

Research Article

## Questions about Questions: Law and Film Reflections on the Duty to Learn

Rebecca Johnson\*

**Abstract:** In 2015, The Truth and Reconciliation Commission concluded that reconciliation will require new relationships between Canadian and Indigenous legal orders. How are legal professionals to participate in making these new relationships? How might lawyers engage productively with the many different Indigenous legal orders in this land? The article takes up challenges of Reconciliation and the Duty to Learn, with a focus on the place of questions in the process of learning. Stories are one important location for this work. Reflecting on the course *Law 343: Inuit Law and Film*, I offer some thoughts on cinematic stories as a particularly productive site for legal thinking, with a focus on the place of questions as a technique for building understanding and relationship across difference. Using the film *The Journals of Knud Rasmussen* (2006), I explore six different questions, and consider the kind of work that one can do with each question. This approach invites us to consider the relations we build through the questions we ask, not of others, but of ourselves. I close with some reflections about steps one might take to act on the obligation to learn, taking up the work of questions in our practices of building relations across legal orders.

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In 2015, the Truth and Reconciliation Commission of Canada concluded that reconciliation will require new relationships between Canadian and Indigenous legal orders. How are legal professionals to participate in making these new relationships? How do lawyers learn about others in a different legal and cultural order? Stories are an important location for this learning. I want to talk about the use of stories as a tool, drawing on my experience of teaching a law and film course designed to engage with intercultural encounters. One piece of the learning involves an exploration of the role of questions in building understanding and relationship across difference. In this article I will use the film *The Journals of Knud Rasmussen* (2006, dir Zacharias Kunuk and Norman Cohn) to walk through a method of using questions and questioning to argue for a shift in how we think about the duty to learn. This approach invites us to consider the relations we build through questions we ask, not of others, but of ourselves.

I begin with a few introductory remarks to contextualize the challenges of reconciliation and the duty to learn, with a focus on the place of questions in the process of learning. Part II describes the course *Law 343: Inuit Law and Film*, offers some thoughts on film as an important location for legal learning, and reflects on the use of questions in the classroom. Part III then turns to *The Journals of Knud Rasmussen* to explore six different questions, and consider the kind of work that one can do with each question. Finally, I close with some reflections about the steps each of us can begin to take as we seek to act on our obligations to learn, and to consider the work of questions in our practices of building relations across legal orders.

## I. Questions and the Duty to Learn

In 2012, Chief Justice Lance Finch of the British Columbia Court of Appeal, said that the honour of the Crown demanded of all legal professionals “a duty to learn” about Indigenous legal orders.<sup>1</sup> In 2015, this demand was echoed in the Truth and Reconciliation Commission’s Calls to Action, which asserted that familiarity with Indigenous law and increased cultural competency are core demands for being a competent legal professional.<sup>2</sup> At this moment in time, it is rare to be in conversations that challenge the need for this kind of learning. Conversations in the legal community have begun to move away from debates about whether or not Indigenous laws exist, to more textured and complicated conversations about how one is to learn about, and then engage with Indigenous laws.<sup>3</sup> And in posing his own questions about the duty to learn, it was precisely this question—the *how*—that Justice Finch asked the legal profession to consider:

How can we make space within the legal landscape for Indigenous legal orders? The answer depends, at least in part, on an inversion of the question: a crucial part of this process must be to find space for ourselves, as strangers and newcomers, within the Indigenous legal orders themselves.<sup>4</sup>

Indigenous and non-Indigenous thinkers, educators, and activists have been taking up the question of *how*, and in so doing, have been contributing to a rich tapestry of scholarship that engages with a broad range of legal questions arising in the multiplicity of Indigenous legal orders that continue to operate across the country.<sup>5</sup> Questions are raised about pedagogies for teaching and learning, about the relationships between theory and practice, about solving specific legal questions, about implementation and enforcement, about conflicts of law, about economy. There are many legal orders operating, and the duty to learn about those orders is pressing for Indigenous and non-Indigenous legal professionals alike.<sup>6</sup>

Embedded in the notion of a duty to learn is a set of assumptions about the role of questions in our learning. The centrality of questions is obvious to anyone who has spent time with small children: the litany of questions can feel endless. Questions are also ubiquitous in every lawyer's practice. This is true not only in the courtroom, but also when interviewing clients and gathering the information necessary to draft documents and negotiate agreements. But the business of learning is not simply about information. It is also about developing the art of judgment, the ability to focus on what is important or to make choices in complicated new circumstances while being aware of and attentive to the possible outcomes available.<sup>7</sup> The musician does not simply memorize a list of songs, but develops a relationship to their instrument and to the language of music. This relationship is more than a collection of data. In a similar vein, the lawyer engaging with Indigenous laws cannot be simply collecting data and learning rules. There is more to building a relationship with a client, and more to building a relationship with law.<sup>8</sup>

If we turn away from an approach that uses questions primarily to collect information, we can instead use questions to try to learn about the other. We must acknowledge that questions are not always neutral tools for learning.<sup>9</sup> Difficulties may arise with the substance of a question, the form of the question, the timing of the question, or the volume of the questions posed. It is helpful to tease out the work that questions might be doing, both positive and negative, in shaping how we learn about others and about ourselves. This involves separating the substance of our questions from the context in which the questions are posed. It means asking how questions are embedded in relationships. The argument I want to make is that our focus must not be simply on the substance of the question and its form. By

“form” I mean is it a direct question, a leading a question, an impolite question, an indirect question, an open-ended question? While this is one key aspect, I want to focus on the question as a relationship or as a practice of relation building, one which requires at least as much attention on the person asking the question as it does on the knowledge that is sought.

Questions always involve an implicit request for someone else to do something. Frequently, Indigenous people, people of colour, and women note that they are made to carry the burden of explaining patterns of oppression to those who experience some element of privilege, or to those seeking to know more. We must make visible that the person asking questions may have an idea of what they are looking for, but they also may not. In parallel and as a result, the person being asked the question may not know what information is being sought, they may not have specific answers, and they are being asked to think through so many possible orientations before answering. It is exhausting and a lot of work.<sup>10</sup> It can also make one feel as if they are subject to interrogation. To personalize it, I would note that often, the other person’s question requires me to think about the many pathways I could take in providing an answer. It also requires me to make my own guesses about the needs and desires behind the question: it puts some constraining shapes on what my answers might look like.

And so, in formulating questions it is imperative to focus not on the “target” of the question (the person being asked), but rather on the person doing the asking. As a person looking to understand more about the North and the Inuit legal order, a person wanting to have learned enough to do the work in a way that minimizes harm, the questions must be reformulated and posed again. In asking questions about Inuit law, what am I seeking to know? This question will need to be posed by outsiders whether settler or Indigenous.<sup>11</sup> How can a person learn about people in another legal order in ways that don’t impose a burden on or exact significant costs from those with whom one hopes to build relations? How might lawyers pick up the burden of learning so that it is not cast on the backs of Indigenous Peoples to do the work of educating others?

## **II. Learning from Story and Film**

Let us turn then to questions about resources and methods for this work. Law is a storied enterprise,<sup>12</sup> and there is a wealth of scholarship in the law and literature movement exploring the power of narrative in legal practice and theory.<sup>13</sup> In my personal experience, I have found cinematic stories to be a powerful place for legal thinking. Films facilitate an engagement, not only with the narrative tale but also the visual and the auditory aspects of our embodied existence.<sup>14</sup> Film invites us not only to think about law, but also to ask about what law looks like, sounds like, and feels like. This is not to say that cinematic stories offer more “truth” about law,

but is only to say that they may enable a robust interaction with a wide variety of our senses.<sup>15</sup> This can matter greatly in the context of the duty to learn, which is not just about a gathering in of new information. Here, I find it interesting to look at the Final Report of the Truth and Reconciliation Commission, where the Commissioners offer their conclusions about the kind of education necessary for the work of reconciliation:

Education must remedy the gaps in historical knowledge that perpetuate ignorance and racism. But education for reconciliation must do even more. Survivors told us that Canadians must learn about the history and legacy of residential schools in ways that change both minds *and* hearts.<sup>16</sup>

Cinematic stories, which invite us to draw on multiple dimensions of the sensorium, are well placed to assist us in the business of embedding discussions about knowledge in contexts that invite conversation about the relationships and experience of what and how we see, hear, think, and feel.

