WANISKĀ: REIMAGINING THE FUTURE WITH INDIGENOUS LEGAL TRADITIONS

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With the release of the Truth and Reconciliation Commission's final report, which stressed the revitalization of Indigenous legal traditions is essential to reconciliation, we are potentially at the cusp of a historical turning point in Canada. As momentum around the revitalization of Indigenous laws grows, this raises many important questions for the future. Can we collectively imagine a Canada where Indigenous law is integrated and in use? What would, or should, this respectful relationship look like? This article explores these questions through narrative. Narrative, as many Indigenous and non-Indigenous thinkers have identified, has unique capacity to create space for conversations, spark imagination, and let us contemplate the incomprehensible. This article mindfully uses narrative as a means to vulnerably re-imagine a future relationship between Indigenous and other legal traditions in Canada. It acknowledges the deep-rooted enduring power of Indigenous laws, as well as both the immensity and transitory nature of current complexities. It names aspects of learning and engagement with the Cree legal tradition the author may never fully comprehend, but still senses are important. It grapples with the enormity of hope and despair, the power of violence and the power of love. It argues, through narrative, that law is living, time is fluid, change is possible and our shared future is ours to re-imagine.

Depuis la publication du rapport final de la Commission de vérité et de réconciliation, selon lequel la réconciliation passe par la revitalisation des traditions juridiques autochtones, nous sommes peut-être à l'aube d'un point tournant historique au Canada. Cependant, si la revitalisation du droit autochtone gagne en popularité, elle soulève aussi d'importantes questions pour l'avenir. Pouvons-nous imaginer collectivement un Canada où le droit autochtone serait intégré et appliqué? À quoi ressemblerait, ou devrait ressembler, cette relation axée sur le respect? Dans cet article, ces questions sont explorées à l'aide d'un récit. Comme de nombreux théoriciens autochtones et non autochtones l'ont reconnu, le récit favorise les conversations et stimule l'imagination, en plus de nous permettre d'entrevoir ce qui est incompréhensible. L'auteure utilise ici à bon escient un récit afin d'aider le lecteur à reconcevoir une relation ultérieure entre les traditions juridiques autochtones et les autres traditions juridiques qui existent au Canada. Il reconnaît le pouvoir profondément enraciné des lois autochtones ainsi que l'immensité et la nature transitoire des difficultés actuelles. Il évoque aussi des aspects

* The author would like to thank John Borrows and Val Napoleon for not only creating space, but actively supporting those of us to striving to make connections between worlds that can feel worlds apart. There are many influential Cree elders, teachers, and loved ones in my life, including Adelaide McDonald, Marie McDonald, Ken McDonald, Alice Moberly, Dean Wanyandie, Carol Wanyandie, Mabel Wanyandie, Robert Wanyandie and Vicky Wanyandie. I am grateful beyond words and hope, despite how little I know, this is a small step toward doing your teachings justice. All mistakes or misinterpretations are entirely my own.

de l'apprentissage et de l'engagement envers la tradition juridique crie qu'il ne pourra peut-être jamais comprendre parfaitement, mais dont il perçoit l'importance. Il décrit la force de l'espoir et du désespoir, ainsi que le pouvoir de la violence et de l'amour. Toujours à l'aide d'un récit, l'auteur affirme que le droit est bien vivant, que le temps est fluide, que le changement est possible et que c'est à nous qu'il incombe de reconcevoir l'avenir que nous vivrons ensemble.

Had I the heaven's embroidered cloths,
 Enwrought with golden and silver light,
 The blue and the dim and the dark cloths
 Of night and light and the half-light,
 I would spread the cloths under your feet:
 But I, being poor, have only my dreams;
 I have spread my dreams under your feet;
 Tread softly because you tread on my dreams.
 — W.B. Yeats, "The Cloths of Heaven"

I. FOREWORD

My first law teachers were not the professors I met in law school. They were Elders and others from the Aseniwuche Winewak. The Aseniwuche Winewak (Rocky Mountain people) are a small Cree-speaking community in the rocky mountains of Alberta, who were missed by the treaty commissioners and lived relatively undisturbed by non-Indigenous encroachments until the late 1960s.¹ I was only fifteen when an Aseniwuche Winewak Elder, walking with me and his daughter by the Muskeg River, told me a story of a woman transformed into an agent of harm and violence and what he and others had done to protect both her and the community until she could be healed. There are parts of the story I still do not understand, but even then, I understood that I was being taught something very important about one way people solve problems and keep each other safe in the world. And that I was being taught it entirely through narrative. The river and the trail we walked became enduring mnemonic devices that, to this day, very effectively trigger my memories of that story. Conversely, when I think of the story, I can see the trail in front of us leading to the embankment overlooking the roaring river.

Since 2008, I have undertaken graduate work engaging with Cree legal traditions through stories. My work has centred on questions I had been thinking about for years: how do we speak about the unspeakable? How do we protect those we love from those we love? I struggled with the difference I often saw between the powerful stories I heard about the way people historically responded to terrible human harms and what looked like, and felt like, paralysis and hopelessness in the face of the onslaught of vulnerability and suffering occurring within families and within communities. This is a fact of life in many, if not most, Indigenous communities across the country. I wondered if Indigenous laws would

¹ See Aseniwuche Winewak Nation, "Our Story," online: <<http://www.aseniwuche.ca/#!our-story/c1ym4>>.

hold more effective answers for restoring and maintaining safety, peace, and order in Indigenous communities. I came to believe that

[w]e can recognize the painful histories, real legacies of hurt, trauma, violence and addiction that many people continue to struggle with. In fact, we can't over-estimate this pain. At the same time, we can honour, learn and apply the internal wisdom, strengths and resources that are just as real, but often less visible to outsiders, and even insiders. We shouldn't under-estimate these resources.²

In addition to my own graduate work, for the past four years I have also worked as the research coordinator for the Indigenous Law Research Unit at the University of Victoria, which is directed by Dr Val Napoleon, Law Foundation Chair of Aboriginal Justice and Governance.³ We have developed a systemic methodology for identifying and articulating Indigenous legal principles from both published stories and oral traditions.⁴ We approach stories as jurisprudence. This method adapts common law tools of legal analysis and synthesis and applies them to these narratives as well as to other available resources. The goal is to engage with Indigenous laws as *law* and to identify and articulate Indigenous legal principles in a transparent and rigorous way. We have worked with Indigenous communities across Canada seeking innovative ways to effectively access, understand, and apply their own laws. The largest project thus far has been the Accessing Justice and Reconciliation Project [AJR Project], where we applied this method to identify legal principles responsive to harms and conflicts in six Indigenous legal traditions with seven partner communities across Canada.⁵

The Aseniwuche Winewak community coordinator for the AJR Project, Carol Wanyandie, eloquently described her experience “discovering” there was law in her own stories at an Education Day presentation at the final Truth and Reconciliation Commission of Canada [TRC] national event:

When she was talking with the law students and translating for elders being interviewed, she realized that she had heard many of the stories often, since she was a small child, but had never thought about them being about, or containing “law” or “legal principles”. To her, it had always just seemed the way things were, part of life. As she talked and listened, she started to see the “law” in the stories. The principles in them suddenly seemed to stick out so clearly. Once she started seeing the principles, she couldn't stop “seeing” them. She realized, of course Cree people had always had laws and practiced law. It was right there in the stories. It just wasn't talked about as “law”, but rather, “a way of life.”⁶

² Hadley Friedland & Lindsay Borrows, “Creating New Stories: Indigenous Legal Principles of Reconciliation” (2014) at 26, online: <<https://keegitah.wordpress.com>> (unpublished).

