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Article abstract

Building on the ground-breaking work on the revitalization of Indigenous laws ongoing over the past decade, this article seeks to contribute to our understanding of how Indigenous languages can be used to recover Indigenous laws. It posits that there is not one single linguistic method, but at least five: 1) the 'Meta-principle' method; 2) the 'Grammar as revealing worldview' method; 3) the 'Word-part' method; 4) the 'Word-clusters' method; and 5) the 'Place names' method. Using the Migmaq language to illustrate, the article explains each method and provides examples of how they can be used to inform Indigenous law revitalization. The article also shows that one does not have to be a fluent, first-language speaker to engage with linguistic methods for Indigenous law revitalization, by highlighting the various published resources like dictionaries and lexicons, reference and teaching texts, atlases, and more, that can be harnessed to engage in this work. This makes engaging with the linguistic methods accessible to the many Indigenous peoples who, because of the impacts of colonialism, are only starting to re-learn their Indigenous language. This revelation should give greater confidence to the non-fluent that they too can play a role in the revitalization of both their language and laws.

FIVE LINGUISTIC METHODS FOR REVITALIZING INDIGENOUS LAWS

Naiomi Walqwan Metallic*

Building on the ground-breaking work on the revitalization of Indigenous laws ongoing over the past decade, this article seeks to contribute to our understanding of how Indigenous languages can be used to recover Indigenous laws. It posits that there is not one single linguistic method, but at least five: 1) the 'Meta-principle' method; 2) the 'Grammar as revealing worldview' method; 3) the 'Word-part' method; 4) the 'Word-clusters' method; and 5) the 'Place names' method. Using the Mìgmaq language to illustrate, the article explains each method and provides examples of how they can be used to inform Indigenous law revitalization. The article also shows that one does not have to be a fluent, first-language speaker to engage with linguistic methods for Indigenous law revitalization, by highlighting the various published resources like dictionaries and lexicons, reference and teaching texts, atlases, and more, that can be harnessed to engage in this work. This makes engaging with the linguistic methods accessible to the many Indigenous peoples who, because of the impacts of colonialism, are only starting to re-learn their Indigenous language. This revelation should give greater confidence to the non-fluent that they too can play a role in the revitalization of both their language and laws.

En s'appuyant sur les travaux novateurs concernant la revitalisation des ordres juridiques autochtones menés au cours de la dernière décennie, cet article cherche à améliorer notre compréhension de la manière dont les langues autochtones peuvent être utilisées pour se réapproprier les ordres juridiques autochtones. Il part du principe qu'il n'existe pas une seule méthode linguistique, mais au moins cinq : 1) la méthode des « métaprincipes » ; 2) a méthode de la « grammaire comme manifestation de la vision du monde » ; 3) la méthode des « mots-parties » ; 4) la méthode des « groupes de mots » ; et 5) la méthode des « noms de lieux ». En utilisant la langue Mìgmaq comme illustration, l'article explique chacune de ces méthodes et donne des exemples de la manière dont elles peuvent être utilisées pour informer la revitalisation des ordres juridiques autochtones. L'article démontre également qu'il n'est pas nécessaire de parler couramment ou d'avoir pour langue maternelle une langue autochtone pour faire appel à ces méthodes, en soulignant les diverses ressources publiées qui peuvent être utilisées pour ce travail telles que les dictionnaires et lexiques, les textes de référence et d'enseignement, les atlas, et autres. Ces méthodes linguistiques sont ainsi accessibles aux nombreux peuples autochtones qui, en raison des conséquences du colonialisme, commencent à peine à réapprendre leur langue autochtone. Cette révélation devrait donner davantage de confiance à ceux qui ne maîtrisent pas complètement la langue qu'ils peuvent eux aussi jouer un rôle important dans la revitalisation de leur langue et de leurs ordres juridiques.

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"The role of language in maintaining [our] constitutional and legal order cannot be over-stressed."[1]

Introduction

This paper seeks to contribute to the groundbreaking work conducted over the past decade on the revitalization of Indigenous laws.[2] Starting from the premise that Indigenous laws exist despite being impacted by colonialism[3] and that Indigenous peoples were and are reasoning and reasonable,[4] Indigenous law scholars have been writing about the various resources, methods, and frameworks to support Indigenous nations and communities in "drawing out their laws."[5] This includes describing ways to find law in Indigenous stories, ceremonies, songs, the knowledge and experience of elders, other community members, the land, and more.[6]

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[1]   James (Sákéj) Youngblood Henderson, "The Mi'kmaw Version of Rooted Constitutionalism" (2021) 1:1 Rooted 26 at 28.

[2]   "Indigenous law" refers to the specific legal orders of Indigenous peoples, as distinct from "Aboriginal law" which refers to Canadian laws in relation to Indigenous peoples. See e.g., *Constitution Act, 1867* (UK), 30 & 31 Vict, c 3, s 91(24), reprinted in RSC 1985, Appendix II, No 5; *Constitution Act, 1982*, s 35, being Schedule B to the Canada Act 1982 (UK), 1982, c 11. For examples of legislation relating to Indigenous peoples, see *Indian Act* (RSC 1985, c I-5) as well as numerous other federal and some provincial statutes. In this article, I will be using the umbrella term "Indigenous peoples," which includes First Nations, Inuit, and Métis people, unless the context calls for identifying a particular Indigenous nation, e.g., Mìgmaq, Cree, to mention but a few.

[3]   See e.g. John Borrows, *Canada's Indigenous Constitution* (Toronto: University of Toronto Press, 2010) at 11 [Borrows, *Canada's Indigenous Constitution*]; Hadley Friedland, "Reflective Frameworks: Methods for Accessing, Understanding and Applying Indigenous Laws" (2012) 11:1 Indigenous LJ 1 at 5–6; Hadley Friedland & Val Napoleon, "Gathering the Threads: Developing a Methodology for Researching and Rebuilding Indigenous Legal Traditions" (2015–2016) 1:1 Lakehead LJ 16 at 17–18.

[4]   Hadley Friedland writes about the importance of emphasizing these points in order to counteract long-held societal narratives that Indigenous peoples were lawless and lacked agency to resolve their disputes, see "Navigating through Narratives of Despair: Making Space for the Cree Reasonable Person in the Canadian Justice System" (2016) 67 UNBLJ 270 at 274–75.

[5]   "Drawing out law" is a phrase frequently used by Indigenous law scholars to refer to the act of identifying values, principles and rules from a variety of sources (e.g., stories, language, observations from nature and ceremonies, etc.) through processes of analysis and interpretation (methods). See e.g. Friedland, *supra* note 3 at 21*;* John Borrows (Kegedonce), *Drawing Out Law: A Spirit's Guide* (Toronto: University of Toronto Press, 2010) [Borrows, *Drawing Out Law*].

[6]   See e.g. Borrows, *Drawing Out Law, ibid*; Friedland & Napoleon, *supra* note 3 at 20–32; Darcy Lindberg, "Miyo Nêhiyâwiwin (Beautiful Creeness) Ceremonial Aesthetics and Nêhiyaw Legal Pedagogy" (2018) 16/17:1 Indigenous LJ 51 at 53; Kerry Sloan, "Dancing the Nation" (2021) 1:1 *Rooted* 17; Eva Ottawa, *Wactenamakanicic e opikihakaniwitc - Comment se manifeste le « droit » coutumier en matière de circulation des enfants chez les Atikamekw Nehirowisiwok de Manawan ?* (LLM Thesis, University of

None of these methods are intended as stand-alone processes for Indigenous law revitalization; rather, they work best when used as mutually reinforcing processes—what Darcy Lindberg calls the "law as weaving approach."[7]

My experiences in learning the Mìgmaq language[8] as a second language learner (still in progress), coming from a family deeply committed to language revitalization,[9] and my experience teaching an Indigenous law methods course at my law school[10] have caused me to reflect on the existing methods of using Indigenous languages to draw out and apply Indigenous law. This has led me to conclude that there is not one single linguistic method but at least five, as well as numerous resources to engage with such methods. I identify these as 1) the "Meta-principle" method; 2) the "Grammar as revealing worldview" method; 3) the "Word-part" method; 4) the "Word-clusters" method; and 5) the "Place names" method.[11] This article explains each method and provides examples of how each can be used to inform Indigenous law revitalization. Many of my examples relate to the Mìgmaq language; however, most if not all of these methods could be employed using any other Indigenous language.

Those normally accustomed to finding law in statutes, regulations, or cases might ask, *"How does one 'find' or 'draw out' laws from a source like*

Ottawa, 2021) [unpublished]; Sarah Morales, "*Stl'ul Nup*: Legal Landscapes of the Hul'qumi'num Mustimuhw" (2016) 33:1 Windsor YB Access Just 103 at 109–10.

7   Darcy Lindberg, "Excerpts from Nêhiyaw Âskiy Wiyasiwêwina: Plains Cree Earth Law and Constitutional/Ecological Reconciliation" (2021) 1:1 Rooted 10 at 11, 13.

8   There are different spellings of Mìgmaq depending on the orthography one is using (*Cf* note 9ff). I am using the Metallic Orthography spelling of Mìgmaq except where another orthography appears in a quoted source. For more on the Metallic Orthography, see Emmanuel N. Metallic, Danielle E Cyr & Alexandre Sévigny, eds, *The Metallic Mìgmaq-English Reference Dictionary*, 1st ed (Saint-Nicholas, QC: Les Presses de l'Université Laval, 2005) at viii [Metallic, Cyr, Sévigny, *Metallic Mìgmaq Dictionary*].

9   My late father, Emmanuel Nàgùgwes Metallic, was a Mìgmaq linguist and historian. My sister, Jessica Metallic, followed in his footsteps, and is a Mìgmaq language teacher in our community. I have been taking private lessons with her since 2018. I have written about my families' commitment to saving our beautiful Mìgmaq language (see Naiomi Metallic, "Becoming a Language Warrior" in Marie Battiste, ed, *Living Treaties: Narrating Mi'kmaw Treaty Relations* (Sydney, NS: Cape Breton University Press, 2016) 241 [Metallic, "Becoming a Language Warrior"]).

10   My law school has been offering an Indigenous law methods course, "Indigenous Law as Practice: Applying Mi'kmaq Legal Traditions" since 2019, modelled upon similar methods courses spearheaded by Professors Hadley Friedland and Val Napoleon and offered by the law faculties at both the University of Alberta and the University of Victoria.

11   These methods merely represent the different ways I have seen Indigenous languages used to draw out law to date; I am not suggesting these are the only ones. There may well be more that come to light in the future.

language?" Of course, finding law in the context of decentralized societies with largely oral cultures will not look the same as finding law in a centralized society, where all law emanates from the sovereign or the state and its courts. This is especially so when we are talking about societies whose legal orders and governance have been denigrated and damaged by colonialism. While an in-depth discussion of the theory of *"What is law?"* is beyond the scope of this paper, it is safe to assert that law is more than merely a collection of "black letter" rules, whether written in statutes or unwritten and accepted by members of a group—what some define as "custom."[12] Only the staunchest of legal positivists take the black-letter view of the nature of law. Rather, many legal philosophers recognize that law can be decentralized and informed by various sources of law (legal pluralists),[13] deeply influenced by the normative principles and values of those making and interpreting the law (interpretivists),[14] and adhered to not simply out of fear of sanction but out of belief in shared normative values (interactionalists).[15]

For our purposes, Ghislain Otis offers a helpful way to think about all legal orders as generally being composed of values, principles, rules, actors, and processes relating to the regulation of a group and the resolution of conflicts within that group or between groups.[16] His explanation of the difference and relationship between values, principles, and rules is especially illuminating to the work of finding law in sources like language, stories, ceremonies, and the like. He describes a "value" as a "quality or characteristic deemed by a given community to be desirable or good."[17] On the other hand, a principle is "a reference standard based on values and on which it is appropriate to regulate an action or a conduct. Thus, the 'principle' presents itself, in a certain way, as the generic normative

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[12] See e.g. Borrows, *Canada's Indigenous Constitution*, *supra* note 3 at 51–55; Jeremy Webber, "The Grammar of Customary Law" (2009) 54:4 McGill LJ 579 at 589–90; Sally Engle Merry, "Legal Pluralism" (1988) 22:5 Law & Soc'y Rev 869 at 883.

[13] See e.g. Webber, *ibid* at 610; Merry, *ibid* at 873; Joseph Raz, "Can There Be a Theory of Law?" in Martin P Golding & William A Edmundson, eds, *The Blackwell Guide to the Philosophy of Law and Legal Theory*, (Malden, Mass: Blackwell Publishing, 2005) 324 at 331.

[14] See Ronald M Dworkin, "The Model of Rules" (1967) 35:14 U Chicago L Rev 14.

[15] See e.g Jutta Brunnée & Stephen J Toope, *Legitimacy and Legality in International Law: An Interactional Account*, (Cambridge: Cambridge University Press, 2010) at 34; Friedland, *supra* note 3 at 32–33.

