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THE NORTHERN OJIBWE AND THEIR FAMILY LAW

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A dissertation submitted to the Faculty of Graduate Studies
in partial fulfilment of the requirements
for the degree of

Doctor of Jurisprudence

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The Northern Ojibwe and Their Family Law

by Donald Auger

a dissertation submitted to the Faculty of Graduate Studies of
York University in partial fulfillment of the requirements for the
degree of

2001

DOCTOR OF JURISPRUDENCE

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ABSTRACT

This dissertation provides information about the laws or rules used by a group of Northern Ojibwe, particularly the family laws of marriage, divorce, adoption and child care. It is also a story about how the legal institutions of Euro-Canadian culture have viewed the family laws of aboriginal groups around the country. In the dissertation the idea of large house and a small house is used as a metaphor to discuss the differences between the ways in which the Euro-Canadian society and the Northern Ojibwe view family law.

The materials used in this dissertation are drawn from a large body of historical, ethnographic, anthropological, and legal materials. Historical and ethnographic accounts about the Ojibwe people, as well as local histories and government reports are reviewed, or referred to. The legal materials are drawn from case commentary, legal articles and groups of cases from each of the legal areas discussed. However the bulk of the material comes from interview data collected from members of the various families of Ojibwe people in the study area.

Family law among the study group does not exist as a separate entity. It is inextricably woven into the fabric of the culture. It is a part of all other aspects of the culture. It is holistic. To discuss family law is to discuss all other aspects of the culture: the whole system of beliefs, spiritual beliefs, the economy, kinship ties, economic ties, community, and social relations. The rules of interpersonal relations among the Northern

Ojibwe contain a number of key concepts that affect how issues related to the family are dealt with. These key concepts include, *inter alia*, *pimadizewin*, kinship, respect, sharing, and caring for.

If there is to be anything learned from this dissertation it is that the Northern Ojibwe do have family laws. Members of the study group say their family laws have been used by them and their forbears for as long as they can remember and have served them well. It seems reasonable to them that they should continue to use these laws alongside Euro-Canadian laws.

ACKNOWLEDGEMENTS

This document could not have been written without the assistance of the Ojibwe people of the Wild Goose-Kenogamisis community, the elders, traditional people, members of the families who lived there, and others who are a part of the kinship, and hunting group networks. Three of the people I interviewed for this dissertation have passed on and I regret that they did not see the finished product, of which their lives played such a crucial part.

I would like to acknowledge the assistance I received from Professors John Borrows and Peter Cumming during the time that they were assigned as my advisor. They helped me to organize my early ideas about the dissertation topic and their advice was much appreciated. I would also like to thank Professor Brian Slattery who saw my work through to its conclusion. He provided helpful suggestions for the organization of the dissertation and spent a lot of time on the tedious task of reviewing and proof-reading the various drafts. To him I owe a hearty "*meegwetch*"!

To Linda, Andrea and the rest of my family, many thanks for your patience, encouragement, and support throughout the years.

Donnie

INDEX

Introduction	... 1
Part I : The Legal Room of the Large House	... 8
Chapter 1 : Recognition of Aboriginal Laws	... 11
Part II : The Small House	... 50
Chapter 2 : The Ojibwe and the Study Area	... 52
Chapter 3 : The Ojibwe Family and Community	... 87
Chapter 4 : Ojibwe Teaching and Sanctions	... 117
Chapter 5 : Kinship : The Basis of Family Law	... 149
Chapter 6 : Caring For Others	... 177
Part III : Summary and Reflections on the Meaning of the Story	... 203
Chapter 7 : Summary and Reflections	... 204
Sources Consulted	Following page 219

LIST OF MAPS

Map 1: Homeland of Ojibwe of Study Group	... 54
Map 2: Treaties in Northern Ontario	... 58
Map 3: Range of Ojibwe	... 69
Map 4: Range of Northern Ojibwe	... 72

LIST OF CHARTS

Chart 1: The Ojibwe classification of people	... 93
Chart 2: Alliances among the Study Group	... 154

THE NORTHERN OJIBWE AND THEIR FAMILY LAW

INTRODUCTION

Ojibwe oral tradition is often described as consisting of two separate and distinct categories. There are narratives that are used to describe everyday events and those that describe the philosophic underpinnings of the culture. The first category of narratives are referred to in the Ojibwe language as dibaadcimowin,¹ which is translated as news, or narrations, while the second are referred to as atisokanak, or sacred stories.² The dibaadcimowin are by far the most common as they are used on a daily basis by members of the community. For example, these narratives, often humorous, relate events in the lives of human beings (anicinabek), events within the community, and are used to provide information to others. The second category, the atisokanak, consist of narratives which have come to be called myths and legends by non-aboriginal people. These differ from those in the first category because they have a spiritual aspect to them. The subject matter is varied. Some of them contain the history of the creation of the Ojibwe world, accounts of the activities of members of the spirit world, the migration of the Ojibwe from the “great salt water in the east” to their present location around Lake Superior and accounts of other than human beings, culture heros and inhabitants of the spirit world.³ Atisokanak are only related at certain times of the year, usually during the winter months. In addition, these stories are related by elders who have been groomed from a young age to relate such stories. Throughout their life, these stories have been passed on to them by others, much older, who received the narratives in a similar fashion.

¹ Baraga, Frederic. A Dictionary of the Ojibway Language. St. Paul: Minnesota Historical Society Press, 1992.

² Hallowell, A. Irving. “Ojibwa Ontology, Behavior, and World View,” in Contributions to Anthropology. Chicago: University of Chicago Press, 1976.

³ Ibid. Hallowell had this to say about Ojibwe narratives:

The Ojibwa distinguish two general types of traditional oral narratives: 1. “News or tidings” (*tabatcamowin*), i.e. anecdotes, or stories, referring to events in the lives of human beings (*anicinabek*). In content, narratives of this class range from everyday occurrences, through more exceptional experiences, to those which verge on the legendary. 2. Myths (*atiso'kanak*), i.e. sacred stories, which are not only traditional and formalized; their narration is seasonally restricted and is somewhat ritualized. The significant thing about these stories is that the characters in them are regarded as living entities who have existed from time immemorial. While there is genesis through birth and temporary or permanent form-shifting through transformation, there is no outright creation. Whether human or animal in form or name, the major characters in the myths behave like people, though many of their activities are depicted in a spatio-temporal framework of cosmic, rather than mundane, dimensions. There is “social interaction” among them and between them and *anicinabek*.

Both categories of narrative are ways in which the Ojibwe pass on essential cultural accounts of their world to other Ojibwe and to everyone else. While the stories are thought to be told for amusement, there is also a more serious side to them. It is said that both types of narrative are a means of teaching others about Ojibwe beliefs, history, and a host of other information. Implicit within these narratives are teachings about morals and means of social control, since many of them provide examples of right conduct and behaviour. It is said that each story offers a unique view of the Ojibwe world and that each individual hearing the story is able to extract a different meaning from the narrative. For example, a young child hearing such a narrative for the first time would draw a conclusion about the story or its telling that was different from the conclusion drawn by an adult; and one adult would take something different from the narrative than another adult. These narratives are told and retold and each time that a person hears the story he may draw a meaning that is different from any other time that he has heard it. Thus, the same narrative operates on different levels, conveying different meanings at different times.

This dissertation falls into the category of story called *dibaadcimowin*. It provides an account of events in the lives of a group of northern Ojibwe (*anicinabek*) and their community; and provides information about the laws or rules used by them, particularly the family laws of marriage, divorce, adoption and child care. In this dissertation the culture of the Ojibwe, and more particularly, that of the Northern Ojibwe, will be studied. The traditions, beliefs, world view, laws, rules and customs followed by the Northern Ojibwe are to be found within what the members of Ojibwe society “have, think and do as members of that society.”⁴ Deviations from the cultural norms become problems for other members because the society is small and dependent upon each individual member. The deviation of one member is bound to affect all other members of the immediate group. This dissertation is also a story about how the legal institutions of Euro-Canadian

⁴Ferraro, Gary. Cultural Anthropology, An Applied Perspective. Minneapolis/St.Paul: West Publishing Company, 1995, 16-18.

culture have viewed the laws of aboriginal groups around the country.

A METAPHOR

For purposes of this discussion the aboriginal and Euro-Canadian cultures will be likened to two houses – one large, the other small. The houses stand near each other and the occupants often see each other. The non-aboriginal house is quite large and consists of several rooms, while the aboriginal house is smaller and consists of only one room.

In the large house each of the rooms has a specific purpose. For example there is a room that is set aside for social organization, another for education, and other rooms for political systems, technology, the utilization of natural resources, economics, graphic and plastic arts, folklore, drama, music, dance, health, religion and the problem of man and the universe. In another room social control, or the ordering of human relations, and all aspects of “the law” are dealt with. In this room all of the laws of the Euro-Canadian culture can be found. When conflicts and problems arise these laws are enforced and interpreted by people who work out of this room.

The small house has one room in which all of the functions found in the rooms of the large house are fulfilled. Social, economic, political, administrative, health, education, religious and legal issues are dealt with in this room. There is no clear segmentation and separation of functions.

OUTLINE OF DISSERTATION

This dissertation consist of three parts. Part I, “The Legal Room of the Large House,” consists of a single chapter which reviews how Canadian courts have looked at

aboriginal family law, particularly in the area of marriage, adoption and child welfare matters.

The second Part, “The Small House,” consists of five chapters. Chapter 2, introduces the people known as the Northern Ojibwe, the focal point of the dissertation, providing an ethnographic background, describing the places at which they lived, the history of the treaty-making process and surveys in the area, and the development of the mining and timber industries in the area. Chapter 3 provides an overview of the Ojibwe family and community, focussing on various Ojibwe social groups, including the Wild Goose-Kenogamisis community, co-residential groups, hunting groups and families. Chapter 4 focusses on Ojibwe teachings and social control, including the concept of *pimadizewin*, and ethics of behaviour. The use of story-telling, myths, legends and symbols as a means of teaching people is also explored. This chapter also contains an elaboration on the key concept of sharing. In Chapter 5 different aspects of Ojibwe family life are explored, including marriage, cross cousin marriage, polygyny, residence, exogamy/endogamy, remarriage, and divorce. Chapter 6 contains an extensive review of another key concept, that of “caring for others,” and explains the aboriginal rules on caring for individuals from the extended family (kin), friends, neighbours, other Ojibwe, strangers, and non-aboriginals, and outlines the situations where individuals would be taken in and cared for by a family.

Part III provides some concluding remarks as well as my reflections on the meaning of this story. As pointed out earlier, the nature of *dibaadcimowin* is that

everyone may derive different meanings from the stories, so your reflections on this story may be different than mine.

METHODOLOGY

The materials used in this dissertation are drawn from a large body of historical, ethnographic, anthropological, and legal materials. Many historical and ethnographic accounts have been written about the Ojibwe people and most, if not all of them, have been reviewed, or referred to, while writing this dissertation. Local histories and government reports were also consulted, particularly to construct the background chapter on the development of the town within the traditional use area where the study group lived. The legal materials were drawn from case commentary, legal articles and groups of cases from each of the legal areas discussed. In addition, materials were drawn from the various reports on aboriginal conditions and the Royal Commission reports. However the bulk of the material comes from interview data collected during an eight-year period from members of the various families of Ojibwe people in the study area.

A series of interviews was conducted with each individual over a period of several years. These primary interviews were of two basic types. The first, was carried out to gather basic genealogical data on each of the families who lived in the area and to record members of each of the co-residential groups and where they lived. These interviews were used as an “icebreaker” and the data collected allowed for the construction of genealogical charts that were used to determine kin relationships among the families. The second type of interview was an “open-ended” question model, which was used to collect

a wide range of data from the informants about their culture. The primary interviews were conducted with each individual with no other informants present. While the interviews were usually conducted in the homes of the informants, some of them were conducted in the bush at places which are discussed in the dissertation. While the interviews were not recorded, a record of the interview was made shortly after each interview. Notes on the content of the interview and a summary were made and a list of questions were compiled from the interview data which would assist to seek further information or to seek clarification of things that were stated by each informant. While each subsequent, or secondary, interview of a specific individual would commence with the questions that had been formulated, the open-ended interview style used to gather data during the project, often led to the exploration of other topics. As a result many of the questions on the lists were asked at a much later date and some were answered through other informants.

Most of the people interviewed lived in the traditional use area of their families for most of their lives, while others lived at adjacent reserves or communities and travelled to the study area at certain times of the year to participate in traditional harvests. With the exception of two individuals, all of the informants were Ojibwe. The exceptions included a nurse who worked at the local hospital and later at all of the local schools (the writer's mother), and an anthropologist who had written numerous articles about the northern Ojibwe from the areas north and east of the study area, and who was familiar with the area and the people. During the study, a total of twenty-two individuals

were interviewed on at least three occasions. A group of “key informants” from two of the largest families were interviewed throughout the duration of the study, almost on a continuous basis. Some of these interviews were long and detailed, while others were short conversations to clear up certain points. Since the study commenced, three of the informants, all sisters from the same family, have died.

Some of the interviews were open-ended group interviews, usually conducted with two or three individuals, but some of them involved larger groups at annual gatherings during the spring, summer and autumn. During these interviews broader questions were posed and each member of the group would contribute his or her ideas, or a story to illustrate a point (*dibaadcimowin*) and some of these stories appear at the commencement of each of the chapters. The stories from the beginning of each of the chapters collectively tell a story of their own when read together.

The author lived in the study area during the latter two-thirds of the study period and grew up with many of the informants. He knew many of the people in the study group from the time he was a young boy, went to school and played with many of them, participated in social and cultural activities with them, and continues to attend the annual gatherings in the study area. He draws on the knowledge and experience he acquired while growing up with them and incorporates it along with the accounts given by the people.

PART I : THE LEGAL ROOM OF THE LARGE HOUSE

The importance of aboriginal and treaty rights of aboriginal people in Canada is being increasingly acknowledged, particularly since provisions have been made in the Constitution Act, 1982, to recognize and affirm such rights.¹ According to various groups of aboriginal people, one of the rights contained within the category of “existing aboriginal and treaty rights” is “aboriginal law.” The immediate problem with recognizing and affirming such a right is to determine what that law is. This is difficult for at least two reasons. One is related to how aboriginal laws have been viewed by mainstream Canadian culture; the second, to the difficulties in studying laws from another culture.

In “The Legal Room of the Large House” I will review the cases in which Canadian courts have considered and recognized aboriginal marriage and adoption laws. I will also review some child welfare cases where the judges have begun to acknowledge that cultural differences exist between aboriginals and mainstream Canadian society. While the largest group of cases reviewed is that of marriage, in most of these cases the principal issue involved some other area of law. For example, many of the marriage cases are really “estate” cases, which hinge upon the validity of a marriage contracted by aboriginal custom; while others are criminal law cases where the outcome turns on the validity of two or more marriages between Indians. The marriage cases are drawn from a

¹ The Constitution Act, 1982, Section 35 (1) states: *The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.*

period extending about a hundred years, commencing with the “landmark case” of Connolly v. Johnston² in 1867. The second group of cases reviewed relate to child welfare law. Although these cases do not involve aboriginal family law, I review them because they provide a stark contrast to the concept of “caring for,” which is considered later in Chapter 6, and also because they demonstrate a movement in judicial reasoning towards acknowledging that aboriginal people are from different cultures and have their own distinct value systems, customs and community characteristics. The child welfare case law involving aboriginal children is extensive, regardless of the provincial jurisdiction. In most of these instances an aboriginal child was taken from the family pursuant to the “child protection” sections of provincial child welfare legislation. I will use three examples to contrast different methods of interpreting the factors involved in each of these cases.

The last cases reviewed are adoption cases, most of which involve either Inuit or Dogrib Indian people in Canada’s Arctic. Many of the cases were heard in the communities by Justices Sissons and Morrow of the Northwest Territories Territorial Court. Their decisions, which were handed down during the 1950s and 60s, set precedents in this area of family law because they highlight the laws and customs of the people from the aboriginal communities in which the cases were heard. These cases represent an incursion into the small house of each culture in an attempt to determine the

² Connolly v. Woolrich and Johnson et al. (1867), 1 C.N.L.C. 70 (Que. Sup. Ct.), 105.

family laws of the groups involved.

While some aboriginal laws were recognized through these cases, not all aboriginal laws were so recognized. This has led to the belief, popularly held, that the laws found in these cases are the only laws in existence in aboriginal societies. In most of these cases the focus of the court seemed to be on finding laws within aboriginal society that resembled the laws of mainstream, Euro-Canadian society.

Chapter 1 : Recognition of Aboriginal Laws

The Mijakwad family had a different kind of involvement with the Children's Aid Society. While they were living at the Hardrock co-residential site there was an Ojibwe family that lived in Geraldton. The mother of the children was sick and eventually died leaving her husband and four young children. The father left the children with another family so he could "go west to find a job", but he never came back. The children ended up staying with the Mijakwad family and were being cared for by them. At the time the Mijakwads had eleven children of their own and were caring for three other children who were relatives. The addition of four more children brought the total to eighteen. Although many of the children were older and assisted their mother in caring for the younger children, the house in which they lived was always crowded. The children had plenty to eat and lots of attention. They played with the other children and seemed to be generally content..

Personnel from the Children's Aid Society in Geraldton heard that these children were living with the Mijakwad family and walked the four miles up the tracks to see the children. When they arrived at the Mijakwad home they noted the large number of people living in the log cabin and made a decision that the four children would be better off if taken into care, particularly since the Mijakwad family already had several children to care for. In spite of the protestations of the Mijakwad family that the children were receiving adequate care in their home, the Children's Aid Society officials took the four children back to town and eventually placed them in foster homes. Informants say that the children were taken because the Children's Aid workers did not understand the situation of the family, nor the informal system of caring for others that existed in the Indian community. None of the informants ever heard what happened to these children.

ABORIGINAL MARRIAGE CASES

There are a number of cases where aboriginal marriages have been considered by Canadian courts. They consist of three groups of cases that I shall refer to as "estate," "wives' evidence," and "bigamy" cases. The "estate" cases consider marriages entered into during the fur trade era. The "wives' evidence" cases include criminal law cases where the central issue is the giving of evidence by a woman purported to be the wife of an accused. The third group, also from the criminal law area, focus on charges of

“bigamy” and hinge on a finding that there had been valid multiple marriages by an accused according to the custom of his culture. In the latter two groups of cases there are also interesting discussions of divorce, or “redemption” practices among some of the aboriginal groups.

The “Estate” Cases

Two of these cases are from the fur trade era and focus on marriages *à la façon du pays* or marriage “according to the custom of the country.”³ The last case considers marriage customs among the Inuit. In the first case, decided by the Quebec Superior Court in 1867, William Connolly,⁴ a clerk for the North-West Company, left Montreal in 1802 for Riviere-aux-Rats in the “Athabaska District.” While there he met *Susanne Pas-de-nom*, the daughter of an Indian chief from a Cree tribe whose territory was on the Elk or Athabasca River near the north shore of Lake Athabasca. The marriage was celebrated according to the usages and customs of her tribe in the Territories. They lived together at

³ Marriage “after the custom of the country” was an indigenous marriage rite which evolved to meet the needs of fur-trade society. It was practised by both Hudson’s Bay Company men and Nor’Westers, although marital patterns within each company framework differed, largely because of the contrast in official company policy toward intermarriage with the Indians. Such was the strength of the social forces promoting the taking of Indian wives that Hudson’s Bay Company officers in the field were continually bending the official rules. Finally the London Committee was forced to modify its prohibition of Indian women. The Nor’Westers, on the other hand, did not suffer any split between official policy and actual practice. Deeply influenced by the previous experience of the French traders, the North West Company appreciated the advantages which could accrue from allowing its men to form unions with the Indian women. One of the results of the spread of the fur trade to the Great Lakes region had been extensive intermarriage between the French and the Ojibwa. Although denounced by the Jesuit priests as being immoral, the traders had taken their Indian wives according to traditional native marriage rites and distinct family units had developed. This pattern was to continue after the British take-over of the Quebec fur trade. In the North West Company, all ranks (bourgeois, clerk and engagé) were allowed to marry Indian women. Van Kirk, Sylvia. *“Many tender Ties”, Women in Fur-Trade Society, 1670-1870*. Winnipeg: Watson & Dwyer Publishing Ltd., 1980, 28.

⁴ Ibid.

Athabasca and other posts in the North-West country for twenty-eight years and had six children. In 1831, Connolly, then a Chief Factor with the Hudson's Bay Company, returned to Lower Canada with his wife and family. They lived at St. Eustache and later at Montreal. After his return William Connolly married his second cousin, Julia Woolrich, at a Catholic Church in Montreal. Subsequently, they had two children.

William Connolly died in 1849 at Montreal and in his will he left his estate to Julia Woolrich. Connolly's first wife, Susanne Pas-de-nom, died in 1862 at Red River, and his second wife, Julia Woolrich, died in 1865 at Montreal. Julia willed the bulk of her estate to her two children (the defendants), with small bequests to Susanne Pas-de-nom and two of her children. One of Susanne's sons commenced an action for one sixth of one half of the estate in the possession of the defendants, claiming that portion as his share in a community of property (*commune en biens*) which he alleged existed between his father, William Connolly and his mother. The issues before the court were whether or not there existed a valid marriage between William Connolly and Susanne Pas-de-nom and whether or not a community of property existed between them.⁵

In order to ascertain whether there had been a valid marriage between Connolly and the Cree woman, Justice Monk heard evidence presented by the witnesses on behalf of both of the parties in relation to the method by which customary marriages occurred. These informants had lived in the interior, had knowledge of the customs of the country

⁵ Ibid., 72.

from various areas and were aware of such unions. For example, in his testimony, Amable Dupras, who had spent fourteen years in the North West Territory, said that when a fur trader wished to take a Cree woman as his wife he would go to the father of the woman, ask for the daughter as his wife, and give the father presents:

La façon de ces pays est que, lorsqu'on avait "envie d'avoir une femme, on allait demander au père s'il voulait nous la donner, et si le père donnait sa fille, on allait leur acheter quelque chose par reconnaissance. Ordinairement, c'était la façon du pays de donner un présent au père de la fille donnée en mariage.⁶

Another witness, Noel Annance, corroborated the testimony of Amable Dupras in relation to the custom of the country regarding marriages, as did Alexander Robertson, an employee of the Hudson's Bay Company:

[Robertson] says there was but one form of marriage in the North-West, and that was the giving away. He saw his men get wives in the way he mentions, that is, from their relatives; they gave presents if they pleased; he considered this a marriage according to the customs of the country.⁷

The Indians, he went on to say, regarded any man and woman who lived together as man and wife. The marriage custom was confirmed by an Oblate priest and by a North West Company trader who had been married to an Indian woman for twenty-three years until her death. Another witness, John Harriott, who had been married after the custom of the country, indicated the permanent nature of these unions:

The marriage, according to the custom above described was considered a marriage for life. I considered it so. I know hundreds of people living and

⁶ Ibid., 107. Emphasis in original.

⁷ Ibid., 108. Emphasis in original.

dying with the woman they took in that way, and without any other formalities. According to my opinion this marriage lasted during the lifetime of the parties in as binding a manner as if married by a clergyman.

8

Several of the witnesses had personal knowledge of the union between William Connolly and Susanne Pas-de-nom. They confirmed that Connolly's marriage to Susanne had been performed according to the Cree custom, that they had several children, had cohabited as husband and wife, everyone who knew them considered them to be married, and that Connolly himself always referred to Susanne as his wife.

There was also evidence that traders often viewed these marriages as temporary affairs that lasted only so long as they were in the country. It seemed to be a common practice for the traders to abandon these women when they left the area to return to their homes, or when they moved to another area. For example, in his testimony, Joseph Larocque stated:

It is very common to change women in the Indian country. The French Canadians in the North-West Company's employ and the English did it too. This practice was common amongst the natives also. There was no ceremony in those days about taking a woman or leaving her either. The women themselves did not care about it. They did not care for their husbands, but they were very fond of their children. . . . some lived with women in the interior and did not marry them, and abandoned them, and others lived with them, and abandoned them to marry white women in the civilized world.⁹

Some people referred to this practice as *concubinage*, a practice which was followed by a

⁸ Ibid., 109. Emphasis in original.

⁹ Ibid., 118.

number of prominent fur traders, including the Governor of the Hudson's Bay Company, Sir George Simpson.

Monk J. determined from the evidence that the marriage between William Connolly and Susanne Pas-de-nom had the three basic characteristics needed for the recognition of marriages in Lower Canada, namely, consent, permanence, and exclusivity and concluded that the marriage was valid not only by Canon law, the law of France and Scotland, and the common law of England¹⁰ but also by the local practices (*lex loci*) of the Cree in the Athabasca region. Therefore Monk J. upheld the validity of the customary marriage and ruled the second marriage a nullity. Monk J. also held that a community of property under the law of Lower Canada existed between William Connolly and his wife, Susanne, and ordered the defendants to restore to the plaintiff one twelfth (1/12) of the estate as was found to be due him. The decision was upheld on an appeal to the Quebec Court of Queen's Bench.¹¹

In the second case, Robb v. Robb et al.¹² John Robb left most of his estate to his son, William George Robb, and his heirs on condition that if the son died unmarried and without legal issue then the estate would go to John's wife, who was the executrix of the estate. William Robb moved to British Columbia in 1869 and married *Supul-Catle*, the daughter of a Comox chief. This marriage was carried out according to Comox law. The

¹⁰ Ibid., 126.

¹¹ Johnstone v. Connolly (1869), 1 C.N.L.C. 151 (Que. Q.B.)

¹²(1891), 3 C.N.L.C. 613 (Ont. Com. Pleas)

formalities included a gift (a bride-price) to the chief (the girl's father), a feast celebrating the marriage, and further presents to members of the girl's family. Following the marriage the couple had a daughter and lived together as a family until the death of the wife. The community regarded them as husband and wife and Robb spoke of her as his wife. William Robb returned to Ontario with his daughter after his wife died, cared for the daughter and spoke of her as his legitimate child. John Robb died in 1886 and his son William died intestate in 1888. William Robb's daughter, Sarah, claimed her father's estate along with her share of her grandfather's estate under the intestacy rules. William's mother also claimed the estate, alleging that there had not been a valid marriage. Both of the claims of William's daughter, Sarah, hinged on the validity of William's marriage to *Supul-Catle* according to the custom of the Comox tribe. The judge recognized the validity of the marriage according to Comox law:

I think this case can be disposed of on the well-known principle of law and morality, which is, that when a doubt exists as to the legality of a marriage, courts of justice are bound to decide in favour of the alleged marriage. All law, all morality require and sanction this view even of a doubtful case.¹³

The court also stated that the custom marriage would be valid as a consensual marriage under English law.

The issue in the Re Noah Estate case turned on the validity of a marriage celebrated in accordance with Copper Inuit (Eskimo) custom and the application of the

¹³ Ibid., 597

Intestate Succession Ordinance (N.W.T.) in relation to the estate of an Inuit man, Noah, who died in a fire at a DEW line station where he worked.¹⁴ The administrator of the estate made an application for an order to ascertain the next-of-kin. The potential beneficiaries included Noah's wife and daughter, and his three brothers and two sisters. The application was heard in the Inuit community at Broughton Island. As the first language of the beneficiaries was *Inuktituk*, the court heard testimony through an interpreter brought in from Frobisher Bay.

Their evidence showed that Noah and Igah had been married according to long-standing Inuit custom. Noah's parents went to Igah's parents and told them that Noah wanted to marry Igah. The parents agreed and the couple lived together with Igah's parents. The couple were regarded as being married by everyone in the community: "The wife and the husband, everybody know about it, and the white people, they know about it too."¹⁵ Justice Sissons thought the validity of a marriage in accordance with Eskimo custom was a matter of great importance to the Eskimos as:

There have been thousands of marriages in accordance with Eskimo custom and such marriages are still taking place, particularly in the Eastern Arctic. If such marriages are invalid, there are thousands of illegitimate Eskimos in the North.¹⁶

Sissons noted that if such marriages were invalid, then a spouse and any children of such

¹⁴ Re Noah Estate (1961), 6 C.N.L.C. 120 (N.W.T. Terr. Ct.)

¹⁵ *Ibid.*, 128.

¹⁶ *Ibid.*, 121.

union would not be able to share in the estate of a deceased who was married in accordance with these customs, and such Inuit persons would not be able to adopt children. He thought these results to be ludicrous, particularly that of adoption because there had been numerous adoptions amongst the Eskimos.¹⁷ Justice Sissons held the marriage to be valid and the mother and daughter shared the estate equally.

The “Wives’ Evidence” Cases

The three cases in this group all involve instances where the prosecution sought to include the evidence of a woman in prosecuting an accused, while the defence sought to exclude the evidence on the basis that the woman was actually the wife of the accused and could not be compelled to be a witness for or against her husband.

In the first of these cases, The Queen v. Nan-E-Quis-A-Ka,¹⁸ the accused was charged with committing an assault causing bodily harm. It is not known which Indian group the accused and his wives belonged to. At his trial *Nan-e-quis-a-ka* tendered the evidence of two Indian women, Maggie and *Keewasens*, both of whom he called his wives. The trial judge had to decide if the marriages, which were said to be by Indian custom, were valid and thereby admit or exclude the evidence of one or the other or both of the women. The trial judge decided that the first marriage was valid, but that the second marriage was not valid. Therefore he excluded the evidence of Maggie, but admitted that of the second woman, *Keewasens*. The accused was convicted.

¹⁷ *Ibid.*, 121.

¹⁸ The Queen v. Nan-E-Quis-A-Ka 2 C.N.L.C. 368, 368; (1889), 1 Terr. L. Rep. 211 (Terr. Ct.)

The case was later heard by five judges of the court sitting *en banc* to determine whether the evidence was correctly excluded. The court had no problem in accepting the first marriage as valid, basing its conclusion on the evidence of Maggie who said that she was his first wife. As Justice Wetmore, speaking for the court put it, “if mere consent coupled with Indian custom is sufficient to establish a legal and binding marriage *quoad* the Indians in the Territory, it has been established by the facts I have recited.”¹⁹ The court also noted that various versions of the *Indian Act*, noted in the decision, implicitly recognized Indian customary marriages:

In view of what the intention of Parliament was in passing these acts, whom they were intended to embrace and the general purview, I cannot conceive that these references were intended only to Indians married according to Christian rites. No doubt there are many such Indians, especially in the East, but I think these expressions were intended to apply to all Indians, Pagans and Christians alike. If so they amount to a statutory recognition of these marriages according to Indian custom in the Territories.²⁰

The court, however, did not find the second marriage valid and were able to admit the evidence of the second woman, *Keewasens*.

In the second case, *R. v. Williams*,²¹ the accused, a Kwagiulth (Kwakiutl) Indian, was charged with murder. During the trial the Crown attempted to call Jennie Williams as a witness to testify against the accused. The defence objected to this as Williams said that

¹⁹ Ibid., 369-70.

²⁰ Ibid., 216.

²¹ 4 C.N.L.C. 448. (B.C.S.C., 1921).

she was his wife. The evidence showed that the two had been married about twenty years previously at Kingcome Inlet according to Indian custom. They had several children and grandchildren and all were recognized at Alert Bay as members of the Williams family. At Alert Bay, marriage according to Kwagiulth Indians was described as follows:

According to Indian custom an Indian woman was treated as a chattel and upon payment of a certain amount of money or goods or chattels by the bridegroom, was handed over by her father or guardian, or whoever had control over her, to the bridegroom. The Indian woman then became his wife...²²

Justice Gregory, relying on the Nan-e-quis-a-ka case, held that there had been a valid marriage according to Indian custom and that Jennie Williams was the wife of the accused. Although Williams, according to Kwagiulth custom, had been married to two different women before being married to Jennie he had been divorced from the first two according to the divorce or “redemption” laws of the Kwagiulth. The evidence showed that Jennie had divorced the accused according to Kwagiulth custom by “redeeming” herself in the same way that the others had done, but the court stated that she had still been married to the accused at the time of the alleged commission of the offence and thereby ruled that her evidence was not admissible.

The last case, Ex Parte Cote,²³ from Saskatchewan, arose in circumstances similar to those found in the Nan-e-quis-a-ka and Williams cases. Wilfred Severight was on trial for a criminal offense and the Crown sought to call Barbara Ann Cote as a witness to

²² Ibid., 449.

²³ Ex Parte Cote, 7 C.N.L.C. 195 (Sask. Q.B., 1971).

testify against Severight. She refused to testify against him saying that he was her husband. As a result, she was found guilty of contempt of court and was placed in custody for seven days. This hearing was an application for a writ of *habeas corpus ad subjiciendum*, seeking her release. Both Severight and Cote were treaty Indians and they resided on the Cote Indian reserve near the town of Kamsack on the eastern border of Saskatchewan.

They decided to live together as husband and wife in 1967. The couple asked her parents if they could do so and the parents agreed, as did his parents. The two of them agreed to live with each other forever and had no intention of going through any other form of marriage. However, no evidence was given regarding an Indian custom of marriage. The couple moved into the home of his parents where they lived for about a year. They obtained their own house and had lived there since 1968. Two children were born to the couple. The community recognized them as husband and wife as did the Anglican priest who “estimated that perhaps 50 per cent of the couples on the Cote Reserve living as man and wife had not been married in accordance with the provisions of the Marriage Act, R.S.S. 1965, c. 338. These marriages were generally accepted on the reserve. He said Barbara and Wilfred and their children were recognized by the Department of Welfare for the province as a unit.”²⁴

This case does not appear to be a custom case at all, rather it seems to have been

²⁴ Ibid., 197.

decided on common law principles. After reviewing the Williams, Nan-e-quis-a-ka and the Noah Estate cases, all of which found the existence of marriages according to Indian and Inuit custom, Justice MacDonald held:

The relationship between Barbara and Wilfred, in my view, would constitute a valid marriage at common law. I cannot see why the exemption given to a wife by common law should not be given to a wife who is a wife by the standards of the common law.²⁵

The “Bigamy” Cases

In these two cases, each accused was charged with bigamy contrary to the Criminal Code. Each instance depended upon a finding that the marriages entered into by each accused according to the custom of his culture was, in fact, a valid marriage. In the first of these cases, R. v. Bear’s Shin Bone,²⁶ the accused was charged with practising polygamy with two women, and also with having agreed, according to the marriage customs of the Blood Indian Tribe, to enter into a kind of conjugal union with more than one person at the same time. The evidence showed that Bear’s Shin Bone had been married to two women, Free Cutter Woman and Killed Herself, according to the marriage customs of the Blood Indians, which was “a form of contract between the parties which they supposed [was] binding upon them,”²⁷ and they both lived with him as

²⁵ *Ibid.*, 199. This case was appealed by the Crown to the Saskatchewan Court of Appeal (Ex Parte Cote (1971), 22 D.L.R. (3d) 353; 7 C.N.L.C. 200). Maguire, J.A, reversed the original decision stating that the woman was not the wife of Severight because neither the common law requirements for a valid marriage nor the provisions of the Marriage Act had been met.

²⁶ R. v. Bear’s Shin Bone (1899) 3 C.N.L.C. 513 (N.W.T.S.C.)

²⁷ *Ibid.*, 513.

his wives. The judge, relying on the Nan-e-quis-a-ka case, held both marriages to be valid according to the marriage customs of the Blood Indian tribe and Bear's Shin Bone, was convicted of bigamy.

In the second case, which is unreported,²⁸ a male Indian had been charged with bigamy for entering a second custom marriage after divorcing his first wife according to Indian law. The facts apparently showed that "it was proved that he had gone through the ceremony of marriage, according to the Indian custom, with an Indian woman; had lived with her for twenty years, and she had borne him several children. Recently he discarded his first wife and married another Indian woman, according to the Indian custom."²⁹ The Chief Justice directed the jury to acquit the accused after holding that custom marriages were not marriages at all within the meaning of that term as used in the Criminal Code.

Discussion

From the cases presented it is evident that a form of marriage existed in the fur trade country and that this custom was common among the fur traders in their unions with Indian women. The cases regarding marriages are often quoted in legal literature³⁰

²⁸ This case is referred to in a Background Paper on Family Law prepared by Douglas Sanders for the Law Reform Commission of Canada. He notes that the case is found in a letter (reproduced in that paper) dated July 7, 1906, from the Deputy Attorney General of B.C., to Indian Agent A.W. Neil at Alberni, B.C.: Sanders, Douglas Family Law and Native People. Ottawa: Law Reform Commission of Canada, 1975, 38.

²⁹ *Ibid.*, fn 55.

³⁰ These articles include: Henderson, William B. Native Customs and the Law. Ottawa: Research Branch, Corporate Policy, Indian and Northern Affairs Canada, 1985; Zlotkin, Norman. "Judicial Recognition of Aboriginal Customary Law in Canada: Selected Marriage and Adoption Cases," [1984] 4 C.N.L.R. 1; Morse, Bradford W. "Indian and Inuit Family Law and the Canadian Legal System" (1980), 8 Am. Ind. L. Rev. 199; Saunders, Douglas. Family Law and Native People. Ottawa: Report to Law Reform Commission of Canada, 1974; Corrigan, Samuel W. "A Note on Canadian Indian Marriage Law", Western Canadian Journal of Anthropology, Vol. IV, No. 2, (1974); and Bartholmew, "Recognition of

to demonstrate the existence of what is referred to as an “aboriginal marriage law or custom”. As noted by Morse:

Many of these twelve Inuit and Indian cases that have been canvassed at length are clearly inadequate. Two of the decisions give no reason at all in rejecting custom marriages, while three more give only brief reasons in upholding them. *Ex parte Cote* and *Re Sheran* are decided on a non custom basis, while the court preferred a similar approach in *Robb v. Robb* although implicit in the judgment is the approval of Indian marriage law. The remaining four do seriously consider the validity of native marriage law. Indian and Inuit custom marriages were strongly upheld on solid legal principle in the *Connolly*, *Nan-e-quis-a-ka* and *Noah Estate* cases.³¹

Virtually all of the fur trade marriages were carried out according to these practices. No formal European marriage ceremonies were performed because there were few, if any, clergy in the northwest during the period prior to the 1870s, except in the Red River Colony, and certainly no public officials. In order to be married according to European practices a trader and his wife would have to “travel ... between three or four thousand miles, in canoes and on foot, to have [their] marriage solemnized by a priest or magistrate.”³² So fur traders such as William Connolly followed what came to be dubbed marriage *à la façon du pays*, or marriage “according to the custom of the country.”

Although European fur traders found it convenient to adopt many of the social and sexual

Polygamous Marriages in Canada” (1961), 10 *Intl'l & Comp. L. Q.* 305.

