

# The Sense of a Better Ending: Legal Pluralism and Performative Jurisprudence in *Atanarjuat the Fast Runner*

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**Abstract:** This article argues that Igloolik Isuma's first feature length film, *Atanarjuat the Fast Runner*, performs a meaningful reading of traditional Inuit legal systems, and puts time-honoured notions of customary law and Inuit social governance into practice. The process of conflict resolution is carefully depicted in the film, which is attentive to the processes of jurisprudence and to a range of possible outcomes. The movement toward a communal justice is shown in an elaborate, carefully detailed, step-by-step process (that still remains unobtrusive, and can be "missed" by some viewers). The film is formal and deliberate, and proceeds at a pace that enables the clear articulation of a specifically Inuit legal culture; it shows Inuit legal practitioners operating in ways that reveal Inuit *legal principles* in action. In restaging and recontextualizing a well-known narrative from Inuit oral tradition, *Atanarjuat* makes these local traditions of jurisprudence visible and accessible by relating them in modern form. The film does not leave these traditions and performative systems intact and in the past, however, but updates them for a contemporary audience and in dialogical relation to broader systems of contemporary justice in Canada. In this way *Atanarjuat* demonstrates Inuit legal systems, in practice, as being flexible, adaptable, and capable of being updated; it shows them struggling to maintain order and continuity in the face of violence and dispossession. This article suggests that *Atanarjuat the Fast Runner* effectively models performative jurisprudence and the interpretive nature of dialogical governance, and provides one situated, appropriate, culturally sensitive resource and model for contemporary conflict resolution and community governance in Inuit communities today.

**Keywords:** *Atanarjuat the Fast Runner*, Inuit legal systems, traditions of jurisprudence, Inuit oral tradition, community governance in Inuit communities

**Résumé :** Cet article explique comment le premier long métrage d'Igloolik Isuma, *Atanarjuat, la légende de l'homme rapide*, offre une lecture importante des systèmes légaux traditionnels inuits et met en pratique les vieilles notions de droit coutumier et de gouvernance sociale inuite. Le processus de résolution de conflits est soigneusement démontré dans le film, lequel porte attention au processus de jurisprudence et à une gamme de résultats possibles. Le mouvement vers une justice collective est démontré par un processus élaboré et détaillé (qui demeure toutefois discret et peut être « manqué » par certains spectateurs). Le film est formel et délibéré

et procède à une vitesse qui permet une articulation claire d'une culture légale inuite spécifique; il démontre des juristes inuits qui travaillent d'une manière qui dévoile les *principes légaux* inuits en action. En resituant et recontextualisant une histoire connue de la tradition orale inuite, *Atanarjuat* rend ces traditions locales de jurisprudence visible et accessible en les racontant à l'aide d'un format moderne. Par contre, le film ne laisse pas ces traditions et systèmes performatifs intacts et dans le passé, mais les met à jour pour un auditoire contemporain et en relation dialogale avec des systèmes plus larges de justice contemporaine au Canada. Ainsi, *Atanarjuat* démontre les systèmes légaux inuits en pratique comme étant flexibles, adaptables et capables d'être mis à jour; il les montre luttant pour maintenir l'ordre et la continuité face à la violence et à la dépossession. Cet article suggère que *Atanarjuat, la légende de l'homme rapide* modélise efficacement la jurisprudence et la nature interprétative de la gouvernance dialogale et offre une ressource et un modèle à la fois situés, appropriés et sensibles à la culture à la résolution de conflit contemporaine et à la gouvernance communautaire au sein des communautés inuites actuelles.

**Mots clés :** Atanarjuat, la légende de l'homme rapide, systèmes légaux inuits, traditions de jurisprudence, tradition orale inuite, gouvernance communautaire au sein de communautés inuites

We [Inuit] had a strong respect for the rule of law. We were organized around the family and our lives were governed by a highly evolved system of customary law, many aspects of which continue to guide our relationships today.

—Mary Simon, Past President, Inuit Tapiriit Kanatimi, 2010<sup>1</sup>

Igloodik Isuma was an Inuit video collective founded in 1990 by Zacharias Kunuk, the late Paul Apak, Pauloosie Qulitalik, and Norman Cohn, and operated until 2011 primarily by Kunuk and Cohn, with Qulitalik serving as cultural advisor. Isuma means “Think,” as in Think Productions. To have *isuma* is to be well-reasoned, clear in judgement, rational, calm; an *isumataq* is one who thinks. Kunuk’s family has a camp at Kapuivik on Jens Munk Island, where Isuma’s first feature-length film, *Atanarjuat the Fast Runner* (Kunuk 2001), was shot. Friends and family of the actors and filmmakers made skin clothing, stone and snow houses, sleds, and other “props” used in the film, and were in this sense paid for a project of cultural recovery. As Cohn explains, “We implant these values—our collective process—in our filmmaking practice; community support and participation are qualities of participation we make visible on the screen” (2002, 23). Among the values and collective processes *Atanarjuat* “implants” or recovers, this essay suggests, are traditional systems of Inuit law and social governance. In restaging and recontextualizing a well-known narrative from Inuit oral tradition in a contemporary medium for a global audience, it makes these

traditions of jurisprudence accessible and visible by relating them in modern forms. The film does not leave these traditions and “systems” intact and in the past, however, but updates them for a contemporary audience, and in dialogical relation to broader systems of contemporary justice in Canada.

Laws in traditional Inuit society, which were integral to the survival of a people, were well-preserved by transmission in stories and songs that carried through the generations. They could be updated or changed depending upon the audience and the occasion; in this sense, the film *Atanarjuat* carries on a long tradition. Central to our argument is an awareness that crucial scenes in the film in which regimes of traditional Inuit jurisprudence are articulated must be read closely by Indigenous and non-Indigenous audiences alike, in order for their meaning and value to become clear. Not even Isuma’s self-stated “first audience,” the Inuit themselves, have some sort of plain or naturalized access to the legal values practiced and performed in *Atanarjuat*. Traditional systems of Inuit law are not easily “read” by us today, either in Nunavut or beyond, as Inuktitut speakers or otherwise. They are neither readily transparent nor simply transferable, and are neither simple nor fixed. Systems of law are responsive, living traditions, which must constantly be interpreted and amended in order to evolve. They require a concerted period of study and apprenticeship in order to apply and understand—today, as in times past. When traditions of common law are lost, degraded, or become static, communities may fall into disunity and despair. In these respects, southern and northern legal traditions are very much alike.

