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**Restorative Dispute Resolution in Anishinaabe  
Communities – Restoring Conceptions of Relationships  
Based on Dodem**

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## **Restorative Dispute Resolution in *Anishinaabe* Communities - Restoring Conceptions of Relationships Based on *Dodem***

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*Nii diabaajimowin dodemwag.*<sup>i</sup> I will discuss what I understand about clan stories as an organizing principle for *Anishinaabe* societies.<sup>ii</sup> This may not be the true version but it is how I understand clan relationships.<sup>iii</sup> Social relationships, not political, hold communities together. In *Anishinaabe* communities, external colonial agencies created changes. External upheavals by colonial governments, education and helping agencies have eroded social structures that nourished communities. Yet, it is the *Anishinaabe* that are the ones that must improve social conditions. It has to be dealt with at the community level. We need to understand how we ordered our societies so that we can fix what was done to us as well as what we may have been complicit in. The restoration and recovery of social relationships cannot be divorced from governance discussions. It is the social relationships instituted in the *Dodem* system that will provide the supportive frame for successful governance restoration and support the development of *Anishinaabe* based justice.

There are three main topics discussed in this literature review. First, *Anishinaabe* people have begun to record their stories about clans. Their ideas offer a different understanding dealing with relationships, social order and societal interactions within *Anishinaabe* communities. Second, colonial ideas about clan relationships are presented. Clans, the social and political nature of *Anishinaabe* society, are viewed differently. Social scientists studying the *Anishinaabe* had their own ideas about clans. Some of these ideas, while good, missed the nature of societal relationships that clans represented. Some originated from close relationships with communities studied. In the final section, *Anishinaabe* restoration of justice and dispute resolution will be discussed in this context. To begin this review, I will ground the discussion in how I came to be interested in clans as more than political systems.

### **Clan Relationships**

Each of us has a social milieu in which we learn our attitudes and behaviours. How we learn what it means to be an individual is always a question of the society we were raised in.<sup>iv</sup> *Anishinaabe* have a relationship to the land as their first relationship. Clan marks on land can still be seen in Ontario. Our unique social circumstances define us. For the *Anishinaabe*, it is your relationships that are specified. This, specifying your relationships, is done so that people know

who you are and where you are from. I came to be interested in *Anishinaabe* based social and political systems for specific reasons, within an Indigenous framework. *Kishshekabayquek diidgo*. This means a woman who stands in the snow whirlwind. I received this name after I had been sick for a long time in 1993. My *Dodem* is *Bizhew* (Lynx). My mother is from the *Makwa* (Bear) *Dodem* and my father may have been from the *Gigoonh* (Fish) *Dodem*. This means that family members would have been from different clans around the Lake Nipigon area that I was raised in. Not having the same clan makes sense because it ensures that the community and accompanying relationships and responsibilities are the primary relationship. It is these social bonds which hold communities together. These ties of relationships and responsibilities have defined our societies. Membership into clans is an inclusive process, although, one had to agree to take on the responsibilities associated with their adopted clans. This, adoption into clans, can be a process based on ceremonial and spiritual rationale as well.<sup>v</sup>

I was adopted into the *Bizhiw*, Lynx, *Dodem* around 1994. Stories relating to the responsibilities of this clan were given to me, by a *Chi Akiwenzii*, (Learned old man), Jim Windigo from *Nickouseamanakaning*, a community outside of Fort Frances, Ontario. The Lynx *Dodem* is a sub-clan of the Marten *Dodem*. They are expected to lead by behaviour and by the responsibilities they possess. The Marten clan had to uphold justice. As there is not a word for justice in *Anishinaabemowin*, our language, the closest concept would be *Menobimadizen*. This concept means living a good life, a life in balance. This living of a good life was of paramount concern for the *Anishinaabe* people. This learned old man, Jim Windigo said that the main responsibility for the Lynx *Dodem* was ensuring that *Anishinaabe* would survive. This was done in various ways and the Lynx Clan was responsible for collective strategies that would facilitate this. We provide for those in need of assistance. We were and are part of the *Ogichidaag*, which means great hearts but is defined as warriors. This *Dodem* can adopt members into it. The last duty, he told me was that I could not marry within the same clan and that my mark was *Bizhiw*. I was informed at that time of these main social and political responsibilities. Today, I choose to live a good life, *Menobimadizen* and I interpret these responsibilities in this manner. I am responsible for how I accomplish fulfilling clan duties within this overall framework.

Up to this point in my life, I have been taught that there were seven main clans in *Anishinaabe* societies. In some clans, people were chosen because of their leadership abilities. Others were chosen for special gifts or attributes that they possessed. Still, others were adopted

into the clans and some selected based on their inherent gifts, born into one. Around Lake Nipigon and Lake Superior, these *Dodem* marks can be seen on the landscape in the form of rock paintings and rock carvings. Stories accompanied these rock paintings and carvings that were clan stories. These stories would have been told throughout the year. At one time in our history, the clans would meet on a regular basis in locations around Ontario. This is not the case now, yet, there is renewed and revitalized interest in clans and clan meetings may soon be occurring.<sup>vi</sup>

*Anishinaabe* recognize that responsibilities fulfilled by clans are necessary in our communities. They are searching to restore and recover them. Some colonial writers facilitate this by their writings. In the Lake Nipigon area, Father Specht, S.J. (1852) in his journal detailed members of the various clans.<sup>vii</sup> This was two years after the signing of the Robinson-Superior treaty in 1850. On Lake Nipigon, the *Dodemwag* (clans) that he mentioned were Caribou, Catfish, Jackfish, Carp, Kingfisher, Bear, Loon, Eagle, Moose, and Lynx. This written historical record described who the clans were specifically by their *Anishinaabe* names and by clan membership. Today you can trace the clan affiliations on Lake Nipigon by this document. As Specht, S.J. was writing as a religious figure during this early part of the colonial period in Canadian history, it is remarkable that he would detail a census in this manner without possessing intimate knowledge of how the societies in the Lake Nipigon area were structured.