I raise this point to centre my argument that, particularly at this historical juncture, reconciliation practices and pedagogical practices (that is, the ways we teach and learn) have urgent need of each other. That this is so, has been visible to me in the context of one particular class, *Law 343: Inuit Law and Film*. This course, taught within the law school curriculum, is one in which Indigenous and non-Indigenous law students are seeking to learn together about Inuit legal orders from “non-legal texts,” with a non-Inuit professor and far from Inuit homelands. Such a venture demands direct engagement in reconciliation practices from everyone involved. As these practices are drawn on in Part III of the article, let me pause here to flesh out (in a descriptive way) the place of a pedagogy of questions in this course.

The course, developed with the new Juris Doctor and Juris Indigenarum Doctor (JD/JID) program in mind,<sup>17</sup> was structured to provide a space to explore the ways legal thinking and legal theory are expressed in different cultural objects and locations.<sup>18</sup> It was also designed to focus on contested understandings of the place of “The North” in the more general Canadian legal imaginary.<sup>19</sup> To do this, it draws on two kinds of films: those about the North told from the point of view of the South, and those told about the North from the North itself. For the most part, this means the class draws primarily on non-Hollywood film.<sup>20</sup> Many students have had limited exposure to foreign films, to watching a film with subtitles, or to experimental film. Films produced in the North seldom follow the conventions of either Hollywood narrative cinema, or of ethnographic documentary. This is an advantage in this context because it provides a concrete context for thinking about

how one learns in a place where one does not know the conventions. The filmic texts are difficult ones, and generate both confusion and conversation.

Students individually view each film before class, and capture their preliminary questions and responses in a blog format that is read only by student and professor. I make no evaluation of the content and provide no feedback. The point is to reduce the pressure to “be right,” while creating a platform for students to articulate their own questions to themselves. The students get the opportunity to articulate questions, and to take up the burden of considering their own questions and answers.<sup>21</sup> They also return to their own questions at the end of the term, to think about how their own answers and questions may or may not have changed. In their blog posts, each student is to think about themselves in relation to the film. During class time, there is an opportunity for everyone who so chooses to share some of those responses and questions with each other. As a group, we can then consider the ranges of response. What different responses did others have to the same questions? Students may share what they wrote in their blog posts, or may comment in response to what was raised by others in the class. The point is not to make an argument about the film, but simply to share some of the questions and responses generated by the film. We frequently do this in a circle format, and in a context where there is no note-taking: the hope is to create the conditions for a practice of listening and engaging. Because there is no “exam” that would require one to respond, there is no pressure to capture what was said in written form. Further, the focus is not on coming to a conclusion about what the film “means” (though there is certainly room for engagement on that front), but is rather on the kinds of questions that emerge for different people in response to the film. There is the opportunity, in the listening, to hear people speak about questions that others didn’t have. What I am trying to facilitate is the capacity of each of us in the class to build a more complicated relationship, not only to the filmic text, but to each other and to the legal questions raised.

There is something here about learning how to listen to the questions, rather than answer them. Because we are working with stories it is also easier to accept a broader range of responses to the same text. My experience with this method is that the questions increasingly turn inwards, rather than outwards, so that the focus is not on finding the right answer, or the truth of the film, but is on developing the capacity for engaged listening and for thinking about one’s own relationship to the shared question. Because the goal is not to identify a correct answer, evaluation is solely on the participatory aspect of the work: it is easier for the group to begin seeing each other as resources in a shared journey of learning how to learn. My experience has been that this approach through indirection invariably produces robust conversations and powerful insights and observations about truth, authenticity, knowledge, harm, and justice.

To briefly summarize, the core of this approach is one of radical reflexivity—that is, treating one’s own responses with some critical skepticism or distance, in order to enable a more complicated understanding of the power dynamics in which one is embedded. It offers a way of working with film that can be adopted by any group of friends or colleagues who want to learn together. It asks for two moments of engagement. The first is one in which a person asks themselves about their questions and responses to a film. The second is one where the focus is on listening to others speak about their responses. At the heart of the engagement is the goal of learning to hear each other, not to interrogate or correct or persuade. This is one method for taking up Lance Finch’s invitation to invert the process of questioning about the duty to learn. With this method in mind, I turn next to one of the complicated films explored in the course, *The Journals of Knud Rasmussen*, to explore how this way of approaching the film may provide insights about the place of questions in operationalizing the duty to learn.

### III. Working with *The Journals of Knud Rasmussen*

*The Journals of Knud Rasmussen* is the second feature film produced by Iglulik Isuma ([www.isuma.ca](http://www.isuma.ca)), the same team responsible for *Atanarjuat (The Fast Runner)*.<sup>22</sup> Both films are in Inuktitut, and both invite the viewer into an Inuit world. While *Atanarjuat* is set in the distant past within a fully Inuit world, *The Journals of Knud Rasmussen* invites us into the early-twentieth century, where Inuit and non-Inuit lifeworlds meet.<sup>23</sup> According to IMDb (Internet Movie Database), the film gives us “a portrayal of the lives of the last great Inuit shaman, Avva, and his beautiful and headstrong daughter, Apak ... Based on the journals of the 1920s Danish ethnographer Knud Rasmussen.”<sup>24</sup>

Between 1921 and 1924, Danish explorer Knud Rasmussen travelled across the Arctic, gathering stories and songs from Inuit communities from east to west. His grandmother was a Greenlander who only spoke Inuktitut and thus Rasmussen had the fluency to interact with the Inuit in his travels across the Arctic. He documented this experience in a series of volumes known as the Fifth Thule Expedition.<sup>25</sup> In the volume entitled *The Intellectual Culture of the Iglulik Eskimos*, Rasmussen includes accounts of his encounters with Avva and Avva’s wife Orulu and his brother Evaluarjuk. The journals contain interviews, stories, songs, and drawings of people, animals, and objects. The film uses this text as a launching point, and in doing so invites us to an extended engagement with the question of how we learn about the other, and how we might respond to the harms that have been done through toxic forms of encounter.

The film has the look of ethnographic documentary, but it a deeply political film, making an important political argument about a traumatic past and the

broken present. Here is what cinematographer and co-producer Norman Cohn said about the film in 2007:

*The Journals* sets in motion a non-violent opportunity for recognition and healing between two different audiences surprised or even unsettled at finding common ground. ... *The Journals* is a modern film about modern thinking. It challenges diverse audiences to go beyond stereotypes of denial, bitterness or guilt; and toward healing, by watching the same film from different sides and thinking of the other audience watching it too.<sup>26</sup>

*The Journals of Knud Rasmussen* is a rich text—an important tool for thinking. It is a film worth many viewings, and its power extends beyond its narrative story. It takes up the ethnographic record, but is not merely “a re-enactment” of scenes from 100 years ago. Each of the excerpts drawn in offers a location for extended conversation and thinking. It is rather an invitation to engagement, one that invites us to ask different questions, and perhaps to change the direction of those questions. In this, the film signposts many different pathways for intercultural encounter.<sup>27</sup>

Let us follow one of these pathways, and consider how the film invites us to explore the operation of “questions” in the process of building and maintaining relationships with others. I want to share some thoughts about a ten-minute segment in the film. This segment is near the beginning of the film, and involves the first encounters between Avva and his family, and Rasmussen and his fellow travellers. Here, people from each side pose questions about the other. These questions offer us the opportunity to think about the work of questions, what is sought through questions, and how questions play a role in building relations. I will walk through this ten-minute segment to look at six different questions that are posed, asking what we can learn by looking at both the place of “questions” and the responses given.