*Atanarjuat* performs a meaningful reading of traditional Inuit legal systems, and puts time-honoured notions of customary law and Inuit governance into practice. The process of conflict resolution is carefully depicted in the film, which is attentive to the processes of social governance and to a range of possible outcomes. The movement toward a communal justice is shown in an elaborate, clear, step-by-step process (that remains unobtrusive). The film is formal and deliberate, and proceeds at a pace that enables the careful and deliberate articulation of a specifically Inuit *legal culture*. We focus here on reading two extended “legal” scenes in the film—the song duel between Uqi and Atanarjuat, and the final gathering of the community in council—in considering the ways in which *Atanarjuat* depicts Inuit legal practitioners performing in ways that reveal Inuit legal principles in action. We read these scenes in relation to discourses in the Indigenous humanities and Indigenous jurisprudence, particularly the work of so-called post-colonialists in Canadian law and with respect to the ethnographic archive. We combine close reading of plot with analysis and theory, to account for readers unfamiliar with the source text, and for etic audiences who might not have read far enough beyond the film’s casual, elegant depths; and we aim to be attentive to the role of community, the oral tradition, knowledge of the elders, and

relations between spirituality and law, in traditional Inuit systems of jurisprudence. As southern interpreters, we work in a spirit of collaboration and ethical alliance, with faith in the possibilities of non-appropriative cross-cultural research, and without claiming expert status or privileged, “insider” information. In this paper’s final section, we consider the film as a possible resource and model for community healing circles and local justice committees, and for conflict resolution and management in Inuit communities today. In that the Inuit are a widespread circumpolar people, all regions of Inuit culture cannot be painted with the same brush. Our focus is on the people of the eastern Canadian Arctic, particularly northern Foxe Basin, at the mouth of Fury and Hecla Strait, in Iglulingmiut territory, where the well-known story of *Atanarjuat* is set.

### Inuit Justice and Oral Traditions

*Atanarjuat* took the world of cinema by something of a storm, winning the Camera D’Or at Cannes for Best First Feature in 2001, and receiving a slate of awards and recognition.<sup>2</sup> An oral tale culled from a collective tradition that had already been tested by the target audiences of many generations, the film startled southern viewers with an unfamiliar world filled with familiar human tensions: desire, revenge, patrilineal violence, the quest for power, and the entanglements of privilege. *Atanarjuat* is a film about law and order, violence and despair, justice and peace. It is about other things, besides—love and honour, sex and death, matriarchy and spirituality, community coherence, continuity, and survival. This quality of the “epic”—a long narrative poem that recounts the heroic deeds of illustrious predecessors as established in oral tradition—may have helped the film bridge the gap between producing (Inuit) culture and international audiences. The film tells of a vengeful spirit summoned by a powerful and dangerous shaman leading to disaster for a specific regional community; and it depicts *Atanarjuat*’s battle to save his relations from disintegration and despair. As director [Zacharias Kunuk \(2002\)](#) explains, “Paul Apak decided that we would do *Atanarjuat* because we all grew up with this story and once it was taught to you, you never forgot that naked man running out on the ice. We all heard this story and now it was the time to use new technology to put these stories through the TV.”

Screenwriter Apak consulted with eight Inuit elders before writing his script (Saladin d’Anglure, in [Angilirq 2002](#), 203). They recorded a number of versions of the story, which were all different, but which all contained similar and identical elements—including *Atanarjuat*’s blood revenge at the story’s end. The filmmakers read in the Inuit Oral History Project in Igloolik, and in the ethnographic literature, particularly the works of [Knud Rasmussen \(1931\)](#) and the British Naval officers [Parry](#)

(1824) and Lyon ([1824] 1970), who overwintered with two ships, the *Fury* and *Hecla*, near the winter camp of the Iglulingmiut in 1821–23. In terms of details of custom, dress, the artifacts of material culture, and so on, there was a concerted, studious effort by the filmmakers in striving for historical accuracy, to get things *right*. The story is set in the familiar and recognizable territory around Igloolik, and links land to language, culture, collective memory, and oral tradition in a densely woven network of localized relationships.<sup>3</sup>

The preservation of peace and harmony in the community was the primary purpose of traditional Inuit law—as it is in this retelling (Groarke 2009, 795). Inuit culture is traditionally oral, and the theory and practice of law is contained and transmitted through stories and songs, as we see and hear in the film. Certain stories are well known in communities across the Canadian Arctic; as Boas understood, “most of them have been handed down in unchanged form and their narration demands a great deal of art” (1888, 648). Good literature tends to enthrall as it instructs, and the role of traditional stories was not necessarily to tell people what to think or how to behave; complex messages were contained in tales that could instruct *and* entertain. A narrative might not have an overt or a simple moral, even as it reminded young and old listeners of the importance of maintaining crucial Inuit values, “such as patience, peacefulness, courage, generosity, modesty, honesty, and cooperation” (Eckett and Newmark 1980, 194). As Napoleon and Friedland observe, storytelling is “a teaching method that gives life saving lessons, imprints morality and deepens peoples’ understanding about their lives ... some indigenous stories are about law and contain law, and as such, they are a deliberate form of precedent” (2011, 4, 6).

Stories enable important messages, embodied in crucial images, to be remembered, understood, and discussed—such as a naked man running across the ice. This image, unforgettable to a young Kunuk, sits at the crux of the film, the hinge upon which the outcomes of murder, revenge, love, law, and order all depend. A lone man on a frozen ocean without food or clothing would mean certain death in an Arctic environment. The scene piques our desire for narrative: How did he get here, what happens next, and why? What happens when our societies become imbalanced and the passions of the young and a will-to-violence among men are not curtailed? What system of order exists to channel such forces and restore balance to a community?

