cree*, *supra* note 52, p. 139.

acknowledging the Creator for the successful hunt. There were other feasts that involved acknowledging the birth of a child. These feasts are no longer held in my community as a result of outside, mainly Christian, influences disrupting our way of life. A common ceremony that continues today is the naming of a child and was recorded during the early Hudson's Bay Company encounters with the Cree:

They have all a name given them when young; that is a month or two after birth. On these occasions a feast is made if the father has been successful in the chase, but otherwise it is not much regarded. There is no ceremony on conferring the name, which is given by some aged person, generally a man; but perhaps as the child grows up he will have another or two names. The signification of them are various and taken from animals, vegetables, fossils, or remarkable actions or events. Thus, some are called Deer, Wolf, Hare, Eagle, Crow, Duck, Wood, Stone, Chalk, Rubbing, Running, Following, Clear-Weather, Goose, Wind, and the like fantastic appellations⁹⁵ (Vol 27, p.178).

Mandelbaum (1979) described a feast held not long after the birth of a child. People would be invited to partake in a feast and pipe ceremony. "The old man [would light] the pipe and then pray out loud to *manito* (*sic*) and to the power who had inspired the name to be bestowed"⁹⁶ (p.140). During this ceremony, the spirit guardian from whom the name had come would be called upon to protect the child during his upbringing. In the Cree Nation once a child received a spiritual name the child was blessed and would be looked after by the guardian spirits, "*achakok*". The significance of spiritual names was explained in the *Report of the Royal Commission on Aboriginal Peoples*. Children with spiritual names were introduced to the four directions. The notion

⁹⁵ Glyndwr Williams "Andrew Graham's Observations", *supra* note 90, p. 178.

⁹⁶ David G. Mandelbaum, *The Plains Cree*, *supra* note 52, p. 140.

of the introduction is so that the child may be recognized by its spiritual helpers⁹⁷ (Vol. 1:p.641). Spiritual names are still given to children today and receive names based on their character behaviour throughout their life times; but these are still recognized as nicknames and not as spiritual names.

Smoking a pipe is a common ritual practiced by the Cree prior to European contact and later observed during early encounters in the *Jesuit Relations* and the Hudson's Bay Company Journals⁹⁸. The smoke pipe was considered a sacred object because of its connectedness to the Creator. Lux (2001) explained that during a treaty negotiation meeting held on 18 August 1876 among Chiefs, followers and treaty commissioners.

The meeting with the treaty commissioner began with the sacred Pipe-Stem ceremony... . The Pipe-Stem bundle, said to have been presented to the first human by the Great Manitou (*sic*)... The Pipe-Stem was then raised to sky and presented to all of creation by pointing it in each of the four cardinal directions. Prayers, chants, and drums accompanied the ceremony... . The rite was a clear indication of Cree intentions and expectations: nothing but truth could be spoken in the presence of the Pipe-stem⁹⁹ (p.26).

Smoking a pipe signified calling upon supernatural powers and “[t]he concept underlying pipe offerings to supernaturals was that the spirit powers thus smoked in company with men. Having done this, they were bound to listen to the requests and, if at all possible, to accede to them”¹⁰⁰ (Mandelbaum:1979:228). The *Report of the Royal Commission on*

⁹⁷ Report of the Royal Commission on Aboriginal Peoples, Vol. 1., *supra* note 13, p. 641.

⁹⁸ The Jesuit relationships with the Aboriginal groups, specifically the Cree Nation, are discussed in a later chapter along with the Hudson's Bay Company encounters with the Cree after York Factory was built in 1684. During these encounters they document and record pipe ceremonies that were held for ceremonial and spiritual purposes.

⁹⁹ Maureen K. Lux, *Medicine that Walks*, *supra* note 34, p. 26.

¹⁰⁰ David G. Mandelbaum, *The Plains Cree*, *supra* note 52, p. 228.

Aboriginal Peoples found that various Aboriginal groups, including the Cree, used the pipe with sacred tobacco to carry prayers to the “*Great Spirit*”, referred to as “*Kitchi-Manito*”. The pipes ceremonial use was explained as follows:

While filling the pipe with sacred tobacco and taking the first puffs, the ceremonialist offered prayers to the sun, which symbolized the Creator, to the earth, which generates all life, and to the four directions. The east is the place of dawning, to which human beings look as the source of light and knowledge and new beginnings. The prayers to the west, where the sun sets, acknowledge the transitory nature of human life. Prayers to the north, whence the cold winds of winter blow, acknowledge that purification of the spirit comes through struggle. The final whiff of smoke, directed to the south, affirms that after winter there is summer, that human beings can hope to realize their aspirations.

In the smoking ceremony the human being brings together all the knowledge and power of the sun, the earth and the four directions and locates himself [herself] at the spiritual centre of the universe¹⁰¹ (RCAP Vol.1. p. 648).

The Cree Nations put “*Kitchi-Manito*” first before anything. They believed “*Kitchi-Manito*” put them on this earth and would look after them. “That is the way the people lived and worked in the past. It shows today that [*Kitchi-Manito*] is looking after the Native people”¹⁰²(Carpenter:1999:225).

The Cree Nation held their ceremonies and dances throughout different times of the year. This often required them to plan well in advance. A person who pledged to organise a ceremony or a dance was often required to make a commitment to fast or to go off on a vision quest. The religious ceremonies and dances were not solely to benefit

¹⁰¹ Report of the Royal Commission on Aboriginal Peoples Vol.1, *supra* note 13, p. 648.

¹⁰² James Carpenter, *Mushkegowuk Cree*, *supra* note 61, p. 225.

an individual but were often organised for the benefit of the whole tribe. Pettipas (1994) explained:

Giveaway ceremonies functioned to re-affirm pre-existing kinship ties and to establish networks among households and between diverse communities. This practice optimized availability of natural resources, goods, and labour over considerable distances. In addition, the giveaways promoted the cooperation pooling of labour and goods on the part of related households. This cooperation not only increased the headman's ability to distribute goods and better care for his followers, but it also brought prestige to his household¹⁰³ (p.56).

The dances and ceremonies of the Cree Nation were an integral part of their governing systems. They were held for personal well-being and to seek guidance for the good of the tribe. Lux (2001), studying the Plains Cree, explained that ceremonies were not “pray[ing] for salvation in the next life; instead, they enlisted the direction and aid of the spirit world to control and influence *this* life”¹⁰⁴ (p.74). Carpenter (1999) adds that the shaking tent ceremony was used for seeing the future ¹⁰⁵(p.238). Some Cree are reviving these ceremonies today. This spiritual way of life was taught early, before the Residential School era, so that children would grow up learning the meaning of Cree spirituality and the rituals carried out to acknowledge it.

The Meaning of Aboriginal Law

Law understood by the Cree contains two key fundamental components defined as

¹⁰³ Katherine Pettipas, *Severing the Ties that Bind*, *supra* note 49, p. 56.

¹⁰⁴ Maureen K. Lux, *Medicine that Walks*, *supra* note 34, p. 74.

¹⁰⁵ James Carpenter, “*Mushkegowuk Cree*”, *supra* note 61, p. 238.

“*Owanusiwewin*” and “*Wanasiwewin*”. Because of the different dialects that exist within Cree Nation groups, each has its own pronunciation: the Plains Cree pronounce “*Owanusiwewin*” as “*Oyasuwewin*”. “*Wanasiwewin*” is commonly understood to encompass all Cree law. However, when you look at where the word originates, it provides a spiritual understanding of the meaning behind this word. In Cree the word “*Wanasta*” means “to set” or “to prepare” “*Nasiwewin*”, means “to attend a feast”. This is where the word “*Wanasiwewin*” derives from and is connected to spiritual law. Both concepts are attached to “*Pastahwewin*” (sin) and *Ojina* (spiritual suffering). “*Owanusiwewin*”,¹⁰⁶ in Cree is recognized as a natural law and the ultimate authority is “*Kitchi-Manito*”. As this law comes from “*Kitchi-Manito*” it is connected to spirituality that infuses all creation. Law grounded in nature can be best understood as forcing individuals to be respectful, to be kind, caring, loving and having compassion for all living things, albeit within the needs of hunting and gathering. “*Wanasiwewin*” is connected to the Cree ceremonial feasts and preparations held to acknowledge, but not inclusively, the birth of a child, spiritual names, fasting, sweat-lodge, shake-tent, story-telling, first kill in hunting, dancing such as pow-wows and the sun-dance. The feasts were prepared with protocols to acknowledge the spirits, to show respect and ensure only good things will happen during the purpose of an event. I recall my paternal grandmother sending me to attend a feast in the community held to acknowledge the birth of a child. She used the word “*Nasiwe*” when she told me to go to a feast. This word is still used today when referring to a feast.

¹⁰⁶ In Cree the “O” refers to “his” as an example: when “O” is used in *Omaskisin*” it means “his shoe” or “O” in *Omasinahigan*” refers to “his book”. When used in “*Owanusiwewin*” it is understood as “his law” referring to *Kitchi-Manito*.

When referring to both laws they are recognized as “*Itasuwewina*” or “*Itasuwewin*”, one and the same concept. Cree children are taught early to understand “*Itasuwewina*” extended to the people, environment and the animals. The laws are not written; rather, they are taught by example and learned behaviour from one’s relationship with the land and environment. When Commissioners for the *Royal Commission on Aboriginal Peoples Report* (1999), explored the concept of Aboriginal spirituality and law, they found that:

[T]heir world was filled with mystery, but there were rules and personal guides, in the form of wisdom handed down from ancestors and spiritual helpers who were available, if properly approached, to aid them in pursuit of good life. It was the responsibility of every person to learn the rules, to acquire the measure of spiritual power appropriate to his or her situation, and to exercise that power in accordance with the ethical system given to the whole society as ‘wisdom’. Failure to do so would have repercussions not only for the individual; his or her transgressions of spiritual laws could cause hardship for family members and associates in the community¹⁰⁷ (RCAP, V.1, p.629)

Preston (2002), studying the James Bay Cree, explained how children were taught early to understand proper behavior and to learn adult standards. Through ceremonies children were taught protocols¹⁰⁸ (p.72.). Gray (2006), in her research on the Ojibwa using the work of A. Irving Hallowell in the 1930s, found that children already had extensive knowledge of the “*midiwiwin* and *shake-tent*” rituals¹⁰⁹ (p.xx). The beliefs and values system taught to children encouraged them to keep spirituality at the center of

¹⁰⁷ Report of the Royal Commission on Aboriginal Peoples, Vol.1, *supra* note 13, p. 629.

¹⁰⁸ Richard J. Preston, *Cree Narrative*, *supra* note 18, p. 72.

¹⁰⁹ Susan Elaine Gray, *I will Fear No Evil: Ojibwa-Missionary Encounters Along the Berens River, 1875-1940* (Calgary: University of Calgary Press 2006), p. xx; *supra* note 78.

their lives. Children were taught moral responsibility to themselves, to their families and to all living elements. They grew up understanding the concept of “*Ojina*” when one was not living in balance and harmony. They were told of spiritual punishment that could impact four generations. The concept of living with the forces in the ecosystem was explained by James Youngblood (Sakej) Henderson (2000):

Most Aboriginal Laws do not have a conception of rights as being something towering above the natural and the social worlds that surround them. Aboriginal law, religion, childrearing, and art all express an ecological unity that is seen as inseparable. This solidarity creates an implicate mechanism by which ecological order presupposes and evokes order in the soul... .What is defined as law is about living with the forces of the ecosystem, which is understood as a sacred realm. The Algonquian concept of dignity thus becomes a model of proper conduct toward nature and humans, which is transmitted as part of the experience of learning to participate in the great flux¹¹⁰ (p.271).

Children were not spared from learning the laws attached to ceremonies and they were kept in control by their parents with “verbal threats” of the consequence of transgression. All effort was focused to teach Preston’s (2002) research on the James Bay Quebec Cree, providing this description of how a person deliberately controlled their own actions:

[D]ue to the lack of no formal external social controls and to the prevalence of self controlled social standardization. To an unusual extent, social control in Cree culture is embedded in the knowledge and will of each individual. A person deliberately controls his own acts, with the control

¹¹⁰ James (Sakej) Youngblood Henderson, *Ayukpachi*, *supra* note 14, p. 271.

deriving partly from his knowledge of the consequence of transgression¹¹¹ (p.78).

As “*Kitchi-Manito*” granted all living elements a spirit (*achak*), it is this that guides the Cree peoples through their daily life. *Achak* observes all actions; and therefore living life in harmony and balance was an obligation each family member had to carry because of their fear to offend the spirits. This was explained by Ross (2006), studying traditional Cree and Ojibway worldviews, about spirits that are both powerful and real:

They required constant attention. Ignoring their presence was an invitation to disaster at their hands. Given the constant preoccupation, the design of ethics governing behaviour between *people* had to incorporate ethics governing how the spirits were treated as well¹¹² (Ross, 2006:p:65).

Good behaviour was strongly urged and everyone was obligated to instill positive behaviour, as Warry (1998) explains:

People stressed that it was the responsibility of communities (not simply of families) to teach children language, culture, and spirituality in order to inculcate in them cultural values that are essential to the promotion of good behaviour and positive self esteem¹¹³ (Warry 1998:p:210).

Borrows (2010) in *Canada’s Indigenous Constitutions* provides a glimpse of what is understood as Cree legal traditions today; and they include many fundamental

¹¹¹ Richard J. Preston *Cree Narrative Memory*, *supra* note 18, p. 78.

¹¹² Rupert Ross, *Dancing with A Ghost: Exploring Aboriginal Reality* (Toronto: Penguin Canada, 2006) (First Published by Reed Books Canada, 1992), p. 65.

¹¹³ Wayne Warry, *Unfinished Dreams: Community Healing and the Reality of Aboriginal Self-Government* (Toronto: University of Toronto Press, 1998), p. 210.

principles expressed in words such as “*wahkotowin*”, referring to having relations to all; *miyo-wicehtowin* [*mino-wicehtowin*] meaning to live a positive life; *pastahowin*, when one commits a sin; *ohcinewin*, [*ojina*] referring to spiritual punishment; and *kwayasktotamowin*”, which refers to good behaviour.¹¹⁴ These concepts are reminders for how one is to conduct and carry everyday life as part of Cree “*Itasuwewina*”.

“*Itasuwewina*” [laws] as given by “*Kitchi-Manito*” are enshrined in the seven sacred teachings, or the seven sacred laws recognized today as values or principles. They are “*Pakwaynamatowin*” (sharing), “*Sahkiwewin*” (love), “*Kistenchikewin*” (respect), “*Kiskentamowin*” (wisdom), “*Tapatenimowin*” (humility), “*Tapwewin*” (honesty), and “*Sokenimowin*” (courage). “*Itasuwewina*” grounded in the concept of law, guiding the social behaviour of the Cree; and they existed pre-contact and continue to do so today. I have heard Elders speak about *Itasuwenwina* in ceremonies and they will begin by sharing the sacred seven teachings and say this is how we were told to live because this is “*Itasuwewin*” ’ (law). They never fail to refer to “*Kitchi-Manito*” who set the laws, explaining that when a person is not following the laws they have “crossed the line” and their actions can result in *Pastahwewin* (sin). Scholars such as Bird (2007), Brightman (1973), Wilson (2008) have defined this concept, explained by Borrow’s 2010, in his research for “*Drawing out the Law*”:

There were natural laws that could not be ignored...*pashtahowin*...this is a sacred word and means ‘consequences for crossing the line’...if someone does something that is not right, that transgression will eventually come back to them. If someone goes against the Creator’s law, things will not go right for that

¹¹⁴ John Borrows, *Canada’s Indigenous Constitution*, *supra* note 27, p. 84.

person...Individuals must make choices, but they can't always choose the consequence that follows ¹¹⁵(109).

When a person “crossed a line” they received punishment for the offence and experienced a difficult time in their lives until they had learned their lesson. Borrow’s (2010), as well as Brown & Brightman (1988), explained the concept of “*Ojina*¹¹⁶; and Elder Spence (2004) had this to say when he spoke on the teaching of “*Kiskentamowin*” (wisdom):

Those people that experience difficult time in their lives ...experience this difficult time because they are not listening, they are not following the ways of the people...they are being taught a lesson and they will continue to experience this difficult time until they follow the ways¹¹⁷ (p.95).

To the Cree, the teaching of “*Kiskentamowin*” (wisdom) provides insights on experiences gained; and when applied as part of daily life, it can serve as a guide to making wise choices in life.

To bring law and order the Cree observed traditional practices in social order and political functions developed by their people. As found by Pettipas 1994:

[C]onflicts between families were resolved through established customary laws. The process of conflict resolution generally involved an obligatory mutual exchange of propitiatory gifts ¹¹⁸(p.46).

The practice and use of public authority was witnessed by Father Joseph Aubery in the

¹¹⁵ John Borrow (Kegeedonce), *Drawing out the Law: A Spirits Guide* (Toronto: University of Toronto Press, 2010), p. 109.

¹¹⁶ “*Ojina*” is also spelled “*ohcinewin*” or “*ohcineew*” depending on the dialect.

¹¹⁷ Elder Late Wellington Spence, *supra* note 4, p. 95

¹¹⁸ Katherine Pettipas, *Severing the Ties that Bind*, *supra* note 49, p. 46.

Jesuit Relations during the period of 1610-1791, who took advantage to use this method to address evil caused by drunkenness and impurity at his mission:

The notables - that is to say, the elders – and the captains of war-parties assemble. A speaker rises in their midst, and pronounces a discourse. If he perorates aptly, eloquently, or cleverly, he wins his cause; if timidly, hesitatingly, inelegantly, his cause his lost. Therefore, after I understood that the elders and the chiefs of greatest authority were of my sentiment, I demanded a council. It was granted; they assembled. I arose...I spoke in so loud a tone, with such vehemence... . They are swayed by reason, and the eloquence of him who would convince only, -to wit, that he place argument in good light, and expose it without ornament or disguise. Once the point is known and proved they surrender....The Assembly enacted a decree of banishment against profligates, and vice was stripped of all ascendancy. Now no one may sin with impunity; no one may stalk forth for the ruin of others by the wickedness of his example. In order that the whole work might be more firm and lasting, I endeavoured to have a decree issued not in my name, but by public authority. The advantage of this policy was that the elders and chiefs of the people became avengers and guardians of virtue, as being their own business, established by themselves. The principle debauchers cursed their crimes, and were brought to [s]alutary penitence; the others were forced to change either their morals or their [h]ome ¹¹⁹(Vol. LXV1, p.177).

Like other Aboriginal groups, the Cree Nation's political system was structured around societies often called Warrior (*Okihtsitawak*) Society, Prairie Chicken, Buffalo Society, Rattlers Society and Women's Society, each serving an important function in the tribe. The societies were established to maintain law and order in the community and these

¹¹⁹ Father Joseph Aubery, *Jesuits Relations and Allied Documents 1610-1791*, Vol. LXVI, (Pageant Company Book, 1959), p. 177.

“laws [were] made by the people and obeyed by the people”¹²⁰ (Ahenakew1973:147). “There were two strong laws...fundamental to the well-being and safety of the band”¹²¹ (*Ibid.*146). The first was that one could not separate one’s self from the tribe and the other was that no one could start a hunt until all hunters were ready.

According to Mandelbaum (1979), in the Warrior Society, the members would come together and choose a Warrior Chief whose “authority was confined to those activities performed by the Warriors as a group. He held dances and directed policing operations” ¹²²(p:113). Any differences were resolved by bringing the parties together and often the Chief would get involved because:

It was incumbent upon the Chief to maintain order and peace in his camp.... gift giving was the socially accepted method of mollifying an aggrieved person and this way, the Chief eased troublesome situations¹²³ (Mandelbaum:1979:106).

Members of the Warrior Society were those who had influence in the tribe and who had also proven their bravery and courage. “They were both feared and respected, their authority seldom being questioned” ¹²⁴(Ahenakew:1973:147). Dion (1979) explained that the Cree held various dances that included the thirst dance or the sun dance, prairie chicken society dance, buffalo dance, chicken dance, moving camp, horse dance, Witigo dance, wapiti society dance, bear dance, medicine dance, ghost dance, give away dance, and calumet dance. These dances associated with maintaining order. As an

¹²⁰ Edward Ahenakew *Voices of the Plains Cree*, *supra* note 20, p. 147.

¹²¹ *Ibid.* p. 146.

¹²² David G. Mandelbaum, *The Plains Cree*, *supra* note 52, p. 113.

¹²³ *Ibid.* p. 106

¹²⁴ Edward Ahenakew, *Voices of the Plains Cree*, *supra* note 20, p. 147.

example, the prairie chicken dance was associated with responsibility to the camp. It was a men's dance that involved "brave honest men for they were responsible for keeping the large camp well organized"¹²⁵ (p.42). The calumet dance, carried out to "create co-operation and a close friendship among the leaders of the various bands"¹²⁶ (Ibid:53), involved smoking a pipe:

The pipe was used at important functions such as in peace talks with other tribes. It was also employed as a last resort to dissuade some warriors from carrying out a contemplated rash act such as killing ¹²⁷(Dion:1996:52).

The Warrior Societies were more for peacekeeping than warfare. They served in keeping peace so that no harm would come to their families. It was the responsibility of both the Chief and the Warrior Society "to keep peace and order in camp, to step between quarrelling men, to use force, persuasion, gifts, and the influence of the Sacred pipestem in restoring harmony"¹²⁸ (Carpenter:1999:124). The sacred pipestem was used to keep peace among tribal members and used to make peace with enemies and other tribes. The pipestem bundle was referred to as "*oskitci*" and was "three or four feet long, elaborately decorated with quills, beads, furs, and feathers" ¹²⁹(Mandelbaum 1979, p.172).

The significance of the "*oskitci*" was explained by Fine Day who described it as the most sacred object kept by the Cree Nation. It was said that " [w]hen a man has a

¹²⁵ Joseph F. Dion, *My Tribes the Crees*, *supra* note 47, p. 42.

¹²⁶ *Ibid*, p. 53.

¹²⁷ *Ibid*, p. 52.

¹²⁸ James Carpenter "*Musshekegowuk Cree*", *supra* note 61, p. 124.

¹²⁹ David G. Mandelbaum, *The Plains Cree*, *supra* note 52, p. 172.

Sacred Pipe Bundle it is as though he has Manitou with him all the time”¹³⁰(Fine Day, 1973:p.18). As found by Mandelbaum (1979), the “*oskitci*” was a sacred bundle used to settle disputes and to bring harmony to the tribe. The tribal members knew the significance of the “*oskitci*” and everyone respected it when it was present. The person who was the keeper of the “*oskitci*” was obligated to be fearless, kind and show big-heartedness; as well, he was required to demonstrate self-control and to be an example to other tribal members¹³¹ (p.172). Fine Day (1973) explained that to be a keeper of a pipestem was a great responsibility and often because of that responsibility many preferred not to take it. To be a pipestem keeper the owner was expected “to have a good heart and [must] never be mad”¹³² (p.18). Ray, Miller and Tough (2000), explain the pipestem as a powerful symbol commonly used by the Cree Nations during the trade exchange. When the pipestem was used it signified telling the truth during diplomatic negotiations¹³³ (p.92).

The laws of the Cree Nations were passed orally and the Elders were the teachers. They taught ethics that encouraged positive behaviour, encouraging social order through self-discipline and moral responsibility to family and tribe, where any disrespect brought a consequence. Milloy (1988) stressed that “it should not be assumed ...that individual freedom was boundless. The rule of law (or the rule of custom) is everywhere evident in the structure of coup-ranking, in the standardized conduct expected by the warrior

¹³⁰ Fine Day, *My Cree People*, *supra* note 43, p. 18.

¹³¹ David G. Mandelbaum, *The Plains Cree*, *supra* note 52, p. 172.

¹³² Fine Day, *My Cree People*, *supra* note 43, p. 18.

¹³³ Arthur J. Ray, Jim Miller and Frank Tough, *Bounty and Benevolence: A History of Saskatchewan Treaties* (Montreal: McGill-Queens University Press, 2000), p. 92.

society and... in the Cree religious systems”¹³⁴ (p:79). Patterson (1972) explained coup-ranking as an element of honour, that a person gained prestige through acts of bravery¹³⁵.

The traditional justice system of the Cree Nation existed pre-contact and was based on punishments that included fasting that lasted anywhere from four to eight days to a maximum of twenty eight days. As in the case of the Cree Nation, Elder Wellington Spence (2000) explained:

Our people had their own laws, they enforced these laws and the punishment people received was that they were not fed for four days. This was done to a person so they would learn something, to and understand where they did wrong and where they went wrong with the teachings. Four days a person was not fed and if they were caught doing something wrong again they would do it again but this time they will fast for eight days...and this can done up to twenty eight days and it is done for the purpose to understand and think about the wrong that was done. We had no jails like we do today, there was no need for them¹³⁶.

An Elder shared a role that he had in his community. This role was to discipline those thought to be misbehaving, such as being too noisy or being at a forbidden place. He referred to himself as “*Opakamawaso*”. This gave him authority to correct the behaviour of children. To carry out his responsibility he carried a stick and children would hide when they saw him coming. While he stated that he never actually used the stick, the role he had in the community was enough to cause fear and this fear alone enforced

¹³⁴ John S. Milloy, *The Plains Cree*, *supra* note 59, p. 79.

¹³⁵ E, Palmer Patterson, *The Canadian Indian: A History Since 1500* (Toronto: Collier-Macmillan Canada Ltd., 1972), p. 93.

¹³⁶ Late Elder Wellington Spence (Personal Communication 2000).

positive behaviour in the community. Bird ¹³⁷(2007) explained Cree children were taught disciplinary instructions. These instructions were told through stories of events that took place when children were not listening, especially at night; and the noise they made would result in the consequence of attracting the “*Whittigo*”, an evil spirit who could harm them. Such stories brought great fear and they alone motivated corrective behaviour. Carpenter (1999) shared an experience he had with an Elder who used willows to scare children and in describing his experience, “they had willows sent in so the Elders can feel powerful but not with the intent to hit the children, just so that they will understand or listen” ¹³⁸(p.221).

The laws of Aboriginal people were recognized but not understood by the earlier European occupiers. Letitia Hargraves, a Hudson’s Bay Company’s Chief Factor’s wife residing at York Factory, 1838 to 1852, described her life and encounters with the York Factory Cree. She related an incident of an Indian by the name of Abisha-bish who committed a crime; but instead of the Fort taking steps to investigate the crime according to Company law, they left it for the Cree to deal with, because “the Indians have their own laws, [and] we do not interfere”¹³⁹ (p.102). Today, traditional Cree law is still not clearly understood as a result of other belief systems and influences, namely the exclusory demands of the Euro-Canadian and Christian legal regimes.

Borrow’s (2010) stated that Indigenous law can be confusing because it is based on many sources. Failing to understand the concepts framing Indigenous law, due to ignorance and prejudice, Borrows suggests that:

¹³⁷ Louis Bird and Susan Elaine Gray, *The Spirit Lives in the Mind*, *supra* note 78, p. 146.

¹³⁸ James Carpenter, *Mushkegowuk Cree*, *supra* note 61, p. 221.

¹³⁹ Margaret A. Macleod, *The Letters of Letitia Hargrave*, *supra* note 85, p. 102.

... Indigenous laws may need to be reframed to make them easier to understand...some indigenous laws contain too many anachronistic elements to be intelligible in our day. They may need to be made clearer by restating or revisiting them in ways that bring greater specificity or precision to assist with their eventual application¹⁴⁰(p.139).

The problem today with many scholars studying Indigenous concepts and theories is that they do not fully understand the language to translate Cree concepts properly to the English language. Preston's (2002) research on the James Bay Cree shared this challenge, stating that:

[T]here is no substitute for the depth, detail, and precision of learning Cree culture via the Cree language. Partly due to the language barrier...The major problem in regard to language learning and use is that total, precise mastery is both difficult for the non-Cree and important to the Cree. It is especially necessary if one is to obtain a sophisticated grasp of Cree meanings, in Cree terms, through the habitual subtleties of informal conversation¹⁴¹ (p.66).

Borrows (2010) provides a broad understanding of Indigenous law; and his work specific to individual Indigenous groups will certainly generate debate and may draw criticism for the terms he uses in framing indigenous law. Specifically, I draw attention to the Cree in which he states that their law keepers were known as "*Onisinweuk*". The correct term is that they are known as "*Wunasiwayiniwak*".

Recently at an Elders meeting on 17 April 2013, I heard concerns of the Cree language and that many children do not speak and thus cannot fully understand the

¹⁴⁰ John Borrows, *Canada's Indigenous Constitution*, *supra* note 27, p. 139.

¹⁴¹ Richard J. Preston *Cree Narrative*, *supra* note 18, p. 66.

teachings. They say the children need to be taught “*Kiskenitamowin*” (teachings). Their learning must come from the Cree language to understand fully who they are and where they come from. Today, First Nations are faced with a challenging task because many First Nations communities are “framed by two values systems that are fundamentally opposed. One still rooted in traditional teachings, structures and social and cultural relations; the other, imposed by the colonial state, structures, [and] politics”¹⁴²(Alfred:1999:1). Many Elders including scholars will concur that indigenous culture is in the language, and it is through their own language that laws are taught through ceremonies and storytelling. When using Cree words to define where law originates, they provide a clear understanding that “*Owanusiwewin*” are laws that are set and belong to “*Kitchi-Manito*”, because they apply to all spiritual elements; while “*Wanasiwewin*” are laws that belong to the people which they must fulfill in carrying out their sacred responsibilities in this life.

Embracing Cree Ways of Knowing

To live and follow Aboriginal ways of knowing requires a person to have a strong commitment and dedication that involves spiritual sacrifice. As explained by Preston (2002), on conjuring:

It involves some sacrifice of the man’s freedom and autonomy, and puts one in a more or less obliged status with respect to the wishes of the *Mistabeo*¹⁴³ (p. 127)

¹⁴² Taiaiaike Alfred, *Peace Power Righteousness*, *supra* note 30, p. 1.

¹⁴³ Richard J. Preston, *Cree Narrative*, *supra* note 18, p. 127.

As we begin to understand Aboriginal spirituality, and what Elders have been telling us about our ways of knowing, we can no longer ignore their messages and contents. We must listen to the messages received in ceremonies and this includes acknowledging the spirits that come through “*pawamowin*” (dreaming) as sources of knowledge, reminding us that our whole way of life is grounded in our spirituality.

The Elders say our “*pawamowin*” are messages from our grandfathers and grandmothers who have passed on, from the spirit world where messages and directions are received. This source of knowledge has continued to exist despite colonial, specifically Christian, influences; and it continues to be generationally transferred. This is an entrance point to the spiritual world from which messages and directions are received. “*Pawamowin*” (dreams) are meant to give direction and to be acted upon. Bird (2007), Brightman (1973), Angel (2002) and Rice (2005) explain the significance of dreams and connection to the spiritual world and as Warry (1998) explains:

[F]or Aboriginal people there is a tangible and visceral meaning to dreaming. Unlike Euro-Canadians, many Aboriginal people do not draw up a sharp distinction between conscious waking and dream states. Hunters dream about animals, and when waking, know where to hunt. Dreams can also be essential components in healing and provide clues to recovery from spiritual illness.... Dreams often are entrance points to the spiritual world; people speak of their dreams in tangible ways, as containing messages or lessons that are acted upon or that give guidance to everyday life.¹⁴⁴ (Warry, 1998: p.14).