[16] See Ghislain Otis et al, "Introduction générale : L'étude des systèmes juridiques autochtones et ses enjeux" in Ghislain Otis, ed, *Contributions à l'étude des systèmes juridiques autochtones et coutumiers*, (Quebec: Presses de l'Université Laval, 2018) 1 at 9. For an application of Otis' categories to community interviews with members of Atikamekw of Manawan, see Ottawa, *supra* note 6 at 45–48.

[17] Otis, *ibid* at 10 [translated by author].

translation of the ideal embodied by a value."[18] Finally, a "rule" is "a specific prescription applied to a particular situation in order to give practical effect to a principle."[19] Otis further describes that the three concepts are interlinked:

> The triptych 'value, principle, rule' appears in a way as a set of interlocking concepts. For example, in the context of a subsistence economy, the <u>value</u> of respect for life will be able to generate the <u>principle</u> of the sharing of food resources which, in turn, may be embodied in a <u>rule</u> conferring on an individual and his family in need the right to invite themselves to the neighbor's more game-rich hunting territory in order to obtain food.[20]

The methods discussed in this paper allows for the drawing out of values and principles belonging to an Indigenous group based on their language. A group could, in turn, use such values and principles to inform the development of rules, their interpretation, or decision-making.

One does not have to be a fluent, first-language speaker to engage with linguistic methods for Indigenous law revitalization. Persons learning to be second-language speakers, using the various resources that are available, can engage in this work. In some cases, non-speakers can work alongside speakers, assisting in analysis and synthesis of meaning. This realization is important because many Indigenous peoples' relationship to their language, and hence its use for drawing out Indigenous laws, has been harmed by colonialism. On the one hand, it is common to hear leaders and elders emphasize the link between language and culture: "[t]he culture is in the language," is an expression I have heard many times.[21] Consequently, much law resides there too in the form of values and principles, as this paper's introductory quote from Sakej Henderson suggests. On the other hand, many Indigenous peoples, particularly middle-aged and younger generations, do not speak their Indigenous language because of colonial laws and policies that have affected Indigenous language transmission. I have heard many Indigenous people express feelings of shame or inadequacy for not knowing their language, even though it is not their fault. Accordingly, some of these people, when introduced to the idea of using Indigenous languages as a vehicle for law revitalization, assume they are unable to engage in such an exercise.

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18   *Ibid* [translated by author].

19   *Ibid* [translated by author].

20   *Ibid* [translated by author and emphasis added].

21   See Trudy Sable & Bernie Francis, *The Language of this Land, Mi'kma'ki* (Sydney, NS: Cape Breton University Press, 2012), ("[m]any Mi'kmaq would argue that their languages is their culture, the loss of which would be devastating" at 28).

Thus, while Indigenous languages are seen as a rich potential source of Indigenous law,[22] few feel confident in their ability to engage with language for law revitalization because they are not fluent speakers. By demonstrating that first-language fluency is not a strict precondition to engagement, my hope is that more people, especially Indigenous community members who may not yet be speakers in the language, are given confidence to feel they can engage in their community's laws in a meaningful way.

Before describing each linguistic method, in the next section I aim to provide context on the state of Indigenous languages in Canada and provide some history on the preservation of the Mìgmaq language. I do so to illustrate the different resources available to engage with language as a means to draw out law, as well as unpack some of the challenges associated with using these resources.

I.   The State of Indigenous Languages in Canada, Existing Language Resources, and their Challenges

Almost "300 distinct languages … are known to have been spoken" in what is now North America and "[m]any more have disappeared with little trace."[23] According to the Royal Commission Report on Aboriginal Peoples (RCAP), the Indigenous languages spoken in Canada numbers between fifty-three to seventy languages, falling into eleven distinct language families for First Nations, to which must be added Inuktitut, with its several dialects, and Michif, the language of the Métis.[24] RCAP's table identifying the different First Nations language families is reproduced in the Appendix.

Like Indigenous laws,[25] Indigenous languages have been significantly harmed by the intergenerational impacts of colonial laws and policies. Specific laws and policies that have affected language transmission in-

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[22]   See Mathew LM Fletcher, "Rethinking Customary Law in Tribal Court Jurisprudence" (2007) 13 Mich J Race & L 57 (inherent knowledge through language has "the potential of being the finest source available" at 90).

[23]   Marianne Mithun, *The Languages of Native North America* (Cambridge: Cambridge University Press, 1999) at 1.

[24]   See *Report of the Royal Commission on Aboriginal Peoples: Gathering Strength*, vol 3 (Ottawa: Supply and Services Canada, 1996) at 564 (the Commission notes that the total actual number of languages is not clear since Indigenous languages have not been standardized and attempts at classification are complicated by the existence of dialects).

[25]   See Truth and Reconciliation Commission of Canada, *Honouring the Truth, Reconciling for the Future: Summary of the Final Report of Truth and Reconciliation Commission of Canada* (Library and Archives Canada Cataloguing Publication, 2015) at 202–207.

clude residential and day schools,[26] enfranchisement policies that barred First Nations women who married non-status Indian men and their children from residing in their communities,[27] and the Sixties and Millennial scoops.[28]

Numerous Indigenous languages in Canada are now considered "'endangered, with few speakers, although a few others are considered 'viable' in the long term."[29] According to the 2016 Census, Cree (96,575 speakers), followed by Inuktitut (39,770 speakers), and then Anishinaabe/Ojibway (28,130 speakers) are the most spoken languages.[30] Next, for languages with between 5,000 to 15,000 speakers, we have the Oji-Cree, Dene, Innu, Mìgmaq, Atikamekw, Blackfoot, Salish, and Siouian languages. The remaining languages have less than 5,000 speakers. Some only have speakers numbering in the hundreds (Wolastoqey, Kwak'wala, Haida, Tlingit, and Kutenai).[31]

As a percentage of the overall Indigenous population, the number of Indigenous language speakers has been steadily decreasing. In 2016, 15.6% of the population reported being able to conduct a conversation in an Indigenous language. This was down from 2011 when 17.2% were able to conduct a conversation in an Indigenous language,[32] which was down from 21.4% in 2006.[33] The pattern of declining numbers of Indigenous

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[26] See *ibid* at 152–58; Canada, Task Force on Aboriginal Languages and Cultures, *Towards a New Beginning: A Foundational Report for a Strategy to Revitalize First Nation, Inuit and Métis Languages and Cultures*, Catalogue No CH4-96/2005 (Ottawa: Canadian Heritage, 28 June 2005) at 27–29; Helen Raptis & members of the Tsimshian First Nation, *What We Learned: Two Generations Reflect on Tsimshian Education and Day Schools* (Vancouver: UBC Press, 2016).

[27] See Task Force on Aboriginal Languages and Cultures, *ibid* at 28; Canada, National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*, vol 1a (2019) at 249–52.

[28] See Truth and Reconciliation Commission of Canada, *supra* note 25 at 137–44; *First Nations Child and Family Caring Society of Canada v Attorney General of Canada*, 2016 CHRT 2 at paras 87–113; *Brown v Canada (Attorney General)*, 2017 ONSC 251 at paras 4–6; Peter W. Choate, "The Call to Decolonise: Social Work's Challenge for Working with Indigenous Peoples" (2019) 49 British J Social Work 1081 at 1094.

[29] See Statistics Canada, *Census in Brief: The Aboriginal languages of First Nations people, Métis and Inuit*, Catalogue No 98-200-X2016022 (Ottawa: Statistics Canada, 25 October 2017) at 1 [Statistics Canada, *2016 Census in Brief*].

[30] See *ibid* at 2.

[31] See *ibid*.

[32] See Statistics Canada, *NHS in Brief: Aboriginal Peoples and Language, 2011*, by Stéphanie Langlois, Catalogue No 99-011-X2011003 (Ottawa: Statistics Canada, 08 May 2013) at 4 [Statistics Canada, *2011 NHS*].

[33] See Statistics Canada, *2016 Census in Brief*, *supra* note 29 at 3.

language speakers calls for urgent and decisive action to be taken to protect Indigenous languages in Canada from weakening any further. For the project of Indigenous law revitalization through language, these statistics suggest an uphill challenge because of the downward trend of the numbers of people who can convey the knowledge embedded in such languages.

There is cause for some optimism, however, as "the percentage of the [Indigenous] population able to conduct a conversation in an [Indigenous] language declined between 2006 and 2016, the number of [Indigenous] people who could speak an [Indigenous] language increased by 3.1%."[34] To explain, in the 2011 Census, 240,815 people identified that they could speak an Indigenous language,[35] while this number rose to 260,550 in 2016. This surpassed the number of Aboriginal speakers recorded in the 2006 Census, which was 258,000.[36] What appears to account for this rise is a growing number of people learning their Indigenous language as a second language.[37] This demonstrates the success of second-language learning programs and their critical importance in language revitalization, as well as highlights the need for such programs to be adequately funded.

In New Zealand, aggressive language revitalization efforts supported by the New Zealand government, which emphasize second-language education, have brought the Māori language back from the brink of near-extinction.[38] This upswing coincides with a marked increase in the inclusion of Māori words and phrases in New Zealand legislation over the past decades to recognize that there is a relevant and distinctive Māori per-

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[34] *Ibid*.

[35] See Statistics Canada, *2011 NHS*, *supra* note 32 at 6.

[36] See Statistics Canada, *2016 Census in Brief*, *supra* note 29 at 4. See Canadian Heritage & Statistics Canada, *Languages in Canada: 2006 Census*, by Réjean Lachapelle & Jean-François Lepage, Catalogue No CH3-2/8-2010 (Ottawa: Canadian Heritage & Statistics Canada, 2010) at 43.

[37] See Statistics Canada, *2016 Census in Brief*, *supra* note 29 at 4.

[38] The number of speakers of the language has declined sharply since 1945, but a Māori-language revitalisation effort slowed the decline, and the language has experienced a revival, particularly since about 2015. As of 2015, 55% of Māori adults reported some knowledge of the language; of these, 64% use Māori at home and around 50,000 people can speak the language "very well" or "well". See New Zealand, Ministry of Social Development, "The Social Report 2016: Te pūrongo oranga tangata" (2016) at 179, online: (pdf): *New Zealand, Ministry of Social Development* <www.msd.govt.nz> [perma.cc/75PH-KPJG]. See e.g. Lindsay Keegitah Borrows, *Otter's Journey through Indigenous Language and Law* (Vancouver, BC: UBC Press, 2018).

spective of the law.[39] The New Zealand example shows us that commitment to Indigenous language revitalization and real action that includes second-language education is an effective response to the challenge of Indigenous language decline caused by colonialism. It also shows us that a benefit of such efforts is that the worldviews and laws embedded in Indigenous languages permeate into settler-colonial legal systems.

For decades, Indigenous organizations have been calling on governments in Canada to take active steps to repair the harm of colonial policies on Indigenous languages.[40] However, for much of this time, the picture was largely one of inaction, with territorial governments and a couple of provinces taking some steps while the federal government was relatively inactive on this front.[41] In 2019, however, Canada passed the *Indigenous Languages Act* in response to calls to action from the Truth and Reconciliation Commission and the protection of language rights recognized in the *United Nations Declaration on the Rights of Indigenous Peoples*.[42] Some have been critical that the *Act* does not go as far as it needs to, including little explicit recognition of substantive language rights, such as the right of parents to have their children receive an education in their Indigenous language.[43]

The *Act* does, however, create an Office of the Commissioner of Indigenous Languages who has a mandate to help promote Indigenous languages and support their reclamation, revitalization, and maintenance. This Office promotes public awareness of the diversity and richness of Indigenous languages as well as the negative impact of colonization and

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[39]   See Briar Gordon, "Reflecting an Indigenous perspective in legislation: the challenge in New Zealand" (Paper delivered at the Commonwealth Association of Legislative Counsel), (2018) 1 Loophole 81 at 91.

[40]   See Naiomi Metallic, "Les droits linguistiques des peuples autochtones" in Michel Bastarache & Michel Doucet, eds, *Les droits linguistiques au Canada*, 3rd ed (Cowansville, QC: Yvon Blais, 2013) 891 at 897.

[41]   See *ibid* at 919–87; Metallic, "Becoming a Language Warrior", *supra* note 9 at 247–49; Naiomi Metallic, "Governments' Efforts on Aboriginal Language Revitalization: Largely a Portrait of Inaction" (30 August 2016), online (blog): *National Observatory on Language Rights* <www.openum.ca> [perma.cc/SPT5-5VGP].

[42]   *Indigenous Languages Act*, SC 2019, c 23, Preamble, paras 1–2. The fact that the TRC and the UN Declaration are impetus for the *Act* are noted, among other drivers, in its preamble.