The Atanarjuat story is well-known throughout the Iglulingmiut culture area, from Pond Inlet and northern Baffin Island through northern Foxe Basin and Melville Peninsula south to Repulse Bay. It was first recorded in print by Boas in the south Baffin region in 1901,<sup>4</sup> and by Knud Rasmussen in 1921 and 1924 (Krupat 2007, 613). Steenhoven (1959, 44–45) records a version collected by Rev. Franz van de Velde in Kugaaruk (formerly Pelly Bay), among the Netsilingmiut west of Melville

Peninsula, illustrating the story's widespread currency. Despite local variation, all consulted and collected versions of the story end in the same way, with retributive violence, as Atanarjuat takes revenge and kills Uqi and friends for the murder of his brother. In the van de Velde version, Atanarjuat kills at least four opponents: two with a strong bow he disguises as weak, and two more without mercy on the trail home. In a story told by Nakasuk to Rasmussen, in avenging his brother's death, Atanarjuat "himself stood calmly and shot down his enemies one after another" (1931, 432). In a detailed version recorded by Boas, "He then challenged two men who had stabbed him, and slew both of them" (1901, 331).

We should not mistake literary tradition for anthropology, however; it is naive as well as dangerous to transpose Inuit literature directly onto social history. Despite the ways in which some historians, anthropologists, and critics have read the film, and the culture, as a stronghold of feud-based justice in which blood vengeance and retributive justice were common (e.g., [Spencer 1959](#); [Sonne 1982](#); [Shubow 2003](#)), we argue that the film itself, like the story that it retells, speaks less to manslaughter and violence than it does to the method and intention of Inuit oral traditions. The Inuit storytelling tradition, like traditions of song and story the world over, may serve a diagnostic and transformative function, and operate as an apotropaic device, warning what *could* happen if a community veers out of balance. We would all do well to encounter love, gut-wrenching loss, and the effects of violence, desire, and despair in the stories we hear before we do so in real life. In this way our most important stories, of which *Atanarjuat* is certainly one, offer "consciousness a chance to recognize its predicaments, foreknow its capacities and rehearse its comebacks in all kinds of venturesome ways," as [Seamus Heaney \(1995, 2\)](#) explains. In a small and isolated band, each productive hunter was in fact precious, and, "although revenge was an accepted part of Inuit justice, it was not necessarily encouraged. The threat of revenge caused uncertainty" ([Bennett and Rowley 2004, 103](#)).

This awareness of the power and purpose of (Inuit) storytelling is crucial to the act of cultural self-representation and reimagining undertaken by Isuma in *Atanarjuat*. The film's treatment of its crucial themes of justice, violence, social governance, cultural continuity, and survival are made clear in its sense of an ending, when the filmmakers consciously and purposely transform the traditional narrative. The film shifts from a traditional, inherited ending of bloodshed and violent retribution to one of exile and banishment, in which, bone club poised to strike over Uqi's head, Atanarjuat pauses and pronounces—with the camera framed in close-up, looking up from Uqi's point of view—"The killing ... stops here!" As [Kunuk \(2002\)](#) explains, "We also knew that they used to just send people away instead of killing them and that was a better ending so we chose that." This is the sense of a "better ending" to which

our title refers. Isuma changed the ending of the traditional story “to emphasize balance and selflessness over ego and ambition” (Evans 2010, 58). In Kunuk’s words, “It was a message more fitting for our times. Killing people doesn’t solve anything” (Shubow 2003). For Michael Evans, “Apak, Cohn, Kunuk and others at Isuma decided on a positive ending because they wanted to emphasize the importance of harmony and working together, a vital Inuit value honed over millennia of cooperation in small bands immersed in a harsh environment” (2008, 94).

This changed ending is of great significance, we suggest, in that even if we are unaware of it, we are always reading a text / watching a film with its ending in mind, such that the shadow or crisis of an artistic work’s ending is always *immanent*, always fast approaching, and to transform this ending in a moment of *peripeteia* (a sudden change in the movement of the plot) “consciously transforms all that went to the making of it” (Kermode 1987, 386). This is what Frank Kermode (1967) teaches us in his classic work of criticism *The Sense of an Ending*, from which we borrow (with an amendment from Kunuk) our title. That is, a film or story, unlike reality itself, has a finite, concrete, particular ending, which we are always anticipating and reading *toward*, and to change this ending casts a retrospective, reordering glance over all that has gone before. This changes the way we see the “past” of the film, and thus its overall pattern, and changes in fact the meaning of the entire work. In assimilating this new ending, which was unexpected (Uqi still wants to stab Atanarjuat), in Kermode’s terms, we are “enacting that readjustment of expectations” (18)—which changes everything.

This new, updated ending has been remarked upon by many reviewers, and misread by a few. In *American Prospect*, Justin Shubow calls this “a crucial lie ... at the film’s core” (2003). He argues that “the altered climax is an inaccurate portrayal of Inuit culture: the original ending of the legend precisely matches what anthropologists report about premodern Inuit—that murder always required blood vengeance.” This reading assumes Indigenous traditions as somehow frozen in time, inviolable and therefore inviolate, without presence or relevance in contemporary society. This is an assumption that charges in turn the film’s makers with duplicity, that in realizing a “happily ever after” ending of romantic love and exile, not bloodshed and retributive violence, Isuma is refashioning some supposed essential and violent “truth” about pre-contact Indigenous societies to suit modern audiences and visions of the indigene. Such a reading not only misrepresents traditional Inuit culture and narrative traditions (which the film goes to great lengths to accurately depict) but also discounts the flexibility and adaptability of Inuit oral history and traditional systems of governance—qualities that are among their greatest strengths. This is to misread anthropology and history (anthropologists are *not* consistent in reporting a tradition

of “blood vengeance” [e.g. Steenhoven 1959; Boas 1888; Rasmussen 1931]), as well as the ways in which storytelling traditions actually work. As Isuma’s “better ending” demonstrates, legal traditions and systems of governance, whether southern or northern, customary or common law, are in the best case responsive to local and particular economic, social, and historical contexts.

