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Dear (Legal) Ed: One Indigenous Scholar's Reflections on 30 Years of Interactions with Legal Education

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# DEAR (LEGAL) ED: ONE INDIGENOUS SCHOLAR'S REFLECTIONS ON 30 YEARS OF INTERACTIONS WITH LEGAL EDUCATION

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DANIELLE LUSSIER\*

Dear (Legal) Ed,

Let's be honest: "it's been a long time coming."<sup>1</sup> There are many within the legal academy who will never take me seriously simply because I am an Indigenous woman,<sup>2</sup> so on my way out the door I intend to be unapologetically myself. This will include copious references to song lyrics, saying the word "love" a number of times, and some photos of beadwork. Because beads can and do embody law and legal research, whether you like to admit it or not.

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\* Dr. Danielle Lussier, Red River Métis and a citizen of the Manitoba Métis Federation, was born and raised in the Homeland of the Métis Nation and on Treaty 1 Territory (Manitoba, Canada). She is a beadworker and mum to three young Métis who are growing up as visitors on the shores of Lake Ontario in Kingston, Ontario. Dr. Lussier holds a Bachelor of Laws, a Licence en Droit in the Civil Law of Québec, a Master of Laws with a Specialization in Women's Studies, and a PhD in law. As a Queen's National Scholar and Chair in Indigenous Knowledges and Perspectives at Queen's University, her research focuses — in part — on curriculum Indigenization and addressing ongoing, systemic, anti-Indigenous racism in post-secondary education. Dr. Lussier incorporates embodied pedagogies into spaces where she leads learning, and she works to create circles of community care around learners, and to encourage other educators to reimagine what classroom learning can be. She would like to acknowledge the support of Samuel Powless in bringing this chapter to completion; specifically, learning and deploying an entirely new citation framework, because she asked him to. Maarsii, nia:wen, Sam.

<sup>1</sup> Taylor Swift, 'Miss Americana and the Heartbreak Prince' (Republic Records, 2019).

<sup>2</sup> Tracey Lindberg, 'What Do You Call an Indian Woman with a Law Degree - Nine Aboriginal Women at the University of Saskatchewan College of Law Speak Out' (1997) 9(2) *Canadian Journal of Women and the Law* 301; Danielle Lussier, 'What Do You Call an Indigenous Woman with a PhD in Law? Resisting the Subjugation of Indigenous Expertise in Legal Spheres' (2022) 34(1) *Canadian Journal of Women and the Law* 109 ('*Indigenous Woman with a PhD*').

Getting the hard part out of the way right up front: I'm breaking up with you, and "we are never, ever (ever, ever, ever) getting back together. Like, ever."<sup>3</sup> Unless, one day in the unknown future, I exercise the Intellectual Self-Determination that Indigenous folks have long been denied but to which I am absolutely entitled, and I change my mind. But, to be crystal clear: any future reconciliation will be on my terms. I am through reconciling on yours.

We've been in a long-term relationship since I was 12 years old. I wish I could say that I was attracted to you for some laudable reason, like being inspired by the great legal warriors of the Métis Nation such as Jean Teillet who, at the time of our introduction, was in the process of litigating the Powley case<sup>4</sup> and who had chosen you as their partner in the Hunt for Justice.<sup>5</sup> But really, all of this trouble goes back to when I first saw Camryn Manheim kicking butt and taking names as attorney Ellenor Frutt on television's *The Practice*. My twelve-year-old self decided, then and there on my couch in the living room of our apartment in Winnipeg, that I would be a lawyer.

Your small screen entry into my life was at an interesting time, as my mother had recently started studies towards a degree at the University of Manitoba, which opened up an intellectual soft-spot — that post-secondary education was a real possibility. The walk from the parking lot to her faculty took us past Robson Hall Law School every day, and one summer I even attended a "mini-university" summer camp in her hallowed halls. We did moot trials in heavy black barrister gowns, and attended lectures on topics that I do not recall but am sure appealed to our pre-teen sensibilities. You always were smart, that way.

Across the ring-road that borders the campus of the land-grant university was the river. I was not yet at a moment in my life when the issue of who granted what lands in the name of whom to facilitate colonial education was on my mind, nor was I particularly concerned with what I would actually be learning as a law student. I was deeply smitten with the idea of you, and the promises of security and social mobility that you whispered in my ear.