³¹ Morse, Bradford W. “Indian and Inuit Family Law and the Canadian Legal System” (1980), 8 *Am. Ind. L. Rev.* 199. Similar conclusions were found by the authors in the following articles: Henderson, William B. *Native Customs and the Law*. Ottawa: Research Branch, Corporate Policy, Indian and Northern Affairs Canada, 1985; Zlotkin, Norman. “Judicial Recognition of Aboriginal Customary Law in Canada: Selected Marriage and Adoption Cases,” [1984] 4 *C.N.L.R.* 1; Sanders, Douglas. *Family Law and Native People*. Ottawa: Report to Law Reform Commission of Canada, 1974.

³² *Connolly v. Woolrich and Johnson et al.* (1867), 1 C.N.L.C. 70 (Que. Sup. Ct.), 105.

practices of the Indians, these practices evolved to suit the traders' needs and new social and sexual practices arose which were neither Indian, nor European, but fur trade society practices. Thus, while the fur trade marriages, such as that of William Connolly, may be viewed as marriage practices of both the fur trade and Indian society, they may be more correctly viewed as adjuncts to fur trade society rather than Indian society, even though the practice likely evolved from Indian customary practices.

In the Connolly case the judges relied primarily upon general historical accounts and the accounts of fur traders engaged by the North West Company and the Hudson's Bay Company, a priest, a judge and others who were social acquaintances or relatives of Connolly and his colleagues in the trade. From the materials it appears that all of the witnesses at the trial were non-Indian people. None of the witnesses was of aboriginal descent, and there were no Cree witnesses from the Indian community to which the woman belonged, who could speak about the Cree Indian marriage customs.

Finally it is also evident from several of the cases that the courts considered the concepts of polygamy and divorce. In three of the cases there was more than one marriage according to aboriginal custom. In the Nan-e-quis-a-ka case the judge found the first marriage to be valid, but did not do so for the second. In the Bear's Shin Bone case the judge found both of the marriages entered into according to the Blood Indian custom to be valid and convicted the accused of bigamy, while in the third, which was an unreported bigamy case, the judge ruled, without reasons, that neither one of the marriages was valid within the meaning of the Criminal Code. These cases do not indicate

a trend to recognize multiple marriages.

There were two cases where divorce was considered by the courts. In the Williams case, the evidence of Williams' wife, Jennie, was sought to be excluded. The accused had been married three times and was divorced according to the "redemption" laws of the Kwagiulth. Among the Kwagiulth a person obtained a divorce through "redemption." According to this custom, a woman

could, nevertheless, redeem herself. She redeemed herself by paying back to the husband a stipulated amount, usually two or three times the amount he gave for her, and upon this being paid she was free to leave him and the marriage, according to this Indian custom, was then dissolved.³³

The accused had been divorced, or redeemed, according to this Kwakiutl custom not only from his first two wives, but also from his third wife, Jennie. However, the judge found that at the time of the offence Williams had still been married to the woman and ruled her evidence inadmissible as a wife. While it was not necessary for the judge to make a ruling on the validity of these divorces, it would appear from his language that if the accused had committed the offence after he had divorced his third wife, the judge would likely have made a different decision. In the unreported case the judge did not have to make a ruling on the divorce as he found that neither marriage had been valid to begin with.

STANDARDS OF CARE IN ABORIGINAL CHILD WELFARE CASES

Child protection cases from Canadian courts involving aboriginal peoples are myriad. Many of these cases arise as a result of the "child in need of protection" sections

³³Williams, *Ibid.*, at p. 449.

of provincial child welfare legislation, which are aimed at dealing with neglect of children. For example, the Ontario Child and Family Services Act³⁴ provides an extensive list of circumstances where a child is in need of protection, including, *inter alia*, where a child has suffered, or there is a substantial risk that the child will suffer, physical or emotional harm, or has been sexually molested or exploited. A portion of Section 37. (2) of that Act reads:

- (2) A child is in need of protection where,
 - (a) the child has suffered physical harm, inflicted by the person having charge of the child or caused by that person's failure to care and provide for or supervise and protect the child adequately;
 - (b) there is a substantial risk that the child will suffer physical harm inflicted or caused as described in (a);

Other circumstances are noted in the remaining ten subsections of Section 37. Similar clauses are found in other provincial child welfare legislation.

The difficulties for aboriginal people commence when non-aboriginal protection workers, such as those noted in the opening paragraphs of this chapter, have occasion to evaluate aboriginal parenting styles in their homes, which are often in rural or remote regions, and seek to apply the protection sections of the provincial law. Each of these individuals are from different cultures and have their own distinct value systems, customs and community characteristics. Many aboriginal people believe that protection workers do not understand the differences between the values and customs within their culture and those found in aboriginal cultures. So when these workers, after only a brief visit to

³⁴ Child and Family Services Act, R.S.O. 1990, c.11, as am.

an aboriginal community, say that “children are neglected,” the aboriginal people involved wonder how the workers could say that. Some authors note that this lack of understanding “may reflect a worker’s negative view of both the permissive aboriginal parenting style, which allows children to explore and learn from their environment, and care being provided frequently by extended family members, often for extended periods of time.”³⁵ This lack of understanding of cultural differences has spawned many of the cases involving aboriginal people. Fortunately the courts are becoming more sensitive to the differences and are formulating different standards of care to be applied to families in aboriginal communities than those that are applied to middle-class, non-aboriginal communities. Three cases illustrate the approach taken by judges in determining what standard of care should be used.

The first case is the Mooswa case³⁶ from Saskatchewan. The mother appealed an order committing her child to the permanent wardship of the Minister of Social Services. At the time the child was found to be in need of protection the mother was drinking and acknowledged that she was an alcoholic. Subsequently, the mother voluntarily entered an alcohol treatment program in North Battleford and had not consumed any alcoholic beverage since completing the program. Johnson, J. had no difficulty in returning the child to the mother in light of her rehabilitation. He believed that

³⁵ Sinclair, Judge Murray, Donna Phillips and Nicholas Bala. “Aboriginal Child Welfare in Canada”, Chapter 8 in Bala, Nicholas, Joseph P. Hornick, and Robin Vogl, Eds. Canadian Child Welfare Law, Children, Families and the State. Toronto: Thompson Educational Publishing, Inc., 1991, 181.

³⁶ Mooswa et al. v Minister of Social Services for the Province of Saskatchewan (1976), 30 R.F.L. 101 (Sask. Q.B.).

[W]hat is basic in this kind of problem is the right and need of the child to be raised, if possible, by its natural mother in its natural environment and its own cultural surroundings. Although the standard of living provided by that mother and the care given to the child may not be considered acceptable by others, nevertheless if those standards conform to those considered average in the particular class or group to which the parent(s) belong, the court ought not to interfere.³⁷

In the second case, Re E.C.D.M.,³⁸ the Department of Northern Saskatchewan sought an order permanently committing to the Minister the two year old child of a 24 year old , single Cree mother from Pelican Narrows. Provincial Court Judge Moxley provided a lengthy outline of what he believed should be considered in determining the standard of child care in cases such as this:

In my view, in order for a child to be found in need of protection there must be a significant departure from a standard of child care that one would generally expect for a child of the age of the child in question. Furthermore, while there is a minimum parental standard for all societies, a secondary standard must be established for parents of the age of the parent in question and for the type of community in which the parent resides. A teen-aged parent cannot live up to the standard expected for a middle-aged parent. Similarly, different standards of parenting apply to parents of Cree ancestry who reside in a small rural community in Northern Saskatchewan than would apply to white middle-class parents living, for example, in Regina. What is an acceptable standard for the former might be unacceptable to the latter.

Some of the community differences that I believe must be taken into account in Northern Saskatchewan are the following:

1. Cultural differences. There are several basic cultural characteristics recognized by sociologists in persons descended from generalist societies such as the Cree and Chipewyan. Four of these are:

- a) an imprecise concept of time;
- b) patience toward the solving of problems and a tendency to let

³⁷ Ibid., 102.

³⁸ Re E.C.D.M. (1980), 17 R.F.L. (2d) 274 (Sask. Prov. Ct.).

the problems solve themselves;

c) an extended family concept rather than a nuclear family concept;
and

d) the ethic of non-intervention, which extends even to the disciplining of children.

2. Acquired community habits. Some northern native communities have acquired habits and customs which, though not directly related to the native ancestry, make them quite different from other communities elsewhere. Two of the most relevant to Family Service Act applications are:

- a) acceptance of widespread drinking and even drunkenness; and
- b) tolerance to violence while drunk.

3. Conditions forced on the community. In northern native communities two of the most significant of these are:

- a) a high level of unemployment; and
- b) dependence upon government assistance.³⁹

Then he related the facts to the community standards he set out and he noted that:

a single parent in Pelican Narrows might be expected to live in crowded conditions in a house owned by a relative. It is not a significant departure from the community standard for her to be unemployed and to lack skills and employment opportunities. To have had problems with alcohol is commonplace in this community.⁴⁰

Following this review, Moxley, J., indicated that the mother departed from the standard in relation to her lack of interest in the children, her inability to look after her own most basic needs and real problems with the living arrangements. The child was therefore committed permanently to the Minister's care.

The third case is that of Director of Child and Family Services v. B.B.,⁴¹ a case

³⁹ Ibid., 275-76.

⁴⁰ Ibid., 279.

⁴¹ Director of Child and Family Services v. B.B. 14 R.F.L. (3d), 113 (1988) (Man. C.A.).

which involved a non-status Indian mother who gave premature birth to a set of twins. The local office of the Director of Child and Family Services apprehended the twins at birth, being of the view that they were in need of protection. When Child and Family Services sought a permanent order on the grounds that the twins were in need of protection, the trial judge ordered the children to be returned to their mother under the supervision of the CAS for a period of twelve months. The agency evidence showed that the extended family, consisting of a woman, her two unmarried daughters and three grandchildren, lived in a two bedroom house in the northern community of Easterville; that the three women received social assistance; that the three women drank alcohol to excess from time to time; that one of the children had been left outside in the cold; that the children had been left unsupervised on numerous occasions; that the children stayed up late at night; and that two of the children had been ill with infections and low haemoglobin counts. The trial judge was of the view that the evidence led by the agency of incidents in the lives of the extended family was insufficient for him to grant a permanent guardianship order:

I have carefully reviewed the evidence and while I find that the B. condition, and I refer to the extended family at Easterville, deplorable by the standards which I take to be the norm for middle class white society, I cannot find proof, on balance, of the kind required that would allow me to say that B.B. should be denied the return of her children.

I find that none of the incidents referred to or the living conditions reported are so far out of the ordinary, for Easterville, that I can say that the children would probably be at risk if returned to the mother.⁴²

⁴² Ibid., 120.

However, the order was stayed with the consent of counsel for the mother. The mother never had custody of the twins and they remained in a foster home from the date of their birth.

A majority of the appeal judges reversed the decision on the basis that the trial judge “either misapprehended the evidence or failed to give due consideration to it.”⁴³

Monnin, J.A., writing for the majority

I do not accept as sound the principle enunciated by the trial judge that there are certain standards or norms which are acceptable for Easterville but unacceptable for the rest of the province. Economic conditions may differ but there is only one standard of care to be considered and applied whether the infants reside or whether the household is situated in Easterville, The Pas, Churchill, Brandon, Crescentwood, Tuxedo, West Kildonan or the Core area. In my opinion, the type of household in the case before us cannot provide the simple and essential elements of life since all three adults have shown themselves to be irresponsible where the other children are concerned and regularly over-indulge in alcohol.⁴⁴

When the decision of the Court of Appeal was appealed, the Supreme Court of Canada ordered a new trial. Sopinka, J., rejected the view of the Court of Appeal on the issue of the appropriate standard of care. He stated:

Although we do not agree with the test applied by the majority of the Court of Appeal, we agree with their conclusion that the children are in need of protection pursuant to s. 17(b)(i). We are of the opinion, however, that the Court of Appeal failed to adequately consider the alternatives in s. 38 of the Act, and in addition, we have been told of evidence that indicates a change of circumstances have occurred. Accordingly, we would refer the matter back to the trial judge to consider

⁴³ Ibid., 118.

⁴⁴ Ibid., 116.

what order is now appropriate under s. 38.⁴⁵

Summary

The standards of child care described in these cases are interesting because they display a range of standards, from very general to very specific. In the Mooswa case, Johnson, J., thought that standards of care would be acceptable if they conformed “to those considered average in the particular class or group to which the parent(s) belong.” In the E.C.D.M. case, Moxley, P.C.J., suggested three standards: 1) a standard of care that one would generally expect for a child of the age of the child in question; 2) a secondary standard for parents of the age of the parent in question; and 3) different standards of parenting that would apply to parents of Cree ancestry who reside in a small rural community.

Judge Moxley provided a list of factors, or community differences, to be used in determining the standard of care in child welfare cases, where the parents were of Cree ancestry. These included cultural differences, acquired community habits, and conditions forced on the community. The cultural characteristics include those recognized by sociologists among the Cree and Chipewyan, including their concept of time, patience, the concept of the extended family, and the ethic of non-intervention. All of these are internal to the culture and would be found in most individuals within the culture, because that is what they are taught and the characteristics are shared by all – that is what

⁴⁵ B.B. v. Director of Child and Family Services (1989), 62 Man. R. (2d) 233, 234 (S.C.C.).

separates them as a culture. The acquired community habits include acceptance in the community of widespread drinking and drunkenness, and tolerance to violence while drunk. Moxley thought these to be acquired habits not directly related to native culture. As such they would also be internal factors, but they would not necessarily be found among all individuals within the culture, since there would be some people who did not drink, and who would not tolerate such behaviour. The conditions forced on the community include, high unemployment and dependence on government assistance. These external factors arise due to the ethnocentric expectation that everyone is subject to the economic values of mainstream culture, even though aboriginals may still practice their own cultural, economic values.

In the last case (B.B.) the trial judge, believed that the standard to be used should be whatever was ordinary in the community that the family resided (Easterville). Thus, these cases demonstrate that judges in some courts have commenced to grapple with the idea that there should be a different standard of child care within aboriginal communities in rural areas that takes into consideration not only the age of the children and the parents, but also cultural, social, and economic factors.⁴⁶

⁴⁶ The comments made on this case by the Royal Commission on Aboriginal Peoples Report are as follows:

Courts face the issue of cultural diversity in a variety of situations. They may be asked, for example, to determine whether an Aboriginal child is in need of protection and should be removed from its parents. But should judges apply criteria for determining removal that reflect the values of their own culture or those of the Aboriginal community? While the answer may seem obvious, in most cases judges are not familiar with values outside their own culture.

A good example of this type of case is *Re E.*, in which application was made by a child welfare agency for permanent wardship of the two-year-old child of a 24-year-old Cree mother. The judge began by developing a threshold test for intervention.

He then proceeded to develop a detailed list of the differences between a northern Saskatchewan

ABORIGINAL ADOPTION CASES

Five adoption cases decided in the Northwest Territories provide the most positive expression of Inuit and Indian adoption law in Canada. They established precedents that extended throughout Canada's arctic and subarctic areas of the Northwest Territories. The first case, Re Katie's Adoption Petition,⁴⁷ involved a girl who was born in Frobisher Bay, Northwest Territories. Her natural parents, Kilipaluk and Nabveyak, placed the girl with Noah and his wife, Keeatchuk, at the time of her birth "on the understanding that they thereby adopted her."⁴⁸ In this instance the natural parents did not want to raise Katie so Noah and Keeatchuk took the girl and raised her as their own. The adoptive parents, with the consent of the natural parents, petitioned the court for an adoption order. Among the Inuit in the Frobisher Bay area, adoptions had occurred according to custom for many years. The Inuit knew and understood the custom and there had been hundreds of adoptions in accordance with the custom. Justice Sissons

Cree community and that of a non-Aboriginal middle-class family living in Regina. The standards of the Cree community were those against which the mother's conduct would be compared to determine whether there had been a "significant departure". The court proceeded on the assumption that a significant departure was necessary before the child could be found to be in need of protection. The standards included cultural differences, acquired community habits, and conditions forced on the community such as dependence on government assistance. In applying these community standards to the facts of the case, the judge found that a single parent in Pelican Narrows, Saskatchewan, might be expected to live in crowded conditions in a house owned by a relative, to be unemployed (lacking in job skills and employment opportunities), and to have problems with alcohol. He ultimately concluded that a permanent wardship order was indeed required, since the mother had departed significantly from community standards and her situation would not likely improve with time or counselling. The approach taken in Re E. marked an important step forward in child protection case law dealing with cultural minorities. RCAP, *Ibid.*, 88-89.

⁴⁷ Re Katie's Adoption Petition (1962) 38 WWR 100 (NWT Terr Ct)

⁴⁸ *Ibid.*, 691.

thought the Inuit method of adoption had served the Inuit well and should be recognized by the court:

The Eskimos, and particularly those in outlying settlements and distant camps, are clinging to their culture and way of life which they have found to be good. These people are in the process of cultural change and have a right to retain whatever they like of their culture until they are prepared of their own free will to accept a new culture. In particular, although there may be some strange features in Eskimo adoption custom which the experts cannot understand or appreciate, it is good and has stood the test of many centuries and these people should not be forced to abandon it and it should be recognized by the Court.⁴⁹

Justice Sissons granted the adoption order because he believed that the Inuit custom adoption had been made according to the laws of the Northwest Territories prior to the enactment of the new Ordinance: “[in the Territories] adoptions could be made in accordance with the Adoption Ordinance, adoptions in accordance with Indian custom and adoptions in accordance with Eskimo custom.”⁵⁰ Sissons also thought the Indian Act of 1952 provided support for the concept of custom adoptions.

The first of Judge Morrow’s cases is Re Beaulieu’s Petition.⁵¹ In this case Louis Beaulieu and his wife Elsie adopted a child according to the customary practices of the Dogrib Indians around Rae, Northwest Territories. Judge Morrow, indicated that “the Indians, certainly in this area, have from time immemorial practised and recognized custom adoption and ‘that these people should not be forced to abandon it and it should

⁴⁹ Ibid., 687.

⁵⁰ Ibid., 687.

⁵¹ Re Beaulieu’s Petition (1969) 67 WWR 669 (NWT Terr Ct)

be recognized by the court'.⁵² Morrow J., heard evidence regarding the customary adoption practices of the Dogrib Indians from the Chief and two councillors of the Dogrib Indian Band at Rae, from a councillor of the Dogrib Indian Band at Lac la Morte, from an Indian of some standing in the community, and from the parish priest in Rae.

Among these informants:

there was general consensus that for as far back as could be remembered the system of adoption by custom among their people had been practised and was respected in much the same way as with the Eskimos.⁵³

Morrow noted that custom adoptions were recognized by the Indian Act, R.S.C., 1952, ch. 149, Sec. 48(16) which read: "In this section 'child' includes a legally adopted child *and a child adopted in accordance with Indian custom.*"⁵⁴ He accepted the reasoning of Sissons J., in the *Re Katie's Adoption* case and held that the child had been adopted according to the customary law of the Dogrib Indians.

The second of the Morrow cases, Re Deborah,⁵⁵ the youngest of four daughters born to Gideon Kithcoalik and Rebecca Enooyak. The father was an Inuit hunter and trapper and he and his family lived off the land in the Spence Bay region of the Northwest Territories. Sometime in 1959 the mother became ill and was taken to Edmonton where she spent two years and eight months in the hospital. The father could not look after his

⁵² A quote of Judge Sissons in Re Katie's Adoption Petition. Ibid., 670.

⁵³ Ibid., 670.

⁵⁴ Beaulieu, Ibid., 671. (Emphasis added).

⁵⁵ Re Deborah, E4-789 [1972] 3 WWR 194 (NWT Terr Ct)

trapline and care for the three pre-school age children so he left them from time to time with different friends. When John Tucktoo and his family visited Spence Bay, Mr. Kithcoalik made arrangements with them to adopt Deborah as they were indirectly related.

The Tucktoos could not have children of their own and eventually adopted two other children by custom adoption. The Tucktoos raised Deborah from the time she was one year old until the hearing of the case, when she was fourteen years old. When Deborah went for a visit with her biological parents, they did not return her, wishing to take the child back to live with them, even though the Tucktoos had adopted her by custom. The issue in this case was whether or not they could do so. Morrow J., noted that during his twelve years on the Territorial Court he had presided at 248 custom adoption hearings and this was the first instance in which the natural parents sought to reverse their decision to have one of their children adopted by another family. Ernest Lyall, recognized by the court as an expert witness, stated that “it was unknown for parents to try to take children back after there has been an adoption by custom.”⁵⁶

Adoptions were an important aspect of Inuit culture. Morrow J., noted “I would say that [custom adoption is] the most outstanding characteristic of their culture and appears to outrank marriage and hunting rights.”⁵⁷ Relying on the line of adoption cases from Re Katie onwards, Justice Morrow upheld the custom adoption and ordered the

⁵⁶ Ibid., 198.

⁵⁷ Ibid.

return of the child to the adoptive parents.

In the Re Wah-Shee case⁵⁸ adoption according to long-standing custom among members of the Dogrib Indian band at Rae in the Northwest Territories was considered. James Wah-Shee and his wife Caroline had previously adopted another Indian child pursuant to the provisions of the Child Welfare Ordinance and sought to adopt this child under Indian custom. The child was a niece of the adoptive father. Mr. Wah-Shee's evidence showed that custom adoptions were an integral part of Dogrib culture and one of his "own brothers came into the family group by custom adoption."⁵⁹ James Wah-Shee and his wife Caroline arranged to adopt Corrine Washie at the time of her birth since that was the Dogrib custom. Corrine was the tenth child of the natural parents and they consented to the adoption due to "their poverty." The child was born with jaundice and Caroline Wah-Shee "helped care for and feed the child while it recuperated in the hospital following birth and then took delivery of the child. She and her husband have continued to care for the child as theirs ever since."⁶⁰ Although the mother was a Caucasian, the court held that this was no impediment to approving the adoption. In fact, Morrow J., was of the opinion that even if she had not acquired such status, he would have "found her to be a full member of the band with all that entails"⁶¹ because the Chief, council and

⁵⁸ Re Wah-Shee (1975), 8 C.N.L.C. 626 (N.W.T.S.C.)

⁵⁹ *Ibid.*, 157.

⁶⁰ *Ibid.*, 158.

⁶¹ *Ibid.*, 159.

members of the band had accepted her as a member of the band.

The last case, Re Tagornak Adoption Petition,⁶² is one that was heard by Marshall, J., of the Northwest Territories Supreme Court. In that case a married couple applied for an order declaring an adoption by native custom. The father was Caucasian. The mother and the natural parents were Inuit. The families and the community concurred with the adoption. The father accepted the customs of the community and was accepted by them. Marshall J., reviewing “the impressive chain of authorities from Re Katie’s Adoption Petition, to Re Beaulieu’s Petition, Re Deborah E40789, and Re Wah-Shee,”⁶³ had no difficulty in holding that the adoption had been in accordance with native custom.

Discussion

Justice Sissons was appointed to sit as the first Justice of the newly formed Territorial Court in 1955 and presided in that court until 1965 when he retired. His first trial involved a Copper Inuit man, Kaotok, from the Cambridge Bay area who had spent three months in the Yellowknife jail awaiting trial on a charge of murder. Although uneasy about holding the trial in Yellowknife, Sissons was told that it would be highly inconvenient, if not impossible, to hold the trial at Cambridge Bay:

For decades, Eskimos charged with serious offenses were tried in Edmonton, Calgary, Winnipeg, Ottawa or some other outside point “convenient” for the authorities, before judges and juries who, no matter

⁶² Re Tagornak Adoption Petition Unreported at date of publication, July 21, 1983. [1984] 1 C.N.L.R. 185 (N.W.T.S.C.)

⁶³ *Ibid.*, 185.

how well-intentioned, could not know the north and the situation. This would be the last trial in which convenience would be a factor in determining the location. *From then on, justice would be taken to every man's door and he would be tried by a jury of his peers*; and in the case of an Eskimo like Kaotok a jury of his peers would have to include Eskimos. The Yellowknife jurors were six white men. They were good men, honest and fair, but they could not form a jury of peers for an Eskimo.⁶⁴

Thereafter, for the duration of his time on the bench, Sissons made every effort to hold trials in the home community of the accused even though it meant “flying twenty to thirty thousand miles a year” across an area that constituted thirty-four per cent of the land mass of Canada. Juries were composed of Inuit peers and the people gave their evidence in their own language and the proceedings were translated for the court. Thus, the decisions of Sissons were based on the evidence of the Inuit themselves.

Language also posed problems. The first language of the Inuit was Inuktitut and Sissons arranged for translation. On occasion this meant a lengthy, involved process. The procedure followed with a “stone deaf” witness during Kaotok’s trial is described by Sissons:

The question was put to the official interpreter in English. He would pass it along to the second interpreter in Eskimo. The second man would then write the question on paper in syllabic. The witness would read the question and write his answer in syllabic. The second interpreter would translate the answer into Eskimo. The official interpreter would then translate from Eskimo into English. It took half an hour to get answers to three questions.⁶⁵

⁶⁴ Ibid., 66, [Emphasis added].

⁶⁵ Ibid , 68.

When Justice Sissons retired, he was replaced by William G. Morrow,⁶⁶ who had been a defence counsel on the six thousand mile Arctic circuit. During his time on the bench Morrow espoused the ideas of Justice Sissons about holding trials in the home communities of the parties, allowing witnesses to use their own language through the use of interpreters, and ensuring that juries were composed of Inuit peers where an accused was Inuit. In adoption cases Morrow, J., had both the natural parents and the adopting parents appear before the Court, and he went to great lengths to take their evidence. For example, in the Re Deborah case he noted that

the natural parents were heard finally at Spence Bay, Cambridge Bay, and at one stage some of the testimony was even taken in the air over King William Island en route to Spence Bay, on 9th August 1971. An expert witness on Eskimo customs, E. Lyall, was heard at Yellowknife on 10th August, and finally the adopting parents were heard at Resolute Bay, their new home, on 3rd February 1972. The case was then adjourned to Yellowknife for argument which took place on 8th February.⁶⁷

Each of these judges developed his own view of how matters should be dealt with in the remote Arctic communities.

Among the Inuit, apart from the fact that adoptions occurred primarily to ensure that a child would be cared for, there were many other reasons that adoptions took place.

An adoption could occur where the natural parents did not wish to raise a child, or the mother worked in another community and her grandparents cared for the child, or the

⁶⁶ Morrow, W.H., Ed. Northern Justice, The Memoirs of Mr. Justice William G. Morrow. Publication of the Osgoode Society for Canadian Legal History and the Legal Activities Society of Alberta. Toronto: University of Toronto Press, 1995, 73.

⁶⁷Re Deborah, Ibid., 195.

parents were unable to care for the children due to the illness of one of the parents. In the

Re Katie case Sissons noted that the Inuit sought adoption orders for the following

reasons:

These applications to the Court are made because the white man says there should be an adoption order, and because it is well to have something of Court record establishing the adoption and proving it for purposes of Family Allowances, School Registration, Succession, and to avoid dispute or question.⁶⁸

Justice Sissons noted other reasons for adoptions in his memoirs:

Adoptions are a family and community concern, like marriage. Some customs are surprising to us: grandparents adopting a child to have someone to look after them; an unmarried forty-five-year-old woman adopting a child for company. But in Eskimo society the old look after the young and the young look after the old and each needs the other.⁶⁹

Justice Morrow noted the following reasons for adoptions:

Looking back over the more than 200 cases that I have heard to date there is no doubt in my mind but that these reasons are always there and are all based on good sense: the mother had to go to hospital and could not look after the child; this is the third or fourth child in a row and my wife cannot look after it; this is a twin and my wife cannot look after two of the same age; we have lots and the grandmother is lonely and wants this one to look after. Perhaps the saddest case that has come before me to date is one at Eskimo Point, where the mother said that she was giving her child away because 'all of her children died and she wanted this one to live.'⁷⁰

Among the Inuit there were certain practices associated with adoption. As noted by Justice Marshall in *Tagornak*, the criteria to be considered, whether by affidavit or by

⁶⁸Re *Katie*, *Ibid.*, 688.

⁶⁹Sissons, *Ibid.*, 144.

⁷⁰Re *Deborah*, *Ibid.*, 198.

viva voce evidence, in certifying that an adoption by native custom had take place,

included:

- a) that there is consent of natural and adopting parents;
- b) that the child has been voluntarily placed with the adopting parents;
- c) that the adopting parents are indeed native or entitled to rely on native custom; and
- d) that the rationale for native custom adoptions [is present as in Re Deborah].⁷¹

Many Inuit people sought a declaratory order confirming an adoption that had taken place, as such an order seemed “to reassure the people and is of assistance in helping them with mothers’ allowances and other problems with government departments.”⁷²

CONCLUSION

Unfortunately, while many of the judges in the cases reviewed here recognized the operation of aboriginal laws and applied those laws in arriving at their decisions, they did not always identify with any certainty the group of people to whom such laws would apply, or whether the practices were distinctly aboriginal. In addition, all of the judges appear to “merge” the marriage law or custom found in each case with that in other cases as if there were one marriage law or custom among aboriginal peoples. Legal commentators acknowledge that there are problems with treating all the cases as if they were the same, even though they come from different Indian cultures. For example Morse

⁷¹Tagornak, *Ibid.*, 187.

⁷²Rc Deborah, *Ibid.*, 195.

notes that:

There are a number of similarities in the legal requirements of the various native nations; there are also many critical differences. It is impossible to delineate a single set of principles adhered to by all native people. The diversity in social organization must be acknowledged and respected in the recognition of customary law by the Canadian legal system and in the planning of any modifications to the existing general family law. Certain values are shared by all of the native societies, but differences in procedure and attitude remain.⁷³

The recognition of aboriginal law in these cases arose as a result of a judicial belief in the existence of Inuit and Indian laws which had been used by Indian and Inuit people since time immemorial and had served them well; and that their laws had not been abrogated by any legislation and should be recognized and held to be as valid as any legislation. All of these cases are characterized by the willingness of the judges to learn about aboriginal people, their way of life and their marriage and adoption laws as told to them by the aboriginal people themselves through the use of interpreters. This is particularly evident in the practices of Justices Sissons and Morrow of the Territorial Court, who held court in the community whenever possible and endeavoured to obtain evidence from the people regardless of the time and effort necessary to do so.

The importance of aboriginal and treaty rights of aboriginal people in Canada is being increasingly acknowledged, particularly since provisions have been made in section 35 of the Constitution Act, 1982, to recognize and affirm such rights.⁷⁴ According to

⁷³Ibid., at 216-17.

⁷⁴ The Constitution Act, 1982, Section 35 (1) states: *The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.*

various groups of aboriginal people,⁷⁵ one of the rights contained within the category of “existing aboriginal and treaty rights” is “aboriginal law.” The immediate problem with recognizing and affirming such a right is to determine what that law is.

This is difficult for at least two reasons. One is related to how aboriginal laws have been viewed by mainstream Canadian culture; the second, to the difficulties in studying laws from another culture. There are several groups of cases throughout the hundred and thirty year period in which aboriginal laws regarding marriage, polygyny, divorce, adoptions and land tenure were found to exist and applied. While some aboriginal laws were recognized through these cases, not all aboriginal laws were so recognized. This has led to the belief, popularly held, that the laws found in these cases are the only laws in existence in aboriginal societies. In most of these cases the focus of the court seemed to be on finding laws within aboriginal society that were like the laws of mainstream, Euro-Canadian society.

When people view another culture and its components there is a tendency to view that culture through the observer’s own way of life and to make value judgements based on their own cultural standards. This tendency is a deeply ingrained attitude found in all societies. For example, both a mainstream Canadian person and an aboriginal person would evaluate one another’s behaviour according to the standards of their own cultural assumptions and practices. This concept is referred to as *ethnocentrism*. Ethnocentrism

⁷⁵ Canada. Report of the Royal Commission on Aboriginal Peoples. Ottawa: Minister of Supply and Services Canada, 1996.

can be defined as “[t]he belief that one’s own culture is most desirable and superior to all others. In other words, it means viewing the rest of the world through the narrow lens of one’s own culture.”⁷⁶ It is suggested that most of the existing legal and anthropological materials present an ethnocentric view of aboriginal or primitive⁷⁷ law, that is, the authors view aboriginal laws “through the narrow lens of their own culture,” looking for laws that are similar to those found within their own society. To help avoid this problem

Henderson suggests that:

First, those familiar with European-rooted systems of law must, to some extent, divorce themselves from pre-ordained concepts of what a legal system must look like. Then one must address the continuing puzzle, in the context of a society less than perfectly understood, of how traditional usages arise, what moral force they have and how such usages are elevated to custom in the sense of law.

Usually, there will be a good deal of baggage to be shed along the way.⁷⁸

The second reason it is difficult to identify aboriginal law has to do with the study of law in unfamiliar contexts. There are numerous aboriginal cultures in Canada, each with its own structure and content. It should not be suggested that there is only one aboriginal culture, because there are many such cultures, each with its own traditions, laws, rules and customs which are very different. There is also a tendency to view

⁷⁶ Ferraro, Gary. Cultural Anthropology, An Applied Perspective. Second Edition. Minneapolis/St. Paul: West Publishing Company, 1995, at p. 23.

⁷⁷ The use of the term “primitive” leads to the misleading implication that aboriginal law is both inferior and earlier in a chronological sense, therefore the term will not be used in the dissertation. Contemporary cultural anthropologists use the terms “preliterate”, “small-scale”, “egalitarian”, or “technologically simple” to describe societies with simple technologies, and I will also use those terms. *Ibid.*, 30-31.

⁷⁸ Henderson, William B. Native Customs and the Law. Ottawa: Research Branch, Corporate Policy, Indian and Northern Affairs Canada, 1985.

aboriginal law as being a lesser sort of law than Canadian law, or as being in a less developed state. But as Henderson points out:

Customary law is not rightly regarded as primitive law, either in the sense of being undeveloped or of being archaic. Many systems of customary law are fully adequate to whatever is required of them in their societal setting, and many of these remain vital in many parts of the world.⁷⁹

There are few instances where aboriginal law appears in a written form because aboriginal people typically rely on oral tradition to pass on their knowledge and experience. Aboriginal laws are so intertwined within every other aspect of aboriginal cultures that it would be difficult to study these laws in isolation from the rest of the culture. Aboriginal law is not segmented or compartmentalized and treated as a separate discipline or specialty as it is in the legal room of the large house (Euro-Canadian society). In order to study aboriginal laws then, it becomes necessary to review the culture contained in the small house in its entirety so that the laws can be understood within their proper context. This will be done in the succeeding chapters.

⁷⁹ Ibid.

PART II : THE SMALL HOUSE

Many aboriginal cultures in Canada have relatively small populations and are generally found in small communities scattered throughout a geographic region. Their economies, or means of livelihood, vary, and include hunting, fishing, gathering, and horticulture. The groups with the largest populations are found in areas where large quantities of foodstuffs are located. For example, in historic times, a natural supply of food in large quantities could be found in maritime regions such as the Atlantic and northwest Pacific coasts, and on the plains where millions of buffalo grazed on the prairie grass. It is reasonable to assume that there would have been large population aggregates in those areas in historic times, and there were. The other areas where large numbers of people could be found were those where horticultural or agricultural practices allowed people to produce food in large quantities, as was the case with the Huron and Iroquoian groups around the lower Great Lakes. In most other areas, however, food was less plentiful and hunter-gatherers in those areas would have to expend more time and energy to obtain food. Consequently, their numbers were fewer, less concentrated, and less likely to be found in large aggregates. The people of the study area, the Northern Ojibwe, are within this latter category. These people live in the area to the north and west of Lake Superior along the waterway which partly defines the Canadian-United States border (the Boundary Waters area), and includes northwestern Ontario and the southeastern portion of Manitoba east of Lake Winnipeg. Their house is small, but holistic, with more stress

on promoting harmony than on following the dictates of Euro-Canadian law.

CHAPTER 2 : THE OJIBWE AND THE STUDY AREA

An unmistakable "clickety-clack, clickety-clack" could be heard as the steel wheels of the train hit the joints in the rails. The train was a noisy creature, with the steam driving the machine hissing out the side, the smoke from the engine snorting out its stack, and the engine's arms squealing as they drove the wheels along the tracks. A path had been cleared and tracks and rails completed in the fall of 1914, seventeen years earlier. For about ten years this section was an essential part of the second transcontinental railway across Canada, but it became less used after completion of the main rail line from Long Lake to the north in 1925. Now this section functioned as a spur line to Port Arthur, about a hundred and seventy miles southwest. The rail line passed through virgin wilderness, skirting countless pristine lakes, rivers and forests. The trains lumbered past isolated groups of aboriginal people and their camp sites. Mileage signs were posted all along the route from Longlac ("Mileage 0") to Port Arthur ("Mileage 168"). The train would stop at any place along the route and the mileage markers were a convenient means of indicating a destination.

As the canoe moved through the water the only sounds heard were the lapping of waves against the side of the craft and the slight breaking of the water as the paddles entered. The sun was just coming up and a light mist covered the surface of the water. A man and his wife maneuvered the canoe to the net they had set the night before. As the woman began lifting the net to check for fish the only sound that could be heard was the water dripping off the net into the lake, causing small ripples to spread outward from the boat. As the net was lifted further there was a great splashing in the water caused by several fish that had been caught by the gills in the net. She laughed as she plucked each fish from the net and put it in a pail in the bottom of the canoe. The man grunted his approval and the woman continued to empty the net, carefully replacing it in the water. They would come back the next day to check the net and repeat the same process as they had since spring time when the ice had left the lake.