³ For more information about the Indigenous Law Research Unit, see Indigenous Law Research Unit <<http://www.uvic.ca/law/about/indigenous/indigenoulawresearchunit/>>.

⁴ See Hadley Friedland & Val Napoleon, “Gathering the Threads: Developing a Methodology for Researching and Rebuilding Indigenous Legal Traditions” (2015) 1:1 Lakehead Law Journal 33.

⁵ This groundbreaking project was funded by the Ontario Law Foundation. Partners included the Indigenous Bar Association and the Truth and Reconciliation Commission of Canada. For more information, see Indigenous Bar Association <<http://www.indigenousbar.ca/indigenoulaw/>>.

⁶ *Ibid* at 12–13.

This highly structured engagement has provided one way in, or one way back, to learning from stories. The question that arises is what could potentially be gained if legal scholars not just access stories as resources but also engage in speaking and writing about Indigenous law through narrative, just as I was first taught it. John Borrows has published a book, *Drawing Out Law*, which is written almost entirely in narrative form,⁷ and Val Napoleon has published at least one article using a narrative about an “International Trickster Court” to discuss critical issues related to the Supreme Court of Canada’s decision in *Tsilhqot’in Nation v British Columbia* in conversation with legal principles identified in the AJR Project’s report on Tsilhqot’in legal traditions.⁸ There have also been several recent novels by Indigenous authors that implicitly relate to Indigenous legal traditions, including Anishinabek author Louise Erdich’s *The Roundhouse* and Cree law professor Tracey Lindberg’s *Birdie*.⁹ Can scholars’ engagement with Indigenous laws meet high standards of academic rigour and enhance, not inhibit, our ability to teach and learn through narrative and other traditional pedagogical means?

Narrative is powerful. In his book *The Spirit That Lives in the Mind*, Louis Bird, an Omushkego Cree Elder, talks explicitly about the value of teaching through narrative. He explains that his purpose of recording Cree stories in written form was not just to repeat stories but also “to teach us the teaching system of the Omushkego people.”¹⁰ He explains that exciting stories about horrible things aid people to “remember them vividly,” fixing lessons from the stories in their minds.¹¹ He likens many Cree stories to “other nationalities’ moral teaching,” taught in a way that will “imprint on our mind.”¹² Current cognitive research demonstrates that stories are “a basic principle of mind”¹³ and, in fact, an “ideal data structure for human cognition.”¹⁴ Narrative is how we store our beliefs and experiences and an ideal way for our brain to retain, recall, and relay information.¹⁵

Bird emphasizes that stories can entertain while opening up conversations and creating space for further thinking about important issues.¹⁶ Proponents of the legal storytelling movement also argue that

⁷ John Borrows, *Drawing Out Law: A Spirit’s Guide* (Toronto: University of Toronto Press, 2010) [Borrows, *Drawing Out Law*].

⁸ Val Napoleon, “Tsilhqot’in Law of Consent” (2015) 48:3 UBC L Rev 873. *Tsilhqot’in Nation v British Columbia*, [2014] 2 SCR 257.

⁹ Tracey Lindberg, *Birdie* (Toronto: HarpersCollins Canada, 2015). Val Napoleon has explicitly analyzed *Birdie* according to Cree legal principles. Val Napoleon, “Cree Law and Unlawfulness,” *JOTWELL* (3 September 2015), online: <<http://equality.jotwell.com/cree-lawfulness-and-unlawfulness/>>. See also Louise Erdich, *The Roundhouse* (New York: HarpersCollins Publishing, 2012). Erdich read my “Wetiko (Windigo) Legal Principles,” *infra* note 33, prior to her writing this novel (thanks to John Borrows’ recommendation, in conjunction with his work on the subject), and I have since explored recognizing Indigenous legal principles in Erdich’s powerful work when I joined other legal scholars in an online book club hosted by Sonia Lawrence at the Institute for Feminist Legal Studies at Osgoode Hall. See Roundhouse Book Club <<http://ifls.osgoode.yorku.ca/the-round-house-book-club-post-2-hadley-friedland/>>.

¹⁰ Louis Bird, *The Spirit Lives in the Mind: Omushkego Stories, Lives, and Dreams* (Montreal and Kingston: McGill-Queens, 2007) at xi.

¹¹ *Ibid.*

¹² *Ibid.*

¹³ Lori Graham & Stephen McJohn, “Cognition, Law, Stories,” Legal Studies Paper Series, Research Paper no 08-14 (2008) at 28.

¹⁴ *Ibid.* at 30.

¹⁵ *Ibid.* at 28.

¹⁶ *Ibid.*

stories have a unique ability to create new insights,¹⁷ communicate experiences and life predicaments within a particular culture,¹⁸ relay emotive content effectively,¹⁹ facilitate moral reasoning,²⁰ justify “principled decisions and opinions,”²¹ and change people’s views.²² Critical race theorists use stories to persuade, teach, build community, validate experience, spark imagination and challenge received wisdom about what is natural or just.²³ Lynn Hunt argues that narratives, through the rise of popular novels and newspapers in European society in the late eighteenth century, created what she terms “imagined empathy” that “serves as the foundation of human rights.”²⁴

Narrative can deepen our understanding of abstract or broad principles by contextualizing and making visible some of the “irreducible” background they are embedded in and emerge from.²⁵ Robert Fulford argues that narratives play a central role in the core understanding of any society:

A story that matters to us ... becomes a bundle in which we wrap truth, hope, and dread. Stories are how we explain, how we teach, how we entertain ourselves, and how we often do all three at once. They are the juncture where facts and feelings meet. And for these reasons, they are central to civilization – in fact – civilization takes form in our minds as a series of narratives.²⁶

Similarly, Bird argues that in Cree society, storytelling “saves lives. It saves the families. It saves the children. It allows people to have a serious understanding about where they live.”²⁷

Finally, narrative also provides room for contemplating elements of life that, while important, may remain unexplainable or enduring mysteries. Fulford discusses the continued saliency and resonance of the Book of Job in our collective imagination, suggesting the reason is that, while it deals with arbitrary suffering, it offers “neither consolation or understanding” and thus reminds us of forces in our lives that may always be unknowable or incomprehensible to us.²⁸ Stories allow us to explore the human experience, without necessarily making arguments, drawing conclusions, or providing answers to everything. Narratives serve multiple purposes and are powerful pedagogical devices on many levels.²⁹

¹⁷ Shulamit Almog, “One Young and the Other Old: Halakha and Aggadah as Law and Story” (2003) 18 CJLS 27 at 31.