Ahenakew (1995) explains dreaming as where the spirit enhances and strengthens a person. He explains this concept as he discusses an evil spirit known to the Cree Nation as “*Witiko*” who had been bothering an individual who wanted to be rid of him through

¹⁴⁴ Wayne Warry *Unfinished Dreams*, *supra* note 113, p. 14.

dreaming. To accomplish this mission:

Now the spirit power (*pu-wa-mi-win*) that is secured through dreams, according to our belief, enhances and strengthens a person. We have all heard of those in dreams have been adopted by a spirit that dwells in nature, or by many spirits, some more powerful than others. This is one of the oldest and most prevalent of Indian beliefs. A person so endowed-man, a woman, even a child- does not depend upon any physical strength, but upon the spirit power given through dreams, and will not only sense the approach of danger, but is willing to meet and kill the *We-ti-ko*¹⁴⁵ (p. 65).

“*Pawamowin*” viewed as a way of communicating with the spirits, is a belief that existed at first European contact, as the Jesuits recorded during their mission in 1647 and 1648.

In one encounter a Father asked a potential convert what his reasons were for not yielding to Christianity. The Father wrote the response he received:

He told me that the Savages died of hunger and disease because they amused themselves with certain words or prayer that were taught them; that moreover, he had seen the place where the souls of the baptized and of the unbaptized go and that it is neither Heaven nor the pit, but a place toward the setting Sun, where they meet together.”...when peoples minds have been preoccupied for so many centuries, and they are born with such dreams, and suck them with their mothers’ milk, they do not abandon them easily ¹⁴⁶(Vol. 33, p. 25).

In Ronald Niezen’s (1998) research on the James Bay Cree, using the work of Robert Brightman (1993) and Speck (1997), Cree hunting was grounded on spirituality and rules of hunting that involved communication with animals through dreams:

¹⁴⁵ Edward Ahenakew, *Voices of the Plains Cree*, *supra* note 20, p. 65.

¹⁴⁶ *Jesuits Relations and Allied Documents*, Vols. XXXII-XXXIII, *supra* note 89, p. 25.

Married couples often pay close attention to the woman's dream, which are thought to be directly tied to her husband's chances of bringing home game. Metaphoric symbolism is usually found to have some connection with hunting and trapping activity in the future, sometimes in a direct way, such as a dream about the spirituality powerful bear, or more indirectly, as in dreams about animals in human form.... In dreaming, as in some other spiritual activities related to hunting, there is no sharp boundary between divination and ritual, prediction and control¹⁴⁷ (Niezen, 1998, p.29).

Angel (2002), in his research on the Ojibwa found that dreaming served as an important aspect in Anishinaabe life, because dreaming was viewed as a channel through which teachings are passed or new teachings are revealed¹⁴⁸ (p.27). John Borrows (2010) also finds in the Anishinaabe that dreams were given high regard and carried great power:

In fact, some dreams could not be shared because they were too sacred. Others could be openly spoken of only if they were not connected to some ceremonial rite of passage. And still other dreams could be widely circulated, because they contained more generalized lessons¹⁴⁹ (p.5).

To the Cree, belief in "*pawamowin*" is strong. I grew up hearing about "*pawamowin*"; my paternal great-grandparents had their own *Opawakana*, which are spiritual helpers. These "*Opawakanak*" are either in the form of a bird or a four legged animal. There was one time when my great aunt's son went on a fishing trip by boat and failed to return

¹⁴⁷ Ronald Niezen, *Defending the Land: Sovereignty and the Forest life in James Bay Cree Society* (Boston: Allyn & Bacon, 1998), p. 29.

¹⁴⁸ Michael Angel, *Historical Perspective on The Ojibway Midewiwin: Preserving the Sacred* (Winnipeg: University of Manitoba Press, 2002), p. 27.

¹⁴⁹ John Borrows, *Canada's Indigenous Constitution*, *supra* note 27, p. 5.

home on time. My grandmother and great aunt came together to discuss what could have possibly happened, without dwelling on any tragedy he might have come upon. My great aunt decided that over the night she would seek her “*Opawakana*” to find out what happened to her son. The next day she came back to my grandmother’s house and shared the message she received from her “*Opawakana*”. She announced that the son was well and that he was only delayed as a result of the storm and that he would be home once it subsided. Later that evening he made it home safe and sound.

My understanding of this experience was that my great aunt had invoked her spiritual helper to seek out her son to find out what happened to him. Niezen (1998), using Brightman’s (1993) research, would call this volitional dreaming; a person deliberately attempts a dream about a specific desire or to improve success¹⁵⁰ (p.29). In the case of my great aunt, she deliberately sought her spiritual helper to find out what happened to her son.

A person who wishes to receive translation of a dream will often seek advice from a dreamer and with the offering of tobacco or a gift will receive what they are seeking. The person dreams about receiving messages for what may be desired by the spirits or in some cases what may be ailing them at the time. However, most often messages are either to do something, such as conduct a feast ceremony, and or to go fasting or to put out flag offerings. Not all people are naturally gifted to translate dreams; those who can translate dreams have mastered a skill that many traditional people consider a gift from *Kitchi-Manito*.

¹⁵⁰ Ronald Niezen, *Defending the Land*, *supra* note 147, p. 29.

Our Elders today continue to remind us of the gift of life and all that was provided for our survival. We are reminded of the connection that we have with all living elements and how we must always be mindful of the spirits who are everywhere and always watching. The Elders remind us to live by Cree principles, to maintain social order through self-discipline, because we have a moral responsibility to our families and our environment. As a spiritual people we are obligated to maintain this way of life, as we understand the concept of “*Ojina*”.

This law of nature, transmitted by storytelling, artwork, songs and traditional dancing remains well accepted in the twenty-first century. However, the transfer of spiritual knowledge through dreaming has rarely been openly discussed or shared with Euro-Canadians, fearing that it may be viewed as devil worship. There is still fear regarding Aboriginal spirituality.

The suspicious, even dismissive, attitude held by European explorers remains the same in modern Canadian society, as it frames the spiritual beliefs and traditional practices of the Cree. Aboriginal people continue to conduct ceremonies in the privacy of their homes and are secretive and protective toward these ceremonies. As an example, many sweat lodges are built right inside a sheltered structure that is invisible to the public eye. Due to past federal governmental legislation, beginning with the *Indian Act*, many ceremonies and practices of the past remain sheltered and conducted underground. As found by Angel (2002) in his research on the Ojibwa *Midewiwin*:

As Euro-American society exerted increasing pressure on the Ojibwa to give up their “traditional” beliefs, practitioners were forced to go underground in their

activities¹⁵¹ (p.15).

I have attended many sweat ceremonies where sweat lodges are still sheltered in a house structure. This must change to avoid further disrupting the passing of traditional knowledge and teachings that many Aboriginal children need to learn, if they are to start living as a spiritual people.

Grandfathers and grandmothers continue to speak to their people through dreams and are waiting to be acknowledged as spiritual guides. Elder Wellington Spence (2000) explained that “there are two forms of education, one is the whiteman’s teachings and the other one is the traditional way”¹⁵². Elder Sandy Beardy (2000) shared his belief on “being looked after from above”¹⁵³. This is a belief that is carried by many Cree because, under “*Tapwetamowin*”, it is “*Kitchi-Manito*” who watches each daily life.

Today, Cree spirituality is a concept that is not readily understood, as Euro-Canadian legislative efforts have forced a new way of life on Aboriginal people. But our Aboriginal source of knowledge has continued to flow from our spirituality, despite colonial influences. While we may not fully understand our Aboriginal ways of knowing, re-learning what we know from Elders about these practices is critical for our children’s future. Many Aboriginal children today are abused, some even have died, being cared for by their own care-givers. Some youths are beating up Elders, committing violence with no regard or respect for life. Our Aboriginal ways of knowing have been in secrecy for far too long and now must be understood. Aboriginal people, along with their

¹⁵¹ Michael Angel *Historical Perspective on The Ojibway Midewiwin*, *supra* note 148, p. 15.

¹⁵² Elder Wellington Spence, (personal communication 2000), As cited in my Master’s Thesis, *supra* note 4, p. 100.

¹⁵³ Elder Sandy Beardy, *Ibid*, p. 103.

traditional spiritual leaders, must take a stand to put things back in order, to make spirituality and law connect.

Chapter Four: European Evidence for Cree Spirituality and Law

Introduction

This literature review draws from Jesuit relationships with Aboriginal people which began shortly after their arrival on the shores of Nova Scotia around 1611. Making their way through the new country to support creation of a New France, the Jesuits did not waste time, learning as much as they could about the Aboriginal peoples. Making every effort to learn and know them intimately they set out to learn about their daily lives and recorded and documented what they saw.

The *Jesuit Relations and the Allied Documents*, during the seventeenth and early eighteenth centuries, record Aboriginal customs before European civilization impacted their daily lives. The documents recorded Aboriginal spiritualism, rules, dreams, rituals, ceremonies and customs based on Jesuit understanding and interpretation. This section explores and interprets documents written by the Jesuits about the Algonquian tribes, specifically the Cree Nation.

These Christian missionaries brought their religion through the St. Lawrence River Valley of Lower Canada (Quebec), encountering many obstacles and challenges. France and England were in constant conflict in their quest to conquer a land of rich soil, plentiful natural resources and precious metals, with an abundance of fish and furs, favoured commodities in Catholic Europe. While various motives may have led them to pursue their new world, the overall motive was to convert the Aboriginal Nations to the Catholic faith, as deliberate cultural assimilation from the start.

Father Biard's *Relation* from New France dated from 1611 to 1616, described climate, environment and inhabitants, the mode of life at the time of his encounters, even the type of clothing worn. The livelihood and relationships among tribes encountered included how they organized tribal polity. He described medicines used, practices of witchcraft, and how they treated their dead¹⁵⁴ (Vol.III, p.1). In describing their polity and government, Father Biard (1611-1616), shared this observation:

There is the Sagamore, who is the eldest son of some powerful family, and consequently also is chief and leader, All the people of the family are at his table and in his retinue; it is also his duty to provide dogs for the chase, canoes for transportation, provisions and reserves for bad weather and expeditions. The young people flatter him, hunt and serve their apprenticeship under him, not being allowed to have anything before they are married, for then only can they have a dog and a bag; that is, have something of their own, and do for themselves. Nevertheless they continue to live under the authority of the Sagamore, and very often in his company; as also do several others who have no relations, or those who of their own free will place themselves under his protection and guidance, being weak themselves and without following¹⁵⁵ (Vol. III, p.87).

He explained that they only came together in the summer to hold Council meetings, while in the winter they were out in their winter camps. During the summer at Council meetings they exchanged gifts and “consult amongst themselves about peace, war, treaties of

¹⁵⁴ Reuben Gold Thwaites (ed.), *The Jesuit Relations and Allied Documents: Travels and Explorations of the Jesuit Missionaries in New France 1610-1791*, Vol. 3 (New York, Pageant Book Company 1959), p. 1.

¹⁵⁵ *Ibid*, p. 87.

friendship and treaties for the common good” ¹⁵⁶(*Ibid*, p.89). The meetings were overseen by the leader, who was the only one allowed to speak unless there was an “old and renowned *Autimoins*, who are like their Priests for they respect them very much and give them hearing”¹⁵⁷ (*Ibid.*,p.91). In some Tribes a leader was both a *Sagamour* and an *Autimoin*, feared by followers.

In describing the religion of the new world, the Jesuits could not explain how this concept was understood and therefore had a difficult time, as in a letter written by Gabriel Marest to Father Germon, dated 1712:

It would be difficult to say what the religion of our savages is; it consists solely of certain superstitions, by which their credulity is gratified. As all their knowledge is limited to the knowledge of animals, and of the needs of life, so it is these things that all their worship is limited. The charlatants who have little more intellect than the others, win their respect by skill in deceiving them. They persuade them that they are honouring a sort of Spirit, to whom they give the name *Manitou*; to hear them speak, it is this Spirit who governs all things, and who is the master of life, and death¹⁵⁸ (Vol. 66, p. 233).

The Jesuits immediately saw that the “charlatants” had great authority and were going to be obstacles in the conversion of the tribes to Christianity. Therefore, the Jesuits began to scheme ways to discredit the “charlatants”, to convince the tribes that they were listening to false prophets and that their religion was nothing more than

¹⁵⁶ *Ibid*, p. 89.

¹⁵⁷ *Ibid*, p. 91.

¹⁵⁸ Reuben Gold Thwaites, *Jesuit Relations and Allied Documents*, Vol. 66, *supra* note 154, p. 233.

superstition. Thus, they began to ridicule and call down all those who were recognized as “charlatants”.

Making their way westward across the regions the Jesuits established missions and various Fathers were assigned to work on conversion while documenting their encounters. Father Paulus Ragueneau’s *Relations* dated from 1647 to 1648, providing a brief summary of the mission among the Algonquins; and he described struggles encountered and the efforts put forward. He explained “[t]hese Algonkins (*sic*) are all nomadic, and a mission to them involves almost inconceivable hardship and fatigue, since the Fathers must follow their congregations through the forests and over lakes...”¹⁵⁹ (Vol. 33, p.14). They travelled and lived with these Aboriginal Cree peoples.

The Jesuits devoted themselves to learning the many languages among the different tribes who lived afar from them. Their reasoning for learning the languages was to make it easier in their work to convert the tribes. A letter written to Father Jerome l’Allemant from Father Charles L’Allemant, Superior of the Mission of Canadas, of the Society of Jesus, dated 1st of August 1626, noted the following:

The conversion of the Savages takes time. The first six or seven years will appear sterile to some; and, if I should say ten to twelve, I would possibly not be far from the truth
¹⁶⁰(Vol. 4, p. 223).

The letter was intended to seek support to continue with the missionary efforts and to “request those who are interested in this country not to be disappointed if they do not

¹⁵⁹ Reuben Gold Thwaites, *Jesuit Relations and Allied Documents*, Vol. 33, *supra* note 154, p. 14.

¹⁶⁰ Reuben Gold Thwaites, *Jesuit Relations and Allied Documents*, Vol. 4, *supra* note 154, p. 223.

promptly receive news of the hoped-for converts”¹⁶¹ (*Ibid*, p.223). In their desperate plea for support they arranged to have a Huron child go to France with support from the Captain of the Nation, the Jesuit description of a chief or leader. Father C. L’Allemant urged in his letter the importance of instruction because “it will open the way to many tribes where he will be very useful” ¹⁶²(*Ibid*, p.225).

The Jesuits were strategic in their efforts and planned to succeed in converting all Aboriginal tribes. They recognized early that children were sacred to the Aboriginal culture and that if children were taught Christianity early in life they could more quickly replace the traditional and cultural lifestyle. It made sense to target the children and teach them the gospel because they were fast learners, whereas their parents and grandparents were slow to give up their spirituality.

The Jesuits found the Algonquins to be occupying a greater portion of the new country, with approximately 90,000 souls. They described them as “savages” with rude manners and as warlike, depending on hunting, fishing but also on agriculture. They lived in wigwams made of bark, skins and matted reeds. Accordingly, the Jesuits considered the Algonquin Nation to have taken a greater part in the history of Canada, as it was their lands that became highly populated by both the French and English¹⁶³ (Vol 1, p.10).

In 1694, Father Gabriel Marest documented his experience and travel to the northern region. He noted that this expedition had been attempted on several occasions as part of a plan to open a new way to China and Japan, likely due to Anglo-French

¹⁶¹ Reuben Gold Thwaites, *Jesuit Relations and Allied Documents*, Vol. 4, *supra* note 154, p. 233.

¹⁶² *Ibid*, Vol. 4, p. 225.

¹⁶³ Reuben Gold Thwaites, *Jesuit Relations and Allied Documents*, Vol. 1, *supra* note 154, p. 10.

rivalry becoming more intense. However, opening a new pathway through the north was not successful, as icebergs made it impassible. In 1611, an Englishman by the name of Henry Hudson had been responsible and successful in reaching the far north; and it was through his efforts and success that the English were able to establish a settlement known today as Hudson's Bay. As country food and game was abundant in the north the English began to trade with the northern tribes¹⁶⁴ (Vol. 66, p 69).

As chaplain for the French, Father Marest accompanied Monsieur d'Iberville, considered the bravest captain in New France, on an expedition to the north to seize posts which the English were holding on Hudson's Bay¹⁶⁵ (Vol. 66, p. 77). They set sail on 10 August 1694 and the journey to the Hudson's Bay was not without challenges, dealing with weather conditions, concern over food and water, and safety of the crew. However, the expedition successfully arrived on 24 September, a voyage that took forty five days. The French secured the English Fort and with this success set up winter quarters.

During this expedition, Father Marest documented their voyage and encounters with Aboriginal tribes and the most important were the *Assiniboelles* [Assiniboines] and the *Krigs* or otherwise the *Kiristinnons* [Crees]¹⁶⁶ (Vol.66.p.107). Father Marest thought it necessary to learn the languages of both tribes if missionary efforts were to succeed; thus he made every effort and began a dictionary of the words he learned¹⁶⁷ (Vol. 66. p.105). Father Marest encouraged missionary efforts to be directed toward the numerous Crees and Assiniboines. He further noted:

¹⁶⁴ Reuben Gold Thwaites, *Jesuit Relations and Allied Documents*, Vol. 66, *supra* note 154, p. 69.

¹⁶⁵ *Ibid*, Vol. 66, p. 77.

¹⁶⁶ *Ibid*, Vol. 66, p. 107.

¹⁶⁷ *Ibid*. Vol. 66. p. 105.

The *Krigs* are numerous and their Country more vast; they are spread as far as Lake Superior, where many go to trade....These savages are well formed; they are tall, robust, alert, and hardened to cold and fatigue¹⁶⁸ (Vol. 66, p.107).

Throughout their observations the Jesuits described the Aborigines as savages and superstitious, who practiced witchcraft. Father Ragueneau's *Relations* in 1647-1648 described the Huron's creation stories as myths and with no form of worship; but they seemed to know that they existed because of a higher being. He noted:

...although, all their accounts of creation were myths, they had some knowledge of a "first Principle, and author of all things, whom they invoked without knowing him." They have, however, no forms of worship; and their religious belief does not influence their morals"¹⁶⁹ (Vol. 33, p. 15).

In another interpretation Father Pierre Biard noted 16 January 1611, "[t]hey have no temples, sacred edifices, rites ceremonies or religious teaching, just as they have no laws, arts or government, save certain customs and traditions of which they are very tenacious"¹⁷⁰(Vol. 2, p. 71). Father Marest's *Relations*, dated 1702 -1712, described Cree spirituality and law the same as that of the other Savages:

I know that they have some sort of Sacrifices, and they are great jugglers; like other Savages they use a pipe, which they call a *calumet*; they smoke in honor of the Sun, and

¹⁶⁸ *Ibid*, Vol. 66, p. 107.

¹⁶⁹ Reuben Gold Thwaites, *Jesuit Relations and Allied Documents*, Vol. 33, *supra* note 154, p. 15.

¹⁷⁰ Reuben Gold Thwaites, *Jesuit Relations and Allied Documents*, Vol. 2, *supra* note 154, p. 71.

also in honor of absent persons; they have smoked in honor of our Fort and of our Vessel; yet I cannot tell you anything positive concerning the ideas that they may hold of the Deity, not having been able to examine them thoroughly¹⁷¹ (Vol. 66, p.109).

The Jesuit observations indicated that the Aboriginals believed in some form of recognized divine entity. This entity they referred to as the “*Manito*”. Father Gabriel Cramoisy *Relations*, dated 1647-1648, described his encounter at the Tadousaac Mission when a famous sorcerer had frightened his countrymen from approaching the Chapel. Father Cramoisy invited the sorcerer to meet with him to ask him why he would not take up Christian truths. The sorcerer responded that he had a dream and he related this dream in which he saw the “*Manitou*” (*sic*) and noted, “... on several occasions last winter, the *Manitou* who governs the birds, the fishes and the animals. He promised me that I should take some, if I obeyed him; and in fact, so long ago as I consulted him in our tabernacles, and as long as I sang and beat my drum, my traps for [b]ears, for [b]eavers, and for other animals, never failed me” ¹⁷²(Vol. 33, p. 25). For this reason, the sorcerer did not want to adopt the Christian belief because he was convinced his people were dying of hunger because they were amusing themselves with certain Christian prayers that were not theirs.

Father Paul Le Jeune’s *Relations*, dated 1632-1633 noted that “*Manito’s*” were both good and evil spirits. “It seems to me that by this word *Manitou* (*sic*) they understand, as among us, an Angel or some powerful being. I believe that they think that there are good

¹⁷¹ Reuben Gold Thwaites, *Jesuit Relations and Allied Documents*, Vol. 66, *supra* note 154, p. 109.

¹⁷² Reuben Gold Thwaites, *Jesuit Relations and Allied Documents*, Vol. 33, *supra* note 154, p. 25.

and bad *Manitous (sic)*¹⁷³ (Vol. 5, p.157). The Jesuits were convinced that the Aboriginal groups were worshipping a devil and would often claim that the devil was tormenting the Aboriginal groups when a problem came upon them. To appease the devil spirit, ceremonies and feasts were conducted by the Aboriginal groups, as Father Biard explained: “[t]hey have many other similar sacrifices which they make to the Devil, so they will have good luck in the chase, victory, favourable winds, etc”¹⁷⁴ (Vol. 3, p. 131).

To the Aboriginal groups the “*Manito*” was a great spirit whom they were able to communicate with through dreams. When sharing dreams they often referred to the “*Manito*” as speaking to them in their dreams, giving advice or messages for where to find food, where to hunt or to cure an ailment; and they would follow their dreams. As Father Le Jeune explained; “[I]f one of them should tell the Savages that the *Manitou (sic)* wanted them to lie down naked in the snow, or burn themselves in a certain place, he would be obeyed. And, after all, this *Manitou*, or Devil, does not talk to them anymore than he does to me”¹⁷⁵ (Vol. 5, p. 159). To the Jesuits, communicating with the “*Manito*” through dreams was nothing more than evil witchcraft.

Despite the views of the Jesuits, communication with the “*Manito*” through dreams was real to the Aboriginal groups. As Father Biard’s *Relations*, dated 1611-1614 explained:

they have....medicine men, who consult the evil Spirit regarding life and death and future events; and the evil Spirit [great beast] often presents himself before them, as they themselves assert, approves or disapproves their scheme.....[t]o make these complete they even have faith in dreams; if they happen to awake from a pleasing and

¹⁷³ Reuben Gold Thwaites, *Jesuit Relations and Allied Documents*, Vol. 5, *supra* note 154, p. 157.

¹⁷⁴ Reuben Gold Thwaites, *Jesuit Relations and Allied Documents*, Vol. 3, *supra* note 154, p. 131.

¹⁷⁵ Reuben Gold Thwaites, *Jesuit Relations and Allied Documents*, Vol. 5, *supra* note 154, p. 159.

auspicious dream, they would rise even in the middle of night and hail the omen with songs and dance¹⁷⁶ (Vol. 2, p. 75).

The spiritual beliefs of Aboriginal groups were based on faith in immortality and extended to the belief that when they died they went to another place where all the souls met. Thus, on a death of a tribal member they prepared a feast of honour. As Father Charles L'Allemant's *Relations*, 1632-1633, explained: "They bury the dead and with them all their belongings... and did so in order that the deceased might use it in the other world"¹⁷⁷ (Vol. 4, p. 201). The Aboriginal peoples believed that the souls continued living in the other world and would have ceremonies and feasts to acknowledge these souls communicating with the living through dreams. The Hurons called this "...a secret desire of the soul manifested by a dream"¹⁷⁸ (Vol. 33, p. 191).

But for most Jesuits, these Aboriginal groups were a godless people:

But it cannot be denied that they recognize some nature superior to the nature of man. As they have neither laws nor government, therefore, there is no ordinance which concerns the service of this superior nature; each one acts according to his understanding"¹⁷⁹ (Vol. 5, p. 153).

While the Jesuits did not understand the ways of the Aboriginal people, they witnessed and recorded events that documented spiritualism. In fact, they referred to those who practiced medicine as the head of religion¹⁸⁰ (Vol. 3, p. 117). The ceremonies and feasts were recorded as something that was of "...general injunction which must be observed

¹⁷⁶ Reuben Gold Thwaites, *Jesuit Relations and Allied Documents*, Vol. 2, *supra* note 154, p. 75.

¹⁷⁷ Reuben Gold Thwaites, *Jesuit Relations and Allied Documents*, Vol. 4, *supra* note 154, p. 201.

¹⁷⁸ Reuben Gold Thwaites, *Jesuit Relations and Allied Documents*, Vol. 33, *supra* note 154, p. 191.

¹⁷⁹ Reuben Gold Thwaites, *Jesuit Relations and Allied Documents* Vol. 5, *supra* note 154, p. 153.

¹⁸⁰ Reuben Gold Thwaites, *Jesuit Relations and Allied Documents* Vol. 3, *supra* note 154, p. 117.

everywhere, so that the ceremonies may be according to law”¹⁸¹(Vol. 3, p. 127). The Jesuits confirmed that Aboriginals had spiritual worship and their ceremonies denoted spiritualism carried out “according to law” in Aboriginal culture¹⁸² (*Ibid*, p. 127). However, despite these observations, the Jesuits continued to believe that Aboriginal peoples were involved in witchcraft and needed to be delivered from their devilish ways; and the way to have them abandon their heathen ways was to make fun of them and deprecate them before converting them to Christian salvation¹⁸³ (Vol. 33, p.13).

The Aboriginal law encountered by the Jesuits was fragmented and not a matter that the Jesuits were interested in. Their main concern was to convert as many souls as possible. Anything recorded about justice or law would be documented as “an incident that occurred” or “special incidents”. One incident recorded around 1647-1648 described some Hurons who allegedly killed a French man; and to avoid any repercussions over this death the Aboriginal tribe came to meet with the victim’s family and friends, who were thought injured and offended by this murder. What transpired was an event that orchestrated a process of reparation. The written account was mainly due to “natural curiosity to seek to know what their customs and the formalities of their law are in this respect”¹⁸⁴ (Vol.33, p.235). This murder occurred on 28 April and immediately the following day the Aboriginal Nations assembled to meet with the French family of the deceased to do Aboriginal justice for the homicide. The purpose of this meeting displayed public expression of regret and apologies seeking forgiveness over the incident¹⁸⁵ (Vol

¹⁸¹ *Ibid*, Vol. 3. p. 127.

¹⁸² *Ibid*, Vol. 3. p. 127.

¹⁸³ Reuben Gold Thwaites, *Jesuit Relations and Allied Documents*, Vol. 33, *supra* note 154, p. 13.

¹⁸⁴ *Ibid*, Vol. 33, p. 235.

¹⁸⁵ *Ibid*, Vol. 33, p. 231.

33, p. 231). This followed with a ceremony of gift exchanges and continued public expression of apologies, while seeking pardon for the crime that was committed.

Have pity on us. We come here to weep for our loss, as much as for thine, rather than to discourse.... The blow that has fallen on the head of thy nephew, for whom we weep, has cut that bond.... My brother, have pity on this country. Thou alone canst restore life to it; it is for thee to collect all those scattered bones, for thee to close up the mouth of the abyss that seeks to swallow us. Have pity on thy country. I say thine, for thou art the master of it, and we come here like criminals to receive our warrant of condemnation, if thou desire to act without mercy toward us. Have pity on those who condemn themselves, and who come to ask pardon of thee...¹⁸⁶ (Vol. 33, p.237).

The reparation process carried over several days, ending on 11 May. The entire process was done ceremonially with prayers and requests for forgiveness. It evolved in stages, with gifts exchanged, recorded as follows:

The first present of those Captains was given in order that the door might be opened to them; a second present that they might be permitted to enter. We could have exacted as many presents as there were doors to be passed before reaching the place where I waited there.

When they had entered, they commenced to speak to me by means of a present which they call "the wiping away of tears". "We wipe away thy tears by this gift" they said to me, "so, that thy sight may be no longer dim when thou castest thine eyes on this country which has committed the murder." Then came the present that they call "a beverage." "This," they said "is to restore thy voice which thou hast lost, so that it may speak kindly."

A third present was to calm the agitated mind; a fourth, to soothe the feelings of a justly irritated heart. Most of these

¹⁸⁶ *Ibid*, Vol. 33, p. 237.

gifts consisted of porcelain beads of shells, and of other things that here constitute the riches of the country....

Then followed nine other presents, to erect a sepulchre for the deceased, --for each gift has its name; four presents, for the four columns that are to support the sepulchre; four others, for cross-pieces on which the bed of the deceased is to rest; and a ninth present, to serve him as a bolster¹⁸⁷ (Vol. 33, p.243).

One must be willfully blind not to see Aboriginal law operating within this. The reparation process continued with the Jesuits exchanging gifts in return and was done in a public place. This gift exchange was to show that there were no ill feelings or punishments, seeking a show of forgiveness over the murder. The gift exchange did not stop there, as it was customary for Aboriginal people to keep supplying gifts in order to prevent a lingering dispute and to ensure that the offended individual or party was satisfied.

According to the Jesuit account the reparation custom was different for every offended person, so if an Aboriginal person killed another Aboriginal person, or a woman or stranger, the amount of gifts exchanged differed. The following described how this would occur:

For a Huron killed by Huron, they are generally content with thirty presents; for a women, forty are demanded, because, they say, women cannot so easily defend themselves; and, moreover, as it is they who people the country, their lives should be more valuable to the public, and their weakness should find a powerful protection in justice. For a stranger, still more are exacted; because they say otherwise murders would be too frequent, trade would be prevented, and wars would too easily arise between different nations¹⁸⁸ (Vol.33, p.245).

¹⁸⁷ *Ibid*, Vol. 33, p. 243.

¹⁸⁸ *Ibid*, Vol. 33, p. 245.

In total the gifts provided to the offended family amounted to one hundred. The process orchestrated closure, forgiveness, to rid ill feelings, to replace, restore, to remain united, re-open and strengthen alliances, rekindle the fire, and calm minds. In the end, the offended family agreed to “forget the murder, since they had made reparation for it”¹⁸⁹(Vol. 33, p. 249). This process served to restore harmony and there was no need for punishment.

Another incident was shared through a story related to the Jesuit missionary by two Frenchmen who had been visiting the Nadwechiwec, who were from the Sioux Nation. Their story recorded in the *Jesuit Relations* during the period of 1659-60:

[W]ere much surprised... to see women disfigured by having the ends of their noses cut off down to the cartilage; in that part of the face, then, they resemble death's heads. Moreover, they have rounded portion of the skin on the top of their heads torn away. Making inquiry as to the cause of this ill treatment, they learned, to their admiration, that it is the law of the country which condemns to this punishment all women guilty of adultery, in order that they may bear, graven on their faces, the penalty and shame of their sin. What renders this custom the more admirable is that, although each man in that country has seven or eight wives, and temptation is, consequently, much stronger among those poor creatures,-some of whom are always more cherished than the others, yet the law is more strictly executed there than it would be perhaps in the most highly civilized Cities, if it should be established therein¹⁹⁰ (Vol.45. p.237)

¹⁸⁹ *Ibid*, Vol. 33, p. 249.