[43]   See Karihwakeron Tim Thompson, "Strengthening the Indigenous Languages Act – Bill C-91" (27 February 2019), online (blog): *Yellowhead Institute* <www.yellowheadinstitute.org> [perma.cc/SP4K-FXLA]; Lorena Sekwan Fontaine, David Leitch & Andrea Bear Nicholas, "How Canada's proposed Indigenous Languages Act fails to deliver" (09 May 2019), online (blog): *Yellowhead Institute* <www.yellowheadinstitute.org> [perma.cc/29ZQ-2CLM].

discriminatory government policies on Indigenous languages.[44] The *Act* also foresees mechanisms to ensure adequate, sustainable, and long-term funding for the reclamation, revitalization, maintenance, and strengthening of Indigenous languages. This includes consultation with Indigenous governments, research to inform the provision of funding, and dispute resolution services between the government of Canada and Indigenous groups over funding.[45] The *Act* does not expressly link the relationship between Indigenous languages and Indigenous law, but it does note in the preamble that "Indigenous languages are fundamental to the ... self-determination of Indigenous peoples," which is a related concept.[46] It will be important for the Commission to support and advance projects that simultaneously advance both language and Indigenous law revitalization.

Second-language learning of Indigenous languages and engaging with the methods I describe below is facilitated by there being extensive resources available beyond access to first-language speakers. Similar to how published stories are used as an accessible way to draw out Indigenous law,[47] there is a wide range of publicly available resources on Indigenous languages in Canada, including published and online dictionaries and lexicons, reference texts, atlases, place name databases, and more.[48]

I will describe the written resources relating to the Mìgmaq language to illustrate my point. First, while most Indigenous North American nations were exclusively oral, some groups, including the Mìgmaq, devel-

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[44] See *Indigenous Languages Act*, *supra* note 42 at ss 12, 23. The first Commissioner, Ron Ignace, was appointed on June 14, 2021: see Canadian Heritage, News Release, "The First Commissioner and Directors of Indigenous Languages are Appointed" (14 June 2021) online: *Canada* <www.canada.ca> [perma.cc/BRA5-G772].

[45] See *Indigenous Languages Act*, *supra* note 42 at ss 7, 24, 26.

[46] This link between Indigenous laws and self-government and self-determination can be seen clearly in Gordon Christie's definition of Indigenous law: "'Indigenous law' refers not only to systems of rules or precepts but also to the authority of Indigenous communities and nations to craft their own understandings of law and the particular form and content their legal orders may take on", see Gordon Christie, "Indigenous Legal Orders, Canadian Law and UNDRIP" in Borrows et al, eds, *Braiding Legal Orders: Implementing the United Nations Declaration on the Rights of Indigenous Peoples*, (Waterloo, ON: Centre for International Governance, 2019) 47 at 47.

[47] See Friedland, *supra* note 3 at 11–13, 32–35; Friedland & Napoleon, *supra* note 3 at 22–26. See also Val Napoleon & Hadley Friedland, "An Inside Job: Engaging with Indigenous Legal Traditions through Stories" (2016) 61:4 McGill LJ 725 at 738–39, 748.

[48] There are some university library guides on Indigenous language resources. See e.g. "Aboriginal Languages" (last modified 15 September 2022), online: *The University of British Columbia* <www.ubc.ca> [perma.cc/EE66-KCAB]; "Linguistics: Indigenous Languages" (last modified 25 August 2022), online: *University of Manitoba Libraries* <www.umanitoba.ca> [perma.cc/4T8P-WTHU]; "Indigenous Languages" (last modified 12 May 2022), online: *University of Toronto Libraries, Research Guides* <www.utoronto.ca> [perma.cc/48DT-LJ77].

oped symbolic systems.[49] The Mìgmaq developed a system of hieroglyphics or ideographs known as *gomkwejùwìgaqann*, which means "suckerfish writing" referring to the fact that the symbols appear similar to the marks that a suckerfish makes underwater on sand or silt.[50] These symbols were adapted by the French priest Christien Leclercq, who produced prayer books for the Mìgmaq in the seventeenth century, which were eventually published.[51] A dictionary of these symbols was produced in 1999.[52]

By the seventeenth century, priests had also begun to write down the Mìgmaq language using the Roman alphabet. A first book on Mìgmaq grammar was published by Abbé Maillard in 1864 based on his interactions with Nova Scotia Mìgmaq.[53] The missionary Reverend Silas T. Rand published several language resources, including a translation of the Bible in the Mìgmaq language,[54] dictionaries,[55] and transcriptions of Mìgmaq legends.[56] Another prominent priest to contribute to the recording of the Mìgmaq language was Father Pacifique, who worked chiefly among the Mìgmaq of Listuguj.[57] His two most extensive works include a book on

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[49]   See Mithun, *supra* note 23 at 34.

[50]   See Metallic, Cyr & Sévigny, *Metallic Mìgmaq Dictionary*, *supra* note 8 sub verbo "gomkwejùwìgaqann". There are few Mìgmaq who are fluent in these symbols today.

[51]   See Jessica Metallic, "The Development of Multiple Systems for Writing Micmac (Adapted from Watson Williams' "Mi'gmewe'g Gnugwatigng" Draft Copy, 2003)" at Appendix A of *Mìgmewey Dlìsudi* 01, prepared for The First Nations Regional Adult Education Center, Listuguj Campus, Second Edition, 2015 at 126 [*Mìgmewey Dlìsudi*].

[52]   See Karina Alfarano, Concetta D'Ippolito, Daniella Orbita, and Rosetta Tiro, *Mi'kmaq Hieroglyphics Dictionary,* 1st ed (Toronto: AIL.DIP.ORB.TIP Publishing House Inc., 1999).

[53]   See *Mìgmewey Dlìsudi, supra* note 51 at 127. The text was published by Joseph Bellenger under the title *Grammaire de la Langue Mikmaque*.

[54]   See *Mìgmewey Dlìsudi, supra* note 51 at 130-134.

[55]   See Rev Silas Tertius Rand, *A First Reading Book in the Micmac Language: Comprising The Micmac Numerals, and the Names of the Different Kinds of Beasts, Birds, Fishes, Trees, &c. of the Maritime Provinces of Canada, also, Some of the Indian Names of Places, and many Familiar Words and Phrases, Translated Literally into English* (Halifax: Nova Scotia Printing Company, 1875); Rev Silas Tertius Rand, D.D., L.L. D., *Dictionary of the Language of the Micmac Indians, who Reside in Nova Scotia, New Brunswick, Prince Edward Island, Cape Breton and Newfoundland* (Halifax: Nova Scotia Printing Company, 1888).

[56]   See Rev Silas Tertius Rand, D.D., D.C.L., L.L. D., *Legends of the Micmacs* (New York and London: Longmans, Green and Col, 1894) [Rand, *Legends of the Micmacs*].

[57]   See *Mìgmewey Dlìsudi*, *supra* note 51 at 134-137.

Mìgmaq grammar [58] and a collection of two thousand five hundred Mìgmaq place names.[59]

In the last half century, there have been several more Mìgmaq language resources produced, many written by or with Mìgmaq speakers. Typically, these resources involve identifying Mìgmaq words, phrases, or grammar, and providing explanations in English. Such resources include a Micmac Teaching Grammar as well as an edited translation of Father Pacifique's Grammar,[60] additional text-based dictionaries,[61] an online dictionary with audio pronunciation,[62] lexicon and apps,[63] teaching textbooks,[64] resource texts on the language and culture,[65] a place name data-

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[58]   The grammar text is entitled *Leçons grammaticales théoriques et pratiques de la langue micmaque* and was published in 1939. It has been translated to English, transcribed and edited by Bernard Francis and John Hewson, see Bernie Francis & John Hewson, *The Mi'kmaw Grammar of Father Pacifique*, 3rd ed (Sydney, NS: Cape Breton University Press, 2016).

[59]   See Father Pacifique, *Le pays des Micmacs* (Montréal: La Réparation, 1934). See also E. Nàgùgwes Metallic, "Mìgmaq Literacy down the Ages", written for Mìgmaq Heritage Notes in the *Campbellton Tribune* (13 December 2000) [Metallic, "Mìgmaq Literacy"].

[60]   See Gilles L Delisle & Emmanuel L Metallic, *Micmac Teaching Grammar* (Ecowi, QC: The Thunderbird Press, 1976); Father Pacifique*, supra* note 59. Both Mr. Metallic and Mr. Francis are Mìgmaq.

[61]   See Albert D Deblois, *Micmac Dictionary* (Hull, QC: Canadian Museum of Civilization, 1996); Metallic, Cyr & Sévigny *Metallic Mìgmaq Dictionary supra* note 8. The Metallic dictionary is the first Mìgmaw dictionary to be entirely written by a native speaker of the language.

[62]   See e.g. "Word Categories" (accessed 16 October 2022), online: *Mi'gmaq-Mi'kmaq Online* <www.mikmaqonline.org > [perma.cc/2YGR-CZP7].

[63]   See e.g. "Aboriginal Language" (last modified 07 January 2022), online: *Atlantic Canada's First Nation Help Desk* <www.firstnationhelp.com> [perma.cc/X9UX-XQKQ], which includes a dictionary, lexicon, as well as links to a number of Mi'kmaq language and story apps.

[64]   See e.g. *Mìgmewey Dlìsudi*, *supra* note 51; Jessica Metallic, *Mìgmewey Dlìsudi 02,* prepared for The First Nations Regional Adult Education Center, Listuguj Campus, First Edition, 2014; Jessica Metallic, *Mìgmaq Conversations – Supplementary Text*, prepared for The First Nations Regional Adult Education Center, Listuguj Campus, Revised Edition, 2014; The Mi'kmawey Debert Cultural Centre, *Mi'kmawe'l Tan Telikina'muemk: Teaching about the Mi'kmaq*, ed by Tim Bernard, Leah Morine Rosenmeier & Sharon L Farrell (Truro, NS: The Confederacy of Mainland Mi'kmaq, 2015) online (pdf): *Mi'kmawey Debert Cultural Centre* <www.mikmaweydebert.ca> [perma.cc/JB5X-6KEF].

[65]   See generally Sable & Francis, *supra* note 21; Gespe'gewa'gi Mi'gmawei Mawiomi, *Nta'tugwaqanminen: Our Story: The Evolution of the Gespe'gewa'gi Mi'gmaq* (Halifax: Fernwood Publising, 2016); The Confederacy of Mainland Mi'kmaq, *Kekina'muek (learning)*: *Learning about the Mi'kmaq of Nova Scotia* (Truro: Eastern Woodland Print Communication, 2007) online: *Native Land* <www.native-land.ca> [perma.cc/Q8WP-3Z5U].

base, and an online place names atlas (for Nova Scotia).[66] One can also find several online audio and video recordings of elders and knowledge-holders speaking the language or explaining Mìgmaq concepts in a mix of both English and Mìgmaq.[67] On top of this, some fields, including linguistics, anthropology, and education, offer academic analysis of the language.[68] Indeed, there is a rich array of accessible resources, even for the nonfluent, that can be harnessed to draw out law from the Mìgmaq language. I expect that a similar range of resources exists for other Indigenous languages in Canada. Identifying these types of resources as part of the collection of Canadian law schools' libraries on Indigenous laws in relation to the Indigenous nations located on the territory would facilitate Indigenous law revitalization.[69]

Finally, before embarking on my analysis of the different linguistic methods, I will review some of the general challenges of working with language as part of Indigenous law revitalization. These challenges are realities that those engaging with language to revitalize Indigenous law must consider when interpreting or drawing conclusions. Humility, flexi-

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[66] For the Gaspé and the northern part of New Brunswick, the Gespe'gewa'gi Mi'gmawei Mawiomi has been compiling a collection since 2002 (see *ibid* note 65 at 24, 48). However, beyond the findings in the book, they have yet to publish these online. In New Brunswick, Mi'gmawe'l Tplu'taqann Incorporated has published their ongoing place names mapping: see Tom Johnson, "Lnu Place Names in New Brunswick", online: *ArcGIS* <www.arcgis.com> [perma.cc/Q4P8-93KV]. In Nova Scotia, a virtual atlas of Mi'kmaq place names was launched in 2019: see "View the Map", online: *Ta'n Weji-sqalia'tiek: Mi'kmaq Place Names* <placenames.mapdev.ca/> [perma.cc/T6VK-3Z8F].

[67] An excellent repository for video and audio resources not only for Mìgmaq, but also for Wolostoqey (Maliseet), is the Wabanaki Collection. See online: *Wabanaki Collection* <www.wabanakicollection.com/> [perma.cc/W6NA-PTQ2]. See also Mi'kmawey Debert Cultural Centre, "Elders' Stories" (last visited: 18 October 2022), online: *Mi'kmawey Debert Cultural Centre* <www.mikmaweydebert.ca> [perma.cc/NE9U-ATFB].