¹⁸ Stefan Kieger, “The Place of Storytelling in Legal Reasoning: Abraham Joshua Heschel’s Torah Min Hashamayin,” Legal Studies Research Paper Series, Research Paper no 07-26 (2007) at 4.

¹⁹ Almog, *supra* note 17 at 31; see also Graham & McJohn, *supra* note 13 at 30–31.

²⁰ Almog, *supra* note 17 at 31.

²¹ Kieger, *supra* note 18 at 55.

²² Graham & McJohn, *supra* note 14 at 15.

²³ Richard Delgado, “Storytelling for Oppositionists and Others: A Plea for Narrative” (1989) 87 Mich L Rev 2411 at 2411–2412.

²⁴ Lynn Hunt, *Inventing Human Rights: A History* (New York: WW Norton and Company, 2007) at 32.

²⁵ Charles Taylor, “Irreducibly Social Goods” in Charles Taylor, ed, *Philosophical Arguments* (London: Harvard University Press, 1995) 135 at 139.

²⁶ Robert Fulford, *The Triumph of the Narrative: Storytelling in the Age of Mass Culture* (Toronto: House of Anansi Press, 1999) at 9.

²⁷ *Ibid* at 4.

²⁸ *Ibid* at 9.

²⁹ Narratives are powerful, but a caution here is that does not mean the narrative form has uniformly positive or emancipatory outcomes. A major criticism of legal narrative is that it amounts to the abandonment of reasoned argument

As outlined above, Bird and other writers have identified many purposes and benefits of the narrative form. With the release of the TRC's final report, which insists that "[e]stablishing respectful relations ... requires the revitalization of Indigenous laws and legal traditions"³⁰ and that Indigenous peoples "must be able to recover, learn, and practice their own, distinct, legal traditions,"³¹ it feels as if we are potentially at the cusp of a historical turning point. As momentum around the revitalization of Indigenous laws grows, this raises many important questions for the future. Can we collectively imagine a Canada where Indigenous law is integrated and in use? What would, or should, this respectful relationship look like? Part of a "process of repair is a reimagining of the future,"³² and narrative, as Bird and other thinkers have identified above, may, with its capacity to create space for conversations, spark imagination, and allow us to contemplate the incomprehensible, be particularly suited for helping us explore these questions. In this article, I explore these questions through narrative.

I first wrote of the two women in the following story, Claire and Sky, in my Master of Laws thesis, "Wetiko Legal Principles," which drew out legal principles for addressing child victimization from *wetiko* (*windigo*) stories.³³ As explained above, my primary research question was: how do we protect those we love from those we love? This question has haunted me for many years. I carry it because I carry many stories people have shared with me, as a family and community member, and from my years in the helping field, working with vulnerable Indigenous and non-Indigenous children and families. In "Wetiko Legal Principles," I not only articulate principles as principles but also use a story to express the stories I carry – to speak of the unspeakable. In both that story and this one, I represent child sexual victimization in the metaphor of being "eaten alive" or "bitten," and Claire and Sky are the central legal actors. In the original piece, Claire and Sky were teenage girls. In this story, they have grown and aged into elders. In both pieces, I write about aspects of my learning and engagement with the Cree legal tradition that I fully acknowledge I may never comprehend fully but that I sense are important. I grapple with the enormity of hope and despair, the power of violence, and the power of love. In both pieces, law is living, time is fluid, and change is possible.

A final point before we begin. I am not, to the best of my knowledge, of Indigenous descent. Some of my ancestors come from Ireland, and some were Ashkenazi Jews, who lived in or around Minsk, in

in favour of unchallengeable stories and that the "standpoint" position of stories lets the teller claim authority in a way that "stifles discussion and debate. See, for example, Richard Delgado & Jean Stefancic, *Critical Race Theory: An Introduction* (New York: New York University Press, 2001) at 91. The power of narratives can also be used to perpetuate and contribute to oppressive and dominant power structures. See, for example, Patricia Ewick & Susan S Silbey, "Subversive Stories and Hegemonic Tales: Toward a Sociology of Narrative" (1995) 29 (2) *Law & Soc'y Rev* 197.

³⁰ Truth and Reconciliation Commission of Canada (TRC), *Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada* (Winnipeg: TRC, 2015), online: <http://www.trc.ca/websites/trcinstitution/File/2015/Honouring_the_Truth_Reconciling_for_the_Future_July_23_2015.pdf> at 16 [*TRC Final Report*].

³¹ *Ibid* at 206.

³² Katherine T Bartlett, "Tradition, Change, and the Idea of Progress in Feminist Legal Thought" (1995) *Wisconsin L Rev* 303 at 338.

³³ Hadley Friedland, "Sweet Dirt" and "Beyond Sweet Dirt" in Hadley Friedland, "The Wetiko (Windigo) Legal Principles: Responding to Harmful People in Cree, Anishinabek and Saulteaux Societies – Past, Present and Future Uses, with a Focus on Contemporary Violence and Child Victimization Concerns" (LLM thesis, University of Alberta, 2009) at 1–10, 127–131 ["Wetiko Legal Principles"] (unpublished).

Russia, for a thousand years before my great-grandparents fled to the United States right before the First World War. A few years ago, I sat in on a class where the professor had assigned the “Wetiko Legal Principles” as required reading. A young Indigenous student asked who had written the story, and when the professor told her I did, she was shocked to learn I was the author, even though I thought it had been clear in the text. She confronted me in front of the class, saying I was doing exactly what everyone feared non-Indigenous researchers would do – create fake Indigenous stories. I was taken aback by her interpretation and vehemence. She pointed out I had used the term, “we” in my introduction, and referred to being a mother, an aunty, a friend. I gently replied that I am very much part of a “we” who struggle with the horrific and heart-wrenching human costs related to issues of vulnerability and violence within Indigenous communities. I am a mother, and aunty, a friend, interconnected through many relationships on multiple levels over decades. I was writing about issues painfully close to my heart and excruciatingly close to home. I was trying to find a way to speak the truth respectfully and compassionately.

