


BOOK REVIEW/RECENSION

Reclaiming Anishinabe Law: Kinamaadiwin Inaakonigewin and the Treaty Right to Education

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In *Reclaiming Anishinabeg Law*, Dr. Leo Baskatawang offers an impressive and thought-provoking exploration of Anishinabeg legal knowledge(s) preservation, masterfully highlighting the concept of linguistic epistemic disobedience as a means to safeguard Indigenous knowledge(s) (2023). Chapter 1, titled “Colonisation and Other Political Disconnects,” establishes a solid foundation for Baskatawang’s analysis. In this chapter, he contextualizes the ongoing settler-colonial project across Turtle Island, focusing on the role of institutions such as “Churches, Schools, and Courts of Law” (15) and the “Indian Act” (27) as biopolitical apparatuses responsible for the social reproduction of “colonial subjects” (28). He highlights how such knowledge(s) is assessed based on their deviation from, or conformity to, settler epistemic norms, describing the dominance of settler knowledge(s), semantically associated with “empiricism,” over Indigenous knowledge(s), semantically associated with “folklore,” as a “paternalistic” (36) outcome of settler “epistemic ignorance” (36). Nonetheless, in his effort to establish a historical-materialist context of 19th-century colonialism, Baskatawang might be criticized for an overly broad definition of “colonialism” that tends to homogenize geographically diverse experiences. By situating Edward Said’s insights on Palestine alongside Karl Marx’s exploration of the Luso/Hispaño hacienda model of exploitation-colonialism in southern Turtle Island and Abya Ayala, Baskatawang potentially oversimplifies the complex and varied nature of colonial experiences and strategies. It is noted that in trying to pinpoint the historically shifting metanarratives, or guiding logics, of colonialism—tracing such logics’ shift from a theologian justification to a scientific one, guided by social Darwinism—he succeeds in exposing colonial epistemologies, whether they be Christian knowledge(s) or “scientific” ones, as hardly empirical. Nonetheless, a more parochial analysis of settler-colonialism within the territory of Treaty 3 might strengthen the argument at hand.

Chapter 2 examines how competing settler and Anishinabeg epistemologies, along with their respective jurisprudences, interpret the same document, “Treaty 3,” in different ways. Here, Baskatawang skillfully illustrates how settler languages inadequately convey essential Anishinabeg legal concepts due to the colonial, normative assumptions embedded within their morphosyntax. For example, the text explores how Anishinaabemowin adopts a verb-based semantics whereby a word reflects “an idea” (49). Verb-derivative semantics, coupled with an epistemology of “oral tradition” (85) produce an Anishinabeg relationality to treatise as an ongoing and mutual commitment respected by both parties, not a temporally stunted, codified document “frozen at the date of signature” (80), as per settler jurisprudence. This chapter skillfully cements the premises that jurisprudence, as a type of epistemology, is shaped both by the semiotics of how it is disseminated—whether through codified treatise or through oral knowledge(s) keeping—as well as the semantics of the language(s) disseminating it, whether through verb-based or non-verb-based language(s).

Chapter 3 acknowledges that epistemology, tied to the dissemination of knowledge(s) and education, must be decolonized through the exercise of Anishinabeg self-determination in education law, or “Kinamaadiwin Inaakonigewin.” It proceeds to outline the principles of this law, as outlined by Anishinabeg Elders in 2008 as a series of seven “guiding principles” (96). This chapter succeeds in pragmatically informing a prospective Kinamaadiwin Inaakonigewin into formal, codified English, despite the previously mentioned challenges associated with this task. In doing so, Baskatawang skillfully encourages a Kinamaadiwin Inaakonigewin bound in traditional Anishinabeg knowledge(s) while “reflect[ing] the conditions of our present [settler] society” (116). The text, through its advocacy for the Canadian state to recognize, and subsequently affirm, Kinamaadiwin Inaakonigewin, presents a distinct departure from Audra Simpson’s concept of a “politics of refusal,” a seminal idea in settler-colonial studies that gained prominence following her 2014 publication, *Mohawk Interruptus* (2014). Simpson’s argument posits that Indigenous peoples’ efforts to gain recognition and rights within colonial states’ frameworks are inherently constrained by those systems. She suggests that such recognition seeking amounts to an acquiescence to the dominion and limitations of the colonial state, paralleling Jürgen Habermas’ concept of an “othered” plea for inclusion (1998). Baskatawang’s stance, however, diverges markedly. He proposes that by prioritizing Anishinabeg values and foundational principles, it is possible to pursue state recognition of Kinamaadiwin Inaakonigewin in a manner that transcends the superficial acknowledgement typically offered by settler states. This approach challenges the binary of recognition and refusal, suggesting a nuanced pathway that navigates the complexities of Indigenous self-determination within the existing state structures that may be regarded as “border thinking, or border epistemology” (Mignolo, 2000: 726).

In Chapter 4, Baskatawang reaffirms an epistemic border-thinking approach to Kinamaadiwin Inaakonigewin via the invocation of the Hegelian dialectic, indirectly situating “the settler paradigm” and “Indigeneity” as a conflicting “thesis” and “antithesis” respectively. As per this dialectic, recognition, and subsequent affirmation, serve as the dialectic synthesis, “earned and won through [this] struggle” (118). In this segment, he directly confronts the concept of “politics of refusal,” but aligns with Aaron Mills’ terminology, referring to it as a “turn away” strategy (119). His argument posits that while such a strategy may be effective for some Indigenous nations, its universal application could paradoxically replicate the exclusion it aims to challenge suggesting that the approach risks establishing a singular, prescriptive Indigenous counter-hegemony that inadvertently marginalizes a variety of other resistances and knowledge(s) through epistemic isolationism. He further contends, drawing on Anishnabeg constitutional principles of “peace, friendship, and respect” (119), that completely abandoning treaties is not a viable option. Nonetheless, Baskatawang reiterates the importance of the Anishinabeg’s atemporal relationship to treaties, emphasizing that Treaty 3 must be continually re-examined and renewed, a process he describes as “polishing the silver” (120). To accomplish this, he advocates for the creation of a “Treaty 3 education committee” (129) which would ensure that the treaty remains a living document, actively engaging with and reflecting the evolving needs and perspectives of the Anishinabeg people(s).

The final chapter (5), tying everything together, reflects on the future, emphasizes the importance of fulfilling treaty promises, especially regarding education, and advocates for an education system that reflects Anishinabeg values and traditions. Indeed, Dr. Leo Baskatawang’s *Reclaiming Anishinabeg Law* is a critical and insightful examination of the ongoing struggle for the recognition and preservation of Anishinabeg legal knowledge(s) within the Canadian legal framework. This work stands as a significant academic contribution to Indigenous legal studies, skillfully bridging linguistic theory, personal anecdotes, traditional epistemologies, and historical-material context(s) to produce pragmatic policy recommendations including a call for action in establishing a Treaty 3 education committee. Nonetheless,

his endorsement of state recognition and affirmation may invite critical debate. This facet of his work could elicit divergent opinions from scholars in the field of Indigenous studies who advocate for a politics of refusal rather than recognition. Although Baskatawang's proposed perspective does not entirely dismiss the "turn away," or "refusal" approach, suggesting that its applicability remains contextual, it will be intriguing to observe the reception of this text within academic and activist circles.

Competing interests. The author declares none.

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