

1-14-2021

The Wetiko Legal Principles: Cree and Anishinabek Responses to Violence and Victimization by Hadley Louise Friedland

Natasha Novac

Osgoode Hall Law School of York University (Student Author)

Follow this and additional works at: <https://digitalcommons.osgoode.yorku.ca/ohlj>

 Part of the [Law Commons](#)

Book Review



This work is licensed under a [Creative Commons Attribution-Noncommercial-No Derivative Works 4.0 License](#).

Citation Information

Novac, Natasha. "The Wetiko Legal Principles: Cree and Anishinabek Responses to Violence and Victimization by Hadley Louise Friedland." *Osgoode Hall Law Journal* 57.2 (2021) : 510-518.

DOI: <https://doi.org/10.60082/2817-5069.3590>

<https://digitalcommons.osgoode.yorku.ca/ohlj/vol57/iss2/7>

This Book Review is brought to you for free and open access by the Journals at Osgoode Digital Commons. It has been accepted for inclusion in Osgoode Hall Law Journal by an authorized editor of Osgoode Digital Commons.

The Wetiko Legal Principles: Cree and Anishinabek Responses to Violence and Victimization by Hadley Louise Friedland

Abstract

Can we reject a monstrous act without rejecting the actor as a monster? This is the question occupying Hadley Louise Friedland, Assistant Professor of Law at the University of Alberta, in *The Wetiko Legal Principles: Cree and Anishinabek Responses to Violence and Victimization*. Speaking broadly, the book is dedicated to identifying and examining Indigenous laws for guidance on how Indigenous communities can deal with high rates of interpersonal violence in Indigenous communities today, particularly violence against children. The innovation in Friedland's work is her creative use of source material: She takes as her starting point traditional Cree and Anishinabek stories about wetikos, or cannibal giants, which she positions as vestibules of Indigenous law. In Friedland's view, wetiko stories contain legal principles and practical resources that can help First Nations manage community members who act violently toward others. It is her task, as a scholar, to examine those stories through a legal lens and mine them for solutions to a rarely acknowledged problem.

Creative Commons License



This work is licensed under a [Creative Commons Attribution-Noncommercial-No Derivative Works 4.0 License](https://creativecommons.org/licenses/by-nc-nd/4.0/).

Book Review

***The Wetiko Legal Principles: Cree and Anishinabek Responses to Violence and Victimization* by Hadley Louise Friedland¹**NATASHA NOVAC²

CAN WE REJECT A MONSTROUS ACT without rejecting the actor as a monster? This is the question occupying Hadley Louise Friedland, Assistant Professor of Law at the University of Alberta, in *The Wetiko Legal Principles: Cree and Anishinabek Responses to Violence and Victimization*.³ Speaking broadly, the book is dedicated to identifying and examining Indigenous laws for guidance on how Indigenous communities can deal with high rates of interpersonal violence in Indigenous communities today, particularly violence against children. The innovation in Friedland's work is her creative use of source material: She takes as her starting point traditional Cree and Anishinabek stories about wetikos, or cannibal giants, which she positions as vestibules of Indigenous law. In Friedland's view, wetiko stories contain legal principles and practical resources that can help First Nations manage community members who act violently toward others. It is her task, as a scholar, to examine those stories through a legal lens and mine them for solutions to a rarely acknowledged problem.⁴ "How do we speak of unspeakable violence?" Friedland asks. Those around them, or in Friedland's words, who

-
1. (University of Toronto Press, 2018).
 2. Juris Doctor, Osgoode Hall Law School (2019).
 3. *Supra* note 1.
 4. See *ibid* at xvii.

is someone we love who hurts someone we love. “What resources do we need to think through terrible acts in principled and effective ways?”⁵ Friedland believes that wetiko stories provide an answer, and she begins to explain how by recounting a fable called Sweet Dirt. By introducing *The Wetiko Legal Principles* with a story, Friedland establishes from the outset that the work to follow will lean on different analytical tools than a standard academic text. These tools include narrative, imagery, and metaphor, all derived from the wetiko oral tradition, and they give Friedland’s study both impressive gravitas and remarkable creativity.