If my path to living in an Indigenous community as a non-Indigenous person was unusual, the fact that I do is not. Indigenous and non-Indigenous individuals live in inter-relation and inter-dependence at many levels. In reality, our communities are much more fluid, complicated, and intertwined than much of the political rhetoric allows for. Still, there is a long and ugly history of non-Indigenous people studying, appropriating knowledge, and even falsely claiming (or over-stating) Indigenous identity to propagate their own stories, either about Indigenous peoples or about flaws in non-Indigenous society.³⁴ I not only hold the complexity of my own ethnicity, past, and relationships but also the privileges of visible whiteness. This has left me with a real dilemma I have grappled with throughout my adult life and academic career: is it better to not speak at all? If I speak, how do I speak of what I have learned and how I have learned it, without adding to, or recreating, the hurts and betrayals of the past?³⁵

One of my brilliant Cree nieces once said to me at a family supper: “I hope the people you talk to about Cree law realize you aren’t Cree – you just know a lot of Cree people. We all laughed, because there were a lot of Cree people in my house at the time (at least fifty, as we have a very large family), but, on a serious note, I told her I hope they do too and assured her I will never represent myself as someone I am not. However, in this story, Claire and Sky are both clearly Indigenous, and, as the author,

³⁴ See, for example, Shaun Wilson, *Research Is Ceremony: Indigenous Research Methods* (Winnipeg: Fernwood Publishing, 2008) at 45–51; Marlene Brant Castellano, “Ethics of Aboriginal Research” (January 2004) *Journal of Aboriginal Health* 98 at 98. An excellent source of information on this subject, including extensive reading lists, is the website of the Intellectual Property Issues in Cultural Heritage Project, online: <<http://www.sfu.ca/ipinch/>>.

³⁵ This requires continual mindfulness, reflection, and openness to feedback from Indigenous relatives and colleagues. Patton and Bondi point out: “Those who aspire to be allies occupy an inherently complicated position. While trying to support social justice from a position of power without perpetuating domination, they must continually be reflexive about their positionality.” Lori D Patton & Stephanie Bondi, “Nice White Men or Social Justice Allies?: Using Critical Race Theory to Examine How White Male Faculty and Administrators Engage in Ally Work” (2015) 18:4 *Race Ethnicity and Education* 488 at 510; 490–491 (for a concise summary of what is needed from white allies in social justice work). See also Ali Michael & Mary C Conger, “Becoming an Anti-Racist White Ally: How a White Affinity Group Can Help” (2009) *Perspectives on Urban Education* 56 (the importance of “reflection as a form of action”); Naomi Sayers, “How to Be an Ally to Indigenous Activism,” *Guest Blog* (16 October 2012), online: <<http://www.msniikkithomas.com/guest-post-by-naomi-sayers-how-to-be-an-ally-to-indigenous-activism/>>. For a useful list of ally resources, see <<http://www.lynngehl.com/settler-ally-resources.html>>.

I put words in their mouths. I do so with love and respect, but I recognize that may not be enough. If me doing so evokes too much anger and pain, here is the place to stop.

This article is not an attempt to speak over or for Cree or other Indigenous peoples. Rather, it is an attempt to honour the teaching methods through which I first learned law and practice this method in my own work. It is my intent to acknowledge the deep-rooted enduring power of Indigenous laws as well as acknowledging both the immensity and transitory nature of current complexities. At the very least, it is my hope that my serious and sustained engagement with Indigenous laws, and, in particular, with the Cree legal tradition, will demonstrate that if we work hard enough, non-Indigenous people can learn to actively listen and enter into respectful and productive conversations about Indigenous laws through many forms, both familiar and new. It is my hope that we can begin to collaboratively re-imagine our shared future with Indigenous legal traditions and with each other.

II. *WANISKĀ*

The thing about real life is that by the time one story ends another one always has already begun. Our stories are always lapping over one another, like endless waves pulled by the moon. We flow or fall into each other's stories, become transformed, elevated, bruised, consumed, even erased. We can be cherished, honoured, nourished, even loved beyond measure. We tend to overestimate our boundedness. We forget we are mostly water anyway.

There once were two extraordinary girls, who grew up and from the mountain people, named Claire and Sky. They were given a gift by their grandmother down at the river one summer day and were brave enough to ask for more. They trusted their grandmother enough to ask for what they truly needed, once they saw a future made terrible by pain, and realized her first gift was just not enough. And so, with the help of their grandmother, those two young girls dreamt their laws back to their people.³⁶ Taking nothing for granted, those two young girls worked with their laws, carried them, questioned them, taught them, used them, changed them. The laws, just shimmering promises in the dream, grew slowly but surely back to life, became solid, flexible, sinews that strengthened the people, as they grew strong.

Claire and Sky worked with their laws and worked with others teaching and applying them for many years. Anyone you ask would tell you they grew from young girls to kind, wise, and powerful women, with lively intellects and generous spirits. As time went on, they grew so adept and proficient at teaching and applying their laws that all kinds of people came from all over the world to seek help and to learn from them. They were kind to each one and always helped them as best they could. They were gifted at listening to, and understanding, people's stories, probably because they both loved people, seeing each as an extraordinary gift waiting to be discovered. People made them chuckle, weep, and delight at the endless capacity for human mistakes, recovery, growth, and change.

As people do, Claire and Sky grew old. Their black hair turned grey, then white. Their skin grew translucent and soft, with gentle paths of blue veins and liver spots.³⁷ Claire got dentures. Sky had a hip replacement and astonished the doctors with her resilience and determined recovery. She joked she was going to run a marathon – but, of course, she would have to take up running first, for the first time in her

³⁶ “Wetiko Legal Principles,” *supra* note 33 at 1–10, 127–131.

³⁷ Val Napoleon, “My Grandmothers’ Skin” in Shari Graydon, ed, *I Feel Great About My Skin and Other Unexpected Joys of Aging* (Toronto: Douglas and McIntyre, 2011) at 81.

life. Claire still snuck the occasional cigarette, blowing the smoke up into the sky like an old time movie star. Once and awhile one of their children or nieces or nephews would come drive them to bingo together, which they still loved, and Sky would tell dirty jokes quietly with a deadpan expression until some of the ravenous people would look elsewhere, blushing furiously, or move further away, the other mountain women silently chuckling, heaving with suppressed hilarity, until one or the other would burst, laughing out loud. They still were best friends, after all these years, and when they started waking up early like old women start to do, as if to catch every waking hour on this beautiful earth, they would walk to each other's houses to drink hot black coffee on the porch, watching the sunrise together.

They were both beloved and revered and still forces to be reckoned with. About ten years ago, an old man showed up to teach Sky about sweat lodges. Nobody had seen him before, but he brought her some of the special lava rocks and stayed for some time, until Sky was ready. When he left, people started coming to her, coming seeking healing and peace and leaving looking strong and peaceful. Claire had started learning medicines from her mom, her interest piqued from a medicine given by a riverbank long ago, that soothed and healed an open wound. She would go with her daughters to pick medicines when the times were right for each one, attending to, and following, the earth's seasons.³⁸ Once it got too hard for her to get to certain places, she sent her sons with careful instructions. This root, this plant, this leaf. Each had its purpose, each gave something. She was always learning. Some of the plants sang, whispered to her, or would only show themselves to her. She could hear the trees crying when they did, a sound that saturated her soul, evoked an ache few humans ever feel. People came from all over for her medicines. They found her through word of mouth and through dreams or visions in faraway sweat lodges.³⁹ They came seeking some healing, some comfort, and they would leave healing and hopeful.⁴⁰ One day, Claire was smudging Sky, and Sky heard a terrible howl coming from somewhere she couldn't place. She felt as if her blood had turned to ice water upon hearing it. The next week, Claire was in Sky's sweat lodge and heard it too – an awful heart wrenching sound that vibrated and echoed through her, but seemed to come from no one and no place. The two old friends were alert but patient. They prayed and they thought. They talked to each other and to the other old people, and some of the young people who could sense things too and would understand.⁴¹ Dallas, Claire's grandson, would listen. He was a teenager, loved his video games, smart phone, and hockey. He would come with her to pick medicines and scramble up rocks or trees for ones she could no longer reach, pausing to tenderly gather

