

Baskatawang, L. (2023).
***Reclaiming Anishinaabe Law: Kinamaadiwin Innamaadiwin
and the Treaty Right to Education***
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Where Are We Now?

We begin our review with brief statements relating to our respective positionalities. We do this at the onset to honour traditional Indigenous practice to offer our positionality (Absolon, 2010). Dr. Nicole Brouwer is of European and Ojibwe heritage; she is a member of the Garden River First Nation, which is part of the Robinson-Huron Treaty. She is the principal at an urban faith-based private school. Dr. Lindy Phelps-Henderson is a proud member of the Manitoba Metis Federation and the Red River Homeland. She lives and works in Treaty 3 territory, where she formerly served as the Indigenous Language Coordinator for the public school board as well as the principal of Kaa’Naa’Matay Wiigiiam, a K-12 land-based school. Currently, Lindy spends her time between land-based learning and K-12 leadership in Treaty 3 Territory as well as in the Faculty of Education at the University of Winnipeg. Nicole and Lindy both hold their Doctor of Education (EdD) (Western University, 2024). Dr. Scott Lowrey is a settler Canadian scholarly practitioner, invited ally, and Assistant Professor (Standing Appointment) with Western University’s Doctor of Education (EdD) in Educational Leadership program, living and learning on the ancestral territories of the Erie, Neutral, Huron-Wendat, Haudenosaunee, and the Mississaugas.

When thinking about particular attributes of national identity, the education system is often a hallmark of a country. It is fundamentally one of the tools by which a nation perpetuates customs, traditions, language, social structure, politics, and other less tangible elements of its society (Wilson & Wilson, 2002). It is only fitting then, that Baskatawang, an Anishinaabe scholar in Treaty 3 territory, writes about reclaiming Anishinaabe Law (Morcom & Freeman, 2018). He begins with a deep dive into how education can be used to reestablish Indigenous culture, specifically in Treaty 3 territory. The words *Kinamaadiwin Inaakonigewin* mean Treaty 3 written education law. Baskatawang (2023a) stated, “Thus, in short, this book is about the recognition and affirmation of the Treaty 3 written law of education, *Kinamaakiniwin Inaakonigewin*” (p. 3). The author’s choice of terms and terminology is intentional throughout the book. For example, *recognition* refers to the acknowledgement of treaty rights, and *affirmation* refers to the process by which treaty rights are applied. Readers are encouraged to learn and understand the meaning of key words.

Baskatawang notes that historically, education has been a tool used to wipe out Indigenous culture, language, and its people; he also notes that ironically, it is education that holds the greatest potential to save Indigenous identity, especially through languages. In Treaty 3 territory, language revitalization plays a leading role within Grand Council Treaty 3 (Government of Canada, 2021). The right to establish and protect Indigenous education comes through the understanding that treaties are between two separate and distinct nations, with their own sovereignty and negotiating powers. Indigenous peoples at no

point compromised their rights to self-determination during Numbered Treaties negotiations, including treaty rights to self-governance and education. Where Canada has missed the mark is in using treaties to subjugate and oppress Indigenous nations.

Insights and Interpretations

Kinamaadiwin Inaakonigewin comprises five chapters, with each chapter beginning with its purpose clearly articulated. In Chapter 1, *Colonization and Other Political Discontents*, Baskatawang establishes the theme that is woven throughout his book; specifically, Indigenization in the form of honoring Indigenous law is necessary in the work of reconciliation and decolonization. Senator Murray Sinclair is often quoted as saying, “Education got us into this mess, and education will get us out of it” (National Centre for Truth and Reconciliation, 2019), which applies to this volume. Education is a highly nuanced and context-specific term. While the Truth and Reconciliation Commission of Canada (TRC, 2015) chronicles the obscenities of Canada’s residential school system, Baskatawang (2023a) persuasively asserts that understanding treaties is also an act of reconciliation; specifically, treaty obligations are terms of Indigenous nations establishing their own educational systems, honoring nation-specific traditions and principles (Battiste, 2013). The author stresses that Indigenous laws thrived pre-contact and persuasively argues that revitalization and application of Indigenous laws is a necessary step towards reconciliation and decolonization.