Translated literally, “wetiko” means “cannibal giant.”⁶ In Cree and Anishinabek oral traditions, a wetiko is an evil spirit that possesses a person, rendering them monstrous. In traditional wetiko stories, to become wetiko or to “go wendigo” meant to engage in literal cannibalism or to experience cannibalistic ideation. Today, the word “wetiko” is used in Cree and Anishinabek communities to describe a person who does monstrous things to those around them, or in Friedland’s words, who is someone we love who hurts someone we love.⁷ The word wetiko may be used to describe a range of anti-social behaviours, including self-harm, threats, sexual violence, murder, and “preying on or using others for one’s own ends.”⁸ In the monograph’s foreword, Professor John Borrows defines wetiko as “people who experience great stress and who in turn place considerable pressure on those around them.”⁹ Friedland summarizes wetikos as people who are already or are becoming “harmful or destructive to themselves and/or others in socially taboo ways.”¹⁰ A person who becomes a wetiko is sometimes held to be personally at fault by the community for failing to hold his or her darker nature at bay.¹¹ Other times, harmful behavior is considered the result of malignant social forces, such as colonialism, that bear down upon the individual and warp his or her personality.¹² In all circumstances, Indigenous communities are featured in wetiko stories as employing a range of tactics and strategies to manage the wetiko effectively and protect community members from harm.¹³ Punishment

5. *Ibid* at xv.

6. See *ibid* at 13.

7. *Ibid* at xvi.

8. *Ibid* at 33.

9. *Ibid* at xii.

10. *Ibid* at 36. Friedland qualifies that her definition of wetiko, developed from the legal standpoint, may not resonate with the understanding of wetiko held by medicine people and other members of Indigenous communities (*ibid* at 33, n 77).

11. See *ibid* at 66-69.

12. *Ibid*.

13. See *ibid* at 85-93.

does not feature in the world of the wetiko: The standard community response is to recognize the signs of transformation early, to heal and supervise the wetiko effectively, and to ensure that the person, when they are wendigo, is prevented as much as possible from hurting his fellows.¹⁴

In Friedland's view, a wetiko is conceptually parallel to a person who violates or commits violent acts against others. While the concept of wetiko can encompass different types of anti-social behaviour, Friedland is particularly concerned with acts of sexual violence against Indigenous children, and she sees wetiko stories as uniquely well-suited to provide responses to this experience. Friedland's position is not that every person who acts violently should be considered an actual wetiko (a person possessed by a demon spirit); rather, she suggests that the concepts of becoming wetiko and committing violent acts, especially sexually offending against children, are analogous to one another.¹⁵

Friedland proposes that wetiko stories can be approached as practical and intellectual legal resources for responding to undesirable behaviour. Friedland begins by pointing out that wetiko stories describe a common range of practices for how communities typically respond to wetikos. For example, wetiko stories show that a community member who is managing a wetiko has a right to seek help from others to stop the wetiko's dangerous behaviour.¹⁶ The right is complemented by an obligation that community members provide assistance to the person managing the wetiko to the extent that they are able.¹⁷ In deciding how the community should handle a wetiko, its members also follow specific decision-making processes. The processes only attain legitimacy if they are made collectively and openly, are led by elders, and observe certain protocol such as evidence gathering and observation.¹⁸

Importantly, the rights and obligations of people dealing with a wetiko, and the processes that communities use when figuring out what to do, are not identified explicitly in wetiko stories as "law." Rather, they are underlying beliefs and assumptions held by the community about what should be done when someone "goes wendigo." Friedland's first major conceptual move is to establish that the rights, obligations, and processes in wetiko stories are properly understood as legal in nature.¹⁹ Once Friedland establishes her interpretive lens

14. *Ibid* at 80, 85-86, 88.

15. *Ibid* at 73.