*Anishinaabe* societal membership was tied together by bilateral cross cousin marriage and clan membership as well as by common dialect and culture.<sup>viii</sup> Bishop (1976) an anthropologist, recognized that marriage alliances, larger groups, and alliances with other Indigenous nations contributed to a collective society bound together by binding clan affiliations.<sup>ix</sup> There were other societal functions as well such as those discussed by Smith (1973),

The long-term integration of neighbouring bands by providing identity, hospitality in distant areas, cooperation in warfare and the hunt and the transmission of chiefship contributed to social cohesion and order.<sup>x</sup>

The clans helped to establish relationships between various bands, enabled inter-community cooperation and political coordination as well as the advancement of the leadership.<sup>xi</sup> Clans helped regulate societies.

Societal life for the *Anishinaabe* was based upon both the demarcation and connective relationships between clans. This contributed to the overall social organization and governance of the *Anishinaabe*. Clans functioned at the individual and communal levels. Communal ties and

relationships with others were of the highest importance so continued recognition was given to them. This could involve stories and gifts at gatherings as well as within everyday life. These relationships could be as intimate within the society as marriage practices; or societal membership in associations and could be as wide-ranging as alliances with other societies. This system of clans comprised and organized *Anishinaabe* life.

Relationships were the underlying principle. This included land and community based relationships. In practice, this meant that all people were either born into or adopted in a clan that extended over a wide area. Vecsey (1983), a religious scholar, looks at the clans as being reflective of *Ojibway* social identity and family.<sup>xii</sup> The idea of relationship is central to what clans represented to the *Anishinaabe* identity. Tanner (1994), an *Anishinaabe* said that

The totem was given...at the time of creation” and was used as a way to distinguish relationships and lack of relationships.<sup>xiii</sup>

Warren (1984), one of the first *Anishinaabe* scholars, wrote about the totemic system in 1885.<sup>xiv</sup> He called it one “of blood and kindred” that was “embodied and rigidly enforced in the system” of clans.<sup>xv</sup> The *Ojibway* were divided into

Several grand families or clans, each of which is known and perpetuated by a symbol of some bird, animal, fish or reptile which they nominate the Totem or Do-Daim.<sup>xvi</sup>

According to Warren, there were originally five clans that were passed to succeeding generations. He relates a story that he was told about six Beings who came from the ‘great deep’ and who entered the wigwams of the *Ojibway*. One of these beings was blindfolded and sent back to the water. In this early *Anishinaabe* based view, the five clans served as a base for others to branch off from and form new, but related, clans.

This description is similar to both Benton-Benai (1988) and Sitting Eagle (1993), both of whom self identify as *Midewinini*, that is, medicine society men. Clans for these knowledge holders were linked to the *Midewin* society. Clans had both physical and spiritual dimensions. For both Benton-Benai and Sitting Eagle, there were seven original clans that comprised the system of government that was given by the Creator to the *Anishinaabe*. The Crane and Loon were the leadership clans with each serving as a limit on the other, there was no one leader that was elected. The fish clan, considered the intellectuals, had the responsibility to settle disputes between the two leaders and influence the best decision for the people. The bear clan was considered the peacekeepers and medicine peoples while the Martin clan’s responsibilities were that of defenders and warriors. The Bird clan were the spiritual leaders. The Deer clan were the

peaceful ones and in the case of the Wisconsin *Ojibway* were no more due to violations of the laws.<sup>xvii</sup> In the Roseau River area that Sitting Eagle is writing about the Deer clan were the “reconcilers and pursuers of well being” for the community.<sup>xviii</sup> In Sitting Eagle’s view, the women, children and future were interrelated within the clan system. He does not explain what he means by this. The duties and responsibilities that obligated one within the clans could “produce a leader – man or woman.”<sup>xix</sup> Men and women’s roles and responsibilities within the clans were not separate.

Traditional leadership that the *Anishinaabe* practiced was based on the clan system. There were not single leaders but *Dodem Ogimaawiwin*, a clan leader and *Dodem Ogitchidaa*, a clan peace maker or warrior.<sup>xx</sup> In other nations of the *Anishinaabe*, specific clans fulfilled these functions such as the crane and loon. Each clan would have its own leadership structure such as ...its own chief, its own headman and its own elders to maintain the clan and the teachings of that symbol.<sup>xxi</sup>

The largest clan would have members in leadership positions such as hunting groups, alliance leaders and war leaders.<sup>xxii</sup> Leadership was based on personal attributes such as knowledge, skills and abilities. These maturity, wisdom, guidance, oratory skills helped people be selected to leadership positions within clan settings.<sup>xxiii</sup> Leadership contributed to the social stability of the *Anishinaabe* with clan affiliations forming the base for it. Leaders had well defined responsibility and authority. Schmalz (1991) writing about the southern Ontario Ojibway argued that there was a high degree of political organization that was based on *Ojibway* egalitarianism, that is, equality.<sup>xxiv</sup> This system allowed no one to get too entrenched so that a controlling repressive situation was avoided. Power was dispersed into several positions. Support could be withdrawn if leaders were seen as having too much power.<sup>xxv</sup>

One of the limits on leadership may have been the participation of women in the clans. Women were essential and vital to the collective solidarity of *Anishinaabe* society. Women had the responsibility and obligation for memory of clan and kinship relationships. They could become the leaders and were part of the selection process for leadership.<sup>xxvi</sup> They moved within *Anishinaabe* society in the manner they chose. There were complementary relationships with men yet limited prescribed female roles. There were no clan restrictions that they were excluded from. They could belong to any of the clans, as membership was an inclusive process based on special ability or gifts. There was equilibrium in the society.

Women were intimately related to the sacred in Norval Morriseau's (1977) stories. In this view, the earth is considered a woman and the *Ojibway* are her children. Morriseau dealt with traditional stories of Lake Nipigon. He relates a story about his grandfather who came from the west. He was from Bear clan and had this symbol of Bear on his wigwam. Bear clan people from outside of Lake Nipigon recognized this bear symbol on his lodge and were treated as close relations when they visited.<sup>xxvii</sup> He discusses how marriage did not take place within this clan. He relates stories that center women within the society as being in partnership and having complementary relationships with men.