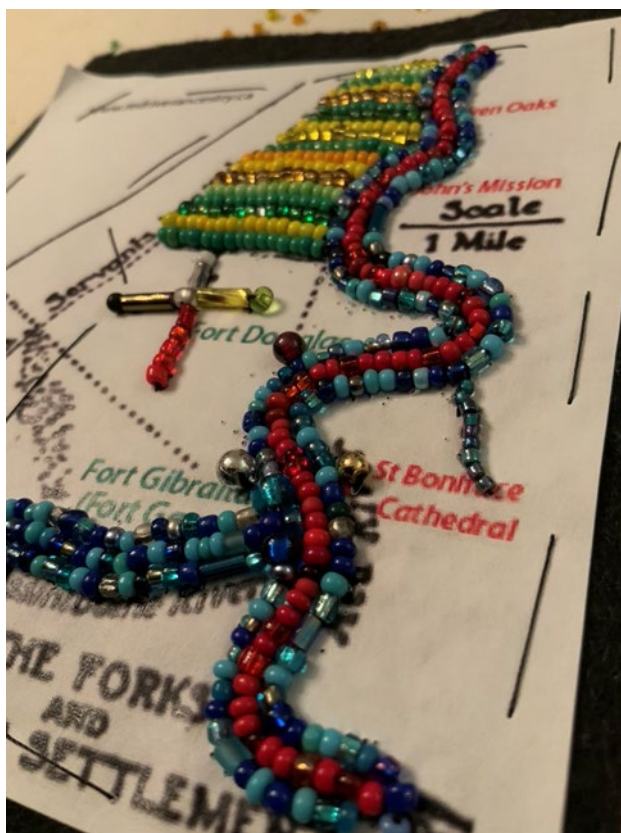
Fast forward a few years to high school, where I met a very enthusiastic recruiter from the University of Ottawa. This was back in the days when universities actively competed with one another to recruit young minds, and there were funding opportunities such as entrance scholarships to back up the pretty words of courtship. The University of Ottawa was apparently very committed to this bit, as two years in a row I saw a young Franco-Manitoban employee sent on a recruitment roadshow to French (and French Immersion) secondary schools in Manitoba to convince us that the national capital of Canada was the place to be. The recruiter sat at his table outside the cafeteria, with his glossy brochures and a wide smile. When I said I wanted to be

<sup>3</sup> Taylor Swift, 'We Are Never Ever Getting Back Together' (Big Machine, 2012).

<sup>4</sup> *R v Powley*, [1998] 1 CNLR 153, [2000] OJ No 5310; *R v Powley* [2000] 2 CNLR 233, [2000] OJ No 99; *R v Powley*, [2001] 2 CNLR 291, [2001] OJ No 607, *R v Powley*, 2003 SCC 43, [2003] 2 SCR 207.

<sup>5</sup> Jean Teillet, *The North-West Is Our Mother: A History of Louis Riel's People, the Métis Nation* (Harper Collins, 2019) 459-472.

a lawyer, he animatedly described the “National Program” and the endless possibilities for lawyers who were trained in both of Canada’s (colonial) legal systems.<sup>6</sup>



*Figure 1: Beaded map of the Forks of the Red and Assiniboine Rivers, 2020*

Now, you held the appeal of both the sexy and interesting way you are portrayed on television, and that of adventure and freedom of pursuing you across provincial borders. It was romantic as heck, and you swept me off my feet and straight on to an aeroplane the day after I graduated high school in a ceremony at the Centennial Concert Hall on Main Street in downtown Winnipeg. At the time I never could have imagined that a few decades later my own government would have repatriated — one building purchase at a time — hundreds of thousands of square feet of office space within blocks of this site.<sup>7</sup> Then again,

<sup>6</sup> ‘JD National Program’ *University of Ottawa* (Web Page) <<https://www.uottawa.ca/faculty-law/common-law/programs/jd-national-program>>.

<sup>7</sup> Manitoba Metis Federation, ‘MMF Makes Further Large-Scale Investment in the Heart of the Homeland’ (Media Release, 18 Jul 2024).

there are a lot of things that have come to pass since I moved away that I never could have conceptualised at the time.

