

TRUTH BEFORE RECONCILIATION



INDIGENOUS
LAW
AND LEGAL ORDERS

EDUCATOR'S GUIDE

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Activity 2: Learning about Indigenous Law and Legal Orders through Story

Societies throughout the world have different sources, or authorities, of law. In this activity, students will explore authorities of law in Indigenous societies. Students will specifically look at stories and use laws found in a story to approach solving a problem.

Introduction

Dear educator,

This guide accompanies the publication [*Truth Before Reconciliation: Indigenous Law and Legal Orders*](#), produced by the National Centre for Truth and Reconciliation in collaboration with Canada's National History Society. The publication and accompanying activities, taken together, invite teachers and students to explore how Indigenous law and legal orders can help us solve problems, strengthen relationships, and consider how we live together and care for one another.

You may also access the publications and guides from previous years:

- [*Truth Before Reconciliation: Mino-pimatisiwin: Living the Good Life*](#) (2024)
- [*Truth Before Reconciliation: Listening to Survivors*](#) (2023)
- [*Remembering the Children*](#) (2022)
- [*Truth and Reconciliation Week 2021*](#)
- [*Every Child Matters*](#) (2020)

Indigenous Peoples have lived in societies and had their own laws for thousands of years. When settlers first came to what is now Canada, they brought their own legal systems and refused to recognize Indigenous peoples, their laws and their governments as equals. Settlers imposed Canadian laws on Indigenous societies, and used measures including Residential Schools to undermine Indigenous ways of life, including legal traditions. As a result, many Indigenous societies were prevented from fully practicing their laws for generations.

Revitalizing and practicing Indigenous law is now part of Canada's commitments within both international and national frameworks for reconciliation. The *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) affirms Indigenous peoples' right to self-determination, an all-encompassing term that includes legal traditions. In Canada, several Calls to Action from the Truth and Reconciliation Commission (TRC) directly and indirectly call for the revival and implementation of Indigenous law and legal systems. As the TRC's Final Report states, "Law is essential to finding truth. It is a necessary part of realizing reconciliation."

The publication and this teacher's guide are designed to be adaptable across grade levels. The guide is scaffolded, with activities that offer simple entry points for younger students while also building toward more complex scenarios and examples that encourage older students to engage in deeper exploration. Together, the publication and guide aim to help students and teachers:

- Understand a fuller definition of law, one that goes beyond rules to include peoples, institutions, processes, and beliefs.
- Learn about Indigenous law and legal orders, and recognize that Indigenous law is distinct from Aboriginal law.
- Explore examples of Indigenous law in practice and consider how these approaches could address problems in their own communities.
- See that Indigenous law and legal orders can help us solve problems, live together respectfully, and care for one another.
- Recognize that we all have a role within the law, with obligations to one another as legal actors.

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Canada's National History Society with the National Centre for Truth and Reconciliation.

Residential School Survivor Support Line 1-866-925-4419

Curriculum Connections

As educators, you may wonder how topics such as Indigenous law and legal orders connect to your mandated curriculum. This section highlights those connections, showing that these themes are not an “add-on” but are already embedded—directly and indirectly—across subjects and grade levels throughout Canada.

Recognizing these links helps clarify how teaching about Indigenous law supports existing outcomes while also deepening students’ understanding of governance, community, justice, and reconciliation.

Indigenous law and legal orders appear in many curricula through cross-cutting themes such as treaties, governance, oral traditions, relationships to land, and the impacts of colonialism and residential schools.

Here are some of the specific references in curricula to Indigenous law. Please note this list is not exhaustive:

Alberta:

- Social Studies 4: First Nations and Europeans made treaties with each other, such as the Two Row Wampum (Gaswéñdah), to start a relationship of living side by side.
- Social Studies 6: First Nations of the Haudenosaunee Confederacy use a government system in which multiple Nations continue to come together to make decisions through consensus; The Great Law of Peace is a binding agreement that guides the Haudenosaunee Confederacy in establishing roles, decision-making procedures, and collective rights.
- Social Studies 10: Students analyze contemporary global issues that have their origins in the policies and practices of post-colonial governments in Canada and other locations. To examine these issues, students look at the historical and contemporary consequences of Residential Schools, the social impact on Aboriginal peoples, and the loss of Aboriginal languages.; Students are asked to evaluate various attempts to address the consequences of imperialist policies on Indigenous peoples, both in Canada and in other locations.

British Columbia:

- Social Studies 3: Governance and social organization in local and global Indigenous societies.
- Social Studies 5: Past discriminatory government policies and actions, including Residential Schools, the *Indian Act*, and numbered treaties.
- Social Studies 10: Government, First Peoples governance, political institutions, and ideologies, including the Crown- and federal government-imposed governance structures on First Peoples communities, and title, treaties, and land claims.
- B.C. First Peoples 12: Role of oral tradition for B.C. First Peoples; commonalities and differences between governance systems of traditional and contemporary B.C. First Peoples.
- Law Studies 12: Indigenous legal orders and traditional laws in Canada and other global jurisdictions.