Chapter 2, *Indigenous Laws and the State*, provides a detailed historical frame of reference of the complex web of international, Canadian, and Indigenous laws that reinforce Baskatawang’s (2023a) argument of the necessity of *Kinamaadiwin Inaakonigewin*. This chapter has potential as a standalone, multidisciplinary graduate seminar course. The Declaration of the Rights of Indigenous Peoples, 46 Articles (United Nations General Assembly, 2007), and TRC (2015) 94 Calls to Action are required reading. Importantly, Baskatawang (2023a) asserts that all 94 Calls to Action be addressed in combination, not as a checklist (Reconciliation Education, n.d.). This assertion presents as aspirational in that many doctoral students are engaged in context-specific scholarship focused on individuals or a smaller subset of calls to action. Baskatawang (2023a) stresses that Indigenous laws existed prior to colonial contact. Four orders of Anishinaabe law are explained: Sacred – Kagagiwe Inaakonigewin; Traditional – Kete Inaakonigewin; Customary – Anishinaabe Inaakonigewin; and Written temporal – Ozhibiige Inaakonigewin. It is important to note that these laws were established as written temporal law through the Grand Council Treaty 3 and Elders’ gatherings as recently as 1997 (pp. 50-53). The reader should keep in mind that not all laws should be written down. Sacred laws should be respected, and the importance of oral tradition needs to be maintained. Baskatawang follows this up with a further detailed explanation of four distinct eras of treaty making: precontact, peace and friendship, confederation, and the modern era.

We can use the recent renegotiations of the Robinson-Huron treaty to illustrate this point. The last negotiation for the annuity was completed in 1870, and a sum of \$4.00/year was settled on (Government of Canada, 2023). This continued to be the annuity until a retroactive payment was negotiated and settled in 2023 in the sum of 10 billion dollars. If the original terms of the treaty had been followed, then retroactive payments would not have been required. The implications of 10 billion dollars not being given to the 21 nations in the Robinson-Huron treaty area are staggering. Think of the community improvement, funding for programs, access to clean water, and all the other areas of need that could be addressed if the treaty had been followed in good faith and in the terms. Negotiations continue to determine what the annuity will be going forward. Thankfully, Indigenous communities have a much better understanding of the terms of their treaty rights and the implications of the government continuing to provide mining and other resource rights to those who are not part of the treaty area.

In Chapter 3, *Kinamaadiwin Inaakonigewin* provides an overview of the Anishinaabe law-making process, how Anishinaabe law governs the Treaty #3 education system, and how Anishinaabe law interacts with educational laws. One of the interesting arguments made in this chapter is that a relationship based on reciprocity and respect between the Anishinaabe educational system and public education systems benefits all students, Indigenous and non-Indigenous alike. Moreover, the creation of the Anishinaabe educational system does not excuse the public education system from its moral imperative and ethical responsibilities for doing the work of reconciliation, decolonization, and Indigenization. While the relationship between provincial and Indigenous school systems varies, Baskatawang highlights the essential need for Indigenous representation on advisory committees, Indigenous content across grade

levels, and increased self-determination in curricular offerings (pp. 106-108). Baskatawang (2023a) outlines the seven Anishinaabe guiding principles of education from the foundation of Kinamaadiwin Inaakonigewin: Anishinaabemowin (language); Anishinaabe Inendamowin (thinking); Anishinaabe Gikendaasowin (knowing); Anishinaabe Inaadiziwin (being); Anishinaabe Izhichigewin (doing); Anishinaabe Enawendiwin (relations); and Gidakiimin (connecting to the land). Settlers must acknowledge that Indigenous education systems are unique to First Nations, Métis, and Inuit communities, each with unique traditions and principles. For example, *Inuit Qaujimagatuqangit (IQ)* principles (Osbourne, 2020) would not be appropriate to Nations working with *First Peoples Principles of Learning* (Higginbottom, 2023) and vice versa.

Of particular interest to those new to Indigenous education or those with a deeper appreciation is the explanation by Baskatawang (2023a) of the Elders' determination of the purpose of a written education law. Here, five purposes are highlighted: to preserve the Anishinaabe in the child, to protect language and culture, to provide education conducive to functioning in the Anishinaabe Nation, to clarify relationships between the Grand Council and the Canadian government, and to harmonize the administration of Anishinaabe and Crown education laws. This helps to clarify not only the purpose of Kinamaadiwin Inaakonigewin but also emphasizes "an inherent right to self-determination and cultural sovereignty" (p. 94).

In Chapter 4, *Reconciliation and Affirmation*, Canada has entered an important new era of Indigenous/settler relationships and has taken important steps in legislation toward reconciliation. However, most of Canada's efforts have been focused on reconciliation in regard to the residential school system. Reconciliation needs to go beyond, "the government of Canada must not only recognize but also affirm Indigenous laws through concrete, observable actions" (p.117). What this might entail differs depending on the Indigenous scholar and treaty area. Some scholars feel that a "turn away" approach is required. Baskatawang (2023a) reminds the reader that this approach negates the spirit and intent of the treaties predicated on peace, friendship, and respect and lasts as long as the sun shines and the rivers flow (p. 119). While others note an increase in civil disobedience and protest might be needed to gain public support for the required changes to happen.