### Depicting Justice in *Atanarjuat*: The Song Duel

There is nothing abstract about the process of Inuit justice: the traditions are performed, sung, danced, spoken in communal gatherings and in communion with spirits. The principles are applied, not written in hide-bound texts; they exist nowhere but as situated knowledge and embodied action within a community. The film reminds southern audiences—in fact *all* audiences, including Inuit—that Indigenous peoples in this country have longstanding traditional systems of law, and that these have long histories and are in fact *sui generis*, of their own kind, having evolved outside of Western systems of law and governance; and that they have been proven over time to be functional and highly effective in resolving conflict in their communities. In this context Rosemarie Kuptana states the obvious: “Aboriginal peoples, like other peoples throughout the world, have always been self-governing” (1992, 40). For W.E.H. Stanner, “Like many another fact overlooked, or forgotten, or reduced to an anachronism, and thus consigned to the supposedly inconsequential past, [this] requires only a suitable set of conditions to come to the surface, and be very consequential indeed” (1979, 216). This paper considers how such conditions become visible and of consequence in *Atanarjuat*.

In the film’s semi-opaque first scene, which opens in medias res, young Sauri invites in a sinister shaman Tuurngarjuaq to kill Kumaglak, his father and camp leader. Tuurngarjuaq is unknown, a stranger from the north, the traditional direction of cold winds and malevolent spirits. His name means large *tuurngaq* or “powerful spirit,” and is the name “certain missionaries gave to the devil” (Saladin d’Anglure, in Angilirq 2002, 211). With his father dead, Sauri inherits the necklace that signifies community leadership, thereby disrupting the balance and transfer of power in the community. Years later, Uqi is given strength and courage through this same malicious spirit to kill Sauri, his own father, who stands in the way of Atuat, whom he wants to marry. In the film’s final scene, it is this dark spirit that has descended the patriline from Sauri to Uqi that must be expelled through a carefully calibrated ceremony of communal and spiritual justice in order for balanced relations to be restored.

Two specific, extended “legal” scenes dramatize the aftershock of Sauri’s usurpation and of Uqi’s quest for power: the drum dance or “song duel” between Uqi and



Atanarjuat, in which the hand of Atuat (and the future of the community) is at stake; and the final gathering of the community in council, in which Uqi and his rough cohort are banished. In these scenes the collective gathers in deliberation with the aim of conflict resolution and crisis management, as interpersonal relations and community tensions are managed and addressed. It is important that these are both legal ceremonies *and* spiritual events; that, in the realm of Inuit jurisprudence, spiritual and strictly secular concerns cannot be separated; and that in both cases the world of spirits tips the balance toward normative Inuit values of coherence and communal justice. These carefully depicted and detailed scenes reveal traditional Inuit law in practice by means of direct, communal, and non-violent confrontation, with the help of spiritual intercession as arbiter and aid in defining and directing normative behaviour.

The elaborately detailed song duel scene is set up by Tulimaq, Atanarjuat's father, a poor hunter and somewhat dimwitted, who after a successful hunt suggests a festival house (*qaggiq*) be built so that the community may come together and feast. A series of reaction shots record meaningful glances exchanged by those present, who recognize that a long simmering conflict between two young men with the necessary skills and fortune and in want of a wife will move this night toward a meaningful conclusion. The scene is presented directly and in a straightforward manner. There is no "external" ethnographic gaze at work, and the "rules" or norms of Inuit jurisprudence are not described for "outsider" (etic) audiences. All present understand the protocols directly; those who do not are expected to watch closely, and to learn. Inuit traditionally learned the skills, attitudes, and aptitudes they would need to be successful through close observation and attention to detail, not exclusively by verbal instruction; the film's audience is expected to learn in much the same way. This too is a community value and collective process articulated by and implanted in Isuma's filmmaking practice.

The female protagonists hold their own song duel first, with Atuat and Puja throat singing in a competition that dissolves into laughter and giggles. These women are also rivals, their tensions do not degenerate into bloodshed and violence. It is a lesson the men would do well do heed. After a lip-pulling contest between Aamarjuaq and Uqi's companion Pittiulaq (again with the two camps pitted in antagonistic relation), the evening's main event is set to begin. The Inuit deployed many different traditional methods in conflict management and resolution; one of these was the song duel (Sonme 1982, 24). Song duels were arranged to take place during a festive gathering, and are performed before the community in a large, communal snow house often built specifically for these occasions. As is detailed in *Atanarjuat*, protocols were elaborate and specific, and canons of behaviour and speech were closely observed. As anthropologists Eckett and Newmark explain:

The songs aimed to affirm the singer's general good character, and to describe the transgressions of the opponent. Mirth was key to the event, and insults, accusations, and self-aggrandizement—all forbidden in everyday interaction—had to be couched in humour and literary devices. ... The opponents exchanged songs until one of the contestants was either laughed down by the audience, completely humiliated, or so angered that he was unable to reply. (1980, 192)

Songs in the duel are meant to foreground ridicule and bawdy humour, with antagonists scoring points in making those assembled laugh uproariously. They are designed to be outlandish, witty, and derogatory; as Rev. van de Velde commented, derision is the Inuit's "first and last weapon, and in their hands it is deadly" (Steenhoven 1959, 31). But the song duel was also a formalized occasion, with certain metrical regulations, and songs had to be composed in verse (Balikci [1970] 1989, 188). They are meant to humiliate and provoke, even enrage, but only in a highly regulated communal and social arena. What may appear on the surface to be entertainment, singing and dancing, "mere" fun and games, in fact performs a serious social function: the song duel is a specifically legal ceremony, with much more than the dry specifics of the case at hand. There is nothing narrow or reductive about the process, which takes context into account and evaluates what Asen Balikci calls the "whole personalities" of the opponents (188). The song duel functions to resolve conflict between individuals in the community without resorting to violence, and has a clearly juridical function. The community adjudicates and determines winner and loser through social consensus—largely through laughter, and by determining which of the duelists loses their self-control (*isuma*) first, and which composes the most witty, biting, accomplished, and pleasurable verse. Because the audience's reaction is essential to determining the winner, the community plays an interactive role with dialogue, laughter, and song, and serves as a sort of panel of arbitration—which is not the equivalent of a judge (Eckett and Newmark 1980, 200). Whereas a *judge* denotes a hierarchical noun that signifies status and assigned privilege, the song duel is an arena of collective and performative jurisprudence. The goal is not punishment, justice, or discipline in an abstract sense, based on principles established elsewhere by some centralized authority, but rather the dissipation of tension and the restoration of balanced relations. It is the community's livelihood and long-term stability that is at stake, not the fate of a single individual or some narrow, tightly prescribed notion of who is right or wrong.