These two Indian people lived with their four children at the north end of the lake near the railway tracks not far from where they set their nets. The man's father, mother and several younger siblings lived near them. There were several other families who also lived nearby. Each of the families had a preferred location to set their nets and each family would go out, as this couple did, early in the morning to empty the nets and reset them. The bounty from their nets was used to feed their families. Any surplus was shared with others in the small community. All of the people who lived here used the fish to supplement their diet of moose meat and small game. They, like their ancestors before them, had become experts at locating and killing fish, waterfowl, moose and other animals. They survived off the land in much the same way that their parents and grandparents had. Countless generations of their ancestors had accumulated and passed this knowledge on to subsequent generations. And all of them survived in much the same

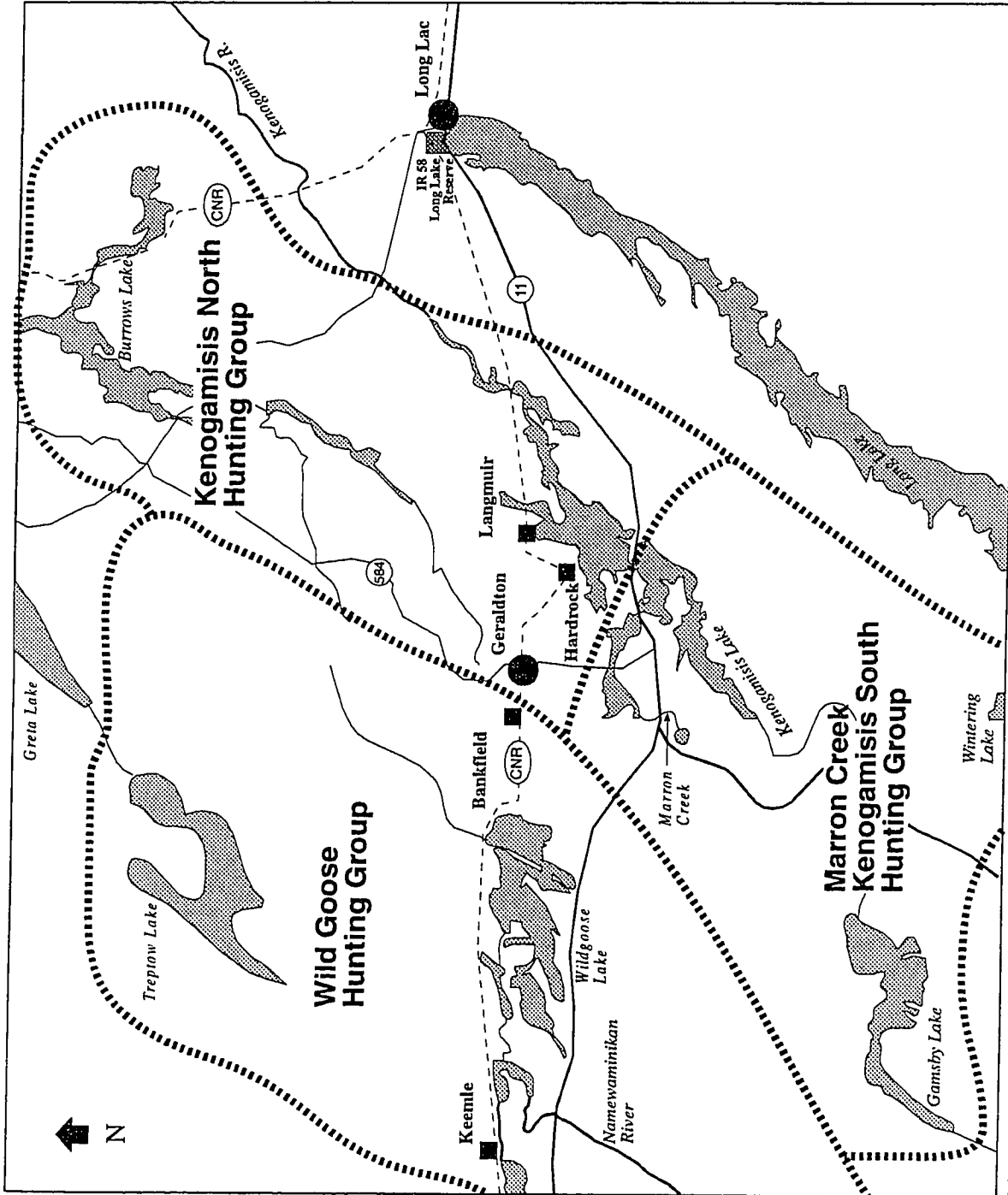
way. The country food was collected and shared with others in the community. Any visitors who dropped by also shared in the bounty.

After the nets were emptied and reset the man and his wife paddled to the shore where they cleaned the fish. They returned to their canoe and paddled towards their camp. The stillness of the air was shattered by the sound of the whistle of a train that was approaching "Mileage 18". At this spot the tracks passed close beside the water and the train occasionally stopped there to drop off or pick up a passenger. As the train slowed down the shrieking sound of metal sliding along metal signaled the stopping of the train. By the time the couple reached the landing the train was just pulling away. On the shore were two men who were loading their canoe. The canoe was sitting quite low in the water because it was filled with numerous packsacks, tents, food, camping equipment and many strange tools. It seemed apparent that these men were not going fishing. Hired by a mining exploration company a thousand miles away these men were the first of many who would come to the area in search of mineral wealth. Little did the man and his wife know that the arrival of these two men would signal an economic boom in the heartland of their traditional area which would have far-reaching consequences on all of their friends and relatives who lived in the area.

DEVELOPMENT IN THE STUDY AREA

The Study Area

The homeland of the Ojibwe of the study group is situated in the District of Thunder Bay in northern Ontario. It is about seventy miles north of Lake Superior and about fifty miles east of Lake Nipigon near the town of Geraldton. The area is located between latitude 49 degrees 20 minutes and 50 degrees North, and longitude 86 degrees 30 minutes and 87 degrees 30 minutes West. This homeland, encompassing roughly eighteen hundred square miles, is centered around Kenogamisis Lake in the eastern portion and Wild Goose Lake in the western portion (See Map # 1). These two lakes, about sixteen miles and eight miles in length respectively, generally lie along an east-west axis. They are a part of a water route that runs from Lake Nipigon to James Bay:



Map #1: Homeland of Ojibwe of Study Group

the Namewaminikan River runs from Lake Nipigon through a series of small lakes into Wild Goose Lake, Kenogamisis Lake, the Kenogamisis River to the Kenogami River which runs north from Long Lake to the Albany River and James Bay. There are numerous other lakes and rivers in the area, and many are connected to these heartland lakes by creeks and rivers that flow into, or out of, each of them. To the north of Kenogamisis Lake is a river system that runs from Hutchison Lake via Burrows Creek to Alfred Lake and the much larger Burrows Lake, a part of the homeland of the Ojibwe of the study area and those at Aroland. To the southwest of Wild Goose Lake is the Namewaminikan River which runs west to Lake Nipigon and another branch which runs south to Trapnarrows Lake, a part of the homeland of the Ojibwe of the study area and those at the Rocky Bay and Sandpoint Indian Bands.

Early Contact

The earliest Europeans in the study area were French traders who, from their posts on Lake Nipigon, followed a canoe route north to the Ogoki and Albany rivers, and another from Lake Nipigon via the Namewaminikan River to Wild Goose and Kenogamisis lakes and thence north to the Kenogami (English River) and Albany Rivers.¹ A brief history of economic development in the area² demonstrates the establishment of fur trading posts at the north end of Long Lake possibly as early as 1763 by the French

¹Voorhis, Ernest. Historic Forts and Trading Posts of the French Regime and of the English Fur Trading Companies. Ottawa: Department of the Interior, 1930, at p. 7.

²Lavoie, Edgar. ... And the Geraldton Way. A History of Geraldton and District up to 1947. Geraldton: Times Star Publishing Limited, 1987.

traders. The North West Company built a post on the French site in 1800, and the Hudson's Bay Company built another very close to the North West Company post in 1814.³ A period of intense rivalry existed until the union of the two companies in 1821. The Hudson's Bay Company was the sole trader in the area after the union until the twentieth century, when independent traders including Revillon Frères started trading in the area. These independents traded in the region from Lake Superior north to Long Lake and the Albany River via routes from Lake Superior via the Pic and Steel Rivers to Long Lake and thence north. The Hudson's Bay Company occupied its site on Long Lake until 1921 when it moved to the town of Longlac, about a mile away.⁴

Treaties

The first major treaties signed with the Ojibwe living on the north shores of Lakes Huron and Superior were the Robinson Treaties of 1850⁵ (see Map # 2). They set a pattern which some say was followed for all subsequent major land treaties.⁶ These

³Dawson, Kenneth C.A. "Archaeological Investigations at the Site of the Longlac Historic Trading Post, Thunder Bay District Ontario" Ontario Archaeology, Publication No. 11. Toronto: The Ontario Archaeological Society, 1969, 3-6; Voorhis, Historic Forts, 104-05; Bell, Robert. Geological Survey of Canada. 1869. Ottawa: Queen's Printer, 1870.

⁴Dawson, Kenneth C.A. "Archaeological Investigations at the Site of the Longlac Historic Trading Post, Thunder Bay District Ontario" Ontario Archaeology, Publication No. 11. Toronto: The Ontario Archaeological Society, 1969, 6.

⁵ The text of both of these treaties can be found in Morris, Alexander. The Treaties of Canada with The Indians of Manitoba and the North-West Territories. Coles Canadiana Collection. Toronto: Coles Publishing Company, 1979; and Canada. Indian Treaties and Surrenders, Vol. 1, Treaties 1-138. Saskatoon: Fifth House Publishers, 1992.

⁶ Cumming, Peter A., and Neil Mickenberg, Eds. Native Rights in Canada. 2d ed. Toronto: The Indian Eskimo Association of Canada and General Publishing Co. Ltd., 1972, 72. Subsequently, a series of "numbered" treaties were signed between 1871 and 1921 (treaties No. 1 through No. 11), which covered

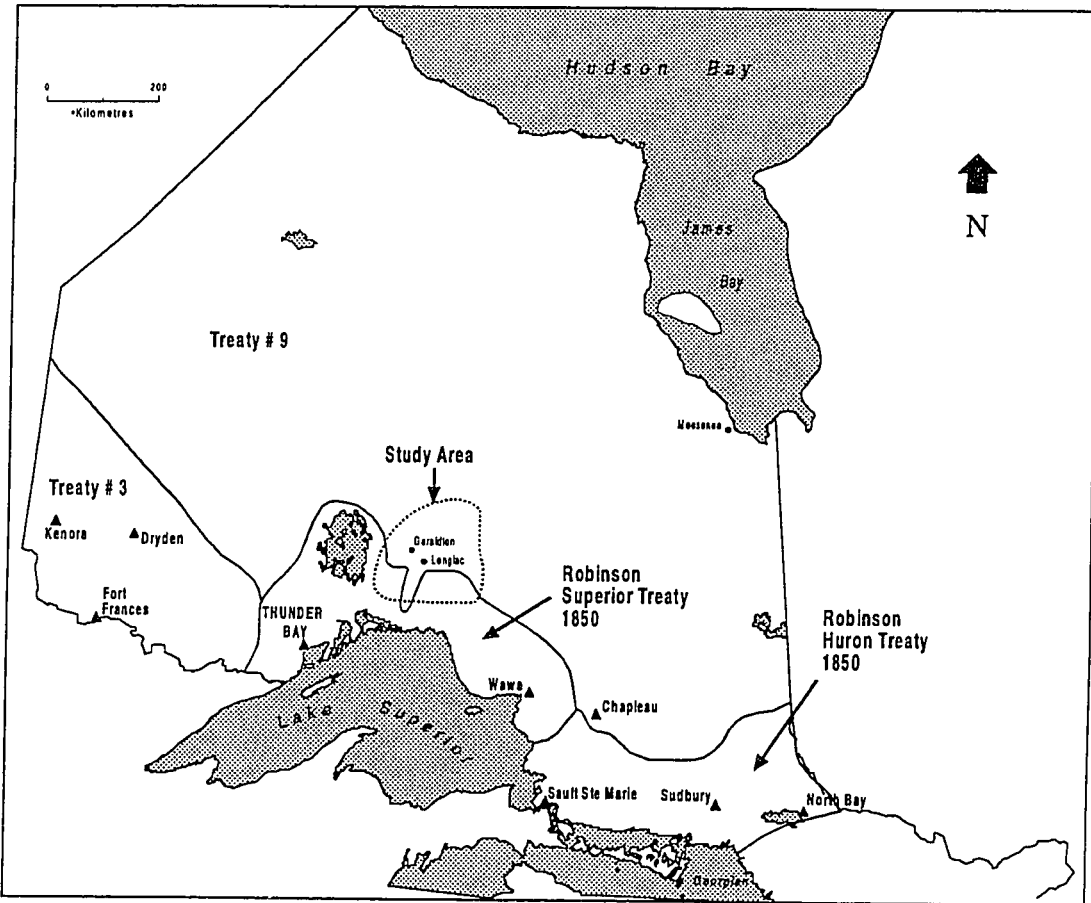
treaties were a result of the discovery of significant mineral deposits, mostly copper and silver, on the north shores of these lakes. The government of Upper Canada wished to clear the way for the large number of miners and prospectors who were moving into that area by dealing with the people who held Aboriginal title to the lands.⁷ In northern Ontario, after Treaties No. 3, 5 and 9 were signed, all of the lands in northern Ontario had been surrendered by the Ojibwe and Cree people who lived there. It is possible that the ancestors of the people who signed the treaties had lived at various locations throughout these northern portions of Ontario since time immemorial.

Surveys and Boundaries

Apart from the activity of the fur trade and the treaty-making process in northern Ontario, there was little or no development in the study area until the twentieth century. Knowledge of the area was provided by surveys conducted on behalf of the government for purposes of determining routes for a transcontinental railway, to determine the limits of the province of Ontario, to enter into treaties with the Indian inhabitants, and to

much of northern Ontario, Manitoba, Saskatchewan, Alberta and a portion of British Columbia and the Northwest Territories. Most of these treaties were negotiated by the government of Canada in order to clear the Aboriginal title to the land on the prairies so that the Pacific railway could be constructed and settlers brought in to the West.

⁷ Arthur, Elizabeth, Ed. Thunder Bay District, 1821-1892, A Collection of Documents. The Publications of the Champlain Society, Ontario Series IX. Toronto: The Champlain Society, 1973, xxix - xxi, xlv-xlvi, lxxii, 17-21, 25-26, and 194-195.



Map #2: Treaties in Northern Ontario

conduct geological surveys. In anticipation of the construction of the Canadian Pacific Railway, the Canadian government arranged for surveys of possible routes. To that end Sandford Fleming carried out surveys across the country. In the area north of Lake Superior, Fleming carried out divisional surveys early in the summer of 1872. These included the rugged north shore of Lake Superior with its many obstacles as well as routes a hundred miles north of the lake, including the region referred to as the homeland area of the Ojibwe of the study area. Fleming filed a report on his surveys in 1880.⁸

The northern boundary of the Province of Ontario was fixed at the Albany and English Rivers in 1884, and the province appointed stipendiary magistrates to superintend the northern regions.⁹ E. B. Borron was appointed for the northern portion of the then District of Nipissing, which included the area north of Lake Superior, and he traveled extensively throughout the region. On one of his trips he traversed the region from Lake Nipigon to Long Lake and James Bay, and left copious records of his travels along the water route through the study area in one of his many reports.¹⁰ Other groups of individuals traveled through the area, mostly for brief periods during the summer months, but much of what they did while in the area did not affect the Indian way of life, and it is

⁸Fleming, Sandford (Sir). Progress Report on the Canadian Pacific Railway Exploratory Survey. Ottawa: MacLean, Roger & Co., 1880.

⁹Zaslow, Morris. "The Ontario Boundary Question", Chap. in Profiles of a Province. Studies in the History of Ontario. Toronto: Ontario Historical Society, 1967, 111.

¹⁰Borron, E.B. Report of E.B. Borron, Stipendiary Magistrate on That Part of the Basin of Hudson's Bay Belonging to the Province of Ontario. Toronto: The "Grip" Printing and Publishing Co., 1884.

likely that the crews had little contact with the Indians in the area. Following the signing of Treaty # 9, a reserve was surveyed and set aside for the Indian people at the northeast end of Long Lake in 1906, and another reserve was set aside in 1914 for the Indians from the Robinson-Superior Treaty of 1850, at the northwest end of the lake.¹¹

The Canadian National Railway

A second transcontinental railway (The Canadian National Railway, previously the Canadian Northern) was constructed between 1911 and 1914 along a route north of Long Lake and Lake Nipigon, with a branch line from Long Lake west to Lake Nipigon, south to Lake Superior, and then west to the head of the lake at Port Arthur. Although it is not known if Indian people from the area worked on railway construction, those activities could not help but be noticed by them since the lines passed through their homelands. The completion of the railway afforded an alternate means of travel for everyone going to, or through, the region. Trains on the branch line to Port Arthur would stop anywhere along the route, and this made it more convenient for the Indian people to travel. For example, in the study area they often traveled to Longlac to trade their furs at the Hudson's Bay Company post.

Mining

There was little activity in the study area by outsiders until the 1930s when local mineral and forest resources were developed. In the Geological Report for 1869, Robert

¹¹ Driben, Paul. Aroland is our Home. An Incomplete Victory in Applied Anthropology. AMS Studies in Anthropology: No. 2. New York: AMS Press, 1986, 29-30.

Bell noted the existence of gold-bearing rock formations in the area, but gold in commercial quantities was not discovered until the early 1900s. Among the prospectors in the area were Mr. Eadie and Tony Oklend who discovered gold in a boulder at the Main Narrows on Kenogamisis Lake and staked several claims there.¹² However, it was not until the summer of 1931 that extensive prospecting was carried out in the region. In that year several sites were discovered that showed extensive gold bearing quartzite veins, particularly on the south shore of Barton Bay at the west end of Kenogamisis Lake. The prospectors, William W. Smith and Stanley B. Watson, who worked for the Hard Rock Prospecting Syndicate in Toronto, embarked from the CNR line at what would later be called Hardrock Station, paddled along the shores of Kenogamisis Lake, and discovered several mineral deposits at a rocky point where the Hardrock mine would later be located. Their finds prompted a prospecting boom that saw scores of men combing the area from Long Lake in the east to Lake Nipigon in the west, but mostly centered along a “three and a half mile swath”¹³ from Kenogamisis Lake to Wild Goose Lake in the study area.

The prospectors discovered extensive mineral outcroppings south of Barton Bay on Kenogamisis Lake extending westward to Magnet and Wild Goose lakes and the Namewaminikan River, a distance of about ten miles. Claim-staking reached a feverish pitch, and a flood of prospectors spread over the area. They combed the area leaving nary

¹²Lavoie, Geraldton Way, 24.

¹³Ibid., 36.

a stone unturned. By 1932 claims had been staked in most of the area, and exploration began in earnest when diamond drilling commenced at several of the sites.¹⁴ Stations and sidings were established on the CNR branch line from Longlac at Langmuir, Hardrock, and Bankfield. Hastily-constructed tent villages appeared at these places to provide the supplies necessary for the influx of mining personnel, and boats of every description were used to transport the men, supplies, and equipment across the lake to the mine sites.

By 1933 it was determined, through assays of the ore obtained from the drilling program, that the ore bodies were capable of sustaining mines, and a mining boom arose in the area. Hundreds of men were brought in to develop the mine sites, each with its own tent village near its site. Hardrock Station became the main supply depot and a bustling village “the size of a city block sprang into existence there,”¹⁵ and supplies and equipment were offloaded for transport to the mine sites. A hotel, four stores, several boarding houses, a bunkhouse, poolroom, restaurant, bakery, railway station, bank, and several bootleggers¹⁶ operated there. Everyone who came to the area in this period passed through Hardrock Station. However, it was difficult to transport the heavy, bulky equipment and supplies required in the construction of the mines from this site across the lake, and alternate sites for offloading these materials were developed at Geraldton and Kenwell siding, with roads being built to the mine sites.

¹⁴Ibid., 36-51.

¹⁵Ibid., 37.

¹⁶Ibid., 38-39

Almost overnight, the population increased tenfold from the hundred or so Ojibwe occupants of the area, to include about a thousand or more miners, business owners, carpenters, labourers, and their families. Also by 1933, there were two mines being developed, including the Little Long Lac and MacLeod Cockshutt mines, the richest, most productive, and long-lasting of all of the mines eventually developed in the area. In all, nine producing mines were constructed on the south shore of Barton Bay between 1933 and 1936, extending west for about ten miles to the Jellicoe Mine along a geological formation bearing gold and silver ores. Another mine was developed at another formation about five miles north of Geraldton at Hutchison Lake in 1935. The first gold brick was poured at the Little Long Lac mine on December 17, 1934 and weighed 569 ounces, and a second brick poured that day was 522 ounces.¹⁷

Forestry

In the hot summer of 1936 disaster struck when two large forest fires swept north through the area, one from about seven miles south of Bankfield (Fire No. 12) and the other from a point just east of the Geraldton townsite (Fire No. 13).¹⁸ Many buildings at the MacLeod Cockshutt and Little Long Lac mines were destroyed,¹⁹ as were most of the structures at Hardrock Station, including a powder magazine which, when it caught fire and exploded, spewed debris for a mile in all directions out into the lake and the bush,

¹⁷Ibid., 50.

¹⁸Ibid., 87-93.

¹⁹Ibid., 87, 90.

and left a gaping crater in the ground that can still be seen today.²⁰ Following the destruction of Hardrock Station, the village of Geraldton, two miles to the west, grew by leaps and bounds, becoming the major supply depot for the mines and the major centre of population. In addition, there were town sites developed at each mine where company employees lived, and some of them, such as the Little Long Lac and MacLeod townsites, still continue to exist.

In 1936 the first sawmills were constructed in the area by J. Lars Lahti, who obtained a permit to cut the timber damaged in the fires.²¹ Lahti constructed one sawmill between the Little Long Lac, MacLeod Cockshutt, Hardrock, and Bankfield mines on the Bankfield highway, and the community which sprung up there became known as “Peckerville” due to the large number of woodpeckers in the area that ate the bugs in the trees killed by the fires. The second sawmill was constructed on the southwest arm of Kenogamisis Lake where there was easy access to the fire-damaged stands of timber on the lake. The sawmills had a ready market for timber in the mines which had an insatiable appetite for shaft and drift timbers, railway ties, and lumber for the construction of buildings, warehouses, cookhouses, bunkhouses, and homes for their employees. The demand was so great that Lahti’s sawmills could not meet it even though his mills and bush cutting operations employed about sixty men, and the sawmills ran 24 hours a day. After obtaining additional timber limits to supply his sawmills, Lahti’s company grew and

²⁰Ibid., 94.

²¹Ibid., 348.

employed well over a hundred men and their families. The Lahti sawmill on Kenogamis Lake, connected by road to Geraldton in 1937, supplied lumber, ties, and timber to the area mines and to the village of Geraldton where large numbers of buildings were being constructed to house rapidly expanding businesses and the many people who moved there.

Hydro-Electric Power and Roads

The mining companies constructed a power line from the Cameron Falls hydro-electric generating station on the Nipigon River, and electricity was supplied to the mines and to the village of Geraldton by 1937.²² The road between Geraldton and the mines and the Bankfield Highway were later connected to a highway which ran from the head of Lake Superior, north from Nipigon, through the study area to North Bay. Much of the road construction was advanced due to the development of mines in the area. The section of Trans-Canada Highway No. 11, between Beardmore and Geraldton, was completed in 1939, and the section between Geraldton and Longlac was completed in about 1942. This highway, like the railway and the water route, passed through the heart of the Ojibwe homeland area in an east-west direction.

Roman Catholic Missionaries

Priests from the Society of Jesus, the Jesuits, established a mission on Long Lake and a church called St. Anne's was built at the north end of the lake near the Long Lake

²²Ibid., 49-51.

58 Indian Reserve in the early 1900s. The priests lived near the church and held services there on a regular basis and traveled throughout the region. They made regular visits on a circuit that extended from Caramat and Hillsport in the east to Ogoki Post and Fort Hope in the north, and from the north end of Lake Nipigon in the west and south along the north shore of Lake Superior. The Jesuit missionaries ministered mostly to the Indian people at the Long Lake # 58, Long Lake # 77, Aroland, and other remote Indian Reserves and communities as well as to the people of the study area. As early as February, 1934, the Roman Catholic priest from Hornepayne, the Reverend Edgar Marleau, held his first service in Geraldton. He established a parish there to minister to the residents of the new town, mostly gold miners and their families. The church, St. Theresa's, was built in 1936.²³

The Jesuit priests encouraged Indian people to marry in a Catholic ceremony, to have their children baptized in the church, performed "last rites" when people were ill or died, and conducted burial services throughout the district. A graveyard was laid out on a small island at the north end of Long Lake midway between the church and the Long Lake # 58 Indian Reserve and many people were buried there over the years. Members of the first generation²⁴ of the study group were usually married according to traditional customary marriage practices. Most of the second and subsequent generations were married according to the rites of the Roman Catholic Church. Towards the end of the

²³Ibid., 177.

²⁴ The first generation of the study group is considered to be the oldest family members at the time.

study period and to the present day, younger members of the study group commenced living in common law relationships, ignoring traditional marriage practices as well as the marriage rites of established churches.

ETHNOGRAPHIC BACKGROUND

The Ojibwe

The Ojibwe,²⁵ whose law is the focus of the study, are semi-nomadic foragers (hunters and gatherers) who live in the boreal forest of the Cambrian Shield.²⁶ The foraging families are technologically simple and can be described as a small scale society.²⁷ They live in a large geographic area of Ontario extending around Lake Huron and Lake Superior into the northwestern part of Ontario as far north as the Hudson Bay Lowlands; west to the prairie provinces of lower Manitoba and Saskatchewan; and south

²⁵ The Ojibwe are known by a variety of terms. For example, along the northern shores of Lake Huron they are referred to as the Southwestern Ojibwe. (Schmalz, Peter S. The History of the Saugeen Indians. Ontario Historical Society, Research Publication No. 5. Ottawa: Love Printing Service Limited, 1977; and Schmalz, Peter S. The Ojibwey of Southern Ontario. Toronto: University of Toronto Press, 1991.) In the remainder of the Lake Huron region they are often referred to as Ojibwe and Ottawa or Odawa. Around the St. Mary's River at Sault Ste. Marie they are known as "saulteurs" or Saulteaux. (Bishop, Charles A. The Northern Ojibwe and the Fur Trade: An Historical and Ecological Study. Toronto: Holt, Rinehart and Winston of Canada, Limited, 1974, 309.) South of Lake Superior they are usually known by the American term, Chippewa. (Danziger, Edmund Jefferson, Jr. The Chippewas of Lake Superior. Norman: University of Oklahoma Press, 1979; and Vizenor, Gerald. The People Named the Chippewa. Minneapolis: University of Minnesota Press, 1984.) North of Lake Superior and throughout Ontario they are known as the Northern Ojibwe. (Bishop (1974), *Ibid.*; and Rogers, Edward S., and J. Garth Taylor. "Northern Ojibwe", in Helm, June, Ed. Handbook of North American Indians, Vol. 6, Subarctic. Washington: Smithsonian Institution, 1981, 231-243.) In Manitoba they are referred to as Plains Ojibwe, Saulteaux and Bungie (variously spelled). (Steinbring, Jack H. "Saulteaux of Lake Winnipeg", in Helm, June, Ed. Handbook of North American Indians, Vol. 6, Subarctic. Washington: Smithsonian Institution, 1981, 244-55.) Throughout Manitoba and Saskatchewan they are often referred to as the Plains Ojibwe, or the Western Ojibwe. (Peers, Laura. The Ojibwe of Western Canada, 1780 to 1870. Manitoba Studies in Native History VIII. Winnipeg: The University of Manitoba Press, 1994.)

²⁶ Warren, William W. History of the Ojibwey People. St. Paul: Minnesota Historical Society Press, 1984.

²⁷ The term "small scale" society refers to societies "that (1) have relatively small populations, (2) are technologically simple, (3) are usually preliterate (that is, not having a written form of language, (4) have little labour specialization, and (5) are unstratified."

of Lake Superior throughout the present states of upper Michigan, Wisconsin and Minnesota (See Map # 3). Ojibwe people usually refer to themselves as *Anishinawbe*,²⁸ or “the people.” As noted by Tanner, “since their early history, the Ojibwe have called themselves *Anishinawbe*, meaning spontaneously created or original man. Many of them prefer this name today.”²⁹

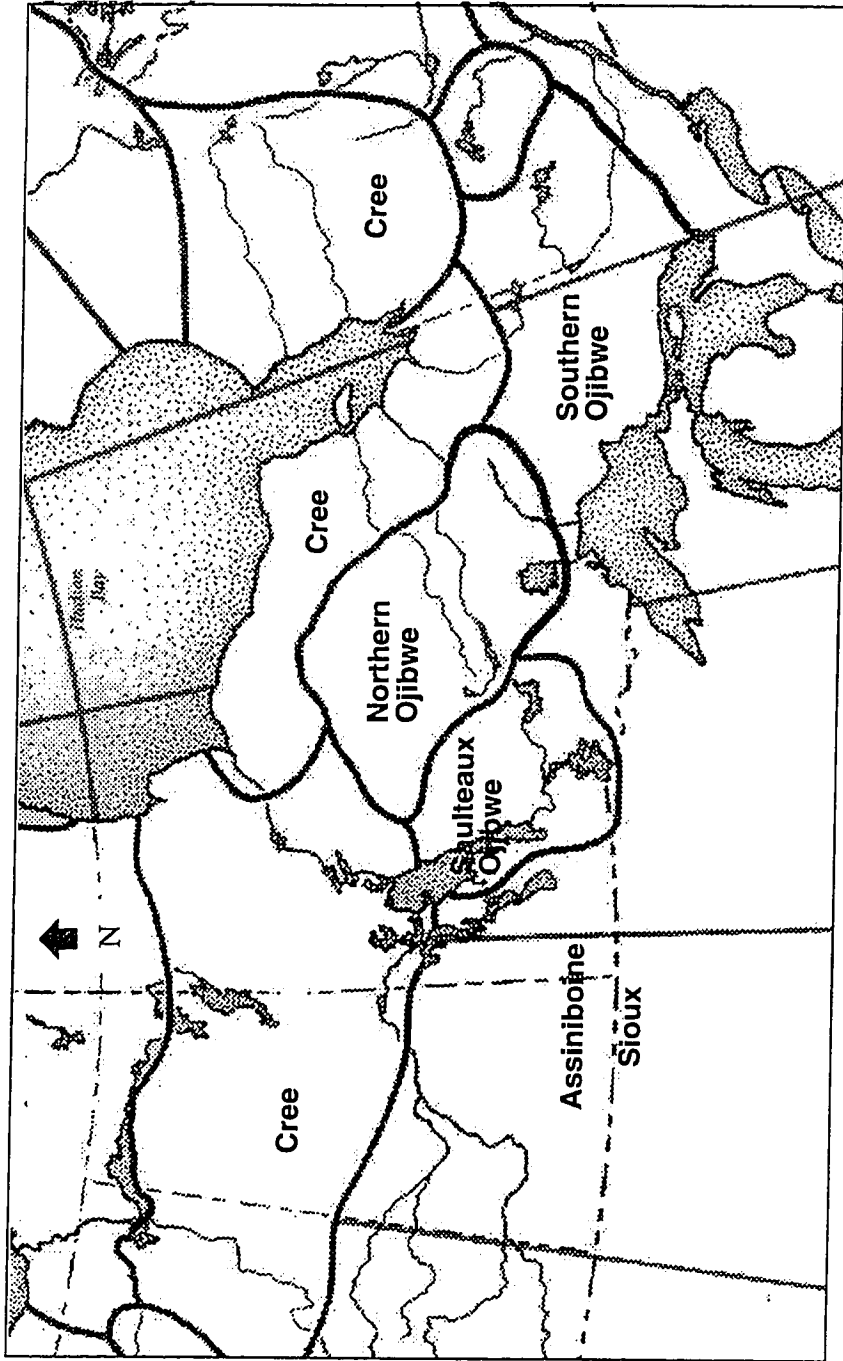
It is said that the Ojibwe were originally concentrated around Sault Ste. Marie, at their principal village, *Bawating*, and that they migrated to the north, south, and west of Lake Superior partly in response to early European exploration and partly as a result of the impetus of the evolving fur trade.³⁰ According to this view, it is believed that the Ojibwe could not have lived in the area north of Lake Superior due to the large sheets of ice present there during the last glaciation stage of North America. Recent archaeological materials, however, show scattered occupation of much of northern Ontario in the prehistoric period dating as far back as 6,500-7500 B.C.³¹ It may be that these early occupants were the ancestors of the present day Ojibwe living in those regions. Ojibwe

²⁸This word is spelled in a variety of ways by different authors. The major variations include Anishinawbe, Anishinabe, Anishinaabe, Anicinabe.

²⁹ Tanner, Helen Hornbeck. *The Ojibwe*. Indians of America Series. New York: Chelsea House Publishers, 1992, 14.

³⁰ This idea was first found in Warren, William W. *History of the Ojibwey People*. St. Paul: Minnesota Historical Society Press, 1984, 29-40, and later used by others. For example see: Skinner, Alanson. “Notes on the Eastern Cree and Northern Saulteaux”. *Anthropological Papers of the American Museum of Natural History*, Vol. 9, Part 1, New York, 1911; Bishop (1974); and Hickerson, Harold. *The Chippewa and Their Neighbours: A Study in Ethnohistory*. New York: Holt, Rinehart and Winston, 1970.

³¹For example see discussion in Wright James V. “Prehistory of the Canadian Shield”, in Helm, June, Ed. *Handbook of North American Indians*, Vol. 6, Subarctic. Washington: Smithsonian Institution, 1981, 86-88; and Dawson, Kenneth C.A. “Prehistory of the Interior Forest of Northern Ontario”, in Steegman, A. Theodore, Jr. *Boreal Forest Adaptations: The Northern Algonkians*. New York: Plenum Press, 1983, 55-84.



Map #3: Range of Ojibwe

myth and legend, however, refer to the migration of people from the salt water in the east to their present locations, where they have lived since *time immemorial*.³²

An account is provided by Helen Hornbeck Tanner:

The Anishinabe first lived by the Great Salt Sea in the east, but long ago they followed the vision of a megis (cowrie shell) that led them westward to the Great Lakes. This account is part of the ancient legends of the Ojibwe Indians, which explain how they were created and how they came to live in the region of the Great Lakes. The stories embody many traditional Ojibwe values and beliefs. Among these are a reverence for the spirits, which the Ojibwe believe animate all things, and a belief in dreams and visions as a means of receiving instructions and guidance.³³

The focus here is on the northern Ojibwe whose territory includes the lands within the area from the Quebec border in the east to Lake Winnipeg in the west, and from Lake Superior in the south to the Hudson Bay lowlands in the north (See Map # 4). The Ojibwe in this large area are the descendants of aboriginal people who were parties to various treaties signed at different periods throughout the region.

Traditional Subsistence Pursuits

The Ojibwe of the study area lived in a harsh and unforgiving environment. Winters were long, cold, and windy, with the snow staying on the ground from late October until the end of April. In the peak of winter the daylight hours were reduced to

³² This phrase originally arose in English property law in respect of limitations, and came to be used to describe the long occupation of North America by Aboriginal people. The concept may have been first used by Chief Justice Marshall in the case of *Worcester v. Georgia*, 31 U.S. (6 Pet.) 350, where he referred to such occupation as being “before the memory of man”. (369). The concept has been described using different phrases, for example, in discussing a theory of Aboriginal rights, Peter Cumming used the term “from time immemorial”. Cumming, Peter A., and Neil Mickenberg, Eds. *Native Rights in Canada*. 2d ed. Toronto: The Indian Eskimo Association of Canada and General Publishing Co. Ltd., 1972, 18.

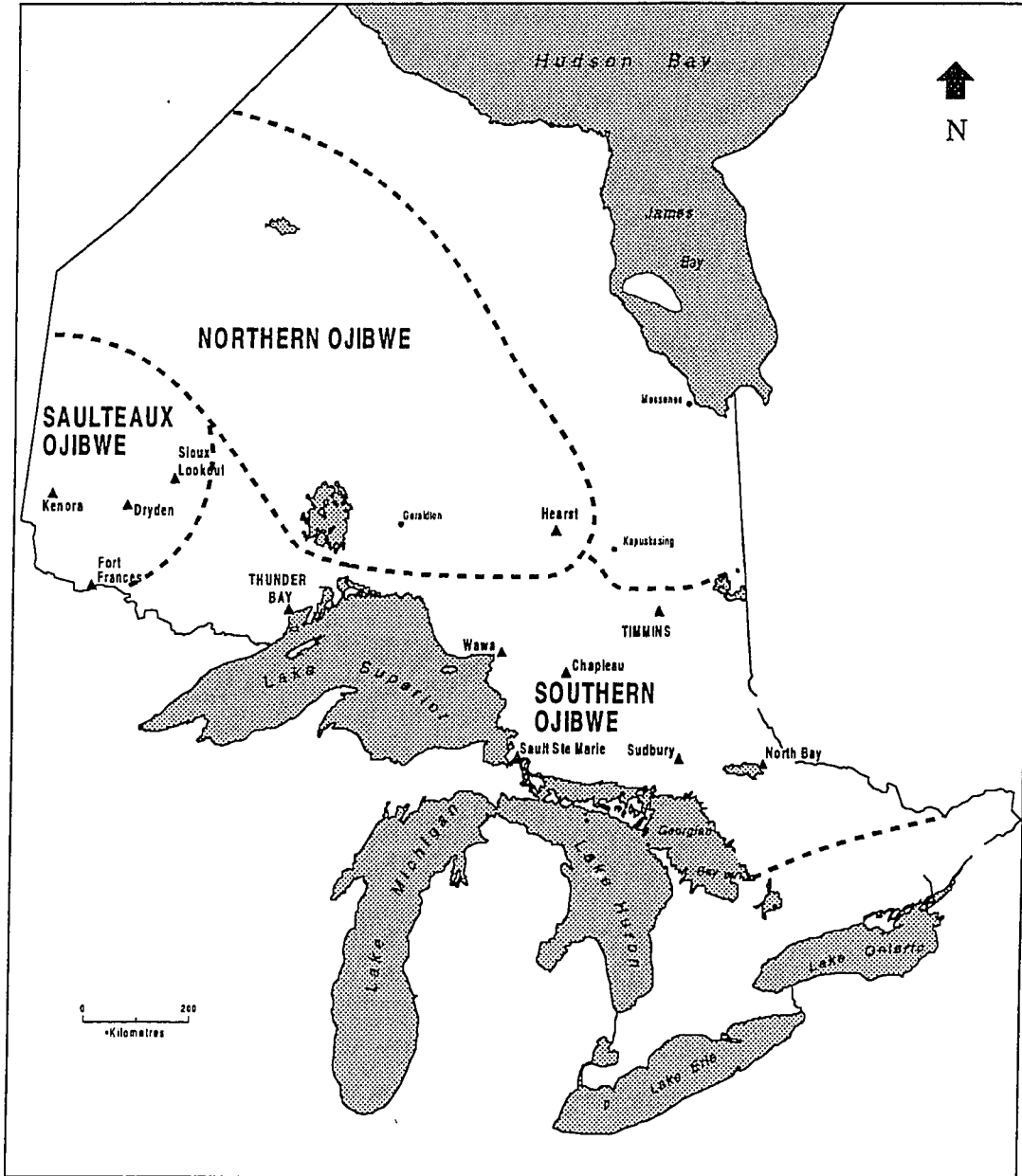
³³Tanner, *Ojibwe*, 14.

about eight. Summers were hot, although early morning and night were often quite cold. The long summer days were filled with an endless stream of mosquitoes and black flies which made life in the bush difficult. Meeting the basic necessities of life in this harsh environment was fraught with difficulties and foraging for food was arduous. The cyclic variations among the animals and birds that were used for food, brought years of plenty and years of scarcity, causing hunger and occasionally starvation among the people.