My focus will be both on the seeker of knowledge and that which is sought. Let me signal the six questions here, which we will turn to in the next section. The questions are: 1. Was it slow coming home? 2. What were the Greenlanders like? 3. Where is Iglulik? 4. Why are you living so far from Iglulik? 5. Will you tell me about your beliefs? 6. Will you take my friends to Iglulik?

### **Question 1: “Was it slow coming home?”**

The scene opens in a *qaggiq* (large snow house) during meal time. With a series of short shots, we are taken around the inside of the space. We see people chatting with each other, meat cooking in a fire, water being melted in an ice bucket, and



people cutting meat and feeding bites to small children. There is a low murmur of (non-subtitled) conversation in the background. While the camera shows us neither the speaker, nor the one spoken to, we hear a voice we will eventually recognize as Avva's ask, "Was it slow coming home?"

What kind of question is this? It seems the kind of question you might hear at any dinner table as a form of casual conversation ("How was the traffic today?"). The question might imply that the person had taken longer than expected to arrive home, and thus suggest that some form of explanation is in order. The questioner may be thinking about the next journey ahead, and may be looking for information about specific road conditions. The question may also be a way of acknowledging that the person has been away, and of providing an indirect way of signalling "It is nice that you are back home." As listeners, we are not certain which of the above is closest to the speaker's intention in asking the question. Is this a request for information about speed, or is it a question that asks about the reasons for delay? We wait for a response to see how the recipient understood the question.

We hear what we will come to know as the voice of Avva's brother Evaluarjuk report, "No. When the Greenlanders arrived at the Trader, I stayed to see them." Now we know a number of things. We know that the scene is unfolding "at home" and that Evaluarjuk has been away at the Trader. He tells us that the road home was fine, acknowledging that there was a delay and that the delay is attributable to the decision to stay longer at the Trader in order to meet with Greenlanders. A question about one thing (the speed of the road home) leads to information about another thing (an encounter before returning to the road). This is an example of a small question about travel conditions opening up into a new space for discussion of an encounter.

### **Question 2: "What were the Greenlanders like?"**

Avva responds to this piece of information about the encounter with a question about the Greenlanders: "So, what were they like?" Evaluarjuk responds with a detailed listing of his observations. The subtitles report:

They act like Whites but speak our language.

Their parkas have a little tail in front. Their pants are bearskin and their boots are mostly dog fur.

The big one has a beard and we call him Big Piita. He likes to drink.

The quiet one is called Kunnuti and seems to be his helper.

We have a reversal of the anthropological gaze, as the Inuit describe the Greenlanders: their language, their clothing, their names.<sup>28</sup> The film gives us visual images to accompany these words, and so we are able to “see” some of the information that Evaluarjuk had access to in coming to his conclusions. As he describes their parkas, our eyes can linger in search of the little tail, or consider what follows from the use of bearskin or dog fur in boots. We see Big Piita’s beard, noting that Rasmussen is clean shaven. Is there significance in this reference to facial hair or does it simply assist in distinguishing two Greenlanders from each other? Evaluarjuk describes their behaviours and roles: Big Piita (the nickname they give to Peter Freunchen) likes to drink, and Kunnuti (their name for Knud Rasmussen) is a quiet one who seems to be Big Piita’s helper. The account of Piita as one who likes to drink is accompanied by a flashback to a party at the Trader, with the Greenlander dancing boisterously to the sound of an accordion. Note here that we are not shown Piita drinking, but only Piita dancing. We are left to consider this scene as evidence of an enjoyment of drinking, or as evidence of what follows from drinking. In the next shot, Rasmussen is shown sitting in the corner, maps spread out on the table before him. Is this evidence that he does not like drinking and is quiet? Why does this more restrained behaviour indicate that he is Big Piita’s helper? If he has fluency in language, does it follow that he is a leader, or do these skills mark him as a person whose job it is to translate for those who are in charge?

These questions can help us see that we are not actually getting an answer to the question “What are the Greenlanders like?” but an answer to the question “What has Evaluarjuk seen so far in his relationship with the Greenlanders?” The visual evidence we see is shot from Evaluarjuk’s perspective; we are not shown a distant objective viewpoint, but one that is entangled in what is seen.<sup>29</sup> We are learning as much in this scene about Evaluarjuk as we are about the Greenlanders. The scene invites us to see the limits of Evaluarjuk’s knowledge of the other. As viewers, given the film’s title, we are in a position to say that Evaluarjuk has misidentified important relations of power or authority amongst the Greenlanders by presuming Rasmussen to be Big Piita’s helper. But if we think we know more than he knows, can we say this knowledge is embedded in the evidence we have been given (through the scenes we have been shown or the words heard)? We are reminded that learning emerges in the context of a relationship, and that our initial steps toward learning involve contact with surfaces: names, clothing, behaviours. It is a cinematic reminder of the moments of misrecognition and misidentification in our attempts to learn about the other, and that processes of learning involve the identification of our own assumptions, assumptions that may change as the relationship develops.

### Question 3: “Where is Iglulik?”

The third question invites us to take up the question of place: the context in which the learning commences. The scene shows us the inside of a Hudson’s Bay Company (HBC) trading post, two men sitting at a table with a map spread across it. And here it is that we first hear the voice of Knud Rasmussen, the man whose name is at the heart of the film’s title. Rasmussen, sitting in front of a large map of the North, says to Evaluarjuk, “My grandmother spoke only Inuktitut. And she lived on an island, here.” He points to a place on the map as he speaks. And then he asks his first question, “Where is Iglulik?” This is a question about a very specific place, or perhaps about directions toward a place.

In response, Evaluarjuk takes a blank sheet of paper, lays it on top of Rasmussen’s map, and draws his own map. He adds a small circle at the top and, pointing at it, says to Rasmussen, “Iglulik is here, on a small island.” Knud Rasmussen and Evaluarjuk consider each other’s maps. We as viewers are left to do the same. The maps do not bear a close similarity to each other. Indeed, to my own settler eyes, Evaluarjuk’s mapping of the land induced a moment of vertigo; his map was unreadable, making visible that I lacked the fluency to even place myself in his map.<sup>30</sup>

The scene reminds us that encounters take place on land in concrete locations. The invitation is a reminder of the need to be conscious of placement in the process of learning. It resonates with Smaro Kambourelli’s argument about the significance of this account as one which disrupts the colonial starting place: rather than accepting a view that would see Rasmussen as charting his way across colonially marked land, Evaluarjuk’s map centres Inuit knowledge and sovereignty over the land. Evaluarjuk’s map more clearly places Rasmussen as a visitor to territories that are clearly known to the Inuit.<sup>31</sup>

In watching the film the first time, I felt a similar moment of vertigo in a later scene where another Inuk arrives at the igloo, across what seemed to me a horizon of ice and snow with no visible markers. One man asks the other which road he had taken, and then the two chat about road conditions. I found the conversation disorienting as I could see no road. The exchange made visible to me the power of my own inherited understandings of *terra nullius*, helping me “see” that roads and pathways exist on the terrain, in spite of my failure to recognize them. The mapping scene with Rasmussen and Evaluarjuk contains similar elements. We have two maps, each drawn in a different way, containing different accounts of relationships between people and land, and with differently embedded assumptions about how to represent (and live in) space.<sup>32</sup> Although the question “Where is Iglulik?” might seem to be a simple request for directions, it can open

up space for more complicated explorations about the power of place, the power of naming, the power of mapping, and the ways we can find and lose ourselves in terrains of meaning and space.