[68] See e.g. Eleanor Johnson, *Mi'kmaq (The First Master's Thesis in Mi'kmaw)*, (MA Thesis, Cape Breton University, 1992) [unpublished]; Stephanie H Inglis, *Speaker's Experience: A Study of Mi'kmaq Modality* (PhD Thesis, Department of Linguistics, Memorial University of Newfoundland, 2002) [unpublished]; Stephanie Inglis, "400 Years of Linguistic Contact between the Mi'kmaq and the English and the Interchange of Two World Views," (2004) 24:2 Can J Native Studies 389 [Inglis, "400 Years of Linguistic Contact"]; Stephanie Inglis & Eleanor Johnson, "The Mi'kmaq Future: An Analysis" in John D Nichols, ed, *Actes du trente-deuxième Congrès des Algonquinistes, Montréal, 2001*, 32nd ed (Winnipeg: l'Université du Manitoba, 2001) 249; Danielle E Cyr, "Les noms de lieux mi'gmaqs : une toponymie oubliée", *Magazine Gaspésie* 54:1 (Avril - Juillet 2017) 19, online: <erudit.org>.

[69] See e.g. Queen's University Library, "Indigenous Laws and Legal Traditions" (last modified 03 October 2022), online: *Queen's University Library – Research Guides – Aboriginal Law & Indigenous Laws* <www.queensu.ca> [perma.cc/PG2F-6GE2] (Queen's University Library currently has a library guide on Indigenous laws and legal traditions while Dalhousie University's Sir James Dunn Law Library is currently compiling such a collection).

bility and openness for discussion, and deliberation on meaning and conclusions will be important here, as it is for other areas and methods of engagement with Indigenous law.[70]

One challenge is the shift in the meaning of words that can occur for a variety of reasons. Such shifts can occur as a result of colonialism. Mìgmaq linguist Emmanuel Nàgùgwes Metallic has written about how the conversion of many Mìgmaq people to Catholicism intersected with the language,[71] including by altering the meaning of words. For example, he explains how the Mìgmaq word "*Mndu*," traditionally standing for the dual concepts of "*Manidu*" which is "the initial creation of us, the world and the cosmos" and "*Minidu*" which is "the sustaining power or force which keeps all of the first creation going and continuing" took on the meaning of 'the devil' in the modern era, showing the Church's success in subverting elements of Mìgmaq spirituality.[72]

Some changes occur simply by shifts in usage.[73] Our language adapted to accommodate concepts, objects, and lifeforms that were introduced by the French and English after contact. We also have a number of "loan words" in Mìgmaq,[74] as well as Mìgmaq words that denote that something was imported. One of my favourite of such words is our word for "cow"—*wenjidìam*—which literally means "a French moose."[75]

Differences in meaning can also arise due to the presence of different dialects of a language. A dialect occurs when members of a linguistic group from one region develop a particular way of speaking that can vary from other members of the group living in another region. Dialectical variations generally take the form of more subtle differences in pronunciation and inflection given to words. For example, Mìgmaq has a northern and a southern dialect. The Gespègewàgi district in the northern extreme

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[70] See Borrows, *Canada's Indigenous Constitution*, *supra* note 3 at 35–46; Friedland & Napoleon, *supra* note 3 at 32–41.

[71] See the following E. Nàgùgwes Metallic columns written for Mìgmaq Heritage Notes in the *Campbellton Tribune*: "Wicked Stephen" (03 January 2001); "Transference and Conversion" (14 March 2001); and "Sign/Baptism" (04 July 2001).

[72] E. Nàgùgwes Metallic, "Of Mndu and Sacrilege", for Mìgmaq Heritage Notes in the *Campbellton Tribune* (07 March 2001).

[73] On shifts in kinship terms, "Nukumij no longer means 'grandmother' but now means 'mother-in-law', while the term 'older brother', Njiknam, is quickly replacing Nsi's" (Tuma Young, "L'nuwita'simk: A Foundational Worldview for a L'nuwey Justice System" (2016) 13:1 Indigenous LJ 75 at 95).

[74] See E. Nàgùgwes Metallic & Jessica Metallic, *Mìgmaq Conversations – A Primer,* (x, xx, 2001) at 98, "An Introduction to Loan Words," and 104-108. For example, the word for a barn is "laqalàns" from the French, "la grange."

[75] See Metallic, Cyr & Sévigny *Metallic Mìgmaq Dictionary*, *supra* note 8 sub verbo "wenjidìam".

of Mìgamàgi (Mìgmaq territory) is characterized by the predominance of (n) inflections, while the southern has a predominance of the (l). Thus, the word for a Mìgmaq person or human being is pronounced <u>N</u>nu in the northern dialect and <u>L</u>nu in the southern dialect.[76] In certain instances, dialectical differences can manifest in groups from different regions using different words for the same concept. For example, in the northern dialect, the word for cat is *gajuèwch*, while it is *miawch* in the southern dialect. Potential confusion caused by differences in dialect is minimized by the fact that many of the modern Mìgmaq-English dictionaries note dialectical differences in terminology.

Even between the fluent speakers from my home community of Listuguj, there can be variations in how different families pronounce some words or which words or expression a family chooses to express an idea. Such variations appear to be normal and simply need to be accepted by those learning and working with the language. A Mìgmaq speaker, in the 1800s, tried to convey as much about the fluidity of the language to the Reverend Silas T. Rand, when he stated, in English: "Always, everything, two ways me speakum."[77]

Turning to challenges in working with written languages, for Mìgmaq, one issue is the existence of multiple writing systems for recording the language. The early priests who recorded the language all varied in their approaches. In the last half century, there have been attempts to regularize this system, but at present, there are four different writing systems being used in different parts of Mìgmàgi.[78] The variations between the systems have to do with things like using phonetic representation of the Roman alphabet versus using a "downsized" system where certain letters can represent more than one sound (e.g., the letter "t" can stand for a "t" or "d" sound depending on its position in a word). Variations can also concern the representation of vowel sounds (e.g., using double vowels to represent long vowels (aa), versus using an apostrophe after the vowel (a'), versus using diacritics (à)), and the way in which the 'schwa' sound—the indefinite vowel sound that exists in Mìgmaq—is represented. Having multiple systems can lead to confusion, though it does not appear that consensus on a writing system across Mìgmàgi will happen anytime soon.[79]

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[76]   See *Mìgmewey Dlìsudi*, *supra* note 51 at 19.

[77]   See Rand, *Legends of the Micmacs, supra* note 56 at xxxvi.

[78]   See *Mìgmewey Dlìsudi*, *supra* note 51 at 3–4.

[79]   See E. Nàgùgwes Metallic, "The Mìgmaq Fully Representational Writing System," for Mìgmaq Heritage Notes in the *Campbellton Tribune* (18 October 2000; Metallic

To make full use of the resources that are available, one has to be comfortable navigating between these different writing systems. However, this exercise can be challenging. For example, second-language learners with English as their first language sometimes struggle with the downsized systems, for example how to properly pronounce letters playing "double-duty" (e.g., "do I pronounce as a "t" or a "d"?").[80] I know that some find this to be a disincentive to learning the language.

Further, many fluent speakers are not comfortable writing or reading Mìgmaq, *in any writing system*, since this was not a skill taught to them as part of their schooling. While these challenges are real, there are resources available that teach us how to navigate between the different writing systems, even the older systems developed by priests.[81] These systems take some effort to learn, but they are keys to unlocking the wonderful knowledge held within the written materials. I am not aware if the challenges of multiple writing systems exist for other Indigenous languages in Canada, though my guess would be probably. If so, then I equally expect that tools to navigate between these systems have also been developed.

The final two challenges are related. The first is the issue that in recording our language and concepts, the early priests may have misunderstood or distorted meaning, especially given widely and deeply held racist beliefs among Europeans about the inferiority of Indigenous people that existed at the time. There were also financial incentives for missionaries to portray the Indigenous peoples as "pagan, barbaric, and uncivilized", as noted by E. Nàgùgwes Metallic: "This is another unfortunate aspect about all missionary activity. Someone was funding it. The trick was to write home to Old France and describe how deplorable the conditions were over here and more monies would be on their way to New France."[82]

"Mìgmaq Literacy," *supra* note 59. See also Metallic, Cyr, Sévigny, *Metallic Mìgmaq Dictionary*, *supra* note 8 at viii.

[80] See Memorandum from E. Nàgùgwes Metallic, "A Rational for a Fully Phonetic Representational Mìgmaq Writing System," to Gail Metallic (23 April 2001) (copy with the author).

[81] There are six pronunciation or 'phonetic' rules that allows one to know the proper sound to give to a letter in a downsized form: see "The Mìgmaq Fully Representational Writing System," *ibid* and *Mìgmewey Dlìsudi, supra* note 51 at 17-18. For navigating between the writing systems used by the early priests, see "The Development of Multiple Systems for Writing Micmac (Adapted from Watson Williams' "Mi'gmewe'g Gnugwatigng" Draft Copy, 2003)" at Appendix A of *Mìgmewey Dlìsudi, supra* note 51 at 126–144.

[82] E. Nàgùgwes Metallic, "The Missionary as Historian," Mìgmaq Heritage Notes in the *Campbellton Tribune* (07 February 2001).

Metallic further cautions to "proceed at your own risk" in engaging with such resources.[83] However, in a follow-up article, he acknowledges and expresses appreciation for the priests who recorded the Mìgmaq language and stories since, "you and I would not be enjoying these literary treasures, if no one had bothered to record them in the last four hundred years."[84] He reserves his highest appreciation, however, "to [our] ancestors, who took the time and patience to relate these marvelous tales for the benefit of all of us today."[85] He further goes on to relate his own process for working with these materials to ensure they reflect a Mìgmaq perspective: "I have a process with these tales. They were written down in English one hundred and fifty years ago in a very different time and a very dated, distinctive, 'Victorian' style of writing. I first translate them into Mìgmaq and then I rewrite them into modern English."[86]

This process illustrates one of the ways in which an Indigenous speaker can mitigate problematic biases or potential distortion of older materials. As noted earlier, there is an increasing number of Indigenous language dictionaries that have been compiled by Indigenous speakers in recent years; using these alongside older materials, comparing meanings, and discarding interpretations that appear informed by prejudice is one way to lessen the potential for distortion. Further, by combining linguistic methods with other methods (the "weaving approach"), such as seeking to validate findings through community-based discussions with elders and knowledge-holders, as happens with the narrative analysis method,[87] we further lessen the risk for misunderstanding and distortion, not just from the original published source but also from those interpreting the source as law.[88]

The second issue is a broader manifestation of the first concern. The worry here is that by translating or explaining an Indigenous legal concept in English, some meaning may be lost as there are no equivalent concepts or ideas in English. In fact, trying to approximate a concept might alter its meaning. Similarly, by writing down the meaning of a concept, one has unduly limited or restricted its potential meaning. The concern is grappled within the following passage of a text by the

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83   See *ibid*.

84   E. Nàgùgwes Metallic, "An Apology and an Appreciation," for Mìgmaq Heritage Notes in the *Campbellton Tribune* (21 February 2001).

85   *Ibid*.

86   *Ibid*.

87   See Friedland & Napoleon, *supra* note 3 at 34–41. See also Hadley Friedland et al, "Porcupine and Other Stories: Legal Relations in Secwépemcúlecw" (2018) 48:1 RGD 153 at 163–68.

88   See Friedland, *supra* note 3 at 23–26.

Gespe'gewa'gi Mi'gmawei Mawiomi, representing the three Mìgmaq First Nations on the Gaspé coast of Québec, about the communities' history and worldview:

> One of our elders recently declared: "You put it in writing, you ruin it." What did he mean? As we will see, in the Mi'gmaq world most things are "beings." Every "thing" exists through cycles of constant transformation. When one talks about these beings, one is always in synchrony with the momentary state, or flux or process, that those beings are in. In other words, when speaking about beings, one has the possibility of being as accurate as possible, given the moment of the narration. If the story is written down, it becomes fixed and fossilized from that moment. Thus, it becomes sort of inaccurate from then on because the written version cannot correspond to any further transformation. Therefore, "If you put it in writing, you ruin it."

> However, because we endeavour to invite our non-Mi'gmaq readers to enter our world of thinking, in the hope that they might get the right insights into our culture, we accept that this written portrait of it is probably, for now, the only tool we can offer. But please, try not to forget that our world is in a constant flux. What is written down here might slightly fluctuate when you speak to different Mi'gmaq people from different generations, origin, education and actual state of mind.[89]

If one analogizes this passage to the context of working with English translations of Indigenous words as part of law revitalization, they may find a real risk of losing meaning in the process. However, the benefits of engaging with and sharing this knowledge (i.e., a greater understanding of Indigenous law and language fluency) are worth the gamble.[90] The predicament reminds me of the metaphor of the overturned canoe given by Mìgmaq elder Stephen Augustine to the Truth and Reconciliation Commission. On the subject of regaining our Indigenous laws and knowledge lost to colonialism, Elder Augustine said: "[When we tip a canoe] we may lose some of our possessions... Eventually we will regain our possessions [but] they will not be the same as the old ones."[91] The potential risk of loss of meaning is not to be discounted, but the alternative—not engaging at all (and not regaining our possessions)—is worse. As noted by Friedland, we must find "legitimate ways to work with the non-ideal to advance the important practical tasks of reviving Indigenous laws."[92]

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[89]   Gespe'gewa'gi Mi'gmawei Mawiomi, *supra* note 65 at 50-51.