Baskatawang promotes the idea of a transition period from when laws about Indigenous education are ratified to full implementation. The new laws should be in line with the Indigenous nation's sacred law, Kagagiwe Inaakonigewin, and under the supervision of Elders, educators, administrators, community members, and parents (p. 131). Baskatawang explores three areas that should be included in developing Anishinaabe education law: Federal and Provincial laws will "cease to apply" in communities that Kagagiwe Inaakonigewin is implemented, Education Plans and Standards will meet the needs of communities and be acceptable to the funding body: the Canadian government, and robust curriculum planning that helps students of all abilities and makes it possible for students to pursue education in institutions outside the umbrella of Treaty 3 education laws.

In Chapter 5, *Reflections* brings recognition that the process of reconciliation goes beyond TRC (2015) Calls to Action. It demands concrete, observable actions with respect to all 94 Calls to Action, injustices embedded in the *Indian Act*, and renewing neglected treaty relationships. What does actions speak louder than words look like? (1) 94 TRC (2015) Calls to Action addressed in combination, not in isolation; (2) injustices of the *Indian Act* addressed; and (3) original spirit and intent of treaties honored. To understand the spirit and intent of treaties, scholarly practitioners must learn about treaties and treaty negotiation processes relevant to the traditional territories where they live. An important dimension of this learning is that Numbered Treaties, as written, may not have captured the oral traditions, a vital aspect of Indigenous voice and worldview, of Indigenous peoples.

In other words, given the vastly different circumstances of Indigenous peoples throughout Canada, it must be recognized that, if Indigenous education is to be reconciled, it ought to take different forms for different nations; a 'one size fits all' approach will not work. (Baskatawang, 2023a, p. 35)

Implications

Baskatawang (2023b) stated, “Although the residential school system has been an unconscionable violation of human rights, so too has the government of Canada’s failure to fulfill its treaty obligations to Indigenous peoples” (p. 110). The importance of understanding treaties as an act of reconciliation is a thread woven throughout *Reclaiming Anishinaabe Law*. In Wilson-Raybould’s (2022) *True Reconciliation*, reconciliation is broken down into three core practices: learn, understand, and act. Given that we are all treaty people, learning more about the treaties precedes and deepens our understanding, which in turn leads towards concrete, observable actions. Interestingly, TRC (2015) Calls to Action #93 and #94 call upon the federal government, in collaboration with Indigenous voices, to require recent arrivals to Canada to learn about treaty histories and the legacy of residential schools. Settler Canadians would also benefit from such learning. Asch’s (2014) *On Being Here to Stay* and Krasowski’s (2019) *No Surrender* reinforce the misalignment between settler words and deeds, whereby treaty negotiations represented Indigenous peoples’ generosity in sharing, not transferring, the land with a commitment to co-existence with settlers. In theory, treaty negotiations were relational. Unfortunately, the written words documented by settlers in treaties and presented as historical record do not respect the spoken words and oral traditions of Indigenous peoples (Joseph, 2018; Talbot, 2009).

Baskatawang’s (2023a) *Kinamaadiwin Inaakonigewin* is required for those unconditionally committed to addressing issues of equity, social justice, decolonization, and reconciliation, whether scholar, practitioner, or scholarly practitioner. This is complex work (Brunette-Debassige, 2023; LeMay, 2025). Enacting Indigenous commitments at institutions that remain foundationally colonial must move beyond aspirational transformational goals towards actionable and ongoing transformative learning outcomes. For example, institutions must move well beyond performative and formulaic *territory acknowledgements* and towards context-specific *transformative territory acknowledgements*, where the messenger is speaking from the heart. Deepening understanding of Indigenous laws and treaty commitments is required in this work. As scholarly practitioners, we continue to encounter colleagues deeply committed to addressing issues of equity, social justice, and decolonization, yet who refer to Indigenous peoples as one homogeneous group, failing to understand that every Indigenous nation has its own traditions and principles of teaching and learning. It is this uniqueness that must be honored in the development of Indigenous education systems. For example, Good (2023) reminded us that “reconciliation requires systemic change” (p. 117), and this systemic change must be led not by settlers, but by Indigenous people in the image of the Indigenous community being served.

Yes, education is the answer (Sinclair, 2024); in Treaty #3, *Kinamaadiwin Inaakonigewin* offers one path to reconciliation, honoring the differences among Indigenous nations and between Indigenous nations and settler education systems. The work is deeply rooted in Indigenous knowledge and holistic practices that are centred on the Anishinaabe people. Moreover, this work serves as a call to action directly connected to real-time development and creation of educational law in the Treaty 3 area, which we highly recommend readers note as we collectively broaden our learning.

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