16. See *ibid* at 16.

17. See *ibid*.

18. See *ibid* at 75-85.

19. See *ibid* at 15, 36.

as a legal one, she reads wetiko stories and the tropes that they contain—the ways of identifying a wetiko, the rights and obligations of community members confronted with a wetiko, and decision making processes used to determine how to manage a wetiko—as Indigenous legal practices in action.

Friedland’s approach to identifying Indigenous law in wetiko stories has two important consequences. First, by focusing on the principles and social dynamics that underlie wetiko stories, Friedland reframes the concept of wetiko as a distinctly legal category rather than a psycho-social experience.²⁰ This Indigenous-centric approach to wetiko stories is a necessary counterpoint to existing literature on the subject, which has been written largely by settler sociologists and typically understands wetiko as a form of “culturally bound ‘... psychosis.’”²¹ Friedland explains that one of the goals of *The Wetiko Legal Principles* is to offer a counter-narrative to colonial explanations of interpersonal violence in Indigenous communities, many of which are reducible to the notion that these communities are fundamentally “sick” or “savage.”²² The wetiko, Friedland reminds us, is a complex and powerful concept in Cree and Anishinabek cultures, equivalent in weight and power to the concepts of law or citizenship in settler societies.²³

The nuance in the concept of wetiko can be seen in the fact that it facilitates a contradictory task: It empowers communities to both reject and embrace a person who harms their fellows. The idea that someone has “gone wendigo” suggests that a person has been overtaken by a demon spirit or has allowed his or her dark side to overtake their personality. When a perpetrator is understood to be a wetiko, his or her wrongdoing is refracted through the figure of a demon spirit, an evil spectre that introduces a second, dark other into the self. Counterintuitively, the idea that someone has “gone wendigo” creates space for community members to both reject the wrongdoing, perpetrated by the dark other, and to embrace the wrongdoer as burdened by the wetiko spirit and deserving of compassion. Moreover, the concept of wetiko implies that the person who has “gone wendigo” may be able to expel the dark other and return to his or her original self. This aspect of wetiko lore is a potent reminder that perpetrators of violent acts once had, and perhaps may have again, the ability to regain full control over their humanity. Reconciling the notions of disavowal and healing, and navigating the tension between between retribution for criminal

20. *Ibid* at 16.

21. *Ibid* at 27.

22. *Ibid* at 14.

23. *Ibid* at 31 [emphasis in original].

acts and rehabilitation, is similarly an ongoing project in Canadian criminal law. In its ability to facilitate these contradictory tasks, the concept of wetiko reveals its complexity, and illustrates “the Cree and Anishinabek peoples’ profound strength, resourcefulness, and teamwork in protecting themselves and those they love.”²⁴ Further, by making a study of the concept of wetiko, Friedland’s monograph makes a major contribution to internal capacity building within Indigenous communities that are seeking to define their legal traditions and priorities beyond resisting colonialism.²⁵

The second important consequence flowing from Friedland’s interpretive approach is to encourage readers to reflect on the nature of law and legal obligation. In Friedland’s view, the concept of law is much broader than what a society chooses to codify: “Law can be found in how groups deal with safety, how they make decisions and solve problems together, and what we expect people ‘should’ do in certain situations (their *obligations*).”²⁶ When read through Friedland’s legal interpretive lens, wetiko stories become repositories of information about Cree and Anishinabek law. This is Friedland’s second major conceptual move: To identify and manually apply the legal concepts contained in wetiko stories to the problem of child sexual victimization in Indigenous communities today. The parallels between wetiko behaviour and sexual offending against children are made clearest in chapter three, in which Friedland argues that the tactics, characteristics, and possible causes of wetiko behaviour parallel the tactics, characteristics, and possible causes of child sexual victimization.²⁷ Both wetikos and sexual offenders who target children use tactics such as intimidating victims, sowing confusion, distracting nearby adults or frightening them into complicity, or luring victims close in order to facilitate future abuse (*i.e.*, grooming).²⁸ Wetikos and sexual offenders who target children also share similar characteristics, including a tendency to neglect basic social rules, to experience distorted or obsessive thoughts and wants, and to indulge in maladjusted behaviours (*e.g.*, social isolation and strange cravings) that can gain in strength and intensity over time if not stopped.²⁹ While occasionally the parallel may require an expansion of the imagination, Friedland argues convincingly that the concept of the wetiko is equivalent to sexual offending against children in several observable ways.