One of the core values of a mature Inuk is the exercise of self-awareness and self-control. As Jean Briggs explains, "One consequence of—as well as evidence of—a

well-developed *isuma* is the ability to act autonomously, self-sufficiently ... one who has *isuma* is an Adult" (1987, 10). *Never in Anger* is the title of Briggs's (1970) ethnography of Inuit family life and interpersonal relations for good reason: to reveal one's anger shows a loss of composure and self-control that entails a losing of "face" or reputation in Inuit society. The song duel serves precisely to incite this loss of control, and to test the maturity, patience, equanimity, and clear-sightedness of an individual. Balikci's authoritative ethnography of the Netsilingmiut is informative here, and is well worth citing at some length:

Contests involving derisive songs constituted remarkable efforts to resolve conflict in several ways. First, this was a formalized procedure involving preparation and a controlled succession of actions. Apparently free reign was given to the expression of aggressive feelings, yet they had to be molded into verse form. Second, conflict is brought out into the open, with society present to act as arbiter. But society did not act as judge, separating right from wrong or condemning culprits or absolving innocent individuals. Most of the derisive songs recorded by Rasmussen contained no reference to private grudges. It was rather the *whole personalities* of the opponents that were evaluated through their performances. The more biting and witty the song, the better was the reaction of the audience. Song duels thus had cathartic value for the individual opponents, and in this particular sense conflicts became "resolved." ([1970] 1989, 188–89)

In the film, Uqi goes first, drum (*qilauti*) in hand, while his side sings along, ridiculing Atanarjuat. Then Atanarjuat takes the drum and with support of his kin swings his backside to the beat of the large drum and sings:

Aiiiya yaya aiiya ya ya ...  
 Who blames his dog for an empty sled?  
 Who blames his father for his empty head?  
 Who blames his friends for his empty bed?  
 I am Uqi! Uqi! Uqi! Your leader ...  
 Aiiiya yaya aiiya ya ya ... ya ya. (Angilirq 2002, 79)

At the end of his song Atanarjuat points his drum beater at Uqi and makes a loud farting sound with his mouth, at which point everyone in the *qaggiq* dissolves into laughter. Atanarjuat has won the song duel, not even Uqi's side could contain their mirth. By the rules of the game, the battle for Atuat should be over. And yet

neither Uqi nor Sauri will give Atuat up so easily. They are well aware that a woman as skilled and capable as she is, is crucial to a family's well-being. Atuat is beautiful, wise, patient, respected, well-raised, and well-educated; she is taciturn, strong, quick to laugh, pleasant to be around, and a hard worker. Sauri and Uqi risk the loss of face, but also the displacement of a young man's desire. As Balikci explains, "Sometimes one or both of the opponents at the end of a song duel continued to feel enmity. When this was the case, they often decided to resume fighting, this time with fists. This definitely settled the matter" ([1970] 1989, 189). In precisely this way Uqi continues to feel "enmity" and a physical confrontation is agreed, with Uqi and Atanarjuat competing in a sanctioned, traditional form of fisticuffs.<sup>5</sup> Again the film elaborates the process in significant detail—the dialogue between cinematic and ethnographic texts is exemplary—as the participants "stripped to the waist. ... Only one blow was given at a time, directed against temple or shoulder. Opponents stood without guard and took turns, the contest continuing until one of the fighters had had enough and gave up" (186).

A bone is spun to see who goes first, and Uqi wins—a large advantage for the stronger opponent. Blows are to the temple with a closed fist. Atanarjuat has always feared that Uqi is stronger (Atanarjuat may be fast, but his brother Amarjuaq, "the strong one," has greater strength). After the second blow Atanarjuat is in genuine trouble, and Panikpak, by means of a prayer directed into the flame of a stone lamp (*qulliq*), calls on the spirit of her dead husband Kumaglak to intervene. Atanarjuat gains great power and knocks Uqi unconscious with a mighty blow. Uqi lies in seizures on the snow house floor; Atanarjuat has won, and the spirit realm has aided his victory. The outcome aligns with romantic love, honesty, and co-operation at the expense of the traditional custom of arranged marriage. It is not that legal or spiritual discourse pervades all aspects of Inuit social life, but that at crucial moments of conflict resolution traditions of law and spirituality converge and cannot be separated.

The complexities of lived human experience will not prevent specific individuals from acting in contravention to established protocol, however—as it is in any society, at any time—and the film is careful to depict significant differences and tensions between normative social order and the actual paths characters take through the labyrinth of human desire. Sauri will still not accept this outcome. He wants to negate the function of the violent game, and angrily exclaims, "I'm in charge here! Atuat is already promised to us!" (*Angilirq* 2002, 81). But in a crucial moment of resolution Panikpak, Sauri's mother and Uqi's grandmother, says clearly and with great confidence, "My grandson Uqi gave Atuat away ... by his own choice" (*Angilirq* 2002, 83). This settles the matter. The overall balance of spiritual forces, morality, and justice bends here, as it will at the film's end, toward the prevailing matriarch's

kindness, sympathy, and sense of community, her wise, attentive, and spiritual generosity, against a faction that has lost its way in succumbing to greed, envy, selfishness, and transgressive (non-normative) desire. In each case the proceedings of customary law are brought to meaningful conclusion through a positivist pronouncement by a senior and ranking arbitrator—Panikpak.