³⁸ Elders and Medicine People can be authoritative decision makers in the Cree legal tradition: "Medicine people who have specialized spiritual and medicine knowledge are relied upon and sought out to use their power to address harms and protect the community." Hadley Friedland, "The AJR Project Cree Legal Summary," prepared for the AJR Project, the University of Victoria's Indigenous Law Research Unit, the Indigenous Bar Association, the TRC, the Ontario Law Foundation, and the partner community Aseniwuche Winewak (May 2014), online: <http://indigenous-bar.ca/indigenoulaw/wp-content/uploads/2012/12/cree_summary.pdf> at 13–14 ["AJR Project Cree Legal Summary"].

³⁹ Medicine People's obligation to help others extends beyond their own community. *Ibid* at 13, 41–42. Dreams, vision, spirit guides, and other spiritual means can relay important knowledge, including warning signals of impending harm. *Ibid* at 18–19, 21.

⁴⁰ Healing and help for those in need can occur through spiritual means, including through sweat lodges, smudging, and shaking tents. *Ibid* at 29, 41. Elders and medicine people have a responsibility to help those who ask or who they dream about or sense they need to help. *Ibid* at 40–41.

⁴¹ A crucial step in deciding how to respond to spiritual warning signs was not to act alone but, rather, to "seek out and rely on guidance from those with relevant understanding and expertise." *Ibid* at 21. Discussion and deliberation with others, particularly those who may also have similar gifts of picking up spiritual signals, is important. *Ibid* at 22.

the medicine, and quietly lay tobacco in return, then rakishly climbing or jumping down with uncontained pleasure in his body's youthful strength and agility.

It was Dallas who suggested the fast. It was Dallas who volunteered to be the fire keeper and recruited three other men to help him and take care of Claire and Sky for the four days. As the time approached, both women felt as if they were preparing for a long journey to an unknown place, from which there was no guarantee of return. Their children and relatives sensed this, and the days leading up to the fast were full of visitors and tea, from first thing in the morning until late every evening. On the first day of the fast, nothing happened. The two old women sat and walked and prayed. Dallas tended the fire, and others gathered to help and take care of these two powerful and precious women who loved and lived so unabashedly and were loved so fiercely in return. Their children, their grandchildren, nieces, nephews, cousins, all came and went, staying by the fire, praying for these two beloved and brilliant women, praying with them, no one knowing quite why, but knowing, all the same, it was time for this, whatever this was to be.

On the second day, both Claire and Sky began to hear the awful howl again, softly, slowly, coming from nowhere and everywhere, as if the air itself was lamenting some terrible loss. Their eyes met. Here it is, steady now – they spoke to each other without speaking a word and continued to pray in that safe protected space. By noon, they both were weeping – tears silently streaming down their faces, their compassionate hearts saturated with what felt like a grieving without end. Dallas heard them and brought them water, insisting they drink, but did no more to disrupt their mourning. At long last, both women drifted off to sleep.

They awoke beside that long ago river, and there, with her lined face lit up with a smile of delight and arms stretched out to greet them, was their grandmother. They ran to her – those two old women, as if they were young girls, and they all embraced, laughing and hugging, around and around, until they finally sat down beside the river, gathered together again, at long last. They sat there in a peaceful silence for some time. Their grandmother had spread some fresh spruce boughs down and that is where they sat, breathing in the smell, resting on the solid ground together, watching the timeless river flow by as it always had. Finally, their grandmother spoke: "It is not enough."

Claire and Sky looked at her carefully. She was silent for a long time. Then she spoke again. "It is not enough. You knew, so many years ago, that my gift to you was not enough, and you were brave enough to ask for more. You trusted me enough to ask for what you truly needed, to prevent a future made terrible by pain." Claire and Sky realized they were barely breathing, one of them remembering a terribly vivid dream of the other, watching her, listening, the river flowing behind her silver head. "Now I come to you," said their grandmother. "Now it is I, watching, listening all these long years, to all my grandchildren, and those they have come to love, who they live among and live among them, now it is I who must ask you for more." At that, Claire and Sky knew it was their grandmother's grief they had been feeling. They had heard her. She had chosen them and trusted them to weep some of her tears. They leaned into her, one on each side, three grandmothers sitting together.

"It is not enough," their grandmother continued, "we have gathered our laws and dreamed them back to life and worked with them until they grew strong again and strengthened our people with them. But it is not enough. Still our people are dying. My grandchildren die around me before their time. We are too intermingled now with the ravenous people. If our laws are to endure, we need to teach them. Our laws, however strong, will not be enough, will be overtaken by our grief, if we cannot make the ravenous

people understand them too.”⁴² Sky’s ever-active brain started doing the math – how many generations had their grandmother been a grandmother? How many grandchildren did she have at this point? She got up to the hundreds of thousands, based on the period of her dress, still a hide dress, worn smooth, with no beading, before she let it go. Claire’s sensible mind went in a different direction – teach the ravenous people? There were millions. How? And where would they start? Who were they, three old women, one in a hide dress, one with dentures, and one with a hip replacement. Then she laughed at herself for going there. Her rueful laugh cracked what had been silence. All three women burst out laughing. When you know each other long enough, and well enough, you can guess what journey each mind takes. And you come to trust where each mind ends up.

“How will we do it?” asked Claire, just as Sky asked: “Where will we start?” Their grandmother nodded: “Good questions.” The three sat in silence some more. They were thinking hard. Finally, Sky spoke: “Children are great teachers. They are closer from their time in the spirit world. They see clearly and speak clearly. They are small and vulnerable, so they do not threaten anyone. It is wise to listen to what children can teach. Children could show the ravenous people.”

Claire and Sky were travelling, floating outside their bodies in the dream world, in and out of time and place. Sky was suddenly beside a little Anishinabek boy. From the dream world, she could see his spirit better than she could see him. It was bright and strong, as if he had a life ahead of innumerable stories, of transformative teaching. He was walking into a red brick building. He stood in line with all the other Anishinabek children, brought to the ravenous school. A ravenous man in a long black dress took him out of line, brought him away from the others, where another ravenous man was waiting. Did they know? Sky wondered; could even ravenous people sense his gifts, be drawn to hear his stories, that practically danced out of his twinkling eyes, even at this young age, at this anxious moment? But, suddenly, to her horror, they were eating the child alive, silence except for their satisfied grunts, the boy screaming in pain. Sky watched helplessly, finally wrapped herself around his spirit, and screamed for her grandmother to come help. She could hear her now, yelling at the top of her lungs: “*Waniskā, waniska!*” Sky woke up back at the river.

