

ILRU Case Note: Mental Health and Indigenous Laws

Suicide amongst youth in Indigenous, Inuit and Metis communities across Canada is in epidemic proportions. Elders from many of those communities have been calling not only for funding (which is important), but also for programs to draw Indigenous law and knowledge into questions of mental health and community wellness as a partial solution to this problem¹

Incorporating Indigenous law to build healthier communities and citizens starts with an engagement with Indigenous law. Once visible, Indigenous laws can provide a foundation to develop programs to actively support mental health that re-engage community, family and individual energies. One example of this approach is the Indigenous Law Research Unit's *Mikomosis and the Wetiko* graphic novel and teaching guide. The graphic novel centers on Cree law and, particularly, the case of Sapwaste, a woman who becomes 'a wetiko' (overwhelmed by a consuming darkness), and seemingly poses a danger to her children and the community. Using Cree legal processes, the community ultimately decides she poses too much of a danger to the community, and she is killed. Later, Canadian law determines that Sapwaste's killing is 'murder' as defined in Canadian law, and her 'executioner' is then tried and executed by the state.

The powerful story in the graphic novel and teaching guide has been used across Canadian law schools and other faculties as a vehicle for exploring both differences and similarities in Canadian and Cree approaches to the problem, particularly by focusing on the death of Mikomosis. But the story also carries resources for understanding Cree legal approaches to mental health. The Cree concept of the Wetiko can be viewed through the lens of criminal law, but it also raises discussions in classrooms about mental health and safety and how these concerns intersect and reinforce each other.² The Wetiko helps to articulate conditions that produce greater vulnerability in individuals, making them more susceptible to mental health challenges (leading both to self-harm, and harm to others). The stories also sketch out conditions for identifying risks, speaking about them, or developing strategies.

Drawing on Indigenous legal concepts contained in stories, such as the Wetiko, can ground effective strategies for addressing mental health issues or developing individualized program in communities where those stories are told and understood today. For example, people can draw links to specific strategies explored in stories, including sharing dreams, having conversations with others, relying on families, communities and experts. These stories are also reminders of the importance and power of stories themselves. In a mental health context, the sharing of stories, themselves, is a way to build resilience, community supports, and the capacity to identify vulnerabilities earlier in the process, so as to increase a community's ability to intervene in health-enhancing ways.

¹ See <http://www.cbc.ca/news/canada/north/suicide-crisis-nunavut-traditional-inuit-counselling-1.3818705>.

² See Hadley Friedland's seminal work: *The Wetiko (Windigo) Legal Principles: Responding to Harmful People in Cree, Anishinabek and Saulteaux Societies Past, Present and Future Uses, With a Focus on Contemporary Violence and Child Victimization Concerns*, LLM Thesis 2009 University of Alberta, forthcoming with University of Toronto Press, and her award winning 2016 dissertation, *Reclaiming the Language of Law: Exploring the Contemporary Articulation and Application of Cree Legal Principles in Canada*.