Although audiences, not seeing court houses, law books, or lawyers, may not recognize it as such, the song duel is a primary marker of Inuit law and legal traditions in *Atanarjuat*. The absence of any visible, centralized authority such as officers of the court, military or police, the semblance of state power and governance, or the notion of explicit command vested in some “higher,” disembodied, abstract plane located elsewhere—not to mention a lack of texts, and “stable,” fixed, “properly” positivist, written laws—may well have gone unnoticed. Though today of course we realize “a society does not need to have such institutions to possess law” (Borrows 2005, 178), it is upon such misreadings that southern understandings of Inuit legal traditions—and readings of the legal culture in *Atanarjuat*—still rest.

The song duel demonstrates the Inuit determining legal issues within their own communities according to their own values, and defines the parameters of these traditions according to longstanding cultural contexts. In bringing simmering tensions into the community’s full awareness, the duel works to resolve these tensions in the knowledge and tacit approval of society. It is the “fuller personalities” of the central participants that have been observed and addressed: the rhythm and lyrics of their songs and dance, their reactions to adversity and ridicule, their senses of humour and style have all been taken by the collective into account. The art of the song is that the original grievance (over Atuat) has not been addressed, only the character of the other has been lampooned. In the song duel, Inuit jurisprudence is performed in a communal gathering that is both ritualized and profane, verbally articulated and physically enacted, spiritually potent and secularly binding. It is a realm “apart,” outlandish in a carnivalesque bawdiness that overturns norms and upstages conventions while managing to express *and* constrain enmity and violence. It is indeed a “remarkable effort to resolve conflict,” as Balikci made clear. The Inuit song duel as a traditional means of conflict resolution was largely abandoned with the colonization of the North and the adoption of Christianity.

### **Violence and Retribution: The Final Council**

For five years in *Atanarjuat*’s camp an idyllic period reigns. Atuat is pregnant and the sun glistens over *Atanarjuat*’s shoulder as he returns in his kayak with a caught seal. “It was beautiful out there,” he says. But this is not an ethnographic film and



violation of customary law, which is sure to cause unrest. It provides an opening for Uqi, a provocation that might be avenged. Puja returns to her husband's camp and lays a boot on the skin tent to signal where Atanarjuat is sleeping. But again a spirit intervenes, causing him to shift in his sleep. Aamarjuaq is killed in the attack, and the fast runner must flee.

Qulitalik (Panikpak's older brother, who wisely moved away when violence first descended upon the community) restores Atanarjuat to health on Sioraq, an island to the east, and when the ice is thick enough and Atanarjuat is ready to return to the settlement, he conjures a hare to appear before Uqi, who seizes and eats his favourite meat, hoarding it all for himself, in violation of the customary law of food sharing. The rabbit—an agent of Inuit spirituality fashioned in concert with the land and that aligns once again with normative Inuit values of community coherence and communal justice—narcotizes Uqi, mellows him, clouds his judgement, and makes him vulnerable to Atanarjuat's scheme. Back in the settlement, Atanarjuat ices the floor of a snow house and in an apparent spirit of reconciliations invites Uqi and his two companions in to feast. Atanarjuat steps out and slips on antler crampons as they eat, then leverages his advantage in a final battle. At the moment of retributive justice, with bone club poised over Uqi's head, when Atanarjuat might avenge the murder of his brother and the rape of his wife, he pounds only the ice. He shows his strength over these men, but does not kill them. "The killing ... stops here!" he says. This movement away from physical violence plots a new direction and vision for Inuit culture, as the hero ends the disharmony in the community that Uqi (and before him, Sauri) have wrought. It is a "better ending" that "consciously transforms"—in Kermode's words—the meaning and patterns of the film, and of traditional Inuit society, and readjusts our expectations of the future of Inuit people. In short, it casts a retrospective, reordering glance over the pre-contact past, changing everything. No more violent retribution, the film argues; achieve conflict resolution through some other means—by listening to elders, emphasizing the values of community and spirituality, considering the entire personality in allowing grievances to be collectively aired, and finally, if necessary, enforcing exile (banishment), and not murder.

In the film's final scene, the bitter, vindictive, murderous shaman Tuurngarjuaq enters the tent looking as he did 30 years ago when Kumaglak was killed. He takes on a polar bear's powers, as Qulitalik inserts walrus tusks into his mouth and grunts like the great sea beast, as the two most powerful spirits in the North battle for supremacy before the entire community. In defeating Tuurngarjuaq (the Devil), and by expelling the malevolent spirit that has plagued their lives and determined their destinies for

so long, the film emphasizes the power and efficacy of Inuit systems of governance to restore social order. Panikpak declares that for the clan to be healed those who have caused problems must live apart. It is she who is narrating, or remembering, this story from the beginning, as it is she who takes over the administration of justice in the community at the end. Her positivist pronouncement is unequivocal, and is obeyed. She effectively banishes the malign spiritual forces that have plagued them, as well as Uqi and his crew, their wives, and Puja, who are exiled—not killed. The violence begotten by a thirst for power and the transgression of normative values in the name of a woman (Atuat is also raped by these thugs) is reordered by a calm, measured, humane, rational, female voice. Panikpak is the keeper of communal memory, and the arbiter of narrative and social norms. “I don’t want to say this,” she says, “but I’m speaking from my heart.” She has forgiven them, she says, as she hopes they will forgive each other, but this mistreatment of others, this lying and murder, all of “this has to stop, so our future generations can lead better lives.” It breaks her heart to banish them—these are her grandchildren, after all; and yet she must. “You will have to leave us now, and never come back.” With this, the film makes clear that violence is not an apt means of resolving interpersonal conflict. It calls for an end to the cycle of violence, which can become a death spiral, and for renewing the connections between spirituality and justice, for the “trial” of a complete person, for listening to elders, and for a collective adherence, when necessary, to their tough justice. In a council that combines spiritual ceremony with secular matters, Panikpak speaks. Traditional values, communal peace, the elders’ control—not to mention Atanarjuat’s relationship with Atuat—are restored.