Claire was suddenly beside a young Cree Saulteaux girl. She wasn’t particularly tall, but her spirit was. It stretched above the girl, who was sick, coughing. It was, Claire could see, unbreakable, indomitable, in its kindness, generosity, and sharpness of sight. The girl was in a ravenous tuberculosis hospital, opening up a box of dry meat sent to her by her older sister. Claire watched in awe as connections and knowing saturated the girl’s mind, even as she chewed happily. She had never seen such a bright and lively mind, and she was best friends with Sky. She stayed with the girl, all through the long years at the hospital. She misses nothing, Claire marvelled, she connects everything. She stayed with her, out of the hospital, home to her house that had been ravaged by pain and alcohol, and on to a ravenous foster home. The girl was looking through the fridge, delighted at the amount of food she found there. She ran, just as she should, to her brothers down the street in another foster home, and told them to come, she would cook for them. The ravenous foster mother watched, one day, two days, learning about the girl’s generosity and hospitality, or so Claire assumed. On the third day, the foster mom stopped the girl from cooking, told her gently, “we don’t do that here.” Claire was startled and

⁴² The *TRC Final Report* stresses: “Aboriginal peoples must be recognized as possessing the responsibility, authority and capability to address their disagreements by making laws within their societies. This is necessary to facilitating truth and reconciliation within Aboriginal societies.” *TRC Final Report*, *supra* note 30 at 206.

protectively wrapped herself around the girl's spirit, which was reeling, her brilliant mind rapidly trying to make connections, to understand, when it was she who should have been teaching. Claire yelled for her grandmother to come help. She could hear her now, yelling at the top of her lungs: "*Waniskā, waniska!*" Claire woke up back at the river.

"They don't learn from children." Claire said, stunned. Sky bowed her head. Claire and Sky looked at their grandmother between them, her shoulders hunched in sorrow. "Thousands," she said. "Thousands. These were two, and I've walked beside thousands." She explained: "Ravenous people are not taught to learn from children. They are taught that children are to be seen and not heard. There are some that still do, but they are few and far between. It is not enough."⁴³

Those three great old women sat in silence by the river. Claire finally asked, hesitantly: "Women? We know women carry powers men do not. Women can sometimes soften the hardest hearted ones and teach them to become good hearted family members."⁴⁴ Her voice trailed off as she saw Sky's eyes widen. But she was falling already. She was at the bottom of a filthy laundry shoot, splattered on the street, thrown from a balcony. She was screaming, and she could only barely hear her grandmother: "*Waniskā, waniska!*" Sky was covered, in a stinking hockey bag, in dirt from a shallow grave off the highway, soil almost smothering out the sound of her grandmother's voice: "*Waniskā, waniska!*" Claire managed to scrape herself up, but she was just as soon in the water. She was sinking to the bottom of a river, wrapped in plastic, watching herself (or was it another woman?) bleed out from a wound somewhere excruciating, but unmentionable, in a bathtub. Her grandmother's voice, screaming seemed to be gurgling out further and further away out of the water: "*Waniskā, waniska!*" Sky rolled over but was suddenly freezing. She opened her eyes and saw she (or was it other women?) was cut into pieces in a freezer, torn, strewn, in pieces, over the snow. "*Waniskā, waniska!*" her grandmother called, but the words faded to faint echoes in the bitter cold.⁴⁵

Dallas was getting worried. He kept the fire going, but he was worried. None of the other helpers were talking anymore, telling jokes and old stories, like they had been. They might have been praying silently, but it felt as if they were counting on him or waiting on him. His grandmother was unnaturally

⁴³ For the reality and impacts of Aboriginal children's experiences in the Indian Residential School system in Canada, see generally *TRC Final Report*, *supra* note 30. For individual stories, see "The Survivors Speak," online: <http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Survivors_Speak_2015_05_30_web_o.pdf>. It is widely believed that there are more Aboriginal children in care today than at the height of the residential school era. For a very thoughtful and nuanced discussion of the complicated situation facing Indigenous children in care today, see Ardith Walkem, *Wrapping Our Ways around Them: Aboriginal Communities and the CFCSA Guidebook*, ShchEma-mee.tkt Project (Lytton, BC: Nlaka'pamux Nation Tribal Council, 2015), online: <<http://www.nntc.ca/docs/aboriginal-communitiesandthecfcsaguidebook.pdf>>.

⁴⁴ See discussion in Shawn Smallman, *Dangerous Spirits: The Windigo in Myth and History* (Vancouver: Heritage House Publishing Company, 2014) at 38, 47–61.

⁴⁵ Some of these deaths may be recognizable as those suffered by Nadine Machiskini, Bella Laboucan-McLeanin, Thersa Merrie Innes, Tina Fontaine, Cindy Gladue, and at least some of the women whose remains were found in a freezer on Robert Pickton's property. However, there are so many others that I cannot possibly pay homage to them all here. The fact of that immensity is horrifying. For a compassionate humanizing series naming and recognizing missing and murdered Indigenous women in Canada, see CBC Aboriginal, <<http://www.cbc.ca/missingandmurdered/>>. See also Royal Canadian Mounted Police, "Missing and Murdered Aboriginal Women: A National Operational Overview" (2014), online: <<http://www.rcmp-grc.gc.ca/en/missing-and-murdered-aboriginal-women-national-operational-overview>>.

still, and Sky was shivering, then also still. Both appeared to be barely breathing. Were they dreaming? Were they dying? What had he been thinking to suggest this? What did he know, what did any of them know, about caring for such women in such a fast – a fast that was no ordinary fast but some dangerous journey through the spirit world? This much he knew, he could sense it, just as he had trusted a feeling inside himself about the fast in the first place.

But what did he really know? He was just a teenager. So much had been lost. Nobody, even his grandmother, knew things with certainty, like Gandalf or Dumbledore in the movies, like the stories of medicine people prophesying from long ago. His dad was one of the ravenous ones, long gone from before he could remember, and his grandfather was dead. His Uncle Jack first learned about ceremonies in jail. His cousin Peter had only been sober for six months. Sure he had wanted to help, and Dallas had wanted him to as well, but self-doubt consumed him as his grandmother paled in front of him. Sky seemed to be turning blue around her lips. He felt a stab of terror for these women, trusting them, relying on him. Then the heat of rage at all the older men didn't know, couldn't do, or couldn't teach him. Rage dissolved into shame at his own powerlessness, then finally to a raw grief. Everyone was still rebuilding, shattered by their encounters with the ravenous people, struggling with their own sicknesses and the new ravenous ones. Everyone was just hoping they had stumbled on the right path, hoping the pieces of knowledge they held were enough, were strong enough to hold each other up, to keep going. What if it was not enough?⁴⁶ What if his grandmother and Sky could not come back? What had he done? He wept and prayed. He kept the fire going.

That's where he always stopped the story. He wept and prayed. He kept the fire going.

The thing about real life is that by the time one story ends another one always has already begun. Our stories are always lapping over one another, like endless waves pulled by the moon.