At this point in the story, as you know from years of shared intimacies during late evenings in the library, I have fast-forwarded a few years, through some bumpy teenage moments of self-doubt when I toyed with taking a different partner but ultimately came back to you. When I began law school at Fauteux Hall, my pride wouldn't allow me to inspect the cracks in the foundation readily apparent from the first moments in the building, because that would have required admitting that all of those years of single-minded devotion to you and effort to lock you down had been for nothing. I only learned about the sunk-cost fallacy — “the tendency to continue committing resources to an endeavour once initial investments in money, effort, or time were already made... even when the initial investments had failed to produce the desired effects”<sup>8</sup> — many years later, though I can't imagine it would have made one iota of difference to me back then. My kin webs were watching and cheering me on. I couldn't let them down.<sup>9</sup> My hopes and dreams were in your pocket... and my mandatory tax law textbook had cost me 250 dollars. I was invested, in so many ways, in making it work... as so many women in abusive relationships are.

No one could ever accuse you of being a cheap date, and for many years you ordered champagne on my ginger ale budget. I was one of the lucky ones: we moved in together during a multi-year tuition freeze, and I had a lot of help including some entry scholarships and financial support from family for which I am unspeakably grateful. That said, I did not have so much help that I was able to take on unpaid internships like many of my peers. I also couldn't afford to take on a summer position at a law firm, when federal government student employment opportunities were paying considerably more, and I certainly wasn't running off to warmer climes during school breaks. I worked through the summers, and evenings and weekends during the school year, as a tour guide in places where my identity was sometimes completely invisible, other times actively erased. For the sake of a paycheque and supporting you to the standard to which you were accustomed, I smiled through scripts that effectively described the mechanics of the destruction of Indigenous Nations and celebrated the Canadian national narrative that the country is somehow some great and benevolent *pater familias*<sup>10</sup> to all who live here.

More important than financial support, I had in-kind/kind support. My mum, always my biggest champion, literally uprooted her life at home and set up family headquarters in Ottawa to be around when I

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<sup>8</sup> OE Tykocinski and A Ortmann, ‘The Lingering Effects of Our Past Experiences: The Sunk-Cost Fallacy and the Inaction-Inertia Effect’ (2011) 5(9) *Social and Personality Psychology Compass* 653, 655.

<sup>9</sup> Carolyn Podruchny, ‘Scuttling Along a Spider’s Web: Mobility and Kinship in Metis Ethnogenesis’ in Nicole St-Onge, Carolyn Podruchny, and Brenda Macdougall (eds) *Contours of a People: Metis Family, Mobility, and History* (University of Oklahoma Press, 2012), 59-62.

<sup>10</sup> Apologies, after all these years together, your colonisation of my mind continues to be an issue, and sometimes the Latin you forced me to learn slips out. It is particularly distressing as I struggle to reclaim even the most basic Michif, but there you have it.

needed her. I was angry with her at the time, for I considered her move to be cramping our style and my desire for independence and adventure. Of course, my mum has always been smarter than me, and she saw you for what you are and forecasted what took me many years to understand. When I asked to move home during my first brutal year of law school she welcomed me with love, and without a word about the terrible attitude I had taken with her. She fed me, put up with my mood swings when you would let me down, and was unwavering in her support — even though I am sure it required a significant amount of tongue biting, in particular during my 2L year when I leaned into your professional assimilation processes to the point of almost losing myself.

I won't revisit the details of the intellectual rupture and the violence of how you force Indigenous learners to assimilate to your ways, upon threat of you throwing them out on the street. It was a dark time, and I feel like I've already adequately aired our dirty laundry on that point, though I doubt you ever cared enough to read it.<sup>11</sup> I am sure you have many good excuses, like how it is behind a paywall and the budget is tight, but I would point out that the paywalls were built on the orders of you and your brother gatekeepers who rule the world of the academy.<sup>12</sup> If too many people can access your secrets, you might lose your monopoly on, and the ability to dictate, what is valid (and valuable) knowledge. Publish or perish, but under no circumstances should you upload those hard-fought words to the internet... unless you are willing and able to fork over the pay-to-play open access publishing fees.

