

Elder brother and the law of the people: contemporary kinship and Cowessess First Nation

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lost their status—who regained their status and had their children’s status reinstated.

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This book is organized into seven chapters. The first chapter outlines the roles and function of “trickster” stories. The chapter’s first section discusses the way in which scholars have analyzed Trickster from the academic perspective. It also discusses scholars’ disparate views of tricksters as a means of gaining insight into the significance of Elder Brother, a figure who is central to the Cree and Ojibwe/Saulteaux, and more specifically to Cowessess. The chapter’s second section outlines the two main categories of traditional stories—*âtayôhkêwina* and *âcimowina*—that place Elder Brother stories in their cultural context. Elder Brother stories fit within these two categories, along with a multitude of other stories. These stories are not just ways Aboriginal people made sense of the world historically, but, as this section suggests, can be used to help understand contemporary Aboriginal people. After the more general discussions of the first two sections, the third focuses specifically on Elder Brother as the cultural hero of the Plains Cree and Saulteaux, highlighting how Elder Brother stories of both groups share similar structure, form, and purpose. The last section links Aboriginal legal traditions to Aboriginal stories in general, and assert that Elder Brother stories informed the legal tradition of Cowessess First Nation. It presents examples of Elder Brother stories collected by anthropologist Alanson Skinner in the early part of the twentieth century to demonstrate that they contain the Law of the People. The aim of this chapter, then, is to establish the central role stories played historically. This will provide the framework for the rest of the book, which in turn will show that the Law of the People has been kept alive by Cowessess people’s social interactions.

Chapter 2 places the research into proper context by reviewing how researchers have discussed the emergence on the plains of the Plains Cree, Saulteaux, Assiniboine, and Métis, and provides a history of these four groups up to 1885. Scholarly research has focused on the differences between these groups; and to illustrate such differences, researchers have extrapolated examples of inter-band interaction and presented them as examples of inter-tribal relations. This perspective distorts the historic realities of Saskatchewan Aboriginal relations, as the similarities between these groups have not been

afforded proper recognition. The close social, economic, and political ties of the Cree, *Saulteaux*, *Assiniboine*, and *Métis* led to a high degree of cultural similarities between them.

Chapter 3 provides a critique of the use of the term “tribe” as put forth by scholars as a means to categorize and discuss Aboriginal history in the northern plains as tribal specific. Constructing tribal histories does not take into account the role of bands as the primary political and social units, the way northern plains people organized themselves historically, and the way in which most contemporary Aboriginal groups are viewed. The chapter also examines the ways in which scholars explain *Métis* as being culturally and racially distinct from First Nations groups so as to erase the actual close relations that existed between the *Métis* and *Plains Cree*, *Assiniboine*, and *Saulteaux*. These close relations help us to understand how it was that pre-treaty First Nations bands also included a significant number of *Metis* people. Therefore, this chapter demonstrates that the cultural boundaries drawn between Aboriginal groups through the tribal history approach is a fiction that has served scholars and government officials well, but has little direct relevance to the actual lives of the people. This chapter provides the context to explore the multicultural composition of *Cowessess First Nation*.

Chapter 4 provides a history of *Cowessess First Nation* from 1870 to 2000, illustrating the degree to which scholars have misinterpreted ethnic identities of Saskatchewan Aboriginal people. This history demonstrates the flexibility and inclusiveness of the *Cree*, *Saulteaux*, *Assiniboine*, and *Métis* groups generally and *Cowessess First Nation* specifically. Band membership was based not so much along ethnic lines but on kinship relations, real or fictive. After 1885, First Nations were faced with pressure to assimilate, as the federal government implemented repressive policies with the aim of eliminating First Nations’ cultural practices. Though *Cowessess* members resisted many demands to replace aspects of their traditional cultural ways with Canadian cultural practices, in many ways they adapted relatively well to the demands. One aspect of the band members’ pre-reserve culture that did not change, however, was the continued use of their traditional form of kinship, which allowed the band to maintain its mixed ancestry composition well into the twentieth century.

Chapter 5 discusses a number of themes identified from interviews of *Cowessess* band members that outline the ways in which family obligations have both changed and persisted. Factors that have led to changes include

the existence of social dysfunction on the reserve and economic opportunities offered in urban areas resulting in members leaving the reserve. In addition, many interviewees mentioned the impact that assimilation policies and contemporary circumstances have had on marriage practices, the maintenance of language, and traditional family roles and responsibilities. Even with these demands, Cowessess people have managed to preserve a strong belief in the importance of traditional family obligations. The formal and informal interviews, together with participant observation, provides a glimpse of how Cowessess people put into practice their belief in the importance of family. Central practices that act to maintain family connections as identified by Cowessess people include the ways that family responsibilities are carried out; the roles of elders as agents of socialization; how important links between the past, present, and future are sustained through family and community gatherings; how some members define family to act as a means of challenging imposed legal or racial classification of Indians; and the strategies adopted by members living in the urban context. This chapter illustrates, that even though kinship patterns have changed due to outside forces and contemporary realities, kinship continues to be an important mechanism that defines community and individual identity for many Cowessess First Nation members and acts to guide social interactions.

Chapter 6 explains the processes that led to the development of and reaction to the 1985 Bill C-31 amendment to the Indian Act. It outlines the imposition of external definitions of “Indian,” by the Canadian government. The Canadian definition for “Indian” was established nationally through the Indian Act of 1876, but underwent numerous changes up until 1985. These definitions suited the purposes of the government while interfering with First Nations’ cultural kinship practices. These definitions also influenced both how Canadians viewed people defined as Indians, and how First Nations people viewed themselves. In the 1970s and 1980s, a number of First Nations women who believed that the membership code of the Indian Act discriminated against them as women launched a court challenge that engendered a national debate among Aboriginal people. The debate, which was documented in newspaper articles and Senate Committee hearings, centered on notions of tradition, culture, self-government, and colonial oppression. These debates underscore the level of acceptance of the imposed definition of Indian by many First Nations leaders and people.

Chapter 7 situates the Treaty Land Entitlement negotiations within the larger discussion of the Aboriginal rights movement. First, a review of the important Supreme Court decisions in the *Calder* (1973), *Guerin* (1984), and *Sparrow* (1990) cases will be presented. These cases are significant, not only for their content but also for the impact they had on government-First Nations relations. The Supreme Court's decisions were major contributing factors that compelled governments to continue to negotiate TLE agreements with Saskatchewan First Nations. Next, an examination of the initial TLE negotiations between 1975 and the late 1980s shows how tensions between the federal and provincial governments were a major stumbling block to reaching an agreement. Finally, this chapter discusses Cowessess First Nation's TLE negotiations, which took place after the majority of Saskatchewan First Nations had signed their agreements with Canada. Cowessess was able to utilize arguments not used by the other First Nations and thereby eventually garner better terms. One significant difference of the Cowessess agreement was that its compensation was based on a negotiated figure of their original band list. The band also went to great lengths to provide assistance to any person who was eligible to be registered as a status Indian.