#### Question 4: “Why are you all living so far from home [Iglulik]?”

Rasmussen continues with his next question, “Why are you all living so far from home?” Note here the shift in the kind of question the movie gives us. This is a question that steps away from a descriptive field towards one that asks for “reasons.” The question invites a different set of responses. Cinematically, the film makes visible that this “why” question is a complicated one. This is signalled by a set of looks that are exchanged amongst the three Inuit in the room. The two women start giggling and singing what seems like a parody of a church hymn in Inuktitut. Their song is followed by removal of their gloves and a staged version of shaking hands with each other. This ends with more giggles and laughter, and a knowing smile in return from Evaluarjuk, but nothing more is said. This eruption of laughter into the answer indicates that there is clearly a larger story in the background. But Rasmussen (and perhaps many of the viewers) are clearly outsiders to the joke, outside the circle of understanding.<sup>33</sup>

So let us return to the question. What is it that Rasmussen seeks to know in asking Evaluarjuk, “Why are you all living so far from home?” Why is he asking the question? The question does imply that the Iglumiut are somehow out of place—that they *should* be at home, and that their distance from home needs explaining. What might Rasmussen be getting at? Is he wondering if there are conditions of starvation or famine at Iglulik? Is he wondering if there are political conflicts that have led them to leave, or if these people were banished? Is he wondering if they are similarly travelling around the North to gather stories from others? Is his presumption that by travelling elsewhere, they are coming into contact with outsider ways such that the purity and authenticity of an Inuit voice is being compromised? Or maybe he has none of these concerns in mind? Perhaps this is just the way that Rasmussen has learned how to start a conversation. Maybe there is nothing in particular behind the question, and it is just a kind of “opening” whose function is largely to make a connection. Perhaps Rasmussen would be equally happy with any response? Perhaps it is just like the way Qallunaat or non-Inuit ask “How is it going?” when encountering someone (where the convention is simply that this is a way to greet others, not really a request for information)?<sup>34</sup>

The film does not answer these questions. This is not to say that there is silence. On the contrary, we have laughter, the exchange of looks, some singing of religious songs, and handshaking. But what is given is not anything in the nature of a straightforward answer. The viewer is left with more questions, with the strong sense that there is more to be said. As the film continues toward its conclusion,

hindsight does make it clear that Rasmussen's question "Why are you living so far from Iglulik?" is at the centre of a very complicated event, one which involves massive trauma and a forced shift from one way of life to another. And so, there is no quick or easy way to provide an answer. Rasmussen seems to be asking for quite personal information about efforts to stave off a threatening future, a set of threats he seems unable to see. Any attempt by Evaluarjuk to answer Rasmussen's question directly would have required the articulation of so many pieces of background knowledge, history, and perspective. It is unclear whether, even with a full explanation, Rasmussen would have been in a position to understand. I am not suggesting here that the question could not be posed; the film does invite us to see the question. But the film also makes visible the gap between the seeming simplicity of the question, and the complexity of providing an answer. Some questions place a big burden on the person being asked to navigate the immense spaces in between, and to calculate which of many possible paths one might take in attempting to provide an answer to the person who has asked. The Inuit have answered in the form of a joke, and have not taken up the request to explain the punchline. Such a response suggests Rasmussen needs to do more of his own homework. So too we as viewers are left to work for an answer by settling deeper into the relationship: watching, waiting, and thinking.

#### **Question 5: "Will you sing me your songs and tell me your beliefs?"**

In the next scene, Rasmussen and his party of travellers arrive at the qaggiq where Avva is staying with his family. Here, the film takes up the challenge of modelling Inuit ways of beginning a relationship. We observe how Avva treats the arriving Greenlanders. There is an exchange of compliments and observations about the different clothing the others are wearing (i.e., those are nice pants, as opposed to questions about why the pants are different, or what the pants mean, or who made the pants). There is the sharing of warm drinks with the arriving travellers. There is the sharing of tobacco with both the men and women. There are comments for all to "come in, and feel welcome." There are introductions so that the newcomers (and we as viewers) know the names and relations of all those in the house. As the scene continues, there is a lull in the conversation. The camera shows us Big Piita's eyes flicking from Rasmussen to Avva and back in a way that indicates that he anticipates something will happen, or that there is an urgency to move to the next topic.

It is in this context that we then learn why Knud Rasmussen is there. He speaks and says, "I came to hear songs and legends, if you will share them, and to learn about your beliefs." On the surface, this is a declarative statement—an indication of desire. But of course, we all know that questions can take many forms, and this is just such an occasion. This declarative "I have come to hear

X” holds the implied question, “Will you share with me?” Rasmussen’s sentence, while not explicitly framed as a question, is nonetheless a request for the Inuit to *do* something: to sing, to teach, to share, to inform, to disclose. That Avva understands he has been asked to share is clear in his response. It is also clear that he has some discomfort with the request. After a significant pause, he says, “We believe that happy people should not worry about hidden things.” After another pause, he continues, saying, “Our spirits are offended if we think too much.”

This reply can be an uncomfortable one for southern viewers on several levels. A viewer might hope for answers to the very questions that Rasmussen posed. And one might wonder if Avva has given a “truthful” answer. But the Greenlander responds with a nod, saying “I understand.” As a viewer, I will admit that I wondered precisely what it was that Rasmussen says he understands. Is he taking at surface value Avva’s statement about the limits of thinking? Or perhaps Rasmussen understands that this is not the time for further questions? Or that Avva is not willing to share? Rasmussen has things he wants to know and learn, but he can only do so if Avva is willing to act. Rasmussen is making a request that Avva share his beliefs, open himself up for scrutiny by the Greenlander. We are left to wonder why Rasmussen wants to know these songs? Why does he want to learn about Avva’s beliefs? What is he seeking to collect? And what does he bring in return?

Some of these questions may be implicated in Avva’s response to Rasmussen. Avva does not precisely refuse to share, but his answer indicates, in a gentle way, disapproval with Rasmussen’s desire for knowledge of the unknown. Avva seems to suggest that there are limits to seeking knowledge primarily through intellect. Or perhaps it indicates that Avva disapproves of the bluntness of the approach, with its drive directly for that which is not known.

One way or the other, it seems significant that, at the moment Rasmussen poses his request, we have been shown multiple examples of the extension of hospitality to the Greenlanders. The Inuit are enacting a practice of sharing: sharing compliments, sharing food, sharing smoke, sharing names. The Inuit have not yet asked anything of their visitors. They have only shared. They have posed absolutely no questions. Nothing has been asked of their visitors. It is the visitors who are asking for gifts of knowledge from the Inuit.

### **Question 6: “Will you take my friends to Iglulik?”**

This leads then to the next question. Rasmussen says, “Soon I am travelling west to meet the inland Inuit at Baker Lake. But my friends want to go to Iglulik, if you don’t mind taking them.” At this point, the viewer will recall Rasmussen’s early question to Evaluarjuk about Iglulik. He had not been provided with

a direct answer to his question “Why are you living so far from Iglulik?” Given his early conversations with maps, it is clear that he understands Iglulik to be some distance away, and that there is some unarticulated reason why this family is living so far from the main group. Nonetheless, he asks that they undertake a significant journey back to that spot on his behalf. Is this because he has other plans, ones that would make it inconvenient for him to travel in that direction? Are we to understand that his ethnographic journeys are of such significance that he believes others should willingly provide this kind of support to him? Or is it that he presumes the Inuit to be nomadic and mobile in ways that mean there is no reason for them to prefer moving in one direction rather than another? His question shows him to be inattentive to the possibility that there are important reasons why they are *not* at Iglulik, and that a return there may be awkward at the least, and potentially dangerous. And so we see that his simple “yes or no” question (“Will you take my friends to Iglulik?”) asks for much.

Visually, the film gives us signals that Rasmussen’s request is a troubling one. There is a significant pause, and Avva’s son breaks into the conversation before his father can speak, saying “Father, I don’t mind. Maybe my brother-in-law too?” In response to this, we have a close-up on the face of Avva’s daughter Apak. She is clearly upset and exits the room, leaving another uncomfortable silence in her wake. Raised eyebrows and glances are passed amongst the Greenlanders. Another close-up on the face of Avva’s wife Orulu leaves the viewer knowing that something is wrong, but being uncertain about the significance of this conversation about a trip to Iglulik. The viewer is left wondering about the enormity of the request being made of the Inuit, particularly in a context where significant hospitality has been extended to the Greenlanders, and we have seen very little offered in return.