Ontario:

- Social Studies 4: Demonstrate an understanding of key aspects of a few early societies (to 1500), including at least one First Nation and one Inuit society, each from a different region and era and representing a different culture, with reference to their political and social organization, daily life, and relationships with the environment and with each other.
- Social Studies 5: Assess responses of governments in Canada, including First Nations, Métis, and Inuit governments, to some significant issues, and develop plans of action for governments and citizens to address social and environmental issues.
- History 7: Describe various significant people, events, and developments, including treaties, in Canada between 1713 and 1800, and explain their impact.; describe various significant people, events, and developments, including treaties between Indigenous nations and imperial powers, in Canada between 1800 and 1850, and explain their impact.
- History 8: Describe various significant people, events, and developments in Canada between 1850 and 1890, including the *Indian Act*, treaties between Indigenous nations and the Crown, and the Residential School system, and explain their impact; describe various significant people, issues, events, and developments in Canada between 1890 and 1914, including the Residential School system, and explain their impact.

- Canadian History since World War I, Grade 10: Analyse some key interactions within and between different communities in Canada, including First Nations, Métis, and Inuit communities, and between Canada and the international community, from 1914 to 1929, and how these interactions affected Canadian society and politics
- Civics 10: Explain, with reference to a range of issues of civic importance, the roles and responsibilities of various institutions, structures, and positions in Canadian and Indigenous governance systems, treaty relationships, and other Crown-Indigenous relations

Saskatchewan:

- Law 30: Examine how the historical roots of law in Canada stem from Indigenous legal systems, British common law and the Civil Code of Québec (1991); Compare the purposes and functions of law and the justice system in Canadian society today with traditional Indigenous approaches to law and justice (e.g., restorative vs. punitive justice).

Nova Scotia:

- Social Studies 7: Learners will reflect on the impact of government policies and the denial of treaty rights on Mi'kmaw communities and individuals in Mi'kma'ki.
- Social Studies 8: Learners will reflect on 20th and 21st century Indigenous experiences in Canada.
- Law 12: Aboriginal/treaty rights, *Indian Act*, *Constitution Act*, sentencing circles. Focuses on Aboriginal law. Mandated integration of Mi'kmaq treaty rights and legal relationships across all subjects.

Manitoba:

- Social Studies 5: First Peoples ways of life (daily life, leadership, culture, beliefs, interactions between communities)
- Social Studies 6: Give reasons for the establishment of treaties and reserves and describe their impact on individuals, families, and communities.
- Social Studies 9: Describe Aboriginal perspectives on justice and law.; Describe factors related to Aboriginal self-determination in Canada.

New Brunswick:

- Social Studies 9: Examine key issues involving treaty relationships in Canada.
- Canadian History 121/2/3: Research Wabanaki independence and contact with Europeans; investigate the relationship between federal, provincial, and Indigenous governments; examine the impact of Canadian Western expansion policies on Canadians and Indigenous Peoples.
- Law 120: Covers Indigenous law, Wabanaki perspectives, treaties, and restorative justice.

ACTIVITY 1: INTRODUCING AND UNDERSTANDING LAW, INDIGENOUS LAW, AND LEGAL ORDERS

In this activity, students are introduced to a definition of law and explore the four characteristics that make up the concept of law. Students will learn about Indigenous law and understand that, along with norms, principles, processes, and legal actors, it forms a bigger system called an Indigenous legal order. Students will use case studies from different Indigenous communities to learn and explore aspects of a legal order.

Teacher Background:

- All types of laws—including Indigenous law, common law, and civil law—have some important things in common:
 - » Law helps people work together to solve problems, manage conflicts, make decisions, and live together as a community despite our differences.
 - » The law includes rules that help people understand how they should act in a fair and safe society.
 - » Law includes the process of discussing, interpreting, and applying the rules as a community.
 - » Law is something that people do together.
- Indigenous law comes from each Indigenous society's different land, history, language, beliefs and way of life.
- Each Indigenous society has its own legal order. While some Indigenous societies may have laws that are alike, each legal order is distinct. This means Kwakwaka'wakw law in British Columbia is different from Inuvialuit law the Northwest Territories.
- Indigenous law is part of an Indigenous society's legal order. People rely on their society's legal order to help them live in a fair and organized way. Each society's legal order helps people solve problems between people from the same society. It also helps them solve problems with people from other societies.
- Indigenous laws and legal orders have been around long before Canada existed. However, early settlers and the Canadian government have tried to ignore and erase Indigenous law. Indigenous societies were forced to deal with Canadian laws and systems that did not match their values, principles,

legal processes, legal actors, and law. As a result, many Indigenous societies have not been able to fully practice their laws for a long time.