But I digress. I missed my extended family and my homeland quite terribly, but I had my mum close. I can't even begin to fathom how some of my kin cope with those first years of study when they are also navigating wide geographic divides. The levels of loneliness and isolation Indigenous folks face while prioritizing building their relationships with you are staggering, and you don't seem to care at all. I've come to understand that you consider the things I did to ensure we had daytime hours together to be none of your concern. The more I think about that, the more confusing it becomes. You assume that all who choose to build a life with you will step forward and surrender to your demands, as passive receivers of information without any outside influences coming to bear on all of your rational this and neutral that.<sup>13</sup>

Thinking about it now, you always were quite focused on perfecting a turn of phrase. What is that quote of Aristotle's that all women lawyers of my generation know because of the movie *Legally Blonde*? "The law is reason free from passion," as I recall. My foot, it is. There is no reasonable rhyme or reason to how you insisted I learn to think, speak, or analyse, though I will admit that by the end of the fourth year of my

<sup>11</sup> *Indigenous Woman with a PhD* (n 2).

<sup>12</sup> See, eg, Dale Spender, 'The Gatekeepers: a Feminist Critique of Academic Publishing' in H Roberts (ed) *Doing Feminist Research* (Routledge, 1981), 186–202; Jackie Jones, 'Publishing Feminist Criticism: Academic Book Publishing and the Construction and Circulation of Feminist Knowledges' (1992) 4(2) *Feminist Criticism* 174, 179.

<sup>13</sup> Duncan Kennedy, *Legal Education and the Reproduction of Hierarchy: A Critical Edition* (New York University Press, 2017), 22.

dual program, any passion for justice I had upon entering the building had been thoroughly dampened.

When Bertha Wilson, first woman appointed to the Supreme Court of Canada, penned the Canadian Bar Association's *Touchstones for Change: Equality, Diversity and Accountability* Report in 1993, she indicated that where (white) women in the profession faced a glass ceiling, racialized women encountered a steel door.<sup>14</sup> I know, you are sick of me repeating that quote, again and again, in paper after thesis after paper. Respectfully, I would suggest that Justice Wilson failed to adequately describe the situation: my experience as an Indigenous woman seeking full and equitable participation in the legal profession included a requirement to wend my way through a forest filled with bear traps and angry sport hunters *before* I even arrived at the steel door. I will keep talking about it until you stop building blinds for the hunters.

Anyway, even as fluent as I was, by that point, in the languages of law originating from colonial headquarters across the sea and with a hat trick of degrees in my pocket, I struggled to navigate tables at recruitment events as I couldn't quite articulate how confused you had left me. Even that extra time pursuing a Master of Laws ("LLM") and unpacking the complicated relationships of Indigenous women to the legal academy didn't help.<sup>15</sup> Thankfully, it was 2007 and Facebook had launched with a handy series of relationship classifications that allowed me to jokingly say 'it's complicated' and move on to the next table when recruiters picked at my scabs.

My early years of practice were ultimately something of an exercise in determining how I *didn't* want our relationship to go, more than it was looking for what I did want. After completing my articles as a Federal Court clerk and being called to the bar (and, before you ask, yes I do believe I was the only Indigenous person at my call ceremony, and no, I haven't forgotten the experience of your pal the Law Society assuming all Indigenous folks were the same and inviting a Haudenosaunee Elder to shake my hand... we were both very confused and a little embarrassed), the global financial crisis hit. All areas of the economy were affected, and even you were not spared the indignity of austerity measures. It was a time of short contracts, cutbacks, and struggles to keep up and stay afloat. Even you started cutting your champagne with ginger ale.

We went on a lot of first dates to find a "fit," that omnipresent and elusively opaque excuse firms and other legal employers use to ensure the steel door stays firmly shut. In many ways, the contract life suited me; I was able to retain agency through mobility (though, I am not entirely convinced it was so empowered as to constitute an act of resurgence), moving on when it was clear that workplaces were keen on the idea and performance of diversity, but were unwilling to

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<sup>14</sup> Mary Jane Mossman, *First Women Lawyers: A Comparative Study of Gender, Law and the Legal Professions* (Hart Publishing, 2006) 4

<sup>15</sup> Danielle Lussier, 'I Bet You Didn't Think I Wasn't White: Negotiating Identity in the Legal Academy (LLM Thesis, University of Ottawa, 2008).

contemplate making substantive changes to how they did business.<sup>16</sup> It was the “others” who were expected to adapt to facilitate fit.<sup>17</sup>

This has long been your way... but again, I don't want this to turn into a “kitchen sink” fight where we rehash more than thirty years of disagreements,<sup>18</sup> and I've already called you out publicly on your treatment of women.<sup>19</sup> Instead, I will simply remind you of how difficult those years were, often as the only Indigenous lawyer in the room.