[90]   For a similar discussion on the benefits and challenges of making Indigenous laws more accessible by writing them down but cautioning that steps should be taken to ensure that their flexibility is not lost, see Borrows, *Canada's Indigenous Constitution*, *supra* note 3 at 142–49.

[91]   Truth and Reconciliation Commission of Canada, *supra* note 25 at 206.

[92]   Friedland, *supra* note 3 at 13.

Having addressed the various resources and challenges of engaging with Indigenous languages for law revitalization, I will now turn to review the different linguistic methods. My objective is to explain each method and provide a few (non-exhaustive) illustrations of how each method is (or could be) used in practice. Further exploration of how to implement these methods by different Indigenous groups must be left for future papers.

II. Method #1: The Meta-Principle Approach

This method refers to using a word in an Indigenous language that conveys an overarching, normative principle of the Indigenous group. Métis elder and scholar Maria Campbell described this idea as "each word is a bundle," meaning that each word has teachings and tools to draw on.[93] This coincides with Otis' definition of a principle: a reference standard based on values and on which it is appropriate to regulate conduct or action. Principles can be used as an interpretive prism through which to assess other laws, rules, actions, or decisions, or to inform the creation of new rules or decisions. Interpretivist legal philosopher Ronald Dworkin emphasized that all legal orders are undergirded by higher-order (or meta) moral or normative principles that inform the interpretation of rules.[94] It is from Dworkin's work that I have chosen the term "meta-principles" to refer to this approach.

In a 2007 article, US tribal judge and scholar Matthew Fletcher explained this method with reference to philosopher H.L.A. Hart's theory of primary and secondary rules.[95] Hart conceived of "primary rules of obligation" being obligatory rules of conduct that are part of a community's customs or traditions ("obligations" or "duties").[96] Examples could include "rules which require honesty or truth or require the keeping of promises."[97] In other words, there was a moral or normative dimension to these

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[93]   Maria Campbell shared this idea at a gathering of Indigenous scholars who form the Prairie Relationality Network in a gathering at the Banff Centre, Banff, Alberta, in Fall, 2019. Elder Campbell raised this specifically to address the issue of lack of fluency. She said rather than waiting for everyone to become fluent before drawing on the language, a lot can be learned by seeing each word as a bundle with teachings and tools to draw on. It makes it more accessible to a broader number of people in the community. My thanks to Hadley Friedland for sharing the knowledge gained from Elder Campbell with me.

[94]   See Dworkin, *supra* note 14 at 29, 45.

[95]   See Fletcher, *supra* note 22 at 63–65.

[96]   See *ibid* at 63, citing HLA Hart, *The Concept of Law* (Oxford: Oxford University Press, 1961) at 80–84.

[97]   *Ibid* at 7.

rules.[98] Enforcement of such rules was maintained on the expectation that community members conform to such rules on pain of facing "hostile or critical reaction" or even "physical sanction"[99] by the community as a whole. Secondary rules are rules of "recognition," which Hart explained as procedural rules for determining when a primary rule is authoritative, when new primary rules can be introduced, when a rule has been broken, and how disputes will be adjudicated.[100] Using Hart's categories, Fletcher proposed that a tribal court "identifies an important and fundamental value identified by a word or phrase in the tribal language" (e.g., a primary rule), and next applies that value to an Anglo-American or intertribal secondary rule in order to "harmonize these outside rules to the tribe's customs and traditions."[101]

Fletcher uses the case of *Navajo Nation v Rodriguez*, from the Navajo Nation Supreme Court in 2004, as his main illustration of the primary rule approach.[102] While the Navajo *Bill of Rights* protects suspects from being "compelled ... to be a witness against themselves," the issue in *Rodriguez* was whether this extended to requiring the tribe's police force to inform suspects taken into custody of their right to remain silent and right to a lawyer (in the U.S. this is called a "*Miranda* warning"). To resolve this question, the tribal judge, who was from the nation and spoke its language, drew upon the Navajo concept of *Hazhóʼógo*, which the judge described as a fundamental tenet of how the Navajo are to approach each other as individuals and relatives, serving as a reminder that patience and respect are due to all.[103] Based on this principle, the judge held that tribal police had an obligation pursuant to *Hazhóʼógo* to give suspects the equivalent of *Miranda* warnings. Fletcher praised this case as a practical method for introducing "customary law into the modern era" in an incremental way, all "without creating much additional confusion as to the application of the law."[104]

Fletcher specifically contemplates the primary rule approach being used by U.S. tribal judges, but there are, in fact, a variety of ways the me-

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[98] See Dworkin, *supra* note 14 at 19–22.

[99] Fletcher, *supra* note 22 at 7, citing HLA Hart, *The Concept of Law* (Oxford: Oxford University Press, 1961) at 80–84.

[100] See *ibid* at 64–65.

[101] *Ibid* at 40.

[102] 2004 Navajo Sup LEXIS 13 1 (Navajo Nation Supreme Court), cited and discussed at 16–20 of Fletcher, *supra* note 22.

[103] Navajo courts are required to take the "Fundamental laws of the Diné [Navajo]" into consideration when interpreting Navajo statutory law, see Fletcher, *supra* note 22 at 72–75.

[104] Fletcher, *supra* note 22 at 41.

ta-principle approach gets implemented. In Nunavut, the Legislature has included numerous Inuit principles into its law and policies—identified under the broad term of *Inuit Qaujimajatuqangit* (IQ)—to inform the interpretation of those instruments by public servants and courts.[105] IQ refers to "all aspects of traditional Inuit culture including values, worldview, language, social organization, knowledge, life skills, perceptions and expectations."[106] Nunavut courts have also applied IQ independently of their statutory or policy requirements to do so.[107] The province of Nova Scotia has also included the Mìgmaq legal concept *Netukulimk*—that speaks to obligations of land and resource stewardship—as a principle to inform the interpretation of its *Sustainable Development Goals Act*.[108] Indigenous governments, such as Aseniwuche Winewak Nation and the Listuguj Mi'gmaq First Nation, have also incorporated meta-principles into their own laws and policies.[109] In a follow-up article, I explore these examples in depth and provide commentary on the different approaches for these meta-principles' implementation.[110]

A further take-away from the above examples is that the meta-principle approach can involve the participation and collaboration be-

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[105] Laws that reference IQ include: *Legislative Assembly and Executive Council Act*, SNu 2002, c. 5, ss 2(3), 16(2), 40(7); *Nunavut Elections Act*, SNu 2002, c 17, ss 21(1)(f), 22(1), 230(1)(c); *Human Rights Act*, SNu 2003, c 12, s 2; *Wildlife Act*, SNu 2003, c 26, s 8; *Family Abuse Intervention Act*, SNu 2006, c 18 at 1 (in the preamble); *Education Act*, SNu 2008, c 15, s 1; *Official Languages Act*, SNu 2008, c 10, s 22.1. (1); *Inuit Language Protection Act*, SNu 2008, c 17, s 27.1. (1).

[106] Francis Lévesque, "Revisiting Inuit Qaujimajatuqangit: Inuit knowledge, culture, language, and values in Nunavut institutions since 1999" (2014) 38:1/2 Études Inuit Studies 115 at 121.

[107] See *R v Mikijuk*, 2017 NUCJ 2 at paras 17, 46 (sentencing); *R v Anugaa*, 2018 NUCJ 2 at paras 37–44 (applied for stay of prosecution); *R v Itturiligaq*, 2018 NUCJ 31 at paras 62–63, 86, 106–24 (sentencing and *Charter* challenge to statutory minimums); *R v Jaypoody*, 2018 NUCJ 36 at paras 75, 97–99 (bail application); *R v Arnaquq*, 2020 NUCJ 14 at paras 54–56 (sentencing); *R v Iqalukjuaq*, 2020 NUCJ 15 at paras 15, 39 (sentencing).

[108] Bill 213, *An Act to Achieve Environmental Goals and Sustainable Prosperity*, 2nd Sess, 63rd Leg, Nova Scotia, 2019, cls 2, 4 (assented to 30 October 2019), SNS 2019, c 26.

[109] See *Listuguj Mi'gmaq First Nation Law on the Lobster Fishery and Lobster Fishing*, Law No 2019-01, (2019), art 6, enacted and coming into force on June 17, 2019, online (pdf): *Listuguj Mi'gmaq Government* <www.listuguj.ca> [perma.cc/ZQ5A-W754]. The *Listuguj Lobster Law* contains four guiding principles, stated in the Mìgmaq and then explained in English, which are to guide the interpretation and implementation of the law. See also Aseniwuche Winewak Nation, "7 Cree Principles" (last visited 18 October 2022), online: *Aseniwuche Winewak Nation* <www.aseniwuche.ca> [perma.cc/2SE4-J68J].

[110] See Naiomi Metallic, "Six Examples Applying the Meta-Principle Linguistic Method: Lessons for Indigenous Law Implementation," (2022) 73 UNBLJ 133 [Metallic, "Six Examples Applying the Meta-Principle Linguistic Method"].

tween several different actors in the process of identifying, elaborating, and implementing these principles, including non-speakers of the language. This can be seen in the story of the Aseniwuche Winewak Nation in Alberta, who undertook to identify, elaborate, synthesize, and implement seven core Cree principles.[111] The process involved elders, knowledge-holders, and community leaders working with academics and lawyers, each using their different skills and talents to revitalize the community's laws.[112]

III. Method #2: Revealing Worldview through Grammar

I will now turn to another linguistic method for Indigenous law revitalization. It is important to note that, unlike the meta-principle method, these remaining methods are more emergent. Furthermore, these methods are more likely to reveal values than principles or rules. However, they retain rich potential in revealing important meaning that can assist in articulating or bolstering principles and rules. Essentially, these methods are different ways to look at Indigenous languages to see how Indigenous groups think about and organize the world around them. In other words, language, in a variety of different ways, illuminates the worldview of Indigenous peoples. In the words of the Gespe'gewa'gi Mi'gmawei Mawiomi, language is the "custodian of our worldview."[113]

Mìgmaq legal scholar, Tuma Young, provides the following helpful description of an Indigenous worldview:

> An Indigenous worldview is how a particular group of Indigenous people express and experience their relationship with the ecological realities around them: how they view the world they inhabit, the places they shape and are shaped by. Akin to a vision or picture, an Indigenous worldview can also be seen as the *cognitive solidarity* or unifying force of a particular group, though individuals within the group may have differing interpretations of that shared perspective. Essentially, an Indigenous worldview articulates and helps to sustain relationships of place and time between a particular group and its ecology. There are, of course, many different worldviews and as many methods of deriving and adapting them.[114]

Young, like many others, makes the point that Indigenous languages are intimately tied to worldview.[115] But he takes this further to illustrate

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[111] See Aseniwuche Winewak Nation of Canada, *supra* note 109.

[112] See Metallic, "Six Examples Applying the Meta-Principle Linguistic Method", *supra* note 110 at 153–55.

[113] Gespe'gewa'gi Mi'gmawei Mawiomi, *supra* note 65 at 69.

[114] Young, *supra* note 73 at 77–78.

[115] See *ibid* at 93, 95

that, not only can language be used to describe concepts within the worldview, but that language itself encodes the worldview.[116] One place we see this is in the grammar of the language. In other words, the structure of a language can tell us many things about how a society sees the world and relationships within it. As noted by Trudy Sable and Bernie Francis:

> Language is the unique reflection and expression of how cultures structure, give meaning to, and interact with the world. Each language has its own syntax—the grammatical organization of a culture's perception and experience of reality—that best serves their needs. Each language has its own semantics, the ascription of meaning to words and word parts (morphemes) that hold the implicit values and assumptions underlying a culture's worldview.[117]

A culture's implicit values and assumptions revealed in the grammar of the language can, as suggested by Otis, be used in the articulation and delineation of that culture's laws—its principles and rules. I will provide an illustration from the Mìgmaq language.

A key grammatical feature of the Mìgmaq language that distinguishes it from European languages is the fact that it is verb-based and not noun-based, as are many other North American Indigenous languages.[118] How a verb-based language influences worldview is explained by the Gespe'gewa'gi Mi'gmawei Mawiomi:

> While Indo-European languages (western languages) are based on nouns, Mi'gmaq as a language is based on verbs. Languages where nouns are key to describe the world are reflective of cultures that see the world as a fixed and stable universe, in other words as a set of things and objects that can easily be manipulated and used according to one's needs or whims. On the contrary, a language using verbs primarily is the product of a culture that sees the world as a set of processes, made of multiple facets that intersect with each other in a myriad of colours. This leads language philosophers to say that nouns are associated with a static view of the world, while verbs are associated with this dynamic aspect.[119]

Sable and Francis confirm that the nature of the verb-based language reflects a worldview that sees the universe in a state of constant flux:

> The verb is where everything happens; it is the focus of the language with prefixes, infixes and suffixes added to determine gender,

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[116] See *ibid* at 80–81.