Dallas's daughter Hope watched the old man as he fell asleep again. She sighed slightly, brushing away a strand of white hair that had come unbraided and drifted across his face. She glanced at the stack of papers she had brought with her to work on once he slept. She liked to work there, despite the constant cacophony of the hospital, felt at peace beside him, even though he slept more and more, woke less and less. The cancer had snuck up on them all and spread throughout his body before anyone could have noticed something was wrong. When she looked at his face, it seemed to be growing translucent, as if his spirit was growing brighter, more visible, even as his body took its leave. She couldn't bear for him to leave her. He had been her constant throughout her life – through a joyous childhood, turbulent teens, university, then law school, the challenges and exhaustion of being an articulated student, then a young lawyer. He and her mother had always been there for her and her brothers and sisters.

She closed her eyes and pictured his twinkling eyes when he was teasing, his strong hands, rough and worn, so gently holding his grandbabies. She saw him throwing back his head and roaring with laughter, him flipping pancakes on cold winter mornings, forming bannock dough into rounds, dropping them gently into the sizzling grease in the cast iron frying pan he always used, sitting at his desk, writing, standing in court, fighting, him gently fanning the smudge. She felt his arms wrapped around her in his

⁴⁶ Many young Indigenous men may struggle with complex self-doubt and fears in the face of structural violence, racism, marginalization, disvalued identities, and social role strain within communities and relationships. See Laurence Kirmayer, Cori Simpson & Margaret Cargo, "Healing Traditions: Culture, Community and Mental Health Promotion with Canadian Aboriginal Peoples" (2003) 11 *Australasian Psychiatry* 15. See also Robert Innes & Kim Anderson, eds, *Indigenous Masculinities: Legacies, Identities, Regeneration* (Winnipeg: University of Manitoba Press, 2015).

bear hug when she'd had a fight with her best friend in Grade 4, when she broke up with her boyfriend of two years at sixteen, when she got her acceptance letter into the dual Canadian/Indigenous law degree program, just as he had, two decades before her. He had been in the first graduating class. He was so proud of that. He was so proud of her. When she had become a judge, dually appointed to the bench and to the region's Indigenous legal lodge, she remembered gazing at him and thinking, for a moment, the buttons might literally pop off his shirt, like the old cartoons, where characters burst with pride.

Every case she had argued or presided over, every panel or circle she had run in the lodge, he had been there with her, either as an elder, in person, or in spirit. She had the small medicine bag he had given her when she started practising, the moose hide leather shiny and smooth now, his worn, dog-eared copy of the first Indigenous law texts he owned, and had passed down to her, even though they were by now on to the fifth edition, most of the Canadian constitutional and Aboriginal law had long evolved, and the arguments over the use and recognition of Indigenous law in them read like archaic history.⁴⁷ She wondered what those authors, so ahead of their time at the point, would think of where things had gone. Had they imagined the number of dual degree programs that existed now?⁴⁸ What would they have thought of how competitive they had become to get into? What of the bitter schism a decade ago between the two major schools of thought at the time or the vigorous, but more collegial, debates that it still engendered? Where would they have stood? Had they pictured the legal lodges, finally built in each region, to implement the calls to action in that long ago TRC final report?⁴⁹ What would they think of the stone sculptures commemorating their work at the Supreme Court of Canada? Would they have been astonished? Proud? She bet their children and grandchildren were.

He was her rock. Yet here he was, like all stones, being worn down, no match for the sheer relentlessness of the cancer, swifter in its work than wind and water. Sometimes her mind would fill in panic with the idea of losing him, and she would try to quiet it, like he'd taught her, determined to stay present, to soak in every minute of his physical presence while she still could, to not lose him before she had to. Hope watched him breathe as he slept. He wept, he prayed, he kept the fire going. What came next? She knew that his grandmother had come back, but that her friend Sky never regained consciousness from that fall. When they had realized something was very wrong, they had called an

⁴⁷ At least, I anticipate these texts will likely include John Borrows, *Canada's Indigenous Constitution* (Toronto: University of Toronto Press, 2010); Borrows, *Drawing Out Law*, *supra* note 7.

⁴⁸ At the time of writing, it is still an open question where the first dual Indigenous law/Canadian law institute will be. However, John Borrows conceived the idea in 2005, and the University of Victoria Faculty of Law continues to pursue making this idea a reality. See Law Commission of Canada, *Justice within Indigenous Legal Traditions*, DVD (Ottawa: Minister of Supply and Services Canada, 2006); John Borrows, "Creating an Indigenous Legal Community" (2005) 50:1 McGill LJ 153. See also University of Victoria Faculty of Law, "Joint Program in Canadian Common Law and Indigenous Legal Orders" (20 January 2016) (unpublished, on file with the author).

⁴⁹ The TRC's call to Action no 50 is for the federal government to establish, in collaboration with Aboriginal organizations, "Indigenous law institutes" for the development, understanding, and use of Indigenous laws. TRC, *Truth and Reconciliation Committee of Canada Calls to Action* (Winnipeg: TRC, 2015), online: <http://www.trc.ca/web-sites/trcinstitution/File/2015/Findings/Calls_to_Action_English2.pdf>. It seems like these institutes could be something similar to the Indigenous Legal Lodge that Val Napoleon conceived of in 2008, which, at the time, focused on inter-community disputes between First Nations but could certainly be expanded. See Val Napoleon, "Indigenous Legal Lodge: A Proposal" (2008) (unpublished, on file with author). For a further exploration of this idea, see Jessica Dickson, *Addressing Disputes between First Nations: An Exploration of the Indigenous Legal Lodge* (Masters of Arts in Dispute Resolution thesis, University of Victoria, 2006) (unpublished, on file with the author).

ambulance, took Sky to the ravenous people's hospital, but it was too late to do anything. Hope's mother remembered it, had told her how her father didn't follow, wouldn't leave the fire. His grandmother had stayed with him.

Dallas never talked about what he and his Grandmother talked about by that fire. Hope's mom said, whatever it was, they both returned with quiet determination in their eyes, along with an immense sadness that wouldn't quit. He had been quieter after that, as if he had aged a decade in a day. He set his mind on law school and started studying harder. He and Claire spent hours and hours together. She was teaching him medicines and other things. Hope's mom always told her that she was in love with him even then. She would visit and sometimes bring him supper when he forgot to eat. She had still done that, Hope reflected, smiling to herself, bringing him a plate, putting a gentle hand on his shoulder to bring him back to them, up until her own death, two years before.

There had been a lot of confusion, fear, and speculation in the community after the fast, after Sky's death. Had she been too old for such a fast? Had the helpers known what they were doing? Was it some bad medicine? Why hadn't Claire sensed it? And why Sky? She had been so very alive. Her death seemed to have taken the heart out of the community. Some days it felt as if the whole world was shaking, uncertain. The autopsy had shown an aneurism. It could have happened at any time, the doctors told the family. It was just coincidence it happened during the fast. This settled some of the speculation, but not all of it. Everyone knew doctors didn't know everything and couldn't spot the spiritual.