The Greenlanders, however, seem untroubled, and continue to push their own agenda, in the search for the answer they want. Big Piita intervenes next, in a sentence that is subtitled so as to make visible that he has only an elementary grasp of Inuktitut. He says “people ... working ... soon ... trade,” using charade-like hand movements to indicate trade in objects. Avva responds: “You want to trade? My family doesn’t work for Whites. But everyone sees my son wants to help people who speak our language.” In this response to Big Piita and Rasmussen, Avva indicates a number of things. He acknowledges his son’s offer to take the visitors to Iglulik, but is explicit in rejecting the language of trade that Big Piita raises. His family, he says, does not work for Whites.

This does not imply a rejection of reciprocity or exchange. Indeed, the question of exchange is raised in Avva’s next response, which is a question wrapped in the form of an imperative: “Sing us something in your language.” Avva’s direction for Rasmussen to share a song does provide a reminder that part of learning about others includes practices of exchange and reciprocity. Rasmussen



responds to the request, in what is the first moment of sharing we have seen from the Greenlanders. He says, “Yes, I can sing a little,” and he begins to sing the aria “M’Appari tutt’ amor,” from Friedrich von Flotow’s opera, *Marta*.<sup>35</sup> As this scene slowly fades to a close and into the next segment, we see a record spinning on a gramophone sitting on the snow. Rasmussen’s line of a capella melody has bled into a fully orchestral version of the song, with the Great Caruso’s tenor voice spinning itself out across a bright sunlit winter day.

And as viewers and readers, the contrast of Inuit landscape and colonial soundscape invites us to linger and think. During the ten-minute segment of film, six questions have slid past us, some asked by the Inuit, some asked by the Greenlanders: 1. Was it slow coming home? 2. What were the Greenlanders like? 3. Where is Iglulik? 4. Why are you living so far from Iglulik? 5. Will you tell me about your beliefs? 6. Will you take my friends to Iglulik? These questions, posed in the neutral space of a film, may provide insights about the place of questions in operationalizing the duty to learn.

Each of the six questions seems a direct request for information, calling for an answer. But when we reflect on the questions, it is possible to see more. Questions here aren’t always or only about information. Questions are also functioning to maintain and extend relations. So, too, they can operate in ways that disrupt or destabilize relations. They operate to distribute burdens and benefits. Questions can reveal the ways that the work of relation building can be uneven, and that assumptions about goals and expectations are not always shared.

In many ways, this is no surprise. In most cultures, we begin to use questions when we are young. They are so much part of the fabric of life that it may seem unnecessary to ask ourselves more about our questions, and how they are operating. But what is visible when there is time for slower reflection is that questions might be said to “do work” in the world. This segment of film makes visible some of the various ways questions might operate in the business of building and maintaining relationships, in the business of learning about “the other.” How might the attention to questions in film provide assistance in responding to Justice Finch’s direction that all legal professionals need to act on their duty to learn about Indigenous legal orders?

#### **IV. What is the Work of Questions in the Duty to Learn?**

Taking up the challenges of the Truth and Reconciliation Calls to Action, it seems clear that a deeper understanding of and engagement with Indigenous law is foundational for the building of new relationships between Canadian and Indigenous legal orders. And given the plurality of Indigenous legal orders in Canada, the duty to learn is one experienced by both Indigenous and non-



Indigenous scholars. Given the range of ways people experience the world and their entanglements in it, it also seems clear that there will have to be many ways to operationalize this duty in the different spaces of our individual lives. Further, the duty to learn implicates self. It involves learning more about the placement of oneself.

In working with *The Journals of Knud Rasmussen*, I have suggested that it is helpful to attend to the place of “questions” as we watch the Greenlanders engage in the process of trying to learn about the Inuit legal order. What happens when the focus shifts from the person being questioned, and from the formulation of the question itself, to the person asking the question? What if we too were to spend more time exploring the many ways questions work, and the shifting burdens and unease they can produce? What might be possible if we were to linger longer in the space of discomfort that this focus might involve?<sup>36</sup> These are some of the questions I ask myself, as a White academic teaching in a southern law school, committed to projects of decolonization, conscious of my inherited entanglements in structures of power, wanting to understand more about the North and Inuit law, and wanting to learn enough to do the work in a way that minimizes harm. In asking questions about Indigenous legal orders, what am I seeking to know? What might be learned from spending time exploring the kinds of questions I ask of others and myself? How might this help me navigate my own place in the process of learning?

Film is one vehicle for doing this kind of work. And it can teach us that our questions matter at many levels: as lawyers know in their practice, questions matter and they *do things* in the world. If I think back to the film class, I can say that some of the most powerful aspects of learning and growth came from our shared engagement with each other’s questions about the process of learning (with and through) Inuit law. And while it was a luxury to have a formal classroom space and time for this engagement, the classroom is not the only space in which one can do this work. The duty to learn needs to be made real in the context of daily life, which includes all the different spaces in which legal actors work, play, and dream. A full and rich life in the law requires that we nourish spaces in which we can discuss the important legal questions that shape the work we do.

As legal actors seek to implement the duty to learn in their own lives, it is important to acknowledge the cautionary notes that are frequently sounded: there are important tensions in calls for non-Indigenous law students and legal professionals to engage with Indigenous laws. On the one hand, it is a duty and important work toward reconciliation. But on the other hand, it opens space, which often places additional burdens on Indigenous peoples to educate or invite or welcome. It may also, for some, raise issues of a new wave of non-Indigenous people researching, extracting, and extrapolating incorrectly.<sup>37</sup> This tension is, in

my view, one that can neither be swept away, nor resolved. It is something that demands ongoing mindful engagement and attentiveness. The work of engaging with Indigenous legal orders involves tolls and risks in two directions. There is the risk of ungrounded, substandard (and yes, unsafe) engagements with Indigenous law. But there is also a very real risk where people will fail to engage with Indigenous law for fear of getting it wrong. The challenge is to continue engaging in the work of learning about Indigenous law, even in the face of this tension, in a self-reflexive way, conscious that ongoing course correction is both unavoidable and to be desired.

Acting on the duty to learn can be a challenge, particularly where one encounters barriers to learning, or where the political terrain is fraught. But there are many resources available in doing this work. In addition to the robust scholarly work, one can seek out the stories, songs, and films produced by Indigenous artists, and engage with them. One can gather with others to do this. One can build a concrete practice of asking questions about one's experiences, and of seeking out occasions to engage in collective practices of sharing.

There is much to learn as the legal profession responds to the Truth and Reconciliation Commission's Calls to Action. The duty to learn is a gift—there is something compelling in thinking of this duty as a way to enable our participation in the building of new relations. That is, the goal is not simply knowledge about different Indigenous legal orders but is about changed and strengthened relationships. Film can help us see that to be in relation with others we need to extend our capacities to think about the questions we ask, and the work those questions do. Questions are both unavoidable and crucial. We may profit from an approach that turns the questions back on ourselves. How do we understand the questions we ask? The burdens we impose by asking questions? And the ways of seeking answers through practices of listening, watching, and hearing. Film is a powerful tool for learning. One can go to a film with questions, without imposing burdens on others to answer those questions. Film invites one into relation, a relationship that can deepen as one asks more questions. The film is not an answer to the question. The film is a tool for thinking. Films can teach us how to listen and how to hear, and how to ask oneself questions about one's questions.