In addition to the cyclic variation there were regional disparities in the availability of game. In some areas there was little game to be had, while in others there was an abundance. The Ojibwe coped with these variations by adopting a semi-nomadic foraging lifestyle so they could travel extensively in their search for food. When large game like moose was abundant, there was no problem in obtaining food. However, when large game was not available, there was an increased dependence on small game such as rabbits or hare, upland game birds and fish. This increased dramatically the amount of time spent on gathering food. In times of abundance less time was spent on gathering food, while in times of scarcity a greater effort was required.

The northern Ojibwe subsistence³⁴ economy, as practiced by the people of the study area, was based primarily on killing large game animals such as moose, caribou and white-tailed deer. Smaller animals such as rabbits, woodchuck, and porcupine were also killed for food. Several species of fur-bearers provided food as well as fur. These

³⁴This term is used to describe "small scale society" see footnote 27.



Map #4: Range of Northern Ojibwe

included beaver, muskrat, and black bear. Other species of animals were also killed for their fur, although these animals were not usually eaten unless there was nothing else available. Animals in this group included timber wolf, lynx, squirrels, red fox, marten, fisher, ermine, mink, otter, and wolverine.³⁵

Various kinds of fish were killed as staple foods, the most common being lake whitefish, pickerel or walleye, northern pike, white sucker and lake sturgeon. In some areas lake trout, perch and brook trout were also eaten.³⁶

Ducks and geese that were eaten included mallard ducks, black ducks, Canada geese, and snow geese. Grebes were sometimes eaten when no other ducks were available, but were not preferred due to their strong fishy taste. Upland game birds such as spruce hens, ruffed grouse, ptarmigan, snipe, and sandpiper were also eaten.³⁷

The northern Ojibwe also gathered various plant food. They consumed blueberries, raspberries, strawberries, chokecherries, and high-bush cranberries; the tender root portion of bulrush, and other water plants such as wild rice, water-parsnip, and wild onions. Labrador tea leaves and cedar boughs leaves were boiled as drinks.³⁸ All of these animals, fish, birds and plants were considered by the Ojibwe to be gifts from the

³⁵For a list of the common animals see: Rogers, Edward S. The Round Lake Ojibwe. Toronto: Royal Ontario Museum and University of Toronto, 1962, A 15-16.

³⁶Ibid., A 20, where Rogers provides a list of fish commonly caught.

³⁷Ibid., A 18, where Rogers provides a more complete list of birds.

³⁸Ibid., A 11-12, where Rogers provides an extensive list of flora used by the Round Lake Ojibwe.

Creator and a host of other spiritual beings (other-than-human persons) with whom the Ojibwe had special relationships.

In all of the aboriginal cultures in Canada, there were extensive rituals related to the production of foodstuffs. In horticultural societies the rituals were centered around spirits that assisted people in the production of crops grown by them. So, for example, among the Iroquoian groups, many of the rituals or ceremonials were performed in honour of the spirits connected with the growing of their principal crops: corn, beans, and squash. There were rituals conducted when the ground was cleared and being prepared for planting, when the seeds were planted, when the plants first came up, when the plants started to produce a crop, when the crops were harvested, and finally after they had been stored. Myths, legends and narratives arose which related how successful harvests had been grown with the assistance of various spirits, and served as methods of instruction to younger people.

In hunting-gathering cultures, such as the northern Ojibwe, there were also spirit-helpers who had to be appealed to for assistance before going out on a hunt, and who had to be given thanks after the killing of different species of game animals, birds, and fish. Similarly, when gathering foodstuffs, appeals for assistance were made to specific spirits, some of which were related to the elements and the weather.³⁹ This enabled the people to locate and gather foods that were often only found in specific areas during a specific time.

³⁹For example see discussion in Hallowell, A. Irving. The Ojibwe of Berens River, Manitoba. Toronto: Harcourt Brace Jovanovich College Publishers, 1992, 60-98.

The window of opportunity for collecting plant foods and spawning fish was often very narrow, and survival depended on having the best conditions for harvesting such foods when they were available. Success could be ensured by following the rituals associated with the gathering of such foods. If the rituals were not followed, disastrous results might ensue. For example, in gathering wild rice, which grows in shallow areas of lakes near the shores, good weather was essential to the ripening of the crop and to collecting it. If there were high winds much of the crop could be damaged or destroyed when the stalks of the plant, heavy with rice, would be blown over, broken, and lost to the lake from whence it came.⁴⁰ The rituals were believed to assist in all of these things, and ensured the safe collection of a large amount of food. Myths, legends and narratives arose which relate how successful harvests had been grown with the assistance of various spirits, and serve as methods of instruction to younger people.

Yearly Cycle

In the late spring or early summer the family hunting groups would travel to a favourite gathering place where they, along with several other groups of related people, spent the better part of the late spring, summer, and early autumn before they returned to the bush. These groups would converge at various locations near the mouth of a river where large quantities of spawning fish such as suckers, northern pike, pickerel, and sturgeon could easily be taken, thereby ensuring a supply of food sufficient to support the

⁴⁰For example see Vennum, Thomas Jr. Wild Rice and the Ojibwey People. St. Paul: Minnesota Historical Society Press, 1988, 20-28.

large number of people at these sites. This convergence of groups followed a set pattern, with related kin groups, hunting partners, and friends meeting near the same spot, each with their preferred location at the site, which was respected by all others who gathered there. In some instances, a village would arise near the spring or summer sites and these villages would be occupied during successive years. There could be three to eight or more related groups of people staying at these sites through the spring to autumn periods when food was plentiful. The population at these sites could be as high as a hundred or more.

In the summer, some of the groups would move to other areas on the larger lakes where they lived at sites occupied by their kin since time immemorial. The residents of these locations usually consisted of several kin-related groups of families that had formed alliances in a variety of ways, particularly through marriages with other families. In the fall the group would move to other fishing sites to take advantage of the often bountiful food supplies afforded them by the spawning of different species of fish such as whitefish and trout. By late fall, the larger group would break up into smaller groups and travel to the places they had decided to spend the winter.⁴¹

In everyday life members of the family depended on one another for most of their needs. Each family formed a self-contained social and economic unit. The unit was usually headed by the oldest productive male in the family. Each member of the family

⁴¹Rogers, Round Lake, C 4-14.

fulfilled a specific function and had certain responsibilities. The Ojibwe of the study area fit within a patriarchal model, where status and descent are derived from the father. Men were responsible for providing the family with food and shelter and all of the major decisions were made by him. Women were responsible for the household, the children, and the preparation of food and game, and many of the daily activities related to the running of the household. Children were responsible for assisting with the tasks assigned to them by their father or mother. Children were expected to learn and to take on more responsibilities as they grew older.

The man was responsible for locating and killing game and bringing it to his wife. When the wife received the game from her husband she was responsible for skinning the animals, cleaning them, preparing them as food for the family, and sharing meat. Each partner became a specialist in his or her own sphere of activities. Children learned not only from their parents, but also from their grandparents and the elders in the community. The culture was passed on principally through the mother. Once a boy became old enough to go out on the land with his father, then his father became his principal teacher. A boy would go out with his father from the time he was about seven or eight years of age. Thereafter, he would be taught very little by his mother. The boy would go with his father to the bush and learn all of the skills that he would require when he formed his own family. Girls would stay with their mother and learn all of the skills necessary to look after a household, raising of children and the preparation of food and hides. The grandparents and elders would teach the children about Ojibwe life and relationships

through the telling of stories, myths and legends.

There was usually one male in the group who influenced most of what the group did in the winter camp.⁴² He was often the oldest male in the group and was known by different names. For example, in the Round Lake area the term used to describe this person was “the boss,” or *nintipe'ncike'win*,⁴³ while in the Pikangikum area, the term used was “trapping boss,” or “*wempipe-ogima*.”⁴⁴ He made the decisions in relation to where the hunt would occur, where a camp was to be set up, and controlled the land that the group went to. He possessed the knowledge about the rules of the hunt, the rules of territory, the rules of relationships with other hunters and people he met in the bush, and when “the time was right” to complete tasks related to killing game.

The camp itself was the domain of the oldest female in the camp.⁴⁵ She made all the decisions related to the running of the camp, its exact location in the general area picked by the male, its position in relation to water, and the upkeep of the household. This woman also controlled the others in the camp according to a set of rules that governed all activities of members of the household, including the children and their activities. She also determined when the time was right to complete tasks related to the

⁴²Ibid., B 70-71; and Dunning, R. W., Social and Economic Change among the Northern Ojibwe. Toronto: University of Toronto Press, 1959, 91-93.

⁴³ Rogers, Round Lake, Ibid., B 82-86.

⁴⁴Dunning, Economic Change, 58.

⁴⁵Ibid., 95-96; and Rogers, Round Lake, B 70-72.

cleaning and preparation of fish, game, waterfowl, and the skinning of fur-bearing animals. The woman was also responsible for the education of the children who remained in the camp in relation to duties around the camp and its upkeep, and the passing on of language and cultural values.

Most of the families that lived in the study area lived off the land in much the same way as had their ancestors. Just as the other families of the study group had, the first generation of the Egagamwe family, being Joseph Egagamwe, his three wives and mother-in-law, were born in the bush, grew up in the bush and lived off the land for all of their lives. Joseph and his wives were well equipped to fulfil their roles as productive members of the family hunting group. Each of them was an essential member of an economic team geared to survive in a harsh climate. Their combined knowledge, skill and experience were required to make the group a functioning unit. The group could not survive without all of the partners. They were like cogs in a wheel and none could function as well by themselves as all of them could together. Everything they required to feed themselves and their children, they produced. When they killed a large animal they shared it with relatives and others who lived nearby. Anything that needed to be built or repaired, they built or repaired. The clothing and shelter they required was crafted by them. Their children were educated by them. When they or their children were ill, they found the medicines from the bush to make themselves better. When they required assistance from the spirit world, they communicated with the spirits in ways that had been handed down to them by their parents, grandparents and elders. And they passed all of

this on to their children and grandchildren.

Their numerous children were also born in the bush and learned how to survive from the land in the same manner that their parents had learned. Nothing changed. The sons learned the skills of their father and the daughters learned the skills of their mother. The boys hunted, trapped, fished and learned as much as they could about the bush, the habits of animals and birds, the places at which fish could be caught, how to kill each of the species, and how to enlist the aid of spirit-helpers to assist in the hunt. In short, they became knowledgeable hunters like their father. The girls trapped, fished, cared for the children, and learned as much as they could about raising a family and running a household, the cleaning of fish, birds and game, the skinning, stretching and tanning of furs, the education of the children, the passing on of the language, who relations were, and the rules related to kinship and social relations.

Invisible People

Although there were over a thousand people employed on a full-time basis in the mines, sawmills, bush, construction industry, road construction, and local businesses in the region, few of these people were Ojibwe. Most Ojibwe informants stated that members of their family units were only employed at seasonal jobs, usually during the summer months. They indicated that about a dozen individuals from their groups had obtained various jobs in the area, generally manual labour jobs that lasted for short periods. None of the individuals from the first generation families ever worked at these types of jobs.

The majority of the Ojibwe people who had jobs were employed during the summer months on section crews operated by the Canadian National Railway at Keemle. Only one had full-time employment there. Another seasonal employer was the Department of Lands & Forests (now the Ministry of Natural Resources). Some of the people would obtain employment fighting fires in the spring and early summer, and in the 1960s, as tree planters, but these jobs were of short duration and were not always available. Different informants recall four individuals who worked on highway construction in the 1940s, and at least two who worked for the Department of Highways in the years following. There was only one person they knew of who worked at the mines. The only other types of jobs they obtained were in town at various small businesses such as a local lumber yard, and a small coal and firewood company. There were occasional jobs that lasted for a day or two that involved unloading a freight car or trucks at local retail businesses supplying mining materials. All of those who were employed at these jobs were from second and third generation families.

It appears that for an indeterminate number of months, most of the people in the study area received foodstuffs under a voucher system from the Department of Indian Affairs. The Department purchased certain foodstuffs on their behalf from the Hudson's Bay Company store at Longlac and shipped these goods to them by train to Keemle, Hardrock, and other whistle stops along the CNR line. The only other form of social assistance received by these people was the "baby bonus," or family allowance cheques, which started to arrive in the mid-1940s. In the 1960s other, more general types of social

assistance payments were established, and many of the people from the study area became eligible to receive such payments, although they still relied to a large extent on the fruits of the land. Very few of them participated in the wage economy of the town and therefore had little money to spend in the stores. Their few ventures to town were made to acquire certain food staples such as flour, lard, baking powder, salt, tea and coffee. They would also go to the Post Office to pick up mail and to one or two of the hardware stores to pick up snare wire, nails, rope and other minor items which they occasionally needed. Most of these items were acquired from the Hudson's Bay Company store in Longlac at the time they brought in their furs to trade for these items.

In the early 1960s the Department of Indian Affairs and Northern Development adopted a policy of *community development*.⁴⁶ What this meant in practical terms was that Indian people would be moved onto the reserves and a new community would be built there. An ambitious program of urban development was commenced by the Department of Indian Affairs on most reserves. Houses, office buildings, and in some instances, schools and clinics were constructed with services such as electricity, water, sewer and roads. These structures were erected at locations where services were easily accessible with little input from the residents as to the preferred location. Village sites were usually situated at an easily accessible site, often near a Hudson's Bay Company store or post, or some government facility. These sites included the Indian Reserves at

⁴⁶ Frideres, James S. Aboriginal Peoples in Canada, Contemporary Conflicts. 5th Ed. Scarborough: Prentice Hall Allyn and Bacon Canada, 1998, 332, 428, and 454.

Long Lake # 58, Long Lake # 77, and Aroland.

The new villages consisted of all or most of the people within a specific geographic area, thereby bringing groups of people together who would not normally have resided in close proximity to each other as they were neither related, nor had formed any intergroup alliances. The number of people living in these villages eventually increased to include most of the people affiliated with each village area. They moved to the villages and their children were expected to go to school. The groups that lived in the bush often came back to these villages near December for a few weeks as there would be a lull in the trapping activities at that time. Most of the Indian people were moved into these communities. Thus a new type of social aggregate arose, that of the village settlement, which consisted of a number of mixed kin-related family groups from within a certain region, some of whom were bonded through alliance, and others who were not. While the community development program was an ambitious one, not all families who wished to obtain a house were able to do so, and many families felt uncomfortable in relocating to a house in a village since it drastically altered their social relations.

Not all people lived in these villages due to a lack of housing and a personal preference to live elsewhere. A few of the Ojibwe in the study area moved to these new villages but the majority of the study group remained in their traditional homeland at Wild Goose and Kenogamisis lakes, paying occasional visits to relatives at the reserve communities. Their social life was circumscribed by their family ties, kinship system and their economic relationships. Each of the families in the study area lived at certain places

with other Ojibwe families, some of whom were hunting partners. These relationships formed the basis for most of their social interactions. However, people at each of the sites described were related to others at the other sites and they would often visit one another. It was common to see whole families walk the fifteen miles along the railway tracks from Kenogamisis Lake to Wild Goose Lake, or vice versa, to go to visit relatives or friends. The railway tracks were like an “Indian sidewalk” and all of them used the tracks to go into town or to go visiting. In my youth, I often used to go down the tracks to visit and play with friends I had, because that was the only way to get to their homes. I spent many hours visiting by their campfires listening to the people talk.

Illness among the Ojibwe was dealt with by various methods. A variety of common physical ailments were treated with natural remedies obtained from their surroundings. The leaves, roots, berries, nuts and flowers of trees, shrubs, plants and aquatic plants were all used, often in combination with one another, to treat common ailments. These remedies were also often used in conjunction with the spiritual healing that came from various ceremonies conducted by certain gifted people in the community. From time to time the Ojibwe of the study area would go to see a doctor or to a hospital. Although there was a hospital at the south end of the town, it was a private, company hospital used for the miners and the people from town. Indian people were not treated there. The hospital used most frequently was the Red Cross Hospital in Beardmore, a town some fifty miles away.

The Ojibwe lived in a world of spirits and they had numerous rituals and

ceremonies which they observed in their own way. All of these ceremonies were conducted outdoors at specially designated places in the bush. At some of these places, considered foci of power, special structures such as sweat lodges and “shaking wigwams” were erected for purposes of the ceremonies. Many of the ceremonies were held on an *ad hoc* basis and advertised by word of mouth, so few townspeople would even hear about them. Many of the life-events which were marked by ceremonies were celebrated near their homes, far from town. As a result, the only people who participated in these events were other Ojibwe. In the middle to latter part of the study period many of these Ojibwe people walked into town to go to church, usually the Catholic Church. Although they did not attend church regularly they did attend most of the major liturgical events such as Christmas and Easter. They also attended baptisms, marriages and funerals at the church in town, but more often these were held at the church in Longlac where the Jesuits lived.

Conclusion

By 1937 the population of Geraldton had reached 1,719, exclusive of the Indian population.⁴⁷ Within a period of six years the Ojibwe, who had been the sole occupants of the area, had become a minority due to the developments in the region. Pressure was placed on these people to discard their traditional way of earning a living from a foraging economy and replace it with the Euro-Canadian wage economy. However there were few Indian people who had an education or the skills to obtain even part-time or seasonal

⁴⁷Lavoie, Geraldton Way, 271.

employment except as manual laborers in resource extraction industries. Those who could not work because they lacked the education or the skills or because there were no jobs, ended up on some form of social assistance, usually welfare. The contacts the Ojibwe of the study area had with non-aboriginal people in the Geraldton area were limited to those made at the Post Office, Catholic Church, grocery stores, hardware stores, or at minor forms of employment.

Today, some sixty-five years after the initial mineral development, the situation has not changed much. There remain few people of aboriginal descent with an education who are able to fill the jobs available in the area. Indian people in the northern part of Ontario *are the poorest people in Ontario*.⁴⁸ Almost all Indian families live well below the established poverty line for families in Canada as defined by the standards set by the federal government. Most studies indicate that the majority of Indian people live in extreme poverty.⁴⁹

⁴⁸Auger, Donald. "Legal Aid, Aboriginal People, and the Legal Problems Faced by Persons of Aboriginal Descent in Northern Ontario," in McCamus, John D. (Chair), Ed. Report of the Ontario Legal Aid Review: A Blueprint for Publicly Funded Legal Services. Toronto: Government of Ontario, 1977, Vol. 2, 433.

⁴⁹ One of the first major examples of this type of publication is the study done in the sixties by Hawthorn, H.B., Ed. A Survey of the Contemporary Indians of Canada: A Report on Economic, Political, Educational Needs and Policies. Ottawa: Indian Affairs Branch, October, 1966. More recent studies include: Knox, R.H., and J. Phillip Nicholson. Indian Conditions: A Survey. Ottawa: Department of Indian Affairs and Northern Development, 1980; Siggner, Andrew J. An Overview of Demographic, Social and Economic Conditions Among Canada's Registered Indian Population. Ottawa: Department of Indian Affairs and Northern Development, 10 September 1979; Siggner, Andrew J., D. Perley, D. Young and P. Turcotte. Regional Comparisons of Data on Canada's Registered Indians. Ottawa: Department of Indian Affairs and Northern Development, December 1982; and Siggner, Andrew J. "The Socio-Demographic Conditions of Registered Indians," In Ponting, J. Rick, Ed. Arduous Journey. Canadian Indians and Decolonization. Toronto: McClelland and Stewart Inc., 1986.

CHAPTER 3 : THE OJIBWE FAMILY AND COMMUNITY

The silence is shattered by a single shot from a gun. The sharp, deep sound causes an echo to reverberate across the water and through the forest. The sound is suggestive of a high powered rifle, the kind used to kill a large animal. Indeed, a moose has been hit and has fallen into the water, unable to get up or to swim away. A boat makes its way to where the moose fell and one of the men in the boat quickly despatches the struggling moose with another shot to the head. The moose is dragged up on the shore. In a short ceremony they remove the "crop" of the moose and hang it in a tree, giving thanks to the spirit world for being allowed to kill the moose. The men remove the hide of the moose, gut it, remove the edible organs and the moose gut, or "tripe," quarter the carcass and cut the nose of the moose from the head. None of the meat is wasted. A fire is lit, tea is made, and a hearty lunch of fresh moose is eaten by the two hunters.

The meat, hide, organs and nose are lifted into the boat, the outboard motor kicks into life, and the men wend their way through the channel of the river, and after several miles arrive at a small village where several families are encamped. Upon their arrival, sturdy hands assist them to bring the moose to the tents of each of the hunters. The wife of each hunter deftly carves the meat into smaller portions. People arrive with pots and pans and the wife of each hunter gives every person who arrives a large portion of various cuts of the moose meat. Everyone in the village receives meat from one or the other of the hunters' wives -- no one in the village goes without. Each wife retains a quantity of meat for her family and portions for those who cannot come to the lodge, to be given to them later. The success of the hunters is celebrated by all in the camp.

OJIBWE SOCIAL GROUPS

The northern Ojibwe lived in small, tightly-knit groups of closely related kin¹ according to marriage and residence rules of long standing, but they also lived in larger social aggregates at certain times of the year.² The size of these groups varied from four or five people to a larger, extended family group of up to fifteen or twenty people. These

¹ Rogers, Round Lake, 63-64.

² Rogers, Round Lake, B 87-93; Rogers (1983) 104, 114 and 126; Dunning, Economic Change, 54-55. See also Bishop, Northern Ojibwe, 266-276; and Landes, Ruth. "The Ojibwe of Canada", in Mead, Margaret, Ed. Cooperation and Competition Among Primitive Peoples. Boston: Beacon Press, 1961, 87.

small groups of people lived together in close quarters and formed self-contained socio-economic units and some of the people belonged to a larger community. Survival of the group and the maintenance of its integrity was of paramount importance. All actions taken were in furtherance of the collective rights of the group which took precedence over individual rights.

The literature identifies a number of social groups among the Ojibwe. The family is believed to be the basic social group. Two kinds of families are described: the nuclear and the extended family. A nuclear family³ is described as consisting of a man, his wife and their unmarried children; while an extended family⁴ consisted of a man, his wife, their children and other relatives. Other social groups described include a “residence group,” “household or commensal unit,” “hunting or co-residential group,” “reserve,” “village,” “community,” “treaty band or band,” and “clan.”

A household⁵ or commensal unit,⁶ is usually described as a family group whose members live together in a single dwelling. For example, Dunning described the

³ The nuclear family is usually described as consisting of a man and his wife and all of their unmarried children who live with them. For example see: Dunning, Economic Change, 63. Also see Goldschmidt, Walter. Man's Way, A Preface to the Understanding of Human Society. New York, Holt, Rinehart and Winston, Inc., 1959, 23.

⁴ The concept of the extended family has different meanings throughout the world, but generally refers to a group that is “composed of a series of immediate or nuclear families inhabiting the same locale.” See for example, Herskovits, Melville J. Cultural Anthropology. New York: Alfred A Knopf, 1955, 176-177.

⁵ The household unit is sometimes described as being composed of “a man, his wife and children and occasionally a dependent.” Rogers, Round Lake, B66-73; Bishop, Northern Ojibwe, 56-58; and Hallowell, Berens River, 44-46.

⁶ For example, see Dunning, Economic Change, 55 and 63-4, who uses this term to describe “the family group whose members live together in one tent or house.” He described this unit as being “in general larger than the nuclear family.”

commensal unit as “the group within the co-residential group whose members eat together and live in the same tent or house.”⁷ Another term that is used to describe this social unit is the “residence group,” consisting of all of the members of a family whose members live together. The hunting or co-residential group⁸ is described as “a larger contiguous settlement,” “a winter trapping settlement,”⁹ or “summer fishing settlement,”¹⁰ which is normally made up of several commensal units. Dunning described the co-residential group as “a contiguous settlement situated usually on the shores of a lake in the centre of the trapping territory of its members,”¹¹ while Rogers described this group as consisting of all of those people associated with a hunting boss, or *nintepe 'ncike 'win*.¹²

A reserve¹³ is inaccurately used by some to denote a social group, but is actually a tract of land set aside for the exclusive use of a group of Indians pursuant to the terms of a specific treaty, and administered under the federal Indian Act. Villages¹⁴ among the Ojibwe are recent creations corresponding with federal government policies designed to

⁷ Dunning, Economic Change, 63.

⁸ Bishop, Northern Ojibwe, 59-60; Rogers, Round Lake, B74-81.

⁹ Dunning, Economic Change, 55.

¹⁰ Hallowell, Berens River, 46-50; and Hickerson, Harold. “The Southwestern Chippewa: An Ethnohistorical Study.” Washington: The American Anthropological Association, Memoir 92, Vol. 64, No. 3, Part 2, June, 1962, 32.

¹¹ Dunning, Economic Change, 55.

¹² Rogers, Round Lake, B82-86.

¹³ Indian Act, R.S.C. 1985, c. I-5, as am., Sec. 2.(1). “Reserve” means a tract of land, the legal title to which is vested in Her Majesty, that has been set apart by Her Majesty for the use and benefit of a band...”

¹⁴ Bishop, Northern Ojibwe, 60-62; and Rogers, Round Lake, B87-89.

improve the lifestyle of aboriginal people. A community¹⁵ is a broader concept and includes all of those people who may live in and around a village. A community could include people who live within a fifty mile (or more) radius of a village. A band or treaty band is a federal government register, or list, of all Indians living in a specific area for whom the government has responsibilities pursuant to the Indian Act. It consists of all of the members assigned to the band by the federal Department of Indian Affairs, whether they live on or off the reserve set aside for them, or at some other place.

Other authors have attempted to identify and describe larger social groups such as a clan or totemic system.¹⁶ In these accounts it is stated that the Ojibwe are divided into large, over-arching social groups called clans, the members of which are descended from a common ancestor.¹⁷ It is said that every person has a clan. In the boreal forest, people believe that they originated from certain creatures to whom they are related. Their clan name is that of the creature to whom they are related. When two people meet who are complete strangers, they will treat each other like relatives when they discover that they are from the same clan. Each of the clans is named after a particular species of animal, bird, fish, or reptile. So, for example, there are several prominent clans along the lower Severn River, including the sucker, sturgeon, and caribou clans, while on the upper

¹⁵ Bishop, Northern Ojibwe, 62-65; and Rogers, Round Lake, B89-93.

¹⁶ Landes, Ruth. Ojibwe Sociology. New York: AMS Press, 1969, 31-52; Hallowell, Berens River, 22-25; Hickerson, Southwestern Chippewa, 88; Bishop, Northern Ojibwe, 341-44; Dunning, Economic Change, 79-83; also Ritzenthaler, Robert E., and Pat Ritzenthaler. The Woodland Indians of the Western Great Lakes. Milwaukee: Milwaukee Public Museum, 1983, 46-47.

¹⁷ Dunning, Economic Change, 82; and Danziger, *Ibid.*, at pp. 10-11.

Severn River are found the pelican and crane clans.¹⁸ Among the northern Ojibwe, Skinner describes fourteen clans identified as the caribou, deer, moose, bear, beaver, sturgeon, sucker, loon, goose, duck, pelican, crow, kingfisher and snake clans.¹⁹ It is believed that the clan system, while indigenous in Ojibwe society, has decreased in importance in Ojibwe culture and is no longer used, partly due to the influence of organized religions and government programs on their culture.²⁰

OJIBWE SOCIAL GROUPS IN THE STUDY AREA

In the study area the people are not familiar with the terms for social groups used by social scientists (usually anthropologists), but are familiar with the terms used by the government, even though most of them do not consider themselves to be a part of those groups. In conversation informants talked about four groups of people: strangers, neighbours, hunting partners and relatives.

Strangers were described by the informants with two general terms. The first term is *biwida*, which refers to a person who has just arrived in a place, or who is visiting someone. The second term is *meiagisid*, which refers to a person who is foreign or strange to them. Both of these categories could include other aboriginal people or non-aboriginal people. More specific terms for strangers are the terms used to describe an

¹⁸ Stevens, James R., Ed. Legends From the Forest, Told by Chief Thomas Fiddler. Moonbeam, Ontario: Penumbra Press, 1985.

¹⁹ Skinner, Notes, Northern Sauteaux, 117-76.

²⁰ *Ibid.*, 149-50.

“Englishman,” which is *jaaganaash*, and a “Frenchman,” which is “*wemitogjii*.” In recent years, the two terms have come to be used to denote someone who “thinks like a Euro-Canadian,” or a foreigner, and in that respect have assumed a negative connotation. To be called a “*wemitogjii*” implies that you are like, or think like a foreigner, that you do not think like an Indian person.

Neighbours were all of those persons who lived in the same general area, sometimes in the next house. Terms used to describe neighbours include the term *bemigaydjig*, which means “neighbours in a village”; and *nidji bimaadisi*, which means “fellow man” or “my neighbour.” While neighbours were known to everyone in the area, they were not usually connected through kinship ties, marriage or economic alliances, or a close sharing relation.

Hunting partners were often related, but in some instances two men from different families would trap together, share in all of the tasks and divide their kill in an equal manner. When they returned to their co-residential unit they each took their catch home to their respective families. This concept is discussed further below.

The persons who were closest to an individual were those with whom kinship relations existed. A network of kin relationships were formed through blood or consanguineal ties, and by marriage or affinal ties. Most of the physical, social, emotional and psychological needs of individuals were met by the relatives within this kinship network. Some families lived close to each other at several locations and the informants said that each of these groups of families lived at distinct places which they would refer to

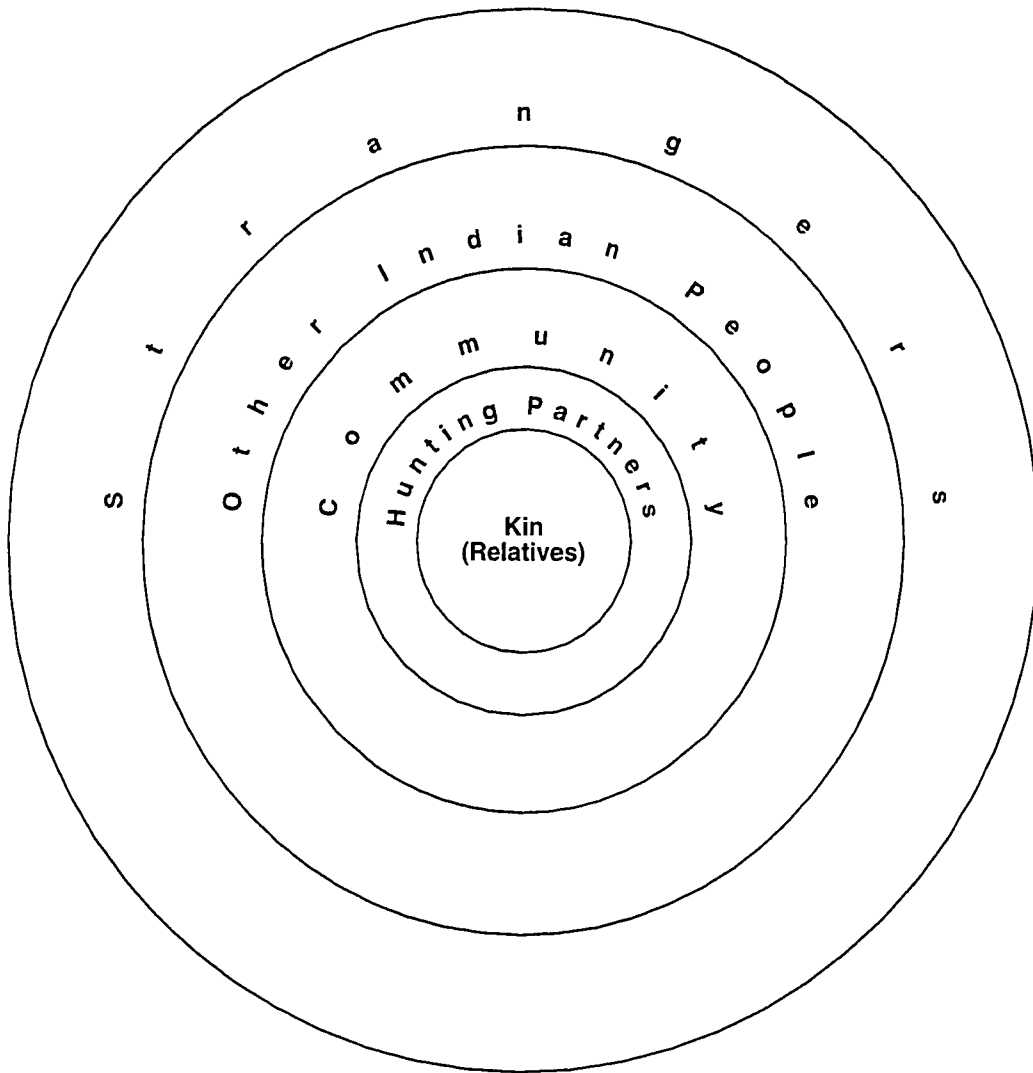


Chart 1 Ojibwe Classification of People

by name. For example when talking about a specific family they would say, “they lived at Wild Goose, or Hardrock, or Creelman Creek.” These locations consisted of clusters of homes where several families lived. Since these clusters are similar to the concept of a “co-residential unit” as described by Dunning and others, I will also use that designation here. The main difference is that the people of each co-residential unit in the Wild Goose-Kenogamisis community lived for most of the year at a specific site and not for just a season.

Families in the Wild Goose-Kenogamisis Community

The major economic activities in the community included the production of food and the killing of fur-bearing animals and large game. These activities were carried out by each of the families and by the hunting groups. Most of the food eaten in the community was food harvested from the land, usually called “country food” by the informants. Some staple items, such as flour, lard, oatmeal, tea, and condiments were purchased in town with money obtained primarily from the sale of furs and berries. Although money could be acquired through seasonal employment and occasional odd jobs, wage employment was not a preferred activity among members of the community.

Each family had to provide sufficient food for its members throughout the year. Large quantities of small game, waterfowl, fish, birds, berries, roots and vegetation were killed, snared, netted or collected by each family for its own use, and surpluses, although seldom large, were shared with those closest to the family. Throughout the year some foods were available in large quantities. For example, for a few weeks in the spring and

fall large numbers of migrating waterfowl, as well as large quantities of spawning fish, could be killed. During these periods each of the families killed enough to supply their immediate needs and were able to generate surpluses which were preserved for later use. In the summer and fall up until the first frosts, different kinds of berries were abundant. The informants indicated that while many types of berries were picked and preserved, a large quantity of blueberries were sold in the town. In this way they generated money to purchase dry goods, condiments, cloth, traps and ammunition. During the rest of the year fish, rabbits and upland game birds were killed on a daily basis. Each family trapped and produced food independently of the other families. In most instances several family members went to the bush together and stayed for several nights in cabins they had constructed, especially when the areas to which they traveled were located some distance from the co-residential units.

Shelter was another basic necessity that needed to be provided. Most shelters were constructed from naturally occurring materials. The trees, bark, and roots used to construct a shelter were gifts from other-than-human persons and the spirit world. Appropriate thanks would have to be given when cutting trees for this purpose, and to show respect in the collection of them. A cabin was erected by each family with the assistance of relatives who lived close by.

At the beginning of the study period the community consisted of ten families. The number of families increased as the children of the first generation married, although some of the new family units were formed by unmarried adult children who established

their own unique families and by others who moved to the community. By the late 1940s there were twenty-three families and, by the late 1950s thirty-seven. Twenty of the families lived in co-residential units at Keemle and later at Wild Goose Lake, six at Kenogamisis Lake, one on Marron Creek, six near the railway tracks west of Geraldton, and four just to the north of Geraldton.

Co-Residential Groups

As noted previously a co-residential group is a large contiguous settlement made up of several households. Informants described six areas where families lived together throughout most of the year (see Map # 1). A single family lived at each of two of these locations, but several families lived at the other four sites. These latter sites will be referred to as co-residential units. Together these four co-residential units, along with the two families at the other sites, formed the community of Wild Goose-Kenogamisis. The residents of these locations usually consisted of several related families that had formed alliances in a variety of ways, particularly through marriages with other families.

The Keemle Co-Residential Group

Keemle, about twelve miles west of Geraldton, was a whistle stop on the Canadian National Railway. A rail-gang maintained a section of the line for about ten miles on either side of the location, and a section foreman along with several employees lived there. Gunnar Gustafson was the section foreman at Keemle and worked for the railway year round. Mr. Gustafson was of mixed Ojibwe and Swedish ancestry. His wife, Josephine Wabason, was an Ojibwe woman from Armstrong, north of Lake Nipigon. He

and his wife trapped and hunted when they were able to do so.

THE GUSTAFSON FAMILY					
Generation 1	Spouse	Generation 2	Spouse	Generation 3	Spouse
Gustafson Gunnar	Wabason Josephine	Lillian	?	Ella	?
			non-Indian	Gary	?
			Lachinette, Ray	Joseph	?
				Eunice	not married
				Robin	?
				Peter	not married
			Harold	?	
		Anna	?	?	
		George	?	?	
		Jean	?	?	
		Henry	?	?	

At least two Ojibwe families lived there in the summer when some of them were able to obtain employment on the railway, although they later lived there for longer periods. Through the late fall to early spring they lived at various locations in the bush where they lived off the land in their traditional use areas. Joseph Egagamwe lived there with his three wives and their numerous children. The second hunting group that lived there was John Mijakwad and his family. Like the Egagamwe family, the Mijakwad hunting group spent most of their time hunting, trapping and fishing in their traditional use area and survived off the land, eating “country food” for most of the year.

Sometime in the period, between the late 1930s and the early 1940s, disaster in

the form of a tuberculosis epidemic, struck the families at Keemle, killing many of the children. Of the estimated twenty-nine children of Joseph Egagamwe and his three wives, only four of the children and two of his wives survived. However, these four children had established their own families when they married and had moved to the north end of Wild Goose Lake, about three miles east of Keemle, and may not have been exposed to the disease. The oldest wife and all of her children, and all but one child of the second oldest wife, contracted the disease and died. Six of the nine children of the youngest wife, Louise Adiwaki, died from the disease. At least three of the younger children of the Mijakwad family also died around this time, but none of the informants specifically stated that the deaths in the Mijakwad family were caused by tuberculosis. By the time of the epidemic, the six Mijakwad children had moved to Wild Goose Lake, married and established their own families. Not long after this epidemic it appears that the Egagamwe and Mijakwad families, believing the land at Keemle to contain “bad spirits,” moved to Wild Goose Lake to be with their surviving children.

