https://www.youtube.com/watch?v=cOvSY48krdU

1) What Indigenous Law *Is*
Kathleen and John Borrows land the essential point:
Indigenous law is:

- a **living legal tradition**, not "once upon a time"
- about **safety, predictability, and non-arbitrariness**
- built to govern real life: families, food, resources, responsibilities, disputes, ceremony, harm

Indigenous societies could not have survived for thousands of years without law.
The problem isn't absence of Indigenous law.
The problem is colonialism arriving and declaring:
"Your law doesn't exist."
…and then imposing British/French systems + legislatures to govern Indigenous peoples.

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2) Why Ignoring Indigenous Law Creates Conflict
Kathleen makes the clearest causal chain in the whole series:
When you impose a legal structure that:

- doesn't reflect people's values
- isn't seen as legitimate
- doesn't recognize their authority

…you get:

- discontent
- non-compliance
- escalating confrontation
- deep mistrust of police and courts

That's one of the roots of "flashpoints."
Not because communities are "lawless."
Because the state keeps acting like only one law counts.

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3) Phil's early memory: "We didn't call it law — it was just how we lived"
Phil's example is important because it's honest:
On his reserve:

- RCMP involvement was mainly limited to **alcohol, murder, certain assaults**
- police were largely a **symbol** (especially on treaty days)

And the alcohol point is key:
His community expected the Crown to enforce prohibition because alcohol was already recognized as a destabilizing weapon of trade ("firewater").

This matters because it shows Indigenous communities were not rejecting order.
They were trying to **manage harm strategically**.

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4) A Signature Feature: Restorative Justice
Both Phil and Kathleen point to the most recognizable "Indigenous law expression" Canadians already know:

- restorative justice
- sentencing circles
- community-based accountability
- restoring safety and relationship—not just punishing

The core idea:

- center the harmed person
- understand context (without excusing harm)
- require accountability
- mobilize community responsibility
- reduce future harm

Kathleen's point is subtle but huge:
A lot of restorative justice wasn't "fashion."
It emerged because remote communities didn't have prisons—and because sending people south produced *worse outcomes*.

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5) Why incarceration rates are so disproportionate
They draw a direct line (and they're right to insist it's not "excuses," it's mechanics):
Contributors named in the session:

- racial profiling
- poverty and inability to make bail
- transport barriers → failure-to-appear charges stacking up
- trauma → substance use → crime
- prison = "university of institutions" (hardening, disconnection)
- people return worse, not better

And the intergenerational link is explained plainly:
Residential schools trained children in:

- lovelessness
- fear-based discipline

- humiliation
- violence as “normal”

Those children became adults without models of healthy parenting → family instability → coping via substances → criminalization → incarceration → repeat.
That’s not a moral theory.
That’s a pipeline.

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6) “Does Canada need to copy another country?”
Kathleen’s answer is a mic-drop:
Canada doesn’t need to import solutions.
It already has them.
Look to First Nations.
Then she makes the constitutional-style argument:
Canada already accepts legal pluralism:

- British common law
- French civil law

So Canada is already “bi-juridical.”
But in reality it’s **multi-juridical** (because Indigenous law exists) — and Canada just refuses to fully recognize the third pillar.

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7) Harshest Indigenous legal remedies: Windigo + Banishment
They don’t romanticize it.
Kathleen lays out that Indigenous legal systems had serious sanctions when needed:

- “Windigo” logic: when someone is a lethal threat, the community may remove/destroy that threat (historically)
- banishment: removing dangerous individuals (now resurfacing via bylaws)

And she adds the practical constraint:
Banishment only works if you have enforcement capacity (often meaning your own policing).
Also notable: she mentions courts have begun to treat some banishment orders as legally acceptable in at least one case — meaning Canadian law is *already* inching toward recognition when pushed.

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8) The Hudson’s Bay Company: Colonial “law” was swift and brutal
Phil’s reminder matters:
Company justice wasn’t restorative.
It was:

- harsh
- summary
- violent
- often targeted at Indigenous people

- executed people when it suited corporate control

That frames why “rule of law” rings hollow to many communities:
“law” has often meant **corporate and colonial enforcement**, not justice.

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9) The bridge to MMIWG: law isn’t just courts, it’s whose life matters
The session transitions into Missing and Murdered Indigenous Women and Girls (MMIWG) for a reason:
If a system:

- erases Indigenous law
- diminishes Indigenous identity
- strips women of status, governance roles, and protection
- normalizes exploitation (fur trade “country marriages” and abandonment)
- encodes misogyny through policy

…then violence becomes easier to commit and easier to ignore.
Kathleen’s key claim:
The inquiry’s 231 Calls for Justice exist, but implementation has been weak, and public debate got diverted into “is it genocide?” instead of “what do we do now?”
That diversion is portrayed as *another form of erasure*.

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10) Where the episode ends: TRC Calls to Action as the pathway
They tee up the next session:

- TRC created 94 Calls to Action
- One of them (they cite **Call 41**) helped lead to the national inquiry into MMIWG

And the next episode is framed as:

If we accept the truth, what do we do with it?