- Law must be socially constructed—laws must come from the people who live by them. Indigenous people did not help make Canadian law, so it cannot effectively help them solve problems and manage conflicts. There are many different Indigenous legal orders, and each one is unique. Canadian law cannot fully understand or work for all of them.
- For Indigenous societies to care for their community in the best way, they need to be able to use their own law and legal orders. This means thinking about what their law means, asking questions, and using law to try and solve problems. This way, their law and legal order can grow and change to help their society today.

Activity:

Part 1:

1. Have students work in pairs or small groups to brainstorm a definition of “law.” You might want to use some of the following prompts to help them:

What do you think “law” is? How would you explain what “law” means? Can you share any examples of laws you see in your life?

Write the examples of laws that students come up with on the board. Work with students to look for similarities.

Laws familiar to students may include traffic laws (seatbelts, speed limits, parking), safety laws (bike helmets), age of majority laws (voting, driving), and criminal laws (theft, violence).

2. Have students read page 6 of *Truth Before Reconciliation: Indigenous Law and Legal Orders*.
3. As a class or in small groups, ask your students to consider the questions posed in the red box about laws in the schoolyard:
 - Are there rules that everyone knows about?
 - Who decides what the rules are?
 - How do the new kids learn the rules?
 - How do you know when there is a problem?
 - Can you think of a time when there was a problem or someone broke the rules?

- What did you do to deal with the problem?

Some additional prompts to help your students may include:

- Are there any rules you would change? How would you do that?
 - Who has the power to change rules?
 - Should everyone have a say?
4. Explain to students that all of these elements that ensure that the schoolyard is fun and safe for everyone are part of law. Law is the rules that people follow, but also the process of figuring out and applying those rules, and the people involved.
 5. Using pages 8-9 of *Truth Before Reconciliation: Indigenous Law and Legal Orders*, have students explore the four characteristics of law. Ensure that students understand the definitions of each of these concepts.
 6. Provide students with the handout "[Seatbelt Laws in Canada](#)." This provides some context about changing safety laws in Canada. Have students read the background information and then identify the ways in which this law is collaborative, public, socially constructed, and adaptable and responsive.
 7. Have students revisit the definition that they first wrote for "law" and update it based on what they have learned through their conversations, readings, and activities.

Part 2:

1. Now that students are familiar with the concept of law, they can begin learning about Indigenous law and legal orders.
 - Indigenous law comes from Indigenous peoples themselves and is based on their own culture, values, histories, principles, and ways of living. It helps societies organize themselves, solve problems, and live together as a community.
 - Indigenous law is part of an Indigenous society's legal order.
 - Each Indigenous society has its own law and legal order.

Have students read page 12 of *Truth Before Reconciliation: Indigenous Law and Legal Orders* to understand the components of Indigenous legal orders: Indigenous law, legal processes, norms, principles, rules, and legal actors.

2. To help solidify students' understanding of these definitions, you can use the sheet titled "[Parts of Indigenous Legal Orders](#)" and have students match the terms and their definitions.

- On page 19, there is an example of how the different parts of Indigenous legal orders work together to guide how people live, treat each other, and stay organized as a community.

The example below looks at Coast Salish fishing and foraging grounds. Have students identify all of the elements of the legal order within this example.

Element	Example from Coast Salish fishing and foraging ground
Norm	Only use when you need
Principle	Share resources
Rule	Only collect fully grown clams; only fish where you are allowed to
Legal Actor	Elders, family members, children
Process	Visitors must follow a legal process for asking permission to fish in certain areas

- Students will now follow the same process using the attached example, "[Respecting Caribou in Łutsël K'é Dene First Nation](#)." Pass out the handout with the background information and have students determine the Łutsël K'é Dene First Nation's values, principles, rules, legal processes, legal actors, and law for protecting the caribou.

As an extension activity for older students, they could also identify the ways in which the Yúnethé Xá ʔetthën Hádı (caribou stewardship plan) is collaborative, public, socially constructed, adaptable, and responsive.

Element	Example from caribou stewardship plan
Norm	Respect the land and animals
Principle	Only hunt what you need
Rule	Don't hunt baby caribou
Legal Actor	Elders, hunters, youth
Process	Community meetings

Seat Belt Laws in Canada

As cars became more popular in Canada, new safety laws were made to keep people safe. The Canadian government first talked about making laws requiring seat belts in 1976, but not all leaders agreed. Some thought the government should not be able to tell people what to do in their private lives. Others thought that seat belts were inconvenient to wear or not an effective safety component in cars.

While the government was deciding what to do, many communities took action. Groups of doctors, business owners, and regular people pushed the government to make a seat belt law. Some people wrote letters to newspapers about why seat belts should be required. Others who had lived through car crashes started clubs to persuade the government to make seat belt laws.