Johnston (1995) describes the *Ojibway* worldview as a world based on spiritual and physical realities that involved the maintenance of these relationships.<sup>xxviii</sup> For example, like Morriseau's stories, women work equally with men and share many of the same responsibilities and obligations. In addition, the linkages and connections that the *Ojibway* have with various beings are similar. Johnston relates stories about how the animals helped humans survive. Human beings were seen as weak and needing intercessions in the *Anishinaabe* world. He relates this story to how the clans came to be in Southern Ontario. Clans were developed

To obtain the benefits of the attributes that (they) did not possess...they dedicated their families to birds, animals, small creatures, and fish in the hope that these Beings, by exercise of their attributes and faculties, would obtain for men and women the favors that were needed.<sup>xxix</sup>

He maintains that the

Animals that were chosen as patrons also served as emblems that identified and distinguished families who were dedicated to the same ideals and were entrusted certain duties.<sup>xxx</sup>

Johnston says totem is derived from *dodem* which he interprets as action and duty serving as inspiration.<sup>xxxi</sup> In this view, clans are actively related to duty and inspiration of others through one's actions. Living by example was emphasized amongst the *Anishinaabe*.

The role of women is described in many of the stories about maintaining community linkages or relations. Wubekeniew (1995) explores this in his community of Red Lake, Minnesota. In this community, people are born into their clans, although, genealogies specify other connections.

Genealogies include women who married into the community from so-called Blackfoot, Cree, Inuit, Lakota, and other Aboriginal Indigenous Nations as well as European.<sup>xxxii</sup>

He continues that a woman marries into her husband's *Dodem* to create networks of relationships.

This creates a network of relatives through each person's mother's side of the family and through the *Dodems*, which extended across the continent in all directions.<sup>xxxiii</sup>

Wubekeniew says that this way of social organization within the communities was and is very different from patriarchy:

Power of the men was balanced by the political and social power of the Clan mothers, the women elders. Everyone in the family listened and respected the wisdom of these *Gi-ma-ma-nen*.<sup>xxxiv</sup>

*Gi-ma-ma-nen* can be translated as my special, sacred, collective mothers. This does not mean that biology was the sole determinant of women's power and influence. Women's ability to interact with the spirit world of the *Anishinaabe*, by the physical act of creation, was held to be sacred. Women were seen as closer to the Creator by this spiritual ability, as well as by the ability to create water in this act of creation. For Wubekeniew, women were

...part of a totality which includes religious philosophy, identity, values, life and death and our interrelationship with the land.<sup>xxxv</sup>

Clans reflect unique understandings of the knowledge systems of the *Anishinaabe*.

Teaching about clan responsibilities occurred by listening to stories told by old learned men, *Chi Akiwenziag*, and old learned women, *Mindimooyehnag*. This method is still used, but the practice is being threatened. The people who taught me some clan stories helped to preserve aspects of the knowledge transfer that comes from living traditions in *Anishinaabe* communities<sup>xxxvi</sup> *Anishinaabe* were given first instructions on how to live on the earth. This was communicated by stories; *dibaajimowin*, everyday stories, and *aadizooke*, ancient traditional stories. These stories were told a variety of formats and in a range of ways such as in pictures, songs, petroforms, pictographs, design patterns, ceremonial objects, home styles, clothing and geographical markers of land. Stories could also be performed. They could be described in song using different instruments such as drums, rattles, eagle (and other bone or wood) whistles and voice chants. As Basil Johnston, an *Anishinaabe* storyteller implied, there is *Manitou* (Spirit) in stories.<sup>xxxvii</sup> This spirit guides the *Anishinaabe* to understand and to learn. There are protocols for hearing, telling and learning stories. Other types of stories can only be expressed during ceremony with sacred objects like the pipe, *opwaagan*. Some stories can only be expressed within ceremonies such as the sweatlodge, *madoodiswan* or shaking tent, *jiisaakaan*. It is through these ceremonies that clan affiliations, adoption and relationships are learnt. Some stories require selected individuals to be taught to tell them only at certain times and in certain ways. Some have societies attached to them such as the *Midewin* and *Wabuno*. I know little



about each society, but have heard that the *Midewin* can speak about clan stories.<sup>xxxviii</sup> These stories tell how the clans came to be among the *Anishinaabe*. *Midewinini*, medicine society men, such as Benton-Benai and Sitting Eagle have self identified as *Mide*, and have written down this knowledge.<sup>xxxix</sup> I have no authority to be talking about these issues yet, I can contribute in a small way by gathering these written sources together.<sup>xl</sup> Living a good life requires understanding collective responsibilities exist as well.<sup>xli</sup> Stories are both an individual and collective responsibility based upon our understanding of the world. Our knowledge is transmitted and maintained through stories.

In reviewing what is written about clan system, I was struck by what was not discussed. Indigenous knowledge in this area of Ontario was absent, in many cases. Yet, there were consistent undercurrents in some written materials that speak to clans. Tanner (1994) was an *Anishinaabe*, although he was captured as a European child in 1830 and later adopted.<sup>xlii</sup> He discusses traveling with his adopted *Anishinaabe* mother, who as they were passing a landmark noticed,

Some little stakes in the ground with pieces of birch bark attached to them, and on two of these the figure of a bear and on the others those of other animals.<sup>xliii</sup>

These markers enabled Tanner and his mother to find people as they recognized the clan marks. When *Ojibway* traveled, they left their totem sign indicating the time and direction so that relatives could share company.<sup>xliiv</sup> Often, clan members were greeted as relations, in spite of not being biologically related. The writings on rocks and markers served to tell people who were in the area. Densmore (1929) also described clan marks delineating land relationships.<sup>xliiv</sup> In her work, she describes totem marks, which are mark(s) representing the bird or animal for which they are named, that appeared in birch bark or cedar messages.<sup>xlivi</sup> Interestingly, Dewdney (1967) describes rock paintings around Lake Superior and Lake Nipigon in a similar fashion.<sup>xliivii</sup> He, like Tanner and Densmore, accurately illustrated how the clans were portrayed with messages attached. Dewdney described how various animals are drawn sitting in canoes. The animals represent the clan of each person.<sup>xliiii</sup> Rock paintings were also detailed in this manner. Clan marks were specified for people travelling and advised whether they had relationships with people within the area. This interpretation is consistent with other clan stories.<sup>xlix</sup> The land served as a communication device and grounded relationships for the *Anishinaabe*.