¹⁹⁰ Reuben Gold Thwaites, *Jesuit Relations and Allied Documents*, Vol. 45, *supra* note 154, p. 237.

These accounts recorded by the Jesuits showed that each Nation carried their own rule of law, their own form of a judicial system and punishment. I did not find any written record of how punishment for adultery was implemented by the Cree Nation, as it was by the Sioux; but I did find accounts about the Cree that displayed love and caring for their people. The Jesuits were selective in their written accounts, as when Father Sebastien Rasles wrote to Monsieur his brother, this observation dated 12 October 1723, on how he saw the children being treated.

There is nothing equal to the affection of the Savages for their children. As soon as they are born, they put them in a little piece of board covered with cloth and with a small bearskin, in which they are wrapped, and this is their cradle. The mothers carry them on their backs in a manner easy for the children and for themselves¹⁹¹ Vol. 67, p.139)

Another account showed a completely different view of the Aboriginal people, written from Father Pierre Biard to the Reverend Father Provincial at Paris, dated 31 January 1612: “These people make a practice of killing by magic” (Vol. 2, p. 45). Still another observation described the tribes as savages who were addicted to cannibalism (Vol.2, p.67)

The Jesuits wrote what they saw, interpreting from their own experiences and understandings. In 1633, Father Paul Le Juene wrote: “[w]hen a person first visits a country, he writes many things upon the word of others, believing them to be true; time

¹⁹¹ Reuben Gold Thwaites, *Jesuit Relations and Allied Documents*, Vol. 67, *supra* note 154, p.139.

reveals the truth”¹⁹² (Vol. 5, p. 115). In describing their polity to deal with justice matters, Father Rasles’s account dated 12 October 1723, described a ceremony that he was invited to by one of the Chiefs whom he called a Captain of his Nation. He called this ceremony “the feast of the Captains,” involving all leaders of the Tribes and its purpose was to discuss political matters and “to discuss resolving justice matters” ¹⁹³(Vol. 67, p.163)

The Jesuits wrote their accounts with claims of treating those they came into contact with based on great kindness and care, as their priority was to save as many souls as possible. While they found it challenging to convince the Aboriginal Nations to abandon their ways, they continued to judge their encounters and observations as superstitions. They did not understand the significance and purpose of the use of tobacco, used extensively for ceremonial purposes:

They are devoted to tobacco; men, women, and girls, all smoke the greater part of the time. To give them a piece of tobacco pleases them more than to give them their weight in gold¹⁹⁴ (Vol 67, p.141).

Tobacco was used as an offering and often smoked in front of Jesuits whenever a meeting was taking place or during commercial trading. They recorded how illness was treated among the Aboriginal Nations. In a later letter to Father Pax Christi from

¹⁹² Reuben Gold Thwaites, *Jesuit Relations and Allied Documents*, Vol. 5, *supra* note 154, p. 115.

¹⁹³ Reuben Gold Thwaites, *Jesuit Relations and Allied Documents*, Vol. 67, *supra* note 154, p.163.

¹⁹⁴ *Ibid*, Vol 67, p. 141.

Reverend Father Pierre Laure, during the period 1720 to 1730, the Aboriginal people still used their own remedies to treat illnesses:

Some caused themselves to be sweated (without their usual superstitions). They heat stones red-hot in the fire, and place them in small well-closed bark hut. The person who is sweated, shuts himself up in it entirely naked, and sits down on fir-branches; from time to time, in order to increase the heat, he throws cold water on the stones and also drinks some. This causes him to break out into profuse perspiration; ... This method of producing perspiration is a sovereign remedy for languor, rheumatism inflammation, pains in the sides, and minor aches; in a word, it is worth many baths. I should consider these the legal purifications of our savages¹⁹⁵ (Vol. 66, p. 73).

The Jesuits also could not believe that Aboriginal people had their form of communication and writing that they used in time of need. Reverend Father Pierre Laure, while working in the far northern region with the Papinachois, who belonged to the Montagnais tribe, saw by accident a writing by one of them. Father Laure described how the men used artificial aids as a form of learning and recalled how one of them used figurine drawings: “One of them in order to learn the *Veni Creator* in his language, made small figures for himself on a piece of bark for each verse, which reminded him of the meaning of each strophe”¹⁹⁶ (Vol. 68, p. 103).

The missionary work carried out by the Jesuits did not come easy, as throughout their westward encounters with the Cree people they found resistance and rejection

¹⁹⁵ *Ibid*, Vol. 66, p. 73.

¹⁹⁶ Reuben Gold Thwaites, *Jesuit Relations and Allied Documents*, Vol. 68, *supra* note 154, p. 103.

toward their religion. Since the Cree were semi-nomadic peoples, the Jesuits had to travel far into a country that they were not familiar with and often struggled to live in a harsh and cruel environment. Navigating through bush, they often feared for their own lives, as they came upon aggressive tribes and rivalry with the English, who had their own goals to claim as many souls for Protestantism as possible and to secure a new land.

Chapter Five: Hudson's Bay Encounters

Introduction

Any history of the Cree Nation written from the primary evidence of Hudson's Bay Company post journals must remain open because the Cree people were not writers, nor did they speak or understand the English language. They were oratory people who shared their knowledge in their own language through speech-making, public-speaking, story-telling and during their ceremonies. What was recorded were interpretations of the Company's traders and what transpired during fur-exchanges was not necessarily recorded or connected to the spirituality and law of the Cree; nevertheless, they were recorded as "unusual occurrences". Therefore, Aboriginal life and history found in the HBC Archives remain limited in several ways, like the earlier *Jesuit Relations*.

First and foremost, these records project biases of outside observers and non-Aboriginals. Secondly, the records reflect mainly social and economic interactions between the Aboriginal Nations and fur-traders. However, much can be learned from these written records to show how sophisticated and organized the Aboriginal Nations carried on daily lives. This section of the thesis focuses on the York Factory Journals and documents, to analyse and assess what they mean, how the Cree people lived and how they observed spirituality and law during their early HBC encounters.

The Cree people of northern Manitoba are known as *Maskekowuck*¹⁹⁷ (Swampy Cree). Scholars Brown (1986) and Lytwyn (2002), refer to them as the lowland Cree and their "territory...covers the low-lying coasts of James and Hudson's Bay from the Moose

¹⁹⁷ *Maskekowuck* is mis-spelled and mis-interpreted. The correct spelling is *Omuskikowuk*, it means "people who carry the medicine" as shared by Jeff Brightnose 2011. *Maskike* means medicine, *Ininiywuk* means "the people"

River in northeastern Ontario to the Churchill River...”¹⁹⁸ (Beardy and Couttes. 1996:xviii). Lytwyn (2002), in his archival research, using the work of Williams (1969) who reviewed Andrew Graham’s records on his observation on Hudson’s Bay, 1767-91, explained the *Muskegowuck* belonged to a larger group referred to as the *Keishkatchewan* Nation or Cree Nation. Andrew Graham provided a list of the tribes who belonged to the *Keishkatchewan* Nation using their traditional names. This list included such names as *Washeo Siphi* (Severn River), *Penesichewan* (Hayes River), Mantua-Sepee (sic)- (Lower Churchill River) and *Pimmechikemow* (sic) (Cross Lake)¹⁹⁹ (p.13).

York Factory was permanently established in 1684 and quickly became a most important port:

...a storage, manufacturing, and distribution centre in the HBC’s Northern Department, the company’s administrative designation for its fur-trade districts west of Albany and east of the Rocky Mountains. The post became the hub of a vast, tightly scheduled system of supply that began with the arrival of annual ships from England. Large warehouses, including the still-extant depot building, were constructed to house many tons of furs, supplies, and trade goods awaiting shipment to either England or the interior²⁰⁰ (Beardy and Couttes, 1996, p.xxi).

The post attracted various Aboriginal traders, including the Ojibwa and Assiniboine, but it was mostly the Cree who dominated the fur trade in the north. The *Maskegowuck* (Swampy Cree) played an important role in the Hudson’s Bay fur trade, as they knew the land and knew how to survive in a harsh environment. Their invaluable assistance and

¹⁹⁸ Flora Beardy and Robert Coutts (ed.), *Voices from Hudson Bay: Cree Stories from York Factory* (Montreal: McGill-Queens University Press, 1996), p. xvii.

¹⁹⁹ Victor P. Lytwyn, *Muskegowuck Athinuwick*, *supra* note 50, p.13.

²⁰⁰ Flora Beardy and Robert Coutts, *Voices from Hudson Bay*, *supra* note 198, p. xxi.

support toward the European trade system led to a successful venture that lasted two centuries.

The written records for the history of Aboriginal peoples documented by the Hudson's Bay Company (HBC) amount to thousands of recorded events preserved in the Archives of Manitoba. The HBC writers were as young as 15 years old; James Bird, after having worked at York Factory in 1788 wrote exclusively to document activities in the Saskatchewan Journals and Correspondence, 1795-1802. Writers such as Humphrey Martin referred to York Factory as the "plantation"²⁰¹ (B.239/a/86). The HBC post journals and documents date back almost three centuries, as daily records in various Company districts. They consist of correspondence and district reports providing detailed accounts of the Cree Nation who lived around the regional posts. These journals provide a record of the weather, routine activities and unusual occurrences, trading transactions, the arrivals and departures of Aboriginal visitors and descriptions of their cultural activities.

The Hudson's Bay Company men who came to serve York Factory, known to the Jesuits and Anglo-French competitors as the York Fort, included Henry Kelsey (1689-1718), James Knight, (1714-1719), Thomas Macklish (1731-1732), James Isham (1737-1738), Andrew Graham (1767- 1791), Humphrey Martin (1783-1784), Joseph Colen (1786-1787), Peter Fidler (1788-1789), George Simpson (1821-1824) and James Hargrave (1826-1840). Other company men employed at York Factory and mentioned in the journals included the following by surnames: Oakes, Matheson, Mckay, Wilson, Anderson, Gilbert, Mclvor, Laughlin, Davidson, Paterson, Ballentyne, Scott and Dumas,

²⁰¹ Humphrey Martin. "*A Journal of the Most Rememberable Transactions and Occurrences at York Fort*", 1783-1784 (20 January 1786), B.239/a/86, Reel 1M160, Archives of Manitoba.

and Turnor. The typical employment at York Factory included carpentry, blacksmith, bricklayers, distillers, gunners, wood cutters, taylor, hunters and fishers. The HBC men had skills and expertise that contributed toward their success at York Factory, including Peter Fidler, a map maker and surveyor. Other employees went beyond their duties, such as Henry Kelsey who sought friendship with the Cree Nation and, while travelling and living in the northern region, prepared a Cree dictionary to be used by the HBC. Andrew Graham also travelled with the Cree and documented the social life of the Cree. Most of these men were Scots, recruited by the Company and subject to its laws.

The Hudson's Bay Company's earliest recorded documents of the York Factory began in the latter part of the 1600s with daily events being recorded after York Factory was built. Travel to this northern region by the HBC men was driven by desire to secure trade with the northern tribes, to stop French westward expansion, and to gain control and monopoly of the fur trade. Travelling into what is now called Canada allowed the company men to observe and document the Cree Nation. "They found the Indians followed the game in a nomadic way of life"²⁰² (H.B.R.S. XXI. p.62). Their written observations detailed relationships established between the Cree Nation and the fur trading system that created a routine exchange of goods and supplies, keeping the trade mutually productive.

These exchanges began almost immediately after 1670 when King Charles II granted the Company charter. The early explorers came to the new world with European technology that would make life easier for the Cree Nation. Guns replaced bows and

²⁰² E.E. Rich, *Hudson's Bay Record Society: From Charter to Utrecht, 1670-1713* (Robert MacLehose & Company Ltd., The University Press Glasgow, Hudson's Bay Company, 1958), p. 62.

arrows, metal axes and knives replacing stone, bone and antler based tools. Household goods such as pots and pans, cloth, needles, and beads also became a demand trade which made life easier for Aboriginal women, bringing new and elaborate decorations to add to their clothing and footwear. The European goods were not solely traded for furs but also for country foods such as assorted fowl, fish and deer that provided sustenance for the newcomers.

The fur trade system organized by the HBC stretched from Churchill, Oxford House, Norway House, York Factory, Split Lake, Cedar Lake (Chemawawin), Cumberland House, Severn, Athabasca, Swan River, Island Lake, Lower Slave Lake, Bas de La Riviere (*sic*), Lac Labich (*sic*), Nelson River, Trout Lake via Severn, back to Montreal, England, New Caledonia, and Columbia. Travel by ship and canoe was the most common means of transport for the HBC men, while travel by birch bark canoes, dog team and often by foot was common for the Aboriginal tribes. Travel was hard and often dangerous due to extreme weather conditions in the northern region. Frostbite and flu-like illnesses were common, often forcing many Company men and the Cree to succumb to their effects until they were well enough to travel and hunt. Most often it was the sudden change of weather and the atmosphere from heat to cold that would impact their health.

There are many written accounts where the Cree ended up at York Factory, staying for days or months. Most cases would be for the old, lame, and the children often left at the post. On 19 January 1719, an Indian man and his family were forced to stay at the post because the man was too sick to care for his family, until he was well enough to

leave²⁰³ (B.42/a/1F0.60). In 1722, a journal contained complaints of starvation and cases when hunting was good and sometimes bad, mostly due to weather conditions. The sick were often cared for with medicines provided by HBC trade post managers. The care for the sick was mainly to ensure that Cree traders were well soon enough to go back to their productive duties of hunting and trapping. Even as recent as 9 October 1826 “two Indians arrived from Oxford House bringing a sick man....for medical advice”²⁰⁴(B.239/a./137); and again on 28 June 1833 a journal entry identified the following:

The cases of cold and sore throats continue very general in the factory and many of the natives are affected in a similar manner²⁰⁵ (B.239/a/148).

The harsh winter conditions often impacted hunting, and country food would become scarce, forcing the Cree to seek food supplies from the post. Country food consisted of ducks, geese, beaver, rabbits, deer, fish of all sorts and partridges. Company records show food being distributed to support the Cree to go back out into their hunting and trapping grounds. A journal kept by Humphrey Martin during the period of 1783-1784 recorded several incidences of starvation, one on March 15th where he mentioned two Indian men came in for food and again on April 29, fifteen Indians came in for the annual goose hunt in a hungry condition, bringing shocking news of several Indians starving in the past winter. However, Martin wrote on 30 April that these Indians

²⁰³ Post Churchill, *Remarkable Observations and Accident, 1718-1735* (19 January 1719) B.42/a/1F0.60.

²⁰⁴ York Factory Post Journal (9 October 1826) B.239/a./137.

²⁰⁵ York Factory Post Journal 1829-1830 (28 June 1833), B.239/a./148.

were coming to the fort with rabbits and one hundred and thirty partridges²⁰⁶ (B.239/a/82).

There was always an abundance of country food being brought in when hunting was good. Company records showed the quantity of country food daily from 100 partridges to 270 white fish. The HBC Factors and the Cree had a good relationship, as they both depended on each other for food and supplies. Some Cree secured employment at the post and those who resided there were identified as “home Indians”, both male and female; and they provided services such as hunting, preparing and setting nets, making snow shoes and clothing and preparing food and furs to be shipped to Europe. Children were also employed tending the gardens. The York Factory and Churchill post accounts recorded arrivals and departures on a daily basis; often the number of people who arrived would range from four to thirty, staying at the trading post for up to seven days. On 15 June 1734, twenty canoes of trading Indians arrived and again on 16 June 1734, another thirty northern Indians arrived at the Fort and on 17 June 1734, another thirty canoes arrived²⁰⁷ (B.42/a/2). This meant trade and commercial law on a large and seasonal scale.

Miskotonikawin (Trading Process)

The trading process between the HBC factors and the Cree Nation always began with an orchestrated and elaborate ceremony. “Before the bargaining began, the Indian

²⁰⁶ Humphrey Martin. “A Journal of the Most Rememberable Transactions and Occurrences at York Fort”, 1783-1784 (30 April 1784), B.239/a/82.

²⁰⁷ Post Churchill, *Remarkable Observations and Accidents* (17 June 1734) B.42/a/2.

Leaders had to be welcomed, perhaps with a degree of ceremony [the journal is silent on this], certainly with gifts”²⁰⁸ (Vol. 33, p. 7). The journal entries did not elaborate on the ceremonies but the pipe ceremony often proceeded four days before trade. Cree ritualistic procedures occurred in various juxtapositions and were carried like law as coming from “*Kitchi Manito*”. Mandelbaum (1979), explained, “Great *Manito* was addressed and asked to take notice that a pipe offering was being made as he had directed”²⁰⁹ (p.172). Adding:

...[f]oremost amongst these, in a sense that it inaugurated all ritualistic behaviour, was the use of the pipe. Whenever there was an occasion to call upon supernatural forces, a pipe was lighted and spirit powers were summoned to have a smoke...dedicating the first words to *kice-manito*(sic)..., *Great Manito*..., [t]he Creator was called upon to witness that his commands were being followed in the giving of smoke offerings²¹⁰ (p.227).

The pipe ceremony upheld by the Cree during trade was not uncommon, as “gift exchanges” were a main function prior to trade.

Any mention of gift exchange or feasting was recorded as “gifted Indians” or “made a feast”. The HBC writers were selective in their words and when recording events they mainly focused attention on the trading system and activities at York Factory. Since their priority was to bring prosperity to England, the HBC Factors carried out their duties faithfully. To ensure the trading system was successful specific orders were made to

²⁰⁸ Glyndwr Williams (ed.), *Hudson’s Bay Miscellany 1670-1870: The Hudson’s Bay Record Society* (Winnipeg: Hudson’s Bay Record Society), 1975, Vol 33, p 7.

²⁰⁹ David G. Mandelbaum *The Plains Cree*, *supra* note 52, p. 172.

²¹⁰ *Ibid*, p. 227.

England to send goods valued by Aboriginal traders. Included in the order was Brazil Tobacco, referred to as the “bewitching weed amongst all the natives” by Thomas McCliesh, Chief Factor at York Fort²¹¹ (HBRS. XXV. p.149). Brazil Tobacco was the most valued trade item for the Cree, connected to their ceremonies especially in offerings to the spirits of animals killed for their fur. Smoking tobacco in a pipe ceremony with others also connoted:

...a friendly and equitable relationship among the participants and was universal to all social intercourse. If a man had a request to make or a favor to ask of another, he shared a pipe before stating his desire. Tobacco was sent with every invitation or important message. Smoking the tobacco signified acceptance of the invitation or assent to the proposition stated in the message²¹² (Mandelbaum 1976:p.228).

Smoking tobacco in a pipe is still practiced today in Cree offerings for country food and for plant herbal use. It is considered sacred and valuable.

Each Cree trading party arrived at York Factory always with a Leading Indian and it was a common practice by the HBC trade master to gift the Leading Indian first, because this ensured that they would continue coming back. There were cases when a Leading Indian threatened to go elsewhere, meaning to the French, if not given good trade. Humphrey Martin wrote in his journal dated 20 January 1786, when he met with a Cree trading party:

²¹¹ K.G Davies (ed.), *Letters from Hudson Bay 1703-40* (London: Hudson’s Bay Record Society, 1965), Vol. 25, p. 149.

²¹² David G. Mandelbaum *The Plains Cree*, *supra* note 52, p. 228.

I had traded with them and made very handsome presents to the Leader and the Leader said, I must give him a great deal more or he would go to Churchill for W. Hearne said he, hath sent me many presents and desires I will come to him and he give me more of everything than you do; and if you do not give me more. I will go there²¹³ (B.239/a/86).

Leading Indians most often held the role of chief in their community and they were recognized for being a good hunter, negotiator, orator and also being able to share material goods freely²¹⁴ (Mandelbaum:1976 p.106). A York Factory journal entry in 1815, noted a best hunter, "...is looked up to as the father of the family, is permitted to regulate domestic concerns and determine the route they must take in their [h]unting [e]xcursions"²¹⁵ (B.239/e/1,fo.5d). Gift-giving to Lead Indians was not only intended to ensure that the trading Indians returned but it was also considered payment for building posts on land owned by the Cree. Lytwyn (2002) in his research on the "*Muskegowuck*" (Swampy Cree) using the Hudson's Bay Company Records, found evidence that the Cree demanded gifts for allowing European traders to build on their land²¹⁶ (p.21). It is possible that gift giving to the Leading Indians was also to ensure continued use of the land, as in a lease, but more importantly to maintain the trading industry.

The Leading Indian's interest to secure as many goods as possible was driven by demands attached to their position, because they were obligated to share their wealth back home²¹⁷ (Mandelbaum:1979, p. 107). While the HBC trader was driven to give more gifts to entice the Leading Indians or captains with their companions, as they often were

²¹³ Humphrey Martin, (20, January 1786), *supra* note 201, B/239/a/86.

²¹⁴ David G. Mandelbaum *The Plains Cree*, *supra* note 52, p. 106.

²¹⁵ York Factory District Report 1815, B.239/e/1.fo.5d.

²¹⁶ Victor P. Lytwyn, *Muskegowuck Athinuwick* *supra* note 50, p. 21.

²¹⁷ David G. Mandelbaum *The Plains Cree*, *supra* note 52, p. 107.

referred to in the HBC journals, to tell others to come and trade at York Factory. A journal entry Joseph Colen wrote on 12 July 1787:

Presented at different times to 3 Swan River Leaders who came to the Factory....and send to others belonging to their tribe to encourage them to trade with the English...²¹⁸ (B.239/d/78).

The most common trading goods recorded were tobacco, brandy, beads, cloth, needles, rum, oatmeal, biscuit, powder, knives, twine, ivory combs, ice chisels, blankets. The trade items were also used as payment for various supplies and services that included delivery of furs, hunting country food and providing supplies such as feathers, wood and bringing messages to other post factories such as to Churchill, Fort Severn and west to Cumberland House. A post journal recorded on 22 July 1786 a payment provided to “an Indian called Cowshuck or (Greedy) for taking 4 bundles of furs inland...to encourage him to come down next year”²¹⁹ (B/239/d/74). The following described how expenses were recorded by Humphrey Martin, Chief Factor and Governor on 1 August 1785:

Expenses for What	In Goods
Made a feast to Home Indians who brought good trade during the winter	Brandy , Tobacco
Paid for 260 lbs of dryed Venison and 100 lbs of Ruhigan	Brandy, Blankets

²¹⁸ Joseph Colen, *The Transactions and Occurrences at York Factory* (12 July 1787), B.239/d/78.

²¹⁹ York Factory Account Book (22 July 1786), B/239/d/74.

For Hunting	Powder, Shotgun, Flints Tobacco, Brandy
Presented to Trading Indians and sent to upland; also to Home Indians during winter	Brandy, Tobacco Brazil, Powder, Tobacco role Duffel Red, Clothe Red Corded, Knives, Hawks Bells and, Beads small, white, red, blue, green and yellow.

(B/239/d/76)²²⁰

Cree traders included women, so it was not unusual to see a Cree woman coming to York Factory to trade in her own name with small game, fur and exchange supplies. On 29 April 1786, a journal entry noted the following: “gave at Sundry times in bamboo to Indian women, who brought birch willows & for food to the cattle, having no hay...1 gallon of brandy”²²¹ (B/239/d/76). In another entry dated 24 February 1843, “an Indian woman came in from the north river with 40 rabbits and [an] entire beaver”²²² (B/239/a/157). And on 15 September 1826, “old women brought seven deer”²²³(B/239/a/136).

The HBC records maintained names of the Cree Nation traders and were recorded in York Factory’s Debt Book dated 1810 to 1811. Referred to as the “Indian debt book”,²²⁴ forty names were listed as follows:

Anchechuk
Cannegannee (Leading)
Catabethetan (Agrees)
Peponesue

Ochegun (knee)
Eagle (Mikisew)
Paputhakeeshisk
Catakeeshich (One that is Cold)

²²⁰ *Ibid*, (1 August 1785), B/239/d76.

²²¹ *Ibid*, (29 April 1786) B/239/d/76.

²²² *York Factory Post Journal, 1842-1843* (24 February 1843), B/239/a/157.

²²³ *York Factory Post Journal*, (15 September 1826), B/239/a/136.

²²⁴ *York Factory Debt Book 1810-11*, B/239/d/153.

Pimme (Grease)
Pusquoethinue
Sheeseep (Duck)
Tuotum (does it)
Tuthat (done)
Wapasheesh (Rises Early)
Waphugemow
Wapusk (Polar Bear)
Weetescawaban
Wuskenepew
Westainmow (Makes Light)
Wilkes (Senneca Root)
Iseseepew (Like duck)
Kaytaywahtum
Shashaboytum
Machequash

Cawcooshish
Chaskechuse
Chimooch
Cooseesuck (Sons)
Cusequay
Eganeasum
Ekames (Same Name)
Ethiniskish (Young Man)
Gebetequash (Make Sound)
Hugemow a-chalk
Hugemawskish (Young Chief)
Hugemawkeeshick (Like Chief)
Apithtasquashish
Kitsickawaw
Kittoway
Maywechesk (Shitty Arse)

(B/239/d/153).

The Cree Nation dominated activities of the fur trade within their vast territory. They were well aware that their services were in great demand and did not hesitate to refuse trade if they were not satisfied. As recorded by Joseph Colen, Resident Chief at York Factory on 23 June 1787:

I must remark that these natives refused accepting the Brazil Tobacco saying it was needless to take goods they could not make use of...²²⁵ (B/239/d/78).

There was no explanation for this refusal. Perhaps the flavour of the tobacco was not to their liking, because there were occasions when tobacco was shipped from England that arrived in poor condition. Throughout the written accounts, however, tobacco was always on the list as one of the trade items.

Another recorded account by Humphrey Martin, Chief Factor and Governor on 1 August 1785:

²²⁵ Joseph Colen, *Account Book* (23 June 1787) B/239/d/78, *supra* note 218.

These blankets were intended for by being of the Inland matter; but their being blue strips instead of red will not answer the trade being of color of Canadians. The Indians Inland the Company's interest are very averse trading for anything resembling their goods...²²⁶ (B/239/d/76).

Trade items most favoured were broad cloths in colours of red, white, green and yellow. The demand for cloth was not necessarily for use in clothing, as it was often used as offerings to the spirits. Cloth offerings still exist today and are made for various purposes that included sun dance, sweat lodge, fasting, pipe ceremonies and feasting, and offerings to Healers/traditional people. The colours represent the earth but they also have significant meaning for the environment and animals, and this is why they were favoured. The cloths or prints as we know them in Cree are *Weypinasowna*. When offered to spirits the notion is that a person has given away what they carry in spirit. "*Weypina*" is to throw away, in that sense any hardship carried has been given to the spirits and whatever is asked for they get in return. This offering can go both ways good or bad, depending on the desires of the person. The cloth offering came after contact. An old form of offering existed pre-contact that involved using willows, sinew cord and feathers placed on the sun dance altar, used in other ceremonies²²⁷ (Mandelbaum 1976; Jeff Brightnose 2011).

Tobacco remained top of the trading list; adding brandy as the second favoured item. Trading alcohol was done early on in the fur trade and there were many journal entries where brandy was provided and even became a demand item during trade. As recorded on 18 January 1786, "[t]hree Indian men and two women came in from the

²²⁶ Humphrey Martin *Account Book* (1 August 1785), B/239/d/76.

²²⁷ David G. Mandelbaum, *supra* note 52, p. 229; Jeff Brightnose (personal communication) 2011.

north river....they are eager to go drinking to trade yet"²²⁸ (B/239/a/86). The use of alcohol was done to maintain friendship as recorded in an entry dated 11 July 1786:

Indeed your honours servants are obliged to give them a little occasionally to form a friendship with them or keep an old one up"²²⁹ (B/239/a/86).

While alcohol may have been used to solidify friendships, it was also used to take advantage of Cree traders. An entry made 10 October 1785 identified that Mr Alfred Robinson had gotten into trouble and was reported for "too frequently giving the Indians Brandy, and trading curiosities as he calls them with the Indians"²³⁰ (B/239/a/83).

The European traders observed closely how the Cree conducted business in the fur trade. Andrew Graham in 1767-1791 described the trading system, later analyzed and reviewed by Ray and Freeman (1978), as an event that involved traditional custom and practice that took from three days to a week to complete, as Cree trading parties were numerous (see their Figure 3). As found by Ray and Freeman (1978), Indian trading parties ranged from 60 to 200²³¹, and it was always followed by hosting "gift-exchange ceremonies [which] always preceded barter exchange"²³² (p.55). Using Andrew Graham's work, Ray and Freeman (1978) described how the fur trade unfolded and explained that Cree trade leaders were chosen for their skills and carrying certain authority to negotiate the best trade on behalf of the tribe ²³³(p.62). According to Ray and

²²⁸ HBCR *Account Book* (18 January 1786), B/239/a/86.

²²⁹ HBCR *Account Book*, (11 July 1786), B/239/a/86.

²³⁰ HBCR *Account Book*, (11 October 1786), B/239/a/83.

²³¹ Arthur J. Ray and Donald B. Freeman, *Give us Good Measure*, *supra* note 56, p. 55.

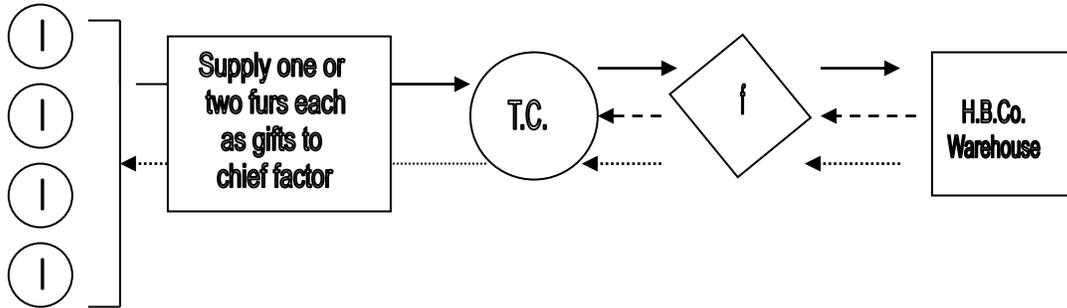
²³² *Ibid*, p. 55.

²³³ *Ibid*, p. 62.

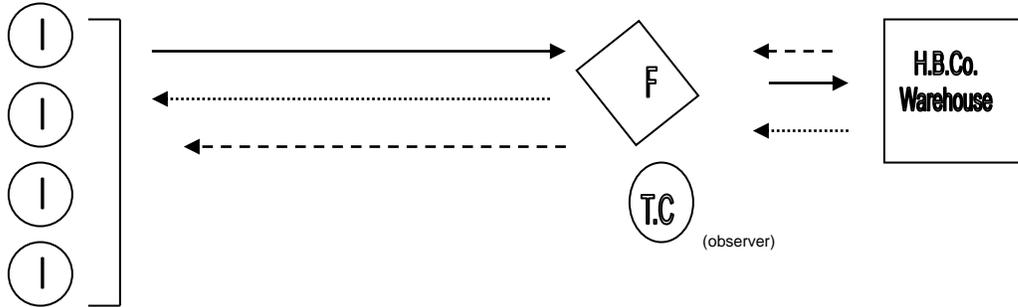
Freeman (1978), the trade involved four phases that would begin with an initial discussion among the Cree members, who would discuss and strategize the terms for trade. Once this phase was completed the next step was making the initial contact with the post factor, an employee of the Hudson's Bay Company.