As a result, the federal government decided that all new cars had to have seat belts. In the late 1970s and 1980s, the government made laws requiring people to wear seat belts and use car seats for babies and young children.

Alberta was the last province to require seat belts. Many people in Alberta, including regular citizens and the police, worked hard to persuade the government to make wearing of seat belts required by law. The law finally passed in 1987.

At that time, only 28 per cent of Albertans used a seat belt, and many did not want to start buckling up. So, the government made television commercials to let everyone know about the new seat belt law coming into effect on July 1.

Requiring people in cars to wear seat belts and adding new safety rules for cars helped save many lives. Today, laws about road safety are changing again because of self-driving cars.

Governments are doing tests and research to make sure that these cars work properly and keep everyone safe.

<p>How are seat belt laws collaborative?</p> <p>How did people work together to make using seat belts and car seats the law?</p>	<p>How are seat belt laws public?</p> <p>How did the government make sure that seat belt laws were public? How did people find out about the seat belt laws?</p>
<p>How are seat belt laws socially constructed?</p> <p>Why did some groups (doctors, police, car crash survivors) support seat belts? Why did some leaders oppose the proposed law?</p>	<p>How are seat belt laws adaptable and responsive?</p> <p>How are the laws on car safety changing? What could cause them to change again in the future?</p>

Parts of Indigenous Legal Orders

Indigenous law	Helps Indigenous societies organize themselves, solve problems, and live together as a community. Like all law, Indigenous law is also collaborative, public, socially constructed, adaptable, and responsive.
Legal processes	The ways a society solves problems or makes decisions. This must include people discussing, understanding, questioning, and applying law.
Norms	The qualities that the society believes are good or important, such as kindness, respect, or honesty.
Principles	Guide people on how they should act and live based on their society's values.
Rules	Tell people what is okay to do based on the society's principles.
Legal actors	The people who help make, interpret, understand, and apply the law. In many Indigenous societies, everyone is a legal actor, because everyone helps carry out the law in everyday life.

Respecting Caribou in Łutsël K'é Dene First Nation

In 2020, the Łutsël K'é Dene First Nation were concerned about the health of the caribou and made a special plan to help protect them.

The idea came from a young hunter named Shonto Catholique who worked for the Łutsël K'é Dene First Nation. Shonto noticed that the ʔetthën (caribou) were no longer walking the same trails or drinking water from the same places. He, and other community members, were worried that there were fewer ʔetthën (caribou) each year.

The Łutsël K'é Dene First Nation's Wildlife, Land, and Environment Department decided to protect the caribou. They planned five community meetings called "ʔetthën Talks" so that people could come together and talk about the problem. They told people about the meetings by putting up signs everywhere, calling people, and posting online.

Many Łutsël K'é Dene people came to the ʔetthën Talks, including Elders, youth, hunters, and land users. Each ʔetthën Talk started and ended with a prayer. To make sure everyone had a chance to speak, they used a talking feather. Only the person with the talking feather could talk while everyone else listened quietly and waited their turn. There was also translation equipment so people could understand and speak in their own language.

After each ʔetthën Talk, a short letter was sent to everyone to explain what was talked about. People could call or visit the Department to share their ideas or concerns.

After the ʔetthën Talks, the Department worked with Łutsël K'é Dene community members, scientists, lawyers, writers, and the Northwest Territories government to come up with the Yúnethé Xá ʔetthën Hádı (caribou stewardship plan) to protect the caribou.

Here are some of the guiding values:

- a. *Ní chu K'ech'aj' di chu besu'di* (we respect the land and animals)
People must take care of the land, water, and animals by hunting in a respectful way. We should teach everyone how to respect the caribou and all living things.
- b. *Etthën huréth'a* (the caribou are listening to us)
The caribou can feel how they are being treated. It is important to treat them well and protect them in order for them to return.
- c. *Nuwé yakı begháre ʔeghádalıdá* (we have our own laws that we must follow)
We have our own Dënesųłıné laws. These laws help us make good choices for the caribou and our future.
- d. *Nuwé ch'anié beréldı xá ʔa* (we must pass on the teachings)
It is important to teach young people how to live off the land. Elders and adults must share their knowledge with youth to maintain their way of life.

Here are some of the process and rules about hunting:

- Hunters are not allowed to hunt bedziʔáze (calves), Ts'uda bechą dá (pregnant females), or bedzi chó (male leaders) from certain herds.
- Experienced hunters should teach youth how to hunt, set up camp, and be safe on the land. Youth should also learn how to prepare meat, cook, and make clothing from animals.
- Hunters must never chase the caribou or hit the caribou with sticks.
- Hunters must not overhunt. They should only take the number of caribou they truly need and can bring back. No meat should be wasted or left behind.
- Hunters must gather all the caribou parts in one spot, give thanks for the hunt, and ask the caribou to return.
- Meat and useful parts should be shared with Elders and people who cannot hunt.