Figure 2: *Growing Red River Métis Family*, 2019

A complicated pregnancy intervened in our affair, and we took several years apart to allow me to grow, birth, and care for young children. If we are being honest, I think we can agree that this timeout came at just the right time (for you); otherwise, I most certainly would have ended this much sooner... but even on our break, I couldn't stay away. I checked up on you online, I dabbled in some contract work for the Canadian Bar Association's inquiry into your future,<sup>20</sup> and I assisted some colleagues with their research in between diaper changes and stroller walks in the neighbourhood. I still wasn't sure if I could trust you long-term, or if you could really change, or what I really wanted out of our relationship (if anything at all), but we all know that old

<sup>16</sup> Leanne Betasamosake Simpson, *As We Have Always Done: Indigenous Freedom Through Radical Resistance* (University of Minnesota Press, 2017) 197.

<sup>17</sup> *Indigenous Woman with a PhD* (n 2) 136.

<sup>18</sup> Leslie Odom Jr and Lin-Manuel Miranda, 'Your Obedient Servant' (Atlantic, 2015).

<sup>19</sup> *Indigenous Woman with a PhD* (n 2) 136.

<sup>20</sup> Canadian Bar Association, *Futures: Transforming the Delivery of Legal Services in Canada* (Report, August 2014).

adage, and I certainly didn't want to be out of your mind... so I stayed in sight.

In 2015, with the release of the Final Report of the Truth and Reconciliation Commission of Canada ("TRC") and the associated Calls to Action, my hope for change was renewed.<sup>21</sup> I was, at that time, now four years into a series of consecutive maternity leaves, so perhaps I was primed to experience a surge of hope for the future.

In addition to Calls to Action relating to education systems and a number of professions including policing and health care, the Commissioners singled you out as a site of particular concern. Calls to Action 27, which spoke to the profession,<sup>22</sup> and 28, which called for changes in legal education,<sup>23</sup> inspired me to come home to you. I began my doctoral program off-cycle, on a cold January morning with my double stroller in tow, and a pocket full of Cheerios to keep the little ones occupied during class. You still refused to install change tables in your bathrooms, so I changed diapers on the floor in the hall.

I'm not going to sit here and say that we didn't have a rough go in those early months of doctoral studies, but instead of belabouring the point here I'll remind you that I've already excised those memories in the thesis that I generated during the struggle.<sup>24</sup> Instead, I will simply say that I spent a number of long evenings reflecting on the possibility of seeking an academic home beyond the four walls of the cage I was confined to by virtue of my disciplinary expertise. As you know, I ultimately decided that it was important enough to try and kick down the door for other learners following behind me that I would continue to struggle within legal education. We had come this far already, and I would stick by you, for the kids.

Meanwhile, in another part of the building, you were having difficulty retaining Indigenous folks who you hired into your newly created "TRC job." As I understand it via the 'moccasin telegraph,' this continues to be the case even as I write this, almost 10-years post-TRC. Hint, for the future: perhaps you should start by reflecting on how it must feel to be perpetually referred to as "the TRC hire" or "the

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<sup>21</sup> Truth and Reconciliation Commission of Canada, *Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada* (Report, 2015) ('TRC Final Report Summary'); Truth and Reconciliation Commission of Canada, *Calls to Action* (Report, 2015) ('Calls to Action').

<sup>22</sup> *Calls to Action* (n 21) 4: "We call upon the Federation of Law Societies of Canada to ensure that lawyers receive appropriate cultural competency training, which includes the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal- Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism."

<sup>23</sup> *Calls to Action* (n 21) 4: "We call upon law schools in Canada to require all law students to take a course in Aboriginal people and the law, which includes the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal- Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti- racism."

<sup>24</sup> Danielle Lussier, 'Law with Heart and Beadwork: Decolonizing Legal Education, Developing Indigenous Legal Pedagogy, and Healing Community' (PhD, University of Ottawa, 2021).

Indigenous coordinator” with few people even doing you the dignity of learning your name, and most people assuming that your work exists in some kind of silo that has nothing to do with them or their work. Just saying.