24. *Ibid* at 13.

25. See *ibid* at 14-15.

26. *Ibid* at 15 [emphasis in original].

27. *Ibid* at 50.

28. See *ibid* at 51-58.

29. See *ibid* at 58-63.

This creative interpretive work adds new intellectual resources, from a distinctly Indigenous perspective, to the problem of lowering child sexual victimization rates in Indigenous communities.

Friedland acknowledges early on in her monograph that her scholarship is a form of thought experiment.³⁰ While her main goal is to establish wetiko stories as a viable form of Indigenous law, she is cognizant that the analogy between wetikos and violent offenders is imperfect. Her aim is not to establish absolute harmony between the two ideas, but rather to use wetiko stories as new ground to theorize solutions to a painful problem for which adults have yet to find an effective solution. Friedland submits that as with any legal theory or category, the idea of wetiko should be looked on as an “ideal type,” and should be picked up, put down, and drawn upon as needed in the course of confronting difficult real-life problems.³¹

One example of an ambiguity in wetiko law is the question of accountability. Friedland identifies a theme in wetiko stories in which a loss of or abuse of power contributes to turning a person into a wetiko.³² The power in question may be wielded by external forces, such as a colonial government, or it may be a loss of personal power or control over oneself, a person “giving in to [his or her own] selfishness or the dark side.”³³ While the wetiko stories frequently discuss a loss of personal power as an aspect of going wendigo, the stories provide no singular explanation for whether the individual should be held at fault for losing control over themselves.³⁴ In some renditions of wetiko stories, such as those collected by Friedland through interviews with elders in northern Alberta, a community member is expected to self-identify when they are developing strange behaviours, such as seeking isolation, having dreams of cannibalism, or experiencing strange cravings.³⁵ If they fail to seek help when these warning signs appear, or if they refuse to accept help that is offered by elders who recognize the signs, it seems they will be held responsible for the wrongdoing they commit if they go wendigo.³⁶ Yet in surveying other wetiko stories, Friedland also suggests that a loss of power over oneself is typically attributable to forces beyond individual will:³⁷

30. *Ibid* at xvii.

31. *Ibid* at 16.

32. See *ibid* at 66-69.

33. *Ibid* at 66, 68.

34. *Ibid* at 66-69.

35. *Ibid* at 61, 63.

36. *Ibid* at 80-81.

37. *Ibid* at 69 [emphasis in original].

Some people see child victimization as resulting from an imbalance of power within families or societies. Family dynamics theorists argue that children are often victimized when one adult in the family has too much power, like the *wechugo*, and another feels powerless or gives up the power, like the *wetiko*, or when there is general chaos and no one uses the power consistently or appropriately.

When it comes to using wetiko stories to theorize around rehabilitation and retribution (*i.e.*, what should be done when community members do bad things to children), questions about personal autonomy and responsibility weigh heavy in the mix.³⁸ The open-ended questions of autonomy and fault in wetiko stories illustrate that Indigenous law, like civil or common law, is not a full and complete set of answers. Far from invalidating Friedland's point that wetiko law is practical and practicable, her willingness to acknowledge the limitations of wetiko law puts it on par with other forms of law and law making in Canada.

Overall, the book derives much of its conceptual strength from its ability to foreground the concept of the wetiko as a coherent, self-contained concept in Cree and Anishinabek law.³⁹ As Borrows notes in the foreword, *The Wetiko Legal Principles* constitutes the first full-length substantive work on the wetiko as an Indigenous legal category.⁴⁰ One of the many intellectual benefits to be reaped from the text is the vast substantive content it adds to Indigenous legal systems in Canada. Beyond the substantive material, it is also methodologically inventive. Friedland's willingness to "combin[e] things that are not usually combined," being story or oral history and law, is both a powerful way to clarify and develop Cree and Anishinabek legal traditions and a groundbreaking intellectual move.⁴¹ It is unsurprising that Borrows calls Friedland "one of the most innovative scholars working with Indigenous legal traditions in the world today."⁴²