For *Anishinaabe* scholars, Warren (1984), Benton-Benai (1988), Sitting Eagle (1993), Morriseau (1977) and Wubekeniew (1995), it is the collective nature of the clan system and its interrelated nature with other ideas of *Anishinaabe* society that contributed to its solidarity. These *Anishinaabe* writings specify the history, purpose and continuity of clan structures in *Anishinaabe* societies. This suggests that clans are significant social entities that should be explored in governance structures. This viewpoint is divergent from the way that colonial discourse about clans has developed. The latter view has unfortunately influenced how clans, the social and political nature of *Anishinaabe* society, are viewed. Social scientists, such as Hadfield (1977) and Levi-Strauss (1962), studying *Anishinaabe* had their own ideas about clans. These ideas missed the nature of societal relationships that clans represented. Some *Anishinaabe* were influenced by these ideas as well.

In stories such as those of Redsky (1972), Christian and European ethnocentric connotations appear that are exclusionary to all who do not fit into these Christian or European categories.<sup>1</sup> Unlike Morriseau's and other works, women do not form part of this view of clans. Redsky, a *Midewinini*, medicine society man, describes how totem relationships came to be among the *Ojibway* around the Kenora area. Clan stories became blended with Christian theology. The Creator punishes the *Ojibway* for their wickedness, sleeping with their relatives, and takes their common language away, like the Tower of Babel. This punishment explained the origin of all the different tribes but also explains how the clans came to be.

...Gave them a choice of family marks for each family to choose from...If a person met another with same mark, they were considered to be close relatives and a part of same family.<sup>li</sup>

In this religious influenced view, the clans retained some of their original features but they originated from a Christian God. Traditional and contemporary stories of the *Ojibway* counter Christian influenced views. Although it may be that Redsky, as a *Mideinini*, sought to continue these stories in, what he thought, was an allowed format. This idea of clans being interpreted within a European ethnocentric way continues with other Western based writers. This will now be considered.

*Anishinaabe* based social and political systems are given inadequate consideration in European writings such as those of Hadfield (1977) and Levi-Strauss (1962). The focus was on Indigenous people as wild and savage while European people were considered civilized. All of *Anishinaabe* society was seen as less than colonial society, especially those organized on the

basis of clans. In 1971, Long's narrative was re-published and discusses his experiences in 1791 among various tribes around the Great Lakes region. They were described according to clan names such as rat (muskrat), sturgeon, and others. He is credited with first using the word *totamism*. He said that totamism was a "religious superstition of the savages" and that

Totem assumes the shape of some beast or other, and therefore they never kill, hunt or eat the animal whose form they think this totem bears.<sup>lii</sup>

He discusses totemism as being associated with one's destiny.<sup>liii</sup> Long misunderstood what the purpose of clan structures were in the *Anishinaabe* societies he encountered. Yet, he refers to different nations he encountered such as the Rat, Beaver, and Sturgeon. These would have been part of an existing clan structure.

Other writers following Long's misunderstanding of totemism which confused a spiritual relationship and individual destiny with clans. Hadfield (1977) furthers this misunderstanding in 1938 by stating

Totemism might be described as a distinct species of animal, plant, or inanimate object, to which a group of people pay reverence. The clan bears the name of the animal it venerates: and this group of people believe themselves to have descended from the creature.<sup>liv</sup>

Hadfield continues by saying that "a man must not kill nor eat his totem animal, except on ceremonial occasions." Levi-Strauss (1962) comments display an undercurrent of European ethnocentric ideas and ideas about its supposed civilization. He begins by stating,

Totemism assimilates man to animals and the alleged ignorance of the role of the father in conception results in the replacement of the human genitor by spirits closer to natural forces. This...allowed the savage, within culture itself, to be isolated from civilized man.<sup>lv</sup>

In Levi-Strauss' view totemism occurs on a developmental continuum, from savage or primitive man to the "normal, white adult man."<sup>lvi</sup> His analysis is race and gender biased. He maintained that there was a "rule of patrilineal descent" that would deprive people of a clan, although this means only membership through the men.<sup>lvii</sup> Women were mistakenly seen as not being involved with clans.

Another source of misunderstanding was political organization. Clans did not have political functions in some scholar's views such as Diamond Jenness (1977), who conducted a demographic survey of First Nations in Canada.<sup>lviii</sup> Jenness was a consultant to Indian and Northern Affairs Canada, who conceded that unity of bands and tribes were detected but he could not discern the source of this solidarity.<sup>lix</sup> He was satisfied, holding that, "these clans had

no political functions and very little religious significance.”<sup>lx</sup> Jenness concluded that political power was centered in the band structure and leader, who traditionally handed his rank to his son. Jenness argued this occurred, much like European systems of government. Smith (1973) discusses studying the *Ojibway* balance between the welfare of the individual and the cooperative nature of the group. He argues that with the development of alliances and small *dodem* groups, the decision making model became based on consensual democracy. This enabled a sense of social and political cohesion.