Anyway, I had already proven I could survive our many troubles over the course of three degrees completed and one PhD in progress, and you identified me as the person senior leadership would ask to step into the role. “It is urgent,” they said. “We can’t understand where we are going wrong,” they said. I said: “okay, but what’s the job?” The Assistant Dean who I worked with only briefly before an abrupt departure, changed the course of our relationship when she answered: “love the students.”

And so, I set aside the PhD, and I did. I loved them, because heaven knows you certainly didn’t. I picked up the pieces every time you broke their hearts. I fed them when they were hungry (literally, and I hope also figuratively), and silently cursed your name when they would land in my office with stories of your neglect, abuse, or negligence that sounded a lot like the stories I quietly carried in my own pockets.

With the support of the Dean, the “TRC job” evolved into a fancier title with a teaching component. As a new (then part-time) professor, I held fast to the hope for the future, that we would one day sort it all out and find the balance of a reciprocal relationship based on a shared understanding of history and vision for the future.<sup>25</sup>

I continued to push for change, but for many colleagues I slowly morphed from the “palatable Indian” they expected when they first met me – a highly western-educated White-coded and bilingual in two colonial languages Métis woman with a penchant for black dresses – into an “Angry Indian.”<sup>26</sup> Then, there was a shift in institutional leadership, and overnight the space I had worked so hard to carve out and then hold was diminished and devalued. This was not the first, and certainly not the last time, that a change in leadership set back progress in my efforts to change you. I have since written about how we simply cannot continue work of building new relationships and futures on the strength and investment of didactic teams alone; the efforts are too often lost with changes in politics, priorities, and leadership.<sup>27</sup>

Over time, my understanding of your limits has shifted. I now see that you often weaponize the rhetoric of reconciliation in an astounding *settler move to innocence* – “those strategies or positionings that attempt to relieve the settler of feelings of guilt or responsibility without giving up land or power or privilege, without having to change much at

<sup>25</sup> Incidentally, the very definition of reconciliation proposed by the Commissioners of the TRC. *TRC Final Report Summary* (n 21) 6-7.

<sup>26</sup> Lynn Lavallée, ‘Is Decolonization Possible in the Academy?’ in Sheila Cote-Meek and Taima Moeke-Pickering (eds) *Decolonizing and Indigenizing Education in Canada* (Canadian Scholars, 2020) 117, 125 (‘Is Decolonization Possible?’).

<sup>27</sup> Danielle Lussier and James Denford, ‘Kiyokêwin (Visiting), Leadership, and Consenting to Learn in Public: Indigenizing Social Sciences and Humanities at the Royal Military College of Canada’ (2016) 65(3) *Critical Studies in Education* 256, 273.

all”<sup>28</sup>— that positions “reconciliation” as something “meant to free non-Indigenous peoples from their sins against Indigenous peoples”<sup>29</sup> without the slightest acknowledgment of responsibility for the ongoing harms you cause.

At the time, though, I hadn’t quite arrived at that understanding. I found a new academic home, uprooting my family in the process. I publicly declared my intention, in several different forums, to raise a militia of Indigenous folks with PhDs in Law. I took on graduate learners and tried as best I could to provide them mentorship and whole-learner support as they navigated their nascent relationships with you.

Unfortunately, as you were with me, you proved a fickle partner to them, indeed. I stood by, hostage to culturally hostile Academic Regulations that were sometimes blind to the lived realities of Indigenous learners, and other times actively denigrated our ways of knowing. You considered Indigenous Research Methods, long developed and recognized as a tool for decolonization of research in other disciplines, somehow so foreign and threatening that my graduate students would call me in tears, sharing stories of their research being openly disparaged or discounted in the classroom.

I couldn’t help but curse you quietly under my breath but I felt like I had brought a knife to a gun fight and I couldn’t see an escape route.<sup>30</sup> To be perfectly honest, we probably would’ve continued on in this way for many years to come — me, encouraging learners to continue the fight and work to change the system from the inside, you loving them in public and celebrating their successes as your own after the fact while continuing to throw up policy and attitude roadblocks at every turn. But, as these things often do, the full weight of your might and your deep investment in the status quo came to bear on the lives of my learners in a way that I can no longer hold my tongue and abide by your violent shenanigans. I’ve finally realised that staying together for the sake of the kids is a performance that is damaging, in so many ways.

