

INDIGENOUS LEGAL TRADITIONS AND COMMUNITY

LEGAL CLINICS:

A PATHWAY TO ENHANCED LEGAL SERVICES

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# The Responsibility to Help those in Need – Big Picture Thinking

## The Snake and the Man:

- ▣ A man who has been tricked by a snake and is about to be killed by him asks for help from a fox. The fox saves the man and in return asks only that if he is ever starving that the man should share his food with him. Unfortunately, however, the man forgets and kills the fox when he finds him raiding his food stores during a time of hunger. The story ends with the dying fox reproaching the man for forgetting his promise, which reinforces the message that there is an obligation to help when others are in need.

# The Duty to Avoid Being Judgmental

## The Great Flood

- ▣ The story begins with families coming into conflict with each other, people fighting over hunting grounds leading to brother fighting against brother. This led the Creator to purify the Earth through a great flood. Waynabozhoo (the Original Man) survived by getting on a giant log which the animals would also rely for their survival. Afterwards, Waynaboozhoo asked the animals who are known for their diving abilities to swim down to the earth and grab a piece of soil from the earth. None of the animals could do it and when the little muskrat spoke softly, saying “I’ll try” everyone laughed at him. They mocked and laughed at him, saying “if I couldn’t make it how can he expect to do any better?”. Waynaboozhoo allowed him as he said “it is not our place to judge the merits of another; that task belongs to the Creator”. The muskrat was able to achieve the task of getting the soil from the bottom of the water but at the cost of his life. He sacrificed his life so that a rebirth could take place on the Earth.
  - Edward Benton-Banai, *The Mishomis Book: The Voice of the Ojibway* (Minneapolis: University of Minnesota Press, 2010)

# The Responsibility to Respect Other's Autonomy

## Blue Garter

- ▣ A young man and woman who wish to marry but her father sets a series of impossible tasks for the young man to accomplish first. The young woman, Blue Garter, secretly assists him to complete the tasks and they are married. The parents are angry about the marriage and intend to kill the young man. In order to escape Blue Garter turns herself into a mallard and her husband into a drake to escape them. They live the rest of their lives in the water. The young couple are able to live together but the parents lose their daughter because of their actions.

# The Right to be Treated with Dignity and Respect

## Nanabozho

- [the] popular character of Nanabozho in Anishinabek stories stands for the Anishinabek proposition that human beings are fundamentally good and well-intentioned, but that they have difficulty in living up to their own good intentions...at the time that an individual fails to live up to their own basic goodness and good intentions and commits a harm that it is at that time that the individual most needs to have their fundamental goodness reaffirmed. To treat someone who has committed a harm with a measure of empathy and continued respect, even while simultaneously censuring the harmful act that they have committed, reaffirms that person's basic goodness and capacity for good acts, and will hopefully have the effect of encouraging them to act in a good way in the future. Conversely, writing a person off as fundamentally bad and no longer entitled to respect and compassion may take away their will to strive to be a good person capable of making a positive contribution to the community
  - Elder Basil Johnston

# Elder Basil Johnston



Basil Johnston at an arts festival in Owen Sound in 2005.