THE EGAGAMWE FAMILY					
Generation 1	Spouse	Generation 2	Spouse	Generation 3	Spouse
Egagamwe Joseph	Adiwaki, Sister 1	Nicolas	Poussi, Maria	Louis	?
				John	?
				3 others	?
			Mijakwad, Madeleine	Mike	?
	9 others	Not married			
Adiwaki, Sister 2	10 children	Not married			

	Adiwaki, Louise	James	Mijakwad, Catherine	Frank	not married
				Doris	Ice, Joe
				Alice	not married
				Ernie	?
				Mary	?
				Norma	not married
				Mabel	non-Indian
				Maggie	non-Indian
				Stillborn	
				Stillborn	
		Mary	Mijakwad, Peter	(See Mijakwad)	
		Tom	Kebegijig, Maryanne	Beatrice	Nakanagis, Barney
				Helen	?
				Frances	?
				Rose	?
				Emmett	?
		6 others	Not married		

The Wild Goose Lake Co-Residential Group

Wild Goose was the largest of the co-residential groups in the community. It consisted of twenty families and a population of one hundred and seven people. Eighteen of the families lived in a cluster of houses on the north shore of the lake near the mouth of a river close to the railway tracks. One of the other families lived on the opposite shore and another at Creelman Creek which flowed into the lake on its south side. The housing cluster at the north end of the lake actually consisted of two clusters of houses. The largest cluster was that of the Mijakwad family. It consisted of the three first

generation families of John, Emil and Joseph Mijakwad, and four of the second

THE MIJAKWAD FAMILY			
Parent	Spouse	Generation 1	Spouse
Mijakwad, ?	?	Mijakwad, Joseph	(See below)
		Mijakwad, John	(See below)
		Mijakwad, Emil	(See below)

Generation 1	Spouse	Generation 2	Spouse	Generation 3	Spouse
Mijakwad, Joseph	?	Peter (Big Pete)	Egagamwe, Mary	Sam	?
				Bella	?
				Thomas	?
				Boy (twin)	not married
				Paul (Twin)	not married
				Barbara	Lagarde, Mac
				Henry	?
		Josephine	Bouchard, Casimir	(With Bouchard file)	
			Bananish, Joseph	(See Bananish)	
		Philomene	?		
Girl	not married				

Generation 1	Spouse	Generation 2	Spouse	Generation 3	Spouse
Mijakwad Emil	?	No children			
	?, Madeleine	Angus	not married		
		Maryanne	?		
		Frederick	?		

Generation 1	Spouse	Generation 2	Spouse	Generation 3	Spouse
Mijakwad John	Otiquan, Jane	George	Poussi, Kathleen	Elizabeth	not married
				Linda (a)	?
				Jimmy (a)	?
				Edward (a)	?
				Simon (a)	?
				7 others (see Tchisakwe)	
		Joseph	not married		
		Charlotte	not married		
		Edna	not married		
		Stillborn	not married		
	Stillborn	not married			
	Kebegijig, Louise	Catherine	Egagamwe, Jim	(See Egagamwe)	
		Mary	Pitt, Thomas	(See Pitt)	
		Angus	not married		
		Male ?	?, Madeline	?	

generation families: those of Angus, Peter, Joseph and George. The Egagamwe families, consisting of the father and his family, the families of two of his sons, and the family of one of his daughters who was married to Peter Mijakwad, lived adjacent to the Mijakwad homes.

Thomas Pitt and his family lived between the Mijakwad and Egagamwe clusters as he was related to both families through marriage and was a hunting partner of members of each cluster.

THE PITT FAMILY					
Generation 1	Spouse	Generation 2	Spouse	Generation 3	Spouse
		Pitt, Thomas	Mijakwad, Mary	Theresa	?
				Egagamwe Maggie	non-Indian

The Mijakwad and Egagamwe families were closely related through several marriages.

The leader of the group was Joseph Egagamwe up until the time of his death in 1946, and thereafter the group was led by one of his sons, James Egagamwe. Both the father and the son were also leaders of their own respective hunting groups, described below.

The Hardrock Co-Residential Group

A railway siding and village called Hardrock was built on the north shore of Kenogamisis Lake about three miles east of Geraldton to supply mines being developed on the lake. Although a bustling village arose there it was destroyed by fire in 1936, and the mining operations were supplied from Geraldton. Thereafter, the people who lived at Hardrock included one non-Aboriginal who lived at the site of the old village and another who lived on a farm near the lake. Two Ojibwe families lived on either side of the old village site. Another family lived about three miles southwest at the first narrows (“First Bridge”) on Kenogamisis Lake. The largest family was the Kebegijig family. Moses Kebegijig, his wife, Jane, and their ten children lived about a half mile east of the station, and his son, Joe Kebegijig, his wife Evelyn Ice, and their children, lived about three quarters of a mile west of the father.

THE MOSES KEBEGIJIG FAMILY					
Generation 1	Spouse	Generation 2	Spouse	Generation 3	Spouse
Kebegijig Moses	?, Jane	Joe	Ice, Evelyn	Joey	?
		Steve	Cook, Sarah	Flora (a)	Kebegijig, Gilbert
				Jesse (a)	?
				Walter (a)	?
				George (a)	?
				Ronnie (a)	?
				Steve	?
				Matilda	?
				Alice	non-Indian
		Annie	not married		
		Girl 1	not married		
		Girl 2	not married		
		Girl 3	not married		
		Boy 1	not married		
Girl 4	not married				
Gilbert	Cook, Flora	?			

The other family that lived near the cabin of Moses Kebegijig was George Mijakwad, his wife Kathleen Poussi, and their fourteen children. George Mijakwad moved to this area from Wild Goose Lake sometime in the early 1950s, and lived about a quarter mile west of Moses Kebegijig. His traditional use area was adjacent to and west of that of Moses Kebegijig around Kenogamisis Lake and to the north, but the two areas overlapped to some degree. A portage from Devilfish Bay on the lake led to Burrows Creek and Alfred and Burrows Lakes, a part of their traditional use areas. The Mijakwads

often traveled by lake to the first narrows to visit the wife's parents who had lived there for a number of years. William Poussi had moved to the area from Pays Plat a few years before when their daughter Kathleen had lost her first husband, Gus Tchisakwe. George Mijakwad moved his family about a half mile east of Geraldton in the late 1950s when his children were required to go to school, although the family maintained a cabin at Hardrock and at Creelman Creek at the south end of Wild Goose Lake where they spent the summers.

THE POUSSI FAMILY					
Generation 1	Spouse	Generation 2	Spouse	Generation 3	Spouse
Poussi Joseph	Kebegijig, Cecile	Marie Anne	not married		
		Louis	?		
		Agnes	?		
		Girl 1	not married		
		Marie	?		
		Isabelle	?	Hilda	Mijakwad David
		William	Manatis, Marie	Juliette	Wesley William
				Jeannette	?
				Josephine	?
				Odikwam, Jane	(widow of John Mijakwad)
Catherine	Tchisakwe, Gus	(see Tchisakwe)			

Marron Creek

Marron Creek crosses Highway No. 11 about four miles southwest of Geraldton and runs into the west end of Barton Bay on Kenogamisis Lake. The Bankfield and Magnet mines were constructed just to the west, and the Elmos mine just to the northeast, on an island in Barton Bay. One Ojibwe family lived there - the parents of Pat

Kebegijig, Pat, his wife Annie Ice, and their four children. They hunted, trapped, and fished throughout their traditional use area which was mostly south of Barton Bay to the southwest arm of Kenogamisis Lake, and as far west as Creelman Creek. Pat Kebegijig continued to live at this site by himself after his wife died and his children left home.

THE PAT KEBEGIJIG FAMILY					
Generation 1	Spouse	Generation 2	Spouse	Generation 3	Spouse
		Kebegijig Pat	Ice, Annie	?	

Geraldton North

There were two families who lived about a mile and a half north of Geraldton near a cluster of lakes that provided water to the town. The first family consisted of Joe Ice, his wife Doris Egagamwe, and their three children. Their traditional use area was to the north and west of Geraldton and was contiguous with that of her father, Jim Egagamwe, who lived in the Wild Goose Lake area. Like the other families they lived off the land, but the husband was able to obtain occasional seasonal employment. Their daughter died shortly after birth and was buried at Hardrock. The oldest son was taken away by the Children's Aid Society and sent to live with a family in Schreiber, on the north shore of Lake Superior. The boy was accidentally killed by a train while he was walking on the Canadian Pacific Railway tracks. He was about fourteen when he died. After the murder of her husband, Doris Ice (Egagamwe) lived in Geraldton, although she has gone out to the bush ever since. The other family consisted of Frank Twance, his wife Christine, and their five children. They lived close to Joe Ice and his family and the two men went to the bush together. The Twance family appears to have returned to the Long Lake Indian

Reserve # 58 sometime in the 1950s.

THE ICE FAMILY					
Generation 1	Spouse	Generation 2	Spouse	Generation 3	Spouse
Ice, Andrew	Achneepineskum, Alice	no children			
		John	?	?	
		Annie	Kebegijig, Pat	(See Kebegijig)	
		Sylvester	Kebegijig, Cecile	?	
		Mary	Twance, Adam	Keenan	?
				Girl	?
		Evelyn	Kebegijig, Joseph	(See Kebegijig)	
		Joseph	Egagamwe, Doris	Girl	not married
				Fred	?
				Boy	not married
Clarence	?				

THE TWANCE FAMILY					
Generation 1	Spouse	Generation 2	Spouse	Generation 3	Spouse
Twance Frank	Piwidens, Christine	William	?		
		Rosalea	?		
		Cornelius	?		
		Albert	?		
		Frank Jr.	?		

Geraldton West

Four families lived about a half mile west of Geraldton up the railway tracks near the site of an old sawmill. Two families lived on the north side of the tracks and two on the south side. The families consisted of Barney Nakanagis, his wife Beatrice Egagamwe and their seven children; Isaac Desmoulins, his wife Adeline Lemap, and their six

children; Nick Egagamwe, his wife Margaret Poussi, and their three children; and Isaac Kebegijig and his family, about which there is little information. Some of the members of these families would work at odd jobs or seasonal employment on the railway and elsewhere.

THE NAKANAGIS FAMILY					
Generation 1	Spouse	Generation 2	Spouse	Generation 3	Spouse
		Nakanagis Bernard	Egagamwe Beatrice	Boy 1	?
				Jerry	?
				Joyce	?
				Renee	?
				Marlene	?
				Douglas	?
				Wayne	?

THE DESMULONS FAMILY					
Generation 1	Spouse	Generation 2	Spouse	Generation 3	Spouse
		Desmulons Isaac	Lemap Adelaine	Walter	?
				Martine	?
				Eulalia	?
				Linda	non-Indian
				Doreen	?
				Priscilla	?

HUNTING GROUPS OF THE WILD GOOSE-KENOGAMISIS COMMUNITY

Economic ties were created through a fairly formal arrangement where two men hunt, trap and fish together as “hunting partners.” A hunter could have a “hunting partner” relationship with any number of men, but this socio-economic relationship

usually only existed with a limited number of other men. In some cases the men are related, as is the case where a son or sons hunt with the father after they marry, or where two brothers continue to hunt together even though they have formed their own separate family units. Father's brother, wife's brother, son-in-law, or other male relative could also participate as a hunting partner. In other cases the men are not related, but have formed a close bond of friendship while growing up or at a later time in their lives, and continue the relationship through a hunting partnership.

Those who were successful at killing moose had a combination of skill, knowledge, experience, ability or some special gift to be able to do so. A hunter who was successful at killing game attracted others who hunted with him and this became a hunting group. This hunting group formed the nucleus of a co-residential unit as other relatives came to live near the group. Three of the co-residential units were formed in this manner. A hunting group usually consisted of at least two men who hunted together on a regular basis through most of the year, but others joined the group from time to time. Most of the people who participated with the hunting group were related to one of the hunters, resided in the same co-residential unit, or were from another part of the community. The members of the hunting group usually travelled to a specific area to hunt and lived together on their trips to the bush. The men would assist one another with setting up camp, establish routes through an area and determine the best places to hunt. When they killed a moose they shared the tasks of gutting, skinning and transporting the meat to the co-residential unit. Each of them was entitled to an equal share of the meat.

While moose meat was the preferred food, moose were not killed on a regular

basis by all of the families, even though there never appeared to be a scarcity of moose during the study period. Informants indicated that hunting large game, particularly moose, was engaged in by everyone in the community and it occupied a large amount of their time. One informant indicated that the people were always hunting moose. Since a moose could appear at any time, they always had to be prepared to kill it. For example, while the people were travelling across the water in a boat, or walking through the bush, a moose might be seen near a shore, swimming across the water, or walking through the bush, and they always had to be ready. Hunters would also go to the bush specifically to hunt moose and set snares on paths frequented by moose. In these instances they would rely on their knowledge and experience to tell them where and when to hunt, and they would often track a moose when they came across fresh tracks. Informants stated that many community members killed moose at the least expected time, but the good hunters killed moose through their knowledge of the habits of moose and they knew where to go to kill them.

The elder Egagamwe and his family formed a fully functioning, self-sufficient, highly successful hunting group. They were able to provide a good life for themselves, and a number of other people, attracted by their success, lived in close proximity. Some of these newcomers became hunting partners with the Egagamwe family hunting group. The old man functioned as the leader of this hunting group since all of those persons associated with him recognized his ability to succeed in the hunt and accorded him the prestige associated with such ability. When game was killed each partner would acquire an equal share, and each of them provided food for their families and shared a portion of

it with a number of relatives and friends who belonged to their “sharing networks.”

Like their parents, the children acquired the knowledge, skill and experience required to form a fully functioning hunting group, and each of them did so. Each of the sons married a woman who had the complementary skills, knowledge and experience to make the union a successful economic unit. One of the sons, Jim, trapped and hunted with his father and took over his father’s traditional use area when the father could no longer go to the bush on a regular basis. Jim Egagamwe became the best hunter of all of the sons. According to his daughter, Doris, he also became the leader of the group of people who lived in the Wild Goose Lake area. His ability to hunt successfully was partly attributed to his knowledge, skill and experience, and to his ability to obtain assistance from the spirit world. Jim was knowledgeable in the ways of the spirit world and passed this information on to others around him when he conducted ceremonies for his and their benefit and well-being.

There were a number of people who went out hunting with Jim Egagamwe. Most of them lived at the same place. When he went out hunting one or more of them went with him. Among these partners were his older brothers Tom and Nick Egagamwe. Nick, who lived at the Geraldton West location, did not go out on the land very often, but when he did he went with his brother Jim. Thomas Pitt, who married a cousin of Jim’s wife, lived close by. Thomas was younger than Jim and new to the area, so Jim took him under his wing and taught him in the same manner as a father would a son. According to two of Jim’s daughters, Doris and Maggie, the two men formed a very close relationship. They were related through marriage and became bonded through the hunting partnership, their

friendship, and the pseudo father-son relationship.

Moses Kebegjig and his family lived on the north side of Kenogamisis Lake near the old Hardrock Station. He and his son, Joe, formed separate hunting units, but they were also hunting partners, often going out on the land together. Moses was also a medicine man and his prowess in the hunt was attributed to his ability to obtain the assistance of the spirits, particularly the "*moose boss-spirit*." Moses and his wife were said to be adept at providing a variety of medicines and Moses also performed a number of ceremonies to assist in curing people. Many people would travel from the reserve at Longlac and from other places to obtain medicines for specific ailments, or to seek assistance from the spirit world through him. One informant, Madeleine Mijakwad, stated that Moses and his boys would conduct ceremonies in the bush near their cabin on the north side of the tracks. The ceremonies included, among others, the sweat lodge and the shaking tent. She recalls seeing the shaking tent structure near the tracks in the bush even though her parents told her and the other children not to go near the structure. She indicated that they never spent a great deal of time near the shaking tent because they had heard stories about what the tent was used for and the stories scared them.

There was a sacred site on an island a short distance out from the shore, and another just north of where the families lived, and ceremonies were held on a fairly frequent basis. In addition there was a graveyard in this area, and many Ojibwe people were buried there even though they had lived some distance away, in the areas around Geraldton and Wild Goose Lake. During the summer months each family had frequent visits from friends, relatives, and participants in ceremonies, who walked down the tracks

from Geraldton. Similarly, the family members walked the tracks to shop in town and to visit the families who lived just west and north of town.

George Mijakwad and his family originally lived at Keemle, Wild Goose Lake and Creelman Creek with the Egagamwe group, but the family moved to the north shore of Kenogamisis Lake after the death of Jim Egagamwe's wife in 1946. They also wanted to be closer to her parents who lived about a mile and a half south west of Hardrock.

George and his family later moved to town so his younger children could attend school. George was an occasional hunting partner of Moses although he and his brother Joseph, along with George's sons and a few of the sons' friends who visited from time to time, would go to an area contiguous with that of the Kebegijigs to hunt and trap. The families of Moses Kebegijig and George Mijakwad both fished along the north shore of the lake and caught whitefish, pickerel and northern pike in nets that they set at various locations. The lake provided these families with fish throughout the year, and blueberries were always abundant along the lake shore in August.

The Geraldton West and Geraldton North co-residential units do not appear to have had a traditional use area, although they lived off the land and would go with other hunters in the area on an intermittent basis.

THE COMMUNITY OF WILD GOOSE-KENOGAMISIS

The hundred and ninety members of the study group thought of themselves as being a part of a community even though they lived at different locations in the approximately 1500 square mile area which they refer to as their homeland. The term "Wild Goose-Kenogamisis" will be used to describe their community. As described by

the informants, this community included all of those people who had their homes at locations at Keemle or Wild Goose Lake, west of Geraldton, north of Geraldton, Hardrock, the south shore of Kenogamisis Lake, and Marron Creek. As noted previously, most of these people were registered at the Long Lake # 58 Indian Band. While they would visit the reserve from time to time and some of their relatives lived there, they never thought of themselves as belonging to, or being a part of the Long Lake # 58 community. Their community consisted of the people at the six mentioned locations. Some examples will serve to show that they were, in fact, a community, even though the places they lived were about fifteen miles apart.

The most important example relates to economic activities. When a moose was shot, it was shared with all of the people in the community regardless of where they lived. Informants indicated that this type of sharing occurred whether a moose (or other large game) was killed at Wild Goose Lake, Kenogamisis Lake, or elsewhere by one of the members of the community. There was nothing to suggest that moose meat would be shared with people who lived at the Long Lake # 58 Reserve community or any of the other reserve communities with which these people were affiliated. Similarly, none of the informants indicated that they shared moose meat or other game with people who lived in Geraldton. Since the economic activity, in this case the killing and sharing of moose, was confined to the people who lived at the six residential sites, it is reasonable to conclude that they were all part of the same community.

Yet another example which supports this view of community is that of “visiting.” The farthest distance between residence sites was about fifteen miles. Members of each

location often walked that distance along the tracks to visit. There was a constant to and fro movement of people from all six locations to visit the others. While this occurred throughout the year it was more frequently a summer event because there were fewer tasks during that period and more leisure time. During these visits people would often stay for a couple of days, a week and sometimes even longer. When their visit was over, they might start out for home and stop at one of the other locations for a similar length of time before they eventually returned home. People who visited, whether related or not, were welcome at any of the households in the community at any time and no questions were asked. They were fed by their hosts for the duration of their visit and given a place to sleep.

Another example relates to the physical well-being of community members. There were at least a couple of people at each of the residence sites who had knowledge in the collection of plants for medicinal and ceremonial purposes. Although many plants were common throughout the area, there were some that only grew in certain locations. Those people who were closest would pick some of these less common plants and share them with anyone from the community who required them.

The last example relates to the spiritual well-being of community members. Moses Kebegijig, who lived on the north shore of Kenogamisis Lake was a medicine man. He conducted rituals and ceremonies for many different purposes. People from other parts of the community would often ask him to conduct a ceremony for a specific purpose. When these ceremonies were held, members from all over the community would gather at Kenogamisis Lake to participate, and would bring food to assist the person who

requested the ceremony to feed the people who would gather there. It should be noted that there were people from the reserves at Long Lake who would also ask Moses to conduct ceremonies on their behalf. When these were held the members of Wild Goose-Kenogamisis would also participate. The aspects of their lives demonstrated in these examples show a social cohesion that is only found in a community.

CONCLUSION

Emile Durkheim, the nineteenth century French social philosopher, described two different types of social solidarity²¹: “mechanical” and “organic.” He said that “mechanical solidarity” was found in societies with a minimal division of labour and was based upon “commonality of interests, social homogeneity, strict conformity, kinship, and mutual affection.”²² By contrast, he thought that “organic solidarity” created a new basis for social solidarity because it was based upon the mutual interdependence that arises from labour specialization and a greater division of labour in society. I believe that the Ojibwe of the study group closely approximate Durkheim’s “mechanical solidarity” model.

Among the members of the Ojibwe of the study group a number of examples of social solidarity can be found, including those described by Durkheim. The Wild Goose-Kenogamisis community, as already noted is a “small scale” society, with a small population and little labour specialization. The community is relatively homogeneous and the co-residential groups are made up totally of Ojibwe people from several related kinship groups, many of them related through marriage. They have a number of common interests, which are related to their economic, religious, and cultural life. The families are mutually interdependent upon one another for certain services and assistance, as well as for food. Within the self-sufficient family hunting unit there is a limited division of labour. The males hunt, trap, fish and generally do anything that requires heavy manual labour,

²¹ Durkheim, Emile. *Division of Labour in Society*. (G. Simpson, trans.) New York: Macmillan, 1933.

²² Ferraro. *Cultural Anthropology*, 161.

such as erecting a cabin and moving materials. The women care for the house and the children, clean game and prepare the furs, prepare meals and teach the children. They are almost totally dependent on each other and if the services of one of them are not available, the unit cannot function effectively.²³

In addition to immediate family there could be many others in the community who belong to the sharing networks and who come to depend upon this economic unit. Their system of sharing creates reciprocal obligations upon which they can depend because everyone conforms to the obligations. Hunting partnerships also demonstrate most of the characteristics in Durkheim's description of "mechanical solidarity." In some instances, the hunting partners may be related and much of the solidarity is that of brothers and family members. In other hunting groups, where the partners are not related, the social solidarity arises from the commonality of interests, mutual affection, and mutual interdependence.

²³ See article by Driben, Paul. "A Death in the Family: The Strategic Importance of Women in Contemporary Northern Ojibwa Society", in Native Studies Review, Vol. 6, No. 1, 1990, 83-110.

CHAPTER 4 : OJIBWE TEACHINGS AND SOCIAL CONTROL

Moses Kebegijig was a medicine man or a shaman (jisakanowid). He could do lots of things and he had a shaking tent (jisakan) near his house, set back from the railway tracks, in a secluded patch of bush. I remember seeing the shaking tent, but I was told by my mother to stay away from it. He usually had this shaking tent just out behind his house in a grove of trees, but he would go to different places and set up his shaking tent there too. So he could go anywhere with his shaking tent to perform the ceremonies. I only remember that he had one set up behind his house.

Many of the men in the area would attend these ceremonies. People would go to see Moses and ask him to conduct a shaking tent ceremony when they, or a member of their family were sick because they believed the ceremony would help them to get better. However, a person would have to be pretty sick when he went to see Moses, because most of the families in the area used natural medicines on a regular basis. People also had Moses conduct this ceremony when they lost things and wanted help to find them. He would conduct the ceremony and call on the spirits to assist him in finding the lost items. The people who went for this reason would usually find what they had lost through the efforts of Moses.

Hunters would also go to see Moses when they were having a hard time finding a moose or some other kind of animal that they wished to kill for food or for their fur. They would visit Moses and discuss their problem with him and ask him if he could do a shaking tent ceremony for them. I think they used to bring him tobacco when they asked him to perform one of these ceremonies. After discussing the problem, they would arrange a time for the ceremony and Moses would tell the person who should come and what they had to bring. At the appointed time the ceremony was conducted by Moses and he would tell them where they should go to look for a moose and when to go. Hunters who participated in this ceremony were usually successful after attending such a ceremony.

During the ceremonies that he conducted Moses used a number of different items to assist him. One of the key items was a huge drum usually referred to as a "healing drum." It is quite similar to the large drums they use nowadays for pow-wows, but it was only played by him, and not a group of people (drum group) like at a pow-wow. He also had at least two hand drums that he used during his ceremonies. Moses also used bird bone whistles, a rattle, a pipe and several healing feathers, usually the feathers of an eagle, which is a sacred bird to the Ojibwe and other Indian people. I never did attend a shaking tent ceremony, but my father did.

***PIMADIZEWIN* (“THE GOOD LIFE”)**

Underlying the world view of the Ojibwe of the study area is the concept of *pimadizewin*, or the good life. Talk to an Ojibwe person from the study group, or to any Ojibwe, about “living a good life” and a lively discussion will ensue. The Ojibwe term for living a good life is expressed by the term, *binadisiwin*,¹ or *pimadizewin*, which means “life in the fullest sense, life in the sense of longevity, health and freedom from misfortune.”² Living a good life will often be referred to as walking the “sweet grass road” or the “red road,” or a variety of other similar terms. All of these are used to describe a central theme in Ojibwe society. This culturally dictated concept is one of the most crucial, if not the only goal, for Ojibwe life and existence. Contained within this concept is a whole set of ideals, moral values and methods of achieving that goal. When one is able to achieve the goal of living a good life he or she is regarded by others as a model to follow. However, while *pimadizewin* may be the goal of all Ojibwe persons, not all are able to achieve the goal, for it takes a concerted effort to achieve this goal and involves acquiring a balance in every aspect of one’s life. And achieving the goal is only the beginning -- one must continually strive to maintain the ideals implicit within the goal and to assist others in their efforts to achieve the goal. The goal can only be achieved through one’s own personal efforts and with the assistance and cooperation of both

¹ Baraga, Frederic. A Dictionary of the Ojibwey Language. St. Paul, Minnesota Historical Society Press, 1992 [Part I, 1878; Part II, 1880.], Part II, 85.

² Hallowell, A. Irving. Contributions to Anthropology, Selected Papers of A. Irving Hallowell. Chicago: University of Chicago Press, 1976, 383.

human and “other-than-human”³ persons that make up the Ojibwe world.

The Ojibwe believed that the Creator (*Kitche Manito*) gave them many methods by which to survive and live the good life (*pimadizewin*). Paramount to the continuation of the Ojibwe and their culture was a great law of survival which had several categories of rules associated with it. The first category of rules are what the Ojibwe call the “seven grandfathers,” which are usually listed as respect, love, humility, truth, bravery, honesty, and wisdom, but are sometimes referred to by other names which have a similar meaning.

The value of social harmony was instilled in an individual from birth and throughout his life by other members of the community, and in particular by members of his family and kinship group. For example many of the shared, or core, values were passed on through the medium of “story-telling.” Story-telling encompassed the telling of myths, legends, and a variety of stories, often using a variety of symbols which assisted people to remember the stories.

Story-Telling

Stories, or narratives, were told all of the time. Some of them were told to share knowledge or for amusement, while others were used to provide examples of appropriate behaviour, or to caution about potential physical, social or spiritual consequences of misbehaviour. For example, the informants related the story of a man from an adjacent community who went out hunting, killed a moose, and returned to the community with it.

³ Ibid.

He cut it up and put the meat in his freezer. He did not share the meat or tell anyone about his kill, although most people knew he had killed a moose because several community members had seen him return with it. All of them had expected to share in his good fortune, but he did not share the meat with others as was customary in that community. People thought of him as being “stingy” and some talked about him using those words, but never directly to him. The informants say that when the man and his family consumed the moose and the man went out hunting again, he was unable to kill another moose. The people say that this man was being punished by the “other-than-human” beings, or “moose spirits” and the “moose boss-spirit” for being so stingy.

One of the morals or lessons in this story is the importance of sharing with others. When you do not share, you are breaking your obligation to the other-than-human beings who allowed you to kill the moose in the first place. As noted earlier, there is a belief that a reciprocal obligation arises between the moose spirits (other-than-human being world) and the man (human world) that requires the man to share his kill with others for being “allowed” to kill the moose in the first place. If he does not satisfy the requirements of his obligation, then he would not be allowed to kill another moose unless, and until, he made amends in a fashion acceptable to the moose spirits in the other-than-human world, which was usually accomplished through the assistance of a ceremony conducted for that purpose.

Sometimes parents would use stories to jokingly “threaten” children into being good. An example of this was provided by the informants. They say that they would tell

children that if they did something wrong they would tie their feet to the top of a poplar tree that they bent over and then let the poplar tree go, thereby lifting the kids into the air. This was never done of course, but the people were always joking and the children did not know if their parents were joking or not. Another type of story like this related to the “Windigo.” Parents would tell their children not to eat too much, or “the Windigo would get them.” In this latter example, the idea was to inculcate the children with the idea that eating too much was an excess that should be avoided. The Windigo story was often used to instruct people on the moral value of excess, whether it was eating, drinking, or doing anything in an excessive manner.

At other times stories were told to someone who people thought was involved in a particular kind of behaviour that wasn't approved of. These types of narratives were said to have been used to share opinions with someone about a particular way of behaving or doing something. This provided an indirect method of telling someone that what he was doing was wrong, or thought by community members to be wrong, without directly censuring him or causing him to lose face in the community. These types of stories often related a similar instance of misbehaviour among people in another community some distance away and what happened in the circumstances there. The method used was always indirect rather than direct because the story-teller did not want to be seen as interfering or being rude. Examples used in this manner served as a gentle prodding to the individual and were non-confrontational. These kinds of stories were often used to answer a direct question about misbehaviour of a certain sort among

members of the community. For example, in response to a question such as, “Has anyone in the community ever left their children alone and gone out drinking?” an informant might say, “I cannot recall anyone here doing that, but I heard of something like that in this or that community,” and proceed to tell a story about what happened there. In this way they did not cast aspersions on anyone in the community by providing information about them.

Myths and Legends

Much of the history of the four Ojibwe “worlds” (physical, human, other-than-human, and spirit worlds), and the occupants of those worlds is found in their cosmology⁴ or “world view” which is disclosed in the myths⁵ and legends of the people. The stories relate information about the creation of the universe, a great flood that covered the earth with water, and the “re-creation” of the earth; the creation of man, the history of men, how men got to be where they are (for example, the migration of the Ojibwe people from the east to their present location around the Great Lakes), and accounts of man’s dealings with others; the creation of animals, amphibians, fish, birds, plants, rocks, and all other beings that inhabit the other-than-human world; and about Kitche Manito and his spirit

⁴ Cosmology “entails both the overarching conceptions of the place of human beings in the general scheme of existence and the forces engaged in the constitution and generation of such a scheme. These forces relate to the ordering of supramundane beings and the overall cosmic processes that these beings represent and that have consequence for human experience”: Barfield, Thomas, Ed. The Dictionary of Anthropology. Cornwall, U.K.: Blackwell Publishers Inc., 1977.

⁵ Although a myth is defined as “a traditional narrative usually involving supernatural or fancied persons and embodying popular ideas on natural or social phenomena” (Concise Oxford Dictionary), some believe that the use of this word is inaccurate. For example, see Tooker, Elisabeth, Ed. Native North American Spirituality of the Eastern Woodlands. New York: Paulist Press, 1979, 31, where she notes: “... it is unfortunate that these narratives are usually termed “myths” in English – for they are based on no less accurate observations of nature nor do they reflect any less intellectual effort than do the sacred and secular texts of the high civilizations of the Old World.”

helpers, many of whom show up as folk heroes, helpers, tricksters, sacred clowns, and monsters.

For example Nanabush, or Nanabozho, whose father was the sun, was said to have been born of a mother from earth, so he belonged to both the earth and spirit worlds. Nanabush is known as a “trickster” who could transform himself into other forms and become a human, an animal, a tree, or other beings. Nanabozho brought all sorts of knowledge to the Ojibwe and is often referred to in the stories as a culture hero, a being who does things for people. For example, in one story he

... brought his people the first fire, and taught them how to make arrowpoints, lances and hatchets. He taught them how to hunt, how to build canoes, how to cultivate corn and beans and squash for their food. After watching a spider trapping flies, Nanabozho showed men how to make nets for catching fish. After finding that the sap of the maple tree is sweet, he made sugar of it and showed people how to make it. He invented the picture-writing on rocks, and also learned the art of painting the face before going to war. He showed his people what herbs to use for medicine. And so the Chippewas [Ojibwe], when gathering roots and herbs, leave a small offering to Nanabozho beside the spot where they found the plants.⁶

Myths and legends were related by story-tellers in a “story cycle” throughout the year, but the most active period was during the winter months. There were certain people, often elders, within the community who told myths, legends and stories and they became quite accomplished at doing so. As noted by Ella Elizabeth Clark:

The story-tellers are estimated according to their eloquence and powers of invention, and are always welcome – sure of the best place in the wigwam and the choicest mess of food wherever they go. Some individuals, not story-tellers by

⁶ Clark, Ella Elizabeth. Indian Legends of Canada. Toronto: McClelland and Stewart Limited, 1960, 6.

profession, possess and exercise these gifts of memory and invention.⁷

The knowledge gained by individuals from the story-telling was that of relationships and the importance of maintaining balance and harmony:

... the knowledge that is instilled in youngsters throughout their lives in Native American sacred tradition, is the knowledge of relationships and how these relationships are arranged and interact with each other. Many stories tell how this harmony can be upset, and what tragedies can result. And of course experience itself is a teacher. Sacred clowns often help us understand the upside down, the opposite, and the other balances of things around us and our human ways of acting and talking. Some individuals, the sacred clowns for example, take it upon themselves to become especially knowledgeable about the world and its fundamental relationships. This knowledge they can pass on to others.⁸

The meaning of the narratives told was not always obvious and it might take many years and many tellings of the same narrative for the meaning to become apparent. As noted by Johnston:

because each Ojibway story may embody several themes and meanings, time and deliberation are required for adequate appreciation. There is no instantaneous understanding. Ojibway stories are as broad and deep in meaning and mystery as are the tales, legends, and myths of Greek, Roman, Egyptian and other peoples and just as difficult to understand as are the parables in the Bible.⁹

However, the story-teller would usually adapt his telling of the story to his audience and relate a slightly easier version to children than he would to adults. In Johnston's words,

⁷ Ibid., x, citing Jameson, Anna. Winter Studies and Summer Rambles in Canada. 2 vols. New York: Wiley and Putnam, 1839.

⁸ Beck, Peggy V., Anna Lee Walters and Nia Francisco. The Sacred: Ways of Knowledge. Sources of Life. Tsailc, Arizona, Navajo Community College Press, 1992, 21.

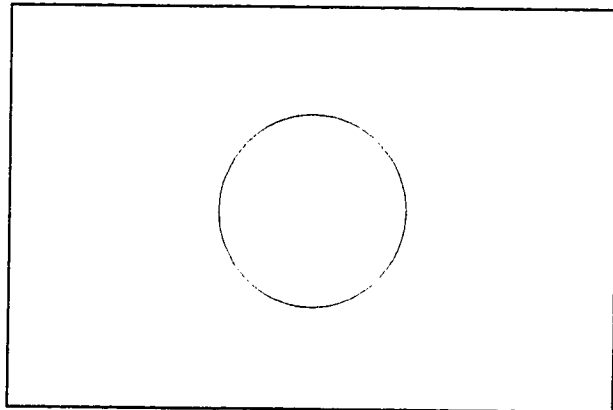
⁹ Johnston, Basil. Ojibway Heritage. Toronto: McClelland and Stewart Limited, 1976, at p. 8.

“[f]ortunately Ojibway stories are flexible in nature and scope. It is for this reason that they are best narrated. Skill and imagination will enable the story-teller to impart any level of meaning according to the scope and ability of his audience.”¹⁰

Symbols

Aboriginal people in North America use symbols to represent ideas that are important to them. Whole sets of ideas and feelings are represented by symbols. Symbols are used to explain concrete and abstract ideas found within aboriginal cultures and to help members of their societies to understand those ideas. One of the key symbols found in the Ojibwe culture is the

circle. The Ojibwe believe that everything in the universe is contained within a circle and everything has its place within that circle. The circle is used to express the holistic nature of their culture and



the cyclic nature of everything around them. The circle is used to represent ideas such as the “circle of life,” strength, unity, and balance. The circle has no beginning and no ending – it is timeless.

The circle is used to describe different aspects of the physical world as well as of

¹⁰ Ibid., 8.

the spiritual world. In the physical world many things are, or appear to be, round, including the sun, moon, planets and stars; the trees, rocks, flowers and berries; bear dens, beaver lodges and muskrat houses; bird nests, spider webs, and fish eggs. All things follow the pattern of the circle. The sun, moon and planets move in a circle around one another. The sun rises in the east and sets in the west, and continuously “travels in a circle” around the world – it is always rising somewhere and always setting somewhere else. Similarly, the moon moves across the sky from east to west on a daily basis. The circle is used to illustrate the gradual passing of the seasons, from spring, to summer, fall, and winter. It is used to discuss the “circle of life,” how plants, animals, birds, and fish are born, grow, mature, die, and how new life springs from them. It is used to describe the life cycle of humans from birth, growth, maturity, to death. The circle also illustrates the connections among family units, kinship relations, and the relationships among kin, neighbours and strangers.

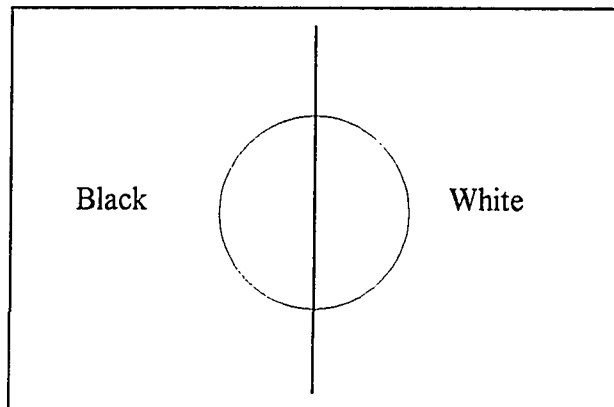
In relation to the spirit world the circle is used to describe how people are composed of a physical body, a spirit and a soul; how people live in the physical world, die, and then inhabit the spirit world; and how people are all descended from mythical ancestors. Informants indicate that the Ojibwe believe that while they live in the physical world their spirits are capable of visiting and traveling around the spirit world when they are in a state of “unconsciousness,” for example, when they are asleep, in a state of semi-consciousness or when they are “day-dreaming.” They also believe that some people can move through these worlds at will. In order to do this they have to have a special gift.

Such a gift may have been given to a person during a vision quest, or the person may have acquired this ability through many years of learning. The informants say that some people became so proficient in this practice that they were able to move through each of the worlds whenever they wished to. The informants also say that those individuals who fall within the latter category are *Midewewin (Mide)* practitioners who have spent most of their lives learning the rituals and ceremonies that connect the physical and spiritual worlds to each other. The informants state that not everyone can acquire the ability to move about the different worlds at will. They believe that, while many people were able to do this years ago, few people have the ability to do so now because they have not taken enough time to learn the necessary skills. They also stated that there are few people who have the knowledge, experience and ability to teach these skills to others.