I am hardly the first Indigenous professor to break ties with you and seek to grow in somewhat gentler — far more marginalized — corners of the Academy where Indigenous Knowledges and Perspectives are quietly celebrated.<sup>31</sup> In fact, as I sat down to write you this letter, I returned to the work of the late Professor Trish Monture-Angus, most written even before I was first introduced to you via *The Practice*. Her words and experiences bravely put to paper and published in what I see as an active service to future generations of law students in law professors,<sup>32</sup> resonated deeply and highlighted for me that even after

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<sup>28</sup> Eve Tuck and K Wayne Yang, ‘Decolonization is Not a Metaphor’ (2012) *Decolonization: Indigeneity, Education & Society* 1(1) 1, 10.

<sup>29</sup> *Is Decolonization Possible?* (n 26) 119.

<sup>30</sup> Taylor Swift, ‘Call It What You Want’ (Nashville: Big Machine, 2017).

<sup>31</sup> Candace Brunette-Debassige, *Tricky Grounds: Indigenous Women’s University Experiences in Canadian University Administration* (University of Regina Press, 2023), xiv.

<sup>32</sup> Patricia Monture-Angus, *Thunder in My Soul: A Mohawk Woman Speaks* (Fernwood Publishing, 1995).

countless National Inquiries<sup>33</sup> and Commissions,<sup>34</sup> you have been largely unwilling to forgo your investment in the colonial status quo in any serious way.

Yes, there are small corners of the Academy where you have begun to slowly evolve. There is important work happening in so many places; examples that readily come to mind are the establishment of the Joint Degree Program in Canadian Common Law and Indigenous Legal Orders (JD/JID) at the University of Victoria;<sup>35</sup> the work of the Wahkohtowin Law and Governance Lodge at the University of Alberta;<sup>36</sup> and the Civil Law Section certificate in Indigenous law established by my own Alma mater in 2022,<sup>37</sup> to name but a few. Cross-institutional collaborations, like the land-based learning opportunity offered in collaboration between Queen's University, the University of Toronto, and Osgoode Hall Law School represents another language of possibility for a healthier future.<sup>38</sup> Make no mistake: these transformative program developments are built on years and years of behind the scenes, often unsung, unrecognised, and undervalued labour, and this quiet work continues in many corners of your exclusive buildings. While I continue to believe that the work being done from coast to coast to coast should be celebrated loudly, I know from experience that even small advances can come at great personal cost to the few Indigenous people you allow to access the title of 'law professor.' I also know that for every program established and certificate launched, there are law schools where resistance to even minor curriculum reform remains a fatal barrier to efforts to rise to Call to Action 28 of the Truth and Reconciliation Commission of Canada. The reality is that systemic anti-Indigenous racism continues to rule the day in many spaces — if it didn't, every Canadian law school would have an Indigenous Course Requirement or some other mandatory training opportunity rising to Call to Action 28 by now — and so many of the moves that you make are more about optics and performance than substantive change.

I won't even bother wasting my breath on the brutal experiences you put me through when I applied for tenure-track positions, from the culturally ignorant (mandatory) boozy dinners all the way through to the infantilization, disparaging comments, tokenization, and diminishment of my research. There was also that time you made me

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<sup>33</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls, 'Reclaiming Power and Place: Executive Summary of the Final Report' (Report, 2019); National Inquiry into Missing and Murdered Indigenous Women and Girls, 'Calls to Justice' (Report, 2019), 22.

<sup>34</sup> *TRC Final Report Summary* (n 22).

<sup>35</sup> 'Joint Degree Program in Canadian Common Law and Indigenous Legal Orders (JD/JID)', *University of Victoria* (Web Page) <<https://www.uvic.ca/law/admissions/jidadmissions/index.php>>.

<sup>36</sup> Wahkohtowin Law and Governance Lodge, 'About', *University of Alberta* (Web Page) <<https://www.ualberta.ca/en/wahkohtowin/about/index.html>>.

<sup>37</sup> University of Ottawa, 'University of Ottawa' Civil Law Section Offers New Certificate in Indigenous Law' (Media Release, 21 Jan 2022).