[117] Sable & Francis, *supra* note 21 at 28.

[118] See Mithun, *supra* note 23 at 11–12; "Verb-based Languages" (2015), online: *Native Languages of the Americas: Preserving and Promoting American Indian Languages* <www.native-languages.org> [perma.cc/BH5C-WEFK].

[119] Gespe'gewa'gi Mi'gmawei Mawiomi, *supra* note 65 at 55.

tense, plurality, animacy and inanimacy. This focus on the verb, and the "copious" suffixes that can be added to it, allow for extraordinary breadth and creativity of expression. It makes the language adaptable, able to forge new expressions to meet life's shifting and unpredictable realities, *reflecting the nature of the universe as being in a continuous state of flux, ever changing and non-static*.[120]

Sable and Francis provide the example of the words to describe creation— all of which are verbs—to illustrate the concept of flux or fluidity and draw out important observations about how the Mìgmaq see life:

> An excellent illustration of how language reflects the fluidity of Mi'kmaq world view can be seen through the changeable and varied words for the creator principle. The word *Niskam*, was adapted by the missionaries to connote the word "God." There was never one word for Creator in the Mi'kmaw language, but rather a number of different verbs, mostly transitive verbs, that articulated different processes of creation. *Kisu'lkw, ankweyulkw, jikeyulkw, tekweyulkw* were all words for creator.
>
> > *Kisu'lkw*: the one who created us; he, she, it who (or that which) created us
> >
> > *Ankweyulkw*: he, she or it who (or that which) looks after us
> >
> > *Jikeyulkw*: he, she, it who (or that which) watches after or over us
> >
> > *Tekweyulkw*: he, she, it who (or that which) is with us
>
> None of these words were nouns that connoted one central being as a source of creation. They are different *processes* of creation; they can refer to the creator who does all these things, or describe a role or roles in the process of creation. When these words are used, it is understood that the speaker is referring to the creator each time. ... These terms are also present tense indicative meaning that "Creator" or "God" is ongoing. You could never speak of Creator as something that has already happened, such as "When God created the world...." In other words, "God" is a process, a continuously manifesting, creative force.[121]

The Gespe'gewa'gi Mi'gmawei Mawiomi link the Mìgmaq view of the universe being in continuous flux to numerous Mìgmaq values, including the belief in reclaiming and renewing their relationship with the lands they have been dispossessed from:

> This worldview can also be associated with the fact that even if we were deprived from our relationship with large segments of Gespe'gewa'gi [our territory], we contemporary Mi'gmaq believe for certain that the part of the land we are still holding on to can be the connection to our whole territory. We are convinced we can redevel-

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[120] Sable & Francis, *supra* note 21 at 29 [emphasis added].

[121] *Ibid* at 30–31 [footnotes omitted].

> op the link with our whole territory and renew its caretaking. *This belief is linked to the fluid world that is constantly changing without its essence being diminished in any way. As long as there is part of it remaining, it is possible that the whole entity can be renewed.* [122]

They also link this concept to values of rehabilitation and redemption, weaving these findings with similar observations taken from Mìgmaq stories:

> Therefore, in the Mi'gmaq universe everything can take new forms and everything can be reborn out of ashes [citing Ruth Holmes Whitehead's analysis of Mi'gmaq stories involving shape-changing characters]:
>
> > The tricky thing about Shape-Changers is not only do they change their forms; they also change their minds. Thus in stories, there are no eternally Bad Persons, eternal Villains as in the European sense. There are only beings acting according to their nature and according to their whim or emotional state.[123]

Such values—reclamation, renewal, rehabilitation, and redemption—can be harnessed by Mìgmaq to inform the development of their laws. One could imagine these last two values—rehabilitation and redemption—incorporated into laws or processes for dealing with those who cause harm to others.

There are many more elements of Mìgmaq grammatical structure that illuminate the worldview of our people. This includes our categorization of nouns as animate or inanimate,[124] the fact that our language is polysyn-

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[122] Gespe'gewa'gi Mi'gmawei Mawiomi, *supra* note 65 at 61 [emphasis added].

[123] *Ibid* at 61; For additional information on shape-changing's significance in Mìgmaq stories, see Sable & Francis, *supra* note 21 at 33–34.

[124] The Mìgmaq language distinguishes between living (animate) and non-living (inanimate) nouns. Human and animals are the largest and most consistent category of animate beings, and several plants and other natural features of the environment (the sun, stars, clouds, mountains and trees), objects (soap, combs, nets, ropes, brooms) fall into the animate category, while others (rivers, lakes, flowers, rocks, towels, mirrors, brushes) do not. An analysis by Stephanie Inglis suggest that, semantically, the categories connote a sense of "connectedness" or belonging to a greater wholeness" or "oneness" versus "lack of connection" or "disconnection" ("400 Years of Linguistic Contact", *supra* note 68 at 393–94). Trudy Sable & Bernie Francis wrote

> At the level of semantics, the question of animacy and inanimacy takes deeper significant in trying to determine world view. What criteria are at work in the mind of the Mi'kmaq speaker to intuitively, perhaps unconsciously, designate an object as inanimate or animate? This is also very fluid, even today as new material objects are introduced into the culture, some Mi'kmaq regard them as animate and others as inanimate (*ibid* at 39–40);

See also Gespe'gewa'gi Mi'gmawei Mawiomi, *supra* note 65 at 56.

thetic,[125] our use of pronouns,[126] possessives,[127] locatives,[128] our verb categories and classes,[129] the use of evidential coding in our verbs,[130] and time and tenses.[131]

That grammar is a vital source of Indigenous worldviews has long been known to those who study linguistics.[132] Now, those of us working in

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[125] The relevance of this is explained in the next section. See also Young, *supra* note 73 at 81; Sable & Francis, *supra* note 21 at 28.

[126] Some of the unique features of Mìgmaq pronoun use includes the fact that most pronouns are "bound" (there is a suffix built into verbs that indicates who is speaking to whom and how many – for some discussion on this see Young, *supra* note 73 at 81). Our pronouns also do not distinguish on the basis of sex, e.g., our third person is "they", see E. Nàgùgwes Metallic & Jessica Metallic, *supra* note 74 at 97. In the Mìgmaq language, there is two forms of "we" – an inclusive and exclusive version, see Sable & Francis, *supra* note 21 at 31, 35–36. Trudy Sable & Bernie Francis also discuss how, unlike most Western languages, "the placement of the self in the language structure is not the central feature" (*ibid* at 36).

[127] With kinship terms (father, mother, sister, brother, etc.), there is always a possessive pronominal marker in the word that designates the relationship between the people being spoken of. Hence, there can be no stand-alone word for father, but only words for "my father" (nutch), "your father" (gutch), and "his/her father" (utchl). See generally Sable & Francis, *supra* note 21 (who use this example to support the Mìgmaq view of relationality at 32).

[128] There are suffixes that indicate a relationship of positions, direction or location (e.g., *awti* is the word for road; *awtiktuk* conveys that someone or something is at or on the road). For a brief discussion on this, see Young, *supra* note 73 at 81, who suggests it is another example of emphasis on relationality in Mìgmaq.

[129] "Verbs are divided into three large categories according to meaning: whether they express state, action or thought. In Mi'kmaq each can be developed into at least 15 classes; this amounts to up to 45 verbs, when the structures and the meaning of the root are suitable" (Francis & Hewson, *supra* note 58 at 180 [emphasis in original]). About Mìgmaq verbs, Reverand Silas Tertius Rand observed, "The full conjugation of one Micmac verb would fill quite a large volume" (*The Legends of the Micmacs, supra* note 56 at xxxiv).

[130] Young describes this as the "verbal systems code for the relational source of the speaker's and listener's 'knowledge experience', as opposed to the nature of the event. One could say that the L'nuwey language is knowledge-focused or experientially focused, focusing on the action, not on the object or the event being described" (*supra* note 73 at 81). See also Inglis, "400 Years of Linguistic Contact," *supra* note 68 at 397–400.

[131] Trudy Sable & Bernie Francis discuss that Mìgmaq have "no word for time" and how the language has a different sequencing for time than Western languages (*supra* note 21 at 36–39)

[132] Stephanie Inglis suggests that:

> linguistic structures ... are the road maps which can guide us in understanding the cognitive categories and knowledge frames which underlie the Mi'kmaw linguistic structure ... Through the use of functional linguistic analysis, that is the analysis of these bits and pieces of language, we can begin to understand the meaning or semantic frameworks which provide the building blocks for various knowledge patterns Indigenous to specific groups

the revitalization of Indigenous legal orders can connect this to the eluci- dation and elaboration of laws. Furthermore, fluency is not a pre- requisite. Many linguists have analyzed our grammar without being flu- ent (though they may have become so, or at least quite comfortable in reading and writing the language, in the process). Much grammar can be learned and analyzed from the study of existing published resources. As with all methods, however, discussing any observations taken from the grammar with others who are knowledgeable in the culture and language will be important to grounding or testing any potential findings.

IV. Method #3: Word-Parts (Morphemes)

The next method arises from the fact that many North American In- digenous languages, like Mìgmaq, are polysynthetic.[133] This means that words are made up of multiple word parts or "morphemes."[134] A helpful description of how this works is provided in the introduction to *The Metal- lic Mìgmaq-English Reference Dictionary*:

> In Algonquian languages, words are constructed from smaller units called word formatives [e.g., word parts]. These formatives are ei- ther nominal or verbal. They function in the same way as Lego blocks. They have different shapes and meanings and are assembled into words according to specific rules. The basic formative of a word is called its root. All other types of word formatives must attach to the root. Some of them must appear before the root and are thus called initials or prefixes. Others must appear at the very end of the word just before grammatical agreement and are thus called finals or suffixes. Another set can appear only between the root and a final and are called medials.[135]

The fact that a language is polysynthetic also means that one word can act as a whole sentence. [136] Inglis gives the example of *Pem- ie'plewinatawijajika'sit*, which means, "S/he, who knows how to do this well, is in the process of moving along very close to the edge (of the shore):

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of people who share a common language ("400 Years of Linguistic Contact", *supra* note 68 at 393).

[133] See Mithun, *supra* note 23 at 38. She explains that not all North American languages are polysynthetic (as some early linguist suggested). There are some that are only mild- ly synthetic.

[134] See *ibid*.

[135] Metallic, Cyr, Sévigny, *Metallic Mìgmaq Dictionary*, *supra* note 8 at xiii.

[136] See Mithun, *supra* note 23 at 38. See also Inglis, "400 Years of Linguistic Contact", *su- pra* note 68 at 392, which points out that Mìgmaq also has a relatively free word order in sentences, similar to other Algonquian languages.

so close that s/he almost falls in, but because of her/his skill does not."[137] She lists the various word parts that make up the total meaning of the translation as follows:

pemi-	→ in the process
-e'plewi	→ over doing
-natawi	→ ability
-jajik	→ follow along the edge
-a'si	→ reflective
-t	→ [third person: he/she]

The fact that the Mìgmaq have a polysynthetic language system is itself revealing of our worldview. My father would often remind me that it also means that Mìgmaq is a living language, meaning that existing word parts can create new words to adapt to new concepts.[138] As Young has noted, "[t]he L'nuwey [Mìgmaq] language is easy to change and adapt to new situations, a flexibility that reinforces the basic intuition of the L'nuwey worldview: that the sacred spaces of ecology are in constant flux and motion."[139]

Beyond the fact that the language is polysynthetic and that this informs Indigenous worldviews, word-parts themselves can be analyzed to further reveal worldviews. For example, writing about the Anishinaabe language, Lindsay Borrows writes about the morpheme "**de**" which means both "heartbeat" and "centre" and links it to several key words within her language:

> De is at our core. Even at the beginning, at the time of creation, thought, sound, and heart were combined. *Ma**de**we* means "sound." *Mi**de**wewin* is an "Anishinaabe spiritual society." *De**we**'igan* means

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[137] Inglis, "400 Years of Linguistic Contact", *supra* note 68 at 392. The second column denoting grammatical classification has been removed for the reader's ease.

[138] E. Nàgùgwes Metallic and Jessica Metallic provided a list of "Created Words," which they described as words: "[c]onstructed out of already existing Micmac words to denote objects or concepts not originally represented in the Micmac language. The list ... is meant to show that new terms can be created instead of borrowed" (E. Nàgùgwes Metallic & Jessica Metallic, *supra* note 74 at 102–03).

[139] Young, *supra* note 73 at 81. This is consistent with the view of law as living as discussed in Borrows, *Canada's Indigenous Constitution*, *supra* note 3 at 8–11, 35–46. See more generally John Borrows, *Freedom and Indigenous Constitutionalism* (Toronto: University of Toronto Press, 2016).