Figure 1: Phases of Trading Ceremony²³⁴

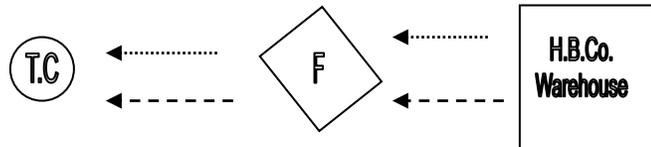
Phase 1: Pre-Trade gift exchange



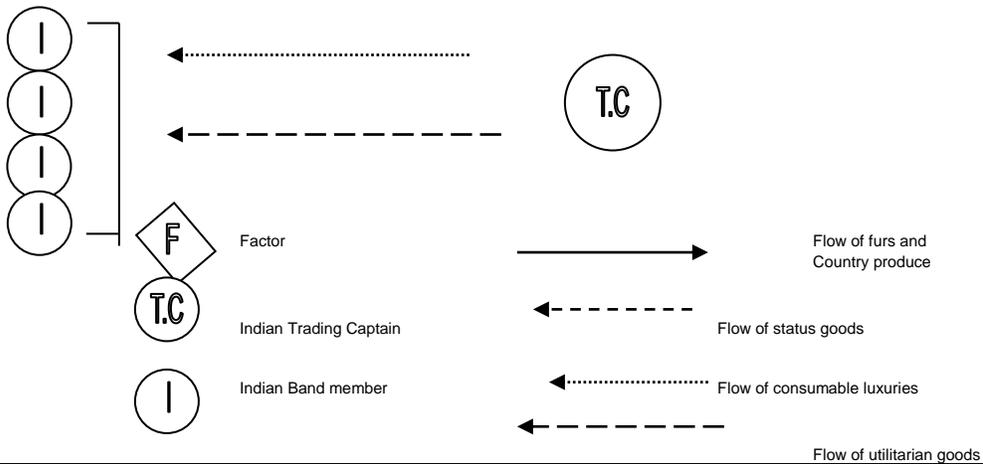
Phase 2: Barter Trade



Phase 3: Gift to trading Captain after Trade



Phase 4: Redistribution of Gifts after Departure from Post



²³⁴ Structure reproduced: Arthur J. Ray and Donald B. Freeman, *Give us Good Measure*, *supra* note 56, p. 74.

The Cree's Leader served as their trading captain, who was sent forward to make initial contact with the Company Factor. The Factor was provided with one or two gifts and this phase involved discussing the economic conditions of the trade²³⁵ (p.75).

Once terms for the trade had been reached they would move to a third phase where the exchange of goods actually occurred. While the terms had been agreed to, this did not stop the Hudson Bay trader from trying to re-negotiate with an individual Cree representative. The Cree displayed excellent negotiation strategies and were usually tough and not easily influenced to change first demands in the trade. Figure 3 illustrates that the Cree had a system in place by which they conducted business. They followed protocol before making any commitment to trade. That commitment, made to each other, was held strongly. The traditional practices of the Cree existed pre-contact and were maintained with neighbouring Nations, as found by Ray, Miller and Tough (2000):

First Nations managed to incorporate their traditions into their trading relations with the HBC. Through gift exchanges and participation in the rite of the calumet they annually renewed their partnerships with the company and granted it right to share their territory for trading purposes. This arrangement was in keeping with the kinds of accords that groups such as the Cree routinely reached with neighbouring First Nations²³⁶ (p.93).

The gift-giving ceremony was a method used by the Cree to reinforce political alliances with other Nations; and the Hudson's Bay Company "was drawn into the existing native political alliances network and these networks served to channel trade"²³⁷

²³⁵ Arthur J. Ray and Donald B. Freeman, *Give us Good Measure*, *supra* note 56, p. 75.

²³⁶ Arthur J. Ray, Jim Miller and Frank Tough, *Bounty and Benevolence*, *supra* note 133, p. 93.

²³⁷ *Ibid*, p. 60.

(Ray and Freeman:1978:60). Business was always conducted first by smoking the pipe.

According to Ray and Freeman (1978), before any trade occurred:

...ceremony had to be performed with all of the Indians in attendance. The Indians....smoke[d] the calumet (or pipe of peace and friendship) and make a present of furs to the factor, the object of the ceremony was to renew the 'league of friendship,' inspect the trade goods, and view the measures²³⁸ (p:57).

While Andrew Graham was exploring the northern Cree region, he travelled with them; and during their journey, he recorded customs and practices when preparing for trade before reaching York Factory. In his writings, he described how each Cree Leader canvassed others to join his trade party, to appear under his command prior to arriving at the Factory. Before reaching the Factory, the Cree trading party would stop along the way:

Being now within two miles of their journey's end, a point of land prevents their being seen by the English. Here, they all put ashore; the women go into the woods to get pine brush for the bottom of the tents while the Leaders smoke together and regulate the procession. This being settled they re-embark and soon after appear in the sight of the Fort...²³⁹ (HBRS, XXVII, p. 316).

Upon arriving at York Factory, the Cree Traders were greeted by the Euro-Canadian trade factors and, immediately after, formal introduction arrangements to trade began:

²³⁸ *Ibid*, p. 57.

²³⁹ Glyndwr Williams, *Andrew Graham's Observations*, *supra* note 90, p. 316.

The Governor being informed what Leaders are arrived, sends the Trader to introduce them singly, or two or three together with their lieutenants, which are usually eldest sons or nighest relations. Chairs are placed in the room, and pipes with smoking materials produced on the table. The captains place themselves on each side of the Governor, but not a word proceeds from either party, until everyone has recruited his spirits with a full pipe. ...After which the Governor bids him welcome, tells him he has good goods and plenty; and that he loves the Indians and will be kind to them. The pipe is by this time renewed and the conversation becomes free, easy and general...²⁴⁰ (HBRS, XXVII, p. 317).

During his stay at York Factory, Andrew Graham (1767-1791) wrote in his journal that ceremonies held by the visiting Trading Indians “are similar everywhere” ²⁴¹(HBRS,XXVII. p.315). The events he recorded with the York Factory Cree were before missionaries arrived and before any influence of Christianity.

Cree Social Life

The HBC journals did not detail the social life of the Cree Nation and only made brief mention of the ceremonial preparation that took place among the Cree Traders before the actual trade occurred. Most HBC journal entries focused on the business aspect of York Factory and they simply remained quiet on the life and customary practices of the Cree. However, Andrew Graham’s observation during 1767 to 1791, while serving at York Fort, Churchill Post and Seven Post, took an interest in their religion:

²⁴⁰ *Ibid*, p. 317.

²⁴¹ *Ibid*, p. 315.

The religious sentiments of these people are confused; but in many things their ideas are just. I have been twenty-five years in this country among these natives, and have often tried to find out their notions on this subject. They allow that there is a good being and they sometimes sing to him, but not out of fear or reverence, for he is too good to hurt them. He is called *Wesucacha*, and sometimes *Kitchimanitow*; but in common *Uckimow*, or Great Chief. They say there is a bad being who is always plaguing them; they call him *Whittico*. Of him they are very much in fear, seldom eat anything or drink brandy before they have thrown a little into the fire for *Whittico*. If any misfortune befalls them they sing to him imploring his mercy; and when in health and prosperity they frequently do the same, to keep him in good humour²⁴² (HBR, Vol.XXVII. p.159).

Throwing food into a fire before they eat and drink was also witnessed during a funeral and was recorded as follows:

They have a peculiar veneration for fire, as appears by the custom they have of throwing into it a little of what they eat, or drink, before they taste of it²⁴³ (HBR, XXVII,p. 180).

This practice continues today; however, the notion of appeasing *Whittico* is misunderstood, as putting food and drink into a fire, which is considered a sacred fire, is done to acknowledge the spirits of the ancestors who have passed, to share with them food and drink.

²⁴² *Ibid*, p. 159.

²⁴³ *Ibid*, p. 180.

The practice of ceremonies such as the shake tent and sweat lodge ceremonies were also observed by the HBC men who chose to travel and live with the Cree people, as Andrew Graham recorded.

Sweating is also another remedy principally used; but it is also used by the healthful to clean and lubricate themselves, and as a preservation from sickness²⁴⁴ (HBRS, XXVII, p. 163).

In describing the shake tent ceremony known today in Cree as *Kosapachikon*, Andrew Graham 1767-1791 referred to it as *Shebastakekan*, a ceremony used to communicate with the spirits for healing, guidance and direction that served various purposes. Those performing the ceremony are now referred to as traditional healers but during the HBC encounters, the journal entries referred to them as jugglers or conjurers and were found to be numerous among the Cree; and those found performing the ceremonies were mostly men known to be good hunters. As Andrew Graham described:

Jugglers and conjurers are very numerous amongst them. These are generally men who are good hunters, and have family; some are very clever at it. They are suppose to have intelligence with the Evil Spirit, and by that means can procure anything to be done for the good or injury of others, foretell events, pacify the malignant spirit when he plagues them with misfortune, and recover the sick....The conjurer is often employed by other Indians to enquire concerning any affair or to retrieve any misfortune that has befallen them; or avert such as threaten them. And sometimes, if it be a general concern, several of them join to satisfy the man for his services. On these occasion a round narrow, high tent (named *Shebastakekan*) is

²⁴⁴ *Ibid*, p. 163.

erected by the conjurer, by sticking strong sticks into the earth at a distance from each other, and about eight feet high; the top open but the rest covered with skins, so that no person can see what is going on.... During the process all the other natives sit round with the most profound silence. The performer is painted black, and as ugly as the infernal genius he invokes. All the fires are put out, and one of the aged men stands by with the greatest gravity to light a pipe, and introduces it under the skins when called for. The people in general are so extremely superstitious, that they will give anything they have to these conjurers in fear of their conjuring them or their relations to death. By this means the imposter often receives considerable presents²⁴⁵ (HBRS, XXVII, p. 161).

Andrew Graham recorded the Cree as having their own doctors who were like jugglers, professing to know both astrology and medicines. Their knowledge of medicinal plants and herbs were traded with other tribes from the south who bartered with them yearly. Andrew Graham explained that, while he was out on duty one day suffering from a headache and dizziness, he allowed one of the doctors to bleed him and he explained:

They make great use of phlebotomy. There are several ways of performing it. Sometimes they simply scarify over the vein in several spots, and have a discharge of blood from each orifice.... The blood vessel is then elevated by means of a needle thrust through it; the needle is then cut out, and thus the orifice is made sufficiently large, and any injury to the adjacent parts prevented. I permitted one of them to bleed me after this manner when I was with the natives on the Company's duty, being much afflicted with the headache and dizziness, and found benefit by it²⁴⁶ (HBRS, XXVII, p. 163).

Curing and healing with the use of plants, herbs and instruments combined with ceremonies for health benefits were evident and recorded during these earlier

²⁴⁵ *Ibid*, p. 161.

²⁴⁶ *Ibid*, p. 163.

encounters with the Cree. The Hudson's Bay factors began exploring the benefits of the plants and began recording various types of plants for their use and benefit, with some shipped off to England for further analysis:

The buds are used by the natives, their boiling them in water to drink the liquor as a remedy against inward disorders. I have sent small quantities of these buds home to England, where they sold at ninepence per pound weight²⁴⁷ (HBRS, XXVII, p. 128).

The fascination in the practices was recorded and every effort was made to learn as much as possible, even as far as describing the moon cycle followed by the Cree Nation:

[They] have no weeks but their year is divided into moons...

Mekissew-Apesham, the Eagle moon and answers to March in which the eagles make their appearance.

Niscock-Apesham, Goose moon and answers to April in which the grey goose make their appearance.

Atheak-Apesham, Frog moon, and answers to May in which the frogs croak.

Oupinnihow-Apesham, Incubation moon and answers to June when the feathered tribes sets about great Natures law's.

Oupuskahow-Apesham, Moulting moon, and answers to July when great nature's commoner's are moulting their feathers.

Uppahau-Apesham, Flying moon and answers to August when the young birds fly.

²⁴⁷ *Ibid*, p. 128.

Waskauhow-Apesham, Shedding moon and answers to September when the deer shed their horns.

Wesack-Apesham, Rutting moon and answers to October when the deer are rutting.

Askuttatesew-Apesham, Frost moon and answers to November when the rivers are froze over.

Powatchicanisish- Apeshimm, Short day moon and answers to December when the days are short and nights are long.

Shepowarticinum-Apesham, Cold moon and answers to January when the severe cold sets in.

Shea-Apesham, Old moon and answers to February when the winter is old and the day lengthening²⁴⁸ (HBR, Vol.XXVII., p.166).

This calendar description showed how each month was observed in a search for order, and likely when hunting and gathering took place. This showed the Cree Nation had their own rule-governed sense of an annual cycle of time.

Graham found the customs and manners of the Cree Nation curious and entertaining²⁴⁹ (XXVII, p.153). He admired how the Cree carried their social life, describing their social behaviour as loving, caring, kind and friendly people with a greater degree of humanity and parental affection than in Euro-Canadian nations. As the Cree were often regarded as “savages”, it was surprising that these virtues were shared with one another, whether in council, food or clothing²⁵⁰ (Vol. XXVII, p.150). When caring for children:

²⁴⁸ *Ibid*, p. 166.

²⁴⁹ *Ibid*, p. 153.

²⁵⁰ *Ibid*, p. 150.

[t]hey frequently take the children of other people and adopt them as their own. They have a strong affection for their offspring, caressing them, even to a fault, seldom or never correcting them, alleging when they grow up they will know better of themselves²⁵¹ (HBRs, Vol. XXVII, p.150).

Children who were adopted were usually those who had lost their natural parents as a result of illness or accidental deaths. As well, customary adoption existed among the Cree.

With parents passing the virtues of caring, loving, kindness and friendship, the youth carried veneration and respect to their parents and to the elderly. Everyone was to treat the Elders with great respect for their advice and direction; and when Elders required help, this was to be provided without hesitation. Male youths were proud when the Elders called them their sons and it gave them pleasure to attend to the needs of the Elders²⁵² (HBRs, Vol. XXVII, p.151).

The virtues of love, care, kindness as friendly people was not always expressed, however, especially when a crime of murder was committed. As described by Andrew Graham a murder was committed and it was certain that revenge against the family of the killer would suffer consequences. While revenge was certain, the families of those impacted by the crime were also liable to the same punishment:

For it is of no consequence to an Indian who is the first aggressor, so long as he killed a person belonging to his family; and the revenge is continued from generation to generation, to that degree that the women and children

²⁵¹ *Ibid*, p. 150.

²⁵² *Ibid*, p. 151.

undergo great hardships by the loss of their fathers and husbands who have perished in these encounters²⁵³ (HBRS, Vol. XXVII, p.157).

The HBC traders rarely interfered with the social behaviour of the Cree Nation, as the constitution of the Hudson's Bay Company did not allow its men to quarrel with them²⁵⁴ (HBRS, Vol. XXVII, p.154). As a result, the HBC traders could only observe and were obligated to treat the Cree traders with kindness and maintain good friendship for the benefit of company trade. To ensure trade was not impeded in any way, a letter dated 14 August 1726, written by Richard Norton at Churchill River, expressed concern that the southern and northern Indians were at war with each other; he committed to investigate and "to promote [his] honours' interest and shall strive to unite all the natives together that might increase the trade at this place"²⁵⁵ (HBRS.,XXV, p.117). The HBC traders attempted to assist resolving these disputes by offering additional gifts and presents to make peace with a rival tribe. This peacemaking method was a practice that had existed within the Cree Nation and later was adopted by the HBC traders. Thomas McCliesh while at York Fort wrote in his letter dated 8 August 1728, the following:

It is much to be feared that our next year's trade will be but indifferent by reason all our Indians in general is resolved to go to wars with their mortal enemies the Poits, to revenge the death of the only leading Indian as ever I knew in your country...for when they go to wars with those Indians called Poits, they lose one-half of their time in catching furs. I offered 10 guns and 40 fathoms of tobacco, 14 gallons of brandy, to carry as presents to

²⁵³ *Ibid*, p.157.

²⁵⁴ *Ibid*, p. 154.

²⁵⁵ K.G. Davies, (ed.), *Letters from the Hudson Bay 1703-40*, *supra* note 211, Vol. 25, p. 117.

make peace with the Poits, but they with scorn and anger refused the said presents...²⁵⁶ (HBRS.,Vol.XXV., p.135).

The gifting of presents to resolve disputes became a practice for the HBC, particularly when it was thought disputes would hinder trade. As Richard Norton, Chief Factor for Prince of Wales Fort, Churchill River, explained in his letter dated 6 August 1728 [1727] when he presented gifts to reunite the southern and northern Indians:

In the time of most of the southern Indians being at the factory to trade, here come a gang of Northern natives being of upwards of eighty men. Those natives meeting at the factory gave me an opportunity to reunite both parties into friendship which I earnestly endeavoured to do in giving the leading Indians of each people presents to present to each other being what they require for that purpose. Likewise the common people seemed to be very friendly in presenting to each other their garments and other things such as they had. So these people seem to be in real friendship with each other and promised faithfully not to offer violence any more²⁵⁷ (HBRS.,Vol.XXV., p.119).

Orders from the Hudson's Bay Company directed their company men not to quarrel with the Natives but to treat them with kindness, even when theft occurred. They claimed that thieving was common among the Cree, and this did not exclude thieving from the HBC traders, which the Cree found humorous. Thieving was not considered a crime:

Thieving is so common among them that it is hardly reckoned an offence, therefore no resentment follows the

²⁵⁶ *Ibid*, p. 135.

²⁵⁷ *Ibid*, p. 119.

commission of it. Falsehood is equally practiced by them... [and] they think no harm in either, and until convinced it is so, it would be unjust to charge them with it as a crime²⁵⁸ (Vol. XXVII, p.153).

Incidences of thieving, or communal sharing, happened frequently when Company men were out on the land; but the Factory was not able to confront the matter or reproach the thief, for it was against the company's constitution²⁵⁹ (HBR, Vol.XXVII.p.154).

Any matter related to Cree justice was left in the hands of the Cree. The HBC recognized the Cree as having their own laws and, since there was no Company law in place to intervene, HBC laws could not be enforced. Letitia Hargrave related an incident that occurred while residing at York Factory in 1841. She explained that an Indian by the name of Abisha-bish committed a crime and instead of the Fort taking matters to investigate the crime they left it alone for the Indians to deal with, because it was regarded that "the Indians have their own laws, we do not interfere"²⁶⁰. Murders were often committed in the district, causing great fear among the Cree; and since this was a matter to be settled by the Cree themselves, it was often the family who took matters into their own hands. An entry dated 31 July 1843, described how the Cree dealt with a justice related incident:

The Indians who arrived from the north river bring a most melancholy account of an Indian family having been murdered a few days ago in their tentThe person they

²⁵⁸ Glyndwr Williams, *Andrew Graham's Observations*, *supra* note 90, p. 153.

²⁵⁹ *Ibid*, p. 154.

²⁶⁰ Margaret A. McLeod, *Letitia Hargraves*, *supra* note 85, p. 176.

charge with this horrid crime is named Abishabis, a native of Severn district who has observed stealing one of their guns and a canoe.

The murdered man was named Canesetu, a good old Indian of infirm health, in addition to whom they say that his wife and two children also lost their lives. The murders (*sic*) motive for performing such an act is entirely unknown. This is a man of worst character and lately possessed great influence among them... .

This moral conduct however, became so bad that his popularity and influence was rapidly disappearing; and as his only means of support were the goods that at first he obtained from his followers²⁶¹ (B.239/a/157).

Shunning a person for committing crime was done out of fear and, when a person was shunned, they would often endure hardships as they became an outcast from their own families and entire community²⁶² (HBRS, XXVII, p.155). A later entry dated 14 September 1843 described how the offended family dealt with the murderer:

The men who arrive from Severn inform us that the murderer Abishabish whose crimes were noticed on the 31 July, had made his appearance on that quarter and been killed by one of the natives. It appears that after having been seen about the fort there he left and proceeding again hither, he fell in with a Indian named Niokashich with his family, whom...instantly seized a hatchet and destroyed him instantly on the spot. This act of native justice has relieved the whole of the Indians here from their well grounded fears, and the company's servants from much embarrassment, for the Fort for some weeks, have been filled with them ...part refusing to go out with fear...to proceed to their hunting grounds²⁶³ ((B/239/a/157).

²⁶¹ York Factory (13 July 1843), *supra* note 222, B/239/a/157.

²⁶² Glyndwr Williams, *Andrew Graham's Observations*, *supra* note 90, p. 155.

²⁶³ York Factory (14 September 1843), *supra* note 222, B/239/a/157.

While the HBC did not necessarily support how the Cree handled their own justice, they could not help but admire how quickly the Cree resolved the crime. As Andrew Graham (1767-1791) explained:

Considering the deceased person to have deservedly fallen for taking a life away the life of his fellow creator, we cannot help admiring in the instance before us the just decrees of providence, which causes the same judgment from the execution of the laws in civilized nations, and the vindictive principles of these barbarians, to follow the commission of so atrocious crime²⁶⁴ (Vol. XXVII, p.157).

Domestic matters such as adultery were also often dealt with by killing the person who committed it; most times it was the result of jealousy; and women were not excluded from committing such a crime. This was not to say that adultery was always dealt with as murder; but it was also dealt with by simply leaving the relationship, especially in a case where children were involved:

Should the husband conceived a dislike for his wife for misbehaviour, or any other cause, he will part with her at once, and she returns to her own relations with her children... . The friends never offer to mediate between them, but marry her to another. The woman also will leave the man upon maltreatment, or inability to provide for her. The children being always esteemed the maternal property, is the principle reason why men seldom put away the women by whom they have issue, because it would be depriving themselves of their support in their old age²⁶⁵ (HBRS, XXVII, p.176).

²⁶⁴ Glyndwr Williams, *Andrew Graham's Observations*, *supra* note 90, p. 157.

²⁶⁵ *Ibid*, p. 176.

In any case whenever a murder was committed it was always handled in the same manner and could carry on for generations. The only time murders were forgivable was when committed during drunkenness and when carried out with consent. Consented murders were committed “[w]hen old men or women ... become helpless, and encumbrance on the family, they request the favour of their children to put an end to their misery and trouble”²⁶⁶ (HBR, Vol. XXVII., p.183). The old would often request the factors to “intercede with their children, and persuade them to confer the favour; but factors often endeavour to dissuade both parties from having recourse to so dreadful [an] expedient”²⁶⁷ (HBR, Vol. XXVII., p.183). However, despite the Factor’s pleadings, the act was often carried out away from the fort.

The Hudson’s Bay Company did not get involved in dealing with crime committed by the Cree, but did so only when crime was committed against their Company men or against their property. Letitia Hargrave (1841) wrote in her journal about an incident at a Fort where a Chief Factor was killed by an Indian suspected of causing death to an Indian chief. In describing this incident, reference was made to the use of Indian medicine in causing this death, as she explained “for they imagine that the whites have something that destroys at a distance”²⁶⁸ (p. 101). The belief that harm could be inflicted on another person from a distance through the use of Indian medicine was something not unfamiliar to the Cree Nation. However, to the European occupiers this belief was just another absurd superstition. Another crime was later committed against a Company man and this led to building a jail at York Factory. A journal dated 3 August 1841 “two men

²⁶⁶ *Ibid*, p. 183.

²⁶⁷ *Ibid*, p. 183.

²⁶⁸ Margaret A McLeod, *Letitia Hargrave*, *supra* note 85, p. 101.

begin building a jail”²⁶⁹ (B/239/a/154). This jail was being built for a man convicted of murder at the Saskatchewan district:

Who has been sentenced to a year in imprisonment and hard labour... he has been confined, strongly irons, in one of the outhouses for the present until the jail is finished which is now building for his reception (B/239/a/154).

The rituals and practices carried out by the Cree Nation were rarely understood as Cree law and therefore were not recorded in detail by the HBC men; and when recorded it was mainly out of curiosity. The skills of the Cree people were much more admired, as they were more useful to the HBC men who were striving to survive in the country; and while some practices were adopted such as “gift-exchanges”, they were done mainly to remain in control of the fur trade industry.

²⁶⁹ York Factory Post Journal (3 August 1841), B/239/a/154.

Chapter Six: Elders and Oral History

Introduction

This section of the thesis draws on oral histories of current Cree Elders. Their non-literal knowledge is rich with teachings that bring understanding of what can be best known about Cree spirituality and law. If we are to respect our traditional rule-of-Cree-law ways of governing, based on Cree spirituality, we must know what that law has been, by listening to our Elders who always say to us in Cree “*kawina wunikiskisi kakipaysikiskinomakaweyun*” (Don’t ever forget what you were taught). For young listeners, this gives meaning and purpose in their lives. Elders in the community share stories with laughter and great joy in reliving the past. This is how they were taught, never to forget the past, by embracing it in the present. The stories the Elders share are unique life experiences and memories passed to them by their ancestors.

These ancestors are now in the spirit realm, still available to the present by collective memory and individual dreams. In ceremonies we call them “*Mosoom*” (grandfather) and “*Nookoom*” (grandmother); and we speak and acknowledged them in a spiritual way. Their presences are remembered (*Kiskisin*) as teachings (*Kiskinomakewina*) that are instilled deep in our memories to guide us in the physical present. *Kiskinomakewina* can be manifested from many sources and places, such as in ceremonies, dreams, stories, out on the land and living in the bush. They cannot be ignored because they are forever present in everyday life to give us guidance and lessons. When ignoring *Kiskinomakewina*, we can often be reminded through other

people or through an experience or event. Sometimes reminders come gently, but other times shocking or tragically in lessons changing our way of being.

Now *Kiskisin*: I went to a funeral in a community with my uncle and the person who died was a youth who had committed suicide. I saw much grief and how devastated the community was for the loss of such a young life in such a tragic way. An Elder later said that his community was being taught a lesson, that this was a message to them to change their lives and pay attention to the young ones needing guidance; and as long as the community did not change they would continue to face tragedies. Many Aboriginal communities are not spared problems of suicide, violent and accidental deaths, usually as a result of alcohol. Today, many Aboriginal women are missing and murdered, with no national action to resolve and address such devastating losses. There is, in all such events, traditional faith in a law of nature that recognizes rewards and punishments as manifestations of approval or disapproval, respectively, of an imminent Creator's role in the present physical world.

Changing the way we live and treat one another is critical, and it must start with understanding our spirituality and how law articulates the responsibility we carry for our children to make better choices in life:

[C]hildren internalize the behaviour and attitudes of their parents or trusted caregivers and in time they go out into the wider world equipped with ethics they can use to evaluate new information and make choices how to live²⁷⁰ (RCAP, Vol. 3: p.80).

²⁷⁰ RCAP: *Gathering Strength* (Vol. 3.), *supra* note 60, p. 80.

Capturing Elders' stories and documenting them for future generations has become more urgent, as our youth learn and develop an understanding for an Aboriginal way of life. However, the Elders I approached to take part in this research were not always willing to share their traditional knowledge. Elders often remain bitter about the treatment of Aboriginal peoples during the residential school era. Overcoming this past will take more time and understanding as to why we need to document our knowledge, in a world where many young people do not understand their native language.

Today, many Elders can converse both in Cree and English and the stories they share are done in both languages. Stories shared in English provide some level of awareness of our ways of knowing. However to better understand and articulate the spiritual meaning of each story, we need our native language because it alone connects to our spirituality. As old stories have been passed on orally, we must now use whatever means are available in modernity to bring them to those who do not speak the language, to understand how our Aboriginal law is expressed through these stories. Our Aboriginal life and history has been shared through our language (*Pikiskwewinik*) and has been there since time immemorial. Treated as sacred knowledge and passed on during ceremonies, story-telling has instilled self-identity and belonging, to create pride in our people. The stories also bring stability and harmony in a community as they trigger our memories (*kiskisowin*), reminding Cree people of their past, the importance and purpose to life and the learning of rules and protocols to be carried out.

I remember such stories being told in my community and one that I never forget is about *Wesakaychak*²⁷¹, known to many as a trickster. *Wesakaychak*, was able to

²⁷¹ *Wesakaychak* is also spelled *Wisaketchak*, *Wysakejak* depending on the Cree dialect

transform animals and other humans. He was also able to communicate with the animals. The Cree identified *Wesakaychak*, as “*Achak*” (spirit)²⁷². Jeff Brightnose (2011) and Dean Linklater (2012), referred to *Wesakaychak*, as a “loving spirit”²⁷³. Using cultural analysis to understand *Wesakaychak*’s name, the word *saki* is understood in Cree “to love” and *Achak* means spirit. The notion is “to love your spirit”. Thus, the Cree encounters with *Wesakaychak* are based out of love for the people and these encounters are further explained in this chapter. Brown and Gray (2009), in *Memories, Myths, and Dreams of an Ojibwe Leader*, found in their research that the *Anishinabek* have their own trickster stories and refer to this character as *Nanabush*. Their stories show clear parallels, as those shared by the Cree depict relationships between the Ojibwe people and “other-then-human beings”²⁷⁴ (p.121).

John Borrows (2007) explains, in *Recovering Canada: The Resurgence of Indigenous Law*, the trickster stories retold in a way that combines ancient principles that express law in Aboriginal communities. They originate and hold spiritual values expressed through teachings:

They can be communicated in a way that reveals deeper principles of order and disorder, and thereby serve as sources of normative authority in dispute resolution²⁷⁵ (p. 13).

²⁷² Robert Brightman, *Grateful Prey: Rock Cree Human-Animal Relationships* (Regina: University of Regina 2002), p. 38.

²⁷³ Personal Communication Jeff Brightnose (2011), Dean Linklater 2011.

²⁷⁴ J.H. Brown and Susan Elaine Gray (ed.), *Memories Myths and Dreams of an Ojibwe Leader* (Montreal: McGill-Queen’s University Press 2009), p. 121.

²⁷⁵ John Borrows, *Recovering Canada: The Resurgence of Indigenous Law*, (Toronto: University of Toronto Press 2007) (Originally published 2002), p. 13.