<sup>38</sup> 'Indigenous Law Beyond the Classroom', *Queen's University* (Blog Post, 29 Sept 2023) <<https://law.queensu.ca/news/Indigenous-law-beyond-the-classroom>>.

pay for my own travel to an out-of-town interview... looking back, I shake my head and wonder how it took me so long to recognize your take-take-take extractive approach to our “relationship.” Ultimately, though, those experiences were a drop in the bucket, and it was really the combination of quiet — perhaps more aptly named covert? — resistance and racism crashing into a wall of performative action that has ultimately proven fatal to our relationship.

In her 2017 book *Talking to Canadians*, Lee Maracle shared the following description of Indigenous experience of post-secondary education: “Today, we are buying back our knowledge. I say this only so that our youth who attend these institutions to study themselves can be aware that they need not be grateful for their education. They stole our knowledge and are now selling it back to us.”<sup>39</sup> In the end, it was when you splashed the face of one of my graduate learners across the homepages at multiple universities celebrating their achievements and trying to claim them as your own, while simultaneously weaponizing academic regulations to bar them from taking courses to reclaim their own Indigenous language for credit during their time studying in your halls, that pushed me over the edge.

I sat, reviewing a draft of her transformational capstone project, weeping at her reflections on her time working under my (co-) supervision, and it hit me that you will never change:

“...the sole Mohawk language courses offered at Queen’s University are not available to graduate students for credit. And no, it does not matter that you are a Mohawk learner having to buy back your ancestral knowledge from an academic institution or that you explained the intimate connection between Indigenous research paradigms, languages, and law. No exceptions. Telling you. This underscores the double-edged nature of Indigenous women’s experience in law, where our workload, at the intellectual level, is at least double. I must learn and write about Western legal research methods [as required], yet I cannot use the [associated] coursework to further this thesis as the curriculum intends. That, I will have to do on my own time, absent additional input from non-supervisors. I will attend Mohawk language classes [on my own time], but I will also need to formally enrol in another course, completing twice as many papers, tests, and assignments. Now, I must now retake this course — this time, for credit — to graduate from the Mohawk Language Certificate program in my community. You cannot tell me that these institutional structures are inclusive of an Indigenous place.”<sup>40</sup>

It was around the same time that grading guidelines I had never been informed of were retroactively applied to final grades already submitted (in a course I had designed and delivered to a record-breaking group to help you out of a curriculum vacuum pinch), resulting in truly absurd outcomes for my learners. You really will stop at nothing to protect the

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<sup>39</sup> Lee Maracle, *My Conversations With Canadians* (BookThug, 2017) 110.

<sup>40</sup> Abigail Green, ‘Walking in a Good Way: Espousing Indigenous Metho(dologie)s and Pedagogies of Visiting and Beadwork in Legal Research’ (LLM, Queen’s University, 2024).

status quo, and while I was willing to “work from within” and take it on the chin for many years, I simply cannot bear witness to, or remain complicit in, the continuing damage you are inflicting on Indigenous learners anymore.

I know you will write this off as a bitter missive from a jilted ex, but you never did understand the way I see the world.<sup>41</sup> My learners will recognize it for what it is: an act of preservation and love — for them, for my children, and for myself. Until you are willing to evolve into a “safe enough”<sup>42</sup> space for Indigenous learners to grow and flourish, and where Indigenous scholars are free to exercise intellectual self-determination and academic freedom in your classrooms without fear of you pulling the rug and disrupting a precarious balance we have achieved, we must part ways. Maybe I’ll see you at Faculty Council; I’ll be the one in anything but a black suit.<sup>43</sup>

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<sup>41</sup> Leah Dorion and Norman Fleury, *The Giving Tree: A Retelling of a Traditional Métis Story about Giving and Receiving /Laarbr Kawmaekit : Aen Kiitwam Achimook Aen Histwayr Chi Maykik Pi Aen Ootistikook* (Gabriel Dumont Institute, 2009); *Indigenous Peoples Atlas of Canada - Atlas Des Peuples Autochtones Du Canada* (Royal Canadian Geographical Society, 1<sup>st</sup> ed, 2018) vol Métis: Métis Worldview, 20.

<sup>42</sup> Michelle Tanaka, *Learning and Teaching Together: Weaving Indigenous Ways of Knowing into Education* (University of British Columbia Press, 2016) 142.

<sup>43</sup> The Continuing Legal Education Society of British Columbia, ‘But I was Wearing a Suit: Mini Documentary’ (last visited 7 April 2025) online (video): <cle.bc.ca> [perma.cc/FM9B-Y9PW].