"drum." *Ishkode* means "fire." *Dodem* means "clan." *Odenaniw* means "his/her tongue."[140]

One example that has fascinated me in my own learning of Mìgmaq is the suffix "**-òq**." This suffix, as well as "-aq" are used to represent what is called the "absentive case." Sable and Francis explain that these suffixes in the absentive case are "used to indicate someone whose consciousness is no longer present, and can refer to a person sleeping as well as someone who is physically absent or deceased."[141] To indicate someone is deceased using generic terms (father, mother, etc.), you would add "-aq" to the end of the word. When talking about someone who is deceased, you would add the suffix "-òq" to their name.[142] Thus, the phrase, "*E. Nàgùgwes Metallic-**òq** na Naiomi utch**aq**"* conveys that "E. Nàgùgwes Metallic is Naiomi's late father."

Interestingly, when it comes to nouns, "òq" is also the same suffix you would use to talk about a container. In Mìgmaq, any noun that can be used as a container can simply be designated as such by adding the suffix "-òq." For example:

sismòqon = sugar
sismòqon**òq** = sugar bowl

wasuek = a flower
wasueg**òq** = flower pot

samqwan = water
samqwan**òq** = water bottle

mlagechk = milk
mlageju**òq** = milk bottle[143]

Based on this usage of "òq," my father theorized that the use of "òq" in the context of deceased persons suggests that the Mìgmaq saw the body as merely a container for the soul, reinforcing the Mìgmaq belief in rein-

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[140] L Borrows, *supra* note 38 at 4.

[141] Sable & Francis, *supra* note 21 at 32.

[142] Jessica Metallic, Mìgmaq Grammar Lesson Handout, "Deceased Indicators & Additional Meanings," (unpublished) at 1.

[143] *Ibid* at 2.

carnation.[144] While this observation appears most relevant to informing Mìgmaq spiritual values, John Borrows tells us that the sacred can also be a source of Indigenous laws.[145]

The study of word-parts promises to be a rich source of knowledge of the Mìgmaq worldview—as it does for other Indigenous nations—and hence for drawing out law. Furthermore, there are existing resources for identifying word-parts that could be analyzed, including the *Mi'kmaq Word Part Dictionary*.[146]

V. Method #4: Word Clusters/Groups

This method seeks to analyze a group or cluster of related words for patterns, similarities, and/or differences. It can also be used by the speakers of an Indigenous language to reveal features or characteristics of a concept or of an Indigenous worldview or value.

For example, Sable and Francis talk about Mìgmaq colour words as one grouping of words that demonstrates the relational, associative quality of the Mìgmaq language with the environment:

> The relational quality of the language extends to the Mi'kmaw relationship to the environment. A simple demonstration of the inseparable relation between the environment and all things, mental or physical, occurs in the words for colours. Except for the four colours—red, black, white and yellow (also the colours used for the four directions)—all colours are associative or analogized. Even these four, however are thought to have derived from Proto-Algonquian words that associate them with blood (red, *mekwe'k*), light/sunlight/dawn (yellow, *wataptek*), white (*wape'k*) and ash (black, *maqtewe'k*). Other colour terms mean "like the sky" (blue, *musqunamu'k*), "like the fir trees" (forest green, *stoqnamu'k*) and so on... . Thus there is no way to describe the colour of blue and green rocks, or even a dream of blue and green rocks, without ascribing to them a connection, or relation, to the sky and fir trees.[147]

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[144] My father passed this observation on to my sister, Jessica Metallic, who conveyed it to me when teaching me the lesson about deceased indicators. He also speaks to Mìgmaq stories and practices that relate to the belief in reincarnation in some of his Mìgmaq Heritage Notes articles for the *Campbellton Tribune*, including, "Bapkubaluet, The Gambler" (28 February 2001); "Mìgmaq Spirituality: Circle Road Symbolism" (28 March 2001); and "The Practice of Sweat" (18 April 2001).

[145] See Borrows, *Canada's Indigenous Constitution*, *supra* note 3 at 24–28.

[146] See Stephanie Inglis, *Mi'kmaq Word Part Dictionary* (Sydney: University of Cape Breton Press, 2002). See also Metallic, Cyr, Sévigny, *Metallic Mìgmaq Dictionary, supra* note 8.

[147] Sable & Francis, *supra* note 21 at 32–33.

There is a near-limitless number of clusters of concepts we could look at to gain greater insight into the worldview of the Mìgmaq. In addition to colours, Sable and Francis also discuss how family totems and the words for the 12 Mìgmaq months teach us about Mìkmaq relationality.[148]

For a project I was a part of, studying the Mìgmaq meta-principle *Netukulimk*, which conveys concepts of land use, resource stewardship, and redistribution of resources, as well as spiritual and governance components,[149] we thought it would be illuminating to study Mìgmaq words relating to the concept of sharing. From the various available dictionaries, we compiled and analyzed words that speak to the sharing of resources, as well as words for the opposite concept of stinginess. This was done alongside analysis of Mìgmaq stories that speak to resource redistribution and land use.[150] Analysis of our findings is ongoing, but we found over twenty different terms relevant to the idea of sharing and redistributing resources, including specific words for when someone has more than their share (*biamàlêt*), when someone shares their wealth with others (*debìwen*), when someone deprives themselves of their share (*altuàdan*), and when shares are distributed equally among a group (*detpìgedùn*).[151] Notably, we also found that the word for chief or leader (*saqamaw*) literally means "distributor" or "the one who makes certain that everyone receives his/her fair share of community goods regardless of standing, age or gender."[152] At the very least, this clustering shows us that the concept of sharing or redistribution of resources is considered highly important within Mìgmaq culture.

As much as repeated and nuanced usage of a concept within a language can be revealing of worldview, so can the absence of a word for a concept. Referring to an initial study of a cluster of Mìgmaq concepts on

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[148] See *ibid* at 34–35.

[149] See Unama'ki Institute of Natural Resources, "Netukulimk" (last visited 18 October 2022), online: *Unama'ki Institute of Natural Resources* <www.unir.ca> [peram.cc/XP5H-SCX5]; L Jane McMillan & Kerry Prosper, "Remobilizing *Netukulimk*: Indigenous Cultural and Spiritual Connections with Resource Stewardship and Fisheries Management in Atlantic Canada" (2016) 26 Rev Fish Biol Fisheries 629 at 629, 641, 645.

[150] This work was inspired by the "Secwépemc Lands and Resources Law Research Project" undertaken by the Indigenous Law Resource Unit at the University of Victoria and Secwépemc Nation and the Shuswap Nation Tribal Council, see Jessica Asch et al, "Secwépemc Lands and Resources Law Research Project" (2018)), online (pdf): *University of Victoria* <www.uvic.ca> [perma.cc/8GT7-53GX]. See also Friedland et al, *supra* note 87 at 162–69.

[151] See Metallic, Cyr, Sévigny, *Metallic Mìgmaq Dictionary*, *supra* note 8 sub verbo "biamàlêt", "debìwen", "altuàdan", "detpìgedùn".

[152] *Ibid* sub verbo "saqamaw".

traditional justice, Tuma Young comments on the absence of or unlikeness to similar European concepts of justice:

> At first glance, some of these words seem unrelated to any Eurocentric legal system or ethos, but this is precisely the point: the words tell us, if we know how to listen, about a different "law and order" worldview in which the goal of justice is not individual punishment or retribution but the restoration of communal balance and harmony.[153]

Not only is a study of the meaning of words in a cluster revealing of worldview, but so, too, can the study of how a grouping of words is used / employed by members of the Indigenous group. Young also examines a cluster of Mìgmaq kinship terms and how these are fundamental to teaching relationality. He notes that these are central to establishing a point of relationship between individuals upon first meeting:

> First, when meeting either another L'nu or a stranger, L'nu need to establish a point of relationship. The easiest and quickest way is to determine any family connection. Often the first question is, "Wenik n'nki'kuk?" ("Who are your parents?") If the parents are not known to the questioner, other possible connections are explored; for example, "Do you know so-and-so from your reserve?" The purpose is to establish a point of reference so that a relationship can be developed between the participants.
>
> If and when some kind of relationship has been established, the second part of the greeting "ceremony" begins. This is the establishment of a foundational point in the relationship so that any future meetings can have a reference that will be used to renew the relationship. Up to a generation ago, it was considered very rude to introduce another person by name rather than clarifying the person's relationship to you: "This is my sister, my brother, my mother, father, aunt, uncle, godchild, grandmother, etc." This was done to properly locate and respectfully welcome the individual into a network of relationships.[154]

Young also discusses how the use of kinship terms is essential to helping children learn roles and responsibilities within a community:

> Although the use of kinship terms is fundamental to the interaction of all L'nu people, their use is specifically designed to help children learn their roles and responsibilities — and to appreciate the depth and breadth of help and support available to them. The L'nu believe that if you know how you are related to others, you will know how to honour and respect them — and, by logical extension, their family, belongings and property.[155]

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[153] Young, *supra* note 73 at 95.

[154] *Ibid* at 94.

[155] *Ibid*.

These examples show us clustering can be a very fruitful as well as accessible method to reveal worldview from which can be identified deep normative commitments, both in the form of values and principles.

VI. Method #5: Place Names/Toponymy

Our last linguistic method is one that also intersects with methods for finding 'natural law' or 'land-based' law.[156] In this regard, this method resonates with John Borrows' observation that "laws may be regarded as literally being written on the earth."[157] In linguistics, the study of naming geographical places is called toponymy.[158] This method recognizes that Indigenous groups have different approaches to naming the geography around them and that their naming practices can reveal much about their worldview. As summarized by Sable and Francis, "Mi'kmaw place names also tell of the features of the landscape, historical events and important resources, and acted as a mnemonic device to help people find their way."[159] The Gespe'gewa'gi Mi'gmawei Mawiomi refer to the study of place names as "hearing—and listening to—what our landscape has to say through the words of its language."[160]

To understand how important meaning can be drawn from Indigenous place names, it first serves to appreciate the four main European naming practices. These practices do little to illuminate the significance of a place to those naming it. The Gespe'gewa'gi Mi'gmawei Mawiomi summarizes these as follows:

> The first one [is to add] the adjective New or Nouveau/Nouvelle, followed by the name of a country or city already in existence in Europe [...] That is how the Europeans named Nouvelle-France, Nouvelle-Orléans, New England and New York. Their second technique, especially for the French, was to name a place by the name of a saint. Thirdly, they named some places by the name of a famous city in Europe, namely London, Athens, Paris; a famous person, as in Georgetown, Williamsburg, Pittsburg; or else by the name of the persons who "owned" the place. Their fourth technique was more direct: they simply asked their bilingual Aboriginal guides to translate the Aboriginal names into French or English. This is how, for example, the ancient Mi'gmaq name *Ne'si'jig Wijig'tultijig*, meaning "three siblings," became Les Trois Soeurs in Percé; and *Maqta-*

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[156] See Borrows, *Canada's Indigenous Constitution*, *supra* note 3 at 28–35. See also Morales, *supra* note 6 at 111.

[157] Borrows, *Canada's Indigenous Constitution, supra* note 3 at 29.

[158] See *ibid* at 32–35.

[159] *Supra* note 21 at 42.

[160] Gespe'gewa'gi Mi'gmawei Mawiomi, *supra* note 65 at 27.

wapgsgeg, meaning "black rocks," became Black Cape/Caps Noirs in
New Richmond.[161]

On the other hand, Mìgmaq naming practices are many, and can convey much information about the significance and use of a place to the Mìgmaq. Both the Gespe'gewa'gi Mi'gmawei Mawiomi and Sable and Francis, identify and illustrate these practices.[162] Drawing on these resources, I provide the following enumerated list with some examples:

1. Many Mìgmaq place names can be descriptive of the physical characteristics of Mìgmaq territory, including rivers and mountains. For example, the Mìgmaq name for Rivière Bonaventure (an Acadian place name on the Gaspé Peninsula) is *Waqametgug*, which means "pristine watercourse, clear river."[163] The name for Cole Harbour, Nova Scotia, is *Wanpa'a*, meaning "calm water."[164]

2. Other Mi'gmaq place names are based on fish, game, tree species, berries, metals and rocks found at that location. For example, *Gaqpe-sawègadi* is the Mìgmaq name for St. Omer, a village on the lower Gaspé peninsula, which means "the smelt-gathering place."[165] An island in the Shelburne River in Nova Scotia is called *Penatkuk*, which means "bird nesting place."[166]

3. Place names could also be descriptive of other activities occurring at a location. Two such examples from Nova Scotia include *Wiaqajk* for Margaree, Nova Scotia, meaning the "mixing place," suggesting a place where ochre was blended, and *Pankweno'pskuk* for Gabriel Falls, meaning "lice-picking falls" or literally, "where they hunt one another's head [for lice]".[167]

4. Some place names refer to portage routes and cardinal directions. An example of a reference to portage routes is the name for the Avon River Forks, at Hants County, Nova Scotia, *Pesikitk,* which means "to flow splitwise." This refers to the fact that the tide passes up near Windsor and divides off into the St. Crois river.[168] For a place name denoting direc-

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[161] *Ibid* at 28.