Wesakaychak was a brother to every human being and to all animals; and according to Cree Elders, *Wesakaychak* was also brother to Jesus who was sent to Turtle Island to be with the people. Elder Tootoosis (2011) explained that in the beginning of creation *Kitchi-Manito* spoke to both brothers and said:

Wesakaychak and *Osimisa* (younger sibling) his brother, Jesus Christ, it was them that were here. Our brother *Wesakaychak*, over at Valleying Montanna, over there *Okimowjee* it is called. A hill, *wapuskojee* is called Chief Mountain and Sweet Grass Hills and it is there that our Creator (*Kotawinow*) spoke to them. Now my *nisimis*, (sibling) will go over there where the knowledge, sacred knowledge, is to be re-introduced to those people; this is for my sibling and me; what was given to me is the [turtle] island and the confidence given to me was for the *inisyniwak* (the Cree people). Now my younger sibling, says *Wesakaychak*, he is not going to be there for very long.... This is very old knowledge that is known and told again. It was there that it happened; all these lodges that we have today, one by one; *Ospokan*, (pipe) *Ospokaninew kisinikasewn*, (Pipe-being was my name) says that this human being existed. *Wekuskowsia inia* said the sweetgrass, that is who I am. When I am done with my life here I will be that pipe. I will be the one to translate to change the words of the human being, the spirited words so that they will echo to the Creator. *Kekwaskemew* (he disciplined him), and says that when I am done with my life, he says, I will be the one to be the sweet grass. Everything that is here is ours. This is ours that we talk about, the cultures that exist, everything that is living. If anything is to happen to them, to the people everything is there, if they get a broken arm everything is there for cure; or if a disease comes there will be a cure for that; everything here our *Kotawinow* (Creator) made, everything in advance to help for survival and well being. Everything that grows, they balance they committed themselves how they are going to help the people²⁷⁶.

²⁷⁶ Elder Eric Tootoosis, *supra* note 39, 8 September 2011.

Indigenous Nations each carry their own creation stories that explain their own origins and how they see the world around them. In the Cree creation story, *Kitchi-Manito* came to provide the people with rules for living and *Wesakaychak* was the first to receive instructions about what his responsibilities were to the people. Before any Christian missionary worked with the York Factory Cree, David Thompson, a British geographer and explorer recorded a Creation story told to him by these Cree. His version was documented in his narratives, written during the period 1784-1812, now published in the Champlain Society Publication Volume XII, (Tyrrell:1916). He related how *Wesakaychak* received instructions from *Kitchi-Manito* for how he was to live with the people:

After the Great Spirit made mankind, and all the animals, he told Weesarkejauk (*sic*) to take care of them and teach them how to live, and not to eat bad roots; that would hurt them; but he did not mind the Great Spirit...²⁷⁷ (Tyrrell, CSP Vol. 12: 1916: p.85).

Wesakaychak did not obey *Kitchi-Manito*, he did not follow the instructions given to him and, because he did not listen, *Kitchi-Manito* became angry and took everything away from him. For his punishment *Wesakaychak* lost his powers and a flood fell upon the land. *Wesakaychak* became sad because he had brought destruction to the people. In desperation, he tried to save the island with help from the Otter, Beaver and Muskrat. *Kitchi-Manito* saw how *Wesakaychak* tried to save the island and took pity on him. He gave back some of his powers to re-create the island. With help from the Otter he was able to re-create an island. For his courage and determination *Wesakaychak*, was once

²⁷⁷ J.B. Tyrrell (ed.), *David Thompson's Narrative of His Explorations in Western America 1784-1812* (Toronto: The Champlain Society, 1916), p. 85.

again able to live on the island but “the Great Spirit deprived him of all authority over Mankind and the animals and he has since had only the power to flatter and deceive”²⁷⁸ (Tyrrell, CSP Vol. 12: 1916: p).

Notice how imminent, how immediate the Cree Creation God is, in the physical world, making law and meting out rewards and punishments, then redeeming offenders. The stories Elders share about *Wesakaychak* are his life experiences and the lessons that he learned which have been passed on, so that others can learn from them and hopefully not make the same mistakes as he had done. One story that I heard as a child, is also shared by Louis Bird (2007), in *The Spirit Lives in the Mind: Omushkego Stories, Lives, and Dreams*. Elder Louis Bird is a renowned storyteller who shares how *Wesakaychack* tricked the birds when he became hungry. His story provides much more detail and description for how *Wesakaychack* orchestrated tricking the birds. The version of the story that I share comes from an Elder who frequented our community, visiting people and sharing stories of *Wesakaychack*. His is a short version on how *Wesakaychack* played a trick on the geese.

Brother *Wesakaychack* was hungry when he saw a flock of geese. He called out to them in his brotherly voice asking them to come to his camp fire and said he had a drum that he would like to play for them but that they had to dance. The geese listened to him and they began to dance and he told them to close their eyes as they were dancing. One by one as they danced by him with their eyes closed he clobbered them over the head, until one of them opened their eyes to learn that they were being killed. The goose shouted “Kinipykonow *Wesakaychack*” (He is killing us *Wesakaychack*). All the geese flew away,

²⁷⁸ *Ibid*, p. 85.

but not before Wesakaychack had enough to feed his belly.

The moral of the story is never explained because it is up to the listener to figure out its meaning. Being a young listener at the time, I never paid too much attention to any moral in the story, because I just enjoyed listening. The moral does not come to you right away; it only makes sense when you come upon something that might trigger *kiskisowin* (memory); and then, all of a sudden, an understanding develops. My explanation is that you can never be too trusting, especially with those who are known to play tricks on you. You have to approach life with caution because you never know the intentions. Perhaps this helps explain why Aboriginal people today have trust issues, especially when it comes to dealing with multi-million dollar corporations who seek their land, for mining and hydro development, which only the federal government under the *Indian Act* controls and decides. There have been many broken promises.

The trust issues go deeper when I approach Elders to share their stories. They are reluctant to share because they are suspicious of universities and what intentions exist for the use of their information about Aboriginal spirituality and law. Some suggest that I drop the subject and not give the University any information. One Elder went so far as to tell me “do another research and just give them something that will not give away our knowledge”. That disappoints, but one can understand why they hold such suspicions. I am not the only one who has encountered this attitude, as other researchers have been turned away from Aboriginal communities because of past negative experiences with university research (Borrows 2010, p.9). Mandelbaum (1985/1979), in his research, *The Plains Cree: An Ethnographic, Historical, and Comparative Study*, was questioned by a participant during a conference he attended in 1975:

“What good”, he asked me, “have all your efforts among us and your writings about us done for my children and my people?... What I tried to express was that the work I had done with the Plains Cree had given them, and might well continue to provide for their descendents, some record of their forefathers and of a way of life that many of them would increasingly want to know about. Together with their own oral traditions it could provide that sense of personal and social roots that most people want to have. These writings may also give people living in the region, both Indians and non-Indians, some idea of what their predecessors on the land had been like, how they coped with the problems of that environment. Such knowledge, too, is something that the people of a place often want to know ²⁷⁹(p. xv).

Because very little written documentation exists about Cree spirituality and law, I know that Elders must be recorded for our own future generations. The writing down can create a broader understanding for how our ways of knowing are completely different from those who have come and continue to arrive from foreign countries, with their own religions and laws, to settle in our home land.

Search for Elders

When I began searching for Elders to interview I made sure that I was not breaching sacred protocol. Before I could do my interviews I first had to offer ceremonial tobacco in exchange for sacred knowledge. Kovack (2009) in her *Indigenous Methodologies: Characteristics, Conversations, and Context*, explains how her research participants helped her to understand the importance of following sacred protocol when seeking Indigenous cultural knowledge. The process requires a researcher to integrate

²⁷⁹ David G. Mandelbaum, *The Plains Cree: supra* note 52, p. xv.

ceremonial offerings, calling it cultural grounding, where “[r]esearchers incorporate ceremonial practices to show respect and give protection to the knowledge shared”²⁸⁰ (p.116). The process of following sacred protocol is further explained in this chapter. To ensure that I was carrying out my research in a good way I provided each Elder with cloth, tobacco and a gift. The cloth I presented was two metres long in white, yellow, blue, red, green and a flower print. I also requested a sweat encounter so that I could speak about my research in a sacred way and ask for guidance in my research.

An Elder (2011) who I asked to interview wanted to remain anonymous, saying “be careful, take your time, you will get direction”²⁸¹. Another Elder (2012) who also wanted to remain anonymous said, “you don’t need anything from us, you have it all already, you know all of this”²⁸². I can write what I already know but the problem is that Canadian academic standards require primary written evidence. I once submitted a research paper on traditional knowledge, writing what I knew without citing any written sources. When I handed in my research paper, the professor was impressed but disappointed that I did not provide such sources. She said that she could not accept my paper. I remember an Elder who was working with the university at the time who said that if I ever needed his help I should call him. I decided to invite him to the class when it was my time to do a class presentation on my research paper. I did not show him my work because I wanted him to tell me in front of the class if my research information was correct or if I was misinforming my class. Before I started my presentation, I introduced him as my Elder Advisor, who was my historian, my reference, my bibliographer and my source. When I

²⁸⁰ Margaret Kovach, *Indian Methodologies: Characteristics, Conversations, and Context*, (Toronto: University of Toronto Press. 2009), p. 116.

²⁸¹ Anonymous Elder, Alberta, Personal Communication, 24 July 2011.

²⁸² Anonymous Elder, Saskatchewan, Personal Communication, 15 July 2012.

finished my presentation, I turned to the Elder and asked him to tell me in front of the class if I was misinforming my professor and class mates. He confirmed that what I had reported was correct, that he was taught the same knowledge while growing up, and that he also would share the same knowledge as I had.

I took a chance to assert my knowledge and in the end was accepted. After class, the professor took me aside to apologize and said in future classes she would consider changing her course to teach Western Knowledge versus Traditional Knowledge. (I am not aware if she proceeded with this idea). As an Aboriginal person writing about spirituality and law, I knew that I would be faced with many challenges. One challenge with academia is accepting oral Aboriginal knowledge where little written evidence is available to validate our truth and corroborate our report. The other challenge is that my own people at York Factory continue to resist sharing their knowledge because spirituality is considered sacred and cannot be written. This has been the most frustrating part about my research and I feel discouraged many times.

I am careful because I do not want to be writing down sacred knowledge that is not meant to be written down. Rice (2005) in his research, *Seeing the World with Aboriginal Eyes*, found:

... Aboriginal scholars are reluctant to delve deeply into Aboriginal spiritual knowledge for fear of being exploited. There is some truth to these concerns. However, based on my experience as an Aboriginal academic involved in ceremonial life, there is no truth to the fear of giving away the secrets of sacred knowledge by writing them down. Most written literature provides only some basic fundamentals of sacred knowledge; I have never learned a sacred ceremony or song by reading a book. One understands Aboriginal spiritual knowledge only through years of practice and experience, not by reading a book.

Also, years of training in sacred knowledge cannot be replicated by simply writing about the experiences; for example, an author cannot replicate a nine-day oral recital of the Great Law of Peace in a brief chapter of ten pages. Therefore our fears of exploiting must not prevent us from writing about Aboriginal spiritual or cultural knowledge. It cannot be exploited, only misrepresented²⁸³ (p. xi)

There were many times when I felt like giving up on my writing; and one night when I felt like I could not do it anymore, I had a dream in which I saw a child crying by my bedside; and he was crying so hard that his crying woke me up but not before I heard him saying “tell them, you have to tell them”. I just broke into a sweat and that dream has bothered me ever since. That morning I knew that I had to keep writing.

I continue to experience challenges in my writing because Elders fear sharing their sacred traditional knowledge, as they may bring *pastowiwîn* (sin) to themselves and to their families. The fear of bringing harm to their families and to themselves is expressed to me when I ask a Traditional Advisor to share his understanding of Aboriginal law during an Elders’ gathering. As he prepared to share his knowledge another Elder spoke up and said “*Payatuk* (be careful), are you prepared to share this knowledge as once you start you cannot stop until you are finished”²⁸⁴ (Elder Easter 2011). It was later explained to me that reciting Aboriginal law could not be done in one day and that it could take weeks to explain fully any Aboriginal law. Rennard Strickland (1975), in *Fire and the Spirits*, studying the laws of the Cherokee, explained that when the laws of the Cherokee are recited they are done in a high religious ceremony and read once a year so that

²⁸³ Brian Rice, *Seeing the World with Aboriginal Eyes* (Winnipeg: University of Manitoba, Aboriginal Issues Press, 2005), p. xi.

²⁸⁴ Elder William Easter, Chemawawin Cree Nation, Easterville, Manitoba, (Bluff Road, Sapotawayak Cree Nation, Personal Communication, 24 July 2011)

people know the law. There is a show of great respect with potential fear of what might fall upon them if they fail to make a careful observation of these ancient laws²⁸⁵ (p.12). As my time with the Elders is limited, they are not prepared to begin any recital which they fear may offend the spirit world.

Elders treat their traditional knowledge as private property that cannot be played around with; and they take great care not to share without following proper protocol. I attended two ceremonies once, a bear ceremony and an eagle ceremony; and I saw how elaborate the preparations were leading up to these ceremonies. This involved lighting the sacred fire, offering tobacco, feasting, drumming and singing to acknowledge the spirits of animals involved in the ceremony and to *Kitchi-Manito* for all good things in life. Only those who had the knowledge and right to the ceremony were allowed to speak. Borrows (2010), in *Canada's Indigenous Constitution*, explains how people on the West Coast earn the right to speak and use cultural knowledge; and if they are not entitled to speak on that knowledge then they are breaking sacred law²⁸⁶ (p.149). Drew Mildon (2008) in *A Bad Connection: First Nations Oral Histories in the Canadian Courts*²⁸⁷ has researched oral history and how this has been passed among the Tsilhqot'in and Xenigwet'in people. He found the process to be lifelong, taught to children with a care observed by the storyteller, because the gravity of telling a story wrong can cause life and death situations (p.91). A person has to earn the right to practice, carry and share

²⁸⁵ Rennard Strickland, *Fire and the Spirits: Cherokee Law from Clan to Court*, (Oklahoma: University of Oklahoma Press, 1975), p. 12. (Medieval Iceland, from about 940 A.D., had its "lawspeaker" who performed much the same function).

²⁸⁶ John Borrows, *supra* note 27, p. 149.

²⁸⁷ Drew Mildon (ed.), Rene Hulan and Renate Eigenbrod, "A Bad Connection: First Nations Oral Histories in the Canadian Courts" in *Aboriginal Oral Traditions: Theory, Practice, Ethic* (Winnipeg: (N.S.: Fernwood Publishing, 2008), p. 91.

sacred cultural knowledge; and it can take years before they earn that right. Petrone explains:

Many narratives were considered private property in some tribes, or in societies within the tribe (for example, the Midewewin Society of the Ojibwe), and were owned by a particular person or family. This secrecy meant that only a limited few - certain initiated elders - had knowledge of them. Only they had the right to tell or hear them, or to perform the associated rituals. Restricted access to certain kinds of knowledge helped to ensure their power and authority²⁸⁸. (p. 11).

Not all teachings and ceremonies are regarded with such restriction, such as the stories of *Wesakaychak* shared when the storyteller thinks it appropriate. However, protocols can still be followed that may include the offering of tobacco or gift, a feast and pipe ceremony and prayers to acknowledge the spirits, so that no harm will come upon the teller and participants. When conducted this way the process is one of reciprocity. In essence, you give back what you take with respect and acknowledgment.

I return to the story of *Wesakaychak*; after he had collected the geese he had killed he began preparing to cook them over his fire. This story was shared by Louis Bird (2007), as follows:

... Wisakaychak, he was so greedy and he was hungry. So he didn't bother to pluck the geese- he just put them right in. He made a large fire in the sand and, after he was satisfied there was enough heat, he put all the geese in, head first with the feet sticking out. So he buried them in the very hot sand and he left them there...he says, "I might

²⁸⁸ Penny Petrone, *Native Literature in Canada: From the Oral Traditions to the Present* (Toronto: Oxford University Press, 1990), p. 11.

as well take a nap”...he knew that there would be animals travelling by and they might steal...so he decided to have a guard because somebody should keep an eye on his cooking. There was nobody around, so he talked to his rear end and says, “Well you watch”. So he lay down with his bum to the creek side and says “You watch and let me know if anybody steals my food”²⁸⁹ (Bird & Gray 2007, p.187).

As *Wesakaychak* napped he had instructed his bum to fart if he saw anyone approaching his fire. Sure enough, men who were out hunting came along to see *Wesakaychak*'s fire. Having learned that it was *Wesakaychak* and his bum, they plotted for the geese without being noticed.

So they tried it and, sure enough, as long as the leader made signs when the others should stop, the bum didn't fart....[T]hey stole his geese...[t]hey cut the feet off and stuck them back into the sand. Then they rearranged the sand so it didn't show any tracks....In the meantime *Wisakaychak* just slept. It was towards the evening by the time he woke up. He was all rested and everything and the first thing he thought about was his geese. So he says, “Oh my! I am sure I overcooked my geese! So he jumped up and grabbed his stick to dig out one. Nothing there! And he says, “Ah yes, I did overcook.” Then he pulled another set of feet. Same thing. Then he became aware that there was nothing attached to them- he began [to] dig and there was nothing there. All the feet had been cut from the bodies of the geese and buried again²⁹⁰ (Bird & Gray 2007:189).

By this time, *Wesakaychak* realized that he had been robbed by humans and that he could not do anything because the robbers were long gone. He became furious since his guard was his bum and did not warn him:

²⁸⁹ Louis Bird and Susan Elaine Grey, *supra* note 78, p. 187.

²⁹⁰ *Ibid*, p. 189.

He could only be mad at his rear end. So he says, "Asshole, why didn't you warn me?" And he took a switch and just whipped his bum. All he had to eat was those feet that were left over, and he was still mad. Finally, he talked to his rear end again and he says, "I'll fix you". The fire he made was still burning so he rekindled it and put a stone in there. When it began to get hot he sat on it to punish his rear end. After he was finished he decided that's enough punishment... . His well planned feast hadn't turned out. It was his own fault. He was being repaid for his tricks to the animals that he killed; he realized that²⁹¹ (Bird & Gray 2007:189).

According to Bird (2007), the moral of the story is that greediness got *Wesakaychak* into trouble; and after this experience, he had trouble getting food for himself because every time he was near any animal his bum would fart. The lesson learned from this experience according to Bird (2007) was:

So he teaches that you should live moderately and that you should not kill any animal that you cannot put away or preserve for use. Most of all, you should not be too greedy because you will always lose out in the end²⁹² (Bird and Gray 2007:193).

Growing up in my community I heard many stories of *Wesakaychak* and the trouble he got himself into. There was always a moral to each story. The final version I heard after *Wesakaychak* burnt his bum came from my father:

Wesakaychak wandered about in the land looking for food to eat, but since he had burnt his bum, he had developed

²⁹¹ *Ibid*, p. 189.

²⁹² *Ibid*, p. 193.

a scab and was extremely itchy and as he walked about in the bush, he would stop and rub his bum on a tree, leaving parts of his scab. In his hunger he did not know that he was walking in circles. He soon came upon the tree where he left his scab and as he walked by he would pick on the scab and eat it. While he was eating his scab all of a sudden he heard a bird singing *Wesakaychak omiki michu* (Wesakaychak is eating his scab).

The moral of this story is that *Wesakaychak* had received punishment for his actions. He broke the sacred circle for the way he treated the geese. For his punishment he hurt himself and ate his own scab. To this day, you will see *Wesakaychak's* scab, known today as spruce gum, and you will also hear the bird singing. This bird will sing early in the morning and early in the evening. It is a continuing reminder for us who know the story of *Wesakaychak* and what he did. We are reminded not to be selfish and to always be respectful to animals and the physical environment to avoid offending the spirits, bringing *Ojina* on ourselves.

The spirituality and law in this story, is the focus on one man in conflict with nature, with an immutable order legislated by the external divinity, but where consequences of a human act remains within one's physical, internal, bodily reality. He further violates the naturally legislated order by assuming that his rectum can have a mind of its own, can be instructed to act independently, while he sleeps; and then he compounds his disordering with the scab that his act has created. The spiritual and physical are symbiotic until lawful, orderly nature (healing) restores itself.

As I continued to seek and explore present oral evidence for the meaning of past and present Aboriginal spirituality and law, the Elders remained cautious. I travelled to Saskatchewan, Alberta and Manitoba. I was not able to connect with Elders from Ontario,

North Dakota and Montana. My research findings came mainly from Manitoba Cree Elders and from Traditionalists that I consult as advisors and who have supported my research to ensure that I clearly understand Cree meanings. What follows in the next section are findings that come from the Elders Traditional gathering held 22 - 24 July 2011 at Bluff Road, located adjacent to Sapotawayak Cree Nation, Manitoba. I spent a weekend working with the Elders, where their teachings were captured using a video camera with help from two friends who served as videographers. I also conducted individual interviews; two in Saskatchewan, two in Alberta and one in Manitoba. Out of the five interviews three chose to remain anonymous.

Elders Teachings

I am grateful to each participant for taking time to share cultural knowledge and for what they teach me about Cree spirituality and law. I respect those who choose to remain anonymous. The teachings shared with me will never be forgotten and will be forever cherished. Their teachings involve story-telling, sharing circle, pipe ceremony, sweat ceremony, feast ceremony, medicine ceremony and a medicine walk. During the gathering, I presented key questions, allowing them to stay focused on my research. The key questions include the following:

1. How to define “spirituality” and “law”?
2. How should spirituality and law determine Cree self-government?
3. What are some of the rituals and practices for maintaining law and order in a Cree traditional governing system?
4. What is your vision of a traditional governing system?

5. What are the sources by which to know Cree “spirituality” and “law”?
6. What is unique about Cree “law” and how does “rule of law” operate in Cree culture?

These questions beg answers that ultimately capture a Cree traditional governing system. As I was an equal participant and facilitator I was not able to write everything down that was said.

What I document here comes from my own personal experience, observation and use of my listening skills. However, I was able to use the video recording capturing the teachings and ceremonies; and using that video, I remain able to draw out information needed for my research. I also use the individual interviews and my listening skills to analyze each participant’s shared knowledge. I have found consistent themes and I have arranged these themes as follows: language, protocols, values and beliefs. And of course, as a participant in the literal history-making event, I remain fully cognisant of my own subjectivity (*i.e.*, in the so-called Heisenberg principle regarding the researcher embedded in her research “truth”).

Language (*Pikiskwewin*)

Our Aboriginal life and history is shared through our language (*Pikiskwewin*) and has been there from time immemorial. Our Elders tell us our culture is in our language and, when one is *ayami* (speaking), the words express spiritual meanings rooted in a worldview that extends toward the land and environment, into all living elements. McLeod’s (2007) work in *Cree Narrative Memory: From Treaties to Contemporary Times*,

uses the Cree language throughout his book to demonstrate the power of language and how vocabulary connects us to our Cree spirituality. Our Cree oral traditional stories involve spiritual beings who “give insight into the way in which Cree people relate to their ecology and the environment and other beings”²⁹³ (p.17). He explains that “...the stories act as the vehicles of cultural transmission by linking one generation to the next”²⁹⁴ (p.68). He finds that the origins of Cree stories connect to traditional laws for the land, animals, language and history.

Allow me to relate a personal story shared at the Elders gathering in Cree to the participants. This story is a teaching on the poplar tree and how this tree is sacred because it holds our history in defining our relationships and blood line, teaching us how we are connected to one another. This story was shared by Jeff Brightnose, translated by Bob Brightnose (2011), and he began with an explanation that the bark of the tree represents woman and the inside of the bark is man. Without women we die and cease to exist:

Kepayajimow awa (it was told) that *mitosinatic* (poplar tree), is where *wakotowin* (relations) come from and how we are to look after ourselves (*tyisipamisowak*). That is where it comes from, *Kahanistaeskawit awa mistic*, where *nistes* (brother) comes from, *kahanistaeskawit* (the heart that walks in front of me), this is where my *nistes* comes from, this is where *nistes* started. *Ka-isimanisit awa mistic*, that is *nimis* (sister) as it is the sister that looks after *pimatisiwin*. This is where *nimis* started from this tree (*awa mistic*). When we look at the other part of this tree, called *Watikwun* (ball in tree), this is where *Ntigotim* (nephew) comes from. Another is *N'toosan*, it is called *N'tootoosan*, this is where *Ntoosim* and *Ntoosis* (uncle and Aunts) got their name from. Reason why we say *Ntoosim*, *Ntoosimiskew* and why it is said *Ntoosim*, because

²⁹³ Neal McLeod, *Cree Narrative*, *supra* note 8, p. 17.

²⁹⁴ *Ibid*, p. 68.

Wakotowin pimatisiwin, it follows you too. *Ka we pay Ntoosiskamak pimatisiwin* (life). This is the first law that was given to us, it was set for us. The other word *Kitosis* has a purpose that you will go to him (*Kanatoosiskamawow*) and see what he saw in this earth; and where you are stuck, he too has his purpose to correct your *pimatisiwin*. This too is in the first law that was there. *Ookoosanikewin* is why this is called the one who is born very small. This is where *Nikosis* (my son) comes from and these babies that we know are the part we know as a root called *kantaskowapitik*. *Ininewa atic awa* (the people's tree) I am talking about *Wakotowin*. And the next one called *N'tantaniskowapitik*, which means root, a root that is branching out. *N'tantaniskowapitik* branching out. That is where that name *Ntanis* (daughter) comes from, from there *mistikok* (tree). This is the one that comes first, that is why we are told to take your faith there *mistikok* (tree). Go there and be around there in the bush; this is where we are to be told to go and we will get our teachings of faith. The next tree that grows beside there, when there is a wind, they are rubbing against each other and we say *Aychechowiskatochik* (rubbing against each other). This represents our soon to be in-laws. This is where the name *Chechowuk* (in-laws) comes from and it is not for nothing *Awakotowin* (we are related).

This is what *Wesakaychack* showed as *Wakotowin*, this way of life; we are all related to everything and not just one thing. This is where this was taken, this *Niwakomakun* (this is my relative). *Ntotem* (my relative), we are related to everything not just one thing and we are related to everything. We have to make sure that *wakotowin* carries on, that is what was given to us; the young people do not know what *wakotowin* means. This is no longer known, those people, our people are trying to revive what we know as self-government, they have forgotten about *wakotowin*. This *wakotowin* has to exist and continue.

Ayatimiskatowak (when we greet one another). The first thing that happens is that we start laughing; the first thing that happens when we greet each other is that *wakotowin*. This is our *wakotowin*, but we have forgotten about it and it is no wonder that we do not know this today in this future

because it has fallen; this *wakotowin*, it is falling. This is the first law that was given to us²⁹⁵.

Borrows (2010), *Canada's Indigenous Constitution*, found the first important law was *Wakotowin*, “viewed as the overarching law governing all relations”²⁹⁶ (p.84). *Wakotowin* tells people who their *N'dodemak* (relations) and kinship are. *Wakotowin* means forming and maintaining a relationship that extends to all living elements promoting peace, harmony, reverence and respect, avoiding *Pastowowin* and *Ojina*. The story of the poplar tree reminds us that our Cree law flows from our environment and it is our responsibility to teach *Wakotowin*, because it defines how we are to look after one another. This law has always been there and it comes from *Kitichi-Manito*.

To understand the spirit of language, one must interpret and explain where it comes from. Language is sound and vibration; and when words are expressed we use our tongue; in Cree the literal meaning of tongue is *mitaynani*. *Mitay* means your heart in Cree and when you say *mitaynani*, the notion is that the heart and the spirit want to speak²⁹⁷ (Jeff and Bob Brightnose 2011). When we use our *Pikiskwewina* we verbalise words from the heart, expressing spiritual meanings and moral teachings. As an example the word *Wanihikew* is understood to mean trapping; but when the word is culturally analyzed in the spiritual sense it means something more. The *Owanihikew* is understood to mean a trapper and when that person has gone out trapping we say *N'tay-wanihikew*. While trapping, the *Owanihikew* uses modern instruments to capture the furbearing

²⁹⁵ Jeff Brightnose, Pimicikamak Cree Nation (Bluff Road, Sapotawayak Cree Nation, Personal Communication, 24 July 2011).

²⁹⁶ John Borrows, *Canada's Indigenous Constitution*, *supra* note 27, p. 84.

²⁹⁷ Jeff Brightnose and Bob Brightnose, Pimicikamak Cree Nation (Bluff Road, Sapotawayak Cree Nation, Personal Communication, 24 July 2011).

animal and will often find their prey still alive, caught in their trap, or frozen; and in most cases, the animal has suffered great pain before succumbing to death.

In Cree when a person does or has done something hurtful we say *wanihtotam* or *Wanisitchikew*. The word *wani* is used in other Cree words such as *Wanisin* which means he/she has gone astray or he/she strays; and *Waninawew*, means he/she mistakes someone for another. In Cree traditional belief, when a person does something wrong, whether intentional or not, and without due regard to respect life, the usual result is spiritual punishment because the sacred circle has been broken and a boundary has been crossed, resulting in *Pastawowin*. The consequences when breaking the sacred circle can carry on for years and generations. Many young Aboriginal men are trappers and have been employing *wanikewin* for their livelihood, without knowingly breaking the sacred circle; possibly this is a reason why many lose their limbs as a result of *Pastawowin*²⁹⁸ (Jeff Brightnose 2011).

Hulan and Eigenbrod (2008) explain that oral stories in written form add layers of meaning and, when transcribing, these layers must be uncovered²⁹⁹ (p. 7). Preston (2002) while researching Cree culture, relied on an interpreter but noted that:

...there is no substitute for the depth, detail, and precision of learning Cree culture via the Cree language. Partly due to [my] language barrier, the major problem in regard to language learning and use is that total, precise mastery is both difficult for the non-Cree and important to the Cree. It

²⁹⁸ Jeff Brightnose, Personal Communication, *supra* note 295, 24 July 2011.

²⁹⁹ Renee Hulan and Renate Eigenbrod (eds.), *Aboriginal Oral Traditions: Theory Practice Ethics* (Winnipeg: Fernwood Publishing, 2008), p. 7.

is especially necessary if one is to obtain a sophisticated grasp of Cree meanings, in Cree terms...³⁰⁰ (p.65).

The Elders and Traditional Advisors who have shared with me their knowledge in the Cree language bring a rich and deeper meaning to the stories they share. They bring out the spiritual meaning and understanding of the teachings and principles one must live by. In Bird and Gray (2007) *The Spirit Lives in the Mind*, the stories that Elders learned from their parents and grandparents provide moral teachings on how to behave, sharing with children as a teaching system³⁰¹ (p.4). Children learn rules of conduct and understand the concept of spiritual punishment if they do not listen. In Gray (2006) *I Will Fear No Evil*, children at a young age already have extensive knowledge of the Ojibwe *Midewin* ceremony and, as Preston (2002) finds in his *Cree Narrative*, children learn proper behaviour when exposed to ceremonies, learning adult standards early. Children may be teased as a form for correcting misbehaviour and share stories that teach them discipline. Family members carry a responsibility to each other to ensure that rules of conduct are followed. The moral responsibility held by each family member has to be carried throughout their lifetime.

The re-learning and reviving of our language will take time because many grandparents have lost their language as a result of residential schools. While we may have a few Cree speakers, many did not pass on their language because they thought they were protecting their children from being teased and laughed at for not being proficient in the English language, as in my case. The residential school era affected many Aboriginal people, disrupting the passing of their cultural knowledge to understand

³⁰⁰ Richard J. Preston, *Cree Narrative*, *supra* note 18, p. 65.