Making Sure Rules are Followed

To check that the processes and rules are followed, a Discipline Committee was created. The Committee includes four Elders, one representative from band council, and one representative from the Wildlife, Lands, and Environment Committee. The group will discipline anyone who breaks the rules and make sure that the Łutsël K'é Dene First Nation continues to protect the caribou.

Review the Plan

The Yúnethé Xá ʔetthën Hádi (caribou stewardship plan) will be checked every five years to see how well it is working and if anything needs to be changed or updated.

Sharing Updates

The Łutsël K'é Dene First Nation shares news and updates about the Yúnethé Xá ʔetthën Hádi (caribou stewardship plan) on Facebook, through email, and posters. The plan has been shared with the community, with other Indigenous communities, and with the Northwest Territories government. At the start of each season, posters and emails will be sent to remind hunters to share new updates.

ACTIVITY 2: LEARNING ABOUT INDIGENOUS LAW AND LEGAL ORDERS THROUGH STORY

Societies throughout the world have different sources, or authorities, of law. In this activity, students will explore authorities of law in Indigenous societies. Students will specifically look at stories and use laws found in a story to approach solving a problem.

Teacher Background:

- In order for law to be public and accessible to all, it must be recorded somewhere.
- Canada's legal system is recorded in three main forms: statutes, common law, and civil law.
 1. Statutes are written laws made by the government. These laws are written down in many books. These books belong to series such as the "Revised Statutes of Canada".
 2. Common law, used in most of Canada, comes from past court decisions made by judges. Judges can follow old decisions for similar problems or make new rules based on changes in society.
 3. Québec does not follow the common law system. Instead, it follows the *Civil Code of Québec*. The Civil Code is a long list of rules and regulations.
- Indigenous societies have always had ways of recording, as well as teaching and expressing their laws. The ways an Indigenous society records, teaches and expresses its laws are unique to the society. Indigenous societies may record their laws in place names, languages, oral histories and stories, traditions and practices, ceremonies, songs, dances, art, and relationships. People draw on these resources to better access and understand the law, and to apply the law to challenges of today.
- Sources of law are the foundations or authorities underlying the law. They are what people look to when making or justifying legal arguments.
- For this activity, we are going to focus on one of the places you can find Indigenous law: stories. Stories can be a resource of Indigenous law, legal principles, and legal processes. They contain lessons and can serve as models for problem solving. You can analyze stories for legal principles, the same way that you do a legal analysis for Canadian law.

- When we talk about stories in this context, we are not referring to “make-believe” or entertainment in the way stories are often understood in Western traditions. In many Indigenous worldviews, stories are an essential way of teaching, guiding, and passing on knowledge. They help us reflect, ask questions, and think more deeply about the issues we face. Stories are rooted in histories, languages, and ancestral connections. Storytelling—and the oral tradition more broadly—is a vital practice of Indigenous knowledge sharing.

Because stories carry teachings and responsibilities, they must be treated with respect. Not all stories are meant to be shared, and it is important to have permission from the storyteller or community before retelling them. The stories included in this guide and in the magazine have been shared with permission for teaching and learning.

Activity:

Part 1:

1. All laws come from a place of authority—someone or something that people listen to and respect. It is important to know where the law comes from so that people can understand, follow, and use the law. According to Dr. John Borrows, there are five main sources of Indigenous laws that ground legal thinking. His list is found on page 15 of *Truth Before Reconciliation: Indigenous Law and Legal Orders*.

Indigenous societies may record their laws in many different ways. Have your students explore pages 16 and 17 to discover some of the ways that Indigenous law is woven into every part of life. Ask your students: where is Indigenous law found? How is it communicated to members of society?

Part 2:

1. Explain to students that for the next part of the activity, they are going to focus on one of the places you can find Indigenous law: stories. As explained on page 20 of the magazine, “By asking questions of the stories, we can learn how people in the past thought about the problems and how they worked to solve them. When we draw on past stories or cases, they help solve the current problem or conflict by telling us what people have done before.”

Students are going to learn how to analyze stories for legal principles, processes, and decisions. They are going to read a story and identify the problem, facts, decision/resolution, and the reasons behind the decision.

2. Have students read pages 20-22. They will start by learning about the context of analyzing stories and then read an example, the story "Summer in a Bag."
3. As a class, work together to answer the following questions about "Summer in a Bag."

We have provided some potential answers for this section based on the problem, "How does a group of people living together respond to a catastrophe that affects everyone?" It is important to remember, however, that there is never only one right answer. Many problems can be brought to a story, and the facts and decisions that matter depend on the problem that is being asked. Legal reasoning is about interpretation and application based on context.