What is indicated is the high degree of adaptability of kinship, based on bilateral kinship, in adapting to the vicissitudes of harsh environments, warfare, instability, and uncertainly (sic).<sup>lxi</sup>

Smith argues that in the pre-reservation period, that

Complexity of political organization and methods of social control were largely unnecessary in the northern bands, in which the maximum size did not exceed 100 people.<sup>lxii</sup>

Yet, larger populations did occur.<sup>lxiii</sup> Smith maintains that it was this small group size combined with the environment that enabled social controls to be effective without a noticeable centralized structure. He does not talk about how he arrived at this conclusion. Smith says that people were always subject to the highly informal, but very effective pressures of the immediate kin group. Social control was based on informal pressures within kin group such as a fear of witchcraft and gossip.<sup>lxiv</sup> Verbal coercion may well have been used within the group, but was not the only method. These perspectives continue to influence how *Anishinaabe* social and political structures are seen. Ideas about civilization still are the lens that clan structures are viewed by.

### **Justice and Dispute Resolution**

To the outside observer, many Aboriginal societies must have appeared to be based on disorder. As Johnston (1995) maintains, there was

No central authority or government...to issue and enforce laws, dispense favors to friends, impose fines on enemies, declare war against other nations, or demand homage and tributes from its subjects.<sup>lxv</sup>

There were no visible positions of authority in *Anishinaabe* societies such as those contained within the European systems such as police, lawyers, and judges. Yet, there were systems in place that accomplished similar functions of maintaining order and balance within the societies.<sup>lxvi</sup> These ranged from explicit methods that involved the whole community to less seen ones that involved mediation and reconciliation to re-distributive practices.<sup>lxvii</sup> These methods would have reflected an *Anishinaabe* understanding of reality.

Ideas about justice come from different philosophical places with different standards of how to restore community order. *Idoidaymiwan*, the clan based system, was at its base a social and political system of relationship(s) maintenance. *Menobimadizen*, living a good life, influenced the individual and the social order of the clans, that is, the overall society. Social order consisted of cooperative and harmonious relationships with the *Anishinaabe*. Schenck (1997), an *Anishinaabe* scholar, maintains this social order was part of an ongoing process of social change and adaptation.<sup>lxviii</sup> In many ways, the clan leadership, including all clan members, anticipated issues that could cause social disorder and had processes in place within the clan to deal with it.<sup>lxix</sup> Yet, it is evident that *Anishinaabe* societies changed and adapted ways of doing things based on new realities. The *Anishinaabe* were not and are not a static society.

Justice and dispute resolution are conceptualized in a social context. Justice, like other similar philosophical concepts within *Anishinaabe* societies, required an action that accompanied the idea. The concept then became interwoven into the fabric of life. One such concept was *Menobimadizen*, which means living a life in balance. It has to do with relationships that you have in the world and the responsibility that you are willing to undertake to ensure that you maintain and support those relationships.<sup>lxx</sup> *Menobimadizen* is the word that describes how one is to live within the *Anishinaabe* world. The meaning is living a good life, ethics and living a life in balance between the physical and the spiritual worlds, metaphysics. It means living a healthy life and having a good sense of who you are. As Johnston discussed in 1995, it is the mental firmness within your self, resulting in a stable sense of self.<sup>lxxi</sup> These introspective qualities once solidified within yourself are reflected back into the world. Clans are a part of this concept. *Anishinaabe* societies are balanced when the different clans have created and extended relationships of mutual obligation and reliance with one another. The clans in this system must practice philosophical concepts such as *Menobimadizen* as part of the ethical framework of the *Anishinaabe*. The clans are the basis for the social relations and social connections. This concept enables the *Anishinaabe* to have a sense of who they are individually as well as collectively as a distinct people. Clans helped in this process.

Clans allowed for social and political solidarity as well as unity. The strength and responsibility of identity was built into them. The consensual nature of decision-making ensured that the people and community were included. People within the clan system could maintain their individuality within the collective nature of their communities. In fact, the community

supported and reinforced this identity as part of the obligations and responsibility assumed by clan members. Specific clans had obligations to perform within their clan groups as well as within their overall society. Clans met on a regular basis to discuss issues common to their specific clan. Some clans had responsibility for a peacekeeper role similar to the police; some clans had the responsibility for overall peace within the society. In different *Anishinaabe* societies, such as the *Midewin* and *Wabuno*, different clans performed social order functions, yet the underlying sense of establishing, maintaining and restoring social relationships remained.

*Anishinaabe* justice systems were designed to restore and maintain harmonious relationships within and external to the community through the practice *Menobimadizen*, living a good life. This was not based on punishment and did not have that as its aim. Although punishment was always an option available, there was a focus was on teaching proper behaviour.<sup>lxxii</sup> According to Rudin (1999), this focus on behaviour meant that “non-punitive sanctions were necessary to maintain order” and restore peace within the societies.<sup>lxxiii</sup> *Anishinaabe* justice systems in general focused on the offender not the offence. The purpose of the process was to try to determine why harm was done and how that harm can be repaired so that offenders are taught their behaviour is disruptive and unwelcome.<sup>lxxiv</sup> This occurred in partnership with community norms and values. With a focus on behaviour, dispute resolution processes focussed on ethical frameworks as the model for proper behaviour. There was no sense of evading responsibility for actions taken and this is “why concepts such as guilt and innocence are alien to aboriginal culture.”<sup>lxxv</sup> *Anishinaabe* within the clan system with the goal of living a good life, were and are socialized that social relationships are paramount so fast return to equilibrium ensures this. In this system, “consensus building was an inevitable and necessary part of the dispute resolution process.”<sup>lxxvi</sup> Consensus based processes meant that social order based on balance and maintenance of relationships are maintained.

Dispute resolution processes and structures are not new to *Anishinaabe* peoples. All societies develop ways to resolve disputes. These dispute resolution mechanisms are based upon what that society considers most necessary for maintaining balance. These can be social and cultural values that are necessary to preserve so that the society can continue in a relatively stable manner. Some disputes within societies may arise from either resource or land allocation. Some may take the form of family disputes that have potential effects on the community. Still others can be violations of community standards involving serious forms of harm either against other

community members or members outside of the community. Even more serious are those that are considered to violate standards of humanity, which are actions, considered to be less than human. Community standards are recognized by community members. Some respected people are given authority to complete a process that restores balance to the community. Rules are communicated as the quick resolution of conflict was and is a critical tool for diffusing community tension.