All things are interconnected, and are dependent on one another. Although everything has its own character and occupies a special place, each thing is dependent on everything else. This interdependence is used to illustrate the unity of the Ojibwe universe – each thing forms a unique part of the whole and without one of the parts all of the others are affected. If damage is done to something in one section of the circle, it has an effect on something in another part of the circle. If there is an imbalance in one area, it causes an imbalance in other areas. Therefore there is a need to maintain and foster the relationships among all things. The circle, therefore, is used to represent all aspects of the physical and spiritual worlds of the Ojibwe.

The simple addition of a line running through the center of the circle is used as a

symbol to represent the dichotomous nature of Ojibwe reality, for their universe is filled with opposites. In the diagram, each half of the circle represents an opposite such as black and white, and it is believed that each



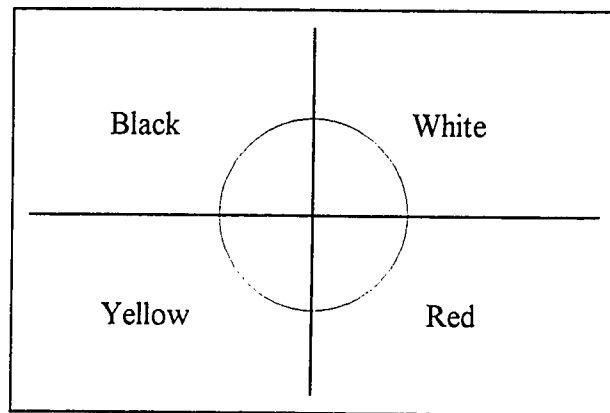
is found in equal proportions, thereby ensuring a proper balance. There are many other opposites, including, for example, the physical and spiritual worlds, earth and sky, movement in clockwise and counter-clockwise directions, things that can move and those that are fixed or stationary, snow and rain, fire and water, water and ice, night and day, summer and winter, male and female, love and hate, hunger and satiety, good and evil, animate or inanimate. Informants believe that these opposites are necessary to provide balance within their universe and that to live a “good life” they must strive for a similar balance in their lives.

The Medicine Wheel

Another symbol that employs the circle is the “medicine wheel.” Among the Ojibwe people the medicine wheel is used to teach a number of lessons about their beliefs and way of life. The medicine wheel is usually depicted in the form of a circle that is divided into four parts by two crossed lines within it. For example, it is said that the universe is made up of four distinct “worlds,” each of which is occupied by a specific category of being: 1) “elements,” or the physical world; 2) “human persons”; 3) “other-

than-human persons”; and 4) “spirits.” The physical world consists of four sacred elements: earth, air, fire and water. There are four groups of other-than-human persons: 1) plants, 2) animals, 3) birds and 4) fish and things that crawl. In the spirit world there are also four groups: those spirits found below the earth and in the water; spirits found on the earth; those found above the earth; and a group of spirits found within a “fourth dimension.” All of the beings within these worlds are related to one another.

The informants say that all human persons are related and belong to one great family. There are four symbolic races in the human family: red, yellow, black and white. They are represented in the quadrants of



the medicine wheel in the manner shown in the diagram. Members of the study group indicated that an Ojibwe person has four aspects to his being, namely, the physical, emotional, psychological, and spiritual. The Ojibwe person could meet all of his needs in each of these areas by forming relationships with members of the physical, spiritual, other-than-human person, and the human person worlds. The relationships in the human world are those of family and kinship. Family and kin provided warmth, support, stability, companionship, and emotional support.

SPIRITUAL NEEDS

One of the basic needs of the Ojibwe people is a spiritual one. Over the course of

time the Ojibwe developed an elaborate set of rituals and ceremonies in order to meet their spiritual needs. Since spirits are an integral part of their world, and the Ojibwe believe they are related to spirits, they have to establish a means of communicating with the spirit world and a means of showing the appropriate respect for all of the things within that world. This is accomplished through rituals and ceremonies. In order to maintain harmony with the spirit world and other-than-human person, the Ojibwe developed various means to show their respect, to give thanks, and to keep the lines of communication open with these other worlds. Most of the rituals and ceremonies are a means of giving thanks to the Creator and the spirit world for allowing them to use and take the lives of other-than-human persons thereby allowing the people to survive. Each member of Ojibwe society, whether man, woman, elder, or child, participates in these rituals as part of a learning process and a way of giving thanks. By following these rituals they are able to cope with the contingencies of everyday life. Without these, they would not be able to survive.

Locating Game

The Ojibwe believe that their ability to be able to locate and kill game depends upon their relationships with other-than-human persons and the spirit world.¹¹ Informants indicate that not all people are good hunters. The ability to hunt and to kill animals depends upon a hunter's spiritual preparedness. In his youth a man is expected to develop

¹¹ Driben, Paul, Donald J. Auger, Anthony N. Doob, and Raymond P. Auger. "No Killing Ground: Aboriginal Law Governing the Killing of Wildlife among the Cree and Ojibwa of Northern Ontario". *Avaangwaamizin: The International Journal of Indigenous Philosophy*, Vol. 1, No. 1, Spring, 1997, Thunder Bay, Lakehead University, 91-107.

his relationships with the spirit world and other-than-human persons by going out and seeking a vision. During this vision quest, some men are given gifts by the spirit world. Some men are given a gift which allows them success in locating animals. Others are not so fortunate. Many of those who acquire such a gift become good hunters. However, the gift alone does not guarantee success. A hunter still has to develop his knowledge through education and his skill through experience before he becomes a good hunter. After he acquires the skill he still has to meet the obligations imposed on him by the human persons around him, the world of other-than-human persons, the animal boss spirits, and other spirits.

The Ojibwe believe that the category of other-than-human persons encompasses all of the physical world in which they live. The animals, the birds, the fish and everything that walks or crawls upon the earth, as well as all things that grow upon, or under the earth fit within this category. The Ojibwe believe that they are related to these other-than-human persons. They also believe that each category of other-than-human persons has a spirit and that there is a “boss-spirit” within each species or subcategory. In order to kill an animal, bird, fish, or a plant, a forager has to develop a relationship with each of the species. In the absence of such a relationship a person cannot gather or kill certain species. There have to be good relationships between human persons and other-than-human persons and the spirit world. When a good relationship is formed and maintained between humans and these other worlds then a human is able to collect or kill members of that species. If a good relationship does not exist then the ability to collect or kill is

curtailed.

These relationships are fostered through rituals, ceremonies and the showing of respect. Before going out on a hunt, a hunter follows certain rituals in order to appease the animal boss-spirit of the species that he wishes to hunt and to show respect for the species. For example, before going out to hunt, a hunter conducts a ritual to assist him in killing a moose. By practicing rituals a hunter shows respect for his relatives in the animal kingdom. After a kill, other rituals have to be followed as the hunter is required to give thanks to the animal boss spirit for allowing him to kill the animal. This is also done to show respect to the animal that he killed and the spirits of the species that allowed him to take the life of one of its members so that he could feed his family. One of the ways in which a hunter demonstrates respect is to treat certain parts of animals in a ritualistic way. For example, the bones of a bear, along with some tobacco, are placed on a platform constructed for that purpose so that the dogs are not able to get to the bones and despoil them.

If thanks is given and proper respect shown for the taking of an animal then a hunter continues to have success in killing them. However, if the animal is shown disrespect, or if thanks is not given, or the rituals and ceremonies are not performed prior to, and subsequent to killing the animal, then a hunter may be unable to make a kill. For example, in the study area a story is told of a man who, after killing a moose, did not show proper respect for an animal he had killed because he had allowed some of the meat to spoil by leaving it in the bush too long. For a number of years he was unable to kill

another moose. Many times he would be out hunting but be unable to locate a moose. At other times he would locate a moose, but the moose would be too far away to kill. It was as if the moose were shying away from him and keeping far enough away so that he would be unable to kill one. Informants say that this man was being punished by other-than-human persons and by the moose boss-spirit for not showing the proper respect and not giving thanks.

However, these problems can be corrected through rituals and ceremonies. By following the prescribed rituals a hunter can acknowledge his wrong-doing and resolve to change his ways. If he is sincere then the spirit world will allow him to kill moose again. However, if the man does not acknowledge his wrong-doing and show remorse by participating in the appropriate ritual, then he will be unable to kill more moose. A hunter is also required to share his kill with other humans. If he does not do so he will be in a similar position to the hunter mentioned above who did not show respect or give thanks for being allowed to kill a moose. In such an instance a hunter is punished by not being allowed to kill a moose at a subsequent time, unless he follows the prescribed procedures. In this latter example, informants stated that a hunter would also be punished by members of the human community. The members of the community in which he lived would describe him as being miserly because he did not share his kill with others, that is, they would gossip about him. A hunter in this situation would therefore be subject to sanctions by other-than-human persons, as well as by humans.

The ability to provide food is also dependent upon the knowledge, experience and

skill of the hunter. A hunter's education is geared to acquiring a knowledge of the physical environment in which he co-exists with the animals. If he is unable to find food he and his family might starve. A hunter not only has to locate game, but he also has to kill it, prepare it, and transport it home. This requires a great amount of skill based on experience and knowledge. While the preferred food is moose, they are not always available and the family has to rely on more abundant foodstuffs. Methods have to be found to kill fish, waterfowl, rabbits and upland game birds. In all instances, there are rules that must be followed to help maximize the chances of success.

RULES OF SHARING

The concept of sharing was probably the most important of all of the rules that were followed by the Ojibwe as well as other Algonkian speaking cultures. Sharing provided a means to ensure the survival of the hunting group and the groups most closely associated with it. The primary economic objective of these foragers was the production of foodstuffs through the pursuit of game, fish, fowl and fur-bearing animals and the collection of berries and other edible plants. In the stark environment in which they lived, this production of foodstuffs would often occupy most of their time. The major elements of their diet throughout the year included fish, waterfowl, beaver, muskrat, rabbits and upland game birds.¹² Depending on the locale, moose, deer and caribou also formed a significant part of their diet, but these large game animals were not always available, or

¹² Rogers, Round Lake, C.4-14.

were not able to be killed. Most moose, for example, were shot while the hunters were on their traplines moving through an area, and happened to come upon them, even though moose were hunted systematically by all hunters.

A secondary objective was to provide a means to acquire status as a leader within the broader community. Moose hunting is a high status activity. Young men proved their ability as an independent hunter when they killed a moose, while the older men reaffirmed their status as hunters and providers within the community when they killed a moose.¹³ People who killed moose acquired an ever increasing status within the community. One of the reasons for this is that a significant portion of the moose was shared or distributed to specific people within a large network in the community: Although a hunter is recognized as being the owner of the moose he killed, he was still expected to share the meat, not only with the members of his household but also with others.¹⁴ The more moose killed by a hunter, the more meat that could be distributed, and the higher the hunter's status. While a large amount of the meat was distributed to relatives, there were always others in the distribution network such as hunting partners, elders, friends, neighbours and others. For example, in several of the co-residential units in the study area, there was a practice of providing meat and other foodstuffs to the elderly people who lived nearby, whether or not they were related to the hunter.

In the study area, as in many other areas, the wife or mother of the hunter was

¹³ Dunning, Northern Ojibwe, 27-31.

¹⁴ Rogers, Round Lake, 69.

responsible for actually dividing and distributing the moose meat, ensuring that everyone obtained a variety of “cuts” of the meat. This distributive sharing established a network of individuals who exchanged similar gifts over long periods of time. The giving of these gifts established a reciprocal obligation. It was expected that the gift would be returned in some way, at some point in the future. In the case of strangers or people who were not related to the hunter, this obligation was usually satisfied within a short period of time, but with relatives there was no rush to meet the obligations established.¹⁵ In certain circumstances, no exchange obligation arose. For example, when a family was in need, for whatever reason, a hunter would feel compelled to provide some moose meat to that family without expecting anything in return.¹⁶

Probably the most important aspect of this reciprocal obligation to share was the fact that it established a network of obligations to return foodstuffs when a hunter was successful. So, in addition to the community expectation that a hunter would share the meat when he killed a moose, there was an obligation on the recipients to return the gift when they were successful and killed a moose.¹⁷ These networks of reciprocal obligations ensured the survival of the group. They also established new bonds between individuals in groups that were separate and distinct from the bonds of kinship or those established by

¹⁵ Ibid., C.68-79.

¹⁶ Ibid., C.71.

¹⁷ Rogers, Edward S. The Quest for Food and Furs: The Mistassini Cree, 1953-1954. Publications in Ethnology, No. 5, National Museum of Man. Ottawa: National Museums of Canada, 1973, 70-71.

marriage.

There is another reciprocal obligation that arises in these circumstances, that between human persons and spirits. For example, it was believed that when spirits shared knowledge with humans that allowed them to kill a moose or some other animal, fish or bird, this established an obligation on the human to reciprocate the sharing. The way the hunter did this would be through sharing the meat of the animals killed with other people. And to meet the obligations imposed by the spirits the hunter had to treat the animal with respect and follow a number of rituals associated with the hunt. For example, prior to the hunt when the hunter asked the spirit, or the “boss-spirit” of the animal which he was attempting to go out to kill, he would show the utmost respect by offering tobacco and following other rituals associated with this task. On the day of the hunt he would also follow certain pre-hunt rituals and then he would go out. When he killed an animal he was obliged to give thanks to the “boss-spirit” that he had originally asked, for being allowed to kill an animal. In addition he had to show the utmost respect in dealing with the animal. He had to despatch the animal as quickly as possible to ensure that the animal did not suffer any longer than necessary.

Certain rituals had to be followed after the kill and before the butchering of an animal. For example, after a moose was killed the “crop,” or “bell” of the moose was taken and hung in a tree in a ritual designed to propitiate the “moose boss-spirit” who allowed the hunter to kill a moose. Other rituals were associated with this type of a kill. Some of them included treating bones with respect after the animal was butchered and

the meat eaten. In this way the reciprocal obligations established between the hunter and the spirit world in the beginning were met, thereby ensuring the hunter continued success in killing moose or whatever animal he had killed . But the reciprocal obligation did not end there. After a kill the hunter was obliged to meet his obligations to other humans. He did this by sharing the meat of the moose or other animal that he killed, with his hunting partner, and other humans.

In the study area, this obligation was carried out through a subsidiary arrangement with the hunter's wife. Upon his return with game, the hunter would give the meat to his wife. This served to establish a reciprocal obligation between the hunter-husband and his wife, whereby the wife expected the husband to bring meat of animals that he killed to her and she was then under an obligation to share the meat with a network of kin and others that each of the hunting groups had established. The hunter-husband, having given the meat to his wife, activated a duty on the wife to actually share the meat. The wife then met her obligations to her hunter-husband by distributing the meat to the people in the network of friends, relatives and others, thereby enhancing his status in their eyes. In cases where the hunter killed many animals the network of people with whom meat was shared, was quite large. In other cases where a hunter was not as successful, the network was much smaller and usually only extended to immediate family.

The division of the meat was left entirely to the wife. After cutting the meat up certain portions were kept for the family's use and other portions were give to other members of the family, to relatives, to elders, to neighbours and to others according to a

well-established pattern that had arisen over many years' practice. In cases where a surplus of meat was available beyond these immediate needs, the wife would include other people who were not within this immediate network. These might include other families who lived nearby, elders who had no hunters within their family group, and other people including strangers who might be in the area at the time of the kill. This method of sharing established reciprocal obligations in turn.

When the hunter's wife shared the meat with relatives and others the recipients were obliged to return the gift in kind at some future point if they were able to do so. In some instances the recipient would be unable to return the gift, as would be the case of a widow or elder unable to hunt. However, the obligation might be returned in some other way. For example, a widow might reciprocate by assisting the hunter's wife with ordinary household chores, or with child-rearing duties. In the study area, during a social gathering, fish, meat or fowl brought by a hunter to a camp cook also created an obligation. The obligation was met by the camp cook preparing a meal for the person who brought the game. An elder might reciprocate by teaching the children or naming children as well as through a variety of other methods.¹⁸ Even though a reciprocal obligation was established, no return was necessary. No record books were kept and no journal entries were made in ledgers to record the obligations. If recipients were able to return the meat, as in the case of another hunter, that would be done, or some other

¹⁸ Rogers, Round Lake, B. 70-72.

assistance would be provided to the giver, but there was no absolute obligation to return the gift. And if a gift of meat was not returned at some point in the future, this did not mean that the hunter and his wife would not share future kills – some people were exceedingly good hunters and could kill animals because they had a gift from the spirits to be able to, while others were not as fortunate. Not all of the hunters were blessed in an equal manner. Some were adept at hunting, while others were not. What mattered was that if a person had the ability to return a gift of meat, fish, birds and other foodstuffs, then he would do so, but if he was unable to do so, there was no obligation to return the gift.

A good hunter was also obliged to share the meat from his kill with others who were not as fortunate in killing game animals. In return they would acknowledge their debt to him for the gift in at least three ways: 1) by speaking well of him to others; 2) by providing him with other kinds of services, assistance, or goods; or 3) by returning the gift at some future point in time when they were able to. In this manner a good hunter would acquire a good reputation and standing within his hunting community. His standing would be increased in the eyes of the community members as he was seen as a good provider and other people in the community knew that when he was successful at the hunt that they would also benefit. The stature and status of good hunters in the study group area grew with their ability to provide these kinds of gifts.

Thus were established reciprocal obligations between successful hunters and gift receivers, coursing through the life of the Ojibwe of the study group. This method of

sharing tied the people together and joined them with the spirit world through the network of reciprocal obligations. The network consisted of the spirits giving the hunters the ability to kill animals, thereby establishing obligations between the hunter and the spirits, and the spirits and the hunter. It then established reciprocal obligations between the gift-giver and the gift-receivers, between families, and between families and strangers. Sharing and respect for other-than-human persons in the form of animals were absolutely essential by all within the network. This ensured the survival of the Ojibwe of the study area.

ETHICS OF BEHAVIOUR

Learning

Rules governing learning were likewise important. Aboriginal foragers, like many other cultural groups, were trained from childhood to react to new situations in particular ways. For example, they were taught to remain motionless and to observe how others react to situations. The aboriginal person used all of his senses to discover what to do, what was expected of him, what activities were proper and safe.¹⁹ Once he had determined what he was supposed to do then he attempted to duplicate what he saw, heard or sensed. Eventually he would be able to accomplish what was expected of him. Everything was geared to the world view of survival. You either did it or you didn't. If you did, you survived, if you didn't, you might not. There was little room for error in

¹⁹ Wax, Rosalie H. And Robert K. Thomas. "American Indians and White People" in Phylon, the Atlanta University Review of Race and Culture, Vol. XXII, No. 4, Winter, 1961, 1-3

aboriginal learning. Children were not praised or rewarded for doing what was proper or right because it was normal or natural to do things that way and it was expected behavior. A child who did not do what was proper or right, or who continually made mistakes was sometimes censured or shamed. Shaming for these reasons was a serious punishment in an aboriginal community, therefore children were reluctant to try until they watched often enough to be sure that they would be able to do it on the first attempt, particularly when others were around.²⁰

Time must be right

Deeply ingrained in all foragers was a cyclical concept of time in certain contexts, a concept that “the time must be right” before something can be done. There was a time to fish, hunt, trap, pick berries and other edible plants, harvest wild rice, and collect plants for medicinal use. Survival depended upon doing certain things within this cyclical concept of time. For example, large stocks of fish could be gathered in the spring and fall at certain creeks and rivers, but one had to be there when the fish were spawning, in other words, “the time must be right.” Berries, wild rice and other edible plants needed to be collected when they ripened. Ducks, geese, and other waterfowl needed to be killed as they passed through in the spring and fall migrations. Fur-bearing animals needed to be trapped when the fur was at its prime, usually during the late fall to early spring months. With all of these activities, the paramount rule was that the time must be right in order to

²⁰ Roger, Round Lake, B. 38-47.

do them. If a person missed one of these periods, his family would go hungry, perhaps even starve. Survival of the group depended upon observing the cyclic nature of the best time to obtain resources.

In addition, when fish were caught, animals killed or fur-bearers trapped and brought home, the time would be right to clean and preserve them -- all else would be put aside and all efforts devoted to completing the tasks necessary to producing and preserving these foodstuffs. Due to this cyclic availability of foodstuffs, there was a corresponding immediacy to completing the tasks at hand and this spawned the idea of not doing, or not being able to do, things until it was necessary to do them. There was usually little or no advance preparation. "The time must be right" for things to happen, and the notion extended to all aspects of life. There was a time to work and a time to play; a time to teach and a time to tell stories.

Restraint of anger

The hunting groups were cohesive, self-sufficient units. Any hostility could threaten group survival and its viability. Therefore the restraint of anger in the settings of close contact over long periods of time, such as when the hunting group was in the bush for the winter months (sometimes as long as seven months) emerged as an adjunct to the rule of survival. The same was true with respect to non-interference, which is to say ...

The Indian defines . . . [interfering] behaviour, from the gentlest manipulation to the most egregious meddling, as outside the area of proper action. From earliest childhood he is trained to regard absolute non-interference in interpersonal relations as decent or normal and to react to even the mildest coercion in these areas with bewilderment, disgust, and

fear.²¹

Clare Brant, a Haudenesonee psychologist, believed this principle of non-interference was pervasive throughout the entire culture of aboriginal people. He also believed that aboriginal people were “very loath to confront people. We are very loath to give advice to anyone if the person is not specifically asking for advice. To interfere or even comment on their behavior is considered rude.”²² Inevitably, there were disputes and these, too, were handled by long-established and well-recognized rules or laws.

SETTLING DISPUTES

There were characteristic ways of dealing with disputes, or solving problems in order to maintain social harmony. One such way was public censure through gossiping.²³ The collective objective of gossip was to get an individual to cease a complained-about behavior, whether it was something he was doing or not doing, or something he did or said which had the potential to damage important core values of the community, such as harmonious living (pimadizewin), honouring family and kinship ties, honesty or personal integrity. Getting a person to stop such activity could be realized through moral coercion: gossip, or talking in a negative way about the behaviour complained of, which would cause shame for the person. For example one informant related an incident about an

²¹ Wax, *Ibid.*, 5.

²² Brant, Clare. “Native Ethics Rules and Behaviour.” *Canadian Journal of Psychiatry*, Vol. 35, No. 6 (August, 1990): 534-539.

²³ Many writers have noted the influence of gossip as an effective method of maintaining social control, not only in Indian communities, but in communities elsewhere.

individual who got into the habit of telling lies (*gaginawishkiwin*). Since the informant believed it would have been rude and inappropriate behaviour for her to directly accuse the person of telling lies, she felt it would be more appropriate to do so indirectly by telling someone who was close to him about his behaviour. The ethic of non-interference prevented her from directly confronting the man for what was deemed inappropriate behaviour. In this instance, the informant said that she told her friends about how the man told lies because she knew that they would pass the information on to some people who knew the man, and they would pass it on to him.

It is believed that when an individual heard such gossip about himself, or heard accounts of it from someone else, it was sufficient in most cases to achieve the desired result and the person would be able to reintegrate into the community without major repercussions. If the individual corrected the problematic behaviour nothing further occurred, but if he did not desist, then the matter usually escalated, and a wider network of people was told about the behaviour that the individual exhibited (major gossip) and everyone in the community would talk about it. When the man's misbehaviour became generally known he was approached by relatives and friends and informed of the talk in the community. In the example given, the informant indicated that the man persisted in telling lies to her and to others in the community and people talked about him and his behaviour whenever he appeared. This indirect way of confronting an individual with his inappropriate behaviour provided censure without actually directly interfering with his right of autonomy. However, if the behaviour continued, respected leaders in the

community would talk to him and point out the way in which his reputation was being affected. If the behaviour continued the person would eventually be labeled as a liar (*gaginawishkid*).

There were other characteristic ways of dealing with inappropriate behaviour. The informants indicated that a parent might “make eyes,” that is, roll their eyes so the whites showed, or make various sounds like “tsk, tsk” to signify their disapproval of a child’s behaviour. The informants indicate that these methods were also used to signify disapproval of the behaviour of adults. Another device used was that of teasing and joking. Although frequently found, teasing and joking were carried out within the bounds of the culturally prescribed styles of interaction between kin. For example, members of the “sweetheart” class (potential marriageable mates) were always joking and teasing one another and their conversations could often be quite bawdy and raucous, as noted previously. Teasing and joking were used as a means to release tension in pressure situations and to provide mild censure of people when they became too self-centered, opinionated, or conceited.

Another tactic used to put pressure on an individual to conform to core values was social “shunning”. There were different degrees of this tactic ranging from avoidance, to ostracization to banishment, depending upon the seriousness of the behaviour. Avoidance was a fairly common occurrence while banishment was not. In the study area the informants were willing to discuss one example of a situation where a man was ostracized. The man, who lived in the area was a bit of an outcast due to what could

be viewed as a “blood feud.” The story was pieced together from accounts told by several informants. It appears that this man’s son killed his uncle (mother’s brother) with an axe in a fit of rage when he found his uncle with a woman other than his own wife. The boy was convicted of manslaughter and spent two years in jail. About five months after his release, another of the boy’s uncles shot and killed the boy, presumably to revenge the dead brother. Some time later the father of the slain boy shot and killed the uncle. The father of the slain boy was tried, convicted and sent to jail for murder. After his release he kept pretty much to himself. The informants say that they avoid him when he drinks because they do not know what he might do. For all intents and purposes the man has been ostracized by the Wild Goose-Kenogamisis community. Only a few people visit him, mostly members of his immediate family and some of his friends who drink with him. When the man travels to town most people who know him, either avoid him, or limit their contact to polite social conversation.

More serious ways of dealing with a wrong-doing included, consulting a medicine man or shaman to use his spiritual powers to assist in getting the items back, continuing efforts at reconciliation/conciliation, holding a meeting of chief and council with the individual, or holding a community meeting with the individual at which time he would be directly confronted with his behaviour. In addition, there were various agents used in all of the above-mentioned processes to assist in settling disputes or solving problems. The people used as agents included a child, friends of an individual, a medicine man, the chief and council, and various community members. In some cases there were certain people

who were called upon to settle the dispute, and in others, certain rituals were followed.

Thus, there were a number of well established social practices, grounded in the culture, which were used for maintenance of social harmony and order. Because disputes and problems within the community threatened the integrity, and sometimes the continuance, of the group, they had to be dealt with very quickly by the people who were involved. Methods for solving problems ranged from doing nothing to conducting very elaborate and detailed meetings with the whole group or the larger community. A variety of “agents” could also be used to assist in resolving conflicts. Each of the methods could be applied in isolation, but the more common way was to use them in successive, incremental steps until the desired behaviour was achieved. Each successive step would bring a more formal and serious set of consequences. The idea was always to shame the person sufficiently to bring him into line. When the desired behaviour was exhibited, the matter was at an end. The person could reintegrate into the group with a minimum of disruption and without a great stigma to himself. The stigma surrounding the individual would depend on the level of coercion that was required to bring him round to the proper behaviour, that is, if there was little coercion required, there would be little stigma. On the other hand, if there was a large amount of coercion required, there would be a greater stigma.

CHAPTER 5 : KINSHIP : THE BASIS OF FAMILY LAW

Kathleen Poussi, was married twice. Her first husband was Gus Tchisakwe, a man from the Auden/Fort Hope area. They had six children: Edward, Simon, Ida, Dorothy, Irene, and Madeleine. After Gus Tchisakwe died she married George Mijakwad. After Elizabeth was born they adopted four other children. Jimmy was also adopted by them through the Children's Aid Society when he was young. After Kathleen married George, the first set of children were always known by the name Mijakwad, although they had been registered at birth as Tchisakwes. In the fashion of Indian people, George Mijakwad considered all of these children to be his children and they all went by his name. This was an Indian custom. In addition to these children there were a number of other children who were raised by the Mijakwads including, Juliet Poussi and John Egagamwe. There were also a number of other people who lived with them from time to time and some of them were blood relatives, such as two of George's brothers, Joe, and his half brother Angus who was called "Shorty." Both of these brothers were unmarried and lived with George and his family from time to time. Other people who lived with the Mijakwads were related by marriage, while others were not related at all, and some were just friends of some member of the family. These people would appear from time to time, stay for varying lengths of time and then leave. They would always return at another time, stay for a while and then leave again. This was part of the "fluid nature" of an Indian household -- anyone who showed up at the door was welcome to come in, eat with the family, stay for as long as they liked and leave whenever they wished to.

KINSHIP

In Ojibwe society social relationships are based largely on kinship rather than on political, economic, religious or other considerations. Kinship is at the heart of their social structure. The members of the study group thought of their society as consisting of all members of the Wild Goose-Kenogamisis social community, other Ojibwe, other aboriginal people and all other people with whom they came in contact, and the conduct that characterizes the contact is governed by the obligations that are imposed primarily

through kinship.¹ However, in their kinship system they defined the social status of all persons in their society by referring to them using the two broad categories of “kinsmen,” and “non-kinsmen.”²

The members of Ojibwe society, like the members of other societies, classify their kin according to a set of cultural rules. Family and kinship relations establish social relations between an individual and the relatives on both the father’s and mother’s side. In Ojibwe society the nucleus of the kinship system includes the biological family of ego³; and the families of father’s brothers; brothers; brothers’ sons; and ego’s own family. In addition, kin are created through marital unions. For example, when ego married and created his own family, his kinship network would be expanded to include his spouse’s biological family and the families of his spouse’s sisters. Those people who are allied through birth or blood are referred to as consanguineal relatives, and those through marriage, affinal relatives. When a person says they are related to someone, the words express far more than the blood relationship - they indicate the history of the family, denote the pride in being associated with the good name of such family, and advertise for all to hear that the persons who are saying they are related will be known for all of the things that the family name stands for, and that they stand together.

¹ Landes, Ojibwe Sociology, 5.

² This is similar among the Ojibwe in other areas, for example see Dunning, Economic Change, 72-73 (Northwestern Ojibwe of Pikangikum); Landes, Ojibwe Sociology, 5-11 (Ojibwe of Rainy River); and Rogers, Round Lake, B.10-14 (Round Lake Ojibwe).

³ “Ego” is the term used in the anthropological charting of kinship to represent the arbitrarily designated individual who stands at the center of the system.

Kinship rules establish definite functions for every relationship, not only by blood, but by marriage as well. In Ojibwe communities a specific mode of behaviour may be rigidly determined for each and every possible form of relationship. For an individual this means that his relatives and kinsmen are classified into certain categories, each of which implies a special set of social rules to be observed by him. For example, he may be bound to render services to an individual in one class, he may jest and take liberties with a member of another class, and he may have nothing to do with persons of a third category except through intermediaries. Even strangers come to occupy a definite status in the community, either through legal fiction, or through adoption, or marriage. For example, an adopted stranger would be considered to be a daughter to her adoptive parents, a sister-in-law to their wives, and so forth. She would be classified for the entire family circle and her social relations would be regulated thereby. The range of kinship ties and obligation-relations thus function as social norms and sanctions. These ties are present to varying degrees in Ojibwe society.

Kinship terms are also applied to non kin in some situations. This is usually referred to as “fictive kinship” and is found in a number of situations. Among the Ojibwe of the study area there was a system of “caring for” other people, which included a concept similar to the European-Canadian concept of adoption. In the process of caring for children, there was usually no distinction made between the natural children and the children being cared for, that is, caring for “creates a set of relationships between the adoptive parents and child [or the parents and a child they are caring for] that have all of

the expectations of relationships that are in fact based on either descent or marriage.”⁴ This included children being cared for by parents who were related to them, but also included children who were not related. In other situations, close friends of the family might be referred to by the kinship terms, “aunt” or “uncle,”⁵ even though they had no biological or marital relationship. In addition the relationships which arose between godparents and godchildren established kinship obligations even though the godparents were not related by blood or marriage. Fictive kin also included those who lived with a family, were cared for by them, but were not related to the husband or wife or anyone in the community, and may not have been aboriginal.

These kinship usages involve duties to relatives and claims on their help and property. Kinship is important because it provides a social network of individuals who relate to one another on a daily basis. In times of trouble or of need members of a kin group could always count on other kin to assist them. There was a positive obligation on members of the kin group to assist other kin. This assistance could include everyday social activities such as visiting, assistance with child care, building a cabin, caring for others, and the provision of necessities to other kin.

THE OJIBWE FAMILY

Among the Ojibwe the family was the basic social unit. There were thirty-seven

⁴ Ferraro. Cultural Anthropology, 174.

⁵ There are two terms for aunt and two terms for uncle. One aunt and one uncle are categorized as parallel relatives and the other aunt and uncle, as cross relatives. Father’s sister (*ninsigoss*) is a cross aunt, while mother’s sister (*ninosheh*) is a parallel aunt. Father’s brother (*nimishoome*) is a parallel uncle, while mother’s brother (*nijishay*) is a cross uncle.

families in the Wild Goose-Kenogamisis community. Although there were twenty families that fit within the definition of “nuclear family” and fifteen fit the definition of “extended family,” informants did not make a distinction between nuclear and extended families.

The informants were of the view that a family consisted of “all of those people who lived together in one house and those who came to stay with the family on a regular basis.”

They said that even though a family may be observed to consist of a man, his wife and their unmarried children today, tomorrow it might include a number of other people, thereby changing its composition and definition. They said that the size of each family changes so frequently that it would be difficult to categorize any family as being of one sort or the other. The changing nature of a family over time is caused by a constant visiting of kin and friends from one co-residential group to another, or by related families from other communities who would stay with the family for indeterminate periods. The family also included people who came within the concept of “fictive kin.” Thus, according to what the people say, the family is a dynamic, fluid, and ever-changing structure.

In the study area the kinship network was quite complex. For example, the kinship networks of three of the larger families (Mijakwad, Egagamwe and Ice), considered together, included almost all of the members of the community due to the alliances created through marriage. These networks are shown in Chart # 2. Alliances were thus formed between ego and his family and the families of his spouse. This pattern was noted in the study area and all of the informants confirmed the existence of these

- Family Names**
1. Egagamwe
 2. Bananish
 3. Desmoulins
 4. Gustafson
 5. Ice
 6. Kebegijig
 7. Mijakwad
 8. Nakanagis
 9. Pitt
 10. Poussi
 11. Tchisakwe
 12. Twance

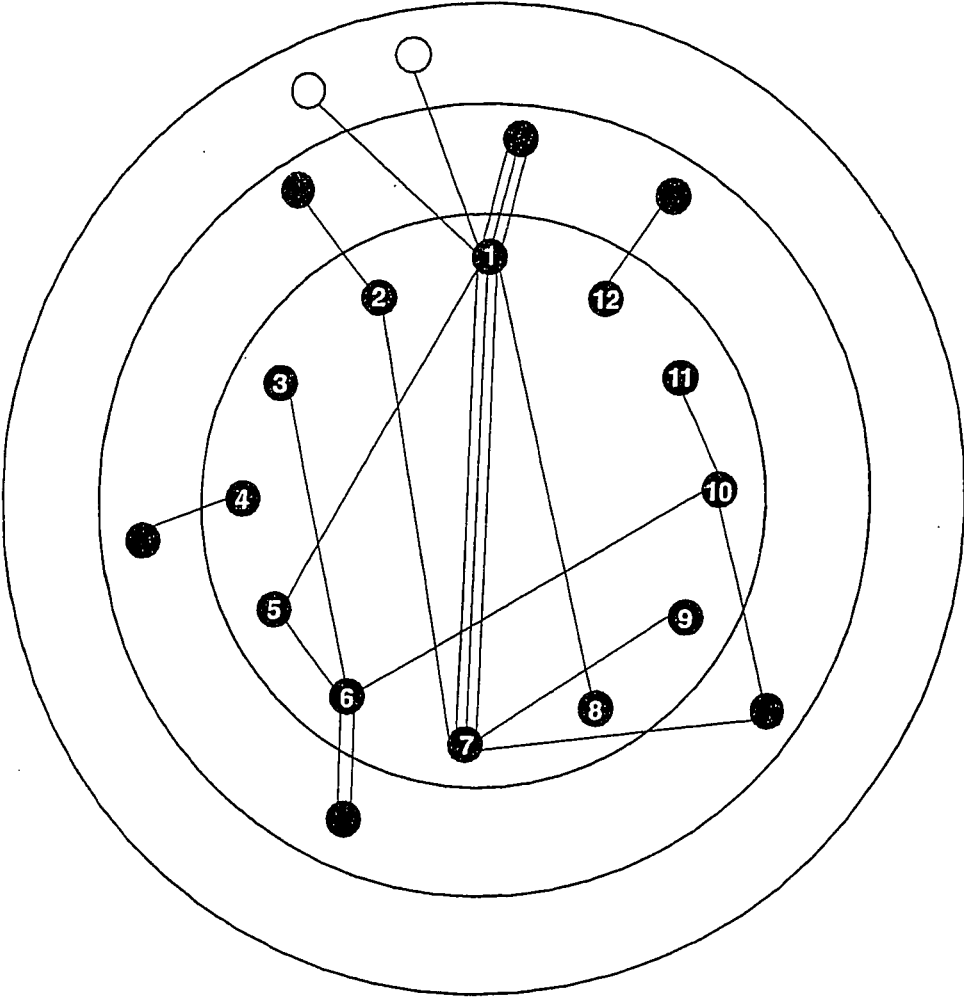


Chart 2 Alliances among the Study Group

alliances among their respective families. The number of alliances created were directly proportional to the number of marital unions that occurred. So, for example, in a small family the number of alliances created would be small, while in larger families, such as those found in the study area, the kinship network was expanded quite considerably. This kinship network was also expanded through remarriage since the original relatives were retained and new ones gained.

The families in the study area had a varied composition. Some families consisted of a man, his wife, and all of their unmarried children; a single, or widowed parent living with their unmarried children; or an adult male, a bachelor, living by himself. Other families consisted of a man, his wife, their children, other relatives, fictive kin, and other people; or an adult male or female living with his or her brother or sister; or adult males or females living with their single or widowed mother or father. An adult brother or sister of the husband or wife might live with the family from time to time, as did a married son or daughter, their spouse and children, and the children of either parent's brothers or sisters.

A unique extended family that was observed involved a polygynous union. In this instance the family consisted of Joseph Egagamwe, his three wives, and all of their children, although it is unclear how many children there were. The oldest living grand-daughter stated that there were twenty-nine children, while another grand-daughter believed there were thirty-two. Another informant thought there were between thirty-two and forty-five children. It is known, however, that the youngest of the wives, Louise

Adiwaki, bore nine children and each of the other two, at least ten children. This was the largest family in the area.

Herein, the families will sometimes be referred to as first, second or third generation families. Ten of the families were formed by members of the first generation and are the forbears of most of the people in the community. These families had eighty-six children. The family names of the first generation who lived in the Wild Goose-Kenogamisis community were Egagamwe, Bananish, Ice, Kebegijig, Mijakwad, Poussi and Twance. Of these first generation families, the Bananish and Ice, families came to the area from another community. Only the Egagamwe, Kebegijig, Mijakwad, Poussi and Twance families resided in the study area prior to the 1920s. These members were the oldest relatives discussed by the informants and were thought of as elders and leaders in the community.