38. *Ibid* at 85. Friedland recounts that Cree and Anishinabek communities seek retribution only as an option of last resort against wetikos. The default community response is to enable healing and to supervise the wetiko, sometimes for life. Friedland elaborates that in extreme cases in history, when the wetiko cannot be healed and his or her behaviour outstrips the supervisory capacity of the group, the wetiko will be separated (banished) from the community or incapacitated (put to death). Friedland notes that in the existing literature by settler sociologists, stories of wetiko executions have been dramatically overstated compared to the rate at which they actually took place (*ibid* at 25-26).

39. See *ibid* at xi. Per Borrows, "[t]he point made in this book is that Indigenous peoples, through the stories they tell and the actions they take, are a law-making people too" (*ibid* at xii).

40. *Ibid* at ii.

41. *Ibid* at xvii.

42. *Ibid* at xi.

The Wetiko Legal Principles is also notable for the skill and compassion that Friedland brings to her research. Friedland speaks movingly about her deep investment in the well-being of First Nations communities. As an academic who focuses on the sexual victimization of children, a dark and painful aspect of society, Friedland is in the difficult position of having to name the pervasive problem of sexualized violence in Indigenous communities without raising the spectre of shame or blame, and without relying on colonial narratives of “sickness” or “savagery” to explain the extent of the violence. Friedland walks the line carefully and thoughtfully between depicting Cree and Anishinabek communities as resourceful, capable, and full of integrity, and recognizing a trend of violence against children in some communities.

Along similar lines, Friedland’s work is also to be commended for its willingness to name and think through an impossibly painful problem: losing Indigenous children and youth to violence, whether at the hands of adults or through substance abuse, gang activity, incarceration, or suicide. Friedland grounds her scholarship in the concept of unspeakability, or acts of violence that are too terrible to name.⁴³ In Friedland’s view, the legacies of colonization and cultural genocide in Indigenous communities are legacies of unspeakability. Friedland perceives systemic violence to have rendered Indigenous communities largely unable to articulate the deep and abiding pain they experience, and she understands her task as a scholar and a lawyer as helping to bring back some form of voice.⁴⁴ For all her focus on innovation and problem solving, Friedland resolutely maintains that her work is not an abstract exercise, and that her end goal is to make the world more tolerable for living Indigenous children. Doing so requires her to take brave steps toward speaking the unspeakable. The book opens with an introductory quote from Jewish philosopher and Holocaust survivor Emil Fackenheim: “What if no lost child can be replaced?”⁴⁵ It is followed by a crushing dedication: “This book is dedicated to Nina Louise, whom I knew as a fiercely intelligent, inquisitive, and irrepressible thirteen-year-old, and who is now beyond all harm.”⁴⁶ In choosing these quotes as framing conventions,

43. *Ibid* at 12, n 4, citing Judith Herman, *Trauma and Recovery: The Aftermath of Violence; From Domestic Violence to Political Terror* (Basic Books, 1997). Regarding unspeakability, Herman, a scholar of trauma and recovery, explains “[t]he ordinary response to atrocities is to banish them from consciousness. Certain violations of the social compact are too terrible to utter aloud: this is the very meaning of the word *unspeakable*. Atrocities, however, refuse to be buried” [emphasis in original] (*ibid*).

44. *Ibid* at 14.

45. *Ibid* at vii.

46. *Ibid* at v.

Friedland anchors the text in the wrenching reality that sometimes we, the adults, fail to save children who are in danger. While the monograph advocates skillfully for a sense of mercy, compassion, and rehabilitation for wetikos, the introductory quotes ensure that we remember the price of failure is extremely high. *The Wetiko Legal Principles* is to be commended for its willingness to think bravely and creatively about the harms that Indigenous young people face. It also deserves the highest praise for using creative tools like wetiko stories to promote protection and foster solutions to ensure the well-being of Indigenous children and youth.