"Summer in a Bag" Story Analysis

Section	Questions
1. Problem	<p>What is the main human problem in the story?</p> <ul style="list-style-type: none"> How does a group of people living together respond to a catastrophe (hard winter) that affects everyone (including non-human beings)?
2. Facts	<p>What are the most important facts in the story that help you understand the problem?</p> <ul style="list-style-type: none"> One year there was no spring, and the people had a double winter. People began to worry about not having a summer. The snow was deep in the bush and even tall animals like the caribou and moose were having a hard time getting around. The caribou and moose would have been easy for the hungry people to hunt. The animals began to starve. It seemed no one would make it through the winter.
3. Decision	<p>How is the problem resolved?</p> <ul style="list-style-type: none"> The group decides to take immediate action to protect the moose and caribou. The group decides to call a public meeting to consider the problem. The group decides to investigate the cause of the problem. The group decides to take spring back. The group decides that Squirrel should go take spring back. Squirrel and the others bring spring back in a bag. They conduct a ceremony before they open the bag.

<p>4. Reasons</p>	<p>What is the reason behind the decision(s)? Is there an explanation in the story? Sometimes, the reasons are not necessarily explained, and we have to make an assumption about what the reason could be, so we divide this section into “said” and “unsaid” reasons.</p> <p>Said:</p> <ul style="list-style-type: none"> • The humans helped the animals survive because they needed them for their futures: “We will need them, so we should save them for the future.” • The people and animals held a public meeting and deliberated together because it was an issue that affected them all. <p>Unsaid:</p> <ul style="list-style-type: none"> • It is important to investigate and deliberate serious matters to come to a good decision. Impulsive responses to threats may lead to bad decisions. • Squirrel had the skills needed to steal spring back. Squirrel was willing to go. • Ceremony and gratitude (towards squirrel) are important procedural steps for resolving this problem. • Animals and humans share a common problem and work together to survive.
<p>5. Legal Norms/ Principles</p>	<p>What norms and principles are shown? How do they guide the outcome?</p> <p>Norms:</p> <p>Respect – Shown through the Elders’ advice not to overhunt the animals even when it was easy to do so.</p> <p>Responsibility – The community made decisions based on long-term survival, not just short-term needs.</p> <p>Collaboration – Humans and animals worked together to solve the problem of the missing spring.</p> <p>Gratitude – The community thanked Squirrel and held a ceremony to show appreciation.</p> <p>Principles:</p> <p>Respect all creation as equals – Animals, humans, and the land are all connected and deserve to be treated with care</p> <p>Protect / preserve the future – Preserve animal populations for future survival.</p> <p>Work together to solve shared problems – Both animals and humans participated in the decision-making.</p> <p>Honour contributions – The community recognized and celebrated Squirrel’s effort in bringing back spring.</p>

6. Legal Actors	<p>Who is involved in solving the problem? What role do they play?</p> <ul style="list-style-type: none"> • Elders – Offered wisdom and guidance, cautioned against overhunting, reminded people to think about the future. • Leaders – Helped organize the meeting and led the discussion about the missing spring. • Squirrel – Chosen (or volunteered) as the one to go retrieve the spring; took action and helped resolve the problem. • Community members (humans and animals) – Participated in the meeting and helped make the collective decision. • Other helpers – Accompanied Squirrel in the mission, showing teamwork.
7. Legal Process	<p>What process is used to make the decision? (e.g., meeting, discussion, ceremony)</p> <ul style="list-style-type: none"> • Meeting – A large meeting was held where both humans and animals gathered to discuss the problem. • Investigation – One of the leaders found out what happened and looked into ways to solve the problem. • Deliberation – The group talked and thought carefully about the situation before making a decision. • Collective decision-making – Everyone, including humans and animals, participated in deciding the best way to bring back the spring. • Ceremony – A ceremony was held to welcome spring back and to thank Squirrel.

4. After the class discussion, have students read page 23 for the analysis of the story.
5. Give students an opportunity to analyze another story using this same method. Hand out copies of "[The Story of Porcupine](#)" and the analysis document. Alternatively, you can play the following video, which features Kenthen Thomas telling the Story of Porcupine: <https://www.youtube.com/watch?v=3LNeGvNJwps&t=1s>

This story comes from the Secwépemc Nation and shares how two opposing groups of people might come together to resolve their differences.

6. As a class, review your answers to the questions together. Ask your students: What other questions would you have asked? Did you have a different interpretation than what was provided?

Part 3:

1. Having completed a legal analysis of two stories, students can now start to consider how they can apply what they learned in these stories to problems in their own lives.

Begin by asking students to reflect on what they learned in either "Summer in a Bag" or "The Story of Porcupine": What did you wonder about? What surprised you? How does this connect to your life? What types of problems would the lessons in this story help you solve?

