Notice of the Final Oral Examination
for the Degree of Doctor of Philosophy

of

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LLM (University of Victoria, 2017)
BA (University of Alberta, 2003)
JD (University of Victoria, 2012)

“Nêhiyaw Âskiy Wiyasiwêwina: Plains Cree Earth Law and a Theory for Constitutional/Ecological Reconciliation”

Faculty of Law

Tuesday, July 28, 2020
10:00 AM
Remote Defence

Supervisory Committee:
Dr. John Borrows, Faculty of Law, University of Victoria (Supervisor)
Dr. Rebecca Johnson, Faculty of Law, UVic (Member)
Dr. Heidi Kiiwetinepinesiik Stark, Department of Political Science, UVic (Outside Member)

External Examiner:
Dr. Robert Innes, Department of Indigenous Studies, University of Saskatchewan

Chair of Oral Examination:
Dr. Dale Ganley, Gustavson School of Business, UVic

Dr. Stephen V. Evans, Acting Dean, Faculty of Graduate Studies
Abstract

I set out on this research concerned with human relations to the ecological world, and the role of law in these relationships. As one theory of nêhiyaw (Plains Cree) law and constitutionalism enables strong kinship relations between the nêhiyawak and non-human beings and things, I explore how nêhiyaw law can be revitalized to reconcile our land relationships. Wâhkôtowin, or the overarching principle that governs our relations, ensures that wellness and good living –miyo pimâtisiwin – is not only a human objective, but shared intersocietally with non-human relations and entities.

This dissertation examines the constitutive role that four areas of Plains Cree livelihood – nêhiyaw âcimowina (narrative processes), nêhiyaw âskiy (Plains Cree territory and territoriality), nêhiyawewin (Plains Cree language) and nêhiyaw mamâhtâwiwina (Plains Cree ceremony) – play in ensuring such good living. Taking a ‘law as weaving’ approach’, these areas and institutions form a web to support kind relations to our environments and ecologies.

Treaties provide an integral avenue to revitalize the uses of nêhiyaw law in our land relations. Canadian constitutionalism’s primary focus on human-to-human relations, without constitutional consideration of the agency of the ecological world, has had harmful effects on the wellness of non-human beings and things. When we apply the legal and constitutive principles within Plains Cree law and constitutionalism to Treaty 6, they obligate both the Crown and peoples within Canada in the same manner.