### Inuit Legal Traditions in Contemporary Nunavut

In *Atanarjuat*, local systems of governance are strained to a breaking point, but prove in the end resilient, resourceful, adaptable, and of great meaning and value to local people. They provide the framework, guidelines, and processes to guide a community through crisis. In the film the processes by which outcomes and rulings of those deemed justice-makers are accepted as binding by the community are outlined in detail and made perfectly clear. In this way *Atanarjuat the Fast Runner*, among other things, exemplifies local law in action in “normal,” everyday lives. As legal scholar John Borrows (Anishinabek) explains (2010, 51–55), these are the necessary and sufficient conditions of traditional Indigenous law. The film advocates for a performative jurisprudence and a respect for a communal system that is both spiritual *and* secular in nature, and in which elders are made to speak, and their words are respected. It serves as resource and model for the administration of justice in Inuit communities today.



The still-recent successful negotiation of four different land claim agreements in the Canadian Arctic recognizes Indigenous rights and title to land and resources, including rights of self-governance and jurisprudence, which include the right to formulate, authorize, and legitimate Indigenous legal systems and traditions, which are constitutionally recognized in this country. The Nunavut government is itself a blend of Canadian and Inuit cultural and legal principles. Inuit compose the majority population (in 2006, 24,640 of 29,325 people, almost 84%), and as a result hold effective control over the Nunavut government, and over “most social and economic issues that would have been absent in a simple land claims agreement” (Légaré 1998, 103; [Nunavut Tunngavik Incorporated n.d.](#)). The Nunavut government has assumed authority for criminal and civil justice in the region (Grant 2002, 254), in which the Community Justice Program has the responsibility to promote justice and crime prevention “through greater community participation and control” (Department of Justice, Nunavut 2018). A central goal of Inuit leaders in negotiating for the Nunavut territory was the formation of a government modelled with respect to the principles of Inuit Qaujimajatuqangit (IQ), a worldview and way of thinking that combines “the traditional knowledge, experience and values of Inuit society, along with the present Inuit knowledge, experience, and values that prepare the way for future knowledge, experience and values” (White 2006, 405). The *Nunavut Act* created and set out the jurisdiction of the new territory, and is itself an example of “dialogical governance,” in that it “requires dynamic and collaborative agreements, institutional reforms and innovations, and new outcomes or consequences” (Henderson 2006, 61).

Despite these developments, the newest territory in Canada faces significant problems with respect to crime, domestic violence, violent crime, sexual violence, and other major indices of social health. The Nunavut justice system is plagued by high crime rates, inadequate facilities, and a lack of trained personnel. According to Department of Justice statistics, the crime rate in Nunavut in 2012 was 40,565.30 crimes per 100,000 people, with 14,052 actual incidents, the highest per province or territory in Canada (Statistics Canada 2017). The violent crime rate in Nunavut is the highest in Canada, and the rate of 21.0 homicides per 100,000 population (7 homicides in 2011) is the highest in the country “by a wide margin” (Nunavut Court of Justice 2013, 7). The rates of reported violent crime by intimate and non-intimate partners, in 2010, is also the highest in the country, as is the rate of child and youth victims, age 0–17 (Sinha 2012, as reported in Nunavut Court of Justice 2013, 39). At the same time, Nunavut has one of the lowest per capita ratios of police officers in Canada; as of 2008, fewer than 10 lawyers were active in the region (Guly 2008). Nor do the far-flung communities of the North encourage overarching developmental or correctional schemes. The Baffin Correctional Centre in Iqaluit, operated by the Federal

Department of Justice and the only jail in Nunavut, is often overcrowded. Clearly there is significant need for juridical reform in Nunavut.

The Nunavut Court of Justice (NCJ) was created by the *Nunavut Act* to respond to the needs of the territory, and travels on a circuit throughout the Arctic. Based in Iqaluit, the Court travels to approximately 95% of the 25 Nunavut communities across the territory every six weeks to two years, depending on the number of cases and charges in each community” (Nunavut Court of Justice 2018). This is a unified, or single-level court, the only one of its kind in Canada, in which all judges can hear every kind of case. According to the Department of Justice, the new court intends to increase the “engagement of the communities in the court process through the use of elders’ panels and youth panels at sentencing,” to incorporate “culturally appropriate court processes, including effective Court interpretation services in all communities,” and to apply “a range of culturally appropriate and community oriented sentencing alternatives” (Department of Justice n.d.[a]). Even as the court plans to implement a series of IQ-based principles, significant challenges remain. One problem is that the court does not stay in any one community long enough, and visits outlying communities only infrequently. There remains a systemic lack of cultural sensitivity in the justice system in dealing with Inuit offenders. According to the Canadian Department of Justice’s “Nunavut Legal Services Study,” “many Inuit are susceptible to even subtle pressure from authority figures, and are often anxious to quickly resolve conflicts with the law, even if it means giving up their rights” (Department of Justice n.d.[b]). Barriers to achieving effective justice in Nunavut include language, geography, socio-economic, cultural, and political factors, and difficulties for Inuit in obtaining appropriate resources.

Many elders, scholars, commentators, and critics believe problems with criminality, justice, and suicide in Nunavut today stem from the displacement of Inuit culture during colonization, including the movement to abandon Inuit legal and spiritual traditions. As Borrows argues, “If Indigenous peoples could start to see themselves and their normative values reflected in how they conduct their day to day affairs, some of the legal challenges within Indigenous communities would diminish” (2010, 208–9). In the words of Akisu, an Inuit elder: “Inuit ways should be integrated into the court system. ... Our system should be used to deal with minor offences, but not major offences. The elders have often requested that minor offences be dealt with in the community instead of being dealt with by the courts and sending offenders to jail” (Aupilaarjuk et al. 1999, 51).

What Akisu advocates for, in the language of contemporary Indigenous legal theory, is “dialogical governance,” defined by Henderson (2006) as a means of understanding and conceptualizing the relationship between “traditional” and “modern”

systems by bringing these into “dialogic” relation with one another. Integrating traditional customs with the modern justice system is a means to more effectively deal with problems of justice and criminality in Nunavut—a process that the film’s ending successfully models. Whereas certain areas of the law, such as first-degree murder and criminal insanity, might be difficult for traditional Inuit structures to deal with, there is great potential that other areas be handled locally, by regional courts, sentencing circles, and culturally appropriate, land-based, local protocols and practices.