2. Have students read page 24 in *Truth Before Reconciliation: Indigenous Law and Legal Orders*.
3. Provide students the situation on page 25 and give them a chance to apply what they learned in "Summer in a Bag" to the situation.

Divide the class into four groups and assign each group one of the following perspectives: the birds, the swimmers and boaters, the company, and the river. In their groups, have students prepare a short paragraph or bullet point list describing the problem from their perspective. Bring the class back together and have each group take turns sharing their concerns. Encourage a conversation to determine a process for coming up with a solution.

Remind students of the story "Summer in a Bag," and ask:

- How does this story share values and principles that could apply to our scenario? (e.g. respect for non-human beings, sustainability)
- What process was followed for finding a solution? Could any of that apply to this situation? (e.g. public meeting with humans and animals, consultation, consensus, ceremony).

Once students have determined a process to follow, encourage them to explore creative and collaborative solutions. Document the solution (the **decision** and the **reason**) through a poster or art piece, story, or poem.

4. Have students think about how the lessons in “Summer in a Bag” or “The Story of Porcupine” could apply to other examples in their lives or communities. Here are some sample situations you could present to students or consider researching other examples currently being discussed in your own community.

Remind students that this exercise is about finding ways that we are all going to live together and treat each other fairly and to find solutions to the problems we are encountering today. As you explore the scenarios, have students consider the following questions: How do you think about the situation? What process could you follow? How do you ensure all perspectives are accounted for? How might you solve the problem?

- Every time you go to the playground for recess, you find garbage everywhere. It doesn't seem like anyone is responsibly throwing out their waste. Animals are starting to eat the garbage, and some parts of the playground are now dirty and unsafe because of waste.
- At lunchtime, a lot of food ends up in the garbage, some of it completely untouched. Items like full apples, unopened drinks, or sandwiches are thrown away every day. At the same time, some students don't have enough food and often go without a full lunch. Rotting food is unsafe, and some students are allergic to some of the things being thrown out. The school has strict rules about sharing food. It seems like there could be a better way to handle all the extra food instead of throwing it away.
- In many Canadian cities, people are having a hard time finding a safe, affordable place to live. Rents are rising, and there aren't enough homes for everyone. Some reasons for the situation include high building costs, not enough government support for renters and homebuyers, and rules that make it hard to build new housing. In some neighbourhoods, people also resist change when affordable housing is planned nearby. Everyone agrees people need safe places to live—but how can we work together to address all these challenges?
- In 2014 and 2016, thanks in large part to Inuit oral history and knowledge, the wrecks of the British ships HMS *Erebus* and HMS *Terror*—from Sir John Franklin's 1845 expedition through the Northwest Passage—were discovered. The artifacts found at the wreck sites were initially considered the property

of the United Kingdom, since the ships were British. However, the sites themselves are located in Canada, and specifically within the territory of Inuit of Nunavut. How should we determine who are the owners of these artifacts and how can we ensure that they are being properly protected, cared for, and shared with the public?

This is based on a real situation. In 2018, the United Kingdom and Canada agreed that the wrecks themselves and any yet-to-be-discovered artifacts would belong to Canada. In turn, the Government of Canada and the Inuit Heritage Trust signed an agreement to be joint owners of the wrecks and any future discoveries. They created a Memorandum of Understanding outlining how they would work together to protect and share the artifacts. This includes commitments that the artifacts will be protected based on Inuit Qaujimajatuqangit (Inuit knowledge) and the principles of cultural resource management, and that when displayed, the artifacts will be presented from an Inuit perspective. You can learn more here: "[Government of Canada and Inuit Heritage Trust Sign Franklin Artifact Memorandum of Understanding](#)," Government of Canada, 16 April 2019.

5. Have students reflect on what they have learned about Indigenous law and legal orders by creating a mind map or visual summary of their learning. Encourage them to include pictures, definitions, key words, etc.

The Story of Porcupine

This story comes from the Secwépemc Nation and shares how two opposing groups of people might come together to resolve their differences. Secwépemc storyteller Sexwélecken told the story to anthropologist James Teit in 1900, who then retold it in his own prose and only in English. The Skeetchestn Elders Daniel Calhoun, Leona Calhoun, Amy Slater, Christine Simon, Garlene Dodson, Doris Gage, Ron Ignace, and Julianne Ignace have since retranslated the story into Secwepemctsin.

A large number of people lived together at one place. Their chief was Swan. At another place, one long day's journey away and beyond a high range of mountains, lived another band of people, who were sometimes called the Deer People. They consisted of the Deer, Caribou, Moose, Goat, Sheep, and others, and their chief was the Elk. The two groups of people had been enemies for a long time. They were interfering in each other's business all the time. That is why they had a hard time putting away food. Each people had a different kind of government and lived and worked differently. What one did well, the other did badly. The birds acted in some ways like mammals, and the mammals like birds. That is why they were all pitiful.

