Applying Cree Story-telling to Address Contemporary Justice and Governance Issues
Engaging with Indigenous Legal Traditions through *Stories*
Indigenous Legal Traditions

• About Indigenous citizenry, self-determination and good governance,

• Contain intellectual resources, tools for public reason and deliberation,

• **Need:** Responsible, respectful methods for serious and sustained engagement, within and across communities

• **Need:** Ways for people to be able to access, understand and apply them to today’s justice and governance issues.
Why Stories?

In Indigenous Societies, Stories are:

• Tools for Thinking
• A Teaching Method
• Part of a serious public intellectual and interactive dialogue
• A way to record information
• Decentralized forms of precedent
• Living?
Methodology

Adapted Common-law Methods -

**Legal Analysis and Legal Synthesis** applied to analyze all available resources, including:

- Publically available or published stories.
- Oral Histories
- Publically available or published historical, anthropological, or legal literature.
- Interviews and conversations with Indigenous elders and community members.
Medicine Wheel Teachings – Engaging with Indigenous Legal Traditions using our Whole Selves:

- Spiritual
- Mental
- Emotional
- Physical

Recovering Intellectual Resources.
Reinvigorating Intellectual Traditions.
Advantages of this Method:

• It’s adapted from a common method law students are familiar with and trained in
• It’s a consistent framework that can be taught, learned and applied in law schools and in communities.
• It enables us to continually work with law as it develops.
• Results aren’t solely reliant on the legitimacy of one resource or a person’s assertion.
• Synthesizing a variety of resources creates space for ongoing research, analysis and debate.
• It’s a method.
Phase 1 - Legal Analysis:

EXAMPLE CASE BRIEF BLANK

**Problem (Issue):** What is the main human problem that the story focuses on?

**Facts (Relevant):** What facts matter?

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

**Reason (Ground/ Ratio):** What is the *reason* behind the decision or resolution? Is there an explanation in the story? Said? Unsaid?

**Bracket** [What do you need bracket for yourself in the case? Some things will be beyond your terms of reference but are not necessary to the case analysis.]
Phase 2: Legal Synthesis

Analytical Framework:

1. Legal Processes: Characteristics of legitimate decision-making/ problem-solving processes
   - Final Decision makers: Who had the final say?
   - Procedural Steps: What were the steps involved in determining a response or action?

2. Legal Responses and Resolutions: What principles govern appropriate responses to legal/human issue?

3. Legal Obligations: What principles govern individual and collective responsibilities? Where are the “shoulds”?

4. Legal Rights: What should people be able to expect from others?
   - Substantive
   - Procedural

5. General Underlying Principles: What underlying or recurrent themes emerge in the stories that might not be captured above?
The Fort St. John Conference: Connecting Communities through Stories (& bannock)
Honouring Existing Strengths and Resiliencies, Building Strong and Healthy Futures

ACCESSING JUSTICE AND RECONCILIATION

University of Victoria | Law
Indigenous Bar Association
Association du Barreau Autochtone

The Law Foundation of Ontario
Building a better foundation for justice in Ontario
Truth and Reconciliation Commission of Canada
Developing New ways to Teach and Learn Ancient and Enduring Wisdom
Carrying on Traditions of Active Learning and Lively Thought