Let us return to Justice Finch's comments at the beginning of this article. He asks that we consider pushing deeply on our own questions in an internal way, in an inverted way. He argues that we will only be able to make space in our legal landscape for Indigenous legal orders by inverting our conventional questions. This means turning the question back on ourselves, asking about how we might fit within an Indigenous legal order. And so I am left thinking about how these questions might take shape in my own practice. How can I think more about the

questions I ask others? Can I reach deeper in trying to sort out what I am hoping to learn from someone else? Do I have a sense of how much work the other person will need to do to give me an answer? Am I conscious of the emotional costs that may be incurred as I ask people to share their beliefs? Have I done enough homework of my own, so that I am not wasting someone's time in asking questions? Do my questions reveal some laziness on my part, and a desire to push the work of teaching onto someone else? Am I presuming that my time is more valuable than theirs? Am I presuming that my questions are just neutral ways of trying to open up conversation? Am I presuming that my interest in robust debate is shared by the other person? How can I be more conscious of the need for reciprocity in engagement? If I am asking for something, what am I offering in return? Have I thought about the ways that I might begin by sharing rather than by asking others to share with me? Such questions help me remember that we may need to ask more about what we seek, about what we ask of others in these questions, and about what we are prepared to give as we participate in building healthier relations. This is the work of reconciliation.

## Notes

1. Lance Finch, "The Duty to Learn: Taking Account of Indigenous Legal Orders in Practice" in *Indigenous Legal Orders and the Common Law* (Vancouver, BC: CLE BC, 2012), online: <[https://www.cerp.gouv.qc.ca/fileadmin/Fichiers\\_clients/Documents\\_deposes\\_a\\_la\\_Commission/P-253.pdf](https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Documents_deposes_a_la_Commission/P-253.pdf)>.
2. Calls #27 (to law societies) and #28 (to law schools) assert that mandatory and ongoing education in Indigenous Laws is required. The need for knowledge about Indigenous Law is also explicitly written into calls addressed to public servants (#57), the media (#86), and the corporate sector (92iii). It also grounds both the call for a Royal Proclamation of Reconciliation (#45), and for the establishing and funding of Indigenous law institutes (#50). The text of the Calls to Action is available online: <[http://trc.ca/assets/pdf/Calls\\_to\\_Action\\_English2.pdf](http://trc.ca/assets/pdf/Calls_to_Action_English2.pdf)>. For an elaboration of the structure of the Calls to Action, and the ways in which the work of lawyers may be implicated in the implementation of all 94 calls, see Rebecca Johnson, "Taking the Call: An Introduction to the Truth & Reconciliation Commission and its 94 Calls to Action" (2015) 1 *Canadian Yearbook of Human Rights* 29, online: <[https://cdp-hrc.uottawa.ca/sites/cdp-hrc.uottawa.ca/files/ottawa\\_canadianyearbookofhumanrights\\_vol1\\_2015.pdf](https://cdp-hrc.uottawa.ca/sites/cdp-hrc.uottawa.ca/files/ottawa_canadianyearbookofhumanrights_vol1_2015.pdf)>. For an important exploration of the depth of engagement required and why this duty takes us further than simple cultural competence, and requires an understanding that familiarity with Indigenous Law is a part of lawyer competency, see Pooja Parmar, "Reconciliation and Ethical Lawyering: Some Thoughts on Cultural Competence" (2019) 97:3 *Canadian Bar Review* 526, online: <<https://cbr.cba.org/index.php/cbr/article/view/4558/4465>>.

3. Sometimes, in speaking with people who are just beginning to turn their attention to the work of Indigenous Law, I find it useful to spend time exploring different terminology, including *legal systems*, *legal orders*, and *legal traditions*. I highly recommend Val Napoleon, “Thinking About Indigenous Legal Orders” in René Provost & Colleen Sheppard, eds, *Dialogues on Human Rights and Legal Pluralism* (Dordrecht Heidelberg New York London: Springer, 2013) 229. Another important resource is John Borrows, *Canada’s Indigenous Constitution* (Toronto: University of Toronto Press, 2010). In particular, see Borrows’s Chapter 2: “Sources and Scope of Indigenous Legal Traditions.” Both of these foundational texts remind us that there is no generic Indigenous legal tradition, and that questions about law will always be answered in the context of particular legal orders or traditions (be they, for example, Tlingit, Hān, Gwich’in, Dene, Haida, Secwepemc, Cree, Anishinabek, Mi’qmaq, or Inuit).
4. Finch, *supra* note 1.
5. I have been deeply informed by the work of many of these thinkers. A sampling of work that has been important in my own thinking includes: Hannah Askew, “Learning from Bear-Walker; Indigenous Legal Orders and Intercultural Legal Education in Canadian Law Schools” (2016) 33 Windsor Year Book of Access to Justice 29, online: <<https://doi.org/10.22329/wyaj.v33i1.4808>>; Andrée Boisselle, *Law’s Hidden Canvas: Teasing out of the Threads of Coast Salish Legal Sensibility* (PhD Thesis, University of Victoria, 2017); John Borrows, “Heroes, Tricksters, Monsters, and Caretakers: Indigenous Law and Legal Education” (2016) 61:4 McGill Law Journal 795, online: <<https://lawjournal.mcgill.ca/article/heroes-tricksters-monsters-and-caretakers-indigenous-law-and-legal-education/>>; Lindsay Borrows, “*Dabaadendiziwin*: Practices of Humility in a Multi-Juridical Legal Landscape” (2016) 33 Windsor Yearbook of Access to Justice 149, online: <<https://doi.org/10.22329/wyaj.v33i1.4815>>; Ruth Buchanan & Jeffery G. Hewitt, “Treaty Canoe” in Jessie Hohmann & Daniel Joyce, eds, *International Law’s Objects* (Oxford University Press, 2018) 491; Gordon Christie, “Indigeneity and Sovereignty in Canada’s Far North: The Arctic and Inuit Sovereignty” (2011) 110:2 The South Atlantic Quarterly 329, online: <<https://doi.org/10.1215/00382876-1162480>>; Robert YELKATTE Clifford, “WSÁNEC Legal Theory and the Fuel Spill at SELEKTEL (Goldstream River)” (2016) 61:4 McGill Law Journal 775, online: <<https://lawjournal.mcgill.ca/article/wsnea%E2%80%A0-legal-theory-and-the-fuel-spill-at-selektel-goldstream-river/>>; Hadley Friedland, *The Wetiko Legal Principles: Cree and Anishinabek Responses to Violence and Victimization* (University of Toronto Press, 2018); Hadley Friedland & Val Napoleon, “Gathering the Threads: Developing a Methodology for Researching and Rebuilding Indigenous Legal Traditions” (2015) 1:1 Lakehead Law Journal 16, online: <<https://llj.lakeheadu.ca/article/view/1408/726>>; Alan Hanna, “Making the Round: Aboriginal Title in the Common Law from a Tsilhqot’in Legal Perspective” (2015) 45:3 Ottawa Law Review 365, online: <<https://rdo-olr.org/en/2015/making-the-round-aboriginal-title-in-the-common-law-from-a-tsilhqotin-legal-perspective/>>; Darcy Lindberg,

“Miyo Nēhiyāwiwin (Beautiful Creeness) Ceremonial Aesthetics and Nēhiyaw Legal Pedagogy” (2018) 16/17 Indigenous Law Journal 51, online: <[https://ilj.law.utoronto.ca/sites/default/files/media/ilj\\_v16\\_17\\_4%20-%20Darcy%20Lindberg.pdf](https://ilj.law.utoronto.ca/sites/default/files/media/ilj_v16_17_4%20-%20Darcy%20Lindberg.pdf)>; Naomi Metallic, “Becoming a Language Warrior” in Marie Battiste, ed, *Living Treaties: Narrating Mi’kmaw Treaty Relations* (Sydney, Nova Scotia: Cape Breton University Press, 2016) 241; Aaron Mills, “The Lifeworlds of Law: On Revitalizing Indigenous Legal Orders Today” (2016) 61:4 McGill Law Journal 847, online: <<https://lawjournal.mcgill.ca/article/the-lifeworlds-of-law-on-revitalizing-indigenous-legal-orders-today/>>; Sarah Noel Morales, “STLUL NUP: Legal Landscapes of the Hul’qumi’num Mustimuhw” (2016) 33 Windsor Year Book of Access to Justice 103, online: <<https://doi.org/10.22329/wyaj.v33i1.4813>>; Emily Snyder, *Gender, Power, and Representations of Cree Law* (Vancouver: UBC Press, 2018); Lara Ulrich & David Gill, “The Tricksters Speak: Klooscap and Wesakechak, Indigenous Law, and the New Brunswick Land Use Negotiation” (2016) 61:4 McGill Law Journal 979, online: <<https://lawjournal.mcgill.ca/article/the-tricksters-speak-klooscap-and-wesakechak-indigenous-law-and-the-new-brunswick-land-use-negotiation/>>.