The members of the twenty-three families of the second generation were mostly formed through intermarriages among second generation members of each of the major family groups, but there were some families who moved to the area, including those of Desmoulins, Gustafson, Nakanagis and Pitt. There were thirty-four children in these families. Members of the second generation lived as their parents did, and participated in all of the same activities. Four of the families were formed by members of the third generation and are older children who had formed their own families during the study period. The third generation consisted of the children of the second generation, and those of other families who moved to the community. Although most of the members of the

third generation were raised in the bush and, like their parents and grandparents, had all of the skills necessary to survive there, few of them chose to continue to live there. They chose instead, to move to urban areas to obtain wage employment. Several of the members of this generation married non-aboriginals.

MARRIAGE

The ways in which marriages occurred among the Algonquian speaking peoples have been described in a variety of ways in early historical narratives. For example, A. D. Radout, a traveller in the Great Lakes region, described the marriage practices of the Indian people there:

The savages get married very young; the parents of the girl are begged by those of the boy to give her to their son, and at the same time they give a present according to their means; when they are in agreement they have a feast, attended by all the relatives, and it is at this time that the marriage presents are given; ... After these presents are given, all the people start to dance to the sound of a kind of drum or to songs of which the words tell the duty of marriage, of which they are not ignorant. This feast takes place in the cabin of the girls, where the boy goes to live. This marriage lasts as long as they are satisfied with one another, for as soon as they are not, they part to marry another, there being no dishonor for the one or the other to have been married. The marriage is broken off, the children remain with the mother; it is one of their greatest riches to have them, because it is they who support them in their old age by hunting and fishing.⁶

Marriage among ancestors of members of the study group was described by Duncan Cameron in 1804. He stated that:

When a young man wishes to take a wife, he employs his father, or

⁶ Radout, A.D. in Kinitz, W.V. The Indians of the Western Great Lakes. Ann Arbor: University of Wisconsin Press, 1940, 345.

some other near relative, to go and give the young woman's father, or some other near relative, a present of a gun or of any other valuable article he may have, and ask for the young woman. If the demand is agreeable, the present is accepted, ... [and] the father or brother of the young woman will take her by the hand and deliver her to the young man, without any further courtship or ceremony, and without even consulting in the least the inclination of the young woman who perhaps has never spoken to the young man before.

The husband must then go and live with his father-in-law for a year at least, and give him all the hunts during that time, the father-in-law, however finds him necessaries and clothing, and if he is a good hunter, which is the best qualification he can have to ingratiate himself with the old people, he is maintained and treated the best of the whole family; the old man may even give him one or two more of his daughters, which is the greatest compliment he can receive. The son-in-law, to show his gratitude, will remain with and maintain the father-in-law as long as he lives, while another does the same to his own father if he has been lucky enough to have daughters to give away.⁷

Three Types of Marriage

Informants indicated that during the study period, three types of marriages were evident among members of the study group. The first type was the traditional marriage by long standing custom. In the early part of the study period there did not appear to be any formal ceremony marking a marriage other than cohabitation. Most of the newly married couples established their own household near one of the parents, although in some instances they initially lived with one or the other set of parents. In later years, as the community came under the influence of the Catholic Church, couples were married in a wedding ceremony in one of the local Catholic churches; and towards the end of the study period many of the people just commenced cohabitation without observing the long

⁷ Cameron, Duncan. "The Nipigon Country" in Masson, L. F., Ed. Les Bourgeois De La Compagnie Du Nord-Ouest. Vol. II, Quebec: De L'Imprimerie Generale A. Cote et Cie., 1890, 251-252.

standing customs of the community, or those of the church. Some informants thought that this process signified an erosion of Ojibwe culture, that the traditional rules were being replaced with non-aboriginal rules for marriages. They believed the Catholic Church played the most significant role in this erosion of traditional practises.

Traditional Marriages

Informants indicated that, just prior to the study period, marriages were arranged by parents, although it is difficult to ascertain when the custom was no longer followed. The children were expected to follow the wishes of their parents, even though some of them did not. Parents were very strict with relations between young men and women. It was said by several informants, both young and old, that girls could not talk to boys, either strangers or those that were known to the families. Similarly, boys were under the same restraint. If a girl was caught talking to a boy the parents expected that their daughter would then marry the boy. One informant, Doris Egagamwe stated that is how she had gotten married. At the time, she was twenty-six years old and her husband was five years her junior. Another informant, Madeleine Mijakwad, stated that she had been married in the same manner when she was seventeen years old. Both women were married by a priest in the Catholic Church.

During the study period traditional marriages followed a fairly well-established pattern and certain requirements had to be met before a couple could get married, although the requirements were not always met in the latter portion of the study period. The first requirement was that a couple had to seek permission from their parents before

they could marry. For example, when a man wished to marry a woman in the community he would discuss the matter with his parents and ask them to make the arrangements with the woman's parents. If the young man's parents approved of the union they would go to visit the woman's parents and discuss the matter with them. The informants indicated that in some instances the prospective groom's parents would bring a present to the prospective bride's parents. If the girl's parents agreed to the marriage, then the couple were free to marry.

Informants believed that people should not get married until they were ready and able to do so. A young man was eligible for marriage when he had proven his ability to support a wife and family. When the young suitor felt confident of his success, he may have told his parents of his designs, who then visited the girl's parents on his behalf to arrange the match, or he presented her parents with fresh game to demonstrate his ability to support her. Occasionally, matches were arranged by the parents, the girl having very little say in the matter. A young woman was considered eligible for marriage when she was capable of performing the duties necessary to maintain a lodge, such as preparing and cooking food, sewing clothes, skinning game and tanning hides, building a wigwam, and manufacturing all the tools and utensils used in these various labours. A young woman of marriageable age may have had several suitors at one time or in succession before she found one to her liking. This behaviour was labelled as "licentious" or "promiscuous" by many early European observers.

Informants stated a number of reasons for having parents involved in the decision.

One was to ensure that the couple were not related. The parents would determine whether or not the couple belonged to the same clan, since there was a taboo against marrying a member from one's own clan. Another was to ensure that each of the couple was ready for marriage. The young man had to have the skill, knowledge and experience to provide for his spouse and future family, and the young woman had to have the skills, knowledge and experience to process the game and fur that her husband would bring home, and to care for the household and children of the marriage. Informants indicated that while the knowledge, experience and skill of most marriageable adults in the community was generally known throughout the community, the parents still had to be involved since it was a decision that the parents were required to make.

The best example of a traditional marriage is that of Joseph Egagamwe who was married according to Ojibwe custom. When Joseph was a young man he lived by himself. The informants did not know if he had siblings, or if his parents were alive. When he determined to marry he went to visit a widow who lived nearby with her three daughters. According to informants Joseph Egagamwe visited the widow and made arrangements with her to marry the oldest of the three daughters. Although these arrangements were traditionally made between parents on behalf of their daughters and sons, in this instance Joseph Egagamwe made the arrangements with the widow on his own. After the arrangements had been made Joseph took his new wife to live with him. He subsequently married another daughter, again making arrangements with the widow to do so. At a later date Joseph and the widow agreed that he would marry the youngest daughter. At the

time of his marriage to the youngest daughter Joseph was obliged to bring the mother of the daughters to live with him as she would have been on her own and would not have been able to manage by herself. By this time Joseph had three wives, all sisters, and had married them in accordance with Ojibwe custom. His family consisted of himself, his three wives, their children and the mother-in-law.

The Church Marriages

During the 1930s to the 1950s most of the members of the community were married in the Roman Catholic Church at Longlac near the Indian Reserve while some were celebrated in the Catholic Church in Geraldton. Few of the traditional practices followed by the first generation were observed in these church marriages. About the only practice that continued was when a man and woman became interested in one another and had thoughts of marriage, their respective parents would make arrangements with the priest for the marriage to take place.

Living Together (Common-law Marriages)

Towards the end of the study period many of the members of the community did not get married according to custom or in a church. In the words of informants, they “just started living together,” or “they shacked up.” At first glance it would appear that the first and third categories are similar but informants very specifically stated that there were big differences between them. Informants indicated that marriages in the first category were among the older people (first generation) and the procedures outlined under traditional marriages were always followed, while those in the third category tended to be

among the young people in the community (third and particularly, the fourth generation) and there were no procedures followed.

The young people did not consult their parents about intended unions and certainly did not follow the wishes of the parents or get their permission. As a result, some of these young people commenced cohabitation long before they were ready and able to provide the basic necessities required by the economic lifestyle. Many of the boys were unversed in the skills necessary to provide food and furs and the girls were unable to process such bounty even if it were killed. Many of these young couples had children when they were in their teens and many of these unions ended. The parents of these couples looked after the grandchildren when the union ended.

When these young couples entered into these unions they had no way of knowing whether they were related or were from the same clan because their parents had not been involved. The informants indicated that there were two couples who later discovered that they were related to each other. In one instance the couple separated and the woman's parents cared for the child of the union; and in the other instance the couple continued to cohabit. The informants say that the parents of children who get "shacked up" say that many of the young couple's subsequent problems are a direct consequence of not observing the long-standing customs.

Cousin Marriages

A number of writers have indicated that the Ojibwe demonstrated a preference for

marrying first cousins of the cross cousin category.⁸ The Ojibwe make a distinction between cross cousins and parallel cousins. Cross cousins are the children of parents' opposite sexed siblings. This would include father's sisters' children and mother's brothers' children. On the other hand, parallel cousins are the children of parents' same sexed siblings. This would include the children of father's brothers and those of mother's sisters. There were two reasons given by informants for the prohibition against marrying parallel cousins. The first was that a relationship of this sort was incestuous. The second was that a parallel cousin came from the same clan. In the Wild Goose-Kenogamis community there were no reported instances of marriages between cousins so it is difficult to say whether cross cousin marriages occurred or that there was a preference for that type of partner.

According to informants everyday relations between parallel cousins were restrained and formal, while those between cross cousins were often lewd and informal. These differences are illustrated by anthropologists. For example Landes wrote:

Cross-cousin etiquette consists in rude joking, from the Ojibwe viewpoint as well as from ours. The cross-cousin of either sex who does not joke is boorish. Ego and the same-sexed sibling [parallel cousins] can develop close relationships which permit of rude joking in private; but they can never joke publicly, as cross-cousins of both sexes must.⁹

⁸ For example, see Hallowell, A. Irving. "Cross-cousin marriage in the Lake Winnipeg Area." Publications of the Philadelphia Anthropological Society, 1:95-110; Hallowell, A. Irving. The Ojibwe of Berens River, Manitoba. New York: Harcourt Brace Jovanovich College Publishers, 1992, at pp. 55-58; Hickerson, Harold. "The Southwestern Chippewa," Memoir 92. American Anthropological Association, Vol. 64, No. 3, Part 2, June 1962, at pp. 73-86; Bishop, Ibid., at pp. 50-51; Landes. Ojibwe Sociology. 55; and Rogers, Round Lake, B48.

⁹ Landes. Ojibwe Sociology, 26-67; and Dunning, Economic Change, 89, 91, and 118-19

This permissive behaviour has often been labelled a “joking relationship.” Hallowell notes that the “verbal aspect of this permissive behaviour has been labelled a “joking relationship” since the bawdiest kind of allusions are heard.” Such exchanges are almost compulsory whenever “sweethearts” meet, regardless of age or marital status.”¹⁰ In the study area behaviour of this sort is noticeable on a daily basis, but it is unclear from informants whether it is of the same sort as described by Landes, Hallowell and others. However, when checking the genealogical material, it is quite evident that the behaviour occurs mostly among marriageable partners.

MARRIAGE RULES

Exogamy/Endogamy

Anthropologists also write about rules that relate to whom one may choose as a marriage partner. They say that “in some cultures individuals are required to marry people from a community or kin group other than their own,” and they call this exogamy. Endogamy on the other hand, “is found in cultures that prefer individuals to select their mates from within the community or kin group in which they were raised.” The exogamy/endogamy dichotomy can be viewed from several different levels. For example, from a cultural point of view, if an individual married someone from outside the culture, that would be said to be exogamous, and if they married from within their culture, the marriage would be endogamous. On another level, if a person married someone from

¹⁰ Hallowell, Berens River Ojibwe, 55.

outside their community that would be exogamous, and if from within, the marriage would be endogamous. On yet another level, if an individual married someone from another clan, the marriage would be exogamous, but if they married from within their clan, the marriage would be endogamous.

In the study area all of the people from the first and second generations married other Ojibwe individuals. Since they were all Ojibwe, these marriages are culturally endogamous. Marriages outside the culture only occurred among some members of the third generation who married non-aboriginals. These marriages would be considered culturally exogamous. In relation to the second level, that of community, the marriages among the first generation were all community-exogamous since their spouses all came from some other community, but among the second generation the majority of the marriages occurred among members of the same community, thereby making them community endogamous. Among the third generation marriages were mixed. Some occurred with individuals from outside the community, some from within the community and some from outside the culture. In relation to the third level, that of clan, the second generation informants could not say whether marriages were exogamous or endogamous because few of them knew what their clan was. However, when viewing the genealogical charts, it is quite evident that there were no marriages between clan members in the three generations. All of the marriages were clan exogamous. Thus, it was observed that on the cultural level, marriages among the study group were endogamous. On the community level, first generation marriages were exogamous, while second generation marriages

were endogamous. Third generation marriages were mixed. On the clan level, marriages appeared to be exogamous.

Residence

Families are also defined by post marital residence and there may be rules that regulate where a newly married couple resides. For example, in some cultures the couples are expected to live with or near the family of the bride or the groom. If they live with the wife's family their residence is said to be uxorilocal, or matrilocal, and if they live with or near the husband's family their residence is said to be virilocal, or patrilocal. If they are allowed to choose to live with either the wife's or the husband's family they are said to practice bilocal residence and if they are required to alternate between the families of both spouses, they are said to practice ambilocal residence. If they establish a new residence in accordance with their own desires and needs, their residence is said to be neolocal residence.

Among the Round Lake Ojibwe, Rogers reported that

Residence appears to be variable, although one informant claimed that when inter-community marriages occurred the woman moved to her husband's community. This is probably the ideal but actual cases only in part conform to this pattern. Five out of forty-eight men who were originally Round Lake Ojibwe, took up residence in the wife's community and have become Round Lake Ojibwe.¹¹

Rogers concluded that "individual circumstances tend to determine the place of residence."

¹¹ Rogers. Round Lake, B51.

In the Osnaburgh area, Bishop noted that

There is no prescribed residence norm among the Osnaburgh Ojibwe today. In the past, it appears that residence immediately after marriage was uxorilocal. At present there are seven men in the village living either with their father-in-law, or, as in three cases, with their mother-in-law, the husband being dead. In two cases, the son-in-law is considered to be the owner of the house, so it is questionable whether it is correct to define residence as uxorilocal. In several other cases, sons-in-law are residing in separate houses located near affines. In not a single instance is a married son living with his own parents, although several married males have established residence close to their parents. Trapping and bush life have altered so drastically within recent years that residence outside the village is highly variable from year to year.¹²

In the study area the families generally followed a neolocal residence pattern, although they often lived close to the father.

POLYGYNY

Another marriage law among the Ojibwe specifies how many mates a person may have. Anthropologists have categorized marriages by the number of spouses permitted, that is they are monogamous or polygamous. Monogamy is the marriage of one man to one woman at a time. Polygamy is the institution of plural marriage that permits individuals to have more than one spouse at a given time. Polyandry is a form of plural marriage where a woman has more than one husband at a time, or where men share a single wife. Polyandry is found in some Inuit cultures in Canada but this form of marriage does not occur among the Ojibwe. Polygyny, on the other hand, is a form of plural marriage where a man has more than one wife at a time. Plural marriage systems are

¹² Bishop, Northern Ojibwe, 55

usually found in smaller-scale societies with relatively small populations. According to Ferraro, polygyny is the preferred, but not the usual, form of marriage in most of the major regions of the world and “approximately seven out of every ten cultures of the world permit the practice.” However “most men in polygynous societies, for a variety of reasons, have neither the inclination, family power base, nor social skills needed to achieve the relatively high status of being a polygynist.”¹³

Among the northern Ojibwe, plural marriages were permitted and may even have been encouraged.¹⁴ Again, the accounts of early visitors to the area around the Great Lakes indicate that the practice of polygyny was prevalent among the Algonquians and Ojibwe. For example, A. D. Raudot, writing about the Algonquin Indians in 1709, noted that:

The nomadic savages or savages of the North have several wives, even up to six. They each have their night. But as soon as one of them believes herself pregnant, she does not see her husband any more, nor during the two years which she nurses. She goes for a reason that would make her child die. So the husband takes another one and in order that there will be less argument and jealousy between his wives, he chooses usually one of the sisters of his old wife, who is the first, when he finds one among them that pleases him. The last wife is always the youngest and follows her husband when he goes to the hunt or to war.

The old wives are the mistresses of the foods and the furs and console themselves in this way to see the favors of their husbands shared by another who spares them the trouble of mending his effects, by taking sole care of them.¹⁵

¹³ Ferraro. Cultural Anthropology. 204.

¹⁴ Dunning. Economic Change, 182

¹⁵ Raudot, in Kinitz, Indians of the Western Great Lakes.

Duncan Cameron, who was on Lake Nipigon in 1804 also noted polygynous practices among the Indians, stating that “[a]lthough a plurality of wives is allowed, they seldom take more than four, sometimes all sisters, who live together in great harmony, without the least jealousy towards each other; the first or favourite wife presides over the others.”¹⁶

Informants were aware of three plural marriages in the community and told stories about other plural marriages in adjacent communities, but the details of these marriages are sketchy. They related a story told to them by their parents about a man who lived in the community who had six wives at the same time. Informants did not know the man or his wives and the family moved to another area before the informants were born. In the second instance the informants related a story they had heard in the community about a very old Ojibwe man from the west side of Lake Nipigon who had ten wives in his lifetime, seven of them concurrently. However no other details could be recalled by the informants about this example of polygyny. The third instance, noted below, was a plural marriage where all of the wives were sisters, a practice known as sororal polygyny.¹⁷ P. F. X. Charlevoix, writing in 1721, about the practice of polygyny among the Indians at Michilimackinac observed that: “[a] plurality of wives is allowed of, amongst several of the nations of the Algonquin language, and it is common enough to marry all the sisters; this custom is founded on a persuasion, that sisters must agree better together than

¹⁶ Cameron in Masson, Les Bourgeois Vol. 2, 252.

¹⁷ Sororal polygyny is a practice where a man marries two or more sisters: Ferraro, Cultural Anthropology, 150.

strangers. In this case all the women are upon equal footing; but amongst the true Algonquins there are two orders of wives, those of the second order being slaves of the first.”¹⁸

In the study area, there is one example of a polygynous marriage where the wives were all sisters. Joseph Egagamwe had three wives all of whom were sisters. Most of the informants were too young to provide a first hand account of relations among the three sisters after they married Joseph Egagamwe, but they say that their parents informed them that there were never any arguments among the women. Informants noted that Joseph Egagamwe (first generation) lived in the northeastern portion of the study area between Long Lake and Burrows Lake. A widow, whose last name was Adiwaki, also lived in the area with her three daughters. It is not known if there were any sons in this family group. Nor is it known how her husband died, or how long she had been a widow. It is likely that the mother and daughters depended on relatives to provide them with meat from moose and other animals. They may also have received assistance from the former hunting partners of her deceased husband and the reciprocal obligations established through such affiliations.

As we saw earlier Joseph Egagamwe, who was single at the time, visited the widow and made arrangements with her to have the eldest daughter come and live with him as his wife. The informants were not aware of any ceremony in relation to this

¹⁸ Charlevoix, P.F.X. de. Journal of a Voyage to North America. Vol. I-II. Trans. By P. De Charlevoix. London: Printed for R. And J. Dodsley, in Pall Mall, 1761, Vol 2., 48.

marriage. In their words, "Joseph just took her to live with him as his wife." Joseph and his new wife established a separate family and not long after their marriage the wife became pregnant with their first child. By marrying one of the daughters of the widow, Joseph was obliged to provide foodstuffs and services to the widow and her daughters since they became a part of his kin group after his marriage to the eldest daughter. Since he was said to have been an excellent hunter, this would not have posed a problem for him.

Informants stated that during the later stages of his wife's pregnancy she was unable to perform all of her usual household tasks, many of which involved manual labour. Joseph went to the widow and obtained permission to take the second oldest daughter as his wife. This woman returned with him to his home and also lived with him as his wife. None of the informants could recall any ceremony associated with this marriage. The informants stated that their grandfather required a second wife to assist him for two reasons. First, he had become a very successful hunter and required additional assistance to process the game that he killed, and secondly, his first wife was unable to perform all of her usual household tasks due to her pregnancy. Following the birth of his first child with his first wife, both of his wives became pregnant. Sometime after this it was stated that Joseph Egagamwe again visited the widow and sought her permission to take the youngest daughter, Louise, as his wife. The widow also consented to this marriage and the daughter went to live with Joseph as his third wife. The mother also went to live with Joseph and his three wives because she did not have the means to

live by herself after her three daughters married. Thus, the Egagamwe family now included Joseph, his three wives, his mother-in-law, and the large number of children borne by his three wives.

It is believed that in a multiple union of this sort there is less competition among the wives and therefore less of a threat to domestic tranquillity. For example, Ferraro states that “[i]t is possible that sisters, who have had to resolve issues of jealousy revolving around their parents’ attention, are less likely to be jealous of one another when they become co-wives.”

REMARRIAGE

Among the Ojibwe the family hunting unit is the basic social and economic unit. The contribution of both the husband and wife was essential to the success of this foraging unit.¹⁹ The family hunting unit often ceased to function effectively upon the death of one or the other of the spouses because it was difficult for the remaining spouse to do the work required by both roles. This was particularly true in instances where the wife died and there were a large number of children.²⁰ While the loss of a wife had a devastating effect on the ability of the family to continue, the loss was partly diminished in instances where there were daughters old enough to assume the tasks of the mother, but this would never be for a long period of time as daughters would eventually marry and leave the unit. Another method of dealing with the problem was through remarriage.

¹⁹ Rogers. Round Lake, B71.

²⁰ Driben. A Death in the Family, 90-98.

In the study area five remarriages were noted in circumstances where a spouse had died and there were several instances where a spouse did not remarry after the death of a spouse. Three of the instances of remarriage involved men and two involved women. In every instance except one the spouses were older and did not have any children of their own. In the case of the remarriage of one of the women who had five children, she and her new husband had one child, but adopted four others. It is interesting to note that in all instances of remarriage the children of each of the spouses were treated as if they had been children of the second (current) marriage, and there was no terminological or practical distinction.

DIVORCE

Among the first and second generation families in the Wild Goose community no divorces were noted. Informants indicated that there was only one man who lived with a series of women and had children with each of them. In this instance, they say, his first marriage was by custom but they thought of each of his subsequent unions as “just shacking up.” Informants said that when he broke up with his first wife it was due to infidelity, but they never thought of his subsequent breakups as separations or divorces. When this man drank too much “he fooled around with other women” and his wife would not tolerate it. They say this was one of the reasons that people might become separated or divorced after a marriage by custom. There was no ceremony to mark the divorce. The couple just went their own ways and were free to remarry. The members of the community did not acknowledge the separation in any way other than ordinary gossip.

The only other reason noted by them that a couple would separate was that they could not conceive children.

As noted earlier, members of the third generation tended to live in a common-law situation, although some of them did marry in the Catholic Church. It is difficult therefore to discuss divorce in this context, as many of these unions were not formalized either through custom or a Christian service. Among those who were married in the Catholic Church, two of them were legally divorced and subsequently remarried. These marriages involved aboriginal women marrying and subsequently divorcing non-aboriginal men.

CONCLUSION

The Ojibwe of the study area were closely bound to one another through the ties of kinship and economic relationships. Together these ties promoted adherence to the rules and moral order in the community. All aspects of the life of the Ojibwe depended upon these ties. Without the ties of kinship or the economic ties provided by the hunting group relationship a man would be entirely on his own. This would be the equivalent of banishment from the community and it would be difficult, if not impossible, to survive. The economic ties were created when two hunters went to the bush together to pursue game. In some instances these individuals were related, but more often than not they were from different families. A good hunter might have several hunting partners, but most hunters would have just one or two. The ties created by these partnerships could last for any length of time and different alliances were formed by hunters over a period of time – the ties were not of the same permanent nature as kinship ties. While many kinship

ties were created through birth, others were created through marriage. A man shared kinship with all of the members of the family into which he was born, with his children, and with all of the relatives of his spouse. In addition there could be other kinship ties, for example with the children of a new spouse where a man remarried, or with those people who were being “cared for,” which will be discussed in the next chapter.

CHAPTER 6 : CARING FOR OTHERS

The forlorn sound of the train whistle pierces the night air as the train commences to slow down for the next stop. When the train stops a solitary male traveller descends from the train. He needs a place to stay and looks around. He sees a light shining from a window of a cabin just up the tracks. He makes his way there and knocks at the door. An Ojibwe man gets up from his seat and opens the door and allows the stranger to come into the house and sit by the fire. No words are spoken as the two men sit on either side of the stove. The owner of the cabin offers the stranger a cup of tea. The two sit drinking tea but do not speak. In a while the owner gets up, points to a couch and the stranger goes and lies down on it. The man turns out the coal oil lamp and goes to bed.

The stranger is awakened by the morning hustle and bustle of the family getting the morning meal ready. The man and his hunting partner leave the house, strap on their snowshoes and commence their long walk to the furthest part of their trapline. The stranger eats with the woman and her children. As the stranger sits in the cabin he hears the sound of an axe. He gets up and goes outside. He picks up a bucksaw and goes to where the woman and her children are cutting wood. He cuts several dead trees down, cuts them into stove length pieces, and carries the wood to a pile near the cabin. Later the stranger carries water up the hill from the lake. In the afternoon, the woman goes out to check some rabbit snares and comes back with three rabbits. She skins them and makes a stew. The stranger eats with the family. Again, no words are spoken. The children stare at the stranger but do not say anything to him. As night falls everyone goes to bed, the stranger bedding down on the couch where he slept the night before.

The next day a similar routine is followed. After breakfast a variety of chores are completed. In the afternoon the woman and her two oldest children go down to the lake and out on the ice to check the fish nets that were set the day before. The stranger tags along after them. A large quantity of fish is taken from the nets. The nets are reset before they prepare to go back to the cabin. The stranger picks up the heavy box of fish and carries it up the hill. The woman and her children follow. The woman cleans the fish, fries some of them and makes some bannock for their evening meal. Just as they are getting ready to eat, her husband and his hunting partner arrive and join them for the evening meal. After a few days the man talks to the stranger and his wife and children follow his lead. Within a couple of weeks the stranger appears to fit right into the family. To an outside observer there would be nothing to distinguish the stranger from the rest of the family, apart from the fact that he is not an Indian.

CARING FOR OTHERS

In many societies rules or norms arise which pertain to the provision of care to children in circumstances where natural parents are unable, or do not wish, to provide care to their children. In other words, the state may provide a *parens patriae* function for children in certain circumstances – sometimes on a voluntary basis and at other times on an involuntary basis.

The Ojibwe people of the study area consisted of several families living at different places around Geraldton. There were strong kinship ties within each family which made each of them a close-knit social group. These kinship ties were strongest within the extended family and among those relatives who lived in close proximity to one another. In some aspects of daily life these bonds of kinship tended to lessen where a relative lived some distance away from the main family group. However, this did not affect other aspects of the kinship obligations. For example, if a member of a family was in need of something, he could depend upon the other members of his family to assist him in his time of need. This assistance might consist of the provision of foodstuffs, shelter, looking after children or adults for a period of time, or looking after children or adults on a permanent basis. But the obligations were not solely those of kinship. As discussed earlier, one of the more important aspects of life among members of the study group was the concept of sharing. This concept imposed obligations on every person within the Ojibwe world, whether human, other-than-human, or a spirit. The concept extended to the sharing of food, shelter, material possessions, and services that could be provided by

an individual to another.

Caring for others was seen as an essential part of the concept of sharing. Caring for others was seen as a sharing of services that could be provided to someone in need. All that was required to trigger the mechanism was an individual who had a need, and another individual or group who was able to meet that need and was willing to do so. This idea of caring for, as a branch of the obligation to share, buttressed the obligations provided by kinship. It also extended beyond kinship ties to include many other people in the community who did not come within the kinship category of the family. This concept of sharing also extended to people in other communities, and to strangers. The idea of caring for a person not related to a family is viewed in a different way in mainstream Canadian society. In relation to children who were being looked after on a long term basis, the notions of foster care and adoption are used to describe the relationship. And in relation to short term placements, the relationship is described as foster care, or placement. In the Ojibwe community, however, the only concept that was consistently used across the study group was that of caring for others, although different terms were used to describe the idea.

In the case of the Ojibwe, the idea of caring for other people is best viewed as an extension of the concept of sharing and was applied in a wide variety of circumstances. It was used to describe a permanent relationship where children were raised by a person related through kinship or marriage. It also applied to adults who came to live with the family and were cared for by that family under the general obligation of sharing. The

concept was used with persons that were healthy and those that were sick.

Who Was Cared For?

One of the most striking aspects of the data gathered is the extent to which members of the study group “cared for other people.” The idea of “caring for others” as used by informants is a very broad concept. It was used in reference to infants, children, youth, adults and older people, as well as to persons who were sick, disabled, infirm, or to those who were in good health. It encompasses the concepts of “adoption,” “fostering,” “geriatric care,” “mental health,” “spiritual well-being,” and “physical health.” In discussions with informants the words used by them to describe the different aspects of the concept of caring for others included “adopted by,” “brought up by,” “looked after by,” “raised by,” “took care of,” “go to live with,” “sent to stay with,” “lived with,” “stayed with,” “supported us all,” and “visited with.” In many instances the persons cared for were from the maternal or paternal kin group, but this was not always the case as there were instances where the persons cared for were from an unrelated kin group, or children related to a hunting partner or a friend and were connected to the care givers through bonds developed with such individuals. There were also many instances where the persons cared for were complete strangers to the care givers, or non-aboriginal. Care givers looked after people whether they were young or old, healthy or sick, related through kinship, or strangers. The length of care varied from a few days to a lifetime.

In the Ojibwe language there are no terms for “adoption” or “adopted brother or

sister.” The terms that come closest to these meanings are the terms godfather (*taataaikawin*), godmother (*maamaaikawin*), godchild (*onidjaanissikawinan*), my godson (*ningwissikawin*), and my goddaughter (*nindaanissikawin*). In all of these terms the suffix *kawin* is added which means “no.” Adding this suffix indicates in the case of a boy, for example, that the godmother is not his mother. There are also no terms to describe step-parents, step-children, step-brother, or step-sister. People who were cared for were referred to by the standard kinship terminology, including terms such as mother, father, grandmother, grandfather, sister, brother, aunt and uncle, etc. However, the Ojibwe phrase *wenidjanissingin* is translated as “like one’s own child” and is used in reference to other children who come to visit for a while, or who play with the children of a home. So a mother might say of a visiting child that he is *wenidjanissingin*, or “like her own child.”

The most common situation of caring for others is found in relation to young people, that is, infants, children and youth. The care given ranged from permanent arrangements where children stayed with the care givers for an indefinite period of time and were considered to be a part of the family (in Euro-Canadian society, child welfare agencies would refer to them as “step children” or “adopted” children); to more temporary arrangements where children stayed with a family group for several months or years (“foster children”); to casual arrangements where the friends of children stayed with the family for a night, a week, or longer (“visiting”); or just came home with children to eat or to visit for a while.

The process whereby a family came to care for children or other people was informal. There was no great ceremony, formal hearing, or community meeting whereby the relationship was announced or determined. Once the criteria had been met, the child or person in need of care was taken in by the family and cared for. In some circumstances the family would acknowledge the relationship at a feast, and in others, through a “welcoming ceremony.” In instances where the child was young, there might be a more formal acknowledgment in a naming ceremony, which was usually done by an elder in the community. During ceremonies such as these the man and woman would acknowledge the child as their own, the community would recognize the relationship, the child would be given a name which it would thereafter be known by, and all people would refer to the child by that name and as the son or daughter of those particular parents. The field data is replete with examples of caring for others. Consider the examples from the Egagamwe and Mijakwad families.

THE EGAGAMWE FAMILY¹

Jim Egagamwe’s wife Catherine was expecting another child. She was due at any time. Catherine had not had any troubles with her current pregnancy. Of her previous eight pregnancies, four of the children had an uneventful birth, and the other four died in childbirth. All of them were born at her home in the bush with the assistance of a

¹ Much of the information obtained in this family section comes from personal interviews done with members of the family: Maggie Aggamway of Thunder Bay, Ontario, interview by author, 13 December 1997, Geraldton, interview notes; Doris Ice of Geraldton, Ontario, interview by author, various dates during 1997, 1998, 1999, Geraldton, interview notes; Mabel Aggamway of Thunder Bay, Ontario, interview by author, various dates during 1997, 1998, 1999, Geraldton and Thunder Bay, interview notes.

midwife. However, when her labour pains commenced Catherine sensed that this birth would be a difficult one. After being in labour for several hours Catherine and the midwife decided that she should go to a hospital as there appeared to be something wrong. Although the hospital in Geraldton was the closest one, Indian people were not admitted there because it was a “company hospital” reserved for the use of employees and other non-Aboriginal people from town -- so she would have to go elsewhere, even though her situation was becoming perilous. They decided to take the evening train to Port Arthur and go to a hospital there.

The woman’s oldest daughter, Doris, who was fourteen years old was left to care for the other three children, as her husband was out on his trapline. The woman and the midwife boarded the train for the journey, but by the time the train neared the village of Beardmore she had lost a considerable amount of blood, and it was apparent that the woman would be unable to make the trip all the way. She was taken to the Red Cross Hospital in Beardmore which was staffed by a physician who examined her and made preparations for the birth of her child. The doctor determined that the child would have to be born by Caesarian section. By this time, the woman had been in labour for more than twelve hours and was very weak. The procedure was carried out and a healthy daughter, Maggie, was born. However, the mother died not long after; there was nothing that could be done for her.

The midwife returned on the train to Keemle the next day with the newly born girl and the woman’s body. The infant was left with her fourteen year old sister, Doris.

Catherine's husband Jim was not at home when the midwife returned to the community. He was out on his trapline checking the traps. Doris looked after the infant as best she could, but was overwhelmed as she also had to care for the other children. A female neighbour from the close-knit community came to the house and assisted the girl with the children and the housework until the father returned from the bush. After his wife was laid to rest Jim asked his wife's sister, Mary Pitt, and her husband, Thomas, to look after the new born child. One of the younger children was taken by another relative. Jim's oldest daughter, Doris, acquired the responsibility of caring for the household and raising the remaining two children. Doris did this until she left home about three years later.

Thomas Pitt and his wife, Mary, had no children of their own and they readily agreed to take the newborn. The Pitts took on the responsibility of caring for the child (their niece) because of the obligation of kin to look after kin. Mary was related to the child consanguinally and Thomas, affinally (through marriage). In this particular instance, although there were several aunts and uncles, Mary and Tom appeared to be the most suitable. They did not have any children of their own at the time, and were able to provide the care required for a newborn child. They subsequently had a daughter, named Theresa, and both of the girls were raised by the Pitts as their own. The siblings of the newborn child visited on a regular basis and things did not seem much different than when she was being cared for at home. When Maggie grew older she visited her father, brother and sisters frequently and played with her cousin Theresa, as did her siblings. However, the Pitts provided the primary care for the child and considered her to be their

own child. She was readily accepted into the Pitt family as a member and as a daughter. They cared for the child in the same way that other parents cared for their children. They were responsible for making any decisions necessary for the raising of the child. Basically, they had care and control of the child. When Maggie reached eight years of age she went to live with her father, Jim, and her brothers and sisters.

In addition to the kin obligations, Thomas was a hunting partner of Jim Egagamwe. This imposed a further set of obligations on both Thomas and Jim, which were reciprocal in nature. These obligations obliged them to assist one another with any problems they might encounter. In this instance it was a matter of Thomas Pitt and his wife providing care for his hunting partner's child. The Pitts never thought of Maggie as being adopted even though they used that terminology in later years. To them they were "caring for" the child, in the ways in which they were taught. Informants talk about this arrangement as being like an adoption, but not an adoption. That is, they have an idea about what constitutes an adoption and say that this fits within that concept, but it isn't really an adoption because the child was able to return home at any time that she wished, or the father could ask that she be returned whenever he wished the child to be returned.

This narrative provides three different circumstances where children were looked after by someone other than their mother. In the first instance, a neighbour assisted the fourteen year old Doris in caring for the newborn infant and the other children of the deceased until their father returned home from hunting. Informants stated that this woman provided this care without being asked to do so. It was stated that she did this for

two reasons. Jim Egagamwe was known as a good hunter and provider. All of the people in the community, including this woman, were included in the sharing network established by his late wife to distribute the surpluses of meat that were available as a result of her husband's success in hunting. As noted previously, the recipients within such a sharing network would become obligated to the hunter to return these gifts with gifts in kind or, if that were not possible, then in some other manner. In this instance the obligation would be partially fulfilled by providing care to the children under the unusual circumstances. Another reason is that services could be shared, in this instance, to provide care for the family and its members. In this way, the neighbour would have been able to meet the obligations that she had to the infant's father as a result of receiving foodstuffs from the man's wife as a part of the sharing network.

The second instance is that of the fourteen year old daughter providing care for younger siblings. Among aboriginal people this is a rather common occurrence, but does not usually last as long as it did in this situation. In many cases a man would remarry and his new wife would fulfill the role of mother and primary care-giver to his children. Doris, as the oldest daughter, was learning how to fulfill her role as a woman and mother from her mother. By the time she was fourteen she was well-versed in providing care to children and performing all of the tasks associated with keeping a house and was fully capable of doing so. However, the responsibilities were thrust upon her earlier than usual due to her mother's untimely death. This provides an example of the necessity of providing (or sharing) services where there was no one else to do so, particularly since

her father did not remarry.

The third instance is that the mother's sister and her husband were asked to look after the newborn infant by the infant's father. Since she was related to the deceased mother (sister) and to her children (aunt) she had an obligation under the bonds of kinship that existed between them to assist the children and the family when no other care-givers were available to do so, and she agreed to look after the children for as long as necessary.