In the current court system, dispute resolution is based on an assumption that when there is a conflict, the party with the strongest argument will prevail. This is based on the culture of rights, a culture that has permeated western civilizations and thought since the consideration of civil society in the Enlightenment in Europe.<sup>lxxvii</sup> Laws speak of human rights and constitutions speak to civil rights guaranteed to each citizen. Fiadjoe (2004), says that in Western societies,

Dispute resolution strategies are characterized by the language of rights, whether moral, legal, political or economic, all of which assert some basis of right.<sup>lxxviii</sup>

Rights can be ignored or they can be supported by the state. This rights discourse has transformed cultures and can influence the direction of social change within a society.

In general, societal laws address what our base assumptions are about who we are, what kind of world that we live in and what is determined to be order in that world. It reinforces “where we fit in a web of social relatedness.”<sup>lxxix</sup> The purpose of law developed as a means to resolve societal conflict and restore order, if the conflict was commonplace and predictable to the society.<sup>lxxx</sup> Dispute resolution was then based on what was seen as reasonable and usually involved some kind of judgement. For the *Anishinaabe* societies, there was an emphasis on peaceful conduct and behaviour.

The *Anishinabek* Nation wants to re-establish social and political systems of unity.<sup>lxxxi</sup> It will be based on the “land, language, culture, traditions, customs, and teachings.”<sup>lxxxii</sup> It must be noted that law is absent from the preamble. The social order will be one based on “peace, harmony and balance in our governing principles.”<sup>lxxxiii</sup> The developing legal system may have different aims than other justice systems. The *Anishinabek* Nation released a rolling draft of its proposed constitution in June 2006. This is a contemporized clan system with proposed functions. The concepts underlying the clan system are still relevant, although, there is a compromise between a consensual form of governance and an electoral one. It states that the original clan system was “spiritually enriched” and “was a system of social order and structure

for *Anishinabek* society” as well as “key to the strength of the *Anishinabek* Nation” which “gave voice and involvement to all people in the community.”<sup>lxxxiv</sup>

The *Anishinabek* Nation began a process called *Waknegewin*, which means to weave together people. It is how the *Anishinabek* Nation is describing the growth of their law structure(s). Currently, their focus is on the development of community constitutions as part of self-government negotiations. The restoration and revitalization of clan systems will set the framework for *Anishinabek* laws as part of this *Waknegewin* process, which will re-produce self governing relationships. These processes were instituted because it is recognized that the current Canadian government systems were not working in *Anishinaabe* societies overall. This is particularly true in regards to justice.

To conclude, restoring governance structures must involve extensive consultations. Civil engagement is required for meaningful involvement. The *Anishinabek* Nation proposes education as a way to reconnect people with these traditional systems. The obligations and responsibilities contained within the clan system were comprehensive. It influenced the social world of *Anishinabek* in profound ways. It affected life stages such as marriage, occupations chosen, social and political responsibilities. Family was not the core of obligations and responsibilities but was part of them. This aspect may be the most extreme change proposed in restoring clan governance. Under legislations, family relationships were influenced and eroded by colonial authorities. Taking the focus away from an individualized sense of family to a more collective based *Dodem* form would require significant reforms at many levels.

Ideas of Canadian justice’s supposed neutrality, fairness and reason are being critiqued in Canada by *Anishinaabe* communities.<sup>lxxxv</sup> These laws were not developed to meet the needs of *Anishinaabe* efforts to practice living a good life. The current system is not working. The rates of incarceration and overall mistrust of the current system makes the Aboriginal demand for greater control of peace and justice issues urgent. Indigenous ways of resolving disputes and establishing order within their societies may offer a way to reconcile these different interests within Canada. *Anishinaabe* knowledge can guide our way into a collective healthy future for all community members. Learnt old men and women communicate this. Living traditions such as those taught by my parents, Patrick and Anne McGuire and other respected old men and women such as Netdo and Kathleen Nobis, Walter and Maria Linklater, Jeff Chief, Danny Musqua, Anne Wilson and Jim Windigo, nurture responsibility in many peoples who are willing and available



to learn the stories. Such exceptional old people have not all left this world for another but exist in many *Anishinaabe* communities. They need only be asked to participate.

*Note: I would like to thank my reviewers of this paper, Patricia Monture, Kinwa Bluesky, L. Jane McMillian, Chris Robertson and Sheldon Tetreault for your exacting comments on this first work of mine. Any mistakes are my sole responsibility. Thanks to Frances Trowsse and Barb Walberg at Negahneewin College for encouraging me to write in our collective office. Chi Miigweech!*

## ENDNOTES

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<sup>i</sup> I am learning to speak *Anishinaabemowin*, again. I was told, by my mother, that once I (and my siblings) started school that we refused to speak it.

<sup>ii</sup> There is not a standardized spelling for *Anishinaabe*. Two different spellings will be used, one that is used by people in the Robinson-Superior Treaty area and one that is used by the *Anishinabek* Nation, the political territorial organization in Ontario. The *Anishinabek* Nation uses both spellings in their governance documents.

<sup>iii</sup> *Debewin*, truth in *Anishinaabe* society can be an individualized philosophical concept. There are many versions of the truth, yet not one right one. Another issue arises from this. This paper is not the definitive statement on clans. It is intended to provide material that can provoke discussion on clans in *Anishinaabe* societies and others. It is not a prescriptive document.

<sup>iv</sup> C. W. Mills, *The Sociological Imagination* (London and New York: Oxford University Press, 1959).

<sup>v</sup> Clan adoption is practiced today in many Aboriginal communities. For some, it is a simple process of being asked, for others, ceremonies are conducted and they are informed of what clans they belong. These ceremonies are conducted by people skilled in these areas.