6. The judiciary has felt this obligation for some time, and court judgments are beginning to show evidence of increasing engagement with Indigenous legal orders. See for example *Pastion v Dene Tha’ First Nation*, 2018 FC 648, where Justice Grammond found that the Canadian courts have had an overall tendency to deny and suppress Indigenous law, especially in the area of community governance.
7. James Boyd White, *Keep Law Alive* (Durham, NC: Carolina Academic Press, 2019). He argues that “law in this living sense is not just a set of rules or institutions, but an activity of the mind and imagination—a form of life—that has the value of justice at its heart” (at xiv). He goes on to argue for law as an activity, and one that is collective: “We need each other to create ways of remembering who we still are and what we still value” (at xix). In the background are another set of questions about law’s active participation in violence and domination, but in the context of this paper I am holding those important questions to the side. For more, see James Boyd White, *Living Speech: Resisting the Empire of Force* (Princeton: Princeton University Press, 2006).
8. In thinking about the practices of building relations, I have been influenced by two important works on research methodology: Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples* (London: Zed Books, 1999) and Shawn Wilson, *Research is Ceremony: Indigenous Research Method* (Fernwood Publishing, 2008).
9. Mark Zion pointed me in the direction of a lovely interview with Jacques Derrida, where he articulates a very similar question, albeit in the context of a deeper discussion about philosophy, online: <<https://www.youtube.com/watch?v=Z2bPTs8fspb>>.

10. In the background, there is much to say here about the place of power in the distribution of these costs. Mark Zion reminds me of David Graeber's work on empathy in the lower classes. He argues that they are always required to anticipate the needs of their masters/bosses, whereas the latter need not ever give thought to the needs or positions of the former, online: <<https://www.theguardian.com/commentisfree/2014/mar/26/caring-curse-working-class-austerity-solidarity-scourge>>. There is a significant literature on this point in feminist scholarship and work in critical race theory. A similar discussion of the costs of these forms of emotional labour can be seen in Arlie Russell Hochschild's classic text, *The Managed Heart: Commercialization of Human Feeling* (Berkeley: University of California Press, 1983).
11. The brutality of colonial dispossession has produced contexts where some Indigenous peoples have been disconnected from their own legal orders, and so the importance of pathways and questions extends beyond settler communities.
12. For a collection of articles on this theme, see Hester Lessard, Rebecca Johnson & Jeremy Webber, eds, *Storied Communities: Narratives of Contact and Arrival in Constituting Political Community* (Vancouver: UBC Press, 2010). Two powerful resources for working with story are Julie Cruikshank, *The Social Life of Stories: Narrative and Knowledge in the Yukon Territory* (University of Nebraska Press, 1998); and Jo-Ann Archibald, Q'um Q'um Xi'em, *Indigenous Storywork: Educating the Heart, Mind, Body, and Spirit* (Vancouver: UBC Press, 2008).
13. For a classic exploration of this power, see James Boyd White, *The Legal Imagination* (Chicago: University of Chicago Press, 1973). Another rich text is Anthony G. Amsterdam & Jerome Bruner, *Minding the Law: How Courts Rely on Storytelling, and How Their Stories Change the Ways We Understand the Law—and Ourselves* (Cambridge: Harvard University Press, 2000).
14. Ruth Buchanan and I have co-authored a series of pieces articulating our approach to law and film, and this idea is more fully elaborated in Rebecca Johnson & Ruth Buchanan, "Getting the Insider's Story Out: What Popular Film Can Tell Us about Legal Method's Dirty Secrets" (2001) 20 Windsor Yearbook of Access to Justice 87, online: <[https://digitalcommons.osgoode.yorku.ca/scholarly\\_works/2523/](https://digitalcommons.osgoode.yorku.ca/scholarly_works/2523/)>; see also Ruth Buchanan & Rebecca Johnson, "The Unforgiven Sources of International Law: Nation-Building, Violence, and Gender in the West(ern)" in Doris Buss & Ambreena Manji, eds, *International Law: Modern Feminist Approaches* (Oxford: Hart Publishing, 2005) 131.
15. For those interested in more theory, see Ruth Buchanan & Rebecca Johnson, "Strange Encounters: Exploring Law and Film in the Affective Register" (2009) 46 *Studies in Law, Politics, and Society* 33, online: <[https://digitalcommons.osgoode.yorku.ca/scholarly\\_works/990/](https://digitalcommons.osgoode.yorku.ca/scholarly_works/990/)>.
16. Truth and Reconciliation Commission of Canada, *Canada's Residential Schools, Vol 6: Reconciliation, The Final Report of the Truth and Reconciliation Commission of Canada* (Montreal & Kingston: McGill-Queen's University Press, 2015) 117.



17. The JD/JID is a new law degree program at the University of Victoria Faculty of Law: “The Joint Degree program in Canadian Common Law (JD) and Indigenous Legal Orders (JID).” This four-year program, which began in September 2018, combines intensive study of Canadian Common Law with intensive engagement with Indigenous Laws. The goal is to assist students to develop the skills needed to practice within Canadian common law, with Indigenous legal orders, and at the interface between them. The program is described online: <<https://www.uvic.ca/law/about/indigenous/jid/index.php>>.
18. For a rich collection exploring theory in this context, see Andre Smith & Audra Simpson, eds, *Theorizing Native Studies* (Durham, NC: Duke University Press, 2014).
19. Information on the course can be accessed online: <<https://rebeccaj63.wordpress.com/inuit-law-and-film/>>.
20. I describe the curriculum and goals of the course in more detail in Rebecca Johnson, “Reimagining ‘the Truth North Strong and Free’: Reflections on Going to the Movies with James Boyd White” in Julen Etxabe & Gary Watt, eds, *Living in a Law Transformed: Encounters with the Works of James Boyd White* (Ann Arbor: Maize Books, 2014) 173. See also Rebecca Johnson, “Notes on Using Film to Engage with Philosophy of Law in the Arctic” in Dawid Bunikowski, ed, *Philosophy of Law in the Arctic* (Rovaniemi, Finland: The University of the Arctic, The Arctic Law Thematic Network, The Sub-group of Philosophy of Law in the Arctic, Cambridge Scholars Press, 2016) 123. See also Rebecca Johnson, “Intercultural Cinema and the (Re) Envisioning of Law: Exploring Life, Death and Law in Atanarjuat and before Tomorrow” in Timothy D. Peters & Karen Crawley, eds, *Envisioning Legality: Law, Culture and Representation* (Routledge, 2018) 228.
21. I describe this approach in Rebecca Johnson, “Engaging Students in the Learning Process” (1999) 27 UNB Teaching Voices 9. I draw heavily on my experience as a graduate student at the University of Michigan in a seminar on “Gender, Class, Race and Nation” run by Patricia Hill Collins. I note here that another advantage of this approach is that I can often see in advance that there are a number of similar questions emerging in the classroom, and I can use this to shape the lecture that follows in order to take up those questions in a more generalized way.
22. *Atanarjuat*, commonly listed as one of the top ten films in Canadian history, is the first feature film written in Inuktitut, telling an ancient Inuit story and set in the distant past. There is a rich literature around the film, and around Igloodik Isuma.
23. See also Rebecca Johnson, “Intercultural Cinema,” *supra* note 20.
24. IMDb, The Internet Movie Database, online: <[https://www.imdb.com/title/tt0478366/?ref =nv\\_sr\\_6?ref =nv\\_sr\\_6](https://www.imdb.com/title/tt0478366/?ref =nv_sr_6?ref =nv_sr_6)>.
25. Knud Rasmussen, *Intellectual Culture of the Iglulik Eskimos: As Described in the Posthumous Notes of Dr. Knud Rasmussen by H. Ostermann*. Vol. X, No. 3, Report of the Fifth Thule Expedition 1921–24: The Danish Expedition to Arctic North America in Charge of Knud Rasmussen (Copenhagen: Glydendalske Boghandel Nordisk Forlag, 1929).