³⁰¹ Louis Bird and Susan Elaine Grey, *supra* note 78, p. 4.

spiritual roles and sacred responsibilities as carried out by every family member from generation to generation:

The residential school system, which isolated children from their families for prolonged periods of time, disrupted the socialization of the younger generation in indigenous values and religious expression. Responsibility for education that once resided with grandparents, parents, and other relatives was now assumed by European-Canadian teachers. Because the traditional means of learning involved oral communication based upon a linguistic-bound world view, the loss of language at school significantly undermined ceremonial continuity. Indigenous cultural learning through direct observation and practical experience was also an important aspect of training that was not available to school children³⁰² (Pettipas, 1994, p.227).

The risk of losing our Cree language was known ahead of time, foretold through ceremonies and through their dreams, that changes were coming and that this would affect our way of life. Elder Eric Tootosis (2011) shared a story of a man who had died and come back to life with a gift to share with the people. This gift was *Achakipehewina* (syllabics) to be used to help future generations, and he explained:

These ships that are going to arrive are going to be the first permanent residence of this North America. They will bring the technology and a way of life and a way of doing things that is going to make our life easier. That was the first introduction of tools, first introductions of making woman's life easier of doing things, men hunting, fishing and trapping all of those... . In the future, ... *Manito kosisan* (Creator's son) when he arrived here again he said that we will reach a time, it was *Manito kosisan* (Creator's son) that said this, here is *Aysinew Kiskinomasiwini* (Cree teaching), *Aysinew*

³⁰² Katherine Pettipas, *Severing the Ties that Bind*, supra note 49, p. 227.

Mamatowikiskenitamasowin (Cree sacred knowledge) of the Indigenous peoples is going to become extinct, the sacred way of doing things the ceremonial way of doing things is going to become extinct. What served the spiritual based, knowledge of community of leadership is going to become extinct and the last will be the language. Now during this time, when this happens, those in the future who want to live again, this is what they will use if that person wants to relearn that way of life that was granted to us Indigenous people³⁰³.

Elders today strongly encourage re-learning our Cree language and having it taught in the schools so that children can re-learn their cultural knowledge and know who they are; *Anisiniwak, Ininew*. Bob Brightnose (2011) explained *Kitchi-Manito* put us on this earth, “to be who we are... the people of the four directions, people of four, from the land, gives me the right to talk about everything in our environment”³⁰⁴. Our Cree language holds and communicates our laws, imbued in spirituality and expressed through stories, songs, dance, ceremonies, practice, rituals; and in our *Wakohtowin*, vocabulary helps us to understand that our Cree law is grounded in our culture and our culture is in our language.

Protocols (*Kiskisamakaywin*)

Aboriginal people have always lived by their rules and followed their protocols because their failure could result in breaking a sacred boundary resulting in *Pastawowin* (Sin) or offending the spirits resulting in *Ojina* (Curse). Traditional people who are familiar

³⁰³ Elder Eric Tootosis, Personal communication, *supra* note 39, 8 September 2011.

³⁰⁴ Bob Brightnose, Pimicikamak Cree Nation (Bluff Road, Sapotawayak Cree Nation, Personal Communication , 24 July 2011).

with this rule always take care to observe such protocols when asked to share their knowledge. An Elder who asked to remain anonymous said this: “make sure you follow the protocol, offer your tobacco, your prints, and a gift, this is what the old people liked. You don’t follow this protocol, the spirits can punish you. This is an old protocol that continues to exist today”³⁰⁵.

Using the Cree language to define protocol, we say *Kiskisamakaywin*; the notion is that you are extending a piece of offering in exchange for what you wish to receive. The word *kiskisa* means to cut and the word *asam* means to feed. The main offering (*Kijisamakaywin*) first and foremost is tobacco; in Cree we say *Jistaymow* and everything else is secondary. Gifted Traditional Elders will tell you what the spirits need from you and will usually tell you after you have participated in a ceremony. The spirits will sometimes demand a further offering to be extended and this demand is made to receive healing, or to remove energy that is causing you or your family hardship. Sometimes the demands placed on an individual can be challenging but it must be followed through, if one is to restore balance back in life. Preston (2002) in *Cree Narrative* found the James Bay Quebec Cree had many spirit guides and were at their constant mercy, because they had to please and satisfy demands or they would be faced with bad luck. Preston related a story of a hunter who did not listen to his attending spirit who wanted food put into the fire as a gesture for feeding him. Because the hunter failed to listen to his attending spirit, his family almost starved³⁰⁶ (p.118-122).

³⁰⁵ Anonymous Elder, Alberta (12 May 2012).

³⁰⁶ Richard J Preston, *Cree Narrative*, *supra* note 18, p. 118-122.

Failure to follow through in meeting a demand can lead to further repercussions. I remember when I first started re-learning my culture. I did not know that I had offended a spirit and things kept going wrong for me personally. I just could not understand why I was having such a difficult time in my life. I decided to seek advice from a healer. The time when this happened was late Fall and the ground was already covered with snow. I remember because, after I saw the healer, he told me that I needed to find a big black rock and take it and throw it into a river. He told me once I did that everything that was going wrong in my life would settle. I remember leaving his house wondering where I would get such a rock during this time. I also thought that he was concerned for me, as I saw the look in his face when he told me what I needed to do.

When I left his house, I drove to see my family who were two hours away. When I arrived, I did not tell anyone where I came from and what I needed to do. However, my brother had noticed that something was bothering me and since he asked me, I told him. He said that he knew someone that we should go see and perhaps he might help. We immediately left to go see this man and when we arrived he was not surprised; it was almost like he was expecting us. I told him what the healer said; that I needed to get a big black rock and I was not sure that he could help me with it. He said "I think I can help you. I was out walking in the bush this Summer and I came upon this rock. I picked it up thinking that someone is going to need this rock". He left to go to his room and a few minutes later he came out with a big black rock. I couldn't believe my eyes when I saw it. I offered him tobacco and a gift in exchange for the rock and he instructed what I needed to do with it. No one could help with the rock; I had to do it alone; and I am sure that rock must have weighed at least 80 pounds because I had a difficult time carrying it. I did not

waste any time. I went home immediately and the next day, I prepared the rock the way I was instructed and took it to the river. I said my prayers and asked for forgiveness for whatever I had done to offend the spirits. I also expressed much gratitude to the grandfathers and grandmothers for guiding me to find the rock. This was a lesson that I never forgot and a reminder that I must always show respect and remember to give back what I take. This experience taught me how our Cree law operates. Without knowing I had crossed a boundary and experienced chaos in my life for my actions. If I did not carry through with making amendments, I probably would have continued to suffer as a result of my actions.

The Elders at the gathering explained why protocol was so important and why it must be observed first, before any ceremony or taking any plants and roots for medicinal purposes. They told us that if we failed to follow this protocol, what we asked for and what we took would not work. Elder Madeline Spence (2011) shared this:

The purpose of offering tobacco comes when you pick medicines. You first have to offer tobacco and you talk to the medicine, asking for forgiveness, for breaking them off and for taking it off the earth. You ask for forgiveness and also ask for blessings, to bless whoever will use the medicine and whoever we give that medicine to. To bless that person, to cure them of whatever he/she wants and when the person is sick we ask the medicine, whatever sickness that person has, you pray to the medicine and to the Creator, as everything that grows here comes from the Creator. So, you thank the Creator for this medicine and ask in prayer, a blessing to the person that will be using the medicine. We talk to the plant...we ask for forgiveness, we offer tobacco thanking them and we thank

mother earth for growing the plants for us to use; that is why we do the offering³⁰⁷.

Jeff Brightnose (2011) added: “many times we fail to adhere to our kinship... we just take and never give anything back, which is why a lot of times relationships do not work, because there is only one giver”³⁰⁸. The Elders have explained that we must always show respect to our kinship ties with the plants and animals.

David Thompson’s narratives of 1784-1812 record how the Cree showed great respect for animals as they understood that each creature possessed its own spirit. Thompson witnessed the ceremonial way the Cree treated an animal after they had killed it and the prayers they extended for giving its life to the people:

... [T]he *Manitos*, the guardians and guides of every genus of [b]irds, and [b]easts; each *Manito* has a separate command and care... [and] the whole animal creation is divided amongst them. On this account, the Indians, as much as possible, neither say, nor do anything to offend them, and the religious hunter, at death of each animal, says, or does, something, as thanks to the *Manito* of the species for being permitted to kill it. At death of a Moose Deer, the hunter in a low voice, cries “wut, wut, wut”; cuts a narrow strip of skin from off the throat, and hangs it up to the *Manito*. The bones of the head of a [b]ear are thrown into the water, and thus of other animals; if this acknowledgement was not made the *Manito* would drive away the animals from the hunter... ³⁰⁹(Tyrrell 1916, p.83).

Thompson’s research noted Cree belief in animism, in which everything has its own *Manito*, but this was indeed the animal’s spirit *Achak*, that the Cree were

³⁰⁷ Elder Madeline Spence, Nisichiwayasihk Cree Nation (Bluff Road, Sapotawayak Cree Nation, Personal Communication, 24 July 2011)

³⁰⁸ Jeff Brightnose, *supra* note 295, 24 July 2011.

³⁰⁹ J. B Tyrrell, *David Thompson Narratives*, *supra* note 277, p. 83.

acknowledging and the prayers provided were giving thanks to *Kitchi-Manito* for providing the food for sustenance.

If hunters fail to observe proper protocol and they disrespect an animal they have killed, their punishment in the future might be unsuccessful hunts. When this occurs, Elders will say that that person has received *pasastehukosowin* (punishment). Once *pasastehukosowin* has fallen on an individual, affecting all family members or an entire community, Elder Tootoosis (2011) explained “the spirits have cracked the whip against the indigenous people and four generations will suffer”³¹⁰:

This way of life (*pimatisiwin*) was good and also there existed ways for how things were feared by the people. If you do things right *kakeke* (forever) your relatives will be plenty and they will be well and will always have what they need. But there is also this thing, the evil side, the powers of the dark side, if you take that, *pastowi pimatisiwin* (sinned life) you will earn that. This means that you have stepped over what *Kotawinow* (Creator) had set in life. You have stepped over the laws of *Kotawinow*. You have stepped over *Anisinew isijikewin* (Peoples way of life) *kakisewatak kawasiwak*. (Respecting the glowing-life). In turn, you have taken the dark powers, evil powers, you overstepped and you will pay for it. Also you have brought suffering to the people, your relatives, if you bring suffering to “what was given to you” (*Kitchi-Kimikosowin*) “you will suffer” (*ka-ojinan*). You were told you will bring suffering to your siblings, your children, your parents and your village, your community and your future. These are the two ways that was given to the people. There are always two ways. There is always a balance set for the people. This is still today and it exists and continues. As long as the people exist these things will continue forever as long as we exist³¹¹.

³¹⁰ Elder Eric Tootoosis, *supra* note 39.

³¹¹ *Ibid.*

When a person has committed *Pastawowin*, it is usually the Elder who is knowledgeable about the old ways, who will say how to bring balance back. Most often a person will have to provide *tipahikewin* (payment) or *pakitinasowin* (offering) to the spirits to bring back harmony and balance. Our way of life cannot be messed with because everything is sacred, as provided by the *Kitchi-Manito* (Creator). Jeff Brightnose (2011) explained:

Everything that we mention here when we speak about the medicines, (referring to the sweetgrass), they tell you everything about *Mino-ayawin* (good health). To be humble and not treat anyone less or be greater. This is *Tapatisiwin*, this is what is meant when working together, the *aski* (earth) will tell you, if you pay attention, if you look after it and what you see here, what you see in *aski* (earth). *Kiskisi* (remember), where everything comes from, this old man, said, *Kiskisi*, where is life (pointing above), where did it come from, we understand different when we see these (referring to his eyes) *kiskisi kisikok* (remember heaven); that is why our eyes are called *kiskisik*, so when you see these things (referring to the environment) you will know where they came from; same as *Kitchi Anisnew* (our relatives), this is where they came from *Kiskisi* (remember). We understand these differently (referring to eyes). Always remember *Kitchi-Manito* (Creator) *Ayakanachikaywinik ochi*³¹².

At the Elders gathering, we made sure to follow all the protocols that came with organizing a traditional gathering. We did not forget to acknowledge *Kitchi-Manito* (Creator) for bringing us together, for making our camp safe and that everything was in place that we needed to make the gathering a success. We reminded each family

³¹² Jeff Brightnose, *supra* note 295, 24 July 2011.

member that they hold a responsibility to ensure the safety of their children and themselves.

Protocol observation continues today; when seeking Elders for their sacred knowledge, or when working with traditional medicine, preparing ceremonial lodges and seeking healing. The protocol of offering tobacco is an acknowledgment that comes with spiritual commitment and an obligation that one will act in a spiritual manner. The behaviour or action falls under Cree law as a failure to honour, which can result in *Pastawowiwin* or *Ojina*. This is how Cree law operates.

Values (*Kiskentamowina*)

The first to carry the responsibility of teaching values rests with mothers as life-givers. However, both parents carry a responsibility to ensure their children are learning the values taught through their customs, rituals and practices, to guide and provide them the direction they need in shaping their lives.

Elder Tootoosis (2011) explained that men and women each had their own ceremonies; and he stressed both parents had to work together in parenting because “both could not do without the other they had had to stand together, to work together, just like today parenting they both have to be involved they have to work together to raise children”³¹³. One ceremony that belongs only to women is the moon ceremony. This is where women will come together and learn their roles as young women and in future as Elders. Women will come together during a full moon and offer their prayers, prints and

³¹³ Elder Eric Tootoosis, *supra* note 39.

sing sacred songs, and offer their feast food to the fire, acknowledging the spirits of our grandmothers and relatives who have gone before us.

Kim Anderson (2011) in *Life Stages and Native Women*, found among the “*Nehiyawak* (Cree)...there was an unmistakable reverence for life that defined many of their cultural norms and practices”³¹⁴ (p.39). There were ceremonies held for various reasons to celebrate birth, death, marriage, naming, life and good health. Anderson (2011) describes the umbilical cord ceremony held by the Plains Cree as a custom that “ensured a connection between the child and the community and between the child and the elders in particular”³¹⁵ (p. 51). At the Elders gathering Bob Brightnose (2011), spoke of the belly button, referring to it as *kitisi*, in literal meaning “your umbilical cord”, so when referring to “his” umbilical cord you would say *utisi*. Adding:

Kitisi connected you to your mother and this is how you got your life, it is to remind you where you got your life from, who you are, where you got your way from and how this was passed on to you *Kitisiyawin* (your way)³¹⁶.

There was a great ceremony involved in putting away the umbilical cord. It was considered sacred as *Kitisiyawin* meant your “whole way of being”. Elder Madeline Spence helped me to put away my grandchildren’s umbilical cords in a ceremonial way. Our Elders say, wherever we place the umbilical cord is where the children will want to be and as Anderson (2011) found, “[t]hese practices were considered vital in protecting

³¹⁴ Kim Anderson, *Life Stages and Native Women: Memory, Teachings, and Story Medicine* (Winnipeg: University of Manitoba Press, 2011), p. 39.

³¹⁵ *Ibid*, p. 51

³¹⁶ Bob Brightnose, *supra* note 304, 23 July 2014

babies and ensuring they had long, healthy, and protective lives³¹⁷ (p.50). Elder Tootoosis (2011) explained that our gift of life was granted:

Here are systems for how to operate and run things and how to work things and this is what we call *minikosiwin* (gift granted), *kitchi-minikosiwin* (Great gift granted). Our Creator, the holy-spirit, our grandfathers and us, our inner spirit and nature. Creation: this is ours that was given to us to be our guidance in life and how things are to be. We were granted to have, and we are granted to this day it remains.³¹⁸

A story shared at the Elders gathering explained how the pipe came to the people as a gift given by *Kitchi-Manito* and was shared by Bob Brightnose. He began his story with the eagle flying high into the heavens to see *Kitchi-Manito*, while the people were suffering; and the instructions he received and the message he delivered from *Kitchi-Manito* is cited:

We call this *Ospwakan, pawakan* (dreamer) to be depended on the spirit. The stem (*inicichikun*) is the way of the people. The way of the people depended on the spirit and that is what we do here today. We have to depend on the spirit in our daily lives. When you take this down and you give it to the women, my children will sit by the fire with their sweet grass to purify themselves and put their tobacco in the pipe so that when we see these four elements are working together. I will know that my children are talking to me (Brightnose, 2011)³¹⁹.

³¹⁷ Kim Anderson, *supra* note 314, p. 50.

³¹⁸ Elder Eric Tootoosis, *supra* note 39, 8 September 2011.

³¹⁹ Bob Brightnose, *supra* note 304, 23 July 2011.

Again, the law is in the teaching, in the day- to- day imparting of ruled governed behaviour. The story of the pipe informs us of its purpose and role with the people. If it is not respected for its intended use, then we fail our children and our future generations. The Elders carry a sacred trust in passing on the spiritual teachings and instructions so that we do not misinterpret our Cree law. Elder Tootosis (2011) explained that story-telling took several days in a certain time of the year:

Over here in the future it is true *kapipook* (wintertime) *mamatowijimoowina* (sacred stories), *mamowtowkaykona* (sacred things) *kakinog ajimowin* (long story) was recited over and over again. These are the original stories... what is called *kakinog ajimowina* (the long story), the beginning ... if you were able to hear...four or five days of story-telling. What I am telling you is very condensed³²⁰ (Tootoosis 2011),

We are told to value all life forms, and this includes all animals because they too have a purpose in life. One such story shared at the Elders gathering explains how the mouse came to be gifted with life. This story was related by Bob Brightnose (2011).

One of the stories in our culture is about *Wesakayjak*. He needed medicine and he picked up a leaf and took it into his hands cupping it, he blew into it bringing a life from within it. We call the leaf *bukosay*. This is where the mouse came from. We call the mouse *wabukosis*. When you look at the leaf and turn it over you see the white part and the stem of the leaf is where the mouse got his tail. He is the one that looks after the medicine because he runs under the ground. He can see all the roots. That is what *Wesakayjak* asked him to do, to go get him medicine

³²⁰ Elder Eric Tootosis, *supra* note 39, 8 September 2011.

and that is what he did. He gained life from there and he became the mouse³²¹ (2011).

We are to respect the animals as they continue to give up their lives to ensure our human survival. When men go hunting to feed their families and when they return with fresh kill, they will say to community members “*paynata weyas*” (come and get some meat). The word “*weyas*” is found in the other words such “*weyaso*”. This means borrow or borrowing. When used in the context of “*weyas*”, the spiritual meaning is that you are borrowing life and for that we must always be grateful because, without the food from animals, we would not be able to sustain our lives.

The values of the Cree people are understood as the original instructions that come from *Kitchi-Manito*. These values are recognized as the seven teachings, seven sacred laws that include sharing (*pakwaynamatowin*), love (*sahkiwewin*), respect (*kistenchikewin*), wisdom (*kiskentamowin*), humility (*tapatenamowin*), honesty (*tapwewin*) and courage (*sokenimowin*). The teachings remind the Cree of their moral obligations; how to behave and conduct themselves.

Aboriginal people have always relied heavily upon teaching values through the use of custom and ritual. These practices remind them where they came from and who they were so that they might better understand who they are and what it is they must do³²² .

Understanding how Cree law operates within Cree spirituality is a concept that is not clearly understood and is a challenge to explain, as Borrows (2010) in *Canada's*

³²¹ Bob Brightnose, *supra* note 304, 23 July 2011.

³²² Dan Russell, *A Peoples Dream: Aboriginal Self Government in Canada* (Vancouver: University of British Columbia Press, 2000), p. 129.

Indigenous Constitution, explains: creation stories are one source of law, as well as treaties based on spiritual concepts³²³. Rice, (2005) *Seeing the World with Aboriginal Eyes*, found that sacred knowledge comes with direction and a spiritual construct that forms the basis of moral conduct³²⁴ (p. 73). Strickland (1975), *Fire and the Spirits*, found the Cherokee's concept of law as completely different from the Western idea of law. Cherokee law centres on spirituality and on norms of behaviour seen as sovereign commands from the spiritual world³²⁵ (p.11).

Today, when Elders share their cultural values; they emphasize their belief in *Kitchi-Manito*, who defines how the Cree should live their lives. They always go back to the many gifts given to the people, such as the pipe ceremony, sweat ceremony, feasting and gift exchange. Fasting is centred on “enhancing and building the inner spirit to become a better human being”³²⁶ (Elder Tootosis, 2011). Our Cree law has and continues to function based on a system of rules and guidelines; and it is the values that lay out the standards of how one is to maintain peace, harmony and order.

Belief (*Tapwetamowin*)

The belief in *Kitchi-Manito* (Creator) remains first and foremost paramount in everything. The Jesuit missionaries did not understand the ways of the Cree people, while recording the Cree belief in *Manito*, who the Jesuits referred to as a deity; the seventeenth-century Cree acknowledged through ceremonies using a pipe that denoted

³²³ John Borrows, *Canada's Indigenous Constitution*, *supra* note 27, p. 26.

³²⁴ Brian Rice, *Seeing the World with Aboriginal Eyes*, *supra* note 283, p. 73.

³²⁵ Rennard Strickland, *Fire and Spirits*, *supra* note 285, p. 11.

³²⁶ Elder Eric Tootosis, *supra* note 39, 8 September 2011.

spiritualism and carried out according to law³²⁷ (Vol. 3, p.127). When I approach Cree Elders today to share their knowledge, one Elder has responded “god willing”. The Cree belief is that their life is already set by *Kitchi-Manito* and that order in that life is their fate. We must never forget that this way of life is sacred. Elder Tootoosis (2011) explained:

This is how it was set that this sacred land, not only this island but also all lands, were arranged for all including *Anisiniwak* (the first peoples), who were different, different in language and ways of life; and we were blessed given the life that was discovered here in North America that was given to us.³²⁸

Robert Brightman (2002) in *Grateful Prey: Rock Cree Human-Animal Relationships*, studying northern Manitoba Cree spiritual traditional life, found it hard to understand the concept surrounding their spiritual belief system as it relates to animals, hunting and trapping life. What he learned from the Cree was not devil worshipping and not ignorant superstition, adding:

I learned about men and women who used dreams and powers to help each other through illness, to kill animals to feed their families, and to express gratitude for the gifts of life³²⁹ (Brightman, 2002, p.xii)

The Cree way of life has been already set with instructions for how to live. These instructions are inherent from *Kitchi-Manito*. The creation stories the Elders recite tell us how our world was created, how animals received their gift to live and how we are to

³²⁷ Rueben Gold Thwaites, Vol. 3, *supra* note 154, p. 127.

³²⁸ Elder Eric Tootoosis, *supra* note 39, 8 September 2011.

³²⁹ Robert Brightman, *Grateful Prey*, *supra* note 272, p. xii.

relate with each other, our land and environment. We carry a belief that all living elements are infused with a spirit that continues today. We are reminded not to mistreat what has been provided or we will receive spiritual punishment; or worse, we will lose our gift. The *Report of the Royal Commission on Aboriginal Peoples (1991)*, recorded many stories from Aboriginal people who explained that “all life is a manifestation of spiritual reality” and “all perceptions are conditioned by spiritual forces, and all actions have repercussions in a spiritual reality”³³⁰ (Vol 1., p.628).

When our Elders speak about spiritual punishment, they are in fact talking about spiritual law being enforced by the spirits who have been offended. These spirits include living elements that include water, air, earth and fire. Jeff Brightnose (2012) explains:

Spiritual law is not written and you cannot see it but you can feel it with your spirit and see the results. It is like the wind, you can feel the wind but you cannot see the wind but you can see the results of the wind. This is how our spiritual law works³³¹.

Our Elders teach us to make amends and to acknowledge our wrongs and ask for forgiveness. If we fail we create our own suffering. And the evidence written in the *Jesuits Relations* confirms this, from the seventeenth century. The Cree maintain a strong belief in *Kitchi-Manito*, who cares for the people, with gifts provided for their use and purpose when needed. *Tchistaymow* (tobacco) is considered a sacred plant given to the people to use for spiritual purposes; and when smoked, it carries messages and prayers to the Creator. Elder Tootosis (2011) explained that the pipe spoke and said: “I

³³⁰ RCAP Vol. 1, *supra* note 13, p. 628.

³³¹ Jeff Brightnose, *supra* note 295, 24 July 2011.

will be the one to translate to change the words of the human being, into the spirited words so that they will echo to the Creator”³³². Today the pipe is still used for praying and is a practice that is carried out by both men and women. The lodges such as the sundance, shake tent and sweat lodge are for praying, purification and for healing purposes. Dean Linklater (2012) has added that “our traditional understanding comes from within, we are the power source... we need to mediate and go deep within”³³³. He further explained our belief in spirituality:

Achak Pimatisiwin (spiritual life) deep within our soul we have soul energy, when you say *awasis*, it means child. The root word *awasit* means light, after you become an adult you become a big light. We are spiritual beings and we will always be spiritual beings as this our *Achak Pimatisiwin*, (spiritual life)³³⁴.

When the Elders share their sacred knowledge with me they echo such words, expressing how *Kitchi-Manito* is always there, watching over us. When I offer my tobacco and prints, the Elders tell me that they will pray for me; and they encourage me to finish writing because they recognize the need to create an understanding for how our belief system contains and interprets our Cree law.

I pray that things go well for you and will continue praying for you when we go to our lodge; I will take your prints in for yourself and your family so that things will go well for you. This is real, this is vital that we need to do, we need

³³² Elder Eric Tootoosis, *supra* note 39, 8 September 2011.

³³³ Dean Linklater, Nisichiwayasihk Cree Nation (Winnipeg, Manitoba, Personal Communication , 12 May 2012).

³³⁴ *Ibid.*

to do more of what you are doing and I fully support that³³⁵
(Elder Tootoosis 2011).

Our Cree law manifests itself from our spirituality and, as we are part of the spiritual realm, we carry a responsibility to understand our *Achakokitotamowina*, which means knowing what our sacred duties and responsibilities are toward all creation, as dependent on our well being and survival.

Reflections

Hearing the Elders and Traditionalists share their stories in Cree, and explaining what such stories mean in our Cree language, I understand now when they say our culture is in our language. Our language defines our cultural identity and our way of being as *Ininiwak*. It is our language that is going to lead us back to understand our Cree spirituality and law. Our *Achak pimatisiwin* (spiritual life) tells us that there exists a spiritual world. We carry a sacred responsibility and duty in this physical world to acknowledge it through our ceremonies. We acknowledge those that have gone before us and watch over us as we continue to walk in the physical world. But it is *Kitchi-Manito* who watches our daily lives and who sets our path in life to follow *Owanasiwawina* (his laws). The Elders and Traditionalists explain these laws as natural laws that grow out of our spirituality. We do not control these laws nor can such law be manipulated. This law belongs to *Kitchi-Manito*. Dean Linklater (2012) explained:

Spiritual law is our common thread of life, as an example
air is common to all of us, without air there is no life. We

³³⁵ Elder Eric Tootoosis, *supra* note 39, 8 September 2011.

need air to live; without oxygen we cannot survive. We have to work to make life better. We have to work at it to keep our air clean. No one can make you breath. This is natural law that we need to understand³³⁶

I ask the Elders and the Traditionalists how we may capture spirituality and law in our goal of self-government. They echo their words and say that we need to understand our traditional ways and we must retrieve what we have lost. Jeff Brightnose (2011) explained it this way when he shared this story:

It is like this (referring to the sweet grass), keep together (*mamowina*), this is why it is called *mamitownaynijigun* (mind), *mamitonenita* (*think*) *mamowina* (keep together your body (*keyow*), your spirit (*kitachak*), this is *mamitownaynijigan* (mind); we are told to keep them together, we have to keep our laws (*wanansiwewina*) together, that is how we have to walk and carry [our lives]; but we left this teaching behind and we have to re-braid this teaching *Ka-isi achakwak* (as spiritual people) *wanansiwewina* (laws), we have to rebraid them so that we are able to surpass (*tawekuskiskayak*) and that we can walk in strength³³⁷.

Our Cree spirituality and law are connected and cannot be separated. Our *Itaswewina* (laws) as given by *Kitchi-Manito* are different because they are interconnected and interrelated with all living elements. Jeff Brightnose (2011) explains:

Another main law is *Kistenimowin* (respect) to respect people. This way I am speaking is very much a spiritual reality and this is what we are trying to understand through our laws. We were given a different law than white man's

³³⁶ Dean Linklater, *supra* note 333, 12 May 2012.

³³⁷ Jeff Brightnose, *supra* note 295, 24 July 2011.

law which does not work as it does not give room to braid in our way of being into this law. This is where a lot of problems start from because it is someone else, different from us who tries to braid in our way of being. This way is completely wrong the way we are walking. The way the leaders are trying to lead us is wrong. They have totally lost and forgotten about their people. This is our law (referring to land/environment), this is what was given to us and that we have forgotten a lot³³⁸.

Reflecting on what I have learned from the Elders and Traditionalists, spirituality and law connect and must be brought back together. I am convinced the problems we face in many of our communities, such as loss of identity, issues of suicide, addictions, crime and violence; due to residential school, the “60s scoop”³³⁹ and land relocations is that many of our people remain spiritually disconnected, do not learn *Owanasiwawina* and how they must operate. As a result of our lack of understanding, our communities are breaking sacred law.

Jeff Brightnose (2011) spoke about punishment and when one commits *Pastawowin* (sin), the earth corrects your behavior:

Who disciplines you? The earth (*aski*) will correct you (*Kawanasiwatik*). If I go and I do something wrong, like go and steal, already *achak* (spirit) tries to correct my behaviour. If I try to run, I might trip and already I will be spiritually corrected (*aytapatikowan*) by the earth. I might run into problems but I will forever carry that wrongdoing in my heart; and eventually it will harm me, it will make me angry; and what people many times try to drown is their disrespect, as they do not respect themselves for what they have done. That is *Pastawowin* (sin),

³³⁸ *Ibid.*

³³⁹ The “60s scoop” is referred to as the period during the 1960s when Aboriginal children were being scooped up by the Manitoba Child and Family Services and placed for adoption in non-Aboriginal homes, often outside of Canada.

Kawitapatnikwon aski (the earth will forcefully correct you)
Kawitapatnik ki-ta chak (your spirit will forcefully correct you); you cannot go and run and hide somewhere. This old man told me, and I see this today many times, whatever a person has done wrong it will catch up, all their wrong doings will catch up, what comes around goes around (*atiminaykosew*) because of these sacred laws, many times I see this. This is why we have to start doing and begin rebraiding the way this is braided (referring to the sweet grass) and we have to go back and get it from there. It is *asiski* (the land), that tells me *aseskitota* (turn around) those behind me are those I listen to, as our Elders they told me³⁴⁰.

Dean Linklater (2012) further explained *Pastawowin* (sin), that when there is freedom to do whatever, and say what you want, there will be consequences. Adding:

When a person lies we say in Cree *aykinaskiyan*, in Cree sense when you lie, it is like sticking something into the ground *Aykijitinamun*. Your word, you stuck your word, you penetrate your word into your soul. Your lie is keeping you back...its holding you back spiritually, your spiritual development is held back. And when you speak the truth, you are aligning your words, your spirit and feelings, so your words are actually flowing freely and when you speak freely, your words are forever. When you lie (*Aykinaskiyan*), you are going to stumble. This is how we understand our law in spirit³⁴¹.