<sup>vi</sup> The *Anishinabek* Nation instituted a system of governance loosely based on the clan system in the summer of 2006. This was part of their constitution building exercise and negotiations on self government. For more information, refer to *Anishinabek* Nation. *Anishinaabe Gchi-Naaknihewin*, Draft (Ontario: July 22, 2006). [www.anishinabek.ca/ROJ/news21.asp](http://www.anishinabek.ca/ROJ/news21.asp)

<sup>vii</sup> D. Thompson, *Lake Nipigon Genealogical Records* (Ontario: Unpublished Document, 1993) at 1. Father Specht, S.J. may have been responsible for keeping Indian census records of people around Lake Nipigon. This would have been related to the signing of the treaty in 1850.

<sup>viii</sup> E.J. Danziger, *The Chippewas of Lake Superior*. (Oklahoma: University of Oklahoma Press, 1978) at 10.

<sup>ix</sup> C.A. Bishop, *The Northern Ojibway and the Fur Trade – An Historical and Ecological Study* (Toronto: Holt, Riehart, and Winston of Canada, Limited, 1974) at 5. Bishop is a cultural anthropologist and ethnohistorian who has done research on Ojibwa Indians and the evolution of early hominids.

<sup>x</sup> J. G. E. Smith, *Leadership Among the Southwestern Ojibwa* (Ottawa: National Museums of Canada, 1973) at 15.

<sup>xi</sup> Smith at 15. Providing examples of many of the issues discussed in this paper is beyond the scope of this introductory paper.

<sup>xii</sup> C. Versey, *Traditional Ojibway Religion and its Historical Changes* (Philadelphia: The American Philosophical Society, 1983) at 78.

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- <sup>xiii</sup> J. Tanner, *Captivity of John Tanner* (New York: G&C.H. Carvill, 1994) at 314.
- <sup>xiv</sup> W. Warren, *History of the Ojibway* (Minnesota: Minnesota Historical Society, 1984) at 34. Warren was one of the first *Anishinaabe* to record stories in 1885.
- <sup>xv</sup> Warren, at 34.
- <sup>xvi</sup> Warren at 35.
- <sup>xvii</sup> E. Benton-Benai, *The Mishomis Book – The Voice of the Ojibway* (Wisconsin: Indian Country Communications, 1988) at 77.
- <sup>xviii</sup> Sitting Eagle, *A Brief History of the Anishinabe Clan System Functions: A Series on the Clans of the Anishinabe (Ojibway) Nation*. (Pen Com: Manitoba, 1993) at 7. There are Deer clan members that are spread throughout Ontario, Manitoba and Saskatchewan.
- <sup>xix</sup> Sitting Eagle at 6.
- <sup>xx</sup> T.M. Schenck, “*The Voice of the Crane Echoes Afar*” - *The Sociopolitical Organization of the Lake Superior Ojibwa, 1640-1855* (New York & London: Garland Publishing, Inc, 1997) at 51. Schenck is an enrolled Blackfoot member but is *Ojibway* on her mother’s side.
- <sup>xxi</sup> M. Relland, “Saulteaux Indigenous Knowledge: Elder Danny Musqua” (2000) Volumn 13: Number 2 *Native Studies Review* 91 at 93.
- <sup>xxii</sup> Smith, at 13.
- <sup>xxiii</sup> Smith at 13.
- <sup>xxiv</sup> P. Schmalz, *The Ojibway of Southern Ontario* (Toronto: University of Toronto, 1991) at 11.
- <sup>xxv</sup> Both Smith at 13 and Schmalz at 10 discuss this idea of power and egalitarianism.
- <sup>xxvi</sup> Tanner and Wubekeniew discuss traditional leadership. Tanner was adopted by a women leader. He described the influence and respect she possessed. Wubekeniew discusses how women were involved in leadership selection.
- <sup>xxvii</sup> N. Morriseau, S. Dewdney, *Legends of My People: The Great Ojibway* (Toronto: Ryerson Press, 1977) at 87. These stories were given to Norval Morriseau, the *Anishinaabe* artist, by his grandparents. Morriseau is originally from Sandpoint First Nation on Lake Nipigon, Ontario.
- <sup>xxix</sup> B. Johnston, *Honour Earth Mother – Mino-Audiaudauh Mizzo-Kummik-Quae* (Cape Croker, ON: Kegedonce Press, 2003).
- <sup>xxx</sup> Johnston 2003 at 119.
- <sup>xxxi</sup> Johnston 2003 at 120.
- <sup>xxxii</sup> Wub-e-ke-niew. *We have the Right to Exist – A Translation of Aboriginal Indigenous Thought, the First Book Ever Published from an Ahnishinaeojibway Perspective* (New York City: Black Thistle Press, 1995) at 5. Wubekeniew was a respected old man from the Bear *Dodem* from Red Lake, MN. This book is available on line at [http://www.maquah.net/We\\_Have\\_The\\_Right\\_To\\_Exist/WeHaveTheRight\\_03TOC.html](http://www.maquah.net/We_Have_The_Right_To_Exist/WeHaveTheRight_03TOC.html)
- <sup>xxxiii</sup> Wubekeniew at 5.

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<sup>xxxiv</sup> Wubekeniew at 6.

<sup>xxxv</sup> Wubekeniew at 8.

<sup>xxxvi</sup> My parents, Patrick and Anne McGuire and other respected old *Anishinaabe* men and women such as Netdo and Kathleen Nobis, Walter and Maria Linklater, Jeff Chief, Danny Musqua, Anne Wilson and Jim Windigo have taken the time and energy to get me to listen to stories that they had to tell.

<sup>xxxvii</sup> B. Johnston, *The Manitous- The Spirit World of the Ojibway* (Toronto: Key Porter Books, 1995) at xiii, xx. Johnston is a noted *Anishinaabe* scholar. This respected old man from Cape Croker, Ontario has written extensively on the *Anishinaabe*, both in his area as well as other areas of Ontario.