26. Norman Cohn, "About the Journals of Knud Rasmussen" (2007), online: <<http://www.isuma.tv/isuma/our-journey/thejournalsofknudrasmussen>>.
27. Gillian Robinson, ed, *The Journals of Knud Rasmussen: A Sense of Memory and High-Definition Inuit Storytelling* (Montreal: Isuma Distribution International, 2008). This book contains a series of articles, each engaging with the film from another angle, by Hugh Brody, Lee Maracle, David Suzuki, and more.
28. In short, who is presumed to do the watching, and who is presumed available to be watched? This is the question at the heart of the classic text by Laura Mulvey, "Visual Pleasure and Narrative Cinema" in Patricia Erens, ed, *Issues in Feminist Film Criticism* (Bloomington: Indiana University Press, 1990) 28. For two lovely explorations of this question in the context of the North, see Michelle Raheja, "Reading Nanook's Smile: Visual Sovereignty, Indigenous Revisions of Ethnography and Atanarjuat (the Fast Runner)" (2007) 59:4 *American Quarterly* 1159, online: <<https://doi.org/10.1353/aq.2007.0083>>; and John W Burton & Caitlin W Thompson, "Nanook and the Kirwinians: Deception, Authenticity, and the Birth of Modern Ethnographic Representation" (2002) 14:1 *Film History* 74, online: <<https://www.jstor.org/stable/3815582>>.
29. For an exploration of the ways that a film's viewers are drawn into the scenes they watch, see Jessica Silbey's PhD thesis, *The Subjects of Trial Films* (University of Michigan, 1999). This argument is also explored in Carol J Clover, "Law and the Order of Popular Culture" in Austin Sarat & Thomas R Kearns, eds, *Law in the Domains of Culture* (Ann Arbor: University of Michigan Press, 1998) 97. A rich exploration of how this happens is also visible in Orit Kamir's classic book, *Framed: Women in Law and Film: How Law on Screen Constructs Gender, Dignity and Honor* (Durham, NC: Duke University Press, 2006).
30. There is an exploration of the power of settler and Indigenous practices and experiences of mapping in Barbara Belyea, *Dark Storm Moving West* (Calgary: University of Calgary Press, 2007). See particularly her comparison of two different mappings of the Great Lakes at p. 54. As she notes at p. 55, "we do not see geographical features such as lakes and rivers with the naked eye; we see them as we have been taught to see them."
31. See Smaro Kamboureli, "Opera in the Arctic: Knud Rasmussen, Inside and Outside Modernity" (Printemps/Ete, 2018) 11 *IdeAs*, online: <<https://doi.org/10.4000/ideas.2553>> at para 29, where she says: "The complexities that underlie the cinematic visualization of this encounter are too many to fully unpack here. Suffice it to say, the unevenness of representation that characterizes Rasmussen's narratives is rendered in the film as a two-way traffic of cultural exchange that asserts not so much Evaluarjuk's ability to draw a map of his land—the film, naturally, takes for granted that he is familiar with his land—but the Inuit's *right to their own land*. Through this incident Kunuk and Cohn decolonize space by re-writing and re-mapping both Rasmussen and the settled land." For another discussion of conflicting understandings of sovereignty in the North, see Gordon Christie, *supra* note 5.



32. For a rich exploration of the shifting practices of mapping in Britain's expansion of empire, Nick Blomley, "Law, Property and the Geography of Violence: The Frontier, the Survey and the Grid" (2003) 93:1 *Annals of the Association of American Geographers* 121, online: <<https://www.jstor.org/stable/1515327>>. See also Hugh Brody, *Maps and Dreams: Indians and the British Columbia Frontier* (Long Grove, Illinois: Waveland Press, 1981).
33. For a rich analysis of how jokes work to include and exclude others, see Tania Modleski, "Rape vs. Man's/Laughter: Blackmail" in *The Women Who Knew Too Much: Hitchcock and Feminist Theory* (New York: Routledge, 1989) 17.
34. There is an entertaining version of this in the National Film Board of Canada (NFB) film "*Qallunaat!: Why White People Are Funny*," online: <[https://www.nfb.ca/film/qallunaat\\_why\\_white\\_people\\_are\\_funny/](https://www.nfb.ca/film/qallunaat_why_white_people_are_funny/)>.
35. Rasmussen did have early training as an opera singer. For a rich engagement with this specific scene, see Kamboureli, *supra* note 31. The choice of aria is powerful in the film, which speaks to the relations of love and care between Avva and his spirit helpers. This aria returns in the film's final moments. The libretto is translated from Italian to English by Rogelio Aguilar ([aguilarogelio@hotmail.com](mailto:aguilarogelio@hotmail.com)) as follows:
- |                                 |  |
|---------------------------------|--|
| M'appari tutt' amor;            | She appeared to me, full of love,        |
| il mio sguardo l'incontró       | my eyes caught sight of her;             |
| bella si che il mio cor         | so beautiful that my heart               |
| ansioso a lei voló;             | flew to her with longing;                |
| mi ferí, mi rapí                | was wounded and inflamed                 |
| quell'angelica belta            | by her angelic beauty                    |
| sculta in cor dall'amor,        | which love has engraved in my heart,     |
| cancellarsi non potra,          | and which cannot be erased,              |
| il pesier di poter              | and the mere thought                     |
| palpitar con lei d'amor;        | of her responding to my passion          |
| puó soprir ji martir            | is able to appease the suffering         |
| che m'affanna e strazia il cor! | which distresses me and breaks my heart! |
| Marta. Marta, tu sparisti       | Martha, Martha, you have vanished,       |
| e ji mio cor con tuo ne andó!   | and my heart went with you!              |
| Tu la pace mi rapisti,          | You have stolen my peace of mind,        |
| di dolor jo moriró ah!          | I shall die of grief,                    |
| di dolor morró, al, morró!      | ah! I shall die, shall die of grief!     |
36. I use the word "we" here conscious that my siblings might say to me, "Who is this *we* of whom you speak?" I invite the reader to position themselves in the "*we*," in the ways that make sense and are useful. The experience of being raised in the North or South will bring with it a set of overlapping and divergent experiences, but I do believe that the process of attending to questions is one that is valuable to

- Indigenous and non-Indigenous lawyers alike, no matter where one is positioned as a learner of something new. It is just that the place of power and relationship on the field may manifest in different ways linked to one's experiences of embodiment.
37. I appreciate the importance of precisely these warnings, as they help focus attention on the reasons why engagement, if difficult, is nonetheless crucial. They also remind me that institutional and structural change has to be an ongoing part of this work. I find assistance in contemporary scholarship by both Indigenous and non-Indigenous scholars who explore the practices and pedagogies that can provide scaffolding as people build relations and nourish capacities for learning about other legal orders in increasingly healthy ways. See notes 5 and 7, *supra*.

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### **Author**

**Rebecca Johnson** is a professor and associate director of the Indigenous Law Research Unit in the Faculty of Law at the University of Victoria.