I remember being at ceremony and a Traditional Healer was upset with how people were using their spiritual power in the wrong way; he said “these people never learn, don’t they know that they can’t hide, they cannot run as no matter how far you go in this earth, the spirits will find you and they will punish you”. Elder Tootosis (2011) explained that there are two ways to live, one is bad and the other is good. In the *Jesuit Relations*

³⁴⁰ Jeff Brightnose, *supra* note 295, 24 July 2011.

³⁴¹ Dean Linklater, *supra* note 333, 12 May 2012.

documented by Father Paul Le Jeune dated 1632-1633, he noted the *Manito*'s were both good and evil spirits. The Cree people called the evil spirit *Machi-Manito* but in Christian terms the evil spirit was called "devil". Those who are not living in the good way are said to have stepped over the laws of *Kitchi-Manito* and these are the ones who are bringing suffering to the people.

To bring back what we have lost, we have to re-learn the spiritual roles that were held in our communities. Elder Tootoosis (2011) explains these roles.

When people live together... in a community or a camp, the system... in a circle, four directions and in the middle is the *Okimow*. To the south there are the *Wanasiwawak* (Council), and also there are the *Omaminokemowak* (Advisors) and also in there are the *Okanawanijikawak* (Peace Law) coordinators and also there are the Military, Tribal Warriors, Tribal Chief, the War Chiefs. The inner circle are the *Intawakimow*, *Kintawaokimowan*, (Leaders, former Chiefs, former Councils, former War Chiefs, former Tribal Fighters). The first row, the outside camp, *Kintowaokimow*, that is theirs. There is always a purpose, once you have a role; that role always continues as long as you are alive, until the end of your life the role existed. Same as *Okimow* (Chief) as long as the life span of the skills will exist. Now *Ketiwiwin*, (Elders) go present, do protocol to the future tellers, *Namamatowenisiniwak* (Medicine Society, vision society, the women societies). *Okijitaskowak* Society, (young warriors), they were groomed *Okimasisak* (young leaders), *Okijitaskwesisak* (young girl leaders) they were groomed to take leadership roles³⁴².

³⁴² Elder Eric Tootoosis, *supra* note 39, 11 September 2011.

The roles held by each community member are earned roles (*Kaskitamasowin*) and it is the people who choose their leaders based on who has the skills and talents to be the leader; and this is how the Cree have operated their governing system until the *Indian Act* system was imposed. The leaders chosen by Cree law must understand their spiritual roles and responsibilities; and they know where to go and what to do, as the knowledge they have is already instilled from their early years.

Chapter Seven: Conclusion

“Our old way of life is gone, but that does not mean we should just sit back and become imitation white men. Our beliefs are good, the spirits served us well. I am more proud then I ever was before that I am Cree”

Cree Chief Poundmaker, 1842- 1886

The last several decades have brought a resurgence of Indigenous culture that has included attempts to reconstruct the pre-colonial Cree worldview. Nationhood is all about one’s birth-culture (natio, in Latin means to be born) as the way to distinguish one nation from another. The origin story of the Cree or Ininew peoples dictates that everything comes from the Creator: all that is necessary for life, all that governs conduct, all that governs relationships with the environment. This origin story also dictates that the intrusion of colonisers has too often forced the loss of Cree spirituality and law.

Any quest to understand Cree spirituality and law prior to colonisation is like looking for a needle in a haystack because Canadian history has been written by the coloniser to characterise Aboriginal people as “savage” and “primitive”, in contrast to the colonisers as modern and progressive. Aboriginal spirituality thus has no merit. Although some contemporary scholars such as Borrows: 2002, Nelson: 2008, Anderson: 2011, are working toward changing this, an accurate reconstruction of the culture and lifestyle of Aboriginal peoples prior to European contact is a task that will take years. The Cree nations have asserted their independence and have maintained that they were self-governing for thousands of years prior to European contact. This self-governing claim has been confirmed by the Supreme Court of Canada, who stated that Aboriginal nations were fully independent and “organized in societies and occupying the land as their

forefathers had done for centuries” (RCAP, Vol 1, p.43). The Supreme Court of Canada has further ruled on cases that prove that Aboriginal peoples created organised societies, occupying lands, with their own practices, customs and traditions: *R v. Van der Peet* (1977)³⁴³ and *Calder v. The Attorney General of British Columbia*³⁴⁴.

If the Cree are to revive self-government based on their own spiritual foundation, they must work with their people to understand the content of Cree spirituality and the way law is articulated. The Cree must also overcome the impacts of residential schools that misled them to believe that their way of knowing was wrong and that their ceremonies were nothing but devil worshipping. Cree children must be taught to relearn how to live responsibly as adults, governing their lives according to traditional customs and practices.

Today, Federal Government discussions on self-government are ongoing, with First Nations debating which route to take. In 1996, the *Report of the Royal Commission on Aboriginal Peoples (RCAP)* came forward with a number of recommendations for how to deal with First Nation self-government: “the exercise of self-determination and self-government will assume many forms according to Aboriginal Peoples’ differing aspirations, circumstances and capacity for change” (RCAP, Vol 2, p. 245). The process to define a new First Nations governing structure, to replace the existing structure, will mean looking at various models and selecting the model that best suit a specific First Nation’s needs. The RCAP identified three alternative models of Aboriginal government which include a Nation Government, Public Government and Community of Interest

³⁴³ *R. v. Van der Peet* [1996] 2 S.C.R. 507.

³⁴⁴ *Calder v. Attorney-General of British Columbia*, [1973] S.C.R. 313.

Government³⁴⁵. These models are hypothetical and “are not intended as ideals or prescriptions but rather as one source of guidance from which Aboriginal peoples will choose their direction” (RCAP, Vol 2, p. 245). The RCAP anticipated that such models “demonstrate to non-Aboriginal Canadians that Aboriginal self government and self determination are realistic and workable goals” (RCAP, Vol 2, p. 245).

The three models as proposed by RCAP are suggestions only and therefore my focus here is to define a Cree traditional governance framework based on what this doctoral thesis has identified about spirituality and law. These options eventually may receive partial support from the Canadian government; regardless of what approach is taken, it will be met by many challenges as agreements will be needed to work out, with non-Aboriginal residents, how to protect their *status quo* and how to retain essential services. First Nations will need to look at how to involve their off-reserve members, as they currently believe that they are inadequately represented, as participants in the RCAP were heard saying that some “Aboriginal organizations claim to represent Aboriginal people but involve little accountability and almost no voice for the Aboriginal urban people” (RCAP, Vol 4, p. 598). There are jurisdictional issues where some provinces remain reluctant to provide services to urban First Nations because they argue that the Federal government is “off loading, which has been a source of frustration in relations between provincial governments and Aboriginal people” (RCAP, Vol 4, p.543). Such problems need to be faced and resolved so “that the outcomes will be as richly

³⁴⁵ RCAP: Vol. 2, *supra* note, 65, p. 245.

diverse as the traditions, aspirations and experiences of Aboriginal peoples in Canada” (RCAP, Vol 2, p. 279).

One alternative can be the first municipal style self-government that the Sechelt Indian Band negotiated by act of parliament in 1986³⁴⁶. This act replaced the *Indian Act* for the Sechelt Indian Band, which thereby ceased to exist. The Sechelt Indian Band received delegated power and authority to “enable the Sechelt Indian Band to exercise and maintain self-government on Sechelt lands and to obtain control over the administration of their resources and services available to its members”³⁴⁷. This agreement remains unique because it lays out one approach that both the B.C. provincial and Canadian federal governments support.

If more Aboriginal groups push forward with self-government proposals there will be a willingness by some provinces to work in co-operation with First Nations, as some cities now have urban reserves (Saskatchewan³⁴⁸ and more recently in Winnipeg³⁴⁹). What is missing from such current processes is an Aboriginal people’s belief in their own traditional spirituality. This thesis research has found Cree governance intertwined with spirituality, where everything has revolved around respect and caring for each other, extending to their land and environment.

³⁴⁶ *Sechelt Indian Band Self-Government Act*, S.C. 1986, C.27, Minister of Justice. Retrieved from <http://laws-lois.justice.gc.ca> (See link: Consolidated Acts)

³⁴⁷ *Ibid*, p. 2.

³⁴⁸ Urban Neighbours Land Entitlement and Urban Reserves, Theresa M. Dust, Q.C. City Solicitor, Saskatoon, Saskatchewan, Canada: *Statistics Canada, Future Focus Conference on the First Nations Community* at Regina, Saskatchewan, 10 February 1994. Retrieved from <http://www.tdust.com/res/urban.neighbors.pdf>

³⁴⁹ Alexandra Paul, *Winnipeg Free Press*, 25 October 2014. Retrieved from <http://www.winnipegfreepress.com/local/citys-first-urban-reserve-born-208792281.html>

The most contentious issue confronting Aboriginal groups today is the conflict between the *Treaties* and the *Indian Act*. At the National Treaty Gathering held in Onion Lake Cree Nation, Treaty No. 6 territory on 14th-18th July 2013³⁵⁰, chiefs, councillors and interested community members discussed strategies for a treaty agenda. While these debates are going on, the Manitoba government is working with all Manitoba citizens that include Aboriginal groups for poverty reduction strategies through education and training³⁵¹. The All Aboard calls for initiatives where Manitobans are socially included, connected to their communities, participating in the economy and contributing to meet the needs of all Manitoba citizens.

The Government of Canada and the Manitoba government have established working partnership arrangements with First Nations. The legislative passing of the 2006 *First Nation Fiscal Management Act* allowed First Nations taxation powers and financial capabilities to deal with major infrastructure projects³⁵². The current York Factory First Nation, with other northern First Nation communities, has signed a deal with Manitoba Hydro Corporation to build a dam for the Keeyask hydroelectric generating station, located at Gull Rapids on the lower Nelson River in northern Manitoba³⁵³. This project will create short term employment for local people. The risk is that it will have long term impact on the land and environment affecting animal and fish lives. The opportunities offered to First Nations in such new deals are too often short lived; but there is little choice when problems of unemployment remain statistically high; hence the driving force

³⁵⁰ National Treaty Gathering, Onion Lake Cree Nation, Treaty No. 6 territory, 14th-18th July 2013.

³⁵¹ All Aboard: Manitoba's Poverty Reduction Strategy. Retrieved from <http://www.gov.mb.ca/allaboard/>

³⁵² First Nations Fiscal Management Act, Retrieved from <https://www.laws-lois.justice.gc.ca/eng/acts/F-11.67/>

³⁵³ Keeyask Hydropower Limited Partnership, Retrieved from <http://keeyask.com/wp/>

to sign such agreements should be to create long-term job benefits, as the Sechelt Indian Band have learned by having greater control over their lands and natural resources, to pursue independent economic opportunities.

Aboriginal bands need to control programs, as for example in one of the four *Framework Agreement Initiative*³⁵⁴ (FAI) expedited programs, where First Nations in Northern Manitoba Child and Family Services Authority currently operate under a delegated authority that remains regulated and mandated by the provincial government³⁵⁵. A proposed alternative that First Nations are seeking under the FAI is full jurisdiction that builds on their history, culture, language and institutions to meet the needs of their people. The more recent new framework, the *First Nation Education Act*³⁵⁶ was rejected by First Nations because the consultation process led by the government did not meet conditions written in an open letter dated 25 November 2013, from the National Chief of the Assembly of First Nations to the Minister of Aboriginal Affairs and Northern Development Canada³⁵⁷. That letter clearly stated conditions if they were to move forward with Bill C-33, including First Nations control, as well as respect for inherent and treaty rights, full statutorily guaranteed funding, language and culture as foundational without unilateral federal oversight and authority, and an ongoing process

³⁵⁴ Assembly of Manitoba Chiefs signed an agreement “*The Dismantling of the Department of Indian Affairs and Northern Development, the Restoration of Jurisdiction to First Nations People in Manitoba and Recognition of First Nations Governments in Manitoba*” which became known as the *Manitoba Framework Initiative (FAI)*, Assembly of Manitoba Chiefs, 1994.

³⁵⁵ First Nations of Northern Manitoba Child and Family Services Authority, retrieved from <http://www.northernauthority.ca/history.phb>

³⁵⁶ Bill C-33: *First Nations Education Act* 1st reading 10 April 2014, 41st Parliament, 2nd Session, 2013-2014. Retrieved from <https://www.aadnc-aandc.gov.ca/eng/1358798070439/1358798420982>

³⁵⁷ Shawn A-in chut Atleo, National Chief, Open Letter to Minister of Aboriginal Affairs and Northern Development Canada, 25 November 2013.

with meaningful mutual engagement. The First Nations require clear commitment to these conditions (Atleo, 2013, p.2).

Without such conditions Aboriginal people remain under total control of the government, with limited bargaining power over their own affairs. They struggle to find their rightful place in the Canadian state, while both levels of non-Aboriginal government continue to work to implement their own agenda, promoting and introducing programs that pursue integration and the assimilating of Aboriginal groups into Euro-Canadian society, incorporating and merging them deeper into the Canadian culture. The term *assimilation* is no longer used today by the government and its departments; instead they speak of integration and adaptation. Pettipas (1994) found in her research that when government revised the *Indian Act* in 1951 that vocabulary change was already in force (p.212).

Make no mistake: restoring a traditional governance model that operates under a spiritual framework, where Cree law operates, will be as challenging as gaining jurisdiction over Cree affairs. It must begin where Canadian governments have never gone: recognition in its laws that the Cree people have their own laws and that these can be a legitimate part of the Canadian legal system. Currently, there is no template for a traditional government framework, leaving out critical components such as the relationship to land and environment, roles and responsibilities of traditional leadership, the sacred roles of women and Elders, and more importantly how spirituality and law will be observed as found expressed through Aboriginal cultural practices and ceremonies. Drawing from the *Report of the Royal Commission for Aboriginal Peoples*, the

commissioners considered important aspects of Aboriginal traditions of governance, including: the centrality of the land, individual autonomy and responsibility, the rule of modernised traditional laws, the role of women, the role of Elders, the role of family and clan, leadership, consensus in decisions making, and restoration of traditional institutions³⁵⁸.

In 1995, the *Pimicikamak Cree Nation* (PCN) drafted its Cross Lake First Nation written law. They are the first Cree Nation in northern Manitoba to take such steps³⁵⁹. Their written law, proposed by the Chief and Council, can be found in a document entitled *Pimicikamak Cree Nation: A New Relationship*, submitted to the Northern Flood Agreement Working Group as part of a new relationship between PCN and the Crown. Based on this written law, the PCN can make laws in writing without a separate constitution that defines governance structure and institutions; rather, a process is identified to be followed when enacting and making laws for their community. Their written law came into effect 29 May 1996; and in order to make a written law, it must first come in the form of a resolution before the Chief and Council at their Council meeting, endorsed and approved by their Council of Elders and by their Women's Council before it can be accepted by their citizens. A proposed written law may also be referred to their Youth Council for their review and comments. The overarching theme of this *Pimicikamak Law* is that the Creator gave *Pimicikamak Cree Nation* responsibility to govern themselves.

³⁵⁸ RCAP: *supra* note 65, p. 116.

³⁵⁹ During my Master's research, the late Sandy Beardy shared a copy of a document entitled *Pimicikamak Cree Nation: A New Relationship* which includes the Cross Lake First Nation Law *Pimicikamak Okimawin Onasowawin No, 1995-01*. This written law can also be found on [www.pimicikamak.ca/First_Written_Law\[1\].pdf](http://www.pimicikamak.ca/First_Written_Law[1].pdf)

Other Cree Nation groups are making attempts to unite and work together on their self-government aspirations by forming a Cree confederacy. The Cree have been coming together for the past fourteen years in Cree gatherings. Their discussions have included promoting, protecting and maintaining their interests. More recently, at their 2013 gathering held at the Opaskwayak Cree Nation, their emphasis has been to focus on the traditional, cultural, spiritual and teaching aspects of each gathering. A resolution # 2012-08-09 dated 28, 29 & 30 August 2012, was passed by the Northern Chiefs of Manitoba Keewatinowi Okimakanak supporting the National Cree Gathering³⁶⁰. Aboriginal teachings come through many sources and they can include the following, but are not limited to: storytelling, songs, ceremonial dances, sundance, sweat lodges, smoking a sacred pipe, talking circles, full moon ceremony, teepee teachings, dreaming and learning the seven sacred values (sharing, love, respect, wisdom, humility, honesty, and courage), teaching ethics that relate to land, environment, animals and human relationships.

One challenge any Cree gathering faces is in differences within spiritual belief systems that Euro-Christian believers continue to control. Warry (1998) has explained that there is debate in Aboriginal communities on how to revitalise traditional practices for contemporary life. This debate stems from suspicion that some ceremonies and traditional practices are not authentic and "...there is the fundamentalist Christian's concern that a return to traditional beliefs is a return to superstitions, paganism, or devil

³⁶⁰ Manitoba Keewatinowi Okimakanak, resolution # 2012-08-09, 28, 29 & 30 August 2012. Retrieved from <http://www.mkonorth.com> (See link: Leadership & Governance, Assemblies & Conferences & Resolutions).

worship”³⁶¹. If the Cree succeed in organising their political and social structures, they will have to work through that difference by knowing how their governance system operated prior to European contact. They will also need to convince all levels of government to support a governance model based on a spiritual foundation that clearly defines how Cree law can operate along-side existing laws.

In a recent Cree ceremonial wedding, great preparation started with sweat ceremonies. It involved preparing the Teepee poles, securing land and blessing the ground; hanging traditional flags around the area where the wedding vows would be exchanged. A pipe ceremony followed with blessings to the bride and groom. The day ended with an evening dance using contemporary music. At the wedding ceremony I asked an Elder for his thoughts about the ceremonial wedding and if it could receive recognition from the Government. His response did not surprise me when he said “No, government will not recognize the wedding, this is the way it goes with everything, and it is either their way or no-way. That is how the government operates”.

The Government of Canada continues to dictate how Aboriginal people govern themselves, as they have set out a number of conditions:

Key among these is the requirement that the inherent right and the jurisdiction of Aboriginal governments be exercised within the Canadian Constitution. Aboriginals would be required to operate in concert with the jurisdictions exercised by other governments³⁶² (Morse, 1999: p. 29).

³⁶¹ Wayne Warry, *Unfinished Dreams*, *supra* note 113, p. 212.

³⁶² Bradford W. Morse and John H. Hylton (eds.), “The Inherent Right of Aboriginal Governance” in *Aboriginal Self-Government in Canada, Current Trend and Issues* (2nd ed.) (Saskatoon: Purich Publishing Ltd., 1999), p. 29.

I shared with that bride what the Elder said about her traditional wedding not being recognized by government law. Her response was that they were going to see a Justice of Peace to validate their wedding through the provincial system. Turn the clock back two-and-a-half centuries to Andrew Graham, 1767-1790, when he found the Cree contracting the marriage of their children.

They have no ceremony on nuptial occasions, nor courtship to engage the fair one's consent. When a young Indian has placed his affection on a girl he makes an application to the father, brother or chief of her family for their consent; at the same time making a present of furs or European articles, such as will be most acceptable. Having obtained their permission he comes to the tent when the bride is there, and tosses into her lap a present of beads or other trinkets, or a piece of cloth, if he can procure it. Her acceptance of this is avowing her consent, and he looks upon her as his wife... . There are no customary feasts on the occasion, but if the young man should happen to be successful in the chase [hunt], he will make entertainment for his relations³⁶³ (p.175).

Today, two-and- one-half centuries later, the First Nations, the Government of Canada and Canadian society have still not come to terms with Aboriginal self-government, if only for family-making.

This thesis has drawn on knowledge from Elders and traditionalists, bringing research findings together to define how the Cree can accommodate Cree self-government according to their terms. *Kiskisin* (I remember) the messages: the key components of language (*Pikiskwewin*), protocols (*Kiskisamakaywina*), values (*Kiskentamowina*) and belief (*Tapwetamowin*). The Cree Nation has from first European

³⁶³ Glyndwr Williams (ed.), Vol. 27, *supra* note 90, p. 175.

contact consistently demonstrated that their spirituality and law were unique. The stories they shared of their belief in *Kitchi-Manito* and of the spiritual guardians, their dreams as messages and their ability to communicate with spirits, to hold ceremonies and feast offerings according to their law, was literally recorded by the colonisers in the *Jesuit Relations* and in the *Hudson's Bay Company* records, documenting Cree spirituality and law that existed then and can continue today.

The Cree once governed their lives by following their spiritual belief system (*Tapwetamowin*). Their creation stories explained how humans, animals, plants and earth related to each other. They spoke of *Kiskisamakaywina* (offerings) and why they were made to the spirits. Their stories of *Wesakayjak* and of his life experiences were to teach lessons and to understand consequences that one could suffer as punishment from the spirit world. The Cree spoke of *Kostachin* (fear) explaining their fear of spirits, whom they did not want to offend. They carried their *Tapwetamowin* so strong that their dreams (*Pawamowin*) were messages from the spirit world. They explained that the Cree way was to believe in the *Pawahkonuk* (spiritual helpers) who brought messages from the spirit world, giving guidance to the present physical world. *David Thompson's Narratives*, 1780 to 1812, recorded how the Cree viewed their dreams:

Every man believes or wishes to believe that he has a familiar being who takes care of him, and warns him of danger, and other matters which otherwise he could not know; this imaginary being he calls his *Poowoggan* (*sic*); upon conversing with them on the Being on whom they relied; it appeared to me that no other than the powers of his own mind when somewhat excited by danger or

difficulty, especially as they suppose their dreams to be caused by him, “*Ne poo war tin*” (I have dreamed); too often a troubled dream from a heavy supper; but at times they know how to dream for their own interest or convenience; and when one of them told me he had been dreaming it was for what he wished to have, or to do, for some favor, or as some excuse for not performing his promise, for so far as their interests are concerned they do not want policy³⁶⁴ (J.B Tyrrell, p. 92.)

The Cree lived by their *Kiskentamowina* (teachings), following them as law to restore and maintain peace and harmony in their communities. They carried out peaceful resolutions that involved gift exchange ceremonies with the notion to “wipe away the tears” after conflicts and crimes. Preparation for such a ceremony involved securing as many gifts as needed for the ceremony. This brought out a public display of the injured parties with family members, to work out a peaceful resolution avoiding ill feelings or revenge. The *Jesuit Relations* and the *Hudson’s Bay Company* documents show that both missionaries and company men witnessed gift-exchanges prior to and during fur trades and meetings with Aboriginal peoples. They also witnessed shake tent, sweat lodge, and pipe ceremonies that served to maintain peace, friendship and good health. These ceremonies can still be practiced today but are still not acknowledged as part of Cree governance, but only for healing and for bringing balance and harmony to individuals and within families.

Ceremonies toward animals were also recorded, such as in York Factory, where the Cree held an annual goose dance each year during spring and fall migrations. These

³⁶⁴ J.B. Tyrrell, *supra* note 277, p. 92.

ceremonies were to welcome the geese and ask them to return the following year. Today, York Factory is reviving that ceremony by holding an annual goose camp. It brings families together, where they can reminisce about past community gatherings and where they speak of relatives who have passed on. The goose camp includes the goose dance that involves dancing and a smoke pipe ceremony.

Conversion efforts by Euro-Christian missionaries were never easy and, as recorded in the *Jesuit Relations*, success only came when they began focusing their efforts on children. Today, many Aboriginal people still do not know their cultural identity as a result of the effects of European colonisation and assimilation processes, which played an enormous role in displacing many Aboriginal families, preventing them from knowing their cultural identity:

Aboriginal peoples were displaced physically; they were denied access to their traditional territories and in many cases actually forced to move to new locations selected for them by colonial authorities. They were also displaced socially and culturally, subject to intensive missionary activity and the establishment of schools- which undermined their ability to pass on traditional values to their children, imposed male-oriented Victorian values, and attacked traditional activities such as significant dances and ceremonies.... they were also displaced politically, forced by colonial laws to abandon or at least disguise traditional governing structures and processes in favour of colonial-style government municipal institutions³⁶⁵ (RCAP:V1:1996:140).

When the Canadian federal government operated its residential school system, many children were taught by Christian missionaries that certain behaviours and attitudes developed among themselves and toward others were wrong. The Cree Nation

³⁶⁵ RCAP, Vol. 1, *supra* note 13, p. 140.

did not escape and experienced as children violations that were physically, emotionally, mentally and spiritually destructive. Anderson (2008/2000) has explained that when children grow up in an abusive environment, they come to accept abuse as normal behaviour and it just becomes a part of their adult life:

Abused Native boys and girls have grown into adults who abuse or who accept abuse as part of a relationship. If the cycle of violence is not broken, adults can pass violence on to their children. Instead of being positive role models, they risk teaching children violent behaviours³⁶⁶ (p.97).

The Cree still deal with this impact, as many families fall apart as a result of suffering cultural and language loss, breaking the link to transferring Cree ways of knowing. Like many Aboriginal communities, the Cree are still dealing with problems of family violence, alcoholism, drug abuse and family separations.

Today, many Aboriginal families have children who end up in care under the provincial government's Child and Family Services bureaucracy. The parents often have suffered inter-generational impacts of residential schools and Christian day schools. Their children are caught in a system mandated by provincial law as a public welfare system. The Cree are in constant battle, dealing with challenges to bring their children home but confronted with issues of overcrowded homes, lack of infrastructure, inadequate resources both human and financial. They often do not meet the province's own legal standards to qualify them to have full control over their child and family

³⁶⁶ Kim Anderson, *A Recognition of Being: Reconstructing Native Womenhood* (Toronto: Sumach Press, 2008), p. 97. (Original work published in 2000). Work republished with all royalties donated to the Native Women's Resource Centre of Toronto

matters. Improving access to essential services and the question of jurisdiction and responsibility bedevils such daily issues. Public services such as policing are limited in many Aboriginal communities and still operate under the *Indian Act*, where the band constables, if they exist, enforce only Euro-Canadian *Criminal Code* laws and operate under inadequate resources to address fully such social problems that lead to crime and violence within Aboriginal communities.

There is still confusion about Cree spirituality because it was only recently that Aboriginal people began talking about experiences with residential school that left them disconnected from their spirituality. Warry (1998) found that there was conflict in many First Nation communities with respect to traditional cultural values versus Christian values:

The influence of Christianity...has left many people with distrust, if not fear, of traditional medicine. For example... a number of individuals who vehemently denied that traditional approaches had any value, or who associate the revival of such practices as purification lodges or other forms of spiritual healing with paganism, "the devils work" and "bearwalking", or what is commonly known as bad medicine³⁶⁷ (p.114).

On 11 June 2008, the Prime Minister of Canada made a statement of apology to former students of Residential Schools. The apology statement noted:

For more than a century over 150,000 Aboriginal children were separated from their families and communities.... Two primary objectives of the Residential School system

³⁶⁷ Wayne Warry, *Unfinished Dream*, *supra* note 113, p. 114.

were to remove and isolate children from the influence of their homes, families, traditions and cultures, and to assimilate them into the dominate culture. These objectives were based on the assumption Aboriginal cultures and spiritual beliefs were inferior and unequal. Indeed, some sought, as it was infamously said “to kill the Indian in the child”. Today, we recognize that this policy was wrong, has caused great harm, and has no place in our country ³⁶⁸ (Statement of Apology, 11 June 2008).

This national apology confirmed stories of sexual and physical abuse, cultural and language losses.

Initiatives to restore healthy functioning of Aboriginal individuals, families and communities must be undertaken with full awareness of the collective experiences of Aboriginal people in Canadian society, the context on which individual problems are generated and which they must be solved. Poverty, powerlessness and anomie have invaded the homes and hearts of Aboriginal individuals. Poverty prevails because the economic vitality of nations has been undermined through the alienation of traditional lands and their wealth. Powerlessness is rampant because the institutions of leadership and decision making have been displaced, leaving no defence against intrusion and exploitation. Anomie, the breakdown of ethical order, is a direct result of deliberate interventions that undermine the authority and cohesiveness of the family as well as other institutions pivotal to Aboriginal life³⁶⁹ (RCAP, 1996: Vol.3: p.75).

The twenty-first century challenges that Cree face to restore healthy functioning communities, to build on the fact that many Cree communities are still healing from their

³⁶⁸ Statement of Apology – to former students of Indian Residential Schools. (I received a personal copy of this statement shortly after its release). Retrieved from <https://www.aadnc-aandc.gc.ca/eng/1100100015644/1100100015649>)

³⁶⁹ RCAP, Vol. 3, *supra* note 60, p. 80.

trauma, while some communities are already finding their way back to their culture; but many are spiritually stuck and not yet able to find balance in their lives. Their members are not so lucky finding themselves on the streets, overcome by addictions, losing family members and identity. This sad reality can be helped if Aboriginal communities can find their ways back to their traditional ceremonies, to take care of their *Achak*. They will learn their spirituality and those traditional laws that once offered balance and harmony to their ancestor families and communities.

Keewaytan (Let's Go Home)

The Cree Nation must pursue efforts in restoring traditional governance. That process must not continue to follow European and Christian concepts, which do not fit the Cree traditional governing framework, without first recognizing the Cree spiritual base of self-government. Western ideas have only hindered the Cree Nation from truly achieving their goal to revive their traditional governing system. If the Cree Nation is to succeed, they must first reclaim their spirituality. Secondly, the Cree must begin to rekindle their *Wakohtowin* to understand their relationships with each other, with their land and their environment. Thirdly, they must pick up their traditional spiritual practices and start conducting their ceremonies to bring balance and harmony back to their Nation. And fourthly, they must structure a law-finding, law-making, and law-enforcing that is informed by traditional spirituality and is based on community sources of authority.

Restoring communities to function under a traditional governance system thus will require the Cree to work with their traditional people and be guided by their Elders. They

have already started this process through their Cree Confederacy gatherings; however, they must become more organized by designating a group of Cree experts to write up their governing model, incorporating their traditional values and philosophies. At the National Treaty gathering held in Onion Lake Cree Nation, Treaty No. 6 territory on 14th-18th July 2013, Elder Eric Tootoosis put forward a strong call to work with our young people, stating:

We have enough people, our young people are ready, they are educated and waiting to help, let's use them and not waste anymore time. Let's get it together³⁷⁰.

Working with a designated group will mean securing a commitment from each Cree Nation to commit to a process and this may include appointing one person to coordinate the working group. It may also include supporting the work financially to cover administrative costs such as for travels and meetings. The Cree Nation may also consider developing a Cree Governance Doctrine that may be referred to as *Ininiywak Mamowi-kiskimansitan*³⁷¹, to define a strategy and course of action to move forward in developing a spiritual Governance model. *Mamowi* literally translates as “together” and *kiski* comes from the root word *Kiskisi*, to “remember”. The concept here is to remind our people that our way of life is based on our teachings and ceremonies. We all carry a sacred responsibility to give guidance and direction; and we do this by reminding one another of our teachings and ceremonies. Elder Easter has explained:

We carry a responsibility to teach our young people by giving them guidance and direction in life but you cannot force

³⁷⁰ Elder Eric Tootoosis, Poundmakers Cree Nation (National Treaty Gathering, Onion Cree Nation, 15 July 2013).