Swan wanted to fix how they could be good to each other, so that they would not interfere in one another's affairs anymore. Swan believed that the people were stubborn. That is why they were troublesome and were being a nuisance to one another.

One day in the wintertime, when the snow lay very deep on the mountains, Swan assembled his people, and, after explaining his plans to them, he asked if any one of them would carry his message of invitation to Elk. Whoever would undertake the journey was to receive a large present of dentalia.¹

Coyote volunteered to go, and prepared for the journey by putting on his finest clothes, embroidered moccasins, and all his dentalia and necklaces. At dusk he left the house, but, not wanting to face the deep snow, he ran around the underground house all night, admiring himself. Coyote was still running in the morning, when the people awoke. Swan asked him why he had not gone; and Coyote answered, "I was just playing and running around for practice. I will start tonight." When evening came, the people saw him leave, and watched him until he was out of sight. Coyote soon found the snow too deep, returned after dark, and lay down underneath the ladder where he fell asleep. When the people awoke in the morning, they found him

¹ Dentalia are tooth or tusk-like shells that are often used to decorate regalia or jewelry or are used for ceremonial purposes.

fast asleep, and Swan asked him why he had not gone. Coyote answered, "Oh! I was playing, became tired, and lay down to sleep. I will start tonight."

Then Swan asked the people who would be the fittest one to go. They all said, "The porcupine always walked in the snowy mountains in the deep snow, that is why he would be the fittest one." Porcupine was selected, and after sewing his moccasins all night, and dressing himself warmly, he left at daybreak. When Coyote saw him leave, he laughed, and said, "When even I could not go, how can such a poor, slow, short-legged creature be able to travel through the deep snow?" That night Porcupine reached Elk's house in an exhausted condition, and all covered with ice and snow. After warming himself, he delivered his message to Elk, and asked for sinew and awl with which to sew his moccasins. After he had done so, he left for home, bearing Elk's reply. Elk promised to visit Swan on the following morning together with all his people.

When Elk and his people arrived, Swan feasted them and when the feast was over, he and all his people knelt down before Elk. Swan shared his wisdom with them and told them how they could fix one another. This is how he gave Elk all his knowledge and his advice.

Then Elk and his people all knelt down before Swan, and Elk gave him all his ideas and knowledge. Each people gained full knowledge of the other, and together became able to plan on doing what was right. After this they lived much easier and happier than before and the methods of one party did not come into conflict with those of the other.

The laws made at the council are those which govern animals and birds at the present day. Porcupine got his rich present of dentalia, and was much envied by Coyote.

The Story of Porcupine Analysis

Problem: What is the main human problem that the story focuses on?

Facts: What facts matter?

Decision/Resolution: What is decided or how is the issue resolved?

Reasons: What are the reasons behind the decision? Is there an explanation in the story? If so, is it said? Unsaid?

What other questions or thoughts do you have about the story that may not fit in previous sections? What would you like to learn more about? Is there something you did not understand?

The Story of Porcupine Analysis - Answer Key

Problem: What is the main human problem that the story focuses on?

- How do two groups address conflict between their communities?
- What is the role of leaders in resolving conflicts between communities?

Facts: What facts matter?

- Once there were two groups who had been enemies for a long time. The birds' chief was Swan. The Deer People's chief was Elk. The two groups tried to make each other's lives as difficult as possible.
- Each group had a different type of government and lived and worked differently. What one did well, the other did badly.
- Chief Swan wanted to make things better for both parties and make peace, believing that their troubles came from ignorance.

Decision/Resolution: What is decided or how is the issue resolved?

- Swan brought their community together and asked whether someone would volunteer to send a message to Elk. Coyote volunteered, and then failed. Then Swan asked the people who would be the best person for the journey, and they chose Porcupine. Porcupine was successful.
- Elk and his people visited Swan and they knelt down before each other to share knowledge and advice. Together, the two leaders came up with a way to resolve the conflict.
- After that, the two groups were able to live easier and happier than before without conflict.

Reason: What is the reason behind the decision? Is there an explanation in the story? Is it said? Unsaid?

- **Said:**
 - » Swan and their community figured out how to overcome the problems because Swan thought their differences were caused by mutual ignorance. Swan asked the people to help pick the right person to obtain their support.

- **Unsaid:**

- » Elk responded positively to Swan's invitation to meet because Elk thought this would help solve their differences.
- » Leaders are responsible for attempting to resolve conflict between their peoples and others.
- » A council was held. To resolve differences, groups must come together in the spirit of respect and reciprocity. The two groups treated each other with respect and shared everything they knew with one another.

What other questions or thoughts do you have about the story that may not fit in previous sections? What would you like to learn more about? Is there something you did not understand?

- Porcupine was laughed at by Coyote, but Porcupine succeeded in their mission. This is a reminder that everyone has gifts and an important role to play in society.