Dallas woke up. It was as if he hadn't been sleeping at all: "There are some stories," he said, "that if you fall too deeply into, you can not return from."⁵⁰ Hope had never heard him go beyond the fire. She listened intently as he told her what his grandmother had told him, about the grandmother by the river, about what had happened to Claire and Sky, as young girls, and as old women. "So how did great-grandma come back, but Sky did not?" she asked, before she could contain herself. Tears streamed down her dad's face (he who had always wept, and prayed, and kept the fire going). He saw things differently now, he said, from when he was young and the grief and guilt felt unbearable. He saw things differently, knowing he was walking on soon himself, knowing he would see them soon.

Claire and Sky were beside their grandmother again, gasping for breath, shivering. All three watched, as if a silent movie, children and women, women and children, ignored, brutalized, degraded, shamed, erased – trapped in a thousand stories that pulled them down like whirlpools. Stories that were not their own, were not of their own making. There were no words. None of the three wanted to go, nobody wanted to leave each other, feet solid in the sand, the warmth of one another holding each one up. They sat in silence for a very long time. Claire was lost in the shadow of what seemed like a bad dream or dim memory, where she had screamed at her grandmother, cursing her for abandoning her to endless pain and degradation. Sky was remembering being that young fiery teenager, saying their grandmother's gifts were not enough, demanding more from her. A drop; their sufferings had been a drop in an ocean of sorrow and pain that their grandmother swam in daily.

"Those that live," their grandmother finally spoke, softly. "Those that live, some of them do not recover. And some go on to do great things, bring great gifts to us all." Claire and Sky saw the little boy

⁵⁰ In Borrows, *Drawing Out Law*, *supra* note 7 at 108, Borrows uses a whirlpool as a metaphor for talking about the fact that, "even though you are free to choose your course of action, you are not always free to choose the consequences of your actions." Violence forces us to recognize that we can also suffer terrible consequences of other people's chosen course of action.

with so many stories inside him grown up, an elder who had shared his stories with the world⁵¹ and the little girl with the indomitable spirit grown up, a respected legal scholar, breaking down boundaries and making connections between laws and peoples.⁵² They saw more, and some hope stirred inside them – these were poets, teachers, lawyers, judges, parents, aunties, and uncles. Each had their purpose, each gave something. They could see little glimpses of learning being distributed among the ravenous people, being taken in. They could see the bonds of friendship, of care, of love, some tenuous and some formidable. Then they could hear, faintly, Dallas's voice, as if from very far away, repeating their grandmother's words. He was whispering urgently: "*Waniskā, waniskā*. Kookum, please, please come back to me. I don't know what to do. I'm scared."

So he had left the fire! A new part of her father unfolded in front of Hope – a scared and unsure young man, determined to do the right thing and desperate to avoid wrong consequences, frantic about the prospect of losing his beloved grandmother. "So she came back to you? For you?" asked Hope. "No," her dad shook his head. "No, that was just me, just a kid, afraid to lose her. It was Sky, Sky who had fallen too deeply, been chilled too long in the terrible and powerful stories not of her own making, who decided to stay with their grandmother, to become her helper. My kookum went later. You had just been born. She was happy she got to hold you before she passed over." Hope had seen the picture – her a tiny wrinkled newborn, looking at her great-grandma's beaming wrinkled face, cradled in her arms.

"Why couldn't Sky come out of the story when her grandmother called her?" she asked her dad, caught up in all she had just heard, "when she told her to wake up?" Dallas looked up at her, surprised at the question perhaps. "Not that it seems fair." She continued her train of thought: "To expect that of them in the first place – why should they have to be the ones to wake up, to teach, to take action?"⁵³ How could their grandmother have expected that from them?" Dallas closed his eyes, and for a long moment, Hope thought he might have drifted back into sleep. She had a sudden picture of him sitting there, hand in hand with her mom, joining those beloved, formidable old women by the river. She could see him fitting right in, and her heart soared and ached all at the same time.

But he spoke again, with his eyes still closed: "No, that's not what happened," he said, "I can see why you thought so. I've taught you to listen, and you've met colleagues who have been called to wake up, to act – called back from corporate jobs or travelling the world or living on the street – by a dream, by a vision, by the grandmothers, and grandfathers calling them. I see why you thought that. No, this time it was different."

⁵¹ The renown and prolific Anishinabek author, Basil Johnson, shared the story of his terrible experience in residential school in a keynote conference talk on "Inclusion and Representation in Anishinabek Self-Government," Nipissing First Nation, North Bay Ontario, 21–22 January 2011. For a moving tribute to his incredible life's work, see <<http://www.theglobeandmail.com/arts/books-and-media/writer-basil-johnston-paved-way-for-first-nations-literature/article26553667/>>.

⁵² Val Napoleon, Cree law professor, Law Foundation Chair of Aboriginal Justice and Governance, and director (and founder) of the Indigenous Legal Research Unit at the University of Victoria, Faculty of Law, shared the stories of her childhood experiences in a tuberculosis hospital and, later, foster care, in the story. Val Napoleon, "Foster-Care Hospitality" in the *Fort St John's Facilitator Handbook*, prepared for "An Exploratory Workshop: Thinking About and Practicing with Indigenous Legal Traditions," 30 September to 2 October 2011.

⁵³ Jim Tully argues: "It should not be the burden of the wretched of the earth to refuse to submit and act otherwise, as in the dominant theories of resistance." James Tully, *Public Philosophy in a New Key*, volume 2: *Imperialism and Civic Freedom* (Cambridge: Cambridge University Press, 2008) at 305.

“It wasn’t them,” he continued. “Their grandmother wasn’t yelling, “*Waniskā, Waniskā*” to Claire and Sky. She was journeying beside them, as she had many times before. She was with them, just as she had been with those children, with those women, with many men too. This time, it was the ravenous people themselves she was calling to.”

Dallas slept then, and Hope forgot her work for a while, sitting holding his hand in hers. It had been his life’s work – and her life’s work – working with their laws, practising them, teaching, working together, and building relationships with the ravenous people. Over time, she had seen that more and more were growing able to hear. There were more and more respectful and collegial conversations, cross-pollination of ideas and concepts, hybrid processes, and, like her, dually appointed decision makers. There was even teasing, laughter and kindness. There were many comparative and trans-systemic conferences, books, databases, and papers. In fact, she was supposed to be working on one at that moment. She must have dozed off too, waking from a gentle hand on her shoulder. It was her husband. She had met him in law school. She had never imagined herself marrying a ravenous one, but she had fallen in love. He was checking in with her, whispering “*Waniskā*.” She smiled. He had brought her some supper, in case she had forgotten to eat.

Waniskā. It is time. Because we flow or fall into each other’s stories, become transformed, elevated, bruised, consumed, even erased. We can be cherished, honoured, nourished, even loved beyond measure. We tend to overestimate our boundedness. We forget we are mostly water anyway.