³⁷¹ Jeff Brightnose, Pimicikamak Cree Nation, Personal communication, 27 September 2013.

anyone. What they learn may not come right away but in the future they may understand³⁷².

Elders have shared stories about *Wesakaychak* and his life experiences as one example for how Elders pass on lessons learned by one individual who regretfully did not listen; but with such stories others can learn and hopefully not make the same mistake. Our Elders carry important teachings and they can serve to guide the Cree Nation in their work.

I once worked for Manitoba Keewatinowi Okimakanak organization, struggling to resolve solvent abuse problems rampant in many Aboriginal communities. One task was to help secure a treatment program; and because of my own personal experience with residential schools I was against the idea of such an institutional answer, because it reminded me of residential school. However, as I was committed to my work, I decided to seek advice from an Elder who shared a story with me. He did not give me direct advice; instead he told me how some people can help themselves without having to go into a residential treatment program; but he also said that there were others who could not help themselves but might need support. Just from listening to the Elder I realized that I could not let my biases get in the way and I decided I had to do what was best for those who needed help. With his advice, and with help from a working group I helped establish, we mobilised a national strategy and sought help from other Aboriginal communities across Canada. Within three years of our work we were successful in securing not one but six solvent abuse treatment programs that are now located in

³⁷² Elder William Easter, Personal Communication , 27 September 2013.

various regions of Canada (Kinosao Sipi First Nation/Pimicikamak Cree Nation, Manitoba, Sakeeng First Nation, Fort Alexandra, Manitoba, Prince Albert, Saskatchewan, Thunder Bay, Ontario, London, Ontario, and Gespagegiag, Quebec).

Defining any strategy and course of action requires a strong and coordinated effort by the Cree Nation. During the fur trade era the Cree Nation demonstrated how they coordinated their fur exchanges (see Figure 1, Chapter Five). The Cree Nation strategised among themselves and once they agreed to the terms of their trade they appointed one person to go to the Hudson's Bay Company with their exchange demands. With their coordinated effort they negotiated their terms for trade. This is how the Cree functioned in the past and they can still do so today, if they operate as one unified group. Their commitment must also include sharing information and relevant material from each Cree Nation that may already have information that can be reviewed, analysed and incorporated, when drafting the Cree governing model. Cree Nation groups such as the James Bay Quebec Cree, Pimicikamak Cree Nation and Onion Lake Cree Nation are possible communities to start from, as they have made progress in mobilising their communities. Pulling in information and reviewing what each Cree Nation has done in the area of self-government will be an enormous task. It will likely take months to do a complete environmental scan for each Cree Nation. To support this process, each Cree Nation community may also consider forming a working group within each of their communities to consist of one coordinator working with Elders and traditionalists to help provide their traditional knowledge and to share sacred documents that they may have in their possession. Elder Eric Tootosis stated "let's get it together" and this is one way the

Cree Nation can begin mobilising their local community members to help in shaping their governance framework.

As the Cree Nation moves forward with their Cree governing framework, they must also define how their treaties, specifically 1, 2, 4, 5, 6, 8, 9 and 10³⁷³ will be formulated into their written document. Since most Cree Nations signed treaty agreements, they must not ignore them. During the National Treaty gathering held in Onion Lake Cree Nation, Treaty No. 6 territory on 14th-18th July 2013, a document entitled *National Treaty Alliance Foundational Document* was shared with participants³⁷⁴. The document outlined a call to unify all treaty Nations to work and protect the treaties and, most importantly, to insure that the Government of Canada honour its commitment to recognise that the lands and resources remain with the Treaty Nations and to respect the original jurisdiction and sovereignty of the Treaty Nations. This effort put forward to create understanding of the Treaty relationship with Canada has led to creating a Treaty Education initiative spearheaded by the Treaty Relations Commission of Manitoba³⁷⁵. This initiative is implementing teacher guides and Treaty Education kits and training teachers to deliver lesson plans in their classrooms.

Another organisation worth mentioning is the Manitoba First Nations Education Resource Centre³⁷⁶ established in 1998 by the Assembly of Manitoba Chiefs, which includes twenty-two northern Manitoba Cree Nations and four Oji-Cree Nations. This

³⁷³ Aboriginal Affairs and Northern Development Canada. Retrieved from www.aadnc-aandc.gc.ca (Link: Acts, Agreements, Treaties and Land Claims; Treaty-Making in Canada; Treaty Texts)

³⁷⁴ National Treaty Alliance Foundational Document, Treaties 1 to 11 Gathering 14, 15, 16, 17, 18 July 2013. (Author unknown). This framework document was shared to generate discussions only and is not to be considered as an expression of the collective adoption of terminology or fact.

³⁷⁵ Treaty Relations Commission of Manitoba, *Treaty Education Initiative*, Vol., 3, Issue 1, June 2013.

³⁷⁶ Manitoba First Nations Education Resources Centre Retrieved from <http://www.mfnerc.org/about/>

organisation's mission is to help achieve "*mino-pimatisiwin*" (good life) through education with a vision:

...to support First Nations develop and implement a comprehensive holistic education system inclusive of First Nations languages, worldviews, values, beliefs and traditions with exemplary academic standards, under First Nations control³⁷⁷.

These are examples of two organizations working tirelessly to bring change like many others across Canada, working diligently to help restore Aboriginal Nations through education and public awareness. As Cree Nations become more organised these resources can prevent having to reinvent work that is already available, specifically to secure the content of Cree spirituality.

Achak Pimatisiwin (Spiritual Life)

Reclaiming spirituality, the Cree Nation must not shy away from their ceremonies. This is what has carried them in the past. Many of our people are already involved and they must not be afraid to sound their rattles and drums for the people to hear, to wake them and to call them home. Our drums and rattles have a purpose and not just for powwows. The sound of the drum connects people back to the centre; when they hear the drum it is like listening to the heartbeat of one's own mother. In Cree the drum is called *Pakumaskikewin*, the drum represents mother earth, *Pukuma* means to hit and *Aski* means mother earth. When the drum is sounded it brings the elements together as the

³⁷⁷ *Ibid*, MFNERC.

drum is made from wood and animal hide. The drum brings healing and joy, and according to Robert Brightman's research on Rock Crees of northern Manitoba:

People say that playing the drum and singing is a way of praying or asking animals and other nonhuman agencies for gifts of food. Singing is also an expression of gratitude and respect, and the idea is widely shared that animals derive aesthetic pleasure from the performance...³⁷⁸

Gray's research, *I Will Fear No Evil*, recorded an incident while Christian missionary work was being carried out with the Berens River Ojibwe, who were involved in a drum dance. The missionary disapproved and wanted it stopped. He took it upon himself to kick the drum to ruin it, calling it devil worship. "But, in the winter of 1931, there was much illness and many deaths in the community"³⁷⁹. The missionaries believed that the illnesses came as a result of the drum dance being held in a small confined space, as participants became overheated. The Ojibwe were allowed to continue with their drum dance, as the missionaries became accustomed to their purpose; but they did not provide further explanation as to why they changed their attitude toward the drum dance.

During my Masters research, while interviewing Elders about their history and way of life, many spoke about having limited access to country food. As the Elders related their stories I sensed their sadness when they spoke about missing country food. I experienced this same sadness when I was told I could not eat fish anymore, because it was making me sick. I quit eating fish for a year and one day I noticed I was not feeling happy and it was like I was missing something. I kept going through periods of sadness

³⁷⁸ Robert Brightman, *supra* note 272, p. 104.

³⁷⁹ Susan Elaine Gray, *supra* note 109, p. 61.

and loneliness; it was very strange and I could not understand what was happening to me. After a year of going through these emotions, I decided when I went for my annual vision quest I would seek answers as to why I was feeling this way. It was there that I learned the reason why I was going through loneliness and sadness; it was because I was not eating fish. After the vision quest, I went back to eating fish and I never experienced those feelings again. It is possible when Berens River drum dancing was stopped their illnesses and deaths may have been the result of not being allowed to practice their ceremony.

In the Pettipas research on the Plains Cree, *Severing the Ties that Bind*, she recorded many incidences where the Cree came forward to fight for their right to practice their ceremonies. These ceremonies included sun dances, visions quests, pipe ceremonies, sweat ceremonies and gift exchanges:

[R]esistance was a difficult and demanding matter; that the Indian communities persisted in their efforts to resist the regulations against their ceremonies was a measure of their commitment to their spiritual beliefs and cultural values³⁸⁰.

Plains Cree leaders, protesting for their right to practice their ceremonies, challenged government legislation, stating that it was going against their customary laws and causing trauma in their communities:

The dilemma of being forced to choose between those customary laws having sacred sanctions and a state-

³⁸⁰ Katherine Pettipas, *supra* note 49, p. 127.

imposed secular law was causing trauma in the communities³⁸¹.

During the hearings of the *Report of the Royal Commission on Aboriginal Peoples*, the commissioners heard from Elders saying the sickness plaguing their communities resulted from violation of natural law³⁸². Cree customary laws were recorded in Pettipas's research and they included sacred offerings of food, cloth offerings and gift-exchanges,³⁸³ all considered payments in exchange for healing and honouring the use of ceremonial lodges and, more importantly, offerings to the Creator and spirits to look after the people for their well-being. During the *Jesuit Relations* and *Hudson's Bay Company* encounters, the Cree continued to practice their gift exchanges, holding feast ceremonies, pipe ceremonies, drumming, ceremonial lodges and demanding tobacco and cloth during trade as required in part of upholding their customary laws. The ceremonies were carried out with governmental officials during the fur trade and treaty negotiations. This is our Cree spiritual governance framework and we must now work to revive and re-learn these practices to restore peace, harmony and healing to our families and communities.

Wakohtowin (Relations)

Rekindling *Wakohtowin* the Cree must understand how their relationships with each other, to their land and environment connect. For children to learn the teachings, the first priority must be to teach them *Pikiskwewin*, the language, so they will know

³⁸¹ *Ibid*, p. 128.

³⁸² *RCAP* Vol. 1, *supra* note 13, p. 634.

³⁸³ *Ibid*, p.115.

where they came from, to know the meaning of their world around them and to understand how Cree law operates within the community, as expressed in part through ceremonies and practices. As the mother is the first caregiver, she is considered sacred and must be honoured for her role and contribution in family life. The ceremonies remind us of the sacredness of women, as Kim Anderson found in her research *Life Stages and Native Women*, the structure of the teepee represents women³⁸⁴. Other ceremonies that connect to the woman is the sweat lodge; when I attend ceremonies I often hear it being referred to as the mother's womb; and when you enter and exist in the lodge, it is said that you are renewed. Others have heard this same story, as found in Anderson's research on *A Recognition of Being*³⁸⁵. She has further explained how fire connects to women, known in Cree as *Iskwotew*³⁸⁶. *Iskwew* means woman and *Oteh* is heart. The *Jesuit Relations* and *Hudson's Bay Company* recorded how the Cree would put sacred offerings into the fire. This act possibly symbolised the respect they carried for women as they were recognised to hold specific teachings that "included ritual observations that directed specifically to maintaining the health and well-being of their families" (RCAP Vol.1, p. 644). Women held high esteem in their communities and their roles during the fur trade era did not go unnoticed, as found recorded during earlier explorations³⁸⁷.

The Cree Nation must light their sacred fires and start honouring their women. The fire keepers have been kept away too long from their sacred responsibilities and are waiting to assume this role. The fire keepers are there and we know of them as they are

³⁸⁴ Kim Anderson, *Life Stages and Native Women*, *supra* note 314, p. 100.

³⁸⁵ Kim Anderson, *A Recognition of Being*, *supra* note 366, p. 164.

³⁸⁶ Kim Anderson *Life Stages and Native Women*, *supra* note 314, p. 100. (Depending on the Cree dialect, *Iskwotew* can also be spelled *Iskwuptew*)

³⁸⁷ Jennifer S.H. Brown, *Strangers in Blood: Fur Trade Company Families in Indian Country* (Vancouver: UBC Press 1980), p. 66.

attracted to the fire for a reason, even if called “arsonists” today. These are the things that we need to learn, that women carry many teachings and like our Elders they too have sacred responsibilities that need to be shared in order to bring balance back to our communities. Honour ceremonies are held today for women but are mostly held in urban cities and they need to take place in each community so that we may teach our young children why honouring ceremonies are held for women. This is the only way our children will learn: by involving their participation in showing and teaching them the importance and purpose of honouring women.

In the traditional past children were raised knowing how family relationships functioned. Each mother was mother to all children, as grandparents were grandparents to all children within the community. This also applied to men, as this is how our *Wakohtowin* worked. Some families still relate to each other this way but many now remain disconnected because of their past experiences with residential schools. There is much to learn about our *Wakohtowin*, like the story Elders and traditionalists share when they speak of the popular tree teaching. There are many types of trees standing side by side and yet not one dominated by the same tree. *Wakohtowin* is much like the trees defining our Cree law on how we relate to each other; and this extended in relations with foreigners during the fur-trade era and treaty negotiations:

All Indian nations had well-developed diplomatic/political traditions for reaching peace and other accords with outsiders. It was widespread practice in the territory of present day Canada to cement treaties with the smoking of the calumet, an exchange of gifts that symbolized goodwill, through arranged marriages. The latter served to extend kinship bonds and the mutual obligations associated

therewith to foreigners. Bringing outsiders in the fold in this way was especially important when First Nations wanted to establish long-term relations with each other³⁸⁸.

Cree customs and practices were strong at the time of first contact with European traders and missionary work. It was through their traditional ceremonies that relationships developed and it will be through such ceremonies that *Wakohtowin* can rekindle.

Kititomakawina (Spiritual Roles and Responsibilities)

Chapter Three identified the diplomatic functions that formulated the Cree traditional governing system³⁸⁹. Each position had a specific role with corresponding duties, obligations and responsibilities ensuring individual well-being and families. This included caring for the land and all animal life considered sacred. This system operated on the collective, giving voice to everyone, carrying out ceremonies. The ceremonies were vital to keeping peace, harmony, balance, safety, care, unity, friendship, and reciprocity.

The Cree Nation's political structure was very different from the colonial structure. It was not based on a ruling class system where the leader had all ultimate power and authority to make all decision. Responsibilities were shared and everyone was involved in decision making. Leaders were chosen for their skills and abilities to maintain peace and harmony in the community. The Chief had help in carrying out his role and, according to Mandelbaum (1979), there were one or two callers who held official positions, such as the *Ocakitostamakewak* who:

³⁸⁸ Arthur J. Ray, Jim Miller and Frank Tough, *supra* note 133, p. 5.

³⁸⁹ Jennie Wastesicoot, *supra* note 4, p. 126.

[W]ent around the camp circle calling out news of the day, the chief's orders, and other matters of public interest. They were usually men who had good war records, but were too old to participate in fighting any longer. They were chosen by the Chief and receive many gifts from him and from the leading men in the band. The men of high status saw to it that the criers were well dressed and plentifully supplied with food. In the Chief's absence his crier had what may be called the power of attorney over his possessions. Those who sought the chief's bounty, put their requests to the crier³⁹⁰.

Cree Nation Traditional Governing System³⁹¹

Oca-kit-ostama-kew (caller)

Council

- Elders
- Women
- Youth

Chief (Headman)

Ote-pwes-ta-ma-kew (caller)

Okihtsitawak (Warriors)

Oskapewisak (Helpers)

Societies

- Law
- Environment
- Hunting

³⁹⁰ David G. Mandelbaum, *The Plains Cree*, *supra* note 52, p. 109.

³⁹¹ Jennie Wastesicoot, *supra* note 4, p. 128.

To understand the role of the *Ocakitostamakewak*, I analyse the word and what it means in the Cree language. *Ocakito*, means someone who is “yelling” or “shouting”, *Cakito* means “be quiet” and *Itostamakew* means someone who “translates”. Based on this understanding the person traditionally carried a disciplinary role to keep things quiet, perhaps in Council meetings or in a community gathering. As Mandelbaum (1979) explained, they carried the authority to “disarm” a person if they had a weapon threatening to kill³⁹². If this role was to function today in contemporary times, it would serve to keep things running smoothly, so that there are no disruptions in community life. Some communities now have a Chief Executive officer who oversees all funded positions and programs. This person can possibly serve as the *Ocakitostamakewak*. As power of attorney over the chief’s possessions, this person would be responsible to settle disputes and carry a role as one peacemaker, using the gift exchange ceremony for disgruntled members to maintain peace and calmness during the Chief’s absence. Communities also have Band Administrators who can also serve as the second *Ocakitostamakewak* to help the Chief Executive Officer. This person currently holds responsibility over band funding, and their responsibility may include setting aside a small percentage of funding to support community gift exchanges, to hold community feasts, and to purchase cloth and tobacco for the gifting that can bring harmony and balance to the community.

Another role that can serve as the *Ocakitostamakewak* is the Band Constable who has authority to maintain public order. They can help bring back the Cree public justice system, as this is how individuals were dealt with when they committed a crime, such as

³⁹² David G. Mandelbaum, *The Plains Cree*, *supra* note 52, p. 109.

theft or lying. As Tyrrell (1931) found during his research on the *Documents Relating to the Early History of the Hudson Bay*:

[A]nyone who is recognized as a liar is publicly rebuked. Consequently, truth, uprightness, and valour are...three most essential qualities³⁹³.

The Band Constable program does exist in some communities but it works closely with the Royal Canadian Mounted Police (RCMP), acting as interpreters and supporting the RCMP with their work.

There is no reason why a public justice system cannot work today, as long as it is based on restorative spirituality where the person takes full responsibility over any crime committed. Hansen (2010) in his research with Cree Elders, *An Exploration of Swampy Cree Restorative Justice*, explained:

Aboriginal restorative justice is grounded in the ideology that views crime as a wrong between individuals, which cause harms to victims, communities and offenders... . It is about taking responsibility and making decisions that provide the community with the freedom to choose alternative justice methods as healing. For Aboriginal people, traditional justice initiatives offers a pathway to relive the responsibility, sharing, cooperation, balance and spirituality that allowed our ancestors to arrive at peace³⁹⁴.

Some communities now have restorative justice programs such as the Hollow Water First Nation, supported through the provincial court system. Their focus is on adult offenders

³⁹³J.B. Tyrrell, 1931, *supra* note 87, p. 233.

³⁹⁴ John George Hansen, "An Exploration of Swampy Cree Restorative Justice" (unpublished PhD Thesis, University of Regina, 2010), p. 30.

with a long history of sexual abuse, addressing their wrongs through healing circles³⁹⁵. This program is an example of how healing can be more effective than punishment, as it is grounded on spirituality and ceremony.

Another role Mandelbaum (1979) described was the *Otepwestamakew*. Analysing this role *Tepwe* means to “call out”. This person carried the role of calling out the orders from the Chief³⁹⁶. If there was an invitation from the Chief to members in the community, it was up to the *Otepwestamakew* to deliver the message. As some communities have communications officers, that include those who operate local radio and television stations, they could serve the role of *Otepwestamakew*. Such positions already exist; they just have to be redefined to incorporate work to include announcing community feasts, gift exchange ceremonies and other ceremonies such as sweats that people may attend. Some communities do hold ceremonies but do not necessarily extend invitations to other community members, as only a small circle of people are aware, leaving others to learn about them after it is too late.

Another role that existed in the past was the *Okihtsitawak*³⁹⁷, recognized as warriors who had authority to defend the band and to punish hunters who broke the rules of hunting. They were responsible for peacekeeping and to maintain unity with other Cree bands. The *Okihtsitawak* were a voluntary society and were rewarded for their bravery and honoured with public distribution of gifts. Analyzing the word in Cree *Okih*, means them, him or her. *Kihtsita*³⁹⁸, means ‘trying’. The Ojibway Nation also carried a similar

³⁹⁵ Rupert Ross, *Returning to the Teachings: Exploring Aboriginal Justice* (Toronto: Penguin Books, 1996), p. 29.

³⁹⁶ David G. Mandelbaum, *The Plains Cree* *supra* note 52, p. 110.

³⁹⁷ Katherine Pettipas, *supra* note 49, p. 51.

³⁹⁸ Can also be spelled *Kutchita*.

role that they described as a person with a big heart³⁹⁹. Translating “big heart” to Cree, it means *Kitchi Oteh*, a quality valued by the Cree as the *Okihtsitawak* “were expected to demonstrate exemplary behaviors in all aspect of life⁴⁰⁰. Mandelbaum (1979) explained the name *Okihtsitawak* is possibly of Dakota origin⁴⁰¹. Jeff Brightnose (2014) explained, Cree women held a role known as *Okihtsita-Iskewak*⁴⁰², as women were the decision makers, they carried an inherent role and sacred responsibility and were consulted on all matters. As found by Tough 1996, Lytwyn 2000, Fine Day 1973, women held vital roles and were held in high esteem. Tyrrell found Indian women had strong constitutions⁴⁰³, such as while travelling from camp to camp; and if they needed to rest they simply rested for an hour or two or even days depending on how exhausted they were. This observation suggests women were not questioned and made their own decisions at liberty. Today, Aboriginal women will speak of *Okihtsita-Iskewak*, particularly the Ojibway women who I have seen present themselves during Chief’s meetings and gatherings whenever contentious issues are dealt with that may impact their Nations. They make their presence known and will not hesitate to voice their concerns.

The *Okihtsitawak*’s official function was led by a warrior chief and their activities were confined to policing, so no harm came to families. Any differences were resolved by bringing the parties together and often a chief would get involved by settling disputes with gift-giving⁴⁰⁴. The qualities of a warrior chief often led to his becoming band chief, as Cree chieftainship was not necessarily hereditary. The qualities that earned this role

³⁹⁹ Terrance Nelson, *Okiijida Warrior Society* (Letellier, Manitoba: 1997)

⁴⁰⁰ Katherine Pettipas, *supra* note 49, p. 51.

⁴⁰¹ Mandelbaum, *supra* note 52, p. 110.

⁴⁰² Jeff Brightnose (Personal Communication 2014)

⁴⁰³ J.B.Tyrrell, 1931, *supra* note 87, p. 230.

⁴⁰⁴ Mandelbaum, *supra* note 52, p. 107.

included the ability as a hunter, capacity as orator and executive⁴⁰⁵. This further explains the title of *Okihtsitawak* as their role in part was to 'try' and perhaps become the next band chief.

The warrior society worked alongside other Cree bands, assisting one another defending against enemy camps and conducting communal hunts⁴⁰⁶. Today, the Cree do not have to worry about enemy attacks, so their role would not serve in that same capacity as before. However, they can still function in another role focusing their fight against illegal drugs and alcohol that has become a plague in many Aboriginal communities.

The role of *Oskapewisak* who served as helpers can function to help in schools, nursing station, and at the RCMP station. Today, there are *Oskapewisak* who serve in ceremonial preparations, building lodges, serving feast foods and distributing gifts during a gift exchange ceremony. As helpers their roles should not be limited just to ceremonies but expanded to community work to help programs in promoting healthy lifestyles, healthy behaviours, and keeping the community clean, helping people at home as needed. These are some ways the Cree can rebuild their traditional governing system.

The system that Cross Lake First Nation has established, when they implemented their first written law, is a model that can be used to establish the traditional Councils of Elders, Women and Youth to function along-side the current Chief and Council. The Elders Council role can include reciting the traditional law, teaching ethics and correcting behaviour by encouraging social order and discipline. The Elders serve as historians, advisors, and counsellors, and keepers of the language, culture, traditions and laws.

⁴⁰⁵ Mandelbaum, *supra* note 52, p. 106.

⁴⁰⁶ Katherine Pettipas, *supra* note 49, p. 51.

They hold the sacred trust to pass on sacred knowledge on medicines and learning spiritual matters⁴⁰⁷. The Women's Council can help in teaching young women their sacred role and responsibilities toward their families, as well as teaching young women ceremonies and protocol that must be followed during their moon time. The youth who are involved in the Youth Council may serve to assist the *Okihtsitawak*. Mandelbaum has explained their role as *Kihtockinikiwak*⁴⁰⁸, who he described as worthy young men, with qualities as a brave fighter and daring raider. The Youth Council may serve to help combat problems of alcohol and illegal drugs, assisting to keep the community safe.

Maintaining law and order involves community participation and, as Hansen explains in his work with Cree Elders:

[T]he elders basically described traditional justice as an activity of teaching that includes accountability, restoring things, repairing harm, and encouraging offenders to understand the impact of their behaviour. It also refers to community participation in the justice process⁴⁰⁹.

Structuring a Cree law informed by traditional spirituality and based on the community as the source of authority will only come if the Cree follow their ceremonies as used in the past. During my encounters with the *Jesuit Relations* and *Hudson's Bay Company*, I noted that our ancestors used their ceremonies when they met with governmental officials during fur trade and missionary work. The ceremonies and spiritual practices were the first and foremost priorities before any business was conducted; and

⁴⁰⁷ RCAP, Vol 2, *supra* note 65, p. 126.

⁴⁰⁸ Mandelbaum, *supra* note 52, p. 110 (Depending on the Cree dialect can also be spelled *Kihtoskinikiwak*).

⁴⁰⁹ John George Hansen, *supra* note 394, p. 252.

even during missionary work this delayed conversions. Disputes among rival tribes, establishing and maintaining good relations always proceeded with gift exchanges. This was a practice that was well documented throughout the *Jesuit Relations* and during the *Hudson's Bay Company* encounters. We have to take it upon ourselves to set things right and start using our ceremonies in all our governing affairs.

The main purpose of this study has been to explore concepts of spirituality and law as they relate to Cree self-government and to advance creation of models based on retrieval of traditional, pre-colonial Cree spirituality and law. This last chapter provides suggestions for how we may start establishing our traditional governing system. One person from each community can help to coordinate workers and start drafting a written constitution that frames our historical and philosophical approach, individual responsibilities and family roles. The current Chief and Council can start working with the headman of each family, because in every Cree family there is always one person who is recognised as the head of the family, whether male or female. They are there already; we see them whenever a death occurs in a family, as the one person who takes a lead; or when a crisis happens, that same person will lead. These are the people that a Chief and Council must start meeting with, to help restore our families and communities. Most importantly, they can help to bring our children home, when caught in the provincial child welfare system. It is our children on whom we must focus our efforts as our future generation.

As we work to revive our traditional governing system we must keep an open mind that our work will be challenged as our history remains distorted. Those of us who have chosen to write about our history have done so in an effort to help bring back what we

have almost lost, to make sense of our past history. European and Christian missionaries had their own reasons and I acknowledge that their writings, together with our oral histories, can help to validate our way of life as grounded in our spirituality and law. I conclude with a message shared during the *Report of the Royal Commission on Aboriginal Peoples* (1996):

A story was told a long time ago... . An old man told us that, if we look at the future, what we would like to see? Four children came from those four directions: a white child from the north, a red child from the east, a yellow child from the south, and a black child from the west. They walked together and they peered into the mirror of life. They joined hands, and, when they looked there, all they saw was the Creator. That's all they saw. They saw no animosity; they saw no colour; they saw the Creator⁴¹⁰.

Ekosi, (that is all): what I share here is only one way, but it is the Cree way; others will come after me with their own ideas.

⁴¹⁰ Marvin Conner, (Personal Testimony) London, Ontario, 12 May 1993, RCAP, Vol. 1, p.675.

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Appendix A

Research Consent Form

Research Project Title: Tapwetamowin: Cree Spirituality and Law for Self - Governance

Researcher: **Jennie Wastesicoot**,
University of Manitoba,
Interdisciplinary Doctoral Program
Department of Native Studies
XXXXXXXXXXXXXXXXXX
XXXXXX, Manitoba
XXX XXX
(204) XXX- XXXX
e-mail:XXXX@XXXX

This consent form, a copy of which will be left with you for your records and references, is only part of the process of informed consent. It should give you the basic idea of what the research is about and what your participation will involve. The information documented and recorded during this research will be archived for a maximum of up to five years in a locked personal storage with a copy provided to you as the participant and then for deposit to learning institutions (to be determined)

If you would like more detail about something mentioned here, or information not included here, you should feel free to ask. Please take time to read this carefully and to understand any accompanying information.

Introduction:

I am an Interdisciplinary Doctoral Student in the Department of Native Studies at the University of Manitoba and I am currently conducting research for my thesis. This project is titled ***Tapwetamowin: Cree Spirituality and Law for Self-Governance***.

Purpose:

My research thesis seeks to explore the views of Elders in Manitoba, Saskatchewan and Alberta for developing a traditional self-government model rooted in traditional customs of the Cree Nation.

Upon signing this consent form you are agreeing to participate in an interview that will take place at a mutually agreed time and place. A tape/video recorder will be used in the interview. Notes will be taken to ensure that all information that you give is recorded accurately. Anonymity and Confidentiality will be maintained at all times during this research. Feedback will be provided in the form of a verbal and or written statement as necessary or as requested by you as participant.

Further upon signing this consent you are agreeing to allow this information to be used in the future for the purpose of advancing and supporting Cree self-government. You further understand that there is no set time frame identified as the information you share may be used by other researchers and scholars as reference material and in future work relative to Cree self-government and self-determination.

As a participant, you should know that you have certain rights. They include:

- You may refuse to answer any questions at any time;
- You may end the interview at any time;
- Should you prefer, you may remain anonymous and are assured confidentiality in the analysis and reporting of this study.

You may have copies of the final results of the research findings which you have provided for the purpose of this research. These results can be provided to you electronically or by certified mail within thirty (30) days from the time of your request.

In keeping with First Nations traditional customary practice you will receive a gift with a pouch of tobacco as a sign of respect, honour and appreciation for your involvement in this research project.

Risks and Benefits:

There will be minimal risk involved in this research

Your signature on this form indicates that you have understood to your satisfaction the information regarding participation in the research project and agree to participate as a subject. In no way does this waive your legal rights nor release the researcher, or involved institutions, from their legal and professional responsibilities. You are free to withdraw from the study at any time, and/or refrain from answering any questions you prefer to omit, without prejudice or

consequence. Your continued participation should be as informed as your initial consent, so you should feel free to ask for clarification or new information throughout your participation.

Your suggestions and opinions are valuable and critical to this research; therefore, I encourage you to comment on any aspect of this project.

Your cooperation on this project is greatly appreciated and should you wish to discuss this project further please do not hesitate to contact me by calling (204) XXX-XXXX or if you wish you may contact my research advisor, Dr. DeLloyd Guth, Faculty of Law, University of Manitoba, who can be reached (204) XXX-XXXX or by e-mail: XXX@XXX. You may also wish to contact XXXX, Coordinator-Human Ethics at (204) XXX-XXXX.

Thank you. (Ekosi, Ki-na-na-sko-mi-tin).

Participant Signature: _____

I _____ give my consent to be interviewed for the purpose of the research project described above.

I _____ further, give my consent to allow this information to be archived and kept in a locked cabinet for a period of five years for future reference.

I _____ furthermore, give my consent to allow this information to be used in the future for the purpose of advancing and supporting Cree Self Government.

Date _____

Place _____.

Researcher Signature:

Name _____

Date _____