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.

3. 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

4. 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.

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

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'ąı́ dı chu besų́dı (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 hurétth'ą (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'anıé berédlı xá ʔą (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 bedzıʔáze (calves), Ts'uda bechą dá (pregnant females), or bedzı 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 Hádı (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 Hádı (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.