The arrangements to provide care to the children in each of these examples were informal. Each of the arrangements hinged upon an obligation that existed between the care giver and the bereaved father of the children. The neighbour provided care to the children during a period when the father was not home in order to satisfy an obligation that existed as a result of receiving gifts of food within a sharing network. She was not asked to provide the care. The daughter provided care to her younger siblings because she had always assisted her mother in doing so and continued after the death of her mother because that is what she was trained to do. The aunt and uncle took the new born infant into their home as their own because of obligations that existed between them, the infant and the parents of the infant. These obligations were ones that were established under the bonds of kinship, obligations to hunting partners, and the ethic of sharing in order to live the good life and to survive. Within larger Canadian society these situations would be referred to as "short term child care," "foster care" or "adoption." The parental care would usually be provided to the children by an unrelated third party for varying lengths of time under the direction of an agency, and might involve a stipulated

remuneration. The aboriginal people of the study area refer to all of these situations as “caring for others.”

THE MIJAKWAD FAMILY

Another group of examples is found in the Mijakwad family. As noted in the previous chapter, this family consisted of George Mijakwad, his wife, Kathleen Poussi, their five children and the six children of Kathleen and her previous husband, Gus Tchisakwe. In addition, there were several other children who lived with the Mijakwads and were raised by them as part of their family. These children included Juliet and John Egagamwe and Juliet Poussi. The Mijakwad family stands out as the prime example of how aboriginal families traditionally cared for other people. There are numerous instances of caring for found in this large family but I will only relate a few of them.

The first instance relates to the marriage of George Mijakwad and Kathleen Poussi. Kathleen Poussi married a man from the Fort Hope area by the name of Gus Tchisakwe at a fairly young age. They had six children: Edward, Simon, Ida, Dorothy, Irene, and Madeleine. Edward, the oldest child died from tuberculosis when he was a young boy. They lived in the Geraldton area and were frequent visitors at the home of Kathleen’s parents, who lived on the south shore of Kenogamisis Lake. A couple of years after the birth of the last child, Gus Tchisakwe died and his wife Kathleen made every effort to raise her five children by herself. From time to time she had the assistance of her parents. The loss of her husband proved to be very difficult for her and her children because she was unable to rely on the traditional country food sources that had been

provided through the hunting efforts of her late husband. In time she met George Mijakwad who lived with his mother and brother in the Wild Goose Lake area and had known the Tchisakwes for many years. George and Kathleen decided to get married. When George Mijakwad married, he inherited the responsibility of looking after his new wife and her five children, which he considered to be his own. In the words of one informant:

After Kathleen married George, the first set of children were always known by the name Mijakwad, although they had been registered at birth as Tchisakwes. In the fashion of Indian people, George Mijakwad considered all of these children to be his children and they all went by his name. This is kind of like an Indian custom².

The children were known by the name Mijakwad even though they had been registered at birth with the name Tchisakwe.

In this example the widow Tchisakwe evidenced a need for a mate to assist her in providing for her children. George Mijakwad also needed a mate. Together they met each other's needs and the needs of the children. In the beginning George provided care for his wife and her five children which he treated as his own. Through the marriage, Kathleen was drawn into the kinship network of the Mijakwad family. From then on she could rely on the assistance of her husband's brother, mother, and the other members of the large family who were living at various places around the Wild Goose-Kenogamisis community. In this situation the children all assumed the name of their new father. This

² Jimmy Mishquart of Macdiarmid, Ontario, interview by author, 15 May 1997, Macdiarmid, interview notes.

appears to be a fairly common occurrence in the area. Even to this day George's daughters still refer to themselves by the Mijakwad name, and not Tchisakwe. This example also illustrates that George was prepared to take on the responsibility of caring for all five of his new wife's children as if they were his own. Sometime after their marriage, the Mijakwads established their own residence on the north shore of Kenogamisis Lake east of Geraldton. They lived in this general area throughout the remainder of the study period.

In addition to these children there were a number of other children who were raised by the Mijakwads, including, Juliet Poussi, Juliet Egagamwe and John Egagamwe. Juliet Poussi was a niece of Kathleen Poussi. She was taken in and cared for by the Mijakwads after her mother died. In this instance there was a definite kinship obligation established by the blood ties (consanguineal) between Kathleen and her niece. The case of Juliet Egagamwe, one of the younger daughters of Jim and Catherine Egagamwe, is similar. The girl was George Mijakwad's niece. The third child, John Egagamwe, was a cousin of Juliet Egagamwe. In this instance it appears that the single parent of the child was unable, or unwilling to care for her daughter and left her with one of her brothers at Keemle. Although not related by blood to this girl, the Mijakwads also took her in at the request of George's brother-in-law. By this time the Mijakwad household had grown to include eight children. In addition to these children, there were others. One of the sons of George Mijakwad indicated that

There were also a number of other people who lived with my parents from

time to time, some of whom were blood relatives, some of whom were related by marriage, others who were not related at all, and others who were just friends of some member of the family. These people would appear from time to time, stay for varying lengths of time and then leave. They would always return at another time, stay for a while and then leave again.³

The Mijakwad and Egagamwe families were related through several marriages so there were kinship ties that existed between them. The children of the same age groups played together when the families visited each other. When the children got older they would walk to each other's houses, even though the distance was about fifteen miles. In these circumstances the children would stay overnight with the family being visited. Sometimes they would stay for several days, sometimes for a week, and sometimes longer. They would be cared for by the family they stayed with regardless of the length of time they stayed. This was a reciprocal arrangement. The children of one family might stay with and be cared for by the members of the other family on one occasion and on the next, the children of the care-giving family would be cared for when they visited the other family.

One informant from the Egagamwe family indicated that when her in-laws came to Geraldton from the Fort Hope area with their seven children, they would often stay with the Mijakwads because they knew they would be welcome there. During several summers the seven children stayed with the Mijakwads while the parents visited relatives in town and at other places. Even though there were no kinship or hunting partner

³ Ibid.

relations between the two families, the Mijakwads cared for the children as though they were their own. They enjoyed having large numbers of children around and did not seem to mind that they had many other children in addition to their own staying with them for extended periods of time. This open welcome also applied to other adults.

The desire of George and Kathleen Mijakwad to have a child of their own was fulfilled with the birth of a daughter whom they named Elizabeth. The family grew to ten children, but nine of them were much older than the newborn. Around this time some of the older children started to leave home and formed families of their own. By the time Elizabeth was a year and a half old, only the four younger children remained at home. Realizing that their daughter would grow up by herself, the Mijakwads decided to look for a girl who could be raised with their daughter. In this way Elizabeth would be able to grow up with another child her own age and have a natural play-mate. The only place they were able to acquire a girl about the same age as their daughter was from the local Children's Aid Society. Thus, Linda was adopted through formal legal adoption proceedings, something that was foreign and new to the Mijakwads, but not for long.

They soon adopted another child by the name of Edward and then another by the name of Jimmy. Edward's mother had died and his father was unable to care for him, while Jimmy was placed for adoption through the Children's Aid Society involvement with the family. Both of these children were Indian but came from an area outside of their area. The Mijakwads decided to adopt them because they had heard from friends that the parents could no longer look after them. Since many of their children had left the family

home they had room to look after more children and decided to adopt these two. Again, this was accomplished in a formal way through an adoption hearing. None of these three adopted children were related to either George Mijakwad or to his wife. Thus there were no kinship obligations that came into operation. Since the children were from outside the area there did not appear to be any other obligations such as those owed to a hunting partner or a friend. The obligation to share normally arises when a person who is in need appears, or is made known to people in the community who may be able to share with them. In these three formal adoptions, the need of the children would not have been readily apparent to the Mijakwads. So there must have been something else operating. In these instances it was a need of the prospective adopting parents! In relation to these adoptions, one of the sons stated:

I think they adopted the three of us for different reasons. Linda was adopted so that Elizabeth would have a companion, someone her age to grow up with, so she would not grow up as an “only child.” They also just liked children. They always had a lot of children and other people around and they found it lonely to be without children around, so they adopted us. When they adopted me they heard from someone that I was going to be put up for adoption and they decided to adopt me. Then they adopted Edward so that he and I could grow up together, you know, two boys as playmates. They always had a big family and they wanted us for company for them and for each other.⁴

Shortly after their last adoption, Kathleen Poussi’s sister gave birth to a son whom she named Simon. She did not feel capable or willing to look after the child and asked the Mijakwads if they would take her boy in and look after him:

⁴ Ibid.

There was no deliberation about looking after Simon [she said] because he was my mother's blood relative and Indian people always look after their own. While they are more or less obliged to look after blood relatives, they welcomed this child as their own because they just liked lots of children around. They welcomed Simon into their home because they already had the four of us and they felt real good about taking in another child. The more children they had the better they felt.⁵

Again, this latter instance is an example of caring for a child who was a consanguineal relative of one of the parents.

As noted earlier, Kathleen Poussi's oldest boy, Edward, had died when he was a young boy, and the second oldest son, Simon, died in a hunting accident when he was about eighteen years old. It is interesting to note that one of the children adopted by the Mijakwads had the name of "Edward," and another the name of "Simon." When this was pointed out to informants who were siblings, one them stated:

I think the fact that they had the same names may just be a coincidence. I was told that the two adopted children already had those names at the time they were adopted. However, I was told that my parents decision to adopt these children was influenced by the fact that they were both boys and they were seen as "replacements" for the two boys who had died when they were young. This was particularly so in my mother's case as the two boys that died were her natural children, and George Mijakwad's "adopted" children. I don't know if Edward died before my mother remarried, but I know that Simon lived with George Mijakwad as his son for some time prior to his death. I was also told that the fact that they each had the name of one of the deceased boys of the family had some influence on their decision to adopt the children. But it does seem unusual, doesn't it? I never really thought about it in that way before.⁶

The Mijakwad household demonstrates the "fluid nature" of an Ojibwe

⁵ Madeleine Moonias of Thunder Bay, Ontario, interview by author, 3 December 1997, Geraldton, interview notes.

⁶ Ibid.

household. It could never be said with any certainty how many people lived in their house. Anyone who showed up at the door was welcome to come in, eat with the family, stay for as long as they liked and leave whenever they wished to. Their door was always open to anyone who appeared at it. Anyone who arrived there was welcomed and invited to share anything that the family had. Shelter was provided, meals were provided, and social ties were formed. This example of caring for others is the best illustration of the concept of sharing. As discussed earlier, there were certain sanctions that might befall an individual or a family in circumstances where he/she did not meet the reciprocal obligations established through the sharing network, or through kinship obligations. However, in the case of the Mijakwads, they did not appear to be motivated by the threat of the sanctions that might be imposed should they fail to meet their obligations. They seemed to be motivated more by a genuine sense of caring about other people, making them feel comfortable and at home, and meeting any needs of their guests that they could. George Mijakwad says they were raised that way.

Almost all of the children of George Mijakwad and his wife Kathleen, regardless of their origin, followed the pattern established by their parents when they started families of their own. For example, Madeleine Mijakwad married and raised a family of her own. She also cared for students who came to town to go to school. Most of these students were from far northern communities and they had no relatives in the community. Over the period of time that Madeleine, her husband and family lived in town, they cared for over eighty students. In addition to these students, the children of Madeleine's brothers and

sisters came to visit on a regular basis, and her children visited the families of her brothers and sisters. George Mijakwad's only biological offspring, Elizabeth, never married or had children of her own. However she always lived with her father and cared for him after her mother died. During this period a number of people still dropped into the Mijakwad household and stayed there for varying lengths of time. Elizabeth had many friends who came to visit and were cared for in the Mijakwad household. There were also many children who came to visit Elizabeth on a regular basis and stayed for the day, or overnight. Most of the other children of George Mijakwad also cared for people in a similar way. The notion of caring for others had been well ingrained in these children by the example of their parents.

STRANGERS

In some instances even strangers were taken in and cared for by people. An example is provided by the narrative about the older non-aboriginal man at the beginning of this chapter, who was taken in and cared for by the Egagamwe family. This narrative illustrates yet another of the ways in which Aboriginal people care for others. In this case it was a non-aboriginal person or *jaganash* (white man), who was a complete stranger to the family. The fact that he showed up at the Egagamwe doorstep in the middle of the night indicated that he had nowhere else to go, that he was in need of a place to sleep. Jim Egagamwe never turned anyone away from his door because that is what he was taught by his parents. Food was shared with the stranger for the same reason. He did not appear to have any food and since the family was eating, they invited him to join them.

The stranger made every effort to fit in and was more than willing to help with the chores around the house and participate in all of the chores that were done on a regular basis. He participated in work and in celebrations. He became an essential part of the family hunting group, with tasks that he alone was responsible for. This man stayed with the Egagamwes for over ten years up until the day he died. He was considered by the Egagamwe family and all those around to be a part of their family. After he died he was buried in the same area that other family members had been buried in.

THE “CARING FOR” RELATIONSHIP

There are three circumstances necessary for a “caring for” relationship to arise. The first is that a person, or group of persons, demonstrate a need. The second is that another person has the means to meet the need identified. The third circumstance is that one of the persons who are able to meet the need are willing, or obliged to meet the need. Once all of these circumstances come together then a caring for relationship will arise. Consider the case of the Gustafson family which consisted of Gunnar Gustafson, his wife and five children.

The oldest Gustafson child, a daughter, had a relationship with a man who worked on the railway and gave birth to a daughter. She lived at home with her parents and siblings, but the grandparents of the child raised the child as one of their own. The same daughter had another child in a union with a different man and gave birth to a son. This boy was also raised by the grandparents. The daughter eventually moved to a small community on the north shore of Lake Nipigon where she entered a more permanent

relationship and had a family of four with her husband. The daughter lived in the new community with her family, but did not take her first two children with her. The daughter and her husband drank to excess. They would often leave the young children unattended and eventually the children were taken away by the Children's Aid Society. This happened because there were no close relatives of either parent who lived in the community whom they could rely on to care for the children until they could get their lives straightened out. The daughter's parents, the grandparents of the children, cared for her first two children until they became adults and left home, forming their own families.

But if people are expected to "care", then a caring relationship will arise as is shown in the following examples. Steve Kebegijig met a woman by the name of Sarah Cook who was from an Indian community in northern Manitoba, and they formed a new family unit. Steve Kebegijig brought his new family, consisting of the widow and her five children, to his home at the north end of Kenogamisis Lake, where they resided near his father, Moses Kebegijig. In the two years following their union they had two children of their own to complement the five from the wife's first marriage. All of the children were treated in the same manner and were cared for by Mr. Kebegijig as if they were his own children. Although the children retained their birth surname, they were always treated by the family, kin relations, and the community as the children of Steve Kebegijig.

In another instance my Aunt Anne who lived in Pays Plat, came to Geraldton after her husband formed a new relationship with another woman. She could not find a place to live because she was not able to pay rent. She was not able to obtain a job and was not

eligible to receive social assistance because she was not a resident of the area. My Aunt had nowhere else to go and my father invited her to stay in our home even though we lived in a small house and there were four children as well as my parents living in the house. She stayed with us for a couple of months and then went to stay with the Mijakwads as she was a relative of Kathleen Mijakwad, a second cousin. My Aunt had tuberculosis when she was younger and had a relapse and became quite ill shortly after she went to stay with her cousin. While living with the Mijakwads she was cared for by them in the same manner as everyone else who came to stay there, and after becoming ill she received special care. One informant stated that when the priest from town came for a visit in the winter, the woman was so sick that the priest carried her the four miles into town so she could receive medical attention at the local hospital. My mother, a nurse who worked at the local hospital cared for her until she died. Fortunately, none of the members of our, or the Mijakwad family, was infected with the disease.

The obligations to provide assistance arise where there are kin relations, or a hunting partner relationship, or an obligation to share, or there are close social ties. The greatest obligation rests on those who are related through kinship or marriage, while the least obligation rests on those who have close social ties. In instances where there are a number of people related by kinship or marriage, then the obligation would rest on those who were best able to meet the need or who were willing to take on the responsibility of meeting the need. Examples of this kind of obligation are seen where one parent dies and the other parent is unable or unwilling to care for the children. The obligation then rests

squarely on the shoulders of relatives and their families. Another example, is where grandparents look after grandchildren when the parents are unwilling to do so, or in circumstances where the relatives fear for the safety of the children if left with the parents. This could also occur where children are neglected, or subjected to mental, physical, emotional or sexual abuse. Apart from the obligations noted above, there is a general obligation on the community to provide for those in need because each member of the community is obliged to share with others.

The obligations imposed by kinship and marriage are usually thought of in terms of providing long term care, while the obligations on hunting partners and neighbours are usually thought of in terms of short term care. The obligation imposed under the sharing concept could result in long or short term care. In short there is an hierarchy of obligations to provide care for people in need. There is seldom an instance where a person in need could not rely on people under an obligation to provide care due to them by kinship, marriage, sharing, the hunting partner relationship, or the general community obligation to share.

Finally, it is worthwhile to note that the “caring for” relationship was not seen as a permanent relationship. Many informants stated that in most instances where a family cared for a child the biological parents were free to visit at any time they wished. They were also free to take the child with them if they chose to do so, although there were no instances of this being done. In many instances the biological parents lived nearby and the child was free to visit at any time he wished to do so. As the child got older she was

allowed to go and live with her biological parents if she wanted to do so. An example of this was noted where Maggie Egagamwe was cared for by her aunt and uncle up until the time she was about eight years old. At that time she chose to return to live with her father and her older siblings and was able to do so.

Another factor which deserves mention is that of confidentiality. In the material gathered during the study there was not one instance where children were cared for by a family and the biological parent or parents did not know where the child was residing. Parents, families, and the whole community always seemed to know everything about these relationships. Although this knowledge was normally kept in the back of their minds, the children were always referred to as the children of the parents who were caring for them.

CONCLUSION

In the study area the concept of caring for others is well evidenced in the first part of the study period, but seems to get less so towards the end of the study period. In and about the late 1950's the mechanisms found within the culture to be able to cope with the needs of others appeared to be less used. This is mostly attributable to acculturation as a greater reliance was placed on mainstream institutions focused on social welfare. When the responsibility for caring for others appeared to become a responsibility of mainstream society it was often the case that people in the study area allowed the children of their relatives to be cared for in that system. As this system came into use the terms within that system also came into use. So for example, towards the end of the study period there was

a tendency by the study group to use the terms “adoption” and “foster care.” In many instances the use of these two terms was applied to many of the situations of caring for others, even though those situations were not actually ones of adoption or foster care according to the definitions in the mainstream system. However, by the end of the study period there were instances where families used the formal process for adoption and looking after children under the foster care system. We have already seen that the Ojibwe have their own legal system for sharing and caring.

PART III : SUMMARY AND REFLECTIONS ON THE MEANING OF THE STORIES

This last Part consists of a brief summary of the discussions contained in Parts 1 and 2 along with some of my reflections on the meaning of the stories, or *dibaadcimowin*, presented.

The first section of this Part focuses on the “Legal Room of the Large House.” In the summary, I discuss how the legal machinery of the “Large House” has progressively recognized and applied the family law of various aboriginal groups and point out some of the difficulties involved in doing so. For example, one of the major difficulties lies in the fact that the court in each case was dealing with laws from two different cultures and trying to “make them fit,” but that was not always possible. In my reflections, I discuss a number of events, such as the Royal Commission on Aboriginal Peoples, where further recommendations are made to continue with the recognition of aboriginal laws.

The second section of this Part focuses on the “Small House.” In the summary I provide an overview of Part 2 where I tried to isolate segments of northern Ojibwe society, particularly the family laws found in Ojibwe society in order that a comparison could be made between those laws and the laws of Euro-Canadian society. In my reflections on the *dibaadcimowin* about the Small House and its occupants I focus on the differences between the two houses and note that the Ojibwe of the study area deal with family law in a different manner from Euro-Canadian society.

CHAPTER 7 : SUMMARY AND REFLECTIONS

After breakfast the three women sat and talked with their visitor and drank tea or coffee. The visitor felt comfortable in his surroundings by the fire. He felt as though he belonged there. His mind drifted back to other times in his youth when he sat by a similar fire, in a similar setting, with similar people. Talking with the three women sitting by the fire brought back a flood of memories to him. Sitting by the fire and talking about things seemed like a natural thing to do, for that was one of the places where he had first heard such conversations. He had learned many things in his youth sitting by a fire such as this, but none of it seemed to make any sense at the time. It was all just information -- data without connections. He could vaguely recall the people, places and events of which they spoke but he could add little to the conversation. He often asked questions of them to clarify things in his mind. As new people came to the fire the conversation shifted to people, places and events within their experience. When people had left the campfire the women would explain to the visitor who the people were, who they were related to, where they had lived, and things that had happened to them.

While he sat there it occurred to the visitor that all of the things he remembered about growing up in this area made sense to him when the women talked. Their conversation added perspective and meaning to the half-remembered events of those earlier days. He discovered that he could connect events in the lives of these people and could make sense out of the places, the events and the people involved. Although he had grown up in the area and knew many of the people, he had never really understood the circumstances under which these people lived until very recently. The full impact of the importance of things he knew hit him like a ton of bricks. And all of the things he had learned as a young man now made sense to him. Of course that is why there were people walking up the tracks so often; and why this or that person visited this or that family; and this is how they are related; and that is why this or that event took place; and that is why the people lived where they did. "How could I not have known that?" he wondered. And each time one of the sisters spoke about things from their past, another piece of the puzzle fell into place.

THE LEGAL ROOM OF THE LARGE HOUSE

Summary

A half dozen marriage cases and a half dozen adoption cases in Canadian courts between 1867 and 1984 provide the most positive expression of Inuit and Indian familial

relations law in Canada and signalled the “dawn of a new era” in the evolution of the recognition of aboriginal marriage and adoption law. This so-called “new era” can be divided into three segments: in the first segment the judges in a number of Indian marriage cases relied on prior precedents, mainly the Connolly case, to hold a marriage according to the customs of the Indians valid; in the second, Justice Sissons broke new ground in the recognition of aboriginal family law in the Katie’s Adoption case and in the Noah Estate case, where the division of an estate hinged upon the validity of a marriage according to Inuit law; and in the third, the tradition established by Sissons J. in the Territories is seen to be continued by other judges. For example, in the Beaulieu case, Justice Morrow extended the principle established by Sissons regarding Inuit marriages to Indian marriages in the Northwest Territories.

The so-called “new era” in the evolution of the recognition of aboriginal law arose as a result of a judicial belief that the laws which had been used by Indian and Inuit people since time immemorial had served them well; and that their laws had not been abrogated by any legislation and should be recognized and held to be as valid as any other laws. All of these cases are characterized by the willingness of the judges to learn about aboriginal people, their way of life and their marriage and adoption laws as told to them by the aboriginal people themselves through the use of interpreters.

Canadian case law recognizes aboriginal marriage laws, and contains discussions about aboriginal divorce laws, although no decisions were made on the latter point. In one instance the practice of polygamy was recognized thereby allowing the court to find

the man guilty of bigamy. The cases also recognize aboriginal adoption laws. In recent child welfare cases there is a noticeable trend whereby judges recognize that aboriginal cultures differ among themselves and that aboriginal people have differing value systems, customs and community characteristics.

Reflections on the Meaning of the Large House Stories

The legal literature that has arisen from the case law provides analyses that tend to “merge” the laws found in different aboriginal cultures so that what appears is a single model of aboriginal law. This method disregards the fact that the cultural setting of each case was different, and that the laws recognized by the courts were only applicable to members of the aboriginal cultural groups considered. Similarly, early anthropological literature focussed on topics such as “primitive law” and often contained materials from a variety of aboriginal cultures from around the world, as if all such laws were found within, and could be applied to all aboriginal or primitive cultures. Unfortunately, these instances of “merging” aboriginal laws disregard the cultural settings from which the laws are drawn and present a single, unified model of aboriginal law.

Aboriginal people in Canada are forced to cope with laws which come from a culture different from their own. However, attempts are being made to change this situation. Consider these examples. The first example relates to self-government. Both the federal and provincial levels of government have been holding “self-government” discussions with aboriginal groups across the country but the discussions have mainly followed a segmented approach. In the study area, there are discussions related to

aboriginal control over “jurisdiction,” “education,” and “justice” issues, but there are no discussions about the meaning of “self-government” or what approach the aboriginal groups would like to take. The second example is from the area of policing. There have been aboriginal police officers for years, and separate aboriginal police forces have recently been established. However, these officers enforce federal and provincial laws, not aboriginal laws. The third example has to do with the practice of law. There are many lawyers who are aboriginal, yet they do not deal with “aboriginal laws,” but the laws of non-aboriginal, or “mainstream” culture. The fourth example relates to aboriginal “sentencing circles” used in some courts. In these models, after a judge has made a finding of guilt in relation to an aboriginal offender, the aboriginal members of the “circle” are assembled to assist the judge in determining what sentence should be issued. The last example comes from child welfare law. There are aboriginal child welfare agencies established in almost every province to deal with aboriginal family problems. The law they enforce is the provincial child welfare law, not an aboriginal one and in their practice they are bound by those acts, even though there are provisions in some of the acts that would allow them to obtain exemptions that are so broad, that none of the act would apply to them.¹

In all of these examples it is apparent that even though aboriginal cultural groups

¹ An example is the Ontario Child and Family Services Act, R.S.O, 1990, c. 11, as am. which contains a separate section for aboriginal people entitled “Part X : Indian and native Child and Family Services”. Section 223. of the Act allows the Lieutenant Governor in Council to make regulations for the purposes of Part X “exempting an Indian or native child and family service authority, a band or native community or specified persons or classes of persons, including persons caring for children under customary care, from any provision of this Act or the regulations”.

in Canada may have their own laws which have existed since time immemorial, these laws are neither recognized on a consistent basis, nor are they “enforced” through methods recognized within aboriginal cultures.

What could be wrong with the idea of an aboriginal person acting in the capacity of a police officer, child protection worker, lawyer, or judge, and enforcing an aboriginal law, which was made by aboriginal people? Nothing, according to the Royal Commission on Aboriginal Peoples.² In their conclusion the Commission suggested that fundamental change in the situation of aboriginal peoples could “be achieved best through recognition of aboriginal jurisdiction to enact laws and implement policy, with appropriate agreements to harmonize the actions of aboriginal, federal, provincial and territorial governments.”³ The Commission put forth an action plan for change proceeding on three fronts:

1. negotiations to establish the scope of self-government and the institutional structures through which it will operate within the Canadian federation;
2. transitional measures mandated under the proposed recognition and government act; and
3. policy reform within existing federal, provincial and territorial jurisdictions.⁴

The Commission also made several recommendations to assist in achieving these

²Canada. Royal Commission on Aboriginal People, Vol. 3, Gathering Strength. Ottawa: Canada Communication Group Publishing, 1996, 1.

³ Ibid.

⁴ Ibid., 664.

goals. The key recommendations were

3.2.10 Federal, provincial and territorial governments promptly acknowledge that the field of family law is generally a core area of Aboriginal self-governing jurisdiction, in which Aboriginal nations can undertake self-starting initiatives without prior federal, provincial or territorial agreements.

3.2.11 Federal, provincial and territorial governments acknowledge the validity of Aboriginal customary law in areas of family law, such as marriage, divorce, child custody and adoption, and amend their legislation accordingly.

The action plan, along with the recommendations suggested by the Commission can be viewed as a logical next step in the evolution of the recognition of aboriginal laws – the recognition of aboriginal jurisdiction to enact laws. What remains to be seen is whether or not the governments of Canada and its provinces are willing to follow such a plan.

THE SMALL HOUSE

Summary

North America was first encountered by European explorers over five hundred years ago. They discovered its fur resources, and the search for furs carried the traders far inland through the Great Lakes, across the prairies and mountains to the Pacific and Arctic oceans. They also found other natural resources such as minerals and timber which, when utilized, opened the country up to large groups of European peoples who settled the easily accessible areas along the major rivers, and later, other more remote areas as these became easier to access once roads and railways were constructed. In their travels they discovered that the country was populated by a large variety of aboriginal

peoples, each group differing from the others, and from them. Among these peoples were the Northern Ojibwe.

The Northern Ojibwe people survived for millennia by foraging. That they survived at all was due to their hard work, self-sufficiency, and interdependence. To a large extent their way of life was determined by nature with its cycle of seasonal activities oriented around the quest for food. They survived from the land by killing large game animals, small game animals, waterfowl, upland game birds, rabbits, and different species of fish. And they traded furs in exchange for trade goods that made their survival easier. Since the livelihood of the Northern Ojibwe depended upon their ability to derive their food from the land, they required an intimate knowledge of the geography, topography and physiography of the area. They also needed to know where animals, birds, fish, game fur-bearers and plants were to be found within the area. Their survival depended upon this knowledge and their ability to collect and process plants, kill game and catch fish.

Their ability to survive by foraging, they believed, was closely connected to their ideas about the spirit world, which were held by all of them. They believed that they were inter-connected to the plants, animals, birds, fish, trees, rocks, water, earth and sky. Their world consisted of human persons, other-than-human persons, spirits, "spirit-bosses," and the great spirit, or Kitche Manitou. All of these were interconnected in their view of the world, and none could be ignored. There was a remarkable degree of integration between social, political, religious, and economic activities. They believed that what was done to another human, tree, bird, fish or animal affected all of the others. Therefore, the Ojibwe

had to be careful about how they treated everyone in their world, lest misfortune befall them.

The Ojibwe of the study group lived north of Lake Superior in their traditional land use areas within a twenty mile radius of the town of Geraldton. Prior to 1930 the population of the study area was predominantly Ojibwe. There were about 190 Ojibwe people who lived in the study area, which included a number of people who had married into local families and moved to the area from Rocky Bay, Whitesand, and the Fort Hope-Ogoki Post (Marten Falls) region. The majority of the Ojibwe people in the study area were members of the Long Lake # 58 Indian Band. During the late 1920s to the mid 1960s (the study period), the Ojibwe of the Wild Goose-Kenogamisis community resided at several co-residential sites throughout their homeland.

The survival of the study group was of paramount importance. Many of their rules or laws were directed to a law of survival, a rule that directed the maintenance of the integrity of the group to ensure its survival as a whole. All actions taken were in furtherance of the collective rights. There were a number of rules, ethics and customs that assisted them in their pursuit of leading a good life (*pimadizewin*) including, *inter alia*, the medicine wheel teachings, the “seven grandfathers,” rules of rituals, ethics of behaviour, rules of interpersonal relations, kinship rules, and rules of “sharing” and “caring for.”

Reflections on the Meaning of the Small House Stories

In this dissertation the idea of large house and a small house was used as a metaphor to discuss the differences between the ways in which the Euro-Canadian society (the large house) and the Northern Ojibwe of the study area (the small house) dealt with family law. We have seen that the large house contained many rooms, each with a specific function and one of the rooms, the “legal” room, contained all of the appurtenances of the law. We have also seen that the small house contained one room and that all aspects of Northern Ojibwe culture were contained therein. Specific functions of Northern Ojibwe society are therefore more difficult to discern and it was difficult to isolate a section such as “family law” and discuss it as though it were a separate and distinct feature of the culture. Family law among the study group does not exist as a separate entity. It is inextricably woven into the fabric of the culture. It is a part of all other aspects of the culture. To discuss family law is to discuss all other aspects of the culture: the whole system of beliefs, spiritual beliefs, the economy, kinship ties, economic ties, community, and social relations. The culture is holistic. Keeping in mind the holistic nature of the culture of the Northern Ojibwe and the inter-connectedness among all aspects of their society, I would like to offer a few thoughts on the meaning of the *dibaadcimowin* (stories) about the small house and the aspects of it which relate to what members of the large house would refer to as “family law”.

The rules of interpersonal relations among the Northern Ojibwe contain a number of key concepts that affect how issues related to the family are dealt with. These key

concepts include *pimadizewin*, kinship, respect, sharing, and caring for. As discussed earlier *pimadizewin*, or living the good life, was one of the main goals of Northern Ojibwe life. In order to achieve this goal it was necessary to live in harmony with others. Every person was thought of in terms of the closeness of the relationships that existed between them and there are several categories in relation to an individual. The closeness of these relationships and the strength of the bonds between individuals as determined by the social distance between them can be seen in Chart 1 (supra). Chart 1 is a graphic display of the strength of the social bonds among all individuals, and the bonds weaken as one moves away from the centre of the circle. For example the social bonds existing between individuals related to one another through kinship are very strong, while the bonds between individuals who are not related are correspondingly weaker.

There is also a corresponding set of duties, responsibilities, rights and expectations dictated by each of the categories that exist which are determined by the strength of the social bonds between them. For example, an individual would have far greater expectations of assistance from a member of his kin group than he would have from a stranger; and, within a family, the duties owed by each family member to all of the others in the family are dictated by their position and closeness to the head of the family. The concepts of respect, sharing, and caring for can also be explained using the idea of social closeness.

The “seven grandfathers,” provided a complete moral code for individuals to live by. An individual was expected to conform to the rules contained in this moral code *vis-*

a-vis all others within the Ojibwe world – human persons, other-than-human persons, spirits and the Great Spirit (Kitche Manito). Failure to live by these rules could result in great misfortune that could endanger the livelihood, and even the life, of an individual. Enforcement of these rules was, therefore, accomplished through the magico-religious spiritual beliefs noted in an earlier chapter.

One of these rules was respect. If an individual failed to show the proper respect for other individuals, or to members of the other-than-human class, or towards the spirits, or Kitche Manito, bad things could happen. And many of the informants had a story to tell about someone they knew, or heard of, who had neglected to follow these rules and paid a price. For example, several informants talked about a man and his wife who had a child who was born with a physical deformity. The informants all stated that this happened because the man, when he was young, had mutilated toads and that this was a retribution for failing to respect the right of the toads to live without being mutilated. Another example relates to a person who consistently told lies. The informant indicated that people who told lies would be punished by the spirit world by having their finger nails mutilated. The mutilation consisted of a solid white mark within the finger nail which ran across the nail perpendicular to the length of the finger. Such a mark would be easily seen by others and functioned as a warning that they were dealing with a “liar.” Of course, adherence to the moral code assisted people in attaining *pimadizewin* and averting misfortune. Since these beliefs were held by all members of the culture the moral code delimited by the seven grandfathers was followed more often than not.

Sharing was an important concept found among members of the study group. Sharing was seen as a means of ensuring the survival of the hunting group and providing a tool to foster kinship and social relations. Sharing was not a haphazard affair, but a carefully thought out arrangement which was carried out on a daily basis because that is what the people were taught, and expected, to do. Sharing was consistently and constantly observed among members of the study group. For example, during an annual gathering several of the members of the study group had set up a camp together. Almost everyone who came to the gathering passed through this campsite, visited with the women and had tea or coffee and something to eat. The people who came were old and young, Indian and non-Indian. Some of them were relatives, friends, or neighbours from the local community who were known by the women. Others were from neighbouring communities, and some were strangers. All were welcome. Many of the people who came brought "country food" of one sort or another. During the four days of the gathering there were geese, ducks, whitefish, pickerel, pike, sturgeon, and lots of moose meat. Bannock and other food was cooked almost continuously throughout the day. Some of this food was fried, but a lot of it was boiled or made into a stew in huge pots brought for that purpose. A portion of the food brought by an individual was always set aside and served to that person when he or she came to the campfire. Another example is that one day while I was visiting one of the informants, several people dropped by to say hello. The woman I was visiting had been cooking a big pot of stew and bannock for her evening meal. When the visitors came in she made a fresh pot of tea and served all of

them the meal she had prepared for the evening! Needless to say, the visitors were very appreciative and stayed for some time visiting with the woman and me.

During the period of my study, and from my experience growing up with the members of the study group, I observed many such instances of sharing. Reflecting on those instances I realized that sharing did not occur just among members of the kin, or family group, but with everyone. It seems that a “physical closeness” factor also came into operation. For example, any person who was around when food was being served was entitled to share the food regardless of the social bonds that existed among them. So a perfect stranger would be invited to share a meal with members of the study group along with relatives, and no one thought anything of it because that is what they were taught to do.

From the materials gathered during the study it is also apparent that “caring for others” was as important in the everyday lives of members of the study group as sharing. There were a variety of situations where a person would be cared for but the most common was where a child was cared for by relatives where one or both of the child’s parents died, or where a single mother was unable or unwilling to care for a child. Another common instance was where one of the partners entering into a marriage had children from a previous union, and the new spouse cared for the children as if they were his or her own. This often involved a large number of children as was the case in the examples given (Mijakwad, Kebegijig). The “caring for” relationships were viewed as obligations imposed by kinship ties and the social bonds described above.

Another remarkable feature of the Ojibwe of the study group was that they were invisible to most of the non-Aboriginal people who lived in and around the town of Geraldton. In talking to people from the town about the twenty families of the study area few had ever heard the family names before and most could not say where they lived or who they were. The townspeople recalled seeing Indian people at the Post Office, around the railway station, or walking through town on the railway tracks but did not know any of their names. The reason for this lack of knowledge on the part of the townspeople was that there was little contact between them and the Ojibwe people of the study group. The Ojibwe belonged to a different culture. They had their own economy, social system, means of education, health care, and religion. Although many of the members of the second and third generations spoke English, their first language was Ojibwe and all of their conversations were held in that language. Their daily life revolved around acquiring sufficient food from the bush to feed their families. After food collection much of their time was spent in socializing with their families, relatives and the other families around them. They spent most of their time in the bush and seldom came to town, so the opportunities for social intercourse were limited.

If I learned anything from this study it is that the Northern Ojibwe do have family laws. Members of the study group say these laws have been used by them and their forbears for as long as they can remember. The informants say their laws have served them well and it seems reasonable to them that they could continue to use these laws alongside Euro-Canadian laws.

END PIECE

I grew up in the study area and went to school with members of the Egagamwe family, and many of the other people who visited the campfire. I and my father were well-known to the three women. Like them and all the other families camped here, we are of Indian ancestry. My father and I had sat at a similar camp fire drinking tea with their families many years before, listening to the same friendly banter. I often visited with the families and knew where most of them lived. However, I never really thought about their circumstances.

When you are young you don't think about those things.

Now, many years later, I think about those carefree times and I wonder how on earth the families in the study area managed to survive. As I noted earlier, the interviews I conducted with members of the study group assisted me in piecing together how they survived. I also wondered about certain things that I saw them do, and structures that they had in the bush and what they were used for, and talking to the people in the past few years has helped me to understand those things too. During my visits I always recall there being lots of people at their homes. I knew that some of these people belonged there since they were a part of the family, but there were many others who, I knew, lived elsewhere.

Being young I never thought much about it.

And I recall people "walking up the tracks," going east and going west – there was always someone on the tracks. I never thought about where they were going or why there was so much movement on the tracks. I didn't understand the concepts about visiting and being cared for that were practised by the members of the Wild Goose-Kenogamisis community.

But I was young then.

The elders say that the meaning of stories becomes evident to different people at different times and some people may never understand the true meaning of a story. There are other people, the elders say, who derive different meanings from the stories depending upon the stage of their life journey. I have told you about the connections I made during the process of writing this story and the meanings I derived from the many stories contained within it. The connections you make and the meanings you derive from these stories may be different.

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