[162] See *ibid* at 27–29; see also Sable & Francis, *supra* note 21 at 51.

[163] Gespe'gewa'gi Mi'gmawei Mawiomi, *supra* note 65 at 27–28.

[164] Sable & Francis, *supra* note 21 at 52.

[165] Metallic, Cyr, Sévigny, *Metallic Mìgmaq Dictionary*, *supra* note 8 sub verbo "Gaqpe-sawègadi".

[166] Sable & Francis, *supra* note 21 at 52.

[167] *Ibid*.

[168] See Mi'kmaq Place Names, *supra* note 66, citing Silas Rand English to Micmac Dictionary A, MMP-N (1919) at 67.

tions, the Mìgmaq name for Pointe du Sud, a county in the Gaspé region, is *Etpêdèsnuk*, which means "to or pointing to the south."[169]

5.   Some place names refer to beings that lived in specific locations, including mythological figures. For example, *Megwèjidewàgik* is one of a few names the Mìgmaq called Newfoundland and literally means "the land of the red people," referring to Beothuks and alludes to their extensive use of red ochre.[170] The name for Middle River, in Sheet Harbour, Nova Scotia, is *Kukwesue'katik*, meaning "haunt of the giants."[171] *Kukwes / Gugwech* refers to legendary cannibal giants in Mìgmaq mythology and many stories reference them.[172]

6.   Some Mìgmaq place names are based on historical facts or events. The Forillon National Park in the Gaspé is called *Onmatjoqonei Gwesawei*, which means "suffering point," referring to the fact that an old Mìgmaq woman was ill for a very long time at that location.[173] A rock located near Tabusintac, New Brunswick, is called *Batkwedègnùj* and "this legendary and historic rock marks the spot where, during the Mìgmaq-Mohawk wars, the chieftain leading the Mohawk warriors was smashed on the rock and killed, effectively ending aggressions between the two nations."[174]

7.   Another place-naming practice in Mìgmaq are names that compare two similar places, usually close to one another, one being qualified as being small compared to the other. Two examples from the Gaspé include *Mtnn* (Matane) and *Mtnnji'j* (Small Matane) and *Gesgapegiag* (Cascapedia river) and *Gesgapegiaji'j* (Small Cascapedia river).[175] The Gespe'gewa'gi Mi'gmawei Mawiomi have used this naming practice to demonstrate the direction from which their ancestors would have first moved into their territory, since comparing one landmark to another logically implies having encountered the comparator first:

> Our Mi'gmaq geographical names study suggests that some of our ancestors explored the interior territory, using the waterways, be-

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[169] Metallic, Cyr, Sévigny, *Metallic Mìgmaq Dictionary, supra* note 8 sub verbo "êtpêdèsnuk".

[170] See *ibid* sub verbo "Megwèjidewàgik".

[171] Sable & Francis, *supra* note 21 at 52.

[172] See Metallic, Cyr, Sévigny, *Metallic Mìgmaq Dictionary*, *supra* note 8 sub verbo "Gugwech". For some stories referencing the *Kukwes*, see Ruth Holmes Whitehead, *Stories from the Six Worlds: Mi'kmaw Legends* (Halifax: Nimbus Publishing Limited, 2006) at 75–82, 115–21, 122–33.

[173] See Gespe'gewa'gi Mi'gmawei Mawiomi, *supra* note 65 at 28.

[174] Metallic, Cyr, Sévigny, *Metallic Mìgmaq Dictionary*, *supra* note 8 sub verbo "Batkwedègnùj".

[175] See Gespe'gewa'gi Mi'gmawei Mawiomi, *supra* note 65 at 28.

ginning from Berthier-sur-Mer near Montmagny. At Berthier-sur-Mer, there is indeed a location name Micami, most probably a mis-pronunciation of the word Mi'gma'gi, [f]rom there through Rivière du Sud and then the St. John River [the *Welastuk* – 'fine flowing and unobstructed' river], they could access Rivière Verte, and travelling upstream on it, they would have reached the head of the Restigouche River or *Welastuguj* in Mi'gmaq [smaller version of the *Welastuk*], which leads to the Bay of Chaleur. Later on, this same group would have explored the Miramichi River and its watershed, naming it the *Welastugujij*, meaning "smaller or younger than Restigouche."[176]

8. Finally, some place names can also have legends associated with them. The Gespe'gewa'gi Mi'gmawei Mawiomi relate the name *Matapegiaq*, the Matapedia River in Quebec, recorded by Father Pacifique:

> At Matapedia, the river joins the Restigouche [River]. The section where both rivers meet is designated as [Mawatigel] "The Meeting of the Waters." A legend exists describing how, at one time, the river was flowing directly to the sea. However, the Restigouche River was asking to have as a spouse the small river (Matapedia). It asked Gluscap, the Mi'gmaq God for everything that is good to get what she wanted. As he was standing on top of the Sugarloaf [Mountain], with his wand, he touched a rock wall. From it fell a large chunk in the Restigouche River that became an island. The bigger river then rushed to grab her newly engaged partner. Since then, both rivers began flowing together.[177]

There are many more places in Mìgmàgi, like this one, that are associated with stories and legends of Gluskap, a mythical figure who created the Mìgmaq people and taught them how to live. One such legend tells the story of the Tidal Bore on the Petitcodiac River, which is located in southeastern New Brunswick and characterized as having a brown mud floor and brown waters:

> When Gisu'lk, the Great Creator, first made mother earth, the Petigotiag river ran clear, and on that river was a peaceful community of many different plants and animals, each one doing its part to keep the community happy and healthy. Then, one day, a giant eel appears and terrorizes the happy community. The community members meet and decide to ask Gluskap for help, so they send a messenger, the turtle, to seek out Gluskap. Upon hearing of the community's plight, Gluskap tells Turtle that he will not fight the eel himself, but instead give one of the community members the power to fight the eel. Gluskap says that this chosen community member must be strong willed and have the determination to fight a powerful enemy, or the eel will prevail. When Turtle returns to the

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[176] *Ibid* at 13. See also E. Nàgùgwes Metallic, "What's in a Place Name? Part Two," for Mìgmaq Heritage Notes in the *Campbellton Tribune* (29 November 2000).

[177] Gespe'gewa'gi Mi'gmawei Mawiomi, *supra* note 65 at 29.

> Petigotiag, there is a community meeting. Turtle tells the communi-
> ty of Gluskap's decision not the kill the eel but give one of them the
> power to fight the monster. Then Turtle asks for a volunteer to fight
> the eel. The room is silent because everyone knows that fighting the
> eel could be deadly. Then, reluctantly, a lobster steps up and says
> that he will fight the eel. With that, the lobster grows in size and
> strength and makes his way down the river towards Hopewell
> Rocks to meet the eel. The next morning, the fight begins, it rages
> on for days, as they fight, they move up and down the river, splash-
> ing and roiling the water, churning up the sediment, making the
> water reddish brown. After three days, Lobster wins the fight, the
> eel slinks away into the Bay of Fundy and the community returns to
> its happy, peaceful ways. When Gluskap hears of Lobster's victory,
> he comes to the community to join the celebration. During the cele-
> bration, Gluskap decrees that in remembrance of this valiant fight
> of good over evil, a wave will travel up the Petigotiag river twice a
> day, and the water will keep its reddish brown colour.[178]

Such legends can provide both a wealth of knowledge about the Mìgmaq worldview as well as the landscape. For example, this story not only explains the origins of the physical characteristics of the river and tidal bore, but also teaches lessons about the power of community, bravery, and dedication, among other important teachings.

As these various naming practices, and illustrations of them, show us, there is a rich amount of information encoded in the words Mìgmaq used to describe their territory, including where they went and when, what they did in those places, who was at those places, and how those places factored into their history and mythology. Such place names are being used as evidence of use and occupation of lands in support of Aboriginal title claims and negotiations.[179] Further, the knowledge embedded in such place names can also convey important information about relationship, and responsibilities, to the land.[180] Indigenous governments can use this to inform community-led impact assessments of proposed natural resource projects, or a community's land or watershed stewardship plans, to give but a couple of examples.[181]

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[178] This story was recounted by Mìgmaq elder, the late Gilbert Sewell to Tom Johnson, GIS Coordinator for Mi'gmawe'l Tplu'taqnn Incorporated. I extend my gratitude to Tom for sharing this story with me and giving me permission to share it.

[179] See André Bourcier, "Aspects linguistiques de la preuve par tradition orale en droit autochtone" (2000) 41:2 C de D 403 at 416–19.

[180] For a discussion of this in relation to Hul'qumi'num Mustimuhw, see Morales, *supra* note 6 at 111–13.

[181] See e.g. the Treaty, Lands & Resources Department Tsleil-Waututh Nation, "Assessment of the Trans Mountain Pipeline and Tanker Expansion Proposal" (for an overview of Tsleil-Waututh Nation principles, see 52–55 and the map at 23), online (pdf):

Mìgmaq are certainly not the only Indigenous groups with such kinds of naming practices, nor are they the only ones to have access to atlases, place name databases and other place name resources.[182] Further, while not published, many Indigenous communities involved in land claim negotiations with governments have undertaken traditional use studies (T.U.S.) which may well include place names (as well as other valuable) information. Some may have even used geographic information systems (G.I.S.) to map their placenames.[183] All such resources could certainly be harnessed to engage with this method.

Conclusion

This paper has sought to explain and illustrate five different methods for engaging with Indigenous languages to support the revitalization of Indigenous peoples' legal orders. Terms within Indigenous languages can present concepts that suggest normative standards regulating conduct (meta-principles). A collection of terms analyzed as a group (clusters) can illustrate nuances within an Indigenous concept, distinguishing it from European concepts and revealing important aspects of the Indigenous worldviews. Further, linguistic features—like grammar and word parts—can also tell us about the values of an Indigenous group, which can inform the principles and rules within the group's legal order. Finally, the Indigenous group's names for the landscape and its associated stories can elaborate upon Indigenous peoples' relationship with the land and waters, how and when they used it, the significance of such usage to their worldview, and more. My aim has been to show that the information encoded in language is rich and that it can inform the workings of an Indigenous legal order.

I have also endeavoured to show that this rich information is more accessible than most assume. It is not necessary to be a fluent first-language speaker to unlock the treasures to be found in Indigenous languages. There is a significant amount of published resources—like dictionaries, lexicons, reference and teaching texts, atlases, and more—that can be harnessed to learn and work with Indigenous languages. What is needed to draw out law from language is commitment and patience to learn and work with all resources available. Becoming a second-language

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Sacred Trust Initiative Tsleil-Waututh Nation <www.twnsacredtrust.ca> [perma.cc/L234-3F6X].

[182] For further examples, see Christina Gray & Daniel Rück, "Reclaiming Indigenous Place Names" (09 October 2019), online: *Yellowhead Institute*, <www.yellowheadinstitute. org> [perma.cc/8M43-S39K].

[183] See e.g. Gespe'gewa'gi Mi'gmawei Mawiomi, *supra* note 65 at 29–30 (discussion of their own place names databank).

speaker can go hand-in-hand with work to uncover the law that is coded in the language. My hope is that this revelation will inspire others who, like me, did not grow up speaking their Indigenous language, yet remain committed to Indigenous law revitalization. There exists a wonderful opportunity for Indigenous individuals to regain their language while also supporting their communities and nations in regaining their laws.

Appendix

Aboriginal Languages in Canada by family, from *Royal Commission Report,* Vol 3 at 565.

TABLE 6.1
Aboriginal Languages in Canada

Family	Language	Family	Language
Aleut-Eskimo	Inuktitut	Wakashan	Nootka
[Isolate]	Tlingit		Nitinat
[Isolate]	Haida		Kwakiutl
Athapaskan	Dogrib		Bella Bella (Heiltsuk)
	Hare (North Slavey)		Kitanat-Haisla
	Beaver	Tsimshian	Tsimshian
	Sekani		Nisga'a
	Sarcee (Sarsi)	Gitksan	
	Tsilhoqot'in	Siouan	Lakota - Dakota
	Carrier (Wet'suwet'en)		Nakota (Assiniboine, Stoney)
	Chipewyan	Iroquoian	Seneca
	Slavey (South Slavey)		Cayuga
	Yellowknife		Onondaga
	Kutchin (Gwich'in or Loucheux)		Mohawk
	Kaska		Oneida
	Tahltan		Tuscarora
[Isolate]	Kutenai	Algonquian	Blackfoot
Salishan		Algonquian	
Interior	Lillooet	*Cree*	Cree
	Shuswap		Montagnais-Naskapi-Attikamek
	Thompson (Ntlakyapamuk)Algonquian		
	Okanagan	*Ojibwa*	Ojibwa
Salishan			Odawa (Ottawa)
Coastal	Songish		Algonquin (Algonkin)
	Semiahmoo		Saulteaux
	Cowichan	Algonquian	
	Comox	*Eastern*	Delaware
	Sishiatl (Sechelt)		Abenaki
	Bella Coola		Mi'kmaq
	Squamish		Maliseet