Our suggestion is that *Atanarjuat the Fast Runner* effectively models performative jurisprudence and the evolving nature of dialogical governance, and provides an appropriate, local, culturally sensitive resource and model for conflict resolution. As the film makes clear, elders were important figures in maintaining peace in the community, and were to be respected. All elders could be counsellors in Inuit systems of jurisprudence. They were important in passing the knowledge accumulated over a lifetime on the land onto the next generation, and would counsel the person who was causing trouble by pointing out their non-social behaviour and showing care (*nagli*) to help the person change their ways (Rasing 1994, 122). As Imaruittuq, an elder from Igloodik, explains:

If there was any type of strife in the community, they [elders] used to get together and talk to the person or persons causing it. If they listened the first time, then that would be the end of the matter but if they persisted, the second round of counseling would be more severe and unlike the first time, they did not talk about the good in the person or about how the person was loved by the community members. If they still persisted, then the counseling would be even more intimidating.<sup>6</sup> (Aupilaarjuk et al. 1999, 30)

The film illustrates the roles that elders played and the steps they took in monitoring and affecting the means by which Inuit societies dealt with conflict. *Atanarjuat* shows what can happen when elders are not respected and their teachings are ignored. This element of respect—of the youthful and less experienced for the older and those who have consistently shown good judgement—is a cornerstone of traditional Inuit systems of law and governance. It is not always present in today’s Inuit communities, in which the old can feel marginalized and unwanted and the young rootless and ill-informed. The movement of Inuit people to settlement life has displaced the elder’s knowledge on how to survive on the land, and thus their authority. In other words, the ongoing effects of colonialism have disrupted the normative social values contained in traditional Inuit justice systems. In *Atanarjuat*, when the power of the elders is restored, so too is equilibrium in the community. The film’s final scene showcases the

role of elders as adjudicator of disputes, and as the voice of morality and reason in the community; it provides a case study in counselling by elders.

The film *Atanarjuat* illustrated how the traditional customs of the Inuit worked to bring peace to communities and to resolve conflict. The film enhances the visibility of Indigenous law and makes these systems easier to learn, by updating them for a contemporary audience. In combating the assumption that the Inuit people did not have law or legal traditions, it represents today's Inuit looking back on their own past in the search of a better ending. *Atanarjuat* can be seen as advocating for traditional means of conflict resolution in modern Inuit societies, in which the voices and wisdom of the elders, and the communal witness of society, can function in tandem, or dialogue, with non-Native (southern) systems of jurisprudence, in which murder is prohibited. The "altered" ending of the film models a dialogic process for conflict resolution, and offers a lesson as to the deleterious effects of violence; it indicates quite clearly that certain traditional means of conflict resolution, including retributive violence and murder, have little place in contemporary Nunavut. This interpretation allows for the possibility of "legal pluralism," a juridical framework "which respectfully integrates traditional and contemporary normative values" (Borrows 2005, 219) in a "new" system that is capable of incorporating meaningful elements from each. It is this legal pluralism that the film, in subtle if powerful ways, advocates for.

Finally, *Atanarjuat* shows Inuit legal systems in practice, as flexible and capable of being updated; it shows them struggling to maintain order and continuity in the face of violence and dispossession. This is what legal systems do, and have always done. Each legal system, if it is to be a *living* system, one that responds to actual historical conditions, must be continually amended and interpreted by each new practitioner. The flexibility, resiliency, and ability to respond to actual social, material, and historical circumstances embedded in oral traditions and performative contexts is a great strength (not a weakness) of the legal discourse in traditional Inuit society. *Atanarjuat* serves to remember, record, and repurpose traditional Inuit legal traditions so that they can be used to help solve the problems of contemporary Nunavut. In a world in which much has been lost, it provides a concrete and tangible model of traditional relations. Changing the ending from one of murder to banishment illustrates the maintenance of peace and harmony without resorting to bloodshed, and illustrates an important point about Inuit oral tradition: "The story is still considered the same even though changes have been made" (Krupat 2007, 614). We suggest that the film can be used as guide and model for conflict resolution and community governance in present day Igloodik and other Arctic communities, can contribute toward a multi-juridical legal future in Nunavut, and has in fact been written and produced with these, among other, ends in mind.

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## NOTES

1. See [Mary Simon, 2010](#), “Remarks to the Canadian Council on International Law Conference.” Canadian Museum of Civilization, Gatineau, QC. <https://www.itk.ca/media/speech/remarks-canadian-council-international-law-conference>.
2. For more on Igloolik Isuma’s history, see [Evans \(2010\)](#). For a complete list of awards the film has received, see [Igloolik Isuma \(2007\)](#).
3. The island, Siroaq, which Atanarjuat runs to, like the cracks in the ice he encounters off of Neerlirnaktuk Island, are well-known and named. The rock Atanarjuat’s brother Aamarjuaq lifts in the film sits still on Igloolik Point (though it is now well back from the shore, with the island in isostatic rebound), and so on. A map in the screenplay ([Angilirq 2002](#), 105), and in the digital press kit, specifies these local referents.
4. Boas presumably received his story from George Comer, a whaling captain who overwintered in western Foxe Basin, who knew Inuktitut after many years there, and who would have met migrants from Igloolik around Repulse Bay.
5. A comment may be made here about the imbalanced and stereotypically gendered versions of traditional law the Inuit song duel seems to embody and reflect. Surely traditional fisticuffs is not a “solution” befitting all members of society, and was not apparently practiced by women, who competed in throat singing duels, in which the challenge was to have the opponent laugh first.
6. In November 1996, Nunavut Arctic College organized a course on Oral Traditions for the students of the Inuit Studies program. The aim of the course was to train Inuit students in recording the oral traditions of Inuit elders. Participating elders were asked questions about the traditional role of elders in maintaining law and order, and the materials were edited and collected in [Aupilaarjuk \(1999\)](#).

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