<sup>xxxviii</sup> Sitting Eagle, *A Brief History of the Anishinabe Clan System Functions: A Series on the Clans of the Anishinabe (Ojibway) Nation*. (Pen Com: Manitoba, 1993) and E. Benton-Benai, *The Mishomis Book – The Voice of the Ojibway* (Wisconsin: Indian Country Communications, 1988) are two predominant *Midewinini*.

<sup>xxxix</sup> Sitting Eagle at 7 and Benton-Benai at 77.

<sup>xl</sup> Some stories have to be given to you to share. I am not part of any of the societies that discuss these stories.

<sup>xli</sup> Living a good life means answering the need to do something for your community. You cannot just focus on yourself in isolation from your area. You are always part of your community.

<sup>xlii</sup> J. Tanner, at 41.

<sup>xliii</sup> J. Tanner, at 41.

<sup>xliv</sup> Versey, at 78.

<sup>xlv</sup> F. Densmore, *Chippewa Customs* (USA: Government Printing Office, 1929) .

<sup>xlvi</sup> F. Densmore, at 176.

<sup>xlvii</sup> S. Dewdney, K.E. Kidd, *Indian Rock Paintings of the Great Lakes* 2<sup>nd</sup> Edition, (Toronto: University of Toronto Press, 1967) .

<sup>xlviii</sup> S. Dewdney, at 50.

<sup>xliv</sup> Both Sitting Eagle (1993) and Johnston (1995) discuss clan markings on land.

<sup>1</sup> J. Redsky, J. Stevens, *Great Leader of the Ojibway: Mis-quona-queb* (Toronto: McClelland and Stewart, 1972) at 101. James Redsky was a respected old man from the Kenora area.

<sup>li</sup> J. Redsky, at 101.

<sup>lii</sup> J. Long, *Voyages and Travels of an Indian Interpreter and Trader*, Reprint (Toronto: Coles Publishing, 1971) at 86.

<sup>liii</sup> Long at 87.

<sup>liv</sup> P. Hadfield, *The Savage and his Totem* (New York: AMS Press, 1938) at 9.

<sup>lv</sup> C. Levi-Strauss, *Totemism* (Boston: Beacon Press, 1962) at 2.

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<sup>lvi</sup> Levi-Strauss at 3.

<sup>lvii</sup> Levi-Strauss at 21.

<sup>lviii</sup> D. Jenness, *The Indians of Canada* (Ottawa: Ministry of Supply and Services, 1977).

<sup>lix</sup> D. Jenness, at 227.

<sup>lx</sup> D. Jenness, at 227.

<sup>lxi</sup> Smith at 12.

<sup>lxii</sup> Smith at 12.

<sup>lxiii</sup> Thompson (1993) said that according to Father Specht, S.J., the Lake Nipigon population was 370 people in 1852.

<sup>lxiv</sup> Smith at 13. M. Angel, *Historical Perspectives on the Ojibway Midewin: Preserving the Sacred* (Manitoba: The University of Manitoba Press, 2002) at 40.

<sup>lxv</sup> Johnston (1995) at xx.

<sup>lxvi</sup> This emphasis on balance is how *Anishinaabe* societies organized themselves.

<sup>lxvii</sup> T.M. Schenck, “*The Voice of the Crane Echoes Afar*” - *The Sociopolitical Organization of the Lake Superior Ojibwa, 1640-1855* (New York & London: Garland Publishing, Inc, 1997) at 50, 51. Schenck is an enrolled Blackfoot member but is *Ojibway* on her mother’s side.

<sup>lxviii</sup> Schenck at 8.

<sup>lix</sup> The format of this paper prevents a more complete discussion with examples. A good discussion and examples of dispute resolution occurs in Muskrat Dam First Nation, *Anishinaabe Justice in Muskrat Dam*. (Canada: Fund for Dispute Resolution, 1994).

<sup>lxx</sup> The *Anishinaabe* believe that there are two main aspects of reality, that of the physical and the spiritual. These two aspects influence one another. For example, if one does not know what clan that they are from, ceremonies can help you to discover which one you belong to. Gifts are given in the physical world so that spiritual favour can be obtained. This way reciprocity and equilibrium between these two worlds is maintained.

<sup>lxxi</sup> Johnston (1995) at xviii.

<sup>lxxii</sup> Johnston at xx.

<sup>lxxiii</sup> J. Rudin, “Aboriginal Self-Government and Justice” J. H. Hylton, *Aboriginal Self-Government in Canada – Current Trends and Issues* 2<sup>nd</sup> Edition. (Saskatchewan: Purich Publishing, 1999) at 206. Rudin is the Program Director at Aboriginal Legal Services in Toronto, ON and teaches at York University.

<sup>lxxiv</sup> Rudin at 209.

<sup>lxxv</sup> Rudin at 209.

<sup>lxxvi</sup> A. Fiadjoe, *Alternative Dispute Resolution: A Developing World Perspective* (Great Britain: Cavendish Publishing Limited, 2004) at 1. Fiadjoe is from the Barbados.

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<sup>lxxvii</sup> Fiadjoe at 10.

<sup>lxxviii</sup> Fiadjoe at 10.

<sup>lxxix</sup> J. Dickson-Gilmore, C. La Prairie, 2005. *Will the Circle be Unbroken? Aboriginal Communities, Restorative Justice and the Challenges of Conflict and Change* (Toronto: University of Toronto Press, 2005) at 23.

<sup>lxxx</sup> Dickson-Gilmore at 23.

<sup>lxxxi</sup> The *Anishinabek* Nation, formally called, Union of Ontario Indians, is the political territorial organization for communities in the Robinson-Superior and Robinson-Huron treaty areas. Their spelling of *Anishinabek* differs from the Lake Superior region.

<sup>lxxxii</sup> *Anishinabek* at 4.

<sup>lxxxiii</sup> *Anishinabek* at 5.

<sup>lxxxiv</sup> *Anishinabek* at 1.

<sup>lxxxv</sup> C. Bell & D. Kahane, eds., *Intercultural Dispute Resolution in Aboriginal Contexts* (Vancouver: UBC Press) at 29.